

RAJYA SABHA

***SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Thursday, August 19, 2010/ Sravana 28, 1932 (Saka)

MATTERS RAISED WITH PERMISSION OF THE CHAIR

I. Reported remarks of the Railway Minister on Maoist activities and Lalgarh incident

SHRI SITARAM YECHURY: The Hon'ble Prime Minister at least, on three occasions, has said that the gravest danger to India's internal security is Maoist violence. How can a Cabinet Minister openly collaborate with the Maoists and protect and patronize them? I am giving you an authenticated report. She has said that the person who has been killed in the encounter is a shaheed. When that issue was raised here by the hon. Leader of the Opposition, we heard in the media that a Motion of Privilege has been moved against him. We want to know whether a Motion of Privilege has been moved against the Leader of Opposition on this issue?

SHRI RAVI SHANKAR PRASAD: I associate myself. That is a serious breach of collective responsibility. The Leader of the opposition is a very distinguished Constitutional expert. He raises it and if a threat of privilege is being given, then that is a patent violation of Article 105 of the Constitution.

***This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.**

**THE MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS (SHRI PRITHVIRAJ CHAVAN):**

When this issue was raised first by the hon. Leader of Opposition, I said that we will find out from the hon. Minister about it and come back to the House because, these are all media reports.

II. China's military build-up against the country

SHRI ASHWANI KUMAR: This is an issue of great national importance which concerns our national security. It is an information that China is undertaking a massive military build up on the Indian border. It has deployed CSS-5 missiles which has 2700 kilometre range. Given the context of the past record of certain unacceptable moves by China, this is a matter that requires consideration of this country and the National Security Agencies of this country. India's strategic power is very low compared to China. We have to pursue a harmonious relationship with China. It is our largest trading partner. It is critically important that we revisit our defence preparedness and our defence strategy.

(Shri M. Rama Jois, Shri Nand Kumar Sai, Shri Rudra Narayan Pany and Shri Ravi Shankar Prasad associated.)

III. "Paid News" and issue regarding Press Council

SHRIMATI BRINDA KARAT: While the media are making excellent use of the Right to Information Act to expose wrong-doings, it is shocking to learn that the Press Council of India is suppressing vital information on the 'paid news' scandal. The Press Council had set up a two-members sub-committee to look into details of the scandal. It produced a 72 page report. Instead of making the report public, the effort is to remove the names of those named. It is essential for the Government to intervene on this. I hope the House will take note of it and the Government will take appropriate action.

(Shri S. S. Ahluwalia, Shri Mukhtar Abbas Naqvi, Shri Rudra Narayan Pany, Shri Ravi Shankar Prasad, Shri Ram Kripal Yadav, Shri Pyarimohan Mohapatra, Shri D. Raja, Prof P. J. Kurien, Shri M. V. Mysura Reddy and Shri H.K. Dua associated.)

MR. DEPUTY CHAIRMAN: The whole House is associating.

IV. Severe drought prevailing in entire Eastern India, specially west Bengal and Bihar

SHRI MOINUL HASSAN: Because of deficit rainfall, the entire, Eastern India is facing unprecedented drought. The Government of West Bengal has declared eleven districts as drought hit. Entire Bihar and entire Jharkhand have been declared as drought hit. In West Bengal, there is 30 per cent deficit rainfall. Lakhs of hectare of land is not in a position to be cultivated. There is a demand to increase the work of Mahatma Gandhi NREGS by manifold. But, fund constraint is there. Rs.1400 crores is required under the head of 'Labour Estimate' to face the drought situation in West Bengal. The Hon'ble Chief Minister of West Bengal in his letter written to the Hon'ble Prime Minister demanded. And to immediately release of balance amount to save the common people and to provide jobs to the common people of Bengal.

(Shrimati Brinda Karat, Shri Ravi Shankar Prasad, Shri Prasanta Chatterjee, Shri Tarini Kanta Roy and Shri Tapan Kumar Sen associated.)

