

14-45 hrs.

DISTURBED AREAS (SPECIAL COURTS) AMENDMENT BILL
(Contd.)

MR. DEPUTY SPEAKER: Now, we take up clause by clause consideration of the Disturbed Areas (Special Courts) Amendment Bill. Clause 2. Mr. Parulekar, are you moving your amendment?

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): No.

MR. DEPUTY SPEAKER: The question is:

"Clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3—(Amendment of Section 3)

SHRI G. M. BANATWALLA (Ponnani): I beg to move:

Page 2:—

for lines 20 to 27, substitute:—

"(a) where a notification has been issued under this sub-section, by the Central Government in relation to any period specified therein with respect to any area in a State, the State Government may also issue, a notification in relation to the whole or any part of such period with respect to the whole or any part of that area, and, in such a case, the notification issued by the Central Government shall cease to operate in relation to the whole or any part of such period with respect to the

whole or any part of that area as may be specified in the notification issued by the State Government, and shall so cease to operate as from the date of the notification issued by the State Government; but, notwithstanding the notification issued by the State Government, anything done or any action taken under the notification issued by the Central Government prior to the date of the notification issued by the State Government, shall be lawful, binding and valid; and". (1)

Page 2,—

after line 38, insert—

"(c) after sub-section (2), the following sub-section shall be inserted, namely:—

(3) Every notification issued under sub-section (1) by the Central Government shall be laid before both Houses of Parliament and shall cease to operate if resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions." (2)

Page 2,—

after line 35, insert—

"(c) no such notification shall be issued by the Central Government later than one month of the occurrence of the disturbance in question." (5)

While we were discussing the main Bill certain suspicions were raised that

the powers under the Bill might be exploited for political purposes. Therefore, the purpose of my amendment is to provide some safeguards in the Bill. For example, one of my amendments says that where a notification is issued by the Central Government to declare an area as disturbed in a State, then that notification must be placed on the Table of the House and the House may at any time, pass a resolution disapproving that notification. This only provides for greater accountability of the Central Government when they use the powers under the Bill.

Another amendment of mine says that notwithstanding the fact that a notification has been issued by the Central Government, yet the State Government may also issue similar notification. In that case, the notification issued by the Central Government shall cease to have effect. This is done only to see that the federal principle also about which a lot was talked about yesterday, is given as much respect as is possible. However, I do not think the intension of the present Government in bringing forward this Bill is to have any confrontation whatsoever with the State Governments. It is only because the State Governments have not been taking recourse to powers under the Principal Act that the Central Government has been forced to take these powers. Therefore, the amendment here provides that where the State Government decides to take recourse to the powers under the principal Act, then, if the Central Government has issued any notification it shall cease to have effect.

I can very well understand that the present Government has made it very

clear that they do not have any political vendetta or they do not wish to take recourse to this power for political purposes, motivated by political reasons. But then we are considering the legislation which is to remain on the statute book for all times to come. Therefore, in order to see that no subsequent Government, if any, may also be in a position to exploit these powers for political objectives that these in-built safe-guards are provided for. I hope that the amendments will receive approbation of this House.

MR. DEPUTY SPEAKER: Now I will put amendments numbers 1, 2 and 5 of Shri G.M. Banatwalla to vote.

Amendment Nos. 1, 2 and 5 were put and negatived:

MR. DEPUTY SPEAKER: The question is:

"That clause 3 stand part of the Bill."

The Lok Sabha divided.

Division No 17.]

[14-58 hrs.

AYES

Alluri, Shri Subhash Chandra Bose
Arakal, Shri Xavier
Arunachalam, Shri M.
Baitha, Shri D.L.
Banatwalla, Shri G.M.
Bansi Lal, Shri
Barot, Shri Maganbhai
Bhagat, Shri H.K.L.
Bhakta, Shri Manoranjan
Birbal, Shri
Chandra Shekhar Singh, Shri

Chavan, Shri S.B.
 Chauhan, Shri Fatehbhan Singh
 Dalbir Singh, Shri
 Damor, Shri Somjibhai
 Dev, Shri Sontosh Mohan
 Digvijay Singh, Shri
 Dubey, Shri Ramnath
 Era Mohan, Shri
 Faleiro Shri Eduardo
 Gadgil, Shri V.N.
 Gomango, Shri Giridhar
 Jai Narain Roat, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jena, Shri Chintamani
 Kosalram, Shri K.T.
 Krishna Pratap Singh, Shri
 Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mani, Shri K.B.S.
 Mishra, Shri Gargi Shankar
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mohite, Shri Yashawantrao
 Mukhopadhyay, Shri Ananda Gopal
 Nagaratnam, Shri T.
 Namgyal, Shri P.
 Panika, Shri Ram Pyare
 Parmar, Shri Hiralal R.
 Patil, Shri A.T.
 Patil, Shri Shankarrao
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P.
 Potdukhe, Shri Shantaram
 Pradhani, Shri K.
 Prasan Kumar, Shri S.N.

Pushpa Devi Singh, Kumari
 Rane, Shrimati Sanyogita
 Ranga, Prof. N.G.
 Rao, Shri M. Nageswara
 Rathod, Shri Uttam
 Sawant, Shri T.M.
 Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shanmugam, Shri P.
 Shukla, Shri Vidya Charan
 Sidnal, Shri S. B.
 Singaravadivel, Shri S.
 Singh, Dr. B. N.
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Sreenivasa Prasad, Shri V.
 Subba, Shri P. M.
 Subburaman, Shri A. G.
 Sunder Singh, Shri
 Thakur, Shri Shivkumar Singh
 Thorat, Shri Bhausaheb
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Zainul Basher, Shri

NOES

Abdullah, Dr. Farooq
 Agarwal, Shri Satish
 Balan, Shri A.K.
 Balanandan, Shri E.
 Basu, Shri Chitta
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath

Chaudhary, Shri Motibhai
 Choudhury, Shri Saifuddin
 Fernandes, Shri George
 Gangwar, Shri Harish Kumar
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Hannan Mollah, Shri
 Horo, Shri N. E.
 Jatiya, Shri Satyanarayan
 Kodiyan, Shri P. K.
 Mahata, Shri Chitta
 Mandal, Shri Mukunda
 Mandel, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Modak, Shri Bijoy
 Mukherjee, Shri Samar
 Nihal Singh, Shri
 Pal, Prof. Rup Chand
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rasheed Masood, Shri
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Gadadhar
 Sarangi, Shri R. P.
 Sen, Shri Subodh
 Shastri, Shri Ramavatar
 Tirkey, Shri Pius
 Unnikrishnan, Shri K. P.
 Verma, Shri R. L. P.
 Zainal Abedin, Shri

MR. DEPUTY SPEAKER: Subject to correction, the result* of the division is Ayes 75, Noes 43.

The motion was adopted.

Clause 3 was added to the Bill.

* The following members also recorded their votes for AYES.

Shri Samiuddin, Shri P. Rajagopal Naidu, Shri Navin Ravani, Shri Jagannath Rao, Shri A.M. Velu and Shri G.S. Nihalsinghwal.

MR. DEPUTY SPEAKER: There are no amendments to Clause 4.

The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

MR. DEPUTY 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.

