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Dt. 29<sup>th</sup> March, 2000**Papers put on the table of assembly**

Shree Jashpalsinha.

Respected Chairman, I seek permission for presenting on the table of the assembly the annual statements of Gujarat Rural Housing Construction Board of the year 1998-99 and the audit remarks on them and the budget of the year 2000-2001 and amended budget of the year 1999-2000.

**Annual Statements, Audit Remarks and Budget and Amended Budget were  
Presented on the Table of the Assembly**

**Additional Information in respect of Starred Question**

Shree Hemantbhai Ch. Chapatvala (Law and Justice Minister, State Level) : Respected Chairman, I seek permission to present additional information on the table of the assembly in respect of the reply of the starred question Serial No. 10112 (Priority 13) "Applications for free legal aid in Vadodara District" of the honourable member Mohansinha Rathva presented in assembly on the date 13<sup>th</sup> March, 2000.

**Information was presented on the table of the assembly****Additional Information in respect of Starred Question**

**Mrs. Anandiben M. Patel (Education Minister):** Respected Chairman, I seek permission to present additional information on the table of the assembly in respect of the reply of the starred question serial no. 8133 (Priority -22) "Approval of Granted Residential Girls' Schools in Rajkot District"

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**Papers put on the table of assembly****Information was presented on the table of the assembly**

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**Government Bills****Gujarat Bill Serial No.:15 of the Year 2000**

**Bill in respect of Prevention of Gujarat Anti-Social Activities (Amendment), 2000  
Act in respect of Prevention of Anti-Social Activities in Gujarat, 1985, Bill in respect of  
further Amendment, 2000**

Shree Haren Pandya (Home Minister, State Level) : Respected Chairman <sup>x</sup>, I submit with your permission the bill in respect of prevention of Gujarat Anti-Social Activities (Amendment) of the year 2000, Gujarat bill Sr. No. 15 of the year 2000 published ago in gazette.

Chairman : The bill is admitted.

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<sup>x</sup>The bill has been published in Gujarat Government Gazette of date 21<sup>st</sup> March, 2000.

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**Date 29<sup>th</sup> March, 2000**

**The Bill for Prevention of Gujarat Anti-Social Activities (Amendment), 2000**

**Shree Haren Pandya:** Respected Chairman, I submit proposal that First Reading should be done of the Bill in respect of Prevention of Gujarat Anti-social activities (Amendment) of the year 2000, serial no. 15.

The Proposal was presented

**Shree Haren Pandya :** Respected Chairman, this bill is in respect of amendment in the bill Gujarat Prevention of Anti-Social Activities Act which is known as PASA. Till now, persons having done almost five crimes were arrested in PASA. In which, person making crimes in respect of body and property, dangerous person, person doing illegal business of liquor, Person making immoral trade, person usurping property and drugs crime. There was provision of arrest of the crimes of these five types under PASA. Since last several years and decades, there were scattered complaints were known and seen of the evil of gambling in public and civil places, in certain public places, in clubs etc. Evils like Worli Matka and many methods of gambling for which you may be surprised by knowing that in this method too gambling can be played. Complaints were received of the gambling in such new methods and because of which it was seen that public system was badly affected. And it was that the bad effect of these on the daily life of the persons living around the place where this activities were running and whether their base was situated.

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It is the firm decision of current government from its establishment that under no circumstances evils of such kind must not be tolerated. It does not matter that certain officer somewhere wants or does not want to continue it. There may be certain corner where such activities may be run. But as state government has given clear instruction for this that its implementation is to be done strictly and present government has done such efforts which were never done in the past and because of which good result was got in it.

Respected Chairman Sir, this amendment is such that on finding it necessary to cover the persons running the stand of gambling in it, there is first point to include it in this and the second point is such that certain person has mentioned somewhere that the account is misused. It was known somewhere in the statement of some person. But as far as there is a problem of the persons running the stand of gambling, such provision has been kept in it that the person who has been punished by the court in this matter and if he/she is caught under this crime again, the provision has been made to bring him/her under PASA and therefore no chances of misuse remain in it. Therefore, I want to say that foremost important point is this.

Secondly, Gujarat is a state of sacred Mahatma Gandhi, this is non-violence worshipper Gujarat and mother cow has been given the place of mother in Vedas too and members have presented their thoughts on different time and stages so that cow slaughter may not happen.

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(Shree Haren Pandya)**

We all know that our milk giving mother in the field of agriculture, for our health, in the field of energy, the cow dung is useful. Environmental and religious sentiment of the people is involved in it. In addition to these aspects, there are also many other aspects. Considering all these aspects, the firm determination of present government is also from the beginning such that protection of cow is done and cow slaughter does not happen and I want to say that after coming into the Government, the slogan of the time of election is not of shows short period. This is motto of life of all persons sitting here and all of us. From the birth to the death of our life, protection of cow is our motto of life. And for which the present Government is committed to do whatever is possible. And at this stage, I am happy to inform you that Gujarat government is the first State Government of Hindustan which has itself done protest against cow slaughter and has done campaign against cow slaughter for the protection of cows. And since it the first state, what it has done in it? First of all, it has raised awareness. At officer level in Government System, awareness of this in all areas or why this is necessary? I am happy to inform thought there are many departments involved in it, though urban development department, Municipal Corporation, Municipality, Panchayat, Animal Husbandry Department, Police Department etc. all departments are involved, by being coordinated with this, all departments did work during this campaign and other thing which came to know that we were told that the co-operation of the police was not got but this time, the beginning of the campaign itself was done by police department and home department.

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And in addition to making awareness during this campaign, such points came to know in which need was found to make amendment. For example, the amount of fine, the amount of fine in cow slaughter is so low so that cow slaughterers keep this activity continuous after paying fine. Therefore, need was found to increase the amount of fine. The act pertaining to forfeiture of the vehicles that motor vehicle act was needed to be changed and the people making these activities are of defiant type persons. At present, one survey has been done of animal welfare Board. I want to inform the figures which are ghastly. In the year 1951 there were 430 cows on every one thousand animals which on reducing, became 202 cows per one thousand animals in the year 1991 and that survey says such that if the attitude, activities and policy remained continuous, in the year 2011, 20 cows will remain on every thousand animals. In such worrisome condition our country will come. Such worry has been expressed by this animal welfare board in this survey. At this stage, I want to say one important fact, this is not the work of only of any government or of any department or of any party or of any caste. This work is together of whole society, all political parties, of all parties in power and of opposition, of Hindu- Muslim all and it is very important to take this point as society and therefore, it is my first request that during the discussion of this bill, without giving it a political turn, by showing less disagreement as society or as Gujarat, as one state and for the protection of our culture and we have done many act of mercy of life and we are getting many letter of them as guidance.

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This is being done in the state, the governor of which honourable Shree Sundarsinha Bhandari Sir too is having feeling very much for mercy on life. And the today is day of giving tribute in true sense to the ideals of late Geetaben Rambhiya or late Haribhai Solanki, giving sacrifice of their life for the protection of cows. In the end, only I want to say that Gujarat may become state in the whole country where the slaughter of the cow cannot be done. Saw of butcher, any tool must have courage to at the throat of the cow. With firmness that under the knowledge of the Government, no dot of blood of cow drops, this act is going to be implemented. Therefore, may there be points of minor or major disagreement, whether misuse may be done or not, such points of disagreement can be raised with discussion but on this point, as an issue of society, as we unanimously speak about Narmada Project, all members come together unanimously on the point of preventing slaughter of the cow. Creative suggestions may be done and should not speak the voice of opposition. With such request, prayer and appeal to all members, I request all members to give opinion, to give suggestion in detail and to give co-operation.

Shree Amarsinha B. Chaudhri (The Leader of Opposition Party): Respected Chairman, Respected Ministers, I have stood here to present my views on two minor amendments which have been brought in the Act.

I want to ensure about one fact to the assembly that,

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Our party and we believe in cow breeding. From our party, there is no such utterance for the party at any place that anybody from our party believes in cow slaughter. We believe as much mercy for life as the honourable minister believes in mercy for life. But in several matters, our purpose should be pure and when our purpose is not pure, our feeling gets tainted, no matter how much pure is our feeling is. Feeling becomes spoiled. I do not want to point towards such occasions. I want to say only by reiterating that we believe in pity for live, breeding of cows, we rigidly believe in it. When this act of PASA was made in the year 1985, it was made for crimes of four types. One type for the persons running the stand of liquor, frequently making business of selling liquor etc., for such people. Second, the persons who are defiant and are spreading torture, terror in the society, the people of society scare by whom, I do not say which type of people are such people. For such people. And third, the persons who believe in traffic, making business of prostitution etc., and fourth is land grabbing, the people who usurp lands and the houses constructed on the land, particularly in slum areas, by taking possession of certain houses, who are given these houses on rent to the people, the people who are talking about land grabbing fall under the definition of land grabbing. They usurp land no matter the land may be Government land or private land or the land of any person, if any person is doing frequent crimes of usurping such lands, for whom this act was made. After that, amendment was done in 1990. And specially the criminal of medicines i.e. who makes adulteration in medicines. Besides this, addition was made of people selling brown sugar and intoxicating things.

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The addition which is done today is of one type of persons who are running the stand of gambling. In which also, there has been put qualification that persons who continue stand of gambling even after they have been punished in the crime of gambling. Such people are obdurate criminals. They have become obdurate for running the stand of gambling. This is

the provision for sending such criminals to jail by arresting them under PASA. And second provision is for the persons making cow slaughter illegally. Then I would like to suggest honourable Chief Minister that other act is to be brought. The Cow Protection Act, which is to be done, in which this provision should have been made. But it seems that honourable minister is in a little hurry. Therefore, he brought it in it. We wish this act become strictest. Such persons making such crimes frequently must be sent to jail. Fear may be created in their mind that if they continue doing such crimes, they will be arrested under PASA. And the act of PASA has become effective because of such reasons. After being arrested in PASA, after the time of seven weeks, person can be presented before PASA Board. If board does not leave and as far as he is not produced before the Board, one cannot go in the court. The Court rejects such application that PASA has not given any decision. Therefore, in your case, intervention cannot be done. Therefore, it rejects it. Jail has to be spent almost for one month and it is must. This is too much fear. After that the persons who are released in the board, in which also several persons are released because of decisions in haste. Some are released because of some incomplete details, because board can see. Action cannot be done according to the provisions in the Act and if actions are not taken according to it, board releases.

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It releases by giving reasons, does not release without giving reasons. It releases because detention is not appropriate because of such reasons. The court makes interpretation in its own way. If the figures of the prisoners of PASA are given, we will be pleased. Other figures have come in the news paper before two or four days. How many prisoners caught in PASA were released by the government? How many prisoners will be given registered point by the government because if they are not confirmed, registered points may not come. D.S.P., Police Commissioner makes detention report order about the arrest by the government, he is arrested and within 24-48 hour he has to be confirmed. Some cases are such that without making them confirmed within 48 hours, they are arrested informally. There is no matter of release but the case has been done in the same way on behalf of them. They are not registered, but how many cases were confirmed? How many cases were released? These figures have come. Because of whose pressure, the government has released all? I do want to mean this because I declare that I also have made such arguments to the chief minister. I too have told Home Minister that when I felt that the arrest has been done in wrong manner, I too have said. I should inform that there are such cases in which because of my arguments, the chief minister has released the prisoners of PASA. But they are the cases of merit. One case was given to honourable minister. The case was given recently. In Ambaji, around Ambaji, original tribal people were living there. There were lands of Tribal people. There is an Act so that the lands of tribal people cannot be transferred to non-tribal people,

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Amendment in the act has been done. 73 (A), the amendment in which tribal person too cannot buy the land of tribal people. Such amendment has been done. It is natural that Ambaji is developing. By deceiving poor tribal people, in any way this people take the land. The same thing has happened. One worker was helping tribal people in such crimes. He was caught under PASA. I said that this worker had not gone to usurp land. He has done work as responsible social worker for giving back the land of the tribal people usurped by non-tribal people. He has not done any crime and by accepting my request, he was acquitted. Therefore, I am telling that such mistake happens. People are afraid of PASA. People use PASA. If person is taking woods from the forest, catch him under PASA. If one has to catch persons stealing in the education, catch them under PASA. Thus, it is not fair to use PASA on each and every occasion. If any Hindu boy falls in love with Muslim girl and they have run away from their home. They were caught under PASA. If boy and girl fall in love and they run away and if anybody helps them, he is arrested under PASA. His parents are caught under PASA. Thus, the weapon of PASA is very sharp but this is misuse of PASA. There may be other provision for this. Making use of PASA for these occasions do not seem acceptable and reasonable. PASA must not be used in this way.

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In these several cases, there is no definition of PASA and they do not fall under the definition of PASA and they do not come under the definition of the section of PASA. PASA is used in such cases too. It is my request to respected minister that such thing should not happen. When there is mistake of any Police Commissioner, there is mistake of any Collector and when such case of PASA comes before the government, there is suggestion to the government that this must be verified. Today such thing is happening. Government system is becoming weak. Officers themselves take decisions neutrally. Such officers do not take decisions today and it is the duty of those officers to take neutral decision. There was one chief secretary. He came after writing the notice against my wish and I did not display my wish and it was my expectation that he may come after writing in this way but he wrote against my expectation. This is to be cancelled. You should have taken positive approach in this matter. At that time, he said that he was chief secretary. He was coming from the system and that system was permanent system. He had come from the system and his duty was in the definition of the law, in the provisions of the policy and in the provisions of the law and it was my duty to point out. I was the government. I could overrule his notice. Honourable Chairman, after making overall, I ordered

on it and it was implemented promptly, but today the situations are not the same. And therefore, I want to give one warning that no party has gone in Supreme Court for interpretation in the Act of PASA. But if any party would have gone in the Supreme Court for the interpretation of this act done by this government, the court would have done the work to cancel the Act of PASA. There is no need to continue the act of which so much misuse is done.

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Though in half cases, they have been released innocent, it is said that there are seven cases. Therefore, this is fit in PASA. By saying this, one is sent to jail under PASA. In the same way, instructions are given to trap several persons in PASA that some person is to be sent under PASA. Therefore, make preplanning for it. And after that police makes preparation for it and after making preparation, the case of PASA is done and he is arrested after making the case. This is not appropriate in any way. Therefore, such cases happen in which government should take care. In the same way, it must be done for the person against which minimum one time punishment is done in the stand of gambling, there is no such purpose of saving the criminal in all other cases. My purpose is not such to give clean path to any criminal or to facilitate to escape. If he is criminal, PASA must be done against him. But if he is not really a defiant person and it is the quarrel of family and if any brother of his family or any of his family member says that my brother is defiant, in such cases, the government must examine the facts because the definition of defiant is different which is in really problem for the society. He is problem not only for small family, one-two or four families but also for the whole society. The use of the weapon of PASA should be done against such person. There is too much misuse of this act therefore it is my request to respected minister to avoid misuse of it.

Secondly, section 8 of animal protection act, 1954 is punishable. If any person makes slaughter of the cows improperly, and according to the figures given by the respected minister, the number of cows in the animals is reducing more and more, efforts should be done for its breeding and protection. There is no doubt in this fact.

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But several times, this is also misused which I want to say. For example, some persons are going with bullocks, they are going with bullocks with good purpose only. In my Vyara, there is cattle market. It means there is also cattle market in the market. There persons come from north Gujarat with bullocks. Some people come with buffaloes. They come with all these animals. And there is little custom of bringing cows in this way. But other buffalo for which tribal development corporation gives loan. Scheduled Caste Development Corporation gives



loan etc. All other corporations give loan for buying buffaloes. And this is because if there is one dairy animal in the home, supplementary income is created. In such situations, such animals are sold in auctions and this people sell by making such auction. Therefore, some factors have created to harass the persons going with animals on such places. Respected minister must stop them in the name of cow protection. Some persons with Bajrang Dal have come out which were not seen before. On some place, persons of Vishva Hindu Parishad have come out and on some places, persons of R.S. S. have come out. All these people are business doing people. All such persons do the work of harassment only. And such thing happens. I do not want to give name but there is one animal shelter home in which systematic business is done. Such persons put animals in shelter home after catching them and after one week animal shelter home declares that these animals died because of pandemic. There are not one or two animals. In the matter of goats, one thousand goats have died in one week. I do not want to defame anyone by giving name but you know the purpose of animal shelter home. You believe in mercy towards life. You are the protagonist of mercy towards life.

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Therefore, I say. Respected minister said that the purpose of this animal shelter home is to give shelter to worthless animals to which none is ready to take care of. Farmer too is not ready to take care of. Though farmers used them for years, when they become worthless, they are not ready to take care of them. They put them in animal shelter home. They leave them there. It is the work of mercy towards life to take care of them. They bring certificate in the name of animal shelter home and then argument is done that there were as many goats and out of them, as many have died and simultaneously their business is done. If respected minister wants to know, I will give the name of this animal shelter home, persons connected with it etc. all details. Personally I do not want to defame any animal shelter home because they are organizations working for good purposes. Therefore, I do not want to defame it. But when respected minister will ask for, I will give name and all details. And he get the inquiry done in his own way. In his own way, get the inquiry done by his officers. Police too is involved. The P. S. I. etc. there are too involved. We do not have any connection with those workers, they may be of Vishva Hindu Parishad, Bajrang Dal or R. S.S. but along with them, the local police there is too involved. And both together, by catching animals, send them to animal shelter home. This people make business of crores of rupees. By selling animals in the name of animal shelter home. If respected minister will get the inquiry done, I am confident that he will tell me that my information is true. I know his frankness. Therefore, he will tell me that the information given by me was true. And that's why I do not disclose its name. Therefore, no such misuse is done in it. Those persons are genuine who take the animals for genuine business. Recently, stables were made in Mehsana. Stables were made here for people of R.A. milk colony.

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They were keeping the animals here when they became worthless, stop giving milk. Ultimately, all these animal will go in truck or will go in such vehicle with permits which can be said with permit, who have permits that this is bullock, this is buffalo, this is calf which is sold by me. All such animals with permits are harassed on certain places. Stop this harassment. Recently, I had to say. Here, near Vadodara –Makarpura palace, genuine bullocks were going, there were workers of our market yard, their truck has been stopped. You are taking them in slaughter house. All persons do not take animals to slaughter house. All people do not do this business. But they look at some persons with beard and believe that they are taking them in slaughter house but all these trader people only can do such business. They do not do other business. Today animal shelter homes have increased. (Interruption) enthusiasm is only for this reason.. I said that the purpose must be pure. The purpose of breeding cow should be made pure but the purpose of obstructing anyone is not right. In your laughter, many times irritation comes because your laughter is not real. Your laughter is always in satire. Many times, one is irritated by your laughter. That's why I have to say this fact. Therefore, I do not oppose for the purpose of this amendment. I welcome it. Act, strict act must be made. Therefore, I do not oppose it but only request to stop misuse of it.

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Respected minister, by giving such guarantee and wherever it is necessary, we will get the attention drawn that this misuse has been done. On such occasion will have to remain ready for taking action against any powerful person. With these words, I welcome all the brought amendments and congratulate.

**Shree Gordhanbhai P. Zadafiya (Rakhiyal):** Respected Chairman, I support the bill for preventing anti-social activities brought by respected home minister for state. Since last several years, some problems in the society were prevailing because of not having certain acts. The leader of respected opposition party has given support and not only the members of house but whole Gujarat will agree with the central idea for bringing the whole bill because there are two types of anti-social crimes and in which particularly the persons playing gambling and the persons encouraging this evil from village to the city, at each and every place run their club and even many times, in the name of sports authority, the name written above suggests that there is sports club but also inside it, they systematically run the stand of gambling and since there is no strict provision in law, they are caught frequently and released frequently. And again another person starts that business. Therefore, there was need of such act and today such act is brought. The central idea behind it is the same. And in it, particularly when Bharatiya

Janta Party Government started one department also for service towards cows and their breeding, I have been in this legislative assembly for last five years

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and every time I was asking the same question what is the provision of punishment for such arrested persons? And on each time, I got reply that the action to be taken as per law has been taken, they were caught and were released on bail. Because of which the persons doing such activities were getting encouragement and since law was not so much strict, in the years I myself have caught one truck with three storeys full of cows and its family members having 70 calves. In which, 7 calves died too. But since there was no strict provision in law, that person was caught and released. The sense behind this act is such that our commitment, the commitment of Gujarat that nowhere in the land of Gujarat, the killing and slaughter of cows and its family is not done. I congratulate respected minister for commitments shown by the Government.

There are many provisions of law. Not to kill cows and for it, the act forbidding the killing of cow is in the whole country but in the whole country, the government of Bharatiya Janta Party has shown its commitment and on the land of Gujarat not a single cow or calf will be cut by the hands of butcher. When such assurance has been given, this people of Gujarat are doing daubing with the urine of cows in their houses in the villages from the ancient times and so much holiness that not from today but from the time of Krishna, the cows have been worshipped. And therefore, in true sense, this act of PASA has been brought against the persons doing slaughter of cows, doing slaughter of the family of cows.

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In coming days and several saints too have made many statements. In the past, on the parliament, saints also have to bear lathi charge. The saints and monks had gone only for the purpose so that the killing of cows could not be done in this country. Sacred Mahatma Gandhi too in her utterances, at the time of fight for freedom said that in this country restriction on cow killing must be implemented completely. And bringing this act in Gujarat we have proved that Gujarat is the only state where the act of restriction on killing of cows is completely implemented. And for anybody who will make plot to prevent or break it, there is no option except the rods of the jail. Such type message is behind this bill. Respected leader of opposition has also shown his worry that original feeling behind this is to save various organization, original sentiment of these organizations, saving cows and the family of cows. When system becomes weak or people do not have trust on system, organization does not like the person

thinking in such way. But now when big Jaina Associations will know that the law has been made of PASA for the punishment to the persons doing killing of cows, lacs of saints will give blessings to us. The organization has basic point of view that in this Gujarat and in the country, cows must not be cut. None must take law in his hand. But if attention is paid and inquiry is done, the improper work has been done as a citizen of Gujarat.

Simultaneously, by bringing this bill in this legislative assembly, it has also been shown that the law is not only for making penalty to anyone.

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It is not true that the main provision of law has been created for punishment. The law is brought because it is followed and the followers of the law and remaining people get relief by it. In the past too, we have seen that when the act of TADA was prevailing in the whole Hindustan, several persons were caught under it. This act too was opposed by the persons politically sat on authority position because persons are caught falsely in it and this act must be cancelled. The purpose of any act is for making discipline, following the law and for stopping anti-social activities and the activities making harm to the society. In which, my particular experience is of gambling.

Before, 5-7 years, once I came out and seen too many people sitting and I thought about it. At last I came to know that there is a club. Such type of activities were done in open, after giving frequent instructions, no result was got. Now we all have trust that the biggest provision has come in the assembly of Gujarat for gamblers and for persons getting them played and for the persons destroying many families. And the commitment of giving protection to cows and posterity of cows has been given by us before people in our session and in propaganda of Bharatiya Janta Party. Making commitment towards it, I support this bill and I request all members to support this bill come in the interest of the society. Be it so.

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**Chairman :** You did not inform how was the experience of gambling ?

**Shree gordhanbhai P. Zadafiya :** I came out in my area for propagation. The incidence of that time is worth to know. I was making propagation in the area in 1995 after making candidature first time. Almost 150 persons sat at one place. Round-round tables were arranged. After saying Namaste and expecting them as traders. Then I saw money lying there, cards were lying there and certain round pinwheel lying there. Then I guessed that that was a club and

immediately it was also closed. But in this way, they were running this business in open when I came first time in legislative assembly in 1995. Then it was stopped immediately.

**Chairman :** Did they give vote to you ?Next.

**(2-00 in the noon)**

**Shree Laxmansinha M. Parmar (Rajgarh):** Respected chairman, I have stood here to give my suggestion on the bill brought by respected minister, the bill (Amendment) for preventing Gujarat anti-social activities, 2000.

Respected Chairman, the purpose of this bill is very pure but there is doubt about the results of it. In it, in amended clause 1(B) of section 2, “the person running the stand of gambling” means any person who have been found guilty under punishable crime of

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Mumbai gambling restriction act, 1987, section 4 and within 3 years period of being found guilty in such way, he himself or as the member of the group or as the head commits punishable crime frequently or try to commit or help in committing it, we want to apply this act on such person.

**In the chairmanship of the Chairman (Dolatraya N. Desai):**

Respected Chairman, we already have gambling restriction act for preventing gambling. Whether these stands of gambling running in the area of any police station are running without the attention of those P. S. I. or P. I.? This act of gambling restriction act under which he can be punished, for which do these police officers not know? And yet these stands of gambling are running, then that man will run the stands of gambling without any fear. Respected minister I want to ask you that isn't there blessing of your department in it? Do you believe this? Whatever these stands of gambling are running, systematic instalments are taken from the persons running these stands. And because of such instalments, the persons running such stands, move without any fear and they do not fear anyone because they say in presence that he gives instalments to this people and he runs these stands by giving instalments. In this act, we want to bring such persons doing illegal business of liquor or running such stands. Then in any police station area, the stands of liquor run and they, like these stands of gambling, run without the sight of those police officers.

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Do not they know about it? They run frequently and in that matter do you think that police stations do not know about it? Do you believe that this is running without the knowledge of police stations? And the value of police station is decided on the base of how many stands of liquor run in the area of police station, at how many places the stands of gambling run? And the auction of P.I. or P.S.I going there is arranged on the base of this fact and in this way, his posting is done there. The officer posted there, systematically recovers instalments from these stands. Every police officer from P. I. to P.S.I., if he does not take these instalments and is pure, isn't he himself able to prevent these stands under present laws? Or is there need to bring this act of PASA? It means that he can prevent them. If police officer wishes to prevent them. But does he wish, is he prepared to make such wish? Since under that act of Bombay Provincial Act and under this gambling restriction act too he has got chance to earn money, this act came..That means by going tomorrow, P. S.I. will say I will arrest under PASA. The value of my instalments is higher. Does this anti-social activity stop by this act? I want to ask this. The purpose of all of us, the purpose of this assembly is to stop this activity. But this activity is going to stop. Respected minister say by standing that by this act, it will stop. Because of coming of this act, the price of the instalments of the police department is going to increase. And more or less, activities are going to run the same and is going to run on the same place. The grasp which our Police department and our home department has and on

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which this activity runs out of their sight and we are not able to take actions, then it is ok. But though it is under their sight, this activity runs and we cannot take actions against it, then how strictly you will be able to get the implementation of this act done? Have you any trust on this fact? I feel ashamed while saying this. This is shame that one act cannot get implemented. And in addition to this, another act has to be brought. Does the officer not implementing this act say that he cannot stop this activity under this act? That officer is able to stop it yet he does not get it stopped. And we impose another act. Then if under this act also, we cannot stop it, shall we bring other act in addition to it? This activity, anti-social activity runs in Gujarat, it runs on public road. Do the person sitting in this assembly hall not know where this stands of liquor are and where do they run in this Gandhinagar? If you demand liquor in legislative assembly, does liquor come, from where does it come? On the second minute, it will be available. The persons running these stands of liquor and the stands of gambling (interruption) I want to ask you respected members, say by putting hand on your chest that how many voters of yours have been got drunk? And you have been elected?

**Chairman :** Respected Laxmansinha, do not give direct reply to respected members.

**Shree Laxmansinha Parmar:** I say through you that we are also responsible in some places. We are the responsible, we are partner in this activity.

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I do not feel ashamed by saying this. Because at the time of election, we have become partner in this activity at some places. Any one person, any son of his mother say by raising his hand that I have not served liquor to any voter in election, at the time of election. (Interruption) -  
--- This is total hypocrisy.

**Chairman:** Please, please, Jayantibhai, please, respected members, please seat down all. Please. Respected member, please continue your speech.

**Shree Laxmansinha M. Parmar :** The talk which I am speaking in respect of this act is a bitter truth. This is a bitter truth and this is a bitter truth only. And if it is not truth, all need to search our mind. We make laws. We are protector the law. We are handling administration. All such persons have to search their heart. When this anti-social activity runs in any way with the blessings of home department, do you want to implement the act of PASA against the officers of that police station? Do you want to arrest the P. S. I. under PASA under the area of whose police station, the stand of liquor run and are caught? Do you want to arrest that P.I.? I want to say in public that please take surprise visit of any police station after evening, each and every police man will be caught drunk. (Interruption)

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The talk spoken by respected Udesinhabhai is very true. We too are witness of it. The anti-social activities prevailing today are required to be controlled. It is important to top them. In such situations, to make such act, how much benefit will be got by this act, I have full doubt in it. No result will come of this act. One such amendment done in this act is "cruel person", this "cruel person" is any such person who commits punishable offence under section 5 of Mumbai Animal Protection Act 154. Protection Act 154 is already prevailing and its section is also there under which no action can be taken. No criminals stop under it. There is no definition of that cruel person. Then how this cruel person is to be decided? There is no explanation of this fact in this act. Who is said "cruel person"? After coming of this act, if police want to fit any good person under it, Police can do this.

**Chairman:** Respected Laxmansinhabhai, please make suggestion.

**Shree Laxmansinha M. Parmar:** I am speaking very seriously on this bill. I do not want to make allegation on Government. I am presenting reality. No hurry will run on the discussion of this bill because I am presenting reality.

In my voting constituency, there is animal selling community of Vanzara. In our area Malvi bullocks which walk on hill are needed. They have to be brought from M. P. If they are brought by walking, they are robbed on Zalod and Dahod with bullocks by Bhil people. If they brought on truck, this act will become obstacle.

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Then this Vanzara community who sell this bullock to farmers will have to stop their business. Here talk is about the cow. He was speaking about bullock along with cow. Respected member Gordhanbhai was talking about it. I caught the truck of calves and it was going to slaughter house or those persons were going to sell those calves. While they are going with truck in which calves are filled two or three may also die. They bring animals for doing business, they bring cattle, they bring cattle, at that time, for the last two years, this [xxxx] has been creating harassment. The people of our area cannot bring them from Rajasthan and M. P.

**Point of Order**

**In respect of making Allegations against Organization**

**Shree Fakirbhai R. Vaghela :** Respected Chairman, Point of Order. I was hearing the discussion very peacefully. Respected leader of opposition was speaking, at that time also, he made a little reference. Yet I remained calm. But it is not fair in any way to make allegation on any organization frequently. And therefore the rules of Gujarat legislative assembly for it , in which rule -37 is very clear that if we want to make allegation on anyone, any person, procedure for the same must be done.

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[xxxx] These words were discarded from the report as per the order of respected chairman.

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This matter (Interruption) I am telling. I am speaking further. The important decisions of chairman in this matter, page-28. In which, without informing in advance to the chairman and the concerned minister, no allegations can be done on any organization. Respected chairman, if you say, I will read in detail. I put for your kind consideration and request your guidance in this regard.

**Shree Laxmansinha M. Parmar :** Respected Chairman, I have not made allegation on any person. I have not taken name of any person. Under the discussion being done by me, I also know the rules of that discussion. Fakirbhai, I am running under the limitation of rule.



**Shree Fakirbhai R. Vaghela :** I will have to put a little detail. Because on the date 30 – 06 – 1972, when this point came under discussion and at that time, the decision which was given by respected chairman Raghavjibhai Leuva that respected member makes allegations on several organizations. I was looking rather carefully. In our rule-37, it has been shown that “No allegation of a defamatory or incriminatory nature shall be made by a member against any person.” Then this word person which has been used that person has been used as its individual or it has been used as general term. This is rather thinkable question. Because when allegation is done on any person, the minister and chairman must be informed and while making allegation on any organization, one should not inform. I think this is not good meaning of it. Because in respect of behaviour of any organization, when occasion comes to give answer by respected minister,

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Shree Shantilal P. Patel: Respected Chairman, after their discussion and preparing their report, at present, they are kept under your working attention. Respected Chairman, please listen my speech. It is such when para comes to P.A.C. and then Information is sought form the department for question-answer. During which long time passes in it and section or department has to do English and Gujarati. And also because of passing too much time in it, delay happens. Occasional instructions too are given in this regard but ...

**Chairman Sir:** There is very clear fact in it that I have made suggestion here and I have to make suggestion again because the question has been raised today that you and respected finance minister find any way of it by sitting together because after five or six years, its report does not come in this house then what is the meaning of it. Today, the report of 1980-81 was presented in the house. What is the meaning of that report? Against whom you are going to take actions? What else can be done in this? Please find any way.

The demand of additional expenditure of the year 1976-77 and 1977-78 serial no. 40, 43, 49, 65, 66, 3, 37, 38, 47, 68, 27, 26, 54, 59, 62, 64, 73, 75, 77, 53, 57, 64, 44, 62, 63, 69, 66, 67, 70, 71, 72, 6, 8, 9, 11, 14, 11, 36, 30, 51, 51, 33, 35, 38, 33 and 34 were put for opinion and were approved.

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Gujarat Bill of the year 1986 serial no. 64, Bill for preventing Gujarat anti-social activities (Amendment), 1986, Bill for amending the act of 1985, Prevention of anti-social activities in Gujarat.

**Shree Amarsinha B.Chaudhri (Chief Minister)** : Respected Chairman Sir, I admit the bill of the year 1986 published ago in gazette, serial no. 64, the amendment bill for preventing anti-social activities in Gujarat with your permission.

**Chairman** : The Bill is admitted.

**Shree Amarsinha B.Chaudhri (Chief Minister)** : Respected Chairman Sir, I submit proposal that the first reading of the bill serial no. 64 of the year 1986, the amendment bill for preventing anti-social activities in Gujarat may be done.

The proposal was submitted.

The bill has been published in gazette of Gujarat on 13<sup>th</sup> date of August month of the year 1986.

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**Shree Amarsinha B.Chaudhri (Chief Minister)** : Respected Chairman Sir, after passing this bill in the year 1985, in the period of last one year, the experiences got by the state government, on the base of which it has to bring this amendment.

Respected Chairman Sir, I am giving only one example, during the whole year, almost 789 criminals were arrested and out of which almost 55 criminals are facing imprisonment under this crime. Remaining all the criminals have been released by the board because of one or other reasons or by making appeal in high court. The definition of criminal which has been made was right at the time of beginning when bill was submitted. But the leaders of Opposition party and other leaders felt that several provisions should be done by sitting together and state government thought it proper to sit with them. When decision was taken by sitting together, one such argument came that under the definition of dangerous person, the person continuously doing crimes from three years should be considered. Defiant person commits crimes continuously for three years but no one gives witness or evidences, and one cannot find them too and if he is caught, because of or another reason, due to loopholes, he escapes.

Second amendment is to delete the word continuously three years. In advisory board, Indian government has given instructions to all the states that there must not be inferior judge than the rank of high court judge. Chairman must be the judge of high court, city retired judge. Such instruction was given to all states. I have brought this amendment.

Third amendment is the amendment of giving detailed definition in respect of drugs and narcotics which was left ago.

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I have come before assembly house by bringing these three amendments. I request respected members of the assembly house that if the peaceful environment which is today in Gujarat, is to be maintained, if better environment is to be established in Gujarat, whatever persons do such crimes, must be arrested. These amendments are in the interest of the whole Gujarat. Therefore, I request all the members to accept these amendments and to pass them.

**Shree Keshubhai S. Patel:** Point of Information, I want to know a little information from the Chief Minister. 789 criminals were arrested, 95 were punished then what were the reasons for them. If it is cleared then there may be spent less time of assembly house in the discussion.

**Shree Amarsinha B. Chaudhri:** Most of were technical reasons. Definition: The provision of defiant persons which is there, in which crimes must be registered on the record continuously for three years. But crimes are not recorded continuous for three years. In most of cases these are the reasons.

**Shree Chimanbhai Patel (Unjha):** Respected Chairman, the bill which is brought by respected Chief Minister, when that bill came in this assembly house, we hoped that in Gujarat State, the persons doing anti-social activities will be taken under control.

**Shree Amarsinha B. Chaudhri :** The figure which I gave, in which 867 criminals were arrested out of which the cases of 71 persons have become confirmed in all manner.

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**Shree Chimanbhai Patel :** I want to say the fact which Chief Minister said right now that this fact was discussed with the same purpose that ultimately law and system is the responsibility of state government and government performs its duty in maintaining law and order and for which government cannot escape. Because to protect lives is the primary responsibility of the government. At that time, it was said that there are several obstacles in performing duty. If those obstacles are interrupting fairly and if government wishes, for maintaining the good condition of law and order, my response was such that if there are obstacles in reality and if government wants to remove them, it should be given co-operation. The Government suggested that we want to control the persons doing anti-social activities. According to their opinion, the format which is there in current format is incomplete. Therefore, by making additional provisions, they should be given authority. So that we can control those persons. We too replied positively because of such intention of government. At that time our concept was such that it

was not adequate by current law. Therefore, there is need of amending the law. But how can this law be implemented? Chief Minister said that arrest can be done of the criminals who are criminal for continuous three years. Such is the provision in the law. Then, is criminal arrested according to such provision? Is such law implemented according to such provision? On the base of information which I have, I should say clearly that the persons who are doing hooliganism for continuous three year, doing anti-social activities, they have not been caught. But the person who are not favourable for local police, are arrested in any way by putting in the framework of this law.

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Right now, the figures given by the Chief Minister are eye opening figures. He said that 700 persons have been arrested. Out of which the case of 71 persons could stand before board. Other cases could not stand. Then I want to ask the Chief Minister if there were only technical reasons. There are many reasons also in addition to technical reasons. The police has to do its work clear. The person against whom, no case has been registered whole life, such person, with collusion of local police and persons doing anti-social activities is arrested. It is the fact that I want to say the Chief Minister that the person who has continuously done criminal activities may not be arrested but the person who has not done a single crime in last three years, his name is not there in polis chowky, but this is done with collusion of local police and persons doing anti-social activities. On that occasion, if any worker interrupts, how fair it is to arrest him under hooliganism act, under N.S.A. I want to know this fact from the Chief Minister. I want to inform the Chief Minister that there was a case of Padra. In which, till today, no case has been registered against him in police chowky. He was put under hooliganism act. Except this, the case of Nadiyad of Shree Dave, in which I want to draw attention of the Chief Minister that this person has not become obstacle in the work police but he stood against the collusion of police and the persons doing anti-social activities. Therefore he was arrested for the incidences happened recently in Nadiyad. It is said for the Parliament of England that In the Parliament of England the legislate of any Act and any matter. They make laws, unmake laws. They cannot make a man a woman or a woman a man.

