

RAJYA SABHA

Wednesday, the 17th May, 2000/27 Vaisakha, 1922 (Saka)

The House met at eleven of the clock, **Mr Chairman** in the Chair

ORAL ANSWERS TO QUESTIONS

**721. [The Questioner (Shri Prakanta Warisa) was absent. For answer vide page 21 infra]*

New Anti-Terrorist Bill

***722. DR. ALLADI P. RAJKUMAR:** Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether Government propose to introduce a new Anti-terrorist Bill;
- (b) if so, its salient features and how it would be different from TADA laws; and
- (c) what are the views of Government in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CH. VIDYA SAGAR RAO): (a) to (c) The matter regarding an anti-terrorism law for combating terrorism was referred to the Law Commission of India and they have sent the draft of a "Prevention of Terrorism Bill, 2000" to the Ministry of the last week of April, 2000. This is being examined.

DR. ALLADI P. RAJKUMAR: Sir, my first supplementary is that ever since the TADA was passed, terrorism has not decreased. In fact, terrorism has increased in volume and the extent of terrorism has widened. The security threat from the new narco-terrorism groups looms large over India. Terrorism is one of those rare and peculiar offences that does not lend itself to the treatment of law. What are the views of the Law Minister in respect of the new anti-terrorist law? As a lawyer, he has taken up some controversial cases also.

MR. CHAIRMAN: But this question relates to the Home Ministry. It doesn't relate to the Law Ministry.

DR. ALLADI P. RAJKUMAR: Sir, actually, I have addressed this question to the Law Ministry. Recently, in "The Asian Age", an article has come that the

Union Home Minister, Advaniji, and the Union Law Minister, Ram Jethmalaniji, have developed serious differences of opinion over the new anti-terrorism Bill. Is it a fact? What are the differences of opinion between them? I would like to know the views of the Home Minister.

MR. CHAIRMAN: This is a hypothetical question. There is no need of an answer. We should not talk about it.

DR. ALLADI P. RAJKUMAR: No, Sir.

MR. CHAIRMAN: No. Don't go by the Press. This is a different thing. So many things appear in the Press. Don't go by that. You put a supplementary question on the new anti-terrorist Bill.

DR. ALLADI P. RAJKUMAR: Sir, the new anti-terrorist Bill is going to come up. What are the views of the Home Minister? Terrorism is increasing day by day. This is my question.

MR. CHAIRMAN: That is all right.

SHRI CH. VIDYA SAGAR RAO: Sir, as far as the Member's question regarding the escalation of terrorism in the country is concerned, it is correct. As you are aware, the TADA was passed in 1985. But it was allowed to lapse. When it lapsed, simultaneously, a Criminal Law Amendment Bill was introduced in the Rajya Sabha. That could not be thoroughly discussed. There was no consensus, as far as the passing of that Bill was concerned. Therefore, this Government has referred this matter to the Law Commission to suggest a comprehensive legislation to combat terrorism. It was referred to the Law Commission with the twin objectives of giving a comprehensive law to effectively deal with the various terrorist activities in the country, whether it is the Pakistani infiltrators or the extremists or the terrorist activities prevailing in the North-East, as also to safeguard the rights of the accused himself. With these twin objectives, the Law Commission was asked to give a comprehensive law. The law Commission, after thorough deliberations, circulated a paper. It also conducted two seminars and presented the 173rd report to the Ministry of Home Affairs. At present, this matter is under examination by the Ministry of Home Affairs.

DR. ALLADI P. RAJKUMAR: What are the new amendments proposed to be brought in, which will have a direct impact on the media? Whether journalists who are interacting with the terrorists are proposed to be punished with imprisonment. Will it not be something like interfering with the freedom

[17th May, 2000]

RAJYA SABHA

of movement? So, before introducing this Bill, the Government must seek the opinion of the public on this Bill.

SHRI CH. VIDYA SAGAR RAO: Sir, as far as the 173rd report of the Law Commission is concerned, it also includes a Bill, the DOT Bill. This Bill is under the close examination of the Ministry of Home Affairs. At this point of time, I cannot disclose the contents. Also, I cannot make a comparison between the various provisions of the erstwhile TADA and the various sections of this Bill. However, the Government is prepared to discuss the Bill in the Consultative Committee of the Ministry of Home Affairs. We are also planning to circulate this Bill to the State as also the UTs to seek their opinion. After receiving the opinion from various sections, we will come back to the House.

