

12.44 hrs.

ELECTIONS TO COMMITTEES

(i) COUNCIL UNDER THE INSTITUTES OF TECHNOLOGY ACT, 1961

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAVA) : I beg to move :

"That in pursuance of Section 31 (2) (k) of the Institutes of Technology Act, 1961, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Council established under Section 31(1) of the said Act."

MR. SPEAKER : The question is :

"That in pursuance of Section 31(2) (k) of the Institutes of Technology Act, 1961, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Council established under Section 31(1) of the said Act."

The motion was adopted.

(ii) COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE

SHRI D. P. YADAVA : Sir, I beg to move :

"That in pursuance of sub-clause (e) of clause 9(1) of the Scheme for the Administration and Management of the properties and funds of the Indian Institute of Science, Bangalore, read with regulations 3.1 and 3.1.1 of the Regulations of the Institute, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Council of the Institute for the term ending on the 31st December, 1973."

MR. SPEAKER : The question is :

"That in pursuance of sub-clause (e) of clause 9 (1) of the Scheme for the Administration and Management of the properties and funds of the Indian Institute of Science, Bangalore, read with regulations 3.1 and 3.1.1 of the Regulations of the Institute, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Council of the Institute for the term ending on the 31st December, 1973."

The motion was adopted.

AGRICULTURAL REFINANCE CORPORATION (AMENDMENT) BILL*

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : Sir, I beg to move for leave to introduce a Bill further to amend the Agricultural Refinance Corporation Act, 1963.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Agricultural Refinance Corporation Act, 1963."

The motion was adopted.

SHRI YESHWANTRAO CHAVAN : Sir, I introduce the Bill.

12.46 hrs.

STATUTORY RESOLUTION RE MAINTENANCE OF INTERNAL SECURITY ORDINANCE AND MAINTENANCE OF INTERNAL SECURITY BILL—Contd.

MR. SPEAKER : The House shall now take up discussion on the Statutory Resolution disapproving of the Maintenance of Internal Security Ordinance and on the Bill. The Minister has replied to the

* Published in Gazette of India Extraordinary, Part II, section 2, dated 18-6-71.

debate yesterday. How much time does Shri Vajpayee want ?

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : Reasonable time.

MR. SPEAKER : We decided yesterday to dispense with the Lunch Hour today. Do you think, we should have voting during the Lunch Hour ?

SOME HON. MEMBERS : After the Lunch Hour.

MR. SPEAKER : Then, how can we proceed unless there is voting on this ?

SHRI S. M. BANERJEE (Kanpur) : It was notified in the Bulletin that there would be no Lunch Hour today.

MR. SPEAKER : It was duly notified that there would be no Lunch Hour.

SHRI ATAL BIHARI VAJPAYEE : It was also notified that there would be no voting during the Lunch Hour.

SHRI D. N. TIWARY (Gopalganj) : It is not there.

SHRI ATAL BIHARI VAJPAYEE : If the question of quorum cannot be raised during the Lunch Hour, how can voting take place ?

MR. SPEAKER : How can we resume discussion of the Bill if there is no voting ? Why not have lunch then ? There was a special procedure that we adopted yesterday and I think, we should go in for voting during the Lunch Hour.

श्री एस० एन० बनर्जी : अध्यक्ष महोदय, स्टेट्यूटरी रेजोल्यूशन में मेरा भी नाम था, मुझे भी थोड़ा सा समय दे दीजिए। मैं तो अभी बोला ही नहीं हूँ। दस मिनट या पांच मिनट, जो भी आप मुनासिब समझें दे दीजिए।

MR. SPEAKER : After Shri Vajpayee's speech, Shri Banerjee will have three or four minutes and then there will be voting, because there cannot be any discussion of the Bill unless the disapproval motion is disposed of.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, नजरबन्दी अध्यादेश का निरनुमोदन करने के लिए मैंने जो संकल्प रखा था उस पर जिन माननीय सदस्यों ने भाग लिया है और मेरे संकल्प का समर्थन किया है मैं उनके प्रति अपना आभार प्रकट करना चाहता हूँ। जिन्होंने विरोध किया है उनमें भी ऐसे सदस्य हैं जिनकी भावनायें नजरबन्दी कानून को पुनरुज्जीवित करने के पक्ष में नहीं हैं। कुल मिलाकर इस विवाद में 25 व्यक्तियों ने भाग लिया और अध्यक्ष महोदय, आपको यह जानकर सुखद आश्चर्य होगा कि 25 सम्मानित सदस्यों में से 13 सम्मानित सदस्यों ने मेरे प्रस्ताव का समर्थन किया और श्री पंतजी द्वारा प्रस्तुत विधेयक का विरोध किया। इन 13 सदस्यों में से कांग्रेस संगठन के नेता श्री एस० एन० मिश्रा और नामजद सबस्य श्री फ्रेंक एन्थोनी को भी शामिल कर रहा हूँ। यद्यपि उन्होंने कहा कि वह विधेयक के विरोधी नहीं हैं लेकिन कुल मिलाकर उनका सारा भाषण इस विधेयक के खिलाफ था और वह चाहते थे कि विधेयक में ऐसे संशोधन किए जायं जिससे उसे व्यक्तिगत स्वाधीनता के विरुद्ध प्रयुक्त न किया जा सके।

जहां तक दलों का सवाल है अध्यक्ष महोदय, माननीय पंत जी को यह स्वीकार करना चाहिए कि विरोधी दलों में इस सवाल पर मतभेद पैदा करने का उनका प्रयत्न विफल हुआ है। एक पुराना तरीका अपनाया जाता रहा है एक दल को दूसरे के विरुद्ध प्रयुक्त करने का, दोनों तरह के तर्कों को इस आधार पर काटने का कि वे एक दूसरे का खंडन करते हैं। लेकिन इस प्रयत्न में सफलता नहीं मिली। यह कहना कि भारतीय जनसंघ ने और मार्क्सिस्ट पार्टी ने हाथ मिला लिए हैं, यह हास्यास्पद है, निराधार है।

गृह मंत्रालय में राज्य मंत्री (श्री कृष्ण चंद्र पन्त) . निराधार नहीं, हास्यास्पद है।

श्री अटल बिहारी वाजपेयी : हाथ मिलाना हास्यास्पद नहीं है, कहना हास्यास्पद है। अध्यक्ष

[श्री अटल बिहारी वाजपेयी]

जी, जब मार्क्सिस्ट पार्टी सरकार के कुछ कदमों का समर्थन करती है तब मार्क्सिस्ट पार्टी अच्छी है।

प्रधान मंत्री, परमाणु ऊर्जा मंत्री, गृह मंत्री तथा सूचना और प्रसारण मंत्री (श्रीमती इन्दिरा गांधी) : हम पार्टी को बुरा नहीं कहते। उनके कुछ गलत कार्यों को हम बुरा कहते हैं।

श्री अटल बिहारी वाजपेयी : प्रधान मंत्री कल सदन में नहीं थी। अगर अपने पक्ष के माननीय सदस्यों के भाषण सुनतीं तो उनको आश्चर्य भी होता और दुःख भी होता।

अध्यक्ष जी, इस विवाद में यह भी कहा गया कि हम गरीबी हटाना चाहते हैं इसलिए हमें नजरबन्दी कानून चाहिए। सत्तारूढ़ दल के सदस्यों की ओर से यह भी कहा गया कि हमने चुनाव में राइटरी-एक्शन और नेफ्ट ऐकम-ट्रिमिज्म से लड़ने का ऐलान किया था और दोनों से लड़ने के लिए हम नजरबन्दी कानून ला रहे हैं।

कुछ माननीय सदस्य : ऐसा किमी ने नहीं कहा।

श्री अटल बिहारी वाजपेयी : यह बात कही गई। श्री स्टीफेन्स ने कहा। मैं जानता हूँ कि नजरबन्दी कानून को पुनर्जीवित करना, उसे सदन के सामने पेश करना, उसके लिए स्वीकृति लेना बड़ा कठिन काम है, और यह काम माननीय पन्त जी के जिम्मे आया। मारला बहुत खराब था और उन्होंने उसको कम खराब बनाकर पेश करने में थोड़ी बहुत सफलता पाई। वह योग्य पिता के योग्य पुत्र हैं। लेकिन उन्हें विधेयक ऐसा थमा दिया गया कि जिसका किसी तर्क-संगत आधार पर समर्थन नहीं किया जा सकता है।

अध्यक्ष जी, यह प्रश्न नहीं है कि किन्हीं विशेष परिस्थितियों में सरकार को किसी व्यक्ति

को नजरबन्दी में लेने का अधिकार है या नहीं। प्रश्न यह है कि क्या आज ऐसी परिस्थितियाँ विद्यमान हैं और क्या यह विधेयक इन परिस्थितियों पर काबू पाने में सफल हो सकता है। कल पन्त जी ने कुछ आंकड़े पेश किए थे। अध्यक्ष महोदय, मैं भी कुछ आंकड़े उद्धृत करना चाहता हूँ। यह गृह मंत्रालय द्वारा प्रकाशित एक रिपोर्ट है जिसमें 30 सितम्बर, 1968 से 30 सितम्बर, 1969 तक नजरबन्दी कानून के अन्तर्गत की गई कार्यवाहियों का ब्योरा है। होना तो यह चाहिए था कि 30 सितम्बर, 1969 से लेकर 30 सितम्बर, 1970 तक की रिपोर्ट आ जाती। यह 1971 का जून का महीना है। अध्यक्ष महोदय, कई प्रदेशों में नजरबन्दी कानून लागू था लेकिन जो रिपोर्टें पेश हैं आप उसको जरा देखें। नजरबन्दी कानून का कोई औचित्य नहीं है, कोई आवश्यकता नहीं है।

आन्ध्र प्रदेश : 177 व्यक्ति नजरबन्द किए गये, और विवरण में लिखा है कि :

Andhra Pradesh—177—bad character ; Assam—633—bad character ; Bihar—7—5 for violent activity, 1 for goondaism and 1 for communal agitation ; Gujarat—1—bad character ; M.P.—2—for harbouring dacoits.

अध्यक्ष जी, जब अखबारों में यह खबर छपती है कि एम० पी० डेकोइट्स अरेस्टेड तो एम० पी० को बड़ी कठिनाई पेश होती है। यद्यपि खबर का मतलब यह होता है कि मध्य प्रदेश के डाकू पकड़े गये, पार्लियामेंट के मेम्बर डाकू नहीं पकड़े गये। लेकिन क्या डाकूजों को रक्षा देना ऐसा जुर्म है जिसके लिए नजरबन्दी कानून की जरूरत है ?

Maharashtra—19—bad character ; Orissa—31—bad character ; Punjab—1—bad character ; Rajasthan—1—bad character ; U.P.—7—bad character ; West Bengal—1610—for criminal and goonda activities.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Against Congress.

SHRI ATAL BIHARI VAJPAYEE :
Delhi—5—bad character ; Manipur—79—bad
character ; Tripura—3—bad character.

श्री पीलू मोदी (गोधरा) : पार्लियामेंट
हाउस का क्या लिखा है ?

श्री अटल बिहारी वाजपेयी : अगर आप कल
मिलाकर देखें तो विदेशों की गुप्तचरी करने के
लिए या विदेशों के साथ सम्बन्ध बिगाड़ने के लिए
या पूर्ति सामान की सप्लाई और सेवाओं को भंग
करने के लिए कोई गिरफ्तारियां नहीं हुई हैं,
किसी को नजरबन्द नहीं किया गया। पश्चिम
बंगाल में जून 1483 व्यक्तियों को हिंसात्मक
कार्यवाहियों के लिए पकड़ा गया है। लेकिन मैं
पूछना चाहता हूँ कि हिंसात्मक कार्यवाहियां इस
नजरबन्दी कानून से कैसे रुक सकती हैं। पहले
मे पश्चिम बंगाल में एक प्रिवेंशन आफ वायलेट
गेविटिविटीज ऐक्ट कायम है। उससे पहले नजर-
बन्दी कानून था, और मार्मनीय पंत जी ने कल
स्वीकार किया कि केवल नजरबन्दी कानून से
नकमलवादी हिंसा का सामना नहीं किया जा
सकता है, उसके लिए अन्य उपाय अपनाने होंगे।
मगर मैं पूछना चाहता हूँ नजरबन्दी कानून क्या
थोड़ी भी दूर तक उसमें सहायक होता है ?
हवाला दिया गया कलकत्ता में हिंसा हो रही है।
हवाला दिया गया फौरखंड ब्लाक के नेता श्री
हेमन्त कुमार बसु की हत्या कर दी गयी, राज-
नीतिक कार्यकर्ता मौत के घाट उतारे जा रहे
हैं। मगर मैं पूछना चाहता हूँ कि क्या सरकार
को पहले से पता होता है कौन हत्या करने
वाला है। अगर यह पहले से पता नहीं है तो
निवारक निरोध अधिनियम के अन्तर्गत कार्यवाही
कैसे हो सकती है। स्थिति तो यह है कि अब
तक श्री हेमन्त कुमार बसु की हत्या करने वाले
गिरफ्तार नहीं किए गए।

राजनीतिक हत्यायें बन्द हों यह हम चाहते
हैं। लोग हिंसा का परित्याग करने का संकल्प
करें, यह आवश्यक है। लोकतन्त्र और हिंसा
साथ साथ नहीं चल सकते। लेकिन मैं यह

समझने में असमर्थ हूँ कि नजरबन्दी कानून यह
राजनीतिक हत्याओं को किस प्रकार रोक
सकता है ? हत्यायें कोई घोषणा करके नहीं
करता, हत्यायें कोई इरादे की जानकारी दे कर
नहीं करता। हत्या करने वाले चोरी छिपे हत्या
की तैयारी करते हैं। और अगर सरकार चोरी
छिपे हत्या करने वालों के बारे में जानती है तो
मेरा निवेदन है कि उसको सामान्य कानून के
अन्तर्गत गिरफ्तार किया जा सकता है। उसके
लिए केन्द्रीय आधार पर नजरबन्दी कानून की
आवश्यकता नहीं है।

अध्यक्ष महोदय, अनेक प्रदेशों में नजरबन्दी
कानून बने। जहाँ नहीं बने वहाँ या तो राष्ट्रपति
राज लागू होता जा रहा है या केवल सत्तारूढ़
दल का शासन है। राज्यों में अगर राज्यों के
शामन समझने है कि नजरबन्दी कानून की
आवश्यकता है तो कानून बना सकते हैं। केन्द्रीय
स्तर पर कानून की आवश्यकता क्या है, श्री
पंत इस सम्बन्ध में सदन को विश्वास में नहीं
ले सके।

13 00 hrs.

श्री पीलू मोदी . मेरा भी अमेंडमेंट है,
उसको मंजूर कीजिए।

श्री अटल बिहारी वाजपेयी : उन्होंने माना है
कि कुछ मामलों में ज्यादातियां हो सकती हैं।
श्री अमृत नाहाटा ने जो भाषण दिया वह तो
सबमुच इस कानून के अनौचित्य को सिद्ध
करने के लिए पर्याप्त होना चाहिए।

SHRI AMRIT NAHATA (Barmer) :
I don't want your crocodile tears or your
sympathy.

