

SECRETARIAT OF
THE ODISHA LEGISLATIVE ASSEMBLY

No. 5389 /L.A.,

Bhubaneswar, dated the 15-09-20

From

Smt. B. Pattanayak,
Under Secretary & P.I.O

To

Geetika Mishra,
1886, 2nd Floor, 5th main 8th cross,
New Thippasandra,
Bangalore-560075, Karnataka.
Phone-8130758749.

Sub: - Furnishing of information under R.T.I. Act,2005.

Madam,

With reference to your application dt.20.05.2020 addressed to the undersigned for furnishing of information under R.T.I. Act, 2005 regarding Assembly Debates on Odisha prevention of dangerous Activities, I am directed to send herewith information sought for (40 pages), for information and necessary action. Hard copy will be provided on payment of charges @ Rs.2/- per page including postal charge for speed post.

Yours faithfully,

Signed-Smt B Pattanayak

Under Secretary & PIO

If I have done any wrong thing to the journalist, Hon'ble Members of this House can award any punishment to me. They have the right.

(Interruptions)

Mr Speaker: Those Hon'ble Members who want to talk to me, should come to my Chamber. Working hours of the House has been extended by 1 hour. (Uproar) I will not listen anything. Hon'ble Members, now I will not allow anybody to speak. If right of Speaker is violated, then right of the House will be violated and if right of this House is violated, then right of the Speaker will also be violated. So, I can not allow it to happen. Now come to the Business at hand. If Hon'ble Members want to discuss on the issue in the afternoon session, then after this get passed with consent of the House and before start of discussion on draught, the issue can be discussed for 15-20 minutes with the consent of the House. Now I am going to Business in hand.

Mr Dy Speaker in the Chair)

Shri Dyutikrushna Panda: Mr Dy Speaker Sir, I appeal to adjourn the House now. It has been a long business hour, we will discuss it after lunch break.

(Interruptions)

Shri Raghunath Patnaik: Dy Speaker Sir, I have given amendment for clause 1. In clause 1, following sentence be added, " and shall come into force on such date as will be notified by the Government."

Sir, the reason for my saying so, you see, we made Odisha Government Land Settlement Law, under which settlement of Gramakantha Paramula land (village common grazing land) was to be carried out. But when that law was made, its execution date was not fixed. Government has also not implemented this law till date. Law was made for settlement of Gramakantha Paramula land (village common grazing land) in the name of the people. So the date will be notified by the Government, otherwise it will be in the Cold Storage of the Revenue Department. So, I hope that Hon'ble Minister will consider my amendment.

Shri Surendra Nath Nayak (Minister): On the issue about Khasa Mahal land raised by Hon'ble Member, Jaypur, I like to clarify that some problems still existed in the Law passed in the House which delayed notification of Rule, which will be executed very shortly. I want to assure the august House that notification will be issued within one month of this bill passed in the House. Whatever suggestions and

recommendations the Hon'ble Members have given, after proper analysis, appropriate steps will be taken while making the Rule.

Mr. Deputy Speaker: Hon'ble member Shri Raghunath Patnaik are you intending to withdraw your amendment?

Shri Raghunath Patnaik: I will withdraw it.

Mr. Deputy Speaker: With the leave of the House amendment is withdrawn. Now the question is that clause I do stand part of the Bill. The motion was adopted and clause I was added to the bill.

Now the question is that short title preamble and enacting formula do stand part of the bill.

The motion was adopted and short title, preamble and enacting formula were added to the bill.

Shri Surendra Nath Nayak (minister): Sir I beg to move that the bill be passed.

Mr. Deputy Speaker: The question is that the Orissa Land Reforms (Amendment) bill, 1993 be passed.

The Motion was adopted and the bill passed.

The House is adjourned up to 3.06 PM today.

(The House reassembled at 3.06 PM, Mr Dy Speaker in the Chair)

(ii) The Odisha Prevention of Dangerous Activities of Communal Offenders Bill, 1993)

Signed
Public Relation Officer
Odisha Legislative Assembly (Stamp impression)

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Mr. Deputy speaker: On behalf of the Chief Minister Hon'ble Minister for Parliamentary Affairs to move.

Shri Bijay Mohapatra (Minister)- Sir I beg to move that the Orissa Prevention of Dangerous Activities of Communal Offenders Bill, 1993 be taken into consideration.

Dy Speaker Sir, I want to give some idea about the Bill. Hon'ble Members, while discussing will discuss the Bill clause-wise. But just I want to give some important point for information of Hon'ble Members. A Bill was introduced in the House that was The Odisha Prevention of Anti-Social Communal and Dangerous Activities Bill, 1992, which was sent to Select Committee of the House. The Bill is in still in Select Committee in incomplete form, discussions have not been completed. Hon'ble Members who are Members of the Select

Committee must be remembering it. Hon'ble Members of Select Committee wanted some clarifications. At that time I had told that Select Committee had requested for some more time for collection of all relevant facts and giving a well-thought opinion on the Bill. That time was upto coming Assembly Session. But before that, Government has now introduced this bill, Odisha Prevention of Dangerous Activities of Communal Offenders Bill. For this, all the Hon'ble Members know that not only Odisha, if we take all India scenario on this issue, Odisha is a peaceful state on communal violence front. Still communal forces have started rising in this country. For facing the challenges posed by these communal forces and for the state of health and security of the state in particular and of the country in general, there is importance for a Bill like this. I hope, this House all across the Party line will give their consent to this Bill. In the past whenever there was such discussion, House all across the Party line have given their consent. All we expect this country not to be divided, peace, discipline and understanding and cordial relation among different communities to continue as ever. Because, now some anti-social people are trying to break the peace and discipline of the country and they have been doing from the past, they need to be suppressed with iron-hand and therefore a special law is need of the hour in the state. So this law is placed before the House for approval. In 1984, only Andhra State in India had implemented a Law like this. After 1984, the scenario in the entire country has changed. Our State scenario has also changed. At the time of expenditure demand by the Home Department and on other time, Hon'ble Chief Minister had given statement that if we can not suppress the communal forces and do not make a special law for suppressing the communal forces, a extreme violence and indiscipline state of affair will prevail in the country. That is why, today this Bill has been introduced. Here, question may arise, if communal forces, people, anti-social people can not be suppressed or face the challenges posed by them, by the provision of Law presently in force successfully? Regarding this I want to say that National Security Act is a law promulgated by Central Government, all the states have accepted it. This Act came into force in 1980, later stage it was amended. Now this Law is still in force. Despite this, there is a need for special Law to deal with Communal Offenders. I would like to request Hon'ble Members to go into provisions of National Security Act while discussing this Law. Many of the provisions of National Security Act have been included in this new Law. State of Andhra Pradesh has promulgated some such Law. It is not that we the only state doing this. Keeping all these aspects in mind, We are introducing this Law complete in all respect. I will like to appraise Hon'ble Members about some of the new provisions in the proposed Law and that I want place before this august House. Those who see the definition, can know that Cr.P.C Article 505, Sub Clause 2

has been revived. For this I want to mention that some days past communal forces have become highly undisciplined at several times in Cuttack. Attempt have been made to create communal disturbance in the society and spread it. General public and The Government are becoming victim of such attempt. Therefore this new provision has been included. Some Hon'ble Members have given amendment. I would like to request those Hon'ble Members to consider the importance of the Bill and realise that for the security and communal peace and harmony in the entire country and making our state the leading state in that endeavor, this Bill is needed to be approved. Since this bill, for the first time has been introduced in our state, we should consider from that angle and approve the Bill. Hope, Hon'ble Members will not take much time while discussing the issue. The fact I brought out, are still in force in N.S.A. Despite this, Hon'ble Members will realise the importance and requirement of this Law and approve it I hope Hon'ble Members will extend their support for this Law.

Signed

Public Relation Officer

Odisha Legislative Assembly (Stamp impression)

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Shri Radhakanta Sethi: Deputy Speaker sir, that "The Odisha Prevention of Dangerous Activities of Communal Offenders Bill, 1993" be referred to Select committee consisting of the following members with instructions to submit its report by the 1st week of the next session:-

1. Minister, Parliamentary Affairs, .. Chairman
2. Shri Ramakrushna Patnaik, M.L.A .. Member
3. Shri Ajaya Kumar Jena, Government Chief Whip. ..
Member
4. Shri Radhakanta Sethi, M.L.A .. Member
5. Shri Raghunath Mohanty, M.L.A .. Member
6. Shri Nityananda Pradhan, M.L.A .. Member
7. Shri Rajendra Singh, M.L.A .. Member
8. Shri Raghunath Patnaik, M.L.A .. Member
9. Shri Panchanan Mishra, M.L.A .. Member
10. Shri Chitaranjan Sarangi, M.L.A .. Member
11. Shri Uma Ballav Rath, M.L.A .. Member
12. Shri Ranendra Pratap Swain, M.L.A .. Member

Sir, We agree with the statements given by Hon'ble Parliamentary Affair Minister while introducing this bill on behalf of Chief Minister. This House has given consent again and again when question of defeating Communal Forces comes. We have also expressed our concern on the problem. This Bill has come at the last moment. The origin of communal forces we see now is not the origin of today or yesterday or originated in 2-3 days. If the Government wanted, they could have introduced the Bill long before and a thorough discussion on the issue could have been possible. It is the discretion of the Speaker and Chairman to accord his permission for discussion on the bill without giving 7 days time period. If the Bill could have been made available to the Hon'ble Members 7 days before, then they could have examined it thoroughly and could have discussed in detail. Hon'ble Minister has given statement about the Bill, as well as has informed about the main source of the Bill. It is true that some of the provisions from N.S.A and some of the provisions of Law promulgated by Govt of Andhra Pradesh have been taken. Those could have been further discussed for amendment, In all the states and in entire country communal forces are rising. Thus this Law is required to be made complete in all aspects. There must be adequate legal provisions to take strong actions against communal offenders. But it is possible that in the pretext of communal offenders involved in various incidents, people will be detained to fulfil political agenda by enforcing this Law. On this, Hon'ble Members have previous experience. Under this Law, anybody can be detailed. To remove such unfair provisions and further reform in the present Law, I propose to send this Bill to the Select Committee. That is why I submitting to you. The Select Committee will submit their report in the first week of coming Session. Then, we can discuss the bill in detail complete in all aspects. So I request you give direction to send the Bill to the Select Committee.

Shri Ramakrushna Patnaik: Respected Dy Speaker, the Bill Hon'ble Minister has introduced in the House is just the copy of Law enacted by Govt of Andhra Pradesh in 1984. It is defective Law. There is a proverb in Hindi " Nakal Me Kya Akal". There is no requirement of wisdom if you copy a thing. But whatever provisions Hon'ble Minister has kept in this Bill, there is definite requirement of wisdom while copying.

Signed

Public Relation Officer

Odisha Legislative Assembly (Stamp impression)

Hon'ble Members of Pattamundai has suggested to sent the Bill to the Select Committee. If the Bill is sent to the Select Committee, I do not

think Hon'ble Minister will have any major trouble or any kind of heavy lose. Because I Do not see any emergency requirement to pass this Bill. The impression has been given to the Hon'ble Minister that if this Bill is not passed in this Session, then there would be major problem. Therefore, the Hon'ble Minister as proxy to the Hon'ble Chief Minister has become the Member-in-Charge of this bill and sponsored it. In that also wrong impression has been given to him.

I like to bring attention to one aspect of the Bill. In 1967, Law Commission has recommended 2 provisions of Indian Penal Code and placed for approval. One is 153(A) and the other is 505. Before speaking about 153 (A) and (B), I am giving some information about 505. Those people create rumour between Sailer and Army or by showing some bidden attraction help them in omuting, then provision 505 of IPC is applied to them. Since this provision is not relevant with this Bill, I am not going detail about it. All these Laws have been amended in 1969. Now I am bringing attention of all to 1953 (A) and (B) which is must relevant to this Bill. This is self-sufficient, has been defined exhaustively, defined logically and argumentatively, therefore I do not think Hon'ble Minister have any logic and appropriateness to introduce this bill. I do not know whether Hon'ble Minister will be able to justify the introduction of Bill or not. As like Maitry answering the questions put by Sangabalakya, if the Hon'ble Minister, like exceptionally talented and wise man, will be able answer the questions justifying the introduction of Bill, then I do not know. In this Bill, there are some important provisions missing. If this Bill is sent to the Select Committee, then it would be screened thoroughly, necessary amendments will be carried out by removing defects, if any and important missing provisions can be included. The provisions presently in the Bill will erode the civil right. This Bill has been introduced as a competition to the Law promulgated by Govt of Andhra Pradesh, for the sake up taking credit and self-popularity. There is no justification for introducing the Bill. There is adequate provisions for punishment in IPC 153(A) and 153(B). If anybody do any crime, provision is there for 3 years imprisonment or Penalty. If anybody do any crime for the sake of religion , provision is there for 5 years imprisonment and Penalty. But there are no such provisions have been included in this Bill, Like the Law promulgated by Government of Andhra Pradesh, if this Law also include provisions for taking actions on revenge motive, detaining any individual, giving no opportunity to people to defend themselves and say their version of statement, then it will erode civil right. And eroding the civil right is itself a crime. In this regard, the then Chief Justice of Bombay High Court Md Kiran Chagla had given the statement. His statement was a much debated statement all over India. Like also, the then Supreme

Court Judge Hon'ble Judge J.R Das had also given the statement. His statement was " Democracy in the Country is believing in English Jurisprudence shall be eroding the very principles and Canons of the said jurisprudence of the Civil Rights and liberty are taken away in this method determining the people without giving them reasonable opportunity in judicial judgement."

If anybody is detained and he is not given any opportunity to give his version of statement under judicial judgement, it means that he is deprived of his personal right and independence. It is also a important crime depriving any body of his personal right. It will be a Criminal liability for a particular person to do that.

We like to make the Hon'ble Minister understand that we in India do not make our Laws based on English Jurisprudence. We do make Law based on French Jurisprudence. That is why Hon'ble has felt the need and justification for bringing such a black Law. Sir, one of the senior Hon'ble Member wanted to know the meaning of on French Jurisprudence from me. I am giving some information on this. As per French Jurisprudence, if any complaint is made against against any person, he will be considered a offender till he is proved innocent.

But as per English Jurisprudence, as long as any offence is not proved against any person, till such time he will be considered innocent. That is the difference between in English Jurisprudence and French Jurisprudence. I like to bring to your attention that after Government of Andhra Pradesh made this Law in 1984, no other state of India has come forward to make this Law nor any state has expressed their need to make this Law.