V. Severe drought condition in Jharkhand

SHRI KANWAR DEEP SINGH: All the 23 districts of Jharkhand are in the grip of severe drought which has affected the livelihood of large number of tribals and farmers from all communities. As the State is under Presidential Rule, I request the Union Government to provide relief in drought-hit areas of Jharkhand by extending an amount worth Rs.5000/-crore to the State. A high-powered committee should be constituted by the Prime Minister to

visit the affected areas and supervise the drought-relief operations in the State. Otherwise, the situation may be grave and out of control.

VI. Disappearance of trucks carrying explosives in Madhya Pradesh

SHRI M. RAMA JOIS: As per a report published in the Times of India, dated 15th August, 2010, four of the sixty one trucks carrying 400-tonnes of explosives, which were missing in their course of journey from Rajasthan to Madhya Pradesh for four months, were found empty on Friday night in Raigarh district of Madhya Pradesh. The police team could seize the vehicles parked in front of a local trading company at village Pipala in Raigarh. The trucks were sent from Rajasthan Explosives and Chemicals Limited to Ganesh Magazine in Sagar. It is a very serious incident. The Government must find out the persons involved in it.

VII. Opposition to the proposed Navi Mumbai International Airport site

SHRI BHARATKUMAR RAUT: In my State Maharashtra, the Ministry of Civil Aviation has proposed a Navi Mumbai International Airport, against which the Ministry of Environment has raised serious objections. Really, Maharashtra needs development but not at the cost of environmental hazards. Because of the proposed airport, a large expanse of land will be destroyed, the flow of two rivers will be changed and one hill will also be destroyed. By means of the airport, the industrialists will be benefited and the farmers and fishermen will suffer losses. I request the Government to acquire the lands from the industrialists who have purchased the same from the poor farmers to sell at higher prices.

VIII. Ragging of college students belonging to Himachal Pradesh and Uttar Pradesh

SHRIMATI VIPLOVE THAKUR: Each year, some students are killed in the name of ragging. Recently, such cases have been reported from Himachal Pradesh and Ghaziabad where a student had lose his life. I request the Ministry of Home and the Ministry of

Human Resources Development to take action against the Management and Administration of the colleges and universities where such ragging takes place.

(Prof. Alka Balram Kshatriya associated.)

IX. Need for allocation of more foodgrains to the state of Kerala

SHRI K.N. BALAGOPAL: People of Kerala are demanding more supply of rice, sugar, grains and other food materials from the Central Government. We are ourselves subsidizing things for them on Onam and Ramzan festivals. I request the Central Government to re-introduce the earlier ration of 1,13,000 tonnes and supply the State with the food-grains of the FCI, which are being eaten by rats. Besides supplying the cheapest rice in India, Kerala also provides some 13-14 items at subsidized rates. There is a request to give the State 50% re-investment of the subsidy. In view of the proposed 10% DA to the Government employees, if 50% subsidy re-imbursment is provided, the entire country will be benefitted.

(Shri Prasanta Chatterjee, Shri Moinul Hassan, Shrimati Brinda Karat, Shri D. Raja, Prof. P.J. Kurian and Shri S.S. Ahluwalia associated.)

MR. DEPUTY CHAIRMAN: The entire House is associating itself with this Zero Hour Mention.

X. Take over of major oilfields by Vedanta-Cairns

SHRI TAPAN KUMAR SEN: Vedanta has been proactive in clinching the deal with Cairn Energy for taking over 51% stake of Cairn India, thereby establishing its control over a number of oilfields in the country. The Government, the Ministry of Petroleum and the ONGC are maintaining silence in this respect. It is notable that the ONGC is a 30% stakeholder in the assets of the Mangala oilfield and it shoulders 100% royalty burden of the entire assets. I would like to know whether the stoic silence is meant for allowing the share prices to zoom high in the markets of London and India, and sharing the interests of the operators. The ONGC Videsh, which is running after

acquiring oil assets abroad, should go in for disinvestment. In this respect, I request the Government to intervene immediately. The take-over of the control of Mangala Oilfield in Rajasthan should not be allowed in the interest of the country's energy security.

(Shri R.C. Singh and Shri Prasanta Chatterjee associate.)

