

Patel, Chaudhuri Randhir Singh, Shri S. K. Sambandhan, Shri P. G. Sen, Shri Saahi Ranjan, Shri Vidya Charan Shukla, Shri S. M. Siddayya, Shri N. K. Somani, Shri Tayappa Hari Sonavane, Shri R. Umanath, Shri Tenneti Viswanatham and Shri Y. B. Chavan.

"This House recommends to Rajya Sabha that the Joint Committee be instructed to report by the first day of the next session of Rajya Sabha."

The motion was adopted.

18.05 hrs.

INDIAN OFFICIAL SECRETS
(AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now take up the Indian Official Secrets (Amendment) Bill.

Mr. Vidya Charan Shukla.

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla): I move:

"That the Bill further to amend the Indian Official Secrets Act, 1923, as passed by Rajya Sabha, be taken into consideration."

This is an amending Bill, amending a long-standing Official Secrets Act, which was passed in 1923. This is a Bill with very simple provisions and I shall, in a minute, describe the provisions of this Bill.

The main point in this Bill is to make the offences punishable with greater sentences of imprisonment and make most of the offences under this Bill cognizable offences. This is the main purpose of this amending Bill.

1926 (A1) LSD—7.

As the House knows, under this Official Secrets Act, we will prosecute... (*Interruptions*) such of those people who may indulge in anti-Indian, anti-national, activities and work for the foreign powers. They are the people who have to be punished under this Act.

This Bill has been passed unanimously by Rajya Sabha and practically all the sections of the House lend us support in this. I am sure, the hon. members must have studied the provisions of this Bill. I, therefore, move that this Bill be given full support by this House.

Mr. Deputy-Speaker: Motion moved:

"That the further Bill to amend the Indian Official Secrets Act, 1923, as passed by Rajya Sabha, be taken into consideration."

Mr. Randhir Singh.

श्री रणधीर सिंह (रोहताक) : डिप्युटी स्पीकर साहब, मैं इस बिल की पुरजोर हिमायत करता हूँ। यह बिल बहुत पुराना है और आज तक इस में कोई एमेंडमेंट नहीं हुई है। इस बिल के जरिये प्रिंसिपल एक्ट के सेक्शन 3 और 5 में जो एमेंडमेंट की गई है उस से देश को बड़ी ताकत मिलेगी।

हमारे देश में आफ्रिकन सर्कल में और दूसरी जगह भी ऐसे बहुत से एन्टी-सोशल और एन्टी-नेशनल लोग हैं जिन्होंने यह बिजनेस बना रखा है कि वे दूसरे देशों से रुपया ले कर उन को हमारे ग्रहम आफ्रिकन सीक्रेट्स दे देते हैं। इस तरह की बहुत सी मिसालें हैं। आईन्दा जो लोग इस तरह की हरकतें करेंगे इस बिल के जरिये उन को डेटेरेन्ट पनिशमेंट दी जायेगी।

इस के अलावा एक एमेंडमेंट के जरिये इस किस्म के आफ्रिकन के लिए कोड आफ्रिकनिस प्रोसीजर के सेक्शन 337 की ओरिजिन को भी एक्टिव किया गया है।

[श्री रणधीर सिंह]

भारत प्राप्तिक्षमण के लिए सफ़्टवेयर, मैटीरियल न मिले तो एक्यूज्ड में से किसी को पार्डन दे कर एपेलेशन एक्ट के बेसिस पर कनविक्शन हो सकेगा। हालांकि ला में एपेलेशन एक्ट को धाम तौर पर इन्ट्रस्टिड एक्ट माना जाता है लेकिन इस बिल में यह प्राविजन एड कर देने से यह कानून और ज्यादा इफ़ेक्टिव हो जायेगा।

श्री श्रीचंद गोत (बंड़ीगढ़) :
उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूँ। हमारे देश में काफ़ी भरसे से इस प्रकार के पंचमांगी तत्व कार्य करते रहे हैं, जिन की तरफ से देश के लिए हानिकारक गतिविधियां होती रही हैं। उन से देश की सुरक्षा और स्वतंत्रता को आघात पहुंचा है। इस से ज्यादा दुर्भाग्य की बात और क्या हो सकती है कि दिल्ली में कांग्रेस के प्रखिल भारतीय कार्यालय में, श्री कामराज की नाक के नीचे उन के अपने दफ़तर में, इस प्रकार के तत्व काम करते रहे, जो दूसरे देशों को हमारे देश के सम्बन्ध में महत्वपूर्ण रहस्य देते रहे। आज जबकि पाकिस्तान और चीन हमारे देश की सुरक्षा और स्वतंत्रता के लिए खतरा बने हुए हैं, अनेक प्रकार के देश-विरोधी और समाज-शत्रु तत्व हमारे देश में सक्रिय हैं। मैं समझता हूँ कि जब तक उन के लिए और बड़ी सजाएं कड़े षण्ड निश्चित नहीं होंगी, अख्ती के साथ जब तक उन को नहीं कुचलो जायगा देश की स्वतंत्रता और सुरक्षा के लिए, यह खतरा बनते रहेंगे। इसलिए मैं समझता हूँ कि आज इस बिल के द्वारा सरकार इस बात के ऊपर विचार कर रही है जिस की आज तक प्रचलना की थी, आज तक जिस बात की ओर दुर्लक्ष्य किया था। भाषा है कि आगे से सरकार, सरकार के कर्मचारी, सरकार के सब मंत्री और कांग्रेस के भी अधिकारी सावधान रहेंगे और इस प्रकार की गतिविधियां उन के

