

- (iii) G.S.R. 292(E) and 293 (E) published in Gazette of India dated the 18th April, 1984 together with an explanatory memorandum making certain amendment to Notification Nos. 34/84-CE and 35/84-CE dated the 1st March, 1984.

[Placed in Library see No. LT-8200/84]

- (2) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962—

- (i) G.S.R. 294 (E) published in Gazette of India dated the 18th April, 1984 together with an explanatory note making certain amendment to Notification No. 36/84-Customs dated the 1st March, 1984, so as exempt wood pulp imported for the manufacture of paperboard from the whole of the basis and additional duties of customs leviable thereon.
- (ii) G.S.R. 259 (E) published in Gazette of India dated the 18th April, 1984 together with an explanatory memorandum making certain amendment to Notification Nos. 57/84-Customs and 58/84-Customs dated the 1st March, 1984 so as to reduce the rate of auxiliary duty of customs applicable to certain specified items of printing machinery and appliances from 10 per cent to 5 percent of the value.

[Placed in Library-see No-LT-8201/84.]

12.18 hrs.

#### PUBLIC ACCOUNTS COMMITTEE

Hundred and Eighty-ninth, Hundred and Ninetieth, Hundred and ninety-second and Hundred and Ninety-fourth Reports

SHRI SUNIL MAITRA (Calcutta North-East) : I beg to present the following Reports (Hindi and English versions) of the Public Accounts Committee :—

- (1) Hundred and Eighty-ninth Report on Action Taken by Government on the recommendations contained in the Hundred and Thirty-ninth Report of the Committee on Procurement and Utilisation of 10-Ton Chassis and vehicles built thereon.
- (2) Hundred and Ninetieth Report on Action Taken by Government on the

recommendations contained in the Hundred and Fifty-sixth Report of the Committee on Establishment of Production facilities for an ammunition.

- (3) Hundred and Ninety-second Report on Action Taken by Government on the recommendations contained in the Hundred and Tenth Report of the Committee on Western Railway-immobilisation of Railway-coaches consequent on fire during shooting of 'The Burning Train' and Eastern Railway-Damages to and deficiencies in wagons delivered to a steel plant.
- (4) Hundred and Ninety-fourth Report on Action Taken by Government on the recommendation contained in the Seventy-fifth Report of the Committee on Irregular allowance of relief in respect of newly established undertakings.

12. 19hrs.

#### ESTIMATES COMMITTEE

Eightieth and Eighty first Reports and Minutes and Sixty-ninth Report on Action taken by Government

SHRI BANSI LAL (Bhiwani) : I beg to present the following Report and Minutes (Hindi and English version) of the Estimates Committee :—

- (i) Eightieth Report on the Ministry of Home Affairs-Administration of Union Territory of Delhi-Part I-Law and Order.
- (ii) Eighty-first Report on the Ministry of Home Affairs-Administration of Union Territory of Delhi-Part II Pollution control, and Minutes of the sitting of the Committee relating to both eightieth and Eighty-first Reports.
- (iii) Sixty-ninth Report on Action Taken by Government on the recommendations contained in the Fifty-second Report of the Committee on the Ministry of Industry-Productivity in Industry.

12.20 hrs

National Security (Amendment) Bill

THE MINISTER OF STATE IN  
THE MINISTRY OF HOME AFFAIRS

(SHRIMATI RAM DULARI SINHA) : Sir, on behalf of Shri P.C Sethi, I beg to move for leave to introduce a Bill to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh.

