

[Mr. Speaker]

tion of children and matters connected therewith."

The motion was adopted.

SHRI P. SHIV SHANKAR: Sir, I introduce the Bill.

12.30 hrs.

**NATIONAL SECURITY BILL—
contd.**

Clause 3—(Power to make orders detaining certain persons.)

MR. SPEAKER: The House will now take up further clause-by-clause consideration of the Bill to provide for preventive detention in certain cases and for matters connected therewith.

We take up Clause 3. Amendments for Clause 3 will now be moved

SHRI G. M. BANATWALLA: (Ponnani): I beg to move:

Pages 2 and 3,—

omit lines/28 to 46 and 1 to 5 respectively. (2)

Page 3, line 6,—

omit "or approved" (3)

Page 3 line 7,—

for "seven days" substitute "two days" (4)

Page 2,—

after line 27, insert—

"(2A) No order of detention shall be made under sub-section (2) unless, having regard to the circumstances prevailing or likely to prevail in an area, there is sufficient cause to believe that the person concerned is likely to act in any manner prejudicial to the maintenance of public order or in any manner prejudicial to the maintenance of supplies and services essential to the community." (80)

SHRI MOOL CHAND DAGA (Pali) I beg to move:

Page 2, line 32,—

for "or Commissioner of Police" substitute—"and Commissioner of Police or any other officer of equivalent rank or the Head of the Police Department of that district" (18)

Page 2, line 36,—

for "three months" substitute—"one month" (20)

Page 2, line 39,—

for "three months" substitute "one months" (21)

Page 2, line 44,—

for "twelve days" substitute "seven days" (2)

Page 3,—

omit lines 1 to 5. (23)

Page 3,—

for lines 6 to 10, substitute—

"(5) Notwithstanding anything contained in this Act, no order may be made by the State Government under this section unless the State Government has reported the facts to the Central Government together with the grounds on which the order is proposed to be made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order and the Central Government has consented for the passing of such an order." (24)

SHRI RAMAVATRA SHASTRI (Patna): I beg to move:

Page 2, lines 17 and 18—

omit "or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community" (35)

Page 2, line 36.—

for "three months" substitute
"one week" (36)

Page 2, line 39,—

for three months" substitute
"one week" (37)

Page 2, line 44,—

for "twelve days" substitute
"two days" (38)

Page 3, line 2,—

for "after five days" substitute—
"the first day" (39)

Page 3 lines 2 and 3,—

for "ten days" substitute "the
second day" (40)

Page 3, line 4,—

for "fifteen days" substitute
"two days" (41)

Page 3,—

for lines 6 to 10, substitute—

"(5) No order may be made against any person by the State Government under this section unless the State Government has reported the facts to the Central Government together with the grounds on the basis of which the order is proposed to be made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order and the Central Government has consented for the passing of such an order." (282)

SHRI BAPUSAHEB PARULE-²
KAR (Ratnagiri): I beg to move:

Page 2,—

after line 19, insert—

"Provided that no Member of Parliament or a Member of State Legislature shall be so detained under this Act when the Parlia-

ment or the State Legislature are in sessions." (51)

Page 2, lines 29 and 30,—

for "District Magistrate or a Commissioner of Police" substitute
"Sessions Judge" (52)

Page 2, line 32,—

for "District Magistrate or a Commissioner of Police" substitute
"Sessions Judge" (53)

Page 2,—

after line 39, insert—

"Provided further that the period of three months of detention shall not be extended on the same grounds and unless previous approval of the Advisory Board to extent detention period to taken." (55).

Page 3,—

after line 10, insert—

"(6) The grounds of detention shall be furnished to the person detained at the time of service of the detention order, otherwise the order of detention would be illegal and the person so detained shall be released forthwith." (56)

Page 2, line 25,—

after "1980" insert—

"and also does not include an act for which action can be taken under ordinary law of the land." (257)

SHRI RAM JETHMALANI (Bombay North West): I beg to move:

Page 2,—

for lines 6 to 19.—substitute—
reason to believe that with a view to preventing any person from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India.
or

[Shri Ram Jethmalani]

(b) Whenever there is reason to believe that with a view to regulating the continued presence in India of any foreigner or with a view to making arrangements for his expulsion from India..

it is necessary to detain such person, the Central Government or the State Government may make an order that such person be detained.

(2) Whenever there is reason to believe that with a view to preventing any person from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community, it is necessary to detain such person, the Central Government or the State Government may make an order directing that such person be detained." (69)

Page 3, line 6,—

omit "or approved by the State Government" (31)

Page 3,—

after line 10, insert—

"(6) On receipt of such report the Central Government shall, as soon as may be, proceed to consider whether the order may be revoked under section 14." (72)

SHRI CHITTA BASU (Barasat): I beg to move:

Page 2, lines 16 to 18,—

omit "or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community." (91).

Page 2,—

for lines 35 to 39, substitute—

"provided that the period specified in an order made by the State Government under this sub-section shall not exceed in any case two months." (92)

Page 3, line 7,—

for "seven days" substitute—

"five days" (93)

SHRI R. K. MHALGI (Thane): I beg to move:

Page 2,—

after line 19, insert—

"Provided that no Member of Parliament or Member of State Legislature shall be so detained under this Act when the Parliament or State Legislature are to meet within a week and till they are in session." (108)

Page 2,—

after line 39, insert—

"Provided further that the period of three months of detention shall not be extended on the same grounds and unless previous approval of the Advisory Board to extend detention is obtained." (112)

Page 2, line 44,—

for "twelve days" substitute—

"three days" (113)

Page 3, line 2,—

for "after five days" substitute—

"next day" (114)

Page 3, lines 2 and 3,—

for "ten days" substitute—

"three days" (115)

Page 3, line 4,—

for "fifteen days" substitute—

"three days". (116)

SHRI K. A. RAJAN (Trichur): I beg to move:

Page 3,—

after line 10, insert—

“(6) The grounds of the detention shall be furnished to the person detained at the time of service of the detention orders, otherwise the order of detention would be illegal and the person so detained shall be released forthwith.” (159)

SHRIMATI GEETA MUKHERJEE (Panskura): I beg to move:

Page 2 line 36,—

for “three months” substitute “fifteen days” (172)

Page 2, line 39,—

for “three months” substitute “fifteen days” (173)

Page 2, line 44,—

for “twelve days” substitute “five days” (175)

Page 3, line 2,—

for “ten” substitute “seven” (176)

Page 3, line 4,—

for “twelve days” substitute “five days” (177)

Page 3, line 4,—

for “fifteen days” substitute “ten days” (178)

Page 3,—

after line 10, insert—

“(6) The grounds of detention shall be furnished to the person detained at the time of service of the detention orders, otherwise the order of detention shall be illegal and the person so detained shall be released immediately.” (179)

SHRI HANNAN MOLLAH (Ulu-beria): I beg to move:

Page 2, lines 8 and 9,

omit “the relations of India with foreign powers.” (189)

SHRI VIJAY KUMAR YADAV (Nalanda): I beg to move:

Page 2,—

after line 19, insert—

“Provided that no person shall be detained under this Act by any Government without prior intimation of the grounds of his detention and without providing him a proper opportunity to defend himself;

provided further that no Member of Parliament or Member of a State Legislature shall be detained without obtaining prior approval of both Houses of Parliament in case of a Member of Parliament and the approval of both Houses of State Legislature in case of a Member of State Legislature.” (216)

Page 2,—

omit lines 20 to 27. (217)

Page 2, lines 29 and 30,—

for “District Magistrate or a Commissioner of Police” substitute “District and Sessions Judge.” (218)

Page 2, line 28.—

omit “or likely to prevail” (219)

Page 2, line 32,—

for “District Magistrate or Commissioner of Police” substitute—“District and Sessions Judge.” (220)

Page 2 line 36,—

for “three months” substitute “twenty days” (221)

Page 2, line 37,—

for “State Government” substitute—“Advisory Board” (222)

[Shri Vijay Kumar Yadav]

Page 2, lines 38 and 39,—

for "amend such order to extend such period from time to time by any period not exceeding three months at any one time."

substitute—

"amend such order to extend such period by ten days only."
(223)

Page 2, line 41,—

for "forthwith report the fact" substitute "report the fact within two days of the aforesaid order"
(224).

SHRI T. R. SHAMANNA (Bangalore South): I beg to move:

Page 2, line 36,—

for "months" substitute "weeks"
(234)

Page 2, line 39,—

for "months" substitute "weeks"
(235)

PROF. RUPCHAND PAL (Hooghly): I beg to move:

Page 2, line 36,—

for "three months" substitute "three days" (242)

SHRI R. L. P. VERMA (Kodarma): I beg to move:

Page 2,—

after line 19, insert—

"Provided that no elected representative, whether he/she is a Member of Parliament or a Member of Legislative Assembly or Legislative Council shall be detained under this Act during session." (253)

Page 2,—

after line 39, insert—

"Provided further that period of detention shall not be exten-

ded for more than six weeks without the consent of the Advisory Board." (254)

SHRI SOMNATH CHATTERJEE (Jadavpur): I beg to move:

Page 2, line 9,—

omit "or the security of India"
(262)

Pages 2 and 3,—

omit lines 14 to 46 and 1 to 10 respectively. (263)

Page 2,—

for lines 35 to 39, substitute—

"Provided that the period specified in an order made by the State Government under this sub-section shall not in any case exceed one month." (275)

MR. SPEAKER: These amendments are before the House. Care has to be taken to see that identical amendments are not moved.

Now, I call Shri G. M. Banatwalla.

श्री जी०एम० बणातवाला (पौनानी) :
जनाबं स्पीकर साहब, मैं इतना कहना चाहता हूँ कि एहनियाती नजरबंद का हक पुलिस कमिशनर को भी दिया जा रहा है और डिस्ट्रिक्ट मैजिस्टेट को भी दिया जा रहा है। जरा होम मिनिस्टर साहब यह समझाने की कोशिश करें कि मैं अगर इस्तिलाफ के लिये खड़ा हुआ तो कोई मुखालिफत या मुकाबले का जज्वा ले कर नहीं खड़ा हुआ हूँ मैंने तो अपनी पहली तकरीर में हुकूमत पर यह इल्जाम भी नहीं रखा था कि वह कोई पोलिटिकल मोटिव ले कर आ रही हैं। आप चाहते है कि हालात सुधरें। लेकिन जो तरीका आप अख्तियार करने जा रहे है वह तरीका गलत है। मैंने कहा था कि यह मिसकॉन्फेशन है कि

डिटیشن ڈج دی پینوشیا غراف مال
 ڈلس۔ اس بات کو مینے واجہہ کرنے کی
 کوشش کی ہے۔ آپنے خود کہا ہے کہ
 جناتا پارٹی کے راج میں बदकिस्मी سے
 फिरकेबाराणा अनसिर हमारे इतजामिया
 में दाखिल हो गये और उन्होंने रेस्पेक्टबिलिटी
 भी ले ली। और आपके इस ब्यान को
 तस्लीम करते हुए, 100 फ्रीसदी दुहस्त
 समझते हुए उसकी ताईद करते हुए मैं
 सिर्फ इतना मतलब कर रहा हूँ कि मेहरबानी
 कर के अपने इतजामिया के इन छोटे मोटे
 अफसरों को, जिनके बारे में आप कहते हैं कि
 कम्यूनल एलीमेंट्स घुस गये है, उनको डिटेशन
 आर्डर का हक न दिया जाय। इसीलिए यह
 अमेंडमेंट मैंने रखा है। वरना हालात के
 अन्दर और भी खराबी पैदा होगी, इस
 बात को समझना चाहिये। जनता पार्टी
 ने अबाम को मायूस कर दिया। अब
 अगर आप भी मायूस कर देंगे तो अबाम
 की यह मायूसी मुल्क और जुम्हूरियत के लिये
 तबाही और बरबादी का वायस बत जायगी।
 अगर मैं इच्छितलाफ कर रहा हूँ तो उसको
 समझने की कौशिश कीजिये। कोई मुकाबले
 की बात नहीं है, लेकिन सही इलाज की
 तरफ आपको दावत देने के लिये मैं खड़ा
 हुआ हूँ।

[शरी जी - ایم - بلات والا
 (يوناندى) : جناب اسپيڪر صاحب،
 میں اتنا کہنا چاہتا ہوں کہ
 اختیاطی نظر بندی کا حق پولیس
 کومشور کو بھی دیا جا رہا ہے اور
 دستورکٹ مستوریت کو بھی دیا
 جا رہا ہے۔ ذرا ہوم منسٹر صاحب
 یہ سمجھنے کی کوشش کریں کہ
 میں اگر اختلاف نے لئے کہتا ہوں تو
 کوئی مخالفت یا مقابلے کا جذبہ
 لیے کر نہیں کہتا ہوں۔ میں
 نے تو اپنی پہلی تقریر میں حکومت
 پر یہ بھی الزام بھی نہیں دیا تھا

کہ وہ کوئی پولیٹیکل موٹیو لے کر
 آ رہی ہے۔ آپ جانتے ہوں کہ
 حالات سدھریں۔ لیکن جو طریقہ
 آپ اختیار کرنے جا رہے ہیں وہ
 طریقہ ظالم ہے۔ میں نے کہا تھا
 کہ یہ مس کانسپشن ہے کہ
 قتلشن از دی پیدہشیا آف آل افسر۔
 اس بات کو میں نے واضح کرنے کی
 کوشش کی ہے۔ آپ نے خود کہا
 ہے کہ جانتا پارٹی کے راج میں
 بدتستی سے فرقہ وارانہ عناصر ہمارے
 انتظامیہ میں داخل ہو گئے اور
 انہوں نے رسپیکٹبیلٹی بھی لے لی۔
 اور آپ کے اس بیان کو تسلیم کرتے
 ہوئے 100 فیصدی درست سمجھتے
 ہوئے اسکی تائید کرتے ہوئے میں
 طرف اتنا مطالبہ کر رہا ہوں کہ
 مہربانی کر کے اپنے انتظامیہ نے ان
 چھوٹے موٹے افسروں کو جانکے بارے
 میں آپ کہتے ہیں کہ کہنل
 ایلیمینٹس کوس گئے ہوں انکو
 قتلشن آرڈر کا حق نہ دیا جائے۔
 اسی لئے یہ امانتدہلیت مور نے
 رکھا ہے۔ ورنہ حالات کے اندر اور
 بھی خرابی پودا ہو گئی۔ اس بات
 کو سمجھنا چاہئے۔ جانتا پارٹی
 نے ہوم کو ملیرس کر دیا۔ آپ
 اگر آپ بھی ملیرس کر دیں گے تو
 ہوم ہی یہ ماہوسی مانگ اور
 جمہوریت کے لئے بھی اور پولیسی
 کا باہر بن جائے گی۔ اگر میں
 اختلاف کر رہا ہوں تو اس کو
 سمجھنے کی کوشش کیجئے۔ کوئی
 مقابلے کی بات نہیں ہے۔ لیکن
 صحیح علاج کی طرف آپکو دعوت
 دینے کے لئے کہتا ہوں۔]

श्री मूल चन्द डागा (पाली) : अध्यक्ष महोदय, मैं इस बात को कहना चाहता हूँ कि डिटेन्शन अगर हम करते हैं तो उसके बारे में हमारा कुछ दृष्टिकोण होना चाहिये। मैं होम मिनिस्टर से पूछना चाहता हूँ कि किसी आदमी को आप जेल में रखते हैं तो उसको किस रूप में रखना चाहते हैं। पहले तो आपने पावर सेन्ट्रल गवर्नमेंट को, फिर स्टेट गवर्नमेंट को देदी और स्टेट गवर्नमेंट ने वह पावर पुलिस कमिश्नर और मैजिस्ट्रेट को दे दी। मैं पूछना चाहता हूँ कि अगर आप डिटेन्शन करना चाहते हैं और पावर आपने दी है और आपने लिखा है कि फौर ए स्पैसिफाइड पीरियड, यह जो आपका क्लॉज है उसमें भी यह साफ मालूम नहीं होता कि जहां पुलिस कमिश्नर नहीं है वहां कौन डिटेन्शन आर्डर देगा क्योंकि डिस्ट्रिक्ट मैजिस्ट्रेट के पास तो वैसे ही और बहुत से काम होते हैं। हमारे राजस्थान में पुलिस कमिश्नर नहीं है, और भी बहुत से राज्यों में पुलिस कमिश्नर नहीं हैं। तो क्या वहां पर एस० पी० डिटेन्शन का आर्डर करेगा, या डिस्ट्रिक्ट मैजिस्ट्रेट करेगा? आप अपनी पावर्स डेलीगेट करते हैं और डेलीगेट करनेके बाद सेन्ट्रल गवर्नमेंट कर सकती है, स्टेट गवर्नमेंट कर सकती है, मैजिस्ट्रेट और पुलिस कमिश्नर को पावर देते हैं। लेकिन एक बात सोच लीजिये कि कानून में आप अधिकार दे रहे हैं लेकिन उसका कहीं मिसयूस न होने लगे और जो परपत्र है कि जो लोग देश की सुरक्षा को खतरे में डालना चाहते हैं उनके खिलाफ यह कानून लागू होगा इस बात को ले कर यह पावर कहीं आर्डिनरी पुलिस अफसर को न मिल जाय और उसका मिसयूस होने लगे। इस बात का क्या सेफ़गार्ड है?

दूसरी बात यह है कि आपने 12 दिन का टाइम लिया है इतला करने का। मैं समझता हूँ कि अगर कोई मैजिस्ट्रेट

समझदार है तो 7 दिन में इतला कर सकता है। एक आदमी को आप 12 दिन तक डिटेन्शन में रख सकते हैं, 1980 में आप क्या बनाते हैं, सिविल राइट्स की बात आप करते हैं, ह्यूमन फ्रीडम की बात करते हैं—
..No such order shall remain in force for more than 12 days after the making thereof unless, in the meantime, it has been approved by the State Government.

मैं समझता हूँ कि इतने दिन तक नहीं रखना चाहिये, बहुत कम दिन, वह 7 दिन में कर सकता है। इसके लिये मैंने यह अमैडमेंट मूव की है :-

“Notwithstanding anything contained in this Act, no order may be made by the State Government under this section unless the State Government has reported the facts to the Central Government together with the grounds on which the order is proposed to be made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order, and the Central Government has consented for the passing of such an order.”

मेरा इसमें परपत्र यह था कि कांस्टीट्यूशन के आर्टिकल 22 और 23 में it has been said: Article 22(5):

“When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be communicated to such person...”

The words used are—as soon as.

आपने कानून का उद्देश्य जो रखा है, कानून बुरा नहीं हो सकता है, लेकिन लागू करने वालों की नियत का सवाल है।

श्री रामाबतार शास्त्री (पटना) : अध्यक्ष महोदय, मैंने अपने सौझाचन द्वारा यह मांग की है कि नजर बंद करने की अवधि कम-से-कम रखी जाये।

इसके पेज नं० 2 में जहां चिह्न है।

"...prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community..."

ऐसी व्यवस्था कर के इस कानून में आपने हड़ताल करने को गैर-कानूनी किये बगैर हड़ताल करने वालों पर पाबन्दी लगा दी है। इस तरह से कारखानों में अगर कोई हड़ताल करेगा तो जाहिर बात है कि उनकी बातें सही होगी उचित होंगी, फिर भी अगर वह आन्दोलन करेंगे तो ऐसे लोगों को आप पकड़ कर इस कानून के तहत नजरबंद कर देंगे और ज्यादा से ज्यादा 1 साल तक आप रख सकेंगे। जो प्रावधान आप इस विधेयक में कर रहे हैं, इस तरह की बात नहीं होनी चाहिये।

संविधान के मुताबिक संगठन बनाना, शांतिमय तरीके से आन्दोलन करना, यह अधिकार हिन्दुस्तान में तमाम नागरिकों को प्राप्त है। इस तरह से अगर आप उस पर बंदिश लगायेंगे तो उनके संवैधानिक अधिकारों पर प्रहार होगा। मैं चाहता हूँ कि इस तरह की बात इसमें न रखी जाये। इसको निकाल दिया जाये और बाकी संशोधनों के द्वारा मैंने कहा है कि नजरबंदी कानून गलत है, जनतंत्र विरोधी है। लेकिन जब आप इसे पास कर रहे हैं तो कम से कम 1 दिन से लेकर 7 दिन, 10 दिन या 1 महीने से ज्यादा किसी को नहीं रख सकें, ऐसी व्यवस्था आपको करनी चाहिये।

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Sir, I have moved seven amendments. Kindly take into account the number of amendments and allow me to have sufficient time; I have not spoken earlier also.

Before going to the merits of the amendments, I feel it my duty to make an observation to protest with all emphasis at my command against

the observations of the hon. Home Minister yesterday to which a reference was made by Shri Atal Behari Vajpayee that we have moved these amendments for purposes of publicity and for purposes of circulating these in our constituencies. We mean real business. It may be his experience, but we have not moved these amendments for this purpose.

Coming to the amendments moved by me, in my amendment No. 56, I have mentioned that the grounds of detention are to be furnished to the persons detained at the time when the detention order is served. Otherwise, Sir, this word "satisfied" is very flexible, any person can be detained, with this word "satisfaction".

Sir, for the benefit of the Hon. Members I would like to report the incident that took place in Nasik in November, 1975. Sir, it would show that we are concerned with the liberties. Kindly see what I am saying. To one Senior Advocate of Nasik, detention warrant was sent. The District Magistrate said "I am satisfied that your activity"... Listen, Sir, how this is being misused.

MR. SPEAKER: Simply explain here in this House.

SHRI BAPUSAHEB PARULEKAR: Now, Sir, this incident is timely. Listen for a moment. Sir, an order was sent by the District Magistrate saying that, Mr. So and So, I am satisfied that your activity is detrimental to the interest of the nation. Sir, the Police Officer went to the House. The door was opened by the son. He said "I have got this Order in the name of your father." The son told the Police Officer "I am so sorry. If you want to serve the Order, you have to go to Heaven. My father is dead and gone long before." Sir, the emergency got declared. That is the instance in Nasik. I can give the name. That is how the satisfaction of the Executive Officers was used, when this MISA was there. Therefore, Sir, what I have mentioned is that the grounds should

[Shri Bapusaheb Parulekar]

be given at that very time. I do not know, when you have the grounds with you, what is the objection for you to give the grounds. Unless you want to hunt for the grounds whether the detention is made on recommendation, on the phone or on the instructions of somebody? Therefore, I would like to know as to why this is not mentioned, Sir, in this particular clause.

Secondly Amendment No. 55, Sir, it is an important amendment. Sir, the order of detention is to be scrutinised by the Advisory Board. But that is only for three months. But, after three months, the detention can be continued without the matter being referred to the Advisory Board. So, for nine months, you can continue the detention without referring it to the Advisory Board. Therefore, I have made a suggestion, Sir, that if a detention is to be continued for more than three months, as mentioned in this particular clause, then, it is necessary that the prior approval of the Advisory Board is required. Otherwise, what I mean is that the approval of the Advisory Board is only for the purpose of detention for three months and for nine months this person is at the whims of the Executive.

My third amendment is that they have mentioned in the proviso to clause 3 that, this will not include the cases coming under the Black-marketeters Act, but I have mentioned that it should be added that it does not include an act for which action can be taken under the ordinary law of the land. For example, the detention order is given, it is usually mentioned that you participated in this Morcha, you participated in this gherao. Sir, they cannot be the grounds of detention because they are acts which are made punishable. As the Hon. Home Minister has said, that we are detaining the persons. We are not punishing the persons—so that they should

not indulge in activities detrimental to the interests of the nation, then, Sir, acts which are ordinarily committed and which amount to crime, they should not be the basis of the detention order. Therefore this particular amendment. And two other small amendments I have mentioned.

• Sir, why not give these powers to the Sessions Judges who can apply their judicial mind. Why are you giving it to a District Magistrate so that there is political interference, there can be phone calls, saying pick up this man? But the Government cannot do this to the Sessions Judges. Therefore, in order to give more protection, I would suggest that instead of District Magistrate, the Sessions Judge should be there and the last amendment which I have moved is that representatives of the people either in the Legislative Assembly or Legislative Councils or Members of Parliament, shall not be detained when the Parliament is in session or if they are to be detained, they can be brought here; they can be looked after. We have experience in the past that when you want a majority for a Bill to be passed, you do not want to hear the Opposition's voice, and you have detained those people. Sir, there is no reason why this amendment should not be accepted.

SHRI RAM JETHMALANI (Bombay North West): Mr. Speaker, Sir, I am speaking in support of Amendments 59 to 72 but before I do so, if you don't mind, I will take a quarter of a minute to pay a public tribute to my Hon. friend Mr. Moolchand Daga on the other side.

He has explained the principle—a very refreshing contrast to the mood of the ruling party. The only grievance that I have is that one swallow does not a summer make; and Mr. Daga does not make the Congress(I). On the part of the Government, all that one meets is some kind of a mulish stubbornness and callous insensitivity to human rights; and all that we plead for to-day by these

amendments 69 and 72 is that you must substitute, in place of a completely subjective satisfaction of an executive authority, at least some kind of an objective existence of circumstances which alone may bring about the exercise of the power of detention.

Our Supreme Court, in the famous Khudhi Ram's case has already come to the conclusion that even though these Statutes are worded in the manner in which they are worded, yet the courts are not totally powerless to interfere; and the courts can interfere on the ground that the authority has come to a conclusion so unreasonable, that no reasonable authority would ever have come to it; then the courts would interfere. If this is the law laid down by the Supreme Court, at least I expect this much of honesty and reasonableness from the Minister in charge of piloting this Bill that he would make the position clear and put it beyond doubt; and he should have no difficulty in accepting this amendment, because all that this amendment does is to leave your powers of detention totally in fact. You can exercise them, but you exercise them only if there is reason to believe that, "with a view to preventing a person from acting in a manner prejudicial..." etc. I don't think any honest Government should have the slightest difficulty in accepting this proposition, because this proposition has been almost laid down by the Supreme Court itself.

The second substantial feature of this amendment is that it would take away the power of subordinate officers, officers subordinate either of Central Government or State Government, in the matter of these orders of detention. If you compare the provisions of this Statute with those of COFEPOSA, which deals with smugglers and foreign exchange manipulators, there you will find that even under COFEPOSA, there is no power given to the district magistrates or police officers to make orders of detention. So, you are treating these persons who in the nature of things

will be persons involved in politics, involved in dissent, involved in attack on the Government; and in the nature of things, whole dealing with these persons, you cannot deal with them in a manner which is worse than the manner in which you are dealing with smugglers and foreign exchange manipulators. All that we say is that as in the case of COFEPOSA where this power is exercisable by the Central Government and the State Governments, keep that power even in this Statute—confined to the Central Government and State Governments.

The rest of the amendments are merely consequential.

SHRI CHITTA BASU (Barasat):
For this clause, I have given amendments No. 91, 92 and 93. It is our right to oppose and we shall oppose this Bill at every stage.

The ambit of this Bill is very wide, and the Bill is directed against the workers of our country. Through this Bill, any rightful or justified strike of the workers can be tackled. So, they have included the words: "from acting in a manner prejudicial to the maintenance of supplies and services essential to the community." These words are also there in the Essential Commodities Act. When these things appear in that Act, and there are adequate provisions for dealing with the situation, why this particular thing is brought in here also? The intention is evil, viz. to teach the working class a lesson, to prevent them from resorting to a rightful and legal strike permissible under the Industrial Disputes Act. Therefore, it should not find a place in the Bill. My second point is this. Power has been given to the district magistrates and commissioners of police. One of the powers is that for the first time, there can be detention order for three months and again if the state government so feels, and considered it necessary, it can be further extended of course at a time not more than three months. My amendment is about this. If you feel that somebody is to be detained

[Shri Chitta Basu]

in order to prevent him from doing some thing which is prejudicial, two months detention is enough to prevent him from doing that prejudicial activity. Why have you given authority to the district magistrate and the police commissioner to extend the term of detention? At the first stage they can detain him for three months. Again the district magistrate and the police commissioner can extend it by another three months, another three months again, and another three months again. This is perhaps perpetual detention of political dissenters, that also without reference to the advisory boards. Therefore, Mr. Speaker, you should understand the anger and concern of Members. This gives them power for perpetual detention, for an indefinite period. Therefore, I want that the proviso should be replaced by my amendment which is as follows:

"Provided that the period specified in an order made by the state government under this sub-section shall not exceed in any case two months."

The third point is this. This Bill enable the state government to send reports to the central government within seven days; I think it should be reduced to five days.

*SHRI R. K. MHALGI (Thane):
Clause 3. Mr. Speaker, Sir, I would like to raise two points regarding my 11 amendments to this Bill. Hon. Home Minister told us that the provisions of this Bill would not be used against the political opponents. If it is so, it would be a sin to detain either the Members of Parliament or the Members of State Assemblies when they are in session. The Members of Parliament or State Assemblies, therefore should not be detained before a week of the commencement of the session. There is a concrete ground for my amendment. We have been elected to represent the people for a period of five years. This is in keeping with the provision of the Constitution and

the Government should take care to see that nothing contradicts the spirit of the Constitution. MLAs and MPs are elected for a period of five years and if they are detained during session period, they would not be able to represent their constituencies.

My another amendment seeks to reduce the period of detention to one month from three months and pleads that the grounds of detention should be communicated to the State Government within three days instead of 15 days. I request the House to accept my amendment as it will help in reducing the extent of sin that the Government would commit by implementing this Bill.

MR. SPEAKER: Mr. Bhogendra Jha. Did you not move it?

You were not there. Shri Satish Agarwal.

SHRI BHOGENDRA JHA (Madhubani): Mr. Speaker, I seek your permission and the permission of the House to allow me to move my amendment.

MR. SPEAKER: Not now:

SHRI SATISH AGARWAL (Jaipur): My amendments are just identical as those which had been moved by Mr. Ram Jethmalani.

MR. SPEAKER: Did you move this?

SHRI SATISH AGARWAL: They have been moved. They are just like my amendments and I am one with them.

SHRI K. A. RAJAN (Trichur): I have four amendments, 156 to 159. Clause 3 refers to "...from acting in any manner prejudicial to the maintenance of supplies and services essential to the community". It is a dangerous provision and if it is allowed to remain, it is likely to be misused against the working class right to strike. That is why I want deletion of this provision. Amendment No. 159 is about detention order. The grounds of detention shall be furnished to the person detained at the time of service

*The original speech was delivered in Marathi.

of the detention order, otherwise the order of detention would be illegal and the person so detained shall be released forthwith. I want this amendment to be made to that clause.

MR. SPEAKER: Yes, Smt. Geeta Mukherjee.

SHRIMATI GEETA MUKHERJEE: (Panskura): Sir, I have not had the opportunity of speaking at all on this. (Interruptions)

MR. SPEAKER: I am not going to allow any opportunity to speak. (Interruptions)

SHRIMATI GEETA MUKHERJEE: I will move the amendment... (Interruptions)

MR. SPEAKER: I will give you two minutes

SHRIMATI GEETA MUKHERJEE: Sir, public order is a very wide term, lay which anything can be meant. When I was ... (Interruptions)

SHRIMATI GEETA MUKHERJEE: When I was first detained under such law I was given the grounds of leading the Santhal rebellion with bows and arrows in hand. That was the situation when I had heard it in my life. So, I have opposed these two things, public order and essential commodities. I do not want to repeat the grounds.

Secondly, Sir, I am moving another amendment the grounds of detention was must be specified prior to the detention. Again I was given the same ground.

I was detained twice. That was the first time. Later on again we have been all given the same thing. How far these grounds are serious, it can be understood from everybody's personal experience who have ever been detained under this. That is why I have said that it must have prior approval of the Advisory Board. Therefore, Sir, I have given my amendments—the day is being limited I do not

want to repeat. My last amendment, was that the grounds of detention must be furnished to the person at the time of arrest. How is it that one person is arrested on serious grounds, threatening national security and the executive does not know on what grounds he is being arrested and they cannot be given to him at the time of arrest? It shows the *mala fide* interest unless it is clearly stated that the persons must have the grounds immediately. (Interruptions)

MR. SPEAKER: Yes. Mr. Hannan Mollah.

SHRI HANNAN MOLLAH (Uluberia): Sir, I can understand the attitude of the ruling party in opposing these amendments. We know from experience that the ruling party is not against collaboration with imperialist powers and the time may come when they may collaborate with the imperialists. In such a situation this Act may be used against any anti-imperialist struggle... (Interruptions)

MR. SPEAKER: The hon. Member may please explain the point why he is moving this amendment.

SHRI HANNAN MOLLAH: Sir, I am coming to that. Secondly, I would like to point out that this Bill is an anti-working class measure. As far as the wage struggle is concerned, suppose a cotton mill workers are in strike for bonus, then it would be said that cloth is essential goods and strike in cotton mill stops production of cloth which prevents supply of essential goods. So the strikers are subject to this Act. This way, this Act will be misused against the strike. So I move this amendment.

MR. SPEAKER: That is all; (Interruptions) Yes, Mr. Vijay Kumar Yadav.

श्री विजय कुमार यादव (नालन्दा) :
 अध्यक्ष महोदय, वैसे तो मैंने 13 अमेंडमेंट्स दी हैं, लेकिन मैं चार पांच पर ही ज़ोर डालूंगा। पहली बात तो यह है कि ला-एण्ड-आर्डर और आवश्यक वस्तुओं की सप्लाई के सिलसिले में जो कानून बनाया गया है

[श्री विजय कुमार यादव]

श्रीर प्रीवेन्टिव डिटेन्शन की बात कही गई है— इसके पीछे मैलाफाइड-इन्टेंशन है और निश्चित तौर पर यह पोलिटिकली-मोटिवेटेड है, इसलिए मैंने एग्जेंडमेंट के जरिये मांग की है कि इसको हटाया जाय। आप इस तरह का कानून बनाकर मजदूरों के ट्रेड यूनियन राइट्स और पोलिटिकल राइट्स को नहीं दबा सकते।

दूसरी बात यह है कि कई माननीय सदस्यों ने कहा है कि डिटेन्शन के पहले उनको ग्राउण्ड्स की जानकारी दी जानी चाहिये। मैंने इसमें एक कदम और आगे बढ़कर संशोधन दिया है। कि ग्राउण्ड्स तो दिये ही जायें, साथ-साथ उन को पूरा मौका मिलना चाहिये, उस सिलसिले में जो उन पर अभियोग लगाए जाए उस की सफाई देने का और सफाई का मौका मिलने के बाद ही गिरफ्तारी की बात की जाए।

अध्यक्ष महोदय : यह प्वाइंट आ चुका है।

श्री विजय कुमार यादव : यह प्वाइंट अभी नहीं आया है। फर्स्ट पार्ट की चर्चा की है, लेकिन जो सैकेन्ड पार्ट है वह यह है कि उनको प्रारंभ अपारचुनिटी मिलनी चाहिये सफाई देने की और सफाई देने के बाद की इस तरह की कार्यवाही की जाय और इसी में मैंने तमाम माननीय सदस्यों का भी ख्याल रखा है क्योंकि पता नहीं इस एक्ट के बन जाने के बाद कौन गिरफ्तार होगा और कौन नहीं होगा। इसलिए मैंने अपने एग्जेंडमेंट के जरिए इस बात की चर्चा की है कि पार्लियामेंट के मेम्बरों और विधान सभाओं के मेम्बरों के साथ अगर यह कानून लागू करने का बात होती है, तो अगर विधान सभा का मेम्बर है, तो विधान मंडल, जो दोनों हाउसेज का होता है और अगर संसद संदस्य के बारे में यह कानून लागू करने की बात होती है, तो पार्लियामेंट के दोनों

हाउसेज के बगैर पहले से मंजूरी किए हुए, उन पर यह कानून लागू न किया जाए।

सरकारी अधिकारियों के बारे में भी बहुत सारे माननीय सदस्यों ने कहा है कि उन को यह अधिकार नहीं मिलना चाहिए क्योंकि हमारा जो पुराना तजुर्बा है, उसमें हमने यह देखा है कि ऐसे अधिकार का दुरुपयोग हुआ है। मैंने अपने एग्जेंडमेंट के जरिए इस बात की चर्चा की है कि जिला मैजिस्ट्रेट और पुलिस कमिश्नर की जगह पर यह अधिकार डिस्ट्रिक्ट और सेशन जज को मिलना चाहिए, तभी न्याय की बात हो सकती है।

12.57 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

उपाध्यक्ष महोदय, इसमें डिटेन्शन के बारे में कहा गया है। इसमें 'ऐसी परिस्थितियां मौजूद हो' के साथ-साथ एक बात और जोड़ी गई है कि अगर 'ऐसी परिस्थिति की संभावना हो,' पासिबिलिटी पर भी किसी को डिटेन कर सकते हैं। अगर यह प्रावधान रहने दिया गया तो ये अपनी व्याख्या के हिसाब से और अपनी समझ से किसी को भी डिटेन कर सकते हैं। यह एक मौलिक एग्जेंडमेंट है क्योंकि इसमें 'हो सकने वाली परिस्थिति' का जिक्र किया गया है। इससे इनको डिक्टेटोरियल पावर्स मिल जाएंगी और ऐसी हालत में यह आवश्यक है कि इस चीज को खत्म किया जाए। डिटेन्शन के बारे में अनिश्चित काल के लिए रिन्यू करके ये किसी को भी डिटेन कर सकते हैं। एक बार डिटेन्शन के बाद केवल एक ही बार और वे आगे कर सकते हैं और वह भी 10 दिन के लिए और उससे ज्यादा नहीं, ऐसी मांग मैंने अपने एग्जेंडमेंट के जरिए की है।

SHRI T. R. SHAMANNA (Bangalore South): Barring a few leaders, my

Congress friends do not know what jail life is and how people are treated in jails. If all of them are put in jail for one or two months, then they will understand what it really means. My amendments mostly relate to the period of detention and all that. Every person has to get justice from the court. If really he has committed any offence he has to be punished. Therefore, I have sought to bring down the period to the minimum and I have made months into weeks. Otherwise, if my amendments are in negative in nature, they may not be accepted. I have put the minimum period for intimation giving charges for the arrest, etc. If the Government reduces this period to the barest minimum to some extent it will be helpful.

In many cases where a person is detained, his family is not intimated about it and for months together, the family is put to hardship. Therefore, whenever a person is put in jail immediately the family should be intimated as to where he is and why he has been arrested. Whatever recommendations are made by the advisory board that has been constituted, normally those recommendations must be accepted by the Government. That is another amendment. Through another amendment, I have reduced the period of detention from 12 months to 1 month. We have to see that every person who is arrested gets justice. So, the minimum period is put here.

13 hrs.

All of us were arrested and taken to jail. One Mr. Doraiswamy, who was a sarvodaya worker, was detained for several months simply because he had written a letter to the Prime Minister. Therefore, justice will have to be done without delay and with a view to see that benefit is given to the person who has been arrested without much harassment. The amendments which I have moved, do require the negation of several clauses. It should not be a negative amendment. That is why, I

have reduced the period. I, therefore, request that my amendments be accepted.

PROF. RUP CHAND PAL (Hooghly): It is irony that the largest democracy cannot be run without a preventive detention law. It is with a massive support on which they claim day in and day out to have come to power but they cannot run the Government without such a provision. In any civilised society, detention without the opportunity for self-defence in a court, is always obnoxious, despicable and it is robbing of peoples sacred rights. This Government has failed to solve any problem of the people.

MR. DEPUTY-SPEAKER: Come to the amendments.