THE MINISTER OF STATE
 IN THE MINISTRY OF HOME
 AFFAIRS AND DEPARTMENT
 OF PARLIAMENTARY AFFAIRS
 (SHRI P. VENKATASUBBAIAH):
 Sir, I beg to move:

"That the Bill be passed".

MR. DEPUTY SPEAKER:
Motion moved:

"That the Bill be passed".

There are 5 members to speak. Each Hon. Member shall take not more than 5 minutes. Shri Niren Ghosh may speak now.

SHRI NIREN GHOSH (Dum Dum): Sir, it is a dangerously retrograde Bill that is being sought to be rushed through Parliament at any cost without any thought for the far-reaching consequences that will flow from it.

Sir, I think this Bill constitutes a turning point in the relations between the Centre and the States, and it is being done in a divisive and retrograde manner.

Sir, the other day, the Minister, my Hon. friend, Shri Venkatasubbaiah said: 'It is the sovereign right of every party to prepare for an alternative government'. You said that every party works for power. But the question is: Do you work for power through violent means? You are misleading the House because you have adopted violence as a method of policy at least in my State and if you can get away with that method of violence, I think no Opposition political party will be safe in India and I think that no democrat will ever support you for resorting to violence in pursuit of power in a State. That is my view.

The Prime Minister has said and you reiterated that the Ruling Party in future should not resort to toppling of Non-Congress (I) governments.

That is what you said, if I remember correctly. The Prime Minister has said this and you have reiterated here that you are not interested in toppling the non-Congress (I) Governments. But I challenge you that if that is true, let the Government make an unambiguous declaration on the floor of the House that all elected Non-Congress (I) State Governments would be allowed to run their full term. You say that. If you do not say that, then it means you have uttered all this to befoul us 'that you are not interested in toppling non-Congress (I) Government in future'. As regards the past, the History of India is agalore, how many times you have toppled the Government through un-Constitutional means, through deception and what not. But since you said that non-Congress (I) Governments will not be toppled in future, let the Government make this declaration that they would allow all the non-Congress (I) Government, to run their full term and they will not topple any non-Congress (I) Government. If you do not declare then nobody will believe you.

15-00 hrs.

There is a proverb—when the thief is about to caught, in order to divert the attention of the people he cries 'thief, thief, thief'. Like that you are trying to cover yourself and escape. But you cannot get away so easily. It has become clear all these years.

In the Statement of Objects and Reasons it has been mentioned:

'State Governments have generally not taken recourse to the use of the provisions of the Disturbed Areas (Special Courts) Act, 1976'.

There has been a long debate on this bill. I have not heard anyone of you clarifying this point that has been adumbrated in the Statement of Objects and Reasons. I do not know whether I missed it. Neither Giani Zail Singh nor Shri Venkata-subbaiah has spelt it before the House—on what occasion, which State Government had been asked to resort to this Bill and they did not comply with that. They simply say that the State Governments are unwilling. They have not given even a single instance of disobedience. They could have asked their own Congress (I) Governments to take advantage of this and could declare their areas as 'disturbed area'.

Many Hon. Members have said, "Bihar is burning, U.P. is burning". Had they felt it like that they should have told the country, the Parliament and spelt out clearly when they felt that such and such areas should be treated as disturbed areas and special courts should be set up and the State Governments were not willing to do that. Unless you spell it out clearly, there is every likelihood of the Bill being directed against those States which are non-Congress (I) run in the States. It means that in certain States where you do not rule, the Bill will be directed against these states. Where there is any disturbed condition, the Centre will declare that area of non-Congress (I) ruled State as a 'disturbed area'. They will do it and they will use it as an alibi for saying that these States are not being governed according to the provisions of the Constitution.

Hence, the President assumes to himself the responsibility of running

the State Governments. That is toppling. Whether you do it at present or not, I do not know. You may do it because nobody believes you. On this question, since you have not clarified, we apprehend that this is a strategem that you may resort to in order to fulfil your sinister game.

Another thing that he said was, "We will not resort to Emergency any more nor declare Emergency". This is what he said, If I am correct, if I heard him aright. I think, the condition in India is that they have declared an Emergency without a formal declaration of Emergency. Because that creates difficulty. They have arrogated to themselves draconian powers like the National Security Act and all sort of repressive measures and now this Bill. The press has been stifled; the press has been chided off and on. They have been pushed about so that they cannot express their opinion freely. Wherever there are movements, they put down heavily. They are doing so. That is why I say, it is almost an Emergency without a formal declaration of Emergency.

It might be that the next step you will take will be to throw overboard the Constitution itself and declare the Presidential form of Government or naked form of dictatorship. Through this Bill, according to the whims of the Government, they can declare vast areas of India, in different States, as disturbed areas and virtually put them under Emergency. It is now difficult for them to declare an internal Emergency because certain constitutional provisions have got to be fulfilled. They do not have the requisite majority in both the Houses to get a Constitution amendment rushed

through. It is a bit difficult for them to do that. That is why they have resorted to this strategem.

Now, I say, this measure is constitutionally invalid. The Constitution spells out Centre's powers, States' powers and Concurrent powers. Law and order is a State responsibility. The responsibility of law and order is being sought to be made a concurrent subject. They cannot do it simply by passing an ordinary Bill. This they can only do if they bring forward a Constitution amendment which they are not doing. So, it is also constitutionally invalid. It is a turning point between the Centre and the States. Why I say this? Because the most important subject that has been given to the States by the Constitution is, law and order. By making it concurrent, you take away all the powers of the States and they cease to exist. The Constitution says that India is a Union of States. But if you do this, then, virtually, the States cease to exist. It becomes one single entity with so many districts of India, may be 1000 or 500 districts, whatever it is. It is a unitary Constitution with fringes of federal set-up. It will now be, more or less, completely a unitary Constitution after the passing of this Bill. This is the rape of the Constitution that they are perpetrating. I am concluding. That is why I said this is sinister, immoral, anti-people, anti-Indian and is aimed at subversion of the democratic set-up and this will be resisted throughout India. It will raise so many questions that no Government at the Centre will be able to solve in future. They are starting on a dangerous course of action

which will enrage people in State after State and which will bring about consequences which they would not be able to face squarely. I warn that even angels fear to tread where you are now treading. You will have to face grave consequences in future.

Having said all those things, I would request lastely that even now when you are on the brink of precipice, withdrawn this Bill.

श्री वृद्धि चन्द्र जैन (बाड़मेर) :

उपाध्यक्ष महोदय, राष्ट्रीय एकता और इस देश में कानून व व्यवस्था कायम रखने के लिये इस विधेयक का लाना बहुत ही आवश्यक था। केन्द्रीय सरकार और गृह-मंत्री ने यह सराहनीय कदम उठाया है और उनकी मैं प्रशंसा करता हूँ। मैं तो यहां तक कहता हूँ कि राष्ट्रीय एकता और देश की कानून व व्यवस्था को कायम रखने के लिये अगर संघीय ढांचे, फेडरल स्ट्रक्चर को कुछ आघात भी पहुँचे तो वह भी हम सहन कर सकेंगे क्योंकि हमारी राष्ट्रीय एकता तथा देश में कानून व व्यवस्था कायम रखना ज्यादा आवश्यक है।

देश में साम्प्रदायिक दंगे हो रहे हैं; 1978 से मैं बराबर देख रहा हूँ कि यह साम्प्रदायिक दंगे हो रहे हैं। 1971 से 1978 तक कोई साम्प्रदायिक दंगे नहीं होते थे, राष्ट्रीय एकता कायम थी। जो भी दंगे शुरू हुए हैं वह 1978 से शुरू हुए हैं और जिन-जिन प्रान्तों में....

