

LOK SABHA

SYNOPSIS OF DEBATES* (Proceedings other than Questions & Answers)

Monday, July 15, 2019 / Ashadha 24, 1941 (Saka)

REFERENCE BY SPEAKER

HON. SPEAKER: Hon. Members, I am very happy to inform the House that taking inspiration from Mahatma Gandhi, on the occasion of his 150th birth anniversary, Swachhata Abhiyaan was launched on 13th and 14th July in the premises of the Parliament House in which hon. Ministers, hon. Members, Officers/Staff of Lok Sabha Secretariat and other allied agencies participated wholeheartedly. Our effort is to spread this resolution of 'Swachhata Abhiyaan' from Parliament to every nook and corner of the country.

The role of the hon. Members in making the people aware about this Abhiyaan is very important. You came and actively participated, I thank and congratulate you all for this. I believe that with your active participation we will be successful in spreading this message amongst the people through this Swachhata Abhiyaan from this temple of democracy. We will certainly be able to

* Hon. Members may kindly let us know immediately the choice of language (Hindi or English) for obtaining Synopsis of Lok Sabha Debates.

fulfil Mahatma Gandhi's dream of Swachha Bharat and the resolve of the hon. Prime Minister by the 2nd October 2019.

THE MOTOR VEHICLES (AMENDMENT) BILL, 2019

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (GEN. DR. V. K. SINGH (RETD.)) moved that leave be granted to introduce a Bill further to amend the Motor Vehicles Act, 1988.

PROF. SOUGATA RAY: I rise to oppose the introduction of the Bill. Some of the States are concerned about new provisions which empower the Centre to formulate a National Transport Policy. This will take away the powers of the State Governments. This will put the people living in rural and far flung areas to disadvantage because the private operators refuse to cater to their needs.

SHRI ADHIR RANJAN CHOWDHURY: I rise to oppose the introduction of this Bill. However, I oppose only a few provisions of the Bill as it does not comply with the established constitutional provisions. The Bill provides that the Central Government may modify any permit issued under the Act. It may also modify the scheme for national multimodal and interstate transportation of goods or passengers, and issue or modify licence under such schemes. Before taking any such action, the Central Government should consult the State

Governments. The Bill provides that for a new motor vehicle, the dealer would apply for the registration of vehicle if the dealer is situated in the same State where the vehicle is being registered. It would be against public interests.

SHRIMATI MAHUA MOITRA: I rise to oppose the Bill. The time limit for licence renewal has been increased from one month to one year after the expiry. This is detrimental to road safety.

THE MINISTER OF ROAD TRANSPORT AND HIGHWAYS AND MINISTER OF MICRO, SMALL AND MEDIUM ENTERPRISES (SHRI NITIN JAIRAM GADKARI) *clarifying said:* This Bill was passed during the last Lok Sabha but could not get through in Rajya Sabha. At that time Transport Ministers of 18 States under the Chairmanship of Mr. Younis Khan, the Transport Minister of Rajasthan Government had examined this Bill and submitted the copy of the recommended Bill to me which I tabled in the Parliament. Subsequently this Bill was referred to the Standing Committee and the Joint Select Committee as well. After the reports of the two Committees, the Bill was referred to Rajya Sabha but it could not be passed there. Today, again I have introduced the same Bill in this August House. The States which want to enforce it, they can do so and those who do not want, it is not binding on them. Obtaining a driving licence is the easiest thing in India. People have little respect to and fear of the law that is also a reason that we are bringing this Bill for the safety of the people. We want to

improve our transport service. We are keen to introduce electric buses. Approximately 1.5 Lakh people die in accidents in the country. Still, I will consider whatever you suggest in public interest. I urge upon the hon. Members to pass this Bill for the safety of the people.

