

*The question was put and the motion was adopted.*

THE DEPUTY CHAIRMAN: Now, we shall take up Clause-by-Clause consideration of the Bill.

*Clause 2 was added to the Bill.*

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI S. REGUPATHY: Sir, I beg to move:

That the Bill be returned.

*The question was put and the motion was adopted.*

### **SHORT DURATION DISCUSSION On Internal Security Scenario in the Country**

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATH): Sir, I am grateful to you and to the House that I have this opportunity to reply to the debate which took place sometime back. I would like to start by thanking Mr. Arun Shourie for raising this issue. He made some very good points. I will be replying to those points later. With some of the points which were made by him, I do not agree. I will explain as to why I do not agree. I would also like to thank Mr. Vayalar Ravi, who intervened and made some very good points. Dr. PC. Alexandar also has made very valid points, and I will be replying to those points also.

Mr. Jethmalani also made some very valid points. I think I had to accept what he had said because those points are very pertinent and valid. I would like to thank other hon. Members also for participating in this debate.

Last time when the debate had taken place, Mr. Shourie was not in the House, and he had written me a letter saying that he had to go to attend some function or some duties somewhere else. And I had said, "Well, I don't mind. The reply will be on the record, and it can be seen by him." I am happy that he is here today. Not only he is here today, but I was told that he had cancelled his trip abroad also; I am grateful to him.

Sir, last time, I had said that I would not be able to reply to all the points made by the hon. Members, and I would give a written reply. We did

prepare a written reply, and the copies of the written reply were given to the office. Whether they have reached the Members or not, I do not know. But they were given. And we have tried to reply to the points made by the hon. Members in writing. The Kargil Report is also placed on the Table of the House. Now, there are certain other documents. It is not possible for me to place them on the Table of the House because the contents are secret.

Sir, we should discuss internal security as often as possible, as often as the time permits us to do it. It is the primary duty of the Government to provide security and defend the sovereignty of the country. Fortunately, for us, we have the machinery to provide security and defend the sovereignty of the country. But, then, situations arise when it becomes necessary for us to go into the details of our policies and of our plans to achieve these objectives, and if we do not consider them in details in the Parliament, there is no other forum as good as the Parliament is for this purpose. Sir, fortunately, for us, we are paying a lot of attention to the economic development in the country. And we are paying attention to the social changes also. It is and it should be, and yet, I may be allowed to say on the floor of the House, in paying attention to the economic development and the social changes we want to bring about, if we fail to pay as much attention to the security aspect, it will not help. So, we shall have to pay enough attention to the security aspect also; otherwise, there will be a mismatch asymmetry, which we should avoid. The discussion was on internal security in India. I was expecting that some references could be made to the situation in Jammu and Kashmir, the North-Eastern States and in the States where the Naxal activities are going on. Certainly, some references were made to Jammu & Kashmir and the North-Eastern States, but emphasis was on the States in which the Naxal activity is going on. And Mr. Vayalar Ravi was very correct when he said that while discussing the internal security, it would not be sufficient to discuss the Naxal activities in the country. It would be necessary to discuss the general law and order situation in the country, as well as, the situation in Jammu and Kashmir, in the North-Eastern States and in the States affected by Naxalite activities also. I am very happy to report to this House that the situation in Jammu and Kashmir has improved. Today, during Question Hour, a question was put. The number of soldiers dying in defending the country has come down. It is a very good thing, and we have congratulated the soldiers and

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RAJYA SABHA

officers also, and very rightly. The situation in Jammu and Kashmir has improved a lot. I am not going to give the statistics. If it is required and if it is asked for, I can pass it on in writing. But very briefly I would like to say that the situation has improved; the incidents and the killings have come down; and the number of people visiting Jammu and Kashmir and the places of pilgrim has also gone up.

Sir, why did it happen? How did it happen? Maybe, it has happened because of the fence which we have erected there; certainly, it has happened because of the duty which the military men and the paramilitary forces are doing in this area; because of the policies of the Government of India and the policies of the State Governments also. I would like to say that it is because of the policies adopted by the neighbouring countries also. When I say that it is also because of the policies adopted by the neighbouring countries, we are not giving them a clean chit as such. There is slight change in their attitude and that might have also helped. That does not mean that the activities are not going on across the border, and we are not saying everything is all right on the other side of the border, but difficulties are there in our territory. That is not our attitude. But we are trying to be just and correct while speaking on the floor of the House and giving them the credit they deserve for what they have done in order to see that the graph of terrorist activities has come down.

Sir, in the North-Eastern States also the situation has improved. Here again, I am not going to give any statistics as such to prove my statement on the floor of the House. If required, I can pass on the statistics. Then, Mizoram is quite peaceful; Arunachal Pradesh is quite peaceful; Meghalaya is very peaceful; and Nagaland has also been very peaceful. There were some difficulties in Manipur and Assam, but those difficulties have also been overcome and the situation is improving there also. In Tripura also there were some difficulties. Here also it is happening because of the fence which we are trying to put up over there, and some fence has been put up over there; because of the duties performed by the paramilitary forces and the armed forces and the State police also, and the credit should be given to them.

