

LOK SABHA DEBATES

(Sixth Series)

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LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

No. 27—Wednesday, August 23, 1978/Bhadra 1, 1960 (Saka)

COLUMNS

Constitution (Forty-Fifth Amendment) Bill	1-117
Clauses 4 to 49 and I	1-74
Motion to pass, as amended	75-117
Shri Shanti Bhushan	75,103-07
Shri Jyotirmoy Bosu	75
Shri Raj Narain	75-84
Shri R. Venkataraman	85-88
Shri J. Rameshwara Rao	88-90
Shri A. Bala Pajanon	90-95
Shrimati Parvathi Krishnan	96-99
Shri Ram Kishan	99-102
Papers laid on the Table	118-127
Message from Rajya Sabha	128
Calling Attention to Matter of Urgent Public Importance	129-143
Reported throwing of some tribals into the Subaranarekha river at Jamshedpur on 16-8-76	
Shri Laxman Rao Mankar	129-131
Shri S. D. Patil	131-136
Shri Yagya Datt Sharma	136
Shri Morarji Desai	137
Shri P. K. Kadiyan	137-141
Accounts Committee	143
Forty-fourth and Eighty fifth Reports	
Report on Absence of Members from sittings of the House	
Forty Report	144
Report on Private Members' Bills and Resolutions	
Forty-third Report	145

Statement Re: Visit of Minister of External Affairs to Japan and the Republic of Korea	145-149
Shri Atal Bihari Vajpayee	
Statutory Resolution re: Disapproval of Delhi Police Ordinance, 1978—<i>Negative</i> AND	
Delhi Police Bill	150-264
Motion to consider	150
Shri Shambhu Nath Chaturvedi	150-152
Shri Kanwar Lal Gupta	153-160
Shri Eduardo Faleiro	160-165
Shri Ramanand Tiwari	165-171
Shri Dinen Bhattacharya	171-172
Shri Kishore Lal	175-181
Shri Vayalar Ravi	181-186
Shri Vijay Kumar Malhotra	186-191
Shri S. G. Murugaiyan	191-193
Dr. Ramji Singh	193-196
Chowdhry Balbir Singh	196-200
Shri R. L. P. Verma	200-202
Dr. Baldev Prakash	202-206
Shri S. D. Patil	206-207
Shrimati Parvathi Krishnan	207-214
Clauses 2 to 152 and 1	221-251
Motion to pass as amended (<i>House adjourned for want of quorum</i>)	
Shri S. D. Patil	251
Shri Vayalar Ravi	
Shrimati Parvathi Krishnan	

LOK SABHA DEBATES

1

LOK SABHA

Wednesday, August 23, 1978/Bhadra 1,
1900 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

CONSTITUTION (FORTY-FIFTH AMENDMENT) BILL—contd.

Clause 35

MR. SPEAKER: The House will now take up further clause-by-clause consideration of the Bill further to amend the Constitution of India. Before I put clause 35 to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies be cleared.

The lobbies have been cleared. I shall read clause 35. It says:

"Part XIVA of the Constitution shall be omitted."

SHRI RAM DHAN (Lalganj): On a point of order, Sir. When this House assembled today, the quorum bell and division bell rang together. There should be a separate bell for the division. Many members are outside. This confusion has to be avoided.

MR. SPEAKER: No, no.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSAN): Unless there is a separate bell for division, members may not know.

MR. SPEAKER: All right. Let the door be opened and let the lobbies be cleared again.

2571 L.S.—1.

2

SHRI VAYALAR RAVI (Chirayinkil): Sir, after your occupying the seat only the bell was rung. In the case of quorum, it is only after the bell is rung and there is quorum that the Speaker comes and occupies the seat. In this particular case, after you came and occupied the seat the bell was rung, which means that it was a division bell. Yet, immediately afterwards, the division bell was rung again, which is not the correct procedure.

MR. SPEAKER: There is no point of order.

PROF. P. G. MAVALANKAR (Gandhinagar): You came to the House, and the House was duly constituted. Then, you called for the division bell.

MR. SPEAKER: The lobbies have been cleared. I have already read out the relevant clause earlier. I will read the substance of it again so that hon. Members may know what it is about. This clause seeks to omit Part XIV-A of the Constitution relating to administrative tribunals and tribunals for other matters in place of High Courts. The said Part XIV-A was inserted by the Constitution (Forty-second Amendment) Act.

The question is:

"That Clause 35 stand part of the Bill."

The Lok Sabha divided:

SHRI C. M. STEPHEN (Idukki): Sir, I bring to your notice sub-clause (3) of rule 367A. Anybody who has not voted must stand up in his seat and tell you because, otherwise, it can be corrected by anybody. Rule 367A (3) says:

"A member who is not able to cast his vote by pressing the button provided for the purpose due to any

[Shri C. M. Stephen]

reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced."

(Interruptions)

SHRI VASANT SATHE (Akola): I want you to announce the result now. We do not want any mischief to be done.... (Interruptions)

MR. SPEAKER: No, no; there is nothing of the sort.

SHRI C. M. STEPHEN: As soon as the result appears on the indicator board, the result of the division is announced by the Speaker and it can be further corrected subject to sub-clause (3) of rule 367A.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, I would also like to draw your attention to sub-clause (4) of rule 367A. It says:

"If a member finds that he has voted by mistake by pressing the wrong button, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the division is announced."

(Interruptions)

MR. SPEAKER: The Leader of the Opposition has read out sub-rule (3) of Rule 367A. It says:

"A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced."

Then, sub-rule (4) says:

"If a member finds that he has voted by mistake by pressing the

wrong button, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced."

There are two different things. Sub-rule (4) relates to where a member has voted by mistake; sub-rule (3) relates to where he has not been able to cast his vote. In the case of a member who has not been able to cast his vote, he must stand up and tell the Speaker so that the Speaker may know. So far as a member who has voted by mistake is concerned, he can give a correcting slip. That is all the difference.

Now, the members who say that they have not been able to cast their vote may please stand up. I am counting on both sides. I shall call the Members who have not been able to cast their votes one by one. Mr. Patil, you have not been able to cast your vote. What is your Number?

SHRI S. D. PATIL: My number is 27.

MR. SPEAKER: Please check up. Let us go orderly. Mr. Chand Ram what is your number?

SHRI CHAND RAM: My Number is 19.

MR. SPEAKER: Please check up. Shri Hukamdeo Narain Yadav, what is your number?

SHRI HUKAMDEO NARAIN YADAV: My number is 48.

MR. SPEAKER: Please check up. What is your Number?

SHRI SHRIKRISHNA SINGH: My number is 531.

MR. SPEAKER: Now you will give your numbers one by one. The division numbers given by the Members are: 57, 59, 70, 63, 74, 127, 129, 145, 170, 178, 261, 265, 350, 361, 362, 369, 41, 418, 433, 550, 498, 512. I will now ask you to stand up one by one

and say whether you are for "Ayes" or "Noes".

SHRI S. D. PATIL: "Ayes".

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): "Ayes".

SHRI HUKMDEO NARAIN YADAV: "Ayes".

SHRI YUVRAJ: "Ayes"

DR. RAMJI SINGH: "Ayes".

SHRI VINODBHAI B. SHETH: "Ayes".

SHRI H. L. P. SINHA: "Ayes".

SHRI MOTIBHAI R. CHAUDHARY: "Ayes".

SHRI SHRIKRISHNA SINGH: "Ayes".

SHRI IQBAL SINGH DHILLON: "Ayes".

SHRI JAGDEV SINGH TAIWANDI: "Ayes".

SHRI MADHAV PRASAD TRIPATHI: "Ayes".

SHRI AGHAN SINGH THAKUR: "Ayes".

SHRI PRADYUMNA BAL: "Ayes".

SHRI M. A. HANNAN ALHAJ: "Ayes".

SHRI SHARAD YADAV: "Ayes".

DR. R. ROTHUAMA: "Ayes".

SHRIMATI AKBAR JAHAN BEGUM: "Ayes".

SHRI A. E. T. BARROW: "Ayes".

SHRI CHITTA BASU: "Ayes".

SHRI NANASAHIB BONDE: "Noes".

SHRI EDUARDO FALEIRO: "Noes".

SHRIMATI MOHSINA KIDWAI: "Noes".

SHRI K. T. KOSALRAM: "Noes".

SHRI B. P. KADAM: "Noes".

SHRI BALASAHIB VIKHE PATIL rose.

MR. SPEAKER: Is it for correcting or is it that you have not been able to vote?

SHRI BALASAHIB VIKHE PATIL: My vote has not been recorded.

MR. SPEAKER: You are for 'Ayes' or 'Noes'.

SHRI BALASAHIB VIKHE PATIL: Noes.

MR. SPEAKER: Now, there are people who have wrongly voted, they may send the slips.

AN HON. MEMBER: This has to be verified.

MR. SPEAKER: We will verify everything.

श्री मनी राम बागड़ी (मथुरा) : अध्यक्ष महोदय, इससे पहले कि आप इस बिल के रिजल्ट को एनारुंस करें, मेरा एक व्यवस्था का प्रश्न है। राज्य सभा का सेशन चल रहा है और मंत्री लोग वहाँ पर हैं। इस कांस्टीट्यूशन (एमेंडमेंट) बिल पर उन का वोट हीना बड़ा जरूरी है। (व्यवस्था) अध्यक्ष महोदय, यह व्यवस्था का प्रश्न उठेगा। (व्यवस्था) राज्य सभा का सेशन चल रहा है। हमारे मंत्रिमंडल के कई सदस्य वहाँ होने के कारण वहाँ पर अपना वोट नहीं दे सके। (व्यवस्था)

MR. SPEAKER: Some Members have said that they voted wrongly. I would call them by number. Please check that up. Let me know the Division Numbers of the Members who have voted wrongly. They are:

308, 167, 182 and 539.

श्री मंगीराम बापट्टी : क्या जब तक वोटिंग नहीं होती तब तक राज्य सभा को स्वयंसेवक नहीं किया जा सकता ? हमारे मेम्बर वोट देने से बाधित किए जा रहे हैं (स्वयंसेवक)

SHRI VASANT SATHE: What is the hon. Member doing?

MR. SPEAKER: When the counting is done, you should not be here. Please do not come here.

Division No. 25] **AYES**

[11.11 hrs.

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahuja, Shri Subhash
Akbar Jahan Begum, Shrimati
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Argal, Shri Chhabiram
Arif Beg, Shri
Arunachalam alias 'Aladi Aruna'
Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hemram, Shri

Berwa, Shri Ram Kanwar
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brahm Perakash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Charan Narzary, Shri
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhuri, Shri Tridib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.

Dasgupta, Shri K. N.	Joshi, Dr. Murli Manohar
Dave, Shri Anant	Kachwai, Shri Hukam Chand
Dawn, Shri Raj Krishna	Kaiho, Shri
Deo, Shri P. K.	Kailash Prakash, Shri
Desai, Shri Morarji	Kakade, Shri Sambhajirao
Deshmukh, Shri Nanaji	Kaldate, Dr. Bapu
Deshmukh, Shri Ram Prasad	Kamble, Shri B. C.
Dhandayuthapani, Shri V.	Kannan, Shri P.
Dhillon, Shri Iqbal Singh	Kapoor, Shri L. L.
Dhurve, Shri Shyamlal	Kar, Shri Sarat
Digvijoy Narain Singh, Shri	Kasar, Shri Amrut
Durga Chand, Shri	Kaushik, Shri Purushottam
Dutt, Shri Asoke Krishna	Khan, Shri Ghulam Mohammad
Fazlur Rahman, Shri	Khan, Shri Kunwar Mahmud Ali
Fernandes, Shri George	Kishore Lal, Shri
Ganga Singh, Shri	Kisku, Shri Jadunath
Gattani, Shri R. D.	Kodiyan, Shri P. K.
Ghosal, Shri Sudhir	Krishan Kant, Shri
Girjanandan Singh, Shri	Kundu, Shri Samarendra
Godara, Ch. Hari Ram Makkasar	Kureel, Shri Jawala Prasad
Gore, Shrimati Mrinal	Kushwaha, Shri Ram Naresh
Goswami, Shrimati Bibha Ghosh	Lahanu Shidava Kom, Shri
Gowda, Shri S. Nanjesha	Lalji Bhai, Shri
Gupta, Shri Kanwar Lal	Lalu Prasad, Shri
Halder, Shri Krishna Chandra	Mahale, Shri Shankar
Harikesh Bahadur, Shri	Mahata, Shri C. R.
Hazari, Shri Ram Sewak	Mahi Lal, Shri
Heera Bhai, Shri	Maiti, Shrimati Abha
Hukam Ram, Shri	Malhotra, Shri Vijay Kumar
Inder Singh, Shri	Mallick, Shri Rama Chandra
Jain, Shri Kacharulal Hemraj	Mandal, Shri B. P.
Jain, Shri Kalyan	Mandal, Shri Dhanik Lal
Jain, Shri Nirmal Chandra	Mandal, Shri Mukunda
Jaiswal, Shri Anant Ram	Mangal Deo, Shri
Jasrotia, Shri Baldev Singh	Mankar, Shri Laxman Rao

Mathur, Shri Jagdish Prasad	Patil, Shri S. D.
Mavalankar, Prof. P. G.	Patnaik, Shri Biju
Meerza, Shri Syed Kazim Ali	Patnaik, Shri Sivaji
Mehta, Shri Prasannbhai	Patwary, Shri H. L.
Mhalgi, Shri R. K.	Periasamy, Dr. P. V.
Miri, Shri Govind Ram	Phirangi Prasad, Shri
Mishra, Shri Janeshwar	Pipil, Shri Mohan Lal
Mishra, Shri Shyamnandan	Pradhan, Shri Amar Roy
Modak, Shri Bijoy	Pradhan, Shri Pabitra Mohan
Mohanarangam, Shri Ragavalu	Raghavendra Singh, Shri
Mohd. Hayat Ali, Shri	Raghavji, Shri
Mondal, Dr. Bijoy	Raghu Ramaiah, Shri K.
Mukherjee, Shri Samar	Rai, Shri Gauri Shankar
Multan Singh, Chaudhary	Rai, Shri Narmada Prasad
Munda, Shri Govinda	Rai, Shri Shiv Ram
Munda, Shri Karia	Raj Keshar Singh, Shri
Murugalyan, Shri S. G.	Raj Narain, Shri
Nahar, Shri Bijoy Singh	Rajan, Shri K. A.
Narendra Singh, Shri	Ram, Shri R. D.
Nayak, Shri Laxmi Narain	Ram Charan, Shri
Negi, Shri T. S.	Ram Dhan, Shri
Onkar Singh, Shri	Ram Gopal Singh, Chaudhury
Oraon, Shri Lalu	Ram Kinkar, Shri
Pandeya, Dr. Laxminarayan	Ram Kishan, Shri
Pandit, Dr. Vasant Kumar	Ram Murti, Shri
Paraste, Shri Dalpat Singh	Ram Sagar, Shri
Parmal Lal, Shri	Ramachandran, Shri P.
Parmar, Shri Natwarlal B.	Ramalingam, Shri P. S.
Parthasarthy, Shri P.	Ramapati Singh, Shri
Paswan, Shri Ram Vilas	Ramaswamy, Shri S.
Patel, Shri Dharamasinhbhai	Ramji Singh, Dr.
Patel, Shri H. M.	Rangnekar, Shrimati Ahilya P.
Patel, Km. Maniben Vallabhbhai	Ranjit Singh, Shri
Patel, Shri Meetha Lal	Rathor, Dr. Bhagwan Dass
Patidar, Shri Rameshwar	Ravindra Pratap Singh, Shri
Patil, Shri Chandrakant	

Rodrigues, Shri Rudolph	Shrikrishna Singh, Shri
Rothuama, Dr. R.	Shukla, Shri Madan Lal
Rey, Shri A. K.	Singh, Dr. B. N.
Roy, Dr. Saradish	Singha, Shri Sachindralal
Saeed Murtaza, Shri	Sinha, Shri C. M.
Saha, Shri A. K.	Sinha, Shri H. L. P.
Saha, Shri Gadadhar	Sinha, Shri M. P.
Sahoo, Shri Ainthu	Sinha, Shri Purnanarayan
Sai, Shri Larang	Sinha, Shri Satyendra Narayan
Sai, Shri Narhari Prasad Sukhdeo	Somani, Shri Roop Lal
Saini, Shri Manohar Lal	Somasundaram, Shri S. D.
Samantasinhera, Shri Padmacharan	Sukhendra Singh, Shri
Sanyal, Shri Sasankasekhar	Suman, Shri Ramji Lal
Saran, Shri Daulat Ram	Suman, Shri Surendra Jha
Sarangi, Shri R. P.	Suraj Bhan, Shri
Sarda, Shri S. K.	Swamy, Dr. Subramaniam
Sardar, Shri Mahendra Narayan	Swatantra, Shri Jagannath Prasad
Sarkar, Shri S. K.	Talwandi, Shri Jagdev Singh
Sarsonia, Shri Shiv Narain	Tan Singh, Shri
Satapathy, Shri Devendra	Tej Pratap Singh, Shri
Satya Deo Singh, Shri	Thakur, Shri Aghan Singh
Sen, Shri Robin	Tirkey, Shri Pius
Shah, Shri Surath Bahadur	Tiwary, Shri D. N.
Shaiza, Shrimati Rano M.	Tiwary, Shri Madan
Shakya, Dr. Mahadeepak Singh	Tohra, Shri G. S.
Shanti Devi, Shrimati	Tripathi, Shri Madhav Prasad
Sharma, Shri Jagannath	Ugrasen, Shri
Sharma, Shri Rajendra Kumar	Vajpayee, Shri Atal Bihari
Sharma, Shri Yagya Datt	Varma, Shri Ravindra
Shastri, Shri Y. P.	Vaslaht, Shri Dharma Vir
Shejwalkar, Shri N. K.	Verma, Shri Hargovind
Sheo Narain, Shri	Verma, Shri R. L. P.
Sher Singh, Prof.	Verma, Shri Sukhdeo Prasad
Sheth, Shri Vinodbhai B.	Visvanathan, Shri C. N.
Shiv Sampati Ram, Shri	Yadav, Shri Hukmdeo Narain

Yadav, Shri Narsingh
 Yadav, Shri Ramji Lal
 Yadav, Shri Sharad
 Yadav, Shri Vinayak Prasad
 Yadava, Shri Roop Nath Singh
 Yadvendra Dutt, Shri
 Yuvraj, Shri
 Zulfikarullah, Shri

NOES

Ahsan Jafri, Shri
 Ankineedu, Shri Maganti
 Arunachalam, Shri M.
 Banatwalla, Shri G. M.
 Basu, Shri Dhirendranath
 Bhakta, Shri Manoranjan
 Bonde, Shri Nanasaheb
 Borooah, Shri D. K.
 Burman, Shri Kirit Bikram Deb
 Chavan, Shri Yeshwantrao
 Chikkalingiah, Shri K.
 Dabhi, Shri Ajitsinh
 Damor, Shri Somjibhai
 Dasappa, Shri Tulsidas
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Hitendra
 Doley, Shri L. K.
 Engti, Shri Biren
 Faleiro, Shri Eduardo
 Gamit, Shri Chhitubhai
 George, Shri A. C.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Gotkhinde, Shri Annasaheb
 Hande, Shri V. G.
 Haren Bhumij, Shri

Jeyalakshmi, Shrinati V.
 Kadam, Shri B. P.
 Kamakshaiah, Shri D.
 Karan Singh, Dr.
 Khan, Shri Ismail Hossain
 Khrime, Shri Rinching Khandu
 Kosaram, Shri K. T.
 Lakshminarayanan, Shri M. R.
 Laskar, Shri Nihar
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mane, Shri Rajaram Shankarrao
 Mirdha, Shri Nathu Ram
 Murthy, Shri M. V. Chandrashekhara
 Naidu, Shri P. Rajagopal
 Naik, Shri S. H.
 Nair, Shri M. N. Govindan
 Nair, Shri N. Sreekantan
 Narayana, Shri K. S.
 Patel, Shri Ahmed M.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri D. B.
 Poojary, Shri Janardhana
 Pradhani, Shri K.
 Pullaiah, Shri Darur
 Rachaiah, Shri B.
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Rao, Shrinati B. Radhabai Ananda
 Rao, Shri J. Rameshwar
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rath, Shri Ramachandra
 Ravi, Shri Vayalar
 Reddi, Shri G. S.

Reddy, Shri G. Narsimha
 Reddy, Shri K. Ohul
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri S. R.
 Roy, Shri Saugata
 Sathe, Shri Vasant
 Satyanarayana, Shri Dronam Raju
 Seyid Muhammad, Dr. V. A.
 Shankar Dev, Shri
 Shrangare, Shri T. S.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sunna Sahib, Shri A.
 Swaminathan, Shri R. V.
 Thakur, Shri Krishnarao
 Thorat, Shri Bhausheeb
 Tulairam, Shri V.
 Veerabhadrapa, Shri K. S.
 Venkataraman, Shri R.

MR. SPEAKER: The result of the division is:

Ayes 277; Noes 81.

I will give you the break-up.

Ayes: 252 Original. 25 Later.

Noes: 79 Original. 2 Later.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 35 was added to the Bill.

SHRI CHANDRA SHEKHAR (Balia): Sir, I have just to say a word. I am sorry for losing my temper while the voting was going on. I want just to make one point clear. We want to

get through this Constitution (Amendment) Bill with the co-operation of the Opposition; it is not only our responsibility. I feel upset that Members from that side feel that we are doing some trick here and they are making all sorts of (*Interruptions*). When voting is going on, I see no point in any Member making any accusation against another Member. At the time of voting it is only between the Chairman and the Member concerned. I am sorry that Members from the opposition side do not maintain that much decorum. I appeal to them.... (*Interruptions*).

SHRI VASANT SATHE: It is only when a Member was wanting to vote twice that Shri Saugata Roy raised.... (*Interruptions*).

MR. SPEAKER: Please clear the lobbies.

SHRI C. M. STEPHEN: I just want to say a word. Shri Chandra Shekhar says that the passing of the constitution (Amendment) Bill is the responsibility of everybody. It is. But it must be noted that in spite of the massive majority that the ruling party enjoys, it has not been able to muster enough members to give a voting strength even at the very start. That shows that the whole party is not solemnly behind this Constitution (Amendment) Bill.

MR. SPEAKER: Let the lobbies be cleared.

Clause 38

MR. SPEAKER: The lobbies have been cleared. Now we go to Clause 38. This Clause seeks to amend article 362 relating to Proclamation of Emergency to provide for various safeguards against abuse of powers under the article.

Before I put Clause 38 to the vote of the House, I may inform the House that this being a Constitutional

Amendment Bill, voting has to be by division.

The question is:

"That Clause 38 stand part of the Bill."

The Lok Sabha divided:

Division No. 26]

[11.52 hrs.

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Abuja, Shri Subhash
Akbar Jahan Begum, Shrimati
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu Prasad Rao, Shri
Ansari, Shri Faquir Ali
Argal, Shri Chhabiram
Arif Beg, Shri
Arunachalam, Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Babuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barman, Shri Palas
Barrow, Shri A. E. T.
Basappa, Shri Kondaji
Basu, Shri Chitta

Basu, Shri Dhirendranath
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhanwar Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Bonde, Shri Nanasahib
Barole, Shri Yeshwant
Bosu, Shri Jyotirmoy
Brahm Perakash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Charan Narzary, Shri
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhuri, Shri Tridib
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Dandavate, Prof. Madhu

Danwe, Shri Pundalik Hari	Gulshan, Shri Dhanna Singh
Das, Shri S. S.	Gupta, Shri Kanwar Lal
Das, Shri R. P.	Halder, Shri Krishna Chandra
Dasappa, Shri Tulsidas	Haren Bhumij, Shri
Dasgupta, Shri K. N.	Harikesh Bahadur, Shri
Dave, Shri Anant	Hazari, Shri Ram Sewak
Dawn, Shri Raj Krishna	Heera Bhai, Shri
Deo, Shri P. K.	Hukam Ram, Shri
Deo, V. Kishore Chandra S.	Inder Singh, Shri
Desai, Shri Hitendra	Jagannathan, Shri S.
Desai, Shri Morarji	Jagjivan Ram, Shri
Deshmukh, Shri Nanaji	Jain, Shri Kacharulal Hemraj
Deshmukh, Shri Ram Prasad	Jain, Shri Kalyan
Dhandayuthapani, Shri V.	Jain, Shri Nirmal Chandra
Dhara, Shri Sushil Kumar	Jaiswal, Shri Anant Ram
Dhillon, Shri Iqbal Singh	Jasrotia, Shri Baldev Singh
Dhurve, Shri Shyamlal	Joshi, Dr. Murli Manohar
Digvijoy Narain Singh, Shri	Kachwai, Shri Hukam Chand
Durga Chand, Shri	Kadannappalli, Shri Ramachandran
Dutt, Shri Asoke Krishna	Kaiho, Shri
Fazlur Rahman, Shri	Kailash Prakash, Shri
Fernandes, Shri George	Kakade, Shri Sambhajirao
Ganga Bhakt Singh, Shri	Kaldate, Dr. Babu
Ganga Singh, Shri	Kamath, Shri Hari Vishnu
Gattani, Shri R. D.	Kamble, Shri B. C.
George, Shri A. C.	Kannan, Shri P.
Ghosal, Shri Sudhir	Kapoor, Shri L. L.
Godara, Ch. Hari Ram Makkasar	Kar, Shri Sarat
Gode, Shri Santoshrao	Karan Singh, Dr.
Gore, Shrimati Mrinal	Kasar, Shri Amrut
Goswami, Shrimati Bibha Ghosh	Kaushik, Shri Purushottam
Golkhinde, Shri Annasaheb	Khalsa, Shri Basant Singh
Gowda, Shri S. Nanjasha	Khan, Shri Ghulam Mohammad
Goyal, Shri Krishna Kumar	Khan, Shri Ismail Hossain
Guha, Prof. Samar	Khan, Shri Kunwar Mahmud Ali

Khan, Shri Mohd. Shamsul Hasan
 Khrime, Shri Rinchng Khandu
 Kishore Lal, Shri
 Kisku, Shri Jadunath
 Kodiyan, Shri P. K.
 Kolur, Shri Rajshekhar
 Krishan Kant, Shri
 Krishnan, Shrimati Parvathi
 Kundu, Shri Samarendra
 Kunhambu, Shri K.
 Kureel, Shri Jwala Prasad
 Kureel, Shri R. L.
 Kushwaha, Shri Ram Naresh
 Lahanu Shidava Kom, Shri
 Lakshminarayanan, Shri M. R.
 Laji Bhai, Shri
 Lalu Prasad, Shri
 Limaye, Shri Madhu
 Mahala, Shri K. L.
 Mahale, Shri Hari Shankar
 Mahata, Shri C. R.
 Mahi Lal, Shri
 Mahishi, Dr. Sarojini
 Maiti, Shrimati Abha
 Malhotra, Shri Vijay Kumar
 Malik, Shri Mukhtiar Singh
 Mallick, Shri Rama Chandra
 Mandal, Shri B. P.
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mane, Shri Rajaram Shankarrao
 Mangal Deo, Shri
 Mankar, Shri Laxman Rao
 Mathur, Shri Jagdish Prasad
 Mavalankar, Prof. P. G.

Mayathevar, Shri K.
 Meerza, Shri Syed Kazim Ali
 Mehta, Shri Prasannbhal
 Mhalgi, Shri R. K.
 Mirdha, Shri Nathu Ram
 Miri, Shri Govind Ram
 Mishra, Shri Janeshwar
 Mishra, Shri Shyamnandan
 Modak, Shri Bijoy
 Mohanarangam, Shri Ragavala
 Mohd. Hayat Ali, Shri
 Mondal, Dr. Bijoy
 Mritunjay Prasad, Shri
 Mukherjee, Shri Samar
 Multan Singh, Chaduhary
 Munda, Shri Govinda
 Munda, Shri Karia
 Murugaiyan, Shri S. G.
 Murugesan, Shri A.
 Nahar, Shri Bijoy Singh
 Nahata, Shri Amrit
 Narayana, Shri K. S.
 Narendra Singh, Shri
 Nayak, Shri Laxmi Narain
 Nayar, Dr. Sushila
 Negi, Shri T. S.
 Oraon, Shri Lalu
 Pandey, Shri Ambika Prasad
 Pandeya, Dr. Laxminarayan
 Pandit, Dr. Vasant Kumar
 Paraste, Shri Dalpat Singh
 Parmal Lal, Shri
 Parmar, Shri Natwarlal B.
 Parthasarathy, Shri P.
 Paswan, Shri Ram Vilas

Patel, Shri Dharmasinhbhai	Ram Murti, Shri
Patel, Shri H. M.	Ram Sagar, Shri
Patel, Km. Maniben Vallabhbai	Ramachandran, Shri P.
Patel, Shri Meetha Lal	Ramalingam, Shri P. S.
Patidar, Shri Rameshwar	Ramapati Singh, Shri
Patil, Shri Balasaheb Vikhe	Ramaswamy, Shri S.
Patil, Shri Chandrakant	Ramdas Singh, Shri
Patil, Shri S. B.	Ramji Singh, Dr.
Patil, Shri S. D.	Ramjiwan Singh, Shri
Patnaik, Shri Biju	Ramoowalia, Shri Balwant Singh
Patnaik Shri Sivaji	Rangnekar, Shrimati Ahilya P.
Patwary, Shri H. L.	Rao, Shri J. Rameshwar
Periasamy, Dr. P. V.	Rathor, Dr. Bhagwan Dass
Phirangi Prasad, Shri	Ravi, Shri Vayalar
Pipil, Shri Mohan Lal	Ravindra Pratap Singh, Shri
Pradhan, Shri Amar Roy	Reddy, Shri G. Narsimha
Pradhan, Shri Pabitra Mohan	Reddy, Shri M. Ram Gopal
Qureshi, Shri Mohd. Shafi	Rodrigues, Shri Rudolph
Raghavendra Singh, Shri	Rothuama, Dr. R.
Raghavji, Shri	Roy, Dr. Saradish
Raghu Ramaiah, Shri K.	Roy, Shri Saugata
Rahi, Shri Ram Lal	Saeed Murtaza, Shri
Rai, Shri Gauri Shankar	Saha, Shri A. K.
Rai, Shri Narmada Prasad	Saha, Shri Gadadhar
Rai, Shri Shiv Ram	Sahoo, Shri Ainthu
Raj Keshar Singh, Shri	Sai, Shri Larang
Raj Narain, Shri	Sai, Shri Narhari Prasad Sukhdeo
Rajan, Shri K. A.	Saini, Shri Manohar Lal
Rakesh, Shri R. N.	Samantasinhera, Shri Padmcharan
Ram, Shri R. D.	Sanyal, Shri Sasankasekhar
Ram Charan, Shri	Saran, Shri Daulat Ram
Ram Dhan, Shri	Sarangli, Shri R. P.
Ram Gopal Singh, Chaudhury	Sardar, Shri Mahendra Narayan
Ram Kinkar, Shri	Sarsonia, Shri Shiv Narain
Ram Kishan, Shri	

Satapathy, Shri Devendra	Suraj Bhan, Shri
Satya Deo Singh, Shri	Surya Narain Singh, Shri
Saylan Wala, Shri Mohinder Singh	Swamy, Dr. Subramaniam
Sen, Shri Robin	Swatantra, Shri Jagannath Prasad
Shah, Shri D. P.	Talwandi, Shri Jagdev Singh
Shah, Shri Surath Bahadur	Tan Singh, Shri
Shaiza, Shrimati Rano M.	Tej Pratap Singh, Shri
Shakya, Dr. Mahadeepak Singh	Thakur. Shri Aghan Singh
Shanti Devi, Shrimati	Thakur, Shri Krishnarao
Sharma, Shri Jagannath	Tirkey, Shri Plus
Sharma, Shri Rajendra Kumar	Tiwari, Shri Brij Bhushan
Sharma, Shri Yagya Datt	Tiwary, Shri D. N.
Shastri, Shri Bhanu Kumar	Tiwary, Shri Madan
Shastri, Shri Ram Dhari	Tohra, Shri G. S.
Shastri, Shri Y. P.	Tombi Singh, Shri N.
Shejwalkar, Shri N. K.	Tripathi, Shri Madhav Prasad
Sheo Narain, Shri	Ugrasen, Shri
Sher Singh, Prof.	Vajpayee. Shri Atal Bihari
Sheth, Shri Vinodbhai B.	Varma, Shri Ravindra
Shiv Sampati Ram, Shri	Vasisht, Shri Dharma Vir
Shrangare, Shri T. S.	Verma, Shri Brijlal
Shrikrishna Singh, Shri	Verma, Shri Hargovind
Shukla, Shri Madan Lal	Verma, Shri R. L. P.
Singh, Dr. B. N.	Verma, Shri Sukhdeo Prasad
Singha, Shri Sachindralal	Visvanathan, Shri C. N.
Sinha, Shri C. M.	Yadav, Shri Hukmdeo Narain
Sinha, Shri H. L. P.	Yadav, Shri Narsingh
Sinha, Shri M. P.	Yadav, Shri Ramji Lal
Sinha, Shri Satyendra Narayan	Yadav, Shri Sharad
Somani, Shri Roop Lal	Yadav, Shri Vinayak Prasad
Somasundaram, Shri S. D.	Yadava, Shri Roop Nath Singh
Sukhendra Singh, Shri	Yadvendra Dutt, Shri
Suman, Shri Ramji Lal	Yuvraj, Shri
Suman, Shri Surendra Jha	Zulfquarullah, Shri
Sunna Sahib, Shri A.	

NOES

Ankineedu, Shri Magantj
 Arunachalam, Shri M.
 Bhakta, Shri Manoranjan
 Borooah, Shri D. K.
 Burman, Shri Kirit Bikram Deb
 Chavan, Shrimati P.
 Chavan, Shri Yeshwantrao
 Chikkalingiah, Shri K.
 Dabbi, Shri Ajitsinh
 Damor, Shri Somjibhai
 Doley, Shri L. K.
 Engtl, Shri Biren
 Gamit, Shri Chhitubhai
 Gomango, Shri Giridhar
 Jeyalakshmi, Shrimati V.
 Kadam, Shri B. P.
 Kamakshalah, Shri D.
 Kidwai, Shrimati Mohsina
 Kosalram, Shri K. T.
 Lakkappa, Shri K.
 Laskar, Shri Nihar
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mishra, Shri G. S.
 Murthy, Shri M. V. Chandrashekhara
 Naidu, Shri P. Rajagopal
 Naik, Shri S. H.
 Naik, Shri V. P.
 Nair, Shri N. Sreekantan
 Patel, Shri Ahmed M.

Pertin, Shri Bakin
 Poojary, Shri Janardhana
 Pradhani, Shri K.
 Pullaiah, Shri Darur
 Rachaiah, Shri B.
 Raju, Shri P. V. G.
 Ramalingam, Shri N. Kudanthai
 Ramamurthy, Shri K.
 Rao, Shrimati B. Radhabhai Ananda
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rath, Shri Ramachandra
 Rathawa, Shri Amarsinh V.
 Reddi, Shri G. S.
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Obul
 Reddy, Shri P. Bayappa
 Reddy, Shri S. R.
 †Sarkar, Shri S. K.
 Sathe, Shri Vasant
 Satyanarayana, Shri Dronam Raju
 Shankar Dev, Shri
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Swaminathan, Shri R. V.
 Thomas, Shri Skariah
 Thorat, Shri Bhausahab
 Tulsiram, Shri V.
 Veerabhadrapa, Shri K. S.
 Venkataraman, Shri R.
 Venkatarreddy, Shri P.

†Wrongly voted for NOES.

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes 340; Noes 61.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Clause 38 stands part of the Bill.

The motion was adopted.

Clause 38 was added to the Bill.

Clause 44

MR. SPEAKER: Now we go to Clause 44. This Clause seeks to amend article 366 of the Constitution to include therein provisions for explaining the significance of the expressions "SECULAR" and "SOCIALIST" as used in the Preamble.

The question is:

"That Clause 44 stand part of the Bill".

The Lok Sabha divided:

Division No. 27)

(11.56 hrs.)

AYES

Abdul Lateef, Shri
 Agarwal, Shri Satish
 Ahuja, Shri Subhash
 Akbar Jahan Begum, Shrimati
 Alhaj, Shri M. A. Hannan
 Amin, Prof. R. K.
 Ansari, Shri Faquir Ali
 Argal, Shri Chhabiram
 Arif Beg, Shri
 Arunachalam alias 'Aladi Aruna', Shri

Asokaraj, Shri A.
 Bagri, Shri Mani Ram
 Bahuguna, Shrimati Kamala
 Bairagi, Shri Jena
 Bal, Shri Pradyumna
 Balak Ram, Shri
 Balbir Singh, Chowdhry
 Baldev Prakash, Dr.
 Barman, Shri Palas
 Barrow, Shri A. E. T.
 Basappa, Shri Kondajji
 Basu, Shri Chitta
 Bateshwar Hemram, Shri
 Berwa, Shri Ram Kanwar
 Bhagat Ram, Shri
 Bhanwar, Shri Bhagirath
 Bharat Bhushan, Shri
 Bhattacharya, Shri Dinen
 Bhattacharyya, Shri Shyamaprasanna
 Birendra Prasad, Shri
 Borole, Shri Yashwant
 Bosu, Shri Jyotirmoy
 Brahm Perkaash, Chaudhury
 Brij Raj Singh, Shri
 Burande, Shri Gangadhar Appa
 Chakravarty, Prof. Dilip
 Chand Ram, Shri
 Chandan Singh, Shri
 Chandra Shekhar, Shri
 Chandra Shekhar Singh, Shri
 Chandra Pal Singh, Shri
 Chandravati, Shrimati

*The following Members also re-corded their votes:

AYES: Sarvashri Chandra Shekhar, A. Bala Pajnor, Purnanarayan Sinha, S. K. Sarde, George Mathew, Ranjit Singh, and S. K. Sarkar.

NOES: Sarvashri M. N. Govindan Nair and Bedabrat Barua.

Charan Narzary, Shri	Gore, Shrimati Mrinal
Chaturbhuj, Shri	Gowda, Shri S. Nanjappa
Chaturvedi, Shri Shambhu Nath	Goyal, Shri Krishna Kumar
Chaudhary, Shri Motikhal R.	Guha, Prof. Samar
Chaudhry, Shri Ishwar	Gulshan, Shri Dhanna Singh
Chaudhury, Shri Rudra Sen	Gupta, Shri Kanwar Lal
Chauhan, Shri Nawab Singh	Halder, Shri Krishna Chandra
Chavda, Shri K. S.	Harikesh Bahadur, Shri
Chhetri, Shri Chhatra Bahadur	Hazari, Shri Ram Sewak
Chowhan, Shri Bharat Singh	Heera Bhai, Shri
Dandavate, Prof. Madhu	Hukam Ram, Shri
Danwe, Shri Pundalik Hari	Inder Singh, Shri
Das, Shri S. S.	Jagjivan Ram, Shri
Das, Shri R. P.	Jain, Shri Kacharula Hemraj
Dasgupta, Shri K. N.	Jain, Shri Kalyan
Dave, Shri Anant	Jain, Shri Nirmal Chandra
Dawn, Shri Raj Krishna	Jaiswal, Shri Anant Ram
Deo, Shri P. K.	Jasrotia, Shri Baldev Singh
Desai, Shri Morarji	Joshi, Dr. Murlid Manohar
Deshmukh, Shri Nanaji	Kachwai, Shri Hukam Chand
Deshmukh, Shri Ram Prasad	Kaiho, Shri
Dhandayuthapani, Shri V.	Kailash Prakash, Shri
Dhara, Shri Sushil Kumar	Kakade, Shri Sambhajirao
Dhillon, Shri Iqbal Singh	Kaldate, Dr. Bapu
Dhurve, Shri Shyamal	Kamath, Shri Hari Vishnu
Digvijoy Narain Singh, Shri	Kapoor, Shri L. L.
Durga Chand, Shri	Kar, Shri Sarat
Dutt, Shri Asoke Krishna	Kasar, Shri Amrut
Fazlur Rahman, Shri	Kaushik, Shri Purushottam
Fernandes, Shri George	Khalsa, Shri Basant Singh
Ganga Bhakt Singh, Shri	Khan, Shri Ghulam Mohammad
Ganga Singh, Shri	Khan, Shri Kunwar Mahmud Ali
Gattani, Shri R. D.	Khrime, Shri Rinching Khandu
Ghosal, Shri Subhir	Kishore Lal, Shri
2571 LS—3.	Kisku, Shri Jadunath

Kolanthaivelu, Shri R.	Mohanarangam, Shri Ragavalu
Krishan Kant, Shri	Mohinder Singh, Shri
Kundu, Shri Samarendra	Mondal, Dr. Bijoy
Kureel, Shri Jwala Prasad	Mritunjay Prasad, Shri
Kureel, Shri R. L.	Mukherjee, Shri Samar
Kushwaha, Shri Ram Naresh	Multan Singh, Chaudhary
Lahanu Shidava Kom, Shri	Munda, Shri Govinda
@Lakkappa, Shri K.	Munda, Shri Karia
Lalji Bhai, Shri	Nahar, Shri Bijoy Singh
Lalu Prasad, Shri	Nahata, Shri Amrit
Limaye, Shri Madhu	Narendra Singh, Shri
Mahala, Shri K. L.	Nayak, Shri Laxmi Narain
Mahale, Shri Hari Shankar	Nayar, Dr. Sushila
Mahata, Shri C. R.	Negi, Shri T. S.
Mahj Lal, Shri	Oraon, Shri Lal
Mahishi, Dr. Sarojini	Pandey, Shri Ambika Prasad
Maiti, Shrimati Abha	Pandeya, Dr. Laxminarayana
Malhotra, Shri Vijay Kumar	Pandit, Dr. Vasant Kumar
Malik, Shri Mukhtiar Singh	Paraste, Shri Dalpat Singh
Mallick, Shri Rama Chandra	Parmal Lal, Shri
Mandal, Shri B. P.	Parmar, Shri Natwarlal B.
Mandal, Shri Dhanik Lal	Parthasarathy, Shri P.
Mandal, Shri Mukunda	Paswan, Shri Ram Vilas
Mangal Deo, Shri	Patel, Shri Dharmasinhbhai
Mankar, Shri Laxman Rao	Patel, Shri H. M.
Mathur, Shri Jagdish Prasad	Patel, Km. Maniben Vallabhba
Mavalankar, Prof. P. G.	Patel, Shri Meetha Lal
Meerza, Shri Syed Kazim Ali	Patidar, Shri Rameshwar
Mehta, Shri Prasannbhai	Patil, Shri Chandrakant
Mhalgi, Shri R. K.	Patil, Shri S. D.
Miri, Shri Govind Ram	Patnaik, Shri Biju
Mishra, Shri Janeshwar	Patnaik, Shri Sivaji
Mishra, Shri Shyamnandan	
Modak, Shri Bijoy	

④ Wrongly voted for AYES.

Patwary, Shri H. L.	Samantasinha, Shri Padmacharan
Phirangi Prasad, Shri	Sanyal, Shri Sasankasekhar
Pipli, Shri Mohan Lal	Saran, Shri Daulat Ram
Pradhan, Shri Amar Roy	Sarangli, Shri R. P.
Pradhan, Shri Pabitra Mohan	Sarda, Shri S. K.
Raghavendra Singh, Shri	Sardar, Shri Mahendra Narayan
Raghavji, Shri	Sarkar, Shri S. K.
Raghu Ramaiah, Shri K.	Sarsonia, Shri Shiv Narain
Rahi, Shri Ram Lal	Satapathy, Shri Devendra
Rai, Shri Gauri Shankar	Satya Deo Singh, Shri
Rai, Shri Narmada Prasad	Sen, Shri Robin
Rai, Shri Shiv Ram	Shah, Shri D. P.
Raj Keshar Singh, Shri	Shah, Shri Surath Bahadur
Raj Narain, Shri	Shaiza, Shrimati Rano M.
Rakesh, Shri R. N.	Shakya, Dr. Mahadeepak Singh
Ram, Shri R. D.	Shanti Devi, Shrimati
Ram Charan, Shri	Sharma, Shri Jagannath
Ram Dhan, Shri	Sharma, Shri Rajendra Kumar
Ram Gopal Singh, Chaudhury	Sharma, Shri Yagya Datt
Ram Kinkar, Shri	Shastri, Shri Bhanu Kumar
Ram Kishan, Shri	Shastri Shri Ram Dhari
Ram Murti, Shri	Shastri, Shri Y. P.
Ram Sagar, Shri	Shejwalkar, Shri N.K.
Ramachandran, Shri P.	Sheo Narain, Shri
Ramalingam, Shri P. S.	Sher Singh, Prof.
Ramapati Singh, Shri	Sheth, Shri Vinodbhai B.
Ramdas Singh, Shri	Shiv Sampati Ram, Shri
Ramji Singh, Dr.	Shrikrishna Singh, Shri
Ramjiwan Singh, Shri	Shukla, Shri Madan Lal
Ramoowalia, Shri Balwant Singh	Singha, Shri Sachindralal
Rangnekar, Shrimati Ahilya P.	Sinha, Shri C. M.
Ranjit Singh, Shri	Sinha, Shri H. L. P.
Rathor, Dr. Bhagwan Dass	Sinha, Shri M. P.
Ravindra Pratap Singh, Shri	Sinha, Shri Purnanarayan
Rodrigues, Shri Rudolph	Somani, Shri Roop Lal
Rothuama, Dr. R.	Sukhendra Singh, Shri
Roy, Dr. Saradish	Suman, Shri Ramji Lal
Saeed Murtaza, Shri	Suman, Shri Surendra Jha
Saha, Shri A. K.	Suraj Bhan, Shri
Sahoo, Shri Ainthu	Surya Narain Singh, Shri
Sai, Shri Larang	Swamy, Dr. Subramaniam
Sai, Shri Narhari Prasad Sukhdeo	Swatantra, Shri Jagannath Prasad
Saini, Shri Manohar Lal	

Talwandi, Shri Jagdev Singh
 Tan Singh, Shri
 Tej Partap Singh, Shri
 Thakur, Shri Aghan Singh
 Tirkey, Shri Pius
 Tiwari, Shri Brij Bhushan
 Tiwary, Shri D. N.
 Tiwary, Shri Madan
 Tohra, Shri G. S.
 Tripathi, Shri Madhav Prasad
 Ugrasen, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Wasisht, Shri Dharma Vir
 Verma, Shri Brijlal
 Verma, Shri Hargovind
 Verma, Shri R. L. P.
 Verma Shri Sukhdeo Prasad
 Visvanathan, Shri C. N.
 Yadav, Shri Hukmdeo Narain
 Yadav, Shri Narsingh
 Yadav, Shri Ramji Lal
 Yadav, Shri Sharad
 Yadava, Shri Roop Nath Singh
 Yadvendra Dutt, Shri
 Yuvraj, Shri
 Zulfikarullah, Shri

NOES

Ahsan Jafri, Shri
 Ankineedu, Shri Maganti
 Ankineedu Prasad Rao, Shri
 Arunachalam, Shri M.
 Barua, Shri Bedabrata
 Basu, Shri Dhirendranath
 Bhakta, Shri Manoranjan
 Bonde, Shri Nanasshib
 Borrooah, Shri D. K.
 Burman, Shri Kirit Bikram Deb
 Chandrappan, Shri C. K.
 Chavan, Shrimati P.

Chavan Shri Yeshwantrao
 Chikkalingiah, Shri K.
 Dabhi, Shri Ajitsingh
 Damor, Shri Somjibhai
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Hitendra
 Doley, Shri L. K.
 Engti, Shri Biren
 Gamit, Shri Chhitubhai
 George, Shri A. C.
 Gode, Shri Santoshrao
 Gomango, Shri Giridhar
 Gotkhinde, Shri Annasaheb
 Hande, Shri G. V.
 Haren Bhumij, Shri
 Kadam, Shri B. P.
 Kadannappalli, Shri Ramachandran
 Kamakshaiah, Shri D.
 Kannan, Shri P.
 Karan Singh, Dr.
 Khan, Shri Ismail Hossain
 Kidwai, Shrimati Mohsina
 Kodyan, Shri P. K.
 Kolur, Shri Rajshekhar
 Kosalram, Shri K. T.
 Krishnan, Shrimati Parvathi
 Kunhambu, Shri K.
 Lakshminarayanan, Shri M. R.
 Laskar, Shri Nihar
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mane, Shri Rajram Shankarrao
 Mathew, Shri George
 †Mayathevar, Shri K.
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 †Mohd. Hayat Ali, Shri
 Murthy, Shri M. V. Chandrashekhar
 Murugesan, Shri A.
 Naidu, Shri P. Rajagopal
 Naik, Shri S. H.

