

JAMMU AND KASHMIR UT LEGISLATIVE ASSEMBLY SECRETARIAT

JAMMU/SRINAGAR

NO. LA:2179/PIO/2021.

DATED:- 1-01-2021

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Sub:- Providing Information under Right to Information Act, 2005.

Madam/Sir,

In continuation to this office letter No.1690/PIO/2020,
dated:-23-10-2020, the information sought by you is
enclosed.

Yours faithfully


(Tarsem Lal)

Asstt. Public Information Officer

Enclosed 10 leaves.

Debate on "A Bill to amend Jammu and Kashmir Public Safety Act, 1978

(LA Bill No. 10 of 2012)

Dated: 04/04/2012

Mr. Ali Mohammad Sagar, Minister in Charge Law,, on behalf of the Honble Chief Minister: Sir, I rise to move to amend the Jammu and Kashmir Public Safety Act, 1978, (LA Bill No.10 of 2012) be taken into consideration.

Honble Speaker: A Bill to amend the Jammu and Kashmir Public Safety Act, 1978, (L.A Bill No.10 of 2012) be taken into consideration. In this regard I have received an amendment on the said Bill from Mr. Nizam-ud-din Bhat, which shall be deemed moved in order to save time of the House. The consideration motion on the Bill alongwith the amendment to it is before the House.

Honble Speaker: Mr. Nizam-ud-din Bhat,

Mr. Nizam-ud-din Bhat:- The Government has expressed its intention that the Public Safety Act is a draconian law which needs to be reformed, but the reformation would not resolve the issue. The Act needs to be scrapped. I proposed a simple amendment that a person shall be detained only if he has attained an age of 18 years under clauses (a) and (a-1). In addition to this, if one cannot be dealt under normal Laws, he can be detained under sections 107 and 151 of the preventive Laws for a period of three months. You are detaining a person for a period of three months without any trial while as there are already other laws under which a person would be kept under preventive detention, as such there is no need of such Act.

Mr. Harsh Dev Singh:- Sir, whenever this Act was being deliberated upon by the legal experts in the newspapers, I was expecting some major amendments from the Government. Sir, this Bill is to read with principle Act, so until the amendments are made in the principle Act, it will not resolve the issue, which is to be debated upon. I would like to ask, if public Safety Act was applicable to a person who has attained the age of 18 years and above, then why persons below 18 years were detained under the said Act. Was it permissible? Now you are bringing the same

Bill with a little bit change in the detention period i.e any person indulged in Law and order will be detained for a period of three months instead of 12 months and a person involved in prejudicial activities will remain in the custody for a period of 6 months. I would like to ask that what were earlier provisions and what sort of new things are being included in the said Act? You should provide us the information regarding the major reforms going to be made in the said Act.

Honble Speaker: Mr. Ali Mohammad Sagar, Minister in-Charge Law.

Mr. Ali Mohammad Sagar, Minister in-Charge Law: Hon'ble Sir, lot of things have been discussed about the said Act. The draconian type Laws were enacted particularly the Public Safety Act, being deliberated upon by various NGO's and intelligentsia of our country. There was a commitment of Hon'ble Chief Minister before the House about the Public Safety Act and Armed Forces Special Powers Act (AFSPA) that as soon as the situation will return to normal, there will be no need of such Laws which were framed during the unrest period and these laws will be lifted in a phased manner in the State. As the Honble members from the

opposition were showing their anger against PSA and AFSPA but they did not show the courage to amend it during their six years of tenure. As Shri Harsh Dev Singh has stated that it was the commitment of Mr. Omer Abdullah about the amendments that are being made in Public Safety Act. During the Shri Amaranth Land row and the unrest in 2007, 2008, and 2009-10, injustice has taken place as some minors were detained under PSA in the period. Mr. Abdul Gafar Sahib, that time you were minister,

Sir.....interruptions.....
.....

