

[Sh. Mufti Mohammad Sayeed]

are still required by the security forces to conduct operations successfully against the militants and secessionist elements. The proposed legislation is framed on the model of the Armed Forces, Punjab and Chandigarh Special Powers Act, 1983, with suitable amendments keeping in view the special status of the State of Jammu and Kashmir under Article 370 of the Constitution. The Governor of Jammu and Kashmir has already promulgated the Disturbed Areas Act in the State to confer special powers to the State police.

The proposed legislation is placed before the House for consideration and passing.

MR. DEPUTY-SPEAKER: MOTions moved:

"That this House apprise the proclamation issued by the President on the 18th July, 1990, under article 356 of the Constitution in relation to the State of Jammu and Kashmir."

"That the Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir, be taken into consideration."

MR. DEPUTY-SPEAKER: Mr. Jaswant Singh may now move his resolution.

SHRI JASWANT SINGH (Jodhpur): Sir, I beg to move:

"That this House disapproves of the Armed Forces (Jammu and Kashmir) Special Powers Ordinance (Ordinance no. 3 of 1990) promulgated by the President on the 5th July, 1990.

SHRI P. CHIDAMBARAM (Sivaganga): Sir, we support this resolution.

SHRI JASWANT SINGH: Sir, I seek to move this motion of disapproval for reasons

distinctly apart and different from Mr. Chidambaram's view.

SHRI P. CHIDAMBARAM: Sir, we welcome his different opinion, as long as the conclusion is the same.

SHRI JASWANT SINGH: Sir, may I continue with what I have to say tomorrow?

MR. DEPUTY SPEAKER: Yes; you can continue tomorrow.

19.03 hrs.

BUSINESS ADVISORY COMMITTEE

Fourteenth Report

[English]

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Sir, I beg to present the Fourteenth Report of the Business Advisory Committee.

19.04 hrs.

INTIMATION RE: ARREST, REMAND AND LODGEMENT OF MEMBERS

[English]

MR. DEPUTY SPEAKER: I have to inform the House that the following teleprinter messages dated 14th and 15th Augusts, 1990, addressed to the Speaker, Lok Sabha, by the Superintendent of Police, Dharmapuri, Tamil Nadu were received on 14th and 15th August, 1990:-

"Today (14.8.1990) at 11.10 hours near Rajagopal Park in Dharmapuri Town, Tamil Nadu, Shri M.G.Sekhar, M.P.

and 14 others formed themselves into an unlawful assembly for violating police regulatory orders and took out a procession and attempted to set fire to the kerosene-drenched effigies of the Chief Minister, Tamil Nadu and AI-ADMK Faction Leader in the crowded public place. The M.P. and 14 others have been arrested on 14.8.1990 at 11.10 hours. A case in B1 Police Station, Dharmapuri, Crime No. 769/90 under sections 147, 188, 285 IPC read with section 7 (1) (A) Criminal Law Amendment Act has been registered against them."

"Shri M.G. Sekhar, MP has been remanded to judicial custody today on 14.8.1990."

Teleprinter message from the Superintendent, Central Prison, Salem, Tamil Nadu received on 16-8-1990.

"Shri M.G. Sekhar, Member of Parliament has been admitted in Central Prison, Salem, Tamil Nadu on 14-8-1990 at 21.20 hours under sections 147, 188 and 285 IPC read with Section 7 (1) (A) of the Criminal Law Amendment Act in Dharmapuri police Station crime number 769/90 by the Judicial Magistrate No. 1, Dharmapuri."

I have also to inform the House that the following communications dated 14th and 15th August, 1990, addressed to the Speaker, Lok Sabha were received on 15th August, 1990:-

Teleprinter message received from the Superintendent of Police, Dindigul Town, Tamil Nadu.

"Shri C. Srinivasan, MP along with 74 AIADMK members was arrested at 15.55 hours today (14.8.1990) in Dindigul Town North Police Station Crime No. 1276/90 under sections 143, 188 and 285 IPC read with section 7 (1) (A) Criminal Law Amendment Act for burning the effigy of Chief Minister of Tamil

Nadu and obstructing vehicular traffic affecting public tranquility etc., and sent for remand."

