

[श्री एस० एम० बनर्जी]

खुदा के बंदे हैं तो हज़ारों

बनों में फिरते मारे मारे

मैं उस का बंद बनूंगा ।

खुदा के बंदों से जिसे प्यार हो ॥

MR. SPEAKER : I shall now put amendment No. 64 moved by Shri Ebrahim Sulaiman Sait to the vote of the House.

Amendment No. 64 was put and negatived

MR. SPEAKER : I shall now put amendment No. 94 to the vote of the House.

Amendment No. 94 was put and negatived

MR. SPEAKER : The question is :

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

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

PROF. S. NURUL HASAN: Sir, I beg to move :

"That the Bill, as amended, be passed."

MR. SPEAKER : Motion moved :

"That the Bill, as amended, be passed."

SHRI P. M. MEHTA (Bhavnagar) : I rise to record our extreme unhappiness at the way in which this important measure has been rushed through. This Bill has been rushed through in indecent haste. This is highly objectionable. I think this House has never seen such a shabby manner in which this Bill has been piloted. Government have not accepted the unanimous demand of the entire opposition to refer this Bill to the Select Committee for thorough consideration and scrutiny and that is highly improper.

MR. SPEAKER : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

SHRI EBRAHIM SULAIMAN SAIT: Sir, protesting against the passing of this objectionable Bill in an autocratic and undemocratic manner, we walk out.

Shri Ebrahim Sulaiman Sait and some other hon. members then left the House.

18.56 hrs.

CRIMINAL LAW (AMENDMENT) BILL

श्री जगन्नाथराव जोशी (शाजापुर) : अध्यक्ष जी, अब तो सात बजने को आया है। क्या अभी हाऊस चलेगा -

अध्यक्ष महोदय : आपका टाइम कल 3 घंटे की जगह 6 घंटे होने से यह कल रह गया था इसलिए कल कह दिया था कि आपने क्या करना है।

श्री जगन्नाथराव जोशी : अध्यक्ष जी, इसके आगे भी हाऊस चलेगा तो कब तक चलेगा यह बताइये। हानने समझा था यह बिल अगले सेशन में आयेगा, हमको समझ में नहीं आता कि हमारी रक्षा आप नहीं करेंगे तो कौन करेगा ? यह एक्स्ट्रा आर्डर पेपर क्यों आया है ?

It is already 7 o'clock. How long are we to sit ?

अध्यक्ष महोदय : कल 3 घंटे के बजाय 6 घंटे लग गये, इसमें गवर्नमेंट का टाइम गया। उनको तो टाइम देना पड़ेगा। . . . (व्यवधान) . . .

श्री जगन्नाथराव जोशी : यह जो नया आर्डर पेपर आया है यह तो आज आया है, यह क्यों आया है। आखिरी दिन में जल्दबाजी क्यों कर रहे हैं।

MR. SPEAKER : I have expressly said that the House will not rise till the business is finished.

श्री श्याम नन्दन मिश्रा (बेगूसराय) : कल जरा भी इस बात का अहसास नहीं था कि इस बिल के इसी सेशन में पास किया

जाएगा। हमको यह लमा कि इसको दूसरे सेशन में रखा जायगा। कल यह मंशा हमें मालूम नहीं थी। . . . (ब्यवधान)।

SRI JAGANNATHRAO JOSHI : How can we devote our attention to it now? Why are you hustling us like this? You can take it up next session. You have waited so long. On the last day at 7 PM you want to take it up. We are already fed up.

अध्यक्ष महोदय, बिजिनेस एडवाइजरी कमेटी में जो टाइम मांगा गया था वह अलीगढ़ बिल के लिए मांगा गया था।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : We appreciate the difficulty. But it was introduced yesterday. If the members so desire, we can take this Bill tomorrow.

श्री श्याम नन्दन मिश्रा : कल हम लोगों को आपकी यह मंशा मालूम नहीं थी। . . . (ब्यवधान)। जब आप हमारी कठिनाइयों को समझते हैं तो आप खमोशी से क्यों बर्दाश्त करते हैं -

श्री जगन्नाथराव जोशी : आपने जो कार्यक्रम दिया था उसके अनुसार हमने अपना कार्यक्रम बना लिया था।

अध्यक्ष महोदय : आप लोगों ने उस दिन कहा कि नागरबाला कांड पर चर्चा के लिए समय दो, उस पर समय लगा। कल 3 घंटे थे, उस पर भी 6 घंटे लग गये। अगर वह न देते तो इनका बिजिनेस हो जाता।

SHRI RAJ BAHADUR : We are prepared to sit and complete the business to day.

श्री श्यामनन्दन मिश्र : हम इनके ऊपर नहीं चलने वाले हैं। आपको हमारी रक्षा करना होगी। आप जिस दिन चाहे उस दिन हमको बैठा ले यह बात नहीं चल सकती। आप हमारे रक्षक हैं, आप इनसे नहीं बंधे हुए हैं आप हम लोगों को बड़ी मुसीबत में

डाल रहे हैं। अभी आपने यहां अलीगढ़ मुस्लिम युनिवर्सिटी बिल के अमंडमेंट्स को जो अम्बार लगा हुआ था, कन्वेंटों में उनको पास करवाया और अब आप दूसरा बिल हमारे सिर पर डाल रहे हैं। यह बिल्कुल गलत है। हमारी शिकायत आप से है, एक बार नहीं, हजार बार। आप जरा भी इन सब बातों की जिस तरह से ऑब्जेक्टिविटी से करना चाहिये, नहीं कर पाते। हमारी आप से शिकायत है।

19 hrs.

