

12.45 hrs

**RE. RIGHTS OF SUSPENDED
MEMBERS—contd.**

Shri Buta Singh (Moga): I would make a request on the point raised by the hon. Member, Shri Bagri, regarding attendance of a Member of the Public Accounts Committee. The hon. Member has revealed the information that the Public Accounts Committee is going to do something beyond what is provided in the procedures of the House, there is going to be an extraordinary meeting. I think, under the circumstances, you should kindly allow him to attend.

प्रत्यक्ष महोदय : जब तक वह सस्पेंशन में है मैं ऐसा कैसे कर सकता हूँ ?

12.45 hrs.

**ADVOCATES (AMENDMENT) BILL
AS PASSED BY RAJYA SABHA**

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): I beg to move for leave to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 3rd November, 1965 and laid on the Table of the Lok Sabha on the 10th November, 1965.

Shri Hem Barua (Gauhati): He asks for leave to withdraw the Bill. May I know the reasons on account of which he wants to withdraw the Bill?

Mr. Speaker: The other Bill is being brought.

The question is:

"That leave be granted to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 3rd November, 1965 and laid on the Table of the Lok Sabha on the 10th November, 1965."

The motion was adopted.

Shri C. R. Pattabhi Raman: I withdraw the Bill.

12.46 hrs.

**UNLAWFUL ACTIVITIES (PRE-
VENTION) BILL***

The Minister of Home Affairs (Shri Nanda): I beg to move for leave to introduce a Bill to provide for the more effective prevention of unlawful activities of individuals and associations and for matters connected therewith.

Shrimati Renu Chakravartty (Barrackpore): I would like to oppose this Bill.

डा० राम मनोहर लोहिया (फर्रुखा-
बाद): क्या लाठी, डंडा काफ़ी नहीं है ?

Mr. Speaker: I have received notices from two hon. Members Shri Tridib Kumar Chaudhuri and Shrimati Renu Chakravartty that they want to oppose it. I can allow one Member. First, I will ask the Minister to give his reasons for introducing the Bill.

Shri Ranga (Chittoor): He is not prepared evidently.

Shri Nanda: I am prepared, fully prepared; because there is not very much to argue here, it is so patent and so simple, and one would not expect in this House that, when we are bringing a measure designed to safeguard the integrity and sovereignty of this country, there would be any difference of opinion there, we may have other differences. This Bill should have the full support of the Members.

To explain the purpose and the principle of this Bill I would just invite the attention of hon. Members to an amendment which was carried out. I would refer to sub-clause (2) of article 19. The Sixteenth Amendment Act of 1963 empowers the Gov-

*Published in Gazette of India, 1-8-66.

Extraordinary, Part II, section 2, dated

[Shri Nanda]

ernment to bring in reasonable restrictions on the exercise of certain rights which are conferred by Clause (1) of article 19.

Shri Hari Vishnu Kamath (Hoshangabad): Secession only. This goes beyond the scope of that Act.

Shri Nanda: Therefore, to that part there is no objection. All right, I shall then proceed with the other part.

डा० राम मनोहर लोहिया : आपति
आप की शकल से है।

Shri Nanda: This legislation might have been undertaken earlier, but we felt, we thought, we hoped that those forces of secession would die out, but we are now facing a situation—the hon. Members know what is happening in a part of Assam, there are certain things happening in some other parts also.

Shri Hari Vishnu Kamath: Lift the emergency first.

Mr. Speaker: Let us hear him first.

Shri Nanda: I will now take up the other part. Besides dealing with this question of secession, there is also another part of the Bill, the purpose of which is that if there is activity aimed at overthrowing the Government established by law, by force, by violence or by doing things in pursuance of any influence of a foreign country, these are things which should be dealt with.

Shri Vasudevan Nair (Ambalapuzha): They should resign now.

श्री मधु लिमये (मुंजर) : आज की सरकार ही विदेशियों के इशारे पर नाच रही है।

Shri Nanda: I reiterate that the principles of the Bill are fully consistent with the Fundamental Rights and are subject to judicial review.

What further guarantees does the hon. Member ask for?

