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| RIGHT TO INFORMATION | Annexure "A" (See rule 3) Format of Application for obtaining information under The Right to Information Act 2005 |
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45F 452660

5thmain Road, 8thCross Road,
NewTippesandra,
Bangalore-560075

Sir,

Subject: Regarding Information sought Under Right to Information Act 2005.

Reference: Your Application dated 20-05-2020 (Received in this Ministry on 27.05.2020)

With reference to the subject sighted above, the information sought by you in the above referred application, were compiled from various minutes of the Karnataka Legislative assembly pertaining to various dates during the year 1985, 1987 and 2000, and the said information is contained in 86 pages.

I am being directed by the Secretary to inform you that the said information can be supplied to you on payment @ Rs 2/- (two) per page for 86 pages amounting Rs. 172/- (One hundred seventy two) under Right to information, u/ Section 4 (2) (A) .

Yours Sincerely

Sd/-

M Shashikanth

01/06/2020

Proceedings Editor and
Public Information Officer,
Karnataka Legislative Assembly Secretariat
Telephone No: 080-22284548

Karnataka Legislative Assembly

Ka. Vi. Sa Sa/ Cha-sam-shaa/maa-ha-a/06/2020

Legislative Assembly Secretariat
Post Box No: 5074, Vidhan Saudha,
Bangalore-560233, Dated :01-06-2020

From:
The Secretary
Karnataka Legislative Assembly

Registered Post with Acknowledgement

To:
Sri/Smt Geetika Mishra
1886, 2nd floor,
5th Main Road, 8th Cross Road
New Tippasandra,
Bangalore-560075

Sir,

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Subject: Regarding Information sought Under Right to Information Act 2005.

Reference: Your Application dated 20-05-2020 (Received in this Ministry on 27.05.2020)

With reference to the subject sighted above, the information sought by you in the above referred application, were compiled from various minutes of the Karnataka Legislative assembly pertaining to various dates during the year 1985, 1987 and 2000, and the said information is contained in 86 pages.

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Ka. Vi. Sa Sa/ Cha-sam-shaa/maa-ha-a/06/2020

Legislative Assembly Secretariat
Post Box No: 5074, Vidhan Saudha,
Bangalore-560233, Dated :20-08-2020

From:
The Secretary
Karnataka Legislative Assembly

Registered Post with Acknowledgement

To:
Sri/Smt Geetika Mishra
1886, 2nd floor,
5th Main Road, 8th Cross Road
New Tippasandra,
Bangalore-560075

Sir,

Subject: Regarding Information sought Under Right to Information Act 2005.

Reference: 1. Your Application dated 20-05-2020 (Received in this Ministry on 27.05.2020)

2. Secreteriat's said letter dated 01-06-2020
3. Indian Postal orders for Rs. 180/- (total 18)

With reference to the subject sighted above, to get the information sought by you in reference (1) above and as per the letter referred (2) above from the secretariat, on your remitting 18 Indian postal orders of Rs 10/- each, I am directed to enclose the proceedings consisting of 86 pages information of the Karnataka Vidhan Sabhasessions held on various dates during the year 1985, 1987 and 2000.

Yours Sincerely

Sd/-

M Shashikanth

20/08/2020

Proceedings Editor and
Public Information Officer,
Karnataka Legislative Assembly Secretariat
Telephone No: 080-22284548

LEGISLATIVE ASSEMBLY

THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS BILL, 1985

Motion to consider

Sri B Rachaiah (Minister for Home)- Sir, I beg to move, " That THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS BILL, 1985 be taken into considerations."

The Question was proposed.

Sri B Rachaiah: Respected President,

Sri K H Shreenivas- Respected President, This requires more time as we have to study this Bill. Therefore let us not discuss about this today, let us take up some other day.

President: First, let the Hon. Minister say whatever he wants to say. It is already 4.30. He will take some time to speak. You all can sit upto 5.0PM Let us listen to the Minister.

Sri R N Nayak: Hon. President. We need some time to study this. Give us some time.

President: I will give you some time. Be seated.

4.30 PM

Sri K H Shreenivas: It is difficult to pass this with such a hurry.

President: Not going to pass just now. Let it commence.

Sri K H Shreenivas: This has to be done after applying mind.

Sri BM Idinabba: It is very Important Bill. It is not possible to finish today itself.

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Soudha Bangalore

28th MARCH 1985

Speaker: You should not interfere like this.

Sri Pattamakki Ratnakarara: It is a serious matter therefore should be dealt at length.

Sri H K Srinivas: If we tell you, how does it amount to interference?

President: You are a member who had worked here for long. Let the Hon'ble Minister talk and then you speak.

Sri Pattamakki Ratnakar: This is a serious matter.

President: What is the use of new comers interrupting and speaking in-between? Let new members patiently listen to the minister's speech. You please sit down.

One Hon'ble Member: You should give more opportunity to this.

President: I will give if possible

Sri B Rachaiah: Hon'ble president, There are number of Laws to bring peace and tranquillity in the society. We have national Security Act. The National Security Act to safeguard to security and integrity of this country. Then we have separate Internal Security Act. This bill is introduced to control those people of 5-6 groups who escape from these laws. This law was not here. Perhaps it is there in Madras, Bombay, Delhi and in Madhya Pradesh and in other states also. It was not in Karnataka. By enacting this law, the forces existing to change the social system by one way or other can be controlled by taking preventive actions and hence this bill is brought here to control these forces. This was brought by way of an ordinance on 15 December 1984. This bill is to replace the said ordinance with in 6 months. The main point here is as stated in the Statement of objection and reasons, controlling the anti social forces. Everyone remembers the incidence of 300 people's death due consumption of liquor supplied bootleggers. A judge was appointed to enquire and the report has also come.

Sri R N Nayak: We know that opportunity was given to drink contraband liquor.

Sri B Rachaiah: Perhaps he does not have patience to listen to me completely. Probably born come in 7 months. You should listen to some extent, should know the details. I am telling this because there are many problems cropping up in the towns morning to evening. People don't have peace. These anti-social elements are destroying the social system and disturbing the peace of the people. I believe, Hon'ble members have the intension as much as I have. The opportunity should not be misused. This is an instrument to take preventive action by identifying the anti-social elements without misusing this. The effect of this rests on how we and our officers use this. Today not only in Bangalore city, but wherever corporations are there, people are migrating. When we see this our problems are becoming serious day by day. Solving these problems with the existing laws is difficult. Even if we arrest them by using the other laws, they take bail and involve in chain snatching, contraband liquor or Drug adulteration and many involve invest and form layouts allot sites in grabbed slum areas. Who are these persons and how to control them We came to know that it is difficult to deal with them with the current laws. So we brought this to take preventive action. Earlier we had coffee-Posa Act to take preventive action, National Security Act. When we see bootleggers, people encroaching slum areas and giving on contract or selling, there comes a situation of messing up social system. After having seen the incidences like this, we have brought them this to control such elements by taking preventive actions. As per this, people involved in such actions are detected and such persons are arrested giving reasons thereof. A board will be setup in which a High Court Judge will be there and another member of the same level. There is a provision, to confirm the same after going through the evidence with regard to the arrested person. There is a provision where the accused person is informed about the reason for his arrest and after getting the reaction from the accused the same is placed before the board. There is a provision to release the person if it is found that is not a culprit. When the detention is continued he is treated as a under trial. All the facilities given to them will be given. Thus when they are at different place it will be good for the society. They are transferred to different jails. It was there as an ordnence. This bill is brought to replace that. It was not brought by the present Government all of a new. Wherever congress governments are there, it was made possible to prevent such activities to some extent. Therefore it is being introduced here. Now members should ot doubt is if it is newly brought. In order to prevent acti-social activity in the society today, to take preventive measurers this bill is brought out. Therefore I request the Hon'ble members to agree to this

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Saudha Bangalore

28th MARCH 1985

I learnt that, in our state, especially in Bangalore city there 855 prostitutes, 98 pimps, 22 brothel houses, 14 brothellodges, 121 gambling dens, 220 bootleggers , 750 rowdies

Sri Pampavathi: You told Rowdies Who are rowdies?

(Commotion)

Sri Rachaiah: Government had appointed Desai Committee to enquire into the mishap wherein people died due to consuming liquor supplied by bootleggers .

(Commotion)

One Member: If Mr Nayak is asked, one would also know.

Sri R N Nayak: Hon. President, one would not make out to whom he is intended to say.

(Commotion)

President: Hon'ble member shouldbe ready to listen to the Hon'ble Minister.

Sri B Rachaiah: Desai Commission has made some recommendation. It is said that Provision should be made for the detention of notorious hootch kinds and bootleggers. We have followed Desai commission report. As per this it is warning to the people who are disturbing the peace and people escaping the law, should desist from doing such things.

This will be used sparingly. The powers are given to district level Deputy commissioner or commissioner level in Bangalore. We have kept that provision. The powers are not given to lower rank officer. The point as to whether the detenue should be released or kept in custody will come before higher offers of the Government I assure that this will not be misused. Statistics of the gambling activities of 1982, 83, 84, 85 and other activities are like this:

| | Upto 28-2-85 | | | |
|--|--------------|------|------|------|
| | 1982 | 1983 | 1984 | 1985 |
| 1) Gambling cases | 790 | 331 | 248 | 22 |
| 2) Offences under SITA Supression/Immoral Traffic Act) | 223 | 370 | 302 | 36 |
| 3) Number of bootleggers, and LD liquor manfrs, arrested | 852 | 838 | 901 | 87 |
| 4) Drug offenders | 15 | 26 | 20 | 1 |
| 5) Assault cases | 2150 | 2168 | 1908 | 405 |

Complaints are recorded like this. Actions have been taken on this. As it is difficult to arrest many under the current Act. We have brought present Act. I request to assembly to approve this.

President: Hon'ble member Sri Veerappa Moily can start the discussion on this.

Sri Veerappa Moily: Ho'ble President, once it is started, it should also be concluded.

Sri K H Srinivas: Hon'ble president, we have seek explanations from the Hon. Minister. If every one asks in advance it becomes difficult to adjust the speech. Hon'ble Minister must convince one point to this house. Will it not be possible to control with the present laws we have.

President: Hon'ble Member, You express everything while delivering your speech.

Sri K H Srinivas : How did the present laws used? What was the result?

SriM S Krishnan: Hon'ble President, It is a serious matter for discussion. As you know, we have already overtime. It is better to give 10 minutes break today.

President: It I not yet 5. Let us start today.

Sri Patambhi Ratnakar: Now the concerned Minister has introduced the bill. This issue is very serious. We must study the effect of this on rural people.

President: Start now

Sri M Veerappa Moily: If it starts now it has to be concluded now. We are left with only 10 minutes.

President: Members who may speak for 10 minutes may speak.

SriM Veerappa Moily: It I an important bill. It has to be explained. It is not a question of opposing or rejection. There is no doubt that it is a Mini National Security Act. There is no doubt. But you have publicised that National Security Act is a draconian law.

President: We still have 10 minutes. You start first

Sri M Veerappa Moily: Sir, First listen to me.

President: You speak or else Tungal will speak.

Sri M Veerappa Moily: As it is a bill of importance it is suggested to refer to Joint Select committee. This need not be discussed here now. Whatever law you make, there are people in the society who escape from that.

President: Discussion should start after it is introduced by the Hon'bl Minister. Ask for time and opportunity.

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Saudha Bangalore

28th March 1985

Sri M Veerappa Moily: The point I want to discuss is different. There are senior members in this assembly who have worked for long. When such an important Bills are introduced there are instances where either the opposition or the ruling party received people's respect. As this is a very important bill it is better if it is sent to a Joint select committee for a detailed discussion. You yourself have said that this is an ideal and important bill. You should not think that we are opposing. There is a need to strengthen the law. By sending it to the joint committee, discuss at length there. After taking the opinion of the committee, consult various states as they have this bill in place, and study judgements. Maharashtra and Delhi High courts. Have already given judgements. Remove all short comings in the law and then bring a law that is model for the entire country. It will be good for the state. We agree 100% about your intension to bring this law. If we have to succeed in this objective, it should be studied deeply and consulted. I do not say that you will be using it for political purpose. It is law to prevent through officer level. But we have save it from disaster by bringing through select committee. This should not be a weapon for top lawyers to prepare community of Goondas. Goondas are every where. Wherever they are, if effective laws are introduced then only the intension of controlling them can be fulfilled. The efforts of bringing peace in the society can be fulfilled. We are ready to discuss at length about this bill. The time of this house is very precious. I seriously say that it is appropriate to send it to the select committee. Hon'ble Home Minister has summarised his experiences. There is no doubt. Enact a law after taking into account experts in the house. Who could not be caught under D I R and National Security Act? If Goonda Act is enacted for name sake and if no body could be caught then what is the use in spreading the net? No fish will be caught. There should be checks and balance in all respect. Be it Goonda, Gambler, Bootlegger, Antisocial forces; A constable, head constable, sub inspector, there is a possibility of him becoming prejudice and control. You have framed this law to catch the real culprit. There should be no misuse while implementing it. It may not give success even if it is discussed for hours in the assembly. I too have experience of working in Joint select committees. Members work there beyond party politics.

5.0 pm

I press upon that if this bill is sent to Joint select committee, it will be more useful. Don't misunderstand me. Let the Hon'ble Home Minister think about this. Now you have allowed the bill to be discussed in the House. What I say is that you reconsider this. This is the opinion of members, members of the opposition too. But the opinion of the ruling party members may be ineffective. Overall it is the opinion of all the members. Very useful law, effectively, judiciously and correctly implemented. I say this because the joint select committee can suggest ways for the comprehensive implementation of this. Ho'ble president, you are also a lawyer, expert and enumerated all the bills in this house. I conclude my argument by saying that this bill is appropriate to be sent to the Joint select committee.

Sri B Rachaiah: Hon'ble president, Hon'ble Veerappa Moily has worked for long as a leader of opposition. Experienced politician and worked as an advocate as well. This bill was introduced as a precautionary act. In 1984, there was an ordinance for this act. His excellence Governor's approval was obtained and the law was enforced. We have already appointed a board. The ordinance has to be replaced with in 6 months. This Act was challenged In Bombay High Court and at other places. It was upheld that the provisions should be there. It is implemented as a precautionary measure. No other intension. Women are not in a position to walk around Bangalore Roads. This law is framed to stop this. If you all members kindly agree to implement this law it will be easier to take action against culprits. I can assure you that this law will not be misused. Although an ordinance was in place, it was not used in the last 2 or 3 months. You must appreciate us for this. Anti social elements could not be arrested under National Security Act. We have introduced this bill with the intension that no such mishaps should occur in the future. Thre was no other intension. Kindly you all agree. There is no need to send this bill to the Joint select committee. If this can not be discussed here today, to night you read this and discuss tomorrow.

President: We will discuss about this bill tomorrow. The house is adjourned till 10 AM tomorrow.

(House closed at 5:05 PM and decided to reassemble on 29, March 1985 Friday at 20.0 am)

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Saudha Bangalore

Proceedings of Legislative Assembly dt: 29/03/1985

Legislative Business of the House

THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABBERS BILL, 1985

Proposal

Sri Veerappa Moily: Hon'ble President, The Bill presented before this house is very special and very important one. It gives power to take into custody Bootleggers Smugglers, Goondas, Immoral Traffic offenders and Slum grabbers initially for 3 months and for 12 months if necessary. We have not been able to understand as to why the Government got this idea which has never cropped up in Government's mind. Peace and tranquillity should be maintained in the society. It is necessary to control it with iron hand and effectively. We have different laws for that. We have Karnataka Police act too. Indian Penal code as well. We have security proceedings under Criminal procedure code section 110. Although we have many laws and special enactments, Government has not yet clarified the necessity of such a extraordinary comprehensive law. It did not say as to why was it necessitated. They have shown in the statement of objectives that such a law is in force in Maharashtra and Tamilnadu. They have once again mentioned here that as per that we can enact the law in our state. Hon'ble President, I would like to mention one thing on behalf of the opposition in this house. We are there with the Government if you are taking action against any forces involved in anti social activities. It should be effective.

(Smt Leelavathi R Prasad presided over)

One has to ponder over the purpose of bringing this Bill, whether the same is implemented perfectly, whether it is capable of controlling the situation. Any law we enact should very effective. Secondly it should not be misused. Alaw must be examined on both these counts. Out Law minister must have examined on the prevention part of the Law. I would like bring it to the kind notice the house the Judgement delivered by Sri V R Krishna Iyer on how the such prohibitory orders have been misused on the person in the last strata of the Society, the common man

Sd/-

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“

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Vidhana Saudha Bangalore

29 th March 1985

I would like to read the judgement delivered by Justice V R Krishna Iyer and R S Pathak appearing in AIR 1981 SC 674.

“ Art21 institutes that no man shall be deprived of his life or personal liberty except according to the procedure established by law.

The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Art. 14 like brooding omnipresence and the procedure contemplated by the Art. 21 must answer the test of reasonableness in order to be in conformity with Art. 14. It must be right and just fair and not arbitrary, fanciful or oppressive; otherwise it would be no procedure at all and the requirement of Art 21 would not be satisfied.

We should not be passing this law forgetting this point. That is why I read this. Listen further

“The poor are picked up or brought up. Habitual witnesses swear away their freedom and courts ritualistically commit them to prison and Art 21 is for them as freedom under total eclipse in practice. The courts are guardians of human rights. The common man looks upon the Trial Court as the protector. The poor and the illiterate who have held the capacity of defending themselves, are nevertheless not “ non-persons’, the trial court must remember this.

“Preventive Sections preventive of freedom, if in cautiously proved by indolant judicious process, may do deeper injury. They will have effect of detention of one who has not been held guilty of a crime carry with it the judicial imprimatur to boot. To call a man dangerous is itself dangerous. To call a man desperate is to affix the desperate adjective to stigmatise the person as hazardous compulsive testimony carrying credence is abundantly available”

To call a person dangerous is itself dangerous.

Sri A Lakshmisagar: This judgement of the Supreme court pertains to criminal procedure. Doubtful persons are questioned by the police and put behind bars for the only reason that they didn't answer properly.

Sd/-

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Proceedings Editor
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This is the judgement given by Hon.'ble Krishna Iyer in that situation. But we have the law before the house which enables action with out enquiry against people involved in illegal activities. Therefore, according to me, this judgement does not match this situation.

Sri M Veerappa Moily: It may not be judgement pertaining to this. But there is an angle on prohibition, there is a view point on arresting a person only on the basis of doubt. Therefore this law is used. I am telling this just to point out the kind of dangers this law has. What are the forces which produce such people and to what extent this bill is helpful to nab them. If he goes to jail such people are trained here. We have poverty in our society. As long as we have workshops producing such people, producing notorious people, do you have the law ready to deal such forces? You have just trying to arrest a poor man and put him behind bars. Therefore I raise this question with the apprehension and concern that this law might only be a weapon to target poor and put them in jail. Tragedy of illicit liquor – they have suggested that it can be controlled. “It has been suggested in the Desai Commission of Inquiry report that provision should be made for the detention of notorious hooch kings and bootleggers.” There may be a provision to nab bootleggers. But there is no first preference in this law to catch boot kings. I am asking to do that. This law should not be limited to just arrest lakhs of bootleggers but to nab the forces preparing them for this. When a bootlegger is put behind bars, ten such people are trained. If those 10 people are put in jail another ten people get ready. In a cycle it will go on increasing. I am telling this because this bill does not deal honestly with arresting such people. You have given different suggestions in this. But not implemented none of them. I would like to say that while presenting the bill you have given more prominence to bootleggers rather than hooch kings who promote bootleggers. When I examined this law in detail, you have stated that in Maharashtra and Tamilnadu this law has been implemented. They have said that we have done as per that. I have tried to study the way in which it was implemented in Maharashtra and Tamilnadu. I could not get the book. I am trying to find out from the Home Minister as to whether you they have tried to improve upon that. I did not get the correct answer for that also. I have tried to find the way it was enacted in Tamilnadu and Maharashtra but I could not get it. I believe you have studied that and tried to incorporate in the present bill. I wouldlike to know that whether you have done as per that or similar to that, or locally changed that.

Sd/-

M Shashikanth
Proceedings Editor
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What you have presented here is not different from National Security Act. The change is to the extent that you have extended the scope of holding the people. You have adopted national Security Act so as to cover more people. That is national Security Act. This is an act related to the state. You have used the same wordings. I would like to read one point in this house. You have used the very same words which are appearing in the National Security Act. I would like to bring it to your kind notice that you have not made any new law. I will readout from the NationalSecurityAct.

“Power to make orders detaining certain persons-

The Central or the State Government may (a) is satisfied with respect to any person acting in any manner with a view prejudicial to the Defence of India, Commissions of India etc.

