

[21 MARCH, 2002]

RAJYA SABHA

I lay a copy of each of the Bills on the Table.

STATUTORY RESOLUTION

DISAPPROVAL OF THE PREVENTION OF TERRORISM (SECOND) ORDINANCE, 2001

AND

THE PREVENTION OF TERRORISM BILL, 2002. -Contd.

SHRI ADHIK SHIRODKAR : Sir, I thank' you for this opportunity. Sir, when a Member makes his first speech in the House, it is called a maiden speech and there is no time limit. I am making my last speech. I do not know whether it will be a 'widow' speech. But I hope there would be no time limit. ...*(Interruptions)*... I stand corrected. ...*(Interruptions)*... It is a dying declaration. ...*(Interruptions)*...

श्री रमा शंकर कौशिक : श्रीमन् यह कार्यक्रम तो कल सीमित होने वाला है ।

उपसभाध्यक्ष (श्री टी.एन. चतुर्वेदी) : इस फोरम का जिक्र कर रहे हैं ।

श्री अधिक शिरोडकर : मैं आखिरी बोल रहा हूँ, कल बोलूंगा नहीं ।...*(व्यवधान)*...

श्री दीपांकर मुखर्जी : आखिरी में बोल रहे हैं, हम भी हैं ।*(व्यवधान)*...

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): There is another phrase 'swan song'.

SHRI ADHIK SHIRODKAR: Sir, the number of civilian killed is 4858, security personnel killed, 1541, the total number of people killed 6399. These are the figures of 1998-99 and 2000. The person wounded were more than 25,000. These are all due to the terrorist attacks in the country. They run into the multiple of thousands in the last decade. The property destroyed runs into crores of rupees. There was an attack on the J'ammu and Kashmir Assembly, there was an attack on the Red Fort and then there was an attack on this Parliament itself. As it was stated, it was not an attack on a building, but it was an attack on the democracy itself. But for the bravery of five or six persons who laid down their lives for us, neither you, nor I nor anybody of us would have been discussing this enactment

called the POTO. We would have been dead persons. And those who laid down their lives for us, their souls must be stirring in disgust that they tried to save our lives, while we are trying to save the so-called other people who are indulging in terrorist activities. It is high time we have a little introspection devoid of all political compulsions. Let us see what is happening. The fake currency notes of Rs.500 and also of Rs.1000 denomination are printed and circulated by our neighbouring country, it is intended to destroy the very economy of this country and thus the country itself. This is a terrorist act. The money thus generated is used for selling drugs to the youth of this country and giving them addiction which cannot be given* up and making them addicts himself, but which requires expensive and extensive medical treatment, which is again not easily available in India. Destroy the economy and the youth of India; and India perishes. This is the scenario which we are facing today and to which we are turning a Nelson's eye. We are not willing to look in that direction. But we are interested in self-serving political gains, in the name of secularism, which, in fact, is pseudo secularism. Sir, let us understand. I have been a defence lawyer for forty-seven years - definitely senior to Mr. Kapil Sibal. My guru, Shri Ram Jethmalani, and I have been defence lawyers on the criminal side. So, I know what goes on. Sir, the IPC is the only law which deals with crimes of all sorts. Section 302, which deals with murder, is sufficient to combat these terrorist killings. Section 141, which deal with unlawful assembly, is sufficient, equally and effectively, to deal with these activities Chapter VI of the IPC deals with offence against the State. It acts as deterrent to these types of organised activities which are. terrorist activities. The NDPS deals with combating the crippling menace of drugs. The use of drugs by students is ever increasing. Today you find even a small child using drugs. They cannot be cured. Sir, drinking can be given up. Smoking can be given up. But addiction to drugs cannot be given up. It can be cured only under the supervision of a medical attendant. Otherwise, it will kill a person. Therefore, is there any .effective law to punish the transfer of money, racketeering, drug transaction, extortions, fake currency and other illegal activities into the legitimate channel of the economy of the country, with a view to destroying the country? There is not a single law. Is there any single law which, by itself, can deal with the multi-faceted and cancerous menace, which is throttling, in its vicious grip, the sovereignty and integrity of India? I can say, as a defence lawyer, not a single legislation is there. Then, let us go further. Why are we so myopic in our views? Why are we mired in self-serving, temporary and petty political

7.00 p.m.

gains? Is it to jeopardise the very existence of our country? Prof. Yadav referred to monkeys. This is a self-serving political gain. I can give different analogies. I will come to it later. According to the legal principles, any law, which has a potential for abuse, is a bad law. But there is not a single law, as Mr. Ram Jettamalani has said, which has never been abused before. All laws have been abused. Ultimately, the question is how you use it. A knife can be used for chopping vegetables, the same can be used for stabbing at the back as the Opposition is doing now after promising to support the Anti-Terrorism Bill. A knife can be used both ways. But, is knife bad by itself? Is the Act bad by itself, if it is implemented...

MISS MABEL REBELLO (Madhya Pradesh) : Who has stabbed you? ...*(Interruptions)*...

SHRI KAPIL SIBAL Who promised you? ...*(Interruptions)*...

SHRI ADHIK SHIRODKAR: You have gone on record repeatedly, saying that you will help this Government in combating terrorism; not the Bill. We are trying to combat terrorism ...*(Interruptions)*... Please don't interrupt.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): This is his interpretation ...*(Interruptions)*... You go ahead and wind up ...*(Interruptions)*...

SHRI ADHIK SHIRODKAR: A reference was made to TADA and its lapse. Mr. Jethmalani had opposed it. I had opposed it, and I am fighting the last case under the TADA, which is known as the Serial Bomb Blasts Case. It was again misused. The question is, while dealing with TADA matters, various cases from all over India were given to the Full Bench, and the Full Bench said that TADA was misused, and suggested six safeguards. All these safeguards, which can prevent the misuse, were implemented and are incorporated in this Bill. Let us see some of the safeguards which are additional here.

Under the TADA, appeal was only to the Supreme Court. So, Special Courts, High Courts, had no jurisdiction. One has to come to Delhi. Now, for a common man to come to Delhi, let alone engaging eminent lawyers with fabulous fees, was beyond his capacity. Under the new Act, appeal lies to the High Court of that State. Under the POTO, bail provisions are similar to that of MCOCA, as we call it; NDPS, as we call it.

However, in POTO, after a period of one year, normal provisions for bail, under the Code of Criminal Procedure, are available. They are not available under MCOCA.

Then comes the cognizance. A point was made here regarding taking cognizance. No court can take cognizance under the POTO, unless a sanction from the Central Government or the State Government is obtained. This is a salutary provision. A police officer, trying to act maliciously, viciously, with ulterior motive, tries to book someone under POTO; he cannot do it, unless there is a sanction. ...*(Interruptions)*... Sir, I would not like to be interrupted. Nor would I respond to it.

श्री जनेश्वर मिश्र (उत्तर प्रदेश) : 7 बज गये हैं, क्या आप समय बढ़ायेंगे ?

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) : आप लोगो का सहयोग चाहिये। अभी कई पार्टियां हैं। आधे घंटे में खत्म कर देंगे ताकि और पार्टियों को टाइम मिल जाए।

SHRI ADHIK SHIRODKAR: Sir, regarding confession, a grievance was made that a confession made before a police officer would be admissible. This is an error in law. A confession made to a police officer has to be forwarded, within 48 hours, to the Magistrate, who has to go through it, record the statement of the person, and find out whether any misuse was there. And, then, such a confession would not be admissible. Apart from the usual safeguard, section 27- and section 25 were made. The TADA was the first Act under which the confession was acceptable, and the Supreme Court came to a conclusion that confession cannot be a starting point. It could only corroborate the other piece of evidence. So, the apprehension, which is misguided and is deliberately misguided, is of no use to them.

Then, I come to the remand period. The police remand period is reduced to 30 days, and judicial custody to 3 months. This is necessary also. When an offence of this type takes place, there is a gang operating on international basis. That has to be unearthed. Normally, the remand period is 15 days, and, in Maharashtra, it can be extended up to 2 months. But, here, if you have to unearth and investigate the entire conspiracy --who was behind it; who did it; how they did it; from where did they procure money; from where did they originate -- all this takes time. So, thirty days are necessary. And, after that, if it is a judicial custody, they are not within the custody of the police, but are in the custody of the court, away from the police. The police cannot even question them without the permission of the court.

Then comes the question interception of communication. The Home Minister of the State of Maharashtra has gone on record to say that when briefings were given to the Press, cellular mobiles were kept on and information was transferred. We are in the age of sophisticated electronic equipments. So, cellular phones are there. Messages can be sent. The cellular phones are used for different purposes. Now, if you have to unearth such things, interception of communication is very necessary.

Then, again, a reference was made to malicious prosecution. If an officer acts maliciously, what happens? There is clause 57, which says that this act cannot be challenged. But, immediately thereafter, clause 58 is there, according to which if a person so does it, he can be prosecuted and sent to jail. Why are we looking at only certain aspects? My learned friend, Shri Kapil Sibal, for whom I have immense admiration, referred to the statement under 162. ...*(Interruptions)*... Under the CrPC, a statement is recorded under 162. Shri Kapil Sibal said that under this Act, if a statement was made then the name of a person could be withheld and a portion of his statement could also be withheld. Sir, I don't know from where he got it. I will read that section. It says, "Notwithstanding anything contained in the Code, the proceedings, under this act, for reasons to be recorded in writing, be held in camera, if the Special Court so desires. 'Held in camera' means those who are actively in the process of hearing will be there, and it will not be open. A special court, if on an application made by a witness in any proceedings before it or by public prosecutor in relation to such a witness or on its own motion, is satisfied that the life of such witness is in danger, it may, for reasons to be recorded in writing, take such measures as it deems fit, for keeping the identity and address of such a witness as secret. Now, what is wrong with it? There was the ...*(Interruptions)*...

SHRI KAPIL SIBAL: You are right. It was not there.

SHRI ADHIK SHIRODKAR: No. I said, 'it is there', but you did not refer to it, Sir. You did not refer to it.

SHRI KAPIL SIBAL: That was what I was saying. It was not there. You may disagree with it.

SHRI ADHIK SHIRODKAR: You did not refer to 30. You said, 'he can do if. He can keep the identity of a witness secret. I have taken down verbatim when I was in the Chair. In legal language, we call it *suppressio veri, suggestio falsi*. That means you can suppress the truth

and say falsehood. That was what was done by my learned friend. Let us go further. Sir, the Congress Party is the ruling Party in Maharashtra. The Maharashtra Organised Crime Act (MOCA) was introduced by the BJP and the Shiv Sena, in Maharashtra. If it were a draconian law, why didn't they repeal it? On the contrary, they are using it extensively. I would like to quote which Mr. Naidu quoted. While supporting the POTO, our Deputy Chief Minister, Shri Chagan Bhujbal, who is also the Minister of Home, said, 'Maharashtra had a successful record in ensuring a conviction rate of 75% after implementing of the Maharashtra Organised Crime Act (MOCA).' That is the way we have looked at it. It is a necessity of the day. When I started my practice, the murder used to take place with a plain knife, and, in a rare case, in the rural villages, with axes, where axes are used by the rural people for cutting wood. Now, it has gone to AK-47. Nobody dares to give evidence in the court of law, because he knows that the moment his identity is disclosed, he will not be in a position to step into the witness box to depose, or, after the deposition, he will not survive. Therefore, the concept of hostile witnesses has come in. Who dares to oppose such organised crimes and say, 'let my identity be known, I will die for my country.' Those six people who died for saving us must be shedding their tears that they have saved us. They would have preferred that we had perished in that.

Why don't you go further than that? The question,

therefore, is this. If there are safeguards which the Supreme Court in its Bench, an almost full Bench, suggested that any law which is the necessity of the day, must have such safeguards, and if those safeguards are implemented, where is the grievance? The grievance is none. What is the ground given? The minority? Sir, what do you mean by minority Muslims? What has your Government done, during the last 50 years which was in power, to help the minorities to get education,; to get them industries, to help them get come up. They have used them as vote banks. They have been kept under subjugation, the world of education, and they are suffering, and, still, they are being used by them as their vote banks. But, as Shri Ram Jethmalani said, 'Even they have become wiser.' They have turned their back on the Muslim community. Now, they are saying that the Muslim community is behind them. What sort of a thing do they say? Why don't they refer to MOCA? If they are opposing the POTO, they must show that why are they not opposing MOCA also? Why is the Minister saying, "I am using it and have got an effective conviction rate of 75%?" In your States, you are using it, in Karnataka, you are using it, and others say "we will use it". Here, you want to show, just for some political

gains, for very narrow political gains, you are opposed to it. Just for the vote bank which is not with you.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI) : Mr. Shirodkar, on the eve of retirement, even the good things have to come to an end.

SHRI ADHIK SHIRODKAR: Yes, Sir. I agree. Sir, I would like to conclude with Galib. The Opposition had said and they had assured that any legislation on, they don't like terrorism, they will oppose terrorism and support the Bill on terrorism. Now, they are going back. Our Minister of Home is fond of poetry. I think, he will find some solace in Galib's poetry.

“हमको उनसे वफा की है उम्मीद,

जो नहीं जानते वफा क्या है।”

With these words, my party, the Shiv Sena, supports the Bill

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) : थैंक यू, वैरी मच।

श्री बालकवि बैरागी : उपसभाध्यक्ष महोदय, मुझे दो पंक्तियां पढ़नी हैं।

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) : हां, अगर कविता में कुछ कहना है तो कह दीजिए।

श्री बालकवि बैरागी : कुल मिलाकर मुझे दो पंक्तियां पढ़नी हैं। शिरोडकर साहब ने अपने विदाई के भाषण में बहुत अच्छी बात कही है। मुझे सिर्फ इतना सा कहना है, आप उसको कहीं चस्पा कर लें :

“बस जरा सी बात पर बरसों के याराने गए,
हमको हासिल यह हुआ कुछ लोग पहचाने गए।”

मौलाना ओबैदुल्ला खान आजमी : एक शेर की इजाजत चाहूंगा।

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) : हां, मौलाना आजमी साहब बहुत दिनों के बाद आए हैं, एक शेर सुनायेंगे।

मौलाना ओबैदुल्ला खान आजमी :

“वफा का नाम कोई भूल कर नहीं लेगा,

तेरे सलूक ने चौंका दिया जमाने को।”

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) : अब प्रोफ़ेसर ऑफ़ हिन्दी लिटरेचर।

डा. रमेन्द्र कुमार यादव “रवि” (बिहार) :

“जब भी रूबरू होता हूं तो निगाहें नफरत पेश करते हैं,
पीछे यारों से कहते हैं कि वो कितने अच्छे हैं।”

श्री खान गुफरान जाहिदी : महोदय...(व्यवधान)....

उपसभाध्यक्ष(श्री टी. एन. चतुर्वेदी) : अब ऐसा है Please don't convert it into a *Mushaira*.

गुफरान जाहिदी : बस, एक कहने दीजिए :

“ एक चेहरा इसी चेहरे पे लगाए रखिए,

लोग पहचान न लें खुद को छुपाए रखिए । “

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Okay; Mr. Samadani, since you are raising your hand, I will allow one more Member to say two lines, and after that, we will revert back to our normal business. Yes; Mr. Samadani;

SHRI M.P. ABDUSSAMAD SAMADANI: Sir, if POTO comes into existence, the situation will be like this:

“सूना जंगल, अंधेरी रात, छाई बदली काली है,

सोने वालो जागते रहो, अब चोरों की रखवाली है ।“

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): After this *Mushaira*, I hope hon. Members would cooperate, in view of the time constraint. Prof Ram Deo Bhandari;

भंडारी जी, आठ मिनट ।

प्रो. रामदेव भंडारी (बिहार) : माननीय उपसभाध्यक्ष जी, पोटो जैसे गंभीर विषय पर अभी माननीय सांसदों की ओर से जो शेर-ओ-शायरी का माहौल बनाया गया उसने इस सदन के वातावरण को भी खुशनुमा बना दिया है। मान्यवर, मैं अपनी पार्टी की ओर से आतंकवाद निवारण विधेयक, 2002 का विरोध करने के लिए खड़ा हुआ हूँ।...(व्यवधान)... मान्यवर, यह कोई नया कानून नहीं है, हम इसे टाडा का ही दूसरा संस्करण की सकते हैं या दूसरे शब्दों में इसका टाडा का क्लोन भी कह सकते हैं। जब-जब सत्ताधारी पार्टियों को अपने एग्जिसटेंस पर खतरा महसूस हुआ तब-तब टाडा, पोटो, मोसा, डीआईआर, नेशनल सैक्योरिटी एक्ट की तरह के कानून बनाए गए। आज जो पोटो लाए हैं, सत्ताधारी दल के लोग, इन्हीं में से ट्रेजरी बेंचेज़ में कई ऐसे मंत्री हैं, जिन्होंने टाडा का विरोध किया था और टाडा के खिलाफ वोट किया था। जब आपको टाडा जैसा कानून लाना था तो टाडा का विरोध करने की क्या आवश्यकता थी? टाडा में 76 हजार लोगों को पकड़ा गया था और उनमें 25 परसेंट को बिना चॉर्जशीट दिए छोड़ दिया गया। 35 परसेंट के मुकदमों में ट्रायल हुआ जिसमें 95 परसेंट का एक्वीटल हुआ और सजा का परसेंटेज 1.5 से भी कम रहा। महोदय, 76 हजार लोग “टाडा” में पकड़े गए, बिना कसूर जेलों में बंद रहे, उनके परिवार वाले, उनके सगे-संबंधी और मित्र उन की कमी महसूस करते रहे। इसकी जवाबदेही किस पर होगी? इसका मुआवजा कौन भरेगा? महोदय, सिर्फ गुजरात में 19 हजार लोगों को “टाडा” में बंद किया गया था जिसमें किसान थे, ट्रेड यूनियननिस्ट थे और समाज के अन्य तबकों के लोग थे। महोदय, आपको जानकर हैरानी होगी कि आसाम में एक 12 वर्ष के लड़के को “टाडा” में बंद