SHRI S. M. BANERJEE (Kanpur) : I have a submission to make. The Bill was introduced yesterday and we want this Bill to be passed. After the passage of the Aligarh Muslim University Bill, the communal forces are going to raise their head. That is why, even if we have to sit tomorrow, we want to pass the Bill. (Interruptions)

MR. SPEAKER : I do not owe duty to one side only. I owe duty to both the sides. (Interruptions)

श्री श्यामनन्दन मिश्र : हम उस को पूरी तरह से पढ़ना चाहते हैं और जानना चाहते हैं। अगर आप इस तरह से पास करेंगे... (ब्यवधान) आप की बिजिनेस एडवाइजरी कमेटी क्या है? स्पीकर वहां किस बात के लिये है? बिजिनेस एडवाइजरी कमेटी हम लोगों की है। क्या आप हमारी बातों को नहीं सुनेंगे? आप को सुनना पड़ेगा नहीं तो बात इस हद तक पहुंच जायेगी कि आप के बर्दाश्त के बाहर ही जायगी।

अध्यक्ष महोदय : मैं तैयार हूँ।

You had agreed to only 3 hours but you took more than the double time yesterday and day before yesterday.

SHRI S. M. BANERJEE : Shrimati Subhadra Joshi's non-official Bill was supported by all the parties except the Jana Sangh (Interruptions) What is all this? My hon. friend, Shri Bhogendra Jia, had also moved a non-official Bill in this regard. (Interruptions)

श्री जगन्नाथराव जोशी : इस सप्ताह जब बिजिनेस बतलाया जा रहा था उस समय यह क्यों नहीं बतलाया गया? सुभद्रा जोशी को आश्वासन दिया गया था तब इस सप्ताह के कार्यक्रम में यह क्यों नहीं आया? आप को यह एक्स्ट्रा डे क्यों निकालना पड़ा?

They could have brought forward the Bill earlier. They treat the House like this. They should take the House into confidence.

अध्यक्ष महोदय : हस्त का प्रोग्राम इस में क्या करता? आप लोगों ने बीच में दूसरे काम इंट्रोड्यूस कर दिये। आप ने नागरवाला केस के लिये दिये गये टाइम को तीन घंटे से छः घंटे बनाया। कहां से आता यह?

SHRI JAGANNATHRAO JOSHI : The business of the House should have been circulated before. That was not circulated. (Interruptions).

स सप्ताह के प्रोग्राम में तो यह बिल नहीं था, यह कैसे आ गया? आप को हमारी रक्षा करना चाहिये जब बिजिनेस डिफ्लेबर हो रहा था तब यह नहीं था। यह बड़ा इम्पार्टेंट बिल था।

SHRI SHYAMNANDAN MISHRA : This is the most unhelpful attitude of the Speaker. This is the strangest kind of attitude that you are taking. We cannot cooperate with you. (Interruptions)

Shri Shyamnandan Mishra then left the House.

MR. SPEAKER : This is your unhelpful attitude.

SHRI G. M. STEPHEN (Muvattapuzha) : Yesterday and day before yesterday, we cooperated with the Opposition. We are here to pass this legislation which is absolutely necessary. That is why we are here. There is a particular Bill which this House feels necessary to put on the statute book. Unless we pass this Bill now and in this session, we will be failing in our duty to the country and to the people. We must see through it. We had accommodated you, and you must also accommodate this side. The Bill must go through.

श्री जगन्नाथराव जोशी : सरकार कोई भी विधेयक ला सकती है, इस से कोई भी इन्कार नहीं कर सकता है—हम भी इन्कार नहीं कर सकते हैं। लेकिन जो बिजिनेस पहले सकुलेट हुआ था, क्या उस में यह बिल सम्मिलित था? यदि नहीं था, तो फिर क्यों सरकार लास्ट मीमेट और लास्ट अवर में इस बिल को ले कर आई है?

I would like to know why this House is being treated so shabbily. You could have introduced this Bill long before; sufficient time could have been given—a week or so....

MR. SPEAKER : He is speaking without my permission. I am not going to allow it.

SHRI JAGANNATHRAO JOSHI : Why should you hustle through the Bill like this?....

MR. SPEAKER : Nothing will go on record if you go on like this. (Interruptions) I am sorry, nothing will go on record.

SHRI JAGANNATHRAO JOSHI** :

श्रीमति सुभद्रा जोशी (चांदनीचौक) : अध्यक्ष महोदय, माननीय सदस्य को मालूम है कि मैंने इस हाउस में इसी विषय का एक बिल पेश किया था और मिनिस्टर साहब ने उस वक्त यह एशोरेंस दिया था कि सरकार इसी सेशन में ऐसा बिल पेश कर देगी। उन के एशोरेंस पर मैंने अपना बिल वापिस लिया था। मेरा निवेदन है कि इस बिल के लिए जरूर समय दिया जाय, क्योंकि अगर थोड़ी देर और बैठने से सरकार का एशोरेंस पूरा हो सकता है, तो बेहतर है, बजाय इस के कि हम बाहर जा कर कहे कि सरकार ने अपना एशोरेंस पूरा नहीं किया है।

श्री जगन्नाथराव जोशी : यह ठीक है कि सरकार ने एशोरेंस दिया था। मेरा कहना यह है कि उस एशोरेंस को फुलफिल करने के लिए इस बिल को पहले क्यों नहीं लाया गया।

** Not recorded.

Why is this House being treated so shabbily ?

