

[Shri B. Shankaranand]

Scheduled Castes people are exploited. Not only the Scheduled Castes people are exploited, but the concessions, the assistance given by the Government to the Scheduled Castes people is also exploited. I can only assure the House that the economic interests of the Scheduled Castes will be taken care of by the Government.

SHRI V. NARAYANASAMY :

It should be considered while framing the rules.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Now the question is :

"That the Bill to prohibit *benami* transactions and the right to recover property held *benami* and for matters connected there with or incidental thereto, be taken into consideration."

The motion was adopted

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Now, we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 9 were added to the Bill.

Clauses 1 the Enacting Formula and the Title were added to the Bill.

SHRI B. SHANKARANAND :
Sir I move :

"That the Bill be passed."

The question was put and the motion was adopted.

PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES BILL, 1988

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI AJIT PANJA) :

Sir, I seek the leave of the House to move :

"That the Bill to provide for detention in certain cases for the purpose of preventing illicit traffic in narcotic drugs and psychotropic substances and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, as the hon. Members are aware, India has been facing the problem of transit traffic in illicit drugs which has been escalating in recent times. The spill-over from such traffic has been causing problems of abuse and 3-00 P.M. addiction as cutnote. There have been indications that this trend has created an illicit demand for drugs and that this may lead to increased diversion of opium from illicit growing areas to opium poppy. Sir, the Government being concerned with the developing drug situation have taken a number of legislative, administrative and preventive measures which have resulted in checking the transit traffic to a considerable extent. However, increased internal drug traffic, diversion of opium from illicit growing areas and attempts of illicit manufacture of drugs within the country threaten to undermine the effects of the counter measures taken. Further, drug traffickeers often succeed in obtaining bail on minor technical grounds enabling them to continue their illicit activities.

Keeping in mind the magnitude of the threat from drug trafficking from the Golden Crescent region comprising Pakistan, Afghanistan and Iran and the Golden Trianglen region comprising Burma, Thailand and Laos and having regard to the internal situation, the Prime Minister gave a 14-point directive on April,

8, 1988 as a new initiative to combat drug trafficking and drug abuse. The Prime Minister also constituted a Cabinet Sub-Committee under the Home Minister to oversee and coordinate working of different Ministries and steps taken to intensify the fight against drug abuse and trafficking. The Cabinet Sub-Committee felt the need for enactment of a preventive detention law for drug traffickers for supplementing deterrent penal provisions of Narcotic Drugs and Psychotropic Substances Act, 1985. Accordingly, the Prevention of illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 has been promulgated on 4-7-1988.

Sir, the present Bill before the House seeks to replace the Ordinance and by and large contains the same provisions as contained in the Ordinance.

Sir, a doubt may arise as to the necessity of the new law when the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 commonly known as COFEPOSA Act, is already available. I may mention that under the COFEPOSA Act, only such persons as are indulging in smuggling can be covered. Unless it can be proved that the activities of the persons indulging in drug trafficking constituted smuggling within the meaning of the expression in the Customs Act, 1962, it is not possible to use that Act against a large number of traffickers. Further, it has also not been found appropriate that situations covering internal traffic should be covered in an Act which covers matters of international ramifications. It has, therefore, been considered necessary that an additional legislation should be framed for preventive detention, covering all aspects of drug trafficking. In the Bill, it is proposed to define drug trafficking to include cultivation, production, manufacture, possession, sale, purchase,

transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transshipment of narcotic drugs or psychotropic substances, financing of drug trafficking, harboring of persons engaged in drug trafficking, abetting or conspiring in the furtherance or in support of doing any of the aforesaid acts.

Sir, as it was necessary to take urgent steps to check drug trafficking, it was thought fit that the proposed law should take immediate effect and should be promulgated as an Ordinance. It was also apprehended that the introduction of legislation in Parliament in the normal course and the normal time-lag involved in making an enactment would alert the drug traffickers, who might go under ground and elude the enforcement agencies. In these circumstances, the Prevention of illicit Traffic in Narcotic Drugs and Psychotropic Substances Ordinance, 1988 was promulgated on 4-7-1988.

The main provisions of the Bill are as follows :

(1) The officers specially empowered by the Central and State Government shall be vested with the powers to issue orders of detention of any person (including a foreigner) with a view to prevent him from engaging in illicit traffic.

(2) The orders of detention issued for a person invoking two or more grounds shall be deemed to have been made separately on each such grounds so as to prevent such orders from being rendered invalid or inoperative merely because one or some of the grounds is/are vague, non-existent, not relevant not connected or for any other reason whatsoever.

[Shri Ajit Panja]

(3) Suitable provisions have been made for apprehension and detention of the absconders.

(4) Provisions have been made for the constitution of Advisory Boards by both the Central and State Governments, as prescribed under Article 22 of the Constitution of India, to whom a reference in respect of the detenu is required to be made by the appropriate Government within five weeks from the date of detention.

(5) The Advisory Board is required to give its report indicating its opinion specifically whether there exists sufficient cause or otherwise within eleven weeks from the date of detention of the person concerned.

(6) Provision for detention of persons for longer periods than three months without obtaining the opinion of the Advisory Board in area categorised as 'highly vulnerable, to illicit traffic has been made. Such areas have been defined appropriately.

(7) The maximum period of detention in such areas is for two years and in areas other than those categorised as highly vulnerable' to illicit traffic is for a period of one year.

(8) Provision also exists for temporary release of persons detained on furnishing necessary bond with sureties and observance of the conditions specified in this behalf.

Sir, the Ordinance which is proposed to be repealed by this Bill has already proved to be an effective tool in fighting the drug problem. In about six weeks time already 168 detention orders (including detention orders in respect of 19 foreigners) have been issued and 144 persons have been detained and

of these 108 were against persons involved in internal traffic.

Sir, the fight against the drug menace is a continuous one and Government have been taking appropriate steps to combat the illicit traffic in drugs. The present litigation, I am sure, would be another important steps in this regard. I have no doubt that this August House will fully support the Governments' efforts in this direction.

The question was proposed.

CHOWDHARY RAM SEWAK (Uttar Pradesh) : Mr. Vice-Chairman, I rise to support the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988. I congratulate the Government and the honourable Minister for having brought forward this very essential Bill. Narcotic and psychotropic and psychotropic substances are substances other than food which produce a change in the physical and mental functions of a person. The victims of narcotics and drugs are lured into the drug habit, under the temptation that it will relieve tension and produce a feeling of happiness, pleasure and wellbeing. Once lured the victim becomes an addict and soon reaches a state of mind where the drug becomes his necessity for maintaining his normal sense of physical wellbeing. This physical dependence leads to psychological dependence and the drug habit takes control of a person's thoughts and emotions and all other activities. The addict develops an intense craving for the drug. Every dose produces an immediate bout of satisfaction and an urge for more and more higher doses and then starts the downfall of the victim. It has been established by experience that drug addiction completely enslaves the mind of the victim, destroys his will power and the power to think in a rational manner

If the addicted person is not quickly weaned away from the drugs, the person dies within a period of six to seven years of drug addiction. As the House is very well aware, illicit traffic in narcotic drugs is eating into the vitals of our nation and is destroying our youths. Schools, colleges, offices, street corners, bus stops and brothels serve as hunting ground for the drug traffickers and peddlars who pick their victims with extreme cunning, generally concentrating on the more impressionable and vulnerable youths.

Sir, as the House is aware, nearly three years ago, Parliament passed the Narcotic Drugs and Psychotropic Substances Act. This Act replaced the antiquated Central laws, namely, the Opium Act, 1957, and the Opium Act, 1978, and the Dangerous Drugs Act, 1930, which hardly checked the menace. After the 1985 Act, which has enhanced the punishments, one comes across glaring headlines in the newspapers loudly shouting, "Kingpin drug mafia arrested", "Crores of rupees worth heroin seized", "Hashish worth lakhs concealed in the truck", "Farmhouse raided for drugs concealed underground", etc., etc. These are all big words. But the drug menace has increased by leaps and bounds. Most courts have acquitted the kingpins and the Mafia leaders. During the last three years, more than ten thousand raids were carried out, drugs and narcotics worth crores of rupees were seized and prosecutions launched. But, do you know, Sir, that according to the recent figures given to this very House by the honourable Minister of State for Finance, only 900 cases led to conviction. This does not even come to one per cent of the cases apprehended. It is obvious that something has gone wrong with the prosecution. Perhaps the witnesses were bought over; perhaps deliberate

loopholes were left in the prosecution; or perhaps the Act of 1985 was not adequate to meet the needs of the situation.

Sir, I am glad that the Government has realised that the problem has not been adequately tackled and the loose ends have to be tied up so that the menace is stamped out. Only recently, on the 23rd August, 1988, the honourable Minister, the present Minister of State for Finance, Mr. Ajit Panja, informed the Rajya Sabha that very soon a new legislation would be placed before Parliament which would provide for more stringent measures including imposition of death penalties for drug smuggling and drug trafficking. Sir, the Bill now before Parliament may be treated as the first instalment of a comprehensive legislation. It provides for the detention of persons engaged in illicit traffic in narcotic drugs and psychotropic substances. The Bill recognises the existence of areas where the drug Mafias engage themselves in illicit trafficking in drugs and also refers to the serious threat to the health and welfare of the people and also the serious threat to the national economy.

