

time being and export of yarn below 44 count should be stopped immediately or at least cash incentive for yarn export should be stopped immediately.

[*Translation*]

- (ix) **Need to amend Andhra Pradesh Education Order, 1974 and Andhra Pradesh Public Employment Order, 1975**

SHRI C. JANGA REDDY (Hanamkonda): Mr. Deputy Speaker, Sir, in the wake of two movements in Andhra Pradesh, Andhra Pradesh Educational Institutions Order, 1974 and Andhra Pradesh Public Employment Order, 1975 were issued which solved the problem of the people of Telengana relating to their percentage in admissions in the universities and in Government jobs. Under this formula it was decided to give admission to 85 per cent local students and 15 per cent students of other areas in the professional college in accordance with the area of the University. Under another order it was decided to employ 85 per cent local people and 15 percent non-local people in the Government Services. It was also decided to fill the first gazetted post like doctor, junior engineer, tehsildar etc. in some departments to the people of the zone. But in certain other departments like police, industries etc. the gazetted post was to be filled on state level basis. In this way there has been localisations in the matter of admission and employment in the whole of Andhra Pradesh. Several complaints have been made to the Central Government in this regard but to no avail. The orders need to be amended. There is also need for setting up a higher power committee to see whether the orders are being followed properly.

I, therefore, request the Government to change the rules and divide the state in seven zones with a view to bring uniformity in the matter of both employment and

admission. It should be provided in the rules that the post of Joint Director should be filled by persons belonging to the concerned zone. Besides, the rules should also be applicable on the public undertakings and such institutions as are receiving grants from the Government, like APSOB, APSRTC, APDC and APICD etc.

12.24 hrs.

NATIONAL SECURITY (AMENDMENT) BILL—Contd.

[*English*]

MR. DEPUTY SPEAKER: We will now take up item No. 6....

(*Interruptions*)

SHRI C. JANGA REDDY (Hanamkonda): What happened to debate under Rule 193?

MR. DEPUTY SPEAKER: You please see the agenda. This Bill comes first.

[*Translation*]

SHRI C. JANGA REDDY: You have made a hodge-podge of it. you have mined sambar, chuttney and dosa all in one.

[*English*]

MR. DEPUTY SPEAKER: *Sambar* will be tasty.

The House will now take up further clause-by-clause consideration of the Bill further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh. Mr. Minister.

Clause 2. (Amendment of Act 65 of 1980 in its application to Punjab and Chandigarh)

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMARAM): Sir, I am not able to accept the

amendment of hon. Member Shri Syed Shahabuddin. The amending Bill is really intended to apply Section 14A to Punjab and Chandigarh.

Therefore, Section 2 of the Amending Bill has been correctly drafted. I do not think it is the desire of this House that Parliament should give power to the Government to apply it to any disturbed area. I think the idea is to keep it to a very narrow area where there is a genuine need. In fact, the entire trend of the debate yesterday was that Section 14A which gives additional power to the Executive should be... (*Interruption*)

SHRI SYED SHAHABUDDIN rose—

SHRI P. CHIDAMBARAM: Listen to me. You do not have the habit of listening. Please listen to what I am saying, and then ask the question. (*Interruptions*) Sir, do you want me to answer Mr. Shahabuddin?

MR. DEPUTY SPEAKER: Answer Mr. Shahabuddin; nobody else.

SHRI P. CHIDAMBARAM: At least Mr. Shahabuddin is listening. I am grateful. The point is: Should Parliament give powers to the Executive to apply Section 14A to any disturbed area, or should it give the power to the Executive to apply it to Chandigarh and Punjab alone? We say that we want power only for Punjab and Chandigarh. Mr. Shahabuddin's amendment will give it to any disturbed area. (*Interruptions*) That would be a wider amendment.

SHRI SYED SHAHABUDDIN (Kishanganj): No, what I am saying is: you don't need this power anywhere.

SHRI P. CHIDAMBARAM: That is a different matter. Your amendment says: 'any disturbed area'.