MR. SPEAKER : Motion moved :

“That the leave be granted to introduce a Bill to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh. ”

SHRI CHITTA BASU (Barasat) : Mr. Speaker, Sir, as a matter of fact, none of the Members of this House either this side or that side, is opposed to taking measures or curbing the activities of extremists or removing the violence. But uptill now, as far as we are informed, more than 200 persons have been killed in Punjab and, very few of the culprits have been arrested and non has been so far prosecuted. This reflects the inefficiency of the police and the administration. They have got enough power in their hands. They have got the Punjab Disturbed Area Act of 1983 and the Chandigarh Disturbed Area Act of 1983. And besides this, they have a host of ordinary laws to apprehend and deal with the situation. Now, the Government proposes to have extra power or more powers and the power is sought for extension of time for providing the grounds for detention of a detainee. They also seek the power to detain a detainee up to six months without approval of the Advisory Board. Sir, it appears that without preventive detention, without detention and without trial, the Government cannot meet this situation. I do not agree with this. But the Bill proposes to have that thinking incorporated. The National Security Act by itself is a black Act. It is undemocratic. It is designed to assault on the democratic rights and civil liberties of the people. The original National Security Act, is also a draconian Act and over and above that in the name of fighting the extremist activities in Punjab, they have more teeth and more powers. And they want to give this power to the police. Therefore, increasingly relying on the police does not help the situation. Therefore, I am opposed to this kind of Bill.

Secondly, the way the ordinance has been promulgated is also repugnant to the the precedent as it also constitutes the

contempt of the House, in the sense that they have taken the extraordinary measure of promulgating an ordinance while one chamber of the House was in session and another House was summoned. Therefore, this House, as in the past, did not approve of this kind of practice of coming with an ordinance while Parliament is going to be summoned. I think, the House also expressed its condemnation against this kind of action on the part of the Government.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : Sir, I oppose the introduction of this Bill. When this ordinance was promulgated we opposed it. We opposed it not because we are against any firm action against the extremist elements in Punjab but we believe that this arbitrary power, will be used not against the extremists but with these powers, there is a danger that they may be used arbitrarily against even the political opponents or even innocent people. Sir in principle, we are opposed to it. Even if it is introduced or it takes effect only in Punjab, in principle, we oppose it because preventive detention is against the fundamental rights of the citizens. Preventive detention is against the democratic rights of the people and in no democratic country this can be found that in peace-time this is used.

Secondly, Sir, as you know, power corrupts and absolute power corrupts absolutely.

This is absolute power and there is the danger of its corrupting the administration and this may be used against the political opponents also and this makes the administration also irresponsible and suspicious. Anyone can be arrested and detained.

That is why we have been opposing this type of legislation which is not only draconian but, it goes against the spirit of democracy.

That is why I oppose the introduction of the Bill and urge upon the hon. Minister of Law who is a reasonable man not to introduce it and, to withdraw it and, to take every firm measure necessary so that the violence in Punjab can be curbed.

SHRI INDERAJIT GUPTA (Basirhat) : Mr. Speaker, This Bill acquires a special significance because it originates from the

Ordinance which was promulgated on the 5th instant.

The hon. Minister of Law is here. I do not know whether he should congratulate himself on the new development that has happened as a result of this Ordinance because his Constituency is the Union Territory of Chandigarh.

For the first time, all these activities of terrorism and violence and killings of people have spread to Chandigarh after this ordinance has been promulgated.

Apart from what my other colleagues said here, I have to say that we are always opposed to the principle of preventive detention basically, this preventive detention without trial and the Government of West Bengal has made it clear that they are not going to use this power against anybody. It is a basic and fundamental stand taken by the Government of West Bengal.

You have assumed all these powers. But you could not bring about any improvement in the situation in Punjab. If any improvement has been brought about by these powers, you could tell us or give us your factual report or assessment of what you have achieved by assuming these powers of suppressing the violence that is taking place you have done absolutely nothing.

The Disturbed Areas Act which applies to Punjab and to certain other districts and all that, was passed. During the Winter Session, we in this House as well as in the other House, expressed grave doubts that these powers would only be vesting the security forces with unnecessary powers to do whatever they like but they would never be used to suppress violence and to curb the terrorists.

But you did not agree. You said that with those powers the Government would be able to restore normalcy.

It has been not possible for you to do anything. Lot of criticism has already been made from this side of the House to this effect. You could not bring about any normalcy.

