

MR. CHAIRMAN: Now, we take up the Extradition (Amendment) Bill.

EXTRADITION (AMENDMENT) BILL

As Passed By Rajya Sabha

16.21 hrs.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI R. L. BHATIA): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Extradition Act, 1962, as passed by Rajya Sabha, be taken into consideration."

The law of extradition of India is contained in the Extradition Act, 1962. This provides the necessary legal framework to conclude treaties or arrangements with Commonwealth countries and other foreign States and to process requests for extradition from States with which we have such treaties or arrangements at present.

Over the years, given the concern we and the international community have to deal with terrorism and other international crimes like hijacking, hostage-taking, offences against protected persons, illicit trafficking in narcotic drugs and the growing number of international and regional Conventions, the law and practice concerning extradition is steadily changing. India is a party to several of these international Conventions, and has also concluded recently a new extradition treaty with UK. We also contemplate concluding treaties in future with other countries, some of which may have legal systems different from ours. For example, as hon. Members are aware, we adopt the Common Law approach similar to UK, USA and other Commonwealth States. States like France, Germany and others adopt a Civil Law approach.

The Amendments proposed to the Extradition Act, which I am urging this hon. House at this time to consider and pass, are aimed at enlarging the legislative basis and framework of our extradition law to enable us fully and effectively implement the treaties we concluded recently and may conclude in future even with countries adopting different legal systems. These amendments would also enable

us to implement obligations we undertake as a party to international and regional Conventions.

I beg your leave now to formally move that this hon. House consider and pass the Extradition (Amendment) Bill, 1993 in its present form.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Extradition Act, 1962, as passed by Rajya Sabha, be taken into consideration."

[Translation]

SHRI RAJVEER SINGH (Aonla): Mr. Chairman, Sir, with your permission I would like to say something in regard to this Amendment Bill. Though, I support it, nevertheless, I have some doubts in this record I would like the hon. Minister to clarify.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. M. SAYEED): You may ask questions, your doubts will be clarified.

SHRI RAJVEER SINGH: If I put my doubts in the form of questions, I may not get the reply.

SHRI R. L. BHATIA: You please put questions and do not deliver a lecture.

SHRI RAJVEER SINGH: Mr. Chairman, Sir, terrorism acquired momentum in India since 1980. If you go a little back to 1980 when there was the Government of the Janata Party, the first incident of hijacking a plane had occurred during this period. Your party honoured that hijacker by helping him in becoming an M.L.A. in 1980. So, since 1980, the people develop the feeling that involvement in terrorist activities may earn honour subsequently, there was a rapid increase in terrorist activities in the country so much, so that the country was plunged in to deep crises. Now, in 1993, in 13 years terrorism has reached to its peak. The Government has not been able to bring the terrorists back even from those countries with which our country is on good terms and where the terrorists fled during those 13 years of terrorism. Our country may sign agreements with a few more countries, but the countries

with which we have already friendly relationship, even from there our Government has not been able to bring the terrorists back. In Bofors Case, the Government allowed economic offenders to flee from the country. Everybody said that win Chadha was the main accused, but he left the country and the Government could not bring him back. During the current session itself, a comprehensive report was introduced last time and a suspicion was expressed that Mr. Quattorochi might flee from here. An assurance in this regard was sought from the Government, but Koutrochi fled throwing a challenge, but the Government remained a mute spectator. Leave aside the matter of bringing them back, this Government is not able to put even a check on those who are living in the country. The Government may enact laws, we are here to support the Government, but the point is that laws should also be implemented. If you cannot use your powers, then of what use are those powers. The Government may get the laws passed, but those laws should also be effectively implemented in the interest of the country.

Our country has friendly relationship with Srilanka, but our Government could not bring Prabhakaran who hatched the conspiracy of Rajiv Gandhi's assassination and who is living in Srilanka. The Government lacks will power. It cannot do anything beyond political calculations for counting votes.

