

Friday, July 25, 1975
Sravana 3, 1897 (Saka)

LOK SABHA DEBATES

(FIFTH SERIES)

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Fourteenth Session, 1975/1897 (Saka)

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**LOK SABHA SECRETARIAT
NEW DELHI**

C O N T E N T S

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LOK SABHA DEBATES

1

LOK SABHA

The Lok Sabha met at Eleven of the (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

PAPERS LAID ON THE TABLE

INTERIM REPORT OF NATIONAL COMMISSION ON AGRICULTURE

MR. SPEAKER: Papers to be laid on the Table, Shri Jagjivan Ram.

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J. B. PATNAIK): On behalf of Shri Jagjivan Ram I beg to lay on the Table....

MR. SPEAKER: You should be careful. Yesterday I gave the ruling that those who are not able to come should authorise their Deputy or the Minister of Parliamentary Affairs and also intimate to the Speaker. Anyway I accept this due to Emergency.

SHRI INDRAJIT GUPTA (Alipore): Somebody from that Ministry should lay it. Has he authorised the Deputy Minister of Defence to do it?

MR. SPEAKER: I said his Deputy or the Minister of Parliamentary Affairs. But I must be informed.

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI ZIAUR RAHMAN ANSARI): On behalf of Shri Jagjivan Ram, I beg to lay on the Table . . .

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SHRI INDRAJIT GUPTA: So what Mr. Patnaik laid is invalid. Now you lay it properly.

MR. SPEAKER: The second also is ruled out because I have no information from the Minister. Anyway as I said, due to Emergency, I accept it, not as a rule. It is only the first and the last time.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMIAH): His Deputy is here, Mr. Prabhudas Patel. He may be allowed to lay the papers.

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI PRABHUDAS PATEL): Sir, on behalf of Shri Jagjivan Ram, I beg to lay on the Table:—

(1) A statement (Hindi and English versions) on the submission of Interim Report of National Commission on Agriculture.

(2) Interim Report of the National Commission on Agriculture on some important aspects of Livestock Production in the North Eastern States together with summary of important recommendations made therein.

[Placed in Library. See No. LT-9825/75].

ANNUAL PLAN, 1975-76

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING (SHRI I. K. GUJRAL): I beg to lay on the Table a copy of the "Annual Plan, 1975-76" (Hindi and English versions). [Placed in Library. See No. LT-9826/75.]

REVIEW AND ANNUAL REPORT OF INDIAN RARE EARTHS LTD., BOMBAY FOR 1973-74

अजमेर मंत्रालय में उपमंत्री (भी सिद्धेश्वर प्रसाद) : अध्यक्ष महोदय, मैं श्री कृष्ण चन्द्र पन्त की ओर से कम्पनी अधिनियम, 1956 की धारा 619 क की उपधारा (1) के अन्तर्गत निम्नलिखित पत्रों (हिन्दी तथा अंग्रेजी संस्करण) की एक एक प्रति सभा पटल पर रखता हूँ :

(एक) इंडियन रेयर अर्थ स लिमिटेड बम्बई के वर्ष 1973-74 के कार्यकरण की सरकार द्वारा समीक्षा ।

(दो) इंडियन रेयर अर्थ स लिमिटेड, बम्बई का वर्ष 1973-74 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक और महानेता परीक्षक की टिप्पणियाँ ।

[Placed in Library. See No. LT-9827/75].

REVIEW AND ANNUAL REPORTS OF HINDUSTAN MACHINE TOOLS LTD., BANGALORE, MACHINE TOOLS CORPORATION OF INDIA LTD., AJMER AND SCOOTERS INDIA LTD., LUCKNOW AND ACCOUNTS AND AUDIT REPORT OF NATIONAL COOPERATIVE DEVELOPMENT CORPORATION

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRY AND CIVIL SUPPLIES (SHRI ZIAUR RAHMAN ANSARI): Sir, on behalf of Shri A. C George I beg to lay on the Table—

(1) a copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act 1956:—

(a) (i) Review by the Government on the working of the Hindustan Machine Tools, Limit-

ed, Bangalore, for the year 1973-74.

(ii) Annual Report of the Hindustan Machine Tools, Limited, Bangalore, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(b) (i) Review by the Government on the working of the Machine Tools Corporation of India Limited, Ajmer for the year 1973-74,

(ii) Annual Report of the Machine Tools Corporation of India Limited, Ajmer, for the year 1973-74, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(c) (i) Review by the Government on the working of the Scooters India Limited, Lucknow for the year 1973-74

(ii) Annual Report of the Scooters India Limited, Lucknow, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-9828/75].

(2) A copy of the Certified Accounts (Hindi and English versions) of the National Cooperative Development Corporation, for the year 1972-73 together with the Audit Report thereon, under sub-section (4) of section 17 of the National Cooperative Development Corporation Act, 1962. [Placed in Library. See No LT-9829/75.]

SUGAR (PRICE DETERMINATION FOR 1974-75 PRODUCTION) SECOND AMENDMENT ORDER, 1975

THE DEPUTY MINISTER IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI PRABHUDAS PATEL): Sir. on behalf of Shri Shah Nawaz Khan I beg to lay on the Table a copy of the Sugar (Price Determination for 1974-75

Production) Second Amendment Order, 1975 (Hindi and English versions) published in Notification No. G. S. R. 403 (E) in Gazette of India, dated the 11th July, 1975, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-9830/75].

ORDER UNDER DELIMITATION ACT, 1972

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (DR. SAROJINI MAHISHI): I beg to lay on the Table a copy of Order No. 42 (Hindi and English versions) of the Delimitation Commission in respect of the State of Jammu and Kashmir published in Notification No. S. O. 281 (E) in Gazette of India, dated the 28th June, 1975, under sub-section (3) of section 10 of the Delimitation Act, 1972. [Placed in Library. See No. LT-9831/75].

POST OFFICE SAVINGS BANKS (SECOND AMENDMENT) RULES, POST OFFICE SAVINGS CERTIFICATES (AMENDMENT) RULES, ETC.

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): I beg to lay on the Table:—

(1) A copy of the Post Office Savings Banks (Second Amendment) Rules, 1975 (Hindi and English versions) published in Notification No. G. S. R. 339 (E) in Gazette of India, dated the 21st June, 1975 under sub-section (3) of section 15 of the Government Savings Banks Act, 1873.

(2) A copy of the Post Office Savings Certificates (Amendment) Rules, 1975 (Hindi and English versions) published in Notification No. G. S. R. 340 (E) in Gazette of India, dated the 21st June, 1975 under sub-section (3) of section 12 of the Government Savings Certificates Act, 1959.

[Placed in Library. See No. LT-9832/75].

(3) A copy of Notification No. G. S. R. 879 (Hindi and English versions) published in Gazette of India, dated the 19th July, 1975 issued under the Central Excise Rules, 1944 together with an explanatory memorandum. [Placed in Library. See No. LT-9833/75].

(4) A copy of the Central Excise (Tenth Amendment) Rules, 1975 (Hindi and English versions) published in Notification No. G. S. R. 878 in Gazette of India, dated the 19th July, 1975, under section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-9834/74].

(5) A copy of the Nationalised Banks (Management and Miscellaneous Provisions) (Amendment) Scheme, 1975 (Hindi and English versions) published in Notification No. S. O. 1992 in Gazette of India, dated the 28th June, 1975 under sub-section (5) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970. [Placed in Library. See No. LT-9835/74].

INTERIM REPORT OF NATIONAL COMMISSION ON AGRICULTURE

SHRI PRABHUDAS PATEL: I beg to lay on the Table a copy of the Interim Report (Hindi version) of the National Commission on Agriculture regarding 'Certain Import aspects of selected Export Oriented Agricultural Commodities'. [Placed in Library. See No. LT-9836/75].

NOTIFICATIONS UNDER MERCHANT SHIPPING ACT

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI H. M. TRIVEDI): I beg to lay on the Table:—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 458 of the Merchant Shipping Act, 1958:—

[Shri H. M. Trivedi]

(i) The Merchant Shipping (Examination of Engineers and Engine Drivers of Fishing Vessels) Amendment Rules, 1975, published in Notification No. G.S.R. 744 in Gazette of India dated the 14th June, 1975.

(ii) The Merchant Shipping (Prevention of Collisions at Sea) Regulations, 1975, published in Notification No. G. S. R. 820 in Gazette of India, dated the 5th July, 1975.

[Placed in Library. See No. LT-9837/75].

(2) A copy of Notification No. S. O. 276 (E) (Hindi and English versions) published in Gazette of India dated the 28th June, 1975, under section 10 of the National Highways Act, 1956, extending the National Highways Act, 1956 to the State of Sikkim. [Placed in Library. See No. LT-9838/75].

ANNUAL REPORT OF COIR BOARD FOR 1973-74

SHRI ZIAUR RAHMAN ANSARI: I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) for the year 1973-74 on the activities of the Coir Board and the working of the Coir Industry Act, 1953 under sub-section (1) of section 19 of the Coir Industry Act, 1953. [Placed in Library. See No. LT-9839/75].

PAPERS UNDER COMPANIES ACT, ETC.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I beg to lay on the Table:—

(1) A copy of Notification No. G.S.R. 343 (E) (Hindi and English versions) published in Gazette of India, dated the 24th June, 1975, under sub-section (3) of section 637 of the Companies Act, 1956. [Placed in Library. See No. LT-9840/75].

(2) A copy of 'Corrigendum' (Hindi and English versions) to the Annual Report for the year 1973-74 on the working and administration of the Companies Act, 1956. [Placed in Library. See No. LT-9841/75].

(3) A copy each of the following Draft Notifications (Hindi and English versions) to be issued under sub-section (1) of section 620 of the Companies Act, 1956, under sub-section (2) of Section 620 of the Said Act:

(i) Notification No. 15/14/73-IGC regarding the applicability of sections 100, 101, 102, 103, 104, 391 and 394 of the Companies Act, 1956 to M/s. National Instruments Limited, Calcutta, a Government Company.

