

- (67) Report of the Jaipur Nagaur Anchali Gramin Bank, Jaipur (Rajasthan), for the year ended the 31st December, 1983, together with the Accounts and Auditors' Report thereon.

[Placed in Library. See No. LT-1069/85].

11.06 hrs.

MESSAGES FROM RAJYA SABHA

[English]

SECRETARY GENERAL : Sir, I have to report the following messages received from the Secretary General of Rajya Sabha :

(i) "In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 10th May, 1985, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provision of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 17th May, 1985, agreed without any amendment to the Andhra Pradesh Legislative Council (Abolition) Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 16th May, 1985."

11.07 hrs.

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) BILL

[English]

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : I beg to move for leave to introduce a Bill to make special provisions for the prevention of and for coping with, terrorist and disruptive activities and for matters connected therewith or incidental thereto.

MR. SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to make special provisions for the prevention of and for coping with, terrorist and disruptive activities and for matters connected therewith or incidental thereto."

Prof. Madhu Dandavate.

PROF. MADHU DANDAVATE : Mr. Speaker, Sir, we do want that very strong measures should be taken for acts of terrorism. On that the entire House is agreed. Sir, I wish to point out that may of us got a 13-page Bill at 9.30 in the morning. The amendments were to be sent before 10 O'clock. I completed the reading of this Bill by 10.10 hours.

MR. SPEAKER : I can allow two hours.

PROF. MADHU DANDAVATE : Just listen to me. Not only that. I do not know whether you have carefully gone through the Bill. I do not think you had the patience to go through this 13-page Bill. Terrorism, disruptive activities, secessionist activities have been redefined and the definitions are given in such a way that knowing our past experience of drafting about any Bills in which detentions and punishments are involved, unless we are very careful, even the jurists like Mr. Seervai said that whenever there are Bills involving liberties of the people or involving certain against tyrannical acts and terrorist acts, one has to be very cautious because you are likely to give in the hands of the bureaucracy an instrument that they are likely to misuse. In this particular case, song, drama, poems and even paintings may have indirect action that there is provocation for terrorism and all these have been brought into the jurisdiction of this Bill. Then, again, not only the words political enmity or incendiarism or terrorism, act of violence but you will be surprised to know that even anything that results into some sort of class conflicts or some sort of class struggle, that is also brought into the picture. Tomorrow if the Adivasis who are oppressed and suppressed organise a satyagrah, stage a demonstration and fight against the zamindars, who have looted and cheated them, even that action will be construed, according to this particular Bill, as a disruptive activity and they are likely to be seriously punished.

PROF. K. K. Tewary (Buxar) : Sir, he is trying to plant something in the Bill.

PROF. MADHU DANDAVATE : I am not ignorant; I have carefully read the Bill though I had a little time at my disposal. I am reflecting the viewpoints of many persons. I do not want to name them. They say that they also did not get the opportunity to read the Bill. Therefore, two possibilities are there... (Interruptions). I have read it. Shall I speak in Marathi so that you can understand it properly.

MR. SPEAKER : How can he speak without reading it ?

PROF. MADHU DANDAVATE : When we asked the Minister for Parliamentary Affairs yesterday, where was the Bill, where was the text, he said nearabout afternoon at 1 O'clock that within four hours, we were likely to get the Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI H. K. L. BHAGAT) : I said 'by the evening'.

PROF. MADHU DANDAVATE : Yes, that would be yesterday evening. Even if the Bill had been given yesterday, we would have burnt the midnight oil and would have produced our own criticism and given constructive alternatives. Even a substitute Bill could have been drafted. I am sure and I do not want to name them, because they have told me informally; many Members of the ruling party have told me today that they still have not gone through the entire Bill, they have yet to go through it. That being the position, either you allow us a few days for this Bill and utilise all the powers in your armoury which are there. My own contention is that all the measures and powers that the Government possess today...

PROF. K. K. TEWARY : How can he speak on behalf of the ruling party members ?

PROF. MADHU DANDAVATE : I am not talking on behalf of them. I am the last man to represent you Mr. Tewary. I said that some of the Members of the ruling party also told me that they could not get time to go through the Bill. Therefore, there are two alternatives at the introduction stage. Either do not take up the Bill for consideration today and give us some time to think over

it. In the meantime, constructive solutions can be offered. Even the Leader of the House can call a meeting of the opposition Members. Just as the Anti-Defection Bill was brought out before the House, which become ultimately a unanimous Bill in this House, it is possible that looking to the situation in the country, a unanimous Bill can be drafted. If technically that is not possible, the second possibility is that the Government itself can come forward with a motion that let us refer this Bill to a Select Committee giving them the minimum time.