The Bill was introduced

***MATTERS UNDER RULE 377**

- (1) **SHRI DILIP SAIKIA** laid a statement regarding infiltration in Assam.
- (2) **SHRI JANARDAN SINGH SIGRIWAL** laid a statement regarding need to set up a Mega Food Park in Maharajganj Parliamentary Constituency, Bihar.
- (3) **SHRI DUSHYANT SINGH** laid a statement regarding clearance to Jhalawar airport.
- (4) **SHRI VINOD LAKHAMSHI CHAVDA** laid a statement regarding need to set up a Passport Seva Kendra in Morbi district of Gujarat.
- (5) **DR. RAM SHANKAR KATHERIA** laid a statement regarding need to extend train no. 64589 and train no. 64160 upto Etawah and Phaphund respectively.

* Laid on the Table as directed by the Speaker/Chair.

- (6) **SHRI NARENDRA KUMAR** laid a statement regarding need to establish an Agriculture college in Abusar, Jhunjhunu district, Rajasthan.
- (7) **SHRI SUDARSHAN BHAGAT** laid a statement regarding need to shut down or shift coal dumping yard situated in Lohardaga district, Jharkhand.
- (8) **DR. SANJAY JAISWAL** laid a statement regarding need to make Sariswa river in Bihar pollution free.
- (9) **DR. SUJAY VIKHE PATIL** laid a statement regarding water problem and drought situation in Ahmednagar, Maharashtra.
- (10) **SHRI VISHNU DAYAL RAM** laid a statement regarding need to construct railway line between Barwadih (Jharkhand) and Chirmiri (Chhattisgarh).
- (11) **SHRI DEVENDRA SINGH 'BHOLE'** laid a statement regarding alleged dereliction of duties by officials of Electricity Department.
- (12) **PROF. RITA BAHUGUNA JOSHI** laid a statement regarding need to include Kol caste of Uttar Pradesh in the list of Scheduled Tribes.
- (13) **SHRIMATI DARSHANA VIKRAM JARDOSH** laid a statement regarding need to promote water-harvesting and solar energy system.

- (14) **SHRI DEVUSINH CHAUFAN** laid a statement regarding need to set up a Kendriya Vidyalaya in Kheda Parliamentary Constituency of Gujarat.
- (15) **SHRIMATI LOCKET CHATTERJEE** laid a statement regarding need to make Hoogly river pollution-free.
- (16) **SHRI SUNIL BABURAO MENDHE** laid a statement regarding need to establish a Railway station in Bhandara, Maharashtra.
- (17) **SHRI K. SUDHAKARAN** laid a statement regarding need to revise target of Pradhan Mantri Gram Sadak Yojana (PMGSY) for Kerala.
- (18) **ADV. ADOOR PRAKASH** laid a statement regarding construction of sea wall along the coastline of Kerala.
- (19) **SHRI A. RAJA** laid a statement regarding need to save Cordite Factory Aravankadu in Tamil Nadu by increasing its production target.
- (20) **SHRI MARGANI BHARAT** laid a statement regarding upgrading Rajahmundry Airport to International Airport.

- (21) **SHRIMATI APARUPA PODDAR** laid a statement regarding safety and security of women in Delhi.
- (22) **SHRI KRUPAL BALAJI TUMANE** laid a statement regarding promoting generic drugs in the country.
- (23) **SHRI MAHABALI SINGH** laid a statement regarding need to accord special category status to Bihar.
- (24) **SHRI BHARTRUHARI MAHTAB** laid a statement regarding need to amend rules of Compensatory Afforestation Fund Management and Planning Authority (CAMPA) Fund.
- (25) **SHRI RITESH PANDEY** laid a statement regarding adequate compensation to land oustees.
- (26) **DR. G. RANJITH REDDY** laid a statement regarding approval to Industrial Corridors in Telangana.
- (27) **SHRIMATI VEENA DEVI** laid a statement regarding need to set up an Airport in Vaishali, Bihar.
- (28) **SHRI MOHAMMED FAIZAL P.P** laid a statement regarding night landing facilities at Lakshadweep Airport.
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THE NATIONAL INVESTIGATION AGENCY (AMENDMENT)

BILL, 2019

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI G. KISHAN REDDY) moved that the Bill further to amend the National Investigation Agency Act, 2008, be taken into consideration.

SHRI N.K. PREMACHANDRAN: According to the Rules of Procedure and Conduct of Business in Lok Sabha, when a financial business is being listed in the list of business, it is the bounded duty of the House to transact the financial business first. Then only, the legislative business shall be taken up. So, I am seeking a direction from the hon. Speaker.

