

[Secretary-General]

Food Adulteration (Amendment) Bill, 1974, be further extended up to the first day of the Ninety-fourth Session of the Rajya Sabha".

(ii) I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 22nd July, 1975, adopted the following motion in regard to the presentation of the Report of the Joint Committee of the Houses on the Indian Penal Code (Amendment) Bill, 1972:—

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Indian Penal Code (Amendment) Bill, 1972, be further extended up to the last day of the Ninety-fourth Session of the Rajya Sabha".

(iii) I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 22nd July, 1975, adopted the following motion in regard to the presentation of the Report of the Joint Committee of the Houses on the Central and Other Societies (Regulation) Bill, 1974:—

"That the time appointed for the presentation of the Report of the joint Committee of the Houses on the Central and Other Societies (Regulation) Bill, 1974, be further extended upto the first day of the last week of the Ninety-fourth Session of the Rajya Sabha".

11.03 hrs.

## BUSINESS ADVISORY COMMITTEE

### FIFTY-SIXTH REPORT

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to move:

"That this House do agree with the Fifty-sixth Report of the Busi-

ness Advisory Committee presented to the House on the 22nd July, 1975."

MR. SPEAKER: The question is:

"That this House do agree with the Fifty-sixth Report of the Business Advisory Committee presented to the House on the 22nd July, 1975."

The motion was adopted.

11.04 hrs.

## MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL\*

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I beg to move for leave to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971."

Shri Mavalankar.

Like Yesterday, the speeches will be of three minutes duration.

SHRI P. G. MAVALANKAR (Ahmedabad): I shall be as brief as possible; I shall try to abide by your direction.

Mr. Speaker, Sir, I wish to oppose the Home Minister's asking for leave to introduce this Draconian Bill, the Maintenance of Internal Security (Second Amendment) Bill, 1975. If anybody had at all any doubt or hope that the so-called democracy of India, after the 26th June 1975, has at least

\*Published in Gazette of India Extraordinary, Part II, section 3, dated 23-7-75.

some kind of a resemblance to democratic functioning, I am sure that that hope has been ultimately smashed to pieces, because this particular Bill which the Home Minister is seeking leave to introduce, clearly says in the Statement of Objects and Reasons that this is "for dealing effectively with the emergency". Their whole purpose is to deal effectively with the emergency. I am quoting this from the Statement of Objects and Reasons.

Then, Sir, the second paragraph says:

"As a view has been expressed that right to personal liberty exists in natural law or common law, apart from that right being embodied in article 21 of the Constitution, it is considered safer to insert a provision taking away such natural law or common law rights, if any".

I could never imagine the Home Minister and his colleagues under the Prime Ministership and leadership of Shrimati Indira Gandhi writing such words in the Statement of Objects and Reasons, namely,

"... it is considered safer to insert a provision taking away such natural law or common law rights, if any."

If that is so, let them consider going further even if they can do it, because it is still safer to eliminate us altogether, physically, mentally, intellectually and spiritually!!

My main point in opposing this Bill is this. This is the most obnoxious piece of legislation ever enacted in the recent history of India. It brings the India political system perilously near dictatorship and totalitarianism. We in India have cherished the great value of the liberty of person, and Mr. Speaker, Sir, we have done so since pre-Independence days. The Independence for which all of us together—not divided but together—had fought; even during those days, we had fought for the right of individual and his liberty based on

natural law and natural justice. Therefore, I repeat, we in India have cherished the great value of the liberty of person since pre-Independence times. The person of every individual is sacrosanct. No one has the right to violate the sanctity of his person except on well-defined grounds. In fact, the history of civilization is a story of the struggle for liberty waged by the people against tyrants. The architects of our Constitution attached the greatest importance to this liberty. We felt that we had well-nigh achieved it, but now we realise from this Bill that this fond hope of the architects of our Constitution has been smashed to pieces on the 26th June, 1975 and more particularly when the hon. Home Minister has come forward to introduce this draconian Bill.