अपने कार्यालयों के अन्दर, अपने मन्त्रालयों के अन्दर नहीं होंगी। उन के ऊपर अच्छी तरह से रोक लगाएंगे तभी यह गतिविधियां रुकेंगी।

Shri S. M. Banerjee (Kanpur): I rise to oppose this Bill.

Mr. Deputy-Speaker: He had taken leave of the House already.

Let him be brief.

Shri S. M. Banerjee: I want to oppose this Bill.

Mr. Deputy-Speaker: Let him be very brief.

Shri S. M. Banerjee: I hope you will allow me to speak at least.

I did not take leave of the House for the whole proceedings. But I was only opposed to that particular Bill and the Law Minister's clarification which made it very difficult for us to sit here. I have come back now to oppose this Bill called the Indian Official Secrets (Amdtment) Bill.

Under the Official Secrets Act, we know that a certain amount of secrecy has to be maintained at all costs in the larger interests of the country. (Interruptions) I hope Shri Vidya Charan Shukla would gain in maturity and would not interrupt me.

श्रीमती जयबेन शर्मा (अमरेली) :
भाप-उन-को-यही-सिखा-रहे-हैं।

श्री. ए. ओ. बेनर्जी : देखिए, कोई भई मुझ से लड़े तो मैं जवाब भी दूँ। मैं लेडीज की तो बड़ी रेस्पेक्ट करता हूँ।

May I request you, Sir, to allot a definite seat and fix Shri Sbeo Narain to a particular seat? He is a moving shuttle-cock. Let him be fixed somewhere.

श्री शिवनारायण (बस्ती) : गरियाघो घरेलू में तुम, मैं हिन्दी में गरियाऊंगा। डोङ्गा नहीं। इन के बाद में बोल्गा।

Shri S. M. Banerjee: Even if they are all together and I am alone, I am an Abhimanyu and I shall face them.

Shri Namblar (Tiruchirappalli): I am also here. Let him not worry.

Shri S. M. Banerjee: What secrecy has been maintained in this country? Is it not a fact that in this very House I had referred to the case where certain very important and secret information concerning our very big project namely the Farakka barrage had been passed on to Pakistan? When this question was asked, the hon. Prime Minister replied only that the papers were not kept in the All India Congress Committee office at Jantar Mantar Road. But she admitted the fact when there was the case of Sunil Das or Mohit Choudhury that they had extracted some information from officials and wanted to give it to Pakistan. There also, kindly allow me to say that one of the ex-Members of the House, Shri Atulya Ghosh was involved. So, naturally, no action could be taken against them. I must congratulate Shri Y. B. Chavan for it. The cases against those people were withdrawn, or dismissed. The magistrate had said that the prosecution witness, namely the Deputy Superintendent of Police or the SP or the the CBI was not present and because they were not present he thought that Government wanted to drop the case, and accordingly that case was finished. But, again, a case has been lodged.

Even today, when we are discussing this Bill and talking of secrecy, it is only Government employees, especially the junior Government employees and the middle class employees for whom dearness allowance has been denied who would be governed by this Act and they are asked to maintain proper secrecy.

I would take this opportunity and request Shri Y. B. Chavan to kindly tell the House

what he is going to do with that Air Force Officer who was caught and who was found passing on certain information to Pakistan.

Then, our maps which were published by the Director of Map Publications, Dehra Dun, were found in the Chinese custody. They used those maps against us when they invaded Bomdila and forced our Army to come back.

Shri Kamalnayan Bajaj (Wardha): Supplied by the Communist Party.

Shri Namblar: Which party? Question.

Shri S. M. Banerjee: Patriotism is not the monopoly of Shri Kamalnayan Bajaj. Money cannot purchase patriotism. Let him understand that.

These maps were supplied; they were in the possession of the Chinese. They knew the position better than us because these maps were supplied to them. How were they supplied to them? Brig. Wilson, who was the Surveyor General at that time had a brother, another Wilson, working in Pakistan. In 1948, when I was representing the Survey of India Karmachari Class IV Union, I pointed it out, and it was supported by the then Regional Labour Commissioner, Shri Hari Singh. I said that this officer should not be kept there. But what happened? He was in employment till this mischief was done and those very important maps were passed on to the Chinese.