PROF. SOUGATA RAY: In the history of Parliament, not once during the discussion on financial business, a Bill has been allowed to be discussed. The Government is bringing in a Bill in the midst of financial business. The hon. Minister has to reply why suddenly Bill is being brought.

OBSERVATION BY THE SPEAKER

HON. SPEAKER: Hon. Members, I have tried to allow enough time to all the hon. Members in every discussion be it the Finance Bill or the Demands. Your time will not be curtailed. Other Bills are as important as the Finance Bill. Rule 220 does not bar in clear terms that any other Bill cannot be brought when the

Finance Bill is being discussed. Therefore, I give my ruling that as this item has been included in the List of Business, I allow a discussion on this Bill.

SHRI G. KISHAN REDDY *moving the motion for consideration of the Bill, said:* Terrorism is a serious problem not only in India but the world over. The NIA Bill was brought in the Parliament in 2008. The NIA started functioning in 2009. Terrorism is now an inter-State and international issue. That is why we want to strengthen the NIA Act. Conviction rate of terrorists in the cases under the NIA Act has been almost 90 per cent. There is provision of Special Court in the NIA. We would like to clarify that special judges of the NIA court will continue to be appointed by the Chief Justice of the high court concerned. Only the process is being simplified to avoid delay as our Government wants to ensure that terrorists get punished quickly as per law. We wish that the State Governments should also set up special courts to try the cases of terrorism. We want to empower the NIA in relation to the Explosives Act also. As of now, human trafficking and cyber terrorism are the biggest problems in the world. So, we want to give this responsibility to the NIA. The Government has introduced this Bill in the interest of the country, for the defence of the country. Therefore, I urge upon you to pass this Bill.

SHRI MANISH TEWARI *initiating said:* At the heart of democracy lies an inherent tension between civil liberties and the security of the State. The founders of the Indian Constitution gave primacy to civil liberties and Rule of Law. When any Bill, maybe, for legitimate purposes, is brought before this House in order to give additional powers to any investigative agency, therein lies the fundamental problem with any such Bill which seeks to empower any such investigative agency further. When the separation between investigation and prosecution has not taken place, investigation becomes a handmaiden of the Government in power, prosecution becomes a command driven performance and therefore the justice which should be meted out to a citizen gets denied. When the Government brings such amendment Bills, it must provide that there has to be a separation between investigation and prosecution. The NIA Bill in 2008 came under very specific circumstances. The constitutional validity of the National Investigative Agency Act is not a settled question so far. The present Amendment Bill sets out to give extra territorial jurisdiction to the NIA. This is not a problem. The real problem is with designating Sessions Courts as Special Courts.

The Government is diluting this Act because it is turning the investigating agency into any other kind of a police force. I would say that if you read the NIA (Amendment) Bill in conjunction with the UAPA Amendment Bill, the

Biotechnology Bill and the Aadhaar Amendment Bill, it is seeking to turn this country into a Police State.

SHRI A. RAJA: The amendment proposed by the Government in the National Investigation Agency Act is to enlarge the ambit and scope further on the grounds that the applicability of the law is beyond the Indian territory. I want to know from the Government whether a confidence has been created in the people that criminals are punished, in the police force that they are armed with legal powers and in the prosecution that they are able to prove the offence. I sincerely believe that the exercise that has been done by the Government is intended only to expand the ambit and scope of the Act. The Act was enacted during the period of UPA. The Government gave categorical assurances that it will not be used against Muslims or any minorities or any religion. Now, the political entity has changed. Hence, it is the duty of the Government to remove such a cloud that they will not have any look under the communal prism. Moreover, it should also be ensured that this law should not be misused like POTA and TADA. After the destruction of twin-towers in USA on 9/11, the United States enacted series of laws but against aliens and not the citizens of their own country, but we are enacting a law for our own domestic people, those who are Muslims or Christians or Minorities. In order to address the Right-Wing Terrorism also, the Government must bring a law, or this law has to be further amended to curb the Right-Wing Terrorism.