†Wrongly voted for NOES.

Naik, Shri V. P.
 Nair, Shri M. N. Govindan
 Narayana, Shri K. S.
 Patel, Shri Ahmed M.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri D. B.
 Patil, Shri S. B.
 Periasamy, Dr. P. V.
 Pertin, Shri Bakin
 Poojary, Shri Janardhana
 Pradhani, Shri K.
 Pullaiah, Shri Darur
 Qureshi, Shri Mohd. Shafi
 Rachaiiah, Shri B.
 Rajan, Shri K. A.
 Raju, Shri P. V. G.
 Ramalingam, Shri N. Kundanthai.
 Ramamurthy, Shri K.
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri J. Rameshwar
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rath, Shri Ramachandra
 Rathawa, Shri Amarsinh V.
 Ravi, Shri Vayalar
 Reddi, Shri G. S.
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayappa
 Reddy, Shri S. R.
 Sathe, Shri Vasant

Satyanarayana, Shri Dronam Raju.
 Seyid Muhammad, Dr. V. A.
 Shankar Dev, Shri
 Shrangare, Shri T. S.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sunna Saheb, Shri A.
 Thakur, Shri Krishnarao
 Thorat, Shri Bhausahab
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Veerabhadrappa, Shri K. S..
 Venkataraman, Shri R.
 Venkatarreddy, Shri P.

MR. SPEAKER: Subject to correction, the result* of the Division is:

Ayes: 289;

Noes: 100

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Clause 44 stands part of the Bill.

The motion was adopted.

Clause 44 was added to the Bill.

MR. SPEAKER: Now, do Members want the lobbies to be cleared?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: Let the lobbies be cleared.

Clause 45

MR. SPEAKER: The Lobbies are cleared. Hon. Members may kindly take their seats.

*The following Members also recorded their votes:

AYES: Sarvashri Vinayak Prasad Yadav, Satyendra Narayan Singh, Chaudhary Hari Ram Makkesar, Mohd. Shamsul Hasan Khan, Somnath Chatterjee, Gadadhar Saha, Mohd. Hayat Ali, K. Mayathevar and Dr. B. N. Singh;

NOES: Sarvashri Skariah Thomas, A. Bala Pajanor, N. Sreekantan Nair, S. Ramasamy, P. Anbalagan, Saugata Boy, S. Jagannathan, R. V. Swaminathan, K. Obul Reddy, K. Lakkappa and Shrimati V. Jeyalakshmi.

Clause 45 seeks to amend Article 368 of the Constitution relating to the power of the Parliament to amend the Constitution.

Now the question is:

"That Clause 45 stand part of the Bill."

The Lok Sabha divided:

Division No. 28].

[12 hrs.

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahuja, Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Argal, Shri Chhabiram
Arif Beg, Shri
Arunachalam alias 'Aladi Arun
Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradvumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barman, Shri Palas
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hamram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad, Shri
Borole, Shri Yashwant

Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Burande, Shri Gangadhar Appa
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandrappan, Shri C. K.
Chandravati, Shrimati
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhary, Shri Motibhai R.
Chaudhry, Shri Ishwar
Chaudhury, Shri Rudra Sen
Chauhan, Shri Nawab Singh
Chavda, Shri K. S.
Chhetri, Shri Chhatra Bahadur
Chowhan, Shri Bharat Singh
Dandavate, Prof. Madhu
Danwe, Shri Pundalik Hari
Das, Shri S. S.
Das, Shri R. P.
Dasgupta, Shri K. N.
Dave, Shri Anant
Dawn, Shri Raj Krishna
Deo, Shri P. K.
Desai, Shri D. D.
Desai, Shri Morarji
Deshmukh, Shri Nanaji
Deshmukh, Shri Ram Prasad
Dhandayuthapani, Shri V.
Dhara, Shri Sushil Kumar
Dhillon, Shri Iqbal Singh
Dhurve, Shri Shyamal
Digvijoy Narain Singh, Shri
Durga Chand, Shri
Dutt, Shri Asoke Krishna
Fazlur Rahman, Shri
Fernandes, Shri George

Ganga Bhakt Singh, Shri
 Ganga Singh, Shri
 Gattani, Shri R. D.
 Ghosal, Shri Sudhir
 Godara, Ch. Hari Ram Makkasar
 Gore, Shrimati Mrinal
 Goswami, Shrimati Bibha Ghosh
 Gowda, Shri S. Nanjesha
 Goyal, Shri Krishna Kumar
 Guha, Prof. Samar
 Gulshan, Shri Dhanna Singh
 Gupta, Shri Kanwar Lal
 Halder, Shri Krishna Chandra
 Harikesh Bahadur, Shri
 Hazari, Shri Ram Sewak
 Hecra Bhai, Shri
 Hukam Ram, Shri
 Inder Singh, Shri
 Jagannathan, Shri S.
 Jagjivan Ram, Shri
 Jain, Shri Kacharulal Hemraj
 Jain, Shri Kalyan
 Jain, Shri Nirmal Chandra
 Jaiswal, Shri Anant Ram
 Jasrotia, Shri Baldev Singh
 Joshi, Dr. Murli Manohar
 Kachwai, Shri Hukam Chand
 Kaiho, Shri
 Kailash Prakash, Shri
 Kakade, Shri Sambhajirao
 Kaldate, Dr. Bapu
 Kamath, Shri Hari Vishnu
 Kamble, Shri B. C.
 Kannan, Shri P.
 Kapoor, Shri L. L.
 Kar, Shri Sarat
 Kasar, Shri Amrut
 Kaushik, Shri Purushottam
 Khalsa, Shri Basant Singh
 Khan, Shri Ghulam Mohammad
 Khan, Shri Kunwar Mahmud Ali
 Khan, Shri Mohd. Shamsul Hasan
 Khrime, Shri Rinching Khandu
 Kishore Lal, Shri

Kisku, Shri Jadunath
 Kodiyan, Shri P. K.
 Kolanthaivelu, Shri R.
 Krishan Kant, Shri
 Kundu, Shri Samarendra
 Kureel, Shri Jwala Prasad
 Kureel, Shri R. L.
 Kushwaha, Shri Ram Naresb
 Lahanu Shidava Kom, Shri
 Lalu Prasad, Shri
 Limaye, Shri Madhu
 Mahala, Shri K. L.
 Mahale, Shri Hari Shankar
 Mahata, Shri C. R.
 Mahj Lal, Shri
 Mahishi, Dr. Sarojini
 Maiti, Shrimati Abha
 Malhotra, Shri Vijay Kumar
 Malik, Shri Mukhtiar Singh
 Mallick, Shri Rama Chandra
 Mandal, Shri B. P.
 Mandal, Shri Dhanik Lai
 Mandal, Shri Mukunda
 Mangal Deo, Shri
 Mankar, Shri Laxman Rao
 Mathur, Shri Jagdish Prasad
 Mayathevar, Shri K.
 Meerza, Shri Syed Kazim Ali
 Mehta, Shri Prasannbhai
 Mhalgi, Shri R. K.
 Miri, Shri Govind Ram
 Mishra, Shri Janeshwar
 Modak, Shri Bijoy
 Mohanarangam, Shri Ragavala
 Mohd. Hayat Ali, Shri
 Mohinder Singh, Shri
 Mondal, Dr. Bijoy
 Mritunjay Prasad, Shri
 Mukherjee, Shri Samar
 Multan Singh, Chaudhary
 Munda, Shri Govinda
 Munda, Shri Karla
 Murugaiyaa, Shri S. G.

Murugesan, Shri A.
 Nahar, Shri Bijoy Singh
 Nahata, Shri Amrit
 Nair, Shri M. N. Govindan
 Nayak, Shri Laxmi Narain
 Nayar, Dr. Sushila
 Negi, Shri T. S.
 Onkar Singh, Shri
 Oraon, Shri Lalu
 Pajanor, Shri A. Bala
 Pandey, Shri Ambika Prasad
 Pandeya, Dr. Laxminarayan
 Pandit, Dr. Vasant Kumar
 Paraste, Shri Dalpat Singh
 Parmai Lal, Shri
 Parmar, Shri Natwarial B.
 Parthasarathy, Shri P.
 Paswan, Shri Ram Vilas
 Patel, Shri Dharmasinhbhai
 Patel, Shri H. M.
 Patel, Km. Maniben Vallabbhai
 Patel, Shri Meetha Lal
 Patidar, Shri Rameshwar
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Chandrakant
 Patil, Shri S. D.
 Patnaik, Shri Biju
 Patnaik, Shri Sivaji
 Patwary, Shri H. L.
 Periasamy, Dr. P. V.
 Phirangi Prasad, Shri
 Pipil, Shri Mohan Lal
 Pradhan, Shri Amar Roy
 Pradhan, Shri Pabitra Mohan
 Raghavendra Singh, Shri
 Raghavji, Shri
 Raghu Ramais, Shri K.
 Rahi, Shri Ram Lal
 Rai, Shri Gauri Shankar
 Rai, Shri Narmada Prasad
 Rai, Shri Shiv Ram
 Raj Keshar Singh, Shri
 Raj Narain, Shri

Rajan, Shri K. A.
 Rajda, Shri Ratanisinh
 Rakesh, Shri R. N.
 Ram, Shri R. D.
 Ram Charan, Shri
 Ram Dhan, Shri
 Ram Gopal Singh, Chaudhury
 Ram Kinkar, Shri
 Ram Kishan, Shri
 Ram Murti, Shri
 Ram Sagar, Shri
 Ramachandran, Shri P.
 Ramalingam, Shri P. S.
 Ramapati Singh, Shri
 Ramaswamy, Shri S.
 Ramdas Singh, Shri
 Ramji Singh, Dr.
 Ramjiwan Singh, Shri
 Ramoowalia, Shri Balwant Singh
 Rangnekar, Shrimati Ahilya P.
 Ranjit Singh, Shri
 Rathor, Dr. Bhagwan Dass
 Ravindra Pratap Singh, Shri
 Rodrigues, Shri Rudolph
 Rothuama, Dr. R.
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saeed Murtaza, Shri
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Sahoo, Shri Ainthu
 Sai, Shri Larang
 Sai, Shri Narhari Prasad Sukhdeo
 Saini, Shri Manohar Lal
 Samantasinhera, Shri Padmacharan
 Sanyal, Shri Sasankasekhar
 Saran, Shri Daulat Ram
 Sarangi, Shri R. P.
 Sarda, Shri S. K.
 Sardar, Shri Mahendra Narayan
 Sarkar, Shri S. K.
 Sarsonia, Shri Shiv Narain

Satapathy, Shri Devendra
 Satya Deo Singh, Shri
 Sen, Shri Robin
 Shah, Shri D. P.
 Shah, Shri Surath Bahadur
 Shaiza, Shrimati Rano M.
 Shakya, Dr. Mahadeepak Singh
 Shanti Devi, Shrimati
 Sharma, Shri Jagannath
 Sharma, Shri Rajendra Kumar
 Sharma, Shri Yagyā Datt
 Shastri, Shri Bhanu Kumar
 Shastri, Shri Ram Dhari
 Shastri, Shri Y. P.
 Shejwalkar, Shri N. K.
 Sheo Narain, Shri
 Sher Singh, Prof.
 Sheth, Shri Vinodbhai B.
 Shiv Sampati Ram, Shri
 Shrikrishna Singh, Shri
 Shukla, Shri Madan Lal
 Singh, Dr. B. N.
 Singha, Shri Sachindralal
 Sinha, Shri C. M.
 Sinha, Shri H. L. P.
 Sinha, Shri M. P.
 Sinha, Shri Purnanarayan
 Sinha, Shri Satyendra Narayan
 Somani, Shri Roop Lal
 Somasundaram, Shri S. D.
 Sukhendra Singh, Shri
 Suman, Shri Ramji Lal
 Suman, Shri Surendra Jha
 Suraj Bhan, Shri
 Surya Narain Singh, Shri
 Swamy, Dr. Subramaniam
 Swatantra, Shri Jagannath Prasad
 Talwandi, Shri Jagdev Singh
 Tan Singh, Shri
 Tej Pratap Singh, Shri
 Thakur, Shri Aghan Singh
 Tirkey, Shri Pius

Tiwari, Shri Brij Bhushan
 Tiwary, Shri D. N.
 Tiwary, Shri Madan
 Tiwary, Shri Ramanand
 Tohra, Shri G. S.
 Tripathi, Shri Madhav Prasad
 Ugrasen, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Vasisht, Shri Dharma Vir
 Verma, Shri Brijlal
 Verma, Shri Hargovind
 Verma, Shri R. L. P.
 Verma, Shri Sukhdeo Prasad
 Visvanathan, Shri C. N.
 Yadav, Shri Hukmdeo Narain
 Yadav, Shri Jagdambī Prasad
 Yadav, Shri Narsingh
 Yadav, Shri Ramji Lal
 Yadav, Shri Sharad
 Yadav, Shri Vinayak Prasad
 Yadava, Shri Roop Nath Singh
 Yadendra Dutt, Shri
 Yuvraj, Shri
 Zulfiqarullah, Shri

NOES

Ashan Jafri, Shri
 Ankineedu, Shri Maganti
 Ankineedu Prasada Rao, Shri
 Arunachalam, Shri M.
 Barua, Shri Bedabrata
 Basu, Shri Dhirendranath
 Bhakta, Shri Manoranjan
 Bonde, Shri Nanasahib
 Borooah, Shri D. K.
 Burman, Shri Kirit Bikram Deb.
 Chavan, Shrimati P.
 Chavan, Shri Yeshwantreo
 Chikkalingiah, Shri K.
 Dabhi, Shri Ajitsingh
 Damor, Shri Somjibhai
 Dasappa, Shri Tulsidas

Deo, Shri V. Kishore Chandra S.
 Desai, Shri Hitendra
 Engti, Shri Biren
 Gamit, Shri Chhitubhai
 George, Shri A. C.
 Gode, Shri Santoshrao
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Gotkhinde, Shri Annasaheb
 Hande, Shri V. G.
 Haren Bhumij, Shri
 Jeyalakshmi, Shrimati V.
 Kadam, Shri B. P.
 Kadannappalli, Shri Ramachandran
 Kamakshaiyah, Shri D.
 Karan Singh, Dr.
 Khan, Shri Ismail Hossain
 Kidwai, Shrimati Mohsina
 Kolar, Shri Rajshekhar
 Kosalram, Shri K. T.
 Kunhambu, Shri K.
 Lakkappa, Shri K.
 Laskar, Shri Nihar
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mane, Shri Rajaram Shankarrao
 Mavalankar, Prof. P. G.
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 Murthy, Shri M. V. Chandrashekhara
 Naidu, Shri P. Rajagopal
 Naik, Shri S. H.
 Naik, Shri V. P.
 Narayana, Shri K. S.
 Patel, Shri Ahmed M.
 Patil, Shri S. B.

Pertin, Shri Bakin
 Poojary, Shri Janardhana
 Pradhanji, Shri K.
 Pullaiah, Shri Darur
 Qureshi, Shri Mohd. Shafi
 Rachaiah, Shri B.
 Ramalingam, Shri N. Kudanthai
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri J. Rameshwar
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rathawa, Shri Amarsinh V.
 Ravi, Shri Vayalar
 Reddi, Shri G. S.
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayappa
 Reddy, Shri S. R.
 Roy, Dr. Saradish
 Sathe, Shri Vasant
 Seyid Muhammad, Dr. V. A.
 Shankar Dev, Shri
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sunna Sahib, Shri A.
 Swaminathan, Shri R. V.
 Thakur, Shri Kriashnarao
 Thomas, Shri Skariah
 Thorat, Shri Bhausaheb
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Veerabhadrappa, Shri K. S.
 Venkataraman, Shri R.
 Venkatarreddy, Shri P.

MR. SPEAKER: Subject to correction, the result* of the division is:

Ayes — 314;

Noes — 88

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 45 was added to the Bill.

SHRI VASANT SATHE: Now let us go to the referendum.

Clause 47

MR. SPEAKER: I am not clearing the lobbies again.

I will now put Clause 47 to the vote of the House. This being a Constitution (Amendment) Bill, voting has to be by Division.

The question is:

"That Clause 47 stand part of the Bill."

The Lok Sabha divided:

Division No. 29]

AYES

[12.03 hrs.

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahuja Shri Subhash
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ansari, Shri Faquir Ali
Argal, Shri Chhabiram

Arif Beg Shri
Arunachalam, Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradyumna
Balak Ram Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barman, Shri Palas
Basappa, Shri Kondajji
Basu, Shri Chitta
Bateshwar Hemram, Shri
Berwa, Shri Ram Kanwar
Bhagat Ram, Shri
Bhanwar, Shri Bhagirath
Bharat Bhushan, Shri
Bhattacharya, Shri Dinen
Bhattacharyya, Shri Shyamaprasanna
Birendra Prasad Shri
Borole, Shri Yashwant
Bosu, Shri Jyotirmoy
Brahm Perkash, Chaudhury
Brij Raj Singh, Shri
Chakravarty, Prof. Dilip
Chand Ram, Shri
Chandan Singh, Shri
Chandra Shekhar, Shri
Chandra Shekhar Singh, Shri
Chandra Pal Singh, Shri
Chandravati, Shrimati
Chatterjee Shri Somnath
Chaturbhuj, Shri
Chaturvedi, Shri Shambhu Nath
Chaudhry, Shri Ishwar

*The following Members also recorded their votes:

AYES: Sarvashri Laljibhai, Narendra Singh. Dinen Bhattacharya, Charan Narzory, Tridib Chaudhuri, Shrimati Parvathi Krishnan and Shrimati Akbar Johan Begum;

NOES: Sarvashri George Mathew, T. S. Shrangare, P. V. G. Raju, K. Ramamurthy and L. K. Doley.

Chaudhuri, Shri Tridib	Inder Singh, Shri
Chaudhury, Shri Rudra Sen	Jagannathan, Shri S.
Chauhan, Shri Nawab Singh	Jagjivan Ram, Shri
Chavda Shri K. S.	Jain Shri Kacharula Hemraj
Chhetri, Shri Chhatra Bahadur	Jain, Shri Kalyan
Chowhan, Shri Bharat Singh	Jain, Shri Nirmal Chandra
Dandavate, Prof. Madhu	Jaiswal, Shri Anant Ram
Danwe, Shri Pundalik Hari	Jasrotia, Shri Baldev Singh
Das, Shri S. S.	Joshi, Dr. Murli Manohar
Das, Shri R. P.	Kachwala, Shri Hukam Chand
Dasgupta Shri K. N.	Kishore Shri
Dave, Shri Anant	Kailash Prakash, Shri
Dawn, Shri Raj Krishna	Kakade, Shri Sambhajirao
Desai, Shri Dajiba	Kaldate, Dr. Bapu
Desai, Shri Morarji	Kamath, Shri Hari Vishnu
Deshmukh, Shri Nanaji	Kamble, Shri B. C.
Deshmukh, Shri Ram Prasad	Kannan, Shri P.
Dhandayuthapani, Shri V.	Kapoor Shri L. L.
Dhara Shri Sushil Kumar	Kar, Shri Sarat
Dhillon, Shri Iqbal Singh	Kasar, Shri Amrut
Dhurve, Shri Shyamal	Kaushik, Shri Purushottam
Digvijoy Narain Singh, Shri	Khalsa, Shri Basant Singh
Durga Chand, Shri	Khan, Shri Ghulam Mohammad
Dutt, Shri Asoke Krishna	Khan, Shri Kunwar Mahmud Ali
Fazlur Rahman, Shri	Khrime, Shri Rinching Khandu
Fernandes Shri George	Kishore Lal, Shri
Ganga Bhakt Singh, Shri	Kisku, Shri Jadunath
Ganga Singh, Shri	Kolanthaivelu, Shri R.
Gattani, Shri R. D.	Krishan Kant, Shri
Ghosal, Shri Sudhir	Kundu, Shri Samarendra
Godara, Ch. Hari Ram Makkasar	Kureel, Shri Jwala Prasad
Gore, Shrimati Mrinal	Kureel, Shri R. L.
Goswami Shrimati Bibha Ghosh	Kushwaha, Shri Ram Naresh
Gowda, Shri S. Nanjesha	Lahanu Shidava Kom, Shri
Goyal, Shri Krishna Kumar	Lalji Bhai, Shri
Guha, Prof. Samar	Lalu Prasad, Shri
Gulshan, Shri Dhanna Singh	Limaye, Shri Madhu
Gupta, Shri Kanwar Lal	Mahala, Shri K. L.
Halder, Shri Krishna Chandra	Mahale, Shri Hari Shankar
Harikesh Bahadur Shri	Mahata, Shri C. R.
Hazari, Shri Ram Sewak	Mahi Lal, Shri
Heera Bhai, Shri	Mahishi, Dr. Sarojini
Hukam Ram, Shri	Maiti, Shrimati Abha

Malhotra, Shri Vijay Kumar	Patidar, Shri Rameshwar
Malik Shri Mukhtiar Singh	Patil, Shri Balasheb Vikhe
Mallick, Shri Rama Chandra	Patil, Shri Chandrakant
Mandal, Shri B. P.	Patil, Shri S. D.
Mandal, Shri Dhanik Lal	Patnaik, Shri Biju
Mandal, Shri Mukunda	Patnaik, Shri Sivaji
Mangal Deo, Shri	Periasamy, Dr. P. V.
Mankar, Shri Laxman Rao	Phirangi Prasad, Shri
Mathur, Shri Jagdish Prasad	Pradhan, Shri Amar Roy
Mavalankar, Prof. P. G.	Pradhan, Shri Pabitra Mohan
Mayathevar, Shri K.	Raghavendra Singh, Shri
Meerza, Shri Syed Kazim Ali	Raghavji, Shri
Mehta, Shri Prasannbhai	Raghu Ramaiah, Shri K.
Mhalgi, Shri R. K.	Rahi, Shri Ram Lal
Miri, Shri Govind Ram	Rai, Shri Gauri Shankar
Mishra, Shri Shyamnandan	Rai, Shri Narmada Prasad
Modak, Shri Bijoy	Rai, Shri Shiv Ram
Mohanarangam, Shri Ragavalu	Raj Keshar Singh, Shri
Mondal, Dr. Bijoy	Raj Narain, Shri
Mritunjay Prasad, Shri	Rajda, Shri Ratansinh
Mukherjee, Shri Samar	Rakesh, Shri R. N.
Multan Singh, Chaudhary	Ram, Shri R. D.
Munda, Shri Govinda	Ram Charan, Shri
Munda, Shri Karia	Ram Dhan, Shri
Nahar, Shri Bijoy Singh	Ram Gopal Singh, Chaudhury
Nahata, Shri Amrit	Ram Kinkar, Shri
Nayak, Shri Laxmi Narain	Ram Kishan, Shri
Nayar, Dr. Sushila	Ram Murti, Shri
Negi, Shri T. S.	Ram Sagar, Shri
Onkar Singh, Shri	Ramchandran, Shri P.
Oraon, Shri Lalu	Ramalingam, Shri P. S.
Pajanor, Shri A. Bala	Ramapati Singh, Shri
Pandey, Shri Ambika Prasad	Ramaswamy, Shri S.
Pandeya, Dr. Laxminarayan	Ramdas Singh, Shri
Pandit, Dr. Basant Kumar	Ramji Singh Dr.
Paraste, Shri Dalpat Singh	Ramjiwan Singh, Shri
Parmal Lal, Shri	Ramoowalia, Shri Balwant Singh
Parmar, Shri Natwarlal B.	Rangnekar, Shrimati Ahilya P.
Parthasarthy, Shri P.	Ranjit Singh, Shri
Paswan, Shri Ram Vilas	Rathor, Dr. Bhagwan Dass
Patel, Shri Dharmesinhbhai	Ravindra Pratap Singh, Shri
Patel, Shri H. M.	Rodrigues, Shri Rudolph
Patel, Shri Meetha Lal	Rothuama, Dr. R.

Roy, Dr. Saradish
 Saeed Murtza, Shri
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Sahoo, Shri Ainthu
 Sai, Shri Larang
 Sai, Shri Narhari Prasad Sukhdeo
 Saini, Shri Manohar Lal
 Samantasinhera, Shri Padmacharan
 Sanyal, Shri Sasankasekhar
 Sarangi, Shri R. P.
 Sarda, Shri S. K.
 Sardar, Shri Mahendra Narayan
 Sarkar, Shri S. K.
 Sarsonia, Shri Shiv Narain
 Satapathy, Shri Devendra
 Satya Deo Singh, Shri
 Sayian Wala, Shri Mohinder Singh
 Sen, Shri Robin
 Shah, Shri D. P.
 Shah, Shri Surath Bahadur
 Shaiza, Shrimati Rano M.
 Shakya, Dr. Mahadeepak Singh
 Shanti Devi, Shrimati
 Sharma, Shri Jagannath
 Sharma, Shri Rajendra Kumar
 Sharma, Shri Yagya Datt
 Shastri, Shri Bhanu Kumar
 Shastri, Shri Ram Dhari
 Shastri, Shri Y. P.
 Shejwalkar, Shri N. K.
 Sheo Narain, Shri
 Sher Singh, Prof.
 Sheth, Shri Vinodbhai B.
 Shiv Sampati Ram, Shri
 Shrikrishna Singh, Shri
 Sukla, Shri Chimanbhai H. (Rajkot)
 Shukla, Shri Madan Lal
 Singh, Dr. B. N.
 Singha, Shri Sachindralal
 Sinha, Shri C. M.
 Sinha, Shri M. P.
 Sisha, Shri Purnanaryan
 Sinha, Shri Satyendra Narayan
 Somani, Shri Roop Lal
 Somasundaram, Shri S. D.
 Sukhendra Singh, Shri
 Suman, Shri Ramji Lal
 Suman, Shri Surendra Jha
 Suraj Bhan, Shri
 Surya Narayan Singh, Shri
 Swamy, Dr. Subramaniam
 Swatantra, Shri Jagannath Prasad
 Talwandi, Shri Jagdev Singh
 Tan Singh, Shri
 Tej Pratap Singh, Shri
 Thakur, Shri Aghan Singh
 Tirkey, Shri Pius
 Tiwari, Shri Brij Bhushan
 Tiwary, Shri D. N.
 Tiwary, Shri Madan
 Tiwary, Shri Ramanand
 Tohra, Shri G. S.
 Tripathi, Shri Madhav Prasad
 Ugrasen, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri Brijlal
 Verma, Shri Hargovind
 Verma, Shri R. L. P.
 Verma, Shri Sukhdeo Prasad
 Visvanathan, Shri C. N.
 Yadva, Shri Hukmdeo Narain
 Yadav, Shri Jagdambi Prasad
 Yadava, Shri Narsingh
 Yadav, Shri Ramji Lal
 Yadav, Shri Sharad
 Yadav, Shri Vinayak Prasad
 Yadava, Shri Roop Nath Singh
 Yadendra Dutt, Shri
 Yuvraj, Shri

NOES

Ahsan Jafri, Shri	Kosalram, Shri K. T.
††Akbar Jahan Begum, Shrimati	Kunhambu, Shri K.
Ankineedu, Shri Magantj	Lakkappa, Shri K.
Ankineedu Prasada Rao, Shri	Laskar, Shri Nihar
Arunachalam, Shri M.	Mallanna, Shri K.
Balakrishniah, Shri T.	Mallikarjun, Shri
Barrow, Shri A. E. T.	Mane, Shri Rajaram Shankarrao
Barua, Shri Bedabrata	Mathew, Shri George
Basu, Shri Dhirendranath	Mirdha, Shri Na'hu Ram
Bhakta, Shri Manorajan	Mishra, Shri G. S.
Bonde, Shri Nanasaheb	Murthy, Shri M. V. Chandrashekhara
Borooh, Shri D. K.	Murugesan, Shri A.
Burman, Shri Kirit Bikram Deb	Naidu, Shri P. Rajagopal
Charan Narzary, Shri	Naik, Shri S. H.
Chavan, Shrimati P.	Naik, Shri V. P.
Chavan, Shri Yeshwantrao	Narayana, Shri K. S.
Chikkalingiah, Shri K.	Patel, Shri Ahmed M.
Dabhi, Shri Ajitsinh	Patil, Shri S. B.
Damor, Shri Somjibhai	††Patwary, Shri H. L.
Dasappa, Shri Tulsidas	Pertin, Shri Bakin
Deo, Shri P. K.	Poojary, Shri Janardhana
Deo, Shri V. Kishore Chandra S.	Pradhani, Shri K.
Desai, Shri Hitendra	Pullaiah, Shri Darur
Doley, Shri L. K.	Qureshi, Shri Mohd. Shafi
Engli, Shri Biren	Rachaiiah, Shri B.
Gamit, Shri Chhitubhai	Raju, Shri P. V. G.
George, Shri A. C.	Ramamurthy, Shri K.
Gode, Shri Santoshrao	Rao, Shrimati B. Radhabai Ananda
Gomango, Shri Giridhar	Rao, Shri J. Rameshwar
Gopal, Shri K.	Rao, Shri M. S. Sanjeevi
Gotkhinde, Shri Annasaheb	Rao, Shri M. Satyanarayam
Haren Bhumij, Shri	Rathawa, Shri Amarsinh V.
Jeyalakahmi, Shrimati V.	Ravi, Shri Vayalar
Kadam, Shri B. P.	Reddi, Shri G. S.
Kadannappalli, Shri Ramachandran	Reddy, Shri G. Narsimha
Kamakshaiiah, Shri D.	Reddy, Shri K. Brahmananda
Karan Singh, Dr.	Reddy, Shri K. Obul
Khan, Shri Ishmail Hossain	Reddy, Shri K. Vijaya Bhaskara
Kidwai, Shrimati Mohaina	Reddy, Shri M. Ram Gopal
Kolur, Shri Raeshjkhhar	Reddy, Shri P. Bayappa

††Wrongly voted for NOES.

Beddy, Shri S. R.	Clause 15 as amended,
Boy, Shri Saugata	Clauses 16 to 20,
Bathe, Shri Vasant	Clause 21 as amended,
Seyid Muhammad, Dr. V. A.	Clause 22 as amended,
Shankar Dev, Shri	Clauses 23 to 25,
Shrangare, Shri T. S.	Clause 26 as amended.
Stephen, Shri C. M.	Clauses 27 to 34,
Subramaniam, Shri C.	Clause 36,
Sunna Sahib, Shri A.	Clause 37,
Swaminathan, Shri R. V.	Clause 39,
Thakur, Shri Krishnarao	Clause 40,
Thorat, Shri Bhausahab	Clause 41, as amended,
Tombi Singh, Shri N.	Clause 42
Tulsiram, Shri V.	Clause 43,
Veerabhadrappa, Shri K. S.	Clause 46,
Venkataraman, Shri R.	Clause 48,
Venkatareddy, Shri P.	Clause 49,

MR. SPEAKER: Subject to correction, the result* of the division is:

Ayes: 299;

Noes: 97.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clause 47 was added to the Bill.

MR. SPEAKER: Now we come to the Clauses which may be put together to the House for special majority by division.

The question is:

"That Clauses 4 to 7,

Clause 10,

Clauses 12 to 14,

and Clause 1, as amended, stand part of the Bill."

The Lok Sabha divided:

Division No. 30]

[12.05 hrs.

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Akbar Jahan Begum, Shrimati
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Ran, Shri
Ansari, Shri Faquir Ali

The following Member also recorded their votes:

AYES: Sarvshri Janeshwar Mishra, Zulfiquarulla, H. L. P. Sinha, Motibhai R. Chaudhary, Daulat Bam Saran, Narendra Singh, Dharma Vir Vashist, H. L. Patwary, Km. Maniben Vallabhbhai Pate, Shrimati Akbar Jahan Begum and Sarvshri Mohd. Shamsul Hasan Khan, Mohd. Hayat Ali and Gangadhar Appa Burande;

NOES: Shri N. Sreekantan Nair.

Argal, Shri Chhabiram
 Arif Beg, Shri
 Arunachalam, Shri M.
 Arunachalam, Shri V.
 Asokaraj, Shri A.
 Bagri, Shri Mani Ram
 Bahuguna, Shrimati Kamala
 Bairagi, Shri Jena
 Bal, Shri Pradyumna
 Balak Ram, Shri
 Balbir Singh, Chowdhry
 Baldev Prakash, Dr.
 Banatwalla, Shri G. M.
 Burman, Shri Palas
 Barrow, Shri A. E. T.
 Basappa, Shri Kondajji
 Basu, Shri Chitta
 Basu, Shri Dhirendranath
 Bateshwar Hemram, Shri
 Berwa, Shri Ram Kanwar
 Bhagat Ram, Shri
 Bhakta, Shri Manoranjan
 Bhanwar, Shri Bhagirath
 Bharat Bhushan, Shri
 Bhattacharya, Shri Dinen
 Bhattacharyya, Shri Shyamaprasanna
 Birendra Prasad, Shri
 Bonde, Shri Nanasahib
 Barole, Shri Yashwant
 Borooah, Shri D. K.
 Bosu, Shri Jyotirmoy
 Brahm Perakash, Chaudhury
 Brij Raj Singh, Shri
 Burande, Shri Gangadhar Appa
 Burman, Shri Kirit Bikram Deb
 Chakravarty, Prof. Dilip
 Chand Ram, Shri
 Chandan Singh, Shri
 Chandra Shekhar, Shri
 Chandra Shekhar Singh, Shri
 Chandra Pal Singh, Shri
 Chandrappan, Shri C. K.
 Chandravati, Shrimati
 Charan Narzary, Shri
 Chatterjee, Shri Somnath
 Chaturbhuj, Shri
 Chaturvedi, Shri Shambhu Nath
 Chaudhary, Shri Motibbai R.
 Chaudhry, Shri Ishwar
 Chaudhuri, Shri Tridib
 Chaudhury, Shri Rudra Sen
 Chauhan, Shri Nawab Singh
 Chavan, Shrimati P.
 Chavan, Shri Yeshwantrao
 Chavda, Shri K. S.
 Chhetri, Shri Chhatra Bahadur
 Chowhan, Shri Bharat Singh
 Dabhi, Shri Ajitsinh
 Damor, Shri Somjibhai
 Dandavate, Prof. Madhu
 Danwe, Shri Pundalik Hari
 Das, Shri S. S.
 Das, Shri R. P.
 Dasappa, Shri Tulsidas
 Dasgupta, Shri K. N.
 Dave, Shri Anant
 Dawn, Shri Raj Krishna
 Deo, Shri P. K.
 Deo, Shri V. Kishore Chandra S.
 Desai, Shri Dajiba
 Desai, Shri Hitendra
 Desai, Shri Morarji
 Deshmukh, Shri Nanaji
 Deshmukh, Shri Ram Prasad
 Dhandayuthapani, Shri V.
 Dhara, Shri Sushil Kumar
 Dhillon, Shri Iqbal Singh
 Dhurve, Shri Shyamal
 Digvijoy Narain Singh, Shri
 Durga Chand, Shri
 Dutt, Shri Asoke Krishna
 Fazlur Rahman, Shri
 Fernandes, Shri George
 Gamit, Shri Chhitubhai
 Ganga Bhakt Singh, Shri
 Ganga Singh, Shri
 Gattani, Shri R. D.

George, Shri A. C.
 Ghosal, Shri Sudhir
 Godara, Ch. Hari Ram Makkasar
 Gode, Shri Santoshrao
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Gore, Shrimati Mrinaj
 Goswami, Shrimati Bibha Ghosh
 Gotkhinde, Shri Annasaheb
 Gowda, Shri S. Nanjesha
 Goyal, Shri Krishna Kumar
 Guha, Shri Samar
 Gulshan, Shri Dhanna Singh
 Gupta, Shri Kanwar Lal
 Halder, Shri Krishna Chandra
 Haren Bhumji, Shri
 Harikesh Bahadur, Shri
 Hazari, Shri Ram Sewak
 Heera Bhai, Shri
 Hukam Ram, Shri
 Inder Singh, Shri
 Jagannathan, Shri S.
 Jagjivan Ram, Shri
 Jain, Shri Kacharulal Hemraj
 Jain, Shri Kalyan
 Jain, Shri Nirmal Chandra
 Jaiswal, Shri Anant Ram
 Jasrotia, Shri Baldev Singh
 Jeyalakshmi, Shrimati V.
 Joshi, Dr. Murli Manohar
 Kachwai, Shri Hukam Chand
 Kadam, Shri B. P.
 Kadannappalli, Shri Ramachandran
 Kaiho, Shri
 Kailash Prakash, Shri
 Kakade, Shri Sambhajirao
 Kaldate, Dr. Bapu
 Kamakshaiah, Shri D.
 Kamath, Shri Hari Vishnu
 Kamble, Shri B. C.
 Kannan, Shri P.
 Kapoor, Shri L. L.
 Kar, Shri Sarat
 Karan Singh, Dr.

Kasar, Shri Amrut
 Kaushik, Shri Purushottam
 Khalsa, Shri Basant Singh
 Khan, Shri Ghulam Mohammad
 Khan, Shri Ismail Hossain
 Khan, Shri Kunwar Mahmud Ali
 Khan, Shri Mohd. Shamsul Hasan
 Kidwai, Shrimati Mohsina
 Khreme, Shri Rinching Khandu
 Kishore Lal, Shri
 Kisku, Shri Jadunath
 Kodyan, Shri P. K.
 Kolanthaivelu, Shri R.
 Kolur, Shri Rajshekhhar
 Kosalram, Shri K. T.
 Krishan Kant, Shri
 Krishnan, Shrimati Parvati
 Kundu, Shri Samarendra
 Kunhambu, Shri K.
 Kureel, Shri Jwala Prasad
 Kureel, Shri R. L.
 Lahanu Shidava Kom, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lalji Bhai, Shri
 Lalu Prasad, Shri
 Laskar, Shri Nihar
 Limaye, Shri Madhu
 Mahala, Shri K. L.
 Mahale, Shri Hari Shankar
 Mahata, Shri C. R.
 Mahi Lal, Shri
 Mahishi, Dr. Sarojini
 Maiti, Shrimati Abha
 Malhotra, Shri Vijay Kumar
 Malik, Shri Mukhtiar Singh
 Mallanna, Shri K.
 Mallick, Shri Rama Chandra
 Mallikarjun, Shri
 Mandal, Shri B. P.
 Mandal, Shri Mukunda
 Mangal Deo, Shri
 Mankar, Shri Laxman Rao
 Mathew, Shri George

Mathur, Shri Jagdish Prasad	Paswan, Shri Ram Vilas
Mavalankar, Prof. P. G.	Patel, Shri Ahmed M.
Mayathevar, Shri K.	Patel, Shri Dharmasinhbhai
Meerza, Shri Syed Kazim Ali	Patel, Shri H. M.
Mehta, Shri Prasannbhai	Patel, Km. Maniben Vallabhbhai
Mhalgi, Shri R. K.	Patel, Shri Meetha Lal
Mirdha, Shri Nathu Ram	Patidar, Shri Rameshwar
Miri, Shri Govind Ram	Patil, Shri Balasaheb Vikhe
Mishra, Shri G. S.	Patil, Shri Chandrakant
Mishra, Shri Janeshwar	Patil, Shri S. B.
Mishra, Shri Shyammandan	Patil, Shri S. D.
Modak, Shri Bijoy	Patnaik, Shri Biju
Mohanarangam, Shri Ragavalu	Patnaik, Shri Sivaji
Mohd. Hayat Ali, Shri	Patwary, Shri H. L.
Mondal, Dr. Bijoy	Periasamy, Dr. P. V.
Mritunjay Prasad, Shri	Phirangi Prasad, Shri
Mukherjee, Shri Samar	Pipil, Shri Mohan Lal
Multan Singh, Chaudhary	Poojary, Shri Janardhana
Munda, Shri Govinda	Pradhan, Shri Amar Roy
Munda, Shri Karla	Pradhan, Shri Pabitra Mohan
Murthy, Shri M. V. Chandrashekhara	Pradhani, Shri K.
Murugaiyan, Shri S. G.	Pullaiah, Shri Darur
Murugesan, Shri A.	Qureshi, Shri Mohd. Shafi
Nahar, Shri Bijoy Singh	Rachaiiah, Shri B.
Naidu, Shri P. Rajagopal	Raghavendra Singh, Shri
Naik, Shri S. H.	Raghavji Shri
Naik, Shri V. P.	Raghu Ramaiah, Shri K.
Nair, Shri M. N. Govindan	Rahi, Shri Ram Lal
Narayana, Shri K. S.	Rai, Shri Gauri Shankar
Narendra Singh Shri	Rai, Shri Narmada Prasad
Nayak, Shri Laxmi Narain	Rai, Shri Shiv Ram
Nayar, Dr. Sushila	Raj Keshar Singh, Shri
Negi, Shri T. S.	Raj Narain, Shri
Onkar Singh, Shri	Rajan, Shri K. A.
Oraon, Shri Lalu	Rajda, Shri Retansinh
Pajnor, Shri A. Bala	Rakesh, Shri R. N.
Pandey, Shri Ambika Prasad	Ram, Shri R. D.
Pandeya, Dr. Laxminarayan	Ram Charan, Shri
Pandit, Dr. Vasant Kumar	Ram Dhan, Shri
Paraste, Shri Dalpat Singh	Ram Gopal Singh, Chaudhury
Parmal Lal, Shri	Ram Kinkar, Shri
Parmar, Shri Natwarlal B.	Ram Kishan, Shri
Parthasarathy, Shri P.	Ram Murti, Shri

Ram Sagar, Shri
 Ramachandran, Shri P.
 Ramalingam, Shri P. S.
 Ramamurthy, Shri K.
 Ramapati Singh, Shri
 Ramaswamy, Shri S.
 Ramdas Singh, Shri
 Ramji Singh, Dr.
 Ramjiwan Singh, Shri
 Ramoowalla, Shri Balwant Singh
 Rangnekar, Shrimati Ahilya P.
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabhai Ananda
 Rao, Shri J. Rameshwar
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rathawa, Shri Amarsinh V.
 Rathor, Dr. Bhagwan Dass
 Ravi, Shri Vayalar
 Ravindra Pratap Singh, Shri
 Reddi, Shri G. S.
 Reddy, Shri G. Narsimha
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Vijay Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayappa
 Reddy, Shri S. R.
 Rodrigues, Shri Rudolph
 Rothuama, Dr. R.
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Roy, Shri Saugata
 Saeed Murtaza, Shri
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Sahoo, Shri Ainthu
 Sai, Shri Narhari Prasad Sukhdeo
 Sai, Shri Narhari Prasad
 Saini, Shri Manohar Lal
 Samantasinhera, Shri Padmacharan
 Sanyal, Shri Sasansekhara
 Saran, Shri Daulat Ram
 Sarangi, Shri R. P.

Sarada, Shri S. K.
 Sardar, Shri Mahendra Narayan
 Sarkar, Shri S. K.
 Sarsonia, Shri Shiv Narain
 Satapathy, Shri Devendra
 Sathe, Shri Vasant
 Satya Deo Singh, Shri
 Satyanarayana, Shri Dronam Raju
 Sayian Wala, Shri Mohinder Singh
 Sen, Shri Robin
 Seyid Muhammad, Dr. V. A.
 Shah, Shri D. P.
 Shah, Shri Surath Bahadur
 Shaiza, Shrimati Rano M.
 Shakya, Dr. Mahadeepak Singh
 Shankar Dev, Shri
 Shanti Devi, Shrimati
 Sharma, Shri Jagannath
 Sharma, Shri Rajendra Kumar
 Sharma, Shri Yagya Dutt
 Shastri, Shri Bhanu Kumar
 Shastri, Shri Ram Dhari
 Shastri, Shri Y. P.
 Shejwalkar, Shri N. K.
 Sheo Narain, Shri
 Sher Singh, Prof.
 Sheth, Shri Vinodbhai B.
 Shiv Sampati Ram, Shri
 Shrangare, Shri T. S.
 Shrikrishna Singh, Shri
 Shukla, Shri Madan Lal
 Singh, Dr. B. N.
 Singha, Shri Sachindralal
 Sinha, Shri C. M.
 Sinha, Shri H. L. P.
 Sinha, Shri M. P.
 Sinha, Shri Purnanarayan
 Sinha, Shri Satyendra Narayan
 Somani, Shri Roop Lal
 Somasundram, Shri S. D.
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sukhendra Singh, Shri

Suman, Shri Ramji Lal
 Suman, Shri Surendra Jha
 Sunna Shahib, Shri A.
 Suraj Bhan, Shri
 Surya Narain Singh, Shri
 Swaminathan, Shri R. V.
 Swamy, Dr. Subramaniam
 Swatantra, Shri Jagannath Prasad
 Talwandi, Shri Jagdev Singh
 Tan Singh, Shri
 Tej Pratap Singh, Shri
 Thakur, Shri Aghan Singh
 Thakur, Shri Krishnarao
 Thomas, Shri Skariah
 Thorat, Shri Bhausahab
 Tirkey, Shri Pius
 Tiwari, Shri Brij Bhushan
 Tiwary, Shri D. N.
 Tiwary, Shri Madan
 Tiwary, Shri Ramanand
 Tohra, Shri G. S.
 Tombi Singh, Shri N.
 Tripathi, Shri Madav Prasad
 Tulsiram, Shri V.
 Ugrasen, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Vasiht, Shri Dharma Vir
 Veerbhadrappa, Shri K. S.
 Venkataraman, Shri R.
 Venkatareddy, Shri P.
 Verma, Shri Brijlal
 Verma, Shri Hargovind
 Verma, Shri R. L. P.
 Verma, Shri Sukhdeo Prasad
 Visvanathan, Shri C. N.
 Yadav, Shri Hukmdeo Narain
 Yadav, Shri Jagdambi Prasad
 Yadav, Shri Narsingh

Yadav, Shri Ramji Lal
 Yadav, Shri Sharad
 Yadav, Shri Vinayak Prasad
 Yadava, Shri Roop Nath Singh
 Yadvendra Dutt, Shri
 Yuvraj, Shri
 Zulfiqarullah, Shri

NOES

Chikkalingaiah, Shri K.
 Nair, Shri N. Sreekantan

MR. SPEAKER: Subject to correction, the result* of the Division is as follows:

Ayes: 405;

Noes: 2

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clauses 4 to 7, 10, 12 to 14, 15 as amended, 16 to 20, 21 as amended, 22 as amended, 23 to 25, 26 as amended, 27 to 34, 36, 37, 39, 40, 41 as amended, 42, 43, 46, 48, 49 and Clause 1 as amended were added to the Bill.

MR. SPEAKER: The question is:

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

The motion was adopted.

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

MR. SPEAKER: Now the Law Minister to move for the Third Reading.

THE MINISTER OF LAW, JUSTICE
 AND COMPANY AFFAIRS (SHRI

* (i) The result of this Division applies to each of the Clauses 4 to 7, 10, 12 to 14, 15 as amended, 16 to 20, 21 as amended, 22 as amended, 23 to 25, 26 as amended, 27 to 34, 36, 37, 39, 40, 41 as amended, 42, 43, 46, 48, 49, and Clause 1 as amended, separately.

(ii) The following Members also recorded their votes for AYES: Sarvshri Amrit Nahata, Ram Naresh Kushwaha and PVG Raju.

SHANTI BHUSHAN): Sir, I beg to move:

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

I do not have to make a long speech, except to express my grateful thanks to all the sections of the House who have supported the passing of this Bill; and we can only celebrate as a historic occasion, because this is only a humble effort to make the Constitution such which will help the people of this country in meeting their aspirations, in safeguarding their rights and in paving the way for a more glorious future for themselves.

Sir, with these words I commend to all the sections of the House to pass this Bill with one voice. Thank you very much.

MR. SPEAKER: Motion moved:

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

SHRI JYOTIRMOY BOSU (Diamond Harbour): I have nothing to say, except that even to-day there are 5 States in the country, viz., U.P., Rajasthan, Madhya Pradesh, Jammu and Kashmir and Andhra Pradesh where these mini-MISAs are still in existence. I would request the hon. Prime Minister to take steps to see that these mini-MISAs are removed, in keeping with the spirit that is prevailing at the Centre.

The State legislatures have been empowered to enact the Preventive Detention Act. That is also a dangerous thing, and in keeping with the spirit of the Central Government this should come in the Concurrent List. That is all what I wanted to say.