MR. DEPUTY CHAIRMAN: The entire House is associating itself with this Zero Hour Mention.

XI. Decision to have a common entrance examination for medical colleges

SHRI PAUL MANOJ PANDIAN: The policy of the Government that the MBBS aspirants will have a common entrance test for admission to medical colleges across the country, has affected the students who are aspiring for admission to medical colleges, both for under-graduate and post-graduate courses. This decision will amount to interfere with the rights of the State Governments. It will adversely affect the future of the rural and backward-class students of Tamil Nadu seeking admissions to the Government and private medical colleges. They will not be allowed to appear at the examination in the medium of regional language--Tamil.

SHRI TIRUCHI SIVA: At present, the Central Board of Secondary Education, the State Governments and some private colleges conduct 17 entrance tests for admission to medical colleges. But, as far as Tamil Nadu is concerned, we can take the privilege of having done away with entrance test which was in vogue for a long time. I urge the Government to reconsider this move and maintain status quo.

XII. Reported US pressure on the question of liability of Dow Chemicals in Bhopal gas tragedy

SHRI D. RAJA: In respect of the Bhopal Gas Tragedy, the Home Minister gave an assurance that no foreign pressure would be accepted. As far as the liability in respect of the victims of the Tragedy is concerned, the U.S. is trying to influence the decision-

making of the Government. It is not only the question of liability in respect of the victims, but it is also linked with the borrowings of India from the World Bank. This kind of interference in our sovereign affairs cannot be allowed.

XIII. Faults in telephone lines of MTNL in MPs residential area

SHRI BALAVANT alias BAL APTE: Thousands of telephones of the MTNL happen to be dead today specially at the places where MPs reside. Similarly, Broadband services too happen to be dead. It is being said that as long as the Common Wealth Games do not come to an end, the cable fault will not get corrected. Land lines phones are dead but mobile phones are functional. Some one must see to it.

MR. DEPUTY CHAIRMAN: The Government should take note of this and ask BSNL and MTNL to set it right.

XIV. Death of twenty school children in Uttarakhand due to landslide

SHRI R.C. SINGH: Due to the land-slide caused by rains, twenty children have died, getting crushed under the land slide, and more then ten injured at Sumgarh village of Bageshwar District. Relief operations could not be made as the bridge had collapsed. I call the attention of the Government that a strong school building may be constructed there. A minimum amount of Rs. 5 lakhs should be provided to the families of the deceased and treatment to the injured children be provided.

(Shri Kalraj Mishra, Shri S.S. Ahluwalia, Shri Sitaram Yechury and Shri Rudra Narayan Pany associated.)

MR. DEPUTY CHAIRMAN: The entire House associates itself with what the Hon'ble Member has said.

XV. Charging of fee from SC/ST students by medical and engineering colleges

SHRI AVTAR SINGH KARIMPURI: The students belonging to the SCs/STs who have taken admission in the Medical/Engineering colleges are being compelled by Central Universities State Universities to first deposit their fee and then, they will get admission. Keeping in view the problems of students of SCs/STs, the Chair may suggest the Government to take note of it.

XVI. Reported disruption of train services on Mumbai –Goa-Konkan Railway route

SHRI SHANTARAM LAXMAN NAIK: Train services on Goa-Mumbai remained disrupted because of land slides for 12 days. It took 8 hours for tracks to be cleared. But, due to overflowing of water on the tracks, the danger still persists. Even in case of a worst railway accident, tracks are cleared within hours. The Konkan Railway is known for doing research having developed instruments for automatic halting of trains in case of obstacles on tracks it is strange that no effective remedy has been invented to prevent landslides till date. The Central Governemnt also should provide for some special funds to Konkan Railway to prevent landslides.

(Shri Vijay Jawaharlal Darda associated.)

GOVERNMENT BILL-INTRODUCED
The Anti Hijacking (Amendment) Bill, 2010

THE FOREIGN CONTRIBUTION (REGULATION) BILL, 2006

**THE MINISTER OF STATE IN THE MINISTR OF
HOME AFFAIRS (SHRI MULLAPPALLY
RAMACHANDRAN): I move:**

“That the Bill to consolidate the law to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain individuals or associations or companies and to prohibit acceptance and utilisation of foreign contribution or foreign hospitality for any activities detrimental to the national interest and for matters connected therewith or incidental thereto, be taken into consideration”.

