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Title: Further discussion on the motion for consideration of the Unlawful Activities (Prevention) Amendment Bill, 2011 moved by Shri Sushil Kumar Shinde on 29.11.2012 (Bill Passed).

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MR. DEPUTY-SPEAKER: The House will now take up Item no. 9, the Unlawful Activities (Prevention) Amendment Bill.

Shri Prabodh Panda to continue.

SHRI PRABODH PANDA (MIDNAPORE): Mr. Deputy-Speaker, I must thank you for calling me today to complete my speech. I had made some points yesterday. I want to add more points.

The Bill expands the definition of 'properties' by using the phrase 'instruments of any form, including but not limited to those listed in the original definition'. So, there is an apprehension that in the coming days more items would be included. Even the traditional instruments of the tribal people, like the bow and arrows will be included by some State Governments through their own criminal laws. In this amendment, even the lethal weapons are also included. So, this sort of thing will be very detrimental in terms of atrocities on the people. I am just referring to the use of Section 39 of the Unlawful Activities Prevention Act. It is grossly misused. Not only that, it is used to intimidate various public protests and dissents over the public policy. Dissenters are treated like criminals and it is a mockery of our freedom. In some States, if anybody questions the Chief Minister in a public meeting as to why the price of the fertilizer has increased, he is branded as a 'Maoist' and was arrested. For drawing a cartoon against the politically powerful people, the artist was arrested. It happens in West Bengal and in other parts of our country.

The hon. Minister may be knowing better the situation that is prevailing in the State of Chhattisgarh. What happened in Sarkelguda? What happened in Bijapur District? I met the hon. Home Minister in this regard. The local people do not have any right. The tribal people and the poor people do not have any right for performing the Seed Festival, which is called 'Beej Pungam'. They gathered there and firing took place. So, all sorts of misuse and abuse are taking place. ...(*Interruptions*)

So, I think it would be better not to press for passing the Bill today itself. It would be better to defer it as more scrutiny is required and more discussion is required. It is not only that; law and order is a State subject. So, all the State Governments should be taken into confidence. All the political parties should be taken into confidence. Otherwise, it would be a draconian law, like the POTA and the TADA. So, this is the apprehension.

So, I would request the Minister, through you, not to press for passing this Bill in this Session itself. Please take more time and do not be in a hurry to pass this Bill. Have discussion with the political parties, with the State Governments, and with all other stakeholders.

With these words, I conclude my speech.

SK. SAIDUL HAQUE (BARDHMAN-DURGAPUR): Mr. Deputy-Speaker, Sir, at the very outset, I would like to say that this Bill has been brought forward to meet the commitments made at the Financial Action Task Force regarding the policies to combat money laundering and terror financing.

The Bill seeks to amend the definition of a person, definition of property, definition of terrorist act including threat to economic security of India and damage to its monetary stability. Now, my first point is that if the purpose is to face the challenge of economic security of India and the damage to its monetary stability by production, smuggling or circulation of high quality counterfeit Indian currency, there are a number of laws and amendments to deal with them. If needed, another separate law may be brought forward. But, without doing so, to include it in the UAPA, there is every possibility of its being misused.

What is our experience with the UAPA so far? The UAPA was amended in 2004 and 2008. In the 2008 amendment, some of the draconian provisions of the POTA were again brought back. As a result, who are made the victims? The Muslim youth were the most vulnerable victims of the draconian provisions. The draconian provisions of the UAPA are used to deny the normal process of justice, while there is no time-bound procedure for the judicial process. In some cases, these young men

have been incarcerated for ten to fourteen years as under-trials and then finally acquitted by the courts as being innocent. Several reliable groups of concerned citizens and organizations including the Delhi Teachers Solidarity have collected the details of these cases, they have revealed how the court judgments themselves have strongly indicted the investigation agencies for the biased mentality against the Muslim youth and in several cases, manipulation and presentation of concocted evidence against the innocent young men was proved. Many of them were arrested arbitrarily when they were just eighteen or nineteen years of age, implicated in dozens of cases, incarcerated for over ten years and each of them was, as held by the courts, innocent. This happened in Delhi, Uttar Pradesh, Maharashtra, Jammu & Kashmir, Andhra Pradesh and in other parts of the country. If you like, I may give the list. No compensation and rehabilitation have been given to them. No punishment has been given to the investigating officers who have concocted or misrepresented the evidence, for which these muslim youths were forced to put into a number of years in jail. No accountability on the guilty police officers and intelligence agency has been sought by the Government.

At the time of the passage of the 2008 amendment of the Act, our Party CPI(M) had warned of the consequences of keeping such provisions which were akin to TADA and POTA. Experience has shown the legitimacy of the apprehensions expressed at that time.

At this backdrop, Government puts forth another amendment without reviewing and reconsidering the draconian provisions that have already been there in the UAPA. So, review and reconsideration of the UAPA is the urgent need of the time. Without doing so, the Government puts forth the amendment. Such amendments will make it more stringent and the possibility of misuse might occur again.

Now, as to the present Bill, the first objection is about the definition of a person which includes "an individual, a HUF, a company, a firm, an association of persons, any agency, office or branch owned and controlled by any person."

This is a serious thing. A person means a person only and the terminology should be restricted to its general usage in criminal law. The Standing Committee has also recommended to that effect. At the same time, bringing an association of persons or body of individuals under the definition of person will or may give leverage to the investigating officer and could lead to harassment. This provision may allow misuse of the Act because a person who may be completely unaware of the terrorist activities done by any other person of that body or organization will be subject to punishment or harassment. The same possibility is very much there where it is told about raising funds. It is proposed that funds to be used or intended to be used for aiding or supporting terrorist activities would come under this provision.

Now, the question is this: By what mechanism will it be proved that the fund is intended to be used for terrorist activities? Is there no chance of misuse? The provision may even paralyze statutory bodies which are supposed to protect the rights of citizens like Human Rights Commission. The UAPA had failed to curb problem of Maoists menace or terrorist activities done by them or by the terrorist groups of North-Eastern States which have their own private militia and raise financial resources by extorting money from agencies of development projects. But after the Mumbai attack on 26/11 of 2008, UAPA was used to target a particular community of the country. Has it showed justice? How far is it right or fair to confiscate movable or immovable property on the basis of material evidence when the trial cannot be concluded on account of the death of the accused, as it is proposed in the Bill?

So, my particular suggestion is that without hurrying in passing the Bill, it is better to defer the Bill and have much consultation about this Bill, and to make, review and reconsider of the draconian provisions in the Unlawful Activities Prevention Act. Then, we can consider the Bill. Hence, I would like to kindly request the hon. Home Minister to give up the Bill for further discussion.

With these words, I conclude.