You have mentioned here:

Power to make orders detaining certain persons-

The State Government may if satisfied with respect to any boot legger or drug offender or gambler etc.

There s not much difference NSA & this Bill

Clause-sub clause 2 You have said like this.

If having regard to the circumstances prevailing or likely to prevail in any area with local limits of the jurisdiction.

Here also you have repeated the same thing except the application of jurisdiction. See clause 6. What ever you see there is no difference between NSA and this Bill. It is a provision for maximum 10 months of detention This has maximum 12 months, that is all. No other difference could be found. Another difference is that it mentions after 5 days ut not later 10 days. As per this report to be submitted in 5 days maximum 12 days. No other difference. Therefore this can be called Mini National Security Act. Now State Governments have to implement this Mini National Security Act by assuring that it will implemented without misusing. Or else will you be responsible to the for the disaster afterwards? You are taking 'big responsibility'. The way it is implemented depends on you honesty .

Sd/-
M Shashikanth
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People who have criticized the National Security, your own party people, many people who were in congress are now on the other side . You have criticized that It is a draconian law; there would be a lot of inconveniences; Political misuse. Mr Patel had criticised. State level and National Level leaders have criticized. But you are going to enact Mini National Security Act. I am not going to criticize it now. You have to be cautious regarding this. It is not just the responsibility of the Govt. to ensure peace and tranquillity in the society. We too have to be responsible. This law should be implemented. We are not coming in the way if we are not in a position to do that. But when it is implemented whatever problems come you have to take the complete responsibility. I would like to caution at this point of time. On examining some definitions and provisions, I would like to say that a situation of its misuse would arise In future.

In Definitions, 2 (n) (i) you have said thus:

“In the case of a bootlegger, when he is engaged or is making preparation for engaging..’

Whenever wordings are framed in a Law, by giving larger context, there would be more problems rather than convenience. You have allowed it to be extended. It gives vast meaning when extended. It will be problematic. Therefore it should be removed. It will be more useful if “or is making preparation for engaging...” is removed. Or else the law will be extreme and create problems. You have a very very big net and in that net you are going to drag the innocent people. There will be efforts to include other people. Another point is that you have omitted hooch kings in the definition. I do not understand why you have given the definition twice. There is no need to give definition twice while framing a law. In sub clause 2(a) there is definition. The other one is also similar. Could it not be possible to rectify the law by giving single definition. This question has to be thought over. In clause 2 sub clause (b) it is said that a ‘bootlegger’ means a person, who distils, manufactures, stores, transports, imports, exports, sells or distributes any liquor’ has been given twice. Or in contravention or any other law for the time being in force or who knowingly expends or supplies any animal, vehicle, vessel or other conveyance or any other material whatsoever in furtherance or support of doing any of the above mentioned things by or through any other person, or who abets in any other manner thus doing of any such thing; With this if some gives money he will not give money directly, you can not catch him under clause (b). In the case of drug offender, when he is engaged or is making.

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
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28th March 1985

Preparation for engaging. Vehicle is not used. Even if you take both together, as per this definition you can not catch hooch kings. This too has be amended. I suggest that if you give it under one definition this law can be implemented effectively. Again, making preparation for engaging.... All slum people can be removed on this ground. As per this all can be caught living in one area. If such an activity is happening in a slum all people living around can be put in jail. Do not do this. It will be injustice. There will be unrest due to this. You may say this is not a definition but an explanatory note. Minimum words can be effectively used to one definition. If you put more words into law it gives more meanings. Finally it will be convenient for the culprits to escape from the law while interpreting such laws. Whatever you have understood the substance of principle or without undertaking you are harping in the dark. I have to say that unfortunately you are searching for something in the dark. It has to be very clear. I do not understand why doyou drag the law with unclear words, unclear sentences. Clause 2 subclause (3) it says "In the case of Gambler when he is engaged or is making preparation for engaging". Where is the word Gambler?

12-30 p.m

'Gambler means a person who commits or abets the commission of any offence punishable under chapter VII of the Karnataka Police Act, 1962.

It says like this. It is not known whether it is amended. Karnataka police Act chapter (7) contains the word 'gaming' but not 'gambling'. I suggest the Government should look into this. We have , 'Opening of certain firms gaming, game –keeping, common gaming house'. Therefore it does not give this meaning. Normal colloquial language we use the word gambler. It is not there in the legal language. Technical definitions should be inconsonance with what is defined in a subtractive Act, Karnataka Police Act. Therefore it would be problematic. Again it is explained as to who is gambler and what is gambling. Tomorrow there will be situation of providing meaning to every word in the High Court. We should not go to the court to interpret every word. Then you have said about drug offender and drug racketing. This also does not come under sub-clause.

"Gambler means a person, who commits or abets the commission of any offence punishable under Chapter VII of the Karnataka Police Act, 1962 (Karnataka Act 4 of 1984) including an offence of gambling relatable to 'matka' and punishable under the said Chapter."

Sd/-

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Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Saudha Bangalore

This is just not limited to a level. There are different names. If all names are included they can be caught. A person who is maintaining a Gambling house may not be there in the place of Gambling. He may be operating from some other place. They will include the words with other definitions. They leave the Matka word and will use some other word. Such people can not be covered with such definitions. The Word 'Gambling' is not used in Karnataka Police Act. Even in Indian Penal Code the word 'gambling' has not been used. In what definition you have used what you have said. If the same is used in the Law it will be useful. Indian Penal code also does not use the word "gambling".

Sri A Lakshmisagar: Hon'ble Lady President, Hon'ble Veerappa Moily is an advocate. There are different laws which say how a legal language is discussed and what way dictionary word has to be interpreted. We have interpretation of statutes.

Sri M Veerappa Moily: I too know that

Sri A Lakshmi Sagar: I request you to kindly listen to me. If you listen to our argument then your argument would be interesting and special. We have suppression of immoral traffic in women and girls Act. We have suppression of corruption Act. If you see that they have given some definitions of words. They have given reference to different cases. This was done because earlier some words were used and the courts have given judgement after going through in detail as to what extent the meaning can be stretched, how can be derived, what was the spirit of the Law? What is the incidence under consideration? Etc. I would like to tell Sri Veerappa Moily that we have done it will all deliberations. When this contemplated there were many articles in favour and against it. A seminar too was conducted regarding this. Hon'ble Minister for Education Sri Rachaiah was invited there. I do not know whether he had come or not, but I was there. It was organised to take the public into confidence. I do not say that all the laws framed are defect free. I agree to the argument that when man him self is not complete the work done by him will also not be complete. But in the background of experience and knowledge the incompleteness is reduced in this Bill. There are people who pass judgement on this.

Sr M Veerappa Moily: The Hon'ble Law minister says you leave every thing to the High court. He should not forget that we are the people to make the Law. Should we leave every thing? High court will have to assume the role of law makers also.... We are the people to make the law. We have the responsibility to frame the law. We will not be doing our duty if we leave it to the High court for interpretation. We have to make the law very clearly. If we leave the law in ambiguity under the impression that the High Court will interpret, people will question us. Public will ask us what kind of law we are making.

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We can not say that we knew every thing. But if we honestly try, there would be no loopholes. Our Law Minister should not try to silence us by saying that they have studied the High Court judgements of different languages while framing this Act. That is not possible.

Sri A Lakhmisagar: I have not tried to silence any body. I have told just to help you. This is Vidhan Sabha.

Sri K H srinivas: We can not keep our mouth shut even if you do not listen to us.

Sri J H Patel: Previously we have criticized the National Security Act. That is true. The freedom of any person should not be deterred. Having agreed for National Security Act, should you not agree for this Act as well?

Sri M Veerappa Moily: We have agreed for this Act and discussing. You should not think that we have not agreed for this. The objective and the philosophy may be good. I am just telling about the extent upto which this law reaches. I am pointing out how poor innocent people can be fixed. I am not saying that the purpose of introducing this bills is bonafide. Such laws are enforced to bring peace in the society. New thoughts should have been distilled into this. There are enough defects in this law. Kindly look into the suggestions given by us. This has to be considered when incidents of Goonda activities occur.

“Goonda means a person who, either by himself or as a member of or leader of a gang habitually commits or attempts to commit or abets that commission of offences punishable under chapter XVI.

It will be difficult when the police give a report saying every body is Goonda. He must have been punished. He must have been bond under CRPC. It has not been clarified here. Police officers can consider anybody a goonda. People who are not goodas can be considered as goondas with this law. Such a vast area you have kept here. Goondas can be defined as per IPC Act. Whatever is punishable under IPC. Whatever has been punished under various chapters, IPC and if he continues to commit such offences, if such a person is considered as a goonda, it is a different matter. It can be stated that when he is eligible to be punished under the various chapters of IPC then he becomes eligible to be detained. With this there will be lot of inconveniences. You have to clarify this. Already once or twice he must have been convicted..

Sri B Rachaiah: We have introduced a word ‘Habitually’.

Sri M Veerappa Moily: If you say habitually, I have to come back to the decision of Justice Krishna Iyer. Even a man

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Who has not been convicted can also be drawn under section 116 of CRPC. Even a person who has not been convicted will be bound over under security proceedings to the CRPC. 119. You have imported the word 'Habitual' for this purpose. It will create many problems. Three are enough evidence to my doubt that it will be misused. You have to clarify them. At least he must have been punished under the various sections of IPC once or twice. Then he becomes habitual. You have to clarify this. Immoral traffic offender means a person who commits or abets the commission of any offence under the Suppression of Immoral Traffic in women and Girls Act, 1956. If the persons who were convicted once continue to commit such offences they must be caught. You know what is abetting. Law minister must explain this. An abettor always becomes subsidiary. He is not that important as a person who actually commits trafficking. You have not taken into custody who run prostitute dens. One person is not the main person. I.e the secondary man will be help.. I do not know whether Sri J H Patel is a lawyer. Man who abets will not become principal offender. As a criminal lawyer I may tell you that a man who abets will not be a Principal offender. Man a time abetment punishments are not given. Section 340 holds good. In practice, man who abets will always get a lesser punishment. This is the practice. Mr Lakshmisagar will join with me in this behalf. What I am telling is, the persons who are behind these crimes, under this they are Principal offenders under this act. Many times the offenders become victims of the circumstances. You must add in the definition. First find out who are doing that. You have to handle them first. Otherwise those who are engaged should be held.

Sri J H Patel: Are you saying there are people behind the persons engaged in petty crimes. Are you saying to identify them as criminals, be clear.

Sri M Veerappa Moily: If you have go depect the 'Man who is on the spot committing or abetting crime', You do not need this law. Hon'ble Sri J H Patel, Your intention, to nab the persons behind this, who are principal culprits they can not be caught with the Law you have. You have framed this law with that intention. You have not framed law to catch the instigators. Persons who are engaged in gambling: Persons who are committing offence- you have enough laws to nab them. You don't have bring new laws for that. I think I have made myself clear on that point. I suggested to send this to the joint select committee so as to bring clarity. It will not be fruitful if you don't do this. For whom did you bring this law.

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It is only a repetitive law, a duplicate law. It is already there to punish all these offenders. There are strong unknown hands above. It can not be nabbed with this law. I am making it very clear. I am saying that with this the poor people will be put to inconvenience rather than convenience. Common people will misunderstand when they come to know that we have passed it all of a sudden. Having understood your objective, we have now understood how you are going to implement. You are going to fail miserably. That is going to be the future of this. No will get the effective benefit from this. Poor people will face inconvenience and trouble. You have made a sin enabling Goondas to punish poor people. Please understand and appreciate my point. You ponder over this. You have brought in a clause on slum area. You should go for slum lords. Who live in slum area mostly poor people. It is not right to do this on the assumption that only anti social elements live in slum areas. Even in rural areas you have taken action against poor people who have used government land. When you proceed with that there will be problems. 'Slum Grabber' means a person who illegally takes the possession of the land (whether land belonging to Government, Local Authority and any other person). What are you going to do with such cases? In cities like Bangalore, there are big slums in Private land. Are you applying this law to a private person? So that he could easily evict these people? They were there for years. Or enter into , or create illegal tenancies. Take action against intruders. We agree with this. You handle properly. Who get caught in this net, the net of Jalappa, His net is different. It is cooperative ploy. But in this net of yours who will be caught, who will escape only god knows. He is a slum lord. Catch him. We don't mind. "or who constructs unauthorised structure for sale or hire or given such lands to any person on rental or leave on licence basis for construction or use and occupation of unauthorised structure."

Sri K H Shreenivas: Should spell out about their ploy

Sri A Lakshmisagar: That is not magic

Sri M Veerappa Moily: I do not understand. I am clearly stating with all the experience at my command I do not understand this law at all. Whom are you going to nab, whom are you releasing, Do not create such a situation.

Sri J H Patel: One word about law and order. "Law is a cobweb small ones sneak through and big ones break through and middle are caught.

Sri M Veerappa Moily: Yes. It is a cobweb if it is possible to understand. Such laws should not be framed against the of public.

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It should be effective. Therefore it is better if it is sent to joint select committee. The matter passed in the assembly should not cause inconvenience to general public. Heaven will not come down if you wait for one or two months. It is my honest feeling that you should not try to frame a law which creates confusion.

1-00PM

“Unauthorised structure means any structure constructed with out expressed permission in writing of the appropriate authority under and in accordance with any law for the time being in force in the area concerned.”

To what extent will it go, you just think over it. We have enough laws to punish such offenders. We have planning authority Laws, C I T B law is there. We have umpteen laws in the corporation and town municipalities. Who has violated it? Who has not? It is a question. Even that man becomes a grabber. He can be detained for 3 or 12 months. A man who violates municipal law, Planning law or corporation law ma also become victim. Victim, to what extent will it go? Why because not taken permission. There will be anomalies in taking permission. Some times do not apply for permission in time. Do not apply under the jurisdiction of the law. This has repercussion even in such cases. Private building owners if they construct as per incorrect plan or if any mistakes they can be jailed for 3 months. Willyou put them for years/ What is the necessity of framing such laws? You think over it.

Sri B Rachaiah: Hon’ble Sri Verappa Moily is asking as to what is the necessity of framing such a law. This was to be brought during the regime of Sri Gundu Rao as the Chief Minister. It was signed by him, We have just placed it now.

Sri A Lakshmi Sagar: Hon’ble Veerappa Moily is not opposing it. But the purpose for which this has to be enacted, will not served. You have spread net with full of big holes. He is just suggesting to plug them.

Sr M Veerappa Moily: I am not question the necessity, the philosophy the objective of this law. If you listen to my point of view carefully you will not say the same thing again. We have taken a decision that such a law should be framed during our government itself. What I am saying is that let us not forma a law with defects. People who were drafting and correcting the draft for us are the very same people doing it for you too. That is not the point. But when it comes to the house, it has to be dealt in detail and an appropriate law, which gives complete justice should be framed.

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It should not be an injustice to others. The law passed in this house should be in favour of people and should not create hardship to people. It has to be framed with sensibility. I am not opposing for the purpose of opposing. I am not standing in this position for that purpose. We are for the principal, purpose of this law. You must be clear about this. I have placed some of these points before the house. Therefore I stress upon the point that let this be given to joint select committee and let us discuss there. Let us understand how this was framed in Maharashtra, Kerala and Tamilnadu. Let us frame according to it. Repetition of National Security Act may not be suitable or conducive for the circumstances. I thank the Chairperson for giving me an opportunity to speak. I once again stress upon the point that this law has to be refined and then to be placed before the house. With is I conclude.

Sri G Raju Gowda (Hanur Constituency) Hon'ble Chairperson, I fully welcome the THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS BILL, 1985. I am supporting this after understanding purpose and background. But I would like to bring it to the notice of the Hon'ble Minister that if this Bill is passed in this house all of a sudden it will be a black law. You have said that some people have indulged in illegal activities because of which public property is lost. You have mentioned in the first page of your bill about Dangerous activities of bootleggers, drug offenders etc. Who are those people. You have accused some people of indulging in such activities and punished them. What I would like to bring it to the notice of the Minister is that you should first decide who are accused. In some cases it is easy to accuse anyone but he is considered as an accused only when he is enquired and proved in the court of law as accused. But the amendment you have brought in takes away the fundamental freedom of the human being. Some accusations can be made, punished also. But it is not sufficient if a person is accused of. If the accusations made are to be proved for punishing. Therefore, in my opinion it is better to remove those words. Instead of that "Activities of certain criminal offenders who are known as bootleggers" can be put. I forward my argument by saying this will be an appropriate clause. It is not right to accuse innocent people without enquiry. But you have included it here. Such laws will have ill effects on the general public.

+ sign suggests that the concerned members have not refined notes and speeches.

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This has inherent point where innocent people can be accused and punished. That is not right. Secondly, in page 4 (l) you have said 'Slum grabber means a person, who illegally takes possession of any land (whether belonging to Government, local authority or any other person.)'. It means if the government land is used for agricultural purpose this bill can be applied against him. Try to grab other's land, we should have such a law to avoid this. Any land means what? When people use for agriculture this law applies to them and they can be punished as per this law. Therefore instead of saying 'Any land' it is better if it is reframed as 'Any land situated within the slum area', I feel. I think it is better if all the three parts namely Judiciary, Legislative and Executive function with their jurisdiction. I feel that they have moved to do what the Judiciary and Executive were supposed to do. This is not a good sign in democracy. You have done a work that going to be detrimental to those who work in a system. I would like to say that you should re-examine this and send the bill to Joint select committee as suggested Hon'ble Sri Veerappa Moily. You have said in page 8 that the arrested accused person should be told about the reason for his arrest within 5 days of his arrest. Why should not he be informed on the day of arrest? If a person is arrested illegally for personal enmity and can be released after 6 days. Therefore it is not right to arrest him first and inform the reason after 5 days. With this man loses his human right. I would like to say that the reason for his arrest should be informed on the day of his arrest itself. At one place, it is said that State Government, if desired, can form an advisory committee. In another place it is said that the person who is arrested can submit a representation about his demands. It is not proper to say that the government if desired can form an advisory committee. Advisory committee has got to be formed to say whether the accusation is right or wrong. If such committee does not exist where does he go to redress his problem. Therefore committee must be formed. Whatever be the reason may be when an accused person is arrested, immediately opportunity should be given to enquire in the advisory committee. It is not proper to say that the representation can be given in 3 days. Advisory committee should be appointed to determine whether he is the culprit or not. I would like to say that after conducting an enquiry before such a committee, if in fact he is involved in such activities it is proper to arrest him or else he should be released immediately. Today you have formed a law which snatches the fundamental right of a person. This should be corrected. In page 11 you have mentioned that any officer who does not abide by the order of the state government should not be opposed under the criminal procedure code. This is not correct. It appears to be unilateral justice. Who so ever it may be, officer or accused, there should be provision to relook that.

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The provision that no action shall be taken against such officers, gives an impression that such a bill was not passed even during British rule. Overall, I welcome the background of this bill. As this is full of shortcomings, I would like to conclude by saying that this bill should be sent to Joint Select committee and then adopted after giving more opportunity for discussion. I thank the Chair person.

Sri B vi Tungal (Bilagi): Hon'ble Chairperson. Although the bill placed by the Government is for the time being a strong and concerning, I consider this very timely and welcome. Why because as explained by senior members from this side although we have had many laws to nab anti social forces it has not been possible with the existing laws to control such forces and bring peace in the society. The news published in various news papers surprise the people. Day light murders, disrobing the dignity of women on the mid street, couple travelling in auto riksha are pulled out, husband is tied by miscreants and the wife raped, The knife culture prevailing in the Shanti Nagar in Bangalore during the last 4-5years to be curbed by bringing such a strict law into force. We see worry some news day in and day out in new papers. We receive reports where a women goes to a cinema hall or to a market during day time, her ornaments are snatched from her neck. I Think the Goondaism coming up in Bangalore city and other cities recently has go to be curbed failing which there will be no peace and tranquillity in the society. The Goondaism is growing to the extent that we people who are coming from other places to Bangalore started thinking whether to stay in Bangalore or not. The incidence happened in Vaialikaval must be known to every body who read newspapers. An Army Officer's wife was raped right in front of him during day time. We need such tough laws to strictly deal with such anti social forces. I would like to suggest one thing to the Hon'ble Minister. While implementing this law, officers should not be given to act as they wish. I am from labour and media field. As Bangalore is labour strike prone city, there will be strikes every day. There is a possibility of local officers using this law against labour leaders or employees in vengeance. There was an incidence where a law was used against me and I was in jail. On seeing the fact that officers had banned a magazine called 'Uttara Karnataka', I say that officers should not be given more powers. Some amendments are required in this. This law is must to curb criminals who terrorise holding open swords during the day. This is a timely law. I am of the opinion that some amendments are to be incorporated so as to safeguard labour leaders and journalists.