(ii) Notification No. 15/14/75-IGC regarding the applicability of section 187-C of the Companies Act, 1956 to Government Companies.

(iii) Notification No 15/33/74-IGC regarding the applicability of section 370 of the Companies Act, 1956 to Government Companies.

(iv) Notification No. 15/17/75-IGC regarding the applicability of sub-section (1) of section 297 of the Companies Act, 1956 to Government Companies.

[Placed in Library. See No. LT-9842/75].

(4) A copy of the Draft Order (Hindi and English versions) No. 33758/73-CL III to be issued under sub-section (4) of section 81 of the Companies Act, 1956 directing M/s. Mysore Iron and Steel Limited to convert its loan into equity capital, under sub-section (6) of section 81 of the said Act. [Placed in Library. See No. LT-9842/75].

(5) A copy of the Companies (Temporary Restrictions on Dividends) Warrant Rules, 1975 (Hindi and English versions) published in

Notification No. S. O. 352 (E) in Gazette of India dated the 15th July, 1975, under sub-section(2) of section 12 of the Companies (Temporary Restriction on Dividends) Act, 1974. [Placed in Library. See No. LT-9843/75].

REVIEW AND ANNUAL REPORT OF INDIAN PETROCHEMICALS CORPORATION LTD., NOTIFICATIONS UNDER ESSENTIAL COMMODITIES ACT AND RESOLUTION CONTAINING GOVT. DECISIONS ON OIL PRICES, COMMITTEE'S RECOMMENDATIONS

THE DEPUTY MINISTER IN THE MINISTRY OF DEFENCE (SHRI J B. PATNAIK): On behalf of Shri C. P. Majhi, I beg to lay on the Table:—

(1) A copy of the following papers (Hindi and English versions) under sub-section (1) of section 619 A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Indian Petrochemicals Corporation Limited, for the year 1973-74.

(ii) Annual Report of the Indian Petrochemicals Corporation Limited, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

[Placed in Library. See No. LT-9844/75].

(2) A copy each of the following Notification (Hindi and English versions) under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

(i) The Kerosene (Fixation of Ceiling Prices) Amendment Order, 1975, published in Notification No. G. S. R. 404 (E) in Gazette of India dated the 14th July, 1975.

(ii) The Light Diesel Oil (Fixation of Ceiling Prices) Amendment Order, 1975, published in

Notification No. G. S. R. 405 (E) in Gazette of India dated the 14th July, 1975.

(iii) The Furnace Oil (Fixation of Ceiling Prices and Distribution) Third Amendment Order, 1975, published in Notification No. G. S. R. 406 (E) in Gazette of India dated the 14th July, 1975.

(3) A copy of Government Resolution (Hindi and English versions) No. PPD|OPC|IR|75 dated the 14th July, 1975 containing decisions of the Government on the recommendations of the Oil Prices Committee. [Placed in Library. See No. LT-9845/75].

ANNUAL ASSESSMENT REPORT RE. USE OF HINDI FOR OFFICIAL PURPOSES OF THE UNION FOR 1972-73

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to lay on the Table a copy of the Annual Assessment Report (Hindi and English versions) on the programme for accelerating the spread and development of Hindi and its progressive use for various official purposes of the Union for the year 1972-73. [Placed in Library. See No. LT-9846/75].

NOTIFICATIONS UNDER INDIAN TELEGRAPH ACT.

THE MINISTER OF COMMUNICATIONS (DR. SHANKER DAYAL SHARMA): I beg to lay on the Table a copy of the following notifications (Hindi and English versions) under sub-section (5) of section 7 of the Indian Telegraph Act, 1885:—

(i) S. O. 263 (E) published in Gazette of India dated the 17th June, 1975 extending certain rules to the State of Sikkim.

(ii) S. O. 264 (E) published in Gazette of India dated the 17th June, 1975 extending the Commercial Broadcast Receiver Licensing (Dealers) Rules, 1965 to the State of Sikkim.

[Placed in Library. See No. LT-9847/75].

CIVILIANS IN DEFENCE SERVICES REVISED PAY RULES, 1973 AND ANNUAL REPORT ETC. OF GARDEN REACH WORKSHOPS LTD., CALCUTTA, 1973-74

SHRI J. K. PATNAIK: I beg to lay on the Table:

(1) A copy of Notification No. S. R. O. 19 containing the Hindi version of the Civilians in Defence Services (Revised Pay) Rules, 1973 published in Gazette of India dated the 2nd January, 1975 issued under article 309 of the Constitution. [Placed in Library. See No. LT-9848/75].

(2) A copy of the Annual Report (Hindi and English versions) of the Garden Reach Workshops Limited, Calcutta, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956. [Placed in Library. See No. LT-9849/75].

ANNUAL REPORT ETC. OF U.P. STATE AGRO-INDUSTRIAL CORPORATION LTD., LUCKNOW, FOR 1973-74

SHRI PRABHUDAS PATEL: I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the U.P. State Agro-Industrial Corporation Limited, Lucknow, for the year 1973-74 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 619A of the Companies Act, 1956. [Placed in Library. See No. LT-9850/75].

REVIEWS AND ANNUAL REPORTS OF SINGARENI COLLIERIES COMPANY LTD., FOR 1973-74, NATIONAL COAL DEVELOPMENT CORPORATION LTD., RANCHI AND NOTIFICATION UNDER MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT.

श्री सिद्धेश्वर प्रसाद: अध्यक्ष महोदय, मैं सभा पट्ट पर निम्नलिखित पत्र रखता हूँ:

(1) कम्पनी अधिनियम, 1956 की धारा 619 की उपधारा (1) के अन्तर्गत

निम्नलिखित पत्रों (हिन्दी तथा अंग्रेजी संस्करण) की एक-एक प्रति :—

क(एक) सिंगरेनी कोयला खान लिमिटेड के वर्ष 1973-74 के कार्यकरण की सरकार द्वारा समीक्षा।

(दो) सिंगरेनी कोयला खान लिमिटेड का वर्ष 1973-74 का वार्षिक प्रतिवेदन लेखा परीक्षित लेखे तथा उन पर नियंत्रक और महालेखा परीक्षक की टिप्पणियां।

ख(एक) राष्ट्रीय कोयला विकास निगम लिमिटेड रांची के वर्ष 1973-74 के कार्यकरण की सरकार द्वारा समीक्षा।

(दो) राष्ट्रीय कोयला विकास निगम लिमिटेड रांची का वर्ष 1973-74 का वार्षिक प्रतिवेदन, लेखा परीक्षित लेखे तथा उन पर नियंत्रक और महालेखा परीक्षक की टिप्पणियां।

[Placed in Library. See No. LT-9851/75].

(दो) खान और खनिज (विनियम और विकास) अधिनियम, 1957 की धारा 28 की उपधारा (1) के अन्तर्गत उक्त अधिनियम की द्वितीय अनुसूची में और संशोधन करने वाली अधिसूचना संख्या सा० सा० नि० 407 (३) (हिन्दी तथा अंग्रेजी संस्करण) की एक प्रति, जो दिनांक 14 जुलाई, 1975 के भारत के राजपत्र में प्रकाशित हुई थी।

[Placed in Library. See No. LT-9852/75].

**NOTIFICATIONS UNDER ESSENTIAL
COMMODITIES ACT**

इस्यात श्री राज मंत्रालय में उपर्युक्त (श्री सुलदेव प्रसाद) : अध्यक्ष महोदय, में आवश्यक वस्तु अधिनियम 1955 की वारा 3 की उपवारा (6) के प्रत्यर्गत निम्नलिखित अधिसूचनाओं (हिन्दी तथा अंग्रेजी संस्करण) की एक एक प्रति सभा पटल पर रखता हूँ :

(एक) अल्यूमिनियम (नियंत्रण) दूसरा संशोधन आदेश, 1975 जो दिनांक 15 जुलाई, 1975 के भारत के राजपत्र में अधिसूचना संख्या सां० सा० 353(ड) में प्रकाशित हुआ था ।

(दो) अल्यूमिनियम (नियंत्रण) तीसरा संशोधन आदेश, 1975 जो दिनांक 15 जुलाई, 1975 के भारत के राजपत्र में अधिसूचना संख्या सां० सा० 355(ड) में प्रकाशित हुआ था ।

[Placed in Library. See No. LT-9853/75]

COTTON TEXTILES (CONTROL) AMENDMENT ORDER 1975

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI VISWANATH PRATAP SINGH): I beg to lay on the Table a copy of the Cotton Textiles (Control) Amendment Order, 1975 (Hindi and English versions) published in Notification No S. O. 2074 in Gazette of India dated the 5th July, 1975 under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library See No. LT-9853/75.]

EMPLOYEES PROVIDENT FUNDS (SECOND AMENDMENT) SCHEMES, NOTIFICATIONS UNDER APPRENTICES ACT AND NOTIFICATIONS UNDER COAL MINES PROVIDENT FUND, FAMILY PENSION AND BONUS SCHEMES, ACT

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR (SHRI BALGOVIND VERMA): I beg to lay on the Table:—

(1) A copy of the Employees' Provident Funds (Second Amendment) Scheme, 1975 (Hindi and English versions) published in Notification No. G.S.R. 593 in Gazette of India dated the 10th May, 1975 under sub-section (2) of section 7 of the Employees' Provident Funds and Family Pension Fund Act, 1952. [Placed in Library. See No. LT-9854/75.]

(2) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 37 of the Apprentices Act, 1961:—

(i) The Apprenticeship (Second Amendment) Rules, 1975 published in Notification No. G.S.R. 297 (E) in Gazette of India dated the 27th May, 1975.