Signed
Public Relation Officer
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Others say that Hon'ble Minister has brought this Law in compliance with direction given by Prime Minister of India. President rule was imposed in 4 states, but in those states also no such Law has been made. It appears that out of extreme concern for reactionary activities of Communal Party and communal violence, Hon'ble Minister has brought this Law. How these activities could be controlled, much attention should be given. I want to say that, the then Chief Minister of UP said in a huge gathering in Patna and Mr Lal Krishna Advani and Shri Atal Bihari Bajpei said " we are not feeling shame, but feeling proud for what ever happened at Ayodhya". It is a shameless statement. Such statement will not be acceptable in Indian politics, because India is a secular country. Especially, we can not accept in Odisha. Because Odisha culture is basically Lord Jagannath culture and

we are all deeply involved in that culture. Everybody know how we the people of Odisha have accepted and followed Lord Jagannath culture. Devotee Bhakta Salabega, even if a muslim was a great devotee of Lord Jagannath. As long as Bhakta Salabega's devoted songs are not sung in the Car (Ratha) Festival, car (Ratha) of Lord Jagannath does not move. In a state where secular culture is deep rooted, communalism or communal offence has no place. Before you, I am bringing attention about I.P.C 153-A. I do not know, where we lacked at or where we are deficient, for which this Law has been has been introduced for approval of this house for implementation, except one thing, that is detention without trial. Whenever you speak on this subject, make me understand about the its need. It has been mentioned in 153-A that promoting enmity between different group on grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintain of harmony. Whoever by words either spoken or written or by signs or by visible representation or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground what soever disharmony or feeling of enmity, hatred or ill will between different religious, racial language or religion group or castes or communities or commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional, groups or castes or communities and which disturbs or is likely to disturbs the public tranquility , shall be punished with punishment which may extend to three years or with fine or with both (or) organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall used or be trained to use criminal force or violence on knowing it to be likely that the participation in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial language or regional group or caste or community & such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community shall be punished for three years or with fine prescriber in sub-section 1 & Assembly engaged in the performances of religious worship or religious ceremony shall be punished with imprisonment which may extend to 5 years & shall also be liable to fine. I am not going to kill time by elaborating the provisions mentioned in 153-B. It is about imputations, ascertions, prejudicial to national integration written in it. So I do not understand the justification of introducing this Law. I do not know whether the provisions now exist can solve the problems, that is intended to be solved here.

(Interruption)

From 295 to 298 of I.P.C, there are several Sections in which provision for 1 to 3 years punishment exist. Hon'ble Minister have violated those by introducing this bill mainly based on Andhra Pradesh Law. Provisions have been included in this Bill, by which detention of any individual can be extended again and again upto period of 1 year. But Andhra Pradesh Law has same provision for 6 months. Like this so many foolproof provisions in this Bill. When I will do clause wise discussion, I will go deep into it. The provisions in Clause 8 of this Bill, also exist in Andhra Pradesh Law which state that "they shall exercise the powers of the criminal under the Cr.PC.

Signed

Public Relation Officer

Odisha Legislative Assembly (Stamp impression)

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I do not know the recommendations of Home Department. But it is said it shall not exercise.....

(Interruption)

Such provisions will be rejected by the Court of Law. So it is appropriate to send this Bill to Select Committee.

Shri Radhunath Patnaik: Hon'ble Dy Speaker Sir, There exist no doubt that given present condition of the country, rising communalism and communal forces, concerted effort should be made to eliminate and control these. The Constitution the people of this country have adopted, the feeling of secularism must be there. If any body oppose this secularism, he must be punished, there is no second thought on it. What I mean to say that before this, a draft Law on Goondaraj and Hooliganism has been sent to Select Committee. The Govt has not withdrawn that Bill till date. Pending that Bill in the Select Committee, there was no requirement to approve and convert this Bill into a Law. Sir you will see that after this Bill against communal goondas become an Act and before it is made a Law, we will be required to remove so many defects in it. One thing, I want to say Odisha has not witnessed till date such degree of communalism, as witnessed in other state. It will not be wrong to say that in our state there is communal harmony, love and affection, mutual understanding between Hindu and Muslims. In this situation, if we pass this Bill and implement it, the people of the state have to bear the destruction and bad consequence of this Law. If you say a small child not to go near the Well and not to look into the Well, then that small child, as child's natural behaviour will like to go near the Well and look into the Well. Like this, if we pass this Bill now, doubt and suspect will increase among different communities. So whatever has not happened in Odisha till date, may happen here now. That is why, I like to say that there was no requirement to introduce this Bill hurriedly without proper thought and analysis. Besides this, in Indian Penal Code 153 A , it is there that if any body promoting enmity between different groups on grounds of religion, race, place of birth, residence language

etc. and doing acts prejudicial to maintenance of harmony. Provisions are there to give punishment to such people. We see sometimes, children of one Sahi (One lane of village) making quarrel with children of other Sahi. We can solve those type of problems under 153. In 153 (b) there is imputation, assertion, pre-judicial to National Integration, under this Law we can protect National Harmony. If anybody disturb National Harmony, then we can take action against him under 153 (b). Besides, provision for punishment against religious offence are there in other Chapter of Indian Penal Code that is Chapter 15. Provisions are also there in Section 295 and 298. If anybody create disturbance in religious assembly or in the place of worship, punishment can be awarded against them. Section 297, deals with trespassing on burial places etc and 298 deals with uttering words etc. with deliberate intend to wound religious feeling. Under this Law we can give punishment to anybody. You know sir, how Govt Servants mis-utilised their power during emergency, for which Congress had to suffer the bad consequence of mis-utilisation of power. In this country evil exercise of power is suicidal. If we make Law keeping an eye on a specific group of people, then that Law can not be implemented in a just and appropriate manner. If we take action against specific group of people then it will be Boomerang (the damage will be opposite). The state administration will have to bear the burnt. So the motion brought by Hon'ble Member Shri Radhakanta Sethi to send this Bill to Select Committee should be accepted . Assembly Session will again start within Two and half months or three months after. We need to keenly observe and analyse the incidents that have occurred in other states and what they have done to handle those. Then we will discuss and analyse this bill in detail and exhaustively and then make this Bill into a Law, that will be highly better. We need not to accept the Bill so hurriedly and it should be sent to the Select Committee.

Shri Bikran Kesharideo: Mr. deputy speaker Sir, the Orissa Prevention of Dangerous Activities of Communal Offenders Bill, 1993 is completely a farce. It is a farce Bill.

Signed
Public Relation Officer
Odisha Legislative Assembly (Stamp impression)

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Government says it will be responsible to restrict anti-social activities in the State. Another Bill has been drafted and sent to Select Committee which was supposed to be passed during this sitting of this August house. I am sorry to say that in their J.L.P meeting most of the Members objected to the passing of that Bill. It clearly says that the maximum number of goonda elements are making a living out of this Government or this Government is protecting the anti-social elements in the State. Sir, take for example the Orissa Prevention of Dangerous Activities of Communal Offenders and Anti-Socials bill, 1992, it is already there. This Bill is a carbon copy of that Bill which is already there in Maharashtra, Gujarat and West Bengal. But there, the Communal word has not been mentioned. They have a law to arrest the anti-social activities. It is only in our state that this Communal word has been added. In

Andhra Pradesh a same type of bill was passed in the year 1984. Sir, I would like to say that by making laws through this bill the Government is not going to communal harmony in the State. Their intention is to create communal disharmony in the State. They speak about Bhadra issue. What happened there? The Peace Committee took stock of the situation and both Hindus, Muslims and Christians also participated in the discussion. What was the justification to stop the Jangya? I am glad that the judiciary upheld its judgement and there was 'Jangya' on Ramanavami day. I say that this Government has tried to hurt the sentiments of the religious people in the state and has created communal harmony to satisfy their personal and political needs. Now if the Bill is passed, it will be a clear political vendetta. Here I am going to give some figures. In Orissa the religious adherence in regard to Hindus is 95.4%, Muslims 1.6%, Christian 1.8%, Sikhs 0.8% and others 1%. So, the question of Communal disharmony never existed in the State. Regarding communal riot, I would say that this has happened in the Congress ruled States and Janata Dal ruled States. In Bihar, there was the Janata Dal Government and in Maharashtra for that matter there was the Congress Government in power when this riot took place. So in my opinion, this Bill should be completely withdrawn. Since a similar type of Bill is pending before the Select Committee, there is no justification for bringing this Bill. This Bill is intended to act upon some political parties in particular with whom this Government has some political differences. You say about the Bomb Blast in Bombay and Calcutta. But there the incident occurred not at any religious place. Rather it happened in market areas. The Bombay Stock Exchange was attacked and in Calcutta the 'bahu bazar' was attacked. Therefore, you should not link this incident with what happened in December the 6th at Ajodhya. Also, there was no Masjid. But they say that Masjid was attacked. I would like to warn this government that you should not curtail the sentiments of the general public by adopting any black law in the State. I hope that the Hon'ble Minister will withdraw this Bill.

Shri Arun Dey: Sir, I am congratulating the Bill introduced by Hon'ble Minister. The timing of introduction of this Bill is not wrong, as it has become a reflection and focus of overwhelming majority and sentiments, this Bill has proved that. The Bill Hon'ble Minister referred about, that bill is under consideration of Select Committee. This Bill ' Odisha prevention of Dangerous Activities of Communal Offenders Bill', now introduced in the House has the overwhelming opinion of the House. So while discussing on the Bill, two things made me sad. Hon'ble Member of Kodala has raised the question of Civil Right. I do not know how do he define Civil Right. He has also talked about Bhatka Salabega. Civil Right propoganda can no way mean divide the Nation and break the harmony in the society. Or breaking the constitution of India. These are not activities of Civil Right Activist. The Civil Right Activist of the World the Hon'ble Member is saying, they are the people who are carrying out this type of activities since December 6 in the name of religion. Such activities can not be supported by anybody.

Signed

Public Relation Officer

No Civil Right Activist of the worlds use religion as weapon, but in India disturbed situation is created. In no civilized country or in no developing country Civil Right Activist do not use religion as weapon. But B..J.P has no other weapon to use it to come to power, because in India people have faith and fear for the religion. This party wants to use those to come to the power. It pains me that a wise man like Hon'ble Member of Kodala have given such statement in the House. Sir you know that in the last election in America Gorge Bush, learning from BJP, had used religion in the election. But when he went to the people, his Party Members challenged him arousing Catholic ethics and cautioned him not to put religion into politics. But in India, some are playing Jagannath sentiments and some are playing Allah sentiments. Only to gran power, they creating disorder in the society. The people who have no relation with Lord Ram, no relation with religion, spending time drinking Liquor are projecting themselves as Pandit and selling the very religion in the country. So, the Bill introduced is a preventive measure. Hon'ble Member of Kodala has mentioned here about Indian Penal Code, if provisions of IPC would have worked properly and adequately, then no other Law would have been required.

No official provision are becoming possible, people of the country are obeying the Law. Chief Minister is not obeying the Law, Govt officials are not obeying the Law and Judges are also not obeying the Law. Everybody thinks that they are above Law. They are trying to create chaos in the country. If Chief Minister ' I would not abide constitution, Supreme Court' then what will happen ? Does it happen in a civilized country ? Last October, one retired Judge of High Court was giving speech at Balasore. He was a judicial community member. He is a Human Right Activist like Hon'ble Kodala Member. His name is Shri Kunja Bihari Panda. He said in his speech that we will not abide by the Supreme Court. I told my people that he was a High Court Judge. The preventive measure Govt want to take is justified. Otherwise Odisha administration will run properly. It is said, there is no communal violence in Odisha. Why not ? In Cuttack and Bhadrak of Odisha communal violence is occurring frequently but it is not spreading rapidly. Only reason is Dist Administration is very prompt in taking action and people by and large not supporting it. A slight lapse may lead to communal violence. If Dist Administration would not be prompt and vigilant, then Cuttack city would have been turned into ashes and Bhadrak town would have drawn in to Salandi river water. It is not a question Govt or Administration might have failed. If it will be said, by this Civil Rights are being violated, I have nothing to say. BJP people are violating the norms of civil society. We have made provision for detention , but we have failed to make any provision for trial. There might be some defects in I.P.C and C.P.C, some defects might be in judiciary system, In the present situation in Court, the offenders easily getting bail from the Court in sensitive case also. Some days back, one incident happened in Bhadrak. Chief Minister

gave direction, one Judicial Officer gave direction that Dist Administration should help Hindu Community. If judgement would have been on Gandhian principle, like Puja will be held in Temple, Dist Administration should help and Masjid will be built Dist Administration should help, then it could be understood. In India big exceptions are happening, that is Judiciary is a big part of Administration. Most of the retired Judges and Magistrates are joining BJP all over India. When I was reading in Law College, a riot occurred in Cuttack, a riot occurred occurred in Kendrapada. Chief Justice of High Court, Cuttack was Justice Burman. Shri Sriram Das was a Professor in a University in Odisha. As president of the college, I wanted to invite Shri Sriram Das to one of our Seminar. He came and said “ Mr. Burman you sit in close chamber in air condition chamber of High Court and u simply pass an order. But you don’t know the consequences it will involve. You blindly interpret the provision of the constitutions. But you don’t know its implication. Why do you pass such an order on mechanical interpretation.

Signed

Public Relation Officer

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You will be surprised to know the mechanical interpretation happening in our state and country. Our state has also so many educated people. In our state, somebody is asking vote showing God Akhandala Mani’s photo or somebody is asking vote showing Goddess Kali photo. Or somebody is asking vote giving Mahaprasad of Lord Jagannath, Puri. People are also giving their vote accordingly. These type of things are continuing in our country. Does it happen in any civilized, advanced and educated country ? But unfortunately, this is happening in our country. I have seen in last Panchayat election that vote was asked by giving garland of Lord Akhandala Mani. Votes are being asked by exploiting the sentiments of the people. I think in coming election BJP people would say “If you do not vote for Lord Ram then your generation will end” They will definitely say this. They will propagate it; they have no other alternative than propagating this.

Hon’ble Member Kodala was talking about Civil Right. If it will be part of Civil Right, then what is Civil Right when BJP people doing every thing in the name of Lord Ram who fear God. Those who are corrupt, coward and tell lie. They fear to god and go to temple. Those who commit sin, tell lie they only fear God. Those commit NO mistake, they do not fear God. I am atheist. I have read the book of Vivekananda. I have derived strength from Vivekananda. I have derived strength not from Mark, not from Lenin and politics from anybody. I have derived strength from Vivekananda. He has said you need not go to temple if you have genuine approach for the people. If you are above the self-interest you go and sit under the tree and pray. He has distinguished the people into two categories. One, the people who go to the temple and pray for themselves. Another, the people who go and sit under the tree to pray for others. They pray for the tree to blossom.

There are some people who go to church and kneel down there and pray for others. There should be difference between the devotion and punishment. Here

We have people who fear religion, they will fear more to it. Those who do not fear religion, they will also fear religion. BJP people are trying to come to the power by using religion as weapon. The process which has started to create anarchy and chaos for coming to power, can be it part of Civil Right ? I am not able to understand how Hon'ble Member told like this about Civil Right. I want give you another horrible example. One hearsay started that poison has been mixed in the water of Cuttack city. People of Cuttack used to start test water in the night. How do you say about Civil Right. Two things are being told, Govt could not do it and failed. There was no need in the State like Odisha. Disruptive forces are also working in Odisha. BJP people targeting Odisha again and again. They are targeting Cuttack and Bhadrak again and again. They are trying to disrupt the unity of the country. I only plead before the Government for full enforcement of this Act in the State.

SHRI ASHOK DAS: Chairman Sir, I must congratulate the Government to take a decision to bring such a Bill when the entire country is burning. We are not to play the game of hide & seek before the truth. We do not say there is nothing in the State of Orissa or it will not happen, in whichever manner you speak it here, has got no meaning. Today the fact remains, right from Kashmir to Kanya Kumari, may be in smaller or in bigger form, communalism has been infused in the human beings. Well sir, what is the purpose of bringing this bill? Now I come to the essence of this bill, regarding communal feelings. Well sir, politics and religion has been so much intermingled that perhaps we are not able to have distinction between politics and religion, well, the corrupt people say it is optimum. But what we find in the last 50 years of Independence? You will be surprised to see after the independence the constitution has been drafted. The people have given the constitution. Well, we have taken a secular attitude. But Pakistan also has drafted a constitution. They have not drafted a constitution. They have no mentioned anything theocratic. Why such a thing has been done?