SHRI S. M. BANERJEE : Kindly allow him to move, Sir, You can pass it tomorrow. (*Interruption*)

MR. SPEAKER : It all depends on the House. (*Interruptions*) It is already on the agenda. It must be taken up.

SHRI JAGANNATHRAO JOSHI : What prompted them to introduce it at the last minute ?

MR. SPEAKER : I have made it very clear. They all accommodated your motion.

SHRI JAGANNATHRAO JOSHI : They could have introduced this Bill yesterday and it would have been carried forward. Why did they not do it ? Mr. Samar Guha's half-an-hour discussion had been scheduled for Monday; then it was postponed to Tuesday. Now it is there on the agenda today. When are you going to take up that ?

SHRI C. M. STEPHEN : It was included in the list of business yesterday. It was there. (*Interruptions*)

SHRI SAMAR GUHA (Contn) : There is the half-an-hour discussion in my name. It was originally put for Monday; it was then shifted to Tuesday.

SHRI S. M. BANERJEE : The half an hour discussion may be taken up tomorrow after passing this Bill.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I request you not to allow this half an hour discussion. Sir, on the 29th June is scheduled the summit meet between the Prime Minister and the President of Pakistan. We don't want to create a bad atmosphere. If this half an hour discussion takes place, it will do harm to us. We want to have in Pakistan a friendly neighbour. We are not anxious to throw salt on their wounds.

SHRI SAMAR GUHA : You know what sort of friendly neighbourliness we have with them.

SHRI JYOTIRMOY BOSU : This half-an-hour discussion should not be allowed.

श्री जगन्नाथराव जोशी : 7 बजे तक बैठने के बाद भी यदि आप चाहते हैं कि हम इस में हिस्सा ले, इस पर बोलें, अपने विचार प्रकट करें तो क्या यह संभव है ? आप के पास बहुत है इस का यह मतलब नहीं है कि आप सारे रूल्स आफ प्रोसीजर को नेग्लेक्ट करें।
... (ब्यवधान) ...

SHRI S. M. BANERJEE : They are not able to move amendments. Let them move 105 amendments. We will defeat all of them.

SHRI JAGANNATHRAO JOSHI : They are not replying to my question point blank. It is not a question of amendments. At the last moment this Bill has been brought for passing. Why ? That is what I want to know.

SHRI SAMAR GUHA : Sir, you would permit me to conclude.

MR. SPEAKER : It all depends on how long you will take.

SHRI SAMAR GUHA : You asked me to say. You did not give me the protection when other members jumped up.... (*Interruptions*) Let me conclude. You must allow me.

श्री जगन्नाथराव जोशी : अध्यक्ष महोदय, यह बिल इतनी जल्दी में लाने का कारण क्या है यह मंत्री महोदय ने नहीं बताया। इसलिए हम इस में भाग नहीं ले सकते। हम अपने दल के साथ बाहर चले जा रहे हैं।

Shri Jagannathrao Joshi and some other hon. members then left the House.

SHRI SAMAR GUHA : This is a mockery of democracy. This is a mockery of business Rules.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA) : Sir, I beg to move "That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

[Shri Ram Nirwas Mirdha]

We had assured this House on several occasions that the Government will bring forward suitable legislation to deal with associations whose activities are prejudicial to the maintenance of communal harmony, prejudicial to the interest of national integration and prejudicial to all the values of secular democracy to which our people are so deeply committed. Events during 1971 have amply demonstrated the value of unity and secularism. Communally divisive tendencies have to be fought because they are totally inconsistent with the dignity of human personality; such tendencies are the results of deliberate efforts of vested interests to divert the attention of the people from the more basic and pressing problems confronting them. The House is fully aware that this is the lesson that history has once again taught us. The people of this country has have understood it clearly and deeply and have within a period of one year given twice their unmistakable mandate for secularism. They have rejected the communal, sectarian and other divisive forces.

Consistent with this mandate of the people, the Government is determined to deal ruthlessly with the organisations and individuals who by their constant propaganda seek to keep alive an atmosphere of mistrust and ill-feeling between different sections of the people. As the House is aware, in 1969 we had tightened up the provisions of law to deal with such elements by the enactment of the Criminal and Election Laws (Amendment), Act, 1969. The scope of sections 153A and 505 IPC was enlarged and heavier punishments were laid down. The Government had also taken powers to prevent the publication of inflammatory material. However, the communal problem in the country continued to cause serious concern. The Government, therefore, brought before this House in September, 1970, a Bill to further enlarge the scope of section 153A, IPC. It also sought to enlarge the scope of the Unlawful Activities (Prevention) Act, 1967, so that the association indulging in such activities punishable under section 153A IPC, could also be dealt with effectively by being declared as unlawful. It is unfortunate that even the parties, which were in sympathy with the objectives of that Bill somewhat misunderstood the provisions of the Bill and

opposed it at the introduction stage. In view of the opposition to the Bill in the House, we withdrew it.

Sir, Clause (b) of sub-section (1) of section 153A IPC already penalises acts which are prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturb or are likely to disturb the public tranquility. In the 1970 Bill we had proposed to make it explicit that the acts referred to in this clause would also include activities, such as exercises, movement or drill which give rise to fear, alarm or feelings of insecurity or which disturb or are likely to disturb public tranquility. When the Bill was brought forward for introduction, it was pointed out that the provision had been so formulated that acts which may themselves be not prejudicial to the maintenance of communal harmony, but may cause fear or alarm or a feeling of insecurity among members of a community would also come within its mischief. I then explained that the possibility of the law being implemented in such a manner was remote. However, taking note of the misgiving then expressed in the House, we have slightly reformulated the proposal. It will be seen that our proposal in the present Bill has specified *mens rea*. The organiser or the participant of exercises, drill etc. should either intend that the training imparted should result in the use of criminal force or violence or should know that the use of such training for such purposes is likely.

