

[2 August, 2000]

RAJYA SABHA

ORAL ANSWERS TO QUESTIONS

Law Commissions's suggestions for New Terrorism Law

*141. SHRIMATI VANGA GEETHA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Law Commission has suggested a new terrorism law to fight the menace of terrorism;

(b) if so, the Salient features thereof; and

(c) the action proposed for an early legislation to fight terrorism more effectively?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHENNAMANENI VIDYA SAGAR RAO): (a) to (c) A statement is laid on the Table of the House.

Statement

The Law Commission of India has submitted its 173rd report on Prevention of Terrorism Bill, 2000. According to the Law Commission the draft bill seeks to provide Law enforcement agencies with suitable powers to deal effectively with the growing menace of terrorism in the country and also contains provisions for checking misuse of powers by the investigating agencies.

The salient features of the Bill include a comprehensive definition of terrorist acts, provisions for seizure, attachment and forfeiture of proceeds of terrorism; provisions for expeditious trial by special courts and protection of witnesses; investigation by officer not below the rank of Deputy Superintendent of Police or equivalent as also adverse inference as to accused in certain cases. Suitable safeguards against abuse of various provisions have been provided including confirmation of detention by Director General of Police and State Review Committees within ten and thirty days respectively, etc.

The Government has invited the views of all the State Government/UT administrations on the various provisions of the bill. The Government will hold consultations with political parties and other concerned agencies/groups before taking a final view.

SHRIMATI VANGA GEETHA: Hon. Chairman, Sir, the ISI-sponsored terrorism and proxy war has resulted in the death of about

35,000 civilians and security personnel in the country. 2,730 explosions took place in the country and more than Rs. 64,000 crores were spent in countering the ISI activities. Recently, we find terrorist activities are increasing in Telangana district of Andhra Pradesh where it has reached its peak. The State Government is unable to control it because of paucity of funds. Also, the terrorist activities have spread to peaceful areas like the coastal districts. For example, recently, there was a bomb blast in Guntur and Eluru in Andhra Pradesh. Central Government's assistance is required to control these activities. The country's sovereignty, integrity and security are also being threatened. Sir, my first supplementary is, what steps the Government is contemplating? Is it thinking of enacting a special law to deal with such a special situation, to curb terrorism and to try such cases in special courts? Even the UK and USA, which have less threat perception, have enacted such laws.

SHRI CHENNAMANENI VIDYA SAGAR RAO: Hon. Chairman, Sir, the Law Commission of India has submitted its 173rd Report on Prevention of Terrorism Bill, 2000. According to the Law Commission, the draft Bill seeks to provide more powers to the executing agencies to combat the naxalite and other kinds of terrorist activities. At the same time, it seeks to provide safeguards to the accused persons. As far as her anxiety about the various incidents which have occurred in Andhra Pradesh are concerned, Sir, we are fully assisting Andhra Pradesh; we are also providing assistance towards security-related expenditure and expenditure on modernisation of the police forces, we are sharing the intelligence inputs and we are giving suggestions to the States. As far as this Bill is concerned, we are going to take the views of all political parties and other concerned before giving a final shape to it.

SHRIMATI VANGA GEETHA: Sir, what action is being taken by the State Governments to fight terrorism, keeping in view the safeguards, in the light of the objections raised by the National Human Rights Commission to prevent abuse of power, besides provisions of granting bail, as suggested by the Supreme court? Is there any provision to deal strictly with terrorists of foreign origin committing terrorist acts on Indian soil?

SHRI CHENNAMANENI VIDYA SAGAR RAO: Sir, we are

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RAJYA SABHA

consulting, and getting information from the Human Rights Commission also. A final decision would be taken after consulting all concerned. In this Draft Bill, there are a number of safeguards given to the accused also. Therefore, after taking into account the suggestions, a decision would be taken about this Bill.

