

Government considers that the loss they suffered was a higher figure than what the Central Government considers. But we have already assured him that we will go into the matter most carefully and see what can be done.

About the other points, as I have already said, this was the only major point that need explanation and, I think, the other hon. Members raised the points which were not germane to this discussion.

PROF. P. G. MAVALANKAR: On a point of order, Sir. I do not understand the hon. Minister of Finance getting up and saying that they were not germane to the discussion. If they were not, you would not have permitted us to speak.

SHRI H. M. PATEL: Under the rules.

PROF. P. G. MAVALANKAR: My esteemed friend often raised many of the points to the then Finance Minister. Let him not say that. He can reply later on.

SHRI H. M. PATEL: He should not take me up on one word or two words like that. I said right at the very beginning that every point that has been made by the hon. Members who have spoken, even if I do not consider that they arise from this, will be gone into by us very carefully.

MR. CHAIRMAN: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now, we take up the Clauses. There are no amendments given notice of.

The question is:

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

"That the Bill be passed."

The motion was adopted.

Clauses 2 and 3 and the Schedule were added to the Bill.

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

SHRI H. M. PATEL: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is....

PROF. P. G. MAVALANKAR: Sir, on a point of order. Since the House is going to pass as much as Rs. 432 crores, let there be at least quorum in the House, let there be at least 54 Members present. It is very important. It is no longer lunch-hour; the lunch-hour was from 1 p.m. to 2 p.m.

MR. CHAIRMAN: Let the bell be rung... Now there is quorum in the House. The question is:

"That the Bill be passed."

The motion was adopted.

14.38 hrs.

COAST GUARD BILL

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (PROF. SHER SINGH): Sir, I beg to move:*

"That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

*Moved with the recommendation of the President.

[Prof. Sher Singh]

Until two decades ago, the oceans of the world were considered to be the common heritage of mankind and were free of controls of any kind by any individual country. Since then, however, there has been a technological explosion which has made it possible for the riches of the sea and the seabed to be harnessed. As a result of this increasing awareness of the economic benefits to be gained from the sea and the seabed certain coastal states started claiming jurisdiction over vastly extended areas of the waters around them.

To take stock of the situation and to remove the inadequacies of the 1958 Geneva Convention on the Law of the Seas, the United Nations convened the third conference to reappraise all aspects of the Law of the Seas and to evolve a regime for the international sea bed area. The general consensus that has emerged from this conference is to extend the limit of territorial waters to twelve nautical miles, the contiguous zone to twenty four nautical miles and the Exclusive Economic Zone to two hundred nautical miles from the coastal base-line. In keeping with this concept the Parliament passed the Territorial Waters, Continental Shelf Exclusive Economic Zone and other Maritime Zones Act 1976 which became fully operative with effect from 15th January, 1977.

Our country has a 6083 km. long coast line. The area covered by our Exclusive Economic Zone is approximately 19 lakh sq. kms. i.e. about half of the entire land area of the country. Of late there has been a substantial increase in maritime activity in our surrounding seas. The policing of our maritime zones is a mammoth task warranting the development of a suitable organization for the safety of life and property at sea and for enforcement of national laws in our waters. Therefore, the need for setting up of a Coast Guard Organisation has been engaging the attention of Government for some time.

After considerable deliberation an interim Coast Guard force comprising of 2 Frigates belonging to the Navy and 5 Patrol boats belonging to the Ministry of Home Affairs was constituted in February 1977 under Naval Headquarters. Simultaneously, a Vice Admiral was appointed as an Officer on Special Duty in the Ministry of Defence with a small nucleus staff to prepare a detailed plan for a permanent Coast Guard Organization. The plan prepared by the Officer on Special Duty has been under consideration of the Government. Considering the purpose for which the force is to be employed, it is felt that the Coast Guard should be constituted appropriately as a separate Armed Force of the Union under a Director General and should be regulated under a self-contained statute which should provide for its special needs.

To achieve the above object, the Coast Guard Bill 1978, was introduced in Rajya Sabha and it was passed by the Rajya Sabha on 2nd August, 1978. Now this Bill is before this august House and I strongly commend to hon. members the consideration and passing of this important legislation. The need for this legislation has been briefly explained in the Statement of Objects and Reasons appended to the Bill and, therefore, I need not repeat it. Briefly, the Bill envisages that the Coast Guard would be constituted as an Armed Force of the Union similar to the BSF and Central Reserve Police under entry 2 of List I (Union List) of the Seventh Schedule of the Constitution. Its provisions are based on the lines of BSF Act 1968 and the Navy Act 1957 which include *inter alia* the usual provisions empowering the Central Government to frame rules for the governance, discipline, command, recruitment conditions of service etc.

Certain offences as provided for in the BSF Act and the Navy Act have been provided in the Bill. These offences when committed by Coast Guard personnel would be triable either by Coast Guard Courts or disposed of summarily by various Coast Guard

authorities. Except for mutiny, no offence would carry the death penalty. The sentence of death when imposed for mutiny would need approval of the Central Government. As the persons convicted by Coast Guard Courts would not have the right to appeal to any court of law against the judgement of Coast Guard Courts, a system of judicial review on the lines of the Navy Act has been catered for in the Bill. The Central Government and the Director General would have the powers to annul the proceedings of the Coast Guard Courts as also to grant pardon, remission, commutation and release on parole.

As the Coast Guard would be engaged in the enforcement of national laws in our maritime zones and within the local limits of such inland area adjoining the coast of India as might be specified by the Central Government, a provision has been made in the Bill for entrusting Coast Guard personnel with certain enforcement jurisdiction under the various Central Acts.

The entire coast-line of India and the maritime zones falling within the jurisdiction of the Union would be divided into three regions, namely, "Western", "Eastern" and the "Andaman and Nicobar" with Regional Headquarters located in Bombay, Madras and Port Blair respectively. The three regions would be further sub-divided into 10 Coast Guard Districts covering the 8 maritime States and one each for the Andaman and Nicobar group of islands. Coast Guard Stations would be set up in each of these districts for operating and maintaining the Coast Guard vessels and for administering the personnel assigned to them. The entire build up of the organisation would be undertaken in a phased manner.

In order to avoid duplication between the Coast Guard and the Customs, the responsibility for manning, training, maintenance and repair of the sophisticated craft belonging to the Customs and employed by the Customs for anti-smuggling purposes,

would be assumed by the Coast Guard. The Coast Guard will also take over responsibility for the maintenance, first line and major repairs of all confiscated and other inland water-borne craft belonging to the Customs. The Customs operating bases already established and others planned to be established will be integrated with Coast Guard organisation. However, the Customs Preventive Department would continue to exercise control over the operational deployment of the vessels acquired for anti-smuggling.