(ii) The Apprenticeship (Third Amendment) Rules, 1975, published in Notification No G.S.R. 780 in Gazette of India dated the 21st June, 1975.

[Placed in Library. See No. LT-9855/75.]

(3) A copy each of the following Notifications (Hindi and English versions) under section 7A of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948:—

(i) The Coal Mines Provident Fund (Amendment) Scheme, 1975, published in Notification No. G.S.R. 687, in Gazette of India dated the 31st May, 1975.

(ii) The Andhra Pradesh Coal Mines Provident Fund (Second Amendment) Scheme, 1975, published in Notification No. G.S.R. 688 in Gazette of India dated the 31st May, 1975.

(iii) The Rajasthan Coal Mines Provident Fund (Second Amendment) Scheme, 1975,

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published in Notification No. G.S.R. 689 in Gazette of India dated the 31st May, 1975.

(iv) The Neyveli Coal Mines Provident Fund (Second Amendment) Scheme, 1975, published in Notification No. G.S.R. 690 in Gazette of India dated the 31st May, 1975.

[Placed in Library. See No. LT-9856/75.]

ANNUAL REPORTS OF SALAR JUNG MUSEUM, HYDERABAD, I.I.T., MADRAS, I.I.T., KANPUR, ETC. AND ANNUAL REPORT OF INDIAN INSTITUTE OF MANAGEMENT, AHMEDABAD, ETC.

THE DEPUTY MINISTER IN THE MINISTRY OF EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF CULTURE (SHRI D. P. YADAV): I beg to lay on the Table:—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Salar Jung Museum, Hyderabad, for the year 1973-74.
 (ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT-9857/75.]

(2) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology Madras, for the year 1973-74.
 (ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT-9858/75.]

(3) (i) A copy of the Annual Report (Hindi version) of the Indian Institute of Technology, Kanpur, for the year 1971-72.

(ii) A copy of the Annual Report (Hindi version) of the Indian Institute of Technology, Kanpur, for the year 1972-73.

(iii) Two statements (Hindi and English versions) showing reasons for delay in laying the above Reports.

[Placed in Library. See No. LT-9859/75.]

(4) (i) A copy of the Annual Report (Hindi version) of the Indian Institute of Management, Ahmedabad, for the year 1971-72.

(ii) A copy of the Annual Report (Hindi version) of the Indian Institute of Management, Ahmedabad, for the year 1972-73.

(iii) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Management, Ahmedabad, for the year 1973-74.

(iv) Three statements (Hindi and English versions) showing reasons for delay in laying the above Reports.

[Placed in Library. See No. LT-9860/75.]

(5) A copy of the Annual Report (Hindi and English versions) of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1972-73.

(6) (i) A copy of the Annual Report (Hindi and English versions) of the National Institute of Foundry and Forge Technology, Ranchi, for the year 1973-74.
 (ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Reports.

[Placed in Library. See No. LT-9861/75.]

(7) A copy each of the following Reports (Hindi and English versions) under clause 42 of the Memorandum of Association and Rules of the Raja Rammohun Roy Library Foundation, Calcutta:—

(a) (i) Annual Report of the Raja Rammohun Roy Library Foundation, Calcutta, for the year 1972-73.

(ii) Annual Report of the Raja Rammohun Roy Library Foundation, Calcutta, for the year 1973-74.

(b) A statement (Hindi and English versions) showing reasons for delay in laying the above Reports.

[Placed in Library. See No. LT-9862/75.]

(8) (i) A copy of the Annual Report of the Indian Council of Historical Research for the year 1972-73, under rule 45 of the Memorandum of Association Rules of the Indian Council of Historical Research.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT-9863/75.]

(9) (i) A copy of the Annual Report (Hindi and English versions) of the Khuda Baksh Oriental Public Library, Patna, for the year 1973-74 along with Audited Accounts, under sub-section (4) of section 21 of the Khuda Baksh Oriental Public Library Act, 1969—

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report.

[Placed in Library. See No. LT-9864/75.]

FINANCIAL COMMITTEES, 1974-75—A REVIEW

SECRETARY-GENERAL: I beg to lay on the Table a copy of "Financial Committees, 1974-75 (A Review)", (Hindi and English versions).

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Nagaland State Legislature (Delegation of Powers) Bill, 1975, which has been passed by the Rajya Sabha at its sitting held on the 23rd July, 1975."

(ii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Defence of India (Amendment) Bill, 1975, which has been passed by the Rajya Sabha at its sitting held on the 23rd July, 1975."

(iii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Kerala Legislative Assembly (Extension of Duration) Bill, 1975, which has been passed by the Rajya Sabha at its sitting held on the 23rd July, 1975."

(iv) "In accordance with the provisions of rule 111 of the Rules of Procedure and Con-

[Secretary-General]

duct of Business in the Rajya Sabha, I am directed to enclose a copy of the Employees' State Insurance (Amendment) Bill, 1975, which has been passed by the Rajya Sabha at its sitting held on the 24th July, 1975."

(v) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Sales Promotion Employees (Conditions of Service) Bill, 1975, which has been passed by the Rajya Sabha at its sitting held on the 24th July, 1975."

(vi) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 24th July, 1975, passed, in accordance with the provisions of article 368 of the Constitution of India, without any amendment, the Constitution (Thirty-ninth Amendment) Bill, 1975, which was passed by the Lok Sabha at its sitting held on the 23rd July, 1975."

(vii) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on Wednesday, the 23rd July, 1975, adopted the following motion in regard to the presentation of the Report of the Joint Committee of the Houses on the Foreign Contribution (Regulation) Bill, 1973:—

"That the time appointed for the presentation of the Report of the Joint Committee

of the Houses on the Foreign Contribution (Regulation) Bill, 1973, be further extended upto the last day of the first week of the Ninety-fourth Session of the Rajya Sabha."

BILLS AS PASSED BY RAJYA SABHA

SECRETARY-GENERAL: Sir, I lay on the Table of the House the following Bills, as passed by Rajya Sabha:—

- (1) The Nagaland State Legislature (Delegation of Powers) Bill, 1975.
- (2) The Defence of India (Amendment) Bill, 1975.
- (3) The Kerala Legislative Assembly (Extension of Duration) Bill, 1975.
- (4) The Employees' State Insurance (Amendment) Bill, 1975.
- (5) The Sales Promotion Employees (Conditions of Service) Bill, 1975.

COMMITTEE ON PETITIONS

TWENTY-THIRD REPORT

SHRI JAGANNATH RAO (Chattrapur): I beg to present the Twenty-third Report of the Committee on Petitions.

JOINT COMMITTEE ON OFFICES OF PROFIT

FOURTEENTH REPORT

SHRI PATTABHI RAMA RAO (Rajamundry): I beg to present the Fourteenth Report of the Joint Committee on Offices of Profit.

(i) REPORT OF SELECT COMMITTEE

SHRI B. R. BHAGAT (Shahabad): I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to customs duties.

(ii) EVIDENCE

SHRI B. R. BHAGAT: I beg to lay on the Table a copy of evidence tendered before the Select Committee on the Bill to consolidate and amend the law relating to customs duties.

PUBLIC FINANCIAL INSTITUTIONS LAWS (AMENDMENT) BILL

(i) REPORT OF JOINT COMMITTEE

SHRI B. N. KUREEL (Ramsanehi-ghat): I beg to present the Report of the Joint Committee on the Bill further to amend the Industrial Development Bank of India Act, 1964, the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948, the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956 and the Unit Trust of India Act, 1963.

(ii) EVIDENCE

SHRI B. N. KUREEL: I beg to lay on the Table a copy of evidence tendered before the Joint Committee on the Bill further to amend the Industrial Development Bank of India Act, 1964, the Reserve Bank of India Act, 1934, the Industrial Finance Corporation Act, 1948, the State Financial Corporations Act, 1951, the Life Insurance Corporation Act, 1956 and the Unit Trust of India Act, 1963.

11.09 hrs.

STATEMENT RE. SITTING OF THE HOUSE

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMA-IAH): Sir, with your permission, I would like to announce that the sittings of the House, now scheduled to end on the 28th July will be extended. We shall sit also on Tuesday, the 29th, Wednesday, the 30th and Thursday, the 31st July, 1975.

11.10 hrs.

CONSTITUTION (THIRTY-SECOND AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

SHRI DARBARA SINGH (Hoshiarpur): I beg to move:

"That this House do further extend upto the last day of the next session, the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Constitution of India."

MR. SPEAKER: The question is:

"That this House do further extend upto the last day of the next session, the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Constitution of India."

The motion was adopted.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF JOINT COMMITTEE

SHRI LILADHAR KOTOKI (Nowgong): I beg to move:

"That this House do further extend upto the last day of the next session, the time for the

[Shri Liladhar Kotoki]

presentation of the Report of the Joint Committee on the Bill further to amend the Code of Civil Procedure, 1908 and the Limitation Act, 1963."

MR. SPEAKER: The question is:

"That this House do further extend upto the last day of the next session, the time for the presentation of the Report of the Joint Committee on the Bill further to amend the Code of Civil Procedure, 1908 and the Limitation Act, 1963."

The motion was adopted

SHRI INDRAJIT GUPTA (Alipore): Sir, on the first day of this session this House in its wisdom adopted a motion moved by the Minister of Parliamentary Affairs under which no private member was allowed to take the initiative to introduce any kind of question or calling attention or any other business. But that motion does not preclude Ministers from taking any initiative. As devastating floods are going on and hundreds and thousands of people have been rendered homeless, may I, through you, humbly request the Minister of Irrigation to make a detailed statement in the House and tell us about the present position and the relief that Government is going to give.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Yesterday, Mr. Indrajit Gupta mentioned this to me. I have to convey this request to the Minister of Irrigation.

SHRI INDRAJIT GUPTA: I want the hon Speaker to direct the Minister.