SHRI PRANAB MUKHERJEE: May I know from the hon. Minister whether it is a fact that some of the provisions in the draft legislation are so obnoxious that when it was informally discussed in the Consultative Committee attached to the Ministry of Home Affairs, most of the Members objected to it. In view of that, whether the Government is going to consult the political parties and the State Government and Union Territories on the basis of the proposed legislation by the Law Commission in its 173rd Report or, taking into account the view expressed by the Members representing a cross-section of political parties in the informal Consultative Committee meeting where they outright rejected. Whether the Government is going to bring in a new proposal, specially deleting with some of the proposed clauses.

SHRI NARENDRA MOHAN: The Consultative Committee has not rejected it. It was very much there. The issue was discussed but never rejected.

SHRI PRANAB MUKHERJEE: If you are a Member of the Consultative Committee, I will go by your advice, because this is my information. I am not a Member of the Committee. But some of the Members of the Committee told us that most of them have objected to it. Now, the Home Minister himself is the Chairman of the Consultative Committee. He is competent enough to controvert this fact. You need not come to his rescue. My information may be wrong. Why I am saying this is, the time-frame that you require is because of the view that under the ordinary law, it will be extremely difficult to punish the terrorists and, with the growing menace of terrorism, some more stringent laws are necessary. That is one perception and the other perception. Sir, is whatever stringent measures you have, keeping in view the approach we had towards TADA, keeping in view the views expressed by us in this House and in the other House about the misuse of the provisions of TADA by officers at the lower level, you have to strike a balance. That is why

I would like to know whether it is a routine consultation just on the basis of the proposals made by the Law Commission in its 173rd Report or the Government is going to modify it. And what would be the time frame by which the Government is expected to finalise this process of consultation?

SHRI CHENNAMANENI VIDYA SAGAR RAO: No time-frame can be fixed for this.

SHRI PRANAB MUKHERJEE: That is your problem. That is the problem.

SHRI CHENNAMANENI VIDYA SAGAR RAO: This draft Bill was discussed in the Consultative Committee. There were different views, and most of the Members have discussed this, but this was not at all rejected in toto. Some of the hon. Members had even appreciated certain provisions which were recommended by the Law Commission with regard to the safeguards given to the accused. For example, if an accused is arrested, immediately, the relatives of the accused would be informed of the arrest.

SHRI C.P. THIRUNAVUKKARASU: It is already there in the Cr. P.C.

SHRI CHENNAMANENI VIDYA SAGAR RAO: Yes, it is there. The second point is, the arrest must be confirmed within ten days by the Director General of Police; within thirty days, by the State Review Committee and, besides that, there were some objectives with regard to the confessions recorded by the police about the journalists. So, all were taken into consideration. After consulting all political parties, a final view would be taken in this matter.

श्रमती सुषमा स्वराज : सभापति जी, टाडा की समाप्ति के बाद से कोई भी विशेष कानून आतंकवाद से निपटने के लिए देश में नहीं है और इसकी आवश्यकता अनुभव करते हुए ला कमीशन ने इसकी अनुशंसा की थी। आज मंत्री महोदय सदन में कह रहे हैं कि हम सभी राजनैतिक दलों से बात करेंगे, राज्य सरकारों और यु.टी. गवर्नमेंट्स से विचार करने के बाद कोई फाइनल व्यू बनायेंगे। यहां गृह मंत्री जी बैठे हैं, मैं आपके माध्यम से उनसे कहना चाहूंगी कि बजाए इतनी लंबी प्रक्रिया अपनाने के क्या यह बेहतर नहीं होगा कि इसको संसद के सामने चर्चा के लिए लाया जाए ताकि बिल के प्रावधानों पर चर्चा हो। बहुत समय बीत गया है, इसलिए इस पर विस्तृत चर्चा संसद में करवाकर बिल की धारों में संशोधन सुझाए जाएं और उन संशोधनों

पर चर्चा करने के बाद जो संशोधन स्वीकार करना चाहे वह आम राय से करे। सभी राजनैतिक दलों के प्रतिनिधि संसद के अंदर हैं इसलिए यहां इस पर एक स्पेसिफिक चर्चा हो, बिल की धाराओं पर चर्चा और उसके बाद संसद में यह पारित हो, ऐसा करना क्या ज्यादा बेतर नहीं होगा बजाए कि इसके लिए इतनी लंबी प्रक्रिया अपनाई जाए और फिर उस पर फाइनल ब्यू बनाया जाए?

