

[Mr. Deputy-Speaker]

tion to amendment No. 63 to the  
Representation of the People  
(Amendment) Bill, 1966, adopted

by the House on the 23rd Novem-  
ber, 1966, be suspended."

The Lok Sabha divided:

## Division No. 16]

## AYES

[14.28 hrs.

Akkamma Devi, Shrimati  
Alva, Shri Jaochim  
Babunath Singh, Shri  
Balmiki, Smt  
Barman, Shri P. C.  
Chandak, Shri  
Chandharbhan Singh, Dr.  
Chavda, Shri Johraben  
Chadriki, Shri  
Das, Shri B. K.  
Das, Shri NgT.  
Das, Shri Sudhanu  
Dass, Shri C.  
Deshmukh, Shri B. D.  
Deshmukh, Shri Shivaji Rao S.  
Deshmukh, Shrimati Vimala  
Dixit, Shri G. N.  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Hazari, Shri J. N.  
Hem Rai, Shri  
Himat Singh, Shri  
Kotoki, Shri Liladhar  
Krishna, Shri M. R.  
Lahtan Chaudhry, Smt

Lakshmikanthamma, Shrimati  
Lalit Sen, Shri  
Mahishi, Dr. Sarolini  
Malaichami, Shri M.  
Mandal, Dr. P.  
Maniyangadan, Shri  
Mantri, Shri D. D.  
Maruthiah, Shri  
Mehta, Shri Jashvant  
Mirmata, Shrimati  
Mishra, Shri Bibhuti  
Murti, Shri M.S.  
Paliwal, Shri  
Panna Lal, Shri  
Patel, Shri Chhotubhai  
Patel Shri. N.N.  
Patil, Shri J. S.  
Patil, Shri T. A.  
Pattabhi Raman, Shri C. R.  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Rai, Shrimati Sahodra Bai  
Rajdeo Singh, Shri  
Raju, Shri D. B.  
Ramanathan Chettiar, Shri R.

Ramdhanj Das, Shri  
Rane, Shri  
Rao, Shri Jaganath  
Roy, Shri Bishwanath  
Saha, Dr. S. K.  
Samnani, Shri  
Shah, Shrimati Jayaben  
Shakuntala Devi, Shrimati  
Sharma, Shri D. C.  
Sharma, Shri K. C.  
Sheo Narain, Shri  
Shyamkumari Devi, Shrimati  
Siddananjappa, Shri  
Siddiah, Shri  
Sidheshwar Prasad, Shri  
Sonavane, Shri  
Subramanyam, Shri T.  
Surendra Pal Singh, Shri  
Tula Ram, Shri  
Uikey, Shri  
Verma, Shri K. K.  
Vidyalankar, Shri A. N.  
Viyas, Shri Radhelal  
Yadav, Shri Ram Harkh

## NOES

Alvarez, Shri  
Aney, Dr. M. S.  
Banerjee, Shri S. M.

Chakravarty, Shrimati Renu  
Kamath, Shri Hari Vishnu  
Lakshmi Das, Shri

Roy, Shri Saradish  
Singhvi, Dr. L. M.  
Utiya, Shri

Mr. Deputy-speaker: The result of  
the Division is:

The motion was adopted.

Ayes 74; Noes 9.

The motion was adopted.

14.30 hrs.

Shri C. R. Pattabhi Raman: Sir, I  
beg to move:

REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL—contd.

"That the decision of the House  
adopting amendment No. 63 to the  
Representation of the People Am-  
endment) Bill, 1966, be rescinded."

Clause 20—contd.

Mr. Deputy-Speaker: We were on  
clause 20.

Sir, I do not want to say anything  
more on this.

Shri Hari Vishnu Kamath (Hoshan-  
gabad): Many amendments are to be  
put to vote still.

Mr. Deputy-Speaker: The question  
is:

Mr. Deputy-Speaker: You can move  
your amendments.

"That the decision of the House  
adopting amendment No. 63 to the  
Representation of the People Am-  
endment) Bill, 1966, be rescinded."

Shri G. N. Dixit (Etawah): You  
were taking a vote on amendment No.  
67; that was the stage.

