

[Shri Akhtar Husain.]

Now, Sir, politics apart, I would beg of my hon. friends on the other side to take into consideration very seriously some typical cases. When real culprits keep out and do not allow themselves to come within the clutches of the law, what is the position? When they are prosecuted for any of the substantive offences they are likely to commit, or which they have committed, they get off on some technical grounds that the evidence is insufficient, or that the evidence is inadmissible, and so on.

SHRI S. MAHANTY (Orissa): And advocates help them.

SHRI AKHTAR HUSAIN: Apart from the advocacy, on merits, experienced judges find it difficult to convict culprits without legal proof, or uphold detention orders passed on insufficient grounds, or based on evidence inadequate to justify an order of detention. Thus, the real subversive elements keep out and do not expose themselves to be caught, or do not allow evidence to be made available against them. There are various such instances where the persons keep outside. They have their agents; they just instigate people. And the real people who instigate others, who advance money to do the instigation, or who incite people to commit acts of subversion—and those who commit these acts are poor people, often pawns in the hands of designing and scheming politicians, or other real enemies of the country—manage to keep out safely. Now, if there is no evidence against such persons and they cannot be proceeded against, but if one of them, who is found to be actually committing or inciting acts of subversion, is put under detention, the people would know that Government would not allow the Constitution to be subverted and the whole situation improves. If the provisions of this Act are utilised against such persons, surely my esteemed friends on the other side would not plead their cause. If there are any case of misuse against their

genuine partymen, there is of course the high court and the Supreme Court to look after them, and protect their interests. But so far as the cases of such persons are concerned who actually commit crimes intended to be prevented by this Act, I hope that the moral sympathy of my friends on the Opposition would be with the Government, if they are prevented from committing dangerous crimes. If they are prosecuted, they would certainly succeed in getting away on technical grounds. What is one to do with such people? What other law is there by which the subversive activities of these people could be stopped?

My learned friends will take another example. When examinations are held at some places, in order to tell the examinees the answers to the questions, people use loudspeakers to tell the examinees the answers to the questions. That is subversion against the education department. There is no provision in the law under which we can proceed against such people.

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): Will you take more time?

SHRI AKHTAR HUSAIN: Yes, Sir.

THE VICE-CHAIRMAN (SHRI P. S. RAJAGOPAL NAIDU): You can continue tomorrow.

There are two messages.

MESSAGES FROM THE LOK SABHA

I. THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) BILL, 1956

II. THE MANIPUR STATE HILL PEOPLES (ADMINISTRATION) REGULATION (AMENDMENT) BILL, 1954.

SECRETARY: I have to report to the House the following messages received from the Lok Sabha signed by the Secretary of the Lok Sabha.

(I)

"In accordance with the provisions of Rule 138 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendments made by Rajya Sabha in the Bill further to amend the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951, at its sitting held on the 26th May 1956, were taken into consideration and agreed to by Lok Sabha at its sitting held on Wednesday, the 30th May 1956.—

Clause 41

1. That at page 16, in lines 26-27, for the word 'section' the word 'sections' be substituted.
2. That at page 16, after line 27, the following be inserted, namely:—

'71. Publication of results of elections to the Council of States and of names of persons nominated by the President.—After the elections held in any year in pursuance of the notifications issued under section 12, there shall be notified by the appropriate authority in the Official Gazette the names of members elected by the elected members of the Legislative Assemblies of the States and by the members of the electoral colleges for the various Part C States at the said elections together with the names of any persons nominated by the President to the Council of States under sub-clause (a) of clause (1) of article 80 or under any other provisions.

72. Publication of results of elections for the reconstitution of electoral colleges for certain Part C States.—After the elections held in pursuance of the notification issued under section 13 for the reconstitution of the electoral college for a Scheduled Part C State, there shall be notified by

the appropriate authority in the Official Gazette as soon as may be after the date or the last of the dates fixed for the completion of the said elections, the names of the persons elected for the various electoral college constituencies at the said elections'."

3. That at page 16, line 28, for the figures '71' the figures '73' be substituted.

4. That at page 17, after line 9, the following be inserted, namely:—

'74. Publication of results of elections to the State Legislative Councils and of names of persons nominated to such Councils.—After the elections held in any year in pursuance of the notifications issued under section 16, there shall be notified by the appropriate authority in the Official Gazette the names of the members elected for the various Council constituencies and by the members of the Legislative Assembly of the State at the said elections together with the names of any persons nominated by the Governor or Rajpramukh, as the case may be, under sub-clause (e) of clause (3) of article 171'."

Clause 79

5. That at page 30, the existing clause 79 be deleted.

Clause 80

6. That at page 30, line 7, for sub-clause (a), the following be substituted, namely:—

(a) in sub-section (1) for the word and figures 'section 75' the word and figures 'section 74' shall be substituted; and'

7. That at page 30, lines 8 to 10, for sub-clause (b) the following be substituted, namely:—

(b) in sub-section (2) for the word and figures 'section 75' the word and figures 'section 74' shall be substituted.'

[Secretary.]

(II)

"I am directed to inform Rajya Sabha that Lok Sabha, at its sitting held on Wednesday, the 30th May 1956, adopted the following motion in regard to the Manipur State Hill Peoples (Administration) Regulation (Amendment) Bill, 1954 which was passed by Rajya Sabha on the 21st September 1954 and laid on the Table of Lok Sabha on the 23rd September 1954:—

Motion

"That leave be granted to withdraw the Bill to amend the

Manipur State Hill Peoples (Administration) Regulation, 1947, for the purpose of making provision for elected village authorities and for matters connected therewith, as passed by Rajya Sabha."

THE VICE-PRESIDENT (SHRI P. S. RAJAGOPAL NAIDU): The House stands adjourned till 10 A.M. tomorrow.

The House adjourned at six of the clock till ten of the clock on Thursday, the 31st May 1956.