MR. SPEAKER: There is a way out for putting it in a proper shape. I will be asking the Minister to make an official statement on floods, damages done and the devastation that has taken place. Before you leave for your constituencies you must have the full knowledge of the steps taken by Government.

SHRI INDRAJIT GUPTA: I take it that the statement will be made on Monday.

MR. SPEAKER: I leave it to the Minister of Parliamentary Affairs to convey your views to the Minister.

11.14 hrs.

INDIAN COINAGE (AMENDMENT)
BILL*

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): Sir, on behalf of Shri Pranab Kumar Mukherjee, I beg to move for leave to introduce a Bill further to amend the Indian Coinage Act, 1906.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Coinage Act, 1906."

The motion was adopted.

SHRIMATI SUSHILA ROHATGI: I introduce the Bill.

*Published in Gazette of India Extraordinary (Part II, Section 2, dated 25-7-1975.

+Introduced with the recommendation of the President.

11.15 hrs.

FINANCE (AMENDMENT) BILL,
1975

MR. SPEAKER: We will resume discussion on the Finance (Amendment) Bill. Mr. Ramavtar Shastri.

श्री रामवत्तर शास्त्री (पटना) : अध्यक्ष जी, यह विधेयक जो इस समय सदन में उपस्थित है, उस का स्वागत करते हुए मैं कुछ बातें निवेदन करना चाहता हूं। इस विधेयक के अन्तर्याम सरकार ने 6 हजार आमदनी वालों की सीमा को बढ़ाकर 8000 कर दिया है, जिस से 8000 रुपये की आमदनी वाले लोग आयकर से मुक्त हो जायेंगे। इस विधेयक का सर्वत्र स्वागत हुआ है, सरकार के इस फैसले को सभी तरह के लोगों ने समर्थन दिया है और मैं भी आपना समर्थन देते हुए सरकार से यह निवेदन करना चाहता हूं—मैंने इस मध्यम में संशोधन भी प्रस्तुत किया है—कि बढ़ा ही अच्छा होता यदि सरकार इस सीमा को 8000 के बजाय 10000 रुपये तक बढ़ा देती। कहा जाता है कि इस समय 8000 रुपये तक बढ़ाने से 7 लाख निम्न-वर्ग और निम्न मध्यम वर्ग के लोगों का, छोटे छोटे व्यवसायों को लाभ होगा। लेकिन यदि इस सीमा को 10 हजार तक बढ़ा दिया जाता तो इस से और ज्यादा लोग सामान्यित हो सकते थे। यह बात सर्व विदित है कि आज जो नौकरी-पेशा लोग हैं, वाहे वे सरकारी कर्मचारी हों या गैर-सरकारी कर्मचारी हों, छोटे छोटे व्यवसायी हों, शहरों में छोटे छोटे दोजगार करने वाले लोग हों, उनकी आर्थिक स्थिति इस कमरतोड़ मंहगाई की बजह से अच्छी नहीं है। आज उन की आपने परिवारों का पालन-पोषण करने में बहुत मुश्किल होती है। यह ठीक है कि सरकार ने दो हजार की सीमा बढ़ा कर उन की मदद की है, इस में किसी को कोई ऐंतराल नहीं है, लेकिन यदि इस की सीमा को और बढ़ा दिया जाता तो और ज्यादा लोगों को लाभ हो सकता था। हमारे देश में जो मध्यम वर्गीय और निम्न-मध्यम वर्गीय लोग हैं उन के असल्तोष का

इस्तेमाल करने वेश की प्रतिवासी और फासिस्ट शक्तियां देश में गड़बड़ पैदा करने की कोशिश कर रही थीं। पिछले दिनों उन लोगों ने उनके असल्तोष का इस्तेमाल करने के अपना उल्लू सीधा करने की कोशिश की और उन के काले कारनामों की बजह से ही सरकार को विवश हो कर आपात्कालीन स्थिति की ओषणा करनी पड़ी जिस से आज समूर्ण देश को गुजारना यड़ रहा है। इस लिये उन तमाम निम्न वर्गीय और मध्यम वर्गीय लोगों का राहत पहुंचाने के लिये जरूरी था कि उन को आयकर से छूट दी जाये और सरकार ने दो हजार रुपये की छूट जरूर दी है, लेकिन यह अभी भी कम है। इस लिये मैं सरकार से बड़ी गम्भीरता के साथ निवेदन करना चाहता हूं कि यदि सरकार इस में दो हजार रुपये की छूट और बढ़ा दे तो उन को ज्यादा फायदा हो सकता है।

यह ठीक है कि इस छूट से निम्नवर्गीय और मध्यम वर्गीय लोगों को, छोटे छोटे व्यवसायियों को, शहर में रहने वाले लोगों को फायदा होगा। लेकिन उन्हें और भी कठिनाइयां हैं। इस विधेयक के अन्तर्याम आपने उन को राहत पहुंचाने की जरूर कोशिश की है, लेकिन यह काफ़ी नहीं है। इससे मध्यम वर्ग के लोग संतुष्ट नहीं होंगे। खासतौर से लाखों जो केन्द्रीय कर्मचारी हैं और लाखों राज्य सरकारी के कर्मचारी हैं उन के महंगाई भत्ते की राशि अभी तक नहीं दी जा रही है। अभी तक आप उन के नेताओं से समझौता बाता ही जला रहे हैं। कभी समझौता बाता ही जला रहे हैं। फिर जोड़ने की कोशिश की जाती है। तो इस तरीके से आप को चाहिये कि कर्मचारियों के नेताओं के साथ शीघ्र से शीघ्र बाता करने के उन का जो बकाया महंगाई भत्ता है, जो राशि जमा है कई किस्तों की बह उन्हें देने की कोशिश कीजिये।

श्री राम सहाय चांदे (राजनेत्रगांव) : जला रहने दीजिये।

श्री रामाबद्दार शास्त्री : जमा रहने देने से जो प्रतिगमी और फ़ासिस्ट शक्तियां हैं उन का आप सामना नहीं कर सकेंगे। सरकारी कर्मचारियों का भी हमें सहयोग लेना है। इस इमरजेंसी में उन का सहयोग चाहिये और वे तभी दे सकेंगे जब आप उन्हें संतुष्ट करेंगे, उन की कठिनाइयों को दूर कर सकेंगे, उन की आर्थिक स्थिति ठीक कर सकेंगे। इसलिये सरकार को अकल से काम लेना चाहिये और कर्मचारियों के साथ समझौता करके बकाया राशि को देना चाहिये। साथ ही राज्य सरकारों के कर्मचारियों की मदद भी होनी चाहिये। कई राज्य सरकारों ने केन्द्रीय सरकार की तरह अपने कर्मचारियों का भड़ंगाई भत्ता बढ़ाया है। लेकिन फिर भी बहुत सारी सरकारें जैसे बिहार जो ऐसा नहीं कर पा रही है क्यों कि उन के पास आर्थिक साधन उतने नहीं हैं इसलिये भारत सरकार अगर जरूरत पड़े तो उनकी मदद करे ताकि हम उन को अपने साथ लेकर के भारत में जो गड़बड़ी करने वाली फ़ासिस्ट शक्तियां हैं उन का मुकाबला कर सकें। इस तरफ सरकार को फ़ौरन कदम उठाना चाहिये।

एक बात और कहना चाहता हूँ। आप ने कहा भी है, और 21 सूक्ती कार्यक्रम में भी है कि सार्वजनिक वितरण व्यवस्था ठीक करनी है। इस संदर्भ में सरकारी कर्मचारियों, की, मध्यम, और निम्न वर्ग के लोगों की ज्यादा से ज्यादा मदद कर सकें इसके लिये जरूरी है कि उन के कार्यालयों में, कारखानों में आप राशन की दुकानें खोलें। जैसे रेलवे के लोग दावा करते हैं कि उन्होंने दुकानें खोली हैं कई जारी की लादाद में, उसी तरह आप को भी सरकारी कर्मचारियों मध्यम, निम्न वर्ग और गरीब तबके के लोगों, के लिये इस तरह की व्यवस्था करनी चाहिये ताकि उन का पूरा समर्थन हमें मिले और वह संतुष्ट हों। यह ठीक है कि इस बीच में कुछ कीमतों में कमी आयी है, लेकिन सब जगह एक समान कीमतों में कमी नहीं आयी

है। इस में और ज्यादा कमी आये और आप उस में सहयोगी हों, उन के लिये व्यवस्था करें इस बात की बहुत ज़रूरत है।

एक तरफ आप कहते हैं कि कीमतों में कमी हो और दूसरी तरफ सरकार स्वयं कीमत बढ़ाती है। अभी रेलवे कैन्टीन में आप ने कीमत बढ़ा दी है। खुद पालियामेंट हाउस में दुगनी से ज्यादा कीमत बढ़ा दी गई। एक तरफ आप जीजों की कीमतें कम करने के लिये मुनाफ़ाखोरों, गल्लाखोरों और तस्करों पर चोट कर रहे हैं, ठोक है करना चाहिये, लेकिन दूसरी तरफ सरकार खुद कीमत बढ़ाने की व्यवस्था कर रही है। यह बात समझ में नहीं आती। सरकार स्वयं कीमत बढ़ावे और दूसरों को उपदेश दे कि कीमत कम करो, यह बात ठीक नहीं है। सरकार स्वयं कीमत न बढ़ाये और कीमतों को और कम करने के लिये सख्त कदम उठाये तथा सार्वजनिक वितरण व्यवस्था को ठोक करे, उस में जो गड़बड़ चोरी और भ्रष्टाचार होता है उस को दूर करे, तभी आप आम जनता की कठिनाइयों को दूर कर सकेंगे। और जब उन की कठिनाइयां दूर होंगी तो अगर देश में जो गड़बड़ी पैदा करने वाले हैं, जो विदेशी ताकतों की मदद से देश में जनतांत्रिक प्रणाली की समाप्त कर के फ़ासिस्ट प्रणाली लाना चाहते हैं चिली की तरह ऐसे लोगों को हम रोक सकेंगे। और इसी लिये आज जरूरत है कि हम आम जनता का सहयोग प्राप्त करें। और यह तभी संभव है जब हम शहर और देहात के लोगों की समस्याओं का समाधान करें।

