

February, 10, 1982

Page. 282

Mr. Era. Thamaraikani: Hon'ble Speaker Sir, The whether Government would take any steps to make teachers to teach discipline to the students apart from education. Therefore, I would like to know as to whether the Government would bring back the Gurukul pattern of education system .

Hon'ble Mr. C. Aranganayagam: Hon'ble Speaker Sir, the teachers are being advised to teach discipline to the students and accordingly they will have to do their duty.

(Hon'ble Deputy Speaker presided over the Meeting).

(Forenoon 11.10).

5. Government Draft Bill

Draft Bill with regard to prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land.

Hon'ble Mr. C. Ponnian. Hon'ble Deputy Speaker Sir, I seek the permission of the Council to introduce the draft Bill for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land.

, Mr. R. Umanath. Deputy Speaker Sir, I strongly opposed the introduction of the said Act at this stage. This Act is against the fundamental rights of the citizen.

I am not saying that the act of bootlegging is correct; I am not saying that the offenders under the Narcotic and Psychotropic Substances Act are fundamental rights. However, I am only objection the act of refusal to give an opportunity of hearing and I only mean the same as the violation of fundamental rights.

page.283

Even the criminals viz., Billa and Ranga who have murdered children were given opportunity of hearing. They have given an opportunity of Appeal and further opportunity of making Petition to the Hon'ble President was given. When they have given the opportunity of appeal before the Hon'ble Supreme Court and when we compare the offences committed by them, the offences mentioned in this act seems to be not that much severe and hence, denial of the opportunity of hearing cannot be accepted. My opinion is that this Bill is not being introduced for the reason which was mentioned in the explanation for bringing this legislation. At the time when this act is being introduced, if the innocents is affected, opportunity of hearing shall be given to them. It can be said that this act will not be used against the innocents, however, in practical, it would be used against them.

Similarly, at the time of introducing National Security Act, repeated assurances were given stating that the same would not be used as against the Employees Union. However, three days back, a notification was issued by the Central Government notifying the set of employees against whom the action of arrest would be taken for indulging in strike. Earlier they would say it would not be used and thereafter, it would be used. Therefore, arresting any person without enquiry cannot be accepted

The Rulers can contend that when in Dharmapuri and the others places even shooting itself were taking place and this act is only enable the arrest of the offenders only and is it a big issue? I would like to say one thing to them, though this Government is an elected by the People, we cannot understand the act of the Central Government any point of time. On one occasion was this Government not dismissed? Even after dismissal of the Government when election is to be conducted, would they not arrest you for the your present activities on the same Act. This act would be used against you only. (Bell is ringing). I am not going into the merits. I am only objecting the introduction of the Act.

284.

One more thing, this Act would facilitate increase of corruption for the reason that the Officers and others could earn my by threatening others based on the above Act. Therefore, this Act is not at all necessary.

Secondly, Hon'ble Deputy Speaker, I would like to say to you that this Act would protect the Advocates like for the reason that when disputes arose due to land grabbing and the same is being conducted by the Advocates, the inducers of the Act also would be punished under this Act. Therefore, this Act would be affecting the Advocates also.

Whenever an Advocate is appearing there may be a complaint that the Advocate is inducing the land grabbing and for that reason he may be detained. Therefore, I am objecting this Act due to these reasons.

Hon'ble Deputy Speaker: The advocates are only arguing the case they cannot be held liable.

Hon'ble Mr. C. Ponnian: The Advocates are doing their duties as per the Advocates Act. Therefore, I request you to remove the commend that they are abetting the slum grabbers.

(interruption)

285

Mr. R. Umanath: Why should you remove. That is my interpretation.

Hon'be Deputy Speaker Advocates are only appearing in the Court for and behalf of the their clients and no such Advocate was arrested till date merely because an advocate is appear in a murder case. Therefore, it is incorrect to involve the Advocates in this. That comment is not necessary (Interruption).

Hon'be Thiru C. PONNAIYAN : Advoates are there to assist the client, but not to about the client.

Mr. V. Sathyamurthy : Mr. Umanath is giving an explanation stating that the Advocates are inciting the offences. How that could be accepted; can the Speak record the same?

Hon'be Deputy Speaker : They were made their arguments. The Minister also refuted the same. You being an Advocate also refused the same. Hence, both the comments may be recorded.

Mr. A. Rahmankhan. Hon'be Deputy Speaker Sir, I strongly object this Draft Bill on behalf of Dravida Munnetra Kazhagam. The reason for the above is, even the family woman can be arrested by accusing that she is a prostitute. The Government and the Officers can arrest anybody stating that they have committed the offence of disturbing public peace. The could arrest the politicians who criticize this Government. Apart from imposing

punishment of one year of rigorous imprisonment and one year preventive detention they could keep them in the prison throughout their life. The Act is proposed to be enacted in such a manner that the alleged offenders cannot come out from the Jail on bail. The same cannot be brought to any Court. This is a draconian Act which would enable the Government to keep the persons inside the jail throughout their lifetime if they allege those persons have committed the offences of prostitution, disturbing public peace and goondas. Even we can say that it is a Rule of Idi Amin or a Rule of Zar or a Rule of Musolini. However, we who believe in the wordings of Arignar Anna saying that let thousands of flowers blossom, strongly object this Act.

Already an act is existing i.e. National Security Act. As per the said Act Anti Social activists can be arrested. If such arrest is made the same should be intimated within 7 days to the Government. If you are claiming that they should not be arrested under National Security Act and they should be arrested under this Act only, then the same would be an act of blackmailing the politicians. This is an Act to blackmail the general public and this is an act to black mail claiming that it is an act of the Government. Hence, I strongly object the same.

Dr. K. Sowrirajan: Hon'ble Deputy Speaker, I don't want to go into the body of the Act. I would like to say that even introducing of this Act itself is incorrect.

I want to draw your attention to Rule 123.

Page. 286.

Dr. Sowrirajan: Hon'ble Deputy Speaker Sir, I would like to point out only saying that it is incorrect to comment the Act without going into the body of the Act.

I want to draw your attention to Rule 123 "If the Speaker thinks that the draft Bill and the amendment cannot be brought without the recommendation of the Governor or President, the immediately immediately after receiving the notice for bringing the said draft bill and the amendment, the Speaker shall send the same to the person who is having the power to approve the said Bill or amendment. Without getting the recommendation or the prior permission the resolution shall not be included in the list of discussion on the resolution.

If you believe that this Bill should not be presented before this House, without the consent of the President or the Governor(interruptions).

(Forenoon 11.20).

I want you to read this Article 200 of the Constitution wherein, it has been stated "Provided further that the Governor shall not assent to but reserve for the consideration of the President any Bill which in the opinion of the Governor would if it became law, so derogate from the powers of the High Court as to endanger the position which the Court is by the Constitution designed to fill". That is to say, in our country there are many High Courts which are being established based on the Constitution. These offences are all being dealt with under those laws. They can be tried in any Court of law and sentenced to varying terms of imprisonment or whatever necessary.

While that being so, you will have to think as to whether the introducing the Bill is correct. I would like to know that whether you believe that the Governor or President would give their ascent for this Bill when this would is was announced. If you have such a doubt, then it is better to refer this to the Advocate-General. He is a member of this House.

287.

There would be a worst and un-pathetic situation and that is if any building is constructed without getting permission under the City Municipal Act, punishment would be imposed by the Court. I would like to inform you that if the Deputy Speaker constructed any building with your house compound, without getting your permission, he would be attested under the Act under the guise of preventive detention.

I am not prepared to sign the arrest warrant of my own, I want your ruling on this subject whether this bill should get the approval of the President or the Governor.

Hon'ble Deputy Speaker. Everybody is frightening me. I am not afraid for the same.

Dr K. Sowrirajan. I want your ruling. I want to know whether this will be referred to the Advocate-General.

The Hon'ble Deputy Speaker. You cannot comment on the granting of approval by the President or Governor.

Dr. K. Sowrirajan: Will you accept that this act is created in order to take away the powers of the High Court.

The Hon'ble Deputy Speaker. That discussion not necessary. The each one's power is defined. This is not taking away any one's power.

Dr. K. Sowrirajan: Will you refer this to the Advocate General or not? He is a member of this House. I do not like to be a party to this. Therefore, I am walking out of this House.

Hon'ble Mr. C. Ponnian. The Hon'ble Deputy Speaker, I would give my explanation. They need not walk away.

Dr. Sowrirajan staged a walk out.

page.288.

Mr. Era Karuppiah: I am strongly objecting the introduction of the Bill enabling preventive detention for the offences of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land.

For preventing the offenders of the above stated crimes there are many existing laws available at present. There is a Criminal Procedure Code. There is Indian Penal Code. These Acts are enough to take necessary action. The Government and the Police are having sufficient powers in order to prevent these offences. However, it is strange to ignore those Acts, and content that introduction of an Act like this is necessary, even if a person put up a thatched shed on a Poramboke land, under this act he would be arrested. Today in many villages, it is common to put up thatched houses on the porambokelands, and trying to mortgage the same. These acts are being taken place commonly. While that being so, if under this Act, arresting such persons under the guise that they are anti socials and that too without conducting any enquiry, is an act of taking away of fundamental rights guaranteed under the Constitution. This act is being introduced in such a manner.

(The Hon'ble Deputy Speaker presided over the meeting).

Therefore, this Act cannot be used practically, for the purpose for which the same to be introduced. It would be used only against those who raise objection against the rulers. The implementation of this Act would be handed over to the Police. We are expecting that how they could implement the same. We are seeing happenings of killing of Naxalites by the officials for protecting them. Therefore, I am objection this Act which would facilitate

powers to the Government to detain persons under preventive detention without conducting any enquiry.

E. Muthuramalingam. Hon'be Deputy Speaker

Sir, We are objecting the draft bill which would preventing bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land, on behalf of Kamaraj National Congress Party. By using this Act, the Government would oppress the persons those who are raising objection against the Government and the persons belonged to the opposite Party. We know how much of harassment is being faced by the general public in the hands of the Police Department. If we give more powers to the Police then it would spoil the public peace and hence, we strongly object this Draft Bill on behalf of Kamaraj National Congress.

Mr. S. Andi Thevar. Hon'ble Speaker Sir, for preventing the offences mentioned in the Draft Bill, there are so many existing Acts. Those legislations are sufficient. By introducing this Act, it would enable the Police to settle scores against those are in public life. We have experienced the same. During the period when Misa Act was introduced we have seen the act of the Police. Since there are many existing provisions to prevent the offences mentioned in the draft Bill, I object the very introduction of the draft Bill itself.

Mr. P. Nedumaran. There would not be no second thought to anybody in the opinioin that the anti-socials are to be removed from the society. However, in the guise of preventing anti-social, if we provide uncontrolled powers to the officials then it would enable them to misuse the same. We are objecting this Act similar to the object for which we objected the National Security Act. Specifically, one thing it has been provided in the Act that if an Officer arrested anybody by giving any reason, thereafter, they cannot be punished if it is found that they misused their power in arresting such aperson.

(Forenoon 11.30).

If we provide such a powers the n it would take away the liberty of the perople of Tamil Nadu. Hence, we are objecting this Act in the stage of the introduction itself.

Mr. P. Mohammed Ismail. Hon'ble Speaker Sir, for punishing the offenders of the offences mentioned in the Act, there are existing legislations available. Therefore, this is an unnecessary legislation. Particularly, the Hon'ble Minister is very much aware that for preventing, arresting and punishing bootleggers there is an Act already available viz., Prohibit Act. For punishing the offenders who commits offences under Drugs Act, there is an existing act is available viz., Food Adultration Act. Therefore, the Hon'ble Minister very much aware that for preventing those offences there are existing laws available. For punishing the Goondas there is a law called IPC is available. The Hon'ble Miister is aware that for preventing the Prostitution there is an Act called Suppression of Immoral Act is available. Similarly for preventing the land grabbers, there is an existing Act available viz., Land Encroachment Act. Therefore, we apprehend that thee is an ulterior motive in introducing the above Act as there are many Acts available for preventing the offences

mentioned in the draft Bill/Act. We would like to state that this Act is unnecessary and hence, Janatha Party is objecting this at the introduction stage.

Hon'ble Minister C. Ponnian. : Hon'ble Speaker Sir, in his speech the Hon'ble Member Mr. Rahmankhan, stated that the persons who were arrested under Bootlegger Ordinance would get relief in 7 days but the persons who would be arrested under this Act, would not get relief even on expiry of one year.

Mr. A. Rahmankhan. I am not saying like that. IN the event of arrest made under National Security Act, they same shall be intimated to the Central Government within 7 days. If any arrest is made which is going to be introduced there is no necessity to give intimation to the Central Government. They can keep the offender in prison not for one year and can keep them in several years.

The Hon'ble Mr. C. Ponnian. The procedures that are to be followed unde rNational Security Act is also provided in this Act. I would like to say one thing. Mr. Mohammed Ismail and Mr. Andi Thevar and Mr. Rahmankhan, were asking as to whether cant we prevent these offence by using the existing Acts. There are many differences between the existing acts and N.S.A. and PDA. When offences of Goondas takes place poor people would be put into hardships. The existing provisions Law will take care children. However, for the reason of this Act , consequences of activity what would eventually result is public in order or disturbance of public tranquility and based on that you would much aware about N.S.A. On the same basis even if persons who involved in the prostitution, as well as who are doing the prostitution particularly, those who are innocents "women are kidnapped and used for prostitution". This is the situation on

national level. While that being so, by this explanation, it is informed to this Legislative Assembly that this Act is necessary. While the Hon'ble Rahmankhan, in his speech stated that if a person arrested under this Act, he would be put in jail throughout his life time. That was recorded Not for one year, it would placed before the Advisory Committee in three months to ascertain whether it is right or wrong (interruption).

Mr. Rahmankhan: Hon'ble Speaker Sir, my information is different and the information given by the Minister is different. I think they are misunderstanding my opinion. I have read the Act brought by the Minister. Already once charge was framed against a person and arrested, he would be kept in Jail. He cannot go to Court. Only Advisory Board could decide. Three months and thereafter continuously he should suffer in Jail. If he comes out he can be arrested under the same Act. He can be kept inside. If he comes out and again he could be arrested. Therefore, based on this Act, the preventive detention can be extended indefinitely. The Advisory Board is appointed by the Government The Advisory Board shall be decided. If Advisory Board is decided, the poor people can be kept continuously in Jail and their jail term can be extended as in the past.

Hon'ble Mr. C Ponnaian. Hon'ble Speak Sir, the Acts such as I.P.C., Criminal procedure Code, which are now in existence will be used when an individual commits offence, when an individual is affected, this Act would be used based on his activities. However, N.S.A., PDA it would be used when the public at large are affected. I would like to point out another thing. Hon'ble Rahmankhan, in his speech questioned as to whether this is the rule of Musolini. I am replying for the said question. Mr. Rahmankhan, should not speak as if this Act has been introduced in the State of Tamil Nadu for the first time. I would like

to point out that this Act is already there in Punjab, Rajasthan, Uttar Pradesh, Bihar and Maharashtra.

Hon'ble Member Dr. Sowrirajan, in his speech stated that questioned the Hon'ble Deputy Speaker that whether permission will be granted by the President and whether permission will be granted by Governor. Was it not sent to Central Government and published after getting approval.

As per Article 304 (b) of the Constitution no prior permission from the President need to be obtained for this Act.

Article 207 (3) of the Constitution, obtaining permission from the Government is enough. Hence, this is brought only within the rules and regulations of the Act. More than that, this is a subject covered by the Concurrence List of the Constitution. The State got the power to legislature.

Hon'ble Members M/s. Karuppiah, Muthuramalingam, in their speech, stated that this Act would be misused by the Officers. As far as this Act is concerned, as already stated, persons who are involving prostitution, Gundas who are harassing the poor people, who are bootleggers and responsible for loss of precious lives of innocent people and because of these activities general public are being affected at large (Interruption).

Hon'ble Speaker: We would conclude when this Bill is coming up for discussion.

Hon'ble Mr. C. Ponnian. It could be used at that time only (interruption).

Hon'ble Speaker: This much of discussion usually not being admitted when at the time of introducing of a Bill.

Hon'ble Mr. C. Ponnian. Hon'ble Speaker Sir, I am responsible to answer as the Hon'ble Members were already allowed to speak.

Dr. M. Karunanithi. Hon'ble Speaker Sir, When the Minister speaking he used the word Kundaas for four times continuously. It would resulted in some thing dangerous. That is why we are cautioning. He is telling Gundaas harassing the poor people and the poor people are being harassed by the Gundaas and that they have to be protected. When in that case, it would mean that other than poor people would be affected by any of the danger. Therefore, it would be correct only if it is stated that the Gundaas who are harassing the general public. Only poor people will be harassed by the Gundaas. Rich people would not be harassed by the Gundaas. It would not be understood as if Gundaas are harassing only poor people, and they wold not harass the rich people. Further it would also not to be understood as if Gundaas would harass only rich people and they would not harass the poor people. therefore, repeating this again and again it would not mean that this Act is accepted.

(Forenoon 11.40).

Hon'ble Mr. C. Ponnian. Hon'ble Speaker Sir, I am accepting the opinion of the Hon'ble Leader of the Opposition that, protection shall be given to the Rich people from the Gundaas. (INterruption).

Hon'ble Speaker: He said to all the General public.

Hon'ble Mr. C. Ponnian. While giving explanation I also said that this is applicable to the public at large. The leader of the Opposition is telling the same. Since the percentage of the affected persons are poor, I told on that basis only. As far as this Act is concerned this will be applicable to the public at large. I seek the permission to introduce this draft Bill.

The Hon'ble Speaker: The issue before this Legislative Assembly is as to whether the permission is to be grant for the draft bill of Tamil Nadu 1982 proposing to prevent bootleggers Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land is to be allowed or not.

This issue is placed for the Assembly for its permission and accordingly permission is granted.

Mr. C. Ponnaian. I am introducing this draft bill.

Hon'ble Speaker: Permission is granted to this Draft Bill.

Resolution for thanking to the Hon'ble Governor. - Discussion: (continuation).

Mr. K. Anbalagan: Hon'ble Speaker Sir, this discussion is supposed to be completed yesterday. Since myself and the Hon'ble Chief Minister are not feeling well for two days, I can say that the illness of the Hon'ble Chief Minister is created. However, even today there is a change in my tone which is not clear, I request the Members of the Assembly to kindly bear with me for the difference.

Leaders of various parties have expressed their opinion on the statement of the Governor. If it would have been done as a procedure, the Governor's speech would not have been a prestigious speech like this. Through the speech of the Governor in order to explain its stand, for implementing the proposal for the period of one year, given details and on that basis, the Speech of the Governor is to explain as to how this Government and for what purpose fulfilling its part of obligation. While that being so, steps would have been taken to implement the last year proposals.

285.

7. Government draft Bill

(a) draft Bill for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others property, 1982.

Mr. A. Rahmankhan: Speaker Sir, I am proposing the following resolution.

This Legislative Assembly is rejecting the draft Bill for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land.

Mr. V. Ponnurangam: Deputy Speaker Sir, I am seconding the above.

Hon'ble Mr. C. Ponnian, Deputy Speaker Sir, I am proposing the following resolution.

The draft Bill for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land, may be taken up for examination of this Legislative Assembly. Draft Bill No.7/1982).

Hon'ble Deuty Speaker: The proposals of Mr. Rahmankhan, seeking rejection and the resolution of the Hon'ble Minister, is placed for discussion.

Mr. A. Rahmankhan: Hon'ble Deputy Speaker Sir, I am strongly condemning the proposal on behalf of Dravida Munnetra Kazhagam for introduction of the Act, because of the reason that the Act would encourage the highhandedness of the Police, and conducting of Rudra Thandava by this Government and it is opposing to democracy and it is a dangerous Black Act.

286.

Mr. R. Umanath: I am not interfering. It would be better to explain as to what is the term Rudra Thandavam . (Interruption: One has to go to Chidambaram to know the term).

Mr. A. Rahmankhan: There is no second thought in terming that bootleggers, Criminals under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land are anti socials. There is no second thought about the fact that they would cause danger to lives, health and the general peace. The activities of the said anti socials should be prevented. There is no second thought in the above opinion. However, when we raise a question as to whether are there existing laws

available to prevent them, the answer is yes there are laws to prevent the above anti socials. Courts are already existed. IN order to prevent these anti socials, either they would be bootleggers or committing prostitution, action could be taken on them by using the existing laws. Action could be taken. They can be brought to the Court. Enquiry can be conducted by the Judges. Judgement can be pronounced holding that they are accused. They can be put into Jail. Punishment can be imposed. These are all existed. I am doubting inspite of all these existing laws why you are proposing to introduce such a dangerous Act.

You can term any body as anti socials. Who would determine as to whether a women is a prostitute or not. I am asking can you determine. Whether would it be determined by the Government? No other think would be a barbaric other than this? If a women is being termed as prostitute by a Police and based on the same she is arrested and is being punished when in that case I am asking a question as to whether are we living in a democratic country.

Not only the above. Who would determine a person as a Gundaas. Who would determine a person as a bootleggers. If such offences are being committed, then the same should be determined by the Court only. However, what is the situation here. You yourself framing charges, You yourself conducting enquiry. You yourself determine as an accused. You yourself filed cases. Not even a case; immediately you are arresting the persons. I am asking, you are the framers of charges and at the same time, you are only rendering judgement. Then what is the purpose of the Court. there is no need for having Courts. Is any role of the Court which is being termed as Sanctum is required. You are trying to remove such a sanctum.

(Forenoon 11.20).

If it is the situation that the Government itself playing the role of the Court, and if it is the case that the persons belonging to ruling party and Police Officials are becoming Judges, I am posing a question, I have read the French History. In the said History the Louis King said that he is a dictator. Then what is the different between you and the said Louis King. We would not be worried if you says while taking a cinema, that you yourself would be the story writer, dialogue writer, director. But it is the problem of the people. Is it a philosophy as Lord Kannan said in the Bagavatgeetha that he is the entire thing. The law of Habeas Carpus is a sanctified law. You are trying to prevent such a right. Hence, we are accusing this Government.

You can arrest anybody. You can brand anybody as an anti social. You can keep the persons who are acting against you and those who are not acting to the tunes of the Government and those who are bringing out the malpractices of the Government officials, in the Jail those for one year. This Act is being introduced only to keep the persons who are against the Government in the Jail. There is no necessity for them to commit offence. Mere allegation that they have instigated the offence, they could be arrested.

288.