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It cannot make a woman a man or cannot make a man a woman. Except this, all acts can be made in the Parliament of England. In the same way, police department too does anything. I say very seriously that in the root of this anti-social act, there are obstacles of these two-four things. I completely support this bill. But simultaneously I want to draw attention of the Chief Minister on the fact how the operation of the law is done. The local persons who are suitable

are put separate, they are protected and who the persons who are against, are sent to custody. Do you want to stop this condition or not? I want to present this ideal case of Niranjana Dave. This inquiry was done, obstacles were created when he rebelled against anti-social activities, the judge there also remarked, the bar association of Nadiyad went on strike that this is the deed of police is not appropriate. There happened riots again in Nadiyad, communal riots happened then take actions against them. Do not hesitate to take actions. Ultimately if communal ructions happen, the people living in society may not remain safe. Innocent people are killed. When such incidences happen, it is not fair that the state government sit as a spectator. Therefore, we insist that you must take actions. But when we draw attention in respect of such reasonable complaints, such thing should not happen that on one side you are talking about taking actions and on the other side when the person is arrested, you talk about releasing him. When we go for presentation before respected minister, we too do the primary checking of the details come before us whether this case is worth the attention of the government or not.

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Therefore, we check the seriousness of it in advance. And then if we get prima facie assurance that though the intention of the government is so much good, this action is not taken properly at local level, we draw the attention of the government. For seven days, this man was in Mumbai, he did the business of transportation and on the day when he reached home after coming down on railway station, he was arrested. When he was not present in Nadiyad, how he was connected with the riots. It is my humble request to the Chief Minister, it is not important whether they release Niranjana Dave or not, but do you want to control the persons making such fake work, If you will not show the fear of any punishable action against such persons making such false harassment, the settlement of accounts will be continuously done at local level. This is not fair, if the matter of preventing anti-social activities by hooliganism act, arrest such person who has done crimes for three years continuously. Among 700 persons who have been arrested, there is not such reality that the arrests have been done of the persons who have continuously done crime for three years. These cases cannot stand before the board because police do not have any positive evidences for them. The only evidence is the fancy of mind that he is not favourable then put him inside the custody. I shall do another request to the Chief Minister to get the study done of 700 persons to whom authority has to release. Because of which reasons police arrested them? This is government appointed board. It is judiciary type. I accept this. If it also do not accept the argument of the government, the government should think that 700-800 persons were arrested and board approves only 71 persons, its reflection happens on the working of the government. Therefore, this matter should be checked in that context.

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In the end, the fact brought by the Chief Minister and in which there is matter of creation of a board. I have said many times that these all boards are of judiciary type. Though the government appoints in it, it keeps one thing in all acts. One response in routine of the government is such that they do not find men and since men are not found, the government always takes liberty to appoint the persons having eligibility of the judge of high court. I think that this liberty is not right. I always think such that when the government appoints, the persons taking patronage have attitude in favour of the government. The persons who are not qualified in the sense of experience and qualification, such persons always give judgement by keeping eye in favour of the government. And in spite of this fact, if 700 cases are rejected by the board, one should go through the working of the police department.

This board will be made of one chairman and other two members who must be judge of any court or must have been the judge of any court. There is no objection till this limit. But further it has been said that they must be having the eligibility of the appointment of the judge of high court. I want such assurance from respected chief Minister that in respect of the eligible persons having appropriate eligibility to whom government want to appoint or appoint, Gujarat government will not keep any consideration that they are appointed in return of their sympathy for the party.

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I want such assurance from respected chief minister. I want this much guarantee. Today this party is on the power, tomorrow other party will be in power. If such approach is adopted that the party which is in power, select the persons of its choice, the responsibility which we assign to this board will not be discharged effectively and it cannot give justice. This is my humble request to the Chief Minister that as far as they are available, they must remain available. Till this limit, keep the appointment limited. And if situation arises that they are not available, and it becomes necessary to take, no such recruitment should be done on the base of party.

Along with these words, I expect that government should review the matter of implementation of this law and after making review, the persons who are arrested falsely, the police officers who have arrested the persons falsely, must be given warning in respect of such work done till this date and if now onwards make such arrests, the actions should be taken against them. How we did in Lokpal bill, the same thing should be done in this also. In Lokpal bill we have said that no fake complaint must be done. My request is such that for harassing unfairly or considering local unsuitability, arrest should not be done and the officer who is doing such activities, must be kept under control.

Shree Suresh Chandra R. Mehta (Mandvi) : Respected Chairman, the role which was given by respected chief minister that original definition was right. But when sitting was arranged with the leaders of opposition party and the definition was amended and because of which such difficulty has come. Such sense comes out from this.

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I want to say that by removing continuous three years, in reality we will achieve something in definite situations, if there is such thinking, it is not right. One can also say on three amendments. We expressed one risk on that time also and express today also. Within ten years, when the crime of physical scuffle is registered and by bringing under it, however in reality, no crime is registered, yet as respected leader of the opposition party said, they take to such persons who are only workers and then it is natural that such case is dismissed in high court. As far as the framework of law is concerned, if crime has been registered for any deed done before ten years and if in such condition, if one wants to catch that person, then he can be caught. For keeping such vast provisions in this bill, in the definition that the criminal is a dangerous person, continuous three years was expressed because it was important to restrict it. It was important to see whether he is continuously dangerous person or not. Here the meaning of the word continuous was made as more than one. If any two occasions before ten years are taken, that person will fall under that definition. So that if political vindication is to be done of it, it can be done. By bringing these three amendments together, the effect which is created is of such type. It was said that the permission of high court is not got for board. And therefore, person eligible to be appointed in high court can come in that board. I cannot understand that what is the difficulty in getting retired district judge?

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If such amendment would have been brought that person should be of retired district judge level. Any advocate of high court may be doing legal practice and may have eligibility as high court judge, such is political living. He has political thinking. Such risk is lying in it. Therefore, nevertheless respected minister may accept as much amendment of retired district judge, I feel that remaining purposed will be achieved in it.

Third, the definition of drugs criminal which we want to amend in which to be found guilty and only violate crime, there is need of thinking distinction between these two aspects. If person violate the law, criminal actions can be taken against that person and if criminal action can be taken then violation of law has been made in that condition, therefore, take him under it. If that can be taken in adequate provisions of the law, it should not be brought in it. That situation should be thought. I want to make these suggestions only.

**Shree Dhirubhai T. Patel (Kundla) :** The chief minister has come today with amendment, the definition of fear which has been given in it, in which I want to say that the person doing anti-social activities today in Saurashtra, no Pancha, evidences, witnesses or any person can come against him. Then, such person against whom none can come should be considered as dangerous person. Only as much is my suggestion.

**Shree Karamshibhai K. Makvana (Chotila) :** Respected chairman, respected chief minister, has come here with the bill of prevention of Gujarat anti-social activities (Amendment) serial no. 64 of the year 1986.

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I support it. I support it because in the year 1985, Gujarat anti-social activities prevention act was brought in this legislative assembly and after making discussion and after passing it, the experience got by the persons of the public life and the government is not comfortable. I personally know that because of the use of continuous three years in it, the government had to be in helpless condition because we cannot give such liberty to ruffians or the persons doing anti-social activities, any person he may do crimes continuously for three years and the state government keeps continuously looking them. Therefore, by meeting Amarsinhbhai, I said that this amendment must be brought as early as possible. If this amendment is not admitted, there is no difference between previous condition and today's condition.

Respected Manubhai Kotadiya knows, the legislators of Amreli know, the legislators who come from villages know how anti-social activities are run in villages. For which I want to give here one example, in Nohli, recently there happened scuffle at one place and deadly beating (at 2-00 in the noon) was given to four farmers in it. The police could not find evidences in it because environment of danger was created such and because of which the police could not find evidences. In such circumstances and in such reasons, the government gets much authority and it is important and I welcome this.

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But along with it, it is important to keep provision of retired judge in the provision which has been done of creating board in section -3 and sub-section -2. In it, there is talk of running judge of the high court which is not right. Because he does not have time. If in place of it, we could use retired judge, I think he will be able to give his/her full time in it.

I want to draw attention of the state government also to another thing that many times this board releases the persons doing anti-social activities. This policy of the board does not seem appropriate. Therefore, I think that the members which are there are not appropriate and change should be made in it and I want to make one such suggestion also that one representative also



of the person serving in public life may be placed in it. Because public does not know anything and because of which the persons doing such anti-social activities get encouragement. (Interruption) However, this suggestion is not liked by Shree Manubhai Kotadiya therefore I will not suggest it. However, Manubhai has experience of current situation of the villages and I also have its experience. Therefore, I welcome this amendment which has been brought.

**Shree Ashabhai D. Baraiya (Petlad) :**

Respected Chairman, I give my support to the amendment brought by respected Chief Minister.

The question in this is that police too is ultimately human being and because of this, in this hooliganism act, police too has been included. When action is to be taken against the police against this hooliganism act, what arrangements have been made for it, this too will be informed by respected chief minister.

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**Shree Manubhai Kotadiya (Dhari) :** Respected Chairman, for controlling spoiled situation of law and order in previous years in Gujarat, the situation could not be improved by other prevailing laws and because of which there was demand of numerous persons in Gujarat that there should be such law because of which people can feel feeling of safety. The government could take decision of such type and brought this act, but expectation kept in respect of this act proved deceptive. As far as Saurashtra is concerned, hooliganism became uncontrolled and particularly in the last years when Amarsinhbhai became Chief Minister and he took care of home department also, yet no improvement could be brought in it. There were aspects of prevention given in it and there were several loopholes in it and the government made decision to solve those loopholes and this bill has been brought. I welcome the action taken for solving these loopholes. There are such persons who harass public since 5-10 years and police also knows their names. But no complaint can be done against them or cannot be get written against them and because of which this act could not be used against them. Feeling which the government has in this regard is reasonable and I also wish that this loophole may be resolved. But in this matter, I, bay sending note and particularly I want to draw attention of the Chief Minister in this matter that at present, the persons who have been caught and after their arrest, the case which are against them, those cases come to the government within seven or 12 days and after confirming them, the government send them to the board.

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The board make their final confirmation. Such arrested criminals are given the copies of statements and documents, for which there is no provision in the law, yet those copies are given. First we said to the people such that they should give statements that that criminal harassed them. If you give statement in this, none can know about it. None can know. Therefore, people gave statements and statements with original copies having signatures are

given to the criminals for their defence. Those copies are Xerox copies with original signatures. The result was such that that person releases because in it, the principle of our justice that 99 criminal may escape, but no innocent person should not be punished. With this attitude, the process of confirmation which is done, because of which, these real bootlegger or violent persons who are disgrace for the society, such persons are released and after twenty or twenty five days, they come again and stand and say that since you have given statement, I have to suffer expense of rupees one thousand, give me one thousand rupees, give me five thousand rupees. Such situation is created. And because of such situation it is not possible to arrest such persons. We did too much hard work that this person harasses public, rapes on sisters and daughters, usurps the lands. Therefore, there is need to arrest such persons. Police officers say what can they do? There is no complaint against him.

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Therefore, this is loophole. Though there is no provision in law, there is need to remove this procedure of giving copy of statement. I think that in the cases of experiment also which we do, we do not give such copy of statement then why is it given in this? This has become big question and because which the purpose of it has not been achieved. Therefore, many other such loopholes are needed to be resolved. Respected Chief Minister who declares frequently that they want to create the situation in which the persons in the Gujarat who earn by their sweat can enjoy their earnings peacefully. In this process, there is permanent co-operation of ours but honour of sisters and daughters must be remained safe, money of people must remain safe. Injustice which happens in creating such situation and if whatever such is not controlled, there is need to make this act effective. Because of which we can bring control on the condition. Once again I request to stop political use of it which is prevalent at present.

Shree Ashok Bhatta (Khadiya) : Respected Chief Minister, with feeling of creating fear among the persons doing anti-social activities in the state and once again golden sun of safety may rise in the state, this amendment has been brought . Therefore, I welcome it. When he has come with such amendment, is humbly requested to the Chief Minister when he reviews the situation, conclude, do not do this work by wearing political goggles. Because whatever insecurity is created in the state, you fail to recognize the factors behind it and considering that failure, you consider others as responsible because of which such condition is created today anti-social elements bravely, by coming near Panigate in Vadodara, in white car, openly make firing and then run away.

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In Saraspur area of Ahmedabad city, youngsters come from Kolkata, youngsters come from Thailand after taking training of Karate, come by bringing bomb. They can experiment it in Gondal and again they try to spread terrorism in Ahmedabad. This government and police department of the state fail in finding their track and the factors behind it. This government has never used this hooliganism act against them. The chief Minister of the state should declare

this fact. Out of those more than 800 anti-social elements who were arrested in last one year, how many were the persons bringing foreign weapons ? Then you will know because whenever I ask question that were the persons importing foreign weapons and other weapons arrested under hooliganism act? The government openly refuses for that and reply that they have not been caught because actions against them have been taken under weapons act. Such replies have been received by me in non-starred lists. That means that in this country, persons importing foreign weapons are safe, terrorists are safe, persons making riots are safe, financial criminals are safe. In 1985, at the time of Chaudhri Government, when I discussed this act, I also said that white anti-social elements too must not remain safe. They too must be arrested under this act. I gave its evidences, the biggest, white, notorious financial criminal in Gujarat who by starting one financial firm, usurped the amount of around rupees 80 crores of the public.

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The high level officer of C. I. D. Department of the state has made its inquiry. His photos were with last Chief Minister. Isn't this law used against him? The trapped people of this type have demanded for the same, many such poor mothers have written letters to you. After making that inquiry too, today he can come out independently. What are the reasons for this? Which type of coalition is this? Even the last chief minister has photos with him. We believe that you do not have any coalition. With what holy or unholy obligations, this connection was made? What are the reasons because of which reasons actions are not taken. We believe that actions should be taken. The government should take actions. But today government has come with small amendment. The government said that these all were released because last time in the legislative assembly, several members suggested that he should be criminal continuously for three years. And the government accepted that suggestion. Therefore, anti-social elements have remained out. This fact is not completely reliable. I do not know how much truth is there in that fact. But the fact is that the police department of the state do not arrest the person to whom they should arrest. Therefore, the situation has become such that recently in ahmedabad-sabarmati Jail, one Harijan prisoner has been caught and brought from Amreli district and he is the prisoner caught under PASA. I do not know the detail under which crime, has he been arrested? But he has to do suicide in the jail because he said that the police of Amreli harasses, whenever I goes there, they demand bribe and therefore he did suicide with blade.

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The type of selection which is done for the prisoners of PASA, the details of which have been given by respected leader of opposition party. Today, the persons selling liquor are safe in the state. Make the list of the sellers of foreign wine and look in it, how many out of them were caught under PASA. Most of the persons serving at those sellers of wine have been arrested

under PASA, their names are decided, several escape and go away and this act has been made to catch bootleggers. The government may rather look in which area the sellers of liquor are caught. If we look at the last week, the cases of liquor drunker have been made in Astodiya Police Station, but not a single liquor seller is caught. Therefore, if you do not want to take under general law, the persons drinking liquor are caught when actions are not taken against sellers of liquor under narcotics, I want to say the chief minister such fact that today the situation is created such the persons making crimes can come out freely and independently, the persons doing crimes can wander, they are fearless. Why such situation is created? Because this government of Gujarat is weak. Anti-social elements have recognized it that this government is weak. Therefore, if anyone say such that in Ahmedabad city, we will take out Shobha Yatra on the day of Janmashtmi. We shall celebrate religion then this government scares because if the bomb may be exploded in it, if there may be riots in it, if anti-social elements will make riots in it and because of such fear, restriction is put on the pilgrimage of the religion.

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I think that such weak government was not even in the time of the British. I have not seen such scenes that in the state of the government, the leaders of the religion have to face beating. The heads of the religion are beaten. This government cannot catch even bomb throwers or shooters of gun. The government cannot make use of this hooliganism act against the persons making private gunshots. In Ahmedabad city, liquor sellers are not arrested. The papers prepared against anti-social elements are made weak. Please get a little inquiry done against this. Whether the papers prepared were prepared as per the provisions of the law or not? Whether papers were completed, whether proper care was taken, if you will derive conclusions from it, you will know whether police stations have made use of PASA or they have misused this act? When this act was framed, I said that the officers who misuse this act, must be punished.

We have passed one year in making definition of the crime. Yet we could not do it. Because of this, the criminals of drugs have become so much uncontrolled that heroin is sold in Mumbai or charas is caught, but that heroin or charas goes in other states from Gujarat itself. Gujarat has become its head quarter. Because of not being able to make definition of the crime of drugs, out of 871 persons who were jailed, we could not use this act against any person.

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This Chief Minister was himself home minister since this government has come in power. He could have caught on that day also. After this act was passed, there were incidences of laththa

in Gomtipur. This act was applied to the criminals. But laththa was sold as medicine under the label of false medicine. For this, it was informed to the Drugs Control system of Gujarat state by writing letter that they may use hooliganism act in it and against whom the persons who sell sexual drugs by making them, sell fake medicines, catch such persons. In Ahmedabad city, continuously three times, the names of the persons doing this activity were given. The names of the criminals of fake medicines were given. But I have to say with displeasure that either because of lack of provision of the law or because of any other reason, they are wandering independently and freely.

Therefore, also by keeping aside the rights given in original principles of individual freedom and democracy, I want to give this open cheque to this state government. This is because the Chief Minister of the state may take such actions. When there was Ribero, the actions he took in Ahmedabad city, at that time, your order was not in effect. He said clearly that you will fulfil your wish in respect of my transfer, do not say anything in respect of remaining matters.

**Shree Surendra Rajput :** Respected Chairman, point of order, it is alright till respected member speaks on the bill but frequently by addressing respected Chief Minister, your order was not followed, you do not want to do this, then is this matter fair for this house?

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**Shree Ashok Bhatta :** Respected Chairman, whether the order of the Chief Minister of the state is followed or not, I want to such fact.....

**Deputy Chairman :** Respected Ashokbhai ....

**Shree Ashok Bhatta :** I want to say as much as the question raised by this respected member ... I finish my statement fast.

**Deputy Chairman :** Respected Ashokbhai, in reality the fact is that you should finish now.

**Shree Ashok Bhatta :** If need arises, we will sit in evening also.

**Deputy Chairman:** Understanding has also been made with respected Keshubhai that this bill should be completed till recess. If need arises, 5-10 or 15 minutes can be allotted more but we should act in such a way so that it should be completed before recess.

**Shree Ashok Bhatta :** I shall finish promptly but the problem here is several member want me to speak longer. Out of them, one is Shree Surendra Rajput. When I said that the order of this Chief Minister is not followed, titillation happened to them and therefore, they stood up and when titillation happens, man itself stands up.

**Shree Surendra Rajput :** There is no fact of titillation but intention which he has that "His order is not followed, his order is not followed" by reiterating again and again, it is the matter of insulting anyone. What is running and were is running? If we want to go through the details of it, every member sitting here has his own area and every legislator is associated with his political workers and he has his own influence. Yet certain things happen there. On this matter, the facts are said on behalf of them and to those persons.

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**Deputy Chairman:** Respected Sureshbhai, you cannot talk in this way. Respected Ashokbhai, you can finish.

**Shree Ashok Bhatta :** Respected Chairman, I want to give blank cheque to this government because not to see whether its order is followed or not but to establish the rule of peace, anti-social elements in the state may fear from the government and anti-social elements may not dare to rise once again and to stop the pilgrimage of any religion. All persons in the state can sleep peacefully in the night. Such state may be established by the hands of this Chief Minister. Any anti-social elements which he thinks and if he wants to send them to jail, he can send them in the jail. He can take whatever actions which he has to take to control them. In this process, if any member of his party comes in between, he can show the courage of refusal once again which he showed that day. I finish my talk with such expectations.

**Shree Bholabhai C. Patel (Visnagar):** Respected Chairman, respected Chief Minister has come in this assembly house with amendment in anti social activity act, to which I give my support.

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**Shree Ashok Bhatta :** Today the condition is such that I am alone in the works of the non-members and there are 50 minutes. Mahashvetaben is not here therefore, that time of 50 is also to be got.

**Deputy Chairman :** Respected Chief Minister, I we take the time of 10-15 minutes, we can complete the work.

**Shree Ashok Bhatta :** All the members are interested. Therefore it should be done.  
(Interruption)

**Deputy Chairman:** Your interest has been finished. Respected Bholabhai, please continue.

**Shree Bholabhai C. Patel:** Respected chairman, I welcome this because society must run in healthy manner. Respected Chief Minister accepts this fact and therefore by making any law in this house, if anti-social elements can be controlled, they must be controlled. Today's condition is running such that the condition in villages which is after 40 years of independence, anti-social element is controlled in it. If this control is controlled by respected Chief Minister through this act, I think that this act which is framed will be considered appropriate.

Brother said that nobody is ready to give even evidences. Police too has nexus with anti-social elements and if anybody opposes against it, such persons too are arrested under this act. Such thing has happened in my area too during agitation. And that man has to be released within 44 days because there was no evidence. Therefore, use of such act may not be done in such manner and the police department by which this act is to be get implemented, all persons are not good in it also. Therefore, if they implement wrongly, they must be punished. Such implementation is to be done of this act. Such is my request.

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In village, agriculture is important business. If we want to promote agriculture further, farmers and labourers both should get protection. I believe this fact. It is not possible that farmers do farming for the whole day and go to protect their crops in the night. There are also different farms. Therefore, in different farms, they cannot go for protection. In such circumstance, there is note in the diary of the police of the person making theft and they have been punished also. Such persons get full freedom, therefore, by arresting such persons, if farmers will be protected, I think that the amendment brought in this act is fully welcomed by me and the members of this assembly house too will welcome it. Retired judge or the judge of high court in which if it will be brought to put in the committee to the persons up to district judge, the committee can take its decision promptly and in this way a good society will be made. I believe and hope such.

**Shree Manubhai Parmar :** Respected Chairman, till this bill is passed, I propose to extend the time of the recess of this assembly house.

**Deputy Chairman:** Does assembly house agree? (After a little time) The time of recess of assembly house is extended till the bill is passed.

**Shree Keshubhai S.Patel (Kalawad):** Respected Chairman, the purpose of the amendment brought by respected Chief Minister is good and it has been bought to remove the loss and problems in it.

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But when amendment was put, he said that the persons of opposition parties have got the amendment done. Thing he said this, but the decision which has been is joint. The Chief Minister knows this fact. I want to suggest as much to the Chief Minister that when act was made, we sat together, and there happens difficulty in implementation of that law and that difficulty is so much that 867 persons are arrested and out of them, state government is put under the situation of making procedure of only 71 persons under this act. Many problems arose in it, at that time when the bill of amendment was brought in this house, was not good happened if discussion was made again by sitting together with the persons of opposition party? Why was not such intention of the Chief Minister? He has not shown such intention and has left only by making reference. I say with displeasure whatever intention of respected Chief Minister may be but it is very weak. When we are try to make its implementation by sitting together, to put this in reference, at least I say as much fact to the chief minister to present the fact in the form in which the persons of opposition party are responsible which any person can

understand and it is fair. This amendment is one sided and It is important to see how many persons out of 867 persons and because of which reasons were released. Today, if we say that there is problem because of the limitation of three years, tomorrow other problems will arise, wasn't it important to make their review? Today you do not have facts that because of which reasons, they are released but if we pass bill in haste and then other problems arise, then what are the reasons of it? Reasons are that the arguments are done in board and in high court by which one can be easily released and when we close those loopholes, some other loopholes come out. It was important to make this act perfect and the chief minister has missed to do this. This is my own belief.

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Is there question today of making more acts? There are so many laws, there is no abundance of law, but the fact is to create trust of the public in the laws which have been made. If the act is for removal of hooliganism or if the act is only for removal of anti-social elements, it is not enough. In this state and in this country, many laws exist. The question is not to take over the power. The question is to create trust in public by making appropriate use of that power. Why evidences are not found? Because people do not have trust. People cannot come forward with courage. Are the people in public bad? Public has to say too much in respect of its implementation. This act is made by legislative assembly and its implementation is done by the government. When the government makes implementation, where loopholes have remained in respect of implementation of this act, what are the faults and what officers are responsible for them. Respected Chief Minister will say in this house that for the fault of implementation, responsibility of which police officer has been fixed? And what actions have been decided to take on him? Because almost 800 persons are released in so many cases and when there is fault in administrative system.

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This legislative assembly tries to make the law as powerful as possible but after making it, its implementation is to be got done. Because of lack of that implementation, because of like and dislike left in it and because of certain intentions in it, no public trust could be maintained in respect of any law. I shall say to respected Chief Minister that this act of removal of hooliganism is a sword having sharp edges on two sides. If nothing is happened by it, sentiment of mistrust may be created in public. After taking over such power, nothing can be done and if such type of fact will spread in public, it will create fear and today a few people are ready to come out, who will not be ready to become witness. When there is a matter of this act, I warn respected Chief Minister and administrative system.



Could the political misuse of this act, which has been done be stopped? I know that political misuse has been done and administrative system also believes such and remaining several people also believe such but there was not ability to prevent it. The state by doing any decision, goes before the board. When cases come before the state, the legs of state shake in taking decisions. It is not reasonable because state is one justice giving resource. If government cannot take decision though it is in and out of it, I do not want to place everything out, but state knows and respected Chief Minister also knows and home department also knows and yet is has been said in this house that political misuse of it will not be allowed. Yet political misuse of it has been made and I too have become victim of it (Interruption). Of the act of this type, in the act of this type, in which liberty of individual is deprived of. During the time of the year of 1974, In Navnirman movement, I too was arrested and was brought to the jail of Bhuj where the haughty prisoners in Gujarat are kept in jail and the charge was such (Interruption)

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This is the fact of administrative system. These are the example what is happening after giving authority. These are the things which are in existence. Therefore, I am telling that police takes such things and keeps them. That's why I make reference of it. Yesterday, an old man of 80 years has been arrested. The question has happened in such a way that now the limitation of three is discarded in the act and not only this but the persons who have read that rule also know that the persons who commits crime frequently, the definition of which is crime more than one time.

Respected Chairman, I agree with the fact that government may get power, it may make four year, five years, six years, seven years in place of three years but if an old man of 80 years commits minor crime before twenty years and commits a crime today, he is arrested. How much it is reasonable if so much unlimited powers are handed over to the police system and the government? I can understand if amendment is brought of four years, five years, six years, seven years in place of three years but an old man of 80 years is arrested for a small crime at present because of victimization of the past for making crime more than one time after 20 years. Then I am making mentions about what results will come if such unlimited authorities are given.

Respected Chairman, considering four-five things, if respected Chief Minister himself with much alertness and in this case, I think that in several matters, by keeping with opposition parties together with him, should definitely make review of this act continuously then any good element for the interest of public will come out from it. I myself think so.

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**Shree Amarsinha B. Chaudhri:** Respected Chairman, I have come before this assembly house by bringing amendment in the act generally which is known as hooliganism removal act. Respected members expressed their view in this regard. I should accept one fact that all respected members of this respected assembly house have given support to this amendment. I thank all respected members for that.

Respected Chairman, after this act came in effect, as I gave details in the beginning, the criminals were arrested in considerable quantity but because of certain technical reasons, several criminals were released. The difference will definitely happen in it because of it. But I want to give guarantee of this fact to respected Keshubhai that we do not want to include such persons in this act if any old person of 80 years who committed crime before 20 years and if he is arrested. What an old man of 80 years has done, I have these details what he is doing. We do not want to fall in this topic but I have full details of that old person. I shall talk about it if some time discussion will be made about it.

But in this act, I particularly want to say that as far as possible, we never want to make political use of it.

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Respected leader of opposition party made the mention of one fact which came to my knowledge. When matter came, and respected member Shree Dinshabhai also knows that several political workers have been arrested under this hooliganism removal act. The workers were released and the cases of those workers were not confirmed therefore whenever it came to know that they are political workers and political workers do not do hooliganism, the actions of such type have been taken but sometimes such thing also happens that under the name of political workers, such activities are also run that sometimes they became the member of some any party because when the campaign of member registration was running, by giving one rupee, by taking receipt of eight ana or four ana, by showing the receipt of party, they say that they are the member of certain party. This does not mean when they make any crime, such crime may be pressed under the name of any party. Such thing does not happen yet against reasonable political workers, such actions have not been taken during one year and in future too, actions will not be taken. But this amendment has been brought because one addition was made by sitting together for persons making such crimes frequently. There is no question of making charge on anyone. It was decided by sitting together that any person making such crime frequently or any person giving inspiration for making such crimes, for such persons if they are doing such activities for three years continuously, there is only provision of removing these words from it. But there also certain criminals who though they are doing such crimes, they are not recorded on the record of the police. Because of not giving evidences by the witnesses, then by such amendment, actions can be definitely taken against whatever such criminals.

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As far as the police of Gujarat are concerned, the respected leader of the opposition party compared it with the parliament of England. As far as the police of Gujarat are concerned, the police of Gujarat, whenever occasions have come, the Police of Gujarat has proved its worthiness. This does not mean that there is not merit or demerit in Gujarat Police. There are also several faults. Can we say that there is no fault in us and we are perfect? Whether it is police or any person doing work of public service, there may be any merit and demerit. Therefore this shortcoming will remain.

The second fact was also said that the advisory which is to be appointed, the fact also informed by respected Shree Sureshbhai Mehta, for which high court judges or qualified who be high court judge, such thing has been written. Respected leader of opposition party has also said that for being the judge of high court, for advocates or after practice of certain years, they get such eligibility and it is natural that such judges may affiliation with any party in more or less quantity and if such persons are appointed, it may have more or less effect. Therefore, as far as possible, while making that appointment, as much special care is will be taken district judge who has more than 10 years' service and after 10 years' service, district judge too qualify for becoming the judge of high court. As far as possible, only such persons will be appointed in it. There is no intention of state government to appoint any person from bar in this board because the work of the board is not permanent.

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That work is only for one day meeting when cases come before it. After that when they again go to their duty, there may naturally have different effect on it when they again go to their duty. But the Government of India too have given one instruction to the state government that such cases go for appeal in high court. Therefore, as far as possible, it will be more appropriate if the judge of high court is appointed in this board. No matter, they may be retired judges or the judges in service, such judges are appointed. Therefore, this fact will be taken care of completely.

Secondly it has also been said, specially respected Ashokbhai said. In any type of discussion, the fact which is in his mind comes out. It is his nature and I cannot change his nature. But one thing which respected Ashokbhai said that he wanted to give me blank cheque. The value of blank cheque or whole blank cheque book is then when there is balance in his account but when there is no balance in the account, it becomes only waste paper. He wants to give blank cheque so that permanent peace is maintained in Gujarat but have you ever seen peace in the account

of Ashokbhai. Till today I have never seen peace in the account of Ashokbhai therefore I do not accept his blank cheque because though I write in it, it will return and therefore if he is going to give me blank cheque, it is not acceptable to me for this reason.

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Respected Chairman, I am pleased because he has said to give support in several matters. No matter he has said about giving support but several suggestions given by him are worthy to welcome.

No definition was made in respect of criminal of drugs but now in this bill, the definition has been made. It does not mean that there are no other law for taking actions of drugs. There are other acts for taking actions and according to the law actions have also been taken against them.

The matter told by respected member Keshubhai is true. When any law we make, trust should be created about it in public and we should have respect about any law and therefore, if trust is created for it, it can be definitely followed. But such thing does not happen. Sometimes court or high court may give such ruling that we do not have trust in it. Put the matter of the law remains in side, the neutrality of the law interpreting organization which we have accepted, such organizations also gives sometimes such ruling that the fact told by the government for not doing certain act is right is reasonable instruction of the government, then also making one's own interpretation, whether such confidence is to be created or not? We have made effort to make such trust. We must understand one thing that persons making interpretation should make such effort so that trust of people may be established in law. I do not give example but the incidence of yesterday is such that in which several person did not have trust. They did not have trust in that interpretation. Respected Ashokbhai made mention of it therefore I have to say here that implementation of any law can be done only when we can create trust in it.

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I do not want to say much about this act but after this act came, Shree Manubhai said that it had proved failure and no change had happened because of it. But this fact is not true. After this act came, we could stop many activities. Difference has definitely happened in this which was also said by respected Shree Ashokbhai. He said that under this act, actions have been taken against liquor sellers, persons running the stands of the liquor or various liquor sellers. The figure which was given of 867, out of which actions have been taken against the most of persons who were involved in these activities.

Respected Keshubhai and respected leader of opposition party have also informed that several cases have released from the court or from the board. Therefore, their inquiry should be done because of which reasons they have been released. Then after making that accurate inquiry, if need will arise to make whatever amendment, actions will definitely be taken to make those amendments.

Respected Chairman, I want to assure this assembly house of one fact that the use of hooliganism removal act has not been done politically in the past or we do not want to use it in future. But the use of the act which was used at that time is still used today. It is also used on an old person of 80 years. Sometimes when putting forward any reason, if efforts are done to spoil the peace of state, the use of law will have to be done particularly. It will have to be done against any person whatever big he is. The government is forced to do this. In the interest of the state, the government should take actions so that peace can maintain in the state and it is the duty of the government. Therefore, whenever the use of the law is done, the government should remain prepared for it and should make use of it.

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### **Bhadrapada 6, 1908 Saka Samvanta**

Discussion and voting on demands of additional expenditures of the years 1976 -77 and 1977 -78.

Respected Ashokbhai asked whether actions are taken under this act against the persons bringing foreign weapons. It is said particularly pointing to certain places, certain directions. Wherever it seems that foreign weapons are brought, the actions have been taken. Respected Ashokbhai says by pointing at certain directions that I know, he also knows therefore I do not make much explanation of it.

This is my humble request that the amendment which is brought by me may be accepted.

**Shree Keshubhai S. Patel:** I take only one point from the speech of the Chief Minister. This review is still pending to be done – between 867 and 71. Therefore, after happening this review, still there is need to further in this problem, there is need of several things for its implementation. Therefore, does the Chief Minister agree to call meeting again for its review?

**Shree Amarsinha B. Chaudhri:** If need will arise to make review, we will sit together.

**Shree Ashok Bhatta:** Several people of Gujarat by writing letters, one banking firm had made fraud of rupees 80 crores with the public of Gujarat, do you want to use hooliganism act against such person? No matter in whichever direction the bombs and foreign weapons are, does the Chief Minister want to take the target against them?

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### **Bhadrapada 6, 1908 Saka Samvanta**

Discussion and voting on demands of additional expenditures of the years 1976 -77 and 1977 -78.

**Shree Amarsinha B. Chaudhri :** For bringing bombs etc., actions are taken under terrorist act. For foreign weapons, there is arms and ammunition act. If we talk about financial criminals, the actions have been taken in respect of them under criminal law.

**Shree Dhirubhai T. Patel:** In respect of this hooliganism act, the persons in villages who go for giving witness, evidences as pancha, they are given threats and are thrashed beaten by those persons. Then whether hooliganism act is used against them or not? Are such persons included in this act?

**Shree Bholabhai C. Patel:** Breeders by wandering continuously in the agriculture, make too much damage. Do you want to stop this activity by including such persons in this act?

**Shree Amarsinha B. Chaudhri :** There are many laws for preventing this activity. There are many provisions. Therefore, we do not want to make this problem so cheap that it may be implemented in all situations.

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28<sup>th</sup> August, 1986

Discussion and voting on demands of additional expenditures of the years 1976-77 and 1977-78.

The question was put for voting and was approved.

**Shree Amarsinha Chaudhri :** Respected Chairman, I am submitting proposal that the second reading of serial no. - 64 of the bill of the year 1986 may be done.

The question was put for voting and was approved.

Section 2 to 4, section – 1, became part of long noun and enacting formula bill.

**Shree Amarsinha B. Chaudhri :** Respected Chairman, I submit proposal that the third reading of the bill (amendment) in respect of preventing Gujarat anti-social activities of the year 1986 may be done and it may be passed.

The question was put for voting and was approved.

**Deputy Chairman:** Third reading of serial no. 64 of the bill of 1986 is done and it is passed.

(Recess: From 3.00 to 3.45 in the noon)

(Under the Chairmanship of Deputy Chairman)

Non-Governmental Bills.

### **Gujarat Bill of the Year 1986, Serial no. 25**

**Bill in respect of putting restriction on accepting donations for admission in Gujarat Educational Institutions, 1985**

**Bill in respect of making provision of putting restriction on accepting donation or premium forgiving admission to students in any educational institutions in the state.**

**ShreeAshok Bhatta(Khadiya) :** Respected Chairman, in Gujarat state and in the whole country, it is our misfortune that mother Sarasvati is bought by the sons of Laxmi. As the influence of black money increases, this activity too increases. Therefore, failure comes in putting control in all other areas but by entering in this education field, black money makes black also to overall educational activity. Therefore, it is important to put restriction on it. In comparison to other states, the condition here is a little better, of different type.

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\*This bill has been published on 27<sup>th</sup> January, 1986 in Gujarat Gazette Part -5.

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26<sup>th</sup> July, 1985

**Bill for preventing Anti-Social Activities Act**

**Shree Harisinha B. Mahida :** It is given up to the limit. Generally also without considering agricultural land, how much area of agricultural land the farmer has, ground rent is given for maximum eight acre land. However, this limit does not apply to the farmers of scheduled caste and scheduled tribe.