The House will agree, Sir, that when any kind of paramilitary training is organised or imparted with the intention that persons so trained should resort to violence for the settlement of any difference or dispute that may arise between them and others, such paramilitary training ought to be put down with firmness. The amendment now proposed to section 153A seeks only to do this. It does not penalise any physical exercise or activity as such. It does not also penalise drills and other similar activity undertaken for a *bona fide* purpose such as the physical training given in schools, colleges and clubs. What is sought to be penalised is only those kinds of drills and exercises organised with the intention or with the knowledge that persons trained in such activities should resort to violence against their opponents.

The purpose of the second proposal in the Bill is that those who deliberately malign any community, only on the ground of its religion, should not be allowed to disrupt our national life. I need not at this stage give instances of the type of propaganda that is directed against certain communities. If such propaganda were to be made in respect of any specific individual, that individual will have his own remedy under the existing law. He can prosecute those who defame him. But if the same propaganda is repeated against a community as a whole, we cannot say that the law should remain silent. If we allow such propaganda to go unchecked, it will not be in the interest of the sovereignty, integrity and unity of our country. That is not the way in which national integration can be brought about. Therefore, Sir, we have proposed to introduce a new section 153B.

The first part of the new section seeks to penalise any imputation that persons belonging to any community based on religion, language or caste cannot bear true faith and allegiance to the Constitution of India, or cannot hold the sovereignty and integrity of the nation. To say this against any community should be repugnant to all canons of civilised behaviour. The second part of the new section seeks to penalise any advocacy that members of any community based on religion, language or place of residence, should be denied the rights of citizens of India. Sir, this House is aware of the type of the vicious propaganda that goes on in certain parts of the country that persons coming from another part of the country should not be given the right to employment, the right to acquire or own property and in short, the rights which the Constitution guarantees to every citizen of this country.

The propaganda has brought in a new parochialism in our national life. This propaganda too has to be stopped. The third part of the new section is directed against those who seek to exploit the religious sentiments of our people for their own ulterior ends. Whether it be the propaganda that members belonging to one religion should not, because of their religion, remain wholly loyal to the country and nation or whether it be the propaganda that any person has special religious obligation to create panic in the minds of persons not belonging

to that religion, all these types of propaganda concerning religious obligation will have to stop. Any advocacy of a religious obligation which creates a feeling of insecurity or alarm in the minds of persons who do not subscribe to that religion, can only lead to tension and as a consequence weaken the fabric of our nation. Sir, these three parts of the new section are directly relatable to the interests of the sovereignty and integrity of our country.

As hon. Members are aware, the relevant provisions of the Indian Penal Code make it possible to take action only against individuals and not against associations as such. The only way to deal with associations as such would be to enlarge the scope of the Unlawful Activities (Prevention) Act. The Bill before the House seeks to enlarge the definition of 'unlawful association' to include also associations which have for their object any activity which is punishable under section 153A or the proposed section 153B, IPC or which encourage or aid persons to undertake any such activity or of which the members undertake any such activity.

The proposals in the Bill to amend certain provisions of the Criminal Procedure Code are only of an incidental nature. The purpose is to give to the provisions of the proposed section 153B the same treatment as is now available to section 153A.

Sir, when this Parliament enacts a law, it sets before our people a rule of conduct and it gives a warning that those who violate the rule of conduct are liable to be punished. I sincerely hope that taking into account all the changes that have come about in our country, taking into account the lessons of 1971, the lessons in national unity and secularism which enabled this country to face its greatest challenge in recent history, taking all these circumstances into account, I sincerely hope that all divisive propaganda will henceforward be only a memory of the past. I would be very happy if as a consequence of the law made by Parliament all the divisive propaganda and activities were to stop and it becomes wholly unnecessary for us to invoke the provisions of law against any individual or association. It is by way of giving a clear warning to those who do not see the value of secularism and national integration that we have brought forward this Bill. I hope it will have the unanimous support of this House.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

There are some amendments to this motion. One is for circulation and the other is for reference to a Select Committee. The first and second one are in the name of Shri Jagannathrao Joshi. The hon. Member is absent.

The third is in the name of Shri Jyotirmoy Bosu. Now, Shri Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : My party is most reluctant to equip this Government with summary powers, because we have seen from our past experience that they are more misused than properly used. We have seen in the past that under the summary powers that they had during the Indo-Pak conflict in 1965, about 9000 Muslims were put behind the bars with one stroke of pen under some wretched law that was in their pocket, and with another stroke of pen, after some time, after the bureaucrats and their ghosts in the Government were pleased, they were let out. In the meantime, many families perished for good. We have seen it. Then, there were enough powers and enough legislations which empowered this Government to tackle communal riots, but from what we have seen in the very recent past, we have seen that there had been numerous communal riots, and we have not known that there had been any effective tackling prosecution or punishment of the real culprits and their ring-leaders. They are still moving with full powers bestowed by the Government. We have seen a man, a gentleman who belongs to a party which had been branded as a communal party, a man who was arrested after Gandhi murder, a man who had said only the other day in Delhi in an open maidan that the Muslims must go to Mecca and the communists must go to Kremlin, that man was given a Padma Shri by the hon. Prime Minister the other day. We do not understand this. Do you really want us to accept these theories ? On the one hand, you please a few; on the other, you penalise the many.