SHRI JYOTIRMOY BOSU (Diamond Harbour): If I have heard correctly, the Hon. Member is saying that there was no communal riot from the year 1971 to 1978. Will the Hon. Member take the responsibility

to stand by what he is saying now ? Otherwise I will bring a privilege motion tomorrow.

श्री बुद्धि चन्द्र जैन : उपाध्यक्ष महोदय मैं कह रहा हूँ कि मुझे भी इतिहास की जानकारी है, मैं भी राजनीति में रहा हूँ और मैं पूरे दाये के साथ कहता हूँ कि सन् 71 से लेकर 78 तक साम्प्रदायिक दंगे नहीं हुए, अगर हुए तो बहुत ही कम हुए। (व्यवधान)

1978 से लेकर जब जनता पार्टी का राज्य आया, उस समय से साम्प्रदायिक दंगे शुरू हुए हैं और जब दंगे शुरू हो जाते हैं तो एक ऐसी भावना पैदा हो जाती है कि उसको रोकना बहुत कठिन काम है। हमारी सरकार इस प्रकार के कदम उठा रही है साम्प्रदायिक दंगों पर नियंत्रण पाने के लिये, लेकिन विरोधी पार्टी ऐसे कानून का विरोध कर रही है, मुझे समझ में नहीं आता कि वह ऐसा क्यों कर रहे हैं ?

मैं यह कहना चाहता हूँ कि जो भी दंगे मुरादाबाद, कानपुर, बनारस या कहीं पर भी हुए, हमारी उत्तर प्रदेश की कांग्रेस की सरकार ने कोई भी कदम इस प्रकार के नहीं उठाये, कोई स्पेशल कोर्ट्स कायम नहीं किये, कोई भी मरद लोगों को नहीं धी। जिन-जिन लोगों ने अपराध और जुल्म किये मुरादाबाद में या और शहरों में उनको सजा न मिलाने के कारण, उनके केसेज का सही तरीके से स्पीडी डिस्पोजल न होने के कारण गुंडों और साम्प्रदायिक तत्वों का होसना बढ़ गया।

जब साम्प्रदायिक तत्वों और गुंडों का होसना बढ़ जाता है, तो इस प्रकार का कानून बनाना जाना चाहिए कि जो लोग गुंडाई करते हैं, उनके खिलाफ सख्त कदम

उठाया जा सके। आज बिहार शरीफ में क्या हो रहा है ? विरोधी पार्टियां कहती हैं कि वहाँ पर 48 लोग मारे गए हैं। कोई कहते हैं कि 200 लोग मारे गए हैं। कितने भी लोग मारे गए हों, बिन्होंने ये जुर्म किए हैं, जिन्होंने लोगों को मारा है, यदि हम उनके विरुद्ध कदम न उठाएं, स्पेशल कोर्ट बना कर उनको सजा न दिलाएं, तो उनका होसला बढ़ाता है। इसलिए उनके होसले को पस्त करने के लिए इस प्रकार के कानून का होना आवश्यक है।

इस सम्बन्ध में केन्द्रीय सरकार जो अधि-कार ले रही है, वह भी आवश्यक है, क्योंकि बहुत से प्रान्तों ने इस कानून का सही तरीके से प्रयोग नहीं किया है। भले ही वह कांग्रेस की सरकार हो या दूसरी सरकारें हों, जब वे अपने कर्तव्य का पालन नहीं करती हैं, तो केन्द्रीय सरकार का यह फर्ज है कि राष्ट्रीय एकता को कायम रखने के लिए और माइनारिटीज तथा शिड्यूल कास्ट्स और शिड्यूलड ट्राइब्स की प्रोटेक्शन के लिए वह हस्तक्षेप करे। इसलिए मैं इस कानून का स्वागत करता हूँ।

SHRI GEORGE FERNANDES (Muzaffarpur): Sir, I rise to oppose this Bill. This Bill, the manner in which it has come, its genesis and its present stage, including the debate that we have had in this House from the stage of introduction to this final Reading, provides two very interesting case studies: one, how the Opposition allows itself to be trapped, how the Opposition often forgets its own commitments and in the process goes along with the Government when it tries to subvert the democratic institutions and the Constitution; it also provides a very interesting case study of a Government starting with what

appears to be a very innocent or very innocuous piece of legislation and then step by step taking it to a stage where it presents itself with all its sinister designs and all the mischiefs that such a legislation is intended to create.

The genesis of this piece of legislation is in the 1968 National Integration Council Resolution. Between 1968 and 1972 it took the Party, to which the Hon. Minister belongs—and yesterday he was very proud of the eleven years of rule of his Prime Minister, of that period (*Interruptions*)—exactly four years; from 1968 when the Resolution was passed, it took them exactly four years to introduce a piece of legislation based on a recommendation of the National Integration Council. If they are very proud of that performance, well, I have nothing to say. It took four years; they came forward with the Bill in 1972; they had it referred to a Joint Committee; the Joint Committee gave its Report; then they waited till the Emergency was over and in 1976 they finally introduced, what they call, the Disturbed Areas (Special Courts) Act, 1976. Many Members of this House—some of whom are again Members of the House and some are no more Members of this House—were in prison at that time. They were detained under another notorious piece of legislation called the Maintenance of Internal Security Act. This is where the failure of the Opposition comes. When my friend, Comrade Niren Ghosh was just now waxing eloquent, I was wondering whether he would like to recall how this Bill came to be supported in 1976 in this very House. Mr. Joardar spoke at that time and when the Minister who had moved the

Bill, Mr. Mohsin, your predecessor said that all sections of the House supported it and even Mr. Joardar who otherwise had some reservations about the Bill had also supported, Mr. Joardar then was to get up and say—it was not even necessary—‘I simply said that differences based on language and region should not be included’. Otherwise it was a perfect Bill’. I am not trying to rub salt in it. Let no one misunderstand. But sometimes it is necessary even in this House to remind the Opposition that you keep making mistakes which you should not do, particularly, on issues like this. One can make political mistakes. One can make practical mistakes. All of us do that. But don’t make mistakes on basic issues. Where human rights, where civil liberties, where the future of democratic institutions are involved, don’t make these mistakes.

In the other House this Bill was passed in exactly ten minutes. I went through the list of Members who were present that day in the House. Members of all the Opposition Parties were present. They participated in divisions in regard to various items that came up that day, including a Constitution Amendment Bill, but I am shocked that finally when this piece of legislation, this most obnoxious piece of legislation that is once again striking at the very root of all constitutional and democratic institutions, came up for adoption, only one Hon. Member, Mr. Deo Burman of Tripura was to stand up and oppose and go on record, ‘I am opposing this’ and the House adopted this Bill in less than 10 minutes with no other Member participating. It is very necessary to recall this because, as I said, this Bill provides a very interesting

case study of how the Opposition, for whatever reasons, makes its mistakes and enables a Government to introduce a piece of legislation that looks very innocuous, that looks very simple but is capable of tremendous mischief.