DR. SATYA PAL SINGH: I would like to say that unfortunately on many occasions, fighting terrorists and countering terrorism in this country was made political which is why terrorism flourished in India. I can quote many cases here when it was made political just because it did not suit the political interests of a political party. I want to reiterate this point that terrorism should not be made a political issue as it has become a menace for the entire humanity; for the entire country; and for the entire world. The NIA Act was brought in 2008 after terrorist attack on Mumbai. It is because at that time, it was realised that the State police were not well-equipped and they were not well-trained to handle these terrorists' acts. At that time, the CBI was investigating such kind of cases. Some CBI officers felt that CBI was over-burdened. But that was not the main reason. The main reason was that the CBI required the State consent before taking up any investigation in any case. We all know that Section 3 of the IPC has extraterritorial jurisdiction but the NIA was not having that and hence I congratulate the Government for bringing this kind of amendment to the Act. I would also like to request the Government that the power to attach the property of a terrorist should be given to the DG, NIA. We also require a law having the provision to deal with human trafficking and cybercrime. With these words, I am supporting this Bill.

SHRI KALYAN BANERJEE: I would like to bring the attention of the Government to the expression, 'inter-state and international linkages' used in the

Bill. The question is whether it is being diluted by any of the amendments which are being brought or the Government is trying to take the power or interfering with the powers of State regarding law and order situation. The objective of the bill is that if any act of terrorism is committed by any person outside India, this Act gives the Government power to proceed. But, again, I would like to refer to Clause 4 which says 'subject to any international treaty or domestic law of the concerned country'. I would like to know whether it will really help you achieve your objective. If you do not have any treaty, how will this Act be made applicable. In that case, the clause will remain in the statute book only. The object of the Bill is speedy trial. So, the Government should make a clause that if time is extended, the Special Judge shall give reason for extending the time. So far as the designated Special Judge is concerned, if the post is created, only then it will be helpful. About women trafficking, if the women trafficking is inter-State or international, Government can apply its power. If it is only within the State itself, and you interfere, then Government are interfering with the power of the State and hitting the federalism itself. I also request that when they are appointing the designated Special judges, they may also consider appointment of Special Public Prosecutors who will be having a good knowledge of the subject.

SHRI KANUMURU RAGHURAMA KRISHNARAJU: This Bill intend to cover offences affecting integrity and sovereignty of the country. I am glad that

problem of women trafficking has been included in this Bill. It also includes offences related to counterfeit currency notes and cyber terrorism. Of late, we have seen that offences related to cyber space has been increasing. So, including that is the need of the hour. I would like to bring to the notice of the Government that while we are adding so many offences in this Bill, we should also look at the staff strength of the NIA to handle these cases. I would like to mention that terrorism has no religion. So, the terrorists would be punished irrespective of their religion. So, publicizing about the religion of those involved in terrorism is not in the interest of secular fabric of this country.

SHRI RAHUL RAMESH SHEWALE: In fact, this Bill is a tribute to hundreds of those Indians who were martyred during 26/11 terrorist attack. Today, through this amendment Bill, our country is taking a stringent measure against terrorism which is a matter of great pride for all the Indians. I feel proud that conviction rate of cases handled by the NIA is more than 95 per cent. But NIA, which is committed to protect the interest of the country, was having some problems in curbing the terrorist activities. That is why, need to bring this amendment was felt. This amendment will prove to be a revolutionary step in the security of our nation. I would also like to say that there is also a need to curb the menace of money laundering in the interest of internal security of our country.

Apart from that, it is also needed that Narcotics Control Bureau should be made more efficient. Similarly, a strict law is also needed to prevent naxal activities.