You can arrest them saying that they are attempting to cause danger to life and properties. Therefore, you are persons who is asking the explanation and you yourselves are the persons taking decision. Therefore, it is a misuse of power. There are lot of opportunities to misuse the powers. If we take the problem of Srilankan Tamilians we announced an agitation before the Consulate General Office of Srilanka. Is it an serious effect. Even in

Delhi, an agitation was taken place before the Consulate General Office of America claiming that Amerika shall not supply weapons to the Pakistan Military. The Prime Minister is also having the responsibility to maintain law and order as the Chief Minister. Whether the Agitators there were sent to the prison. Therefore, with the ulterior motive only you met the comrades of Dravida Munnetra Kazhagam.

You filed cases stating that we violated the curfew. One should not think that I am accusing the friends of Indra Congress. They violated the curfew. Was there any case filed against them. Kumari Anandan, violated the curfew, was any case filed against him. Even cases filed against Kumari Anandan, was withdrawn. It would clear from the above that since the power is with you and hence you are misusing the same. If anybody commenting the activities of the Government the law is being used to oppress them. Power is not only with you. It is with the Police personnel. Today the Police is doing extraordinary things. Even I can say one thing. Comrades were done walk out pointing out the incident took place at Dharmapuri. I am asking one thing, how many persons were killed accusing as Naxalbaris. It is still an unanswered question as to whether one of the comrades by name Machakalai is alive or not. It was the news that he was arrested and took away in a lorry.

289.

When writ petition was filed before the Madras High Court for bring him to the Court, it was informed that there is no such person. This is the situation. I am accusing that the Police is having the power to misuse the Act. If you give the Police Authorities the power to arrest anybody, what would be the situation.

Not only the above, Prime Minister Indra Gandhi said about the existence of Emergency here. She said during her speech at Beach meeting, I lot my Government because of emergency excesses. She indicated that without her knowledge many officials were committing mistakes. There is a chances of creation of such a situation here also.

Not only the above, there is no right to defend as against the charges framed against the person accused. He cannot approach the Court. When it is questioned by us you are answering that there is an Advisory Board.

What is the Board. The Board is formed by you. It would reflect your opinions. There is no right to have the Advocate's assistance even for defending cases before the Board. The power is with you. Then this would mean that, you are murdering the democratic system.

Not only that even today poor people are living in huts. On account of poverty they put up huts on the lands owned by Corporation. Thousands of persons could be arrested and they could be kept inside the jail. This is the present situation. I would like to inform that you are trying to bring such a dangerous situation.

290.

Apart from the above I regret to inform you the following. NOw you have announced preventive detention rule. If any person left the State of Tamil Nadu and would have gone to Mumbai. He would not have known about the announcement of prevention detention. You could arrest him on the presumption that he left the State in order to evade arrest. Therefore, this an atrocious Act even the Dictators viz., Musolini and Hitler would feel shameful to introduce this Act.

Not only the above, you can release anybody from the Jail if they are your blood relatives and you got the power for the same. On the contrary, if innocents are captured they should report to the Officer who would release them out of the jail even if they released from the jail. Otherwise again they would be arrested the impose punishment of imprisonment of two years. You will have to think as to how much atrocious Act is this.

Next I would like to inform you that status of the Act that is introduced by you. Even if an Officer who commits wrong no case can be filed against him. Next you are claiming that this Act is being introduced for abolition of bootleggers, when in that case why you not taken any steps against the persons who involved in such an offence, inspite of the fact that the Hon'ble Chief Minister himself informed in the Assembly that even many bootleggers are in his party also. Since they are your blood relations you have not taken any action against them. I suppose. Not only than, you have not succeeded in the Endeavour to remove bootleggers and the said fact was accepted by the Hon'ble S.D. S. himself. Today there are uncontrolled bootleggers. What is the reason. Similar to other essential price hike, there is a price hike of illicit liquor also. Even if is low quality illicit liquor, people are consuming the same. Another comedy is published in your publication itself. It is stated in the said news item that a donkey picked up a quarrel after consumer liquor. Your publication itself published the news item that even donkeys are picking up quarrel after consumer liquor. However, you are claiming that you would eliminate the illicit liquor sales when in fact you are not doing so. You are bringing a legislation in the guise of eliminating illicit liquor you are trying to arrest many persons. (Bell is ringing). I would like to inform that the said action is not proper.

Further, as far as the prostitution is concerned, the Hon'ble Chief Minister said that he would eliminate the prostitution. He also claimed that the males are the main cause for the problem of existence of prostitution. He said that he would introduce a law for punishing the male public. Earlier it was claimed that there would be an action which facilitate pardon for the first time prostitution, imposition of fine for the second time prostitution and arrest for the third time prostitution. I would like to question as to what happened to that legislation. I am not aware.

Next is the problem about the Gundas. When your rule was dismissed an agitation was called for and the members of All India Anna Dravida Munnetra Kaszhagam indulged in the atrocities and consequently cases were registered. The claimed that whatever the Police did was reasonable. If that is the case, why the cases filed against the Gundas were withdrawn. What is reason for withdrawing those cases. Only because of the reason that they belong to your part. Is it not. Therefore, introducing a new legislation is only to bluffing the others who are opposite parties and the persons who is not amenable to the Government and the same is brought for punishing those persons.

Finally I would like to submit one thing. I am telling with evidence. I would like to bring it to the knowledge of the Hon'ble Minister. The offence of encroaching Government lands is being committed by your party members themselves. You can see even in this Madras City there are so many encroachments. One of the land owned by a Temple taken on lease by one Govindaraja Mudaliar and the same is encorached by your Party members.

Fore Noon. 11.30.

I got an information that Minister is involved in this issued. Eviction order is to be issued after they encroached the land. Even after passing of eviction order by the Administrative Officer, no steps is taken for evicting the encroachers inspite of lapse of many days. I am asking as to why you are doing this and who is trying to be protected by way of your in action. There is a Minister's involvement in this issue. (Bell is ringing). Therefore, what I would like to say is that this is an undemocratic law and it would take away the rights of the people.

Toiday there is a Act called National Security Act. As far as the National Security Act, notice must be given to the Central Government if any action is taken under the Act. Narayanaswamy was arrested alleging that he is an anti social. Narayanaswamy was released only after intervention of Indira Gandhi. Therefore, you are doing all these with an object to prevent the Central Government not to interfere your activities. With this I am concluding my speech. I am opposing this.

Mr. P. Nedumaran. Mr .Rahmankhan, in his speech said that when National Security Act is there, what is the necessary for introducing this Act. When an arrest is to be made under provisions of National Security Act are to be invoked, there is a necessity to obtain permission of the Central Government. It is informed that in order to remove the said hindrance, the present Act is proposed to be introduced. When in that case, if notice is given to the Central Government is the action of arrest is justified. We have opposed the National Security Act. We are also opposing this Act. I would like to know as to whether you are ready to oppose both the Acts.

Mr. A. Rahmankhan. Deputy Speaker Sir, irrespective of whether it is Central or State Government this type of Act is an undemocratic Act. That is our opinion.

page 293.

As far as the National Security Act, we are strongly opposed the same. (disturbances). Since it is recorded I am switching over to the issue of casting of vote. The speech of Mr. Murasoli Maran, came out as it is. I am pointing out the same.

The foundation of the democracy and liberty is the individual right of Habeas Carpus. The preventive detention Act and the democracy cannot alight each other. The beginning of the Preventive Detention Act, would be ending of the democracy. This opinion was pointed out by many Judges. Deputy Speaker Sir, if Preventive Detention is removed in its entirety I would become happy. I am glad to hear the speech of the Hon'ble Home Minister that this Act is a temporary one. However, I am praying for attempting to remove this (interruption).

Mr. M. Vincent. Hon'ble Deputy Speaker Sir, I am praising the Government for introducing this Bill which prevent bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. The members of D.M.K. who welcomed the National Security Act, are opposing the present Act. (Interruption). I would like to question as to whether when it is introduced by the Government will it be called oppression?

Hon'ble Deputy Speaker: When a member is speaking he should not refer the other member. If anybody refer any other Member, the said member is to be given opportunity. Therefore, no member should refer the other member.

Mr. A. Rahmankhan. Deputy Speaker Sir, Dravida Munnetra Kazhagam is a Political Party. Some body pointed out that Dravida Munnetra Kazhagam, gave support for the Parliament Election. I would like to clarify the same. As far as this Bill is concerned, I expressed my opposition clauses of the same. However, when the issue is being discussed. Here also, Hon'ble Member Nedumaran..... (incomplete sentence).

Hon'ble Deputy Speak. This will not coming under the Point of order. Clarification... (shouting). It has to be done within the rules of this Assembly. One cannot speak as per his wishes.

Mr. A. Rahmankhan. Hon'ble Deputy Speaker Sir, Nedumaran, walked out protesting the incident of Police Atrocities at Dyharmapuri. We have not walked out at that time. Similarly, when the issue of Paul Commission is raised, we indulge in walk out.

Hon'ble Deputy Speaker : All those issues were over. Mr. Vincent.

Mr. M. Vincent: Deputy Speaker Sir, opposing at State and giving support at the Central is not a double standard? The members of this Assembly knew this. I would like to know as to whether it is correct to support when it happened in and in at the same time opposing the same in the State of Tamil Nadu.

The offence of bootlegging exists during Congress Rule as well as D.M.K. Rule. I am accepting the same. It is the Government's responsibility to protect the health of the drinking people who is losing their health. Keeping in mind the same, the Central Government in order to ascertain the situation in India the Government in the year 1958

itself appointed a Committee. The Committee submitted its report in the year 1962. It is stated that the banks of Kaveri is a heaven for the bootleggers. Government was interested in eliminating eliminate bootleggers since 1958.

page. 295.

However, it cannot succeed in its attempt. We have to ask question ourselves as to why the same cannot be done. The only reason for not achieving the goal is the leniency in the Act. Therefore, I would like to inform the Members that the Act which is with a good object of preventing the bootleggers shall be accepted. It is my duty to inform the Assembly that the Act which is proposed to be implemented in Tamil Nadu, has already been in force in the State of Maharashtra. It is the practice of Dravida Munnetra Kazhagam that whenever, any Act is brought for preventing Bootleggers, it would claim that it is an atrocious Act. The people of Tamil Nadu are also watching such an entertainment!.

We cannot spare the bootleggers and it is my duty to inform that they are more dangerous than killers. In the illicit liquor they are mixing intoxicating drugs, ingredients which would be harmful to the eye sight and this fact cannot be denied by anybody. They are increasing their sales by adding a chemical called chlorite and earning money. I would like to state at his point of time that for brining them under the preventive detention this type of Act is necessary.

Similar incidents of loss of lives by drinking illicit liquor by hundreds of persons which were happened in Bangalore and Mumbai, should not take place in Tamil Nadu and that is the reason why I hop that the Members of the Assembly would accept this Act.

(Forenoon 11.40).

The culture and the prestige of the women of the State of Tamil Nadu shall be protected. In order to protect the culture and the women in Tamil Nadu this Act is proposed to be introduced. It is my duty to inform that only to prevent the prostitution this Act is being introduced. In future, when this act is implemented, the offenders who are kidnapping the college female students when they are waiting for the buses and insisting them to do prostitution, this Act is being introduced. No one refused to accept introduction of this Act which would prevent the perpetrators of prostitution. Instead of making the women folks to be a Florence Nightingale, Ane Pesant, Rani Mangammal, Thilkalaiyadi Valliammai, Rani Lakshmi Devi, Ramaboi, Kanngi, Amudasurabi, Manimegalai, Mery Cury, Avvaiyar, Therasa, the persons who are indulging in the crime of prostitution are trying to make the women in the country as prostitute. Even if their hands and legs are to be cut the cannot be an offence. Therefore, I would like the Members to extend support for this Act.

Somebody raising a question as to who are the Gundaas. The definition for Gundass is given in this Act clearly. in I.P.C. the chapters viz., "offences affecting the human body" and the Chapter offences against property" and another chapter viz., Criminal intimidation, insult and annoyances are defined the Gundas. They are coming under the above chapters. This Act is being introduced in order to prevent those who are kidnapping women, those who are indulging in the offence of rape, thieves, dacoits, robbers, cheaters and encroachers. No one could make an argument that the offenders of the above crimes cannot be arrested under prevention detention . Therefore, I conclude my speech with a request to the members that they should extend their unanimous support to this Act.

Mr. N. Sundararaj: Deputy Speaker Sir, I would like to make my suggestions on behalf of Congress Party with regard to the draft Bill with regard to prevention of bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. I understand that the Government of Tami Nadu is proposing to bring this legislation under National Security Act. The Central Government included anti socials in the National Security Act apart from including black marketers, and persons who are indulging in hoarding and smuggling. The Government of Tamil Nadu Government taking the aspect of Anti social now proposing to bring this legislation for arresting bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. I would like to ask as to why you bring this legislation for an ordinary reason. If the Government thinks that it should arrest such offenders under preventive detention, there are many existing acts are there for preventing them. If a person committing an offence for the first time, it can be said that he is doing the offence without the knowledge of the Police, if he commits the offence for the second time, it can be said that he is doing the offence without the knowledge of Police, but when he is indulging in the same crime for the third time, it cannot be said that he is doing the same without the knowledge of the Police. Therefore, the offence of bootlegging is definitely taking place. They would not indulge in such a crime without any connection. Bribery is continuing till date.

Somebody earlier said that the Police are not getting sufficient earnings. However, since bootleggers and the persons doing business in illicit liquor had invested Lakhs and lakhs of ruppees, and since the liquor that is being sold by the Government is costly, now

the Government is telling the producers of liquor to sell the liquor to the Government and in turn the Government would sell the liquor. Therefore, bootleggers are getting profit. Persons who have taken the liquor shops on lease also getting profit. This fact cannot be denied anybody. Therefore, the Government officials and the persons those who are connected with the Government are only encouraging the liquor sales Therefore, you have the control the above first and in such an event, the illicit liquor would be controlled automatically.

Further, there is no classification for the term Gundaas. As per your dictionary Gundaas means rowdies. You have given the post of Trustee to a rowdy. Therefore, how can you control this. Instead of invoking the provisions of the Act for preventing such persons you are keeping them as a security. The for the above is that they would raising slogans for you. This cannot be denied by anybody. The reason for the above is that the above offenders would be protected only if they belong to ruling party. Tomorrow somebody else would be the ruling party. At that time, the offenders would be joining the ruling party.

Mr. R Muthiah, Hon'ble Deputy Speaker Sir, while Mr. Sundaraj, spaking he said that Gundaas are with the ruling party. I would like to ask him whether he could say that in the other States including Delhi also Gundaas are with the ruling party.

Mr. N. Sundarraj: Deputy Speaker Sir, If such is the position I think Mr. Muthiah is also accepting the above contention. I would like to thank him for the same. I am telling the truth. If such an offender is with the ruling party, he would be protected. Now a days anti

socials are under the cover of very important persons. The reason for the above is that they are with the ruling party and supporting ruling party.

299.

Mr. Kovaithambi. Hon

Similarly, as far as this Act is concerned, I would like to say one thing, as far as this Act is concerned it is a replica of the National Security Act. Except the narration of offenders all other wordings are one and the same sentence by sentence. When there is an Act called National Security Act in existence, what is the reason for introducing preventive detention Act. As stated in the Legal Jurisprudents Basic Principles, when similar Acts are in existence, no preventive detention is to be brought. Accepting the above this Act is to be withdrawn. Accordingly, I make request of the Hon'ble Law Minister.

In this draft bill what are all the objects and reasons mentioned. It is stated that since offence cannot be prevented as per the existing Act, to eradicate bootleggers, drug offenders, goondas, immoral traffic offenders and slum grabbers, this act is being introduced. In such an even I need a clarification as to what the Police is doing. What the machinery which is responsible to maintain law and order is doing. As far as the law and order, the Government has to come forward to implement the existing laws in a proper manner. Hence, introduction of this Act would not be helpful to maintain law and order.

By arresting thousands of people under the preventive detention Act, huge monetary loss would be caused to the Government. Therefore, PD. Act, is being introduced only to waste the Government money. Whether are you doing actions as per the existing laws. Therefore, I conclude my speech by requesting the Government to refrain from introducing such an undemocratic Act.

Mr. P. Uthrapathi. Deputy Speaker Sir, our Hon'ble Law Minister brought under this Act the following four offenders including Bootleggers, offender under the Drugs and Cosmetics Act etc.

308

This act is contrary to the interest of the working people in this country. The Law Minister informed that they brought a severe Act for punishing bootleggers. This Act is proposed to be introduced as if the offence of bootlegging is a new offence for the State of Tamil Nadu and as if for the first time they are going to prevent such an illegal act. If the Police trying to implement the existing laws that itself would be sufficient.

Hon'ble Speaker - Presided over the meeting.

An Act to prevent bootleggers was brought as the drinkers are being affected due to consumption of illicit liquor. This Act would be helpful for arresting the persons those who are against the Police to enable the Police to arrest them under Preventive Detention Act. It would only increase the corruption as the Police started exacting money from the bootleggers. Hence, I am opposing this Act.

Similarly, today who is going to be attacked by the Gundas. Crime of rape is prevailing everywhere. Bike borne thieves are snatching gold chain. Atrocities of Gundas is prevailing everywhere. Further this Act would be helpful only to protect Gundas. Muderers even murdering persons those who are having even 10 rupees in a beautiful bag. How many offenders were arrested by the Police now? If a person out of hungry snatch a coconut action would be taken against him by the Police. There is compulsion of registering of specified number of cases in a month by the Police. For that purpose

they would arrest persons as stated above. On the other are they ready to arrest the persons who are really indulging in thefts. No. This Act would be useful to encourage bribe and to settle the political scores.

Similarly, they are claiming that this Act would be used if anybody encroaches other's land. I am asking in Indra Gandhi's Rule in the guise of beautification of Delhi, thousands of huts were razed by using bulldozers. What is that Act. Therefore, who is being affected by this Preventive Detention Act. In this country black money is prevailing. Mrs. Indragandhi brought National Security Act for oppressing the anti socials. When all workers Unions called for a Bandh on 19th Mrs. Indra Gandhi wants to make the agitation unsuccessful. They protested as against the said Act.

Is Birla is not having property in Tamil Nadu?. Birla is having properties in all over India. Whether Tea estate was not given to Birla. I would like to state whether the Government is ready to recover the said tea estate. Ordinary agricultural labourers, landless poor people, those who are living in below poverty line, put up hut on the Government poramboke land they would be removed immediately. However, if rich persons, are possessing vast acres of lands, no action is being taken against them. Are the Revenue Officers are ready to recover those lands. By introduction of Act, poor people will be affected. For the above said purpose only the Act would be utilized. Therefore, I am requesting to withdraw the said Act.

Finally, Prevention of Prostitution Act. Who is doing prostitution. Those who are living below poverty line, those who are not have any source to live.....

Hon'ble Speaker: Please speak about all the subjects at one stretch. If you speak subjectwise it would take more time. Still 7 bills are there. Please complete at the earliest.

Mr. P. Uthirapathi. In prostitution various types of prostitutions are there. Prostitution that is being carried out at the multi storied buildings, prostitution that are being carried out by poor people. If this Act is handed over to the Police, then they would use this Act, against the family woman, who is speaking against them. A few days back in Thanjavur District, near Ayyampettai, a Harijan women was raped by a rich person. But Police did not take action inspite of lodging of complaint. Today every where in Courts woman are standing with covered faces. We can eradicate the prostitution with the laws available at present. We can take action against the perpetrators of prostitution.

Tmt. Indra Gandhi, brought National Security Act in Parliament. The said Act is being brought only to oppress the downtrodden working people and for spoil the democracy. They brought the Act which is being supported by Tata Birla. In support of the aforesaid Act, today, Tamil Nadu Government is proposing to bring this Act. therefore, apart from opposing the above Act, on behalf of Indian communist Party I request them to withdraw the said ACT. With this I conclude my speech.

Dr. K. Sowrirajan: Speaker Sir, even at the time of introduction of draft bill I raised an objection that it is not in line with our Constitution. Even Hon'ble Minister gave answer for the above question, I dont have an opportunity to hear the same. I came to know through news papers. However, if anybody approach Supreme Court, when you are taking steps t introduce the Act, the would get justice at the Supreme Court. I would not spare such an attempt.

Further, when we see the object of the Act, it is contended that this Act is brought to prevent bootleggers, prostitution centre and those who are encroaching Poramboke lands. When already National Security Act is existing and hence, we have to think as to whether this act is necessary.

For preventing the above ordinary offences, there are laws such as IPC, Central Act, Suppression of Immoral Traffic Act. When that being the case, you are claiming that by introducing the above Act, you would be able to prevent those offences, it is nothing but an open confession of the State Government about its inefficiency to administer acts and to maintain public order in the State. We can analyse about the persons who indulge in illicit liquor. When prohibition was in existence in Congress rule, normally persons of Congress party would not go to give Jamin on the other hand other persons belonging to other parties would go for the same. Because of illicit liquor people are died in large extent. They are being affected due to various diseases and hence, this Government intensified prohibition. Now what happened, if anybody is in drunken mood and if they give bribe of Rs.2 to Police he would be let out freely. If anybody gives Jamin they would be released. This is the situation. At present one cannot come out by giving Jamin. The result of intensifying the Act is that the bribe amount is increased from Rs.2 to Rs.500/-. On the other hand the percentage of the crimes is not reduced.

February, 18, 1982

We are condemning the same. IN future also we would be condemning the same. the objects of National Security Act and the objection of this Act are one and the same. Our

position is entirely distinct. Both the Acts are having same objects. Therefore, we are staging a walk as we did in the Parliament as against the introduction of this Act.

(The members of Marxist Communist staged walk out).

Mr. R. Karuppiah: The Communists Party is opposing this Act which enable arrest of a person without conducting enquiry. IN order to show our opposition for introduction of an Act which enable arrest of a person without conducting enquiry, our party is staging walk out.

(The members of the communist Party staged walk out).

Dr. K. Sowrirajan: Since I am not to be a partner for introduction of this Act, and since this Act is against the fundamental justice, I am staging walk out.

(Dr. K. Sowrirajan, staged walk out).

Hon'ble Mr. C. Ponnian. : Speaker Sir,

The draft bill of prevention of dangerous activities of bootleggers, drug offenders, Goondas, persons indulging in prostitution, land grabbers (Assembly Draft Bill No.7/1982) is to be passed.

The resolution is placed for the decision of the Assembly, and the draft bill is passed.

(B) Non Governmental Organisation (Special Rules) Amendment Draft Bill, 1982.

Hon'ble Mr. S. Thirunavukkarasu: Hon'ble Speaker Sir, I am proposing this resolution.

The draft bill of Tamil Nadu Relief organizations (Special Rules) Amendment, (Assembly Draft Bill No.11/1982) is to be taken up for examination. .