Shri Tridib Kumar Chaudhuri (Berhampur): The Minister has prefaced his remarks by referring to the 16th amendment of the Constitution. I have no hesitation in saying that this is not only a fraud on the Constitution but it is also a very gignatic fraud perpetrated on the public confidence also. You know that on the 18th May last the Government apparently made a gesture restricting their powers under the Defence of India Act to certain parts of the country, but here what they propose to give with one hand they are taking away by the other. Apparently the Bill is directed against secessionist activities; nobody could oppose it if it is really against secessionist activities. The real purpose of the Government is to put on the statute-book on a permanent footing the powers that they already had under the Defence of India Act..... (An hon. Member: It is even worse than that)..... In a certain sense the DOI Act is a temporary provision; it is in force as long as the Emergency is there. But here these powers, these arbitrary and dictatorial powers, fascist powers, are sought to be put on the statute-book on a permanent basis. The 16th Amendment of the Constitution, or even before that amendment, our Constitution empowered the executive to put reasonable restrictions on certain fundamental rights under article 19—freedom of speech, association and all that. But at least there was this safeguard on the reasonable restriction; that at least ensured the power of the courts for judicial review. There have been a number of cases in the Supreme Court and case law is there that the very expression reasonable restriction ensures justiciability. But here under the proposed section 16 of the Bill, the powers of the court are being taken away. This means that article 19 of the Constitution is being sought to be amended on a permanent footing. I am ashamed that a man like Mr. Nanda.... (An hon. Member: Shameless man like

Mr. Nanda) comes forward with this Bill. It is a shame that while they are now abrogating their powers or restricting their powers under the DOI Act, what they are really taking now is much worse. We declare our intention to oppose this Bill lock, stock and barrel at every stage with all the power at our command and the whole Opposition is united on this.

Shrimati Savitri Nigam (Banda): Only lawless people should be afraid of this Bill. Why are my hon. friends afraid of this Bill?

Shri Tridib Kumar Chaudhuri: You are a law abiding citizen so long as it suits your Government.

डा० राम मनोहर लोहिया : मुझे सिर्फ संवैधानिक आपत्ति करनी है और कहना है कि चूंकि इस बिल में मंत्री महोदय ने जो शब्द इस्तेमाल किये हैं वह उनके इस वक्त के बयान के खिलाफ जाते हैं इस लिये यह नहीं आ सकता। उन्होंने इस वक्त शब्द इस्तेमाल किया "देश की सार्वभौमिकता", सावर्रेटो आफ दि कन्ट्री। लेकिन यह बिल सिर्फ देश की सार्वभौमिकता से संबंध नहीं रखता, यह सरकार की सार्वभौमिकता से भी संबंध रखता है, सावर्रेटो आफ दि गवर्नमेंट, और जो इस सरकार को उलटना चाहे, जैसे मैं उलटना चाहता हूँ, और बार बार उलटना चाहता हूँ, उस के खिलाफ यह बिल आया है। इस लिये यह बिल यहां आ ही नहीं सकता।

अध्यक्ष महोदय : किस लिये नहीं आ सकता।

Division No. 4

Abdul Rashid, Bakhshi
Abdul Wahid, Shri T.
Achuthan, Shri
Alagesan, Shri
Alva, Shri A. S.
Alva, Shri Joachin.
Anjanappa, Shri
Ankineedu, Shri
Arunachalam, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bal Krishna Singh, Shri
Balakrishnan, Shri

Barkataki, Shrimati Renuka
Barman, Shri P. C.
Barupal Shri P. L.
Basappa, Shri
Basumatari, Shri
Batra, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhanja Deo, Shri L. N.
Bhatkar, Shri
Virendra Bahadur Singh, Shri
Bist, Shri J. B. S.
Boroosh, Shri P. C.

Brakeshwar Prasad, Shri
Brij Basi Lal, Shri
Chakraverti, Shri P. R.
Chandrabhar Singh, Shri
Chandrasekhar, Shrimati
Chandriki, Shri
Chaudhuri, Shrimati Kamala
Chaudhuri, Shri Sachindra
Chavan, Shri D. R.
Chavan, Shri Y. B.
Chavda, Shrimati Jorabai
Daljit Singh, Shri
Das, Dr. M. M.

डा० राम मनोहर लोहिया : इसलिये कि इस में सरकार को सार्वभौमिकता को बचाये रखने के लिये संविधान के इन कलमों का इस्तेमाल किया गया है जो देश के...

Mr. Speaker: I have heard the hon. Minister as well as one Member from among those who want to oppose it. I will now put the question to the vote of the House.

डा० राम मनोहर लोहिया : क्या आप सुनने नहीं मुझे। यह यहां पर आ ही नहीं सकता।

अध्यक्ष महोदय : यह फैसला देना मेरा काम नहीं है।

डा० राम मनोहर लोहिया : आप सब मंत्रियों की मदद करने हैं लेकिन कम से कम श्री नन्दा की मदद तो न करें।

अध्यक्ष महोदय : डाक्टर साहब हमेशा ही इस नतीजे पर न पहुंचा करें कि मैं डिफेंड कर रहा हूँ। यह सवाल इस वक्त नहीं उठ सकता।

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the more effective prevention of unlawful activities of individuals and associations and for matters connected therewith."

Lok Sabha divided:

13 hrs.