SHRI PRANAB MUKHERJEE: Mr. Chairman, Sir, may I know from the hon. Home Minister whether it is a fact that TADA was practically allowed to lapse because, at that point of time, if we remember, the atmosphere was such that, instead of helping in the prevention of spread of terrorist activities, the gross misuse of TADA created such an atmosphere that it evoked a strong public resentment. As a consequence, the TADA was not allowed to be extended further. In view of that, I would like to know from the hon. Home Minister whether his Ministry finds it difficult to deal with the situation because of the non-availability of a legislation like TADA, or, because of certain other factors which we have discussed on a number of occasions, such as, infiltration in the form of proxy war indulged in by Pakistan, availability of more sophisticated weapons and gadgets to terrorists and other extremists, some sort of social acceptability of some kind of terrorist activities, etc. complicating the problem further. I would like to know from the hon. Home Minister the assessment of his Ministry, whether deficiency in the legal set-up or in the legal framework is standing in the way, or certain other factors are standing in the way of dealing with terrorist activities.

SHRI CH. VIDYA SAGAR RAO: Sir, definitely, there was a public resentment. There were some allegations also about the misuse of TADA. Therefore, this was allowed to lapse in the year 1995. Simultaneously, the Criminal Law (Amendment) Bill was also introduced. It was thoroughly discussed in the Rajya Sabha and there were some official amendments also. But we could not get a consensus over this Act.

Most of the Members felt that the escalating violence in various parts of the country must be curbed. It was felt that it would be proper if it was

referred to the Law commission. Therefore, it was referred to the Law Commission.

SHRI PRANAB MUKHERJEE: That means, you felt that there was a necessity of having a law. You felt it. This is the assessment that I want to have.

SHRI CH. VIDYA SAGAR RAO: No. To combat extremist activities, the present laws are not sufficient.

SHRI PRANAB MUKHERJEE: That's all.

SHRI CH. VIDYA SAGAR RAO: Though the provisions contained in the TADA was also correct because there were a number of Supreme Court decisions...

SHRI PRANAB MUKHERJEE: I wanted to hear that.

SHRI CH. VIDYA SAGAR RAO: ...and many safeguards were given to the TADA detainees. That was also affected..

SHRI PRANAB MUKHERJEE: That is what I wanted to hear.

SHRI CH. VIDYA SAGAR RAO: ...but the present situation is due to the escalation in the crimes, not only the proxy war, armed and well-equipped by the Pakistani intelligence people and infiltrators. There are also other dangerous situations prevailing in the country. We thought it better to refer it to the Law Commission with the twin objectives of not only to effectively deal with the situation but also to safeguard the interests of the accused.

DR. BIPLAB DASGUPTA: Mr. Chairman, Sir, I remember that the TADA Act was repealed when there were accusations of gross violation of civil rights and all that. Shri Chavan was the Home Minister at that time. His Secretary held consultations with various parties to substitute the TADA Act by a criminal procedure legislation. I remember that, at that time, I and my party told Shri Chavan that the replacement which was being suggested, which contained all the main features of the TADA Act, was even worse than the TADA Act itself. The minorities and other people also criticized it. Therefore, we opposed it and we suggested that—Shri Chavan is here; he can confirm it—if you want to go ahead with the Bill, you go ahead with the support of the BJP. The BJP was the only party which was supporting the Congress Party at the time on the replacement of the TADA Act by a Bill which was worse than the TADA Act. Eventually, the Government decided not to pursue

with the Bill. What I am asking is this. Now a new Bill has been prepared. I would like to know whether the Home Minister.

SHRI SANGH PRIYA GAUTAM: Sir, it is not correct. At that time, I was a Member of this House. I opposed that Bill. It is not correct that we supported the Congress Party.

DR. BIPLAB DASGUPTA: I would like to know from the Home Minister whether he is willing to hold similar consultations, as Shri Chavan held, with various parties about the draft which has been received from the Law Commission. Would he hold consultations with all the parties before taking any action to bring this legislation before the House?