Hon'bl Moily has already suggested many points. It is just like a proverb, 'when referred to pumpkin thief, some one touched his own shoulder" . I say that this law would be very useful to curb the Goondaism and Anti-social forces in the society and to protect the righteousness. There should be no provision for the local authorities to act as they wish. If possible send this bill to Joint select Committee, I conclude by saying that I support to this Bill.

(The President occupied the Chair)

+ Sri B A Umarabba (Vittal): Hon'ble President. This bill is there in front of us. When I think over the matter I do nt know the arrow coming out of this bill (bow) goes upto and due the doubts created in my mind it will not be possible to support such a bill by people like me. This country has seen many revolutions and peaceful demonstrations for good purposes. It happened in the history of Karnataka as well. A person starts a movement with good intention. With the passage of time the purpose gets slipped away and we have seen and experienced results coming against the purpose. This has happened in social change also. There was a revolution against the caste system. What is the end result? Casteism has increased. It creates in the minds whether the common law will also end up in such a situation. This may also go in the same path. A situation may arise where more than criminals, innocent people will get targeted. I am sorry to say people in the history of this country who have come to power by fighting for democracy, personal freedom etc, have forgotten and tried put a person behind bars for 3 to 12 months branding him as Goonda, bootlegger. Therefore there should be amendments. Hon'ble Veerappa Moily has suggested to have relook at the Bill. As we have an apprehension that it would be bad, we oppose this Bill. I have been working in the field of labour. Trade unions have been formed a good purpose. I can say that often we have fight against money power. Hon'ble president, I would like to mention my own experience. I hope, you might have experienced this. Money power has the ability to attract any power, and tries appease any feeling, influence issues. I have seen putting some people behind bars with ulterior motive and crushing their activities of those who have worked with me shoulder to shoulder during the struggle for the good cause of labour unions. Some time ago a struggle started as the employees were not getting their wages equivalent to their labour in Escorts Company. When the General Body meeting of the labour union was going on, there was an effort to show Goondaism, lathe charge, tear gas shells against the workers.

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People who have committed the crime never became accused in the police records. Innocent people were considered as culprits. I have informed to the Hon'ble Home Minister Sri Rachaiah. When employees were targeted without reason, I had approached the Home Minister, Labour Minister had given assurances. My apprehension is that in a social situation, when criminals are being identified, innocent people are included. Therefore naturally we get frightened when such strong laws are formed. We have to think who is going to enforce this law, People who have enacted this law are not going to be in direct contact. Police people decide who are criminals and disturbing the social peace. On that basis, the situation arises where a person goes to jail without any enquiry and an opportunity for bail. It was in the year 1975,76 and 77, a big struggle erupted in the Nation. The same class of officers who have put the innocent people in jails are still in power. Places may have changed. Offices may have changed. Over all officers stay there. We have not seen any change of mind in them. We are frightened to see giving them powers with the new law. Quite often deadly weapons are made for the sake of peace. But we have seen the dangerous effects in the history of this world. It is not right to prepare a weapon with sharp edges. Probability of sharp edged weapons causing danger is more. I sincerely request you to reconsider in this background . We have to be attentive towards some classes included in this law. People playing Matka have been included., In which society we are bringing this law, we must know. We are the people who officially encourage gambling. We have given provision to sell lottery tickets in every nook and corner but intend to put a poor person behind bars for 3, 6 or 12 months branding him a gambler for attempting to earn four thousand rupees by putting 25 paise. People with money have umpteen opportunities to Gamble. There are many clubs. Who gamble? You and I. We go to clubs with our wives. Get entertainment. But depositing 25 paise for playing matka becomes gambling here. Sri J H Patel. Sri M P Prakashor some body else may be under the influence of the philosophy of Sri Lohia. Why not people who claim that they have read all books of Lohia ever ponder over the fundamental thoughts? If we have remove this there has to be change in the society and mind set, not the law. Instead of punishing a person who spends and play matka, why don't you think the reason why he plays this? Why don't you think about the system where he has no security? Why don't you think about his financial condition? You can put Goondas and bootleggers in jail. But you are not in a position to change the system.

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1.30 PM

Therefore, when there is a law, it is not right to implement a Bill through notification. I have doubt that you will try to use this against people considered to be your opponents. If you are not going to use against them then you must classify it. You have nowhere mentioned in this law that you are not going to use this law against the persons engaged in political field, you are not going to use this law against persons fighting in the field of labour. You have not mentioned that you are going to exclude them. For example, my party workers are there in my constituency. I say this because, when I went to Manvi constituency to check some disturbance, 18 persons were charge sheeted. I asked that inspector: Sir, you might have heard the sound of clapping, but is it possible to clap with out two hands? He had no answer. My party worker Chandrahasa by name was dragged and thrashed as somebody took some pieces of wood for fuel inn Manvi. He does know why he was taken to custody. He has been linked with some other thing. You do like this whenever you want to trouble someone. I have to ask you as to why do you get the idea of bringing a law for everything, filling your belly with the law, bringing the social peace with the law. Let us all think together to bring a change in the economy and remove the crime in the society. We have an opportunity to all ofus to sit in this house and ponder over. Hon'ble Member while discussing said that as to would you be happy it you jail the people who have their wives, children, family? Today you may say that my party too had done it. Yes. When Droupadi was disrobed of her Saree, Bheema who was boiling with anger would he ever try to disrobe another female? This is the question ask you. If you are saying that you had done it, so we are also doing it, will it be appropriate? You yourself have expressed that people had to face difficulties, the situation became bad because of our actions and if you do the same thing and there is nothing wrong in our saying that people would be facing difficulties. If you are going to implement this law today, then you must agree that there is no difference between us. You should not be calling yourself pure and others impure. With what feeling do you implement this law. I too had a feeling in my heart till you came to power in 1972. You are the same person who said "who are you to say you are an outsider " when some persons brought a resolution saying that there was some fight in the your party which came to power chanting Loknayak Jayaprakash Zindabad.

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You are the person who brought Labour Bill. You are the person rejected by the central Government and come to power in the State.

President: You please speak on the Bill that is before the House

Sri B A Umarabba: Sir, Kindly excuse me if I am wrong. I am a new member. To day we have say the relation between husband and wife as a politics. Husband who reaches late night has to give some lame excuse to avoid scolding from the wife. This is also a politics. If the husband is not in a position to get what she wants he has to give some other excuse. This also a type of politics...

Hon. Member: We are just listening thinking that you would speak something. But it is not right to deliver a speech on politics here.

President: Hon. Umarabba Please speak on the Bill.

Sri B A Umarabba: I have no intension of delivering a political speech. I have contested in the election and won. Going to be here for 4-5 years. But I am now asking for votes now. I don't have such an intention. But I am unravelling the history one by one before you. What are all the illegality happened under this law so far? You have forgotten how people have undergone difficulties, suffered pains. Therefore I am reminding you once again. What ever good you want to achieve with this bill actually you are harming more. Sir, I am a Muslim. The person who tabled this Bill belongs to Harijan. People commit mistakes with out knowing the law or by forgetting belong to my community or the to the community of the minister who has tabled this Bill. I feel that a situation would arise where people belonging to this caste would face difficulties. For example people belonging to this category, do not know where to take permission for building a house. We hold flags and involve in movements to grab justice only when we do not get the justice. We all know this. Can we start tomorrow land grab movement? If do that you put us in jail for 3 to 12 months. People who are deprived of this social justice are the people belonging to my community or people belonging to the Sri Rachaiah's community. Could you ever think hat people from these classes would be met with injustice? Need a roof to live. People belonging to Rahaih's community or my community build huts to save from rain, sun, storm, cold winds. If you say such people should be put in jail, this Bill, this rule would like a boon given to Bhasmaasura that will pounce upon your or my community. Thanking the President for giving me an opportunity to speak I conclude.

+SriB M Idinabba (Ullala)- Hon. Presiding President, The amendments incorporated by the Hon. Home Minister has some humanitarian aspects but many impediments. I have to submit some points to sort them out.

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Although the Bill presented before the house today, is with good intension and has many good points, we have to consider many dangers it may cause. We have been listening to the concept of destroying the evils and upholding the good. From the time of sages, from the time Mahabharata, Ramayana this used to be the story. The evil or the bad is destroyed and the truth and the good is upheld. Thousands of years have passed. This is the age of science. Age of intelligence. The bad forces must end now. That is why we are forming such laws. Are the present laws sufficient? Do we need new laws? When a law is broken another law, when it is broken then yet another law. When that law is broken yet another law. Law for law. Law for law. If the series of laws are increased, it is difficult to work. We must consider the fact that it causes inconvenience to poor, weaker section, downtrodden. If such laws are formed it takes time to decide such cases. Keeping in custody for 3 months to 12 months and enquiring thereafter takes a lot of time. Not just that, when this law is implemented, people like us who respect the law should conduct ourselves nicely. But law is enforced by Government officials. Their mindset is not uniform. There are good people, bad people. We have seen many such scenarios. We have seen the end result of many frictions. Officers who have taken the law into their hands have managed to show truth as untruth and vice versa. We have seen a person murdering some body then proved that he has not murdered and declared as not guilty. In the same way, we have seen officers convicting an innocent man. As we all have seen hundreds of such instances, we have think deeply before bringing such laws. Provisions are to be inserted after discussion. It is difficult to detect who are goondas, who are bootleggers, who are involved in wrong doings as because many do this to meet both ends. Who create them? People with money do as they please. Every thing depends on money. People with Money, property, wisdom get away in any case. People with none of these face problems. This bill must have a law to jail the people who create bootleggers. If we jail ten goondas today, the person who made them goondas would ready another ten people. If they are arrested then the very same person ready another ten people.

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Because he has money. Sitting at home he will send this type of goondas and get illegal things done. Every day we see, hear these types of things and read in newspapers. As our dear friend Shri Umarabba has told us, now people leaving the slums will also be blamed with these types of charges . He has told in a sarcastic manner. By hearing this any one's heart will be shattered . In this people belong to Harijans (scheduled caste people) , and scheduled tribe , economically weaker section , residents of slum , minorities , only these types of people are going to jail.

These types of people are being arrested, hence keeping a soft corner on these types of people , amendments to be framed in the interest of these classes of people. The amendment that you have brought is more favouring the rich and poor people will be suffering more. People who prepare criminals will continue to do it. For their self interest they will be doing many unethical works . In big cities , towns , hotels, clubs, they dictate terms. whatever they say becomes law. Money making will be their main aim. For this their activities have no obstructions at all. There is no system to solve this problem . This type of people should also come under the law. Law is like a golden sword. With this golden sword, one can do good or bad. If a golden sword is pierced in the stomach, one cannot escape death. It will take life. This law can be used in any manner one likes. What I want to say is , whenever this law is brought into force, the law should contain such clauses, a system that can control and punish, snub the rich people, moneyed people, those who prepare these criminals , those who inspire such criminals . Whatever bill the Honorable Minister is introducing is very good . Because a lot of injustice is being done to the people belonging to Harijans (scheduled caste people) , and scheduled tribes , economically weaker sections , slum residents, minorities . To control this type of injustice a strong law / system is required. In this connection what I want to say is, whenever you're doing a law , if you do law for the sake of law, it is a time consuming action. gets delayed. How will you bring the officers with good will? To make officers work with full energy what is the system you have introduced in the law ? Today many officers have spoiled quite many good cases. In the same way many officers have also done good jobs . we have seen both. All the five fingers are not the same. therefore one can not point out all are good or all are bad officers. there are many bad people. they come forward to harm the poor , people in difficulty, downtrodden people. , For the sake of money , prestige, they do injustice to the poor people. Hence whenever you introduce this bill, I have my own fear, that the weaker section people, poor, minorities may not get justice . therefore I request you to refer this to the Joint Review Committee . There I request them to study and review in detail , and then omit / leave the destructive points , and to include constructive points in the bill . I am concluding my speech and also thankful to your goodself for having given me an opportunity to talk and place my points . Shri Pratapchandra Shetty (Kundapura) Honourable Speaker Sir, the time has come to Invariably oppose this bill that is introduced by Honourable Home Minister, The purpose of bringing this bill is certainly good. But the question might be arised in each one's mind that, is it necessary to bring this bill .

When we put a question before you all , Without bringing this law, how have we lived in this society ? In this regard, we have to observe: have we ever done anything to control these antisocial elements ? There exists a class of people who have contributed to support and grow these anti-social elements in a big manner . Because the police officers have the power to control and manage these classes of people. But without their knowledge antisocial elements cannot do any antisocial activity. If we study in depth, maybe without their knowledge one or two such actions might have happened. But if it happens repeatedly many times, then it is the fault of the officer. I would like to place my opinion before the house. On this occasion I would like to mention my opinion that , even if you bring this law, the anti-social elements will get protection, Because when this bill is passed, politically in one or the other way , a fearful atmosphere , suspicious atmosphere is observed. Not only this, a political scandal may be there to arrest the young college students by terming them as goondas . Not only this, in some occasions the officers will approach the political leaders for a political faour. In such circumstances the political leaders will misuse these officers to destroy their political opponents by terming them as goondas and send them to jail for one to twelve months. What is to be discussed in detail in this bill is, in case these class of officers have failed to eliminate those who are responsible and support for the growth of the antisocial elements a bill is to be placed to control them and control them. I would like to bring to the notice of the Honourable Minister, that this is not at all useful to control the goondas. Now where the MATAKA is not done in the state ? We cannot close our eyes and sit idle looking at it. My question is , From this one law, will the officers become strong enough to do their job ? Give a look at any taluk, everywhere there clubs, in any village there are clubs, . What is the use, if legally we are not able to control these clubs and matakas. I can understand that to control politically these clubs', matakas , this bill is placed . If the efforts are done / implemented sincerely to control these clubs and matakas , perhaps there is no need to introduce this bill. With this expression, I would like to mention that there are much more aspects to be known regarding the bill. By opposing this bill I stop my speach . Shri. D T Jayakumar (nanjangud) , Honourable speaker sir, I would like to support wholeheartedly this bill introduced by our Honourable Home Minister and would like to say a few words in this regard. It will not be wrong to say that the main reason to bring out this bill is , to

eliminate and control the evil powers that are existing in society. If the party government sitting on my right side benches, have taken proper care to control and eliminate such evil powers, perhaps there is no need for us to place this bill. To eliminate the sins done by them, a bill like this is being placed . After thirty five years Karnataka's citizens have janata party Disturbance Chairman : Honourable member , you should not say he or they . . . you should directly talk about law. / bill. Shri. D T Jayakumar. After Janata party came into power, the chaku - choori culture Disturbance Shri Dharm Singh : The chaku - chhuri culture has happened many times even after they came to power. Chairman : I have already told you that you should not talk like this. you should directly talk about law. / bill. you should not criticize and instigate others . Shri. D T Jayakumar. We are giving a clean and good administration to cultured people. We have also assured the people to provide an opportunity to be clean and sincere. To execute this assurance there is a need to bring out this law / bill. . As this bill has a good purpose, I am welcoming this bill. But whatever executive work is there, for example police officers - whenever they are executing their legal duties they come across many hurdles . Chairman : Honourable Jayakumar Sir, you yourself was a police officer . Whatever that has happened in your tenure , you need not mention all that here, you are elected to this house. therefore when a discussion is being held regarding this bill, whatever you would like to say please limit it to this bill only. Shri. D T Jayakumar. In the police department , during the executive jobs, a lot of pressure will be there. With this political pressure, poor people will face the brunt of it . I would like to say on this occasion , that because of the political pressure brought to protect the moneyed people , it will not be possible to work impartially. D I G Shri H T Sangliyana is a sincere person. Sincere officers like him who are dependent on such laws will get powers from this law / act. Next to talk about the illegal and forcefully occupying of the slum areas , it is the duty of the government to provide the water and shelter to those very poor people . they should not face any problems . I request the honourable minister to remove one such column that is there in this regard. I conclude my speech and thank the honourable Chairman who gave me this opportunity to speak . Shri. Vedanta Hemmige (Krishnaraja) Honourable Speaker Sir, as of now goondagiri, rowdisam has become a part of our life and for this growth there are several politicians. rich people, cinema actors will be there. they will be supporting and patronising .

WE are seeing such a situation in society. Our friend Shri. Kharge and Shri Moily spoke about this bill. They said that the goondas and rowdies must be curbed and snubbed. To curb the system the patrons of such people should be brought to the books.. But the pOlice department is not doing this job. the police department has become silent. They Talk about removing it from its roots , but cutting the top should not happen. Basically those patrons should be searched and they should be punished. I say that this job has to be done by the police department. 2.00 p m Our old friend from socialism said one more point. Some bus drivers , clerks , and some friends join together and form a simple club and register it. There if they play cards, or some other game, it becomes a gambling. Same way if the rich officers play the same game sitting at a sophisticated table from morning till evening, it will not be gambling. If Poor people play to spend time , the police will raid them. Same way if in Bangalore, people moving in cars and play from morning till evening , To raid them in the gambling case , there is no provision in the law . Even though the National Security Act was in force, we fought saying that it is being misused. Even now also our friend is telling with apprehension that this law may be misused . Once Mahatma Gandhiji has said that “ If law becomes lawless disobedience is by duty. “ When such a situation comes, then we will stand by your side and fight . Shri. B A Umarabba By the time you start your fight, many people would have lost their life. Chairman : Honourable Shri Umarabba, do not interfere like this in the middle. Shri. Vedanta Hemmige (Krishnaraja) On page 8 there is reference to Constitution of Advisory Boards. “ Constitution of Advisory Boards (1) The State Government shall, whenever necessary, constitute one or more Advisory Boards for the purpose of this act. “ shall ‘ means must and should who are all should be there in this. Further it is mentioned Every such Board shall consist of a Chairman and two other members and the Chairman shall be a serving judge of the High Court of Karnataka and the other members shall be serving or retired judges of any High Court. Who are all the officers in the board to enquire ? Since those who are having the experience of working in a High Court will be there in the board , we can expect that anybody who approaches the board will get justice, there is no doubt in it.

Sufficient protection is given in the clause. Next on page 9 it is said like this. Further it is mentioned in page 9 , clause 12 Action on report of the advisory board. (2) In any case where the Advisory Board has reported that there is in its opinion, no sufficient cause for the determination of the person concerned, the state Government shall revoke the detention order and cause the person to be released forthwith. Shri. B A Umarabba : Does it have the clause to protect those people whom you want them to be protected ? Shri. Vedanta Hemmige (Krishnaraja) That is why the government has brought this bill. With this bill, It will be helpful for Any citizen, to live comfortably and peacefully in any city or anywhere . Now since several years an alarming situation has arisen . This should be brought into force strictly without any undue influence. In cities and towns a peaceful atmosphere should be maintained as well as the protection of women should be ensured . Keeping this in mind this law should be implemented strictly and the goondagiri must be totally eradicated. By telling this I conclude my speach . Shri. R Venkataramaiah. (Mulubagilu) Honourable Speaker Sir, the bill that has been introduced , basically it is not a proper bill. It does not have agreeable points. I do not accept this bill. . When a bill is introduced the government must have a motive . the meaning of goonda is explained here as. In the Bill , the word “goonda” is defined as under:- “Goonda” means a Person who either by himself or as a member of or a leader of a gang, habitually commits Or attempts to commit or abets the Commission of offences punishable under Chapter XVI, XVII or Chapter XII of the Indian Penal Code. “ I P C 503 , 504, and 506 will be applied here. In accordance with I P C 506, if a person is proved guilty he can definitely be punished with imprisonment or either description for a term which may extend to 2 years or with fine or with both. There is no definition for the term “Goonda “ in the I P C . Your definition for this in the Bill is vague. then if we have to tell about the word “BootLegger”, The meaning of the term “Bootlegger” according to the Oxford Dictionary is “ a person who trades in liquor“ Section 32 of the Excise Act is very Clear .

