

[Mr. Speaker]

House on the 30th March, 1967 and 8th June, 1967, respectively and is of opinion that the safeguards provided in the Constitution for Scheduled Castes and Scheduled Tribes are not being fully implemented."

Let the Lobby be cleared.

Shri Surendranath Dwivedy: The report had already come that the Lobby had been cleared. In the meantime we were holding a discussion. The Lobby cannot be cleared again. It has already been cleared. We challenge you. How can it be cleared again?

Shri Sezhiyan (Kubakonam): For a second time it had been cleared and the doors had been closed after that. The doors cannot be opened again.

Mr. Speaker: Shall we have voting with slips now?

Shri Surendranath Dwivedy: We shall have automatic voting.

Mr. Speaker: All right.

The Lok Sabha divided:

Shri Surendranath Dwivedy: I find that a Member of the Rajya Sabha who has no vote here is going round and asking Members about voting. This is neither proper nor fair. Let us have slips.

Mr. Speaker: Is that the desire, that there should be slips?

Some hon. Members: Yes.

Mr. Speaker: After all, it is not as though anybody wants wrong voting. If a Member of the Rajya Sabha who is a Minister is present in the House during voting, it is not against rules. Only he cannot vote—that is all.

If you are challenging the figures, slips will have to be distributed.

Shri P. Ramamurti (Madurai): Yes, slips.

Mr. Speaker: I do not know what purpose it serves. I have no objection. It only means another half hour delay, nothing else.

Shri Surendranath Dwivedy: I suggest that you ask the 'Ayes' to rise in their places and take the count and then ask the 'Noes' to rise in their places and take the count.

Mr. Speaker: Will that satisfy?

Some hon. Members: Yes.

Mr. Speaker: Those who are in favour of the amended motion will please rise in their places—I find there are 107.

Mr. Speaker: Now, the hon. Members who are opposed to this motion may stand in their seats—The Noes are 115.

The motion, as amended, is negatived.

The motion, as, amended was negatived.

Shri Shri Chand Goel (Chandigarh): Sir, on a point of order... (*Interruptions*). I want to submit that it is the government motion, though in an amended form, which has been lost and if the government motion is lost, this government has no right to carry on the government of the country. This government should resign and quit because the government motion has fallen through.

Mr. Speaker: You cannot replace governments by points of order. It is almost 5 o'clock now. We will take up the next item.

16.53 hrs.

UNLAWFUL ACTIVITIES (PREVENTION) BILL

The Minister of Home Affairs (Shri Y. B. Chavan): Sir, I move:

"That the Bill to provide for the more effective prevention of

certain unlawful activities of individuals and associations and for matters connected therewith. be taken into consideration."

When this Bill was introduced, there was a very interesting debate at the very introduction stage. Therefore, I do not want to repeat the same arguments, but I propose to give the genesis of this Bill, what really speaking were the reasons and the causes which led this Government to accept the principles on which this Bill is based.

If you remember, Sir, in the early sixties, the divisive forces in the country had started asserting themselves and not only the Government, but also the political parties and leaders of public opinion took a very serious note of this development. In 1961, the then Prime Minister, Pandit Jawaharlal Nehru, called a conference of the leaders of Governments, leaders of academic life and some leading thinkers, which was called the national integration conference. I had the privilege of being one of those who attended that conference and I still feel that surcharged atmosphere in that conference, which took a serious note of this new, very dangerous trend making its appearance in the social and political life of India.

Even before this conference was called, I remember the Prime Minister had called a conference of Chief Ministers of all the States and in that conference also, this question was discussed. As a result of the deliberations of that conference, different committees were appointed to go into these aspects. One of those committees was the committee on regionalism and communalism in the country, which was presided over by a very eminent jurist, Sir C. P. Ramaswamy Aiyar, who unfortunately is no more.

An hon. Member: Who wanted an independent Travancore! (*Interruptions*).

Shri Y. B. Chavan: I only said that he was the Chairman of that committee. Certainly he was an eminent jurist, whether one may agree with his political views or not.

श्री यशु लिंगये : इन्टीग्रेशन के सम्मेलन में ऐसे व्यक्ति को सदर नहीं बनाना चाहिये था जो देश को तँड़ना चाहता था।

Shri Y. B. Chavan: That committee had the privilege of the and advice of many people. Another eminent Indian, Shri K. Kamaraj, was a member. I had my humble services to offer to that committee also. After going through many journeys and meeting different leaders, that committee made a major recommendation that if we have to meet the challenges of these divisive forces in the country, we should amend article 19 and accept certain restrictions on some fundamental rights like right of speech and right of association. That recommendation was not being accepted by the national integration conference, but fortunately that recommendation was accepted by this very honourable House, because an amendment of the Constitution based on that recommendation was accepted by this House—amendment of article 19. So, I must say that this House has accepted the principles of that amendment. The principles of this Bill are identical principles. I gave this history to show that this is not something new that we are discussing. In the country, in the press and on the platform, these problems and principles were discussed in all details. Only to implement those very recommendations and principles, we thought it necessary to come forward with this Bill. I just wanted to give this genesis of this Bill.

17 hrs.

Even today some people can say that a thing which was very necessary in the early 60's is possibly not necessary now. If we were in that position, certainly I myself would have come and said, well, it is not necessary. But the fact remains, and

[Shri Y. B. Chavan]

that is a fact of national life—whether one likes it or not is a different matter—that divisive forces are still active even today and there is reason to believe that these divisive forces will continue to be active in days and years to come.