THE MINISTER OF HOME AFFAIRS (SHRI L. K. ADVANI): Mr. Chairman, Sir, the hon. Member, Shri Biplob Dasgupta is correct in saying that in 1995 itself when the TADA Act was allowed to lapse, the Government allowed it to lapse principally because many States felt, many parties felt that, that particular Act, that particular legislation was being abused. But terrorism is still there. Therefore, a law is needed. Therefore, a Criminal Law (Amendment) Bill was introduced by the Government itself which allowed the TADA Act to lapse. But there were differences in the House on that. Therefore, that Bill has been pending in the Rajya Sabha—it is on record—since 1995. It is there. In 1997, the Government decided to refer the whole matter to the Law Commission. Instead of proceeding with that Bill, because of opposition in the House, they decided—it was not done by this Government—to refer the matter to the law Commission. In 1997, this matter was referred to the Law Commission. The Law Commission was asked to give a comprehensive report on this particular matter. It is this report that my colleague has referred to in his answer, which has been received by the Government only in the last week of April. Therefore, we have conveyed to the House that the report is under examination. In the meanwhile, there was a meeting of the Consultative Committee attached to the Ministry of Home Affairs in which a mention was made of the subject. I told them that in our next meeting I would discuss with them the report that the Law Commission has sent so that I can get the benefit of their opinion. We also proposed to send this report to various States and seek their opinion on it so that when we come forward with a Bill it should be on the basis of the interaction that we have with all the sections.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, this is a very serious issue which is agitating the whole country. On account of proxy war and on

account of certain groups believing that arms revolution was the only solution, a lot of violence is taking place and innocent people are being targeted, attacked and killed. And, we are not able to effectively deal with that because there is no effective provision in law; there are certain lacunae in the present law. Some people go to the extent of giving interviews wherein they mention that such and such people would be killed. These interviews are published. Interviews have been given that the Home Minister, Shri L. K. Advani, would be eliminated, that Shri Chandrababu Naidu, the Chief Minister of Andhra Pradesh, would be eliminated, that the Minister of State for Home Affairs, Shri Vidya Sagar Rao, would be eliminated. The basic risk is there. Such interviews are widely published in newspapers and nobody is able to take any action. My supplementary is: How soon will the Government come forward with the proposed legislation? This is the need of the hour. The country's security, the people's security, is more important than the liberty of some individuals. That being the case, will the Government assured that they will come forward with the proposed Bill, at least, in the next Session of Parliament?

SHRI L. K. ADVANI: I agree with the Hon. Member that the challenge of terrorist groups, whether international or domestic, is a serious challenge, it is a grave challenge in fact, the Law Commission has made an observation in its Report apart from the draft Bill that it has sent. They have stated: "The Commission concurs with the views expressed by various internal security experts that terrorism is not just a passing phase, and we may be held guilty by the future generation of dereliction of our duties in defending our society and its integrity if we do not have such a law, and that to, without any further loss of time." This is a very strong observation made by the Law Commission. Therefore, the Government is conscious of its duty. All that I said is that we would not like a Bill to be brought to the House which would create another kind of a debate and controversy as had arisen in 1995 when a Bill was introduced but was allowed to remain pending. We would like to have the views of all the sections of the House and see how best we can have a law which is effective, at the same time, provide for safeguards whereby that law cannot be abused, as the earlier law which made the Government and most of the other parties at that time to allow it to lapse. Both the safeguards have to be provided.

श्री स्वराज कौशल: चेयरमैन साहब, देश में आतंकवाद में 60 हजार लोगों की जाने गई, सैकड़ों और हजारों पुलिस अफसर इस आतंकवाद की लड़ाई लड़ने में मरे और आज जब

आतंकवाद की समस्या जैसे पंजाब में काफी हद तक हल हो गई है, सैकड़ों पुलिस अफसर अभी भी जेल में पड़े हुए हैं। पहले तो मैं यह जानना चाहूंगा कि उनकी संख्या क्या है और दूसरे, क्योंकि उन्होंने यह लड़ाई देश के लिये लड़ी है तो उनको प्रोटेक्ट करने के लिये और उन्हें रिलीज कराने के लिए सरकार क्या कार्यवाही कर रही है?

SHRI L. K. ADVANI: Mr Chairman, Sir, this is a separate question and I would need a separate notice.