किया गया था। उसका कारण बताया गया कि वह सरकार के खिलाफ साजिश कर रहा था। तो इस प्रकार “टाडा” और “पोटो” जैसे कानूनों का बड़े पैमाने पर दुरुपयोग होता है। महोदय, “पोटो” का कानून तो अभी बना नहीं है, लेकिन उसका दुरुपयोग शुरू हो गया है। अभी हमारे कई साथी गुजरात की बात कर रहे थे। वहां गोधरा में जो लोग ट्रेन में जिंदा जलाए गए, उसकी सभी पार्टी के लोगों ने निंदा की। उसके बाद गुजरात में “पोटो” के अंतर्गत गिरफ्तारियां हुई हैं। वहां सरकारी आंकड़ों के हिसाब से 700 लोगों की मृत्यु हुई, लेकिन वहां हजारों की संख्या में लोग मारे गए हैं। महोदय, 28 तारीख को गुजरात में दंगा-फसाद शुरू हुआ और अभी तक थमा नहीं है। इस दंगा-फसाद में 800 लोगों को पकड़ा गया है, मगर किसी पर भी “पोटो” लागू नहीं किया गया है और यही कारण है कि गुजरात में दंगा बंद नहीं हो रहा है। मैं माननीय गृह मंत्री से पूछना चाहूंगा कि गुजरात की सरकार यह डबल स्टैंडर्ड या दोहरा मापदण्ड क्यों अपना रही है? उसके पीछे क्या राजनीतिक कारण है? क्या वहां चुनाव होने वाला है? अगर आप की ऐसी मंशा है तो यह बहुत ही गलत मंशा है क्योंकि हम अपने देश को धर्म के नाम पर, मजहब के नाम पर फिर से बंटने नहीं देना चाहते हैं। इसलिए गुजरात सरकार के मुख्य मंत्री को गृह मंत्री जी यह आदेश दें कि वह “पोटो” कानून को दंगा-फसाद करने वालों के खिलाफ लगाएं। अगर गोधरा अभियुक्तों के खिलाफ यह कानून लगाया जा सकता है तो वहां दंगा-फसाद करने के आरोप में जिन लोगों के खिलाफ मुकदमा दर्ज हुआ है, उन पर भी इसे लागू क्यों नहीं किया जाना चाहिए? लेकिन पता चला है कि दंगा करने वालों के खिलाफ कोई कार्यवाही नहीं हो रही है। इस तरह गुजरात का यह दंगा-फसाद बंद नहीं होगा जब तक कि उनके खिलाफ “पोटो” के अंतर्गत कार्यवाही नहीं होगी।

महोदय, मैं “पोटो” का विरोधी हूं और मेरी पार्टी भी “पोटो” की विरोधी है। हमारे पार्टी अध्यक्ष लालू प्रसाद यादव जी ने कहा है कि अगर “पोटो” का कानून पास भी हो जाता है तो बिहार में हम इसे लागू नहीं करेंगे। महोदय, 23 संगठनों के विरुद्ध यह कानून लागू किया गया है। हम देश में दो तरह के आतंकवाद से ग्रसित हैं- एक तो सीमा पार का आतंकवाद और दूसरा देश के अंदर का आंतरिक आतंकवाद। महोदय, सीमा पार के आतंकवाद से हमारी फौज, अर्ध-सैनिक बल और हमारी सेक्युरिटी के लोग मुकाबला कर रहे हैं और आज आवश्यकता इस बात की है कि उनकी जो जरूरतें हैं, उनमें कोई कमी न होने दी जाए। उनकी सारी आवश्यकताओं को पूरा किया जाए जिससे कि वे सीमा पार के आतंकवाद का मुकाबला कर सकें। हम अच्छी तरह जानते हैं कि सीमा पार का आतंकवाद कहां से संचालित होता है? यह पाकिस्तान से संचालित होता है। हमें उस देश के साथ कड़ाई से लड़ना होगा, चाहे जो भी तरीका अख्तियार किया जाए। जब तक उस देश को समझा-बुझाकर या लड़कर उसे मजबूर नहीं करेंगे तब तक सीमा पार का आतंकवाद खतम नहीं हो सकता। फिर आंतरिक आतंकवाद की बात आती है, उसका क्या करेंगे? इस देश में ऐसे भी संगठन हैं, ऐसे भी लोग हैं, जिनका देश के कंस्टीट्यूशन में विश्वास नहीं है, सुप्रीम कोर्ट में विश्वास नहीं है, सरकार में विश्वास नहीं है, उनके खिलाफ आप कौन-सी कार्यवाही करने जा रहे हैं?

श्री संघ प्रिय गौतम : पोटो।....(व्यवधान)....

प्रो. रामदेव भंडारी : जरूर, लगाइए। अभी अयोध्या की बात कर रहा हूं। आप लगाइए वहां पोटो।

श्री संघ प्रिय गौतम : वहां कानून को माना है ।

प्रो। रामदेव भंडारी : कानून को नहीं माना ।(व्यवधान)....

उपसभाध्यक्ष(श्री टी. एन. चतुर्वेदी) : भंडारी जी, आपका समय बेकार जा रहा है । आप इधर ध्यान दीजिए, अपनी बात मेरे द्वारा कीजिए ।

प्रो. रामदेव भंडारी : उधर से टौकाटाकी कर रहे हैं, महोदय ।

उपसभाध्यक्ष(श्री टी. एन. चतुर्वेदी) : आप उधर ध्यान ही मत दीजिए । मैं उनका बैठा रहा हूँ ।

प्रो. रामदेव भंडारी : सर, कोई इतना बढ़िया चेहरा नहीं है कि मैं उनकी तरफ ध्यान दूँ । मैं तो आपकी तरफ ध्यान दे रहा हूँ ।

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी) : भंडारी जी, आपका समय समाप्त हो रहा है । आप अपनी बात कहें ।

प्रो. रामदेव भंडारी : सर, अयोध्या में विश्व हिन्दू परिषद और बजरंग दल के लोगों ने जो अराजकता की स्थिति बनाई , उससे सिर्फ अयोध्या ही नहीं पूरा देश आशंकित था । ऐसा लग रहा था कि देश में किसी भी समय चिंगारी भड़क सकती है । यह जो धर्म के नाम पर, मजहब के नाम पर लोगों को गुमराह करते हैं, भगवान के नाम पर गुमराह करते हैं, मंदिर बनाने के नाम पर गुमराह करते हैं, दंगा फसाद करते हैं, खून-खराबा करते हैं, लोगों को ज़िंदा जलाते हैं, ऐसे लोगों के साथ सरकार कौन सी कार्यवाही करेगी ? सरकार कोई कार्यवाही नहीं करेगी क्योंकि वे इनके परिवार के लोग हैं । चाहे विश्व हिन्दू परिषद हो या बजरंग दल हो, ये इनके परिवार के लोग हैं ।

उपसभाध्यक्ष महोदय, किसने गुजरात में बंद का कॉल दिया ? विश्व हिन्दू परिषद ने दिया, जिसको समर्थन मिला बजरंग दल का, जिसको समर्थन मिला भारतीय जनता पार्टी का । इस आंतरिक आतंकवाद को दबाने के लिए, इसको खतम करने के लिए सरकार को इन सगठनों के खिलाफ ईमानदारी से कार्यवाही करनी पड़ेगी । आंतरिक आतंकवाद को दबाने के लिए सरकार की दृढ़ इच्छा-शक्ति और मजबूत इरादे जरूरी हैं, लेकिन सरकार कमजोर हो रही है । उत्तर प्रदेश में चुनाव के अवसर पर पूरे उत्तर प्रदेश में घूम-घूम कर आतंकवाद के खिलाफ, पोर्टो के बारे में भाषण किए गए, लेकिन जनता ने इन्हें रिजेक्ट कर दिया ।

उपसभाध्यक्ष महोदय, प्रधानमंत्री जी हमेशा सर्वानुमति की, सर्वसम्मति की बात करते हैं, लेकिन इतना महत्वपूर्ण आर्डिनेन्स, जो आज विधेयक के रूप में यहां लाया गया है , इस महत्वपूर्ण आर्डिनेन्स को लाने से पहले इन्होंने विरोधी दल के नेताओं, देश के बुद्धिजीवियों को कान्फ़ीडेंस में क्यों नहीं लिया ? उन्हें विश्वास में लेना चाहिए था क्योंकि यह एक बहुत ही महत्वपूर्ण आर्डिनेन्स था । फिर संसद का सत्र भी 20 नवम्बर से शुरू होने वाला था, कुछ ही दिन पहले आर्डिनेन्स लाने की क्या जरूरत थी ? आप इसे संसद में बिल के रूप में ला सकते थे, लेकिन आप आर्डिनेन्स के द्वारा राज्य चलाना चाहते हैं । आपको फिर दुबारा आर्डिनेन्स करना पड़ा । देश की जो भावना है, उसको लेकर ह्यूमन राइट्स कमीशन, नेशनल न्यूज पेपर्स, सभी इसका विरोध कर रहे हैं, कहीं से भी इसको समर्थन नहीं मिल रहा है ।

उपसभाध्यक्ष महोदय, हरेक देश में नागरिक के कुछ बुनियादी अधिकार होते हैं और यह विधेयक नागरिकों के जो बुनियादी अधिकार हैं, उनका हनन करेगा। पुलिस के कई कानूनी और गैर-कानूनी अधिकार होते हैं। महोदय, हममें से कई लोग “मीसा” में बंद थे, मैं भी इमरजेंसी के दौरान “मीसा” में बंद था। पुलिस जिसे चाहे, उसे झूठे मुकदमें में फंसा दे, उस पर चार्जशीट लगा दे। अगर पोलिटिकल, सोशल ऐक्टिविस्ट हैं, कभी कोई पुलिस के खिलाफ नारे लगाता है, उसके गलत कामों के खिलाफ नारे लगाता है, जैसे ही मौका मिलेगा, वैसे ही पुलिस उसे झूठे मुकदमे में फंसाकर जेल भेज देगी। इस प्रकार “पोटो” के द्वारा हम पुलिस को एक बड़ा हथियार दे रहे हैं। इसमें कहा गया है कि पुलिस के सामने जो कन्फेशन कराती है, यह हम सभी जानते हैं ? थर्ड डिग्री के रूप में पुलिस का कन्फेशन कराने का अपना एक अलग तरीका है और जब हम यह अधिकार पुलिस को दे रहे हैं तो वह किसी से भी थर्ड डिग्री का उपयोग करके कन्फेशन करा लेगी। इसलिए मेरा कहना नहीं दिया जाना चाहिए और कन्फेशन की मजिस्ट्रेट को जो पावर है, वह ही रहनी चाहिए।

महोदय, कोई भी नया कानून बनाने से पहले और “पोटो” जैसा महत्वपूर्ण कानून बनाने से पहले पूरी तरह से सोच-विचार किया जाना चाहिए, देश को कांफिडेंस में लिया जाना चाहिए और पुलिस तथा प्रशासन के हाथ में कोई ऐसा हथियार नहीं दिया जाना चाहिए जिसका दुरुपयोग करके वह नागरिकों की स्वतंत्रता तथा डेमोक्रेटिक राइट्स का हनन करे।

महोदय, मैं इतना जानता हूँ कि इस कानून से आतंकवादी पकड़े जाएं या नहीं मगर इस देश के निर्दोष नागरिक, जिनमें किसान, व्यापारी, बुद्धिजीवी, पत्रकार आदि हैं, जरूर गिरफ्तार किए जाएंगे। इसलिए मैं अपनी पार्टी से इस विधेयक का विरोध करता हूँ। धन्यवाद।

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Hon. Members, there are still 16 Members to speak. Therefore, I have to request you to adhere to the time. So far as the major parties are concerned, I find that they have already exhausted their time. That is why I am going to the other parties. It is 7.30 p.m. now. We must finish it by 8 o'clock. Therefore, the time constraint must be kept in view. Smt. S.G. Indira. Please adhere to the time.

SHRIMATI S.G. INDIRA (Tamil Nadu): Thank you, Mr. Vice-Chairman, Sir, for giving me this opportunity to take part in this discussion. I rise to wholeheartedly support this Bill, on behalf our party, the AIADMK. When this Bill was introduced, in the first instance, our dynamic leader, Dr. Puratchi Thalaivi, the Chief Minister of Tamil Nadu, supported this Bill. She is always against terrorists and terrorism. She has also made known her views. While welcoming this legislation, she has suggested that a national consensus should be arrived at before the enactment of this law.

At this stage, I would like to put forth some points. We are discussing the enactment of POTO in the Parliament, which is the temple of the nation. It was attacked and the lives of Members of Parliament, Ministers, Chairman, officials, presspersons, everybody's life, were under a threat on 13th December last year.

I would like to remind the House of the incident that took place in America on the 11th September in which the WTC was attacked by the terrorists. So many innocent persons lost their lives. The WTC is not merely a building; it is a symbol of the economy. This attack on WTC was a heavy blow to the economies of many countries, including India. Sir, the moderate leader of Sri Lanka, Shri Pandmanabhan was killed in Tamil Nadu by the Tamil militants and the militants could escape very easily. This happened before 1991. After 1991, our dynamic leader came to power in Tamil Nadu. She banned the LTTE and the Tamil militants. When the hon. Home Minister went to Coimbatore to attend a meeting, the terrorists tried to assassinate him. Two great leaders of India, Shrimati Indira Gandhi and Shri Rajiv Gandhi were also killed by the terrorists. The former Prime Minister, Shri Rajiv Gandhi, was assassinated by the LTTE in Tamil Nadu. Sir, our neighbouring country is indulging in terrorist activities through the ISI and other agencies in the Kashmir Valley and in the North Eastern Region which is creating communal disharmony. They are also spreading rumours which are creating confusion and they trying to dislodge the secular and democratic fabric of our country.

Sometime back, terrorists attacked the Jammu Assembly and killed many innocent people.

Sir, our leader has always kept the terrorists under leash. So far as Kashmir is concerned, the terrorists unleashed by the ISI have not only destroyed the peace but they have also destroyed the economy of the State which is described as the heaven on earth because of its greenery. The ISI is trying to persuade, cajole and threaten the youth of this country to take to the path of terrorism and they are trying to turn them against the country. In these circumstances, we should have a stringent law like the POTO in order to prevent terrorism. This is the right time when we should enact such legislation.

The argument given by the Opposition parties which are opposing this legislation is that even when the POTO is in existence, such incidents are still taking place. I would like to put a simple question to these parties.

The Indian Penal Code is in existence, but still people are being murdered. The argument of the opposition parties is that the POTO would be abused and misused. There is a possibility that such exceptional power to curb terrorism might be misused by a few people.

But the affected can approach the Court and get remedy. Sir, many laws in the statute book are being misused. As a lawyer, I have seen in many cases, the guilty escapes from the clutches of the existing laws because of the inadequate and milder provisions, I am very sorry to say that the laws are quite often misused; so, the Government has to see to it that there is no misuse of any law, and that adequate safeguards are incorporated in any law.

Sir, when this Ordinance was promulgated, it was welcomed by our dynamic leader. As per this Bill, the onus of proof lies on the prosecution and not on the guilty. I wonder why certain parties are opposing this Bill. I would like to impress upon these Members that the existing laws neither have adequate provisions nor are they deterrent enough to curb terrorism. Sir, many other countries have already passed such laws to curb terrorism. It is indeed ironical that while the Congress (I) is opposing this Bill, Karnataka and Maharashtra, where the Congress (I) is in power, have similar laws operating there. Sir, in a democracy, while every party has the right to oppose a Bill or an enactment, it should not be done just for the sake of opposition. We must also look at the merits and the contents of the law. Today, terrorism is limited not just to India, but it has become a global phenomenon. In every international conference, terrorism is being discussed. Every country is persuaded to bring a law like POTO to check terrorism. With the existing laws, it takes years to bring to book the criminals, and the criminals also get acquitted easily, without a law like POTO. I would like to add that merely having a law is not sufficient, but the law enforcing authority should be able to tackle these activities effectively. These days, when the terrorists are using modern, sophisticated weapons like AK-47s, and are killing innocent people, and even the VIPs, we are all the time under the threat from these terrorists. In this connection, I would like to impress upon the Government the need to allocate adequate funds for complete modernisation of the police force. Tamil Nadu has a special problem. It has a coastline of thousand kilometres, which is 13 per cent of the national coastline. So, special attention should be given to this area. Our State is doing very well to curb terrorism. I am sure, the Central Government will lend a helping hand by allocating adequate funds for

comprehensive modernisation of the police force in Tamil Nadu. I also reiterate the need for having a stringent law to contain terrorism. I wish to remind the House that so far, 15,300 persons, including security personnel, have been killed in various terrorist-related acts. It is possible that the number of persons killed might be more, because many of these cases are not reported. A very important point to be noted is that there has been a considerable increase in the number of security personnel killed since 1988.

I have only one point to make.

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): I hope this is the last point.

SHRIMATI S. G. INDIRA: Sir, we keep on requesting the US for blacklisting of certain terrorist organisations. We keep on telling them that these are the organisations, which are carrying out terrorist acts. But in response to our requests, they ask us whether we have any law to prevent terrorism. From that point of view, I think this is the right time to enact this law

On behalf of my party, the AIADMK, I strongly support the Bill. I once again, request for allocation of sufficient funds for complete modernisation of the police force of Tamil Nadu so as to enable it to deal with terrorism, as also to prevent terrorist activities.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Shri H. K. Javare Gowda. Mr. Gowda, you have six minutes.

SHRI V. V. RAGHAVAN: Sir, ...

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): You are the next.

SHRI V. V. RAGHAVAN: But, ...

THE VICE-CHAIRMAN (SHRI T. N. CHATURVEDI): Why are you wasting the time? Please.

. SHRI V. V. RAGHAVAN: Why are you ignoring us?

THE VICE-CHAIRMAN (SHRI* T.N. CHATURVEDI): You are the next.

SHRI V. V. RAGHAVAN: Why 'next'? You are calling from this two-Member party, and we are six Members here; we are a national party. Why are you ignoring us?

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): I am going according to the list that has been given to me. ...(*Interruptions*)... Shri Javare Gowda.

SHRI H. K. JAVARE GOWDA (Karnataka): Sir, the Prevention of Terrorism Bill, as brought in its present form, is very draconian and against the common people of this country. Look at the clause relating to definitions. The definition is very wide. We do not come across such long definitions in the IPC, the Cr.PC or even in the Evidence Act. On a small suspicion, you can book any person under this Act. This is very, very bad. Therefore, I urge upon the Home Minister to look into it. On a small suspicion, based on the whims and fancies of a police officer, or of the people at the helm of affairs, any person can be detained. This definition requires a serious look, Sir.

The second point is about clause 30. Many Members, who have been senior advocates and are legal luminaries, have spoken about it. This is regarding withholding copies of the statement given by witnesses against the so-called accused. I feel it is against natural justice. I don't think any civilised Government should do that. Whatever may be the crime, till it is proved in the court, the accused is deemed to be innocent, under the law. Copies of statements of witnesses and the addresses of witnesses should be supplied to the accused. Otherwise, it would be against natural justice and also in violation of article 20(3) of the Constitution. So far as clause 32 pertaining to confessions of the accused before a Police Officer is concerned, I would like to submit that the Indian Evidence Act is considered to be the best enactment in the whole world. It says very specifically that a statement made against oneself is against the law of natural justice. In the proposed Bill, a confession made before a police officer can be admissible, and it will be adequate to convict that person. It is, again, against natural justice. This particular provision has to be modified. In India, the environment is totally different. The police authorities, many a time, extract confessions from people under duress; it has become a practice.