**(2) Grass Ground Rent:** Rs. 50 per animal for farmer but maximum Rs.400 per farmer. Non-farmers like, for breeders of animals etc., Rs. 50 per animal and Rs.2500 per family.

**Approved Bills**

**Secretary:** Respected Chairman, I seek permission to submit on the table of legislative assembly to the bill of the year 1985 serial no. 7 Gujarat Backward Class Development Corporation Bill of 1985 which has been passed by legislative assembly in the current session of the legislative assembly and for which approval has been received of the governor.

**Approved bill was presented on the table of Assembly House**

**Proposal disapproving ordinance serial no.-11**

**The Bill of the Year 1985 Serial no. 20**

**The bill in respect of Gujarat Anti-Social Activities Prevention Act of the Year 1985**

**(First reading one after another)**

**The bill in respect of making provision for making preventive arrest to prevent anti-social and dangerous activities which create obstacles in making public system safe such as activities of illegal liquor sellers, dangerous persons, drugs criminals, criminal doing unethical traders and land usurpers.**

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26<sup>th</sup> July, 1985**Bill for preventing Anti-Social Activities Act**

**Shree Bholabhai C. Patel: (One after another)** Respected Chairman, respected Chief Minister has come before us by bringing hooliganism removal act. On this occasion I have remained present to say this and to take part in this discussion. We accepted adult franchisee and also after 37 years, need has arisen to bring hooliganism removal act. This shows itself that kingdom of hooligans is running in this society and we have to remove these hooligans and therefore we have to bring this hooliganism removal act. I think that after bringing National Security Act and Preventive Detention Act, we brought the act of liquor restriction. Though there are all acts, why we have to bring this act? In reality, these laws are not implemented. There is nexus between criminal and implementing authority. Only because of this reason, we could not control these anti-social activities. And by making pretention that we want to control such activities by the use of this act and by this, in reality we are making effort to spoil the peace prevailing in the society. By use of this act, no person can live safely in Gujarat. This is my belief. Because it is shown in it, if even any circumstances are seen, he can be arrested. In relation to any person, if any person gets such guarantee that public order may be disturbed and it is important to stop him doing any deed in doing such manner. That person can be taken under arrest. Such type powers have been given to Police Commissioner and District Magistrates.

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**Sravana 4, 1907 Saka Samvanta****Bill for preventing Anti-Social Activities in Gujarat Act****[Shree Bholabhai C. Patel]**

If they think that any person is to be sent to jail, they can do this. Therefore, I do not think that this act will be used in good faith. And in my division, when one simple farmer's son was sent to jail under this act, before making this act. Terrorism is running in Kaman village of Visnagar Taluka. Between two communities, I have also given by written letter to the chief minister and I have drawn his attention that this is the son of the farmer who has not done any crime lastly. Before making this act, within 3 years, if such crime has been done, he can be arrested. Though there is such provision, there is no crime against him. If he has done any crime, has involved in scuffle, and in that scuffle, compromise has been done, if they have fought up to high court and compromise has been done, it can be called crime. He is sent to jail under this hooliganism act. But in the situation where his parents mourn. If this act is to be used, I think that this act may be misused. And if the use of this act is to be done for good purpose, I do not have any objection.

After independence of 37 years, the farmers of the villages are doing agricultural activities. They are doing in the day time and in the night they cannot sleep peacefully for protecting their crops and they come in battalion of 25-50 to rob the crop.



**Sravana 4, 1907 Saka Samvanta****Bill for preventing Anti-Social Activities in Gujarat Act****[Shree Bholabhai C. Patel]**

The government cannot control them. If this act is used for such work, I think that people will sleep peacefully. Any such obdurate criminals who have habit of making theft every day and who have habit of making robbery every day. They have not been covered under this act.

In this act, there is aspect of sending to pail to the persons making construction on illegal property. I want to say here that there is one land in Bhavanagar. It has been unauthorized sold. The government land is also situated in it. That Government land is known as Karvi Weed and one thousand acre land has been sold to one contractor. Construction of house is running on it and that contractor, without getting permission, betaking deposit of 3-3 persons on one plot, has continued the construction on that land. Though case has been done in the court on it, illegally, also by doing contempt of the court, the construction is running and also form from high court, be getting thousands of acres lands in the names of poor persons, permission has been got for construction. Yet such persons come out without any tension. This is displeasing. The ordinance which has been issued, if such persons would have been sent to jail under it, I think that this act has been used appropriately. But such thing has not happened.

The persons who are filtrating liquor illegally, illegally drinkers of liquor, any bottle...

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26<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat

**Shree Bholabhai C. Patel:**

If any person drinks liquor, this act is for that. If actions have not been taken under that act, how actions are taken under this action. I doubt that by this way, this act is to be misused.

Second thing is that the way in which people live in villages, they are not able to complaint. The persons who are ruffians, against whom evidences too cannot be given. And the person who files complaint by giving evidences, they are not safe on the next day. Therefore, if this act is used for such people, then it is appropriate. There is one village in Savarkundla. There is illegal possession of 100 Vigha land of village/pasture. There is Viridi Village and against the Sarpancha of that village, nobody is able to file complaint against him. And if anyone files complaint, he does not remain safe on the next day. In that village, he himself was tilling such 100 Vigha land illegally and if the farmers do not give rupees 5-10 thousand every year, they too are not safe there. If situations of such type have been created in Gujarat and if this act has been used for it, then it is appropriate. If such persons can create terrorism in our society under the protection of the members elected proudly in this assembly house in white clothes, in white collars, and is this act is used for them then it is right. (Interruption) No, the matter is not such. I said such that under the protection of the members come proudly and sitting in this assembly house, if such persons are making terrorism and nothing is done against them. My objection is against this.

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The Bill for preventing anti-social activities in Gujarat

**Shree Jayantibhai B. Kalariya :** Respected Chairman, point of order, it is not fair to say that under the pretention of this assembly house, any activity is running. Therefore, these words should be taken back.

**Shree Bholabhai C. Patel :** Sir, they are doing these activities under their shelter.

**Deputy Chairman :** Respected Bholabhai, first of all, please sit down. Point of order has come. From here, if any member is elected and under their protection, any activity is running, to say such is considered the insult of the members of this assembly house, of this assembly house. These words cannot be used. Therefore, please withdraw these words.

**Shree Bholabhai C. Patel :** I withdraw these words.

I was saying that in this way nothing is done to the people sitting in administrative party because this activity runs under their guidance but if ordinary man drank one bottle of liquor, because of which he is sent to jail. How fair is this?

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**\*These words were withdrawn.**

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Sravana 4, 1907 Saka Samvanta

The Bill for preventing anti-social activities in Gujarat

**[Shree Bholabhai C. Patel]**

If he has drunk one bottle of liquor, there is already the act of liquor. Therefore, if by all these acts, if we could not control such ruffians even after 37-38 years and when all this has been running under their guidance, the use of this act is to be done only in a political manner. As was said to the respected Chief Minister, if the children of such poor farmers are sent to jail under this hooliganism act, their men are mourning, there is no crime of theirs and in such circumstances, they should not be arrested. Such is my request to respected Chief Minister.

Further, this is not enough. In this Viridi village, if any person files complaint against them, against those persons which I said above, by calling him in the chora of panchayat, he is beaten with lashes. Therefore, it is fact that such situation has been created in Gujarat. No matter, the people of Saurashtra are not able to speak but this is true fact. The judges of that area may also know about this. Therefore, it is my request if this act is not there, there is already preventive detection act too and N.S. A. is also there. In spite of all these acts, if we cannot do anything against them and can do only under this hooliganism act and if peace can be established in Gujarat, I welcome this act but if it is to be used politically, it is not right. As far as I believe, even after passing this act, if we do not allow people to earn their bread peacefully or as I said ago that if we cannot arrest such people then I think that no use of this act is to be done. The persons who are in politics and persons who want to do some good to the society, only because such person cannot raise their head, such act will be used then I will say with too much displeasure. This act which is going to pass is very wrong thing and there is nothing unfair to say this.

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The Bill for preventing anti-social activities in Gujarat

Further, I want to say that for implementation of this act, inquiry is to be done by the Police Officers. In my area, I talked to D. S.P. Sir, that under which act this person has been sent to jail? He said me that you were agitating people on the day of Rath Yatra, therefore, you too will be sent to jail. I said that such talk has been made. Sir, such discussion has been made on telephone. When we were discussing for maintaining peace in the area, the action is taken under such excuses. The section which I have read and have got heard, under which can anyone raise agitation? Under that excuse also, anyone can be sent to jail.

The factories which are running, the goods that is loaded on the ports, on that ports, persons who are not doing any labour work and only collects royalty, does anyone think about such persons? They will be sent to jail by applying this act. Can government give such guarantee? If yes,

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## The Bill for preventing anti-social activities in Gujarat

Shree Bholabhai C. Patel :

If yes, then no matter this act is passed. Therefore, it is my request that by passing such act if the persons doing such anti-social activities in Gujarat are arrested and sent to jail and people get peaceful life, it be matter of much pleasure. But this does not happen. And I told you one occasion Sir, on the first day, by making use of this act, the poor persons in my area were arrested and sent to jail.

Going ahead than this, I want to say that the persons who are running these stands of gambling and are running worli matka, who are giving protection to them? Sir, today my question is that the Police department is running such stands and though after giving information to this Police Department, activities to keep on these stands are done. I gave this fact in our police station also yet still today those stands are running. These stands are running because they got money from them. I give one example that in Patan one honest officer came as D. S.P. in the years of 1981-82-82, when I passed from that area, I asked the people how is running here? After this new D.S.P. came, anti-social elements who were filtrating liquor and players of worli matka and torturing people in other ways, their torture has stopped. Sir, once again when I passed in that area after two months when I asked, they said that D.S.P. Sir has been transferred. Why brother, that happened? Sir, superior officer has come from top level and that higher officer said that start those instalments otherwise there is no safety of your service. This is true fact. I am saying this and because of this reasons that sincere and honest officer was transferred from there and that officer collecting instalments came there and once again instalments started there.

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## The Bill for preventing anti-social activities in Gujarat

Once again anti-social activities started. Therefore, the meaning of my speech is if officer is good, he can get done the true implementation of the law. Implementation is only to be done by the officers. I do not want to say that there are no good officers in the state. There are good officers in the state but they are not posted in such execution because they do not give collections of instalments. Therefore, in these 19 districts, if we post D.S.P. to whom one can say good officer, I think that this anti-social activities which we want to stop under this proposed act, in place of which we can stop them under the present acts. Such is my belief. As far as I believe when we have got such enthusiastic chief minister and when he want to remove anti-social elements, in those circumstances, he will definitely by finding such excellent officer, will post them in different districts. And as far as I believe he does not feel need of this new act and he will also feel that this act should be removed.

Further I want to say which type of terrorism is running in our area. That terrorism is running such that we gave information of one murder that sir, dead body is lying on this place and make inquiry of that dead body. Then police officer took possession of the dead body,

started inquiry and in inquiry till today no such information has been got that anyone has killed him. One person, of one community was murdered and in which by arresting the person of other community, police asked to give five thousand rupees and his name would not come. Otherwise his name will be kept.

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The Bill for preventing anti-social activities in Gujarat

**[Shree Bholabhai C. Patel]**

One Thakor of Salota village was murdered and his Patidar was caught because Thakor was doing job before two years at the place of Patidar. In such circumstances, if such inquiry is done and if police send innocent persons to the jail by taking bribe, as far as I think, the act in their hand is not for the safety of the people. Its implementation is not to be done in good manner and as a result of which people cannot sleep for ever in worry and in mental torture. Creation of such situation will be created if there are wrong officers. Therefore, it is my request that no matter this act is to be brought and it will definitely pass. In such circumstances, it is my request to respected Chief Minister that whatever anti-social activities are running in Gujarat, please give us guarantee that after bringing this act in effect, all these activities will be stopped. If this will happen, we will be very much pleased. Even after independence of 38 years, if farmers cannot sleep peacefully, when crop is prepared, it is cleared or robbed and he cannot take even harvest his crop peacefully, they cannot get return of their hard work, if such conditions are in the villages, then what should we say? And those anti-social elements are notorious. Their names are in police stations. Yet they are not arrested and they are given full freedom. I am unhappy about this fact.

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The Bill for preventing anti-social activities in Gujarat

**[Shree Bholabhai C. Patel]**

When murder is done, they go for protection and he is killed in the way. By creating such type of papers, such persons are not controlled which is not fair. We are unhappy because hooliganism is allowed to grow. If I say about the time before three years in Vadnagar Police Station, one incidence happened in Kaipur village. One Thakor women accidentally fell in the well. Her husband is doing business of tourism. By sitting in the police station, he himself also did not come to make inquiry. His wife fell in the well. When he got such information, by being together with police officers, he tortured on four young boys. (on ringing time indicating bell) there should not be time limit in it. This is bill and I want to say true fact, in this house....

**Deputy Chairman:** Discussion can be done and it is your right but agreement has also been done for completing this bill.

**Shree Bholabhai C. Patel:** I am speaking with that agreement.

**Deputy Chairman:** Continue in respect of it.

**Shree Bholabhai C. Patel:** I am talking about the reality which is running and it happens in this manner. (Interruption) I am giving example without taking name. Where have I given name? I am presenting the fact which is true and which has happened. Four young sons of this farmer were arrested and sent to jail. They have to remain in jail till two months and when I came to know about it, I gave application to D.S.P. and in its inquiry, those boys were released.

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The Bill for preventing anti-social activities in Gujarat

**[Shree Bholabhai C. Patel]**

Those boys were innocent. There was no crime against them, yet only for the purpose of snatching money, by framing charge of 302 against them, they were sent to jail and were kept in jail. If such hooliganism act is applied on such people, then is it right? But the persons who are doing wrong things and can make courage to file false complaint in police station, against such officer, what we want to do? And do we want to get this act implemented in the hands of such officers? Therefore, I want to say true fact. And if in this manner, this act is to get implemented by such officers, I think that the public of Gujarat is not safe and secure. It is my belief that in Gujarat, the rule of ruffians will once again prevail. General people are bottle drinkers but the filtration of liquor is under the protection of the police. And they get this done for illegal instalments. This is my statement. If police implement the law in right way, the ruffians have no such courage that they can refine liquor in that area or can play worli matka. In such situations, when this act is to be kept in the hands of such persons, the persons who are going to do wrong are going to do wrong in the implementation of this act also. And we cannot do anything against them. That is fact.

In the end, I want to say respected Chief Minister when he is bringing this act, we welcome it.

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The Bill for preventing anti-social activities in Gujarat

If you wish to remove anti-social activities, at present there are many acts for removing such anti-social activities. If we could not do anything under those present acts, how can we do under this act? I have doubt in it. If we can do, I shall be pleased. It is my request to you to take care of the fact that under this act, political persons and the persons drawing attention to the places where such anti-social activities are running, may not be arrested and sent to jail. I do not say further. You have kept limitation of the time. Otherwise, for this act, one can say as much as possible and in reality, this act itself is not proper. Such is my belief.

Shree Sureshchandra R. Mehta (Mandvi): Respected Chairman, I welcome this bill preventing anti-social activities with hesitation of my heart. There is hesitation because it is preventive law. Since this bill is not consistent with the original definition of constitution, basic sense freedom, this bill is restricting it. And when this bill is of the nature of restricting constitution, in the mind of any persons believing in the sense of constitution, freedom, there

do not have pleasure to welcome this bill. But this compulsion of situation and the need of the situation is such that we have no option except accepting it.

This is preventive bill. Therefore, it must be evaluated in that direction. Since being a preventive bill, it would have been as much suitable as we would have made its enactment with care.

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The Bill for preventing anti-social activities in Gujarat

**[Shree Sureshchandra R. Mehta]**

This has been frequently said in this assembly house that we have made many preventive clauses and yet they are becoming ineffective. As many preventive clauses are made, they become ineffective. What is the reason behind it? Isn't the reason only that they are not implemented. In my view, this is not only reason. But the crimes which change in changing scenario of the society, our enactment is not corresponding with it. We shall only confine one person for particular time in the jail. When those persons do anti-social crimes, we confined them in the jail for 6-12 months. But the contacts which they have and the other world which they have, remain continuous. They control their condition in the jail. After releasing from the jail, once again those persons can start their business. The important fact is such that we should make such changes in that enactment so that even after release, they cannot do their activities. Then what can we do in it? We can do this that there is dominance of money in the society. Today any prevention arrested under preventive law is accepted easily by the society after his release. It is because that person is financially rich. My suggestion is such that any person once established as anti-social person, when he is released, first of all, financial control should be brought on him. He should be made property less man and when he will become property less man, his acceptance will stop in the society. Our enactments which are enacted, we do not think of this type. It is very much important to think in this direction.

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**[Shree Sureshchandra R. Mehta]**

Second thought should be done such that once that person is released, his contacts are running. But can't we do such when once we can send him out of the district, we send him also out of the state and can send him on deportation? Once such person is established, his constitutional rights too are restricted. Then they must not be allowed to come in the state up to particular limit. And provision should be made in enactment to send outside of the state. If we do not make enactment in this direction, there will not be any benefits by only confining persons in the jail. We shall have to change legal concept also in that point of view. With

changing crimes, there is much need of changing legal enactment also. It would be better if respected Chief Minister would have thought in that direction.

I congratulate respected Chief Minister because without keeping any bias, with frankness of heart, for getting this act implemented, respected Chief Minister arranged meeting by sitting with all and in which without making any problem of reputation, when he showed readiness to make important changes, we should congratulate him. But along with this, I am going to warn him only that in such situations, he may do as many changes so that implementation of act can be done in better way. I do not want to say anything extra.

**Deputy Chairman:** Respected Ashokbhai how much time will you take?

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The Bill for preventing anti-social activities in Gujarat

**Shree Ashok Bhatta :** 10 Minutes

**Deputy Chairman:** Please finish in seven or eight minutes. Respected Chief Minister, how much time will you need?

**Shree Amarsinha B. Chaudhri:** Ten-fifteen minutes

**Shree Ashok Bhatta:** I am going to withdraw remaining amendments except one amendment. Because official amendment is coming therefore I am not to submit remaining amendments also. But I shall need my right of reply. Now it is such that the bill after it will not need discussion. Remaining four bills to which we shall complete till today evening.

**Shree Amarsinha B. Chaudhri:** There is possibility that we have to take fifth bill also. Therefore, in that bill also, time will not be spent more than half an hour. Therefore, it will be better if we take time as little as possible.

**Deputy Chairman:** Respected Dinsha, please finish in three minutes.

**Shree Dinsha Patel (Nadiyad):** Respected Chairman, anti-hooliganism act brought by respected Chief Minister to control anti-social activities, when discussion of compromise was made in respect of it, at that time also I was present and several amendments which have been suggested are worth to welcome.

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26<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat

**[Shree Dinsha Patel]**

Now second thing the person by whom it is to be got implemented, will they implement it? This is a reason of doubt in this because I myself have seen. I have seen in my own area in Nadiyad that my own workers who were strict supporters of Janata Party. Before arresting



them, it was said that they were arrested for stone attack. Therefore, they called me from the home and said me to come with them and they will be released after taking their reply within fifteen or twenty minutes. When I went there, police inspector in that police station got me sited in police station for two and a half hour and after getting me seated for as much time, he gave me reply. I said that two and a half hour passed. Now let me go. He said that now after completion of that case, another case of acid was filed. Again the case of acid was registered and told me to go home. They will be released from the court. On the next day, there was Sunday. The limit at which police made deceit is worth to see. In spite of my request, police inspector bound slate on their neck. After binding slate and writing names, their photos were taken. They were worn shackles, ropes were fastened and after fastening ropes, with five policemen, taking 15 policemen behind, they were taken to the home of the magistrate sir on Sunday. In the home, magistrate sir refused to give remand. There were no sufficient reasons. Therefore, they were again caught in the home. First time released because remand was not given. Magistrate commented on police how this will happen? How can you arrest them inside my home? Actions were taken against them. Therefore, the persons by whom its implementation is to get done, how will they implement this? I, myself cannot understand this fact.

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The Bill for preventing anti-social activities in Gujarat

**[Shree Dinsha Patel]**

If we go further the persons against whom legal actions were to be taken, when I told about this, they asked me to give names. Is record kept by member of legislative assembly? Who are such persons? Does member of legislative assembly keep such record? I too asked him that whether this is a responsibility of mine or of the police? Rupees 50 thousand has been taken from such persons. I have made complaint of such type. Therefore, respected chairman, the person who is to implement, how was he going to implement?

Then, the next fact. In fact, provision of money of such persons has been made in this. Instead of this, he takes money from people. Money on interest form people. It means they take fixed deposit. Past chief minister too has taken photos with such persons and on the base of those photos, several deposits have been got. After getting those deposits, scams of crores of rupees have happened. The money of public has gone in this way. After the money of public has gone, till today also they do not get their own money back. Then were the actions taken against such persons? No actions have been taken against such persons. I say the Chief Minister of today that you do not get trapped by taking photos in such matters. I read on the first day that among other brothers, the Chief Minister of today was standing and he took photo. Therefore, I said him that I have done that forecasting. I have read such. Chief Minister, you are young, therefore, you too today do not get trapped so that your image is not spoiled.

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**[Shree Dinsha Patel]**

Previous Chief Minister had taken photos and problem created. Therefore, please see that such thing does not happen.

The anti-social element for which discussion is being made, do not get too much encouragement and attention should be given to their side. It is responsibility of all of us and government also has this responsibility. But who is turning to that side? Who is turning to the business of liquor, worli matka and gambling? Young friends turn. Unemployed youngster who does not get any work or business, cannot find their livelihood. For years, whose names are in the office of employment and who do not get job. Such persons turn to this side. Therefore, such fact should be thought that they too get work.

Respected Chairman, secondly, by making passport, by saying fact of taking them abroad, we shall take you abroad, by making such talks, many people are doing business of cheating. Several persons have lost their money in it. In this method, son of one of my friend was trapped. He had lost his ten thousand rupees. Such thousand of and lacs of rupees have gone from Ahmedabad and from other places. I told for its inquiry what is happening that? Once such thing happened that 35 persons, by wearing garlands in honour with coconut, reached the railway station. They were said that there was certain number coach for them in Janta and seats had been allotted in it where only train could come and would leave from there. Therefore, make themselves present there. 35 persons with their family, by wearing garlands in honour and bringing coconut, reached there but there was nothing like coach but after taking rupees ten thousands from them, from 35 persons, by taking rupees thirty five lacs, that person ran away.

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**[Shree Dinsha Patel]**

Thus, there is no matter of taking actions against such person in it. The persons who are doing cheating in this way, by talking to bring in foreign countries, if actions are taken against them, I think that it will be considered true action. In fact, ruffians get much encouragement from this. And the persons who are innocent are still today punished and they are sent to jail. And the persons who do such business are in the public. Therefore, inquiry should be done of this that what is happening and what is to be implemented. Whether it has been implemented rightly or not? Therefore, respected chairman I want to say only as much thing in it that several suggestions have been shown in this, very important suggestions have been shown. Also in them, I asked why police have been given coincidentally limit of ten

days? But amendment has been done of seven days in this but why seven days too should be given to the police? When they have full information, it is the matter of checking the record of three years, if crime is to be registered against him after three years, what is the need of giving seven days? I say that his papers should be produced on the same day, then as much limit is increased of the police, as much freedom is given in it, as much is to be happened in it. Therefore, it is special request that chief minister should think in this matter.

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**[Shree Dinsha Patel]**

**(Under the Chairmanship of the Chairman)**

Respected Chairman, the matter of construction of the land is good matter. In fact, the amendment which has been made is a good matter. But the land which is of Government and of Municipality, on such lands, the constructions have been done, those constructions have been done illegally [2-00 in the Noon] cottages are built, one cottage is sold to another person and other cottage is sold to third person. Such type selling is also done. If decision is not done of this fact, the police will make misuse of it. At present, in most of case, there are small towns in the cities. In which there are government lands, waste lands, on such places, cottages are built, small houses have been build illegally. If its use may not be done also from tomorrow and enough care is also taken so that police may not misuse it, it is good thing. They are poor people, they have nothing. Such people are inhabitants there, they are residing on the edge of the road. I stop my speech with request of paying attention to the fact that such person may not be harmed and to consider this much fact.

Chairman : there is one limitation which has been accepted very clearly in working advisory committee. You are or aware of it. It is that this bill must be passed after recess. After saying to finish, I have seen that the members took 5-5 minutes instead of 1 minute. One member took almost half an hour. This happens every time.

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**[Chairman]**

If every member wants to say his own facts, this bill may not be completed though bill runs for seven days. (Interruption) Every person says one minute, one minute. Two o'clock has already happened. Then how it is completed (Interruption) Then there is no meaning of it. You should understand this. The members who sit in working advisory committee. They should give you instruction. It is their responsibility. Then they must understand. How will it run? (Interruption) Be minute, you say, such thing is spoken by every person. If you say alone, there is no problem. You say and there are also other persons? You are not alone, if you are alone, I do not have objection for two minutes. (Interruption) No person completes in

two minutes (Interruption) Respected Ashokbhai, you do not remain silent then there is no problem. (Interruption) Yes, it is ok. The party which has got an opportunity may not get another opportunity. It will be definitely given to the members of the party who have not got opportunity.

**Shree Karamshibhai K. Makvana (Chotila) :** Respected Chairman, I heartily support this bill which has been brought by Gujarat Government to prevent anti-social activities act. I support it because from sometime, in Gujarat and particularly in Saurashtra, the condition of law and order had become very serious. The life in villages had become peace less and unsafe. Therefore, people will get relief by the provisions made in this act, that is my belief and therefore, I support this bill.

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**[Shree Karamshibhai K. Makvana (Chotila)]**

But in this bill, no provision is made about too much damage being done by animal breeders in Saurashtra and Gujarat. I shall complete only in two or three minutes.

**Chairman:** Your points have come.

**Shree Karamshibhai K. Makvana :** Sir, Search the figures of ten years, how many cattle of the animal breeder have been confined in carriage. How many murders have been got done by animal breeders. Only in Mehsana, within two years, 1755 murders have been done. Therefore, I draw attention of the Government on this side and wish that if not at present, in future whenever the government finds it suitable, the huge attack which are done on the agriculture and the damage which has been caused to the nation, it is my request to pay attention to this fact.

**Shree Amratlal G. Agara (Morbi):** In the matter of my Morbi, I want to say that local people there are running anti-social activities by making nexus with police officers. 5-5 months have passed since I also have written in that matter. They in association with police officers, run the kilns of liquor. They run the stands of gambling and because of which I have been elected, I say this clearly. I have said before also respected minister. It is important that this activity must be stopped immediately and police officer is transferred. This activity runs even in open square. Gambling is played. At present also, they are playing.

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**[Shree Amratlal G. Agara]**

**Chairman:** Have you been elected because of it?

**Shree Amratlal G. Agara :** I do not want to continue it. Well, though I am not elected second time, if this anti-social activities will run continuously, this law and order will not run properly. I doubt that it will be managed if there is no police in Morbi. There are all people of Morbi. We too shall manage without the police. But if anti-social activities will run, all will be drunkards and gamblers only.

**Shree Prakashchandra K. Brahambhatta (Savli) :** Respected Chairman, in respect of this bill as much only can be said that after the independence of this country and particularly after politics in Gujarati, dearness has increased. It means that the prices of food grains, sugar, oil, ghee etc. have increased. And people want cheap. In the same way, the government kept sentiment of increase and ruffians increased in this state and this act has to be brought. This is misfortune of this state. Gandhiji may not sleep after going above. Such condition has been done of Gujarat by past government of five years. That is reality. There is police system of Gujarat. It has appropriately all ok sections of Indian Penal Code. By these sections, if they want to stop the business of liquor, they can stop it. This act is in the hands of Police Department.

**Chairman:** Please tell your suggestions. You do not know whether Gandhiji can sleep or not. Likewise, I also do not know this fact.

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**Shree Prakashchandra K. Brahambhatta :** Respected Chairman, if this act is handed over to the police system, in every village their illegal instalments may increase.

**Shree Vajubhai Vala (Rajkot):** Respected Chairman, as many people say I want to give the same suggestion to the government that in the parliament also, after giving guarantee that the use of MISA may not be done against political people, nation lover people and who have taken part in national movement in the past, that act was used against such people only. And in this way, Gujarat Government may not make its political use. My suggestion is only this.

**Shree Hematbhai R. Madam (Khambhadiya):** Respected Chairman, when this bill has been brought by respected Chief Minister, I shall definitely say one thing who are ruffians and who sell liquor these things are to be decided by the police. In last ministry, [\*\*\*] name was spoken, how he has also kept in.

**Chairman:** The name of anybody can not be spoken. That name is removed from the record.

[\*\*\*] These words have been removed from the proceedings as per the order of the chairman.

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**Shree Hematbhai R. Madam:** Respected Chairman, such persons too are to be caught by the police after determining them politically. Therefore, if any officer makes misuse of this act, the provision must be done against him also. Such is my suggestion.

**Shree Ashok Bhatta (Khadiya) :** Respected Chairman, since discussion started on this bill and on my proposal together on the date 4<sup>th</sup> July, one age has gone till now. When I was making a beginning, Solanki era was running in this state (Interruption) Respected Chairman, I shall finish within 7 minutes. I was talking about that fact that since last 4<sup>th</sup> July to this date, Solanki era has ended. That time, in the manner in which home minister presented this bill and after that the situation which has come today, in intermediate days, in the same house, before 3 days, respected leader of opposition party said after bringing proposal that the person who is dangerous, the person who is anti-national, take action cruelly against them. Such mandate has been given by this house to this government. By passing this bill, we put authority in the hand of the government so that in the days coming from tomorrow, the days of peace and happiness may come and the need for controlling such situation, the weapon for which may be kept in the hands of the government. As Arjuna may not be without Gandiva, likewise home minister also should not be without such act. When such situation happens in state government, state government cannot say that we did not have this hooliganism removal act and therefore we could not control ruffians. With such good purposes, such condition has created today.

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[**Shree Ashok Bhatta (Khadiya)**]

This proposal has been presented in that situation. The speech given in that and the speech given today, the purpose behind which is only as much that I had said in that direction and still today I adhere to that fact that government can use this act against the dangerous persons in the state, I do not have any objection for that. But when government is making act and taking actions under it against dangerous persons. At that time, situation is created such that knowingly or unknowingly, the police system of the state, in the hands of which this act is to be kept, has kept the wolves out and has caught the rats. Therefore, wolves must go in and police system of the state must not waste their time in catching rats. I want to say only this fact through you to the government. If the most dangerous condition of Gujarat and Ahmedabad has come before the government today, the dangerous thing is such persons in comparison to such weapons. In which also, the government made one act and implemented one order. I say to the government through you that they ordered that the persons who have dangerous weapons, the persons who are licence holders must return their licence. But the bullets which they get on this licence, for which no orders were given to return the book for these bullets. As a result of which the police department of the state did stopped small holes but kept the doors open. Today, the dangerous foreign weapons or indigenous weapons which are used in Gujarat and Ahmedabad.

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**[Ashok Bhatta]**

The bullets of which are received on the base of this book, quota book. Therefore, whenever the government implements the act, it should not keep such condition in which small holes are stopped and doors are kept open. In the state and in the Ahmedabad, people are weapon seller licence holders. The government must receive information from them how many persons took bullets during these four months. If inquiry is made on the base of these details, from where these bullets come, from weapons come, its track will be found out, Therefore I say the government that there is no objection about the action of the government, but it is my gentle request to the government to make the use of the act in good faith and with conscience. The bomb explosions which are being done in Ahmedabad. Remember after 4<sup>th</sup> July. Since I was talking about the law and was presenting the proposal and compare with the situation of today, the situation is becoming serious. Incidences of bomb explosions do not decrease today in Ahmedabad. The incidences of attacking with knife do not decrease in Ahmedabad. The actions which are taken by the government, the preventive act which has been used by the government. I should accept one fact in that direction also that like the government of the past, the government has not kept discrimination of this party or that party. Recently, in a few weeks, the actions of arrests have been taken, those actions too are the actions taking in the days of the peace. Therefore, I say that the last era was Solanki era and this era, which has been started new, for five years is of Amarsinhabhai or of Chudhribhai.

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**[Ashok Bhatta]**

The reply of home minister Amarsinhabhai of the time since I was making review, and the reply of today's Chief Minister Amarsinhabhai, there is between two. He said us in this assembly house that we forget the fact between 12 o'clock and remember the facts after 12 o'clock. This was his advice and his request and this was his experience. He is in the weather of this assembly house. And therefore he said of happening 12 o'clock. That 12 o'clock.....

**Chairman:** Those respected members who spoke from this side, have spoke after 12 o'clock only. No one has spoken subsequent.

**Shree Ashoka Bhatta:** They all are speaking about their area, I am coming on that fact. I say with intention of providing extra information to the Chief Minister. They have given information of the facts happening in their voting constituency. And all these members have tried to present one picture how anti-social activities have become pervasive in the state.

I am thankful to the members who have taken part in this discussion in support of my proposal. By not speaking against my area from the opposition party, because silence too is considered consent. The members who have given such silent consent to my proposal.

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[**Shree Ashok Bhatta (Khadiya)**]

Those silent consent giver many people too can speak. Yet they did not speak and have given silent consent because after passing this proposal, this bill, the state government may not do its political use. The government may take strict actions for controlling hooliganism and anti-social activities. The provision for this has been made in it. And this is my request to state government that the government and the police department of the government will appropriately use this act, this weapon. The fact given by the brother Dinsha Patel and other members for police system, the home ministry of the state will have to pay special attention in this regard. The person who are out today, why they remain out? How many anti-social elements are there? Does the government not have this list? Does the government not know this? I request the home minister because the D.S.Ps of each area has information of his area. And in the whole state, there are around hundred persons, whose list the state government has. If they confine those hundred persons in the jail, there will no need to sent one thousand persons in the jail. Such anti-social elements and bootleggers and the persons doing dangerous activities should not remain out and only the rats should not be caught. By making request that government should take action in this direction, I say the government again when we have put such weapon of law in your hands, evil elements by getting huge money and getting foreign co-operation or by getting foreign training, if they come forward to destroy the economy of Gujarat we, in this assembly house, we give you the weapon which you wanted to have. I request to the government through you that this weapon may not fail.

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[**Shree Ashok Bhatta (Khadiya)**]

Again I say that this weapon should be used for establishing peace in Gujarat. The devils like Vrutasur who have spread pervasively in Gujarat, in the direction of destroying them, the Chief Minister should show his strength. As a factor giving such strength, it may come out. I hope that he will establish peace in the state. His feeling, the feeling of this assembly house, and the feeling of the public of this state, for which he may prove able and if any factor come against him, he may not be suppressed by it. Such is my request to him through you.

**Shree Amarsinha B. Chaudhri (Chief Minister):** Respected Chairman, in respect of my bill and in respect of the proposal of respected Ashokbhai, around 19 members in this assembly house have presented their opinions.



In the end, Shree Ashokbhai Said that this weapon which is given to the government may not be used knowingly or unknowingly because of which any innocent person is harmed and any guilty is escaped, this should be seen specially. The government always want to consider this fact. This bill has got welcome from both the sides, you know very well about the reasons behind this that the request for this bill was of the members of this party, of other party from long time and there was almost unanimity that there should be such act in the state under which anti-social elements who harass innocent citizens, such elements can be arrested and controlled and citizens can be made free of fear. For this purpose it has been written and for this purpose when this bill was framed, this bill was framed by sitting together.

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**[Shree Amarsinha B. Chaudhri]**

By sitting together with the leaders of opposition party of that time, by making discussions with them, which provisions should be made in this bill, all these provisions have been made on that time. Yet, respected Chairman, it is possible as respected member Kesubhai said that the points discussed on that time, out of which any point might have remained pending. Yet the central idea of it has been is perfectly accepted. The government has accurately done that. Therefore, the members of both the parties have done only creative suggestions. It is natural that respected members have presented here facts of their voting constituency, respected member Shree Bholabhai etc. have presented the facts of their voting constituencies in detail. Karamshibhai said that it is burning question of his area and their problem starts each year when monsoon starts, such is the question of that area. He has presented his views and which is natural. But respected member, it is feeling of all members that the government by making appropriate use of this act, anti-social elements should be controlled.

One such fact too was discussed that several white collar anti-social elements who by living around of sophisticated citizens or by living in their association, do several such activities, the information of which was not available to the leaders around whom such anti-social elements are.

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**[Shree Amarsinha B. Chaudhri]**

And when their mystery is revealed, it is known to all that which elements are with whom. Then only it is also know. Such facts were discussed. This fact cannot be refused. Because man is a social animal and being one social animal, he has to keep relations. With any persons and while keeping relations there is no barometer, no such meter how this person is and what is there in his mind, Where this person is doing his business and in which business,

he is involved. But one thing is sure when person or leaders come to know that it is not worth to keep relation with this person or not worth to show friendship, not appropriate to sit with him, then if good person leaves friendship with him, stops relations with him, that person can be said true person. Such things will have to be considered by all persons. Sometimes certain persons do not care about it, they intentionally do not care about it, sometimes such thing happens but we shall have to take care.

Then several examples too were given that the government is intentionally making effort to press certain cases. By giving one example of very old case, respected Ashokbhai and respected leader of opposition party also said that one leader of Congress Mr. Vasava was murdered and the inquiry of that murder has not been done by the Police intentionally and when it was said from Delhi, its enquiry was done.