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Why the predecessors have thought in that line? Who is to defined it? How to define it? Well sir, this intermingle of religion and politics has brought this result to-day. The B.J.P. people what they say, perhaps the Bill is against them. Why? " If asked who is in the Puja room, reply is I have not eaten banana" It is equally for the Muslims. Would you mean to say only the Hindus are spreading communalism? Would you think the Muslims are spreading communalism and the Christians will be out of this spree? Perhaps there is a clash of Black & White. My friend, it is a question whether the politicians are not so much attached to the existing law-C.R.P.C., I.P.C. of the country. Who is violating it? Well, we say very easily, ball in the coat of bureaucrats, the officers are doing all these things. You are yourself of

your own conscience. Are we not pleading before the officers, "Please leave him, he is my political worker"? Why? I am not talking non-sense. We are also a party for the deterioration of the same system of which we have propounded. That is a question whether the bill will come down. This is a bill which is a land mark. This is a torch bearing of the whole country. The State of Orissa has really thought in advance to bring such a bill to prevent communalism. My B.J.P. friend, Shri B.K. Dco said goondas are more in the Janata Dal. That is why the Goonda Bill has been send and kept in the select Committee. May I ask, only goondas are sheltered under communalism? If you see the case of Maharashtra, what happened in Bombay? Is it not communalism going on there? There is a clash in Dharavi slums which is the biggest slum in the Asiatic countries. What happened? It is only a fight for land. Who are the persons? Some of them may be Muslims who want to grab the land. The Goondas, in the name of communalism, or the Shivsena or the Bajrang Dal, they have grabbed by the Bhaktas of Ram. What happened to your Advani Ram? What they did? They wanted to grab the land? Who is found communal goonda? Who are giving them shelter? This is a hypocritical term. I feel ashamed of it. I really feel ashamed to speak, when we are speaking something hear against goondaism, but when we leave this place, we patronised some goondas. What happened in Bhadrak? Who are the persons in B.J.P.? I want to name them. Who are the persons if I name them, it will be a painful affair. My friends, None other then the criminals those who have taken shelter in the Banner of Dharma. When we speak of Jagannath Sanskriti, somebody speaks about Salabega. So what can I say? I can say this much, I can quite well say,

"Aneka Chitta Bibhranta Mohakale sammabrutta,

Prashaktaa Kamabhogeshu pataanti narake suchou".

Neither you have read Vivekananda nor you can understand Vivekananda's book. Coward never goes to the Temple. Only heroes who have confidence they can alone reach the God. Others, they just deviate from it. But I call a spade a spade.

"Aneka Chitta Bibhranta Mohakale sammabrutta,

Prashaktaa Kamabhogeshu pataanti narake suchou".

Their main aim is to get the power and press people write about them. What ever happened, I do not bother for them. We have come to represent our area. We will justify our representation. I am confident about that. I am confident on the system that we have propounded. But you know we have already paralysed the system. This will give a threat to communalism and to go further this bill has now come, this is the whole thing. We should have distinction between religion and politics. It is the B.J.P. people who are intermingling. But what about Alkalise? They utilised the Golden Temple and the religion. What is the position in Punjab today? The people have realised and they have come back to the same democratic system. No

terrorist is there. No euphoria. Well, I know those who are propagating in the name of Ram. They may not succeed.

Well, I know few judicial officers are there, they might be thinking themselves as levers but I will draw the attention of the hon'ble members to take the case of Bhadarak, what had happened there. Or even, take the case of Madhya Pradesh,

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now what had happened there. Now it is a constitutional crisis and the president of India has been dragged into that controversy. Might be wrong or might be right, Sir P.V. Narasingha Rao admits it. Look at the entire thing and the attitude of the judicial officers, their behaviour to act as judicial dictatorship in the name of constitutional interpretation saying I.P.C and Cr. P.C. are there. However, I will not deviate myself from the track and say this Bill has been brought at the right moment and I congratulate the Minister concerned who has brought this Bill to this house which should take immediate effect. It will be more beneficial and more and more States will go for this Bill in the like manner and our Chief Minister has become the torch bearer for the entire people of the country and for their will being there is no doubt about. Some vested interest people want to curb the pious wish of the Government and somehow manage themselves in the present helm of affairs and tried to hold power under the grab of religion but they are abundantly cautioned and well threatened not to happen. However, I congratulate the Minister again and again and hope the bill is passed immediately. Thank you.

Shri Basant Kumar Biswal: Speaker Sir , the Bill ' Odisha Prevention of Dangerous Activities of Communal Offenders Bill 1993' introduced by the Parliamentary Affairs Minister is not only as per prevailing situation but also time-needed step. Because our Chief Minister is one of them in the Congress Party who have given their blood for sake of freedom of this country. They never thought even in their dream that somebody would do any damage to the integrity and secularism. Those who are having day-dreaming to come power in India by taking political benefit in the name of Lord Ram and Allah, they will not succeed in their dream. You know Lord Ram was a true man, committed man. To keep the promise made by his father he went for 14 years forest living, even though he was to be coronated as King next morning . Seeds of communalism are being planted now in India in the name of Lord Ram. Father of the Nation Mahatma Gandhi who fought for independence of India never thought the situation to be like this. But today the communal party, who had embarked upon a all India Car(Rath) journey in the name of Lord Ram's Car (Rath) had given solemn promise in the Parliament, the very Chief Minister of that communal Party broke the promise. When this communal party see that this type of situation-needed and time-needed Bill has

been introduced in our Assembly House, they are getting surprised. Of course it has been deliberated here that our I.P.C and C.R.P.C can control and suppress the communal forces and we have also Court and Judiciary. But you all know what happened in Bhadrak and Kendrapada in the recent past and you also know the kind of situation was created in Odisha in 1957. Therefore, the question arises now, whether we can keep our secularism and integrity intact for all times to come. Our this country believe in Sanatana Dharma (the universal Dharma) which respect and assimilate every other religion, but seeds of communal thinking are being planted to disturb it. And the Car-Festival of Lord Jagannath is for all religion congregation. Taking all respect in view, Indian Constitution has embarrassed secularism. Those people who are trying to come to the power in India in the name of religion, they will not succeed in their game- plan. In this regard I want to say that Anti Social Bill which was sent to Select Committee for consideration could not be cleared by them only because some of our Hon'ble Members who are also Members of Select Committee delayed it.

Shri Bikram Keshari Deo: We have not made any delay, delay has been in your JLP meeting.

Shri Basant Kumar Biswal: Sir, what I wanted to say that after December 6 incident, violence atmosphere was created in many parts of India where in a lot of life and property got lost. After two days of Mar 12 Bombay incident, violence atmosphere also started in Kolkata, followed by a bomb explosion, where in a lot of people lost their lives. In our country, so many people are there who provoke and incite others, also want to disturb and damage the integrity and secularism of our country. To defeat them and not to succeed them in their mis-adventure, no doubt this Bill should be made into a Law, there is no doubt. Sir, Bombay is our Financial Capital, the incident happened there on 12 Mar and consequent two big dangerous and destructive fall out we have witnessed, can we silently digest it closing our eyes. Then the situation will never improve.

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Today, outside forces by means of provocation and incitement are trying again and again to create disturbance and instability to weaken our economy.

Bombay's Chartered Accountant Memon's family and Kolkata's gambler group, Rashid, Daud and Ismile are all Indian citizen. But the disturbance and instability they created in India made damage to this sacred country, India. People of this sacred country follow the principle of Lord Ram and are peace loving. Their mindset, dedication and patriotism are being misled and by doing this, disturbance and instability are also being created. If all the provisions existed in Indian Penal Code adequately, then why National Security Act was brought in 1980. Therefore, provisions existed in Indian Penal Code is not adequate. That is why National Security Act was broug. The situation now prevailing in India, we

are relatively in better position in Odisha. There is no communalism in Odisha. In this regard I will say one thing, even if our Hon'ble Member of Nabarangapur belongs to Minority Community, Hindu brothers have voted him to power. We have made every possible provisions to give all kinds of opportunities to Minority Community. Still some of them say personal independence are being compromised and restricted (Interruption). Here what I want to say we have to abide the laws promulgated by India. But now we have lots of fifth solders, whether they are also in Odisha, I do not know. Sir, you know, there is a saying in English 'prevention is better than cure'. So this bill 'Prevention of Dangerous Activities of Communal Offenders' has been brought to punish and control those communal offenders. Prevention is better than cure, that is why Govt has introduced this Bill, there is nothing wrong with it.

Mr Chairman (Shri R.K. Ram): You kindly end your statement.

Shri Basant Kumar Biswal: You see that a lot of infiltrators have reached Satya Nagar, Bhubaneswar, Puri, Cuttack, Berhampur, Rourkela and other main centres of the state. Will the Govt go to the Court as per provisions contained in Indian Penal Code and give lawyers accordingly to control the activities of those infiltrators. If anything happened suddenly, how could be it stopped and controlled ? That is why this Bill has been introduced. There is a saying' If son is bitten by snake, his mother even if see a rope, she consider it a snake. What ever happened in Bombay and Kolkota, who knows same will not happen in Odisha. In Odisha, a lot of people have come from outside. What is the mechanism and system to keep an eye on their activities and control it if required ? Sir, you know, communal violence occurring frequently in Cuttack and also in Kendrapada. How could those be suppressed and controlled who are doing and inciting communal violence. Then you see that a lot of people are staying in Cuttack coming from outside. They identify themselves as Head Mason. They do may kinds of work and also artistic work. Who knows what they are actually doing ? There may be evil intension hidden in their mind. No effort are being made to know detail about them. The such kind of people, if try to do any thing destructive and disruptive, this Bill has been introduced to suppress them and control them. I know, No Law is becoming 100% effective. Now it is being said, this Bill has been introduced hurriedly, it should be sent to Select Committee. What I want to say, we should pass this Bill as it is, if some defects will be found, then we can discuss further and make necessary amendment in coming Assembly Session likely to be held after 3 months. I will like to say another thing. The killing weapons and narcotics are being smuggled and being transported in the route Jambu and Mahakalapada. Dangerous activities are being carried out using those things. Efforts are being made to create communal disharmony and riot, these things could be stopped by this Bill. As N.S.A is working, this Law will also work. There is no need to sent to Select Committee. As per arrangement made now, Assembly will continue for 4 months and whatever lacune and defects will be found, these could be amended after 4 months. The Bill Hon'ble Parliament Affair Minister has introduced, I would like to request him clear all apprehension shown by Hon'ble Members. I would like say another thing.

In India fifth forces are trying to divide the country, to stop them and control them, a similar Bill is likely to be introduced in the Parliament by Parliamentary Affairs Minister. Prime Minister PV Narasingha Rao has also decided to introduce similar Bill. I am requesting Hon'ble Minister through to get this Bill passed as soon as possible.

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Except 3 Hon'ble Members are not supporting this Bill, on whom the people of India are not having their faith, I hope all other Hon'ble Members will extend their support to this Bill. Saying this, I am ending my statement, Sir, thank you for allotting time to speak.

Shri Rabi Narayan Panigrahi: Chairman Sir, the Bill Hon'ble Parliamentary Affairs Minister has introduced in the House, I am extending my full support. Sir, the reaction being created against this Bill, I do not know the full form of B.J.B. May be it is said Bhartiya Janata Party. It is actually Bajpei, Joshi Party. Here in Odisha it may be called Bikram, Juel Party, that I can for sure. The Party which is trying to divide the country by creating communal disharmony and hatred in one hand and on the other hand doing politics in the name of Lord Ram sacrificing national interest, that is the B.J.P Party. Before talking about this Bill, I like to say some things about Ramayana. In one place a Prabhakaran (religious talk) was going on Ramayana. Sir, where there is Ramayana Prabhakaran, Lord Hanuman also remain present there. When the topic of Sita Mata being taken away comes, Lord Hanuman also come to the topic with the Lord Ram ring he was carrying for Sita Mata. The man who was giving this Prabachana, said the ring Lord Hanuman gave to Sita Mata, there was blue stone in it. It was so beautiful and a four angle blue stone. When Lord Hanuman heard this, he left the place angrily being dissatisfied. At that time Lord Ram came towards him in disguise of a Old Brahman. You know sir, Tilak (put on forehead) is one of the Brahman's symbol. Lord Hanuman dis his Namaskar To Lord Rama. Because Lord Rama was in guise of a Brahman, Lord Hanuman could not recognise Him. Lord Ram said 'where had you gone ?' Lord Hanuman replied 'Prabachana was going on, so I had gone there to listen it'. Then they both talked near a Well. Lord Hanuman told Him everything that the man giving Prabachan was telling a round shaped red stone as four angled blue stone, that is why he returned from there. Then Lord Ram said "can you tell me how the ring was". Lord Hanuman said " Yes I can show you". Then Lord Ram put his hand into the Well and then withdrew His hand from the Well closing His fingers. When opened His fingers, at least 151 rings were found. The ring Lord Hanuman had heard about was also there in the hand and other 149 rings were in Lord Ram's hand. Then Lord Hanuman got surprised and said the man who was looking as a

Old Brahman could be only and only Lord Ram. Then Lord Hanuman begged excure to Lord Ram. Lord Ram asked Lord Hanuman “ Did your know how many Tritiya Yug have passed. I have taken a number of birth, and you have taken ring number of rings from me, one time I might have given red-stone ring and other time might have given blue-stone ring, you might not be remembering.” Today I want to remind the B.J.P, who says that Lord Ram was born at Ayodhya in Babri Masjid that Lord Ram was born in Bhabanipatna King’s Palace and Lord Ram had also given a will that a hospital for Odisha’s general public and an Orphanage be opened in that King’s palace. I put before my demand before the Govt that in Bhabanipatna King’s Palace be acquired and an Orphanage be opened for the sake of executing Lord Ram’s Will. Sir, another thing, those people who are trying to divide the country in the name of Lord Ram, I assure that Lord Ram did not want that. When Lord Ram returned Ayodhya after killing Ravana, He told Guru Vasishta, since he killed Ravana, His generation should be called Rambansha in stead of Raghubansha. Guru Vasishta said “ All right. Yes we will change to Rambansha, but but listen to me what I am saying, if you feel OK, then we will change”. Then Vasishta told “ A man reached King’s Palace and said King was so happy, he has so many Queens, but we are spending time with so much of sorrow and misery” When he said this, King Raghu could imagine what he actually mean. Then King Raghu gave his Queen and donated lot of land, home-land and wealth to that poor man. So Hey Ramachandra, the King Raghu gave everything, ie Queen, wealth and property to satisfy a common poor man, but for one Queen only you destroyed the entire Lanka. The you are great or King Raghu is great”. Now question is Lor Ram who on listening from Washerwomen, and to respect her deserted his beloved Sita Mata is the great or King Raghu is the great. Like this, these BJP people are not respecting the desire, opinion and expectation of crores and crores of people but in the name of Lord Ram trying again and again to divide the country. Shame on them, thousands Shame on them. Rather I would like to say thin Bill is soft.

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This Bill should be made too strong further and communalism must be suppressed and controlled with a iron-hand. Saying this I am ending my statement, Sir thanking you.

