

LOK SABHA

Monday, December 12, 1960|
Agrahayana 21, (Saka)

—
The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Amendment of Criminal Law

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*830. { Shri S. M. Banerjee:
Shri Rajendra Singh:
Shri Ram Krishna Gupta:
Shri Rameshwar Tantia:
Shri Raghunath Singh:
Shri Hem Barua:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government intend to bring about an amendment in existing criminal law providing powers to Government to punish those who would by their speeches and actions challenge the integrity of the border; and

(b) if so, salient features thereof?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). Government propose to bring up before the Parliament, as soon as convenient, proposals for legislation to amend the criminal law to provide for punishment to persons who may question the territorial integrity or frontiers of India in a manner prejudicial to the safety and security of the country, and for other cognate matters.

Shri S. M. Banerjee: May I know whether there are no provisions under the present law under which such persons can be punished and, if so, the necessity for bringing in another piece of legislation?

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Shri G. B. Pant: The legislation will deal with matters which are not provided for in the existing law.

Shri S. M. Banerjee: May I know whether any kind of protest against transfer of Indian territory to any other country will also come under the mischief of the proposed law and, if so, what will be the Government's attitude towards the agitation carried on regarding the transfer of Beru Bari?

Shri G. B. Pant: I think the Bill will be placed on the Table of the House and it will be open to every Member to study its provisions and to make his comments.

Shri S. M. Banerjee: Whether such a thing will come under it, that is what I want to know....

Mr. Speaker: No argument, please.

Shri S. M. Banerjee: Whether it will cover that or not? I am afraid it may not cover.

Shri G. B. Pant: I do not know what he wants to cover. When the provisions of the Bill are there, one might see what is there and what is not there.

Shri Braj Raj Singh: May I know whether the Government have got any figures by which it could be shown as to how many persons during the last one year or so have challenged the integrity of the country and how they will be able to deal with them by the new method?

Shri G. B. Pant: The method will be shown by the Bill.

Shri Hem Barua: May I know whether the proposed legislation would also embrace group or groups of people who argue China's case for revision of the frontier in the light

of Mr. Nehru's letter dated 8th September, 1959 to Mr. Chou En-lai when it argues that part of the boundary is not delineated and that it should be settled through negotiation?

Shri G. B. Pant: Well, when the Bill is before the House it will be open to the Members to examine it, to interpret it and to make their own suggestions.

Shri Hem Barua: May we have an idea about it?

Mr. Speaker: Hon. Members must be relevant. The question relates only to passing a criminal law or to punish those people who violate it. We are not going into the question as to what exactly the border is, whether it is delineated or not—that is another matter. What is the use of putting a question to the Home Minister which ought to be put to the External Affairs Minister?

Shri Hem Barua: This is a very pertinent question, and I just want to know whether the proposed legislation is going to cover the loophole, because the loophole is natural to be there.

Mr. Speaker: What is the loophole?

Shri Hem Barua: The Prime Minister wrote a letter on the 8th September, 1959 to Mr. Chou En-lai wherein he said that part of the border is yet to be demarcated and that it should be settled through negotiation. I want to know whether it will cover that or, if somebody argues China's case that the part according to Mr. Nehru's contention should be settled through negotiation....

Mr. Speaker: The misfortune is that the hon. Member is not a lawyer. Otherwise he will realise that no court will entertain a case where nobody is sure of the case, whether a border has been violated or not. (*Interruptions*). Order, order, There is no meaning in going on like this.

Shri Hem Barua: In view of the urgency of the matter....

Mr. Speaker: I am afraid I ought not to pursue the matter. I thought a lawyer would understand this matter, and if he is an ordinary person he should go and consult a lawyer.

Dr. Ram Subhag Singh: Having regard to the urgency of the matter, when many people have been making pro-Chinese statements, may I know whether the Bill will be introduced during the current session of Parliament and also passed during this session.

Shri G. B. Pant: I hope to introduce the Bill, but whether it will be passed during the current session will depend on the time that is available for the purpose, about which I cannot give any guarantee.

Mr. Speaker: Hon. Members are anxious that it should be passed. Therefore he can rely upon them.

Dr. Ram Subhag Singh: Because it will be delayed two months if it is not passed.

Mr. Speaker: The hon. the Home Minister never delays.

Shri Braj Raj Singh: Sir, the hon. Minister did not reply to my question. How many people during the last one year or so have questioned the integrity of the country? Has the Government got any figures of that?

Shri G. B. Pant: No census has been taken of the persons who have violated the integrity in this manner.

Shri Supakar: May I know if any action under the Preventive Detention Act has been taken against such persons who have carried on activities against the integrity of the country?

Mr. Speaker: It is too premature. If hon. Members think that it is only a duplication of another Act, then it is open to raise that point; we will have the consideration stage. No Bill will be passed without the consideration stage.