But this Bill overrules the Indian Evidence Act. This Bill would be abused like the TADA. As was pointed out by many Members, TADA was misused. There is no doubt about it. As referred to by the hon. Member, when the members of the treasury benches were sitting in the Opposition, they used to fight for natural justice and liberties of citizens. But, now, under the guise of this Bill, they want to take away the rights and civil liberties of the citizens. We should protect the civil liberties of citizens at all costs,

because all citizens are not terrorists. There is no doubt that we are facing the problem of terrorism for the last so many years. It should be curbed by taking stringent measures. But it should not be done at the cost of individual liberties. The agencies which would implement this law are not above board; they are also partisan; they work under the influence of the political parties and the Government of the day. In such cases, the sufferer would be the citizens. The terrorists would escape from the clutches of the law, but the innocent people of this country would not be able to escape from the clutches of the law. There is no provision in the Bill which would protect the citizens whose antecedents are clear. If the provisions of this Bill are applied, the innocent persons will suffer for a minimum of three years for no fault of theirs.

Sir, as far as bail is concerned, in 1978, Justice Krishna Aiyar said, "Bails or jails." Getting bail is the right of a citizen, and its refusal is an exception. Under this Bill, getting bail is at the mercy of the public prosecutor. As a matter of rule, for one year, no one can apply for bail whether a *prima facie* case against him is there or not. As per this Bill, if an allegation is made against a person, he will be arrested and put behind the bars. He would be given no opportunity to argue his case before a court even when, *prima facie*, there is no material evidence against him. It is a great injustice to individual liberties.

Sir, I would like to draw the attention of the hon. Home Minister to clause 3, sub-clause (vii), definition clause, which prescribes a punishment of three years. Clause 49, sub-clause (vii) stipulates that the accused has to be in jail for one year. You see the penal dispensation of justice. If you are going to free the accused or the culprit after three years, then what for he has to suffer for one year? He has to suffer as he has to be at the mercy of the public prosecutor. So, my request is that this provision of the Bill should be modified.

Sir, terrorism has spread its tentacles all over the world and our country is suffering like anything. Due to this problem, our country is not able to progress. There is no peace and harmony in the country. There is no doubt about it. The existing Indian Penal Code is not sufficient to curb these activities even after modifying it. One of the Members said that even after enactment of the Indian Penal Code, murders, killings and robberies are going on. What is the guarantee that after passing this Bill, there will be no terrorist activities in the country? Do you mean to say that you are going to stop all the terrorist activities after passing this Bill? No one can say this.

It is only a deterrent preventive action. Who are the persons who will implement this Bill? We have to give a thought to it.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Mr. Gowda, you have to wind up now.

SHRI H.K. JAVARE GOWDA: Sir, I am going to wind up in one or two minutes. The POTO is being opposed because the persons who are going to handle it or implement it are going to act dubiously. I would give you the examples of terrorist activities--the attack on the Indian Parliament, the attack on the Jammu and Kashmir Legislature, and the attack on the Orissa Legislature. The hon. Prime Minister has condemned the attack on the Orissa Legislature. But who are those behind the Orissa Legislature attack? Has a case been filed against them? Why have you not applied POTO against them? What is the reason? Why is this double standards? That is the apprehension in the minds of the people of this country. If you were true to yourself, you could have booked those who are involved in the attack on the Orissa Legislature. That is why we are opposing not this legislation, but those who have followed a dual policy for the past 54 years, sitting in office. The ultimate sufferers are the common people. There is no separate law where the common people can be protected.

I would appeal to the hon. Home Minister to withdraw this legislation and call for a consensus among all the political parties so that the country is saved. We are ready to cooperate with the Government. Make a law, if it is going to curtail the activities of the terrorists, by taking the people into confidence. Only in this way can you save the nation. Otherwise, bringing this sort of legislation would give an opportunity to people sitting in office to adopt a partisan approach and it would lead to misuse.

Thank you.

SHW V.V. RAGHAVAN (Kerala): Thank you, Mr. Vice-Chairman, Sir. The time is ripe for me because almost all the Members have spoken on most of the points. I stand to oppose this Bill. The name of this Bill is Prevention of Terrorism Bill, but the aim of all of the provisions is much wider. I don't intend to attribute any motives to what the hon. Home Minister has said, but when we closely scrutinise the clauses, the vast powers given to the Executive and the Police can be used-I say 'used,' not 'misused'- to detain any citizen, to detain any mass leader, or to suppress any mass upsurge. Such are the clauses. Such are the powers given.

That is why we call it a draconian law. What is the necessity for this? We are all for preventing terrorism. We are all for every action for eliminating terrorist activities. We are with you. But this piece of legislation, if adopted, will come in conflict with our Constitution and our Fundamental Rights.

Sir, I don't know how many friends in the treasury benches have gone through all the clauses. This is all embarrassing, and there is a wider scope for misuse, not simply for prevention of terrorism. That is why we are appealing to the elders here to make a history by rejecting this Bill.

Sir, Mr. Venkaiah Naidu was harping over the point that there is universal support for this Bill. I don't know which universe he lives in. Every national daily has convincingly opposed it. Read the editorials. Even today they have opposed it. All the journalists' unions, throughout the country and in Delhi, have opposed it; it is not only the Opposition parties. Sir, the hon. Home Minister has gone on record sometime back that those who oppose POTO appease terrorists. It is the most unfortunate phrase he used.

Sir, who are those persons who are opposing this Bill? Sir, Justice J. S. Vaidya, a universally accepted legal luminary, has openly opposed it. Here our hon. Member, Mr. Ranganath Misra has also opposed it. Justice V. R. Krishna Iyer has opposed it. The list is very, very long. Those who love India, those who love the people and those who are loyal to the Constitution, they have opposed this Bill. There must be some reason for these people to oppose this draconian Bill. Sir, Mr. Naidu was again referring to the ideology. Yes, that is the problem. The ideology of the BJP comes into conflict with our Constitution; it comes into conflict with our national sentiments. Ours is a society which is multi-lingual, multi-religious and multi-cultural. Our strength is unity in diversity. That is our strength. That fact is not accepted by the ideology that you uphold. That is the crisis which is there in your Party, that is the crisis which is within the NDA and that is the crisis which this nation is facing now. I can point out several examples. So many Members have spoken about Gujarat. Sir, we do not need more Acts. We need a Government that acts. There were intelligence reports because when the Kar Sevaks went to Ayodhya, there was some problem at the railway station. There were intelligence reports given to the Government said that when the kar sevaks would return by Sabarmati Express, there may be some problem. What steps did the Narendra Modi Government take to prevent this attack, this heinous attack? They were let loose for hours to torch the train and burnt the women and children inside the train. What was the Government doing? Is this the way to prevent

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terrorism when you have clear information? Nothing was done for hours together. Instead of getting them hauled up and booking them, what happened in Gujarat. For three days, activists of Bajrang Dal, VHP, etc. took law into their hands. So many houses were burnt and so many people were burnt. Is it not a black mark on our democracy? If the Government had acted in time, this incident could have been avoided. This is where the ideology works. This is where the ideology prevented the Government to stop these atrocities. Again, Sir, I would like to know from the Home Minister, when the Government had information from the Maharashtra Government that the Parliament House would be attacked, what did they do? You have made foolproof security only after the attack. The POTO has been there not to deal with any terrorist acts, but it was because of their inefficiency and inaction. For the inefficiency and lapses on the part of the Government, they should not punish the common citizens. Please do not attack the basic structure of our democracy and our social fabric. I would like to appeal to the hon. Prime Minister that they you are very good people, but your ideology comes into conflict with our society, the social fabric of our society and the fundamental basic principles of our Constitution.

That is the problem. Sir, when there is a mass struggle, these black Acts will be used. There are ample black Acts that exist even now. We have the ESMA. There are so many other Acts now in force. There is the National Security Act. There is also the Unlawful Activities (Prevention) Act. There is the Criminal Procedure Code. We have the age-old IPC still in force, and there are so many other Acts in vogue. It is not that we lack legislations, but it is the lack of will to implement these laws effectively and efficiently. If you take the society as a whole and face the problems as a whole, we can go forward. We are appealing for unity. We are prepared for unity. But unity on what programme? Unity on what reform? That is the problem.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Mr. Raghavan, you have to wind up now.

SHRI V.V. RAGHAVAN: I am winding up. We are more concerned about the freedom of the press, the freedom of the citizens, and we are more concerned about the mass actions that are now emerging. Because of your anti-people policies, there is unrest among the peasants, the workers are on an agitational path, and are preparing their action plan to

launch a struggle. The students are coming out on the streets against your commercialisation and saffronisation of education. People are suffering because of non-availability of jobs. This is India. A mass upsurge is now being seen everywhere. So, our apprehension is that this draconian legislation will be used -- not misused -- by invoking the various clauses to suppress the mass upsurge that is emerging in the country. Thank you.

सरदार गुरुचरण सिंह तोहड़ा (पंजाब) : उपसभाध्यक्ष महोदय, मैं आपका बहुत आभारी हूँ कि आपने मुझे लास्ट में मौका दिया।

उपसभाध्यक्ष (श्री टी. एन. चतुर्वेदी): अभी बहुत हैं।(व्यवधान)....

श्री संघ प्रिय गौतम : इनकी बात मान लीजिये। लास्ट ही मान लीजिये।

सरदार गुरुचरण सिंह तोहड़ा : खैर, मैं आपको धन्यवाद देता हूँ। यह जो आतंकवाद विरोधी बिल पेश हुआ है, मैं इससे आतंकित हो कर ही इसका विरोध कर रहा हूँ। विरोध इसलिए कर रहा हूँ कि हमारे ऊपर इन काले कानूनों का इस्तेमाल हुआ और हमें इन काले कानूनों का बहुत ज्यादा तजुर्बा हुआ है। जब नयी नबी आजादी आई, आजादी की लड़ाई में हमने जो हिस्सा डाला, जो जो हमारा योगदान है, वह किसी को भूला नहीं है। लेकिन आजादी के फौरन, बंगाल आजादी को केवल बाद आजादी को केवल डेढ़ साल गुजरा था, अंग्रजों के द्वारा बनाया हुआ काला कानून, बंगाल रेगुलेशन एक्ट, 1818, हमारे लीडर के ऊपर इस्तेमाल हुआ। कसूर कोई नहीं था। यहां अकाली कांग्रेस रखी थी, उसमें बोलने के लिए आ रहे थे। उनको रास्ते में पकड़ कर एक साल तक अल्मोड़ा जेल में बंद रखा। उसके बाद बात आगे बढ़ती गई। फिर वक्त आया, देश में इमरजेंसी लगा दी गई। मुझे आज अफसोस इस बात का है कि जो पार्टी आज पोटो ला रही है, यह हमारे साथ हो कर शहरी आजादी के लिए लड़ी और अकाली दल को फख है कि शिरोमणी अकाली दल पूरे 19 महीने सत्याग्रह करता रहा। हम पहले सत्याग्रही थे और हमारे ऊपर धारा 107 और 151 लगायी गयी। पुराने सत्याग्रही थे। 6 महीने तक उसमें रखने के बाद जब मीसा बना तो उसका इस्तेमाल हमारे ऊपर हो गया। डीआईआर का हमारे ऊपर हुआ। दुरुपयोग जो होता है हम उससे आतंकित हैं। डीआईआर वहां बनी। एक कानून बना जिसे ये सब भाई काला कानून कहते थे। लेकिन उस कानून की दुरबर्त हुई। मैं फिरोजपुर जेल में था। वहां एक हज्जाम आ गया और वह बहुत मायूस रहता था। मैंने उसे हौसला दिया। पूछा मायूस क्यों रह रहे हो। कोई बात नहीं। मैं शहरी आजादियों के लिए आया हूँ। वह कहने लगा, कहां जी, मैं शहरी आजादियों के लिए नहीं आया हूँ। पीएपी के सामने मेरी हजामत की दुकान है। पहले भी पुलिस वाले हजामत करा लिया करते थे, अब भी कराई मैंने पैसे मांग लिए तो उन्होंने यहां भेज दिया। ऐसे ही एक जलंधर का कपड़े का व्यापारी आया। वह भी बहुत मायूस रहता था। मैं हौसला देता रहता था कि कोई बात नहीं। मायूसी की वजह पूछी तो बताने लगा। मैंने कहा कि कोई बात नहीं, इमरजेंसी में आए हैं, सिर ऊंचा है, शहरी आजादियों के लिए आए हैं, प्रेस की आजादी के लिए है। तो वह कहने लगा, मैं तो इन बातों को जानता ही नहीं हूँ। मैंने पूछा कि फिर कैसे आ गए, तो कहने लगा कि एक इंस्पेक्टर जलंधर में है, वह कपड़ा पहले भी लिया करता था और अब भी लिया। पहले बिल कभी अदा करता था, कभी मैं बिल भेज देता था। अब मैंने बिल भेला तो यहां फिरोजपुर जेल में भेज दिया। हम तो इस बात से डरते हैं। यह पोटो तो बहुत खतरनाक है। वह

तो छोटे-छोटे कानूनों की बात है। फिर मीसा आया। हम सारे जो सत्याग्रही थे, जेल में बैठे हुए ही हमारे ऊपर मीसा लगा दिया। 19 महीने के बाद हम जेल से बाहर आए। अब पीछे जो बीता है वह तो सब आपको अच्छी तरह से मालूम है। उसमें भी गुरबर्त हो गयीं। पहले एनएसए बना, हमारे ऊपर लगा। मैं टाडा ओर एनएसए में तीन साल तक बंद रहा। जब मैं बाहर आया मेरे ऊपर आतंकवादियों ने फायरिंग कर दी। यह अंगूठा और हाथ भी उसी वक्त का टूटा हुआ है। तो दुरबर्तों का कोई इलाज इस पोटो में नहीं हैं, खाली पुलिस के ऊपर छोड़ दिया गया है, इसलिए दुरबर्तें तो होंगी। आज भी हो रही हैं। मैं वह बात दोहराना नहीं चाहता कि बहुत बुरा किया। जो कुछ गोधरा में हुआ, उसकी पूरे देश ने निन्दा की, पूरी पार्लियामेंट ने निन्दा की, पूरी पार्टियों ने निन्दा की। लेकिन उसके बाद जो गुजरात में हुआ, वह हम सबको डर पैदा कर रहा है। डर इसलिए पैदा कर रहा है कि गोधरा वाले तो 48 बंद हो गए, गुजरात वाला कोई एक भी बंद नहीं हुआ। हर पार्टी अपने लिए दुरबर्तें तो करती है। पहले जो इधर बैठे हुए भाई थे, वे दुरबर्तें अपने हम में करते थे, अब ये कर रहे हैं। कानूनों और विधानों में बहुत सुरक्षा दी गयी है। मैं एक बात ओर कहना चाहता हूँ कि जिनके खिलाफ पोटो बनाने का शोर किया जा रहा है वे तो सिर तली में घरकर आते हैं। जब किसी ने जिंदगी ही अर्पण कर दी उसको पोटो का क्या डर है। जो आतंकवादी हैं उनको ऐसी ट्रेनिंग दी जाती है कि वे अपनी जिंदगी की परवाह नहीं करते। सबसे प्यारी चीज तो जिंदगी है। वे जिंदगी कर परवाह नहीं करते, वे आत्मघाती हो जाते हैं। वह बॉम्ब ब्लास्ट करता है कश्मीर में जो कुछ हो रहा है और जो आतंकवादी वहां पर कर रहे हैं, वह हम देख रहे हैं। कभी बीएसएफ के हेडक्वार्टर पर हमले और कभी मिलिट्री पर हमले हो रहे हैं। उनको किसी बात का डर नहीं है। यह फंदा तो हमारे गले में पड़ेगा, क्योंकि जो भी सरकार के विरोध में खड़ा होगा, मैं तो विरोध में आज ही खड़ा हुआ हूँ और मुझे इस सरकार से अभी खतरा भी नहीं है, खतरा तो तब होगा जब हम कुछ कहेंगे, इसलिए जब भी कोई बोलने की कोशिश करेगा तो उसके ऊपर पोटो लगा दिया जाएगा। पोटो कौन लगायेगा ? एक एस. पी. रैंक का अधिकारी लगायेगा। एक एस.पी. रैंक का आफिसर तज़वीज़ दे देगा कि उसके ऊपर पोटो लगाओ। पंजाब में कितना कुछ हुआ है। पंजाब में गलत या झूठे मुकदमें बना कर कितने ही नौजवान शहीद किए गए। सुप्रीम कोर्ट में जिनके फैसले हो रहे हैं और सुप्रीम कोर्ट ने बहुत राहत दी है। मुझे बड़ी हैरानी हुई जब श्री राम जेठमलानी जी, जो हमें बहुत मदद करते रहे हैं और खुले दिल से मदद करते रहे हैं, हमारे जो भी केस आते थे उन्हें वे लड़ते रहे हैं, इन्होंने जो झूठे मुकदमें का केस था, जिस आदमी ने निकाला, कुछ देर बाद वह भी मार दिया गया और उसका भी किसी को पता नहीं चला, उसने तीन हजार के करीब सुप्रीम कोर्ट में आंकड़े दे दिए थे। बड़ी हैरानी की बात है कि जेठमलानी जी भी इसकी हिमायत कर रहे हैं। पता नहीं इसलिए कर रहे हैं कि पोटो में लोग आ कर उन्हें वकील करेंगे। क्या बात है इसमें मुझे समझ नहीं आती। कम से कम कानूनंदा का ता फर्ज बनता है कि वह कानून के रास्ते पर चले सरकार को कानून का मशविरा दे कि यह ठीक है और यह गलत है। साथ ही यह भी हैरानी हुई कि आन्ध्र प्रदेश के हमारे तेलुगु देशम के सज्जन बोले, कहते हैं कि मैं तो इसके विरुद्ध हूँ, लेकिन मेरे लीडर का हुक्म है इसलिए मैं हक में वोट दूंगा। यह भी अजीब किस्सा है। तो ऐसी बातें हैं। लोग आतंकित हैं, खास करके इस देश की जो माइनोरिटीज़ हैं वे आतंकित हैं। पहले दिल्ली में सिखों का कत्लेआम हुआ, जो कि 3-4 दिन तक होता रहा, फिर देश भर में कत्लेआम हुआ। किसी एक को भी एनएसए या टाडा में बंद नहीं किया गया। यह सिर्फ एक मिसाल नहीं है। अब गुजरात में यह हुआ है। मुझे नहीं, पता गृह मंत्री जी मुझे ठीक कर देंगे।

