

that the Law Commission had submitted their report. In 1978 the legislation was also drafted. It was passed in Rajya Sabha, but before it could be passed in Lok Sabha, the House was dissolved and the elections were called; and that is why, this could not get through in Lok Sabha. Thereafter, the entire thing was also again gone into by a Cabinet Committee and a number of suggestions were also made by the State Governments. Thereafter, there was a National Police Commission which had also gone into this matter. They have also submitted their recommendations. The whole thing is now ready and it is under examination at the advanced stage.

**SHRI D.K. NAIKAR :** My request was not to bring an amendment to the offences; where it was required and suggested by the Law Commission. I was also appointed as the Chairman of the Joint Committee which was constituted to bring about certain amendments to the chapter on rape and allied offences. The present position of the criminal law is that there is no social justice under the present offences because only punishment alone is not sufficient. Secondly, in the case of murder and other offences, a revengeful attitude is taken. The main purpose of the social justice has been lost. Punishment to an accused is not the real justice to the aggrieved party. Therefore, in view of the social justice, which is the aim to be achieved after independence, is the Minister still thinking to replace the Indian Penal Code to give social justice to this country ?

**SHRI S.B. CHAVAN :** I have not been exactly able to follow as to what the Hon. Member has in view. Does he want to suggest doing social justice to the criminal ? Of course, victim is a different matter. But, so far as criminals are concerned, the basic approach remains unaltered. I don't think that there is any point in saying that the basic approach has to be changed drastically. Of course, the main thing has been taken into account by the Law Commission. Some of the changes are required because changed circumstances have also been taken into account by the Joint Committee appointed consisting of members of both the Houses, and thereafter the Cabinet Committee is also considering all the aspects of this question. I don't think that there is any point in having a new legislation at all.

**SHRI MULLAPPALLY RAMA-CHANDRAN :** Will the Government consider abolishing capital punishment by bringing about suitable changes in the Indian Penal Code ?

**SHRI S.B. CHAVAN :** When that draft legislation comes before the House, the Hon. Member will be able to know as to what are the changes effected.

**Infiltration of foreigners across  
Indo-Pak Borders in Kutch**

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\*225. **SHRI MAHENDRA SINGH :**  
**SHRI ANAND SINGH :**

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether large scale infiltration of foreigners from across the Indo-Pak borders in Kutch has been noticed in recent months;

(b) if so, number of such infiltrators during the period since January, 1985 and the total number of aliens who may have successfully infiltrated across the borders during the period; and

(c) the effective steps taken by Government to prevent and apprehend such infiltration ?

**THE MINISTER OF STATE IN THE DEPARTMENT OF INTERNAL SECURITY (SHRI ARUN NEHRU) :** (a) and (b). No large scale infiltration of foreigners across Indo-Pak borders in Kutch has come to the notice of Government. 28 infiltrators were apprehended since January 1985 by the BSF out of which 27 were aliens.

(c) Constant vigil is maintained by BSF and other security agencies. Joint ambushes, raids and patrols with the local police and other preventive agencies are organised by the BSF. A few border out-posts have been located at strategic points. Observation towers have been erected to watch movement of infiltrators.

**SHRI MAHENDRA SINGH :** I would like to know from the Hon. Minister whether some of these infiltrators are smugglers and spies, and due to lack of coordination between the Police, the Border Security Force, Customs and other intelligence agencies, some of them have managed to stay continuously and some of them even managed to get ration cards, voting rights, citizenship and few of them even got elected in the Panchayat elections, and whether the Police and the B. S. F. could not throw them out because the intelligence agencies are under the impression that they are supplying vital information to them, while actually they are engaged in giving vital information to Pakistan and bringing in more infiltrators, thereby causing an increase in the population in some of the border districts at an alarming rate. And what is the reason for the increase in population in the border districts?

**SHRI ARUN NEHRU :** It is a very long question, I will give a very short answer.

**MR. SPEAKER :** Not a matching answer ?

**SHRI ARUN NEHRU :** As I said, 27 people have been apprehended and they are still being interrogated jointly by the revenue intelligence and the other agencies. And, certainly they do not have any voting rights, to the best of our information. About the other query which the Hon. Member has made, we have a very large coastline and there is lot of smuggling that is going on; there have been a few articles which have been written in regard to espionage and smuggling activities. But the smuggling activities are certainly there. Espionage has not come to our notice.

**SHRI MAHENDRA SINGH :** I would like to know from the Hon. Minister, whether it is a fact that the entire Indo-Pak border in Kutch area was recently handed over to the Army and that about 80 km of the area is under the control of the Army as large scale infiltration is apprehended ?