What is the solution for these divisive forces? Is it merely legal action? No. I know these forces will have to be met on all grounds, at all levels. The major is certainly a political one. I remember—I wanted to go through the debate of this hon. House—when this Bill was opposed, the hon. Member, Shri Mukerjee, who is not present here, made a very significant remark. He said that if at all we have to effectively meet this challenge we have to reach the levels where the law does not reach. I agree the cause of the divisive forces merely cannot be met with legal action, there will have to be political action.

Mr. Speaker: How long will the Minister take?

Shri Y. B. Chavan: I will take only a couple of minutes more.

Therefore, I concede that merely legal action is not necessary, there will have to be political action and economic action.

But I have no doubt that when there are organised movements, those organised movements also need a certain legal treatment too.

An hon. Member: Example?

Shri Y. B. Chavan: What does the hon. Member want me to give? Examples are many, all round.

Shri Jyotirmoy Basu (Diamond Harbour): Let us hear.

Shri Y. B. Chavan: For example, there is the movement in Mizoland where there is organised rebellion, armed revolt being organised.

Shri Bal Raj Madhok (South Delhi): Have you christened that area as Mizoland?

Shri Y. B. Chavan: If you want a correction from me, I will say 'Mizo District'. You wanted me to cite an example, to illustrate the problem. I am illustrating the problem. There are organised efforts to secede from India.

Shri Jyotirmoy Basu: Cite some more, if you do not mind.

Shri Y. B. Chavan: One disease is enough in order to attract medical treatment. One need not have more than one disease, if there is one very serious disease certainly medical treatment is necessary.

So, legal action also is necessary. What this Bill proposes to do is to provide for legal action. I need not explain the scheme of the Bill. It has been before hon. Members for some time now. I can only mention one thing. I have studied very carefully many of the amendments suggested by hon. Members. I only want to mention to hon. Members that I propose to bring two amendments on behalf of the Government. One will be about the Tribunal Chairman. The present provision is that he can be an ex-judge or a sitting judge. I am moving an amendment so that the Chairman of the Tribunal will be a sitting judge. There is also a power which is taken by which once a notification is issued declaring an association unlawful it can be extended year by year. I am bringing an amendment so that after three years if it is to be further extended it will have to be taken back again to the Tribunal. After three years it cannot be automatically extended, according to that amendment. I would like hon. Members to be aware of these two amendments when they offer their criticism on the Bill. That is all I can say at this stage.

Mr. Speaker: Motion moved:

"That the Bill to provide for the more effective prevention of

certain unlawful activities of individuals and associations and for matters connected therewith, be taken into consideration."

Further debate on this will continue tomorrow. we will go to the next item now.

DISCUSSION RE: ILLEGAL OCCUPATION OF INDIAN TERRITORY BY CHINA, PAKISTAN AND OTHER COUNTRIES AND STATEMENT ON AREA OF INDIA BY MINISTER OF EDUCATION

Mr. Speaker: Mr. Kanwar Lal Gupta.

Shri S. M. Banerjee (Kanpur): I have a submission to make.

श्री यशपाल सिंह (देहरादून : मेरा रेजोल्यूशन इस के साथ है। सब से पहले मेरा रेजोल्यूशन है। पैरलल रेजोल्यूशन चल रहा है। आई में बी गिवन ए चांस . . .

Mr. Speaker: I do not have it in the agenda paper.

श्री यशपाल सिंह : मेरा जो रेजोल्यूशन चल रहा है उस का क्या हुआ ? सरकारी सूची में मेरा रेजोल्यूशन है, पैरलल रेजोल्यूशन है . . .

Mr. Speaker: I do not know where it is. At least it is not in today's agenda.

श्री मधु सिन्घे : मैं आप का ध्यान निर्देश संख्या 115 की ओर खींचना चाहता हूँ। मैं बहस का विरोध नहीं कर रहा हूँ।

Mr. Speaker: Let us see tomorrow. Of course, I do not assure, I am not sure, that it will come tomorrow. I can say that it is not there in today's agenda.

श्री मधु सिन्घे (मुंनेर) : अध्यक्ष महोदय, निर्देश 115 के मसलहत इनकॉर्पोरेट स्टेटमेंट्स नेट इन दी हाउस इन को शुद्ध करने की जो प्रक्रिया है उस के सम्बन्ध में यह 17 जुलाई को खाठीटीला, डूमाबाड़ी के बारे में एक लम्बा बयान दिया था। वह करीब करीब 5 सफे का है और पिछले छीन, चार साल में जो भी यहां पर कहा गया है उस की खोज करके मैं ने यह बयान दिया था, तो मंत्री महोदय के द्वारा जो गलत बयानी की गई है उस को शुद्ध करने का आप कोई रास्ता निकालिये। मैं अपना बयान अपनी रखता हूँ या कल इस को रखिये। जब यह पांच, पांच सफे का इतनी मेहनत करने के बाद मैं बना पाया हूँ, वह 17 जुलाई को बयान दिया है। तो इस बहस के बाद क्या मुझे आप उसे रखने की इजाजत देंगे ?

Mr. Speaker: He can give it. It may be considered. This will also come. He may himself correct.

Shri S. M. Banerjee: When Mr. Chagla was replying to the call-attention motion regarding Latithilla and Dumabari, he made certain statements

Mr. Speaker: No, no. I will not allow. He is making a speech.

Mr. Kanwar Lal Gupta.

श्री कंचरलाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, मैं इस पर ऐतराज करता हूँ कि जब किसी का मोशन आने को होता है और वह बुला लिया जाता है तो बीच में इस तरह से दूसरे मम्बरस खड़े होकर दखल देने लगते हैं तो यह कोई उचित बात नहीं है।

Shri S. M. Banerjee: Your office wrote to us . . . (Interruptions).

Mr. Speaker: That has nothing to do with this.

Shri S. M. Banerjee: Are you following any rule or not? I was made a fool in writing a letter for nothing. Why should I write a letter? We