SHRI M. RAMA JOIS: This Foreign Contribution (Regulation) Bill, 2006 is really intended to control the activities of the associations. I support the provisions of the Bill, but there are certain aspects which are not in the interest of the public, for example, the provisions of the Bill regarding the definition. All the associations, even unregistered associations come under the purview of the Bill. That is the wide definition given in the Bill. Associations have played a great role in the activities of a nation, particularly in our nation since time immemorial. Most of the organizations have come with some ideal for rendering service to humanity whether in the field of education or health or poverty alleviation or for giving scholarships or hostel facilities to students and so on and so forth. So, it is totally against the spirit of the Fundamental Rights under article 19 (1) (c) of the Constitution.

Clause 2 (n) is very important in view of the definition of Political Party. The definition of the political party is very clear and according to it, no political party is entitled to get foreign contribution. Clause 3 (f) of the Bill states that, "organization of a political nature as may be specified under sub-section (1) of section 5 by the Central Government." What is meant by "Political nature" and why is it left to Central Government to decide? There are a number of trade unions which are also registered organizations and about most of trade unions, we know, to which political parties they are affiliated with.

The Central Government may say that a trade union is affiliated to a particular party, therefore, it prevents them from getting foreign contribution. 'political nature' is a very dangerous, wide and very vague definition. Clause 5 (2) of the Bill says, " provided the Central Government may by rule specify.." etc and Clause 5 (3) says that "the organization to whom a notice has been served under sub-section (2), may within a period of thirty from the date of the notice, make a representation to the Central Government giving reasons for not specifying such organization as an organization under sub section (1)." The meaning is that the Central Government will issue notice that because of this reason we declare you as of a political nature. Sub section (3) refers to any 'authority'. What is that Authority? It is not specified. Section 9 of the Bill is also vague. Therefore, these clauses and sections required to be reviewed.

The Bill is intended even to prevent such activities. Therefore, I appeal to the Hon'ble Minister to rectify the defects that I have pointed out. And, I support the rest of the provisions.

SHRI SHANTARAM LAXMAN NAIK: A number of good provisions have been made in the Bill. There is a mention about some associations being provocative. Basically, these associations wanted to take upon themselves as cultural policemen. That is not correct. NGOs, today, play an important role. Without NGOs we will not be able to implement some of our schemes. I would say that the unregistered Self-Help Groups should also be made compulsorily registered if they are to be given grants, etc.

As far as foreign contribution goes, the religious institutions take a sizable amount. It is a matter of concern as to what the religious institutions do with this type of money. I am concerned more because some of these institutions spread superstitions in the society than anything else. You should make an 'association' compulsorily registered under the Societies Registration Act, 1860 and that Act also needs to be amended. Then, whenever applicable, scrutiny must be tight. But the applications must be disposed of fast.

Recently, we found that some members of the RSS were engaged in terrorist activities. But the point is in such cases where funding comes from, how they utilize those funds has to be seen. It has been said by the Minister that funding for speculative purposes is banned. Whether any association is investing in shares or any instrument equivalent to shares has also to be scrutinized. Suo moto, the Ministry of Home Affairs must have some machinery. Then, foreign contribution becomes more important now because there is now a free economy. Investments are coming, multinationals are coming, therefore, more and more multinationals will get involved in local politics. We have to be very careful about these officials who come here in the name of carrying business. We are not going to tolerate any type of East India company in future. They should function here as per our laws. Lastly, the NGOs who do good social work need to be encouraged. I request you to help and dispose their applications at the earliest.

SHRI PRASANTA CHATTERJEE: I would like to give certain suggestions which have not been taken into consideration and I request the Minister to consider them here. Now, so far as clause 8(1) (b) is concerned, the cap of 50 per cent on administrative expenses is very high, and, as such, I propose to reduce the same to 25 per cent. However, the Government should also have the power to relax it in appropriate cases. I would like to point out something with regard to amended clause 12(4) (a) and (vi). I am of the opinion that this should not be left to the subjective assessment of the concerned official and it should be clearly defined. I hereby suggest that the Government may ask for an affidavit from the organization to the effect that the foreign contribution will not be used for personal gains or diverted for undesirable purposes.