**Mr. Deputy-Speaker:** Let him move his amendments; I will come to you then.

**Shri Hari Vishnu Kamath:** Sir, I move my amendments Nos. 105 and 106 in list No. 13. I do not want to take the time of the House by reading them. But if you want I shall read them.

I beg to move:

(i) Page 12, after line 14 insert,—

“Provided that a person convicted by a court in India for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs and sentenced to imprisonment for not less than six months shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release.” (105)

(ii) Page 12, after line 22, insert,—

“Explanation.—In this section,—

(a) ‘law providing for the prevention of hoarding or profiteering’ means any law, or any order, rule or notification having the force of law, providing for—

- (i) the regulation of production or manufacture of any essential commodity;
- (ii) the control of price at which any essential commodity may be bought or sold;
- (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal use or consumption of any essential commodity;
- (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale.

(b) ‘drug’ has the meaning assigned to it in the Drugs and Cosmetics Act, 1940;

(c) ‘essential commodity’ has the meaning assigned to it in the Essential Commodities Act, 1955;

(d) ‘food’ has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954.” (106)

**Mr. Deputy-Speaker:** All right. Now, Shri Sinhasan Singh—he is not here. Amendment No. 107 is not moved.

**Shri G. N. Dixit:** My amendment is No. 67.

**Mr. Deputy-Speaker:** The question is:

Pages 12 and 13,—

for lines 41 to 43 and 1 to 8 respectively: substitute—

“Disqualification for Government contracts, etc.

9A. A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.

*Explanation.*—For the purposes of this section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part.” (67)

The motion was adopted.

**Mr. Deputy-Speaker:** Then, there are amendment Nos. 72, 73 and 75. of Shri Kamath.

**Shri Hari Vishnu Kamath:** Amendment No. 72 should be put separately.

**Mr. Deputy-Speaker:** All right. The question is:

Page 12, after line 14, insert:

"(2A) A person convicted, under the appropriate Act, by a Court in India of an offence of hoarding or profiteering or blackmarketing or adulteration of foods or drugs, shall be disqualified from the date of such conviction, and shall continue to be disqualified for a further period of six years since his release, irrespective of the sentence awarded by the court." (72)

*The Lok Sabha divided:*

## AYES

Division No. 17]

[14.36 hrs.

Alvares, Shri  
Aney, Dr. M. S.  
Banerjee, Shri S.M.

Kamath, Shri Hari Vishnu  
Mehta, Shri J. R.

Sharma Shri D. C.  
Siddlah, Shri

## NOES

Alva, Shri Joachim  
Babunath Singh, Shri  
Bainiki, Shri  
Barman, Shri P. C.  
Brajeshwar Prasad, Shri  
Chandak, Shri  
Chandrabhan Singh, Dr.  
Chandriki, Shri  
Das, Shri B. K.  
Das, Shri N. T.  
Dass, Shri C.  
Dixit, Shri G. N.  
Dorai, Shri Kasinatha  
Dwivedi, Shri M. L.  
Himatsingka, Shri  
Kotoki, Shri Liladhar  
Lakhan Chaudhry, Shri  
Lakhan Das, Shri  
Lakshmintharanna, Shrimati

Malaichami, Shri M.  
Mandal, Dr. P.  
Maniyangadan, Shri  
Mantri, Shri D. D.  
Maruthiah, Shri  
Matcharaju, Shri  
Minimata, Shrimati  
Mishra, Shri Bibhuti  
More, Shri K. L.  
Mukherjee, Shrimati Sharda  
Murti, Shri M. S.  
Paliwal, Shri  
Pandey, Shri Vishwa Nath  
Panna Lal, Shri  
Patel, Shri N. N.  
Patil, Shri J. S.  
Pattabhi Raman, Shri C. R.  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Rai, Shrimati Sahodra Bai

Raju, Shri D. B.  
Ramdhani Das, Shri  
Rane, Shri  
Rao, Shri Jaganatha  
Saha, Dr. S. K.  
Saraf, Shri Sham Lal  
Shakuntala Devi, Shrimati  
Shashi Ranjan Shri  
Sheo Narsin, Shri  
Shyamkumari Devi, Shrimati  
Siddheshwar Prasad, Shri  
Snatak, Shri Nardeo  
Sonavane, Shri  
Tantia, Shri Rameshwar  
Tula Ram Shri  
Uikey, Shri  
Upadhyaya, Shri Shina Dutt  
Utlyn, Shri  
Vidyalankar, Shri A. N.