Shri Ajay Kumar Jena: Chairman Sir, I welcome and support the “ The Odisha Prevention of Dangerous Activities of Communal Offenders” Bill 1993 introduced in the House by Hon’ble Parliamentary Affairs Minister. This Bill was a necessity, it would not be a wrong thing to say that Bill came late. A lot have been discussed in this regard, two opinions are coming out of the discussion and from those opposing the Bill. One is, there is no communalism in Odisha, second is restriction of

Individual Liberty. The discussion is on two topics. Communalism is not seen pointedly in one place. But any time, in any circumstances, due to pressure of happening, communalism can come. It is true that communalism is not that visible in Odisha as in the other states of India. The communal forces are trying hard to sow the seeds of communalism in Odisha. I will end my statement by giving a small example. Sir you know for repair of Lord Jagannath's sanctorum of sanctorum, His Ratnam Simhasana was to be transferred to another place, at that time people of Odisha with dance and drum roamed around Bada Danda (front big road of Jagannath Temple). Taking this opportunity, Vishwa Hindu Parishad, before one month spread, the news in the villages that one lakh Sadhu would come to Puri Town and invited all to come for dance and drum and Bhajan and gave each them a Batch to display. Vishwa Hindu Parishad was written on the Batch. All were told for free food in the langar. Now you know, how common people are misled. It was matter of common that when Lord Jagannath was being transferred to another place, people would definitely come to celebrate and for song, dance, drum out of devotion. Lot of people came and reached Sinha Dwara (main gate of the temple). They were not worried about food. But the members of Vishwa Hindu Parishad were also busy. They are doing their function at Saradhaa Bali (The vast sand field in the sea ashore), no body went there. All the people who had come dis their devotional song and dance and drum near Sinha Dwara (main gate of the temple). At that time no vehicle was allowed upto Sinha Dwara from Bada Danda. At that time, we were sitting on Sinha Dwara round, a vehicle reached Sinha Dwara, on it written Vishwa Hindu Parishad. We asked the police official present there how could that vehicle came there. They said it an Ambulance. Of course, Ambulance was written on it with a small letter. All thought that a lot of people have come, so Ambulance has been kept for them. But even after one or one-half hour, no body went to Saradhaa Bali (The vast sand field in the sea ashore). Then it was seen that two thousands Flags were uploaded from the vehicle. All people were told to come to the Saradhaa Bali for free food, there would be meeting there. So you know and guess, how the people are being misled and attracted. Sir, it is not that Ram Nabhami or Ram Charita Manasa was not being celebrated in Odisha. You see that, when Ram Nabhami was celebrated this year, Vishwa Hindu Parishad were supplying Flags to all. On Odisha day (Utkal Divasa) to Dhenkanal, while going from Shahid Chhaka to Town Hall I saw Vishwa Hindu Parishad flags everywhere. People there said, yesterday night those Flags were displayed. Every year people are celebrating Ram Navami, but we had not seen Vishwa Hindu Parishad flags. Likewise, every year all over Odisha Rama Charita Manasa is read, in the villages Jangna is held. But on Ram Navami day, V.H.P and BJP are trying to do all these things from political point of view. It is no that there is no communalism in Odisha or there is no Law to check communalism. Communalism is being created, if it is not checked or controlled before time, then it will spread and will be difficult to control it. So this Bill is time needed. Now allegation that individuality will be damaged. There is nothing in this Bill for which Individual Liberty will be damaged. First, it is our constitutional right to protect people from those activities. It has been said in our Preamble "We, the people of India, having solemnly resolved

to constitute India into a sovereign, socialist secular, democratic republic.” It is said here about secularism. The incident happened in Ayodhya, the destructive work the communal forces did there, the incident caused by BJP there,

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the fanatics, be Hindu, be Muslim, be Christian, all the religion-blind people must be controlled and suppressed. You see Sir, for every offence, there is provision of punishment. Whoever work against the country, who is spreading provocative news, or spreading rumour, provision for punishment is there for all. Before all these activities happened, there is system to control. Sir, you see, the communalism now seen, there is no Law to prevent it. Now this Bill has been introduced to check those activities occur. So, the aim of this Bill “To provide for preventive detention of Communal Offenders with a view to preventing their dangerous activities prejudicial to the maintenance of public order and for matters connected there with or incidental thereto ” . So its objective is to prevent the communal offenders before they commit any offence. Likewise, the issue of Public Order has been mentioned in N.S.A. In this new Bill provisions have been made to detain the communal forces for a maximum of 3 months. It is apprehended that individual liberty will be curtailed. But no question arises to curtail individual liberty. The arrested person will be given the cause of arrest . In exceptional cases, there may be 5/10 days delay. But whoever will be detained, he will be given the cause of detention. Besides a Board will be constituted comprising a retired High Court Judge or High Court Judge or having similar qualification. The Board will investigate these cases. That Board will make provisions for strict punishment within 3 weeks and give report about the person so detained to the Govt within 6 weeks. All the papers will be submitted before the Board. In N.S.A provision is there to detain for one year. So the provision of 3 months detention in this Bill be increased to 6 months. 3 months is too less. By this no fear psychosis will be created. So there is requirement to detail such person for 6 months. Those persons or group will work against communal harmony, and violate the law and order, provisions to detain them have been made in this Bill. Sir, here I want to give one suggestion. For communal persons and those who are practicing communalism, detaining them is not enough. They must be accountable to compensate for the lose of life and property, burning the house, killing the people, till then this communalism can not be stopped or controlled. What I say, strong restriction must be made. Those people who are destroying wealth and property, their own property, movable and immovable must be confiscated and value of lost property must be recovered from them. Then only communalism can be stopped. I am supporting the Bill.

Shri Dvitikrushna Panda: Chairman Sir, Firstly, it is mentioned in the Bill that “ To provide for preventive detention of Communal Offenders with a view to preventing their dangerous activities prejudicial to the maintenance of public order and for matters connected there with or incidental thereto”. So “Maintenance public order and for matters connected therewith”. This thing I like mention that it is not a ordinary thing. Even under 144 Cr. P.C. there is a provision for maintenance of public order and tranquility. So what I like to say, there are provisions to prevent communal forces, divisive forces and activities of communal forces. Which is against national integration, which is related to divide the country, provisions have been made to stop and check . The clandestine forces doing drill, exercise, Stick and flat wood play and congregation in the educational institutions in disguise. To check and strict those forces, provisions like these will be made. Should be made.

As I said in A.P., there is also such a Bill which was enacted into act in the year 1984. Therefore, what I find is this, we have copied such things in which it has been clearly mentioned that.

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“And whereas having regard to the resources and influence of the persons by whom, the large scale on which, and the manner in which, the dangerous activities are being clan destiny organised and carried on in violation of law by Communal Offenders in the State of Andhra Pradesh, it is necessary to have a special law to provide for preventive detention of communal offenders and fir matters connected therewith or incidental thereto.” So, the head of the Bill shows what is the thrusts and what is the directive of this Bill. The very reading head could have shown what is the directive of this Bill. That should be included.

Some of the Hon’ble Members have said that no such Law exists in Odisha. While discussing on Home Demand, I have told that we have such Laws. In presence of Chief Minister, I have said that a lot of provision is in I.P.C.-153 (a) and (b). In spite of this, if entire conception of police force, attitude of Govt and attitude of ruling Party do not change, we can not face the challenges of present situation. Take for example the Saraswati Sishu Mandir of Cuttack district. What is not going there ? Just like Biraja Mandir. I have gone and seen there, or course not as M.L.A of Communist Party, but as C.I.D. For 7 days I have stayed there and seen. Which forces stay in 124 rooms there ? How many Sticks are there ? How many swords are there ? How many Iron Blades (Kati) are there. Why are those things kept there ? Why are these going on in Shisu Mandir. In Ganjam District, training is being imparted to the people in educational and religious institutions. These forces have spread among teachers, judges, Govt officers and I.A.S officers. In this situation,

this Bill has been introduced to check and control offenders. This Bill is also designed for that. I have no doubt on that. But I wanted to send this Bill to Select Committee. I have given an amendment to refer the Bill to Select Committee because that should not be misuse of this provisions of this Bill as huge power has been given to officers to detain a person. That is why I wanted to send this Bill to Select Committee. It is mentioned in Clause 4 of this Bill that "A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973. A BJP MP named Rana Nayak had come to Odisha. Why did he come from Surat to Odisha ? 25,000 workers from Ganjam District returned being attacked in communal violence. The situation they narrated here, published in news paper, was very painful. There, Hindus are incited against Muslims and Muslims are incited against Hindus so as to create communal violence. Hindus burnt the factories of Muslims and Muslims burnt the factories of Hindus. So we need to face and suppress these communal forces. Be it Hindus, be Muslims, you will get surprised if you know their sorrows and miseries, destructions and devastations. The happening in Ganjam Distrist has opend the eyes of entire Odisha, who is responsible for that? who are behind it ? Who have done these misdeeds, could have been detained by Clause-4 of this Bill. That is why I am charging against the Govt.

(Interruption)

I am not citing any Sloka, nor I am quoting Vivekananda. I am saying what is right. So please give me some time. We need to handle successfully any communal force. They came to Ganjam Distrist and came to Odisha. We need to make necessary steps to catch hold of them. Here I want to say "This Government is complement about the danger from the communal forces". They are running their agenda in different names. We need to identify the organization like Bajrang Dal and R.S.S.

(Interruption)

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If today they have this signboard, tomorrow they put other kind of signboard. R.S.S people were doing their exercise putting Khaki Pant, to day they are wearing white pant. They need to be contained. So the Govt should not bed complacent about them. Chief Minister of the State should remain vigilant. Another thing that Mahatma Gandhi used to say religion should be separated from politics. That was the slogan given by Mahatma Gandhi, we need to obey that. Leaders of ruling Party are here, Hon'ble Minister of Parliamentary Affairs and Hon'ble Law Minister are also here. I want to ask them, why actions were not taken against the people who were working against National Integration as per provisions 153(a) and (b) of I.P.C. They could have been detained. There are so may laws but they need to be implemented. Implementation is the main thrust, so in all these aspects,

awareness of common people is necessary. So, first we need to create people's awareness. The Communist Party as already started its 'Yatra' to maintain Communal Harmony in the State, particularly in Ganjam district. We should create consciousness about the Communal harmony among the people. During the juncture we should be united to rouse Communal harmony among people and to fight against the Communal forces. Let we the Communist Party and Janata Party collaborate to prepare a scheme to fight against these communal forces.

Shri Bishwa Bhushan Harichandan: Chairman Sir, whenever any revengeful Law has been made in India, it has damaged the democratic thought process and constitutional rights, on which we are discussing much. In the country, one may the devotee of Lord Ram or devotee of Ravan, it is the duty of the Govt to protect all. This is inscribed in our constitution. Here, I want to say that in the past emergency was declared in the country. During that emergency, a black Law named MISA was brought into. Under this Law approx. one and half lakh people were sent to jail. Those who went jail, for whom they sent to jail. They went to jail to satisfy the self-interest of one person and one family. Everybody must be knowing about the black-night of emergency. In the past, a Bill named Anti-Social Bill was put into discussion. That Bill faced opposition. Then also I had protested against that Bill. Hon'ble Members of Janata Dal also protested that Bill. That would have been most draconian law. I have never seen such draconian law. That was more stringent law than MISA. The National Security Act we have, is there any deficiency to take action, I do not understand. It is being said he provisions 153(a) and 153 (b) of I.P.C, discussed in this house are not adequate to take actions. If a man is given a new cloth, he would like to wear it..... If one is given a new weapon, he would desire to use it. Likewise, if we purchase a new Gun, we want to use it too. So, even if there are so many Laws, why are we going to pass this Law? A Hon'ble Member of this house was beaten black and blue. Due to this his entire body became septic. Then what protection was given to him ? He was not a communal offender. Despite this, the way Hon'ble Member was beaten mercilessly and kept in jail, it was unfortunate. What was the attitude of the Govt, everybody knows. The Bill which has been introduced need to be discussed thoroughly. After discussion, it is to be seen what are the provisions in it to protect individual's right. Whether we need this Law, that aspects also need to be checked. I do not know where is the communalism seen in Odisha. There is hardly any quarrel between caste and community in the villages of Odisha. Likewise, there was disturbance in Cuttack and Bhadrak. We are ahead of Govt of India as far as communalism is concerned. Govt of India is well behind us.

Signed

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In those states communal riots are being witnessed, those states have made this type of Law, but we making this Law. The statements given about Judiciary are unfortunate, beyond my imagination. Here, Judiciary is being always attacked. People in Judicial Department are remaining in close door. They fail to understand the disturbance and torture in the society. So it is said that they are just interpreting the Law without having a realistic view. I want to know do we want to go to the level where in Judges should believe in the philosophy of the Government and there should be committed Judges. Whatever Law will be passed, Judges will put their approval on them and they will obey what Govt will say. But people of India have totally rejected that principle. Here I want to say where Judiciary would not scrutinize, it will lead to destruction. Everybody know the judgement given by the then Supreme Court Judge during period of emergency. At that time case was in Supreme Court. Supreme Court Bench asked whether the constitutional rights have been suspended and Articles 21 and 22 have been suspended. I want ask if a police constable shoot a man like cat and, dog, then has that man has right to go to the Court. Attorney General told the Supreme Court that people do not have that right because all the rights have been withdrawn due to emergency. That is why I am saying, while passing this Law, all the apprehensions in the people's mind should be removed. Without doing this, becoming super active before communal problems being witnessed and passing this Law only for the same of taking credit has no meaning and then I have nothing to say. Making Law beforehand for the problems happening in other parts of India but in Odisha is not a appropriate step. What I want to say this type of Law is not required in Odisha. The provisions already exist to handle such problems are adequate and despotic. At last I like to say this is a black Law and should be withdrawn.

Shri Rajendra Singh : Chairman Sir, The Bill Parliamentary Affair Minister has introduced to day is essential for India as well as for Odisha. There is no doubt about it. I agree with many Hon'ble Members that there has been delay in introducing the Bill. This Bill was required to be introduced before. Those Hon'ble Members who have patriotism in them can not oppose this Bill after discussion nor can they give their logic and appropriateness to send this Bill to Select Committee, no can be agree with them . Those who want to protect democratic human rights and culture, can not oppose this Bill or make any effort to delay it. There is an arguments that communal forces are not being seen in large scale in Odisha , so there is no requirement for this Bill. I say those who are saying like this do not know what is happening in the ground level. Today, so meny organization have been banned. After demolition of Babri Masjid on Dec 06, efforts were made to create communal violence. After that effort seen, some organisations have been banned. You will be surprised to know that after R.S.S was declared illegal, Ram Seva Sangathana have been formed. Only signboards have been changed. But the people are the same and the Leaders are the same. Stick play is still continuing and the slogan is given "Garv Se kaho, Hum Hindu He"

The Sangha Parivar has been more activated to spread the poison of communalism. In entire Odisha there have more than 100 branch like Saraswati

Sishu Mandir. You can not imagine what are going on in these educational institutions. This is the one institution through which the poison of communalism are being fed into the minds of small children. These people are no more satisfied in Veda and Sloka. The way Sadhu Sant of Ayodhya are demolishing the Masjids and the way Sadhu Sant were being shot during Govt of Shri VP Singh, these are being shown through Video Cassettes. Not only the children are shown these Videos, their parents are also shown these Videos. Today every member of Sangha Parivar are involved in these activities. Even they are satisfied with that. Where ever, there is Ram Lila, they are reaching there and promising to help them.

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And they are opening free Langar. Those who are opposing, who are they ? They say they are working in "Bole Bamb" These are the people Nasho Gram, Jay Shriram". These are the people who sell one K.G rice, reducing 100 grams, they oppose.