Every arrest and detention is *prima facie* unlawful. No officer of the State should have the right to violate the person of any individual without telling him as to why he is doing it and without giving him an opportunity to refute the allegations made against him. This is the minimum natural right of every person. This is also called natural justice. It is natural justice because even God had asked Adam before punishing him, 'Have you eaten the forbidden fruit?' and then. He had proceeded to punish him. The new section which is sought to be added....

MR. SPEAKER: Mr. Mavalankar, I think, Adam must listen to the Speaker also. This is the stage to raise procedural Constitutional objection briefly and not to give quotations on Adam, Eve and God, on what had transpired between them and how we came here.

SHRI P. G. MAVALANKAR: The Amendment Bill which the Home Minister wants to introduce today with the permission of the House releases the detaining authority from his obligation even to supply the grounds of detention. He has merely to

[Shri P. G. Mavalankar]

make a declaration that it is necessary to detain the person concerned for "effectively dealing with the emergency." This reminds me of the times before the French Revolution. We are told, the history books tell us, that, before the French Revolution took place, the officers or administrators of the State were having any number of blank forms in their possession and they could write anybody's name whom they wanted to pick up and put behind the bars indefinitely and tell him only that he was being detained. Do you want to do that kind of thing here?

The Ordinance was issued on the 29th June. Why? Obviously because the beloved leaders of the people were dragged from their beds on the 26th June and taken to unknown destinations. Under section 8 of the unamended MISA, the Government were bound to give them the grounds of detention within five days, i.e., before 1st July....

MR. SPEAKER: That is not relevant at present

SHRI P. G. MAVALANKAR: The Government, obviously, had no legitimate grounds to communicate. So, that has been done away with.

Till now we were told that the MISA, after all, was not bad, there was no harm in using it because within five days the reasons for detention were to be given. Now, that is sought to be removed. Not only that, what now remains is indefinite detention at the sweet will of the Government, a Government which wants to cling to power at any cost, by any means....

MR. SPEAKER: Please conclude.

SHRI P. G. MAVALANKAR: I only want to quote Lord Atkin. During the years 1939-45, when Britain was fighting the Second World War, and even while passing through

the darkest hours of the War, a great judge, Lord Atkin, sitting in the House of Lords, said:

"Amidst the clash of arms the laws in this country are not silent."

Now, when we in India found that there was war with Pakistan, when War was there with China, and there was Emergency, we did not object to this kind of law. But now there is only internal disturbance—supposed to be so—and that is why this proposed law has come. It takes away the right of natural justice and the right of natural law and also takes away the right of the matter having to be sent to the Advisory Board. The Advisory Board is also appointed by the Government themselves. Then, why should the Board not be given the information? So, on all these grounds, I oppose this Bill and I hope, the House will not allow the Minister the leave to introduce this draconian, mischievous, dangerous and malicious Bill in the House.

AN HON. MEMBER rose—

MR. SPEAKER: Only one Member is allowed at this stage and he was allowed. He is a very distinguished son of a very illustrious predecessor of mine and I have, therefore, some soft corner for him, but he sometimes exceeds the time. Now, the question is—

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971."

*The Lok Sabha divided:*

**AYES**

Division No 3]

[11.19 hrs.

Aga, Shri Syed Ahmed  
Agrawal, Shri Shrikrishna  
Ahirwar, Shri Nathu Ram  
Alagesan, Shri O. V.

