

serve the interests of the general public by ensuring the continued manufacture, production and distribution of articles made of jute, which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI KHURSHEED ALAM KHAN:
I introduce** the Bill.

14.19 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL*

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
AND DEPARTMENT OF PARLIA-
MENTARY AFFAIRS (SHRI P VEN-
KATASUBBAIAH): Sir, I beg to
move for leave to introduce a Bill
further to amend the Code of Criminal
Procedure, 1973

MR. DEPUTY SPEAKER. Motion
moved:

"That leave be granted to intro-
duce a Bill further to amend the Code
of Criminal Procedure, 1973 "

SHRI CHITTA BASU (Barasat): I
rise to oppose the introduction of the
Bill. This Bill is pernicious. Appa-
rently it appears to be a very innocent
Bill.

MR DEPUTY-SPEAKER: As Shri
Venkatasubbaiah always appears to be.

SHRI CHITTA BASU: It appears
from this that the Government particu-
larly this good friend of all of us,
wants to blind us also as the Jain
authorities and the police administra-
tion in Bihar have done

MR. DEPUTY-SPEAKER: Forget
bad things.

SHRI CHITTA BASU: The grounds
of my opposition are.

The Bill has been proposed with the
object of giving more and more pow-
ers—let me say extraordinary pow-
ers—to the law enforcing authorities
of our country. And the power is
being given on certain pretexts. The
pretexts are—to enable them to effec-
tively deal with the anti-social ele-
ments; habitual criminals and creating
enmity between different groups and
communities. These are two pretexts.

This extraordinary power which is
being given to the law enforcing
authorities would be misused and there
may be incidents—I am sorry to repeat
the incident of Bihar jail—I am very
much afraid of them and the House
would also express apprehension

There are many preventive laws,
many repressive laws by which we
can also be arrested and the law en-
forcing authorities are there, police
officials like SP of Bhagalpur, IG of
Bihar and I think you would agree
with me that they have allowed
themselves to be debased and dehu-
manised to a very shocking level and
this kind of extraordinary powers now
going to be given to this kind of law
enforcing agencies in our country. It
is very horrible. Therefore, it is very
dangerous and pernicious.

In this connection, I would also like
to mention that the minority commu-
nities in Moradabad are being indiscri-
minately arrested by the law enforc-
ing authorities. They are being impli-
cated in false cases. Even the Muslim
youths who are engaged in relief
work for the riot victims are being
taken away wantonly and indiscrimi-
nately by the police authorities who
are refusing them bail. Therefore, the
law enforcing authorities are being

**Introduced with the recommendation of the President.

[Shri Chitta Basu]

given more to refuse bail, to make the conditions of jail more stiff and therefore, they will discriminate against one kind of under-trials. This is the apprehension.

Again, these powers can be applied against the political dissidents because these law enforcing authorities are in connivance with the ruling party, and the hoodlum elements under the patronage of the ruling party who operate at different levels. Instances are there. You know the gruesome incident at Birdi and you know how the police administration, the law enforcing authority, the anti-social elements and the Congress (I) party were involved in raping and murdering the wife of the journalists.

This trend is growing, the trend of connivance between the administration, the law enforcing authorities, the ruling party and the anti-social elements and naturally, these law enforcing authorities will be willing to apply these measures against the political dissidents.

Lastly, there are enough laws to deal with the situations.

MR. DEPUTY-SPEAKER: Mr. Chitta Basu, you will appreciate that any arrest of a politician is a promotional avenue for him. Why do you oppose the arrest of a politician?
(Interruptions)

SHRI CHITTA BASU: They always take us as professional agitationists or anti-social, and therefore, they want also to apply it against us. You are right, and I am very grateful that you have made such a remark that these people always treat us...

MR. DEPUTY-SPEAKER: No, no. I made general remarks. I said that an arrest of a politician is a promotional avenue. You can tell the people that you have been arrested so many times and therefore, they should elect you.
(Interruptions).

SHRI CHITTA BASU: National Security Ordinance has been promulgated and the objective of that ordinance is also of a similar nature.

SHRI SOMNATH CHATTERJEE (Jadavpur): Shri Venkatasubbaiah may be a victim one day.

SHRI CHITTA BASU: There is a question of detention. There is a question of communal harmony one there is the question of atrocities on weaker sections of the community. For that they have equipped themselves with draconian power in the National Security Ordinance. Not satisfied with the draconian power, they are seeking more power and they are conferring it on the Executive. The Executive, I have already explained it to you, are so trained, are so oriented, that justice cannot be expected of them.

In these circumstances, I oppose the introduction of the Bill. I hope the House will exercise the right in opposing the introduction of the Bill.