आप का जो आर्थिक प्रोग्राम है भारत की जनता ने और हमारे दल ने भी उसका समर्थन किया है। वह बहुत अच्छा प्रोग्राम है, उस को कार्यान्वित करना चाहिये। आप ने इजारेदार पूँजीपतियों पर चोट नहीं की है, देहात में जो जमीदार तबका है, जो बड़ी बड़ी जमीनों के मालिक हैं उन पर चोट होनी चाहिये जिस से छोटे किसान प्रेरित हों। आपको हृदबन्दी कानून को सही तरीके से कार्यान्वित करना चाहिये। आप ने मजदूरों

की मजूरी बढ़ाने की बात की है, बोडेड लेवर को बत्त्य करने की बात कही है उन को कार्यान्वित करने के लिये जनता का सहयोग आवश्यक है। आप स्वयं कहते हैं, लेकिन सहयोग लेने की तरफ आप ठीक से नहीं बढ़ते। तभी जगह आप को जनता का सहयोग चाहिये तभी यह कार्यक्रम आपका पूरा हो सकेगा और तभी देश के अन्दर जो फ़िरकापरस्त, कासिस्ट और प्रतिक्रियावादी शक्तियां हैं उन को हम हरा सकेंगे और सही माने में देश को हम जनतांत्रिक प्रणाली की तरफ ले चल सकेंगे और आगे चल कर देश की जनता अपने संगठित आनंदोलन के जरिये सही माने में समाजवाद की स्थापना कर सकेगी।

अन्त में मेरा पुन. निवेदन है कि आप ने 6,000 रु. से बढ़ाकर जो 8,000 रु. आय-कर कर की सीमा की है इस को अगर 10,000 रु. कर देते तो ठीक रहता। सरकारी कर्मचारियों का महंगाई भना दे दीजिये और सार्वजनिक वितरण सिस्टम को ठीक कीजिये और आप ने जो कार्यक्रम रखा है उसको ठीक से कार्यान्वित कीजिए, आम जनता आप का समर्थन करेगी और इसमें उन का फ़ायदा होगा। इन शब्दों के साथ मैं इस विधेयक का स्वागत करता हूँ कि आपने सभी दिशाएँ में कदम बढ़ाया है। लेकिन इस से भी ज्यादा आप का कदम बढ़ इस बात की हमारी मांग है। आशा है। आप इस पर विचार करेंगे।

SHRI NIMBALKAR (Kolhapur):
Mr. Speaker, I will first begin by answering that part of the speech made by my hon. friend, Shastriji, from the other side wherein he said that we should give relief to people earning income upto Rs. 10,000 and unless we give relief of that nature to the people in this emergency, the people will not be with us. I would like to point out to him that under the present Bill relief is given to a person earning on income of Rs. 7,000 only to the extent of Rs. 132 whereas the relief for an income of Rs. 8,000 is Rs. 264, for Rs. 9,000 the

relief is Rs. 209 and for Rs. 10,000 the relief is Rs. 154. This shows that the higher income of Rs. 10,000 is getting much greater relief than an income of Rs. 7,000. So, the relief which Shastriji wants for people having an income of Rs. 10,000 is given in a much greater measure than he imagines. Another thing which I would like to point out is this. The manner in which the Finance Minister has clubbed together the two slabs—the previous slab and the one made it now from Rs. 8,000 to Rs. 15,000—that has enabled him to save a lot of money for the exchequer which is a right thing at this time. If he had not done that, it would have cost the exchequer about Rs. 40 crores, and in this way, he has been able to manage the whole matter within Rs. 21 crores. This is actually the basic goodness in this Bill. In this way, the State is also not hurt too much and at the same time, those people who should get relief have been given relief.

Actually speaking, there would not be much to say about this Bill. It is one of these 20 points economic programme of the Congress which the Prime Minister had announced and that point has just been implemented, one can say, I want to go one step further and say that the Finance Minister has been even more generous than one expected at the time when the Prime Minister announced this figure of limit of Rs. 8000/-.

I would like to make it clear that this was not the Prime Minister alone, all sections in this House, all parties had asked during the Budget that the Finance Minister should raise this limit to Rs. 8,000/- although some members had asked for the raising of the limit to Rs. 10,000 and Rs. 12,000. But, of course, you have to come to some sort of a tangible point. But, at present, I don't think that it is possible or the Government to get over that difficulty or take such an amount of money as would lead to inflation

[Shri Nimbalkar].

because that would mean that the Government would have to resort to deficit financing.

Now, what I like about this is something quite different. When we say that we are going to aim at an egalitarian society and socialism must realise that ultimately when we do achieve that goal, then there has to be no income tax at all. If you look at it from that point of view, you will see that this is one step forwards socialism, and that part of the Bill appeals to me much more than the relief which should be given to some of the people in the lower bracket

What I did not understand was why it was necessary to give Rs. 40/- as rebate, so to speak, for all taxable incomes over Rs. 15,000/- to people who are earning lakhs of rupees. This amount is going to be a drop in the ocean for these people. If that could have been reduced, if that could have been made available to the lower income group, then that would not have been such a bad idea. I do not know technicality which to be overcome in achieving this sort of thing. It is possible that the Finance Minister who went a little further into this matter than the Prime Minister had promised in this way, wanted to do exactly that what Mr. Shastri wants us to do and appealed to all sections of taxable society to least all taxable sections of society, I am sure that this Bill will achieve that.

Sir, an argument has been put forward the Government will lose Rs. 21 crores. But, Sir, this would be more than compensated because there will be a lot of time for administration to catch those people who are evading taxes and so on.

Now, the point is that the real reason why you are supposed to reduce the taxes is through a better performance of the public sector. If the public sector performs better, to that extent, that money should be made available at least in some part

of the public in the form of reduction in income tax. This is how you are supposed—in the long run, if you are going in for public sector undertakings—to work it in a phased manner in which the public sector is the income giving factor where the personal income is made more equal and taxes are reduced till they ultimately become a thing of the past.

Therefore, when the Finance Minister says that this is administratively more than compensated, I would like him to take it the other way. I would like him to see that the administrators of the public sector undertakings which perform better should be given an incentive. The better the public sector undertaking performs the more the Finance Minister will be prepared to come forward with reduction of taxes which ultimately would help the wage earners and the salary earners more than the private entrepreneur. This going to help much more the Government servants themselves. A large part of the wage earners are the Government servants themselves. This will be an incentive to them to make the public sector undertakings work better so that we know that the profits that accrue to the public sector undertakings will, ultimately, be passed on to them.

With these words, I recommend this Bill to the House.

SHRI G. VISWANATHAN (Wandiwash): Mr. Speaker, Sir, income-tax which is of an elastic character is an important source of revenue of the Government. Last year, 1974-75, income-tax alone fetched Rs. 1507 crores compared to Rs. 1304 crores in 1973-74. Not only that. The number of assessees has also gone up considerably from 34.36 lakhs in 1973-74 to 38.74 lakhs in 1974-75.

In the last six months, there have been a number of income-tax raids on various business houses, palaces and so many other places of income

where it was concealed. For the first time, the Income-tax authorities raided one of the palaces of the ex-rulers of Jaipur also. I want to know from the hon. Minister what are the results of these raids all over the country and what is the effect.

In the intensive raids, I find from the newspapers that so many crores worth of precious metals, various documents and other things have been recovered. I want to know from the hon. Minister how much income is going to come to the State Exchequer from these raids.

Another thing is that during the raids, certain documents have been seized by the Income-tax authorities which will indicate that some persons are having bank accounts in foreign countries, particularly, in Switzerland. I want to know from the hon. Minister how many such cases have been detected and what are the steps which the Government is going to take against these persons who are having foreign bank accounts without the knowledge of the Government of India.

We have been demanding for a long time that exemption limit should be raised from Rs. 6000. Fortunately, the Prime Minister has now included in the 20-point programme that the exemption limit will be increased from Rs. 6,000 to Rs. 8,000. It was the Bhoothalingam Committee which recommended that the exemption limit should be increased to Rs. 12,000. But now the Finance Minister has come to raise the exemption limit to Rs. 8,000. Some of the Members have given an amendment that the exemption limit should be increased to Rs. 10,000. I think, it is a good compromise and the Government should consider it favourably.

Now, because the exemption limit has been raised from Rs. 6000 to Rs. 8000, at least about 7 lakhs of assessee^s are going to be benefited. But the Government is sore that they are going to lose about Rs. 25 crores.

I think, the Government stands to gain that way because the administrative cost, the cost of collection, is going to be reduced. Not only that. The administrative burden of the Income-tax Department is going to be reduced considerably. This benefit which is going to about 7 lakhs of assessee^s must necessarily increase the demand of industrial products of these sections and from these sales, the Government will compensate some amount from an increase in excise duties.

I would like to remind the hon. Minister about the Report of the Comptroller & Auditor General where he has urged the Income-tax Department to devise effective machinery to ensure that the tax deducted at source has actually been remitted to Government account. I think the Comptroller and Auditor-General is not satisfied with this deduction at source and that is why he has pointed out to the Government that they should take some effective measures to immediately remit these amounts to the Government account.

Sir, the cost of collection is going up every year and naturally so, because the number of assessee^s is also going up. But I would like to request the Minister that since this is a Department where they are going to take action against all the tax-evasive elements in the country, the officials of the Department itself should be very strict and honest also. Sir, I will ask the Minister to give the Income-tax authorities all the facilities, they want, but once somebody is found to have property or wealth disproportionate to his income, such an officer must be severely dealt with and the Government should take very severe action against such corrupt officials because these are the officials who are going to administer the tax-collection throughout the country.