17	Maint. of Int. SRAVANA 1, 1897 (SAKA) Maint. of Int. Sec. (2nd Amdt.) Bill	18	Maint. of Int. Sec. (2nd Amdt.) Bill
Anand Singh, Shri		Das, Shri Anadi Charan	
Ansari, Shri Ziaur Rahman		Das, Shri Dharnidhar	
Appalanaidu, Shri		Dasappa, Shri Tulsidas	
Arvind Netam, Shri		Daschowdhury, Shri B. K.	
Austin, Dr. Henry		Deo, Shri S. N. Singh	
Awdhesh Chandra Singh, Shri		Deshmukh, Shri K. G.	
Azad, Shri Bhagwat Jha		Deshmukh, Shri Shivaji Rao S.	
Aziz Imam, Shri		Dhamankar, Shri	
Babunath Singh, Shri		Dhusia, Shri Anant Prasad	
Bajpai, Shri Vidya Dhar		Dinesh Singh, Shri	
Balakrishniah, Shri T.		Dixit, Shri G. C.	
Banerjee, Shri S. M		Dixit, Shri Jagdish Chandra	
Banerji, Shrimati Mukul		Doda, Shri Hiralal	
Barman, Shri R. N.		Dube, Shri J. P.	
Basappa, Shri K.		Dumada, Shri L. K.	
Basumatari, Shri D.		Engti, Shri Biren	
Besra, Shri S. C.		Gaekwad, Shri Fatesinghrao	
Bhagat, Shri B. R.		Ganesh, Shri K. R.	
Bhagat, Shri H. K. L		Gangadeb, Shri P	
Bhargava, Shri Basheshwar Nath		Garcha, Shri Devinder Singh	
Bhatia, Shri Raghunandan Lal		Gautam, Shri C. D.	
Bhattacharyya, Shri Chapalendu		Gavit, Shri T. H	
Bheeshmadev, Shri M.		Ghosh, Shri P. K.	
Bhuvarahan, Shri G.		Giri, Shri V. Shanker	
Bist, Shri Narendra Singh		Godara, Shri Mani Ram	
Brahmanandji, Shri Swami		Gogoi, Shri Tarun	
Buta Singh, Shri		Gokhale, Shri H. R	
Chakleshwar Singh, Shri		Gomango, Shri Giridhar	
Chandia Shekhar Singh, Shri		Gopal, Shri K.	
Chandrappan, Shri C. K		Goswami, Shri Dinesh Chandra	
Chandrashekharappa Veerabasappa		Gowda, Shri Pampan	
Shri T. V.		Gupta, Shri Indrajit	
Chaturvedi, Shri Rohan Lal		Hansda, Shri Subodh	
Chaudhari, Shri Amarsinh		Hanumanthaiya, Shri K.	
Chaudhary, Shri Nitiraj Singh		Hari Singh, Shri	
Chavan, Shri Yeshwantrao		Ishaque, Shri A. K. M.	
Chellachami, Shri A. M.		Ismail Hossain Khan, Shri	
Chhotey Lal, Shri		Jadeja, Shri D. P.	
Chhatten Lal, Shri		Jagjivan Ram, Shri	
Chikkalingaiah, Shri K.		Jeyalakshmi, Shrimati V.	
Choudhury, Shri Moinul Haque		Jha, Shri Bhogendra	
Dagu, Shri M. C.		Jha, Shri Chiranjib	
Damani, Shri S. R.		Jitendra Prasad, Shri	

Kadam, Shri Dattajirao  
 Kadam, Shri J. G.  
 Kadannappalli, Shri Ramachandran  
 Kader, Shri S. A.  
 Kahandole, Shri Z. M.  
 Kailas, Dr.  
 Kakodkar, Shri Purushottam  
 Kale, Shri  
 Kamakshaiah, Shri D.  
 Kamala Prasad, Shri  
 Kamble, Shri T. D.  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kathamuthu, Shri M.  
 Kaul, Shrimati Sheila  
 Kavde, Shri B. R.  
 Kedar Nath Singh, Shri  
 Khadilkar, Shri R. K.  
 Kinder Lal, Shri  
 Kisku, Shri A. K.  
 Kotoki, Shri Liladhar  
 Kotrashetti, Shri A. K.  
 Krishnan, Shrimati Parvathi  
 Kureel, Shri B. N.  
 Kushok Bakula, Shri  
 Lakkappa, Shri K.  
 Lakshminarayanan, Shri M. R.  
 Lambodar Ballyar, Shri  
 Lutfal Haque, Shri  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y. S.  
 Maharaj Singh, Shri  
 Mahishi, Dr. Sarojini  
 Majhi, Shri Gajadhar  
 Majhi, Shri Kumar  
 Mallanna, Shri K.  
 Mandal, Shri Jagdish Narain  
 Manhar, Shri Bhagatram  
 Manjhi, Shri Bhola  
 Maurya, Shri B. P.  
 Mehta, Dr. Jivraj  
 Melkote, Dr. G. S.  
 Mirdha, Shri Nathu Ram

