

[Secretary-General]

Food Adulteration (Amendment) Bill, 1974, be further extended up to the first day of the Ninety-fourth Session of the Rajya Sabha".

(ii) I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 22nd July, 1975, adopted the following motion in regard to the presentation of the Report of the Joint Committee of the Houses on the Indian Penal Code (Amendment) Bill, 1972:—

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Indian Penal Code (Amendment) Bill, 1972, be further extended up to the last day of the Ninety-fourth Session of the Rajya Sabha".

(iii) I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Tuesday, the 22nd July, 1975, adopted the following motion in regard to the presentation of the Report of the Joint Committee of the Houses on the Central and Other Societies (Regulation) Bill, 1974:—

"That the time appointed for the presentation of the Report of the joint Committee of the Houses on the Central and Other Societies (Regulation) Bill, 1974, be further extended upto the first day of the last week of the Ninety-fourth Session of the Hajya Sabha".

11.03 hrs.

BUSINESS ADVISORY COMMITTEE

FIFTY-SIXTH REPORT

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I beg to move:

"That this House do agree with the Fifty-sixth Report of the Busi-

ness Advisory Committee presented to the House on the 22nd July, 1975."

MR. SPEAKER: The question is:

"That this House do agree with the Fifty-sixth Report of the Business Advisory Committee presented to the House on the 22nd July, 1975."

The motion was adopted.

11.04 hrs.

MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL*

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I beg to move for leave to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971."

Shri Mavalankar.

Like Yesterday, the speeches will be of three minutes duration.

SHRI P. G. MAVALANKAR (Ahmedabad): I shall be as brief as possible; I shall try to abide by your direction.

Mr. Speaker, Sir, I wish to oppose the Home Minister's asking for leave to introduce this Draconian Bill, the Maintenance of Internal Security (Second Amendment) Bill, 1975. If anybody had at all any doubt or hope that the so-called democracy of India, after the 26th June 1975, has at least

*Published in Gazette of India Extraordinary, Part II, section 2, dated 23-7-75.

some kind of a resemblance to democratic functioning, I am sure that that hope has been ultimately smashed to pieces, because this particular Bill which the Home Minister is seeking leave to introduce, clearly says in the Statement of Objects and Reasons that this is "for dealing effectively with the emergency". Their whole purpose is to deal effectively with the emergency. I am quoting this from the Statement of Objects and Reasons.

Then, Sir, the second paragraph says:

"As a view has been expressed that right to personal liberty exists in natural law or common law, apart from that right being embodied in article 21 of the Constitution, it is considered safer to insert a provision taking away such natural law or common law rights, if any".

I could never imagine the Home Minister and his colleagues under the Prime Ministership and leadership of Shrimati Indira Gandhi writing such words in the Statement of Objects and Reasons, namely,

". . . it is considered safer to insert a provision taking away such natural law or common law rights, if any."

If that is so, let them consider going further even if they can do it, because it is still safer to eliminate us altogether, physically, mentally, intellectually and spiritually!!

My main point in opposing this Bill is this. This is the most obnoxious piece of legislation ever enacted in the recent history of India. It brings the India political system perilously near dictatorship and totalitarianism. We in India have cherished the great value of the liberty of person, and Mr. Speaker, Sir, we have done so since pre-Independence days. The Independence for which all of us together—not divided but together—had fought; even during those days, we had fought for the right of individual and his liberty based on

natural law and natural justice. Therefore, I repeat, we in India have cherished the great value of the liberty of person since pre-Independence times. The person of every individual is sacrosanct. No one has the right to violate the sanctity of his person except on well-defined grounds. In fact, the history of civilization is a story of the struggle for liberty waged by the people against tyrants. The architects of our Constitution attached the greatest importance to this liberty. We felt that we had well-nigh achieved it, but now we realise from this Bill that this fond hope of the architects of our Constitution has been smashed to pieces on the 28th June, 1975 and more particularly when the hon. Home Minister has come forward to introduce this draconian Bill.

Every arrest and detention is *prima facie* unlawful. No officer of the State should have the right to violate the person of any individual without telling him as to why he is doing it and without giving him an opportunity to refute the allegations made against him. This is the minimum natural right of every person. This is also called natural justice. It is natural justice because even God had asked Adam before punishing him, 'Have you eaten the forbidden fruit?' and then. He had proceeded to punish him. The new section which is sought to be added. . . .

MR. SPEAKER: Mr. Mavalankar, I think, Adam must listen to the Speaker also. This is the stage to raise procedural Constitutional objection briefly and not to give quotations on Adam, Eve and God, on what had transpired between them and how we came here.

SHRI P. G. MAVALANKAR: The Amendment Bill which the Home Minister wants to introduce today with the permission of the House releases the detaining authority from his obligation even to supply the grounds of detention. He has merely to

[Shri P. G. Mavalankar]

make a declaration that it is necessary to detain the person concerned for "effectively dealing with the emergency." This reminds me of the times before the French Revolution. We are told, the history books tell us, that, before the French Revolution took place, the officers or administrators of the State were having any number of blank forms in their possession and they could write anybody's name whom they wanted to pick up and put behind the bars indefinitely and tell him only that he was being detained. Do you want to do that kind of thing here?