On the other hand, the situation has worsened fifty times more. Nobody can deny it.

Therefore, I say that this Amending Bill is a big fraud on the country and on the public and this cannot deal with the situation.

By increasing the time-limit for detention and by giving the grounds of detention to the detenu, you are only tinkering with the problem.

We have discussed this matter many times before in this House.

The Administration has collapsed. The security has collapsed. Intelligence services have collapsed. In view of this, what is the use of this Bill ?

I am totally opposed to this Bill because it perpetuates something which is absolutely against the interests of the country at the moment. You have not been able to do anything all along.

SHRI HARIKESH BAHADUR (Gorakhpur) : Mr. Speaker, Government will never be able to make the people of this country believe that violence would be curbed and normalcy would be restored simply by assuming more and more powers.

There was a Government which was dismissed by the Central Government. President's rule was imposed. After that, Punjab was declared a 'disturbed area'. Several laws were enacted by the House such as the Punjab Disturbed Areas Act, 1983 and Chandigarh Disturbed Area Act, 1983.

All these laws were enacted by this House and Government had already dismissed its own party Government. They have imposed President's rule but the situation could not be controlled.

Therefore, merely by assuming more and more powers, Government cannot convince the people that thing would be set right there.

Just as the other measures passed, this measure also which is being passed, cannot improve the situation. The happenings that are taking place at present and the way the Government is dealing with them, is an indication of Government's in effective functioning.

There is no need, in fact, of promulgating Ordinance while Parliament Session is going on but they are always doing this.

Therefore, we oppose it. This Bill is also not going to solve the problem.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS, SPORTS AND WORKS  
AND HOUSING (SHRI BUTA SINGH) :  
Sir, the hon. Member said that the Govern-  
ment was dismissed. It is not correct. It  
should not go on record.

श्री अटल बिहारी वाजपेयी (नई दिल्ली) :  
अध्यक्ष महोदय, इसके रिकार्ड पर जाने पर क्या  
एतराज है ?

MR. SPEAKER : He says that it is ina-  
ccurate.

SHRI CHANDRAJIT YADAV (Azam-  
garh) : There is nothing unparliamentary in  
that.

MR. SPEAKER : He says that it is ina-  
ccurate.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महो-  
दय, कार्यवाही में कौन-सी चीज जायेगी, कौन-  
सी नहीं जायेगी...

अध्यक्ष महोदय : वह तो हो गया ।

SHRI BUTA SINGH : It is not factually  
correct.

SHRI INDRAJIT GUPTA : You make  
statement correcting it. That will go on  
record.

श्री अटल बिहारी वाजपेयी : कार्यवाही से  
ऐसी चीजें निकाल दी जाती हैं...

(व्यवधान)

मैं उस दिन सदन में नहीं था । एक मेम्बर  
ने प्रधान मंत्री के बारे में कुछ कहा उसको  
रिकार्ड से निकलवा दिया लेकिन प्रधान मंत्री ने  
उसका जो कंट्राडिक्शन किया वह कार्यवाही में  
मौजूद है ।

अध्यक्ष महोदय : किसने कहा कि निकलवा  
दिया ?

श्री अटल बिहारी वाजपेयी : प्रधानमंत्री ने  
किस बात का खण्डन किया अगर मेम्बर द्वारा  
लगाया गया आरोप कार्यवाही में न हो ?

(व्यवधान)

अध्यक्ष महोदय : आप मेरी बात सुनें ।

श्री अटल बिहारी वाजपेयी : आप मेरी  
बात नहीं सुन रहे हैं ।

अध्यक्ष महोदय : मैंने आपकी बात सुन ली  
है । आप बात दोहरा रहे हैं । आप कार्यवाही  
देख लीजिए, वह नहीं निकाला गया है ।

SHRI SATYASADHAN CHAKRABO-  
RTY : This is a serious matter. Many things  
are expunged. I would like to draw your  
attention to it. Even what you have said is  
expunged. I have the record.