**श्री अर्जुन राय (सीतामढ़ी):** उपाध्यक्ष महोदय, गैरकानूनी गतिविधि रोकथाम कानून (संशोधन) विधेयक, 2011, मूल विधेयक 1967 में लाया गया। देश की संप्रभुता और अखंडता को अक्षुण्ण रखने के लिए जो गैरकानूनी कार्य हो रहे थे, उस पर रोकथाम के लिए इसे लाया गया। वर्ष 2004 में इसमें आतंकवादी गतिविधियों को जोड़ा गया और वर्ष 2008 में आतंकवादी गतिविधियों में फंड की व्यवस्था को भी इसमें जोड़ा गया।

में इसके बारे में दो-चार बातें कहना चाहता हूँ। आपने इस संशोधन विधेयक में दंड का यह प्रावधान किया है कि देश या देश से बाहर, प्रत्यक्ष या अप्रत्यक्ष रूप से, विधिसम्मत या गैर-विधिसम्मत रूप से अगर कोई व्यक्ति धन की व्यवस्था करता है, जिसका उपयोग आतंकवादी गतिविधियों में किया जाता है, तो उसके लिए दंड का प्रावधान किया गया है।

में इसमें दो बातें कहना चाहता हूँ। एक - स्टैंडिंग कमेटी ने सात साल के दंड के प्रावधान के लिए रिकमेंड किया था, लेकिन आपने उसे पांच साल कर दिया है। दूसरा, आपके पास जो एजेंसी, मैकेनिज्म है, वह इतनी कामप्लीकेटेड है कि कोई धन, साधन, संसाधन, जिसका उपयोग आतंकवादी गतिविधियों में किया जा सकता है, आप उसका कैसे पता लगाएंगे, उस बारे में बिल में आपने कुछ नहीं कहा है।

गृह मंत्री जी, आप शुरुआत में जो संशोधन विधेयक लाए, उसमें आपने व्यक्ति को परिभाषित किया है। आप व्यक्ति, हिन्दु अविभाक्त कुटुम्ब, कोई कम्पनी, फर्म को इस बिल के अंतर्गत लाए हैं। मैं बताना चाहता हूँ कि हिन्दु समाज के संयुक्त परिवार में रहने वाला कोई व्यक्ति अपराध करता है, तो पूरे परिवार के लोग उसमें सजा के भागीदार होते हैं। स्टैंडिंग कमेटी ने इस पर गहराई से विचार किया। लॉ डिपार्टमेंट और होम अफेयर्स डिपार्टमेंट ने भी इस पर कई बार अपनी बातें रखीं। स्टैंडिंग कमेटी के मैम्बर्स देश के जाने-माने लोग हैं। स्टैंडिंग कमेटी ने इसे रिफ्यूज कर दिया। स्टैंडिंग कमेटी ने कहा -

"The Committee is not convinced by the inclusion of 'Hindu Undivided Family' under the term 'person' in the Unlawful Activities (Prevention) Bill, 2011. The Committee feels that a person means a person only and the terminology should be so used which is generally used in the criminal law. However, since the Home Secretary has agreed to change the definition, the Committee suggest that a *via media* may be found under which HUF is not brought under the purview of UAPA Act."

शुरू में आपके होम डिपार्टमेंट और सेक्रेटरी ने इसमें शामिल करने की बात कही, लेकिन बाद में जब सहमति बन गयी कि संयुक्त परिवार को इसमें शामिल नहीं करेंगे, फिर क्या जरूरत थी कि आप यह जो संशोधन विधेयक लाए हैं, उसमें संयुक्त परिवार को शामिल कर दिया? पीसी चाको साहब भी बोल रहे थे कि यह एकदम गैरवाजिब है। नियम के प्रतिकूल और सामाजिक ढांचे के प्रतिकूल आप इस संशोधन विधेयक को लाए हैं। मैं आपसे निवेदन करना चाहता हूँ कि स्थायी समिति की जो रिपोर्ट है और जो समाज की सत्ता है कि संयुक्त परिवार में यदि कोई व्यक्ति क्रिमिनल ऑफेंस करता है, आतंकवादी गतिविधि में शामिल होता है, तो पूरा परिवार उसके लिए जिम्मेवार नहीं होता है। हम लोगों के इलाके में परिवार का जो मुखिया होता है, उसे मालूम भी नहीं होता है और अगर परिवार में कोई व्यक्ति इस तरह की एक्टिविटी में लग जाता है, तो पूरे परिवार को इसके लिए पनिश करना, कहीं से भी वाजिब प्रतीत नहीं होता है। आपने धारा 22क, ख, ग का इसमें अंतःस्थापन किया है, उसके लिए हम आपको धन्यवाद देते हैं।

इस देश में बहुत से कानून बने, लेकिन उनके एग्जीक्यूशन की व्यवस्था आपने ठीक से नहीं की। अगर किसी सोसाइटी, कंपनी, न्यास के द्वारा फण्ड की व्यवस्था की जाती है, अनलॉफुल एक्टिविटी की जाती है, तो उसे आप जिम्मेवार मानते हैं क्योंकि उसका कोई निदेशक, पदाधिकारी या कंसर्नड व्यक्ति उसमें इनवाल्व्ड होता है। लेकिन आपने इसमें लिखा है कि अगर वह साबित कर देता है कि इसमें मेरा इनवाल्वमेंट नहीं है, तो उसे आप बरी भी कर देंगे। कोई व्यक्ति किसी कंपनी में सी.एम.डी. या चेयरमैन होता है, अगर सीएमडी कोई अनलॉफुल एक्टिविटी कर देता है, चेयरमैन को नहीं मालूम होता है, तो पूरी कंपनी दोषी है। अगर कोई बड़ा व्यक्ति कंपनी में नीचे के किसी आदमी से अनलॉफुल एक्टिविटी करा देता है, तो कंपनी बच जाती है, क्योंकि उसके कंसर्नड पदाधिकारी की उसमें इनवाल्वमेंट नहीं है। हम आपसे चाहेंगे कि आप इस पर भी अपना स्पष्ट मन्तव्य दें। इसमें सुधार किया जाना चाहिए।

उपाध्यक्ष जी, विधेयक में प्रावधान किया गया है कि आतंकवादी गतिविधि में शामिल संगठन को गैर-कानूनी घोषित करने की अवधि दो साल से पांच साल कर दी जाए, लेकिन पांच साल बाद क्या होगा? क्या जो संगठन आतंकवादी गतिविधि में शामिल है, उसे हमेशा के लिए समाप्त नहीं किया जा सकता है, हमेशा के लिए प्रतिबंधित नहीं किया जा सकता है? उस पर लम्बी अवधि तक प्रतिबंध क्यों नहीं लगाया जा सकता है? लम्बी अवधि तक प्रतिबंध लगने से उसकी एक्टिविटी हमेशा के लिए समाप्त हो जाएगी। आपने जब यह कानून बनाया, तो देश भर में विभिन्न इलाकों में इस तरह के संगठन चलते हैं और राज्यों की जिस तरह से राय और पूरा सहयोग लिया जाना चाहिए था, वह नहीं हुआ। इसमें केवल कर्नाटक एवं दमन-दीव की बात आई है।