MR. DEPUTY-SPEAKER: Hon. Member Shri Jyotirmoy Bosu has also given his intention to oppose the introduction of the Bill. He should have given in the morning. He is a senior Member. He will hereafter abide by the rules. Anyhow, as a special case I am allowing him.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I am not a lawyer. But I know how the Government machinery can behave and many of us have been victims. We have seen what happened during 19 months of the black days in the country how powers were misused. Mr J. C. Shah is one of the most eminent jurists in this country. He made a wonderful job. He has clearly exposed how legislative measures, laws enacted by the Parliament, are distorted thereafter to suit their convenience, laws could be misused to choke and throttle the voice of the Opposition and those who dissent politically, those who oppose their god fathers—i.e. the big business houses, the multi-nationals, the exporters hoarders, looters, etc. They have no inten-

tion to bring them to book. I am telling Mr. Law Minister here if he will make a note of what has happened to Shri S. K. Modi's case, the flour mill case of 1973-74 where 4,900 bags of confiscated wheat was seized. I know a big sackful of currency was delivered at a particular place.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): It is a basket of lies.

MR. DEPUTY-SPEAKER: Mr. Bosu, do you know what Bill is being introduced? I feel you have forgotten. (Interruptions)
But you have gone back to 1974-75. When will you come to 1980?

SHRI JYOTIRMOY BOSU: Please see Statement of Objects and reasons. Sub para (iv) vests the powers to take security proceedings under Section 108, 109 and 110 to the Court of the Executive Magistrate. Do you know what it means? It will be misused at all times.

I have produced in this House. I have laid it on the Table of the House that the District Magistrate, Burdwan, while detaining a man, bringing proceedings against a man, confessed afterwards that he had signed a blank form. Shah Commission Report has revealed this time and again that the Executive Magistrates are made to sign blank forms of prosecution for detention.

MR. DEPUTY SPEAKER: Please come to the point.

SHRI JYOTIRMOY BOSU: Let me have your good wishes.

MR. DEPUTY SPEAKER: I always treat you well.

SHRI JYOTIRMOY BOSU: They can identify, but you do not. Let us take an example.**

You read to-day's newspaper. Criminal cases against hijackers have been withdrawn to-day. On the one hand they are doing this. They have withdrawn cases against**. They are wanting to withdraw the case of corruption against**. But when it comes to political opponent, dissenting voice...

MR. DEPUTY SPEAKER: The hon. Minister to reply.

SHRI JYOTIRMOY BOSU: Just a minute.

MR. DEPUTY SPEAKER: He need not reply to all these things. Therefore, I am calling him.

SHRI JYOTIRMOY BOSU: How they misuse? If you take the case of** the DIG of CBI...

MR. DEPUTY-SPEAKER: If you speak something, don't you want some reply from the hon. Minister? Otherwise, what is the use of speaking? You have also referred to some name; that is not proper.

SHRI JYOTIRMOY BOSU: How was the DIG of CBI** harassed?

MR. DEPUTY-SPEAKER: You are a parliamentarian of two decades. How can I teach you?

SHRI JYOTIRMOY BOSU: I am finishing. I oppose this draconian law. It is another law which is a black law, parallel to the National Security Ordinance promulgated by them. I, therefore, oppose it lack, stock and barrel.

SHRI P. VENKATASUBBAIAH: Mr. Deputy Speaker, Sir, out of two Basus who have raised objections—both of them are my good friends—Shri Chitta Basu has referred to the explanatory memorandum that has been given to the hon. Members. It has been made very clear in it that it is intended only against habitual offenders and persons who create disharmony between communities and groups.

**Expunged as ordered by the Chair.

SHRI JYOTIRMOY BOSU: Who will judge it?

SHRI P. VENKATASUBBAIAH: I am sure that our friends there do not come in this category. They are politicians of good repute. We will never treat them as habitual offenders. It is intended only against such persons.

Secondly, about the connivance of bureaucracy with the ruling party, they forget for a moment that their Governments are running some States. They forget about it. That bureaucracy will connive with the ruling party, it also applies to the States where they are ruling. As to what is happening in West Bengal today, I do not want to go into these matters. This is a simple amendment which seeks to tighten certain things and gives power to the executive magistrates to deal with habitual offenders and anti-social elements. I feel, in the present context of things that are happening in this country, it is highly essential that such an amendment is made to the Criminal Procedure Code.

MR. DEPUTY-SPEAKER: The question is:

“That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1973.”
The Lok Sabha divided:

Division No. 2]

[14.40 hrs.