So I say that secrecy is necessary, but that can only be had if we really maintain secrecy. But what is happening. Take the Report on the Vivian Bose Report. The original copy was with the Attorney General—I am referring to the Report of the Solicitor General and Shri Viswanatha Shastrri in regard to the Vivian Bose Report. The only duplicate. One copy was with somebody else and that was got cyclostyled and placed on the Table of the House. That is the secrecy that you maintain!

[Shri S. M. Banerjee]

With these words, I say that the case of Sunil Das and Mohit Chaudhuri where we have definitely proved that Government have not been able to protect the secrecy of documents, should be pursued. Shri Atulya Ghosh who was a Member of this House, who was defeated by Shri J. M. Biswas, a member of my group, was involved in this. His conduct should also be scrutinised properly. Without such steps, secrecy cannot be maintained.

श्री शशि भूषण वाजपेयी (खारगोन) :

घाप तो इंडिपेंडेंट है।

Shri S. M. Banerjee: This is the last day of this session. Shri Shashi Bushan Vajpayee should not interrupt me. I come from Kanpur where even stones do not debar us from speaking. I am used to such interruptions.

I was saying that Shri Atulya Ghosh, against whom an inquiry should be conducted, should have been behind the bars. But he is moving about in Calcutta. We say the officials are doing this. What can officials do if there is pressure from the AICC and when the staff of the AICC go there and collect information?

With these words, I say that secrecy should be maintained rigidly and proper steps should be taken towards that end. I hope the hon. Minister will take the necessary steps in this direction.

श्री प्रकाशबीर शास्त्री (हापुड़) :

उपाध्यक्ष जी, मैं तो केवल दो म्युझाव ही देना चाहता हूँ। इस में कोई सन्देह नहीं कि भारतीय रहस्यों को प्रगट करने के लिए जितनी अधिक से अधिक और कड़ी से कड़ी सजा दी जाय वह ही जानी चाहिये क्योंकि सडका राष्ट्र की अखण्डता से संबंध है। और देश के भविष्य से संबंध है। परन्तु साथ ही साथ जो बात मैं विशेष रूप से कहना चाहता हूँ वह यह कि अभी पीछे इस प्रकार की भी बार बार सूचनाएं मिलती

रहीं हैं स्वयं मंत्रिपरिषद् की बैठकों के निर्णय भी प्रगट हो जाते हैं। आप सरकारी अधिकारियों द्वारा रहस्य प्रगट किए जाने के संबंध में जहां कानून बनाने जा रहे हैं वहां कुछ इस प्रकार की भी अपनी परम्पराएं तो प्रारम्भ कीजिए कि आप की जो कैबिनेट की मीटिंगें होती हैं, वहां जो निर्णय लिए जाते हैं, वह रहस्य प्रगट हो जाते हैं, उस पर प्रतिबन्ध लगाने का क्या प्रयास कर रहे हैं? आप को थोड़ा अपने घर में भी सोचना होगा। सरकारी कर्मचारियों पर आप प्रतिबन्ध लगाए कि वह सरकारी रहस्यों को प्रगट न करें इस में दो राय नहीं हो सकती। लेकिन इस का अभिप्राय यह नहीं कि आप को स्वतन्त्रता है। आप के अन्दर बैठ हुए व्यक्ति इस प्रकार के रहस्यों को प्रगट करें कि जिन के प्रगट होने से देश को भी खतरा हो सकता है और आप की स्वयं की नीतियों पर भी उस का प्रभाव पड़ता है। मैं इस प्रकार के भी उदाहरण जानता हूँ और गृह-मंत्रालय की एकाध बैठकों में मैं ने इस बात की चर्चा भी की कि दिल्ली में कुछ इस प्रकार के क्लब हैं जहां सांयकाल सरकारी कार्यालयों के बन्द होने के बाद बड़े बड़े आफिसर खेलने के लिए जाते हैं और कुछ बड़ी बड़ी कम्पनियां या विदेशों से संबंध रखने वाले व्यक्ति इस प्रकार के हैं कि जो खेलने आते हैं और जो जानबूझकर उन अधिकारियों के साथ हार बैठते हैं। इस तरह उन के साथ संपर्क स्थापित करते हैं और फिर रहस्य लेते हैं और अपना कार्य उन से कराते हैं। इस का परिणाम यह होता है कि आप की नीतियों पर भी उग का प्रभाव पड़ता है और देश की सुरक्षा पर भी उस का प्रभाव पड़ता है। तो जहां आप सरकारी कर्मचारियों के संबंध में इस प्रकार का नियंत्रण करें कि उन से कोई रहस्य प्रगट न हो और उस के लिए कड़ी सजा दी जाय वहां अपने घर में भी ध्यान रखें आप के द्वारा कोई रहस्य बाहर न जाय। इस की सुरक्षा की भी आप को बड़ी कड़ाई के साथ व्यवस्था करनी चाहिए।

Shri Nambiar (Tiruchirapalli): I am at one with the Government in regard to the spirit of the Bill that any spying whatever form it may be, must be curbed and with an iron hand, but this is not the only purpose with which this has been brought in. The Statement of Objects and Reasons reads like this:

"In certain cases of spying, however, where the offence is punishable with imprisonment for a term which may extend to fourteen years, it has been provided that it would not be necessary to prove that the accused was guilty of any particular act tending to show such a purpose, if from the circumstances of the case or the conduct of the accused or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State."