श्री राज नारायण (रायचरेली) : अध्यक्ष महोदय, मैं इस अवसर पर भारी दिल से बोल रहा हूँ। जनता पार्टी ने एक लिखित चुनाव घोषणा पत्र वितरित किया था। मैं अपने आदरणीय मित्र श्री शान्ति-भूषण जी से, जो इस समय कानून मंत्री हैं,

निवेदन करना चाहूंगा कि वह जनता पार्टी के चुनाव घोषणा पत्र के 12 पक्षों को निकाले उसमें लिखा है —

"जनता पार्टी गांधी जी की भास्वाधों और उन के आदर्शों को समर्पित है। स्वाधीनता-संग्राम के दौरान जिन उदात्त निष्ठाधों ने हमारा मार्ग प्रशस्त किया था, उन के आधारा पर ही एक लोकतान्त्रिक और समाजवादी राष्ट्र का निर्माण करने के लिए जनता पार्टी कृत संकल्प है।"

गांधी जी की समाधि पर जा कर जनता पार्टी के जितने संसद् सदस्य हैं, उन्हे निष्पथ खाई है कि हम गांधी जी के आदर्शों से प्रोत्प्रेत हो कर उन के मार्ग को अपनाते हुए समाज का नव-निर्माण करेंगे। इस लिये मैं निवेदन करना चाहता हूँ—सदन के सम्मानित सदस्यों से और विशेष रूप से कानून मंत्री जी से—कि वे इन बातों को हृदयगम रखे, क्योंकि जब आगे हमारा तर्क चलेगा तब ही वह समझ पायेंगे कि गांधी जी के आदर्श क्या हैं।

दूसरी बात—मैं यह निवेदन करना चाहता हूँ—जनता पार्टी ने विकेंद्रीकरण की शपथ खाई है। अत्यधिक केन्द्रीकरण या सत्ता का केन्द्रीकरण लोकतन्त्र के खिलाफ है। इसलिए जनता पार्टी ऐसी व्यवस्था में विश्वास करती है जिस में आर्थिक तथा राजनीतिक सत्ता का विकेंद्रीकरण स्वतः सिद्ध हो।

मैं शान्ति भूषण जी से निवेदन करूंगा कि जब इन को यह सुनहला मौका मिला कि संविधान में संशोधन लाएँ, तो क्या जनता पार्टी के चुनाव घोषणापत्र की धोर इन का ध्यान गया है? क्या इस संशोधन विधेयक

में कोई ऐसा क्लृप्त है, जिस में यह बता सकी है कि इस से शान्ति और राजनीतिक सत्ता का विकेन्द्रीकरण होगा? मुझे बहुत ही अफसोस है कि शान्ति भूषण जी ने इधर ध्यान ही नहीं दिया क्योंकि जो शपथ हम ने खाई थी, ऐसा लगता है कि उस समय तो ये शपथ खाए नहीं थे, इसलिए शान्ति भूषण जी को यह याद नहीं रहा कि जनता पार्टी के जो जनता द्वारा चुने हुए संसद सदस्य हैं, उन्होंने शपथ खाई है और उस शपथ के प्रति वे बचनबद्ध हैं अगर वे अपने बचन को स्वतः चवाना नहीं चाहते।

श्री ज्योतिर्मय बसु : प्राप की हिन्दी शलत है

श्री राज नारायण : बिल्कुल ठीक है।

श्री ज्योतिर्मय बसु : शपथ खाई नहीं जाती है, ली जाती है।

श्री राज नारायण : मैं अपने माननीय सदस्य श्री ज्योतिर्मय बसु से निवेदन करूंगा कि वे हिन्दी के बारे में हमें ज्ञान न दें तो अच्छा है क्योंकि इस से सदन का समय बचेगा। (हस्यव्यंग्य) ... अब प्रांख से मत इशारा कीजिए। प्रांख का लगना बुरा है, प्रांख का उठना भी बुरा है, प्रांख चलाना भी बुरा और प्रांख का मारना भी बुरा है। प्रांख का उठना, बैठना, चलना, डोलना सब बुरा है। इसलिए मैं श्री ज्योतिर्मय बसु से कहूंगा कि वे न प्रांख मारें और न प्रांख चलावें।

श्री शान्ति भूषण : प्रांख दिखाना भी बुरा है।

श्री राज नारायण : प्रांख का दिखाना यह सब खराब है।

मैं यह कह रहा था कि विकेन्द्रीकरण का जो क्लृप्त हमारे घोषणापत्र में है, जिसको कि इस अवसर पर हम को अवश्यमेव मूल्यांकन करना चाहिए था संशोधन (संशोधन)

विधेयक के द्वारा, यह माननीय शान्ति भूषण ने नहीं किया। मुझे मालूम नहीं इस के क्या कारण हैं और इन के सामने क्या परेशानियाँ और दिक्कतें थीं। श्रीमन्, मैं इस को यहीं छोड़ देता हूँ।

सदन के सम्मानित सदस्य इस को देखें कि संविधान के अवसर पर हमारे यहाँ क्या हो रहा है। हम ने कसम और खाई थी। शान्ति भूषण जी, 15वाँ पेज निकाल लें चुनाव घोषणापत्र का, जिस में यह लिखा है कि "शान्तिमय तथा अहिंसक तरीके से विरोध प्रकट करने के अधिकार का अनुमोदन करेगी।" गांधी जी ने इबिन पैक्ट के अवसर पर कहा था कि शान्तिपूर्ण सत्याग्रह करने को कानून में मान्यता दी जानी चाहिए और यह जनता पार्टी के चुनाव घोषणापत्र में भी है। क्या शान्ति भूषण जी शान्तिपूर्ण सत्याग्रह करने को कहीं कानून में इस संशोधन विधेयक के जरिए व्यवस्था कर रहे हैं और नहीं कर रहे हैं तो जनता पार्टी के चुनाव घोषणापत्र की हत्या कर रहे हैं या नहीं कर रहे हैं, यह मेरा विवेक निवेदन है। भावुकता में जाने की जरूरत नहीं है। हमारे सदन के सम्मानित सदस्य सोचें कि हम कितना बड़ा महापाप प्राज करने जा रहे हैं कि जिस अवसर पर हम को मौका था, उस मौके को हम ने छा दिया। ऐसा लगता है कि केवल गांधी जी का नाम हम जप रहे हैं लेकिन गांधी जी की तमाम व्यवस्थाओं को हम ठोकर मार कर के दूर कर रहे हैं। शान्ति भूषण जी, हम लोग सत्याग्रह रूपी माता की कोख से पैदा हुए हैं। इसलिए किसी भी हालत में इस सरकार के द्वारा सत्याग्रहियों पर लाठी, डंडे की मार करने नहीं देंगे क्योंकि जो सरकार सत्याग्रह रूपी माता की कोख से पैदा हो, क्या वह अपनी माता की कोख में लात मारेगी?

एक माननीय सदस्य : कभी नहीं।

श्री राज नारायण : यह एक बड़ा प्रश्न है। इसपर हमारे सम्मानित सदस्य जरा गौर से विचारें करें। अपने अपने मन में कल्याण का छोट्ट कर के गौर करें। अगर यह व्यवस्था तर्ही होगी तो यह सरकार बात भार सकता है।

श्रीमन्, मैं आप से एक निवेदन करूंगा कि जब हमारी धारा चले तो रोकिये मत।

अध्यक्ष महोदय : माफ कीजिए।

श्री राज नारायण : हम से माननीय रवीन्द्र बर्मा जी ने पूछा था कि क्या आप एक शब्द बोलेंगे या भाषा चप्टा बोलेंगे ?

संसदीय कार्य तथा जन सञ्जी (श्री रवीन्द्र बर्मा) : आप न बोलें तो शब्द चप्टा है।

श्री राज नारायण : ये कहते हैं न जेमें तो शब्द चप्टा है।

MR. SPEAKER: Mr. Ravindra Varma does not come into the picture. We must pass it by 1 o'clock.

श्री राज नारायण : दूसरी बात मैं शांति भूषण जी से फिर निवेदन करना चाहता हूँ कि पेज 13 हिन्दी का निकालें। आकाशवाणी दूरदर्शन तथा फिल्म डिवीजन को स्वायत्त प्रतिष्ठान बनायेंगे ताकि वे राजनीति में निष्पक्ष रह सकें और सरकार की दखलन्दाजी से दूर हो सकें। यह हमारे चुनाव घोषणापत्र का एक अंग है। क्या इस को संशोधन के अन्दर से किया गया है? (व्यवधान) हुन्ना मत कीजिए। (व्यवधान) आप जरा इन को समाप्त कीजिए।

MR. SPEAKER: Third reading is only a formal reading.

श्री राज नारायण : ये छोटे बकील है, पैसा पैदा करने वाले बकील हैं।

आकाशवाणी और दूरदर्शन को स्वायत्त क्यों बनाया जाए ताकि वे राजनीति में निष्पक्ष रह सकें। क्या पार्टी की सरकार में भाष्य आकाशवाणी, रेडियो, फिल्म डिवीजन किस का प्रचार कर रहे हैं? क्या सब सत्य का प्रचार हो रहा है? क्या एक व्यक्ति की मूर्ति बनायी जा रही है? इस का लोभ अध्ययन करें। क्या यह हिटलरी तरीका नहीं हो रहा है? इस सदन में हमारी मांग है कि इस सदन में पूरी सूची मंगाई जाए और देखा जाए कि किस मंत्री, किस राज नेता या किस कार्यकर्ता का टेलीविजन पर कितनी बार नाम आया, कितनी बार रेडियो द्वारा उका बयान प्रचारित हुआ, चाहे वह देश में हुआ हो, चाहे विदेश में हुआ हो? (व्यवधान)।

MR. SPEAKER: Please conclude now.

श्री राज नारायण : शांति भूषण जी ने जो संशोधन दिये हैं, वे नये नहीं हैं बल्कि माननीया श्रीमती इंदिरा नेहरू गांधी के द्वारा जो संशोधन किया गया है, उस को जबह उसी रूप में रखने का अपने में एक प्रयत्न है। हम समझते हैं और हम लोगों में भी कहते हैं कि देख लिये और सोचसिस्ट शब्दों को रखने में कोई आपत्ति नहीं है। मैं आप के द्वारा विनम्रता से निवेदन करूंगा, शांति भूषण जी से कि समाजवाद की परिभाषा क्या है? समाजवाद की परिभाषा होनी चाहिए—इसलिए मैं अपनी परिभाषा दे रहा हूँ—उपनिषद में है—

मातया आः प्रकाशः मस्य

ममता के द्वारा प्रकाशित हो समाज। वहीं समाजवाद होगा और वहीं व्यवस्था समाजवाद होगी जो सभ्यता के लिये।

गीतम सूत्र कहता है—

समय अजन्ति जनः अस्मिन् समाजः
अहाँ जन जन में सभ्यता का व्यवहार

हो वहीं समाप्त है। अगर वहाँ समाप्त नहीं है तो वह समाप्त नहीं है, उसको समाप्त नहीं कहा जा सकता है। I am going fast.

MR. SPEAKER: It is not a question of going fast. Third reading is a formal reading. You are making a speech as if it is the first reading.

SHRI RAJ NARAIN: At least for 20 years I have participated in Parliament.

MR. SPEAKER: Therefore, you have to be brief, because you have made many long speeches.

श्री राज नारायण : ... बहुत से मित्रों ने श्रीप खास तौर पर उधर विरोध पक्ष में जो बैठे हैं उन्होंने सोशलिज्म का टीफी-नीशन दिया है। उन्होंने कार्ल मार्क्स को कोट किया है लेकिन उसका अधूरा अध्ययन करने के आधार पर ही कोट किया है। अगर कार्ल मार्क्स का उन्होंने झूठा अध्ययन किया होता तो वे इस तरह से उनको कोट नहीं करते। मैं कहना चाहता हूँ कि उनकी पुरानी किताबों में प्राप पाएँगे—जो मास्को इंस्टीट्यूट से नई किताबें निकलती हैं उनमें प्रापको नहीं मिलेगा, क्योंकि इनमें बहुत बारीकी से शब्दों को बदला जाता है जोकि सरसरी निगाह से पढ़ने वाले लोग नहीं समझ पाते हैं। इबनोव की किताब, बुखारेव की किताब जो पुरानी हैं उनमें लिखा है :

मैं न इह दी प्रोडक्ट प्राफ हिज प्रोन एनबिरलमेंट

लेकिन मास्को इंस्टीट्यूटशन से जो किनोसोफी की किताब निकली है उसमें प्रोनली शब्द कर दिया गया है। अगर पार्टीनी हो जाता तो हमें कोई प्रापत्ति नहीं थी। लेकिन प्रोनली कर दिया गया है और दर्शन का विद्यार्थी होने के नाते मुझे उसकी खोज करनी पड़ी है।

MR. SPEAKER: These are all matters for the first reading you have

taken a long time. I will give you two minutes, that is all. Only two minutes, nothing more.

SHRI RAJ NARAIN: I will take more time if these people interrupt me.

MR. SPEAKER: Nobody will interrupt you. Please do not allow yourself to be interrupted.

श्री राज नारायण : मार्क्स के फार्मुले को प्राप देंगे। उनका फार्मुला या प्रत्येक व्यक्ति से उसकी समता के अनुसार काम लो और प्रत्येक व्यक्ति को उसकी आवश्यकता के अनुसार दो। यह फार्मुला या। मार्क्स ने अपनी किताब में कहीं कम्युनिज्म नाम नहीं लिखा है। भिन्होंने मार्क्स का झूठा अध्ययन किया है वे इसको समझ लें।

इकोनोमिस्ट थोरियर का फार्मुला या उसके अनुसार मार्क्स ने अपनी किताबों में कम्युनिज्म शब्द नहीं लिखा है, उसको मार्क्स का झूठी अध्ययन करने वाले समझ लें। मार्क्स ने लिखा है, फस्ट स्टेज प्राफ सोसायटी सीकिड स्टेज प्राफ सोसायटी। प्रथम सोपान और द्वितीय सोपान। प्रथम कम्युनिज्म शब्द तो द्वितीय महायुद्ध के बाद प्राया जबकि लेनिन ने यह लिखा कि सोशल डेमोक्रेसी ने बिट्टे किया है। इसलिए उन्होंने सोशल डेमोक्रेटिक पार्टी नाम छोड़ करके कम्युनिज्म नाम दिया जो कि 1848 के कम्युनिस्ट मैनिफेस्टो का नाम था।

प्रागे मैं यह कहना चाहता हूँ कि उत्पादन विनिमय, वितरण यानी—

Production, distribution and exchange should be owned by the society, not by the Government. In a democracy there is difference between the Government and the society. To me true socialism is true society, true democracy is true socialism.

ईमोक्रेसी के लिए चार इक्वैलिटीज चाहिए Legal equality

[श्री राज नारायण]

Political equality, economic equality, social equality these four qualities are the fundamentals of a democratic society.

श्री श्री शान्ति भूषण जी से मैं जानना चाहता हूँ कि, (स में कहीं ये चार इक्वैलिटीज हैं और कहीं पर इनको एम्प्टिबलिफ कराने की कोई गारंटी है ?

जहाँ तक प्रैजिडेंट का सम्बन्ध है श्री शान्ति भूषण जी के द्वारा उससे सम्बन्धित जो क्लॉज है उस में श्री श्रीमती इंदिरा गांधी वाली क्लॉज में कोई गुणात्मक परिवर्तन नहीं किया गया है, केवल माला का ही घेद किया गया है। एक बार अगर मंत्रिमण्डल सुझाव भेजेगा—

SHRI RAVINDRA VARMA: On a point of order. Rule 94 says:

"The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission or arguments either in support of the Bill or for the rejection of the Bill."

In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character."

MR. SPEAKER: Mr. Raj Narain, . .

SHRI RAJ NARAIN: I know that rule. But I think he is a new Parliamentian. (Interruptions)

MR. SPEAKER: I am not allowing him any further.

SHRI RAVINDRA VARMA: Sir, is my point of order upheld?

MR. SPEAKER: You are right. Your point is upheld.

श्री राज नारायण : इनका पीइंट थाक प्राइर यह है यानी या तो सपोर्ट में चलें या विरोध में चलें। और मैं विरोध में नहीं, सपोर्ट में रचनात्मक सुझाव दे रहा हूँ। (व्यवधान)

MR. SPEAKER: Mr. Raj Narain, you have taken more than 20 minutes. No, no. The other day you were advising me to confine to the rules.

श्री राज नारायण : एक मिनेट मांग रहा हूँ। रेकॉर्डिंग का मैं विरोधी हूँ। जनता पार्टी का जो सबसे बड़ा प्रति माननीय शान्ति भूषण ने किया है वह है मानरेंट लिस्ट से जो एजुवैशन को हटाया है। मैं फिर मांग करता हूँ, इनको पता नहीं है क्योंकि यह तो यहां बैठे रहते हैं, जनता और किसान के बीच में नहीं हैं, टीचर्स के बीच में नहीं हैं। हम टीचर्स एसोसिएशन के प्रेसिडेंट रह चुके हैं, मैं जानता हूँ मानरेंट लिस्ट से अभी नहीं हटाना चाहिए करना यह जनता पार्टी को ले चुकेगी। (व्यवधान)

MR. SPEAKER: No further. Please resume your seat. Mr. Venkataraman.

SHRI R. VENKATARAMAN (Madras South): Mr. Speaker, Sir, I shall be failing in my (Interruptions) I do not have the lung power to shout over other Members. (Interruptions).

MR. SPEAKER: Order, Order. I have called Mr. Venkataraman.

SHRI MANI RAM BAGRI: On a point of order.

MR. SPEAKER: No point of order. Mr. Venkatanaman, you go on.

SHRI MANI RAM BAGRI: I am on a point of order.

क्या कोई माननीय सदस्य किसी सम्मानित सदस्य के सम्मान के खिलाफ कोई शब्द इस्तेमाल कर सकते हैं ? श्री राज नारायण हमारे देश के एक नेता हैं जिन्होंने मुत्तकार कावेरी कुशासन के खिलाफ लड़ कर देश को रास्ता दिखाया है और शान्ति के प्रतीक रहे हैं। (व्यवधान)

MR. SPEAKER: It is not a point of order. Mr. Venkataraman,

(Interruptions)**

MR. SPEAKER: Don't record.

(Interruptions)**

SHRI R. VENKATARAMAN: Sir, I was reminded of a joke in the House of Commons that the debate was adjourned in favour of a duel. I hope, this House will never do it.

I shall be failing in my parliamentary duty if I do not pay a tribute to the hon. Law Minister for the very competent manner in which he has handled the Forty-Fifth Amendment Bill. With all the patience and painstaking he has tried to give explanations which we had sought. Though members of this House have not agreed with each one of the amendments which have been brought before the House and have expressed several reservations. I would like to say on this occasion that we are happy to see that the Government which has now come to power has realised a difference between idealism and practicability.

Most of us, when we came either to the Constituent Assembly or the Provisional Parliament, had also come from detentions in those days. We also swore; no more shall we have preventive detention in our country. And yet when the Congress took over the administration in those days, the compulsions and the necessities forced them to enact the Preventive Detention Act. Likewise, the Janata Party which has necessarily to implement its ideals and goals, as every party must do it, has realised that it is not possible to implement all their ideals and their goals at one stretch and they have accepted many of the provisions of the Forty-Second Amend-

ment Act and made some improvements thereon.

Particularly, I would like to mention that we have our reservations on two matters in which there is scope for an honest difference of opinion. Firstly, on the question of referendum, we are not at all satisfied that this country is ripe for it. Secondly, we are not also satisfied that some small minority may not be able to enforce its will on other sections, particularly, living in different regions. To make it more explicit, I shall be voicing the opinion and the apprehension of the people in the south that a referendum of this kind may adversely affect their interest in respect of certain matters, like, language. Therefore, the Congress has very vehemently opposed this clause and even though we have given ample support to the Bill, we want to make clear that we have reservations on this clause.

Then, on the question of transfer of education and forest to the State List, the Congress has its own reservations.

As you know, there are some parties which do not believe in the integrity of the country. There are some parties which at all costs want to preserve the integrity of India and the unity of India. It is not possible to have a country united unless we have a language in which we can communicate with each other. If I speak English and my hon. friends here do not know English and if they speak Hindi and the people in the south do not know Hindi, then communication between different parts of India will become so difficult that differences will arise and those differences will lead to a certain measure of hostility. In fact, communication very often heals many differences and wounds. The absence of communication only accentuates these differences. We sincerely hope that, by having 'Education' in the Centre, the Centre would be able to utilise its influence on those States which want to give up English

[Shri Venkataraman] and confine themselves only to one language, to see the wisdom of having a bilingual system in which the administration of the country will be carried on for as long a time—as both Pandit Nehru and our respected Prime Minister, Shri Morarji Desai, have said—as the people of the southern region are prepared to accept Hindi as the official language. There are two conditions necessary for this: one is, the people must know the language; and the second thing is, they should be able to adopt it in such a way as to be able to fulfil the functions which an administration requires in that language. Therefore, my submission to the House is that it would be very wise and very good in the interest of the nation and in the interest of the integrity and unity of the country, to retain 'Education' in the concurrent list, if only because it can be used as an instrument for developing a bilingual system in which the people of the north and the people of the south would be able to converse and communicate with each other freely and easily. I am one of those who fought, in my time, for greater autonomy for the States. I believe that the States have been deprived of their legitimate share of the revenues of the country even under this Constitution there have been occasions where, by a distortion of some of the sections, the revenues which are legitimately due to the States, have been appropriated by the Centre. I am not going into this now. I am only making this point here that, in order that the integrity of the country may be maintained, in order that the unity may be maintained, it is absolutely necessary that the instrument by which you can maintain the unity, namely, the language which binds the people, be retained by the Centre also.

One point on which we really wanted the Government to accede was on the question of Tribunals—not because we thought that the Tribunals are going to usher in a condition of complete satisfaction to everybody but just because it is one of the provisions by which, particularly, the

labour disputes and industrial disputes which are now being prolonged from court to court, from Tribunal to High Court, from writ to writ appeal and from writ appeal to the Supreme Court, could be prevented or avoided. Originally, at one time, we provided for only Labour Appellate Tribunal in respect of appeals from the Labour Tribunal. We thought that that would be the end of litigation. But, on the other hand, what happened was, there was an appeal from the Labour Tribunal to the Labour Appellate Tribunal, and from the Labour Appellate Tribunal to the High Court, and from the High Court before a single judge to the Appellate and then to the Supreme Court. Therefore, this tedious process completely tired the labour out and they were denied many of the rights. By providing for this kind of a tedious process, you have really created so many problems for the labour that today it is beginning to lose faith in industrial tribunals.

So far as the civil servants in India are concerned, they are absolutely without any protection. As I mentioned in my speech the other day, Administrative Tribunals for international civil servants have been provided in the United Nations, in the International Labour Organization, in the Court of Justice of the European Communities, and every one....

MR. SPEAKER: You have already covered that point.

SHRI R. VENKATARAMAN: Therefore, the point that in respect of administrative Tribunals the government should have taken a more liberal attitude and, even the voting showed that in the first instance they did not succeed and they would have lost the clause but they managed to get it through.

SHRI J. RAMESHWARA RAO (Mahboobnagar): I would like to share the sentiments expressed by my dear friend and colleague, Mr. Venkataraman in complimenting the Law Minister and the Government for having brought in a comprehensive constitution amendment Bill. He

wanted co-operation from all sides of the House and he must have observed that, by and large, he did receive it.

I am sorry to say that there are certain matters—I think there were about 4 or 5 clauses—on which we have a basic and fundamental difference with the Law Minister and the Government. You will forgive me if I were to repeat what my colleague, Mr. Venkataraman, just now said specially about clause 45 which relates to referendum. Mr. Venkataraman spoke particularly about the language issue. But you will agree with me, Sir, that there are other issues also. There is a basic practical difficulty in applying the referendum clause in this country. Firstly, how will we formulate the question? Then about voting. Even today when we vote in the Lok Sabha elections, we vote not merely by name but also by symbols. How are we going to conduct the referendum and equate subjects to symbols? There are very many practical difficulties and I do not believe we, in this country, are ready yet for referenda. Imagine 300 million voters voting on an amendment to the Constitution in a referendum. I do not think it is practicable. I do not think it is feasible. I would like to urge on the Law Minister to take a second look at this in the interest of the passage of the Constitution Amendment Bill itself because there will be a serious objection to this also in the other House. Certainly, we would not like the Constitution Amendment Bill to be stalled but I do not know why he does not see our point of view and what some of us have mentioned.

There is another aspect. I think my friend, Mr. Kamath—he is not here now—while speaking in the Constituent Assembly referred to the internal emergency clause and said that out of this an authoritarian system is likely to emerge in this country. I hope he would not mind my plagiarising his sentence that out of this referendum clause an authoritarian system is more

likely to emerge than through the various other Articles of this Constitution. He will bear me out that when I say we have the experience of Weimar Constitution, can we forget that experience and that of these constitutions of countries where this referendum clause has been used not merely as my hon. friend, Mr. Venkataraman, has pointed out, to change the language policy but also to change one article of the Constitution or of fundamental rights or the structure of the Constitution but to completely subvert the entire constitution. I have referred to the Weimar Constitution and the German Republic. What exactly happened in the Weimar Republic is likely to happen if we retain this referendum clause. It may not happen in our life time but nothing prevents it from happening in later years because we have not yet come to a stage where we can formulate the subject of a referendum with care and get it voted upon by millions of uneducated voters. This clause will be exploited by populists.

I will not take very much of your time except to say that we still have reservations on education and forests for being removed from the Concurrent List. Then also on the question of Tribunals which clause the government managed just to scrape through to-day.

These are aspects the Law Minister should re-consider. It is not too late. Before passing the Bill in this House and before it goes to the other House, he may reconsider this. However, by and large, we have supported the Constitution Amendment Bill and the Law Minister will have our cooperation in passing this Bill.

SHRI A. BALA PAJANOR (Pondicherry): Mr. Speaker, Sir, I join the other Members in congratulating the honourable Minister for Law, Justice and Company Affairs. I think that he is the happiest person in this session because he got the fullest cooperation from the Members excepting two, who were present to-day and voted for it,

[Shri A. Bala Pajonor]

after the hard-earned work, after so many months, I would appreciate him in a better fashion if he has accepted the suggestion to include the word 'Federal' also in the Preamble as it becomes more important after they started defining the Preamble Clause itself or under Section 44 of the Constitution Amendment Act.

But for this definition, we could have accepted their statement because with the very structure of the Constitution as federal in practice, we also practice the same federal structure. As most of the States are asking for more powers, these are the compensations that we have. The people of this country have now the feeling that this present Janata Government is interested in decentralisation with the idea of federal character in the Constitution.

I do not know what prevented the Law Minister—is it because of some political force or is it because of some unwanted fear that they are afraid—to include 'Federal' in the Preamble of the Constitution. After all you know, Sir, a Judge and you understand it better, that 'Fraternity' and 'Equality' are the borrowed terms from the French Constitution. Fraternity and equality are defined by Rousseau. But when you come to Secularism and democracy and socialism, it was introduced by the Forty-Second Amendment. And they wanted to be a bit careful about the socialistic character. They took a lot of pains to define it in the Clause or Section 44 of the present Amendment Bill. (*Interruptions*). As the Minister for Railways said this is a Janata Revolution. The Janata Revolution would have got the idea of decentralisation by adding the words 'Fraternity' of federalism in the Constitution.

Sir, we are sorry that you have not considered it. But, we are very optimistic in the process of democratic growth in this country. I wish the present Law Minister many more tenures. And in his present tenure, I do not know how he would contemp-

late such a thing. But, I want to pay him the compliment. The Law Minister who happened to be an advocate of an eminent order has taken pains with an advocate's brain in this constitution amendment Bill which many of us understand. He has taken such a meticulous care in spelling out certain provisions in this Amendment Bill. But he failed as a politician to look to some of the amendments that were placed by my learned colleague, Shri Somnath Chatterjee and other friends and you have thrown them out lock, stock and barrel as they call it. That is because the Law Minister has failed to understand the political aspect of it. I present it with a vehement force because I have listened to the speeches made by Shri Venkataraman and Shri Saugata Roy. It seems that the future characteristic of the country is at stake. The people are afraid of many more things that may happen in this country. Though I do not agree with him on the question of referendum, I would come up with my clarification as to how it is worked in this country. I do not agree with you when you say that the future is at stake not only of the present order but also of the past order because I feel that everyone is worried about his state and later on about his district. It is correct that nobody is that serious about the unity of the country. But, we are very much for the unity and integrity of the country. At the same time, we believe in what Panditji said namely that unity is more in diversity and not in unification that you are trying to make out in this Constitution. The diversity in character alone can bring out the uniformity, which you expect, would take place.

It is a fact that this country is federal. You can see the pattern between South and North—I do not speak here about the South African countries or East European countries; you see not only the physical features but also customs and everything else. What we have been feeling is this that we are one country. How has this taken place? Because, we have the federal struc-

ture in our cultural bondage. But, Sir, I want to go on record that as far as referendum is concerned, our party strongly supports the small step that you have taken now. I do not agree with the other Members that this country is not that ripe to take up the referendum. I am reminded of the arguments placed by the late, revered Rajaji and others when they wanted to introduce adult franchise in this country. I went through the records and some of the speeches made at that time. At that time some persons said that the people of this country are not mature enough to decide various issues, that the people of the country are not suited enough to judge whom they would like to rule this country or not to rule, that they are not suited to exercise adult franchise and so on, that adult franchise was granted against vehement force and all that. But after 30 years of political education, what has happened? Perhaps you have not given the political education that is expected in the school stage and the college stage. But still if you say that the people of the country cannot decide their future, or that they cannot exercise their right to amend particular sections and so on. I would say that I will not agree with those arguments because they have no meaning at all. For these reasons, Sir, the question of symbols and other examples were given. But I see from the amendment that you have taken only three major portions of it. One is about the secular nature and the democratic nature of the constitution; and secondly, about the judiciary and thirdly, about the fundamental rights in part III of the Constitution. These are the crucial matters you have taken under the section for Referendum and these are all what will go to the people. And I want you to consider one thing. It is a matter of experience. By practice alone we can get the correct solution. I suggest to you that 51 per cent is not sufficient. I am reminded of the discussion at that time and the part played by Mr. Kamath, the Founding-

brother, as I may call him, because, I don't want to call Mr. Kamath, founding-father, because, he is still with us. So, I call him founding-brother of the Constitution.

PROF. P. G. MAVALANKAR: He is a bachelor and so he cannot be founding-father.

PROF. A. BALA PANJANOR: Not for that reason. He is a father of the Constitution, it is okay.

MR. SPEAKER: Let him have at least one child—the Constitution.

SHRI A. BALA PAJANOR: Let him adopt me, Sir. I will be very happy to be his child.

Therefore I say, founding-father. He has correctly come out with the feeling in this House that you must put more weight on the side of the minorities. That is the reason why it is said that three-fourths of the majority is required for such a Referendum.

MR. SPEAKER: Your time is up. Please conclude.

SHRI A. BALA PAJANOR: In one minute I will conclude, Sir. I have to cover the other two subjects.

As far as the tribunals are concerned, this is what I said: The Law Minister, when he worked out the Forty-Fifth Amendment acted as a clever lawyer of the Supreme Court, not only in the Allahabad High Court before that famous judge which made history in this country, but as a clever lawyer of the Supreme Court. He was obsessed by the judiciary that is supposed to be a topmost authority in this country. And he had a feeling that the Forty-Second Amendment had taken away the right from the people to fight for their rights before the tribunal and that is why he scrapped it single stroke. I don't agree with him because we know this. He also knows it. As correctly explained by our friend, litigations are becoming day by day almost cumbersome issues. That is the reason why an Amendment was introduced in the Constitution (Forty-second) Amendment Bill. It said that a person hav-

[Shri A. Bala Pajanor]

ing the status of a High Court Judge or a High Court Judge alone should sit on a tribunal. There is no difference at all. To get over certain difficulties only that was introduced. But, as to the judge, I don't know how he will view it. With Mr. Shanti Bhushan's stature, I cannot understand why he has deleted it. I don't find any reason. That is to be argued. I hope he will later on come up with some form or the other.

And again, Sir, as I first stated, Mr. Shanti Bhushan failed to be a politician when he brought this Constitution Amendment because of this simple reason. I don't know why he has not taken the trouble to go through the Ninth Schedule of the Constitution. You have gone up to only Article 188. That cannot be questioned in a Court of Law. Perhaps he has no time to look into such things. I don't find that any other Member has pointed out such things. If any Member has pointed it out, I am happy about it. The Ninth Schedule is a very voluminous thing. Even small acts are put in there. For political reasons they have put them there. But if Mr. Shanti Bhushan goes through this, I am sure he will take this up. I am sorry I have taken much of your time.

With these words, Sir, I once again congratulate him on behalf of our party. I believe that this is not the end, but only the beginning. I hope he will take.....

MR. SPEAKER: ...other steps also.

SHRI A. BALA PAJANOR: I want to congratulate him for the other thing also. Today when I saw the voting figure in the calculator there, 405, I feel how the country outside may feel that they can also go a step further; that administration has not come to a standstill because of the psychological fear that has been created. Just now also we have seen a scene. I think this Constitution Amendment Bill which is brought forward will give that confidence to the people of the country. Thank you.

SHRI HARI VISHNU KAMATH: May I make a modest request to you? I am sure the House will join me therein that in order to celebrate the occasion we may have the lunch recess today.

MR. SPEAKER: We will consider, you are a founding-father!

SHRIMATI PARVATHI KRISHNAN (Coimbatore): Mr. Speaker, Sir, I am here only to make one or two points clear, because while we vote for this Constitutional Amendment Bill, we do it with our eyes open.....

MR. SPEAKER: And ears also.

(Interruptions).

SHRIMATI PARVATHI KRISHNAN: How can I speak when this conversation goes on. I have been silent when other Members were speaking.

MR. SPEAKER: All ladies have been silent.

SHRIMATI PARVATHI KRISHNAN: Apparently, we have better manners. Thank you for the compliment that you are paying to women.

Sir, I would like to say that I was really surprised when Shri Raj Narain was speaking and I have come to the conclusion after listening him very carefully that he is more an expert on Marx Brothers rather than on Karl Marx, except that the Marx Brothers clowning is of a very intelligent order. That is all I have to say about this.

What I want to say in the Third Reading of this Bill is this. We have our very serious reservations on certain aspects and we see what is happening in the country outside. Today, while we are discussing the Constitution Amendment Bill and talking about strengthening democracy, and strengthening the democratic traditions and the democratic content of the Constitution, what is happening outside? It is the vested interests who have been attacking the less-privileged and under-privileged classes. You know, Sir, what happened in Jamshedpur where people have

been thrown into the river. Therefore, I want to bring this to the notice of the Government, because they must understand. There I agree with Shri Raj Narain that in the election manifesto, they had tried to win the confidence of the people, common people, under-privileged people in this country by promising that they would be given full protection and that they would be helped to march forward along with the rest of the country, but that has not been happening. We have seen what happened in Kanjhwala and we also saw what happened in Pantnagar and Bailadilla and we also see it happening everyday. This is a tragic thing. I would ask the hon. Minister and the Government to wake up to this and stop their homilies and take practical action to protect all weaker sections.

Now, I come to one or two points in the Bill itself. We, as the Minister knows very well, have learnt to our cost that he is one of those who do not believe in hearing or listening or being receptive to amendments, even when those amendments are with his own outlook or claimed outlook for trying to strengthen the democratic content of the Constitution. We have fought and will continue to fight on this question of preventive detention. We cannot support it either in spirit or any other way. Therefore, I want to make that position clear.

Secondly, we are not impressed with his presumption to define the Constitution. We have already spoken about that earlier, so I am not going into that.

With regard to education, it is not only the question of language; no. That is one aspect. What I would like to say is that for the last thirty-one years, ducks and drakes have been played with education in this country. There is no concerted common orientation for education, be it technical or otherwise, and if we said that this should be in the Concurrent List, we wanted this common direction of

education to come so that everywhere in this country, whether in the tribal region, or whichever language region they may belong to, they would have a common orientation in education. As Shri Patwary put it clearly, in one school in Assam, history is taught in one way, and in another school in Tamil Nadu, it is taught in another way. How can the Assamese children understand the children of Tamil Nadu and how can they have a common outlook, how can they have a common approach even about the national liberation movement? We know, what fights have taken place, we know what struggles took place—I am sorry, Shri Samar Guha is not here, I would have brought Shri Netaji Subhash Chander Bose here—

13.00 hrs.

We have an evaluation about the various national movements, and on how it differed from area to area. Gokhale is common to all India; so are Tilak, Mahatmaji, Nehru, Bhagat Singh; one after the other, during the national movement, they were all common to us. Therefore, in the same way, Rajaji and Annadurai should be common to everybody. I can go on and on with the list. But the point is that when we say Concurrent List, it is not merely because of language. Everybody should have a common approach and a common direction so that in your All India examinations and in your All India Services, they can all have the common basic training. This is really our approach to it. That is why it is that we are supporting this Bill with reservations.

I would also like to assure the Minister—not to threaten him, but to assure him—that we from our side, will continue to strive to see that the Constitution is strengthened, by these points which I have made. Let him remember this; we heard him talk quite a lot. But "Talk without action, authority without power, hopes without fulfilment—these are what preceded the French Revolution. I am

[Shrimati Parvathi Krishnan]

not giving you a prophecy like that of Mr. Bala Pajanon. My prophecy is quite different.

श्री राजनारायण : अध्यक्ष महोदय, हम श्रीमती पार्वती कण्णु की बातों का जवाब नहीं देना चाहते हैं क्योंकि वे श्री कुमार मंगलम् को बहिन हैं जो कि एक अच्छे समाजवादी हैं।

श्री राम कृष्ण (मरतपुर) : अध्यक्ष महोदय, जो संविधान में संशोधनों किये गये हैं, उन को मंगा केवल इतना है कि 42वें संशोधन की मारफत इस देश में जो तानाशाही कायम की गयी थी, उस को समाप्त कर दिया जाए और फिर से इस देश में तानाशाही की रूढ़ियाँ पैदा न हों। उन को रोकने के लिए इस संविधान में व्यवस्था की गयी है।

अध्यक्ष महोदय, इस सारे विधेयक पर विस्तार से विचार हो चुका है इसलिए मैं सारे लम्बाई और गहराई में जाने की आवश्यकता नहीं समझता। लेकिन मैं एक बात मानवीय कानून मंत्री को ही मारफत इस सरकार से कहना चाहता हूँ कि जिन कारणों से दुनिया में तानाशाही कायम होती है, जब तक आप उन कारणों को दूर नहीं करेंगे तब तक संविधान में प्रायः कोई भी संशोधन कर दें, तानाशाही का घाना जाना बंद नहीं हो सकता है।

13.03 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

उपस्थित महोदय, आज जब हम एशिया और अफ्रीका के स्वतंत्रता प्राप्त देशों पर नजर डालते हैं तो वहाँ किसी न किसी देश में किसी न किसी रूप में तानाशाही पाते हैं। आज से दो-तीन साल पहले एशिया का सब से बड़ा सामंती देश भी तानाशाही के चिह्न में आ गया था। अफ्रीका भी तानाशाही के चिह्न में था। आज तानाशाही

को समाप्त करने के लिए केवल इतना ही काफी नहीं है, कि हम संविधान ही संशोधन कर दें। हम ने देखा है कि इसी संसद् ने तानाशाही के समर्थन में संविधान में संशोधन किये और आज यही संसद् तानाशाही की प्रवृत्तियों को समाप्त करने और लोकतंत्र की जड़ों को मजबूत करने के लिए संशोधन पेश कर रही है। इस लिए मैं कहना चाहता हूँ कि जिन कारणों से तानाशाही घाती है, जब तक उन कारणों को दूर नहीं किया जाएगा तब तक तानाशाही का घाना जाना नहीं रुकेगा। इस के रास्ते में संविधान कोई भय नहीं रखता है।

मानवीय कानून मंत्री जो जानते हैं कि जहाँ गरीबी होती है, गैर-बराबरी होती है, विकास की गति कम होती है, लोकतांत्रिक देश में जहाँ राष्ट्रीय प्रथमान की संभावना बनी रहती है, वहाँ ऐसी प्रवृत्तियाँ जन्म लेती ही रहती हैं। आज हमारे देश की हालत क्या है? देश में गरीबी बढ़ रही है, बेरोजगारी बढ़ रही है, असमानता विद्यमान है और मुझे भ्रष्टाचार के साथ कहना पड़ता है कि हमारे देश में जिस प्रकार का संघर्ष चल रहा है, भ्रष्टाचार ऐसी ही स्थिति चलती रही तो कोई भी तानाशाह कभी भी इन सब परिस्थितियों का लाभ उठा सकता है। जब तक हम विकास की गति को तेज नहीं करेंगे, दरिद्रता और गरीबी को दूर नहीं करेंगे, तब तक हम संविधान की मारफत लोकतंत्र को मजबूत कर सकेंगे, इस से भ्रष्टाचार है। मैं इतना ही कहना चाहता हूँ कि सरकार की जो उस की आज तक की विद्या रही है उस पर बह विचार करे। चूंकि हम भी इस सरकार के भंग हैं इस बास्ते में यह बात कह रहा हूँ। आर्थिक विकास की गति तेज होनी चाहिये। समता का आन्दोलन तेजी से और मजबूती से चलाना चाहिये। आज हालत यह है कि पुरानी

रज्यार में कहीं कहीं सुधार होने के बजाय कुछ गड़बड़ियाँ पैदा हो गई हैं। सरकार इन सभी बातों पर बहुत ध्यान से विचार करे।

एशिया और अफ्रीका के मुल्कों में जो तानाशाहियाँ हैं उन ही एक प्रकृति रही है और वहाँ यह देखने में आया है, चाहे लंका हो या कोरिया, देखने में यह आया है कि श्री माओ ने तानाशाही स्थापित करने की कोशिश की तो उसका पुत्र उस में चांगोदार बना, हिन्दुस्तान में भी तानाशाही की स्थापना ही कोशिश हुई तो श्रीमती इंदिरा गाँधी के पुत्र संजय गाँधी ने तानाशाही बनाने की कोशिश की। थाप कोरिया में छारभोसा में देखें, जहाँ सीमित ढंग की तानाशाही है वहाँ वहाँ परिवारों को संरक्षण दिया जा रहा है। इस से रंगीन दुनिया में एक प्रकार के प्रतिश्वास की भावना पैदा हो रही है। हमें सत्ता-रुद्ध हुए करीब डेढ़ साल हो गया है। हमें चाहिए कि हम सारे विचारों से ऊपर उठें, हमारा दल भी ऊपर उठे और देश भी ऊपर उठे। जब तक हम आर्थिक कार्यक्रमों को मजबूती से नहीं चलाएंगे, भूमि सुधारों की गति जो बिल्कुल ढीली कर दी गई है, उसकी तरफ तबज्जह नहीं देंगे हमारा कल्याण नहीं हो सकेगा। आर्थिक विकास, ग्रामीण विकास की ओर हमें ध्यान देना होगा। आज ग्रामीण जीवन में कुछ और दारिद्र्य है। मैं नहीं चाहता हूँ कि इस को सालों साल या पाँच साल में मिटाया जा सकता है लेकिन लोगों को विश्वास तो होना चाहिए कि यह सरकार उस को मिटाने जा रही है और इस काम में वह गम्भीर है। आज देश में लोगों को विश्वास नहीं हो रहा है कि वर्तमान सरकार इस काम को कर सकेगी।

इन शब्दों के साथ और नेताओं के रूप में मैं पार्टी के नेताओं से निवेदन

करना चाहता हूँ कि वक्त में एकता से कायम करें और आर्थिक विकास के लिए तेज कदम उठाएँ। सभी देश में तानाशाही की प्रवृत्ति को पनपने से रोका जा सकेगा।

इन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

MR. DEPUTY-SPEAKER: The hon. Law Minister.

PROF. P. G. MAVALANKAR: Kindly hear me.

MR. DEPUTY-SPEAKER: You have had enough of your say.

PROF. P. G. MAVALANKAR: I want to support the Bill in its final stage; I do not want to be personal but.....

MR. DEPUTY-SPEAKER: There are several Members who want to speak on the third reading; I am sorry.

PROF. P. G. MAVALANKAR: It is highly improper.

MR. DEPUTY-SPEAKER: Please take your seat; it is highly improper to keep on monopolising the time of the House.

PROF. P. G. MAVALANKAR: I want to go on record. I have left my wife in the hospital, who has been suddenly and seriously ill since last evening, and yet I have come here only to express my support....

MR. DEPUTY-SPEAKER: You have already gone on record.

PROF. P. G. MAVALANKAR: I request you to kindly give me two minutes.

MR. DEPUTY-SPEAKER: No, I am sorry; there are at least twenty other Members and I cannot make an exception. Please take your seat. Shri Shaanti Bhushan.

PROF. P. G. MAVALANKAR: I want to be clear on this important Bill.

MR. DEPUTY-SPEAKER: You have had your say much more than others.

PROF. P. G. MAVALANKAR: I would have finished in two minutes, by supporting it. Because I have opposed certain clauses, I wanted to support it.

MR. DEPUTY-SPEAKER: You have already said so and it has gone on record. Mr. P. K. Deo and Prof. Mavalankar may please take their seats... (Interruptions) If I make an exception in your case, I have to make an exception in the case of everybody else. I am sorry; I am not allowing you. You will not go on record if you persist like this. Shri Shanti Bhushan.

SHRI SHANTI BHUSHAN: Sir, I am overwhelmed by the nice words which many hon. members of this House in their generosity and kindness have chosen to say about me. I must express my most sincere thanks to them for those words. I wish I could deserve some of those words at least.

Shri Raj Narain has chosen to make some complaints that this Constitutional Amendment does not go far enough for solving many of the problems that are there. I can only say that for a very long time he has been trying to educate me. Even when I was arguing his case and he was in jail, he used to write many letters to me very kindly sending his very valuable suggestions as to what arguments were to be advanced. I wish that when he was out of jail, he would have adopted the same approach and would have given me some concrete suggestions, which I could have made use of. He was even a valued member of the Cabinet and I would have been so happy if he had made some concrete sugges-

tions in that regard which could have been usefully incorporated in this Constitution Amendment Bill. But possibly he is a very busy person and therefore, I can quite appreciate that in his very busy schedule, perhaps he could not find time to devote to this Constitution Amendment Bill.

श्री राज नारायण : हमारे पत्रों में जो लिखा है उसी पर बिना मंत्री जी ध्यान दें और कृपा कर के उसी को इसमें ले लें।

SHRI SHANTI BHUSHAN: He even suggested that in fact radio and TV should be autonomous. Of course, so far as that policy of the Government is concerned, it is a declared policy which has to be implemented. But the question is whether it needs a Constitutional Amendment, because an impression is going round that everything has to be done by a Constitutional Amendment and can only be done by a Constitutional Amendment. I would like to dispel that impression. In fact the impression has gone to that extent that I had invited a close friend to dinner and unfortunately by the mistake of the cook there was too much salt in the curry. My friend pointed out to me, "What are you doing to introduce some clause in the Constitution Amendment Bill so that there would be no longer too much of salt in any curry at any place?" So, every problem cannot be solved merely by introducing provisions in the Constitution Amendment Bill.

Some hon. members, particularly Mr. Venkataraman, referred to the reservations which his party and perhaps some other parties also have maintained in regard to some provisions of the Bill. When there are important clauses, I would be the last person to say that any of those differences are not honest differences. I fully appreciate that there are honest

differences of approach, because in a democracy honest differences sometimes have to be there. It is sometimes very difficult to say whether one proposition is right or another proposition is right. In fact, so many things so much remain in the womb of the future that it is very difficult to say in advance whether a certain thing, when it is introduced for the future, now it is likely to shape out. I can quite appreciate their anxieties and apprehensions in regard to those important points. He has chosen to refer to provisions regarding referendum, education and forest remaining or not remaining in the concurrent list, administrative tribunals, etc. I fully appreciate that there are honest apprehensions or anxieties in regard to those provisions. Perhaps some of them may be on account of my incapacity that I was not able to project as to what could be said in favour of those provisions. In fact, in regard to concurrent list and State list, obviously in a country of this magnitude, differences will be there.

SHRI HARI VISHNU KAMATH:
Dissent is the soul of democracy!