गुजरात में भी कोई बंद नहीं हुआ।....(व्यवधान).....नहीं, पोटो में तो नहीं हुए, वह तो हम अखबारों में पढ़ते हैं। जो गोधरा के हुए वे वही हुए जिन्होंने गुजरात में किया उनमें से शायद कोई नहीं हुआ।....(व्यवधान)...अगर हुआ तो यह अच्छी बात है, लेकिन पोटो से भी ज्यादा जरूरत इस बात की है कि देश के लीडर बैठ करके सोचें, जितने भी काले से काले कानून बनाए जा रहे हैं वे एक-दूसरे से बढ़ कर ही बनाए जा रहे हैं और बीमारी भी उतनी ही बढ़ रही है। दो बीमारियां तो देश को बहुत बुरी तरह से लगी हुई हैं। पहली बीमारी तो करप्शन की है। करप्शन का भी तभी कोई बंदोबस्त हो सकेगा जब देश की तमाम पार्टियां व उनके लीडर बैठ करके कोई रास्ता तय करेंगे। अब इलैक्शन के लिए पैसा चाहिए। तो पैसा कमाने के जो तौर-तरीके हैं वे सही नहीं हैं। गलत ढंग से पैसा कमाते हैं तथा कहते हैं कि अगला इलैक्शन आ गया है। दूसरा यह है कि हम हर बात में कहते हैं कि आतंकवाद सीमा पार से आता है। अगर सीमा पार से आतंकवाद आता है तो आप की चौकसी होनी चाहिए। अगर सीमा पार से आतंकवादी आते हैं, उन्हें आई.एस.आई. भेजती है तो चौकसी बढ़ा दो, आई. बी. का फैसला और कर दो, रॉ का फैलाव कर दो, लेकिन यह तो कोई तरीका नहीं है। मैं नहीं कहता कि आप इस का गलत इस्तेमाल करेंगे, लेकिन जिनके हाथ में यह कानून चला जाएगा, वह गलत इस्तेमाल करेंगे। हमारे साथ शुरू ये यही हुआ है। सन् 1949 से यह हो रहा है। यहां अकलियत की कोई बात नहीं होती, मायनोरिटी को कोई बात नहीं करता, उन की तकलीफ, उन की भावनाएं ओर उन की इच्छाओं की कोई गवर्नमेंट फिक्र नहीं करती। इसलिए आप उन को भी भरोसे में लें। हमारे साथ जो कुछ हुआ है, वह बहुत बड़ी कहानी है। मैं उस में नहीं जाना चाहता और मैं तो किसी भी हालत में "पोटो" का समर्थन नहीं कर सकता। पहले की जो सरकारें थी, उन्होंने भी बहुत कायदे-कानून बनाए और हमारे ऊपर इस्तेमाल किए। मैं दोनों के खिलाफ प्रोटेस्ट करता हूं और वॉक-आउट करता हूं।

(इसके पश्चात् मानीनय सदस्य सदन से उठकर चले गए)

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): Shri Kuldip Nayyar; you have only twelve minutes.

SHRI KULDIP NAYYAR (Nominated): Sir, I will finish within the allotted time.

It is nobody's case that terrorism should not be tackled effectively. But, how would you do it in this land of Gandhi? For doing it, the means are very important; the methods you employ are very important. Because, if your means are vitiated, your ends are bound to be vitiated.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): I am sorry, Mr. Nayyar, to interrupt you. I understand, Shrimati Shabana Azmi is also waiting for her turn. She has also sent her name. So, I am afraid, your time gets reduced.

SHRI KULDIP NAYYAR: Sir, there is no problem, I will finish my speech as early as possible. I am really very much hurt that those people who suffered during the Emergency are doing the same thing. After all,

they detained one lakh people. What is your target? What I am trying to convey, Sir, to you, is that POTO is going to be misused; it is already, probably, being misused; however, instances haven't come out yet. But, think about the other things. Of course, national integration is very important. But, is individual dignity less important? After all, these 'isms', communism, democracy, capitalism, they are meant for whom? They are meant for the people, for the individual. And, if the individual is to be sacrificed, then, what are these 'isms' meant for? Because, the end is that 'man', and he has to stay sovereign. You cannot possibly touch that man, because everything is for that 'him'. And, here, you are bringing in all kinds of laws to arrest him, to entangle him, and to kill his dignity. Why, throughout the country, all the human rights activists opposed it? Because, we see that this is one instrument which is going to be used against the human right activists. It will, probably, be also used against the minorities. I am not saying that it will not be used against them. But it is going to be used against the human rights activists. Now, I remember, when this Ordinance was promulgated, the Press was given an assurance that 'look here, we shall see that you are not harmed.' I agree that the Government has dropped clause 8, which is regarding the disclosure of information in possession, but a much harsher clause, clause 14, stays as it is. It deals with the obligation of all citizens of India to furnish information. I am not saying that we, the journalists, are different. But we have to do our duty. If, in my profession, I have to do this thing, then, clause 14 will always come in the way; you will always haul me up for that.

Sir, I feel that this Bill is bringing the Emergency by the backdoor. I can tell you what happened then. People were detained without trial; you are going to do the same thing; or doing it already. The Press was under pressure; the same thing is going to happen here. Then, at that time, concocted cases were there, blank warrants were issued; the same things are going to happen here. It is so, because your implementation machinery is the police. And we know what the police is today. In Gujarat, we saw the police was on the side of the rioters; they were the killers. The police has got contaminated. Maybe, the Home Minister should retrain the police force; maybe, motivate them; that is another thing. But, as of today, I am talking about it. Your instruments are going to be the police. We know what happened during the Emergency or after that. We see how a common man, a worker or a farmer, his whole family, is picked up and brought to the 'thana'. What is the law? Where is the law? Already, this is happening now. After the POTO, I do not know what they will be doing. May I

suggest one thing? If you could implement some of the reforms suggested by the Police Commission, that would help a lot. Also, I would very much like that the investigation machinery made independent. It should not remain under the Government. It should not remain under the police. I think there should be a separate investigating agency throughout the country. That would also help us in so many things. The Lokpal Bill is coming; then, there are so many other Bills which are coming. Even the anti-corruption Bill is coming. That machinery will help us. I really wonder why you have not brought the Right to Information Bill so far. In the Standing Committee on Home Affairs, we passed it one year ago. Now, the Government is very keen to bring the POTO. It is very keen to bring such things which really come in the way of a free and independent functioning. But it is not ready to bring a law like the one on the right to information.

Sir, since my friend has also to speak, I will just take one or two minutes more.

THE VICE-CHAIRMAN (SHRI T.N. CHATURVEDI): That will be too much. You have to wind up now.

SHRI KULDIP NAYYAR: One minute, Sir. A new kind of terrorism has come in this country, and that is, religious terrorism. What are you going to do about the religious terrorists? Some of you have sympathy towards them. I am not talking of the police. I am talking of the people who are in power today. They sympathise with those religious fundamentalists or religious terrorists. What happened in Bhubaneswar? The Trishul was there. What happened in Gujarat? I think everybody knows what kind of killing has been going on.

Sir, if I can request the Home Minister, we have gone through this kind of legislation. We have suffered; you have also suffered on that count. So, do not bring this kind of Bill, because this gives us a bad name in the world. Mr. Ram Jethmalani was saying that the world is waiting. I have been getting letters from MPs abroad and they are requesting me to stop this Bill, because our society is known to be a liberal society, our society is supposed to be a democratic society, our society is supposed to be a secular society. Now, if you are bent upon demolishing it, it is another thing. But I can tell you, Sir, that Gandhi, or the people with him, fought for that kind of India which you are finding today, for many, many, years. I think, we have been saved of the religious frenzy because of Gandhiji's martyrdom. Otherwise, probably, we would have faced the same religious

frenzy today which had been faced by us in 1947. Therefore, I request the Home Minister not to press the passage of this Bill. Thank you.

[THE VICE-CHAIRMAN (SHRI RAMA SHANKER KAUSHIK) in the Chair]

SHRI M.P. ABDUSSAMAD SAMADANI : Sir, it is a well accepted fact that there can be no disagreement in the fight against terrorism. There may not be any kind of confusion on this score. But, sometimes, we understand that the hon. Members from the other side try to give such an impression that those who oppose POTO, they have no sentiments against terrorism. Sir, anybody, who believes in the human values, cannot support terrorism. But, the problem is the protection of the rights of innocent people in the country. It is a fact that terrorism is growing all over the world, and that has to be fought. There is no doubt about that. But, at the same time, we have to realise that there is a new awareness in the entire country for the protection of civil liberties of human beings. So, it is that call of the humanity which is the basis of our opposition before this Government. Here, I am reminding the hon. members on the other side that we are always standing for the humanity. I am just quoting a Persian couplet.

आदमियत है ऐहताराम-ए-आदमी

बाखबर हो अज मफ़ाम-ए-आदमी

Humanity means the respect for the human beings, and we should be aware of the high standing of man. When we think of the high standing of man, we have to keep in mind that there are so many provisions in this draconian Bill, which will violate the human rights. This Bill is anti-national, because it assumes that one billion people of India are potential terrorists, and there are terrorists under every bed. That is the assumption behind this Bill. Sir, every citizen of this country is being asked to spy on every other citizen, and there is a provision of imprisonment without bail in this Bill. This will create an atmosphere of hatred. That is why we are saying that the POTO is an insult to democracy. People generally suffer at the hands of terrorists. There is no doubt about it. But, what about the police. The public opinion about the behaviour of the police towards the citizens is equally bad. Either you suffer at the hands of terrorists or at the hands of police, but suffering is suffering. So, we have to fight against every kind of suffering. The definition of 'terrorism' is too wide, and because of constraint of time, I am referring to only some points, which have not been mentioned earlier by my colleagues. Sir, strong protest is being made against this provision of the Bill that bails won't be granted unless the person concerned

is able to establish that he is not guilty. According to another provision of this Bill, the investigation period can stretch up to 120 days. As per clause 32 of this Bill, there is a provision for confession to the police. The speakers, who have spoken before me, have already referred to this provision. Sir, confession before the police" has already been regarded as an old wild law, which has been criticised by those people in every nook and corner of the country who work for the civil liberties. Sir, the properties of the alleged terrorists, not the terrorists, can be confiscated even if they are not tried. Unwelcome organizations can be baned easily. Many such organisations have already been banned, and there will be ban on more organisations in future. The police have been conferred the power of various investigations. At the moment, there is an urgent need to police the police. Sir, India is the only country where human beings are called by the names of animals by the police. Nowhere in the world the police call the human beings by the names of animals. Even in the dialogues used in the cinema that language is being imitated sometimes. If a person is caught by the police, the first thing the police do is that they address that person by the name of some animal. Such a condition prevails in this country. We are still having the hang over of the colonial police. In such a situation, the Government has to think twice before arming the police with such powers. Sir, the National Human Rights Commission has countered the Law Commission by strongly rejecting this draft statute on 14th July, 2000. Sir, this Government was claiming some kind of a consensus. Where is the consensus? And the hon. Home Minister was speaking about the universality of this law. There is a universal opposition to this Bill. There is a consensus in the opposition to this Bill. Various political parties are opposing it. The journalists are opposing it. Many newspapers have already written about it. The civil liberty organisations are opposing it. All are opposing it. After the rejection of the draft, two new chapters, Chapter III, Terrorist Organisations, and Chapter V, Interception of Communication in Certain Cases, were added to it. This Bill is not for pursuing the real terrorism.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : अब कृपया समाप्त कीजिए ।

SHRI MP. ABDUSSAMAD SAMADANI: Just two minutes, Sir. Those who have created terror and killed thousands of people in Delhi in 1984 and in Mumbai in 1993 are moving freely in the country, when this kind of laws are there. The Ahmedabad issue, the agony of the people and how innocent people were massacred were mentioned here. There was a

discrimination. The criminals who committed the Godhra killings were arrested. No doubt, they have to be arrested and punished. What about the criminals who committed the crime in Ahmedabad? Who did that crime? Here comes the issue of discrimination. What about the definition of 'terrorism' challenging the law of the country? Is it not terrorising the people by passing resolutions that one section of the society should live at the mercy of another section of the society? Is it not terrorising the society? Even in the latest US measure, which was well praised by some friends on the Treasury Benches, there is no provision to detain any national even for a day. But under the POTO the police can detain anyone for six months and the suspect has to prove that he is not a terrorist. We request all allied parties to come forward to oppose this legislation. The purpose of fighting terrorism can be served by the existing laws. This Bill will lead to a reign of terror and it is bound to be misused. Power should not be used to terrorise the people. The common man will be suffering. The human rights guaranteed under the Constitution will be seriously affected.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : अब कृपया समाप्त कीजिए ।

SHRI M.P. ABDUSSAMAD SAMADANI: Sir, I am concluding. It violates the basic principles of criminal jurisprudence, as internationally understood. In brief, in conclusion, I would like to say that POTO is a strong weapon, capable of gross misuse and violation of human rights. This kind of a law is formulated in the intoxication with power. There is a balance of justice in the universe. Even if it is passed by the law-making body, it will be rejected by the posterity, by the generations to come. My only submission to the Government is that there is a balance of justice in the universe. The law-making bodies can formulate this kind of a law. But the posterity will reject it and the people who think in favour of humanity will reject it; and those people who bring this kind of a law will be found fault with by the posterity in the years to come. So, I oppose this Bill, with all the sincerity and all the power at my command. Thank you.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : जो बड़ी पार्टियां हैं, उन्होंने अपने सदस्यों के नाम वापस ले लिए हैं, इसलिए वे सदस्य नहीं बोलेंगे । अब जिन सदस्यों को मैं बुला रहा हूँ, कृपया वे थोड़े समय में अपनी बात समाप्त करें ।

SHRI S. PETER ALPHONSE : Sir, till 7.30 P.M., I have my own doubts about the weight, strength and the power of the Bill which we are discussing. After 7.30 P.M., I agree that POTO is all-powerful. It has far-reaching effect because it has united the DMK and the AIADMK on a single

point. What six crores of Tamilians could not do, what all the political parties could not do, the political managers of the NDA did. I appreciate the political managers of the NDA for their political manoeuvring and tackling, and getting this thing done. I congratulate the political managers of the NDA for accomplishing the rarest of rare tasks. No law is bad. As you know, when an income tax raid takes place, we call the money unearthed as the black money. Actually, the money is not black. The man in who handles it is considered black. When we go to a theatre, we purchase the ticket in black. The ticket itself is not black. But the manner in which it is obtained is called black.

So, the law itself is not black. But it depends upon the person who administers it. As the late President, Shri Rajendra Prasad said, "Nothing depends upon the sections of the law and its intricacies, but it depends upon the persons who administer it." I do not propose to go into the legal niceties, procedural fineness and technicalities of this Bill. I would like to ask a political question on this enactment which is before the House today. The law intends to curb terrorism. Shri Venkaiah Naidu told us a lot about terrorists and criminals. He said, "A terrorist is a totally different person from a criminal. A special law is needed to curb the terrorist activities." I would like to put a question to the Government. This enactment in question has been in existence for the last six months and in the past six months, I think, some of the worst political tragedies have taken place in this country, starting from the attack on the Kashmir Assembly; then an attack on the Parliament itself; then an attack on the American Centre in Kolkata and all those attacks in Godhra and subsequent events. I would like to know whether the POTO was able to contain or control or prevent these terrorist activities. What is this Act? The terrorists are not afraid of your Act. They are not afraid of the confession clause. They are not afraid whether they get bail or not. They are not even afraid of life. If a man is not afraid of his life, then no law in this country can prevent him from doing these things. The only way to prevent terrorism is to eradicate the breeding grounds of terrorism. Here I doubt them. . . have got a double personality. It is very dangerous. When a man has got double personality, he would not stop with a double personality, he would have three, four, five and six personalities. Rawana had ten heads. He had ten personalities. That is why he was very dangerous. Lord Rama fought with him. Now, Shri Venkaiah Naidu was saying that vandalism was different and terrorism was different. I would like to know from the august House, especially from the Home Minister: When a pregnant mother, who

was pregnant to the mouth was burnt alive, was it an act of vandalism or terrorism? When groups of rowdies and gangsters carrying gas cylinders and mobile phones in their hands went into the houses and placed gas cylinders inside the houses and ignited them and burnt alive 10, 20 or 30 people together, was it an act of vandalism or terrorism? They filled water in the houses and electrocuted them with a high-tension wire and burnt alive 19 people. Do you say it vandalism or terrorism? There is an august assembly that passed a resolution which says, "A minority will live only on the goodwill of the majority." I am a Tamil-speaking minority. Tomorrow, if you say that a Tamil-speaking minority Member will only enter the House at the good will of the Hindi-speaking majority, what will be my position? Is it not terrorism? In every village, there is a majority community and a minority community. The majority community or a minority community do not end with religion alone. In every caste, in every language, even in different economic conditions, everywhere there is a minority community and a majority community. Mr. Home Minister, this was a serious litmus test. I would have voted for the POTO if you had applied this POTO against the VHP and the Bajrang Dal. Is it not terrorism? When the VHP passed a resolution that the minority in this country, nearly 30 crores, would live only on the goodwill of the majority, will it not terrorise the minorities? What has the Home Minister got to say? Is it not a double personality? Are we not entitled to put this question? I pity my DMK friends. They are signing their own death warrants. I know some of them. My friend, Shri Siva, is there who is also retiring like me in two or three days.

SHRI M. VENKAIAH NAIDU: One thing is going to happen that the DMK and the AIADMK Members are going to be there, but you are not going to be there after one month.

SHRI S. PETER ALPHONSE: As you belong to the Sangh Parivar, I belong to the Congress Parivar. I am a born Congress man, and my whole life has been, and will be, associated with the Congress (I). I know of no other party, but the Congress (I). I have not touched any other flag, but the tricolour. I know of no other *leader* ... (*Interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu) : We have seen the Emergency as well as MISA. We know how to cross the bridge when we approach it.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : विरुम्बी जी, आप उनको बोलने दीजिए ।

SHRI S. PETER ALPHONSE: Like what my hon. friend, Shri Venkaiah Naidu, said, a man, who does not learn from his mistakes, — I can only use his word -- is only a fool. I was not inside during Emergency. I was not inside during MISA. The great Congress (I) admitted its mistakes. Emergency failed; MISA failed; TADA failed. So, why then bring in POTO? POTO is also going to fail.

SHRI C.M. IBRAHIM (Karnataka) : After six months, when they will be sitting on the other side, they will repent for it. The first warrant will go against them.