श्री एस. एस. अहलुवालिया: सभापति महोदय, विद्वानों का ऐसा मानना है कि terrorism is an idea. You have to kill the idea by another idea. By killing a terrorist you can't kill the idea. And if the idea is alive, terrorism will continue to take birth. हम बार-बार चर्चा करते हैं कि टैरिज्म की उत्पत्ति का नया फिर्नामिना पाकिस्तान से आया और पाकिस्तान की मदद से इस नए फिर्नामिना के द्वारा लोगों को टैरिज्म करके उन पर अपना आधिपत्य जमाने की एक कोशिश है। उसमें हमारे भारतवासी, बेरोजगार नौजवान भटक जाते हैं, विभ्रान्त होकर उनके ट्रैक में पड़ते हैं, जिन हाथों में देश का निर्माण करने के लिये औजार होने चाहिये, उनमें हथियार आ जाते हैं और देश को टुकड़े-टुकड़े करने की कोशिश होती है। आज तक जितने भी कानून बने, वे टैरिज्म को या टैरिस्ट्स को डीटेन करने के लिये बने पर टैरिस्ट्स को रिफॉर्म करने के लिये जो नया बिल आ रहा है या टैरिज्म को रोकने के लिये, उसके प्रिवेशन के लिये जो बिल आ रहा है, उसमें रिफॉर्मेशन का कोई अध्याय होगा या नहीं, इसका चैप्टर जरूरी है क्योंकि ये आखिर भारतवासी हैं जो विभ्रान्त हुये हैं, गलत रास्ते पड़े हुये हैं और इनको वापस लाने का रास्ता हमें ढूंढना चाहिये। इसके बारे में सरकार क्या विचार कर रही है?

श्री लाल कृष्ण आडवाणी: माननीय सदस्य का कहना सही है कि केवल मात्र कानून के सहारे या सिक्वोरिटी फोर्सेस के सहारे टैरिज्म को समाप्त करना संभव नहीं है। इसी कारण हमने लगातार यह दृष्टिकोण अपनाया है कि जहां हम इंसाफ को सीमित करने के लिये कानूनी हथियारों का उपयोग करेंगे वहीं हम विकास के कार्यों द्वारा अधिक से अधिक रोजगार उपलब्ध कराएंगे। इसके साथ ही अगर कुछ ऐसे तत्व हैं जिनसे बातचीत करके उनके उस आइडिए को अलग किया जा सकता है जिस आइडिये के कारण उन्होंने टैरिज्म का रास्ता अपनाया, इन तीन सूत्रों को लेकर सरकार चलेगी। कानून में इस प्रकार की रिफॉर्म की व्यवस्था करना, मुझे नहीं लगता कि उसका कोई बहुत बड़ा उपयोग होगा।

SHRI EDUARDO FALEIRO: Sir, as the Home Minister has mentioned, TADA was repealed or lapsed in 1995, though it had lapsed about five years ago, there are still a large member of prisoners under TADA in different jails in the country. As far as I know, in Mumbai itself, there are more than 30 prisoners.

I would like to know how those people are still in detention under what law, and when a decision will be taken as to their ultimate fate.

SHRI L. K. ADVANI: So far as statistics and figures are concerned, I would be willing to give all the necessary details if a fresh notice is given. But, broadly, I would like to affirm that in this matter, the Supreme Court has taken cognizance of the fact and has directed the Government to review the cases of all TADA prisoners that has been done periodically and a large number of people who were under TADA earlier are now no longer behind bars. Some of them have been released, some of them are on bail. But the process TADA cases being reviewed is a continuing process which is being undertaken in accordance with the directions of the Supreme Court.

SHRI SHANKAR ROY CHOWDHURY: Sir, my question to the Home Minister pertains to three associated issues with the Bill to be discussed in parliament; which, I think, are required. But the associated matters are: firstly, the provision of law for federal crimes which one of our hon. Members in the Government benches raised the other day during discussion, and I think the discussion was inconclusive or it was turned down. Secondly, the provision of special courts for the terrorist activities which was there earlier, but, which has been singularly ineffective. Thirdly, on the question of safeguarding against the misuse of preventive detention, whether it is TADA or the earlier MISA or PD Act, the recommendations of the Old Dharmavira Commission which I think is, more or less, totally submerged. Are they also being studied?