SHRI BHARTRUHARI MAHTAB: There are three major issues, pertaining to this Bill. One is to expand the scope of investigation. Second is to expand the scope of investigation to foreign shores, and also to bring in human trafficking and other issues within its ambit. I would just like to mention here that there is a need to expand the scope of NIA. The highest ranking police officer of the respective State should be kept informed about the investigation. Here, I would like to say that if the DGP is taken into confidence, not only of being informed but also becomes part and parcel of the investigation, it will be helpful. Today, due to internet services, people have direct contact with the Islamic State(IS). Boys have gone out of our country to join the IS. I would like to ask the Government that how they will be caught and prosecuted? In this Bill, the power of the Central Government to constitute Special Courts has been mentioned. But subsequently in Clause 22, it has been stated that the State Government may constitute one or more special courts for the trial of offences. I need a clarification from the Government in this regard. At what level, the prosecution will take place, decision will be given and punishment will be imparted? I would also like to mention here that human trafficking needs adequate investigation. But here I would like to just

mention that under Sections 370 and 371 of the IPC relating to human trafficking also has Inter-State and international linkages, which also needs to be looked into.

KUNWAR DANISH ALI: We all agree that there should be zero tolerance policy against terrorism. But previous laws enacted to prevent terrorism have been misused earlier and many innocent people have been sent to jail without any trial. So, laws like TADA and POTA had to be repealed later. I would also like to say that investigation and prosecuting agency should be separated. Similarly, there should be some limit with regard to media trial. I would also like to request the Government that Data Protection Bill should be brought at the earliest.

SHRIMATI SUPRIYA SADANAND SULE: I rise to support this Bill. Government has stated that conviction rate in the investigation cases conducted by NIA is more than 95 per cent. Whereas, I would like to say that out of 14 cases, conviction has been achieved in only one case and remaining 13 cases are still pending. I would also like to quote the Italian Marines case, they came to India but they were taken back. In such situations, what will the Government do or what is it doing specifically to improve these relationships so that any Indian who suffers anywhere in the world gets a fair trial and justice? Is the Government able to get each terrorist from anywhere in the world and what is the time bound plan for it? When it comes to national security, this House must stand together to tell the world in one voice that we stand united against any corruption or any national security

issue. This should not be made a political issue. The scheduled offence committed outside India, case is registered and investigation is taken up then how are we going to have agreements with several countries? Let us have something where national security and terrorism is above political agendas. I think that sense of this House is that do not misuse any of these things politically, in the larger interest of this nation and the safety and the security of this nation.

SHRI KESINENI SRINIVAS: Under this Act, designating Sessions Courts as special courts dilutes the importance of the effect of an investigation agency created especially for a particular purpose. We are well aware of the burden of pending cases on the Judiciary. Though, the conviction rate of the NIA is high but the number of cases for which trial has concluded with respect to total registered cases is low and that needs to be looked at. It must also be taken care of that the powers of the National Investigation Agency are kept in check so that they do not encroach upon the liberties of the citizens. Another concern is that it will not be free from political interference. The Government needs to look at this also.

ADV. A. M. ARIFF: At the outset, my major concern with the National Investigation Agency (Amendment) Bill, 2019 is the provisions of the closely related Unlawful Activities Prevention (Amendment) Bill, 2019. The amendment to Schedule 4 of the Bill will allow the National Investigation Agency to designate an individual suspected to have terror links as a terrorist. It is nothing but State-

sponsored terrorism and violates the Fundamental Rights and ethos of our Constitution. A large number of under-trials are languishing in various jails without hearing under the National Investigation Agency Act. The widespread human rights abuse under the TADA is evident. In fact, this Bill is quite vague. I would, therefore, urge the Government to set up real and functionally efficient special courts and remove the draconian provisions of the UAPA (Amendment) Bill, 2019 which, in the name of tackling terror, contravene the fundamental rights of the citizens.

SHRI N.K. PREMACHANDRAN: If we examine the past experience of TADA and POTA at a micro level, it is very clear that a section of the society has been targeted. In most of the cases, the convicts have not been found guilty and have been released. This is the situation prevailing in our country. I would suggest that the system of criminal jurisprudence has to have a drastic amendment. The cloud of suspicion among the minorities has already been discussed here. I would like to know from the hon. Minister, from 2008 to 2019, that is from the POTA to the UAPA, how many FIRs have been lodged, and cases charge-sheeted and how many have been prosecuted and punished? This statistical information is highly essential to look into the veracity and merit of this Act.