Sir, drug trafficking today is the most powerful generator of black money. The illicit traffic in drugs and narcotics in India deals with some of the source products like bhang, opium and ganja, which are grown and produced in India as well as in the neighbouring countries of Pakistan, Afghanistan, the Chitral area of North-West Pakistan, Nepal, etc., for which India has become a distribution centre as well as a transit zone. Other narcotics and drugs like cocaine and heroin enter India through the countries of Golden Triangle and the Golden Crescent. The major source areas for heroin are Thailand, Burma and Cambodia (Campuchia) in the East, and Pakistan and Afghanistan in the West.

[Chowdhary Ram Sewak]

The conduit of the East are Hong-Kong, Singapore, Malaysia and Sri Lanka. From the Western side, Nepal, Chitral are the major supply centres.

The Narcotic traffic passes through the Indo-Pakistan borders into three Indian States, Rajasthan, Gujarat and Punjab. The Nepal traffic passes through U.P., Bihar and Sikkim. The Punjab drug traffic passes through Delhi while the Rajasthan and Gujarat Drug traffic directly reaches Bombay which has the advantage of a Sea Port as well as Airport for further outward journey, whether it is to Africa, Europe or America. That explains how the largest and more frequent detections have come through Sahar Airport in Bombay and the next largest in Delhi.

The danger of Drug addiction today is bigger than any other danger which our country has faced in the past. This is because drug addiction destroys our youth and weakens our will for any other achievements which make a country great. Today we are strong enough to meet the danger of any foreign aggression which is apparent from the fact that after 1971, none of our enemies have dared to attack us.

We have successfully launched big programmes to tackle the problems of unemployment, poverty, illiteracy and social development. Today we are considered amongst the 10 industrial advanced countries of the world. We have the largest pool of technical manpower in the world. We are not only meeting our own needs of qualified technicians but we possess the largest pool of technical manpower which we are in a position to export to the rest of the world. This not only contributes to the prosperity of the other countries but also brings considerable glory to us and earns valuable foreign exchange.

However, we must warn ourselves that if we fail to stamp out drug menace and save our youth, all avenues of our prosperity may get choked. Trafficking in Drugs and Narcotics is a world problem today and most countries of the world are adopting numerous measures to tackle the problem. The SAARC countries of the Indian Sub-continent have unitedly risen to tackle this problem through coordinated programmes. Countries like Malaysia and Indonesia have come out with stringent measures like death penalties to curb the menace.

The global ramification of the problem have been exercising the United Nations and a world wide movement has come up under the auspices of the United Nations. However, the Drug Mafia is very powerful and strong and very resourceful. This Mafia has even dared to offer to some of the countries under the Debt Trap that their entire national debt would be paid by the Mafia in exchange for freedom of drug traffic and peddling. The high cost of some of the Narcotics and Drugs in the international market is mind-wobbling. What starts from Afghanistan, Pakistan, India, Burma and Thailand at the rate of a few rupees for 10 grams fetches more than one lakh in the foreign market. And that also in precious foreign exchange, whether it is the dollar or the pound or the Deutschmark. Even in India, the local peddling of Drugs and Narcotics brings quick money. Normally in India, Smack sells in Delhi for anything between Rs. 30 and Rs. 70 per gram but Drug Addicts undergoing De-addiction at various centres by voluntary organisations like Association for Social Health in India have confessed that they had sometimes to pay Rs. 50 for just one cigarette of smack which has less than a quarter gram of smack in it.

A police official, explaining the *modus operandi*, recently disclosed that a retailer disposings his smack stock through his agent normally charges Rs. 17,000/- to Rs. 18,000/- per kilogram from the agent who buys between five to ten kilograms in one transaction. Smaller dealers in the city buy between 2 to 4 Kilograms from the retailers at around Rs. 25,000/- per kilogram. These are then converted into innocent looking little packets of 5 to 10 grams for selling to the public. In the city of Delhi alone, according to conservative police estimates, the daily consumption of smack alone is 10 to 20 kilogram. Reportedly, the autorickshaw drivers and some police constables are the largest number of smack addicts in the capital, followed next by unemployed youth and students. Often enough, the young users take up to peddling to meet their own needs for more money.

THE VICE-CHAIRMAN
(SHRI JAGESH DESAI): How much more time will you take ?

CHOWDHARI RAM SEWAK:
Only two or three minutes more. As we have already been promised, a more stringent Bill is likely to come up before the Parliament. But the question arises whether provision of stringent punishment alone is the answer to such a problem. Often enough, such provisions merely decorate the enactments passed by the parliament and make them look more free. I think it would be necessary to set up special courts for dealing with smugglers and drug traffickers so that trials are not prolonged and culprits are brought to book as early as possible.

The Members of Parliament are never given any feedback about how the laws passed by them are implemented and what problems have been faced in their implementation.

There should be a machinery in the Parliament either by setting up of a permanent Parliamentary Committee or otherwise which should monitor the implementation of laws which have a tremendous bearing on social and economical life of the country and on the health of the society as a whole in such matters. I would request the Government to initiate a proposal of setting up a Parliamentary Committee to monitor the implementation of such important Acts dealing with crimes organised by *mafia* which affect the well-being of our youth and lead to exploitation of the weaker sections.

With these remarks, Sir, I support the Bill and congratulate the Minister for bringing this Bill before the House.

SHRI VISHWA BANDHU GUPTA (Delhi): Mr. Vice-Chairman Sir, after the very scholarly, detailed and eloquent speech of my learned friend, Chowdhary Ram Sewak, there is very little left to say in support of this very nice and courageous Bill brought before the House by the Government. Sir, Chowdhary Sahib has already said that the problem in the country and in the city of Delhi is a very serious one. In Delhi alone, there are over 100,000 young people, boys and girls, who are addicted to drugs. Sir, various methods have been found and various efforts have been made to try to curb this menace. However, it has to be seen in the light of its international character. The countries of the world who have been most affected are perhaps the very rich countries. But in their wake, they have also taken the third-world countries like India with them because these countries are now being used as routes to the rich countries of the world.

[Shri Vishwa Bandhu Gupta]

Sir, my hon. friend has mentioned as also the hon. Minister, about the Golden Triangle and the Godden Crescent. In earlier times we used to read in history books about these routes being used as silk routes for trade in such nice things as foodstuffs, condiments, etc. But, Sir, who these routes have become routes of disease, drugs and ultimately death. These are the very routes which are being used by different people now for traffic in drugs and other materials which are greatly injurious to health and which sap the energy of the nation. I think, the minimum that the hon. Minister has suggested in terms of a preventive detention for people engaged in this criminal activity is something which as to be considered in the light of the damage they do. Therefore, Sir, there is no reason why the Government should not take preventive steps for detaining such people. And also, Sir, there is a provision in the Bill for Advisory Boards. I think, that is what the Minister has stated that there are Boards to prevent Misuse in the case of people who might be detained unnecessarily in this regard.

[The Vice Chairman (Shri H. Hanumanthappa) in the Chair]

Sir, I think, the problem of durgs which has again and again been debated in this House has to be tackled on both the fronts. I don't think that legislation alone is going to solve the problem. Of course, legislation and deterrent punishment is of great help and is absolutely necessary. But at the same time, a geat thrust should be made on education, education of the young people, education of the people who are engaged in this drug trafficking. At the same time, Mr. Vice-Chairman, Sir efforts should be made to de-addict those people who have already been hooked. There are people who are willing to get out of the habit but they cannot

get out of that habit because they do not have sufficient support from the Government, from the hospitals, from the social welfare organisations and perhaps, as my friend has said, even from the feed back from the Members of Parliament.

Mr. Vice-Chairman, Sir, the drug problem should be treated in the same way as we are treating the problem of say, family planning or the core problems which are facing the nation. Therefore, I am all support for this Bill to see that whatever stringent measures the Government can think of, they can go even further than this, and I hope the hon. Minister will kindly keep this in mind that a single child from the family having taken to drugs becomes a great menance and becomes a tragedy for the family and the nation. Therefore, Sir, I request the hon. Minister to take very stringent measures, even further measure if necessary.

With these remarks, Sir, I support the Bill.