We are surrounded by an ocean of laws, but it does not help the needy. We have before us the case of Janab Syed Badrudujja who was a member of this House, who had been in politics for 40 years, a man aged 76, seriously ill, who had opposed partition, decided to stay back in the country, a man who was the other day offered a Cabinet post in the Central Government. Last June he was arrested on a charge of being a Pakistani spy under the Maintenance of Internal Security Act. Any time he might breathe his last. He was clapped inside prison. After his detention, the High Court ordered his release and when he was coming home in a taxi, he was intercepted by the Special Branch and retaken into custody, this time under the Official Secrets Act. His lawyer had been seeking to move bail petitions. For almost a year the police could not frame a chargesheet against him. That is how this Government functions. Why was he treated like this ? Because he declined to join a particular political party, the MISA had been applied to him. We made a lot of effort in mobilising public opinion. He has very recently been granted bail. But what sort of bail ? He is virtually under house arrest. He cannot move about, meet people or go wherever he likes.

I know of a minority-run newspaper *Paigam*. There were six criminal cases against it for writing articles which were allegedly disrupting communal harmony. We examined the matter and found it was all baseless. It was just political victimisation and vindictiveness. We withdrew all the cases. This was when we were in power in the U. F. Government. Now that paper is good enough because it is writing for the Congress. This is the whole position.

A news item came in the *Anand Bazar Patrika* last year after Janab Syed Badrudujja was arrested. There it was mentioned that a number of Congress men including two former Deputy Ministers of the State Government of West Bengal belonging to the Congress Party were involved in the alleged spy-ring. But when it came to arrest, it was confined to Syed Badrudujja and another gentleman who had opposed the Congress. The other persons belonging to the Congress were left untouched.

Therefore I say again that this Government, judged from its past record, will be misusing this blanket law to further its political interest. We do not believe that a man's right could be taken away by arbitrary executive fiat vested in Government. Therefore, we oppose this Bill.

SHRI BHOGENDRA JHA (Jainagar):

There have been several debates in this House on this issue and I do not think much time need be taken on this. On a previous occasion when a Bill was introduced, we had apprehensions that the powers contained therein would be used on a big scale to curb the opposition, particularly those who are engaged in a struggle against the ruling classes and also the ruling party.

Now, the amending Bill has taken into account the voice expressed in this House. Today, I am surprised not only with regard to the content of the Bill but after having heard my friend Mr Jyotirmoy Bosu I found that what he has said today not only reflects a perverted understanding but more than that, especially when protection will be given to the minority sections of the community.

As far as this Bill is concerned, it has got four important provisions. One provision says :

“Whoever... makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India...”

None is going to cast any aspersion against any member or any class of the people belonging to the minority sections. Such things are only utilised and have been utilised and such aspersions have been cast only against others.

Mr. Jyotirmoy Bosu has given some instances of those belonging to the minority community. But here, that community is being given protection against being malignd by the communal forces.

Again, there is a provision in this Bill. It is also the same thing as the previous one. It says:

“Whoever... asserts, counsels, advises, propagates or publishes that any class of persons shall by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India...”

We have several times debated in this House the pernicious theory of Indianisation. That again might apply in the case of the minority community. This Bill gives protection to the minority community so that they may be treated equally and accepted as the citizens of India on an equal footing and never treated as an unequal or less equal citizens compared to others. So, in this background, what Mr. Jyotirmoy Bosu said, I am afraid, is not correct. I do not know whether his party accepts it or not, because, in this very House, a spokesman of his party—the CPM—on a previous occasion, when there was a Bill moved by Shrimati Subhadra Joshi, Sri Dinesh Jaorder, wholeheartedly supported that Bill. I can quote from the proceedings of this House wherein he is reported to have said:

“I congratulate the mover of this Bill, Shrimati Subhadra Joshi for having come forward with this Bill to do something against such communal activities.”

I do not want to take much time of the House. On that day, the CPM group had given their wholehearted support to that Bill, the contents of which were almost the same as those in the present Bill here.

There is one more thing which is very important. That is, we are living in a class society where capital is exploiting labour, the landlords are exploiting the agricultural labourers, and in such a condition, communal, caste or linguistic feelings are without exception utilised by the oppressing sections to break and disrupt the struggle and unity of the toilers. So, for us, it is doubly important that such communal or linguistic or caste feelings are eliminated; it is various which should be eliminated from society in our country.

As Communists, we think, and as the citizens of India, it is our duty, and as Communists, it is doubly our duty to see that this virus is eliminated from our national life and it is curbed. With regard to the apprehension that this law will be misused, it is a fact that in the

[Shri Bhogendra Jha]

existing conditions of our country, as the bureaucracy is, as the Governments are, it is a guarantee that every such enactment shall necessarily be misused to an extent, and there is no denying the fact. We are all victims of it. I have got myself arrested on one occasion, when I went to a mill; it was the Birla Mills. There was no section 144 in action. But one SDO told me that section 144 had been imposed. I asked him how it was, and why. He told me that it was for maintaining peace. I wanted to know what was the disturbance. He said they had to maintain peace and so some were arrested. Therefore, everywhere, it is a class society is there. With the existing bureaucracy, we take it for granted that every enactment, whatever may be the motive of the mover or the House, shall be misused.