**SHRI ARUN NEHRU :** The Army was given the full border area for a very short

time when the elections were there in Punjab but now the BSF is in control.

**SHRI BHAGWAT JHA AZAD :** The answers are not matching the magnitude of the question.

**MR. SPEAKER :** Shri Mool Chand Daga. I am sorry. Shri Anand Singh. Is Shri Anand Singh here ? One minute, Dagaji. Shri Anand Singh, the second questioner is there.

**SHRI ANAND SINGH :** I would like to know one thing. There are basically four reasons for infiltration. One is poverty, when they like to try greener pastures, people come; second is harassment of the minorities by the majority; the third is smuggling and the fourth is terrorism. Out of these 27 people that have been apprehended, I would like to know from the Hon. Minister about their motives, was it mostly smuggling, or was it mostly poverty on the other side of the border or whether certain communities are being harassed and therefore they are fleeing from those border areas to find safer places, or is it basically terrorism ?

**SHRI ARUN NEHRU :** Basically, it is a question of smuggling, and the others also are there, but mostly smuggling. Now, for the information of the Hon. Member, I may inform, that we are planning to strengthen our organisations there.

Now there is a combination of the Naval Coast Guard and also the Border Security Force. Basically, it is a smuggling problem.

**SHRI LAL DUHOMA :** I would like to give a question and a caution, as to whether the Hon. Minister is aware of the fact that another Assam is in the making in Mizoram due to infiltration. I believe that we do not afford and cannot tolerate infiltrators from any corner of the country. However infiltrators are coming from Bangladesh into Mizoram and they are given free food, and shelter and even employment here by the Government. Is this not an open invitation to foreigners to come more and more into our country ? I would like to know from the Hon. Minister whether he would like to take

some steps to present these infiltrators by constructing a barbed wire fence between the borders of Mizoram and Bangladesh.

**SHRI ARUN NEHRU :** We are discussing the Kutch border. I need notice for this question. But basically our policy always is to stop infiltration, whether it is the Kutch border or Punjab or Bangladesh border, and our effort will be to stop infiltration at all costs.

**MR. SPEAKER :** Shri Mool Chand Daga. No. no. You will come in the second round, Mr. Daga.

#### Extradition of Extremists

\*227. **SHRI UTTAM RATHOD :** Will the Minister of EXTERNAL AFFAIRS be pleased to state :

(a) whether it is a fact that Prime Minister had talks with the respective Heads of Government during his recent tour abroad regarding the extradition of extremists and terrorists from USA, UK and Canada; and

(b) if so, the reaction of those Governments ?

**THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI K.R. NARAYANAN) :** (a) and (b). A statement is given below.

#### Statement

During his visit to London in October, 1985, the Prime Minister discussed with the British Prime Minister the activities of the anti-Indian elements in the UK. A suggestion was received that the UK Suppression of Terrorism Act, 1978 be extended of India. The proposal is being examined.

There was a general discussion with the Prime Minister of Canada regarding the anti-Indian extremists' activities, Canada has extended Part II of its Extradition Act to be in force with regard to India as from October

31, 1985. Now extradition can be sought of persons convicted or charged with offences in India committed after October 31, 1985. The question of concluding an extradition treaty with Canada is under consideration.

The question of extradition of terrorists and extremists was not discussed with the USA at the Head of Government level during Prime Minister's recent visit abroad. Extradition arrangements exist between India and the USA in term of (i) an Extradition Treaty concluded between the USA and the UK in December, 1931; and (ii) extension of Extradition Act, 1962 to the USA with effect from 1st April, 1966.

**SHRI UTTAM RATHOD :** How far the arrangements with the USA have been helpful to us in the past ?

**SHRI K. R. NARAYANAN :** In the past we have been trying our best to urge upon the USA to deal strongly with those who break the law there and indulge in anti-Indian activity. When the Prime Minister was in the United States in last June, he took it up very strongly with the President, which was reflected in the joint statement issued after the visit. Recently they have served notice of deportation on one of those who have been indulging in anti-Indian activities. I think, there has been a slight improvement in the manner in which the USA have been dealing with anti-Indian activities in the US.

**SHRI UTTAM RATHOD :** Is it a fact that some of the extremists are now assembling in Equador ? Do we have such an arrangement as extradition with Equador ?

**SHRI K. R. NARAYANAN :** We do not have any extradition treaty with Equador. But we have been assured by the Equadorian Government that they have not been dealing with the "Khalistan" extremists and that they recognise only the Government of India as the rightful Government of every part of India. There have been reports of some of them going to Equador, but most of them have not proved to be correct.

[Translation]

**SHRI BANWARI LAL PUROHIT :** Mr. Speaker, Sir, through you I want to know