Is this Bill at all necessary ? I have heard the Minister yesterday with great attention. He has justified it. He also said, 'My Government is not going to topple any governments'. but he had no defence about his past.(Interruptions) It is all here in the record. I know what he said. I know what your Party is doing in West Bengal. You are working overtime to create a united front against the United Front Government there. I know what you are doing in Kerala. I know what your intentions are in Tripura. We have no doubt about that. But why exactly do they need this ? Mr. Zail Singh has said in the Statement of Objects and Reasons—para 2, you will permit me to read this:

"Under the provisions of the Disturbed Areas (Special Courts) Act, 1976, only a State Government is competent to declare an area as a 'disturbed area' when special courts can be constituted for that area.....

Now, a more significant aspect comes as to why the Bill is necessary according to this Government.

"...Experience has shown that though there have been many communal, caste and other type of riots, some of them very serious and protracted, State Governments have generally not taken recourse to the

use of the provisions of the Disturbed Areas (Special Courts) Act, 1976. Keeping in view the disturbing trends of communal disturbances, caste conflicts.....

Mark these words.

"...disruptive activities of anti-social elements,

it is thought desirable that the power to declare an area as disturbed is available also to the Central Government in addition to the State Governments".

I have heard you here, as Deputy Leader of the Congress Party, saying that the anti-social elements need to be taken care of. I only want to remind the Hon. Deputy Leader of the Ruling Party that, in the year 1975, you declared Mr. Jayaprakash Narayan as an anti-social element; you declared Mr. Morarji Desai as an anti-social elements and you declared other people also as anti-social elements.

As far as I am concerned, you have branded me as one for the last thirty-two years. That does not matter. You will only be repeating. You called Shri Jayaprakash Narain even in your White Paper as a fascist and in your public utterances also. Of course, I am very happy that suddenly or finally you discovered that he was not anti-social; he was not a fascist. After he is dead and gone, you are going to form a Committee with the Prime Minister as the President of that Committee, Memorial Committee for him, whom you used to call as anti-social and fascist. Even cynicism must have a certain limit. However, what exactly are they trying to make out ?

MR. DEPUTY-SPEAKER: Please conclude.

SHRI GEORGE FERNANDES: Sir, I did not speak at the first Reading stage.

MR. DEPUTY-SPEAKER: That is not the point. You know the rules, Mr. George and you should have made yourself available here and participated in the discussion on first reading itself. But, you were not here.

SHRI GEORGE FERNANDES: Sir, the Bill is not democratic.....

MR. DEPUTY-SPEAKER: All these discussions are over. Please conclude. I am giving you five minutes.

SHRI GEORGE FERNANDES: I won't take much time. I know what exactly is behind this Bill....

MR. DEPUTY-SPEAKER: Please come to the Bill proper.

SHRI GEORGE FERNANDES: Sir, my submission is this. This Bill is meant primarily to intervene in the States where they are not able to exercise direct control over them because the State Governments there are not in their control. That is why I am saying that this is a fig-leaf. Can you, Minister of State for Home Affairs point out an instance where you had asked the Government to set up Special Court's or where you had asked them to implement this in letter and spirit and they had defied you?

In U.P., in the last one year, you have let loose a reign of terror. Has your Government acted in Moradabad? Is their Government prepared to go to these areas where the haryans were butchered in the last three days? You come from Andhra Pradesh where 70 and odd adivasis had been butchered in the last ten days. The incident happened on the 20th of last month. You know there the organisation which is seeking to defend the rights of the landlords as against those of the adivasis is headed by a Congress (I) lawyer, a very distinguished lawyer of that area. You know it. Bihar is burning. Have you asked the Chief Minister of Bihar to use the provisions of this law? You have your Government there. Forget West Bengal; forget Kerala; forget Tamilnadu for a moment. Here you have your Government. You have nominated the Chief Ministers to go there as your representatives. You can summon them whenever you want them and, most of the time, they are in Delhi. Had you asked them to do that? Have they said 'No'? So, wherever your party is in power, you can always ask the Chief Minister of that State to implement this law. Yesterday, you made a point, Mr. Home Minister, that the Prime Minister is also the President of your Party. So, as Prime Minister she has the authority; she has the power to tell the Chief Minister that here is a piece of legislation; act according to this. As President of the party, she is more powerful to tell her Chief Ministers. Has anything happened? Then why are you taking these powers to-day? Your targets are very clear. Your motives are very clear. I have personally no doubt

about that. Earlier, you hoped to use this Bill because in 1976 there was not one single Congress (I) Government. To-day, my friends from the DMK are waxing eloquent when they are supporting this legislation. In January, 1976, their Government was thrown out and Shri Karunanidhi was sacked most unceremoniously; Sarkaria Commission was set up to destroy that man and finish that man. (Interruptions) I was underground at that time. We did all that we could to support him.

I know that I would be one of the victims of this piece of legislation. When the time comes, others also, who are supporting this Bill will be the victims of this Bill. I have not doubt about it. So, In 1976 when you introduced this Bill all governments were your governments and you wanted to use this Bill in order to terrorise the people then and now you want to use this Bill in order to act against those governments which are not prepared to accept your hegemony or dictate.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI GEORGE FERNANDES: Sir, one point more and I will conclude. This Bill is trying to give an impression that the Centre is wiser than the States as a government and also as individuals. In other words, take your Chief Ministers. Mr. Phadadia was in the Council of Ministers and he is now in Rajasthan. Mr. J.B. Patnaik was in the Council of Ministers and he is now in Orissa. Mr. V.P. Singh was a Member of the

House and he is now in Uttar Pradesh. So, you have a situation where you shift the people from the Centre to the State and sometimes shift from the State to the Centre also. Take Mr. Anjiah. You have shifted him from here to Andhra and now he is queuing up to come here. I am not concerned with your internal problems. (Interruptions) My point is inherent in the logic which this Bill is trying to express; they assume that the Centre is wiser and the States are not and when a man comes from the State to the Centre he suddenly becomes the fountain head of all wisdom but when taken back to the State he is dead as a dodo because that is precisely what you are trying to say in the Bill.

So, Sir, the objectives behind this Bill are sinister. The assumptions are wrong and, as far as I am concerned; I believe that you are today through this Bill once again trying to subvert the Constitution which you had done in the past and you are trying to do it again today. I will, therefore, urge upon the hon. Members of this House and also the Members of the ruling party, particularly my friend, Mr. Daga—although I would also like to appeal to Prof. Ranga yet being the Deputy Leader I know his problems—who have a genuine commitment to the Constitution, and people like him in the ruling party not to allow themselves to be swayed in the manner in which they once allowed themselves to be swayed and, as such, oppose this Bill.

SHRI SATYASADHAN CHAKRABORTY (Calcutta-South): Mr. Deputy Speaker, Sir, at the very outset I would like to make one point clear

to which my friend, Shri George Fernandes referred, viz., the support my party conditionally offered to the earlier Bill. Sir, there is a qualitative difference between that Bill and this Bill. The previous Bill did not confer any power on the Central Government to declare an area disturbed area and there was no special procedure about the courts. We also opposed the inclusion of other items except this communalism.