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**[Shree Amarsinha B. Chaudhri]**

It is not fair. He was chairman of one corporation of my division. No effort has been left in making its inquiry. But sometimes such thing happens that both opposite things happen at the same time. It happens that some person makes argument in Delhi or matter comes in the newspaper and on the other side, arrest is also done after a week. Therefore, so many such coincidences happen. But because of this, there is no reason to believe that our government is doing this intentionally. Because it is duty of the government to make inquiry of such murder when it happens. Respected member of legislative assembly Shree Ashokbhai said this fact also that I have been insulted many times when I give information. The words dishonoured were used, then there ay not be effort to dishonour but in joke, I shall have said that the information which respected Ashokbhai keeps, as much information perhaps my department does not have. I shall have said this many times and it is good fact, keeping information is not a crime. It is good thing and information can be used. It is also good thing that anyone pass on it with other person. Respected Babubhai has pass on me certain information. I have made proper use of that information. I have made use of the information of respected Ashokbhai too. Therefore, Babubhai shows courage many times.

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**[Shree Amarsinha B. Chaudhri]**

After that one doubt has been frequently presented here whether this act might not be used as political weapon? Whether this act might not be used for curtailing individual freedom? Such words have been used. Again and again I have said in this assembly house that this act is not to be used for those purposes. Along with this, I want to make that explanation also because respected Ashokbhai has suggested one amendment in it. I saw the words of that amendment.

There is such thing in it that if he is a member of any political party and he does his activity peacefully, then this act should not be used against him. This fact presented by him is quite reasonable. But we can say where it was misused last time. Many times such thing happens that biggest bootlegger, anti-social element or ruffian, when he will come to know, he will show receipt by paying one rupee for taking shelter of any political party and will make its use as a member. Several people keep such receipts in frame, the person who is to make use of it in this way, are keep them in mounted frame of glass and they say that I am a member of certain party. Therefore, no actions are to be taken against me. He will present such fact.

**Chairman:** How many persons mounted in frame do you have?

**Shree Amarsinha B. Chaudhri:** Respected Chairman, when this act will be used properly, then will come. I think so.

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**[Shree Amarsinha B. Chaudhri]**

Therefore, whoever such persons are only the member of the party, because of which if they can escape, such persons will not be allowed to escape. Therefore, the provision has been made in the act if they will be continuously doing such crimes frequently, they will be punishable. I thing thought he may be member of any party, if he will frequently do the crimes mentioned in this act ,one time, two times, three times, if he will do such crimes, he will not be left. He will be arrested under this act. But if any person does movement at any place and violates section 144 or violates section 68-69 and makes crimes often, such person cannot be called ruffian. Such person cannot be called criminal because we are living in democracy. In democracy, all have right of making appearances. There should be certain limitation of it. That limitation is missed. If person is doing crimes frequently, he comes under the definition of this act and he should be arrested. But the government does not want to do in that way. If those crimes fall under the definition of crime and the criminals in that manner, such criminals will not be left under this act. But against him, in this way, this act will be used.

After that it was also said that we have many laws for it and the government does not make proper use of that laws. In which, this new act has been added. But in all these acts, by any way, certain people cannot be covered and because of which they can remain excluded in it. And therefore, this act has to be brought. Those person who are really called bootleggers, are really called anti-social, if they will have to be controlled, the act should be such straight because of which all such persons can be controlled. For this purpose, this law has to be brought.

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**[Shree Amarsinha B. Chaudhri]**

One thing happened such that, respected member Ashokbhai and other respected members has given such argument that implementation of this act is get to be done by whom, can we expect it from that police system ? Then different system cannot be kept for each act or different system for N. S. A., different system for anti-terrorist act and different system for that detention act. Ultimately, we have to take work from the same police. We have to get the work done from the same police. At some place, perhaps such thing may have happened as said by respected member but it does not mean that the whole police system of Gujarat is such. There are honest persons too in that police system. By giving example, respected Bholabhai said that there was D. S.P. on certain place and he was such and he also suggested to find out 17-18 D. S.P for each district so that all this will stop. His fact is true. Therefore, it is fact which he realized that in this police department, there are such police officers also which he realized, all have realized. Therefore, by the same police department we have to get it implemented. Why his transfer was done? Because of which reasons transfer was done which is the matter of details.

**Chairman :** Respected Minister, will you finish after recess!

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**Shree Manubhai Parmar :** I can finish in five or ten minutes.

**Shree Ashok Bhatta:** Respected Chairman, I am not going to move my amendment (Interruption)

**Chairman :** No, I do not say so. Respected Minister, either you finish your speech now or we shall extend recess.

**Shree Chimanbhai Patel :** There is no problem if it is to be completed in five minutes. If much time is to be taken, then only recess is expected.

**Chairman :** At present, it is spoken as you all like. (Interruption)

**Shree Chimanbhai Patel :** Other amendments which are there in it, will not take much time.

**Shree Amarsinha B. Chaudhri :** Respected Chairman, I also shorten because I do not make explanation for all. I have often said this therefore I do not make explanation of all matters. So, respected chairman, all have welcomed this bill. Then I do not fall in other long discussions but I had to clear one or two matters in this. I want to make that clarity in this. There is one separate decision also with this act. There is provision also for it. I have also thought to make its implementation strictly. The government has thought if such crimes will

happen in the areas of any police officer, bootlegger or the persons having stands of liquor or any such persons will be caught, then this will be his responsibility, by considering this, the actions will be taken also against him as per the provisions also against him. In whichever area that crime happened, which meant either he did not pay attention towards it or he allowed to happen the crime or knowingly or unknowingly his involvement is there in the crime, therefore, it happens several times.

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**[Shree Amarsinha B. Chaudhri]**

Then, respected member Ashokbhai said that wolves remain out and those rats are arrested. That fact is also not right. If we catch wolves, those rats will become cool automatically and will hide themselves in their burrow. Therefore, only wolf should be caught, why we should catch rats? Therefore, along with implementation of this act, this thing is also to be taken care of that care will be taken only to catch the original person, the original criminal, original bootlegger. Respected Chairman, Recent arrests which have been made in Ahmedabad city, in which more than 300 arrests have been made. In the beginning, perhaps, it happened as mentioned by respected Ashokbhai but after that clear instructions were given for catching first the original persons and then for catching the remaining persons. Such instruction has been given. In the whole state, its list has been given. Therefore, with as much explanation, this bill is not to be used politically, not to be done which is confirmed. When this ordinance came, such arrests were made at several places. When this fact came under the attention of the state government that there are political workers in it, sometimes they took part in movement and they were arrested under the crime of movement.

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**[Shree Amarsinha B. Chaudhri]**

When such cases came before the government, without presentations of anyone, the government itself had released such criminals that shows that the government does not want to make any political use. I can give example that in which district, how many criminals were released, I can give its examples. Therefore, respected chairman, this government does not want to make use of this act in this way, of this way. Co-operation will be needed to make appropriate use of this act otherwise no criminal is arrested. It may be our division, or any known person, on that time if any person come and say that Amarsinhbhai this is my near one, he has been caught innocent, in last election he has done our good work. He had got us given as many votes. If any person makes such story, they should not come to give such information in this way. I make such request before this assembly house because such thing happens many times. Whatever such persons are, know which party is going to get majority,

after knowing this, they will say 'Let's work much on them'. Such thing too will happen. We live in society. With as much request, the will which I have submitted, has got widespread welcome. The amendments which respected Ashokbhai has put, which he does not want to move. Whatever suggestions have been given by respected members of which I could not give explanations but I shall definitely use these suggestions.

**Shree Ashoka Bhatta:** Respected Chairman, I want to seek permission to withdraw my proposal disapproving ordinance after the reply of chief minister.

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**The question was put for vote and was approved.**

**Shree Ashok Bhatta:** I withdraw my proposal under rule 152(2)

**Chairman :** Proposal is withdrawn. Now I shall put on vote the proposal of first reading of bill serial no. 20.

**The question was put for vote and was approved.**

**(Recess: From 2.36 of afternoon to 3.15)**

**(Under the Chairmanship of the Chairman)**

**Bill serial no. 20 of the year 1985**

**Bill in respect of Prevention of anti-social activities in Gujarat of the year 1985**

**Shree Amarsinha B.Chaudhri (Chief Minister) :** Respected Chairman, I submit proposal that the second reading of the bill serial no.20 of the year 1985 may be done.

**The question was put for vote and was approved.**

(All Shree Manubhai Kotadiya, Ashok Bhatta and Motilal Chavda did not present their amendments)

**Shree Jayantilal B.Kalariya (Upleta) :** Respected Chairman, I present amendment of section-2, sub-Section (Illegible)

The following is to be kept in section-2 in place of clause C.

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[**Shree Jayantilal B.Kalariya**]

(C) ‘Dangerous Person’ means the person who himself or as the head of any group does continuous crime for three years or try to do such crime or help in doing such crime which is one of any crime under punishable crimes under chapter 16 of Indian Penal Code or Chapter 17 or one of crimes under punishable crimes of chapter 5 of Arms Act, 1959.

XLV of 1800,540 of 1957.

In clause 2, for sub-clause (C), substitute the following namely :-

“(C)”dangerous person” means a person, who either by himself or as a member or leader of a gang during a period of three successive years habitually commits, or attempts to commit or abates the commission of any of the offences punishable under Chapter – XVI or Chapter XVII of the Indian Penal Code or any of the offences, punishable under Chapter V of the Arms Act, 1959.”

Amendment was presented.

**Shree Jayantilal Kalariya:** I present second amendment.

In clause (H) in section -2 (of the ownership of local authority of the government or of any other person’s self ownership) instead of one cons words not of self ownership but of the ownership of local authority of the government or of any other person” Put those words.

In clause 2, in sub-clause (h) for the brackets and words (whether belonging to Government, local authority or “any other”) substitute the words not belonging to himself but belonging to Government, local authority or any other person.

Amendment was presented.

**Shree Jayantilal B. Kalariya :** Respected Chairman, in clause (g) of sub-section-1 of section-2 in the bill, the amendment which has been put, in which my purpose is that at present who is doing crimes often, in place of which during the successive period of three years it means this definition of dangerous person, in which any person is considered dangerous it means successive three years means purpose of series of crimes for three years. In this context, this amendment has been put.

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**Shree Chimanbhai Patel (Unjha) :** Respected Chairman, the amendment which has been brought by respected member Jayantibhai, in which I understand that there was definition of dangerous person before. In which 22<sup>nd</sup> chapter too was added in place of which 16 and 17 these two chapters have been kept. 22 is cancelled and generally that was the doubt of opposition party, which was the fear of them, worry was being done. Here in this assembly house, during the whole discussion that it will be misused for which chief minister gave consolation and relief and also gave promise that government has no such intention. Yet on the place, officers cannot make misuse of it, as a precaution of which I think a little specific amendment too has been done in the definition of dangerous person. It is ok. Therefore, the amendment which has been presented by respected Jayantibhai, that amendment is very much welcome in our view and acceptable.

**Chairman:** discussion is needed.

**Shree Amarsinha B. Chaudhri:** I accept the amendment.

**Amendments were put for voting and were approved.**

**Amended Section-2 became the part of the bill.**

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**(Member Shree Ashok Bhatt did not present amendments on section - 3)**

**Section -3 became the part of the bill.**

**Section 4 and 5 became the part of the bill.**

**(Member Shree Ashok Bhatta did not present his amendment on section - 6)**

**Section 6 became the part of the bill.**

**(Member Shree Manubhai Kotadiya did not present his amendment on section -8)**

**Section 7 and 8 became the part of the bill.**

**Chairman :** Amendment on section 9.

(Member Shree Ashok Bhatta did not present his amendment on section -88)

**Shree Jayantibhai B. Kalariya:** Respected Chairman, I submit my following amendment on section 9.

“Also in sub-section 1 of section 9, in place of the words in the period not later than 5 days from the date of arrest and in exceptional circumstances with written note of the reasons, in the period not later than 10 days” put the words “in the period not later than 7 days from the date of arrest.”

In clause 9, in sub-clause(1) , for the words, “but not later than five days and in exceptional circumstances and for reasons to be recorded in writing not later than ten days substitute the words “but not later than seven days.”



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**Amendment was presented and approved.**

**Amendment was put for amendment and was approved.**

**Amended section 9 became the part of the bill.**

**Shree Jayantibhai B. Kalariya :** Respected Chairman, I present my following amendment on the bill.

“In section 10, in place of sub section -2, the following amendment is to be kept:

(2) Each of such boards will be made of chairman who are judge of high court or he had remained in such post, and of two such other members who are under constitution, they are as district judges having eligibility of appointing the judges of high court or they had remained in such posts.

In clause 10 for sub-clause -2, substitute the following namely:

“(2) Every such Board will consist of a Chairman who is or has been a Judge of High Court and two other members who are or have been District Judge qualified under the Constitution to be appointed as Judges of a High Court.”

Amendment was presented.

**Shree Chimanbhai Patel (Unjha):** Respected Chairman, the ordinance which was issued before and also the bill was given to all members, in which there is already a provision of advisory board. Here, as I said before, if the workers of political parties are arrested and it is

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**[Shree Chimanbhai Patel (Unjha)]**

not misused and because of it, in the definition, three years have been included in it. Because of which protection of certain type is got from it. This provision is the same because government had right to appoint advisory board. And the provision given before, in which there was such fact that the person who has eligibility of the judge of high court, any such member can be appointed therefore we had doubt that as much good intention, the government has, yet sometimes there will be difficulty in appointment of the person. Therefore, this amendment which has been brought by respected Jayantibhai , in which very clear explanation has been given that any such board is made of three members and in which there will be the judge of high court and there will be remaining two members and those two members will not be of inferior level than the district judge and they will have the eligibility of the judge of high court. It means the whole board will be or running judges or of the retired judges. Therefore, though any officer has misused against ordinary citizen, such persons of judiciary will be there in this advisory board and therefore, they will definitely hear his reasonable fact. Such provision which is that is worth to welcome.

**Shree Amarsinha B. Chaudhri :** Respected Chairman, I accept the amendment.

**Amendment was put for voting and was approved.**

**Amended section 10 became the part of the bill.**

**Sections 11 to 18 became the part of the bill.**

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**Shree Jayantilal B. Kalariya** : Respected Chairman, I present my following amendment on section 19.

The following amendment is to be kept in section 19 in (2) ,

(2) Though it has been cancelled in that way-

(A) Any act done under above said ordinance or any action taken under above said ordinance, it will be considered such that it has been done or taken under this act.

(B) Each person, in respect of whom, since being dangerous person, the order or arrest has been done under section 3 of above said ordinance, and that order is in effect immediately before the date (which has been now onwards has been referred to as 'above said date') of the first publication in the gazette of the permission of governor got to the act, then though his arrest is inconsistent with section 3 of this act, he will continue under arrest subject to the provisions of this act.

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(C) (1) Advisory Board made under section 10 of above said ordinance and working before above said date, though its creation is inconsistent with the provisions of section 10 of this act, it will continue working after above said date subject to provisions of this act.

(2) The arrangement of the writing for the purpose of decision done under section 11 of above said ordinance and which has remained undecided before advisory board immediately before above said date can be kept continuous as if such board was created under section 10 of this act.

In clause 19, for sub-clause (2), substitute the following namely –

“(2) Notwithstanding such repeal –

- (a) Anything done or any action taken under the said ordinance shall be deemed to have been done or taken under this Act :
- (b) Every person in respect of whom an order of detention has been made under section 3 of the said ordinance by reason of his being a dangerous person and is in force immediately before the date on which the assent to this Act of the Governor is first published in the Official Gazette, (hereinafter referred to as the said date) shall notwithstanding that his detention has been rendered inconsistent with section 3 of this Act continue to be under detention subject to the provisions of this Act;
- (c) (i) An Advisory Board constituted under section 10 of the said Ordinance and functioning immediately before the said date, shall notwithstanding that its constitution has been rendered inconsistent with the provisions of section 10 of this

Act, continue doing so function after the said date subject to the provisions of this Act;

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(ii) Any reference made under section 11 of the said ordinance, and pending before such advisory board immediately before the said date may continue to be decided with by that Board after that date as if such Board had been constituted under Section 10 of this Act.”

Amendment was presented.

**Shree Amarsinha B. Chaudhri** : Respected Chairman, I am accepting the amendment of the respected member.

Amendment was put for voting and was approved.

Amended section 19 became the part of the bill.

Section 1 became the part of long noun and enacting formula bill.

**Shree Amarsinha B. Chaudhri** : Respected Chairman, I am presenting the proposal that third reading is to be done of amended bill serial no.20 of the bill serial no. 20 of the year 1985 and it may be passed.

**The question was put for voting and was approved.**

**Chairman** : The third reading of serial no.20 of the bill of the year 1985 is being done in amended form and it is being passed.

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**Serial no. 39 of the Bill of the Year 1985.**

**Mumbai Land (Temporary) Acquisition (Gujarat Amendment) Bill of the year 1985.**

**The bill of amending further to Mumbai Land Temporary Acquisition Act, 1948**

**Shree Nalin K. Patel : (Minister of Energy on behalf of the minister of Road and Housing Division)** : Respected Chairirman, I submit with your permission to Mumbai land temporary acquisition (Gujarat Amendment) Bill of the year 1985, Bill serial no. 39 of the year 1985 published before in the gazette\*.

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\*This bill has been published in the gazette of Gujarat part-5, dated 22<sup>nd</sup> July 1985.

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**Chairman :** The bill is admitted.

**Shree Nalin K. Patel:** Respected Chairman, I submit the proposal that the first reading of Mumbai land temporary acquisition (Gujarat Amendment) of the year 1985 may be done.

**Proposal was presented.**

**Shree Nalin K. Patel:** Respected Chairman, the purpose of Mumbai temporary acquisition Act, 1948 was to acquire the land or houses the interest of public. By making amendment in that act, this act has been given permanent place in law book by Gujarat Act no. 6, 1980. Thus, on being this act permanent, section 9 (2) (A) after section 9 (2) was added in the Act so that the property may not remain under acquisition for unlimited time and in which properties can be acquired for the period of five years. Acquired properties before Gujarat Act no. 6, 1980 came in to effect, will remain acquired only for the period of five years. Such clear provisions were made in it. That term is going to finish on the date 31-07-1985. The purpose that amendment is not to keep permanent in the possession of Government to the properties acquired temporarily. But the purpose is to extend its term for two years from the date 1-08-85. Because at present whatever 321 properties in whatever cities in the states have been acquired, in which, there is not possibility to make alternative residence immediately for the persons residing in it. The State Government, by creating alternative arrangement in coming two years, has intention to release goods and properties in this acquisition. The persons whose properties are under acquisition, in view of giving them reasonable and appropriate compensation, amendment for rethinking in timely compensation has been entered in that Act. Also as per new amendment, any property under acquisition cannot remain under acquisition after the date 31-07-87. Respected Chairman, It is my request that the amendment of these two sections may be accepted.

**(Under the Chairmanship of Deputy Chairman)**

**Shree Chimanbhai Patel (Unjha) :** Respected Chairman, the bill which has been brought by the minister is Bombay Land Requisition (Gujarat .....

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Gujarat State, Security (Amendment) Bill

**Shree Arvind S. Sanghvi (Finance Minister):** Respected Chairman, considering the suggestions done by respected members and since they have welcomed this bill, I am very much grateful to them.

I shall make explanation of one or two points. Particularly it must be clear in our mind that the control which we can maintain at the time of giving loan that control cannot be kept while giving security for that loan because we have to give security only. Since we are doing the work of giving security, this bill is regarding this. This bill is not for loan giving. The monitoring which we can do at the time of giving a loan, can keep control, and whatever authority we have on it, the same may not remain at the time of giving security. Such is my belief and aim that context, the matters which we consider in respect of its administration, at which extent it is reasonable. This aspect demands thinking. Yet whatever can be done and whatever falls under our power and scope, for doing that we can definitely think.

Cotton Corporation was particularly had given rupees 5 crores particularly to Cotton Marketing Federation in the year 1982-83. Security of 5 crores was given. In the year 83-84, the security was of rupees 21 crores. And in 1984-85, security is of rupees 10 crores. It means that whenever security is needed, in respect of need and essentiality, effort has been always made to give security. Last time, security was given of rupees 21 crores and this time, there is demand of 10 crores.

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Gujarat State, Security (Amendment) Bill

**[Shree Arvind S. Sanghvi (Finance Minister)]**

And in respect of that purpose, by giving security or guarantee on concerned place and his work cannot stop and he can make necessary financial arrangement, for which effort has been made, against which in respect of its need and usefulness, G. E. B. much security has been given. I do not make discussion of which in length. And while giving security to Corporation, necessary instruction in that regards could be given and particularly workers may not be affected and workers can get full cash, then sure efforts will be done to give it. I give as much assurance and request that this bill may be accepted.

**Question was put for voting and was approved**

**Shree Arvind S. Sanghvi:** Respected Chairman, I am presenting the proposal that the second reading of the bill serial no. 19 of the year 1985 may be done.

**Question was put for voting and was approved**

**Section -2 section-1 long noun and enacting formula became the part of the bill.**

**Shree Arvind S. Sanghvi:** Respected Chairman, I am presenting the proposal that the third reading of the bill serial no. 19 of the year 1985 may be done.

**Question was put for voting and was approved**

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**Chairman:** Third reading of bill serialno.19 is being done and the bill is being passed.

**Proposal Rejecting Ordinance serial no.-11**

**The Bill Serial no. -20 of the year 1985**

**The bill in respect of prevention of anti-social activities in Gujarat of the year 1985 (First Reading) (Continued...)**

**Chairman :** Respected Kaljibhai Katara, your speech has remained incomplete. It is not right that we have to remind you again and again.

**Shree Kaljibhai R. Katara :** Respected Chairman, what I wanted to say in my speech has already been said. Therefore, I do not want to say anything.

**Chairman :** I think that all other members should also follow him.

**Shree Kesubhai S. Patel (Kalawad):** Respected Chairman, this bill in respect of prevention of anti-social activities in Gujarat has been brought by the state government before this house. Then since last much time, this ordinance has been running and according to ordinance....

**Chairman:** Respected Kesubhai, one minute, I want to know that how many members want to speak on this (after a little while) if so many members are to speak, this bill may not be passed today. The members who have stood in those numbers, also after looking that, do you say that it can be completed today?

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The bill in respect of prevention of anti-social activities in Gujarat

**Shree Kesubhai S. Patel:** Respected Chairman, I was saying that there is need of preventing anti-social activities and it was long time, If I say least, the elements which run this hooliganism activities, for controlling them, with several special powers, if government brings the act to prevent hooliganism, the demand for which has been done many times by me in this house and outside of this house. The government before this, at that time I said in this house that the home minister was of the same sign of zodiac. The sign of zodiac of the home minister in our time, and the sign of zodiac of the home minister last time, it was the same. That's why I mention that some change has been made by changing the sign of zodiac. But the change which has been done.

**Chairman :** From where did you fall in astronomy?

**Shree Kesubhai S. Patel:** Several circumstances can create your trust in astronomy. Out of these examples, this is one such example.

**Chairman :** Respected Chief Minister too has said that my destinies are good.

**Shree Kesubhai S. Patel :** The question is of taking right. As far as it is important to take rights. But which type of rights? The chief minister of the time when we sat together and home minister too was with us.

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**Shree Kesubhai S. Patel :** And the draft was prepared general. This bill did not come according to that draft in which we agreed. In several matters, we brought the bill of other type and ordinance. Whatever came but I believed that today in rural areas, in urban areas, such act of hooliganism removal act may be brought. But individual has his own possible

rights, constitutional rights, we should maintain them. Whether man is bad, right or wrong, who is to decide this? Deciding element is court. Whether it is doing right or wrong, whether does crime or not, the court is deciding factor. Several persons may be arrested. But it is not the duty of state government to their arrest may be done. With several crimes, we arrested them. e.g. For the government, on several people, crimes happens today again and again. But its reason is that they cannot be proved in the court. They cannot be proved in the court because the witnesses which are there, by giving threat to those witnesses, pressure is brought on them so that they cannot give their witness in right direction in the court in one or other form. Such several cases have happened who have gone in this court to give witness and they have been murdered. Can't we stop them? Man can bravely go in the court, can show courage to say right fact, therefore after making arrest of anybody, any case runs on him, during that time, he may be arrested so that he cannot become witness. But after making that arrest, prompt court procedure should be done of it.

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The bill in respect of prevention of anti-social activities in Gujarat

**Shree Kesubhai S. Patel**

We have tried to maintain the rights of the persons as much as possible. We could have said this. Our one way action of this type that whoever does crime again and again, he was arrested again and again. Against which several authorised amendments have come from penal code. I understand the meaning that they are authorised. And the government too is desirous for these amendments which is worth to welcome and those amendments are necessary. The problem is that the court procedure in that matter may be done promptly and for that we could not thing in the direction of any special court. To catch is one thing, they can be caught. By taking maximum rights, anyone can be caught. But whether he is criminal or not? We are limiting the rights of persons. At that time, if he is criminal in true sense, he is liable to be punished. And if he is not criminal in true sense, that man is liable to be released. By considering that fact, we could have made provision, if anything could have been thought in this direction, then to catch is easy, anyone can be caught. National Security Act is already in effect here. Several other acts in relation to it can be made, of those type acts can be made. But after making those acts, by paying attention to these points completely, if we work, I myself think that till today, respected chief minister has given us trust and also in this house, trust has been given, we have been said that we shall not make detention politically.

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**[Shree Kesubhai S. Patel]**

Respected Chairman, I do not speak about this government or that government? At which extent is it appropriate that state may get unlimited powers? If state is given unlimited powers and if we say here that we do not make their detention. Such circumstance become worse and these powers are given at lower level to police commissioner and collector. If the collector

and police commissioner have not used it in reasonable manner, then there is no provision for punishment on them in it. That should not be there, but in view of control on them, much care becomes necessary. And because of which, at the time of making this act, it was important to think about overall aspects. Such thing has not been done and as many amendments have been put here in authorised manner because by making study of this acts with utmost care, no effort has been made to put thing which is needed. The villages today are scared, there is power of hooliganism elements and with the help of today's running act, we shall catch them, such talks were made in this house. At that time I asked to take a little more rights. We are with you, we extend the hands of co-operation. We wish that the government may use this act in fair manner. It is important to control these hooliganism elements. But before four days ago from today, respected Sureshbhai showed one case in this house.

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**[Shree Kesubhai S. Patel]**

The district form which I have come elected, in that Jamnagar district's Mansar village, the president of Taluka Panchayat was murdered recently before eight days. The case is such that most discussed village of Jamnagar district in whole Gujarat that is Dharagarh. The anti-social elements which reside in this Dharagarh village, the whole village, as it was said about Maliya Taluka, Dharagarha is of such type. By making journey in the night of 50-50 km or 100-100 km, they rob in the night and then in the next morning they behave as if nothing has happened and did tooth paste happily. The children there are also clever. Such condition is of this Dharagarha village. Its adjacent village, the village of the president of Lunsan Taluka Panchayat and between these two villages, there is only one river and in the side of that river, there is Mansar village and in Mansar village, the President of Taluka Panchayat lived. Eight days ago from today, Police Party went there. Who has no connection in this regard, such [\*\*] is a sub-inspector of prohibition.

**Chairman:** Respected Kesubhai, name cannot be taken.

**Shree Kesubhai S. Patel:** I withdraw the name. That inspector of prohibition went there with another inspector and did such procedure that by calling his son and other person, said that they had weapons and instructed them to show those weapons out and asked the son of the dead person to show the weapons out, They did not have weapons .therefore, they were sat in the jeep.

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[\*\*] These words have been removed from the procedure according to the order of the chairman.



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**Chairman:** I want to bring one fact under your attention. The call attention has been entered for the same. Therefore, if you discuss about it at present, it will come out. You are allowed to make discussion. There is no question for it. They were respected Sureshbhai and respected Markhibhai who came yesterday, who by making too much insistence have got its call attention entered.

**Shree Kesubhai S. Patel :** Call attention will be emphasized. But I want to draw attention of the government whether they have arrested anyone in this Dharagarh village under this hooliganism removal act? From Bhanvad village near Dharagarha village, have you arrested anyone under hooliganism removal act? Leave the fact of Bhanvad Taluka, have you arrested anyone from the whole district under hooliganism removal act? From where were they caught? From Ahmedabad and Surat. There is no objection about several persons were caught there. But they were caught for political purposes and now they have been released. Even after the attitude adopted by the government in this legislative assembly that no person will be arrested politically, if the same situation is repeated from this side, therefore I am saying this. The powers which are given to respected chief minister are the sword with sharpness on two sides and which cuts on both the sides and at the lower level when powers have been given, it is more important to give these powers with utmost care. Therefore, I have made my suggestion. There was no objection to catch anyone with these powers but on those caught persons, have we made any attempt to punish them by calling special courts within short periods of three months or four months? This one fact and after saying this fact, I shall say one or two points.

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**[Shree Kesubhai S. Patel]**

Respected Chairman, the amendment which has come from Respected Kalariya in which 22<sup>nd</sup> chapter has been left. Therefore, I shall not discuss about it but the problem is when we make definition of usurper of property word and usurer of the property means any persons who takes illegal possession of the land of the government, local authority or of the ownership of any other person, I agree with all subsequent matters. But he will take the possession of the land of the government, of private ownership or of local authority. This has been entered from that. Who takes the possession of this land? There are slums in Gandhinagar, the possession itself has been taken. This will be of the Government or local authority or of the private ownership. Slums are in Ahmedabad, in all Gujarat, there are slum areas. I mean this as by thinking, I myself do not find other word, other meaning. Do we want to cover all the persons of the slum areas? Once again, there is hanging sword that you have taken illegal possession. Of course, the person who takes rent by taking illegal possession, he does not use

himself but only takes rent. That person who by taking illegal possession and after making one and then second and then sells it. It is ok and the person who by mistake, there is word like often, got land in his possession of 50 meter from somewhere and he could not manage the expenses of his family from that land and took 75 meter land on another place, then he took possession of total 125 meter land.

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**[Shree Kesubhai S. Patel]**

Then more than one time, he falls under the definition of successive crimes. The amendment which comes at present, according to which, it will apply to him if he has done for three years. By making something verbal change in this, I know that this will not be the policy of the government but when such type mention has been done in this, the amendment of respected Kalariya which has come, in that also in clause (g) in bracket there is only change of not of self ownership but of the ownership of the government in place of ownership of the government or local authority or of any person. The land is not of the self ownership but of the ownership of the government. At present, government too has lands and out of the lands of revenue, most of the lands of such type are of the government. There may be slums on it, do we want to take any actions on it? We need to become much clear. I shall say to respected Chief Minister that by putting words in good manner, one can feel that we exclude slums from this. The person who lives in the place of hundred meter, 75 meter place, 125 meter place whatever is decided, we should exclude him from this. Such is my suggestion.

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**[Shree Kesubhai S. Patel]**

I myself believe that instead of discarding section 22, in section 5 in 22<sup>nd</sup> chapter, last after drinking wine, person create problem in public. Now in that section 5 of 22<sup>nd</sup> chapter, misbehaviour in public of drunk person. Person may drink in his home, the person who drinks in his home, on whom whatever legal is to be done will be done but when drunk person misbehaves in public and not once but again and again misbehaves, on that occasion all such type person should be included in this, which is needed. It is my belief and he is the person violating public peace and order in this way. Remaining sections have been deleted by the government which is right. But this section of chapter 22<sup>nd</sup>, it is important to continue it. I personally believe this. With as much amendment, if respected chief minister accepts this thing, I think that this act which has come though which is limitedly perfect, I welcome it.

**Dr. Karshandas Soneri (Idar) :** Respected Chairman, the hooliganism removal act which respected chief minister has brought in this group, in respect of which I want to say two or

three facts. There are too many laws. In this state, if the laws till now were followed sincerely, I think that there may not be need of bringing this act but it is misfortune that such laws could not be sincerely implemented in the way in which they would have been implemented. And in this direction, I want to draw attention of chief minister specially that can anyone use it ?

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**[Dr. Karsandas Soneri]**

So government should take its responsibility first of all. Respected Chairman, when I am talking about the government, the ministers too are there in it. There are legislators, members of parliament, officers too, all administrative system is included in it. How government works? Its direct reflection falls on the public. The way in which government behaves, the reflection of that behaviour falls on society and society walks on that road. Respected chairman, the situation which has created now in Gujarat and new chief minister to whom “Young Torque Minister” can be said. The condition in which he has to be that shows the reflection of last five years.

**Chairman :** Respected Soneri, the meaning of Young Torque was not for establishment.

**Dr. Karsandas Soneri :** Respected chairman, the result of five years which has come as essence. The result of the period from 1980 to 1985, it is the essence of that result. Therefore, the chief minister has been forced to take many actions. At present, if I praise, it will not be appropriate because when it becomes useful, the praise will become true. But the vitality which is happening, whatever talent is happening, its reflection is seen on the society. It is to be maintained but why Gujarat today is defamed? who is doing this decimation ? why is it happening? During last five years, the rule which government has done and in that administration, in this bill as mentioned before, if it will be used against the persons doing illegal business of liquor, there was already the law prohibiting the use of liquor. They could not make use of it.

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**[Dr. Karsandas Soneri]**

But respected member sitting in this house, after coming out how he behaves, the society is looking all this. It is a matter of displeasure that several ministers of Gujarat when go in tour (Interruption) I am of Sabarkantha. Therefore, I can understand that deputy minister or the minister goes in tour and when their tour is arranged, the police system already makes arrangements for the same.

**Chairman :** Respected Soneri, you understand the meaning of making such kind of common accusation. Because of which whether they may be ministers or all persons sitting in this

house of today or of the past, there comes the shadow of doubt on all. Therefore, the manner in which you say is not fair. You are allowed to make accusation. For that there is rule and you can do according to it. Therefore, the person against whom you make accusation can give reply. But to bring all category, species in this category is not appropriate.

**Dr. Karsandas Soneri:** Respected Chairman, I do not mean to say that all members and ministers are of such type.

**Chairman:** No matter whatever may be the purpose, but we have to think about its effect.

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**Mahant Shree Vijaydasji:** Respected Chairman, the purpose of his speech is not appropriate.

**Chairman:** He was also minister in the past. The matter does not come to end by saying that the purpose was not such. (Interruption) No matter whatever may be purpose but public may have different impression of it and which is totally different matter than his purpose and therefore, it is important that this type of language should not be used here.

**Dr. Karsandas Soneri:** Respected Chairman, this is true but the facts have happened, public knows this. Now I am going into special depth. Then what result will come, I cannot say.

**Chairman:** My matter is very clear that as per rule 37 if you want to make allegation and if it is to be done in respect of any member of this house, you should inform him for the same in advance and therefore he comes with preparation and gives reply to you. If you want to say for any external member, if you want to make allegation for the member except the member of this assembly house, you should inform for the same to the minister of that department and should seek my permission in this regard. You are allowed to make allegation with as much limitation.

**Dr. Karsandas Soneri:** Respected Chairman, I accept the limitation put by you. Therefore I do not fall in this matter. But what the fact is, it is to remain as fact. (Interruption)

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**Chairman :** Respected Soneri, you too were minister in the past, therefore you too fall in the speech spoken by you.

**Dr. Karsandas Soneri:** I also come in it, sir.

**Chairman:** Then why you have to make such mention?

**Dr. Karsandas Soneri:** Respected Chairman, I also come in it, sir.

**Chairman:** No person in this assembly house is allowed to make allegation without proper clearance. If you want to make allegation, you are allowed to do it but only after taking full responsibility of it. After accepting the method as per rule, you can make allegation. Otherwise, any bad impression is created in the minds of public for injustice created to the whole category then such thing is not fair and reasonable in any way. If you play with words here and there. There is no benefit in it. Can't you present this fact in a simple language.

**Dr. Karsandas Soneri:** The important question was such that I consider my speech as completed but ministers, member of parliament and legislators (interruption)

**Chairman:** Respected Dinkarbhai, all knows where you are in the matter of liquor therefore you need not say too much.

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**Dr. Karsandas Soneri:** Therefore, I want to draw attention of respected Chief Minister that you- the chief minister has taken actions, actions on administrative system and all other actions which you have taken are all worth to welcome. But the code of conduct will remain main thing. And that code of conduct which will be adopted, the reflection of which will surely fall on Gujarat. At the time of last government, the reflection which we expected to get was not got. When any minister gives his presence in any programme, now when he gives his presence in such programme, the organizer of that programme may not be big seller of liquor, he was running his club and along with this, such programme is arranged, police too is present there, its photos are also taken, those photos are also published in newspapers, who can catch such persons? Only by making the laws, this will not stop but first of all, we have to accept the code of conduct and on that time I believe that this act will have real meaning. I was to talk for long time but since you have put limitation to which I welcome because it is necessary but several cases also happen such if I shall say, your order will be made and therefore I do not say but the government should make several policies clear.

Last time, the policy regarding liquor remained unclear. Here it is said that we accept total prohibition of liquor. But it was not implemented outside and result was such that the liquor is filtrated on the public road, it is drunk and many people also share it. And the important fact is that the government system also became helpful in it.

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**[Dr. Karsandas Soneri]**

And when government system helps such elements, they never fear the law because they know and government system also knows and such impression is also created on the people

when certain people come, the government system gives them such service, then why we need to worry about it! Because of which the evils of liquor has increased so much that the act of liquor prohibition works nothing. In such circumstance, the act which is coming to which I welcome. I give hearty welcome to it. But important question is that this act is golden dagger. If respected Chief Minister will keep dagger in his sheath, it will adore him but if that dagger will be used in wrong path, its result will come not so good. Therefore, this act should be used judiciously. Either we go one step ahead or I shall also say if chief minister wants to make use of this act against political elements, he can use it. But it is not fair if it is used for making any ordinary procession, ordinary meeting or any ordinary thinking. Its past history should be checked. And after checking that past history, if it is felt that he is doing work of hooliganism, he is murderer, he is involved in any matter, such persons should be sent to jail. We clearly believe such. But it is not meant by us that politically, if person becomes political leader, he gets every safety. This cannot happen. If such use is made, in the government of last time, much use of it would have been done.

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**[Dr. Karsandas Soneri]**

If this act had been used for controlling political elements, most of good persons would have been behind the bars of the jail.