SHRI SHANTI BHUSHAN: Yes; dissent is very important in a democracy. Ultimately it is not the opinion of one person, but the combination of so many factors which shapes such a vital document as the Constitution of a country. Many valuable suggestions have been made by many hon. members. Mr. Pajanor was sorry that some of his suggestions could not be accepted, I may assure the hon. Member that even when very valuable suggestions, against which nothing can be said, are made, it is not always possible to incorporate them because in a Constitutional Amendment the whole country's consensus has to be obtained. Not only has the measure to be a good one, but the people have to be convinced that it is required, that it has to be incorporated. That is why this procedure which has been laid down in

the Constitution for making amendments in it is there. So, the mere fact that it has not been possible to accept a certain suggestion is no reflection on the merit of that suggestion also, I would like to assure hon. Members.

In regard to this anxiety about administrative tribunals, I would particularly like to say that I hope that after some period it would be possible for the Government to allay the apprehensions. The anxiety of the hon. Members has been on account of the fact that there is so much delay in the administration of justice. I hope hon. Members will also agree that if these delays in the High Courts and other courts can be eliminated, then the very case which has been made out for these administrative tribunals not being under the superintendence of the High Courts will also disappear. The Government is very keenly going into this problem, is devoting its fullest attention to this problem, is making consultations at every possible level in regard to this problem and I am not only hopeful but confident that within a few years, within a short period, we would be able to overcome this problem so that there would be no scope for any further anxiety in that regard.

Shrimati Parvathi Krishnan has, of course, a rather gloomy outlook. I can only say that it is much more important to be an optimist rather than a pessimist, but I do not know whether she would be willing to take my advice and change her outlook from one of pessimism into one of optimism.

I do not wish to take more time.

SHRI JYOTIRMOY BOSU (Diamond Harbour): What about the mini Misa and preventive detention?

SHRI SHANTI BHUSHAN: Not only preventive detention, every type of detention is bad. At least I am

[Shri Shanti Bhushan]

one of those who think that we must have a country in which there would be no scope for detaining any person either under so-called preventive detention or any other kind of detention till he is proved guilty of an offence.

SHRI HARI VISHNU KAMATH (Hoshangabad): Let it remain a dead letter.

SHRI SHANTI BHUSHAN: Let us hope, particularly with an approach of consensus and co-operation rather than one of confrontation, we shall be able to build jointly a society in this country, a society in which there would be no need for such laws, such harsh laws like preventive detention, or even the necessity of detaining a person before he has been adjudged guilty of an offence, but in order to build such a society also, we have to go through certain steps. Let me express the hope that even Shri Jyotirmoy Bosu would agree with me that we should wait for the day when any such amendment in the society from any quarter of such a kind which would justify the keeping of any such laws even on the statute-book in a potential manner would not be there. That would be a happy day, that would be a day for which all of us should look forward to.

With these words, I again express my very grateful thanks to all sections of this House for extending full co-operation to this measure.

श्री राज नारायण : अध्यक्ष महोदय, मैं श्री शांति भूषण जी से एक सवाल पूछना चाहता हूँ। जैसे मध्य प्रदेश में श्री छत्रपति त्रिपाठी और 4 एम०एल०ए० बाहर से आते ही गिरफ्तार कर लिये गए,

एक माननीय सदस्य : क्यों गिरफ्तार किए गये यह मान्य है क्या आपको?

MR. SPEAKER: No further speeches. We shall now go to division. The lobbies have been cleared. Before I put the motion to

the vote of the House, let me say that this being a Constitution Amendment Bill, voting has to be by division. The question is:

“That the Bill, as amended, be passed”

The Lok Sabha divided:

Division No. 31]

[13.25 hrs.]

AYES

Abdul Lateef, Shri
Agrawal, Shri Satish
Ahsan Jafri, Shri
Ahuja, Shri Subhash
Akbar Jahan Begum, Shrimati
Alhaj, Shri M. A. Hannan
Amat, Shri D.
Amin, Prof. R. K.
Anbalagan, Shri P.
Ankineedu, Shri Maganti
Ankineedu Prasada Rao, Shri.
Ansari, Shri Faquir Ali
Argal, Shri Chhabiram
Arif Beg, Shri
Arunachalam, Shri M.
Arunachalam, Shri V.
Asokaraj, Shri A.
Bagri, Shri Mani Ram
Bahuguna, Shrimati Kamala
Bairagi, Shri Jena
Bal, Shri Pradumna
Balak Ram, Shri
Balbir Singh, Chowdhry
Baldev Prakash, Dr.
Banatwalla, Shri G. M.
Barakataki, Shrimati Renuka Devi
Barman, Shri Palas
Barnala, Shri Surjit Singh
Barrow, Shri A. E. T.
Basappa, Shri Kondajji
Basu, Shri Chitta
Basu, Shri Dhirendranath
Bhakta, Shri Manoranjan
Bhanwar, Shri Bhagirath

Bharat Bhushan, Shri	Dharia, Shri Mohan
Bhattacharya, Shri Dinen	Dhurve, Shri Shyamal
Bhattacharyya, Shri Shyamaprasanna	Digvijoy Narain Singh, Shri
Bheeshma Dev, Shri M.	Doley, Shri L. K.
Birendra Prasad, Shri	Durga Chand, Shri
Bonde, Shri Nanasahib	Dutt, Shri Asoke Krishna
Borole, Shri Yashwant	Fazlur Rahman, Shri
Bosu, Shri Jyotirmoy	Fernandes, Shri George
Brahm Perkash, Chaudhury	Gamit, Shri Chhitubhai
Brij Raj Singh, Shri	Ganga Bhakt Singh, Shri
Chakravarty, Prof. Dilip	Ganga Singh, Shri
Chand Ram, Shri	Gattani, Shri R. D.
Chandan Singh, Shri	Godara, Ch. Hari Ram Makkasar
Chandra Shekhar, Shri	Gode, Shri Santoshrao
Chandra Shekhar Singh, Shri	Gomango, Shri Giridhar
Chandrappan, Shri C. K.	Gopal, Shri K.
Chandravati, Shrimati	Gore, Shrimati Mrinal
Chatterjee, Shri Somnath	Gotkhinde, Shri Annasaheb
Chaturbhuj, Shri	Gowda, Shri S. Nanjesha
Chaturvedi, Shri Shambhu Nath	Goyal, Shri Krishna Kumar
Chaudhary, Shri Motibhai R.	Guha, Prof. Samar
Chaudhuri, Shri Tridib	Gulshan, Shri Dhanna Singh
Chaudhury, Shri Rudra Sen	Gupta, Shri Kanwar Lal
Chauhan, Shri Nawah Singh	Halder, Shri Krishna Chandra
Chavan, Shrimati P.	Harikesh Bahadur, Shri
Chavda, Shri K. S.	Hazari, Shri Ram Sewak
Cnowhan, Shri Bharat Singh	Heera Bhai, Shri
Chunder, Dr. Pratap Chandra	Hukam Ram, Shri
Dandavate, Prof. Madhu	Jagannathan, Shri S.
Danwe, Shri Pundalik Hari	Jagjivan Ram, Shri
Das, Shri S. S.	Jain, Shri Kacharulal Hemraj
Das, Shri R. P.	Jain, Shri Kalyan
Dasappa, Shri Tulsidas	Jain, Shri Nirmal Chandra
Dasgupta, Shri K. N.	Jaiswal, Shri Anant Ram
Dave, Shri Anant	Jasrotia, Shri Baldev Singh
Dawn, Shri Raj Krishna	Jeyalakshmi, Shrimati V.
Deo, Shri P. K.	Joshi, Dr. Murli Manohar
Desai, Shri Hitendra	Kachwai, Shri Hukam Chand
Desai, Shri Morarji	Kadam, Shri B. P.
Deshmukh, Shri Nanaji	Kadannappelli, Shri Ramachandran
Deshmukh, Shri Ram Prasad	Kaiho, Shri
Dhandayuthapani, Shri V.	Kailash Prakash, Shri
Dhara, Shri Sushil Kumar	Kakade, Shri Sambhajirao

Kaldate, Dr. Bapu
 Kamakshaiah, Shri D.
 Kamath, Shri Hari Vishnu
 Kamble, Shri B. C.
 Kannan, Shri P.
 Kapur, Shri L. L.
 Kar, Shri Sarat
 Karan Singh, Dr.
 Kasar, Shri Amrut
 Kaushik, Shri Purushottam
 Khalsa, Shri Basant Singh
 Khan, Shri Ismail Hossain
 Khan, Shri Kunwar Mahmud Ali
 Khan, Shri Mahmood Hasan
 Khan, Shri Mohd. Shamsul Hasan
 Kidwai, Shrimati Mohsina
 Khrime, Shri Rinchang Khandu
 Kishore Lal, Shri
 Kisku, Shri Jadunath
 Kodiyan, Shri P. K.
 Kolanthaivelu, Shri R.
 Kolur, Shri Rajshekhar
 Krishan Kant, Shri
 Krishnan, Shrimati Parvathi
 Kundu, Shri Samarendra
 Kunhambu, Shri K.
 Kureel, Shri Jwala Prasad
 Kureel, Shri R. L.
 Kushwaha, Shri Ram Naresh
 Lakkappa, Shri K.
 Lal, Shri S. S.
 Lelu Prasad, Shri
 Limaye, Shri Madhu
 Mahale, Shri K. L.
 Mahale, Shri Hari Shankar
 Mahata, Shri C. R.
 Mahi Lal, Shri
 Mahishi, Dr. Sarojini
 Maiti, Shrimati Abha
 Malhotra, Shri Vijay Kumar
 Malik, Shri Mukhtiar Singh
 Mallanna, Shri K.
 Mallick, Shri Rama Chandra

Mallikarjun, Shri
 Mandal, Shri B. P.
 Mandal, Shri Mukunda
 Mangal Deo, Shri
 Mankar, Shri Laxman Rao
 Manohar Lal, Shri
 Mathur, Shri Jagdish Prasad
 Mavalankar, Prof. P. G.
 Mayathevar, Shri K.
 Meduri, Shri Nageswara Rao
 Meerza, Shri Syed Kazim Ali
 Mehta, Shri Prasannbhai
 Mhalgi, Shri R. K.
 Miri, Shri Govind Ram
 Mishra, Shri G. S.
 Mishra, Shri Janeshwar
 Mishra, Shri Shyammandam
 Modak, Shri Bijoy
 Mohanarangam, Shri Ragavalu
 Mondal, Dr. Bijoy
 Mritunjay Prasad, Shri
 Mukherjee, Shri Samar
 Multan Singh, Chaudhary
 Munda, Shri Govinda
 Munda, Shri Karia
 Murthy, Shri M. V. Chandrashekhara
 Murugalyan, Shri S. G.
 Murugesan, Shri A.
 Nahar, Shri Bijoy Singh
 Nahata, Shri Amrit
 Naik, Shri S. H.
 Nair, Shri M. N. Govindan
 Narayana, Shri K. S.
 Narendra Singh, Shri
 Nathu Singh, Shri
 Nayak, Shri Laxmi Narain
 Nayar, Dr. Sushila
 Negi, Shri T. S.
 Onkar Singh, Shri
 Pajanor, Shri A. Bala
 Pandey, Shri Ambika Prasad
 Pandeya, Dr. Laxminarayan
 Pandit, Dr. Vasant Kumar

Paraste, Shri Dalpat Singh
 Parmai Lal, Shri
 Parmar, Shri Natwarlal B.
 Parthasarathy, Shri P.
 Paswan, Shri Ram Vilas
 Patel, Shri Ahmed M.
 Patel, Shri Dharmasinhbhai
 Patel, Shri H. M.
 Patel, Km. Maniben Vallabhbhai
 Patel, Shri Meeha Lal
 Patel, Shri Nanubhai N.
 Patidar, Shri Rameshwar
 Patil, Shri D. B.
 Patil, Shri S. D.
 Patnaik, Shri Biju
 Patnaik, Shri Sivaji
 Patwary, Shri H. L.
 Periasamy, Dr. P. V.
 Phirangi Prasad, Shri
 Pipal, Shri Mohan Lal
 Poojary, Shri Janardhana
 Pradhan, Shri Amar Roy
 Pradhan, Shri Pabitra Mohan
 Pradhani, Shri K.
 Pullaiah, Shri Darur
 Qureshi, Shri Mohd. Shafi
 Raghavji, Shri
 Raghu Ramaiah, Shri K.
 Rahi, Shri Ram Lal
 Rai Shri Gauri Shankar
 Rai, Shri Narmada Prasad
 Rai, Shri Shiv Ram
 Raj Narain, Shri
 Rajan, Shri K. A.
 Rajda, Shri Ratansinh
 Rakesh, Shri R. N.
 Ram, Shri R. D.
 Ram Charan, Shri
 Ram Dhan, Shri
 Ram Gopal Singh, Chaudhury
 Ram Kishan, Shri
 Ram Murti, Shri
 Ram Sagar, Shri
 Ramachandran, Shri P.
 Ramalingam, Shri N. Kudanthai
 Ramalingam, Shri P. S.
 Ramamurthy, Shri K.
 Ramapati Singh, Shri
 Ramaswamy, Shri S.
 Ramdas Singh, Shri
 Ramji Singh, Dr.
 Ramjiwan Singh, Shri
 Ramoowalia, Shri Balwant Singh
 Rangnekar, Shrimati Ahilya P.
 Ranjit Singh, Shri
 Rao, Shri J. Rameshwar
 Rasheed Masood, Shri
 Rathor, Dr. Bhagwan Dass
 Ravi, Shri Vayalar
 Ravindra Pratap Singh, Shri
 Reddi, Shri G. S.
 Reddy, Shri K. Vijaya Bhaskara
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Saeed Murtaza, Shri
 Saha, Shri A. K.
 Saha, Shri Gadadhar
 Sahoo, Shri Ainthu
 Sai, Shri Larang
 Sai, Shri Narhari Prasad Sukhdeo
 Saini, Shri Manohar Lal
 Samantasinhera, Shri Padmacharan
 Sanyal, Shri Sasankasekhar
 Saran, Shri Daulat Ram
 Sarangi, Shri R. P.
 Sardar, Shri Mahendra Narayan
 Sarkar, Shri S. K.
 Sarsonia, Shri Shiv Narain
 Satpathy, Shri Devendra
 Sathe, Shri Vasant
 Satya Deo Singh, Shri
 Sen, Shri Robin
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Surath Bahadur
 Shakya, Dr. Mahadeepak Singh
 Shankar Dev, Shri

Sharma, Shri Jagannath
 Sharma, Shri Rajendra Kumar
 Sharma, Shri Yagya Datt
 Shastri, Shri Bhanu Kumar
 Shastri, Shri Ram Dhari
 Shastri, Shri Y. P.
 Shejwalkar, Shri N. K.
 Sheo Narain, Shri
 Sher Singh, Prof.
 Shiv Sampati Ram, Shri
 Shrangare, Shri T. S.
 Shrikrishna Singh, Shri
 Shukla, Shri Madan Lal
 Sikander Bakht, Shri
 Singh, Dr. B. N.
 Singha, Shri Sachindralal
 Sinha, Shri C. M.
 Sinha, Shri H. L. P.
 Sinha, Shri M. P.
 Sinha, Shri Purnanarayan
 Sinha, Shri Satyendra Narayan
 Somani, Shri Roop Lal
 Somani, Shri S. S.
 Somasundaram, Shri S. D.
 Stephen, Shri C. M.
 Sukhendra Singh, Shri
 Suman, Shri Ramji Lal
 Suman, Shri Surendra Jha
 Sunna Sahib, Shri A.
 Suraj Bhan, Shri
 Surya Narain Singh, Shri
 Swamy, Dr. Subramaniam
 Swatantra, Shri Jagannath Prasad
 Talwandi, Shri Jagdev Singh
 Tej Pratap Singh, Shri
 Thakur, Shri Aghan Singh
 Thorat, Shri Bhausahab
 Tiwari, Shri Brij Bhushan
 Tiwary, Shri D. N.
 Tiwary, Shri Madan
 Tohra, Shri G. S.

Tombi Singh, Shri N.
 Tripathi, Shri Madhav Prasad
 Ugrasen, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Vasisht, Shri Dharma Vir
 Veerabhadrappa, Shri K. S.
 Venkataraman, Shri R.
 Venkatareddy, Shri P.
 Verma, Shri Brijlal
 Verma, Shri Hargovind
 Verma, Shri R. L. P.
 Verma, Shri Sukhdeo Prasad
 Visvanathan, Shri C. N.
 Yadav, Shri Hukmdeo Narain
 Yadav, Shri Jagdambi Prasad
 Yadav, Shri Ramji Lal
 Yadav, Shri Sharad
 Yadav, Shri Vinayak Prasad
 Yadava, Shri Roop Nath Singh
 Yadendra Dutt, Shri
 Zulfiqarullah, Shri

NOES

Nil

MR. SPEAKER: Before I announce the result, let me thank all the Members belonging to all the parties for the co-operation they have extended to me in disposing of this measure. Thank you very much.

Subject to correction, the result* of the division is as follows:

Ayes: 355

Noes: Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, is passed by the requisite majority in accordance with the provisions of Article 368 of the Constitution.

The motion was adopted.

*The following Members also
 bhaj B. Sheth and Ramanand Tiwary.

recorded for AYES: Sarvshri Vinod

MR. SPEAKER: I think, in view of this, you are entitled to lunch. So, we will adjourn for lunch till 12.30 p.m.

12.26 hrs.

The Lok Sabha adjourned for Lunch till thirty minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at thirty minutes past Fourteen of the Clock.

[**DR. SUSHILA NAYAR** in the Chair.]

MR. CHAIRMAN: Papers to be laid.

SHRI SOMNATH CHATTERJEE (Jadavpur): Madam Chairman, I have given notice of a privilege matter. What is the position, I want to know.

MR. CHAIRMAN: I am sorry. If you have given notice of a privilege matter—I have not seen the papers. They will be seen to by the Speaker and they will be dealt with later.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Madam Chairman, it is a very important matter concerning the misconduct committed by a member of this House which has denigrated the dignity of the whole House. It has been done within the hearing of the Visitors' Gallery, the Press Gallery, the Members and the staff. The dignity of the whole House had been denigrated yesterday. The language that had been used I cannot repeat here.

MR. CHAIRMAN: I have no doubt that when Shri Jyotirmoy Bosu raises something, it must be of a very great importance and, when he is supported by Shri Somnath Chatterjee, it must be of a still greater importance. I am afraid, it is just utterly impossible for me to deal with it at this time. I have neither seen the papers nor can I take up that issue at this stage.

I request for the indulgence of the House to please try to be as brief and as cooperative as possible, on every point because the Delhi Police Bill has got to be passed today. It cannot go beyond today because the Ordinance will expire on the 27th. We have to pass it today and the Rajya Sabha will pass it tomorrow. So, I request everybody to cooperate and to let us proceed with the business.

14.32 hrs.

PAPERS LAID ON THE TABLE

AUDITED ACCOUNTS OF FILM AND TELEVISION INSTITUTE OF INDIA, PUNE AND STATEMENT FOR DELAY

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI L. K. ADVANI): I beg to lay on the Table:—

(1) A copy of the Audited Accounts (Hindi and English versions) of the Film and Television Institute of India, Pune, for the year ended 31st March, 1977.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above document. [Placed in Library. See No. LT-2668/78.]

OIL INDUSTRY DEVELOPMENT BOARD EMPLOYEES (MEDICAL ATTENDANCE) RULES, 1978

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): On behalf of Shri H. N. Bahuguna, I beg to lay on the Table a copy of the Oil Industry Development Board Employees (Medical Attendance) Rules, 1978 (Hindi and English versions) published in Notification No. G.S.R. 397(E) in Gazette of India dated the 9th August, 1978, under sub-section (8) of section 31 of the Oil Industry (Development) Act, 1974. [Placed in Library. See No. LT-2669/78.]

ANNUAL REPORT OF NATIONAL SEEDS CORPORATION LTD., NEW DELHI FOR 1978-77, STATEMENT RE. GOVERNMENTS AGREEMENT WITH THE REPORT AND STATEMENT FOR DELAY

SHRI RAVINDRA VARMA: On behalf of Shri Surjit Singh Barnala, I beg to lay on the Table:—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Annual Report of the National Seeds Corporation Limited, New Delhi, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the above Report and therefore no separate Review on the working of the Corporation is being laid.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above papers. [Placed in Library. See No. LT-2670/76.]

NOTIFICATION UNDER REPRESENTATION OF THE PEOPLE ACT, 1950

THE MINISTER OF LAW AND JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I beg to lay on the Table a copy of Notification No. S.O. 447(E) (Hindi and English versions) published in Gazette of India dated the 14th July, 1978, making certain amendments in the description of constituencies in Schedule XVI of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, under sub-section (2) of section 9 of the Representation of the People Act, 1950. [Placed in Library See No. LT-2671/78.]

REVIEW AND ANNUAL REPORT OF TANNERY AND FOOTWEAR CORPORATION OF INDIA LTD., KANPUR FOR 1976-77 AND STATEMENT FOR DELAY

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRIMATI ABHA MAITI): On behalf of Shri George Fernandes, I beg to lay on the Table:—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Tannery and Footwear Corporation of India Limited, Kanpur, for the year 1976-77.

(ii) Annual Report of the Tannery and Footwear Corporation of India Limited, Kanpur, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above papers. [Placed in Library. See No. LT-2672/78.]

NOTIFICATIONS UNDER MERCHANT SHIPPING ACT, 1958

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI CHAND RAM): I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 458 of the Merchant Shipping Act, 1958:—

(1) The Sailing Vessels (Members of Crew) Amendment Rules, 1978, published in Notification No. G.S.R. 655 in Gazette of India dated the 20th May, 1978.

(2) The Sailing Vessels (Inspection) Amendment Rules, 1978, published in Notification No. G.S.R. 715 in Gazette of India dated the 3rd June, 1978.

(3) The Merchant Shipping (Registration of Sailing Vessels) Amendment Rules, 1978, published in Notification No. G.S.R. 716 in Gazette of India dated the 3rd June, 1978.

[Placed in Library. See No. LT-2673/78.]

STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) AMENDMENT RULES, 1978

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND CIVIL SUPPLIES AND CO-OPERATION (SHRI KRISHNA KUMAR GOYAL): I beg to lay on the Table a copy of the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1978, published in Notification No. G.S.R. 347(E) in Gazette of India dated the 30th June, 1978 (English version) and G.S.R. 347(E) 957 published in Gazette of India dated the 29th July, 1978 (Hindi version) under sub-section (4) of the section 83 of the standards of weight and Measures Act, 1976. [Placed in Library. See No. LT-2674/78.]

NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT, 1955 AND STATEMENT FOR DELAY

SHRIMATI ABHA MAITI: I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

(i) The Textiles (Production by Knitting, Embroidery, Lace Making and Printing Machines) Control (Amendment) Order, 1978, published in Notification No. S.O. 431 in Gazette of India dated the 18th February, 1978.

(ii) S.O. 829 published in Gazette of India dated the 25th March, 1978 containing corrigendum to the Textiles (Production by Knitting, Embroidery, Lace Making and Printing Machines)

Control (Amendment) Order, 1977, published in Notification No. S.O. 1382 dated the 14th May, 1977.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above Notifications.

[Placed in Library. See No. LT-2675/78.]

ANNUAL REPORT OF CENTRAL VIGILANCE COMMISSION FOR 1977-78 AND MEMORANDUM GIVING REASONS FOR NON-ACCEPTANCE BY GOVERNMENT OF CERTAIN PARTS OF THE REPORT

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. D. PATIL): I beg to lay on the Table:

(1) A copy of the Annual Report (Hindi and English versions) of the Central Vigilance Commission for the year 1977-78.

(2) Memorandum (Hindi and English versions) explaining the reasons for non-acceptance by Government of the Commissions' advice in certain cases mentioned in the above Report.

[Placed in Library. See No. LT-2676/78.]

REPORT RE. INTAKE OF S.C. AND S.T. IN RAILWAYS AGAINST VACANCIES RESERVED FOR THEM

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI SHEO NARAIN): I beg to lay on the Table a copy of the Report (Hindi and English versions) on the progress made in the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them in recruitment and promotion categories on the Railways for the half year ending 30th September, 1977. [Placed in Library. See No. LT-2677/78.]

CORRECTION OF ANSWER TO S.O. No. 424 DATED 14-8-78 RE CLOSURE OF F.C.I. DEPOT

SHRI RAVINDRA VARMA: On behalf of Shri Bhanu Pratap Singh,

[Shri Ravindra Varma]

I beg to lay on the Table a statement correcting the reply given on the 14th August, 1978, to Starred Question No. 424 regarding closure of F.C.I. depots.

STATEMENT

In the reply given in Lok Sabha on 14th August, 1978 to Starred Question No. 424 asked by Shri Madan Tiwary regarding closure of Food Corporation of India depots, information relating to Habra Depot in West Bengal was

inadvertantly omitted. It is now understood that this depot is locally known also as Ashok Nagar Depot after the name of the locality in which it is situated. A revised and corrected statement is placed on the Table of the Sabha incorporating information relating to this depot also.

(a) Yes, Sir.

(b) The dates with reasons and the number of workers affected is as follows—

Central Warehousing Corporation, Okhla, Delhi.	The depot is closed down by the Central Warehousing Corporation authorities w.e.f. 28-12-77 on account of labour trouble. Labour engaged at Okhla CWC was usually between 30 to 35.
Faridabad, Haryana	The depot is closed since 1-4-78 due to agitation by labourers, numbering 50 to 100, employed by the Handling and Transport Contractor working in this depot for their regularisation.
Habra (Ashok Nagar) Depot, West Bengal	It was closed from 17th December, 1977. 30 to 40 workers employed by the handling and transport contractor working in this depot prior to December 1977 have been affected. Their demands are payment of arrear dues by the contractor, higher wages and departmentalisation of labour.
(c) Stock position at these depots is as under:	
C.W.C.	2,173 M.T.
Faridabad, Haryana	24,113 M.T.
Habra (Ashoka Nagar), West Bengal	1,793 M.T.

The maintenance of the stocks is being looked after by the Quality Control Staff at Faridabad and Habra (Ashok Nagar) Depots. The stock at C.W.C., Delhi is maintained by C.W.C.

(d) No employees of Food Department are working at these depots.

(e) No direct work was taken from workers at these depots. Therefore, question of withholding payment or of non-payment to workers does not arise.

(f) Does not arise.

NOTIFICATIONS UNDER CENTRAL EXCISE RULES, 1944, CUSTOMS ACT, 1962, ANNUAL REPORTS OF NATIONAL INSURANCE CO. LTD., CALCUTTA AND ORIENTAL FIRE AND GENERAL INSURANCE CO. LTD., NEW DELHI WITH EXPLANATORY STATEMENT BY GOVERNMENT AND STATEMENTS FOR DELAY

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI

ZULFIQUARULLAH): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944:—

(i) G.S.R. 403(E) and 404(E) published in Gazette of India dated the 9th August, 1978, together with an explanatory memorandum regarding concession in excise duty in respect of specified varieties of cotton fabrics manufactured on power-looms.

(ii) G.S.R. 405(E) published in Gazette of India dated the 14th August, 1978, together with an explanatory memorandum regarding reduction in the period during which the quantity of excess sugar produced was entitled to concessional rate of duty.

[Placed in Library. See No. LT-2679/78].

(2) A copy each of the following Notifications (Hindi and English versions) under section 159 of the Customs Act, 1962:—

(i) G.S.R. 396(E) published in Gazette of India dated the 7th August, 1978, together with an explanatory memorandum regarding rate of exchange for conversion of Japanese Yen into Indian Rupees and *vice-versa* for purposes of valuation under section 14 of the Customs Act, 1962.

(ii) G.S.R. 998 published in Gazette of India dated the 12th August, 1978, together with an explanatory memorandum regarding grant of exemption from import duty on Cuprammonium staple fibre (Bomberg fibre).

(iii) G.S.R. 999 published in Gazette of India dated the 12th August, 1978, together with an explanatory memorandum regarding the concessional customs duty available to stainless steel.

(iv) G.S.R. 406(E) published in Gazette of India dated the 14th August, 1978, together with an explanatory memorandum regarding rate of exchange for conversion of Swiss Francs into Indian Rupees and *vice-versa* for purposes of valuation under section 14 of the Customs Act, 1962.

(v) G.S.R. 412(E) published in Gazette of India dated the 16th August, 1978, together with an explanatory memorandum regarding rate of exchange for conversion of Pound Sterling into Indian Rupees and *vice-versa* for purposes of valuation under section 14 of the Customs Act, 1962.

[Placed in Library. See No. 2680/78.]

(vi) Notification Nos. 164-Customs and 165-Customs published in Gazette of India dated the 21st August, 1978, together with an explanatory memorandum regarding exemption from customs duty on gold imported for being sold as replenishment for the gold used in the jewellery exported out of India. [Placed in Library. See No. 2681/78].

(3) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(a) (i) Annual report of the National Insurance Company Limited, Calcutta, for the year ended 31st December, 1976, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the above Report and therefore no separate Review on the working of the Company is being laid.

[Placed in Library. See No. LT-2682/78].

(b) (i) Annual Report of the Oriental Fire and General Insurance Company Limited, New

[Shri Zulfikarullah]

Delhi, for the year ended 31st December, 1976 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the above Report and therefore no separate Review on the working of the Company is being laid.

(4) Two statements (Hindi and English versions) showing reasons for delay in laying the documents mentioned at (3) above.

[Placed in Library. See No. LT-2683/78].

NOTIFICATIONS UNDER CENTRAL EXCISE RULES, 1944

SHRI ZULFIQUARULLAH: I beg to lay on the Table a copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944:—

(1) Notification No. 157/78 published in Gazette of India dated the 23rd August, 1978 regarding grant of full rebate of the duty paid on Refined diesel oil, Light Diesel Oil and Furnace Oil, when supplied to bunker ocean-going vessels on foreign run.

(2) Notification No. 158/78 published in Gazette of India dated the 23rd August, 1978 regarding reduction in the basic duty on furnace oil supplied to bunker coastal vessels to the pre-16.12.1977 level.

(3) An explanatory memorandum (Hindi and English versions) regarding the above two Notifications.

[Placed in Library. See No. LT-2684/78].

MESSAGE FROM RAJYA SABHA

SECRETARY: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

'I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Thursday the 17th August, 1978, passed the enclosed motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978. The names of the members nominated by the Rajya Sabha to serve on the said Joint Committee are set out in the motion.

MOTION

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes and resolves that the following ten members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri N. P. Chaudhari
2. Shri Phanindra Nath Hansda
3. Shri Jagbir Singh
4. Shrimati Jamuna Devi
5. Prof. N. M. Kamble
6. Shri B. D. Khobragade
7. Shri Buddha Priya Maurya
8. Shri Roshan Lai
9. Shri Harkishan Singh Surjeet
10. Shri V. V. Swaminathan."

14.36 hrs.

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

**REPORTED THROWING OF SOME TRIBALS
INTO THE SUBARNAREKHA RIVER AT
JAMSHEDPUR ON 16TH AUGUST, 1978**

MR. CHAIRMAN: We take up the Calling Attention. Mr. Venkatasubbiah... He is not present. Mr. Laxman Rao Mankar.

SHRI LAXMAN RAO MANKAR (Bhandara): Sir, I call the attention of the hon. Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

"Reported throwing of some tribals, including women and children, either alive or dead, into the Subarnarekha river by 'musclemen' of a contractor at Jamshedpur (Bihar) on 16th August, 1978."

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. D. PATIL): Sir, the Government deplore the unfortunate incident in Jamshedpur on the 16th August, 1978 in which five persons belonging to the weaker sections of society lost their lives.

According to the report received from the Government of Bihar, the Tata Iron & Steel Company Ltd. awards annual contract for the right to pick iron scraps from their slag dumps in Jamshedpur. On the 16th August, men employed by the contractor to guard the slag dump chased away some persons who were picking iron scraps from the dump. Some of them were assaulted and thrown into the nullah which meets the Subarnarekha river about 250 yards from the slag dump. Many managed to swim across the nullah, but some of them got drowned. Two deadbodies were recovered on the 16th itself and three on the following day. Two of the dead belonged to Scheduled Tribes, two to Scheduled Castes and

one to a backward class. Further intensive search for bodies resulted in the recovery on the 17th August of one more dead body of a two year child in a highly decomposed state on the bank of Subarnarekha river. No one has so far come forward to claim this body. According to the State Government, this death does not appear to be connected with the previous day's incident.

The Police reached the spot immediately on receipt of information and could effect some arrests then and there. The Commissioner, Additional IGP (CID), Deputy Commissioner, D.I.G., S.P. and other senior revenue and police officials have also since visited the spot. A case under sections 148/149/302/201 read with 109 I.P.C. was registered against the contractor's men. Office premises of the contractor were sealed on the same day and some ammunition kept there unauthorisedly was recovered. A case under the Arms Act was, therefore, registered. In all, 28 persons have been rounded up so far in connection with these two cases. Processes for compelling the attendance of two absconders have also been obtained from the court and their property has been attached. The action of the local administration following the incident was quick and effective and relief to the affected families was provided in cash and kind.

The Chief Minister has announced *ex-gratia* grant of Rs. 5,000 to each of the bereaved families.

The situation is reported to be under control and returning to normal. However, there are certain implications of this incident, such as the contractual system of disposal of these items, the suitability of such a system in a tribal area involving relationship with the tribes and their exploitation and the policy of the Undertaking towards the disposal of slags, which require attention. Government have these issues under consideration.

श्री जलनयन राम बागडर : अध्यक्ष महोदय, यह एक बाड़ी जो 17 तारीख को मिली है, इस के बारे में ऐसा अनुमान लगाया गया है कि इस का इस घटना के साथ कोई सम्बन्ध नहीं है । दूसरी बात मुझे यह जाननी है कि इसका कांट्रेक्टर कौन था और कांट्रेक्टर पकड़ा गया है या नहीं ? क्या वह अभी भी गायब है ? तीसरी बात मैं यह जानना चाहता हूँ कि यह कांट्रेक्टर बेनामी है या अश्रीराज्य कांट्रेक्टर है ?

क्या सरकार को इस बात की भी जानकारी है कि इस कांट्रेक्टर के यहां से—जैसा कि स्टेटमेंट में कबूल किया गया है कि कांट्रेक्टर के यहां से कुछ शस्त्र और ऐसी ही और कुछ चीजें मिली हैं—कौन कौन सी चीजें मिली हैं ? इस का मतलब यह है कि कांट्रेक्टर इस प्रकार से इल्लीगल एम्प्लिशन रख कर ट्राइबल्स पर अन्याय और अत्याचार करता रहता था । इस से यह भी मालूम होता है कि वह हथियार ले कर आदिवासियों के पीछे दौड़ा जिस के कारण वे नदी में गिर गये ।

क्या मंत्री जी इस बात की भी जानकारी देंगे कि उन के यहां से कौन-कौन से हथियार मिले और कौन-सा अम्प्लिशन मिला ?

SHRI S. D. PATIL: The body which was found on the next day, that is, on the 17th August, is of a child of 2 years and it was in a highly decomposed condition. The incident was avowedly on the 16th and when the body was found in such a decomposed condition, it only indicates that it has no relationship with this particular incident. Nobody has come forward and those who have complained against this have not come forward to say that the body belonged to them

or they could identify it. It is an un-claimed and un-identified body...

SHRI A. K. ROY (Dhanbad): Have you gone to that place?

SHRI S. D. PATIL: I have not, but the Chairman of the Scheduled Castes and Scheduled Tribes Commission has already visited the place.

(Interruptions).

SHRI A. K. ROY: The Minister does not know anything about this incident....

MR. CHAIRMAN: Please sit down, when I am standing you have to sit down.

SHRI A. K. ROY: Had the Minister gone there, he would not have said like this.

MR. CHAIRMAN: Please take your seat, let the Minister continue.

श्री जनी राम बागड़ी (मयूरा) : ये इस को मामूली बात समझते हैं । इन्होंने क्या एक्शन लिया है । प्रधान मंत्री जी गृह मंत्री भी हैं ...

सभापति महोदय : आपको समझ लेना चाहिये कि कालिंग एटनशन में जो चार पांच नाम होते हैं उन के सिवाय न कोई सवाल पूछ सकता है और न कोई उस में हिस्सा ले सकता है । आप लोगों को इस में हिस्सा लेना या तो आप ही चाहिये या कि आप नाम देते ...

श्री जनी राम बागड़ी : नाम दिए हैं ।

SHRI A. K. ROY: Let the Prime Minister come...

सभापति महोदय : मैं अत्यन्त चिन्तनभाव से अपने बंधुओं से यह कहना चाहता हूँ कि हो सकता है कि आप लोगों ने अपने नाम दिए हों कालिंग एटनशन के लिए, पोटिस भी दिए हों, लेकिन अब वहां क-

कैसट होता है तो उसमें अधिक से अधिक पांच नाम निकाले जाते हैं। यह दुर्भाग्य की बात है कि हम में से कुछ के नाम जाते हैं, कुछ के नहीं जाते हैं। जो नाम जाए हैं वहीं बोल सकते हैं, दूसरा कोई नहीं बोल सकता है, जिन के नाम जाए हैं उनको ही मैं बुलाऊंगा। मैंने शुरू में आप से कहा था

श्री विनायक प्रसाद यादव (सहरसा) : बिहार की यह घटना है, एक श्री बिहार के सदस्य का नाम नहीं है। हम लोगों ने सश्री ने नॉटिस दिए थे . . .

श्री ए० के० राय : मेरा विनम्र निवेदन है कि आप प्रधान मंत्री जी को बुलाएं, प्रधान मंत्री होम मिनिस्टर हैं। यह बहुत सीरियस मामला है . . .

सभापति महोदय : मेहरबानी करके. राय साहब बैठ जाएं।

श्री ए० के० राय : आप इसे पोस्टपोन करिये, डेफर इस को किया जाए। प्राइम मिनिस्टर को सम्मन कीजिये, प्राइम मिनिस्टर को बुलाइये।

Let the Prime Minister come. We want that the Prime Minister should come and explain this.... (Interruptions).

MR. CHAIRMAN: I am not patient like the Speaker; I will not tolerate this. Anybody who interrupts...

SHRI K. GOPAL (Karur): Madam Chairman, on a point of order. Normally, a Member cannot cast any asperions on the chair I think, you agree with me. But, the chair itself has cast asperions on the chair. You are saying that you are not like the Speaker and you will not tolerate this. What is this?

MR. CHAIRMAN: What I meant was that the Speaker is extremely tolerant and extremely patient; he has been an eminent judge.

I am only a Chairman and I cannot emulate the Speaker. Therefore, I will not tolerate this sort of thing. The hon. Minister may please continue.

श्री सती राम बाणर्जी : स्टेट मिनिस्टर को क्या धड़ितयार है। प्रधान मंत्री जी गृह मंत्री हैं उन को यहां भाना चाहिये। यह मामूली सवाल नहीं है। . . (अव्यवधान)

AN HON. MEMBER: We would like to hear the Prime Minister.

श्री लक्ष्मण राव भास्कर : सभापति जी, मैंने जो प्रश्न पूछा है उस का जबाब ही नहीं दिया गया और दूसरे मंत्री को काल कर लिया गया।

सभापति महोदय : आपको जबाब दिया गया है। अगर हाउस में शांति रहेगी तो आप सुन सकेंगे। शांति नहीं रहेगी तो नहीं सुन सकेंगे। मैं बहुत लाचार हूँ, मैंने हाथ जोड़ कर विनय की है शांति रहिये भाई जी, एक दूसरे को सुनने दीजिये, वही अच्छा होगा।

श्री धर्मराम बाणर्जी : मेरी बात का आपने जबाब नहीं दिया ?

सभापति महोदय : आपका इसमें नाम ही नहीं है।

(Interruptions)**

सभापति महोदय : जो यह सब बात कही जा रही है यह रेकार्ड पर नहीं जाएगी।

जिसको मैं कट्टू बोलने के लिये वह रेकार्ड पर जयिया, बान्की नहीं जायेंगा।

श्री लक्ष्मण राव मणकर : मेरे सवाल का जवाब नहीं दिया ।

समापति महोदय : झूठा बलिये उनका जवाब मंत्री जी, फिर से पढ़ दीजिये ।

SHRI S. D. PATIL: Mr. Mankar has raised three points. I shall say why that body which was found on the 17th August in highly decomposed position cannot be related to the first incident. I had already said that this body which was unclaimed and unidentified was in a highly decomposed state. Since the incident itself was only on the 16th the body cannot be in such a highly decomposed position.... (Interruptions). Those who had lodged the complaint were there.... (Interruptions) It was unclaimed and unidentified. The second point raised by him was: whether he was the real contractor or who was the contractor in whose name the contract stands. In this particular case one Sachidanand Mishra appears to be the benami contractor because the real contractor is Sheoji Singh who is a rich man in Jamshedpur; he has taken the contract for Rs. 5.25 lakhs and the contract is to expire on 31st December 1978. Both Sheoji Singh and his nephew who are involved in the offences—both Sheoji Singh and Bharat Singh—are absconding and a warrant has been issued. Their properties are also tried to be attached according to procedure. 26 rounds of rifle ammunition were recovered and a case No. 17 of 16th August 78 has been registered in Police Station Sackchi under sections 25A/27/35 of the Arms Act. No other weapons were found with the persons or contractors. The contractor is absconding and he is not traceable. All attempts are being made to trace him. (Interruptions). The real contractor is Sheoji Singh. (Interruptions).

MR. CHAIRMAN: Mr. Roy, you have no business to interrupt. Mr. Minister, will you please address the

Chair and do not have conversation with one another? If any of you have information, you can give it to him outside.

श्री यशवन्त गर्वा (बुरघालपुर): समापति महोदय, मेरे प्रश्न के दो खंड हैं। पहले तो मैं मंत्री महोदय से यह जानना चाहता हूँ कि क्या वह स दुर्भाग्य पूर्ण कांड की उच्च स्तरीय न्यायिक जांच करवायेंगे, जिस से इस मामले की पूरी छानबीन सामने आए।

दूसरे ऐसे पिछड़े क्षेत्रों तथा वर्गों में अमानवीय स्तर की शोषणकारी व्यवस्थाएँ और व्यक्ति जो स्वतंत्रता के तीस वर्षों की लड़ाई में भी न केवल कायम हैं, बल्कि उन के पिछड़े वर्गों के शोषणकारी हीन हथकंडे और भी पनप रहे हैं। ऐसे कुचारी व्यक्तियों के दमन तथा असाभाजिक व्यवस्थाओं के शमन हेतु क्या सरकार अखिलम्ब कोई प्रभावी कानून बनादेगी?

SHRI S. D. PATIL: The demand for judicial enquiry will rest with the State Government. The State Government officials have taken prompt action in this matter. Not only that. Relief is also given to each family. Grant of Rs. 5000 to each affected family by the Chief Minister of Bihar has also been announced. Two cases have already been registered. All responsible officers have gone to the spot, including the Chairman of the Scheduled Castes and Scheduled Tribes Commission and the Joint Secretary of the Home Ministry. Immediate relief has been distributed among the affected families as follows: Rs. 100 in cash, dhoti, sari, 15 days ration, salt, match boxes, etc. to each family. Clothes are also given for all affected persons. Also mustard oil, dalda, rice, dal and lanterns etc.—all these things are provided immediately. (Interruptions).

MR. CHAIRMAN: Hon. members from this side of the House, particularly, it is absolutely wrong to keep

on a running commentary. This is not how the business of the House can be transacted. The Minister answers, but people whose names are not here keep on interrupting. This is very wrong. It should not be done. We will never be able to get through the business like this. Mr. Roy, I will not allow you to speak. Please sit down.

THE PRIME MINISTER (SHRI MORARJI DESAI): I can understand the excitement. But then prompt action has been taken by the authorities there. Culprits have been arrested and relief given. I was assured by the Chairman of the Commission which has been appointed for scheduled Castes and scheduled tribes that he is satisfied with the steps taken. He had gone there and he has made certain suggestions for the future which we are going to consider and act on them. Therefore, it cannot be said that proper action has not been taken in this matter. What has happened is certainly very very wrong but then in future we will make arrangements to see, that such things do not happen. That is all that we can do.

15 hrs.

SHRIMATI AHILYA P. RANGNEKAR (Bombay North-Central): He said they are absconding.

SHRI MORARJI DESAI: Not only have they been arrested, but the property of the absconders has also been attached.

SHRI P. K. KODIYAN (Adoor): I am a little surprised to hear the hon. Prime Minister and the Home Minister also saying that prompt action has been taken. Prompt action has been taken in the sense that some of the culprits have been arrested and some compensation has been paid to the families of those killed, but that is not the main point. The main point is that the Government of Bihar which now claims that prompt action

has been taken, has miserably failed to protect the Harijans and the Tribals from the onslaught of the landlords and other exploiting classes.

You are aware that we were all agitated, the entire House was concerned very much, on the Belchi massacre. It was hoped that the strong condemnation expressed by this House and outside by a large number of people and organisations would result in an improvement of the situation in that State, but unfortunately Belchi was followed by so many other mini-Belchis. It was followed by Pathadda on June 10th of last year when Harijans were forcibly taken away by the landlords, locked in a school and then paraded through the streets. They tied ropes round their necks. The Bihar Government itself appointed a Committee and the Committee has condemned this incident.

It was followed by the Dharampura incident where four Harijans including three educated youngmen were shot dead by the local Mahant and his hirelings.

This incident was followed by the Bishrampur outrage, almost a Belchi-like incident, where Harijans were massacred. The seventy year old father of a local Harijan leader and his 65 year old mother were dragged out of the House and shot dead and thrown into the fire and burnt.

So, my main point is that it is not enough that after an incident has taken place, the police go there and take some action and make some arrests. In the last one year and more, such ugly, shocking, brutal incidents have been taking place one after the other in the State of Bihar. I should point out that this ugly incident in which tribals, Harijans and backward class people have been drowned in the Subarnarekha river is not an isolated one. This is happening under

[Shri P. K. Kодиyan]

the very nose of the Central Government—in the Kanjhawala village. I am happy, the Prime Minister has taken a very correct and very strong position. But I would like to inform the House that shocking incidents are taking place. Today I have received a report! I think, it has appeared in the press also.

In one Haryana village, under Sanwala police Station, in Morkhedi, on 21-8-78, landlords attacked Harijan basti with rifles and *farsa* and killed many Harijans, Subhash, a student of Class IX, narrated the incident that they killed his mother by firing and his father with *farsa*. According to reports, landlords have built a wall around the village land and blocked the gates of the Harijans whose houses are around the village land. Harijans tried to break the wall to get passage to go out from their houses, and landlords beat them and many were injured. In the morning, police went there. Still the culprits are roaming about and no action has been taken.

I have also received a report . . .

MR. CHAIRMAN: Kindly ask your question. The calling attention is with regard to a specific incident, not in general.

SHRI P. K. KODIYAN: We are all very much concerned not only over the accident that has taken place at Jamshedpur, but we want to avoid such instances happening elsewhere also . . .

MR. CHAIRMAN: Ask your question.

SHRI K. P. KODIYAN: I am pointing out that such a grave situation is developing in our country. The Kanjhawala satyagraha has taken a new turn; previously, they never entered the Harijan bastis, but from the 21st of this month, the landlord—satyagrahis have been entering the Harijan

bastis they have been using all sorts of provocative language and they have been trying to have an open, physical clash with them. I have also got information that, in the neighbouring States, in Haryana, in the western part of U.P.—from some tehsils and villages—and in some parts of Rajasthan also, the landlords are organizing their own men, and next Sunday they are going to have another village meeting, another conclave in Kanjhawala village. So, the possibilities are there; the Kanjhawala incident will develop . . .

MR. CHAIRMAN: What you are saying is extremely important and we are all one with you in anxiety over this question. But this call-attention is not the forum for a general discussion of the Harijan problem. The problem is widespread, no doubt. But let us confine ourselves to the subject of this call-attention and you may ask your questions with regard to that. As it is, you have already taken a long time. Please wind up, and ask your question.

SHRI P. K. KODIYAN: I will now put my questions. In view of all these developments, I would like to ask the hon. Prime Minister how the Constitutional responsibility of the Centre for protecting the weaker sections can be discharged. I know, the hon. Prime Minister has written many letters, has issued directives, to the State Governments, earnestly and sincerely trying his best. Since the Belchi incident, so many other incidents are happening one after another . . .

AN HON. MEMBER: What is your point?

SHRI P. K. KODIYAN: My question is this. He is merely sending circulars to the State Governments, he is merely sending directives to the State Governments, to take prompt action whenever and wherever incidents have taken place or to take action to prevent happening of such incidents. But has the time not come

when the Centre will have to intervene in a State where the State Government has consistently failed—for example in Bihar? Whether it is Janata rule or Congress rule, whatever may be the political colour of the Government, I am not concerned with it. Where a State Government has consistently failed to protect the interests of the weaker sections, has the time not come for the Centre to do something more than merely sending circulars and directives? That is my one question.