With these words I welcome this Bill because it is going to benefit at least seven lakhs of assessee^s in this country.

SHRI K. SURYANARAYANA (Eluru): While welcoming this Bill I would like to make a few observations in regard to its benefits to other classes also. Sir, we very often argue for the rural population—as to how we can give minimum help to the rural population. Therefore, when we are sympathising with the small tax-payers, the same benefits should be given to the people living in rural areas who are living only on agricultural income. The same benefits should be given to the agricultural community also, because they are the backbone of the country. In my opinion, there is no organisation for them and that is why the Finance Department and the Industries Department and, if I may say so, the Government as a whole, is not taking enough interest. We do realise that it is difficult for the Government to make a recommendation to the States in this matter as agricultural income or agricultural tax is a State subject. But still, they can advise the State Governments to give these benefits to the small farmers also. They are not tax evaders. Where is the possibility that they will show their income as Rs. 8,000 if they got Rs. 10,000 or Rs. 15,000? This is the monopoly of some other categories. Various measures are being taken to unearth black-money but in spite of all these, there are still some loop-holes in the income-tax collection system; there is always a way to evade tax. But these are only two classes who cannot evade tax and these are the agricultural community and the small employees, both in the public and private sectors. These two classes cannot evade tax. So, I would request the Government—and particularly our Finance Minister—to find out a way whereby even the agriculturists who are getting an income of less than Rs. 8,000/- will be free from tax. What is the difficulty about this? I don't want to go into the question of subsidy etc.; a way should be found for giving income-tax relief to this category also. Whereas a small farmer or a small

industry generally gets an income of four or five thousand a year, even a bank peon gets more than the income which an owner of ten acres gets from his land. There must be economic equality in all the sectors.

Therefore, I would recommend to the Government and I would request all the Parties, including our CPI friends, to consider all these things.

In this connection I would like to quote from a booklet on Gandhiji, compiled by Shri H. D. Malivaya and published by the All-India Congress Committee Gandhiji said:

"Economic equality of my conception does not mean that every one would literally have the same amount.

"It simply means that everybody should have enough for his or her needs. The elephant needs a thousand times more food than the ant. But that is not an indication of inequality. So, the real meaning of economic equality is: to each according to his need. That was the definition of Marx. If a single man demanded as much as a man with wife and four children, that would be a violation of economic equality.

"Let no one try to justify the glaring difference between the classes and the masses, the prince and the pauper, by saying that the former needs more. That will be idle sophistry and a travesty of my argument. The contrast between the rich and the poor today is a painful sight. The poor villagers are exploited by the foreign Government and also by their countrymen, the city-dwellers. They produce the food and go hungry. They produce milk and their children have to go without it. It is disgraceful. Everyone must have a balanced diet, a decent

house to live, facilities for the education of one's children and adequate medical relief. This constitutes my picture of economic equality. I do not want to taboo everything above and beyond the bare necessities, but they must come after the essential needs of the poor are satisfied. First things must come first."

Due consideration should be given without any delay to the rural population which is greatly dissatisfied. Government has recently announced the levy price for Sugar, which is very uneconomical. Where is equality of this category with the other groups? They would reduce production if they do not get proper price. All departments in the Central Government should consult each other and take steps to eliminate this inequality with the other income-groups. There are three classes now. the Government employees or the salaried group, the industrial group and the agricultural community which is constituted by small farmers agricultural labourers. As I have said several times, the real producer is the agricultural labourer, and for what he has produced, he is not getting the price which he should get. Once it goes to the Food Corporation, they charge Rs. 30 per bag and are selling it to the same agricultural labourer at a higher price, which is not reasonable. I would request the hon. Finance Minister to recommend to the State Governments to do away with this sort of economic inequality and also abolish land revenue and other taxes, if possible.

SHRI S. M. BANERJEE (Kanpur): Sir, I rise to support the Bill. I must congratulate the hon. Finance Minister for keeping his promise which he had made when the Finance Bill was discussed. You will recall, Sir, several amendments were moved by this side and also the other side; practically every one of us, whether belonging to the ruling Party or to the Opposition, demanded that the exemption

limit should be raised from Rs. 6,000 to either Rs. 8,000 or Rs. 10,000. You will remember, an amendment was moved by Shri Piloo Mody, who is now unfortunately in jail, to raise it to Rs. 12,000. I do realise the Government's position when they refuse to concede our demand for raising it to Rs. 10,000. But our idea was that the limit of Rs. 10,000 would cover the middle-class salaried group; when I talk of middle-class employees, I have in mind employees upto Section Officers; some of them are Class II officers. The revenue which the Government is likely to lose by raising this from Rs. 6,000 to Rs. 10,000 or from Rs. 8,000 to Rs. 10,000 after the passage of this Bill, will be negligible as compared to the other categories, which I would place before the hon. Minister.

I must congratulate also the Income-tax Department who have, during the last 1½ years, conducted so many raids; whether it is Jaipur Palace or the bungalows of big businessmen, they have done a wonderful job with their limited resources, with limited powers and also with limited manpower. I know the difficulties of this particular Department because those officers who go on raids risk their lives.

I appreciate their courage and conviction; they did a wonderful job recently in two or three cases, especially in Jaipur. I know, attempts were made to bribe those people; they were tempted with jewellery and so on. Though ill-paid and ill-clad, the Central Government employees, the Income-tax employees were not tempted by the palace and they went on doing their job and were successful I do not know, why no raid has been conducted in the other houses like Scindia and others where similar jewellery must be there. It is not that the entire jewellery of this country which was brought from Kabul was only stationed in Jaipur palaces, whether Doongergarh palace, Nahargarh palace or any other palace. The fact is that

[Shri S. M. Banerjee]

other Maharajas had these jewelleries also. Once these raids have taken place, once the smuggling activities are checked and once the tax-dodgers and tax evaders are brought to book and the income-tax realised properly and effectively, the loss that the Government is likely to sustain as a result of raising the limit from six thousand to eight thousand will be properly compensated.

After having rough calculations on the basis of information available to us, the amount which we are going to lose every year as a result of tax evasion and the income-tax arrears amount to the tune of Rs. 600 crores. It is being realised, but litigations are going on. Now the time has come, when there should be a law passed—during this emergency, we can take advantage of it—and we can do away with certain fundamental rights whereby such people are barred from approaching the court. We have passed the Constitution Amendment Bill the other day knowing that this may affect the fundamental rights of several persons, but when we are after something, we want to achieve certain end, and we want to move towards progressive direction, there are certain difficulties which are likely to be faced by some people. Sir, we should take advantage of this emergency and I would request the hon. Minister to bring a legislation by which the tax-dodgers and tax-evaders, who every time they are caught, approach the High Court or the Supreme Court and get a stay order, are barred. I know of certain cases in Kanpur and other places, where the arrears were to the tune of one crore. When the Income-tax authorities wanted to auction their properties, immediately they knew it, they went to the High Court and got a stay order. There should be a law now. It is high time, that a legislation is brought in this House, whereby they should not be allowed to approach the court, whether High Court or Sup-

reme Court. You can realise the entire amount: let it remain effective for three months, but I am sure, every pie of six hundred crores—at least four hundred crores—we would be able to realise. We should be very hard on them; we should have no soft corner for them. In Kanpur, I know of cases; I have got their names,—but I am not mentioning them, where non-payment of Government revenue is their capital. They do not pay sales-tax, they do not pay income tax. I have information that some people are in league with the income tax authorities and they are trying to corrupt the income-tax authorities also.

I would like the hon. Minister to kindly consider this—I do not want any reply from him—whether the time has not come when these tax-dodgers and tax-evaders should be precluded and barred from approaching the court of law. Many people will say that we are moving towards fascism and dictatorship. You cannot stop them saying it; you cannot shut them out. Even if you do not move, they will immediately say that this is being done to benefit a particular individual or Shrimati Indira Gandhi. But let us go the whole hog and not be content with some half hearted measures. If we could pass a legislation that smugglers cannot go to courts of law, if we could pass a legislation amending the Constitution, let us amend it once again and, if necessary, I will say, let us amend it thirty times, so that these tax-dodgers are brought to book. I hope if this is done, then all these people who think that they can possibly hold this government to ransom, they can hold the people to ransom by going to the court and getting a stay, cannot play this mischief. I am not imputing any motive to the courts of law but generally stay is granted knowing full-well that they are anti-social elements. They have to pay enormous amounts to government. They get a stay from

the High Court or the Supreme Court and they go on liquidating and disposing of their property and in the end when the government take over the factory, they get only a junk while the cream has been taken away by the previous owners.

Then, another thing I want to bring to the notice of the hon. Minister—whether, as a temporary measure this income-tax limit which was reduced from 97 to 75 per cent should not be restored to the original 97 per cent. It looks odd that when the exemption limit has been raised from Rs. 6000 to Rs. 8000, I am asking again to go back to the old 97 per cent. I am only doing this because the Government is in need of money. I would only plead that if it can be raised as a temporary measure, government may get some more money.

With these words I support this Bill. I would request the hon. Minister to kindly consider the handicap of the income-tax authorities and sanction more posts for the various income-tax charges. I come from Kanpur. Kanpur charge I know. I have brought their difficulties to the notice of the Minister of State and the Chairman. There is stagnation going on in the Income-tax Department and the stagnation takes away some of the incentives for these people.

With these words I support the Bill and congratulate the Minister once again for raising the exemption limit from Rs. 6000 to Rs. 8000.