SHRI S. PETER ALPHONSE: I wonder, if, after six months, India will be there. It is a big question now. I wonder where they are taking this country?

SHRI P.N. SIVA (Tamil Nadu) : We are not afraid of POTO because it is not the Congress (I) which is bringing in this Bill.

उपसभाध्यक्ष(श्री रमा शंकर कौशिक) : अब आप कृपया समाप्त करिए ।

SHRI S. PETER ALPHONSE: The best way to remove terrorism is to send right signals to the potential terrorists, and not merely passing a resolution, or, blackmailing or threatening the common people. The Government should assure the people that the country is there for everybody to live together. Sir, we all know what the fate of this Bill in this House is going to be. It may fail here, but the Government is determined to get it passed in a Joint Session. In a democracy, it is only the majority which counts. But we have said what we wanted to say. I would only request the hon. Home Minister one thing. If at all a law is to be passed, my only request to him is this. If at all his intention is sincere and they are as patriotic as they claim to be, this law should first be invoked against the VHP and the Bajrang Dal. Thank you.

SHRIMATI SHABANA AZMI : Sir, I rise to express my stiff resistance and total opposition to POTO. There is no denying of the fact that India has been the victim of terrorism, for the past decade or so, including the cross-border terrorism from Pakistan, and all of us stand in one voice to say that it must be rooted out. However, I believe, POTO is not the way of doing it. It is a draconian measure. It impinges on human rights, civil liberties and our secular polity. I fear, it will be misused in the way its predecessor, TADA, was misused. There have been thousands of instances to show how TADA was misused against agitating farmers,

against human right activists, against trade union activists, etc. In fact, the shocking conviction rate of TADA arrests is 1.8 per cent. Out of 77,571 people arrested, over 72,000 were let off without trial because no evidence was found against them. Surely, our fear is that POTO will be used in a similar manner. Our fear needs to be addressed and needs to be allayed. Instead, we have the Home Minister of the country saying that those who are against POTO are in favour of terrorism. I find that a completely shocking statement. It is similar to Mr. George Bush's statement -- a cowboy like statement - after the September 11 attacks, where he said. "Either you are with us or you are with them", meaning the terrorists. We are with neither. This should be stated very clearly. And, just because we oppose POTO, it does not entitle anybody to question our nationalism or our patriotism. It has been argued that the POTO is for curbing terrorism. How do you explain the 13th December attack on Parliament, in spite of the fact that POTO was in existence? How do you explain the Godhra carnage, in spite of the fact that POTO was in existence? Obviously, POTO has not been used effectively to strengthen the Intelligence functioning.

How is it going to be used? We fear that it will be misused against the minorities. Less than 48 hours after the legislation was passed in the other House, reports came trickling in from Gujarat which show how it had been selectively used against the minorities, specifically, those involved in the Godhra incident. Sixty-two people, all Muslims, have been booked under POTO. On the other hand, not one of the over 800 arrested for violence in Ahmedabad and other areas of Gujarat have been booked under POTO. It is obvious, Sir, that for Narendra Modi's Government, crimes by the minority community are more heinous than those by the majority community. It is quite obvious that he thinks that those who committed crimes, and are from the minority, deserve stricter punishment. For the CM of Gujarat, the systematic targeting of families and putting entire neighbourhoods on fire, is evidently not an act of terror. The *Indian Express* today points out that in the Naroda-Patia massacre - in which 91 people were killed, or the Gulmarg Society massacre, in which 43 people, including the former M.P., Ehsan Zafri, were killed -- no one named in the FIR has even been arrested. The 13 arrested do not figure in the FIR. What further proof do we need to say that POTO is ineffective against terrorism and that it will be misused against the minorities?

I would like to remind my friend, the hon. Member, Shri Ram Jethmalani, that on May 22, 1995, while speaking on The Criminal Law

(Amendment) Bill, 1995, in the Rajya Sabha, he had said, "I wish there were some educated people to advise the Home Minister, some persons who had knowledge of the theory of legislation, and the theory of penal legislation at that. They would have realised that terrorism is one of those rare and peculiar offences which does not lend itself to treatment by law, to treatment by more law, and to treatment by more and more strict laws. You have created a law, of which any decent person should be ashamed". His change of heart is, therefore, very disheartening, indeed.

Undoubtedly, national security is of paramount importance. Without protecting the safety and security of the nation, individual rights cannot be protected. However, the worth of a nation is the worth of the individuals constituting it. "The right to fair trial, the right to liberty and security of a person, the right to freedom of expression, the right to redress and the right not to be tortured, would all be at risk under POTO", is the fear expressed by the Amnesty International. The National Human Rights Commission is of the considered view that there is no need for POTO, and that the needed solution can be found in the existing laws, if properly enforced and implemented, and amended, if necessary.

Justice V. R. Krishna Aiyar has raised the question as to who will police the Police. That is a question that needs to be asked, particularly, in the light of the partisan role played by the Police in the Gujarat carnage, which was not a communal riot, but a pogrom against the Muslims. We fear that confessions made to the Police will be misused. We fear that the strict rules for bail will help those in power to subvert the rule of law. The hon. Law Minister, Shri Arun Jaitley, says that POTO will, in fact, clearly lay out for the Police the framework in which it can operate, and, thus, they will not be able to misuse it. I disagree entirely and totally. Similar repressive laws in the past have been used by the Police to bypass the hard work of policing. It is used to hide the lack of meticulous evidence gathered through painstaking investigation. Of course, I do not blame the Police in its entirety. I know that there have been many instances of valiant Police Officers who, against great odds, have striven to maintain the law and order. There is this case of S.S.P., Saurav Srivastav, who single-handedly prevented riots from erupting in Ajmer, post-Ahmedabad carnage.

Surprising, however, the BJP have gone on strike against this police officer for preventing riots from happening! This is a very strange case. They, obviously, are very happy with the role of the police in Ahmedabad, but they object to the fact that the riot was prevented. Very

strange. We are living in a very, very bizarre time. While severe laws like POTO are a matter of worry for citizens, in the hands of any regime, in the hands of a Government that is perceived to be partisan, there is little likelihood that marauders of the Gujarat carnage would be booked under POTO. Narendra Modi very proudly says that within 72 hours, he controlled the riots, but, within those 72 hours, with such military precision, 94 per cent of all Muslim commercial establishments, small and big, were finished, decimated. In 72 hours, unofficially, more than 2,000 people were finished. He did not need more than 72 hours for this.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : आप कृपया समाप्त करें ।

SHRIMATI SHABANA AZMI: Yes, Sir. POTO will only fuel greater insecurity amongst those brutalised. The Home Minister says that peace and a sense of security needs to be restored within the two communities. I feel that bringing POTO would do precisely the opposite; it will bring greater insecurity, greater fear and anger; and anger is the most potent weapon of them all. How then should we deal with terrorism? The National Human Rights Commission says, "What is needed is the proper strengthening of crime investigation and prosecution machinery and criminal justice system". If there are a large number of acquittals today, it is not for lack of laws, but for lack of proper utilisation of these laws, lack of proper investigation and prosecution and lack of adequate number of courts to try those offences. Unless the root problem is redressed, adopting draconian laws would only lead to their grave misuse. The question that needs to be answered today is, why POTO to be used against whom, and how fairly? Let us re POTO in *toto*. Thank you.

SHRI CHO S. RAMASWAMY (Nominated): Sir, I was pained by the Opposition voice against this Bill. What is a straightforward issue of the nation versus terrorists is being seen by some as a fight between the majority and the minority. It is really unfortunate. If we view the Bill from this angle, then our judgment would lose its objectivity and it would be coloured. Sir, what happened in Orissa? The attack on the Orissa Assembly has been described as an act of terrorism. I disagree. As Mr. Venkaiah Naidu said, it can be described as vandalism or riotous behaviour by an unruly mob. Could riotous behaviour, whatever its results may be, be described as an act of terrorism? Can any political party in India stand up and say that its processions and its demonstrations never end in riotous behaviour by the crowd concerned, resulting in damage to public property, like post offices, burning of buses and even killing people, injuring them and damaging

private property also? Can any political party claim that? Can those acts of riotous behaviour be described as terrorism? Or, are we going to say, when they were directed against Assemblies, they are all acts of terrorism? Then, are we going to define terrorism as acts directed only against Legislative Assemblies? Calling the Orissa incident as an act of terrorism would lead us to these absurdities.

Sir, coming to the POTO, I welcome the provisions regarding bail and interception and making confession before the Police admissible as evidence.

Nowadays, bail is just there for the asking. It is a mere legal formality to go to a court and obtain a bail. If obtaining bail is difficult under these provisions, if this is criticised, what is the message we are giving to the terrorists? We are, in effect, saying, "Dear terrorists, don't you worry; you may be apprehended; perhaps, you will be there only for a couple of days; we will go to court and obtain bail for you and you will be able to destroy all evidence and threaten all witnesses." Is that the situation we are aspiring for?

Take interception of communications. Without that, how can the police investigate the acts of terrorism? Even in the U.S., after the attack on the World Trade Centre, the law enables the State to intercept conversation between the lawyers and their clients, a thing which was held to be sacrosanct. Even if that could be intercepted, according to the present law in the U.S., are we going to object to interception by the police, of conversation between the suspected terrorists? The laws of evidence and criminal procedure, as it exists now, will not enable the State to tackle terrorism. Add to this the poor manner in which the policeman is equipped. His weapon is a *lathi*; the terrorist's weapon is an AK47. The policeman travels by a bicycle, the terrorist travels by air. And, we are pitting one against the other. Add to this the problem created by the human rights activists. I am not against them. They are well-intentioned people. But their actions become a big nuisance to the law enforcing authorities, most of the time.

If there is a burglary in my house and when the police catches the suspect, will I tell the policeman, "Please don't touch him, just ask him if he has committed the crime; if he says 'yes,' then imprison him; if he says 'no', then please leave him. Let me lose my burgled goods." Will I say that? I will tell him, "Employ any method-third or the thirtieth degree; get the

9.00 p.m.

thing out of him." Being a human right activist, when it is your house that has been burgled, I will say, "No, the policeman should not touch him?" Then, the human rights become very important.

Sir, a snake was advised by a Rishi not to bite people because that killed people. The snake agreed and it stopped biting people. The news spread, and everyone started throwing stones at it and beating it with sticks. Then, the badly shaken snake went back to the Rishi and told him what had happened, "I stopped biting, and these people are hitting me to death. What shall I do?" The Rishi said, "I asked you to stop biting, but not stop hissing!" So, the third degree method is hissing. Let it be there.

While making obtaining the bail difficult, you are increasing the detention period; detention demoralises a person. He will ultimately come out with the truth. A hardcore terrorist may not do it; but his collaborators will do it, and that would help the investigation.

Then comes the provisions regarding admissibility of evidence. If we are going to say that confessions made to the police should be made inadmissible evidence, even as regards terrorists, we are again telling them, "You can remain assured; there will never be conviction."

Sir, here, the Gujarat case was cited as an example of how POTO will be misused, while the perpetrators of the train burning incident have been booked under POTO, but those who are responsible for the massacre of 400-700 people have not been booked under POTO, and it was said that this shows how the POTO will be misused. Suppose, there had been no POTO, and the Godhra train incident perpetrators, the heinous crime doers had been booked under the provisions of the Indian Penal Code and others had been left free so far.

Then will you say that the Indian Penal Code is being misused, let us scrap it? ...*(Interruptions)*... Will that be your argument?

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : कृपया समाप्त करें । कृपया आसन ग्रहण करें ।
SHRI CHO S. RAMASWAMY: Because there was an attack against Parliament, so the POTO is of no use. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री रमा शंकर कौशिक) : श्री मनोज भट्टाचार्य, आप बोलिये ।
....*(व्यवधान)*...कृपया आसन ग्रहण करें ।

SHRI CHO S. RAMASWAMY: Sir, I am coming to the end of it. ...*(Interruptions)*. I am concluding. ...*(Interruptions)*...

Sir, hon. Bhardwaj emphasised the importance of the principle of presumption of innocence. I presume the Government to be innocent of all the accusations made against it *(Interruptions)*... They are yet to be proved. None of the accusations that have been made against this Government on the floor of this House, has been proved. So, I presume them to be innocent, as advised by Mr. Bhardwaj. In the Mahabharata, Dharmaputra, when accosted by somebody, said, "Between us and Duryodhana's people, we fight. We are five against one hundred. But when there is a common enemy, we are 105 against them." Likewise, there may a dozen of parties on that side and there may be a dozen of parties on this side, let them be twenty-four when there is this common enemy, terrorism is facing them.

Sir, I support this Bill.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): माननीय सदस्यों को मैं एक सूचना देना चाहता हूँ। यहाँ भोजन की व्यवस्था ऊपर कैटीन में हो गई है। जो माननीय सदस्य भोजन करना चाहें, वे भोजन करने जा सकते हैं।

SHRI MANOJ BHATTACHARYA (West Bengal): Mr. Vice-Chairman, Sir, I thank you for this opportunity. Sir, on behalf of my party, the Revolutionary Socialist Party, I rise to oppose this Bill on the alleged prevention of terrorism. Sir, I do not doubt; I am very certain that the Bill has been brought not to put an end, not to contain and control or do away with terrorism. I have taken clue from Mr. Venkaiah Naidu that the world community in the name of the United States of America, the United Kingdom, France, Germany, etc., that is, the G-8 countries are observing our Parliament. Sir, I took the clue from him that, yes, it is a fact that the countries which are striving very hard to subvert the economy of ours, who are working for the globalisation and neo liberation are observing us. They know it very well that this neo liberal globalisation cannot survive, cannot succeed and cannot thrive in a democratic environment. Therefore, the voice of democracy has to be gagged. It is an anti-people doctrine not only of jobless growth but, also at the same of "voiceless growth". The voice of dissent has to be arrested the voice of dissent has to be gagged. It is primarily for this reason that this Government is hell-bent upon to implement the policies of anti-people new liberal globalisation has brought this sort of a piece of legislation to gag the voice of democracy and to gag the voice of

dissent. Sir, I strongly refuse to accept that this Bill if at all enacted will be in any way of some help to contain, control and do away with the perils of dreaded terrorism which most unfortunately is haunting our country for years. This Bill, as I have gone through it, is remarkably ill-conceived, it is draconian and quite counter-productive instrument in addressing the problem for which this hype has been created. Everyone should recognise that the POTO was in vogue and still the Parliament was attacked.

I remember the hon. Home Minister's utterance during that time. He said, "If there is a *fidayeen* attack, what could the Government do " Sir, POTO was in vogue when the carnage in Godhra took place. POTO was in vogue in Gujarat, and Newton's Third Law was applied, and thousands of innocent lives perished. Sir, I do not know what the hon. Home Minister or the Chief Minister of Gujarat mean by 'seventy-two hours.' How many weeks make seventy-two hours? Even yesterday — it was reported today in newspapers and on different news channels -- mass killings in Gujarat are going on. Hundreds of innocent people are being killed even today but the Government could not contain or control this sort of menace. Sir, POTO is in vogue there. In no uncertain terms, I would say that if this Bill is enacted, it will encourage further irresponsible and brutal policing; the police will harass, victimise and intimidate innocent people through unwarranted detention and coercion. This would further damage the existing legal system, denigrate modern jurisprudence and strike at the very basis of the civil society.

I do not agree that POTO is a clone or an exact replica of TADA. It is significantly worse than even TADA, as its scope extends beyond terrorists, to terrorist organisations and sympathisers or supporters who are not necessarily terrorists, by definition. This is the most egregious feature of this Bill, because anybody will be termed as a supporter of terrorism, and that way, the Government, the police, will settle their personal scores or political scores. POTO is the most harsh and dehumanised form of a preventive law which will invariably be used to thwart the voice of protest, the voice of dissent; I repeat it once again. I would like to give one or two examples, even at the cost of repetition. Clause 32(1) is quite horrifying, to the extent that an officer of the rank of the Superintendent of Police is empowered to extract confessions from the accused and present those as evidence. This ominous provision has not only the potential for abuse; this, in itself, is directly abusive. I say that I am not worried about the abuse of POTO. But I am anxious about the use of POTO. POTO will be used

barbarously, with a *mala fide* intention, to silence the voice of dissent. It has been widely commented by many distinguished legal luminaries and hon. Members like Kapil Sibal and many others have already pointed out and commented on the legal problems that are going to emerge out of POTO. I would say, once again, that I have raised it on a number of times in this House, that the breeding grounds of terrorism have to be taken care of. The poverty has to be taken care of. The unemployment problem has to be taken care of. The social alienation has to be taken care of. Unless we address these issues, we will not be able to succeed, in spite of having POTO or even if some other dreaded, draconian laws are brought. I would once again say that I was provoked at one time when Shri L.K. Advani was asking, 'Whether you doubt our *bona fides*.' Yes, Sir. We doubt their *bona fide*. We doubt the *bona fides* of this Government. It has been clearly established that this Government has acted in the most *mala fide* manner on many occasions and they have tried to intimidate, harass as well as discriminate against the minorities, and that is why we doubt the *bona fides* of this Government. If this sort of Bills are passed in this House, if the police is empowered with more powers, the present irresponsible police, whose mindset is still the feudal mindset, even pre-colonial mindset, will, definitely, misuse this POTO or misuse this sort of enactments. I am sure, this Government, the treasury benches, will consider this once again, and I appeal to them to withdraw this Bill. Do not be that serious and don't think that you can do justice with this sort of Bill. This sort of Bill will not spell good for this country. This sort of Bill will not be of any help to improve the lot of the people of this country, to address the real problems of this country. So, it is better to withdraw this Bill. Have consensus, have discussion, let us sit together, let us put our heads together and seriously try to address the problems of terrorism, for a solution, along with the other social problems like unemployment, social discrimination, social alienation, and we will, definitely, be able to come out of this problem.

With these words, I once again appeal to the Government to withdraw this Bill and make necessary arrangements for a decent settlement of the issue. Thank you.