In Andhra Pradesh, in Maharashtra, in Chhattisgarh, in Jharkhand, in parts of Bihar, in parts of West Bengal, in parts of U.P. and in parts of Uttaranchal, the Naxalite activities are going on. When the Andhra Pradesh

Government was talking to the Naxals, the graph had come down and there was a reduction by 4 per cent in incidents and killings. But when these talks could not be continued and when it became visible to both sides, unfortunately, the number of incidents has gone up and the number of killings also has gone up. Unfortunately, those who are involved in activities are using landmines and they are causing a lot of concern to us. The landmines have killed many members of the paramilitary forces and many innocent people also. Now that is causing concern to us. It is necessary for us to pay more attention to this aspect of internal security and then other aspects relating to internal security in other parts of the country.

Sir, while discussing this issue, at times, a reference is made to the number of affected districts. I have been saying to my colleagues in the Home Ministry and I have said it on the floor of the House also while replying to the debate, last time, that don't say that the number of affected districts has increased. That given a wrong picture. Now you shall have to go into the number of affected villages or police thanas. Supposing, in one district, one village is affected, you cannot say that the entire district is affected. That gives a wrong picture and also helps in creating a fear psychosis, which is the intention of the terrorists who are taking arms and moving and creating these problems. That is why, it is wrong to say that the number of affected districts has increased. It has also been said that a corridor has been established. Probably, they have a plan to establish a corridor. But I don't think it would be possible to establish a corridor in a country like ours. The country will not allow it to happen. On the one hand, we should not say that this problem is easy to handle and, on the other hand, we should not exaggerate this problem in such a manner that the intention of the terrorists to create terror in the country is fulfilled because of our own statements. If they come to know that this is happening everywhere, a terror is created, a fear psychosis is created. So it will help us to be very correct and balanced. It is better to say what is correct and what is not correct in a correct fashion on the floor of the House, outside and in the media also. That will help us. My submission to this House is that the Naxal activity is on an increase, yet I would not say that it has increased to the extent in which it has been presented to have increased. One village or one hamlet affected here and there does not mean that the entire district is affected. Let us be very correct on this point. How to tackle Naxalism is the

**1.00 P.M.**

real question. Sir, on this point Shri Shourie made a statement. Probably, his language—when he spoke on this point he had covered many things— was a little derisive. He was laughing at the idea of talking to the Naxalists. He was laughing at the idea of trying to solve this problem by bringing about economic development and doing economic justice and social justice. I agree with him a hundred per cent that if the Naxal problem has to be tackled in a proper manner, the police and the armed forces have to do their duties; the State police and the Paramilitary Forces and other have to do their duty. He has suggested, very rightly, modernise the police. He has suggested, prepare plans and have them in hand and then use them when an occasion arises. He has suggested that let there be more intelligence collected and used. On all these points, I entirely agree with him. This is exactly what we are doing. We are giving funds to the State Governments to expand their police force, to modernise their police force, to have bullet cars, to have armoured vehicles, to have different kinds of weapons. We are also giving them the intelligence which they need and we are also requesting them to collect the intelligence which is required. If we collect intelligence, an actionable intelligence, it can avoid bloodshed. One can take action in time, and it can avoid the bloodshed—bloodshed on both the sides. And that will be more acceptable than just using the guns and barrels to control these things. Now, on this point, I have no quarrel with him. I have explained what we are doing. If something more has to be done, we will, certainly, do it. But I find it very difficult to accept the idea when he asked, "Why are you talking with them?" And, he was laughing at the idea of talking to those people. I find it very difficult to accept this idea. What is it that we are doing? We are talking to the people on the other side of the border and to people of other countries. We are talking to the people in Jammu and Kashmir. We have talked to the people in the North-Eastern States. It has not to be forgotten that the problem in Mizoram was discussed, —Dr. Alexander is here; he was responsible in a way—and it was through discussions that the problem of Mizoram was solved. And, today, Mizoram is one of the most peaceful States in the North-Eastern region. Let us not forget that. In Nagaland also, we are talking to those people who are involved in terrorist activities. And, because of the peace agreement, Nagaland is one of the most peaceful States in the North-Eastern region. Of course, talks do not solve all problems. I am not saying that talking will solve all the problems. What I am saying is that this is one of the methods of tackling this issue, and we should not laugh at it, nor should we throw it in the bin. We should adopt