गृह मंत्री (श्री लाल कृष्ण आडवाणी) : सभापति जी, माननीय सदस्या ने जो सवाल पूछा है और जो सुझाव दिया है वह सचमुच अनोखा है। आज तक कभी कोई ओपन हेंडेड बिल लाकर उस पर सदन में चर्चा कराई गई है, अपना मत बनाए बिना, ऐसी कभी नहीं हुआ नहीं। माननीय प्रणब जी ने सही बात कही है कि आज जो सामान्य कानून बने हुए हैं वे टेररिज्म जैसा समस्या के लिए पर्याप्त हैं या उस के लिए कोई विशेष कानून चाहिए। इस पर दो मत हैं। यहां तक कि मैंने ह्यूमन राइट्स कमीशन की ओर से जो वक्तव्य देखा उसका भाव यह था कि जो आज का कानून है वह पर्याप्त है और इस के लिए किसी स्पेशल कानून की जरूरत नहीं है जब कि मुझे जितने लोग मिले, संसद समिति में भी मिले, सलाहकार समिति में भी मिले, अधिकांश लोग इस प्रस्तावित बिल से सहमत नहीं थे। उनमें से भी अधिकांश ने कहा कि स्पेशल कानून जरूरत तो है चाहे इस कानून में कमी है या उस कानून में कमी है। इसलिए मैं नहीं समझता हूं कि सरकार जब तक खास कर के पार्टियों की सलाह नहीं ले लेती, इस पर कोई निर्णय नहीं कर सकती है और बिना निर्णय किये हुए और मत बनाए हुए एक सामान्य कनसेंसस बनाए हुए हम सदन के सामने कोई विधेयक प्रस्तुत नहीं करना चाहते हैं। जानकारी के लिए मैं यह कहूँ कि पहली बार मुख्य मंत्रियों का एक सम्मेलन आने वाली पांच तारीख को बुलाया गया है मुख्य रूप से आंतरिक सुरक्षा के सवालों पर विचार करने के लिए और उसकी अध्यक्षता प्रधान मंत्री जी करेंगे और मैं भी उनके सामने यह सवाल रखने वाला हूँ कि क्या स्पेशल कानून की जरूरत है और अगर आपको स्पेशल कानून की जरूरत लगती है तो उनको यह भी कहूँगा कि संविधान के अनुसार, कानून के अनुसार आप चाहें तो आप भी स्पेशल कानून बना सकते हैं, यह कोई जरूरी नहीं कि सेंट्रल लॉ हो। एकाध प्रदेशों ने बनाए भी हैं जैसे तमिलनाडु जैसे प्रदेश ने टेररिज्म के खिलाफ कानून बनाया है। सभापति महोदय, मैं फिर से माननीय सदस्यों से कहूँगा कि जब तक सरकार अपना मन नहीं बना लेती तब तक ओपन ऐंडिड बिल डिसकशन के लिए सदन में आए, यह उचित नहीं होगा।

SHRI HANSRAJ BHARDWAJ: Mr. Chairman, Sir, I am surprised at the reply of the hon. Home Minister. The Home Ministry is responsible for administering all the major criminal laws, and it is the first duty of the Home Minister of the country to assess whether a special law is required or not. After he gets the inputs, he,

as the Home Minister of the country, must himself decide whether such a law is required. If, even at this stage, the Home Minister, with narco-terrorism going on in the country, is of the view that he has not made up his mind, it is highly disappointing. I would like to draw the attention of the House and would, particularly like to know from the Home Minister as to why the Government is shuttling between the Law Commission and the Human Rights Commission. The Human Rights Commission has a different area. As a Home Minister, you are well aware that the human rights activity is altogether different from prohibiting narco-terrorism. This has become so vast a manifestation of terrorism that it will make the governance of the country very difficult. If the Home Ministry is still not prepared, and is still going to the Human Rights Commission or any other commission, for that matter, it is your responsibility to see to it that proper laws are brought. It is not for the first time that the Chief Ministers have met. They met in 1993 also during the time of Shankar Raoji. We brought a special law. All that is required is, you kindly look into the report of the Royal Commission of England. They also had terrorism for a long time. The entire structure of our laws is based on the common law of England. Why can't you look into the American law? This is not simply going to result in violence. This is going to be a menace of drug trafficking, money laundering and other such menace. Before this country is engulfed, please act with haste, consult whomsoever you want, but don't run to the Human Rights Commission. They have no knowledge as to what is happening in the country. So, therefore,....

