

SHRI P. A. SANGMA : Sir, I move :

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 1993

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : We shall now take up the Code of Criminal Procedure (Amendment) Bill, 1993. Shri S. B. Chavanji.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : I move :

"That the Bill further to amend the Code of Criminal Procedure, 1973, be taken into consideration."

There is an increasing realisation all over the world that acts of crime and terrorism are fast acquiring international complexion. This trend has been substantially facilitated by the rapid strides made in recent years in the field of transportation and communication. The nexus across countries between the perpetrators and supporters of crime and terrorism can be destroyed and the guilty brought to book only if the widest measure of cooperation is established between the actions of law-enforcing agencies of different countries. As a first step in this direction, an agreement between the Govt. of India and the Govt. of United Kingdom of Great Britain and Northern Ireland was signed in London on 22nd September, 1992 to cooperate mutually in the investigation and prosecution of crime and the tracing, restraint and confiscation of the proceeds and instruments of crime and terrorist funds. The agreement between contracting States provides *inter alia* for search, attachment and forfeiture of property derived from the commission of an offence, assistance in search and transfer of persons wanted for criminal activity, assistance in investigation and furnishing of evidence, etc. In order to implement this agreement it has become necessary to amend the Criminal Procedure Code.

The Bill seeks to amend the Code of Criminal Procedure, 1973 to provide for this.

I commend the Bill for consideration of this august House.

The question was proposed.

SHRI O. RAJAGOPAL (Madhya Pradesh) : Mr. Vice-Chairman, Sir, I will not say that the Code of Criminal Procedure (Amendment) Bill, 1993 has come too early. Now after the recent agreement between the Government of India and the Government of United Kingdom of Great Britain and Northern Ireland referred to by the hon. Minister, it has been found necessary to introduce this Bill. I support the objectives of this Bill. I do not know whether our agreement is confined to only Great Britain and Northern Ireland or it is applicable to all the countries. Even though the Statement of Objects and Reasons refers to only these countries, from the wording of the Bill it appears to me that it applies to all countries with whom we have no treaties on this subject. This treaty with other countries is absolutely essential.

Recently we had a very interesting case in the State of Kerala. A Keralite who was employed in a Gulf country had swindled away a few crores of rupees. Then, he came to India. The court in Kerala found him guilty. They have sentenced him to a few years in jail. They have asked him to pay Rs. 50,000 as fine. His photograph was published in all the newspapers. He was very happy. He was enjoying the whole thing. Though he had swindled away about Rs. 2 crores, he was fined only Rs. 50,000. He was enjoying the whole scene. It is a case where the whole property which he swindled should be forfeited and should be made available to the country which had lost it. This is an attempt by which such a provision is being made available in our statute also. Therefore, it is a welcome measure. I would like to see that such agreements are entered into with the various Gulf countries and other countries also. A number of people from India, specially from Kerala, are employed there and quite often, they commit

some crimes in those countries and then get back to India. In such situations, the countries concerned try to get at them. For instance, the UAE Government was trying to get at the gentleman who was convicted by the Kerala court as I said. But he was not released from this country. That situation has come in the way of our getting some of the suspects in the Bombay-blasts case. They have found a safe haven and there are problems in getting them back from those countries so that we can proceed lawfully against them. Therefore, such a provision as this is absolutely necessary. It should have come a little earlier. Anyway, it has come. Therefore, I welcome it.

SHRI PRAVAT KUMAR SAMANTARAY (Orissa) : Mr. Vice-Chairman, this is indeed a welcome Bill inasmuch as it gives protection to the innocent people who are kidnapped for offences committed by the State or by individuals. The Government is proposing that the people who are kidnapped or who are held to ransom ... (*Interruptions*).

SHRI S. B. CHAVAN : That is a different Bill.

SHRI O. RAJAGOPAL : There is a confusion because they are similar.

SHRI S. B. CHAVAN : I can understand it.

SHRI PRAVAT KUMAR SAMANTARAY : Sir, let me find out.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : All right. Mr. Giri Prasad can speak. No. Mr. Sukomal Sen is there. He has got priority. Mr. Sukomal Sen.

AN HON. MEMBER : It is going to be 4.30 p.m.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Let him start and continue till 4.30 p.m.

SHRI SUKOMAL SEN (West Bengal) : Sir, there is nothing to object in this Bill. The provisions are welcome. But the point is that the full provisions of the Bill are not clear. In the case of terrorists, the question of extradition is not properly clarified in the Bill. Otherwise, in the

other provisions, there is nothing to object. I would like to know from the hon. Minister ... (*Interruptions*).