अध्यक्ष महोदय : मैं जिस मेम्बर को अलाऊ  
नहीं करता हूँ और वह विदाऊट माई परमीशन  
बोलता है । वह रिकार्ड नहीं होता है ।

श्री अटल बिहारी वाजपेयी : आप कार्य-  
वाही देख लीजिए ।

SHRI SATYASADHAN CHAKRABO-  
RTY : You call a meeting. I shall show what  
you have said has been expunged.

PROF. MADHU DANDEVATE (Raja-  
pur) : When Dr. Swamy said that some one  
was told by the Prime Minister...

अध्यक्ष महोदय : वह सारा रिकार्ड में आ  
गया है ।

PROF. MADHU DANDEVATE : That  
is what I am telling. You have not seen the  
record.

MR. SPEAKER : I have.

PROF. MADHU DANDEVATE : The  
Prime Minister said, 'I never said this'. The  
original thing has been removed. What is  
'this' nobody knows. It has happened.

अध्यक्ष महोदय : वह रिकार्ड में है । आप  
काहे को जिद्द कर रहे हैं ।

PROF. MADHU DANDEVATE : What  
ever was not unparliamentary also has been  
expunged.

MR. SPEAKER : Where it was not un-  
parliamentary, I did not remove it,

PROF. MADHU DANDAVATE : You check up the record. It has been removed, Sir.

अध्यक्ष महोदय : नहीं साहब, नहीं साहब, मैंने चैक किया था ।

PROF. MADHU DANDAVATE : What Dr. Swamy said has been removed.

अध्यक्ष महोदय : नहीं साहब, उसे रिमूव नहीं किया है ।

PROF. MADHU DANDAVATE : Shall I produce it tomorrow ? Tomorrow at 12 O'Clock, give me permission, Sir, and I shall produce the record.

अध्यक्ष महोदय : एक बात सुन लीजिये । जो बात अनपार्लियामेंटरी या डेरोगेटरी होती है, उसको तो रिमूव किया जाता है । अगर किसी को कोई एलीगेशन लगाना होता है तो उसके लिए हमारे पास रूल 353 है । हमने बैठ कर ये रूल बनाये हैं ।

PROF. MADHU DANDAVATE : I stand by what I have agreed. I cannot stand by what I have not agreed.

अध्यक्ष महोदय : रूल 353 हमारे पास है । अगर आपको कोई एलीगेशन लगाना हो तो लिख कर दीजिए । आपने ही ये कानून बनाये हैं, ये रूल बनाये हैं । आप उनके हिसाब से जो करना चाहते हैं वह कर लीजिए ।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, नियमों का पालन नहीं हो रहा है ।

अध्यक्ष महोदय : नहीं साहब । आप मुझे बताइये और लिख कर दीजिए ।

SHRI ATAL BIHARI VAJPAYEE : It was said that the Minister does not know even the ABC of planning. All these words were expunged.

SHRI RAM VILAS PASWAN : You go through the record.

अध्यक्ष महोदय : जो अनपार्लियामेंटरी बात होती है, वह नहीं करते हैं ।

(व्यवधान)

अध्यक्ष महोदय : मैं तो कभी फाल्स प्रेस्टिज के ऊपर खड़ा नहीं होता हूँ । मैंने सदन में पहले भी कहा है कि भाई मेरे से गलती हो सकती है क्योंकि मैं खुदा नहीं हूँ । मैं एक इन्सान हूँ । मैं भी आपका भाई हूँ । मैं आप से कह सकता हूँ कि मेरे से गलती हो गई, मुझे माफ कर दो । इसमें मुझे कोई दिक्कत नहीं है । लेकिन मैं जानबूझ कर गलती नहीं करता हूँ ।

SHRI SATYASADHAN CHAKRABORTY : You call a meeting. We will give you the record. You will be astonished. You call a meeting.

अध्यक्ष महोदय : आपको किस ने रोका

है?