Sir, this Bill, I think, is an attempt—a sinister attempt—to subvert democracy because of the fact that the State Government is responsible to the people of the State for its omissions and commissions just as the Central Government is responsible to the people of India for its omissions and commissions. The Constitution has clearly demarcated the areas of the State Government and the areas of the Central Government. The people will hold responsible the Central Government for the omissions and commissions for the areas which have been demarcated to it by the Constitution. The people of the State will hold the State Governments responsible for the functions in respect of the areas which have been demarcated to them under the Constitution. Now, ultimately, in a democracy, what is the principle? It is the voice of the people which is supreme. That is the basic democratic principle. Therefore, the performance of a particular State is to be judged by the people. In a democracy this is the basic principle. The Government elected by the people functions for 5 years. After 5 years the Government must go to the people to get their verdict. Therefore, it is the

people who will decide the fate of the Government. Now, Sir, here the Central Government is trying to sit in judgment, where the people should sit in judgment. Even our Central Ministers, headed by the Prime Minister, think that they are all infallible. Sir, they are not infallible. They are not omniscient. They are trying to sit in judgment where the people should sit in judgment.

SHRI P. VENKATASUBBAIAH:
Omnipotent.

SHRI SATYASADHAN CHAKRABORTY: You are trying to be so. But you cannot be so. May I ask a simple question for answer from the Hon. Home Minister? What are the criteria which you will follow when you declare a particular area as a disturbed area? There may be differences as to the intensity and the dimension of the conflict. There may be differences as to the nature of the conflict. Now, if there are differences between the State Government and the Central Government, what will you do? You will try to coerce the State Government; otherwise you cannot get anything done. Simply with the help of this Act you cannot do anything without the cooperation of the State Government. Even in the case of large-scale disturbances, you have to use the State Police machinery. Can you do it without the cooperation of the State Government? That is my question. Is it true that the Central Government does not possess enough powers to handle such situations? Sir, my answer is that the Central Government already possesses enough powers. Under the Constitution you have got sufficient administrative

powers to direct the State Government to do something. Under the Constitution, it is obligatory on the part of the State Government to adhere to the administrative directions of the Centre pertaining to certain matters which are clearly stated in the Constitution. You know that there is division of powers in a federal structure such as ours. The Central Government has got enough powers. Such division of powers cannot be changed by the Central Government unilaterally. May I ask you one simple question? You are amassing more and more powers. Why is it that more and more communal clashes are taking place in Congress (I) ruled States? Such cases are increasing in the States where your party is in power. May I ask you this question? Why is it that all over India, the separatist elements are coming to the surface?

PROF. K.K. TEWARY (Buxar) : May I ask him, Sir,.....

MR. DEPUTY-SPEAKER :
Order please. Prof. Tewary. You can ask him if he yields. Not otherwise.

PROF. K.K. TEWARY : Sir, I only ask him, what about the revolt of Raj Banshi's in West Bengal?

SHRI SATYASADHAN CHAKRABORTY : So, these things are happening. And you profess that your party is a secular party and you are against secessionist forces. But what actually happens is, you are with these secessionist forces. You are with these communal forces. In the darkness your party is involved in

dark deeds. In daylight you come and declare that your party is as pure as the waters of the Ganges.

SHRI P. VENKATASUBBAIAH :
At Hooghly !

SHRI SATYASADHAN CHAKRABORTY : Mr. Deputy Speaker, Sir, who supported the Shiv Sena? Who was behind the Moradabad riots? Who were behind these communal clashes? What you are trying to do by bringing this Bill is that you are trying to bring back emergency through such piecemeal legislation. The people of India threw you into the dustbin because of the emergency. In 1977 you went to the people, you apologised to the people saying, if we come to power, we will not bring emergency. But what you are now trying to do is this: By bringing in such piecemeal legislation, you are trying to bring emergency once again, all directed towards centralisation of authority and powers. Sir, may I ask very humbly one simple question? Why is it that in the non-Congress-I States, there are no communal clashes? (*Interruptions*). Of course, until and unless you decide in Delhi to support the communal clashes there, the area remains peaceful. Now, may I ask the Hon. Minister one more question? Are you really honest in your declaration and purpose? When there were the possibilities of clashes in Tripura, the Chief Minister of Tripura sent an S.O.S. to the Central Government to come forward to help the administration. You did not do anything. You allowed the situation to drift and you allowed the things to continue. You did not discharge your consti-

tutional duties. Now you are not really interested in stopping the communal violences. But you are really interested in creating disturbances in peaceful areas. Come exactly to what you are professing here, exactly what you want to do. I want to refer to one statement by one of the General Secretaries of Congress-I Party. That would reveal the real democratic attitude of their party. In one of the Weeklies, you will be surprised to know what one of the General Secretaries of the Congress-I Party has said. He said that the Opposition should accept Mrs. Gandhi as their leader and if they did not do so, they would be compelled to do so. It runs counter to any democratic principle. Then he went on to say "if the opposition parties do not do that we know the method how to make them do that". It is on record. I can challenge. You go and see the onlooker. There, you will find an interview given by your General Secretary. It is an authoritarian attitude. (*Interruptions*) Mr. Tewary is shouting. I may point out that Mr. Chandrasekhar was a Member of the Congress Party then, but he was sent to jail by Mrs. Gandhi. He is not a Marxist. I know that one day Mr. Tewary, you and I will be in the same jail provided you remain honest (*Interruptions*). I would like the Central Government at least to be bold enough to declare that they want to subvert the democracy. They do not believe in the democratic system. They profess their faith in democracy to the people outside, but they come with such a piece of legislation inside this House which is anti-democratic.

(*Interruptions*)

MR. DEPUTY-SPEAKER: I am not able to advise the Professor, but he is a Professor.

SHRI SATYASADHAN CHAKRABORTY: Sir, you must appreciate that I am trying to convert the Home Minister even at this late stage. I have given up the hope but I understand that he would see the reason one day. With these words, I would appeal to the Government, on the consideration of short-term gain, not to subvert the basic principles of the Constitution. After all the federal structure of the Constitution was created by a National consensus. No political party should tinker with the basic principles of the Constitution until and unless it is absolutely necessary in the interest of the people. But you are trying to do it with your short-term objective and this will land the country into a disastrous situation. Mr. Deputy Speaker, Sir, with these words, I oppose the Bill and I implore the Home Minister to be reasonable even at this late stage and gracefully withdraw the Bill and dissuade the Government from the sinister attempt to subvert democracy.

SHRI CHANDRAJIT YADAV (Azamgarh): Mr. Deputy Speaker, Sir, at the introduction stage also, I had opposed the Bill. At that time, I had also requested the Home Minister that he should very seriously consider withdrawing this Bill, but I am sorry to say that the wisdom has not dawned upon them and the Government is still insisting on this Bill.