**The Deputy-Speaker:** The result of the Division is: Ayes 7; Noes 58.

*The motion was negatived.*

**Shrimati Vimla Devi (Eluru):** I am for Ayes, Sir.

**Mr. Deputy-Speaker:** That will be corrected. Now, I shall put amendment Nos. 73 and 75 together.

*Amendments Nos. 73 and 75 were put and negatived.*

**Shri Hari Vishnu Kamath:** What about amendment No. 74?

**Mr. Deputy-Speaker:** It is the same as 52. It is not necessary to put it. Now, I am sorry I have omitted amendment No. 51. I shall now put it to the vote.

*Amendment No. 51 was put and negatived.*

**Mr. Deputy-Speaker:** There is amendment No. 103.

**Shri Hari Vishnu Kamath:** Amendment Nos. 105 and 106 are mine. Permit me to read out from the record what happened the other day, on the last occasion, on the 23rd, two days ago. The Minister of Law took a very curious stand on that occasion. He said, "I am prepared to accept Shri Kamath's amendment subject to a condition. The condition is this. Shri Kamath's amendment does not mention any sentence." He proposed that it should be not less than six months.

**The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman):** Shri Kamath's amendment does not mention any sentence.

**Shri Hari Vishnu Kamath:** The Minister of Law said that he is prepared to accept it subject to a condition. If that is specified, the sentence of six months, then he would accept it. I have now put in the words "not less than six months" in my amendment No. 105.

**Shri Ranga (Chittoor):** I oppose it.

**Shri Hari Vishnu Kamath:** It is an important issue which concerns the whole House and the whole country. The Minister is shifting his stand and has laid himself open to the charge—he and his party and those who support him; many of them supported my amendment and very few will support the contrary stand of his—of being dubbed as a patron, or agent of blackmarketers and profiteers. I do not want this to happen to the Congress party; I want to save them from this predicament. He said first of all that he is prepared to accept my amendment. Then, at the same page, he said that if Shri Kamath accepts, he will accept. It is just like saying "I tickle you, you tickle me". What is it? He comes with a substitute amendment, and, may I say, takes a funny position, whereby a very amusing situation was created by him. He said:

"I will read, therefore, the substitute amendment which, if Shri Kamath accepts, I am going to accept and support."

I had observed and I had requested him to ensure that whatever the sentence, the disqualification should remain. In the alternative, I said they should make it three months if not six months. I never said I did not accept the amendment. I would not take the time of the House by reading all that I said. I will read the last sentence of what I said:

"I, therefore, suggest that instead of 6 months, it should be 1 month."

I never said that I did not accept it. So, there was no reason for him to say that I did not accept the amendment.

After you rightly advised him in your wisdom, which we seldom question in this House, to hold it over, for once he accepted your advice and it was held over. It was resumed about 1-1/2 hours afterwards and suddenly he resiled from the stand he took earlier.

**Mr. Deputy-Speaker:** Why all this post-mortem?

**Shri Hari Vishnu Kamath:** It shows how ministers change their stand. We would like to know why he changed his stand. The only reason he gave was "I have not moved an amendment. It was circulated according to your advice."

**Shri Sonavane (Pandharpur):** Only the draft was circulated.

**Shri Hari Vishnu Kamath:** Yes; every amendment is a draft until it is accepted by the House. Kindly see rule 79, Sir. It is an interesting situation. It would be comic, if it were not tragic. There is a certain procedure prescribed, outside which we cannot go, whether it is the Minister or we. You agree with that proposition, Sir. Don't you? Rule 79 says:

"(2) The Secretary shall, if time permits, make available to the members from time to time lists

[Shri Hari Vishnu Kamath]

of amendments of which notices have been received."

There was enough time and it was circulated. It was very helpful. I am glad to say that the Lok Sabha Secretariat worked efficiently, unlike the Government Secretariat, and made available to us the copy in half an hour.

**Mr. Deputy-Speaker:** I request you; let us go through this Bill.

**Shri Hari Vishnu Kamath:** We are more anxious than you are, Sir. I am just concluding.

Let us read rule 79 with rule 86. Rule 86 says:

"When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice."