The Ordinance was issued on the 29th June. Why? Obviously because the beloved leaders of the people were dragged from their beds on the 26th June and taken to unknown destinations. Under section 8 of the unamended MISA, the Government were bound to give them the grounds of detention within five days, i.e., before 1st July....

MR. SPEAKER: That is not relevant at present

SHRI P. G. MAVALANKAR: The Government, obviously, had no legitimate grounds to communicate. So, that has been done away with.

Till now we were told that the MISA, after all, was not bad, there was no harm in using it because within five days the reasons for detention were to be given. Now, that is sought to be removed. Not only that, what now remains is indefinite detention at the sweet will of the Government, a Government which wants to cling to power at any cost, by any means....

MR. SPEAKER: Please conclude.

SHRI P. G. MAVALANKAR: I only want to quote Lord Atkin. During the years 1939—45, when Britain was fighting the Second World War, and even while passing through

the darkest hours of the War, a great judge, Lord Atkin, sitting in the House of Lords, said:

"Amidst the clash of arms the laws in this country are not silent."

Now, when we in India found that there was war with Pakistan, when War was there with China, and there was Emergency, we did not object to this kind of law. But now there is only internal disturbance—supposed to be so—and that is why this proposed law has come. It takes away the right of natural justice and the right of natural law and also takes away the right of the matter having to be sent to the Advisory Board. The Advisory Board is also appointed by the Government themselves. Then, why should the Board not be given the information? So, on all these grounds, I oppose this Bill and I hope, the House will not allow the Minister the leave to introduce this draconian, mischievous, dangerous and malacious Bill in the House.

AN HON. MEMBER *rose*—

MR. SPEAKER: Only one Member is allowed at this stage and he was allowed. He is a very distinguished son of a very illustrious predecessor of mine and I have, therefore, some soft corner for him, but he sometimes exceeds the time. Now, the question is:

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971."

The Lok Sabha divided:

AYES

Division No 3]

[11.19 hrs.

Aga, Shri Syed Ahmed
Agrawal, Shri Shrikrishna
Ahirwar, Shri Nathu Ram
Alagesan, Shri O. V.

17	<i>Maint. of Int. SRAVANA 1, 1897 (SAKA)</i>	18
<i>Sec. (2nd Amdt.) Bill</i>	<i>Maint. of Int.</i>	<i>Sec. (2nd Amdt.) Bill</i>
Anand Singh, Shri	Das, Shri Anadi Charan	
Ansari, Shri Ziaur Rahman	Das, Shri Dharnidhar	
Appalanaidu, Shri	Dasappa, Shri Tulsidas	
Arvind Netam, Shri	Daschowdhury, Shri B. K.	
Austin, Dr. Henry	Deo, Shri S. N. Singh	
Awdhesh Chandra Singh, Shri	Deshmukh, Shri K. G.	
Azad, Shri Bhagwat Jha	Deshmukh, Shri Shivaji Rao S.	
Aziz Imam, Shri	Dhamankar, Shri	
Babunath Singh, Shri	Dhusia, Shri Anant Prasad	
Bajpai, Shri Vidya Dhar	Dinesh Singh, Shri	
Balakrishniah, Shri T.	Dixit, Shri G. C.	
Banerjee, Shri S. M.	Dixit, Shri Jagdish Chandra	
Banerji, Shrimati Mukul	Doda, Shri Hiralal	
Barman, Shri R. N.	Dube, Shri J. P.	
Basappa, Shri K.	Dumada, Shri L. K.	
Basumatari, Shri D.	Engti, Shri Biren	
Besra, Shri S. C.	Gaekwad, Shri Fatesinghrao	
Bhagat, Shri B. R.	Ganesh, Shri K. R.	
Bhagat, Shri H. K. L.	Gangadeb, Shri P.	
Bhargava, Shri Basheshwar Nath	Garcha, Shri Devinder Singh	
Bhatia, Shri Raghunandan Lal	Gautam, Shri C. D.	
Bhattacharyya, Shri Chapaiendu	Gavit, Shri T. H.	
Bheeshmadev, Shri M.	Ghosh, Shri P. K.	
Bhuvarahan, Shri G.	Giri, Shri V. Shanker	
Bist, Shri Narendra Singh	Godara, Shri Mani Ram	
Brahmanandji, Shri Swami	Gogoi, Shri Tarun	
Buta Singh, Shri	Gokhale, Shri H. R.	
Chakleshwar Singh, Shri	Gomango, Shri Giridhar	
Chandia Shekhar Singh, Shri	Gopal, Shri K.	
Chandrappan, Shri C. K.	Goswami, Shri Dinesh Chandra	
Chandrashekharappa Veerabasappa	Gowda, Shri Pampan	
Shri T. V.	Gupta, Shri Indrajit	
Chaturvedi, Shri Rohan Lal	Hansda, Shri Subodh	
Chaudhari, Shri Amarsinh	Hanumanthaiya, Shri K.	
Chaudhary, Shri Nitiraj Singh	Hari Singh, Shri	
Chavan, Shri Yeshwantrao	Ishaque, Shri A. K. M.	
Chellachami, Shri A. M.	Ismail Hossain Khan, Shri	
Chhotey Lal, Shri	Jadeja, Shri D. P.	
Chhutton Lal, Shri	Jagjivan Ram, Shri	
Chikkalingaiah, Shri K.	Jeyalakshmi, Shrimati V.	
Choudhury, Shri Moinul Haque	Jha, Shri Bhogendra	
Dagu, Shri M. C.	Jha, Shri Chiranjib	
Damani, Shri S. R.	Jitendra Prasad, Shri	