श्री अटल बिहारी वाजपेयी : मैं जानता हूँ,
श्री अमृत नाहाटा को व्यक्तिगत स्वाधीनता की
चिंता नहीं है। कल उन्होंने यह भी कहा।
उन्होंने कहा कि राष्ट्रीय सुरक्षा के लिए क्या
संकट है यह मुझे मालूम नहीं है, लेकिन चूंकि

[श्री अटल बिहारी वाजपेयी]

मेरे क्षेत्र के मुसलिम मतदाताओं के साथ पिछले दिनों में इस कानून के अन्तर्गत अन्याय हुआ था, इस लिए मैं इसका विरोध करता हूँ। अन्याय हुआ या नहीं, मैं नहीं जानता लेकिन श्री अमृत नाहाटा सत्तारूढ़ दल के सदस्य होते हुए जब इस कानून को कार्यान्वित करने के बारे में अन्याय और भेदभेद की शिकायत करते हैं तो मेरा यह आरोप प्रमाणित हो जाता है कि जिन लोगों के हाथ में इस कानून को कार्यान्वित करने का भार सौंपा जा रहा है वह इनका दुरुपयोग कर सकते हैं, दुरुपयोग कर चुके हैं और भविष्य में भी दुरुपयोग करेंगे। अगर साम्प्रदायिक आधार पर भेदभाव हो सकता है तो राजनीतिक आधार पर भेदभाव होने के तो और भी कारण हैं। श्री कृष्ण चन्द्र पन्त ने मदन को इस सम्बन्ध में विश्वास में लेने का प्रयत्न नहीं किया।

इस कानून में जो आपत्तिजनक अंश है उनमें सुधार करने के लिए क्या किया जा रहा है? उदाहरण के लिए, जिस व्यक्ति को पकड़ा जायगा उसे गिरफ्तारी का आधार बताया जायगा किन्तु उसकी गिरफ्तारी के पक्ष में कौन से तथ्य हैं उनसे उसे अवगत नहीं किया जायगा। ऐडवाइजरी बोर्ड केवल सिफारिश देगा, ऐडवाइजरी बोर्ड की रिपोर्ट जिसको नजरबन्द किया जायेगा उसको नहीं दी जायेगी। जिसको नजरबन्द किया जायेगा वह ऐडवाइजरी बोर्ड के सामने अपने वकील को लेकर हाजिर नहीं हो सकेगा, वह उन गवाहों से खिरह नहीं कर सकेगा। और इस लिये मैं कहता हूँ कि यह स्वाभाविक न्याय के प्रतिकूल है।

अगर कोई राष्ट्र विरोधी कार्यवाहियों में संलग्न है, अगर कोई विदेशों के साथ मिलकर षडयन्त्र कर रहा है या कोई हमारी स्वाधीनता को संकटापन्न बनाने में सचेष्ट है तो उसके विरुद्ध कार्यवाही होनी चाहिए, अगर उसे झुली अदालत में अपराधी साबित करने की आवश्यकता है।

न्याय का सिद्धांत यह है कि 100 अपराधी छूट सकते हैं, लेकिन एक निपराधी दंडित नहीं किया जाना चाहिए। मैं नहीं चाहता कि 100 अपराधी छूटें, लेकिन एक बार आप नजरबन्दी कानून बना लेते हैं तो फिर यह सरकारी अधिकारियों को इस बात के लिए प्रेरित नहीं करता कि वह प्रमाण जुटावें और अदालत के आमने अपने पक्ष की पुष्टि कर सकें।

श्री पंत ने कहा कि हम किसी को हाई कोर्ट या सुप्रीम कोर्ट में जाने से नहीं रोकते। बड़ी कृपा है उनकी, इसके लिए हम उनके आभारी हैं। इतनी दया वह दिखा रहे हैं यह क्या कम है? लेकिन यह दया उनकी दी हुई नहीं है, यह संविधान प्रदत्त अधिकार हैं कि किसी को हाई कोर्ट या सुप्रीम कोर्ट में जाने में रोक नहीं जा सकता। लेकिन हाई कोर्ट और सुप्रीम कोर्ट तब तक हस्तक्षेप नहीं कर सकते जब तक गिरफ्तारी के आधार अस्पष्ट न हों या अपूर्ण न हों—अगर हम अधिकारी को इस बात का हक देते हैं कि वह लिख दे कि वह व्यक्ति भारत की सुरक्षा के खिलाफ कार्यवाही कर रहा था, क्या कार्यवाही कर रहा था यह बतलाना जनहित में नहीं है, तो मुझे शक है कि हाईकोर्ट और सुप्रीम कोर्ट इच्छा रखते हुए भी नजरबन्द व्यक्ति के पक्ष में निर्णय नहीं दे सकते।

आज श्री फ्रैंक ऐन्थनी मदन में नहीं हैं, लेकिन मैंने पिछले संसद की कार्यवाहियों को देखा, उनकी आवाज हमेशा इस विधेयक के खिलाफ उठती रही है। वह इसमें संशोधन कराने का निरन्तर प्रयत्न करते रहे हैं, लेकिन अभी तक उनको सफलता नहीं मिली।

पहले यह कानून एक साल के लिए था, फिर उसकी अवधि तीन वर्ष के लिये बढ़ाई गई, फिर तीन वर्ष के लिये बढ़ाई गई, लेकिन अब इस विधेयक में कोई अवधि नहीं है और इसको और बढ़ाने के लिए सरकार को सदन के सामने नहीं आना पड़ेगा।

श्री पंत यह स्वीकार करने को भी तैयार हैं कि हमारे देश में वस्तुतः संकट की स्थिति है। कल उन्होंने एक संकेत दिया। मैं उस संकेत को गम्भीरता के साथ लेना चाहता हूँ कि परिस्थितियाँ ऐसी बन रही हैं जिनमें शायद हमें राष्ट्रीय संकट की घोषणा करनी पड़े। ऐसी स्थिति में मूलभूत अधिकार स्थगित हो जायेंगे। उस स्थिति में हम को राष्ट्रीय स्वतन्त्रता और सुरक्षा को चुनना पड़ेगा और व्यक्तिगत स्वाधीनता को सीमित करना पड़ेगा। इस वाद-विवाद के सम्बन्ध में मेरे मन में कोई दुविधा नहीं है। अगर राष्ट्र की सुरक्षा और व्यक्ति की स्वाधीनता में संघर्ष होता है तो राष्ट्र की स्वाधीनता और सुरक्षा सर्वोपरि है, व्यक्ति की स्वाधीनता नहीं लेकिन आज वह संकट नहीं है और आप इस विधेयक द्वारा वह संकट पैदा नहीं कर सकते, उस संकट की अनुमति भी आप नहीं कर सकते। आम सरकारी अधिकारियों के हाथ में ऐसे अधिकार दे सकते हैं जिनका वह दुरुपयोग करेंगे। दुरुपयोग करेंगे राजनीतिक विरोधियों के खिलाफ, दुरुपयोग करेंगे अपने से मतभेद रखने वालों के खिलाफ।

अगर राष्ट्रीय संकट की घोषणा होती है, आपात्कालीन स्थिति की घोषणा होती है तब तो इस विधेयक की आवश्यकता नहीं है, और मैं प्रधानमंत्री से कहना चाहूँगा कि अगर सचमुच कोई राष्ट्रीय संकट है तो कृपया इस विधेयक पर मतभेद पैदा मत कीजिए। इस विधेयक को लेकर इस सदन को या इस देश को बांटने का समय नहीं है। अगर आज आवश्यकता है तो सारा देश बंगला देश की समस्या का सामना करने के लिए एक व्यक्ति के रूप में खड़ा रहे, यह नजरबन्दी कानून बीच में नहीं आना चाहिए। देश बंगला देश की स्वाधीनता के लिए बड़ी से बड़ी कुर्बानी करने के लिए तैयार है, लेकिन उस के लिये बिल्कुल सामान्य कार्य-वाही होनी चाहिए, नजरबन्दी कानून का उर नहीं, और अगर उर पैदा किया जायेगा तो सामान्य रूप से जो शासन का समर्थन करते हैं

वह भी विरोध करने के लिए विवश होंगे, और फिर देश में राष्ट्रीय संकट का सामना करने, के लिए जिस बातावरण की आवश्यकता है वह नहीं बनेगा।

मैं जस्टिस तेंबुलकर का एक उद्धरण पढ़कर समाप्त कर दूँगा :

"Power is an incomparable intoxicant and the tendency exists in all governments all the world over to encroach upon the fundamental rights, sometimes consciously and sometimes unconsciously. It is the duty of every citizen to resist such encroachment with all his might. Thus alone shall we prove ourselves worthy citizens of an independent democratic republic."

सम्पूर्ण देश भर में आज जो परिस्थिति है उसका सामना करने के लिए पर्याप्त हथियार है। परिस्थिति और गम्भीर होती है सो सदन नये अधिकार देने में संकोच नहीं करेगा, लेकिन वर्तमान परिस्थिति में इस कानून का कोई औचित्य नहीं है, और यह अध्यादेश ठुकरा दिया जाना चाहिये। मुझे विश्वास है कि अभी भी विवेक जागेगा, श्री पंत जो प्रचण्ड विरोध हुआ है उसको ध्यान में रखेंगे और इस विधेयक को इस समय आगे बढ़ाने पर जोर नहीं देंगे।

केन्द्रीय सरकार के पास पर्याप्त साधन हैं। जिन राज्यों में स्थिति बिगड़ सकती है उनमें पहले से कानून बने हुए हैं। केन्द्रीय स्तर पर आज इस तरह के कानून की कोई आवश्यकता नहीं है, कोई औचित्य नहीं है। यह देश को बांटने वाला कानून है, यह राष्ट्र की सुरक्षा की मजबूत करने वाला कानून नहीं है। यह जनता में भेद करने वाला कानून है और मैं चाहूँगा कि इस कानून को वापस लिया जाये।

श्री एस० एम० बनर्जी : मेरी पार्टी की ओर से तथा समस्त वामपंथी विरोधी दलों की ओर से तथा और जो विरोधी दल हैं उनकी ओर से इस विधेयक का विरोध हुआ है इसलिये मैं भी

[श्री एस० एम० बनर्जी]

इसका विरोध करता हूँ। मैं आपको बतलाना चाहता हूँ कि जिस दिन यह कानून इस सदन में इंट्रोड्यूस किया गया था उस दिन भी हम लोगों ने एक राय से इसका विरोध किया था। मैं आपको यह भी बतलाना चाहता हूँ कि बंगला देश की समस्या के बारे में प्रधान मंत्री जी ने जब विरोधी दलों की एक मीटिंग बुलाई थी और जिस में बंगला देश में उत्पन्न हुई स्थिति के बारे में विचार किया था, उस वक्त भी हम लोगों ने बार बार उनके सामने इसरायल किया था कि आज जो देश के सामने परिस्थिति उत्पन्न होने जा रही है, इस में राष्ट्रीय एकता की जरूरत है और ऐसी जरूरत के मौके पर ऐसा कानून जिस को हम लोग न चाहें या विरोधी दल वाले न चाहें, न लाना ही बेहतर है। हम लोगों ने उनसे निवेदन किया था कि इसको हटा दिया जाए और इसको न लाया जाए।

पन्त जी के भाषण को मैंने बहुत गौर के साथ सुना है। उनके भाषण को सुनने के बाद मैं समझता हूँ कि हमारी चिन्ता में कोई कमी नहीं हुई है और हमारी चिन्ता के पीछे जो तर्क हैं उनका जबाब नहीं दिया गया है। उन्होंने कोई ऐसी दलील नहीं दी जिससे यह आवश्यक प्रतीत होता हो कि इस विधेयक को पास करना बहुत जरूरी है ..

SHRI K. N. TIWARY (Bettiah) : On a point of order. After the Minister's reply, no other speech than that of the Mover of the Resolution is allowed in this case.

MR. SPEAKER : He is also one of the signatories of the Resolution.

श्री एस० एम० बनर्जी : मैं यह कह रहा था कि उन्होंने कोई ऐसी दलील नहीं दी है जिससे यह सिद्ध हो सके, कि इस कानून को पास करना बहुत आवश्यक है।

अभी काफ़ी दृष्टान्त इस सदन में रखे हुए हैं और कहा गया है कि इस कानून का जिस तरह से पिछले कानून का नाजायज इस्तेमाल किया गया था, नाजायज इस्तेमाल होगा।

MR. SPEAKER : This is an exception because he insisted on speaking for two or three minutes ; this is not a precedent and should not be a rule for the future.

SHRI S. M. BANERJEE : I said only five minutes.

SHRI JYOTIRMOY BOSU : I will require five minutes.

MR. SPEAKER : Is he also a signatory ?

SHRI JYOTIRMOY BOSU : Yes.

MR. SPEAKER : Then I will have to stop Shri Banerjee.

SHRI JYOTIRMOY BOSU : I do not want to speak ; let him speak.

श्री एस० एम० बनर्जी : पन्त जी ने कहा है और बहुत समझाने की कोशिश की है कि इस कानून का नाजायज इस्तेमाल नहीं होगा। लेकिन हम समझते हैं कि जिस तरह से पिछले कानून का दुरुपयोग किया गया था उसी तरह इसका भी दुरुपयोग होगा। कभी नक्सलवादियों के नाम से और कभी दूमरों के नाम से उन्होंने इस बिल के औचित्य को सिद्ध करने की कोशिश की है और कहा है कि नक्सलवादी प्रवृत्तियाँ जो देश में अपना सिर उठा रही हैं, उन से निबटने के लिए इस कानून की बहुत जरूरत है। नक्सलवादियों की समस्या हमारे सामाजिक जीवन में जो परिवर्तन हो रहे हैं, उसके कारण उत्पन्न हुई है। जो नवयुवक आज अपने चारों ओर निराशा के बादल घिरे हुए देखते हैं, बेकारी की हालत से तंग आ जाने के बाद उनके सामने जो परिस्थिति बनती है और उस कारण जो समस्या पैदा होती है उसका इलाज यह नहीं है कि नजरबन्दी कानून

के अन्तर्गत उनको गिरफ्तार कर लिया जाए। श्री बदरुद्दूजा की बात भी की गई है। मुझे ताज्जुब होता है कि अभी तक भी उनके खिलाफ चार्ज क्या है, यह लोगों को मालूम नहीं है। इस बास्ते मैं समझता हूँ कि इस कानून का नाजायज इस्तेमाल होगा और उसी तरह से होगा जिम तरह से प्रिवेंटिव डिटेन्शन का हुआ। जिम तरह से हमने उसका विरोध किया था उसी तरह से हम इसका भी विरोध करना चाहते हैं। विरोध केवल इसलिए नहीं करना चाहते हैं कि इसका नाजायज इस्तेमाल होगा बल्कि इसका एक और भी कारण है। आज देश को एकता की जरूरत है। गरीबी हटाओ का नारा भी उन्होंने दिया है। आपको याद ही है कि चीनी आक्रमण तथा पाकिस्तानी आक्रमण के वक्त सारा देश एक इन्सान की मानिन्द खड़ा हो गया था और उसने एक होकर उन आक्रमणों का मुकाबला किया था। उस एके को खत्म न किया जाए। दमसे वह खत्म हो सकता है। एक विरोधी के रूप में मैं उन से निवेदन करना चाहता हूँ कि इस पर वह दुबारा सोचें और मोचबे के बाद आज वह इसको वापिस ले लें तो इसी सदन में हम सब एक राय होकर उनको यह आश्वासन दे सकते हैं कि देश के ऊपर अगर कोई ऐसी आपत्ति आएगी चाहे वह बाहर से आए या अन्दर से आये जिस का हम सब को मुकाबला करना होगा तो उसका मुकाबला हम सब अपने राजनीतिक मतभेदों को भुलाकर एक होकर करेंगे।

MR SPEAKER : The question is :

"This House disapproves of the Maintenance of Internal Security Ordinance, 1971 (Ordinance No. 5 of 1971) Promulgated by the President on the 7th May, 1971."