I want to mention one fact there is one rest house on one high way of Idar. Many dignitaries come there. Exact opposite to it, the selling of liquor has started form some time and the police department is aware of the fact. Not only this, but they have also received the protection of police. I should say that one good police officer took actions against them. The result was such that he was transferred from that place. In such circumstance, only by making laws, this condition will not resolved. If it is followed sincerely, then I think we shall get good result.

This act is to be used against the person illegally usurping the property of others. I think so. It is a matter of pleasure. There are so many laws by which they could have been protected but there are many such lands in Sabarkantha and Saurashtra. The lands of the poor people to which defiant persons have captured. Fake documents, fake evidences, threats and the result came such that their problems have been lying for last 10-15 years. They could not be solved. At that time, I request Chief Minister to make use of this act, make unlimited use of it, if you think such then use it against us also and therefore I want to put this proposal. Use it against the persons who are killing the poor.

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**[Dr. Karsandas Soneri]**

I want to say last that fact also when this act will come into effect, the public matters which there are, the stands of liquor which are running, its trade is running, the persons who are doing hooliganism, for them which application the public will have to make? The government will take immediate action for it, only as much question is here because no person comes bravely for it. They cannot present their problem also. Therefore, I request Chief Minister when such thing happens in public, efforts are to be done for it. The government and police department are to decide such thing is to be done where such thing happens and its use is to be done and the arrangement is to be done of this type. Several murders are done in Sabarkantha. No solution comes of it. Many such good men who are killed overnight. The result of which is such that papers are made and the arrangements in which papers are prepared that such case is like suicide and not like murder and in such way it is converted. One incidence happened in Dhansura. The doubt for which created there and it should be solved under this act. I think so. I was to say too much in this regard but since my limitations are there, I cannot say much but the use of this act may be done very well and for that the Chief Minister may come ahead. I expect such.

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**Shree Manubhai Kotadiya (Dhari) :** Respected Chairman, respected Chief Minister has come before this house bill serial no.-20 and the proposal disapproving issued ordinance has been submitted by respected Ashokbhai. Too much discussion has been done ago in respect of this and respected members have presented their learned speech before this house. Therefore, I do not want to take much time for it.

Particularly the information which is given here and this house is given information about it. I do not want to fall in it. But whatever may experience of last 5 year of this house and in which the fact which has been given by respected deputy chairman member Soneri is quite true. Whatever we suffer and the situation has been created, there is administrative fault of past government in it and it is not minor. If the actions which have been taken, if they would have been taken effectively and the fact which we were saying at that time, the fact which were being said by respected members of the house, if that information would have been taken seriously and the information which was being given, if that information would have been taken seriously, the situation which has been created at present, would have been resolved or we would have not reached at that stage. Hooliganism removal should be brought. Such demand has been made occasionally by us in the house and out of this house in public meetings.

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**[Shree Manubhai Kotadiya]**

My experience is such that in Saurashtra particularly gone astray hooliganism which harmed folk life heavily for which report with examples and arguments have been presented before this house. For which numerous examples have been given by respected Chimamnbhai and my predecessor speakers therefore, I do not fall into it but details of many such events have been given here. The incidences which have happened, only one percent of which has been given here. Request has been made to make research of all of this. Instead of accepting it at that time, it was neglected. Information from it which was given by the leaders of opposition party and respected members of the house was political type. By giving such label to it, it was not given importance and as a result of which the disease which was there become worse and out of which this situation has been created. And because of which government has to bring this act. Last government too had accepted this fact that it wanted to bring hooliganism removal act and in respect of it, the leader of opposition party had made discussions with these leaders also at that time and the format which was adopted at that time, I have the copy of which. If its format and the ordinance issued today will be seen, there is too much difference in its provisions. Yet we said that it is ok that now one weapons comes in the hands of the government if that weapon comes, the evil which is harassing the society and if the government want to be committed for removing this evil and if it removes this evil, we shall welcome it.

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**[Shree Manubhai Kotadiya]**

This ordinance was issued on 27<sup>th</sup> date of May month and the experience which we faced after that is depressing and it is felt when National Security Act was passed in the parliament, the home minister of that time gave assurance in parliament and I have the debate of numerous members of the parliament of that time. Many members of the parliament of that time expressed doubt that political misuse of it may be done and also asked for guarantee for not making political misuse of it. Home minister at centre also gave assurance for the same that its political misuse may not be done. Therefore, what our complaint is about is National Security Act, in the same way, hooliganism removal act has been used same in the political way. The things seen in these two months, after which it seemed this weapons should not be given in the hands of government. Instead of fulfilling the purpose of it, it is going on certain different path. The question today is if we give this weapon in its hands, the purpose for which it is to be used, is it to be done? If government has desire of hooliganism removal for preventing anti-social activities, for removing the evils prevailing in the society, it government has strong desire for it, current laws like Indian Penal Codes and other such laws,



there are many provisions in those laws also. The problem is only such that in these laws, the case will have to file in the court of justice and the amended bill which have been brought, after passing it, no need of going into the court till one year. There is such provision. Even today also, the provisions which are there in the act, on the base of which we can remove evils in this society. But why they are not removed? Why those laws are not implemented? There are reasons behind it and those reasons are also known. We know that very well that in it, only the home minister of the government or other leaders are not responsible. I believe this. Behind this, our one after another oral standard which was high ago has come down. This is not a minor reason for it. There are laws and for their reasonable implementation, the sincerity of police officers which should be there and the moral strength of the people should be there, both are lacking too much. The people have lost moral courage. We have seen so many cases in which when complaint comes, evidences or statements are not given and what do police do if evidences are not given? This fact is also true. Not is is important to go in the root of the reason why they do not give evidences. For that, this need is arisen because police and the persons doing anti-social activities are in collusion. This factor creates depression among people and makes them without courage. Because when person goes to police station for filing the complaint, the leader of those criminal activities has been sitting in the police station with the police. Everything was running according to his advice how to write evidences and not to write evidences and therefore, those papers remain incomplete.

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**[Shree Manubhai Kotadiya]**

Because of Incomplete papers and because of not giving witness in the court when the court has to give decision on the base of the evidences of the police and the papers given by the police, there happens great trouble and because of which many criminals escape. People have lost moral courage and do not give their testimony in the court, do not get the statement written and because of which this thing happens. Therefore, the root behind this is to be found out.

Allegations are made that in the recruitment of sub-inspector, in the recruitment of the police, bribes are taken. I do not fall in the fact how much truth is there in those allegations. But accuracy which was ago is not at present. And the allegations which are there of bribes, if there is any fact in it, isn't it an intrigue? It is shameful why we keep such type of recruitment system where such allegations are made. One fact too is discussed if the recruitment of sub-inspector starts with as much bribe, what will that sub-inspector do after assuming his post? Because the money which he gave, he will definitely recover and what are the sources of recovering that money? In those sources, the persons filtrating liquor, persons of the clubs of gambling are the main sources. And persons who are bullying, their ring leaders are also source. Because of which we have brought this society to that path of low stage. There is great displeasure of it.

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**[Shree Manubhai Kotadiya]**

Now question is such that there are already laws and after adding this new act in it, is there any difference to be done? If no change is to be made in it, there does not seem any reasonable reason to put any extra weapon in the hands of the government. By putting additional weapon, the society expects that the evils in it, pains in it, may be removed. Society can become safe and sisters and daughters can move alone at 12 o'clock in the night. This act is only for creating such situation. We want to give this weapon in the hand so that such situation is created. With the help of it, this can be done and if it may be made, our full support is there. Because ultimately we are all responsible leaders of the society. We desire that society may become safe, terrorism is removed and its reflection has been made yesterday. Evils should be eliminated from the society. Money of the people and sisters and daughters should remain safe and for that we are all responsible. Can this weapon be a medium for performing this responsibility? It is responsibility of all of us. Is this new additional weapon useful for performing this responsibility? And if this weapons may prove useful and helpful, we do not refuse for it. But I am afraid that even after taking this weapon in the hand, nothing is to be done except its misuse. Respected Chairman, recently I went to Surat. The persons there have a complaint that the brokers of inspector come, they harass the persons doing work in diamond industry. In most of cases, these are illiterate persons and after coming say that your name has been entered in the records, I have come after reading it and after twenty or twenty five days, warrant is to be issued in your name.

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**[Shree Manubhai Kotadiya]**

In this way, plenty of money is going in the pocket of these inspectors through such brokers. In last one month, minimum income of five lac rupees has been made by the inspectors there. My allegation is, respected chairman, minimum income of five lac has been made. We wish that the aim of the government should be such that this evil should be removed but it is misused. The situation is such that we have to make certain legal provisions for preventing such misuse and which are not seen in this bill. Therefore, I am afraid that this act may be misused and then there will be difficulty. It is said that its political misuse may not be done but its political misuse is being done. Therefore, for bringing this bill of ordinance, we were waiting, our insistence was there, and in which one big question has come. Yet in it, if its misuse is not done, then our full co-operation will remain in it.

Chairman : Respected Manujbhai, as far as I know, you said that you would do very short speech in it.

Shree Manubhai Kotadiya : In the discussion of two hours, minister will take half an hour, therefore if a little is spoken much then....

Chairman : Discussions are made in this regard. Then what is left saying in this? All has been decided. Now what is to be said further? (Interruption) who has to extend? (Interruption) for what? Respected Manubhai is speaking. Why you are starting? Respected Manubhai, I am speaking with respected Manubhai.

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**[Shree Manubhai Kotadiya]**

**Shree Manubhai Kotadiya :** Point of order was said. Therefore, I sat down.

**Chairman :** He has not spoken point of order. He has come in between without any reason. He thinks if he gets your place then he will take.

**Shree Manubhai Kotadiya :** Respected Chairman, therefore purpose of my saying is that there is little possibility of solution of the situation by this act. Instead of which there is need of social awareness. As far as we do not bring social awareness, respected chairman, difficulty will remain in this.

When we want to pass this bill, there are five or six points before this assembly house to consider. One is whether such powers are necessary or not? By giving the detail why they are necessary, it was important that minister might say in this house and because of this reason only we need to assume additional power.

Respected Chairman, other fact is whether the present law is really insufficient. If there are enough provisions in that law, why they are not used? For doing necessary proceedings according to this act, what we are doing against those officers who are performing their duties?

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**[Shree Manubhai Kotadiya]**

Second point is that this is additional power. Will situation come under control by it? If it will not come under control, how it is to be controlled. This information too should be given to this house. If the government is committed to control this condition, its future programme should be shown that as many powers there were in it and we shall use additional powers in this way. Because of misuse of those additional powers, is situation to be solved in this way? Respected Chairman, by taking these additional powers, nothing is to be got. The purpose which is there will not be served. My point is only that is there any possibility of misuse of

these additional powers? Then its misuse is to be done and it has been done. Respected Chairman, such thing is happened at other places also. It has also started at our place in Amreli. In this, the middle men of the Police Department, for making officers happy, for getting their pockets filled, misuse of this act has been started. I have also question are these powers to be used judiciously and intelligently? If not to be used judiciously and intelligently then.....

**Chairman :** Respected Manubhai you are repeatedly asking one question and you yourself are giving its reply.

Manubhai Kotadiya : I have very clear definition that by giving such powers, purpose will not be served and in such circumstances, the government will have to rethink. As I said ago, by assuming powers politically or in any other method, ultimately what do we want to do? No meaning of it is to be served without social awareness. In it, the moral strength of police, power of it, without encouraging it, we cannot serve our purpose.

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**[Shree Manubhai Kotadiya]**

I want to draw attention to several provisions of this act. In this, particularly, according to my concept, two provisions which have been left, there was need to include them. One is gamblers are not included in this. The Clubs of gambling have not been included in this. And the second thing is the persons making damage to the crops have not been included in this. In Saurashtra, there is full damage being made to the crops. Bullying is also done. The land owners by making farmers helpless on one side make them stand and they mix their farms. If such thing happens on one place, then it is ok but it happens often. Therefore, there is need of including the persons making these two activities. In my view, there is need of including the persons running the clubs of gambling and the persons making damage to the crops. Official amendment may come in this matters also as respected Kalariya has brought. It is important that his deputy whip may bring it.

**Chairman:** The thing is such in this respected Manubhai that you have understood by sitting together. One can speak whole day on this topic. (Interruption) There is no meaning of pulling it by making such lengthy speech. Amendments have been suggested by sitting together, all things have been finished then what is its meaning? Let's continue.

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Presentation of Seventh Report of Business Advisory Committee

Manubhai Kotadiya : As I said before, there is also need of making clarification in several sections. And particularly in section 3, there is need of making much clarification by the minister. There is such provision in it that any.....

## **Presentation of Seventh Report of Business Advisory Committee**

**Chairman:** I am presenting seventh report of business advisory committee.

**Proposal was presented.**

**Shree Nalin K. Patel: (Minister of Pparliament):** I am presenting the proposal that this assembly house may agree with the seventh report of business advisory committee.

**Chairman:** Before put on vote, I am reading the report and getting it hear before you.

The meeting of committee met today, i.e. on Thursday, 25<sup>th</sup> July, 1985. The committee has made the following recommendations.

On the base of power got in respect of rule-192 of the rules of Gujarat Legislative Assembly, I am presenting seventh report of Business Advisory Committee.

The meeting of committee met today, i.e. on Thursday, 25<sup>th</sup> July, 1985. The committee is making the following recommendations:

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Presentation of Seventh Report of Business Advisory Committee

- (1) Keep one meeting of assembly house at 8.30 in the morning on the date 27 – 07 – 1985, Saturday.
- (2) On the date 26 – 07 – 85 and 27 – 07 -85, the following mentioned government bills are to be undertaken in the following order and are to be completed.
  1. Bill serial no. 20 of the year 1985
  2. Bill in respect of preventing anti-social activities in Gujarat of the year 1985
2. Bill serial no. 39 of the year 1985 and Mumbai Land Acquisition (Gujarat amendment) Bill of the year 1985.
3. Bill serial no. 40 of the year 1985 and Gujarat Sales Tax (Amendment) Bill of the year 1985.
4. Gujarat Mineral Rights Tax Bill of the year 1985.
5. Gujarat profession, trade, business and employment tax (Amendment) Bill
- (3) Undertake last day proposal (If any) on the date 27 – 07 – 85.

**Shree Manubhai Kotadiya:** Respected Chairman, Business Advisory Committee has....

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## Presentation of Seventh Report of Trade Advisory Committee

**[Shree Manubhai Kotadiya]**

The programme which has been presented in which there are both leaders of opposition and therefore, none can refuse in it in respect of that. But by thinking that we are free on Saturday and on Sunday, appointments have been given to many persons according to the next programme, the time has been decided, difficulty happens in it. So in that regard, it is my request that committee may think in future.

**Chairman:** Respected Manubhai, this Saturday is last. This discussion has been made and after discussion is over, it has been decided. It is better if this session is going to finish on this Saturday. It is such in this when house meets in assembly, together two months in twelve months, we have to remain present, it is natural that we have to suffer a little discomfort for the sake of assembly house!

**Question was put for voting and was approved.**

**Shree Manubhai Kotadiya:** The provisions which are there in this bill, by talking a little about two or three sections in it, I shall finish my speech. The sections which are there in which (Interruption)

**Chairman:** Respected Markhibhai, your mike should run when your chance to speak comes, If the mikes of all persons speak, disorder and hullabaloo may be created here. Nothing other can happen.

**Shree Manubhai Kotadiya :** There is section 3 in which this definition of doing any deed by which there happens obstruction in maintaining public order , which is so much unclear in which any person at any time can be included in it.

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## Presentation of Seventh Report of Trade Advisory Committee

**[Shree Manubhai Kotadiya]**

In this, it is written if state government is confirmed that in any way by which public order is disturbed, then what is to be done in it? They can say to any person that it is not maintained and they can catch him, therefore, it is important to make one clarification in it. Otherwise there is too much possibility of making misuse of this section. In this way, the provision has been made in section 9 that in giving reasons, the copies of the statement too have to be given. In this, it is such that he will have to be informed because of which reasons that order has been done. What meaning of this is made by the lower level police officers? Whatever statement is, documents are, they too are to be given to the accused person. And if they are given, then for proving case against him, for proving crime against him, who has given evidences, who has given proofs, who has given information, all this information too is got by the criminal from the place where he is arrested and when this information is got, he is to come after release. And then the person giving document or the person giving evidence will not remain safe. Therefore, on the base of it, the government will not get evidences. Difficulty is to be created. Therefore, the provision which is there for giving that information

...

**Shree Ashok Bhatta:** Respected Chairman, there is rule 132, in which when any bill comes, after its first reading, in-charge member, only the member who is in-charge of that bill can present the proposal of the bill and can give its reply. Today situation is created such that in-charge member the chief minister of the state, whether he has gone after taking permission of the assembly house or not, I do not know.

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Presentation of Seventh Report of Trade Advisory Committee

**[Shree Ashok Bhatta]**

But the question is that all other members of councils of minister can give reply but not during the discussion of that bill. During discussion of demands, there is joint responsibility of chief council. Therefore any minister can give reply in place of one minister. But when the bill is presented, the full procedure is to be done only by in-charge member. Respected home minister and chief minister know this fact yet by giving much importance to the programme of inauguration of television, instead of being present in the house, they have gone. It is really difficulty. And because of which I seek your clear guidance that this is question of appropriateness also. When such important bill is being discussed in this assembly house, think if discussion is finished right now, from whom we have to ask for the reply? Any other will give reply, which will not be considered reasonable. Because the in-charge minister of this bill can present proposal, such fact has been said in rule 132. (Interruption) After completion of first reading of the bill, the following members were informed as in-charge member in respect of that bill. They can make any one proposal out of the proposals mentioned below. Therefore, this rule is very clear that only in-charge member can do this. Now the member who is in-charge member and because of accidental reason, because of any important reasons, any external situations are created such and they have gone, then the situation is different. At present no such situation is there because of which they should go out.

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**[Shree Ashok Bhatta]**

Therefore, I seek clear order. Respected Chief Minister would have remained present by insisting on appropriateness of this assembly house, this could be done. And in such situation, is that done in that way?

**Shree Suresh Chandra R. Mehta:** Respected Chairman, the point which has been raised by respected member Shree Ashokbhai is very serious and reasonable. The minister moving this bill is in-charge and that is respected Shree Amarsinha Chaudhri, the Chief Minister, he is now in-charge of home minister. There is no other minister who is handling charge of home department and therefore, there is no question of joint responsibility of cabinet. But the Home Minister who has moved the Bill, he must remain present in the House when discussions are going on during the first reading. So, it is bounded duty to the House that should remain present.

**Mahant Shree Vijaydasji:** Respected Chairman, the question which is raised by respected Shree Mehta and respected Shree Ashokbhai, is improper because in the presence of both the leaders in advisory committee, the presentation was made and here all have accepted it. This has been accepted in trade advisory committee and I want to say more than this to you that the in-charge minister who is bound to give reply and it is true fact. The in-charge minister of this whole bill is going to give reply of this bill. It is not such that this in-charge minister has to remain here present continuously. He can go out if he wants to do. In place of him, other minister can also take his note and can give reply of that note. Therefore, I assure that in-charge minister wants to give reply of this bill.

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**Shree Sureshchandra R. Mehta :**

Respected Chairman, let me explain one thing that it was decided on 5-15 that it was not private member bill. Therefore, working of house is to be completed on 5-15 and this time, minister said that he wanted to go, so he could go. But there was not such discussion that one can go in running meeting.

**Mahant Shree Vijaydasji :** Respected Chairman, this is not the discussion between us, the two members. This is discussion between the members of trade advisory committee. And it was also discussed in it that there is programme on 5 o'clock and he would go from here on quarter to five. This fact was also clearly said then. Yet by going forward in it, I would say that there is no such thing that he has to remain present continuously and it is not necessary too. Any minister can take note of it and in-charge minister is to give reply of all these notes and will give. (Interruption) Its reading will be completed (Interruption)

**Shree Chimanbhai Patel :** Respected Chairman, when this discussion was made, respected chairman was on the post of chairman and then this bill was discussed and it was discussed to complete till recess of tomorrow. Since respected chief minister is to go in one function, it was also mentioned in business advisory committee and yet this bill is not completed today. And many members are to take part in the discussion.

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**[Shree Chimanbhai Patel]**

At present, chief minister has gone, therefore he will reply tomorrow. And think if its discussion would have been completed today, he would give reply tomorrow. Therefore, I think that chief minister may have decided in the presence of trade advisory committee and in the presence of Sureshbhai.

**Shree Sureshchandra R. Mehta:** Respected Chairman, the leader of opposition as present and he also said that the work should be completed on 5-15, because it is not private members bill. No other discussion was made. Therefore, I do not what was discussed during running bill.



**Shree Ashoka Bhatta :** Respected Chairman, I do not know about the fact of trade advisory committee.

**Mahant Shree Vijaydasji :** Respected Chairman, it is not appropriate to make this the point of discussion.

**Shree Ashok Bhatta :** Respected Chairman, I do not know about the fact of trade advisory committee. I want as much decision from you when such bill is coming, it is important that in-charge minister should remain present.

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**[Shree Ashok Bhatta]**

Whether only for this point, respected chief minister has to remain present or not? Did he go after taking permission which is not the question because he would have remained present, he could give reply. Because the bill was about to finish. Therefore, I have raised this point and therefore, not only for today but forever, through you, it may become guiding, I expect from you that it could be considered appropriate if in-charge minister would have remained present on such time.

**Chairman:** respected leader of opposition said that agreement has been made and on the next day, it was also discussed to extend this bill till the recess and respected Ashokbhai, it is also discussed to extend this bill till the recess of tomorrow and when respected chief minister has gone after taking permission from the chairman, there is no need of creating this controversy. And this is only the matter of understanding that the minister of concerned division should remain present. But if there are special circumstances, he can go after the permission of the chairman which is also a matter of understanding.

**Shree Manubhai Kotadiya:** Respected Chairman, the talk which I was speaking, in which (Interruption)...

**(Under the Chairmanship of the Chairman)**

**Chairman:** The Point of order of respected Ashokbhai is still pending to be finished. Respected Ashokbhai, it is not good to raise point of order in personal matters. It is acceptable policy if minister remains present, it will be considered good.

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**Shree Ashok Bhatta :** This is not such bill that can be completed today because reply is not to be given today.

**Mahant Shree Vijaydasji:** I have not at all said to finish. I have only requested respected Manubhai if respected Manubhai shorten his speech, other may get opportunity to speak.

**Chairman:** Respected Ashokbhai, There is one fundamental difference between our parliamentary method and the parliamentary method of Britain and that difference is that the work here runs on the base of the principle of collective responsibility. The work there runs on the base of joint and separate responsibility. Therefore, personal responsibility of minister comes there. Here, individual responsibility of minister does not come. Cabinet itself does the whole function. Therefore, if the minister is absent and other minister takes his responsibility, there is no objection. (Interruption) There was nothing like tapping the benches. (Interruption) Respected Manubhai, too much has been said. Don't you want to give chance to any other member of opposition party except you?

**Shree Manubhai Kotadiya :** I had already said that I would take half an hour. In this, I have taken 15 minutes.

**Chairman:** If 15 minutes are of all, then the matter is different.(Interruption) I do not want to get you sit. Please speak as much you want.

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The Bill in respect of Prevention of Anti-Social Activities in Gujarat

**Shree Manubhai Kotadiya :** I shall not take more than 10 minutes. Respected Chairman the provision which is of section 12(5), there is ban on hiring advocate. He will not be entitled to come through any legal professional. If in such provision, when there is political arrest, it should be given exempt. Otherwise what should be done in it? The fact of arresting at any time and sending to jail has been proved. In the last two months, it has been experienced, not only this, but since last four years, the use which is being done of N.S.A, it has been too experienced. If government wishes that he is doing such act, there is no objection in arresting and sending him to the jail. Then he releases at the end of seven week from the court but the ban which has been kept on hiring advocate, is not fair in my view also for maintaining the interest of the justice. Every person is not aware of the law. And since he is not aware of the law, provision is not kept in it that the learned person in the law may be advised then it is much injustice. I think so. The provision which is there is not fair.

There is section 13 in which the government has tried to keep special powers in their own possession, It is such in it that the order of detention can be granted. Board can make decision. If board thinks that this is right, the arrest which has been made is appropriate, there are enough reasons behind it and if this person is kept in jail up to one year, it is suitable for establishing peace in the society. If board thinks so and if the government wants to keep him, it can keep him in the jail and if it wants to leave him, it can release him. Whose influence may come? If any five persons by getting together say to leave him, and by allowing pity on him, if he is released, then this right is not fair. And if he is confirmed in the board, he must be kept in jail for one year. This is my clear belief. There is full possibility of misuse of powers if such powers will be given.

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The Bill in respect of Prevention of Anti-Social Activities in Gujarat  
**[Shree Manubhai Kotadiya]**

There are also other provisions in it for which I am drawing attention of the government that misuse will happen in this and doubt of such type is created in it. I will say only the last fact. Though all this is present, we want to make society free of risk. We are to give consolation to the society that they can live with dignity. Whatever actions are taken by the government in this, whatever additional actions are taken in this, there is our full co-operation in it. We have also offered ago that and today also we want to make offer. For protecting the society, for keeping safe the honour of our sisters and daughters, for keeping safe the earned money of the people, if reasonable actions are taken, our co-operation is always to such actions. On this occasion, I want to say only this fact that cases are released inside, cases are released inside at present and such are prevalent laws. In respect of these acts, they are acquitted and in this matter, we have to make amendment on two places.

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The Bill in respect of Prevention of Anti-Social Activities in Gujarat  
**[Shree Manubhai Kotadiya]**

One is that quality of government advocate and in recruitment of government advocate handling such cases is not seen which will have to be seen. Good advocates may be attracted to this post, because the pay scale which is there in it and the facilities given to them, those facilities and pay scale also, I think is very insufficient. Therefore, good advocates may be attracted, good advocates may come in government service and may show interest in proving the crimes. As far as such type of advocates having potentiality of proving such type of crimes do not come in the government jobs as public prosecutor, no matter how strong the papers of the police are, but those cases will not prove.

Secondly, whatever the procedures of justice are, in those procedures several radical changes are needed and the government also needs to think about it if so many criminals are acquitted, whatever may be the reasons for their acquittal, analysis of those reasons should be done and if it is not done, no matter whatever weapon we shall use, the result will not be got. If we bring another act after this, by that act also, we shall not get expected result. Therefore, I it is my request to the government when we put this power in the hands of the government, this weapon may be used judiciously and intelligently, its misuse may not be done. Its political use may not be done and care must be taken to use it only for removing hooliganism. I discussed recently in the end in which there were only ordinary persons running small stands of liquor in our Amreli district. Such persons have been arrested. The persons who are ruffians have not been arrested.

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The Bill in respect of Prevention of Anti-Social Activities in Gujarat

**[Shree Manubhai Kotadiya]**

The persons who are ring leaders, there are numerous murders on whose accounts, they are at present under the eye of the police, move here and there as the members of political party. Therefore, the purpose for which we enact law, if we want to achieve that purpose, give instruction to the police and district magistrate or the person doing activity of this type, after seeing his history of three years and if he is involved in that activity at present, against whom we do not need any evidence, by arresting such people, send them behind the bar of jail, then our demand may be satisfied somewhat and we can make society fearless. Ultimately it is responsibility of all of us that and for performing that responsibility, whatever proceeding has to be done, that proceeding is to be done. In the way, it may not be misused. I think that we should go further in this direction.

**Shree Bholabhai C. Patel (Visnagar) :** Respected Chairman, in this assembly house, respected minister has come by bringing hooliganism removal bill or Gujarat anti-social activities removal bill among us. On this occasion, I clearly want to express my opinions that hooliganism has increased in the society and that hooliganism is to be removed. After independence of 37 years, such result has come that every where hooliganism is running in the society and government cannot control it. In spite of having so many laws, by taking shelter of the law sitting on the first bench, we could not remove this hooliganism in the society. Therefore, you have to come today by bringing this bill. We too have all laws. We are the public of Vadodara state and the state which was running in Vadodara state, we cannot see the same state even after independence of 37 year.

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Non-Government Bills

**[Shree Bholabhai C. Patel]**

We have pain about it. Independence came. We do not want monarchy in India, We all have accepted this and we have removed monarchy in India. Our head bows in the legs of Vallabhbhai but new democracy which has come, new democracy which we brought....

**Chairman :** Respected Bholabhai, your minutes have been finished. Next.

**Non-Governmental Bills****Mumbai Provincial Municipal Corporation (Gujarat Amendment) Bill of the year 1985.**

**Chairman :** Respected member, Mahashvetaben, (After a little while) Respected member is absent. Next...

**Shree Ramanbhai Patel:** Respected Chairman, point of order, respected chairman, my point of order is that there is no such provision in our rules, it means there is no clarity that the member who has entered the bill, if that member is absent, on behalf of him or by other power, other member can submit that bill in this assembly house and respected chairman, when there is no provisions in our rules, the procedure which has been taken in our parliament, we take its support. The Book of Parliamentary Practice And Procedure, Page No. 474 of 1968.

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Non-Government Bills

[**Shree Ramanbhai Patel**]

“A member who introduced a bill may at a subsequent stage, with the permission of the Speaker, nominate another member to pilot the remaining stage or stages of the Bill.”

And Respected Chairman (Speaker, under the same procedure, there were two Bills piloted by some other members. Such permission was given by the Speaker during the seventh session of second Lok Sabha, in respect of the institution of chartered engineer bills, and during the tenth session of second Lok Sabha, in respect of the Catholic Church premises and ecclesiastic order (Restriction on political activity) Bill.

**Chairman (Speaker):** Respected Ramanbhai, this the second paragraph that you read, which was that paragraph?

**Shree Ramanbhai Patel :** It is a foot-note.

**Mr. Speaker :** You may proceed.

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Non-Government Bills

[**Shree Ramanbhai Patel**]

**Shree Ramanbhai Patel :** Even for the introduction of the Bill in Lok Sabha it was allowed. A member who has given notice for introduction of a Bill may authorise another member to introduce in his behalf provided the authority is given in writing specifically and also to move the subsequent stages of the Bill by the member so authorised. Thus, the person who is authorised to introduce the Bill becomes member in charge of the Bill provided the authority is sent in an advance. In this case, I have sent my authority in advance.

Now my question is when there is no such provision in our law, it does not mean that it is negative because there is no such provision.

I have been duly authorised by Mrs. Mahasvetaben and therefore, I should be allowed to move the bill.

In such circumstances my submission is that it should also be considered affirmative because there is no provision. In those circumstances my point of order is that I have been duly authorised by Mrs. Mahasvetaben, I may be allowed to move this bill.

**Shree Dinkar Desai :** Respected Chairman, there will be one doubt when you give ruling that there is matter of piloting remaining stage after introduction but I want to talk from different role that private member gets little time for introducing his bill.

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Therefore and the day of Thursday which was decided, on that day, due to illness, respected Mahashvetaben could not come. It is natural when one minister is absent, another minister can reply. Their collective responsibility is reasonable member has collective responsibility for his own voters, for public and for this house and therefore before your ruling comes, we request you that in the interest of our democracy, as much discussion is done in this house, the problems of the people will be discussed. And this question is touching in many aspects and there is also provision of it in this bill. There is space of discussion. We have time till 7-15. On this occasion my humble request to you that, it is my submission request sir, that you may become generous today. When I say you to be generous, it is your discretion. If you become generous, that will be considered greatest gift received by Gujarat and you may give such ruling so that respected Ramanbhai can introduce this bill, he can pilot this bill and reply for the same. In the end, that will happen, whatever may happen. As much is my submission prayer and request.

**(Interruption)**

**Chairman:** I don't want on a point of order, if I need any assistance. I allow to speak only if I need help. I do not want any help. Of any one (Interruption) I understand this feeling of all the members.

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Matter for which attention is to be paid.

**Shree Amarsinha B. Chaudhri:** To call home guards as anti social elements is not appropriate. Respected leader of the opposition party wants to stop this activity. (Continuous Noise) They should listen to me. My full reply is still pending.

**Chairman :** Respected Kesubhai, Please let respected Chimanbhai to answer the question which he asked.

**Shree Amarsinha B. Chaudhri:** The temple situated in Gandhinagar is the temple of faith of the public living in Gandhinagar. Devoted persons go there to worship. There is no discrimination that this is in favour of reservation or against reservation temple. Religious feeling is the same for everyone. If any person goes with religious feeling to worship there and at time by sitting there f any crowd speaks any obscene words, obscene speeches are given, obscene songs are sung (Interruption) and the person going to worship is insulted,

such matters are discussed there. These activities have been running for two-four months. If respected members have as much worry for the same, the name which was taken of the leader may be requested to stop the gathering in the temple. Everyone has right to worship and see the god. All people can return back from them after worshiping and seeing the idol of the god. Such activity cannot run in the temple.(Interruption)

Shree Sureshchandra R. Mehta : Not only others but votary too was so much hit that he had to admit in hospital. In the internal door of the temple, the police hit with shoes and in such situation, the ringing of the bell stops in the temple. Votary decided that they were to stop

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Matter for which attention is to be paid.

ringing the bell from the evening and ringing of the bell is not done in Arati. Sisters come for the first delivery in nearby maternity hospital, the women to whom police hit, go in the toilet. (Interruption) Head injury should not be done in Lathi Charge. In spite of such strict instructions are given to the police, if we look at all persons, they all have head injury. Thrashing of the chain of bicycle .....

**Chairman:** Respected Minister, please only reply about their head injury and the chain of the bicycle.

**Shree Amarsinha B. Chaudhri:** The Jawans of Home Guard who without taking any salary, by taking only honorary allowance, from as many days, have been doing service for last three-four months. To say them anti-social elements is not fair in any way. And when the Police go for arresting any criminal, they should go after removing their shoes. If any criminals throw stones to the police, any criminal runs away after throwing stones at the police, the police must go to arrest him and at that time, without removing shoes, they go to arrest them, then there is nothing unusual. The other fact of women with delivery said by respected minister is totally fabricated fact. And in this way, irritation is done. Not only here, but in the whole Gujarat, public is irritated in this way. By finding small issues, by raising fake issues, by making irritation in this way, for starting continuous riots Gujarat, efforts are made in Gujarat.

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The Proposal Rejecting Ordinance of the year 1985: Serial No. 11 {Rule 152(2) and the Bill Serial No. 20 of the year 1985

The Bill in respect of Prevention of Anti-Social Activities in Gujarat

The Bill for making provision for preventive detention of Persons Doing illegal business of liquor, dangerous persons, drugs criminals, Immoral trade criminals and the persons usurping properties, and the persons making disturbance in public order, for preventing dangerous and anti-social activities.

Chairman : Now parallel discussion will run on the proposal rejecting ordinance serial no. 11 of respected member Shree Ashoka Bhatta and the Bill serial no. 20 of the year 1985, the Bill for prevention of anti-social activities in Gujarat.

Shree Ashoka Bhatta: (One after another) : Respected Chairman I was doing study of the reasons of the arrest of the persons who were arrested at Anand yesterday. In which Jashubhai Barot, Hsmukhbhai Barot were arrested for the reason of running pension opposition movement run in 1985 and for giving application to the Mamlatdar by organizing one meeting. I think that the situation which was created by this government, we shall have to think about that situation. Is hooliganism act really for arresting ruffians?

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Is this act for anti-social elements or for others? Today the information received from morning newspaper and details received from Savar Kundla one information which I have received, on the base of which I want to present my fact. There are certain biases bound in the mind of this government. The situation which is of this government and on the base of the situation of its police system is such. In Savar Kundla one person with religious nature Shree Amubhai was arrested and yesterday Savar Kundla remained closed. For the reasons of his arrest, it was said that he was communalist. He was not a member of any Bharatiya Janata Party or any opposition party. He was only running one social and religious activity. For which the leaders of congress and women made statements and therefore when I was reading the case of Amubhai in the debates of Lok Sabha, the same one case has happened in Bihar. The example of Bihar is also almost the same. I think that the government of Gujarat too is going on the path of Bihar. There is debate fourth session, volume 10, content 11 to 20 in Lok Sabha. In which discussion was running of National Security Act. The discussion was running on page no. 233-234. In which the member named Pro. Pyarelal Dhaneja gave one very good example of Ram Vilas Paswan.

(Under the Chairmanship of the Chairman)

The fact spoken by Paswanji has proved true today. He said such that

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The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Ashoka Bhatta]**

“I do not want that your government may go and therefore I request not to implement it. Respected Chairman, there is one incidence of Bihar. In Bihar, one monk was arrested in emergency and sent to jail and then that matter came in to the court then by scolding to the police, sessions judge asked silly police why have you arrested and brought him here? He is a votary of temple. Agreed constable said that he must be punished because that cruel person was speaking Narayana, Narayana on the road, he might be a man of J.P.”

Respected Chairman, here too, this government arrests Amubhai by considering him the person of religious nature and assuming him communalist person. Savar Kundla remains



closed. In Gandhinagar also, one votary is thrashed. The government of Gujarat goes forward by taking action one after another. Then I have to say that in this state, this government has got right to enact law in the house of legislative assembly, we have got constitutional rights. Then we can make laws of preventive detention. When the laws of prevention are enacted, we have to take some care while enacting and implementing these laws. The government of this state was given several powers by the central government in the year 1987. The state government is taking actions according to it and there are laws of arresting anti-social elements. But where implementation of it is done? The use of this act will be made tomorrow against political leaders, will be used against trade union.

