

Minister That is my question. (Interruptions).

MR. SPEAKER: He cannot straightway say, "I accept them." He will have to examine them.

SHRI CHARAN SINGH: Suggestions are disallowed in the course of the questions simply because the Government cannot at once reply to those suggestions. That is the rule. He asks, whether they are acceptable. I cannot say just at once today whether they will be acceptable to us or not.

SHRI R. K. MHALGI: Whether he will apply his mind to the suggestions made

MR. SPEAKER: The suggestions made by the hon. Members have to be considered.

12.50 hrs.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): I beg to move for leave to withdraw a Bill further to amend the Code of Criminal Procedure, 1973.

SHRI C. M. STEPHEN (Idukki): Well, Sir, I wanted to highlight certain aspects certainly because the Government is bringing forward this proposition that they may be permitted to withdraw their Code of Criminal Procedure (Amendment) Bill with an air of some great achievements. And the way in which my friends on the Treasury Benches are reacting to it and clapping it would indicate that something tremendous is happening. But let us go back to another aspect of it. Now the Preventive Detention Act has been here from 1950 onwards. It was being extended from time to time and that Preventive Detention Act was in force upto 1969. In 1971, this Bill, I mean MISA was enacted and during the emergency, Section 16A was amended. By that time, this Government came into power. Then Section 68 ceased to be there and what remained was MISA which is just a copy of the Preventive Detention Act.

Now, this Government, before it went to the elections, in their election manifesto, had made a very definite commitment. The commitment was to take immediate steps to annul the MISA. After that, one year went by. The President in his Address earlier, last year, had made a commitment that there will be no preventive detention except with the provision for judicial review. Now what we have got is the introduction of this Bill. What the original Detention Act was, we converted it into a permanent Act and you put it as a part of the Criminal Procedure Code, the most permanent statute for this country.

13.49 hrs

ESTIMATES COMMITTEE

SEVENTEENTH REPORT AND MINUTES

श्रीमती मृगाल गोरे (बम्बई-उत्तर) :
अध्यक्ष महोदय, मैं प्राक्कलन समिति का निम्नलिखित प्रतिवेदन तथा कार्यवाही सांग्रह प्रस्तुत करती हूँ :—

- (1) निर्माण और आवास मंत्रालय—
गदी बस्तियाँ हटाना तथा आवास योजनाओं पर समिति (पाँचवीं लोक सभा) के 97वें प्रतिवेदन में दी गई निफारिशों पर सरकार द्वारा की गई कार्यवाही के बारे में 17वां प्रतिवेदन।
- (2) उर्युक्त प्रतिवेदन से सम्बन्धित समिति की बठक रु कार्यवाही-सांग्रह।

(Shri C. M. Stephen.)

The question I am raising is this, that there is a dichotomy in thinking which is very clear. The administration, the Government, the authorities that are, the power that be, what is their attitude to the commitment made in the election manifesto? Well, previously, when the compulsory deposit scheme was there, with respect to that they brought forward a Bill here providing for....

MR. SPEAKER: We are enlarging it.

SHRI C. M. STEPHEN: It has got to be. They want to withdraw it. (*Interruptions*). This is a political thing. That aspect will have to be spelt out. If you are going to disallow me, then I have nothing to say. It is a political question. A political aspect has got to be highlighted. Otherwise, why should I be here? It is a political question; a political aspect has got to be highlighted. I do support the motion for the withdrawal, but let the world be not deceived by this sort of action. That is what I am saying. Government made certain commitment. One commitment was made to the workers saying that the compulsory deposit scheme will be quashed. They brought forward a Bill and the Bill said what? The Bill said that the amount would be converted into provident fund. They had ultimately to take it back. Why? There was a resistance here and the Rajya Sabha said, nothing doing. They had to take it back. That was the attitude with respect to that commitment. With regard to their attitude on MISA, what is their attitude? The attitude was that they warned to incorporate it in the Criminal Procedure Code.

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order under rule 111. Mr. Stephen may please be asked to see this. What does it say? It says:

"If a motion for leave to withdraw a Bill is opposed, the Speaker

may, if he thinks fit, permit the member who moves and the member who opposed the motion to make brief explanatory statements and may thereafter, without further debate, put the question."

Is he opposing the withdrawal of the Bill? I pose this question to the Chair. You ask him on what authority he is speaking.

SHRI C. M. STEPHEN: I am opposing it. (*Interruptions*) I am opposing to this extent that the withdrawal of the Bill will mean withdrawal of the proposition to amend the MISA also. That is why I am opposing....

MR. SPEAKER: The rule is very clear. It says:

"If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question.

Unless you are opposing the withdrawal of the Bill, you cannot be allowed. You have, in your very first statement, said that you are not opposing you are supporting the withdrawal. Therefore, you cannot be allowed.