That is, in extreme cases the punishment may go up to 14 years, but other lighter issues are also there. You went to extend the whole of this to the lighter issues also.

It continues:

"It is considered that this special rule of evidence should be made applicable to all offences of spying punishable under this section and it is proposed to amend the section suitable for this purpose."

That means, this is going to be a blanket clause which will cover all sorts of things which can be termed as spying. Spying is such thing that any person who has indulged in it will have to be punished severely, and I may say to the extent that he may be shot, but under the cover of spying you cannot bring in all and sundry and say that now here it is necessary on the part of the Government to prove that he has spied. You cannot have that blanket extension of the limited scope of the original Act. By opening the floodgates it may lead to all sorts of malpractices and innocent people may be . . . Why are you in a hurry? Moreover, you got the other thing passed just like lightning.

So, what I would request you is that this must be done with sufficient caution, and you cannot open it up like that.

Again, in the last line of the paragraph it is said:

"It is, therefore, proposed to enhance the punishments for the offences suitably while ensuring at the same time, that all offences under the Act become cognizable and non-bailable."

All offences under the Act become cognizable and non-bailable. So, anybody who is arrested or suspected of spying will be booked, shunted into jail, and he cannot get a bail, and it is cognizable automatically, and the burden of proof is on him to show that he has not spied, and the Government will have no obligation to prove the offence. All these things show that there is something more serious than what it looks. That is my fear. In the name of spying, you cannot do everything.

Further, the amendment of the clause which is sought also gives me suspicion. Clause 4 says:

"In section 3 of the principal Act,—

(a) in clause (c) of sub-section (1), after the words 'useful to an enemy', the following shall be inserted, namely:—

"of which relates to matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States";

This is very loosely worded. It is likely. Anything can be interpreted like that. In many Bills that they are bringing forward they are using this sort of loose words and phrases like "which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India" etc. who is to decide that?

Shri Krishna Kumar Chatterji (Howrah): Should a traitor go scot-free?

Shri Nambiar: Why do you immediately jump to that. Then you can say, "if anybody is suspected of being a traitor, he must be immediately shot". You finish the Bill like that. After all, this is legislation, and legislation must have safeguards. As it is, a wrong thing is done against the citizen. The hon. Minister is not going to execute this Act. He is not going to arrest or apprehend a person. It is the machinery. There is a big machinery throughout the country, and if it misbehaves, what is the safeguard? We must also see that the innocent citizen is not unnecessarily put into so many difficulties. My hon. friend Mr. Banerjee stated about the erstwhile colleague from Bengal. He was implicated in a spy case; as he was a Congressman, he was not proceeded against. Suppose a person from the Opposition was there, he would have been behind the bars. Political opponents can be ill-treated. The law should not give room for that. You should not create a law like this. The next subsection has the following words "With imprisonment for a term which may extend to 14 years". That means any offence for which formerly the punishment was fourteen years. Now, that is removed and every offence is brought in. This Bill does not go to the Select Committee.

Mr. Deputy-Speaker: The Rajya Sabha has already passed it.

Shri Nambiar: The Rajya Sabha passes many things. Unfortunately, most of our members are not here; this should be studied carefully. Everybody agrees that safeguards must be there. The hon. Minister should assure us that this will not be misused or abused. We know how people who differ from the government are accused of everything. We say we differ from government and immediately a seal is put on us; a seal is put before an animal is taken to the slaughter house; a seal is put on us to put us behind the bars: traitors. A seal was put on us by his predecessor. But we are still here; he is not to be seen here. While I was a member of

the Madras Assembly I was prosecuted in 1948. I gave notice of a motion; I sent a letter to the Secretary of the legislative assembly enclosing a letter which I received by post. That letter was subsequently termed as a confidential document. I do not know who sent it or whether it was confidential. I was undergoing a sentence already in another connection for a term of three years. This prosecution came while I was in jail and I told the court the position. It was to be decided by a Sessions Court, Not a magistrat's court. I was brought from the jail and then I pleaded my case with all my ability. I was convicted and given one year's sentence. The learned judge was good to write that both the sentences should run concurrently. I was already in the jail and thereby avoided an additional imprisonment. So, I say that this can be against any individual, particularly political opponent. I explained what happened to me in 1948 and I am afraid that worse things can be done under this Bill. Therefore, I would request him not to do it.