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The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Ashoka Bhatta]**

Its pervasiveness is so much that any person can be arrested and by arresting any person, the make the statement done by four persons that is person is disturbance for public order. This act is of such pervasive form. And because of this fact, arrest of Amubhai could be done. Only because of this reason, arrest of Hasmukhbhai Patel has been done. Because of this reason only many other may be arrested. And therefore I want to say when we go ahead in this country, if government makes law, its intention has been revealed that since it has implemented ordinances, it was to come with such ac, on that occasion, opposition parties were going to welcome. This government has given model bill to the opposition parties, where that bill is? What are the reasons of making changes in the sections of the bill which was shown and in the sections of this bill? Has model bill stolen? (Interruption) Only because of this reason, this act will be implemented on labour movements, teacher movements, student movement etc. And therefore only, pervasiveness of definition which is of dangerous person. As I said yesterday, this law is copy. And because of copy, the definition of it which it should be is not in this. If we look at the first and the second sections of the law there is much pervasiveness of the law. In the year 1860, 25<sup>th</sup> of Mumbai in the year 1949, 27<sup>th</sup> of 1960, 54<sup>th</sup> of 1959 and the President act 27 of the year 1976, power or orders of detention of certain persons and in respect of any person, if state government is confirmed that they are disturbance in maintaining public order, for doing any such act and with preventive purposes, it is important to do such, then order can be given for detention of such person.

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**[Shree Ashoka Bhatta]**

This situation which is there, because of which persons who believe in democracy, Persons who believe in liberty of individual, persons who believe in constitution, those people know that in the name of anti-social elements, this government, for making end of opposition parties, and for defaming them, is doing this act. And therefore, I want to say the leader of the house when law is made why the person opposing pension are arrested? In small area like Anand, two persons fought in 1984 and were caught today. The situation which occurs on such occasions, I have to say that when we enact several laws, we also consider on several

decisions. I am saying to the Government that the act of 1984 of cow breeding, the judgement which is on prevention, detention of Bombay High Court. It is readable. There is very important decision on independence of citizen and constitutional rights. In the time of unrest, if any of such acts is needed, it can be thought for controlling anti-social elements. It can never be thought in the direction of destroying independence of citizen. And if we think in the direction of destroying independence of citizen, such government should be prevented.

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**[Shree Ashoka Bhatta]**

I talked about section 3(1) of this act and along with making this talk, this is the act same like N. S. S.. There is also the provisions of the same type and when there is provision of the same type in it, but when this act was enacted, one advisory board of three members was made. The advisory board which is made by this government is thought to be made of the judges of sitting high court. It can also make of sitting and can also make of retired judges. Today condition is created such that more than 200 persons have been arrested under the act. If 200 persons are arrested and the advisory board is made of sitting judge of the high court, the situation happens such that they do not get justice because within the time limit in which he has to be produced before advisory board, if he continuously sits near the high court, yet cannot do this.

There is another provision in this act that if he goes before advisory board, he can make argument alone. He cannot take advocate with him. On such occasion I want to quote Jyoti Basu. At the time of discussion of National Security Act, in volume 10, 11 to 20, content volume no. 7 series volume 10, 13 page no. 213, Jyoti Basu has said that ---

“In a large number of cases, the Supreme Court has set aside Advisory Board’s approval. The Advisory Board is a pocket edition of the Executive sitting opposite to me with a white turban, facts and circumstances are so complicated that a lawyer is a must but it is prohibited in this Bill.”

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The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Ashoka Bhatta]**

Respected Chairman, the state government has its own legal department. The state government has specialists of the law. In such circumstances, the state government may make such decision in the law that the persons who is to go before advisory board, when such person is not able to hire advocate, the powers got under section 22<sup>nd</sup> of the constitution, that 22<sup>nd</sup> section also says the same and the core idea of the discussion made on National Security Act is the same.

“This National Security Ordinance Bill is based on non-amended Article 22, Article 22 says

—  
 “(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty four hours of such arrest, including the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond said period with the authority of a magistrate.”

Respected Chairman, the person to whom we are to punish, the person who has committed a crime, when punishment is to be done, for such person also, the constitution says such that he should be produced before the magistrate. The article 22 of the constitution says such while producing such person too, after producing him, if he wants to make his defence, he has right for hiring advocate or for seeking advice of the advocate or consulting for the same also for going into the court of justice or also for going before advisory board.

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The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Ashoka Bhatta]**

I have to say with much regret that this government gives permission to hire advocate when criminal is arrested under COFEPOSA and does not give permission to hire advocate if the person is arrested under National Security Act. If such is the situation and if it is running and when one is arrested under hooliganism act and if his advocate wants to meet him, he should come and take the permission of home secretary of home department. Without this they are not allowed even to meet in the jail. I think that such act like Nadirshah should not have done. What are the reasons behind the government assuming such powers? What are the rights, under which rule, it is taking such powers? Does it have right to sent any person to the jail? It has right to make such law but it has no such right that he cannot hire advocate for seeking justice. If such condition is of the state (Interruption) the implementation which is being done of this act, then I informed the fact through you of advisory board and sitting judge.

The question is that this is act in which difficulties of which type are there? It has been said in the law that the reasons which are given which are irrelevant, yet they can be found out. And in the section 5 such is said because of which the act which has been enacted in this state which should be understood. Because of irrelevant reasons, none can be arrested. I say one interesting case related to it. Under this act of Bihar Control and Crime Act 1981, one accused person named Vijay Narayan Singh was arrested and its one petition number 47/1984 submitted before Shree Maiya Reddy, A.P. Sen and Shree Venkat Ramaiya, the batch of three judges of the Supreme Court of 1984 and it is such in this case that Vijay Narayan Singh was arrested as anti-social element by giving three different reasons to District Magistrate.

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**[Shree Ashoka Bhatta]**

One reason in 1985, he, to the witnesses, equipped with arms, with non-licence holder revolver, by entering into the shop of one cloth merchant, with the gunpoint, he was collecting instalment. In 1982, he was harassing the women coming out of the cinema house. In 1983, he was doing kidnap and intrigue. He was arrested under different three crimes in 1975, 82 and 83. Therefore, he is considered habitual criminal. Here it was said in our law. Then we made that amendment. The dangerous thing is to happen that it cannot sustain after the judgement of Supreme Court. Therefore, we want to make such amendment in section 6 or in part three of section three that to be unclear any one reason out of any such order or several reasons out of any order or not to be in existence, three not being consistent, four not related to such person or being near and because of any reason being invalid or will not be considered non-implemented and therefore the government making such order or the officer, as per the provision of section three, remaining reasons or may have assurance in respect of reasons and if the order is made to prevent it, then it is not possible to resolve the same. Such is there in part A of section 6.

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**[Shree Ashoka Bhatta]**

The fact which I was saying was that two judges of Supreme Court respected Reddy and respected Venkata Ramaiya gave judgement that it is not considered as the habitual criminal and the third judge gave such decision that it is considered as habitual criminal. Because of such indistinctness, to keep grounds pending under this section, though such grounds are not clear, because of keeping provision of arresting him, this act cannot sustain in the Supreme court. Therefore, through you I again request the government that the act brought by you is incomplete and because of such provisions in it, any detention to which you want to keep as anti-social or hooliganism element, that element may escape outside, such is loophole this is. Apparently it seems that the legal department has made effort to make very strict law, but this legal department knows that by giving such faults, he can be given reason to acquit. Legal department knows that this is one judgement of the Supreme Court. And legal department knows many such judgements of the Supreme Court. Why they do not give such assurance that the reason for arresting must be clear? Why in section 2, the words like person with such habit should be used frequently on all the three places, I shall say when my amendment will come. But the fact which I am saying is that by which we are to make the implementation of this act is only to be done by the police system.

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**[Shree Ashoka Bhatta]**

Is this Police system is as much competent? This Police System, with the hands of which we want to implement the law. In its hands, knowingly or unknowingly aren't we giving weapon of additional corruption in the hands of any dishonest officers? And because of which, don't we want to create such situation? And therefore, the state government must implement such acts. If any actions are taken to remove hooliganism, our co-operation and support will be in all such actions. But if those actions are incomplete, raw and with political purposes then it is natural that our support may not be in it. And therefore increasing potentiality of such system, last minister has made efforts or has not make efforts I do not want to explain all this. But this home Minister must consider several things. And first of all they have to make sincere effort in the direction of the police system. On the 8<sup>th</sup> March of 1980, the conference met in Delhi of the Governor and the Chief Ministers, I had read some part of the proceeding of that conference and in it, the Prime Minister of that time had very clearly said to the Governors and the Chief Ministers of the state that the report of Gore Committee and the report of National Police Commission also, every state should put in effect for amending police system. From 1980 to 1985, the Home Minister of that time had remained in political activities, political intrigues and in the activities for saving the Chief Minister.

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**[Shree Ashoka Bhatta]**

And because of which he did not find time. And because of which today the situation of the Police System has become such that in the state, there is one D. I. G. and five Special I. G. and I.G. more than 12 and D.S.P in each district, which means that there are fifteen actors and sixteen directors. Such thing has happened and because of which the split which has happened in the Police System and the division which has happened, among higher level officers, to whom by getting them sit together or rigidly will have to say. I do not want to say old fact which had happened during the appointment of the Police Chief and his C.R. or remarks were not seen. I do not want to scrape the incidence which had happened in the past. (Interruption) that which happened let it happen. The report which is of National Police Commission and the recommendations are made by Gore committee. It is clearly said in it that the police should not use their hands against women, children and persons. The police men who are in the job, re-orientation training course should be started for them. It is clearly said in the report of Gore Committee that before making appointment of the Police, the standards of his qualification should be decided.

Respected Chairman, the beginning of the implementation of Police National Commission come in 1973 was started in 1976 and in the beginning of that implementation, the I. G. of that time started it and after making its beginning, the efforts for

member of legislative assembly in respect of how police and public come close to each other, also the efforts for which were arranged in conference and workshop.

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**[Shree Ashoka Bhatta]**

Since the government come in 1980 not being of such creative activity, he stopped this effort. In 1985, once again, this effort may be started, such report of National Police Commission and the report of Gore Commission for which it is important that it should be read by respected Home Minister. If this system is to be made stronger and if this act is to be brought, how the police should be. For many days, I was thinking of asking for the report of National Police Commission and of reading it. I was making effort for it but I did not get it. The report of Royal Commission on Police, 1966 which was presented in British Parliament, in which, the fact which was given about the Police, it is more important. In which the talk was discussed about Drawback of Police Life, on the page number 14.

“Our attention has been drawn on social disabilities of police personal”

This is very important thing. The ordinary constable who is and in respect of that very important thing has happened for us. And therefore we have to think that how his life may go high. How he can become honest, for which we have to make efforts clearly. The Police who is there, if he is not honest, further it is said in this report that:

“His personal conduct in all matter both on off duty must be above the report. He must not only be honest, he must establish in the community a reputation for uprightness and fair dealing that puts him beyond the reach of criticism malicious gossiping.”

This is very important thing. It is not only said that he should be honest but his status should also be high in the society.

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**[Shree Ashoka Bhatta]**

And if we want to bring the status of the Police high, his political use should not be made. If the government decides only this one restriction line, the moral of the police force may come very high. I am not here to give the examples of how much political use is done of the police force. The person making its political use knows this fact very well. If this is done, one situation is generated and if this is done, the standard of Police force may come higher. Our standard may come high and the effect of anti-social elements which is there in our society is reduced.

Respected Chairman, after saying two or three things, I shall finish my speech. One thing has been said in this act, which is impediment for all. There is one provision for property usurpers in this act. Big property is usurped by the government and it takes it on cheap rate by coming

in revenue department of this government. The land got under land ceiling act for the poor people, the government gives this land on the base of one pen. Therefore on the base of one pen, no matter he is the owner of private industry, it is for private industry, but the purpose of urban ceiling act was such that the land should be acquired for the poor persons, for the people of cottages. That person is not going to come here he does not go there to usurp the land. If any government land is needed for building any studio, it can be got. But land has been taken for the purpose of hospital and then they do not construct it. Such thing can happen for the close circles. The lands coming on the road on the road going to Hajira, become the government lands in the name of others and it is said that the inquiry is running, such thing happens in revenue department yet he is not considered as land usurper, the government has legally given them to him.

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**[Shree Ashoka Bhatta]**

When this act will be passes, who will be the first victim? That poor person with hut will become its victim because he has possession on the government land. If he needs 100 yards land, the social welfare department of the government will not allot that land to him because he has no friendship with the Chief Minister. He does not fall in his friend circles. He will not get 100 yards land. The whole Aliabet can be got but 100 yards land is not got in this state. That person with hut knows this fact and therefore, I have too much worry in this regard and along with me, Laxmanbhi Pattni too has much worry in this matter. Therefore, I know that this is the fact of usurping the property but how many people are affected by this. In Vadodara, 90 person people having such huts are on the government land. According to Ahmedabad Corporation, 35 percent huts are on the government land. The effect of this act will happen first on the persons having such huts. Against this, I say to the government that slum constructing elements and the persons recovering rents to whom we can say slum ruffians, if thought is made to take actions against such persons, I shall surely welcome. Do you want to arrest the persons who build huts on the government lands? I give two examples of usurpers of such land. In Meghaninagar of Ahmedabad Gujarat Housing, the shopping centre has been built by the son of one Superintendent of Police and has sold the shop. In New Vadaj, not less but thousands of houses of housing board for which one Shakti Mandal was made and in its programme, the minister of state of one time gave his presence, he got approval. Housing board does not vacate them.

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**[Shree Ashoka Bhatta]**

This is power. Do we have courage to take action against such persons? For taking actions against such person, but that courage is not in us. Then clear the fact in the law that the act like blank cheques will be handed over in the hands of the Police. Then by the threat of that

one may be arrested, the money will be snatched from the persons. The complaint for which could not be done by that poor person before you. Therefore, I am saying this fact today.

There are provisions in this act, out of which I welcome the provision of adulteration in the drug because in other countries when such adulterator is arrested, he is given punishment of strangulation. Such provision is in several other countries. Therefore, they can be arrested but at the time of arresting, instead of arrest is done by the Police, only such persons should be arrested under this for which Director of Drugs makes recommendations. If as much code of conduct is not done by the Home Department, the Police Department will take anybody by arresting him and then there is already provision in the act that Police can arrest but we have to make code of conduct. I am informing the Health Minister that the capacity of laboratories of Director of Drugs will have to be increased from the time this act will come into effect. When such act will come into effect, the persons who are doing such activities may not escape. In such matter, once I complained about protein powder to the Director of Drugs that powder like fake powder is prepared. Its samples were taken and then samples were failed. The sample of one company of Vadodara was taken which failed. Instead of filing complaint on it, the Health Minister of state level of the State made effort to withdraw the complaint filed on it from the court.

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**[Shree Ashoka Bhatta]**

If the government itself, the action taken by the department, is withdrawn by the minister, then the government having such attitude should not come with such act and if it comes, it must give such guarantee that this government has changes but now onwards care will be taken.

After making all this discussion, the provision which is there in this act seems incomplete. This act is not clear. This act is a little incomplete. The amendments which are necessary in this act have been presented by me. Therefore, I shall give speech at that time. But this government, which has come with this act, by explaining the politics of the government, I shall finish my speech.

The Chief Minister of this state is adapting the politics in this state which exceeds the policies of Chanakya. He is adopting the politics of Chanakya and if this government with such politics comes with such act, why such act should be given support? This matter will have to be considered. I recognize this politics as Solanki Politics 1985. Solanki Politics is flowing in the blood of man. Because of its fury, humanity has become ill. Solanki Politics is only a game of power. The government made by such politician, if it will decide who is social and who is anti-social, if it will decide what is true and what is wrong, then one should understand that it will make effort to cover the mouth of truth. The effort is being made to cover the mouth of truth with veil and the flags of the evils are hoisted in the state.



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**[Shree Ashoka Bhatta]**

Today anti-social elements are not going into the jail. I am saying through this clear sentence that in this state, the life of human being is at risk, it is in the jail, who will get them freed? Therefore, for getting human being and life freed, I present my speech in this assembly house and hope that the members sitting on the opposite bench, after hearing the voice Politics of 1985 of Solanki, after understanding it, will join with me.

**Shree Amarsinha B. Chaudhri (Home Minister):** There is no such irritation in our mind as said by respected leader of opposition. We do not know if it is in opposite direction. I shall reply the speech of respected Ashokbhai when I give reply of the speech of my bill. I have listened peacefully but respected members may get certain information for making discussion, for that I want to present some details regarding this bill.

In Gujarat state, since last many years, the attitude of excessive increase in crimes has been seen. Out of which, important crimes are murder, killing of human being, effort of murder, dacoity, loot, burglary, riot, grief, rape, miscellaneous crimes, gambling, crimes of prohibition, in comparison to the year 1980, in the year 1984, till October 1984, particularly the following crimes, the effort of murder was done in 315 cases, 743 case of loot happened, 10090 case of grief happened, 118 cases of rape happened, 1,15,451 cases of anti-prohibition act happened, 22,458 cases of miscellaneous crimes happened, in which huge increase has happened.

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**[Shree Amarsinha B. Chaudhri]**

Because of this, public order has been disturbed. Simultaneously, in addition to the crimes mentioned above, crimes related to other anti-social activities are done by anti-social elements in day or in the night and because of which public order is disturbed yet for the sake of the safety of their life and asset, since people do not declare such case in Police, they do not come on police record. At present, National Security act is in effect but under the provisions of this act, no action can be taken against the persons doing other anti-social activities. Therefore, such elements do their activity without any fear and they harm the public life of the public. Considering this fact, on the vast platform than National Security Act, it is needed to cover anti-social elements under it.

For completing above need, considering the provisions of Maharashtra and Tamilnadu Government, updated provisions of National Security Act etc. and being consistent to the constitution of India, anti-social elements who by many ways, harasses and threat to the common public of the state, for controlling them, since last long time, the state government

was thinking to bring one act. Proposed Bill was given approval by previous council of ministers in its meeting of the date 31 - 08 - 1984. Above said bill could not be presented in legislative assembly in exceptional circumstances, then approval was given by above said council of minister for implementing it as early as possible also as ordinance.

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**[Shree Amarsinha B. Chaudhri]**

After that new council of minister came into existence. But short session of legislative assembly met in which the bill could not be presented. Therefore, for issuing the proposed bill as ordinance for getting instruction from the President of India writing was done to central government by respected Governor of Gujarat. The approval of cabinet was got by new council of ministers for issuing above said order and the central government, on giving approval for issuing ordinance on the date 25 - 05 - 1985, the government issued the ordinance on the date 27 - 06 - 1985 and has put it into effect. Under above said proposed act, persons doing illegal business or movement of liquor, criminals n respect of intoxicating and other drugs, dangerous persons, women, criminals involved in immoral activities, or criminals usurping the property are included. The definition about above mentioned anti-social activity has been given in that act. Against the definition of anti-national elements, the provision of detention of the persons having illegal weapons has also been made in the proposed act.

The main provision of the proposed act is as mentioned below. Detention of anti-social elements can be done maximum for the time of one year. Within fixed time limit, the reasons of detention and the papers, documents related to it, should be given to detenu so that effective argument against him can be done in the government. For checking the case of the person held under detention in fixed time period, verify and present the case before advisory board.

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**[Shree Amarsinha B. Chaudhri]**

If the opinion of advisory board comes like such that there are no strong reasons for detention then detenu should immediately released from detention and if the opinion of advisory board comes like such that there are enough strong reasons for detention then government can continue its detention. The report of advisory board is to be considered confidential, do not consider the report regarding whether only the reasons for detention are sufficient or not.

Detenu cannot make presentation of his case through his advocate. The maximum time of detention will remain of one year and before this time if state government wishes to cancel his order or wish to amend the order of detention, the state government will have to

keep written note in respect of the reasons about it. If detention order is cancelled in any case, in such case if required state government can make order of detention once again according to the reasons given before. But in the implementation of such order, total time of one year will have to be covered.

Person taken under detention can be released temporarily because of any particular reason but written note will have to be kept for the reasons in respect of temporarily release. The power of detention will be given to state government or authorised district magistrate or police commissioner. After issuing above said ordinance, the following involved persons in anti-social elements in the state ...

**(Recess: From 10-30 to 11-00 in the morning)**

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**{Under the Chairmanship of the Chairman}**

**Shree Amarsinha B. Chaudhri :** (Continued..) Respected Chairman, the reason which I was informing, out of which the 10<sup>th</sup> reason is the power of detention will be given to state government or to authorised district magistrate and police commissioner. Till now, as many as 300 anti-social elements have been arrested under this act. From last some time, demands of bringing such act was coming from people's representatives and therefore controlling anti-social elements, this act seemed very essential. It is believed that by implementation of it, public order can be solved very well. For bringing such act, the demands of the members of the opposition party were also coming often and the demands were also coming from the public. Considering them on the date 20 – 06 – 1984, the respected home minister of that time had arranged the meeting of the members of opposition party and the members of Congress Party in circuit house. Prominent members of almost all parties remained present in that meeting. The suggestions which were made in that meeting, out of which most of suggestion have been included in this act. Several suggestions were also such that have not been included but after making discussion with all and taking suggestion from all, this bill has been prepared. When as much pre-discussions have been made in respect of this bill, if this bill is passed here without making long discussion, it will be considered better. Yet at the time of enacting any law in this assembly house, if creative suggestions are given, for accepting them, state government always keeps creative approach, with as many words, I present this bill for discussion before assembly house.

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**Shree Chimanbhai Patel (Unjha) : (Leader of Opposition Party) :** Respected Minister has come with the bill for prevention of Anti-Social Activities in Gujarat and the proposal disapproving the ordinance in respect of it has been presented by respected Member Shree

Bhatta and the respected minister presenting the bill has given several details. Respected Minister said that then he did not want to fall in other detail but he had kept his statement limited to the purpose for which that bill had been brought. I have understood such. At the time of the government of last time, in several parts of Saurashtra and Gujarat, hooliganism has been gone as much astray that because of which the leaders of opposition party demanded for controlling hooliganism and the government said that if the provisions of current laws are not adequate for it, they could think about hooliganism removal act according to other states. And for that the Home Minister of that time had given consolation in this house many times that we are thinking about it and then in one discussion, once he also said that to bring hooliganism removal act which meant to accept the existence of hooliganism, the state government had hesitation in that aspect at that time but after that numerous incidences happened in Gujarat. As a result of which proofs came which was needed by the government came on its record that hooliganism has gone astray and it has become uncontrolled. The situation has become uncontrolled at such stage that the fact of controlling hooliganism remained on side, but I have to say with very much displeasure that this government and the government of last time have done a lot of activities of giving protection to hooliganism.

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**[Shree Chimanbhai Patel]**

Still today, this government gives political shelter to the persons doing hooliganism activities or the persons doing anti-social activities. The result is coming such that because of that hooliganism elements are getting encouragement. People doing anti-social activities are getting tempo.

We have made complaints many times in this assembly house that the thing which had never happened in Gujarat, those things had happened during the period of the government of last time which is continuous still today during the period of this government. There was one respect of public life in Gujarat. Generally the situation was such that anti-social elements or ruffians have not gathered courage to attack on political workers or on the social workers taking part in public life. But the fact which happened was such that on the person who was member of this assembly house, attack was made during day time on bus stand and killed him, murdered him and the government made its inquiry with cold approach and nothing can be found in the inquiry. Such situation has been created in this state. On that time also I said that it would be good if the government might not do the work to give shelter to those hooliganism elements. But what happened in Lathi? In Lathi, in the election of District Panchayat, one person was elected. Accidentally he was a worker of Janata Party. But I do not want to make it a political issue.

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**[Shree Chimanbhai Patel]**

But as a public servant, by making candidature in the election of District Panchayat, if one is elected then what is wrong in it? But defeated candidate of the Congress Party did not like this fact and in the presence of the government, everything was planned according to his expectation and the officers of the government do not take any actions. Deputy collector was present there. I want to say that in this rule, fear which hooliganism elements have of the government and that fear has gone. Because they have such consolation that, they have such trust that they can do anything. The government is sitting in Gandhinagar. They will get protection and with that confidence, hooliganism elements are working in Gujarat. My voting constituency was Jaodhpur of that time, in which the president of Taluka Panchayat of Lalpur Taluka has a shop in grain market of Jamnagar. It is crowded locality. In that locality, anti-social elements of Lalpur come and fire guns occasionally, openly attack and in spite of giving their names, making complaint with names, no arrest is made till months which can happen only in the rule of Congress. I think so. One respected member Popatbhai Sorathiya sitting in this assembly house, the attack was made on him and that attack was made in the hospital and if we make inquiry about the persons making attack, it will be seen clearly that they were active workers of the Congress party. At that time, I said that on such social servant and political leaders, the attack done by anti-social elements will boomerang and then do the persons of congress remain excluded from it, such question was raised by me. And then it had happened such that the attacks were done on the leaders of opposition party. The Congress leaders of Gujarat who do not have concord with anti-social elements, the attacks were made on such people.

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**[Shree Chimanbhai Patel]**

The attack was made on the President of Jetpur Taluka Panchayat and he was killed. He was also one Congress Leader. Recently before two-three days, mention was made in assembly house that the Shree Vasava, the President of Tribal Development Corporation was also murdered. Till many days, his murderers have not been caught. Oral instructions were given that if they were involved, think before arresting them, verify the fact, the signal was clear that such persons may not be arrested. In this Gujarat, hooliganism which is running has got political backing. Not only this, they have got strong political backing. Today the people of village are not safe. Numerous incidences happen and the government gives protection to such activities under the statement that inquiry is running. In the government of last time, Home Minister was giving as much consolation that I shall immediately dispose of this

problem and it was insisted, he said that he would make its final decision within one week. This government has developed such style now in which any kind of hooliganism has been done, the reply of the government is like routine that inquiry is running, in many cases, inquiries are running. When we ask the question when inquiry will be completed. Then they say that as early as possible but that as early as possible never becomes possible. And like the promise of Aghatya Muni, its time never finishes. This government is beating about the bush and gives promises and sine die, promise of uncertain term, against which we have strong objection.

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**[Shree Chimanbhai Patel]**

It is our intense feeling in respect of which by taking note, if it is their unique style, then minister must also make amendment in it. That is my humble request.

What is situation today in villages? Farmers are preparing grain. Ruffians come and at the gunpoint ask for to fill their cart. Ruffians now come with carts to fill grain. If respected minister needs such case, I am ready to give such cases. In the same, it is not only to snatch grain, but the racket of seizing the lands of farmers is also done by anti-social elements and this government gives protection to them.

I want to remind this assembly house for its memory that last time I had given 13 cases with detailed information of village and address and this government gave me guarantee two or three times that they will get the inquiry done. Out of which I have got reply in 6 cases. In seven cases, till three years, yet reply is not found. I have to say with very much displeasure how this government is running and is there any respect for the members of this assembly house? Is there any importance of the members of assembly house for this government? Respected Chairman, you too will agree with my speech for which I hope that any member of this assembly house writes to minister, makes complaint, I think that minister should show politeness to give reply. Sometimes there are such details in which inquiry has to be done in it and I accept that delay may occur in giving final reply. But acknowledgment of the receipt of the letter by minister should be received.

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**[Shree Chimanbhai Patel]**

I must say with regret that this government has not maintained such politeness also. I am saying very seriously that the letters written by me as the leader of opposition party have not been replied by the Chief Minister and the Home Minister has not given even time to give its receipt. And therefore, in that matter I think that it is needed that such thing should not happen because when we are writing letters, we are not writing them on useless matters. If

complaint has come on any public, social or public interest, I write on that matter of complaint. And the same discernment should be maintained which I personally think.

Respected Chairman, Now the situation which has happened, in which now in this Gujarat state there is ascendancy of hooliganism and anti-social elements. In which one new dimension has also been added. I personally think so. The new dimension is added such that several officers off the Police System either involve themselves or they become open, visible examples of giving encouragement to such activities. Yet none can know what is happening in that matter. I want to remind this assembly house that in Vijaynagar of Sabarkantha District, Police has done work like anti-social elements. They have tortured innocent citizens and the government of that time accepted that its inquiry must be done and the report of the committee appointed by respected chairman has come. That report too was accepted unanimously in this assembly house and after its acceptance, we asked many times what actions are going to taken against those offices, please inform us.

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**[Shree Chimanbhai Patel]**

At that time, it was also said that thought it was not put on the table of assembly house, as chairman of diagnosis committee, I requested to inform me for the same. Such is my feeling. Minister accepted that whatever actions will be taken, will be informed immediately. After presentation of report, when question was asked after three or four months, it was said that till then proceeding was running. I want to know the fact that the committee of legislative assembly presents one report unanimously before the government and if that report has been accepted by the government. Then the work regarding it may be done, I do not know about it. I do not make such allegation that the government has not done work in respect of the report, I do not have such information. But if such work has been done, we too have right to know about is as members. Ultimately none has objection against the fact that ministers are working as minister. But I think that this assembly house is supreme. Ultimately the reflection of the aspirations and expectations of the people of Gujarat falls in this assembly house and on such occasion, if members make any demand after considering the feeling of people, beating about the bush in respect of that request is not beneficial even for the government itself. I personally think so.

I want to say the case of Amraivadi. It is true that I have said it once but once again in that context, I want to speak again. In Amraivadi, gun firing was done on one innocent citizen. It may be because of any personal enmity. I do not know about it. But one private person made gun firing on one person, when gun firing is done, its complaint is filed and its complaint has been done.

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**[Shree Chimanbhai Patel]**

When that complaint was filed, that patient was admitted in hospital. At that time, hospital handed over his clothes and bullet to the police. The Police intentionally lost that bullet and on filing the case such case was created that gun firing has not been done in it. In such cases I want to ask because police mix up with anti-social elements and such hidden efforts are made to provide protection to the people. I do not talk about it. But why government is not working when such open efforts are made, why actions are not taken? If government will take actions against such officers, I am sure that it will prove as examples for other officers and other officer may not show courage to make such manipulation and to encourage such anti-social elements. If the policy of the government is clear, if its intention is clear, it may have taken actions in it but in such cases, it happens such that the government makes inquiry itself, Thinks about taking actions and from anywhere switch is pressed on it that the government becomes helpless because these elements fall under the list of people for whom the government has sympathy and therefore, the government feels problem and hesitation then such thing happens if other officer is posted in place of him, he has to live there under protection. In the same police station when another police officer was posted, he had to live under protection. Not only this, if he complained, police refused to take complaint. Then finally he went in the court. The situation happens such that the complaint of the Police Officer is not taken and the Police Officer has to go in the Court. For filing his complaint, such intolerable condition has been created in this Gujarat.

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**[Shree Chimanbhai Patel]**

Respected Chairman, several Police Stations have become stands of anti-social elements and though drawing attention of the government frequently. I do not know what happened. What the government has interest in it but the government is not taking actions. I want to ask the government whether it wants to remove hooliganism or not. Does it really want to control anti-social elements? And if it is so, the government has to give its proof to the people of Gujarat. And the meaning of proof which I make that the open cases which has happened in which a lot of publicity has been made of Gujarat. In such cases, why killers are not arrested? In Mangarh, after many months, killers were arrested and they are still remaining. The case of Mangarh has happened before long time but the murderers of Mangarh have not been arrested till today also. When I make this allegation, one other thing comes in my mind. I want to present the example how association with the Police is in it. One murder occurred in Amreli. I am speaking about Amreli District in which murderers were caught at the end of too much hard work. Case ran, life sentence was given and after punishment of life sentence, they are



given parole. Parole is given on special occasions like the marriage of the daughter, death of parents. There is no objection that parole is given on good or bad occasions. But in this case such thing happened that District Superintendent of Police refuses, if they are given much parole, they are defiant persons and they may create the problems of law and order, I. G. (Prisons) refuses that he cannot be given parole on second or third occasion. Then the political leadership sitting in Gandhinagar and the people in the charge of home department give parole. Not only one time but parole is given several times.

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**[Shree Chimanbhai Patel]**

Respected Chairman, I want to present its general detail. So that if several members do not know this case, they may come to know what is running. The parole which was given is not given one time, not two times, not three times, not four times but parole is given seven-seven times. The order is given from Gandhinagar, not to I. G. Prisons, not of D. S. P. , not to Collector, none of them and that also frequently but, sir, main part comes now that parole is given and those persons wandered openly in public and were giving threat to the witnesses giving witness in their cases. You have given witness in our murder case. We shall clear the account. If they are involved in one-two crimes, when the legislative members of Amreli District, I remember that respected Manubhai had raised the point and then we too requested home minister that two-three months had completed after parole. Bring them. Then, sir we insisted too much to the home minister that now it is limit. Then their sensitiveness has become totally blunt which should not be said. A little effect happened and special thing is that suggestion was made in this assembly house. On its second day, at one o'clock, before completion of question hour, the prisoners released on parole were made again present in the jail.

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**[Shree Chimanbhai Patel]**

Now the question is when they were made present under the protection of the Police, I would like to ask question whether they were kept in safe place under particular police protection so that when the order of home minister is done from here, they were presented. Discussion is done, now it seems very bad and therefore they were made present. Which type of this trick of home department in this government, this is a sample of it. What I wanted to say was that this government diagnosis, because many other things are involved in it. This is not the matter of one ruffian. This is not matter of fraud or misappropriation. This is not the matter of construction. There are many other things. Therefore, I drew attention of respected Chief Minister in respect of one banking firm, I wrote letter to him that you yourself by going in the function of that private banking, give certificate of its soundness, in such programmes,

presences are given and on the other side, when the deposit put in his firm are misappropriated and they were beating about the bush in giving those deposits. In that incidence, I drew attention of the Chief Minister that he should not do like that. But such thing happened when chief minister goes in its function, it gets reputation and because of which that firm opened its branches everywhere in Saurashtra and asked for deposits from many people. Today, deposit of around one crore is not got returned back by the people. Many times, people ask that they should say about this to the chief minister. Then I said them to say the fact and if it is worth like saying, I am also ready to come, because the Chief Minister knows them. Not only this, but he has also relation with them. I understand this also. Then whatever ministers of that government are public servant.

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**[Shree Chimanbhai Patel]**

**Chairman:** Respected Chimanbhai, you are discussing of the bill on particular matter in which you brought the matter that the minister did not give reply of the letters and now you brought the matter of this banking firm, these matters have not relation.

**Shree Chimanbhai Patel :** Sir, the encouragement which anti-social elements get from this. If you do not say, I will restrict to the jurisdiction or purview or framework of the bill. In which I want to say two other things. Respected Chairman, if you thing them as cross matter, yet I want to show why they are in purview. In respect of registered medical practitioners of Ahmedabad, discussions have been made several times in this house. Such anti-social elements, sir, they cheat people, misappropriate money of the people and also after doing that I seriously want to draw attention of the assembly house that on the base of the certificate of R. M. P., they do practice and when efforts are made to play with the lives of the people, has this government not to do any work? And this government has not done any work against such people which is matter of displeasure. This is matter of taking action against the people connected with the trade of liquor and the people connected with the clubs of gambling. I welcome it but I want to ask the government whether government wants to take actions against those traders of liquor and the administrators of the clubs of gambling.

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**[Shree Chimanbhai Patel]**

Because what is running in Vadodara in the name of communal riots is only the fight among one group, the people running the stands of liquor or the people running the clubs of gambling and their main guide are meeting often with safe Congress leaders. Therefore, why government hesitates to take actions in this? The role which was of communal riots of Vadodara in which are there any internal differences of Congress? I do not discuss that it was

also one reason. Respected Chairman, because of that internal difference, one group gives support to one group. Other group supports to other group. Such is situation against which what action is to be taken by this government? The government is not taking action and today Vadodara is falling in one communal forest fire. In it still now, the elements working in that role are involved today. Respected Home Minister was present there on that day. Perhaps he may not have time therefore deep inquiry may not have done. He might have come back after taking information but if he makes serious inquiry and he will understand that persons sitting with him are also involved and if I leave its fact, yet the elements which are against whom it is important to take strict action.

Respected Chairman, before three or four days, at the time of the situation of Vadodara, intimation full of fear was given. I said what is that action plan? Then minister said that it will be known when action plan is implemented and then you all are to oppose it. Such fact was said by him. The thing which I want to ask the Chief Minister is what may be the action plan, why you are not declaring its details. If it is implemented, you will complaint, why such?

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**[Shree Chimanbhai Patel]**

What I want to ask about action plan that is this action plan for cleaning opposition parties? If such is action plan, we have strong action and opposition against it. Without knowing that action plan, I want to say that ordinance which has come today and under which the arrests which are being done in Gujarat, some arrests have been made appropriately for which we are ready to support but by making target to political workers, the arrests being made by the home department of Gujarat and under which this ordinance act is completely politically misused. And Home Minister and Chief Minister had given guarantee of not making political misuse and when today political misuse is being done I want to draw attention seriously of the government. Its pervasive scope has been kept such that under which any political worker may be arrested under hooliganism removal act. Respected Minister said that as many arrests have been made in which I want to ask how many political workers have been arrested? Because they will say such that the arrests which are being made are made of ruffians. Anti-social elements are arrested. This fact is far from any truth. Today the persons who have objection in respect of political workers, law and order, if they have disrupted, any ordinary citizen or any public servant has right to raise reasonable complaint. If they raise complaint and fall under hooliganism elements, how does it run?

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**[Shree Chimanbhai Patel]**

And only because of this reason, I want to warn the minister that the law and order system has broken down. Stop the activity of sending the persons behind the bars of the jail for raising their voice against it. And if this activity does not stop, the patience of the people may come to an end. You should understand this fact. If you do not stop arresting those political workers, with no options left, we have to give the movement of Jail Bharo. And therefore I want to say that if satisfaction is got by making arrest of the political workers, I offer myself for arrest. I myself is prepared for it, if government gets satisfaction by this. But it does not maintain. So many political workers have been arrested under hooliganism removal act and so many such cases I have brought under the attention of respected minister. And when I have brought them under his attention, I said respected minister if any person is involved in any anti-social activities like liquor or running the stands of gambling, we do not want to say anything about them. But sir, the person who has no criminal history, who has no police record, and who has no complaint against him, only because of being in other party along with local Congress leaders, with the help of local police officers, the party in power immediately by making misuse of their influence, to arrest those political workers. This is not the real work of this hooliganism removal act. This is the work of clearing the opposite persons and that is not fair which I personally believe and therefore I want to say to the minister that he should give instruction in this regard.