Personnel for manning the Coast Guard would, in the initial stages, be drawn primarily from the Navy. The Coast Guard organisation will also induct on deputation, permanent absorption and reemployment, personnel from other Defence Services, Central and State Police Forces, provided they fulfil the prescribed qualifications. Recruitment from Civil life would also be undertaken simultaneously.

In formulating the terms and conditions of service of Coast Guard personnel, due note has been taken of the maritime nature of the Coast Guard Force. Some of the terms and conditions (e.g., the pay scales) are based on those of the Border Security Force while some others like ration scales are closer to those of the Navy. Navy personnel on deputation to the Coast Guard would continue to be governed by the terms and conditions of service in the Navy and also be subject to the Navy Act in disciplinary matters.

In order to adequately perform its role, the Coast Guard has to acquire the necessary wherewithal, whether it be patrol craft or any other equipment in sufficient numbers to be able to cover the vast sea area around our mainland and the islands, generally extending to 200 miles. In the initial stages, the organisation will need to incur capital expenditure to enable it to build itself up to a level below which it will be ineffective. The requirement of financial resources at

[Prof. Sher Singh]

projected for the period from the 1st April, 1978 to 31st March, 1984, i.e. till the end of the Sixth Plan was estimated at Rs. 144 crores including about Rs. 88.6 crores as capital expenditure intended mainly for the purchase of ships, aircraft etc. However, taking into account the constraints on resources, a Plan for the Coast Guard organisation is being formulated on the basis of an outlay of Rs. 100 crores during the period 1978-84, including the expenditure on the existing interim Coast Guard fleet, but excluding the expenditure being incurred on the maintenance and operation of Customs craft and the setting up of repair facilities for these craft.

I am sure the Coast Guard Bill, 1978, which is an essential measure will receive the support of all hon. Members of this House.

With these introductory remarks, Sir, I commend this Bill to the House for its consideration.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration".

Shri Manoranjan Bhakta.

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Mr. Chairman, Sir, I welcome this Bill. But, simultaneously, I do not know why the Minister was so hesitant to bring this Bill because the Coast Guard Bill—as he has pointed out in his statement of objects and reasons—is to ensure the safety of navigation in our waters, protection of off-shore installations and fishing interests, organising salvage, pollution control measures and enforcement of national laws in our maritime zones including

assistance to Customs authorities in anti-smuggling measures.

Sir, the question is that the Minister is not a new Minister. He is quite capable also. That is why I want to mention while bringing this Bill whether the Minister felt it necessary to discuss it with the concerned State governments, namely, Maharashtra, functioning since January, 1977. Our Kerala, Gujarat, West Bengal, Goa and Andaman and Nicobar islands—of course, they are a Union territory. Did the Minister discuss with these State Governments, the formulation of this Bill so that there is effective implementation. This is because, Sir, many Bills are coming before this House and the Government is hasty and they do not take the views of the concerned State governments which is very much necessary for the successful implementation of the Bills.

In the meantime I would like to point out one important thing. The interim Coast Guard has been functioning since January, 1977. Our experience has been that they are not doing much. Sir, I am from a Union territory where every now and then foreign boats are entering in the territorial waters.

Sir, we had a Calling Attention motions discussed in this House regarding the incident of Tilanchuk island which was occupied by Thai nationals. Seventy-four of them were captured and they are still in jail. Since January 1977 the Coast Guard is functioning, some boats are stationed in Port Blair but I do not know what they are doing. Even in the first week of July one boat came and it was detected by Air Force and they immediately intimated to them but ultimately after 10 hours we found one Marine Department small boat with policemen went to search while the Coast Guard vessels were lying in the port and they never went anywhere. Even in the case of Tilanchuk incident the Minister stated that the Coast Guard vessels went to find out but later on I have checked up and found one boat was incited from a private party and no Coast Guard

vessels were sent. So, my point is that hundreds of crores of rupees will be involved but ultimately what will we be achieving to ensure the safety of our maritime interests, etc.

Then, Sir, I would like to point out that cl. 13 of this Bill prohibits trade union rights. As the Minister has stated, this Bill is a ditto copy of Navy Act and BSF Act because the Minister or the concerned Department perhaps thought that it should be a carbon copy of BSF Act or Navy Act. They have not applied their mind as they should have. I feel that the right of the trade unions to forming associations should not be barred in the present political conditions of the country, because, the ruling Janata Party members have been stating everywhere that they have restored trade union rights, association rights and all other democratic rights to the employees etc. In 1978, when we are passing this Bill, if we restrict the trade union rights, it will be quite contrary to what they used to say all these days. This is my respectful submission.

Then, my second point is this: In cl. 14 of this Bill, you have mentioned the duties of the Coast Guards. You say, protection of fishermen, including assistance to them at sea while in distress. This is a very good provision. The hon. Minister is aware of this situation that fishermen in Goa, Bombay, Gujarat and other places are facing lot of difficulties. Traditional fishermen are always harassed like anything. If specific relief is provided for them, it will be a very welcome thing from this angle.

Then there is one other thing which I wish to say and this is regarding 17. This is regarding a case of mutiny. This Act provides for death penalty. I think it should not be death penalty. Because, everywhere, in all cases, we have been advocating for avoidance of death penalty. If at the same time we put a provision for death penalty here, this will be contrary to what we have been saying all these years. That is why I request

the Minister to do away with this death sentence. If he wants, he may put the period of imprisonment as 15 years or 20 years. But this death punishment should go. This is my point.

Then, there is another section, clause 65(4) which says as follows:—

“No Coast Guard Court for the trial of an officer shall be duly constituted unless the Presiding Officer and at least two members of the Court are of the same rank as the accused or of higher rank.”

I want to point out that there is some anomaly in this provision. That Court will be constituted with five persons. In those five persons, suppose somebody is of the higher rank. This Act provides that the Chairman or the Presiding Officer of the Court or two members should be treated as higher than the persons who will be tried. I think this is a very anomalous situation. It should be more clearly mentioned. Otherwise it may create some sort of anomaly in future. This is my submission.

Then there is another provision regarding judicial review which is put in cl. 117(1). It says that there will be one Chief Law Officer. He will be reviewing the decisions of the Court. I think this is against the spirit of our judicial system. Either there should be a higher court at that place which should be declared as court, or, if there is a law officer, he can review the decisions of the Court. I think here you have an anomaly and I think this is against the spirit of our judicial system. This should be looked into.

With these words, even though it is late, if the provisions of the Bill are properly implemented, I hope this will definitely help to check smuggling and the other maritime offences which one comes across quite frequently. I am just reminded of one incident in this connection. I received a reply in regard to an Unstarred Question of mine from the hon. Minister of Shipping.

[Shri Manoranjan Bhakta]

15.00 hrs.

There was one foreign vessel at Bombay port without informing the port authorities and others. There were two orders, one from the Madras High Court and the other from the Calcutta High Court; even then, the vessel could escape from the country and no action could be taken.