The Lok Sabha divided.

Division No. 4] AYES [13.23 hrs.

Agarwal, Shri Virendra

Bado, Shri R. V.

Banera, Shri Hamendra Singh

Benerjee, Shri S. M.

Berwa, Shri Onkar Lal

Bhagirath Bhanwar, Shri

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Bhaura, Shri B. S.

Bishma Dev, Shri M.

Bosu, Shri Jyotirmoy

Brahman, Shri Rattanlal

Chandra Shekhar Singh, Shri

Chandrappan, Shri C. K.

Chatterjee, Shri Somnath

Chaudhary, Shri Ishwar

Chauhan, Shri Bharat Singh

Chittibabu, Shri C.

Das, Shri R. P.

Deb, Shri Dasaratha

Dhandapani, Shri

Dhote, Shri Jambuwan

Dutta, Shri Biren

Ghosh, Shrimati Bibha

Gupta, Shri Indrajit

Halder, Shri Madhuryya

Halder, Shri Krishna

Hazra, Shri Manoranjan

Horo, Shri N. E.

Janardhanan, Shri C.

Joarder, Shri Dinesh
 Kaiyanasundaram, Shri M.
 Krishnan, Shri M. K.
 Lalji Bhai, Shri
 Manoharan, Shri K.
 Maran, Shri Murasoli
 Menon, Shri Krishna
 Modak, Shri B. K.
 Mody, Shri Pilloo
 Mohanty, Shri Surendra
 Mukherjee, Shri Saroj
 Muthuswamy, Shri
 Narendra Singh, Shri
 Pandey, Dr. Laxminarain
 Pradhan, Shri Dhan Shah
 Purty, Shri M. S.
 Ramkanwar, Shri
 Reddy, Shri B. N.
 Roy Dr. Saradish
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Saksena, Prof. S. L.
 Sambhali, Shri Ishaq
 Saminathan, Shri
 Sen, Dr. Ranon
 Sen, Shri Robin
 Sezhiyan, Shri
 Shamim, Shri S. A.
 Sharma, Shri R. R.

Shastri, Shri Ramavatar
 Sivasamy, Shri M. S.
 Swatantra, Shri Teja Singh
 Ulaganambi, Shri R. P.
 Vajpayee, Shri Atal Bihari
 Verma, Shri Phool Chand
 Viswanathan, Shri G.
 Yadav, Shri G. P.
 Yadav, Shri Shiv Shanker Prasad

NOES

Afzalpurkar, Shri Dharamrao
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri
 Ambesh, Shri
 Ankincedu, Shri
 Ansari, Shri Ziaur Rahman
 Arvind Netam, Shri
 Asgar Hussain, Shri
 Aziz Imam, Shri
 Babunath Singh, Shri
 Banamali Babu, Shri
 Barman, Shri R. N.
 Basappa, Shri K.
 Basumatari, Shri D.
 Bhagat, Shri H. K. L.
 Bhandare, Shri R. D.
 Bhargava, Shri B. N.
 Bhatia, Shri D. D.
 Bhuvarahan, Shri
 Bisht, Shri N. S.
 Chandrakar, Shri Chandu Lal
 Chandrashekharaappa, Shri T. V.
 Chandre Gowda, Shri
 Chaturvedi, Shri R. L.
 Chaudhury, Shri Amarsini
 Chavan, Shri D. R.

Chavan, Shri Yeshwantrao	Ishaque, Shri A. K. M.
Chawla, Shri A. N.	Jadeja, Shri
Choudhury, Shri Moinul Haque	Kadam, Shri Dattajirao
Daibir Singh, Shri	Kadam, Shri J. G.
Dakip Singh, Shri	Kakoti, Shri Robin
Damani, Shri S. R.	Kale, Shri
Das, Shri Dharnidhar	Kavde, Shri B. R.
Daschowdhury, Shri B. K.	Khadiikar, Shri R. K.
Deo, Shri S. N. Singh	Kisku, Shri A. K.
Deshmukh, Shri K. G.	Kotoki, Shri Liladhar
Dhamankar, Shri	Kotrashatti, Shri A. K.
Dixit, Shri G. C.	Kulkarni, Shri Raja
Dube, Shri Jwala Prasadji	Kureel, Shri B. N.
Dumada, Shri L. K.	Maharaj Singh, Shri
Dwivedi, Shri Nageshwar	Mahishi, Dr. Sarojini
Gandhi, Shrimati Indira	Majhi, Shri Gajadhar
Ganesh, Shri K. R.	Majhi, Shri Kumar
Gavit, Shri. T. H.	Mehta, Dr. Mahipatray
Genda Siagh, Shri	Minimata Agamdas, Shrimati
Gogoi, Shri Tarun	Mirdha, Shri Nathu Ram
Gohain, Shri C. C.	Mishra, Shri Bibhuti
Gokhale, Shri H. R.	Mishra, Shri G. S.
Gotkhinde, Shri	Murthy, Shri B. S.
Gopal, Shri K.	Nimbalkar, Shri
Gounder, Shri T. N. T.	Oraon, Shri Kartik
Gowda, Shri Pampan	Oraon, Shri Tuna
Hansda, Shri Subodh	Oza, Shri Ghanshyam
Hari Kishore Singh, Shri	Pahadia, Shri Jagannath

Painuli, Shri Paripoornanand	Samanta, Shri S. C.
Pandey, Shri N. N.	Sankata Prasad, Dr.
Pandey, Shri R. S.	Sant Bux Singh, Shri
Pandey, Shri Tarkeshwar	Sarkar, Shri S. K.
Pant, Shri K. C.	Satish Chandra, Shri
Paokai, Haokip, Shri	Satpathy, Shri Devendra
Parashar, Shri Narain Chand	Savitri Shyam, Shrimati
Patel, Shri Ramubhai	Sayajirao, Shri
Patil, Shri S. B.	Shankar Dev, Shri
Patil, Shri T. A.	Shankaranand, Shri B.
Peje, Shri S. L.	Sharma, Shri A. P.
Radhakrishnan, Shri S.	Sharma, Dr. H. P.
Raghu Ramaiah, Shri	Sharma, Shri Madhoram
Raj Bahadur, Shri	Sharma, Shri S. D.
Rajdeo Singh, Shri	Shashi Bhushan, Shri
Ram Dhan, Shri	Shastri, Shri Raja Ram
Ram Swarup, Shri	Shastri, Shri Ramanand
Ramji Ram, Shri	Shastri, Shri Shivpujan
Rana, Shri M. B.	Shenoy, Shri P. R.
Rao, Shri Rajagopala	Shinde, Shri Annasaheb P.
Rao, Dr. V. K. R. Varadaraja	Shukla, Shri B. R.
Reddy, Shri K. K. Rami	Siddayya, Shri S. M.
Reddy, Shri M. Ram Gopal	Siddheshwar Prasad, Shri
Rohatgi, Shrimati Sushila	Singh, Shri Kedar Nath
Roy, Shri Bishwanath	Singh, Shri S. D.
Rudra Pratap Singh, Shri	Singh, Shri V. N. P.

Sinha, Shri Dharam Bir

I shall first put amendment No. 1 to the vote of the House. The question is :

Sokhi, Shri Swaran Singh

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1971." (1)

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

The motion was negatived.

Tarodekar, Shri V. B.

MR. SPEAKER : I shall now put amendment No. 2 to the vote of the House. The question is :

Tayyab Hussain Khan, Shri

Tiwary, Shri D. N.

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 10th November, 1971." (2)

Tiwary, Shri K. N.

Tombi Singh, Shri N.

The Lok Sabha divided :

Vekaria, Shri

Division No. 5] AYES [13.31 hrs.

Verma, Shri Balgovind

Agarwal, Shri Virendra

Vikal, Shri R. C.

Bade, Shri R. V.

Yadav, Shri Karan Singh

Balakrishnan, Shri K.

Yadav, Shri N. P.

Balathandayutham, Shri

Yadav, Shri R. P.

Banera, Shri Hamendra Singh

Yadava, Shri D. P.

Banerjee, Shri S. M.

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

Berwa, Shri Onkar Lal

Ayes 69 ; Noes 150.

Bhagirath Bhanwar, Shri

The motion was negatived.

Bhattacharyya, Shri Dinen

120 hrs.

MAINTENANCE OF INTERNAL SECURITY BILL—*Contd.*

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

MR. SPEAKER : We shall take up the amendments. The amendments that shall be putting to vote one by one, are : 2, 3 and 60.

Bhaura, Shri B. S.

Bosu, Shri Jyotirmoy

Brahman, Shri Rattanlal

Chandra Shekhar Singh, Shri

*The following members also recorded their votes :—

Ayes : Sarvashri K. Balakrishnan, K. Veeriah, Samar Mukherjee, D. K. Panda, Balathandayutham, C. K. Chinnaraji and S. A. Muruganatham.*Noes* : Sarvashri N. K. Sinha, Sidrameshwar Swamy, Chiranjib Jha, Chhotey Lal, Z. M. Kahandole, A. Shafi, P. V. G. Raju and C. M. Stephen.

Chandrapan, Shri C. K.

Chatterjee, Shri Somnath

Chaudhary, Shri Ishwar

Chauhan, Shri Bharat Singh

Chinnaraji, Shri C. K.

Chittibabu, Shri C.

Das, Shri R. P.

Deb, Shri Dasaratha

Dhandapani, Shri

Dhote, Shri Jambuwant

Dotta, Shri Biren

Ghosh, Shrimati Bibha

Halder, Shri Madhuryya

Halder, Shri Krishna

Hazra, Shri Manoranjan

Horo, Shri N.E.

Janardhnan, Shri C.

Jha, Shri Bhogendra

Joarder, Shri Dinesh

Kalyanasundaram, Shri M.

Krishnaa, Shri M. K.

Lalji Bhai, Shri

Manjhi, Shri Bhola

Manoharan, Shri K.

Maran, Shri Murasoli

Menon, Shri Krishna

Modak, Shri B.K.

Modi, Shri Pileo

Mohanty, Shri Surendra

Mukherjee, Shri Samar

Mukherjee, Shri Saroj

Muruganatham, Shri S. A.

Muthuswamy, Shri

Narendra Singh, Shri

Pandey, Dr. Laxminarain

Pradhan, Shri Dhan Shah

Purty, Shri M. S.

Ramkanwar, Shri

Reddy, Shri B. N.

Reddy, Shri Eswara

Roy, Dr. Saradish

Saha, Shri A. K.

Saha, Shri Gadadhar

Saksena, Prof. S. L.

Sambhali, Shri Ishaq

Sen, Dr. Ranen

Sen, Shri Robin

Sezhiyan, Shri

Shamim, Shri S. A.

Sharma, Shri R. R.

Shastri, Shri Ramavatar

Sivasamy, Shri M. S.

Swatantra, Shri Teja Singh

Thevar, Shri P. K. Mokkiah

Ulaganambi, Shri R. P.

Vajpayee, Shri Atal Bihari

Vetriah, Shri K.

Verna, Shri Phool Chand

Vishwanathan, Shri G.	Chotey Lal, Shri
Yadav, Shri G. P.	Chodhury, Shri Moinul Haque
NOES	Dalbir Singh, Shri
Afzalpurkar, Shri Dharamrao	Dalip Singh, Shri
Ahirwar, Shri Nathu Ram	Darbara Singh, Shri
Alagesan, Shri	Das, Shri Dharnidhar
Ambesh, Shri	Daschowdhury, Shri B. K.
Ankineedu, Shri	Deo, Shri S. N. Singh
Ansari, Shri Ziaur Rahman	Deshmukh, Shri K. G.
Aziz Imam, Shri	Dhamankar, Shri
Babunath Singh, Shri	Dixit, Shri G. C.
Barman, Shri R. N.	Dube, Shri Jwala Prasadji
Basappa, Shri K.	Dumada, Shri L. K.
Basumatari, Shri D.	Dwivedi, Shri Nageshwar
Bhagat, Shri H. K. L.	Gandhi, Shrimati Indira
Bhandare, Shri R. D.	Ganesh, Shri K. R.
Bhargava, Shri B. N.	Gavit, Shri T. H.
Bhatia, Shri D. D.	Genda Singh, Shri
Bhavarahan, Shri	Gogoi, Shri Tarun
Bisht, Shri N. S.	Gohain, Shri C. C.
Chandrakar, Shri Chandulal	Gokhale Shri H.R.
Chandrashekharappa, Shri T. V.	Gopal, Shri K.
Chandre Gowda, Shri	Gowda, Shri Pampan
Chaturvedi, Shri R. L.	Hansda, Shri Subodh
Chaudhary, Shri Nitiraj Singh	Hari Kishore Singh, Shri
Chaudhury, Shri Amarsinh	Ishaque, Shri A. K. M.
Chavan, Shri D. R.	Jadeja, Shri
Chavan, Shri Yeshwantrao	Jha, Shri Chiranjib
Chawla, Shri A. N.	Joshi, Shri Popatlal

Kadam, Shri Dattajirao

Kadam Shri J. G.

Kahandole, Shri Z. M.

Kakoti, Shri Robin

Kale, Shri

Kapur, Shri Sat Pal

Kasture, Shri A. S.

Kavde, Shri B. R.

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kotrashatti, Shri A. K.

Kulkarni, Shri Raja

Kureel, Shri B. N.

Maharaj Singh, Shri

Mahishi, Dr. Sarojini

Majhi, Shri Gajadhar

Majhi, Shri Kumar

Mehta, Dr. Jivraj

Mehta, Dr. Mahipatray

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Murthy, Shri B. S.

Nahata, Shri Amrit

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, Shri Jagannath

Paintli, Shri Paripoornanand

Pandey, Shri R. S.

Pant, Shri K. C.

Paokai, Haokip, Shri

Patil, Shri S. B.

Patil, Shri T. A.

Peje, Shri S. L.

Qureshi, Shri Mohd. Shafi

Radhakrishanan, Shri S.

Raghu Ramaraj, Shri

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram Dhan, Shri

Ram Swarup, Shri

Ramji Ram, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Shri Rajgopala

Rao, Dr. V. K. R. Varandaraja

Reddy, Shri K. K. Rami

Reddy, Shri M. Ram Gopal

Rohtagi, Srimati Sushila

Roy, Shri Bishwanath

Rudra Pratap Singh, Shri

Samanta, Shri S. C.