PROF. RUP CHAND PAL: I oppose the whole provision of preventive detention, failing which I have now tried to lower the period of detention to somewhat relieve the helpless victims of this draconian measure. From my own experience during Emergency and also during the semi-fascist days, in West Bengal we had seen that cyclo-styled orders of preventive detention were kept ready and at midnight, signatures were put, they were served and teachers, trade union workers, peasant leaders were arrested.

श्री रीतलाल प्रसाद वर्मा (कोडरमा) :
उपाध्यक्ष महोदय, मैंने जो संशोधन दिया है उसके संदर्भ में मैं मंत्री महोदय का ध्यान आकर्षित करना चाहता हूँ कि अगर इन की मंशा स्पष्ट है और ये सत्यनिष्ठा के साथ इसको लागू करना चाहते हैं और आर्थिक अपराधियों और असामाजिक तत्वों पर नियंत्रण करना चाहते हैं तो इस में कोई मतभेद नहीं है। अगर आप कानून के सामने अपराधी को समान मानते हैं तो आपके भी विरुद्ध सदस्य हो जाएंगे और जेल जाएंगे। आप जिस तरह से जिला अधिकारियों और पुलिस अधिकारियों को अधिकार दे रहे हैं उस तरह से उनका बहुत दुष्योग होगा। पहले भी उनके हाथों

[श्री रीतलाल प्रसाद वर्मा]

में बड़ा दुरुपयोग हुआ है। अभी हमारी पार्लियामेंट के सदस्य श्री कुंवर राम जी के साथ भी अभद्र व्यवहार किया गया था और विधान सभा सचिवालय के सामने किया गया था। अगर इसका व्यवहार समान रूप से सभी पर किया जाएगा तो आपकी पार्टी के भी सदस्य अपराधी हो सकते हैं। यह तो केवल अपोजिशन को क्रश करने के लिए आप लागू करना चाहते हैं। मैं चाहता हूँ कि संसद सदस्यों और विधान सभा सदस्यों को सत्तावधि के दौरान इस अधिनियम अन्तर्गत निरुद्ध न किया जाए।

दूसरा मेरा संशोधन है कि जो समय आपने रखा है कि 6-6 महीने बढ़ाते चले जायें यह ठीक नहीं है। अगर कोई अपराधी है तो उसकी जांच-पड़ताल 6 हफ्ते में भी हो सकती है और फिर आप सलाहकार बोर्ड से उसकी राय लें। इस तरह से उसके निरोध की अवधि 6 सप्ताह से अधिक नहीं बढ़ाएं।

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Deputy-Speaker, Sir, after hearing the ghoulish utterances in support of this Bill and the glee with which the members on the other side are supporting this draconian measure, we are more convinced that it should be thrown out lock, stock and barrel. That is why we are making it clear in this amendment that we do not want a single word of this law. But since they have got a temporary sledge hamer majority, we are trying to make it as less in human as possible. Kindly see what my amendment suggests.

If they are really conscious about the maintenance of the security of this country, let them have this power only with regard to matters which may be prejudicial to the defence of India and the relations of India with foreign powers. You will recall that the Fortyfourth Amendment of the

Constitution has restricted the power for declaration of emergency with regard to armed insurrection and relations with foreign powers, and not on other grounds, as was the position previously. Why should not these extraordinary powers be restricted to genuine causes relating to India's defence and external relations? If there is danger from outside, you can use it. But why should the Government have power to use it against the people of this country? If they have any feeling of sensitivity, they will realise that, so far as this Bill is concerned, in every quarter they have met with opposition. The working class, the students, the teachers, the peasants, every section of the people is against this, though the Home Minister may glibly say that 95 per cent of the people are in favour of it. In that case, they must be prepared to go in for a referendum on this question. But they are prepared to elicit public opinion on this. That is why we say that we want to test the *bona fides* of their real intentions.

Yesterday the Home Minister, with the thumping of table by Members on the other side, spoke of so many irrelevancies, but no answer was given as to why Shri A. K. Roy was arrested. No answer was given, either Mr. Stephen, the Minister for Lack of Communication, or Mr. Sathe, the Minister for Misinformation, or the home-breaking Home Minister, none of them could say one word on why Shri A. K. Roy was arrested. Yet, they are all glibly saying that this will not be used against political opponents. Why was one MLA arrested in Bihar?

MR. DEPUTY-SPEAKER: The Jadavpur advocate is making a speech.

SHRI SOMNATH CHATTERJEE: I am not talking as an advocate of Jadavpur. Of course, I feel privileged and honoured that the conscientious people of Jadavpur have sent me

here. They are in the vanguard of democratic movement and I am proud of them. I have to reflect their views in this House.

If Shri Siddhartha Shankar Ray had been in power, Shri Ananda Gopal Mukhopadhyay would have been trembling in his shoes, because the largest number of Congress people were arrested in West Bengal by Shri Siddhartha Shankar Ray during his regime. They are forgetting it now. These are draconian measures. That is why I have said that article 352, sub-clause (1), should go. You have sufficiently defiled our Constitution, you have sufficiently polluted our statute book in this country. Therefore, no longer these lawless laws should be there. If you are genuinely concerned about the country, not about your leader only, if you are concerned about the people and not about your own party, then you should without any hesitation accept my amendment and it should be passed unanimously.

गृह मंत्री (श्री जल सिंह) : मानरेबल मंत्री साहिबान ने जिन्होंने इस क्लोज के अन्दर संशोधन रखे हैं उनको मैंने बड़े गौर से देखा है। उन्होंने बहुत खूबसूरती के साथ अपने संशोधनों के पक्ष में अपने विचार यहां पेश किए हैं और उनको मैंने बड़े गौर के साथ सुना है। मैं इस नतीजे पर पहुंचा हूँ कि उनकी जो शंकायें हैं और जो बार-बार कहा है कि सरकार की मैलाफाइंड इंटेंशज है वे सही नहीं हैं। मजदूरों की इस में आजादी छीन ली जाएगी और वे अपना हक नहीं मांग सकेंगे यह कहा गया। विधायकों को सेशन के दिनों में गिरफ्तार न किया जाए यह भी उन्होंने कहा है सेशन के दिनों की बात तो क्या हम सेशन के बगैर भी नहीं चाहते हैं कि किसी को गिरफ्तार किया जाए। मैं नहीं समझता हूँ कि इसकी जड़ में कोई नेता या कोई विधायक आया।

श्री रामाबतार शास्त्री: श्री ए० के० राय को क्यों पकड़ा गया और क्यों छोड़ दिया गया ?

श्री कूल चन्द्र वर्मा : (शाजापुर) :
उनको गिरफ्तार करने के क्या कारण थे यह तो बताएं।

SHRI CHITTA BASU: Why was A. K. Roy arrested?

SHRI JYOTIRMOY BOSU: Mr. Jagannath Mishra has said that he was arrested for his past activities.

SHRI R. K. MHALGI: Why don't you plead guilty?

श्री जल सिंह : बसु साहब आप जरा सन्न से काम लिया करें। श्री ए० के० राय के मूताल्लिक मेरा कहना यह है कि यह तो ठीक है कि उनको गिरफ्तार किया गया लेकिन उसी सरकार ने जिस सरकार के किसी कर्मचारी ने उनको गिरफ्तार किया था, उनको रिहा भी कर दिया।

इनमें से कोई भी एमेंडमेंट मुझे मंजूर नहीं है और मैं प्रार्थना करता हूँ कि माननीय सदस्य इनको वापस ले लें।

SHRI R. K. MHALGI: On a point of order, Hon. Members have raised so many points. None of the points have been replied to by the Home Minister.

MR. DEPUTY-SPEAKER: He has said that he opposes all the amendments.

SHRI R. K. MHALGI: Is that a reply?

MR. DEPUTY-SPEAKER: Yes. I cannot ask him to give a reply.

SHRIMATI GEETA MUKHERJEE: What is his reply to the demand that the grounds should be furnished at

[Smt. Geeta Mukherjee]

the time of arrest of the person? This is a specific point to which we want a reply.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Hon. Members have put specific questions. As a matter of courtesy to Parliament, the Minister should give a reply. Don't undermine your position, don't undermine the position of the House. Please make a request to him.

MR. DEPUTY-SPEAKER: No, I cannot.

Mr. Banatwalla, are you pressing your amendments?

SHRI G. M. BANATWALLA: Yes, Sir.

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): Sir, unless any member insists that a particular amendment must be separately put to vote, all amendments can be put together. The rule is that all the amendments can be put to vote together but each member has got the right to say that his amendment must be put separately. It need not be presumed that all members want their amendments to be put separately.

MR. DEPUTY-SPEAKER: Do you want to press any particular amendment?

SHRI G. M. BANATWALLA: My amendments should be put to vote, either together or separately as you like it.

MR. DEPUTY-SPEAKER: The question is:

Pages 2 and 3,—

omit lines 28 to 48 and 1 to 5, respectively. (2)

Page 3, line 6,—

omit "or approved" (3)

Page 3, line 7,—

for "seven days" substitute "two days" (4)

Page 2,—

after line 27, insert

"(2A) No order of retention shall be made under sub-section (2) unless, having regard to the circumstances prevailing or likely to prevail in an area, there is sufficient cause to believe that the person concerned is likely to act in any manner prejudicial to the maintenance of public order or in any manner prejudicial to the maintenance of supplies and services essential to the community." (80)

The Lok Sabha divided.

Division No. 26]

13.23 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Deo, Shri V. Kishore Chandra S.
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha

Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kodyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 *Mishra, Shri Gargi Shankar
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusahab
 Pathak, Shri Ananda
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Saini, Shri Manohar Lal
 Sethi, Shri P. C.

*Wrongly voted for Ayes

Shastri, Shri Ramavata
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Turkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri Chandrajit
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Basabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri

Brar, Shrimati Gurbrinder Kaur	Kamakshaiyah, Shri D.
Buta Singh, Shri,	Kamal Nath, Shri
Chakradhari Singh, Shri	Kamla Kumari, Kumari
Chandrakar, Shri Chandu Lal	Kandaswamy, Shri M.
Charanjit Singh, Shri	Kaul, Shrimati Sheila
Chaturvedi, Shrimati Vidyawati	Khan, Shri Arif Mohammad
Chavan, Shri S. B.	Khan, Shri Malik M.M.A.
Chennupati, Shrimati Vidya	Khan, Shri Zulfiquar Ali
Chingwang Konyak, Shri	Kosalram, Shri K. T.
Chinnaswamy, Shri C.	Krishan Dutt, Shri
Choudhury, Shri A. B. A. Ghani Khan	Krishna, Shri S.M.
Daga, Shri Mool Chand	Krishna Pratap Singh, Shri
Dalbir Singh, Shri	Kuchan, Shri Gangadhar S.
Das, Shri A.C.	Kunwar Ram, Shri
Dennis, Shri N.	Laskar, Shri Nihar Ranjan
Desai, Shri B. V.	Madhuri Singh, Shrimati
Dhandapani, Shri C. T.	Mahabir Prasad, Shri
Dogra, Shri G. L.	Mahajan, Shri Vikram
Dubey, Shri Ramnath	Mallanna, Shri K.
Era Anbarasu, Shri	Mallick, Shri Lakshman
Fernandes, Shri Oscar	Mallikarjun, Shri
Gadgil, Shri V. N.	Mishra, Shri Ram Nagina
Gadhavi, Shri Bheravadan K.	Mishra, Shri Ram Nagina
Gaekwad, Shri R. P.	Misra, Shri Nityananda
Gamit, Shri Chhitubhai	Motilal Singh, Shri
Gehlot, Shri Ashok	Mukhopadhyay, Shri Ananda Gopal
Gomango, Shri Giridhar	Murthy, Shri M. Rajashekara
Gowda, Shri D. M. Putte	Muzaffar Hussain, Shri Syed
Hembrom, Shri Seth	Nagina Rai, Shri
Jadeja, Shri Daulatsinhji	Naidu, Shri P. Rajagopal
Jaffer Sharief, Shri C. K.	Naik, Shri G. Devaraya
Jaideep Singh, Shri	Namgyal, Shri P.
Jain, Shri Bhiku Ram	Nandi Yellaiah, Shri
Jain, Shri Nihal Singh	Natarajan, Shri Cumbum N.
Jain, Shri Virdhi Chander	Nehru, Shri Arun Kumar
Jamilur Rahman, Shri	Nihalsinghwal, Shri G.S.
Jena, Shri Chintamani	Oraon, Shri Kartik
Jitendra Prasad, Shri	Padayachi, Shri S. S. Ramaswamy
	Palaniappan, Shri C.
	Panday, Shri Kedar
	Panday, Shri Krishna Chandra
	Panika Shri Ram Pyare
	Pardhi, Shri Keshao Rao

Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ram Vir Singh, Shri
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Keli Charan
 Sharma, Shri Nand Kishore

Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B.N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Wasnik Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainual Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result of the Division is: Ayes 77; Noes 169. The Noes have

††The following Members also recorded their votes:

AYES: Sarvshri Ram Vilas Paswan, B. D. Singh and Shrimati Gayatri Devi
 NOES: Shrimati Kesharbai Kshirsagar, Shrimati Usha Prakash Choudhari, and Sarvshri Digvijay Singh. Narajan sahu, Hakam Singh, R. Muthu Kumaran, K. B. S. Mani, Bri-jandra Pal Singh, S. Murugain and Gargi Shankar Mishra.

[Mr. Deputy Speaker]
have it; the Noes have it. The amendments are negatived.

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall now put the amendments moved by Shri M. C. Daga to the vote of the House.....

SHRI JOTIRMOY BOSU: Please read out the amendments, Sir. This is a motion being put to the vote of the House.....

MR. DEPUTY-SPEAKER: Everybody knows and Members have spoken on these. Why should I read out again? They have been circulated. Don't worry about the technicalities. I am now putting the amendments Nos. 19 to 24 to Clause 8, moved by Shri Mool Chand, Daga, to the vote of the House. The question is:

"Page 2, line 32,—

for "or Commissioner of police" substitute—

"and Commissioner of Police or any other officer of equivalent rank or the Head of the Police Department of that district" (19)

"Page 2, line 36,—

for "three months" substitute— "one month" (20)

"Page 2, line 39,—

for "three months" substitute "one months" (21)

"Page 2, line 44,—

for "twelve days" substitute "seven days" (22)

"Page 3,—

omit lines 1 to 5. (23)

"Page 3,—

for lines 6 to 10, substitute

(5) Notwithstanding anything contained in this Act, no

order may be made by the State Government under this section unless the State Government has reported the facts to the Central Government together with the grounds on which the order is proposed to be made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order and the Central Government has consented for the passing of such an order." (24)

The Lok Sabha divided:

Division No. 27]

[13.31 hrs.

AYES

Acharia, Shri Basudeb

Agarwal, Shri Satish

Balanandan, Shri E.

Banatwalla, Shri G. M.

Barman, Shri Palas

Basu, Shri Chitta

Bhattacharyya, Shri Sushil

Bhim Singh, Shri

Biswas, Shri Ajoy

Bosu, Shri Jyotirmoy

Chakraborty, Shri Satyasadhaf

Chandra Pal Singh, Shri

Chatterjee, Shri Sonmath

Chaturbhuj, Shri

Chaudhary, Shri Motibhaj

Chaudhuri, Shri Tridib

Choudhury, Shri Saifuddin

Dandavate, Prof. Madhu

Dandavate, Shrimati Pramila

Das, Shri R. P.

Deo, Shri V. Kishore Chandra S.

*Desai, Shri B. V.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Bhogendra
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kодиyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Baousaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri

Rıyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamanddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhooi, Dr. Krupasindhu
 Bhoye, Shri Reshma Motiram

*Wrongly voted for Ayes.

Birender Singh Rao, Shri	Kamla Kumari, Kumari
Brar, Shrimati Gurbinder Kaur	Kaul, Shrimati Sheila
Brijendra Pal Singh, Shri	Khan, Shri Arif Mohammad
Buta Singh, Shri	Khan, Shri Malik M. M. A.
Chakdradhari Singh, Shri	Khan, Shri Zulfiqar Ali
Chandrakar, Shri Chandu Lal	Kosalram, Shri K. T.
Charanjit Singh, Shri	Krishan Dutt, Shri
Chaturvedi, Shrimati Vidyawati	Krishna, Shri S. M.
Chavan, Shri S. B.	Krishna Pratap Singh, Shri
Chennupati, Shrimati Vidya	Kshirsegar, Shrimati Kesharbai
Chingwang Konyak, Shri	Kuchan, Shri Gangadhar S.
Choudhari, Shrimati Usha Prakash	Kunwar Ram, Shri
Choudhury, Shri A. B. A. Ghani Khan	Laskar, Shri Nihar Ranjan
Daga, Shri Mool Chand	Madhuri Singh, Shrimati
Dalbir Singh, Shri	Mahābir Prasad, Shri
Dalbir Singh, Shri	Mahajan, Shri Vikram
Das, Shri A. C.	Mallanna, Shri K.
Dennis, Shri N.	Mallick, Shri Lakshman
Dhandapani, Shri C. T.	Mallikarjun, Shri
Digvijay Sinh, Shri	Mani, Shri K. B. S.
Dogra, Shri G. L.	Meena, Shri Ram Kumar
Dubey, Shri Ramnath	Misara, Shri Gargi Shankar
Era Anbarasu, Shri	Mishra, Shri Ram Nagina
Fernandes, Shri Oscar	Misra, Shri Nityananda
Gadgil, Shri V. N.	Motilal Singh, Shri
Gadhavi, Shri Bhervadan K.	Mukhopadhyay, Shri Ananda Gopal
Gaekwad, Shri R. P.	Murthy, Shri M. Rajashekara
Gamit, Shri Chhitubhai	Murugian, Shri S.
Gehlot, Shri Ashok	Muthu Kumaran, Shri R.
Gomango, Shri Giridhar	Muzaffar Hussain, Shri Syed
Gowda, Shri D. M. Putte	Nagina Rai, Shri
Hakam Singh, Shri	Naidu, Shri P. Rajagopal
Hembrom, Shri Seth	Naik, Shri G. Devaraya
Jadeja, Shri Daulatsinhji	Naikar, Shri D. K.
Jaffer Sharief, Shri C. K.	Namgyal, Shri P.
Jaideep Singh, Shri	Nandi Yellaiah, Shri
Jain, Shri Bhiku Ram	Narayana, Shri K. S.
Jain, Shri Nihal Singh	Natarajan, Shri Cumbum N.
Jain, Shri Viridhi Chander	Nehru, Shri Arun Kumar
Jamilur Rahman, Shri	Nihal Singhwala, Shri G. S.
Jena, Shri Chintamani	Oraon, Shri Kartik
Jitendra Prasad, Shri	Padayachi, Shri S. S. Ramaswamy
Kamakshaiyah, Shri D.	Palaniappan, Shri C.
Kamal Nath, Shri	

Panday, Shri Kedar.
 Pandey, Shri Krishna Chandra
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B
 Shanmugam, Shri P.

Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nanq Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh. Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result** of the division is: Ayes 81; Noes 179.

The motion was negatived.

**The following Members also recorded their votes:

AYES: Shri R. L. P. Verma and Shri Vijay Kumar Yadav;

NOES: Dr. B. N. Singh, Sarvashri Dharam Das Shastri, R. R. Bhole, M. Kanlaswamy, Qazi Saleem and B. V. Desai.

MR. DEPUTY-SPEAKER: Here is a suggestion to the hon. Members for their very active consideration. It is only a suggestion. There are so many amendments that have already been moved by the hon. Members. What I would suggest is that for every clause we shall take all the amendments together....

SOME HON. MEMBERS: No, no.

MR. DEPUTY-SPEAKER: I can suggest to you for your very sympathetic consideration. I do not impose on you. This is a suggestion. For instance, for clause 3, we will put all the amendments together...Mr. Vajpayee... You are afraid of it. That is all right. I wanted to help you.

SHRI C. T. DHANDAPANI: There was a suggestion yesterday that the Bill will be passed before 2 O'clock today. There was an agreement.

MR. DEPUTY-SPEAKER: Are you agreeable to my suggestion?

SOME HON. MEMBERS: No, no.

MR. DEPUTY-SPEAKER: Now I take up amendments Nos. 35 to 41 and 282 of Shri Ramavatar Shastri. Mr. Shastri, are you pressing your amendments?

SHRI RAMAVATAR SHASTRI: Very much pressing, Sir.

MR. DEPUTY-SPEAKER: I thought you would withdraw them because your brother, Laxman is asking.

SHRI RAMAVATAR SHASTRI: No question of withdrawing.

MR. DEPUTY-SPEAKER: All right, I will put the amendments to vote. The question is:

"That amendments 35 to 41 and 282 moved by Shri Ramavatar Shastri be adopted."

Those who are in favour may say 'Aye'.

SOME HON. MEMBERS: Aye.

MR. DEPUTY-SPEAKER: Those who are against may say 'No'.

SEVERAL HON. MEMBERS: No.

MR. DEPUTY-SPEAKER: Noes have it, noes have it.

SOME HON. MEMBERS: Ayes have it.

MR. DEPUTY-SPEAKER: The lobbies are already cleared. Can we take up division immediately?

SOME HON. MEMBERS: No, no.

MR. DEPUTY-SPEAKER: You do not want that also. Let the lobbies be cleared.

The lobbies have been cleared.

The question is:

Page 2, lines 17 and 18,—

omit "or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community" (35).

Page 2, line 36,—

for "three months" substitute "one week" (36).

Page 2, line 39,—

for "three months" substitute "one week" (37).

Page 2, line 44,—

for "twelve days" substitute "two days" (38).

Page 3, line 2,—

for "after five days" substitute—"the first day" (39).

Page 3, lines 2 and 3,—

for "ten days" substitute "the second day" (40).

Page 3, line 4,—

for "fifteen days" substitute "two days" (41).

"Page 3—

for line 6 to 10, substitute—

"(5) No order may be made against any person by the State Government under this section unless the State Government has reported the facts of the Central Government together with the grounds on the basis of which the order is proposed to be made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order and the Central Government has consented for the passing of such an order." (282).

The Lok Sabha divided.

Division No. 28] [13.41 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhal
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati

Ghosh, Shri Niren
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Kodiyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Mondak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar

Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Subba, Shri P. M.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subbash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Bairwa, Shri Banwari Lal
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri

Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shri Vidya
 Chingwang Konyak, Shri
 Chinnaswamy, Shri C.
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani
 Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dtnnis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.

Karma, Shri Laxman
Kaul, Shrimati Sheila
Khan, Shri Arif Mohammad
Khan, Shri Malik M.M.A.
Khan, Shri Zulfiquar Ali
Kidwai, Shrimati Mohsina
Kosalram, Shri K. T.
Krishan Dutt, Shri
Krishna, Shri S. M.
Krishna Pratap Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kunwar Ram, Shri
Laskar, Shri Nihar Ranjan
Madhuri Singh, Shrimati
Mahabir Prasad, Shri
Mahajan, Shri Vikram
Mallaana, Shri K.
Mallick, Shri Lakshman
Mallikarjun, Shri
Meena, Shri Ram Kumar
Mishra, Shri Gargi Shankar
Mishra, Shri Ram Nagina
Misra, Shri Nityananda
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopa
Muthu Kumaran, Shri R.
Nagina Rai, Shri
Naidu, Shri P. Rajagopal
Naik, Shri G. Devaraya
Naikar, Shri D. K.
Namgyal, Shri P.
Nandi Yellaiah, Shri
Narayana, Shri K. S.
Natarajan, Shri Cumbum N.
Nihalsinghwal, Shri G. S.
Oraon, Shri Kartik
Palaniappan, Shri C.
Panday, Shri Kedar
Pandey, Shri Krishna Chandra
Panigrahi, Shri Chintamani
Panika, Shri Ram Pyare
Pardhi, Shri Keshao Rao
Patel, Shri Shantubhai

Patil, Shri A. T.
Patil, Shri Chandrabhan Athare
Patil, Shri Shankarrao
Patil, Shri Shivraj V.
Patil, Shri Veerendra
Patil, Shri Vijay N.
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Prasan Kumar, Shri S. N.
Pushpa Devi Singh, Kumari
Qazi Sallem, Shri
Quardri, Shri S. T.
Ram, Shri Ramswaroop
Ramalingam, Shri N. Kudandthai
Ramamurthy, Shri K.
Ran Vir Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri Jalagam Kondala
Rathod, Shri Uttam
Raut, Shri Bhola
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Venkata
Reddy, Shri T. Damodar
Sahu, Shri Narayan
Sathe, Shri Vasant
Satish Prasad Singh, Shri
Satya Deo Singh, Prof.
Sethi, Shri Arjun
Shankaranand, Shri B.
Shanmugam, Shri P.
Sharma, Shri Chiranji Lal
Sharma, Shri Kali Charan
Sharma, Shri Nand Kishore
Sharma, Shri Nawal Kishore
Sharma, Shri Pratap Bhanu
Sharma, Dr. Shanker Dayal
Shastri, Shri Dharam Dass
Shastri, Shri Hari Krishna
Shiv Shankar, Shri P.
Shivendra Bahadur Singh, Shri
Sidnal, Shri S. B.
Singh, Dr. B. N.

Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbans Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K
 Tiwari, Shri Narayan Datt
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri

MR. DEPUTY SPEAKER: Subject to correction the result* of the division is: Ayes 80; Noes 180.

The motion was negatived.

MR. DEPUTY-SPEAKER: Again another appeal to the hon. Members. Can I put all the amendments together?

SEVERAL HON. MEMBERS: No, No.

MR. DEPUTY-SPEAKER: Very well. I am only suggesting. It is left to you.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF

PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): You make a specific appeal to Prof. Dandavate under whose persuasion the Government was made to postpone this to this date. I request through you that let the Opposition people be reasonable.

SHRI SOMNATH CHATTERJEE: A reasonable term.

MR. DEPUTY-SPEAKER: The word "reasonable" has got to change its meaning.

SHRI SOMNATH CHATTERJEE: With reference to the context.

MR. DEPUTY SPEAKER: Now, I shall put amendments No. 51 to 53, 55, 56 and 257 to Clause 3 moved by Shri Bapusaheb Parulekar to the vote of the House. The question is:

"Page 2,—

after line 19, insert—

"Provided that no Member of Parliament or a Member of State Legislature shall be so detained under this Act when the Parliament or the State Legislature are in sessions."(51)

"Page 2, lines 29 and 30,—

for "District Magistrate or a Commissioner of Police" substitute "Sessions Judge" (52)

"Page 2, line 32,—

for "District Magistrate of a Commissioner of Police" substitute "Sessions Judge" (53)

"Page 2,—

after line 29, insert—

"Provided further that the period of three months of detention shall not be extended

*The following Members also recorded their votes:

AYES: Shri T. R. Shamanna, Shri Mehmood Hassan Khan;

NOES: Dr. Rajendra Kumari Bajpai and Sarvashri Ram Gopal Tiwari, S. S. Ramaswamy Padayachi; K. Rajamallu, Saminuddin, R. Y. Ghorpade, M. Rajashekhara Murthy, y, R. P. Gaekwad, Syed Muzaffar Hussain, K.B.S. Mani and S. Murugain.

on the same grounds and unless previous approval of the Advisory Board to extend detention period is taken." (55)

"Page 3,—

after line 10, insert—

"(6) The grounds of detention shall be furnished to the person detained at the time of service of the detention order, otherwise the order of detention would be illegal and the person so detained shall be released forthwith." (56)

"Page 2, line 25.—

after "1980," insert—

"and also does not include an act for which action can be taken under ordinary law of the land" (257)

The Lok Sabha divided.

AYES

Division No. 29]

[13.46 hrs.

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati

Ghosh, Shri Niren
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Khan, Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kodiyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Riyam, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar

Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Subba, Shri P. M.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Charan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur

Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri R. P.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri

- Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati, Mobsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Malikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopa
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naik, Shri G. Devaraya
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Natarajan, Shri Cumbum N.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kalj Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore

Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri

MR. DEPUTY-SPEAKER: Subject* to correction the result of the division is: Ayes 81; Noes 184. The Noes have it.

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall now put the amendments moved by

Shri Jethmalani to the vote of the House. These are amendments Nos. 69, 71 and 72 to Clause 3.

The question is:*

Page 2,

for lines 6 to 19 substitute—

“3(1) (a) Whenever there is reason to believe that with a view to preventing any person from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India, or

(b) Whenever there is reason to believe that with a view to regulating the continued presence in India of any foreigner or with a view to making arrangements for his expulsion from India,

it is necessary to detain such person, the Central Government or the State Government may make an order that such person be detained.

(2) Whenever there is reason to believe that with a view to preventing any person from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community, it is necessary to detain such person, the Central Government or the State Government may make an order directing that such person be detained” (69)

Page 3, line 6,

omit “or approved by the State Government” (71)

*The following Members also recorded their votes:

AYES: Shri Tridib Chaudhuri;

NOES: Sarvshri C. K. Jaffer Sharief, K. Rapamalla, R. Y. Ghorpade, T. Damodar Reddy and G. S. Nihal singhwala.

Page 3,

after line 10, insert—

“(6) On receipt of such report the Central Government shall, as soon as may be, proceed to consider whether the order may be revoked under section 14.” (72)

The Lok Sabha divided:

Division No. 30] AYES [13.49 hrs.

<p>Acharia, Shri Basudeb Agarwal, Shri Satish Balarandan, Shri E. Banatwalla, Shri G. M. Barman, Shri Palas Basu, Shri Chitta Bhattacharyya, Shri Sushil Bhim Singh, Shri Biswas, Shri Ajoy Chakraborty, Shri Satyasadhan Chandra Pal Singh, Shri Charan Singh, Shri Chatterjee, Shri Somnath Chaturbhuj, Shri Chaudhary, Shri Motibhai Chaudhuri, Shri Tridib Choudhury, Shri Saifuddin Dandavate, Prof. Madhu Dandavate, Shrimati Pramila Das, Shri R. P. Ghosh, Shri Niren Ghosh Goswami, Shrimati Bibha Gopalan, Shrimati Suseela Gupta, Shri Indrajit Halder, Shri Krishna Chandra Hannan Mollah, Shri Harikesh Bahadur, Shri Hasda, Shri Matilal Horo, Shri N. E. Jagpal Singh, Shri Jatiya, Shri Satyanarayan Jha, Bhogendra</p>	<p>Khan, Shri Ghayoor Ali Khan, Shri Mahmood Hasan Kodiyan, Shri P. K. Lawrence, Shri M. M. Madhukar, Shri Kamla Mishra Mahata, Shri Chitta Maitra, Shri Sunil Mandal, Shri Dhanik Lal Mandal, Shri Mukunda Mandal, Shri Sanat Kumar Masudal Hossain, Shri Syed Mehta, Prof. Ajit Kumar Mhalgi, Shri R. K. Misra, Shri Satyagopal Modak, Shri Bijoy Mukherjee, Shrimati Geeta Ngangom Mohendra, Shri Pal, Prof. Rup Chand Pandit, Dr. Vasant Kumar Parulekar, Shri Bapusaheb Paswan, Shri Ram Vilas Pathak, Shri Ananda Rahi, Shri Ram Lal Rajan, Shri K. A. Rajda, Shri Ratansinh Rajesh Kumar Singh, Shri Rasheed Masood, Shri Riyan, Shri Bajju Ban Roy, Shri A. K. Roy, Dr. Saradish Roy Pradhan, Shri Amar Saha, Shri Ajit Kumar Shamanna, Shri T. R. Shastri, Shri Ramavatar Singh, Shri B. D. Subba, Shri P. M. Suraj Bhan, Shri Surya Narayan Singh, Shri Tirkey, Shri Pius Trilok Chandra, Shri Vajpayee, Shri Ataj Bihari Varma, Shri Ravindra Verma, Shri Phool Chand</p>
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Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainaj Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Amarinder Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansj Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri

Chinnaswamy, Shri C.
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghanj Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.

Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgayal, P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.

Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri

Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: Ayes 81; Noes 182. The Noes have it.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now I shall put Shri Chitta Basu's amendments to the vote of the House. These are Amendments Nos. 91 to 93.

The question is:

Page 2, lines 16 to 18,—

omit "or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community" (91)

Page 2,

for lines 35 to 39, substitute—

"Provided that the period specified in an order made by the State Government under this sub-sec-

tion shall not exceed in any case two months," (92)

Page 3, line 7,—

for "seven days" substitute—

"five days" (93)

The Lok Sabha divided:

Division No. 31] AYES [13.52 hrs.

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.

*The following Members also recorded their Votes:

AYES: Shrimati Gayatri Devi and Shri Sudhir Giri;

NOSE: Sarvshri Naval Kishore Sharma, Saminuddin, K. P. Singh Deo, R. Y. Ghorpade, G. Devaraj Shantudhai Patel and V. N. Gadgil.

Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kodyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathrak, Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Rihan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Subba, Shri P. M.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius

Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Ragnath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Amarinder Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rjendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.

Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamakshalah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina

Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna, Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahejan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Mishra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naik, Shri G. Devaraya
 Naikar, Shri D. K.
 Namghal, Shri P.
 Nandi Yellalah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kshaorao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.

Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahamananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Newal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri

Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsingh
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: Ayes 83; Noes 183. The Noes have it.

The motion was negatived.

14.00 hrs.

MR. DEPUTY-SPEAKER: Now, I will put Amendment Nos. 108, 112 to 116 moved by Shri R. K. Mhalgi to the vote of the House. The question is:

Page 2,—

after line 19, insert—

“Provided that no Member of Parliament or Member of State

*The following Members also recorded their votes for NOES: Shrimati Gurbinder Kaur Brar, Sarvshri Laxman Karma, R. N. Dubey, A. C. Das, R. Y. Ghorpade, Kunwar Ram and Tariq Anwar.

[Mr. Deputy-Speaker]

Legislature shall be so detained under this Act when the Parliament or State Legislature are to meet within a week and till they are in session." (108)

Page 2,—

after line 39, insert—

"Provided further that the period of three months of detention shall not be extended on the same grounds and unless previous approval of the Advisory Board to extend detention is obtained." (112)

Page 2, line 44—

for "twelve days" substitute—

"three days" (113)

Page 3, line 2,—

for "after five days" substitute—

"next day" (114)

Page 3, lines 2 and 3,—

for "ten days" substitute—

"three days" (115) !

Page 3, line 4,—

for "fifteen days" substitute—

"three days" (116)

The Lok Sabha divided.

Division No. 32]

[13.54 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhaj, Shri

Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kodiyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masuda Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhelgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vileas
 Pathak, Shri Ananda
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri

Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Turkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Assar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh Shri
 Alluri, Shri Subhash Chandar Bose
 Amarinder Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri, H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoys, Shri Reshma Motiram
 Birender Singh Rao, Shri

Barar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidywati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghanj Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri R. P.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Dubey, Shri, Ramnath
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamakshaiyah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad

Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shanker
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naik, Shri G. Devaraya
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshaorao
 Patel, Shri Shantubhai

Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 *Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rao, Sharimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri P. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.

Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K| P|
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the Division is as follows: Ayes 78; Noes 187.

'Noes' have it.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, I will put the Amendment No. 159 moved by Shri K. A. Rajan, to the vote of the House. The question is:

Page 3,—

after line 10, insert—

“(6) The grounds of detention shall be furnished to the person detained at the time of service

of the detention order, otherwise the order of detention would be illegal and the person so detained shall be released forthwith.” (159)

The Lok Sabha divided:

Division No. 33]

[13.56 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin.
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Haider, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan

*The following Members also recorded their votes:

AYES: Sarvshri Indrajit Gupta, P. J. Kurien, Ram Lal Rahi, E. Balanandan nandan and Niren Ghosh;

NOES: Sarvshri R. Y. Ghorpade, R. P. Gackwad and Kunwar Ram.

Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kadiyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Rahl, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Riyan, Shri Beju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Verma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.

Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainul Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birendra Singh Rao, Shri
 Brar, Shrimati Gurbinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Ghennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani Khan

Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri R. P.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chittubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsheer Ahmed, Shri
 Hakim Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamakshajah, Shri D.
 Kama! Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M.M.A.
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri

Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram Shri
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Malianna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naik, Shri G. Devaraya
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Nihalsinghwal, Shri G. S.
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshorao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra

Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranjil Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.

Sukhadia, Shri Mohan Lal
 Sukhbans Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbraiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri

MR. DEPUTY SPEAKER: Subject to correction the result* of the division is as follows: Ayes 82; Noes 186; Noes have it

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, I will put the Amendment Nos. 172, 173, 175 to 179 moved by Shrimati Geeta Mukherjee, to the vote of the House.

The question is:

Page 2, line 36,—
 for "three months" substitute
 "fifteen days" (172)
 Page 2, line 39,—
 for "three months" substitute
 "fifteen days" (173)
 Page 2, line 44,—
 for "twelve days" substitute
 "five days" (175)
 Page 3, line 2,—
 for "ten" substitute "seven"
 (176)
 Page 3, line 4,—
 for "twelve days" substitute
 "five days" (177)
 Page 3, line 4,—
 for "fifteen days" substitute
 "ten days" (178)

*The following Members also recorded their votes.

AYES: Shri Ananda Pathak;

NOES: Sarvshri Kartik Oraon, T. Damodar Reddy and S. B. Patil.

Page 3,—

after line 10, insert—

“(6) The grounds of detention shall be furnished to the person detained at the time of service of the deduction orders, otherwise the order of detention shall be, illegal and the person so detained shall be the person so detained shall be released immediately. (179). v

The Lok Sabha divided.

Division No. 34] (AYES [13.58 hrs.

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharryya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Gtri, Shri Sudhir

Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Khan, Shri Mahmood Hasan
 Kodyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.

Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanaa, Shri T. R.
 Shastri, Shri Ramavater
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirky, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. F.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri
 NOES
 Abbasi, Shri Kazi Jalil
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Allari, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpal, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram

Bhatia, Shri R. L.
 Bhoi, Dr. Krupaandhu
 Bhole, Shri R. R.
 Bhoys, Shri Rashma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhury, Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Dass, Shri A. C.
 Dennis, Shri N
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbasaru, Shri
 Fernandes, Shri Oscar
 Gadil Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhaj
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri

Jain, Shri Bhiku Ram
Jain, Shri Nihal Singh
Jain, Shri Virdhi Chander
Jamilur Rahman, Shri
Jena, Shri Chintamani
Jitendra Prasad, Shri
Kamakashaiah, Shri D.
Kamal Nath, Shri
Kamla Kumari, Kumari
Kandaswany, Shri M.
Karma, Shri Laxman
Kaul, Shrimati Sheila
Khan, Shri Arif Mohammad
Khan, Shri Malik M. M. A.
Khan, Shri Zulfiquar Ali
Kidwai, Shrimati Mohsina
Kosalram, Shri K. T.
Krishan Dutt, Shri
Krishna, Shri S. M.
Krishna Pratap Singh, Shri
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kunwar Ram, Shri
Laskar, Shri Nihar Ranjan
Madhuri Singh, Shrimati
Mahabir Prasad, Shri
Mahajan, Shri Vikram
Mallanna, Shri K.
Mallick, Shri Lakshman
Mallikarjun, Shri
Mani, Shri K. B. S.
Meena, Shri Ram Kumar
Mishra, Shri Gargi Shankar
Mishra, Shri Ram Nagina
Misra, Shri Nityananda
Motilal Singh, Shri
Mukhopadhyay, Shri Ananda Gopal
Murthy, Shri M. Rajashekara
Murugian, Shri S.
Muthu Kumaran, Shri R.
Muzaffar Hussain, Shri Syed
Nagina Rai, Shri
Naidu, Shri P. Rajagopal

Naik, Shri G. Devaraya
Naikar, Shri D. K.
Namgyal, Shri P.
Nandi Yellaiah, Shri
Narayana, Shri K. S.
Natarajan. Shri Cumhum N.
Nihalsinghwal, Shri G. S.
Oraon, Shri Kartik
Panday, Shri Kedar
Pandey, Shri Krishna Chandra
Panigrahi, Shri Chintamani
Panika, Shri Ram Pyare
Pardhi, Shri Kesharao
Patel, Shri Shantubhai
Patil, Shri A. T.
Patil, Shri Chandrabhan Athare
Patil, Shri Shankarrao
Patil, Shri Shivraj V.
Patil, Shri Veerendra
Patil, Shri Vijay N.
Poojary, Shri Janardhana
Potdukhe, Shri Shantaram
Prasan Kumar, Shri S. N.
Pushpa Devi Singh, Kumari
Qazi Saleem, Shri
Quadri, Shri S. T.
Rajamallu Shri K.
Ram, Shri Ramswaroop
Ramalingam, Shri N. Kudanthai
Ramamurthy, Shri K.
Ran Vir Singh, Shri
Rao, Shrimati B. Radhabai Ananda
Rao, Shri Jalagam Kondala
Rathod, Shri Uttam
Raut, Shri Bhola
Reddy, Shri G. Narsimha
Reddy, Shri K. Brahmananda
Reddy, Shri M. Ram Gopal
Reddy, Shri P. Venkata
Sahu, Shri Narayan
Saminuddin, Shri
Sathe, Shri Vasant
Satish Prasad Singh, Shri

Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Daya
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbans Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri

M.R. DEPUTY SPEAKER: Subject to correction the result* of the division is: Ayes 82; Noes 186. Noes have it.