The resolution is placed for the decision of the assembly, passed and taken up for examination section wise.

The Section 2 and 3 are placed for the decision of the Assembly, and passed.

The resolution that Section 1 , preamble and long title shall be part of the draft Bill is placed for the decision of the Assembly and passed.

Hon'ble Mr. S. Thirunavukkarasu: Speaker Sir, The draft bill of Tamil Nadu Relief Organizations (Special Rules) Amendment, (Assembly Draft Bill No.11/1982) is to be passed. (Assembly Draft Bill No.11/1982).

The resolution is placed for the decision of the Assembly, and passed.

(2) Announcement ---- Continuation.

(C) Payment of Salary (Amendment) Draft Bill, 1982.

Hon'ble Speaker : An Announcement for the Assembly. The Governor has given his ascent for the examination of Tamil Nadu payment of Salary (Amendment) Draft Bill (Legislative Assembly Draft Bill No.12/1982).

7. Government Draft Bills --- Continuation.

(c) Payment of Salary (Amendment) Draft Bill, 1982.

Hon'ble Dr. R. Nedunchezian: Speaker sir, I am proposing the following resolution.

February, 18,1982.

Finally what you have done. You have removed the prohibition itself. Whether are you implement the prohibition again. You have uttered the words that anybody can have drinks. Even if immoral traffic is legalize then the same would not be a miracle. I am considering this Act as a funny and an unusual Act. Prosecutor is becoming Judge. The person who is framing charges is also acting as a Judge. It is a peculiar act as this Act is enabling the person accusing of an offence would become a Judge and he will also write the Judgement for the same offence. A person is being arrested accusing that he committed an offence. He cannot go to Court. He cannot seek justice. He would be compelled to appear before Advisory Board. The said Advisory Board members are appointed by you. Therefore, those who are accusing that the offence being committed will become Judges. Do you think that in the above situation whether the person accused of charges would get justice.

Even without knowing the above we are trying to bring this legislation. This is against the democracy. Not only that it is against the fundamental principles of natural justice. It is an inhuman law. They have given another funny provision. i.e. if anybody committed an offence, and if he is absconded, and if he did not surrender, then he would be notified and consequently his properties would be attached. I would like to say one thing, if a person came from Sathyavedu and carrying out a business of prostitution house, and earned lakhs and lakhs of rupees. If he again returned to Sathyavedu and if he purchase any property there, the properties situated here can be attached. This point must be taken into consideration.

This Act is having such a discrepancies. It is against the Constitution. Against the justice. Against the fair and genuine act and against the democracy. Therefore, I would like to ask as to whether this Act is necessary. As far as my concerned, this Act is a protector of Anna Dravida Munnetra Kazhagam, and hence, I request you to withdraw the above Act. I also strongly objection for introduction of the said Act.

Mr. P. Mohammed Ismail. Speaker Sir, Janatha Party is opposing this Act which is proposed to be introduced claiming that this Act is to be introduced for preventing bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. We are seeking this act as a replica of the National Security Act which is threatening the general public.

Particularsly, persons who are violating prohibition, bootleggers, can be arrested under the Prohibition Act. They can be tried before the Court of law. They can be given punishment. As per Section 4 provides for 6 months to two years imprisonment for the

first time offender. The same person is again committed the said offence, he can be punished with more punishment. When these laws are in existence, the Act which is going to be introduced by you is not necessary. We are opposing the same.

The Act called Indian Drugs and Cosmetics Act is already in existence for punishing the persons who are committing offences under the said Act and also for basic punishment there is an Act called Dangerous Act is in existence. Therefore, as far as these offences are concerned, this Act is not at all necessary.

For punishing the Gundas, the Indian Penal Code is already in existence. There are so many clauses in that. With the help of the Indian Penal Code, many Gundas are being arrested. Cases are being filed. They are being punished. Therefore, there is no necessity for this Act for punishing the offenders under this category. For punishing the persons those who are doing prostitution, there is an Act called The suppression of Immoral Traffic in Women and Girl's, 1956, is already in existence. There is a provision which enables to impose punishment of 6 months to 2 years for the offenders arrested under Section 3 of the aforesaid Act. Even this Act is provides for impose more severe punishment on the offenders and hence, we felt for trying these type of offenders no new Act is necessary.

Similarly, in order to prevent the persons those who are encroaching into the other' land, there are many provisions in the Indian Penal Code. Therefore, it Act which is to be proposed would be helpful to arrest the innocent persons and persons who are against the Government would be arrested by the Government by using this Act as this Act provides for arrest of the persons without conducting any enquiry. Hence, there is a

chance of misusing of the Act. Particularly, this Act contained a provision denying appointment of an Advocate, by the person who is arrested under the Act. As suggested by one of my friend here, it is incorrect to state that the persons those who are going to be arrested under this Act might be well versed in the provisions of law relating to this Act. Similarly, there is no provision to prove that the persons those who have arrested under this Act, incorrect and also prove that the power holders were acted wrongly. Hence it is clear that those who are handling this Act will be protected.

The Clause 16 of the Act, provides that no case could be filed against the persons those who misuse the above Act and thereby the persons those who are misusing the above Act are being protected. If we question the Government why this kind of Act is being introduced, the Government would answer saying that the Act would not be misused. When Misa Act came into force during Mrs. Indra Gandhi's rule, it was explained that the said Act would not be misused. Similarly, when the National Security Act is in force, the same explanation was given. Though guarantee was given that the Act would not misused for political reason, in fact, the Act is being misused for the political reasons and we have seen the above fact from many examples.

Mr. N. Sundarraj. Speaker Sir, Hon'ble President of the Janata Party in his speech informed that the Act was brought when Indira Gandhi was ruling the country. You have to decide as to whether the above information is to be retained in the Assembly record.

HOn'ble Seaker : Undemocratic , and democratic are the words which are being used in the speech of the Assembly. You can refer their rule as undemocratic (interruption), all

the subjects will be discussed here. It was discussed on many occasions. This is not a new one.

Mr. P. Mohammed Ismail. Speaker Sir, I have already pointed out during emergency, laws were being misused. Similarly, since I am apprehending that the same danger is there in respect of the present Act I am claiming that this Act is not necessary and I am objecting to the introduction of the said Act.

Section 17 of this Act, stated that this Act is being introduced in lieu of the National Security Act. It was contended that after introduction of this Act the provisions of National Security Act would not be implemented. Only under the provisions of this Act only the offenders will be arrested. We think that this is an Act which is introduced against interest of the general public. Hence, this Act is not necessary. There is a chances of misusing the above Act, in order to settle the political scores. Therefore, Janata Party is strongly opposing this black Act.

Various Political leaders have expressed their suggestions, and opinions stating that this Act cannot be accepted and also justified their claims. In spite of the fact that various political leaders those who are having difference of opinion, are joining together and unanimously objecting the Act, the Government is trying to introduce this Act. I request the Ruling party to accept the fact that the above attempt of the Government of introducing this Act is a minority view and not a majority view.

If the ruling party think that the majority is only in terms of numbers, and the provisions of the Act which is going to be introduced are being opposed by various parties,

and since the same is being accepted by a persons those who are having identical views it cannot be said that that is majority.

When illegal activities like smuggling that is being committed in all India level, the National Security Act was introduced in order to give protection to the Nation from the anti socials. When they are contending that this Act is also brought for the same purpose, it cannot be accepted that for the reason that the reason for bringing the National Security Act and the reason given for introducing this Act are not aligning each other.

When the Government merely contending that it is an Act and by using the said Act, the Government cannot punish whoever they want and that type of provision is given in the said Act and therefore, the same cannot be accepted. Though the National Security Act introduced with the same provisions, it was accepted on the basis that it would be necessary for the security of the National as a whole. However, in the present case, this Act is against the bootleggers, prostitutes and producers of illicit liquir, and those who are committing anti social offences. Through this Act, a person can be arrested a minimum period of 3 months and this is to be think twice. If suppose this Act is being misused in order to arrest an innocent for the simple reason that he is having a thick mushtaque (in tamil it is Meesai) the same cannot be accepted. This Act is having the provision to arrest the person even if he an inconcen, and if he is acting against the Government he could be arrested by using this Act. Therefore, when a rigorous Act is being introduced, I would like to remind you one think. The rigorous of law untempted with equity is not justice but the denial of it. On the basis of the above opinion, this is an rigorous Act. I told when the Prohibition was introduced, that the same would be defeated and that the Government cannot expect even a milligram benefit out of the said Act. It would cause opposite effect.

When at the time of introduction of the said Act, I have spoken for one hour explaining the effects of the said Act.

Similarly, by introducing this Act, there are many disadvantageous situations would arise than the advantageous situations. More punishment would give good justice some times. On the other hand, improper punishment would cause undesirable result and it would cause danger to the society. Many persons would be made accused even if they are not really accused and hence this Act would be useful for the above purpose and not for any other purpose.

I would like to point out another thin at this point of time. Gundas are the persons those who are doing the illegal activities continuously. They are doing the said acts with full knowledge and with the support of the Police Department and this cannot be denied by the Ministers.

The producers of illicit liquor are doing the same with the knowledge of the Department people. Without the support of the Department people, nothing can be done. This cannot be denied by this Government. However, the Government may not be having the knowledge of commission of offence of Prostitution. I would not say that the Government is having the knowledge of this offence. However, the Police Department will be having knowledge of the offence of prostitution. It is a known fact that the persons who are indulging in the offence of prostitution, are trying to having contacts with the Police Department and obtained their support. At present this offence is not being committed without the help of anybody. It is being committed with the help of some body.

Today the society is being spoiled day by day. The persons those who are doing this offence are having contacts with the officials who are given the task of preventing the above offence, and thereby escaping from the clutches of the laws and this cannot be forgotten by the Government.

When pointing out about the producers of illicit liquors, the Hon'ble Chief Minister informed that he is having a list of such persons. While that being so, what is the bar in taking action against those persons. The Government cannot take action even though a list of offenders is in their possession. Can this Government give list of persons those who have arrested by using the existing laws. Why the Police Department had not taken any action. What was the reason innot taking action by the Police Department. Is it the case that the existing laws are not having sufficient powers to prevent those offenders. Cant the offenders be brought before the law. Cant they be given punishment. In spite of availability of all kinds of law why those offences cannot be prevented. If the Government claims that we are doing their duty the same cannot be believed by us. If the Government claims that they would be proper in taking action by using this Act, there would arising of a situation that any other party comes to power and if they indulged in the act of wreck vengeance on the persons those who are against the Government. Would this Government not take the said Act in their own hands and would this Government not take action against those who are against the Government.

As far as the prohibition is concerned, a A.D.S.P. is being appointed for each and every District and 40 to 50 polic person are being appointed under the above ADSP and van is provided to them inorder to prevent the production of illicit liquor. Are you believe that 40 police constable could search the entire District and would prevent the production

of illicit liquor after finding out the place where the offence is being committed. When the Police Department available in a Group offences are being committed. If the producers of illicit liquor would be able to befriend the concerned Police officials they easily the offence can be committed with their help.

(After noon 12.50).

When you are not believing the Police Department in the case of preventing illicit liquor sales, where can you take action by believing the Police Department. When you are not able to say that all the Police personnel are having the responsibility,, then to whom you are going to give the power of implementation of this Act. Are you going to give this power only to the District Collector. Is there any method available in implementing this Act. Is this Act is being implemented without the knowledge of the Minister. If this Act is mis used then Minister can resign his post. Is this Act is framed without any loopholes, or are you believing that the persons with whom the powers is being given would act within the regulations of the said Act.

If suppose in society some body committing the offence of Prostitution, if they are poor and if they are rich people, is there any provision in this Act for preventing them and is there any bar in arresting those kind of people.

Tomorrow under this Act, if a person is speaking to a young women, then this Act would be used against that lady. Police is doubting the activity of that woman. Then in that case, the said woman even innocent she must be in prison for 3 months inspite of the fact that she is innocent. If suppose the offence is not proved then again she must be further more 3 months. She might be arrested without committing the said offence.

Then thereafter, what would be life of the said woman. Who is responsible for her rehabilitation. Even if the prostitution is committed, and consequently two persons got affected with decease no body is having any responsible. However, if a woman arrested wrongly, and she was given punishment for three 3 months the she may not be having respect in the society. Who will protect such a women. Where can she get justice. Her name would be spoiled during the period when she was being tried for the said alleged offence. How this Government would escape from this accusation. .

page. No.322

I would like to ask one thing. By this way if somebody would arrest the persons by accusing that they are producer of illicit liquor, persons of doing atrocities, or persons indulging in prostitution, by using this Act, and if those persons would have been arrested on two three occasions and it can be contended by the Police before the Court saying that if they are released on bail then there is a chance of those persons indulging in the same crime. While that being so what is protection in the said Act. Without such protection what is the use of the said Act. When atrocities are being committed even by the Government, the how it would be a crime if others would indulge in such atrocities. There is a story prevailing that the Officials in Government Departments are getting bribe. Even there is a story that the Police officials indulged in rape in the Police Station itself and when such a news is being published in the daily new papers, and stories like women who were kept inside the Police lock during night time, and when they were raped at the Police Station, no body could run a Government which gives Public Justice. Even Chief Minister M.G.R ould also not able to bring such a Government. I am telling that severe Act would cause serious results. The Government do not have power to control this Act.

When you have prepared this Act with severe provisions, to whom you would hand over the powers of this Act. The consequences of the same would be result in agitations. Therefore I could protect my party by using my intelligence. By introducing this Act, the Government get into the trouble. This Act would enable the officials to harass the persons those who are helpless. If this Act is introduced we would not allow the same and we will not accept the same.

Hon'ble C. Ponnian. Hon'ble Speaker Sir, many Hon'ble Members spoke about the consequences of this Act saying that by using this Act, the officials can settle scores, and some members while speaking said that this Act would severely affect the poor people, and those who are living in huts and it would also affect women. As far as this Act is concerned, Hon'ble Member Sowriraja, raised a question as to whether this Act is a proper Act. Whereas the instructions of the President have been obtained in pursuance of the proviso to clause 1 of Article 213 of the Constitution. Already the assent of the President was obtained for this Act and hence this Act is ready to be implemented. (interruption) I am coming to it.

Further, some members raised questions as to what is the necessity in introducing this Act. when N.S.A is available. As far as the N.S.A. Act is concerned, Hon'ble Member Rahmankhan, while speaking said that they opposed this Act in Parliament. He said that the provisions of this Act should not be misused. He further said that Mr. Maran, however, welcomed the introduction of the said Act and the same was read out by Mr. Rahmankhan, in this Assembly. All these above you have given your support to N.S.A. Act. While speaking the Vice President of the Opposition said that N.S.A. Act is having a general object.

324-346

February, 18, 1982.

There is no public aim in this and at least N.S.A is having object of Nation's protection. However, it is pointed out that in the present Act there is no aim of Nation's protection. It is clearly given in N.S.A as under.

If satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of INdia. Further

In clause 3 (2) "the Central Government or the State Government may, if satisfied with respect to any person that with a view to preventing him form acting any manner prejudicial to the security of the State or from acting in any manner prejudicial to the maintenance of the public order".

It contained the wordings "In any manner prejudicial to the maintenance of the public order" .

In N.S.A. it is stated in a broad manner. In N.S.A. it is merely stating that maintenance of public order. However, there is no clarity as to the term public order.

While that being so, there is a chances of arresting anybody under N.S.A. There is no mentioned in N.S.A. as to when the public order is being violated.

(After noon 1.00).

That should have been objected. We have given explanation in the draft Bill in order to explaint that what is public order. The important difference btween that and this is the same. In N.S.A it is merely state as Public order which is provided for arrest of any person for any body for any purpose. This condition is changed in the present Bill. We have clarified as to what is the public order and explanation has also been given.

Page 325.

"Explanation: - For the purpose of this clause (a) public order shall be deemed to have been affected adversely, or shall be deemed like to be affected adversely, inter alia, if any of the activities of any of the persons referred to in this clause (a) directly, or indirectly is causing or calculated to cause any harm, danger or alarm or a feeling of insecurity, among the general public of any section there of of a grave or widespread danger to life or public health. Therefore, I would like to point out this specifically. Many members have stated that when there are many Acts are in existence, what is the necessity of bringing this Act and they also stated that even by using the existing Act, action can be taken. There are Acts called Suppression of Immoral Preventive Act, Drug Offenders Act, INdian Penal Code, Crimina Procedure Code, Tresspass Act and there is also a separate law for the Gundas. They questioned that when there are many Acts already in existence, is it necessary to bring the new legislation. I would like to say on thing. INthe present Act, there is an explanation available. The term Public order of clearly explained in this Act.

This is the significant difference between the existing Acts and the present Act. As far as this Act is concerned, this is preventive. As far as the existing laws they are punitive in nature. It is well known.

In this connection the Supreme Court in a decision it was held that A prosecution or the absence of it is not an absolute bar to an order of preventive detention.

A question was raised as to whether this Act is valid. Even Supreme Court passed a judgement. Based on the same Act is being introduced not only in Tamil Nadu, but also in the other States. I will explain the same after words. A prosecution or the absence of it is not an absolute bar to an order of preventive detention. The authority may prosecute the offender for an isolated act or an act of an offence for violation of any criminal law. It is already in existence. However, it is clearly mentioned in this. It is not an absolute bar, to an order of detention. The authority may prosecute the offender for an isolated action of an act of offence for violation of any criminal law but if it is satisfied that the offender is an Agency to go on violating such law, then there will be no bar for the State to detain him under the Preventive Act in order to disable him to repeat such offences.

Page.

Supreme Court held that if a person committed an offence, and if such an offence is proved, and if he continuously doing the same offence, if he indulge in an offence, not merely because he commits an offence, even if he indulges in an offence... then, the same should be prevented. The society is to be protected form his activities. Public

peace is to be protected. Public health is to be protected. On that basis the Supreme Court held as above.

Not only that, it is clearly stated that "order of detention was essentially a precautionary measure and was based on the reasonable fresh Notice of the future behaviour of a person, based on his past conduct judged in law by the surrounding circumstances". The past conduct or antecedent history of a person can appropriately be taken into account in making a detention order. It is indeed largely from prior events showing the tendency or inclination of a person with an inference can be that he is, in future, likely to act in any manner prejudicial to the maintenance of a public order or public held.

Based on the above decision, this preventive detention act is brought as a preventive Detention Act. Many of the Hon'ble Members while speaking to mean that this Act is being brought here only. That is not correct. Even Central Government sent a Circular to the State Governments on 16.9.1980. In the said Circular it is stated that "at the meeting recently held by the Home Ministry, the Senior Officers of this Department discussed various measures with a view to improve the law and order situation in the country. To deal effectively with anti social elements, it was felt that some legal powers should be made available to the law enforcing Agencies for extermination of criminal, anti social elements and goondas. It is stated that they should be deported. It is stated that the State Government shall bring an Act. While that being so, they have given an example. The consensus was that such power if effectively used, apart from having good impact in the public mind, would also help in containing the activities of bad characters. Not only that. In this regard various Acts such as the Uttar Pradesh Control of Goondas Act, of 1970,

The Rajasthan Control Act of Goondaas, 1975. The Punjab Prevention of Anti-Social and Hazardous activities Bill 19786, which was subsequently made into law and the Bihar Control of Criminal Bill of 1978m, which was subsequently made into law, were passed. The Central Government has stated that the Bills inducted by the Governments of Uttar Pradesh, Rajasthan, Punjab and Bihar were considered to be useful, It is stated that the State Governments shall utilize this. It is also stated that similar Acts shall be brought by the other State Governments. (interruptions).

Mr. A. Rahmankhan. : Dear Speaker Sir, It is contended by the Minister that that the Central Government sent notice and it is also directed that similar ACTs is to be brought by the State Government. If they directed you to bring Hindu as a State Language, would you implement the said direction of the Central Government?

Hon'ble Mr. C. Ponnian. : Dear Speaker Sir, this is an answer only to reply to a queries raised by some of the members while speaking in order to mean that this Act is only proposed to be brought in this State alone. While Mr. Sundaraj speaking he said that comparing N.S.A with this Act is not apt as that is different and this is different. I would like to answer to this query.

As far as the Hindu language is concerned, if Central Government sends notice directing the State Government to accept the Hindi language, then this Government will not accept the said direction. This is known to all the members.

Not only that, as I have indicated, in Marattah State, Rajasthan State, this Act is in existence for several years. While Hon'ble Member speaking it is contended to mean that there is no remedy as against this Act. That is not correct. I have stated that there

is no difference between N.S.A. and this Act. I have stated that similar provisions are there in the N.S.A. Similarly, in this Act there is a separate advisory board is there.

Page. 328.

Immediately on arrest, within 5 days of arrest, the reason for their arrested is to be informed to them. After intimating the above, within 12 days permission is to be obtained from the Government and within 21 days, the details with regard to the reason for their arrested is to be sent to the person accused of the offence and after getting their explanation the same shall be sent to the Advisory Board.

(After noon 1.10).

As far as the Advisory Board is concerned, in the Draft Bil it is clearly state that an opportunity of hearing iwill be given to the person accused as under. In Section 11, In any particular case the 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 State Government, within seven weeks from the date of detention of the person concerned".

An opportunity will be given for them to put forth their submissions.

A Hon'ble Member raised a question as to whether an Advocate can be appointed. As far as the appointment of an advocate is concerned,..."For a prevention detention, you cannot engage a counsel. This is constitutionally prohibited under Article 22 (1) (2) and (3) provisos:".... Since there is a bar in the Constitution, I would like to state that they cannot engage a counsel.

Mr. A. Rahmankhan. Please inform what is bar in the Act.

Hon'ble Mr. C. Ponnian. Section 22. 1 provides that "No person who is arrested shall be detained in custody without being informed as soon as may be of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by a legal practitioner of his choice.

Nothing in clause (1) and (2) shall apply.

(a) to any person who faor the time being in an enemy alien or

(b) to any person who is arrested or detained under any law preoviding for preventive detention.

In Section 3 (b) it is clearly stated as under.

(b) to any person who is arrested or detained under any law providing for preventive detention.

Hon'ble Speaker Sir, some of the Hon'ble Members in their speech stated that for example while speaking about the issue of prostitution - when a lover speaks to the girl with whom she fell in love they can be arrested and kept them in 3 to 4 months.

Under Article 22 (5) when any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall as soon as may be, communicate to such person the ground on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

There is a constitutional prohibition to engage a legal practitioner of his choice. Therefore, under Section 22 (5) of the Act, it is an offence under the law. However, it is not perse an offence.

This Act is being used only because of the persons those who are indulging in the prostitution business. Even in fact this Act is introduced only with a view to protect the women. I would like to state that there will not be any problem to the women.