श्री कमल नयन बजाज (वर्धा) :
उपाध्यक्ष महोदय, मैं इस बिल के पक्ष में बोलने के लिये खड़ा हुआ हूँ। लेकिन इस तरह का बिल यदि हम को यहां लाने की जरूरत न होती तो मुझ को ज्यादा खुशी होती। हमें इस बिल के लाने से कोई खुशी नहीं है। लेकिन जिस वक्त भ्रान्तरिक स्थिति इतनी भ्रमान्त हो रही है, भराजकता के तत्व फैलते जा रहे हैं, जान और माल की सुरक्षा भी बराबर नहीं हो पा रही है, कहीं कहीं पर देशद्रोही तत्व भी दिखलाई दे रहे हैं, ऐसे वक्त में देश को सुरक्षित रखने के लिये, देश में शांति और अमन चमन कायम रखने के लिये यह चीज अत्यन्त आवश्यक हो गई है। इसको लाने में हमें किसी प्रकार का गर्व नहीं है, गुमान नहीं है, उल्टे हमारे मन में सब है कि जितने इस तरह के विरोधी तत्व हैं, ऐसे तत्व हैं जो देश के खिलाफ भी काम कर सकते हैं और जो आज भी देश में मौजूद हैं और इस तरह की बुरी कार्रवाई भी कर रहे हैं, उनको रोकने के वास्ते अनिवार्य रूप से

हम को इस तरह का प्रबन्ध करना पड़ रहा है ताकि उन पर रोक लग सके।

मैं प्रश्न नहीं बोलना चाहता हूँ। मैं इतनी ही माता करता हूँ कि कानून तो हम बनायें लेकिन कानून के जरिये हम इस तरह का वातावरण भी बनायें कि लोगों में विश्वास पैदा हो कि आज उनकी जान और माल को खतरा नहीं है, वह सुरक्षित रहेगी। हम ऐसा वातावरण भी बनायें ताकि देश में शान्ति कायम रहे।

Shri M. L. Sondhi (New Delhi): Mr. Deputy-Speaker, Sir, I endorse the objectives of this Bill inasmuch as the needs of Government today require that we take into account the strategies of other countries towards us, which may be friendly today but hostile tomorrow.

With regard to the question of official secrets, I speak with some experience, and it is my feeling that administrative reform is long over due, because if everything is marked "secret", then the very notions of secrecy are devalued. Nevertheless, to apply the powers which Government will possess as a result of this Bill, what would be required would be both imagination and firmness and, above all, speedy action. We have known in New Delhi itself how lightly some of our official attitudes with regard to defence and foreign affairs have been taken by people representing other countries. An impression was created that we have certain groups of countries around us; sometimes these friendly countries say, "We are spying on your soil; we are not spying against you; we are merely counter-spying on other powers."

I submit that difficult times are ahead. I do not feel very apprehensive about the internal situation, I feel confident about the internal situation, but I think the external situation, the world crisis, confronts

us, and that will lead the other powers to attempt spying on the Indian territory on a large scale, and anything that Government does with honest purpose, with the honest purpose of maintaining the national interests shall win unstinted co-operation from every honest citizen in this country. I therefore would appeal to the Government to realise that the powers that they are getting should be used well so that it may be said that the pledge that we took here as Members of Parliament, and when we come to Parliament, is upheld and the territorial integrity of the country is upheld.

Shri Srinibas Misra (Cuttack): Mr. Deputy-Speaker, Sir, there can be no two opinions that spying would be severely condemned. Regarding the principles for which this Bill has been brought forward, there can be no difference of opinion, but it appears that our Government are not satisfied with the power they have. They want to have more and more powers.

Here, only two hypothetical questions have been raised which will show you how this Bill has been intended to be used for purposes which are not mentioned in the Statement of Objects and Reasons. It is said that by a new substitute section for section 15 of the Parent Act they want to bring to book the directors of the company if their servants disclose something which relate to defence or to the sovereignty or integrity or any such thing. It is provided that if due to the negligence of the directors, certain information leaks out, even then the directors would be responsible. We have heard of vital information from our Defence Ministry leaking outside. Have the Ministers been made responsible for it? If persons due to whose negligence such vital information leaks out can go scot-free, why bring in here the poor directors who are 50 or 60 or just 15 in number, and only due to their negligence, because they could not check the officials, some information leaked out. If you apply that principle to the directors, you must apply it to the ministers as well. But they are not going to do that.

[Shri Srinibas Misra]

Clause 4 seeks to add the following.

"or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India."

I hope the minister will have no objection to add "territorial integrity" because only "integrity" carries no meaning.

Then it says,

"the security of the State or friendly relations with foreign States".

Section 3 is sought to be amended by adding these things. What is the enemy interested in it? The enemy is interested in our production, in what we are doing by way of defence. So far as relations with foreign countries are concerned, may be sometimes here we criticise, say, the misappropriation of foreign aid. As soon as we say that so many millions of dollars have been misused, that may strain the relations between the aid-giving country and our country. It is not clear whether such things will come under this or not. This aspect should be examined. Then, disclosure of our annual production or deficit in production, blackmarketing, etc. may be of interest to our enemy. That will also relate to the security of the State. So, there is a likelihood of this provision being used to stifle the press and expression of public opinion. Then, we have found that in the reports of the PAC and other committees, there is mention of misutilisation of foreign aid. Even that may be brought within the definition of prejudicial activity under this Act.

