

12.45 hrs

RE. RIGHTS OF SUSPENDED
MEMBERS—contd.

Shri Buta Singh (Moga): I would make a request on the point raised by the hon. Member, Shri Bagri, regarding attendance of a Member of the Public Accounts Committee. The hon. Member has revealed the information that the Public Accounts Committee is going to do something beyond what is provided in the procedures of the House, there is going to be an extraordinary meeting. I think, under the circumstances, you should kindly allow him to attend.

प्रत्यक्ष महोदय : जब तक वह सस्पेंशन में है मैं ऐसा कैसे कर सकता हूँ ?

12.45 hrs.

ADVOCATES (AMENDMENT) BILL
AS PASSED BY RAJYA SABHA

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): I beg to move for leave to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 3rd November, 1965 and laid on the Table of the Lok Sabha on the 10th November, 1965.

Shri Hem Barua (Gauhati): He asks for leave to withdraw the Bill. May I know the reasons on account of which he wants to withdraw the Bill?

Mr. Speaker: The other Bill is being brought.

The question is:

"That leave be granted to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 3rd November, 1965 and laid on the Table of the Lok Sabha on the 10th November, 1965."

The motion was adopted.

Shri C. R. Pattabhi Raman: I withdraw the Bill.

12.46 hrs.

UNLAWFUL ACTIVITIES (PRE-
VENTION) BILL*

The Minister of Home Affairs (Shri Nanda): I beg to move for leave to introduce a Bill to provide for the more effective prevention of unlawful activities of individuals and associations and for matters connected therewith.

Shrimati Renu Chakravartty (Barrackpore): I would like to oppose this Bill.

डा० राम मनोहर लोहिया (फर्रुखा-
बाद) : क्या लाठी, डंडा काफ़ी नहीं है ?

Mr. Speaker: I have received notices from two hon. Members Shri Tridib Kumar Chaudhuri and Shrimati Renu Chakravartty that they want to oppose it. I can allow one Member. First, I will ask the Minister to give his reasons for introducing the Bill.

Shri Ranga (Chittoor): He is not prepared evidently.

Shri Nanda: I am prepared, fully prepared; because there is not very much to argue here, it is so patent and so simple, and one would not expect in this House that, when we are bringing a measure designed to safeguard the integrity and sovereignty of this country, there would be any difference of opinion there, we may have other differences. This Bill should have the full support of the Members.

To explain the purpose and the principle of this Bill I would just invite the attention of hon. Members to an amendment which was carried out. I would refer to sub-clause (2) of article 19. The Sixteenth Amendment Act of 1963 empowers the Gov-

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Extraordinary, Part II, section 2, dated

[Shri Nanda]

ernment to bring in reasonable restrictions on the exercise of certain rights which are conferred by Clause (1) of article 19.

Shri Hari Vishnu Kamath (Hoshangabad): Secession only. This goes beyond the scope of that Act.

Shri Nanda: Therefore, to that part there is no objection. All right, I shall then proceed with the other part.

डा० राम मनोहर लोहिया : आपत्ति
आप की शकल से है।

Shri Nanda: This legislation might have been undertaken earlier, but we felt, we thought, we hoped that those forces of secession would die out, but we are now facing a situation—the hon. Members know what is happening in a part of Assam, there are certain things happening in some other parts also.

Shri Hari Vishnu Kamath: Lift the emergency first.

Mr. Speaker: Let us hear him first.

Shri Nanda: I will now take up the other part. Besides dealing with this question of secession, there is also another part of the Bill, the purpose of which is that if there is activity aimed at overthrowing the Government established by law, by force, by violence or by doing things in pursuance of any influence of a foreign country, these are things which should be dealt with.

Shri Vasudevan Nair (Ambalappuzha): They should resign now.

श्री मधु लिमये (मुंजर) : आज की सरकार ही विदेशियों के इशारे पर नाच रही है।

Shri Nanda: I reiterate that the principles of the Bill are fully consistent with the Fundamental Rights and are subject to judicial review.

What further guarantees does the hon. Member ask for?