Dawood Ebrahim fled to United Arab Emirates. He is now residing in Dubai; the Government could not bring him back. This is heard that he is running a company here and he is also having trade with India under different names. The Government could not bring him back even though our country has a friendly relation with that country. Memon brothers who were responsible for the bomb-blasts in Bombay fled; the Government could not prevent them from going out of the country. The Government delayed in passing information in this regard to friendly countries which provided an opportunity to the offenders to escape from those countries also. What I mean to say is that enacting laws is of no avail unless there is a will power to implement those laws. The Government should try to bring back the offenders at least from those countries with whom our country is on friendly terms.

As a matter of fact, the Ministry of External Affairs has been unlucky in the sense that the

earlier Minister of this ministry had to quit because of delivering a letter. Subsequently, this ministry was under the control of the hon. Prime Minister for months together. The next Minister of External Affairs fell ill soon after assuming the office. It is heard that he is in London in connection with his treatment. I wish he may get well soon and assume the work as soon as he comes back. We are glad that Bhatiaji has been given the charge of State Minister in the Ministry of External Affairs. We hoped, he would do something, but he does not care to give a reply to letters sent to him. A foreign delegation had come to India before whom he praised a particular person so highly that it earned a bad name for India. He said that the great Babar was our friend who came to India. He sang the glory of Babar so much that we were wonder-struck. He further said that cultural progress of India might be attributed to Babar. I had enclosed the cutting of his speech in the letter written to the hon. Prime Minister. He should have at least taken the trouble to give a reply, we want to lend all our support for the cause of implementing the rules; this is because the Government is not in a position to bring back the offenders. Many new amendments to this effect have been added to it. Antiques including idols are being stolen and are being smuggled to foreign countries, but not a single word in that regard has been written. No reference has been made as to how those offenders would be brought back to this country. What I mean to say is that the Government should exercise its powers. It is not doing that. Everyday fresh amendments are being made, but crime remains unabated. Murderers, other offences and thefts are taking place and criminals are taking to their heels just because of the inaction of the Government. We are here to support the Government but the point is how soon the Government is able to bring all those offenders back to the country. This will send a signal that fleeing to foreign countries after committing crimes, the criminal cannot escape punishment. Economic and social offenders who are responsible for disturbing the peace of this country are enjoying in foreign countries.

Thousands of kilograms of R.D.X. have been seized here. What action the Government is contemplating against the drug-smugglers? Huge amount of money is flowing out abroad, and narcotic drugs are flowing in

[Sh. Rajveer Singh]

the country. This is causing damage to the future of our youth and to the character of the country. The Government should be resolute to check those things. You should touch those points in course of your reply.

[English]

DR. SUDHIR RAY (Burdwan) : Mr. Chairman, Sir, I rise to support this Bill. Certain amendments have been brought forward to do away with the lacunae in the old law passed in 1962. The world we live in is becoming smaller and smaller because of the scientific discoveries, the revolutionary changes in communication and technology. We have become interdependent. Naturally, it is found that often criminals commit crimes in one country and then they slip abroad so that they may avoid the long-arm of the law so that they may avoid justice. Therefore, now the Extradition Laws should be ratified with many more countries so that we may build up a peaceful atmosphere in this world.

Sir, there are countries which do not like that India should remain united. Balkanisation of the country is their dream. Therefore, certain divisive forces are raising their heads in all parts of the country. Our neighbours are actively aiding and abetting in this low-proxy war. They are sending terrorists. They are sending militants. The USA, the U.K., Canada have become the safe heavens for these terrorists. It is true that many of our leaders, the great national leaders were terrorists but they were anti-imperialists to the core.

Their stories have become part and parcel of the annals of our freedom struggle. But what about their stories? They are at the beck and call of imperialists. They are at the beck and call of Pakistan. They commit crime; they murder innocent people, they extort money. In this way, they are trying to injure our social fabric. Therefore, as my predecessor has pointed out, India has no political will to implement it. As Mr. Gunnar Myrdal has rightly said, India is a country which has got the soft culture. Therefore, we cannot strongly deal with the culprits. That is why, economic offenders like Mr. Win Chadha or Mr. Quattorochi have left the country. They got certificate from the CBI saying that they have not committed any offence. Therefore, what is required is a strong political will.