But on that account we cannot oppose this Bill which will help democratic and secular forces in the country to fight communalism and also to fight linguistic or caste feelings. I think, this Bill should be welcomed by us and I support this Bill on behalf of our party. I think that every democrat in this country, particular those who are fighting for the cause of toilers, those who want to build up the unity of toilers will support this Bill.

With regard to CPM, I should say that we have had some experience in the assembly elections. I was myself there in Calcutta. I saw that in some areas, particularly Muslim areas the CPM spokesmen said: it is the Congress party and the CPI who disrupted Pakistan and freed Bangladesh; we are not responsible for it; they thought that Muslims would vote for them. In other non-Muslim areas they said: we are second to none in liberating Bangala Desh. They found themselves in a paradox. We can understand Mr. Jyotirmoy Bosu's opposition. This Bill is meant for maintaining our national integrity and strengthening our national unity and for fighting caste, linguistic and communal forces. But we want an assurance from the Government that they will take every precaution to ensure that misuse of the Act is reduced to the minimum and for that rules, etc. will have to be promulgated. With this caution, I welcome this Bill.

श्री शशिमूषण (दक्षिण दिल्ली) : अध्यक्ष महोदय, मैं इस संशोधन विधेयक का स्वागत करता हूँ। बहुत सालों से इस देश के अन्दर जब कभी कम्युनल रायट्स

होते थे, आज तक किसी को कम्युनल रायट्स में हत्या करने के लिए फांसी नहीं होती थी। अंग्रेजी जमाने में तो इंसटिब दिया जाता था और बाजादी के बाद भी कम्युनल रायट्स को रोकने के लिए कोई बिल नहीं आया। लेकिन आज मुझे इस बात का फ़ख़ हासिल है कि हमारे देश की नेता, मेरी पार्टी की नेता इंदिरा गांधी के नेतृत्व में यह आवश्यक बिल पास कर रहे हैं जिससे हम हिन्दुस्तान में सक्षुलर सौसायटी को मज़बूत बनाने में ज्यादा गति पा सकेंगे।

अभी ज्योतिर्मय बसु ने इसका विरोध किया। मुझे उन से कोई हैरानी नहीं है, लेकिन मध्यावधि चुनाव में हमें जो संघ, स्वतंत्र, सिडिकेट और समाजवादी पार्टी का जो नापाक गठबंधन था, आज भी जब हम इस विधेयक को ला रहे हैं तो वह जाहिर हो रहा है। लेकिन ज्योतिर्मय बसु की पार्टी अपने को मार्क्सिस्ट पार्टी कहती है। मैं नहीं समझता कि उन्हें कोई मार्क्सिस्ट करने का अधिकार है वह माओइस्ट कह सकते हैं अपने आप को क्योंकि मार्क्सिस्ट किसी परामिलिटरी आर्गनाइजेशन को मदद करेंगे, ऐसी दुनिया में कोई सोच नहीं सकता। आज जो गांधी को मारने वाला ताकत और गांधी के बूट को उखाड़ने वाली ताकत, दोनों एक्सट्रीमिस्ट का जो प्रदर्शन देश में होता है, वह हमें आज इस हाउस में देखने को मिला। लेकिन इसके बावजूद भी इस बिल को इस देश में समर्थन प्राप्त होगा और जो देश में परामिलिटरी आर्गनाइजेशन हैं, जो जमरते इस्लामी या शिव सेना जैसी ताकत हैं, उनको सतर्क हो कर काम करना पड़ेगा क्योंकि आज जो जनता की क्रान्तिकारी गति है, उसमें इन ताकतों को बर्दाश्त नहीं किया जा सकता। इस देश में जो समाजवाद के रास्ते पर हम प्रधानमंत्री की नेतृत्व में चले हैं, यहां एक एक कदम हम बराबर आगे बढ़ते चले जा रहे हैं। इसको देखते हुए मैं इस विधेयक का हृदय से स्वागत करता हूँ।

SHRI SAMAR GUHA : Functioning like a Queen's loyal opposition in this House, perhaps I should immediately support this Bill. When Mrs. Subhadra Joshi brought forward her Private Members' Bill I lent my whole-hearted support to the objectives of the Bill. Today also I have no opposition to the objectives of the Bill.

I have become fatigued because in regard to the Aligarh Muslim University Bill, with a single-minded purpose I was drawing the attention of the Government to take advantage of the situation prevailing at the moment to liquidate all communal forces.

Therefore, I would have made an eloquent speech in support of the Bill but unfortunately the position is that I have not been given enough time and opportunity to go through the Bill.

MR. SPEAKER: It is just a three page Bill.

SHRI SAMAR GUHA: I can only support the objective of the Bill, but I will not say anything about the clauses because I have not been given time to go through the Bill. Some political Rip Wan Winkles in the Congress have suddenly got awakened and they insist that unless this Bill is passed here and now, the heaven is going to fall. I am not able to understand it. Why did you not bring it up earlier and allow us an opportunity to go through it and suggest some improvements if possible? Of course, there is no doubt that communal forces should be completely liquidated but there are some parliamentary conventions to be observed. The whole parliamentary convention has become a mockery. Yesterday you could have brought it up. It is said that we had spent so much time on the Nagarwala issue and the poster issue. If you had brought up this Bill for consideration yesterday, this argument could be advanced. But only today you have circulated it. After the massive mandate you received I do not know what mentality you have developed. In a democracy, it is the function of the opposition to find out faults and loopholes in Government's actions. A strong opposition means a strong democracy. We are only discharging the functions of the opposition. Why do you get annoyed with us for that?