My second question is: in his reply the hon. Minister, Mr. Patil has said that some ammunition was found out from the residence of the contractor and some other weapons were also found out from the premises of the contractor's men. (Interruptions). Now please have patience. In most of these incidents where Harijans and the tribals have been killed in Bihar, it was mostly by gun-shot and not by using lathis. So I am putting the question Is the government prepared to do confiscate their licences and also seize the unlicensed guns from the landlords and their hirelings so that these guns could not be used against unarmed and innocent Harijans and tribals.

श्री संकर देव (बीबर) : मैं कहना चाहता हूँ कि भानरेबल प्राइम मिनिस्टर ने जो जवाब दिया है ।

समाप्तिस यहीदय : आप नहीं बोल सकते, आप बैठ जाइये । इस समय ऐसा कुछ नहीं लाया जा रहा है जिस में आप बोल सकें । आप बैठ जाइये ।

SHRI S. D. PATIL: Apart from the points which are raised by Shri Kodiyar regarding the atrocities committed against the Harijans and the Girijans, he has made two specific points. One is: what is the constitutional responsibility of the State Government and whether in this particular case, the State Government of Bihar has failed to do its duty promptly. The

reply is that the State Government of Bihar has acted so promptly. In the morning at 12.30 p.m. the offence was registered and the responsible officers visited the spot. Not only one officer but several officers visited the spot and immediately 23 persons were rounded up and 2 are absconding... (Interruptions).

MR. CHAIRMAN: I shall not have these interruptions.

यह क्या तमाशा है ? जिस के नाम लिस्ट में नहीं हैं वे बराबर बोल रहे हैं । आप नहीं बोल सकते हैं ।

SHRI S. D. PATIL: The Chief Minister has sanctioned a relief of Rs. 5000 to each of the bereaved families and also cloth, foodgrains etc. So this is a very prompt action from the humane point of view.

Secondly, we do not feel that the State Government has in any way made any delay in the matter and their action is quite laudable. This has also been corroborated by no less a person than the Chairman of the Scheduled Castes and Scheduled Tribes Commission, Shri Bhola Paswan Shastri who visited the place. He visited the affected families and also had talks with the officials, the management of the TISCO and other local officials and he has expressed satisfaction with the promptness shown by the district officials in handling the situation and the arrangements made by them. This is the certificate given by an independent agency, that is, the responsible Chairman of the Commission.

The second point he raised is about the cancellation of the gun licences or other arms licences. In this particular case what we found is that 26 rounds were unauthorisedly in their possession. Whether they were licensed or not is also a point to be investigated by the Police. The Police has already registered a case under the

[Shri S. D. Patil]

Arms Act and immediately action has been taken and the properties have been attached. Now if there are such cases where the licences are misused, Government will certainly take necessary action. Sir, in this connection, in the meeting which the Leader of the House had with the Leaders of the opposition Groups, this point was made clear and it was categorically stated that if there was any misuse of the licences, those cases will be considered and if there was any misuse, the licences will be cancelled.

MR. CHAIRMAN: Now I move on to the next item—Presentation of the Reports of Public Accounts Committee. Shri Narasimha Rao.

SHRI A. K. ROY: Madam, Chairman, I rise on a point of order.

समापति महोदय : आप नहीं बोल सकते हैं। आप बैठ जाएं (इंटरपॉज) यहाँ पर रुक के मूताबिक काम चलेगा। रुक को ताक पर रख कर काम नहीं चलेगा (इंटरपॉज)। आप नहीं बोल सकते हैं। जिन के नाम नहीं हैं उन में से कोई नहीं बोल सकता है।

SHRI A. K. ROY: Madam, you are also a mother.... (Interruptions)

MR. CHAIRMAN: I have called Shri P. V. Narasimha Rao.

PUBLIC ACCOUNTS COMMITTEE

EIGHTY-FOURTH AND EIGHTY-FIFTH REPORT

SHRI P. V. NARASIMHA RAO (Hanamkonda): I beg to present the following Reports of the Public Accounts Committee:—

- (1) Eighty-fourth Report on action taken by Government on the recommendations contained in the Forty-fourth Report relating to the Ministry of External Affairs.

- (2) Eighty-fifth Report on action taken by Government on the recommendations contained in the Fourth Report on Income-tax.

COMMITTEE ON ABSENCE OF MEMBERS FROM SITTINGS OF THE HOUSE

EIGHTH REPORT

DR. BAPU KALDATE (Aurangabad): I beg to present the Eighth Report of the Committee on Absence of Members from the Sittings of the House.

श्री शंकर बेब (दीवर) : मेरी बात आपको सुननी पड़ेगी। जो घनाचार, भ्रष्टाचार और दुराचार हो रहा है हरिजनों पर यह क्यों हो रहे हैं! पिछले डेढ़ साल में यह बहुत बढ़ गया (इंटरपॉज) इंदिरा गांधी के ग्यारह साल के शासन काल में इतना नहीं हुआ था। मैं उनकी तारीफ नहीं करना चाहता हूँ। मंड्यूल्ड कास्ट्स पर ये भ्रष्टाचार कौन कर रहे हैं?

समापति महोदय : आपको समझना चाहिये कि इस तरह से काम नहीं चल सकता है। रुक के मूताबिक चलना होगा। आप बैठ जाएं।

श्री शंकर बेब : जितने लैंडलाई हैं, ब्राह्मण लोग हैं, क्षत्रिय लोग हैं, उनकी हिम्मत बढ़ गई है, इसलिए हरिजनों के ऊपर, आदिवासियों के ऊपर भ्रष्टाचार बढ़ रहे हैं।

समापति महोदय : आप बैठ जाएं। श्री राम विलास पासवान।

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

TWENTY-THIRD REPORT

श्री राज बिजलस वासवान (हाजीपुर):
सभापति महोदय, मैं गैर सरकारी सदस्यों
के विशेषकों तथा संकल्पों सम्बन्धी समिति
का 23वां प्रतिवेदन प्रस्तुत करता हूँ।

15.18 hrs.

STATEMENT RE VISIT OF MINISTER OF EXTERNAL AFFAIRS TO JAPAN AND REPUBLIC OF KOREA

THE MINISTER OF EXTERNAL AFFAIRS (SHRI ATAL BIHARI VAJPAYEE): Madam, Chairperson, in my very first major statement in this House after assuming the Office of Foreign Minister, I had placed special emphasis on recognising the vitality and importance of Japan—something which we had been somewhat slow in doing in the past. Even as I was making that statement in this august House, word came from Tokyo that the then Foreign Minister of Japan, His Excellency Mr. Hatoyama, intended to visit India in July, 1977. When that visit took place, it was decided that the institution of Annual Consultations between the two foreign Offices, should be upgraded to the level of Foreign Ministers. In pursuance of that decision, I was very happy to visit Tokyo at the kind invitation of the Foreign Minister of Japan, H. E. Sonoda between the 14th—17th August to inaugurate the first round of Ministerial-level Consultations between Foreign Ministers of Japan and India.

This visit reflects the shared recognition of India and Japan that as major democratic States in Asia, both of them have a strong interest in the peace, economic growth and progress in Asia as a whole. The primary purpose of these Annual Consultations is to try and consolidate our multi-faceted relations with Japan to the

mutual advantage of our two countries. It is evident that viewed in the context of Asia as a whole, India needs to work for closer understanding and friendship with all the countries of East Asia. Japan too is interested in the reduction of the tensions prevailing in that region and the emergence of friendly relations between all countries in that area.

At the talks with my counterpart we exchanged views on international issues of mutual interest such as the situation in Asia, the Middle East and Southern Africa, Disarmament, Peaceful uses of nuclear energy, the North-South problem and the Bonn Summit of industrialised nations and the non-aligned Movement as well as bilateral relations between India and Japan. As for the situation in Asia, we agreed on the need to reduce tension and enhance stability to ensure the more rapid economic growth and development of the countries of the region. It was felt that Japan and India could cooperate in various fields towards this end.

My Visit to Tokyo coincided with the conclusion of the Treaty of peace and Friendship between Japan and China, with Foreign Minister Sonoda having returned to Tokyo only a day prior to my own arrival there, after having signed the Treaty in peking on 12th August, 1978. Mr. Sonoda gave me a background to the negotiations and the Treaty. We noted from his remarks that it records the pledge of the two countries to establish friendly relations between Japan and China on the basis of the well-known principles of peaceful co-existence and the U. N. Charter. He also drew my attention to the specific Article in the Treaty laying down that the Treaty shall not affect the position of either contracting party regarding its relations with third countries. The Japanese side particularly explained to us that the controversial clause relating to hegemony should be read in this context. One may note the statement by Prime Minister Take Fukuda made on August

[Shri Atal Bihari Vajpayee]

12th that it is the basic position of Japan not to allow hostile relations to develop with any country and to seek peaceful and friendly relations with all nations. This sentiment was also reiterated by Foreign Minister Sonoda in this conversation with me.

Hon'ble Members would recall that our own foreign policy is based on the principles of bilateral cooperation with all countries, irrespective of differing economic and social systems, adherence to the principles of peaceful co-existence and the firm belief that our cooperation with any country should not in any way, impede the development of our relations with any third country. I expressed the hope that the Treaty which is a bilateral matter between Japan and China would contribute to the maintenance of peace and stability and will not become the cause of any new tensions in the region. Further, our hope is that it is implemented in a manner which removes misgivings expressed in certain quarters.

The Japanese side showed full understanding of our policy of improving relations with our neighbours and expressed their appreciation for the contributions made by India towards the atmosphere of cooperative relations which now prevails in our sub-continent.

The Japanese side also noted the role played by India in the recent Belgrade Conference, which reaffirmed the broad direction which the Movement should take in the years ahead.

As Members are aware, Japan has made many significant contributions to the economic growth of India and is one of our major trading partners. Our discussions on bilateral matters, therefore, reviewed, with satisfaction, the various fields of our bilateral co-operation. We both agreed that we must further promote our relations in the economic field and encourage,

where possible, more examples of joint ventures in third countries. We also agreed that we should expand exchanges in the cultural, trade, scientific and technical fields. Already, official-level talks at various appropriate levels are taking place towards this end and this process would naturally continue. It was agreed that the second round of Ministerial-level talks would take place in Delhi next year at dates to be mutually agreed upon and I invited Foreign Minister Sonoda to visit Delhi for this purpose. He accepted my invitation with pleasure.

While in Tokyo, I was received by His Excellency Mr. Fukuda, the Prime Minister of Japan, and the Ministers of Finance, Inter-national Trade and Industry, Construction and External Economic Affairs. Prime Minister Fukuda characterised Indo-Japan relations as having achieved heart-to-heart accord and he is looking forward to a visit to India at a mutually convenient time. While in Japan, I also had the opportunity to meet a cross-section of academicians and intellectuals, businessmen and others, who expressed the keen desire to intensify contacts with India in their respective fields with their counterparts in India. The Federation of Chambers of Commerce and Industry in Japan and the Indo-Japan Association, whose activities are directed by very prominent parliamentarians in Japan, also hosted receptions in my honour.

Between 17th to 19th August, I visited the Republic of Korea at the invitation of the Foreign Minister, Mr. Tong Jin Park. As Members are aware, the Republic of Korea has, through its efforts, become a major Asian economic power with export earning touching the US Dollars 10 billion mark. It ranks today as the world's seventeenth largest exporter and it moved to this position from the eighty-eighth position it occupied

roughly fifteen years ago. The Republic of Korea is also involved, on an increasing scale, in undertaking construction projects in West Asia. There are encouraging prospects, both for enhancing our bilateral economic relations and for working jointly in third countries, in a manner which is beneficial to these countries as well as to India and the Republic of Korea. I was gratified to note that the Republic of Korea appreciates India's contributions to international peace and cooperation, particularly in the context of the non-aligned movement and in our sub-continent. Our views on the peaceful reunification of Korea, through direct bilateral discussions without any outside interference, have been fully understood and appreciated by the Republic of Korea as well as by the Democratic People's Republic of Korea. Our position on this question has been viewed by both parties as helpful towards the eventual goal of peaceful reunification which is the wish of all the Korean peoples.

The Republic of Korea has a great desire to intensify the cultural links with India. As an example of this, I saw that there is a very active Hindi Language Department in the Foreign Languages University near Seoul, where nearly 140 Korean students are busy learning Hindi through modern audio-visual methods.

While in Seoul, I was received by the President Mr. Park Chung Hee, Prime Minister of the Republic of Korea, His Excellency Mr. Choi Kyu Hah and the Deputy Prime Minister, H. E. Mr. Duck Woo Nam and I had a round of talks with my counterpart, His Excellency Mr. Tong-Jin Park, the Foreign Minister.

In conclusion, I was impressed by the friendship, warmth and the esteem in which India is held in both these countries. The possibility of cooperation in a wide variety of fields exist, and I hope that we can play our part in this process.

15.38 hrs. ...

**STATUTORY RESOLUTION RE. DIS-
APPROVAL OF DELHI POLICE OR-
DINANCE, 1978—contd.**

and

DELHI POLICE BILL—contd.

MR. CHAIRMAN: Now the House will take up further discussion of the statutory resolution moved by Shri-mati Parvathi Krishnan on the 17th August, 1978, namely:

"This House disapproves of the Delhi Police Ordinance, 1978 (Ordinance No. 2 of 1978) promulgated by the President on the 1st July, 1978."

and also the following motion moved by Shri S. D. Patil on the 17th August, 1978, namely:

"That the Bill to amend and consolidate the law relating to the regulation of the Police in the Union Territory of Delhi, be taken into consideration."

Already 45 minutes have been taken and 2 hours and 15 minutes remain. Shri Shambu Nath Chaturvedi has already taken six minutes; he may continue his speech and take five minutes more.

SHRI SHAMBHU NATH CHATURVEDI (Agra): On Friday last I was speaking about the diverse nature of the duties of the police and its preoccupation with the law and order duties, leaves very little time for investigation, detection and prevention of crime. If we have to judge the Police Bill that has come before us properly, we should consider it in the perspective of the nature and range of police duties, conditions and environment in which they have to work, what is the basic goal they have to achieve and whether this Bill is a step in the right direction or not. The duties of the police are manifold. In fact, no other arm of the Government has such wide-ranging functions as the police. Public peace and social tranquillity, which makes life livable,

[Shri Shambhu Nath Chaturvedi]

are greatly dependent on the operations of the police. Quite often, the police are involved in unpleasant duties and have to take strong action and they become the target of public criticism. The environment in which they have to work is one of distrust and suspicion. Part of it is attributable to historical reasons. The police was conceived by the British as an enforcement agency and not as a service organisation. Its emoluments are so meagre that it had virtually to live on the people. That unfortunate tradition has been largely responsible for its alienation from the public and its inability to win the trust and confidence of the people. Therefore, what is required is that the police has to increase its operational efficiency and also to improve its image before the public.

There are two system at present. As I said in my opening remarks, the present set up was governed by the 1861 Act which is completely outmoded and which was given to us by the British. The Commissioner's system has been successfully worked in Bombay State. This Bill is modeled on that Act. For efficient functioning, it is necessary that the police force has to be organised as a unified force with clear lines of command and control in which the D.M.'s position becomes palpably anomalous as a non-departmental outsider. This gives occasion to misunderstanding, tension and conflict at the district level. As a matter of fact, the current trend is also clearly towards substantial independence of the S.P. from the D. M. the police Department, by the very nature of its job, has tended to become more and more specialised, diversified and inward looking. The Commissioner, under the new system, is directly and exclusively responsible for the maintenance of law and order and exercises executive powers relating to law and order and allied matters which are normally entrusted to the D. M. The

judicial powers are exercised by the Metropolitan Magistrate. There is no confusion here about the centre and focus of authority. This arrangement is conducive to better discipline, and absence of any divorce between authority and responsibility facilitates quick decision and swift action and leaves little excuse for indecision, vacillation and delays. It also ensures better accountability and provides greater scope for exercise of initiative. The old system leads to unnecessary wastage of quality manpower. Where one high level officer could handle the work, it provided for two.

It is very necessary that if the police work is to improve there must be cooperation of the people. It cannot be one-sided. If the present distrust continues, with such wide-ranging duties and activities, the police cannot give its best and the quality of its service is bound to suffer.

As I said, Let us forget the historical background. The Commissioner system has worked well in Bombay. The Bombay police is the most popular and probably the most efficient in the country, and although this measure is a little half-hearted, I think it will tend to increase and improve the efficiency of the police and bring it nearer to the public. I therefore support this Bill.

I shall move my amendments at the proper time.

MR. CHAIRMAN: Shri Eduino Faleiro.

SHRI KANWAR LAL GUPTA: I have to go and so may I request my friend to allow me to speak before him?

SHRI EDUARDO FALEIRO (Mormugao): I am at your service.

MR. CHAIRMAN: I cannot call you before I call an Opposition Member.

SHRI KANWAR LAL GUPTA: I have to go, and he agrees.

MR. CHAIRMAN: All right, you may speak.

SRI EDUARDO FALEIRO: After him I may be called.

बी सेंबर साल गुप्त (दिल्ली सदर): सभापति महोदय, मैं मंत्री महोदय को बधाई देना चाहता हूँ कि वे दिल्ली के लिए एक ऐसा विधेयक लाए जिस से हम यह प्राप्ता करते हैं कि शायद दिल्ली की का एण्ड आईर की स्थिति सुधरेगी। अभी तक जिस तरीके से दिल्ली में पुलिसिंग हो रही है, वह सिस्टम फ्राउट-डेटेड था, फ्राउटमोडेड था और अंग्रेजों के समय से चला आ रहा था। आप को सुन कर आश्चर्य होगा कि दिल्ली पुलिस एक्ट जो भी है, वह बहुत पुराना है और शायद सी साल पुराना है और इस से भी ज्यादा पुराना वह शायद है उस में एक क्लॉज यह है कि अगर कोई व्यक्ति काला सांप मार कर धाने में लाएगा, तो उस को एक आना मिलेगा। वह क्लॉज अभी भी है और इस तरह की बहुत सारी एक्सटेंशन चीजें उस के अन्दर हैं। तो यह आप ने ध्यान किया कि जो फ्राउट-डेटेड और फ्राउटमोडेड तरीके का कानून था, उस को आप बदल रहे हैं।

खोसला कमीशन 1966 में बना था और उस खोसला कमीशन ने 1968 में अपनी रिपोर्ट दी लेकिन आज तक जो रिकमेंडेशन उस ने दी थी, उन पर काम नहीं हुआ। सब से बड़ी रिकमेंडेशन यह थी कि यहां दिल्ली में पुलिस कमिश्नर होना चाहिए लेकिन दुःख की बात है कि 10 साल तक यह कोल्ड स्टोरेज में पड़ी रही और अब जनता पार्टी के आने के बाद वह कोल्ड स्टोरेज से निकल कर सामने उभर कर के आई है और उस के लिए मैं मंत्री महोदय को बधाई देना चाहता हूँ।

सभापति महोदय, आप तो दिल्ली की रहने वाली हैं, 75 परसेंट दिल्ली का आप को समझना चाहिए। Not 75 per cent, but 100 per cent. You were a Minister in Delhi, I forgot, I am sorry.

आप को मालूम है कि दिल्ली की पापुलेशन हर साल ठाई लाख बढ़ती है और दुनिया की कोई भी राजधानी ऐसी नहीं है जहां पर पापुलेशन का बढ़ना इतनी गति से हो रहा हो जितनी गति से दिल्ली में हो रहा है और दिल्ली के अन्दर सा एण्ड आईर एक बड़ा काम्प्लीकेटेड इशू है और मैं यह कह सकता हूँ कि अब आप ने जो अधिकार इस में पुलिस कमिश्नर को दिये हैं, उन से काफी लाभ होगा। पहले यहां पर डुबल कण्ट्रोल था और अब वह डुबल कण्ट्रोल खत्म हो गया है और उस की जगह पर एक यूनिफाइड प्रायोरिटी आप बनाने जा रहे हैं। मैं उस का स्वागत करता हूँ। अब आप एक प्राइमरी को जिम्मेदार ठहराएंगे अगर कानून की व्यवस्था ठीक नहीं रहेगी। पहले तो यह होता था कि पुलिस मेजिस्ट्रेट को कहती थी और मेजिस्ट्रेट पुलिस को कहता था और दोनों का आपस में झगड़ा होता था, जिस से देरी होती थी। अब एक यूनिफाइड प्रायोरिटी होने के बाद, मैं समझता हूँ कि डुबल कण्ट्रोल समाप्त हो जाएगा और अब इस के बाद आप ने इतने अधिकार इस में दे दिए हैं, शायद मेरे अ्याल से कुछ जरूरत से ज्यादा भी अधिकार आप ने दे दिये हैं। इस सम्बन्ध में मैं एक चीज यह कहूंगा कि सेक्शन 31 में आप ने हैड कांस्टेबिल को यह अधिकार दिया है कि वह किसी असेम्बली को, किसी मीटिंग को, जिस को वह ठीक समझें बरखास्त कर सकता है, तोड़ सकता है। अब हेड कांस्टेबल को इतने अधिकार देना, मैं समझता हूँ कि वह बहुत ठीक नहीं होगा। आपका जो सेक्शन 28 है उसमें है —

Power to make regulations under the Act has been given to the Commissioner in respect of all matters specified therein, which include regulating the conduct or behaviour or

[श्री कंचर लाल गुप्ता]

actions of persons constituting assemblies and processions. But the most obnoxious provision of the Bill is that the Commissioner has been empowered to make any regulations, or alter or rescind them without any publication and such orders shall come into force at once. It is without any publication.

विदाऊट पब्लिकेशन है। आपने जो इतने अधिकार दिये हैं उनके लिए तो खुश कहना नहीं है लेकिन विदाऊट पब्लिकेशन आप कानून बना कर लागू कर दें और लोगों को पता नहीं हो तो यह बात सोचने वाली है। पता नहीं यह बात कैसे जनजाने में रह गई; या किस ने इस को रखा। मेरा कहना है कि इस बिल में ऐसी चीजें नहीं होनी चाहिए।

इसके अतिरिक्त सभापति महोदया और बहुत सारी बातें आपने दी हैं। सेक्शन 32 में कहा है —

This section empowers the Commissioner, on the report of the in-charge on the police station or otherwise, to prohibit the carrying on in any premises of any trade, avocation or operation resulting in or attended with noise, if it causes discomfort or annoyance to any person who dwells or occupies any property in the vicinity.

अब इस से यह होगा कि जो छोटे छोटे लोग हैं, उनको कोई भी कांटेबल धा कर ठग करेगा। इस के अलावा आपने पुलिस एक्ट के अन्धर अन्धरा ड्रामेटिक परफार्मेंसिज एक्ट, सिनेमोटोग्राफ एक्ट, इंडियन न्यूंसो एक्ट, प्रेस एन्ड रजिस्ट्रेशन आफ बुक्स एक्ट भी दे दिये हैं। इस तरह से आपने एक बहुत ही पावरफुल इन्स्टीट्यूशन खड़ी कर दी है। चूंकि इस इन्स्टीट्यूशन को खड़े हुए अभी बहुत थोड़े से दिन हुए इसलिए इस के सम्बन्ध में अभी कुछ कहना मायब ठीक नहीं होगा क्योंकि अभी तो इस की शुरुआत ही है। लेकिन अभी तक

जो पिछले दो-तीन पहिने का अनुभव है, उसमें पुलिस के रवैये में कोई परिवर्तन नहीं मान्य होता, कोई बेंच बिचार्ड नहीं बेती। उस के बेसिक ब्राऊटलुक में जो बेंच होनी चाहिए थी, वह नहीं है। मैं मंत्री महोदय से निवेदन करूंगा कि आपके जो आफिसर्स हैं, उनका रिओरियेण्डेशन कराइये, उनको ट्रेनिंग दीजिए, उनके ब्राऊटलुक में परिवर्तन लाइये और उनका जो बेनेफिट इमेज है, उसको ठीक करिए। उनको अच्छी ट्रेनिंग मिलनी चाहिए, उन्हें भाइरेनाइज सिस्टम मिलना चाहिए। उनकी मोबिलिटी ठीक होनी चाहिए।

सभापति महोदया, जब चौधरी चरण सिंह होम मिनिस्टर थे, तो उन के साथ हमारी मीटिंग हुई थी। खोसला कमीशन ने भी यह बात कही है कि दिल्ली में पुलिस की संख्या जितनी होनी चाहिए, उतनी नहीं है। चौधरी साहब ने मीटिंग में वायदा किया था कि हम दिल्ली में पुलिस की संख्या बढ़ायेंगे। लेकिन आश्चर्य की बात है कि अभी तक दिल्ली में करीब दस लाख पापुलेशन ऐसी है जहां पुलिसिंग ही नहीं, जहां पुलिस का कोई कांटेबल जाता ही नहीं, जो किसी थाने के नीचे है ही नहीं। दो-दो लाख, तीन-तीन लाख की पापुलेशन इस तरह से रहती है। इसलिए मैं कहना चाहता हूँ कि इस तरह के सिस्टम में परिवर्तन होना चाहिए। सभापति महोदया, जब तक यह नहीं होता तब तक ला एण्ड ग्राइंडर की प्रोब्लम भी ठीक नहीं होंगी।

मुझे डर है कि मंत्री जी प्रांकड़े दे देंगे। प्रांकड़ों से मुझे बहुत डर लगता है। इसलिए मैं उन से चाहता हूँ कि वे मेहरबानी कर के प्रांकड़े न दें। मेरे पास भी प्रांकड़े हैं जिन से मैं यह साबित कर सकता हूँ कि हमारी गवर्नमेंट के थाने के बाय से कितना फाइज बढ़ा है, कितनी डकेटीज, रोबरीज, स्पेशियल हुई है। ये प्रांकड़े मैं नहीं देना चाहता।

इकीतियां पिछले सात 8 हुई थीं अब 39 हुई हैं, राबरीज 327 और अब 587, बरगलरीज 1443 और अब 2174 इसी तरह से बंपट्स भी बढ़ी हैं। मई 103 से बढ़ कर 111 हो गए हैं। एटैम्प्ट टू मर्डर 116 से 150 हो गए हैं। ये सब बढ़ते जा रहे हैं। कहा यह जाता है कि हमने पूरी व्यवस्था कर ली है।

श्री रामानन्द तिवारी : (बक्सर): जब से पुलिस कमिश्नर हुआ है तब से क्राइम बढ़े हैं या कम हुए हैं ?

श्री कंबर लाल गुप्त : यह बहुत सुन्दर सवाल उन्होंने किया है। तब से कोई भी बदल बिल्कुल नजर नहीं आता है। बेसिक घाउटलुक में बिल्कुल बदल मुझे नजर नहीं आता है। जो मेरे साथ घटना हुई उसको बताने में समय लन जाएगा। मैं बताना नहीं चाहता कि किस तरीके से हमारी पार्टी की मीटिंग हो रही थी और वहां पर यूथ कांग्रेस के लोगों ने धा कर घटना दिया और गड़बड़ की। हमारे पास घर्मशाला में मीटिंग करने की परमिशन थी। लेकिन वहां पर हिस्ट्री शीटर आ गए। जब पुलिस में रिपोर्ट की गई तो एक घण्टे के बाद पुलिस आई। उसने कोई कार्रवाई नहीं की और कहा कि और पुलिस आएगी। उस में और एक घण्टा लग गया। लोगों ने बताया कि यह जो एस एच भी है यह इन लोगों के साथ, हिस्ट्री शीटिंग के साथ शराब पीता है, यह किसी को भी गिरफ्तार नहीं करेगा। मैंने कहा कि अब ऐसा नहीं है, मैं बात कर लूंगा, सब ठीक हो जाएगा। लेकिन इसके बजाय कि हमारी शिकायत पर कार्रवाई होती हम को ही डाटा गया और हमारे खिलाफ शिकायत लिख दी गई। यह जो पुराना तरीका है इसको बदलना चाहिए। अगला ही पक्ष है जो पुलिस वाले अपनी कर्तव्य देते हैं और शिकायत लिख देते हैं। ये

जो पुराने तौर तरीके हैं इनको बदला जाना चाहिए।

What is the general opinion of the people residing in Delhi? May I request the hon. Minister to kindly visit the areas of Delhi and find out—talk to the ladies particularly—what are their views. They have a very bad image about the police, the police has a very bad image. There is no sense of security in the minds of the people. I must tell you frankly. Being a representative from Delhi, if I do not say it, I will be failing in my duty.

आपने जो ताकत दी है उसका हम स्वागत करते हैं। लेकिन इसके अच्छे परिणाम सामने आने चाहिए। अगर ऐसा नहीं होता है तो ठीक नहीं होगा। बन्दर के हाथ में आपने कुछ चीज तो दे दी है लेकिन तब उसके नतीजे खतरनाक भी हो सकते हैं।

बम्बई में पुलिस कमिश्नर बहुत अच्छा काम कर रहा है, यह कोई दलील नहीं है कि यहां भी अच्छा काम होगा। एक कोमोन्स-टिव सोसाइटीज एक्ट है, महाराष्ट्र में, गुजरात में, बहुत अच्छा चल रहा है और बहुत कामयाब है जब कि दिल्ली में भगवान की दया है, उत्तर प्रदेश में नारायण इंडिया में भगवान की दया है। यह एक फॅमिली बिजिनेस बन गया है। यह हो सकता है कि बम्बई में अच्छा हो और दिल्ली में न हो। उस वास्ते इसको अच्छा बनाने के लिए आपको चाहिए कि आप उनके ओरियंटेशन के लिए, उनकी ट्रेनिंग के लिए, उनको माडर्नाइज करने के लिए, उनके एसपैक्ट को बदलने के लिए कार्रवाई करें। एमर-जेंसी से पहले जब हम अपोजीशन में थे और जब हम पञ्चीस तीस बार जेल गये थे तब हमने देखा कि जो सीनियर पुलिस आफिसर थे वे बहुत केबल थे और किसी भी सिचुएशन को हैंडल करने की क्षमता रखते थे। लेकिन अब आपने बनाई यह

[श्री कंवर लाल गुप्ता]

कर रख दिए हैं। उनको न पब्लिक से वास्ता है और न किसी और से। एक दिन मीटिंग में बात हो रही थी। तब पता चला कि आपके जो एस पी हैं वह मैट्रो-पाकिस्तान कार्डसिल के मैसेजों के नाम तक नहीं जानते हैं। उनकी शकल नहीं मालूम। तो पब्लिक रिलेशन्स क्या है आपका ?

Unless you have public relations, you cannot do anything.

वह इसाके में नहीं जाते। विद्या देते हैं थाने में गये। जहाँ तक जीप जाती वहाँ का चक्कर मार आते हैं, लेकिन आये गलियों में क्या हो रहा है यह नहीं जानते। तो आप उनको समझाइये, उनकी मीटिंग कीजिए, और जब तक यह नहीं होगा तब तक यहाँ की समस्या हल होने वाली नहीं है। कहते हैं कि दिल्ली की हालत कमप्लैकेटेड है। लेकिन मैं बताता हूँ कि जब हम अग्रीजोशन में थे तो उस समय जितने डेमान्स्ट्रेशन होते थे उसका दसवाँ हिस्सा भी अब नहीं होते। कभी इन्दिरा जी, कभी जनसंघ, कभी जयप्रकाश जी, कभी आचार्य कृपालानी जी ने डेमान्स्ट्रेशन किये। अब तो कुछ भी नहीं होता है। आज जो ला एण्ड घाबर की प्रोबलम है उसको आप ठीक करने के लिए कहिए। आप पुलिस कमिश्नर बनाइये या न बनाइये, दिल्ली में शांति होने वाली नहीं है।

मैं इसका स्वागत करता हूँ। इसके बारे में मिक्स्ट फ्रीलिंग है। एक तो फ्रीलिंग यह है कि पुलिस इतने अधिकारों के साथ पागल हो सकती है। और अगर उस पर कोई रोकथाम नहीं की गई तो काम नहीं चलेगा। पहले का जो सिस्टम था वह एक तरह से बैंक और बैलेंस का सिस्टम था। लेकिन अब कुछ नहीं रहा। अब तो पुलिस वाले रह गये। कहीं ऐसा न हो कि पुलिस अधिकारी इसका उपयोग करें। इसकी जाप देखिए।

एक सुझाव और देना। पुलिस के अलावा और जो काम आपने विधे हैं, ला एंड घाबर, इनवेस्टीगेशन या प्रोसेशन के अलावा और जो काम विधे हैं, जैसे इंडियन लूनेसी ऐक्ट, प्रीस रजिस्ट्रेशन बुक्स ऐक्ट के अधीन जो काम पुलिस को विधे हैं यह पहले लोकल बाडीज के क्षेत्र में आते थे। लेकिन अब यह अधिकार पुलिस को मिल गये हैं। जब तक वह ला एंड घाबर की स्थिति ठीक नहीं कर सकते तब तक इन अधिकारों का उपयोग ठीक से कैसे पुलिस वाले कर सकते हैं? मेरा कहना है कि यह अधिकार अभी थोड़े दिन लोकल बाडीज के पास ही रहने दीजिए। और स्वयं देखिए कि अगर पुलिस वाले ऐफीशियेसी दिखते हैं तो ठीक है। नहीं तो अधिकार न दीजिये। उनको ला एण्ड घाबर पर कन्ट्रैट करने दीजिए।

Anyway, I want to conclude. I congratulate the hon. Minister. It is a new experiment. I do not want to comment on that. Let us give time to the police and let it change its outlook.

और आप भी उस तरफ कोशिश कीजिए, मीडनाइज कीजिये पुलिस को, जो संख्या कम है उसको बढ़ाइये, उनकी मोबिलिटी बढ़ाइये, अच्छे आर्म्स दीजिए।

इन शब्दों के साथ मैं इसका समर्थन करता हूँ और प्रार्थना करता हूँ कि दिल्ली के लोगों को कुछ राहत की सांस मिलेगी और वह अपने को दिन में भी असुरक्षित महसूस नहीं करेंगे। असुरक्षा का वातावरण जो जो इस समय है वह समाप्त होगा। तीन, चार महीने बाद जब हमले सत्र में मिलेंगे तो मंत्री महोदय से बात करेंगे और प्रार्थना करेंगे तब तक कुछ सुधार जरूर होगा।

SHRI EDUARDO FALEIRO (Mormugao): Madam Chairman, Mr. Kanwar Lal Gupta, our hon. Colleague, has reeled off statistics to show how the law and order situation, particularly in Delhi, has deteriorated during the

last several months. He might as well have said that it has deteriorated, in fact, all over the country since the Janata Party took over. This is an unfortunate thing to say, but it is true. It has particularly deteriorated in Delhi, I fully agree with him. We appreciate the concern of the Government in tackling this deteriorating law and order situation, the concern which has been expressed by the Prime Minister in June, for instance, when he presided over a meeting of senior officials of Delhi Administration, the concern which has been expressed, for instance, as Mr. Kanwar Lal Gupta has said, by Mr. Charan Singh when he was Home Minister and had a meeting with MPs from Delhi, the concern which has been expressed by Mr. Charan Singh who said lying in his hospital bed that, as soon as he got well, he would have another meeting to tackle this problem, and to find ways and means to tackle this problem of deteriorating law and order situation in Delhi. But, in the meanwhile, he himself was removed from the portfolio. Now, I appreciate this concern, but then I have said that I feel unhappy that the solution suggested will in fact make the cure worse than the disease.

Now, what is the solution suggested? Again I am relying on my hon. colleague, Mr. Kanwar Lal Gupta. The solution suggested is this. If the people are violent, then this violence must be met with violence. It must be met by giving increased powers to the Police, by removing all controls on the Police and by letting, in fact, loose the Police force on the people who cause this violence. Madam, there is no attempt to analyse the causes of violence, why people turn violent and there is no attempt to find out what are the political justifications, what are the economic causes and what are the sociological causes. We are resorting to what was known in the olden days as the Mughal doctrine which later became the colonial doctrine and more recently our friends have proclaimed:

2571 I.S.—5

as the doctrine of "that traumatic experience of Emergency."

Madam Chairman, Delhi Administration is completing full circle with this business. We had the Emergency discipline, then we had the Janata Party indiscipline and now we are going to have this discipline of the Police Commissioner and of the Delhi Police Bill under the auspices of this very Party which came riding on the crest of an anti-Emergency wave. So, what I am objecting to is this. You are trying to solve the law and order problem by giving increased powers to the Delhi Police when the Police does not deserve these powers. I am not in a position, due to lack of expertise, to disagree either with the Khosla Commission or with so many other Commissions who have condemned this duality of the District Magistrate on the one side and the IGP on the other side. They have found that this is not working well and that they are not co-ordinating well. What I say is: if you are going to abolish the District Magistrate, do it by all means if it is advisable technically. But, then, at the top of the Police force, as Police Commissioner do not, for God's sake, put a man from the Police force, but put a civilian. That is the only solution to the problem.

We all know that our Administration is corrupt, that it is inefficient. But, it is not only this Administration, it is not only this Government; but corruption has been here for a long time. Also it is not only in this country but it has been there in other countries also and it is there practically in every country. But the point that I am trying to emphasize is that out of the corrupt departments, the most corrupt undoubtedly, the most inefficient possibly is the Police Department. A Police constable will not rest quite unless he extracts Rs. 5 from a shop-keeper or from a Mudka gambler or from a bus conductor.

SHRI VAYALAR RAVI (Chirayankil): Mudka rate is very high.

SHRI EDUARDO FALEIRO: If it is very high in the case of a Police constable, the point I am trying to make is, then it is much higher in the case of the IGP. There is a rate for the IGP also. The excuse or justification you have mentioned here in the Bill for making the Police Commissioner a man from the Police force is that he will be a senior Police officer. To my mind, this is not going to solve the problem. I am personally aware that many IGPs take bribes, that many IGPs collect money not only from outside persons but even from Police constables and other subordinate officials for promotion...

AN HON. MEMBER: In Goa?

SHRI EDUARDO FALEIRO: I would not like to mention the place. It is not fair to identify the person, but the fact is that there is a running rate, there is a going rate for promotion of a Police Constable and in the case of a particular IGP the going rate was Rs. 5000. In my place which you have mentioned there is a saying that a thief who steals from a thief gets hundred years of pardon. No punishment for him for 100 years. That is the saying. But, all the same, we could not agree with that. A thief is a thief in any condition.

So, Madam Chairman, in my humble submission which I hope will be the submission of everyone who has had any contact or any experience in any capacity with the Police force, for God's sake don't give all these wide powers you are trying to give, to a man from the Police force.

Shri Kanwar Lal Gupta has again made most of the case which is my case and he has mentioned so many provisions where wide powers are given to the Police. I will cite one more provision and that is clause 47. Clause 47 says:

"Whenever it appears to the Commissioner of Police—

(a) that the movements or acts of any person are causing or are

calculated to cause alarm, danger or harm to person or property;

16 hrs.

He can do whatever he wants to do—he can extern a person or even arrest him or do whatever he wants to do. This is the subjective opinion of a Police Commissioner and no one can interfere with it. He can extern the person likely to cause alarm. You are going to give wide, unqualified and undefinable powers to the police force. What I am saying is that the powers are likely to be abused and are bound to be abused very soon.

I would like to tell you in this context—it struck me just now—what was said about corruption of the Police by no less a person than that eminent judge of the High Court, Shri Anand Narain Mulla. He said several years ago while delivering a judgment in the case of a Police Inspector who had been convicted for fabricating evidence. He said these words:

"There is not a single lawless group in the whole of the country whose record of crimes comes anywhere near the record of that organised unit which is known as the Indian Police."

These words remain true upto this date. So, it is not a question of corruption alone but it is a question of inefficient people. The police force are not trained properly. There were so many murders committed in my territory which have gone undetected—robberies and murders are major crimes which have gone undetected. Due to their inefficiency in detection, the police resort to third-degree methods and there will be no control on them from outside the police force once we support this provision and there will be no end to it. My submission is this. During emergency similar types of powers were given to the police. The District Magistrate was there but he was made ineffective. We all know how District Magistrate's

signed blanket warrants forms for MISA detenus. We know the types of abuse of powers that were done. The District Magistrate was not functioning at all. I shall mention one thing. Under the Bill these will be an appeal to the Administrator from the orders of the IGP, now Commissioner of Police. During the emergency we know how they acted—the Administrators—and how they became a rubber-stamp and a non-entity. Everybody knows about the unfortunate Shri Kishan Chand who was the Lt. Governor of Delhi at that time. What I am saying is this. Most of the Members may have some experience or the other about the police force. We have come in contact with them; so, we would not like to be a party to this type of legislation where the powers are going to be given to the Police Commissioner. They will definitely abuse those powers. We will come to a full circle after the—"discipline" of Emergency and the indiscipline of the Janata Party. Mr. Chairman, we would not like to be a party to this.

16.03 hrs.

[SHRI N. K. SHEJWALKAR in the Chair]

श्री रामानन्द तिवारी (बक्सर) :
सभापति जी, मैंने इस बिल पर एक संशोधन दिया है कि इसे प्रबन्ध-समिति को भेजा जाय ।

सभापति जी, हमारी पुलिस की छवि पर से दमन और धातंक के घन्ने अभी तक मिटे नहीं हैं। हम बिना लागू-लपेट के कह सकते हैं कि भारत की पुलिस की वह भूमिका अभी प्रतिष्ठित होने वाली है जो लोकतन्त्रीय और जनकल्याणी राज्यों में होनी चाहिये। हम यह मानते हैं कि जब तक इस संसार में मानव जाति रहेगी, तब तक पुलिस की रहेगी। पुलिस की आवश्यकता है। लेकिन उसे हम असीमित अधिकार न दें। श्रीपनिवेशिक राज्य में पुलिस द्वारा

दमन और धातंक का सागराज बनाया उचित था, लेकिन आज के इस लोक-तान्त्रिक देश में—30 वर्षों की आजादी के बाद भी आज की पुलिस लोक-तान्त्रिक और जनकल्याणी पुलिस नहीं बन पाई है। 1947 में आज के इस देश में सबसे बड़े गांधीवादी दसैन के भाष्यकार श्री प्यारेलाल जी जिन्होंने "लास्ट फेज आफ महात्मा गांधी" नाम की पुस्तक लिखी है और जो अपना सम्पूर्ण जीवन गांधीयन दसैन में बिता रहे हैं, उन्होंने उल्लेख किया है कि 1947 में जब बिहार सरकार के खिलाफ पुलिस की हड़ताल हुई थी और वह हड़ताल हमारे नेतृत्व में हुई थी, तो उस समय गांधी जी ने हमें आत्म समर्पण करने के लिए आदेश दिया था और यह सोचा था कि इस से पुलिस में आत्म परिवर्तन होगा। प्यारेलाल जी ने लिखा है कि 1947 में अमर रामानन्द तिवारी की बात मान ली गई होती और महात्मा गांधी जी की सलाह मानी जाती, तो आज स्वतंत्र भारत में पुलिस का रूप कुछ और होता लेकिन आज हम क्या देखते हैं ? मैं दो मिसाल देता हूँ। आपातकालीन स्थिति में आप ने देखा कि सारा भारत जैसा ही नहीं था बल्कि दमन और धातंक से भयभीत था, कथित था। आज दुर्भाग्य है कि डा० लोहिया नहीं रहे। आज, आज डा० लोहिया रहते। आज बिहार में हमारे मिन के राज्य में 110 बार गोलियां चलीं और केवल पंचायतों के चुनाव में 75 स्थानों पर गोलियां चलीं। आप क्या चाहते हो? हम चाहते हैं कि पुलिस कमिश्नर हो दिल्ली में, लेकिन आज 1818 के मद्रास बार्डलाज का आप ने अनुकरण किया। आदर्शजीय बसुर्वेदी जी ने बम्बई की बात कही। बम्बई का पुलिस एक्ट 1888 के एक्ट पर आधारित है, यों तो 1861 का

[श्री रामानन्द तिवारी]

पुलिस एक बल रहा है। मैं बड़ी बड़ी नम्रता के साथ कहना चाहता हूँ कि आप पुलिस को अधिकार दें। लेकिन अत्यधिक अधिकार न दें। एक बात तो मुझे यह कहनी है।

दूसरी बात मैं यह निवेदन करना चाहता हूँ कि आप के इस बिल में 151 क्लॉज हैं, 151 खंड हैं और प्रथम खंड से लेकर 14 खंड तक पुलिस की बहाली, पुलिस की इयूटीज, पुलिस के कर्तव्य दिये हैं और आपने पुलिस सिपाही से लेकर जो भी पुलिस कमिश्नर तक सब को अधिकारी माना है लेकिन जहाँ यह आप ने माना है, वहीं पर हम समझ नहीं पाते कि क्लॉज 3 में आप लिखते हैं कि "पुलिस बल के सभी अधिकारियों और अधिनस्थ पंक्ति के कर्मचारियों के बल की किसी भी शाखा में, जिस के अन्तर्गत सहायक पुलिस भी है..."। एक तरफ तो आप सिपाहियों को भी अधिकारी मानते हो और दूसरी तरफ आप उन्हीं सिपाहियों और हेड-कांस्टेबलों को कर्मचारी मानते हो। इस के अलावा दूसरी जगह आप हेड-कांस्टेबल को वे अधिकार देते हो जो अधिकार पुलिस कमिश्नर से लेकर सब-इंस्पेक्टर तक को हैं। इतना ही नहीं सभापति जी, आप क्या चाहते हैं? 19वीं शताब्दी, 18 वीं शताब्दी में आप पुलिस के अधीनस्थ कर्मचारियों को ले जाना चाहते हैं, किस युग में आप उनको ले जाना चाहते हैं? मुगल पीरियड में, ब्रिटेन की साम्राज्य में या कांग्रेसी राज्य में, कहाँ आप उनको ले जाना चाहते हैं, यह मैं बड़ी नम्रता के साथ आपसे पूछना चाहता हूँ।

क्लॉज 21 में यहाँ लिखते हैं कि —

"संविधान के अनुच्छेद 311 और नियमों के उपबन्धों के अधीन रहते हुए, पुलिस आयुक्त, पुलिस अवर आयुक्त, पुलिस उपायुक्त, पुलिस

अपर उपायुक्त, पुलिस प्रशिक्षण कालिज और पुलिस प्रशिक्षण स्कूल का प्रशासनाधीन या समान पंक्ति का कोई अन्य अधिनकारी अधीनस्थ पंक्ति के किसी अधिकारी की निम्नलिखित से कोई भी बंध दे लेंगे।"

इसमें आप कीन-सा बंध देना चाहते हैं?

हम आप से निवेदन के साथ पूछना चाहते हैं कि क्या आप जो बंध ब्रिटेन की राज के जमाने में दिया जाता था वही बंध देना चाहते हैं, या जर्मन के राज जो बंध देते थे, वह बंध देना चाहते हैं? हम विनम्रता से पूछना चाहते हैं कि आप किस अंतराष्ट्र में उसे बंध देना चाहते हैं। आपने बंध जो देंगे उसकी व्याख्या की लेकिन आपने यह नहीं बताया कि आप कब सेवा से हटा देंगे। जैसे आई० पी०सी० और सी० सी० सी० में लिखा होता है कि यह यह अंतराष्ट्र करने पर यह दण्ड दिया जाएगा। इसमें यह नहीं है कि आप के अधिकारी किस अंतराष्ट्र में कितना दण्ड देंगे।

समापति अहोबय : अब समाप्त कीजिए :

श्री रामानन्द तिवारी : हमने प्रमोटमेंट दिया है, हम इस पर बोलना चाहते हैं। आप अगर इसे ऐसे ही पास करना चाहते हैं तो बात दूसरी है, आप पास कर दीजिए।

हमारा पुलिस का अनुभव है। हमें उसकी नियमित सेवा का अनुभव है। 1933 में दाढ़ी बढ़ाने के कारण हम को पुलिस से डिसमिस कर दिया था। आई० जी० ने किया था। आप इसमें प्रतीक अधिकार अधिकारियों को दे रहे हैं। हमारे पाटिल साहब सरकार बसाने वाले हैं, मंत्री हैं, उनको इस बात का अनुभव नहीं है कि गरीब का बेटा, बुद्धी का बेटा, दीन का बेटा किस तरह से पुलिस में काम करता है। वह खुबह से से कर रात तक पार्सों में भी

कर काम करता है, बोझिलता में काम करता है। हम एयर कंडीशनिंग में बैठ कर काम करते हैं। सिपाही सपती धूप में खड़ा रहता है। क्या आपको इस का अनुभव है? वह भी मान्य है। वह 12-12, 13-13 घण्टे ड्यूटी देता है। क्या कभी आपने सोचा है? क्या कभी आपने विचार किया है?