महोदय, हमारे इलाके से जुड़ी हुई एक बात है। आपने आतंकवादी गतिविधि के अंतर्गत जाली नोट के कारोबार को भी शामिल किया है। इसके लिए मैं आपको धन्यवाद देता हूँ। इससे एक मानसिक दबाव बनेगा। हमारा इलाका नेपाल से सटा हुआ है, जहां पर बड़े पैमाने पर हथियार और नकली नोटों का कारोबार होता है और सबसे दुखद बात यह है कि बॉर्डर इलाके में आपकी जो एस.एस.बी. है, जो आपका सुरक्षा पृथरी है, उसके सहयोग से यह एक्टिविटी चलती है। इसलिए मैं आपसे निवेदन करता हूँ कि आपके मंत्रालय के अधीन जो भी बॉर्डर सिक््योरिटी की एजेंसी है, जो ठीक से काम नहीं कर रही है, उस पर भी कड़ाई से अंकुश लगाने के लिए कोई मैकेनिज्म डेवलप कीजिए अन्यथा कानून आप अच्छे-अच्छे बना लेंगे, लेकिन एग्जीक्यूशन नहीं हो पाएगा, उसका कोई रास्ता आप नहीं निकाल पाएंगे।  
...(व्यवधान)

उपाध्यक्ष महोदय : अब कुछ भी रिकॉर्ड में नहीं जाएगा।

...(व्यवधान) \*

श्री अर्जुन राय : इन्हीं बातों के साथ इस संशोधन बिल का अंशतः समर्थन करते हुए मैं अपनी बात समाप्त करता हूँ।

SHRI BHARTRUHARI MAHTAB (CUTTACK): Mr. Deputy-Speaker, Sir, I stand here today to participate in this discussion on the Unlawful Activities Prevention Act 1967 which was enacted for certain specific reasons to provide effective prevention of unlawful activities of individuals and associations in the late 1960s.

The scope of the Act was widened in 2004 by bringing the terrorist activities under its ambit. Now it is going to include terrorist financing. The UAPA was amended in 2004 by criminalizing raising of funds for terrorist acts, holding proceeds of terrorism, membership of a terrorist organisation, support given to a terrorist organisation and raising funds for a terrorist organisation.

Further in 2008, this UAPA was amended by enlarging the scope of the provisions of "funds" to ensure a broader coverage of the financing of terrorism offences. The definition of property was expanded to bring the legislation in line with the requirements of the International Convention of the Suppression of Financing of Terrorism. A new section 51 (a) was inserted to give effect to the Union Nations Security Council Resolution 1267 and 1373 and to establish a mechanism for freezing, seizing and attaching funds. All these powers have been vested with the police force today.

My question is, has that been executed in any manner in our country? Has this empowerment been able to create fear amongst the minds of those who are indulging in terrorist activities? Has it persuaded their family members to pressurize them not to indulge in such fissiparous activities? The answer is 'No'. If the Government thinks otherwise, the hon. Minister may say how it has helped to curtail terrorist activities in our country and who are being prosecuted by this provision of the law.

This House is aware that on the basis of commitment made by India at the time of admission to the Financial Action Task Force various legislative and other legally binding measures are being taken. But the question is, has it been effective in preventing unlawful activities and dealing with the terrorist activities?

This FATF is an inter-governmental body founded in 1989. It has 36 members. As far as I understand, Asian member countries are India, Japan, China, South Korea, Singapore and Hong Kong. I specifically mention these six names because these are the only Asian countries which are members of FATF. But are these countries the cradle or nerve centres of terrorist activities? Yes, I understand that the primary policies issued by the FATF are the 40 recommendations on money laundering and nine special recommendations on terrorist financing.

The amendment in Section 15 of the principle Act with a purpose of enlarging the ambit of "terrorist acts" by incorporating the economic security of the country and to protect the monetary stability of our country by counterfeit Indian currency is being covered. Was the law not sufficient enough earlier that one has to bring in "terrorist tag" into this? By doing this, the domain of counterfeit notes that are being circulated comes from Finance to the Ministry of Home Affairs.

I give an instance, Mr. Deputy-speaker, Sir, and you will understand it better. To give relief as a bad doctor goes on prescribing high dose of medicine to a patient one after another and finally the patient dies, my apprehension is that we are moving in that direction. It is enforcement of law that is needed, not empowerment. What happened in U.P.? Bank lockers were utilised to keep counterfeit notes in the safe. This was reported widely.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI BHARTRUHARI MAHTAB: The Standing Committee on Finance gave a report on this issue. Has the Government taken any action on that news item? A number of persons were apprehended but what action has been taken? ...(*Interruptions*) That report was before the Government. The Standing Committee on Finance is still awaiting the action taken note on that. By enlarging the scope of Section 17 of the Act, raising of funds both from legitimate or illegitimate sources by terrorist organizations or by terrorist gangs or by an individual terrorist is a terrorist act. Confiscation of proceeds of terrorism also forms a part of the definition of funds for financing of terrorism.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI BHARTRUHARI MAHTAB : I need two-three minutes to speak, Sir.

MR. DEPUTY-SPEAKER: No, we are short of time.

SHRI BHARTRUHARI MAHTAB : That is why yesterday I had insisted that this is an Act...(*Interruptions*)

MR. DEPUTY-SPEAKER: You take only one minute.

SHRI BHARTRUHARI MAHTAB: No, Sir, I cannot complete within one minute.

MR. DEPUTY-SPEAKER: What will I do? There are so many Members to speak.

SHRI BHARTRUHARI MAHTAB : I will complete it. I need two-three minutes. That is all. I think this interruption will only prolong the discussion.

As I was saying, confiscation of proceeds of terrorism also forms a part of the definition of funds for financing of terrorism. I hope, dirty money that is being invested in stock market, real estate and many other lucrative businesses will now be targeted or confiscated. I am glad that because the Standing Committee put its foot down on the definition, on the term 'person', an amendment is being moved by the hon. Minister, by the Government stating that the person is an individual. I think the misconception that is going around, perhaps needs to be corrected. Whatever I understood is that a person means an individual and not a Hindu Undivided Family...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please conclude.

SHRI BHARTRUHARI MAHTAB : Sir, I am speaking on the Act. If I get disturbed like this, then I have nothing to say.

MR. DEPUTY-SPEAKER: There are seven Members yet to speak.

SHRI BHARTRUHARI MAHTAB : This is an Act which tramples into the individual liberty of the citizens. That is why we need more time to discuss this.

By adopting this amendment, I would like to know from the hon. Minister, whether the Union Government will proceed against those persons and organizations who do not fail to sympathise collect funds for LTTE and publicly oppose the ban that is imposed on it.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI BHARTRUHARI MAHTAB : I remember today what I had said some years back when POTA was being discussed in the Joint Session of Parliament in the Central Hall.