SHRI JAGESH DESAI (Maharashtra) : Mr. Chairman, Sir, I welcome this Bill. I am not going to make a very long speech. But I want to bring to the notice of the hon. Minister one point regarding the reward scheme. Sir, once I was travelling in a train and coming from Bombay. And one of the top most officials of the Customs was with me in the train. And my nature being such, I wanted to know what is happening in his Department, how were the things going on. And when I discussed with him regarding the reward scheme, he told me that our officers are prepared to risk their lives in catching the smugglers who bring gold and other contraband goods, but they are not prepared or they are not given that incentive to catch the smugglers of drugs. I asked why? Once I was here in Delhi in the Vigyan Bhavan when the prize

distribution ceremony was going on to reward the customs and excise officers and other. I was so glad that these officers, even topmost officers and lower officers, they risk their lives in order to check smuggling and catch hold of smugglers, and to get at them they have to risk their lives. When I asked him why they are not prepared to catch the smugglers of these drugs and others, he said, we do not have enough testing laboratories because if the reward is to be given then testing is to be done for that purpose and on that basis the amount is fixed and then they are given the reward. Sir, testing takes one or two years. I would like to know from the hon. minister how many samples of these drugs were given for testing in the last one or two years after you started the reward scheme. I think the reward scheme was started only on that day. I am very happy to say that it was done at my instance. The Minister agreed and the reward scheme was announced for drugs. But now I would like to know from the hon. Minister how many samples of such drugs were given for testing how many of them have been tested, what time has been taken and how many people who have caught these smugglers, have been rewarded. I feel that we must have more testing laboratories for this purpose and we should see that wherever eligible the officers get the rewards and incentives otherwise they like to catch only smugglers of gold and other things. That is why, Sir, I took the opportunity to bring this to the notice of the Minister so that something can be done. Those who want to work for that purpose also should be given incentive. Then only your whole Act and all the measures which you are contemplating, will succeed. Otherwise, whatever you do will not succeed. Thank you.

श्री सुरेन्द्रजीत सिंह अहलूवालिया :
(बिहार) : उपसभाध्यक्ष महोदय, मैं स्वापक औषधि और मनः प्रभावी पदार्थ अवैध व्यापार निवारण विधेयक 1988 का समर्थन करने के लिए खड़ा हुआ हूँ।

महोदय, मेरी विचार धारा मेरे पूर्व वक्ताओं से जरा हटकर है। मैं समझता है कि कोई साबुन बनाता है, तेल बनाता है, कपड़ा बनाता है, और कोई रेडियो टी०वी० बनाता है और उसके प्रचार के लिए उसे काफी पैसा खर्च करना पड़ता है। परन्तु यह एक ऐसा व्यापार है जिसके लिए उन्हें कोई पैसा खर्च नहीं करना पड़ता इस व्यापार का प्रचार हमारे टी०वी० और सिनेमा करते हैं।

महोदय, इस बात का दुर्भाग्य है जब मेरे छोटे-छोटे बच्चे मुझे पूछते कि "पापा आपने कभी ब्राउन सुगर खचा है।" "महोदय, मैं कलकत्ता विश्वविद्यालय में पढ़ा हूँ। वहाँ होस्टल में रहता था, परन्तु अफीम चरस, हिरोइन या ब्राउन सुगर क्या होती है यह मुझे नहीं मालूम था परन्तु इस टी०वी० के माध्यम से आज हमारे बच्चों को और हमें मालूम है रहा कि ब्राउन सुगर नाम की कोई चीज है जिसे खाने से आदमी मदमस्त हो जाता है। सिर्फ यही नहीं आज हमारा सिनेमा क्या सिखाता है, दम मारी दम, मिट जाए गम"। यह हमारा सिनेमा सिखाता है, कि कि दम खोंचो और गम को भूल जाओ। महोदय, गम जो आज के जमाने में किशोरावस्था में हो या युवावस्था में, हमारे साथ लगे हुए है। हमारे मुल्क में साढ़े 3 करोड़ नौजवान बेकार पड़े हैं। यह बेकारी की समस्या उन्हें फ्रस्ट्रेशन की तरफ ले जाती है और यह फ्रस्ट्रेशन उन्हें इन रास्तों को अपनाने के लिए मजबूर करता है।

उपसभाध्यक्ष महोदय; यह बिल लाने से व्यापारियों को कोफेपोसा में बंद करने से इस व्यापार को नहीं रोका जा सकेगा इस व्यापार को रोकने के लिए इस का उपयोग करने के लिए आदमी के अंदर जो रोमांच पैदा होता है उस रोमांच को

[श्री सुरेन्द्रजीत सिंह अहलुवालिया]

रोकने की जरूरत है, उस कोशिश को रोकने की जरूरत है और मैं समझता हूँ कि एक सामाजिक परिवर्तन की जरूरत है और मैं इसके साथ-साथ बताना चाहता हूँ कि इसके पीछे जो विदेशी चक्रान्त जुड़े हुए हैं क्योंकि किसी भी मुल्क का युवक उस मुल्क की सम्पत्ति होता है। किसी भी मुल्क का युवक उस मुल्क के भविष्य का कर्णधार होता है। उस युवक को बर्बाद कर देना ही मुल्क की बर्बादी का कारण बन सकता है। और उपसभाध्यक्ष महोदय, मंत्री जी ने अभी अपने वक्तव्य में बताया कि यह व्यापार बर्मा के बार्डर से और पाकिस्तान के बार्डर से सबसे ज्यादा होता है। आप ध्यान दें कि इससे पहले भी मैं कई बार कह चुका हूँ कि पंजाब में उग्रवाद का कारण पंजाब का कोई मसला है या नहीं, मैं उस पर डिटेल् में नहीं जाना चाहता, पर पंजाब पर आज उग्रवाद का कारण यह नारकोटिक्स तस्करी जरूर है। पाकिस्तान से 6 हजार करोड़ रुपये की तस्करी होती है नारकोटिक्स की और उपसभाध्यक्ष महोदय, आप आश्चर्य चकित हो जाएंगे कि हमारी सरकार बहुत गंभीरता से इस विधेयक को पास करने के लिए तैयारी कर रही है किन्तु आपने यह विचार किया है कि आपके पास नारकोटिक्स बोर्ड बने हैं या नारकोटिक्स समितियाँ बनी हैं किन्तु क्या उनके पास अपनी पुलिस है? आपकी नारकोटिक्स बोर्ड या नारकोटिक्स प्रिबेंशन के लिए कोई अलग पुलिस नहीं है। यह स्मगलर्स करते क्या हैं? आपने आए दिन अखबारों में देखा होगा कि आए दिन पंजाब के बार्डर पर कभी 100 करोड़ की, कभी 150 करोड़ की, कभी 40 करोड़ की हेरोइन पकड़ी गई। यह 40 करोड़ 100 करोड़ या 150 करोड़ का व्यापार करने वाले, यह देश के कुछ उग्रवादियों को, गुण्डों को पैसे देकर खून करवाते हैं और ला एण्ड आर्डर प्राब्लम पैदा करते हैं और जब यह ला एण्ड आर्डर प्राब्लम पैदा हो जाती है तो सारी पुलिस फोर्स उसको कंट्रोल करने में लग जाती है और उस वक्त

अगर नारकोटिक्स बोर्ड को कोई इन्फार्मेशन भी मिले कि अमुक स्थान पर रेड करने से 100 करोड़ की हेरोइन पकड़ी जा सकती है तो उसके पास अपनी पुलिस फोर्स नहीं है। अगर यह पुलिस को बताते हैं तो पुलिस कहती है हमारा काम ला एण्ड आर्डर कायम करना है, कोर्मा दंगों को रोकना है। उपसभाध्यक्ष महोदय, जब तक नारकोटिक्स व्यापार को रोकने के लिए इस बोर्ड को अलग फोर्स नहीं दी जाएगी तब तक यह बिल बिल ही रहेगा और सिर्फ कागज पर ही रहेगा। हाँ, कहीं 50 ग्राम, कहीं 20 ग्राम चरस पकड़ी जाएगी और कोई रिकशा वाला या आटोरिक्षा वाला जेल जाएगा पर अगर कंडिशन कमरों में बैठे हुए, एयर-कंडिशन कारों में घूमने वाले या हवाई जहाज में बैठकर जाते हुए स्मगलर्स नहीं पकड़े जाएंगे। अगर उनको पकड़ना है, उपसभाध्यक्ष महोदय, तो इस बिल के माध्यम से मैं अनुरोध करता हूँ कि ऐसा कोई प्रावधान रखें कि नारकोटिक्स बोर्ड की अपनी कोई फोर्स हो।

उपसभाध्यक्ष महोदय, एक बात और मैं आपके माध्यम से मंत्री महोदय के ध्यान में लाना चाहता हूँ कि हमें इस बात पर गंभीरता से विचार करने की जरूरत है कि कहीं मिली-भगत उग्रवादियों की, शस्त्रास्त्र सप्लायरों की और मादक पदार्थों का व्यापार करने वाले लोगों की। और कौन चला रहा है यह व्यापार, विनाश का व्यापार कौन चला रहा है? इस टेरिज्म और आर्मज एण्ड ड्रग्स स्मगलर्स में मैक्सस है जिसे आइडेंटिफाई करने की जरूरत है। अगर भारत का भविष्य अच्छा देखना चाहते हैं, अगर भारत के युवक का अच्छा भविष्य देखना चाहते हैं तो इस विधेयक को और मजबूत बनाने की जरूरत है। मजबूत कब हो सकता है? सिर्फ आई० पी० सी० और सी० आर० पी० सी० के चार सैक्शन लगाए से मजबूत नहीं होगा बल्कि जो बेसिक