Teleprinter message received from the Superintendent, Central Prison, Madurai.

"Shri C. Shrinivasan, MP has been admitted in this prison on 15.8.1990 at 01.50 hours as political remand prisoner remanded by Judicial Magistrate Number-I, Dindigul under sections 143, 188 and 285 IPC read with section 7 (1) (A) Criminal Law Amendment Act vide Dindigul North Police Station Crime No. 1276/90."

I have also to inform the House that the following telex message dated 15th August, 1990, addressed to the Speaker, Lok Sabha, by the Deputy Superintendent of Police, Udumalpet has been received today.

"Shri B. Raja Ravi Varma, Member of Parliament was arrested by me on 15th August, 1990 at 18.45 hours at Udumalpet town in connection with Udumalpet Police Station Crime No. 346/90 under sections 143 and 188 IPC read with section 7 (1) (A) of the Criminal Law (Amendment) Act for defying the promulgatory order, unlawful assembly and attempted to burn the effigy of the Hon. Chief Minister of Tamil Nadu."

SHRI P. CHIDAMBARAM (Sivaganga): It is the standard Practice to book under sections 147, 188, Criminal Law Amendment Act section 7 (1) (A), which is a non-bailable offence. Every M.P. in Tamil Nadu including myself and other persons are booked like that.

Mr. Upendraji and the Home Minister must assure the House that they will speak to their National Front partner and release those Members tomorrow. You must release them tomorrow. He is not a criminal. He is a political demonstrator, political agitator. What is all this? He has not destroyed anything. He led a peaceful demonstration. He should not

[Sh. P. Chidambaram]

be arrested. We must have an assurance. Otherwise, we will not discuss J&K issue tomorrow. You must speak to your Chief Minister there and ask him to release all the Members. They must come here tomorrow for the Session. (*Interruptions*)

Assembly of five people, peaceful protest, fast or marching to the police station or picketing an office—you arrest them and release them. You should not charge them under sections 147, 188, of criminal Law Amendment Act 7 (1) (A). The High Court of Madras twice Said: This is a barbaric practice followed by the Tamil Nadu Government and the Tamil Nadu Magistracy. Everybody is arrested under non bailable offence and put in prison for 15 days.

The Home Minister and the Parliamentary Affairs Minister must assure us that they will speak to the Chief Minister and see that the three MPs reach here tomorrow. (*Interruptions*).

SHRI P.R. KUMARAMANGALAM (Salem): This is not the first time. What is most unfortunate is that was brought to the notice of the House in the morning. It was brought to the notice of the Home Minister. We expected at least that in evening he will make a statement. It seems he has spoken to the Chief minister earlier also. In spite of this, if he will not make a statement, we do not allow the House to run.

THE MINISTER OF HOME AFFAIRS
(SHRI MUFTI MOHAMMAD SAYEED): I

share the hon. Members concern. Our colleagues have been put under detention. I will get the factual information from the Chief Minister. I will get from the Chief Minister whatever information is to be collected, how they were arrested any why they were arrested.

SHRI P.R. KUMARAMANGALAM: You should plead with the Chief Minister to see that they are released.

SHRI MUFTI MOHAMMAD SAYEED: Certainly. That I will do.

SHRI P. CHIDAMBARAM: The Tamil Nadu Chief Minister is always afraid of the Home Minister.

SHRI MUFTI MOHAMMAD SAYEED: Why?

SHRI KADAMBUR M.R. JANARDHANAN (Tirunelveli): The MPs should be released tomorrow.

MR. DEPUTY-SPEAKER: I think the Home Minister has noted what you have said.

MR. DEPUTY-SPEAKER: The House stands adjourned to reassemble tomorrow at 11.00 AM.

19.11 hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Friday, August 17, 1990
(Savana 26, 1912 (Saka))*