मैं आप के निवेदन करना चाहता हूँ कि आप निष्पक्ष रूप से इस में यह लिख दीजिए कि प्रयुक्त अपराध में उसे प्रत्येक दण्ड मिलेगा। (अवधान) हम तो इस में नहीं पड़े हैं, आप पड़े हों तो पड़े हों कि इस में यह है। क्या आप को मालूम है कि सीटिंग ड्यूटी के बारे में? सीटिंग ड्यूटी के नाम पर उसे एस० पी० के वहाँ हल चलाना पड़ता है, घर साफ करना पड़ता है। आप जानते हैं इन अभ्यास सिफारिशों की हालत। अधिकारी उन से कहते हैं कि हल चलाने। वे कुदाल चलायें तो क्या आप समझते हैं कि उन में हीन भावना पैदा नहीं होगी? इस बास्ते इस तरह की चीजों की तरफ आपको ध्यान देना चाहिए। कोई भी सरकार हो वह जो चाहे पास करवा लेती है। हम लोगों को तो दो चार बातें कहने के लिए चुना लिया जाता है बर्ना हमारी सुनी बात को धमसुना कर दिया जाता है। मुझे इस बात को कहने के लिए क्षमा किया जाना चाहिए।

यह कहा गया है कि कमिश्नर साहब जब चाहें पंगा फसाद, ला-एण्ड आउटर ग्रेजेशन करने के लिए किसी की नियुक्ति कर सकते हैं। अब इस में प्रायु का कोई ध्यान नहीं रखा गया है। कम से कम तो 18 वर्ष रखी गई है लेकिन अधिकतम नहीं रखी गई है। अब सत्तर बरस के आराम की तंग करने की बजाय से अवर-असकी नियुक्ति कर दी जाती है तो क्या स्थिति होगी, इसका अनुमान आप लगा सकते हैं। इस बास्ते मैंने एक संशोधन दिया है कि अधिकतम आयु 50 वर्ष होगी चाहिए।

आप कहते हैं कि यदि कमी को एवराज करना ही तो कमिश्नर साहब के यहाँ कर सकता है। अब जिस कमिश्नर ने नियुक्त किया है उसी के यहाँ अभी तक की जाएगी। क्या आप समझते हैं कि उस सिमिति में वह आपने प्रस्ताव को बदलेगा? इस पर भी मैंने एग्जिस्टेंट दिया है और मैं चाहता हूँ कि इस पर आप विचार करें। किसी जग को यह अधिकार दिया जाना चाहिये।

आज पचा 109 में किस को पकड़ा जाता है। इस धारा के खिलाफ लोहिया साहब हमेशा लड़ते रहे हैं। वह कहते रहे हैं कि इसको हटा देना चाहिये। किस को इस में आप गिरफ्तार करते हैं? रामानन्द तिवारी के बेटे को, पाटिल साहब के बेटे को, सभ्यपति जी, आपके बेटे को अगर वह पकड़ा भी जाय जब काटते हुए तो गिरफ्तार नहीं किया जाएगा लेकिन एक हरिजन, एक बरीब, एक भाविवासी, एक पिछड़ी समाज के लड़के को यदि वह कलकत्ता, दिल्ली, बम्बई आदि किसी जगह जाता है रोकी कमाने के लिए और वहाँ पर स्टेशन पर रहने का स्थान न होने के कारण पड़ा हुआ पाया जाता है तो उसको पुलिस पकड़ कर इस धारा में प्रार्थीक्युट कर देगी। इसके बारे में भी मैंने एग्जिस्टेंट दिया है।

जो संशोधन मने सुझाये हैं उनके साथ मैं इस बिल का समर्थन करते हुए कहना चाहता हूँ कि इसको प्रकर सभिति में भेजा जाना चाहिये। इस तरह का महत्वपूर्ण विधेयक रोज नहीं आता है। इस बास्ते अहमदाबाई में इसको पास नहीं किया जाना चाहिये। कोई धारामान नहीं टूट रहा है। पुलिस को आप व्यापक अधिकार देने जा रहे हैं। हमें चाहिये कि हम पुलिस वालों के कुछ कुछ को भी बँबे, उनके बेटों को भी बँबे। हमारे यहाँ बिहार में एक पुलिस कुत्ते पर 575 रुपये जब्र होते हैं, एक सजा पावला को लीवी देता है उसका स्केल 372 रुपये है और एक सिपाही का अधिकतम अधिक एजेंट-जेनरल सीन सीन रुपये ही है। पुलिसकरीटर वा प्रोसेक्यूटरी में अट

[श्री रामानन्द तिवारी]

बंद से अधिक कोई काम करता है तो उसको प्रोवर टाइन देना पड़ता है लेकिन इसी लोक सभा में जोकि जनता का दर्पण है एक सिपाही को 18-18 बंदे काम करना पड़ता है लेकिन उसको कोई प्रोवर टाइन नहीं मिलता है। ये सब चीजें हैं इनको तरफ धांपका ध्यान जाना चाहिये।

इन शब्दों के साथ मैं गृह राज्य मंत्री से प्रार्थना करता हूँ कि इस विधेयक को वह प्रवर समिति में भेजें जहाँ इसकी अच्छी तरह से छानबीन हो सके और उसके बाद ही इसको धांप पास करें।

SHRI DINEN BHATTACHARYA (Serampore): Sir, at the very beginning, I want to ask when a Bill has been introduced here to give full-fledged statehood to Delhi, why has this Bill been separately brought? After all, police function comes under law and order. If you have got anything else, you may state it. But if you are sincere in giving Statehood to Delhi, then this police administration should also come under the same Delhi State.

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): Statehood has not come as yet, only the Assembly.

SHRI DINEN BHATTACHARYA: There is another Bill for that. I have got experience of the system of the Police Commissioner. Some of our friends may be sorry, but one gentleman whose name was Siddhartha Shankar Ray, who was Cabinet Minister here, was asked to go to West Bengal and rule over there as the Subedar of Shrimati Indira Gandhi.

SHRI RAJ KRISHNA DAWN (Burdwan): As the Maharaja.

SHRI DINEN BHATTACHARYA: At that time, you will be astonished to know, though the Police Commissioner was there, the Inspector General of Police was there, still there were mass killings in Calcutta itself, and nothing

was done by the Police Commissioner or by the Subedar who had been sent there to rule on behalf of that lady, Her Majesty.

You are saying that if the Delhi Administration has a Police Commissioner, the law and order situation will improve. I do not believe in it because whether it is Bombay or Calcutta or Delhi or Madras or Trivandrum, the system of the police, the character of the police, has not changed, whatever Tiwariji may say. I have got every respect for him. He fought for the demands of the police, and he fought against the British Government. I have got every respect for whatever he has said, but whatever system you may introduce, the Police Commissioner or anything else, so long as the socio-economic situation is not changed, you cannot bring any change in the present set up of the society of the Police administration. Where did they get this system from? They got it from the Britishers who ruled over us for a hundred years. Nothing has changed materially in the police in any place even after Janata Raj.

We may be compassionate, we may consider their demands, we are trying in Bengal, but we have no hesitation in saying that we have not been able to change the character of the police as such. There are policemen who are bad, there are policemen who are good, but as a whole if you take the system of police, it has not changed. In Bengal we have given them the right to organise themselves for their demands and said that our Government will sympathise with them, but their duty is to see that the law and order situation does not deteriorate.

SHRI VAYALAR RAVI: You have given trade union rights to the police? Very good.

SHRI DINEN BHATTACHARYA: We have given them the right to organise themselves for the redress of their grievances.

Some people may envy, some people may say it is impracticable, some people may say that it will create more indiscipline in the police, but we believe that it will not be so. We think that they should be treated as human beings, and they should serve the people as their saviours, from the anti-socials and the criminals, and other offenders. With this view we have done it, but in the Bill as has been introduced here I do not find anything of that kind.

Even after the Janata Party came to power, the law and order situation has further deteriorated. Certain figures have been given by Shri Kanwarlal Gupta who belongs to Delhi. It is mentioned in the front page of today's Indian Express that there is a rise in crime by 35 per cent, crimes of all types, robbery, murder etc. At the same time, you will be astonished to know that when our second United Front Government was in power in Bengal, there was a furor here when some people maligned our State Government. At that time, Late Dhawan, who was the Governor there, made a public statement that it is only in West Bengal that ladies and girls can move freely even after dusk, while his daughter could not go to school or college alone in Delhi. The situation in West Bengal at that time was very vividly described by the then Governor of West Bengal, Shri Dhawan, by that statement.

SHRI VAYALAR RAVI: Many people were killed and ladies raped in West Bengal in those days.

SHRI DINEN BHATTACHARYA: That was done by the police, in collusion with the goondas who were hired by the Congress and other parties like yours. Then 1,100 of our partymen were killed and many other crimes were committed. That took place because the police and the goondas connived with the then Police Commissioner, who was really the wastermind for the rigging of the elections in West Bengal in 1972, as a result of

which the Congress came to power. If there is a big change and the people are mobilised, they got the courage to face the goondas. That is how you are now able to see the other side of the picture in West Bengal.

SHRI VAYALAR RAVI: Now the goondas are with you.

SHRI DINEN BHATTACHARYA: I know there are some people here who are out to slander a Government, which is being run ably with the co-operation of the people.

I would suggest that the police should function under a full-fledged State Government. Let us not have any fetish about the Police Commissioner system. You are saying so many things about Bombay. We know what is the situation obtaining in Bombay. Bombay is not safe under the Police Commissioner system; so also Madras. In all those places gambling has increased, bootlegging has increased and so also other crimes. So, in spite of all your good wishes this change cannot deliver you the goods.

Lastly, I come to the recommendations of the Police Commission known as Khosla Commission, about which Shri Tiwary made a reference. You must look into the real grievances of the police force. Now the low-paid constables have sometimes to do duty for 24 hours, most of the time standing, and for that they are given a poor pay packet at the end of the month. Even the ASIs and SIs are not fully satisfied with the benefits that they are now getting. So, you kindly look into the recommendations of the Khosla Commission regarding the emoluments, the amenities and other benefits which they have given.

With these words, I have every reservation to support this Bill fully. I will give my full-throated support to the Bill when you bring it after Delhi becomes a full-fledged State, after a full-fledged legislature is established and the elected representatives of the people of Delhi run the State. Then,

the Police Commissioner will be under the Government. In that case alone, you can achieve the goal for which you are bringing the Bill. I conclude.

श्री किशोर लाल (पूर्व-दिल्ली) : सचापति महोदय, पुलिस के मामले पर बात करते हुए कोई भी व्यक्ति बहुत बुनिया में पड़ जाता है—पुलिस को ज्यादा पावर्स दी जायें तो मुश्किल होती है और कम पावर्स हों तो दूसरे किस्म की मुश्किल पैदा होती है। हमारे देश में मूझ को ऐसा दिखाई देता है कि सिर्फ दो ही तरह के सिस्टम प्रचलित हैं—एक—पुलिस कमिश्नर का और दूसरा वह जो पुलिस कमिश्नर के पहले दिल्ली में फंशन कर रहा था।

एक बात मैं सब से पहले कहना चाहता हूँ—दिल्ली में हम लोग जो चुने जाते हैं—उन में सब तरह के आदमियों को चुने जाने का अधिकार है। दिल्ली हिन्दुस्तान की राजधानी है, सब तरफ से लोग यहाँ आते हैं, उन सब का ताल्लुक पुलिस के साथ या दिल्ली एडमिनिस्ट्रेशन के साथ हो जाता है—इसलिए उन का इस मामले में दिलचस्पी लेना स्वाभाविक है। लेकिन अभी तक बयकिस्मती यह रही है कि दिल्ली के अन्दर दिल्ली की अपनी सरकार न होने के कारण, जो भी डाँचा किसी अफसर को या किसी मंत्री को अछा लगा, वही यहाँ पर ले आये, उस जगह के एक्ट को यहाँ पर एक्सटेण्ड कर दिया। दिल्ली के साथ हमेशा यही धर्मसंकट रहा—मिसाल के तौर पर इस पुलिस कमिश्नर के मामले को ले लीजिए, पिछले इस सालों से यह मामला यहाँ चल रहा है कि दिल्ली में पुलिस कमिश्नर होना चाहिए या नहीं होना चाहिए। अब मंत्री महोदय ने फैसला दे दिया कि होना चाहिए, इस बुनियादी फैसले के बाद मामले को फिर अधिकारियों के पास भेज दिया गया और चूंकि जल्दी से जल्दी इस को लाना है, आर्डिनंस के जरिये लाना है, जिहाजा वे “नाइट-आवल” बर्न करने लगे और जो बन्दई का पुलिस एक्ट था, जो उस का बैसिक डाँचा था, उस में अहनत न कर के उन्ही को जकब-ब-सफज यहाँ

ले आये। मैं यह समझता हूँ कि उन्ही दिल्ली की जो अपनी इन्डिपेण्डेण्टी है, उसका जो अपना एक खास करिक्टर है, उस को सबकने की कोशिश नहीं की। इस तरह के एक नहीं अनेक उदाहरण हैं—मद्रास का “सिनेमाटोग्राफ एक्ट” यहाँ लाया गया, ‘ल्यूनेसी’ एक्ट लाया गया, बुक्स एण्ड पीरियोडिकल्स के बारे में जो एक्ट था, उस को ले आये। दिल्ली में आज ट्रेफिक की सबसे बड़ी प्रबलम है—बड़ी केमोटिक-कम्पीजन है, लेकिन दिल्ली के मोटर-व्हीकल एक्ट का एम्कोर्समेंट पुलिस के हाथों में नहीं दिया। अभी मेरे एक साथी ने कहा कि यहाँ एक सब से बड़ी प्रबलम यह है कि बहू-वेदियों के साथ ज्यादाती होती है, ईबटीजिन होती है—उनके मुताल्लिक पुलिस को ज्यादा पावर्स देने की बात इस में नहीं आई है। इसी तरह के एक्साइज की प्रबलम यहाँ पर है। हर गली-कूचे में और खास तौर से रोसीटल-मेंट कालोनीज में घ्राप चले जाइये। राजस्थान की एक खास कौम के हर घर में शराब बनती है और चूंकि उन के पास कोई दूसरा प्रोफेशन नहीं है, इसलिए वे उस शराब को बहाँ बेचते भी हैं। इन के मुताल्लिक पुलिस को पावर देने की कोई बात इस में नहीं है, उन मामलों को एक्साइज कमिश्नर देखेगा। मैं नहीं समझता कि इस तरह से दिल्ली की ला-एण्ड आर्डर प्रबलम हल हो सकती है। कहीं पर कोई एक्साइज का अगड़ा हो, किसी बहू-वेटी की इज्जत का मामला हो, हिन्दू-मुस्लिम फिस्ताद हो जाये—इन सब चीजों का हल इस से नहीं हो सकता है। इसलिए मैं यह कहना चाहता हूँ कि यह जो बिल लाया गया है—इस को सिर्फ “बीरो” कर के ले आया गया है, दिल्ली के अन्दर जो प्रबलम है, उन को नहीं देखा गया है। माफ करेंगे साहब, यहाँ बन्दई की ट्रेफिक प्रबलम घ्राप देखते हैं। यहाँ घ्राप देखिए कि ट्रेफिक किस किस्म का है। दिल्ली के अन्दर सैनपाटी भी है, जायों साइकिलों की हैं और

उसके नाम बुनियाद मर भी दिखायी है। एक घण्टा ही मिशन का बहुत बड़ा ट्रैफिक है और हम को घावत भी बड़ा बड़ा है कि सबसे छः बजे से पहले और शाम को 8 बजे के बाद जितने रैड सिगनल होंगे, उन को सब लोग जम्प करेंगे। पुलिस वाले चालान करते हैं तो उस के बाद उस चालान को वैजिस्ट्रेट के पास भेजिये। मेरे क्वाल से और मुझे यह कहने के लिए धाय माफ करेंगे कि सभी लोग, इन्टेलेक्चुअल लोग और हर आदमी को जल्दी रहनी है और इसलिए वह रैड सिगनल को जम्प करता है। नतीजा यह होता है कि एक्सीडेंट्स होते हैं। रैड सिगनलों पर रुकने के लिए न लोगों को घावत है और न उन की ऐसी हैबिट बनाई गई है और न ऐसा करने के लिए कोई ऐसा पनिसमेंट है, जिस की वजह से लोग ऐसा काम न करें। इसलिए मैं मंत्री महोदय से यह कहना चाहता हूँ कि धाय ने बहुत धन्य किया कि एक नई बीज लाए, कोई भी नई बीज लाई जाए, तो वह अच्छी होती है, अच्छे तरीके से उस से काम चलाया जा सकता है लेकिन मैं बहुत समझता हूँ कि यहाँ की जो बुनियादी चीजें हैं और दिल्ली की जो अपनी प्राब्लम्स हैं

Because of its own character, because of the habit of the people, because of the floating population, because of nearness to other cities, because of industrial unrest and industrialisation —like Faridabad, Ghaziabad and so many other things.

तो मैं ऐसा समझता हूँ कि दिल्ली की तमाम बातों को इस के अन्दर रिया नहीं।

मैं धाय को एक बात और बतलाऊँ, माजूम नहीं कि हमारे मेम्बर साहबान को माजूम है या नहीं, पुलिस के पास एक और काम है—अभी हम जूडीशियरी को पुलिस से सेपरेट कर रहे हैं—और वह यह है कि पुलिस के कांस्टेबिल को प्रोसेस सर्विस का काम दिया हुआ है। एक पाने में एक आदमी होता है और जब बुकवने ज्यादा होंगे, तो 500 लोगों को उस को लोगों पर तामिल करने होंगे। एक कांस्टेबिल कभी भी इतने समय टाइम के अन्दर तामिल नहीं कर सकता और नतीजा यह

होता है कि कोर्ट्स में डेड्स पर डेड्स बढ़ती चली जाती है। मैं बहुत अचब से कहना चाहता हूँ कि प्रोसेस सर्विस को यह काम दिया जाए। अगर कांस्टेबिल के जरिये क्रिमिनल केसेज में समय की तामिल करनी है, तो उन को ताबाद को दड़ाए। उन की ताबाद ज्यादा न होने की वजह से 500 आदमियों के जो बुकवने एक पाने में होते हैं, तो समय के तामिल न होने के कारण वे एवार्न हो जाते हैं और इस तरह से जस्टिस डिसेड हो जाती है। जब ऐसी बात होती तो ला एण्ड आर्डर में किस का विश्वास रहेगा।

इस के अलावा एक चीज और यह कहना चाहता हूँ कि अगर धाय एक्सीडेंट हो जाता है तो पुलिस के ऊपर कोई आम्बिगुअन्स नहीं है, उनके ऊपर कोई पाबन्दी नहीं है कि इतने दिनों में लोगों को कम्पेन्सशन दे दिया जाए। वस, वस सास के ऐसे लोगों के कम्पेन्सशन के केसेज पड़े हुए हैं जिन को कम्पेन्सशन मिलना चाहिए था और वह मिला नहीं है। जो लोग मर गये और उन के घर में कोई दूसरा कमाने वाला नहीं है तो कम्पेन्सशन देने की बात सालों तक नहीं होती है। पुलिस ने साल लगा लिया, दो साल लगा लिये, तीन साल लगा लिये, कोई नहीं पूछता है क्योंकि जितने ट्रैफिक के केसेज है उन के लिए कोई पाबन्दी नहीं है कि इतने दिनों में केस को कम्पलीट कर के देना है। मैं पूछना चाहता हूँ कि कौन सी प्राब्लम को धाय सोल्व करना चाहते हैं। लोगों का पुलिस में फेब नहीं है और फेब तब तक नहीं होगा जब तक कि उन को धाय इमीडिएटली जस्टिस नहीं देंगे। एक्सीडेंट केसेज में धाय वे नहीं सकते ट्रैफिक में ला एण्ड आर्डर की प्राब्लम होती है, तो उस को धाय सोल्व नहीं करते, एक्साइज एक्ट में धाय उन को पावर दे देते हैं और बुनियाद भर के कायदे कानून बनाते हैं। उस के बाद मोटर व्हीकिल एक्ट में बाहे इंडियन ग्रांजायिदाबाद से 15 दिन की ट्रेनिंग के कर और

[भी किशोर लाल]

हीवी बर्होकिंग्स का लाईवेंस ले कर आ जाए और 10 प्राइमियों को भार कर चला जाए, तो उस को छः महीने की ही सजा मिलेगी मैगजीस्ट्रेट द्वारा बग के लिए ।

घ्राप पुलिस को इकट्ठी जग से डील करने की पावर्त नहीं देंगे और बुक्स और जरनल्स के अन्दर घ्राप पुलिस को पावर्त दे कर, उस को बया बनाना चाहते हैं, यह मेरी समझ में नहीं आता है ? इसलिए मैं यह कहना चाहता हूँ कि दिल्ली के हिसाब से इस के अन्दर बहुत ज्यादा रीबिकिंग करने की जरूरत है । दूसरे यह है कि पुलिस को क्रेडिबिलिटी नहीं है और क्रेडिबिलिटी यों नहीं है कि पुलिस वालों को कोई प्राइमी अक्छो नजर से नहीं देखता हैं । वे जैसे ही अंग्रेजों के निशान बने हुए हैं कि लाल पगड़ी देखी तो लोग परेशान हो गये और लोग उन को ताकत की निशानी समझते हैं ।

अब पुलिसवालों की जो दिक्कत है, परेशानियां हैं, वे यह हैं कि पुलिस के प्राइमी को कोई प्राइमी किराये का मकान नहीं देता । किराये पर उन को मकान नहीं मिलता तो सरकारी जमीन पर अन्नभारदाइण्ड तरीके से कब्जा कर के बैठे हैं । पुलिस वाले का अगर कोई आई-बन्ध हुआ या उस का बाप हुआ या भाई हुआ, तो वह उस के साथ रह लेता है लेकिन उस को किराये पर मकान नहीं मिलता है । अब उसे पुलिस डिपार्टमेंट कोई मकान नहीं देता । किराये पर उसको मकान मिलेगा नहीं क्योंकि उसकी क्रेडिबिलिटी नहीं है । एक दफा किसी ने मकान में रख लिया तो निकलेगा नहीं । पुलिस अपने मकान नहीं देती । इस तरह से उसका माइण्ड घर की प्रब्लम में फँसा रहेगा । नतीजा यह होगा कि उसे पीस भाफ माइण्ड नहीं होगा और अब उसे कोई सहायित नहीं मिलेगी, पीस भाफ माइण्ड नहीं होगा तो वह बाहर भी प्रस्टिस नहीं कर पायेगा ।

दिल्ली की ओर भी प्रब्लम्स हैं । दिल्ली एक छोटी सी जगह है । आपने इस बिल में सजा तो मुकरर कर दी है । लेकिन

बिहार जैसे प्रदेश में तो आप किसी को कहीं भी ट्रांसफर कर के भेज सकते हैं, बहुत दूर भेज सकते हैं । वहाँ तो उसका ट्रांसफर भी एक सजा मानी जाती है लेकिन दिल्ली में तो यह भी मुमकिन नहीं है । कायदे-कानून के मुताबिक किसी को सजा दिलवाना बहुत मुश्किल हो जाता है । दिल्ली में तो आप चावनी चौक से कनाट प्लेस, कनाट प्लेस नहीं तो ग्रा० के० पुरम भेज दीजिएगा । कहीं की कीमत पांच हजार है, कहीं की कीमत छः हजार है । इसलिए दिल्ली का प्राइमी तो ट्रांसफर ही नहीं सकता है । एस० पी० तो हो सकते हैं, एस० एच० भी० जिनके पास पावर होती है, उसका ट्रांसफर नहीं हो सकता है ।

मैं कहना चाहता हूँ कि जब घ्राप इसे बना रहे है तो क्या घ्राप यह नहीं सोच सकते कि इस बारे में क्या हो सकता है ? एक दफा सोना भी गया था लेकिन लोग कोर्ट से स्टे आर्डर ले पाये । जब घ्राप दिल्ली की पुलिस में सुधार करने की बात कर रहे हैं तो घ्राप को इस किस्म के कदम भी सोचने चाहिए जिससे यह प्रब्लम सुलझायी जा सके और जिससे पुलिस का इंचार्ज वाकई में इफेक्टिव हो, उसकी क्रेडिबिलिटी हो । इस तरह से उसमें कांफिडेंस आयेगा ?

मैं यह कहना चाहता हूँ कि जब घ्राप यह भी नहीं कर रहे हैं, मकान भी उन को नहीं दे रहे हैं तो आपका मन द्विविधा में है । आपने इस बारे में थॉरिनेस इत्यु कर दिया और कंसिग, पार्टी का हो कर इसे मुझे सपॉर्ट भी करना होगा । लेकिन मैं धर्म संकट में हूँ । हम दिल्ली के लोग यह महसूस करते हैं कि हमारी मुश्किल यह है कि हमारी स्टेट न होते हुए हमारे लिए कोई प्रासान हम नहीं हैं । चीफ अफसर ने जो लपज लिख दिया, वह पत्थर की लकीर बन गया उसको समझाने करने की कोई बात नहीं है । मैं घ्राप से इस बात की युजार्जिस कर्बना कि इस

पार्लियामेंट के चलते भी कोई ऐसा लीगल तरीका निकाला जाए, वह तरीका मुझे मालूम नहीं है कि क्या हो सकता है, जिससे इसमें कुछ तब्दीलियाँ या सफ़ाई, याफ़ कोई इफ़ेक्टिव इन्स्ट्रूमेंट याफ़ सर्विस दिल्ली के लोगों को दे सकें। इससे बाहर के लोगों को भी और दिल्ली के लोगों को भी तमबाएँ पूरी होंगी। इसका कोई न कोई तरीका निकाल कर याफ़ को इसमें तब्दीली लानी चाहिए और दिल्ली के कन्स्ट्रक्टर के हिसाब से इस बिल को बनाना चाहिए।

जता मैंने याफ़ से कहा यह नयी चीज है और मैं उन लोगों में से हूँ जो नयी चीज को अच्छी ही मान कर उसका बेलकम करता है। एनी बेंज इज बेटर। इसलिए मैं इसको बेलकम ही करूँगा। कुछ होगा तो बाद में देखा जाएगा। कम से कम जो पुराना तरीका अब तक चल रहा था उससे तो बेटर तरीका ही यह साबित होगा। सभी उम्मीद और याशा के साथ मैं इस बिल को सपोर्ट करता हूँ।

SHRI VAYALAR RAVI (Chirayinkil): This Bill has been debated from two angles. Madam Parvathi Krishnan, the hon. Member, took objection that while the proposal for Delhi statehood has been mooted and even the Bill has been introduced in this House, the absolute authority given to the police in the Delhi Police Bill is undemocratic.

Delhi is the capital of India and it has a cosmopolitan population. They come from all areas and States and regions of the country. They must have the protection from the government and from the administration. It is a fact which everyone knows and everybody complains even in this Parliament that the law and order situation in Delhi is deteriorating and the Police is not in a position to control. It will not be too much, I think Sir, if I may say that there is an inefficient Police system in Delhi. On the floor of this House on many occasions Members of Parliament have demanded a new Police set-up in Delhi.

That is why the Khosla Commission Report or whatever be the report, has been accepted by the Government. Some problems arise because of this Bill. What will happen firstly when Delhi becomes a State. I want to make it very clear that the proposal to make Delhi a State is not in the better interests of the country as a whole. This is my feeling. If Delhi becomes a State—of course I shall speak on the Bill when it comes before the House—I shall take the opportunity to warn the Minister that there would be troubles because Delhi is the capital and many people come here and live here and if you make it a State, you will only create many problems for the administration and the dual authority will function here. This is a matter to be considered very seriously. The state-hood is a political decision and it is not a wise administrative decision. It is subject to the political pressure from your own party. That is my objection to it.

Now, what will happen? The Bombay Act is with me. The I.G.P. will become Commissioner of Police. You have copied many things from the Bombay Police Act 1951. The Commissioner of Police is accountable to the Administrator and then who will be accountable to Parliament? What is the position of the Metropolitan Council or the Assembly that you propose to set up. Will the Police Commissioner act independently of the Government? May be, the Chief Minister or the Chief Executive Councillor or whoever he may be will not have the control of the Police. Does it mean that the police would be answerable only to Administrator? And then you are answerable to Parliament? In that event in every session we must have a discussion over that. I do not know whether the Home Minister is going to control the entire police. My point is—good or not I am not going to say that—this. I want to understand from you whether according to this Bill, whether Police Commissioner is answerable to

[Sbri Vayalar Ravi]
 the Administrator? You have to clarify this. That is the objection raised by the lady Member in this Resolution. I won't call all the police personnel are corrupt. I do not want to brand them all as corrupt. They have to protect the citizens. They have to maintain the law and order and every other thing. There are many corrupt elements in the police. I do not want to generalise by calling them all as corrupt. To-day I read somewhere in the Indian Express that a police man came and asked for *dahi* from someone which he could not give. He arrested the person. He hit some one and someone was killed. This is the thing which is happening. We have to restrain the police. We are guided by the Police Act of 1861, a century year old Act enacted by the British, the then Rulers of India to rule the people of India when we were under the colonial rule. Even after thirty years of Independence we could not change or modify that. We have amended the IPC or Cr. P.C. But, Sir, we could not effect any reform and make any amendments to the Police Act. I want to make one more point very clear. You may remember that two colleagues, M.Ps met with their tragic death due to accidents.

We are scared to walk on the road. Vehicles can hit us. Who is the law breaker in Delhi? The Military vans, D.T.C. buses, Police vans and the diplomat cars are breaking the entire traffic line. I wish the Minister goes incognito on the roads of Delhi and see for himself how the vehicles are plying even when there is red light. There is no rule at all, for the military vans, lorries and the D.T.C. buses. I should call them the death-knell. It is horrible in Delhi. We have lost two comrades. There is no modern technique introduced in Delhi. The police keep on standing on the roads for hours to-gather. You should introduce a device in Delhi. Please go and see Bombay and Madras. How efficiently they have introduced the

traffic system. Nobody can drive at a speed more than 40 k.m. The police immediately checks up the speed. That is the police administration in Madras City.

Such an efficient police traffic control is there in Madras. Here, you think that one police man standing and showing his hands is enough to control the traffic; No, it is not I would request you to find out what the modern techniques for controlling the traffic are and these should be there as a permanent measure for twenty-four hours to have a watch on the traffic system. This is most important. The police man being on duty for half an hour, showing his hand and then going away will not solve the problem.

I would like to make one or two more points, because when my amendment comes, I will speak at that time. Now, if you go and see the condition of the police barracks, you will find that quite miserable and horrible. Are they cattle or human-beings? We want them to provide protection for our residences and for us but what are the conditions in which they live. Why should I blame them and say that the policemen are corrupt? In fact they are forced to be corrupt. How do they live? The census have shown that eighty percent of the policemen are TB patients. Have you provided them proper medical care? Have you provided them with proper shelter? No. They live in the most horrible conditions. What shelter have you provided to the policemen who come in connection with the security of the Parliament House? Why can't you provide a small nice shelter for the policemen?

I would request you to come and see the beautiful shelters being provided to the policemen in Kerala. The Kerala Housing Board is building these houses for the policemen. We have completed thousands of houses. There the scheme is to provide attached houses near the police station to

every police man. Why can't you do that here.

I demand, that the grievances of the policemen should be properly looked into. Proper arrangements should be made for education of their children; they should be provided with good shelter and medical care. You must give them minimum necessities of human life. This is most important. Only then, we can think of doing away with corruption.

There are certain other clauses of the Bill on which I will speak later when I move my amendment. Wide powers have been given to the police, to which I take strong objection.

MR. CHAIRMAN: You can have two minutes more and finish now.

SHRI VAYALAR RAVI: If you allow me to speak at that time also for one minute, I would like to make my point. ☞

Sir, wide powers have been given to the police. The Commissioner of Police has been given the power to appoint special police officers. Any able-bodied person can be appointed as a special police officer. What does it mean? You want to make these appointments political appointments. You want to give the powers of the police to irresponsible people. It is a very dangerous clause. We oppose it very strongly. The licences which are supposed to be given by the Municipal Corporations would be given by the Police. If there is a script of a drama, which has come from Kerala, you have to make a Hindi translation of it and give it to the Police Commissioner for permission. What an absurd clause? Like this, there are many other clauses also which are quite objectionable. They are also being given powers with regard to the performance by artists. That is not correct.

Lastly, the police have been given powers to obstruct any genuine trade

union movement in the railways etc. I take very serious objection to it. If the workers unit and have a procession, the police can intervene and disperse them. They can do this in any kind of demonstration by the workers.

I would speak at the time of my amendment. I would only say here that as far as this Bill is concerned, very wide powers have been given to the police; these require to be a little more controlled. Unless these powers are suitably controlled, these are likely to be abused and will create more problems than curbing them.

With these words, I conclude.

श्री विजय कुमार मलहोत्रा (दक्षिण दिल्ली) : सभापति महोदय, इस बिल पर बहस के दौरान पुलिस को अधिक पावर देने के खिलाफ बहुत सी बात कही गयीं। यह बात ठीक है कि आज पुलिस की इमेज बहुत खराब है और पुलिस के द्वारा पिछले दिनों में बात तोर पर इमरजेंसी के दौरान और उससे पहले किये गये जो अत्याचार थे उसके कारण लोगों के मन में काफी शंका है पुलिस को अधिक पावर देने के बारे में। परन्तु मैं कहना चाहता हूँ कि इमरजेंसी के दौरान या उससे पहले पुलिस ने जिस प्रकार से अत्याचार किये, ज्यादतियाँ कीं, उसके साथ जो डिस्ट्रिक्ट मजिस्ट्रेट थे जिनके अर्धीन पुलिस आती है उनमें से किसी जिलाधीश ने उन ज्यादतियों को रोकने का साहस किया हो ऐसा भी नहीं दिखाई नहीं देता। सारे हिन्दुस्तान में 350, 400 से ज्यादा जिले, पर सारे हिन्दुस्तान में एक भी डिस्ट्रिक्ट मजिस्ट्रेट ऐसा नहीं निकला जिसने खाली कागज पर दस्तखत करने से इनकार किया हो। इसलिये यह कहना कि डिस्ट्रिक्ट मजिस्ट्रेट के अंदर पुलिस रहेगी तो ज्यादा अच्छा कंट्रोल रहेगा और पुलिस कमिश्नर

[श्री विजय कुमार महापात्र]

बना दिया, पुलिस को ज्यादा पावर दे दी तो उससे ज्यादा नुकसान होगा, यह मैं ठीक नहीं समझता हूँ ।

यह ठीक है कि कलकत्ता, बम्बई और मद्रास, इन तीनों जगहों पर प्रभेज पहले आये जिस कारण यहाँ पर पुलिस कमिश्नर बनाया गया और बाद में यह सिस्टम डिस्ट्रिक्ट मजिस्ट्रेट्स और पुलिस का चला । परन्तु आज के इन हालात में पुलिस कमिश्नर का एक्सपैरीमेंट सक्सेसफुल हो सकता है बशर्ते कि उसके साथ कुछ और सुधार किये जायें ।

इसलिये मेरा पहला सवाल यह है कि जब डिस्ट्रिक्ट मजिस्ट्रेट निकल जायेगा तो उसकी जगह कौन लेगा ? क्या डिस्ट्रिक्ट मजिस्ट्रेट की जगह सैट्रल गवर्नमेंट लेगी ? क्या यह पासिबल है कि डिस्ट्रिक्ट मजिस्ट्रेट को बीच में से निकालकर पुलिस सीधे सैट्रल गवर्नमेंट के अन्डर या होम मिनिस्टर के अन्डर आ जाये ? मैं समझता हूँ कि यह सुभाष्यपूर्ण और गलत डिजीजन होगा । इसलिये इस बारे में विचार करने की जरूरत है ।

दिल्ली एडमिनिस्ट्रेशन का बिल जो यहाँ पेश किया गया है, उसमें भी कहा गया है कि पुलिस पूरी तरह से दिल्ली के मिनिस्टर्स के अन्डर नहीं होगी । यह एक तरह से लैफ्टिनेंट गवर्नर की पावर में रखी जायेगी और लैफ्टिनेंट गवर्नर सैट्रल के स्टेट होम मिनिस्टर के अन्डर होगा । डिस्ट्रिक्ट मजिस्ट्रेट को हटाकर उसकी जगह पर केवल सैट्रल होम मिनिस्टर या लैफ्टिनेंट गवर्नर बीच में आ जाये तो यह ऐसी चीज है कि जो पुलिस पर थोड़ा बहुत कंट्रोल होना चाहिये, वह भी इसमें से निकल जायेगा । इसलिये मेरा सुझाव है कि जब दिल्ली स्टेट के मिनिस्टर आ जायें तो यह उनके अन्डर हो ।

मुमिया नर के जितने भी कंट्रीज हैं, कुछ कम्युनिस्ट कंट्रीज को छोड़कर बाकी सब में पुलिस का म्युनिस्पलाइजेशन हो चुका है । लन्दन में पुलिस काउंटी काउंसिल के अन्डर है, बर्लिन में कारपोरेशन के अन्डर है, टोकियो, एडिनबरा, अमेरिका और कनाडा के हर शहर में वहाँ की पुलिस लोकल बाडीज के अन्डर है, वहाँ के डिस्ट्रिक्ट मजिस्ट्रेट्स को रिजल्ट किया है । म्युनिसिपल कमिटीज ने या कारपोरेशन ने । तो यहाँ पुलिस कमिश्नर या तो दिल्ली म्युनिसिपल कारपोरेशन के अन्डर हो या उसके बाद जो दिल्ली स्टेट के मिनिस्टर्स होंगे, उनके अन्डर हो तभी पुलिस ठीक तरह से काम कर सकेगी । केवल सैट्रल गवर्नमेंट के अन्डर रखकर तो मैं समझता हूँ कि उससे प्राबलम्ब बढ़ सकती है और उससे नुकसान हो सकता है ।

दूसरी बात मुझे यह कहनी है कि यहाँ पुलिस कमिश्नर बना दें या डिस्ट्रिक्ट मजिस्ट्रेट के अन्डर रखे, अगर दिल्ली की पापुलेशन के बारे में कुछ नहीं किया गया तो इस समस्या का हल नहीं हो सकेगा । दिल्ली की पापुलेशन हर साल करीबन डेढ़-दो लाख बढ़ रही है । लाखों आवामी हर साल बाहर से आते हैं और दिल्ली में 2, डायें लाख पापुलेशन बढ़ जाती है । जितने लोग बाहर से आते हैं, उनमें बहुत से ऐसे हैं जो धन्या भी नहीं करते और पुलिस को इस सब की कोई जानकारी भी नहीं होती ।

आज दिल्ली की पापुलेशन 55 लाख के करीब है, अगर यह थोड़ी और बढ़ गई तो दिल्ली की प्राबलम्ब और बढ़ती जायेगी । यहाँ वाटर, इलेक्ट्रिसिटी, सैनीटेशन, सिविक प्राबलम्ब बढ़ जायेगी और ला एंड वाटर्स की प्राबलम्ब और भी ज्यादा खराब हो जायेगी । इसलिये दिल्ली की पापुलेशन पर किसी भी तरह

से कंट्रोल करना चाहिये। दिल्ली कैपिटल है, यहाँ सारे हिन्दुस्तान के लोग आ सकते हैं, लेकिन वहाँ लोग यहाँ जायें जो यहाँ सचिव करें या जिनके यहाँ रहने का इंतजाम ही तब तो ठीक है। कोई भी धाबन्दी बाहर से आता है, और यहाँ मुम्मी डालकर बैठ जाता है। यहाँ उनमें से 50 प्रतिशत ऐसी जगह हैं, जहाँ पर कि काइम होता है। इसलिये दिल्ली की पापुलेशन के बारे में विचार करना चाहिये।

17 hrs.

मुझे बड़ा दुःख है कि हमारी गवर्नमेंट ने नेशनल कैपिटल रीजन की स्कीम भी खत्म कर दी, जिसके खत्म होने से धास पास के छोटे छोटे शहरों में जिनमें दिल्ली की पापुलेशन को बसाना था, वह भी स्कीम खत्म हो गई। ऐसी हालत में अब कि पापुलेशन का एक्सप्लोजन हो रहा है, यहाँ के ला एंड आर्डर को संभालना काफी मुश्किल काम है।

पुलिस कमिश्नर बनाने की बात ठीक है, लेकिन दिल्ली पुलिस का माडर्नाइजेशन कब किया जायेगा? होम मिनिस्टर साहब को इसके बारे में जरूर विचार करना चाहिए। आज दिल्ली की पुलिस के पास बिल्कुल प्रिमिटिव साधन हैं। दुनिया भर में पुलिस को जो नये माडर्नाइज्ड साधन दिये जाते हैं, उन में से कोई साधन पुलिस के पास नहीं है। पुलिस के पास न खड़ी हैं, न मोटर साइकल है और न ही उन का नम्बर ही पूरा है। यहाँ तक कि अगर पुलिस काइम ही जगह पर जा कर देखे कि और पुलिस की मदद की जरूरत है, तो किसी धाबन्दी को भेजना पड़ता है, जिस में बंदी बन जाते हैं। यहाँ की पुलिस के पास बाकी टांकी भी नहीं है कि उस के माध्यम से और पुलिस को बुलाया जा

सके, या बात की जा सके। इतने प्रिमिटिव साधन होते हुए सिर्फ पुलिस कमिश्नर बना देने से दिल्ली की प्रोब्लम हल हो जाये, यह संभव नहीं है।

पिछले दिनों में कामलबेल्व गेज के सिलसिले में बाहर गया था। मुझे तीन बार शहरों में जाने का मौका मिला। हर जगह धाबन्दी ट्रैफिक ला को तोड़ने से डरता है, क्योंकि उसको 50, 75 या 100 डालर जर्मनी की बिट मिल जाती है। लेकिन दिल्ली में पागलपन है। यहाँ पर ट्रैफिक ला नाम की कोई चीज नहीं है। पुलिस भी इस बारे में कुछ ज्यादा नहीं कर पा रही है। अगर पुलिस कमिश्नर के माध्यम से इस समस्या को ही हल कर दिया जाये, तो यह एक बड़ी बात होगी।

इसके अलावा यह भी जरूरी है कि पुलिस के वे स्ट्रक्चर में सुधार किया जाये, उसके लिए हाउसिंग और दूसरी सुविधाओं की व्यवस्था की जाये और सड़कें बाँट बाँट से ज्यादा काम करने पर उन्हें बाँध-टाइम दिया जाये। ये बात पचास साठ साल के पुलिस में बड़ी टेन्शन का कारण बनी हुई है। मिनिस्टर साहब इस बात की व्यवस्था करें कि पुलिस के लिए सही तौर पर हाउसिंग का इन्तजाम हो, उन्हें बाँध-टाइम दिया जाये और उन के वे स्ट्रक्चर को भी ठीक किया जाये।

पुलिस कमिश्नर के माध्यम से ऐसी व्यवस्था करनी चाहिए कि जो लोग गवाही देते हैं, उन्हें बी० आई० पी० ट्रीटमेंट दिया जा सके, या कम से कम उन्हें कोर्ट्स में जा कर प्रश्न न खाने पड़ें। आज हालत यह है कि पुलिस के पास गवाही के लिए कोई नहीं जाता है।

[विजय कुमार मलहोत्रा]

दिल्ली में पुलिस कमिश्नर बनाना एक बहुत म्बारक कदम है, लेकिन अगर इसके साथ साथ ये कदम उठाये जायेंगे, तो कैपिटल की ला एंड ऑर्डर प्राबलम को साल्व करने में काफी सहायित होगी।

*SHRI S. G. MURUGAIYAN (Nagapattinam): Hon. Mr. Chairman, Sir, I welcome the Delhi Police Bill which seeks to model the Delhi Police set-up on the pattern of Police set-up in Madras, Bombay and Calcutta.

At the very outset, I would like to point out that the Police in our country does not give protection to the poor people. The Police feels that their primary duty is to guard the interests of vested interests. In fact, I should say that the Police has become the handmaid of haves in the country and the have-nots are left to fend for themselves. I am sure that none in this House will contradict me if I say that the increasing number of atrocities being perpetrated on the Harijans and Scheduled Castes is mainly due to lack of police protection to them. You will find in our country the strange phenomenon of the culprits going scot-free and the victims being punished by the Police. In the Socialist countries the Police set-up is geared to meet the social needs of the people; their primary concern is giving protection to the common people.

I can adduce the cause of ineptitude on the part of the Government in reorganising the Police force throughout the country. It is not enough to make quantitative change; it is essential to have qualitative change also in the Police force of the country. My suggestion may be treated as unscientific. Yet, I would like to suggest that 50 per cent of the total recruitment to the Police Force must

be from the ranks of Scheduled Castes and Scheduled Tribes and other backward classes. Then only there can be a semblance of police protection to these people in the country. I am sure that the hon. Minister of State in the Ministry of Home Affairs, who is also in charge of the welfare of Scheduled Castes and who has piloted this Bill, will bear this in mind for future action.

I would also say that the Police is being administered on the age-old British pattern. The 1861 Police Act is the legal frame-work for the functioning of Police. You can imagine how outdated the Police functioning will be if it is to derive strength from such an outmoded law. The Police in the country should be reorganised to meet the needs of the people of a free nation. As the population grows, the needs of the people also multiply. The Police force must be reoriented in such a manner that the interests of the common people become the corner-stone of all their activities.

Coming now to Delhi Police set-up, I understand that 20 per cent of the Police force is allotted for transport control, 30 per cent to protect the V.V.I.Ps and V.I.Ps in the capital and the remaining 50 per cent is to look after the law and order situation in the capital. Even this 50 per cent gets diluted on the days of political and labour agitations in the capital, on Republic Day and Independence Day and on the days of Public Reception to foreign dignitaries visiting India. Besides maintaining the law and order situation, this 50 per cent Police Force is also to look after the interests of sizable foreign communities serving in the Diplomatic Mission in Delhi.

While the population of Delhi has gone up from 5 lakhs in 1955 to about 60 lakhs in 1978, the Police force has

*The Original speech was delivered in Tamil.

not been augmented in the same proportion. While the population has grown by 12 times, the Police force has not been strengthened even by 3 times. You can well imagine the situation that the Delhi Police has only 5 wireless wagons to cater to the needs of a sprawling city. I suggest that the Delhi Police must be reorganised in three distinct categories—Traffic Wing, V.V.I.P. and V.I.P. Protection Wing and Law and Order Maintenance Wing. Each wing must be well-equipped with modern scientific gadgets. There must be more Police Stations in Delhi. The Police strength must be increased. The pay of a Constable is unfortunately even less than that of a peon in the Central Government. If a constable cannot maintain himself and his family in a decent way, how can you expect him to maintain the law and order situation in the Capital? I suggest that the pay-structure of Police must be revised immediately. I would also suggest that the Delhi Police must be given training in their public behaviour. They are known for their 'thums' and 'thumko'.

As my friend, Shri Bhattacharya pointed out, Shri Dharna Vira, who was responsible for the removal of West Bengal's Progressive Left-front Government, has been made the Chairman of Police Commission. In his public meetings, Shri Dharna Vira does not hesitate to blame the politicians for the worsening law and order situation in the country. Such a man should not have been given the change to preside over Police Commission.

With these words, I conclude my speech.

डा० राज जी सिंह (भागलपुर) :
समाप्ति जो, दिल्ली पुलिस बिल दिल्ली के जो सांसद-महोदय हैं, उनके लिए विशेष महत्व रखता है, लेकिन हम लोग भी अब दिल्ली वाले ही हो गये हैं, इसलिए इस पर हमारा भी उतना ही अधिकार है। मुझे
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इस सम्बन्ध में यही निवेदन करना है—
बहुत पहले ही इस के बारे में रिकमेंडेशन हो चुकी थी—

"The Commissioner of Police system should be introduced in Delhi. He should be of the rank of Inspector-General as he will have to deal with Central Government Ministers, heads of armed forces and other departments."