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**[Shree Chimanbhai Patel]**

The person against whom there is no case or history against whom, there is no criminal complaint till today, please do not arrest such persons. Of course if the person is doing the business of liquor, such person can be arrested. But the person against whom no such complaint, only local Congress workers or local officers or the workers of the Congress say and they do. I do not want to say such. Officers too settle their accounts. Such thing may not happen under hooliganism removal act which is my special feeling. It is important that they should give full attention in this regard.

Respected Chairman, whenever we talk about taking actions, respected minister says the same which seems that there is rule of not hearing the complaint against the Police. We do not want to slander the Police System. Ultimately the Police System is for maintaining law and order and police mean bad, no such impression is there in our mind. Among them, anyone is not black ship which is not true. In that system also, several officers having criminal attitude exist. When the evidences of torture are presented against them, yet by thinking that they may be demoralised, the government does not take any actions against

them which is not fair in any way. Respected Chairman, such impression has been created that the government has given police the licence of actions what they like. On the date 22, at 300 places in Ahmedabad caught fire.

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**[Shree Chimanbhai Patel]**

The fire caught in the presence of the Police and in some case, some persons among them were also involved in these incidences. Then the government asked them to take action after getting inquiry done. So that such activity may be stopped. The Government though something in preliminary stage but then suddenly said that they did not want to make any such inquiry. We do not do any inquiry. No question of discipline has arisen here. If such situation is created and the government silently give certificate of validity to the incidence that has happened, how does this maintain? I do not say that all are bad but they who enter into the homes of the people, torture them and yet police may be demoralised, by saying this, not to take any actions which is not fair.

**[11.30 noon]**

In the end, I want to say that there may be any government, every citizen has a right to run movement against that government, to face against the false policies of the government, to oppose against any decision or any policy of that government. And what this government wants to do? This act is not implemented against the persons forcefully snatching the grain of any farmer of Saurashtra, or against any rapists, its use is being done against the persons doing movements against the government or the persons making presentation against the government. Yesterday the worker of our party Shekh was arrested. Then I want to ask which activity he has done, because of which the police has to arrest him. His fault was such that the Police system of the Government caught one innocent person and he was doing argument to release him. At that time, Police suddenly came and without any reason, without giving warning, in the presence of Police Officers, by making direct gun firing, they killed two young persons. To make argument against this cruel action was the crime of our worker.

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**[Shree Chimanbhai Patel]**

I want to ask the minister that if murder of any two persons, without any riot or public unrest and in the presence of the Police, while making discussion, is done by the hands of the Police and to make arguments against it became anti-social activity. Then is this person a risk for law and order. It is in the interest of the government to stop making political use. And if the government does not do this, I think that it is not in the interest of the government itself. Not today, but tomorrow it will be known. Respected Ashokbhai gave the example of Anand, to

oppose pension is the right of each citizen. Any law which the government enact must not be forcefully implemented. For changing such law, gathering the opinion of the people is the right of each citizen. But for opposing pension, participation was done at that time, therefore, now he was arrested also under hooliganism removal act. How shameful this matter is! To create minor reasons. I want to ask minister that the political workers arrested by you under N. S. A whose cases went up to high court, out of which how many cases were proved by the government? Or was their arrest fair? If any such decision of the high court exists, then you too as the government does now or till 21 days they may be kept under detention and when they go in the high court, time limit is requested and after requesting term, they say such that we are to think.

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**[Shree Chimanbhai Patel]**

And if time limit is not given, high court too has to suffer a lot and the government directly goes in the Supreme Court and in such circumstances, high court gives time limit. When time limit is given, the case is to come on hearing on 11-00 o'clock and he is acquitted at 10-00 o'clock and on 11-00 o'clock makes such statement that the accused persons have been acquitted. This is also one type of torture done on the people of Gujarat by the government. This hooliganism is done by the government. Which type of remedy do innocent citizens have for which I want to know about this from the minister. There are courts and since there are courts, the people of Gujarat are safe somewhat. I should also say that. If this government is able then it may appoint also committed judges in the courts and may do the work according to its wish. I know this but that is not possible and which a fact of relief. This act is misused for giving strangulation to individual liberty. No person can raise his voice against this government. No person can oppose any action of this government. No person can argue against this government. Against false policies of this government, none can create opinion of the people. For this purpose, this is done in this matter.

I want to ask second thing that the government often talks about code of conduct. When women are arrested, they should be released after registering the crime and if required, after taking their bail and respected Chairman, Central Government also asks for its details and Gujarat Government also asks for its detail.

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**[Shree Chimanbhai Patel]**

In each Police Station, how many women were arrested for crimes? At which time, they were caught? At which time they were released? Respected Chairman, if I talk about the time before three days two women were arrested in Gandhnagar for crime. If anybody who

commits crime should be released because she is woman, I do not want to make any such argument. Her arrest may be done but after her arrest and after registering her crime if she needs bail, she should be released after giving bail. I should say with displeasure that there is no safety of women in it. Such complaint came before me on 12 0'clock, I called the officers that I do not have right to interfere in your work, my intention is not so but you have kept these two ladies under detention in the police station, register their crime and if bail is to be taken then after taking bail, release them. Such is my argument for these two women. Otherwise, I do not have any objection in respect of the term that law will work in its own way. If I have to make any argument in this regard, I shall make the same to the Home Minister. But I have to say with regret that those women were not acquitted. And the women caught on nine thirty have been released on quarter past three o'clock. I think that the Gujarat government should remain cautious in this matter. Our argument is not such if women are criminals, they should not be arrested. But the civilized behaviour expected towards ladies from this home department is not done. It should be there and it may be established there. Therefore, I have made my argument.

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**[Shree Chimanbhai Patel]**

I want to finish my speech after drawing attention to one important fact. My fact is only such that this act is for controlling ruffian groups, ruffian elements and it is not such that ruffians are of any one community. They are also in higher community and they are also in lower community. Ruffians do not have any community or caste. Ruffian means ruffian. Anti-Social activity means anti-social activity. But in which I should say that the numerous incidences that have happened in the villages of Saurashtra and Gujarat. The ruffian elements which are involved in this activities, for which, this government has not done the act of controlling them. Last government had done. We hoped that Home Minister is new, enthusiastic, he has passion and courage. Therefore he will demonstrate some new actions. He is too involved in stereotyped methods. We have regret for that. Therefore, instead of only depending on the government report, no attention is paid towards other arguments which are being done. It is my humble request to pay attention towards these arguments also. Guarantee is given for strictest actions but such actions are not taken. Respected Chairman, because of sweet sight of the government, anarchical elements have spread in Gujarat. No matter that area is of smuggling or of ruffians, of liquor or of the cases of rapes, the situation of the government of the last time was such that crimes are not increasing here. Each time, Home Minister, after taking time, in the assembly house, the figures of particular time period chosen by him that we cannot compare in other way, I am a student of statistics but it is very difficult for me to compare the figures given by past home minister.

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**[Shree Chimanbhai Patel]**

According to chosen time, figures are given and some figures are not given. While here minister has accepted one thing for which I take note. Increase has happened in the crimes. Therefore that act is needed. Effort of murder, rape, gambling, prohibition, loot, grief and in miscellaneous crimes, whether there is too much increase or a little increase but increase has happened in these crimes. Therefore, these anti-social elements are risk to public order. And without controlling them, our purpose will not serve. Such situation has been created. He accepted this fact. I take note of it and also recognise it.

In the end, what I want to say is only when this act was brought we were given such guarantee that political use will not be done. This act will not be used against those persons who have reputation in the society and against those persons who have no criminal activity. This guarantee is not followed in any way, In Gujarat, at present, current Congress Government, by making political arrests, in settling accounts, in removing the opposite persons, and none knows why by making target to certain persons, whatever is done, is not fair and wrong, and not other thing but government has found out 302 note, no other matter itself, not to fall in any other lighter matter, the crime of 302 filed and if along with them dear ones are involved then nothing. In Himmatnagar, one case of dagger slaying happened but in that matter, they do not apply 302 but he was released.

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**[Shree Chimanbhai Patel]**

Because Police Officer was involved with him. In Vadodara, one incidence happened of 302, the reasons of this government are declared as per suitability or unsuitability of the person. I think that this is very serious matter. If government by being comfortable in it, because I see that the government has lost its comfort. And though it is working under mental anguish, as far as it has concern with the people, and may work in the way that this act is not misused and the section which are to come after this amendment, in respect of those amendments, whatever arguments are done by us, by considering it attentively, healthy and creative attitude should be adopted. When this is said, it is my appeal that all the fact of opposition parties, if it thinks appropriate, they all may be accepted. With such faith, when you bring this act, I finish my speech by making appeal of preventing misuse of it.

**Shree Babubhai K. Vasanvala : (Ellisbridge) :** Respected Chairman, this government has brought the bill of hooliganism act and when this is to be used, and if reasonable use of it is done, I think that maximum persons who are to be arrested are congress members only. In this Congress, anti-social elements, ruffians, financial criminals, because of coming the



power of Congress Party, all these elements have mixed in Congress and because of mixing up in Congress today they got protection and because of which, Congress party, expectation which people have, that expectation has not remained. And today such crowd has happened in which elements of many type have mixed up.

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[**Shree Babubhai K. Vasanvala**]

Respected Chairman, demand for this hooliganism act was made before 11 months. But this hooliganism act is brought after 11 months. And the wonder is that the bill for giving pension to the members of legislative assembly was passed in one day because everyone was to be made happy. The bill for giving bungalow and motor to the Dandak of Congress Party was passed in one day. I have strongly opposed that they are wasting money and for bringing this hooliganism act, 11-11 months are passed. And we waited for 11 months, let it continue, let these ruffians wander in the state. We need them too. Because in these elections, the maximum need of ruffians and anti-social elements is felt by the Congress party. All anti-social elements do not come before us, because what they are to take from us? The thing which they are to take is only from the Congress Party. (Interruption)

(Under the Chairmanship of Deputy-Chairman)

**Deputy Chairman:** Respected Babubhai, you may continue your speech.

**Shree Babubhai K. Vasanvala :** Emergency was brought in 1972.on that time also, it was declared that still then such elements existed which harmed the country. They would be caught. But one lac persons were arrested from this country and those of which type, all political workers only. I am giving this example.

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[**Shree Babubhai K. Vasanvala**]

In the same way when this hooliganism act has been brought, as the act was bought during the emergency and were caught and in most of cases, political workers were arrested, in the same way, in this hooliganism act also, political workers have been arrested in most of cases. After bringing its ordinance, which political workers were arrested that was informed by the previous speakers. Therefore, I do not want to discuss that topic. And even Home Minister himself knows which political workers have been arrested. Therefore, in which, the persons of his party, which he should arrest and its result has also come. Their one leader was arrested. Peace established in Ahmedabad but we do not know why they stopped then. NO body knows from where pressure came but what are you going to do. To whom are you arresting? They are of our party. Therefore, they stopped. If they would have gone ahead, the

unrest which is running in Gujarat, the killing which is running in Gujarat, no safety is maintained, that safety if they had gone ahead, would have been maintained. But we do not know whether they were stopped or they themselves stopped. We cannot understand by which pressure this has stopped. In Haryana legislative assembly, when its leader of opposition brought the bill of terrorism, they said that as far as economic criminals are not arrested, no effect will be made whatever bills you bring. In this bill also, the persons who are economic criminals, who are ruffians, who are anti-social elements, if they are not caught and only political workers are caught, no meaning of this bill will serve.

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**[Shree Babubhai K. Vasanvala]**

The bill is good but the manner in which it is being implemented, it does not seem that its result will be got. Respected Chairman, the matter beyond limit is that, the meeting of Laxmipura was arranged, swords came out, worshipping of the swords was done in which one minister was involved. One minister of Council of Ministers of Gujarat was involved in it. Past minister was also involved in it they make speeches yet the government could not take actions on any of them. And the act against hooliganism was applied to the person like Tejas Patel. Before this, this government called several student leaders for discussion and by arresting them they were sent behind the bars of jail under N. S.A. Because of this type of conduct, though they brought hooliganism act, it does not seem that its result will be got in the people of Gujarat. Anti-Social elements are sent on deportation. Generally it does not sent them on deportation. But it does sometimes when pressure comes but when he is sent on deportation, he also gets stay immediately. And I have also seen such examples that his order of deportation is cancelled also. The person whose order of deportation is cancelled, comes to garland this leader of Congress because his order of deportation is cancelled. In happiness, he wears the garland with happiness and such one-two anti-social elements had come to me that they had garlanded. I asked why they were garlanded. They said that their order of deportation was cancelled. I have to say. If I give one example, there was one biggest ruffian of Ahmedabad against whom I filed complaint, till now he has not been arrested. I have also reminded them. That tyrant came to know after I filed the complaint that I have filed this complaint, then he came to my home with one Congress person and that Congress person asked me whether I knew him. I refused that I did not know him.

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**[Shree Babubhai K. Vasanvala]**

He said that this is so and so person and is a very good man. Why you file complaint against him? I asked his name and he gave his name. I said that that is awesome person, from where he is brought to my home, in such activity, our safety is not maintained. If I give second

example, these Congress persons have been involved with such persons. Therefore, I want to give the example of Porbandar. I myself had gone to Porbandar. In Porbandar, one person had to sell house. He cannot sell the house and if he wants to sell the house, he has to give rupees 50,000 to 1 lac to ruffians. There are notorious ruffians and at present they are in jail. They were sent to jail even after statement was given by me in newspaper. In this state, there are courts and because of which there is much facility. But if this government is able, then persons like you and me or \*\*\* of that type....

**One Member [\*\*\*]** : Mention of that type [\*\*\*] Respected Chairman, can respected member raise such issue?

**Deputy Chairman:** Respected Babubhai, mention of respected Chairman cannot be done in this assembly house, therefore, respected Babubhai, those words are removed and cancelled.

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As per the order of the chairman, [\*\*\*] these words have been removed from the proceeding.

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**[Shree Babubhai K. Vasanvala]**

**Shree Babubhai K. Vasanvala :** Respected Chairman, there may remain safety of none. I myself had gone to Porbandar and had wandered there. Sisters were kidnapped by anti-social elements and raped on them. I had gone in that area also and I was asked why I came there. You safety may not remain because here with these anti-social elements, the leaders of Congress too are mixed up. Therefore, please go immediately from here. I stayed there for two days and from there I went to Civil Hospital and met the leaders there. And the situation which I saw was as much horrible that I felt that what would happen to that Porbandar. Such condition is in more or less quantity of many cities of the state. One thought section is running of Gujarat regional Congress and its convener who has also to declare that he communal riots which happen in this state, in which the top most responsibility is of dissatisfied Congress persons. The communal riots which happen in this state in which Congress members are involved. How serious this matter is? The past chief minister of this state makes efforts of peace wherever such riots happen in Gujarat or such incidences happen, he makes appeal for peace and walks around the people and meets people. He too said that in this congress party such mischievous persons, such anti-social elements are involved. Because of them, these riots well never end in this Gujarat. This is his inference. There are already ruffians in this city and in Gujarat. Government too and the public too knows that fact. Every police station knows that yet these ruffians are not arrested.

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5<sup>th</sup> July 1985

The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Babubhai K. Vasanvala]**

In each and every area, the stands of liquor are running. They are running in the area of each and every police station and they too know about it. This government may do as much thing that if any stand of liquor will run in your area and if it is not closed, you will be responsible for it. Then two purposes will serve by this. One the stands of liquor will be closed and the anti-social activities which are running will also stop. Therefore, it is my request to the government that after bringing this hooliganism act, in making its implementation, if you do not make its use to control all these elements, no change will occur in those situations. When this hooliganism act is brought, really it is worth to welcome. But as respected member Ashokbhai said, the change has got done in it. I do not know what change has got done in it but whatever change has got done, if it will be implemented with good faith, but I do not expect so. In the days coming in future, the open heart of this government will be proved. At present the people of Gujarat know that the use of this act has been rarely done on one or two persons except the leaders of opposition party. It has not been used on any other person. Therefore, when we leave today, if this government will start to arrest the ruffians of Gujarat and of Ahmedabad City from tomorrow, the appeal which are made for peace in Gujarat, the advertisement of lacs of rupees are given, they do not have to do all such things. If these things will be done, I am sure that in this city and in Gujarat, there will be peace and I stop my speech with hope that they think about fair use of hooliganism act.

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The Bill for preventing Anti-Social Activities in Gujarat

**Shree Hari Prasad V. Shukal (Mansa) :** Respected Chairman, I support the anti-hooliganism bill which has been presented by the Home Minister and I heartily welcome it. Before some time, the leader of opposition party said that Gujarat government would have to remain cautious then. For which purposes the utterances of respected leader of the opposition party are and what these utterances suggest, we all know impliedly about it. Respected Chairman, recently the fact which was presented that under this hooliganism act, only political workers are arrested. If he is any worker, citizen or whatever role he plays in any political party and if any person out of these persons does anti-social activities, can he not be arrested? Respected Babubhai you will have list, because many persons come only to you. Before some time, these were your utterances. Any person is connected in a political party or he is on any post, should their detention not be done and to allow them uncontrolled? To allow them to do anti-social activities, how can this be happen? If such which means the persons involved in politics are, they too do anti-social activities and if they are caught, then it is the matter worth congratulations. Whatever actions are being taken as a result of this bill

are in reality appropriate and they are worth congratulations. Recently it was said that political workers were arrested. Their slate was blank till yesterday. Till today, that person may be honest, but if he becomes dishonest today, what should be done for him? Can this act not applied to them? This is also a matter worth thinking.

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The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Hari Prasad V. Shukal ]**

If I give example of my Mehsana district, recently in the name of reservation movement, many things ran. During that time, few elements collected much money. They did activities of many types. The game of reservation movements has been started from Mehsana district. Its origin is of Mehsana district. That game slowly starts in Ahmedabad and then in other cities of Gujarat. It was said in Mehsana district, the statements were also given after going in Delhi, and other arguments were also done. As always, statements were given, it was informed in them that there are poor and backward considered castes in Mehsana district, they have done a lot of destruction and have done much damage. Such facts far from truth and by raising the facts creating illusion, bias is created to the community which is backward, we read in everyday newspapers about such statements. In such circumstances, attacks have been done on the villages of one or two Thakor brothers. A few occasions have also happened such that by burning the grass themselves, exaggerated complaint and Panchnama in respect of which are done. There are also such examples. From all such things, it can be understood who is doing anti-social activities. The people who do anti-social activities try to hid them and those are poor and crushed public, there is no awareness among them even after 35 years of independence, such public, in such circumstances when a few wealthy people are crushing them, there may be hands of political workers in it, then such ordinance which is there is right and is blessing for them.

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The Bill for preventing Anti-Social Activities in Gujarat

**[Shree Hari Prasad V. Shukal ]**

The leader of opposition party presented one fact that but this Congress government is fully aware in respect of the protection of judicial system. As far as I know, there is no such incidence of interference. He was also given respect. At this stage it was also said that demands have also been made for asking for the term even after 21 days. This fact is which is the tradition of judicial system and consistent with it. Therefore, that fact which has been compared with this bill which is not relevant at all.

Rape and such related facts have also been presented before this house. In the cases of rape, there is no such case in which Congress government has made retreat and has released any guilty person. Further, if any government has taken strictest ever action then it is

Congress government. Respected member has said that there was no safety in Porbandar. But the question is if there was no safety in Porbandar how respected member could remain safe? That shows that law and order system has maintained still today in Porbandar. This is said by its history. I want to inform respected member that he himself has come safe, the same fact proves that there is safety. The harmful activities to the society which are done in Porbandar by anti-social elements, whatever actions of detention are being taken against them appropriate at all.

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**[Shree Hari Prasad V. Shukal]**

This act is for ordinary category who is still today scared in villages. One such large category is in majority who is trembling with fear. It is full of ignorance. For such society, this act has been brought which is like blessing. It is possible that there are a few established interests who may not like this act because overall this act will prove fearful for them. Therefore, I congratulate Home Minister for bringing this act and request to make its strictest implementation and not to leave any powerful or influential person. I finish my speech with support of this bill and I congratulate Gujarat Government for bringing this act.

**Shree Dilipbhai N. Sanghani (Amreli) :** Respected Chairman, for bringing anti-hooliganism act for preventing anti-social activities in Gujarat, by making hooliganism removal committee in Saurashtra, if anybody has claimed for bringing hooliganism removal act for uncontrolled hooliganism in Saurashtra and Gujarat, when Bharatiya Janata Party asked for bringing this act and in those circumstances, for bringing this anti-hooliganism act, the government did not become ready promptly and it was because if any party demands for bringing such hooliganism act and if this government will bring that act, then its image will raised uniquely in the minds of people. Because of those reasons, delay was made for one year by giving excuses like the government has necessary acts for preventing ruffians, for taking adequate actions. And in the end, the need which was raised from the society, the act is being brought from it.

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**[Shree Dilipbhai N. Sanghani]**

Therefore, for accepting it and supporting it we should stand from here. But when this act come , when this ordinance is issued, unanimously, the demands which were of us , those demands on papers, by making statements in newspapers, effort was done to create such image this act is coming with consent of all parties. In this act also, without unanimous consent, on one side, in one's mind, how to save one's interest protectors from the door behind, by keeping such loopholes, this act is coming. Then we have to say the provisions

which are done in this act and its use will not be done orally, politically for which assurance was given, is such assurances read today? When this act was not existing, there was change in some limit of ruffians, in the method of loot. Different areas, in respect of white collar ruffians, other types of hooliganism, as said by my previous member, therefore I do not want to repeat it. But when in the beginning, ruffians when they harassed farmers, they looted them, how they looted? The crop may be standing and they reaped standing crop. Then I think that there was also hard work of reaping the crop but as the shelter and co-operation got from the government, the method of hooliganism too changed. If the crop is standing, then for doing less effort, they started taking crop from the barnyard after it became ready in it.

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**[Shree Dilipbhai N. Sanghani]**

That too seemed hard work to them and complaints were filed and because of political shelter, such persons were released. Then they seemed much hard work of bringing the crop from barnyard to the market. Therefore, when farmers were taking crop at their home in the carts, they looted the crops there. Such was the complaint of Rajula Taluka. Government has its entry. Readymade crop in the tractor of that farmer, direct the ruffians there looted and took it to their home. In the beginning they took only the crop and now they usurp tractor also. When this complaint came before us and we make its presentation at higher level, then we got tractor after 3-4 months. We did not get back the goods. There is too hard work, therefore when farmers were returning after selling the crops, they stopped the son of the farmer and demanded to give as many rupees. And when we make arguments in this regard, as per the provisions in this, if any activity is done which interferes with government activity or other activity, if he is caught under hooliganism act, we doubt when hooliganism is at top in Saurashtra and Gujarat, for showing it we would make representation, then naturally the persons in Congress who won by taking such challenge, may be walking with high head because of them. We will definitely come before those ruffians, then they will say against our activity, with their support and co-operation, they reached to the government and under one or other excuse of government work, if the activity of arresting political workers, respected Chimanbhai too has warned and Ashokbhai has put amendment that at least you should not arrest such political worker on which there is no crimes of such activity.

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**[Shree Dilipbhai N. Sanghani]**

Today I have not stood up to make such defence if any person is a member of any political party, he should not be arrested under hooliganism act, then persons selling liquor, rapists, persons giving shelter to thieves and robbers, and when they are arrested and if they knew that in advance, then they would show the appearance of the member of Congress and would

say that he was the active member of Congress. Then can he not be arrested? Then the persons doing such activities may be caught from his past history, but the fact which was discussed of white collar hooliganism in which the incidences of usurping the lands happening in Saurashtra, how they happen? In the beginning, by autocratic attitude and by hooliganism, they threatened the farmer for not entering the land, no matter the name of the farmer is in 7/12 or other right registers, But clear allegation is since when they got political backing and have got support of intellectual persons, then now by bullying the farmers, the deed is got done from them. Such complaints are also done many times before this government. Its witness today is senior Vallabhbhai also. In Amreli district, when hooliganism grew from Rajula Taluka, two words or two words of consolation which we can present before whom (Interruption)

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**[Shree Dilipbhai N. Sanghani]**

The bill which comes of hooliganism removal and in which each member is to give his opinions, those opinions can be given by your members also with full right. The matter which I was discussing was of the farmers and of rural areas. The persons who have lands have fears of snatching the land. The persons who have property have fear of snatching the property. But the persons who do not have land or property, they too have some experiences of hooliganism. Such people come to us. The poor man who is sweating from rising in the morning to the night, he too as per his opinion, he cannot go to the place where he gets much livelihood. Such occasions have also been registered. Several complaints of it have been on record. Today if the person goes for daily wages to the farmers where he gets daily money, he goes for his livelihood, he gets relief. But forcefully and with threat, if they are said that you will have to work on my place only and after working from morning to night, when he comes for getting his livelihood, his daily wage, what does he get? He gets abusive words or he is beaten with shoes. So many such occasions have come before the government many times. and it is not such that this hooliganism is done in the villages or at the place of poor people. In big cities too, several cases have been noted. Today, many years old renter has been living in the house, and the government gave him protection by the act or renter but to that renter, such ruffians, by giving threats and by beating them, get the home vacated

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**[Shree Dilipbhai N. Sanghani]**

Such incidences have happened. Government too have its complaints. And when there are such complaints, I want to ask, I want to know that how many such accused persons were arrested who usurped the land of others, persons not allowing labourers to go on their work, kidnappers of sisters and daughters when there are complaints are filed. If they were arrested



till now, then he may be come under the sight of any department. There may be individual indifference, there may be any individual objection with the leader of the group in power, such persons have been arrested.

Respected there is provision in this that if he keeps weapons illegally and spreads harassment, so I want to ask that till now may weapons have been caught in Gujarat, knife, bill-hook, sword, revolver etc. , it does not matter that government pardons them but if revolver is perhaps kept for self defence by non-licensee and he is to be released then let him release but how many killer substances, horrible bombs have been caught in Gujarat till now and out of such caught persons with bombs, how many were arrested? Even before a few days, the factory of making bombs was caught in Savarkundla and on the very second day, it were not bombs but ordinary fire crackers, such statement has to be given by The D. S.P. there. Because of whom, he had to make such statement? Which political factor came in it? Since it was the area of my neighbourhood, since its infection may not spread in our place, therefore, for making its presentation, as a caution of it, I had gone there.

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**[Shree Dilipbhai N. Sanghani]**

Previous member said that there might be any powerful person, no matter he may be a member of parliament or a member of legislative assembly, or the person having designation of the party in power, because of his recommendation, do not leave him in the interest of nation. The flow of people also fired such that officer also came to know that situation has worsened and then once again it has to be said as per the report of export there were horrible bombs which can harm thirty to forty persons. And the persons involved in that bomb were arrested or the milkman making argument for arresting those bombers was arrested. I am not talking only of this milkman but only the persons making arguments against hooliganism were arrested. Then we have such doubt that today in the whole Gujarat where such activity was done, there in the interest of the society, the person who is public servant, who understands his duty , without taking care whether they have individual risk or not, presentation should be done before competent officer. And when they go to make representation before them, officer also gives guarantee, ultimately there is one system running above him too. From Gandhinagar, and because of such system, they are released, no actions are taken against them, by bringing this act in our state, we want to create only the environment of trust among the public of Gujarat. At which extent this will succeed? As there is proverb that the characteristics of the child is in its cradle, the ordinance came and from that time to today, the actions which have been taken, on the base of which natural doubt is created in us that how actions will be taken when implementation of the act will come and for removing that doubt from its root, though guarantee is given here by the Home Minister here, but such guarantee may be changed like first home minister.

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**[Shree Dilipbhai N. Sanghani]**

It will last till he remains present. But tomorrow and before some time Ashokbhai argued that arguments have also been made in circuit house. And if time will come tomorrow to go and if there is no provision in law, what the situation will happen. Therefore, in this act such provision should be made if any officer, any official sitting on any political power position may have intention to take actions maliciously and if he makes such attempt, his hands are bound with law and he cannot make any attack maliciously and true form of democracy should be such and I expect such that the area and the society from which home minister is coming, he may have seen such experiences from his childhood, from his study time to today and many such argument will have been made. On the base of which also, the persons who harass poor and backward people, who are torturing them, by preventing the persons going to their help in mid way and they should not be arrested and sent to the jail the persons speaking on behalf of them, they should not be prevented. Today we are frequently making mention of that fact that no political person should not be sent to jail. We are not raising this fact with the fear whether individually our arrest is made or not.

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**[Shree Dilipbhai N. Sanghani]**

But even we are speaking in student stage, at the time of emergency I was a student. By taking benefit of emergency and MISA, I have also taken benefit of Sabarmati Jail. Therefore, we do not care for that any difficult situation may come on us but in coming days, most of the brothers who are sitting in these benches, they have got occasions of going in the jail once or two times. In past occasions, we had to go in the jail. Either we have been arrested maliciously or we have done civil disobedience, we have fought against autocratic attitude of the government. It may be possible that the brothers sitting on the opposite benches will see this drama or they may experience this, then the person who has never even see the gate of the jail and had not seen what is the situation in the jail, we had gone in jail under MISA during student stage. The witness of this fact Mr. Haribhai is sitting here. At that time, the application of parole which we were taking in the court, we were given parole with so much generosity and today, being victim of the same situation, what is the condition of the Home minister today, who was Home Minister that day? He became the victim of the same. It has been shown what is the position of good person there. Today what is the place of generosity in that party, that fact is known by me when I see member Haribhai and I think that what is the situation at which place in Congress. We do not worry about it. It is their internal matter. They may take whatever decision they want to make but we should speak about the matters concerning with ordinary public.

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**[Shree Dilipbhai N. Sanghani]**

Therefore, I shall say that we are making laws one after another and with such boxes of law, by this new laws, public also remains unaware, instead of which such condition should be made in which with the help of minimum laws maximum good administration can be done. The laws which exist may be sufficient and by making its perfect use, the public should get its benefits and facility. Such efforts should be done by this government. Such is my suggestion. And once again I will draw attention of respected Home Minister to the fact when this act is being brought, no loopholes of the law may remain in it and because of that loophole the persons who are under detention at present and when political pressure comes and because of that pressure, he himself has not to make recommendation to leave them.

Last information which I heard today. If it is possible, the riots which were happening in Ahmedabad have been peaceful for a few days. And the persons who are arrested, gets such facility in the jail so that they can talk with others, then also there is no meaning of such act. He by sitting in the jail, can talk with anyone and can give instruction too. The persons who have been arrested under such acts and if they are given such facilities, what will be the meaning of such acts? Fire is created on even on their instruction, on their talk, on their spark, and on them (Interruption) since the fact is discussed in lodge, I will not be considered fair to give the name of Chandrakantbhai. There is one tradition of our house.

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**[Shree Dilipbhai N. Sanghani]**

And yet Home Minister will ask. He knows who has given this fact and when this situation is running in the whole Gujarat, I request Home Minister to bring this bill with required amendments in coming days.

**Shree Kaljibhai R. Katara (Khedbrahma) :** Respected Chairman, Home Minister has brought here anti-hooliganism bill. I have stood here to support that bill. Whatever is spoken by my previous speakers and also among them, the speech given by my friends from the opposite benches and ....

**Deputy Chairman :** Respected Kaljibhai, please say respected members...

**Shree Kaljibhai R. Katara :** Whatever said by respected members, I listened to them and I heard the statements given by several members. In which, the hooliganism act which is being made is made only for us, why they are under so much panic because of it? The people in the villages who are living in backward areas, there is nothing like hooliganism act. But while collar ruffians who are coming in the villages from here and several are coming in disguise of Bhajapa in our area, and it is said that you should go on strike, by gathering the crowd it is

said that you should close your shop and if you do not close the shop, then shop will caught fire and they will not be responsible for it. But sometimes, shops have to be closed.

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**[Shree Kaljibhai R. Katara]**

Shops have to be closed for such persons. And whoever respected members were speaking, were speaking with two mouths and it is said that the persons of Congress do such things. The Congress party has brought this act, they should be given support but there is one saying in our village that Patla Gho has two tongues. In the same way they are speaking with two tongues. But please welcome good and by welcoming good, we, without opposing this bill in non-opposition manner, we should pass it. Respected Chairman, the people of the villages cannot speak but intimidation which was shown to the public of the villages and the public of villages will show their rural power, there will be only a vacuum. You should understand this fact. In tribal areas of our backward area, your curfew, your section of 144, Respected Chairman, it may not work anywhere. Then, Respected Chairman, the evils which are being spread in our area in the name of Bhajapa, in the name of opposition party. They should clearly understand that for whom this act is? As you sow, so you reap. Why do you worry? If you do wrong, the bars of the jail will welcome you and if you do good things, you will also wear the garland of flowers then, Respected Chairman, when shops are burning, poison is spread between communities, and when such elements are working, then don't to arrest such persons too? In such matter, we by being together, without any opposition, this bill should be passed. I am requesting this.

I want to say such what is happening in Sabarkantha, a few incidences have happened in Himmatnagar. I have also seen this. Whose shops were burnt and who has burnt. Inquiry is running of that.

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**[Shree Kaljibhai R. Katara]**

But the elements there, whatever such elements are working there for which such work is done by giving it political form and the properties which are ruined, in villages by working with one another being together, shop has been raised by making money and by doing such intrigue, overnight shop is burnt, such persons must be controlled and arrested. Respected Chairman, I want to say that whoever influential persons involved in this, we have brought this act to prevent this poison spreading. It is ok and I give support and by arresting such elements, we must teach them lesson. It is good that nothing such has been spread yet in rural areas. But whoever person in whatever areas understand. In our place, there are a few employees and among which there are political officers also.

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**[Shree Kaljibhai R. Katara]**

Those officers go on strike. The employees of district panchayat are said to go on strike and if you do not get salary, you will be given it from outside. Making such discussion, whether it is Mamlatdar Office, or Collector Office and there may be persons who are considered good, by giving them threat, talks are running making the system standstill, then by giving political form to such persons, in our area, of Bhajapa, whatever they may be, I do not know, but particularly, what is running in this way, above which such persons....

On finishing the function of assembly house at 1-00 o'clock in the noon, according to the order of Deputy-Chairman, assembly house, remained postponed to meet again on Monday 8<sup>th</sup> July, 1985 at 12-00 o'clock in the noon.

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4<sup>th</sup> July, 1985

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**Shree Shantilal P. Patel**

Its report has been put here. But, respected chairman, I do not want to go in to that comment, but when such reports are put, if discussion of that reports is made, any information concerning it, in respect of which the members of this legislative assembly can make discussion and whatever merits or demerits are in it, attention of the government can be drawn. Therefore, I draw your attention that though it, whatever agenda is decided by the members, whatever important points seem in this report, the discussion of it may come before this assembly house. I want to make such type suggestion before this assembly house.

**Chairman :** Respected Shantibhai, aren't you in trade advisory committee?

**Shree Shantilal P. Patel :** Yes, sir.

**Chairman :** Therefore, the question which you raised here should be raised by you in trade advisory committee. In trade advisory committee, members get opportunity to make discussion and it is their right. You are member of trade advisory and you raise this question in assembly house. This is not reasonable fact and secondly, there are the reports of two corporations presented here. Their discussion should be done in assembly house. If you think so then you can definitely put that point for discussion in trade advisory committee. In past such thing had happened and in past, the discussion of report has also been done.

**Shree Shantilal P. Patel :** Because of this reason only, Respected Chairman, when minister presents report in this assembly house, if discussion is done on the same time, can't we get information?

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Papers put on the Table of Assembly House

**[Shree Shantilal P. Patel]**

**Chairman :** Respected Shantibhai, what is the benefit by repeating one fact again and again ?

**Shree Shantilal P. Patel :** Sir, I want to know that the members have not received the report.

**Chairman :** You have right to know but you are going outside of your limit because instead of making use of the right got to you, you have put this fact in assembly house which is not reasonable at all. You are in this committee and respected minister too is in this committee. Both by sitting together, can decide about this.

### Notifications

**Shree Vallabhbhai P. Patel (Health Minister):** Respected Chairman, I seek permission to put on the table of this house the notification dated 20 - 04- 85 of Health and Family Welfare Department serial no. GHP-36 – M. C. G. – 1084-2301.

**Notification was put on the table of the house.**

**Shree Dolatbhai C. Parmar (Panchayat Minister):** Respected Chairman, I seek permission to put on the table of this house the following notifications Panchayat and Village Housing Construction Department shown in sub matter (4) of list serial no. (3) of affair.

(A) Notification dated 18-05-85, serial no. KP - 13 – 1985- NPM- 1083- 1693 (1) –(A)—  
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**[Shree Dolatbhai C. Parmar]**

- (B) Notification dated 18- 05- 85, serial no. KP- 14- 1985-NPM- 1083-1693 (2)A—1
- (C) Notification dated 18- 05- 85, serial no. KP- 15- 1985-NPM- 1083-1693 (3)A—1
- (D) Notification dated 18- 05- 85, serial no. KP- 16- 1985-NPM- 1083-1693 (4)A—1
- (E) Notification dated 18- 05- 85, serial no. KP- 17- 1985-NPM- 1083-1693 (5)A—1
- (F) Notification dated 18- 05- 85, serial no. KP- 18- 1985-NPM- 1083-1693 (6)A—1
- (G) Notification dated 18- 05- 85, serial no. KP- 19- 1985-NPM- 1083-1693 (7)A—1
- (H) Notification dated 18- 05- 85, serial no. KP- 20- 1985-NPM- 1083-1693 (8)A—1
- (I) Notification dated 18- 05- 85, serial no. KP- 22- 1985-NPM- 1083-1693 (10)A—1

**Notifications were put on the table of Assembly House**

**Proposal rejecting Ordinance no. 11**

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Asadha 13, 1907, Saka Samvanta

Papers put on the Table of Assembly House

**Shree Ashok Bhatta (Khadiya) :** Respected Chairman, I present the proposal that this assembly house may disapprove the ordinance serial no.11 of the year 1985 in respect of ordinance for preventing anti-social activities in Gujarat.