MR. DEPUTY-SPEAKER: You have taken 10 minutes.

SHRI BHARTRUHARI MAHTAB : At that time, I had quoted, 'this is the best of times and this is the worst of times', as it was said in 'A Tale of Two Cities'. To deal with extraordinary situations, extraordinary decisions are needed to be taken. I had expressed my apprehension about the possible misuse of this special power. Today, when I stand here to deliberate on the amendment of UAPA, I would again reiterate that the State as an apparatus has failed to ensure accountability.

उपाध्यक्ष महोदय : रिकार्ड में नहीं जा रहा है।

(*Interruptions*)\* अँँँ

SHRI BHARTRUHARI MAHTAB : Then what is the point in standing here.

MR. DEPUTY-SPEAKER: You have taken lot of time.

SHRI BHARTRUHARI MAHTAB : Sir, this is not the way. Allow me to complete.

MR. DEPUTY-SPEAKER: How much time will you take?

SHRI BHARTRUHARI MAHTAB : I asked you for three minutes and you had taken two minutes from it. Allow me to complete. If smaller parties are not allowed to participate in this Bill, then there is no point in giving our names and participating in this discussion. Only two or three major parties will participate. Let us make that the formula.

SHRI ASADUDDIN OWAISI (HYDERABAD): Please do not cut our time, Sir.

SHRI BHARTRUHARI MAHTAB : When I raised this issue yesterday, I was assured by the hon. Home Minister, the Leader of this House, that ample opportunity will be given. He is on record.

Today, when I stand here to deliberate on the amendment of UAPA, I would again reiterate that States, as an apparatus, have failed to ensure accountability of the guilty police and intelligence officials regardless of the political composition of Governments, that every "special law" to deal with extraordinary circumstances is misused. The rot is initiated by the exploitation of such legislation for political vengeance, and gives unprincipled police opportunity to run riot. Being an experienced former officer of that force, I hope, he, the present hon. Home Minister, understands the problem.

Therefore, my suggestion is that effective police reform remains the need of this hour. .

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SHRI R. THAMARASELVAN (DHARMAPURI): Thank you, Deputy-Speaker, Sir. I would not take more than two or three minutes.

Thank you very much for allowing me to participate on a significant Bill namely the Unlawful Activities (Prevention) Amendment Bill, 2011. Sir, I welcome the amendments brought before this august House by the hon. Minister and I support the Bill.

With the amendment, the Government intends to make Unlawful Activities (Prevention) Amendment Bill, more effective in preventing unlawful financial activities, money laundering, terror financing and circulation of fake Indian currency notes and term such acts as terror activities.

By amending Section 6 of the Principle Act, the Bill enhances the period of two years from five years, for which an association involved in terrorists acts, including terror financing will be declared unlawful.

The amendments widen the definition of terrorists act by including activities that threaten the economic security of our country and damage its monetary stability by production, smuggling or circulation of high quality of counterfeit currencies. These are all welcome steps.

The Bill also proposes penal action against persons involved in participating or organizing, or directing fund raising activities for any terrorists acts irrespective of the fact whether the source is legitimate or illegitimate. Besides, the Bill is sought to expand the definition of the person who can be charged under this Bill, including Hindu Undivided Family, a firm, an association, or body of individuals. In my opinion, this provision will pave the way for its misuse because a person who may be completely unaware of the terrorist activities of his sibling would be in trouble. The Standing Committee had also raised objections to it which provided under Section 2 of this Bill. The hon. Minister may kindly take note of it and rethink about this provision so far as it relates to inclusion of Hindu Undivided Family is concerned.

I would also like to bring to the notice of the Government that there is a widespread apprehension among the minority communities in the country that the said amendment will be misused by the Government servants, police, etc., to target the innocent people from the minority communities. They want its repeal as it has been massively abused for targeting innocent youths belonging to minority communities. They alleged that the Governments both the Union and the States have failed to ensure accountability of the guilty police and intelligence officials. I request the hon. Minister to consider this issue also.

I welcome that the Bill is aimed at more powers to the judiciary in dealing with the terror-related activities. This

amendment will help our country in dealing with the financial and economic terrorism poised by internal and external forces. It also confers more powers to the judiciary to provide for attachment or forfeiture of property equivalent to the counterfeit Indian currencies involved in the offences, property equivalent to the value of the proceeds of terrorism.

With these words, I conclude my speech and support the Bill.

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\*SHRI PRASANTA KUMAR MAJUMDAR (BALURGHAT) : Respected Deputy Speaker Sir, the entire country has been plagued by terrorist activities. There are secessionist groups as well as Maoists who have set up their own army. They collect wealth, extort people. Money laundering, terrorist funding and smuggling are taking place. This bill has been brought here in order to stop all these unlawful activities.

While talking about this bill, I am reminded of the past when laws like POTA and TADA were grossly misused. Those archaic laws have been used to torture and harass the common people. Thus I request Hon. Minister that the bill should be discussed at length and its pros and cons must be weighed before passing it so that there is not any kind of infringement upon the democratic rights of the people.

I would also warn the Government about the possibility of law and order getting engulfed in this law. As law and order is a state issue, the Central Government should be cautious while implementing this law.

Another serious problem is that the personal data which is being collected throughout the country for UID or NPR is being fed to the National Crime Records Bureau server. Details of bank accounts of the citizens will be associated with UID and will come under surveillance. So it will be possible for the Government to block accounts of any person at will. This will lead to unnecessary harassment of innocent people. Their fundamental rights will be at stake, their privacy will be infringed upon. This must be looked into.

Since there is paucity of time, I don't want to deliver a long speech. I respect the decision of the chair and thus, being a member of a small party, I conclude my speech with these few words. Thank you.

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SHRI ASADUDDIN OWAISI (HYDERABAD): Mr. Deputy-Speaker, Sir, Edmund Burke rightly said: "People crushed by laws have no hopes but from power. If the laws are their enemies, they will be enemies to the law, and those who have much to hope and nothing to lose will always be dangerous".

Sir, I oppose this Bill because the present UAPA is worse than TADA and POTA. The safeguards that were there in POTA and TADA are not here. In POTA and TADA no case could have been filed without the express permission of an SP, which UAPA does not have. POTA and TADA say that the charge sheet cannot be filed without the permission of an SP. UAPA does not talk about that. UAPA increases the police powers of search, seizure and arrest. UAPA presumes the guilt of the accused under Section 43 (e). UAPA permits *in camera* trial and withholding the identity of the witness under Section 44. Section 46 allows intercepted communications to be used as evidence. An arrest without a warrant is permitted under UAPA. Section 268 of CrPC applies.

The Bill says that because of our commitment to FATF we are bringing this amendment. What about the article nos. 9 and 14 of the International Covenant on Civil and Political Rights of the United Nations? Does not this present UAPA contravene the ICCPR, to which we are a signatory? What about the definition of 'terrorism'? Does not the definition of 'terrorism' contravene the recommendations of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedom? Does not the proposed UAPA violate the principles laid down by the Supreme Court judgment in the D.K. Basu case? Does not UAPA go even further than TADA and POTA?