इन्फास्ट्रक्चर इनको चाहिए, वह इनको मिलना चाहिए ।

उपसभाध्यक्ष महोदय, आपके माध्यम से मैं बार-बार ध्यान आकर्षित करना चाहता हूँ कि अगर इस मुल्क से उग्रवाद खत्म करना है, अगर शस्त्रास्त्रों की तस्करी खत्म करनी है, अगर मौत से जूझते इन नौजवानों को रोकना है तो मादक पदार्थों के तस्करों को कड़ी से कड़ी सजा दी जाए । और वह सजा क्या हो ? वह एक आसानी की मौत नहीं हो, वह फाँसी का फंदा नहीं हो, पर जिस दवाई का वे व्यापार करते हैं उसी का इंजेक्शन उनके ब्लड में लगाना चाहिए तभी उन्हें पता लगेगा कि हिन्दुस्तान के नवयुवकों के साथ वे क्या मखौल कर रहे हैं, उनको क्या जहर पिना रहे हैं और नौजवानों को कैसे पंगु बना रहे हैं ।

उपसभाध्यक्ष महोदय, आपके माध्यम से मैं सरकार से यह भी अनुरोध करना चाहता हूँ कि मादक द्रव्यों के प्रचार के बारे में न टी० वी० पर और न सिनेमा में कोई सीन दिखाया जाना चाहिए, अगर कोई ऐसी फिल्म बनी है तो सेंसर बोर्ड उसको काटे (समय की घंटी)

यही कहते हुए मैं इस बिल का समर्थन करता हूँ । धन्यवाद ।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir) : Mr. Vice-Chairman, Sir, we passed the Narcotic Drugs and Psychotropic Substances Act in 1985 and I remember I took part in the discussion on the Bill. Since this legislation was enacted for giving teeth to the administration for implementing the provisions of the Act, I find that the trafficking in drugs has increased and not decreased. During the last two years, there has been a tremendous increase in the number of seizures as well as the quantum and drug trafficking has also increased throughout the country. Why is it so? I would like to pose this question to the hon. Minister. Is it that there are certain lacunae in

the Act itself? Is it that in regard to the implementation of the Act, there are certain elements who have a vested interest and who do not want the implementation of the Act in its letter and spirit? Or is it that we are lacking somewhere? I would expect the hon. Minister to enlighten me as to why this drug trafficking has increased tremendously.

This Bill the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, provides for detention of those who in the eyes of the Government are indulging in such acts. I wish the Minister had come forward with more stringent punishment than mere incarceration. In these days, incarceration is not a deterrent. I remember certain friends like Chowdhry Ram Sevak or Ram Chand Vikal and others telling us. Before 1947, when they used to go to jail they would get food (a little rice or one or two chapaties) in ordinary utensils made of unpolished ordinary iron plates and some dal which was mere water and nothing else. But today, a prisoner under detention gets wonderful food. He also gets other amenities plus radio and television. Not only that. When they are detained, they come with a certificate from the Government that they are of a higher social status, that they pay income-tax and all that and thus get super-class treatment. They enjoy their stay in Jail. I would demand that till such time as more stringent punishment is provided for through legislation for such offenders, the Government should see to it that those who are arrested under the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, are not given any such amenities in jails. The Jail Manual is there. No separate law is needed. The Jail Manual can provide that those who are detained under this Act, will be kept in the same type of cells where other criminals are kept and that they will be given

[Shri Gulam Rasool Matto]

not more than Rs. 2 or 3 per day for food and other things. Then alone these people will understand that there is something in this Act.

The other point on which I would like the hon. Minister to enlighten me is, there are a number of reports—the Minister can elucidate—that the goods which are caught or seized by the Government go back to the market. I had asked this question about a year and a half back in this House and I was told that so far as the seized opium was concerned it, was sent to some laboratory where morphine and such other medicines are manufactured, but the seized charas hashis, cocaine, brown sugar and heroin were being destroyed. This is what was stated in reply to my question, but Mr. Minister, I have reason to believe that those articles which are sought to be destroyed after a particular period of time they come back in the market and in their place something else is destroyed. This type of recycling is taking place. I would request the hon. Minister to tell us what stringent measures he proposes to take for such a thing not to happen and what he proposes to do in such cases.

I will come to my last observation. I know you are trying to ring the bell. My last point is with regard to punishment. I had put a supplementary to my Starred Question. On that day I had brought a copy of the original Act also. Under this Narcotics Act, there is no provision which provides for less than ten years' imprisonment for any offence. Even the original Act provided for ten years' punishment. I had asked the Minister as to how many people had been arrested and convicted under this Act. The reply was in the negative. It was said that in one case, the proceedings are pending, in another case something is happening, police is looking into it, but in no case imprisonment has

been awarded. I would ask the hon. Minister to give us figures as to how many convictions have been made and how many people have been jailed under the provisions of this Act.

With these observations, I commend the Bill and I request the hon. Minister to come forward with a stringent measure not in a too distant future.

श्री हरि सिंह (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष महोदय, आज संसार का बहुत बड़ा हिस्सा और भारत इससे वंचित नहीं है, तीन बड़ी समस्याओं से ग्रहित है। एक समस्या तो एनवायरमेंट की है और दूसरी टैरिज्म की। इन दोनों से भी खतरनाक मादक पदार्थों के खाने की आदत पड़ जाना है। हमारे नौजवान दोस्तों में, नौजवान भाइयों में, लड़कों में, विद्यार्थियों में और निराशा से पले हुए बुजुर्ग हैं उनमें इन पदार्थों का सेवन बढ़ता जा रहा है। जैसा कि मैंने कहा हमारा देश इन दो समस्याओं के साथ इस समस्या से भी जुड़ा हुआ है। आप जानते हैं कि हमारी सरकार स्वापक औषधियाँ और मनःप्रभावी पदार्थों के अवैध व्यापार निवारण विधेयक, 1988 जो इस सदन में लाई है उस पर चर्चा हो रही है। यह विधेयक बहुत ही सामयिक है। मुझे तो खुशी है कि वक्त की मांग के मुताबिक इस बिल को यहां पेश किया गया है और यह जल्दी ही कानून बन जायेगा। अगर आप पिछले दो-तीन साल के दरमियान देखें तो पता लगता है कि कितना बड़ा व्यापार हमारे मादक द्रव्यों का हो रहा है चाहे वह हशीश हो, ब्राउन शुगर हो, चरस हो, अफीम हो, कोकीन हो। इनका व्यापार जब हम बड़े पैमाने पर देखते हैं तो हमारी आंखें फटी की फटी रह जाती हैं। इस बिल के माने से यह लगता है कि हमारी सरकार की नीयत बिल्कुल साफ है कि वह इस धंधे को रोकना चाहती है। इसने हमारे देश का आर्थिक ढांचा ही खराब नहीं कर दिया है बल्कि जो हमारी आर्थिक

प्रगति है उसमें रोड़ा अटकती है। हिन्दुस्तान के अंदर काला धन भी यह बढ़ाती है। साथ ही राष्ट्र के नौजवानों की हेल्थ भी बरबाद करना चाहती है और कर रही है। आप जानते हैं इसमें व्यापार की विचारधारा भी कम करती है। एशिया के जितने मुल्क हैं जो तरक्की याफता मुल्क हैं यानी तीसरी दुनिया के मुल्क कहलाते हैं और जो आज दुनिया के बड़े मुल्कों के साथ होड़ करना चाहते हैं, अपनी आवाज बुलन्द करना चाहते हैं, वे हिन्दुस्तान को कमजोर और गुलाम बनाने के लिए यह सब कर रहे हैं। जो सी०आई०ए० के अदमी हैं वे इस अवैध व्यापार को बढ़ा रहे हैं। मादक द्रव्यों के खाने की प्रवृत्ति बढ़ाना उनका काम है। इससे देश में नौजवानों की संख्या कम हो जायेगी, देश की संस्कृति खत्म हो जायेगी। जब ऐसा होगा तो देश खद कमजोर हो जायेगा। यह सी०आई०ए०, खासतौर से अमेरिका के बारे में कहूंगा कि इसका व्यापार हमारी सीमाओं से लगा हुआ है। हमारे देश की सीमाओं का उपयोग इस अवैध व्यापार के लिए न हो, इसके लिए भी व्यवस्था की जानी चाहिए। इसीलिए इस अवैध व्यापार के सिलसिले में इस बिल में नई नई धारयें लाई गई हैं। मेरे पास उनको दोहराने का वक्त नहीं है, उनके बारे में तफसील में बातचीत हुई है। ये धारयें जब कानून बन जाएंगी तो इस अवैध व्यापार को रोकने में सहायता मिलेगी और इसका व्यापार करने वालों पर करारी चोट होगी। मैं चाहता हूं कि हमारे देश के अन्दर नया वातावरण पैदा होना चाहिए सरकार कानून बना सकती है, लेकिन लोगों की विचारधारा में परिवर्तन लाना भी बहुत जरूरी है। हमारी नीति तो साफ है, लेकिन इम्प्लीमेंटेशन में दिक्कत आती है, समस्यायें सामने आती हैं। उसके लिए हमें कोई अच्छा रास्ता निकालना चाहिए। मैं आपका ध्यान इस बात की तरफ भी दिलाता चाहता हूं कि पुलिस वाले इसको मामूली क्राइम समझते हैं। जब कोई मर्डर हो जाता है या चोरी हो जाती है या डकैती हो जाती है तो उनको तो क्राइम माना जाता है, लेकिन ऐसे मामलों में