... (*Interruptions*)...

SHRI S.S. AHLUWALIA: How can you say that? (*Interruptions*)

SHRI HANSRAJ BHARDWAJ: If you don't like it ...(*Interruptions*)... If you don't like ...(*Interruptions*)... I am not going to yield ...(*Interruptions*)... Okay, leave it. (*Interruptions*)... Leave it. (*Interruptions*)... I am only ...(*Interruptions*) If the concern for human rights is such that we should not care for the sovereignty of the country, I will not share those perceptions. We have administered this very specific law while dealing with the problem in Punjab. The Home Minister, within his rights, should assess as to what rule of evidence is required. When the Supreme Court has

provided safeguards and guidelines, particularly in the Kartar Singh's case—it upheld this particular law—why are you vacillating, under the pressure of NGOs, etc.

SHRI L.K. ADVANI: Mr. Chairman, Sir, the Government is not at all vacillating. In fact, even the Law Commission—when it made this recommendation—took into account not only the need to curb crimes such as macro-terrorism, money laundering, etc., but it also kept in mind the fact that this is a democracy in which the rights of individuals have to be safeguarded and human rights cannot be trampled upon. We are a part to the Human Rights Convention and, therefore, all these factors together have to be kept in mind while framing a law. What I am keen about is, in respect of the provisions of the law, also on the need for a special law, there should be a broad consensus. Once there is a broad consensus that a special law is needed, if there are any shortcomings in the draft Bill proposed by the Law Commission that this kind of change should be made, then it would be easy for me to pilot the Bill in both the Houses because it is necessary that on issues like this... After all, I cannot forget that I might have been in favour of not allowing the TADA to lapse. I was in favour of that. But it was allowed to lapse because most of the parties which had been a party to the framing of the TADA, themselves felt that TADA, as it existed that time, was being abused and, therefore, it should be allowed to lapse. It was allowed to lapse and it went. Now, we would like to have a law which, on the one hand, deals stringently with the law-breakers; and, on the other, is not capable of being opposed by the Executive. We need that kind of a law. Now, what law should be there, I will certainly discuss with you.

† श्री शरीफ-उद्-दीन शरीक : यहां मैं जनाब होम मिनिस्टर साहब के साथ सहमत हूँ कि टेरेरिज्म को ज्यादा से ज्यादा जल्दी खत्म करने के लिए सारी जमातों की राय लेकर एक कानून बनाया जाए। इस में जल्दबाजी की मेरे ख्याल में जरूरत नहीं है और जल्दबाजी से कुछ खामियां रहकर हमें फिर परेशान होना पड़ेगा। पर दूसरी असल बात है कि हमारे पास कानून, क्वान्तीन की कोई कमी नहीं है। इंडियन पीनल कोड हमारा बहुत जामा कानून है। लेकिन कानून को

† Transliteration of the speech in Persian Script is available in the Hindi version of the Debate.

इंपलीमेंट करने वालों के साथ आपको निपटना पड़ेगा। कानून ठीक तरह से इंपलीमेंट नहीं होते हैं। जब हम टाडा के कानून की बात करते हैं, यहां से टेरोरिस्ट्स छूट जाते हैं। लेकिन दूसरे जितने भी कवानीन हमारे पास आए, कभी अदालतों में, कभी हवाला में, कभी किसी दूसरे, दूसरे में सब वहां छूट गए। तो एक कानून में ही दिक्कत नहीं है, कानून के इंपलीमेंट करने वाले किसी तरह से कानून को लेट डाउन न करने पाएं। लेकिन इस वक्त जो मुल्क में स्थिति बन रही है टेरोरिज्म से हमारे सेक्युलर ढांचे को, इस किले को गिराने की कोशिश हो रही है। इसको बचाने के लिए कानून की जरूरत है और जितनी जल्दी हो सके उसमें सोच समझकर एक ऐसा कानून आना चाहिए।