SHRI S. B. CHAVAN : Mr. Sukomal Sen, I do not follow what exactly your first point is.

SHRI SUKOMAL SEN : We are discussing the Code of Criminal Procedure (Amendment) Bill.

SHRI S. B. CHAVAN : What is not clear in it ?

SHRI SUKOMAL SEN : We are discussing here the Code of Criminal Procedure (Amendment) Bill. Is it all right ? That is why I am pointing that in this Bill, you have made some provisions for amending the law to deal with the situation, perhaps, arising out of the extradition treaty. Is it not ?

SHRI S. B. CHAVAN : Yes.

SHRI SUKOMAL SEN : I would like to know from you though—you are in the Home Ministry, perhaps that relates to the External Affairs Ministry—the provisions of the Extradition Treaty between U. K. and India. They are not known because in the Bill they are not made clear, those which are relating to the Treaty between the United Kingdom of Great Britain and Northern Ireland and India. Now the terrorists are operating in various countries. The target is India but they are based in other countries like USA, Canada and West Germany. Now we talk about the Extradition Treaty between U. K. and India. I want to know what the provisions of the Treaty are. Since it is not only the case of U. K. and since many countries where the terrorists are operating are involved in it and the target is India, I would like to know what action Government has taken to have extradition treaties with other countries also.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Sukomal Sen, I think you can continue tomorrow. Now at 4.30 we have to take up

SHRI SUKOMAL SEN : Within one or two minutes I will finish. There is nothing much to say on it.

With other countries what is the division? What steps have you taken? This part, as you have amended, is welcome. I would only like to know whether you are thinking of comprehensive steps to be taken for having extradition treaties with other countries so that wherever the terrorists are operating, you can apply this Act against them and those countries can also cooperate with us, that is all I want to know. Thank you.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : The discussion relating to the Code of Criminal Procedure (Amendment) Bill will continue tomorrow. Now, we will take up the statement to be made by the Tourism Minister, Mr. Ghulam Nabi Azad

STATEMENTS BY MINISTER Crash of Indian Airlines Boeing 737 Aircraft near Aurangabad Airport on 26-4-1993

THE MINISTER OF CIVIL AVIATION AND TOURISM (SHRI GHULAM NABI AZAD) : Sir, the House is aware of the tragic accident to Indian Airlines flight IC-491 on 26th April, 1993 at Aurangabad.

The aircraft, with 112 passengers and 6 crew members, had just taken off from Aurangabad for Bombay. Before it could gain enough height, its wheel gear hit a high-rise truck, loaded with cotton, passing on the road close to the runway outside the perimeter wall at the eastern end. The landing gear of the aircraft broke off under the impact and the aircraft swerved to the left. Thereafter it hit a power transmission line and crashed in the field at a distance of about 7 km. from the airport. The aircraft broke into pieces and caught fire.

While 63 persons, including the pilot, the co-pilot and 2 other members of the crew have survived, it is a matter of deep regret that 53 passengers and 2 members of the crew lost their lives. 12 of the surviving passengers, who had sustained injury, were admitted to the local hospital, 3 of them left the hospital after first aid and the rest are recovering.

I visited the crash site along with senior officials of the Ministry and Indian Airlines and met some of the surviving passengers, including those in the hospital. Chief Minister of Maharashtra had also come over from Bombay and the State Government took all possible rescue and relief measures.

Special information cells have been set up at Delhi, Udaipur, Jaipur, Aurangabad and Bombay to provide information to relatives of the passengers. Arrangements have also been made for members of the bereaved families of Bombay, Jaipur and Udaipur to be taken to Aurangabad.

Compensation for loss of life in the accident would be paid at the rate of Rs. 5 lakhs for adults and Rs. 2.5 lakhs for children to the next of kin.

The available information and the situation, prima facie, do not indicate any sabotage. However, Government have decided to institute a judicial inquiry which will reveal full facts and circumstances of the unfortunate accident. DGCA has commended preliminary investigations.

The sorrow we feel on this sad occasion cannot be described in words. I am sure Hon'ble Members will join me in sharing the grief of the kith and kin of those who lost their precious lives in this unfortunate incident.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Vishvjit P. Singh.

SHRI SURESH KALMADI (Maharashtra) : How can it be, Sir? My notice is of yesterday.

SHRI VISHVJIT P. SINGH (Maharashtra) : I gave my letter yesterday.

SHRI SURESH KALMADI : I also gave my notice yesterday, Sir. You see the date. The date of my letter is yesterday.

SHRI VISHVJIT P. SINGH : See the time.

SHRI SURESH KALMADI : You see the time.