Lastly, Sir, this is a very top heavy administration; there is the Chief Law Officer, Law Officer, Director General and a galaxy of other officers. With such a top heavy administration, I think, it will be very difficult to implement the spirit of this Act. That is why, I request the hon. Minister once more that it will be very much appreciated if this Bill could be sent to the Select Committee for a detailed study and detailed recommendations, which will be, in my opinion, in the best interest of the country, because we will be spending hundred crores of rupees on this.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Chairman, Sir, I welcome parts of this Bill and I would like to tell you how deeply I am disturbed by other parts of the Bill.

We know very well that we need to guard our coasts from the various depredations that are there and particularly from the point of view that there is a tightening up of the anti-smuggling operations. One has seen that in the last few months in spite of the Special Marine Organization that has been set up, smuggling continues and it continues in a very big way. Whatever steps are being taken are insufficient, or rather not sufficiently effective, to check the smuggling operations. Therefore, from that angle, it is definitely a step forward, but at the same time, is it necessary to have this para-military set-up? Why is it necessary to have that para-military set-up—that the Minister has not clarified in his speech? What he has said in his speech is that this legislation is on the lines of the Navy Act, on the lines of the Act relating

to the Border Security Force, but as to why it is necessary that the coast guards should be governed by exactly the same provisions as the Navy has not been clarified and I am not convinced about it.

The hon. Member who spoke before me referred to the question of mutiny and sentence of death. I think the sentence of death is something against which we are all fighting throughout the country. That being the case, why can't this be an exemplary legislation, without there being provision for sentence of death? If the crime is so heinous that it is also of an anti-national character, you can certainly bring in legislation to say that people who are guilty of such anti-national activities should be sentenced to life, and not have the redeeming points which other prisoners who are sentenced for life have. In other words, their sentence to imprisonment for life is really a sentence to imprisonment for life. Only recently, the poor Naxalite boy, Krishna Chetty, was executed in Coimbatore and nobody heeded the voice of the public saying: "rescind the death penalty." The same kind of death penalty you are introducing here. According to Shri Patil, this does not come in this Bill. I know that; I am giving this as an illustration. In this country there is an abhorrence, a growing abhorrence for the death sentence and a desire that the sentiments of the Father of the Nation, Mahatma Gandhi, should be translated into law and that death penalty should be abolished. Now, we are being asked to vote for the death penalty here.

AN HON. MEMBER: Thank you for saying this.

SHRIMATI PARVATHI KRISHNAN: I need no thanks from you; I go by my beliefs.

Now, coming to the Bill, on page 3, I would like to have a clarification from the hon. Minister. Clause 3(1) (d) reads:

"Persons ordered to be received, or being passengers, on board any

ship or aircraft of the Coast Guard, to such extent and subject to such conditions as may be prescribed;"

Does that mean that they are also liable to come under these courts and punishments? I want this clarification, because after all such persons are received on board, with permission being given by the officers. Therefore, who is ultimately responsible, if they misbehave or go against the law? It is not clear, as far as the Bill is concerned. Not being a lawyer, I fear to tread any further than that. But I do want a clarification on this, because I am called upon to vote for it.

There is one important aspect of the matter, which is the main one, to which I wish to refer. Throughout this country, all the fishermen along the sea coast have been demanding protection against the depredations of the mechanized trawlers. We know how the mechanized trawlers have been affecting their livelihood and all possibilities of their getting an income. We have been asking for a bill, providing a protection viz. that for a 20-Km. limit from the sea coast, mechanized trawlers should not be allowed to operate. You are saying here at page 5, clause 14 in Chapter III: "Fishermen will be provided protection, including assistance to them at sea while in distress." While in distress, it is obvious that they will be given protection. But what other protection will be given? Are they going to be protected against these mechanized trawlers? The traditional country-boat fishermen throughout the country, e.g. in Tamil Nadu, Kerala, Goa, Maharashtra etc. are in danger of losing their means of livelihood altogether. During May and June 1978, for instance, in Goa a mass sâtyagraha took place where they demanded that there should be a Bill to protect the area where they carry out their fishing.

What has been happening for the past few years? A number of mechanized trawlers which have been used

by monied houses, have been invading the territory of the fishermen, and the functions of fishermen. In 1972, it was estimated that the fishermen of this country possessed 2 lakhs of country craft and 22 lakh units of gear. And their catch accounted for about 75 per cent of the total catch of fish in India. The catch of the mechanized trawlers in those days was 25 per cent; but because the trawlers have continued to enter those areas where fishermen were operating, the total fish that fishermen to-day are able to account for, is coming down. The fish that they account for, is for internal consumption; but the fish accounted for by the mechanized trawlers is what goes outside the country. They earn foreign exchange; but can they do it at the cost of our fishermen? There are lakhs and lakhs of families who survive on this traditional employment. And they are being affected. That is why fishermen have unitedly demanded that there should be this region of 20-Kms which should be a protected area for them. I would earnestly urge the Minister and say that while he is introducing the Coast Guards Bill to protect maritime rights and to take action against smugglers, why does not he extend that right to see that fishermen are also protected from the mechanized trawlers? This is a very important point. To-day we have got reports as to how fishermen have been harassed by both the Police and the owners of mechanized trawlers. For instance, since February this year, 12 catamaran fishermen in Tamil Nadu—catamaran being the country-boat being used throughout Tamil Nadu and Pondicherry—were killed by the Police and the trawler-owners, 50 were injured and 500 arrested, because they demanded their right to fish. Do not tell me that they were indulging in smuggling. It is an easy way to slander the fishermen. And this is a slander that is started by the mechanized trawlers. Therefore, you are having your coast guards to take part in the anti-smuggling operations. Similarly, the coast guards should

[Shrimati Parvathi Krishnan]

defend the fishermen and protect them against the mechanized trawlers also. Why are these fishermen injured by mechanised trawlers? I can understand the police; they can get away with it by saying there was smuggling. But it is not smuggling because the organisation of fishermen had brought this to the notice of the government. Nothing has been done. Similarly during the last five years, katamarans worth more than Rs. 20,000 belonging to the poor fishermen in Kerala have been destroyed and Rs. 75,000 worth of net and katamarans are today lying unused. This Bill is extremely important from their point of view and they are beginning to have trepidation about the coast guards also. Here is a para-military organisation. Even the police and the customs marine organisation hurt them sufficiently. When it is a para-military organisation, to whom will they go for protection from harassment? That is why I appeal to the hon. Minister and the government that they should go into this matter and see that a certain belt of our sea shore, marine belt is reserved exclusively for the traditional fishermen; mechanised trawlers should not be allowed in that area.