SHRI C. M. STEPHEN: I wrote to you. You permitted me to take the floor.

MR. SPEAKER: Now that an objection has been taken....

SHRI C. M. STEPHEN: Did you permit me or not to take the floor?

MR. SPEAKER: You are right; did. But now that a point of order has been raised....

SHRI C. M. STEPHEN: I support the spirit of the proposition, but I oppose the contents....

MR. SPEAKER: That will not do. You must oppose the motion. The rule says that clearly.

SHRI C. M. STEPHEN: Sir, you cannot take two stands. You permitted me to speak..

MR. SPEAKER: Now that my attention has been drawn to rule 101 and a point of order has been raised....

SHRI C. M. STEPHEN: I oppose the motion as it is, as it is framed....

MR. SPEAKER: The motion merely refers to withdrawal of the Bill.

SHRI C. M. STEPHEN: I am opposing. I will say why I am opposing. Please hear me.... (*Interruptions*)

MR. SPEAKER: He has made up his mind to oppose the motion.

SHRI C. M. STEPHEN: I am opposing. Please hear me why I oppose.

SHRI JYOTIRMOY BOSU: You have already permitted him, Sir, to make a speech. Now you should put the motion to the House for vote....

MR. SPEAKER: He is entitled to make a brief explanation. Nothing more.

SHRI C. M. STEPHEN: Brief explanation! If you are going to restrict me like that, I have nothing to say.

MR. SPEAKER: I have got to.

SHRI C. M. STEPHEN: I have to spell out why I do. What I say is that it is the intention that I am attacking. The whole purpose is completely political. That is what I say because the attitude to this is not to conform to the commitment made to the country, the commitment made to the people. They wanted to make it a part of the Criminal Procedure Code. There was opposition here and there was opposition there in their Party. Therefore they were, against their own initial reaction, compelled to come forward with this motion....

SHRI JYOTIRMOY BOSU: On a point of order....

MR. SPEAKER: I am not going to allow him to make a long speech. He will make only a brief explanation.

SHRI JYOTIRMOY BOSU: On a point of order, Sir. In the list of business, the item reads:

"Shri Charan Singh to move for leave to withdraw a Bill further to amend the Code of Criminal Procedure, 1973.

Also to withdraw the Bill."

Rule 111 clearly provides that ...

SHRI VAYALAR RAVI (Chennai). On a point of order.

MR. SPEAKER: I cannot hear two persons. It is for me to decide. Let him finish.

SHRI JYOTIRMOY BOSU: In the list of business, there is no indication that there is, simultaneously, introduction of another Bill to amend what Mr. Stephen is talking about. Let us confine ourselves to this item—if you want to regulate the House. ..

MR. SPEAKER: What is your point of order?

SHRI JYOTIRMOY BOSU: Let us confine ourselves to this item (*Interruptions*) Sir, I am trying to cooperate and assist you.

14 00 hrs

MR. SPEAKER: Quite right

SHRI JYOTIRMOY BOSU: All I am saying is that Mr. Stephen has been allowed to make a statement in support of the stand that he oppose, the withdrawal of the Bill. It is incumbent upon you to put the motion before the House.

MR. SPEAKER: After his brief explanation

SHRI JYOTIRMOY BOSU: How much time?

MR. SPEAKER: I would not allow more than two-three minutes.

SHRI C. M. STEPHEN: Sir, it is a very serious proposition; there is a political aspect of it. The reason why I say that this motion is something

(Shri C. M. Stephen.)

that the House has got to take note of is this. When a statement was made on the floor of the House by Shri Charan Singh about it some time ago, there were two aspects of it; one the offer to withdraw this Bill and two, the offer to bring forward a separate Bill to repeal the MISA. You will kindly see that in the Bill before the House, there is a clause which says that the MISA is hereby repealed. Now, the entire Bill is sought to be taken away, which means the provision for annulment of the MISA is also taken away. The moment, this is taken away, the MISA remains and there is no simultaneous Bill seeking the annulment of the MISA. The annulment of the MISA was the prior commitment. Now the Code of Criminal Procedure (Amendment) Bill, 1977 is taken away; along with it, the provision to annul the MISA is also taken away; there is no law here, no Bill here seeking to annul the MISA. To that extent, this proposal is mischievous. The Home Minister, along with this proposal to withdraw the Bill, should have come with a Bill, one line Bill, annulling the MISA. The Home Minister has got to explain why that has not happened. Is it their intention to keep the MISA alive? If the intention is to keep the MISA alive, this offer is wrong. It will have to be opposed. It is in that spirit that I oppose this Bill. If the Home Minister gives an assurance that the MISA will be repealed, I will support the motion for the withdrawal of the Bill.

SHRI VAYALAR RAVI: As pointed out by Shri Stephen, this matter has been debated on the floor of the House earlier. This is a very serious matter. When the Home Minister wants to withdraw this Bill, it is absolutely necessary for him to make a statement for the withdrawal of the Bill.