The motion was negatived.

SHRI A. K. ROY (Dhanbad): Sir, I have got a point of order. Kindly see Rule 367. I will read out Rule 367 sub-clause (3) (a) and (b).

“(3) (a) If the opinion of the Speaker as to the decision of a question is challenged, he shall order that the Lobby be cleared.

(b) After the lapse of two minutes, he shall put the question a second time and declare whether in his opinion the “Ayes” or the

“Noes” have it.”

But you are not doing so. After the lapse of two minutes you will have to wait. You cannot just hurry the business like this.

MR. DEPUTY-SPEAKER: I have already done it. Now, I will put the Amendment No. 189 moved by Shri Hannan Mollah, to the vote of the House. The question is:

Page 2, lines 8 and 9,—

omit “the relations of India with foreign powers”. (189)

The Lok Sabha divided:

Division No. 33] [1402 hrs.

AYES

Acharia, Shri Basudeb

Agarwal, Shri Satish

*The following Members also recorded their votes.

AYES: Shri Jagpal Singh;

NOES: Shrimati Usha Prakash Choudhari, Sarvshri S. S. Ramaswamy Padayachi, Mohammad Asrar Ahmad and T. Damodar Reddy.

Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Bhattacharyya, Shri Sushil
 Bhim Singh, Shri
 Biswas, Shri Ajoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Gosh, Shri Niren
 Ghosh Gosawami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hanan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Kodyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta

Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rasheed Masood, Shri
 Riyan, Shri Bajju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Sigh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoys, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani
 Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri

Dalbir Singh, Shri
 Das, Shri R. P.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.

Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Misra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Muzaffar Hussain, Shri Syed
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naik, Shri G. Devaraya
 Naikar Shri D. K.
 Namgal, Shri P.
 Nandi Yellaiah, Shri
 Narayna, Shri K. S.
 Natarajan, Shri Cumbum N.
 Nihalsinghwal, Shri G. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi Shri Kesharao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra

Patil, Shri Vijay N.
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Raut, Shri Bhola
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy Shri P. Venkata
 Sahu, Shri Narayan
 Samimuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbans Kaur, Shrimati
 Sunder Singh, Shri

Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vjiayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchan-
 dra
 Yadav, Shri Ram Singh
 Zait Singh, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: Ayes 79; Noes 184.

Noes have it.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:
 Page 2,—

after line 19, insert—

"Provided that no person shall be detained under this Act by any Government without prior intimation of the grounds of his detention and without providing him a proper opportunity to defend himself;

Provided further that no Member of Parliament or Member of a State Legislature shall be detained without obtaining prior approval of both Houses of Parliament in case of a Member of Parliament and the approval of both Houses of State Legislature in case of a Member of State Legislature." (216).

Page 2,—

Omit lines 20 to 27. (217)

Page 2, lines 29 and 30,—

for "District Magistrate or a Commissioner of Police".

substitute

"District and Sessions Judge" (218)

Page 2, line 28,—

omit "or likely to prevail". (219)

Page 2, line 32,—

for "District Magistrate or Commissioner of Police"

substitute "District and Sessions Judge". (220);

Page 2, line 36,—

for "three months" substitute "twenty days". (221).

Page 2, line 37,—

for "State Government" substitute—"Advisory Board" (222)

Page 2, lines 38 and 39—

for "amend such order to extend such period from time to time by any period not exceeding three months at any one time" substitute—

"amend such order to extend such period by ten days only". (223).

Page 2, line 41—

for "forthwith report the fact" substitute—

"report the fact within two days of the aforesaid order." (224)

The Lok Sabha divided:

*The following Members also recorded their votes:

AYES: Sarvshri Tridib Chaudhuri, Chitta Basu, Ghayoor Ali Khan and Mehmood Hassan Khan;

NOES: Sarvshri Kunwar Ram, Hari Har Soren and T. Damodar Reddy.

Division No. 36]

14.08 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri A. C.
 Gayatri Devi. Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Kodyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrenceec, Shri M. M.
 Madhukar, Shri Kamla Mishra

Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rakesh, Shri R. N.
 Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy, Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Sing, Shri
 Turkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

- Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankincedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoys, Shri Reshma Motiram
 Birendra Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri R. P.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhftubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gomango, Shri Giridhar
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammed
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishana Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Laskar, Shri Nihar Ranjan
 Maohuri Singh, Shrimati

Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Anand Gopal
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Naravana, Shri K. S.
 Natarajan, Shri Cumbum N.
 Nihalsinghwal, Shri G. S.
 Oraon, Shri Kartik
 Paayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi Shri Kesharao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari

Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bhoia
 Reddy, Shri G. Narsimba
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranjil Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shly Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Sonen, Shri Hari Har

Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbans Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tandon, Shri Prabhunarayan
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: AYES 83; NOES 198. NOES have it.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

Page 2, line. 36.—

for "months" substitute "weeks" (234).

Page 2, line 39.—

for "months" substitute "weeks" (235).

The Lok Sabha divided.

Division No. 37]

AYES

[14.15 hrs.

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Shri Bhogendra

*The following Members also recorded their votes:

AYES: Shri Ram Jethmalani;

NOES: Sarvshri Nagina Rai, Nathu Ram Shakyawar and T. Nagaratnam.

Khan, Shri Ghayoor Ali
 Kodyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rakesh, Shri R. N.
 Rasheed Masood, Shri
 Riyan, Shri Bajju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan

Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmao, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankincedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Birendra Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani & Khan

Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gomango, Shri Giridhar
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamala Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.

Krishan Dutt, Shri
 Krishna, Shri S. M.
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nagaratnam, Shri T.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Nihalsinghwala, Shri G. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chitamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.

Patabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ran Vir Singh, Shri
 Rane Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo. Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankarand, Shri B.
 Shankaranand, Shri B.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nival Kishore

Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tandon, Shri Prabhunarayan
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Giridhari Lal
 Wasnik, Shri Bal Krishna Ramchandra
 Yadav, Shri Ram Singh
 Zali Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: Ayes 33; Noes 200. Noes have it.

The motion was negative

MR. DEPUTY-SPEAKER: The question is:

Page 2, line 36,—

for "three months" substitute—
"three days" (242)

The Lok Sabha divided

Division No. 38]

[14.21 hrs

AYES

Acharia, Shri Basudeb
Agarwal, Shri Satish
Balanandan, Shri E.
Banatwalla, Shri G. M.
Barman, Shri Palas
Basu, Shri Chitta
Bhattacharyya, Shri Sushil
Biswas, Shri Ajoy
Basu, Shri Jyotirmoy
Chakraborty, Shri Satyasadhan
Chandra Pal Singh, Shri
Charan Singh, Shri
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaudhary, Shri Motibhai
Chaudhuri, Shri Tridib
Choubey, Shri Narayan
Choudhury, Shri Saifuddin
Dandavate, Prof. Madhu
Dandavate, Shrimati Pramila
Das, Shri R. P.
Gayatri Devi, Shrimati
Ghosh, Shri Niren

Ghosh Goswami, Shrimati Bibha
Ghulam Mohammad, Shri
Giri, Shri Sudhir
Gopalan, Shrimati Suseela
Goyal, Shri Krishna Kumar
Gupta, Shri Indrajit
Halder, Shri Krishna Chandra
Hannan Mollah, Shri
Harikesh Bahadur, Shri
Hasda, Shri Matilal
Horo, Shri N. E.
Jagpal Singh, Shri
Jatiya, Shri Satyanarayan
Jha, Shri Bhogendra
Khan, Shri Ghayoor Ali
Kodiyan, Shri P. K.
Lawrence, Shri M. M.
Madhukar, Shri Kamla Mishra
Mahata, Shri Chitta
Maitra, Shri Sunil
Mandal, Shri Dhanik Lal
Mandal, Shri Mukunda
Mandal, Shri Sanat Kumar
Masudal Hossain, Shri Syed
Mehta, Prof. Ajit Kumar
Mhalgi, Shri R. K.
Misra, Shri Satyagopal
Modak, Shri Bijoy
Mukherjee, Shrimati Geeta
Ngangom Mohendra, Shri
Pal, Prof. Rup Chand
Pandit, Dr. Vasant Kumar
Paswan, Shri Ram Vilas
Pathak, Shri Ananda
Rajan, Shri K. A.
Rajda, Shri Ratansinh
Rajesh Kumar Singh, Shri
Rakesh, Shri R. N.

*The following Members also recorded their votes:

AYES: Shri Ananda Pathak;

NOES: Shri Reshma Motiram Bhoje and Shri Cumbum N. Natrajan.

Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Turkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Azad, Shri Ghulam Nabi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.

Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Coudhury Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gomango, Shri Giridhar
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram

Jain, Shri Nihal Singh
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Malik M. M. A.
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Anand Gopal
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nagaratnam, Shri T.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgyal, Shri P.

Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Nihalsinghwal, Shri G. S.
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Potoukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pulluaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri

Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi Shri Narsing
 Tandon, Shri Prabhunarayan
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tayyab Hussain Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati

Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: Ayes: 84; Noes: 196.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now I am putting amendment Nos. 253 and 254 Shri R. L. P. Verma:

The question is—

Page 2,—

after line 19, insert—

“Provided that no elected representative, whether he/she is a Member of Parliament or a Member of Legislative Assembly or Legislative Council, shall be detained under this Act during the session.” (253).

Page 2,—

after line 39, insert—

“Provided further that period of detention shall not be extended for more than six weeks without the consent of the Advisory Board” (254)

The Lok Sabha divided.

*The following Members also recorded their votes:

AYES: Sarvshri Harish Kumar Gangawar, Ram Jethmalani, Bapusaheb Parulekar and Shrimati Indra Kumari;
 NOES: Shri Rameshwar Nikhra and Shri Ram Singh Yadav.

Division No. 39]

[14.27 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwala, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Bhogendra
 Khan, Shri Ghyoor Ali

Kochak, Shri Ghulam Rasool
 Kodiyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Mukherjee, Shrimati Geeta
 Muzaffar Hussain, Shri Syed
 Ngangom Mohendra, Shri
 Panait, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Rekesh, Shri R. N.
 Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Turkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.

Yadav, Shri R. P.
Yadav, Shri Vijay Kumar
Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
Ahmad, Shri Mohammad Asrar
Ahmed, Shri Kamaluddin
Ajit Pratap Singh, Shri
Alluri, Shri Subhash Chandra Bose
Anand Singh, Shri
Ankineedu Prasad Rao, Shri P.
Ansari, Shri Z. R.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arakal, Shri Xavier
Arjunan, Shri K.
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansi Lal, Shri
Behera, Shri Rasabehari
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindhu
Bhole, Shri R. R.
Birender Singh Rao, Shri
Brijendra Pal Singh, Shri
Brijendra Pal Singh, Shri
Buta Singh, Shri
Chakradhari Singh, Shri
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandu Lal
Charanjit Singh, Shri
Chaturvedi, Shrimati Vidyawati
Chavan, Shri S. B.
Chennupati, Shrimati Vidya
Chingwang Konyak, Shri
Choudhari, Shrimati Usha Prakash
Choudhury, Shri A. B. A. Ghani Khan

Daga, Shri Mool Chand
Dalbir Singh, Shri
Dalbir Singh, Shri
Das, Shri A. C.
Dennis, Shri N.
Desai, Shri B. V.
Dhandapani, Shri C. T.
Digvijay Singh, Shri
Dogra, Shri G. L.
Dubey, Shri Ramnath
Era Anbarasu, Shri
Gadgil, Shri V. N.
Gadhavi, Shri Bheravadan K.
Gaekwad, Shri R. P.
Gamit, Shri Chhitubhai
Gomango, Shri Giridhar
Gulsher Ahmed, Shri
Hakam Singh, Shri
Hembrom, Shri Seth
Jadeja, Shri Daulatsinhji
Jain, Shri Bhiku Ram
Jain, Shri Viridhi Chander
Jamilur Rahman, Shri
Jena, Shri Chintamani
Jha, Shri Kamal Nath
Jitendra Prasad, Shri
Kamakshaiah, Shri D.
Kamal Nath, Shri
Kamla Kumari, Kumari
Kandaswamy, Shri M.
Karma, Shri Laxman
Kaul, Shrimati Sheila
Khan, Shri Arif Mohammad
Khan, Shri Malik M. M. A.
Khan, Shri Zulfiquar Ali
Kidwai, Shrimati Mohsina
Kosalram, Shri K. T.
Krishan Dutt, Shri
Krishna, Shri S. M.
Kshirsagar, Shrimati Kesharbai
Kuchan, Shri Gangadhar S.
Kunwar Ram, Shri
Laskar, Shri Nihar Ranjan
Madhuri Singh, Shrimati

Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Majlick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajasbekara
 Muthu Kumaran, Shri R.
 Nagaratnam, Shri T.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellajiah, Shri
 Narayana, Shri K. S.
 Nihalsinghwal, Shri G. S.
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishana Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri

Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramamurthy, Shri K.
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bholi
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Stephen, Shri C. M.

Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tandon, Shri Prabhunarayan
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: Ayes 87; Noes 192.

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 262, 263....

SHRI SOMNATH CHATTERJEE: Separately, Sir.

MR. DEPUTY-SPEAKER: All of them?

SHRI SOMNATH CHATTERJEE: All right, Sir. Are they hungry? In view of their hunger for food—not hunger for power—I am agreeable.

MR. DEPUTY-SPEAKER: I shall put amendments Nos. 262, 263 and 275 to the vote of the House.

The question is:

Page 2, line 9.—

omit "or the security of India." (262)

Pages 2 and 3,—

Omit lines 14 to 46 and 1 to 10 respectively. (263)

Page 2,—

for lines 35 to 39, substitute—

"Provided that the period specified in an order made by the State Government under this sub-section shall not in any case exceed one month." (275)

The Lok Sabha divided:

Division No. 40]

[14.28 hrs.

AYES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib

*The following Members also recorded their votes:

AYES: Shri Harish Kumar Gangawar and Shri Bijoy Modak;

NOES: Sarvshri Shantaram Potdukhe, R. Y. Ghorpade, Jaideep Singh, Ashok Gehlot and S. Murugam.

Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Kochak, Shri Ghulam Rasool
 Kodyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra

Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Naggom Mohendra, Shri
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rahi, Shri Ram Lal

Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri^a
 Rakesh, Shri R. N.
 Rasheed Masood, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Bairwa, Shri Banwari Lal

Baitha, Shri D. L.	Gupta, Shri Indrajit
Bajpai, Dr. Rajendra Kumari	Hakam Singh, Shri
Baleshwar Ram, Shri	Hembrom, Shri Seth'
Bansi Lal, Shri	Jadeja, Shri Daulatsinhji
Behera, Shri Rasabehari	Jaideep Singh, Shri
Bhagat, Shri H. K. L.	Jain, Shri Bhiku Ram
Bhakta, Shri Manoranjan	Jain, Shri Virdhi Chander
Bhardwaj, Shri Parasram	Jamilur Rahman, Shri
Bhatia, Shri R. L.	Jena, Shri Chintamani
Bhoi, Dr. Krupasindhu	Jha, Shri Kamal Nath
Bhole, Shri R. R.	Jitendra Prasad, Shri
Birender Singh Rao, Shri	Kamakshaiiah, Shri D.
Brar, Shrimati Gurbinder Kaur	Kamal Nath, Shri
Brijendra Pal Singh, Shri	Kamla Kumari, Kumari
Buta Singh, Shri	Kandaswamy, Shri M.
Chakradhari Singh, Shri	Karma, Shri Laxman
Chandra Shekhar Singh, Shri	Kaul, Shrimati Sheila
Chandrakar, Shri Chandu Lal	Khan, Shri Arif Mohammad
Charanjit Singh, Shri	Khan, Shri Zulfiquar Ali
Chaturvedi, Shrimati Vidyawati	Kidwai, Shrimati Mohsina
Chavan, Shri S. B.	Kosalram, Shri K. T.
Chennupati, Shrimati Vidya	Krishan Dutt, Shri
Chingwang Konyak, Shri	Krishna, Shri S. M.
Choudhari, Shrimati Usha Prakash	Kuchan, Shri Gangadhar S.
Choudhury, Shri A. B. A. Ghani Khan	Kunwar Ram, Shri
Daga, Shri Mool Chand	Laskar, Shri Nihar Ranjan
Dalbir Singh, Shri	Madhuri Singh, Shrimati
Dalbir Singh, Shri	Mahabir Prasad, Shri
Das, Shri A. C.	Mahajan, Shri Vikram
Dennis, Shri N.	Mallick, Shri Lakshman
Desai, Shri B. V.	Mallikarjun, Shri
Dhandapani, Shri C. T.	Mani, Shri K. B. S.
Digvijay Sinh, Shri	Meena, Shri Ram Kumar
Dubey, Shri Ramnath	Mishra, Shri Gargi Shankar
Era Anbarasu, Shri	Mishra, Shri Ram Nagina
Gadgil, Shri V. N.	Misra, Shri Nityananda
Gadhavi, Shri Bheravadan K.	Motilal Singh, Shri
Gaekwad, Shri R. P.	Mukhopadhyay, Shri Ananda Gopal
Gamit, Shri Chhitubhai	Murthy, Shri M. Rajashekara
Gehlot, Shri Ashok	Murugian, Shri S.
Ghorpade, Shri R. Y.	Muthu Kumaran, Shri R.
Gomango, Shri Giridhar	Nagaratnam, Shri T.
Gulsher Ahmed, Shri	Nagina Rai, Shri

Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Nihalsinghwal, Shri G. S.
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Purnaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bholu
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Sawant, Shri T. M.
 Semdha, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shakaranand, Shri B.
 Shanmugam, Shri P.

Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhbuns Kaur, Shrimati
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tandon, Shri Prabhunarayan
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayeng, Shri Sobeng
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

MR. DEPUTY-SPEAKER: Subject to correction the result* of the division is: AYES 86; Noes 193.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now shall put the clause.

The question is:

"That clause 3 stand part of the Bill."

The Lok Sabha divided:

Division No. 41]

AYES

[14.31 hrs.

Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godil Prasad
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Batha, Shri D. L.
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri

Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhury, Shri A. B. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gamit, Shri Chhitubhai
 Ghorpade, Shri R. Y.
 Gulsher Ahmed, Shri
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 *Jethmalani, Shri Ram
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.

*The following Members also recorded their votes:

AYES: Dr. Vasant Kumar Pandit, Shri Harish Kumar Gangawar and Shri Hannan Mollah;

NOES: Shri G. L. Dogra and Prof. Satya Deo Singh.

**Wrongly voted for AYES

Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Kuchan, Shri Gangadhar S.
 Laskar, Shri Nihar Ranjan
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nagaratnam, Shri T.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Nihalsinghwal, Shri G. S.
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Pardhi, Shri Kesharao
 Patel, Shri Shantubhai
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.

Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Poojary, Shri Japardhana
 Potdukhe, Shri Shantaram
 Prasna Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rao, Shrimati B. Radhabhai Ananda
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Soundararajan Shri N.

Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sukhpuns Kaur, Shrimati
 Sunder Singh Shri
 Suryawanshi, Shri Narsing
 Tandon, Shri Prabhunarayan
 Tapeswar Singh, Shri
 Tayeng, Shri Sobeng
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri Kamalapati
 Tudu, Shri Manmohan
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

**Abbasi, Shri Kazi Jalil
 Acharia, Shri Basudeb
 Agarwal, Shri Satish
 **Bairwa, Shri Banwari Lal
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 **Bhole, Shri R. R.
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri

Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 **Chennupati, Shrimati Vidya
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 **Dennis, Shri N.
 Gangwar, Shri Harish Kumar
 **Gehlot, Shri Ashok
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hanna, Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Kodyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta

**Wrongly voted for Noes.

Ngangom Mohendra, Shri
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rajan, Shri K. A.
 Rajesh Kumar Singh, Shri
 **Ramalingam, Shri N. Kudanthai
 Rasheed Masood, Shri
 Riyan, Shri Bajju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 **Tariq Anwar, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 **Yadav, Shri Ram Singh
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject
 to correction the result†† of the
 division is: Ayes 171; Noes 85.

The motion was adopted.

Clause 3 was added to the Bill.

MR. DEPUTY-SPEAKER: Now, we
 move to clause 4.

THE MINISTER OF COMMUNICA-
TIONS (SHRI C. M. STEPHEN): I
 am on a point of order. We are not
 following the procedure the way the
 rules prescribe. I invite your atten-
 tion to Rule 36. It says:

"When a motion that a Bill be
 taken into consideration has been
 carried, any member may, when
 called upon by the Speaker, move an
 amendment to the Bill of which he
 has previously given notice."

When a large number of amendments
 to a Bill have been tabled, in order
 to save the time of the House Members
 are asked by the Speaker to hand over
 on the Table slips indicating serial
 numbers to amendments which are to
 be moved. The Speaker thereafter
 announces the numbers to the amend-
 ments which are taken to be moved.
 Of course, you have the discretion to
 take either way.

Here we are in a situation
 where there is lack of time. Now,
 each clause can be taken up and
 amendments can be asked for. But
 that is not the spirit of the rule. The
 spirit of the rule is that once the
 consideration motion has been carried,
 all the amendments to the Bill must
 be moved and discussion must proceed

**Wrongly voted for NOES.

††The following Members also recorded their votes:

AYES: Sarvshri R.P. Gaekward, Kunwar Ram, Ram Swarooj Ram,
 T. Damodar Reddy, K. B. S. Mani, A. T. Patil, R. P. Panika, Mohammad
 Asrar Ahmed, S. B. Sidnal Geridhar Gomango, K. Ramamallu, Laxmana
 Karma, N. Dennis, R. R. Bhola, N. K. Ramalingam, Ram Singh Yadav, Kazi
 Jalil Abbasi, Ashok Gehlot, Tariq Anwar, Banwari Lal Bairwa, Shrimati
 Sanyogita Rana, Shrimati Maduri Singh, Dr. Rajindra Kumari Bajpai
 and Shrimati Vidya Chanunpati;

NOES: Sarvshri Ram Jethmalani Abdul Samad, R. N. Rakesh, Ram Lal
 Rahi, Satyanarayan Jatiya, Charan Singh, Ghulam Mohammed, Dr. Vasant
 Kumar Pandit; and Shrimati Gayatri Devi.

a single discussion to cover a series of amendments. Then voting is to take place clause by clause and then amendments are disposed of. Therefore, I am submitting that it should not be that each clause to the Bill is moved, each amendment is moved and then the same Member is speaking five times, ten times. That is not what is contemplated. That has never taken place at all. Therefore, I submit, before we proceed, whichever be the amendments, under rule 86, the amendments must be moved. There are two methods possible. Either they can send the slips, which is too late now, or whoever has given notice can say: "we are moving those amendments" and those amendments taken as moved. Then the question of discussion comes. Here, it is not clause by clause discussion. The rule provides:

"Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments."

Although tabling of an amendment does not confer a right to the Member to make a speech, yet Members tabling the amendments do, if time permits, get an opportunity to speak in favour of the amendments. Then amendments are orderly considered. Moving of the amendments must be done together and disposal can take place clause by clause. So, I submit that all the amendments may be asked to be moved together.

MR. DEPUTY-SPEAKER: I will read clause (1) of rule 85:

"Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made 'That this clause do stand part of the Bill'."

SHRI C. M. STEPHEN: Consideration is different from moving.

MR. DEPUTY-SPEAKER: Clause (2) of rule 85 reads:

"The Speaker may, if he thinks fit, put as one question similar amendments to a clause:

Provided that if a member requests that any amendment be put separately, the Speaker shall put that amendment separately."

SHRI C. M. STEPHEN: That is understood; we have no quarrel on that. There are two distinct concepts -- one is the concept of putting the amendment to the sense of the House; the other is the concept of moving the amendment, discussion and consideration of the clauses. My submission is that the moving of amendments is governed by rule 86; the amendments are to be moved together. The discussion is covered by the proviso to rule 86, which has been amplified by the rules of the House, co-ordinated by Kaul and Shakhdar. The discussion has to be together so that one member does not go on spending every time. Then, merely because one amendment is moved, nobody has got a basic right to have the form of the House. That depends on the constraints of time... (Interruptions) and the measure in which he can catch the Speaker's eye I do not want to block out anybody. But let the discussion be done together. That is the rule.

MR. DEPUTY-SPEAKER: I think the discussion can be taken together. There is no harm. But, more than bringing in all these suggestions or quoting some rules, I would make a personal appeal to the House and the commonsense of the hon. Members of this House. Everybody is feeling hungry. Therefore, I hope you will all co-operate. You have shown your opposition to this Bill very vehemently and, of course, in a constitutional manner. So, you should now co-operate. We will now take up clause 4.

Clause 4—(Execution of detention orders.)

SHRI BAPUSAHEB PARULEKAR:
I beg to move:

Page 3, line 13,—

add at the end—

“but in no case the person on whom the detention order is executed shall be hand-cuffed or roped” (57)

SHRI R. K. MHALGI: I beg to move:

Page 3, line 13,—

add at the end—

“but in no case the person on whom the detention order has been served shall be hand-cuffed or roped.” (119)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 3, line 13,—

add at the end—

“but in no case the detained person shall be hand-cuffed or roped”. (228).

SHRI BAPUSAHEB-PARULEKAR:
Sir, clause 4 of the Bill reads:

“A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973”

My amendment to this clause seeks to add at the end:

“but in no case the person on whom the detention order is executed shall be hand-cuffed or roped.”

The hon. Home Minister and the other hon. Members on the other side who participated in the debate have said that preventive detention is not to punish a person but to prevent a crime being committed subsequently. But clause 4 of the Bill gives power to the executive to arrest a person in the

same way the powers are conferred on them under the Code of Criminal Procedure to arrest a person for having committed a cognizable offence. That means the police have the power to handcuff or rope a person. This is not a small point. Sir, fortunately or unfortunately, you have no experience of it, but I was a victim of it. The question is, if a person has not committed a crime but the executive feels or apprehends that he is likely to commit a crime, then, should the executive be given the power to handcuff a person or to rope that person. If a person is to be detained not because he has committed a crime, but only to prevent committing a crime, commonsense demands that such a person should not be handcuffed and roped. I would therefore request the hon. Minister that he should not bring this inhuman provision into this Bill. I would appeal to him to accept this amendment.

*SHRI R. K. MHALGI: Mr. Deputy Speaker, Sir, I fully agreed with the views expressed by hon. Member Shri Bapusaheb Parulekar. I would like to add two more points. Hon. Home Minister is likely to come out with the argument that will be better to give the description of handcuffing the detenu to the police officials because goondas and special criminals may run away. I would like to reply this point by drawing the attention of this House to the two Acts which the Parliament has already passed, viz., COFESOSA Act and the Essential Commodities Act of 1980. Both the Acts would suffice to control the anti-special elements.

The Home Minister remarked that the opposition Members had certain apprehensions out of fear. I would like to tell him that our apprehensions are not out of fear but out of previous experiences. Detention is not conviction; but in 1975 Shri Bapusaheb Parulekar was detained as if he was convicted. He was handicuffed

*The original speech was delivered in Marathi.

and taken to jail from his home. If there is not going to be the attitude of vengeance towards political parties, there is nothing wrong with this amendment. I, therefore, request the House to accept my amendment.

श्री विजय कुमार यादव : उपाध्यक्ष महोदय, इस अमेंडमेंट के जरिये मैंने केवल यह बात चाहीं है कि अभी जो प्रिवैण्टिव डिटेन्शन ऐक्ट बनाने की बात की जा रही है, उसमें किसी भी नज़रबन्द व्यक्ति को अपने राज्य से दूसरे राज्य में भेजने का प्रावधान है।

पिछली बार एमर्जेन्सी के दौरान देखा गया है कि एक राज्य से दूसरे राज्य में भेज कर किस प्रकार से उस पर जुल्म और अत्याचार किया गया है, इसलिए मैंने इस अमेंडमेंट के जरिये यह चाहा है कि जिस व्यक्ति को इस तरह से निरोध किया जाये, उसको उससे सम्बन्धित राज्य में ही रखा जाये, उस राज्य से बाहर न भेजा जाये।

SHRI K. A. RAJAN rose—

MR. DEPUTY-SPEAKER: You cannot speak. Your amendment is the same as No. 57 moved by Shri Parulekar. He has already spoken.

SHRI K. A. RAJAN: Which rule prevents me from speaking? I can bring new points.

MR. DEPUTY-SPEAKER: He has moved the same amendment. He has already spoken. Not permitted.

SHRI SUNIL MAITRA (Calcutta North East): He should be allowed to speak.

MR. DEPUTY SPEAKER: There is no right. Why are you standing on technicalities? His amendment is the same as Shri Parulekar's point. What new point are you going to make? There should be a scientific argument. He has already dealt with it.

SHRI A. K. ROY: May be for one minute, but he should be allowed.

SHRI SUNIL MAITRA: Why don't you allow him to speak?

MR. DEPUTY-SPEAKER : Please don't dictate to me. I cannot permit Mr. Rajan. He must have my permission. I am not permitting. Shall I put all the amendments together?

SHRI BAPUSAHEB PARULEKAR: What has the Home Minister to say about the amendments?

MR. DEPUTY-SPEAKER: I cannot direct him to say anything.

SHRI BAPUSAHEB PARULEKAR: I am asking the Home Minister. This is again a question of cooperation. We should know what the Home Minister has to say about the amendments and the points raised. I seek a clarification from him on the issue raised by me. You must protect us. What is the hurry about it? I understand, we have to dispose of the business. But not in this manner. The Home Minister is sitting silent and not saying a word about it.

SHRI R. K. MHALGI: Let the Home Minister reply.

MR. DEPUTY-SPEAKER: It is left to the Home Minister, whether he replies or not.

श्री जल सिंह : डिप्टी स्पीकर साहब, आनरेबल मेम्बर साहबान ने जो संशोधन रखे हैं, और जो पहले रखे थे, उनमें कोई बहुत अन्तर नहीं है। मैं पूरी तरह से सोचने विचारने के बाद इस नतीजे पर पहुंचा हूँ कि यह नेशनल सिक्युरिटी बिल सरकार ने नेक-नीयती से हाउस के सामने लाया है। माननीय सदस्य जो एमेंडमेंट्स सजेस्ट कर रहे हैं, उनसे इस बिल की मंशा, उसका इरादा और सिद्धांत दुस्त नहीं रहता है। इस लिए मैं इन तमाम एमेंडमेंट्स के बारे में प्रार्थना करना चाहता हूँ कि मैं इन्हें कुबूल नहीं कर सकता हूँ।

MR. DEPUTY-SPEAKER: Shall I put all the amendments together?

SOME HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: I put amendment Nos. 57, 119 and 228 to the vote of the House.

Amendments Nos. 57, 119 and 228 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That Clause 4 stand part of the Bill.”

The Lok Sabha divided:

Division No. 42] AYES [14.57 hrs.

Abbasi, Shri Kazi Jalil
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shir Xavier
 Arjunan, Shri K.
 Bagun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Behera, Shri Resabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shir Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Brar, Shrimati Gurbrinder Kaur
 Buta Singh, Shri

Chakradhari, Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakr, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vaidya
 Choudhari, Shrimati Usha Prakash
 Choudrury, Shri A. B. A. Ghani Khan
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Geakwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gowda, Shri D. M. Putte
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jintendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri

Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesarbai
 Kuchan, Shri Gangadhar S.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Muthu Kumaran, Shri R.
 Nagaratnam, Shri T.
 Nagina Rai, Shri
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K.S.
 Natrajan, Shri Cumbum N.
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram

Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Rane, Shrimati Sanyogita
 Rao, Shri Jagannath
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahu, Shri Narayan
 Saminuddin, Shri
 Satish Prasad Singh, Shri
 Satya Deo Singh Prof.
 Sawant, Shri T. M.
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Sharma Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.

Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Verma, Shri Phool Chand
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chandra Pal Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Das, Shri R. P.
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit

Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Kodyan, Shri P. K.
 Kunhambu, Shri K.
 Kurien, Prof. P. J.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusahab
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Patnaik, Shri Biju
 Rai Shri M. Ramanna
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Sarangi, Shri R. P.
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.

Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 *Tripathi, Shri R. N.
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainul Abedin, Shri

MR. DEPUTY SPEAKER: Subject to correction, the result of the division is: Ayes.....168; Noes.....78.

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 (Power to regulate place and condition of detention.)

SHRI T. R. SHARMA: I beg to move:

Page 3, after line 25, insert:

"Provided further that the detaining officer shall send intimation within forty-eight hours after detention, to the family of the detenu, the correct information as to where the detenu is detained." (237)

SHRI G. M. BANATWALLA: I beg to move:

Page 3, line 21, —

for "whether within the same State or in another State"

substitute—

"within the same State" (5)

Page 3,—

omit lines 23 to 25 (6)

**The following Members also recorded their votes.

*Wrongly voted for NOES.

††The following members also recorded their votes:

AYES: Sarvashri Zail Singh, Prabhu Narain Tandon, Chingwang Konyak, Ranavir Singh, Amarinder Singh R. N. Tripathi and Dr. B. N. Singh;

NOES: Sarvashri Harish Kumar, Gangawar, Phool Chand Verma, Charan Singh and Shrimati Pramila Dandavate.

SHRI RAMAVATAR SHASTRI:
 beg to move:

page 3, lines 16 to 18,—

for "and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline."

substitute—

"which shall be nearer to his home, accessible to his family members and which shall be a healthy place for his existence,"(43)

Page 3, line 20. —

for "to be" substitute "not to be" (44)

Page 3, lines 21 and 22,—

for "whether within the same State or in another State, by order of the appropriate Government"

substitute—

"without the written consent of the man detained in the Jail" (45)

SHRI BAPUSAHEB PARULEKAR:
 I beg to move:

after line 25, insert—

"Provided further that the person to be removed from one place to other shall not be so removed unless the order in previously approved by the Advisory Board and a copy of the order is furnished to the person." (58)

SHRI RAM JETHMALANI: I beg to move:

Page 3,—

after line 25, insert—

[Shri Ram Jethmalani]

“(2) Nothing in this section shall authorise the imposition of any condition or imposing any discipline which is not strictly necessary for the purpose for which the order of detention is made.” (73)

SHRI RAMAVATAR SHASTRI:

Page 3, line 25,—

add at the end—

“and the detenu concerned” (32)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 3, line 21,

for “whether within the same State or in another State.”

substitute

“within the same State after giving notice of the same in writing to the person concerned for not less than a week in advance and after obtaining the prior approval of the Advisory Board.” (229)

श्री रामावतार शास्त्री : उपाध्यक्ष जी, मेरा संशोधन नं० 43 पृष्ठ संख्या 3, पंक्ति 16 से 18 में है। मैं चाहता हूँ for “and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline”

इसको हटा दिया जाए और इसकी जगह पर निम्नलिखित सव्स्टीट्यूट कर दिया जाए :

“which shall be near to his house accessible to his family members and which shall be a healthy place for his existence”.

आप यह चाहते हैं कि नजरबन्द को जहाँ चाहें भेज दें, किसी दूसरे प्रान्त में या अपने ही प्रान्त की किसी सुदूर जेल में।

मैं समझता हूँ यह गलत है। वह व्यक्ति जहाँ का रहने वाला है वहीं की जेल में उसको आप रखें ताकि उसके परिवार के लोग उससे मिल सकें। आप उसको किसी अस्वास्थ्यकर जगह पर भी न भेजें। इस सम्बन्ध में मैं एक उदाहरण देना चाहता हूँ। मैं 1948 से 1950 तक जेल में था। एक साल के बाद मुझे पटना जेल से हजारीबाग जेल में भेज दिया गया। मैं जबतक वहाँ रहा, बराबर बीमार ही रहा, मेरी किसी में भेंट भी नहीं हो सकती थी। बहुत बीमार रहने पर मुझे भागलपुर सेण्ट्रल जेल भेजा गया और उसके बाद भागलपुर कैम्प जेल भेजा गया। इसलिए मैं चाहता हूँ कि आप इस तरह की बात मत कीजिए, अधिकारियों को यह अधिकार मत दीजिए।

दूसरे क्लॉज (5) में ही पृष्ठ 3, लाइन 20 में जहाँ आपने लिखा है :—

“(b) to be removed from one place of detention to another place of detention, for “to be” substitute “not to be”.

मैं चाहता हूँ “टु बी” के स्थान पर “नाट टु बी” सव्स्टीट्यूट कर दिया जाए। आप उनको हटाना चाहते हैं लेकिन मैं चाहता हूँ उनको हटाया न जाए।

मेरा तीसरा अमेण्डमेंट इस प्रकार से है :

“whether within the same State or in another State, by order of the appropriate Government’.

15 बजे ..