it in the correct perspective, in the manner in which it has to be done. And it has to be done. Again we were asked, not here, but many times outside: "Are you wanting to solve this problem with bullets and guns?" We are saying, "No". I even went to the extent of saying; after all they are our brothers and sisters. And, there are write-ups on this statement. What is wrong if I think that the people, who are born in India, are our brothers and sisters? They may be angry brothers; they may be brothers leading a life which they should not, and, if it is necessary, action will, certainly, be taken against them. This is our duty. We will perform it. But, to say that they are our own people, that we should not be cruel with them, that we should not try to solve the problem which is existing only with<sup>1</sup> the help of bullets and barrels, what is wrong in it? But if you poke fun at this idea, it reduces its efficacy which is, ultimately, not in the interest of the country as such. Nobody is under any illusion. Nobody thinks that talking along is going to solve the problem. We are of the view that supposing a young person, after his education and after his being able to do any job, is not getting any employment, he becomes angry and he joins some group, is it not the responsibility to persuade him to come back and join the mainstream, provide him with employment, dissuade him from taking to arms? We should tell him, "Look" with arms, you will not be able to solve the problems." Arms are not going to solve the problems. The country is big; the country is strong; the people are strong; the people are big. They are not going to be cowed down by some people taking to arms. At the same time, let us not think that by asking our Forces to take to arms and use the bullets and barrels against these misguided youth, these misguided members of the society, we would be able to solve this problem. We cannot take this kind of an attitude. Last time also when I explained that Rs. 35 crores are given to each of the States to bring about a development in infrastructure in the Naxalite-affected areas, they said, "Look; you are giving them 35 crores of rupees for this purpose! And, again, one of the Members laughed at it. I would say, please don't do that. This amount of Rs. 35 crores given to them is over and above what we are giving them through the Plan, through the regular sanction of the money that is done. And, if this is done, it is not wrong. And, Mr. Shorie referred to this and said, "Look; you are giving them the money and it is not going to help us."

Now, I do not like to take a stand that the previous Government did this, this Government did this, and so on. Actually, Mr. Shourie should have

taken the credit for this. As a matter of fact, it was started by the previous Government. The money was being given by the previous Government. We thought that it was a good policy. So, we have continued with it. On the contrary, if you find fault with this, it is not correct.

Now, we accept that there cannot be a uni-pronged approach to solve this problem. It has to be a multi-pronged. We are saying that we will strengthen the State Police; we will strengthen the paramilitary forces; we will use our Defence forces also, especially in the border areas, to see to it that there is no terrorism. But, at the same time, we have to see whether people are being affected by the situation that is prevailing in the society. We have to see whether the social structure is affecting the people. If somebody is treated as an 'untouchable', he is going to be angry. It would be our responsibility to see to it that such a situation does not prevail. If somebody who lives in a forest is not allowed to use the forest produce, he is going to be angry. He says, "For thousands of years, I have been depending upon it. If I am not allowed to use the seeds, fruits and twigs of trees, I would not be able to support myself and my family, you don't give me the land. You don't give me the money to run an industry; I am not educated. I want to depend upon it." And if you don't allow him to do so, he is bound to be angry. Is it not our responsibility to see that this real problem is understood and solved?

Now, at the same time, wherever land reforms have taken place in a proper manner, Naxal activities there are a little less. If land reforms have not been done in a proper manner, people have felt angry. Now, there is a problem of unemployment, which has to be solved. In order to solve the problem of unemployment, the Employment Guarantee Scheme has been given to us by this Government. It has to be used properly. It is not going to solve the problem in totality. But, it will certainly help in solving this problem to some extent. Now, this is our approach.

Now, we are going to the extent of talking to those who are determined and who do not wish to take to arms. We are talking to those also who have actually taken to arms. Not only that, if they surrender the arms and join the mainstream, we have guaranteed them that we will give them training and employment. This is the kind of approach that we have adopted and this approach, in my opinion, has helped.

If you ask me whether internal security is at its best in the country, I would not claim that thing. I would say that it is improving. It is improving in Jammu & Kashmir. It is improving in the North-Eastern States. As far as the law and order situation in other States is concerned, if you want to see whether it is good or not, you shall have to compare the statistics with what happened a few years back, what happens in other countries also, and then compare the number of people living here with the number of crimes that are taking place, so that you are able to come to a conclusion.

Unfortunately, when I give statistics, the simple reaction given to that is, 'Why are you giving the statistics'? Now, aren't incidents taking place? And, if incidents are taking place and if they are of the serious kind, how can you get up and say that the situation has improved? This is not to claim the credit. If credit needs to be given, it has to be given first to those who are actually staking their lives and who are living in forest areas, fighting this battle and surviving. Let us give the credit to them, not to some of us if some credit has to be given, it could be given to the approach, the policy, the system, which we are trying to follow. Now, this is the problem.

So, Sir, my submission is that the Naxal Movement is causing concern to us and we shall have to do something. What is actually happening in Jammu & Kashmir, in the North-Eastern States and the Naxal areas also? Initially, they were using knives, axes, arrows and bows and then they started using the guns. Now, they have started using grenades, landmines and car bombs. Now, look from this angle. The situation is becoming more difficult to manage. It is necessary for us to see that we find a device which can protect the innocent people when grenades are used, or, when landmines are used, or, when car bombs are used, and we are not that. *...(Interruptions)...* Where do they get them from is also a problem. Where do they get their cars modified to carry bombs? Where do they get grenades from? Where do they get landmines from? Do they manufacture it themselves, or, make it themselves by sitting here? Now, this is really the question which has to be discussed. These are the points on which the experts will be in a position to tell us what to do, and we would be very happy to hear them. But, at the same time, if the hon. Members want to guide us on this point, we are open; we will accept their suggestions, and we will really use those suggestions in order to control them. If the situation is becoming more difficult to manage, it is from this angle, and not from