The Bill says that we are bringing this amendment because we have given a commitment to FATF. What about your commitment to the United Nations? You have accepted the United Nations Security Council Resolution Nos: 1333, 1363, 1373, 1390, 1455, 1526, 1566, 1617, 1735, and 1822 of 2008.

## **15.00 hrs**

You are talking about these Resolutions. But you have completely ignored the Resolution No. 1535 of the Security Council passed on 26<sup>th</sup> March, 2004, which reminded the States that they must ensure that any measures taken to combat terrorism comply with their obligations of the International Law and should adopt such measures in accordance with the International Law, particularly, the Human Rights.

You talk about economic activity. With the proposed Amendment -- you mark my words, Sir -- legal remittance from Gulf which the Muslim youth are sending to our country will be controlled. You mark my words, Sir, this will happen.

Second thing, you talk about Amendment over here that ban should be increased from two to five years. I would remind the hon. Minister. In 1967 what did Shri Atal Behari Vajpayee say over here? In 1967 what did Shri George Fernandes say over here? They opposed even those two years. But now, you are increasing it to five years. How can you prove a banned organisation? It results, no conviction is there. This is again a retrograde step. The Minister will not agree with me. When an hon. Member was saying from here, the MoS said: "No, no It is not like POTA and TADA."

Let me give you examples, Sir. I am quoting FIR No. 23 of 2008, Delhi Special Police Cell; FIR No. 48 of 2007; FIR No. 89 of 2006; FIR No. 59 of 2006; FIR No. 95 of 2006; and FIR 96 of 2006. All these cases were booked under UAPA. These boys, just because they belong to Kashmir or they are Muslims, were languishing in jails for years. The courts of law exonerated them and you still feel that you will use UAPA against them! UAPA is used only against Muslims; UAPA is used against Dalits; UAPA is used against Tribals. And they are branded as Maoists. We do not want this draconian Act. This Act has to go.

This is a Government headed by Dr. Manmohan Singh. This is not the Government headed by \*â€|â€| P.V. Narasimha Rao. This is not the Government headed by the NDA. We have voted for this Government, for what? Is it to bring in such a legislation?...(*Interruptions*)

I am concluding, Sir.

उपाध्यक्ष महोदय : इस शब्द को कार्यवाही से हटा दिया जाए और आप किसी का नाम मत लीजिए।

SHRI ASADUDDIN OWAIISI : Fine, Sir. But I still continue to hold on to that view.

In the last five years, 15 boys from Bihar – our Members are here from Bihar and they can tell me if I am wrong – from Samastipur, from Madhubani, from Dharbhanga have been arrested under UAPA. Eighteen boys have been arrested from Bangalore; four from Nanded, Maharashtra. Mr. Home Minister, I would like to bring to your notice that I have gone to one the boy's house. What did the ATS seize from them? A book which contains supplications of *duas*. Mr. Ghulam Nabi Azad will explain to you. मसनून दुआओं की किताब क्या टैरिज्म के लिए इस्तेमाल होगी? यह हमारे मुसलमानों और इस्लाम की तौहीन है कि इस तरह से इस किताब को इस्तेमाल किया गया।

Another important point, Sir, which I want to bring to your notice is this. This is a new conspiracy hatched to target innocent Muslim educated youth. You ask the question: "Why are Muslims being alienated from the mainstream? Why are Tribals being alienated from the mainstream?" It is because of these Acts. These draconian Acts must be stopped.

You talk about FATF. We have passed Prevention of Torture Act. Does it conform to the Prevention of Torture Law, which has been given by the United Nations? It falls short of that.

You talk about remittance. I would give you a recent example of a famous journalist, who was arrested. His stepson had sent money from outside the country to India. That was used by the Delhi Special Police!

In conclusion, I would demand that this law should be repealed completely. Let the Government headed by Dr. Manmohan Singh issue a White Paper stating how many Muslim youth, how many Dalits and how many Tribals have been booked.

Now, I come to my last and final point, Mr. Deputy-Speaker, Sir. Why can the Government not be bold and brave enough? The Delhi Special Police Cell comes under the Home Ministry. Why can you not suspend those erring officials? Why can you not take money from their salaries and pensions and pay the compensations to these boys? You are making them terrorists. Innocent people from Kashmir have been languishing in jails. There was a 1996 Bomb Blast Case. After 14 years of the case pending the boys have come out. I would request the hon. Home Minister to please read the Report, which has been given by the Jamia Milia Teachers' Union. Injustice has to be stopped. There is a great discontentment among the Muslim communities throughout India.

I am bringing to the notice of the Government. Stop these things. Dalits and Muslims are very upset and angry with the



proposed Amendment and with the UAPA Act itself.

DR. MIRZA MEHBOOB BEG (ANANTNAG): Mr. Deputy-Speaker, Sir, I am thankful to you for giving me an opportunity to speak on this Bill.

I just want to take this opportunity because I have heard much about it and the whole House has heard the feelings of the entire House. It is just a reminder to the hon. Home Minister because I belong to the State, which suffers the most. All these Acts are finally applicable to the State like I belong to, that is, Jammu and Kashmir. It is just a reminder whether even after over six decades all these laws, somewhere down the line, have made us safe. The answer is 'no'.

I would like to remind the hon. Home Minister as to what we do whenever we see any 'alienation' in any part of the country. When the situation in any State or any part of the State goes on boiling or turns violent, we give it our maximum attention. We have seen alienation in the State of Jammu & Kashmir; we have seen alienation in the Northeast. This is bound to happen. In a democratic country like ours these alienations are bound to happen. But, are these laws going to address the problems? The answer is 'no'. What do we do when the situation in Kashmir goes on boiling? We nominate committees; we put interlocutors in place and then forget about the things. And, when things cool down, we just forget it as if we have addressed the entire issue.

I would like to know as to what happens to the reports; what happens to the recommendations given by the Committees, which were nominated by no less a person than our hon. Prime Minister. It is simply because the things have cooled down in Kashmir; things have cooled down in the Northeast; things have cooled down in Punjab, we forget about these things. So, my humble request to the hon. Home Minister is that – the laws may be important – we have to differentiate between our own people and foreigners. These draconian laws should be made applicable to foreigners and not to our own people. Our people can have grievances; our people can have complaints. But, in a democratic country like ours, it is quite unfortunate if we have to use draconian laws like Unlawful Activities (Prevention) Act and Armed Forces (Special Powers) Act against our own people.

With head held high we say that we are a democratic country, which we are. But, being a part of a democratic country, if we are to be governed by such laws, it is quite unfortunate.