We are taking power only for Punjab and Chandigarh and I think, therefore, that the section as drafted in the Bill is correct; and I am not able to accept Mr. Shahabuddin's amendment.

MR. DEPUTY SPEAKER: I shall now put amendment No. 14 moved by Shri Syed Shahabuddin to the vote of the House.

Amendment No. 14 was put and negatived.

MR. DEPUTY SPEAKER: The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Insertion of new section 14A)

MR. DEPUTY SPEAKER: We now take up Clause 3. Mr. Ramachandra Reddy.

SHRI K. RAMACHANDRA REDDY (Hindupur): I beg to move.

Page 2, line 8,—

for "longer" substitute "shorter" (1)

Page 2, line 9,—

for "six" substitute "two" (2)

Page 2, line 30,—

for "fifteen" substitute "seven" (3)

Page 2, line 32,—

for "twenty" substitute "ten" (4)

Page 2, line 35,—

for "fifteen" substitute "five" (5)

Page 2, line 37,—

for "fifteen" substitute "five" (6)

Page 2, line 39,—

omit "four months and" (1)

Page 3, line 3,—

omit "months and three" (8)

Page 3, line 11,—

for "two years" substitute "six months" (9)

Page 3, line 13,—

for "two years" substitute "six months" (10)

SHRI D. B. PATIL (Kolaba): I beg to move:

Page 2, lines 4 and 5,—

omit "or in any judgment, decree or order of any court or other authority" (15)

Page 2, line 8,—

for "longer than" substitute 'of' (16)

Page 2, lines 8 and 9,—

omit "but not exceeding six months" (17)

(..)

Page 2, line 39,—

omit "months and two" (19)

Page 3, line 13,—

for "two years" substitute "thirteen months" (23)

SHRI SYED SHAHABUDDIN (Kishan-ganj): I beg to move:

Page 2,—

omit lines 36 to 40 (18)

Page 3,—

omit lines 2 and 3 (20)

Page 3,—

omit lines 10 to 14 (22)

SHRI P CHIDAMBARAM I beg to move.

Page 2, lines 9 to 11,—

for "where such person had been detained with a view to preventing him from acting, in any disturbed area, in any manner prejudicial to—"

Substitute--

"where such person had been detained with a view to preventing him, in any disturbed area,—

(i) from interfering with the efforts of Government in coping with the terrorist and disruptive activities; and

(ii) from acting in any manner prejudicial to—" (11)

Page 2,—

after line 24, insert--

'Explanation 3—In this sub-section, "terrorist and disruptive activities" means "terrorist acts" and "disruptive activities" within the meaning of the Terrorist and Disruptive Activi-

ties (Prevention) Ordinance, 1987.' (13)

SHRI K. RAMACHANDRA REDDY: With regard to personal liberty and freedom, the Constitution-makers have given it very high importance. The personal liberty of an individual cannot be curtailed or abridged except through a due process of law. When a law is made for curtailing the freedom of the individual, great care has to be taken (*Interruptions*) Here, by this amendment, the period of detention has been extended. The period to go to the Advisory Board has been extended. The period to inform the person about the reasons for his being detained has also been increased. For example, from ten days it has been increased to 15 days. We know that the police officers who are in charge of implementing the Act are not above board. There are numerous cases where, on very flimsy grounds, people have been detained.

Mr. Chidambaram, as an advocate, also knows that the provisions under Cr. P.C. 151 and 167 have been followed more in their breach. When such is the case, how can we give immense powers to the police officers? On very flimsy grounds individuals are being detained. They do not care, about the exercise of the power either capriciously or otherwise. If a police officer detains a person on very flimsy grounds and on capricious grounds, nothing is there to prevent him. Under these circumstances, it is very incumbent that this provision should not be incorporated in the Bill. The period must be reduced. I request the Government to consider my amendment.