PROF. K. K. TEWARY : Now the motive is clear.

PROF. MADHU DANDAVATE : He is trying to allege that we are in favour of terrorism and destroying the integrity of the country.

PROF. K. K. TEWARY : What does it mean ?

PROF. MADHU DANDAVATE : I will tell you what it means. The Select Committee can be given a time bound programme; they can be given the shortest possible time. Or I do not insist on a Select Committee. The Government itself can convene a meeting of the opposition leaders just as was done in the case of Anti-Defection Bill, which was cleared in two days. The Prime Minister was prompt in calling three meetings of the opposition parties within two days and we were able to hammer out a unanimous Bill before we dispersed in the last session. Even that procedure is possible and that should be done. If that is not done, even at the introduction stage, I would have to oppose this Bill.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, all of us are against terrorist activities and it is a matter of national concern. Naturally, we want very effective steps to be taken against the terrorists. This Bill is sought to be introduced today and was received by us in the morning. As mentioned by my hon. colleague, Shri Dandavate, that was the situation with us also. But I got the Bill a little earlier and I, therefore, went through it thoroughly and found that there are certain things which are probably unprecedented in regard to its scope. For example, not only the question of creating class hatred is there, but also there is a provision for making rules by any

authority, empowering any authority to give orders. So, any authority of the executive—not a particular one—have been given the powers to make wide rules. Then Sir, among other things, in actual practice, what would come under these disruptive activities? Not only songs, etc., which advocate, advise, suggest or incite disruptive activities, but also those which provoke, profess, pronounce or otherwise express in such a manner as to incite, advise, suggest or prompt—these are the things that come under disruptive activities. Then Sir, what is this word 'suggest'? The Prime Minister during the election campaign accused all of us of supporting the Anandpur Sahib Resolution, which we did not support. But tomorrow, if you say that we did support it and that suggests 'secession', we will come under this.

(Interruptions)

Later, the White Paper did not accuse us. So, at some state, some authority may think it fit to include us....

MR. SPEAKER : Do not go by clause by clause. Just give the general opposition to the Bill.

SHRIMATI GEETA MUKHERJEE : Therefore, I would also suggest not to rush through this Bill like this. If necessary, a special session of the Parliament can be called for passing such a Bill.

PROF. MADHU DANDAVATE : They are going to steamroll it. It is such an important Bill and they want to pass it within a few hours.

MR. SPEAKER : Shri Basudeb Acharia.

SHRI BASUDEB ACHARIA (Bankura) : Sir, it is such an important Bill and it was circulated today morning itself....
(Interruptions)

MR. SPEAKER : I think it was circulated between 10 and 11...
(Interruptions)

PROF. MADHU DANDAVATE : You say yesterday ! When I received it I noted down the time in the morning.

(Interruptions)

I do not blame the Secretariat. When the Ministry gives the draft itself late, what can the Secretariat do? I do not blame the Secretariat. The Secretariat is only doing

the postman's Job. I am sorry, I say it only in good sense, in a glorified sense.

SHRI BASUDEB ACHARIA : Yesterday, we were told that this Bill would be circulated yesterday itself. But it was circulated today in the morning. Such an important Bill.

(Interruptions)

PROF. MADHU DANDAVATE : I have noted down the time. I received it at 9.30. When the peon handed over the packet containing the Bill, I noted down the time.

(Interruptions)

MR. SPEAKER : Let Mr. Acharia Basudeb speak. I have allowed Mr. Acharia Basudeb. I have not allowed him.

(Interruptions)

SHRI BASUDEB ACHARIA : There is every scope of misuse. This Act can be misused in future. This will also create a bad precedent....
(Interruptions)

SHRI MOOL CHAND DAGA (Pali) : Why are they disturbing?

MR. SPEAKER : On a general principle, they can oppose.

SHRI BASUDEB ACHARIA : Today it will be introduced, today it will be considered and today itself it will be passed. This will create a bad precedent. That is why we oppose the introduction of the Bill and I request that this Bill should be referred to the Select Committee.

[Translation]

(Interruptions)

SHRI NARAYAN CHOUBEY (Midnapore) : You please listen to me. You do not listen to others but always want others to listen to you.