You have rightly said that detention period under PSA was two years while as, we said that it should be 6 months in the first phase that too in case of crime of serious nature otherwise the detention period under aforementioned Act in the first phase should be three months only. The term of the Chairman of the Board dealing with such cases is fixed for three years. Since, many detention cases related to the foreigners as well as locals were lacking the grounds and resultantly most of them were quashed by the Honble Court. So it was necessitated that the Act needs to be amended to the extent that the grounds of the case must be conveyed in the same language which the detunes bears and accordingly the amendment was made in the Act. On the

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basis of the complaints received from general Public, NGOs, Media fraternity and some human rights groups, here are some amendments just to make it more humane so that the commitment of the government to this effect is fulfilled. Simultaneously a message will go out that the normalcy is prevailing in the State and there is no need of such harsh laws. The Hon'ble Chief Minister heading the coalition government is committed to revoke such laws gradually as soon as normalcy is restored in the state, that would be the collective achievement of the Government as well as the opposition so that the people can enjoy their life in free atmosphere and the state comes on the track of development which is the common manifesto of all political parties.

Hon'ble Speaker: Mr. Nizam-ud-din Bhat, would you like to withdraw it.

Mr. Nizam-ud-din Bhat:- Sir, he has been a successful advocate, If you really intend to make it a humane, then it should become a compassionate Act, that is what the normal Act is all about.

.....

Interruptions.....

Hon'ble Speaker:- Now the Hon'ble Members who are in favour of Amendment suggested by Mr. Nizzam-ud-din Bhat may say "Yes" and those against may say " No"

Voices "No No"

The Motion is rejected

Shri Harsh Dev Singh:- Sir, I want to say that we should not be in haste to take the decisions as Mr. Rather Sb. Often used to say that as much time you require to take, there is no hurry i.e is why I have said, by detaining the persons below the age of 18 years you have violated the said Act because under the provisions of the Act you cannot detain the person the age of 18 years.

Hon'ble Speaker:- Those Hon'ble members who are in favour of this Bill may say "Yes" and those against it may say " No"

Voices "Yes, Yes"

Bill was adopted.

Mr. Omer Abdullah (Hon'ble Chief Minister)

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Mr. Ali Mohammad Sagar (Minister in-Charge Law) on behalf of Chief Minister:- Sir, the Bill may be passed

Honble Speaker:- Motion moved that the Bill may be passed. Now the question is that those Hon'ble Members who are in favour of this Bill may say **"yes"** and those against it may say **"No"**

Voices "Yes, Yes"

The Bill was passed.

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Debate on “A Bill to amend the Jammu and Kashmir Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1988.”

(LA Bill. No.10 of 2003) Bill, 2003

Hon’ble Speaker: Mr. Taj Mohi-ud-din I/C Consumer Affairs and Public Distribution.

Jenab Taj Mohi-ud-din Minister I/C Consumer Affairs and Public Distribution. Sir, I rise to move “A Bill to amend the Jammu and Kashmir Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1988” (LA. Bill No.10 of 2003) be taken into consideration.

Shri Mulla Ram Minister I/C Social Welfare:

Sir, I second it.

Hon’ble Speaker: Motion moved.

“A Bill to amend the Jammu and Kashmir Prevention of Black Marketing and Maintenance of Supplies of

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Essential Commodities Act, 1988 (LA. Bill No.10 of 2003)
be taken into consideration.

The motion is before the House.

Now the question is that a Bill (LA Bill.No.10 of 2003) be
taken into consideration.

Those Hon'ble members who are in favour of it may say
"Yes" and those against it may say "No"

Note: Motion was adopted.

Shri Taj Mohi-ud-din

Jenab Taj Mohi-ud-din Minister I/C Consumer
Affairs and Public Distribution. Sir, I move that
the Bill may be passed.

Shri Mulla Ram Minsiter I/C Social Welfare:

Sir, I second it.

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Hon'ble Speaker: Motion moved that the said Bill may be passed.

The motion is before the House. Now the question is that the said bill may be passed.

Those Hon'ble members who are in favour of the Bill may say "Yes" and those against it may say "No".

Note: the Bill was passed.

With this, we conclude today's Business and would again meet here tomorrow on 21st June, 2003 at 9:30 A.M.