Because of prostitution, public order will not be affected.

There cannot be disturbance to public tranquility or peace.

It is clearly state about the persons those who are indulging in prostitution.

The suppression of Immoral Traffic in Women and Girls Act, 1956.

Mr. Ismail, Member also said that there as several sections in the said Act. In Section 3 it is stated as under.

page. 330.

3. Punishment for keeping a brothel or allowing premises to be used as a brothel. The persons those who are indulging in brothel business. Persons who are providing place for brothel business. The persons who are doing brothel as a business and persons those who are doing other business based on the above.

Punishment for living on the earnings of prostitution.

Procuring, inducing or taking woman or a girl for the sake of prostitution. Detaining a woman or girl in premises where prostitution is carried on. Prostitution in or in the vicinity of public place.

There is a provision for fullest protection to the women. Do not think that this Act will be used on the women who is indulging in prostitution. This act is giving protection to Women. As informed by Hon'ble Member Mr. Vincent, there were news we heard that women who were waiting at the bust stand were kidnapped and saved from a brothel houses. This Act would be giving protection after a woman is used in the prostitution, Suppression of Immoral Traffice Act, IPC are in existence. Criminal Procedure Code is in existence. They can get relief as per the above Act. Many of the offenders who indulging in prostitution are doing so, with an intention that for getting punishment through the above Acts it would take many years and therefore he would definitely indulge in such an act. He would kidnap women and compelled them into prostitution. We have to protect such women from such persons. Those who are thinking about the protection of women should support the above Act as it would give protection to the women instead of criticizing the Act.

Mr. Duraimurugan. Sir point of order with the permission of the Chair Sir.

Hon'ble Mr. C. Ponnian. The Hon'ble Member can raise the point of order after I conclude my speech. ow I am not yielding.

Mr. Duraimurugan: I am raising a point of order. When I raise a point of order, the Hon'ble Minister should yield.

The Minister brought an atrocious Act. We would raise question. Let him answer or refuse to answer.

Hon'ble Dr R Nedunchezian. Speaker Sir, The Law Minister in his speech said that point of order would not come. Point of Clarification or Point of explanation can be sought. If permission is granted they can seek. (interruption). When Minister is speaking continuously let them not interrupt. After he finishes his speak they can raise question. I request them to follow this method.

Mr. Durai Murugan: Since Navalar said that opportunity can be given, I remain in my seat.

(Afternoon 1.20).

Hon'ble Mr. C. Ponnian. I would like to point out examples. I would like to point some of the statistics about prostitution to show to what extent women are being affected due to prostitution.

Though statistics in respect of several years I would like to point statistics of some of the years alone. In the year 1979, nearly 8,355 women were abducted and subject to prostitution. Due to which 6,839 persons were arrested for the offence of abduction of family girls and subjected them into prostitution.

Similarly in the year 1980, 8443, women were subject to prostitution. In 1981, 8,019 women were abducted and subject to prostitution. Accordingly, 24,150 cases were registered.

Nearly 24,150 cases were registered. 24,880 family girls were abducted and subject to prostitution and thereby they were affected. Because of the above reason, in order to prevent commission of such offence, this bill is being introduced.

Those who are perpetually indulging in activities of this sort should be prevented from indulging in such activities in future by way of preventive detention. That is the intention behind the proposed Bill.

Hon'ble Speaker Sir, similarly, when Hon'ble Ministers speak about the illicit liquor raised a question as to whether the evil cannot be prevented with the help of the existing laws.. As stated by me earlier, for imposing punishment through the existing laws it would take 3 years. We have to think that what type of offence is this.

Though it can be said that it is being introduced to settle political score we have to prevent the offence of prostitution even if they are politicians. In the Act a word is included viz., If it is prejudicial to public health. Many members have informed the above in this Assembly. The offenders mixing many ingredients in the illicit liquor. You have stated what type of effect due to the above materials. The producers of illicit liquor are mixing in the illicit liquor the ingredients like "Oomathai Kaai" Similarly in illicit liquor methanol is being added which would result in causing mental disability. It would cause heart attack. It is harmful to the health. They are adding all these in order to increase the level of toxication. It would cause loss of eye sight. Similarly Ammonium Chlorite is being added which would cause many harms to the body.

When bootleggers are producing the illicit liquor in the method as stated above, before taking action against him how many loss of lives is being occurred. We have to think ourselves.

In Bangalore recently, an incident was taken place. Due to consuming of illicit liquor which contained harmful ingredients many persons have died. The know very well that an amendment was brought in the year 1976 inthe ACt. Therefore, because of the ingredients contained in the illicit liquor which was produced by the offenders, how many loss of lives is being occurred. This is to be taken into consideration and we have to think about this. You can raise a question whether such incident is takes place. After introduction of this Act also, the illicit liquor producers were arrested and the liquor was sent to chemical laboratory. It is found that in the illicit liquor the following ingredients were added. viz., Oomathan Kaai, Chlorite, Battery cells etc.,

Similarly, till date we have taken steps under this Act by arresting 45 persons who indulged in production of illicit liquor and for adding harmful ingredients in the illicit liquor resulting in loss of eye sight, and other health complications.

Mr. Durai Murugan: The Minister is speaking about the method of production of illicit liquor. For explaining such a thing Napoleon and the other stalwarts are available here.

Let the Hon. Minister reply on the points raised by the Members. (Interruption).

Hon'ble C. Ponnian. Hon'ble Speaker Sir, in order to prevent this type of offenders viz., producers of illicit liquor

this Act is being introduced. Till date 45 persons who indulged in this type of offence were arrested and action has been taken against them. There is no discriminatory in taking action and action is taken against the offenders irrespective of the political parties they belonged to. There is no discrimination. If the nexus is proved then action would be taken against them. If in the chemical examination it is found that harmful ingredients are added, then they cannot escape from the clutches of the Act.

Action cannot be taken against innocent. The Supreme Court has given several guidelines in this regard. Even Hon'ble Member Duraimurugan is also knows about that.

As far as the huts are concerned, slum grabbers and goondas, when Uthirapathi speaking stated that the poor people are being affected due to this Act. It is a wrong assumption. Because, we are not going to take action against the poor people. The slum grabbers and goodas are all rich people and they are doing many offences. They are encroaching into lands belonged to the Government Even they are encroaching private lands also. They are encroaching lands by engaging rowdies. Even case is registered against him, there are cases where the persons who gave complaint were being threatened by the above persons and compelled the complainants to withdraw their complaints.

335.

Not only that. In some place the lands belonged to Government. This is not an Act to prevent the poors to put up ht at the Government land. In his speech Mr. Subramanian, Hon'ble Member stated that this Act is being introduced for the reason that in one case, Sulpreme Court order stay of evicting encroachers form the Government land. That is

incorrect. Where the huts were removed. The occupants of the huts were requested to shift to the new place allotted by the Slum Clearance Board. However, the slum dwellers were refusing to vacate the slums and they were adamantly stated that they would continue to live at the same place. Then only, they were removed from this place. In some places they put up huts on the lands which are belonging to private persons. The Slum clearance Board is constructing buildings for them. They are being sent to the new accommodation. They are being given protection in such a manner. However, some of the anti socials, collecting rents from the slum dwellers. This Act is being introduced only to prevent the above said offenders.

(afternoon 1.30).

Hon'ble Speaker : With the permission of the Assembly, the official time is being extended.

Hon'ble Mr. C. Ponnian. Hon'ble Speaker Sir, some Members opined that there is no explanation for the word Goondas.

Goondas means, person who either by himself or as a member of or leader of a gang habitually commits, or attempts to commit or abets the commission of offences punishable under Chapter XVI or Chapter XVII or Chapter XXII of the Indian Penal Code. Merely because of the reason that they are doing the above offences, they would not be brought under the category Goondas. They must habitually indulge in such offences. Offences falling under Chapters containing offences like offences to human body, property or criminal intimidation. Only if they indulge in the activities of house breaking,

criminal intimidation, criminal trespass with force and if they indulge in the atrocities by doing the above offences on many occasions in habitual manner, then only they would be brought under the category "Goondas". Even District Collector prove the fact that they are indulged in such act before the Advisory Board. They are bound to explain under what circumstances, offence was committed and the period of the offence are to be explained. Only if the persons who are affected deposed confirming the act of atrocities, the offence will be proved. One cannot be arrested just like that. If anybody violates the above stipulations definitely Supreme Court would interfere and do justice for the affected persons. Even if the advisory board members commit mistakes the Supreme Court on many occasions granted reliefs to the persons detained illegally. As informed by the Hon'ble Member earlier, the Supreme Court would interfere in those matters and grant relief to the affected persons. I would like to point out the above fact.

Though there is a provision viz, Rule 16, No suit prosecution or other legal proceedings shall lie against the State Government or any Officer or person, for anything in good faith done or intended to be done, in pursuance of this Act, the Hon'ble Supreme Court stipulated certain guideline. A person can be detained under this only if he indulges in causing disturbance to the public peace and another offence, if he is indulging in the offence of murder, this Act would be invoked. If a person steals a goat though this act of theft is an offence. That will leave the provisions of N.S.A. or P.L.O. we cannot take action against him on that basis. The Court would give protection for them. In many cases based on Misa, N.S.A. cases were registered and finally after approaching Supreme Court, the Supreme Court and High Courts were given guidelines. They have given perfected guidelines in regard to detentions.

There are perfected guidelines in regard to such detention. Such perfected guidelines are violated, definitely the Courts have got the right to interfere taking into account the judgements already delivered by the Supreme Court and High Court concerned.

Therefore, Hon'ble Speaker Sir, for protecting the interest of the general public and with a view to protect the general public from the hands of the anti-social elements this Act is brought forward by any party all of us. We should support the said Act in order to protect the women folk from the anti socials and bootleggers shall be prevented from producing illicit liquor to protect the community as a whole.

Mr. K. Anbalagan: Hon'ble President the Hon'ble Minister gave explanation for the provisions of the Act. While giving explanation, this Act is being brought only to protect the women and he also stated that in the illicit liquor the producers are including poison, and the same should be prevent. I have no second opinion with regard to the said suggestion. He also said that only habitual offenders only will be arrested and if any person person is arrested opportunity will be given to approach the High Court and the Supreme Court. The stage of giving appeal to the High Court and the Supreme Court, is a second stage.

Ordinarily, if a person who is not committed offence even for one time prior to his arrest is arrested, he is treated as the accused before the Court law and it is informed by the Government to the Board as such, and if a person who committed offence for the first time brought before this Act, and when no protection is given to such person, an

assurance is required from the Government that such persons will not be punished under this Act. As stated by, the Hon'ble Chief Minister yesterday, if the bootleggers are arrested, those who are financing such an act is arrested, the situation of giving protection for them arose within 2 to 3 months. Therefore, I request that except the persons who were produced before the Court, and those who were punished after holding that they were habitual offender in that particular respect, the other persons shall be given protection.

Hon'ble Minister Mr. C. Ponnian. Hon'ble Speaker Sir, the Hon'ble Vice President of the Opposition Party mentioned that "Women". I have already explained as to what has been stated about the women in this Act. There is no provision for arresting women under preventive detention Act. This Act enables arresting of the persons who abduct women and subjecting women in brothel. I have also stated how many persons were indulged in this heinous crime.

Mr. K. Anbazhagan: Since the word "women" is being used in this Act, the view of the everyone is focusing on "women". The abductors are also one or two woman.

Hon'ble Mr. C. Ponnian: I would like to thank the Professor. If women are indulging in this crime, then they would also be arrested under this Act. I hope the Professor would accept this and I am congratulate him for the same.

I would like to give one more explanation. Information has to be given within 5 days as to for what reason they have arrested. Within 5 days the proof for the basis on which they have arrested and the circumstances base don which they have arrested are to be given. Thereafter, after 12 days, the detention Authority would be getting the

reasons for the arrest. There is a provision to enable them to directly approach the High Court, after 5 days of receipt of the reasons.

Page. 339.

Those procedures are not found place in the Act, some of the procedures only be included in the Act. We can take action based on the decisions rendered by the Surpeme Court and the High Court. Since cause of detention is being given within 5 days of the date of arrest, they can challenge the same before the Supreme Court or High Court. If the order is having any deficiency they can get the relief. The reliefs were already been granted to some persons and they got released.

(After noon 1.40).

Mr. K. Anbazhagan: Speaker Sir, a person who is not committing throughout 24 hours also not to be arrested. He should not be compelled to go to that extent. there is no situation of giving 5 days time. I am not objecting to handle the offenders severely. I am not worrying about the same. However, a person who did not commit any offence, should not be arrested. This provisions of this Act can be against the persons who really committed offence which were proved. Instead of arresting such persons innocent person should not be arrested. We should not arrest an innocent and thereafter find out ways to grant relief to him.

Hon'ble Mr. C. Ponnian. Hon'ble Speaker Sir, I have alrelady explained elaborately. We cannot implicate every one. Further if guidelines of the Supreme Court and the High Court is not followed while arresting, Even the Detaining Authority would be subjected to

stricture passed by the Sulpreme Court or High Court. We have to believe that no officer would take the above risk and would not commit wrong.

Not only that. If a person who is not committing offence continuously and if he commits one time also, some times, there is necessity arise to arrest him. For example I would like to state one thing. In Bangalore a person sold illicit liquor and consequently, hundreds of persons who consumed the same lost their lives. If it is the situation that he should be arrested on many occasions and then only he could be tried by this Act, then in between period how many lives we have to lose. This we will have to keep in mind. Therefore, accepting my explanation, I request that this Bill may be passed.

Mr. S. Elaiya Perumal: Speaker Sir, a small explanation. Hon'ble Minister stated one thing about the people who are living in huts. It is stated that they are living in Government's land and lands owned by private persons. By residing in those places, they were casting their votes during theyears 1977, 1980. Whether Hon'ble Minister could give assurance that they would not be evicted using this Act. If alternative place is offered they are ready and willing to go to the alternative place after leaving the place where they have lived for 10 years. Whether any steps would be taken fr this?

Hon'ble Mr. C. Ponnian. Speaker Sir, I thing they are telling about my reference in respect of slum grabbers. The people who are living in the slum would not be coming under the category "slum grabbers". Rowdies who encroached the lands owned by an autonomous body. Even they themselves would not be living there. The would put hut huts there and asked the poor people to resident there and collecting rent form them. Even if the Government provide hosing to them, the rowdies would threaten them by saying that if

they vacate the huts they would be beaten. This Act would be helpful to suck the blood of poor people. We have to provide them houses irrespective of whether they are encroaching Government's land or private person's land. We will have to do the above continuously.

Hon'ble Speaker : I would like to know as to whether Mr. Rahmankhan, would insist the amendment sought for by him.

Mr. Duraimurugan: Speaker Sir, I have also given request. Therefore, I should also be allowed. I would raise only one question. They explained about this Act. I have no objection in arresting Goondas. If Goondas are pointed out whether they would be arrested? However, whether would they be not arrested if the Hon'ble Chief Minister pointed out. Will you arrest those Goondas.

Hon'ble Mr. C. Ponnian. Speaker Sir, the term Goondas is explained in the Act. In Chapter 3 of the Indian Penal Code it is explained as under

"if a person indulging in offences relating to human body, offences relating to property, offences relating to criminal intimidation continuously, if he continues to indulge in such offences, action would be taken. However, I would like to inform that if the persons fall under the definition Goondas then he would be arrested irrespective of the fact that he is known person to Duraimurugan and an unknown persons to Duraimurugan.

Hon'ble Speaker: Hon'ble Member Duraimurugan, informed in his speech stated a name ***** I direct the remove of the said name *****.

(Name is removed as per the direction of the Speaker).

Discussion is concluded. Now voting.

the resolution of the Hon'ble Member Mr. Rahmankhan is placed for the consideration of the Assembly and the Assembly rejected the same.

Hon'ble Speaker. The issue before the Assembly is as under.

" Draft Bill with regard for preventing of bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land, is taken up for examination of the Legislature.

The resolution is placed before the Legislation and passed. The Draft Bill taken up for examination categorywise.

Section 2 is placed before the Assembly for its consideration and it is passed.

Section 3

Hon'ble Speaker: The issue before the Assembly is as under.

Whether Section 3 is to be part of the Act.

As per Rule 100 (2) the amendment sought to be made is not permitted. Mr. Rahmankhan, can vote as against the said Section.

Section 3 is placed for the consideration of the Assembly and passed.

Sections 4 to 13 are placed for the consideration of Assembly and passed.

Hon'ble Speaker : The issue before the Assembly.

Whether Section 14 should be made as part of the Draft Bill.

As per Rule 100 (2) the amendment sought to be made is not permitted. Mr. Rahmankhan, can vote as against the said Section.

Sections 14 is placed for the consideration of Assembly and passed.

Sections 15 to 16 are placed for the consideration of Assembly and passed.

Section17.

Section 17 is to be made as part of the Draft Bill.

As per Rule 100 (2) the amendment sought to be made is not permitted. Mr. Rahmankhan, can vote as against the said Section.

Sections 17 is placed for the consideration of Assembly and passed.

Sections 18 is placed for the consideration of Assembly and passed.

The preamble and long heading of Section 1 place for for the consideration of Assembly and passed.

(After noon 1.50).

Mr. K. Anbazhagan : Speaker Sir, though this Act is brought after justifiable arguments, though several provisions were analyzed while implementing this Act, there is a chance implicating innocents in this Act. Hence, Dravida Munnetra Kazhagam, is objecting this Act and accordingly we stage a walk out.

(Members of Dravida Munnetra Kazhagam staged a walk out).

Mr. R. Umanath, Hon'ble Speaker, Sir, as far as this Act is concerned, we are objecting the arrest of innocent persons. Even in the past and also in the present we are objecting to it. Even future also we would object to it. There is no difference between the object of this Act and the National Security Act. Our position is entirely distinct. Both the Acts are having same objects. Therefore, we are objecting and staging a walk out as we did in the Parliament. We are staging a walk out as objects of both the Acts are one and the same.

(Members of Marxist Community Party staged a walk out).

Mr. R. Karuppiah. Marxist Community Party is object to the Act which enable arrest of a person without any enquiry. In order to show our opposition we the members of our Party stage a walk out opposing the said Act.

(Members of Communist Party staged a walkout).

Mr. K. Sowrirajan. Since, I do not want to be a share holder in passing the above Act, and the Act is against the fundamental justice, I stage a walk out.

(Dr. K. Sowriraja, staged a walk out).

Hon'ble Mr. C. Ponnian. Speaker Sir, Draft Bill with regard to prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land, is to be passed in this Assembly, (Assembly Draft Bill No.7/1982).

The Resolution placed for the decision of the Assembly, and the draft bill is passed.

(B) Draft Bill of amendment of NGO (Special Rules) , 1982.

Hon'ble S. Thirunavukarasu: Speaker Sir, I am proposing the following resolution.

The draft bill for amending NEG (Special Rules) Amendment Rules shall be taken into consideration for the Assembly, (Draft Bill No.11/1982).

Resolution is placed for the consideration of Assembly, and passed. The Draft Bill is taken up for examination categoriwise .

Section 2 and 3 were placed for consideration of the Assembly and passed.

Section 1, preamble, long title, were placed for consideration and passed.

Hon'ble Mr. S. Thirunavukarasu: Speaker Sir, draft Bill for amending NGO (Special Rules), (Draft Bill No.11/1982) shall be passed.

The Resolution placed for consideration of the Assembly, and the Draft Bill is passed.

(2) Announcement continuation.

(c) Draft Amendment of disbursement of Salary , 1982.

Hon'ble Speaker. An announcement; Governor gave his assent for taking up the draft Bill for Salary Disbursement (Amendment) Draft Bill Draft Bill No.12/1982) for examination.

7. Government Draft Bills - continuation.

(c) Salary Disbursement (Amendment) Draft Bill, 1982.

Hon'ble Dr. R Nedunchezian: Speaker Sir, I am proposing the following resolution.

(* Punished in the Government Special Gazette dated 11.2.1982).

May, 13, 1986

However, because of cement dust emanating from the cement factory the temple is being affected. Officials are claiming that there is no effect. I myself would go to the spot to ascertain as to effect is there or not. and for taking action. The Member is claiming that the details given by the Officials are incorrect. I assure you that if any mistake is committed definitely action would be taken. Apart from the above, we have insisted the manufacturers to use electrostatic precipitators. They also agreed that they would do so immediately. I would like to state that the Government would not hesitate to cancel their factory license if they fail to use electrostatic precipitator,

Mr. R. Thamaraikani: Hon'ble Deputy Speaker Sir, We are using the temple Tower of Sri Andal Srivilliputhur Temple as our Government seal. This has posed a challenged to the Government of Tamil Nadu. For the renovation of the above Temple Tower, steps have been taken by our Hon'ble Chief Minister Dr. Revolutionary Leader and Mr. R.M.V. along with Sriperumbuthur Samy. A sum of Rs.1.5 Lakh was given to this Temple out of various funds. I would like to know as to whether permission would be granted to file a case for claiming a sum of Rs.100 Crores jin this connection.

Hon

Hon'ble Dr. H.V. Hande: Hon'ble Deputy Speaker Sir, They have told about the history and the prestige of this temple. This temple is an ancient temple. I have visited this temple several times. Even I visited the temple along with Hon'ble Member also. He questioned as to whether any case would be filed. we cannot prevent filing of case by the devotees.

As far as the Government is concerned, it is the duty of the Government to see that there should not be any effect to the temple.

Government Draft Bills.

(A) Draft Bill of prevention of dangerous activities of bootleggers, drug offenders, persons indulging in prostitution, land grabbers, (Amendment) 1986.

Hon'ble Mr. C. Ponnian. Hon'ble Deputy Speaker Sir, I am proposing the following resolution.

I seeking the permission for introduction of Draft (Amendment) Bill for preventing the dangerous activities of Bootleggers, Drug offenders, Drug offenders, persons indulging in prostitution, land grabbers (Amendment) 1986.

The resolution is placed for the decision of the Assembly and passed. Permission is granted.

Hon'ble Mr. C. Ponnian: Hon'ble Deputy Speaker Sir, I am introducing the above Draft Bill.

Hon'ble Deputy Speaker : This draft Bill is being introduced.

(B) Draft Bill, of Chennai Race Course Club (Acquisition and transfer of ownership), 1986.

May, 14, 1986

May, 14, 1986

page. 391

Many of them were released thereafter. Therefore, this Government had brought this Act only for escaping from this.

"... such order shall not be deemed to be invalid or imoperative merely because one or some of this Grounds is or are ---(i) vague, (ii) non-existent, (iii) not relevant, (iv) not connected or not proximately connected with such persons, or (v) invalid for any other reason whatsoever....