Kadam, Shri Dattajirao
 Kadam, Shri J. G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Purushottam
 Kale, Shri
 Kamakshaiah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri T. D.
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kathamuthu, Shri M.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Krishnan, Shrimati Parvathi
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Ballyar, Shri
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Mallanna, Shri K.
 Mandal, Shri Jagdish Narain
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram

Mishra, Shri G. S.
 Modi, Shri Shrikushan
 Mohammad Yusuf, Shri
 Muhammed Khuda Bukhsh, Shri
 Murmu, Shri Yogesh Chandra
 Muruganantham, Shri S. A.
 Naik, Shri B. V.
 Nanda, Shri G. L.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Panadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narun Chand
 Parikh, Shri Rasiklal
 Partnasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.
 Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Prabodh Chandra, Shri

Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabahadur Singh, Shri
 Rao, Shrimati B. Radhabai A.
 Rao, Shri Jagannath
 Rao, Shri K Narayana
 Rao, Shri M Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R. Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Valayar
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram
 Reddy, Shri Y. Eswara
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.

Sambhali, Shri Ishaque
 Sanghi, Shri N. K.
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satpathy, Shri Devendra
 Satyanarayana, Shri B.
 Savant, Shri Shankerrao
 Savitri Shyam, Shrimati
 Sayeed, Shri P M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shastri, Shri Biswanarayan
 Shastri, Shri Ramavatar
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivnath Singh, Shri
 Shukla, Shri B. H.
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardars Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri

Tarodekar, Shri V. B.
Tayyab Hussain, Shri
Thakre, Shri S. B.
Thakur, Shri Krishnarao
Tiwari, Shri Chandra Bhal Mani
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tulsiram, Shri V.
Ulkey, Shri M. G.
Vekaria, Shri
Venkatswamy, Shri G.
Vidyalankar, Shri Amarnath
Vikal, Shri Ram Chandra
Yadav, Shri Chandrajit
Yadav, Shri D. P.
Yadav, Shri Karan Singh
Yadav, Shri R. P.
Zulfiqar Ali Khan, Shri

NOES

Agarwal, Shri Virendra
Bade, Shri R. V.
Berwa, Shri Onkar Lal
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri Jagadish
Chaudhuri, Shri Tridib
Chavda, Shri K. S.
Chowhan, Shri Bharat Singh
Das, Shri R. P.
Deb, Shri Dasaratha
Deiveekan, Shri
Deo, Shri P. K.
Dharia, Shri Mohan
Durairasu, Shri A.
George, Shri Varkey
Gopalan, Shri A. K.
Haidar, Shri Madhuryya
Halder, Shri Krishna Chandra

Hazra, Shri Manoranjan
Horo, Shri N. E.
Joarder, Shri Dinesh
Joshi, Shri Jagannathrao
Kalingarayar, Shri Mohanraj
Kiruttinan, Shri Tha
Krishnan, Shri M. K.
Lakshmikanthamma, Shrimati T.
Mavalankar, Shri P. G.
Mayavan, Shri V.
Mehta, Shri P. M.
Modak, Shri Bijoy
Mohammad Ismail, Shri
Mohanty, Shri Surendra
Mukherjee, Shri Samar
Mukherjee, Shri Saroj
Nayak, Shri Baksi
Parmar, Shri Bhaljibhai
Patel, Shri H. M.
Patel, Kumari Maniben
Patel, Shri Nanubhai N.
Pillai, Shri R. Balakrishna
Ram Deo Singh, Shri
Ramkanwar, Shri
Reddy, Shri B. N.
Roy, Dr. Saradish
Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sen, Shri Robin
Sequeira, Shri Erasmo de
Shamim, Shri S. A.
Sastri, Shri Shiv Kumar
Singh, Shri D. N.
Subravelu, Shri
Ulaganambi, Shri R. P.

MR. SPEAKER. The result* of the
division is:

Ayes: 280; Noes: 53.

*The following Members also re-
corded their votes for AYES—

Sarvashri Genda Singh and N. S.
Kamble.

The motion was adopted.

SHRI K. BRAHMANANDA REDDY:
I introduce the Bill.