करोड़ों रुपये मिल जाते हैं, काला धन मिल जाता है और उनकी कोई जवाबदेही भी नहीं होती है। वे समझते हैं कि यह तो हार्मलैस क्राइम है। इससे न तो उनकी सविस टटती है और न ही उनकी योग्यता पर कोई प्रभाव पड़ता है। इसलिए मैं यह कहना चाहता हूं कि इसके लिए स्पेशल फोर्स बनानी चाहिए। उसमें पढ़े-लिखे लोग हों जो यह भी सोचें कि इस धन्धे को रोका जाये और इस बात को भी समझें कि इकनॉमिक क्राइम अगर बढ़ते हैं तो उसका समाज पर क्या असर पड़ता है। मैं यह कहना चाहता हूं कि हमारी सीमाओं पर चौकसी होनी चाहिए और इस धन्धे को रोकने के लिए स्पेशल पुलिस फोर्स बनाई जानी चाहिए। हमारे नवजवानों में इस प्रकार की कोई बीमारी न फैले, इसको देखा जाना चाहिए और हमारे नवजवानों में नई नई अच्छी विचारधारा फैलाई जानी चाहिए। हमारे कालेजों के विद्यार्थियों और नवजवानों में अच्छी विचारधारा फैले, इस पर नजर रखी जानी चाहिए। धन्यवाद।

PROF. (MRS.) ASIMA CHATTERJEE (Nominated) :
Mr. Vice-Chairman, Sir, I would like to thank you for giving me this opportunity to speak on the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988. This is a very important Bill and I support it. I must congratulate the Minister for presenting this Bill before us.

Morphine, the pain killer, is one of the major constituents of opium poppy plants which are used as narcotic drugs. It is analgesic and many psychotropic substances like cocaine etc. find extensive use in medicine. Cocaine, ganja, charas, psilocybin and mescaline and their allied compounds have medicinal properties. They are euphoric but hallucinogenic, thereby causing injurious effect on the human systems, particularly on the brain and mind.

[Prof. (Mrs.) Asima Chatterjee.]

Unfortunately, our younger people have a great fascination for these drugs and they are consuming these in recent years in large quantities and ultimately they become drug addicts. This is dangerous because these drugs, as already mentioned, effect the brain and the central nervous system and ultimately it becomes fatal.

This menace is growing all over the world and India is also involved in drug abuse. A large number of people have already started the business of these drugs and drug trafficking has enormously increased. As mentioned by one of my hon. colleagues, our country is being used as an entry point through border areas and coastlines and subsequent transportation to different parts of the country and also for export to different countries. A few days back, a news item appeared in the *Times of India* that large quantities of heroin are being produced in Burma and smuggled into India through the Indo-Burma border. It has been clearly stated and explained in clause 10 about "the area highly vulnerable to such illicit traffic" with explanations and for preventing the trafficking of psychotropic and narcotic drugs, this piece of legislation has been brought. But there are several lacunae in it which I would like to point out later. However the Government must be congratulated, and particularly the Prime Minister who has taken the initiative in launching the 14-point programme in order to stop this crime. The Ordinance in this regard was promulgated on 4th May 1988 and this Bill would replace the Ordinance. It has been gratifying to note that in the Bill it has been categorically stated that narcotic and psychotropic drugs which would be seized would be immediately destroyed before they reach the market. Since April 15

to July 4, 1988 when this Ordinance was promulgated, the drug menace could be controlled to a great extent and during this period 6.9 tonnes of hashish and ganja, 1,238 tonnes of heroin, one tonne of methocoline and 1.28 million tablets of this powder have been destroyed.

This Bill will certainly stop drug trafficking and this would stop the drug abuse by labourers and our younger people including school, college and university students. Otherwise, if this enactment is not properly implemented, I am sure the nation will be ruined.

In the Bill there is provision for deterrent penalty for those who would be involved in illicit traffic in narcotic drugs and psychotropic. I would like to ask a few questions and raise several points not clearly mentioned in this Bill.

First of all, lozenges, toffees and brown sugar are available in the market. Perhaps the Minister is aware that in our functions brown sugar is used and offered to the Goddess. Now, many edible items besides these are mixed with narcotic and psychotropic drugs. So, how can you take measures against this menace? Secondly, how to control illegal plantation of opium poppy and cocaine-producing plants—the Latin name of which is *Erythroxylon coca*—and *Cannabis sativa* producing hashish, ganja and charas? *Cannabis sativa* produces not only ganja and charas but also some narcotic drugs and if someone starts cultivation in his farmland or in his garden or in the premises of his dwelling place, what steps would the Government take? Thirdly if the active ingredients are extracted from these plants and prepared in pure state, with the help of a chemist and mixed in small doses with vitamins or medicines and sold—if the drug traffickers are really determined to commit this crime—then what machinery has the Government evolved for detecting such adulteration? I

think this crime is indeed heinous. To make the people alert against this malpractice and crime and to create a nation-wide awareness, it is necessary to educate the masses through mass media, namely radio, TV and so on.

In this connection I would like to mention that it has already been explained by the honourable Minister that the COFEPOSA Act was enacted, but this Act deals with smugglers only, that is, those who are either importing or exporting these drugs. But, for those who are operating between the States or between the Union territories or operating internally by selling or manufacturing these drugs, this Act was not sufficient. That is why this piece of legislation has become necessary and has been placed before us for consideration. This legislation would take care of the welfare of the society and the nation if it is implemented effectively.

Sir, I feel that workshops in this regard should be held frequently in urban, semi-urban and rural areas in order to create awareness amongst the masses, most of them are still, I would say, not literate, and they must be made conversant with the grave consequences of the menace caused by narcotic drugs and psychotropic substances.

With these words, Sir, I support the Bill, Thank you.

4.00 P.M.

SHRI SANTOSH BAGRODIA (Rajasthan) : Mr. Vice Chairman, Sir, I thank you very much for giving me this opportunity to support and speak on this Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Bill, 1988.

I will not take a very long time, Sir, because most of the points have been covered by my colleagues. The only one point which I want to make very forcefully is that since the drugs are readily available all over,

it is actually polluting the health of the country to the extent that even in schools and colleges drug traffickers are supplying drugs, and our children are getting addicted. I know a number of examples of different schools where they mix it in ice-creams, in sandwiches. In this process, the poor children become addicted slowly. I want the Government to take a very serious note of this to ensure that our children from the age of five or six or eight or ten onwards do not get spoiled by getting addicted. Against those people who are involved in it, no penalty including death will be too high, Sir.

Thank you very much once more, Sir.

श्री राम चन्द्र विकल (उत्तर प्रदेश) :
उपसभाध्यक्ष महोदय, यह विषयक बहुत ही आवश्यक है हमारे देश की भावी पीढ़ी के सुधार के लिए। जैसे चौधरी राम सेवक जी ने बड़ी तकसील में अध्ययन किया और श्रीमती चटर्जी ने भी बहुत विस्तार से कहा। श्रीमन, मुझे थोड़ा सा ऐसे मरीजों को देखने का मौका मिला है। हमारे कालेजों में और यूनीवर्सिटीज में लड़के-लड़कियों में बड़ी तेजी से इन चीजों को इस्तेमाल करने की प्रवृत्ति बढ़ रही है। दिल्ली यूनीवर्सिटीज का एक लड़का जिसके बारे में मेडिकल इंस्टीट्यूट से यह घोषित कर दिया गया कि इसका इलाज यहां नहीं हो सकता है इसको इलाज के लिए अमरीका जाना चाहिये तो उससे मुझे दो तीन दिन सम्पर्क करने का मौका मिला। उससे मैंने जानकारी प्राप्त की बहुत सी बातें पछीं। साथ ही किरण बेदी जो दिल्ली पुलिस की अफसर है उसने भी कुछ लोग हमारे सेवा योग आश्रम में भेजे जो हमारा एक लड़का चलाता है वहां पर मरीजों पर योग द्वारा एक्सपेरिमेंट किये जाते हैं कि कैसे लोगों को इन आदतों से बचाया जा सकता है और कैसे लोगों की इस प्रवृत्ति को रोका जा सकता है। जहां तक कानून है बाहर से आने से कानून से रोका जाए। रेडियो और टेलिविजन पर गंदा प्रचार न हो, सख्त सजा दी जाए। हमें स्कूलों और कालेजों में बच्चों को ऐसे योग आसन की शिक्षा देनी चाहिए ताकि इस तरह की

[श्री राम चन्द्र विकल]