He not merely gave notice, but made a speech on the amendment and said, "I accept it if Mr. Kamath accepts it". I never said that I did not accept it. So, the position logically is that he accepts it.

Then Prof. Ranga, for whom I have every regard, advanced cogent reasons why it should be not be accepted.

**Shri Ranga:** Shrimati Renu Chakravarty a'so was against it.

**Shri Hari Vishnu Kamath:** Then the Minister said, unless it is unanimous, I do not want to accept it or move it. Is there any Assembly or Parliament in any part of the world where support of an amendment has to be previously known to be unanimous before it is moved?

**Shri Sonavane:** The Minister later on corrected that statement.

**Shri Hari Vishnu Kamath:** Where is it? I am reading from the record. I

only want to say that he has propounded a novel proposition. I am constrained to say that this sort of stand will only make them appear as agents and patrons of anti-social elements, and their stand a live portrayal of hypocrisy and humbug; nothing less than that.

My amendments Nos. 105 and 106 are identical with the Minister's amendments which he refused to move ultimately. I hope all the members who supported my more rigorous amendment will support these amendments which their Minister put forward, but later refused to move.

**Shri C. R. Pattabhi Raman:** Sir, I have to keep the record straight. One portion was read. The House must know fully what happened on that day. As pointed out by Mr. Kamath, the Minister said:

"I am prepared to accept Shri Kamath's amendment subject to a condition."

This is in page 8082. But when the actual time came for moving it, Mr. Kamath had some other important work and he was not here to move it. It was his amendment; it was not the Minister's amendment. (*Interruptions*). Let us fight it clean, Mr. Kamath. You have said that we are supporting blackmarketeers and hoarders. It is hitting below the belt.

**Shri Hari Vishnu Kamath:** I said, you appear to do so.

**Shri C. R. Pattabhj Raman:** You are entitled to say it. I am not going to put it in that way. It looks ugly. It was the Law Ministry which got the copies cyclostyled and distributed it, not the Lok Sabha Secretariat. We got it done for him, because hoarding, blackmarketing, etc. are not defined in this Bill. For a technical offence like not filing a form somebody may be convicted. Suppose there is a father and son and the son has not furnished some form. Some query may

be raised and technically it may be an offence. We should be very careful. So, we gave a copy. Unfortunately, he was not there to move it and it lapsed.

**Shri Hari Vishnu Kamath:** I have moved it today.

**Shri C. R. Pattabhi Raman:** Amendment No. 72 also says the same thing as amendment No. 105. Don't you see the absurdity of it? Amendments 72 and 75 have been defeated just now. I will read amendment No. 105. I drafted it for you under your name.

**Shri Hari Vishnu Kamath:** I did not ask you to draft it at all. Where is the record?

**Shri C. R. Pattabhi Raman:** Amendments 72 and 73 deal with black-marketing.

**Shri Hari Vishnu Kamath:** 73 is different; it is about the Election Commission.

**Shri C. R. Pattabhi Raman:** Mr. Ranga has objected to amendment No. 72. I will read it:

"A person convicted, under the Appropriate Act, by a Court in India of an offence of hoarding or profiteering or blackmarketing or adulteration of foods or drugs, shall be disqualified..."

With this background, let us see what amendment No. 105 says:

"Provided that a person convicted by a court in India for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs and sentenced to imprisonment...." etc.

How is it different? One may be six and the other may be half a dozen.

**Shri Ranga:** Mr. Deputy-Speaker, Sir, I do not run any risk of being misunderstood or misinterpreted by anybody as being a champion or

apologist for blackmarketeers or hoarders. I am second to none in deprecating such antisocial forces and practices. But one thing must be very clear, and that is this. Look at the capacity for mischief of this amendment which stands now in the name of Shri Kamath and which was suggested yesterday, as he rightly put it, by the Minister as a kind of alternative to his own amendment. Here it is said:

"the regulation of production or manufacture of any essential commodity;"

that brings in all the kisans. So far as production is concerned, you have a number of laws. We do not know all those laws. We know only too well that wherever you have the panchayat two rival groups go on working against each other in order to see that the other fellows are not enrolled as voters. If they are enrolled as voters they are removed from the voters' list. Also, they are not allowed to stand as candidates. They even go to the extent of bribing the officers who are put in charge of either making voters' list or deciding disqualifications and so on. This kind of power to be given to the local administrative officers who would be in charge of prosecuting people and afterwards getting them convicted will be very dangerous. And, what is the term prescribed? It is only six months. It is not even two years as was the case with the other clause. You can get them convicted and afterwards get them into trouble. Yesterday, Shrimati Renu Chakravartty also raised the question of workers. Supposing they go on strike, for having obstructed production they can be convicted and they would also be disqualified from being enrolled as voters or standing as candidates.