SHRI L. K. ADVANI: The hon. Member's question about federal laws in a way prompted by the existence of such a distinction between federal laws, federal crimes and State crimes in some other countries of the world, as, for example, in the U.S. But all that I can say is that the Law Commission has taken into account the various laws in other parts of the world, in U.K., in U.S., against terrorism, as also the feed back it has got from different sections within the country at two separate seminars organised by them. It is on that basis that they have made this recommendation which as I said, is being examined thoroughly in the Home Ministry; and, in that course, process, we would also consider this particular proposal that has been put forth by the hon. Member and which has come up in the course of the discussions at various conferences.

SHRI ADHIK SHIRODKAR: Sir, the hon. Minister referred to the possible misuse of TADA, as it existed. The single most abuse was the confession. Under no penal enactment in India, confession is extrated except

under TADA, and that was the only way they accepted confession and started the prosecution case, based on confession. Ultimately, the Supreme Court intervened and observed that a prosecution under TADA cannot be initiated only on the basis of confession; it cannot be the basis of a prosecution. Would the hon. Minister consider all the judgments of the Supreme Court and other courts to find out what was the kind of abuse of that Act and see that the scope for such abuse, potentially, is not there in the new enactment? Thank you.

SHRI L.K. ADVANI: Sir, as I already said, one of the principal reasons why most of the States in the country, most of the political parties in the country, in 1995, came to the conclusion that it would be proper and prudent if this particular law, TADA which had a two-year time—it was extended in 1993 and it was to lapse in 1995; it would have been extended again, as it was extended three times earlier—was allowed to lapse, was its abuse in various matters, and in that course the particular aspect to which the hon. Member has drawn attention to, of initiating prosecution only on the basis of a confession, that was also indicated; and all these things would be born in mind and adequate safeguards would be provided, at the same time, ensuring that the new law is effective also. It is not just a cosmetic law. Only because there is no law to deal with terrorism at the Central level, therefore, a law should be brought, is not the intention. Today some States have enacted their own laws. In a way, during the last two years in various conferences of Director-Generals of Police etc. when they said that there should be a Central law, I used to tell them, if they felt so, then let that be done at the Central level because this was a Concurrent subject and they could have laws of their own in the States also. Some of the States have enacted such laws.

श्री सी.एम. इब्राहीम: क्या यह वही लॉ होगा जिसके अंतर्गत पहले मैं और आप जेल में थे? या यह लॉ इससे थोड़ा भिन्न है?

इस लॉ की अपीलिंग जो करीबन तीन महीने की है क्या आप चाहते हैं कि वह घटाकर तीस दिन की कर दी जाए? हमारे देश में टैरोरिज्म के अलावा कोई ऐसा कानून उन अधिकारियों या सत्तारूढ़ पक्ष के हाथ में न दिया जाए जिसका परिणाम एक बार देश भुगत चुका है। उसका मजा हम ले चुके हैं, आप ले चुके हैं। क्या इस लॉ में वही होगा या उससे अलग होगा?

श्री लाल कृष्ण आहवाणी: माननीय सदस्य को गलतफहमी है क्योंकि हम इस समय टैरोरिज्म के खिलाफ कानूनों की चर्चा कर रहे हैं प्रिवेंटिव डिटेन्शन लॉज की चर्चा नहीं कर रहे हैं,

मीसा की चर्चा नहीं कर रहे हैं। यहां टाडा की चर्चा हो रही है और टाडा की चर्चा के संदर्भ में मैं इतना ही कहूंगा कि सभी संबंधित लोगों से चर्चा करके, राज्यों से सलाह करके और लॉ कमीशन ने जो सिफारिश की है और जिस बिल को प्रस्तुत किया है उस पर विचार किया जाए।

श्री सी.एम. इब्राहीम: पुराने डिटेंशन पर भी चर्चा कर लीजिए।

श्री लाल कृष्ण आडवाणी: आप मीसा और टाडा को कन्फ्यूज कर रहे हैं।

श्रीमती जमना देवी बारूपाल: आदरणीय सभापति महोदय, मैं मंत्री महोदय से यह पूछना चाहूंगी कि हमारे राजस्थान में खाजुवाला एक सीमावर्ती क्षेत्र है। यह पाकिस्तान की सीमा से बहुत नजदीक सटा हुआ है। पाकिस्तान की तरफ से सूअर आते हैं और लघु किसानों की खड़ी फसल को नष्ट कर देते हैं। उनके लिए कोई सुरक्षा नहीं है। इसके लिए क्या प्रबंध किया जा रहा है?... (व्यवधान)...