The employees of the customs marines organisation have been seriously disturbed by the announcement, by the knowledge that they are going to be integrated into the coast guards. A large number of them are ex-servicemen who had been resettled; they have a certain number of rights including the right of trade unionism, forming associations to which Mr. Manoranjan Bhakta referred. They are seriously concerned with what is going to happen to their conditions of service, what is going to happen to their present pay and allowances, avenues of promotion, etc. when they are integrated into the new cadre of coast guards that you are bringing into being. If they are adversely affected, it would be most unfair. Since a large number of them are

ex-servicemen perhaps they would be able to fit into this organisation which is a para-military organisation but at the same time I should like the Minister to assure us that none of their conditions of service are going to be affected and that their pay and allowances and their promotional avenues would be safeguarded because only then it will be possible to integrate them properly. This should not be neglected.

With these words, I would appeal to the Minister to refer the Bill to a Select Committee so that the points which Mr. Bhakta raised could be considered; I have not repeated those points. All the points that were made here could be sorted out if a Select Committee is appointed early and its report is submitted as early as possible. It would not delay the operation of the existing anti-smuggling operations because after all you have got the customs marine organisation that is looking after anti-smuggling operation. You can certainly streamline the whole thing. You have the Navy to defend your maritime rights. You can see that these two coordinate their activities and carry on effectively and in the meantime the Select Committee can go into this and see that this meets with all points of view.

SHRI BAPUSAHEB PARULEKAR:
I rise to support this Bill and while doing so I should like to make a few suggestions to the hon. Minister.

15.14 hrs.

[SHRIMATI PARVATHI KRISHNAN *in the Chair*]

I feel that while drafting this Bill all canons of criminal jurisprudence had been totally ignored. If we take into consideration chapter IV which describes the functions and procedure for trying offenders and the establishment of courts, I feel that this is a Bill where the Government has taken over the jurisdiction of ordinary courts.

I am sorry to mention that even this Government is trying to oust the jurisdiction of the court. We had the Metropolitan Railways Act and tomorrow we will have the Delhi Police Act. In all these cases we find that the jurisdiction of the courts is ousted by making provisions for arbitrators or commissioners or coast guard courts in this Act. We find even sleeping has been made an offence and punishable for 2 years. Clause 16(b) says that a person who sleeps upon his watch shall be liable to imprisonment which may extend to two years. No leniency is shown even for sleeping.

We find that under this Act the punishment is from six months to the extreme penalty of death. The jurisdiction to try these offenders has been given to the coast guard courts which are to be established under clauses 64 and 65. Surprisingly we find that none of the members of the tribunals will be persons knowing law. The members would be Assistant Commanders, that is, from their own cadre. They have to decide whether a particular person has committed an offence for which he should be sentenced to death.

One more provision has been introduced in this Bill and I believe in no country such a provision would be there, namely, a person shall be sentenced to death without giving a judgment. The decision has to be given by votes! Section 76 says:

"Subject to the provisions of subsections (2) and (3), every decision of a Coast Guard Court shall be passed by an absolute majority of votes and where there is equality of votes, the decision shall be in favour of the accused."

So, it will not be necessary for this particular tribunal to give a judgment. They have to hear the counsel on behalf of the accused, raise their fingers and if the voting is 4 versus 7, the decision goes in favour of 7. I respectfully submit that this

is against all canons of fundamental principles of criminal jurisprudence. Even with reference to execution of sentences, if it is a death sentence, it is to be executed by shooting the person and not by hanging. I agree with my hon. friend who pleaded in favour of abolition of death sentence, because it is said, "We have no right to take what we cannot create". But it seems our Government following the Gandhian philosophy have no time to respond to this particular principle and we are doing such types of things which are barbaric in this society.

In addition, we find that the death sentence is not appealable. I do not believe there is any country where the offence for which the penalty provided is death, is not appealable. The only provision that is laid down is a review and that review is to be made by a law officer to be appointed by the Central Government. Even there, the culprit who is sentenced to death has no right to go to that court by way of appeal. Before that particular forum, the party has no right to be heard. The law officer may allow him to place his case before him.

There are many points which can be suggested in this Bill. In fact, we feel that the drafting has been done very hurriedly and serious injustice would be done to the officers who would be covered by this particular Act. I would, therefore, submit that this should be circulated for public opinion. In any case, it should be sent to the Select Committee in order to avoid injustices that the persons will have to suffer when we implement the provisions of this Act.

श्रीमती अहिष्णा पी० रामनेकर (बम्बई उत्तर-मध्य) : सभापति महोदय, इस बिल के प्रावजनिकित्व में कहा गया है कि ऐन्टी स्मॉलिंग घापरेषंस प्रादि का काम करने के लिए कोस्ट गार्ड्स की स्थापना की गई है। हालांकि कोस्ट गार्ड्स जनवरी, 1977 से काम कर रहे हैं लेकिन उन के बारे में कोई रिपोर्ट हमारे सामने नहीं रखी गई है। जब सरकार इतने अधिकार मांग रही है तो उन की जो बेरियम इयूटीज बताई गई हैं, उन के संबंध में अभी तक क्या काम हुआ है, यह तो बताया जाना चाहिए। यह पैरा

[श्री मती महिल्या पी० रंगनेकर]

मिलिट्री फोर्स ज्यादातर स्मग्लिंग के खिलाफ काम करने के लिए इस्तेमाल की जानी है, ऐसा लग रहा है। बाकी जो क्लाज 14 में आप ने बताया है—

“Providing protection to fishermen including assistance to them at sea while in distress;”

अभी तक एक साल की रिपोर्ट आप लेकर देखेंगे तो मालूम होगा कि कहीं भी इस तरीके से प्रोटेक्शन नहीं दिया गया है जो प्रोटेक्शन यह कहते हैं। प्रोटेक्शन इस तरीके का है कि जब बम्बई में लोग डूबते थे तो उन को भी कोस्ट गार्ड से नहीं बचाया गया। केवल दो आदमी बचाए गए, बाकी सब मर गए। तो यह जो ड्यूटी है फायरमैन की मदद करने की, उस में तो कुछ काम नहीं हुआ है और मुझे लगता है कि कभी भी बाद में भी कोस्ट गार्ड से यह काम नहीं होने वाला है। जो बड़े बड़े ट्रालर्स हैं कंडबरी के, इंडियन टुबैको के और दूसरी बड़ी बड़ी कम्पनियों से, वे फिशरमैन के इंटरैक्ट के खिलाफ काम करते हैं। आप ने कहा कि 20 किलोमीटर के बाहर उन को काम करना चाहिए। लेकिन वे 20 किलोमीटर के अंदर आ कर पूरे के पूरे फिशरमैन के धंधे को बन्द करते हैं और चूंकि बड़ी बड़ी कम्पनियों के ट्रालर्स हैं इसलिए उन के खिलाफ कुछ नहीं होता है। मंत्री महोदय को आश्वासन देना चाहिए कि ये जो बड़ी बड़ी कम्पनियों के ट्रालर्स हैं जो फिशरमैन को सताते हैं उन के खिलाफ कार्यवाही की जायगी। यही नहीं, ऐसे कितने ही लोगों के कत्ल भी हुए हैं, बम्बई में, तामिलनाडु में लोगों के कत्ल हुए हैं। लेकिन अभी तक उन के बारे में कुछ भी नहीं हुआ है। अगर हम को उन की ड्यूटी बनाते हैं तो एक ग्रहम ड्यूटी बनानी चाहिए और आश्वासन देना चाहिए कि यह काम होगा।