any other angle. You know, for throwing the grenade, a small child is given Rs. 500. He is asked to throw the grenade. He throws it and disappears. The landmines are put over there. When we are giving armoured vehicles, depending on the strength of the armoured vehicle, the strength of landmine used is also getting increased. So, in a way, slowly, it is marching towards a kind of activity which is like the activity started by any military over there. Supposing, there is a jail, there is a police station, where 20 or 10 policemen are there; if two hundred people are marching against it and attacking against it, what has to be done? Now, the only solution to this problem is the intelligence, actionable intelligence. Intelligence which will not be collected in Delhi, intelligence which will not be collected in the capital of the State, but the local intelligence is also necessary, and that has to be actionable intelligence. We are trying to take steps for this purpose.

Sir, the question is, who has to perform the duties to provide internal security? Now, on this point, there is divergence of opinion. Article 355 and 356 and the Union List, the Concurrent List and the State List are very clear. As far as simple law and order and police are concerned, it is in the State List. It is exclusively in the jurisdiction of the State List, the Union Government cannot do anything at all. As far as the criminal law and internal security are concerned, the interpretation is, it is the responsibility of the Union Government also because article 355 says that the Union Government has to provide internal security and all those things. So, Sir, the question really is, who has to discharge these duties? As far as law and order is concerned, it has, certainly, to be done by the State Government. The State Police is responsible for that, and we want that it should be with the State Police. But, supposing, a situation escalates from a law and order situation to an internal security situation, what has to be done? Should we do something or not? I exactly asked this question when Shri Jethmalani was speaking, If internal security in a State is disturbed, will it be right for the Union Government to send its forces to control it? He said, "Yes", Now, this is the kind of judgement given in one of the Supreme Court cases also. This is what is being said to others also. But, we know that in the federal structure, it is not possible, Things have happened, and it has not been possible for us to send the forces to control the situation. We know, in some States, it did not happen. The forces were standing there, but they were not allowed to interfere. So, the

forces could not be sent. So, the question is, what has to be done?

PROF. SAIF-UD-DIN-SOZ (Jammu and Kashmir): It happened yesterday.

SHRI SHIVRAJ V. PATH: Yes, it is only yesterday this heppend. Now, what has to be done is really the question.

If anything has to be done, well, we shall have to consider it very, very carefully, and, with a desire to be something new, if you are disturbing the balance which is settled here, it will also be not correct. But at the same time, if it is a problem, we shall have to use our ingenuity to find a solution to this also. What is to be done? I would like the House to guide me on what is to be done in this matter. I just want the guidance of the House, the guidance of the wise Members of this House on what is to be done on this point. If you give me the guidance, the police, the people who are working in these Departments under the Ministry feel strengthened and they will be able to perform their duties in the best possible manner; at least better than what they are doing. We want your guidance.

Some people may say yes, some people may say no. We are not going to take 'yes' or 'no' at its face value and, either or not, do that. We shall have to apply our minds on this point, but this has been the problem and we shall have to apply our minds. The Government of India's policy is not to hurry in this and not to do anything in haste. Otherwise, somebody would go outside and say, "This is what the Home Minister was saying: Look, for internal security, they will be sending the forces even if the State Government wants it or not for the States." We are not going to do that way. If the invitation comes, if the demand comes, we will certainly do it. We will not fail in supporting the State Governments; but if it does not come, we shall have to persuade them or they have to talk and do something. If it is not possible, we have suffered in the past. What we have to do in the future, you shall have to tell us today. This is one of the problems which is being faced.

Or. Alexandar was very attentive. Sir, there are certain things for which we have to make preparations. We have our defence forces. We do not know when the country would be required to face a war-situation. We cannot wait until that situation arises and then start preparing for it. When the occasion arises, and if we are not ready, we are going to suffer. The same thing applies with disasters also. One does not know when the disasters are going to occur. So, we shall have to be prepared for it.

As far as terrorist activities or the law and order activities are concerned, at least we know the area; but we do not know the actual place, the location where this would happen and when would this happen. We do not know on that. Then, that can be visualised after studying and analysing the things, and we will be able to do that. So, preparation has to be done. The plan has to be prepared by us.

Sir, we are saying that the State Governments will be helped to expand their forces to modernise their forces and we have also decided to expand the para-military forces. Nearly 250 battalions will be raised within a course of time.. Modernisation is taking place. We are trying to give them the armoured vehicles and even the facility to reccy the areas to collect information and things like that. This we are doing. I think, we will be able to do it. But we have not stopped here only. What is most important in this respect is the cooperation and coordination between or among the State Governments. If Andhra Pradesh, Jharkhand, Chhattisgarh, and Maharashtra want to cooperate and coordinate, there is no difficulty. We have requested them. Our meetings were organised for this purpose. The Chief Ministers were invited and we have discussed for hours together with them as to how to deal with this problem. We have said, "Prepare your own plans, exchange your plans with your neighbouring States and then evolve plans which are acceptable to the neighbouring States too and then act on those plans separately or jointly."