MR. CHAIRMAN: This question is not relevant to this... (Interruptions)

श्रीमती जमना देवी बारूपाल: दूसरा सवाल मैं यह करूंगी कि वहां से आतंकवादी लोग भी आते हैं... (व्यवधान)

श्री सभापति: यह सवाल नहीं है आपका।

श्रीमती जमना देवी बारूपाल: टाडा का ही तो चल रहा है।

श्री सभापति: यह टाडा का नहीं है। Shri Aimaduddin Ahmad Khan.

SHRI AIMADUDDIN AHMAD KHAN (DURRU): I would like to know from the hon. Home Minister as to how many people were arrested under the TADA Act and how many were finally convicted?

SHRI L.K. ADVANI: Mr. Chairman, Sir, as I said, this question relates to the Law Commission's recommendations and the proposed new law. If there is a separate notice in respect of the earlier TADA, which was allowed to lapse in 1995, I would certainly reply.

SHRI GHULAM NABI AZAD: Sir, I wanted to raise this issue when the Minister was chairing a meeting. Unfortunately, when I raised it, he said, 'no discussion.' After that, for half-an-hour, a dozen people were called. It was in the Consultative Committee meeting. There I could not discuss it and here also, I cannot. Where is the forum then?

MR. CHAIRMAN: So many Members have put questions. We have spent half-an-hour on this. There is nothing special against you. (Interruptions)

SHRI GHULAM NABI AZAD: Sir, I know about TADA. In our Government, as a Cabinet Minister, I had opposed it. As the Home Minister said, I was one of the Cabinet Ministers who was against the continuance of TADA. We know where it pinches.

SHRI L.K. ADVANI: I did not make any comments on it. (*Interruptions*)

श्री जनेश्वर मिश्र: कैबिनेट में थे और आपने गोपनीयता की ओथ ली होगी। लेकिन आज आप खुले आम कर रहे हैं।... (व्यवधान)...

श्री गुलाम नबी आजाद: खुले आम तब भी बताया था।

श्री सभापति: आपने कुछ सवाल करना है?

श्री गुलाम नबी आजाद: मेरा सवाल यह है कि...

श्री संघ प्रिय गौतम: मुझे भी सवाल करने का मौका दें।

श्री सभापति: इसके बाद आपको भी मौका देंगे।

श्री गुलाम नबी आजाद: माननीय सभापति जी, जहां तक टैरोरिज्म का सवाल है उसके बारे में कम से कम वहां की स्टेट के सदस्यों को पूछने का मौका देना चाहिए। खेती वाले पूछते हैं टैरोरिज्म के बारे में और टैरोरिज्म जहां हैं वे पूछते हैं खेती के बारे में। इसलिए इस बारे में तो कम से कम माननीय चेयर को ध्यान रखना चाहिए।

माननीय चेयरमैन साहब, जहां तक आतंकवाद का सवाल है, हम सब आतंकवाद के खिलाफ हैं क्योंकि यह देश की एकता और अखंडता के खिलाफ है। लेकिन जहां तक गृह मंत्री जी ने कहा कि इसको कन्टिन्यू नहीं किया गया था, It was perceived as being against some people or some section of the people. It was being misused. It is true that it was being misused. Even when our party was ruling, there was a section of people which was against the continuance of this law. The reason was, it was being misused in most of the places. That is why we opposed it. I do not agree with my hon. Friend, Mr. Venkaiah Naidu, when he said, even if individuals are hurt, we should not bother about it. My friend should know that individuals make a nation. It is not only the rivers, stones and trees that make a nation. I think, without individuals and public, there is no nation. I think, that aspect has to be kept in mind. A mere okay in a Consultative Committee will not be enough.

SHRI M. VENKAIAH NAIDU: The point is, I had said that the nation is important. (*Interruptions*)

SHRI GHULAM NABI AZAD: I too say that, but without public, there is no nation. (*Interruptions*)

SHRI M. VENKAIAH NAIDU: People are being killed. Three hundred people were killed. (*Interruptions*)

SHRI GHULAM NABI AZAD: I would request the hon. Home Minister, merely making a mention of it in the Consultative Committee meeting is not enough. This is much more important. The leaders of all political parties should be taken into confidence before having anything on this.