Then, there are agitations for recovery of occupied areas. Even that may come under the provisions of this Act. Of course, the intention of the Government is all right. But the power they have taken is so all-embracing that it can be used to stifle the press or public opinion. Sometimes during discussions in this House, if a person says that 10 square miles of our territory is in the occupation of Pakistan, it can be said that it relates to the sovereignty and the security of the country, because you are acknowledging Pakistan's occupation of 10 square miles.

The words used are "the disclosure of which is likely to affect....". It is a very thin end and it can be misused. Then, what is "friendly relations"? Supposing we say something against China, our known enemy. What is the friendly relation that will postulate, this Government declaring who are our friends and who are our enemies? Sometimes countries which are friendly may become inimical. Are not the public entitled to disclose, give out to the Press, declare from platforms that a country has got such and such a thing? Can the Government, if it chooses, haul him up for disclosing certain information because that will strain the relations with foreign countries? I will give only one example. It relates to our relationship with West Germany. Very recently some protest was voiced in the Press and public that they were helping Pakistan by sending arms to Pakistan. If the Government chooses, it can, as the Government always does take action. They are not willing to disclose anything. They are willing to suppress everything, suppress corruption. They are not very much careful about other things leaking out. They are very much careful about corruption leaking out. If corruption leaks out, somehow it is linked with the security of the State (*Interruption*).

Mr. Deputy-Speaker: Order, order. This is not fair. We must have adequate debate. We should not hustle through anything

Shri Srinibas Misra: When corruption leaks out the officials of Government can somehow or other link in with the security of the State, relationship with foreign countries and all that and somehow haul up the person concerned for legal action. Therefore, my contention is that this can be used to such an extent that even innocent activities, which are otherwise legal and lawful, can be prohibited under this. I hope that they will use the powers under the present Official Secrets Act, under the Defence of India Act and the Rules thereunder and not press for this Bill to be passed.

Shri Vidya Charan Shukla: Mr. Deputy-Speaker, Sir, I am thankful to the hon. Members who have taken part in the de-

bate. Shri S. M. Banerjee made a reference to the famous case of Mohit Choudhuri. I was very surprised that while making a reference to this case he opposed this amendment. This Bill has been brought forward to help in such cases only so that the persons concerned in such very cases can be prosecuted and convicted properly.

Shri S. M. Banerjee: You have not prosecuted Atulya Ghosh.

Shri Vidya Charan Shukla: It is not understood by us as to why any hon. Member of this House should oppose this amending Bill because this amending Bill has been brought here only to effectively prosecute and get deterrent conviction for those people who tamper with official secrets and cause injury to the cause of the nation. That is the main purpose of this Bill and hon. Members who mentioned various cases should realise that this amending Bill has been brought in only to help proper prosecution and conviction in such cases. There is no reason why any hon. Member should oppose this.

Shri Prakash Vir Shastri also mentioned certain cases. Shri Nambiar also mentioned certain cases. He also asked why we were making offences under this Act Cognisable and non-bailable. I will only remind him of the case of Amir Hussain who was prosecuted under this Act in 1963 for passing on some information—he was a Pak national—to Pakistan. When he was prosecuted under this Act, since under the provisions of this Act it was bailable, he was released on bail. He jumped the bail, crossed over to Pakistan and we lost that case completely; because he was not traceable after that. I give this case only to illustrate the necessity why the provisions of this clause must be made non-bailable so that we do not take the risk in the matter of agents of foreign countries or enemies of India and allow them to escape the clutches of law like this.

Shri Nambiar asked for an assurance that the provisions of this Act will not be used against political opponents. I say that we have never done so and this assurance

will be absolutely superficial. Even then, if it pleases him, I am prepared to give this assurance.

Shri Nambiar: Among the 500 Members of this House I am the solitary member who was convicted under the Official Secrets Act. That is why I am particular about it.

Shri Vidya Charan Shukla: The other members who have spoken on the Bill have generally supported the Bill. I will recommend this Bill for the approval of the House.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Indian Official Secrets Act, 1923, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We will now take up clause by clause consideration. For clause 2 there is an amendment by Shri P. K. Deo. I find he is absent. I will now put clause 2 to the vote of the house.

श्री तुलसीदास जाधव (बारमती) : मैं क्लॉज 2 पर बोलना चाहता हूँ। उपाध्यक्ष महोदय, यहां पर जो सदस्य शोर करते हैं, आप उन्हीं की सुनते हैं, लेकिन हम लोगों को धक्का नहीं देने हैं।

Mr. Deputy-Speaker: Do you want to speak on clause 2? I do not understand this. If he wants to make any general observations, he can do so during the third reading. Now I am on clause 2.