SHRI KAUSHLENDRA KUMAR: We are living in the digital age today and the cyber crimes are on the rise in the country. Therefore, it was all the more

necessary to strengthen the NIA in this regard. With amendment in Section 4, the NIA will become more powerful. The Government has taken this step according to the requirements in the changing scenario. However, I would request the Government to ensure that this law is not misused.

SHRI RAVNEET SINGH: I happened to be the Member of the Parliamentary Standing Committee on Home Affairs when the NIA Bill was being scrutinized. This is good that courts are being set up. The lower courts should give their final verdict within three months time period. The High Courts and the Supreme Court should also dispose of such cases within three months time because the case becomes weak and sentiments plummet with the passage of time. The terrorist should be punished at the earliest possible. Such a huge agency is being set up and it must prove beneficial to the country.

SHRI E. T. MOHAMMED BASHEER: As far as terrorism is concerned, we should deal with it with iron hand. As regards credibility of NIA, I would not hesitate to say that its credibility is eroding. We all know that the NIA is becoming an instrument in the hands of the Government for attaining its political wish and will. Innocent youths are languishing in jails. What is the position of the CBI? If we look at history, we would find that a majority of people belonging to the minority community and the people belonging to the Scheduled Castes and Scheduled Tribes are in jail. Even charge sheets against them have not been filed.

I urge upon the Government to keep this investigation agency as independent as possible.

SHRI VISHNU DAYAL RAM: Hon. Minister of Home Affairs and hon. Prime Minister have announced a very categorical policy with zero tolerance to terrorism. This country has been facing the worst consequences of terrorism for years. I understand this is a very good Act. Amendments are always effected in a law according to the needs and changing times. One hon. Member explained in detail, the rights available to citizens under the Article 14,19 and 21 but he did not say anything about the restrictions imposed in this regard. The very first amendment in the Constitution was made in the Article 19 with imposition of some restrictions on the rights available in this Article. Terrorism is not limited to any one country that is why extra-territorial jurisdiction has been included in it. Other countries where such laws are there, this right has also been given therein. It is the duty of our country to safeguard the interests and safety of the citizens of our country living in other countries. Stringent provisions have also been provided in it.

SHRI ASADUDDIN OWAISI: I oppose the National Investigation Agency (Amendment) Bill, 2019. Criminal law is based on territorial jurisdiction. By bringing this Bill, the Government is extending the territorial jurisdiction. I want to know from the hon. Minister as to whether the Government is going to sign the

International Criminal Courts Statute so that any dictator who has indulged in crimes against humanity or genocide will be tried. Till the Government signs that we do not have that territorial jurisdiction. If an NIA officer goes to some country to investigate and say that our laws will prevail but they will not prevail because the local laws will prevail there. What powers is the Government giving to an NIA officer? This amendment talks about affecting the interests of India. Can you please define as to what is affecting the interests of India? In a Bill, it cannot be so vague. You are creating a device for yourself to even bring in some people who write a blog against your ideology and your Party. In this Bill, it says "Special Court designated for an area or areas". It is violating Article 14 of the Constitution because the notification cannot be made for a specific case or area. It is violating the provision of equality. Does the NIA have special investigative techniques? If yes, do they have the legislative approval? What is the responsibility of the Government towards the victims? Will the Government issue a letter of apology to the accused of Malegaon blast who were exonerated by the Courts? Will you appeal against the Mecca Masjid blast? Do you have a firm resolve against terrorism? Why are you not appealing against the Mecca Masjid blast? Who is responsible for those 66 people who died in Samjhauta blast? Why are you not appealing against the Ajmer blast? These are all terrorist offences. Now, the

narrative is that the Government will not take any action if the victim happens to be a Muslim and the accused a non-Muslim. With this, I oppose this Bill.

SHRI HANUMAN BENIWAL: Terrorism is a big problem not only of India but of the whole world. Even a country like the US has suffered from terrorism. This Bill enhances the jurisdiction to cover attacks on the people of Indian origin living abroad. A system should be brought to dispose a case within a fixed period under the law under which terrorists have been arrested. I would like to thank hon. Home Minister for removing the security of separatist leaders of Kashmir, who were provided security by the previous Governments which involved a huge expenditure and also bringing the Kashmiri youth within the mainstream. Many dreaded terrorists were arrested under TADA and POTA and they were given capital punishment. TADA and POTA an important role ending the terrorism though some instances of misuse happened therein. Akshardham and our Parliament were also attacked by the terrorists. Azhar Masood has been declared as international terrorist. NIA has 95 per cent conviction rate of the cases handled by it.