श्री लाल कृष्ण आडवाणी : उनकी इच्छा को ध्यान में रखा जाएगा।

† **श्री मोहम्मद सलीम :** सर, एक तो मैं आपका संरक्षण मांग रहा हूं। राज्य मंत्री जी ने जवाब दिया और हमारे कैबिनेट मिनिस्टर जी ने जो जवाब दिया, दोनों में स्वविरोध है। एक तो सुषमा जी के जवाब में मंत्री जी यह कह हैं कि सरकार अगर मन नहीं बनाती तो हम सदन के पास नहीं आ सकते थे इसलिए मीटिंग्स वगैरह हो रही है और स्टेट मिनिस्टर ने कहा कि कंसलटेटिव कमेटी मीटिंग में, जिसकी आपने भी पुष्टि की, हम ले आए और जिनका मत नहीं था वे भी आए और भिन्न धाराओं के बारे में चर्चा हुई। ऐसा कोई प्रसिडेंट नहीं है पार्लियामेंट में हमारे हिन्दुस्तान में कि कंसलटेटिव कमेटी में बिल के बारे में चर्चा हो। बिल इंट्रोड्यूस होता है उसके बाद स्टैंडिंग कमेटी में भेजा जाता है, चाहे स्पीकर भेजें चाहे चेयरमैन साहब भेजें। लेकिन कंसलटेटिव कमेटी मीटिंग में इसका मतलब है कि हमने एक लाबीइंग शुरू की है। इन्फार्मेशन फार कंसलटेटिव कमेटी में आपने लिखा भी है कि, कंसलटेटिव कमेटी किसलिए बनायी जाती है। सरकार अपना मत बता सकती है...(व्यवधान)... सुन लीजिए

श्री टी.एन. चतुर्वेदी : कभी कहा जाता है कि कंसलटेटिव कमेटी को पूरी इन्फार्मेशन नहीं दी जा रही है...(व्यवधान)...

† **श्री मोहम्मद सलीम :** मैं जवाब आपसे नहीं मांग रहा हूं। मैं फारमर होम सेक्रेट्री से नहीं मांग रहा हूं, मैं होम मिनिस्टर से मांग रहा हूं।

श्री टी.एन. चतुर्वेदी : आप होम मिनिस्टर से बात किजिए। मैं एक सदस्य हूं, आप भी एक सदस्य हैं...(व्यवधान)...

† **श्री मोहम्मद सलीम :** सर, कंसलटेटिव कमेटी किसलिए बनायी जाती है, यह उसमें निर्देश है। एक डिपार्टमेंट बनाता है — पार्लियामेंट्री अफेयर्स मिनिस्ट्री और उसमें आर्डर दिखाया जाता

† Transliteration of the speech in Persian Script is available in the Hindi version of the Debate.