Then in clause 18, I would like to suggest that these audited accounts should either be published in some of the national newspapers or put upon their websites. Then, I come to clause 38. I would like the Hon'ble Minister to consider point of 'subsequent conviction.' It can be 'first conviction'. Finally, I come to clause 18 (2). I would suggest that the statement should be duly certified by the

Reserve Bank of India, to further strengthen the provision. With these observations, I support this Bill.

SHRI N.K. SINGH: I also wish to support the basic objective of this Bill. My first point, is that after the enactment of the 2006 Bill, there were several other Bills which were also enacted. Therefore, we must make sure that there is no conflict in the operational working of this present law with the laws which have subsequently been enacted. My second point is that the Bill provides that voluntary organizations must register with the FCNR. There is, however, no timeframe when the renewal will take place. My next point relates to the religious conversion where the word 'indirectly' has been left to the interpretation of the authorized officer. It would be better if these can be more rigorously defined. The word 'reasonable project' can be defined more closely. The word 'political nature of the organization' remains undefined. There is interpretational ambiguity regarding the word 'purely casual.' My final point is that in the working of the office of the FCNR, there are a lot of administrative changes which are necessary. The Hon'ble Home Minister should consider strengthening the administrative structure of the office of the FCNR.

SHRI TIRUCHI SIVA: This new Bill tightens restrictions on foreign contribution primarily to the voluntary sector and political organizations. These funds constitute about 0.6 per cent of the gross annual inflow of foreign funds into India. The Minister, who has taken much effort to tighten restrictions, should also regulate other things. There is no clarity with regard to the definition of foreign source. The Standing Committee has recommended that Indian companies, where the foreign holdings is in excess of 50 per cent, may be excluded from the purview of the definition of 'foreign source', and accordingly, the definition may be modified. There is no provision for an appellate authority. The Committee has recommended that restriction on acceptance of foreign hospitality provided in clause 6 should appropriately apply to a person when one is travelling to a foreign country in one's official capacity. There are some loopholes for bypassing the FCRA requirements by channelizing the funds through

commercial firms as consultation fee, etc. This must be plugged. I support this Bill.

SHRI SYED AZEEZ PASHA: We will support the Bill with certain observations and clarifications. This law is going to check discrepancies. There are certain fake NGOs. It will be unjust to dub all the NGOs in the same category. This Act does not provide any guidelines to define 'organizations of political nature'. There is no clarity in the term 'foreign hospitality'. You have to see that discretionary power given to the bureaucrats are utilized properly. The Bill does not specify the time for granting a permission. That should be given on the website. Everything should be transparent. The NGOs' role has to be discussed in the Prime Minister's office, then we can do more justice.

SHRI BHARATKUMAR RAUT: I welcome this Bill. I am wondering why it took so much time. Clause 6 relating to foreign hospitality needs to be explained further. Otherwise, this clause becomes a problem not only for parliamentarians but also for people from all walks of life. With regard to registration, certification and renewals too much of discretionary powers are given to different authorities. There should be more transparency. The foreign pharmaceutical companies fund NGOs to push their products into the Indian market. There should be more stringent clauses for these NGOs. No foreign funds should come in the name of religious institutions.

SHRI PYARIMOHAN MOHAPATRA: The problem with this law is that it does not recognize good NGO's exist. When you give so much of powers in the name of economic liberalization, there will only be witch-hunting of NGOs. Wherever there is provision for rejection, kindly give the time-limit. This renewal provision is going to cause us a lot of problems. The provisions for cancellation and suspension have not been implemented properly. 25 per cent will not help any research organization because research organizations have to spend a lot on many expenses. In clause 21, why do you have the

powers of the Election Commission? Why don't you put it as a part of the Election Commission guidelines?