As I said, so far as the objective of the Bill is concerned, I am whole-heartedly

with you. But you have not given time to go through it and table amendments. Is this the democratic way? We expect that at least on procedural matters, the Speaker should pull up the treasury bench if certain conventions are not observed. But these political Rip Wan Winkles who have got suddenly awakened are shouting that unless this Bill is passed here and now, the heaven is going to fall. I do not know whether the future of democracy will be safe in the hands of these political Rip Wan Winkles who are violating all the parliamentary conventions, decency and decorum of this House. (*Interruptions*).

MR. SPEAKER: The hon. Minister.

SHRI INDRAJIT GUPTA (Alipore): May I make a submission, Sir?

It is getting rather late. The discussion on this Bill is taking place, as you observe, in a rather unusual circumstances that is, certain groups or certain parties feel that the edge of the Bill is directed against them, rightly or wrongly and they happen to be absent from the House. They have walked out or gone out or withdrawn in protest or anything it may be. But the main thing that I understand from them is that they wanted some time to study the Bill and table amendments. Actually, no time has been given to table amendments also. I would request you to consider patiently whether it looks appropriate or not for us to pass the Bill in this manner. We can pass this Bill. Personally, my party is fully in support of the Bill. I would request you to consider whether the passing of this Bill just now, in the absence of these particular groups who are not in favour of the Bill or who have strong views about it, is appropriate or not. It will look to the public and to the outside world as though we did not give them an adequate opportunity to table amendments or express their views.

I would, therefore, humbly request you and the Government also to consider whether a little concession can be made in the sense that we adjourn now and fix a time, let us say, upto mid-day tomorrow for tabling amendments to the Bill...

MR. SPEAKER: This was put to them.

SHRI S. M. BANERJEE: Mr. Bade said, "Let us pass it tomorrow."

SHRI INDRAJIT GUPTA : We can give them time to table amendments upto 12 O' Clock. Then, nobody can accuse anybody, either the Speaker or the Government or anybody in this House, of not giving them any opportunity. After that, we can take the Bill for consideration and adopt it in a couple of hours or even in one hour.

It is an unfortunate situation. Nobody is to be blamed for it. The particular groups are involved in this Bill and those groups happen to be absent. We know that the Bill will be passed. We support the Bill. But they should not later get an opportunity to say that they were not given even a minimum time to table amendments or to express their views. This is my humble submission.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING, (SHRIMATI INDIA GHANDI) : It is upto you, Sir. I personally do not think they will come tomorrow either.

SHRI INDRAJIT GUPTA : They may not come tomorrow also. That is true.

SHRIMATI INDIRA GANDHI : We leave it to you, Sir.

MR. SPEAKER : So much has been said about it. I did not like it. Some references were made. It has now become normal to just come straight on the Speaker and say all that.

When we discussed about the business of the House, the whole week was fixed for the Government business. Out of that, two or three days were taken for certain motions which came from the Opposition side. The Government agreed to part with their time. On Nagarwala affair, the time taken was much more than was prescribed. Yesterday, as against 3 hours, the time taken was 6 hours.

Normally, when the Bills come for the Speaker's permission, he first satisfies himself about the urgency of the matter. If you have given me the discretion, as I said yesterday, I have to use it in regard to the urgency of the matter. If in my opinion, the public interest demands that the permission should be given to introduce a Bill at a shorter notice, then according to the

best conscience, I do it. The same thing happened with the Aligarh Muslim University Bill. The reasons given were quite strong. I knew that the Members met the Government side and they decided to take an extra day. The Government, on their side, said that their business was left over and that they should be allowed to complete the business under the impression that that would not be taken up on 31st because of rush of work. But when it was decided that we would sit for another day, then they said, "Why not allow us to move the other business?" So, I allowed it. It was offered to them . . .

SHRI S. M. BANERJEE : We are prepared to sit tomorrow, Sir. My submission is this. I suggested it only after my Party speaker had spoken. Had we suggested before, there would have been the impression that we did not want to support the Bill. I would only say that we could sit tomorrow for one hour or 15 minutes.

MR. SPEAKER : They did not accept; they walked out (*Interruption*). When this proposal came that we could bring it tomorrow, they could have waited for some time; but they did not listen. Some suggestions came from this side and some from the other side. (*Interruptions*) I have got their amendments. It is not a question of amendments. Amendments are already there, amendment to motion for consideration by Shri Jagannathrao Joshi; again another amendment in his name. Amendments are there. They should have stayed here because the amendments were in their name. This was the stage when I could interfere because this was an amendment to the motion for consideration. Some way-out could have been found. Before the stage for moving the amendment came, they had left. They knew about it. I am so sorry. In spite of our persuasion, they would not listen. If they had moved their amendments and if the Government had not accepted them or there was no way available except staging a walk-out, it would have been justified. But now they are not there . . .

SHRI S. M. BANERJEE : Perhaps they thought that they might be arrested immediately after the passage of the Bill.

MR. SPEAKER : There is no question of arrest. I do not think anybody had this in view. But I must say that it has become a very normal practice for these people, whatever the difficulties, just to

attack the Speaker. Withdraw this discretionary power; I will not use it. But once you give it to me, whether good or bad I would exercise it.

Anyway, please carry on.

SHRI RAM NIWAS MIRDHA : The Government never wanted to rush through this Bill. There is a certain background to this, which is known to all the members. When the non-official Resolution of Shrimati Subhadra Joshi was discussed in the House, an assurance was given that a Bill of this nature would be brought during this session. It was very well known to the House and to the hon. members that Government was committed to bring it. Not only on that occasion but even previously, on a number of occasions, we had said that we would bring a legislation of this nature, and if in spite of this some hon. members want to abstain themselves from the discussion, there is nothing much that we could do about it.