Shri Tridib Kumar Chaudhuri (Berhampur): The Minister has prefaced his remarks by referring to the 16th amendment of the Constitution. I have no hesitation in saying that this is not only a fraud on the Constitution but it is also a very gignatic fraud perpetrated on the public confidence also. You know that on the 18th May last the Government apparently made a gesture restricting their powers under the Defence of India Act to certain parts of the country, but here what they propose to give with one hand they are taking away by the other. Apparently the Bill is directed against secessionist activities; nobody could oppose it if it is really against secessionist activities. The real purpose of the Government is to put on the statute-book on a permanent footing the powers that they already had under the Defence of India Act..... (An hon. Member: It is even worse than that).... In a certain sense the DOI Act is a temporary provision; it is in force as long as the Emergency is there. But here these powers, these arbitrary and dictatorial powers, fascist powers, are sought to be put on the statute-book on a permanent basis. The 16th Amendment of the Constitution, or even before that amendment, our Constitution empowered the executive to put reasonable restrictions on certain fundamental rights under article 19—freedom of speech, association and all that. But at least there was this safeguard on the reasonable restriction; that at least ensured the power of the courts for judicial review. There have been a number of cases in the Supreme Court and case law is there that the very expression reasonable restriction ensures justiciability. But here under the proposed section 16 of the Bill, the powers of the court are being taken away. This means that article 19 of the Constitution is being sought to be amended on a permanent footing. I am ashamed that a man like Mr. Nanda.... (An hon. Member: Shameless man like

Mr. Nanda) comes forward with this Bill. It is a shame that while they are now abrogating their powers or restricting their powers under the DOI Act, what they are really taking now is much worse. We declare our intention to oppose this Bill lock, stock and barrel at every stage with all the power at our command and the whole Opposition is united on this.

Shrimati Savitri Nigam (Banda): Only lawless people should be afraid of this Bill. Why are my hon. friends afraid of this Bill?

Shri Tridib Kumar Chaudhuri: You are a law abiding citizen so long as it suits your Government.

डा० राम मनोहर लोहिया : मुझे सिर्फ संवैधानिक आपत्ति करनी है और कहना है कि चूंकि इस बिल में मंत्री महोदय ने जो शब्द इस्तेमाल किये हैं वह उनके इस वक्त के बयान के खिलाफ जाते हैं इस लिये यह नहीं आ सकता। उन्होंने इस वक्त शब्द इस्तेमाल किया "देश की सार्वभौमिकता", सावरेंटो आफ दि फन्ट्री। लेकिन यह बिल सिर्फ देश की सार्वभौमिकता से संबंध नहीं रखता, यह सरकार की सार्वभौमिकता से भी संबंध रखता है, सावरेंटो आफ दि गवर्नमेंट, और जो इस सरकार को उलटना चाहे, जैसे मैं उलटना चाहता हूँ, और बार बार उलटना चाहता हूँ, उस के खिलाफ यह बिल आया है। इस लिये यह बिल यहां आ ही नहीं सकता।

अध्यक्ष महोदय : किस लिये नहीं आ सकता।

Division No. 4

Abdul Rashid, Bakhshi
Abdul Wahid, Shri T.
Achuthan, Shri
Alagesan, Shri
Alva, Shri A. S.
Alva, Shri Joachin.
Anjanappa, Shri
Ankineedu, Shri
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri

Barkataki, Shrimati Renuka
Barman, Shri P. C.
Barupal Shri P. L.
Basappa, Shri
Basumatari, Shri
Bera, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhanja Deo, Shri L. N.
Bhatkar, Shri
Virendra Bahadur Singh, Shri
Bisat, Shri J. B. S.
Boroosh, Shri P. C.

Bejashwar Prasad, Shri
Brij Basi Lal, Shri
Chakraverti, Shri P. R.
Chandrabhar Singh, Shri
Chandrasekhar, Shrimati
Chandriki, Shri
Chaudhuri, Shrimati Kamala
Chaudhuri, Shri Sachindra
Chavav, Shri D. R.
Chavan, Shri Y. B.
Chavda, Shrimati Jorabai
Daljit Singh, Shri
Das, Dr. M. M.

डा० राम मनोहर लोहिया : इसलिये कि इस में सरकार को सार्वभौमिकता को बचाये रखने के लिये संविधान के इन कलमों का इस्तेमाल किया गया है जो देश के . .

Mr. Speaker: I have heard the hon. Minister as well as one Member from among those who want to oppose it. I will now put the question to the vote of the House.

डा० राम मनोहर लोहिया : क्या आप सुनेंगे नहीं मुझे। यह यहां पर आ ही नहीं सकता।

अध्यक्ष महोदय : यह फैसला देना मेरा काम नहीं है।

डा० राम मनोहर लोहिया : आप सब मंत्रियों की मदद करते हैं लेकिन कम से कम श्री नन्दा की मदद तो न करें।

अध्यक्ष महोदय : डाक्टर साहब हमेशा ही इस नतीजे पर न पहुंचा करें कि मैं डिफेंड कर रहा हूँ। यह सवाल इस वक्त नहीं उठ सकता।

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the more effective prevention of unlawful activities of individuals and associations and for matters connected therewith."

Lok Sabha divided:

13 hrs.