SHRI L.K. ADVANI: Before introducing it, I would certainly like to consult the leaders of various political parties. In this Parliament, it is necessary that if an important bill of this kind is introduced, before that, if we are able to come to some consensus, it is always good. So, it is not merely discussed in the Consultative Committee. The matter did arise and, therefore, I said that I would discuss with you. I further say today that we propose to send the draft bill to the various State Governments for their opinion because they are the people who will have to execute it on the ground. Certainly, we will consult all political parties.

श्री संघ प्रिय गौतम: सभापति जी, बहुत से कानून ऐसे हैं जिनका उपयोग होता है, बहुत से कानून ऐसे हैं जिनका उपयोग नहीं होता और बहुत से कानून ऐसे हैं जिनका दुरुपयोग होता है। 'यडा' के बारे में यह कहा गया कि उसका दुरुपयोग हुआ। लेकिन यह नहीं कहा गया कि इसकी कोई धारा गलत थी। बल्कि मंत्री महोदय ने, राज्य मंत्री महोदय ने जवाब दिया कि इसकी धारायें प्रभावी थीं। लेकिन अभी जैसा कि गुलाम नबी आजाद जी ने भी कहा कि देश की जनता तो इससे बहुत खुश थी लेकिन नेता बोट बैक के कारण इसका विरोध कर रहे थे और यह कह रहे थे कि यह एक विशेष जाति और विशेष धर्म के ... (व्यवधान) ... महोदय, मैं आपके माध्यम से यह पूछना चाहता हूँ कि ... (व्यवधान) ... क्या यडा के उन प्रावधानों का जिनका दुरुपयोग बताया जाता है, उनकी संशोधित करके इस कानून को फिर से लागू नहीं किया जा सकता?

श्री दीपांकर मुखर्जी: प्रश्न तो आपने पूछना नहीं। ... (व्यवधान)

श्री सभापति: प्रश्न पूछ लिया है।

श्री लाल कृष्ण आडवाणी: आपने सवाल पूछ लिया है। यडा को संशोधित कर के एक संशोधित यडा लाने का कोई प्रस्ताव नहीं है। मैं इतना बता सकता हूँ कि जिस परिस्थिति में यह मामला लॉ कमीशन के पास 1997 में भेजा गया, उस परिस्थिति में लॉ कमीशन ने विचार करते समय यडा के प्रावधान भी देखे, जिस क्रिमिनल लॉ अमेंडमेंट बिल को यहां पर पारित नहीं किया गया, उसके प्रावधान भी देखे और दुनिया भर में जो टेरोरिज्म के खिलाफ कानून बने हुए हैं, उनके

[17th May, 2000]

RAJYA SABHA

प्रावधानों को भी देखा और उसके बाद भी संतुष्ट न हो कर के दो वृहद सेमिनार आयोजित किये जिसमें सब प्रकार के लोगों को आमंत्रित किया। उनके विचार सुन कर के उन्होंने एक रिपोर्ट दी है और ड्राफ्ट बिल भेजा है। उसको संशोधित टाडा कहना ठीक नहीं होगा। यह हमारा इरादा भी नहीं है।

*723. [The questioner (Shri Dilip Singh Judev) was absent. For answer vide page 23 infra.]

T and D losses due to cyclone in Orissa

*724. SHRI ANANTA SETHI:

Will the Minister of POWER be pleased to state:

(a) whether Government have assessed the damage sustained to transmission and distribution system in the State of Orissa due to cyclone of 29th October, 1999;

(b) if so, the details thereof;

(c) the steps taken to repair the damage; and

(d) what is the present position?

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM):

(a) to (d) A Statement is laid on the Table of the House.

Statement

(a) and (b) Yes, Sir. There was extensive damage to transmission lines equipment and distribution system resulting in disruption of power supply mainly in the coastal belt of Orissa.

The Government of Orissa has estimated the damage caused by the cyclone which occurred on 29th October, 1999 at Rs. 372.25 Crores.

(c) and (d) Power Grid Corporation of India Ltd. (POWERGRID) was entrusted with the responsibility of restoring the following lines:—

- 33 KV Bidanasi-Kalinga Line (to resume power supply to Cuttack city).
- 132 KV Cuttack-Jagatsinghpur line
- 132 KV Kendrapara-Paradeep line
- 132 KV Paradeep-Paradeep Phosphate line
- 33 KV Paradeep-Paradeep Port line