

Amendment of Preventive Detention Law to provide Legal Assistance to Detenus

4929. SHRI N. E. HORO : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Supreme Court has recently suggested the amendment in connection with the preventive detention law so as to allow detenus to have legal assistance ;

(b) if so, the details thereof, and

(c) the reaction of Government thereto ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR) : (a) and (b). The Supreme Court had earlier observed in Nand Lal Bajaj Vs. State of Punjab (1981) that it was expected that Parliament while making a law to regulate the procedure before an Advisory Board under Article 22(7) (c) of the Constitution should provide the detenus the right to consult and be defended by a legal practitioner of his choice. In the same judgment the Supreme Court had observed that the matter, however, is essentially political and falls within the domain of the legislature not the judiciary. In a later judgment, in the case of A.K. Roy etc. Vs. Union of India the Supreme Court has observed that they experience difficulty in taking the view that the procedure of the Advisory Boards in which the detenu is denied the right of legal representation is unfair, unjust and unreasonable.

(c) Government's policy continues to be that a detenu held under preventive detention laws would not be allowed to appear through a legal practitioner in proceedings before the Advisory Board. However, he has the right to consult a lawyer of his choice for the purpose of pre-

paring his representation against detention or for preparing writ petition or for other proceedings for securing his release. Also if the detaining authority or the Government takes the aid of a legal practitioner or a legal adviser before the Advisory Board the detenu will be allowed the same facility.

Maintenance of Provident Fund Account by National Fertilizer Ltd.

4930. SHRI SUSHIL BHATTACHARYA : Will the Minister of LABOUR be pleased to state :

(a) whether Government have received any representation regarding the maintenance of the provident fund account of the casual labourers working on the permanent nature of jobs in the National Fertilizer Limited ;

(b) if so steps taken by Government thereon ; and

(c) if no steps are taken, the reasons for that ?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI DHARMA VIR) : (a) Yes, Sir. A reference regarding provident fund of casual labourers employed by M/s. National Fertilizers Ltd., Panipat has been received.

(b) and (c). The matter is under examination in consultation with Provident Fund authorities.

Production of Photovoltaic Cells from Energy

4931. SHRI S. B. SIDNAL : Will the Minister of SCIENCE AND TECHNOLOGY be pleased to state :

(a) whether it is proposed for mass production of photovoltaic