Those who are opposing, they sell cheat by selling 900 grams rice for one KG but say Jay Shriram. What I want to say, they are also becoming super active. Not only in the cities and towns, they are also trying to active in rural villages. Bhartiya Janata Party was never a political Party, neither it will be Party in future. In Bhartiya Janata Party, what ever Sangha Parivar spokesman Mr Dalmia will say, that will be Law. They have no original view. Our Main Sachetaka said efforts are being made to destroy the secularism. But what I say efforts are not only made to destroy the secularism, but also to destroy our country, our culture and harmony. A conspiracy is being made to divide the country in the name of Hindu Rashtra. Those people are trying to make a Hindu Rashtra, they are also opposing entry of untouchables into Jagannatha Temple. Then, are the Bhoi, Kandara and Harijan are not Hindus ? Please you all consider it. Those people are convert our India into a of Hindu Rashtra, they are the people who are opposing this Bill. If in India, Hindu Rashtra will be built, then why not Khalisthan ? We all, this House and crores crores of people of Odisha will have to answer this question. Efforts are being made to divide the country in the name of Lord Ram. But what is the principles of Lord Ram? We may sacrifice our life but not our words. Even if Shri Lalkrishna Advani and Smt Vijaya aje Scindhia had taken oath in the Parliament to protect the constitution, they have broken the constitution, In the current situation, these people are having their heartbeat. I will not take much time. I have composed a chorus, I will end my speech by reading that chorus. If we need to protect the constitution, then we need to pass the Bill. In the current situation, this Bill of great necessity. Those people are trying to divide the country, we will fight against under leadership of Shri Biju Patnaik.

We all the Hindu Brothers

But in our Temple No untouchable will enter

See the so called educated's temper

Purohita not obeying caste restrictions

In Shradha father and grandfather go from hell to heaven

We all the Hindu Brothers.....

2. No Widow marriage but eat Habisha (food the widow eat)

Shankaracharya say start widow sacrifice

The Haat readers distance from Shudra Caste

We all the Hindu Brothers.....

3. Beaten by Bambo Stick how many Saitan

Some became Musalman some became Christian

Still flags of religious blind fly high

Shamess says brown dress fly high

We all the Hindu Brothers.....

4. Beat you to collect chanda (forced contribution) in the name of God

Give brick, give blood for mandir

Bound to be Hindu Rashtra, no other religion exist

We all the Hindu Brothers.....

5. Hey Musalman

Sleep in golden bed in Pakistan

Hey Hindu

Do Nepali Hindu die for Lord Shiva?

Delhi is congregation of Asadhu-Asantha religious blind

We all the Hindu Brothers.....

6. Saitan say kill Gandhi-Abedkar

Kill Subhas break secular front

Remove caste, remove religion tell the people

We all the Hindu Brothers.....

No Sudra will enter our Temple.

Signed

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Shri Hemananda Bishwal : Chairman Sir, We have big requirement for the Bill, The Odisha Prevention of Dangerous Activities and Communal Offenders Bill 1993, introduced by Hon'ble Parliamentary Affairs Minister. After December 6 incident, the necessity of this Bill has increased. The communal forces are responsible for December 6 incident. That everybody know. In today's discussion Hon'ble Member of Junagarh was saying no Masjid have been demolished. They were perhaps worshipping Lord Ram's Idol. Then where was the requirement of demolishing Masjid. Effort was made to destroy unity, secularism and religion of India. Chief Minister of UP could not protect constitution. So situation like this has been created in India. These communal forces raising their head in various way and trying to capture power by destroying harmony and unity of India. As a Party, Congress Party has ruled this country for longer period. But they say they do not believe in religion. If they do not believe in religion, then how they were showing Ramayana Serial in TV. So their arguments are not correct. Be it Congress Party or Janata Party some religious-believe people are there. But they are trying to create instability in India in the name of religion. That is a dangerous situation, in that situation they are taking benefit, demolishing temple, what is their lose and what is their gain, they will calculate it. You know, India is a secular country, festivals and yatra continues at different time in different place. Keeping these festivals and ceremonies in mind, these communal forces are trying to create dangerous situation all of sudden. Take for instance, in one place Jagannath Yatra is going on, near it Ram Navami is going on since 6-7 days. At that time, these communal goondas reach there and all of sudden make a bomb explosion, or create rumour, so that common people do not be able what is wrong what is right, be part of the disturbance. A dangerous situation is created. So mutual destructive work like this is created. This Bill has come to check and control the activities of such people. So this Bill deserved to be welcomed, with help of this Bill, these communal forces could be eliminated and controlled. Our Hon'ble Members are saying a number of provisions are there in our N.S.A, M.I.S.S.A and G.R.P.C and I.P.C. But this Bill , Prevention of Dangerous Activity of Communal Offenders Bill has been introduced to suppress and control these Communal Goondas and those people who are expecting to do such divisive activities. That is why, this Bill , Prevention of Dangerous Activity of Communal Offenders Bill has been introduced. We have big necessity for this Bill. The main Sachetaka (chief whip) of ruling Party was saying every year, Ram Navamai was being celebrated. This year, after December 6, you will find that various communal organization were declared illegal. But in disguise, these people are trying increasing their activities. This year, like previous years, Ram Navamai was being celebrated in our area. Huge number of people are

congregating. It was seen that people of R.S.S and Vishva Hindu Parishad boarding jeep were distributing Pride Flags house to house. They are trying to make the people slave of communalism or slave of spiritualism. So this Bill has necessity now. In this pattern, Central Govt too has introduced a bill in the Lok Sabha. Now Lok Sabha is not in session, in coming time that Bill will definitely be passed. So, in order to eliminate and check the activities of these communal goondas for destroying harmony and unity, Govt has introduced this Bill and I am therefore supporting this Bill.

Shri Juel Oram : Chairmen Sir, I am not able to support "The Odisha Prevention of Dangerous Activities of Communal Offenders Bill 1993' introduced in this House today. Sir, sitting here, I was listening the arguments of big leaders. Here I listened the arguments of Janata Party, Congress Party and Communist Party. What they said in the terms of arguments, I wonder what they understand by secularism and

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What we understand by secularism- This country is not dearth of leaders, no dearth of rules and laws, but dearth of ethical values. You people have majority here and therefore you can get this Bill passed. But if you can really implement it, then I will say you people are Hi-humanbeing. Here, history is the witness. You people are saying about Supreme Court. But are the congress leaders were sleeping in Sahabano Case ? Are other political parties were also sleeping ? Then you people said, that is different thing. We could have 3 wives and could have 30 children. No family planning would be applicable to us. You people could do nothing. I can support this Bill in one condition. Can you make it applicable in Jammu and Kashmir ?

Shri Ajay Kumar Jena : Point of Order, Hon'ble Member Shri Juel Oram said "Hi-humanbeing. It is accusatory. Whether it would remain in the proceeding, I wanted to know the exact ruling.

Mr Chairman (Shri R.K Ram): We will check it, if it is accusatory, then we will think and remove.

Shri Juel Oram : You people said continuously Hindu, Hindu, if I said small thing, they why are you feeling sorry. I have said Hi-humanbeing, I will prove it.

Hon'ble Member was saying " Why are worrying, this Bill be applicable for both Hindu and Muslim. Passing the Law is not a big thing, you have 123 Members. This Bill could be passed by clapping hands. I want to know. Law has been passed banning cow slaughter, has it been implemented? Are the cows are not being slaughtered ? Can you say how many cows are being smuggled. I wanted to ask, how many Missionary High Schools you have taken over ? Have you guts to take

over them ? Whether it is Congress Govt or Janata Govt, can you take them over ? The Private Institutions others have established, Govt will take up after some years. Give them full salary and transfer the teachers here and there. Can you touch Missionary Schools or institutions opened by Muslims. Can you transfer them, give full salary ? Why are you implementing secularism there ? I told about Sahabano. You people are saying secularism, anti-social communal, why are not taking these to Jammu and Kashmir ? Take Army also there, I will see your guts. Hon'ble Member Dvitikrushna Panda said we will do as per our culture and secular thinking. We know you will do Yatra and what guts you have. I want to say here, Mahatma Gandhi once said Bharatvarsh can not be divided in his life time. Pandit Ji said it was a fantastic and nonsense thinking. Rajendra Prasad said in his book "India divided" that it was impossible, but it happened, India and Pakistan could be two countries. In stead of discussing about the Bill ' Prevention of Dangerous Activities of Communal Offenders Bill' introduced in the house, you people are unnecessarily condemning B.J.P, R.S.S and Vishwa Hindu Parishad.

(Interruption)

One of the Hon'ble Member said Sticks are being kept in Saraswati Sishu Mandir, see what are kept in Madrasa. Why are you not able to do any thing against them. How Babri Masjid was built you people know, the history is the witness. I think you people have no blood in your body. When Kar Seva was going on in Ayodhya, I was there. I told before arresting anybody, arrest me first. I saw some people are feeling sorry.

(Interruption)

I want to ask,do you have blood in your body. The way Nirbak, Senapati of Babur demolished Mandir, looted wealth and kissed beautiful Hindu women, they you have enjoyed in talking about secularism, and communal harmony. Hearing this I have doubt whether you people have blood in your body. Try to know the history. I do not think you people have any right to talk about secularism. As time is passing, history is also changing, history of the country will also change.

(Interruption)

If I say truth, you feel sad.

Signed

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Shri Rudra Madhav Roy : Chairman Sir, I am supporting the Bill "Odisha Prevention of Dangerous Activity of Communal Offenders Bill, 1993" introduced in the House by Hon'ble Minister. After independence, Mahatma Gandhi dreamt to make this a great country irrespective of caste, creed and religion. The poor, innocent and exploited people dreamt to make development. It was a dream that poor tribals, Harijan, forest-dwellers, Muslim and Christians would be bind by a common thread and live in India. For that reason Mahatma Gandhi brought freedom for India. But in Punjab, Kashmir and Assam of India are burning, witnessing communal violence. Efforts are being made to divide the country in the name of religion. For that reason, I am supporting this Bill introduced in the House. No Party except B.J.P will oppose the Bill. B.J.P people are trying to capture power in Delhi in the name of Lord Ram, but it is getting success. Tripura election result proved that the country does not want B.J.P. It was proved that these are the handiwork of religion-feared Party. You people know the history of BJP Party is different from other Parties. They came to power in 1977 at the Center as a supporting Party of Janata Dal. At that time BJP was Jana Sangha. Their treachery damaged the hope and aspiration of people of India. Again, they came to power in connivance with V.P Singh. Lastly they dethroned V.P Singh. Similarly, the Party in connivance with Narasimha Rao grabbed Dy Speaker post in the Lok Sabha. Then they did treachery and submitted false affidavit in the Supreme Court. On the basis of treachery, they created a hateful history on December 6, this nation can not forget it. For the situation created in India, If Odisha is going to implement this Law in advance, then I must thank the Govt. It is an farsighted move. This Law will be appropriate to handle and control those Political Parties are doing politics in the name of religion, Saying this, I am ending my statement.

Shri Bijay Mohapatra (Minister): Chairman Sir, In the House, Hon'ble Members have not discussed not only within the perimeter of Bill but also discussed many things out side main points of Bill. When I gave my first statement, I made it clear that this Bill is "Prevention of Dangerous Activities of Communal Offenders". The aim and objective of this Bill is very clear. But during the discussion, some Hon'ble Members have expressed some doubt and apprehensions. I want to remove those.

Hon'ble Member of Jaipur is not here, he had raised a question. Hon'ble Member of Junagarh also had raised a question. Hon'ble Member of Junagarh had opined that this Bill should be withdrawn. Hon'ble Member of Kodala branded it a Black Law. Hon'ble Member of Banapur branded it a Black Law. All other Members have supported this Bill. That is why I want to thank them. With this, I want to say that perhaps some issues have not been properly considered in right context, that is why some doubt have been created. Hon'ble Member of Junagarh had opined that this Bill should be withdrawn. This Bill should be withdrawn. I would like to know why? Hon'ble Member from Junagarh, does he not want that the Government should deal very firmly with the communal offenders? The government deals very firmly with the communal offenders? The Government deals very firmly with the communal offenders, that is the intention and purpose of the Bill. Without knowing the aims and objectives of this Bill completely, if some one discuss the Bill keeping

political interest in mind and argue for withdrawing the Bill, then I can not be agree with them. For the better interest of state and its people in general, this Bill need to be passed. During the discussion, it was told about Civil Right and Goonda Bill. I want to say the Hon'ble Members, those are raising question, specially Hon'ble Member of Junagarh who said this Bill was opposed in the meeting of Janata Dal, I want to say that Govt does not want to bring all things discussed in the Select Committee, as it is under consideration of Select Committee. Hon'ble Member of Junagarh is also Member of Select Committee and therefore he knows about Goonda Law.

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So about the discussion on it, I like to state that after getting the opinion of Select Committee, we will bring those in the Assembly. I never back out for this Anti-Social Bill. The Bill which has been introduced here to handle the communal offenders, Hon'ble Members of Tirtol and Laikera have supported it saying it is a appropriate step for Govt. When all the Hon'ble Members gave their opinion, this Bill came to the House. When I was asked to introduce the Bill hurriedly, all supported me. That is why the Bill has been introduced.

Hon'ble Members have raised the question about Civil Right. Questions are also being raised about criminal liability. Here I want to say that it is not aim of the Govt to bring any political party or any organization or establishment under ambit of this Law.

(Mr Dy Speaker in the chair)

Govt does not want to use it for any political interest. I hope, Hon'ble Members will agree that communal offenders have to be dealt with iron-hand , so, This is not only the agenda before this House or the State of Orissa, but it is the agenda before this nation.

Hon'ble Members of Junagarh, Banapur and Kodala were asking, whether these could not be done by existing Laws and why this Bill was brought into. I want to say that within a span of 4 days in 1991 in Balasore 8 crores of worth of Govt and Private property was destroyed. I would like to put this question, should we tolerate the loss of rupees eight crore within a span of 4 days?

I would like to put this question, should we tolerate the loss of rupees eight crore within a span of 4 days? Within 4 days, 8 crores of worth of Govt and Private property was destroyed and many a times a lot of life and property are being destroyed. Communal offenders have to be dealt with iron-hand. If any noble intention is there, then this Bill should be discussed. The arguments Hon'ble Members are giving, I can not agree with them. The Laws like I.P.C and C.R.P.C were

made and constitution was made, if these Hon'ble Members were then, perhaps making of constitution would have been possible. (Interruption).

Hon'ble Member of Jaipur said there will be evil exercise of power. Many a Laws have been passed had there been no evil exercise of power in the past ?When the Bill was introduced, in my reply I had given details for which this has been introduced. Some of the Hon'ble Members have talked about National Security Act and Draconian Law. But while talking about own Assembly Constituency, they say " There is goondagiri in my Assembly Constituency, they must be arrested under N.S.A. When ever they come to Chief Minister, they demand same thing. When, today they are saying about N.S.A., Black Law or Draconian Law, I wanted to ask them, was it not a Black Law or Draconian Law ? It became so today. We have included the provisions of National Security Act in this Bill and National Security Act has approval of entire nation. So it is becoming inadequate to deal with it. So we have made 2-3 provisions and have introduced in the House. Then how could be it Draconian Law or Black Law. I think, we are the first in India going to introduce this Bill in new form. Everybody should look into detail. After that, it will be discussed in detail, then I will explain all. Compare National Security Act in one hand and the Act in the other hand to compare. What are the difference ? For this, I want to say that with regard to criminal liability that those who are trying to destroy the life and property of the nation, trying to destroy by burning, trying to kill innocent youth, Should not they be treated as criminals? If they should be treated as criminals, then I will expect all the Members will agree to this Bill. The main objective of Govt bringing this Law is that those are blackmailing in the name of peace and discipline would be suppressed with iron-hand. I hope, Hon'ble Members will support it and accept it.

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Mr. DEPUTY SPEAKER: Hon'ble Member Radhakanta Sethi, whether intends to withdraw your Amendment.