There are two things which create problems. One thing is, we cannot send the forces unless they are asked for. And the second thing is, if the police has to arrest somebody going to an adjoining territory, the police cannot pursue him. We are allowed under the international law to have hot pursuit into a foreign country, but in the States also, if we shall have to follow a procedure obtaining the permission, we have to do it. If a sort of understanding develops on this point, it should be possible for us to deal with this thing. What we are trying to do is, we are asking them to have their own plans, plans not only to use guns and bullets, but to develop economically, socially and to do away with the feeling that injustice, economical, political or social is done to them... and use the force when it is necessary to deal with this problem. We have said that wherever you want help from the Indian Government, it will be given to you. At some places these incidents have happened. In Jammu & Kashmir incidents have happened, in Jhehnabad the incidents have happened and in Girdih

the incidents have happened. Now, those people who are responsible for these incidents had examined the situation over there; where the earthquake has taken place and the people are busy in supplying aid, they would attack; when the elections are taking place and when the police is busy in providing protection at the booths, this has happened. We have shall to visualise and prepare the plans for this thing also. Dr. Alexander said that 'look, these are the things which should be considered by the experts. There should be institutions for thinking about these things and preparing a plan and for using the plan'. It is really a good idea, a good concept. We are doing it. But I do not think that what we are doing is sufficient. I do not think there is no scope for doing better or having better plans. This concept, which has been floated on the floor of the House by the hon. experienced Member, is acceptable to us. We would like to think how to do it. As far as this institution is concerned, we are in the process of establishing an institution for this purpose. There is an institution, but that institution is not a very strong institution. I am saying that make it a really very good nation, institution of international standards. Now, once we start it and once have a plan, it would be able to work. We are grateful to Or. Alexander for suggesting this thing and we will certainly keep this in mind. When I say that we are doing it, tomorrow the institution will not come. But we will march in that direction. We are already on that path and we will be able to do that. ...*(Intenvptions)*... It is research. ...*(Interruptions)*... This is exactly the point ...*(Interruptions)*... Sometimes people think nothing is as powerful as the concept and ideas. Now, supposing if anybody has visualised, if the elections are taking place and if you had an information and if you had analysed it and if we had said while providing police force to the Election Commission, do not neglect this aspect also; and so, prepare the plan in such a fashion that this would happen, it would have helped. If they are using car bombs, it is not possible for the ordinary layman to say what device can be used to stop car bomp or if the grenades what device is used. I am afraid, if something more is used in the future like biological and chemical things what will happen. So, thinking is essential, if you are not thinking and if you are not having your own plans and policies also, it will be difficult how to utilise the forces at the district level, State level and the national level how to utilise the military, how to utilise the paramilitary forces, what kind of weapons, what kind of transport system, what kind of communication system, in what fashion you are going to interact with the

institution like this in other countries and so many other things, so, sky is the limit for thinking. We know very little and what has to be known by us is unlimited. That is why concerted efforts have to be made. Those who take arms and fight are contributing. But those who are sitting in laboratories or in rooms and thinking and giving plans are also contributing. This has not to be forgotten. While doing this, we should not go by the concept of how many crores will be spent, this and that. If you spend a few crores and if you save thousands of crores of rupees, that will be very easy. I think that idea is a good idea. Mr. Jethmalani was very right and he spoke about the crime and the punishment. Now people have been thinking in different parts of the world, in Russia, in Europe about crime and punishment; what kind of crime and what kind of punishment. Just here we were discussing eye-for-eye is a punishment for a crime. In the olden days, people thought that eye-for-eye was all right. Now, we are not accepting the principle of eye-for-eye. We are accepting the principle of looking at the situation in which it was done. If anybody is thinking that there was no *men ceria* and something happened and some people died or some people were injured, the punishment should not be commensurate with the damage caused to the other; and if that damage has to be compensated, it can be compensated in terms of money or assistance given. That is the third stage. So, the society is evolving from eye-for-eye to the rule of law, and to the theory that those who commit crimes are not born criminals but situations make them what they are and that is why we should take that situation also. So, he was suggesting that crime and punishment theory have to be understood clearly and if you were in a position to give the adequate punishment to a person who has committed a crime it would reduce the incidents of crime in the country. And, I think, he was not wrong. He was doing it. This has to be looked into. But this has to be looked into, not by one Ministry but all Ministries. The last point, which I want to make, is that this question of law and order or militancy or terrorism, what is it, which is responsible for this? I think, the ignorance is responsible for this, narrow-mindedness is responsible for this, greed is responsible for this, the political theories adopted are responsible for this. This cannot be really considered only by the police forces. This has to be done by all of us. The police have the major responsibility, and, yet, the others also have to contribute to it. Fear psychosis; fear is something which does not come from outside. It comes from within and it has to be

killed within oneself only. You may have battalion of police and security persons but if the heart is filled with fear you cannot help it. It has to come from within. The main problem is how to become really a fearless society. And if you become a fearless society and if you are not going to take political advantage of the situation, which has developed, it will help. I am sorry to say that whenever we have discussed internal security what has been our direction? The direction is to attack the Home Ministry, the police forces and not the culprits, not going to the causes, not suggesting the solutions, but the intention is to find fault. You are wrong, so, you should be punished. That has to be done, and nobody should accept that that should not be done. But, is that alone going to solve the problem? In the process, if you are not going to hit the nail on the head, if you are not going to the real cause, what has actually happened, it is not going to help. My submission is that we should discuss internal security in the House in a comprehensive manner, not only to find faults, but to give suggestions also which fortunately most of the hon. Members have done in the best possible manner; and I thank them very sincerely for all that they have done.