Then it is said here:

"the control of price at which any essential commodity may be bought or sold;"

It is the kisans who have to sell it. You are prescribing the prices, the maximum price, the minimum price

[Shri Ranga]

and all sorts of things. Crores and crores of peasants are already suffering. Their freedom is being impinged by these controls. In the administration of controls any amount of mischief is possible and as a result of that are we to place millions of our kisans at the mercy of these local officers for their decisions, for their convictions so that thereafter the rival political leader within the village may play mischief with them.

The next thing is:

"the regulation of acquisition, possession, storage. . ."

Even kisans now are going to be accused of being hoarders because they have got so much more than what is prescribed by your officers in their own homes for their own maintenance or for payment to their agricultural workers. For doing anything like that those people can be brought within the mischief of control, and once they are brought within that mischief, they can be convicted and then they would be placed beyond the scope of citizenship in this country.

Further it says:

"the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale."

Here comes the small trader in a village or in a city. It is not because I want blackmarketees to be brought into this House, it is not because I want blackmarketees to be enabled to come to this House or enable anti-social forces to come in or given any kind of opportunity of getting in through back-door means and become Members of Parliament or a State legislature that I oppose this amendment. I oppose this because it is very dangerous. Even as it was, Shri Kamath's original amendment appeared to be even more troublesome to the ordinary folk than this amended version. It did not detail all these

things. Fortunately for Shri Kamath and fortunately also for so many of us who were then thinking of supporting Shri Kamath's earlier amendment, the new amendment has come amplified in this manner. The Law Ministry has done a great service indeed in helping us to understand the significance of this, implications of this. It has dangerous implications.

Shri Kamath, of course, is very keen about all these things. I do not wish to say anything more. I am only sorry I am unable to agree with Shri Kamath in regard to this amendment because I want to save honest kisans, honest traders, honest workers in this country from being deprived of their citizenship just because they are likely to be brought into the mischief of all these various laws, which are not mentioned here at all—all those laws are not mentioned here and we do not know what mischief they are capable of—which will be the effect of this amendment. I am glad the Government also has at last made up its mind not to support this amendment.

**Shri S. M. Banerjee (Kanpur):** Sir, I speak on this amendment as an honest citizen, an honest Member of Parliament, an honest politician, an honest kisan. Let there be no misunderstanding that honesty is the monopoly of somebody.

Sir, you remember that day, when Shri Pathak, who is unfortunately absent from the House today, wanted to accommodate the substance and the very spirit of Shri Kamath's amendment. As a democrat and as a person who was against blackmarketing and profiteering, his intentions were like that at that time. He wanted to move an amendment and that amendment rightly or wrongly was not circulated. You were in the Chair, Sir, at that time and you ruled that the same may be held over. The Law Ministry was able to circulate it, not within ten minutes but within fifteen or twenty minutes. We have all read that amendment. Sir, can a draft amendment be circulated or moved? Let us

not say that it was moved. Let us take it that it was a draft amendment which we got yesterday. But now it has been moved. Therefore, how can that draft amendment be possibly withdrawn? Does the Law Minister withdraw that amendment only because Shri Kamath has not accepted it or it has not been accepted unanimously by this House? Amendments are not moved on the basis of anticipated unanimity. After all, anticipated unanimity cannot be there. There are notes of dissent even in the reports of select committees on many issues. Even on the DIR, when it was necessary for this House to pass the DIR to stop external aggression, and to fight external aggression, we divided on the issue of title, on the name. They have got a majority and they pass everything. Therefore, can this proposition be placed before the Members of this House, when we are in a minority, that unless we are unanimous this amendment will be withdrawn? I feel this is something very strange, very extraordinary in this House, and I feel anything can happen in this House. The Minister has conveniently absented himself today—I do not know the reasons, they are better known to him.