दूसरी बात—आप यहां कहते हैं शिक्षा के बारे में। बिल जब देखते हैं तो उस में शिक्षा केवल आर्डिनरी कोस्ट गार्ड्स के लिए है, आफिसर्स के लिए शिक्षा नहीं है। कोस्ट गार्ड्स अगर जेस्चर भी करेगा तो भी उस को तीन महीने से ले कर दो साल तक की सजा है। वह अपने हाथ उठाएगा और आफिसर को लगना है कि झगड़ा करने वाला है तो उस को तीन महीने से ले कर दो साल तक की सजा है और उस को अपील भी नहीं है। लेकिन आफिसर्स के ऊपर कुछ नहीं है और आफिसर ही जज होगा। अगर आफिसर को लगता है कि यह आदमी ठीक नहीं है तो वह उस को सजा दे सकता है। उन्होंने तो कहा है—फांसी और शूटिंग। यह जो कत्ल की सजा है इस को हिन्दुस्तान में कोई मानने वाला नहीं है। और आप इस को स्प्टिनी कहते हैं? यह गवर्नमेंट के खिलाफ स्प्टिनी तो नहीं होती है। आप ने देखा होगा कभी कभी गिफ्ट के ऊपर ऐसा होता है, खाने की ठीक नहीं मिलता है, उसके लिए असंतोष होता है, उसको भी आप स्प्टिनी कहते हैं और उसके लिए सजा देते हैं। मेरे पास कल ही दो लड़के आए

थे, 22-22 साल के लड़के एक एक साल तक दिल्ली के रेड फोर्ट में कैद में रह कर आए थे। उन्होंने कहा कि हम ने अच्छी रोटी मांगी यही हमारा गुनाह है, उस के लिए उन को कहा कि तुम गुनहवार हो, तुम्हारी यह स्प्टिनी है, इसलिए तुम को यह सजा देते हैं। आप को यह समझना चाहिए कि इस तरह की जो चीजें होती हैं, वे नहीं होनी चाहिए और इस तरीके से जो एक एक साल की सजा दे कर उन को रख दिया, इस के बारे में भी सोचना चाहिए।

एक बात और मैं यह कहती हूँ कि आप जो यह कहते हैं कि उन की ड्यूटीज वही हैं जो कि कस्टम्स इंस्पेक्टर की होती हैं, लेकिन उन की तो सिविल ड्यूटीज हैं और इन की आप ने पैरा मिलिट्री जैसी जो ड्यूटीज लगाई हैं, उन के बारे में भी आपको सोचना चाहिए, पैरा मिलिट्री ये नहीं होनी चाहिए।

हमारा कहना यह भी है कि इस को सलेक्ट कमेटी को जाना चाहिए लेकिन हमें मालूम है कि 19 तारीख को आप इस की बिल्डिंग का इनआग्रेशन करा रहे हैं प्राइम मिनिस्टर से। बिल पास होने के पहले 19 तारीख को आप इस का इनआग्रेशन भी करा रहे हैं और इसीलिए आप को जल्दी ही इस को पास कराने की, लेकिन इस तरीके से बिल लाकर आप एक नया पैरा मिलिट्री आर्गनाइजेशन बना रहे हैं जिस में बहुत सारे सवाल आ जाते हैं और हमें दुःख इस बात से होता है कि जितने भी आप बिल लाते हैं उस में रिप्रेजेंट की बात भी होती है। आज सुबह जब प्राइम मिनिस्टर साहब ने जवाब दिया तो बहुत से लोगों ने तालियां बजाई लेकिन हम ने नहीं बजाई। कौन तय करेगा कि यह वायलेंस है? कोई भी पुलिस अफसर कह देगा कि वर्कर्स ने जो डिमोन्स्ट्रेशन किया, उस में वायलेंस हुआ और फाईरिंग हो जायगी। हम यह मानने के लिए तैयार नहीं हैं? कोई आदमी जानबूझ कर वायलेंस नहीं करता है। मांगों के लिए अगर कोई आया, तो पुलिस अफसर कहेगा कि वायलेंस करने के लिए आया और इसलिए उस को शूट कर दिया जाए। इस तरह की बात हम नहीं मान सकते।

इसी तरह से बिल में ये इस बात को लाए कि आर्गनाइज करने का अधिकार नहीं है, यूनियन बनाने के अधिकार नहीं है। जब ऐसी बात है तो अगर किसी को कोई शिकायत है, तो वह कैसे शिकायत करेगा। एसोसियेशन बनाने का अधिकार है और जिन को आप यह सर्टिफिकेट देंगे कि यह इननोसेंट आर्गनाइजेशन है, यह हार्मलेस है, उसी को एसोसियेशन फॉर्म करने की इजाजत होगी। यह आप फ्रीडम दे रहे हैं इन एम्प्लाइज को। ये जो कोस्ट-गार्ड हैं, उन को आप आर्गनाइजेशन, यूनियन बनाने का अधिकार भी नहीं देते हो, तो श्री जय प्रकाश नारायण ने जो स्फूर्ति दी थी और उन्होंने कहा था ... मिलिट्री और पुलिस को कि वे अनजस्ट आर्डर्स को प्रमल में मत लाएं और उस प्रिंसिपल पर आप चुन कर आए हैं, उस के

लिए आप क्या कहते हैं ? आज आप यहां इस तरह का बिल ले कर आते हैं कि अगर कोई हाथ उठाएगा या कोई ऐसा जेस्चर करेगा, तो उस को तीन महीने की सजा करेंगे । मैं प्रार्थना करती हूँ कि फीशरमैन को भी आपको भाषवात्मक देना चाहिए कि इस तरह की चीजें नहीं होंगी जो कि उन के इन्ट्रेस्ट्स के खिलाफ हो । मैं और दूसरी बातें नहीं कहना चाहती हूँ क्योंकि श्रीमती पार्वती कृष्णन ने उन के बारे में कह दिया है और एक पेटिशन भी इन के बारे में पार्लियामेंट में आ चुका है और उस में सब बातें रखी गई हैं ।

इतना कह कर मैं समाप्त करती हूँ ।

SHRI AMRUT KASAR (Panaji):
Madam Chairman, I welcome this Bill. But, at the same time, it is a matter of regret that this Bill is brought in such a hurry. This is a very good example of hasty legislation.