SHRI FALI S. NARIMAN (Nominated): Sir, when I was much younger at the bar, I appeared, for the first time, before a Bench of 11 judges, constituted for the first time, in the Golak Nath case. I recall that after one side had spoken, and the other side had also spoken, there was an advocate who stood up and said, "My lord, now I am last. I will either

hit out or get out." Sir, I propose to hit out. I would like to make a few points - there is not much time for speeches; there is time only for points -- as to why I oppose this Bill. One, we do not need it. We already have the National Security Act that permits Central and State Governments to preventively detain persons who are a danger to the security of the State, and 'terrorists' are, by definition, a danger to the security of the State. The Home Minister may tighten up its provisions. Expand it, if he wishes, but let us not have another harsh law. We already have one. It has already been constitutionally upheld by the Supreme Court. Second; preventive detention of suspected terrorists is easier to administer, since it does not involve prosecution, trial or extracting confessions to establish proof. This is precisely what Great Britain has done. After a very stormy debate in the English Parliament, it very recently, only in February, enacted the Antiterrorism and Crime Act. And, what does it provide for? No prosecution and trial like in POTO, but indefinite detention, without charge, of non-British nationals, reasonably suspected by the Home Secretary to be involved in terrorist acts, somewhat like in our National Security Act. The UK, I believe has correctly addressed itself to the ground realities of terrorism. The problem with terrorist activities, howsoever defined, is the intrinsic difficulty of proof in a court of law. That is why we could not try Omar Sheikh in a TADA Court, who had been preventively been detained in the J&K for nearly five years, till he was released in exchange for the Indian Airlines hostages, in Kandahar, there was great suspicion of his involvement in terrorist acts, but there was no proof that could stand in the court of law. President Musharraf said as much, when he tried to discredit the Government of India before the international media, when confronted with the abduction and murder by the same Omar Sheikh of Daniel Pearl, an American correspondent of the Wall Street Journal. Thirdly, Sir, because there are better safeguards in our Preventive Detention Law, than in POTO. The Advisory Board, mandated by article 22, consisting of High Court judges, has to review every detention every three months. All you require is to bring into force, which no Government has brought into force since 1978, the Constitution Forty-Forth (Amendment) Act, which is, that the Advisory Board must consist of sitting judges not retired judges, because of the confidence of the public in the established courts with sitting judges. Sir, another thing is, that POTO was much harsher than the present Bill and was in force on December 13th, but it could not prevent the worst terrorist attack that we had on our Parliament. The POTO could not save us. It was only our brave security personnel who did. Lastly, I oppose the Bill

because although its provisions were recommended by the Law Commission, a non-statutory body, as stated by the hon. Home Minister in his opening statement, the National Human Rights Commission has firmly expressed its opinion against it, and even after its amendment, it has opposed it. And, who leads the National Human Rights Commission? Former Chief Justice of India, Mr. Verma, who delivered the majority judgement in the Ayodhya case. Need hon. Members listen to contentious lawyers in this House, expressing differing opinions and get more confused especially when a former Chief Justice of India as the head of statutory body, established by Parliament, had refused to approve it? Why is the Government overriding the unanimous views of the Chairman and the Members of the National Human Rights Commission? What has his Government done to allay the concerns of the National Human Rights Commission? Sir, I believe, in the absence of consensus amongst all political parties, the POTO should never have been pressed. These are my reasons why I oppose the Bill. Thank you.

SHRI PRAFUL PATEL (Mahashtra): Mr. Vice-Chairman, Sir, considerable heat has been generated in the House and also outside for the past many months on this controversial POTO legislation. Why I said controversial is, because, at one stage, when the Government, in its haste, introduced this Bill, I think, serious reservations were expressed by all sides, including my own Party, and that has also been expressed in various other fora. like the all-party meeting convened by the hon. Prime Minister where hon. Minister of Home was present. In that meeting, we expressed our serious reservations on what our apprehensions to the various provisions of the Bill were. Unfortunately, the way the entire debate has taken place, here, in the House, and outside in the past few months, I don't think that we all have really been able to rise above certain of our party affiliations or our personal compulsions or convictions. At the same time, in the same breath, we all have been talking that we need a law, we need a Bill to curb terrorism, to make sure that we have an effective legislation; to see that we are able to contain the menace of terrorism in our country. The world environment has changed. We have seen it on September 11, we have seen it on our own Parliament, where a few feet away from where we all are sitting, the terrorists were able to come into the august premises of our House. This entire situation has made us all aware, has made us rethink all our past thinking or ideologies, and we all are in agreement that a strict legislation is required. But, at the same time, we are all making double speeches. I sometimes wonder that if one who is

speaking for POTO, is secular or not so secular. In fact, standing here, I can tell you that our brand of secularism is no less than any one of us here, because I have also been a part and parcel of the Congress Party. We have still not given up our Congress ideology. Though there are leaders who were removed from the Congress Party, for whatever reasons, I do not wish to go into that, but that does not mean that I subscribe to what the VHP is doing there. I do not subscribe to what the Bajrang Dal is doing there. And, Mr. Advani, you would not like to hear, but even I do not like to say that we subscribe to what the RSS and a lot of other people within your Party are doing. It is a shame to our nation what has happened in Gujarat. I was also a member of the all-party delegation to Gujarat, and I have seen the mayhem which has taken place there. We are all in agreement and even I would like to place on record here that the way the Gujarat Government has acted one-sidedly, in trying to punish the people who committed the Godhra carnage, and not having taken adequate action for the people who Created the mayhem in other parts of the Gujarat. Therefore, I personally think, that we shall have to evolve some kind of consensus. I would further like to add on the secularism aspect. Mr. Pachouri, my dear friend, you would like to hear when we had the opportunity to form a Government in Maharashtra. We had fought bitterly with the Congress Party. But, yes, we wanted to see that the BJP and the Shiv Sena do not come to power in Maharashtra. We could have shared power with them. We could have been a part and parcel of that Government in Maharashtra, but we chose not to go with them, and we wanted to see that a secular Government is installed in Maharashtra. That is why we were with you. But at the same time, we have our own views on POTO Bill. In fact, I would be proud to say that when the hon Prime Minister had called an all-party meeting, various views were expressed. There was one section which just said, 'no, we oppose POTO *in toto*, but there was another section also which said, "yes, we oppose the harsh provision of the POTO, but we do not want to see that POTO as a legislation completely lapses." There was a view which said that yes, we give our views on this, and our Party, our Party leader, Shri Snarao Pawar, expressed his views. There were eight points which were mentioned. I have a copy of that. But I do not want to go into each and every aspect of that. A lot of our eminent lawyers - in fact, a battery of lawyers, my eminent colleagues - from both sides of the House have bombarded here with their various viewpoints. And, therefore, a lot of points have already been covered by Members from both sides of the

House, from this side as well as from that side of the House. But the point I am trying to make is, we did give some distinct views and opinions as to what were the harsher provisions of POTO, which we thought would be misused, especially against the minorities and innocent people and against the human right activists, about which my esteemed colleague, Shrimati Shabana Azmi, had mentioned. We did give our views about other apprehensions which the hon. Members have expressed. Therefore, I would like to say that we should not have double standards. We have a Government in Maharashtra, with the Congress, where we have the MCOCA. The MCOCA has certain very harsh provisions. I would not like to go to the other side of it, but, definitely, some of the provisions of the MCOCA are no less harsh than what have been proposed in POTO. In fact, after we had raised some objections and on which, I think, Mr. Jaitely, you have gone into - I think, you have gone into some of the issues which we have raised - you have come out with a piece of legislation which is definitely an improvement on the Bill which you had initially introduced. ...(*Time bell*)... But, at the same time, there are certain provisions - whether it is regarding the bail provisions, whether it is regarding the Review Committee - which, which Mr. Jaitely and Mr. Home Minister, you have to look into. I think, you need to address those issues, if you really want to make POTO an instrument to fight terrorism, at the same time, giving protection to innocent people from its misuse. I, therefore, do not want to go into various other aspects, but I would like all the others parties to have a consensus on this issue. In fact, it is an earnest appeal that I am making. I cannot speak on behalf of everybody, but I can definitely make a conscientious appeal that "yes, we had our reservations on POTO, we do have some reservations even today, but we definitely want that the Government of the day, whichever it may be - tomorrow, you may be in Government, they may be in the Opposition; the Congress, when in Government, had introduced TADA; Congressmen have also been victims of terrorist attacks; the leaders of the Congress Party, my erstwhile leaders, have been victims of terrorist attacks - has to come out with a Bill to fight against terrorism. Sir, there are no two opinions on the need to fight against terrorism. Therefore, I request all sections of the House that we must come together on this one issue, rise above party affiliations, rise above our own personal compulsions, and come to a consensus on the issue of POTO. I still urge upon the Government, if there is some way that you can find before you convene a joint Session, - assuming that, today, this Bill is not going to go through in this House, as we hear from outside,

and you also know the number - then, kindly do that. If there is a way out, kindly look into it, to explore the possibilities of reaching an agreement, which will be in the interest of nation and which will also be in the interest of evolving a good polity in our country. At the same time, on behalf of my party, I definitely support the Government in bringing forward this legislation to fight terrorism.

SHRI R.S. GAVAI (Manarashtra): Mr. Vice-Chairman, Sir, I rise to oppose this Bill. Our opposition is not for the sake of opposition.

We are opposing it on the basis of merit. The intention behind the Bill is to deal with the issue of terrorism; it is exhibited in the Bill. There are no two opinions about the fact that we have to deal with terrorism. But, what we apprehend, Sir, is that the remedial measures, *i.e.*, the medicine, is more dangerous than the disease itself. Our strong fear is that the Bill can be misused, and that is more dangerous. I want to bring to your kind notice that even before the re-promulgation of this Ordinance, the apex body, which protects human rights in our country, *i.e.*, the National Human Rights Commission, had come out with a strong reaction against this Bill, a unanimous resolution, and conveyed it to the Government. And you know that the Human Rights Commission is a creation of Parliament. So, despite the observations of the Human Rights Commission, which is supposed to safeguard the human rights, the Government is ignoring the advice of the Commission. We are not here to give up the liberty, to give up the equity, to give up the destiny, to give up the fundamental rights and to give up the basic structure of the Indian Constitution. When the basic structure of the Indian Constitution, the dignity of man and woman, the integrity, the unity of the country and individual liberty are in danger, I say, we are not here to forego those things by supporting this Bill.

Our friend, Mr. Naidu, wanted that there should go a good message. What is a good message? 'Good message' is a relevant terminology. If we support the Bill, it means a good message to the people and if we oppose the Bill, it means a bad message to the people, according to Mr. Naidu. That terminology suits our learned friend, Mr. Naidu. But we are not here to give up the basic structure of the Indian Constitution. Nor is the example of Kauravas and Pandavas being together and head-counting being done is right. That is also a misleading terminology. We are told that because of some technical reason, reference of the Bill to a Select Committee of the House did not materialise. If they want a good message to go to the nation, to the world, I urge upon the Government to come

forward and say, "We are ready to refer the Bill to the Committee of the Rajya Sabha." Thereby, we can arrive at a national consensus and give a good message.

Sir, with these words, I once again say that I oppose the Bill.

DR. ARUN KUMAR SARMA (Assam): I thank you, Mr. Vice-Chairman, for giving me this opportunity to speak on behalf of my Party.

Sir, the Asom Gana Parishad has always taken a balanced stand on all the issues related to the security and sovereignty of the nation. We are with the ruling coalition in almost all the issues, excepting the controversial ones. However, that does not permit them to take us for granted for all their agenda. I am constrained to reveal that the Asom Gana Parishad was not consulted appropriately by the NDA Government regarding the provisions of the POTO and on some other vital issues. The North-Eastern region is the first and the worst victim of terrorism in the country, in the post-Independence era. The Asom Gana Parishad has all along been fighting against terrorism and our Party cadres are equal victims of terrorism, along with all other innocent citizens of Assam. This House is aware that many innocent people in Assam, Jammu and Kashmir and other parts of the country suffered due to the draconian provisions of the TADA which was promulgated during the Congress rule. No doubt, we need a foolproof law to control terrorism, but not the controversial ones like the POTO. All the Parties, however small or big they are, should be taken into confidence in passing such a law concerning human rights. And, there should be a convincing guarantee to ensure that no innocent citizen is made a victim of such a law. Similarly, Sir, we want that all the citizens of the country should be treated equally by all laws. I am constrained to reveal one very unpalatable truth - the people of Assam are not treated equal before the laws of the country. One glaring example is the IMDT Act, 1983 which is applicable only to Assam. A foreigner migrating illegally from Bangladesh to India today is dealt with under the Foreigners Act, as a foreigner in any part of India, but, if the same person enters Assam, entitles him to become a citizen and a voter with the help of this anti-national and discriminatory law. It is imminent that there will be a total demographic change in Assam, in the immediate future, with the help of such a discriminatory law.

The Congress Party has done a lot of damage to the nation's integration by their divide and rule policy, by their sham secularism, by their

appeasement policy for illegal migrants for the purpose of votes. With a view to retaining power in Assam, the Congress Government had promulgated the IMDT Act, 1983 to protect the illegal foreigners from across the border, at the cost of the national integrity and sovereignty, and thereby, posing threat to the ethnic identity of the people of the region. The subsequent result is the emergence of terrorism in the entire North-Eastern region. Only due to the IMDT Act, the vexed problem of illegal infiltration has remained unsolved for the past 18 years, and it is getting aggravated by every passing day. The Congress Party has done much more harm to the North-Eastern region than what the Britishers did to India. Let me warn this Government through this august House that if the IMDT Act, 1983 is allowed to persist, and the insurgency problem of the North-East is not taken seriously at the international level, the country is heading to face an unimaginable situation, which might be worse than Kashmir. There will be no option left except to repent, since it will be too late when the nation will realise the outcome of the recent happenings in the North-Eastern region, where through planned migration, the outsiders are going to outnumber the Indian citizens living there. So far, the Congress Party has stood in the way to repeal this discriminatory anti-national law. They do not have courage to apply this law to any other State of India.

Although repeal of the IMDT Act and preparation of a citizens' register for the entire country was in the agenda of the ruling party, this has been relegated to the list of non-priorities. I urge upon the Government to repeal the IMDT Act, through a Joint Session of Parliament, and a communication in this regard has already been sent by me to the hon. Prime Minister and the Home Minister, a few months back.

Sir, let me come to the main topic, that is, POTO again. The question is: "Can the Government assure the nation that not a single innocent citizen will be harassed by this enactment, called POTO?" I am sure, it cannot. So, personally, I don't want to be a party to this controversial Bill. I hope that there will be prior consultation with our party on all such important issues in future, and the matters concerning the North-Eastern region, including the repeal of the IMDT Act, will be taken up with equal priority by the NDA Government. I must conclude by saying that no legislation will be able to curb terrorism permanently, unless we resolve the root cause of terrorism. Thank you.

SHRI KAPIL SIBAL : Mr. Vice-Chairman, Sir, it is already very late in the evening, and I do not want to exercise the patience of the hon.

Members of this House, by making a long speech. But, I just make three points, and then I have done. The hon. Home Minister seems to have been pained by the fact that some of us attributed motives to the passing of this Bill, and indeed, with some hesitation, we did attribute motives, and the reason is very simple. When POTO was brought in as an Ordinance, the hon Home Minister had himself said: "As far as POTO is concerned, we are in a win-win situation." That was a political response. I never expected that from the hon. Home Minister. Today, when the Home Minister says that we should not attribute motives and he should think back on the statement that he made to the public of this country, the impression that has gone around is that you were using POTO for a political purpose. That is the first point.

The second point is that this debate has revealed that the polity in our country is divided on this issue right through the middle. That is clear. If that is so, any attempt to pass a law of this kind would, in fact, diminish the resolve of the nation to fight terrorism. You can fight terrorism, only if we are united. That is what Shri Cho Ramaswamy said. We can fight terrorism, only if we are together. But if you bring about such a law and get it passed, the result of that will be to divide the polity and you will weaken your resolve to fight terrorism. If you want such a law and strengthen the existing provisions, let us have a dialogue and pass an appropriate law. Let us get together and fight terrorism.

The last point which I would like to make is this. Forget for a moment the passing of this law, the POTO. We have, in two areas of our country, already exceptionally harsh provisions where there has been a completely free hand given to the Armed Services. You have the Special Powers Act in Jammu and Kashmir and in the North-East, and the Disturbed Areas Act in both those areas. These are not something that have been enacted a year ago. They have been in operation over ten years. Have they reduced terrorism in those areas? If the harshest provisions of law have had no impact on terrorism for the last 10 or 15 years, would POTO be an answer? The clear reply is, no.

Therefore, Mr. Vice-Chairman, Sir, I commend to this House that the Statutory Resolution disapproving the Prevention of Terrorism (Second) Ordinance, 2001, be passed. Thank you.