इसी लिए हमारे जो मित्र बहते हैं कि यह बिल अभी लाया जा रहा है, अभी तक जो देरी हुई है, उसी का प्रतिवार हम लोग कर रहे हैं और इस को जल्दी ला रहे हैं। वस्तुतः दिल्ली की पुलिस व्यवस्था के बारे में जब भी बात होती है—वर्षों ही दुर्भाग्यपूर्ण स्थिति सामने आती है। आज से कुछ ही दिन पहले कुछ आंधड़े निवले थे—“ए-केम-आफ-दि-एफल गार्ट-पुलिस-डेन” और उसमें दिया गया था कि दिल्ली पुलिस की व्यवस्था नितनी हृदयद्रावक है। लाहौरी गेट में यदि किसी को पद-स्थापित किया जाय, तो उसे 30 हजार रुपये पुलिस आफसर को देने पड़ते थे। सदर-बाजार का रेट 20 हजार से 30 हजार रुपये था, मन्वी-मण्डी का रेट 15 हजार से 20 हजार रुपये था। ये आंकड़े 1971 के हैं, अब तो यह काफी बढ़ गया होगा। हर चीज के लिए यहां प्राइस तय थी—डैमर के लिए 5 हजार रुपये से 10 हजार रुपये थे—इस तरह की स्थिति यहां पर है। मेरे कहने का तात्पर्य यह है कि सचमुच में यहां की बिधि और व्यवस्था की स्थिति बहुत दुर्भाग्यपूर्ण है।

ब्रिटिश सल्तनत के जमाने में मद्रास, बम्बई और कलकत्ता में पुलिस कमिश्नर की पोस्ट रखी गई थी और इसलिए रखी गई थी कि वे वहां पर साम्राज्यवादी शक्ति के विस्तार का गढ़ बन सकें। लेकिन अब हम लोगों के लिए इस प्रकार से सोचने की बात नहीं है। अब तो पुलिस राज्य नहीं है, अब तो पीपुल्स राज्य है। इसलिए पुलिस

[डा० रामजी सिंह]

व्यवस्था का जो भावना है अगर उस को हम नहीं अपनायें तो चाहे पुलिस कमिश्नर बना दें या और भा कुछ कहें, पुलिस भगवान बना दें, इस सब से कुछ नहीं होगा। एक बड़े लेखक का यह कहना है :

"Next to the blessings which a nation derives from an excellent Constitution and system of general laws are those advantages which result from a well-regulated and energetic band of police, conducted and enforced with purity, activity, vigilance and discretion."

हमारे गृह राज्य मंत्रों जो तो अभी हैं नहीं लेकिन अगर वे इस पुलिस कमिश्नर का व्यवस्था में इस प्रकार की व्यवस्था कायम करेंगे, जैसे कि ऊपर बताई गई है, तब तो ठीक है, नहीं तो आप इस पुलिस कमिश्नर विधेयक में इतने अधिक अधिकार जो दे रहे हैं तो इन से जनता की आवाज का छिनमें। इसीलिए यह आवश्यक है कि जब पुलिस का इतना अधिकार दिये जा रहे हैं तो हम का इस बारे में अच्छी तरह से सोचना चाहिए। अभी जो पुलिस कमिश्नर बनाए गये हैं श्री जे० एन० चतुर्वेदी साहब, उन का कहना है कि :

Delhi police is 40 years behind the Scotland Yard.

ठीक है, उन के पास माडर्न इक्विपमेंट्स नहीं है, उन के पास पूरे साधन नहीं हैं जिन से अपराधियों को पकड़ा जा सके। उन के पास पूरी सुविधाएं नहीं हैं। ठीक है, उन को सारी सुविधाएं दी जाएं और हमारे माननीय तिवारी जी के मन में उन के लिए दर्द है और बात सब है कि उन लोगों के रहने के लिए कुछ नहीं है। ये तब तक लिफ्टियां जाएं लेकिन इतने अधिक अधिकार देने से पहले अगर उन को योग्य नहीं बनाया जाएगा, तो वे अधिकारों का दुरुपयोग करेंगे और दिल्ली में पुलिस तानाशाहों के दिन हम लोगों को देखने पड़ेंगे। इन सम्बन्ध में मैं यह भी कहना चाहना हूँ, हमारे पार्टिली हब

तो अभी यहाँ हैं नहीं, कि प्रधान मंत्री जी ने पुलिस एक्शन के बारे में यह कहा है :

No third-degree methods with anyone at any time.

तो ये सब चीजें आप देखें लेकिन मैं यह कहना चाहूँगा कि पुलिस के लिए कोई भी क्रूर कथकल, आचार-संहिता हानी चाहिए कि क्या क्या काम पुलिस करे और क्या क्या काम न करे। अगर केवल अधिकार रहें, इयूटील नहीं रहेंगे और उन के अर्थव्यय उन को नहीं बताएंगे, तो यह गलत होगा।

एक बात और मैं यह कहना चाहूँगा कि यह ठीक बात है कि आप इंग्लैंड शासन का खरम का रहे हैं लेकिन पार्लामी क्लब्सन ब्रह्मजी ने बताया था कि जब दिल्ली को राज्य का दर्जा दिये जाने की बात अभी हो रही है, तो अच्छा होता कि आप इस बिल को प्रवर समिति में भेज देते। जब इधर दिल्ली को राज्य का दर्जा देने का बात हो रही है, तो उस राज्य को कितने अधिकार देने की व्यवस्था वहाँ के चुने हुए जो विधायक हैं, उनका देंगे। किस हद तक उन को अधिकार देने की व्यवस्था आप करना चाहते हैं? इसका कोई तालमेल होना चाहिए, नहीं तो एक तरफ तो आप दिल्ली को राज्य बना कर कुछ अधिकार देने की बात करते हैं और दूसरी तरफ पहले से पुलिस व्यवस्था आप लोगों पर लाव रहे हैं। मैं इस विधेयक का समर्थन तो करूँगा लेकिन मैं यह कहना चाहूँगा कि आडोनेम्स बनाने की जो परम्परा कांग्रेस राज्य में थी, उस कुम्हार का हम को नहीं लेना चाहिए। इसलिए मैं यह चाहूँगा कि जो बात मैंने कही है, उन को मानना यह राज्य मंत्री ध्यान में रखें और पुलिस को अधिकार देने से पहले उन को इन बातें बनावें कि वे अधिकारों का दुरुपयोग न करें।

श्रीवती बलबीर सिंह (होमियारपुर) :
समाप्ति सहोदय, यह एक पुरानी बीमारी

है जो अंग्रेजों के राज में चली थी और कांग्रेस सरकार को भी यह बीमारी हो गई थी। यह छूत की बीमारी हटी नहीं है और अब हमारी जनता सरकार को भी यह हो गई है। आर्डिनंस से कानून बनाने की बीमारी अभी हटी नहीं है। क्या अंगरेजों को जाता अगर हम इसे इस तरह से नहीं लाते? जब हम दिल्ली को राज्य का दर्जा देने के लिए कानून बना रहे हैं तो इसको इस तरह से लाने में क्या फर्क पड़ा है? वस वही हुआ है कि आई० जी० का नाम बदल कर अब पुलिस कमिश्नर हो गया है। उसको कुछ और अधिकार दे दिये हैं।

आज तक यह शिकायत रही है कि पुलिस के पास कोई अधिकार नहीं भी हो तो भी वह अधिकार इस्तेमाल कर सकती है। कोई अधिकार उनके पास न होने से, उनके पास में कोई कानून न होने से भी उनका कानून चलता है। अब हम उनको बहुत से अधिकार दे रहे हैं।

महात्मा गांधी ने कहा था और हम तो अपने को गांधी-वादी कहते हैं, हम गांधी जो हो मानते हैं और गांधी जी की समाधि पर हमने कस्म खायी है। क्या हमने गांधी जो हो वह बात सीखी है कि कौन-से सरकार खराब होती है, कौन-सी सरकार अच्छी होती है? गांधी जी ने कहा था कि अच्छी सरकार वह होती है जो कम से कम दखल दे।

अगर आप पिछली तथारीख को देखें या दिल्ली की तथारीख को देखें तो आपको मालूम होगा कि जिन दिनों में लड़ाई हुई थी और पुलिस का काम किसी और को सौंप दिया गया था, दिल्ली शहर का काम पुलिस के सिवाय किसी और समा, सोसायटियों के सुपुर्द कर दिया गया था तो उन दिनों में चोरियां और बड़े बड़े जुर्म बिल्कुल नहीं हुए थे, अगर हुए थे तो बहुत कम हुए थे। आप उन दिनों का रिकार्ड बंधा कर देख लीजिए। जिस बस स्टैण्ड पर पुलिस

का सिपाही न हो वहां जेबकतरी नहीं होती है। अगर वहां पर पुलिस का सिपाही मौजूद है तो वहां पर जेबकतरी होगी। अगर आप मिसाल चॉर्तों में देख सकते हैं। दिल्ली में पुलिस सुपरिन्टेण्डेंट के किसी रिश्तेदार की जेब कट गई। इस पर पुलिस सुपरिन्टेण्डेंट ने थाने के इंचार्ज को कहा कि शाम तक उसका पैसा नहीं मिला तो वह सस्पेंड कर दिया जाएगा। शाम में पहले ही उसका बटुआ और पैसा वापस हो गया। इसलिए पुलिस के पास तो पहले ही बहुत से अस्त्र-यारात हैं और और भी उर्ते देने योग्य हैं। चाहिए तो यह था कि जो उनकी मुश्किलें हैं उनको दूर किया जाता और उनके जो अधिकार हैं वे उनको दिये जाते। वह रात को जब घर पहुंचता है, बिस्तर में लेटता है तो टेलीफोन घा जाता है कि किसी जगह उसका जाना है। वह सारी रात और दिन का मुलाजिम है। उसे रहने को मकान चाहिए, बच्चों के लिए साी मुविद्याएं चाहिए, उसका थोड़ा बहुत सेटिस्फार्ड करने की जरूरत है। अगर वह सेटिस्फार्ड नहीं होगा तो वह कैसे काम करेगा। आप उसे एक लार्सेस देते हैं कि वह अपने घर का इंतजाम करने के लिए लोगों से पैसा ले।

अभी श्री आनन्द नारायण मुक्त ने कहा था, एक जजमेंट उन्होंने दिया था कि हिन्दुस्तान में सब से बड़े आरगोनाइंड गिरिह जुर्म करने वालों का पुलिस है। इस स्ट्रिक्चर को र करवाने के लिए, दू० पी० की सरकार सुप्रीम कोर्ट तक गई लेकिन वे रूढ़ नहीं हुए।

इस लिए मैं कहना चाहता हूँ कि पुलिस को ज्यादा अस्त्रियारत दे देने से पुलिस का इंतजाम ठीक हो जाएगा या कोई बहुत बड़े इकलौती बात हो जायगी, वह नहीं होगा। पुलिस में अच्छे अफसर भी हैं और दूसरे अफसर भी हैं। इनके ऊपर बैठने वाली सरकार देखे कि कौन आदमी गलत है, कौन आदमी ठीक है। यह न हो कि टेलीफोन

[बीघरी बलबीर सिंह]]

गया और अफसर की गड़बड़ी ठीक हो गई, वह आदमी भ्रष्टा हो गया। तो इन सब बातों को, चाहे दिल्ली की सरकार ही या सेक्टर की सरकार, उन दोनों को देखना चाहिए। पुलिस वालों के काम में बहुत इण्टरफरेंस होती है। एक बदमाश पुलिस वालों ने पकड़ा और किसी का टेलीफोन चला गया, वह बदमाश छोड़ दिया गया। पुलिस उस से बात तक नहीं कर पाती और उसे छोड़वा लिया जाता है। अब टेलीफोन करने वाला चाहे कंवर नाम गुप्त हो या मैं हूँ। जिनकी देर तक हम इस बात को नहीं रोकेंगे तब तक यह मसला हल होने वाला नहीं है। यहाँ पर यह कहा गया है कि थर्ड डिप्टी मैजिस्ट्रेट इन्तेमान न करें। मैं पूछना चाहता हूँ कि लिटिगेंट सामान क्या आपने उनको मुहैया किया है? अगर नहीं किया है और कोई बात हो जाती है तो फिर आप कहेंगे कि ये पुलिस वाले काम नहीं करते हैं। मैं इन थर्ड डिप्टी मैजिस्ट्रेट की हिमायत नहीं करता हूँ।

पुलिस को पता होता है कि कौन आदमी जूम करने वाला है। आपने उसको यह भ्रष्टाचार दिया है कि बदमाशों को वह दिल्ली को बाहर कर सकती है। मैं पूछना चाहता हूँ कि अगर बदमाश दिल्ली से बाहर कर दिये जाएंगे तो क्या वे शरीफ आदमी वहाँ जा कर बन जायेंगे? वे वहाँ पर जा कर ज्यादा उत्पात करेंगे। इस वास्ते यह समस्या का कोई हल नहीं है। इन की एक्टिविटीज को आपको कब करना है तो यहीं करें। किसी और जगह आप इनको भ्रज देंगे तो वहाँ जा कर वे ठीक हो जाएंगे, शरीफ बन जाएंगे, ऐसी बात नहीं है। आपने पुलिस को बहुत भ्रष्टाचारित दिए एक्सप्लूट पावर कुस्टोड एबसो ल्यूटली इसका भी आपको ध्यान रखना चाहिए। कहीं बैसी बात न हो जाए। जितनी ज्यादा पावर आप दे रहे हैं उतनी ही ज्यादा खराबी न हो जाए इसका भी आप ध्यान करें।

कुछ प्रश्न को भी जल्दतर है और मैं धारा करता हूँ कि वह आप लगाएँ। अगर आपने ऐसा नहीं किया तो सत्यानाश हो जाएगा।

श्री रीतलाल प्रसाद वर्मा (कांडरमा): दिल्ली पुलिस अध्यादेश को विनियमित करने के बारे में जो प्रस्ताव आपने पेश किया है उसका मैं समर्थन करता हूँ। दिल्ली का अन्तर्राष्ट्रीय जगत में एक बहुत महत्वपूर्ण स्थान बन गया है। यहाँ की आबादी 56 लाख हो गई है। पांच लाख की संख्या में सालाना यहाँ लोग सारे देश से और विदेश से आते जाते हैं। आसपास के इलाकों से, रेल से नाना प्रकार के अपराध कर्मियों के इस कारण से आपने की गुंजाइश भी हो गई है। बेलंग तरह तरह से अपराध करते हैं। इस नये परिपेक्ष्य में यहाँ पर पुलिस को संगठित करने की आवश्यकता थी। जब संसद का सब नहीं चल रहा था तब यह अध्यादेश लाया गया था ताकि अपराध कर्मियों पर काबू पाया जा सके। शायद तीन चार महीने इसको लागू हुए हो गए हैं। जब जब संसद में इन अपराध कर्मियों के बारे में प्रश्न आए हैं गृह मंत्री जी ने जो अब गृह मंत्री नहीं हैं, आंकड़े दिये थे और कहा था कि पुलिस को सुसंगठित किया जा रहा है। लेकिन इस के बावजूद भी पुलिस का जिस तरह का संगठन होना चाहिये था जिस तरह की व्यवस्था होनी चाहिये थी, अपराधियों की गति विधियों को नियंत्रित किया जाना चाहिये। वह नहीं हो पा रहा था। आज भी दिल्ली में अनैतिक व्यापार स्त्रियों का काफ़ी बढ़ा हुआ है, गुंडागर्दी काफी बढ़ी हुई है, अस्तमजिक तत्व सक्रिय हैं। इन पर नियंत्रण नहीं हो पा रहा है। चोरियां डकैतियां बहुत ज्यादा बढ़ गई हैं। अभी हमारे डा० सिंह बता रहे थे कि वीसा दे कर, हजारों हजार दे कर पुलिस वालों की पॉस्टिंग की जाती है। किस तरह से इन चीजों पर नियंत्रण स्थापित किया जाए इसको

देखा जाना चाहिये। पाबंद तो ही जा रही है, आप अधिकार तो पुलिस को और ज्यादा देने जा रहे हैं और यह जरूरी भी था लेकिन तीन चार महीने में जो व्यावहारिक रूप देखने को मिला है उस से लगता है कि नतीजे उत्पाह्वर्धक नहीं आए हैं। मैं भी आप को एक उदाहरण देना चाहता हूँ। दिल्ली में आत्म हत्या करने वालों की संख्या दिन प्रति दिन बढ़ रही है। इस के कई कारण हैं। कोई गिर कर मर जाता है तो उसको आत्म हत्या ही मंजा दे दी जाती है। किस तरह से अगर किसी को मकान से गिरा कर मरना कर दी जाती है और उसको आत्म हत्या कह कर मामलों को रफा बसा कर दिया जाता है इसका एक उदाहरण मैं आपको देना चाहता हूँ। रोहित हाउस में इसी महीने एक चरित्र मनोजा नामक युवक ने बताया गया है कि कूद कर, छलांग मार कर के आत्म हत्या कर ली। लेकिन वास्तव में उसको धक्का दे कर उसकी हत्या की गई थी जब कि बताया यह गया कि उस ने आत्म हत्या की, तेरहवीं मंजिल पर कूद कर। एक महेन्द्र बर्मा और कुछ दूसरे अपराध कर्मियों ने उस को धक्का दिया था। बताया जाता है कि मित्रता के रूप में ले जा कर के और खिला पिला कर के उसकी हत्या की गई। जो चपड़ासी रहते हैं उन के जरिये कुछ खाने पीने की व्यवस्था की गई, मुर्गे और चूने मंगाए गए। उस के बाद यह कहा गया कि कूद कर उस ने आत्म हत्या कर ली। इस बीच एक आई० आर० में यह विवरण है कि कुछ असमाजिक तत्व हैं, मुरा मुन्दरो का जो व्यवहार करते हैं, अपराध का वह प्रह्ला है, वहाँ यह हूद कर मरा और उसने आत्महत्या की वास्तव में उसकी हत्या की गई है। पुलिस ने आत्म हत्या का मामला बना कर के केस को खत्म कर दिया है। उस के फादर जो पहले निर्धन आयात विभाग के डिप्टी डायरेक्टर रहे हैं। उन्होंने बताया है कि उन्होंने खुद लिख

कर दिया है -- पुलिस को कि इस के पीछे एक गिरोह का हाथ है। जो बराबर गड़बड़ी करते रहते हैं और पुलिस को पूरा विवरण देने के बाद भी कोई एक्शन नहीं लेते थे। इस प्रकार की जो सारी दिल्ली में गंदा व्यापार हो रहा है और पुलिस भ्रष्टाचार में डूबी है इस पर पूरा नियंत्रण होना चाहिये।

सभापति महोदय : डा० बलदेव प्रकाश नास्ट स्पीकर होंगे।

डा० बलदेव प्रकाश (अमृतसर) : सभापति महोदय, यह जो बिल सदन के सामने प्रस्तुत हुआ है इसका श्रेय बड़ा सीमित है और सिर्फ इतना ही है कि अपराध की जांच करने के लिये या कानून व्यवस्था को बनाये रखने के लिये जो पहले दोहरी व्यवस्था थी, पुलिस और मजिस्ट्रेट की, उसकी जगह पर एक जगह पुलिस का नये अधिकार दिये गये हैं। हमारे सामने यही प्रश्न आता है कि क्या पुलिस का अधिकार उपयोगी, दक्ष, कुशल और प्रभावी बनाने के लिये यह विशेषक ठीक रहेगा या नहीं? पुलिस का सिद्धान्त रूप से ज्यादा अधिकार देने चाहिये या नहीं? यही मूल भूत प्रश्न हमारे सामने आज है। और मैं समझता हूँ कि दोहरी व्यवस्था से यह व्यवस्था ठीक है। क्योंकि दोहरी व्यवस्था से दो जो एजेंसीज हैं वह बीच में आती हैं। और उस से पुलिस के ऊपर जिम्मेदारी तो हर किस्म की आती है, कहीं कोई गड़बड़ हो जाय पुलिस जिम्मेदार है, लेकिन जहाँ तक पुलिस के अधिकार का सवाल है उस के ऊपर मजिस्ट्रेट और डी० एम० हैं। पुलिस दफा 144 भी नहीं लगा सकती और कोई फायदाही नहीं कर सकती, कोई भी प्रोहिबिटरी मेजर्स इस्तेमाल नहीं कर सकती। तो इस से पुलिस अधिक प्रभावी होगी और उस की जिम्मेदारी बढ़ेगी। लेकिन दूसरा सवाल यह है कि अगर पुलिस को

[डा० बलदेव प्रकाश]

ज्यादा अधिकार दिये जायें तो कितने दिये जायें कहां तक दिये जाएं उन की सीमा क्या हो ? क्या ज्यादा अधिकार देने से हम इनको निरंकुश तो नहीं बना देते जिस से लाभ के बजाय नुकसान हो जाय ? इस बिल को आप ने पढ़ा होगा सभापति महोदय, इस में मूझ संदेह नहीं है और आप भी इसी मन के होंगे कि इस बिल को इस तरह से पास नहीं किया जा सकता । जितने उस में अधिकार दिये गये हैं, ऐसे छोटे छोटे अधिकार हैं जैसे होटल खोलना है तो लाइसेंस पुलिस का, या ड्रामा, ऐम्पथ-मेंट, कोई सिनेमा या सरकम या मेला, भी है, जो ट्रेडीशनल है उस के लिये भी पुलिस का लाइसेंस होना चाहिये । और तो और टिकट बेचने के लिए पास देने के लिये पुलिस का अधिकार हो । तो पुलिस क्या क्या करेगी ? क्या लोकल वाइज, म्युनिसिपल कमेटी या कारपोरेशन नहीं है, जो पुलिस को अधिकार दिया गया है ? उस से दुरुपयोग होगा । इतना ही नहीं पुलिस कमिश्नर को अधिकार दिया गया है कि वह समय पड़ने पर जनता में से टेम्पोरेरी पुलिस अफसर लगा सकते हैं । मैं समझता हूँ कि इस पर गम्भीरता से विचार होना चाहिये । और आगे अगर या तो उसका दुरुपयोग होने की सम्भावना है । यह भी इसके अन्दर है कि किसी इमारत को, गली को किसी भी समय किसी कारण से पुलिस अपने अधिकार में ले सकती है । इससे भी दुरुपयोग हो सकता है । अगर कोई व्यक्ति यह दरखवास्त देता है उसके जीवन को खतरा है और पुलिस उसके लिये कोई प्रबन्ध करे, तो कब प्रबन्ध करेगी ? जब कि वह व्यक्ति उस प्रबन्ध की कीमत अदा करे । आज जो विधेयक हम पास करने जा रहे हैं उसके अन्दर अगर ऐसा कोई प्रावधान है कि अगर कोई व्यक्ति अपनी रक्षा

के लिये पुलिस के पास जाता है और पुलिस उस के लिये ऐडीशनल फ्रीड इस्तेमाल करती है तो उस को कोस्ट उस व्यक्ति को देनी पड़ेगी । क्योंकि उस में शब्द है कि :

shall have to be paid by that man.

तो फिर संरक्षण लेने के लिये कौन जायगा ? उस से कम कीमत पर तो वह आदमी रख सकता है, जो उस की रक्षा कर सके । इस तरह से अगर कोई डिस्टर्ब्ड एरिया है, अगर उस को लॉग दरखवास्त देते हैं कि यहां पुलिस की चीकी बना दीजिये, हमारे यहां रोज इस तरह की गड़बड़ होती है, डिस्टर्बेंस होतें हैं, रायटस होतें हैं तो पुलिस को चीकी आकर बैठ जाती है, तो इस में प्रावधान है कि अगर इस तरह के डिस्टर्बेंस हों तो वहां के इन्वेंटीटोरिज को उस की कीमत देनी पड़ेगी । मैं जानना चाहता हूँ कि क्यों कीमत देनी पड़ेगी ? क्या ला एंड आर्डर की हिफाजत का काम पुलिस वा नहीं है ? क्या कोई माशुल ला लागू हुआ है ? उस व्यवस्था के लिये नौग कीमत क्यों दें ? लॉग टक्स देते हैं, पुलिस जनता की सेवा के लिये है । अगर संरक्षण के लिये, अपराध की रोकथाम, के लिये कोई दरखवास्त दे और उस की कीमत चुकानी पड़े तो मैं समझता हूँ कि उस विधेयक में यह त्रुटियां हैं ।

SHRI VAYALAR RAVI: At 5-30 you have to take the Half-an-Hour discussion. You can postpone this and Dr. Prakash may continue next time.

MR. CHAIRMAN: Now he will have to wind up.

डा० बलदेव प्रकाश : सभापति महोदय, अभी तो मुझे कई बातें और कहनी हैं, जो बहुत जरूरी हैं ।

MR. CHAIRMAN: The time is not fixed. That will be fixed.

SHRI VAYALAR RAVI: As per the rule it has to be taken up at 5.30 P.M.

MR. CHAIRMAN: Just a minute. The time is not given. It will be taken up. Normally the time is given. I shall check up. You please verify that by seeing the rules. Dr. Baldev Prakash, you may continue.

डा० बलदेव प्रकाश : इसी तरह से और भी बहुत से अधिकार हैं। इसमें यहाँ तक है कि धर्मशालाओं का कन्ट्रोल पुलिस करेगी। और विचार कीजिये कि धर्मशालाओं में कब किसी ने आना है, कब जाना है, कब वहाँ होगा को नज़र रखेगा, इसका नियंत्रण पुलिस करेगी? जमशान बाट पर भी पुलिस नियंत्रण करेगी कि कब मुर्दे को जलाना है और कब नहीं जलाना है।

आप विचार कीजिये कि अगर यह सब इन्तजाम पुलिस करेगी तो कैसे काम चलेगा? अब कमी पर कोई एम्बुड्जमेंट की चीज है, किम आर्टिस्ट को काम देना है, कौन आर्टिस्ट एम्प्लाय होगा, क्या इसका नियंत्रण भी पुलिस करेगी? अगर आर्टिस्ट भी पुलिस के नियंत्रण में हों वहाँ पर खड़ा जा सकता है तो इस प्रबन्धन का कितना दुबारा होगा, इसका भी आप अन्दाजा लगाइये?

मैं एक बात और कहना चाहता हूँ कि जब भी कहीं पर झगड़ा होता है तो यह बात आती है कि यहाँ से जल्द निकालने की इजाजत किम न हो। डिस्ट्रिक्ट मजिस्ट्रेट ने दो तो पहले रिटेटिव मेजरवी क्यों नहीं लिये गये? इस कानून की दिव्यत यह है कि पुलिस कमिश्नर या जो कोई भी अधिकार हो वह असेम्बलीज की या पब्लिक प्रॉसेशन को इजाजत ओरली भी दे सकता है, आप भयभीत कि यह इतनी कमी है कि इसकी जिम्मेदारी किस पर है।

SHRI VAYALAR RAVI: I rise on a point of order. This is about the sitting of the House. According to the bulletin the sitting is upto six. If it is at 6 then Half-an-Hour comes up at 5-30. That is the procedure. Of

course it is not mentioned in the order paper. Can you show me the rule? The position is that at 5-30 the half-an hour is taken up if the House sits upto 6. There is no prescribed time. You take the sense of the House if you want to postpone the half-an-hour discussion. After six we are not prepared to sit. You please look up to the rules—page 9 rule 14. It says:

“Unless the Speaker otherwise directs, sitting of the Houses on any day shall ordinarily conclude at 17.00 hours.”

I am relying upon Rule 14. After 6 there is no question of Half-an-Hour being taken up. Mr. Chairman, according to the Bulletin, the House is supposed to sit upto 6. (Interruptions).

MR. CHAIRMAN: Let me take the sense of the House...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. D. PATIL): Sir, this Bill seeks to replace the Ordinance and the last date of the Ordinance is 27th of this month. After 24th, there are three holidays. The Bill has, therefore, to be passed in this House today and thereafter in the other House also, otherwise there would be difficulties.

SHRI VAYALAR RAVI: How can it be possible? We would like to ask for division also.

MR. CHAIRMAN: I would request the hon. Members to accommodate. I could have finished the debate earlier; normally, it ought to have ended at 5.15 p.m., but in my anxiety to see that more Members participate in the debate on this Bill, we continued. If we have half an hour for this and half an hour thereafter, we will be able to finish the business by 7.00 p.m.

PROF. SAMAR GUHA (Contal): What about my motion? It has been shifted again and again. It is not possible to accommodate every item of the Government.

बन तथा संसदीय कार्य मंत्रालय के राज्यमंत्री (श्री सारंग साय) : सभापति महोदय, यहां पर जो बिल रखे जाते हैं, वे सभी महत्वपूर्ण होते हैं। यह नहीं कहा जा सकता है कि कोई बिल महत्वपूर्ण नहीं है। यह बिल भी बहुत महत्वपूर्ण और इसे भी पास करना बहुत आवश्यक है। इसलिए मैं माननीय सदस्यों में प्रार्थना करता हूँ कि इसके पास होने तक के लिए समय बढ़ा कर इसे पास कर दिया जाये।

PROF. SAMAR GUHA: What about my motion? I will not allow this Bill to be passed. There is a commitment by the Speaker. This was to come in the first week.

MR. CHAIRMAN: We should not get excited. Your motion has to come.

PROF. SAMAR GUHA: It has been postponed a dozen times.

MR. CHAIRMAN: Your motion has a priority over the half an hour discussion, but your motion has to be taken subsequent to the Bill, not earlier. That stage has not come.

SHRIMATI PARVATHI KRISHNAN: (Coimbatore): The Government should have brought this Bill earlier. They only wake up on the eve...

PROF. SAMAR GUHA: My motion has been going on and on.

MR. CHAIRMAN: If the House agrees, I do not mind.... (Interruptions)

SHRI VAYALAR RAVI: Some of the amendments, we consider, are very important. We are very cooperative; we never take more time, but many hon. Members want to speak. What can we do?

डा० बलदेव प्रकाश : सभापति महोदय, मैं समाप्त कर रहा हूँ। यह जो बार बार यहां पर तर्क दिया गया है कि भ्रष्टाचार

बढ़ना पुलिस को अधिक अधिकार देने से, मैं समझता हूँ कि यह तक संगत नहीं है।

SHRI S. D. PATIL: I am greatly indebted to the hon. Members who have supported the Bill. Out of 15 Members, as many as 12 members have supported the Bill. One who opposed was Mrs. Parvathi Krishnan and another has got some reservations...

SHRIMATI PARVATHI KRISHNAN: I have also been hearing their speeches. Those who supported have only partially supported it; they have agreed on the civilian powers, even the last speaker.

SHRI S. D. PATIL: Others have made valuable comments and constructive suggestions for the consideration of the government. An hon. Member raised the point; why was an Ordinance passed; Promulgation of Ordinances is not desirable. The decision of the government to introduce a system of commissioner of police in the Union territory of Delhi was announced in both Houses of Parliament in August 1977. The intention was to bring in the necessary legislation before Parliament in the last budget session. Necessary legislation was drafted and was placed before the Metropolitan Council of Delhi in December, 1977 for obtaining its recommendation. Its recommendation was available in the second week of May 1978. Since considerable delay has already occurred it was decided that the change over should be given effect to without further delay accordingly the Delhi Police Ordinance, 1978 was promulgated on 1st July, 1978.

This was a long felt need of Delhi. The Khosla commission has already recommended that this should be a unified system and it would lead to better efficiency of the police. Because of increasing population and the complex problems that the capital is facing, this is necessary. It is not as if new principles are being introduced. The Bill is modelled on

the 1881 Act as well as the 1951 Bombay Police Act, It was already in operation. It is not as if we are giving certain more powers, or that the police will misuse. This is the general misconception about this Bill...

SHRI M. RAM GOPAL REDDY (Nizamabad): Old things do not apply to the present.

SHRI S. D. PATIL: The police are only the reflection of society; the policemen are not strangers; they are part and parcel of society. Unless and until there is a sense of responsibility among our citizens, how can society improve. The citizen, the social organisations and the political organisations should improve; unless they improve the image of the police will not improve on its own. That is why I request that there should be cooperation all round.

17.44 hrs.

[**SHRI RAM MURTI** in the Chair]

I have seen the system of police working in Tokyo in Japan some 17 years ago; I was so surprised. I was surprised to see that in the biggest city in the world, where we travelled for 15 miles in a bus, there were not even a handful of people on the road. Here inspite of our traffic regulations and other things, we have got such happenings in this country. It is difficult to control people. That is why certain powers are to be given to police to control traffic. Even the Bombay City Police Act had to be amended as many as 28 times. Between 1951 and 1974, the Bombay Act was Amended 28 times. This is an experiment we are having. Hardly two months have passed. People expected that the law and order situation would immediately improve! Shri Kanwarlal Gupta is not finding any change. How can we find a change immediately within a period of only two months. Let us wait and see; we have started the experiment. I can only say that

crime is not on the increase. It has been made crystal clear many times on the floor of the House. It has been alleged that crime has been increasing after the introduction of the system. It is not so.

The various suggestions about duties, payscales, housing accommodation, are all matters which are for the consideration of the government. They are looking into the problem. The point was made that the police is now given excessive powers. That was the thrust of the speech of Mrs. Parvathi Krishnan. I would like to say that the Commissioner of Police has not been given any more powers. The only thing is, certain powers which were vested in the District Magistrates are now to be transferred to the police. The Police Commissioner is also a very responsible person. He is much above the District Magistrate. Several arguments are given in the Khosla Commission report as to why it is essential to have the system of Police Commissioner. I need not go over them. I would only say that it is the intention of the Government to make the police machinery more efficient and more duty-oriented. Up to this time, the police used to exercise certain powers. Now, in certain cases the police can help the people. That is exactly what we want, namely, the police should be a friend, philosopher and guide for the people. He must be the poor man's friend. That is the anxiety of the Government and I think this Bill will go a long way towards that and make the police conscious of their duties.

The training of the police is also taken care of. We are going to have a training college as well as a training school. Of course, the college will come a little later, but the school will be there. There will be adequate training for the police force.

As far as the arduous duties of the police are concerned, it is a matter for social philosophers and scientists to consider whether our police should be given so much duty or not.

[Shri M. Ram Gopal Reddy]

The question of our purse also will have to be taken into consideration, whether we can afford to have a police with a lesser hours of duty and better pay. That is the demand and that is very welcome, but how far a poor country like ours can afford it is a matter for investigation.

Other suggestions have been made by some hon. members, some of whom have been experienced Police officers also. I am very glad that Shri Shambhu Nath Chaturvedi who was at that time selected as a direct recruit for the post of Dy. S. P. and also Shri Ramanand Tiwary who himself was in the police service have made their contributions to the debate based on their experience. All the suggestions made by hon. members will be taken care of and Government will examine them.

Some members asked, if Delhi is given statehood, what will be the powers of the Council of Ministers, etc. I would like to make it clear that the proposed Bill which has been introduced is not going to give at this stage the status of statehood. It is only a Union Territory and it will fall in line with whatever powers are given to Goa, Daman and Diu and other Union Territories. The Administrator, who is the Agent of the President, works under the supervision and control of the Home Ministry. Whatever powers are given to the Police Commissioner and whatever regulations are laid down, they will be placed before both Houses of Parliament. So, there will also be a sort of direct control. If the regulations in any way seek to give more power than essential, then both Houses of Parliament can exercise a check.

SHRI VAYALAR RAVI. What about special police officers?

SHRI S. D. PATIL: Special Police officers will be there only in emergent circumstances. They will be taken under two considerations. They must be fit and able-bodied. (Interruptions). There will not be any political

considerations. You can object to their appointment and if the objection is up-held...

SHRIMATI PARVATHI KRISHNAN:
Objection by whom?

SHRI S. D. PATIL: Objection by the public also. If somebody is actuated by certain prejudices or motives or political considerations, then you have always the right to object, and those objections are decided within 15 days. So, this is only in the case of an emergency and emergent circumstances. Otherwise, the Special Police does not come in. Suppose suddenly communal riot develops or there is an unlawful assembly. The fear that it will be only filled up by persons belonging to the political party which is in power is unfounded, and I think there is no scope for such criticism.

I have dealt with many of the points. I request the House to give its support to it because it has to be passed today.

SHRIMATI PARVATHI KRISHNAN (Coimbatore): I had hoped that the hon. Minister would enlighten us on certain points, but he has failed to do so. In fact, in his reply he has only convinced me still further that there is something seriously wrong with this Bill. I do not deny, and I said so when I was speaking, that the law and order situation and the crime situation in Delhi is extremely serious and you do need to streamline the police administration and have a set-up to bring that under control. But now he is talking about an "experiment." You do not start experimenting when a fire is there, you try to put the fire out. Therefore, leave the experiment out.

I can understand very well your giving the police powers, more powers, to see that they keep the law and order situation under control, but I would like to know why you have to make inroads into powers that belong

to local bodies. And he has now let the cat out of the bag. They are going to be answerable to whom? To the Home Ministry, and through the Home Ministry to the Central Government. Therefore, the Central Government is not only denying Statehood to Delhi, but also trying to arrogate to itself certain powers that already exist with the Municipal Corporation.

The Police Commissioner will decide one fine day that some place is likely to be an epidemic-stricken area, and, therefore, he will consult the Municipal Corporation, but the Municipal Corporation does not have the final say in it. Is it the health authorities who are responsible for it and the police come into the picture to aid the health authorities, or are you going to have the Police Commissioner deciding it?

Similarly, I would like to know under what imagination, whether it is the 1861 Act or who has inspired Shri Patil, who is now getting inspired by Mr. Malhotra or being briefed by him, who has inspired him that the police can keep order in temples, mosques, Gurudwara and Churches. They are even allowed to say *suo motu* in which church, which Gurudwara there is going to be disturbance, and then say; "Come on where are our rifles?" What is this kind of blanket power, I cannot understand.

It was made clear when I was speaking that I approve of the general over-all idea of this Police Commissioner set-up, but I am absolutely confirmed by his very sketchy and playful reply that he certainly has not gone through every Clause of this Bill. If he has, he would have certainly replied to certain points, but he failed to do so. I would like to know why. He is absolutely in an ivory tower. "We, Janata, have come to power. Have faith in us. We have restored democracy. Therefore, whatever Bill we bring will be democratic"—this is your argument, because

this was the spirit in which he said: "Don't worry. It will not be misused. It is an experiment." We must have it one way or the other. First he said it is based on the 1861 Act, such a very patriotic Act! Why can't they nationalise the police? You have nationalised certain textile units, you have nationalised so many other things, including posts and telegraphs and so on. Why not nationalise the police also? Why not have a patriotic police system, which does not harass the people....

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Chairman, it will soon be 6 O' Clock.

SHRIMATI PARVATHI KRISHNAN: I will take only a minute.

SHRI RAVINDRA VARMA: The hands of the clock will not remain stationery. The Government is very keen that the Bill should be passed today.

SHRIMATI PARVATHI KRISHNAN: Because the Government was sleeping over it until now.

SHRI RAVINDRA VARMA: Sir, you know very well how other matters went on and took up the time of the House.

Therefore, I formally move:

"That the House sit for a few more hours, as long as it is necessary, to get through this Bill and then take up the rest of the business of the House."

MR. CHAIRMAN: How long will it sit?

SHRI RAVINDRA VARMA: Till the Bill is passed and then Shri Samar Guha's motion and then the Half-an-Hour Discussion are over.

MR. CHAIRMAN: The question is...

SHRI VAYALAR RAVI: There are amendments which are given notice of

[Shri Vayalar Ravi]

by members of my party and other parties. They should be given prior notice that this is going to be taken up so that they can be present here. You cannot deny those Members the opportunity to move those amendments and speak on them.

MR. CHAIRMAN: There is only one amendment.

SHRI VAYALAR RAVI: There are many amendments which Members have given notice of. They must be present here. Otherwise, how can they move those amendments?

MR. CHAIRMAN: This motion is for extending the time of the sitting, till the Bill is passed.

SHRI VAYALAR RAVI: It is not a question of passing a Bill alone. A Bill can be passed in two minutes also. That is not the point.

MR. CHAIRMAN: I will put it to the House. The question is:

"That the House sit for a few more hours, as long as it is necessary, to get through this Bill and then take up the rest of the business of the House."

Those in favour of it may say "Aye"

SOME HON. MEMBERS: Aye".

MR. CHAIRMAN: Those against it may say "No".

SOME HON. MEMBERS: "No".

MR. CHAIRMAN: I think the "Ayes" have it.

SOME HON. MEMBERS: No, the "Noes" have it.

MR. CHAIRMAN: All right. Let the lobbies be cleared. The Lobbies have been cleared. Let me put the motion before the House.

18 hrs.

SHRIMATI PARVATHI KRISHNAN: Sir, before you put the motion to the House, I want to say one thing. I

do not think it would be a very good precedent to have a division on the question of extension of time. But I want to say one thing, when I make this submission, and that is that I am very very sorry at the manner in which this is being done and we have had to ask for this division. I am not pressing for it in view of the fact that the Government insists that the Bill has to go through today.

As I said while speaking on the disapproval motion last time, the most unhappy part of it is that on a very important Bill like this, it is proved that the Government comes with an Ordinance without coming forward with a Bill for discussing in the Select Committee. That is why we are in this plight. Anyway, since I do not think it would be a good precedent, we do not press this particular question of extension of time to a division. But other things I do not say we will not press to a division.

SHRI VAYALAR RAVI: I fully endorse what Mrs. Parvathi Krishnan has said. We are not pressing for a division.

SHRI RAVINDRA VARMA: I express my gratitude to the hon. Members for that.

MR. CHAIRMAN: Is it the consensus of the House that the time of the sitting of the House today be extended till the Delhi Police Bill be disposed of and, thereafter, the discussion on Shri Samar Guha's Motion and Half-An-Hour discussion be taken up?

HON. MEMBERS: Yes.

MR. CHAIRMAN: So, the time is extended. Shrimati Parvathi Krishnan to continue her speech.

SHRIMATI PARVATHI KRISHNAN: Sir, I do not propose to say anything more in view of the whole atmosphere and this attitude taken. I finish

before I have my full say. (Interruptions) They can have it passed.

MR. CHAIRMAN: I shall now put the Statutory Resolution, moved by Shrimati Parvathi Krishnan, to the vote of the House.

The question is:

"This House disapproves of the Delhi Police Ordinance, 1978 (Ordinance No. 2 of 1978) promulgated by the President on the 1st July, 1978."

The Lok Sabha divided:

Division No. 22]

[18. 11 hrs.

Ayes

*Balak Ram, Shri
 *Balbir Singh, Shri
 Banatwalla, Shri G. M:
 Barman, Shri Palas
 Basu, Shri Chitta
 Baus, Shri Dhirendranath
 Bhagat Ram, Shri
 Bhakta, Shri Manoranjan
 Chandrappan, Shri C. K.
 Deo, Shri V. Kishore Chandra S.
 Faleiro, Shri Eduardo
 *Kamath, Shri Hari Vishnu
 Kodiyan, Shri P. K.
 Kolar, Shri Rajshekhar
 Krishnan, Shrimati Parvathi
 Lakshminarayanan, Shri M. R.
 Mayathevar, Shri K.
 Murugaiyan, Shri S. G.
 Pajanor, Shri A. Bala
 Patnaik, Shri Sivaji
 Poojary, Shri Janardhana
 Ravi, Shri Vayalar
 Saeed Murtaza, Shri
 Unnikrishnan, Shri K. P.

Venkataraman, Shri R.
 Visvanathan, Shri C. N.

NOES

Agrawal, Shri Satish
 Ahuja, Shri Subhash
 Arif Beg, Shri
 Berwa, Shri Ram Kanwar
 Borole, Shri Yashwant
 Chand Ram, Shri
 Chaturvedi, Shri Shambhu Nath
 Chavda, Shri K. S.
 Chowhan, Shri Bharat Singh
 Chunder, Dr. Pratap Chandra
 Dandavate, Prof. Madhu
 Desai, Shri Morarji
 Deshmukh, Shri Ram Prasad
 Dhandayuthapani, Shri V.
 Dhurve, Shri Shyamal
 Digvijoy Narain Singh, Shri
 Durga Chand, Shri
 Dutt, Shri Ashok Krishna
 Ganga Singh, Shri
 @Gotkhinde, Shri Annasaheb
 Guha, Prof. Samar
 Hukam Ram, Shri
 Jain, Shri Kalyan
 Jain, Shri Nirmal Chandra
 Joshi, Dr. Murli Manohar
 Kakade, Shri Sambhajirao
 Kaushik, Shri Purushottam
 Khalsa, Shri Basant Singh
 Khan, Shri Kunwar Mahmud Ali
 Khrame, Shri Rinching Khandu
 Kishore Lal, Shri
 Krishan Kant, Shri
 Kureel, Shri R. L.
 Mahala, Shri K. L.
 Mahale, Shri Hari Shankar
 Mahata, Shri C. R.
 Mahi Lal, Shri
 Maiti, Shrimati Abha

*Wrongly voted for AYES

@Wrongly voted for NOES

Malhotra, Shri Vijay Kumar
 Malik, Shri Mukhtiar Singh
 Meerza, Shri Syed Kazim Ali
 Mehta, Shri Prasannbhai
 Mhalgi, Shri R. K.
 Mondal, Dr. Bijoy
 Munda, Shri Karia
 Pandey, Shri Ambika Prasad
 Pandeya, Dr. Laxminarayan
 Parmar, Shri Natwarlal B.
 Paswan, Shri Ram Vilas
 Patel, Shri H. M.
 Patel, Km. Maniben Vallabhbhai
 Patil, Shri S. D.
 Pradhan, Shri Pabitra Mohan
 Rahi, Shri Ram Lal
 Rai, Shri Narmada Prasad
 Rajda, Shri Ratansinh
 Ram Charan, Shri
 Ram Kinkar, Shri
 Ram Kishan, Shri
 Ram Sagar, Shri
 Ramachandran, Shri P.
 Ramapati Singh, Shri
 Ramji Singh, Dr.
 Ramjiwan Singh, Shri
 Ranjit Singh, Shri
 Rothuama, Dr. R.
 Sai, Shri Larang
 Saran, Shri Daulat Ram
 Sarangi, Shri R. P.
 Shastri, Shri Ram Dhari
 Shejwalkar, Shri N. K.
 Sheo Narain, Shri
 Sikander Bakht, Shri
 Singh, Dr. B. N.
 Sinha, Shri Purnanarayan
 Sinha, Shri Satyendra Narayan

Somani, Shri Roop Lal
 Sukhendra Singh, Shri
 Swamy, Dr. Subramaniam
 Tan Singh, Shri
 Tiwari, Shri Brij Bhushan
 Ugrasen, Shri
 Vajpayee, Shri Atal Bihari
 Varma, Shri Ravindra
 Verma, Shri R. L. P.
 Verma, Shri Sukhdev Prasad
 Yadav, Shri Hukmdeo Narain
 Yadava, Shri Roop Nath Singh
 Yadendra Dutt, Shri
 Yuvraj, Shri
 Zulfiquarullah, Shri

MR. CHAIRMAN: Subject to correction, the result* of the Division is:

Ayes: 26;

Noes: 91.

The Resolution is negatived.

The motion was negatived.

SHRIMATI PARVATHI KRISHNAN: Are you not ashamed of yourselves—without knowing what you are clapping for?

MR. CHAIRMAN: Now, there is an amendment by Shri Ramanand Tiwary. Are you pressing it?

तिवारी जी, आपका संशोधन है कि ज्वायंट सलैवट व सेटी का भेजा जाये।

श्री रामानन्द तिवारी: सभापति जी, मैं चाह रहा था कि इस बिल का सलेक्ट कमेटी का भेजा जाये क्योंकि इसमें कनेक्ट क्लिपिंग है, और उन्हें सुझाव देना चाहिए। इसलिए हमने यह अमेन्डमेंट दिया था। मैं गृह-राज्य मंत्री जी से निवेदन करना कि वह इस सलैवट कमेटी में जानें दें।

*The following Members also recorded their votes:

AYES : Sarvashri Bakin Pertin and Annasaheb Gotkhinde;

NOES : Sarvashri Ramanand Tiwary, Ram Naresh Kushwaha, Raghavji, Jawala Prasad Kureel, Chowdhury Balbir Singh, Balak Ram, and Hari Vishnu Kamath.

प्रो० जयू बंडवले : इससे यह लैप्स हो जायेगा ।

श्री रामानन्द तिवारी : लैप्स हो जायेगा, तो इसे पहले ले आना चाहिए था ।

प्रधान मंत्री (श्री मोरारजी देसाई) : यह नहीं देखते हैं कि आर्डिनैन्स को इतना ही करना पड़ा था कि यह तुल्य अमल में जाना था, नहीं तो इसके सिवाय जितना बर्दाश्त करना चाहिए था, कर नहीं सकते थे । प्रयाजल्स आज का नहीं है, बच का है, इतना ही आर्डिनैन्स करना पड़ा । अगर यह बिजडा से उन में दावीं हाउसेज से पास नहीं होता है तो कि यह आर्डिनैन्स खत्म हो जाता है और जा सारे एरन्जमेंट किये गये हैं, वह सब उलट-पुलट हो जाते हैं । इफ-लिट् मेरा इनसे प्रार्थना है कि वह अपने इस संशोधन का वापस ले ले ।

श्री रामानन्द तिवारी : मैं अपना संशोधन वापस लेता हूँ ।

Amendment No. 1 was, by leave, withdrawn.