है, सरकार अपनी दिशा बना सकती है, बता सकती है, मन बना सकती है कि हम क्या करने जा रहे हैं लेकिन बिल की धाराओं के बारे में चर्चा नहीं होती है, एक। अगर ऐसी कोई बात है तो एक प्रेसीडेंट बता दीजिए, आप हम से वरिष्ठ पार्लियामेंटेरियन हैं, मैं मान लूंगा, मैं करेक्ट हो जाऊंगा...(व्यवधान)... दूसरी बात, मैं अपने सवाल पर आ रहा हूँ। अभी शरीफ-उद्-दीन शरीक साहब ने भी कहा कि हमारे पास होस्ट आफ कानून हैं, बहुत हैं लेकिन कानून को जो लोग इन्फोर्स करेंगे उनकी पोलिटिकल विल और ईमानदारी से काम करने, अंजाम देने — शिकायतें इसमें आ रही हैं। होस्ट ऑफ टैरोरिस्ट आर्गनाइजेशन और टैरोरिस्ट तभी बनते हैं जब वे कानून के दायरे से बाहर जाते हैं। आप क्या समझते हैं कि कानून व्यवस्था करके आप उस से निपटेंगे? या आपकी चौकसी, आपकी कानून व्यवस्था की चौकसी, सैक्योरिटी अरेंजमेंट्स की चौकसी और उसके बाद कोर्ट में जा करके सजा दिलवाने के बंदोबस्त के बाद उसको आप दुरुस्त करेंगे? मैं होम मिनिस्टर से पूछना चाहता हूँ कि चार साल पहले एक बस में पाकिस्तान से औजार आए और दिल्ली पुलिस ने छापा मार करके हथियार पकड़े और लोग भी पकड़े, आज भी उसे कोर्ट में चॉर्जशीट दिए गए और वह भी अधूरे, पूरे नहीं हुए, तो इसके लिए कौन सा नया कानून चाहिए? सीआरपीसी के तहत भी, आईपीसी के तहत भी आपकी दिल्ली होम मिनिस्ट्री के अंडर आती है। आप क्यों नहीं सख्त बंदोबस्त करते हैं? क्या कानून का इंतजार कर रहे हैं कि और ज्यादा सख्त कानून आए तभी आप व्यवस्था करेंगे?

श्री लाल कृष्ण आडवाणी : यही दो विचार हैं। मैंने कहा कि बहस इस बात की होती है कि अभी जो कानून हैं वे पर्याप्त हैं लेकिन उनके इम्प्लीमेंटेशन में दोष है, नया कानून मत बनाइये, यह एक व्यू है। लेकिन दूसरा व्यू है, जो एनएचआरसी कहता है कि स्पेशल कानून जरूर होना चाहिए, हर हालत में होना चाहिए। इन दोनों अलग-अलग व्यूज को ध्यान में रख कर सरकार निर्णय करेगी और फैसला करेगी। उसमें स्टेट्स की भी सलाह महत्वपूर्ण है, क्योंकि इमप्लीमेंटेशन तो उनको करना है। अगर हमको लगता है कि इमप्लीमेंटेशन में दोष है तो उसमें ज्यादा बड़ी भूमिका राज्य सरकारों की है। इस लिए सब लोगों की सलाह ले करके ही हम निर्णय करेंगे।

SHRI SOLIPETTA RAMACHANDRA REDDY: There should be some time-frame, Sir.

SHRI L. K. ADVANI: After all, the law is there. And the law is regarded by many as being absolutely adequate; there is no need for a fresh law; there is no dearth of laws. Whether these laws are adequate or not, I have to see. We are weighing the pros and cons and we will come to a conclusion.

SHRI SHANKAR ROY CHOWDHURY: Sir, I share the views of the hon. Home Minister expressed elsewhere that normal laws are for normal circumstances and for abnormal conditions, there need to be special laws. As a matter of fact, in the Consultative Committee, which has been referred *to* by one of the Members, there was a proposal that let such a law be framed, but it should be applicable only to the areas the which have been declared as disturbed. That may be a via *media*. Of course, we have to consider the other views that a special law is not required. But if such a law is required, let it be applied to a confined area, already defined by the Disturbed Areas Act. Because the major objection is about its massive misuse by all party Governments, whether at the Centre or in the States. So, that has got to be curbed. I did suggest before the Dharmvira Commission Report—there was a fairly comprehensive set-up to judge the police activities of a State—in which the political parties and public people were involved*—that some such organisation could be set up because the major fear of all political parties across the spectrum is the possibility of its misuse, which has been repeatedly demonstrated.

SHRI L. K. ADVANI: Mr. Chairman, Sir, the hon. Member had given the suggestion there also. And my response was 'this can be considered*. Though the obvious flaw would be, if a terrorist—crime—for example—an explosion is committed in Delhi or in Bombay which are not declared as disturbed areas, it will not be applicable there. It will only apply to areas of the North-East and Jammu and Kashmir, which have been declared as disturbed areas. These are the shortcomings, but all these facts would be borne in mind when we come to a conclusion.