Shri Radhakanta Sethi: I want to send this Bill to the Select Committee.

Mr. DEPUTY SPEAKER: Now the question is that the Amendment given by the Hon'ble Member Radhikanta Sethi be adapted.

The motion was negatived and Amendment lost.

Mr. DEPUTY SPEAKER: Now the question is that the Bill be taken into consideration.

The motion was adapted and Bill was taken into consideration.

Mr. DEPUTY SPEAKER: Now Clause 2

Amendment given by Shri Raghunath Patnaik.

Shri Raghunath Patnaik: Hon'ble Dy Speaker, my intention was in Clause 2, after sub clause (6), a new sub-clause (6-1) be included to define "Anti-social". What I wanted to say, those who are committing communal violence, strong action must be taken against them. The anti-social people those are really danger to the society, some times collecting forced collection, if not agreed creating fear showing knife, not respecting women, they should be also detained by this Law. So if we do not make provisions and do not apprehend those anti-social people, then it will not be right thing. So provisions should be made for anti-socials, so that they could be apprehended. The existing Laws are not adequate. From that angle, we have seen some people are inciting violence and creating fear by showing V.D.O cassette of communal violence, those V.D.Os should be ceased and confiscated. The activities being carried out with help of V.D.O cassette should have been stopped under the provisions of this Law. Provisions for Ceasing and confiscating those things should have in this Law. Provisions in I.P.C under section 153 (A) (B) Chapter 15 exist, if amending it and making a State Law, these anti-social activities should be non-bailable. So that strong action could be taken against communal offenders as well as against anti-socials.

Shri Bijay Mohapatra (Minister): Sir, the amendment Hon'ble Member is bringing, there is no need of it. Why I am saying is that he wants after Sub-Clause 2 (b), a new sub-clause (b-1) should be added for anti-socials. When talking on the issue, I was telling that communal offenders are also anti-socials, but Hon'ble Member is raising a separate question. I have said about anti-social Bill that it is under consideration of Select Committee. His second concern is about those people are doing V.D.O recording, but these have been include in I.P.C sub-clause (2) of Clause 505. It takes well care of that provision, so there is no deficiency in sub-clause (2) to deal with such offenders. From that angle, I hope the proposal of Hon'ble Members are already in this Bill, so I request him that he will withdraw his amendment as we have already fulfilled that provisions under this Bill.

Mr. DEPUTY SPEAKER: Hon'ble Member Shri Raghunath Patnaik, are you withdrawing your amendment.

Shri Raghunath Patnaik: I am withdrawing.

Mr. DEPUTY SPEAKER: With the leave of the House the amendment is withdrawn.

Mr. DEPUTY SPEAKER: Now the question is that Clause 2 do stand part of the Bill.

The motion was adapted and Clause 2 added to the Bill.

Mr. DEPUTY SPEAKER: Now clause 3

Amendment given by Shri Arun Dey----- absent.

Signed

Shri Ramakrushna Patnaik: Hon'ble Dy Speaker, In Sub-clause (2) of Clause 3

For "Such District Magistrate may also, if satisfied as provided in sub-section (1), exercise the powers conferred by the said sub-section"

Substitute "or authorise the District Magistrate to detain such Communal offender"

Hon'ble Minister must be knowing that in Clause 3 of the Bill, the provision of detention order says Govt have the power to detain. You know preventive detention should be done always by Govt and what I am saying even for few days also anybody should be detained, let the appropriate authority exercising his authority under certain manner. In a welfare State the Government is supposed to be like that and as such the authority of this nature is vested with the government. Of course, the provisions that Hon'ble Minister have introduced has piloted on behalf of Chief Minister. As per the provisions there, in which situation, before Govt report arrives, District Magistrates may have requirement for preliminary order, it should be defined but it mentioned as such satisfied. Blanket power given to the District Magistrates. In stead of doing that, authorization to the District Magistrates will be such that they should find out how the situation created and how it came to be known from the preliminary report, then only District Magistrates should resort to prevention or apprehension. It should be also found out who is planning to commit such offence, confidential report sent to the Govt and Govt is aware of that. Government may authorise District Magistrate for particular purpose to do it. So instead of "specifically District Magistrate, I have done authorisation. District Magistrate can detain and send to Government for authorisation or for approval. That is why, I am saying By Law, instead of giving such authority to the Dist Magistrate, after authorisation only, they will exercise the authority and for detention, he will send to the Govt for approval and it will be approved within two days. So I am saying all the provisions should be there, it should mentioned or be authorized to District Magistrates to detain such communal offenders. Hope Hon'ble Minister will accept it.

Shri Bijay Mohapatra (Minister):Dy Speaker Sir, intention of Hon'ble Member is OK. If He will reads the Bill, its objectives and objectives of Clause 3 of Sub-Clause 2 are the same. There will be no difference in that because District Magistrate is authorized.

Shri Ramakrushna Patnaik : As such District Magistrate may also is satisfied as provided in Sub-section (1) means, if there is such report, then under Sub-section (1), District Magistrate is also if satisfied can do that.

Shri Bijay Mohapatra (Minister): Hon'ble Member is interpreting differently. Exactly the same provision is there under Section 3 of the N.S.A, there is no difference there. The issue Hon'ble Member is raising, can be included in the Bill easily. The provision in the Bill such District Magistrate may also exercise the powers conferred by the said sub-section.

Mr. DEPUTY SPEAKER: Hon'ble Member Shri Ramakrushna Patnaik, are you withdrawing your amendment.

Shri Ramakrushna Patnaik : I am afraid the interpretation given by the Minister is not correct. So, I will not be guilty of approving the Law which will be set aside in the Court of Law.

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Mr. DEPUTY SPEAKER: Are you withdrawing?

Shri Ramakrushna Patnaik: It may be put.

Mr. DEPUTY SPEAKER: The question is that the Amendment given by Shri Rama Krushna Patnaik, Member be adopted.

The motion was negative and amendment lost.

The question is that Clause 3 do stand part of the Bill. The motion was adopted and Clause 3 added to the Bill.

Mr. DEPUTY SPEAKER: Now Clause 4.

The question is that Clause 4 do stand part of the Bill.

The motion was adopted and Clause 4 added to the Bill.

Mr. DEPUTY SPEAKER: Now Clause 5.

Amendment given by Shri Biswabhusan Harichandan.

Mr. DEPUTY SPEAKER: **Now clause.** This is amendment by Hon'ble Member Shri Biswabhusan Harichandan.

Shri Biswabhusan Harichandan: Mr. Deputy Speaker Sir, My Amendment reads as follows; in clause 5 of the Bill delete Sub-Clause (a) Clause 5 (a), provision is there "to be detained in such place and under such conditions including conditions as to maintenance of discipline and punishment for for breaches of discipline," as the Government may, by general or special order, specify; and the amendment I have brought out, I have said from ' to be detained in such a place' to breaches of discipline' portion should be deleted and what ever there after that 'as the Govt may by general or special order specify' should be retained. The proposal I have brought out to delete the portion, if that is retained, the provision will be

superfluxes. Who will remain in Jail, he will be guided by jail manual under such conditions including conditions as to maintenance of discipline, there is no need to mention that. Those who are in Jail will have to obey Jail Manual. So this portion is extra. So I am saying, there will be no harm if delete this.

Shri Ramakrushna Patnaik: Sir, In Clause 5, my amendment is in sub-clause (a) of Clause 5

For----By General or Special Order specify. Substitute----“Prescribe”

I want to say here specifically means it may be specified by and executive order and it can be changed, at the whims of some people at anytime. Therefore, I say instead of specify, it may be prescribed. So I think Hon’ble Minister will kindly agree to this. Because it is likely to lead to Vendetta.

Shri Bijay Mohapatra (Minister): Sir, Hon’ble Member of Chilika has brought out the amendment to delete Sub-Clause of Clause 5. Hon’ble Member knows if we delete that provision, there will be lot of inconvenience. If that portion is deleted, Jail will face difficulties. Hon’ble Member has experience in Administration. This provision is guided by provision of N.S.A. Section 5 is the exact provision what is there in N.S.A, so it will not be appropriate to remove it. I hope Hon’ble Member will accept it. The amendment Hon’ble Member of Kodala has brought out, as I have earlier said, it is as per provision of N.S.A Act. It is said there as specified, if Hon’ble can describe his intention, that will be clear.

(Interruption)

Shri Rama Krushna Pattanaik: Prescribed means, by whom.

(Interruption)

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Shri Bijay Mohapatra (Minister): I think, this will not create any difficulty, because we are guided by N.S.A Act, so there is no difficulty.

Mr. DEPUTY SPEAKER: Whether Hon’ble Member Shri Harichandan intends to withdraw his amendment.

Shri BISWA BHUSAN HARICHANDAN: No.

Mr. DEPUTY SPEAKER: Now the question is that the amendment moved by Hon’ble Member Shri Harichandan be adopted.

(Motion was adopted and the amendment was lost.)

Mr. DEPUTY SPEAKER: Now whether Hon’ble Minister Shri Ramakrushna Pattnaik intends to withdraw his amendment.

Shri RAMAKRUSHNA PATNAIK: No Sir, because it is likely to lead to vendetta.

Mr. DEPUTY SPEAKER: Now the question is that the amendment noted by Hon'ble Member Shri Pattnaik be adopted.

(Motion was adopted and the amendment was lost)

Mr. DEPUTY SPEAKER: Clause 5 Now the question is that Clause 5 do stand part of the Bill.

(Motion was adopted and Clause 5 was added to the Bill.)

Mr. DEPUTY SPEAKER: Clause 6 Now the question is that Clause 6 do stand part of the Bill.

(Motion was adopted and Clause 6 was added to the Bill.)

Mr. DEPUTY SPEAKER: Now Clause 7 There is amendment by Shri Biswabhusan Harichandan.

Shri Biswabhusan Harichandan: Sir, In clause 7 of the Bill, my amendment is to omit Sub-Clause (a). Sir, I do not like waste the time of the House by reading what is written in Sub-Clause (a). What I want to say when one of our order is challenged, there should be due application of the mind to the order passed. If that is about the order is ordinarily quashed in the Court of Law. One of the ground if became vague, still then order will stand, while passing order, ground is irrelevant. Still then a person can be detained. So the provisions need not be there in the Bill. If the provision remain, no body will try for proper application of mind. For that reason, I want to say, for application of mind, these things should not be there. Due application of mind is always necessary. The authority while passing the order of detention must applies his own independent mind. If he fails to applied his own independent mind then order is illegal. For that angle, it is not necessary. No unnecessary handle should be given.

Shri RAMAKRUSHNA PATTNAIK: In sub-clause (a) of Clause 7 after sub-clause (a) (v) delete the words and sentences and sub-clause (b).

Where a person has been detained in pursuance of a detention order which has been made on two or more grounds, such detention order shall be deemed to have been made separately on each of such grounds and, accordingly: ---

- (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 District Magistrate making such order, as the case may be, would have been satisfied as provided in section 3 with reference to the remaining ground or grounds made order of detention.
- (b) the Government or the District Magistrate making the order of detention as the case may be, shall be deemed to have made the order of detention under the said section with reference to the remaining ground or grounds.

In Law it is said to be a contrivance provision. There is no requirement for this. This contrivance provision makes the laws rather indecent inappropriate even if it is vague, non-existence, not-relevant it cannot be challenged and cannot be declared for any other reason whatsoever it covers. Therefore, this provision which is contrivance may be deleted because by deleting nothing will be affected. In order to avoid the contrivance of the Law Minister will agree to delete this.

Shri Bijay Mohapatra (Minister): Dy Speaker Sir, I think Hon'ble Member is giving 2 contradictory opinion by reading Clause 7. First thing about Clause 7, he said clause 5 (a) will be there, then he has said about clause (b) in the next sentence. When you agree to the provision of clause 5 and clause 7 (a), then how do you propose that this is to be deleted. You say if you delete this, there will be no error. That is what you say. But I would submit when we provide in sub-clause (a) of clause 7 vague, non-existent, non-relevant, not connected or not approximately connected with such person as our experiences has shown us. It is a question of detention on grounds. While we discuss, while we prepare cases for ground of detention. This is merely a Provision which speaks that two or more grounds may be invalid. But some of the grounds may not be invalid. This

provision which enables authority to use power of grounds of detention if you delete what will be the effect.

(Interruptions)

You have seen it several times. Even in N.S.A. you have seen it. These two provisions are necessary.

Hon'ble Member of Chilika has given the amendment just opposite. Hon'ble Member has given the proposal to remove Sub-Clause (a) completely. That is not at all possible. Then a serious situation will be created. Hon'ble Member is a Law expert. He knows how Laws are implemented. Starting from N.S.A Act, whatever Laws are promulgated, Hon'ble has the idea. If we delete it completely, what will be the applicability of this Act ?

Mr. DEPUTY SPEAKER: Whether Hon'ble Member Shri Biswabhusan Harichandan intends to withdraw his amendments?

Shri BISWABHUSAN HARICHANDAN: No.

Mr. DEPUTY SPEAKER: Now the question is that the amendment moved by Hon'ble Member Shri Biswabhusan Harichandan may be adopted.
The motion was adopted and amendment lost.

Mr. DEPUTY SPEAKER: Whether Hon'ble Member Shri Ramakrushna Pattnaik intends to withdraw his amendment?

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Shri RAMAKRUSHNA PATTNAIK: No.

Mr. DEPUTY SPEAKER: Now the question is that the amendment moved by honourable member Shri Ramakrushna Pattnaik be adopted.
The motion was adopted and amendment lost.

Mr. DEPUTY SPEAKER: Now the question is that Clause 7 do stand part of the Bill.

The motion was adopted and Clause 7 added to the Bill.

Mr. DEPUTY SPEAKER: Now Clause 8. Honourable Member Shri Ramakrushna Patnaik to move his amendment.

Shri Ramakrushna Patnaik: Clause 8 (1) is wrongly reported. I have said it is mistakenly written. That it is not my amendment. Therefore, that is not placed.

Regarding sub-clause 3 of Clause 8 or "imprisonment for a term which may extend to one year, or with fine, or with both."

Substitute 'Fine'

Delete sub-clause 4 of Clause 8

My intention of making this provision is that it is written 'If notified in Government Gazette that is sufficient for the purpose'.

I want to bring you attention that not many people read Govt Gazette. The provision in Andhra Pradesh Act "In any Newspaper which is largely circulated in that area," That is why I am saying there has been defects in copying. By putting up publicity in official Gazette, the concerned people can not know but remain in jail for 2 years. It will be a very unfortunate provision. It is there in Andhra Pradesh Act that it will be largely circulated local Newspaper for Publicity. That provision is not here. The common people who without their knowledge and without going in to the official Gazette are likely to be breached by this provision. It is totally an unfortunate provision. That is why I want if like in Andhra Pradesh Act , we will circulate in local largely circulated, there will be no requirement for this provision. Without doing this, if provision will be to publish in official Gazette, It will be an unfortunate provision. If the Hon'ble Minister intends to prescribe this punishment that he should amend it to the tune that it will be published in the largely circulated local newspaper. Then only somebody is supposed to know it. If this will not happen a lot of disturbance will happen. Innocent people will be harassed. I hope Hon'ble Minister will at least will accept it.

Shri Bijay Mohapatra (Minister): Dy Speaker Sir, Hon'ble Member told about Andhra Pradesh Act. You will see Sir, same provision exist in Clause-7 of N.S.A. This exists already in the National Security Act in Section 7. Hon'ble Member said a lot of poor people will be in trouble. Is this Law meant for poor people ?
(Interruption)

Shri Ramakrushna Patnaik : I said innocent people.