प्रवृत्ति उनमें पैदा ही न हो सके। जिस लड़के का मैंने अभी जिक्र किया उसका नाम खतरी था और इस मादक द्रव्य की आदत के कारण उसके हाथ पैर तक में जीवन नहीं था और गला बैठा हुआ था। वह लड़का मेरे पास आया और उसने कहा कि मैंने सुना है कि आप योग आसन द्वारा इसका इलाज कर सकते हैं। उसने बताया कि मुझे मेडिकल इस्टीमेट ने निराश कर दिया। मैंने उस लड़के को बताया कि ट्रीटमेंट तो मैं जरूर देता हूँ लेकिन तुम यह बताओ कि तुमने दवा तो इस्तेमाल नहीं की लेकिन उसने कहा कि सच बोलता हूँ मैंने इस्तेमाल की है। वह मेरे पास चार दिन आया फिर नहीं आया। मैंने एक्सपेरीमेंट किया किरण बेदी के द्वारा भेजे गये मरीजों पर। जहाँ तक पुलिस का संबंध है उन्होंने जैसा हम सहयोग चाहते थे वैसा नहीं दिया फिर भी उन मरीजों पर एक्सपेरीमेंट सफल हुआ है। जब मरीज खाने के बाद ठीक हो सकते हैं तो न खाने देने के लिए हम योग की क्रियाएं और आसन स्कूलों और कालेजों में क्यों नहीं देते हैं, अस्पतालों में क्यों नहीं देते हैं। जब पी० वी० नरसिंह राव शिक्षा मंत्री थे और कुमारी सरोज खापड़ जी ने भी हम को बताया कि योगासन शिक्षा हम स्कूलों और कालेजों में ला रहे हैं। इस आश्वासन के बावजूद भी जो पहले कुछ काम हुआ था वह अब बन्द है। मैं यह कहना चाहूंगा कि इतना बड़ा अपराध है इसको जितनी सख्ती से रोका जाए उतना ही अच्छा है। जैसे अभी अहलुवालिया जी ने कहा कि आतंकवाद के पीछे बहुत बड़ा हाथ स्मगलर्स का है यह लोग शगड़ा कराते हैं केवल इसलिए कि पुलिस का डाइवर्शन दूसरी तरफ चला जाए। और भी बहुत सी ऐसी बातें हैं मैं यह कहना चाहता हूँ कि इस विधेयक का मैं हृदय से समर्थन करता हूँ सरकार कानून तो अपना सख्त करे ही करे लेकिन समाज में इस तरह की जागृति पैदा करे ताकि भावी पीढ़ी जो हमारे देश की आशाएं हैं उसको हम इस बीमारी से बचा सकें। मान्यवर यह एक अन्तर्राष्ट्रीय सङ्घर्ष भी है जो

हमारे देश को तोड़ने के लिए चल रहा है बहुत से कारण और ही हैं कि इस देश की भावी पीढ़ी को गन्दी आदतें सिखा कर समाप्त कर दो जाएं। यह बड़ा षडयन्त्र है जिससे हमें अपने देश को बचाना है। मैं एक बात और जानना चाहूंगा रोजाना रेडियो और दूरदर्शन पर यह दिखाया जाता है कि इतने करोड़ की मादक वस्तुएं पकड़ी गई हैं। मैं यह जानना चाहता हूँ कि इसका बाद में क्या होता है? इनको समुद्र में डाला जाता है या जमीन में दबाया जाता है या इन दवाओं को जला दिया जाता है। पुलिस मेहनत कर के पकड़ भी लेगी। उसके बाद ये कहाँ जाते हैं यह मैं मंत्री महोदय से जानना चाहता हूँ। उसमें कहीं यह तो नहीं है कि जो पकड़ते हैं वे ही अदला बदली करके फिर व्यापार कर रहें हों (व्यवधान) ऐसा हो जाता है? मैं नहीं जानता हूँ मैं मंत्री जी से जानना चाहूंगा। इन दवाइयों को रोकने के लिए हम सीमाओं को सील करें। चाहे नेपाल बार्डर से आती हों, चाहे बर्मा या पाकिस्तान के बार्डर से आती हों चाहे हवाई जहाज और समुद्री जहाजों के द्वारा विदेशों से आती हों सब तरफ से सख्ती करें और इन दवाइयों को रोकें तथा संस्कार दें। समाज सुधारक या ऐसी संस्थाएं जो प्राइवेट हैं सरकार के अलावा इनका सहयोग लें और रेडियो तथा टेलिविजन से तो खराब बातों का प्रचार बंद ही कर दें। बच्चों में एक साइक्लोजी होती है। आप खराब प्रदर्शन दिखाये और उसको रोकें इससे यह नहीं रुकेगा। क्योंकि बच्चे कहेंगे कि देख ही लें क्या चीज है। चाहे सिनेमा की खराब बातें हों या कोई हों उसमें बच्चों की यह साइक्लाजी आ जाती है। इसलिए हम सरकारी साधनों का इस्तेमाल कम से कम इन चीजों के लिए न करें। मैं आशा करता हूँ कि सरकार सख्त कदम उठायेगी चाहे सीमाएं सील करनी पड़ें। इन भयानक दवाओं से बहुत खतरा है। युद्ध से ज्यादा खतरनाक यह नशीले पदार्थों का व्यापार हमारे देश में हो रहा है इससे बड़ा खतरा है, इस खतरे से राष्ट्र को सावधान करें और बचायें। इन्हीं शब्दों के साथ मैं इसका समर्थन करता हूँ।

SHRI DHARANIDHAR BASU-MATARI (Assam): I have been excited and incited to speak on this Bill while supporting it. A Bill of this kind should have been brought long before. During the Independence struggle Mahatma Gandhi wanted prohibition of Ganja opium and wine. While I was a student, I was very much ashamed of my community because they were very much addicted to drinking wine. Our community could not raise its head because of addiction to opium and wine. When Mahatma Gandhi visited our place in 1926, he held a meeting there. Only then people came to know that taking of opium and drinking of wine is very poisonous. We students took up a vow to break all utensils of preparing wine which we call 'joe' in our language. You will be surprised to know that there is no 'joe' in our area now. Nobody prepare wine.

I may tell you I am very happy when I see the young Minister. I feel excited. We should have Ministers like him.

The Bill, which was long overdue, alone could not achieve its objective. There should be some social work in favour of it also. It cannot be done only by administration, by law or by police. Unless the social workers are involved in it you cannot prohibit these things by law alone. I have got experience of it. In Assam we broke thousands and thousands of utensils in the name of Mahatma Gandhi. And now if you visit my tribal area you will not find even a single household and people do not prepare these thing.

Many hon. Members including lady Members have taken part in the debate on this Bill. I would only request the Minister to be very serious about this matter. This is a very important Bill. It should be implemented in all seriousness. Merely by passing the Bill, you cannot do anything. Our Government has brought

two things, one is this Bill and a few minutes back the *Benam Transactions (Prohibition) Bill*. The Bills are very important for the development of the country. I am very sorry to say that our country has been exploited by so many outsiders who have pushed us back and pushed us down. Mr. Vice Chairman, Sir, you are a Scheduled Caste and I am also a Scheduled Tribe and in spite of all these facilities we do not take advantage of these things. While supporting this Bill heartily, I request the young Minister to see that this bill is implemented successfully.

SHRI M. PALANIYANDI : I welcome this Bill. But after the Ordinance was issued, I want to know about the number of persons detained throughout the country. You should to publicise their names because they are looked upon as big people in the society.

SHRI AJIT PANJA: Mr. Vice Chairman, Sir, I am grateful to this House of Elders for taking so much active interest and giving valuable suggestions all of which were examined. The debate mainly, as I find, are in two parts. One is under preventive detention what deterrent measures we have taken since the promulgation of the Ordinance and what is to be done in future. The second part very rightly emphasised the educative portion, persons who have already become addicts and what we are going to do about them and also for counselling them so that they may not fall prey to such dreadful drugs.

Sir, it has been said by some Members that since the Narcotic Drugs and Psychotropic Substances Act, 1985 came into operation, there has been little action. But from the records, it appears that it is not so. I can give some figures straightway. In 1987, I find that the persons arrested under this Act alone besides COFEPOSA were 1894 and in

[Shri Dharanidhar Basumatari]
1988 up to the end of June, it is 645. Foreigners arrested in 1987, 208, and up to the end of June, 1988, 40. Persons prosecuted in 1987 were 4503 and persons prosecuted up to end of June, 1988, 1060. So far in the prosecutions, convictions obtained in 1987 were 247 and up to the end of June, 1988, 134. So far as conviction and acquittals are concerned, they are not in our hands. We produce as much evidence as possible and obtain and give it to the court. In our country there is an independent judiciary. We produce it before the court with sufficient evidence necessary and we obtain conviction. If there has been any acquittal where we find that an appeal should be made, we do prefer an appeal according to opinion obtained from the legal experts.

Sir, a point was made about the speedy disposal of cases because we also found that many of the cases which are of very urgent nature got delayed because the judges are busy with some other cases. In fact, all the States have been asked to set up special courts, specially, for these narcotic offenders so that their cases are disposed of quickly and the prosecution as well as the accused can know as to what is the fate of the case and I am sure, Sir, that soon the States will react and these special courts will be set up.