SHRI ARUN SHOURIE (Uttar Pradesh): As a gratitude to the Chairman for giving us the opportunity to discuss this and to me Home Minister for his patient and detailed and bi-partisan and hopeful reply, I think, we all agree on many points Sir, that there is no place for violence and this multi-pronged approach has to be there. There are just two points, on which, I am sure, as the Home Minister has said, we would all deliberate during the year so that when we discuss this next time we would be better prepared. One of these is the difference of opinion in different parts of the House about the sequence by which you will be talking and development funds will be sent to areas. There has been a disagreement between various people. Ram Vinayak debated this since the time when he was advocating for a more considerate approach to the terrorists in Punjab. And,, he demonstrated that this time he wanted more considered concessions be made even to Pakistan.

But, that apart, there are two views and I would plead with you that there is experience in the country that it is after the authority of the State has been established in an area, as has happened in the Longowal Pact, then all these things follow. Sir, Longowal Pact was after the subjugation of terrorism and, in fact, nothing of substance was conceded. You were

also finding you were also involved in all those things—the types of inputs that Mr. Rajiv Gandhi received and how his determination in this matter was firmed up and who all were giving him inputs at that time.

The second point on which there is some disagreement on which we should all deliberate is this. Hon. Minister cited Dr. Alexander, in this way, but I sense it with a different approach from what he said than what you have inferred. And that is this difficulty about the coordination and the need for new laws and new changes in this federal structure. There is a difference. You are right. We have to persuade everybody. But, you know, just coordination and meetings will not do. I am just giving you an example. It was given by an hon. Member from Tamil Nadu. In Veerappan's case, just two States were involved and just see how much time had to be spent, how long it took to make two States to get their efforts coordinated. So, here, looking at things in many States, we should consider the question of Federal Investigating Agency and other changes which you have said that you are open to this and I which you the best in your ingenuity, as you have said, in your persuasiveness, in approaching this problem.

Sir, I feel that we will be discussing this again and again. As the hon. Home Minister said we should discuss this. I do hope that the approach will become clearer. There is clarity this time than from the previous year because we are all wiser by the experience of the year, including the year in Andhra Pradesh with naxalities. Therefore, I hope, when we discuss it next time, the approach would be even more bipartisan, with exception of Mr. Vayalar Ravi. I try to make using examples from all the States. And, the hon. Home Minister's reply has been completely bipartisan and it will be even more hopeful next time. Thank you.

SHRI JAIRAM RAMESH (Andhra Pradesh) :Sir, the hon. Home Minister started his reply by drawing the attention to the fact that it is wrong to draw misleading conclusions on the number of districts affected by naxalite violence. If you look at the data that has been presented by the Home Ministry itself, there is an increasing trend *i.e.*, it has spread from 130 districts to 140 districts. Now, the nation is led to believe that there are about 170 districts affected by naxalite violence. He himself said that it is a misleading notion, because you may have an incident in one isolated part of a district and that district can then come in this category of naxalite

violence. So, I request the hon. Minister that when data is presented on things like extremist violence and so on, care is taken on the basis on which this data is actually presented because, today, there is an actual belief in this country that 170 district of the country are beyond the pale of law, that naxalites are ruling the roost in these 170 districts. It is simply not the case on the ground. It is not true. It is only a few districts which are badly affected. But, there are a large number of districts in which there are isolated instances, So, I think, the Home Ministry owes a national responsibility, in changing the manner in which they present information, to us. Thank you.

SHRI MANOJ BHATTACHARYA( West Bengal): Sir, I will just thank the hon. Home Minister for elucidating the commitment of the UPA Government that while combating or controlling the terrorist or insurgent activities, it will view the whole issue from socio-economic side and socio-economic measures would be taken and those would be harnessed so that the people, who are suffering from social and economic discrimination for over a period of time, overages, as he has said for thoudands of years, do not suffer. Now, these are in place. In many places these are in place for more than 16 or 17 months. What is the net experience of Home Ministry?

MR. DEPUTY CHAIRMAN: This is not a clarification.

SHRI MANOJ BHATTACHARRYA (West Bengal): Yes, Sir. It is a clarification. What is the net experience of the Home Ministry as to how these are working?.. *(Interruptions)*... If this sort of comment comes, we cannot seek clarification. Nobody, here advocates terrorism. The social discrimination has advanced the cause of terrorism. We firmly believe that. I would just like to have a clarification from the hon. Minister as to how many projects are in place in these sorts of affected districts, or affected villages, or affected talukas, or affected hamlets. And, what is the net experience of the Home Minister for matter, if at all he is aware of it ?