I got a copy of this Bill only today and we feel there are many shortcomings in it. We do not know what provisions have been made and what is being passed. As our colleague Mr. Dandavate has said, we should be given two or three day's time to study it. You have not given us any time.

(Interruptions)

PROF. MADHU DANDAVATE : We do not have as much expertise as you have. We shall work according to our own understanding.

(Interruptions)

MR. SPEAKER : Please have your seat. You are not concerned with it.

[English]

I know what I have to do.

[Translation]

SHRI NARAYAN CHOUBEY : We are not barristers like Mr. Ashok Sen. I am not in the habit of creating a hue and cry... (Interruptions)... We want some time.

[English]

PROF. MADHU DANDAVATE : Mr. Choubey, the Barrister takes more time.

[Translation]

PROF. K. K. TEWARY : You may create a hue and cry outside.

SHRI NARAYAN CHOUBEY : We shall create a hue and cry here and outside also.

MR. SPEAKER : I shall not allow you to do so here. You can do so outside.

SHRI NARAYAN CHOUBEY : It should either be postponed or referred to the Committee, otherwise, a special session of Parliament may be convened and the Bill should be passed within 7 days.

[English]

SHRI A. K. SEN : If there is a genuine desire to have this very necessary measure passed, but if a little time is required for consideration, let us have it on Monday. But let the House be alive to the great danger which confronts us. If we are serious, as we must be... (Interruptions)

SHRI SATYAGOPAL MISRA (Tamluk) : Let it be on Monday or Tuesday.

SHRI A. K. SEN : Not on Tuesday, but on Monday. We have to go to the Rajya Sabha. Let our flexibility not be interpreted as weakness....

SHRI AMAL DATTA (Diamond Harbour) : Between Monday and Tuesday, where is the question of weakness ?

SHRI A. K. SEN : Let us be quite clear that we are facing an unprecedented danger; and it is also clear that all these blasts had taken place only a few days back. We have been hurrying through this. I can tell you, Sir, and through you this House that we have taken utmost care to see that none but the terrorists are affected by this measure, and I have gone through every page of it myself. (Interruptions) No, no. You are not open to reason, but I am. Let us have it on Monday, if that is the desire. (Interruptions). But we must introduce it now.

PROF. MADHU DANDAVATE : I am very happy. Being a democrat, this Law Minister always responds to an appeal made by the Opposition. I congratulate him. Not that I want to oppose any of the Law Ministers. When I congratulate him, I do not try to deprecate others. What I want to say is that there is this trouble in Ahmedabad. A number of opposition leaders are going there, and they have promised the Prime Minister that when they come back, they would like to place their findings before him. So, instead of Monday, if he is prepared to put it on Tuesday, we would be happy.

SHRI A. K. SEN : I wish the House could be told about every information that is in the possession of the Government. We must act very swiftly and firmly.

PROF. MADHU DANDAVATE : Instead of Monday, if it could be done on Tuesday, what is the problem ?

SHRI A. K. SEN : We shall agree to Monday.

PROF. MADHU DANDAVATE : We have told you our difficulties. We have also told the Leader of the House, that we are going to visit Ahmedabad. (Interruptions) Just a day. That is all. I accept the suggestion. Instead of Monday, if you put it on Tuesday, what is the difficulty ? The visit to Ahmedabad cannot be postponed. There is trouble there. We are not going there for a joy trip. (Interruptions) We have informed this decision to the Leader of the House beforehand, viz. that we are going there and that we would like to bring to him....

(Interruptions) Can you not adjust even for one day ?

[Translation]

SHRI SOMJIBHAI DAMOR (Dohad) : What is all this, what are they doing ?

[English]

PROF. MADHU DANDAVATE : Ask your Prime Minister.

SHRI A. K. SEN : Prof. Dandavate, kindly listen to me. The Ahmedabad survey may be postponed without much effect, by a few days, but this House must decide immediately this question, because the entire country expects this House to give the lead.

Therefore, I request Prof. Madhu Dandavate to postpone it by one day.

PROF. MADHU DANDAVATE : We are all going to Ahmedabad tomorrow. We are coming back on Monday. If we are slightly late, the whole time-table will be upset.

SHRI A. K. SEN : We will accommodate you.

PROF. MADHU DANDAVATE : That means you may take it in the afternoon in that case.

SHRI A. K. SEN : No, we have got other members. You come and join.