AYES

Das, Shri B. K.	Maniyangaden, Shri	Rattan Lal, Shri
Das, Shri N. T.	Marandi, Shri	Ray, Shrimati Renuka
Das, Shri C.	Mathur, Shri Hariah Chandra	Reddi, Dr. B. Gopala
Dasai, Shri Morarji	Mathur, Shri Shiv Charan	Reddiar, Shri
Deshmukh, Shri B. D.	Mehrotra, Shri Braj Bihari	Reddy, Shri Ramakrishna
Deshmukh Shri Shiveji Rao S.	Mehta, Shri J. R.	Reddy, Shri Surendra
Dey, Shri S. K.	Meth, Shri Jashvant	Reddy, Shrimati Yashoda
Dhuleshwar Meena, Shri	Mengi, Shri Gopal Datt	Roy, Shri Bishwanath
Dighe, Shri	Minimata, Shrimati:	Sadhu Ram, Shri
DineshSingh, Shri	Mirza, Shri Bakar Ali	Saha, Dr. S.K.
Dorai, Shri Kasinatha	Mishra, Shri Bibhuti	Sahu, Shri Rameshwar
Dubey, Shri R. G.	Mishra, Shri M. P.	Saigal, Shri A. S.
Dwivedi, Shri M. L.	Misra, Shri Bibudhendra	Saraf, Shri Sham Lal
Ering, Shri D.	Misra, Shri Shyam Dhar	Satyabhama Devi, Shrimati
Pirodia, Shri	Mohanty, Shri Gokulananda	Scindia, Shrimati Vijaya Raje
Gajraj Singh Rai, Shri	Morarka, Shri	Sen, Shri P.G.
Ganapati Ram, Shri	Mukerjee, Shrimati Sharda	Shah, Shri Manubhai
Gandhi, Shri V. B.	Munzri, Shri David	Shah, Shrimati Jayaben
Ghosh, Shri Atulya	Murti, Shri M. S.	Sham Nath, Shri
Gowdh, Shri	Muthiah, Shri	Shankarasiya, Shri
Guha, Shri A. C.	Naik, Shri D. J.	Sharma, Shri A.P.
Gupte, Shri Shiv Charan	Nanda, Shri	Sharma, Shri K.C.
Hajarnavis, Shri	Nigam, Shrimati Savitri	Sheo Narain, Shri
Hanada, Shri Subodh	Nirajan Lal, Shri	Shinde, Shri
Hervani, Shri Anwar	Oza, Shri	Shree Narayan Das, Shri
Hazarika, Shri J. N.	Paliwal, Shri:	Shyam Kumari Devi, Shrimati
Heda, Shri	Pandey, Shri R. S.	Siddhananjappa, Shri
Hem Raj, Shri	Pandey, Shri Vishwa Nath	Siddiah, Shri
Himatsingka, Shri	Pandit, Shrimati Vijay Lakshmi:	Sidheshwar Prasad, Shri
Jadhav, Shri M. L.	Panna Lal, Shri	Singh, Dr. B.N.
Jadhav, Shri Tulshidas	Pant, Shri K. C.	Sinha, Shrimati Ramdulari
Jamir, Shri S. C.	Paranmasivan, Shri	Sinha, Shri Satya Narayan
Jamunadevi, Shrimati	Patel, Shri P. R.	Sinhasan Singh, Shri
Jha, Shri Yogendra	Patel, Shri Raichawar	Sonavane, Shri
Joshi, Shri A. C.	Patil, Shri M.B.	Subbaraman, Shri
Joshi, Shrimati Subhadra	Patil, Shri S.B.	Subramaniam, Shri C.
Jyotishi, Shri J. P.	Patil, Shri S.K.	Subramanyam, Shri T.
Kabir, Shri Humayun	Patil, Shri V.T.	Sumat Prasad, Shri
Kajrolkar, Shri	Pattabhi Raman, Shri C.R.	Swamy, Shri M.P.
Kamble, Shri	Pratap Singh, Shri	Swarn Singh, Shri
Kappen, Shri	Raghuramaiah, Shri	Swell, Shri
Karuthiraman Shri	Raj Bahadur, Shri	Tantia, Shri Rameshwar
Kedaria, Shri C. M.	Rajdeo Singh, Shri	Thengal, Shri Nallakoya
Khadilkar, Shri	Raju, Shri D.B.	Thomas, Shri A.M.
Khan Shri Shah Nawaz	Ram, Shri T.	Tiwary, Shri D.N.
Khanna Shri Mehr Chand	Ram Sewak, Shri	Tiwary, Shri K.N.
Kotoki Shri Liladhar.	Ram Swarup, Shri	Tiwary, Shri R.S.
Koujalgi, Shri H. V.	Ramkrishnan, Shri P.R.	Tripathi, Shri Krishna Deo
Kripa Shankar, Shri	Ramanathan Chettiar, Shri R.	Uikey, Shri
Kureel, Shri B. N.	Ramaswamy, Shri V.K.	Upadhyaya, Shri Shiva Dutt
Lakshmikanthamma, Shrimati	Ramdhani Das, Shri	Vaishya, Shri M.B.
Laskar, Shri N. R.	Rane, Shri	Valvi, Shri
Mahishi, Dr. Sarojini	Ranga Rao, Shri	Varma, Shri Ravindra
Maimoona Sultan, Shrimati	Rao, Shri Jagannatha	Virbhadra Singh, Shri
Malachami, Shri	Rao, Dr. K.L.	Wadiwa, Shri
Manan, Shri	Rao, Shri Muthyal	Yadab, Shri N.P.
Mandal, Dr. P.:	Rao, Shri Ramapathi	Yadav, Shri Ram Herkh
Mandal, Shri J.	Rao, Shri Rameshwar	
Mandal, Shri Yamuna Prasad	Rao, Shri Thirumala	