SHRI SANTOSH BAGRODIA: We are talking about TADA. In your statement you have mentioned about the protection of witnesses. I would just like to know how are you going to protect the victims. Because you must have seen how, in Assam, one Manager had been arrested—the case against TADA MD is still going on in Assam. I would like to know from the hon. Minister through you, Sir, that if a terrorist comes to my house what should I do. If I am robbed, you would say that I am collaborating with him. Or should I say 'you kill me but don't rob me.' What do I do? So, what

[2 August, 2000]

RAJYA SABHA

protection are you going to give to the victims, innocent victims, in Assam or anywhere else in the country who are being harassed by the Police? Sir, why I am saying this is because the Police is not able to catch the terrorists and it is only catching the victims, the innocent citizens of the country. My question is, what protection are you going to give them?

SHRI L. K. ADVANI: Sir, I think the problems of this kind need to be dealt with by a special law, but whether the provisions that are made in the special law will be able to deal with it or not, is a matter of assessment.

SHRI V. V. RAGHAVAN: Mr. Chairman, Sir, the entire nation stands united in dealing with these extremists and their cruel activities. In extraordinary situations, extraordinary steps may be necessary, and if a fresh law is necessary, we should not hesitate to bring in such a law. Sir, whenever the Home Ministry lists the extremist groups, it never misses to mention the left-wing extremists. We condemn every kind of extremism. We do not think extremism would solve the people's problem in any way. Sir, mighty mass movements, mighty militant mass struggles ...*(Interruptions)*... Don't be intolerant. Sir, my point is, when the Home Ministry list includes the left-wing extremists, how does it miss the armed gangs of the landlords? I would like to have a word from the hon. Minister on this. We all know the atrocities committed...*(Interruptions)*...

MR. CHAIRMAN: Please put the question. Don't make a speech.

SHRI V. V. RAGHAVAN: Sir, I would like to know from the hon. Home Minister as to why the Home Ministry does not mention the names of Raribir Sena and the activities of other such armed gangs in its list.

SHRI L. K. ADVANI: Terrorism and violence of any kind can have no place in a democratic set-up and society as well as the Government and the law are so designed as to deal with them effectively, whether it is casteist violence, whether it is communal violence, whether it is the ISI inspired violence or whether it is violence that stems from the failure to implement the land laws. Whatever it is; we have to deal with them and there is no question of discriminating between them.

SHRI FALI S. NARIMAN: Sir, I listened with great attention to all that has been said by the hon. Members, and particularly, by the hon. Minister. Whilst I do appreciate his great anxiety to maintain a balance, especially, since two expert bodies have opined a contrary voice, I would suggest that speed is of the essence. Since the two expert bodies, having all the information with them, have advised the Government in two different voices, would it not be appropriate, at the very start, to immediately try and reach some form of compromise between the National Human Rights Commission and the Law Commission so that there is some consensus on the basis of which the hon. Home Minister can certainly move? Thereafter, I would respectfully suggest that he moves fast; whatever the decisions; they are unfortunate decisions, but they have to be taken. Sir, why the TAD A was allowed to lapse was only because it was hopelessly implemented; 99% of the accused or 98% of the accused were acquitted. Now, if these measures cannot be determined by experts, and if they cannot provide a law by which it would be reasonably ensured that the guilty would not be acquitted, then I would respectfully suggest that these experts, rather than all political parties, which will be the second stage, should first be asked to sit together and get their house in order. They should tell us whether we need a law and what safeguards should be there in that law. Thereafter, I respectfully suggest you to move promptly. It is a difficult task. I have no ideal solution. I respectfully suggest, therefore, that we must move very, very speedily.

SHRI L. K. ADVANI: The hon. Member has given two suggestions—first, to interact with both the Law Commission and the National Human Rights Commission and try to strike a proper balance between the views expressed by the two, and, secondly, to do it speedily. I will keep it in mind, and the Government will proceed.

SHRI M. VENKAIAH NAIDU: Sir, this is an important issue that is agitating the entire country, there is more concern for the people who are violating laws. I am really wondering about this. On the one side are human rights, and on the other side are human lives. People seem to be more concerned about rights.