The laws are all right. But, I would like to request the hon. Home Minister to go to the genesis of all these problems, which keep on coming, address them and take them head on so that we do not have these problems. That human approach should be there. That should be the approach of a democratic country. That should be the approach of the hon. Home Minister of a democratic country to address all issues and take them head on. Though they have cooled down, they keep on coming.

My earnest and humble request to the hon. Home Minister is that please do not forget that we have problems in various parts of the country; you address them and hope that a time comes when we do not need such laws to govern our own places.

**15.09 hrs** (Shri Inder Singh Namdhari *in the Chair*)

SHRI NAMA NAGESWARA RAO (KHAMMAM): Mr. Chairman, I thank you for giving me this opportunity to speak on Unlawful Activities (Prevention) Amendment Bill. The amendments proposed by the Government intend to make the Unlawful Activities (Prevention) Act more effective and prevent the following unlawful activities: 1) financial activities; 2) money laundering; 3) terror financing; and 4) fake currency activities.

चेयरमैन साहब, अभी जो कुछ मेंबर्स ने एक्सप्रेस किया है, उसी तरह से हम भी लास्ट टाइम कश्मीर में ऑल पार्टी लीडर्स को ले गए थे। उस टाइम हम भी वहां गए थे। हम जिन कानूनों को बहुत इफेक्टिवली स्ट्रॉंग करने के बारे में सोच रहे हैं, उसको इनोसेंट लोगों के ऊपर ज्यादा लागू कर रहे हैं। That is the main problem with these laws. अभी लास्ट टाइम हम लोग जब कश्मीर में गए थे, तब पता चला कि इनोसेंट पीपुल काफी अफेक्ट हुए हैं। अभी भी हाऊस में बहुत से मेंबर्स ने यह बात उठाई है। उसके साथ-साथ अगर इन एक्टिविटीज़ में कोई पॉलिटिकल लोग शामिल हैं तो उन लोगों को इलैक्शन से डिबार करना चाहिए। उनको इलैक्शन फाइट करने के लिए भी चांस नहीं देना चाहिए। बहुत से इनोसेंट और गरीब लोगों के ऊपर यह इंप्लिमेंट हो रहा है। इसलिए इसको फरदर स्टडी करना चाहिए। You have rightly said that Muslims and SCs/STs are affected by it. हमारा खम्माम जिला नक्सली अफेक्टिव डिस्ट्रिक्ट है। उसमें इनोसेंट एसटी लोग

बहुत अफेक्ट हुए हैं। हमारे पास भी बहुत इश्यूज आए थे। हम सरकार से कहना चाहते हैं कि ये सब फरदर डिटेल् में डिस्कस करने की जरूरत है। इसलिए मैं सरकार से कहना चाहूंगा कि इसको डिफर कर के फरदर इसको डिस्कस करना चाहिए।

**श्री सानसुमा खुंगुर बैसीमुथियारी (कोकराझार):** महोदय, आपने मुझे इस मुद्दे के ऊपर बोलने का मौका दिया, इसके लिए मैं आपका आभार व्यक्त करता हूँ। मैं जो बोलूंगा साफ-साफ बोलूंगा, दिल और दिमाग से सच ही बोलूंगा, इसलिए आप लोग भी जरा ध्यान देकर सुनिये।

इस हिन्दुस्तान देश में जो गैर-कानूनी काम होता है, उसे रोकने के लिए जिस कानून की जरूरत है, मैं उसमें मदद करता हूँ, लेकिन गैर-कानूनी कामों को रोकने के लिए जो कानून आज तक हिन्दुस्तान की जमीन पर बनाये गये, मेरे दोस्त ओवेसी साहब ने जो बात बताई, उनमें से कुछ-कुछ बातें बहुत सही हैं। माइनोरिटीज़ के ऊपर, शैड्यूल कॉस्ट्स के ऊपर, ट्राइबल्स के लोगों के ऊपर बहुत अन्याय किया गया है और अभी तक हो रहा है, इसलिए मेरी मांग है कि अनलॉफुल एक्टिविटीज़ को बंद करने के लिए जो कानून बनाया जाएगा, उसके जरिये हिन्दुस्तान की किसी एक निर्दोष माइनोरिटी, शैड्यूल कॉस्ट्स और शैड्यूल ट्राइबल्स के लोगों के ऊपर किसी तरह का कोई जुल्मी-सितम न हो। This is my humble opinion. Here I would like to mention one very serious situation which is mounting in my Bodoland area. जुलाई की 20 तारीख से बोडोलैंड अंचल में जो दुर्भाग्यजनक एथनिक वलैश हुआ था, उसका बहाना लेकर आज हमारे बोडोलैंड अंचल में बोडो ट्राइबल्स के ऊपर विभिन्न प्रकार की जुल्मबाजी चल रही है। 17 नवम्बर को क्या हुआ, बोडोलैंड टैरिटरियल काउंसिल के एक मेंबर हैं, जिनका नाम मनोज कुमार ब्रह्मा है, उनके घर जाकर पुलिस ने उन्हें गिरफ्तार किया। गिरफ्तार करने से पहले दो ए.के. 47 राइफल्स कहीं से ले जाकर उनके घर के किसी एक बिस्तर के अंदर घुसा दीं और कहा कि मनोज कुमार ब्रह्मा के बिस्तर के अंदर से दो ए.के. 47 राइफल्स मिली हैं। 18 नवम्बर को कोकराझार जिले के डिप्टी कमिश्नर महोदय ने, एक शांति मीटिंग बुलाई। हम भी उसमें शामिल थे। 17 तारीख को मैं खुद मनोज कुमार ब्रह्मा के घर गया और मैंने उनके परिवार के सदस्यों से पूछा कि असल में क्या-क्या हुआ? उन्होंने साफ-साफ बताया कि ऐसा-ऐसा हुआ। Then I told the police people and the DC that they have failed to catch the train. जिन-जिन के पास इल्लीगल आर्म्स हैं, उनको पकड़ने में क्या बाधा आ रही है? Who has prevented the Government or the district administration from recovering the illegal arms and ammunition? लेकिन जिसके पास असलियत में अवैध अस्त्र-शस्त्र है, उनको पकड़ो, उनके घर से निकालो, लेकिन निरीह और निर्दोष लोगों के ऊपर जो जुल्म चल रहा है, वह बहुत दुर्भाग्यपूर्ण है। इसलिए मैं मांग करना चाहता हूँ कि अगर गैर-कानूनी कामों को रोकने के लिए कानून लाना है तो ऐसा प्रावधान भी होना चाहिए ताकि माइनोरिटी, शैड्यूल कॉस्ट, शैड्यूल ट्राइबल्स के लोगों के ऊपर जुल्मबाजी नहीं हो सके। जो स्पेशल आर्म्स फोर्सेज Special power एक्ट है, जो आज भी उत्तर-पूर्वांचल में खासकर मणिपुर में चल रहा है, उसे अतिशीघ्र वापस लेना चाहिए। उसके ऊपर स्टडी करने के लिए भारत सरकार के द्वारा एक एक्सपर्ट कमेटी भी बनायी गयी थी। उस कमेटी ने भी रिकमंडेशन दी, लेकिन आज तक क्या कार्रवाई हुई, किसी को कुछ पता नहीं है। गृह मंत्री जी आप जो संशोधन लाये हैं, उसमें कुछ नया प्रावधान संलग्न करने का प्रयास करें। जो लोग देश के बाहर से आते हैं और हमारे देश के मूल निवासियों पर आक्रमण करते हैं, उनकी ज़मीन-जायदाद छीन लेते हैं, उनके घर और मकान जला देते हैं, लूट करते हैं, उन लोगों के लिए आप किस ढंग का कानून लाएँगे? I would like to know whether you are thinking of bringing that kind of elements and that kind of anti-social activities under the orbit of this law. अगर नहीं लाएँगे तो आप इसको कैसे रोकेंगे? ...(व्यवधान) इसीलिए मैं आपसे आग्रह करता हूँ कि इन एलीमेंट्स को भी इस विधेयक की परिधि में लाना चाहिए।