If one does commit a mistake as per the Excise Act. he shall be punished with an imprisonment for three months and shall pay a fine of Rs.100/- It is mentioned that this bill is made by looking into the Desai Commission report. But I quote from the Justice Desai Commission Report. "At present the enforcement of Excise law is to be done by both Police and Excise Departments. This dual responsibility does not appear to be working satisfactorily with each Department trying to disown the responsibility on several grounds. For a proper and efficient enforcement, it is recommended that a separate enforcement under the control of a Deputy Commissioner of Excise with Police Officers of suitable rank trained on O O D should be established in each district" And further it is reported, "honest and sincere attempts should be made to exercise the Excise Legislation." I would like to say , what happens if this legislation is given to them. In 1971 an All India General Strike happened . WE were caught and made to sit in a police station. At about 12 .00 midnight one by name Abdullah was screaming. When enquired, it was told that because he was urinating , that is why he was brought here and locked . In Mulubagilu in that midnight if a person has to urinate , one has to give an application to the Circle Inspector. I took Abdullah to task by asking him " Don't you know that you have to urinate only if the Circle Inspector permits ? WE do have officers like this. His photo is taken and even today his photo is displayed in the police station, mentioning him as goonda. You are giving an act like this in the hands of the police officers of this type, You must read the article 21 . it says :- " .Protection of life and personal liberty-- No person shall be deprived of his life or personal liberty except according to procedure established by law. Article 22 says - 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 be denied the right to consult and to be defended by, a legal practitioner of his choice. Therefore as per this act if any person involved in illegal activities is arrested , the act does not mention anything about producing such person before the Magistrate . It only mentions that Intimation will be given within five days . But it is against our constitution. In this regard our friend used to mention that it is very much essential to implement this. Otherwise it is not possible to stop people's illegal activities. In my experience many many big sultans, nawabs, pay their routine money (Hafta) and continue with their job.

In case this bill is passed, persons like Putta swamy, Mohammad and others who are doing this on a very small scale will be in difficulties . If these people also pay the bribe of around Ten Thousand rupees by selling their house or valuables they will be discharged. We boast that ours is a socialistic society. Even after 38 years of getting Independence we are not able to provide housing for all . Earlier 48 percent of the people were in below the poverty line. But now it is 67 percent. In Mulubagilu poor scheduled caste people and Muslims built around one thousand hutments on government land . One day police came in 8 vans and uprooted the hutments and put fire on it. . This happened during Janata party's rule. 99 percent of the people living in the hutments here were poor . If these hutments are removed where should these poor people go? These people can be arrested as per this act. Honourable Minister gave the details regarding illegal liquor vendors and other persons Prostitutes - - - - - 855 Pimps _ _ _ _ _ 92 Dens - - - - - 22 This data is given by the police. These are all false data. In my opinion, such persons are more than four to five times. Here it is mentioned about gamblers. Today many big rich people are involved in this. More such people only are involved in the business. If you are able to take action and arrest them as per this act, I will appreciate it. But you spare such big people. Since you have permitted the gamblings, thousands of families are spoiled and are in distress. Today the government itself is running the lottery. One crore , two crores like this prizes can be won in the lottery. Lot of publicity is given to the lottery. So the people are lured to buy the lottery tickets. As soon as they receive their salary they buy lottery tickets for Rupees .ten of twenty. These types of people hesitate to buy some sweets or snacks for their children. This type of addiction is found in the people. Instead of stopping this type of attitude you have brought this act. What punishment is to biven to such persons is mentioned clearly in 110 th rule. When it is clearly mentioned, what is the need of this act? Today you are in power. Tomorrow Congress party may come to power. But we the communist party people cannot come to power. In such a situation, if we tell the poor people to build their houses in government land, police people will put us in jail according to this act. Shri Dharam Singh. In Calcutta I have seen what the situation is. Therefore can you please explain how it is in calcutta. ? Shri. R Venkataramaiah. (Mulubagilu) I don't know about that place. And the definition is also unclear. " In the case of a bootlegger, when he is engaged, or is making preparation for engaging in any of his activities as a bootlegger.

“ detention order means an order made under section 3 “ Clause three says. - - - - “Power to make orders detaining certain persons (1) The State Government may, if satisfied with respect to any bootlegger or drug offender or gambler or goonda or immoral traffic offender or slum grabber with a view to prevent him from acting in any manner prejudicial to the maintenance of public order. Here you have used the term ‘ goonda ‘ . I verified the meaning of goonda in many dictionaries. But this word is not found in any dictionary. The Word Goonda is used in Hindi . Perhaps the same word is used here. you have not given the definition for this word. You have been told to refer to I P C section 503. But how can that be the definition for this word ? Hence it can be said that it is unclear. If it is unclear how to implement it ? One who is in politics and influential people need not worry. But the common man will suffer more. Therefore we should not think of today but we should think of days ahead. Earlier Centre implemented the National Security Act. At that time suspicious janata party and communist party members were put in jail. Now you are implementing a similar Mini National Security Act. In the National Security Act. It is mentioned as “ Prejudicial activities towards the society “ Except this change , from A to Z you have copied the same to same. Just now one honourable member who spoke, spoke as a Earlier Sub-Inspector. If you give some two or three thousand rupees , it is solved / it is over, He will put any of our opponents in custody. If Ten thousand rupees is given, as per this act the police will put even Shri Dharma Singh in jail. Shri S R Bommai : Are you telling this by looking at his stature ? Shri. R Venkataramaiah. Sorry I did not say in that manner. For the different crimes, what are the penalties , what are the punishments , everything has already been made in some act of different departments. Is it right to bring another law in this place? In such a situation , if you give more powers to executive officers is a big danger. If you give more power to the police, it is said that any goonda cannot do anything . In the police department they will take bribes and release the goondas. In such a situation whatever powers you give to police will not be useful . I do not say that all police people will take bribes. Maybe some ten percent sincere police officers are there. But ninety percent of them will certainly take the bribe. If you give this act in their hands , we are giving them an opportunity to put many people in jail . Basically this aspect is to be verified in depth .

Former Supreme Court Justice Shri Krishna Iyer says - - - - - " Preventive sections preventive of freedom, if incautiously proved by indolent judicial processes may do deeper injury. They will have the effect of detention of one who has not been held guilty of a crime and carry with it the judicial imprimatur, to boot. To call a man dangerous is itself dangerous " . What I would like to say is only this, police personnel will take the name of this act and send the innocent people to jail . At present don't you have laws to curb goondas and dociaots and send them to jail ? In reality, Introducing this bill has political wrong purposes . The basic purpose is not correct. As there already exists an alternate act in this regard is not required . I request Shri. Rachaiah to leave this bill . With this I conclude my speach. Shri. K M Krishna Reddy :. Honourable Chairman Sir, Police will use this act to send the innocent people to jail. In public life when foondagire happens, Spurious drugs are sold, Illicit liquor is consumed and the public died, then these members only told to give severe punishments in such crimes. The question is not whose side they are in. Our Honourable Shri. Veerappa Moily suggested to bring out a complete bill and we will approve it . The same thing was told by our Marksist friends also . The actual purpose of this bill is with this one act, goondagiri should stop, peddling must stop is the main purpose of presenting this bill in the house. In my view this goonda (pravariththi) activities, illicit dealings and other criminal activities have increased . Don't we need a strong statute to stop this ? Our friends have said to stop this as we already have provisions in I P C , therefore there is no need to bring this act. Along with this let there be this act also . What is the problem with it? With this act, we will get the complete information regarding those who are doing goondagiri, who are preparing illicit liquor, who are involved in peddling activities, etc. In this misuse of the act will not arise at all. As our Honourable friends have expressed , in this condemning of labour leaders , and political opponents is not there in this framework . Nothing is there in this act. If our Marksists and Socialistic friends oppose, it is meaningless. Therefore on this occasion I would like to say that all our marksist friends, socialistic friends and all other friends must accept this bill. Shri U Bhupathi Honourable Speaker Sir, In this country in the present context and framework hundreds of acts are existing. In Spite of that again this one bill is placed. Honourable Lakshmisagar says this act is introduced to correct the shortcomings in the society. As per the arguments of our friends, already we have laws to curb antisocial activities , goondagiri . Vol --II - L A 43

This bill that you have brought is like the National Security Act that was introduced during the emergency. This National Security Act is opposed nationally as it is extremely dangerous. Now you have introduced this bill which is almost like the replica of the National Security Act . It is almost the same. Maybe some words here and there are different or the arrangement of words may be changed, But the overall meaning remains the same . Shri. Veerappa Moily . The arrangement of the words are also similar . Shri U Bhupathi : Honourable Shri Veerappa Moily Sir is telling that in your act , the configuration of words are also the same as that of National Security Act This act is extremely dangerous if you give this act to executive officers to curb the goondagiri activities , they will first use this act on those who will fight for society's problems, those who will unite the labour class and fight for their rights, those who will fight for justice , . Such people appear to police as one type of goondas. In this connection I would like to narrate one of my experiences. In 1982, I was involved in a strike for the sake of labourers in my area to increase their wages. When the strike started, the D Y S P of that area was shouting to catch hold of that person and break his legs. . I was just in front of him . He could not recognise me . Taking this opportunity I escaped from there. Otherwise I don't know they would have broken my legs and put me in some jail . Even in jail the police behave brutally . For instance in Maharashtra once I was put in jail. There, a twenty five years youth was beaten till he became unconscious and jailed. His condition was precarious. In case You give this act in the hands of such people there is no doubt that they will send innocent / non criminal people to jail. In our country 90 percent of the people in jail are innocent. Real criminals are there in society. But no one will catch them . In this bill that is introduced, I have sent an amendment for section 2 (g) . In this explanation some more points are to be included . At the right time I will tell about it. Honourable speaker Sir, I thank you for giving me this opportunity to speak , and by opposing this bill I conclude my speech. 2.30 p m Shri H K Kumara Swamy. Honourable speaker Sir, I personally feel that on behalf of the Janata Party, The Honourable Home Minister has introduced this bill with a good, efficient , intelligent and humanitarian approach. From time to time when crime increases and becomes severe , we have to bring special act. The existing act , what we call it as Indian Penal Code, Police act, COFEPOSA ,

N S A . . . all these laws and similar laws , under these laws sometimes it will not be possible to perform effectively. Then this type of law will have to be introduced. Our government has done the same. At the outset the act appears to be harsh, but it is required in the interest of humanitarian approach. If you observe section 8-12-13-14-15 how much opportunity is given to the criminal will be known . At the outset, there is provision to decide that one is not the culprit. For any crime there is provision to release a person on bail. Moreover though this act appears to be harsh, it is quite meaningful. At this point of time this bill is welcome . In the same way I conclude my speech by requesting all of you to welcome the bill . Shri B G Kotrappa .-- This bill is like Prevention is better than cure. As our Honourable minister has expressed about the bill, the aim of the bill is , it is essential to better stop the crime with this act, instead of punishing a culprit after the crime . It is value based law. In our society before the crime is done , it is essential to stop the crime. By introducing this act, there will not be any kind of difficulties that may arise. It is not harsh . very simple. according to section 8 of this act, “ When a person is detained in pursuance of a detention order, the authority making the order shall as soon as may be but not later than five days, It does not mean after five days to be given. it means to be given as early as possible. The Honourable Minister has already talked about section 9 . There is provision in this act to release the culprit temporarily on bail. This is a liberal act. You please do not think from your own angle. but think from a wider perspective. Otherwise it becomes meaningless. Whatever crime that is happening in society today, this will give strength and confidence to the common people. . This is possible only by implementing this law. Therefore the bill introduced by our government is appropriate . By telling this I approve this bill. Shri. B R Neelakanthappa. Honourable Speaker Sir, This bill is fit for welcoming. Capitalists will encourage the downtrodden people to become goondas. Those who are suffering because of poverty and unemployment will be enticed by offering some benefits and converting them as goondas. . This is how goondas are made . A person who is a victim of bad habits, will always run out of funds. In such a time invariably they search for other sources of money. With drinking habits, half of drunkards will become goondas. . Therefore if you control the drinking, by bringing the Prohibition of liquor , in a very rigid and strict way, which is the root cause for this, it will be appropriate . This is my feeling. I Also request the government to implement it . Capitalists , means those who are involved in goondagiri,

and to contain the goondas , as a primary step if Prohibition of liquor (Pana Nirodha) is strictly implemented goondagiri can be controlled. For that our government has to implement the Liquor Prohibition (Pana Nirodha) , I feel they have done a very good job. With this I conclude my speech.

Shri. Veerappa Moily . : Honourable member has proposed a very good subject. Is it not good to implement Liquor prohibition? (note. in kannada it is typed as 'to cancel the liquor prohibition ' But the present context does not mean this)

Shri J H Patel : In India to implement the Liquor Prohibition , it is better if the Central Government takes the initiative . It is better If our Honourable member can do this job .

Shri. H A Paatel : Honourable Chairman Sir, in our Karnataka State, if the government brings out some such law and stops the Race, and clubs , it will be very much helpful to the common people. I have not seen the Race nor I know how it works out. I have not even seen the door of it. I have seen and noticed that today , government servants , common man are being spoiled because of this. Now I welcome the Bill introduced by our Honourable Home Minister . I thank our Honourable Chairman Sir for giving me this opportunity to speak and conclude the speech .

Shri. K H Patil (Gadag) Honourable Speaker Sir, after the Janata party came to power , some right steps were followed . For this the bill introduced now is one such example . Today in our state, in political parties , any other area , this goondagiri has provided opportunity for the growth of antisocial elements . Hence to contain / restrict such antisocial elements a law like this is essential . Without such law it is a tough task to protect the common man. But my request to the Honourable Home Minister is , a society which has anti social elements , to curb / eliminate such powers, whatever support you require, we are ready to give it to you Sir. But you should not use any partial attitude. It is good if you move forward with such a bold step . Earlier when the Central Government introduced such a law, other political parties made many types of comments and criticisms . I am not saying that one should not do comments and criticisms. But we should understand the feeling of the law. To look at it from the humanitarian angle, to control the atrocities on women, an act like this is very much required. When our Honourable Member spoke he said there are a few shortcomings in the bill. To correct those shortcomings , Honourable Minister Sir, could have appointed a Joint Selection Committee and the bill should have been thoroughly scrutinized / examined and reviewed . Even if they do not do it, it is okay. I don't pressurise for that. When any party is in power, that government requires Law like this. Otherwise it is extremely difficult to control and eliminate goondagiri which has grown out of proportion . In political life also we have to face many difficulties.

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Persons in Political life come to you for their self protection . At that time I am sure that the Honourable Minister will not give protection and perform his / her duty . I am also of the opinion that Your goodself will function in the framework of law . In our Karnataka State, there are political personalities who will intuce goondagiri and see that their name will not come out. You will have to pay attention to these people also. Some people will consume liquor and run goondagiri. But they will not be able to do anything. The liquor they have consumed , will be doing this job from them. Therefore my request with the Honourable Minister is , by implementing the act, please protect the people belonging to the weaker section, backward class , Schedule caste , Schedule tribe . By telling this I support the bill . With thanks to the Honourable Chairman for giving me this opportunity to speak, I conclude my speech . Shri B Rachaiah (Home Minister) : Honourable Speaker Sir, First of all my heartfelt sincere thanks to all those Honourable members who participated in the debate on the bill and gave their valuable suggestions. Except one or two Every one has welcomed the bill by stating the essentiality of the bill. But only two of them have expressed their doubt that the act may create disaster . It is quite natural. At this time When such a power (astra) is given to the government, sincerely telling, it is not possible to assure that it will not be misused and used properly only . We have Indian Penal Code and Criminal Procedure Code all are there.. In Spite of these laws crimes are happening . It is going to the courts to decide. Culprits are punished or released without any punishment as per the court orders.. But it is not proper to say that the act is not required. When we have National Security Act, what is the necessity of this ? COFEPOSA is there, why can't we use this? Why can't we use the Police Act ? . . . likewise our Honourable opposition leaders have objected and raised the issue. As I informed earlier this bill was prepared when their Ministry / government was in power. This bill has gone to Madras and Bombay then to the Supreme Court. Now this bill is implemented there . Hence I have not newly introduced the bill. Based on the experience of the bill, this is introduced, so that it will be possible to reduce or stop the possible crimes in future . With this feeling, as a preventive measure the bill is introduced . It has to be used very sensitively. And if it is given to everyone , it may be misused, then in such a time the government itself will keep the power . It is also mentioned in the bill , that On a few occasions Deputy Commissioners. may have to be given this power. Normally when you make such laws , no one has done it completely . Often there will be some amendments. The mistakes that happened earlier will be rectified and the process is continued . Our senior member Shri . K H Patil who spoke at the end has questioned , where is the need to bring it in such a hurry , it could have been referred to The Joint Selection Committee, there they would have verified - completed and sent.

But some bills that are referred to the Joint Selection Committee have not come out in completeness. In some cases we have seen that , it has gone to the court and got it rejected . Shri Veerappa Moily has said that, to correct the shortcomings of this bill we request to refer this to the Joint Selection Committee . He said that , Those who are behind these crimes, to bring them to the books , an opportunity has to be given. In this background I request that we will think of it at the time of implementation of the act. What all the provisions are there in the National Security Act, COFEPOSA , almost the same is included in this . The difference between the both is , as mentioned in Section 8 , those who are detained should be given an opportunity to request the government within 5 days . They (detainee) must be informed for what reason they are detained as a preventive measure . And as per section 9 , an advisory board will be formed. The Chairman of the Board will be a High Court sitting Judge, and has few more members. The other members will also be Judges, Therefore when the matter goes to the Board, they will scrutinize the matter, whether the detention is valid or not . After scrutinizing if the board decides that the detention is not proper, to implement action to release that person immediately by the State Government , a provision is made in the law. By chance if there is more delay in between, there is provision to release on parole. Therefore there is nothing new in it. . What are all the activities that are existing in society, if those activities are disturbing the balance of the society , the peace of the people are disturbed . . . in such a situation to maintain peace as a preventive step / measure is required. As a precautionary step this is required. Therefore I request the opposition party members, our party members and other members that it is required today . One more in depth question was asked . That is a very important question indeed . Why can't we implement total ban / prohibition on liquor which is the main cause for all these crimes . In this regard we have struggled a lot on earlier occasions . Ban has to be implemented throughout our country otherwise it is very difficult . If it is decided at the national level, it may help . If we say to implement at the National Level, people will ask, 'this is not implemented in any part of the world , Then how can we do this here ?' When we consider today's culture clubbed with new civilization, how much evil we are noticing . From this angle when we look at it, in the present society to change the basic structure of the society all the members of the society must try . I also accept that , without this it is difficult to change society only by making laws . In the same way without the statute it is difficult to run the administration . The evil powers should not do any crime at least for some time , for this reason to bring them in the framework of law a provision is made.

From this point of view I do not wish to speak more about the matter . But one thing I would like to say. Today one press reporter has written something in the News Paper, I was informed that for this reason an Officer has ordered to stop publishing this News Paper . I verified that order and cancelled the order. Wherever I have noticed misuse of power I have taken action and cancelled it . One person died in police lockup. An enquiry was conducted and police officers were found guilty . Then I ordered a charge sheet . When you are implementing this law , you must verify whether it is right or wrong . Your conscience must accept it. in this way , the act is to be implemented . If we say from this angle this type of order is given to curb students, politicians , supporters of politicians , perhaps in earlier times this opinion has some essence . But now it does not have any essence. When I say that I have not done anything like this, Honourable Shri K H Patil will also accept it . I even say Honourable Shri . Moily will also accept it . Whatever I find correct and just, I will do it. There are many officers of different rankings, I say that I take the responsibility on their behalf . I am telling this from that view . Whenever an injustice comes to the notice of the government , I am ready to say that it is injustice. On this occasion I would like to place the bill before you . 3.00 p m Shri Vedanta Hemmige said that Do not give opportunity to big people and clubs to escape from the crimes they have done . (the kannada word ' Tappisuvudakke ' is not the right usage in this context.) Normally the officers function in the framework of statute. But big people escaping is an old practice. Providing protection to one who has property , and protecting their lives is the general practice . A society that will change this practice should be developed. The poor people who come to me for protection , it is my habit to treat them with compassion . They must also be respected. Let it be any one, a person doing wrong things cannot be encouraged. To keep silent will be the wrong action we are doing to society. To eliminate whatever bad habits that are there in society we are putting all possible efforts . We must see a good Rama Rajya. On this occasion We have brought this bill with a sincere approach. Whatever bad habits that are there in society one should not become a victim of that as well as at least some protection should be given . With this view we have brought this bill. I request all the Honourable members to approve this bill. Chairman : The Bill relating to “ Karnataka - Illicit Liquor Vendors , Drug Act trespassers , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction Act 1985 -- is for Review by the House.

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Proposal. is Approved

VERIFICATION OF SCHEDULE BY SCHEDULE SCHEDULE 2

Chairman : Shri. Venkataramaiah and Shri. Bhupathi has suggested amendment to schedule 2.

Shri. Venkataramaiah : I am introducing this amendment to schedule 2

“ That in Sub Clause (a) item (iv) shall be deleted. Sub Clause (g) shall be deleted.

Chairman : I am placing the amendment suggested by Shri. Venkataramaiah : to vote the subject in front of us is :

“ That in Sub Clause (a) item (iv) shall be deleted. Sub Clause (g) shall be deleted.

(The amendment is rejected)

Chairman : Now I am placing the second schedule to vote. The subject before the house is : The Second schedule should be a part of the bill / act. The proposal is approved The Second schedule will be a part of the act.