Mishra, Shri G. S.  
 Modi, Shri Shrikishan  
 Mohammad Yusuf, Shri  
 Muhammed Khuda Bukhsh, Shri  
 Murmu, Shri Yogesh Chandra  
 Muruganantham, Shri S. A.  
 Naik, Shri B. V.  
 Nanda, Shri G. L.  
 Negi, Shri Pratap Singh  
 Nimbalkar, Shri  
 Oraon, Shri Kartik  
 Oraon, Shri Tuna  
 Panadia, Shri Jagannath  
 Painuli, Shri Paripoornanand  
 Palodkar, Shri Manikrao  
 Pandey, Shri Damodar  
 Pandey, Shri Krishna Chandra  
 Pandey, Shri Narsingh Narain  
 Pandey, Shri R. S.  
 Pandey, Shri Sarjoo  
 Pandey, Shri Tarkeshwar  
 Pandit, Shri S. T.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Paokar Haokip, Shri  
 Parashar, Prof. Narain Chand  
 Parikh, Shri Rasiklal  
 Partnasarathy, Shri P.  
 Paswan, Shri Ram Bhagat  
 Patel, Shri Arvind M.  
 Patel, Shri Natwarlal  
 Patel, Shri Prabhudas  
 Patel, Shri R. R.  
 Patil, Shri Anantrao  
 Patil, Shri C. A.  
 Patil, Shri E. V. Vikhe  
 Patil, Shri Krishnarao  
 Patil, Shri S. B.  
 Patil, Shri T. A.  
 Patnaik, Shri Banamali  
 Patnaik, Shri J. B.  
 Peje, Shri S. L.  
 Prabodh Chandra, Shri



21	Maint. of Int. SRAVANA 1, 1897 (SAKA) Maint. of Int, Sec. (2nd Amdt.) Bill	22	Sec. (2nd Amdt.) Bill
Pradhan, Shri Dhan Shah		Sambhali, Shri Ishaque	
Pradhani, Shri K.		Sanghi, Shri N. K.	
Purty, Shri M. S.		Sankata Prasad, Dr.	
Qureshi, Shri Mohd. Shafi		Sant Bux Singh, Shri	
Raghu Ramalah, Shri K.		Sathe, Shri Vasant	
Rai, Shrimati Sahodrabai		Satpathy, Shri Devendra	
Raj Bahadur, Shri		Satyanarayana, Shri B.	
Rajdeo Singh, Shri		Savant, Shri Shankerrao	
Ram Dayal, Shri		Savitri Shyam, Shrimati	
Ram Prakash, Shri		Sayeed, Shri P. M.	
Ram Singh Bhai, Shri		Sen, Dr. Ranen	
Ram Surat Prasad, Shri		Sethi, Shri Arjun	
Ram Swarup, Shri		Shafee, Shri A.	
Ramshekhar Prasad Singh, Shri		Shailani, Shri Chandra	
Ranabahadur Singh, Shri		Shankar Dayal Singh, Shri	
Rao, Shrimati B. Radhabai A.		Shankar Dev, Shri	
Rao, Shri Jagannath		Shankaranand, Shri B.	
Rao, Shri K. Narayana		Sharma, Dr. H. P.	
Rao, Shri M. Satyanarayan		Sharma, Shri Madhoram	
Rao, Shri Nageswara		Sharma, Shri Nawal Kishore	
Rao, Shri P. Ankineedu Prasada		Sharma, Shri R. N.	
Rao, Shri Pattabhi Rama		Sharma, Dr. Shanker Dayal	
Rao, Shri Rajagopala		Shestri, Shri Biswanarayan	
Rao, Dr. V. K. R. Varadaraja		Shastri, Shri Ramavatar	
Rathia, Shri Umed Singh		Shetty, Shri K. K.	
Raut, Shri Bhola		Shinde, Shri Annasaheb P.	
Ravi, Shri Valayar		Shivnath Singh, Shri	
Ray, Shrimati Maya		Shukla, Shri B. R.	
Reddi, Shri P. Antony		Siddayya, Shri S. M.	
Reddy, Shri K. Ramakrishna		Siddheshwar Prasad, Prof.	
Reddy, Shri M. Ram Gopal		Singh, Shri Vishwanath Pratap	
Reddy, Shri P. Bayapa		Sinha, Shri Dharam Bir	
Reddy, Shri P. Ganga		Sinha, Shri R. K.	
Reddy, Shri P. Narasimha		Sohan Lal, Shri T.	
Reddy, Shri P. V.		Sokhi, Sardars Swaran Singh	
Reddy, Shri Sidram		Stephen, Shri C. M.	
Reddy, Shri Y. Eswara		Subramaniam, Shri C.	
Richhariya, Dr. Govind Das		Sudarsanam, Shri M.	
Rohatgi, Shrimati Sushila		Sunder Lal, Shri	
Roy, Shri Bishwanath		Suryanarayana, Shri K.	
Rudra Pratap Singh, Shri		Swaminathan, Shri R. V.	
Saini, Shri Mulki Raj		Swamy, Shri Sidrameshwar	
Samanta, Shri S. C.		Swaran Singh, Shri	