SHRI D. B. PATIL (Kolaba): It has been a universally accepted principle that nobody should be punished for the same offence twice. He should not be made to suffer for the same 14A(I) reads as follows:

"Notwithstanding anything contained in the foregoing provisions of this Act, or in any judgment, decree or order of any court or other authority."

[Shri D.B. Patil]

My amendment no. 15 relates to this. Even though there is a judgment of the court, decree or order or any other order and under that judgment or authority a detenu is to be released, in spite of that fact, the government wants that he should be detained under the provisions of this Act. There is a tendency on the part of the Government to take more Powers, even though there is an order of the court, order of the authority. Having examined all the aspects and arguments of the Government, the court or the authority has decided in favour of a detenu. The Government wants that he should be detained for more period without obtaining the advice of the Advisory Board and for obtaining the sanction of the Advisory Board, they want to extend the limit from 3 months to six months. It is not justified to detain a person without any trial or without any enquiry for such a long Period

Yesterday, the hon. Minister had stated and given figures to the House saying that when the President's Rule was imposed in Punjab, Government on its own, held so many persons, the Advisory Board had released so many persons and so many persons were detained under the provisions of the Act. That clearly shows that the Persons who were released by the Government on its own were also released by the Advisory Board. Having examined all the aspects, a few persons had been detained under this Act. It clearly shows that the Persons who were detained, they were detained without any reason and without any authority; that means their liberty was curtailed for nothing, for no reason. Therefore, we do not want the Government to extend the limit from three months to six months. That means if this Bill is passed, the persons who are detained without any reason, they are likely to be detained for six months. Likewise, a period for giving reasons for detention is being extended. Originally, it was for five days; then it was extended to 10 days; now it is being extended to 15 days. When a person is arrested by a certain authority,

by the Police, they have full knowledge for detaining that person. If the authority has full knowledge of the reasons for detaining a person, there is no necessity even for 5 days. Even the next day, the detaining authority can inform him in writing giving reasons for his detention. But here the Government wants to extend that limit to 15 days. We fail to understand why this limit is being extended to 15 days. That clearly shows that a person who was detained, in the beginning, there was no reason, no circumstance, to justify his detention. But in between certain evidence is created and being brought forward against that person; that is not justified. So, I request the hon. Minister to accept my amendment

SHRI SYED SHAHABUDDIN (Kishanganj): Mr Deputy-Speaker, in my intervention yesterday, I have already made two basic points, that the time limits proposed in the Bill have no rationale or justification, nor has any explanation been provided for those particular time limit in the Statement of Objects and Reasons.

I had also made the point that in the proposed amendment by the mover, in the name of interference a very wide orbit is made available to the Government to choose the detainees and in fact as I read it, under the name of interference with the anti-terrorist activity even persons outside the disturbed area may be detained under this Act.

I would like to make just one more point, that behind this entire 14A there seems to be the insatiable appetite of the Government for power and more power. I would like to submit that power is no substitute for wisdom and the Punjab problem and the phenomenon of terrorism cannot be controlled by military means at all; they can only be controlled by a political touch, through compassion and understanding of the underlying reasons and impulses. More laws, ordinances, regulations, personnel or equipment will not help us if we have to win the battle against terrorism. Therefore, I would feel that this particular

amendment is not going to prove effective and I am certain that the Government soon will come back to the House asking for more draconian powers unless it chooses to change its course and go for a political solution.

SHRI P. CHIDAMBARAM: Mr. Deputy-Speaker, I think the points made while moving the amendments by the hon. Member cover practically the same grounds which were covered in the debate. That is why, I do not wish to give any elaborate answer. I have said that we are not taking any greater power than what was given by Parliament in 1984. It is the very same power which was available between April 1984 and April 1986 which is sought from Parliament today. That law was enforced for two years up to April 1986. Now we are asking for the same powers since the 9th June, 1987. I have said that these powers are very necessary. These powers do not affect the basic structure of the preventive detention law which we are concerned with. They only extend the time limits for taking certain procedural steps after a detention order is made. If you will count the periods which are given at every stage after a detention under Section 3, it will amount to three months, in Section 14A, by the extended periods of time, we would need six months to go to the Advisory Board. There is not a single power which we are asking or which we are taking which was not conferred upon the executive between 1984 and 1986.