(Interruption)

Shri Bijay Mohapatra (Minister): This Law is not being made for innocent people. This Law is for offenders.

(Interruption)

Talked about poor people, talked about innocent people, but for which this Law has been brought into. Is it being brought for innocent people ? If Hon'ble Member says, we are making Law for innocent people, then I have nothing to say. I do not agree with the interpretation of Hon'ble Member. I agree with wide publication, but now-a-days everybody knowing Gazette publication and all must be concerned about this. Govt will consider the proposal given by Hon'ble Member.

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Mr. DEPUTY SPEAKER: Hon'ble Member Mr. Ramakrushna Pattnaik are you intending to withdraw your amendment?

Mr. Ramakrushna Pattnaik: You will consider means, you will prescribe rules, Now amendments are being made. Will you consider by Rule ?

(Interruption)

Shri Bijay Mohapatra (Minister): I have nothing to say about this amendment.

Mr. Ramakrushna Pattnaik:: I will not withdraw it.

Mr. DEPUTY SPEAKER: The question is that the amendment moved by Shri Ramakrushna Pattnaik be adopted.

The motion was negatived and amendment was lost.

The question is that Clause 8 do stand part of the Bill.

The motion was adopted and Clause 8 was added to the Bill.

CLAUSE 9

Shri Biswabhusan Harichandan : Sir I have told to delete Sub-Clause 2 of Clause 9. In Clause 9 it is mentioned "When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing not later than ten days from the date of

detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the Government. It is becoming totally negative. In Sub-Clause 2, it is mentioned "Nothing in sub section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose."

I have objection in that is, in the name of public interest the facts can not be disclosed, Sir, our system is guided by the rule of law, what will happen if we keep this type of Law. He can not do representation, get no opportunity for hearing. That is why, this sub-clause 2 should be deleted. So because, we don't want that arbitrary and unbridled power should be conferred upon the authority while passing such order of detention and while taking decision, he can take the plea that it is in public interest. So in my opinion it will be against the rule of law. There is another difficulty. I am reading Clause 12.

"The Advisory Board shall, after considering the materials placed before it and after calling for such further information as it may deem necessary from the Government or from any person called for the purpose through the Government or from the person concerned, and if any particular case, the Advisory Board considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the Government within seven weeks from the date of detention of the person concerned."

So Sir, if the grounds of detention will not be disclosed to the detainee then he will not get the opportunity of hearing. Opportunity of hearing as contemplated under Clause 12 and it will amount to denying him hearing. Therefore, opportunity of hearing should be given to all detentions. If grounds of detention are not given then what is the reason for making representation or hearing. So, if opportunity of hearing is denied then it will be against the rule of law on which entire constitutional system is based in our country. This is also against the principle of natural justice. In my view this clause is a Draconian Provision.

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Shri Ramakrushna Patnaik: Sir, I am saying the same thing as Hon'ble Member Rom Banapur was saying. He has already read it. "When a person is detained the pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing not later than 10 days from the date of detention, communicate to him the grounds on which the order has been made and shall offered him the earliest opportunity of making a representation against the order to the Government" It was said here, ground communication will be there. So that he can represent Govt. You told in Clause 2 "Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose."

Sir, suppose anybody wanted to trouble me, then what can I do ? Hon'ble Parliamentary Affair Minister is saying, this Law is purely for communal offenders.

(Interruption)

The systematic thinking of machinery our's is such that neither he can help, nor I can help or any body can help. There are series of examples in the Supreme Court. In it authority will misuse the power. When we are making law, we should see innocent persons should not be harassed. I was told innocent in that sense. My point is if in the name of public safety in the name of public interest grounds of detention will not be disclosed then what I will represent the Government. If I will say these grounds are wrong, I was not involved in this, etc, if no grounds are communicating to me, what the Government will hear and what the Advisory Board will take into consideration. Therefore, this is a total negation of the Jurisprudential authority of any person and against the Justice.

(Interruptions)

By this provision, the provision is not less than, then draconian law as M. I. S. A.. So, this will be the most unfortunate provision and for this I have said the law is a black law.

Shri Bijay Mohapatra: Sir, we have started black from Clause 2 to, we have landed here in clause 9. Clause 9 is totally black. I will submit one thing only.

Hon'ble member from Banapur and Hon'ble member from Kerala, their argument is about deletion of Clause of Section 9.

Sir, what Hon'ble Member of Chilika and Kodala have said about Sub-Clause 2 of Clause 9 and what is there in Sub-Clause 2, I hope Hon'ble Members will agree with me. Sub-Clause 2 provision is always used. Sir you will see that whatever cases come under N.S.A, grounds of detention is not given in all cases. The provision in Law " shall require the authority to disclose facts which it considers to be against the public interest to disclose. The public interest will come only when Govt wants, then only it will be disclosed. I not, it will be disclosed to the person, when the case will be so important. So it is not always used.

(Interruption)

Naturally authority will consider I cannot be consulted or you can not be consulted. We are giving the authority to the people who are executing this. I want to give an example to the Hon'ble Member. Supposing in the current situation in the State or elsewhere in the country, some people commit certain crime, take for example Bombay incidents, will Govt. of Maharashtra agree to disclose all the ground of detention? There are cases which are being investigated very secretly. There are certain links.

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I agree it is the--required part of the authority to disclose it. He may disclose. Administrative machinery to disclose. In exceptional cases this type of thing may occur, the percentage may be 1%. So there is absolutely no argument because public interest in there. Hon'ble Member said it is not there in MISA, but it is there.

Mr. DEPUTY SPEAKER: Whether Shri Harichandan intends to withdraw?

Shri Biswabhusan Harichandan: Sir, in sub clause (2) of Clause 9, it can be differently worded. By the provisions here, Clause 12 being made negative. In clause 12, it has been said, "Advisory Board considers it essential so to do or if

the person concerned desires to be heard, after hearing him in person.” That means if the ground of detention of detention is not disclosed, what the person will be heard? This is not giving opportunity of hearing. This should be differently worded. So it is my proposal, it should be deleted.

Shri RAMAKRUSHNA PATNAIK: I do not want to prescribe such a draconian provision of the law.

Mr. DEPUTY SPEAKER: Now the question is that the amendment moved by Hon’ble Shri Harichandan and Hon’ble Shri Pattnaik be adopted. The motion was negatived as amendment lost.

Mr. DEPUTY SPEAKER: Now Clause 9 do stand part of the Bill.
The motion was adopted and Clause 9 was added to the Bill.

CLAUSE 10

Shri RAMAKRUSHNA PATNAIK: Deputy Speaker Sir, this is a provision where the Government shall whenever necessarily constitute one or more Advisory Boards for the purposes this is Act. Supposing I am placed in detention then it is not necessary there will be an Advisory Board. Advisory Board forms necessary part for the preventive detention. This has been held by the Hon’ble Supreme Court in many cases. “Wherever necessary” means what? Is it depending upon the mercy of the Government? Advisory Board is to be formed to give an opportunity to the defence to be before an impartial body, a person who is the Judge of the High Court or person qualified to be Judges. They will hear the case and say this is legal or not. The provision is six months Advisory Board. There, the provision is mandatory and within six weeks, Advisory Board shall be constituted. So, whenever Government feels then constitute one or more Advisory Boards for purposes of the Act. This is unfortunate provision and this is a backdoor and eroded the right to constitute the Advisory Board and give an opportunity to the defence to be before the Advisory Board. Therefore, there is no purpose to form an Advisory Board. Government is eroding the civil liberty of citizens in a democratic country. So, this “Whenever necessary” can be deleted. Therefore, I believe Minister will accept this.

Shri Bijoya Mohapatra (Minister): Sir, Hon’ble Member of Kodala totally misinterpreted it. He told, Clause 10 (1) “the Government shall, whenever

necessary constitute one or more Advisory Boards for the purposes of this Act. Perhaps, Hon'ble Member had the apprehension that there will be No Advisory Board. Hon'ble Member has full knowledge of constitution. As per provision in the Constitution, State Govt has no alternative but to constitute Advisory Board.
(Interruptions)

The questions Hon'ble Member raised after that, I want to speak about that, we may constitute one Advisory Board or we may constitute more-

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-Advisory Boards. It depends on the volume of cases. We can not back not from this. We have made the Law for constituting Advisory Board. So the amendment he has given is not correct.

Mr. DEPUTY SPEAKER: Whether Hon'ble Shri Pattnaik intends to withdraw?

Shri RAMAKRUSHNA PATNAIK: It is not qualified.

Mr. DEPUTY SPEAKER: The question is that the amendment moved by Hon'ble Shri Pattnaik be adopted.

The motion was negatived and amendment lost.

Mr. DEPUTY SPEAKER: Now the question is that Clause-10 do stand part of the Bill.

The motion was adopted and Clause-10 added to the Bill.

CLAUSE 11

Mr. DEPUTY SPEAKER: The question is that Clause 11 do stand part of the Bill.

The motion was adopted and Clause 11 added to the Bill.

CLAUSE 12

Shri BISWA BHUSAN HARICHANDAN: Sir, It is said the provision of Clause 12 (1), "after hearing him in person, submits its report to the Government within seven weeks from the date of detention of the person concerned. In it, I wanted to say only in place of "7 weeks" this may be "3 weeks" If detention is done but there is no requirement for detention. So it is not proper to detain the person for more time. So my amendment is in place of "Seven weeks" this may be "three weeks".

Shri Bijaya Mohapatra (Minister): Sir, Sub-Clause-4 in Clause-12 which is asked to delete, it is mentioned that "Nothing in this Section shall entitle any person against whom a detention order has been made to appear by any legal practitioner in any matter connected with the reference to the Advisory Board and the proceeding of the Advisory Board and its report excepting that part of the report, in which the opinion of the Advisory Board is specified shall be confidential.

Shri RAMAKRUSHNA PATNAIK: Sir, who cannot afford to take legal assistance through a legal practitioner is different thing, but if somebody affords to take legal assistance through a legal practitioner, he should not be refrained. This is infringement of one section of the right. Because there is a possibility of legal lacuna and lacuna of interpretation. It should not be one. This will be an unfortunate provision without knowledge of law and equity, this has been done. Therefore, I humbly submit that the Minister may consider this and the provision be deleted.

Shri Bijaya Mohapatra (Minister): Sir, Hon'ble Member has proposed to make provision for 3 weeks in stead of 7 weeks. It will be a little difficult to reduce the period of weeks from 7 to 3.

(Interruption)

Shri Ramakrushna Patnaik: In Andhra Pradesh, the provision is for 3 weeks. What is your experience for making it 7 weeks.

(Interruption)

Shri Bijaya Mohapatra (Minister): Our experience is from N.S.A. Hon'ble Member knows this. But he is talking only about Andhra Pradesh.

(Interruption)

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Shri Ramakrushna Patnaik: Taking credit by copying Andhra Pradesh Law. The Hon'ble Minister does not have any knowledge in Law.

(Interruption)

Shri Bijaya Mohapatra (Minister): Should have made this Law by visiting all the states ? Should have gone to your house for making this Law. We know how the Hon'ble Member was doing his Lawyership.

(Interruption)

Shri Ramakrushna Patnaik: Hon'ble Minister does not have any knowledge in Law. He should flee to his house.

(Interruption)

Shri Bijaya Mohapatra (Minister): Sir I wanted to say this much that Hon'ble Member has given proposal for Sub-Clause 4 amendment, so that people could be helped by Lawyers. Here case is not being heard. SO that he will be allowed to take legal assistance through to take legal assistance through a lawyer, the case is not being there. It is the question of detention. So, there is no question of deleting Sub-Clause-4 of Clause 12.

Mr. DEPUTY SPEAKER: Whether the Hon'ble Member Shri Biswa Bhusan Harichandan intends to withdraw his amendment.

Shri BISWA BHUSAN HARICHANDAN: Sir, I had also given amendment to delete Sub-Clause-4 of Clause 12. In this connection, I am bringing attention to Article 22 of the constitution "No person who is arrested shall be detained in custody without being informed as soon as may be of the grounds of such arrest. Not shall be denied the right to consult and to be defended by a legal practitioner of his choice." It is written in Article-22 of the Constitution to safe guard the rights of the person. Because so many times some legal lacunae remain in detention order. Which the general public can not know. So they consult Legal practitioners. So that I had given proposal for deletion of Sub-Clause-4.

Mr. DEPUTY SPEAKER: Whether the Hon'ble Member desires to Withdraw his amendment?

Shri BISWA BHUSAN HARICHANDAN: No.

Mr. DEPUTY SPEAKER: Whether the Hon'ble Member Shri Ramakrushna Patnaik desires to withdraw his amendment?

Shri Ramakrushna Patnaik: No.

Mr. DEPUTY SPEAKER: Now the question is that the amendment moved by Shri Biswa Bhusan Harichandan be adopted.

The motion was negatived and the amendment lost.

Mr. DEPUTY SPEAKER: Clause 12--- The question is that the Clause 12 do stand part of the Bill.

The motion was adopted and Clause 12 added to the Bill.

Mr. DEPUTY SPEAKER: Now Clause 13.

Shri Ramakrushna Patnaik: Sir, here you may call it drafting improvement or correction or what so ever.

Shri Bijay Mohapatra (Minister): Sir, here I agree with the Hon'ble Member from Kodala. This is a printing mistake. That word may be substituted.

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Mr. DEPUTY SPEAKER: The printing mistake will be corrected.

Now the question is that the Clause 13 do stand part of the Bill.

The motion was adopted and Clause 13 added to the Bill.

Shri RAMAKRUSHNA PATNAIK: Sir, this is again my lacuna of understanding of very colloquial English language written here. This has been copied without application of mine. In clause----16 and sub clause----3.

I am sorry sir, in clause—14 I had given proposal to make 6 months in stead of (12) twelve months. On general discussion on the Bill, I had told that Andhra Pradesh is the only state which has promulgated this Law. They have also kept 6 months. From Law perspective , it would be appropriate to detain a person more than 6 months. So instead of 12 months, it should be 6 months.

Shri Bijay Mohapatra(Minister): Sir, when Hon'ble Member of Kodala was discussing on the Bill, he was saying to make more stringent provision. But we are making 12 months, he is saying to make it 6 months. It is impossible proposition.

Shri RAMAKRUSHNA PATNAIK: I had told to make the punishment stringent, I had not told to make the detention stringent.

Mr. DEPUTY SPEAKER: Whether the Hon'ble Member intends to withdraw his amendment?

Shri RAMAKRUSHNA PATNAIK: Sir, I say it may be kindly put.

Mr. DEPUTY SPEAKER: The question is that the amendment moved by Shri Rama Krushna Patnaik be adopted.

The motion was negated and the amendment lost.

Mr. DEPUTY SPEAKER: The question is that the Clause-14 do stand part of the Bill.

The motion was adopted and the Clause-14 added to the Bill.

Mr. DEPUTY SPEAKER: Now clause 15. The question is that clause 15 do stand part of the Bill. The motion was adopted and clause 15 was added to the Bill.

Now clause 16. Amendment given by Shri Ramakrushna Patnaik.

Shri RAMAKRUSHNA PATNAIK: Sir, it is again a correction of drafting improvement. Here it has been said in clause 16 (3) any person released under sub-section (1) shall surrender himself at the time and place, the to and authority specified in the order directing his release as the case may be. That means after the completion of his release he has to surrender unless otherwise it will be cancelled. In order to make it clear, I would say the confusion has been created that should not be challenged in the Court, because a similar case of Madhya Pradesh has been challenged in Supreme Court and it is still pending. So, for better clarification I have said "after completion of the period of release on after" this may be added. In sub-clause 4, there is a punishment with imprisonment for two years. Any person fails without sufficient cause to surrender himself in the manner specified in sub-clause 3 he shall be punishable with imprisonment for two years. Supposing somebody has submitted a Medical Certificate to extend it and that does not come in time due to Postal delay, for which he will be punishable with imprisonment for two years punishment Six months should be added.