आपने अपने बिल में जो लिखा है, मैं चाहता हूँ कि उसको हटा कर के लिख दीजिए “without the written consent of the man detained in the Jail”

डिटेड डेटीन्यू है, उससे रिटन मांगिए,

अगर आप उसको कहीं भेजना चाहते हैं। अगर वह लिख कर कहे कि हम तैयार हैं, मुझे इस जेल से दूसरे जेल में भेज दीजिए, तब भेजिए। ऐसे नहीं भेजिए, नहीं तो उनको बहुत तरह की परेशानी होती है और आप कहते हैं कि आप उनको परेशान नहीं करना चाहते हैं। जेल ही में रखना चाहते हैं—यही तो परेशानी है और फिर इधर-उधर भेजेंगे तो और परेशानी है। इसलिए मेरे तीनों संशोधन बड़े ही स्पष्ट हैं। अगर आप जेल में रहे होंगे तो आपको स्वयं कठिनाई हुई होगी, उन कठिनाइयों को देखते हुए मेरे संशोधनों को स्वीकार कर लीजिए।

SHRI BAPUSAHEB PARULEKAR:

Mr. Deputy-Speaker, Sir, in my amendment I have suggested that a proviso be added to Clause 5 to the effect that, if a detenu is to be removed from one place to another within a State or from one State to another, the matter should be examined by the Advisory Board. I invite your kind attention to one instance; that happened in 1975, and that concerns two Members of Parliament—Prof. Madhu Dandavate and Mrs. Pramila Dandavate. Mrs. Dandavate was detained in the Poona Prison and Prof. Madhu Dandavate was detained in the Bangalore prison. All the time, for 18 months, they were not allowed to meet each other. When writ petitions were filed and the High Court directed that either Prof. Madhu Dandavate be taken to Poona or Mrs. Dandavate be taken to Bangalore, the Government directed them to deposit Rs. 2,000 and to pay all the expenses of the escort from Poona/Bangalore to Bangalore/Poona. Had this matter been examined by an Advisory Board consisting of at least one High Court judge, I believe, such an order would not have been passed. Especially when the detenu is to be transferred from one State to another, that is a matter which amounts to a punishment because he is taken away from his family members, from his home-State, from the atmosphere where he usually

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lives. A person may be brought from Poona to Bihar jail. Transferring a detenu from one place to another within a State is left to the whims of the executive; and so far as transfer of a detenu from one State to another is concerned, it is left to the whims of the State Government. As I have already said, according to this Bill, while giving detention order, grounds are not necessary; the detention can be continued for more than three months, that is, upto one year, without the consultation of the Advisory Board and a person can be removed from one State to another without consulting the Advisory Board. Consultation with the Advisory Board is only an eye wash. In my amendment, I have only suggested addition of the proviso which I have mentioned. The objects of the Bill which the hon. Home Minister has mentioned are not going to be frustrated or defeated if this proviso is added. It is no use saying that you are not going to accept any amendment... It speaks volumes of the conduct of the Government as far as this Bill is concerned. I would request and make an appeal to the Home Minister to accept my amendment; this particular amendment, in my respectful submission, is very innocent and is in the interest of the detenus to be transferred from one State to another.

SHRI RAM JETHMALANI: Mr. Deputy-Speaker, Sir, my amendment seeks to add to Clause 5 of the Bill a further sub-section (2), namely,

“(2) Nothing in this section shall authorise the imposition of any condition or imposing any discipline which is not strictly necessary, for the purpose for which the order of detention is made.”

Any civilized Government ought to accept this. The Constitution permits only preventive detention and not punitive detention and yet, it is a matter of experience that, in the past, preventive detention has been misused for punitive purposes. A distinguished lady, who, in the last Lok Sabha, was

[Shri Ram Jethmalani]

a Member of this House was detained during the Emergency in the Akola jail; she was put in a lonely cell; on her right was screaming lunatic and on her left was a stinking leper. This was intended to punish that lady. We had a case in the Bombay High Court during the Emergency where a detenu was not allowed to use his own shaving kit because the jail rules said that every detenu must be shaved by the jail barber.

A man was not entitled to use his toilet paper because he was told that he must use freezing water supplied in the jail. A man was not allowed to play chess and carom though he was permitted to play the game of gambling in cards. These are the kinds of disciplines and restrictions imposed on detenus.

This clause, as it is framed today, permits the imposition of restrictions and imposition of a discipline which may be constitutionally permissible and at the same time, also, that which may not be constitutionally permissible. Therefore, this Bill is void and this clause, at any rate, is void and if this government has any claim to being a civilised government, it ought at least to accept this because this will only show that they want to use preventive detention law for preventive purposes and not for breaking the soul and body of the detenus.

*SHRI R. K. MAHALGI Mr. Deputy-Speaker, Sir, the provision of this bill leave scope for vengeance for the leaders of the ruling party and the administrative machinery of the Central and State Governments. The provisions of Clause 5 of this Bill enable the Government to detain a person in any party of the Country. His family will thus be harassed and tortured by the police. In order to

avoid the harrasment of his family, I have suggested through this amendment that the person concerned should be detained near his usual place of residence only so that his family is not subjected to harrasment and torture.

श्री अटल बिहारी वाजपेयी (नई दिल्ली):
उपाध्यक्ष महोदय, क्या गृह मंत्री जी ने फैसला कर लिया है कि जैसा विधेयक है, वैसा ही पास करना चाहते हैं या विरोधी दलों की ओर से जो अच्छे-अच्छे सुझाव आ रहे हैं उन को भी स्वीकार करेंगे? अब नज्रबन्द तो होने वाले हैं, लेकिन आप नज्रबन्द करते हैं—इसलिए कि वे आगे कोई गड़बड़ न कर सकें। इस में प्रीवेंटिव है, प्यूनिटिव नहीं है, आप सजा नहीं दे रहे हैं। आगे कोई गड़बड़ न कर सके, इसलिए उस को स्थानाबद्ध कर रहे हैं। अपने घर से दूर किसी जेल में रखना, उस आदमी के लिए केवल कष्ट दायक ही नहीं है, बल्कि उस के परिवारवालों के लिए भी बहुत तकलीफ-देह है। क्या आप ने उस के बीबी बच्चों को भी सजा देने का फैसला किया है? उसके परिवार वालों को उस से मिलने के लिए जाना पड़ता है। मिलने के बारे में जेलों के नियम कितने हास्यास्पद हैं मैं आप को बतलाता हूँ—श्री अडवाणी मेरे साथ बैंगलोर जेल में नज्रबन्द थे। उस जेल का मैनुअल यह कहता है कि मिलने वाला अपने साथ एक और व्यक्ति को ला सकता है। श्री अडवाणी की पत्नी मिलने के लिए जाती थीं, उन के दो बच्चे थे, मगर जेल अधिकारी दोनों बच्चों को एक-साथ नहीं जाने देते थे। कहते थे कि एक साथ दो आ सकते हैं, उन की पत्नी के साथ एक बच्चा जायगा, दूसरे को बाहर

छोड़ जाइये। बच्चा बाहर रहने के लिए तैयार नहीं था। मेरे कहने का तात्पर्य यह है कि नज़रबन्द को वहीं रखा जाये, किसी दूर जेल में न भेजा जाये और दूसरे राज्य में भेजने का तो सवाल ही नहीं उठता।

एक बात और कहना चाहता हूँ— आप नज़रबन्द करते हैं तो जिस व्यक्ति को नज़रबन्द करते हैं, यदि वह घर के लिए कमाने वाला एक ही व्यक्ति है तो उस के परिवार का पालन-पोषण कैसे होगा? अदालत ने उस को सज़ा नहीं दी है, उस ने कोई जुर्म भी नहीं किया है, केवल आप को डर है कि वह आगे चल कर जुर्म करेगा, इसलिए उस को जेल में बन्द कर दिया, मगर उसके बीबी-बच्चों का क्या होगा? कौन उनका पेट भरेगा? इसलिए मैं चाहता हूँ कि नज़रबन्द किये जाने वाले के परिवार वालों को भत्ता दिये जाने के बारे में विचार होना चाहिए। लेकिन ऐसा लगता है कि गृह मंत्री जी ने फंसला कर लिया है कि न वह किसी की सुनेंगे और न मानेंगे, जैसे का तैसा विधेयक हमारे गले के नीचे उतारना चाहते हैं। यह सदन देख रहा है दुनिया देख रही है—आप का रवैया कितना गलत है, कितना अन्यायपूर्ण है।

श्री विजय कुमार यादव : इस सिलसिले में मैं यह कहना चाहता हूँ कि वैसे तो पिछला एमेंडमेंट बड़ा ही मामूली हथकड़ी वाला था जो कि माना नहीं गया लेकिन इस एमेंडमेंट में भी इसी बात का जिक्र किया गया है कि जिस की गिरफ्तारी हो, उस को अपने राज्य से दूसरे राज्य में न भेजा जाए। मैं समझता हूँ कि यह इतना मामूली एमेंडमेंट है कि इसमें गवर्नमेंट की जो प्रीवेंटिव डिटेन्शन की पालीसी है, उस के विरोध में यह नहीं जाता है।

मैंने इस में एक और बात की मांग की है कि यकायक रातोंरात किसी आदमी

को जेल से कहीं बाहर भेज दिया जाता है और वह भी रात को 12 बजे, 1 बजे, 2 बजे या 3 बजे भेज देते हैं, तो ऐसा नहीं होना चाहिए। मुझे पटना से यकायक हजारीबाग जेल भेज दिया गया। तो इस सिलसिले में मैंने इस बात का जिक्र किया है कि जिस आदमी को आप ट्रान्सफर करना चाहते हैं, राज्य के अन्दर ही ट्रान्सफर कीजिए लेकिन इस की जानकारी उसे एक मप्ताह पहले दीजिए और यह ट्रान्सफर भी जो आपने एडवाइजरी बोर्ड बनाया है, उस की संवजन लिये बगैर नहीं होना चाहिए।

इन्हीं बातों की मांग मैंने अपने इस अमेंडमेंट में की है।

SHRI T. R. SHAMANNA: Mr. Deputy-Speaker, Sir, this is an important Clause empowering the Government to decide as to where the detenu has to be kept or whether he has to be transferred from one State to another. I have got my bitter experience in this regard. In 1930 when I was arrested I was in the Bijapur Central Jail and I was sent to Yerwada Jail. It was not made known to my house. My father died in a mental hospital. I did not know that. I was told by somebody coming from Karnataka that my father was ill but, by the time I had the opportunity, he had already gone to the other world. So, the detention intimation was not sent to my family. It will be very difficult. So, when a person is detained it is very necessary that it should be intimated to the family and if necessary, legal and medical assistance should be made available. This is an important amendment which I press. Just as in Parliament, when a Member is arrested or just as in Assembly when a Member is arrested, a duty has been cast upon the police officers to intimate about his arrest and release, a similar thing should be done in the case of a detenu. If he is detained, his family should be intimated about his detention.

श्री जल सिंह : डिप्टी स्पीकर साहब, श्री रामावतार शास्त्री से ले कर श्री विजय कुमार यादव, कर्नाटक के एक मेम्बर और वाजपेयी जी, तकरीबन सब का एक मत है कि किसी नजरबन्द को एक रियासत में दूसरी रियासत में न भेजा जाए। इस के लिए मैं नम्रता से प्रार्थना करूंगा कि आम तौर पर ऐसा होगा नहीं कि हर डाक को दूसरी रियासत में भेजा जाए लेकिन इस बिल में यह चीज कैसे रखी जा सकती है कि अगर किसी को भेजना पड़े तो सरकार उसे भेज नहीं सकती।

दूसरी बात यह है कि भारत में जो कानून बनते हैं, उन में इस बात को रखना निहायत जरूरी है कि देश की एकता और एकजुहती को पूरे तौर पर माना जाए। यह देश एक है और इस में एक प्रदेश से दूसरे प्रदेश में या एक जिले से दूसरे जिले में न जाने का प्रतिबन्ध लगाना इस भावना को पैदा करता है कि यहां के लोग एक दूसरे के साथ रहना नहीं चाहते। . . (व्यवधान) . .

श्री रामावतार शास्त्री : यह बड़ा बचकाना जवाब है। यह ठीक जवाब नहीं है।

श्री अटल बिहारी वाजपेयी : यहां तो जेल में जाने की बात है।

श्री जल सिंह : श्री रामावतार शास्त्री ने मुझ से यह पूछा कि मैं जेल में रहा हूँ या नहीं। मैं जनता सरकार की जेल में रहा हूँ, ब्रिटिश सरकार की जेल में रहा हूँ और रियासत की जेल में रहा हूँ।

श्री रामावतार शास्त्री : मैंने यह नहीं पूछा कि आप जेल में रहे हैं या नहीं। मैंने कहा था कि आप वहां के बारे में जानते होंगे।

श्री जल सिंह : मैं एक रियासत की जेल में लगातार पूरे 5 साल एक जेल में कैदी रहा हूँ। इसलिए मुझे पूरा तजुर्बा है, हर वक्त की सरकार का, हर वक्त की जेल का। इसलिए मैं यह जानता हूँ कि इस बात का ख्याल रखना निहायत जरूरी है कि किसी भी आदमी को जेल में भेजने से पहले, कई बार इस बारे में सोचना जरूरी है कि वाकई इस को जेल भेजना जरूरी है या नहीं।

आपको मालूम है कि इसी बिल की आठवीं क्लॉज में यह आया है कि पांच दिन और ज्यादा से ज्यादा दस दिन के लिए उसे वाजेह दलील देनी होगी उसके बाद उसका केस एडवायजरी बोर्ड के पास चला जाएगा। जब केस एडवायजरी बोर्ड के पास चला जाए तो फिर उसको यह भी काम दिया जाए कि किस को भेजे और किसको न भेजे तो यह मुमकिन नहीं हो सकता। इसलिए मैं प्रार्थना करूंगा कि ये जो संशोधन आये हैं, इनकी कोई जरूरत नहीं है।

जो एक सूबे से दूसरे सूबे में भेजने का प्रोविजन है, वह भी वहां की सरकार के हाथ में है और उसकी मंजूरी से ही भेजा जाएगा। इसलिए इस संशोधन को भी मैं मंजूर नहीं कर सकता।

इस बारे में जो कहा गया है, उसका इस बिल से कोई ताल्लुक नहीं है। इसलिए मेरी प्रार्थना है कि इस संशोधन को भी मैं मंजूर नहीं कर सकता।

MR. DEPUTY SPEAKER: I will now put all the amendments to Clause 5 together to the vote of the House.

Amendments Nos. 5, 6, 43, 44, 45, 58, 73, 132, 229 and 237 were put and negatived.

MR. DEPUTY-SPEAKER: Now the question is:

"That clause 5 stand part of the Bill."

The Lok Sabha divided.

Division No. 431

[15.25 hrs

AYES

Abbasi, Shri Kazi Jalil	Desai, Shri B. V.
Ahmad, Shri Mohammad Asrar	Dhandapani, Shri C. T.
Ahmed, Shri Kamaluddin	Dogra, Shri G. L.
Ajit Pratap Singh, Shri	Dubey, Shri Ramnath
Alluri, Shri Subhash Chandra Bose	Ekka, Shri Christopher
Amarinder Singh, Shri	Era Anbarasu, Shri
Anand Singh, Shri	Fernandes, Shri Oscar
Ankineedu Prasad Rao, Shri P.	Gadgil, Shri V. N.
Appalanaidu, Shri S. R. A. S.	Gadnavi, Shri Bheravadan K.
Arakal, Shri Xavier	Gaekwad, Shri R. P.
Bairwa, Shri Banwari Lal	Gamit, Shri Chhitubhai
Baitha, Shri D. L.	Gowda, Shri D. M. Putte
Bajpai, Dr. Rajendra Kumari	Jaffer Sharief, Shri C. K.
Baleshwar Ram, Shri	Jain, Shri Bhiku Ram
Bansi Lal, Shri	Jain, Shri Virdhi Chander
Behera, Shri Rasabehari	Jamilur Rahman, Shri
Bhagat, Shri H. K. L.	Jena, Shri Chintamani
Bhakta, Shri Manoranjan	Jha, Shri Kamal Nath
Bhardwaj, Shri Parasram	Jitendra Prasad, Shri
Bhatia, Shri R. L.	Kamakshaiah, Shri D.
Bhoye, Shri Reshma Motiram	Kamal Nath, Shri
Brar, Shrimati Gurbrinder Kaur	Kamla Kumari, Kumari
Buta Singh, Shri	Karma, Shri Laxman
Chakradhari Singh, Shri	Kaul, Shrimati Shella
Chandra Shekhar Singh, Shri	Khan, Shri Arif Mohammad
Chandrakar, Shri Chandu Lal	Khan, Shri Zulfiquar Ali
Charanjit Singh, Shri	Kidwai, Shrimati Mohsina
Chaturvedi, Shrimati Vidyawati	Kosalram, Shri K. T.
Chavan, Shri S. B.	Krishan Dutt, Shri
Chennupati, Shrimati Vidya	Krishna, Shri S. M.
Chingwang Konyak, Shri	Krishna Pratap Singh, Shri
Choudhari, Shrimati Usha Prakash	Kshirsagar, Shrimati Kesharbat
Choudhury, Shri A. B. A. Ghanj Khan	Kuchan, Shri Gangadhar S.
Daga, Shri Mool Chand	Laskar, Shri Nihar Ranjan
Dalbir Singh, Shri	Madhuri Singh, Shrimati
Dalbir Singh, Shri	Mahabir Prasad, Shri
Das, Shri A. C.	Mahajan, Shri Vikram
	Mallanna, Shri K.
	Mallick, Shri Lakshman
	Mallikarjun, Shri
	Mishra, Shri Gargi Shankar
	Mishra, Shri Ram Nagina
	Misra, Shri Nityananda
	Motilal Singh, Shri

Murthy, Shri M. Rajashekara
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Pandey, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Veerendra
 Phulwariya, Shri Virda Ram
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri
 Rao, Shri Jagannath
 Rao, Shri Jalagam Konala
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan

Saminuddin, Shri
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Sunder Singh, Shri
 Tandon, Shri Prabhunarayan
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri R. N.
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuji, Shri
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Madhukar, Shri Kamia Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil

Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanaç Kumar
 Masudal Hossain, Shri Syed
 Meena, Shri Ram Kumar
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Negi, Shri T. S.
 Pal, Prof. Rup Chand
 Pandit. Dr. Vasant Kumar
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Patnaik, Shri Biju
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shastri, Shri Ramavatar
 *Stephen, Shri C. M.
 Subba Shri P. M.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

*Wrongly voted for Noes.

MR. DEPUTY-SPEAKER: Subject to correction, the result†† of the division is as follows: Ayes 169; Noes 75.

The Ayes have it.

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 (detention orders not to be invalid or inoperation on certain grounds.)

SHRI G. M. BANATWALLA: I beg to move amendment Nos. 7 and 8. I beg to move:

Page 3, line 28,—

omit "or officer making the order"
(7)

Page 3,—

omit lines 29 to 30. (8)

SHRI RAMAVATAR SHASTRI: I beg to move amendment No. 133. I beg to move:

Page 3, (i) line 26.—

for "No detention order shall be invalid or inoperative merely by reason"

Substitute "No detention order shall be valid and operative"

(ii) line 27.—

for "that" substitute "for"

(iii) line 29.—

for "that" substitute "for" (133)

SHRI VIJAYA KUMAR YADAV: I beg to move amendment No. 231. I beg to move:

Page 3, line 26,—

for "No" substitute "The" (231)

MR. DEPUTY-SPEAKER: I will now put amendments Nos. 7, 8, 133 and 231 to clause 6 to the vote of the House.

Amendments Nos 7, 8, 133 and 231. were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 6 stand part of the Bill"
The Lok Sabha divided:

Division No. 44]

[15.32 hrs.

AYES

Abbasi, Shri Kazi Jalil
Ahmad, Shri Mohammand Asrar
Ahmed, Shri Kamaluddin
Ajit Pratap Singh, Shri
Alluri, Shri Subhash Chandra Bose
Anand Singh, Shri
Ankineedu, Shri M.
Ankineedu Prasad Rao, Shri P.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arakal, Shri Xavier
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansi Lal, Shri
Behera, Shri Rasabehari
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhatia, Shri R. L.
Bhoi, Dr. Krupasindluh
Bhoye, Shri Reshma Motiram
Brar, Shrimati Gurbinder Kaur
Buta Singh, Shri
Chakradhari Singh, Shri
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandu Lal

††The following Member also recorded their votes:

AYES: Sarvshri C. P. N. Singh, G. P. Anuragi, Shiv Kumar Singh Thakur and C. M. Stephen.

NOES: Sarvshri T. R. Shamanna, Pius Tinkey and Ngangom Mohendra. Mohendra.

Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Choudhary, Shri A. G. A. Ghani Khan
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oskar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gowda, Shri D. M. Putte
 Jain, Shri Bhiku Ram
 Jain, Shri Virldhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.

Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mayathevar, Shri K.
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murthy, Shri M. Rajashekara
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi, Yellaiah Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Phulwariya, Shri Virda Ram
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai

Ram Vir Singh, Shri
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv, Shankar, Shri P.
 Shvendra Bahadur Singh, Shri
 Singh, Dr. B. N.
 Singh, Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Sonkar, Shri Kalapnath
 Sparrow, Shri R. S.
 Stephen Shri C. M.

Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayab Hussain, Shri
 Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri R. N.
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 *Verma, Shri R. L. P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhuri, Shri Tridib
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila

*Wrongly voted for AYES

Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Goyal, Shri Krishna Kumar
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Kodyan, Shri P. K.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rahi, Shri Ram Lal
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban

Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 *Soren, Shri Hari Har
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirlok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

15.23 hrs.

[SHRI CHINTAMANI PANIGRAHI in the
 Chair]

MR. CHAIRMAN: Subject to correction, the result** of the Division is as follows: Ayes 176; Noes 80.

The motion was adopted.

Clause 6 was added to the Bill

Clause—7—(Powers in relation to absconding persons.)

*Wrongly voted for NOES

**The following Members also recorded their votes:

AYES: Sarvshri C. K. Jaffer Sharief, G. B. Gohil, Amerinder Singh, P. M. Subba, Hari Har Soren. Prof. K. K. Tewary and Shrimati Sanyogita Rane;

NOES: Shri Pius Tirkey, Shri R. L. P. Verma and Shrimati Gayatri Devi.

SHRI G. M. BANATWALLA: I beg to move:

Page 3, lines 31 and 32,—

omit "or an officer mentioned in sub-section (3) of section 3" (9)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, line 6,—

for "one year" substitute "seven days". (46)

Page 4, line 6,—

after "fine" insert—

"which shall not exceed ten rupees." (47)

SHRI K. A. RAJAN: I beg to move: Page 4,—

omit lines 8 and 9. (161)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 3,—

omit lines 42 to 46. (195)

Page 4, lines 6 and 7,—

for "imprisonment for a term which may extend to one year, or with fine, or with both" substitute—

"fine which shall not be more than fifteen rupees" (196)

Page 4, line 9,—

for "cognizable" substitute

"non-cognizable". (197)

Page 3, lines 31 and 32,—

for "Central Government or the State Government or an officer mentioned in sub-section (3) of section 3, as the case may be"

substitute "Advisory Board" (232)

Page 3, lines 34 and 35,—

for "that Government or officer" substitute "it". (233)

श्री रामावतार शास्त्री : सभापति जी, धारा 7 में यह व्यवस्था की गई है कि जिस व्यक्ति के खिलाफ नज़रबन्दी का वारंट जारी किया गया हो, अगर वह नहीं मिलता है, और फिर आगे जा कर गिरफ्तार होता है, या गिरफ्तार कर के लाया जाता है, या स्वयं चला आता है, तो उसको एक साल की सज़ा होगी और जुर्माना भी होंगे। मैं चाहता हूँ कि उसको एक साल की जगह पर सात दिन की सज़ा हो या जुर्माना किया जाये, दोनों नहीं। अगर सज़ा दी जाये, तो सात दिन और अगर जुर्माना किया जाये, तो केवल दस रुपये।

अगर सरकार इतने साधारण संगोपन को भी नहीं मानती है, तो यह अच्छा नहीं है।

श्री जैल सिंह : सभापति महोदय, हम श्री रामावतार शास्त्री का यह मुद्दाव ध्यान में रखेंगे। यह जरूरी नहीं है कि एक साल कैद होगी। यह भी जरूरी नहीं है कि एक साल की कैद भी होगी और जुर्माना भी होगा। यह भी जरूरी नहीं है कि अगर सज़ा हो जाये, तो फिर उसको माफ़ नहीं किया जा सकता है। इस बारे में हम नर्मी का इस्तेमाल करेंगे।

MR. CHAIRMAN: I shall now put amendments No. 9, moved by Shri G. M. Banatwalla. No. 46 and 47 moved by Shri Ramavatar Shastri, 161 moved by Shri K. A. Rajan, 195, 196, 197, 232 and 233 moved by Shri Vijay Kumar Yadav to the vote of the House.

Amendments Nos. 9, 46, 47, 161, 195, 196, 197, 232 and 233 were put and negatived.

MR. CHAIRMAN: The question is:
 "That Clause 7 stand part of the
 Bill."

The Lok Sabha divided

Division No. 45]

[15.42 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Amarinder Singh, Shri
 Anand Singh, Shri
 Ankineedu, Shri M.
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Bagun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoje Shri Reshma Motiram
 Brar, Shrimati Gubinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh,, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri

Choudhari, Shrimati Usha Prakash
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A. C.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Er_a Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Gohil, Shri G. B.
 Gowda, Shri D. M. Putte
 Jaffer Shareif, Shri C. K.
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakashai, Shri D.
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kuchan, Shri Gangadhar S.
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram

- Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mayathevar, Shri K.
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murthy, Shri M. Rajashekara
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi. Yellaiah, Shri
 Narayana, Shri K. S.
 Natarajan, Shri Cumbum N.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panika, Shri Ram Pyare
 Pardhi, Shri. Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Prabhu, Shri R.
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rathawa, Shri Amarsingh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Sri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Saminuddin, Shri
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Sharma, Shri Chiranjil Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Dr. Shanker Dayel
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Sigh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Sinha, Shrimati Ramdulari
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Subba, Shri P. M.

Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tiwary, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tripathi, Shri R. N.
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chandra Pal Singh, Shri
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuji, Shri
 Chaudhuri, Shri Tridib
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Mahdu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Gayatri Devi, Shrimati

Ghosh, Shri Niren
 Goswami, Shrimati Bibha
 Ghulam Mohammad, Shri
 Giri, Shri Sudhir
 Gopalan, Shrimati Juseela
 Goyal, Shri Krishna Kumar
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Motilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jha, Shri Bhogendra
 Kodiyani, Shri P. K.
 Kunhambu, Shri K.
 *Kunwar Ram, Shri
 Lawrence, Shri M. M.
 Madukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Mishra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Patnaik, Shri Biju
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban
 Rothuama, Dr. R.
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar

Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Unnikrishnan, Shri K. P.
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. CHAINMAN: The result** of the division is: Ayes 185; Noes 83.

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Grounds of order of detention to be disclosed to persons affected by the order.)

SHRI MOOL CHAND DAGA: I beg to move:

Page 4, line 12,—

for "five" substitute "three" (27)

Page 4, line 13,—

for "ten" substitute "five" (28)

Page 4, line 18,—

for "public interest" substitute—
 "security of India" (29)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, line 12,—

for "five days" substitute "two days" (48)

Page 4, line 13,—

for "ten days" substitute "three days" (49)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 4, for clause 8, substitute:

"8. The authority shall disclose to the person detained all grounds and facts for his detention and shall afford him all opportunity including consultations of advocates of his choice for making a representation against the order of detention." (61)

SHRI RAM JETHMALANI: I beg to move:

Page 4,—

for Clause 8, substitute—

"8. When a person is detained in pursuance of a detention order the authority making the order shall forthwith communicate to him in writing the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government." (74)

Page 4,—

omit lines 17 and 18. (75)

**The following Members also recorded their votes:

AYES: Sarvshri Manoranjan Bhakta, Shantaram Potdukhe, P. V. G. Raju, Kunwar Ram and Shrimati Kesharbai Kshirsagar;

NOES: Sarvshri Ram Jethmalani, Bapusaheb Parulekar, Ghayoor Ali Khan and Shrimati Indra Kumari.

SHRI G. M. BANATWALLA: I beg to move:

Page 4,—

for Clause 3, substitute—

“8. No person shall be detained without being informed of the grounds for such detention nor shall he be denied the right—

(a) to make a representation against the order at the earliest opportunity; and

(b) to consult, and to be defended by, a legal practitioner of his choice.” (31)

SHRI K. A. RAJAN: I beg to move:

Page 4,—

for Clause 3, substitute—

“8. The authority shall disclose to the person detained all the grounds and facts for his detention and shall afford him all opportunities in seeking consultation of advocates of his choice for making a representation against the order of detention.” (162)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 4,—

for Clause 3, substitute—

“8. The authority shall disclose to the person detained all the grounds and facts for his detention and shall afford him all opportunities including consultations of advocates of his choice and cross-examining the District Magistrate and the Commissioner of Police for making a representation against the order of detention.” (180)

SHRI VIJAY KUMAR YADAV: I beg to move:

3121 LS—16

Page 4, lines 11 and 12,—

for “, as soon as may be, but ordinarily not later than five days” substitute—

“on the very day of detention” (198)

PROF. RUP CHAND PAL: I beg to move:

Page 4, line 12—

for “five days” substitute—

“twenty-four hours” (244)

Page 4, lines 12 and 13,—

omit “and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention.” (245)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 4, lines 12 and 13,—

omit “and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days” (265)

MR. CHAIRMAN: Now all the amendments have been moved. Shri Ramavatar Shastri.

श्री रामावतार शास्त्री : सभापति जी, मेरा संशोधन सं० 134 बहुत ही साधारण है जिसको स्वीकार करने में मंत्री महोदय को कोई आना-कानी नहीं करनी चाहिए। मेरे संशोधन का अर्थ यह भी है कि इसको स्वीकार करने से यह बिल छोटा हो जायेगा। इस बिल की धारा (8) की उपधारा (2) जो है जिसमें कहा गया है :—

“Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.”

[श्री रामावतार शास्त्री:]

मैं चाहता हूँ कि इसको हटा दिया जाए। इसी से आप समझ सकते हैं कि यह संशोधन कितना साधारण है। जब आप किसी को नजरबन्द करना चाहते हैं तो कम से कम इतनी शराफत बरतिए कि उसे बता दीजिए कि भाई, आपको इन बजूहात से हम जेल में रखना चाहते हैं, अगर आप बाहर रहिएगा तो इन बजूहात से आप अशांति पैदा कीजिएगा। आप इसको क्यों गुप्त रखना चाहते हैं? पब्लिक इण्टरेस्ट में बताना उचित नहीं होगा—ऐसी व्यवस्था आप क्यों रखना चाहते हैं? आप अगर किसी को नजरबन्द रखिए तो उसको बताइये कि इस वजह से नजरबन्द रखना चाहते हैं। इसीलिए मैं चाहता हूँ कि इस उपघार को निकाल दिया जाए।

श्री सुखचन्द डागा : सभापति जी, एक बात यह है कि गृह मंत्री जी, ने जो क्लॉज में लिखा है, वह उसको समझ लें उन्होंने लिखा है कि

“When a person is detained in pursuance of a detention order, the authority making the order, shall, as soon as may be....”

आप कह रहे हैं किज्यों ही उसको अन्दर रखा जाएगा, उसको जल्दी से जल्दी इतिला कर दी जाएगी और कारण बतलाया जाएगा तथा साथ साथ यह भी कह रहे हैं कि उसको पांच दिन का समय दिया जाएगा। आर्टिकल-22 में “एज-सून-एज” का उल्लेख है। जब आप किसी आदमी को डिटेन करना चाहते हैं तो उसको जल्दी से जल्दी कारण बतलाया जाना चाहिए कि इस कारण से रखना चाहते हैं। मेरी दृष्टि में यह पांच दिन भी बहुत ज्यादा समय है, मेहरबानी करके आप इस बर

सोचियेगा। मेरा फर्ज है कि मैं आपको कहूँ अगर आप किसी आदमी की आजादी को खत्म करना चाहते हैं, तो उसमें पब्लिक इण्टरेस्ट क्या है? आप कहते हैं कि पब्लिक इण्टरेस्ट—यह क्या लम्बा चौड़ा शब्द है। मैं चाहता हूँ कि आप इस पर विचार करें। यह कोई सबाल नहीं है, सबाल यह है कि किसी आदमी की आजादी को खतरे में डालने के पहले उसके कारण 24 घण्टे में बतलाने चाहिए और आप पांच दिन का टाइम दे रहे हैं।

SHRI BAPUSAHEB PARULEKAR:
By my amendment No. 61, I had suggested 1 deletion of clause 8 and instead the following be substituted. My amendment No. 61 reads as follows: I move:

Page 4,—for clause 8. substitute—

“8. The authority shall disclose to the person detained all grounds and facts for his detention and shall afford him all opportunity including consultations of advocates of his choice for making a representation against the order of detention.”(61).

The first part shall be substituted by this. I would like to invite the attention of the hon. Members to sub-clause 2 which in my respectful submission is an obnoxious provision and it says: “Nothing in sub section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.” It is just like MISA of 1975. Detention order will be served; when grounds are asked for, we will be told: disclosure of grounds will be against public interest; therefore, there is no ground being disclosed to put in jail. This gives the right to the executive to detain a person without giving any ground to the detainee. I therefore submit that very stealthily this provision has been included in this Bill so that you can detain a person without giving him any ground.

A second submission I want to make with reference to part (i). It is

mentioned that he can make a representation as early as possible. If we read the Bill as a whole, if we see clause 11(4), we find that the detenu has no right to engage any advocate to have his defence before the advisory board. If we read this clause in this background, we see that no provision has been made to take the assistance of any advocate or legal advice. Sir, the detention orders are served in English. Many people do not know English. They do not know what is law and you ask them to represent within three or four days. Therefore, Sir, I have suggested that they should have a right to consult the advocate of their choice, after the detention order is served and the representation is made. I, therefore, submit, that this amendment together with the deletion of sub-clause 2 for bringing in stealthily a way in which persons are detained without disclosing the grounds may be accepted.

MR. CHAIRMAN: Shri Ram Jethamalani.

SHRI RAM JETHAMALANI: Sir, once again, I am compelled to recognise and appreciate the lone voice of constitutional sanity on the other side. Sir, amendment No. 74, which I have moved, also is on the same lines as Mr. Mool Chand Daga has pleaded. I want that this clause must be made conformable to Article 22 of the constitution. Article 22 of the Constitution says that you must supply the grounds of detention as soon as may be, whereas your clause says 'as soon as may be but within the next five days and maximum period of ten days' etc. The Supreme Court has ruled that the grounds of detention must be formulated, must be in existence before the order of detention is signed. If the order of detention is signed after the grounds of detention have been framed, there can be no conceivable difficulty in supplying them at the time of arrest, and therefore the expression 'as soon as may be' can be complied with by giving the

grounds forthwith and that is exactly what my amendment says.

Sir, the trouble is that in this House when we talk of the Constitution we are presented with a blank wall. I can excuse the Home Minister, but I can't excuse the Law Minister, a good man who has gone down the drain for no reason at all. And Sir, because our constitutional arguments are not listened to here, we are ultimately compelled to raise these points in our courts and when the courts teach them the Constitution, they go about maligning the judiciary and the lawyers. The judiciary and the lawyers will teach you Constitution. Therefore, if you have any respect for the Constitution, use the words 'as soon as may be' which are there in Article 22 and drop this five days and ten days' business. Forthwith accept this if you have some respect for constitutional propriety and you understand the letter and spirit of the Constitution (*Interruptions*).

SHRI G. M. BANATWALLA: Sir, the point has already been made. It is shocking that clause 8 should provide that the grounds of detention need not be communicated for as many as ten days to the detenu. Sir no civilised nation can believe in such a situation. When the officer concerned knows the grounds, is satisfied that the grounds are justified for detention of a person, there should be no difficulty whatsoever in disclosing those grounds to the detenu at the time of detention. A second important point that I make in my amendment is that the detenu shall be given every right to consult and to be defended by a legal practitioner of his choice. An ordinary citizen, Mr. Chairman, Sir, cannot be expected to know all the technicalities of law; and there is no harm if his case is properly and efficiently represented at every stage. This is so when his own liberty is at stake. It is a very reasonable amendment that we are placing before the Government; and I hope for some time at least, at one place Government will try to be reasonable and rest this particular objection being raised and

[Shri G. M. Banatwalla]

accept our amendment. (*Interruptions*).

AN HON. MEMBER: Civilised Government for civilised nations.

SHRI SOMNATH CHATTERJEE: So far as clause 8 is concerned, kindly see the inherent possibility, not only possibility but certainty of abuse. When a person is arrested they should have the grounds. They want five days to serve the grounds on the detenu. I believe, the Ministers, if they are capable of understanding, ought to know that the grounds must be based on objective material. It cannot be subjective. Subjective conclusions may be drawn, but objective materials must be available. It has been proved that on many occasions cyclostyled orders of detention with blank names with cyclostyled signatures have been handed over to police constables, sub-inspectors etc., with a list of names. That has been also the experience of some of the members on the other side, some who have changed over and some who are still there. It was said today also that detention order was made against a dead person! These are the inherent possibilities or certainties of abuse. Therefore, one essential requirement should be that there must be objective materials on the basis of which a subjective conclusion is arrived at. Why should they take five days? Knowing their ingrained inefficiency. I have provided for 2 days. They do not accept even that. Even their power of imagination or power of fabrication does not wrok that fast. That is why they want five days.

Secondly, it is said, "in exceptional circumstances, for reasons to be recorded in writing not later than 10 days". These exceptional circumstances are recorded subsequently in writing, where? They are not given to the detenu. Where is it recorded? Where is the guarantee that their minions will record it contemporaneously, because the experience is otherwise? Therefore, this exemption provision or extension of period provision should

not be there. It is dangerous to give this power to them. I strongly object to this.

I would like to be educated by the Home Minister as to what is the difference between grounds and facts. Let him explain this; he is piloting the Bill. I have some humility—Mr. Stephen has lost it—and I am always prepared to be educated. Let him explain what is the difference between facts and grounds. If I am persuaded to accept the distinction, then we may withdraw it or have second thought.

Then they say,

"Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose."

Who decides what is public interest? What are the facts which should not be disclosed? Grounds should be given. What would be the grounds, if there are not objective materials in the grounds? Are objective materials the facts? What are those facts in the grounds for detention? Not a single assurance has been kept in the past. Assurances were given at the level of the Prime Minister and Home Minister. Nothing has been kept. A sense of shame is something which is not available on that side.

16 hrs.

They are openly saying and openly doing it. But we are trying to make it as humane as possible though it is a barbaric measure. I am sure, if there was a free voting, they would not be able to muster 100 Members. They have mortgaged their conscience. Their thought process is completely finished. They cannot think of themselves. Therefore, they are all potential victims. But so far as this clause is concerned, let them follow the constitutional mandate. They should take not more than two days. And in the guise of differentiating between 'ground' and 'fact' let them not withhold information from the detenu.

Therefore, I submit that my amendments should be accepted.

SHRIMATI GEETA MUKHERJEE:

I would like to inform the hon. Members on the other side that one of my woman colleagues was served with a notice as for the ground of detention. You will be surprised to know that it contained as one of the grounds 'committed rape'.

SHRI C. M. STEPHEN: It can be both ways.

SHRI SOMNATH CHATTERJEE:

Mr. Stephen seems to be an authority on this.

SHRIMATI GEETA MUKHERJEE:

Can you imagine that such a thing is in the public interest?

I want that not only the person should be allowed to represent through an advocate but the person detained should also have the right of cross-examining the District Magistrate and the Police. Any of us can burst those cock and bull story grounds if we cross-examine those executives who have misused the powers at the behest of these Ministers.