Now because India is a contiguous country to the Golden Crescent and Golden Triangle, India has become conduit country to narcotic drugs and psychotropic substances. Therefore, we find that in India millions of people are becoming drug addicts. ISI of Pakistan alone earns 13 billion dollars by selling narcotic drugs and they spend it on low proxy wars in India. Therefore, we should deal strongly with this drug traffickers so that they may be resisted, they may be put down.

Also in the name of religious fundamentalism, some people are committing crimes. We know how Memon brothers escaped to gulf countries after engineering the Bombay blast, as a result of the blast, hundreds of people were killed and high-rise buildings were razed to the ground. After they flew abroad, then suddenly, the Government of India became alive to the situation and then they sent a request to the UAE authorities saying that Memon brothers be sent back. It is another incident of soft culture. There are so many laws. But our administration will not try to implement these laws. I have already said about the economic offenders. These economic offenders, because of the criminalisation of our politics, are now at the top of the society. They merrily violate all rules and regulations. They amass huge properties abroad. They come in and go out of the country. What about Mr. Win Chadha? What about Hindujas? What about Mr. Quattorochi? They are going unpunished. Therefore, we demand that the Government of India should try to pass extradition laws with as many countries as possible. We find that Bangladesh and Pakistan have not ratified the extradition treaty. Without ratification, extradition treaty is not at all valid. Therefore, we should try to see that our neighbours ratify this extradition treaty as early as possible.

With this, I conclude my speech.

[Translation]

SHRI MOHAN SINGH (Deoria) : Mr. Chairman, Sir, I rise to support the Amendment Bill in regard to Extradition Act on behalf of our party. When liberalisation policy is being widely implemented within our country and in other countries, there is also rapid and equal increase in the incidents of interference by all countries in the internal affairs of other countries. A progressive and advancing country like

India has to face this perpetually. The hon. Prime Minister and the Minister of External Affairs of India had gone to Britain and signed an agreement with premier of Britain. The British Parliament brought about amendments in the laws of the country, and the Government of India is also going to amend its existing laws. Such agreements should soon be signed with those countries where divisive forces are operating and are trying to establish their order. I would like to submit to the hon. Minister earnestly that the demand for creating a separate Khalistan might seem to have been settled and peace restored in Punjab, but a full-fledged office is still operating in Washington. People there take me to be a Sardar going by my name. There is a confusion among them, that is why I regularly receive letters from Washington in the name of independent Khalistan. Notifications and circulars do also come from there. Such cases are taking place since 1984. Powerful countries of the world are trying to disintegrate India, but the Government has not been able to check this trend.

I had gone to Washington in 1984. That was the time when terrorism was rampant in Punjab. The agitation over there got encouragement through the interviews of the leaders broadcast on radio, television specially from voice of America and B.B.C. People of Punjab used to listen them. That obviously lent encouragement to the terrorist activities in Punjab. I met the senior leaders in Washington and interviewed them and I also brought the tape-record thereof to India. At that time, the said interview was published in the journal 'Maya'. They clearly stated how they fled to Washington and how they got state protection there when the Government of India issued warrant against them through the Ministry of Home Affairs. The present situation is even more grave. There have been a series of bomb blast in different parts of India. The Government has neither been able to arrest the offenders nor has it been able to bring them back to India from foreign countries. This is how efforts are being made to disintegrate India.

A large scale trade of drugs, opium and intoxicating substances specially in neighbouring countries and also all over the world is a common feature. The top leaders and bureaucrats of those countries are deeply engaged in such activities and that is a big source of their income. People are active on a large scale on

our border areas, therefore it is very easy to carry on this trade with their help. I had raised a question only yesterday and the hon. Minister of External Affairs did also make a reply telling that all sort of smuggling materials were found kept in the plane through which the hon. Prime Minister had to go on a foreign visit. After thorough search 50 kg silver, 30-32 kg gold, opium and other such things were found. This is an eye opener for us when such intoxicating substances and smuggling materials are seized from a plane through which the top leader of the country was scheduled to make a foreign visit. Even the plane of the Prime Minister is not spared from being used for carrying smuggling materials. What is required is to enact a strict law in this regard. The mutual agreements among our neighbouring countries are against the interest of India, that is why there is no reaction from Indian side. China is lending support to Pakistan and providing arms to that country which Pakistan may use for attacking the cities of our country. But, the Government of India expressed no reaction. A powerful country may consider imposition of a ban on those two countries. I would like to submit that the Government of India is now adopting a weak foreign policy which I can say on the basis of many examples cited here.