Now, coming to this particular amendment of Shri Kamath, if Shri Kamath's amendment did not specify the sentence and only because of that he was not going to accept it, could they not have anticipated the far-reaching implications now being advanced by the Minister, Shri Pattabhi Raman? Why should wisdom dawn at late hours? Why did they not anticipate this earlier? My hon. friend, Shrimati Renu Chakravarty was not against this amendment of Shri Kamath. She had been rather misinterpreted. She only expressed her fear that this may not be used wrongly. She only wanted to change the wording. I am sure if she reads the new amendment 105 and also amendment No. 106 brought forward by Shri Kamath, she would readily agree with them. If it is put to vote, I am sure Shrimati Renu

Chakravarty or any Member of her party present here will very well vote for it for it is against blackmarketing and profiteering and they will not support Shri Ranga's contention. I only feel that the Government having brought in such an amendment, because they have now realised that some industrialists, some big business houses, some big hoarders, blackmarketeers or profiteers, who hold the country to ransom, may be affected, and that may affect their election coffers, they have thought it better to withdraw it on the technical ground that this was not officially moved or on the suggestion that there was no unanimity in the House. Sir, 500 to 600 hoarders were arrested under D.I.R. in Calcutta. When they were arrested by Shri P. C. Sen, we congratulated him. They remained in prison for more than a year. They were released later, because there was pressure from the Centre. Should they be allowed to contest the election and start hoarding and blackmarketeering and put our children to starvation? That is why I would request the hon. Minister to accept the amendment of Shri Kamath. Let it be decided here and now as to who are opposed to profiteering and hoarding, whether the Members of the Congress Party or those of the Opposition. A Government which claims to be socialist, which claims to be anti-hoarder, I want that Government to pass this amendment so that these people are not allowed to contest the elections.

**Shri Alvares (Panjim):** I have followed the controversy for the last two days and it now appears that the offer of help of Government was not motivated by honest considerations. The first thing is that the hon. Law Minister offered a solution to Shri Kamath that the decision should be unanimous, because he was sure that it would not be unanimous. Therefore, I presume that the offer was not made in a very honest fashion. Now Professor Ranga has said that the help given by the Law Ministry in drafting Shri Kamath's



[Shri Alvares]

amendment was not with a view to make it acceptable but only to expose the difficulties and dangers that are there. Now I am sure that both these offers, the offer of acceptance on condition of unanimity and the offer of technical help in re-drafting were really with the object of defeating the amendment.

As regards the amendment itself, it is necessary to juxtapose the attitude and approach of the Government to two provisions of this Bill. We have seen that Government have disqualified persons from contesting elections if they have been convicted for two years or more under any offences in the IPS or Cr. P.C. We opposed this provision and we went for a division because we thought it was a very wrong decision. Yet, that provision was adopted.

Now there are certain issues in the country like food, civil liberty etc. which demand that certain demonstration should take place, for which it is necessary that we should lead demonstrations and agitations peacefully. It is a matter of duty in a country such as ours, and yet the Government and the House in its wisdom, decided that anybody who takes part in such demonstrations or agitations and gets convicted for two years or more should be disqualified, whatever be the merits of the demonstration or agitation. Now, on the other hand, we find that in respect of social offenders, categories of people who are adjudged by courts of law as guilty, Government do not want to adopt a similar provision. Am I to understand that Government feels that these politicians or members of the political parties, trade unionists or public-spirited men who try to solve the problems of the people in a certain manner which they think fit and as a result get convicted for two years or more should become disqualified from standing for elections and on the other hand, blackmarketeers, hoarders etc. who are convicted under the law of the land, the law made for protecting the people and for the

purpose of alleviating the suffering of the people, these people should go scotfree, whatever they do, and be free to contest for elections? When these two positions and approaches are juxtaposed, the House will understand that the Government feel, in the first place, that political action for the redress of political grievances is something that must merit discouragement by making those convicted disqualified for standing for election while, on the other hand, whatever a blackmarketeer does, whatever a hoarder does, whatever any other social offender does, he will go unpunished in the sense that he will not be disqualified from contesting an election. Let this House reject Shri Kamath's amendment and the public will know that the Government has made its choice between political action and action by social offenders.