श्री विजय कुमार साहब : सभापति जी मैं कह रहा हूँ कि अभी इस बिल में जो प्रावधान किया गया है उसमें एक तरफ तो यह कहा गया है कि जिसको डिटेन किया जाएगा उसको डिटेन करने का आधार बताया जाएगा और दूसरी तरफ यह कहा गया है कि अगर सरकार यह समझेगी कि उसको जनहित में आधार न दिया जाए तो सरकार पर उस आधार को देने की जिम्मेदारी नहीं होगी।

मैं सिर्फ एक सवाल सरकार से करना चाहता हूँ और वह यह है कि क्या सरकार यह समझती है कि नहीं कि जिसको डिटेन किया जाए उसको आधार देना चाहिए,

क्या यह भी समझती है कि वह कानून सम्मत है और जिस व्यक्ति को गिरफ्तार किया जाता है उसका यह अधिकार होता है कि उसको गिरफ्तार करने का आधार बताया जाए? अगर सरकार यह समझती है कि आधार बताना कानूनी हक है तो ऐसी स्थिति में जो अमेंडमेंट मैंने दिया है उसको मान लेना चाहिए अन्यथा इसका यही मतलब होगा कि सरकार डिटेन करने के बाद भी उस व्यक्ति को आधार नहीं बताना चाहती है।

श्री जे.ए. सिंह : चेयरमैन साहब, जितने अमेंडमेंट्स आए हैं, रामावतार जी, चटर्जी, यादव साहब, डागा साहब, परूलेकर जी, श्री जेठमलानी और गीता मुखर्जी, इन सबकी मंशा-मुबारिक यहाँ है कि समय 5 दिन का ज्यादा है, दूसरी बात वकील होना चाहिए और तीसरी बात जेठमलानी जी ने कहा कि यह बात सुप्रीम कोर्ट के एक फैसले के खिलाफ जाती है, मैं सिर्फ इतनी विनती करना चाहता हूँ कि इसमें फैक्ट और ग्राउंड, इस बात पर चटर्जी साहब ने बड़ा जोर दिया कि इसके मायने किए जाए, इसके अर्थ किए जाए, अर्थ तो शायद मेरे से ज्यादा आप कर सकते हैं, लेकिन हर एजुकेटेड पर्सन जानता है कि ग्राउंड के माने क्या हैं और फैक्ट के माने क्या हैं और अगर चटर्जी साहब जैसे पर्सन को इस बात की जरूरत है कि उन्हें माने बताए जाएं तो देर बड़ी लग जाएगी, माने तो बताए जा सकते हैं।

जहाँ तक हमारे दोस्त मुस्लिम लीग के नेता का सवाल है, वे कह रहे हैं कि मेरा अमेंडमेंट बड़ा रीजनेबल है। मैं इतना ही कहूँगा कि रीजनेबल तो है, लेकिन रीजल का कोई ट्राइम नहीं रहा, एक्सपेक्टेशन नहीं है और इतनी मैं प्रार्थना करूँगा कि फैक्ट बहुत डिटेल् में आते हैं। सन सीजिए

[श्री जैल सिंह]

ग्राउंड दे दिया कि इस ग्रादमी ने बहा झगड़ा करने के लिए लोगों को उकसाया है, एक मिसाल के तौर पर, लेकिन फँकट में यह भी आ सकता है कि कौन सी जगह, यह भी आएगा, क्या टाइम था, यह भी आएगा, कितनी बार उसने ऐसा किया, लेकिन पब्लिक इंटेस्ट में यह बात है कि डिस्कलोज़ नहीं करना है तो मैं समझता हूँ कि नहीं करनी चाहिए। . . .

(ध्यवधान) . . .

SHRI SOMNATH CHATTERJEE:
Your Law Minister is feeling ashamed.

श्री जैल सिंह : ला मिनिस्टर भी बैठे हैं, स्टीफन साहब बैठे हैं, वहाँ बहुत लॉर्ड पर्सन बैठे हैं, उनके सामने गलत बात करने से कोई फायदा नहीं है। जेठमलानी जी बड़े मशहूर वकील हैं, लेकिन आज मुझे भ्रम हुआ इस बात का कि वकील का काम है कि जब कोई सायल आए उसके पास, बेशक वह लटेरा हो, कातिल हो, स्मगलर हो, उसकी वकालत करनी होती है, लेकिन पार्लियामेंट के मॅबर का यह काम नहीं एज ए वकील तो करें, लेकिन आज मैं जेठमलानी जी से भ्रम रखता था कि यह तो गुण्डागर्दी को खत्म करने के लिए बिल है आप उनकी वकालत क्यों करते हैं। खैर मैं इतना कहता हूँ कि . . .

SHRI SOMNATH CHATTERJEE:
Goonda like Shri A. K. Roy.

1609 hrs.

[Mr. SPEAKER in the Chair].

श्री जैल सिंह : चटर्जी महाराज ऐसे हैं कि कोई बात वेस्ट बंगाल की आ जाए तो उसी वक्त खड़े हो जाते हैं।

. . . (ध्यवधान) . . .

मैं जेठमलानी जी को जानता हूँ और मेरे मन में उनकी बड़ी कद्र है और वे मशहूर वकील हैं, लेकिन आज मेरे सामने उन्होंने वकालत की है, मैं यह कहता हूँ कि यह

आपके खिलाफ आर्डिनेंस नहीं है, बिल नहीं है, यह गुण्डों के खिलाफ है। इसलिए मैं कहता हूँ कि आप उनकी वकालत न करें।

श्री ज्योतिर्मय बसु : मीसा पेश करने के वक्त उस समय के ० सी० पन्त ने वही बात बोला था और क्या किया था ?

श्री जैल सिंह : ज्योतिर्मय बसु, एक बात सुनिये।

SHRI M. M. LAWRENCE (Idukki):
Even Jayaprakash Narayan and others were called goondas. Now also you will do the same thing.

श्री जैल सिंह : मैंने किस को गुंडा कहा है ? मैंने किसी को नहीं कहा, मैंने गुंडागर्दी को खत्म करने के लिये कहा है। (ध्यवधान)

कहा गया कि एज सून एज मे बी, यह कंसीडरेशन में जरूर लिखा है, लेकिन जब मैं बी लिखा है तो इसके मायने यह है कि जल्द से जल्द उनको बताया जायें, ग्राउन्ड बताये जायें। बिल में कहा है कि 5 दिन से ज्यादा न हो और ज्यादा हो तो उसको कारण बताना पड़ेगा। यह तो कांस्टीट्यूशन की मंशा के मुताबिक है, नहीं तो कोई कह सकता है कि मैं 10 दिन के बाद दूंगा। इसके लिये एक कंडीशन और लगा दी गई है, 5 दिन का समय कोई ज्यादा समय नहीं है। 5 दिन का समय इसलिये नहीं लिया कि 5 दिन से पहले कोई ग्राउन्ड नहीं बतायेंगे वह जल्द से जल्द बतायेंगे, लेकिन कुछ टाइम लगाना बहुत जरूरी है।

एक मेम्बर साहब ने कहा कि सिविलाइज्ड तरीका नहीं। हम तो उनको सिविलाइज्ड बनाना चाहते हैं, जो अनसिविलाइज्ड हैं, यह बिल इसीलिए ला रहे हैं। हमारा और तो कोई निशाना नहीं है।

एक बिनती में और करना चाहता हूँ कि आपने अमेंडमेंट तो पेश कर लिये, उसके साथ ही जो पिछली कहानी सुनाने लगते हैं अपने तर्जुबों और एक्सपीरियेन्सेज बताने लगते हैं कि हमारे साथ जेल में यह हुआ, वह हुआ तो न तो पुराने आप रहे हैं और न, हम रहे हैं। हम भी नये ढंग से चलते हैं, आप भी नये ढंग से सोचें। जब जमाना आयेगा तो देखा जायेगा, अभी से क्यों डरते हैं पुराने तर्जुबों छोड़ दीजिये, इन्सान आगे बढ़ रहा है, आप भी आगे बढ़िये।

MR. SPEAKER: I put all the amendments to clause 8 to the vote of the House.

Amendments Nos. 27, 28, 29, 48, 49, 61, 74, 75, 81, 162, 180, 198; 244, 245 and 265 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 8 stand part of the Bill."

The Lok Sabha divided:

Division No. 46]

[16.27 hrs

AYES

Abhasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu, Shri M.
 Ankineedu Prasad Rao, Shri P.
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Bagun Sumbri, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari

Bhagat, Shri H. K. L.
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoys, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijenda Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhal
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Jadeja, Shri Daulatsinhji
 Jaideep Singh, Shri
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshalah, Shri D.
 Kamla Kumari, Kumari

Karma, Shri Laxman
 Kaul, Shrimati Sheela
 Khan, Shri Arif Mohammad
 Khan, Shri Zulfiqar Ali
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Askar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mayathevar, Shri K.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singa, Shri
 Murthy, Shri M. Rajashekara
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Padayachi, Shri S. S. Ramaswamy
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao
 Patel, Shri Shantubhai

Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Prasan, Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Qazi Saleem, Shri
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageshwara
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Hafish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Samiuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sebastian, Shri S. A. Deral

Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shankyaware, Shri Nathuram
 Shankarapand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Chiranjil Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Sihha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Soundarajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Subba, Shri P. M.
 Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Suryavanshi, Shri Narsing
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tripathi, Shri R. N.
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Vyas, Shri Girdhari Lal
 Wasnik, Shri Balkrishna Ramchandra

Yadav, Shri Ram Singh
 Zaij Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhuri, Shri Tridib
 Chavan, Shri Yeshwantrao
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Indra Kumari, Shrimati
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Kandaswamy, Shri M.
 Khan, Shri Ghafoor Ali
 Kodiyar, Shri P. K.

Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Nngangom Mohendra, Shri
 Pal, Prof. Rup Chand
 Parulekar, Shri Bapusaheb
 Pathak, Shri Ananda
 Patnaik, Shri Biju
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Plus
 Trilok Chandrā, Shri
 Unnikrishnan, Shri K. P.
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra

Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri D. P.
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. SPEAKER: Subject to correction the result* of division is:

AYES 196; NOES 82.

The motion was adopted

Clause 8 was added to the Bill

Clause 9.—(Constitution of Advisory Boards.)

SHRI SATYANARAYAN JATIYA:
 (Ujjain): I beg to move:

Page 4.—

for lines 22 to 24. substitute—

“(2) Every such Board shall consist of three persons who are Judges of a High Court.”
 (10)

SHRI G. M. Banatwalla: I beg to move:

Page 4, line 23,—

omit “or are qualified to be appointed as.” (11)

Page 4, line 26,—

omit”, or has been”. (12)

Clause 9.—

after line 29, insert—

“(4) Every Board constituted under sub-section (1) shall

*The following Members also recorded their VOTES:

AYES: Sarvshri G. P. Anuragi, Navin Ravani, G. B. Gohil, Natvarsinh Solanki, Kalpnath Sonkar and D. Pathuswamy;

NOES: Shri Motibhai R. Chaudhari and Shri Charan Singh.

submit a report to the President annually upon all the cases of detentions referred to it by the appropriate Government, including grounds of detention in each case and its opinion thereon, and the President shall cause all such reports to be laid, as soon as may be after it is made, before each House of Parliament and sent to the Governments of the States concerned with direction to lay the report before each House of the Legislature." (82)

SHRI MOOL CHAND DAGA: I beg to move:

Page 4,—

for lines 22 to 29 substitute—

"(2) The constitution of every such Board shall be in accordance with the recommendations of the Chief Justice of the appropriate High Court.

(3) Every such Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court". (30)

SHRI ATAL BIHARI VAJPAYEE: I beg to move:

Page 4,—

for lines 22 to 24 substitute—

"(2) Every such Board shall consist of three persons who are or have been judges of a High Court." (104)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 4, line 24,—

for "appropriate Government" substitute "Chief Justice of the High Court" (164)

Page 4, line 25,—

for "appropriate Government" substitute—

"Chief Justice of the High Court" (165)

Page 4, lines 28 and 29,—

for "with the previous approval of the State Government concerned" substitute "made" (166)

SHRI MUKUNDA MANDAL (Mathurapur): I beg to move:

Page 4, lines 19 and 20,—

omit "whenever necessary," (191)

Page 4, line 22,—

for "three persons" substitute—
"five persons" (192)

SHRI HANNAN MOLLAH (Uluberia): I beg to move:

Page 4, line 24,—

for "the appropriate Government" substitute—

"the Supreme Court or respective High Courts" (193)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 4, line 24,—

for "by the appropriate Government" substitute—

"on the recommendations of the Chief Justice of the appropriate High Court" (202)

Page 4,—

for lines 25 to 29, substitute—

"(3) Each Advisory Board shall have as its Chairman a person who is a sitting Judge of the appropriate High Court." (203)

PROF. RUP CHAND PAL (Hoogly): I beg to move:

Page 4, line 22,—

for "three persons" substitute—
"nine persons" (247)

[Prof. Rup Chand Pal]

Page 4, line 24,—
for "appropriate Government"
substitute—

"Supreme Court/High Court"
(248)

SHRI SOMNATH CHATTERJEE:
I beg to move:

Page 4, lines 22 and 23,—

omit 'or have been, or are qualified to be appointed as,' (287)

श्री सत्यनारायण जाटिया : अध्यक्ष महोदय, मुझे बोलना है।

अध्यक्ष महोदय : अब छोड़िये।

एक मल्लगीय सवाल : दो दो मिनट दे दीजिए।

अध्यक्ष महोदय : दो-दो मिनट कर के बहुत हो रहा है।

व्यवधान

अध्यक्ष महोदय : देखिए, दोनों हाथों से ताली बजती है। एक किस्म से सारा सलाह करके जितना वक्त दिया था उस से डबल वक्त दिया है। फिर भी, ठीक है, अगर करना चाहते हैं तो कीजिए।

Well and good, tomorrow I will also think about it.

श्री सत्यनारायण जाटिया : अध्यक्ष महोदय, मेरा ही नम्बर आया तो आप ऐसा कर रहे हैं ?

MR. SPEAKER: Not only to you, Mr. Jatiya, I am speaking to the whole House. (Interruptions). I want to cooperate; I think you should also try to cooperate.

श्री सत्यनारायण जाटिया : अध्यक्ष महोदय, यह एक बहुत बड़े आश्चर्य की बात है कि जिन कार्यों के आधार पर किसी व्यक्ति को नियुक्त में लिया जायगा उसकी समीक्षा करने के लिए राज्य सरकारें तीन स्तरों के तीन सदस्यीय बोर्ड को नियुक्त करेंगी लेकिन वह ऐसे लोग होंगे

जिन को कि सरकार नियुक्त करना चाहेगी। अगर न्याय ही देना है और न्याय की बात करनी है तो पूरे मन से करें। हाई कोर्ट के जब क्यों न उस का फैसला करें। मैं सोचता हूँ कि न्याय की बात सरकार के दिमाग में नहीं है, केवल न्याय का नाटक कर के अपने विरोधियों को किसी न किसी प्रकार से दबाने के लिए साजिश की शुरुआत है, ऐसा मैं समझता हूँ यह प्रजातंत्र है और प्रजातंत्र के अन्दर न्याय की जो व्यवस्था है वह स्वतंत्र होनी चाहिए। न्याय हो, यही काफी नहीं है, बल्कि स्पष्ट रूप से यह दिखाई देना चाहिए कि न्याय किया गया इसलिए आवश्यक है कि यह जो न्याय की बात है इसे आघे मन से न किया जाय। न्याय देने के लिए तीन हाई कोर्ट के जज नियुक्त होने चाहिये जो हर प्रकार से उस की बात सुनने के लिए तत्पर हों, ऐसे लोग न हों जिनकी नियुक्ति राजनैतिक कृपा के आधार पर कर दी गई हो और जो सरकार की मर्जी के अनुसार कार्य करें इस लिए मैं चाहूँगा कि तीन हाईकोर्ट के जजों के माध्यम से इसका फैसला होना चाहिए।

श्री मूल चन्द्र इलम : अध्यक्ष महोदय, मैं सिर्फ एक बात कहना चाहता हूँ। गृह मंत्री जी ने पहले आर्डिनेंस लागू किया था लेकिन आर्डिनेंस के जो क्लोजेज थे उनको ऐक्ट में बदल दिया।

आपने जब प्रिबेन्टिव डिटेन्शन ऐक्ट पेश किया था तब आपने कहा था :

"Constitution of every such Board shall be in accordance with the recommendations of the Chief Justice of the appropriate High Court and every such Board..."

इसी प्रकार से जब आपने प्रिवेंशन आफ ब्लैक मार्केटिंग एंड मेन्टिनेन्स आफ एसेंशियल कमोडिटीज ऐक्ट पास किया उसमें भी आपने हाईकोर्ट के जज को रखा। इसी तरह से कंजर्वेशन आफ फारेन एक्सचेंज ऐंड प्रिवेंशन आफ स्मगलिंग एक्टिविटीज ऐक्ट पास किया तो उसमें भी आपने हाईकोर्ट के जज को रखा। आप जब इस आर्डिनेन्स को लाए तब भी आपने हाईकोर्ट को ही रखा लेकिन अब बिल में आप अपनी क्वाइस का आदमी रखना चाहते हैं। इसलिए मेरी प्रार्थना है आप मेहरबानी करके हाईकोर्ट को पावर दीजिए और हाईकोर्ट जज को एम्बोइड कीजिए।

श्री अटल गिहारी बाजपेयी : मैं श्री डागा का समर्थन करता हूँ।

SHRIMATI GEETA MUKHERJEE: Mine is the same as that of Mr. Daga. I support him.

SHRI HANNAN MOLLAH: My amendment is the same as Mr. Daga's. I support him.

श्री विजय कुमार यादव : मैं भी डागा जी के अमेन्डमेन्ट का समर्थन करता हूँ। साथ ही मैं चाहता हूँ कि क्लेअरिफिकेशन बोर्ड का जो अद्यक्ष हो वह भी सिटिंग जज ही होना चाहिए।

SHRI SOMNATH CHATTERJEE: This is an amendment on which we make a particular request to the Home Minister. Mr. Daga is right. In the Ordinance which was made—I take it that it had the approval of the Cabinet—you have provided that the Advisory Board should be consisting of judges—sitting judges or ex-judges. The Amendment was incorporated by the Forty-fourth Amendment Bill which had the overwhelming support of the Sixth Lok Sabha; Mr. Stephen, Mr. Sathe and some other hon. Members who were then in the Opposition had supported that. Now you are morally bound, Constitutionally bound. Therefore, my earnest request is that,

just taking advantage of the fortuitous or deliberate, whatever it may be lapses on the part of the Janata Government in not bringing out a notification with regard to article 22(4)—only because of the fortuitous circumstances of an executive decision, that notification was not issued with regard to amendment of article 22(4); that is why, it has not strictly become a part of the Constitution—please do not override the Parliament's well-considered decision to which the Congress-I Members were willing parties. Therefore, I am earnestly requesting them to go back to the Ordinance, what is there in that; that very Government has passed the Ordinance. So far as the Advisory Board is concerned, let them accept that.

श्री जैल सिंह : स्पीकर साहब इस मामले पर बड़ी रीजर्वनेस बाल सदस्यों ने कही है। लेकिन मैं यह याद दिलाना चाहता हूँ कि यह जो बिल है वह भारतीय संविधान के अनुसार है और जो हमारे डागा जी ने कहा है कि पहले जो आर्डिनेन्स जारी किया था उसको क्यों बदल दिया गया....

SHRI SOMNATH CHATTERJEE: That Ordinance is illegal, according to the Home Minister! What are you talking? The Ordinance is illegal, *ultra vires*? (Interruptions).

श्री जैल सिंह : चटर्जी साहब, आप तबरीफ रबिए। यह पार्लियामेन्ट जो है वह ला मेकर है, अगर कोई गलत ला बना हो तो उसको समाप्त करके नया ला बनाया जा सकता है।

SHRI SOMNATH CHATTERJEE: He should not handle this in such a casual manner.

SHRI RAVINDRA VARMA (Bombay North): Parliament can change the laws, not break the laws.

श्री इन्द्रजीत भुसने : (बसीरहाट) :
ऑर्डिनेन्स को क्यों बदला ?

श्री जैल सिंह : आर्टिकल 22 की
क्लाज-4 को जरा गौर से देखिए :

"No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—

तीन महीने की अवधि कान्स्टीचूशन में दी हुई है और आगे बोर्ड को अधिकार है :—

"an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention".

यहां पर यह लिखा है कि जज बनने के जो काबिल है । वह रिटायर्ड जज हो जज भी हो सकते हैं, लेकिन हम तो कान्स्टीचूशन के मुताबिक चलते हैं । इसीलिए ऑर्डिनेन्स में यह गलती रह गई थी, इसको ठुस्त किया है ।

SHRI SOMNATH CHATTERJEE: You are party to it. Is this your argument that the Ordinance is *ultra vires*? You have wrongfully made an *ultra vires* provision in the Ordinance.

SHRI JYOTIRMOY BOSU: How many persons have been detained under the Ordinance?

श्री जैल सिंह : मैं कान्स्टीचूशन के खिलाफ उसको नहीं मानता हूँ, लेकिन कान्स्टीचूशन के मुताबिक ...

SHRI SOMNATH CHATTERJEE: Why did they include that in the ordinance? Because they thought that the Janata Government had issued the

notification. When they realised that it had not been issued they changed it.

श्री जैल सिंह : चटर्जी साहब, आप जरा यह भी देख लीजिए ... (व्यवधान)

... स्पीकर साहब, उनको कहिए, यदि वे दोबारा बोलना चाहते हैं, तो बोल लें, लेकिन मेरी बात पूरी हो जाने दें । यह कहा गया कि 44 अमेंडमेंट अभी तक कान्स्टीचूशन का हिस्सा नहीं बना, तो यह जनता सरकार की गलती है । उसका फायदा हम उठाते हैं—यह बात गलत है । हम इसका फायदा नहीं उठाते हैं, लेकिन आपको मालूम होगा कि जब 44 अमेंडमेंट इस सदन में पास हुआ तो इसी पार्लियामेंट ने यह अधिकार भी दिया कि इसकी जो भी धारारें हैं, वे जब तक गवर्नमेंट नोटिफाई नहीं करती है, तब तक वे कान्स्टीचूशन का हिस्सा नहीं बनती । मैं आपको और बताता हूँ—एक ही नहीं अब तक कान्स्टीचूशन के अन्दर—

Constitution Seventh Amendment Act 1956:

Under Sec. 8(2) the words 'Madhya Pradesh' in clause 1 (a) of Article 168 enables the establishment of a Legislative Council in Madhya Pradesh. This provision is still not brought into force.

1956 का प्रोविजन जो है, वह अब तक नहीं आया । क्योंकि पार्लियामेंट को इसका अधिकार है कि वह जब चाहे नोटिफाई करे । इससे आगे—

The provisions of Constitution Forty-second Amendment Act, 1956 have not yet been brought into force:

Sec. 18—amending Art. 100

Sec. 19—amending Art. 102

Sec. 21—amending Art. 106

Sec. 22—amending Art. 118.

Sec. 31—amending Art. 189

Sec. 32—amending Art. 191.

ये अब तक पड़े हुए हैं, हिन्दुस्तान के संविधान का हिस्सा नहीं बन सके। न बनने की ताकत किस ने दी है—पार्लियामेंट ने दी है। यह पार्लियामेंट का दिया हुआ अधिकार है जो सरकार इस्तेमाल नहीं करती—इसलिए मैं समझता हूँ कि उसकी बुद्धि, दीर्घकालिक दृष्टि और समय के अनुसार काम करने को अकल होंगी चाहिए। इस को उस सरकार ने नहीं किया या इस सरकार ने नहीं किया, मैं उस में नहीं जाना चाहता, मगर यह हकीकत है कि पार्लियामेंट के दिये हुए अधिकार का इस्तेमाल करते हुए यह कांस्टीचूशन का हिस्सा नहीं बना। हम ने जो धारा रखी है वह कांस्टीचूशन के मुनाविक है। आप को कांस्टीचूशन के खिलाफ़ नहीं जाना चाहिए, संवैधानिक तरीके से इस की बहस करनी चाहिए।

MR. SPEAKER: Now, I shall put all the amendments to Clause 9 together.

Amendments Nos. 10, 11, 12, 30, 82, 104, 164, 165, 166, 191, 192, 193, 202, 203, 247, 248 and 267 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 9 stand part of the Bill".

SEVERAL HON. MEMBERS: We want a division.

MR. SPEAKER: All right. Let the Lobbies be cleared.

MR. SPEAKER: The question is:

"That clause 9 stand part of the Bill".

The Lok Sabha divided:

Division No. 47]

[16.44 hrs.

AYES

Abbasi Shri Kazi Jalil

Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Azad, Shri Bhagwat Jha
 Bagun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Boddepalli, Shri Rajagopala Rao
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Chinnaswamy, Shri C.
 Choudhari, Shrimati Usha Prakash
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A. C.
 Desai, Shri B. V.

Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K
 Gaekwad, Shri R. P.
 Gamit, Shri Chhitubhai
 Ghorpade, Shri R. Y.
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jain, Shri Bhiku Ram
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshalaah, Shri D.
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Zulfiquar Ali
 Kidwai, Shrimati Mohsina
 Kochak, Shri Gbulam Rasool
 Kosalram, Shri K. T.
 Krishan, Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Lakshmanan, Shri G.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahajan, Shri Vikram
 Makwana, Shri Narsinh

Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mayathevar, Shri K.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murthy, Shri M. Rajashekara
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kshaorao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Vasantao
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P.
 Penchalajah, Shri Pasala
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ramalingam, Shri N. Kudanthai
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri

Rao, Shrimati B. Kadhabai Ananda
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Sinha, Shrimati Ramdulari
 Solanki, Shri Natavarsinh
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har

Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Subba, Shri P. M.
 Sukhadia, Shri Mohan Lal
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tripathi, Shri R. N.
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Chavan, Shri Yeshwantrao

Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Khan, Shri Ghayoor Ali
 Kodiyani, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Murugian, Shri S.
 Muzaffar Hussain, Shri Syed
 Ngangom Mohendra, Shri
 Pal, Prof. Rup Chand

Parulekar, Shri Bapusaheb
 Patnaik, Shri Biju
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Zainal Abedin, Shri

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes—197; Noes—75.

The Ayes have it.

The motion was adopted.

Clause 9 was added to the Bill.

*The following Members also recorded their votes.

AYES: Shri Sunder Singh and Shri Ram Chander Rath;

NOES: Shri Harikesh Bahadur and Shri Charan Singh.

Clause 10—(Reference to Advisory Boards)

SHRI RAM JETHMALANI: Sir, I beg to move:

“Page 4, line 32,—

for “within three weeks from the date of detention of a person under the order.”

substitute—

“as soon as may be but in any case within one week from the date of detention of a person under the order.” (77)

SHRI G. M. BANATWALLA: Sir, I beg to move:

Page 4, line 32,—

for “three weeks” substitute—
“five day”. (83)

SHRI CHITTA BASU: Sir, I beg to move:

“Page 4, line 32,—

for “three weeks” substitute—
“a week”. (95)

SHRI RAMAVATAR SHASTRI: Sir, I beg to move:

“Page 4, line 32,—

for “three weeks” substitute—

“seven days”. (136)

SHRI RAM JETHMALANI: Sir, my amendment No. 77 to Clause 10 offers the next best—the lesser of the two evils. After I find that this executive is determined to perpetuate what I call a legislative abortion the legislature of this country acting as the constituent power has amended Article 22 and this executive is not prepared to bring it into force. If you are not prepared to improve the quality of the Advisory Board, then I say don't waste so much time, as you provide in the Bill, to make reference to the Advisory Board. It should be as soon as may be but in any case within one week from the date of detention of a person under the order.

Sir, here taking advantage of the fact that the Advisory Board is supposed to report within three months, they want to make a maximum use of the period. They could do so but they are not obliged to do so. Not being sensitive to human liberty, they want to make the maximum use of the loophole available in the law.

Sir, the previous law was based on the view that Preventive Detention Law need only comply with Article 22. The latest position is that law of Preventive Detention must not only comply with Article 22 but also comply with Article 19. If must be a reasonable restriction and under Article 21 the procedure prescribed must be reasonable. If you want to wait for three months to go to the Advisory Board, the idea is that you want to detain a person without trial and also without the opinion of the Advisory Board. This is unreasonable. If you do not listen to constitutional advice on the Floor of the House the battle will be fought in the courts.

MR. SPEAKER: Shri G. M. Banatwalla.

SHRI G. M. BANATWALLA: I have moved my amendment. I have nothing much to add.

MR. SPEAKER: Thank you, Mr. Chitta Basu. May I also thank you?

SHRI CHITTA BASU: As you see, it is provided that the ground for the detention can be communicated and placed before the Advisory Committee within a period of 3 weeks.

MR. SPEAKER: That has been done.

SHRI CHITTA BASU: When a person is detained he should be given the grounds immediately. That is why I have given this amendment. There is no reason why it should not be done.

श्री रामावतार शास्त्री : मैंने संशोधन दिया है कि इस अवधि को सात दिन ही रखा जाना चाहिए ।

श्री बंल सिंह : स्पीकर साहब, इस मामले में श्री जेटमलानी जी के सुझाव को मैंने बड़े आदर और प्रेम के साथ सुना है । यह तो उन्होंने एक ध्योरी बताई है लेकिन आज का इन्सान पुराने जमाने का नहीं है इसीलिए ये सारे उपाय किये जा रहे हैं और इखलाख के मुताबिक इस बिल में बहुत से सेफगार्ड्स भी रखे गये हैं ; इन के मुताबिक इस बात को लाजमी किया गया है कि सारे मामले को तीन हफ्ते की अवधि के अन्दर एडवायजरी बोर्ड के सामने पेश किया जाएगा ।

जो तरमीमें पेश की गई हैं उनमें आम तौर पर यही सुझाव दिया गया है कि तीन हफ्ते की अवधि को कम किया जाए । लेकिन यह सरकार के हक में भी और डिटेन्यु के हक में भी नहीं होगा क्योंकि इतनी अवधि में दोनों ही अच्छी तरह से सोच सकते हैं ताकि कोई गलती न हो । इसलिए मैं इस तरमीम को मानने में लाचार हूँ ।

MR. SPEAKER: I will now put all the amendments moved to clause 10 to the vote of the House.

Amendments Nos. 77, 83, 95, 136 were put and negatived.

MR. SPEAKER: Now the question is:

"That Clause 10 stand part of the Bill."

The Lok Sabha divided:

Division No. 48]

[16.55 hrs.

AYES

Abbasi, Shri Kazi Jalil
Ahmad, Shri Mohammad Asrar
Ahmed, Shri Kamaluddin
Ajit Pratap Singh, Shri
Alluri, Shri Subhash Chandra Bose
Anand Singh, Shri
Ankineedu, Shri M.
Ankineedu Prasad Rao, Shri P.

Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arakal, Shri Xavier
Azad, Shri Bhagwat Jha
Bagun Sumbri, Shri
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansi Lal, Shri
Barway, Shri J. C.
Behera, Shri Rasabehari
Bhagat, Shri H. K. L.
Bhakta, Shri Manoranjan
Bhardwaj, Shri Parasram
Bhoi, Dr. Krupasindhu
Bhoye, Shri Reshma Motiram
Birender Singh Rao, Shri
Boddepalli, Shri Rajagopala Rao
Brar, Shrimati Gurbrinder Kaur
Brijendra Pal Singh, Shri
Buta Singh, Shri
Chakradhari Singh, Shri
Chandra Shekhar Singh, Shri
Chandrakar, Shri Chandu Lal
Charanjit Singh, Shri
Chaturvedi, Shrimati Vidyawati
Chavan, Shri S. B.
Chennupati, Shrimati Vidya
Chingwang Konyak, Shri
Choudary, Shri Chitturi Subba Rao
Choudhari, Shrimati Usha Prakash
Daga, Shri Mool Chand
Dalbir Singh, Shri
Dalbir Singh, Shri
Das, Shri A. C.
Dennis, Shri N.
Desai, Shri B. V.
Dhandapani, Shri C. T.
Digvijay Sinh, Shri
Dogra, Shri G. L.
Dubey, Shri Ramnath
Ekka, Shri Christopher
Era Anbarasu, Shri

Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gamit, Shri Chhitubhai
 Ghorpade, Shri R. Y.
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jain, Shri Bhiku Ram
 Jain, Shri Viridhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Lakshmanan, Shri G.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir, Prasad, Shri
 Mahajan, Shri Vikram
 Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mayathevar, Shri K.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar

Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Nagina Rai, Shri
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao Rao
 Patel, Shri Shantubhai
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Vasant Rao
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 *Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Rane, Shrimati Sanyogitta
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rathawa, Shri Amarsinh

*He voted by mistake from a wrong seat and later informed the Speaker accordingly.

Raut, Shri Bhola
 Ravani, Shri Navin
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Das
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Sinha, Shrimati Ramdulari
 Solanki, Shri Natavarsinh
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Subba, Shri P. M.
 Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.

Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tripathi, Shri R. N.
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Ashfaq Hussain, Shri
 Balanandan, Shri E.
 Banatwalla, Shri G. M.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuji, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Chavan, Shri Yeshwantrao
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Gayatri Devi, Shrimati

Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halidar, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Khan, Shri Ghayoor Ali
 Kodiyan, Shri P. K.
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Muzaffar, Hussain, Shri Syed
 Pal, Prof. Rup Chand
 Patnaik, Shri Biju
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar

Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. SPEAKER: Subject to correction, the result of the Division is as follows: Ayes 193; Noes 76.

Ayes have it.

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(Procedure of Advisory Boards.)

SHRI G. M. BANATWALLA: I beg to move:

Page 5, line 1,—

omit "in person" (13)

Page 5, line 10,—

for "entitle" substitute "bar" (14)

Page 5, line 25

for "seven weeks" substitute

"three weeks" (84)

Page 5, lines 8 and 9,—

for "the opinion of the majority of such members shall be deemed to be the opinion of the Board" substitute

"the Board shall be deemed to be of the opinion that there is no sufficient cause for the detention of the person concerned" (85)

Page 5, lines 12 to 14,—

omit "and the proceedings of the Advisory Board and its report, ex-

The following Members also
 Sarvshri C. P. N. Singh, Ashkaran

recorded, their votes for AYES:
 Sankhwar and N. Sundararajan.

[Shri G. M. Banatwalla]

cepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential" (86)

SHRI RAM JETHMALANI: I beg to move:

Page 5,—

omit lines 10 to 14. (78)

SHRI SATYANARAYAN JATIYA: I beg to move:

Page 5, for lines 10 to 14, substitute

"(4) A person against whom a detention order has been made may take the help of a legal practitioner to present his case and the proceedings to award a decision to him shall not be confidential." (15)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 2,—

for "seven weeks" substitute "ten days" (137)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 5, line 1,—

after "person" insert—

"and through any advocate of his choice if he wants" (181)

Page 5, line 2,—

for "seven weeks" substitute "two weeks" (82)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 5, lines 8 and 9,—

for "the opinion of the majority of such members shall be deemed to be the opinion of the Board" substitute—

"the order of detention shall stand cancelled and the detained person shall be released forthwith" (206)

Page 5,—

for lines 10 to 14, substitute—

"(4) Anything in this section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in all matters connected with the reference to the Advisory Board and the proceedings of the Advisory Board and its report shall be supplied to the person concerned free of cost." (207)

SHRI T. R. SHAMANNA: I beg to move:

Page 5, line 2,—

for "seven weeks" substitute "one week" (239)

Page 5, —

after line 14, insert—

"(5) Except in extraordinary circumstances the Government shall accept and give effect to the recommendations of the Advisory Board." (240)

PROF. RUP CHAND PAL: I beg to move:

Page 5, (i) line 10,—

omit "Nothing in this section entitle"

(ii) line 11,—

after "made" insert—

"shall be entitled to appear" (250)

Page 5, lines 12 to 14,—

for "and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential."

substitute—

"and the person against whom such detention order has been served shall be entitled to challenge the same detention order in the court of law." (251)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 5, line 10,—

for "entitle" substitute "disentitle". (272)

श्री सत्य नारायण जटिया: अध्यक्ष महोदय, डिटेनशन करने के बाद उस व्यक्ति को न्याय मिल सके, इसके लिए न कोई वकील, न कोई अपील न दलील देना, मैं समझता हूँ कि कोई न्यायसम्मत नहीं होगा। इसलिए मैं समझता हूँ कि डिटेन किये हुए व्यक्ति के लिए वकील और कानूनी सहायता प्राप्त करने के लिए प्रावधान किया जाना चाहिए।

न्यायालय का जो निर्णय हुआ है, उस फैसले को कॉफीडेंशियल रखने का कोई कारण नहीं है, उस व्यक्ति को उसकी पूरी जानकारी दी जानी चाहिए।

SHRIMATI GEETA MUKHERJEE: Sir, why should the Government take seven weeks to give reasons? For nothing, the person would be detained for such a long time. They have got everything in readiness. Therefore, a period of two weeks is sufficient. That is the purpose of my amendment.

श्री विजय कुमार यादव : मैं इस के जरिये दो बातें कहना चाहता हूँ। सलाहकार बोर्ड के मेम्बरों में अगर आपसी मतभेद हो तो वैसी स्थिति में उस व्यक्ति को निषेध किया गया है, उसको तुरन्त रिहा किया जाना चाहिए। इतने बड़े सवाल पर अगर मतभेद होता है तो इससे जाहिर होता है कि उसमें कुछ न कुछ गड़बड़ी है, तभी सलाहकार बोर्ड में मतभेद हो सकता है।

इसके अलावा चाहे रिपोर्ट हो या कुछ भी हो, जिस व्यक्ति को गिरफ्तार किया जाता

है, उसको फ्री आफ कास्ट कागजात दिये जाने चाहियें और वकील रखने की आजादी होनी चाहिए।

SHRI T. R. SHAMANNA: Sir, I have moved two amendments; one relates to the decision of the Advisory Board. Here, the Advisory Board has been given seven weeks time and the detaining authority have been given three weeks' time. That means, there would be seven plus three weeks, that is ten weeks plus 12 months for detention. It is a very long period. Justice delayed is justice denied. That is why I have moved my amendment that instead of seven weeks, one week should be substituted.

Then, I have moved another amendment. The Advisory Board is constituted by the Government. That is why I have moved my amendment that except in extraordinary circumstances, the decision of the Advisory Board must be accepted by the Government.

PROF. RUP CHAND PAL: Sir, my amendment is very simple and innocent. I hope, the other side would accept this at least. The purpose of my amendment is that the person against whom the detention order is made, be allowed to challenge that in the court of law and the proceedings be allowed to be public.

17 hrs.

SHRI SOMNATH CHATTERJEE: In clause 11, obviously there is a printing mistake in the Bill. I have moved that instead of 'entitle' substitute 'disentitle'. Let them correct this printing mistake. Now they have decided to constitute advisory boards with non-judges, provided they have put in some legal practice. This is all the more reason for making it a little more workable. Why should everything be done in secrecy of darkness? Therefore, I am submitting that my amendment is reasonable and proper and the printing mistake which they made should be corrected.

MR. SPEAKER: I shall now put all the amendments moved to Clause 11 to the vote of the House.

Amendments Nos. 13, 14, 15, 78, 84, 85, 86, 137, 181, 182, 206, 207, 239, 240, 250, 251 and 272 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 11 stand part of the Bill."

17.02 hrs.

[**MR. DEPUTY SPEAKER in the Chair**]

The Lok Sabha divided.

Division No. 49]

[17.08 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Ahmed, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 *Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Ankineedu, Rao Shri M.
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Arakal, Shri Xavier
 Azad, Shri Bhagwat Jha
 Bagun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri, D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Barway, Shri J. C.
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoys, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Boddepalli, Shri Rajagpala Rao
 Brar, Shrimati Gurbinder Kaur

Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Charanjit Singh, Shri
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chigwang Konyak, Shri
 Choudary, Shri Chitturi Subba Rao
 Daga, Shri Mool Chand
 *Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhevi, Shri Bheravadan K.
 Gamit, Shri Chhitubhaj
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaih, Shri D.
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.

Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishan Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kunchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Mayathevar, Shri K.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayan, Shri K. S.
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao
 Patel, Shri Shantubhai

Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Vasant
 Patil, Shri Veerendra
 Patabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rathawa, Shri Amarsinh
 Raut, Shri Bhola
 Ravani, Shri Navin
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Sawant, Shri T. M.
 Sebastian, Shri S. A. Dorai
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari

Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Sinha, Shrimati Ramdulari
 Solanki, Shri Natavarsinh
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har
 Soundarajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Subba, Shri P. M.
 Sukhadia Shri Mohan Lal
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thakur, Shri Shivqumar Singh
 Thungon, Shri P. K.
 Tripathi, Shri R. N.
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadr Singh, Shri
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Agarwal, Shri Satish
 Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhari, Shri Tridib
 Chavan, Shri Yeshwantrao
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Gayatri Devi, Shrimati
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Inderjit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jagpal Singh, Shri
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Khan, Shri Ghayoor Ali
 Kодиyan, Shri P. K.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar

Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Misra, Shri Satyagopal
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Muzaffar Hussain, Shri Syed
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Patnaik, Shri Biju
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Bajju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Vajpayee, Shri Atal Bihari
 Verma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is: Ayes 198; Noes 79.

The motion was adopted

Clause 11 was added to the Bill.

New Clause 11(A)

MR. DEPUTY-SPEAKER: For the kind information of hon. Members, about 20 hon. Members have given their names for making speeches during the Third Reading. Now, there is an amendment for the insertion of a new clause. Mr. Parulekar, are you moving the new clause?

SHRI BAPUSAHEB PARULEKAR: Yes Sir. I beg to move:

Page 5,—

after line 14 insert—

"11A. (1) In every case where a detention of a person is to be continued for a period of more than three months the appropriate Government shall place before the Advisory Board all the grounds for continuance of detention of the person at least fifteen days before the expiry of the detention period.

(2) If the Advisory Board has reported that there is, in its opinion no sufficient cause for continuance of detention of the person concerned the person shall be released immediately after the term expires." (64)

MR. DEPUTY-SPEAKER: The question is:

Page 5,—

after line 14 insert—

"11A. (1) In every case where a detention of a person is to be continued for a period of more than three months the appropriate Government shall place before the Advisory Board all the grounds for continuance of detention of the person at least fifteen days before the expiry of the detention period.

*The following Members also recorded their votes:

AYES: Shrimati Usha Prakash Choudhari;

NOES: Shri G. M. Banatwalla.

[Mr. Deputy Speaker]

(2) If the Advisory Board has reported that there is in its opinion no sufficient cause for continuance of detention of the persons concerned, the persons shall be released immediately after the term expires." (64)

The motion was negatived.

Clause 12—Action upon the report of the Advisory Board

MR. DEPUTY-SPEAKER: Mr. Daga are you moving your amendment?

SHRI MOOL CHAND DAGA: No.

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, line 18,—

for "such period as it thinks fit" substitute—

"not more than one month" (139)

Page 5 line 22,—

add at the end—

"with appropriate compensation for the financial loss suffered by the detenu which the Board may decide." (140)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 5, lines 17 and 18,—

for "and continue the detention of the person concerned for such period as it thinks fit".

Substitute—

"and keep the person concerned under detention for a maximum period of twenty days from the date of detention" (208)

SHRI R. L. P. VERMA: I beg to move:

Page 5, line 22,—

add at the end—

"and the Advisory Board shall grant appropriate compensation

keeping in view the maintenance and financial position of the detained person." (256)

श्री रामावतार शास्त्री : उपाध्यक्ष महोदय, मैं बिल्कुल नयी बात बोल रहा हूँ। आप का भी उस में फायदा होगा। मेरा यह कहना है कि धारा 12 की उपधारा (2) देखिए, जिस में लिखा हुआ है

"In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the appropriate Government shall revoke the detention order and cause the person concerned to be released forthwith."

इसी के आखिर में मैं जो जोड़ना चाहता हूँ, वह इस प्रकार है :

"with appropriate compensation for the financial loss suffered by the detenu which the Board may decide."

उपाध्यक्ष जी, मैं यह इसलिए करना चाहता हूँ कि फ्रज कर लीजिए, कोई संसदसदस्य विधान मण्डल का सदस्य या कोई भी व्यक्ति किसी प्रकार का धंधा करने वाला, नजरबन्द कर दिया जाता है लेकिन एडवाइजरी बोर्ड की राय में उसकी नजरबन्दी सही नहीं है तो सरकार उसको छोड़ जरूर देगी परन्तु मैं चाहता हूँ कि उसने जो आर्थिक नुकसान सहा है, जो उसने आर्थिक क्षति बरदाश्त की है उसकी पूर्ति सरकार करे। जैसे यहाँ पर हम संसदसदस्यों को मीटिंग के दौरान 51 रुपये का भत्ता मिलता है, एम एल एज को भी इसी प्रकार से मिलता है या फिर कोई भी धंधा करने वाला कोई व्यक्ति है उसकी जो आर्थिक क्षति हुई है उसकी जवाबदेही आपको लेनी होगी। ऐसे केसेज में जिसमें नजरबन्दी सही न मानी जाए उसमें आर्थिक क्षतिपूर्ति सरकार को करनी चाहिए। मैं नहीं समझता इसमें

आपको कोई कठिनाई हो सकती है। मंत्री जी को इस संशोधन को स्वीकार करना चाहिए ताकि आपके अधिकारी बदनामी या मनमानी न कर सकें, क्योंकि उस हालत में सरकार को आर्थिक क्षतिपूर्ति करनी पड़ जायेगी। यही मेरे इस संशोधन का आशय है।

श्री विजय कुमार यादव : उपाध्यक्ष महोदय, धारा 12 (1) के अन्तर्गत सरकार सम्बद्ध व्यक्ति को उतनी अवधि पर्यन्त निरुद्ध रख सकेगी जितनी वह ठीक समझे। यह जो अनलिमिटेड पीरियड तक किसी व्यक्ति को अन्दर रखने की बात कही गई है इस सम्बन्ध में मैंने अमेण्डोष्ट दिया है कि ज्यादा से ज्यादा 20 दिनों तक के लिए जेल के अन्दर रखा जाए। यह बहुत उपयुक्त संशोधन है और मंत्री जी को इसे स्वीकार कर लेना चाहिए।

अध्यक्ष महोदय, मैंने इस संशोधन के द्वारा चाहा है कि अगर किसी भी व्यक्ति को निरुद्ध किया जाता है तो ज़रूरी हो जाता है कि उसके परिवार के भरण-पोषण के लिए आर्थिक क्षतिपूर्ति की व्यवस्था की जाए। यदि आप किसी को जेल में बन्द कर देते हैं तो उसका परिवार संकटग्रस्त हो सकता है, भूखों भी मर सकता है इसलिए आवश्यकतानुसार आर्थिक क्षतिपूर्ति की व्यवस्था की जानी चाहिए। मैं समझता हूँ इसमें कोई विरोधाभास नहीं है। आप किसी को बन्द करते हैं तो बन्द कीजिए लेकिन

साथ में अगर आप इसको जोड़ देते हैं तो बहुत अच्छी बात होगी। मेरा आग्रह है मंत्री जी इसको मान लेने की कृपा करें।

MR. DEPUTY-SPEAKER: I shall now put all the amendments to clause 12 to the vote of the House.

Amendments Nos. 139, 140, 208 and 256 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 12 stand part of the Bill."

The Lok Sabha divided

Division No. 50]

[17.21 hrs.

AYES

Abbasi, Shri Kazi Jaiil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Alluri, Shri Subhash Chandra Bose
 Anand Singh, Shri
 Ankineedu, Shri M.
 Ankineedu Prasad Rao, Shri P.
 Appalanaidu, Shri S.R.A.S.
 Arakal, Shri Xavier
 Azad, Shri Bhagwat Jha
 Bagun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Barway, Shri J. C.
 Behera, Shri Rasabehari
 Bhagat, Shri H.K.L.
 Bhakta, Shri Manoranjan

Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurbrinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudary, Shri Chitturi Subba Rao
 Chudhari, Shrimati Usha Prakash
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Das, Shri A.C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Singh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V.N.
 Gadhavi, Shri Bheravadan K.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.
 Gohil, Shri G.B.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri

Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Kidwai, Shrimati Mohsina
 Krishan Dutt, Shri
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Nihal Singh, Shri
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Panday, Shri Kedar
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Kesharao

Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Prabhu, Shri R.
 Prasan Kumar, Shri S. N.
 Pullaiah, Shri Darur
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ram Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jagannath
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Sawant, Shri T. M.
 Sebastian, Shri S. A. Dorai

Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shauani, Shri Chandra Pal
 Shaktawat, Prof. Nirmala Kumari
 Shakyawar, Shri Nathuram
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh, Shri
 Signal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Sinha, Shrimati Ramdulari
 Solanki, Shri Natavarsinh
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Subba, Shri P. M.
 Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tripathi, Shri R. N.
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Wasnik, Shri Balkrishna Ramchandra

Yadav, Shri Ram Singh
Zail Singh, Shri
Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
Agarwal, Shri Satish
Balanandan, Shri E.
Banatwalla, Shri G. M.
Barman, Shri Palas
Basu, Shri Chitta
Battacharyya, Shri Sushil
Biswas, Shri Ajoy
Bosu, Shri Jyotirmoy
Chakraborty, Shri Satyasadhan
Charan Singh, Shri
Chatterjee, Shri Somnath
Chaudhary, Shri Motibhai
Chaudhuri, Shri Tridib
Chavan, Shri Yeswantrao
Choubey, Shri Narayan
Choudhury, Shri Saifuddin
Dandavate, Prof. Madhu
Dandavate, Shrimati Pramila
Das, Shri R. P.
Gangwar, Shri Harish Kumar
Gayatri Devi, Shrimati
Ghosh, Shri Niren
Ghosh Goswami, Shrimati Bibha
Giri, Shri Sudhir
Gopalan, Shrimati Suseela
Halder, Shri Krishna Chandra
Hannan Mollah, Shri
Hasda, Shri Matilal
Horo, Shri N. E.
Jatiya, Shri Satyanarayan
Jethmalani, Shri Ram
Khan, Shri Ghayoor Ali
Kodiyar, Shri P. K.
Lawrence, Shri M. M.
Madhukar, Shri Kamla Mishra
Mahata, Shri Chitta
Maltra, Shri Sunil
Mandal, Shri Dhanik Lal

Mandal, Shri Mukunda
Mandal, Shri Sanat Kumar
Masudal Hossain, Shri Syed
Mehta, Prof. Ajit Kumar
Mhalgi, Shri R. K.
Misra, Shri Satyagopal
Modak, Shri Bijoy
Mukherjee, Shrimati Geeta
Pal, Prof. Rup Chand
Pandit, Dr. Vasant Kumar
Parulekar, Shri Bapusaheb
Paswan, Shri Ram Vilas
Pathak, Shri Ananda
Patnaik, Shri Biju
Rajan, Shri K. A.
Rajda, Shri Ratansinh
Rajesh Kumar Singh, Shri
Riyan, Shri Bajju Ban
Roy, Shri A. K.
Roy, Dr. Saradish
Roy Pradhan, Shri Amar
Saha, Shri Ajit Kumar
Shamanna, Shri T. R.
Shastri, Shri Ramavatar
Singh, Shri B. D.
Suraj Bhan, Shri
Surya Narayan Singh, Shri
Tirkey, Shri Pius
Trilok Chandra, Shri
Unnikrishnan, Shri K. P.
Vajpayee, Shri Atal Bihari
Varma, Shri Ravindra
Verma, Shri Phool Chand
Verma, Shri R. L. P.
Verma, Shri Raghunath Singh
Verma, Shri Shiv Sharan
Yadav, Shri R. P.
Yadav, Shri Vijay Kumar
Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject to corrections, the result of the Division is; Ayes 197; Noes 78.

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13— (Maximum period of detention.)

SHRI MOOL CHAND DAGA: I beg to move:

Page 5, lines 24 and 25,—

for "twelve months" substitute "six months" (34)

SHRI G. M. BANATWALLA: I beg to move:

Page 5, lines 24 and 25,—

for "twelve months" substitute "four months" (87)

Page 5,

after line 28, insert—

"Provided further that no person shall be continued to be kept under detention for a longer period than three months unless the Advisory Board has reviewed his case and reported not earlier than two weeks before the expiration of the said period of three months that there is, in its opinion, sufficient cause to continue such detention." (88).

SHRI CHITTA BASU: I beg to move:

Page 5, lines 24 and 25,—

for "twelve months" substitute— "two months" (96)

Page 5,—

omit lines 26 to 28. (97)

Shri R. K. Mhalgi: I beg to move:

Page 5, lines 24 and 25,—

for "twelve months" substitute— "three months" (129)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 5, lines 24 and 25,—

for "twelve months substitute— "one month" (141)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 5, line 23,—

omit "or modify" (277)

MR. DEPUTY-SPEAKER: May I grant a holiday for the speeches now?

SHRI SOMNATH CHATTERJEE: Is it your pleasure or their pleasure?

MR. DEPUTY-SPEAKER: I am making a request.

SHRI SOMNATH CHATTERJEE: All right.

MR. DEPUTY-SPEAKER: I shall now put all the amendments moved to clause 13 to the vote the House.

Amendments Nos. 34, 87, 88, 96, 97, 129, 141 and 277 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 13 stand part of the Bill."

Let the lobbies be cleared.

Now, lobbies have been cleared.

The question is:

"That clause 13 stand part of the Bill".

The Lok Sabha divided.

Division No. 51] [17.2 29 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Ajit Pratap Singh, Shri
 Anand Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier

Arjunan, Shri K.
 Azad, Shri Bhagwat Jha
 Begun Sumbrui, Shri
 Bairwa, Shri Banwari Lal
 Bajpai Dr. Rajender Kumari
 Baleshwar Ram, Shri
 Bansi Lal, Shri
 Barway, Shri J. C.
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhoys, Shri Reshma Motiram
 Birendra Singh Rao, Shri
 Brar, Shrimati Gurbinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Chaturvedi, Shrimati Vidyawati
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chingwang Konyak, Shri
 Choudhari, Shrimati Usha Prakash
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Digvijay Sinh, Shri
 Dogra, Shri G. L.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gamit, Shri Chhitubhai
 Gehlot, Shri Ashok
 Ghorpade, Shri R. Y.

Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Gowda, Shri D. M. Putte
 Hakam Singh, Shri
 Hembrom, Shri Seth
 Jadeja, Shri Daulatsinhji
 Jain, Shri Bhiku Ram
 Jain, Shri Nihal Singh
 Jain, Shri Virdhji Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamakshaiah, Shri D.
 Kamla Kumari, Kumari
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Kidwai, Shrimati Mohsina
 Krishan Dutt, Shri
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram
 Makwana, Shri Narsinh
 Mallanna, Shri K.
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mayathevar, Shri K.
 Meena, Shri Ram Kumar
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Nagina Rai, Shri
 Naidu, Shri P. Rajagopal
 Naikar, Shri D. K.
 Nair, Shri B. K.

Namgyal, Shri P.
 Nandi Yelkiah, Shri
 Narayana, Shri K. S.
 Nikhra, Shri Rameshwar
 Oraon, Shri Kartik
 Palaniappan, Shri C.
 Panday, Shri Kedar
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshaorao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Vasant Rao
 Patil, Shri Veerendra
 Pattabji Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ran Vir Singh, Shri
 Rane, Shrimati Sanyogita
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rao, Shri P. V. Narasimha
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narsimha
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata

Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh Prof.
 Sawant, Shri T. M.
 Sebastian, Shri S. A. Dorai
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shaktawat Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Das
 Shastri, Shri Hari Krishna
 Shiv Shankar, Shri P.
 Shivendra Bahadur Singh
 Sidnal, Shri S. B.
 Singh, Shri B. D.
 Singh, Shri C. P. N.
 Sinha, Shrimati Ramdulal
 Solanki, Shri Natavarsinh
 Sonkar, Shri Kalpanath
 Soren, Shri Hari Har
 Soundararajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri

Tewary, Prof. K. K.
 Thakur, Shri Shivkumar Singh
 Thungon, Shri P. K.
 Tripathi, Shri R. N.
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Wasnik, Shri Balkrishna Ramchandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Barman, Shri Palas
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Charan Singh, Shri
 Chatterjee, Shri Somnath
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Chavan, Shri Yeshwantrao
 Choubey, Shri Narayan
 Choudhury, Shri Saifuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Premila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Ghosh, Shri Niren
 Ghosh Goswami, Shrimati Bibha
 Giri, Shri Sudhir
 Gopalan, Shrimati Susheela
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram

Jha, Shri Bhogendra
 Khan, Shri Ghayoor Ali
 Kurien, Prof. P. J.
 Lawrence, Shri M. M.
 Madhukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Patnaik, Shri Biju
 Rai, Shri M. Ramanna
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Paswan, Shri Ram Vilas
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shamanna, Shri T. R.
 Shastri, Shri Ramavatar
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Tritok Chandra, Shri
 Unnikrishnan, Shri K. P.
 Varma, Shri Ravindra
 Verma, Shri Phool Chand

Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan
 Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. DEPUTY-SPEAKER: Subject to correction, the result* of the division is Ayes: 193, Noes: 73.

The motion was adopted.

Clause 13 was added to the Bill.

SHRI S. B. P. PATTABHI RAMA RAO (Rajahmundry): I am raising a point of disorder. Actually I have seen that Mr. Jethmalani, a learned lawyer, has voted earlier from the place where Shri Jagjiwan Ram sits, though now he has voted from a different place. Please verify which is his correct place wherefrom he is entitled to vote.

Clause 14—(Revocation of detention orders.)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 5, line 41,—

add at the end—

“but in no case the fresh order of detention shall be passed on the same grounds on which the person was previously detained” (66)

SHRI CHITTA BASU: I beg to move:

Page 5,—

omit lines 36 to 41 (98)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 5, line 36,—

omit “not” (210)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 5, line 30,—

omit “or modified” (278)

MR. DEPUTY-SPEAKER: Now, I am putting all the amendments moved to clause 14 to vote.

Amendments Nos. 66, 98, 210 and 278 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

“That clause 14 stands part of the Bill.”

The motion was adopted.

Cause 14 was added to the Bill.

Clause 15—(Temporary release of persons detained.)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 6,—

after line 4, insert—

“Provided that if the person detained in pursuance of the detention order is either a Member of the Parliament or the Member of the State Legislature he shall be released for the period when the Parliament or State Legislatures are in sessions.” (67)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 13,—

for “two years, or with fine, or with both” substitute “ten days, or with fine which may not exceed more than ten rupees.” (142)

SHRI VIJAY KUMAR YADAV: I beg to move:

*The following Members also recorded their votes:

AYES: Sarvshri D. L. Baitha and Manmohan Tudu;

NOES: Sarvshri M. Kandaswamy, Krishna Chandra Halder and P. K. Kodiyan.

[Shri Vijay Kumar Yadav]

Page 6, line 4,—

omit "and may, at any time, cancel his release" (211)

Page 6,—

omit lines 5 to 17. (212)

SHRI BAPUSAHEB PARULEKAR:

I beg to move:

Page 6, line 3.—

after "such" insert "reasonable" (258)

Page 6,—

after line 4, insert—

"Provided that in case of serious illness to be certified by the medical practitioner or death of the near relation of the person detained, the appropriate Government shall release the person detained for a reasonable period." (259)

SHRI SOMNATH CHATTERJEE:

I beg to move:

Page 6.—

for clause 15. substitute—

"15. The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period." (280)

SHRI BAPUSAHEB PARULEKAR:

Mr. Deputy-Speaker, I have suggested a very important amendment to this particular clause and I would appeal to the hon. Minister to consider this amendment at least on humanitarian grounds.

MR. DEPUTY-SPEAKER: Sympathetically.

SHRI BAPUSAHEB PARULEKAR:

If you will read the amendment, you will agree with me that it is an amendment which any sane person would accept. I have suggested the addition of the words:

"Provided that in the case of serious illness to be certified by the

medical practitioner or death of the near relation of the person detained, the appropriate Government shall release the person detained for a reasonable period."

We have experience in the past when, though a near relation to the detenu has died, the matter was required to go to the State Government and it used to take about 20 days or more. That is why I suggest that in the case of death of a near relative, if the jail authorities are informed, they should release the detenu on reasonable conditions which are mentioned there. The defence of the country or the security of the country will not be in jeopardy if a particular person is going to his family, where there is going to this family, where there humanitarian grounds the Home Minister should accept this particular amendment.

Secondly, if the Members of the Legislative Assembly or Members of Parliament are in detention, they should be released on parole when the Assembly or Parliament is in session. Of course, they can impose reasonable restrictions. Already, the hon. Home Minister has declared that this Act is not meant against them. But, in the unfortunate event of such a person being detained, as it happened in the case of Shri A. K. Roy he should be released on parole to attend the session, because he represents seven lakhs of people. I hope the hon. Minister will accept these amendments.

श्री जल सिंह : डिप्टी स्पीकर सा ये बातें पहले भी आ चुकी हैं और मैं समझता, था कि अब टाइम भी बहुत लेट हो गया है इसलिए इसके प्रश्न, उत्तर में न पड़ें। लेकिन मैं एक बात मानरेबल मेम्बर सा बान को कह देना चाहता हूँ कि सरकार का रवैया जालिमाना नहीं है, इन्साफाना है। इसी-लिए इस क्लोज में यह रखा गया है कि जब भी चाहे सरकार छोड़ सकती है। शादी हो, गम हो, पेरोल पर, शर्त पर, बेशर्त,

हरेक तरह से सरकार छोड़ सकती है । फिर यही नहीं कि वह खुद बीमार हो और डाक्टर कहे कि वहां उसका इलाज नहीं हो सकता है तभी उसे छोड़ा जा सकता है, अगर उसके रिश्तेदार, माता-पिता भी कहें तो भी छोड़ा जा सकता है । आपने पहले भी देखा होगा कि बहुत से लोग बाहर रहे थे, पैरोल पर छोड़े हुए थे । अब तो आप भी बदल गये हैं, हम भी बदल गये हैं, हमारा भी एक्सपीरियन्स हो गया है, आपका भी एक्सपीरियन्स हो गया है, इसलिए इस तरमीम की जरूरत नहीं है ।

MR. DEPUTY-SPEAKER: I will now put all the amendments to clause 15 to the vote of the House.

Amendments Nos. 67, 142, 211, 212, 258, 259 and 280 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 15 stands part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—*(Protection of action taken in good faith.)*

SHRI SATYANARAYAN JATIYA: I beg to move:

Page 6,—

for clause 16, substitute—

"16. (1) If any person is detained without any cause, the Government shall compensate him the loss suffered by him on that account.

(2) A suit for compensation may be filed in the appropriate court.

(3) If a force of any kind is used for detention the person concerned shall have the right to institute a judicial proceed-

ing against such person or persons." (16)

SHRI RAM JETHMALANI: I beg to move:

Page 6,—

after line 21, insert—

"Explanation.—Good faith shall have the same meaning as it has in the Indian Penal Code." (79)

SHRI VIJAY KUMAR YADAV: I beg to move:

Page 6. for clause 16, substitute—

"16. If a person is detained without sufficient reasons, he shall be paid damages therefor by Government." (213)

SHRI RAM JETHMALANI: According to me, any government with a grain of good faith must accept this definition of "good faith". The expression "good faith" has more than one meaning in law, one in the General Clauses Act and another in the Indian Penal Code. You must adopt the meaning given to it in the Indian Penal Code. The Indian Penal Code defines it as under: nothing is done in good faith unless it is done with due care and caution. And since the expression "good faith" is used in the section creating immunity from legal proceedings against the Government, I take it that Mr. Zail Singh wants to protect the Government from suits when Government has acted with due care and caution. Does he want that even when they act with callous negligence and recklessness, they should be protected? If he wants that let him make up his mind. If he has some grain of reasonableness, he will accept this amendment.

MR. DEPUTY-SPEAKER: I put all the amendments to the vote of the House.

Amendments Nos. 16, 79 and 213 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

[Mr. Deputy-Speaker]

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

MR. DEPUTY-SPEAKER: Amendment for insertion of new clause.

New clause 16A

SHRI BAPUSHEB PARULEKAR: I beg to move:

Page 6,—

after line 21, insert—

"16A. If any person under colour of office commits any act contrary to law of the land, such act shall be presumed to have been committed in bad faith and such person shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

Explanation.—Act contrary to law shall also include signing blank detention orders under section 3 of the Act." (260)

MR. DEPUTY-SPEAKER: I put amendment No. 260 to the House.

Amendment No. 260 was put and negatived.

Clause 17— (*Act not to have effect with respect to detentions under State laws.*)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 6,—

after line 42, insert—

"Provided that the person released from detention under any State Laws for Preventive Detention shall not be detained under section 3 of this Act for the same grounds under which he was detained under the State Laws." (68)

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 6,—

omit lines 38 to 42. (281)

MR. DEPUTY-SPEAKER: I put the amendments to the House.

Amendments Nos. 68 and 281 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18— (*Repeal and saving*)

SHRI G. M. BANATWALLA: I beg to move:

Page 7,—

for lines 6 to 13, substitute—

"(2) (a) This act shall come into force on such date as the Government may, by notification in the Official Gazette, appoint in this behalf:

Provided that no such notification shall be issued unless there is sufficient cause to believe that circumstances prevail or are likely to prevail as to necessitate exercise of powers under this Act and a declaration to the effect is published in the Official Gazette.

(b) Every declaration under clause (a) shall be laid before each House of Parliament and shall cease to operate at the expiration of one month unless before the expiration of that period, it has been approved by resolution of both Houses of Parliament;

(c) Every declaration so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of the passing of the resolution approving the declaration under clause (b):

Provided that if and so often as a resolution approving the continuance in force of such a declaration is passed by both Houses of Parliament, the dec-

laration shall, unless revoked, continue in force for a further period of six months from the date on which it would otherwise have ceased to operate;

(d) This Act shall cease to be in force on the declaration under clause (a) ceasing to operate." (274)

MR. DEPUTY-SPEAKER: I put the amendment to the House.

Amendment No. 274 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clause 1— (Short title and extent.)

SHRI CHITTA BASU: I beg to move:

Page 1, line 4,—

add at the end—

"and it shall come into force from the date to be notified by the appropriate Government in the Official Gazette" (90)

SHRI SOMNATH CHATEERJEE: I beg to move:

Page 1,—

after line 4, insert—

"(3) It shall come into force on a date to be notified by the State Government in the Official Gazette in so far as the applicability of the Act in that State is concerned." (261)

SHRI CHITTA BASU: My amendment is very simple. The Bill is draconian and we do not want to give this power to the Government, it is very clear. but I can reluctantly concede that these powers can be used only in times of external emergency. In peace time, this kind of measure should not be applied. The rigours of the Act can be, for the time being, shelved. Accordingly, I have moved

this consequential amendment to Clause 1.

SHRI SOMNATH CHATTERJEE: Mr. Deputy-Speaker, Sir. I think, you are a champion of the States' causes unless you have changed suddenly....

MR. DEPUTY-SPEAKER: I am champion of so many things, not only that.

SHRI SOMNATH CHATTERJEE : You are championing the States' causes and I learn that you are holding that cause very dear to you. So, kindly use your good offices on them.

If you kindly take the trouble of looking at the amendment, it reads:

"It shall come into force on a date to be notified by the State Government in the Official Gazette in so far as the applicability of the Act in that State is concerned."

I do not know why the Government should oppose it. After all, it is the primary responsibility of the State Government to see that the things are all right in the State. They should be given this power at least. If they want it, they can have it and apply it. So far as the State Governments are concerned, they have passed their own laws which the Central Government is maintaining and allowing them to maintain. They cannot repeal those laws. Let the State Governments decide for themselves whether they want this larger, bigger and more draconian law there or not. If they can manage their affairs without this anti-people law, anti-working class law; why do you thrust it upon them!

The objective is that the Central Government should pass all sorts of illegal orders from here and try to impose upon the State Governments for execution and implementation which the States do not want. Therefore, let them have the power to decide for themselves whether they want this law in the State or not. If they want it, they will have it by a simple notification in the Official Gazette,

[Shri Somnath Chatterjee]

making the law applicable to that State. Therefore, I submit, whatever unsatisfactory quasi-federal structure we have in this country, let them at least pay lip service to this. Ours is a quasi-federal structure. It is not a perfect federal structure. If they have any respect for the States' rights, let them concede to this amendment. This will not affect the law.

Sir, with your good offices and good wishes, I am very strongly supporting this amendment.

MR. DEPUTY-SPEAKER: Now, I put all the amendments to Clause I together.

SHRI SOMNATH CHATTERJEE: No response? They have stopped thinking also; they have stopped reacting also.

MR. DEPUTY-SPEAKER: The Minister is thinking about your amendment.

SHRI SOMNATH CHATTERJEE: They should react either way. IQ is 'minus' on that side.

MR. DEPUTY-SPEAKER: I put Amendment Nos. 90 and 261 to the vote of the House.

Amendments Nos. 90 and 261 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1 stand part of the Bill."

The Motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula was added to the Bill.

The Title

SHRI CHITTA BASU: I beg to move:

That in the Long Title,—

for "in certain cases" substitute—

"at times of external aggression" (89)

MR. DEPUTY-SPEAKER: I put Amendment No. 89 to vote.

Amendment No. 89 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

SHRI ZAIL SINGH: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

There is a large number of Members who want to speak during the third reading of the Bill. As the House knows, much more than the allotted time has already been taken on the Bill. I would request that only one Member from each Group may speak very briefly, without referring to details at this stage. A Member who has spoken during the General Discussion on the Bill may also not speak again.

श्री चरण सिंह (बागपत) : उपाध्यक्ष महोदय, मेरा इरादा कुछ तफ़्सील से साथ बोलने का था, लेकिन चूँकि बहुत देर हो गई है, इस लिए मैं बहुत थोड़ा समय लेने की कोशिश करूँगा—दस पंद्रह मिनट से ज्यादा नहीं। एक बात मैं अपने दोस्तों को, खास तौर से सरकार जैल सिंह को, बता देना चाहता हूँ कि मैं वाद-विवाद की स्पिरिट में भी नहीं बोलना चाहता हूँ, कान्ट्रोवर्सी या कन्टेन्शन में नहीं पड़ना चाहता हूँ। मैं केवल कुछ सुझाव देना चाहता हूँ, जो देश के भले के लिए हैं और रूलिंग पार्टी, शासक दल, के भी हित की बात है, अगर्चे

जानता हूँ कि ज्ञानी जैल सिंह हों, या प्राइम मिनिस्टर हों या ट्रेजरी बैंचिज पर बैठे हुए हमारे दोस्त हों, आज उन्हें कोई भी बात कहना पानी में लिखने के बराबर है, या बालू में हल चलाने के बराबर है—उसका कोई असर नहीं होने वाला है। (व्यवधान) मैंने कोई कड़वी बात तो नहीं कही है। मैं कुछ और कहना चाहता था, लेकिन उसको मैंने छोड़ दिया है, ताकि श्री जैल सिंह को बुरा न लगे।

इस बिल की क्लॉज 3(1)(ए) में कहा गया है कि जहां तक देश की रक्षा, डिफेंस का सवाल है, उसकी सिक्योरिटी का सवाल है, जिस आदमी से यह खतरा हो कि वह उसके खिलाफ काम करने जा रहा है, उस को रोकने का अधिकार गवर्नमेंट आफ इंडिया को है। "प्रजुडिशल टु दि सिक्योरिटी आफ इंडिया," ये अंग्रेजों के लफज हैं। ये लफज अगली सब-क्लॉज में भी इस्तेमाल किये गये हैं, जो गैर-जरूरी है। उसमें भी यह लिखा है :—

"The Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of public order or from acting in any manner prejudicial to the maintenance of supplies and services essential to the community..."

यह हर एक में इस्तेमाल किया है। सिक्योरिटी आफ स्टेट को रिपीट किया गया है जिस की आवश्यकता मेरे ख्याल में नहीं थी। क्या इस की जरूरत पड़ी, इन दोनों में अन्तर क्या है, अगर उन को समय मिले तो हाउस को समझाने की कोशिश करें। इस के अलावा जैसी इम्प्लिकेशन है कि सब जगह कहा गया है —

"With a view to preventing him from acting in a manner prejudicial to..."

यह तीन जगह तीन बार तीन बातों के लिए इस्तेमाल करने की जरूरत नहीं थी। सिर्फ एक क्लॉज में हो जाता जो तीनों बातों को गवर्न करता। खैर।

मुझे इस में एतराज न तो जहां तक फारेन नेशनल्स की बात है उस की बाबत है, न डिफेंस की बाबत है और न सिक्योरिटी आफ स्टेट की बाबत है। मैं समझता हूँ कि शायद इस के लिए सर्वसम्मति होगी, सब को यह चीज मंजूर होगी। सकता है कि किसी साहब को इस में भी मतभेद हो। लेकिन मुझ को दो चीजों पर आपत्ति है। एक तो आप कहते हैं कि पब्लिक आर्डर के लिए हानिकारक हो यानी शांति व्यवस्था के लिए और एक यह है कि जो जरूरी चीजें हैं कम्प्यूनिटी के लिए, कौम के लिए उनके मुहैया करने में कोई रुकावट हो। अब ये इतने वाइड टर्म हैं, इतने व्यापक शब्द हैं कि इन का अर्थ गवर्नमेंट जो चाहे लगा सकती है। अब जैसे कि हम लोग अपोजीशन में बैठ कर समझते हैं कि कंट्री के लिए फलां काम करना है, आप की राय ठीक उसकी उल्टी हो सकती है और उस के जज होंगे आप। मसलन बिहार में बहुत लोग अर्धे किए गए। उस में जहां तक मुझे मालूम हुआ, मैं तो वहां मौजूद नहीं था, प्राइम मिनिस्टर ने भी बहुत अफसोस जाहिर किया। लेकिन उस पर अब तक क्या हो रहा है? चीफ मिनिस्टर की कोशिश यह है कि डायरेक्टली या इण्डायरेक्टली उन पुलिस वालों को डिफेंड करने की। दुनिया में आज तक इतने बड़े पैमाने पर इस तरह से पुलिस करे इसकी मिसाल नहीं मिलेगी आप ट्रायल कराए तो उस में भी फांसी की सजा है, ब्लाईंड करने की सजा कहीं पीनल कोड में नहीं है। लेकिन पुलिस एग्जी-

[श्री चरण सिंह]

क्यूटिव आर्डर से या अपने मन से चाहे वह लोग कितने ही बदमाश रहे हों, लेकिन उनको ब्लाइंड कर दे और एक को नहीं, दो को नहीं, बाकायदा एक मिस्टेमेटिक वे में उसे करना— वह जब जेल में पहुंचते हैं तो जेल का सुपरिटेण्डेंट उस बात को नोटिस में लाता है, सुप्रीम कोर्ट को उस ने शिकायत की है कि मुझको खतरा है— और यह चीज नोटिस में आ गई थी जुलाई में चीफ मिनिस्टर के या स्टेट गवर्नमेंट के तो क्या ऐसा शख्स जिस की नोटिस में जुलाई यह बात आ गई और उस ने कोई ऐक्शन नहीं लिया वह स्टेट का चीफ मिनिस्टर होने लायक है ? दुनिया में कहीं हो सकता था सिवाय हिन्दुस्तान के ? आज के इंडियन एक्सप्रेस में पढ़ें— उन पर एक क्रिमिनल केस चल रहा था करप्शन का। आलरेडी पहले से चल रहा था... (ध्यबधान)... जगन्नाथ मिश्र को ही कह रहा हूँ, चीफ मिनिस्टर को, उन के खिलाफ अब्दुल गफूर खां साहब जो पहले चीफ मिनिस्टर थे उन का दायर किया हुआ केस चल रहा था तो आते ही डा० जगन्नाथ मिश्र ने जो प्राजीक्यूटर था उन का ट्रांसफर किया। दूसरा आया, उस ने जो लोग गवाह थे उन को तोड़ने की और उन को खरीदने की कोशिश की। वे ईमानदार आदमी निकले, वे तैयार नहीं हुए। तो फिर मैजिस्ट्रेट को भी शायद बदलने की कोशिश हुई। लेकिन जो चीफ मैजिस्ट्रेट था पटना का उस ने मना कर दिया इस बात के लिए। उस ने कहा कि जो मेरी ड्यूटी है उस को मैं अंजाम दूंगा। अब कोशिश हो रही है उस केस को दबाने की। केस दबे या न दबे, सारा सबाल यह है कि जब करप्शन का केस उन के खिलाफ पहले से चल रहा

था... (ध्यबधान)... मेरी समझ में नहीं आ रहा है कि मैंने आपत्ति की बात कौन भी कह दी ? यह जानते हुए कि इन के खिलाफ केस चल रहा है प्राजीक्यूशन का और दूसरा चीफ मिनिस्टर दायर कर गया है, उस के बाद भी उन को एप्वाइंट करना, आप का जो भी स्टैंडर्ड हो, जो भी पैमाना हो, उस के मुताबिक ठीक हो सकता है लेकिन मैं समझता हूँ कि दुनिया में कहीं किसी भी पैमाने के मुताबिक वह बात मुनासिब नहीं थी। लेकिन इस बात को छोड़िए। (ध्यबधान)... आप क्या बात कर रहे हैं, देखिए, इस तरह से आप मुझे डिस्टर्ब मत कीजिए। आप को मौका मिलेगा जब बोलिएगा या अपने होम मिनिस्टर से कहिएगा वह जवाब देंगे। आप बात क्या कर रहे हैं ? एक सही बात मैं कह रहा हूँ, बजाय उस का स्वागत करने के आप कह रहे हैं कि यह नहीं होना चाहिए। अब मैं आप को ऐक्शंस बतलाता हूँ... (ध्यबधान)...

श्री कमल नाथ झा (सहरसा) : आप के राज में आंख निकाली गई। शुरुआत वहीं से हुई। आप का ट्रायल होना चाहिए। जब आप प्रधान मंत्री थे उस वक्त आंख निकाली गई। अगर आप के अंदर नैतिकता का एक जर्रा भी बचा हुआ है तो इस को कन्फेस कीजिए। आप कहना चाहते हैं कि जनता गवर्नमेंट के जमाने में आंखें निकाली गई थीं लेकिन इस तरह से आप दुनिया को धोखा नहीं दे सकते हैं। (ध्यबधान) मैं बहुत ठंड दिमाग से यह अर्ज कर रहा था कि जनता गवर्नमेंट या मेरे जमाने में मेरी नोटिस में ऐसा कोई केस नहीं आया। अगर मेरी नोटिस में आया हो और मैंने कार्यवाही न की हो तो आप मेरी शिकायत कर सकते हैं। हो सकता है, इतना बड़ा देश है, कोई ब्लाईंडिंग मेरे जमाने में भी

हो गई हो, मैं इनकार नहीं करता लेकिन मेरी नोटिस में आया हो, मैंने ऐक्शन न लिया हो, ऐसा एक केस भी आप नहीं बता सकते। (शुभचान) मैं बड़े जोर से नहीं बोल सकता, मेरी सेहत इजाजत नहीं देती है, आप मुझे बोलने का मौका दीजिए।

नैबहन और परिवहन मंत्रालय में राज्य मंत्री (श्री बूटा सिंह) : बेलची का केस आपकी नोटिस में आया तो आपने क्या किया ?