Schedule 3 :

Chairman : Shri. Venkataramaiah has suggested an amendment to schedule 3 . Please place it. Shri.

Venkataramaiah : I am introducing this amendment to schedule 3.

“ That the following provision shall be added after sub-clause (3) “ Provided the detention can be effected only after issue of due notice and hearing the party concerned by the District Magistrate or Commissioner of Police. “

Chairman : Now I am placing the amendment suggested by Shri. Venkataramaiah to vote. that is

““ That the following proviso shall be added after sub-clause (3) “ Provided the detention can be effected only after issue of due notice and hearing the party concerned by the District Magistrate or Commissioner of Police. “

Chairman : Now I am placing the amendment to clause 3 suggested by Shri. Venkataramaiah to vote. that is

“that the following proviso shall be added after sub-clause (e).

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Provided the detention can be effected only after the issue of due notice and hearing the party concerned by the Dt. Magistrate or Commissioner Police”

(The amendment is rejected)

Chairman : Now I am placing the schedule 3 (three) to vote. The subject before the house is :

The schedule 3 (three) should be a part of the act.

The proposal is approved

The schedule 3 (three) will be a part of the act.

4 th to 18 th schedule (inclusive of both)

Chairman : Now the question before the house is

The 4 th to 18 th schedule (inclusive of both) should be a part of the act.

The proposal is approved

The 4 th to 18 th schedule (inclusive of both) will be a part of the act.

Schedule 1

Chairman : Shri. Venkataramaiah has suggested an amendment to schedule 1 .

Please place it.

Shri. Venkataramaiah : I am introducing this amendment to schedule 1. That is

“ That in the Title of the Bill “Goondas “ and words “Goonda “ wherever occur in the Bill be omitted.
“

Chairman : Now I am placing the amendment suggested by Shri. Venkataramaiah to vote. that is “

That in the Title of the Bill “Goondas “ and words “Goonda “ wherever occur in the Bill be omitted. “

(The amendment is rejected)

Schedule 1 , Name and contents should be part of the act.

Proposal to approve

Chairman : Honourable Minister to place the Proposal .

Shri. B Rachaiah (Home Minister) Honourable Chairman Sir, I am placing the proposal mentioned below , for the approval of the House.

“ Karnataka - Illicit Liquor Transporters, Drug Criminals (medical) , Gamblers, Goondas , Persons involved in Illicit Activities, and those who forcefully occupy slum areas , -- the act aiming to control and stop such type of destructive activities - 1985 is placed for Approval.

Chairman : The Bill relating to “ Karnataka - Illicit Liquor Transporters, Drug Criminals (medical) , Gamblers, Goondas , Persons involved in Illicit Activities, and those who forcefully occupy slum areas , -- the act aiming to control and stop such type of destructive activities 1985 is placed for Approval.

The Proposal is accepted and Approval is given to the Bill Announcement

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“ Karnataka - Illicit Liquor Vendors , Drug Act Trespassers , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction (amendment) Act 1987

Request to place the proposal :

Shri A Lakshmisagar (Hon Minister for Law and parliamentary Affairs, City Improvement , and food) , On behalf of Chief Minister Shri Ramakrishna Hegde :- Honourable Chairman Sir, Please permit me to place this Bill before the house. “ Karnataka - Illicit Liquor Vendors , Drug Criminals (peddlers) , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction (amendment) Act 1987 –

Chairman : The Proposal is “ Karnataka - Illicit Liquor Vendors , Drug Criminals (peddlers) , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction (amendment) Act 1987 is placed for approval of the House.

The proposal is accepted and Approval is given .

Shri A Lakshmisagar (Hon Minister for Law , parliamentary Affairs, City Improvement , and food) , On behalf of Chief Minister Shri Ramakrishna Hegde) :- Honourable Chairman Sir, I am herewith placing this Bill before the house. “ Karnataka - Illicit Liquor Vendors , Drug Criminals (medical) , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction (amendment) Act 1987

Chairman : The Bill is placed before the House.

Chairman : Now you can place the proposal .

“ Karnataka - Illicit Liquor Vendors , Drug Criminals (peddlers) , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction (amendment) Act 1987 –

Revised Proposal.

Shri A Lakshmisagar :- Honourable Chairman Sir, “ Karnataka - Illicit Liquor Vendors , Drug Criminals (medical) , Gamblers, Goondas , Illicit Activity Criminals , and those who forcefully occupy slum areas , Dangerous Activities restriction (amendment) Act 1987 -- On behalf of Home Minister I request to review this bill.

Proposal. is placed

Shri A Lakshmisagar :- Honourable Chairman Sir, Last year we brought an Act in this regard. According to that , a person could have been jailed for 12 ? months without enquiry . As per this law, some anti-social elements were kept in jail . They questioned the validity of this law in High Court through a Writ petition. Then the Honourable High Court identified a few lacunas / disparities in the law and released them from custody. Now by taking note of the directions of the Honourable High Court and correcting the shortcomings these amendments are sought.

Sri Lakshmisagar: After obtaining the approval of both the Houses , we have to obtain the approval of the Central Government also. “

“6 A. Grounds of Detention verable : Where a person has been detained in pursuance of an order of detention under sub-section (1) or Sub-section (2) of section 3, which has been made on two or more grounds such order of detention shall be deemed to have been made separately on each of such grounds and accordingly M Shashikanth Editor Debate Karnataka Vidhana Sabha Bangalore”

- a) Such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are-
- i) vague
 - ii) non-existent
 - iii) not relevant
 - iv) not connected or not proximately connected with such person; or
 - v) Invalid for any other reason whatsoever; and it is not, therefore, possible to hold that the Government or the officer making such order would have been satisfied as provided in sub-section (1) of section 3 with reference to the remaining ground or grounds and made the order of detention."

The amendment that we have brought in this is the most important. Secondly, the new amendments are to be added.

Amendment of section 14. In section 14 of the Principal Act for sub-section (2) the following sub-section shall be substituted, namely-

“(2) The revocation or expiry of the earlier detention order (Not visible English text) person”

The measures taken in the previous amendment act are not void, it is itself an amendment. We brought the original rule/law with an objective, but because of this flaw, the High Court made it void. After rectifying that flaw, the programme is to bring about complete control over people, those involved in anti social elements, anti-social power. This is in Bombay, Madhya Pradesh and everywhere. Hence, I request the honourable member/s to give an assent to this.

+Sri. K. H. Srinivas(Shivamogga): Honourable President, I would like to say a few words against the dangerous activities by Bootleggers, Drug Offenders, Gamblers, Goons Immoral Criminals Slum Grabbers(Amendment) Bill 1987. But it does not mean to say that either I am in support of these people or I am advocating on their behalf.

+ This sign suggests that the Hon. Member has not revised the note or the speech.

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Not even the very principle. I understand that the law must be tightened in such matters. I have also understood that such rules/regulations are necessary for the good health of the society as a whole, despite the freedom of the bill being affected slightly. Actually, the honourable minister Lakshmi Sagar and his friends are opposing this. Earlier, the whole country's economic system was replaced by

alternate economic system by such people; at that time, Mrs. Indira Gandhi's government enacted legislation to regulate such persons in the entire country

4.30pm

Sri. Saler Siddappa: Leaving them, they tried to control us.

Sri. K. H. Srinivas: He was put inside because he went to advocate for such people. When you started activities that violated such laws, you became heroes. They remained in jail. You described it as a dark bill, the abduction of freedom of the individual. When a law was brought to arrest those individuals that are a threat to the whole nation, goons and the like in habitats and lanes, we, the supporters for the free liberty to individuals, asked why such a law was brought in. The smugglers' network in the country is so big that it is not as simple as Jalappa is. Their cooperation itself is different. They do business with different countries. There is no registration for cars at all. If houses are invaded, it will never be known. Ships used by them also will not be known. So, to eliminate such a network, at national level it was thought to bring in a special law. The fact is, in such and such a place, such and such a person, does, such and such work is known. His father's name, his grandfather's name, his family and other related information will all be known. The prevailing law is insufficient to arrest such people, hence you said, a new law is required. Knife-wielding is the culture of the Congress and that we all came from the underworld, and they are claiming to have dropped from the sky. In their speeches, it appeared like we raised the underworld gang, gave out knives, and they emerged afresh to control it. You have heard the speech of Honorable Rachayya. He had challenged, to give it and see what they would do. In the last session, I had asked Sri. Rachayya, what has been done and he had answered that they have arrested a total of 26 members. Of them, 15 have been released by the government. 4 have been released by the Advisory Board. Some were released by the High Court. Only two were detained. By now, they would have released the two as well. Was this law required to control just two people? For doing such a huge work, I had suggested to award the Paramvira Chakra. If 100-200-300 people were arrested and released by the High Court, then I would have agreed to your amendment. Total number of criminals is 26 and is it required to have a law for these 26 people?

In Karnataka, as per the government, the number of thieves, drug offenders, gamblers, goons, immoral business criminals and slum grabbers are just 2 people. You have arrested 26 people and released 24 people on various grounds. You cannot protect all reasons through the amendment. If I can mention a couple of things, just in case if the High Court says that the reasons quoted by you are not correct and if the other reasons are ok, only if they are going to release, it will protect and nothing more can be done further. Hence, what is the purpose of retaining this act? Is it necessary to keep this act? The act has been amended but in vain. It has not controlled anything. Did it control the goons? During daylight, when the goons sliced the arms and legs of another goon, the police were just sitting and watching the scene. On one side, an escaped gangster's wife and his mother should have been taken custody and they should have been questioned violently about the whereabouts of the gangster

day in and day out. On another side, when another goon was murdered by other set of goons, the police have made an official announcement in this regard. However, the police could not arrest the goons, but the goons could murder another goon from another opposite party. So what is the use of any regulation? I had told honourable Rachaiah that any weapon in the hands of a coward is of no use. Hence, you have increased the number of weapons and burdened yourself with its load and it is of no use except that it has faltered you. Excess powers in the hands of any government are harmful for them. I visit the Vidhana Souda often. Imagine what will happen, if I move around with a knife, revolver on one side and a stick, sword on the other side? One day I will be tempted to use the weapons. Any person or any government should hold powers that can be used and not more than that. Otherwise, on one fine day, they will drown in the burden of powers. How many goons are there today? Have you done any survey on this? Do the police have a list? how many such people are there, on whom action cannot be initiated and that cannot be controlled and tried under the general Indian Penal Code and other laws? How are their network forces? Have they conducted any survey on this? Currently, if we bring in laws that are unrelated to our problems and challenges, tomorrow it may appear like we are trying to arrest someone under these rules. The arrest of the Municipal Councilor has already been mentioned in this house before. Why did they release the 15 innocents that were arrested under these rules? Which officers had arrested those 15 innocents and what action has been taken against such people? What instructions have you issued for not repeating such faults in future? We need all these explanations. Unnecessarily, each time we meet, a new amendment is brought in. An Ordinance is brought in, even before we meet in the House. You have passed an Ordinance. Therefore, if any goon can escape, on these grounds and if you were successful in stopping from such an escape, I would have agreed with you. Who are they? What are the charges against them? What was the urgency?

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There's no meaning in handling this house in a traditional way. We do not have any objection to empower you as per the laws. In order to create a society, to protect the good and punish the evil, we are not hesitant to empower you with powers. But on the other hand, to exercise the powers, if you ask power, we are not ready for it and there is no meaning for your request either. Earlier people would say that, all goons were with the Congress. If yes, are they with you now? May be you have nationalized those goons.

Sri. M. Mallikarjuna Kharge;- Out of 25, 15 have been released. If we go by the given statistics, out of the remaining 10.....

(chaos)

Sri. A Lakshmi Sagar:- "There will be ore safety", in your side. So we have sent them all to your side.

Sri. M. Mallikarjuna Kharge;- Give reason for this.

THE PRESIDENT- You give them the opportunity to speak.

Sri. K. H. Srinivas- Where did these goons go? Were there only two goons? How many are inside? As per the law, how many have been sent in? If you had not brought this enactment and after releasing them, if you said that they will be a big Social disaster, then we would have said, do as you wish. Nothing is like that. No statistics, No mention of the objectives and if you quote some objective, it will not be of any use. Why do you need power? Why do you need the laws? According to your department's recommendation, have you taken any the preventive measures against the goons? How many of them have been asked to control? Ours is an ever changing society. This society faces many challenges. I too realize this fact. There is another society inherent to it. This is a well integrated society and has no moral practices here, that has resulted as a challenge to us. In the west, only one such portion exists. If one goes to western countries, they will warn us and say, that such a place is dominated by the goons & anti social elements. Hence, do not visit that area. We do not have such a system in our country. We do not know which place has which problem; there's no adherence to law and order. As a result the evil spirits are endangering the society. They have the potential to vermin the society. Therefore we have two types of people. Some are on the border and they may either fall towards the right or wrong or both. I always thought what kind of people they are going to be. They are also doing business with our society. When tried to arrest them, they will have another supporting factor or people on our side to stop the arrest. Those who do such a thing, even if they are not in the police department, they tend to get in touch with one another and escape. If they are to be brought to books, coherent law needs to be brought in. But before doing so, if you don't understand the challenge before you, how can we give you a power?

Government is not aware as to how are they functioning, but are asking for power. How can we give them power? The statistics provided by you is ridiculous. Post framing such a big law, 26 people get arrested from all over the state and the government itself releases 15 people out of them, followed by another 4 get released through the Advisory Board and the High Court releases the remaining, after retaining 2 members. Only the two have been kept behind the bars, as per the law. If this is the case, why was the law required? You said that, we do this and that for the goons, no knives and large knives are available in the market during your regime. But now the scenario is different in Bengaluru. Not a single incident has been traced. One goon on one road assaults another goon in his road during daylight and rips off the legs and ears. Police and the people around watch the incident silently. There is a law. What do you do by taking the law? The law is like a pickle for taste. How many goons have been caught? The goons have themselves got acquitted and there's nothing technical about it. This has to be understood as a programme, that has been organized by the police, by deploying the goons to combat against each other and then register the case list. Till now, not a single case has been found to have controlled hooliganism. The government has completely failed to control the issue. Today, there is a serious condition in cities that has made the movement after 5-6pm impossible. Such a situation has been created. The honourable member spoke about the emergency time. In times of emergency, women would return alone after watching a second show movie. But such a situation is extinct today. A time has come today that the Matinee show has to be cancelled. The question today is that the law should fulfill in one or the other way and it should not abduct the freedom. During

emergency, the whole society was in peace with the fear of the rules. But that work is not happening today. Meanwhile, the usage of law that creates distress among the innocents does not fulfill anything. Cases of robbery continue throughout the state today. Last year also, the same was debated in this house. They said we'll trace it out in another week. There have been similar cases of this kind in different places for the past 15-20 days. Not a specific case has been traced so far. The forces behind the case could not be ascertained in detail. In such a situation, if the government thinks that it has done an achievement by increasing the number of rules and regulations and by adding new amendments to rules, it is a fallacy and is of no use. You have not shown any administrative tightness. You have completely failed in this arena. We cannot conclude that the police are not sincere and are inefficient. There are a lot of people who are capable and competent. But the government has failed to display that it can bridle the department's strength for its use. It is difficult to speak in front of Sri. Rachayya. He thinks that he is right but does not think how the department is. We did not say that Rachayya is not a right person or that he is like this or like that. The question is not that. In whatever way we try to convince him, he retorts with a question, asking if he is not the right person. What we need is that the government should function with efficiency. It is a force and it need not die hard to anyone. If the Government makes up its mind, it can overcome all such evil elements in no time.

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Nobody should take advantage of the government. Unless and until the government functions in such a way that it brings in the feeling of, none can indulge in robbery, only then the law will be of use. Only paper work will increase and the law department will give an amendment. If legal pundits sneak down the mat, they will sneak down the rangoli. They will figure out the loop holes. They would have used some word. They would have traced some weakness in that. The goons will have better suggestions compared to the government. They command a better and more competent legal opinion than the legal opinion that the Government has got. This is a very unfortunate situation in this country. You will bring in another Amendment in the next session. There's no fulfillment in the series of these amendments.

In order to actually control the goons, it is necessary to scientifically discuss seriously and scrutinize who is there, what power is there, how does hooliganism work, what is behind the bootleggers, what is behind gamblers, what is the power behind the slums, and if it is actually required to bring in rules or laws to overcome such evils, let us bring that. With all these, it is not possible to get fulfillment from this rule. The challenge is serious, and it requires strength to face it. The authorities are there, the law is there. The notion of having empowered the hands of the authorities is of no use. Therefore, I conclude by expressing my opposition to the amendment, as it will not fulfill anything, in light of the above reasons.

+ Mr. M. Mallikarjuna Khargay (Gurmitkal) – Honourable President, I oppose the amendment bill that was tabled before this meeting today. The reason is, last time when Sri. Rachayya presented it, we had as Mr. Srinivas said. There is no need for this law. Current laws are enough to thrash and punish these. So the other day, all the members of the house protested the amendment again to, The Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas,

Immoral Traffic Offenders and Slum Grabbers as unnecessary. They did not agree. Current rules do not allow to punish hooliganism and hence they are escaping. To punish them, this amendment needs to be agreed. After passing the amendment, post implementing the amendment, till date they have not taken any measure against any goon and the number of goons is increasing daily. Thrashing them has not happened till now. As per their own statistics, till now out of 24 people, 15 have been released by the government, which meant that they are not goons but good people and that they have been released to go home. Advisory Board releases another 4 members and High Court releases 2 members. 225 members gathered in this house and spent lakhs together to bring in the bill, but are of what use, if only two members have been detained? Currently, even the two members are there or not, as the answer at that time was this bill is just for two members and it has wasted lakhs of rupees of the farmers. There was provision to take action under the Indian Penal Code itself.

+ This sign denotes that the note or the speech has not been revised by the Hon.member.

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Police Act itself empowers to take action. There are other laws as well. Instead of controlling and thrashing as per that, you have brought a new law, which is of no use. The reasons and objects of it are as under:

“The State Government has experienced some procedural difficulty to sustain the detention orders in certain cases which were challenged before the High Court on technical grounds such as error in the date or the number of the case or defect in specifying the stage of the case concerning the detenu in the grounds or for the reason that one of the grounds of detention has been found somewhat defective, even though the other grounds are found to be valid and sufficient to uphold the detention order.

In order to cure the technical lacuna, the Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immortal Traffic Offenders and Slum Grabbers(Amendment) Ordinance 1987 was promulgated.”

There is a technical lacuna. That is why you have brought the amendment. But before this, an Ordinance was issued and is placed in front of us. What is stated as the reason for the technical lacuna? If High Court has omitted something, then we will accept this. They have released two. Why have you released 19 members? What was the technical lacuna there? When the High Court informed the problems in this law, it came to your notice. But you have released 15 members. Advisory Board has released 4 members. On what basis have you done this? Why have you done this? If the reason for the arrest is not correct, why have you arrested them? Elucidate this. This law is not just for the goons alone. There are 6 categories of people in this. Bootleggers, Drug Defenders, Gamblers, Gundas, Immortal Traffic Offenders and Slum Grabbers. How many bootleggers have been arrested? In how many places have you implemented the law? State this. It is a different matter if you use it as you wish. That would be misuse. The other day, Gurmeethakal case came up. They said in this house. There were some goons. There were some goons who happened to get the company of good people. Hence this happened, said the Chief Minister.

President- Mr. Kharge, Please continue tomorrow. This meeting has been adjourned. Discussion will continue tomorrow. This has been adjourned till tomorrow morning 11am.

(The House was adjourned at 5pm and was decided to assemble the next day, on 3rd February 1987 at 11am).

Page 269 is not for translation

Page 274, 275 is in English

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Page No. 417.

Proceedings of the Assembly

President: The bill has been presented.

(A) The bills are presented for reviewing and for approving.

The Prohibition of Bootleggers, Drug Defenders, Gamblers, Gundas, Immortal Traffic Offenders and Slum Grabbers (Amendment) Bill 1987.

(Continued discussion of the proposal)

Sri. B.K. Koliwad(Ranibennur)- Honourable President, I would like to speak a few words against The Prohibition of Bootleggers, Drug Defenders, Gamblers, Gundas, Immortal Traffic Offenders and Slum Grabbers (Amendment) Bill.

When we go through many articles and opinions of diplomats, already there are many laws that are entering our state. The numbers of laws are increasing. It is rue some to see, how these laws are put to use and how it functions. While making any law, it should be borne in mind that how effective it would be and then it should be made. Today if we see the amendment of section 6(a), this is not judicious completely. We are not here to support the goons, drug offenders and the gamblers.