SHRI NILOTPAL BASU: Imputing motives is totally unnecessary. Sir, he is imputing motives...(*Interruptions*)...

SHRI M. VENKAIAH NAIDU: Sir, I have not made any reference to the views expressed in this House. I am worried that more concern is being shown for the people who are violating laws. Ten thousand people in Kashmir and twenty thousand people in the North-East, Punjab and other parts of the country have been killed. People are being killed every day, and these activities are on the rise. That being the case, I strongly feel that there is every need for a special law.

As somebody said, not only is a Bill required but the will also is required. Does it mean that the previous Governments of parties on that side or this side never had the political will? Actually, in spite of having the political will, the problem is persisting. It is such a massive challenge. It is not an ordinary thing. As rightly pointed out by Narimanji, not even 1 per cent of the people have been convicted so far. What are we doing to the helpless people? Condolence for the dead and compensation of the living. This being the case, every Member should really get agitated. If others are not getting agitated, I am not questioning them. Sir, you also have been mourning the death of people. Today morning also we have heard some such news.

These are the people who are waging a proxy war against India. So, ordinary laws will not suffice. That being the case, I want the Government to think in terms of a time-frame and to complete this exercise at the earliest. They are having the Chief Minister's meeting. Let them consult the Chief Ministers. Let them consult other political parties also at the earliest. Will the Home Minister give an assurance to the House that at least in the next session the Government will come forward with such a legislation with all the required safeguards for the people?

SHRI L. K. ADVANI: Mr. Chairman, Sir, the hon. Member's anguish is understandable. I am sure that many in this House share it. Certainly, the Government will endeavour to see that before the next session it is able to take a decision on how to proceed in the matter. If we have the view prevailing that no special law is necessary and that the present laws are adequate, I will inform the House

accordingly. If the consensus is in favour of the Government's broad view that a special law is needed for this kind of a special situation, by the next session, the Government will decide about it. As an hon. Member mentioned, it is not just a momentary difficulty. It is a continuing war, though a proxy war. So, for a war-like situation, a special law is needed. That is what I think. If there is a consensus on that and on what kind of law should be there, we will decide about it by the next session.

गावों में बारहमासी सड़कें

*142 श्री राज मोहिन्दर सिंह : †

श्री राजीव रंजन सिंह :

क्या ग्रामीण विकास मंत्री यह बताने की कृपा करेंगे कि:

(सू) क्या यह सच है कि देश में पचास प्रतिशत से अधिक गांव बारहमासी सड़कों से नहीं जुड़े हैं;

(सू) यदि हां, तो बारहमासी सड़कों से जुड़े गांवों की वास्तविक संख्या कितनी है;

(सू) क्या देश के गांवों का बारहमासी सड़कों से जुड़े होने के संबंध में कोई आकलन कर लिया गया है; और

(सू) यदि हां, तो बिहार, उत्तर प्रदेश, राजस्थान, हरियाणा और पंजाब में कितने-कितने प्रतिशत गांव बारहमासी सड़कों से जुड़े हुए हैं?

ग्रामीण विकास मंत्री (श्री सुन्दर लाल पटवा) : (क) से (घ) एक विवरण सभा-पटल पर रखा है।

विवरण

31 मार्च, 1992 तक विभिन्न राज्यों/संघ राज्य क्षेत्रों में सड़कों से जुड़े गांवों की संख्या से संबंधित जानकारी संलग्न तालिका में दी गई है। (नीचे देखिए) योजना आयोग ने अनुमान लगाया है कि 31.3.1997 तक 6,24,723 में से 3,53,287 गांव सड़कों से जुड़े हुए थे।

इस के पश्चात, बारहमासी सड़कों के जरिए गांवों को जोड़ने के संबंध में आकलन भी किया गया है जिसको ध्यान में रखकर एक राष्ट्रीय ग्रामीण सड़क कार्यक्रम (एन.आर.आर.पी.) तैयार किया जा रहा है।

† सभा में यह प्रश्न श्री राज मोहिन्दर सिंह द्वारा पूछा गया।