When we examine the amendment, in the year 1952

Preventive Detention Act was brought, the High Court held that since the Preventive Detention Act is against some of the fundamental rights of people, set aside the action taken on the said Act and consequently many persons were released. I would like to state that the Government is arresting arrest the persons those who have arrested under the above Act and latter released by the decision of the High Court, merely by bringing amendment in the Act, as was done by the earlier Governments.

As far as this Act is concerned, the persons really indulging in such dangerous activities should be arrested. However, at present what we are seeing. The Police Department arresting the persons those who are against the Government Policy. Consequently, when case is filed as against the aforesaid irrelevant arrest the affected persons approach High Court and Supreme and got reliefs. Consequently, they were released on the ground that the allegations are vague, non existent, not relevant.

In Manali there is a company called Kothari. They are engaging thousands of contract workers. Workers are not being paid reasonable salary. They are provided with

the other facilities. They are having an Union and they were protested against the illegal activities of the contractors.

(Evening 4-10).

The contractors rich persons and the persons who are rich in other ways getting connection with the Police Department, and contract workers being appointed and they have accepted the suggestions of the Political parties. One Union Secretary was arrested under this Act. He approached the High Court and got order wherein it was held that the arrest was not proper and consequently he was released.

For the same political reason, one of the Circle Inspector in my constituency fabricated a case and arrested a person. Since the Circle Inspector could not do anything under this Act, he arrested them, under an alleged offence of Bootleggers.

Si9milarly, a person in Villavakkam, who was working for Maxist Communist party was arrested under this ACt. He also approached the Court and obtained order of release by establishing that the case foisted against him is a false case. Therefore, for registering a true case, it is easy for the Police Officials to arrest a person. In cases which are fabricated it is difficult for the police officials to prove that the case is genuine one. In these circumstances, an amendment is necessary to this Act and therefore there is a need arise to bring an amendment to this Act to enable them to arrest any person easily.

Here one Advisory Committee is appointed. As far as the Advisory Committee is concerned, I am not going into the merits of the Advisory Committee. The Government

Officers who are in the Advisory Committee are functioning in the manner of giving approval to the Police officials. They are not considering the reasonable representation made by the affected persons.

As stated by me in earlier occasions, in our District at Veeyanur, a Circle Inspector arrested a person. A representation was given by the arrested person. However, the same was not considered by the Advisory Board. If they would have considered his reasonable representation he would not have approached the High Court and consequently got released. Therefore, this Advisory Committee shall functioning within the powers conferred on them. They should not act beyond the powers conferred on them. Therefore there is a necessity arose for the Government to bring such an amendment. Therefore, what I would like to state is that thousands of criminal can be escaped from the clutches of law but no innocent should be punish wrongly. This a clear jurisprudence. (interruption).

Mr. M. Sinnarasu: Hon'ble Hemachandran is telling.... (interruption).

HOn'ble Deputy Speaker Sir: I ordered for rmoval of the above.

Mr. J. Hemachandran: (It should not be removed...(interruption_.

Hon'ble Deputy Speaker: You can point out specifically. YOu cannot say in sweeping manner. (interruption). Even that also could be done only after getting permission by giving notice under Rule. 93.

Mr. K. Ramani: Speaker Sir, Cant I tell that we can take this to such situation and if I said already it has been brought to such a situation then it is wrong.

Hon'ble Deputy Speaker : If specifically pointed out then that would be in order.

Mr. K. Ramani: The I could not speak anything about the above activity.

395.

Hon'ble Deputy Speaker Sir: If you speak sweepingly there would not be any protection for any of the Department.

Mr. J. Hemachandran: If an official's name is given notice could be granted. A circle inspector. They have mentioned the place Veeyanur. But they have not indicated the name of the Circle Inspector. A person was arrested under Goondas Act and he was released after he approached High Court.

The Home Department is in possession of the order issued by the High Court.

HON'ble Deputy Speaker : Is this statement is correct (interruption) Members, Ministers and Officers are fall within this ambit. Notice as per Rule 93 is to be given.

Mr. M. Sinnarasu: Hon'ble Deputy Speaker Sir, from the statement of the Hon'ble Member, it does not mean that merely because an accused is released by the High Court. He is trying to give the same meaning. He knows very well. All the cases are not being ended in conviction. IN order to prevent such an event, this Act is being introduced. The contention that merely because of the fact that the accused is released that does mean that he was arrested under false allegations is not correct.

(Evening 4.20).

Mr. J. Hemachandran: The Home Department is in possession of the order passed by the High Court. In the High Court, it is clearly stated that the arrest under Goodas Act is incorrect. Why I am stating this is that already I have given two or three examples. Now the situation of arresting the persons who are inimical to the offers is still exists. We must give protection to those persons. This Act enabling the closing of the case on the ground that the charges framed are not correct. That is not correct. Atleast alternative action should have taken by the Government. However, no such action was taken. A clause should have been included in this Act to enable the release of persons against whom the false case was filed on an earlier occasion and subsequently, after enquiry he was released on coming to know that the case is false. However, instead of providing such a clause the present day situation is that because of the wrong acts of the officers instead of arresting real accused innocents are being arrested. This kind of acts should be stopped. This Act is not providing such a clause to give protection to innocents if they are arrested. Hence, I cannot support this Act and I am opposing the same. With this I conclude my speech.

(Hon'ble Speaker - Presiding over).

Mr. P. Uthirpathi: Hon'ble Speaker Sir, An amendment is being brought to the Tamil Nadu prevention of dangerous activities of Bootleggers, Drug offenders, Goondas, persons indulging in prostitution, land grabbers. As far as this Act is concerned, last occasion we have supported with an intention that this Act would enable certain criminal. However, no such actions were taken. Instead, this Act enabling the Officers to initiation

against the persons who are inimical to them and that the Act is being misused. One or two examples were given by the HOn'ble Member Mr. Hemachandran. However, the liquors which is being supplied by the Government is being sold up to a limited time. ON the other hand the illicit liquor is being sold without any time limit. As far as the illicit liquor the same is being sold continuously. Particularly, at Thambikottai, Pattukottai Taluk areas, nearly one hundred and hundred and fifty manufacturing units are functioning. They are doing that as a factory. The illicit liquor is being supplied to other State viz., Andhra Pradesh. Is this fact is not known to the officers? Illicit liquor is available plenty. Without the knowledge of officers how this much of supplies are being carried out. Can the officers deny this. They cannot. Now it has become an ordinary situation. At one point of time, there were few illicit liquor manufacturing units. But now a days the illicit liquor is being sent to Andhra through van. What the officers are doing. Why I am stating this, because of this illicit liquor the health of the poor people are being affected severely and even this would cause loss of lives also. Only to prevent this situation, this Act is being brought.

When the Company liquor is being sold 10 bottles to one shop, the illicit liquor is being supplied in the range of 500 bottled. Officer came and visit at 2.00 a.m. (early morning) ON the next day at 9.00 a.m. illicit liquor is being sold in the morning itself. This Act is to be implemented properly by the Officers then only we can eradicate the illicit liquor manufacturing units. Unless this Act is not implemented properly, whatever the advise we are giving would only on paper. Only if officers think to prevent this offence of bootlegging then only, this could be eradicated.

Similarly, who is conducting prostitution business. We brought an Act to arrest them under Goondas Act. In some family without the family head prostitution business is

being carried out because of lack of sufficient income. I have seen a news in the news paper two days back. A woman who was doing a coolie work, since her husband abandoned she went to do job. At that time, she was abducted for Rs.500. At the time of abduction she escaped and reported to the Police. Who is abducting women. They are not ordinary people. They are influential and rich persons. Is this not known to the officers. What action is being taken. After some days the abduction case is forgotten and vanished. Instead of punishing the offenders this Act is being misused by the Officers. In Tamil Nadu this act of wrecking vengeance by misusing this Act is continuing. We must analyze how to get over this problem. We must think that for what purpose this Act being introduced. This Act is being misused on many occasions. I am not finding fault with all the Officers. Some officers are misusing this Act. I am not claiming that the politicians are only justifiable persons and that the Officers are getting bribe. What I am telling is that one or two officers are committing mistakes and misusing this Act. Some times, they are using this Act to protect them from their illegal activities. If ordinary persons encroaching lands they are taking action. Now a days there are many accidents are taking place. Rich people are committing mistakes. The Officers are having full knowledge about the same. But no action is being taken against them.

(Evening 4.30).

For that reason only I am saying that this Act which is brought for preventing bootleggers, prostitution offenders, land grabbers is a welcoming Act and I am supporting this. However, there is a chance of misusing of this Act by the Officers. We must stop the misuse of the Act. For that reason only this Amended Act is being brought. We must bring

many amendments for proper implementation of the Act in future. I request the Hon'ble Minister that necessary steps to prevent the illegal activities in the State of Tamil Nadu.

Mr. G.K. J. Bharathi: HOn'ble Speaker Sir, I am welcoming the Tamil Nadu prevention of dangerous activities of Bootleggers, Drug offenders, Goondas, persons indulging in prostitution, land grabbers, Amendment Act.

Though many members have already spoken effectively I would like to submit the following for and on behalf of Congress party. By inducing women in Tamil Nadu that they will be given chance to act in films/cinema, they are being utilized in prostitution. Poor village women are being exploited in such a way. In some cases those women are being sold at the capital towns. We are also seeing such news in the newspaper. A single persons marrying many ladies and thereafter, he sold some of his wives for using them in prostitution. Instead of prosecuting the ladies indulging in prostitution, we must take action against those who made those ladies to indulge in prostitution.

Some persons who because rich persons by indulging in prostitution business are controlling higher officers by using their money power. We must remove such a situation from State of Tamil Nadu.

Some persons are indulging in fake drug manufacturing activities. Some times, we were compelled to administer even fake drug to the children which would result in loss of life also. We have to think about all the above problems. All the drug names are more or less one and the same. The fake drug manufacturers manufacturing fake drugs by changing only one letter. We have to prevent the drug adulteress also.

As far as the land grabbing poramboke lands owned by the Government and the lands owned by temple are being encroached by the politically influential persons and being sold. Some areas are being converted into slum areas and keeping flags of many political parties, the politicians are encroaching the lands. We must prevent such offences by devising schemes by the Slum Clearance Board. The lands are being recovered from the land grabbers for implementing Housing Board Schemes. We must create a situation to recover those lands.

When we are talking about the land encroachers, even Government also encroaching lands. IN Manali 1000 acres was acquired by the Government. However, in spite of the decision given by the Court in the matter of compensation to be given to the land owners whose lands were encroached, only 25 percent of amount given. The remaining 75 % of the amount is in Court deposit. As far as the people are concerned, only ordinary people, harijan people, schedule caste and schedule tribes are being affected. Therefore, proper action is to be taken against the land encroachers irrespective of the party they belong to.

We must arrest criminals who are doing various criminal acts under Goondas Act. They must be punished. However, if those criminals are arrested they are being provided good food in the prisons as if it is their mother-in-law's house. We should not give any facility to those criminals. They must realize the difficulty of prison life then only they would not indulge in the offence again and again. If we provide good food and facilities they would not hesitate to do the same offence again and again. With this I wholeheartedly welcoming the amendment. Thanks.

Mr. Pon Muthuramalingam: Hon'ble Speaker Sir, I would like to submit the following on behalf of Dravida Munnetra Kazhgam. When we are talking about this Act, it is informed in the Assembly that some changes were carried out in the National Security Act by way of amendments for some practical purpose. Similarly in this Act also some amendments are sought to be brought to remove certain practical difficulties. Government is bringing amendment by introducing amendment in Section 5 by including one more Section viz., Section 5A and in Section 14 (2) one more amendment was brought.

Section 5A provides that if a person arrested under the Preventive Detention Act and subsequently the Court held that he was arrested wrongly. In such a situation, this new clause provides for considering the reason given by the authority which arrested the person for arresting him.

Similarly, in Section 14 (2) if a person released after undergoing detention under preventive detention Act, he could be arrested once again on fresh facts of offence in spite of the fact that he was released by the Court on the earlier set of offences.

Therefore, in view of the above reasons, this Act is amended to take away the fundamental right of a person accused of charges. The person accused of charges is prevented to approach the Court and consequently, the fundamental rights of a person is taken away.

(Evening 4.40).

Since it is affected the individual because of the fact that if a person arrested and thereafter he was released by holding that he has not committed the offence. Even in such a situation, he can be arrested by a new set of facts. If this is the situation, definitely, the

officials would misuse their power. There is no justification in in arresting person again and again by a new set of facts. This is not proper and if it is allowed then it would amount to invasion by the administration in to the powers of the judiciary. Therefore, when an Act is enacted we must take proper care to see that it should not be against the fundament rights of the people and any Act that is being introduced should be in consonance with the fundamental rights.

As far as this Act is concerned, it is taking away the fundamental rights of individual. While that being so, I am objecting to this draft amendment Act. Thanks. Greetings.

Dr. K. Samarasam: President Sir, today I would like to make some points on the Act which is brought by the Revolutionary Leader.

After eradicating Arrock shop, and Toddy shop, and after prohibiting race this kind of Act is necessary for the country. Due to lack of circumstantial evidence, even accused is also escaped from the clutches of law. We can show many examples for the above. Therefore, Sub clauses of Section 5-A and 14 this Act would be help for the accused to mend their ways.

Because of arrest of a prostitute, no ordinary women need to be apprehend. Because of convicting Goondas ordinary people need not be worried. If the accused is subjected to punishment then, ordinary people need not worry. They have given an elaborate explanation for bringing this Act. We have to think what is the present situation in the country. There are many immorality in the country. What is the reason for bringing subjections of Section 5A and 14. Goondas are thinking that even if they murder anyone

the would be able to get release by the Courts by taking advantages of many things. Therefore, a necessity arises for the Government to introduce such Sub Sections. The administration of a Government should not be in lenient manner. We have to make more stringent.

Social problems, immorality, offences are all show cased here in various manner. When we are seeing all these offences, the Government's land is in the hands of the encroachers. The lands of the temples are in the hands of the encroachers. Lands that are owned by the poor farmers are in the hands of the Goondas.

Therefore, on account of increase in the dangerous activities by the Goondas this type of Sub Sections are necessary. Therefore, the necessity to bring this kind of Sub jectons.

Many members have explained about various offences viz., Goondas, Drug offenders, bootleggers, and the persons indulging in prostitution. This Government experiences many hardships before removabl of prohibition. We have to give severe punishment to the offenders. Inspite of various Acts came in to force we cannot prevent the consumption of liquor by the drunkards.

November, 16, 1987

Hon'ble C. Ponnian. Hon'ble Speaker Sir, I am introducing this Draft Bill before the Assembly.

Hon'ble Deputy Speaker: This Draft Bill is being introduced.

(e) Tamil Nadu Advocates Welfare Fund Draft Bill, 1987.

Hon'ble C. Ponniah: Hon'ble Speaker Sir, I am proposing the following resolution.

"I seek the permission to introduce the Draft Bill of Tamil Nadu Advocates Welfare Fund, 1987, before the Assembly.

The Resolution is placed for the decision of the assembly and passed.

Permission is given.

Hon'ble Mr. C. Ponnian. Hon'ble Deputy Speaker Sir, I am introducing this Draft Bill before the Assembly.

Hon'ble Deputy Speaker. This Draft bill is being introduced.

(f)_ Draft Bill of preventing the dangerous activities of Tamil Nadu Bootleggers, Drug offenders, persons who are indulging in prostitution, land grabbers, 1987.

Hon'ble Mr. V. V. Swaminathan: Hon'ble Deputy Speaker Sir, I am proposing the following resolution.

I request that permission may be granted for introducing draft bill for preventing dangerous activities of Tamil Nadu Bootleggers, Drug Offenders, Goondas, of , persons who are indulging in prostitution, land grabbers, 1987.

Mr. A. Rahumankhan: Hon'ble Deputy Speaker Sir, I am strongly opposing this Act. By the existing Act for protecting wild animals, there are ways to prevent the forest offences, prevention of de-forestation, and preventing the persons those who are causing hindrance for the general peace.

Hon'ble Deputy Speaker Sir. At the stage of introduction, the statement should be in brief. It should not be in the type of explanation. All party members are co-operating for this. However, at the time of dicussion sufficient time would be given for elaborate explanation. You can merely oppose the same. That is sufficient. You have opposed this. That is enough.

The question before the Assembly.

Whether permission is to be granted for introducing the draft bill for preventing dangerous activities of Tamil Nadu Bootleggers, Drug Offenders, Goondas, of , persons who are indulging in prostitution, land grabbers, 1987.

The resolutiion is placed for the decision of the assembly, and passed.

Permission is given.

Hon'ble Mr. V. V. Swaminathan. Hon'ble Speaker Sir, I am introducign this draft Bill.

Hon'ble Deputy Speaker Sir. This Bill is being introduced.

(g) Draft Bill of Telecasting of films in the television by using Tamil Nadu Video recording apparatus 9V.C.R.), (Regulation) Amendment Ac, 1987.

Hon'ble Mr. V.V.V Swaminathan: Hon'ble Deputy Speaker Sir, I am proposing the following resolution.

I seek the permission of the Assembly for introducing Draft Bill of Telecasting of films in the television by using Tamil Nadu Video recording apparatus 9V.C.R.), (Regulation) Amendment Ac, 1987, before the Assembly.

November, 18, 1987

I have already pointed out the same. Today the forest officials are harassing the poor and innocent people by lodging complaint. They are being harassed at the hands of the police. I also gave a complaint to the Asst. Collector, Padmanabhapuram, complaining the above harassment and illegal arrests. Why I am pointing out this is that there is no different opinion in prevention of forest offences. We do not have any objection in preventing illegal activities that are being carried out there. Under the guise of preventing such offences, the forest officers are acting as per their own whims and fancies. Now a days poor people entered into forest for collecting some waste woods. This is being prevented by the forest officers. They are arresting poor people and harassing them. At the same time the forest officers are allowing the anti socials to cut the trees indiscriminately.

For example in Kanayakumari District, near Pechiparai, there road which is maintained by Senangode Panchayat. There one check post was established at that place. A letter was setnt to the Minister of Forest and he also sent a reply. It is informed

that they would not establish check post at that place. However, till date the said check post has not been removed. . When District Forest Officer contacted he said that indiscriminate cutting of trees in forest could be prevented only in the present of check post. However, what is really happening is that they are creating a check post. One side farmers are doing agriculture. The Forest Officers instead of allowing them to transport the pesticides required for their agricultural activities, creating problems. When it is question they are reply that we have pu7t up a gate and we have appoint3ed a watchman. Only if a sum of Rs.25 or Rs.50/- is given the Watchman would open the gate. ON account of this farmers are put to great hardships. This issue was raised in the District Development Meeting and requested them to take appropriate action. District Forest Officer informed that necessary action would be taken to alleviate the difficulties of the farmers. However, whenever farmer wants to take either urea or men and materials he is being insisted to pay some money for opening gate and they are compelled to pay the amount. Therefore, we have to protect the materials available at the forest or we have to protect the forest. We welcome such an action. At the same time, It should not be done by causing hardships to the middle class people. We are aware of the fact that today the Police officials registering false cases against the innocent people by using Gundas Act. When I was speaking last occasions gave an example. IN order to implement the real object of this ACt, if any one cut the tree individually, and if information is received in that regard, as far as the Forest Officials are concerned, they canot go and prevent such an offence. I would like to give an example for this.

In my constituency there is one Range Officer. Whenever trees were cut at the forest in that area information was given. Before he found out a taxi and before he reaches the

place of occurrence, the offenders escaped to Kerala State. This kind of incidents are taking place at the border of Tamil Nadu State forests. Therefore, with a view to prevent this, when I contacted the higher Officials in Forest Department, they said that a Forest Squad was formed and if we give information to them, they by using their vehicle would prevent such an offence. However, they are available at Thadikarankonam or nearby to that place viz., Veerapuli. We cannot go and inform them. In order to prevent theft they must be provided with vehicle facility. They should also be provided with communication facility. Therefore, by taking such actions the theft should be prevented.

Similarly, as far as this Act is concerned, necessary protection must be given in the Act to avoid unnecessary harassment of the tribals who are living at the forest. Today forest officers grabbed the lands of Tribals to the other persons for doing agriculture and from and out of the said agriculture they are earning money. This is the present day situation. Therefore, when we are implementing such a severe Act, we should take appropriate steps for protecting the interest of the tribal people. With this I am completing my speech.

Mr. A.S.A Arumugam: Hon'ble Speaker Sir, I would like to make my points on behalf of Janata Party on the draft bill for prevention of bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. During the explanation talks it is informed that this Act is being introduced for preventing indiscriminate cutting of trees in the forest, and killing of forest animals indiscriminately, more particularly killing of elephants. Since, these offences would ultimately affect the environment it is informed that this Act is being introduced. What I would like to inform that are these criminal acts being done without the knowledge

of the forest officers? or did range Officers not know these offences. They know very well about these offences. However, they are not preventing the same.

704. What is the reason for the above. I have doubt that they are hand in glove. As I informed in the Assembly session..... By this way the only Forest Officers are doing their duties. Similarly, it is informed about the wild animals. You also mentioned about the illicit liquor.

(afternoon 1-40).

Hon'ble Mr. V. V. Swaminathan: Hon'ble Speaker Sir, whenever the Member makes any allegation is making general allegation. Whether they have informed the said allegation to me or to the Forest Officials ***** It request that these words must be removed from the record.

Hon'ble Deputy Speaker Sir: I have told many times. If the information is specific the it would be useful. Therefore, I ordered to remove the same. Please indicate specifically. You have mentioned about Forest Officials. We can remove it. They are telling that is the accusation is specific they would take action. Therefore, please give correct information.

Mr. R. Natarajan: You would insist for proof for specific accusation.

Mr. A.S.A. Arumugam. Please inform about the removal of the above from the record in its entirety. The same words when it was spoken in the Assembly Sessiions the same was recorded and available.

**As per the orders of the Deputy Speaker, those words were removed.

What is the meaning for the above. My question is what the Government is going. Is it fair on the part of the Hon'ble Minister that a news which is available at the last assembly meeting shall be taken out from this assembly sessions. Why they have not given explanation at that time.

Hon'ble Deputy Speaker. If you name a specific officer then action could be taken against him.

Mr. A.S.A. Arumugam. Earlier you said that you need some proof. Now I brought the proof. Earlier you said there is no such mistake was being done. Now I brought the proof. We are telling that mistakes are being committed. You are not allowing us to speak sufficiently. The reason for the same is we are pointing out the deficiencies. I think you will not allow me to speak.