Sankata Prasad, Dr.

Sant Bux Singh, Shri	Singh, Shri S. D.
Sarkar, Shri S. K.	Singh, Shri V. N. P.
Satish Chandra, Shri	Sinha, Shri Dharam Bir
Sa pathy, Shri Devendra	Sinha, Shri N. K.
Savitri Shyam, Shrimati	Sokhi, Shri Swaran Singh
Sayajirao, Shri	Stephen, Shri C. M.
Shafi, Shri A.	Surendra Pal Singh, Shri
Shankar Dev, Shri	Suryanarayana, Shri K.
Shankaranand, Shri B	Swamy Shri Sidrameshwar
Sharma, Shri A. P.	Tarodekar, Shri V. B.
Sharma, Dr. H. P.	Tayyab Hussain Khan, Shri
Sharma, Shri Madhorani	Tewari, Shri Shankar
Sharma, Shri N K	Tiwari, Shri K. N.
Sharma, Shri S D	Tombi Singh, Shri N.
Shashi Bhushan, Shri	Vekaria, Shri
Shastri, Shri Raja Ram	Verma, Shri Balgovind
Shastri, Shri Ramanand	Vikal, Shri R. C.
Shastri, Shri Shivpujan	Yadav, Shri Karan Singh
Shenoy, Shri P. R.	Yadav, Shri N. P.
Shinde, Shri Annasaheb P.	Yadava, Shri R. P.
Shukla, Shri B. R.	Yadava, Shri D. P.
Siddayya, Shri S M.	
Siddheswar Prasad, Shri	
Singh, Shri Kedar Nath	

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

Ayes 75 ; Noes 158.

The motion was negatived.

* The following members also recorded their votes :—

Ayes : Sarvashri M. Satyanarayan Rao, Shiv Shanker Prasad Yadav, Indrajit Gupta, Saminathan, and D. K. Panda ;

Noes : Sarvashri Chhuttan Lal, Gotkhinde, Ram Bhagat Paswan, Asgar Hussain, N. N. Pandey, Narain Chand Parashar, Arvind Netam, Rasiklal Parikh, Ramchandra Patel and T. N. T. Gounder.

MR. SPEAKER : Now, Shri Jyotirmoy Bosu's amendment No. 2 was tabled also by Shri Ram Deo Singh ; that was up to 31st December, 1971. Amendment No. 2 of Shri S. M. Banerjee was up to 10th November, 1971. So Shri Jyotirmoy Bosu's date comes in between. This is all infructuous. (*Interruption*) It is redundant now. So, I am not putting it.

MR. SPEAKER : I will now put Mr. Dage's amendment No. 60. The question is :

"That the Bill to provide for detention in certain cases for the purpose of maintenance of internal security and matters connected therewith be referred to a Select Committee consisting of 7 members, namely :—

- (1) Shri Chhuten Lal
- (2) Shri Hiralal Doda
- (3) Shri Nathuram Mirdha
- (4) Shri Shrikishan Modi
- (5) Shri Krishna Chandra Pant
- (6) Shri Natwarlal Patel ; and
- (7) Shri Nawal Kishore Sharma with instructions to report by the first day of the next session." (60)

The motion was negatived.

MR. SPEAKER : The question is :

"That the Bill to provide for detention in certain cases for the purpose of maintenance of internal security and matters connected therewith, be taken into consideration."

The motion was adopted.

Clause 2 (Definitions)

MR. SPEAKER : We will now take up clause-by-clause consideration. There are no amendments to clause 2.

The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 (Power to make orders detaining certain persons)

MR. SPEAKER . There are a number of amendments.

SHRI M. KALYANASUNDARAM (Tiruchirapalli) : I beg to move :

Page 2, lines 5 and 6,—

omit "the relations of India with foreign powers,"(7)

Page 2,—

omit lines 7 and 8, (8)

Page 2, -

omit lines 20 and 21 (10)

Page 2, line 29,—

for "twelve days" *substitute* "five days" (11)

Page 2, line 35 —

for "twenty-two days" *substitute* "fourteen days" (12)

SHRI DINEN BHATTACHARYYA (Serampore) : I beg to move :

Page 2, lines 7 and 8,—

omit "or the maintenance of public order" (18)

Page 2,

omit lines 9 and 10 (19)

Page 2,—

omit lines 18 and 19 (20)

Page 2,—

omit lines 31 to 35 (22)

Page 2, line 37,—

for "as soon as may be" *substitute* "within seven days" (23)

SHRI ATAL BIHARI VAJPAYEE
(Gwalior) : I beg to move :

Page 2,—

for lines 17 to 19, substitute—

- “(a) Chief Secretary,
(b) Home Secretary,” (55)

SHRI D. K. PANDA (Bhanjanagar) :
I beg to move :

Page 2,—

after line 15, insert—

Provided that no order of detention shall be passed in respect of an Indian national if measures under the existing law would meet the needs for which detention order is proposed :

“Provided further that no order of detention shall be made without the unanimous endorsement of the Committee comprising of seven Lok Sabha Members representing all the political parties.

(1A) The detaining authority shall give reasons as to why such measures were not found sufficient ;

(1B) The deteeque shall have a right of appeal against the order passed under clause (b) of subsection (1) of section 3 to the Parliamentary Committee.”(61)

SHRI NATHU RAM AHIRWAR
(Tikamgarh) : I beg to move :

Page 2,—

after line 10, insert—

“(iv) the maintenance of communal, regional and linguistic or inter-cast harmony, or” (64)

SHRI N. K. SHARMA (Dausa) : I beg to move :

Page 2,—

for lines 20 and 21, substitute—

“(c) Commissioners of Police, wherever they have been appointed,” (65).

SHRI M. KALYANASUNDARAM :
Sir, subject to our fundamental opposition to the Bill as a whole, I am seeking to get some of these clauses amended by moving these amendments. While doing so, I do not commit myself or my party to the principles underlining this Bill.

My one amendment seeks to delete Sub-clause (1) of clause (a), the relationship of India with any foreign powers. If the object of the Bill, as was stated by Shri Pant yesterday, was only to maintain internal security, why should this clause be there ? Clause (3) has been resurrected word by word from the Preventive Detention Act, 1950. Yesterday I was listening to the speech of Shri Pant. After this massive mandate obtained by the party there should be no need for such a Bill. For more than a year there was no such Act and the government had functioned. Then, for more than one and a half months you had it by means of an Ordinance. Can the government tell us that during the period of one and a half months there was improvement in the situation described by Shri Pant yesterday ?

This is not a law and order problem measure. This has been there even during the days of the British. After that we had it in 1950 under the name Preventive Detention Act. This Act has been directed against my party for the last 23 years. I have suffered this preventive detention, I have suffered preventive detention under the British rulers, under the Congress regime, as late as 1962-63 and very recently under the DMK rule I have seen what a prison is.

Why should this government, which claims to build socialism in this country, seek to include in this enactment relations with foreign powers, maintenance of public order, maintenance of supplies and essential services to the community ? What does it mean ? Can you say that

[Shri M. Kalyanasundaram]

the enactment is concerned only with the security of the State? No, it is not confined to the security of the State alone. Because of the inclusion of maintenance of public order here, any strike of the railway or posts and telegraphs employees can be declared as interfering with the maintenance of public order and the strike can be banned and the leaders of the strike arrested. Similarly, maintenance of supplies essential to the community is included here. Now that the budget is passed, government anticipate trouble from the wage-earners because they have refused to raise the dearness allowance of the Central Government employees. Mills are being closed creating unemployment, Land reforms are not being effectively implemented, creating dissatisfaction among the peasants. So, more than any trouble in the borders, government anticipate more trouble from the workers and peasants inside the country who agitate for their just demands. Because of the assurances given by the ruling party during the elections the workers and peasants and middle class employees were expecting much from the government. Now they are disappointed. So government anticipate trouble from the Central and State Government employees, workers and peasants. This Act is only intended to suppress those struggles of the workers and peasants and not to defend the country or to certain internal security.

Even if there are any forces which have something to do with violence, they have a misconceived idea about revolution and they are not so serious. Do not try to magnify it. The problem of Naxalbari is sought to be magnified only to suppress all genuine struggles of the workers and peasants in our country so that the landlords and the capitalists class can be allowed to swindle the 55 crores of people and their labour.

There is no change from the original Preventive Detention Act, which was clearly directed against the workers and peasants and the Communist Party. The same thing is continued. What is the change? The ruling party spoke so much about polarisation and the need to fight against right reaction, Now what is happening?

By this Act they are only going to strengthen the reactionary forces, the capitalist exploiters, both outside and inside.

But I want to tell them one thing. Let them not think that they will succeed in suppressing the movement with this Act. We have faced even worse Acts and repression. The workers and peasants of this country know how to defend themselves, either with this Act or without this Act. Do not rely on this Act, the Police and bullets.

What is called for is a change in your policy if you want to succeed in maintaining peace and internal security. Do not blame our people. Our people have shown their sense of patriotism twice recently, in spite of this Government's policy. So, do not blame the people. Examine the policies that you are pursuing in the sphere of economy.

I am opposed to this clause as a whole but at least if they accept these amendments, they can go to the people and tell them that this is not directed against the workers, peasants or the political opposition; this is intended only for internal security.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, इस काले विधेयक को पूरी तरह से रद्द करने का हमारा प्रयत्न विफल हुआ...

श्री राम सहाय पांडे (राजनन्दगांव)
अब सफल हो गये हैं।

श्री अटल बिहारी वाजपेयी : अब हम कोशिश कर रहे हैं कि इस की कालिख जितनी कम हो जाय उतना ही अच्छा है, लेकिन यह रहेगा काला कानून।

इस धारा के अन्तर्गत जो हमारी आपत्तियां हैं, वे इस प्रकार हैं—भारत की सुरक्षा समझ में आने वाली बात है, लेकिन 'दी रिलेसन्स आफ इण्डिया विद फारन पावर्स' यह इतना व्यापक है, निरर्थक है कि इस को यहाँ रखने

का कोई अर्थ नहीं है। विदेशों की, दूसरे देशों की आलोचना करने का अधिकार आप छीनना चाहते हैं, यह उचित नहीं है, यह इसमें रहना चाहिए। दूसरे देशों के साथ सम्बन्ध बिगाड़ने की किसी की इच्छा नहीं है, लेकिन कोई पड़ीमी यदि सम्बन्ध बिगाड़ने पर तुला हुआ हो, तो फिर उस के सम्बन्ध में जनता को बोलने से, जनमत जाग्रत करने से रोकना नहीं चाहिए। आज पाकिस्तान का सवाल है, पाकिस्तान का समर्थन करने वाला चीन है—इन की खुली आलोचना होगी और होनी चाहिए।...

श्री राम सहाय पांडे : श्री ज्योतिर्मय बसु से पूछ लीजिए कि होगी या नहीं होगी।

श्री अटल बिहारी वाजपेयी : हर बार ज्योतिर्मय बसु का नाम लेना—उन को खतरनाक बनाना नहीं, बल्कि उन को महत्व प्रदान करना है। इस लिए मेरा निवेदन है कि हम से "रिलेशन-ज आफ इण्डिया विद फारन पावर्स" निकाल दीजिए।

दूसरा सशोधन यह था कि "मेन्टेनेन्स आफ पब्लिक आर्डर" की हम में आवश्यकता नहीं है। डिफेन्स आफ इण्डिया, सिक्योरिटी आफ इण्डिया, सिक्योरिटी आफ स्टेट तक ठीक है, मेन्टेनेन्स आफ पब्लिक आर्डर के लिए सामान्य कानून पर्याप्त है, उन का उपयोग किया जा सकता है। मेन्टेनेन्स आफ पब्लिक आर्डर के नाम पर इस विधेयक की भावना का काफी दुरुपयोग हुआ है, उस को इस में रखने की जरूरत नहीं है।

तीसरी बात—जैसा अभी मेरे पूर्ववक्ता ने कहा—मुनाफाखोरों, चोरबाजारी करने वाले को गिरफ्तार करना एक अलग चीज है, और कर्मचारियों के, मजदूरों के आन्दोलनों, उन की न्यायोचित मांगों को मनवाने के लिए उन के संघर्ष और उस के परिणामस्वरूप होने वाली सुविधाओं में गड़बड़ी पृथक चीज

है। इस में कहा गया है—“दी मेन्टेनेन्स आफ सप्लार्ड एण्ड सर्विसिज एग्सेन्शल टु दी कम्युनिटी” इस का भाव यह निकलता है कि यह चोर-बाजारों के खिलाफ कानून है, जबकि एग्सेन्शल कमांडिटीज एक्ट के अन्तर्गत चोर-बाजारों को मुनाफाखोरों को पकड़ा जा सकता है। मेन्टेनेन्स आफ एग्सेन्शल सर्विसिज एक्ट के अन्तर्गत सुविधाओं को बनाये रखा जा सकता है, जब इन के लिए हमारे पास पर्याप्त कानून है, तो उन का इस कानून में समावेश करने की क्या आवश्यकता है।

चौथा सशोधन यह है कि इस कानून में अधिकार दिया गया है कि कोई भी जिला मैजिस्ट्रेट, अतिरिक्त जिला मैजिस्ट्रेट, कोई भी पुलिस कमिश्नर—कलकत्ता, बम्बई, मद्रास, हैदराबाद का—नजरबन्द करने का आदेश निकाल सकता है। उंग्लैंड में हम तरह का कानून था, लेकिन केवल होम सैफ्टरी नजरबन्दी का आदेश निकाल सकता था। कल की भण्डारे ने अमरीका का हवाला दिया, लेकिन उस के अन्तर्गत भी संकट काल की घोषणा करना जरूरी है। अगर सरकार सचमुच इस बात के लिए प्रयत्नशील है कि इस कानून का दुरुपयोग न हो तो यह अधिकार जिला मैजिस्ट्रेट को नहीं होना चाहिए, एडीशनल जिला मैजिस्ट्रेट को नहीं होना चाहिए, यह अधिकार स्टेट के चीफ सैफ्टरी और होम सैफ्टरी को होना चाहिए। मैं समझता हूँ कि इस संशोधन के मानने में आप को आपत्ति नहीं होनी चाहिए। आजकल सच्चार के पर्याप्त साधन उपलब्ध किसी भी जिले से राज्य की राजधानी के साथ सम्पर्क करना कठिन नहीं है, लेकिन छोटे से पुलिस आफिसर को ऐसा अधिकार नहीं देना चाहिए। अगर सचमुच किसी को गिरफ्तार या नजरबन्द करने की जरूरत है तो राज्य के चीफ सैफ्टरी और होम सैफ्टरी का अधिकार होना चाहिए, जिला मैजिस्ट्रेट का नहीं।

SHRI DINEN BHATTACHARYYA : In clause 3, I want that "maintenance of public order" should go. This is the most elastic thing. For anything, anybody can be detained under this. For any doubt, a man can be brought under detention if this is there.

Another thing is that "maintenance of supplies and services essential to the community" should go. There are enough laws already existing under which this can be controlled. But if you put this thing here it means that the intention of the Government is to see that there is no trade union movement by the workers who are engaged in supply work and in any essential services. So, this should also go.