MR. CHAIRMAN: Now, the questions is:

"That the Bill to amend and consolidate the law relating to the regulation of the police in the Union Territory of Delhi, be taken into consideration."

The motion was adopted.

Clause 2—(Definitions)

MR. CHAIRMAN: There are no amendments.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3—(One Police force for the whole of Delhi)

SHRI SHAMBHU NATH CHATURVEDI: I beg to move:

Page 3, line 26,—

for "including Delhi Armed Police"

substitute—

"or any post under the Delhi Administration or the Central Government" (59)

MR. CHAIRMAN: Are you pressing your amendment?

SHRI SHAMBHU NATH CHATURVEDI: I am not pressing.

Amendment No. 59 was, by leave, withdrawn.

MR. CHAIRMAN: Now, the questions is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4—(Superintendence of Police force to vest in the Administration)

MR. CHAIRMAN: There is an amendment by Shrimati Parvathi Krishnan. Are you moving?

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 3, line 28,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (74)

MR. CHAIRMAN: I shall now put the amendment to the vote of the House.

Amendment No. 74 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5—(Constitution of Police force)

MR. CHAIRMAN: There is one amendment by Shrimati Parvathi Krishnan. Are you moving?

SHRIMATI PARVATHI KRISHNAN: I beg to move:

"Page 3, line 34,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (75)

MR. CHAIRMAN: I shall now put the amendment to the vote of the House.

The amendment No. 75 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—(Commissioner of Police)

MR. CHAIRMAN: There is an amendment to this clause. Are you moving?

SHRIMATI PARVATHI KRISHNAN: I beg to move:

"Page 4, line 2,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (76)

MR. CHAIRMAN: I shall now put the amendment to the vote.

Amendment No. 76 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(Additional Commissioner of Police)

MR. CHAIRMAN: There are amendments by Shrimati Parvathi Krishnan. Are you moving?

SHRIMATI PARVATHI KRISHNAN: I beg to move:

"Page 4, line 5,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (77)

"Page 4, line 13,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (78)

MR. CHAIRMAN: I shall put the amendments to the vote.

Amendments Nos. 77 and 78 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Deputy, Additional Deputy and Assistant Commissioners of Police)

MR. CHAIRMAN: There is an amendment to this clause by Shrimati Parvathi Krishnan. Are you moving?

SHRIMATI PARVATHI KRISHNAN: I beg to move:

"Page 4, line 18,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (79)

MR. CHAIRMAN: I shall put the amendment to the vote of the House.

Amendment No. 79 was put and negatived.

MR. CHAIRMAN: The question is:
 "That Clause 8 stand part of the Bill".

The motion was adopted.
 Clause 8 was added to the Bill.

Clause 9—(Appointment of Principals of Police Training Institutions.)

MR. CHAIRMAN: There are two amendments in the name of Shrimati Parvati Krishnan. Are you moving?

SHRIMATI PARVATHI KRISHNAN: I move:

"Page 4, line 25,—
 for "Administrator" substitute—
 "Executive Council or the Council of Ministers". (80)

Page 4, line 31,—
 for "Administrator" substitute—
 "Executive Council or the Council of Ministers". (81)

MR. CHAIRMAN: I shall put the amendments to the vote of the House.
 Amendments Nos. 80 and 81 were put and negatived.

MR. CHAIRMAN: The question is:
 "That Clause 9 stand part of the Bill."

The motion was adopted.
 Clause 9 was added to the Bill.

Clause 10—(Constitution of Police districts, sub-divisions and police stations)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 4, line 37,—
 for "Administrator" substitute—
 "Executive Council or the Council of Ministers". (82)

MR. CHAIRMAN: I put amendment No. 82 to the vote of the House.

2571 LS—3

Amendment No. 82 was put and negatived.

MR. CHAIRMAN: The question is:
 "That Clause 10 stand part of the Bill".

The motion was adopted.
 Clause 10 was added to the Bill.
 Clause 11 was added to the Bill.

Clause 12—(Appointment of subordinate ranks)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 5, lines 7 and 8,—
 for "Administrator" substitute—
 "Executive Council or the Council of Ministers". (83)

MR. CHAIRMAN: I put amendment No. 83 to the vote of the House.

Amendment No. 83 was put and negatived.

MR. CHAIRMAN: The question is:
 "That Clause 12 stand part of the Bill".

The motion was adopted.
 Clause 12 was added to the Bill.

Clause 13—(Certificate of appointment)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 5, line 19,—
 for "Administrator" substitute—
 "Executive Council or the Council of Ministers". (84)

MR. CHAIRMAN: I put amendment No. 84 to the vote of the House.

Amendment No. 84 was put and negatived.

MR. CHAIRMAN: The question is:
 "That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 17— (Special police officers)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 6,—

for lines 9 to 14, substitute—

“(3) Person so appointed shall have the right to refuse such appointment within a period of seven days after submitting his reasons for doing so.

(3A) any person or organisation or political party objecting to the appointment of any person as such special police officer may send the reasons therefor to the Commissioner of Police within fifteen days of such appointment and the Commissioner shall accept the objection and cancel the appointment of such officer, or, after giving the objector an opportunity to be heard, submit the report to the Executive Council or the Council of Ministers for final decision which shall be given within seven days of receipt of the report from the Commissioner.” (85)

Page 6, line 18,—

for “Administrator” substitute—

“Executive Council or the Council of Ministers”. (86)

I would like to remind the Members on the other side including very venerated and venerable Ministers who are sitting there that the essence of my amendments is to ensure certain democratic processes.

I think, Mr. Vajpayee has not read my amendments. That is why I

wanted to draw their attention to my amendments. I think, after six O’clock, their democratic conscience becomes dormant, I have no illusion about it.

MR. CHAIRMAN: I put amendments No. 85 and 86 to the vote of the House.

Amendments Nos. 85 and 86 were put and negatived.

SHRI VAYALAR RAVI: I beg to move:

Page 6,—

after line 8, insert—

“Provided that the Commissioner of Police shall obtain the consent of such appointed special police officers before publishing the names.” (135)

I need my amendment No. 135: “Provided that the Commissioner of Police shall obtain the consent of such appointed special police officers before publishing the names.”

If somebody is nominated as a special police officer, that person must have the right to refuse; we cannot compel a person. It is very wrong and it is arbitrary.

SHRI S. D. PATIL: I oppose the amendment on the question of appointment of special police officer in emergent situations.... (Interruptions)

SHRI VAYALAR RAVI: Let him have the right to refuse it.

SHRI S. D. PATIL: If this right is given we will not be able to appoint special police officers.

SHRI VAYALAR RAVI: He does not have much confidence in himself.

SHRI S. D. PATIL: We cannot take a risk.

SHRI VAYALAR RAVI: How can you compel a person to become a

police officer? Why not give the option to a person to refuse it? How is it compulsory?

MR. CHAIRMAN: I am sorry; Mr. Ravi, he is not accepting it.

SHRI VAYALAR RAVI: It is like the question of compulsory sterilisation.

MR. CHAIRMAN: Shall I put amendments 133 to 136 to vote?

SHRI VAYALAR RAVI: You put 135 separately.

MR. CHAIRMAN: You are pressing only 135?

SHRI VAYALAR RAVI: Yes.

MR. CHAIRMAN: I now put amendment No. 135 to the vote of the House.

Amendment No. 135 was put and negatived.

SHRI VAYALAR RAVI: 136 should be put to vote.

श्री राजाज्य तिवारी : मैं यह कहना चाहता हूँ कि माननीय गृह राज्य मंत्री इस बात को सोच लेंगे कि अधिक आय कितनी होगी क्योंकि कम से कम प्रायः 18 लाख है तो अधिक से अधिक कितनी आय हो, यह भी देना चाहिए।

MR. CHAIRMAN: Are you pressing 135 or not?

SHRI VAYALAR RAVI: There are four amendments; I press 135.

MR. CHAIRMAN: I have taken a vote on it. The question is:

"That clause 17 stand part of the Bill".

The motion was adopted.

Clause 17 was added to the Bill.

श्रीवरी बलबीर सिंह : सभापति महोदय, मेरा एक अंशका का प्रश्न है।

मेरा कहना है कि आपने प्रोसीजर की गलती की है। किसी मेम्बर ने अगर अपना प्रमेण्डमेण्ट वापस लिया है तो वापस लेने पर भी प्लेजर आफ दि हाउस लेनी चाहिए।

सभापति महोदय : मैंने उनसे पूछ लिया था, उन्होंने केवल प्रमेण्डमेंट नं० 135 को प्रेस किया था।

श्रीवरी बलबीर सिंह : उनके कई प्रमेण्डमेण्ट थे। जिस प्रमेण्डमेण्ट को प्रेस नहीं किया उस पर भी प्लेजर आफ दि हाउस लेनी चाहिए।

सभापति महोदय : जी नहीं। जो प्रमेण्डमेण्ट मूव ही नहीं हुआ उसके लिए इसकी क्या ज़रूरत है। आप बैठिए।

Clause 18—(Additional Police Officers)

MR. CHAIRMAN: We take up clause 18.

SHRIMATI PARVATHI KRISHNAN: I move my amendment No. 87.

Page 6, line 27,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (87)

MR. CHAIRMAN: I shall now put amendment No. 87 to the vote of the House.

Amendment No. 87 was put and negatived.

MR. CHAIRMAN: The question is: "That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clause 19—(Framing of regulations for administration of the police)

MR. CHAIRMAN: We take up clause 19.

SHRIMATI PARVATHI KRISHNAN: I may just point out that there

[Shrimati Parvathi Krishnan]
are a number of amendments, absolutely similar, though they come in different clauses. I think you can take all of them together, 89 to 94, except for 91, which is different.

MR. CHAIRMAN: To clause 19, there is amendment No. 88.

SHRIMATI PARVATHI KRISHNAN: I beg to move my amendment No. 88.

Page 6, line 35,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers". (88)

MR. CHAIRMAN: I shall now put amendment No. 88 moved by Shrimati Parvathi Krishnan.

Amendment No. 88 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20 was added to the Bill.

Clause 21—(Powers of punishment)

MR. CHAIRMAN: We take up clause 21.

SHRI RAMANAND TIWARY: I beg to move:

Page 7, line 17,—

after "Principal" insert—

"not below the rank of Additional Commissioner of Police,"

(7)

Page 7,—

for lines 21 to 27, substitute—

Offence	Punishment
---------	------------

(a) abduction, raping and having unnatural sexual relations	
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with women and girls or abetment thereof;

dismissal

(b) direct or indirect abetment in cases of thefts, dacoity, loot and murder;

dismissal

(c) escaping from duty while deployed on a responsible assignment (e.g. treasury or maintenance of law and order). (8)

dismissal

Page 7,—

for lines 35 and 36, substitute—

"award any punitive duty to constables other than physical punishment such as drill, fatigue duty, confinement in quarter guard." (9)

Page 8, line 2,—

add at the end—

"and the period of suspension shall be the minimum and the suspended officer shall be paid the allowance regularly from the date of his suspension". (10)

Page 8, line 5,—

add at the end—

"and the period of suspension shall be the minimum and the suspended officer shall be paid the allowance regularly from the date of his suspension." (11)

समाप्ति जी, मैंने इन संशोधनों की इस लिए प्रस्ताव किया है कि इस बिल में हम उच्चतम अधिकारियों की अवधिगत अवकाश दे रहे हैं, जो छोटे-छोटे अपराधों में उन को विलसित कर देंगे। मैं यह चाहता हूँ कि वह विकाशन कर दिया जावे कि इन-इन अपराधों में उनको विलसित किया जावे, इन-इन अपराधों में उनकी अवधि समाप्त की जावेगी।

SHRI S. B. PATIL: I am opposing the amendments. This is making it unnecessarily restrictive.

समाप्ति लक्ष्य : तिबारी जी, क्या आप इन को प्रेस करना चाहते हैं ?

श्री कुल्लुभ केत शारदाजी : (मधुमती) लेकिन मंत्री जी ने अपने जवाब में मना कहा है ?

समाप्ति लक्ष्य : मंत्री जी ने कह दिया है कि वे इन को एम्बेड नहीं कर रहे हैं।

श्री रामानन्द तिवारी : मंत्री जी ने क्या कहा है, हम ने कुछ नहीं है।

मैं चाहता हू कि मंत्री जी कुछ प्रश्न पूछें दें।

श्री एस० डी० वाटिल : मैं तिवारी जी से यही अनुरोध करूंगा कि वे अपनी प्रमेम्बेड्स को वापस ले लें।

श्री रामानन्द तिवारी : क्यों ?

श्री एस० डी० वाटिल : आज की प्रमेम्बेड्स फोर्गिवेन नहीं हैं, रिजिड हैं। वे मन्शन में आती हैं।

श्री रामानन्द तिवारी : रिजिड कैसे हैं ?

श्री एस० डी० वाटिल : वे उपाय रेसिडेंट करती हैं ...

श्री श्री कर्णवीर सिंह : जब सब उनहूँ सवा नुकरिड है तो फिर एड्ड मुविज में सवा नुकरिड क्यों नहीं करते हैं ? इसका मतीजा यह होगा कि एक से जूरी में कोई एवाय सवा लेना खीर कोई काम सवा लेना। आप भूल नहीं करना चाहते तो न करें, लेकिन यह प्रामाण्य हीनिए कि आप विचारत करते कि हर जगह एक ही डंग से सवा मिलेगी। एक जूरी के लिए एक अलग विस्तारित हो, दूसरी अलग चुनना हो और तीसरी अलग हीन हो, इस को ध्यान करने के लिए प्रारंभ कुछ करें।

समाप्ति लक्ष्य : तिवारी जी, आप अपना एम्बेड प्रेस कर रहे हैं ?

श्री रामानन्द तिवारी : प्रमर मंत्री जी यह प्रामाण्य दे दें कि जब क्वेस बनायेंगे, तो इस का ज्ञात रखेंगे, तो मैं प्रेस नहीं करूंगा ?

श्री एस० डी० वाटिल : इस का हम ज्ञात रखेंगे।

श्री रामानन्द तिवारी : मैं प्रेस नहीं करता हूँ।

MR. CHAIRMAN: Has he the leave of the House to withdraw his amendment?

HON. MEMBERS: Yes.

Amendments Nos. 7 to 11 were, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That Clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

Clause 26— (Certificate, arms, etc., to be delivered by person ceasing to be a police officer.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 9, lines 43 to 45,—

omit "Additional Commissioner of Police, Principal of the Police Training College or of the Police Training School or a Deputy Commissioner, Additional Deputy Commissioner or an Assistant Commissioner of Police." (91)

MR. CHAIRMAN: I put amendment No. 91 to the House.

Amendment No. 91 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Clause 28— (Power to make regulations for regulating of and traffic for preservation of order in public places, etc.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 10, omit lines 30 to 34. (95)

Page 11, omit lines 20 to 43. (96)

Page 12, omit lines 37 to 48. (97)

Page 13, omit lines to 38. (98)

The amendments have been proposed in order to take out from the purview of the police those powers which are today vested in the Municipal Corporation. There is a well known saying that pearls should not be cast before swine, but still I thought I should move these amendments.

MR. CHAIRMAN: I put amendment Nos. 95 to 98 to the House.

Amendments Nos. 95 to 98 were put and negatived.

SHRI VAYALAR RAVI: I beg to move:

Page 13,—

line 28, add at the end—

"and any such performances and of the scripts in respect thereof granted suitability certificate by any State shall be exempted from this Section." (139)

Delhi being the capital of India, cultural troupes from Bengal, Maharashtra, Kerala and Tamil Nadu will come to Delhi. These troupes cannot submit to the Police Commissioner here a script in English or Hindi. The section talks of "prior scrutiny of such performances and of the scripts in respect thereof". Suppose that script has been accepted by the State from which that troupe comes. Then, why do you want a further approval here? It is difficult. In that case, we cannot have any functions of a cultural nature in Delhi from other States. It is impossible. So, I would appeal to the Minister to accept Amendment No. 139. It will help the people from other States.

SHRIMATI PARVATHI KRISHNAN: I understand that Shri Ravindra Varma is for accepting it.

SHRI S. D. PATIL: May I invite the attention of the hon. Member, Shri Vayalar Ravi, to the fact that clause 142 seeks to provide that public notice

may be given by advertising in such local newspapers in Hindi, Urdu or English, as the competent authority may deem fit? This is one of the methods of giving publicity by supplying copies etc. The policy of the Delhi Administration is to issue the notifications in Hindi and English.

SHRI VAYALAR RAVI: I am speaking on amendment No. 139 to clause 28, which provides that prior sanction and approval of the script by the Police Commissioner is necessary, for any performance in Delhi. Suppose a troupe from Tamil Nadu, Kerala or Bengal comes to Delhi and wants to stage a performance, they will have to translate the script into either Hindi or English and submit it to the illiterate policeman. Why should it be done, when the concerned State Government have approved of it? Please allow our troupes to come here.

SHRI S. D. PATIL: I accept the amendment.

MR. CHAIRMAN: The question is:

Page 13,—

line 28, *add* at the end—

"and any such performances and of the scripts in respect thereof granted suitability certificate by any State shall be exempted from this Section." (139)

The motion was adopted.

SHRIMATI PARVATHI KRISHNAN: I beg to move:

"Page 13, line 2,—

omit "or assembly" (167)

"Page 13, line 28,—

add at the end—

"and any such performances and the scripts in respect thereof granted suitability certificate by any State shall be exempted from this section" (168)

SHRI S. D. PATIL: I am not accepting it.

SHRIMATI PARVATHI KRISHNAN: They have just accepted a similar amendment moved by Shri Vayalar Ravi. They should know what they are talking about. It is the same amendment.

MR. CHAIRMAN: I will now put amendments Nos. 167 and 168 by Shrimati Parvathi Krishnan to the vote of the House.

Amendments Nos. 167 and 168 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 28, as amended, stand part of the Bill."

The motion was adopted.

Clause 28, as amended, was added to the Bill.

Clause 29—(Power to give directions to the Public)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 14, lines 45 to 47.—

omit "and at, and within, public bathing and washing places, fairs, temples, mosques, gurdwaras, churches and all other places of public resort or public worship;" (103)

I do not think that the police should *suo motu* enter public bathing and washing places, fairs, temples mosques gurdwaras, churches and other places of worship. This is very wrong, morally wrong. If they want to do something which is morally wrong, I don't mind.

SHRI S. D. PATIL: I oppose it.

MR. CHAIRMAN: I put Amendment No. 103 moved by Shrimati Parvathi Krishnan to the vote of the House.

Amendment No. 103 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 29 stand part of the Bill."

The motion was adopted.

Clause 29 was added to the Bill.

Clause 30— (Power to prohibit certain acts for prevention of disorder)

SHRIMATI PARVATHI KRISHNAN:
I beg to move:

Page 15, lines 12 and 13,—

omit "or addressed to individuals"
(104)

Page 15,—

omit "or addressed to individuals"

MR. CHAIRMAN: I put Amendment Nos. 104 and 108 of Shrimati Parvathi Krishnan to the vote of the House.

Amendments Nos. 104 and 108 were put and negatived.

MR. CHAIRMAN: There are two more Amendments No. 144 and 152 in the name of Shri Vayalar Ravi to Clause 30.

SHRI VAYALAR RAVI: I want to move Amendment No. 152 only.

I beg to move:

Page 15, line 15,—

after "(a)" insert "The training or" (152)

You have made a provision of carrying of arms, etc. I am adding the word "training" also. Because "training" also can be a problem and it will psychologically provoke them to use it.

SHRI S. D. PATIL: I oppose it—

MR. CHAIRMAN: Now, I put Amendment No. 152 to the vote of the House.

Amendment No. 152 was put and negatived.

MR. CHAIRMAN: There is another amendment in the name of Shri Ram Dhari Shastri. He is not present.

The question is:

"That Clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Clause 31— (Police to provide against disorder, etc. at places of public amusement or public assembly or meeting.)

SHRIMATI PARVATHI KRISHNAN:
I move my amendment No. 110.

I beg to move:

Page 16,—

for lines 1 to 13, substitute—

"(1) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited, any police officer of the rank of Superintendent of Police and above, present at such place may, subject to such rules, regulations, and orders as may have been lawfully made, give reasonable advice to the organisers of such functions which may be considered necessary for securing the peaceful and lawful conduct of the proceedings." (110)

I would request the Minister to accept this amendment. It is a very simple one. Giving advice to the organisers in respect of conduct of the meetings, the manner in which they are to be conducted, etc., should not be left to an Assistant Sub-Inspector; he should be of the rank of Superintendent of Police or at least an Inspector. Leaving it to an Assistant Sub-Inspector will not do. That will lead to a lot of trouble. The Minister, in his reply, has stated that this is an experiment. Please do not have such costly experiments. We will not be responsible for the consequences.

SHRI S. D. PATIL: I oppose this amendment because Assistant Sub-Inspector is a sufficiently responsible officer.

MR. CHAIRMAN: I shall now put Amendment No. 110, moved by Shrimati Parvathi Krishnan, to the vote of the House.

Amendment No. 110 was put and negatived.

SHRI VAYALAR RAVI: Sir, I move my amendments Nos. 145 and 146. I beg to move:

Page 16, line 5,—

for "Assistant Sub-Inspector" substitute "Assistant Police Commissioner" (145).

Page 16—

omit lines 14 to 17. (146).

Leaving this to the Assistant Sub-Inspector will not do. This must be done at least by a sub-divisional officer; it should be at least Assistant Police Commissioner.

SHRI S. D. PATIL: It is impracticable. We cannot entrust it to such a big officer. Assistant Police Commissioner is a high officer and he is of the grade of Assistant Superintendent of Police. I am not, therefore, accepting his amendments.

MR. CHAIRMAN: I shall now put Amendments Nos. 145 and 146 to the vote of the House.

Amendments Nos. 145 and 146 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Clause 32 was added to the Bill.

Clauses 33 and 34 were added to the Bill.

Clause 35—(Commissioner of Police may take special measures to prevent outbreak of epidemic disease at fairs, etc.

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 17, line 44,—

for "may in consultation with" substitute—

"shall on request from" (111)

Here I am only saying that the municipality should be consulted.

SHRI S. D. PATIL: There are concurrent powers; they are both supplementary and complementary. I am not accepting this amendment.

MR. CHAIRMAN: I shall now put Amendment No. 111, moved by Shrimati Parvathi Krishnan, to the vote of the House.

Amendment No. 111 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 35 stand part of the Bill."

The motion was adopted.

Clause 35 was added to the Bill.

Clause 36 was added to the Bill.

Clause 37—(Power to make regulations prohibiting disposal of the dead except at places set apart.

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 18, line 19,—

after "time to time" insert—

"On request from the Corporation or municipality within the local limits of the jurisdiction whereof such place is situated" (112).

SHRI S. D. PATIL: Sir, I oppose it! I am not accepting it.

MR. CHAIRMAN: I will now put amendment No. 112 of Shrimati Parvathi Krishnan to vote.

Amendment No. 112 was put and negatived.

MR. CHAIRMAN: Now the question is:

"That clause 37 stand part of the Bill."

The motion was adopted.

Clause 37 was added to the Bill.

Clause 38 was added to the Bill.

Clause 39—(Employment of additional police in cases of special danger to public peace).

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 19, line 17,—

for "Administrator" substitute—

"Executive Council or the Council of Ministers" (113).

SHRI VAYALAR RAVI: I beg to move:

Page 19,—

omit lines 30 to 39. (147)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 19,—

omit lines 30 to 46. (169)

SHRI VAYALAR RAVI: The Minister must explain whether it is not the duty of the Police to give protection to the people. After giving protection on what authority will you be collecting money from them? It is immoral to recover the expenditure from the people. The Minister should not go to the extent of recovering the money from the people. I request the Minister to kindly withdraw this clause.

SHRI S. D. PATI: This is a salutary clause and I am not accepting the amendment. It is only applicable in the disturbed areas. Even then the District Magistrate will consider all these cases and in fit cases he may exempt it.

MR. CHAIRMAN: It is only a sort of punitive fine?

SHRI S. D. PATIL: It is only for paying compensation the amounts are recovered.

SHRI C. K. CHANDRAPPA (Cannanore): Gandhiji was against punitive fines.

MR. CHAIRMAN: I will now put the amendments to vote. I will take up first the amendments of Shrimati Parvathi Krishnan.

Amendments Nos. 113 and 169 were put and negatived.

MR. CHAIRMAN: I will now put amendment No. 147 of Shri Vayalar Ravi to vote.

Amendment No. 147 was put and negatived.

SHRI VAYALAR RAVI: This power will be misused. You will see. Let it go on record.

MR. CHAIRMAN: I will now put the clause to vote.

The question is:

"That clause 39 stand part of the Bill."

The motion was adopted.

Clause 39 was added to the Bill.

Clause 40—(Employment of additional police at large work and when apprehension regarding behaviour of employees exists.)

SHRI VAYALAR RAVI: I beg to move:

Page 20,—

omit lines 6 to 10. (148).

This clause, I request, the Railway Minister also should look into because he is a trade union leader. Do you agree with clause 40(1) (b)?

This clause says:

"the behaviour or a reasonable apprehension of the behaviour of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern, under construction or in operation at any place necessitates the employment of additional police at such place,

It means that you are giving the power to employ police even when a labour

strike is there. This clause will be misused against the working class.

SHRI S. D. PATIL: I oppose it because it is essential to maintain the speed of the work.

SHRIMATI PARVATHI KRISHNAN: The Labour Minister is sitting there. His conscience is not aroused—I think.

MR. CHAIRMAN: I will now put amendment No. 148 of Shri Vayalar Ravi to vote.

Amendment No. 148 was put and negatived.

MR. CHAIRMAN: Now, the question is:

“That clause 40 stand part of the Bill.”

The motion was adopted.

Clause 40 was added to the Bill.

Clause 41—(Compensation for injury caused by unlawful assembly how recoverable.)

MR. CHAIRMAN: Are you moving your amendment which is in your name?

19 hrs.

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 20,—

for lines 32 to 34, substitute—

“(3) The amount of the compensation shall be paid by those found guilty in a court of law for the damage caused and in accordance with the directions of such court of law”. (119)

Sir, Clause 41(3) says:

“The amount of the compensation shall be deemed to be a fine imposed under this section, and shall be payable by the inhabitants of the disturbed area.”

What I am saying is this. This is another punitive fine. What I have said by amendment is this.

“The amount of the compensation shall be paid by those found guilty in a court of law for the damage caused and in accordance with the directions of such court of law”.

It should not be by anybody and everybody.

SHRI VAYALAR RAVI: I have also got two amendments— 141 and 142 on this clause.

MR. CHAIRMAN: Are you moving?

SHRI VAYALAR RAVI: I beg to move:

Page 20,—

Omit lines 32 to 34. (141).

Page 20,—

Omit lines 35 to 37. (142)

Sir I want to make my submission.

PROF. MADHU DANDAVATE: After the 25th Amendment the compensation has disappeared. I do not know why my Leftist friend has moved her amendment? (*Interruptions*).

SHRIMATI PARVATHI KRISHNAN: Surely, let me not disturb the compensation. When something is done, the compensation should be paid by the other people.

SHRI VAYALAR RAVI: This is an imposed fine upon the people. It must not be misused to any extent.

Moreover, I take the opportunity of warning the Minister that this will lead to a lot of litigation even by private individuals, or by anyone in the disturbed area. I may tell you that the people feel that if their property is damaged by anyone, that person will make us to go to the court of law. You may only invite litigations in Delhi itself. Take for instance Kerala. There was a communal riot in Trivandrum. You know what the Kerala Government did. They have themselves paid money as compensation to the poor people. We never fine other poor people at all. Here you want to fine the poor people. It is a

[Shri Vayalar Ravi]

very wrong thing. It is against the Gandhian principle as also against all ethics and morality of the society. I therefore oppose this Clause. I, of course, appeal to the the Gandhian leader, Prof. Madhu Dandavate and the Minister incharge to withdraw this clause.

MR. CHAIRMAN: Now, the Minister. We are on Clause 41.

SHRI S. D. PATIL: The amendment seeks to substitute the existing sub-clause (3) of Clause 41 which provides for the compensation for the injury caused by unlawful assembly which shall be deemed to be fine imposed under Clause 41 and shall be payable by the inhabitants of the disturbed area. My clause seeks to provide that the amount of compensation shall be paid by those found guilty in a court of law for the damage caused and in accordance with the directions of the court.

Looking to the provisions of subsection 4 of the same clause which empowers the District Collector to exempt any person from liability to pay any portion of the compensation amount, for sufficient reasons perhaps, the proposed improvement may not be necessary.

Further, the judicial proceedings will be long drawn out entailing delay in the payment of compensation. Under sub-clause (2) of this Clause, the District Collector will have to hold an enquiry for determining the amount of compensation under the Acquisition Order—Act Land Acquisition Act, 1954. He has got the sufficient experience for determining the compensation. The collector has got the experience as the Land Acquisition Officer.

So, I oppose the amendments.

MR. CHAIRMAN: I shall now put amendments Nos. 119, 141 and 142 to the vote of the House.

Amendments Nos. 119, 141 and 142 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 41 stand part of the Bill."

The motion was adopted.

Clause 41 was added to the Bill.

Clauses 42 to 45 were added to the Bill.

Clause 46

MR. CHAIRMAN: Now I come to Clause 46. There are amendments by Shri Tyagi. He is not here.

MR. CHAIRMAN: The question is:

"That Clause 46 stand part of the Bill."

The motion was adopted.

Clause 46 was added to the Bill.

Clause 47—(Removal of persons about to commit offences)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 22, line 39,—

(i) after "found" insert "guilty in a court of law"

(ii) omit "to have committed" (120).

MR. CHAIRMAN: I put amendment No. 120 to the vote of the House.

Amendment No. 120 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 47 stands part of the Bill."

The motion was adopted.

Clause 47 was added to the Bill.

Clauses 48 to 58 were added to the Bill.

Clause 59— (Duty of police officer to enforce provisions of the Act.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 27, line 3,—

after "police officer" insert—

"not below the rank of Assistant Commissioner of Police" (121)

MR. CHAIRMAN: I now put amendment No. 121 to the vote of the House.

Amendment No. 121 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 59 stands part of the Bill."

The motion was adopted.

Clause 59 was added to the Bill.

Cluses 60 to 62 were added to the Bill.

Clause 63— (Emergency duties of police.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 29, line 29,—

for "Administrator" substitute "Executive Council or the Council of Ministers" (123).

This clause relates to the declaration of essential services. It is not normal for the police to declare something as essential service; it is only the elected authority that should declare it. That is why, I have suggested that it should be either the Executive Council or the Council of Ministers which declares any service to be essential. I am totally against this authority being given to the police even on an experimental basis. I thought, the Labour Minister would come to my rescue, but it seems, he has lost the track.

SHRI S. D. PATIL: Delhi is a Union Territory and the Administrator is the agent of the President. He must have this power now. There is no council of Ministers as yet; it is

to come. It is a premature suggestion.

SHRIMATI PARVATHI KRISHNAN: Any trade can be declared as essential service. What happens to trade union rights?

MR. CHAIRMAN: I shall put amendment No. 123 to the vote of the House.

Amendment No. 123 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 63 stand part of the Bill."

The motion was adopted.

Clause 63 was added to the Bill.

Cluses 64 to 69 were added to the Bill.

Clause 70 — (Power of Central Government to authorise Commissioner of Police and certain other officers to exercise powers of District Magistrates and Executive Magistrates under the Code of Criminal Procedure, 1973.)

MR. CHAIRMAN: We take up clause 70.

SHRIMATI PARVATHI KRISHNAN: I move my amendment No. 125. You are giving the powers of the magistracy to the police?

I beg to move:

Page 31,

omit lines 30 to 35 (125).

MR. CHAIRMAN: I put amendment No. 125 to the vote of the House.

Amendment No. 125 was put and negatived.

MR. CHAIRMAN: I put clause 70 to the vote of the House.

The question is:

"That clause 70 stand part of the Bill."

The motion was adopted.

Clause 70 was added to the Bill.

Cluses 71 to 82 were added to the Bill.

Clause 83—(Causing any obstruction in a street)

MR. CHAIRMAN: We take up clause 83.

SHRIMATI PARVATHI KRISHNAN: I move my amendment No. 171 Page 34,—

omit lines 42 to 44 (171)

MR. CHAIRMAN: I put amendment No. 171 to the vote of the House.

Amendment No. 171 was put and negatived.

MR. CHAIRMAN: The question is: "That clause 83 stand part of the Bill."

The motion was adopted.

Clause 83 was added to the Bill.

Clause 84 was added to the Bill.

Clause 85—(Causing obstruction and annoyance by performances, etc.)

MR. CHAIRMAN: We take up clause 85.

SHRIMATI PARVATHI KRISHNAN: I move my amendment No. 172 I beg to move:

Page 35,—

omit lines 8 and 9. (172)

You want to deprive us of civil rights?

MR. CHAIRMAN: I put amendment No. 172 to the vote of the House.

Amendment No. 172 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 85 stand part of the Bill."

The motion was adopted.

Clause 85 was added to the Bill.

Clauses 86 to 90 were added to the Bill.

Clause 91—(Behaving indecently in public.)

MR. CHAIRMAN: We take up clause 91.

SHRIMATI PARVATHI KRISHNAN: I move my amendment No. 126. I beg to move:

Page 35, lines 40 to 43,—

omit "or not, or use indecent language or behave indecently or riotously or in a disorderly manner in a street or public place or place of public resort or in any office, police station or station house". (126)

MR. CHAIRMAN: I shall now put amendment No. 126 to the vote of the House.

Amendment No. 126 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 91 stand part of the Bill."

The motion was adopted.

Clause 91 was added to the Bill.

Clauses 92 to 97 were added to the Bill.

Clause 98—Penalty for failure to keep in confinement cattle, etc.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:—

Page 36,—

for lines 30 to 35, substitute—

"(a) for the first offence with fine which may extend to fifty rupees; and

(b) for the second or subsequent offence with fine which may extend to one hundred rupees." (173)

Page 37,—

for lines 15 and 16, substitute—

"if they are the property of the person convicted of the offence". (174)

MR. CHAIRMAN: I shall now put amendments Nos. 173 and 174 to the vote of the House.

Amendments Nos. 173 and 174 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 98 stand part of the Bill."

The motion was adopted.

Clause 98 was added to the Bill.

Clauses 99 to 108 were added to the Bill.

Clause 109—(Penalty for disobedience to order under section 27.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 39, lines 26 and 27,—

for "three months" substitute "one month". (175)

Page 39, lines 27 and 28,—

for "five hundred rupees or with both" substitute "five rupees". (176)

MR. CHAIRMAN: I shall now put amendments Nos. 175 and 176 to the vote of the House.

Amendments Nos. 175 and 176 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 109 stand part of the Bill."

The motion was adopted.

Clause 109 was added to the Bill.

Clause 110—(Penalty for contravening regulations, etc., under section 28.)

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 39, line 32,—

add at the end—

"by a fine which may extend to twenty-five rupees". (177)

Pages 39 and 40,—

omit lines 33 to 47 and 1 to 7, respectively. (178)

MR. CHAIRMAN: I shall now put amendments Nos. 177 and 178 to the vote of the House.

Amendments Nos. 177 and 178 were put and negatived.

MR. CHAIRMAN: The question is:

"That clause 110 stand part of the Bill."

The motion was adopted.

Clause 110 was added to the Bill.

Clauses 111 to 117 were added to the Bill.

Clause 118—(Penalty for opposing or not complying with direction given under clause (b) of sub-section (1) of section 59)

SHRI VAYALAR RAVI: I beg to move:

Page 42, line 4,—

for "opposes" substitute "refuses". (153)

Page 42, line 6,—

for "the opposition" substitute "the refusal". (154)

Please think for a minute. Clause 118 says: "Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer.....". But I have a right to go to a court of law and that is also opposition. If I file a suit, that is also opposition. So, I have suggested that instead of 'opposes' the word 'refuses' may be inserted so that I have a right to oppose it through legal means. Refusal means not accepting or refusing in a different form. The word 'opposes' may deny my right to resort to legal action or legal method not to comply with that order. So, in order to preserve the right of the citizens to go to a court of law, I request him to accept my amendment.

SHRI S. D. PATIL: I am opposing the amendment because 'refuses' connotes more meaning than 'opposes'. Clause 118 says, "Whoever opposes or fails forthwith to comply with any reasonable requisition made by a police officer". Even opposition is made punishable.

SHRI VAYALAR RAVI: Am I not entitled to go to a court of law and oppose it legally?

SHRI S. D. PATIL: Opposition in a court of law is different. But you want to put the word 'refuses'.

SHRI VAYALAR RAVI: I want to help you as well as the citizens. You will agree that the citizens must have the right to oppose it legally.

Please understand the point.

SHRI S. D. PATIL: The expression "failure" includes refusal. Therefore, it is all right.

MR. CHAIRMAN: I put amendment Nos. 153 and 154 to the House.

Amendments Nos. 153 and 154 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 118 stand part of the Bill."

The motion was adopted.

Clause 118 was added to the Bill.

Clause 119—(Penalty for contravening directions under section 65.)

SHRI VAYALAR RAVI: I beg to move:

Page 42, line 13,—

for "opposes" substitute "refuses". (155)

Page 42, line 14,—

for "the opposition" substitute "the refusal". (156)

MR. CHAIRMAN: I put amendment Nos. 155 and 156 to the House.

Amendments Nos. 155 and 156 were put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 119 stand part of the Bill."

The motion was adopted.

Clause 119 was added to the Bill.

Clause 120 was added to the Bill.

Clause 121—(Neglect or refusal to serve as special police officer)

SHRI VAYALAR RAVI: I beg to move:

Page 42,—

after line 36, insert—

"(2) Such punishment shall automatically cancel the certificate of appointment of such a Special Police Officer." (159)

The clause only stipulates the punishment. That does not mean he will lose his certificate of appointment. I want that automatically he must cease to be a Special Police Officer. Once he is convicted, on what moral authority can he continue? There is no such provision in the Clause. So, I have moved it. Please accept it.

SHRI S. D. PATIL: I accept the amendment.

MR. CHAIRMAN: The question is:

Page 42,—

after line 36, insert—

"(2) Such punishment shall automatically cancel the certificate of appointment of such a Special Police Officer." (159)

The motion was adopted.

MR. CHAIRMAN: The question is:

"That clause 121, as amended, stand part of the Bill."

The motion was adopted.

Clause 121, as amended, was added to the Bill.

Clause 122—(Penalty for making false statement, etc., and for misconduct of Police Officers)

SHRI VAYALAR RAVI: I beg to move:

Page 43, lines 7 and 8,—

for "one hundred" substitute—

"five hundred". (160)

MR. CHAIRMAN: I put amendment No. 160 to the House.

Amendment No. 160 was put and negatived.

MR. CHAIRMAN: The question is:

"That clause 122 stand part of the Bill."

The motion was adopted.

Clause 122 was added to the Bill.

Clauses 123 to 125 were added to the Bill.

Clause 126—(Penalty for unauthorised use of police uniforms.)

SHRI VAYALAR RAVI: My amendment No. 161 is to deal with those people who imitate the police officers and commit dacoity and other crimes. If you do not want it, I will not move it.

SHRI S. D. PATIL: I do not want it.

MR. CHAIRMAN: The question is:

"That clause 126 stand part of the Bill".

The motion was adopted.

Clause 126 was added to the Bill.

Clause 127—(Power to make regulations regarding carrying weapons without authority.)

SHRI VAYALAR RAVI: My amendment No. 162 seeks to add sticks or lathis. You are referring to sword, spear, bludgeon, gun etc. Lathis and sticks are also lethal weapons.

SHRI S. D. PATIL: If I accept it, it will penalise the agriculturists. I do not accept it.

MR. CHAIRMAN: The question is:

"That clause 127 stand part of the Bill."

The motion was adopted.

Clause 127 was added to the Bill.

Clauses 128 to 141 were added to the Bill.

Clause 142—(Public Notices how to be given.)

SHRI VAYALAR RAVI: I beg to move:

Page 46, line 20,—

for "Urdu or English" substitute—
"Urdu and English". (163)

This clause relates to the procedure for public notices. What I want to emphasize is that Delhi being the capital of India, many people coming from other States are living here, and they speak different languages. So, I appeal to the Minister to accept the amendment to make it "and English".

SHRI S. D. PATIL: I accept it.

MR. CHAIRMAN: The question is:
Page 46, line 20,—

for "Urdu or English" substitute—
"Urdu and English". (163)

The motion was adopted.

MR. CHAIRMAN: The question is:
"That clause 142, as amended, stand part of the Bill".

The motion was adopted.

Clause 142, as amended, was added to the Bill.

Clauses 143, 144 and 145 were added to the Bill.

Clauses 146 and 147 were added to the Bill.

Clause 148—(Notification of Rules and Regulations in the Official Gazette and laying of Rules and Regulations.)

SHRI VAYALAR RAVI: My amendment No. 163 seeks to add the "Legislative Assembly" after "Metropolitan Council". It is up to you to accept it or not.

SHRI S. D. PATIL: It is too early. I do not accept it.

MR. CHAIRMAN: The question is:

"That clause 148 stand part of the Bill".

The motion was adopted.

Clause 148 was added to the Bill.

Clauses 149 to 152 were added to the Bill.

First Schedule

SHRIMATI PARVATHI KRISHNAN: I beg to move:

Page 52, line 5,—

omit "1. The Press and Registration of Books Act, 1867." (129)

Page 52, line 7,—

omit "3. The Indian Lunacy Act, 1912." (130)

Page 52, line 10,—

omit "6. The Cinematograph Act, 1952." (131)

Page 52, line 19,—

omit "3. The Madras Dramatic Performances Act, 1954, as in force in Delhi." (132)

MR. CHAIRMAN: Now, I put Amendment Nos. 129, 130, 131 and 132 moved by Shrimati Parvathi Krishnan to the vote of the House.

Amendments Nos. 129 to 132 were put and negatived.

MR. CHAIRMAN: The question is:

"That the First Schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

The Second Schedule, the Third Schedule, Clause 1, the Enacting Formula and The Title were added to the Bill.

SHRI S. D. PATIL: I move:

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

But while doing so, there is one clarification:

Page 13, after line 28, insert—

"Provided that no such scrutiny or certificate shall be required in the case of any performance with respect to which a similar certificate has been granted under any

law for the time being in force in any State."

This should be added.

SHRIMATI PARVATHI KRISHNAN: Is this an amendment to an amendment?

SHRI S. D. PATIL: It is only re-casting Amendment No. 159 to Clause 121.

SHRIMATI PARVATHI KRISHNAN: It should have been done at that time. The way they are rushing it through, I take serious objection to it. At that very time, why could it not be properly examined? It could have been said. "We will re-word it."

PROF. MADHU DANDAVATE: On a point of order, Sir. It has been an accepted convention that when an amendment is accepted, in order that the substance should tally with the rest of the portion, there have been a number of cases in which certain consequential changes had to be made....

SHRIMATI PARVATHI KRISHNAN: We do not want these homilies and lectures.

PROF. MADHU DANDAVATE: I am not addressing the lady member; I am addressing the Chair. I have the full right.

There have been precedents in which when an amendment is accepted, in order that it should suit the context of the entire text of the Bill, constructional changes are to be made. The mover has also accepted it and it is for the acceptance of the House that it has been done.

SHRI VAYALAR RAVI: Before the third reading, I want to make a submission....

SHRIMATI PARVATHI KRISHNAN: How can it be before the third reading?

SHRI VAYALAR RAVI: This is a very important Bill. Even though we had some reservations to getting the Bill through by sitting late, because

we wanted to cooperate with the Government and there was the necessity to pass the Bill as early as possible, we agreed to that. We pressed for a division only to express our dissatisfaction or disapproval of the Ordinance. Nothing more.

We are very glad that the hon. Minister has been good enough to accept some of the amendments. The Minister has been busy with the Constitution Amendment Bill for three days and, probably, he had less time to go through the Bill thoroughly. But the office, the Department, should have been careful to study every amendment that was given. They have to put all the notes to the Minister. I note with regret that the Minister has not been properly briefed. I say, the Minister must reprimand the officers who have not done the home-work and not briefed the Minister properly. The Minister was busy for three days with the Constitution Amendment Bill. But it is the duty of the office to do the home-work. We find that the officers were so hopeless, callous and indifferent to the House—it is an insult to the House—that they can carry the Members of Parliament for a ride. We want that the Ministers should always get proper briefing. I record my strong protest, I am glad that the Minister took a lot of pains and, I hope, we will pass the Bill.

SHRIMATI PARVATHI KRISHNAN: I am sorry I do not agree with what Mr. Vayalar Ravi has said. It is some days since we had a discussion on this. At that time, the specific points were raised and the amendments were given. All the amendments would have been brought to the notice of the Minister. Just because one or two amendments have been accepted, it does not mean that bouquets have to be thrown. No. Whatever the officers do, they do. On the floor of the House, the Minister is responsible to us. It is he who has to answer; the officers cannot answer. Therefore, I hold the Minister responsible. So many days have gone by since we took

this up, and he should have gone into it, he should have sat with his officers; he should have been in a position to clarify each amendment. There is a saying, and I would remind the hon. Members of the House of this, namely, that pearls can never be cast before swine; I repeat that saying. I would, once again, like to assert that it is not just cooperation and all that. The Coast Guard Bill and other pieces of legislation were rushed through for prestige. I am amazed and shocked, and I take serious objection to the manner in which we have been asked today to sit and cooperate. Because of the Ordinance, it should have been brought much earlier.

SHRI S. D. PATIL: I am very thankful to all the hon. Members who have given utmost cooperation; I also thank Mrs. Parvathi Krishnan even though I had reason to anger her for, some time—because I have not accepted some of her amendments.

SHRIMATI PARVATHI KRISHNAN: That is most unfair... (*Interruptions*).

SHRI S. D. PATIL: I once again thank the hon. Members of this House for lending their support within a very short time.

MR. CHAIRMAN: Mr. Minister, now you have to rescind all this; you have to move a Resolution to rescind this—the amendment that has been adopted...

SHRI S. D. PATIL: This particular amendment is a consequential one. It is not something which touches the substance of it. When the amendment has been accepted, it will have to be framed like this. It is not that we are making a departure. It is only consequential.

MR. CHAIRMAN: Hon. Minister, you will have to put it again under the rules. (*Interruptions*) Rules are rules.

SHRI C. K. CHANDRAPPA: What is the business before the House now?

MR. CHAIRMAN: The business is before you. Nothing should be done in a hurry.

SHRI C. K. CHANDRAPPAN: In the history of this Parliament, never before...

SHRIMATI PARVATHI KRISHNAN: In the last 31 years.

SHRI C. K. CHANDRAPPAN: ... clauses have been hustled like this.

SHRI S. D. PATIL: Sir, I do not press for it. Leave it as it is.

AN HON. MEMBER: Do not press for what?

SHRI S. D. PATIL: For the new thing—to which you are objecting.

MR. CHAIRMAN: Now, the question is:

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

Those in favour will please say 'Aye'.

SEVERAL HON. MEMBERS: 'Aye'.

MR. CHAIRMAN: Those against will please say 'No'.

SOME HON. MEMBERS: 'No'.

MR. CHAIRMAN: I think the 'Ayes' have it. The motion is adopted.

SOME HON. MEMBERS: The Noes have it.

MR. CHAIRMAN: Let the Lobbies be cleared...

SHRI A. BALA PAJANOR (Pondicherry): I want to know one particular point. Can a Bill be passed without there being a quorum in the House?

SHRI C. K. CHANDRAPPAN: What is happening?

MR. CHAIRMAN: The bell is ringing. We are waiting for the division.

SHRI C. K. CHANDRAPPAN: 3 minutes have passed.

SHRI A. BALA PAJANOR: I want to go on record on one particular point. The Government has asked us to cooperate on many matters. Cannot they at least issue a whip to their Members on this Bill for which we are waiting here? This is a very important matter. We want to know. From your side what are you going to do? 152 clauses we have passed in just 1 1/2 hours.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): There can be no division if there is no quorum.

SHRI A. BALA PAJANOR: You will have to find out whether there is quorum in the House.

MR. CHAIRMAN: That the division result itself will show... Now, I find, there is no quorum in the House.

As there is no quorum, we cannot go on with this Bill. The House now stands adjourned till 11 a.m. tomorrow.

19.45 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday August 24, 1976/Bhadra 2, 1900 (Saka).