ग्रह मंत्री (श्री लाल कृष्ण आडवाणी): उपसभाध्यक्ष जी, मैं समझता हूँ कि आज की चर्चा बहुत अच्छी हुई है। शायद 26-27 माननीय सदस्यों ने इस बहस में भाग लिया है और कुल मिला कर के इसके पक्ष और विपक्ष में जितने भी पहलू, जितने भी तर्क हो सकते थे सब सामने

आएँ हैं। उस सदन में मेरे सहयोगी विधि मंत्री भी बोले थे, यहां पर विधि मंत्री नहीं बोले पूर्व विधि मंत्री बोले और उनके अलावा भी सरकार के लॉ संबंधी पक्ष को शिरोडकर जी ने और कुछ मेरे माननीय सदस्यों ने बहुत अच्छी तरह से रखा। मैं इस बात का जिद्ध करना चाहूंगा कि मैं पिछले चार साल से इस सरकार का अंग रहा हूँ, गृह मंत्री के नाते आंतरिक सुरक्षा की जवाबदेही मेरे जिम्मे है और यह सरकार में मेरा दूसरा अनुभव है। आज से 25 साल पहले मोरारजी भाई की सरकार थी, उसमें मैं सूचना प्रसारण मंत्री था। मैं कभी-कभी तुलना करता हूँ कि इन 25 सालों में देश का जो सुरक्षा वातावरण है, जो सिक्योरिटी एंवायरमेंट है वह कितना बदल गया है। मुझे याद है कि उन दिनों मुझे पाकिस्तान के निमन्त्रण पर अपने जन्म स्थान करांची जाने का अवसर मिला। वहां पर सैनिक शासन था। मैं वहां शहर में घूमता था और उन स्थानों पर जाता था जहां पर मैं बचपन में जाता था तो वहां पर लोग कभी-कभी पूछते थे मेरे साथ के अधिकारियों से कि ये कौन हैं। के उन्हें बताते थे कि मैं भारत सरकार का एक केन्द्रीय मंत्री हूँ। इस पर उन्हें ताज्जुब होता था कि एक केन्द्रीय मंत्री, कैबिनेट मिनिस्टर आफ दि गवर्नमेंट आफ इंडिया, इनके साथ में कोई सुरक्षा नहीं है। जबकि वहां पर सैनिक शासन था और हर एक के साथ बहुत सुरक्षा होती थी। आज मैं देखता हूँ कि हमारे यहां दिल्ली शहर में कितनी सुरक्षा का प्रबंध सबके लिए है। मेरे अपने लिए ब्लैक कैट कमांडोज हैं। मुझे उन दिनों का स्मरण है जब प्रधान मंत्री के साथ भी शायद एकाध पीएसओ होता था जो कार में चलता था, बाकी मंत्रियों के साथ तो कोई भी नहीं होता था। मैं इस बात का जिद्ध इसलिए कर रहा हूँ कि यह जो एक सी-चैंज सेक्योरिटी एंवायरमेंट में आया है, इसका प्रमुख कारण क्रॉस बार्डर टेरेरिज्म है। इस सच्चाई को हर एक स्वीकार करेगा और हर एक ने इस बात पर जोर भी दिया है। यह बात सच है, इसीलिए टेरेरिज्म के खिलाफ सभी ने बोला है। सभी चाहते हैं कि टेरेरिज्म समाप्त हो, क्रॉस बार्डर टेरेरिज्म समाप्त हो और हर एक उससे सहमत है।

अगर मेरे किसी वक्तव्य से यह आभास मिला हो कि जो पोटो का विरोध करता है वह टेरेरिज्म का समर्थन करता है इसमें या तो रिपोर्टिंग में कोई दोष होगा या मेरे बोलने में कोई त्रुटि होगी। मैं इस प्रकार की कल्पना भी नहीं कर सकता हूँ कि जो पोटो का विरोध करता है उसमें देश भक्ति का अभाव है। जब मैं आखिर में अपने एक बहुत बड़े कानूनी विशेषज्ञ नारीमन जी को सुन रहा था, जो कि इस पोटो का विरोध कर रहे थे, इस आधार पर कि जो यूके ने प्रांवीजन किया है, वैसे प्रांवीजन की बात हम क्यों नहीं करते हैं। **Prevention of detention without charge**, वहां यह प्रावधान किया है। मैं कल्पना नहीं कर सकता हूँ कि हिन्दुस्तान के संदर्भ में इस प्रावधान का कितना एप्लूज हो सकता है। यहां पर मैंने बड़े तेजस्वी भाषण सुने। जिस समय राघवन जी बोल रहे थे — सिविल लिबर्टीज के बारे में, ह्यूमन राइट्स के बारे में तो मैं सोच रहा था कि जिस समय हम सब लोग जेलों में थे तब इनकी पार्टी को क्या हो गया था। मैं केवल कांग्रेस पार्टी को दोष नहीं देता हूँ। कांग्रेस पार्टी के साथ जिन-जिन लोगों ने उस समय उनको सक्रिय सहयोग दिया, वे भी दोषी हैं, जिसको मैंने कहा **The most outrageous assault on democracy, the most outrageous assault on civil liberties and human rights took place in 1975, 1976 and 1977.** तब क्या हो गया था? इसीलिए ह्यूमन राइट्स, डेमोक्रेसी, फंडामेंटल राइट्स इनके बारे में अगर कोई भी सरकार निश्चित होकर काम करती है तो गलत काम करती है। टाडा का सभी ने समर्थन किया और जब टाडा लाया गया तो क्या उस समय सेक्युलरिज्म को कोई खतरा नहीं हुआ था? टाडा कई बार एक्सटेंड किया गया, अब सेक्युलरिज्म कहां से आ गया? please do not analyse the issues while

relate to the Fundamental Rights and where restrictions on the Fundamental Rights are reasonable, do not bring in communalism, do not bring in issue of secularism. मैं नहीं लाया। आप गोधरा की बात करेंगे, आप गुजरात की बात करेंगे, तो उसके बारे में मैं अपना मत दे चुका हूँ, फिर से दे दूंगा। अगर कोई गलती वहाँ पर मेरी सरकार करेगी तो मैं उसका भी पुल-अप करूंगा। लेकिन जहाँ तक इस सरकार का सवाल है, हम कोई फर्क नहीं मानते हैं। जो बेगुनाह गोधरा में मारे गए, नरोरा में, गुलमर्ग कालोनी में मारे गए, उनमें कोई फर्क नहीं हो सकता है। इसी तरह अपराधी में भी कोई फर्क नहीं होना चाहिए, जो भी अपराधी है, उनको दंडित किया जाना चाहिए।

जहाँ तक पोर्टो का सवाल है। पोर्टो के बारे में नारीमन जी ने बहुत सही बात कही है। समस्या यह है कि पिछले 20 साल से हम हिन्दुस्तान में आतंकवाद का मुकाबला कर रहे हैं। इसका क्या कारण है कि पंजाब या बाकी भागों में किसी टेरेरिस्ट का कोई कनविक्शन नहीं हुआ और यह कानून उस टेरेरिज्म को रोक सकेगा, ऐसा भी मैं नहीं मानता हूँ। शब्द प्रिवेंशन है और उसका सही उत्तर जेठमलानी जी ने दिया कि अगर हम कहते हैं कि प्रिवेंशन ऑफ करप्शन एक्ट, **The Prevention of Corruption Act does not mean that there will be no Corruption.** कानून अगर मर्डर के खिलाफ है तो इसका मतलब यह नहीं है कि मर्डर नहीं होगा। लेकिन मर्डर करने वाला, जो मर्डरर है उसके मन में थोड़ा भय होता है कि मुझे इसके कारण दंड मिलेगा और मुझे कनविक्ट होना पड़ेगा। हमारा कहना यह है कि पोर्टो में जो प्रोविज़न्स हैं, उनके द्वारा कनविक्शन हो सकता है जो कि टाडा के द्वारा नहीं होता था। अगर दुरुपयोग की बात कहें, तो मैं समझता हूँ कि नासा का जितना दुरुपयोग हो सकता है, उतना पोर्टो का नहीं हो सकता क्योंकि पोर्टो के प्रोविज़न्स बहुत स्पेसिफिक हैं। नासा के बारे में उस दिन तोहड़ा जी बोल रहे थे और बहुत सही बोल रहे थे। उन्होंने कहा कि जब वह हज्जाम वहाँ पर आया तो उसने कहा कि मुझे इसलिए नहीं लाया गया कि मैं किसी पार्टी का था या अपोजिशन का था, बल्कि इसलिए लाया गया क्योंकि पुलिस वाले से मैंने पैसे मांग लिए थे और उसने पैसे नहीं दिए बल्कि मुझे यहाँ पर ले आए। **A preventive detention law, with an autocratic set up, with an arbitrary set up, with a partisan set up, can be far more dangerous than any such provision,** पोर्टो में वह क्षमता नहीं है। पोर्टो बहुत स्पेसिफिक है। सुप्रीम कोर्ट ने टाडा को देखकर जितने सेफगाइज्ड हमें बताए, प्रैक्टिकली उनमें से बहुत सारे जो इंपॉर्टेंट थे, उनको हमने इनकॉरपोरेट किया है और हम तो उम्मीद करते थे कि कांग्रेस पार्टी भी अपनी ओर से सुझाएगी कि अमुक-अमुक प्रोविज़न्स कीजिए, अमुक-अमुक संशोधन कीजिए। हम खुशी से करते क्योंकि हमारा उद्देश्य टेरेरिज्म से लड़ना था। मैं सम्माननीय सदस्यों को कहना चाहूँगा कि इस समय हमारे लिए समस्या केवल टेरेरिज्म की नहीं है, बल्कि इससे भी बड़ी समस्या है और वह समस्या है स्टेट स्पॉन्सर्ड क्रॉस बॉर्डर टेरेरिज्म की। स्टेट स्पॉन्सर्ड क्रॉस बॉर्डर टेरेरिज्म तो बहुत ही भयंकर चीज़ है। वह खुले युद्ध से भयंकर है। कोई स्टेट हम पर हमला करे तो उसके परिणाम उन्होंने भी देखे हैं, इसलिए उन्होंने 1971 की लड़ाई के बाद यह तय किया कि हम भारत के साथ फिर से प्रकट युद्ध नहीं करेंगे और उसके बजाय आतंकवाद का सहारा लेकर क्रॉस बॉर्डर टेरेरिज्म करेंगे। मैं इस बात से सहमत हूँ और कुछ सदस्यों ने कहा है कि **POTO or any law cannot be a panacea for terrorism.**।

totally agree with them. और जब से हम सरकार में आए हैं, तब से हमने कोशिश की है कि हमारी एप्रोच थ्री-प्रॉग्रेड की हो।

(श्री सभापति पीठासीन हुए)

टेररिज्म को डील करते हुए पहली कोशिश तो यह की जाए कि जाए कि जिसके कारण टेररिज्म पनपता है, वे फैक्टर्स कम हों। ऐलिमिनेट हो जाए तो बहुत अच्छा, नहीं तो कम हों। जम्मू-कश्मीर में जब टेररिज्म शुरू हुआ तो उनकी योजना यह थी कि जम्मू-कश्मीर से लोगों को सीमा पार ले जाएं, वहां पर प्रशिक्षण दें और वापस उनको भेजकर उनके द्वारा आतंकवाद करवाएं। मुझे इस बात की खुशी है कि पिछले डेढ़-दो सालों में यह प्रक्रिया बहुत कम हुई है और स्थानीय लोगों का वहां जाना और वहां से टेररिज्म को प्रशिक्षण लेकर वापस आना बहुत कम हुआ है। इसीलिए पिछले डेढ़-दो साल में लगातार जो लोग आते हैं, they are mercenaries, who infiltrate our borders, और यहां आकर टेररिज्म करते हैं।

इनफिल्ट्रेशन को रोकना दूसरा काम है और तीसरा काम है, on the ground टेररिज्म से लड़ना ज़मीन पर उनसे लड़ना। जिस प्रकार से पंजाब में सुरक्षाकर्मियों ने टेररिज्म पर सफलता प्राप्त की, वहां की जनता ने, वहां के नेतृत्व ने मिलकर आतंकवाद पर सफलता प्राप्त की, वैसी सफलता प्राप्त करने का संकल्प जम्मू-कश्मीर में और शेष भारत में भी है। चौथी बात यह कि लोगों को केवल पकड़ कर जेल में डाल देना और प्रॉसीक्यूशन होने के बाद भी कनक्वेंशन न हो, ऐसी स्थिति लाना और एक ऐसा दिन इनवाईट करना, मैं नारीमन जी से कहूंगा कि आप जो सुझाव दे रहे हैं, उसके कारण तो यह स्थिति और बढ़ेगी। अगर हम आतंकवादियों को पकड़-पकड़ कर प्रिवेंटिव डिटेंशन में जेल में डालेंगे तो हाईजैकिंग का टेम्प्टेशन और बढ़ेगा कि हाईजैक करो और उसके आधार पर उनको छुड़वाओ। मेरे मित्र ने उस दिन लोक सभा में एक बहुत अच्छी बात कही। हम जब ह्यूमन राइट्स वायलेंस की चिंता करते हैं और साथ-साथ सुरक्षा कर्मियों को, पुलिस फोर्सों को कहते हैं कि आतंकवाद को खत्म करो, आतंकवादियों को दंडित करो तब हम इस बात को भी पहचानें कि अगर उनके हाथ में अधिकार नहीं होगा कि भाई इनसे कन्फेशन लेकर, उस कन्फेशन के आधार पर या इनके जो मैसेज हैं, उनको इन्टर्सिप्ट करके, उनको एडमिसिबल एविडेंस बनाकर के, उसके आधार पर उनको दंडित किया जाए, तो क्या हम इस बात का खतरा नहीं बढ़ाएंगे कि वह सोचेगा कि इससे तो शार्टकट अपना लें, विधि मंत्री जी मुझे बता रहे हैं कि हाईजैक की सजा एक साल की प्रिवेंटिव डिटेंशन हो जाएगी। मेरा निवेदन यह है कि पोटो जैसा कानून बाकी कानूनों से इतना हार्श नहीं है जितना हार्श समझा जा रहा है और पोटो कानून के द्वारा हम कन्क्विशन रेट बढ़ा सकते हैं जैसे महाराष्ट्र में बढ़ाया। एक प्रकार से यह सुझाव उन्होंने ही दिया। मुझे खुशी इस बात की है कि हिन्दुस्तान में स्टेट गवर्नमेंट्स से हमने कहा कि पोटो के बारे में आपकी क्या राय है? उस समय आर्डिनेन्स था, उन्होंने अपनी-अपनी राय भेजी। अपनी-अपनी राय भेजने वालों में अधिकांश स्टेट्स ने उससे पूरी सहमति प्रकट की और कुछ स्टेट्स ने असहमति प्रकट की। ये चार-पांच स्टेट थे। उनमें वह स्टेट भी थी जो अब सोच रही है कि वहां पर भी आर्गेनाइज क्राइम के खिलाफ एक कानून बनना चाहिए। लेकिन उन्होंने उस समय असहमति प्रकट की थी। लेकिन कुछ ऐसी स्टेट्स भी थी जिन्होंने अच्छे संशोधन सुझाए और उन संशोधनों का भी हमने समावेश कर लिया है। इस कारण आज की स्थिति में, मैं मानता हूँ कि हमारा आब्जेक्टिव होना चाहिए कि देश में सुरक्षा का

वातावरण पैदा हो। यह स्थिति पैदा न हो ...**(व्यवधान)**.... कि आज पार्लियामेंट के जितने हमारे मेम्बर्स हैं उनमें से कई ऐसे हैं जिनको सुरक्षा दी गई है और अगर किसी स्टेज पर यह स्थिति आती है कि सुरक्षा कर्मी कहते हैं कि अब इनको कोई श्रैट नहीं है, अब सुरक्षा वापस कर लें, तो मेरे मन में यह संकोच पैदा होता है कि इनको लगेगा कि कहीं पॉलिटिकल कारण से तो वापस नहीं किया। मैं कहता हूँ कि नहीं किसी की सुरक्षा वापस मत करा, जो सुरक्षा दी गई है, इसको ऐसे ही चलने दो। कुल मिलाकर देश में जो सुरक्षा का वातावरण है, उसको अगर आमूलचूल बदलना है तो अनेक उपाय करने पड़ेंगे और उनमें से एक छोटा सा उपाय है, इस पोटो को पास करना। मैं आपसे अनुरोध करता हूँ कि इस पोटो को समर्थन दें, और दुनियाभर में भी यह वातावरण पैदा होना चाहिए क्योंकि हमने इन चार सालों में कोशिश की, दुनिया के सारे देश इस बात की पहचान करें कि आतंकवाद का प्रमुख शिकार देश अगर कोई बना है तो भारत बना है। पहले तो वे सोचते थे कि यह बात सही नहीं है किन्तु 11 सितम्बर के बाद उन लोगों ने भी समझ लिया कि यह बात सच्ची है और उनके जो रिएक्शन्स थे, उसका एक नमूना मैंने चो से सुना। मुझे पता नहीं था, चो ने कहा कि जिस चीज को लॉ में साइक्रोसेंट माना जाता है कि लॉयर अपने क्लाइन्ट को क्या सलाह देता है, उस साइक्रोसेंट कल्पना को भी इन्होंने कहा कि टैरोरिज्म की स्थिति के कारण हम उसका भी इन्टरसेप्ट कर सकते हैं और इन्टरसेप्टेड मैसेज को अगर वह अपराधी, टैरोरिस्ट है, वह लॉयर से सलाह कर सकता है तो उसका उपयोग भी वे कर सकते हैं, उन्होंने जो यह व्यवस्था की है, यह आश्चर्यकारक है। कम से कम भारत इसकी जरूरत नहीं समझ पाता। ऐसा कोई प्रावधान हमने नहीं किया है और जितने प्रावधान अभी हमने किए हैं, विधि मंत्री जी मुझे बता रहे हैं कि जो बेल के बारे में प्रोविजन है, वह अनेक लॉज में पहले से ही है। शायद शिरोडकर जी ने भी इसका जिक्र किया है। ये सारे कानून हमारे समय में नहीं बने हैं, ये ऐसे समय में बने हैं जिसको कहें कि ह्यूमन राइट्स, सिविल लिबर्टीज, फंडामेंटल राइट्स, इसकी चिंता करने वाली सरकारें थी। आज वे हमारी आलोचना कर रहे हैं। ब्लैंक मार्केटियर्स, प्रोफिटियर्स और होल्डर्स के लिए तो प्रावधान है कि **'Bail will be an exception'**. आयोग ने कहा होगा **"As a rule, bail"**. हमारे यहां यह तय किया जा रहा है, इस कानून के अधीन। **In case of terrorists, as a rule, no bail. As a rule, jail.** अगर मैं आपका कोन्क्रीट उदाहरण दूं तो पिछले दिनों जम्मू-कश्मीर में पोटो के अंतर्गत छब्बीस लोग गिरफ्तार हुए हैं। अभी कानून को बने छह महीने ही हुए हैं लेकिन छब्बीस में से दस लोगों को बेल मिल चुकी है। इसका मतलब यह है कि यह प्रावधान टाडा से भी बहुत नरम है। लेकिन इसकी व्यवस्था की यह इंटरप्रेटेशन करना कि साल भर किसी को जेल में रहना पड़ेगा, यह गलत है। इसमें यह प्रावधान है कि साल भर तक तो वही प्रावधान रहेगा जो पोटो में है लेकिन साल के बाद**(व्यवधान)**....

श्री कपिल सिब्बल : मंत्री जी, अगर बेल मिल चुकी है तो इसका मतलब है कि बेल का मिसयूज हो रहा है क्योंकि छह महीने से पहले तो बेल मिल ही नहीं सकती है जब तक अदालत यह फैसला न ले ले कि इसके खिलाफ कोई मुकदमा ही नहीं है...**(व्यवधान)**...

श्री लाल कृष्ण आडवाणी : लॉ का ज्यूडिशियल रिव्यू हैं....**(व्यवधान)**...

श्री कपिल सिब्बल : एक साल में बेल मिलेगी ही नहीं जब तक अदालत यह फैसला न ले ले कि इस केसा में कुछ भी नहीं है। अगर बेल मिल गई है तो इसका मतलब यह है कि अदालत सोचती है कि इसमें कुछ भी नहीं है। अगर कुछ भी नहीं है तो फिर आप इसे पोटो में क्यों ले रहे हैं ...**(व्यवधान)**...

This proves the point that we are making.

10.00 p. m.

SHRI L.K. ADVANI: Not at all. It proves that if there is a case, where there has been an abuse of POTO, the court has the right to give it; otherwise, there would have been no right. ...(*Interruptions*)...

SHRI KAPIL SIBAL: ...only if the court comes to the conclusion that the man is innocent. That is what the law says. ...(*Interruptions*)...