श्री राम विलास पासवान (हाजीपुर) : अध्यक्ष महोदय, 12 बजे से लेकर सवा 12 बजे तक कोई चीज रिकार्ड नहीं हुई है, हमेशा यही लिखकर प्रेस में दे दिया जाता है ।

अध्यक्ष महोदय : ऐसा है कि अगर एक साथ 50 आदमी बोलेंगे तो कैसे रिकार्ड हो सकता है, जो मेरी वगैर आज्ञा के बोलें तो कैसे रिकार्ड हो सकता है ?

श्री अटल बिहारी वाजपेयी : वह एक अलग बात है ।

(Interruptions)

MR. SPEAKER : It is simply not possible for me—neither for my staff or for any body else.

ऊपर बैठे हुए हमारे भाई भी नहीं जान सकते कि क्या बात हो रही है ।

PROF. N. G. RANGA (Guntur) : I am sitting close to them and I am not able to follow what they say.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI-MATI RAM DULARI SINHA) : I am surprised at the objections raised by the hon Members. I want to remind them that the hon. Members themselves have expressed concern on the seriousness of the situation in the State of Punjab and the Union Territory of Chandigarh.

I may assure the hon. Members and the House that the Bill is primarily meant to enable the authorities to immobilise the anti-national and anti-social elements in the 'disturbed areas' of Punjab and Chandigarh.

I would earnestly request the hon. Members of the House to appreciate the objectives of this Bill. Details will no doubt be discussed at the time of consideration and passing of the Bill.

With these words, I beg leave to introduce a Bill to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh."

*The motion was adopted.*

SHRIMATI RAM DULARI SINHA : I introduce the Bill.

12.30 hrs.

#### STATEMENT RE NATIONAL SECURITY (AMENDMENT) ORDINANCE, 1984

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIMATI RAM DULARI SINHA) : Sir, on behalf of Shri P. C. Sethi, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the National Security (Amendment) Ordinance, 1984.

#### PUNJAB COMMERCIAL CROPS CESS (AMENDMENT) BILL

THE MINISTER OF AGRICULTURE (RAO BIRENDRA SINGH) : I beg to move for leave to introduce a Bill further to amend the Punjab Commercial Crops Cess Act, 1974.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Punjab Commercial Crops Cess Act, 1974."

*The motion was adopted.*

RAO BIRENDRA SINGH : I introduce £ the Bill.

#### MATTERS UNDER RULE 377

(i) Need to include fishermen in the list of Scheduled Castes.

SHRI N. DENNIS (Nagercoil) : I wish to make the following statement under Rule 377.

12.33 hrs.

[MR. DEPUTY-SPEAKER *In the Chair*]

Considering the socially and economically disadvantageous position in which the fishermen of our country are placed, it is highly essential to include them in the list of Scheduled Castes. Repeated representations in this regard are being made from individuals, organisations and States. They live in primitive conditions without much change in their pattern of living. Their standard of living is deplorably miserable and they live in half starvation and most of them live below the poverty line. They are depending on sea for their living. But fishing is Seasonal. In the off season, they have no subsidiary occupation and income. They depend on traditional methods of fishing with catamarans and country boats and most of them have no fishing equipment of their own. They remain as labourers and they suffer the severe strains of debts.

Educationally and socially too they are very badly placed. It is understood that some States like Assam, West Bengal and Tripura treat them as Scheduled Castes. Government may be pleased to take speedy steps for their early inclusion in the list of Scheduled Castes.

(ii) Power Shortage in Rajasthan and need for early repairs to atomic and thermal power plants of the state.

श्री वृद्धि चन्द्र जैन (बाड़मेर) : राजस्थान प्रान्त विद्युत के भयंकर संकट के दौर से गुजर रहा है। करीब पन्द्रह दिन से कोटा अणु बिजली घर की द्वितीय इकाई एवं कोटा थर्मल प्लांट की द्वितीय इकाई के बन्द होने, कोटा थर्मल प्लांट की द्वितीय इकाई में कम उत्पादन होने के कारण मांघी सागर, राणा प्रताप सागर एवं