Dalai Lama recently visited this city. Many splendid programmes were held on the eve of his arrival here; but on the instruction of the Government, the radio and television could not dare broadcast the news of his programme. This was done out of a fear of a particular country. I would therefore like to submit to the hon. Minister of External Affairs that merely enacting of extradition laws would not help bringing back the offenders who after committing offences flee to foreign countries. This can be made possible only when our country itself is made stronger and when we gather courage to show boldness to any strong neighbouring country and when we stop getting panicky. Thinking that mere passing laws through Parliament will check the offences being committed in the country on the instigation of foreign countries is a mere fallacy. I do support this Bill, nevertheless I would suggest that the Government should be bold enough in matters of the dignity and prestige of the country. We should banish the fear gripping our mind. With such a hope, I support this Bill and conclude.

SHRI VISHWANATH SHASTRI (Gazipur): Hon'ble Chairman, Sir, I support this Extradition (Amendment) Bill. This Bill has been brought forward because India is facing the danger of terrorism which should be encountered in an effective manner. I would like to say in this regard that we cannot fight out the danger merely by enacting a legislation. The Government should have a will power but the way the Government has shown her will-power on many previous occasions. The same is going to be repeated in this case also.

India is a power to reckon with among non-aligned countries. But the Countries which do not want India to forge ahead are trying to destabilise India by interfering in her internal affairs. Conspiracies were hatched to destabilise India after the formation of Bangladesh. You must be aware how several countries released their organised criminal gangs from jails and sent to Afghanistan equipped with arms to fight against communists. And it deserves a thought now after the disintegration of the U.S.S.R. the same criminal gangs are creating trouble in Kashmir and other States at the instance Pakistan. The manner in which terrorism is being supported in the name of humanism at the international level, India would have to show great will power in combating it more effectively. But then we find how criminal gangs and our politicians have nexus with one another. Every other day such stories are carried by newspapers and magazines yet no heed is paid to them. Similarly, the country is being inundated with narcotic drugs and smugglers have a network of their own in the country, smuggling is on the increase. But the Government is not taking any notice. It is being openly published in news-papers and magazines how our highly-placed politicians have an open nexus with such people. When we read in the news papers that some Government officials, ministries are indulging in such activities and the names of the highly placed officials in State Governments come to light we fail to understand what sort of alliance is taking place. If the Government wants to fight out such evils then she will have to show a great sense of resoluteness. Only then we can fight the extremists and economic criminals in the right sense. First of all we will have to mend ourselves.

We have signed Extradition treaty with two countries but at the same time we will have to be

careful of the Organised Camps being run in America and Training Centres functioning in West Germany. The manner in which the Government has signed a treaty with Canada and England they should also sign a pact with other like minded countries also who want to fight terrorism in the right earnest. The steps should also be taken to check the nexus of politicians and economic criminals in the country. If you do not take steps against such people then this Bill will prove to be a mere eye-wash.

We will have to make efforts to get Prabhakaran extradited from Srilanka, and also Dawood Ibrahim to India. How Memon brothers managed to escape from here. They should also be brought back. Kastrochi also managed to flee from this country. Unless a stringent action is taken against all the economic criminals and smuggling gangs, we will not be able to implement. The provisions of the Bill in the right sense and the purpose with which this Bill has been introduced before the House will be defeated. With these words I support the Bill.

16.53 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY-GENERAL: I have to report that the Rajya Sabha at its sitting held yesterday, the 27th August, 1993, adopted the following motion in regard to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes:

"That this House concurs in the recommendation of the Lok Sabha that Rajya Sabha do agree to nominate one Member from Rajya Sabha to the Committee of both the Houses on the Welfare of Scheduled Castes and Scheduled Tribes in the vacancy caused by the retirement of Shri Dipen Ghosh from the membership of the Rajya Sabha on the 9th July, 1993 and do proceed to elect, in accordance with the system of proportional representation by means of single transferable vote, one Member from among the Members of the House to serve on the said Committee."