(Honourable Vice President in the Chair of the President)

It is okay if 10 goons go without punishment, but punishment to an innocent is wrong, should be understood as the main principle. Today we are trying to curtail the fundamental right of the humans by bringing a law. Without any reason, the freedom of an innocent is being snatched. Is it worthy for such people to stay in democracy? Or are such laws, be made by the members of the assembly is to be thought over. As per the amendment, how so ever the ground is....It is tried to present this bill for passing, Non-existent, not relevant, or for any reason, it should not become invalid. Today, in the Government of Honourable Ramakrishna Hegde and in the presence of Honourable Rachayya, such a law should not be made. This snatches the freedom of an innocent and curtails his right is with political malice. I would like to say, it is truly pitiable because, the law that we are going to make is seen by the people of the state and the diplomats. If it is seen judiciously, if the legislators are doing this, then we can understand the level of the members of the assembly. By doing so, I'd like to say that we would be displaying our littleness and our limited knowledge. He can be any goon, there should be a right to confirm him as a goon or not. What are the objectives stated to bring in the amendment? This has legal lacuna. It is stated that wrong dates, etc have been mentioned in the Statement of Objects and Reasons, which resulted in their release. In just 25 cases, 15 cases have been done away by the state government itself. When heard of the two cases in High Court, I would like to warn the Government through you that, it will attribute to political misuse. Cautiously, it should be used in such a way, that it will not snatch the Fundamental Right of freedom of humans. Instead, such laws should not be made arbitrarily. Even in the presence of the discretionary power, the discretionary power must be used judiciously. Judicious discretion should be there and it should not be made as an arbitrary rule. In case if it is given that way, I would like to warn that in future many risks will have to be faced. Therefore, I conclude by completely opposing this.

Sri. R. Venkataramaiah(Mulabagil)- Honourable President, the minute this goonda Act was enacted, we said, we did not like this. Honourable Rachayya also is aware of this. There are some issues when the proceedings of C.R.P.C 107, is taken. As you are aware, C.R.P.C.110 has been amended. If he is a professional goon, then there is no issue in detaining him. These people have again converted it and made an act. They need more power and they have brought this thinking that, using these powers, it is possible to control. Sir, it is a real shame to see this, as you were also a lawyer, honourable Rachayya also practiced as a lawyer. High Court has objected. So to overcome this, you have brought an act. It is enough if you read the objections of the High Court. Now you have brought an amendment to 6(a).

Grounds of detention servable

6(A) (a) such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are-

i) Vague

Do they not have machinery? Do they not have administrative machinery. Do not give vague orders. Give definite reasons and arrest. It is to be clearly told 'You have committed such and such mistake on such and such date which amounts goondaism'. Next non-existent, there is no other worse insult... such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are (i) vague; (ii) non-existent; (iii) not relevant; (iv) not connected or not proximately connected with such person these are the four grounds they are saying. I think here too, when police give a notice to such persons, while filing a case in the court, while giving the detention order in writing even if it is vague they will tell the District magistrate that it should be overcome and it is ok. such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds are (i) vague; (ii) non-existent; (iii) not relevant; (iv) not connected or not proximately connected with such person. This is what you have said here. What I say is that there should be a common sense approach. You give this order to the officers to arrest Goondas. District magistrate will do this. But the High Court says do not make it a vague order. Let it be a speaking order. You should not arrest on non-existent or non relevant grounds. There should be relevant to arrest and detention. There should be reasons to call a person Goonda. No body should be arrested on non-relevant grounds. There should be reasons for arrest, detention and relevant reason to detain. They make it further clear. It should be proximately connected to the crime you allege. If we say this also should not be there. They would have said during the emergency that arrested persons can not be detained.

You please ready yourself and see what they have said. The last portion of your amendment it says:

Explanatory Statement

The State Government has experienced some procedural difficulty to sustain the detention orders in certain cases which were challenged before the High Court on technical grounds such as error in the date....

It was not necessary to bring this amendment for the only reason that the date was not put. Somebody commits a crime on 15th date.

Police officer has recorded it on 20th. That is the irresponsibility of the police officer. You can take action against such persons. There was no necessity to bring an amendment for this. We have so many bootleggers in our Karnataka State! So many Gamblers! But you have arrested only 26 people in the whole state. You yourself have released 16 out of them. Consultative committee has released 4 persons. Only two persons are in place. This fact is known to Sri Rachaiah also. We also know where are goondas, what are they doing etc. You also know. Police knows better than us. They too have not got success. Goondas have escaped from them. If the police by taking their regular bribe, set free the goondas who come to the police station, how do they control goondas? We all very well know the goondas in our state. More than us excise people know. But they do not catch who bribe them regularly. They catch who do not pay them the bribe. Thousands of people died in the circus tragedy. But the person connected to that tragedy Mr Ameer Sulthan is roaming around freely. No body is touching him. There are many people like this. You have arrested only two persons in Goonda Act. Do you need an amendment to this? Was it necessary? It is like degrading the police efficiency. It is like disrespecting the High Court. In the Karnataka State you have arrested 26 persons in under this Act. You should have given correct explanation. You have not given. This is the 108th proceeding, to control the law and order situation in the State. Many of our Hon'ble members have spoken that the law and order has not been controlled in the State. Dacoity takes place in the state. Robberies take place every day. It is increasing day by day. Police has been able to control. Due to such a situation you are not utilising this act properly. I would like to ask one question to the Hon'ble Minister Sri Rachaiah. You have filed nearly thousand cases, out of which proceedings of 108 cases is vague. Dismissed cases as non-existent is on 4-5 cases. There was no necessity to bring an amendment just for the simple reason that the High court has passed strictures. This amounts to disrespecting the High Court. Hon'ble Home minister should have thought over it. Here complete information should have been given. It is injustice if a police officer files a non-existent case vaguely. This will be against the constitution. Instead of controlling such things, another amendment is being brought. With this, police can put any body behind bars without any reason and give trouble. This is a crook Law which gives such a power. There is no dearth of gamblers in Karnataka. There are big gamblers who display large boards and earn lacs of rupees. There are many clubs in and around Chikkapete. Your Police do not nab them. If some person for fun takes out a pack of card on the road side he is dragged to the police station, languished there for 2 days, beaten and then sent back. Has the bootlegging stopped during your regime? Bootlegging continues. Recently during elections thousands of litres were supplied. One person died in our Mulubaggil area due to consuming hooch. These illegalities can be contained with the existing laws.

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I clearly say that there is no need to bring amendment for this. Amendment amounts to insulting the High Court. If we really desire that there should be a law, we must repeal this. We have provision in the existing Goonda Act. You form laws and handover it to the powerful people. You are giving this law in the hands of officers who are power raving officers. You make a provision to put somebody behind bars for the simple reason that he has not paid the bribe. You say it would be convenient to nab drug offenders. You can not catch drug offenders. They are millionaires and set the officers by paying lakhs of rupees bribe. You have not controlled bootleggers. Coming to traffic offenders. You know that it is not possible for you. You have framed new law for slum grabbers. You demolish the huts of poor people. This is really unfair. Therefore I request to kindly repeal this law. Why do you need a separate act when you have provision in the existing acts? I conclude by requesting Sri Rachaiah to take back this Act.

Sri K H Patil (Gadag) : Hon'ble President, Sri Rachaiah as the Home Minister of Karnataka has brought an amendment to nab Karnataka Bootleggers, Drug offenders etc. The Hon'ble minister is convinced that with the existing laws innocent people, politician are harassed. If he thinks by amending the existing acts the problems can be solved, let him proceed. But it will not be so. Mahatma Gandhi said once. The best governed government is the best government. Hon'ble Rachaiah must ponder over this. We do not remain as Ministers for long time. But the law passed by us will remain for long. It is good if the officers implementing these laws, use them for the good of the people. Officer should think that public interest should be of utmost importance than officers interest.

2-00 pm

+Sri K H Patil:- We must understand that the public service is more crucial than our power and give attention towards that. Instead of giving in the hands of right persons, if Sri Rachaiah gives to others, it would be like giving the pearls in the hands of a monkey. Just imagine what would happen if pearls are given in the hands of a monkey. It will be surprising if the people who have framed this act become victim of this. Who is doing goondaism today? In whose hands it remains? Who are Goondas? They are the police. I have to mention that no one does the goondaism that police do. They are the real Goondas. They drag and beat the innocent people on the streets as they like. No one stops them. They disrobe ladies and do atrocities; thrash them, beat them. There is no one to ask them.

+ this sign suggests that the Hon'ble member has not revised the note or speech.

Innocent people, poor and people from weaker section are troubled by filing false cases under section 107, 144. They are put to trouble in many ways. They are made to suffer. No body to ask them. It would have not been possible to live had there been no High Court. Such a bad situation has been created. People are in trouble as these cases remain in High Court for years. I do not want to say that here. Just consider the recent incident that took place in Gulbarga. The elected members, town municipality president were beaten by alleging some reason, were made to march naked and insulted inhumanly. Who did this? Who gets the credit for this? The same People who do Goondagiri. Are they not Goondas? The officers be it S.P or IGP or any other officer will see who are in the power. They will do to please Rachaiah as he in power. His men will be freed. Arresting people who are not connected. Such actions are taken. Hon'be Rachaiah may have a secular feeling. But people non secular bent of mind will do like this to Rachaiah even. It should not happen. That is my intention. You must remember Gandhiji's saying today at least. You have said while framing this Act. You assured to use it in the right way. You pleaded that it would be helpful to nab goondas. You had got the consent also. How many Goondas have been caught till today? No one. You said you will catch Corrupt. Could you catch them? You catch a poor who takes 4 anas (25paise) for a cup of tea. They fall victim. Persons who swallow lakhs of Rupees do not fall into your net. This is the situation. With regard to gambling, it is said that the Government does not encourage gambling. What is known as gambling? Is horse race not a gambling? Right from chief secretary to IGP, do they not go there every day? Do they not have liquor supplied there? The power you entrust with remains in their hands. Your officers are full madness. You have to consider this. There are many officers who drink. Just imagine how their behaviour would be. People with god fearing behaviour, act like devils when they cross gentleness. One does not remain human after drinks. If nice people are there amongst them they fall into the net. Officer who misbehave after being drunk do not get caught. Law must be framed for then. But if we give the Goonda Act in the hands of such people, people who come to their standards are left free and who do not come to their standards are caught. Take the hooch for instance. Many people who have not worked honestly have come up. Swindled Crores of rupees. Isn't it? Bad people are there in your side, in our side also. But who would identify the real bad people and punish them? Who is going to encourage good people. Tell. You are gentleman. If the gentry to be saved, rogue must be punished. Gentle people should be protected. You have brought in this amendment with this intention. As already explained by Sri Venkataramaiah, the basic principle of the criminal law is that even if ten offenders maybe scot free but an innocent should not be punished. Foreigners have agreed to this. How many criminals have been punished in your Gram-swaraj?

How many innocent people have been saved from the punishment? When we have such a situation, if you amend the act and give more power to the officers, can you save the innocent being punished?

Persons who do not know the trade go to jail whereas persons who swindle crores escape.

Sri Vedanta Hemmige: Do you mean to say the person who do not drink only should arrest a drunkard?

SiK H Patil: I can't say as I do not have the experience of drinking. You are saying. You are while defining the democracy announce that you will give more power to the rural people and invited Sri S K Day, Sri P V Narasimha Rao to a convention. You say you want to give more powers to the people but giving more powers to the officers. Is it Proper? Do you agree?

I am giving the example of our Gadag. A member of the municipality was painted as Goonda and the SP, IGP all filed a report against him stating he be slapped with Goonda act. But that member was not a goonda in fact. Fortunately, the Home Secretary, Sri Muddappa who is a nice gentleman, understood the matter and released him. He came and asked me. I told him to go to the court. We have many such cases. Not one or two. How many real Goondas have been punished by the officers who labelled a gentleman as goonda. A goonda who has swindled money in two or three organisations jumped to from your party to Gundu Rao's party and got all his cases withdrawn when he was caught. He is the real Goonda but escaped. But do not harass a person who is not a Goonda.

When examined from other angle, Gambling Houses function in Hotels. Hooch is sold more than the Regular Alcohol. Who is responsible for this? Was it possible for Goondas to do all these without the encouragement from the Government? Excise Contractors who owe hundreds of crores, are they not Goondas? Think over all these issues.

I have to say one more thing. In criminal law no doctrine reason works. You have mentioned about this. The law that can be destroyed by the human being. A law that gives an opportunity to reform. Not informing what crime they have committed, don't give the date of crime, they have undergo punishment without doing anything wrong. Do you have the intention that they should not got the court? Do you think that is your good intention? Kindly think over it. You say that if there is a rogue government officer, there is no law to remove him. You say that notice should be served to him. On number of occasions police officers have hit the press editors, legislators. They have subjected the legislatures to inhuman acts.

Sri Beelagi is not here. Did you not notice insults meted out to his girl children. Are they not Goondas? What happened on which date also could not be described. Every one can not come to you. It is unnecessary for every one to come to you. When officers misbehave and become rogue, who will come to the rescue of the respectable people. You have to give extra attention in this regard. If the High court releases the person arrested by you, you say that you have nabbed but the court freed. Are you going to close the High court? How is possible that the high court is closed down and you are allowed to do as you please? How long will you be there in power? No one remains in power permanently. People who have said that they will be there as long as Sun and the Moon remain, are all destroyed. The power is not permanent. I do not say that you leave this. The good work done by you remain permanently. There will be a helpless condition where the people who lost power would say that their sons are implicated in Goonda act. Many former Ministers have issued statements. They say they have list of corrupt persons who have given money for elections. Don't you know this? People who exploit poor and collect money in the name of party and swindle it without giving any account thereof, are they not goondas? If you admit your guilt for the actions you have taken earlier, time will be over. It should not happen to you also. Whom do you say that he is a goonda? Are they not goondas? People around you tie your hands. The Act we have now itself is very vast. With the existing laws, if followed meticulously is enough to nab umpteen number of goondas. Let us not take a bad name from the people of Karnataka by framing another Act. The entire people of Karnataka will get a bad name and will be in grief for the wrong doings of somebody due to the bad governance. I conclude by strongly opposing this, and request you that such a behaviour should not happen from your side and thanks to the Chair.

+Sri P M Chikkaboregowda:- Hon'ble President, Hon. members have spoken at length regarding the current happenings in the society, the incidents of crime, how the officers misuse the power, but not spoken on the merits of the amendment. The intention of bringing this amendment is like this:"6A. Grounds of detention severable Where person has been detained in pursuance of an order of detention under sub-section (1) or sub-section (2) of section 3, which has been made on two or more grounds. Such order of detention shall be deemed to have been made separately on each of such grounds".

In this one what I have understood is, there are two stages here. The first one is detention order, the second is that detention order is wrong. That has to be cancelled.

After preparing this detention order, if there are found to be 5-6 errors and the detention order was based on these 5-6 errors and if there are one or two shortcomings, it is considered as vague or there can be some points which were not proved. Therefore if the order has a one or two mistakes that detention order should not be cancelled. I understand that the amendment is brought here with that as the intention. When we speak on this, we should not consider how this was misused or police have misused earlier and what disaster took place. This amendment is being introduced with the intention that the detention order should not be cancelled for trivial reasons or only because of small errors. Therefore it does not come under the purview of any incidence or bootleggers have increased, alcohol consumers are increased, gamblers are increased, gambling dens have increased. What we have said here is after the detention order is issued and if some small defects are found in that it should not be cancelled only on that ground, or the person involved in goondaism should not escape. We have brought these amendments only with that intension and there no other intention. Therefore I request to second this amendment and be allowed for discussion.

Sri Mohammad Liaquidin Buranuddin (Bidar): Mr Speaker Sir, the amendment which is going to be introduced to the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug offenders, Gamblers, Goondas, Immoral Traffic offenders and Slum –Grabbers Act is in no way justifiable because from the amendment which is going to be sought, it is clear from the wordings of the amendment that:

“Where a person has been detained in pursuance of an order of detention under sub-section (1) or sub-section (2) of the section 3 which has been made on two or three grounds, such order of detention shall b deemed to have been made separately on each of such grounds, and accordingly:-

- b) Such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are-
 - vi) vague
 - vii) non-existent
 - viii) not relevant
 - ix) not connected or not proximately connected with such person.

So, it goes to show that the amendment is in respect of the person who has been detained in pursuance of the order under sub-section 1 or under sub-section 2 and the sub-section 1 and 2 of section 3 and that same order is going to be reconsidered. There is no separate order. My friend has argued before the house that there are two separate orders and after detention to modify than order such an amendment is being sought. It is not the true state of affairs which could be interpreted under new amendment. So any order going to be passed by the Government or any officer is above accepted principal of rule of law. Whatever, the order of detention the High Court has held null and void, not maintainable or set aside on some grounds. It is because the liberty of the individual is more valuable and the liberty of the persons cannot be given in the hands of the police. Police are the person who are in charge of the law and order situation. They can not act oppressively against the citizens, because if any person is going to be detained, there should be some material, some grounds and without material n ground no person could be detained or put behind bars. There is various Rules of varies High Courts. If any person is going to be detained there should be some material before the officer who is going to arrest the person and he should be satisfied that such a person has committed such an offence which is injurious to the interest of the society. If the material is not there is no such ground and if there is no satisfaction then it has to be recorded compulsorily by such an officer or the government. In my view if all these grounds are taken away at the whims and fancies of the policeofficers or the government any person can be kept behind bars, according to this amendment. Section 6 A is going to be inserted. Clause (a) reads as follows:

- c) Such order shall not be deemed to be invalid or inoperative merely because one or some of the grounds is or are-
 - i) Vague
 - ii) non-existent
 - iii) not relevant
 - iv) not connected or not proximately connected with such person.

What does it mean? What order is going to be passed? If the order is vague, the police officer or the government will not be held liable. If the order is non-existent, even then the person can be kept behind bars. If the order is not relevant, even then the order is valid. Moreover if the order is not connected or proximately connected with such person even then that order is valid.

We are living in a civilised society and we are respecting liberties of the individual persons. Constitution of the liberty of individuals and the individuals are to be protected. If such a clause is --- person will be free and every person will be a victim.... Officer who acts oppressively. So whenever the law.... Be introduced, the law will be having far reaching---- and it will be having permanent remedies available---- individual.

If the remedies of the individuals are taken away by Legislation then there will be no liberty for an individual--- person can survive that liberty in a peaceful manner. So the opinion this amendment which the Government is seeking beyond the precept of the criminal jurisprudence. In—Statement of Objects and Reasons it is said:

“ The State Government has experienced some procedural difficulty to sustain the detention orders in certain cases...”

I do not know what are those procedural difficulties. The procedural difficulties should be enumerated. We should --- those procedural difficulties which the Government is --- when any order detaining person or putting a person behind bar can not be sustained before the Court of Law. Government should state as to what are those procedural difficulties. It should enumerate such difficulties. The House and the citizens can be kept in dark as to what are those procedural difficulties. Those difficulties should be enumerated. Unless those difficulties are enumerated before the House and the House is being kept in darkness, how the discussion should take place? As a matter of rule whenever any person is going to be arrested, before arresting that person the who is going to arrest person should record certain grounds should be based on certain material and those materials and ground should be considered. The officer should satisfy himself and the satisfaction should be recorded in writing. Unless it is done the order can not be upheld in any Court of Law. If those rules and procedures are taken away then the police officers can act according to the whims and fancies. They can arrest a legislator. They can arrest a Minister. They an arrest any other person. We have experience that some days back Municipal President has been arrested. Our Legislator Sri Beelagi's daughter was arrested. There are so many instances. There are police excesses. When the law is brought in such a fashion, the citizens can not approach the Court of Law. Even if they approach the court of law, they, in the presence of such a provision of law, they can not get any remedy

(--- indict text is not visible. The text was in english)

They are claiming that there are some technical lacuna in passing the order and after passing the order the courts of law are upholding those orders. What are those lacunae? Those lacuna and procedural difficulties should be enumerated. Unless those things are brought before the House the discussions on this legislation cannot take place. Moreover, according to our experience, the police stations are breeding centres of the bootleggers, drug offenders, immoral traffic offenders and all other offenders which are harmful to the society. The police officers and bootleggers are having mutual conspiracies and offenders are having access to the police officials. They are sufficiently strong persons. The police officials will not arrest the bootleggers or the habitual offenders. But they are arresting peaceful citizens. The persons who are habitual offenders, bootleggers gamblers or whosoever, are having access to the police station and not only to the sub-inspectors or to the Circle inspectors, but also to the higher officers just like SPs and Dy. SPs. All those police officers are protecting those bootleggers and the goondas.