Sir, if it is not subversion of Constitution, at least I will say that this is against the spirit of principles of federalism, principles of Union Government and also against all democratic principles. The Government must realise that we are a big country and the experience of the last thirty-three

years has shown that Governments belonging to different political parties have come to power at the Centre and State in this country and this will continue to be so. We have developed and are developing a peculiar kind of democratic system in our country and we all have a sense of pride in it. Many countries feel puzzled, how in a country like India, the democratic parties, the Communist party and the non-communist parties and others all co-exist. They are all in the Government also and, by and large, they are functioning in cooperation with each other. It is something which is unique in India. We want that this system must be strengthened in this country. I feel that this Bill is against the spirit of this structure and, therefore, I have serious objections against this Bill. There is a great illusion on the part of the Central Government that this Bill will give them power and they will be able to prevent communal riots, caste riots and linguistic riots. It is simply an illusion, as Shri George Fernandes has said. I emphasised the same point on that day and I asked for an explanation from the Hon. Minister about this, but he failed to give any because he has none. I asked the Hon. Minister if this Government had any occasion to ask any Chief Minister to declare an area as disturbed area and the Chief Minister had refused. Unfortunately, so many communal riots have taken place in the State of Bihar during the regime of Shri Jagannath Mishra. Did this Government ask him to declare certain areas as disturbed areas and he refused? Is there any proof of it? Did the Government ask Shri Vishwanath Pratap Singh to declare Moradabad as disturbed area

and he refused? Did this Government at any time ask Shri Jyoti Basu, Chief Minister of West Bengal or the Chief Minister of Kerala to declare any particular areas as disturbed areas and they refused? Was there any occasion when MGR refused to declare an area as disturbed area when asked to do so by the Centre? What is the genesis of this Bill? This is completely an illusion.

I, therefore, feel that this is a highly politically motivated Bill. My objection is that this Bill strikes at the very root of the democratic functioning in this country. If the Government feels that by taking more power in the hands of the Central leadership, they will be able to control the situation, they are under a great illusion. The situation in this country is getting explosive. The communal riots, caste tensions and regional tensions are coming up because the socio-economic situation in the country is getting aggravated. The Government in its policies has utterly and totally failed to satisfy the aspirations of the common masses and, therefore, the situation is getting aggravated. There is no doubt about it.

There is another important thing. The Government has committed another major mistake. Our system is under great strain, because there are no real political parties. Most of the political parties are splinter groups today; they have failed to emerge as real well-organised political parties based on policies and programmes, cadres and other things, so that they can go to the people. Therefore, the parliamentary democracy without well-knit organised political parties is fail-

ing. Therefore, that is their difficulty, Sir. Therefore, the Government must seriously think what kind of structural improvements can be brought about in this country and for that the ruling Party should not go alone.

I would like to ask one question, which I have asked and I have yet to get the reply.

Before bringing this Bill and putting an important issue on the Concurrent List, did the Government call a meeting of the Chief Ministers, or were the Bills sent for the consent of the Chief Ministers, or were their consents taken? If Government has acquired their consent, I would like to know what the Chief Ministers have said I would like that to be placed on record. But I am sure that this government has not bothered even to consult or seek the consent of the Chief Ministers. Is it a Federal type of functioning? And if you don't even admit that we are a fully federal type of Government, not even quasi-federal, but with different political parties today functioning in different States, democratically elected, was it not necessary to seek their consent, Sir? Even that Government has not bothered. It is a very undemocratic approach on a very major issue. And, therefore, Sir, on these grounds I oppose the Bill. I would still request the Home Minister not to hurry it through. Heaven is not going to fall. It is not that we will pass this Bill today and tomorrow you will declare Bihar as disturbed area and will take action. If the Home Minister says yes, there is urgency; Jagannath Mishra is refusing; his government has failed. If you pass

the Bill we will declare Bihar, Bihar and Patna and Nalanda as disturbed areas, we will take effective action, I can understand that. But, Sir, this is not the reason. It is politically motivated. It will be used against non-Congress-I Governments. That is my fear and that will go against the democratic principles. Therefore, Sir, I oppose this Bill.

श्री रामावतार शास्त्री (पटना) : उपाध्यक्ष जी, मैं इस बिल को काला बिल मानता हूँ। इसलिए मैं इसका विरोध करने के लिए खड़ा हुआ हूँ।

इसके विरोध में बहुत सारी बातें कही गईं। मैं एक-दो बातों का जिक्र करके अपनी बात समाप्त करूँगा। आज हम इस बिल पर यह पर बहस कर रहे हैं और यह कानून का रूप भी ले लेगा। इसका मुख्य मकसद किसी क्षेत्र विशेष को ठीक करना नहीं है, बल्कि इसका मुख्य मकसद, जहाँ पर इनकी राजनीतिक समझ में क्लेश होता है, वहाँ पर अपनी राजनीतिक समझ को लादना है। इनकी मन्शा उन राज्यों को तंग करने की है, जिन राज्यों में भारत सरकार की बात पूरी-पूरी नहीं चल पाती है।

आज आवश्यकता इस बात की थी कि संघ और राज्यों में जो मतभेद हैं, उन्हें दूर करने की कोशिश की जाती और राज्यों को अधिक से अधिक सहायता प्रदान की जाती, ताकि वे अपनी समस्याओं का समाधान निकाल पाते। ऐसा न करके इस विधेयक के जरिए एक विवादस्पद मसला खड़ा कर दिया गया है। इससे राज्यों का भारत सरकार के प्रति अविश्वास पैदा होगा और जो लोग यह समझते हैं कि यह सरकार धीरे-धीरे, रफ़ा-रफ़ा, शन-शन जनसंघ को छोड़कर अधिनायकवाद की ओर जा

रही है, उनके विचार इस तरह के कानून बनाने से पुष्ट होंगे। यह ठीक है कि आप कहते हैं कि आप हिन्दुस्तान में इमरजेंसी लागू नहीं करना चाहते। लेकिन इमरजेंसी लागू करने के बहुत सारे तरीके हैं। इस तरह का कानून बनाना उसी तरफ इंगित करता है, आप उभर ही जा रहे हैं। कहीं भी आप स्थिति को शांत करने में समर्थ नहीं हैं। जहां आप की सरकारें हैं, जिसके उदाहरण आपके सामने बहुत हैं, खुद मैं जानता हूं मेरे सूबे बिहार में क्या हो रहा है? जिसको चाहो मार करके फेंक दो। साम्प्रदायिक दंगे करवा दिये, साम्प्रदायिक दंगा करने वालों के खिलाफ कोई कार्यवाही नहीं की, बल्कि उनके साथ आप जगह-जगह दोस्ती करते हैं जिसका सबूत केरल है। एक तरफ आप आर० एस० एस० की आलोचना भी करते हैं और वहां उससे दोस्ती भी करते हैं। और आर० एस० एस० क्या करता है आप जानते हैं। तो मेरे कहने का मतलब यह है कि आप बिहारशरीफ में देखिये क्या हो रहा है? आपकी सरकार कुछ नहीं कर सकती। अगर समय पर हस्तक्षेप करती तो आज बिहारशरीफ में इतने लोग नहीं मारे जाते। हमारे सूबे में राजनीतिक हत्याएं हो रही हैं। अब तक 100 राजनीतिक हत्याओं के शिकार बन चुके हैं विभिन्न दलों के लोग। तो उसको आप रोक सकते थे। उस समय यह विशेष न्यायालय का कानून कहां जमा जाता है? बिहार प्रदेश में आप क्या कर रहे हैं। तमाम सुबों में आप धींग-मस्ती कर रहे हैं, जनमान्दोलनों को दबाते हैं, उसके लिये ही यह कानून बन रहा है और इस कानून का मकसद यही है कि जो आपकी विरोधी सरकारें हैं आप उनको शांति के साथ अपनी जन-समस्याओं का समाधान नहीं निकालने देना चाहते। आपको संतान भेड़ी है। और मुझे तो संदेह है