Many of the provisions in this Bill are vague. First of all, it is mentioned in the Bill, and the hon. Minister also in his introductory speech said, that this is going to be like the armed forces of the Union, a para-military organisation. However, there are certain provisions in the Bill which show that it is not a completely para-military organisation, it is partly civilian. For instance, clause 14 talks of providing protection to fishermen, including assistance in distress. I feel that this provision is inserted because of the long pressure from the fishermen all over the country. At the same time, though it is a good gesture on the part of the Government, I feel that the Government is fooling the poor fishermen of this country by just putting the word "fishermen" in the Bill. Because, in what way this Act is going to help them is no where mentioned in the Bill. This Bill is precisely to deal with the maritime territory of this country. That comes to 200 km. maritime zone. The traditional fishermen do not go beyond 15-20 km. It is the big trawlers and big mechanised vessels which carry on fishing in this area. Whom will this organisation help? It is the big trawlers and

the big mechanised vessels which fish beyond 15-20 km. That is why I say that this is a hasty piece of legislation brought by the Government.

I have given an amendment to clause 14. But it was late and that is why it could not be included. Firstly, I had suggested, line 15, after the words "maritime zones", insert the words "and fishing zones". The Minister of Agriculture, from time to time, has been continuously saying that we are going to have a 15 km. fishing zone exclusively for the traditional fishermen. He made this promise on the floor of the House also. However, there is no mention here that he will be protecting the fishing zone. It is only said about the maritime zone.

Then, line 22, it says:

"providing protection to fishermen including assistance to them at sea while in distress."

It is very vague. When the trawlers destroy small boats, etc. what is the protection that you are going to provide? All the offences which are mentioned in the Bill do not mention the offences committed by the trawler owners and big vessel owners. So, I have suggested the inclusion of the words "small boats", etc.

Further, I have suggested that after line 29, after the words "maritime zones", insert the words "and fishing zones" and after line 36, after the words "Union agencies", insert the words "State Governments" also. Here, it is exclusively the Union agencies which are being taken into consideration. The States are not being consulted at all. Many times, the Minister of Agriculture has given an answer that fishing is a local subject because it comes under "agriculture" and "agriculture" is a local subject. If it is really their intention to give protection to the fishermen, then the State Governments should also be included.

[Shri Amrut Kasar]

My hon. friends, Mr. Manoranjan Bhakta, and Mr. Parulekar have also mentioned that this piece of legislation is not in conformity with the spirit of the Janata Party. The Janata Party has been professing for freedom; it has been professing judicial protection to the people. But this Bill nowhere gives this protection. Whatever that is given is the administrative discretion to the people and ultimately the life of the man is put in the hands of the Government, not in the hands of the judiciary. I fully agree with the previous speakers and also with you, Madam Chairman, when you spoke on the Bill. I entirely agree that this Bill should be referred to a Select Committee in order to have a detailed examination of the Bill.

With these words, though I welcome the Bill, I welcome it with regret.

SHRI VINODBHAI B. SHETH (Jamnagar): Madam Chairman, I fully agree with the views expressed by most of our friends including yourself that the maritime zone and, particularly, the coastal guard should protect the interest of the small fishermen. Now, the multi-nationals are entering into the fishing line. Most of the multi-nationals have diverted their trade to fishing line at the cost of the fishermen. I have received many representations from the maritime States, particularly, from Maharashtra, Goa, Gujarat and Andhra that the zone, particularly with five fathom zone or the 20-kilometre zone, should be preserved for fishermen. Anti-smuggling operation is also one of the functions of the Coast Guard—this is also one of the aims and objects of having Coast Guard. I would like to draw the attention of the hon. Minister to the fact that at present there some Custom authorities also working on the same point. So, the lines should be earmarked for the customs and for the coast guard; there should not be any conflict; there should be some sort of

a coordination. Unfortunately we are lacking in coordination—especially between various Ministries. Therefore, the lines of operations should be earmarked.

So far as trawlers are concerned, they are taking away the big catch. Of course, they are developing the trade of fishing. But it should not be at the cost of our exports by small fishermen particularly. I would not like to suggest that the trawler operation should be completely stopped, but it should be done outside the prescribed zone.

Some foreign, mischievous elements, in the name of fishing, are entering into our zone. This sort of espionage activity is injurious to the nation. The coast guard should be vigilant particularly in this respect and alert the nation in time.

There are some 'fly by night' vessels working in this country; they are taking away the trade of our nation. The Indian vessels suffer very much because of this. We have suffered a loss to the tune of Rs. 8 crores last year—the goods which were taken from this country to be exported to the neighbouring countries have been left in the lurch; so, our exporters have suffered.

Most of the powers are given to the Central Government. I agree. But I do not know why the State Governments' cooperation is not sought to be taken in this matter.

Then I would like to say that some opportunity should be given to the guilty before impeachment. On page 17 of the Bill, in Clause 62(2), it is said that 'any police officer may arrest without warrant any person.....' This will only encourage corruption. No police officer should arrest any one without giving him the opportunity of being heard before the reviewing officers.

I pray that the small officials should be given sufficient facilities, sufficient equipment, fast-moving boats, etc. to catch the culprits. The big officers

should also be considered responsible. Naturally, it is a joint responsibility—joint responsibility of the coast guard, of the Customs, of the State bodies and of all other officers who are to guard the coast of our nation. I hope that the coast guard will be vigilant and will guard the coast and not prove to be a costly guard to this country.

*DR. P. V. PERIASAMY (Krishnagiri): Madam Chairman, while supporting the Coast Guards Bill on behalf of my party the All India Anna Dravida Munnetra Kazhagam, I would like to say a few words.

This 123-clauses Bill to guard the 4000 mile long coast-line of our country should have come long ago before this House. Though it has been brought belatedly, yet it is a welcome measure as it envisages to protect not only the sovereignty of the nation but also the interests of our fishermen, besides ridding the country from the clutches of smugglers. This has been patterned on the Border Security Force which is guarding the land borders of the country.

Recently this House discussed a very serious situation in Andaman and Nicobar Island. In one of the Islands for many years foreign nationals with their families were living without being noticed by the authorities. Similarly, fishing vessels from far-off Japan and Philippines come for fishing into the Bay of Bengal. The entire coast-line, particularly the western coast, is a paradise for our smugglers whose activities are harming the economic growth of our country. We have located oil in Bombay High which we are exploiting at enormous expenditure. In consonance with the International Maritime law, we have extended our maritime zone, which will enable us to exploit the under-sea wealth for the welfare of the country.

Here it is necessary to recall how we were unable to detect the American Seventh Fleet vessel till it reached

the vicinity of Vishakapatnam Port. I may be permitted to point out that we lost our territory, Kachchathivu islands, to Sri Lanka because we failed to note the Sinhalese citizens inhabiting them. These Kachchathivu islands were belonging to Ramanathapuram Maharaja and even today records are available to this effect.