2.30PM

Goondas are more stronger than the legislators or the municipal councillors or the newly elected mandal panchayat or zilla parishat members. They have access to the police and the police also don't listen to the legislatures. They listen to the words of Goondas. There is a vicious circle committed to connivance of the police. There will be no offence at all because the matters of drug offenders and slub grabbers, the police are assisting these goonda persons. The first step that should be taken by the government is to see that there is no link between goondas, bootleggers and police officials. There should be deterrent action and accordingly law should be framed. Unless this vicious circle is broken no amount of legislation will be useful and it will not rescue the innocent citizens from being harassed. So the legislation which is going to be introduced, in my opinion, will be harmful to the society and harmful to the innocent citizens. Because the stronger one will escape from the clutches of the police officers or the government. Only innocent persons will be victimised, oppressed and harassed. If such a overriding provisions are provided in the legislation, there will be greater harm than greater benefit to the society. So, I totally oppose this new amendment and urge that it should be dropped. If at all any amendment to the Act is going to be made, it should have clarity of mind, clarity of words, and clarity of provisions. Unless that is done, this Bill can not be passed in this House. With these I thank the Hon. Dy Speaker for giving me an opportunity to speak.

+Sri B J Kotrappa (Harihara)_ Hon. Speaker Sir, The amendment brought amendment is appropriate and just. The amendment is sought with the intention that a person should not escape from the law and should be detained . I support this amendment is sought with this intention. The Hon.member who spoke just now said that ours is a civilized society and therefore this amendment should not be brought. The word civilised society will not apply to many cases here. For example we see illegal cases of DIG is being slapped in the police station, ladies walking on the road being and pulled into a car subjected to abduction. People who say that ours is a civilised society, where were they when such acts of crime took place? If we form a civilised society, we have people to correct the society in one side, and people the society in another side. As the Government has sought this amendment with the intention of detaining the people who are working against the interest of the society and to protect peaceful and honest people. Their intention is bonafide not malafide.

Sri M Mallikarjuna Kharge: He has told the truth, I congratulate him for that.

Sri B G Kotrappa: The tongue slips. I will give the answer.

I express that the government has sought this amendment with good intention and not with bad intention. When the government puts person behind bars number occasions and Court of Law releases him saying that there is no date , no information, will be emboldened to commit more crimes. On realising these reasons, the government has sought for these amendments as the anti-social elements should not be released, because if they are released they get further emboldened. I do not understand who is going to be in trouble because of this. Does the opposition has the intention to encourage the anti social elements? Should one understand that if the High Court releases such persons will be encouraged by the opposition? Is that the reason behind opposing the amendment? When we introduce amendment for strengthening the society, for the well being of the society, it is not decency to oppose it. Give instances of legislature or MPs being put to trouble because of this. A person can not be considered a good gentleman on looking at the status he has. When the government is committed to take action irrespective of the status one has, as a courtesy it should be agreed upon. With this, anti socials can be put behind bars and we give an opportunity to the people to live in peace. This should be appreciated.

Sri M Mallikarjuna Kharge:- Sir, as per the statistics given by the Hon. Minister last time, 26 persons have been detained under this Act. Out of 26 people, –people have been released by the Government itself. 4 People have been released by the consultative committee.

+ sign indicates that Hon. Member has not revised the Note or speech.

Remaining two persons have been released by the High Court. Do not know remaining two persons were released or not. Is it necessary to amend this Act when you yourself have released 19 persons. You might have goondas who support you. While bringing this Act, you wanted us to strengthen your hands, so we did it. Now you have sought for amendments asking to strengthen your hands again.

Sri M Ramappa: They are framing the law they want and trying to put MLA behind bars. Some were made slum lords. Demanded 20 thousand failing which they said they would throw them outside the district. Janata Party people built so many huts. No actions were taken against them. Why should we give power in their hands? We have come to the conclusion that nothing would be possible by them.

Sri B G Kotrappa: Government does it judiciously. Hon. Member talked about releasing. Government does a decent good job. Government has the decency of releasing the persons as directed by the High Court. You must realise that the Government obeys the Court. When they are released by one or the other reason, they have sought for the amendments to detain once again.

Sri S Bangarappa:- If you release the person will reform, but if you keep inside the jail he will become bad a man.

Sri B G Kotreppa: They have deliberated about them in the explanatory statement.

“Provided that in a case where no fresh facts have arisen after the revocation or expiry of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall in no case, extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order.

Therefore, we do not have the intention of keeping to any extent of time as was there during the regime of Kings. The Government for the welfare of the citizens for the peaceful living has brought this and there is no reason to be to fear. There is a system to live judiciously.

Sri Mallari Gowda S Patil:- Hon. Kotrappa is probably going to be a Minister.

Sri M Ramappa: We were slapped with false cases.

Sri B G Kotrappa: This amendment has been sought due to a technical defect. In order to cure the technical lacuna, Not going to any thing new. When many faults were identified, it is the duty of the government to amend it. Hon. Rachaiah honouring the judgements given by the Court has sought for the amendments carefully. It is not correct to say that by amending there will be fear in our minds. By amending this, people exploiting, harassing others would be kept in jail and the peaceful society be built. Therefore I support the amendment sought by the government.

+ Sri Chandrakantha G Bellad (Dharwad): Hon'be Dy Chairman Sir, I welcome the amendments sought by the Hon. Home Minister Sri Rachaiah. This is an appropriate amendment. As we have been seeing, the Government has brought a law to control the Goondas, anti social forces engaged in disturbing the society, although we had number of laws to deal with them. It has implemented the said act and put many goondas behind bars. But for some trivial reasons these goondas get released. Had the Government not brought such a law there would have been higher chances of these elements spoiling the health of our society. It is clear that the government officers do not take care of the interest of the society and as a result anti social forces are coming up. Therefore, if the government officers act in the interest of the society with help of present Acts, it would be good. I conclude my speech by welcoming the amendment sought by the government, and hope that it would be good for our society.

+ Sri U Bhoopathi (Sandoor):Hon. Speaker Sir, I had given an amendment to you last time itself when this Goonda act was introduced in the House. But you had rejected it. According to me as long as there are people who foster these goondas, any number of goondas acts will not be useful.

Another point is, when we see some Acts of the central government, and when we really think about the laws required to our country, we have Acts which give power to the Police more than we envisaged. For example National Security Act. Police have very good weapon with them. Th Government is not functioning in the right way. How the grounds of detention was pursued:

“Where a person has been detained in pursuance of an order of detention under sub-section (1) or sub-section (2) of section 3 , which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds, accordingly, 9a) such order shall not be deemed to be invalid or in-operative merely because one or some of the grounds is or are:

- j) Vague
 - v) non-existent
 - vi) not relevant
-

+ sign indicates that Hon. Member has not revised the Note or speech.

- (iv) not connected or not proximately connected with such person; or
- (v) Invalid for any other reason whatsoever; and it is not, therefore, possible to hold that the Government or the officer making such order would have been satisfied as provided in sub-section (1) of section 3 with reference to the remaining ground or grounds and made the order of detention.”

Hon. Speaker Sir, when we look at the way they have given here, more or less, appears to be reducing the Act in the High court. If a person to be arrested vaguely, a notice has to be issued. Reason of detention to be asked. Without doing that if the amendment is passed any body can be arrested as they please. As explained by the Hon. Minister, Sri Kharge gave the detail that 15 persons have been arrested and released. Thus the Act has not been implemented properly and an amendment is being sought. There are enough powers in the original Act. Police should take right action. I have been observing from 1985, the day I became a legislature. Illicit liquor used to come to our area arrack shops only. Today hooch smell is coming out in every lane, from every house. After they took over they have distributed licences to thousands of bars and alcohol shops. Such a situation has come after they took over.

Sri D T Nayakumar: For that we need your cooperation. You should inform the police officers as to where do you find the smell. You too have the power.

Sri U Bhoopati: We know, what does the police do, If the department does not do their work honestly in the right way, it cannot controlled even you have any Acts. Nothing can be achieved by bringing amendments every now and then. We have enough laws even now. You stop there. I conclude by saying there is no need to amend this. I thank the chair for giving me an opportunity to speak.

Sri B Rachaiah: (Home Minister): Hon. Dy. Speaker Sir, Many members of this house have participated in the discussions about the amendment and expressed their opinion. I thank them for this. Mr Kolivad who started today, Sri K H Srinivas who spoke yesterday, and Sri Kharge in their initial speech said that even a draconian law can not be implemented successfully by them and asked why should they be given more powers. Perhaps, the changes should have been incorporated while passing the law. This is a result oriented Act. They have argued that taking in to police custody without enquiry is not appropriate in a civil society. They had expressed lot of apprehensions while framing this law.

But they have handed over this Act with full confidence to bring peace in the society by controlling the antisocial elements coming under this category. We probably have done this to put behind bars the antisocial elements who are disturbing the peace, without any enquiry for a month and to avoid the damage to the society. Under this, there is a power to keep a person in jail for a year. As per the Act, power was not given just only to a sub-inspector. As the power was given to District magistrate he would prepare the detention order and give it to the Government for approval. While sending for approval, we have provided, that under this act they have got to do as per rule under section 1-2-3. If they commit one or two errors and if they have not given proper reason for any reason, it is sent to the advisory board. In the advisory board there is a High Court Judge as president and two other members. While the Act is being implemented, they will exam whether the detention order is issued as per the law, and cancel it if not issued as per rule. Person has to be released as soon as the order is cancelled. Other than this if a person goes to the High Court, they put not one reason but examine four reasons and if one is found to be wrong, detention order has to be cancelled. 26 persons have been taken into custody on the charges of many anti social activities and they were to be released for different reasons. As per the orders of the High Court some persons were released after studying the reasons for which High Court has set aside the detention order. As we did not want to commit the same mistakes.

Sri mallikarjuna Kharge: How many people have been released after getting the High Court Order? How many persons were released before the order?

Sri B Rachaiah: out of 42 people, Detention order approved by the government 19. The detention order has not been approved by the Government 23. Did not approve as it would be wrong under the circumstances. 12 people have been released as per the High Court order. That way when we see 29 are Goondas, two bootleggers, 7 Gamblers, two slum grabbers. Two persons encouraged the preparation of hooch. Thus 42 persons were arrested. I have been asked as to how many persons were released before the High Court order and how many persons were released after the High Court order. I will get the details. Persons acting against the interest of the society escape for some reason or the other. There are good advocate who argue that the person has not committed any crime although he had. Therefore the anti social elements are not just supported by the Government or the Police. To some extent we have people here the way we have in the society. By framing this Act, the inconvenience caused to the people can be avoided and given justice, peaceful satisfactory life. Not for putting goonda act on the people who oppose in the party.

Could have punished as per the law, Could have troubled. It can be understood from the statistics. The statistics suggest that there is no fear .of misusing this law.

Sri M Mallikarjuna Kharge: You might not have done. If there is a law some one can do it in future.

Sri B Rachaiah: So far I was not bothered.

Sri M Mallikarjuna Kharge: It is not the question of you alone. The law remains permanently. It will be there till we agree for that. Howsoever the law is good, it remains in the hands of users. If done in a bad manner it will be bad, If done nicely it will be good.

3-00 PM

Sri M S Krishnan: Nehru once told in the parliament when such a problem cropped up that “ when we bring such an Act It will be OK so far as I am there”. When every body When everybody raised a question as to what would happen after you, He said that the laws are to be made keeping the long perspective. He suggested to frame that law and stopped amendments. Referring specifically to Goondas, the present Law if used properly is sufficient to take action, he said. Hon’ble Minister is talking a great thing. Good. But what to do when it s misused ?

Sri B Rachaiah: I have to completely implement this law as far as I am there.

Sri M Mallikarjuna: What to do if you get a different portfolio in the future? Who knows what happens? Is it possible to bring amendments the next day?

Sri B Rachaiah: Srinivas has said that the law has been given to helpless people it can not be implemented. We have brought amendments in this law because we want to o something good to people who are facing difficulties. This is not a new Law. It is there in COFEE POSA and national Security Act. When this law is questioned in the High Court, most of the provisions would be accepted but due to some lacuna it should not be dismissed and. We should be able to punish anti social persons under the Law hence this amendment. We do not have any intention to arrest people or trouble people in the opposition or their friends through this Law. Had our intention been so we could have done it already.

Sr R N Naik: How would you do it?

Sri K H Srinivas: None of us have ever said that you are bringing this law to trouble us in person. We are discussing the possibility of misusing if this is brought to force all of a sudden and not saying that you have brought this to trouble us.

But my accusation is that there is no use of giving any Ministry to you. You have not done any thing with this Law. 3-4 people have gone to High Court. Remaining 15-20 persons were left before that. You have caught 26 goondas in the entire state. Why do you have this law? I ask. I would have said that you have done something even if you have taken four of us. It is our luck that you forgot to arrest us. You could have asked sorry. If you are not arresting any body then why do you have such a law. You are not doing injustice but not giving justice to people. It would have been ok had you arrested 100 Goondas and released 10 -15 people saying they are innocent. You are not putting Goondas behind bars. Then why do you need this law?

Sr B Rachaiah: They have been released for some reason or the other. High court said that it would approve only if all reasons are right and was dismissing for once reason or the other. So we were bit hesitant. The Law could not be implemented. Therefore we have introduced only the provisions of COFEPOSA and National Security Act in this. By doing so, we have some courage to take action. We have done this so as to take more action. We are not going to give this into the hands of a Sub inspector or an inspector. We are going to give to District Magistrate and in the hands of Commissioner of Bangalore city. Mr Srinivas has referred to the increasing crimes. It is true. It is but natural when they are free outside.

Therefore this could be a reason to stop this. But under criminal section 1512 they can be taken to custody. They can be kept for 24 hours and then to be produced before the magistrate and to be handed over to Judicial custody. Apart from that as per 110, 109 and 108 section such people can be taken to custody and can be released on bail. Such Laws are there. Committing new mistakes. If we do not think in those lines and fail to bring new laws it would create problems. Therefore it is better to control such people by bringing such laws. They used to release for some reason or the other. We have brought an amendment which states that even if there is one reason they should not be released. We are bringing all sorts of laws necessary to destroy such anti social forces. Therefore I request the house to give its consent to this amendment.

Sr M Veerappa Moily: Your intention will not be met by saying that it should be agreed even if there is any one reason. The reason also is very vague. You are bringing amendment to 6(a) in page 6. It is a law which states that even if there is no reason it should be considered as a reason. Even if there are non cognisable reasons it gives the meaning that it should be considered as non-existent reasons.

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M Shashikanth
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You have taken the protection in that. Although it is vague it should be considered not as vague. Although is not relevant is should be considered as relevant. It gives the meaning that if the charge is not against a person it should be considered as a charge against him. I do not understand this. Take the first clause.

You have said—"Such order shall not deemed to be invalid or inoperative merely because one or some of the grounds is or are:-

- i) Vague
- ii) Non-existent
- iii) Non-relevant
- iv) Not connected or not proximately connected with such person,
- v) Invalid for any other reason whatsoever;"

According to this even if there is no relation, even if there is no accusation it charges should be agreed as related. It is good that we are thinking of an amendment. Section 6 is correct. But section 6 (A) can create havoc. People who not instrumental for the incidence can be arrested. It creates a lot of problems. Think over it. Even to produce before the magistrate the report has to come from the police. They can book and create a lot of problems; If there is no report from the police what order can the magistrate pass? You are given a weapon in the hands of police to grossly misuse. No Commissioner or District magistrate can keep this. It is better to amend Section 6 (1) (a) 1 to 4. Or else it would be a reason for a disaster. Or else we have to clarify that. It is better to have 'more than one ground'. It is ok if other 2-3 grounds are vague.

If any one of the grounds is proved, it is valid. If it is like that then only it is safe, otherwise, it is not fool-proof.

Sri B Rachaiah: I too have doubt after his observation. It has been done as it is in COFEPOSA Act.

Sri M Veerappa Moily: You have a good intention. This should have come earlier. Those who have come out they died more. Gondas died fighting each other . Had this come earlier you could have saved them. Your intention should fulfil today. Today section 6(a), sub clause (1) meets that. It is possible if a comprehensive law is framed in the interest of the society. What we can do now is: even the third or fourth ground etc. they are not irrelevant. If this one charge is proved that is adequate There is a big difference between COFEPOSA and this law. That has got a National objective. It has got a localised objective. Any other objective will not be a success. It can not be included in any other context.

Sd/-

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 Karnataka Legislative Assembly Secretariat
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Even the amendment may be struck down by the High Court and this may be grossly misused by implementing authorities. You should reconsider this. Bring it tomorrow. By merely reproducing what was contained in COFEPOSA will not adequately arm you to deal with the situation. This has got to arm you with certain weapons which weapons will have to be properly used. If there is no effort, just inserting 'by merely' the sharpness that is required will be lost. Just think over it.

Sri B Rachaiah: There is a clause in the National Security Act. That is there in COFEPOSA also. Therefore it is omnipotent and this has been brought with the intension that let there be no escape routes. If the misuse of this Act is seen in future. I will try to bring amendments to this.

Vice President: The Proposal is:

“To consider the amendments to THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) BILL, 1985”

Proposal adopted

Bill to be reconsidered clause by clause

Clause two to four

Vice President: The Proposal is Clause two to clause 4 will be part of the Bill”

Proposal Adopted

Clauses from 2 to 4 has been added to the Bill)

Clause 1 etc.....

Vice Preident: The Proposal is :”First clause Long header proposal and to adopt the proposal to enact in the Bill”

Proposal was adopted

(First clause, Long Heading, Proposal and act became the part of BILL)

I request for the adoption of the Proposal THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) bill , 1985.

Vice President: The Proposal is to adopt "THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS(Amendment) BILL, 1985"

The Proposal has been adopted and the Bill was agreed.

III THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) BILL, 2000

Permission to Table

Sri M Mallikarjuna Kharge: (Home Minister): Hon'ble President, I Seek your permission to table THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment)BILL,2000 in the house.

President: The Porposal is: Allowing to table

THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) BILL, 2000

Sd/-

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Proceedings Editor
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X Annexure I, X Annexure II

7th November 2000

Proceedings of Vidhansabha

(Proposal Adopted and permission granted)

Sri M Mallikarjuna Kharge (Home Minister) : Hon'ble President, I a tabling before the house - THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) BILL, 2000
President: X Bill has been tabled.

X Annexure III, X Annexure IV, X Annexure V

Annexure III

Karnataka Vidhan Sabha

Eleventh Vidhan Sabha

Second Session

(Continued ...)

-THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) BILL, 2000

(The bill of Legislative assembly of the year 2000)

A bill to amend THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS Act,1985

As it is appropriate to amend THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS Act ,1985 (The Karnataka Actl 1985) for objectives mentioned hereafter,

On the 51 st year of Republic India, This will be the Act passed from the Karnataka legislature:

1. Brief name and commencement: (1) This Act shall be called THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS(Amendment) Act,2000

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Vidhana Saudha Bangalore

2. It shall come into force with Immediate effect.

2. Amendment to 2nd Section:- THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS Act,1985 (12 of Karnataka Act of 1985,) in 2nd section (G)clause , “Under chapter XVI” shall be substituted by the words and numbers “under Chapter VIII, Chapter XV, Chapter XVI”

7th November 2000

Purpose and statement of reasons

As stated in Indian Penal Code 1860 Chapter VIII crimes causing disturbance to the public peace and as stated in chapter XV to introduce sub clause to keep in custody the people involved in religion related crime or encouraging it is considered to amend the PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS Act,1985

Therefore this Bill

Sd/-
M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Soudha Bangalore

Legislative Assembly

Financial Memorandum Letter

The proposed action does not require any financial expenditure

M Mallikarjuna Kharge
Home Minister

Yakook Sharief
Secretary

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Soudha Bangalore

7th November 2000

1355

Annexure

THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS Act,1985

(12 of Karnataka Act of 1985,)

--- Part

2: Definition: Unless absolutely necessary to this bill

Xxx xxx xxx

(j) "Goonda " means a person habitually or trying to be habitual of punishable criminal offence or defrauding on his own or as part of a gang or as chief punishable under Indian Penal Code (1860 Central act XIV) Chapter XVI , or Chapter XXII

1354

Legislative Assembly

Financial Memorandum Letter

Due to proposed action no additional Expenditure

M Mallikarjuna Kharge

Home Minister

The proposed action does not require any financial expenditure

M Mallikarjuna Kharge

Home Minister

Yakook Sharief

Secretary

Sd/-

M Shashikanth

Proceedings Editor

Karnataka Legislative Assembly Secretariat

Vidhana Soudha Bangalore

7th November 2000

Annexure

THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS Act,1985

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Proposal for Deliberation

THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (amendment) Bill,2000

Proposal for deliberation.