SHRI L.K. ADVANI: I am sorry. हिन्दी में कहते हैं कि चित्त भी मेरी, पट भी मेरी, किसी प्रकार से भी हो। अगर कोर्ट के द्वारा बेल दी गई है तो वह गलत हुआ या इसका मतलब है कि पोर्टो का यूज ठीक नहीं हुआ है। यह मैं मानता हूँ, अगर पोर्टो का यूज ठीक नहीं हुआ तो कोर्ट को तुरंत इंटरवेंशन का अधिकार देना यह ऐक्ट ही देता है, टाडा नहीं देता था। इसीलिए टाडा का सबसे ज्यादा दुरुपयोग बेल के प्रोविजन के कारण ही होता था। मुझे याद है कि अहमदाबाद में टाडा के खिलाफ जब पहली कांग्रेस हुई थी तो वह भारतीय जनता पार्टी ने ही आयोजित की थी। तब जो हजारों किसान आंदोलन कर रहे थे उन्हें जेलों में भेज दिया गया **Because in those cases, the police knew that if they used TADA, they would not get bail and they would be inside. So, the agitation would die down. It was used against movements and agitations. In this POTO, there is no such provision which gives or opens itself to such an abuse,** कुल मिलाकर इसमें जो सेफ गार्ड्स प्रोवाइड किए गए हैं, आपके सुझाने पर, लोगों के सुझाने पर। उस संदर्भ में मैं समझता हूँ कि इस समय जो पोर्टो बना है उसकी शिकायत अगर किसी को हो सकती है तो उन्हें हो सकती है जो लोग टेरेरिज्म के खिलाफ लड़ रहे हैं। वे हमें कहते हैं कि ऑर्डिनेंस तो बहुत अच्छा था, अगर वैसा ही बना रहता तो उसके आधार पर स्थिति अच्छी रहती लेकिन आपने इसमें जो यह संशोधन डाले हैं, जो प्रावधान संशोधित किए हैं उसके कारण आपने हमारे हाथ कमजोर कर दिए हैं। मैं मानता हूँ कि इसके द्वारा हमने इसके एब्यूज की स्थिति घटाई है। लेकिन संविधान ने हमारे ऊपर यह जवाबदारी डाली है कि आप टेरेरिज्म से भी मुकाबला कीजिए लेकिन जहाँ तक संभव हो ह्यूमन राइट्स का उल्लंघन मत होने दीजिए। इन दोनों चीजों की हमने पुष्टि की है इसलिए एक बार पुनः मैं सदन से अनुरोध करता हूँ कि इसे स्वीकार करे।

MR. CHAIRMAN: Now, I shall now put the Resolution moved by Shri Kapil Sibal to vote:

"That this House disapproves the Prevention of Terrorism (Second) Ordinance, 2001 (No. 12 of 2001) promulgated by the President on the 30th December, 2001."

The House Divided.

MR. CHAIRMAN: Ayes : 113
 Noes : 98

Ayes-113

Agarwal, Prof. M.M.
Akhilesh Das, Dr.
Alphonse, Shri S. Peter Anand,
Shri R. K.
Anil Kumar, Shri
Azad, Shri Ghulam Nabi
Azmi, Maulana Obaidullah Khan
Azmi, Shrimati Shabana
Bairagi, Shri Balkavi
Barupal, Shrimati Jamana Devi Basu,
Shri Nilotpāl
Bhandary, Prof. Ram Deo Bhardwaj,
Shri Hansraj
Bhatt, Shri Brahmakumar
Bhattacharjee, Shri Karnendu
Bhattacharya, Shri Manoj Bhendia,
Shri Jhumuk Lai
Birla, Shri Krishna Kumar Biswas,
Shri Debabrata
Bommaī, Shri S. R.
Borgohain, Shri Drupad Chandresh
Kumari, Shrimati Chauhan, Shri Dara
Singh Chavan, Shri S.B.
Chitharanjan, Shri J

Darda, Shri Vijay J.
Das, Dr. M.N.
Dasari, Shri N.R.
Dasgupta, Dr. Biplab
Dhammaviriyo, Ven'ble
Dilip Kumar, Shri Yusuf Sarwar Khan *alias*
Dubey, Shrimati Saroj
Duggal, Shri Kartar Singh
Faguni Ram, Dr.
Faleiro, Shri Eduardo
Fernandes, Shri Oscar
Gavai, Shri R. S.
Gaya Singh, Shri
Gnanadesikan, Shri B.S.
Goenka, Shri R. P.
Gowda, Shri H.K. Javare
Gupta, Shri Banarsi Das
Gupta, Shri Prem Chand
Hasan, Shri Munawar
Ibrahim. Shri CM.
Jamir, Shri C. Apok
Kalmadi, Shri Suresh
Karan Singh, Dr.
Kaushik, Shri Rama Shanker
Keswani, Shri Suresh A.
Khan (Durru), Shri Aimaduddin Ahmed

Khan, Shri K.M.
Khan, Shri K. Rahman
Khuntia, Shri Ramachandra
Kidwai, Dr. A.R.
Kondaiah, Shri K.C.
Kujur, Shri Maurice
Lachhman Singh, Shri
Lakshmisagar, Prof. A.
Lama, Shri Dawa
Maharaj, Dr. Swami Sakshi Ji
Maheshwari, Shri P.K.
Maheshwari, Shrimati Sarla
Manhar, Shri Bhagatram
Manmohan Singh, Dr.
Mattathil, Shri M.J. Varkey
Meena, Shri Moolchand
Mishra, Shri Janeshwar
Misra, Shri Ranganath
Mukherjee, Shri Dipankar
Mukherjee, Shri Pranab
Murthy, Shri K.B. Krishna
Murty, Dr. Y. Radhakrishna
Nariman, Shri Fali S.
Nayyar, Shri Kuldip
Nongtdu, Shri Onward L.
Ojha, Shri Nagendra Nath

Pachouri, Shri Suresh
Pandey, Shrimati Chandra Kala
Parmar, Shri Raju
Patel, Shri Ahmed
Pillai, Shri S. Ramachandran
Poulose, Shri CO.
Premachandran, Shri N. K.
Qureshi, Shri Abdul Gaiyur
Raghavan, Shri V.V.
Rai, Shrimati Kum Kum
Raikar, Shrimati Bimba
Ramoowalia, Shri Balwant Singh
Rao, Dr. Dasari NL.ayana
Rebello, Miss Mabel
Rebia, Shri Nabam
Roy, Shri Abani
Roy, Shri Jibon
Roy Chowdhury, Shri Shankar
Salve, Shri N.K.P.
Samadani, Shri M.P. Abdussamad
Sarma, Shrimati Basanti
Sengupta, Shri Bratin
Sethi, Shri Ananta
Sibal, Shri Kapil
Singh, Shri Amar
Singh, Shri Arjun

Singh, Shri Surendra Kumar
Singh, Shri W. Angou
Soni, Shrimati Ambika
Topno, Miss Frida
Vijaya Raghavan, Shri A.
Yadav, Chaudhary Harmohan Singh
Yadav, Prof. Ram Gopal
Yadav 'Ravi', Dr. Ramendra Kumar
Yadav, Shri Vijay Singh
Zahidi, Shri Khan Ghufuran

Noes - 98

Agarwal, Shri Lakkhiram
Agarwal, Shri Ramdas
Agarwalla, Shri Parmeshwar Kumar
Agniraj, Shri S.
Ahluwalia, Shri S.S.
Apte, Shri B.P.
Bachani Lekhraj, Shri
Bakht, Shri Sikander
Bangaru Laxman, Shri
Bora, Shri Indramoni
Chandran, Shri S.S.
Chaturvedi, Shri T.N.
Dave, Shri Anantray Devshanker
Deshmukh, Shri Nana
Dhindsa, Shri Sukh Dev Singh

Dhyani, Shri Manohar Kant
Gautam, Shri Sangh Priya
Goyal, Shri Vedprakash P.
Gyamtso, Shri Palden Tsering
Indira, Shrimati S.G.
Jaitley, Shri Arun
Jethmalani, Shri Ram
Joshi, Shri Kailash
Judev, Shri Dilip Singh
Kadar, Shri MA
Kamaraj, Shri R.
Kaur, Shrimati Gurcharan
Kaushal, Shri Swaraj
Kovind, Shri Ram Nath
Lakshmi Prasad, Dr. Y.
Libra, Shri Sukhdev Singh
Mahajan, Shri Pramod
Maitreya, Dr. V.
Mangeshkar, Ms. Lata
Man Singh, Rao
Mehta, Shri Lalitbhai
Mishra, Shri Dina Nath
Mishra, Shri Kalraj
Mullana, Shri Faqir Chand
Murthy, Shri M. Rajasekara
Nahata, Shrimati Jayaprada

Naidu, Shri M. Venkaiah
 Nandy, Shri Pritish
 Narendra Mohan, Shri
 Niraikulathan, Shri S.
 Nirupam, Shri Sanjay
 Panda, Shri B. J.
 Parmar, Shri Kripal
 Patel, Dr. A. K.
 Patel, Shri Mukesh R.
 Patel, Shri Praful
 Pradhan, Shri Satish
 Prasad, Shri Ravi Shankar
 Punj, Shri Balbir K.
 Rai, Shri Lajpat
 Raja Ramanna, Dr.
 Rajagopal. Shri O.
 Rajkumar, Dr. Alladi P.
 Ramachandraiah, Shri C.
 Ramaswamy, Shri Cho S.
 Rao, Dr. D. Venkateshwar
 Rao, Shri K. Kalavenkata
 Rao, Shri K. Rama Mohana
 Rao, Shri Yadlapati Venkat
 Ray, Shri Dilip
 Reddy, Shri Solipeta Ramachandra
 Rumandia Ramachandraiah, Shri

Saifullah, Shri K.M.
Samal, Shri Man Mohan
Sankaralingam, Prof. M.
Sarath Kumar, Shri R.
Sarma, Dr. Arun Kumar
Sharma, Shri Anil
Sharma, Dr. Mahesh Chandra
Shirodkar, Shri Adhik
Shyam Lal, Shri
Singh, Shri Birabhadra
Singh, Shri Devi Prasad
Singh, Shri Jaswant
Singh 'Lalan', Shri Rajiv Ranjan
Singh 'Surya', Shri Rajnath
Singhal, Shri B.P.
Singhvi, Dr. L.M.
Sinha, Shri Shatrughan
Sirigireddy, Shri Rama Muni Reddy
Siva, Shri P. N.
Sivasubramanian, Shri S.
Soianki, Shri Gopalsinh G.
Soundararajan, Shri P.
Subbian, Shri Ka. Ra.
Sukhbir Singh, Shri
Swaraj, Shrimati Sushma
Thirunavukkarasu, Shri C.P.

Vahadane, Shri Suryabhan Patil

Vanga Geetha, Shrimati

Varma, Prof. R. B. S.

Verma, Shri Vikram

Virumbi, Shri S. Viduthalai

The Motion was adopted.

MR. CHAIRMAN: Now. I shall put the motion, moved by Shri L.K. Advani, to vote.

The question is:

"That the Bill to make provisions for the prevention of, and for dealing with, terrorist activities and for matters connected therewith, as passed by the Lok Sabha. be taken into consideration."

The House divided.

MR. CHAIRMAN : Ayes - 98
 Noes - 113
 Ayes - 98

Agarwal, Shri Lakkhiram

Agarwal, Shri Ramdas.

Agarwalla, Shri Parmeshwar Kumar

Agniraj, Shri S.

Ahluwalia, Shri S.S.

Apte. Shri B.P.

Bachani Lekhraj, Shri

Bakht, Shri Sikander

Bangaru Laxman, Shri

Bora, Shri Indramoni

Chandran, Shri S.S.
Chaturvedi. Shri T.N.
Dave, Shri Anantray Devshank
Deshmukh, Shri Nana
Dhindsa, Shri Sukh Dev Singh
Dhyani, Shri Manohar Kant
Gautam, Shri Sangh Priya
Goyal, Shri Vedprakash P.
Gyamtso, Shri Palden Tsering
Indira, Shrimati S.G.
Jaitley, Shri Arun
Jethmalani, Shri Ram
Joshi, Shri Kailash
Judev, Shri Dilip Singh
Kadar, Shri M.A.
Kamaraj, Shri R.
Kaur, Shrimati Gurcharar
Kaushal, Shri Swaraj
Kovind, Shri Ram Nath
Lakshmi Prasad, Dr. Y.
Libra, Shri Sukndev Singh
Mahajan, Shri Pramod
Maitreya, Dr. V.
Mangeshkar, Ms. Lata
Man Singh, Rao
Mehta, Shri Lalitbhai

Mishra, Shri Dina Nath
Mishra, Shri Kalraj
Mullana, Shri Faqir Chand
Murthy, Shri M. Rajasekara
Nahata, Shrimati Jayaprada
Naidu, Shri M. Venkaiah
Nandy, Shri Pritish
Narendra Mohan, Shri
Niraikulathan, Shri S.
Nirupam, Shri Sanjay
Panda, Shri B. J.
Parmar, Shri Kripal
Patel, Dr. A. K.
Patel, Shri Mukesh R.
Patel, Shri Praful
Pradhan, Shri Satish
Prasad, Shri Ravi Shankar
Punj, Shri Balbir K.
Rai, Shri Lajpat
Raja Ramanna, Dr.
Rajagopal, Shri O.
Rajkumar, Dr. Alladi P.
Ramachandraiah, Shri C.
Ramaswamy, Shri Cho S.
Rao, Dr. D. Venkateshwar
Rao, Shri K. Kalavenkata

Rao, Shri K. Rama Mohana
Rao, Shri Yadlapati Venkat
Ray, Shri Dilip
Reddy, Shri Solipeta
Ramachandra Rumandla
Ramachandraiah, Shri
Saifullah, Shri K.M.
Samal, Shri Man Mohan
Sankaralingam, Prof. M.
Sarath Kumar, Shri R.
Sarma, Dr. Arun Kumar
Sharma, Shri Anil
Sharma, Dr. Mahesh Chandra .
Shirodkar, Shri Adhik
Shyam Lal. Shri
Singh, Shri Birabhadra
Singh, Shri Devi Prasad
Singh, Shri Jaswant
Singh 'Lalan', Shri Rajiv Ranjan
Singh 'Surya', Shri Rajnath
Singhal, Shri B.P.
Singhvi, Dr. L.M.
Sinha, Shri Shatrughan
Sirigireddy, Shri Rama Muni Reddy
Siva, Shri P. N.
Sivasubramanian, Shri S.
Solanki, Shri Gopalsinh G.

Soundararajan, Shri P.
 Subbian, Shri Ka. Ra.
 Sukhbir Singh, Shri
 Swaraj, Shrimati Sushma
 Thirunavukkarasu, Shri C.P.
 Vahadane, Shri Suryabhan Patil
 Vanga Geetha, Shrimati
 Varma, Prof. R. B. S.
 Verma, Shri Vikram
 Virumbi, Shri S. Viduthalai

Noes-113

Agarwal, Prof. M.M.
 Akhilesh Das, Dr.
 Aiphonse, Shri S. Peter
 Anand, Shri R. K.
 Anil Kumar, Shri
 Azad, Shri Ghulam Nabi
 Azmi, Maulana Obaidullah Khan
 Azmi, Shrimati Shabana
 Bairagi, Shri Balkavi
 Barupal, Shrimati Jamana Devi
 Basu, Shri Nilotpal
 Bhandary, Prof. Ram Deo
 Bhardwaj, Shri Hansraj
 Bhatt, Shri Brahmakumar
 Bhattacharjee, Shri Karnendu

Bhattacharya, Shri Manoj
Bhendia, Shri Jhumuk Lal
Birla, Shri Krishna Kumar
Biswas, Shri Debabrata
Bomma, Shri S. R.
Borgohain, Shri Drupad
Chandresh Kumari, Shrimati
Chauhan, Shri Dara Singh
Chavan, Shri S. B.
Chitharanjan, Shri J.
Darda, Shri Vijay J.
Das, Dr. M. N.
Dasari, Shri N. R.
Dasgupta, Dr. Biplab
Dhammaviriyo, Ven'ble
Dilip Kumar, Shri Yusuf Sarwar Khan *alias*
Dubey, Shrimati Saroj
Duggal, Shri Kartar Singh
Faguni Ram, Dr.
Faleiro, Shri Eduardo
Fernandas, Shri Oscar
Gavai, Shri R. S.
Gaya Singh, Shri
Gnanadesikan, Shri B.S.
Goenka, Shri R. P.
Gowda, Shri H. K. Javare

Gupta, Shri Banarsi Das
Gupta, Shri Prem Chand
Hasan, Shri Munawar
Ibrahim, Shri CM.
Jamir, Shri C. Apok
Kalmadi, Shri Suresh
Karan Singh, Dr.
Kaushik, Shri Rama Shanker
Keswani, Shri Suresh A.
Khan(Durru), Shri Aimaduddin Ahmed
Khan, Shri K. M.
Khan, Shri K. Rahman
Khuntia, Shri Ramachandra
Kidwai, Dr. A.R.
Kondaiah, Shri K.C.
Kujur, Shri Maurice
Lachhman Singh, Shri
Lakshmisagar, Prof. A.
Lama, Shri Dawa
Maharaj, Dr. Swami Sakshi Ji
Maheshwari, Shri P. K.
Maheshwari, Shrimati Sarla
Manhar, Shri Bhagatram
Manmohan Singh, Dr.
Mattathil, Shri M. J. Varkey
Meena, Shri Moolchand

Mishra, Shri Janeshwar
Misra, Shri Ranganath
Mukherjee, Shri Dipankar
Mukherjee, Shri Pranab
Murthy, Shri K. B. Krishna
Murty, Dr. Y. Radhakrishna
Nariman, Shri Fali S.
Nayyar, Shri Kuldip
Nongtdu, Shri Onward L.
Ojha, Shri Nagendra Nath
Pachouri, Shri Suresh
Pandey, Shrimati Chandra Kala'
Parmar, Shri Raju
Patel, Shri Ahmed
Piilai, Shri S. Ramachandran
Poulose, Shri C. O.
Premachandran, Shri N. K.
Qureshi, Shri Abdul Gaiyur
Raghavan, Shri V.V.
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Sethi, Shri Ananta
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Singh, Shri Amar
Singh, Shri Arjun
Singh, Shri Surendra Kumar
Singh, Shri W. Angou
Soni, Shrimati Ambika
Topno, Miss Frida
Vijaya Raghavan, Shri A.
Yadav, Chaudhary Harmohan Singh
Yadav, Prof. Ram Gopal
Yadav 'Ravi', Dr. Ramendra Kumar
Yadav, Shri Vijay Singh
Zahidi, Shri Khan Ghufra

The motion was negatived.

MR. CHAIRMAN: The House stands adjourned till 11.00 a.m. tomorrow.

The House then adjourned at sixteen minutes past ten of the clock, till eleven of the clock on Friday, the 22nd March, 2002