I have referred to these things to apprise the House that the absence of an effective Coast Guard organisation has led to such calamitous consequences in the past. In fact, even today the unguarded coast-line of our country is a place of exploitation by unscrupulous and anti-social national and international elements.

Here it is necessary to point out that fishing is the livelihood of about 3 crores of our fishermen and they meet 75 per cent internal demand for fish. As the Government has licensed many multi-nationals like Messrs Union Carbide India Ltd., for deep-sea fishing, our poor fishermen are not able to compete with their catamarans and overtake the mechanised vessels of these multi-national companies. Besides this, the anti-social elements within the country, making use of their endless source of black money, have taken to fishing with the help of power-driven vessels. They have successfully dislodged the poor fishermen from their livelihood. I should warn the Government that the fishermen of our country are on the verge of starvation and extinction.

Besides such man-made onslaughts, they have to face also frequently nature's fury. We have not provided communication sets on our coast which will enable them to hear the cyclone-warning announcements. They are caught unawares by the sky-high waves of the sea.

If the Coast Guard is really to protect the fishermen, as provided for in the Bill, then they must be equipped with mobile communication sets and

*The original speech was delivered in Tamil.

[Dr. P. V. Periasamy]

also fast-moving transport vehicles which alone will enable them to be of real help to the harassed fishermen. The Coast Guard organisation should also ensure that the multi-nationals do not exceed their licensed capacity in the matter of deep-sea fishing. I would also suggest that the Coast Guard organisation should not be a wing of the Indian Navy. It should be an independent organisation with adequate, if not more than the necessity, technical and scientific equipment, mechanised boats etc., so that they can function effectively and efficiently in the interest of the nation.

Before I conclude, I would also refer to the prowling of war-ships in the Indian Ocean jeopardising the security of littoral countries. It is essential that the Coast Guard organisation becomes an effective unit in the interest of the security of the country. I should conclude my speech by emphasising the need for close co-ordination and effective liaison between the States having long coast-line and this Coast Guard organisation. As has been effectively put forth by the hon. members who preceded me, I hope that this Coast Guard organisation will be able to protect the livelihood of lakhs and lakhs of our fishermen.

श्री लक्ष्मी नारायण नायक (खजुराहो) : रक्षा मंत्री ने जो तट रक्षक विधेयक रखा है उसका मैं समर्थन करता हूँ। जैसा कि श्री माननीय सदस्यों ने कहा है इस पर बहुत गम्भीरतापूर्वक विचार होना चाहिए और इसको प्रवर समिति को जरूर सौंप दिया जाना चाहिए ताकि इस पर अच्छी तरह से विचार हो सके और एक अच्छा विधेयक तैयार हो सके।

धारा 13 को मैंने देखा है। यह संगम बनाने, बाक् स्वातंत्र्य आदि के सम्बन्ध में निर्बंधन को बारे में है। इस में कहा गया है

“किसी व्यापारसंघ, श्रम संघ या राजनीतिक संगम का न तो सदस्य होगा और न ही उससे किसी प्रकार सहयोजित होगा।”

हम अपने देश में इस बात को मानते हैं कि हर व्यक्ति को कोसने की आजादी होनी चाहिए। हमारा लोक तंत्र में विश्वास है। मैं इसको मानता हूँ कोई

राजनीतिक संगठन में भ्रान्त ग ले। लेकिन हर व्यक्ति के, हर वर्ग के अपने हित होते हैं। उन हितों की रक्षा करने के लिए कोई संघ बनाता है तो उसको ऐसा करने की आजादी होनी चाहिए, इस पर कोई रोक नहीं लगनी चाहिए। राजनीतिक गतिविधियाँ या दूसरे को खबर देने की बात हो तो उस पर आप बंदिश लगाएं। लेकिन व्यक्ति अपने हितों के लिए, अपने वर्ग के हितों के लिए संघ बनाता है तो उस पर कोई रोक नहीं होनी चाहिए। इस वास्ते मैं वाहता हूँ कि श्रम संघ को इस में से निकाल दिया जाए।

खंड 14 में तट रक्षकों के कर्तव्य और कृत्य का प्रावधान है। इसमें जो सामुद्रिक प्रदूषण रोकने, जीवन और सम्पत्ति की सुरक्षा तथा वैज्ञानिक आंकड़े तैयार करने आदि का इसमें प्रावधान है, जो ठीक है। लेकिन मैं चाहता हूँ कि इनके पास शक्ति और ऐसे यंत्र होने चाहिए जो देखें, हमेशा जैसा अखबारों में कहा जाता है कि इतने मछुआरे नावों सहित गायब हो गए, तूफान आ जाता है, तो इनके पास ऐसे यंत्र होने चाहिए कि जब मछुआरे जाते हैं, अगर तूफान की आशंका है तो उनको सचेत कर दें। इस तरह के इनके पास यंत्र होने चाहिए। दूसरी बात यह कही गयी कि इनका काम तस्करो को रोकने या दूसरी और बातें देखने का भी है। मेरी राय में इसमें यह भी होनी चाहिए जिस तरह से उत्तरी सीमा की रक्षा के लिए उन्हें पूरे अधिकार रहते हैं इसी प्रकार तट रक्षकों की भी अधिकार होना चाहिए, उनके पास, सूचना होनी चाहिये कि हमारी सीमा में कोई विदेशी जहाज तो नहीं आ रहा है। इसकी देखरेख और नियंत्रण की जिम्मेदारी इनके हाथ में होनी चाहिए। जितने मछुआरे काम करते हैं अधिकांश अपने जीवन को हथेली पर रख कर जाते हैं। चाहे तट रक्षक हों या मछुआरे हों, उन सब का काम पैसे में जीवन बीमा जरूर होना चाहिए। मछुआरे हो, उनकी नावें हों, या तट रक्षक हों यह अनिवार्य होना चाहिए कि उन का जीवन बीमा जरूर हो, और जीवन बीमा साधारण हो ताकि हर एक करवा सके। जो मछुआरे काम करते हैं उनके हितों की भी रक्षा होनी चाहिए, जो कि अभी तक नहीं होती है, जो बड़े बड़े समुद्री जहाजों पर काम करते हैं वह मछुआरों के हितों का शोषण करते हैं। इस लिए इनकी भी हानत सुधर सके, ऐसे नियम बनने चाहिए। जब हमने समानता का आघार माना है और गरीबी मिटाने का संकल्प लिया है तो हम चाहते हैं....

MR. CHAIRMAN: You have made your point. Please conclude.

श्री लक्ष्मी नारायण नायक : मृत्यु दंड को भी इसमें से हटाना चाहिए।

SHRI VAYALAR RAVI (Chirayinkil): Madam, Chairman, this is another court that we have created.