श्री चरण सिंह : बेलची का केस जो मेरी नोटिस में आया उसमें दो गिरोहों का झगड़ा था जो कि पहले से चल रहा था और उसमें ऐक्शन लिया गया। (शुभचान) आप मेरी बात सुनिए। इसका ग्लाइडिंग से कोई वास्ता नहीं है। अगर आप नहीं चाहते तो मैं बैठ जाता हूँ लेकिन फिर उधर से भी बोलने नहीं दिया जायेगा। जब प्राइवेट आदमियों में, दो गिरोहों में झगड़ा होता है तो वहां पर डी एम और एस पी जाते हैं और अगले रोज डी आई जी और कमिश्नर जाते हैं, वह केस चलता है और वे सजा पाते हैं। मैं यह नहीं कहता कि मेरे जमाने में जुर्म नहीं हुए लेकिन मैं यह अर्ज कर रहा हूँ कि पुलिस के जरिए इस प्रकार का एग्जीक्यूटिव ऐक्ट और कहीं नहीं हुआ है और दूसरे यह कि उस को चीफ मिनिस्टर की नोटिस में लाया गया मगर कोई भी कार्यवाही नहीं की गई।

मैं इस तरह के दो तीन केसेज और बतलाता हूँ। अलमोड़ा जिले में कफालटा में 15 हरिजनों को जला दिया गया—यह भी आपके जमाने में हुआ। (शुभचान) चिल्लाने से कुछ नहीं होता, आप सुनिए। बेलची में दो गिरोहों का झगड़ा हुआ था लेकिन कफालटा में एकतरफा 15

हरिजनों को जला दिया गया। जब यू पी में आपका प्रेसिडेंशल रूल था तब यह वाक्या हुआ (शुभचान) बूटा सिंह जी, आप तो मिनिस्टर हैं, आपको जिम्मेदारी से बात करनी चाहिए। उस वक्त यू पी में प्रेसिडेंशल चल रहा था और बिहार में भी यही रूल था, डायरेक्ट रूल नहीं था।

श्री बूटा सिंह : हम भुगतभोगी हैं, हमारे बुजुर्गों को मारा गया है।

श्री चरण सिंह : आप दो गिरोहों के झगड़े को पुलिस अग्र्याय के साथ इन्वैट करना चाहते हैं—यह आपको मुबारक हो।

18 hrs.

अब एक दूसरा जुर्म आपको बतला रहा हूँ। अभी हमारी पार्टी के एक एक्स मिनिस्टर जो अब यू पी में लोकदल के अध्यक्ष हैं उनका बहुत तफसील के साथ एक बयान निकला है, उनसे अभी मेरी बातचीत नहीं हुई है, मैं उनको बुला रहा हूँ। देवरिया में 30-40 आदमियों को एन्काउन्टर दिखाकर शूट कर दिया गया है। उसमें एक शक्स ऐसा था, जिसका नाम भी दिया है, जो 60 हजार का ड्राफ्ट लेकर बैंक जा रहा था जिसके तीन-चार भट्टे चल रहे हैं और जिसके दो सगे भाई इंजीनियर्स हैं। (शुभचान) उस से किसी की रंजिश नहीं थी, लेकिन उस को मार डाला गया, यह कह कर कि एन्काउन्टर दिखा दिया जाएगा। आप मुझ से एक सवाल कर सकते थे, जो आप ने नहीं किया कि इस बिल से इस का क्या ताल्लुक है? आप बागपत के मामले को लीजिए... (शुभचान) मैं यह अर्ज करता हूँ कि बागपत में तीन आदमियों को दिन दहलड़े चौराहे पर शूट किया जाता है और एक नौजवान लड़की को पुलिस नंगा करती है नंगा कर के उस को बाजार में घुमाती है। मर्डर सब से बड़ा जुर्म माना जाता है, लेकिन अपराध

[श्री चरण सिंह]

की दृष्टि से "रेप" को भी मैं उस से बड़ा जुर्म समझता हूँ... (ब्यवधान)... आप को बड़ा जोश है, लेकिन मुझे भी कहने का हक है... (ब्यवधान)... मैं यह कहना चाहता हूँ कि मैं "रेप" को मर्डर से बड़ा जुर्म समझता हूँ लेकिन "रेप" से भी ज्यादा किसी नौजवान लड़की को नंगा कर के पुलिस के सब इंस्पेक्टर और आफिसर के जरिये सड़क पर घुमाना—हजारों आदमियों के समाने—बड़ा जुर्म है। मैं यह जानना चाहता हूँ—क्या हिस्ट्री में इस बात की कोई मिसाल है? कोई मिसाल नहीं है। आज मामूली-मामूली बातों पर सब इंस्पेक्टरों को सस्पेंड कर दिया जाता है, लेकिन इस मामले पर सस्पेंड नहीं किया गया। इस के पीछे जो रीजन्स है—जाहिर है कि मैं उन की तफसील में नहीं जानना चाहता। अगर इस तरह के जुर्म हों—30-40 आदमियों को अन्धा कर दिया जाय, 30-40 आदमियों को एन-काउन्टर दिखा कर मार दिया जाय, औरतों को नंगा कर के सड़क पर घुमाया जाय, तो बतलाइये ऐसी हालत में अपोजीशन का क्या फर्ज है। फर्ज आप का भी है और हमारा भी कुछ फर्ज है। हमारा फर्ज यह है कि इन सब बातों के लिए हम आप को समझायें और अगर इन माकूल बातों को भी आप न मानें और आप अपने फर्ज को अदा न करें, तो फिर हमारा फर्ज हो जाता है कि हम उस के लिए एजीटेशन करें। अगर हम एजीटेशन नहीं करते है तो हम अपने कर्तव्यों को नहीं निभाते है। मैं ज्ञानी जैल सिंह जी से.

सूचना और प्रसारण मंत्रों (श्री बसन्त साठे) : शान्ति के साथ एजीटेशन करें।

श्री चरण सिंह : शान्ति के साथ एजीटेशन करते है और जो अब तक की है वे भी शान्ति के साथ को है... (ब्यवधान)

आप क्या बातें करते हैं, बोलने दीजिये। ... यह कोई शराफन की बात नहीं है, यह कोई तरीका नहीं है कि मुझे बोलने नहीं देते है।...

मैं अर्ज कर रहा था कि इस के लिये हम एजीटेशन करेंगे। बेशक सबोटोज और वायलेंस देश के लिए भी हमारी पार्टी के लिये भी हानिकारक हैं, लेकिन हम उस के लिये एजीटेशन करेंगे। मैं माननीय गृह मंत्री जी से यह जानना चाहता हूँ—वह बार बार कहते हैं गुण्डा-गर्दी को दबायेंगे। हम ने जो एजीटेशन किया, किलिगं के खिलाफ—क्या वह गुण्डा गर्दी कहा जाएगा? क्या वह हमारी गुण्डागर्दी होगी या हमारे कर्तव्य का पालन होगा? मुझे कल यह है कि आप पब्लिक आर्डर के नाम पर डिस आर्डर करना चाहें, इस डेफिनीशन के आधार पर उन सत्याग्रहियों को जो सच्चाई के रास्ते पर चल कर देश की सेवा करना चाहते है, जेल में ठूस सकते है—इसे कौन रोक सकेगा क्योंकि यह प्रेज्यूडिशियल टु पब्लिक आर्डर में आते है। इसी तरह से रिश्वत की बात है और डा० जगन्नाथ मिश्र की बात तो मैं पहले ही कह चुका हूँ।

अब दूसरी बात को सुनिये—यह मुज्जफर नगर के विद्याभूषण के बारे में है, जिन का नाम अखबार में निकल चुका है, सुप्रिटेण्डेंट पुलिस का बयान मौजूद है। चूकि उन का नाम अखबार में आ गया है इसलिये जिक्र कर रहा हूँ लेकिन दूसरे नाम का जिक्र नहीं करूंगा, मालूम नहीं अखबार में आया है या नहीं आया है। पाली गाँव मुज्जफर नगर से मिला हुआ है, लेकिन मेरठ जिले में है। मैं अनेक बार उस गाँव में गया हूँ। वहाँ डाका पड़ा, उस मकान में एक विडो थी और उस के दो बच्चे थे। गाँव वालों ने मदद की।

डाकू पकड़े गये। जो उन का लीडर था, उस की जेब से एक खत मिलता है और वह खत विद्या भूषण का है, जो आप के टूरिज्म और फारेस्ट के मिनिस्टर हैं...

एक बालगोप सदस्य : यह गलत है।

श्री चरण सिंह : गलत नहीं है। इस के लिये शर्त लगाइये, अगर गलत है उस खत में लिखते हैं कि आप ने इलेक्शन में बहुत मदद की है—यह बात वे उस डाकू गिराह के सरदार को लिखते हैं—मैं आप का बहुत बहुत कृतज्ञ हूँ, मशकूर हूँ। जब आप लखनऊ आये, तो मुझ से मिलने की कृपा कीजियेगा।

दूसरी बात जो राइफल पकड़ी गयी—उस का नम्बर मौजूद है। अखबार में अनेक बार आ चुका है—मुज्जफर नगर के ही एक कांग्रेसी एम० एल० ए० के नाम उस का लाइसेंस है। मैं पूछना चाहता क्या उस मिनिस्टर के खिलाफ कोई एक्शन लिया गया, उस को अब तक क्यों मिनिस्ट्री में रखा हुआ है? कुछ एक्शन तो लिया है, लेकिन बहुत हल्का है। वहां के चीफ मिनिस्टर ने फारेस्ट का महकमा उस मिनिस्टर से ले लिया है, लेकिन टूरिज्म का महकमा अभी भी उन के पास है...

श्री बसन्त साठे : अब उस का क्या करना है? वैदालिगम कमेटी की रिपोर्ट आप के खिलाफ है...

श्री चरण सिंह : क्या कहा मेरे खिलाफ है? कौन सी रिपोर्ट है?

श्री बसन्त साठे : वैदालिगम कमेटी की रिपोर्ट? जो निकली थी।

श्री चरण सिंह : आप साठे साहब बोल रहे हैं। अच्छा मियां साठे साहब अब मेरी बात सुनिये। जिस वक्त यह रिपोर्ट निकली और मुझे मालूम है जिसमें कहा गया है—14 हजार रुपया.. (व्यवधान).. अब आप मेरी बात सुनिये। उसमें कहा गया है कि 14 हजार रुपया मेरी वाइफ ने

10-12 आदिमियों से रिश्वत के ले लिये—ऐसा एक आदमी ने कहा है.....

श्री बसन्त साठे : मुझे सुनाने से क्या फायदा है। बिल पर नहीं बोलना है और मुझे ही सुनाना है, तो सुनाये।

श्री चरण सिंह : वह रिपोर्ट जैसी आई है, वह यह है कि न कोई शहादत ली गई, न कोई टेस्टिमोनी की गई, न आदमी पेश हुए—इस तरह की वह रिपोर्ट है। लेकिन जैसे ही पेपर में निकली मैंने बयान दे दिया,—प्रेस को। उन्होंने कहा था कि इस पर जूडीशियल एन्क्वायरी कमीशन बैठाइये। लेकिन मैंने कहा—एन्क्वायरी कमीशन नहीं, सीधे कोर्ट में दावा दायर कीजिए—मेरी वाइफ के खिलाफ और आज भी आप को चलेन्ज करता हूँ—अगर आप में हिम्मत है तो दावा दायर कीजिए। आर्डिनरी कोर्ट में तो देर लगेगी, स्पेशल कोर्ट में दावा दायर कीजिये—मेरे और मेरी वाइफ के खिलाफ मेरा बयान रिकार्ड पर मौजूद है। दस-बारह आदिमियों से... (व्यवधान)... दो-दो हजार रुपये रिश्वत ली है, जब कि मैं 14 करोड़ या 14 लाख रुपया किसी से भी ले सकता था... आप को लज्जा आनी चाहिये थी.. (व्यवधान)...

श्री बसन्त साठे : हमारी नीयत अलग है और आपकी नीयत अलग है। हम आप की पत्नी के खिलाफ कार्यवाही नहीं करेंगे।

श्री चरण सिंह : मेरी वाइफ का कोई खत नहीं है, कि उस ने रिश्वत ली है, लेकिन आप के मिनिस्टर का तो खत है कि डाकू साहब, आपने बड़ी मदद की है, जो एटीचूड साठे साहब का है और अगर यही एटीचूड आपकी सरकार का है तो आप के मिनिस्टर के कर्प्शन के खिलाफ...

SHRI INDRAJIT GUPTA (Basirhat): Is not the sense of decency and decorum of the House affected when so many Ministers go on shouting like this? (Interruptions)

MR. DEPUTY-SPEAKER: I have already made my observation on some other occasion that when leaders of political parties speak at least there should not be too much of interruptions.

SHRI INDRAJIT GUPTA: Other Members may interrupt. What about Ministers?

SHRI C. M. STEPHEN: Sir, I take objection to that. I can understand what you say. Do the Ministers belong to a separate class? Are they not Members of this House? Are they not entitled to put questions and interrupt when an hon. Member is making his speech? (Interruptions) We have got equal rights. (Interruptions)

श्री राम विलास पासवान (हाजीपुर) :
उपाध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि अगर इस तरह की बात ये करेंगे तो प्राइम मिनिस्टर भी नहीं बोल सकता।
(ब्यवधान) . .

SHRI INDRAJIT GUPTA: I am appealing through you to the hon. Speaker that at some suitable appropriate time, let him collect all the parties and let him come to some agreement and norms of conduct which will apply to Ministers also.

(Interruptions)

SHRI C. M. STEPHEN: 'Ministers also'.

श्री कमल राय झा : उपाध्यक्ष महोदय, ये इस सदन के बुजुर्ग सदस्य हैं और इस देश के सम्मानित नेता हैं... (ब्यवधान)

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): If you don't allow the Opposition Members to speak, we will also not allow you to speak. (Interruptions)

श्री राम विलास पासवान : उपाध्यक्ष महोदय, यदि इस तरह से ये बीच-बीच में बोलते रहे, तो मैं यह बता देना चाहता हूँ कि हम लोग प्राइम मिनिस्टर को भी नहीं

बोलने देंगे। वे भी यहां नहीं बोल सकेंगी यह कोई मजाक है। (ब्यवधान)

MR. DEPUTY-SPEAKER: Please sit down. Mr. Charan Singh, please continue.

श्री चरण सिंह : उपाध्यक्ष महोदय, डेमोक्रेसी की एक कीमत यह है कि हर आदमी को दूसरे की बात सुननी चाहिए। हो सकता है कि मैं एक बात गलत कहूं। हर आदमी से गलती होती है, मुझ से भी गलती हो सकती है। अब भी शायद मैं सारी बात गलत कह रहा हूँ लेकिन आप का यह फर्ज है कि आप खामोशी से मेरी बात सुनें। आप को भी मौका मिलेगा, तब आप उस का जवाब दीजिये। मैं ने कुछ कहा तो आप ने हल्ला मचाना शुरू कर दिया। ठीक है कि आप की तादाद बहुत ज्यादा है लेकिन जैसे हमारे नौजवान दोस्त कह रहे थे कि इस तरह की बात होगी तो फिर हाउस का चलना मुश्किल हो जाएगा।
....(ब्यवधान).... यह जो नशा हो रहा है, यह नहीं चलेगा।

MR. DEPUTY-SPEAKER: Please sit down. You may now continue.

श्री चरण सिंह : मैं सबजैकट पर ही आ रहा था कि अगर ला एण्ड आर्डर की स्थिति खराब हो जाती है तो हम एजीटेशन करें, यह निहायत माकूल बात है।

मान लीजिए किसी मिनिस्टर के खिलाफ इन्क्वायरी कमीशन की फाइंडिंग्स हों और उन को कैबिनेट रिजैक्ट कर दे तो उस पर अपोजीशन अपना प्वाइंट आफ व्यू प्रेजेंट करना चाहती है, पब्लिक ओपीनियम बनाना चाहती है और एजीटेशन करती है, जिस में वायलेंस न हो, देश को हानि पहुंचाने वाली बातें न हों तो क्या वह शांति से यह कर सकती है? क्या वह इस बारे में प्रचार या सत्याग्रह कर सकती है? आप के जो लफ्ज

सुने हैं उन से ऐसा लगता है कि हम नहीं कर सकते हैं और अगर हम इन कामों को करेंगे तो आप हमें जेल भेज सकते हो ।

आप ने पहले भी यह बात कही थी और आप के प्रेडीसेसर ने सन् 1974 में यह बात कही थी कि हमारी मंशा पोलिटिकल वर्कर्स के खिलाफ इस का इस्तेमाल करने की नहीं है । माननीय देसाई ने उस समय कहा था जब कि गुजरात का आन्दोलन चल रहा था कि राइटिंग में दीजिए कि मीसा का इस्तेमाल पोलिटिकल वर्कर्स के खिलाफ नहीं होगा और उन्होंने ने राइटिंग में ले भी लिया था फिर भी उस का इस्तेमाल हुआ । आप की नीयत को अच्छी हम कैसे मानें जब कि आप के होम मिनिस्टर ने कहा, किसी और मिनिस्टर की बात तो ऐसे मामलों में चलती नहीं है, खुद प्राइम मिनिस्टर ने फरमाया कि इस का इस्तेमाल हम पोलिटिकल वर्कर्स के खिलाफ नहीं करेंगे । अपोजीशन से मशविरा लेकर उन्होंने ने ये सब बातों की थी और फिर भी पोलिटिकल वर्कर्स के खिलाफ उस का इस्तेमाल किया । अब इस में जबानी आश्वासन देने या कसम देने से या किसी और तरह से आप हमें यह कहें तो यह तो हमें बेवकूफ बनाने की बात है । इस तरह से तो यह नहीं होगा ।

अब एशियाड का मामला है जिस पर कि सरकार का दो सौ करोड़ रुपया खर्च होना है ।

SHRI VASANT SATHE: How is it relevant?

MR. DEPUTY-SPEAKER: Please come to the subject proper.

श्री चरण सिंह : इस की रिलेवेंसी है । मैं ने पहले भी कहा था कि पहले इस पर 32 करोड़ रुपया खर्च होना था, फिर 43 करोड़ रुपया हुआ फिर 57 करोड़ रुपया हुआ । उस की पूरी तफसील प्रेस में निकली है । एयरवेज प्रोजेक्ट बनाना है । और भी बहुत सी बातें आप को एशियाड

के लिए करनी है इसलिए दो सौ करोड़ रुपये से कम खर्च नहीं होगा ।

अब मैं आप से पूछना चाहता हूँ कि हमारी प्रायरिटीज क्या हैं? 52 परसेंट लोग जो बिलो पावर्टी लाइन रह रहे हैं जिन को दोनों वक्त खाना नहीं मिलता, उन के लिए कुछ करना जरूरी है या दो सौ करोड़ रुपया पब्लिक का एशियाड पर खर्च करना जरूरी है ।

उपाध्यक्ष महोदय पाकिस्तान ने पहले 1982 में अपने यहां एशियन गेम्स कराने के लिए आफर किया था फिर उस ने इंकार कर दिया । पहले जब उस ने आफर किया था तो उस समय इन पर 32 करोड़ रुपये खर्च होने थे अब इन पर दो सौ करोड़ रुपये से कम खर्च होने वाला नहीं है । मैं अर्ज करना चाहता हूँ कि जब हमारे देश में आधे आदमी भूखे पेट सोते हैं तो पहले उन को खाने का प्रबंध करना हमारी प्रायरिटी है या अपने यहां एशियाड कराना प्रायरिटी है ?

इन एशियन गेम्स के बारे में मैं पहले भी कह चुका हूँ और लोक दल भी कह चुका है जिस में लोक दल के नुमाइन्दे भी शामिल हैं । अगर हम सिविल डिस्ओबिडियेंस मूवमेंट इस के खिलाफ करते हैं और कहते हैं यह दो सौ करोड़ रुपया गरीबों पर लगाओ तो आप क्या उस को एजीटेशन कहेंगे, क्या हम को गुण्डा कहेंगे और उस में हम को गिरफ्तार करेंगे ? तो पाइंट यह है कि..... (व्यवधान)....ये कहेंगे कि हम गुण्डागर्दी के खिलाफ यह कर रहे हैं । आप हर चीज को पब्लिक आर्डर में ला सकते हैं ।

उपाध्यक्ष महोदय, दूसरी बात डेमोक्रेसी में आर्थिक नीतियों में जो मतभेद होते हैं उस की बिना पर पोलिटिकल पार्टियां बनती हैं । हमारी राय में गन्ने का दाम बढ़ना चाहिए, आप की राय ऐसी नहीं होगी ।... (व्यवधान)

एक आन्वीय स्वस्थ : आप ने गन्ने की क्या कीमत दी थी ? ... (व्यवधान) ...

श्री चरण सिंह : उपाध्यक्ष महोदय, कोई सीमा होनी चाहिए ।... (व्यवधान)

उपाध्यक्ष महोदय, मैं यह अर्ज कर रहा था, मेरे दोस्त यह कह रहे हैं कि आप ने कितने दाम दिए थे किसानों को और गन्ना जलाया गया था और आप जनता पार्टी के मेंबर थे, मैं उन को जवाब दूंगा, लेकिन इतना चिल्लाने की जरूरत नहीं है, आप शांति से सुनिए ।

उपाध्यक्ष महोदय, जहां तक मेरे जमाने की बात है दो ढाई और तीन रुपये फी किलो चीनी का दाम था ।... (व्यवधान) ... मैं एक बात कह कर बैठ जाता हूं । ज्ञानी जी के जरिए मैं और मिनिस्टर साहिबान से भी यह कहना चाहता हूं कि जितने वे बैठे हुए हैं मुझे अग्रर बोलने नहीं दिया जाता है तो मैं वार्न करता हूं कि इन में से भी किसी को बोलने नहीं दिया जाएगा ।

MR. DEPUTY-SPEAKER: Now Mr. Jyotirmoy Bosu.

PROF. MADHU DANDAVATE (Rajapur): Sir, did you listen to what Mr. Charan Singh said? He said: "If the ruling party members are going to barrach me like this—including Cabinet Ministers who were obstructing me—I will sit down but their own party Members will not be allowed to speak." (Interruptions)

श्री चरण सिंह : मैं ने कहा है कि आप इस के लिए राजी हैं ? अग्रर राजी हैं तो मैं भी राजी हूं और मैं बैठ जाता हूं । मैं बोल रहा हूं लेकिन कोई बोलने नहीं देता । (Interruptions)

MR. DEPUTY-SPEAKER: Mr. Charan Singh is continuing. He is going to speak. All of you please take your seats.

SHRI SOMNATH CHATTERJEE: They have been talking of cooperation. In this the way?

PROF. MADHU DANDAVATE: We have tolerated all speeches suppressing our civil liberties. We have silently listened to them. They have the temerity not to listen to us.

MR. DEPUTY-SPEAKER: My humble request to the House is that you must have consideration for Mr. Charan Singh's age, and you must listen to him. Please don't interrupt. Please sit down. You must take into consideration his health also.

18.28 hrs.

[Mr. SPEAKER in the Chair]

श्री चरण सिंह : मैं यह अर्ज कर रहा था कि पोलिटिकल और इकोनोमिक पालीसीस में लाइन खींचना आसान नहीं है । जो पोलिटिकल मैटर है उस का इकोनोमिक रूप भी है और जो इकोनोमिक मैटर है उसका एक पोलिटिकल रूप भी है । जब हम इकोनोमिक सवाल उठावेंगे तब क्या वह पोलिटिकल भी नहीं बन जाता है ? गन्ने को ही आप लें । गन्ने के दाम किसानों को कम मिल रहे हैं । उसके लिए हम स्ट्राइक कराएंगे और नानवायोलेंट एजिटेशन कराएंगे तो वह चीज इस कानून के परब्यू में आती है या नहीं आती है, हम इसके परब्यू में आते हैं या नहीं आते हैं ? आ जाते हैं । यहीं नहीं । यू० पी० के चीफ मिनिस्टर का बाकायदा बयान है कि जो लोग हड़ताल कराएंगे गन्ने के ज्यादा दाम दिलाने के लिए भड़काएंगे वे एन० एस० ओ० के अन्दर गिरफ्तार किए जा सकते हैं । ही इज ग्रान रिकार्ड । कल एक मोटिंग थी तराई में उत्तर प्रदेश में जहां पर एक चीनी मिल है । वहां पर हमारा एम पी गया हुआ था । उन्होंने आ कर मुझे सुनाया है कि कांग्रेस आई का जो उस इलाके का एम एल ए है वह भी किसानों की डिमांड के साथ था और काम कर रहा था और कह रहा था कि उनको ज्यादा दाम मिलने चाहिये । वह एजीटेशन में शामिल

था। उसको डी एम बुलाता है और कहता है कि देखो, अगर तुम ने यह काम किया तो हम तुम को एन एस ओ में भेज देंगे, चीफ मिनिस्टर को लिखेंगे। वह खामोश हो गया।

श्री हरीश चन्द्रसिंह रावत (अल्मोड़ा):

कौन है। वहाँ का मैं हूँ। नाम बता दें।

श्री चरण सिंह : टराई वह इलाका है जो नेनीताल और रामपुर के बीच में पीलीभीत जिले में पड़ता है। खटीमा एक जगह है वहाँ पर शूगर फैक्ट्री है। वहाँ एक एम पी कल जाता है किसानों को एड्रेस करने के लिए और सुबह और आज मुझे आ कर बताता है कि कांग्रेस आई के एम एल ए को डी एम ने कहा है कि एन एस ओ में तुम भी भिफतार किए जा सकते हो। इससे क्या फर्क पड़ा अगर मैंने फैक्ट्री का नाम नहीं बताया ? अब महाराष्ट्र में एक एजीटेशन हुआ, एक इंडिपेंडेंट आदमी ने किया, लेकिन दुनिया को मालूम है कि ... (व्यवधान)

पब्लिक आर्डर के प्रीजियुडिशियल हो, शांति व्यवस्था के कायम रखने में कोई चीज हासिल हो तो जेल भेजा जा सकता है। यह एन० एस० ओ० में भाषा लिखी है हुई। "Prejudicial to the maintenance of law and order".

अगर इकानोमिक और पब्लिक क्वेश्चन पर हम कोई एजीटेशन करते हैं तो हम भी सब उसके अन्दर आयेंगे। और यह यू० पी० के चीफ मिनिस्टर का बयान है और कांग्रेस (आई) के एम एल ए को डिस्ट्रिक्ट मैजिस्ट्रेट ने यह कल कहाँ, और उसको चुप होना पड़ा। यह कांग्रेस आई का लखनऊ का एम एल ए है।

महाराष्ट्र में एक इंडिपेंडेंट आदमी ने एजीटेशन किया प्रासेज के लिये, श्री शरद जोशी ने और दुनिया को मालूम है कि

जो कांग्रेस आई के एम एल ए और एम पी थे उनमें से कुछ उनकी बात को वाजिब और चित समझते थे। तो मेरे कहने का मतलब है कि एन० एस० ओ० में शब्द वाइडली बडंड है और उनका मिसयूज हो सकता है।

अध्यक्ष महोदय : एक रिक्वेस्ट मेरी सुन लीजिए थोड़ा समय का ध्यान रख कर अपना भाषण सम अप कीजिये।

श्री चरण सिंह : मैं साल में अध्यक्ष महोदय, केवल दो बार बोला हूँ मैं कोई इरेलवेंट बात नहीं कर रहा हूँ (व्यवधान)

एक माननीय सदस्य : आप उधर कम डांटते हैं और इधर ज्यादा डांटते हैं।

श्री चरण सिंह : मेरी तन्दरुस्ती ऐसी नहीं है जो ज्यादा बोलू।

अध्यक्ष महोदय : अगर आप डिबेट में बोलते तो जितना वक्त चाहते मिन जाता। आपने थर्ड रीडिंग में 15 मिनट के लिये कहा था लेकिन 55 मिनट हो गये आपको बोलते इसलिये थोड़ा सम अप कीजिये।

श्री चरण सिंह : अगर आप अपने आफिस में सब बातें सुन रहे थे तो आप ने सुना होगा मेरे दोस्तों ने कितना शोर मचाया। मुझे माफ कीजिये, आपका हक था कि आप इनसे जा कर कहते न कि मुझ से कहते। अगर नहीं चाहते मैं बोलू तो मैं नहीं बोलता।

अध्यक्ष महोदय : अब आपने मेरे से बहस शुरू कर दी है। लिबरल एटीट्यूड ले कर मैंने बहस करवाई है उतना कोई नहीं करवा सकता।

श्री चरण सिंह : अध्यक्ष महोदय यह मामूली बिल नहीं है, इस पर बहस हो तो अच्छा है। जितनी देर टोका टाकी हुई

[श्री चरण सिंह]

इतनी देर में तो मैं खत्म कर देता ।
15 मिनट से ज्यादा नहीं लूंगा ।

तो मैं कह रहा था कि इस तरह से पब्लिक आर्डर शब्द रखा है उसका मिसयूज किया जा सकता है ।

यह किस तरीके से इस्तेमाल हुआ है उसके बारे में मेरे पास एक चिट्ठी है एक शख्स को मुरादाबाद में गिरफ्तार किया गया, उसका नाम है मिर्जा असलम बेग 21 अक्टूबर की रात्रि में राष्ट्रीय सुरक्षा अध्यादेश के अंतर्गत उसको गिरफ्तार किया गया । वह एक निर्दोष सामाजिक कार्यकर्ता है, पोलिटिकल नहीं है । वह निर्दलीय उम्मीदवार के रूप में विधान सभा का चुनाव भी लड़ा था, किसी पार्टी की तरफ से नहीं लड़ा । उसके पिता ने जब जिला अधिकारी मुरादाबाद से शिकायत की तो जिला अधिकारी, मुरादाबाद ने कहा कि गलती हो गई है, अगर इसी नाम के दूसरे व्यक्ति को लें आवें तो मैं आपके लड़के को छोड़ दूंगा ।

शायद श्री जैल सिंह जी को यकीन नहीं आयेगा, किसी को नहीं आये, मिर्जा असलम बेग के पिता ने लखनऊ हाई कोर्ट में जिला अधिकारी के वक्तव्य का टेप सुना दिया और अभी 11 दिसम्बर, 1980 को, उसी आधार पर उच्च न्यायालय ने मिर्जा असलम बेग को छोड़ दिया ।

मैं यह अर्ज करता हूँ, मैंने नहीं सुना है, बीच में किसी ने इन्ट्रूट किया था कि एक शख्स मर गया था और उसके खिलाफ भी वारण्ट जारी किये गये । मेरी बहिन श्रीमती गीता मुखर्जी कह रही थीं कि एक शख्स पर चार्ज लगाया गया, जब उसे गिरफ्तार किया गया कि तुमने रेप कमिट किया है । अगर उसने रेप कमिट किया है तो क्राइम का केस था, चालान्त अदालत के सामने होना था, लेकिन अदालत महोदय, जब आप मौजूद नहीं थे,

हमारे मिनिस्टर आफ ला यहां बैठे हुए थे, उन्होंने कहा कि ठीक तो था । क्राइम होंगे तो क्राइम का चार्ज लगेगा वह इसमें गिरफ्तार होंगे ।

श्री जैल सिंह जी मौजूद हैं, मैं उनके मुंह पर और सब के मुंह पर कह रहा हूँ कि ला मिनिस्टर ने कहा कि ठीक हुआ । इसी तरीके से यह इस्तेमाल होगा ।

आप जो कमेटी बना रहे हैं, वह है जो पुराने कांस्टीट्यूशन में रखा हुआ था कि गवर्नमेंट एप्वाइण्ट करेगी रिब्यू बोर्ड को । उस आदमी को भी उसका मेम्बर बनाया जा सकता है, जो कि हाई-कोर्ट का जज बनने की काबिलियत रखता हो । या तो जैल सिंह जी लीडर रहेंगे या घर का काम किया होगा, मुझे मालूम नहीं, लेकिन वकालत नहीं की है, यह बताने जा रहा हूँ ।

10 साल की स्टैंडिंग जिस एडवोकेट की हों, वह हाई कोर्ट का जज हो सकता है । तो फिर मेम्बर को गवर्नमेंट एप्वाइण्ट करेगी और वह 10 साल के किसी भी एडवोकेट को, चाहे वह किसी भी करक्टर का आदमी हो, इस कमेटी का मेम्बर बना सकती है ।

इसलिए मैंने कहा कि श्री जैल सिंह जी को मालूम नहीं और हर वकील हो सकता है हर आदमी जो डिस्ट्रिक्ट जज है, हजार डिस्ट्रिक्ट जज हैं, उससे मैं किसी को वह मेम्बर बना सकते हैं । हमने यह रखा था कि हाई कोर्ट का जज सर्जिग या रिटायर्ड, तीनों जज होंगे और चीफ जस्टिस उस रिब्यू बोर्ड को बनायेगा और उसके नाम गवर्नमेंट को भेजेगा, जिन्हें गवर्नमेंट एनाउन्स करेगी और वह रिब्यू बोर्ड हो ।

रिब्यू बोर्ड आपने पुराना रखा है । पहले आपने इस अध्यादेश में रखा था जो अर्मेड था और उसको फिर अर्मेड किया । हम उसको थोड़ा नहीं बना पाये

कि असेम्बली उस वक्त आधे से ज्यादा
(व्यवधान)

में अर्ज करना चाहता हूँ कि आखिर
अगर नियत केवल यही है कि इन्फ्राफ हो,
रेप वाला या गलत आइडिएण्टिटी वाला
या मरा हुआ आदमी गिरफ्तार न हो जाये
तो जो पहले से गवर्नमेंट कर गई थी, जिसे
श्री चटर्जी ने बहुत तफसील के साथ कहा
कि आप सबने कांस्टीट्यूशन के उस
अर्मेंडमेंट को पसन्द किया था और सपोर्ट
किया था, तो उसके मूताबिक आज रिब्यू
बोर्ड क्यों नहीं बनाते हैं ?

बात केवल एक रह गई है जिसे
हम जानना चाहते थे। हमारे ज्ञानी जी
बार बार कहते रहे कि हम भी चेंज हो गये,
आप भी चेंज हो गये, उन्होंने यह बात
दस दफे कही, आपके सामने भी कही,
4, 5 दफे तो हमारे सामने कही गई।
अगर आप चेंज हो जाते तो जो पुराना
एक्ट आपने भीसा का बनाया था, उसमें
चेंज करते, लेकिन वह तो चेंज आपने
नहीं किया और फिर यह कि हम इसका
नाम क्या यह रखते कि सिविलाइजेशन आर्डि
नेन्स, लोगों को मुहज्जब बनाते। आप
मुहज्जब तो नहीं बनाते, लेकिन कहना
चाहता हूँ कि जो रवैय्या है, माननीय
प्रधान मंत्री जी का एक बयान निकला
था कल या परसों कि कांग्रेस (आई) के
जिन लोगों पर केसेज चल रहे हैं जनता पार्टी
के जमाने से, ऐसी बात उसमें कुछ नहीं,
अनक्वालीफाइड आर्डर है, वह सब वापिस
हो जाने चाहियें।

श्री कृष्ण चन्द्र पांडे (खलीलाबाद) :
बिल्कुल।

श्री चरण सिंह : करिये, यह आपका
नशा है, मैं जानता हूँ। (व्यवधान)
अगर आप इस तरीके से करेंगे, मेरे दोस्त
कुनियां में ला आफ कांजेशन है, कांज
और इफैक्ट का नियम है, जो आप काम करने
जा रहे हो, मैं आपके भले के लिए कह रहा

हूँ कि जो गत पिछली बार बनी थी, उससे
ज्यादा बनेगी, यह बिल आपका दाह-संस्कार
साबित होगा।

अध्यक्ष महोदय : मैं सब मेम्बर
साहबान से रिक्वेस्ट करूंगा कि वे कोआ-
परेट करें। अगर हम इसी तरीके से
टाइम लेते जायेंगे, तो खत्म करने में रात
के 12 बजे जायेंगे। सब पार्टियों के
मेम्बर बोल चुके हैं। कल अंडरस्टैंडिंग थी
कि आज 2 बजे तक इस बिल को पास कर
देंगे। थोड़ा थोड़ा बोल कर पार्लियामेंट को
सम अंप कर दीजिए। सारा डिस्कशन हो
चुका है। मेम्बर साहबान सात सात मिनट
में अपनी बात कह दें।

SHRI RAM JETHMALANI: Chau-
dhuri Saheb comes rarely to the
House. That is why he has taken
more time.

अध्यक्ष महोदय : अगर वह पहले आ
जाते, तो मैं उन्हें डिबेट में बुला लेता।

SHRI JYOTIRMOY BOSU: Sir, if
my friends opposite would care to
read the recent international deci-
sions, the one which came out from
Amnesty International, it is clearly
stated that in the countries which
talk about parliamentary democracy
and democracy preventive detention
legislations are totally uncalled for
and unwarranted, because the two
thing cannot go together. You cannot
travel to south and you cannot travel
to north at the same time. In 1969,
the Preventive Detention Act lapsed
and Mrs. Gandhi at that particular
time was heading a minority Govern-
ment and therefore, she had to main-
tain an appearance of democracy and
socialism. The P. D. Act could not
be brought again at that time because
she had to get the support of the
other parties. And, that was the lit-
mus test that the country can live
without a Preventive Detention Act.
There is no doubt about it. We rea-
lise what her life's philosophy is. She

[Shri Jyotirmoy Besu]

believes in 'Might is Right'. That is what it is. Otherwise, I would have thought—I appreciate what Mr. Daga said and I would have expected more of my friends from that side to understand what had happened in the past and draw lessons from the same. Have they forgotten what happened to our friend, Shri Chandrasekhar, who was a member of the Congress Working Committee? Have they forgotten what happened to Shri Ram Dhan, who was Secretary of the Parliamentary Group, the man who in 1959 had played a significant role for the party? (*Interruptions*). Have they forgotten what happened to Shri Krishna Kant? Have they forgotten how the Preventive Detention is being misused? You tried to recollect what happened to the 85 year old Shri Bhim Sen Sachar? He becomes a security risk to the country, a man who could hardly walk! What are they doing now? In Moradabad, to stop people from depositing before the Commission, they are applying the National Security Ordinance. There are numerous cases. In Hooghly when MISA was there, I remember once a detention ground was given to one of our party workers where it was said that "you will be detained because you have threatened Mr. X that you will go and reveal to the police that he was involved in a dacoity case! Wonderful case! I have produced photostat copy of this on the floor of this House where the D. M. Burdwan had confessed that he signed a blank document during the emergency. Bunches of detention orders provided by the police were produced before the Civil servants and they were more or less compelled to sign it. If you go through the Shah Commission evidence, you would find many of them. It is a futile exercise that we are doing because those who have been detained know that three weeks or six months is immaterial. You go in. You have been given a release order. You pack your things and go out. When your one leg is outside the gate and

another inside, fresh preventive detention order is served on you. I know numerous friends amongst us who have suffered this. I can produce enough documents to prove my contention. What is happening to the hijacker....

MR. SPEAKER: You are repeating.

SHRI JYOTIRMOY BOSU: They are not at all anxious to put down the act of crime. They have withdrawn. Nandini Satpathy's case is the (*Interruptions*)

Corruption cases are being withdrawn. Nandini Satpathy's case is the blatant case. They are not anxious. This is all meant against political opposition, trade union workers and voices of dissent against their Party. About corruption charges against Shri Jagannath Mishra, the IG (Vigilance) of Bihar is being forced to manipulate to see that corruption cases are withdrawn.