कि यह कानून पास हो जाने के बाद किसी भी कांग्रेसी राज्य में विशेष न्यायालय की स्थापना नहीं की जायगी। लेकिन जो आपकी विरोधी सरकारें हैं जैसे बंगाल, केरल, त्रिपुरा, वहां आप जरूर कोई न कोई बहाना बना करके इस कानून के अधीन विशेष न्यायालय स्थापित करेंगे, और वहां जो सही माने में अपने सबालों को ले कर लोग आन्दोलन कर रहे हैं उनको आप दबायेंगे, इन विशेष न्यायालयों का शिकार बनायेंगे। इसका यही मकसद है।

एक बात और है धीरे-धीरे आपके पांव की जमीन खिसक रही है। जो स्थिति जनवरी 1980 में थी वह स्थिति आज नहीं है, और लोग आपसे नाराज हो रहे हैं। मजदूर, किसान वर्ग और गरीब वर्ग आपसे नाराज हो रहा है। केवल बड़े-बड़े घनासेठ जो आपके कानूनों से लाभ उठाते हैं, 75 पूंजीवादी घराने के इजारेदार, वह जरूर आपसे खुश हैं, और उनके लिए ही आप कानून भी बनाते हैं और आप उन्हीं की सेवा भी करते हैं। तो वह खुश हो सकते हैं। लेकिन जनता नाराज हो रही है। इसीलिए आप पहले से ही इस तरह का कानून बना कर अपनी ताकत को मजबूत कर रहे हैं ताकि सबको आप दबा सकें और देश में आप सही अर्थ में अधिनायकवादी हुकूमत बना सकें, क्योंकि आपके संगठन में तो एक नेता के सिवा और कोई नेता नहीं है। वही बात आपकी सरकार में भी है जो प्रधान मंत्री कहेंगी वही आप एबमस्तु कहेंगे। हिम्मत नहीं है विरोध करने की। तो एक कहावत कह कर मैं अपनी बात खत्म करूंगा। कहावत यह है कि कुछ मूर्ख लोग एक जगह आपस में बात कर रहे थे कि भाई हम लोगों ने बड़ी मूर्खता की, अब तो कुछ अकलमन्दी की बात करो। बहुत बहस हुई

उन मूखों में। लेकिन मूख अन्त में बहस करते-करते इसी नतीजे पर पहुँचे कि हमको मूख रहने में ही अच्छा है, उसी से फायदा है। तो मुझे ऐसा लगता है कि आप की सरकार और आपका कांग्रेस-संगठन उसी तरह उन मूखों की तरह का आचरण कर रहा है और देश को सत्यानाश के रास्ते पर ले चल रहा है। तो मैं निवेदन करूँगा आप जो मूखों ने किया था उस तरह के रास्ते पर न जाइये और इस बिल को वापस ले लीजिए और तब सही माने में आप जनतन्त्र की सेवा कर सकेंगे।

16 hrs.

SHRI A.K. ROY (Dhanbad): Mr. Deputy Speaker, Sir, expectedly this Bill to amend the disturbed areas has disturbed the House. I know at the third stage it is not very useful to advise the Government to retrace because this Government has commendably exhibited, demonstrated its incorrigibility. I can only comment that this will not only affect the federal system of our Constitution because that is the super structure, but will also affect the very basic content of our emotional integration. It will inject, while it was not there, the element of suspicion and mistrust in an uncalled for way. I do not want to advise the Government on this. Their motive is very clear constitutional, political, everything has been said. I do not want to repeat all that. But what I want to say is this. Perhaps you are also thinking in that line.

MR. DEPUTY-SPEAKER: How do you know that?

SHRI A.K. ROY: Let us see. As you are staring at me, it shows that you are also thinking.

MR. DEPUTY SPEAKER: I was staring at you because you did not bring in any new point.

SHRI A.K. ROY: At least you are not staring at the clock. I wonder why the Government which is having so big a majority in the House.....

MR. DEPUTY-SPEAKER: It is a wonderful Government.

SHRI A.K. ROY: I wonder why the Government which is having so big a majority in the House, which is ruling in most of the States, which has got authority on the earth, on the air, on the water, everywhere, is feeling so much weak and disturbed that from the very beginning they are after concentrating power in their hands. They started with some sort of Anti-Blackmarketeers and Profiteers Bill to give profit to blackmarketeers. Then they started with the National Security Act. They amended CRPC. Now they started amending the Disturbed Areas Act on a pre-supposition, imaginary concept that an occasion will arise where the Centre will think that it should be declared a disturbed area. But the States may differ. All this shows that the Government itself is panicky. Who will be finding which are most disturbed areas in the country? In the Congress-ruled States, the Congress Party itself is a disturbed area and most disturbed area is the Cabinet. So, why wonder?

The first thing needed is to use this Act against the Cabinet itself. Only a few days back, Mr. Shukla was sacked unceremoniously.

MR. DEPUTY-SPEAKER: You said that the Cabinet itself is a disturbed area. That is why they have brought in this Bill.

SHRI A. K. ROY: That is what I am asking. (*Interruptions*) The Deputy Speaker is supporting my proposition. While answering, the Minister of State for Home Affairs should clarify it.

MR. DEPUTY-SPEAKER: He is a good friend of yours.

(*Interruptions*)

SHRI A. K. ROY: While replying, he should clarify this position. What is the urgency? Which are the expected areas where this Bill will be applied? Which are the areas where these things disturb? That is most important. Does he think that the Cabinet is disturbed? Does he feel himself disturbed like Mr. Shukla and he is afraid of? So, he must clarify the position, because we don't think anywhere there is a necessity of having this Bill.

Lastly, I would like to give him one advice.

MR. DEPUTY-SPEAKER: I think you are not the agent of Mr. Venkatasubbaiah.

SHRI A.K. ROY: No, no. I am only sorry for it.

I have got a very mild advice for our Minister of State for Home Affairs. You can do everything, anything with a bayonet. But you cannot sit on it. This Government through a series of amendments is

sitting on a bayonet and the history has got a number of illustrations for such type of Governments. Kindly remember and act.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Mr. Deputy-Speaker, Shri George Fernandes made my task very easy. I am now more convinced why this Bill has to be passed into an Act. He said that at one point or the other, for one reason or the other most of the political parties have supported this Bill and of course they had certain points to be settled with the CPM people. I do not stand in his way. The points that have been raised have already been dealt with extensively.

Two friends from the C.P.M., Shri Niren Ghosh who is a Bheeshmacharya and Satyasadhan Chakraborty who is an Abhimanyu of the Party, have also expressed their opinions. Shri Niren Ghosh wanted me to give some tips on the art of toppling. Satyasadhan Chakraborty is a Professor, but he is junior in his party, not in wisdom and standing. Perhaps, he is not aware that a very important Party member of his, who is one of the founders of his Party has come out with a statement seeking the co-operation of a political party whom they were considering to be as lepers, in joining hands with them, in opposing the Congress (I) Governments. Of course there was a belated clarification of the statement made earlier. I have made it clear time and again that our government is not interested in toppling

any non-Congress (I) Governments. There was a classic example two years back. The Janata Party Government collapsed by its own weight. If that happens, we are not responsible for it.

SHRI SOMNATH CHATTERJEE (Jadavpur): That may happen to you also any time. At least, nobody knows how long he will continue as a Minister.