SHRI V. P. SINGH BADNORE: I do support this Bill. There are large number of NGOs which are misusing funds that are coming from outside. Are you going to look into the misuse of those fund? The NGOs working in tribal areas show aforestation area and, then, they go to another area.

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM), replying to the debate, said: The rules under the Foreign Contribution law were made in 1976. We have examined the working of the law in the last 34 years. The objectives of the Bill are to regulate the acceptance and utilization of foreign contribution or foreign hospitality.

Enough money can be raised within India for charitable causes, but to access foreign money, there has to be regulation. The regulation is of two kinds. The first is, certain categories like Ministers, judges, political parties are totally prohibited. The other is, they will be allowed to receive money, but in a regulated manner. Regulation takes two forms – taking prior permission, and getting registered when the track record is found good. This should be acceptable to all the Members. The Standing Committee has accepted it and I am grateful to it for supporting the Bill.

We have accepted a large number of recommendations of the Standing Committee. Any fee payment in lieu of certain services rendered will be excluded from the definition of foreign contribution. Administrative expenses will be capped at 50 percent. The registration will be granted for a period of five years with automatic renewal except those who are defaulters. A fee will be charged for grant of registration, prior permission and on renewal. Suspension of a registration certificate can be for a maximum period of 180 days. Foreign contribution will be routed through a single bank account, but utilization can be through more than one account.

The provisions for punishment for violations have been made stricter. We have not accepted two recommendations. Restriction on availing a foreign hospitality during visits abroad should apply only when one is travelling in official capacity. Likewise, when a foreign company or a foreign individual owns 51 per cent of an Indian company and he makes a foreign contribution, that has to be treated as a foreign contribution. Half of the organizations do not report the foreign contributions. Therefore, regulation is necessary. After issuing a show cause notice, their registration will be cancelled.

Clause 5 is already there in Section 5 and Clause 9 is already there in Section 10 in the present Act. These are not new provisions. We will give the reasons why an organization is being called an organization of a political nature. We are making it more transparent and more rule based. This Division, which deals with about 40 thousand organizations, must have more human resource. We are now trying to strengthen the Division. One of the plans is that every application should automatically get on to a website. Once a new law is made, we will develop that.

Administrative expenses are capped at 50 per cent. If it exceeds 50 per cent, approval of the government will be required. Automatic renewal is for 5 years unless it attracts penal provisions. I accept the suggestion that the information and the way in which these applications are dealt with must be put on the website and we will certainly follow that.

Getting prior permission is must for accepting foreign hospitality. The application for the same is invariably granted and foreign hospitality is allowed.

The motion for consideration of the Bill was adopted.

The Clauses etc. were adopted.

The Bill, as amended, was passed.

THE LAND PORTS AUTHORITY OF INDIA BILL, 2010

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN), moving the motion for consideration of the Bill, said: The infrastructure available with the Customs, immigration and other regulatory authorities at the existing border-crossing points on our land borders are generally inadequate. All regulatory and support functions are generally not available in one premises. There is no single agency responsible for coordinated functioning of various government agencies/service providers. With a view to facilitate legitimate cross border trade and commerce and movement of passengers, it has been decided to develop 'integrated check post' (ICPs).

The Land Ports Authority of India is aimed at providing better administration on our borders through integrated check post. It will have representatives from the Ministry of External Affairs, Railways, Defence, Departments of Commerce, Revenue, Road Transport and Highways, State Governments concerned, other stakeholders etc. It is coming up for the first time in the country. Further, the construction of ICPs will also enhance the bilateral trade and cooperation between India and its neighbouring countries. It is proposed to set up ICPs at 13 locations in two phases. In first phase, seven ICPs and in the second phase, six ICPs would be developed.

SHRI S.S. AHLUWALIA: I rise to speak on Land Ports Authority of India Bill, 2009. This Bill was referred to the Standing Committees. It was found necessary to set up immigration customs border security should be housed together with the facilities in single complex equipped with all modern amenities. Inter-Ministerial Working Group was formed and they recommended a statutory authority as the most suitable model for an agency to oversee and regulate construction, management and maintenance of ICPS. The Committee of Secretaries considered on 27th April, 2005, and concurred with the IMWG. The Committee of Secretaries gave in principle approval for setting up of Land Ports Authority of India as an autonomous agency under the of Border Management framing the

appropriate legislation for this purpose. In different international borders is our agencies are in rented accommodation. There is no fulfilled office and it is working.