Hon'ble Deputy Speaker. You only are speaking in each Draft Bill discussion. If anybody else raise this question that would be justifiable. You should not mmake an allegation that we are not allowing you to speak. You are speaking sufficiently. If you specifically indicate the name of the officials the that would be better for you as well as for the State. You cannot claim vaguely. Is it not your duty to appreciate the good officials. Please indicate specifically then action would be taken against them.

Mr. A.S.A. Arumugam. Deputy Seaker Sir,

page 706 missing.

Mr. A.S.A. Arumugam: Hon'ble Deputy Speaker Sir, whether is it correct to speak like this?

Hon'ble Deputy Speaker Sir: He said that he expressed his regret for the said mentioning. The issue is over with that.

Hon'ble Mr. C. Ponnian: Deputy Speaker Sir, I said in the sense that I will not be responsible for the same.

Hon'ble Deputy Speaker : The Minister correct the same as if "not taking responsibility"

Mr. A.S.A. Arumugam: S.P. had recommended to arrest many persons under this Gundas Act at Rajapalayam. Please take and verify your records.

Hon'ble Mr. C. Ponnian. I only state the above in the sense that without taking responsibility. As far as the Government is concerned, there is no discrimination in arresting persons under Gundas Act.

In the year 1982 - 144 persons, in 1983- 249 persons, in 1984 - 550 persons, in 1985, 476 persons, in 1986 - 458 persons. At present in 1987, 421. Out of these 421 persons around 60 persons are belonged to A.I.A.D.M.K. When that being the case, you should appreciate the approach of the Government.

Mr. A.S.A. Arumugam, Hon'ble Deputy Speaker Sir, I think Hon'ble Minister is not understanding my point. I am not point out the deficiency of Government alone but also the deficiencies of the officers. What I am stating is that they are recommending. As far as the Kamarajar District is concerned, S.P. sent recommendation to the District Collector. They were not arrested under Gundas Act. You should not think that I am not

only pointing out the deficiency of the Government I am only saying that the officials are misusing the powers.

Hon'ble Mr. C Ponnian. For arresting a person under Preventive Detention, he cannot be arrested under the IPC, or Criminal procedure Code. I am having the duty to explain the reason for the above.

There should be no disturbance to public tranquility. If it is causing hindrance to the public peace, after getting evidence, one can be arrested under Preventive Detention. If such happenings are taking place and if no action is taken they the Member can give the complaint in writing. Definitely, Government would take action on the same.

Mr. A.S.A. Arumugam. I am telling about the above only. Even last year in Kamarajar District, there was a recommendation to arrest 5 persons. The Superintendent of Police was correctly done his duty. As stated by Minister they would have done this only because of the offences are being committed by the offenders.

Hon'ble Mr. C. Ponnian: I am telling the above only. The case under the IPC, Criminal Procedure Code, shall be included in the Preventive Detention. On many occasion letter were written to the District Collector. However, we cannot bring the offences under the Criminal Procedure code under the Preventive Detention Act. The District Collector would have sought explanation. Hence, there was a delay in taking action. Please given the information, we would seek explanation from the District Collector. If your information is correct, then action would be taken.

Mr. A.S.A. Arumugam : I thank the Hon'ble Minister. I assure you that I would give evidence for taking action.

By expressing my gratitude for giving me an opportunity and for the explanation given by the Hon'ble Minister and with this I am concluding my speech.

Mr. P. Uthirapathi.

Hon'ble Speaker Sir, draft Bill is being introduced for amending the Acts meant for preventing bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. The object of the amendment is to prevent the indiscriminate and illegal cutting of trees in forests, and to prevent killing of wild animals more particularly elephants. This would cause danger to the environment in that area. It would also cause public peace and hence, the Act is going to be amended by bringing amendment in the Gundas Act. However, what I am requesting the Hon'ble Minister is that in the explanation report itself the Hon'ble Minister accepted the fact that the mountains in Tamil Nadu are being destroyed. The wild animals are vanished from our Hill areas. NOt only that in the year 1979, I have visited many hills. We four of us were shown the atmosphere inside the forest by elephant ride. To that extent we were shown the weath of the forest. IN some of areas, even elephant could not be passed through. We have seen excellent scenes. However, inthe year 1987, we have not seen any trees and when we enquired about the wild animals and elephants we could see only few emphants here and there. On enquiry it is informed that those elephants went to Kerala State. The above fact is being accepted by the Minister. This Act now is being introduced. We welcome the said ACt.

(Afternoon 1.50).

Not only in Goondas Act. The offenders who are responsible for indiscriminate cutting of trees and kill of wild animals, and the persons those who are responsible for animals ran away to the other State, shall be punished. Even if they are given capital punishment I would welcome the same. The reason for the above is now a days in Tamil Nadu huge extent of trees were destroyed consequently the rainfall is also came down to a great extent. Now we are suffering from the scarcity of water. Therefore, the Minister has to think about the persons those who were involved in the indiscriminate cutting of trees, how many of them were arrested so far and what steps have to be taken to prevent the same in future. Our Youngsters Association consisting of 10,000 members have given a representation to the Finance Minister. I request you to take steps for protecting the forests in future, and for preventing the killing of wild animals. I also request you to take steps to bring back the wild animals which were went to other States.

Next, it is stated about illicit liquor. We have brought Act in the year 1982 itself. Our Chief Minister made an announcement on January, 1, after he came back from America. He stated that we have to bring back cheers to women and even there is a loss of income we have to eliminate illicit liquor and liquor shops. A separate I.G. was appointed and other officers are being appointed Taluk wise and in all towns Police Officers are being appointed and they are controlling the illicit liquor. We are spending huge sums of money. However, can we successful in eradicating illicit liquor. Around one Lakh Litres of illicit liquor was seized. It is being claimed that it is eradicated. However, in reality, it is not eradicated. In spite of my information about the place of production of illicit liquor no action has been taken. There is no guarantee for the lives of the persons

who give information about illicit liquor. I myself gave information. However, no action has been taken so far. That too even today there are so many illicit liquor shops. It is available throughout the State. I regret to give this information. We have formed Forest Department. Whether we provided them necessary facility. Whether are they taking steps in reality. If I say some thing about the same Minister would interrupt. I dont want to give such information. However, inspite of spending of huge money for eradication of illicit liquor we are not successful in our attempt. If this trend is continuing then, our Government will be branded as illicit liquor Rule. I wish there shall not be such a situation. The Hon'ble Minister shall take necessary steps to eradicate the illicit liquor, to the extent of claiming that we have controlled the illicit liquor to a particular extent.

Hon'ble Mr. V.V. Swaminathan: Hon'ble Speaker Sir, it is pointed out that there are indiscriminate cutting of trees in forest, and indiscriminate killing of wild animals. But, that is why as stated by Hon'ble Minister Mr. Uthirapathi, the Government itself accepted that there is indiscriminate cutting of trees and wild animals were not available. This is not an apt information.

The reason for bringing this legislation is several amendments to the Acts were came into force from theyear 1977 , 1979, 1981, 1982, and 1984. Rules were also amended. Executive orders were issued. IN Tamil Nadu nearly 139 places check posts were established. Apart from the above, schedule of timber was prepared and it is provided that severe punishments would be imposed for cutting of those trees. Even the punishments were made more stringent. IN Tamil Nadu several cases were filed. Only for commission of forest offences 38,513 cases were registered in 1984-85. 38,619 cases were solved. Similarly from 1982 to 1986-87 2672 cases were registered for theft

of sandalwood trees. The value of the sandalwood is Rs.1.67 Crores. In the year 1974-75 itself an amount of Rs.16 Lakh was collected as compounding fee for petty thefts in the forest. However, the same has been increased to Rs.41 Lakh.

The reason for rejecting the claim that there were indiscriminate cutting of trees is that the income from the forest for the year 1974-75, was Rs.9.21 Crores. However, at present this Government had earned Rs.30.37 Crores from the Forest for the year 1986-87. The compounding fee and the income from the forest is increased two to three folds. We have introduced Act 45/79 in the year 1979. We brought Act 68 in the year 1979. Thereafter, we brought Act 41 in the year 1981. Not only that investigations were conducted by CID Police and through them 37 searches were made in the year 1985-86. Through the said searches nearly a sum of Rs.8 Lakhs was collected. Similarly in 1986-87, searches were made and a sum of Rs.28 was collected. The offences relating to the same is theft of snake's skin, sandalwood recovery. In the year 1987, from April, to August, 35 searches were made and Rs.7 Lakh was collected. Already the number of weapons is 194. In the year 1977. However, at present 297 weapons were given newly. Apart from the above, we sought necessary permission from the Hon'ble Chief Minister. for providing Rs.22 Lakh for purchase of medicines. Mr. Pon Muthuramalingam gave a suggestion that communication facility is to be increased for quick communication.

(Afternoon 2.00).

We have established a wireless information Centre in Nilgiris at a cost of Rs.17 Lakh with the permission of the Indian Defence Department. We have taken steps to extend the said facility to Salem also. Apart from the above, there are 12 forest protection

squads. There are two flying squads. Apart from above, as a striking force a force has been created at Salem. Inspector General of Police was appointed to prevent the forest offences. However, forest offences are increasing.

The Female elephant is having small tusker like male elephant. The foreigners are very much passionate of it. Because of the difficulty in smuggling bigger tusker, now the offenders are smuggling small size female elephant tusker. Now we got information that the tuskers are being smuggled from Mumbai, by using curd and action is also being taken for preventing such smuggling.

The international price of sandalwood touched to Rs.1,13,000/- per tonne. Tamil Nadu is having the largest number of sandalwood trees in the world. The rich fragrant sandalwood is available in Tamil Nadu only. Further lengthy, more widened sandal woods are available here only. Therefore, on the advise of the Revolutionary Leader Dr. M.G.R Goondas Act amendment came into effect. The reason for the same is we are filing many cases. As against which many writ petitions are being filed and the total number of writ petitions is 555. Nearly 22 cases are pending before the Supreme Court. 170 vehicles were seized based on the said offence. Though there is a provision preventing release of vehicle, holding that the High Court Judges are not Magistrate and they are not coming under this offence and accordingly, hundreds vehicle seized were in connection with said offence were released.

In the cases filed by the Forest Department many persons came on bail easily. Therefore, in the cases related to forest department, either cutting of trees or killing of wild animals, should be brought under the preventive detention Act and accordingly, it is

advised by the Chief Minister as such and hence, this Act is being introduced. It would protect the forest as well as the ecology balance also.

Hon'ble Member, Mr. Pon Muthuramalingam, and the other friends of various parties have welcomed this Act. However, the officers should be impartial in implementing this Act. The Government will care of this. Once in a month, the details with regard to the number of arrests made under Preventive Detention Act would be given to the Hon'ble Chief Minister. Investigation is being done as to whether any misuse of this Act is being taken place. Apart from a committee is formed and the said committee is also make investigation, and in case innocents are arrested under this Act, the HOn'ble High Court would come to their rescue. However, we should also be careful in this aspect. Accordingly, I thank the Members who have supported this Act. If any offence is committed and if any specific information is given in writing, action would be taken irrespective of the position which the persons is holding.

717.

Mr. Hemachandran stated that after evicting the tribal people, some body else were accommodated in their lands and they are also allowed to do agriculture. Further it was stated that inspite of requests check post is not remove. I would like to inform you that I would take necessary action after consulting with the State Forest Department officials.

Under the Goodas Act, as stated by the Hon'ble Minister, without discrimination, action was being taken against the offenders viz., bootleggers, goondas, persons indulging in prostitution, abettors of prostitution, persons encroaching other's land

producers of illicit liquor under 5 sections. In spite of several cases the offences is increasing day by day. Hence, it is necessary to bring this draft bill.

In Sathyamangalam area, one Chidambaram, a good youngster, went to the place of offence on receipt of the information that tusker was being smuggled, to prevent the offence. However, he died as he was not in possession of Gun and that the offenders are coming as a group consisting of 4 or 5 persons.

Similarly, a Ranger in Vandalur Anna Zoological Part, died. Police captured 7 persons were arrested after making search in that connection. However, search is continuing for arrest of Veerappan, in connection with the murder of one Mr. Chidambaram, by our I.G and I.G. of Karnataka State. Information is received that the would be arrested soon.

718.

Therefore, action should be taken not only on individual offender but also the persons who are indulging in the crimes relating to causing danger to the general public and hence, this amendment is sought to be done. Further persons relating to forests crimes are also included under the said Act. With this I conclude my speech by stating that necessary action would be taken based on the suggestions given by the Hon'ble Member.

The issue before the Hon'ble Deputy Speaker.

Whether the draft Bill No.52/1987 which is sought to take action against bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution

offenders, unauthorized encroachers of the others land, Amendment Act 1987 is to be taken up for analysis.

Resolution: The issue is placed before the Assembly for its decision and resolution is passed and the draft bill is taken up for analysis categoriwise.

Section 2 to 7 were placed for the decision of the Assembly and passed.

Section 1 Preamble, long title were placed for the decision of the Assembly and passed.

Hon'ble Mr. V.V. Swaminathan: Hon'ble Deputy Speaker Sir, I am proposing the following resolution.

The resolution for amending the draft Bill for preventing bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land, amendment Act is to be passed.

Resolution is placed for the decision of the Assembly and passed.

Draft Bill of General Sales Tax (Fifth amendment)

Hon'ble Mr. T. Ramasamy: Hon'ble Deputy Speaker Sir, I am proposing the following resolution.

"The Draft Bill for amending Tamil Nadu General Sales Tax, (Fifth amendement) Act, 1987, (Draft Bill of State Assembly No.54/1987) is to be taken up for analysis.

Mr. J. Hemachandran: Hon'ble Deputy Speaker Sir, since 3 and 4 draft amendements relating to General Sales Tax is there, can I submit my opinion altogether.

Hon'ble Deputy Speaker: You you can submit the opinions altogether. As listed in the Agenda whenever individual items are being taken the same may be passed separately.

Mr. J. Hemachandran. One more bill is there with regard to Entertainment Tax. Can I make suggestion for the same.

Hon'ble Deputy Speaker: You can give your opinion with regard to Sales Tax.

November, 18, 1987

Amendment Draft Bill (Assembly Draft Bill No.46/1987) is to be taken up for examination.

The resolution is placed for the decision of the Assembly and passed and thereafter the draft Bill is taken up for examination section-wise.

Section 2 and Section 3 are placed for the decision of the Assembly and passed.

Section, 1, long title are placed for the decision of the Assembly and passed.

Hon'ble Mr. K. Rasaram. Hon'ble Deputy Speaker Sir, I am proposing the following resolution.

The Draft Bill of Tamil Nadu Agricultural produces marketing (Amendment and Special Procedures) Amendment (Assembly Draft Bill No.46/1987) is to be passed.

The resolution is placed for the decision of the Assembly, and passed.

4. Announcement - Continuation.

(B) Assembly official function - continuation.

Hon'ble Deputy Speaker : An announcement to the Assembly. As per the request of all the Members, the Assembly will be functioning till the draft Bill is passed.

6. Government Draft Bills - Continuation.

(e) Draft Bill of Tamil Nadu prevention of dangerous activities Booleggers, Drug Offenders, Gundas, persons indulging in Prostitution, land grabbers (Amendment) 1987.

Hon'ble Mr. V.V. Swaminathan. HOn'ble Deputy Speaker Sir, I am proposing the following resolution.

Draft Bill of Tamil Nadu prevention of dangerous activities Booleggers, Drug Offenders, Gundas, persons indulging in Prostitution, land grabbers (Amendment) 1987,)Assembly Draft Bill No.521/1987) is to be taken up for examination of the Assembly.

Mr. Pon Muthuramalingam: Hon'ble Deputy Speaker Sir, Today the draft bill for amendment of prevention of dangerous activities of bootleggers, land grabbers, drug offenders is placed before this Assembly for discussion. I would like to make some of the points clear. One thing is added in this primarily. In this matter the giving of powers of the Judicial Authority to the Executive Authority we should be very careful. By this Act we are giving powers of the Judiciary to the Administrative Departments. When such thing is taking place we should be careful. I would like to caution that the officers may misuse the powers. Already many Acts are in existence today. There is a law to punish the forest criminals. Similarly, there is a law for punishing bootleggers. Similarly, there is a law for punishing the persons who are indulging in prostitution. The Government intention was to enact separate Acts for punishing different criminals. This Government would like to make a Special Act as King of Kings for punishing the aforesaid criminal.

Before punishing the aforesaid criminal by enacting this Act, what steps have been taken by this Government for preventing such offences. By this amendment the forest criminals are included in this Act. Now a days the offences of smuggling costly woods

from the forest are on the higher side. However, what steps have been taken for preventing such offences by the Forest Officers. Before we are bringing an Act for preventing the offence we must see what steps have been taken so far.

When we are talking about forest it would include from the beginning of western Ghats and they are all belonging to Forest Department. Such a vast extent of land how much of care this Government should have taken for preventing forest offences. The Government has to strengthen the communication network. Officers cannot supervise all the areas at the same time. However, when at any particular place if the act of crimes is occurred more and more and if the criminal's strength is more at a particular place, then the Officers should increase their communication network. First I would like to know as to whether the forest officers are having the control of this forest or not.

The reason for my question is that the extent of the western Ghats is a vast extent of land running miles to miles. The extent of the forest area is thousands of Square feet. It is highly impossible to appoint separate officers for all the areas. However, when we are appointing an officer we must think as to whether sufficient communication network is available to such an officer for preventing the offence. I think there is no sufficient communication network available. Hence, the forest offences are increasing day by day.

The reason for bringing such a special Act, is that already National Security Act is in existence. If we arrest some one under the said Act, we need to inform to the Central Government. If we arrest under the Tamil Nadu Special Act, we need not intimate the same to the Central Government. On the contrary, they would be treated as a criminals before the Committee which would be appointed by the Central Government. The

Committee would conduct enquiry and if necessary orders will be issued for detaining them in the prison. They would be detained in the prison. Thereafter, enquiry will be conducted and if necessary their period of detention will be extended. if sufficient reason available for doing so. This would be extended up to one year.

While that being so, I would like to say one thing. This Committee is being appointed by the Government. The alleged accused are not allowed to engage counsel for making their submissions. Therefore, there would be a situation of officials harassing innocents by misusing

Apart from the above, while we are implementing this Act steps should be taken to form a Committee to check as to whether this Act is implemented properly and whether this Act is implemented for the purpose for which the same is enacted and an opportunity should be given to the Committee for checking the above. Then only, we would come to know as to whether this Act is useful or it is being misused by the officials and consequently, if necessary we can withdraw this Act if the same is not being implemented for the purpose for which it is enacted.

However, till date the Government did not think about forming of such a Committee. Instead of officers implementing concerned laws available for separate offences they should think about the practical difficulties. Some times, because of political vendetta persons those who are not committing any offence would be arrested. This was informed on behalf of our party in the year 1982 itself when this Act was introduced. We are still under the same apprehension. Since the political vengeance is continuing the object of the Act is spoiled now. That is why I would like to state that this Act should be amended

in order to meet the present day requirement of the people. With this I conclude my speech.

Mr. E.V.K. S. Elangovan. : Hon'ble Deputy Speaker Sir, I am welcoming this Draft Bill. It is not enough to make this Bill as an Act. This should be implemented effectively. The offenders are to be punished without any political consideration. As far as the forest of Tamil Nadu is concerned, there will definitely be a situation of full elimination of the wild animals. We should not allow such a situation. We must protect the wild animals. We have to take steps to increase the number of wild animals and I think that this Act is being brought with such a good intention.

The illegal poaching of wild animals at Santhyamangalam forest increasing day by day. This is being carried out even openly. Particularly, there will be a situation of non availability of male elephant throughout Sathyamangalam forest. Even for tw inches of tusker the male elephants are being smuggled. Therefore, we have to prvent this. The Male elephants are going to Kerala Forest in search of female elephants for breeding. More particularly, recently, two or three months back when a group headed by a smuggler Veerappan, was trying to sever the tusker from the body of an elephant after killing the elephant, they were surrounded by the Forest Police officials. However, the group escaped from the scene by shooting the forest officials with stun gun. Since the forest officials were not in possession of latest gun they were not able to capture the criminal. My question is this why they are not being provided with latest model guns.

The terrorists at Punjab and the other places in the world making use of the innocent people as a shield and now a days they are in possession of latest weapons. While that being so, why should we not provide latest weapons to our forest department.

Similarly, after occurrence of the above said incident, 300 police officials of forest departments made search for the criminals. However, they could not secure the criminal. The forest officials are claiming that since criminal are hiding in the thick forest area it is highly difficult to secure them. Therefore, I request that proper weapons and other transportation facilities such as helicopter for locating the criminals shall be provided to the forest officers.

Similarly, if we allow discriminate cutting of sandal wood trees. If such a situation is continuing then we could only show sandalwood and tusker to our descendants as exhibits. therefore, we have to provide proper provisions for preventing such offences.

Similarly, in Forest Department some of the officials are helping commission of forest offences. The reason for this is that without the help of the forest officials the offences of indiscriminate cutting of sandal wood trees and smuggling of the same cannot be executed. Therefore, I would like to state that those offences are being carried out only with the help of the forest officials. The forest officials are arresting ordinary people who are picking up sticks in the forest instead of arresting dangerous criminals who are smuggling sandal wood and tusker. The forest officials are also indulging in getting bribe from the poor people who are detained by the forest officials. This Government should be more careful in alleviating the hardships of poor people.

Finally bootleggers were included in this Act. I would like to say some words about them. The Police Department brought a situation that they would not arrest any of the person who indulging in production of illicit liquor. At the same some officers have arrested persons even who have no knowledge about illicit liquors..

HON'ble Mr. V.V. Swaminathan: Hon'ble Deputy Speaker Sir, allegations were made against the Forest Department officials generally. Now they are making allegation about taking action against the bootleggers. No action could be taken on these allegations only ifi the allegation is specific with correct details it would easy for the Police Officials to take action against the offenders. I can say no Government is taking action against the bootleggers and forest offenders like the action taken by this Government.

Hon'ble. E.V.K.S. Elangovan: Hon'ble Deputy Speaker Sir, as pointed out by Hon'ble Minister I am not making general allegations about the forest Department and I have not made allegations against all the officials. Even I can say that 5% of the officials are indulging in such activities. Similarly, I am not making allegations against all the Police officials. I am only saying that the police officials instead of arresting bootleggers, are arresting only innocent people. I am not making the above allegations not to point out the deficiency of the Government Departments I am only saying that the Act should be implemented in proper manner. I would like to say that this kind of Acts are to be brought into force and by welcoming this Act I conclude my speech.