SHRI P. VENKATASUBBAIAH : Mr. Yadav has raised another point. He asked us whether we have asked any State Government to declare any particular area as a disturbed area. The State Governments have got powers under the parent Act to declare any area as a disturbed area. The reason for acquiring concurrent powers in this matter, I have already stated, is that the State Governments, as we see from our experience, are not coming forward to take effective steps to declare a particular area as a disturbed area, in order to bring speedy justice, in order to contain the anti-social and casteist elements. The Central Government is assuming through this amending Bill certain concurrent powers. And it has been clearly stated the scope of our declaring an area as a disturbed area and also that we are not encroaching upon the autonomy of the State Government in its maintenance of law and order. Our aim is, if a State Government does not come forward, we will declare an area as a disturbed area and constitute a Special Court and the appointment of a Judge is the concern of the High Court of that State. The other procedural matters, with regard to the other things, we have left to the State Governments.

But we have made it amply clear about the scope and I have also said that under certain circumstances, we have qualified it, that if a particular area is beset with certain disturbances—we have listed that in our schedule—then only we declare it as a disturbed area. We will not in a casual manner recklessly declare any area as a declared area. There are certain norms and principles, as I have already stated.

I think the points mentioned now were referred to earlier by the hon. Members time and again, that we are trying to subvert parliamentary democracy, the Constitution, this and that. Shri Ramavatar Shastri said something—*Moorkha*. I can only say that where ignorance is bliss, to be wise is a folly. Shri Shastri thinks that everybody is like himself. We have got a clear mandate from the people, especially the weaker sections and the minorities. It is our duty to protect the interests of every section of our society. As Shri Banatwalla has very rightly pointed out, our Government is enjoined upon to discharge our sacred duty.

He also said that there is only one leader in our party. We are proud of it. Perhaps in his party everybody is a leader; I do not know. We are proud of having a leader of international repute, with a charisma, who is identified with the weaker sections of the people. We are proud to have such a leader, and we want only one leader of that type, not like the party of Shri Shastri, where everybody is a leader. We have the experience of the previous government, where there were more leaders than followers, and

that is why they have collapsed under their own weight.

With these words, I commend this Bill for acceptance.

MR. DEPUTY-SPEAKER : Lobbies have been cleared.

The question is :

"That the Bill be passed".

The Lok Sabha divided.

Division No. 18

16-20 hrs.

AYES

Alluri, Shri Subhash Chandra Bosc
 Ansari, Shri Z. R.
 Appalanaidu, Shri S.R.A.S.
 Arakal, Shri Xavier
 Arunachalam, Shri M.
 Bagun Sumbrui, Shri
 Baitha, Shri D.L.
 Banatwalla, Shri G.M.
 Bansi Lal, Shri
 Bhagat, Shri H.K.L.
 Birbal, Shri
 Buta Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Chaturvedi, Shrimati Vidyawati
 Chaudhary, Shri Manphool Singh
 Chavan, Shri S.B.
 Chennupati, Shrimati Vidya
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Damor, Shri Somjibhai

Das, Shri A.C.
 Desai, Shri B.V.
 Dev, Shri Sontosh Mohan
 Dogra, Shri G.L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Era Mohan, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V.N.
 Gadhavi, Shri Bheravadan K.
 Gohil, Shri G.B.
 Gomango, Shri Giridhar
 Gounder, Shri A. Senapathi
 Hembrom, Shri Seth
 Jai Narain Roat, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Viridhi Chander
 Jena, Shri Chintamani
 Karma, Shri Laxman
 Kosalram, Shri K.T.
 Krishna Pratap Singh, Shri
 Laskar, Shri Nihar Ranjan
 Mahajan, Shri Y.S.
 Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mani, Shri K.B.S.
 Mishra, Shri Gargi Shankar
 Misra, Shri Hainatha
 Mohanty, Shri Brajamohan
 Mohite, Shri Yashawantrao
 Motilal Singh, Shri
 Naikar, Shri D.K.
 Namgyal, Shri P.
 Narayana, Shri K.S.
 Nihal Singh, Shri
 Pandey, Shri Krisahna Chandra
 Panigrahi, Shri Chintamani

Panika, Shri Ram Pyare
 Patil, Shri A.T.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Chandrabhan Athare
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S.B.P.
 Phulwariya, Shri Virda Ram
 Potdukhe, Shri Shantaram
 Pradhani, Shri K.
 Prasan Kumar, Shri S.N.
 Pullaiah, Shri Darur
 Raju, Shri P.V.G.
 Ramalingam, Shri N. Kudanthai
 Rane, Shrimati Sanyogita
 Ranga, Prof. N.G.
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri M. Nageswara
 Rathod, Shri Uttam
 Ravani, Shri Navin
 Reddy, Shri K. Brahmananda
 Reddy, Shri P. Venkata
 Sahi, Shrimati Krishna
 Saminuddin, Shri
 Sebastian, Shri S.A. Dorai
 Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shanmugam, Shri P.
 Shiv Shankar, Shri P.
 Sidnal, Shri S.B.
 Singaravadivel, Shri S.
 Singh, Dr. B.N.
 Singh Deo, Shri K.P.
 Soren, Shri Hari Har
 Subba, Shri P.M.
 Subburaman, Shri A.G.

Suryawanshi, Shri Narsing
 Tayyab Hussain, Shri
 Thorat, Shri Bhausaheb
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkatasubbaiah, Shri P.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Yazdani, Dr. Golam
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Agarwal, Shri Satish
 Balan, Shri A.K.
 Basu, Shri Chitta
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath
 Choudhury, Shri Saifuddin
 Das, Shri R.P.
 Gangwar, Shri Harish Kumar
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Haldar, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Kодиyan, Shri P.K.
 Lawrence, Shri M.M.
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda

Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Mukherjee, Shri Samar
 Pal, Prof. Rup Chand
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rajan, Shri K.A.
 Rajda, Shri Ratansinh
 Roy, Shri A.K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Gadadhar
 Sen, Shri Subodh
 Shamanna, Shri T.R.
 Shastri, Shri Ramavatar
 Singh, Shri B.D.
 Sinha, Shri Dharam Bir
 Unnikrishnan, Shri K.P.
 Zainal Abedin, Shri

MR. DEPUTY SPEAKER: Subject to correction, the result * of the division is : Ayes—110 ; Noes—44.

The motion was adopted.

SHRI NIREN GHOSH: As a protest, we walk out.

[Shri Niren Ghosh and some other members then left the House.]

16-15 hrs.

SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH)
 Sir, I beg to move:†

“That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, as passed by Rajya Sabha, be taken into consideration”.

Mr. Deputy-Speaker, Sir, under Section 8A of the Act, an ex-Member does not become eligible for grant of pension unless he has served as such for a minimum period of five years. The actual duration of each of the first three Lok Sabhas was slightly less than five years. Therefore, in spite of serving for one full term of one or other of these Lok Sabhas, some ex-Members are not eligible for the pension. It is, therefore, proposed to provide that a person who has served as aforesaid for a period which falls short of five years by 60 days at the most, may also be paid a pension of of Rs. 300 per mensem.

It is difficult to assess with any degree of accuracy the quantum of additional expenditure that will have to be incurred on this account as we

*The following Members also recorded their votes :

AYES : Shrimati Kesharbai Kshirsagar, Shri Ebrahim Sulaiman Sait and Shri Fatehbhan Singh Chouhan ;

NOES : Shri R. P. Sarangi.

†Moved with the recommendation of the President.