Then, about giving powers to District Magistrate and Additional District Magistrates, I say, they are no better than rubber stamps. I have met many District Magistrates with so many cases of P.U.A. Act under which more than 300 persons of my party have been arrested in West Bengal. In almost all the cases, the orders have been passed by District Magistrates as if they have nothing to do but simply to put their signatures down below the cyclostyled order brought before them by the police authorities. In almost all the cases, this order has been served only to victimise and harass the political opponents, specially, the C.P.M in West Bengal.

I could have produced facts before this House that almost all these people are connected with trade unions, working classes and the movements for the upliftment of rural people. We know that the real anti-social elements are not arrested. But the persons who are doing some political activity are arrested simply on concocted charges. So, I want to say very categorically that no power should be given to District Magistrates and Additional District Magistrates who are always busy to oblige the Government. I want that the power that has been given here should not be there.

Down below I have another amendment that in no case anybody should be detained for more than five days and after five days, that man who is detained should be produced before a court of law and full opportunity

should be given to him to defend himself and the Government if it had any complaint against that particular detenu, must also come forward with full facts and the detenu should be given opportunity to defend his case and in no case a person should be detained for more than five days. After five days, he should be brought before a court of law to be tried under the existing law.

These are my amendments with regard to this clause.

SHRI D. K. PANDA : My amendment is that after clause 3, sub-clause (1) insert :

"Provided that no order of detention shall be passed in respect of an Indian national if measures under the existing law would meet the needs for which detention order is proposed ;

Provided further that no order of detention shall be made without the unanimous endorsement of the Committee comprising of seven Lok Sabha Members representing all the political parties.

- (1A) The detaining authority shall give reasons as to why such measures were not found sufficient ;
- (1B) The detenu shall have a right of appeal against the order passed under clause (b) of sub-section (1) of section 3 to the Parliamentary Committee."

Sir, I am totally opposed to this Bill as it is more draconian than any law that has been passed so far. Even under Sec. 44 of the Defence of India Act the British gave some rights and it is said that the executive cannot suddenly come in and claim the right to wield absolute and arbitrary powers not even during war time. Then Sec. 44 says :

"There should be interference with the liberty of the citizens of India *as little as possible.*"

Even under the Defence of India Rules 1962, Rule 30 provides for lesser restrictions on the liberty and movement of a citizen.

So, even under the British regime, they had given certain rights and the restrictions were somewhat lessened by the provision of Sec. 44 Now, here absolutely no such measure has been taken and the Bill contemplates that the executive authority shall assume all the powers—judicial, administrative and executive and ride roughshod and they can do and undo things. I would just remind the hon. Minister that out of 87 people who were detained under the P. D. Act, there is not a single profiteer. There is not a single hoarder. There is not a single smuggler. There is not a single person who was indulging in espionage activities. So, it is all a clear case of political vindictiveness against the leftist and progressive forces and in my own State of Orissa, 27 CPI Members were detained during the Chinese aggression absolutely without any reason and specially when we held the first meeting of the kind denouncing the Chinese attack and six months thereafter 27 members of our Party including the Party Secretary were put under detention So, our past experience is bitter and after the massive mandate they won which they say they won for liquidating poverty, they are now going to liquidate the very liberty of the citizen of free India by this very Bill.

So, while opposing this, I also appeal to Hon. Members of the House, that in view of the reassurance given by the Minister that this arbitrary power will not be abused, let it be put statutorily in the Bill so that it may be a safeguard and I request them to support my amendment. I hope this will be accepted even by the Treasury Benches.

SHRI N. K. SHARMA : I have already moved my amendment No.65 It is a formal one. This relates to Clause 3. The Bill gives powers to Commissioner of Police, Bombay, Calcutta, Madras and Hyderabad. With the contemplated change in Criminal procedure Code it is likely that more places may be required where they may be posted as and when necessary. So, I want to substitute—Commissioners of Police, wherever they have been appointed. This is more or less a formal amendment and I hope my friend Mr. Pant will agree to it.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI

K. C. PANT) : I accept amendment No. 65 of Shri N. K. Sharma. I will surprise Mr. Dinen Bhattacharyya by accepting his amendment No. 23. He wants that the State Government should communicate within 7 days. In the Bill it is 'as soon as may be'. I accept his amendment because it is a Central Act and Centre has responsibility to see these things. That point was made by several hon. Members. So, I would accept his amendment also. I heard the other hon. Members also very carefully. Shri M. Kalyanasundaram and Shri Dinen Bhattacharyya said that this measure would be used against workers and peasants etc. etc. Shri M. Kalyanasundaram said that we had said that there was need to fight against right reaction, but this would only strengthen right reaction. In this House, he usually refers to right reaction when he speaks of Shri Piloo Mody. In this case, he himself says that the opposition is cutting across party lines ..

SHRI M. KALYANASUNDARAM : He has given them that opportunity.

14 00 hrs

SHRI K. C. PANT : There are different considerations which are impelling different parties to take different postures, but the fact of the matter is this. Can he cite a single instance where the Preventive Detention Act or the preventive detention measures have been used anywhere against the trade union movements....

SHRI INDRAJIT GUPTA (Allpore) : In hundreds of cases I can show him hundreds of cases. What is he saying? Why does he ask us to show them here? We cannot show them here. If he is interested in seeing them, I shall give him those cases.

SHRI K. C. PANT : I am interested in knowing. But let me complete my sentence...

SHRI ATAL BIHARI VAJPAYEE : The leaders of the Central Government employees were detained.

SHRI K. C. PANT : Let me complete my sentence.

SHRI M. KALYANASUNDARAM : We shall give him copies of the detention order; he can examine them and he will find there nothing else but this.

SHRI K. C. PANT : If hon. Members do not want to listen to me, that is a different matter. The Preventive Detention has not been used in any single case of a trade union movement or trade union activity which is legitimate.....

SHRI DINEN BHATTACHARYYA : I shall give him two names. One trade union worker by name Sonar Bhattacharya was detained.....

SHRI INDRAJIT GUPTA : I was detained in 1953 for allegedly having told the workers to stage a demonstration before the office of the Indian Jute Mills Association. I was kept under preventive detention for three months for this. This was the ground brought against me. The High Court released me eventually. What is he talking about? Was that not a legitimate movement?

SHRI K. C. PANT : This only confirms that the safeguards are effective.

SHRI INDRAJIT GUPTA : I want compensation for three months' deprivation of my liberty. Will he compensate me?

SHRI K. C. PANT : All these detentions have helped him to come to Parliament also.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : We can give him hundreds of cases. Let him not tell us bogus things.

SHRI M. KALYANASUNDARAM : He is not going to change his mind.....

SHRI K. C. PANT : I began by saying that where possible, I was ready to accept some of the amendments.....

SHRI M. KALYANASUNDARAM : Because it helps him.

SHRI K. C. PANT : If hon. Members have given an amendment, and I accept it, I think that there should be some appreciation of that fact.

There was reference to the relations of India with foreign powers, and some hon. Members wanted to delete it. I can only assure them that this provision will be used

extremely sparingly. We have not used it even in the past except on one occasion where it was found to be necessary. We are not using this to curb criticism against foreign governments, normally, but there are occasions, and in fact, there was one occasion where it was found necessary to use this. I can only assure hon. Members that it will not be used unless it becomes absolutely essential. I can certainly give that assurance.

SHRI M. KALYANASUNDARAM : There are other methods for it.

SHRI ATAL BIHARI VAJPAYEE : That applies to all the clauses.

SHRI K. C. PANT : With regard to amendments 9, 18 and 53 and so on, there, internal security and public order are involved. In the matter of public order, the Constitution has laid the responsibility primarily on the State Governments, and we are here to help them. After the Preventive Detention Act at the Centre lapsed on 31st December, 1969, or rather before that, all the State Governments were asked, and as I had explained yesterday, being faced with the direct responsibility of law and order, all the State Governments barring one agreed that they needed such an Act; it was only Kerala which said that they would only like this to be used for maintenance of essential services etc.....

SHRI INDRAJIT GUPTA : Which means that they were prodded by the Central Government. The Centre prodded them.

SHRI K. C. PANT : Not all the State Governments were run by our party. My hon friend's party was also in some of the Governments. Shri Atal Bihari Vajpayee's party was also in some of the Governments. Other parties were also there. But there was a difference between them and their parties. Those parties which had undertaken the task of Government were far more responsible and being faced with the direct task of maintenance of law and order, they were much more responsive to the needs of the situation. Therefore, the State Governments said that they would need the law. Today, these friends can say that they do not need it, but they should ask their State Governments or their members

who were in those governments and were in power why they had at that time felt the necessity for such a law. This is the real point that they will have to consider.

DR. RANEN SEN (Barasat): I had quoted the statement of Shri C. Achuta Menon, Chief Minister of Kerala, wherein he has said that this is not needed in his State.

SHRI K. C. PANT: I mentioned that the then Kerala Government said they would like to confine it only to the maintenance of essential services etc. That was the communication which we had received at that time and which I placed before the House yesterday and today. As to what is their opinion today, I cannot say.

SHRI M. KALYANASUNDARAM: Can he place the whole letter before us.

SHRI K. C. PANT: It is his own Government there; he can get that letter.

SHRI ATAL BIHARI VAJPAYEE: He is referring to the letter and says 'you get it from the Government there'.

SHRI M. KALYANASUNDARAM: He is distorting the letter.

SHRI K. C. PANT: There was a question asked why Commissioners of Police are allowed to use these powers. They are in fact more senior officers than district magistrates. If district magistrates can be accepted, we can accept the Commissioners of Police as well. They have to handle the law and order situation on the ground.

SHRI JYOTIRMOY BOSU: A Commissioner himself was in the list of spies, according to the intelligence report of Shri P. K. Basu, DIG, I. B., he was in contact with the British secret service agent, Brig. Stevans.

SHRI K. C. PANT: Conspiracies are always in his mind.

Two amendments were moved for reducing the period of 12 days to 5 days and the period of 22 days to 14 days. I do not know if my hon. friends realise the implica-

tions of their own suggestions. In the old scheme, 5 days are given for the grounds to be communicated to the detenu and 12 days are given for the State Government to take a decision, either to approve or to disapprove. That scheme remains intact even here under ordinary circumstances. In extraordinary circumstances it will be extended; within 15 days he will have to communicate the grounds to the detenu and within 22 days the State Government must make up its mind. If they reduce it to 5 days, the detenu may not have a chance either to put forward his case or have that examined by the State Government. Surely they did not intend to deprive the detenu of the opportunity either to put forward his case or for it to be considered by the Government. I am sure they did not mean this, but the amendment, if accepted, would lead to this.

Then I am amazed that Shri Samar Mukherjee, Shri Dinan Bhattacharyya, Shri Mohammed Ismail as well as Shri Vajpayee should have asked us to omit lines 9 and 10. These lines enable us to use this measure against blackmarketeers, hoarders etc. I cannot understand why they should want this, of all provisions, to be taken out.

SHRI DINEN BHATTACHARYYA 'Maintenance of order' is a *para brahma* you can bring anything under it.

SHRI K. C. PANT: If you are opposed to the principle of the Bill, that is a different matter; but having accepted the Bill in its principle, this should be the last provision to take out.

SHRI M. KALYANASUNDARAM: Let us know what he means by the term, 'maintenance of supplies and services essential to the community'. Can he categorically say that it would be used only against blackmarketeers and none else. If the railway workers, port workers, electricity workers go on strike, you say you will not proceed against them under this.

SHRI K. C. PANT: I have already said that this enables us to proceed against blackmarketeers, hoarders etc. I am surprised that they want this out.

SHRI INDRAJIT GUPTA : What is wrong with the Essential Services and Maintenance of Supplies Act already on the statute book ?

SHRI K. C. PANT : That is prospective. Nobody seems to realise this difference between an act being committed and the court looking into it and preventive action to prevent the act being committed.

SHRI INDRAJIT GUPTA : Has the Essential Services Act been used against a single blackmarketeer ? It has been invoked only to crush strikes of port and dock workers, railway workers and so on.

SHRI K. C. PANT : We on this side are second to none in this country in our concern for labour and this attempt to be the spokesmen of workers to attract publicity is not fair,

Shri Panda's amendment also cannot be accepted because action under the ordinary law providing for penalties will naturally take time and preventive detention is resorted to where immediate action is called for to prevent mischief. I have been underlining this again and again.

Since we are short of time, I would not like to say anything more.

MR. SPEAKER : I shall put amendments Nos. 7, 8, 10, 11 and 12 to the House.

Amendments Nos. 7, 8 and 10 to 12 were put and negatived.

MR. SPEAKER : I shall put amendments Nos. 18, 19, 20 and 22 to the House.

Amendments Nos. 18 to 20 and 22 were put and negatived.

MR. SPEAKER : The question is :

"Page 2, line 37,—

for "as soon as may be"
substitute—

"within seven days" (23)

The motion was adopted.

MR. SPEAKER : I shall put amendment No. 55 to the House.

Amendment No. 55 was put and negatived

MR. SPEAKER : I shall put amendment No. 61 to the House.

Amendment No. 61 was put and negatived.

MR. SPEAKER : I shall put amendment No. 64 to the House.

Amendment No. 64 was put and negatived.

MR. SPEAKER : The question is :

Page 2,—

for lines 20 and 21,
substitute—

"(c) Commissioners of Police, wherever they have been appointed," (65)

The motion was adopted.

MR. SPEAKER : As amendments 21, 53, 54 and 56 and 63 sought to be moved by Shri Dinesh Bhattacharyya, Shri Vajapayec and Shri Kalyanasundaram are the same as earlier amendments moved, these are barred and will not be put to vote. 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.

Clause 4 was added to the Bill

CLAUSE 5 (POWER TO REGULATE PLACE AND CONDITIONS OF DETENTION)

MR. SPEAKER : We go to clause 5. There are some amendments.

SHRI S. A. MURUGANANTHAM
(Tirunelveli) : Sir I move :

MR. SPEAKER : Now that you have moved.....

Page 3,—

for lines 8 to 11, substitute—

“(a) to be detained in such place and under such conditions which are applicable to special class of political prisoners without lock-up in cells.” (13)

SHRI DINEN BHATTACHARYYA :
I move :

Page 3, lines 9 and 10,—

omit “including conditions as to maintenance, discipline and punishment for breaches of discipline,” (24)

SHRI M. KALYANASUNDARAM :
I have an amendment No. 14. There is no other place where it can be moved ; so, I shall move it now.

MR. SPEAKER : It is a new clause, it is a separate one. Let us first take up clause 5 ; then you can move it later on.

SHRI M. KALYANASUNDARAM :
There is no other place for taking it up and so I move :

Page 3,—

after line 17, insert—

“5 As Every person in respect of whom a detention order has been made shall be eligible to reasonable allowances to be fixed by the concerned Government, for the maintenance of the family and dependents of the detainee, which shall include the education of the children.” (14)

The amendments 13 and 24 are to clause 5.