Where is our Sardar Zail Singh? I would tell him heal thyself. What has happened to Gurdev Singh Committee Report? What has happened to the act of crime that the Chief Minister was stated to have committed by making use of his power? Shame on him that he comes here to pilot a Bill on the floor of this House.

In 1974 a case was caught by a young police officer. He did not know the political character of the ruling party at that time. So, he arrested Mr. S. K. Mody. 4990 bags of wheat were illegally stored for black-marketing. I have got a letter signed by....

MR. SPEAKER: 7-minutes are over.

SHRI JYOTIRMOY BOSU: The case is still hanging fire.

MR. SPEAKER: I am calling the next speaker.

SHRI JYOTIRMOY BOSU: This is the trouble. I have been in the Lok Sabha for 14 years. If the Speaker comes from the ruling party, it becomes difficult for us.

MR. SPEAKER: You cannot have it otherwise.

SHRI JYOTIRMOY BOSU: I know it. Now, I tell you a very interesting case—I had to examine as Chairman of the Public Accounts Committee—they wanted to stop black-marketeers, hoarders and economic offenders—the house of Jugal Kishore Singhania. They were caught in under-invoicing of Rs. 49.5 lakhs and the treasurer of the ruling party at that time, took Rs. 25 lakhs to release that man. You do not want to curb all this. This law will only be used to shut us out. They are making mockery of democracy. And the assurances that they have given have no value at all, not even the value of the paper on which it is written.

I oppose this Bill lock, stock and barrel.

SHRI RAM JETHMALANI: Mr. Speaker, Sir. I have been listening to the speeches from this side of course. But I have listened with greater respect and attention to the speeches which have come from the opposite side. I am particularly conscious of the criticism which was made by Shri Stephen the other day. He said that people on the opposite side i.e. on this side, who in the past supported the Preventive Detention Bill were morally stopped from opposing the Bill when it is being brought forward by his Government. I am constrained to admit with some amount of shame that there is some justification in that criticism. But, speaking for myself, I hope even Mr. Stephen will concede that I have a clean record of consistent opposition to preventive detention law, whether the author of it was Mrs. Indira Gandhi or Mr. Charan Singh, the then Home Minister.... (Interruptions) Why don't you do some credit to your intelligence? I have given my answer to that hundred times. Sir, I suffer from no inhibition in that respect from my past.

But let me say this in fairness to the Charan Singh Government, which brought this law, which is now being cited by Mr. Stephen, that in that law the Government had made it

clear that their power of detention would be extremely limited. I thought that at least when you cite that precedent, you would try to learn a lesson from that precedent of the Charan Singh Government. In that Bill, which was the Criminal Procedure Code Bill then, we specifically, very clearly and in precise terms, defined what is the meaning of "acting contrary to public order", "acting in a manner prejudicial to the security of India" and so on and so forth. For the benefit of Shri Zail Singh, in the hope, in the forlorn hope that some belated wisdom might overtake him even at this late stage, let me quote those sections from that Bill. It says:

"For the purpose of sub-section (3)....

(a) 'acting in any manner prejudicial to the security of the State' means making preparations for using, or attempting to use, or using, or instigating, inciting or otherwise abetting the use of, any lethal weapons (including the fire arms, explosive substances and corrosive substances) to overthrow or over-awe the Government established by law in India.

(b) acting in any manner prejudicial to the maintenance of public order' means:

(i) promoting, propagating or attempting to create, feelings of enmity or hatred or disharmony, on grounds of religion, race, caste or community;

(ii) making preparations for using, or attempting to use, or using, or instigating, inciting or otherwise abetting the use of any lethal weapons (including fire arms, explosive substances and corrosive substances) where such preparations, using, attempting, instigating, inciting or abetting the disturbance, or is likely to disturb public order;"

The definition goes on in this vein. There are two more extensive clauses.

SHRI C. M. STEPHEN: Read the final sub-clause where even "mischief" is brought under this definition.

SHRI RAM JETHMALANI: Since arson is a kind of mischief, it has got to be put there.

SHRI C. M. STEPHEN: "arson" and "mischief" are different. "mischief" has a different connotation. Even the throwing of a stone at a bus in an agitation can be brought under it. Everything can be brought under it. Why do you stop with sub-clauses (a) and (b)? Why don't you read it further?

SHRI RAM JETHMALANI: I know what I should read. I am not here to educate you.

My second criticism is that this Bill is an attempt by the Government to take advantage of....

SHRI C. M. STEPHEN: Sub-clause (iii) of that Bill reads:

"attempt to commit, or committing, or instigating, inciting or otherwise abetting the commission of mischief within the meaning of section 425 of the Indian Penal Code, in respect of public property or means of public transportation, where the commission of such mischief disturbs, or is likely to disturb, public order;"

So, that is also there.

SHRI RAM JETHMALANI: Now you understand that refers to arson. The trouble with Mr. Stephen is that he is not a lawyer of any kind.

SHRI C. M. STEPHEN: I agree I am not; I am a parliamentarian.

SHRI RAM JETHMALANI: The power of detention in this Bill is taken on four grounds. One is prejudice to the defence of India. I say that there is no concrete threat to the defence of India at the moment, except that this Government is deliberately trying to have trouble in the

border areas and thus create tension with neighbouring countries.

Second, on the ground of prejudicing the relations of India with foreign powers. I say that this is an abnoxious ground for detaining any person because it is the case of the opposition and it is my case that you are aligned with Powers which do not believe in democracy, which do not believe in human rights. You are in bad company, and the reflection of that bad company is shown in the conduct of your domestic affairs, in the fact that you are trying to destroy democracy. It is our democratic right to criticise some foreign Powers, it is our democratic right to tell you that you are in bad company with certain foreign Powers.

The third is the national security aspect. There is no threat of any kind, any discernible threat to our national security. If there is any threat to our national security at the moment, it is again directly the result of your actions in the direct result of your criminal negligence for the last 30 years in guarding the borders of India, particularly in the north-east. And therefore, having created these causes, you cannot take advantage of these very causes which you yourself created for the purpose of taking away the rights of the citizens.

Then you talk of prejudicial activity so far as supplies and services essential to the life of the community are concerned. It is due to your bad industrial policy that today production has come down, essential commodities are not being produced. You have a faulty and corrupt distribution system. So, these faulty economic policies have created this situation, and therefore you are again taking advantage of your own wrongs.

Therefore, my grievance is that this Bill is a smoke-screen, a camouflage,

to hide your own abysmal failure on every front. It is as direct a result of your incompetence, a direct result of your corruption that you are trying to resort to this.

All that I wish to say to the House, and particularly to these gentlemen, is that I am warning you that today you are fashioning a new sword, a new weapon, but you will perish by the use of that very sword. You are igniting a new fire, but you will soon perish by that new fire, you will use that instrument against yourself before you use it against others. History will repeat itself.

MR. SPEAKER: Shri Indrajit Gupta. Five minutes.

SHRI INDRAJIT GUPTA (Basirhat): I have not spoken a single word on this Bill at any stage.

MR. SPEAKER: You could have, but your party has spoken. Please help me.

SHRI INDRAJIT GUPTA: You said a little earlier that you were giving seven or eight minutes. Now you say five. Then you will say two minutes. I do not understand it.

I would like to remind the House that we have not yet completed one year of this Government coming to office. We will be doing so shortly, and it is an irony of fate or history, I do not know what, that before even completing one year this Government is having to take resort to this law of preventive detention. They cannot carry on without it, it means that.

Of course, it is rather an edifying or unedifying spectacle, I do not know which, to see champions of preventive detention past and present arguing with each other here as to whether one clause was better than or worse than the other.

SHRI C. M. STEPHEN: Champions whom you supported.

SHRI INDRAJIT GUPTA: Whoever is in league with whichever

foreign Power, whichever side it may be—Mr. Jethmaiani was referring to foreign alliances, I do not know what foreign alliance he would like to be in, but certainly you are both vying with each other, and therefore you were trying to bring this in the Criminal Procedure Code. The truth of the matter is that the Government has landed itself in an all-round crisis and it is not able now to rely on the whole battery of other laws and statutes that they have got, and their last resort is to bring in this preventive detention but as many friends here have reminded us, whether it was the old Preventive Detention Act or the Defence of India Act or the MISA or the present Bill, all coming under different names from time to time every time we have been given this assurance that it will not be used against political opponents, it will not be used to suppress legitimate trade union activities etc., that it will be used, as the hon. Minister has said repeatedly, only against anti-social elements, against the enemies of the country, against goondas as he was saying so often. I would like to remind the House that he tried to silence Mr. Banatwalla by saying, "Why are you opposing this Bill? This Bill is meant to defend the minorities."

19 hrs.

The same thing was said here during the days of MISA. When the Bangladesh war took place, the first victims of MISA were thousands and thousands of innocent Muslims who were arrested and detained because complaints were alleged against them by interested parties that they were listening to some Pakistan radio or something else. The people settled their old scores like that. They had to release the whole lot of them later on. Please do not say that this Bill is being brought to defend the minorities because the situation arises when it becomes a weapon against the minorities, not to defend them.

I would like to remind you also that I have been a victim of the old

[Shri Indrajit Gupta]

Preventive Detention Act. The first time I was detained was in 1954 because I was leading some agitation for bonus for jute mill workers in West Bengal who upto that time had never received a single penny as bonus. I addressed a big meeting in Calcutta, I admit, of jute mill workers telling them, "If this right to bonus is not granted, you will have to prepare for a strike". After my speech, I left that meeting and, on my way home, on the road, I was followed by plain clothes policemen and I was arrested and detained for three months under the Preventive Detention Act. The grounds which were supplied to me later on said that in some secret meeting, in some place or other, I had instigated the people to use bombs and pipe guns and what not. I was released by the hon. High Court of Calcutta on a habeas corpus petition after three months.

The second time I was detained under the Preventive Detention Act was in 1959 at the time of a big agitation for food in West Bengal, when hundreds of people were detained—the Government of Mr. Profula Chandra Sen was then in office—when a big demonstration of starving people from the villages was shot down and many people were detained and beaten to death in Calcutta. In the long run, it did us no harm. The very next year I was elected for the first time to this House and Mr. P. C. Sen I do not know where he is. What were the grounds given? I am saying this because every time the grounds proved that they were all an after-thought which were concocted after the person concerned had been detained and had nothing to do with what he was actually doing. Therefore, we do not attach one little grain of any kind of belief in these assurances which are given here shamelessly and which are flagrantly violated every time.

I would like to say one thing more. The Statement of Objects and Reasons in this Bill mentions things like industrial unrest, maintenance of es-

sential supplies and services and so on. The experience has proved that it has always been used against trade unionists. It has never been used against employers who are guilty of closing down factories, declaring lock-outs, declaring closures and creating industrial unrest. This has never been used against them. If you can cite a single instance, please tell us a single employer or industrialist who was arrested and detained under the Preventive Detention Act. I can give you a list of hundreds and thousands of trade unions against whom this power has been used. Mr. Stephen should know that at least.

The case of Mr. A. K. Roy has been repeatedly raised here. No reply is given because no reply can be given. He is an elected member of this House from Bihar. I would like to correct the Home Minister because he thought that he was elected from West Bengal. He is elected from Bihar.

SHRI C. M. STEPHEN: He was released within 24 hours

SHRI INDRAJIT GUPTA: You don't mind—a great charity on your part—to take away someone's liberty for 24 hours or 48 hours and release him. It would have been proper for the Home Minister to admit that in the case of Mr. A. K. Roy, they have committed a very serious infringement of human freedom and liberty and that such a thing will not happen again. That is what he should have said. He does not utter a single word. If this can be done to a Member of Parliament and he does not bother to make a single reference to that what are we to conclude from that?

This is, therefore, a monstrous Act which will be used—I am warning the House—in the way in which it has been used in the past not for purposes which the Home Minister has repeatedly emphasised here. Has he an effrontery to say that 90 per cent of the people are supporting this Bill?

It is a Government which was elected by about 48 per cent of the people. He could at least have said that 42 or 48 per cent supported this Bill. I would not have minded if he had said that. But who has given him that right to say that 90 per cent of the people support this Bill? Has he taken a referendum, has he taken the public opinion? He does not represent 90 per cent of the people. The Government has been elected by a minority vote of the people—42 or 46 per cent. And he is talking about 90 per cent; This sort of using the steam-roller to get things through should not be tolerated, and we are not going to tolerate because things are going out of hand in the country; whether prices, inflation, or unemployment—all these things. The police is not within their control any more. The police is revolting at various places. Therefore, we will oppose this Bill. At every stage, we have opposed it here. We will carry on a campaign against it outside. It is not going to cow us down because we are fighting for democratic causes and they cannot be brought within the ambit of this Bill.

SHRI A. K. ROY (Dhanbad): Mr. Speaker, Sir, at this fag end, I do not want to repeat what has been said already. I know that this Bill, as many hon. Members have pointed out, is authoritarian, autocratic, Draconian and all that. Repetition of all these adjectives is useless because that will have no effect on them.

I oppose this Bill not because it will be misused like the previous laws like this. The consequences of this Bill will be worse than of those. What is more embarrassing, what is a matter of concern, is that this Government is not only a Government that does not work, but they cannot also see. An extraordinary power should be used only for extraordinary purposes and in extraordinary time. While placing this Bill before us, while proposing this, the Government has failed to convince us as to what extraordinary situation has come to

use this extraordinary power, what is the extraordinary objective with which they have come.

People have expressed their apprehension that this will be used against political persons. I do not want to lament on this repression on political persons because I feel that repression is a part of political life, and if it comes, we will face it. But this Bill, seeing the way in which it has been drafted, will be used for even baser purposes. That is why, I want to oppose it.

The Minister has not explained why I was arrested. They have done their duty. We have to fight it. We have remained under preventive detention under security Acts of all types, throughout our political life. So, I do not mind it, I do not mind discussing it because it is a very natural thing and we should face it. But what surprises me is this: what a low purpose, to what a debasement this Government has fallen? He has said that it will be used to stop goondalism and gangsterism. But the purpose of my arrest will surprise many. It was only for a small but criminal purpose, that nauseating purpose. They wanted to make one person Chairman of the Dhanbad Zila Parishad District Board, which is to handle crores of rupees, and that man was a nominee of the Chief Minister. They became panicky that, if we remained free, we might campaign against him, we might organize a campaign, because that man was extorted from Dhanbad under the Goonda Act. A warrant of arrest was against him. (Interruptions) If a word is wrong I will resign my parliamentary seat... (Interruptions.)

I have not put a single amendment because I do not want to say anything as this involves me. But, I am telling you that this Bill has got the inbuilt scope of being misused for such dubious purposes. One can do anything with a bayonet. But one cannot sit on it. Government is going to sit

(Shri A. K. Roy.)

on the bayonet. The result will be the same as history has seen.

अध्यक्ष महोदय : मिस्टर होम मिनिस्टर ।

श्री रामावतार शास्त्री : आप थोड़ा-सा रूल तो बताइये कि किस के तहत जो 20-22 आदमी बोलने वाले थे उनको बोलने का मौका नहीं दिया जा रहा है ।

अध्यक्ष महोदय : अगर रूल के हिसाब से चलना था तो यह बहस आठ घण्टे में खत्म हो जानी चाहिए थी । अब 15 घण्टे हो गये हैं ।

श्री रामावतार शास्त्री : आप किसी को बोलने में रोक नहीं सकते हैं । हम लोगों का भी बोलने का हक है । . . .

अध्यक्ष महोदय : आप बैठ जाइए ।

Nothing will go on record.
(Interruptions)**

With the consent of all the parties. I am doing this. But, if you still persist like this, then it is wrong.

Mr. Zail Singh.

गृह मंत्री (श्री जैल सिंह) : स्पीकर साहब, इस बिल के ऊपर बहुत लम्बी-चौड़ी चर्चा हुई । बहुत से सदस्यों ने अपने-अपने विचार इस पर रखे । मुझे इस बात की खुशी है कि इतना टाइम लगा कर के बहुत से सदस्यों ने अपने-अपने विचार दिये । बेशक इस में इतना समय लग गया मगर हरेक मेम्बर की जो कि इस पर बोले, भावना इसमें गई है । (इयत्थान)

SHRI NIREN GHOSH: I won't submit to this dictatorial attitude and in protest, I walk out.

Shri Niren Ghosh then left the House.

श्री जैल सिंह : हो सकता है कि कुछ मेम्बरों को अभी भी बोलने की इजाजत रह गई हो लेकिन ब्यालात जो सभी पार्टियों के थे वे इस पर आ गये हैं । आज चौधरी चरण सिंह जी यहां बहुत लम्बी स्पीच करके गये हैं । मेरे मन में चौधरी साहब के लिए बड़ा आदर और सत्कार है । मैं उन लोगों में से नहीं हूँ जो किसी पदवी का ही सत्कार करते हों, लेकिन जिसका उम्र बड़ी है, उसका सत्कार हर कीमत पर करता हूँ । चौधरी साहब ने इस बिल पर बहुत कुछ कहा, लेकिन चौधरी साहब ने एक बात जरूर कही बिल पर कि इसके क्लॉज-3 (i) में जो लिया गया है वह 3(2) में भी लिखा गया है तो इसकी क्या जरूरत थी ? मैं श्रीमान जी इतनी बात कहना चाहता हूँ कि चौधरी साहब बड़े लर्नेड पर्सन हैं, वकील भी हैं, उनको आज इस बात का भी खयाल आया कि वह वकील हैं, ताकि मुझे कह सकें कि मैं वकील नहीं हूँ । खैर यह तो उनके मन की भावना है, मगर मैं कंस्टीट्यूशन के सेक्शन शेड्यूल की फर्स्ट लिस्ट, यूनियन लिस्ट, में यह बताना चाहता हूँ कि वे लफ्ज दो जगह इस कंस्टीट्यूशन में आए हैं, वे क्यों आए हैं, उनकी क्या जरूरत थी । यूनियन लिस्ट में यह जो आयटम नम्बर-9 है, वे लिखते हैं कि :—

“Preventive detention for reasons connected with Defence. Foreign Affairs, or the Security of India, persons subjected to such detention.”

ये लफ्ज इसके जो क्लॉज 3 (1) में आए हैं आगे सब-क्लॉज (2) में उन्होंने कहा था कि ये दोबारा दोहराए गए, वे दोहराए क्यों गए हैं, इसके लिए मैं अदब से जो प्रार्थना करना चाहता हूँ, वह यह है

कि सेबन्व श्रेड्यूल की लिस्ट नंबर थी, कंकरेंट लिस्ट, में इसको दोहराया गया। उसमें लिखा है कि :—

“Preventive detention for reasons connected with the Security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community persons subjected to such detention.

चौधरी साहब तशरीफ ले गये, लेकिन मैं समझता हूँ कि उन्होंने इस बात पर ध्यान नहीं दिया। चौधरी साहब ने कुछ बातें ऐसी भी बताई जो भागलपुर की थीं, लेकिन चौधरी साहब यहां बैठे होने तो अच्छा होता, मगर मैं समझता हूँ कि चौधरी साहब को कल तक तो मेरी स्पीच पहुंच ही जाएगी, मैं सिर्फ इतना ही कहना चाहता हूँ कि उन्होंने हर बात के आखिर में यह कहा कि हम मोर्चा लगाएंगे, जो एशियन गेम्स हो रहे हैं, उसके खिलाफ हम लड़ेंगे और धमकी दी कि जो गन्ने की कीमत है इसके खिलाफ लड़ेंगे। चौधरी साहब यह बात भूल गये कि उनको तराई के इलाके वालों ने कहा था कि चौधरी साहब आप हमको कीमत नहीं दे सके, हम गन्ना जलायेंगे, लकड़ियों की जगह और आप कृपा करके उस समागम को प्रेजाइड करें, तो चौधरी साहब वहां नहीं गए और गन्ने की कीमत नहीं दी, लेकिन इस वक्त जब सुगरकेन की कीमत सरकार ने वाजिब दी है, इस कीमत से किसान संतुष्ट हो रहा है, तब उसको संतुष्ट न होने देने के लिए उन्होंने कहा है। (ध्यवधान)

आप संतुष्ट नहीं हैं। मैं सिर्फ इतना ही कहूंगा कि चौधरी साहब शांतिमय आन्दोलन, सत्याग्रह, तकरीरें, तहरीरें, जिनसे बदनमनी न फैलती हो, उसमें हम रुकावट नहीं बनेंगे। लेकिन हमारा यह दावा है कि किसी आन्दोलन के बहाने कोई बदनमनी पैदा करने की कोशिश करेगा तो

उसके लिए पॉलिटिकल पार्टी का मੈम्बर होना कोई लाइसेंस नहीं है। जो मर्जी आए करता रहे इसकी इजाजत नहीं दी जा सकती है। ला एण्ड आर्डर को हर कीमत पर बहाल रखा जाएगा (इंडरफ़ॉज) रामावतार शास्त्री जी हमारे बड़े गहरे दोस्त हैं। वह फ्रीडम फाइटर भी हैं। इनमें बहुत तेजी रहती है। मैं समझता हूँ न तो मैं आपकी बातों में कनविस हुआ हूँ और न आप मेरी बातों से या यहां दूसरों की बातों से कनविस हुए हैं और न होंगे इस वास्ते फैसला तो दिखाई देता है कि आखिर में धोट से ही होगा।

चौधरी चरण सिंह को मैं इतना ही कहूंगा कि आप इस बात की बिल्कुल फिक्र न करें। हम बदले की भावना से काम करने वाले नहीं हैं। हम झूठे मुकदमें बना कर लोगों को जेलों में फेंकना और कमिश्नों पर पैसा उड़ा देना और हिन्दुस्तान की तत्कालीन प्रधान मंत्री श्रीमती इन्दिरा गांधी जो लोगों का मैडेट ले कर आई थीं, यहां बैठ कर उनको इन्होंने जो निकाल दिया था, जेलखाने में भेज दिया था, इस तरह के काम हम नहीं करेंगे। हम इंसाफ को अपने हाथ से नहीं छोड़ेंगे। यह हमारा निशाना है। इस मुल्क के रहने वाले हमारे विरोधी हो सकते हैं। उनको सम्मान मिलेगा, आदर मिलेगा, सत्कार मिलेगा। हम चाहते हैं कि डिगनिफाइड तरीके से पोलिटिकल लड़ाई लड़ी जाए और मुल्क की उखारी हो। हम यह भी चाहते हैं कि परसनैलिटीज़ को भी बदनाम न किया जाए। कुछ दोस्त बिल्कुल परसनल हो जाते हैं। मैं चाहता हूँ कि वे भी ध्यान रखें। चौधरी साहब से मैं अर्ज़ करना चाहता हूँ।

चौधरी साहब सारे अक्वाम को बता देना गुनाह मेरे मगर इतना जरूर कहना कि यह बात सब लोक दल के जमाने की थी।

[श्री जैल सिंह]

उस वक्त की जो पैदावार थी उस पैदावार की बजह से आज भी कई मैम्बर साहबान ने कहा है कि सरकारी अफसरों पर एतवार नहीं किया जा सकता है। बनातवाला जी का एक एमेंडमेंट था। मैंने कोई एमेंडमेंट मंजूर बेशक नहीं की है लेकिन वादलील और उखारू एमेंडमेंट के लिए मेम्बर साहबान ने जो कुछ कहा है चाहे वे विरोधी दल के ही हों, मैंने कहा है कि मैं इसका ध्यान जरूर रखूंगा और सरकार उस बात को भूलेगी नहीं।

श्रीधरी साहब ने यह भी कहा कि एशियन गेम्स पर दो सौ करोड़ खर्च आएगा। पता नहीं कहां से उन्होंने यह फिगर ली है। मैंने तो इस फिगर को सुना नहीं है। मैं भी इस गवर्नमेंट का एक मैम्बर हूँ। उन्होंने कहा कि पुल बनेंगे, सड़कें बनेंगी, मैदान बनेंगे, और यह रुपया बरबाद किया जा रहा है। वह भूल गए कि जिस वक्त उन्होंने एशियन गेम्स के लिए इन्कार किया था उस वक्त उन्होंने यह नहीं सोचा था कि इतनी बड़ी नेशन और इतना बड़ा मुल्क जिस के लिए यह एक छोटी सी रकम थी—शायद तीस करोड़ का अंदाजा था—और इससे कितना फायदा होता था। कौमें किस बात से जिन्दा रहती हैं? आप अंदाजा लगाएं कि 65 करोड़ की आवादी में अगर 33 करोड़ खर्च हो जाता है तो पर हैड पचास पैसे पड़ते हैं और इससे नेशन का नाम कितना ऊंचा उठता है और नौजवान के जज्बात और उनकी सेहत कैसे बलन्दी पर आ जाती है। आप भूल गए हैं। हम इस बात की इंतजार में हैं कि दुनिया में कौमें मैदाने जंग में न लड़ें, आपस में प्यार रखें, संसार सारा एक रहे लेकिन जीत और हार की जो बाजी है वह सिर्फ खेल में खत्म हो जाया करे। उस वक्त इन्कार करने वाले लोग जानते हैं कि खेलें जिन्दगी का एक हिस्सा हैं।

खेल एक कल्चर है, एक बचिब है और नौजवानों की खुशी के लिए वह जरूरी है। यह भी जिन्दगी का एक हिस्सा है। यह जो कौम का पौदा है इसके साथ सब कुछ है, लेकिन फूल पत्तियों के बगैर कोई पौदा फूल नहीं सकता। और उनकी मर्जी है, वह अपना आन्दोलन चलाना चाहें तो चलाय। माननीय ज्योतिर्मय बसु, शायद नहीं हैं...

श्री ज्योतिर्मय बसु : हम सब जानते हैं गुरुदेव सिंह कमीशन की रिपोर्ट।

श्री जैल सिंह : माननीय ज्योतिर्मय बसु को मैंने तीन बार देखा और हमेशा वह अपनी पार्टी के लिए कुछ न कुछ नुकसान ही किया। आप गुरुदेव सिंह कमीशन की बात करते हो, लेकिन जो आपके वैस्ट बंगाल से रिपोर्ट्स आती हैं उनको इन्हें दिखाइये तो पता लगेगा कि क्या है, आपका सर शर्म से झुक जाएगा। मैं समझता था श्री ज्योति बसु और श्री ज्योतिर्मय बसु में समानता होगी। मेरा ख्याल था कि श्री ज्योति बसु जो सिद्धान्तपूर्ण प्रश्न ले कर चलते हैं वैसे ही कुछ यह भी बात करेंगे। लेकिन श्री ज्योतिर्मय बसु कुछ और ही किस्म के साबित हुए।

श्री ज्योतिर्मय बसु : गुरुदेव सिंह कमीशन की रिपोर्ट यहां पर पेश कीजिए।

श्री जैल सिंह : गुरुदेव सिंह कमीशन की रिपोर्ट दिखा दो इनको। आप मेरे ऊपर मुकदमा चलाइए। ... (व्यवधान)

स्पीकर साहब, मैं तो हमेशा इस बात की कोशिश करता हूँ कि माननीय सदस्य जो कुछ कहते हैं उनका जवाब देते वक्त उनका नाम आदर से लूँ, सत्कार से नाम लूँ और उनकी बात का जवाब दूँ।

SHRI JYOTIRMOY BOSU: Sir, I have a point of order.

MR. SPEAKER: Under what rule?

SHRI JYOTIRMOY BOSU: Under rule 376. (Interruptions)

Sir, he has dragged the West Bengal Government and Mr. Jyoti Bosu into the controversy who are not here to defend themselves. The famous Mudgal case applies to him. His conduct is unbecoming as a Member of this House. Let him clear all the charges made by the Gurdev Commission against him. He has no right to pilot a Bill of this nature. (Interruptions)

MR. SPEAKER: There is no mention about the West Government. The point of order is over-ruled.

(Interruptions)

श्री जल सिंह : स्पीकर साहब, बड़े आदर से नाम लिया, कुछ कहा नहीं था, लेकिन इतनी-सी बात में भी भड़क पड़े ? आपका आदर किया, सम्मान से आपका नाम लिया । हर मेम्बर महसूस करता है कि हमारी बात का किसी ने नोटिस लिया है या नहीं । मैंने सबका नोटिस लिया है, आप मेरे स्वभाव को नहीं जानते—

ये हुस्न वाले मेरे कातिल हैं, मेरा यह दावा है, मगर इनको सजा मिले, मुझे मंजूर नहीं ।

मैं बड़े अदब से एक बात कहना चाहता हूँ, अपने सी० पी० एम० के भाइयों को कहता हूँ कि उन्होंने पिछले 10 साल से हिन्दुस्तान की राजनीति में जो अपनी रविश रखी है, और उन्होंने लैफ्ट विंग का अपने आपको एक बड़ा नेता बनाने की कोशिश की है, उनको मुबास्क हो, लेकिन यह तो न लैफ्ट रहे और न राइट रहे और न सैट्लिस्ट रहे, ये जिगजैंग विंग है, कभी इस तरफ और कभी उस तरफ, कभी हमको बुरा, कभी उनको बुरा ।

स्पीकर साहब, मैं इस सदन के आनरेबल मेम्बर साहेबान से पहले कह चुका हूँ, मेरी बातों से तो इन्होंने कनविन्स नहीं होना, लेकिन इतनी बात फिर दोहराता हूँ कि यह नेशनल सिक्योरिटी बिल नेशन की सिक्योरिटी के लिए है, यह बिल इंडोक्रैटिक रवायात को मजबूत करने के लिए है, यह बिल हिन्दुस्तान के गरीब, हिन्दुस्तान के बेकस लोग, हिन्दुस्तान की माइनोरिटी, हिन्दुस्तान के वीकर सैक्शन को प्रोटेक्शन देने वाला है । यह बिल हिन्दुस्तान से अलैहदा होने वाली जो ताकत हैं, उनको काबू में करने के लिए है । यह बिल हमारे देश में जो नफरत पैदा करने वाली ताकत हैं, जात-पात का सवाल पैदा करने वाली ताकत हैं, गरीबों को मारने वाली ताकतें हैं, मजदूरों को लूटने वाली ताकतें हैं, लोगों के खून-पसीने की कमाई को बहाकर जो लोगों पर सवारी करने का प्रयत्न करते हैं, उनको काबू करने के लिए है । यह जो कहा जाता है कि ग्रैगोरिटेरियन की तरफ सरकार जा रही है, यह सरकार... (अध्वघान)...

SHRI JYOTIRMOY BOSU: Gianiji do not allow yourself to be used as hangman of Mrs. Indira Gandhi.

श्री जल सिंह : स्पीकर साहब, मैं चाहता हूँ कि आप आनरेबल मेम्बरों को उपदेश दें कि बहुत शांति से बैठें, मैं कोई उनसे चुराकर नहीं ले जाऊंगा । मैं सिर्फ इतना जरूर कहूंगा कि आपने नुकताचीनी भी कर ली और अपने ग्रैमेंडमेंट्स भी कर लिये, अब यह बिल पास होने वाला है । इसमें खूबसूरती रहेगी और सरकार को भी यह एहसास रहेगा कि आपने इस बिल की सपोर्ट की थी, किसी के साथ ज्यादाती न हो । मैं उनकी फराखदिली देखना चाहता हूँ । यह बिल तो पास हो जायेगा, लेकिन अगर आप फराखदिली दिखा कर इसको सर्वसम्मति से पास करवा दें, तो मैं आपका मशकूर रहूंगा ।

MR. SPEAKER: The question is:

"That the Bill be passed."

The Lok Sabha divided:

Division No. 52]

[19.44 hrs.

AYES

Abbasi, Shri Kazi Jalil
 Ahmad, Shri Mohammad Asrar
 Ahmed, Shri Kamaluddin
 Anand Singh, Shri
 Ankineedu Prasad Rao, Shri P.
 Anuragi, Shri Godil Prasad
 Anwar Ahmad, Shri
 Appalanaidu, Shri S. R. A. S.
 Arakal, Shri Xavier
 Arjunan, Shri K.
 Azad, Shri Bhagwat Jha
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Baleswar Ram, Shri
 Bansi Lal, Shri
 Barway, Shri J. C.
 Behara, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhakta, Shri Manoranjan
 Bhardwaj, Shri Parasram
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Bhole, Shri R. R.
 Bhoje, Shri Reshma Motiram
 Birender Singh Rao, Shri
 Brar, Shrimati Gurinder Kaur
 Brijendra Pal Singh, Shri
 Buta Singh, Shri
 Chakradhari Singh, Shri
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandu Lal
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chinnaaswamy, Shri C.
 Daga, Shri Mool Chand
 Dalbir Singh, Shri

Das, Shri A. C.
 Oennis, Shri N.
 Desai, Shri B. V.
 Dhandapani, Shri C. T.
 Dubey, Shri Ramnath
 Ekka, Shri Christopher
 Era Anbarasu, Shri
 Fernandes, Shri Oscar
 Gadgil, Shri V. N.
 Gadhavi, Shri Bheravadan K.
 Gehlot, Shri Ashok
 Gohil, Shri G. B.
 Gomango, Shri Giridhar
 Hakam Singh, Shri
 Jadeja, Shri Daulatsinhji
 Jaffer Sharief, Shri C. K.
 Jain, Shri Bhiku Ram
 Jain, Shri Virdhi Chander
 Jamilur Rahman, Shri
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Jitendra Prasad, Shri
 Kamal Nath, Shri
 Kamla Kumari, Kumari
 Kandaswamy, Shri M.
 Karma, Shri Laxman
 Kaul, Shrimati Sheila
 Khan, Shri Arif Mohammad
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Krishna Dutt, Shri
 Krishna, Shri S. M.
 Krishna Pratap Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kunchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Lakkappa, Shri K.
 Lakshmanan, Shri G.
 Laskar, Shri Nihar Ranjan
 Madhuri Singh, Shrimati
 Mahabir Prasad, Shri
 Mahajan, Shri Vikram

Makwana, Shri Narsinh
 Mallick, Shri Lakshman
 Mallikarjun, Shri
 Mani, Shri K. B. S.
 Mayathevar, Shri K.
 Mishra, Shri Gargi Shankar
 Mishra, Shri Ram Nagina
 Misra, Shri Nityananda
 Mohanty, Shri Brajamohan
 Mukhopadhyay, Shri Ananda Gopal
 Murthy, Shri M. Rajashekara
 Murugian, Shri S.
 Muthu Kumaran, Shri
 Nagina Rai, Shri
 Naikar, Shri D. K.
 Nair, Shri B. K.
 Namgyal, Shri P.
 Nandi Yellaiah, Shri
 Narayana, Shri K. S.
 Palaniappan, Shri C.
 Pandey, Shri Kedar
 Pandey, Shri Krishna Chandra
 Panigrahi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshaorao
 Patel, Shri Shantubhai
 Patil, Shri A. T.
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shankarrao
 Patil, Shri Shivraj V.
 Patil, Shri Veerendar
 Pattabhai Rama Rao, Shri S. B. P.
 Phulwariya, Shri Virda Ram
 Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Patdukhe, Shri Shantaram
 Prabhu, Shri R.
 Prasan Kumar, Shri S. N.
 Pushpa Devi Singh, Kumari
 Quadri, Shri S. T.
 Rajamallu, Shri K.
 Raju, Shri P. V. G.
 Ram, Shri Ramswaroop
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.

Ran Vir Singh, Shri
 Rane, Shrimati Senyogita
 Ranjit Singh, Shri
 Rao, Shri M. Nageswara
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish Chandra Singh
 Reddy, Shri G. Narasimha
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Reddy, Shri T. Damodar
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Saminuddin, Shri
 Sathe, Shri Vasant
 Satish Prasad Singh, Shri
 Satya Deo Singh, Prof.
 Sawant, Shri T. M.
 Scindia, Shri Madhav Rao
 Sebastian, Shri S. A. Dorai
 Sethi, Shri Arjun
 Sethi, Shri P. C.
 Shailani, Shri Chandra Pal
 Shakawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shammugam, Shri P.
 Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Dharam Dass
 Shiv Shankar, Shri P.
 Shivendra Bhadur Singh, Shri
 Sidnal, Shri S. B.
 Singh, Dr. B. N.
 Singh, Shri C. P. N.
 Singh Deo, Shri K. P.
 Sinha, Shrimati Ramdulari
 Sonkar, Shri Kalapnath
 Soren, Shri Hari Har
 Soundarajan, Shri N.
 Sparrow, Shri R. S.
 Stephen, Shri C. M.

Sukhadia, Shri Mohan Lal
 Sunder Singh, Shri
 Swaminathan, Shri R. V.
 Tapeswar Singh, Shri
 Tariq Anwar, Shri
 Tayyab Hussain, Shri
 Tewary, Prof. K. K.
 Thungon, Shri P. K.
 Tiwari, Shri Narayan Datt
 Tiwari, Shri Ramgopal
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Virbhadra Singh, Shri
 Wasnik, Shri Balkrishna Ramachandra
 Yadav, Shri Ram Singh
 Zail Singh, Shri
 Zainul Basher, Shri

NOES

Acharia, Shri Basudeb
 Agarwal, Shri Satish
 Balanandan, Shri E.
 Barman, Shri Palas
 Basu, Shri Chitta
 Bhattacharyya, Shri Sushil
 Biswas, Shri Ajoy
 Bosu, Shri Jyotirmoy
 Chakraborty, Shri Satyasadhan
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaudhary, Shri Motibhai
 Chaudhuri, Shri Tridib
 Chavan, Shri Yeshwantrao
 Choudhury, Shri Sefiuddin
 Dandavate, Prof. Madhu
 Dandavate, Shrimati Pramila
 Das, Shri R. P.
 Gangwar, Shri Harish Kumar
 Ghosh Goswami, Shrimati Bibha

Giri, Shri Sudhir
 Gopalan, Shrimati Suseela
 Gupta, Shri Indrajit
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Harikesh Bahadur, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Jatiya, Shri Satyanarayan
 Jethmalani, Shri Ram
 Jha, Shri Bhogendra
 Kodyan, Shri P. K.
 Lawrence, Shri M. M.
 Madukar, Shri Kamla Mishra
 Mahata, Shri Chitta
 Maitra, Shri Sunil
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mehta, Prof. Ajit Kumar
 Masudal Hossain, Shri Syed
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.
 Modak, Shri Bijoy
 Mukherjee, Shrimati Geeta
 Pal, Prof. Rup Chand
 Pandit, Dr. Vasant Kumar
 Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Pathak, Shri Ananda
 Rai, Shri M. Ramanna
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rajesh Kumar Singh, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish

Roy Pradhan, Shri Amar
 Saha, Shri Ajit Kumar
 Shastri, Shri Ramavatár
 Singh, Shri B. D.
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Tirkey, Shri Pius
 Trilok Chandra, Shri
 Unnikrishnan, Shri K. P.
 Vajpayee, Shri Atal Bihari
 Verma, Shri Ravindra
 Verma, Shri Phool Chand
 Verma, Shri R. L. P.
 Verma, Shri Raghunath Singh
 Verma, Shri Shiv Sharan

Yadav, Shri R. P.
 Yadav, Shri Vijay Kumar
 Zainal Abedin, Shri

MR. SPEAKER: Subject to correction the result* of the division is:

AYES: 190:

NOES: 74

The motion was adopted.

MR. SPEAKER: The House now stands adjourned till 11 a.m. tomorrow.

19.41 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, December 17, 1980|Agrahayana 26, 1902 (Saka).

*The following Members also recorded their votes:

AYES: Shrimati Vidyavati Chaturvedi.

NOES: Shri Ghayoor Ali Khan.