Mr. J. Hemachandran: HON'ble Deputy Speaker Sir, Now this Act is expanded to prevent the forest offenders and bootleggers. As far as this concerned, some hardships may be

caused to the general public. We have to give protection to the innocent general public from misusing the above Act.

(Afternoon 1.30).

Hon'ble Deputy Speaker: With the permission of the Assembly, the time of discussion is extended.

Mr. J. Hemachandran: Deputy Speaker Sir, today as far as the Forest Department Officials are concerned, they are functioning in high handed manner. More particularly, the forest offenders who are being called as Forest Kings are freely indulging in indiscriminate cutting of treest.

For example, at Vajrampet, at Madurai District, these kinds of incidents are being happened. AT Vellarukkkani In Kanyakumari District, such incidents are being taken place. Last year, when we spoke during the discussion about the grant to the Forest Department, With the help of some of the forest officials, the people belonged to Kani Community were driven out of the place where they were living and allowed criminals to produce illicit liquor at the said place.

November, 17, 2004.

6. Government Draft Bill (Introduction)

(A) Prevention of activities of tamil Nadu bootleggers, Drug offenders, forest criminals, Gundaas, persons indulging in prostitution, slum grabbers (Amendment) Draft Bill, 2004.

Hon'ble Speaker: Introduction of Government Draft Bill of prevention of activities of tamil Nadu bootleggers, Drug offenders, forest criminals, Gundaas, persons indulging in prostitution, slum grabbers (Amendment) Draft Bill, 2004. Hon'ble Public Works Minister and Minister of Excise & Kalal and Revenue Department.

Hon'ble Mr. O. Panneerselvam: Hon'ble Speaker Sir,

I request you to grant permission for introducing Draft Bill of prevention of activities of Tamil Nadu bootleggers, Drug offenders, forest criminals, Gundaas, persons indulging in prostitution, slum grabbers (Amendment) Draft Bill, 2004.

Hon'ble Speaker:

The resolution of the Hon'ble Public Works Minister and Minister of Excise & Kalal and Revenue Department is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

The Hon'ble Public Works Minister and Minister of Excise & Kalal and Revenue
Department.

Hon'ble Mr. O. Panneerselvam: Hon'ble Speaker Sir, I am introducing the present Draft
Bill.

Hon'ble Mr. O. Panneerselvam. HOn'ble Speaker Sir, I am introducing the Draft Bill
before the Assembly.

(a) Tamil Nadu transparency in tenders (Amendment) draft Bill.

Hon'ble Speaker: Tamil Nadu Transparency in Tenders (Amendment) Draft Bill.

Hon'ble Finance Minister.,

HOn'ble Mr. C. Ponnian. Hon'ble Speaker Sir,

Permission may be granted for introducing Tamil Nadu Transparency in Tenders
(Amendment) Draft Bill, 2004.

Hon'ble Speaker : The resolution of the Hon'ble Finance Minister is placed for decision
of the assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think majority are those who have accepted.

Resolution is passed in favour of the persons who accept the Bill.

November, 18, 2004

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think majority are those who have accepted.

Resolution is passed in favour of the persons who accept the Bill.

Hon'ble Information and Broadcasting Minister and Rural Welfare Department.

Hon'ble Mr. K.P. Anbalagan.: HOn'ble Speaker Sir, I am introducing this draft bill before the assembly.

7. Government draft Bills (examination).

(a) Draft bill for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Forest offenders, Gundas, prostitution offenders, unauthorized encroachers of the others land 2004.

Hon'ble Speaker, Government Draft Bills. Auditing. Prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Forest offenders, Gundas, prostitution offenders, unauthorized encroachers of the others land (amendemnt) Bill (Assembly Draft Bill No.29/2004). Hon'ble PUblic Works, Prohibition & Kalal & Revenue Department.

HOn'ble Mr. O. Panneerselvam.: Hon'ble Seaker Sir,

Draft bill for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Forest offenders, Gundas, prostitution offenders, unauthorized

encroachers of the others land 2004. (Assembly Draft Bill No.29/2004()) may be taken up for discussion.

Hon'ble Speaker : Mr. C. Gnanasekaran.

Mr. C. Gnanasekaran: Hon'ble Speaker Sir, the Act 14/1982 which was enacted in the year 1982, and an amendment was brought for making amendment in prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Forest offenders, Gundas, prostitution offenders, unauthorized encroachers of the others land to enable to set right the difficulties that are being faced by the Film Industry on account of Pirated V.C.D and before arresting those who are indulging in such offence under Goondas Act, an emergent Act was already came into force from 1st October, and the same is now being made as an Act and I am duty bound to welcome such an Act.

Inspite of the existing Act for prevention of bootleggers, Criminal under the Norcotic and Psychotropic Substances Act, Forest offenders, Gundas, prostitution offenders, unauthorized encroachers of the others land , still the offence is being taken place at various places. Still the Act is not being used as againstg the Gundas. Consequently, they are being implemented in some places only. For implementing Goondas the Police Department have to incur more amount for preparing the papers. Since the amount is not provided for the said purpose, some of the Inspector think that it is difficult for them to invest the said amount. If Goondas Act is comes into force then for preparing ground case they will have to struggle till the time the same is to be brought before the Court. Some of the persons are earning considerable amount stating the said deficiency. Therefore, what I would like to bring to the knowledg eof the Hon'ble Chief Minister is

that whenever the amount is required for preparing papers for registering Goondas Act case, steps should be taken for providing money for the same. Consequently, the Police Officials would not show any hesitation in registering the case under Goondas Act. Hence, it is my duty to bring the same to the knowledge of the Hon'ble Chief Minister.

Since I am in Advocate profession, they are hesitating to bring Goondas Act. Therefore, even if we bring this Act, in some of the Departments some incidents are happening. We cannot control in its entirety. However, at present many persons are afraid that from October 1st onwards Gundas Act will be implemented if anybody in possession of pirated V.C.D. If non availability of pirated CD is a success for the Government of Tamil Nadu. General, you can stop the VCD or cable TV exhibition of pictures. However, same VCD is smuggled to foreign country and after downloading the movie at the foreign country, and some VCD containing obscene scenes, are spoiling the younger generation of our State. Therefore, it is my duty to request the Hon'ble Chief Minister, to bring stringent legislation, if no stringent conditions are not available in the Act in existence, for preventing such downloading at foreign country and thereby prevent such type of offence.

page. 545

Generally pirated VCD are prevailing only in City area and not in the villages. However, in the urban areas, even some officers are watching pirated VCD. While that being so, they cannot take action against the offenders Therefore, the officers are to be directed not to watch Pirated VCD even if it is available free of costs. Then only it can be

prevented wholly. Otherwise this type of offence will be taking place here and there and it would result in the returning of old fashion. Therefore, you have to make this as more stringent .

At present if we say Gundas Act, we are successful to some extent. However, by efflux of time, it would be forgotten by all and again pirated VCD offence will be committed by the offender. I request you to bring it to the knowledge of the Assembly as to whether after 1st October any case is filed under this Act and if so, the details of the Districts in which the number of cases is more and in how many cases within this 1 1/2 and 2 months period any ground case was created for imposing punishment under Goondas Act.

Hon'ble Deputy Speaker : Mr. Radharavi.

Mr. Radharavi: Respected Speaker Sir,

singing a Tamil film song.

If you understand you they you can struggle in this world, and if you go to higher or lower position, you can live free without any restrictions.

As per the above song of the Revolutionary Leader Amma, you have proved what you are and ruling this State. Amma means love, Amma means knowledge, Amma means education, Amman means water, Amma means fire, Amma means air, Amma means sky, Amma only if vie powers. She is our only God. I am commencing my speech after praying her feet.

After noon (12-10).

Ammal, I have already told while I was speaking, my family was shedding tears of blood. Apart from myself, my family itself was shedding tears of blood. At one point of time. But, at present because of removal of PirateVCD everybody is happy. Credit for this will go to you alone. (members appreciating the speech by making sound). They shed a real tears. We have seen that on 8th. Visual Compact Dist is brought now. Pirated VCD are removed. You brought this Act. By including the persons who are involving in the pirated VCD in the bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Forest offenders, Gundas, prostitution offenders, unauthorized encroachers of the others land 2004, you brought cheers in the field. The persons committed offence under Pirated VCD are equal to prostitutes, encroachers of huts. For the above I am feeling proud.

Further in the said Act is stated that "Video Pirate means a person, who commits or attempts to commit or abets the commission of offences of infringement of copyright in relation to a cinematograph film, or a record embodying any part of sound track, associated with the film, punishable under the Copyright Act, 1957. It is an prestigious thing that you have brought an amendment by way of abetment. The reason for this is the Act is amended in such a way to punish the persons who attempts to commit offence of pirated video and even person who abet the offence of pirated video will be punished and thereby enabling the Act to arrest the owners of pirated video. This is an excellent Act.

Not only that Amma, now a days even big budget films are running 100 days only as a trailer in Television. On account of introduction of this Act, and on account of taking

action against offender of pirated video hereafter films will be running 100 days in theater itself.

Amma, till 1996, it is an golden era for the Tamil Film Industry. This not only my opinion, it is the opinion of the entire film industry. The reason for this is that at that the the number of permanent and semi permanent theatres are 2850. Now the number theatres is only 1931. Nearly 920 theatres converted into Marriage halls and rice godown.

Not only that till 1996, the number of films released was nearly 110 to 150. ON the other hand, at present the number of big budget films is only 50 films and the number of small films is 60-70. However, after 1996 only the pirated VCD offence was increased. If we travel in a bus. There also a pirated VCD. Even in some case only part of the film i.e. up to interval was taken in pirated VCD Almost in all the places pirated VCD are being used now a days. We can see in every house there is VCD, Wood vendor will be having VCD, Grocery shop. If this kind of video theft is allowed, there will be a chance of formation of Associations like Small Investors Pirated VCD Traders Association and Big Investors Prated VCD Trade Association. Fortunately, you have taken steps to eradicate this menace. Even Mr. Rajan, in the year 1977 filed a case. Persons who are residents of Anna Nagar and K.K. Nagar, were filed case and the above said Mr. K. Rajan stood as a witness.

After noon 12.15.

At that Mr. K. Rajan filed case and he was also stood as a witness. Justice Padmanaban, who was adjudicating the case told that this Act has not at all came into force and it is not possible to take action against the pirated VCD offenders. Then only it

came to be known that it is only on paper. Now only we feel the power of the Act. That also in your rule only. That is why I am mentioning this.

Thereafter, the Film artists make objections after 1996 and have done all kinds of agitations. Even Mr. K. Rajan was also made a request. and Mr. Parthiban, Artist also staged a fasting at Film chamber, against the pirate video. Thereafter all the artists staged fasting. Then only, I remember a story which was already told by the Speaker himself. The story line is: - When Sweets were being distributed all the children, one child alone refused to take sweets. When the others asked the child the reason for not taking the sweet, In reply, the child told that I would take sweet only if my mob gives me. Then, the mom of the child was requested to give sweet to that child. The reason given by the child for insisting distribution of sweet is only if mother distribute she could get more sweets because her mother's palms bigger than child palm. In the same way the film industry is all along waited for the distribution of sweet by the hands of Amma.

Hon'ble Seaker: Mr. Radharavi, stolen my story itself like pirated VCD.

Mr. Radharavi: I am only telling this story after getting permission from you Yesterday itself I told you that I am going to steal this story.

Page. 550.

Similarly, some times child wants to be with the others because they attract the child by showing some thing. Finally, the child would come back to her mother. Because the love of mother is a true one. Similarly, the film industry would come back to our beloved Amma. The reason is for this that our Amma removed the worries of film Industry. We can see water in Palar river where there was no water for the past 4 1/2 years. Now there is a

water. (Interruption). You cannot see but I can see. That is why I am telling Amma. I am telling about river water.

Amma because of the Act introduced by you, now film industry benefitted. Those benefitted people are members of South Indian Film Chamber of Commerce. The number of members nearly 900. Throughout Tamil Nadu State including distributors north, south, Chengalpattu, City, Trichy, Thanjavur, Kanyakumar, Salem, Coimbatore, Madurai Ramanathapuram, number 2630 and the theatre owners numbering 1931 the employees of theatres even if we say average of 30 employees in a theatre the total number of employees is 5730. Then FEFSI Federation consisting of 24 Association. 23,000 members. South Indian Actors Association members totalling 2,700. Totally 38,000 persons. They are all directly connected with the film industry. There are so many people who are all indirectly connected with film industry.

After noon 12.20.

Some of the employees are indirectly connected. viz., Lab workers. Trip employees who is bringing film roles to the theatres. Poster pasting employees, Poster printing press, apart from Tea shop, Bun shop altogether the number of who are benefitted by this is 3 Lakh and above. To day you have given life to nearly 3 1/2 Lakh people.

This success is yours. The reason for this is that one Charles Limburgh told that "Success is not measured by what a man accomplishes but by the opposition he has encountered and the courage with which he has maintained the struggle against

overwhelming odds. Similarly, Amma you encountered many odds and succeeded. The only way to achieve the real success is to do it one day at a time.

You have taken steps to kill Veerappan, eradicate the Pirated VCD menace. At present you brought Veeranam water. This could be done only by you Ammal. No one is having the courage, ability, knowledge like you. You would never face any defeat.

You got a big victory. The reason for this is that the opposition parties always finding fault with ruling party. For example if there is no rain then, the opposition would accuse the Government it is due to Government. If rain comes, For that also opposition would accuse the Government. If there is no air then Government will be found fault. If there is scarcity of tap water then the Government will be blamed. If water comes, they would say that it is not a good water. You have over come all the difficulties. Now every body is behind you. This is your big victory.

Amma, now Veeram water came to Chennai, Veerappan was kill, Pirate VCD destroyed. The world is now thanking you for your steps. That is why you are being called as Thanga Tharagai (Golden lady). Now the national anthem of the film industry is that Thanks Amma, Thanks Ammal.

Everybody, is worshipping you. Some times, they might be thinking some thing. For example, some times child may think that why mom is not getting ice cream and because of frustration the child would ran away in the crowd lured by some one offering ribbon, or ice cream. Once the child realizes those offers are temporary, ultimately the child come back to mom. Similarly, those who have gone away from Amman would come back to Amma.

With this I conclude my speech by saying my gratitude.

Hon'ble Speaker Sir, : Mr. Mani you can speak now.

page. 554

I have no second opinion with regard to eradication of pirate VCD. That is a welcoming thing and it was taken to protect the interest of the film industry. However, what I am saying is the Act proposed to be introduced for preventing bootleggers, Criminal under the Narcotic and Psychotropic Substances Act, Gundas, prostitution offenders, unauthorized encroachers of the others land. This Act is to be implemented properly. We should avoid arresting of innocent persons by misusing this Act. We have to implement this Act carefully.

Hon'ble Speaker : Mr. G Palanisamy, Hon'ble Law Minister.

Hon'ble D. Jayakumar. Hon'ble Speaker Sir, One of the questions which were raised by the Hon'ble Member Mr. Gnanasekaran, is related to Information Technology. Our "Amma" with a determination to eradicate the Information Technology had taken continuous steps. Our State is the only State which is having separate Division for investigating Information Technology crimes, called cyber Crime, which was established by our Amma. At present in Chennai the same is functioning effectively. Hon'ble Member is having the habit of reading news papers completely. A 15 days back in Mumbai, a person created a Bank Account in the name of a woman, who is residing herein through an email. The said offence was found out by our Cyber Crime Branch as directed by Ammal. The Hon'ble Member is aware of the fact that for the first time, punishment was

given for the said offence. After the aforesaid punishment nobody would committ such an offence.

Similarly, in order to bring a permanent solution for this, SETS was established viz., Society for Electronic Transaction and Security. There is a competition with regard to the selection of State in which this is to be established. IN such circumstances, our Amma took steps to establish SETS in our State and expressed her willingness of giving land and well as financial help. Today works have been started with an amount of Rs.60,00,000/-. Therefore, when it will be implemented definitely the persons who are committing cyber crimes would be punished severely.

Hon'ble Seaker : Mr. G. Palanisamy.

Mr. G. Palanisamy: Hon'ble Spleaker Sir, IN the Act which was brought in the year 1982, an amendment was inserted and the draft Bill for the said insertion is taken up for discussion. As stated by the Hon'ble Members, Indian Communist Party is welcoming the introduction of Act to prevent bootleggers, Drug offenders, Encroachers of other's lands, Gundas, persons indulging in prostitution, along with offenders of pirated VCD. A list with regard to the extent of which the film industry is being affected on account of pirated VCD is presented by the Hon'ble Member Mr. Radha Ravi. Therefore, Indian Communist Party is welcoming this Act.

I would like to say one thing, recently when films were being released an agitation was conducted protesting that films of the other State shal not exhibited in their State. The release of other State's film was prevented there and Act itself was brought into effect.

What the producers of Tamil Film Industry are doing is they sent the new films to Malaysia and Singapore and other States in order to collect the amount at the earliest. Hence, the Act is came into force in Tamil Nadu. Goodas Act can be implemented on the persons who are indulging in pirated VCD. Wheneven films are being sent to Malaysia, Singapore, immediately, pirated VCD is produced and brought into Tamil Nadu and distributed indiscriminately. The Hon'ble Minister has to take into account the above fact. Amendment shall be brought for not sending the films atleast for 6 months to the other States or other countries.

This would enable for creation of an opportunity to prevent the offence of pirated VCD and in turn the same would be beneficial to the artists, distributors and producers. Since, every producers sends film to the other State and country with a view to collect money at the earliest this kind of offence is being taken place. Mr. Radharavi, has to talk to the distributors and inform them about the above fact.

We ould have brought an Act in the year 1982. I would like to bring to theknowledge of the Hon'ble Chief Minister. An Act was in existence for preventing encroachers of huts in the British Rule. I do not know however they have taken care in the year 1982. I think we would have discussed about this in this Assembly at that time itself. Similarly, the persons who are indulging in production of illicit liquor, prostitution, Goondas were brought under the said ACT. In order to remove the above clauses Government has to bring a draft bill. By asking a question as to whether this Government would join this Act with the existing Public Works Department Act.

Hon'ble Speaker : Mr. Pugalendhi (interruption)

Mr. C. Gnanasekaran: Hon'ble Speaker Sir, Hon'ble Mr. Palanisamy, in his speech told that there is an Act brought into force in Karnataka for preventing other State's films. Here there is no such Act. Even the Karnataka Government itself requested us to screen Tamil Films. Only certain group of people are opposing for the same. The opposition is only by the Kannada language passionate people.

Hon'ble Seaker : Mr. Pualendi (interruption_

Mr. G. Palanisamy : Speaker Sir, we have already brough tthe Draft Bill now only we are passing the draft Bill. Already Hon'ble Chief Minister announced this. Similarly, they have also done in Karnataka.

Hon'ble Speaker Sir, : Mr Pugalendi you can speak.

Mr. E. Pugalendi. Hon'ble Speaker Sir, We are welcoming the Act on behalf of Dravida Munnetra Kazhagam. We have to be properly implement this Act as we did in the introduction of this Act. Then only this Act would be successful. As far as the film industry is concerned, keeping in mind the protection that is being given to the film industry by way of this Act our beloved Leader Kalaingar welcomed this Act. By giving rights of the old film and when the same is to be released and they should also be protected by this Act then only, this Act would be giving full protection. With this I conclude my speech.

Afternoon 12.35.

Hon'ble Speaker : Mr. L. Santhanam.

Mr. L. Santhanam. Hon'ble Speaker Sir, we brought an Act to prevent pirated VCD. This is being welcomed by the Film Industry.

"Thirukkural

"

"Solluthal Yaarkkum Eliya Ariyavam

Solliya Vannam Seyal.

As per the poem of Valluvar, the Hon'ble Chief Minister implemented the Act as it was introduced and hence, full protection was given to the film industry and pirated VCD was fully eliminated. Because of the eradication of pirated VCD for the past one month collection in theatres is increasing and consequently, the film industry became happy. We have to accept the determination that the offenders of bootleggers, drug offenders, forest offenders, prostitution offenders are to be punished under this Act. However, as far as the encroachers of huts, this Act is not clear.

Hon'ble Deputy Speaker presided over.

Today thousands of people in villages do not have housing and consequently, they encroach into the poramboke lands and living there for several years. Where are all the steps this Government had taken to see that this Act should not affect such poor people. There is no explanation in this Act as to how they are being protected. Therefore, this Act may be apt for the rowdies who are encroaching the lands in urban areas and this will not be apt for the poor people those who are not having lands on their own. In order to give protection to those people, a separate Act is to be brought for giving Patta in respect of the poramboke lands where they are living, to those poor people. Therefore, I request on behalf of my party that poor people should not be affected due to the implementation of this Act.

560.

Hon'ble Seputy Speaker : Mr. N. Nanmaran.

Mr .N. Nanmaran. HOn'ble Depputy Speaker Sir, I welcomed this Act which is brought for eradicating pirated V.C.D. on behalf of Marxist Communist Party.

Noinaadi Noimudal Naadi, Aduthanikkum

Vainaadi Vaippa Seyal.

As per this poem, we have to find out the reason for the decease and then we have to eradicate the same.

Next, bootletters, prostitution offenders need not be included in this Act following the encroachers of huts. The land for construction of a hut is being given with passion. We have to conduct an elaborate discussion on this and decision is to be taken thereafter. This is my request on behalf of Marxist Communist Party. I conclude my speech by welcoming this Act.

Hon'ble Deputy Speaker;: Hon'be Pubic Works, Excise & Kalal and Revenue Department.

Hon'ble Mr. O. Panneerselvam. HOn'ble Deputy Speaker Sir, I would like to make my opiions with regard to the 1982 draft bill of Tamil Nadu for prevention of Bootlegges, Drug offenders, Forest Offenders, Goondas persons indulged in Prostitution, encroachers of lands.

(Hon'ble Speaker presiding over.

Afternoon 12.40.

Earlier Tamil Film Industry was in the second position.

561 - 567 2004, November, 18.

When the film industry people are suffering day today basis, in our present day by day Cinema Theatres are becoming Marriage Halls, commercial complexes and in the circumstances, thousands of people who are depending on film industry face many hardships. Producers were forced to stop producing new films owing to loss of new films. Apart from film industry workers the other dependent workers viz., Stunt artists, dancers, makeup men, sound and lighting artists, artists, have lost their life. I hope that this Act would come to their rescue.

Due to increase of offence of pirated video, in film industry there are clashes between the producers and the cinema fans and consequently law and order problem arose. One of the objects of the Government is to maintain law and order. All the film industry people viz., producers, directors, distributors, artists and other technical workers met the Hon'ble Chief Minister Dr. Revolutionary Leader, Amma, and requested to protect their lives. In turn Hon'ble Chief Minister with a view to save them, brought this amendment to include the Pirate VCD offenders under this Act.