**Shri Sinhasan Singh (Gorakhpur):** The amendment standing in my name, though it is verbal, could not be moved. My amendment, No. 105, says that the words "not less than six months" should be omitted. The object of this amendment will be to ensure that a person imprisoned for any period should disqualify for contesting an election. It is my experience that for offence under the Essential Commodities Act wherever there is conviction, it is never for more than a month. It is generally for the rising of the court, because most of the people who are convicted for these offences are big people who have great influence everywhere. In the courts, the lawyers appearing for them plead with the court to make the conviction only for the rising of the court. The punishment in most cases is a fine of Rs. 5,000 or 3,000 and imprisonment up to the rising of the court. So, the term "not less than six months" hardly serves any purpose. I would request the hon. Law Minister to find out how many people have been convicted for a period of more than three months under this Act. The number will be very small. So, I would request the Law Minister

to accept my amendment with all good grace. Because, we are going to disqualify a person from becoming a member of the Legislature. Even if these persons are not convicted for more than six months, if they are allowed to stand for election to Parliament or State Legislatures, we will not be able to pass pure laws because such people will be associated with the passing of laws. So, I would request that my amendment should be accepted.

**Shri Hari Vishnu Kamath:** I have great pleasure in accepting the amendment of Shri Sinhasan Singh.

**Shri G. N. Dixit:** Mr. Deputy-Speaker, you would remember that Government amendment No. 63 was only a very insignificant part of my amendment No. 67. Only because it is covered partly, therefore, the rules had to be suspended and then it had to be withdrawn....

**Mr. Deputy-Speaker:** Why should he re-open all that now?

**Shri G. N. Dixit:** Now my submission is that this House has rejected one amendment of Shri Kamath, not only by voice vote but by a division, and that amendment of Shri Kamath and this amendment which is being discussed are substantially the same; there are only slight differences. Now, if you compare those two amendments with these two amendments, you will find that these are much more identical than they were. Therefore, my submission is that this motion which is now being discussed is out of order, is barred and should not be permitted.

So far as the question of validity of this is concerned, this was debated upon when we rejected the earlier amendment and the Law Minister in his reply had fully met his argument, what were the difficulties and what were the complications in accepting this. In so far as profiteering and

hoarding are concerned, this House is unanimous in its view; nobody has any sympathy for a hoarder or black-marketeer; but a person who has committed only a technical offence should not be penalised because that would not be proper. That was the main line of argument. Therefore, my submission is that this amendment is out of order and should be ruled out.

**Shri Sinhasan Singh:** Sir, I beg to move:

"That in amendment No. 105,—omit "for not less than six months".

**Shri C. E. Pattabhi Raman:** I am not going to go back so far as Shri Pathak's assurance to the House is concerned. Shri Kamath knows it. I have also pointed out this as regards amendments Nos. 63 and 65 were concerned: Certainly, I am not agreeable to Shri Sinhasan Singh's amendment seeking to remove the words "for not less than six months". They must be there because we have referred to the various Acts.

I was surprised and shocked that of all persons my dear friend, Shri Alvares, should say that it is a clever device to protect the hoarders etc.

**Shri Alvares:** That is what Professor Ranga has said.

**Shri C. E. Pattabhi Raman:** Even so. I never expected you to join in that. When I deal with you, I know where I am. I was surprised when you said that.

What we have done is this. Shri Kamath wanted it and the Minister pointed out that we must have a sentence. He accepted that. The amendment is in his name. It was drafted and 500 copies were got prepared by the Ministry and presented to the House. We acknowledge it. But, unfortunately, he was not there. But I do say even now that if the House feels that these amendments, Nos. 105 and 106, be accepted as they are, I have no objection to that at all.

**Shri Hari Vishnu Kamath:** Very good.

**Shri C. R. Pattabhi Raman:** I neither want your praise nor your censure.

**Shri Hari Vishnu Kamath:** I am not praising you.

**Shri C. R. Pattabhi Raman:** You said that we were shielding the blackmarketeers.

**Shri Hari Vishnu Kamath:** I said, "Otherwise".

**Shri C. R. Pattabhi Raman:** You are not going to blackmail me. I have the honour to belong to a party which has got a fine record.