Sir, so far as monitoring and implementation is concerned, it has been suggested by Mr. Choudhary that let there be a Parliamentary Committee to monitor the provisions of various important Acts. In the meantime, the Prime Minister has appointed a high powered Cabinet Sub-Committee, under the chairmanship of the Home Minister. The purpose is two-fold. One is to coordinate with various functionaries of the Government. In the Cabinet Sub-Committee, the Minister of State for Home has been taken as a Member. The Revenue Minister is also a Member of the

Cabinet Sub-Committee. The Welfare Minister, the Health Minister and the Minister of Information and Broadcasting are also Members of the Cabinet Sub-Committee. Therefore, coordination is established and that is the reason, since that Cabinet Sub-Committee came into being, the functions have gone up and we are monitoring them. Besides this, at the officer's level, the Narcotics Control Bureau has been set up which is having cells in different States and regions. They are also monitoring details of whatever is happening and what action is being taken and information from wherever it is being obtained against the persons alleged, is also being monitored. The disposal of cases is being monitored. What necessary infrastructure is to be made, that is also being monitored. There is no difficulty for monitoring the various functions of these Acts. Sir, Mr. Gupta emphasised on education and de-addiction. The Government is fully aware of this and I might give certain facts so that this House may come to know what steps are being taken. Besides using various methods through our mass media, there are certain duties of the Government, to be performed in respect of those who have become addicts. Sir, as it is internationally recognised and as you know, the international organisations are also taking note of it. The SAARC organisation also took note of it and the leaders of almost all the important nations met together and said that they must declare a total war against the drug traffickers who are not only damaging the person's health but also damaging the culture and heritage of the country itself. It not only affects the brain and the central nervous system but the entire family becomes completely disrupted and thereby the society and thereby the entire locality, then the State, then the whole country. It is worse than even atomic warfare where people are killed physically but this goes on slowly and damages specially a

country like India where we have our own culture and heritage which we are so proud of; there if such things go on and if we do not stop them, it would be dangerous. The recent survey also established that these traffickers are adopting a very nefarious manoeuvring by creating demand for these drugs from the very childhood. The age group of 11 to 25 years was found to be the target group and they are utilising these drugs in ice-creams in small quantities so that the things which are attractive to a child, they give it in small quantity so that a demand is created, a market is created and they are forced to purchase the same. They are forced even to take away the ornaments of the mother and buy these drugs from outside. Therefore, it calls for a very heavy punishment and deterrent measures. Sir, while taking deterrent measures against the culprits, it is also necessary to look after those children who have already become addicted. Therefore, the Minister of Social Welfare has made an exhaustive action plan. Under this plan, 50 counselling centres are to be set up in different parts of the country and made operational by 31 March, 1989. Social workers, voluntary organizations and various leaders of the community will take part in this plan. They will give counsel to the families affected as to how to get rid of the drug menace. Apart from this, a positive target of 10 de-addiction centres in metropolitan cities by March 31, 1989, has been set by the Prime Minister. Also five after-care centres have to be set up by 31 March, 1989 all over the country. We are giving building grants for these counselling and de-addiction centres. In order to make this plan work, training of knowledgeable persons, who will work in these centres, is also necessary and for that purpose training of functionaries of Government and non-Government organizations has also started. Thirty such training courses are to be completed by 31 March, 1989. Four

regional workshops on drug abuse and prevention have to be completed by the same date. Such courses and workshops have already started in various parts of the country.

Then come the setting up of the machinery for administering and monitoring the implementation, programme development and strengthening of the National Institute of Social Defence for Training and Research and setting up of a documentation centre. In 1985-86, the number of counselling centres sanctioned and set up by the Minister of Social Welfare was 7. In 1987-88 it was 21. The total number of counselling centres at present functioning throughout the country is 28. The number of de-addiction centres sanctioned in 1986-87 was one. In 1987-88 it was 7. The total number of de-addiction centres functioning now is 8. Besides these, all the State Governments have been asked to set up beds in their respective medical colleges which are under Government control. The Central Government will give as grant a sum of Rs. 50 lakhs if sufficient space is allotted for the purpose of treating drug-addicted patients. A 30-bedded hospital is to be started in Delhi. Several hospitals will be set up in the South also. Research centres are also being created. The Post-Graduate Institute in Chandigarh and the JIPMER Hospital in Pondicherry are also being utilised for the purpose of setting up these centres.

In the country, now there are 642 beds for treating addicts as indoor patients. In 1985, 11,489 patients were treated; in 1986, 14,489; and in 1987, 11,660. Under the directives of the Prime Minister, 30 beds have been provided in the All India Institute of Medical Sciences.

SHRI VISHWA BANDHU GUPTA : How will it go down in 1988 ? It came down from 14,489 in 1986 to 11,660 in 1987.

SHRI AJIT PANJA : It came down for this reason. It

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that the indoor patients who were cured went back. If they are cured and have gone back then the number of incoming patients reduces, it means the counselling centres are working properly. During 1987, it came down. In 1988 we have noticed an increase. That means there is relapse in some patients who went back after being cured. So relapse cases are coming in. Therefore, in some centres we find the numbers have gone up and in some centres the numbers have come down. But these are figures of indoor patients. Therefore, it appears that consciousness is coming, awareness is coming, and gradually the numbers are coming down. Under the Prime Minister's directive 30 beds have been provided in the All India Institute of Medical Sciences, New Delhi. This is in addition to the 30 units in GBP Hospital, New Delhi, Sucheta Kripalani Hospital, New Delhi, Safdarjung Hospital, New Delhi, Guru Teg Bahadur Hospital, New Delhi and Ram Manohar Lohia Hospital, New Delhi. The total number in Delhi has come up 218 which can look after 3,000 indoor patients in a year. As already stated, in Chandigarh and JIPMER it has already been set up and several additional units with an approximate cost of Rs. 295.5 lakhs in 1988-89 and Rs. 337.5 lakhs in 1989-90 have been sanctioned for this purpose. The future plan, as I have already said, is for all the State Governments to set up units immediately in their states and Rs. 55 lakhs grant will be made straightway by the Centre but the recurring expenditure shall have to be borne by the State Governments.

So far as major plan activities of the Action Plan are concerned, I may tell you, especially those honourable Members who spoke about education and also treatment, there are proposals for setting up of 30-bed de-addiction units in the country in almost all the States, mobilising State programme units for implementation of drug, de-addiction pro-

grammes, collection of quarterly data regarding number of facilities available in the country number of new facilities available in the country and number of new facilities set up and types of drug abuses found. Five regional workshops are also being organised. Of these five workshops one was held at Hyderabad from 15th to 17th July, one at Bombay from 29th to 31st July, one is going to be held at Guwahati from 9th to 11th September one at Srinagar from 7th to 9th October and one at Madras from 25th to 27th November. These are this year's targets. So far as welfare measures and remedial measures are concerned, steps are being taken in respect thereof.

I have taken note of the point made by Mr. Jagesh Desai. I do not know which officer Mr. Desai met. But we find from the record that the facts are otherwise. We find that only in narcotic drugs we have paid rewards to the informers. Number of cases 306. Number of officers and informers : officers 1795 and informers 95 to whom rewards were given in 1985. The total amount was Rs. 3,06,000 in 1985. In 1986 the total amount given as rewards was Rs. 68,13,000. In 1988 up to June the total amount of rewards given has been Rs. 17,47,000 of which the number of officers who got the reward was 412 and the number of informers who got the rewards was 19. Therefore, it is not a fact that rewards are not given....

THE VICE CHAIRMAN (SHRI H. HANUMANTHAPPA) : The point was of delay because of laboratories.

SHRI AJIT PANJA : That is the second point, that because of the laboratories there was delay. We had difficulties regarding laboratories. We are trying to purchase equipment and provide the same to our laboratories so that testing of drug can be expedited. Acetic anhydride which is manufactured in India and used for industrial requirements, not being smuggled into Burma and is

Burma the same is used for converting the opium into heroin or morphine and then into heroin and is sent back to various parts. We have stopped that by declaring a 100 km belt along the Indo-Burma border declaring it (Acetic Anhydride) to be specified goods required to be declared to the Police, failing which the same would be liable to confiscation. Now, the drug traffickers have changed their manoeuvres and have gone to different kinds of trafficking and we cannot stop it. We have, therefore, collected a type of kits made by the UN. The United Nations, that is, the World Health Organization, after examination of the various aspects of the matter, has made out a kit, a type of laboratory kit, a mobile one, which can instantly test any type of drug that is used by various colour patterns. So far from the UN we have got 400 testing kits already and these have been supplied to the various parts of the country. A hundred more refills have arrived and we are also going to send them to various parts of the country.

So far as the testing laboratories are concerned, we are taking advantage of all the State forensic laboratories wherever testing is necessary. Not all laboratories can do it since particular type of equipment is required. Since the 1985 Act came in force, every effort has been made to see that testing takes place in proper time and then the reward is given in time. But here we had a difficulty. So far as destruction is concerned, on which many honourable Members made some points, I would like to say one thing. The law as it stood under the 1985 Act stipulated that after we seize a particular type of cocaine or heroin or any psychotropic substance, we have to bring it to the notice of the court and unless the court releases the entire goods, we would be helpless and, therefore, we could not destroy the drugs. What used to happen was that whenever anything happened relating to

this Act anywhere in India, whether in Arunachal Pradesh or in any other part of the country, what was seized had to be transported to the Government factories in Neemuch or Ghazipur and had to be destroyed at a particular level of heat. Otherwise, it does not get destroyed. So the great infrastructural difficulty arose. There was the problem of taking so many policemen to guard those drugs and to take them all the way to the factories in Neemuch or Ghazipur. Therefore, we have already authorised the various State Governments, whoever has got the infrastructural facilities, for the purpose of burning these substances and they will do so. But still we are having difficulties since there is no provision in the law to keep samples and then call upon the courts to allow destruction. We are going to amend the Narcotic Drugs and Psychotropic Substances Act, taking this into account, to cure the lacuna and soon that will be reflected in the new amending Bill which will be very soon brought forward in the Lok Sabha and in this House also. Therefore, immediately after this is done, we will be able to keep samples and allow destruction.