I welcome this move because it is in the interests of our nation. I am not

opposing it on political grounds as earlier many of my friends including Shri Jyotirmoy Bosu did in their eloquence. This is on the same pattern of the Border Security Force and this was debated clause-by-clause by the House on many occasions.

Madam, Chairman, we have 5,000 k.m. of sea-coast and it is necessary that we have to protect that not only because of national security but also because we have to protect and preserve our national wealth which is in 200 miles depth in the sea. Our marine industry is very much advanced in our country and it is earning about Rs. 180 crores worth of foreign exchange by way of exports.

Now, we are going in a big way of importing trawlers. Of course, I need not explain all this. The Act itself provides that one of the functions of the Coast Guard is to help the fishermen. It is very good. But, I wish the scope of that clause is more expanded to the extent possible to help the marine industry or fishing industry. You may say that this is only composed of the fishermen. When they are in distress because of the storm or some natural calamity and all that, the coast guard comes in a big way and it needs more protection. For example, Madam, Chairman, you are aware of people having met you. There is a big conflict between the people provided with the trawlers, in our country and the traditional fishermen.

MR. CHAIRMAN: Mr. Ravi, this point has already been referred to by many speakers. You will please be brief. Otherwise, your time will be over.

SHRI VAYALAR RAVI: I need not elaborate on this point. It will really help if the scope of the clause is expanded.

The second point which I want to raise is this. It is a very interesting clause—I do not know whether the wording of the clause appearing on

page 11—Clause 39(a), is correct; namely,

“(a) unlawfully agrees with any person for the ransoming of any vessel, craft, etc., etc.”

I do not know whether any agreement for the same is unlawful or if that is at all an unlawful agreement. It is an agreement which is illegal. I believe there is something wrong in the sentence. You have to correct it.

Now, I come to Clause 32 which is about ‘false accusations’. It is very important so far as every coast guard is concerned. As a Member of Parliament I have experienced that many people come and complain about the arbitrary decisions—not from the high level—but from the lower level. There is a clear-cut case of a poor driver whose services have been terminated on a flimsy reason that he was not seen when the officer came out. He is Mr. Basu. I have myself represented to the Home Minister in the previous government and Mr. Charan Singh also. Same reply has come—appellate authority. Who is appellate authority? It will go to the Director General. He refers it back to the same person who convicted. Mr. Basu is still wandering on the roads of Delhi without employment. So, this clause is worthless. Will you make it more concrete? Is there a single case where an appeal has been upheld? I will say ‘no’. If it happens in one case I will be happy. The system itself is wrong. This clause is worthless. You should have some proper amendment. I am sorry I myself do not have any amendment. You should have an amendment so that there is some other authority to look into it.

Then I want to make an observation about death penalty. There is a thinking in the country to abolish death penalty as such. When such is the proposal before the country, it should at least be seen that death penalty can be awarded only by one authority. Whether it is proper to

[Shri Vayalar Ravi]

make different agencies award death penalty? Here the Coast Guard Court has got authority. Even different institutions have authority to award death penalty. You can refer to the Indian judicial system. In the peculiar circumstances of the country when we are thinking of abolishing death penalty, is it proper to have dual authority?

Lastly, I come to page 13 Clause 66(2) regarding dissolution of the Coast Guard Court. What is meant by that? I read Clause 66(2):

"If, on account of the illness of the Law Officer or of the accused before the finding, it is impossible to continue the trial, a Coast Guard Court shall be dissolved."

So, it is a very flimsy reason. On a flimsy reason you can dissolve the court. What will happen in that case? It can be misused. You must have a look into it. And Madam Chairman, lastly....

MR. CHAIRMAN: This is your second 'lastly'—how many 'lastly' will be there, I don't know.

SHRI VAYALAR RAVI: Unfortunately what can I do? I cannot quarrel with you. I just want 5 or 6 minutes.

MR. CHAIRMAN: I am sorry, you don't have 5 or 6 minutes.

SHRI VAYALAR RAVI: How much time I have taken, Madam? My time is there the time which is allotted to my party. You please tell me what is the time of my party. I can speak according to that time. It is not fair on your part to interrupt everytime unnecessarily.

MR. CHAIRMAN: I never interrupted you.

SHRI VAYALAR RAVI: It is not your function. If I speak irrelevently, you can stop me.

MR. CHAIRMAN: You want to stay on....

SHRI VAYALAR RAVI: Yes, I want to speak on my time, not your time, definitely. You unnecessarily interrupt my speech and make difficult to speak.

MR. CHAIRMAN: I do not think you are making a good showing to your party.

SHRI VAYALAR RAVI: You are not making a good showing at all. You are making a running commentary. It is not the role of a Chairman to make a running commentary. It is not fair. I am stopping, thank you, Madam.

श्रीमती चन्नाबती (मिथानी) : सभापति महोदय, मैं इस बिल को लाने के लिए, जिस के द्वारा हमारे तटों की रक्षा के लिए कोस्ट गार्ड की फोर्स बनाई जा रही है, सरकार को, और बिधेबकर रक्षा मंत्री को, बधाई देती हूँ। कम से कम हमारे सात प्रांत ऐसे हैं, जिन को सीमा तट के नजदीक लगती है। पिछले सालों में हम स्मॉलिंग के बारे में बहुत बातें सुनते रहे। अच्छा है कि हमारे तट पर कोस्ट गार्ड हो, और मैं समझती हूँ कि ...

At this stage, there was a disturbance from the Visitors' Gallery.

श्रीमती चन्नाबती : मैं समझती हूँ कि हमारे कोस्ट गार्ड का बही दर्जा होना चाहिए, जो बार्डर सिम्युलैटो फोर्स का है। लेकिन मैं कहना चाहती हूँ कि सरकार कितना ही पहरा दे चे और कितने ही बिल बना दे, लेकिन तस्करी तभी बन्द हो सकती है, जब जो लोग तस्करी करते हैं, और जो लोग उन्हें तस्करी बना देते हैं, उन को सजा मिले। जो तस्करी करते हैं, उन्हें तस्करी बना देने वाले कौन लोग हैं? उन को तस्करी बना देने वाले या पालीडीसज है या व्यूरोक्रेट्स हैं। तस्करी तभी खत्म हो सकती है, जब हम तस्करी करने वालों को भले ही और कोई सजा न दें, लेकिन उन को एक सजा दें कि वे नाजायज तरीके से जो धन कमाते हैं, उसको सरकार कनफिस्केट कर ले—उन की भ्रसलो कमाई को ब्याज ममेल उन के पास रहने दें, लेकिन उन की बाकी कमाई को सरकार कनफिस्केट कर ले।

MR. CHAIRMAN: We will have to take up the next item now. You may please continue tomorrow. You have three minutes more.