PROF. SAIF-UD-DIN-SOZ: Sir, I have also to seek a clarification. *(Interruptions)* It is a very small clarification. *(Interruptions)*

MR. DEPUTY CHAIRMAN: You cannot seek darification. *(Interruptions)* No; no. *(Interruptions)*

PROF. SAIF-UD-DIN-SOZ: Sir, because Mr. Ram Jethmalani is not here...*(Interruptions)*... He never said like that.



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MR. DEPUTY CHAIRMAN: You are an experienced Parliamentarian, you cannot seek clarification. *{Interruptions}*

PROF. SAIF-UD-DIN-SOZ: No, Sir, because he has initiated this... *{Interruptions}*

MR. DEPUTY CHAIRMAN: No, ^.*{Interruptions}*

PROF. SAIF-UD-BIN-SOZ: MR. Ram Jethmalani is not here. You have attributed a statement to him. *{Interruptions}*

MR. DEPUTY CHAIRMAN: Mr. Soz, please... *{Interruptions}*

PROF. SAIF-UD-DIN-SOZ: I was all through here. He never said that concessions should be made to Pakistan. *{Interruptions}*

MR. DEPUTY CHAIRMAN: Shourieji, it is not necessary. *{Interruptions}*

SHRIMATI BRINDA KARAT(West Bengal): Sir, my question relates to Tripura because the Hon. Home Minister has specifically mentioned and taken the name of Tripura when he was talking about the improvement in the North-Eastern States. And, the experience of the Tripura Government is precisely this, the combination of a two-pronged approach, both, a strong administrative approach as well political approach trying to address problems which may have caused young people to join the ranks of the terrorists. So, that is one aspect of our own experience in Tripura. We have been quite successful in isolating many of the groups from among the people. However, the basic problem here is the camps which still exist across the border, in Bangladesh. When the NDA Government was there, we have been constantly trying to draw attention to this very important aspect, and have been saying that in the struggle against terrorism—on the question of terrorist camps in Pakistan, which is a matter of great national concern, and it should be—that equal concern has to be there to the other border also. But, unfortunately, because of the centric policy towards Pakistan, this extremely important aspect of terrorist camps, which are existing in Bangladesh even today, that we are seeing is a kind of a coordination between terrorist groups, which was not there earlier—a new move of different terrorist groups, operating in the North-East, using the camps in Bangladesh. So, this is one of the very important aspects. So, can the hon. Home Minister specifically reply what are the talks; how

far have they progressed; what is the attention being given by the Government of India? Then, Sir, I come to another equally crucial issue, that is, the issue of border fencing. The whole of Tripura is around 857 kms, if I am not mistaken. The project was started for border fencing. But, again, it has been stopped. So, this is a very important point to which the Minister should also answer because it is a matter of deep concern.

SHRI ANAND SHARMA (Himachal Pradesh): Sir, I have also a clarification because that is also very much relevant. While agreeing to what hon. Member, Brinda Karatji, has said...*(Interruptions)* Sir, this matter had come up earlier also. And, the hon. Home Minister had answered in this House regarding the weapons. Today also he made a reference to the weapons that how they have graduated from axes and bows to, now, grenades and carbines. They also have other sophisticated weapons, like, AK-47, machineguns, etc. Where are they getting them from? What is our intelligence input? Which are the sources that have been identified? Have you taken it up with the concerned Governments? Because, it has been reported that Bangladesh is also becoming one of the corridors for smuggling of weapons to the extremist groups. These are being smuggled from Nepal also. What information do we have? How are we countering them?

SHRI SHIVRAJ V. PATH: Sir, I am happy that in this debate no hon. Member said that we do not have a policy to deal with it. The discussion last time, probably, explained that we have a policy. Maybe, we have to improve upon the existing policy, but we have a policy. Next time, probably, we will go to the other points.

Now, one of the hon. Members wanted to know whether this is the information given by the Home Ministry about the number of districts. You are right. While saying this thing I have said that my colleagues in the Home Ministry and in the Parliament have to bear the responsibility and I bear the responsibility for this. You have made the statements very correctly and we have to correct the information, which we are giving, and we will certainly do it. Now that I have explained, I am trying to convince my colleagues everywhere that if one village is affected, it does not mean one district is affected.

Then, the next point is about the projects. We do not have the projects started over there. We give the money. The Government of India gives

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Rs. 35 crores to the State Government which is asked to start developmental activities to develop infrastructure over there. So, they know it. We give them the money and we...

SHRI- MANOJ BHATTACHARYA: What is your evaluation about the real expenditure? How does it help?

SHRI SHIVRAJ V PATH: I think it helps, but, it helps very slowly. You cannot have a sudden change in the attitude and all that. It does slowly help. It does not immediately help. You cannot say that. It is like a pearl slowly developing.