MR. CHAIRMAN : Shri Bwiswmuthiary, please conclude now.

SHRI SANSUMA KHUNGGUR BWISWMUTHIARY : Sir, I am concluding now.

Any home-grown extremist, militant outfits formed at the behest of anti-India foreign forces or any banned organisations should also be included within the orbit of this Act. All the illegal migrants who aggressed upon the indigenous Indian-origin tribal people and who used to encroach upon the lands and territories, including the economic resources of the Indian-origin people, also should be brought within the purview of this law.

**गृह मंत्री (श्री सुशीलकुमार शिंदे):** सभापति जी, एक बहुत ही महत्वपूर्ण बिल हम कल से डिस्कस कर रहे हैं। यह पहली बार नहीं है, पहले भी हम टैरिज्म और क्रिमिनल्स के बारे में विधेयकों पर इस हाउस में चर्चा करते रहे हैं। मैं बताना चाहूंगा कि *पोटा* और *टाडा* आए। *टाडा* 1987 में आया था और *पोटा* 2002 में आया था, लेकिन यह बिल और कानून इस देश में ज्यादा देर नहीं चला। सरकार ने इन कानूनों को निरस्त किया। हम सब संसद के लोगों ने उस पर एक विचार रखा और जो गलत ट्रैकोनियन लॉज़ हैं, उस तरह के लॉज़ को हमने बंद करने का प्रयास किया। केवल इतना ही नहीं, स्टेटमेंट और विशेषकर कनफेशन का स्टेटमेंट, जो पुलिस के सामने लेने का था और वही कनफर्म करते थे, वह भी बंद हो गया।

**श्री असादुदीन ओवेसी:** 180 दिन में तो पुलिस मारकर निकलवा लेती है। ...(व्यवधान)

**श्री सुशीलकुमार शिंदे :** सभापति जी, माननीय सदस्य बड़े नामचीन एडवोकेट हैं। I understand that he knows better. ...(व्यवधान) सभापति जी, वक्त कम है और मैंने शुरूआत में ही कल बता दिया था कि किसके लिए हम यह कानून ला रहे हैं, लेकिन मैं इतना ही बताऊंगा कि हम जो कानून ला रहे हैं, इसकी एविज़रिंटिंग जो लीगल रिज़ीम है, उसमें ज्यादा वलैरिटी लाने के लिए हम इसे ला रहे हैं और जो डैफिशिएन्सी है, वह आइडेंटिफाई करके नए प्रोविज़न ला रहे हैं, उसे वलैरिटी दे रहे हैं। इसमें विशेष रूप से पुलिस को भी उस तरह का ज्यादा अधिकार नहीं होगा, लेकिन जहाँ मजिस्ट्रेट को पावर होती है, उसको भी सामंजस्य के

तरीके से काम चलाना होगा।

इस बिल को विशेषतः इंट्रोड्यूस करने के तीन-चार कारण थे। The first one is the new threat scenario which relates to criminalisation under UAPA of high quality counterfeiting, जो आपने भी कहा है; Offences by companies, societies and trusts, इसको भी हम बिल की एम्बिट में लाए हैं। The next one is extending the time of prescription of unlawful association and criminalisation of social security and support system structure for the benefit of terrorism, यह विशेषता हम इसके अंदर लाए हैं। मैं कल से सुन रहा था। यह बिल जब 2011 में इंट्रोड्यूस किया तो यह पार्लियामेंटी स्टैंडिंग कमेटी के सामने गया। उस पर काफी चर्चा हो गयी। उसमें 14 क्लॉजिज़ थे, जिसमें से दस क्लॉजिज़ पार्लियामेंटी कमेटी ने बिना किसी हिचक के स्वीकार कर लिए। जिसका ज़िक्र अभी हमारे साथी कर रहे थे, मैं सभी का नाम लेना चाहता हूँ, लेकिन वक्त बहुत कम है, इसलिए नहीं तूंगा, उन्होंने हिन्दू अनडिवाइडिड फ़ैमिली के बारे में कहा था, उसको हमने एक्सेप्ट किया है। मैं आपकी बात से सहमत हूँ कि सैवशन में हिन्दू अनडिवाइडिड फ़ैमिली कहने से नुकसान होता है खासकर क्योंकि प्रोविज़न दूसरे खण्ड में है जिसमें इन्डीविजुअल और जुरिडिकल रूप को शामिल कर सकते हैं। इस तरह का प्रावधान हमने इसमें किया है।

सभापति महोदय, कल मैंने यहां बताया था और मैं यह बताना चाहता था कि इंटरपोल में मैंने किस तरह का भाषण दिया और काउंटरफ़ीटिंग के बारे में किस तरह का प्रावधान दूसरे देश और नज़दीकी देश कर रहे हैं, यह सब कुछ मैंने बताया था, लेकिन वक्त कम है और यह इस क़ानून को पास करना बहुत ज़रूरी है। इसके लिए मैं इतना ही कहूंगा कि...(व्यवधान)

SK. SAIDUL HAQUE : Why this hurry in passing this Bill? ...(*Interruptions*) This is an important Bill, and we should have discussed it more. ...(*Interruptions*)

SHRI SUSHILKUMAR SHINDE: We have discussed it in the Standing Committee. We have discussed it, and it was before the public for a very long time. Hence, it does not need more time now. As far as possible, we have to pass it. Yesterday, the Money laundering Bill was passed. If you see a few things, it is more or less here and there the same, but it has to be covered by this particular law.

सभापति जी, समय का अभाव है और इसमें एमेंडमेंट्स भी पास करने हैं। मैं इतना ही कहना चाहूंगा, आपके दिल में जो शंका है कि इस क़ानून का उपयोग किसी विशिष्ट जाति और समाज के लिए किया जाएगा, ऐसा आपके दिल में कभी नहीं आना चाहिए। भारत का क़ानून सभी के लिए एक-सा है, केवल मुसलमानों के लिए विशिष्ट क़ानून बनाने का यहां कोई तरीका नहीं है। क़ानून सभी के लिए है, हिन्दू, मुसलमान, चाहे जाट हो, चाहे किश्चियन हो,...(व्यवधान)

MR. CHAIRMAN: No interruptions, please.

