

14.18 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL*

SHRI DINEN BHATTACHARYA :
(Serampore) : We have given our
names, we are opposing it.

MR. DEPUTY-SPEAKER : Let
him first move for leave to introduce ;
then you can oppose. (Interruptions) **
Nothing will go on record.

SHRI DINEN BHATTACHARYA :
Why ?

MR. DEPUTY-SPEAKER : If 20
members stand up simultaneously and
speak, nothing will go on record.

SHRI DINEN BHATTACHARYA:
I have given notice and I will oppose it.

SHRI JYOTIRMOY BOSU (Diamond
Harbour) : Then you are also off the re-
cord and the Chair is vacant. You are
now Mr. Godry Murahari and no longer
Deputy-Speaker.

MR. DEPUTY-SPEAKER : Mr
Bosu, either you withdraw that statement
or you will be named.

SHRI JYOTIRMOY BOSU : You can
do that.

MR. DEPUTY-SPEAKER : I do
not like this kind of behaviour in this
House. You should know how to behave
in this House. You cannot throw chal-
lenges and threats. Please take your
seat.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI S. D. PATIL) : On behalf of Shri
Charan Singh, I beg to move for leave to
introduce a Bill further to amend the Code
of Criminal Procedure, 1973.

MR. DEPUTY-SPEAKER : Motion
moved.

"That leave be granted to introduce
a Bill further to amend the Code
of Criminal Procedure,
1973."

Procedure (Amdt.) Bill

Now, Mr. Chandrappan, you are oppos-
ing it (Interruptions). The name of Mr.
Chandrappan is number one on the list.
(Interruptions) Mr Bosu, you don't allow
the proceedings to go on. You don't know
your own interest. I am sorry to say this.

SHRI JYOTIRMOY BOSU : I
will see that what I say goes on record.
You will be sorry for making this utterance.

MR. DEPUTY-SPEAKER : What
you say now will go on record, surely. Only
when you defy the Chair, it will not go on
record.

SHRI C. K. CHANDRAPPAN
(Cannanore) : I rise to oppose the in-
troduction of this bill. This is an attempt
by the Janata Party to smuggle into the
Cr. P. C. what was there in MISA.
This government, and the party which is
in power, gave a solemn assurance, to the
people that they will remove MISA from
the Statute Book. This is a very tricky
bill, which they are introducing to-day.
When we say that we are opposing this
bill, you can say that we are opposing the
repealing of the MISA, because it is also
included in it. (Interruptions). The
point is this; the Janata Party told the
people in its election manifesto that it was
going to remove fear from the minds of
the people. And repeatedly we were told
in this House by the Prime Minister that
they were making efforts to remove fear
from the minds of the people. Government
told the people, that MISA was a
draconian legislation. To-day, in the name
of an amendment to the Cr. P.C. Act,
what the Government is doing, is the
smuggling into that Act of all the provi-
sions which were contained in MISA.
(Interruptions). It was in this House that
the Speaker announced my arrest. My
arrest for leading a demonstration before
the Prime Minister has been described
by your bureaucracy as an arrest for
committing rowdyism in front of the
Prime Minister's residence. And later a
privilege motion was moved, and you had
to change it. Why I point this out is this.
if you want me to be put behind the bars,
you can bring in the provisions of clause 2
of this amendment, and put me behind
the bars. You can put any citizen behind
bars without trial. This was there under
MISA. Let it be known to the country and
to the entire world that the Janata
Government which gave a solemn assura-
nce to the people that they were going
to protect personal liberty, wipe out fear
from the minds of the people and restore
freedom, are trying to bring through
back-door one after the other, all the legis-
lations which they themselves described in
the past as draconian.

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**Not recorded.

It shows to day we are seeing the Janata Party in their true colours. You were against Mrs. Gandhi, but you have not demolished what she stood for. We find the same attitude to wards democratic principle and the struggle of the working class for their rights. You are putting people behind the bar without trial. This is exactly what the people of the country should know. I do not know why Shri Charan Singh has run away from this House. He was sitting all along. I know today he is celebrating his birthday.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK) : After all, this is only the introduction stage. There is nothing to discuss. We know the provisions and we can deal with it.

SHRI PARMANAND GOVINDJI-WALA (Khandwa) : Sir, I rise on a point of order. Under rule 72 of the Rules of Procedure, which provides for opposition to the introduction of Bills, the proviso says :

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon:

Provided further that the Speaker shall forthwith put to vote the motion for leave to introduce a Finance Bill or an Appropriation Bill."

So, my point is that at this stage, if the Bill proposed is outside the legislative competence of Parliament, then only it can be opposed. This is not the stage to make along speech.

MR. DEPUTY-SPEAKER : Yes, he can make a very brief statement only. There are about ten names in my list. So, everyone should be brief.

SHRI C. K. CHANDRAPPAN : My point is that Shri Charan Singh should have been here.

SHRI BIJU PATNAIK : It is not your business.

SHRI C. K. CHANDRAPPAN : It is not your business; it is my business and it is the business of the House. I do not know why...

SHRI BIJU PATNAIK : The representatives of Government are here (*Interruptions*) Why should Shri Charan Singh be here? We can look into this.

SHRI C. K. CHANDRAPPAN : I say that Shri Charan Singh owes a greater

responsibility to this House. This draconian law is listed in his name today. He should have the courage to face this House, rather than going and addressing a meeting out side the House.

MR. DEPUTY-SPEAKER : Let him come to the Bill. We are not discussing Shri Charan Singh.

SHRI C. K. CHANDRAPPAN : Sir, we have seen so many people in that seat earlier. Let him see the writing on the wall. This can be taken as the birthday gift of Shri Charan Singh to the people of the country. This gift says that people will be put behind the bars without trial. I hope the democratic sentiments of this country will rise against this kind of draconian legislation and put this party in its proper place. I oppose the introduction of this Bill.

MR. DEPUTY-SPEAKER : I find there are so many members from the same party who want to oppose the introduction. I will try to interperse the parties.

AN HON. MEMBER : You have to go by the list.

MR. DEPUTY-SPEAKER : Let us be a little indulgent to the members and take them as "a Member" each one of them.

SHRI PARMANAND GOVINDJI-WALA : Sir, you have to go by the rules. They are making all sort s of allegations and saying all sorts of irrelevant things.

MR. DEPUTY-SPEAKER: Now let us proceed with the discussion. I will call the Members in the order in which the notice has been received. Shri Jyotirmoy Bose.

SHRI SOMNATH CHATTERJEE (Jadavpur) : When did he give?

MR. DEPUTY-SPEAKER : He gave at 10:00 hours.

SHRI SOMNATH CHATTERJEE : I gave yesterday.

MR. DEPUTY-SPEAKER : There is no need to get agitated. I will call Mr. Bose later.

SHRI SOMNATH CHATTERJEE : I do not get annoyed like this, but I have been kept waiting. I gave notice and you call someone else, although he belongs to my party, but there must be some principle.