SHRI S. R. DAMANI (Sholapur): At the very outset I congratulate the hon. Finance Minister for giving relief to a large number of salaried people by increasing the exemption limit from Rs. 6000 to Rs. 8000. There was a persistent demand from all sections of the House in the last budget and also the year before to increase the exemption limit and also there is the recommendation of the Wanchoo

Committee. By increasing the exemption limit the Government have satisfied the demands of many members of this House and also the recommendation of the Wanchoo Committee. This relief is going to cost the government only Rs. 21 crores, only a token amount which is 1½% of the total revenues from direct taxes. Also people having an income of Rs. 10000 will get some relief. This relief will affect about 7 lakhs assessee and now by reducing this number of assessee, our officers will have more time to look after the returns of big income group assessee. They can devote more time. They can speed up the work and they can realise more money. In this way the relief is not going to have any effect on the revenue earnings of the government. Here I would like to say that last year we had a recession in many industries, but on account of forceful drive for collection, the amount exceeded the budget targets. There was a scheme of giving bonus to the staff, to the income-tax officers, etc. They were able to correct more than the targets. It is for the first time that such a scheme is being introduced to give bonus for the efficient work of the officers. This has worked very nicely. On account of that collection, has increased. In spite of recession in many industries this sort of achievement is there. My suggestion is that this kind of incentive should be continued so that officers can take more interest in their work. This incentive should be there for collection of more revenue and also to complete more assessments.

12 hrs.

Then I wish to say about the need for providing residential accommodation to income-tax officers and other staff who are working in big cities or who have been transferred to big cities. They are not getting the facilities of residential accommodation and they are facing great difficulties. The Government is not constructing buildings for them and as such it is

[Shri S. R. Damani]

very difficult in big cities for Income-tax officers and others to get residential accommodation. Therefore, it is very essential that the Department should themselves construct these buildings in big cities for these officers. They can save money paid by way of house-rent allowance to these officers by constructing houses themselves. This is my request to the hon. Finance Minister and I request that this may be considered. I hope that the Finance Minister will seriously consider providing sufficient funds for construction of buildings in big cities.

Sir about tax arrears, questions are asked about the arrears, and figures are being given. But these figures are not complete. They should be more specific. It should be mentioned as to how much amount is outstanding for more than one year, how much amount is outstanding on account of litigation cases in High Courts and other courts and how much amount is outstanding in respect of assessments completed but where payments have not yet become due. 30 days limit is there for making payments. In certain cases assessments are completed, but payments may not have become due. Therefore, the break-up of figures also should be given in reply while mentioning total amount outstanding so that Members may have some idea of the improvements that have been effected in respect of collection of taxes. Merely giving information saying that there are arrears of Rs. 700 or Rs. 800 crores will not help. I hope that this suggestion could be acted upon.

Therefore, I would suggest that, in future, the Hon. Finance Minister may take the trouble of giving the figures in such a way that the hon. Members may know the improvements made in the matter of collection of arrears.

Now, I would like to draw the attention of the hon. Finance Minister about the working of the Revenue Audit and the Income-tax Depart-

ment. It seems to me that there is not proper coordination between the Revenue Audit Department and the Income-tax Department i.e. Revenue Board with the result that there are a number of objections from the Revenue audit which go on increasing. As a result the assessees are put to great difficulties. Besides, the officers of the Audit interpret the sections according to their own ideas whereas the I.T.O. interpret them in a different way. When there is a revenue audit objection, in such a case, the entire file consisting of assessments for three, four or five years is reopened and the assessee is harassed thereby. This results in the litigation. So, Sir, I say that there should be a proper coordination between the Revenue Audit and the Income-tax Department and they should see what should be the proper interpretation of different sections of the Act so that the Income-tax Officers can implement them accordingly. This will result in the number of objections being reduced considerably. Also the assessees will not be put to difficulties with which they are now faced. These are my suggestions which, I think, the hon. Finance Minister will consider and do something about.

Also I would draw the attention of the hon. Finance Minister to one more thing. In order to attract more Funds to the Government, the exemption limit of Rs. 3,000 should be increased to Rs. 5,000 for all deposits made by the public. When the limit was fixed at Rs. 3,000 in 1970, at that time, the rate of interest was only 7 per cent. Now the rate of interest by the banks on such deposits is increased to 10 to 12 per cent, I feel that the exemption limit should also be increased from Rs. 3,000 to 5,000. This will also attract more deposits from the public in banks, in post offices and other government investments which will result in the reduction of the money supply in the hands of the public to a great extent which will, in turn, bring down the price level also. Recently,

the hon. Finance Minister has given this concession to investments in Unit Trust. Similar concession is required to be introduced for the bank deposits, deposits in post offices and in government securities so that these may attract more deposits from the public.

I would like to congratulate the Finance Minister for his achievement. Last year the rate of inflation was more than 20 per cent, this year it has come to 'nil'; the price level has also remained static, while in the U.K. and other countries, it is rising. It was because of the hard work put in by the Finance Minister that it was possible for him to reduce the inflation and also bring down the price level. It is no small achievement—it is a very big achievement—and it was possible because of the constant care the hon. Finance Minister and the Ministry took in controlling the loans and advances. This is the great achievement; when, in other countries, the inflation is still high, in a developing country like ours, we have been able to stop this inflation. This is a great achievement. I must congratulate the hon. Finance Minister for this achievement.

With these words, Sir, I support this Bill.

SHRI KARTIK ORAON (Lohardaga): Sir, I welcome the Finance (Amendment) Bill, 1975 which seeks to raise the Income-tax limit for exemption from Rs. 6,000 to Rs 8,000. I congratulate the Finance Minister for it and I support it.

I am rather surprised that the hon. Minister has not thought it fit to remove the long-drawn discrimination in the exemption of Income-tax in the case of scheduled tribes. I would like to invite his kind attention to a representation dated 25th August, 1972 signed by 42 M.Ps. belonging to scheduled tribes—regardless of whether they were beneficiaries or not—submitted to Shri V. B. Chavan, the then Finance Minister. I had pressed

for it in the Budget Session at the height of my voice so that the hon. Minister could hear it and do well to bring necessary amendments. The Deputy Speaker, Mr. Swell, who was in the Chair at that time had said: "Mr. Kartik Oraon, you have made your point. Please sit down. The Government ought to have noted it." I am again seeking your indulgence, Mr. Speaker, for the removal of this discrimination which is contained in Section 10 clause 26 of the Income Tax Act, 1961 which reads as under:

"In the case of a scheduled tribe as defined in Clause 25 of Article 366 residing in any area specified in Part A or Part B of the Table appended to paragraph 20 of the Sixth schedule of the Constitution or in the State of Nagaland) or in the Union Territories of Manipur and Tripura any income which accrues or arises to him:

- (a) From any source in the area of union territories aforesaid, or
- (b) By way of dividend or interest on the securities."

Sir, this means that even from the scheduled tribes as defined in Clause 25 of Article 366 of the Constitution only the residents of Assam, Meghalaya, Nagaland, Mizoram, Manipur, Tripura and Arunachal can enjoy complete exemption from Income-tax. It would appear that initially there had been discrimination against the officers belonging to scheduled tribes in that even in the exempted areas tribal officers were not exempted from Income-tax when in fact other tribals residing in that area were so exempted.

In this context, a reference may be made to the judgment of a Division Bench of the Supreme Court in Civil Appeal No. 809 of 1966 reported in AIR 1968 "S. K. Dutta, I.T.O. Vs. Lawrence Singh Ingty" in which Supreme Court upheld the decision

[Shri Kartik Oraon]

of the Assam High Court made in favour of Mr. L. S. Ingty. Supreme Court held that the exclusion of a Government servant from the exemption granted by the said Section 10(26) of the Income-tax was discriminatory and violative of Article 14 of the Constitution.

12.15 hrs.

[SHRI C. M. STEPHEN in the Chair]

It was further contended that in clause 25 of Article 366 of the Constitution, the term 'scheduled tribes' has been defined and is applicable as much to the tribal officers as it did to the tribals in general. It was only as a result of this judgment that the words 'who were not in the service of Government' were committed by Section 3 of Taxation Laws (Amendment) Act of 1970 retrospectively. It is abundantly clear now and there is not an iota of doubt that in the same breadth, it is equally violative of the Constitution that the said Section 10(26) of the Income-tax Act should operate to the exclusion of other members of scheduled tribes in the country.

A very glaring and flagrant violation of the provisions embodied in Articles 14 and 15 of the Constitution would be in the case of officers of All India Services, in which only officers from the exempted area and serving within the exempted area would be exempted from levy of Income-tax. You will appreciate, therefore, that the fact that this Section of the Income-tax Act provides a tax relief to certain scheduled tribes and not to others, to scheduled tribes of certain regions and not to those of others, is *ultra vires* of Articles 14 and 15 of the Constitution. Clause 25 of Article 366 of the Constitution brings within its ambit all scheduled tribes in India and by

granting exemption to certain scheduled tribes only merely on the ground of residence in certain regions, the law indeed operates unequally and the inequality in question cannot be justified on the basis of valid classification.

It is, therefore, requested—it is about time—that necessary amendment may be made in Section 10(26) of the Income-tax Act so that the tax exemption is made uniformly applicable to all the scheduled tribes in India without any prejudice to scheduled tribes living in certain regions. I am sure, it will go a long way towards the implementation of the twenty point economic programme evolved by the Prime Minister, calculated to bring about a revolutionary social change in our country.

I would, therefore, request that the hon. Minister and for that matter, the Government should definitely come forward with the necessary amendment so that tax exemption is available to all the scheduled tribes in the country regardless of where they live.