**Shri Hari Vishnu Kamath:** So do we.

**Shri C. R. Pattabhi Raman:** You will never catch me calling your party names like this.

**Shri Hari Vishnu Kamath:** I said, "if you do not accept it, you will lay yourself open to this charge".

**Shri C. R. Pattabhi Raman:** It is like saying, "Have you stopped beating your wife? Say, 'Yes' or 'No'". You are mortgaging my stand.

**Shri Hari Vishnu Kamath:** You need not teach me. I know what to say. Do not lose temper.

**Shri C. R. Pattabhi Raman:** I never lose temper.

**Shri Hari Vishnu Kamath:** If you do, I too can lose it more than you.

**Shri C. R. Pattabhi Raman:** I never lose my temper.

**Shri Hari Vishnu Kamath:** That is what you did just now. (*Interruption*).

I was humorous . . . (*Interruption*): Do not teach me. Tell him.

**Shri C. R. Pattabhi Raman:** Frankly, I have told you in the very beginning, that I would accept it as

drafted by us, if the House feels so, and not with Shri Sinhasan Singh's amendment. I thought, Shri Kamath said that he accepts that amendment. I am not accepting that because we have said there about the Drugs and Cosmetics Act, Essential Commodities Act, Prevention of Food Adulteration Act etc. We have enumerated those things. But I am willing to accept amendments Nos. 105 and 106 as they are.

**Mr. Deputy-Speaker:** I am first putting Shri Sinhasan Singh's amendment (No. 107) to Shri Kamath's amendment No. 105.

*Amendment No. 107 was put and negatived.*

**Mr. Deputy Speaker:** Now, I am putting Shri Kamath's amendments, Nos. 105 and 106, together.

The question is:

(i) Page 12, after line 14 insert,—

"Provided that a person convicted by a court in India for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs and sentenced to imprisonment for not less than six months shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release."

(ii) Page 12, after line 22 insert,—

"Explanation.—In this section,—

(a) 'law providing for the prevention of hoarding or profiteering' means any law, or any order, rule or notification having the force of law, providing for—

- (i) the regulation of production or manufacture of any essential commodity;
  - (ii) the control of price at which any essential commodity may be bought or sold;
  - (iii) the regulation of acquisition, possession, storage, transport, distribution, disposal, use or consumption of any essential commodity;
  - (iv) the prohibition of the withholding from sale of any essential commodity ordinarily kept for sale.
- (b) 'drug' has the meaning assigned to it in the Drugs and Cosmetics Act, 1940;
- (c) 'essential commodity' has the meaning assigned to it in the Essential Commodities Act, 1955;
- (d) 'food' has the meaning assigned to it in the Prevention of Food Adulteration Act, 1954". (106).

*The motion was adopted.*

**Mr. Deputy-Speaker:** Then, there is Shri Vidyalankar's amendment No. 78.

**Shri A. N. Vidyalankar** (Hoshiarpur): Sir, I wish to withdraw my amendment.

**Mr. Deputy-Speaker:** Has he the leave of the House to withdraw his amendment No. 78?

*Amendment No. 78 was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** Then, there is amendment No. 103 by Shri Muthiah. He is not there. So, I am putting his amendment to the vote of the House.

*Amendment No. 103 was put and negatived.*

**Mr. Deputy-Speaker:** The question is:

"That clause 20, as amended, stand part of the Bill"

*The motion was adopted.*

*Clause 20, as amended, was added to the Bill.*

*The Enacting Formula and the Title were added to the Bill.*

**Shri C. R. Pattabhi Raman:** Sir, I move:

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

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

15.20 hrs.

#### PREVENTIVE DETENTION (CONTINUANCE) BILL—Contd.

**Mr. Deputy-Speaker:** The House will now proceed with further consideration of the following motion moved by Shri Y. B. Chavan on the 21st November, 1966, namely:—

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration."

**Mr. Mohammed Koya.**

**Shri S. M. Banerjee** (Kanpur): I would like to speak first.

**Mr. Deputy-Speaker:** I have called Mr. Mohammed Koya.

**Shri S. M. Banerjee:** He represents a Party.

I think he is willing to give me the floor.