Sri Mallikarjuna Kharge (Home Minister): Hon'ble President, I request to deliberate on THE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (Amendment) Bill.2000

Proposal is tabled

Sri Mallikarjuna Kharge: A small amendment is required in this Bill The Indian panel code chapter 8 and 15 should also be included in this. Earlier the chapter 16, 17 and 22 if Indian panel code were part of this. Chapter 8 and 15 should also be included in the same way. The offences coming under this must also come under this act as well. This is the small amendment. It was approved earlier. I am bringing it to your notice.

+Sri P G R Sindhia (Kanakpura): Hon'ble president, I welcome the bill tabled by the Hon'ble Home Minister and would like to say a couple of points. First of all our Government must bring this bill. That too the in the same line as it is there in Maharashtra.

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
Vidhana Saudha Bangalore

Sri M Mallikarjuna Kharge: We are bringing that. But here the amendment is only one sentence. This is already existing law. We are adding this chapter to this. Now we have the Indian Penal code chapters 16,17 and 22 The offences mentioned therein our "KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABBERS Act " of 85. We are adding these two chapters. Previously it was approved in the cabinet and the bill is ready. We are just adding that, That's all. The points raised by you too are there in this Bill.

Sri P G R Sindhia: You have to do that as well. According to my opinion it is necessary to strengthen the police department and home department with such laws. But the Government has to take a step of caution in this situation. If we do not take the cautionary measure and if we do not control the officers in the lower cadre, the disasters that can happen, the situation that can arise would not be imagined. We have said in that persons who are engaged or abetting the crime.

5.40 PM

In this bill we have a word 'Gamblers' . As known to me, Gokak taluk is taluk with the political enmity. You also would be knowing. The group clashes between Sri Karning and Sri jarkiholi has gone to the extent that during the day time between 11 and 12 am people belonging to one group entered to the houses of people belonging to the other group chopped of their heads, hands and legs and thrown to the streets over two kilometres. I have seen with my own eyes. Hon'ble Deputy C M Sri J H Patel was there. We had gone there with police officers. The atmosphere was very dangerous there. The same situation continue in Gokak taluk even today. Our former legislature Sri Chandrashekhar Naik is there. A sober person and was a former teacher. He was put into a jail on the charge that he was playing cards. Playing three card game is not gambling.

Proposal was unanimously adopted and the Bill was passed.

President: The Hon'ble Minister was discussing about the fall of prices. Let us continue with that. Thereafter we will take up the issue of falling law and order situation in the State. We have scheduled to discuss both these issues for tomorrow,

Sri Mallikarjuna Kharge: Hon'ble President, There is a small Bill related to me. Lt us take up this.

KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (amendment) Bill 2000

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In this bill we have a word 'Gamblers' . As known to me, Gokak taluk is taluk with the political enmity. You also would be knowing. The group clashes between Sri Karning and Sri Jarakiholi has gone to the extent that during the day time between 11 and 12 am people belonging to one group entered to the houses of people belonging to the other group chopped of their heads, hands and legs and thrown to the streets over two kilometres. I have seen with my own eyes. Hon'ble Deputy C M Sri J H Patel was there. We had gone there with police officers. The atmosphere was very dangerous there. The same situation continue in Gokak taluk even today. Our former legislature Sri Chandrashekhara Naik is there. A sober person and was a former teacher. He was put into a jail on the charge that he was playing cards. Playing three card game is not gambling.

Legislative Assembly

Many people play 13 card game for time pass. If money is involved then it becomes gambling. You also know what is happening in your area. But Chandrashekhar Naik was arrested on Friday and made to languish in the jail on Saturday and Sunday. He does not know how to play cards. He does not know Rummy with 13 cards or Parale game with 3 cards. There was an attempt to arrest and put people like him in jail. Please tell us whether we should not criticize or not. There will not be a chance to discuss this issue in some other situation. Therefore stating it now. It is such a deplorable act that we have many such places and taluks coming up with such political enmity. Hon'ble Minister must know this through this house. The situation in Bhatkal is coming to normalcy. I congratulate the officers who have been working there till now. Right from the days when Sri Veerappa Moily was the Chief Minister till now Sharp and excellent police officers were posted there. As a result the situation today is calm. But recently what's happening is, We have done more or less same thing during our Government, Your Government is going to do any thing, because now it is the computer age, Government of information technology, everything can be computerised, efficient, clean, transparent administration would be given, I Hope. I could not do. I had lot of expectations. I don't say fully you have failed. But partially, you have also failed. I would like to express with pain. When circle inspectors, D.O.S.Ps are transferred you transfer some officers to very important places. They salute us as long as we are in power. Salute you when you are in power. But some how they manage to occupy the same place. I am not saying that Sri Kharge or Sri Krishna is responsible. But our system is like that. In the present system legislative members of the ruling party are approached by them and lower rank officers say as if they have helped when in difficulty, as if they are instrumental for the electoral victory say they have served with all service except naked service.

Sd/-

M Shashikanth
Proceedings Editor
Karnataka Legislative Assembly Secretariat
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Our IPS officers have also committed some mistakes here and there. I do not deny. Some may remain there due to laziness. But most of the officers have good name in the state. But you do not have control over the postings of the lower grade officers. The control is based on the caste, group, party. Such a system is developed. Today Sri Ghorpade has not come to the House. I had a question on Rural Development. I hope he has gone to Sandoor with the Permission of the Chair. It would have been nice had he been present in the House. We ask for Gram Sabha. The level to which our political rivalry has gone frightens me. I am the President of Ashrya Samiti. Hon'ble Minister whole heartedly granted 715 houses to my constituency. I do not know how much he has allotted to others. But if I honestly try to distribute these houses to the needy in the Gram Sabha, it is not possible. Hon'ble President, right from your position, the instances of fixing cases against one another for political rivalry is found every where. Nothing is done beyond the party line. That is not possible. It can not be done beyond impartially. We can not give posting to officers who are clear. A situation has arisen in the country where we give to officers who are favourable to us. Same thing happens in the central Government while deputing officers. Same situation in the State also. In the State it is small scale but in centre it is in large scale. Therefore we must have control on lower grade officers. I would like to give a suggestion to the Hon'ble Home Minister at this point of time. That is difficult. But if you do, it would be a great help to the Government of Karnataka. As the intention of this Bill according to you is to prohibit and control Gamblers, immoral traffic offenders, bootleggers, drug offenders and Goondas. Now all criminals involved in the Bombay Bomb blast are found in Belgaum Savadatti.

Hon'ble Home minister must be knowing how the Bombay underworld Kings come to Bangalore, Mangalore etc. I congratulate our State C O D police officers for having investigating and identifying the Bombay Blast accused. The credit must partially go to the Government also. Had you not got a mobile phone all of a sudden you would not have been able to trace the culprits. Our police have done a good job when the public were panic. But by bringing this Bill that should not be misused. My suggestion for that is- Now Sub Inspector, Head Constable, Constable and Circle Inspector may not be able to do all. At least upto the level of Dy. S.P whether a commission be set up. Check it. A commission means it should be formed by 4 members consisting of a retired Judge, You as the Home Minister, Hon'ble Chief Minister and Home Secretary. If that is not possible you bring out an executive post and amend the rule that one should be there in one post for 2 or 3 years. If you do not do this, I feel, it would be like riding a tiger. I am speaking this from my experience. This is very difficult. We agree for Laws. We strengthen with the teeth it requires. Once it is formed we all get fixed in it. It becomes very difficult to repeal it. We are watching the increasing social struggles, cast enmities. Therefore it is very important to have a control on this department. I will talk in detail about the demand of the police department in March discussions. I have some suggestions. But for the time being because of these two laws appearing in the Bill, the control on the lower grade would be missing. You have to ponder over the issue of having control on them. They come to you while you are in the power. I too have the same experience once the power gone. You would also experience the same in the future. Therefore we must try to put an end to this. We had readied another Bill along with this Bill. But it could not be tabled in the house.

Sd/-

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I conclude by saying that if the same is placed in the house during the session we all would support it unanimously.

+ Sri Araga Jnanendra (Teertha halli): Hon'ble president. I have a small clarification. Hon'ble Mr Sindhia is the former Home Minister. He has spoken on the basis of his experience on those days. We all are new and do not know how your department functions. Therefore I request through you to the Minister to give clarification and to reply to my question. The clarification I require is, Why was it not possible to control the crime with the laws we already have? I do not understand how by adding one small word all Goonda activities, immoral trafficking could be controlled. Today by tightening the laws some officers will be more benefited. It can not be said that all officers are not honest. Some officers use this for them. They show the rule book and earn lot money. When we have such officers, think there would be no use of framing such laws and giving into their hands as a weapon. Sri Sindhia has referred about the Bombay Bomb blast. I saw some boys talking on the streets of Bangalore recently. They told they needed help to offer pooja to a hump. I asked why do offer pooja to a road hump. The boys told me that had there been no hump could not have been arrested. Which means the road hump has detected what our police could not do.

Sri Mallikarjuna Kharge: Hon'ble President, I would like to say some thing if the Hon'ble Member will not get angry. There were people of I.A.F near the hump you were referring to offering a pooja. Why they could not catch? The person arrested by our C.O.D was working as a store keeper in the Indian Air Force. Why he could not be arrested earlier? The person who was arrested yesterday, one Sheikh Hussain....

Sri Araga Jnannedra: has given some clue.

Sr M mallikarjuna Kharge: Once you catch you get the clue. One has to go to all places with clue. Otherwise how to do investigation? Does any body supply information to the house?

Sri Araga Jnanendra: I do not say the people there are vey nice and here people are bad.

Sri M mallikarjuna Kharge: Tell is what is wrong here. We are ready to get criticized if we have done something wrong. But what can we do if you say the right things as wrong?. Our officers have succeeded in this one by continuously working for three to four months. The Central Government has lauded and come forward to extend more help. But Hon'ble Member lauds the Hump!

Sri Araga Jnanendra: As I said earlier, I am not saying they they are good or our people are bad. I am not going to criticize. I do not disrespect you either. I am proud of the department. Now speaking on Gambling, is it possible to Gamble any where with out the police knowledge?

Sr M mallikarjuna Kharge: Hon. President, This an existing Act. The original Act was passed in 1985 when Scindya Governement was there. Sri Scindia him self had brought amendment to this. But he could not place the same before the house then. Therefore I am placing it today. This is not a new Act and it does not contain any new names. We are extending the same thing to two chapters of IPC. It is only extension of this Act.

Ari Araga Jnanendra: You say that it is proper to further amend the 1985's Prohibition Act 12. You may strengthen this one department to any extent, we are not saying anything. But what I say is that do not under the impression that there is going to be a magic or change after bringing this change.

If it is possible to change the minds of the officers of your department and bring about some change then you go ahead with the amendment. Then this can be set right. There is a rate fixed for getting transfer. Lacs of Rupees have to be paid to get transferred to each police station. For example, Why do they exert pressure on you and us for getting transfer to Upparpete in Bangalore? That is because the officers get income due the immoral trafficking there. If we are going to change a system like this all rules will have strength and value. All our discussions are worthwhile. If we have the concern that people should not go there and if we are to create awareness, we have to change the Police department. I take this opportunity to request the Minister that having taken the charge of this department must try to reform the department.

Sri P H Poojar (Bagalakote) Hon'ble President, I am not going to talk much about the amendments being brought here. I too have a concern as expressed by Sri Scindia and Sri Araga Jnanendra that this Bill would be misused. As narrated by Sri Scindia, during the fight with the opponent of Sri Nayak in Gokak, there were many instances of fear. I would specially like to refer to the playing of cards. We have been witnessing misuse of 'Gamble' in the prohibition acts and IPC. This was brought under CRPC column 107 as a preventive measure. There is a system where police interfere between the clashes between two groups and summon the respective group leaders and take a bond from them. In the same way, when charge sheets are filed when statements are recorded under 161 and 162,

I hope, we all have seen situations where innocent people were unfortunately dragged into. I would like to say that this amendment should be such that the police officers in the lower cadre should not get an opportunity to misuse this. Further, the word 'Gambler' has been specially mentioned in this. This has to be explained completely. I conclude by saying that it would be better if this amendment has a specific clear definition this regard.

Sr C Guruswamy (chamraja Nagara) : Hon'ble President, s stated by the Hon'ble Home Minister Sri Mallikarjuna Kharge, This Bill was implemented in 1985 itself. Now two amendments are being proposed for the same. The amendment bill is being presented with the intension of adding two chapters of I.P.C. When the Billt was brought before the house in 1985, was there any hindrance? And I would like to get the clarification from the Minister as to for what reason the proposed amendments are brought in. We have trust in Sri Mallikarjuna Kharge. But I would like to say that we have to thinks tens of times about giving before giving powers to the Police. You re trying to add to chapters to the existing Bill. Explain the hindrances you have in the present form. It is but natural to bring amendments to an existing Act. But we experience the problems while implementing the same. As referred by me now, it would be proper in you give the explanation first. I would like to inform through you that wWe have no objection in giving our consent to this Bill.

+ N Yogeesh Bhat (Mangalore): Hon'ble President, I have asked a question day before yesterday regarding the department of intelligence. Incidentally this has been included in the category of written answers. I have been provided with the answer in writing. I have already requested you to allow half an hour discussion on the department of intelligence. You have to give an opportunity to me. I have already asked to provide the information as to how many cases have been solved under this department.

Sd/-

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I have asked for more information. But I have been given serious answers. There was no clear answer. Therefore I would request through you for discussion for half an hour on this subject. Intelligence department can not be controlled unless it works efficiently. I would like mention a couple of issues pertaining to my constituency Mangalore which is near Mumbai. I would like to inform that the increasing acts of Goondaism and other activities happening in my constituency are very frightening. I would like to mention only some of the incidences which have come to my notice. When we come to know about illegal trafficking in certain hotels we bring the same to the notice of department officers and they raid the hotel but no one gets caught. But the locals have expressed that such activities happen regularly but the police before raiding the places intimate in advance. Common people are of the opinion that the hotels coming under the jurisdiction have connections with police officers of the respective area. Which means today policing is not a service but a business. Such covet locations are occupied by some for 8-10 years and many try to get transferred by paying lacs rupees as they can earn lacs of rupees. I do not want to elaborate as these issues are appearing new papers. We have find a way of change to this. A strict decision got to be taken not to allow any body to remain in one place for more than three years. As long as getting information from the intelligence agencies directly is not possible you can't have control over them. Where ever gambling dens are there, the police stations get lacs of rupees and is said that money is given regularly. I would like to say with pain that our government is turning a blind eye. Therefore I do not have the trust that merely by bringing amendments we can bring about a change. I do not oppose any amendment. But the bring a change in the desired level that is change .

Sri K Jayaprakash Hegden(Bramhavara): Hon'ble President, I do not oppose this Bill. You have to define Gamblers in this. Clubs are not raided but if someone plays cards at home they are raided. The Horse race taking place in Bangalore, is it not gambling? Because the way match fixing is happening in the game of cricket, race fixing happens in these races. Government should look into this. Why because, people lost their house, property etc in this race. Without banning this there is no use catching people who are playing cards in their houses. Now coming to bootleggers, officers know how many trucks of spirit have been supplied to which area. Instead of buying the liquor from the government and selling it, the business of mixing spirit and selling in sachet has increased. It has become a cottage industry of sorts in our District. Do excise department, the police department knows o the place of production, supply, place of sale yet they do not arrest them. It is there to an extent that the Government liquor sale is less and sale of illicit liquor is much more. Therefore it has to be controlled first. Otherwise it is meaningless to pass this law here. Now I would like to bring my personal difficulties to the notice of the minister through you. There is a bar and restaurant right in front of my house. Previously when our government was there, I had given some reasons and got it closed down. The bar which was closed for one and half years is again opened now. I have informed to the Chief Minister and excise minister in writing. The chief minister has acknowledged saying "Received your letter and instructed the officers to take appropriate action". But another minister Sri Krishnappa has sent a letter to the Excise Commissioner and I would like to read it.

President: There is no relation between Bar license and the subject matter before the house.

Sri K Jayaprakash Hegde: There is more of seconds business. Therefore they are related to each other.

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President: Narrate the particular sentence with regard to this. Do not read the letter only disclose the summary.

Sri Jayaprakash Hegde: I am telling this to show how powerful this mafia is. Hon'ble Minister wrote a letter to the Commissioner in which he states that he is not aware of any opposition to open this Bar. I do not oppose milk bar, I opposed liquor bar. Entire colony people have opposed the liquor bar in writing. The letter was sent to the Hon'ble minister. The license is in the name somebody else and the minister is recommending the name of some body else. The person who has the license is not running the bar, but another person is running the bar without license. Government has to control such cases. I have asked a question to Excise minister that how many shops are there without licenses.

President: You are changing the subject. What relation does Gambling has with this?

Sri K Jayaprakash Hegde: If there is no provision to bring these issues here then where should I go? This can not be brought out in the streets.

President: Talk about Decoity, Gambling etc.

Sri K Jayaprakash Hegde: Shops getting license for manufacturing illicit liquor is there not only in my constituency but all over. When I questioned in the house, the Hon'ble minister has said that there is no shop which got license, further he says, he will get it closed where ever is found. Does it not mean that such shops do exist? He himself gives dual answers like this. Therefore I told him that I would give him video recordings in this regard. So, what does it mean to pass a law with out controlling such activities. Therefore, it is possible to control such things then only a law should be passed. Finally I would like to say that we support to the activities of our dear ones, including bootlegging, for clubs. There is a phrase used in America, that is, if our close ones, if they were to be cannibals we would have offered them mercenaries for dinner. I conclude by telling the Government through you that the such a situation should not arise.

Sd/-
M Shashikanth

Sri M Malikarjuna Kharge (Home Minister): Hon'ble President, Many members have discussed about this and given some suggestions. Although it is not connected to this they have given suggestions for administrative reforms and how to activate the police department. I will keep it in mind. Hon'ble Scindia has said in the month march that he would give some suggestions. But my request is that, as we have two or three months to go, it will delay. If the department can be reformed with his suggestions, please give your suggestions in writing or I myself will come to you. Both of us can discuss. Many issues do not come to our notice or even if it comes we may think that is right. Therefore it would be fine if you give your suggestions in writing. It would also be fine if both of us can sit and discuss together. We will do as you think fit. If there is a possibility of setting it right or correcting ourselves, certainly we will do it. Now the issue of transfers and postings, you also know it. We too are given requests. You are also given requests. It applies to all. Therefore I am not going to talk much about it. But we have tightened the transfers this time. Many people would agree this. Because we did 500 transfers once and there were 10 cancellations in it. A couple of them might not have materialised. I do not deny. Many people have blamed that I am arrogant; I do not listen to anybody. But I did not bother for them. I effected transfers with the intension that some how the transfers are to be strict. I do not deny that there would be some differences. I have tried to be strict to the extent of 99 percent. I will narrate these things in some other time. The law related to Gamblers and bootleggers was passed in 1985 itself. We are just bringing some amendments in that.

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We have brought in this Bill with the intention of extending to two chapters to involve with respect to writing, releases offenses. Hon'ble member has asked the intention of bringing this Bill. Previous Government has brought this with these great intentions. I hope Sri Jayaprakash Hegde must have seen this, I understand. The chapters related to offences will be included to the existing law. The offences mentioned in chapter 15 and 8 will be extended. This bill is brought only with the intention that it would be convenient to control. I hope this would be agreed unanimously. I would request everybody to second this.

President: I am now going to put the Bill to vote. The Proposal is: "To deliberate on the KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (amendment) Act, 2000 "

Proposal Adopted

Bill to be deliberated clause by clause

Clause 2

President: "Clause 2 has become part of this Bill"

Proposal Adopted

(Clause 2 has been included in the Bill)

Clause 1 etc

President: This Proposal is, "The first clause, Long Head, Proposal and the code of law shall be part of this Bill"

Proposal adopted

(First clause, Long head, Proposal and the formula of forming code of law was included to the BILL)

Sd/-
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Proceedings Editor
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Legislative Assembly

Adoption of the Proposal

Sri M mallikarjuna Kharge (Hmeinister): Hon'blePresident, "I request to adopt tHE KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS (amendment) Act, 2000 "

President: The proposal is to "Adopt The KARNATAKA PREVENTION OF DANGEROUS ACTIVITIES OF BOOTLEGGERS, DRUG OFFENDERS, GAMPBLERS, GOONDAS, IMMORAL TRAFFIC OFFENDERS AND SLUM GRABERS) Act, 2000 as amended"

"Proposal was adopted and Bill was consented"

President: The house is adjourned till 11.00 a.m. tomorrow to reassemble.

(The house closed at 6 hrs 15 minutes and agreed to reassemble on Thursday the 9th November, 2000)

Sd/-
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