SHRI K. SUBBARAYAN: I oppose the Bill further to amend the National Investigation Agency Act, 2008. I suspect the motive of the Government in bringing this amendment. The proposed amendments are aimed at attacking and scuttling any democratic country. If enacted into a law, this will be used to

intimidate, threaten and victimize the persons and organizations who fight in a democratic manner. Our experience of the last five years only arguments our fear that this amendment only seeks to empower the National Investigation Agency to unleash institutionalized terrorism against dissenting voices. Therefore, I oppose this Bill.

SHRIMATI MEENAKASHI LEKHI: Nature of terrorism has changed and it is no longer restricted to the jurisdiction where the crimes are committed. When IPC and CrPC were brought in around 1900, at that time, there was no internet; the global movement was low, the nature of crimes was very different. Today, crimes are cutting across nations; planning is happening somewhere else and execution is happening somewhere else. This particular amendment is with a view to support the UN Conferences on anti-terrorist activities. It is surprising that people, who have suffered due to terrorism in this country, are Members in this House and they are opposing a Bill like this. When you designate a court, the problem of nominating particular Judges by name is taken away. Those notifications delay the prosecution of cases and that delay is to be tackled by these amendments. There are four such courts, which have to be appointed at Guwahati, Kochi, Kolkata and Delhi. Many people from Kerala visited ISIS and are involved in terrorism activities outside the country. Under which law, will you prosecute them? Under which law, will you cooperate with the external agencies of other

countries? This amendment has been brought in to fill these gaps. Bhopal Judicial Academy is not only dealing with the training of judges but also with the training of prosecutors as well. This law is giving NIA officers the same powers as that of a police officer. Under those powers, the officer is allowed to investigate the matter wherever the crime may have happened. The designation of a court helps in maintaining the continuity of prosecution even if people get transferred. This is actually a secular enactment. It is not defining the religion of a terrorist or the religion of a criminal.

MINISTER OF HOME AFFAIRS (SHRI AMIT SHAH) *replying to the clarifications, said:* A number of Members said that it will be misused and names of some religions, some organizations were also given. I would like to assure the House that the Government has neither the intention to misuse this law nor will we ever allow it. This law will be used purely for eradication of terrorism. While tackling terrorism we will not see as to which religion the terrorist belongs to. Many Members have said that POTA and TADA were repealed because they were misused. I would like to clarify that POTA was not repealed due to misuse rather it was repealed to save the vote bank. There was no misuse of POTA. POTA was a law which saved the country from the terrorism and secured the borders of the country. It was repealed in the year 2004 by the UPA Government in the very first resolution of its first cabinet after coming to power. It was a political decision.

The ill effect of this was that the terrorism increased so much in the country during 2004-2008 that the UPA Government itself had to bring the NIA which we are going to strengthen further. Had POTA been not removed then the situation of terrorism would not have been same in the country and Mumbai blast would not have also occurred. I appeal to Members of all the parties that this law is to further empower our agencies to tackle terrorism in the country. Our people died in Sri Lanka and Bangladesh and agencies has not legal right to carry out investigations there. We have brought this Bill to give our agency that legal right.

SHRI G. KISHAN REDDY *replying said:* Our Government is against terrorism. We have brought this Bill to protect our country from the terrorism.