*SHRI S. A. MURUGANANTHAM :
Mr. Speaker, Sir, we are totally opposed to the Bill in full, and in our view it is blackest piece of legislation. I was myself a victim twice under such a law. For 150 years our country was cruelly subjected to the oppressive rule of British Imperialism. The people of our country, after a long and arduous struggle achieved Independence. But fifteen days after declaring our country as a Sovereign Democratic Republic, i.e., 11th February, 1950, 22 innocent and unarmed political prisoners in Salem Jail were killed. In Cuddalore also the prisoners were shot dead. When this Government is armed with such powers, why should the Government be granted more powers, under a new law ? There is absolutely no need for such arbitrary powers. Every citizen of the country has the fundamental right to freedom for political activity. It is not proper that the political prisoners should be put in the jail without trial. Worse still is to confine such political prisoners in lock-ups, where they do not have freedom even to move around within the prison also. Hence my amendment not to keep such prisoners in lock-ups. They should be allowed to exercise their freedom. That is why I have moved my amendment and I hope that the Government will accept it.

SHRI DINEN BHATTACHARYYA :
In my amendment which I have moved I have asked for the omission of “including conditions as to maintenance, discipline and punishment for breaches of discipline,” on page 3.

Now, Shri Badrudduja has been arrested. Mr. Sasanka Shekhar Sanyal, his counsel, wanted to meet him in jail. He was asked to go there by the jail authorities, but on reaching the jail gate, Mr. Sanyal, who is also a member of the Rajya Sabha, was told by the jail authorities that “the Secretary, Home Department, has asked us not to allow you to see Mr. Badrudduja.” This is

[Shri Dinen Bhattacharya]

the discipline. Then, Mr. Sanyal asked him, "Under what law and under what rule you are asking me not to see Mr. Badrudduja who has been arrested under mere suspicion and kept as a detenu?" The Home Secretary had no answer to this, and he only said, "I will ask the Law Department to inform you under what rule you are not permitted to see the detenu." This is the condition; this is the discipline imposed on the detenu. So, I want to state emphatically that the authorities want to impose these rules and always use these rules according to their own whims, and the detenu does not get any opportunity to have even the minimum facilities, not to speak of a decent life, in the jail. So, I am moving this amendment in order that these things should go.

SHRI M KALYANASUNDARAM : I have given an amendment to clause 5. I am also opposed to the provisions of clause 5 as they are. Clause 5(a) says : "to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify :". It will lead to all sorts of discrimination from State to State. Already, the detenus in my State are classified as C class prisoners. These prisoners are not even eligible for coffee or anything in the morning. They are treated just as ordinary criminals in some States. In some other States, there are two divisions — first class and second class. So, there should be uniformity,

Then, when you want to detain, only political prisoners are to be detained. My amendment only seeks to treat them as political prisoners. Cannot the Government go even to that extent? Even in this respect, should we follow the old British tradition in the matter of treatment? Yesterday, I was astonished when the esteemed Minister of State in the Ministry of Home Affairs, Shri Pant, was quoting from Rajaji for justification. Rajaji has been discarded by history. And he is now quoting from Rajaji for justification. He said that he is more progressive than Rajaji. Today,

he is quoting from Rajaji who in 1950 was holding a high position.

Now, to maintain discipline, there are the jail manuals in all the States. *(Interruption.)*

14 24 hrs.

[SHRI R. D. BHANDARE *in the Chair*]

The jail manuals are there. The State Governments are competent to deal with any breach of discipline inside the jails. The rules are also there. Why do you want this to be specifically mentioned here? If you want to improve it, it is all right. But this will make matters worse. Inside the jails, there has been shooting, there has been lathi charge. For instance, in the Cuddalore jail and in the Salem jail, the jail warders and the jail superintendents have been beating the detenus. I was one of those who was beaten. Every hair in my head was plucked inside the jail. These have happened in the past. Today, you are asking the jail authorities to behave in the same way as they behaved during the days of the British or in the earlier days after we achieved freedom. This clause should not be there in this Bill.

Then, I have suggested that every person detained shall be eligible to a reasonable allowance to be fixed by the concerned Government for the maintenance of the family and dependants of the detenu, which shall include the education of such children. When you deprive him of his liberty without any charge or conviction, should you not be humanitarian and give him this allowance, treating him as a decent human being and not as a convict? If you think that only by enforcing this Act you can maintain the internal security of the country, revise your budget and plan allocations, construct more jails and purchase more arms to be kept in jail for maintaining discipline. Jatin Das fought for the rights of political prisoners and died after starving for 57 days. You might not have known that history. At least read that history and bear that tradition. You are the son of an illustrious father. Don't support this Bill. But if you are forced to do it, do not have this clause. Or, at least accept my amendment.

SHRI K. C. PANT : Sir, on the first point, there appears to be an impression in the mind of my hon. friend that this measure is going to be used against political opponents. That is not so. As I explained yesterday, we are certainly not against political dissent.

SHRI M. KALYANASUNDARAM : You said, this will be directed against Naxalites. Are they not political workers ?

SHRI K. C. PANT : If they resort to violent means which may bring them under the mischief of this Act, certainly this Act will be used against them. We can have a regular debate on this if he wants, but there is a difference between political dissent and violent methods. Political dissent is the basis of democracy. But the condition for the success of democracy is that peaceful methods must be resorted to. If one accepts that violent methods can be used to subvert the State or change the Government, that is not a democratic method at all.

SHRI M. KALYANASUNDARAM : Even Gandhiji said, for self-defence, you can use violence.

SHRI K. C. PANT : There can be no confusion of ideas so far as this basic thing is concerned. We must ensure that violent methods are not used which would destroy the fabric of democracy. If this basic point is not clear to him, no matter what I say, I cannot explain our purposes...

SHRI M. KALYANASUNDARAM : Is not the jail manual adequate to maintain discipline ? Why have this clause ?

SHRI K. C. PANT : I am only trying to explain our approach to this problem. We in this country are proud of the freedoms we have. We have freedoms of association, of speech, etc., enshrined in our Constitution. We have just had an election of which we can be proud. Ours is the biggest democracy in the world, so many people peacefully taking part in the elections and expressing their political views through the ballot box.

AN HON. MEMBER : Ha, ha !

SHRI K. C. PANT : Even the hon. member who says "Ha, ha" has been elected by the people. Or, does he believe in Mr. Madhok's theory about chemically treated ballot papers ?

SHRI ATAL BIHARI VAJPAYEE : You persuade Shri Gokhale to order an inquiry.

SHRI K. C. PANT : Therefore, we are proud of our record of freedom and democracy in this country and I think we have to preserve this record. For this purpose if we have to encroach upon the freedom of a few individuals who are out to destroy this system, I think this House should not grudge this power.

SHRI INDRAJIT GUPTA : What is this long lecture about freedom and democracy ?

SHRI DASARATHA DEB (Tripura East) : I was detained in the Agartala jail and even though I was a Member of Parliament I was treated ...

MR. CHAIRMAN : Let him resume his seat. The Minister is not yielding.

SHRI K. C. PANT : I am sorry to find that my hon. friend, Shri Indrajit Gupta, who is normally not agitated is today... (Interruptions) So many general remarks were made here during the course of the discussion and I have simply given the general approach of the government in this matter and Shri Indrajit Gupta, who is usually fair to the other members of this House is less than fair to me today.

So far as amendment No.13 is concerned, even under the Preventive Detention Act, 1950 the question regarding the place of detention was left to be decided, according to the circumstances of each case, by the detaining authorities themselves and this is a reasonable arrangement and it worked satisfactorily in the past.

So far as amendment No. 24 goes, if you accept this amendment then perhaps clause 5 would be left very very vague. In this context, a specific point was raised just now that some counsel went to meet

[Shri K. C. Pant]

Shri Badrudduja and he could not meet him.

AN HON. MEMBER : He was not only a counsel but a member of the Rajya Sabha.

SHRI K. C. PANT : Whatever it is, he went in the capacity of a legal counsel. We will have to enquire into this particular aspect of a counsel having gone and not being able to meet him. I shall make enquiries.

SHRI M. KALYANASUNDARAM : Why could they not be treated as political prisoners ? They should be allowed the courtesy of regular letters, interviews etc.

SHRI K. C. PANT : There is no special class known as political prisoners.

So far as amendment No 25 goes, I do not know whether it has been moved.

MR. CHAIRMAN : It has not been moved.

SHRI K. C. PANT : So far as that goes, it is a suggestion for a new provision, I do not want to go into all the details though I have them here. This is essentially a matter to be decided by the detaining authority, having regard to the circumstances of each case. If at all it is considered necessary by the appropriate government to grant any such allowance, that would be in the nature of *ex gratia* payment. I cannot vouch for the fact, but I did make enquiries this morning as to whether the State Governments did make such *ex gratia* payments and I was told that they do it in deserving cases. I have asked for further facts. I cannot say anything more at this stage.

MR CHAIRMAN : I will now put amendment No. 13 to the vote of the House.

Amendment No. 13 was put and negatived

MR. CHAIRMAN : I will now put amendment No. 24 to the vote of the House.

Amendment No.24 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 5 stand part of the Bill."

The motion was adopted

Clause 5 was added to the Bill.

MR. CHAIRMAN : Now I am putting amendment No.14, seeking to insert a new clause, 5A, to the vote of the House.

Amendment No. 14 was put and negatived.

MR. CHAIRMAN : The question is,

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill

Clause 7--(POWERS IN RELATION TO ABSCONDING PERSONS)

SHRI S. A. MURUGANANTHAM : Sir, I move :

Page 3, line 34,—

Omit "and his property" (15)

SHRI M. KALYANASUNDARAM : In the case of a person wanted under the Act, if he goes underground, his property is to be attached and his family is to be teased. This is very atrocious. The property may be the property of the family. If a small peasant, who may be having two acres of land or a small house to live in with his family, evades arrest and is not found they will attach his property and will tease the members of his family. This is all British tradition. We are all shouting so much about Yahya Khan's military atrocity in Bangla Desh. This is what is going to happen here if this measure is there. This is very bad and he should remove it.

*SHRI S. A. MURUGANANTHAM : Mr. Chairman, instead of taking steps to trace the offender who has gone underground, what the Government want to do is to starve the family of the offender by confiscating the property, which may rightfully belong to the family and not merely to the offender. During our Independence struggle, when non-cooperation movement and Satyagraha were taking place, the whole village was penalised for the simple reason that a person of that village participated in that struggle. The Government cannot confiscate the property of the family simply because they are unable to trace the offender. That is why I have moved my Amendment to omit the words "and his property" in line 34 on page 3 of the Bill.

SHRI K. C. PANT : I was listening to Shri Kalyanasundaram who chose to refer to Yahya Khan's atrocities in the context of this clause and his amendment. The only conclusion I can draw from that is that he is probably accustomed to overstating his case, because this is a gross overstatement of any case that he might have. After all, here is a case in which after due processes of law the magistrate will issue a warrant etc, a man will go and try to arrest somebody. This man, who is sought to be detained under law, goes underground as he was about to say.

SHRI M. KALYANASUNDARAM : I am not ashamed of that word. It is perfectly right to go underground if the police misbehave.

SHRI K. C. PANT : If he gets excited, he might give more away than he intends to. So, I think, he should not get excited. I was only saying that this man deliberately evades detention and, therefore, he does not allow the law to take its course. . .

SHRI M. KALYANASUNDARAM : Because the law is bad.

SHRI K. C. PANT : This is my precise point. If Parliament passes a law, you have to accept it. This is one of the disciplines of democracy. Whether you are on this side or that side, you must accept it. The day you accept this, that day you

will be a true democrat, not till then. Therefore, this will have to stay.

MR. CHAIRMAN : Now, I put Amendment No.15 to the vote of the House.

The question is :

'Page 3, line 34,—

Omit "and his property" (15)

The Lok Sabha divided

Division No. 6] AYES [14.47 hrs.

Bade, Shri R. V.

Balathandayutham, Shri

Banera, Shri Hamendra Singh

Banerjee, Shri S. M.

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Bhaura, Shri B. S.

Bosu, Shri Jyotirmoy

Brahman, Shri Rattanlal

Chandrappan, Shri C. K.

Chatterjee, Shri Somnath

Chauhan, Shri Bharat Singh

Chittibabu, Shri C.

Das, Shri R. P.

Deb, Shri Dasaratha

Deo, Shri P. K.

Dhandapani, Shri

Dhote, Shri Jambuwant

Dutta, Shri Biren

Ghosh, Shrimati Bibha

Gupta, Shri Indrajit

Haldar, Shri Madhuryya

Halder, Shri Krishna

Hazra, Shri Manoranjan

Janardhanan, Shri C.

Jha, Shri Bhogendra

Jorder, Shri Dinesh

Kalyanasundaram, Shri M.

Lalji Bhai, Shri

Madhukar, Shri K. M.

Manjhi, Shri Bho'la

Manoharan, Shri K.

Modak, Shri B. K.

Modi, Shri Ploo

*Mohammad Yusuf, Shri

Mukherjee, Shri Samar

Muruganatham, Shri S. A.

Narendra Singh, Shri

Pandey, Dr. Laxminarain

Pradhan, Shri Dhan Shah

Rao, Shri M. Satyanarayan

Reddy, Shri Eawara

Roy, Dr. Saradish

Saha, Shri A. K.

Sambhali, Shri Ishaq

Sen. Dr. Ranen

Sen, Shri Robjn

Sharma, Shri R. R.

Sivasamy, Shri M. S.

Subravelu, Shri

Ulaganambi, Shri R. P.

Vajpayee, Shri Atal Bihari

Verma, Shri Phool Chand

Vishwanathan, Shri G.

Yadav, Shri G. P.

NOES

Afzalpurkar, Shri Dharamrao

Ahirwar, Shri Nathu Ram

Ambesh, Shri

Ankineedu, Shri

Ansari, Shri Ziaur Rahman

Arvind Netam, Shri

Aagar Hussain, Shri

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Banamali Babu, Shri

Barman, Shri R. N.

Bassappa, Shri K.

Basumatari, Shri D.

Bhargava, Shri B. N.

Bhatia, Shri D. D.

Bhuvarahan, Shri

Chandrakar, Shri Chandulal

Chandrashekharappa, Shri T. V.

*Wrongly voted for Ayes

Chaturvedi, Shri R. L.	Judeja, Shri
Chavan, Shri Yeshwantrao	Jaffer Shariff, Shri C. K.
Chawla, Shri A. N.	Jamilurrahman, Shri Md.
Chhotey Lal, Shri	Jha, Shri Chiranjib
Choudhury, Shri Moinul Haque	Joshi, Shri Popatlal
Chutten Lal, Shri	Kadam, Shri Dattajirao
Das, Shri Dharnidhar	Kadam, Shri J. G.
Deo, Shri S. N. Singh	Kahandole, Shri Z. M.
Deshmukh, Shri K. G.	Kakoti, Shri Robin
Dhamankar, Shri	Kale, Shri
Dharia, Shri Mohan	Kamala Prasad, Shri
Dinesh Singh, Shri	Kamble, Shri T. D.
Dumada, Shri L. K.	Kapur, Shri Sat Pal
Dwivedi, Shri Nageshwar	Kasture, Shri A. S.
Gandhi, Shrimati Indira	Kavde, Shri B. R.
Ganesh, Shri K. R.	Kisku, Shri A. K.
Gautam, Shri C. D.	Kotoki, Shri Liladhar
Gavit, Shri T. H.	Kureel, Shri B. N.
Ghosh, Shri P. K.	Lutfal Haque, Shri
Gill, Shri Mohinder Singh	Majhi, Shri Gajadhar
Gogoi, Shri Tarun	Malaviya, Shri K. D.
Gohain, Shri C. C.	Malhotra, Shri Inder J.
Gotkhinde, Shri	Mehta, Dr. Mahipatray
Gopal, Shri K.	Minimata Agamdas, Shrimati
Gounder, Shri T. N. T.	Mirdha, Shri Nathu Ram
Gowda, Shri Pampan	Mishra, Shri Bibhuti
Hansda, Shri Subodh	Mishra, Shri G. S.
Hari Kishore Singh, Shri	Mishra, Shri Jagannath
Ishaque, Shri A. K. M.	Modi, Shri Shrikishan

Mohammad Tahir, Shri

Naik, Shri B. V.