श्री तुलसीदास जाधव : अगर कृपा करके आप मुझे न हों, तो मैं कहूँ कि हाउस में जो लोग शोर करते हैं गड़बड़ करते हैं, आप उन को सब सहूलियत देते हैं, लेकिन जो अनुशासन में रह कर नियम के अनुसार

[श्री तुलशी दास जाधव]

बोलना चाहते हैं, आप उन को दो मिनट भी नहीं देते हैं। यह बात मेरी समझ में नहीं आती है।

Mr. Deputy-Speaker: I would inform Shri Yashwanth that this is not the way to address the Chair. I must warn him. What he has said is absolutely irrelevant. Now has he got anything to say on clause 2? For the benefit of the House, I will read clause 2.

"(2) It extends to the whole of India and applies also to servants of the government and to citizens of India outside India."

Shri Shri Chand Goel: Kindly permit him to speak at the third reading stage.

श्री तुलशीदास जाधव: मैं चौदह बरस तक बम्बई असैम्बली का सदस्य रहा हूँ। बिल में जो एमेंडमेंट हुई हो या कोई क्लॉज निकाली गई हो, तो थर्ड रीडिंग में केवल उसी के बारे में कहा जाता है। थर्ड रीडिंग में जनरल बातें नहीं कही जाती हैं। इस लिए जब आप कहते हैं कि थर्ड रीडिंग में चाहे जो कुछ कहा जाये, तो आप की इजाजत होने पर भी मुझे वह जंचता नहीं है। क्लॉज-बाई-क्लॉज डिस्कशन में ही क्लॉजिज पर बोला जाता है।

Mr. Deputy-Speaker: He need not speak anything on procedure or what he had learnt in Bombay. Clause 2 is before the House.

श्री तुलशीदास जाधव: क्लॉज 2 के मैं कहा गया है:

"It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India."

मुझे इस के ऊपर कुछ बोलना है। हालत यह है कि हमारी बात सुनी नहीं जाती है, जिस से गुलबड़ होती है। मेरा कहना

यह था कि यही क्लॉज इस बिल की जान है। हिन्दुस्तान की जो भ्रष्टाचार है वह बड़ी गंभीर है और कठिन है। यह क्लॉज डालने से ठीक है इस का इम्प्लीमेंट न होना चाहिए। हमारे जो प्रपोजिशन वाले भाई हैं उन से मुझे कहना है, देश में सरकार किसी की भी हो पर सरकार की जो सीक्रेसी है वह बाहर नहीं जानी चाहिए। चाहे वह किसी भी पार्टी का भ्रादमी हो या फारेनर हो, बाहर का भ्रादमी हो, उस की निष्ठा, उस की लायल्टी देश की सरकार के प्रति होनी चाहिए और सरकार की किसी भी सीक्रेसी को फोड़ने में अगर उस का हाथ पाया जाय तो उस को भाफ करना ठीक नहीं है। जैसे मेरे भाई बैनर्जी ने कहा, उसी तरह से मैं भी उन के लिए थोड़ी बातें कहना चाहता हूँ। सी० वी० आई० की रिपोर्ट जो थी वह गवर्नमेंट का एक एक सीक्रेट डायूमेंट था। यह ठीक है कि प्रपोजिशन वाले गवर्नमेंट को एक्सपोज करना चाहते हैं; लेकिन वह एक सीक्रेट चीज थी, उस की सीक्रेसी का क्याल न करते हुए उसे यहां लाये। इतनी बड़ी पार्लियामेंट जो एक आगस्ट बाड़ी है देश की, देश का एक मन्दिर है, उस में रहने वाले पुजारी जब कागज चुराकर लाएं और टेबल पर रखें तो वह फिर किस मुह से हम से बात करते हैं और लोगों को वह क्या भ्रादर्श बताएंगे? मेरी कोई उन के प्रति शक्यता की दृष्टि नहीं है। लेकिन एक जिस दृष्टि से यह बिल आया है उस के लिए मैं कहता हूँ। दूसरी बात आप की जगह बैठने वाले, पांच वर्ष तक जो हमारे स्पीकर थे उन का भी प्राइवेट लेटर था, वह यहां लाकर रखा गया। जो चेयर है, मन्दिर की मूर्ति है उस के भी खिलाफ तौहीन देश में करते रहेंगे तो किस की तरफ देश के लोग देखेंगे कि हमारा भ्रादर्श कौन सा है? तीसरी बात ब्रिटिश राज के जो

पेपर बे' वह गए। बीस साल तक राज करने वाली कांग्रेस पार्टी ने एक भी कागज कभी बाहर नहीं लायी लेकिन अभी चार दिन हुए मध्य प्रदेश में दूसरी सरकार बने और वहाँ का कागज फ़ाइनेंस सेक्रेटरी का कान्फ़िडेंशियल नोट वाजपेयी जी ने यहाँ ला कर बताया तो यह कैसी सीक्रेसी है ? इस रीति कैस नीक्रेसी रहेगी ? हमारे लिए भी कहा जाता है, जैसे कि एक भाई ने कहा कि वकिंग कमेटी का भी और कैबिनेट का भी बाहर आता है तो मैं नम्रता से कहूंगा कि जो पार्टी इन पावर है, और जो लायल्टी पर सिगनेचर करते है, वहाँ भी जब एक खानगी चर्चा होती है, और वह भी बाहर आ जाती है तो हमारा भी कोई अधिकार नहीं है दूसरों को कुछ कहने का। इसलिए मैं यह कहूंगा कि हम सब लोग इस देश के अन्दर भाई भाई हैं। देश को हमें संभालना है। देश के प्रति जो लायल्टी और निष्ठा होनी चाहिए उस की सीक्रेसी जिस तरह से मेन्टेन होनी चाहिए, वह हावी नहीं है, इसीलिए यह ऐसे बिल लाने पड़ते हैं। यह बिल और इंडस्ट्रियल सर्वोयोरिटी फ़ोर्स बिल जो लाने पड़े उनका उद्देश्य यही है कि हम संभले और हमारी सीक्रेसी और लायल्टी रहे।