**The proposal was presented**

**Gujarat Bill of the Year 1985\***

**Serial no. 20**

**The bill in respect of prevention of anti-social activities in Gujarat, 1985**

**The bill for making provision for preventive detention of the persons doing illegal trade of liquor, dangerous persons, drugs criminals, criminals doing immoral trade and**



**property usurpers and for preventive anti-social and dangerous activities interrupting public order.**

**Shree Amarsinha B. Chaudhri (Home Minister):** Respected Chairman, the bill serial no. 20 of the year 1985 published ago in state gazette, the bill in respect of prevention of Gujarat anti-social activities of the year 1985, I submit this bill with your permission.

**Chairman :**The bill is admitted.

**Shree Amarsinha B. Chaudhri (Home Minister):** Respected Chairman, I present the proposal that the first reading of the bill of the year 1985, serial no. 20, the bill in respect of prevention of anti-social activities in Gujarat, year 1985 may be done.

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\*This bill has been published in the gazette of Gujarat on the date 26<sup>th</sup> June, 1985.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

[Shree Amarsinha B. Chaudhri]

**The proposal was presented.**

**(Under the Chairmanship of Deputy Chairman)**

**Shree Ashok Bhatta :** Respected Chairman, the situation in which respected minister has brought bill of preventing Gujarat anti-social activities, before which he brought an ordinance. The opportunities got to non-governmental members under rule 152 of rules of legislative assembly, on the base of which I resent this proposal disapproving this ordinance. On this occasion I should say that this ordinance is not original. Therefore it should be made effective. This government is not such powerful government which can control anti-social elements with the help of this ordinance. I want to give certain examples for that.

Our leaders have been saying since years that hooliganism removal act should be brought to control anti-social elements and in last five years, representations have been made many times. When the incidence of Mangarha happened, then living on that land and present health minister himself presented his voice in this demand. After the incidence of Mangaraha, At many places in the state, such incidences remained continuously happening and anti-social elements became the makers of such incidences and the result was such that today anger of terror came out in Gujarat and this act has taken time to be made till this time. When the law comes in the form of ordinance, from where we brought this?

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

[Shree Ashok Bhatta]

It seems that the law department of the state government has studied not at all. The judgement of Supreme Court has come before the law department of state government and

the law department has not studied that too. I am going to give the details of which to this assembly house. But State Government has, one bill of Tamilnadu, which was brought by my past member Lakhani, the bill of that Lakahani, the bill of Government member, the bill of Gujarat has been made on the base of the bill of Tamilnadu and on the base of the bill of Gujarat, this government has brought ordinance for implementation. Therefore, this bill is incomplete for which I shall talk. Respected /chairman, I am saying the government through you that in Bihar also, such act came and above which, the judgement of Supreme Court came. If that judgement had been joined with this bill by this government or law department, one new creation could have been made.

Respected Chairman, this government is the mother of anti-social elements. It itself gives protection to them. Respected Chairman, I can give examples of the last five years. I do not give recent examples. (Interruption)I am going to give them. At present also the situation is such that I have seen anti-social elements of such type developing and growing. One white collar anti-social (Interruption) Respected Chairman, the fact which I say is touching to the voting constituencies of all the members. Each member may ask anyone in his voting constituency that one firm giving loan has run away, that firm has arranged meeting, that loan giving firm made cheating, it made fraud and because of which the 80 crores of rupees of the people of Gujarat is gone.

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Asadha 13, 1907, Saka Samvanta

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

If we ask the government, we get such reply that high level inquiry is running for it. But how can government start its inquiry? Because with the leader of that firm, the photos of the Chief Minister of the state were too printed in the newspapers.

Respected Chairman, during my journey of Saurashtra, I was going to Mangarha of Bhavnagar District. Then one poor farmer came to me. I do not take the name of that firm but that farmer come before me crying and he said to me that his money had gone in that and requested me to make some effort so that he might get his money back. Then I asked him why he had kept his money in that firm. You should have checked its solvency. Then, respected Chairman he said me that he had seen the leaders of that firm with the Chief Minister. Therefore, he though it as solvent firm. I asked him whether company was solvent or the firm was solvent. If there is moral strength of the government (Interruption), the anti-social elements who have usurped more than 80 crores of rupees of the poor people of Gujarat, the Chief Minister of the state had given assurance before election that they will be arrested and will be sent behind the bars of the jail. Many complaints have been presented before honourable governor also. Then they are not arrested under this act also. I do not expect that they may be arrested under any other act. Respected Home Minister, they are not trapped in remaining acts. While remaining crimes are not detected and find political shelter.

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Asadha 13, 1907, Saka Samvanta

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

They exploit poor people. If the government has moral strength for arresting such persons, I am ready to welcome it. I am doing this effort so that the government may give guarantee. How incidences happen in the state. The incidence of Surat happened. I am speaking about white collar anti-social element. In Surat, attacks were made against the officers of central government. Respected minister said in reply that the police had reached within 17 minutes and no major harm was done. I went on the place and made inquiry that the police had not reached in 17 minutes.

Second thing is how their courage raised for opposing the officers of central government in Surat. How such work could be done, how such courage happened? If deep study of which of last five years is done, though the report of Shantinath Silk Mill had come before this government, the murderer of seven persons, the owner of Shantinath Mill is sitting safe. The government has taken no actions against him. No procedure has been done to sent him behind the bars off the jail. As a result of which, such anti-social elements considered as white elephant are wandering safe in the state. This is because they have shelter of the state government. They get courage and they move fearlessly. They think that nothing will happen. They attack on the employees of the central government, they beat the employees of income tax, nothing will be done to them because the government sitting in Gandhinagar is their government. That is their belief. The objection which I have against the government is that the government gives shelter to anti-social elements.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

I am saying this fact because I do not want to give remaining example of murder. In Ahmedabad, one poor sister was killed. The inquiry remained incomplete. In Ahmedabad, the man named Parshuram was beaten in the Police Station, he has to file private complaint, I do not want to make its complaint but I want to say that fact that in this state, five years had passed such where the president of Tribal Development Corporation late Vasava was murdered. For arresting his murderer, the tribal brothers of the state have to complain before central government. Respected Home Minister may give guarantee to this house, at present his murderer has been arrested. But when his case begins in higher level court so that he may not escape from law, instead of local advocate of that place, since it is the case of reputation, there was demand to hire special pleader in that case. But that demand was refused by the Home Minister of that time. Now there is tribal Home Minister, then he will accept it. Such is my request to him through you.

Respected Chairman, the state in which one chief leader of Congress, for arresting tribal leader, the home minister of this government and this government have become failure. Then what expectation can ordinary public have from them? Which was the reason? Who was responsible for that? Which factors were such that prevented police from arresting him? As per the information given by the officers went for inquiry the persons preventing them were of the same party. If such is fact, it is shameful.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

I want to prove this by this example. I want to show that in the past, in the last five years, whatever political shelter was given, the manner in which they were nourished politically, because of which, activities of criminals, murderers, gun firers are increasing. And because of which the fire game which has been spreading today in Gujarat, for which the Home Minister may say by coming in the house what he can do, he has got all this in inheritance. Then I shall have to accept his reply. He has to do much hard work. I know that and therefore, respected chairman all these examples have to be given through you and therefore I am saying that this Home Minister may remain away from several activities.

In the time of last Home Minister, when one company named Martial and Martial gave advertisement for registering moped, people say that the inaugurator of that company was respected Home Minister and when the person like Home Minister is the inaugurator of one company, people can trust such if we register moped in this company, we will get moped earlier. And what result came, that person ran away taking one crore rupees with him. It was the money of poor people and not of the persons with car or Maruti. He ran away by taking one crore rupees of poor and middle class persons. People have deposited money with such trust that the Home Minister was to remain present in such programme, he was to inaugurate it. Political shelter of such type, political activity of such type, the people related to it, our work procedure of this type. Our method of this type, and then after we say that we are able to control anti-social elements and to uproot them, then I have little doubt in it.

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**[Shree Ashok Bhatta]**

That doubt may be removed by the government. Therefore, I was remembering this past period (Interruption) they are of your own party, no need to take name of them, you all. In Ahmedabad, one important decision of court came. It was the decision of murderer of three persons. At the time of giving that verdict, the judge of Sessions Court wrote that the person who had done three murders within twenty minutes, such wolf must not be kept free in

public. But I have to say with displeasure but one day, in eastern area of Maninagar of Ahmedabad, inside the office of Congress House, from his office, the scenes were found, the images of which were presented in this house. Anti-social elements are good blood donors, such certificate was given and because of which anti-social elements became stronger. They came out as devil factor in the society. Then whether we are sitting on this bench or on that bench, we, all members will have to decide one code of conduct. If we want to uproot anti-social activities, if we want to finish hooliganism, if these snakes are not kept free in the society, we all people have to draw certain line of limitation. (Interruption) I am giving my facts that this Home Minister will talk about code of conduct that the parole will not be given to the persons sitting in the jail. Parole may be given in remaining time, but the persons who are notorious anti-social elements, the benefit of which is to be taken in the elections, must not be given parole. There is no objection that parole is given because of social reason,

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**[Shree Ashok Bhatta]**

There is no objection if parole is given in illness but when we give parole to anti-social elements at the time of elections, the result is such that the jail of Porbandar had to be closed. Now the time will also come to close other jails of Gujarat also. As I said, the person selling liquor, person playing gambling is itself anti-social but the person robbing with knife is also anti-social. They must be controlled. They must be uprooted. They must not be kept wandering. The hooligans moving with weapons must be destroyed. They must be kept under control. But before this, we have to keep several things under control. Several new type, intellectual anti-social elements have born. Such anti-social elements are sitting in Relief Shopping Centre of Ahmedabad. They sold the certificate of R. M. P. Not registered medical practitioner but regular medical practitioner. If boy gives 500 rupees, he may become doctor. There was its first programme in which the health minister of state level had given presence. The person giving certificate of health must stop itself. My very objection is this. The certificates of pharmacist and compounder are given. They are sold in open. In this, the poor person and illiterate person of the village buy this certificate and he is cheated. By buying this certificate, he either does job or opens hospital. On such occasions as if the licence for killing has been got in sale. Such type of condition has been created by us. There are many such examples, out of which I am giving a few.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

My request to the government is that we should keep friends, we should keep relations with industrialist, we should also extend the relations with them but respected Chief Minister, officers of the state should not keep such relations. Because of which, respected Chairman,

the magazine named Probe will have to print the photos. Looking such photos and reading such writing, we feel ashamed. Perhaps other person of the state, Director of Information Bureau may not feel ashamed. But on reading that writing, I feel ashamed. It seems that such defamation has been done of the Chief Minister of my state in the newspaper. Respected Chairman, it as much pride and conscience could not be maintained, he can cut off the relations. He should see with whom he is keeping relations. Doesn't he recognise them? This complaint is not only of mine, it is also of the persons sitting there. Therefore, such complaint is not only of any opposition party.

Gujarat believes in value oriented politics. This state believes in ideal principles of democracy. Respected Chairman, our democracy tradition is of such type that Ram heard the comment about Sita from washer man and he took his fire examination while here, every man, not only washer man many people have been making comments. Yet we do not get fire examination done. Fire Examination of our Government is not done. Then my disbelief is increasing that the bill regarding anti-social elements which the government itself is bringing, has that government as much ability so that it can bring it in law?

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4<sup>th</sup> July, 1985

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**[Shree Ashok Bhatta]**

And if it does not have such ability, then what will happen by giving such weapon in the hands of this government? This house will have to think seriously about this. The persons with liquor and gamblers of Ahmedabad will have to be caught. We say such things often. Then do it. Who is preventing or refusing for doing this? I have three times given the list of the persons selling liquor in Ahmedabad to the Home Minister And in this house, challenge was given that if he wanted to see liquor being sold in Ahmedabad, for seeing it, I had given him invitation too. But my difficulty is that the Deputy Labour Minister and Finance Minister of that time had gone for inauguration of one travelling company, the owner of that travelling company was the seller of liquor. If we do not follow such consciences, and will make such acts, then they may not be implemented. I do not want to talk about the persons of Ahmedabad Municipal Corporation. But I want to know that this Home Minister declared on the day before yesterday and today he accepted one serious fact in this assembly house. Respected Chairman, one anonymous application came on Marakhi bhai, because it is natural that man is scared by giving name. But the reality is that two boxes of foreign weapons were found from Jam Khambhadiya village of Jamnagar. Then those foreign weapons were brought by smugglers. They are not such as respected minister thinks. Any person goes and one or two is brought which is not true. Incidences of sending large quantity of foreign weapons in the state are increasing and seriously I have to say that Gujarat is a boundary state and therefore, doesn't nearby neighbour country do the work of providing weapons in Gujarat like Punjab to the persons spreading terrorism? That fact will have to be seen very seriously.

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**[Shree Ashok Bhatta]**

And if we look at it easily only and naturally that one ship has gone from Salaya and has come with one revolver. This is not like such. They bring all this. I forty thousand rupees, revolvers are sold in America, Germany and Italy. And when I say such, I know that by insulting such information of mine, the reply is given. I have too much displeasure for this. Respected Chairman, he once said to me that when I gave information, they had more specific than that. And by saying this, instead of giving me much information, instead of giving me assurance of taking actions on it, he made attempt of insulting me. I have pain for this. But respected Chairman, in the interest of the nation, in the interest of the state, I have to provide this information to the government. And therefore, I am saying that there are three groups in the state doing smuggling. They are doing works of f three types in Gujarat. Gujarat has become heaven for smuggling and it is because whatever recommendations are made for the arrests of the smugglers, no such arrests are made according to it. I am not talking about this time. But ago in 1984, custom department of Gujarat government had made recommendations of 152 persons out of which 52 persons were arrested. For arresting 100 persons, Gujarat Government, Home Department had failed.

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**[Shree Ashok Bhatta]**

I hope that they may become successful in this direction and Home Minister may show his sincerity and will fulfil whatever loopholes or faults lying there. And as a result of which the custom department of the state and central government too has said that before 1985, arrests were made by direct warrants of the central government and therefore, I say to the government through you that whatever activities of smuggling that have developed in the state, terrible drugs and intoxicating elements like heroin which are bought, charas are sold, and such elements bring these foreign weapons. The same elements by kidnapping poor sisters and daughters of Gujarat from the boundary, do the activities of selling them in foreign countries. In alone Mandvi village, around 100 Harijan sisters were caught and were taken. One newspaper named Times had written in 1983 that from the boundary of Gujarat and Rajasthan, around one lac cows were sent to Pakistan. These elements which have been sitting in Gujarat with their permanent stay and those factors are spreading the shade of terror, those elements are the creators of current situation of Gujarat. We should not make mistake in recognizing these elements. I say very seriously through you that the officers who are in 14 districts and who have done their work successfully, out of which the D. S. P. of Kutch, in the manner in which he is working, if all the police officers of Gujarat may do the same type work, there will be no difficulty in controlling anti-social elements. The anti-

social elements which are there in Kutch area, they when hear the name of their D.S.P, they may rise if they have asleep. Such is situation there. Therefore, respected Chairman, it is the responsibility of the government to save such honest officers.

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4<sup>th</sup> July, 1985

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**Mrs. Shantaben Y. Makwana :** Respected Chairman, respected member said that he had received the letter that Harijan sisters had been kidnapped. So can we get that letter from respected member ?

**Shree Ashok Bhatta :** Respected Chairman, I have said that I had said that according to information I had got in 1983 and I could give its information. The member of Mandvi too was to give its full details and those sisters had been brought back by the inspector named Rabari.

**Mrs. Shantaben Y. Makwana:** Will respected member inform whether there are other sisters except Harijan among them?

**Shree Ashok Bhatta :** I have said that in this state, this group also does the work of kidnapping of the sisters and as a part of which the complaint which has come before me, I have given the details of that complaint. (Interruption) Respected Minister, perhaps I may have less information than you, because you are the person working in that poor area. But I know that you cannot speak. (Interruption)

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4<sup>th</sup> July, 1985

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**Deputy Chairman :** Order, Order. Respected Minister, You are minister. Do you understand your limitation?

**Shree Ashok Bhatta :** Respected Chairman, my nature itself is such. (Interruption)

(Addressing to respected minister)

**Deputy Chairman :** You should not be drawn in such facts when you are a minister. You should keep certain limitations. If need arises, there are other members to help you.

**Shree Ashok Bhatta :** Respected Chairman, through you, I once again request respected minister, different parties are coming from that area, I have done as much detailed arguments so that they can see seriously. But now I am not talking on this topic, because I want to talk on other topics also.

I want to inform to the Home Minister of the state that from whom, the weapons have been caught from Ahmedabad city, they have not been arrested under hooliganism act. This act under which there is clear provision that the persons doing such activities could be



arrested. Yet, respected Chairman I do not know the powers which have been given to the government by this house and constitution and by the ordinance of the governor of the state, the government is doing activities by which the pride of that ordinance is cut. Why it is doing such activities today? What are such reasons that the persons from foreign weapons have been found, yet why they have not been arrested under this act?

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The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

Foreign weapons may have been caught but they are not caught under ordinance, Respected Chairman, sometimes, this government do not like to do certain activity by knowingly or unknowingly and they like to do certain activity. It has certain likes and dislikes. It does not like the Ram Dhoon in Panchanath Mahadev Temple and the visit which was done on Ghee Kanta Road of the Prime Minister, on that place, the photos of the weapons are printed in the newspaper and they are found from there, such news were read and after doing combing on that place also, weapons were found out from the places of responsible persons. When efforts are made to find out the track behind it, respected Chairman, they feel that for whom was the power got with this ordinance and against whom it was to be used? The law which has been shown by the Government and the purposes which have been shown in that law, were they only for showing? My direct question to them is that today at the time of giving reply, the minister asked why cenotaph was not made of Laxmansinha and why was it made of Rana? My direct question to them is only as much if the accused persons of Laxmansinha and murderers were arrested then why the accused persons of Rana have been kept free? Why such discriminating policy has been kept? Why they are not caught? What are such reasons that they have to kept free for moving? If these accused persons are caught, what were the inspiring factors behind these murders, in its explanation, there is possibility of involving the names of the workers of any party. Therefore, you have kept them free, have let them go.

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**[Shree Ashok Bhatta]**

Which are such reasons because of which you are not able to catch them? Why the Police System of the state has become such vulnerable? Has it become incompetent? Respected Chairman, if the Home Minister of this state wishes, within a twinkling of eyes, he can catch the murderers of Shree Rana. Bu we will know when he gives the reasons because of which he does not catch them. But, respected Chairman, when the Home Minister of this state has brought this act, if I am to speak in one sentence then Home Minister has come out to lock the stable after all the horses have run away from the stable because these anti-social elements have gone. Either they have gone in Vadodara in Gujarat or in Mandal or someone has gone in Viramgam, someone has gone in other places and have also spread fire there.

(Interruption) I know as much as you now. You may know more than I know. It is my gentle request to you to supplement my knowledge if it is insufficient. (Interruption) I want to say to Home Minister because that you are dwarf and want to take huge step. Raise one huge step, put one step in Ahmedabad, the incidences of jabbing chopper have stopped, the incidences of throwing bombs have stopped, when you were about to put second step, someone has put chain the legs of the Home Minister. What was there to break that chain? Who said no? Who instructed not to put step? Second step was against the Police. All members know, all people say, several people call and inquire at home if any result has come of the step taken by the Home Minister.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

If long ring of telephone rings, congratulation is given to Amarsinha but when huge step happens, it seems that the person sitting beside says no for becoming this huge. No, you may not destroy three members of anti-social elements in three steps. Once again it has to be said to the person saying no that now stop, it has been too much. This step was taken before three and half months. Have taken after three and half months? What has taken? By enacting law of anti-social elements, anti-social activities are not going to stop. There should be strong will power in this government of destroying anti-social elements. That will power will be needed in this government. And if there is as much will power, the members of the party will have to give as much courage to the Home Minister.

Respected Chairman, often it happens in Cricket that the bowler of our team is good, he has taken good wickets, yet bowling is taken back from him. You take one wicket and then the bowling has been taken back from you (Interruption) I should give congratulation to the Home Minister that he is clear speaker. In Vadodara, he said that dissatisfied Congress persons have involved in this. (Interruption) Its explanation was made and against that explanation, respected Member of Parliament, Vadodara challenged him by writing a letter that you have spoken such words. If it had not come in letter, I would not have brought it here. I am saying this because whatever is happening in Gujarat, the factors behind those incidences, how those factors are used.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

We sometimes criticize Police but we feel pity while criticizing them. We feel sympathy for them and think why we should criticize them. There is curfew in Ahmedabad City, in that curfew, the passes which are given, the list of these passes, when respected Home Minister

becomes free, he should see that list. Out of which there are several person of Matkawala, several persons are gamblers, I do not fall in the figure of them. But such persons are given curfew passes. How these passes are given, for which we will have to definitely think. If they are given by the Police Officers, actions should be taken against police officers why they have given ? Whether they have been given by official like me. By whom they have been given? But we may say to keep as much conscience that the persons involved in such activities must not move free. If respected Home Minister will have as much ability, by this act, by this ordinance, we will have ability to take action against anti-social people. To show ability in such small work is his fire examination. Therefore, I am saying that sometimes criminals get free hand and what result comes of the freedom given to them that we can see in the facts like the robbery of shops in Anand, damage of one and half to two crore rupees happened and whatever such cases are to be done in the court, there is also video cassette. And the news which come in newspaper, the police officers which have remained in that video cassette, are seen remained present on that place. When they come to sit in the court or anyone may have done complaint before the Chief Minister that the Police Officers were present when this incidence happened and then such responsible officers in the presence of whom merchants were robbed, robbed merchants did not get protection, they may have said anti-social activities that they may loot and nothing will be done to them. Is law and order in the state only for opposition parties?

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The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

The fact of making hit list in Gujarat like Punjab was discussed in Sandesh News Paper of 25<sup>th</sup> March. The man making hit list had made statement with his name yet no such effort of arresting such persons has been made by the government. There may be people opposing reservation movement. We shall make its hit list. Such situation of violence which it made before starting of violence, against which the government has not taken any action. I want to say to the government that it may ask for Sandesh of 25<sup>th</sup> March. And it will see whose work it was. Oldest reports come to the Home Minister of the state. Therefore, this matter may not be beyond the attention of the government. But when such thing happens, which type of situation we want to create in the state?

The discussion of environment is the matter of much interest of the Prime Minister. Then if we want to save environment, we will have to reduce pollution. I may give reference of our legislative assembly that at the time of discussion of gratitude proposal of the speech dated 18 – 03- 71 of the Governor, the words which were used by the member of opposition party Shree Sanat Mehta which I want to use again.

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**[Shree Ashok Bhatta]**

That the persons who are from opposition party, to control all such persons through police system, I get this called as political pollution. The dirty water of the factories is as much bad. The political pollution of this state is worse than it. Respected Chairman, in the year 1971, the efforts to caution the government against political pollution were made by Sanatbhai, the member of that time. We know which type pollution was at that time. The members of opposition party of that time were not arrested and sent behind the bar under N. A. S. Telephones were not taped. On that time, the cases of 302 were not registered on the members. Efforts of making false allegations were not made. If we ask today to respected member Sanatbhai how much police system is used to control the members of the opposition party?

**Shree Manubhai Parmar :** Respected Chairman, it was ok when anyone speaks by presenting the speech of one past member, but by taking his name often in this house, can he make discussion in this house in this way? Respected Ashokbhai, after taking name of Sanatbhai, again and again he has discussed the same fact.

**Deputy Chairman :** Generally we can talk in respect of any previous procedure done in this house but when any member is not a member of this house, no matter making allegations in respect of him should be made and we should take care for not affecting their feeling.

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4<sup>th</sup> July, 1985

The Bill for preventing anti-social activities in Gujarat, 1985

**[Shree Ashok Bhatta]**

**Shree Ashoka Bhatta :** I have to say with much displeasure that how much feeling does respected Manubhai for respected Sanatbhai and it can be said from his relations which were in the last five years with Sanatbhai. The Sanatbhai who founded him of the post of Guru and he was as his disciple....

**Shree Manubhai Parmar :** He is repeating the same fact in it.

**Deputy Chairman :** This is the matter of your relations. Your relations were too sweet.

**Shree Manubhai Parmar :** Respected Chairman, it is my request that my relations are sweeter with even Ashokbhai than Sanatbhai. But to discuss about relations in this house is not fair.

**Shree Ashok Bhatta :** I do not want to remind you of sweet and loving relations. I was saying because I have faith for Sanatbhai. I had also walked on the stepping stone of Sanatbhai and such walkers persons seem what fact he could not discussed the same is discussed from the opposite bench, I become happy. In the vast meaning of enjoying such happiness, I was saying that. Whatever I was saying that ideological element I have with Sanatbhai, by which there was no such intention to tease the feeling of any person and I did not want to annoy the loving relations of anybody. I was saying very seriously that in the state, in public life, we have created political pollution.

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**[Shree Ashok Bhatta]**

So how will this political pollution that will be created and what will be its result? At present it seems that (Interruption) Respected Chairman, Jayantibhai said in sitting condition that at that time no person was doing crimes, then I remembered this fact. One king of Greece had caught slave kings and he was getting the chariots pulled by those slave kings. At that time, the king laughed while sitting on the chariot and he was enjoying and pleasing. And he said that he was laughing. At that time, one slave king was passing nearby, he laughed a little at the time of relieving his fatigue, and seeing that slave king laughing that king was astonished. He asked why he was laughing after so much hard work. Then that slave king said that he was laughing because wheel may also comes down after going up, it goes up and then again comes down, he was seeing that for last ten minutes. Therefore, I want to say the government that within how many minutes this wheel will return back. Within how many hours, this will return back, within how much time it will come back? The wheel is going to come back and the wheel will come down. Then respected chairman, the same tradition we are going to continue. We are going to continue the same activity. For destroying opposition parties? These five years have come of yours and then five years will also come of ours. There is no doubt in this fact. But there is no question of going up or down. But we should thank government that it has got considered better to us also. This government has made efforts to get us called better by breaking many friends.

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**[Shree Ashok Bhatta]**

And in doing those efforts, the contribution that has been given by respected Sureshbhai in Ahmedabad which could be known by Ahmedabad city in the history of Ahmedabad city. And therefore I do not mention it. The talk which I was discussion was the talk of political promotion. Whether we want to get political promotion in the state or not? Whether we want to use police system against opposition parties? And for making it more worth, I want to give another example. In the battle of Mahabharat, Karna had much envy (Interruption) I do not

know why persons sitting on the last bench do not whistle. They are only making noise, they must also whistle. Along with whistling, in our place also, in suburban area, where there are theatres, the persons sitting in the first line there, whistle when Amitabh and Prana come in the picture. The people with such habits, haven't they come here? (Interruption) Respected Chairman, I do not speak about me. I do not speak to feel them good. I am talking about bringing revolution in this society and in the society of tomorrow. But I do not know that you will do such. I know that you are interested in Mahabharata. (Interruption) You all have gone in Kurukshetra. All are brave warriors are in the same Kurukshetra. As in Mahabharata, after deciding to kill Pandavas and of taking revenge, Karna decided but Karna was credulous. At that time one snake went nearby Karna and told him that he has to take revenge on Pandavas. His father has been killed by Pandavas.

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**[Shree Ashok Bhatta]**

And he requested Karna to get him sited on his one arrow and throw it towards the Pandavas but Karna refused to do so and he did not send snake by getting him sited on his arrow. I want to say only fact that through anti-social elements, you may use as many weapons against opposition parties in the battle of Mahabharata, you may use weapon of National Security Act. I do not have any objection for it. I do not have objection that in this battle you fight against opposition parties. I do not have objection that in this battle, you defame opposition parties. But the role of this battle which you are to play and for that role you throw anti-social elements in you arrow. What is the result of it going to come? Look at this also. I have to say because this government is of such type which may use snake of anti-social elements. One minister had taken an oath here that he was of no community, he was of no caste he had no discrimination for any community. Such minister remained present there. I do not think such minister responsible. I consider responsible to the Chief Minister of the state. Chief Minister comes in this state only by riding on the horse of community disputes. The fire which is being spread by that government, the fire which is being spread in the state. Whether the questions will be completed today or tomorrow, whether compromise will be done today or tomorrow, whether roster will go today or tomorrow. There is no such question in it. The question is only that the fire of communal disputes which is being spread today in this state, how that fire can be controlled.

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**[Shree Ashok Bhatta]**

No person will demand fire brigade. The situation which has been created today in the state, the situation which has been created under that situation, we shall draw swords, arrow and bows will be brought by us, before whom shall we use them, against whom shall we use them? Respected Chairman, on this occasion, we all are the same. In the development of Gujarat, all who have given their contribution and all those are the sons of mother India.

The government had to win election. Therefore, whatever decisions taken by the government, as a result of which dissatisfaction created in this state and from which different sprouts came out. Who had done the act of creating tension between two communities of Farmers of Mehsana district by getting two places caught on fire in Pratij? Whether such situation has been created by the government, whether it has been created by all of us created by this society, whether it has been created by the responsible persons sitting opposite, gatherings were arranged in Laxmipura, speeches were made, on the base of the evidences of those speeches, if the government of the state is impartial, by taking resignation of that minister of the state, they would have been caught under National Security Act. When our arrests were made under National Security Act, we had given speech in Kachvada. By going in Bhudarpura, we had given speech. Such reasons which were given that were considered without any foundation. Then can't you take actions up to that stage? Nothing for them? Orders are made for one side and orders are not given for other side, why this thing is happening? There is law. Isn't any limitation on it? None is coming against this. All must be equal before law. And such incidences are not happening, only therefore I am saying that the political pollution which has been created in the state for which it is not true that it is only done on opposition parties.

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**[Shree Ashok Bhatta]**

It is also done on the persons writing about opposing facts. It is also used against the persons going away from ideology. We shall be definitely pleased if the rule is the same for all. But such thing does not happen, on that occasion we have to speak like this. If any depth of democracy is there, it is freedom of speech. And along with it, there is freedom of thinking, freedom of newspapers. Today, there is no such law in the state because of which and newspaper can be stopped selling its newspapers. The Home Ministry of the state gave direct instruction, without making any verifications, the instruction was given on late night that it was a newspaper which might be stopped selling newspapers. And in such way attacked were made on Gujarat Samachar, Jansatta, Indian Express and Western Times and Naya Padkar of Anand. Today attacked were made on news papers and because of which Political pollution enters in to spoiling the political environment. And when the voice is raised against this, when reply is asked for it, reply is given that inquiry is running. What was happened in

respect of weapons which were caught? It is said that inquiry was running. What happened in private gun firing? Then reply is given that inquiry is running. People were burnt together, at that time reply is given that inquiry is running. Inquiry is running in respect of Garudi massacre, inquiry in respect of Gomtipur massacre is running, if such sign board is written on Home Ministry, someone will perhaps say in joke that show is running. If anyone reads like this, what can we say to him? This inquiry is running, inquiry is running, such reply now may not suit to this home minister.

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**[Shree Ashok Bhatta]**

If Home Minister wants to make this government strong through law, if he wants to control anti-social elements, if he wants to take actions against its activities, if he wants to get more power and ability for all these matters, I do not think that the laws at present are not sufficient for him. Does he think less power of Indian Penal Code? And he cannot control all these activities. If respected minister wants to say so, I do not want to say anything. But, respected Chairman, I request respected minister to ask for the files of the incidences of last five years and after seeing them, please give me clear reply how many persons were ordered for deportation in the last five years by the Police Commissioner and against those orders, in how many cases, the stay orders were given by home secretariat of the state. If figures of this will be given and if it will be seen, it will be known who had interest in giving stay. This will be checked rather between the lines. I do not say such that the inquiry of between the lines may be declared in this assembly house, but the orders which were made of deportation, which was biggest power and it is very big power for controlling anti-social elements. And for that power, the orders of deportation are made by the Police after making proper study. And such orders have been made in Rajkot, Surat, Ahmedabad and Vadodara etc. Against those orders, the person of the rank of deputy secretary of Home Ministry gives stay order and gives continuous time limit against those orders. There are many serious allegations in that. There is political interference in it. Therefore, if we go beyond it and if we take actions, the Police System of the state will get courage.

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**[Shree Ashok Bhatta]**

The government of the state have arrested more than 200 persons. Because of which may peace be established in the state? Making such talks which I think is illusive. Because the loopholes which are there in this act on which I shall come later, then we shall know but when this act came in Bihar, High Court and Supreme Court acquitted the persons. I want to say as much only to the government that if there is no self confidence in the action of the government, which actions should the government take? First of all, the gang who is selling liquor and bringing liquor in the state, the head of this gang, those gangsters will have to be caught. The leaders of mafia gang, they will have to be caught. The leading persons of the gang of murderers, those persons will have to be caught. Even without making such act,



Maharashtra Government, by implementing National Security Act, had taken actions of arresting several persons and its result too came and because of which such persons ran away outside of from Maharashtra. The Police of the state do not know such persons which is not true. I shall have to say whatever such hypocritical persons, the actions must be taken against them and they are taken. Today arrests of 200 persons have been done, among which such hypocritical persons have not been arrested. I do not want to say such. But whoever has been arrested, if the list of the names of those persons is declared, people may come to know whoever hypocritical persons, they are arrested and the government is seriously taking actions to remove hooliganism. Therefore, the government should not hesitate to declare the list of the names of the hypocritical persons among the persons who have been arrested. Because of that, trust in government among people will be created.

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**[Shree Ashok Bhatta]**

Respected Chairman, I am going to draw attention on one matter in respect of the persons who have gone in the jail that the law is not going to be amended by sending people in the jail. I have recently gone in the jail. Therefore, I know the conditions there. I do not talk about the jails of Saurashtra. There, how the condition of the jail of Porbandar has happened? Because of which that jail will have to be closed completely. But I am talking about the jail in Rajkot where on 25<sup>th</sup> February, Jail Superintendent was moving in round, the criminals rounded him. The police of the jail remained standing on one side. There was present one pip of liquor, from which liquor was sprinkled on Jail Superintendent. In the end, he was clouted. He was beaten with shoes. After that I. G. prison visited but no actions were taken against this prisoner. His jail was transferred. And he was kept in Jamnagar Jail. The improvement was made such that because of political support, jail superintendent could be beaten and then at the time of coming of other Home Minister, Social improvement was made and that prisoner was sent to Jamnagar. And that prisoner did social improvement and the brother of that prisoner who was in that jail, he could got him marry in April. So much Improvement was made, which I have to accept. Therefore, what I was saying that by keeping so many prisoners in one jail, the result will come such that we shall have to make alert the system of the jail. Out experience of 1976-77 is such that the persons who have made study of the persons arrested for smuggling and other such crimes, and the persons who has written article, he informed when all those smugglers were kept in one place, because of which their activity increased as much so that their whole gang was created. Their whole syndicate was made.

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**[Shree Ashok Bhatta]**

Therefore, when all such ruffians are kept together, the state will have to take care so that no such situation is created. Such situations are being created.

While I am talking about the jails of Saurashtra, if I do not talk about the jails of Ahmedabad, they may feel bad. In Civil Hospital, one prisoner came injured. He was wounded with the razor. Who permitted razor to enter into the jail, who struck the razor, from where it reached the jail, for all these things, inquiry is needed. Therefore, if we keep those anti-social elements together on one place, new problems will be arisen from them too. And therefore, I want to warn seriously to the state government in that matter also that there is special need for taking enough care in that matter also so that no such situation is created in the jail.

Today, political pollution is running in the state. Under hooliganism removal act, if the government does not arrest political workers and the persons who are ruffians in reality and who help in creating unrest in the state, if they will be caught, then only this act will prove fruitful. I want to give one example for this.

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**[Shree Ashok Bhatta]**

The order of detention of Hasmukhbhai Prahladbhai Patel done according to Gujarat Prevention of Anti-Social Activities Ordinance 1985 by Gujarat Government and according to the provision of section 9 of it, by Kheda District Magistrate, CNJP/VSI / Kheda dated 06 – 05- 85. I do not read its report but one reason was such that he had done the crime of pension resistance and had run movement and had given application letter. This application letter also has been included in this reason. Pension Resistance Committee, Janata Party. Anand Committee had given application letter on the date 21 - 04 – 84 and it was given to Mamlatdar of Anand.

**(Recess : From 2.30 to 3.15 in the afternoon)**

**[Under the Chairmanship of Deputy-Chairman]**

**Non-Governmental Resolutions**

**In respect of the reservation for Scheduled Caste, Scheduled Tribes and for Other Backward Classes.**

**Shree Motibhai M. Chavda (Bavla) :** Respected Chairman I am presenting my following proposal :

“37 years have passed after India has got its self independence. In this birth place of sacred Mahatma Gandhiji, when we think about the development of the poor suggested by Mahatmaji, till now such condition has not been created for Scheduled Caste, Scheduled Tribes, Backward classes and for Religious Minorities by which the oppressed and depressed class have become able to come in front row.

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**[Shree Motibhai M. Chavda ]**

The constitution of India too has made special provisions for bringing backward classes in main stream with front row of the society and has also given powers to the state government for implementing those provisions.

For bringing ahead to the classes remained backward since hundreds of years, and for giving them the benefits of the opportunities of development which they have been deprived of, for making them powerful for the same, the provisions have been made for reserved seats, place in higher education and public services for Scheduled Caste, Scheduled Tribes and other Backward Classes and this provision of reservation the provisions of roster method for promotion in public services have been accepted at national level.

Considering overall development of the society, this assembly house supports the actions taken by previous governments in respect of reservation and roster in Gujarat and for satisfying reasonable demands of backward class, the actions taken by present government are too fully supported by this assembly.”

**Resolution was resented.**

**Shree Motibhai M. Chavda :** Respected Chairman, along with getting independence for Hindustan,