Amendments made:

Page 2, lines 9 to 11,—

for "where such person had been detained with a view to preventing him from acting, in any disturbed area, in any manner prejudicial to —"

substitute—

"where such person had been detained with a view to preventing him, in any disturbed area,—

(i) from interfering with the efforts of Government in coping with the terrorist and disruptive activities; and

(ii) from acting in any manner "prejudicial to—" (11)

Page 2,—

after line 24, insert—

'Explanation 3— In this sub-section, "terrorist and disruptive activities" means "terrorist acts" and "disruptive activities". within the meaning of the Terrorist and Disruptive Activities (Prevention) Ordinance, 1987.' (13)

(Shri P. Chidambaram)

MR. DEPUTY-SPEAKER: If the House agrees, I shall now put all the other amendments to Clause 3 together, to the vote of the House.

Amendments Nos. 1 to 10, 15, to 20, 22 and 23 were put and negatived.

MR. DEPUTY-SPEAKER:

The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill

MR. DEPTUY-SPEAKER:

The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill",.

The motion was adopted.

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

SHRI P. CHIDAMBARAM:

I beg to move:

"That the Bill, as amended, be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended be passed".

The motion was adopted.

12.41 hrs.

DISCUSSION RE: COMMUNAL DISTURBANCES IN VARIOUS PARTS OF THE COUNTRY—Contd.

[*Translation*]

SHRI SHYAM LAL YADAV (Varanasi): Mr. Deputy Speaker, Sir, it gives me pain to discuss the communal situation in the country and I think all the hon. Members of the House will share with me the same feelings. Every thoughtful person is concerned with this situation. The forces of disruption and destabilisation are gaining ground and secessionist tendencies are increasing in the country whereas during the freedom struggle it seemed that such tendencies had been put to an end forever by the feelings of patriotism and nationalism. But now wherever some incident takes place, people try to take advantage of the situation by raising their narrow party interests. This communalism has not only religious overtone but has many facets. These forces started gaining strength since the first general election and manifested themselves in the form of reorganisation of States, border disputes, language disputes etc. Whether it is a language dispute in Assam, harassment to followers of Jainism in Bhopal, communal riots in Jabalpur and Sagar, all these things are like cancer in the society. Therefore, the Congress Party had declared in their

election manifesto in 1957 that secularism does not mean lack of faith in religion but it is protecting all the sects, religion and moral values.

Today such incidents are taking place which endanger the communal peace. There are a number of organisations which are instigating communal sentiments. The dispute regarding Ram Janm Bhumi and Babri Mosque going on in the country at present has also encouraged such feelings. Organisations like R.S.S. and Vishwa Hindu Parishad have added fuel to the fire by their activities and inflammatory speeches in this connection. People who condemn Shahi Imam, should recall how mischievous speeches were made during the procession taken out in connection with Ram Navami in Delhi. What had been said at that time outdid Shahi Imam's speeches. Attention has to be paid in this direction also. The inflammatory slogans which were raised there were very improper like "Hindi, Hindu, Hindustan, Mulla Bhago Pakistan" What does this mean? Besides this, slogans like "jinko pyara dharm hai wae balidan ho gaye, jinko pyara jism hai, woe Musalman ho gaye" were also raised.

SHRI JAI PRASKASH AGARWAL (Chandni Chowk): Yadavji, those slogans were not raised by the followers of that religion. That was a religious function and some political people were also present there. It is in your knowledge to which political party they belong. They raised such slogans so as to provoke the people.

SHRI SHYAM LAL YADAV: This is what I am saying. The people who were in this procession, raised such slogans. What was the object of raising such slogans and reciting such songs which may result in bloodshed. I hope that those persons who talk of patriotism, unity and integrity of the country will not agree to such things and will condemn it.

Sir, after 1984, efforts have been made to