MR. SPEAKER: He has said that, probably you were not there.

SHRI VAYALAR RAVI: We expect an assurance from the Home Minister

that the repealing of the MISA will be done soon.

MR. SPEAKER: He has said that.

SHRI C. M. STEPHEN: Where is the Bill?

SHRI VAYALAR RAVI: He has not said that.

MR. SPEAKER: Probably you have not seen the list of business. This Bill was introduced in Lok Sabha on the 23rd December, 1977. A statement containing the reasons for the withdrawal of this Bill was made by him in the House as also circulated to the Members on the 23rd March, 1978. In this statement, he has specifically said that the MISA will be repealed.

SHRI C. M. STEPHEN: Where is the Bill? (Interruptions)

SHRI VAYALAR RAVI: Let him give an assurance that the Bill will be introduced during the Budget session itself.... (Interruptions)

श्री चरण सिंह : एक अंग्रेजी का वाक्य है— Much ado about nothing

दरअसल बात यह है कि मेरे माननीय मित्र श्री स्टीफन साहब और दूसरे मित्र जो उधर बैठे हैं, उनको जो एक बीमारी कलर क्लाइप्टनेस की होनी है, वह हो गयी मालूम होती है। कुछ न कुछ उन्हें दिखायी देता है। इसमें भी उनको मंशा दिखायी दे रही है कि हम मीसा का दुरुपयोग करेंगे जब कि साल भर के अन्दर हमने मीसा का दुरुपयोग नहीं किया है। अगर मीसा की वापसी का कोई प्रस्ताव हमारी तरफ से नहीं आ रहा है तो उसका माकूल कारण है। वह यह है कि कुछ ऐसे लोग मीसा के अन्दर बंद हैं कि

भगर हमने मीसा बिदइशा कर लिया तो कि उतको जेल मे रखने की एक समस्या पैदा हो जाएगी जब तक कि हम कोई आल्टरनेटिव प्रोविजन नहीं करते। कुछ विदेशी लोग हैं, अपने देश के लोग नहीं हैं। पोलिटिकल नहीं है। ऐसे लोग है कुछ, अगर्ब उनकी तादाद बड़न भ्यादा नहीं है जो पोलिटिकल नहीं है, हमारे देश से वास्ता नहीं रखते हैं जिनके मुताल्लिक आल्टरनेटिव ला जब तक हम न सोच लें, तब तक मीसा की वापसी का मवाल नहीं उठता। जैसे हमारा इरादा मीसा को रिपील करने का है। स्टीफन साहब हमारे एनैक्शन मनिफेस्टो का हवाला नहीं दे सकने बधाकि वह हमारे डेक्लेशन मनिफेस्टो के खिलाफ थे। वह तो मीसा रखना ही चाहते थे।

SHRI C. M. STEPHEN: So, they are going to keep it on the statute book.

SHRI VAYALAR RAVI: He has given no commitment. The hon. Minister has said that so far as there is no alternative arrangement, he will not repeal MISA.

MR SPEAKER. He has given a written commitment to bring forward a separate legislation for the repeal of the Maintenance of Internal Security Act of 1971.

SHRI VAYALAR RAVI: Will it be in this session?

MR SPEAKER. Yes, in this session.

SHRI C. M. STEPHEN: He said that because of certain circumstances prevailing repeal of the MISA is not possible.

MR. SPEAKER: He has merely explained the delay. All that he has said is that the delay is because of that and nothing more.

SHRI C. M. STEPHEN: It is for him to explain the Government stand.

MR. SPEAKER: Now, the question is:

"That leave be granted to withdraw a Bill further to amend the Code of Criminal Procedure, 1973."

The motion was adopted.

SHRI CHARAN SINGH: I withdraw the Bill.

The Bill was, by leave withdrawn.
(Interruptions)

SHRI JYOTIRMOY BOSU: What you will see, Mr. Stephen? We have been seeing from time immemorial.....*

MR. SPEAKER: That will not go on record.

14.07 hrs.

[SHRI RAM MURTI in the Chair]

SHRI VAYALAR RAVI: Mr. Chairman. Sir, Shri Jyotirmoy Bosu used the word*,.... etc.

He also said—I do not want to use the word but that was something that we clean in the morning. We, the Members here, are expected to maintain a certain dignity and decorum and can an hon. Member use those words, Sir? (Interruptions)

SHRI JYOTIRMOY BOSU. Who are you?

SHRI VAYALAR RAVI: We know what he is. We respect the Janata Members but these are all cowards.. (Interruptions)

MR. CHAIRMAN: Order, order, please ... (Interruptions) Mr Ravi, please sit down.

(Interruptions) You have to maintain the decorum of the House

*Not recorded.