The other point that we have found is that we have to create confidence in the minds of the public. In fact, several honourable Members asked as to where these are going afterwards. We are examining the question from another angle also and we are examining whether, immediately on seizure, we can destroy them in public. As you know, Sir, when these substances, the narcotic and psychotropic substances, are burnt inhaling the smoke might cause danger and, therefore, these things are being examined by experts in close liaison with the Department of Environment and Forests so that their clearance is also obtained. We have seen in Thailand, I myself have seen in Thailand and Burma, that they obtain clearance under all their laws and they destroy them in public so that confidence is crea

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ted in the minds of the people. So, immediately it is destroyed. As soon as the work I mentioned is over, we will be able to inform this House as to what steps we are taking.

Now, so far as the TV programmes are concerned, we have taken note of the points made. In fact, in this Cabinet Sub-Committee, the Minister of State for Information and Broadcasting is also a member. This particular point was emphasised. What is happening is that they are having 14 serials and the whole object of the serial is to teach the people and the youngsters to get rid of the habit of taking narcotic and psychotropic substances and not to become addicts to them. But the trouble starts when, if it consists of 14 serials, one might have seen the first or second or third serial and might have missed the last one. It is quite possible.

It is quite possible, therefore, that he gets the knowledge of availability of all these things but at the end what is happening he probably misses it. It is not like the Ramayana. Therefore, we are insisting upon the Information and Broadcasting Ministry that such a serial on drugs has to be complete in itself. If, for that reason, the time is to be extended from 22 minutes to 40 minutes, let it be so. If you show any film or serial or any short film or quickies, the message must be complete in that particular serial itself, and not in several items. It has to be shown in one compact time. These are being examined, and I am sure that we will find some solution.

Sir, so far as the point made by Shri S.S. Ahluwalia about the infrastructure and police force is concerned, it is a very genuine point made by the hon. Member. Sir, we are taking action. Our informers, our other agencies, intelligence agencies, are giving information. But the infrastructure is not with the Narcotics Control Bureau. What we do is that we take the help of the Assam Rifles if it is bordering

Assam, or the Border Security Force or sometimes the help of other agencies. To create another self-contained infrastructure wholly for narcotics would be too costly, because, Sir, if we catch hold of gold there is a return on it; we deposit it in the Reserve Bank and get a return. If we catch hold of any other thing like textiles or electronics, we sell the same and get a return. In this case the entire things has to be destroyed. It cannot be sold anywhere else. No money can be made out of it. As I said, it is true that out of that the informer has to be given 20 per cent of the value and officers 20 per cent of the value. Therefore this money is coming out of the pockets of the people. But we cannot wait for this. We have established close monitoring with the Home Department so that there may not be any difficulty, and we are getting active assistance. Of course, the police is busy with law and order. But whenever we approach them, help is coming to us. But certainly this suggestion of the hon. Member for setting up a separate police machinery for dealing with narcotics traffic has to be looked into, and we shall do so. Along with our excise staff and intelligence, the Action Squad of Customs help is also coming in for tackling the narcotics problem.

Sir, Mr. Matto rightly said that since 1985 traffic has increased. The reason is that before the Act came into force there was no machinery to monitor. The Act has come into force, everybody has become alert and, therefore, more information inputs are coming and that shows the increase. Previously nobody used to keep any record. In fact, there was a time, Sir, when only in the Finance Department the Minister, who has now gone from our party, would do only one thing : to hit a headline everyday saying that so and so house has been raided, so and so income-tax raid has been done. But not a single action was taken during that period. Not a single action against the hard core traffickers has been taken. It was

given a complete go-bye. The children of this country got affected. But he used to hit headlines like that. But no action has been taken. What is happening today ? Five per cent of the total value—that is the earning made. And here thousands and lakhs of our children have been affected in the meantime. This Government is not going in that fashion. Therefore, the Prime Minister has taken this meeting. The increased traffic shows in our record because of constant increase in monitoring.

More stringent punishment has been suggested by various Members. As I said, soon it will be reflected in the amending Bill which will come in this House. I do not want to comment until it comes and is passed in the Lok-Sabha. It has got the approval of the Cabinet and soon it will be reflected in the amending Bill which is coming up.

Sir, the seized articles go back in the market again. I have already dealt with that. So far as the question asked by Shrimati Asima Chatterjee is concerned, about brown sugar and other things, we catch these because of our intelligence activity. As soon as we get information we take steps. About illegal cultivation of opium we have already laid down the licensing policy.

Sir, the illicit cultivation of opium is allowed only up to 10 acres per licensee. This is allowed because this is required for the purpose of several medicines. Also we cannot stop it because of the cultivators. Until we find an alternative crop for these cultivators, we cannot stop it. In spite of the fact that illicit cultivation of drugs has been banned we have found illicit cultivation in U.P. and in Iduki in Kerala. We are going to destroy such things. There are various other points. But I understand that the time is very short. Last but not the least, it has been suggested that Yoga system should be introduced. I am myself a great propounder of Yoga.

If Yoga system really helps us, then certainly we will be able to go a long way.

With these words, I once again want the blessings of the Elders and request them to pass the Bill unanimously. It has to be a total war against the drug traffickers who are admittedly the enemies of the country. It is worse than atomic warfare. With these words, I request that the Bill be passed.

श्री राम चन्द्र विकल: उषः सभाध्यक्ष महोदय, जलने से धुएँ का डर है इसलिए समुद्र में गिरायेगे या दबायेगे, यह बताने की कृपा करें।

SHRI AJIT PANJA: This question was also looked into. The hon. Member is saying that if you burn it, it will go into our noses. Why don't we dump it in the sea ? We can't do so. It might pollute the fish and there might be fishy things elsewhere.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

"That the Bill to provide for detention in certain cases for the purpose of preventing illicit traffic in narcotic drugs and psychotropic substances and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration"

The motion was adopted

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 16 were added to the Bill. Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI AJIT PANJA: Sir, I move : "That the Bill be passed."

The question was proposed.

SHRI GHULAM RASOOL MATTO: Sir, the hon. Minister has just now stated that another Amending Bill is on the anvil. I would request him that the cultivation part

of it should also come under the purview of the deterrent punishment.

SHRI AJIT PANJA: Sir, it is not only the cultivation part of it, but whatever could be perceived in regard to the narcotic drugs has been taken up.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): If anything is left, then you will have the benefit of this discussion.

The question is:

"That the Bill be passed."

The motion was adopted.

AUROVILLE FOUNDATION BILL, 1988

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Now, we shall take up the Auroville Foundation Bill, 1988. Mr. Minister

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER) : Sir I rise to move:

That the Bill to provide for the acquisition and transfer of the undertakings of Auroville and to vest such undertakings in a foundation established for the purpose with a view to making long-term arrangements for the better management and further development of auroville in accordance with its original charter and for matters connected therewith or incidental thereto be taken into consideration.

Sir, before the House begins discussion on the Bill, I think it would be useful if the background of this Bill is briefly explained.

The international cultural township known as 'Auroville' was set up in 1968 on the basis of a Charter proclaimed by the Mother, where people of different countries could live together in harmony and in one community, who were expected to engage in cultural, education, scientific and other pursuits, aiming at human unity.

At the initiative of the Government of India, UNESCO passed Resolutions in 1966, 1968, 1970 and 1983 commending Auroville to those interested in UNESCO's ideals. They underlined the importance that Auroville had begun to receive at the international level.

Funds for the development of Auroville were received from different organisations in and outside India as also from the grants received from the Central and State Governments Auroville was making a reasonable progress. However, serious problems arose after the Mother left her body in 1973. In order to create necessary conditions in which smooth development of Auroville could be ensured, the Central Government was forced to take over temporarily the management of Auroville from Sri Aurobindo Society and others under the Auroville (Emergency Provisions) Act, 1980.

Initially, this Act was valid for five years, but it had to be extended further in 1985 and 1987 as the efforts made to arrive at a solution in consultation with the residents of Auroville and Sri Aurobindo Society to provide for the permanent management of Auroville had not succeeded. Efforts were, however, continued and a broad consensus has now emerged that it would be in the interest of further development of Auroville to establish a body corporate called the Auroville Foundation.

It may be mentioned that during the last 8 years since the take over of management of Auroville, Auroville has developed, and the residents of Auroville have taken a number of initiatives in various fields, including water afforestation, soil conservation, agriculture, integrated rural development, educational research, scientific research, cottage industries and computer technology. The residents of Auroville have also developed a self organising system. All this needs to be encouraged and consolidated.