AYES

Das, Shri B. K.
 Das, Shri N. T.
 Dass, Shri C.
 Desai, Shri Morarji
 Deshmukh, Shri B. D.
 Deshmukh Shri Shiveji Rao S.
 Dey, Shri S. K.
 Dhuleshwar Meena, Shri
 Dighe, Shri
 Dinesh Singh, Shri
 Dorai, Shri Kasinatha
 Dubey, Shri R. G.
 Dwivedi, Shri M. L.
 Ering, Shri D.
 Firodia, Shri
 Gajraj Singh Rai, Shri
 Ganapati Ram, Shri
 Gandhi, Shri V. B.
 Ghosh, Shri Atulya
 Gowdh, Shri
 Guha, Shri A. C.
 Gupta, Shri Shiv Charan
 Hajarnavis, Shri
 Hanada, Shri Subodh
 Harvani, Shri Anas
 Hazarika, Shri J. N.
 Heda, Shri
 Hem Raj, Shri
 Himatsingka, Shri
 Jadhav, Shri M. L.
 Jadhav, Shri Tulashidas
 Jamir, Shri S. C.
 Jamunadevi, Shrimati
 Jha, Shri Yogendra
 Joshi, Shri A. C.
 Joshi, Shrimati Subhadra
 Jyotishi, Shri J. P.
 Kabir, Shri Humayun
 Kajrolkar, Shri
 Kamble, Shri
 Kappen, Shri
 Karuthiruman Shri
 Kedaria, Shri C. M.
 Khadilkar, Shri
 Khan Shri Shah Nawaz
 Khanna Shri Mehr Chand
 Kotaki Shri Liladhar.
 Koulgi, Shri H. V.
 Kripa Shankar, Shri
 Kureel, Shri B. N.
 Lakshmikanthamma, Shrimati
 Laskar, Shri N. R.
 Mahishi, Dr. Sarojini
 Maimoona Sultan, Shrimati
 Malaichami, Shri
 Manan, Shri
 Mandal, Dr. P.:
 Mandal, Shri J.
 Mandal, Shri Yamuna Prasad

Maniyangaden, Shri
 Marandi, Shri
 Mathur, Shri Hariash Chandra
 Mathur, Shri Shiv Charan
 Mehrotra, Shri Braj Bihari
 Mehta, Shri J. R.
 Meth, Shri Jashvant
 Mengi, Shri Gopal Datt
 Minimata, Shrimati:
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Mishra, Shri M. P.
 Misra, Shri Bibudhendra
 Misra, Shri Shyam Dhar
 Mohanty, Shri Gokulananda
 Morarka, Shri
 Mukerjee, Shrimati Sharda
 Munzai, Shri David
 Murti, Shri M. S.
 Muthiah, Shri
 Naik, Shri D. J.
 Nanda, Shri
 Nigam, Shrimati Savitri
 Niranjana Lal, Shri
 Oza, Shri
 Paliwal, Shri:
 Pandey, Shri R. S.
 Pandey, Shri Vishwa Nath
 Pandit, Shrimati Vijay Lakshmi:
 Panna Lal, Shri
 Pant, Shri K. C.
 Paramasivan, Shri
 Patel, Shri P. R.
 Patel, Shri Rajeshwar
 Patil, Shri M. B.
 Patil, Shri S. B.
 Patil, Shri S. K.
 Patil, Shri V. T.
 Pattabhi Raman, Shri C. R.
 Pratap Singh, Shri
 Raghuramaiah, Shri
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Raju, Shri D. B.
 Ram, Shri T.
 Ram Sewak, Shri
 Ram Swarup, Shri
 Ramkrishnan, Shri P. R.
 Ramanathan Chettiar, Shri R.
 Ramaswamy, Shri V. K.
 Ramdhani Das, Shri
 Rane, Shri
 Ranga Rao, Shri
 Rao, Shri Jagannatha
 Rao, Dr. K. L.
 Rao, Shri Muthyal
 Rao, Shri Ramapathi
 Rao, Shri Rameshwar
 Rao, Shri Thirumala

Rattan Lal, Shri
 Ray, Shrimati Renuka
 Reddi, Dr. B. Gopala
 Reddai, Shri
 Reddy, Shri Ramakrishna
 Reddy, Shri Surendra
 Reddy, Shrimati Yashoda
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Sahu, Shri Rameshwar
 Saigal, Shri A. S.
 Saraf, Shri Sham Lal
 Satyabhama Devi, Shrimati
 Scindia, Shrimati Vijaya Raj
 Sen, Shri P. G.
 Shah, Shri Manubhai
 Shah, Shrimati Jayaben
 Sham Nath, Shri
 Shankaraiya, Shri
 Sharma, Shri A. P.
 Sharma, Shri K. C.
 Sheo Narain, Shri
 Shinde, Shri
 Shree Narayan Das, Shri
 Shyam Kumari Devi, Shrimati
 Siddananjappa, Shri
 Siddiah, Shri
 Sidheshwar Prasad, Shri
 Singh, Dr. B. N.
 Sinha, Shrimati Ramdulari
 Sinha, Shri Satya Narayan
 Sinhasan Singh, Shri
 Sonavane, Shri
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Swamy, Shri M. P.
 Swarn Singh, Shri
 Swell, Shri
 Tanti, Shri Rameshwar
 Thengal, Shri Nallakoya
 Thomas, Shri A. M.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tripathi, Shri Krishna Deo
 Ukey, Shri
 Upadhyaya, Shri Shiva Dutta
 Vaishya, Shri M. B.
 Valvi, Shri
 Varma, Shri Ravindra
 Virbhadra Singh, Shri
 Wadiwa, Shri
 Yadab, Shri N. P.
 Yadav, Shri Ram Harkh