As far as the foreign country is concerned, a reference was made to Tripura. I know that we are saying that terrorism is spilling over the borders from across the country and things like that, and it is not wrong. There are people in the neighbouring countries who are acting from there also, in the western sector as well as in the eastern sector of Bangladesh. Here, as far as Tripura is concerned, it is not only the people coming from across the border, I have given...

SHRIMATI BRINDA KARAT: I am sorry, I meant, our camps and our terrorists from Tripura, who are going across, and who are being given shelter in camps in Bangladesh.

SHRI SHIVRAJ V. PATH: That is exactly what I am trying to explain. Tripura is a good State today. As far as statistic? about the crime in Tripura is concerned, it has improved a lot. What was happening in the past was, the tribes and the people living there were quarrelling between themselves and it was possible for that Government to solve this problem to some extent and the situation has improved. Now somebody is going across the border. We have decided to complete the erection of the fence across the border by 2006. Half of the work is done and the other half work is being done. This work is not being done by the Army, as it was done in the Western Sector, it is done by the public sector undertakings and the State Governments also. The terrain in this area is more difficult. It is not as good as we have in Jammu and Kashmir. Here it is difficult. It is riverine 4 and it is covered with forest and things like that. So, difficulty is there also. But we should not jump to the conclusion and say that we are not responsible and the adjoining country is responsible. It is very easy for me to say that in Jammu and Kashmir everything that is happening there is

happening because of other countries. This is not the kind of stand; at least, we are not going to jump and take it. We are saying that it is happening and they shall have to take it. This matter has been discussed by the Prime Minister with the Prime Minister of Bangladesh. This has been discussed by the Foreign Minister with the Foreign Minister of Bangladesh. This has been discussed by the Home Secretary with their Home Secretary, and the D.Gs. of the two States have been discussing it. But, while saying this thing, it is very difficult to ask them, why have you not stopped these people coming there and doing these things? And they in return ask us, why have you not stopped your own people living in your territory and doing these things? So, we do not want to enter into an acrimonious dialogue with them. But, we are telling them one thing, "look, terrorism is a double-edged weapon."\*

Don't think that it will hurt us only; it can hurt you also. And, when it starts hurting you, you will not be able to control it. That is why it is in your interest also to see it. Now, we are trying to convince them. This problem is there. These areas are not free from the problem. What I am saying is this. But if we take a stand that the Union Government and the State Government are helpless—because this is happening across the border—it is not shouldering the responsibility. You are just saying that we are not responsible, they are responsible, which we are not doing. What you have said is correct. We have already taken steps and we would like to take steps. Dr. Karan Singhji was saying that he also wanted to put a question relating to our relations with Nepal, Bhutan, Myanmar, Sri Lanka and Pakistan. It is very far.

MR. DEPUTY CHAIRMAN: It is related to the Ministry of External Affairs.

SHRI SHIVRAJ V. PATH: But, Sir, we have been talking to them. They are cooperating with us and we are cooperating with them. Internationally also, we are talking to many countries. We have entered into many agreements for extradition, for taking action against the culprits living over there, and we are also talking to the international organisations. Sir, because of the paucity of time, I did not deal with this. Thank you, Sir.

AN HON. MEMBER: What about weapons?

SHRI SHIVRAJ V. PATH: This is a problem, Sir. When we go to the international conferences, everybody says that terrorism should be stopped.

When we say that the simplest method to stop terrorism is not to allow weapons to be sold in that country, they say, 'no, no' this is economical. So, these weapons are coming from across the border, from the neighbouring countries and from other countries also.

MR. DEPUTY CHAIRMAN: Now we take up the National Tax Tribunal Bid, 2005, Shri Hansraj Bhardwaj.

**GOVERNMENT BILLS** (*Cont.*)

**The National Tax Tribunal Bill, 2005**

THE MINISTER OF LAW AND JUSTICE (SHRI HANSRAJ BHARDWAJ): Sir, I beg to move:

That the Bill to provide for the adjudication by the National Tax Tribunal of disputes with respect to levy, assessment, collection and enforcement of direct taxes and also to provide for the adjudication by that Tribunal of disputes with respect to the determination of the rates of duties of customs and central excise on goods and the valuation of goods for the purposes of assessment of such duties as well as in matters relating to levy of tax on service, in pursuance of article 323 B of the Constitution and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration."

Sir, the National Tax Tribunal Bill, 2005, aims at establishing National Tax Tribunal which will have jurisdiction to deal with disputes concerning both direct and indirect tax laws as is indicated in the long title of the Bill.

Sir, as you are aware, this Bill was conceived by the earlier Government, that is, the NDA Government, and We are continuing with this. This Bill was passed by the Lok Sabha unanimously.

Sir, the main objective behind setting up of this Tribunal is to speed up disposal of cases relating to direct and indirect tax matters. Apart from achieving the purpose of speedy disposal of tax matter, the setting up of, National Tax Tribunal will introduce an all-India perspective in the matter of interpretation of tax laws, since it will have a nationwide jurisdiction. It may also be noted that there are, at present, 21 High Courts. Many a