Tarodekar, Shri V. B.  
Tayyab Hussain, Shri  
Thakre, Shri S. B.  
Thakur, Shri Krishnarao  
Tiwari, Shri Chandra Bhal Mani  
Tiwari, Shri R. G.  
Tiway, Shri D. N.  
Tombi Singh, Shri N.  
Tulsiram, Shri V.  
Ulkey, Shri M. G.  
Vekaria, Shri  
Venkatswamy, Shri G.  
Vidyalankar, Shri Amarnath  
Vikal, Shri Ram Chandra  
Yadav, Shri Chandrajit  
Yadav, Shri D. P.  
Yadav, Shri Karan Singh  
Yadav, Shri R. P.  
Zulfiquar Ali Khan, Shri

**NOES**

Agarwal, Shri Virendra  
Bade, Shri R. V.  
Berwa, Shri Onkar Lal  
Bhattacharyya, Shri Dinen  
Bhattacharyya, Shri Jagadish  
Chaudhuri, Shri Tridib  
Chavda, Shri K. S.  
Chowhan, Shri Bharat Singh  
Das, Shri R. P.  
Deb, Shri Dasaratha  
Deiveekan, Shri  
Deo, Shri P. K.  
Dharia, Shri Mohan  
Duraiarasu, Shri A.  
George, Shri Varkey  
Gopalan, Shri A. K.  
Haidar, Shri Madhuryya  
Halder, Shri Krishna Chandra

Hazra, Shri Manoranjan  
Horo, Shri N. E.  
Joarder, Shri Dinesh  
Joshi, Shri Jagannathrao  
Kalingarayar, Shri Mohanraj  
Kiruttinan, Shri Tha  
Krishnan, Shri M. K.  
Lakshmikanthamma, Shrimati T.  
Mavalankar, Shri P. G.  
Mayavan, Shri V.  
Mehta, Shri P. M.  
Modak, Shri Bijoy  
Mohammad Ismail, Shri  
Mohanty, Shri Surendra  
Mukherjee, Shri Samar  
Mukherjee, Shri Saroj  
Nayak, Shri Baksi  
Parmar, Shri Bhaljibhai  
Patel, Shri H. M.  
Patel, Kumari Maniben  
Patel, Shri Nanubhai N.  
Pillai, Shri R. Balakrishna  
Ram Deo Singh, Shri  
Ramkanwar, Shri  
Reddy, Shri B. N.  
Roy, Dr. Saradish  
Saha, Shri Ajit Kumar  
Saha, Shri Gadadhar  
Sen, Shri Robin  
Sequeira, Shri Erasmo de  
Shamim, Shri S. A.  
Shastri, Shri Shiv Kumar  
Singh, Shri D. N.  
Subravelu, Shri  
Ulaganambi, Shri R. P.

MR. SPEAKER. The result\* of the  
division is:

Ayes: 280; Noes: 53.

\*The following Members also re-  
corded their votes for AYES—

Sarvashri Genda Singh and N. S.  
Kamble.

The motion was adopted.

SHRI K. BRAHMANANDA REDDY:  
I introduce the Bill.