NOES

Alvares, Shri
 Aney, Dr. M.S.
 Bade, Shri
 Bagri, Shri
 Barua, Shri Hem
 Basant Kunwari, Shrimati
 Bhattacharya, Shri Dinen
 Bhecl, Shri P.H.
 Biren Dutta, Shri
 Brij Raj Singh, Shri
 Buta Singh, Shri
 Chakravarty, Shrimati Renu
 Chatterjee, Shri H.P.
 Chaudhuri, Shri Tridib Kumar
 Dasaratha Deb, Shri
 Deo, Shri P.K.
 Dwivedy, Shri Surendranath
 Gopalan, Shri A.K.
 Gupta, Shri Indrait
 Gupta, Shri Kashi Ram
 Gupta, Shri Priya

Imbichibava, Shri
 Kakkar, Shri Gauri Shanker
 Kamath, Shri Hari Vish n
 Kar, Shri Prabhat
 Kripalaci, Shri J.B.
 Kumaran, Shri M.K.
 Kunhan, Shri P.
 Laxmi Dass, Shri
 Limaye, Shri Madhu
 Lohia, Dr. Ram Manohar
 Mahananda, Shri
 Mahato, Shri Bhajahari
 Manoharan, Shri
 Masani, Shri M.R.
 Mate, Shri
 Misra, Dr. U.
 Mukerjee, Shri H.N.
 Murmu, Shri Sarkar
 Muzaftar Husain, Shri
 Nair, Shri N. Sreekantan
 Nair, Shri Vasudevan

Omkar Singh, Shri
 Pandey, Shri Sarjoo
 Patnayak, Shri Kishan
 Pottekkatt, Shri
 Raghavan, Shri A.V.
 Ram Singh, Shri
 Ramabadran, Shri
 Ranga, Shri
 Reddi, Shri R.N.
 Reddy, Shri Eswara
 Sen, Dr. Ranen
 Sezhivan, Shri
 Shastri, Shri Prakash Vir
 Singh, Shri Y.D.
 Sivasanakaran, Shri
 Swamy, Shri M.V.
 Umanath, Shri
 Venkaiah, Shri Kolla
 Vimla Devi, Shrimati
 Yashpal Singh, Shri
 Yudhvir Singh, Shri

Mr. Speaker: The result of the division is: Ayes 213†; Noes 63. The Ayes have it. Leave is granted.

The motion was adopted.

Shri Nanda: I introduce the Bill.

13 hrs.

STATEMENT RE. UNLAWFUL
 ACTIVITIES (PREVENTION)
 ORDINANCE, 1966

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Unlawful Activities (Prevention) Ordinance, 1966, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-6586/66].

13.01 hrs.

DEFENCE OF INDIA (AMENDMENT) BILL*

The Minister of Home Affairs (Shri Nanda): I beg to move for leave to

introduce a Bill further to amend the Defence of India Act, 1962.

श्री बागड़ी (हिसार) मेरा एक यवस्था का प्रश्न है। सरकार के खिलाफ अविश्वास आया हुआ है। जब तक उसका निर्णय नहीं हो जाता तब तक इस तरहके बिल को इंट्रोड्यूस नहीं किया जा सकता है।

अध्यक्ष महोदय : यह कोई बात नहीं है कि बिल भी इंट्रोड्यूस नहीं हो सकता है।

श्री बागड़ी : इनको इसका अधिकार नहीं है।

अध्यक्ष महोदय : नन्दा साहब इसका भी कुछ थोड़ा सा एक्सप्लेनेशन दे दें क्योंकि इसका भी मुझे नोटिस मिल है श्री टी० के० चौधरी की तरफ से कि वह इसको भी अग्रोज करते हैं।

Shri Nanda: I thought that what I was doing was in line with the wishes expressed by the House generally. There were discussions on this subject and at a certain stage—it was on the 27th April—I

Shri H. C. Soy also wanted to vote for "Ayes" vide his intimationship.

*Published in Gazette of India, Extraordinary, Part II, section 2, dated 1-8-66.