It has been said that there is an apprehension that this Bill might be misused. Mr. Bosu said that the Government had been given vast powers which might be misused. The same feeling was expressed by Shri Bhogendra Jha also.

There is no question of the Government misusing powers given under this Act. There are plenty of safeguards in the law to prevent any misuse. In the Unlawful Activities Prevention Act within the ambit of which we are bringing these communal associations, it is clearly laid down that only the Central Government will issue a notification and will have to give reasons why a ban is put against a particular organisation. Then a Tribunal will be appointed, the Tribunal consisting of a Judge of the High Court which will consider this notification, receive representations, hear the parties in person and then give its verdict in the matter. So, there are enough built-in safeguards in the law itself to prevent any possible misuse. And I can assure the House that whatever action would be taken under this law would be taken after great deliberation and after full material has been collected and after opportunities have been given to persons concerned to mend their way and only the most serious of the delinquents would be dealt with under this law.

But, Sir, I would not hesitate to say that the Government is really keen that organisations indulging in undesirable ac-

tivities have to be curbed and it is only with that end in view that we have brought forward this Bill. I have also expressed the hope when I was making the motion for consideration that we hope this would be enough of a warning to organisations to mend their ways and we would be very happy if they cease to indulge in these undesirable activities and activities which are prejudicial to national integration, national solidarity and communal harmony. We would be very happy if the Government is never put in a position where it may have to use the powers which it is assuming under this law.

Shri Jyotirmoy Bosu, with his characteristic disregard for truth and objectivity, said a number of things and the most fantastic thing he said was that Mr. Badrudujja was offered a seat in the Cabinet. This is the most fantastic thing to suggest. It is farthest from truth and nothing of this sort has ever happened or could happen.

SHRI INDRAJIT GUPTA : Why has he not been brought to trial?

SHRI RAM NIWAS MIRDHA : We will let you know on a suitable occasion.

In the end, I would like to say that this Bill had been brought because there was a great demand for this. I would like to particularly mention in this context Shrimati Subhadra Joshi who made it possible for us to bring forward this Bill expeditiously. She was deeply devoted to the cause of this Bill and I think it is but fair that we all join in thanking her for her efforts in focussing the attention of the country on the menace of the communal organisations. I request that the House may kindly support the Bill.

MR. SPEAKER: There were some amendments and substitute motions.

One was for eliciting opinion by Jana Sangh Members. But I am sorry, if they had been here, that could be considered. There is another amendment by Shri Jagannathrao Joshi for reference to Select Committee. He has not moved it. I am just informing that it is a wrong thing on their part to say that they had no time for moving amendments. They had time to study it. The amendments are there already not only on the consideration clause but on all clauses that are coming later on.

[MR. Speaker]

Now, the question is:

"That the Bill further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967, be taken into consideration."

The motion was adopted.

MR. SPEAKER : We will now pass on to clauses. We take up clause-by-clause consideration.

PROF. S. L. SAKSENA (Maharajganj) : I would like to support the contention made by Shri Indrajit Gupta. I stand for the Bill. We will support it. But what I submit is, the Members here who are absent should be given an opportunity to move their amendments and participate. Because, otherwise, they should not have an opportunity to say that they were not given opportunity to put in amendments... It can be held over till tomorrow.

MR. SPEAKER: They had given it; they knew it. They knew that that would come up today. If they had stayed on, they could have moved. The Government could have accepted also, but now there is none to move them. . . .

We go to Clause 2. Mr. Jagannathrao Joshi gave notice of an amendment but he has not moved the amendment. The second one is also not moved.

Clause 2 (*Amendment of Act 45
of 1860*)

SHRI RAM NIWAS MIRDHA: I have an amendment. This is for Clause 2. This is a very small amendment. We want to put in the same usages.

Amendment made :

Page 2, line 31,—

for "religious ceremony".

substitute—"religious ceremonies"
(Shri Ram Niwas Mirdha).

MR. SPEAKER: The question is:

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 (*Amendment of Act 5 of 1898*)

Amendment made :

Page 2, line 44,—

for "clause (b)"

substitute—"sub-clause (b) of clause (i)".

(Shri Ram Niwas Mirdha).

MR. SPEAKER: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAM NIWAS MIRDHA : I be to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: The question is:

"That the Bill, as amended, be passed."

2005 hrs. *The motion was adopted.*

HALF-AN-HOUR DISCUSSION

PAKISTAN'S PREPAREDNESS FOR ANOTHER WAR WITH INDIA

SHRI SAMAR GUHA (Contai) : I am thankful to you for giving me an opportunity to raise this half-an-hour discussion. I consider that now we have a unique opportunity to change the political complexion of the Indian sub-continent from Peshawar to Dacca. Pakistan must be made to recognise Bangla Desh before the proposed summit meeting with Mr. Bhutto, so that Bangabandhu Sheikh Mujibur Rehman may take his rightful part in it. From all considerations, it will be a costly mistake to have the summit talk without Bangabandhu.

India and Bangla Desh have jointly signed the cease-fire document with Pakistan. As such, it is morally and legally imperative that the summit talks with Pakistan must be held jointly by India and Bangla Desh. Indo-Bangla Desh friendship is the rockbottom foundation for securing permanent peace in the sub-continent. In dealing with Pakistan recognition of this reality should be India's guiding principle. India should