PROF. MADHU DANDAVATE : That means before I come you will pass the Bill.

SHRI A. K. SEN : No, we will not do that; we will not do it unless Prof. Madhu Dandavate comes.

(Interruptions)

PROF. MADHU DANDAVATE : Take it for granted that there is a Question Hour and start it at 12 O'clock. *(Interruptions)* You are allowed to do it. Allow number of Short Notice Questions and it will be 12 O'clock.

MR. SPEAKER : Can you allow me to remain absent on Monday ?

(Interruptions)

PROF. MADHU DANDAVATE : It can be done. Suspend the rule regarding 11 O'clock and start it at 12 O'clock on Monday. I am prepared to move it under Rule 388. I can move under 388 that the Question Hour which is not there, at least that period should be suspended and we start it at 12 O'clock.

(Interruptions)

SHRI A. K. SEN : This is a measure which the government intends to pass not in the teeth of opposition but let the House...

(Interruptions)

PROF. MADHU DANDAVATE : We are keen to see that it is unanimous.

SHRI A. K. SEN : That is all right. This is a measure where there should be no party complex, this is a measure which has to be taken by any party in power.

PROF. MADHU DANDAVATE : We are on the hitting list also.

SHRI A. K. SEN : I hope we appreciate the danger.

PROF. MADHU DANDAVATE : You hope that we are in the hitting list ?

SHRI A. K. SEN : No, no; that is why, we have made provision for that any person who is bound by oath should discharge his duties; he is also protected. Therefore, let us take it on Monday at 11 O'clock; and I can assure Prof. Dandavate that it will not be passed before he comes and makes his speech.

PROF. MADHU DANDAVATE : It is not for my speech. In the college, I delivered speeches for long, 25 years; I am not particular about speech. But when you start the proceedings you may start it at 12 O'clock.

MR. SPEAKER : Does not matter. I will keep it in mind. Don't worry. We will keep it like that.

SHRI A. K. SEN : I beg to move for leave to introduce a Bill to make special provisions for the prevention of, and for coping with, terrorist and disruptive activities and for matters connected therewith or incidental thereto.

MR. SPEAKER : The question is :

"That leave be granted to introduce Bill to make special provisions for the prevention of, and for coping with, terrorist and disruptive activities and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI A. K. SEN : I introduce the Bill.

AN HON. MEMBER : The discussion will be on Monday ?

SHRI A. K. SEN : On Monday. I am very much obliged. This House must not appear to be divided on such a vital matter because that will frustrate the whole purpose. The nation's resolve is to fight terrorism with the law.

PROF. MADHU DANDAVATE : We are not only undivided; we are united. Put it positively.

SHRI A. K. SEN : I am very much obliged. This House must pass it unanimously.

MR. SPEAKER : Amendments to this Bill can be given till 5 P. M.

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip) : Can we give amendments on Monday at 10 O'clock.

11.29 hrs.

SECURITIES CONTRACTS
(REGULATION) AMENDMENT
BILL*

[English]

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : I beg to move for leave to introduce a Bill further to amend the Securities Contracts (Regulation) Act, 1956.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Securities Contracts (Regulation) Act, 1956."

The motion was adopted.

SHRI JANARDHANA POOJARY : I introduce the Bill.

11.30 hrs.

MATTERS UNDER RULE 377

[English]

(i) Need to provide drinking water to the drought affected areas of Orissa

SHRI BRAJAMOHAN MOHANTY, (Puri) : A large part of the state of Orissa has been affected by severe drought. In drought effected areas particularly the drinking water problem has been very acute. The sub-soil water level has gone down. Many wells are now dry. The pipe water is not adequate. In many cases the tube-wells are out of order. Water is a basic need of man and drinking water is necessary for sustaining life. In some parts on account of non-availability of pure drinking water dysentery and other ailments have spread. It is reported that a number of children have died on account of dysentery and other ailments while a large number of children are suffering from dysentery. The situation is very much distressing.

I, therefore, urge upon the Government to take immediate steps to provide drinking water and to make all arrangements for availability of water for the use of the people.

(ii) Need to take steps to avoid the impending closure of L.P.G. Cylinder manufacturing unit in Kerala

SHRI K. KUNJAMBU (Adoor) : The L.P.G. cylinders manufacturing unit set up by the Kerala State Industrial Development Corporation is facing a crisis due to lack of orders. The three nationalised oil companies which are the only buyers of these cylinders have not placed any orders