Shri Nambiar: I also want to speak on clause 2.

Mr. Deputy-Speaker: Why do you want to speak now? What the hon. Member spoke was not relevant at all to this clause.

Shri Nambiar: I want to say something.

Mr. Deputy-Speaker: I had asked Mr. Tulshidas Jadhav to sit down, but he did not obey. Now does the hon. Member also want to participate in this? He may please sit down.

Shri Nambiar: All right: If you say, I will sit down.

Mr. Deputy-Speaker: The question is: "That Clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill.

Clause 3 was added to the Bill

Clause 4.— (Amendment of section 3)

Shri Srinibas Mishra: I beg to move:

Page 2, line 14,—

for "relates to" substitute—

"is". (2)

Page 2, line 15, .

after "and" insert—

"territorial". (3)

Page 2, lines 16 and 17—

omit "or friendly relations with foreign States" (4).

Page 2,—

Omit lines 19 and 20. (6)

Mr. Deputy-Speaker: I will now put the amendments to the vote of the House.

Shri Srinibas Mishra: I want to say something. What I want is that on page 2, line 14, 'relates to' should be substituted by 'is'. Then on the same page, line 15, after 'and', 'territorial' be inserted. That is, it will read as, "or which is a matter the disclosure of which is likely to affect the sovereignty and territorial integrity of India...."

Mr. Deputy-Speaker: He has already made those points.

Shri Srinibas Mishra: Then, on page 2, lines 16 and 17, the words, "or friendly relations with foreign States" should be omitted. These are the three amendments. I hope there will be no objection to accepting these amendments.

Mr. Deputy-Speaker: I now put his amendments, 2, 3 and 4 to the vote of the House.

Amendments Nos. 2 to 4 were put and negatived

Mr. Deputy-Speaker: There is also another amendment of Shri Srinibas Mishra, No. 6. Is he pressing it?

Shri Srinibas Misra: I am not pressing it.

Mr. Deputy-Speaker: Has he leave of the House to withdraw his amendment?

Hon. Members: Yes.

Amendment No. 6 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill

Clause 5.——(Amendment of section 5)

Shri Srinibas Misra: I beg to move:

Page 2, line 29,—

for "relates to" substitute—
 "is". (8).

Page 2, line 30,—

after "and" insert—
 "territorial" (10)

Page 2, lines 31 and 32,—

omit "or friendly relations with foreign States" (11)

Mr. Deputy-Speaker: I now put the amendments to the vote of the House.

Amendments No. 8, 10 and 11 were put and negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 11 were added to the

Clause 12.— (Substitution of new section for section 15)

Shri Srinibas Misra: I beg to move:

Page 4, lines 13 and 14,—

omit, "or is attributable to any negligence or the part of". (12).

Mr. Deputy-Speaker: I now put the amendment to the vote of the House.

Amendment No. 12 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That Clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Vjdyia Charan Shukla: I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

20 hrs.

MOTION RE SITUATION ARISING OUT OF WORKING OF SUGAR INDUSTRY FOR SHORTER PERIOD DURING THE CRUSHING SEASON.

श्री काशी नरथ पाण्डेय (पदरत्ना) :
 उपाध्यक्ष महोदय, आज मुझे इस विषय में ज्यादा नहीं कहना है। चीनी के सम्बन्ध में जो एक गम्भीर समस्या हमारे देश में पैदा हो गई है उसकी जानकारी सभी लोगों को है। पहली बात यह है

20.0 1/4 hr.

[**SHRI G. S. DHILLON in the Chair.**]

श्री प्रकाशबीर शास्त्री (हापुड़) :
 सभापति महोदय, पूर्व इसके कि श्री पाण्डेय अपना वक्तव्य प्रारम्भ करें, मैं आपके द्वारा यह कहना चाहता हूँ कि आज कोठारी कमिशन की रिपोर्ट और संसदीय शिक्षा समिति की रिपोर्ट पर कुछ चर्चा होने वाली थी वह नहीं हो सकी। लेकिन शिक्षा मंत्री इस सम्बन्ध में कुछ वक्तव्य देने वाले थे कि भारत की शिक्षा सम्बन्धी नीति क्या होगी