...(*Interruptions*)

MR. CHAIRMAN: Mr. Owaisi, you have expressed your views. Now, you must listen to the reply of the hon. Minister peacefully.

...(*Interruptions*)

श्री सुशीलकुमार शिंदे : मैं एग्जोर करना चाहता हूँ कि पेटा के समय यहां बहुत बड़ा हंगामा हुआ था। उस समय, मैं महाराष्ट्र का चीफ़ मिनिस्टर था, वर्ष 2003 में मैंने खुद देखा है कि हमें जहां भी दुरुस्त करना था, वहां दुरुस्त किया है, लेकिन हमारे पड़ोसी देशों से काउंटरफ़ीट करेंसी भेजी जा रही है और वह हमारे देश की आर्थिक स्थिति को ख़राब करने का काम कर रहे हैं, उसे भी हमें देखना होगा। केवल घूसपैठ को ही हम न देखें, इसे तो हमें देखना ही होगा। आज 10 सदस्यों ने भाषण दिया और कल भी कुछ माननीय सदस्यों ने भाषण दिया था। हमारे दो-तीन साथी हैं, जिनके दिल में जो मिस-अंडरस्टैंडिंग है, वह चली जाएगी। लेकिन पूरा हाउस इस क़ानून को एपीशिएट कर रहा था, उसका मैं स्वागत करता हूँ।

महोदय, कई चीज़ें मुझे बतानी थीं, लेकिन वक्त की कमी है और साढ़े तीन बजे से प्रीवेट मैम्बर्स बिल शुरू हो जाएगा और मुझे इस बिल को एमेंडमेंट के साथ पास करवाना है। मैं इतना ही आश्वासन आपको देना चाहता हूँ कि इस क़ानून का सरकार गलत तरीके से उपयोग नहीं करेगी, पुलिस नहीं करेगी, इसको देखा जाएगा। इन्हीं शब्दों के साथ मेरा सदन से निवेदन है कि इस बिल को पास किया जाए।

MR. CHAIRMAN: The question is that the Bill be taken into consideration.

...(*Interruptions*)

DR. RAM CHANDRA DOME : Sir, please allow me to say something at this point. ...(*Interruptions*)

MR. CHAIRMAN: No. The question is 'à€'

...(*Interruptions*)

MR. CHAIRMAN: Dr. Dome, what do you want to ask?

...(*Interruptions*)

DR. RAM CHANDRA DOME : Sir, I would request the hon. Minister not to press for passing this Bill today at the fag end of a Private Members Day. ...(*Interruptions*)

SHRI SUSHILKUMAR SHINDE: No, we have discussed everything. ...(*Interruptions*)

MR. CHAIRMAN: No, it is not a point to be considered.

...(*Interruptions*)

MR. CHAIRMAN : The question is:

"That the Bill further to amend the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

Clause 2 Amendment of Section 2

*Amendments made:*

Page 1, for lines 9 to 12, substitute—

'(i) clause (ea) shall be renumbered as clause (eb) and before clause (eb) as so renumbered, the following clause shall be inserted, namely:-

'(ea) "economic security" includes financial, monetary and fiscal stability, security of means of production and distribution, food security, livelihood security, energy security, ecological and environmental security;'

(ii) after clause (eb) as so renumbered, the following clause shall be inserted, namely:--

'(ec) "person" includes—

(i) an individual, (3)

Page 2, line 1, for "(iii)", substitute "(ii)". (4)

Page 2, line 2, for "(iv)", substitute "(iii)". (5)

Page 2, line 3, for "(v) an association of persons", substitute "(iv) an organization or an association of persons". (6)

Page 2, line 5, for "(vi)", substitute "(v)". (7)

Page 2, line 7, for "(vii)", substitute "(vi)". (8)

Page 2, line 9, for "(ii)", substitute "(iii)". (9)

Page 2, line 21, for "(iii)", substitute "(iv)". (10)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

*Clause 3 was added to the Bill.*

Clause 4 Amendment of Section 15

*Amendments made:*

Page 2, *omit* lines 38 to 42. (11)

Page 2, line 43, *for* "(v)", *substitute* "(iv)". (12)

Page 2, line 44, *for* "this section", *substitute* "this sub-section". (13)

Page 3, line 1, *for* "counterfeit currency", *substitute* "counterfeit Indian currency". (14)

Page 3, line 6, *omit* "under sub-section (1)". (15)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 4, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 4, as amended, was added to the Bill.*

*Clause 5 was added to the Bill.*

Clause 6 Substitution of new Section  
for Section 17

*Amendments made:*

Page 3, line 12, *after* "raises", *insert* "or provides funds". (16)

Page 3, line 25, *after* "circulation of", *insert* "high quality". (17)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 6, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 6, as amended, was added to the Bill.*

Clause 7 Insertion of new sections  
22A, 22B, and 22C

*Amendments made:*

Page 3, lines 40 and 41, *for* "all due diligence", *substitute* "reasonable care". (18)

Page 4, line 13, *for* "all due diligence", *substitute* "reasonable care". (19)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 7, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 7, as amended, was added to the Bill.*

*Clauses 8 to 10 were added to the Bill.*

Clause 11 Amendment of Section 33

*Amendments made:*

Page 5, line 12, *after* "concerning", *insert* "high quality". (20)

Page 5, line 14, *for* "value of the", *substitute* "value of such high quality". (21)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 11, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 11, as amended, was added to the Bill.*

*Clause 12 was added to the Bill.*

Clause 13 Amendment of Section 40

*Amendment made:*

Page 5, line 47, *after* "circulation of", *insert* "high quality". (22)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 13, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 13, as amended, was added to the Bill.*

Clause 14 Amendment of Schedule

*Amendments made:*

Page 6, line 22, *for* "See section 15(1)(d)", *substitute* "See clause (b) of Explanation to section 15(1)". (23)

Page 6, line 23, *for* "counterfeit currency", *substitute* "counterfeit Indian currency". (24)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 14, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 14, as amended, was added to the Bill.*

### **Clause 1 Short title and Commencement**

*Amendment made:*

Page 1, line 4, *for* "2011", *substitute* "2012". (2)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted*

*Clause 1, as amended, was added to the Bill.*

**Enacting Formula**

*Amendment made:*

Page 1, line 1, *for* "Sixty-second", *substitute* "Sixty-third". (1)

(Shri Sushilkumar Shinde)

MR. CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The LongTitle was added to the Bill.*

MR. CHAIRMAN: The hon. Minister may now move that the Bill, as amended, be passed.

SHRI SUSHILKUMAR SHINDE: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

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