AYES

Abbasi, Shri Kazi Jali
Ankineedu Prasad Rao, Shri P.
Anwar Ahmad, Shri
Arakal, Shri Xavier
Arunachalam, Shri M.
Bairwa, Shri Banwari Lal
Baitha, Shri D. L.
Bansi Lal, Shri
Behera, Shri Rasabehari
Bhagwan Dev, Acharya
Bhatia, Shri R. L.
Chandrasekharappa, Shri T. V.

Chaturvedi, Shrimati Vidyawati
Chavan, Shri S. B.
Daga, Shri Mool Chand
Damor, Shri Somjibhai
Dev, Shri Sontosh Mohan
Doongar Singh, Shri
Dubey, Shri Ramnath
Gaekwad, Shri R. P.
Gowda, Shri D. M. Putte
Jaideep Singh, Shri
Jain, Shri Bhiku Ram
Karma, Shri Laxman
Khan, Shri Malik M.M.A
khan, Shri Zulfiquar Ali
Kidwai, Shrimati Mohsin
Krishan Dutt, Shri
Laskar, Shri Nihar Ra
Mahajan, Shri Y. S.
Mallikarjun, Shri
Misra, Shri Nityananda
Mohite, Shri Yashawantrao
Motilal Singh, Shri
Nahata, Shri B. R.
Nandi Yellaiah, Shri
Nihalsinghwal, Shri G. S.
Padayachi, Shri S. S. Ramaswamy
Pardhi, Shri Keshao Rao
Patil, Shri A. T.
Poojary, Shri Janardhana
Pradhan, Shri K.
Ramalingam, Shri N. Kudanthai
Ran Vir Singh, Shri
Ranjit Singh, Shri
Rao, Shri Jagannath
Rathod, Shri Uttam
Reddy, Shri G. Narsimha
Sahi, Shrimati Krishna
Sayeed, Shri P. M.
Sethi, Shri P. C.
Shanmugam, Shri P.
Shiv Shankar, Shri P.
Sonkar, Shri Kalapnath
Sparrow, Shri R. S.
Swami, Shri K. A.

Tariq Anwar, Shri
Tayyab Hussain, Shri
Tytler, Shri Jagdish
Venkataraman, Shri R.
Venkatasubbaiah, Shri P.
Yazdani, Dr. Golam
Zainul Basher, Shri

NOES

Agarwal, Shri Satish
Bosu, Shri Chitta
Biswas, Shri Ajoy
Bosu, Shri Jyotirmoy
Chatterjee, Shri Somnath
Chaudhury, Shri Saifuddin
Dandavate, Shrimati Pramila
Giri, Shri Sudhir
Halder, Shri Krishna Chandra
Hasda, Shri Motilal
Horo, Shri N. E.
Mahata, Shri Chitta
Mandal, Shri Dhanik Lal
Mandal, Shri Sanat Kumar
Mhalgi, Shri R. K.
Mukherjee, Shrimati Geeta
Paswan, Shri Ram Vilas
Pathak, Shri Ananda
Rajda, Shri Ratansinh
Roy Pradhan, Shri Amar
Saha, Shri Ajit Kumar
Saran, Shri Daulat Ram
Shamanna, Shri T. R.
Shejwalkar, Shri N. K.
Suraj Bhan, Shri

MR. DEPUTY-SPEAKER: Subject to Correction, the result* of the Division is: Ayes 63; Noes 25.

The Motion was adopted.

SHRI P. VENKATASUBBAIAH:
Sir, I introduce the Bill.

14.36 hrs.

STATEMENT RE. CODE OF CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1980

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Code of Criminal Procedure (Amendment) Ordinance, 1980.

14.37 hrs.

EYES (AUTHORITY FOR USE FOR THERAPEUTIC PURPOSES) BILL†

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI NIHAR RANJAN LASKAR): On behalf of Shri B. Shankaranand, I beg to move for leave to introduce a Bill to provide for the use of eyes of deceased persons for therapeutic purposes and for matters connected therewith.

MR. DEPUTY-SPEAKER: The question is:

“That leave be granted to introduce a Bill to provide for the use of eyes of deceased persons for therapeutic purposes and for matters connected therewith.”

The motion was adopted.

*The following Members also recorded their vote:

AYES: Srvashti G. L. Dogra Subba Rao Choudary, M. Rajeshkhara Murthy, Shiv Prasad Sahu, Kamaluddin Ahmed, R. Muthu Kumaran, Virdhi Chandra Jain, Era Anbarasu and K. Arjunan.

NOES: Dr. Vasant Kumar Pandit, Sarvashti Mohammad Ismail, A. K. Balan, Jai Pal Singh Kashyap and Bajju Ban Riyan.

†Published in Gazette of India Extraordinary, Part II Section 2 dated 1-12-1980.