Good border management is mandated by India's security concern and to this end, it is important to put in place system which addresses security imperatives while also facilitating trade and commerce. Why this Land Port Authority is handed over to border management, to the Home Ministry. If you just read out the Airports Authority of India Bill and then read out the Land Ports Authority of India Bill, you will find they are more or less the same. Although there also the security aspect is there, but it is not controlled by the Home Ministry. Although in the entire Airports, the security provisions are there and the CISF is taking care of everything.

For the aeroplane, whichever be the airport where it is landing is the border. Why is there no border management there? Wherever land connectivity is there, when they enter India, that is again a land port. They want that Land Port Authority of India should be under the Home Ministry. They want to protect the building and everybody. When you reach a border area, where are they going to put up? There are the problems, but we are going ahead with a Land Port Authority.

Land Ports Authority is basically a building where you are putting all these people to open their offices. Is this the Home Ministry's work to become the landlord of the building? Regarding building, you are not doing the security. For the security purpose, they need the help of either State police or paramilitary forces or the Defence Forces. When the Committee of Secretaries initially suggested that they should consult the States, the major States were not consulted. Many States came forward that you are going to acquire land from us, talk to us, discuss with us on how you are going to manage it.

They have copied the 'Powers and Functions' of the Airports Authority Bill, and pasted in the Land Ports Authority Bill. At only two places, they have done something. And, why is it so when you are making a separate law. The border management was not there at all.

Airports Authority is controlled by the Ministry of Civil Aviation, and, this Land Ports Authority will be controlled by the Ministry of Home Affairs, as if the Home Ministry has not other work to do, and, now, they are going to do the job of landlord. Is the border management department of the Home Ministry going to run this, or, are they going to outsource it? If they are going to outsource it, whom are they going to outsource it to a private party, foreign party, PSUs or to the ITDC. That is a matter of security concern. You say that for strategic reasons and security management, you are taking these steps. How are you going to manage these porous borders.

There is no land port authority building on Srinagar-Muzaffarabad access. Some scanner should be put there. You can scan everything and all the containers can be scanned so that arms and ammunitions do not reach here. The Chinese products are coming to India. Now, if you are not going to put scanners or the security arrangements at the check posts, then how are you going to stop them? So, my apprehension is about the successful function and that in this land port authority, entry points will be access. I support this Bill but, there are so many lacunae. I believe that the Government should take care of these while framing rules and regulations for this and they will take care that these access points do not fall in wrong hands when they are going to be outsourced.

SHRI SHANTARAM LAXMAN NAIK: As far as the objects of the Bill are concerned, they are quite laudable. This authority is, basically, created for coordination of various agencies which manage our porous border. In fact, it will be a very difficult task for this Authority to manage the porous border. The question is, what is the status of this Authority? The agencies under the Authority are Customs, Immigration Authorities which are doing their jobs for various years. If an Authority is being made for coordination, who will resolve the disputes among these various agencies? This is a question which the Government may have to face in future.

This Authority has a tremendous task to perform. So, this will require a huge sum of money and many years to materialize it really.

Then, this Authority, has been authorized to form a company. Authority can just go away from the picture and a Company can take its place. Therefore, this provision is, rather, difficult to understand or grasp.

Then, the most important thing is outsourcing. Outsourcing is very dangerous at land ports in a place like borders. If a company is formed and the power is delegated to it, how will this company ensure the security of the country? Now, in the assets and liabilities clause it is stated that all the assets will automatically belong to this Authority. What about the revenue? There is no mention regarding the revenue that this Authority will be entitled to collect. As far as framing of regulations is concerned, they are framed by the Authority. In fact, these powers should have been given to the rule-making authority i.e. the Government. Issue like what should be the provisions of the contract, how much fee should be charged, etc., should not be left to the Authority.

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