The existing laws are not enough to take appropriate action against the pirated video offenders. In the circumstances, our beloved Chief Minister Amma intervened in this matter brought this amendment to enable the Act to arrest the offenders under non-bailable offence category. The offenders even cannot come out of the jail on bail and thereby prevented them from indulging again and again in the same offence of pirated video. Because of this amendment thousands of thousands film industry people would be

benefited. I request the Assembly to accept the amendment which was brought by our beloved Revolutionary Leader Dr. Amma with view to protect the sufferings film industry people.

Hon'ble Members have registered their various opinions with regard to this Act. Hon'ble Member Mr C. Gnanasekaran, posed a question as to whether any case has been registered and whether anybody arrested under this Act. So far no case has been registered. The pirated video is eradicated to the extent that no new case can be registered. (members appreciated by knocking the table).

Hon'ble Member Mr. G.K.Mani, while speaking mentioned one thing. He said that no one should be arrested with an ulterior motive of victimize a particular person. This Act would enable arrest of any person who indulge in pirated view and at the same time, no innocent would be arrested by using this Act.

Hon'ble Mr. Palanisamy and Hon'ble Member Mr. Nanmaran, have expressed their opinion with regard to encroachers of huts. The existing law would not be applicable to the poor people. If the place where poor people are encroaching and if there is no bar in allotting the said place for the poor people Government is taking steps to issue Patta on free of cost. However, clause No14/1982 of this Act, would be applicable only those who are encroaching the huts and who are anti social elements. Action is being taken only as against them. No action will be taken against the innocent poor people. Hence, I request the Speaker to allow the draft Bill with this I conclude my speech.

Hon'ble Mr. O. Panneerselvam. HOn'ble Speaker Sir,

I request that the Draft Bill for amendment of the prevention of 2004 Tamil Nadu Bootleggers, Drug Offenders, Forest criminal,s Goondas, persons who are indulging in prostitution, encroachers of huts (draft Bill No.29/2004) needs to be passed.

Hon'ble Speaker: The resolution of the Hon'ble Minister of Public Works, Excise & Kalal, Revenue Department, is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

Resolution is passed in favour of the persons who accept the Bill.

(B) Tamil Nadu Transparency in Tenders (Amendment) Bill, 2004.

HON'ble Speaker : Draft Bill No.30/2004). Tamil Nadu Transparency in Tenders (Amendment) Bill Hon'ble Finance Minister.

Hon'ble Mr. C. Ponnian. Hon'ble Speaker Sir, I request that The Draft Bill No.30/2004). Tamil Nadu Transparency in Tenders (Amendment) Bill should be taken up for examination.

564.

Hon'ble Speaker : Discussion is over. Now the voting. The resolution of the Hon'ble Minister of Public Works, Excise & Kalal, Revenue Delpartment, is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

The draft bill is taken up for examination category wise.

Sections 2 to 8 there is no amendment.

Section 2 to 8 shall be the part of the Draft Bill and accordingly, the decision on the resolution is placed before the Assembly.

of the Hon'ble Minister of Public Works, Excise & Kalal, Revenue Delpartment, is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

The Hon'ble Minister of Public Works, Excise & Kalal, Revenue Delpartment, is placed for the decision of the Assembly.

565 missing .

566.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill. (sound of knocking the table).

The resolution that Section 1, Preamble, long title shall be part of the draft bill is placed for the decision of the assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

The Hon'ble Minister of Electricity, Excise & Kalal, Revenue Department.

Hon'ble Mr. Natham R. Viswanathan: Hon'ble Speaker Sir,

I request that the draft Second amendment Bill NO.20/2014, draft amendment bill , prevention of Bootleggers, Drug Offenders, Forest criminals, Goondas, persons who are indulging in prostitution, sand smugglers, encroachers of huts, pirated VCD offenders (second Amendment) Draft Bill shall be passed.

Hon'ble Speaker,

The Hon'ble Minister of Electricity, Excise & Kalal, Revenue Department, is placed for the decision of the Assembly.

567.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

(c) Tamil Nadu Town Planning (Amendment) Draft Bill, 2014

Hon'ble Speaker: Tamil Nadu Town Planning (Amendment) Draft Bill (Assembly Draft Bill NO.21/2014). Hon'ble Housing and Urban Development Department Minister.

Hon'ble Mr. R. Vaithyalingam: Hon'ble Speaker Sir,

I request that Tamil Nadu Town Planning (Amendment) Draft Bill (Assembly Draft Bill NO.21/2014), may be taken up for examination.

Hon'ble Speaker : The resolution of the Hon'ble Housing and Urban Development Department Minister is placed for the decision of the assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

August, 4, 2006.

Media Freedom is most important. However, they have published an incident which was not taken place in the Assembly proceedings with an ulterior motive. This is in violation of the Assembly tradition. We know very well about the Authoritativeness of the Judiciary as well as Legislative Assembly. Out of this the Media which is considered to be a fourth Pillar of the Democracy play a vital role. Some Publishers with an ulterior motive to degrade the prestige of the Legislative Assembly is publishing this type of news and if they continue to do so, stringent action will be taken against them. Therefore, I request that by following the instructions of the Hon'ble Chief Minister, the Medias shall publish true news in their respective news paper without any discrimination.

6. Government Draft Bills (INtroduction).

(a) Tamil Nadu Co-operative Societies (Amendment) Draft Bill, 2006.

Hon'ble Speaker : Introduction of Government Draft Bills. Tamil Nadu Co-operative Societies (Amendment) Draft Bill, 2006. Hon'ble Minister, Co-operative Department.

Hon'ble Mr. K.C. Mani, : Hon'ble Speaker Sir,

I request the permission of the Assembly, to introduce Tamil Nadu Co-operative Societies (Amendment) Draft Bill, 2006.

Hon'ble Speaker. The Resolution of the Hon'ble Minister, Co-operative Department is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

The Hon'ble Minister, Co-operative Societies.

Hon'ble Mr. K.C. Mani, : Hon'ble Speaker Sir, I am introducing this Draft Bill before the Legislative Assembly.

Forenoon 10 - 50

(B) Tamil Nadu Prevention of dangerous activities of Bootleggers, Drug offenders, Forest offenders, Gundas, persons who are indulging in prostitution, land grabbers, pirated VCD offenders, (Amendment) Draft Bill, 2006.

Hon'ble Speaker : Tamil Nadu Prevention of dangerous activities of Bootleggers, Drug offenders, Forest offenders, Gundas, persons who are indulging in prostitution, land grabbers, pirated VCD offenders, (Amendment) Draft Bill, 2006. Hon'ble Revenue & Law Minister.

Hon'ble Mr. E. Periyasamy: Hon'ble Speaker Sir,

I request the permission of the Assembly for introducing Tamil Nadu Prevention of dangerous activities of Bootleggers, Drug offenders, Forest offenders, Gundas, persons who are indulging in prostitution, land grabbers, pirated VCD offenders, (Amendment) Draft Bill, 2006.

Hon'ble Speaker : The resolution of the Hon'ble Revenue & Law Minister is laced for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

The Hon'ble Revenue & Law Minister.

Hon'ble Mr. E. Periyasamy, : Hon'ble Speaker Sir, I am introducing this Draft Bill before the Legislative Assembly.

7. Request for Grants, 2006 - 2007. Discussion and Ballot.

(A) Request No.20 - Higher Education Department.

(B) Request No.43, School Education Department.

(A) Request No.20, Higher Education Department.

Hon'ble Speaker : The discussion and the Ballot with regard to request for grant No.20 Higher Education Department, in respect of the financial year 2006-2007. Hon'ble Higher Education Department Minister.

Hon'ble Dr. K. Ponmudi. : Hon'ble Speaker Sir,

I request that a sum of not more than Rs.876,85,68,000/- is to be given under the Revenue Heading and a sum of not more than Rs.15,14,76,000/- under the head of Investment is to be given.

Hon'ble Speaker : Cross Resolution proposal. Cross Resolution No.51. Mr. S. Sivaraj.

Mr. S. Sivaraj: Hon'ble Speaker Sir, I am proposing this cross resolution for establishing a new Arts and Science College, at Thirukovilur, Rishivandiyam Assembly Constituency.

"A sum of Rs.100/- is to be reduced from the sum of Rs.870,85,68,000/- under the head of Revenue and a sum of Rs.15,14,76,000/- under the head of Investment of the Request for Grant.

Hon'ble Speaker : Cross Resolution No.365. Mr. Kovai Thangam.

Mr. Kovai Thangam. Hon'ble Speaker Sir, I am proposing the following cross resolution for having discussion with regard to the appointment of sufficient personnel in the Bharathiyar University situated at Coimbatore.

"A sum of Rs.100/- is to be reduced from the sum of Rs.870,85,68,000/- under the head of Revenue and a sum of Rs.15,14,76,000/- under the head of Investment of the Request for Grant No.20.

Hon'ble Speaker: Cross Resolution No.271, Mr. Vidiyal S. Sekar.

I am proposing the following cross resolution for having discussion with regard to the prevention of compulsory donation which is being collected at the Private Engineer Colleges, Medical Colleges, Arts and Science Colleges.

"A sum of Rs.100/- is to be reduced from the sum of Rs.870,85,68,000/- under the head of Revenue and a sum of Rs.15,14,76,000/- under the head of Investment of the Request for Grant No.20.

August, 28, 2006

Majority is the person who accept the resolution.

The required funds is given to the Government.

6. Government Draft Bill (examination)

Tamil Nadu bootleggers, Drug Offenders, Forest criminals Goondas, persons who are indulging in prostitution, Encroachers of huts, pirated VCD offenders prevention of dangerous acts Draft Bill 2006

Hon'ble Speaker: Government Draft Bill (Examination) Tamil Nadu bootleggers, Drug Offenders, Forest criminals Goondas, persons who are indulging in prostitution, Encroachers of huts, pirated VCD offenders prevention of dangerous acts Draft Bill 2006 (No.18/2006) Hon'ble Revenue & Law Minister.

Hon'ble Mr. E. Periyarsamy.

Hon'ble Speaker Sir,

I request that the Draft Bill for Tamil Nadu bootleggers, Drug Offenders, Forest criminals Goondas, persons who are indulging in prostitution, Encroachers of huts, pirated VCD offenders prevention of dangerous acts Draft Bill 2006 (18/2006) is to be taken up for examination.

Hon'ble Speaker: The resolution of the Hon'ble Revenue & Law Minister's is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Section 2. There is no amendment.

Section 2. shall be part of the Draft Amendment Bill.

(B) The resolution that the Tamil Nadu Transparency in Tenders (Amendment) Bill, 2004, is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed.

Section 3.

Section 3. Hon'ble Revenue & Law Minister, can proposed his amendment.

Hon'ble Mr. E. Periyasamy: Hon'ble Speaker Sir,

In the said Bill in clause 3, in sub-clause (2) (a) for the words "sand offenders" substitute the words "sand-offenders, slum grabbers".

I propose the above amendment.

Hon'ble Speaker: The proposal of resolution of the Hon'ble Revenue & Law Minister is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

Majority of the Members accept the resolution.

Amendment is accepted.

The resolution that Section 4. .

2008, May, 13.

Forenoon 10. 50

(D) Draft Bill of Tamil Nadu Protection of Welfare of investors of the Private Finance Companies (Amendment) 2008.

Hon'ble Speaker: Draft Bill of Tamil Nadu Protection of Welfare of investors of the Private Finance Companies (Amendment) 2008. Hon'ble Minister, Public Works Department and Law Department.

Hon'ble Mr. Durai Murugan: Hon'ble Speaker Sir,

I seek the permission of the Assembly to introduce the Draft Bill of Tamil Nadu Protection of Welfare of investors of the Private Finance Companies (Amendment) 2008.

Hon'ble Speaker : The resolution of the Hon'ble Minister, Public Works Department & Law Department is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

The Hon'ble Public Works Minister and Law Minister.

Hon'ble Mr. Duraimurugan; HOn'ble Speaker Sir, I am introducing this Draft Bill before the Assembly.

(E) Draft Bill of Prevention of dangerous activities of Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008.

Hon'ble Speaker :

Prevention of activities of the Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008. Hon'ble Public Works Department Minister and Law Department.

Hon'ble Mr. Duraimurugan: Hon'ble Speaker Sir,

I seek the permission of the Assembly for introducing the Prevention of activities of the Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008 before this Assembly. (Interruption)

Hon'ble Speaker: Mr. C.V. Shanmugam, Please proceed.

Mr. C.V. Shanmugam, Hon'ble Speaker Sir, I am opposing this Draft Bill at the stage of introduction.

Hon'ble Speaker Sir, the Resolution of the Hon'ble Minister, Public Works Department and Law Department is placed for the decision of the Assembly.

May, 14, 2008.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

The Hon'ble Public Works Minister and Law Minister.

HON'ble Mr. Duraimurugan; HON'ble Speaker Sir,

2008,Tamil Nadu (Protection of Deposits in the Finance Companies Amendment Bill.

(Draft Bill No.33/2008) is to be passed.

Hon'ble Speaker: The resolution of the Hon'ble PUBlic Works Department and Law Minister is placed for the decision of the Assembly

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

(G) Prevention of activities of the Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008.

Hon'ble Speaker :

Prevention of activities of the Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008. Hon'ble Public Works Department Minister and Law Minister.

Hon'ble Mr. Duraimurugan: HOn'ble Speaker Sir,

I request that the Prevention of activities of the Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008 (Draft Bill No.34/2008) is to be taken up for examination.

Hon'ble Speaker: The resolution of the Hon'ble Minister of Pubic Works Department and Law Minister is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

The Draft bill is taken up for examination section wise.

Section 2

Hon'ble Speaker : Section 2. HOn'ble Members, Mr. P.K. Sekarbabu, Mr. S.M. Velusamy, Mr. L. Ravichandran, any one of them can propose the amendment.

Mr. P.K. Sekar Babu, (Hon'ble Speaker sir.

"Proposed amendments shall be omitted"

I am proiposing the amendment.

Hon'ble Speaker : Seconded.

Mr. S.M. Velusamy: Hon'ble Speaker Sir, I am seconding the said amendment.

Hon'ble Speaker : The amendment proposed by the Hon'ble Member Mr. P.K. Sekarbabu's is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of members is opposing the proposal.

Resolution is failed. Amendment failed.

Section 2. No amendment.

The resolution that Section 2 shall be a part of the Draft Bill is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of the members are accepting the resolution.

Resolution is passed. (interruptions).

Afternoon 1-20.

You have spoken on the resolution. Leave it.

The resolution that Section 1, preamble, long title shall be the part of the draft bill is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of the members are accepting.

Resolution is passed.

Hon'ble Minister of Public Works Department and Law Minister.

Hon'ble Mr. Duraimurugan: Hon'ble Speaker Sir, (interruption) As him to explain what is that.

Hon'ble Speaker: You only proposed and the member behind you seconded. Still there are seconding. Please be seated. Hon'ble Public Works Department Minister, and Law Minister.

Hon'ble Mr. Duraimurugan: HOn'ble Speaker Sir,

.

Introduction of Government Draft Bill of prevention of activities of tamil Nadu bootleggers, Drug offenders, forest criminals, Gundaas, persons indulging in prostitution, slum grabbers (Amendment) Draft Bill, 2004. Hon'ble Public Works Minister and Minister of Excise & Kalal and Revenue Department.

Hon'ble Mr. O. Panneerselvam: Hon'ble Speaker Sir,

I request you to grant permission for introducing Draft Bill of prevention of activities of Tamil Nadu bootleggers, Drug offenders, forest criminals, Gundaas, persons indulging in prostitution, slum grabbers (Amendment) Draft Bill, 2004.

Hon'ble Speaker:

The resolution of the Hon'ble Public Works Minister and Minister of Excise & Kalal and Revenue Department is placed for the decision of the Assembly.

Hon'ble Mr. O. Panneerselvam: Hon'ble Speaker Sir, I am introducing the present Draft Bill.

Hon'ble Mr. O. Panneerselvam. HOn'ble Speaker Sir, I am introducing the Draft Bill before the Assembly.

(a) Tamil Nadu transparency in tenders (Amendment) draft Bill.

Hon'ble Speaker: Tamil Nadu Transparency in Tenders (Amendment) Draft Bill.

Hon'ble Finance Minister.,

Hon'ble Mr. C. Ponnian. Hon'ble Speaker Sir,

Permission may be granted for introducing Tamil Nadu Transparency in Tenders (Amendment) Draft Bill, 2004.

Hon'ble Speaker : The resolution of the Hon'ble Finance Minister is placed for decision of the assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think majority are those who have accepted.

Resolution is passed in favour of the persons who accept the Bill.

The Prevention of activities of the Tamil Nadu Bootleggers, Drug Offenders, Forest Criminals, Gundaas, persons indulging in Prostitution, Sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2008 (Draft Bill No.34/2008) is to be passed.

Hon'ble Speaker: The resolution of the Hon'ble PUblic Works Department Minister and Law Minister is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of the members are accepting the resolution.

Resolution is passed.

August, 11, 2014

My respects to my beloved Leader, who is working daily for the welfare of people, bringing meaning to the assurances, most welcoming Chief Minister, Revolutionary Leader.

Hon'ble Speaker Sir, I am submitting the report of the Twelfth Thirteenth (Fourteenth) Assembly of the year 2013-2014 of the Tamil Nadu Assembly to the Assembly.

Forenoon 11.45.

3. Announcements- Continuation.

HOn'ble Speaker: An announcement to the Assembly, The Hon'ble Governor has given his assent for the Draft Bill of Tamil Nadu Prohibition (Amendment) of 2014.

5. Government Draft Bill (Introduction)

(A) Tamil Nadu Prohibition, (Amendment) Draft Bill, 2014.

Hon'ble Speaker: Government Draft Bill (Introduction. Tamil Nadu Prohibition (Amendment Draft Bill, 2014. Hon'ble Minister of Electricity Prohibition and Kalal.

Hon'ble Mr. Natham R. Viswanathan: Hon'ble Speaker Sir,

I request you to grant permission to introduce Draft Bill of Tamil Nadu Prohibition (Amendment) 2014.

Hon'ble Speaker : The resolution of the Hon'ble Minister of Electricity Prohibition and Kalal is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of the members have accepted the resolution.

Resolution is passed.

Hon'ble Minister of Electricity Prohibition and Kalal

Hon'ble Mr. Natham R. Viswanathan.

HON'ble Spleaker Sir, I am introducing the draft bill before the Assembly.

(B) Prevention of dangerous activities of the Tamil Nadu Bootleggers, Drug offenders, Forest criminals, Goondas, persons indulging in prosetitution, sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2014.

Hon'ble Speaker, Prevention of dangerous activities of the Tamil Nadu Bootleggers, Drug offenders, Forest criminals, Goondas, persons indulging in prostitution, sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2014.

Hon'ble Minister of Electricity Prohibition and Kalal.

Hon'ble Mr. Natham R. Viswanathan: Hon'ble Speaker Sir,

I request you to grant permission to introduce Draft Bill Prevention of dangerous activities of the Tamil Nadu Bootleggers, Drug offenders, Forest criminals, Goondas, persons indulging in prostitution, sand smugglers, slum grabbers, offenders of pirated VCD (Amendment) Draft Bill, 2014 before the Assembly.

Hon'ble Speaker : The resolution of Hon'ble Minister of Electricity Prohibition and Kalal is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of the members have accepted the resolution.

Resolution is passed.

Hon'ble Minister of Electricity Prohibition and Kalal

Hon'ble Mr. Natham R. Viswanathan. Hon'ble Speaker Sir, I am introducing the following bill before the Assembly,

Draft Bill Prevention of dangerous activities of the Tamil Nadu Bootleggers, Drug offenders, Forest criminals, Goondas, persons indulging in prostitution, sand smugglers, slum grabbers, offenders of pirated VCD (Second Amendment) Draft Bill, 2014.

Hon'ble Speaker Sir,

Draft Bill Prevention of dangerous activities of the Tamil Nadu Bootleggers, Drug offenders, Forest criminals, Goondas, persons indulging in prostitution, sand smugglers, slum grabbers, offenders of pirated VCD (Second Amendment) Draft Bill, 2014, before this Assembly. Hon'ble Minister of Electricity, Prohibition & Kalal.

Hon'ble Mr. Ntham R. Viswanathan: Hon'ble Speaker Sir, I request to grant permission Draft Bill Prevention of dangerous activities of the Tamil Nadu Bootleggers, Drug offenders, Forest criminals, Goondas, persons indulging in prostitution, sand smugglers, slum grabbers, offenders of pirated VCD (Second Amendment) Draft Bill, 2014, before this Assembly. Hon'ble Minister of Electricity, Prohibition & Kalal.

Hon'ble Speaker: The resolution of the Hon'ble Minister of Electricity Prohibition and Kalal is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority of the members have accepted the resolution.

Resolution is passed.

Hon'ble Minister of Electricity Prohibition and Kalal

Hon'ble Mr. Natham R. Viswanathan. Hon'ble Speaker Sir, I am introducing the following bill before the Assembly,

August, 12, 2014

Hon'ble Speaker : The Resolution of the Hon'ble Minister of Electricity, Prohibition and Excise is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

The draft bill is taken up for examination section wise.

Section 2. There is no amendment.

The resolution that Section 2 shall be a part of the Draft Bill is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

The resolution that Section 1, preamble, long title shall be part of the draft bill is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

The Hon'ble Minister of Electricity, Prohibition and Excise

Hon'ble Mr. Natham R. Viswanathan: Hon'ble Speaker Sir,

I request that the Draft Bill for Tamil Nadu Prohibition (Amendment) 1914 may be passed.

Hon'ble Speaker : The Resolution of the Hon'ble Minister of Electricity, Prohibition and Excise is placed for the decision of the Assembly.

Those who are accepting can say "Yes"

Those who are opposing can say "No"

I think the majority is the person who accept the resolution.

Resolution is passed in favour of the persons who accept the Bill.

Draft bill is accepted.

Draft Bill for prevention of dangerous activities of Tamil Nadu Bootleggers, Drug offenders, Forest offenders, Goondas, persons indulging in prostitution, sand smugglers, sub grabbers, pirated VCD offenders (Amendment) Bill. 2014.

Hon'ble Speaker : Draft Bill for prevention of dangerous activities of Tamil Nadu Bootleggers, Drug offenders, Forest offenders, Goondas, persons indulging in prostitution, sand smugglers, sub grabbers, pirated VCD offenders (Amendment) Bill. 2014.

Hon'ble Minister of Prohibition and Excise