NOES

Alvarez, Shri
Aney, Dr. M.S.
Bade, Shri
Bagri, Shri
Barua, Shri Hem
Basant Kunwari, Shrimati
Bhattacharya, Shri Dinen
Bhecl, Shri P.H.
Biren Dutta, Shri
Brij Raj Singh, Shri
Buta Singh, Shri
Chakravarty, Shrimati Renu
Chatterjee, Shri H.P.
Chaudhuri, Shri Tridib Kumar
Dasaratha Deb, Shri
Deo, Shri P.K.
Dwivedy, Shri Surendranath
Gopalan, Shri A.K.
Gupta, Shri Indrait
Gupta, Shri Kashi Ram
Gupta, Shri Priya

Imbichibava, Shri
Kakkar, Shri Gauri Shanker
Kamath, Shri Hari Vish n
Kar, Shri Prabhat
Kripalani, Shri J.B.
Kumaran, Shri M.K.
Kunhan, Shri P.
Laxmi Dass, Shri
Limaye, Shri Madhu
Lohia, Dr. Ram Manohar
Mahananda, Shri
Mahato, Shri Bhajahari
Manoharan, Shri
Masani, Shri M.R.
Mate, Shri
Misra, Dr. U.
Mukerjee, Shri H.N.
Murmu, Shri Sarkar
Muzaftar Husain, Shri
Nair, Shri N. Sreekantan
Nair, Shri Vasudevan

Omkar Singh, Shri
Pandey, Shri Sarjoo
Patsayak, Shri Kiaben
Porttekkatt, Shri
Raghavan, Shri A.V.
Ram Singh, Shri
Ramabadran, Shri
Ranga, Shri
Reddy, Shri R.N.
Reddy, Shri Eswara
Sen, Dr. Ranen
Sezhivan, Shri
Shastri, Shri Prakash Vir
Singh, Shri Y.D.
Sivasankaran, Shri
Swamy, Shri M.V.
Umanath, Shri
Venkaiah, Shri Kolla
Vimla Devi, Shrimati
Yashpal Singh, Shri
Yudhvir Singh Shri

Mr. Speaker: The result of the division is: Ayes 213†; Noes 63. The Ayes have it. Leave is granted.

The motion was adopted.

Shri Nanda: I introduce the Bill.

13 hrs.

STATEMENT RE. UNLAWFUL
ACTIVITIES (PREVENTION)
ORDINANCE, 1966

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Unlawful Activities (Prevention) Ordinance, 1966, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-6586/66].

13.01 hrs.

DEFENCE OF INDIA (AMENDMENT) BILL*

The Minister of Home Affairs (Shri Nanda): I beg to move for leave to

introduce a Bill further to amend the Defence of India Act, 1962.

श्री बागड़ी (हिंसार) मेरा एक यवस्था का प्रश्न है। सरकार के खिलाफ प्रतिस्वास आया हुआ है। जब तक उसका निर्णय नहीं हो जाता तब तक इस तरहके बिल को इंट्रोड्यूस नहीं कि जा सकता है।

अध्यक्ष महोदय : यह कोई बात नहीं है कि बिल भी इंट्रोड्यूस नहीं हो सकता है।

श्री बागड़ी : इनको इसका अधिकार नहीं है।

अध्यक्ष महोदय : नन्दा साहब इसका भी कुछ थोड़ा सा एक्सप्लेनेशन दे दें क्योंकि इसका भी मुझे नोटिस मिल है श्री टी० के० चौधरी की तरफ से कि वह इसको भी अग्रोज करते हैं।

Shri Nanda: I thought that what I was doing was in line with the wishes expressed by the House generally. There were discussions on this subject and at a certain stage—it was on the 27th April—I

Shri H. C. Soy also wanted to vote for "Ayes" vide his intimationship.

*Published in Gazette of India, Extraordinary, Part II, section 2, dated 1-8-66.