The issues of civil liberty, democracy, free and fair prosecution have been raised by the Members which has been responded to by the hon. Minister of Home Affairs also. There is no problem of federal system as such. Whichever police agencies are there in the States, they work in tandem with the NIA. The Multi Agency Centre (MAC) has been strengthened and reorganized and enabled to function 24x7 basis with real time coalition of sharing intelligence with intelligence agencies of State. SAARC Convention (Suppression of Terrorism) Act, 1993 provides for extra territorial jurisdiction for investigation of terrorism offences. The Act is appended to the Schedule of the NIA Act. Anything that is waging war against our country is looked through this Act. A good number of

Acts are in place to deal with the cases of varying nature. No country on earth is in support of terrorism. In fact terrorism has no faith or religion or caste or region or even gender. It is against humanity. So, it is obligatory for the entire world to fight against terrorism. Insofar as human trafficking is concerned, it falls within the jurisdiction of the State Governments. If at all there arises a need to take up the cases concerning human trafficking, it is undertaken in consultation with the State Governments concerned. The NIA has been given powers to investigate not only inter-state issues but international issues also. The cases of inter-state terrorism are dealt with working in close association with the highly placed officials of the State Governments. The NIA has registered FIRs in 272 cases hitherto and has started investigation thereof, out of which judgements have been pronounced in 51 cases. Out of 51 cases, culprits have been convicted in as many as 46 cases which comes out to be 90 per cent. This amendment will result in speedy investigation and prosecution that will further improve NIA's performance. There exists a Federal Bureau of Investigation in the USA which has its own constitution and has entered into agreements with so many countries including India. Investigation is carried out by talking to all the countries as there has been an agreement on terrorism at the international level as well as at the UN level. The point I wish to drive home is that the issue of terrorism is not restricted to a country, rather it's a global issue. This is why there has been an agreement with all the countries and steps shall be

undertaken in line with that agreement. This issue is not a political one and invariably covers the whole nation. We aim at further strengthening the NIA by empowering it. A concerted effort shall be made to put an end to the evil of terrorism in the time to come.

SHRI AMIT SHAH *also replying said:* The designated court is a special court which is one in a State and it is meant for rare types of crimes. Since the number of such crimes is few and far between, there is just one court in a State. Insofar as convenience or inconvenience is concerned, this is not only in case of Kashmir but in every State there is a court. Pakistan has not signed SAARC Agreement. If at all Pakistan does not get included therein, the NIA has so many other ways to deal with the issue. Yet I am hopeful that even Pakistan will be forced to sign this treaty sooner or later and the Act shall come into effect there also. Once the NIA picks up any case, the State agency does not interfere with the course of investigation. The NIA is armed with a pool of experts yet it may hire trained manpower from the State agencies also. The investigation conducted by NIA is foolproof. On the issue of adding to the burden of designated court let me enlighten that on the charge having been afforded to the designated court by the Chief Justice of High Court, the Judge will automatically become judge of NIA court and the other cases under his disposal will automatically be transferred elsewhere. Since judicial process involves several stages, mere fixation of a time

frame by the designated court will not address the issue of delay caused in the delivery of justice yet the NIA has delivered within a very short span of time with 90 per cent rate of conviction which is a record in itself. Witness protection programme is already being implemented by the Government. All the Central and State agencies adhere to it.

The Bill was passed.

THE UNION BUDGET - 2019-2020

DEMANDS FOR GRANTS - 2019-2020

Ministry of Road Transport and Highways

SHRI K. MURALEEDHARAN *initiating said:* I would like to say something about my State of Kerala. Unfortunately, there is no Express Highway in Kerala. In 2001, we demanded an Express Highway starting from Kasargod to Thiruvananthapuram. During the UPA Government, the State of Kerala got the sanction for expansion of the National Highways. But due to non-payment of compensation, the development of National Highways in Kerala is not included in the priority list. A lot of agitations are going on in Kerala regarding widening of the National Highways. People demand more money for their land. Therefore,

many road projects are pending before the Central Government. It is our long pending demand to start a new National Highway starting from Vadakara to Mananthavady. The Government should also start working on six laning of National Highway no. 66. Further, the Government should build a new Bridge at Moorad in Vadakara. There is another major project Thalaseery-Mahe Bypass, the work of which is in progress but there is no subway there. The Central law should be strengthened to safeguard the people from the accidents. The State of Kerala should be given more financial assistance for widening of roads.

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SNEHLATA SHRIVASTAVA
Secretary General

**Supplement covering rest of the proceedings is being issued separately.

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NOTE: It is the verbatim Debate of the Lok Sabha and not the Synopsis that should be considered authoritative.

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