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, Shri Jagannath

Pandey, Shri N. N.

Pandey, Shri R. S.

Pant, Shri K. C.

Paokai Haokip, Shri

Parthasarathy, Shri

Patil, Shri S. B.

Patil, Shri T. A.

Peje, Shri S. L.

Pradhani, Shri K.

Qureshi, Shri Mohd. Shafi

Radhakrishnan, Shri S.

Raghu Ramaiah, Shri

Rai, Shrimati Sabodrabai

Raj Bahadur, Shri

Rajdeo Singh, Shri

Raju, Shri P. V. G.

Ram Dhan, Shri

Ram Swarup, Shri

Ramji Ram, Shri

Rana, Shri M. B.

Rao, Shrimati B. Radhabai A.

Rao, Shri Jaganath

Rao, Shri Rajagopala

Rao, Dr. V. K. R. Varandaraja

Raut, Shri Bhola

Reddy, Shri M. Ram Gopal

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath

Samanta, Shri S. C.

Sankata Prasad, Dr.

Satish Chandra, Shri

Satpathy, Shri Devendra

Savant, Shri Shankarrao

Sayajirao, Shri

Shankar Dev, Shri

Shankaranand, Shri B.

Sharma, Shri A. P.

Sharma, Dr. H. P.

Shashi Bhushan, Shri

Shastri, Shri Shivpujan

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shukla, Shri B. R.

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Singh, Shri Kedar Nath

Sinha, Shri Dharam Bir

Sinha, Shri N. K.

Sokhi, Shri, Swaran Singh

Stephen, Shri C. M.

Surendra Pal Singh, Shri

Page 4,—

Suryanarayana, Shri K.

for lines 13 to 15, substitute—

Swamy, Shri Sidramchwar

“detention, produce him (the man who has been detained) before a court of law to be tried under the existing law.” (28)

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Vekaria, Shri

Verma, Shri Balgovind

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

MR. CHAIRMAN : The result* of the division is :

Ayes 56 ; Noes 145.

The motion was negatived.

MR. CHAIRMAN : Now I put clause 7 to the vote of the House.

The question is :

“That Clause 7 stand part of the Bill.”

The motion was adopted.

Clause 7 was added to the Bill.

CLAUSE 8. (GROUNDS OF ORDER OF DETENTION TO BE DISCLOSED TO PERSONS AFFECTED BY THE ORDER)

SHRI DINEN BHATTACHARYYA : Sir, I beg to move :

This is the crux of the whole thing that I want to put before the House. The Bill empowers the executive authority to detain a man merely on suspicion and without giving him an opportunity to go to any court of law. My amendment is this that if anybody is detained, he may be put in jail for five days after which he must be brought before a court of law to be tried under the existing law. I don't understand why the Government which is so proud of its big majority is afraid of giving a person an opportunity to be tried under the law. Why should they not give him an opportunity to at least defend himself that he is not guilty of the charges which are brought against him and the Government should accept it. Hon. Minister, Mr. Pant is every time referring to democracy, liberty and freedom. Where will the freedom go if the little fundamental rights that we have in the Constitution are sought to be whittled down by this Bill ?

So, my point is that a man who has been detained will after five days be brought before a court of law and an opportunity given to him to get the benefit of the existing law and all charges that are brought against him should be made known to him and after that, if he was found guilty, then you can very well put him in jail. I am not against putting anybody in jail if he was really guilty of any charge. Without establishing the charges against anybody, how can you detain a person year after year and there is no limit to the detention. So, while I oppose the whole Bill, I want to

*The following members also recorded their votes :

Ayes : Dr. Jivraj Mehta, Shri Krishna Menon, Prof. S. L. Saxena, Sarvasbri Shiv Shanker Prasad Yadav, Bhagirath Bhanwar, M. S. Purty, Saroj Mukherjee, E. R. Krishnan, B. N. Reddy and Gadadhar Saha.

Noes : Sarvasbri D. P. Yadava, Hari Singh, Ram Bhagat Paswan, H. R. Gokhale, B. P. Maurya, Shrimati Savitri Shyam, Sarvasbri V. B. Tarodekar, Mulki Raj Saini, Dr. Govind Das Richhariya, Sant Bux Singh, Dalip Singh, Darbara Singh, Genda Singh, Shankar Tewari, K. C. Pandey, S. P. Verma and Mohammad Yusuf.

[Shri Dinen Bhattacharya]

emphasize that nobody should be detained without being brought to the court of law within five days of detention.

SHRI M. KALYANASUNDARAM :
A word, Sir.

MR. CHAIRMAN : Time is very short. No, please.

SHRI S. M. BANERJEE (Kanpur) : This is a fascist measure they are rushing through this House. Can't you allow us to say a word, Sir ?

MR. CHAIRMAN : Mr. Banerjee, kindly take your seat first. You had agreed that there will be guillotine after 2.30.

SHRI S. M. BANERJEE : Not at all.

MR. CHAIRMAN : We have to pass this Bill before 3 p. m.

SHRI S. M. BANERJEE : We did not agree to it.

SHRI PILOO MODY (Godhra) : How can you pass it before 3 p. m. ? I have yet to speak.

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, AND SHIPPING AND
TRANSPORT (SHRI RAJ BAHADUR) :**
This is what hon. Shri Kalyanasundaram said yesterday :

"Let the Minister reply to-day and let Mr. Vajpayee also reply to-day. Let us take up the clause by clause consideration tomorrow and finish it by 3.30 p. m."

The Speaker's ruling is :

"The decision on time limit was un-
animously adopted by the House. Now
I want to put it to the House."

..(Interruptions)

SHRI PILOO MODY : I don't think the Minister of Parliamentary Affairs should be allowed to interfere with the proceedings of the House.

SHRI S. M. BANERJEE : As a Member of the Business Advisory Committee, I made it clear to the hon. Speaker when he was in the Chair that the time will have to be extended. The House is supreme and it can extend the time.

MR. CHAIRMAN : Mr. Kalyanasundaram.

SHRI K. N. TIWARY (Bettiah) : The House never agreed for extension of time. It was decided that by 3-30 P.M. the whole business will be finished. So, unless you take the opinion of the House whether they agree or not, how can the time be extended ?

SHRI M. KALYANASUNDARAM : You send the whole opposition out and have it passed.

SHRI K. N. TIWARY : It does not depend upon the opposition ; the whole House does not mean opposition only.

SHRI M. KALYANASUNDARAM : You called me, Mr. Chairman.

MR. CHAIRMAN : Yes, you may continue.

SHRI M. KALYANASUNDARAM : Clause 8 is very dangerous, especially sub-section (2) which says :

Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

Who is the authority ? The third grade or fourth grade police officer, who collects information. That information will be piled up in the D.I.G.'s office and cyclostyled grounds will be prepared and those grounds are put as vague as possible.

MR. CHAIRMAN : You are repeating the same point.

SHRI M. KALYANASUNDARAM : I am not repeating. I had the privilege of being served with so many detention charges ; when I went through them, I found them all quite vague. The informa-

tion is furnished by the Special Branch constable not even the Inspector. These are the facts. Even in respect of furnishing of the information, here you say, details will not be disclosed. Why should it be so? Why should they be afraid like this?

If Kalyanasundaram happens to be agent of China, it is your duty to expose him before the people. Say, here is such and such evidence that Kalyanasundaram has such and such link with China. That is an honest way of dealing with political opponents. I am not here to shield anybody who is anti-national. Whoever may be in the Communist party, this country is his country. He is a citizen of this country. Only when he treats this country as his country could he come here. These police officers can make any number of concocted charges; I have myself been a victim of so many concocted charges. Honest communists are victims of so many such concoctions. You do not want to disclose the details. He cannot appeal against the police. Are you going to be defended only by the Police? This Act is going to be implemented by the Police. This Act is going to be enforced by the Police. Grounds will be supplied by the Police. The Advisory Committee will become a farce. It will be guided by the Police. Government will be guided by the Police. You know the fate of those who were only guided by the Police. In this way, you are not going to save democracy, but you are destroying democracy.

SHRI K. C. PANT: The provision contained in sub-clause (2) of Clause 8 is based on the Constitutional provision contained in Art. 22(6). Even if this provision may not be used, it is essential in the public interest that the authority should be there for not disclosing facts which are considered against public interest to be disclosed. In certain types of cases, the facts cannot be disclosed in public interest. I do not want to specify those cases, but my hon. friends can understand the types of cases that I am referring to. In those cases, revealing the facts to the detenus can further jeopardise the interests of security. There are certain types of detenus under this Act, who can be made detenus, and if you reveal the facts to them, that can be a dangerous thing. Many of the reports are intelligence

reports, and it may lead to exposure of sources for those reports. So, hon. Members can well understand that there are various implications. But the facts are placed before the advisory body, and when my hon. friend says that the grounds are very vague and very sketchy and so on, may I remind him that the Supreme Court has given various rulings on this, and the effect of it is as follows. Firstly, the grounds communicated to the detenus should be sufficient to enable him to make an effective representation and the court may examine whether the grounds are sufficient or not. Secondly, the grounds furnished should not be vague, and the courts can examine whether or not the grounds are vague. Thirdly, the grounds should not be irrelevant, and the courts can go into the question of the relevancy of the grounds.

SHRI M. KALYANASUNDARAM: You will kick me inside jail, and you are asking me to go to the court even to know the details of the grounds.

SHRI K. C. PANT: I am afraid that even in a murder case, when a man is just apprehended for murder, even then, he has to be kept in jail. The arguments can go on, and sometimes a man goes in appeal right up to the Supreme Court, and sometimes he has to spend one year in jail till his case is decided.

SHRI DINEN BHATTACHARYYA: But there are specific charges against him. The detenu knows what the charges are.

SHRI K. C. PANT: I am only pointing out that sometimes even under the ordinary law, detention is inevitable, even while the case is being tried

SHRI S. M. BANERJEE: But he knows the charges.

SHRI K. C. PANT: So, these things have to be seen in their totality, and the best way of preventing the mischief of this Act is to stay away from those activities which will bring the mischief of this Act into play.

MR. CHAIRMAN: I shall now put amendment No. 28 to the vote of the House.

[Mr. Chairman]

The question is :

'Page 4, for lines 13 to 15, *substitute*—

"detention, produce him (the man who has been detained) before a court of law to be tried under the existing law." ' (28)

Let the Lobby be cleared.

The Lok Sabha divided :

Division No. 7] AYES [15.04 hrs.

Bade, Shri R. V.

Balathandayutham, Shri

*Banera, Shri Hamendra Singh

Benerjee, Shri S. M.

Berwa, Shri Onkar Lal

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Bhaura, Shri B. S.

Bosu, Shri Jyotirmoy

Brahman, Shri Rattanlal

Chandrappan, Shri C. K.

Chauhan, Shri Bharat Singh

Chittibabu, Shri C.

Das, Shri R. P.

Deb, Shri Dasaratha

Deo, Shri P. K.

Dhandapani, Shri

Dhote, Shri Jambuwant

Dutta, Shri Biren

Ghosh, Shrimati Bibha

Guha, Shri Samar

Gupta, Shri Indrajit

Halidar, Shri Madhuryya

Halder, Shri Krishna

Hazra, Shri Manoranjan

Janardhanan, Shri C.

Jha, Shri Bhogendra

Joarder, Shri Dinesh

Kalyanasundaram, Shri M.

Krishnan, Shri M. K.

Lalji Bhai, Shri

Madhukar, Shri K. M.

Manjhi, Shri Bhola

Manoharan, Shri K.

Menon, Shri Krishna

Modak, Shri B. K.

Mody, Shri Pилоo

Mohanty, Shri Surendra

Mukherjee, Shri Samar

Mukherjee, Shri Saroj

Muruganatham, Shri

Narendra Singh, H. H. Maharaja

Panda, Shri D. K.

Pandey, Dr. Laxminarain

*He voted by mistake from a wrong seat and latter informed the Speaker accordingly.

Pradhan, Shri Dhan Shah	Ansari, Shri Ziaur Rahman
Purty, Shri M. S.	Asgar Hussain, Shri
Rao, Shri M. Satyanarayan	Babunath Singh, Shri
Reddy, Shri B. N.	Bahuguna, Shri H. N.
Roy, Dr. Saradish	Banamali Babu, Shri
Saha, Shri A. K.	Barman, Shri R. N.
Saha Shri Gadadhar	Barupal, Shri P. L.
Saksena, Prof. S. L.	Basappa, Shri K.
Sambhali, Shri Ishaq	Basumatari, Shri D.
Sen, Dr. Ranen	Bhargava, Shri B. N.
Sen, Shri Robin	Bhatia, Shri D. D.
Sezhiyan, Shri	Bhuvarahan, Shri
Sharma, Shri R. R.	Chandrashekharaappa, Shri T. V.
Sivasamy, Shri M. S.	Chaturvedi, Shri R. L.
Subravelu, Shri	Chavan, Shri Yeshwantrao
Swatantra, Shri Teja Singh	Chawla, Shri A. N.
Ulaganambi, Shri R. P.	Chhotey Lal, Shri
Vajpayee, Shri Atal Bihari	Choudhury, Shri Moinul Haque
Verma, Shri Phool Chand	Chhuttan Lal, Shri
Viswanathan, Shri G.	Dalbir Singh, Shri
Yadav, Shri G. P.	Dalip Singh, Shri
	Darbara Singh, Shri
	Deo, Shri S. N. Singh
	Deshmukh, Shri K. G.
	Dhamankar, Shri
	Dharia, Shri Mohan
	Dinesh Singh, Shri

NOES

Afzalpurkar, Shri Dharmarao
 Ahirwar, Shri Nathu Ram
 Ambesh, Shri

Dumada, Shri L. K.

Dwivedi, Shri Nageshwar

Gandhi, Shrimati Indira

Ganesh, Shri K. R.

Gavit, Shri T. H.

Genda Singh, Shri

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gotkhinde, Shri

Gopal, Shri K.

Gounder, Shri T. N. T.

Gowda, Shri Pampan

Hansda, Shri Subodh

Hari Singh, Shri

Ishaque, Shri A. K. M.

Jadeja, Shri

Jaffer Shariff, Shri C. K.

Jamilurrahman, Shri Md.

Jha, Shri Chiranjib

Joshi, Shri Popatlal

Kadam, Shri Dattajirao

Kahandole, Shri Z.M.