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Shri Bijay Mohapatra (Minister): Sir, Hon'ble Member has brought two amendment in Clause 16. He want to clear only amendment of Clause 3. But it there 'any person released under sub-section 1 shall surrender himself at the time and place and to the authority specified in the order direction his release or cancelling his release as the case may be. But Hon'ble Member has said "after completion of the period of release or after" may be added. But in this provision, there is absolutely no ambiguity. It is almost clear. It is very clear. This is absolutely nothing in it. Secondly, Hon'ble Member has said in place of two years, six months should be done. If any person avoids without sufficient cause to surrender himself, in that situation we should be more stringent . Sir, you know how it become delay serving a single notice. Those are doing second crime after doing the first crime, in that second crime, we should not be liberalised. We I request whatever in the Bill.

Shri RAMAKRUSHNA PATNAIK: I do not agree with it.

Mr. DEPUTY SPEAKER: The question is that the amendment moves Shri Ramakrushna Patnaik be adopted.

The motion was negative and the amendment was lost.

Now clause 16 do stand part of the Bill. The motion was adopted and Clause 16 was added to the Bill.

Mr. DEPUTY SPEAKER: The Business Hour of the House further extended by one hour.

Mr. DEPUTY SPEAKER: Now clause 17. Amendment given by Shri R.K. Patnaik.

Shri RAMAKRUSHNA PATNAIK: Mr. Deputy Speaker sir, this is mere a drafting improvement as well also to rationalisation the good faith not to carry long, so that anybody can claim. I have a good intention, therefore clause "(17 nos.) suit Prosecution or other legal Proceeding shall lie against the Government or any Officer or Person for anything in good faith done or intended to be done in pursuance of the Act, this has been mentioned in Clause 17. Therefore without any good faith if somebody says I have intended to do in good faith then it will be arbitrarily used not to misuse the power, therefore I have said in "place of for anything good faith done or intended to be done" the words for anything done in good faith be added. I think the minister will agree to it.

Shri Bijay Mohapatra (Minister): We should be very sympathetic.

(Interruption)

Shri RAMAKRUSHNA PATNAIK: I don't want any sympathy.

Shri Bijay Mohapatra (Minister): I do not sympathy, then pity Sir. This 'for anything done in good faith' amendment Hon'ble Member has brought about, I am accepting at last. I am accepting his last amendment. I should not disagree with him.

Mr. DEPUTY SPEAKER: The question is that clause 17 as amendment do stand part of the Bill.

The motion was adopted and clause 17 as amended added to the Bill.

Now clause 18 the question is that clause 18 do stand part of the Bill.

The motion was adopted and clause 18 added to the Bill.

Now clause 1 amendment given by Shri Raghunath Patnaik, he is absent so it is lost.

The question is that clause 1 do stand part of the Bill.

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The motion was adopted and clause added to the Bill.

Now short title, Preamble and Enacting Formula.

The question is that the short title, preamble and Enacting Formula, do stand part of the Bill.

The motion was adopted and short title, preamble & Enacting Formula added to the Bill.

Shri Bijay Mohapatra (Minister): Mr Dy Speaker Sir, I beg to move that the Bill be passed.

Shri Prasanna Kumar Panda : Dy Speaker Sir, The Odisha Prevention of Dangerous Activities of Communal Offenders Bill 1993 is going to be passed in the House. Those who are making their efforts and proving themselves effective in opposing and suppressing those who are creating disturbance and conflict in the name of religion, we need to support them. Now India is witnessing big danger. To fight against those dangerous situation, a level of commitment is required, which I see lacks. Therefore, communal forces are increasing day by day. If we accept it, it would be wrong. In 1857, first war of independence happened. People of all religion declared their fight against British Rule. But at that time, British Govt persistently tried to divide the country in the name of religion. After independence, 85 %,87 % and 90 % people were poor. They are the laborious people. We could not make arrangement for their happiness and good living. We could not make arrangement what are required for living. After British Govt left, monopolistics, capitalist and autocratic groups are trying to struggle in the name of religion. They are spending crores and crores of rupees to create communal struggle. Those have accumulated black money, are all controlling business , so we need to fight against them. But for the last 40 years, Congress Govt in stead of fighting against them, fought against the poor and daily wagers. Now, some people have been given money to be engaged in communal disturbance. Such kind of people are also in our state. We need to fight against them. But it is a very difficult task.

In our country, communal feeling has also entered in Police and Army mind. It is proved from past instances. This is a sad development and very dangerous situation. I am giving a small example. The incident happened in Sambalpur on Jun 28 is very unfortunate and sad development. On Jun 8 1992, police created a wrong impression in the minds of common people. News was spread that a Muslim youth was killed. Then struggle started in the name of religion, between Hindu and Muslim. How the police gave permission to take the dead body of that Muslim youth, it is under investigation. Police did that work. People there demanded judicial enquiry. The investigation report prepared by R.D.C could not be placed in the House. I asked one question. Chief Minister replied Crime Branch investigating the issue. I have seen this type of situation in my own eye. If the Law could be implemented properly, Govt will get full support from us. Those people are creating communal struggle and creating division, this Law is appropriate for them. But those people who could not be given minimum

benefits and support, what provisions have been made for them. Of course, I have signed to send this Bill to the Select Committee. It will be more dangerous, if it is delayed. Who can say what situation will happen in the country or in the state. The incident happened in Bombay was very dangerous. Only 30 Kg bomb was used then.

Now, it is heard 700 kg bomb had been kept. If all had been used, what would have been Bombay's situation. So precautionary measures need to be taken. You make this Law as soon as possible and implement it properly, that is my proposal.

Shri Aravinda Dhali : Dy Speaker Sir, From the morning itself discussion on this Bill is going on. Members of various political parties have given their different opinions.

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But, even if the intention of this Bill is noble, this is being done keeping eye on one political party. Whatever communal disturbance is being created in our country, no body is doing politics in our state in the name of religion. If this Bill will be brought in the state keeping eye on one Party, then definitely communal feeling will be created among us. I wanted to know, if National Flag could be flown in Kashmir ? But BJP has been successful in flying National Flag in Kashmir. So if BJP is branded as a Communal Party what can I say ? It is mentioned in the Bill that detention could be for 6 months. But what account it will be done, that is not mentioned. As a result, non-offenders could also be detained. Here, it is told about the education in Saraswati Vidyapeeth. I think Govt should not prevent Human Rights. On my reaction on the Bill, I would like to say that this Bill has been brought into to wipe out RSS, Bajrang Dal and Shiv Sena. That is why we are opposing it. If it is not withdrawn, then we will call it a Black Law.

Shri Umesh Swain: Sir, Can the Minister tell us, after this Bill get passed, whether strong action could be taken against the black marketers, profiteers and rich Marwaris in Cuttack and Bhubaneswar who are helping communal forces by giving them a lot of money ? In my opinion, this Bill should be applied immediately against such conspiracy creating people.

Shri PRADIPTA GANGDEO: Mr. Deputy Speaker Sir, while supporting the Communal Bill, I would like to say a few lines in that regard. The BJP people with the support of RSS group have started all the mischiefs and also, they are the root cause of non-formation of my Bamanda district. Sir, by introducing this Bill in the State, all the goonda elements and the anti-social elements will be behind the bars. The general tendency for favouring the minority communities in the day-to-day practice of the politicians indirectly influence the communal harmony in the minds of the innocent people in the guise of sympathy for the down trodden. Therefore, I once again congratulate my Government for bringing such a Bill in this House. Thank you, Sir.

Shri Vivekananda Meher: Hon'ble Dy Speaker, I am supporting the Bill against Communal Forces introduced in the House today. The degree of commitment and honesty required for implementing the provisions in Clauses of this Bill, the officers lacks that commitment and honesty, the police department is in lower level also. Govt has to look into it and rectify it. The police officers in the lower level are helping communal forces by taking bribe. This need to be checked. Hon'ble Member of Banei told to open the pages of history, I say he has no commitment for this. What these kings were doing, that you could know by opening the pages of history and also could know that Jayachandra and Prithiraj were making quarrel between them. When Akbar was the Samrat, these Hindu Kings were dedicating their sisters to Akbar. Now they are taking credit by demolishing Babri Masjid. Those people, since long have been exploiting poor Adivasis, now they are making conspiracy to come to the power again in the name of religion. Now BJP means Business Janata Party. As the businessmen do black marketing, mix small stones in the food grain, these people are also doing like this. They are collecting funds to oust Congress Govt and Janata Govt. That is why they are collecting Rs. 1.50 and bricks from the villages. The bricks collected have not sent to Delhi. BJP office toilets are being built with bricks

collected. There are so many instances how they are creating anarchy and disturbance in the state. Whatever that be, I am supporting this Bill whole heartedly.

Shri Umaballava Rath : Hon'ble Dy Speaker Sir, I am fully supporting the Bill which has been introduced in the House today. This Bill implemented as soon as possible and those people are creating communal violence and trying to destroy the harmony among the people, trying to divide the country by sowing the seeds of poison, this Bill should be implemented from tomorrow to suppress and controlled them with a iron-hand.

Shri BIKRAM KESHORI DEO: Mr Deputy Speaker Sir, as the Hon'ble Members- have put aspersions on the

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Bharatiya Janta Party. I would like to recall the History here. The hon'ble Member from Patnagarh has said that the ex-rulers of the State or the then Maharajas have nothing to do with the independence movement. I would like to remind him of the Jhansi Ki Rani, Buxi Jagabandhu, Mukunda Dev and maharaja of Patna, etc. who had fought against the Britishers. The legacy is there. Sir, the Minister, Parliamentary Affairs has mentioned here about the Bhadrak riots in which properties worth Rs.8 crores were lost. But here I squarely blame the Government and Home Department of not assessing the situation properly. Crores of rupees has been lost. Hindu people who are affected and other community people who are affected are not compensated properly. This is a draconian law creating extra authority to suppress the democratic rights of the secular party. Hence, I do not support this Bill and I protest on behalf of the B.J.P and we stage walk out from the House and we will not take part in this draconian law.

(ALL THE MEMBERS OF THE BJP STAGED WALK OUT)

Shri Rajendra Prasad Singh: Sir, this Bill will definitely get passed and it is a labour-fit Bill. All have supported this. Definitely it will get passed, there is no doubt. Because of this some political people feeling disturbed, The Govt need to assure the House that any action under this Bill should not based on any particular intention or will not be used for political motive. If the Govt give this assurance, the apprehensions being created in the minds of some Hon'ble Members that their political activities may be affected, will be removed.

Shri Bijay Mohapatra (Minister): Dy Speaker Sir, Hon'ble Members have supported this Bill from every angle starting from every clause to passing stage. Hon'ble Member of Bhartiya Janata Party, especially my dear friend Hon'ble BK Singhdeo should have remained present here. Because I have replied to his every apprehension and doubt, while discussing the Bill. Why are you afraid ? While replying at the passing stage, I want to make it clear, be it BJP, Bajrang Dal, VHP who so ever Party may be or he belong to, why are afraid; We have introduced this Bill to deal with Communal offenders. At no time in the House I have mentioned about any political Party. I do not like take name of any political Party. This Bill will not be used for any political intention. That also I have mentioned very clearly while giving the reply on this Bill. So those Hon'ble Members are raising the questions like these, proves that they are protecting communal offenders or communal section to which they belong.

Govt will be forced to think that protection is being given to the communal offenders. When Hon'ble Member gave his first statement, he had given fact on percentage of population. He had given facts on Hindu population, Muslim population and Christian population. I condemn this. I condemn this attitude. This is never the motto of this Govt. They are creating communal feeling. In entire country, Odisha is a peaceful state. We have earned name for ourself in suppressing the communal forces and maintaining peace in the state. Our past actions prove this. At this passing stage of the Bill, we like to thank the people of Odisha. They have, in fact, not given any chance to communal forces to create any disturbance in the state. In one hand the strong steps taken by Chief Minister and his determination and on the other hand cooperation given by people of Odisha have been successful in maintaining peace and harmony in the state and at the same time earned name in this regard in the entire country. At

the last stage of Bill, I like to say that we do not want to use it for any political motive. Those who are communal offenders, they are creating such feeling in the entire state. That is why I had told black mailing in the society will not be tolerated. In no case it will be tolerated. So while speaking on the Bill, I have told several times-What is the agenda before the Nation, what is the calendar before the Nation, calendar before the Nation is National Unity and National integrity? All of us should support and strive for National Unity and-

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-communal amity. That is why I had told initially that this Bill can best utilise the Law and protect wealth and property worth of crores and crores rupees belonging to Govt, private and individuals. Provisions have also been included to protect the life of innocent people. Hon'ble Member of Kodala have already left the House. He had given proposal to make it 6 months from two years, or make it 6 months from one year. In one side, arguments are given to make this Law stronger and in other side amendments are proposed to weaken the Bill. I want to say here very clear that while introducing this Bill, Govt has thought about from every angle. Hon'ble Members of opposition Party, Hon'ble Members of Congress Party and Hon'ble Members of Communist Party have extended their support to this Bill. I want to thank them all. As we have earned our name and fame in entire India in maintaining peace and harmony in the state, like that also we will implement this Law in such a way we will earn name and fame in the country.

THE ORISSA PREVENTION OF DANGEROUS ACTIVITIES PF COMMUNAL
OFFENDERS BILL, 1993.

Mr. DEPUTY SPEAKER: Now, the question is that the Bill, as settled in the House, be passed.

The motion was adapted and the Bill be passed.

MOTION

(i) The Rehabilitation Committee Constituted on 4-4-1992.

Shri AJAY KUMAR JENA (Government Chief Whip): Sir, I hereby give notice of my intention to move the following motion, namely: -

(i) "That this house resolves that the Rehabilitation Committee last constituted by a motion in the House on the 4th April 1992 be reconstituted with the following members: ---

- | | | |
|---|-------------|--|
| 1. Hon'ble Speaker | ...Chairman | |
| 2. Shri Surendra Nath Naik, Minister, Revenue. |) | |
| 3. Shri Ram Krushna Pattnaik |) | |
| 4. Shri Ajaya Kumar Jena, Government Chief Whip |) | |
| 5. Shri Pradeep Kumar Maharathy, Government Deputy Chief Whip |) | |
| 6. Shri Nityananda Pradhan, M.L.A |) | |
| 7. Shri Brundaban Majhi, M.L.A | } | |
| Members | | |
| 8. Shri Pradipta Ganga Deb, M.L.A |) | |
| 9. Shri Brundaban Behera, M.L.A |) | |
| 10. Shri Sarat Ch. Paikaray, M.L.A |) | |
| 11. Shri Khelaram Mahali, M.L.A |) | |
| 12. Shri Darapu Lochan Naidu |) | |
| 13. Shri Habibulla Khan |) | |

Mr. DEPUTY SPEAKER: Now the question is that the Motion for reconstitution of the Committee be adapted.

The motion was adapted and the Committee was reconstituted.

(ii) The Environment Committee constituted on 4-4-1992.

Shri AJAY KUMAR JENA (Government Chief Whip): Sir, I hereby give notice of my intention to move the following motions, namely: ---

(ii) "That this House resolved that the Environment Committee last constituted by a Motion in the House on the 4th.