Kakoti, Shri Robin

Kale, Shri

Kamala Prasad, Shri

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Kasture, Shri A. S.

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Kisku, Shri A. K.

Kureel, Shri B. N.

Lutfal Haque, Shri

Majhi, Shri Gajadhar

Malaviya, Shri K. D.

Malhotra, Shri Inder J.

Maurya, Shri B. P.

Mehta, Dr. Jivraj

Mehta, Dr. Mahipatray

Minimata Agamdas, Shrimati

Mirdha, Shri Nathu Ram

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Modi Shri, Shrikishan

Mohammad Tahir, Shri

Mohammad Yusuf, Shri

Mohsin, Shri

Naik, Shri B. V.

Nimbalkar, Shri

Orson, Shri Kartik

Oraon, Shri Tuna

Rana, Shri M. B.

Oza, Shri Ghaushyam

Rao, Shrimati B. Radhabal A.

Pahadia, Shri Jagannath

Rao, Shri Jaganath

Painuli, Shri Paripoornanand

Rao, Shri Rajagopala

Pandey, Shri K. C.

Rao, Dr. V. K. R. Varandaraja

Pandey, Shri N. N

Raut, Shri Bhola

Pandey, Shri R. S.

Reddy, Shri M. Ram Gopal

Pant, Shri K. C.

Richhariya, Dr. Govind Das

Paokai, Haokip, Shri

Rohatgi, Shrimati Sushila

Parashar, Shri Narain Chand

Roy, Shri Bishwanath

Parthasarathy, Shri

Samanta, Shri S. C.

Paswan, Shri Ram Bhagat

Sankata Prasad, Dr.

Patil, Shri, S. B.

Sant Bux Singh, Shri

Patil, Shri T. A.

Sarkar, Shri S. K.

Peje, Shri S. L.

Satish Chandra, Shri

Pradhani, Shri K.

Satpathy, Shri Devendra

Qureshi, Shri Mohd. Shafi

Savant, Shri Shankarrao

Radhakrishnan, Shri S.

Savitri Shyam, Shrimati

Raghu Ramaiah, Shri

Sayajirao, Shri

Rai, Shrimati Sahodrabai

Shankar Dev, Shri

Raj Bahadur, Shri

Shankaranand, Shri B.

Rajdeo Singh, Shri

Sharma, Shri A. P.

Raju, Shri P. V. G.

Sharma, Dr H. P.

Ram Dhan, Shri

Sharma, Shri Madhoram

Ram Swarup, Shri

Shashi Bhushan, Shri

Ramji Ram, Shri

Shastri, Shri Ramanand

Shastri, Shri Shivpujan

Shetty, Shri K. K.

Shinde, Shri Annasaheb P.

Shiva Chandika, Shri

Shukla, Shri B. R.

Siddayya, Shri S. M.

Siddheshwar Prasad, Shri

Sinha, Shri Dharam Bir

Sinha, Shri N. K.

Sokhi, Shri Swaran Singh

Stephen, Shri C. M.

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

Swamy, Shri Sidrameshwar

Tarodekar, Shri V. B.

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Vekaria, Shri

Verma, Shri Balgovind

Vikal, Shri R. C.

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadava, Shri D. P.

MR. CHAIRMAN : The result* of the division is :

Ayes 66 ; Noes 158.

The motion was negatived

MR. CHAIRMAN : The question is :

"That clause 8 stand part of the Bill"

The motion was adopted.

Clause 8 was added to the Bill.

AN HON. MEMBER : It is past three now. What about the Punjab Budget due to be presented at 3 P. M. ?

15.00 hrs.

[MR. SPEAKER *in the Chair*]

MR. SPEAKER : I think when members settled about the time they did not care for the technicalities. I wanted to put it to the House at 2.30 P. M. But they said 'No'.

SHRI INDRAJIT GUPTA : The Minister of Parliamentary affairs read out the record just now ; it is 3.30 P. M.

MR. SPEAKER : Anyway it is not a constitutional provision that it must come at 3 P. M. It can come after the Bill.

SHRI ATAL BIHARI VAJPAYEE : We would like to hear the Minister.

MR. SPEAKER : This Bill must first be disposed of ; this is the third extension we are having.

SHRI ATAL BIHARI VAJPAYEE : Where is the Budget ?

* The following members also recorded their votes :—

Ayes : Sarvashri Shiv Shanker Prasad Yadav, E. R. Krishnan and Somnath Chatterjee ;

Noes : Sarvashri Dharnidhar Das, C. D. Gautam, Ankineedu, R. P. Yadav, Shankar Tewari, J. G. Kadam and C. M. Tewari

SHRI INDRAJIT GUPTA : Your State will be without a budget.

MR. SPEAKER : Does not matter ; we are without many other things. I think there is nothing very special necessitating its presentation at 3. M.

प्रधान मंत्री, परमाणु ऊर्जा मंत्री, गृह मंत्री तथा सूचना और प्रसारण मंत्री (श्रीमती इन्दिरा गांधी) : आ तो जाना चाहिए क्योंकि राज्य सभा में भी जाना है ।

MR. SPEAKER : We can take it up after this Bill.

Clause 9 (Constitution of Advisory Boards)

SHRI DINEN BHATTACHARYYA : I beg to move :

Page 4, for clause 9, substitute—

"9. The Central Government and each State Government shall, as the case may be, offer all kinds of help including financial help to the detenu so that he may get the assistance of legal practitioner to conduct his case in the court." (29)

This follows an earlier amendment I had moved.

SHRI DINEN BHATTACHARYYA : My amendment No. 29 is consequential to amendment No. 28. The purpose of the amendment is this, that after five days, when the detenu is produced before the court, he may not have the opportunity of engaging a lawyer etc. So the amendment says that he should be given financial and other assistance for the purpose to defend his case before the court.

SHRI BIBHUTI MISHRA (Motihari) : I beg to move :

Page 4, lines 21 and 22,—

omit "or have been, or are qualified to be appointed as," (40)

अध्यक्ष जी, मैं यह कहना चाहता हूँ कि जो व्यक्ति जज की योग्यता रखता है या जो रिटायर्ड जज है उसको रखने के सम्बन्ध में यहाँ पर बहुत से माननीय सदस्यों ने एतराज किया है। इसलिए मेरा अमेन्डमेन्ट यह है कि हाई कोर्ट का जो सिटिंग जज ही उसी को बोर्ड में रखा जाये। जो व्यक्ति जज होने लायक है या जो रिटायर्ड जज है उसके बारे में लोग यही सोचेंगे कि यह सरकार के पक्ष में अपनी राय जाहिर कर रहा है क्योंकि इससे उसको फायदा हो सकता है। लोगों को इस प्रकार की शंका उसके प्रति हो सकती है। इसीलिए मैं चाहता हूँ कि हाई कोर्ट के सिटिंग जज को ही यह काम सौंपना चाहिए। कल फ्रैंक ऐंथनी साहब ने भी इस पर एतराज किया था। दूसरे वकीलों ने भी इस पर एतराज किया है। इसलिए मैं समझता हूँ यह बहुत जरूरी अमेन्डमेन्ट है और सरकार को इसे मान लेना चाहिए।

SHRI ATAL BIHARI VAJPAYEE : I beg to move :

Page 4, line 22,—

omit "or are qualified to be appointed as," (57)

अध्यक्ष जी, यदि आप पुरानी कार्यवाही उठाकर देखेंगे तो पायेंगे कि इस सवाल पर बहुत बहस हुई थी। हाई कोर्ट का जज रखना अलग बात है लेकिन ऐसे व्यक्ति को एडवाइजरी बोर्ड में रखना जो कि हाई कोर्ट का जज बन सकता है वह दूसरी बात है। जैसा कि कल ऐंथनी साहब ने कहा था कि जब वकीलों को कोई मुकदमा नहीं मिलता है उनके लिए एडवाइजरी बोर्ड के दरवाजे खुले रहते हैं। इसलिए मैं समझता हूँ यह संशोधन मान लेना चाहिए कि एडवाइजरी बोर्ड में हाई कोर्ट का सिटिंग जज होगा। मेरा संशोधन भी यही है।

SHRI K. C. PANT : The simple point is that there may be many situations in the States where serving Judges are simply not available for this kind of work. Therefore, we have to provide for this.

MR. SPEAKER : I put amendment No. 29 to the House.

Amendment No. 29 was put and negatived.

MR. SPEAKER : The question is : 'Page 4, lines 21 and 22,—

omit " , or have been, or are qualified to be appointed as," ' (40)

The Lok Sabha divided :

Division No. 8] AYES [15.16 hrs.

Balathandayutham, Shri

Banera, Shri Hamendra Singh

Banerjee, Shri S. M.

Berwa, Shri Onkar Lal

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Bhaura, Shri B. S.

Bosu, Shri Jyotirmoy

Brahman, Shri Rattanlal

Chandrappan, Shri C. K.

Chatterjee, Shri Somnath

Chauhan, Shri Bhara Singh

Deb, Shri Dasaratha

Deo, Shri P. K.

Dhandapani, Shri

Dhote, Shri Jambuwant

Dutta, Shri Biren

Ghosh, Shrimati Bibha

Guba, Shri Samar

Gupta, Shri Indrajit

Halder, Shri Madhuryya

Halder, Shri Krishna

Hazra, Shri Manoranjan

Janardhanan, Shri C.

Joarder, Shri Dinesh

Kalyanasundaram, Shri M.

Krishnan, Shri E. R.

Krishnan, Shri M. K.

Lalji Bhai, Shri

Manoharan, Shri K.

Maran, Shri Murasoli

Modak, Shri B. K.

Mody, Shri Pitoo

Mohanty, Shri Surendra

Mukherjee, Shri Samar

Mukherjee, Shri Saroj

Muruganatham, Shri

Narendra Singh, H. H. Maharaja

Pandey, Dr. Laxminarain

Pradhan, Shri Dhan Shah.

Rao, Shri M. Satyanarayan

Reddy, Shri B. N.

Reddy, Shri Eswara

Roy, Dr. Saradish

Dwivedi, Shri Nageshwar

Ganesh, Shri K. R.

Gautam, Shri C. D.

Gavit, Shri T. H.

Genda Singh, Shri

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gotkhinde, Shri

Gopal, Shri K.

Gowda, Shri Pampan

Hansda, Shri Subodh

Hari Singh, Shri

Jadeja, Shri

Jaffer Shariff, Shri C. K.

Jamilurrahman, Shri Md.

Jha, Shri Chiranjib

Kadam, Shri Dattajirao

Kadam, Shri J. G.

Kahandole, Shri Z. M.

Kakoti, Shri Robin

Kale, Shri

Kamala Prasad, Shri

Kamble, Shri T. D.

Kapur, Shri Sat Pal

Kasture, Shri A. S.

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Kisku, Shri A. K.

Kotoki, Shri Liladhar

Kuroel, Shri B. N.

Lutfal Haque, Shri

Majhi, Shri Gajadhar

Malaviya, Shri K. D.

Maurya, Shri B. P.

Mehta, Dr. Jivraj

Mehta, Dr. Mahipatray

Mirdha, Shri Nathu Ram

Mishra, Shri G. S.

Mishra, Shri Jagannath

Modi, Shri Shrikishan

Mohammad Tahir, Shri

Mohammad Yusuf, Shri

Mohsin, Shri

Naik, Shri B. V.

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pahadia, Shri Jagannath

Pandey, Shri K. C.

Pandey, Shri N. N.	Roy, Shri Bishwanath
Pandey, Shri R. S.	Sankata Prasad, Dr.
Pant, Shri K. C.	Sant Bux Singh, Shri
Paokai Haokip, Shri	Satish Chandra, Shri
Parthasarathy, Shri	Satpathy, Shri Devendra
Paswan, Shri Ram Bhagat	Savant, Shri Shankarrao
Patil, Shri T. A.	Savitri Shyam, Shrimati
Peje, Shri S. L.	Sayajirao, Shri
Pillai, Shri R. Balakrishna	Shankar Dev, Shri
Pradhani, Shri K.	Shankaranand, Shri B.
Radhakrishnan, Shri S.	Sharma, Shri A. P.
Raghu Ramaiah, Shri	Sharma, Dr. H. P.
Rai, Shrimati Sahodrabai	Sharma, Shri Madhoram
Raj Bahadur, Shri	Shashi Bhushan, Shri
Rajdeo Singh, Shri	Shastri, Shri Ramanand
Raju, Shri P. V. G.	Shastri, Shri Shivpujan
Ram Dhan, Shri	Shinde, Shri Annasaheb P.
Ram Swarup, Shri	Shiva Chandika, Shri
Ramji Ram, Shri	Siddayya, Shri S. M.
Rao, Shrimati B. Radhabai A.	Siddheshwar Prasad, Shri
Rao, Shri Jaganath	Sinha, Shri Dharam Bir
Rao, Shri Rajagopala	Sinha, Shri N. K.
Rao, Dr. V. K. R. Varadaraja	Sokhi, Shri Swaran Singh
Rauf, Shri Bhola	Stephen, Shri C. M.
Reddy, Shri M. Ram Gopal	Surendra Pal Singh, Shri
Richhariya, Dr. Govind Das	Suryanarayana, Shri K.
Rohatgi, Shrimati Sushila	Swamy, Shri Sidrameshwar
	Tarodekar, Shri V. B.

Tewari, Shri Shankar

Tiwary, Shri K. N.

Tombi Singh, Shri N.

Vekaria, Shri

Verma, Shri Balgovind

Virbhadra Singh, Shri

Vikal, Shri R. C.

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadava, Shri D. P.

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

Ayes 60 : Noes 150.

The motion was negatived.

MR. SPEAKER : He has not moved amendment No. 41.

So, I shall put amendment No. 57 to vote of the House.

Amendment No 57 was put and negatived.

MR. SPEAKER : The question is :

"That clause 9 stand part of the Bill."

The motion was adopted

Clause 9 was added to the Bill.

15.15 hrs.

PUNJAB BUDGET, 1971-72

MR. SPEAKER : Just for a minute, the Punjab Budget will be presented, and then we resume discussion of the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH) : Sir, I beg to...

SOME HON. MEMBERS : Let him read it.

MR. SPEAKER : Place everything on the Table.

SHRI K. R. GANESH : I beg to present a statement of the estimated receipts and expenditure of the State of Punjab for the year 1971-72.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : Sir, what is "place everything on the Table ?"

MR. SPEAKER : Whatever he has got.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : This is the outcome of horsetrading that these people have done.

MR. SPEAKER : We have very fine horses.

Statement

Sir, I beg to present the Budget of the State of Punjab for 1971-72. Sir, the House is aware that a Proclamation under Article 356 of the Constitution was issued by the President on the 15th June, 1971 in respect of the State of Punjab. By virtue of this Proclamation the powers of the Legislature of the State are now exercisable by or

*The following members also recorded their votes.

Ayes : Sarvaishri Krishna Menon, M. S. Purty, D. K. Panda, Robin Sen and R. P. Das.

Noes : Sarvaishri Paripoornanand Painuli, Narain Chand Parashar, Dalip Singh, T. N. T. Gounder, C. M. Tewari and Alagesan.