श्री पन्नालाल बारूपाल (गंगानगर) :

सभापति महोदय, आप के माध्यम से मैं सभा को यह जानकारी देना चाहता हूँ कि स्ट्रम अधिकारियों ने 50 हजार रुपये ले कर के 60 लाख का माल हाँरे जवाहरत वर्गह छोड़ दिए। आर इसकी इनकारी कराएं तो ने करोड़ों रुपये गवर्नमेंट का दिला सज्जा हूँ और मैं यह सभा पट्ट पर रखता हूँ। आप इसके आवश्यक जांच कराएं।

MR. CHAIRMAN: As for laying it on the Table, it will be governed by the usual rules.

*The Speaker not having subsequently accorded the necessary permission the document was not treated as laid on the Table.

SHRI P. K. GHOSH (Ranchi): Mr. Chairman, Sir, I welcome the raising of the exemption limit from Rs. 6,000 to Rs. 8,000. This should have been raised to Rs. 10,000. In this connection, I would like to point out that in 1960, the minimum exemption limit was Rs. 4,200. Today, the money value has gone down, by about 300. Therefore, Sir, in all fairness, the exemption limit should have been raised to more than Rs. 12,000; at least it should have been raised to Rs. 12,000. If that was not possible, at least, this should have been raised to Rs. 10,000.

Now, it has been stated that Government is going to lose Rs. 21 crores because of this raising of the tax exemption limit. I would say that Government will not lose, but will collect more as a result of this. This is because, as has been said, several lakhs of assessees will get relief. That mean, several lakhs of files will not be there and the work load on the Income-tax Department will be much less. The officers will have more time to devote to other aspects like proper tax collection, checking tax evasion, and the volume of tax collection will go up.

I have been advocating that this tax exemption limit should be raised and also that the maximum rate of taxation which was 97 per cent should be brought down. Fortunately, the Government in their wisdom have brought down the maximum limit to 75 per cent year before last. I do not agree with Shri Banerjee who said that it should again be raised to 97 per cent because higher taxation gives an incentive for tax evasion. So the rate of taxation should be brought down to reasonable limits so that there is less incentive for tax evasion.

I would rather suggest that in order to curb monopoly and concentration of wealth in a few hands, instead of trying to collect more Income-

tax where there is ample scope for evasion and it is very difficult for the government officers to go in detail into the accounts of the business houses, it is easier to assess the properties, moveable and immovable, of individuals. Therefore instead of trying to raise the Income-tax, we should try to raise the taxation on individual holdings, that is, wealth tax. Also we can collect more revenue if we have a very much higher rate of taxation on gifts.

Now that there is emergency, Government should utilise its emergency powers to unearth black money and also stop tax evasion. Black money is mostly utilised in acquiring properties like urban holdings, agricultural land, stock in trade and jewellery. Now that Government are asking the wholesalers to disclose their stocks, a proper check should be kept on undisclosed or unaccounted stocks. We find that Government are actually unearthing a lot of unaccounted stocks. These unaccounted stocks are all acquired through black money. Therefore, whenever there is some unaccounted stock unearthed by the Enforcement Branch, the Income-tax Officers should also step in to find out as to from where this stock came and they should levy proper income tax on it as well as enforce the penalty and other provisions of the law.

Now, the urban property ceiling is coming and this will help....

MR. CHAIRMAN: What has that to do with this Bill?

SHRI P. K. GHOSH: It is all concerning Income-tax. This urban property ceiling will curb investment of black money. Now that unaccounted stock-in-trade is going to be curbed, people will try to invest black money in jewellery. I had suggested year before last while speaking on the Finance Bill that there should be a ceiling on the total holdings of an individual that is urban property.

[Shri P. K. Ghosh]

landed property, stock in trade, jewellery and so on. Everything will come under that individual holding and every person should be asked to disclose his total holding. When there is a limit fixed, it would be easier for Government to find out if there is any black money hidden anywhere.

With these words, I welcome this Bill and support it and would suggest that, if possible, the minimum tax exemption limit may at least be raised from Rs. 8,000 to Rs. 10,000.

भी राज सिंह भाई (इन्डौर) : सभापति महोदय, वह बिल तो बड़ा महत्वपूर्ण है लेकिन इसपर बोलने के लिए सिवाय मिनिस्टर साहब का आमदार मानने के और ज्यादा कुछ कहने को नहीं है। फिर भी मुझे अपने कुछ विचार इस सदन में रखने हैं। अभी मेरे कुछ मिल इस विषय को छोड़ कर बोले हैं लेकिन मैं निवेदन करना चाहता हूं कि इसके सम्बन्ध में ऐसे लोगों से है जिनकी आमदानी कम से कम है। कम से कम आमदानी वालों पर जो इनकम टैक्स लगता है उसके सम्बन्ध से जब यहां पर बजट प्रस्तुत किया गया था तब आम तौर से यही आवाज थी कि इस लिमिट को 6 हजार में बढ़ाकर 8 हजार की रखना चाहिए। अब जब इसको बढ़ाकर 8 हजार कर दिया गया है तो 10 हजार की बास कही जा रही है। मैं तो ऐसा मानता हूं अगर इस इनकम टैक्स को सभी लोगों पर से हटा भी दिया जाये तो भी यही कहा जायेगा कि कौन सी बड़ी बात की जो टैक्स लगता था वह अब बढ़ कर दिया गया? यह एक प्रकार की भूख है जो कभी पूरी नहीं हो सकती है।

मैं यह निवेदन करना चाहता हूं यह जो 8 हजार तक की योड़ी आमदानी वालों को इनकम टैक्स की छूट दी गई है पहले इन लोगों की परेशानियां भी बहुत ज्यादा थीं। इस मंहगाई के जमाने में कास्ट आफ लिविंग इन्डेक्स बढ़ने के हिसाब से उनका डीयरनेंस शुलाउनस बढ़ता था, इस प्रकार उनकी आय

भी बढ़ती जाती थी लेकिन इनकम टैक्स की वजह से डीयरनेस एलाउन्स का फ़्लायर उन अभियों और मध्यम वर्गीय कलकों को जितना मिलना चाहिए था वह नहीं मिल पाता था। लेकिन इन पिछले बर्षों से मैं देख रहा हूं कि मंहगाई बड़ी तो इसके साथ साथ फ़ाइनेंस मिनिस्टर भी बहुत उदार हुए। पहले तो उन्होंने पिछले बजट में एक काम यह किया कि ग्रैव्युटी की जो रकम मिलती थी उसको टैक्स मुक्त कर दिया। 30 हजार रुपये तक को कर मुक्त कर दिया। यह एक बड़ी बात हुई थी। फिर पिछले बजट के समय उन्होंने रिट्रेनिंगमेंट कम्पनेशन की रकम पर भी टैक्स माफ़ कर दिया। तीसरे उन्होंने यह जो छूट दी है इसके लिए वे बधाई के पात्र हैं। 26 जून को प्राइम मिनिस्टर का ब्राइकास्ट सुनने के बाद मैं जिन लोगों से मिला तो शहरी लोग इसलिए खुशी मना रहे थे कि प्राइम मिनिस्टर ने शहरी लोगों को इनकम टैक्स में एक बड़ी छूट दे दी है। 26 तारीख के एनाउन्समेंट में देखाती, पिछले हुए लोग, सभी के लिए लाभदायक कार्यक्रम थे लेकिन शहरी लोग जो कलर्की का काम करते हैं या कारखानों से काम करते हैं उनके लिए जो बड़ी बात थी वह यह थी कि 8 हजार की आमदानी पर इनकम टैक्स माफ़ कर दिया जायेगा। इसको कम नहीं समझना चाहिए, एक बड़ी बात समझना चाहिए। कम से कम इमजेन्सी में लोगों को इतना कायदा ना मिला।

यह जो 8 हजार की आमदानी तक इनकम टैक्स माफ़ कर दिया है, इसके हिसाब से जिनकी मानिक आमदानी 666 रुपये होती है उसको हर महीने 22 रुपये की बचत होती है। यह 22 रुपये प्रति माह की बचत एक प्रकार से उसके बेतन में प्रति माह 22 रुपये की बड़ीतरी हो गई है। एक गरीब के लिए 22 रुपये प्रति माह की छूट स्वागत योग्य है। इसी प्रकार से 750 रुपया महीना पाने वाले को प्रति महीना 17 रुपए 40 पैसे की बचत होती है। इसी तरह से 15 हजार की आमदानी वाले को 3 रुपया 66 पैसे की हर महीने बचत होती है इसके

लिए मैं मंत्रो महोदय को बधाई देता हूँ।

लेकिन मैं यद्दी जो से इसी प्रसंग में एक बात कहना चाहता हूँ—आप के हाथ में फाइनेन्स डिपार्टमेंट है और आप को ऐसे को अतिथि बन्धकता है। आज में स्वयं आप के पास पैसे का अभाव देता हूँ। इस के अभाव में बहुत जे कारबां बढ़ हो रहे हैं। 103 कपड़े की मिलें जो आपने अपने हाथ में ली हैं उन को पैसेके अभाव में काटन नहीं मिल रहा है और दूसरी तरफ काटन बिक नहीं रहा है। तोमरी बात परेशानी यह भा रही है कि कारबां के अन्दर जो श्रमिक बूढ़े हो गये हैं, वे घर जाना चाहते हैं, आप से ग्रैचुइटी को मांग करते हैं लेकिन पैसे के अभाव में उन्हें ग्रैचुइटी नहीं दी जा रही है। पिछले बजट के समय आपने अपने बजट में यह भी डाल दिया था कि जो मिल ग्रैचुइटी की रकम को वर्निक कैपिटल के तौर पर इस्तेमाल करेगी, उस पर टैक्स भी लगेगा। मैं चाहता हूँ कि आप का फाइनेन्स डिपार्टमेंट कारबानेदारों से इस ग्रैचुइटी को रकम को छुद जमा कर ले और आप एक ग्रैचुइटी ट्रस्ट बनायें उम में इस रुपये को जमा करें। आज मिलों के पास ग्रैचुइटी का करोड़ों रुपया जमा है, एक एक मिल के पास नीन-तीन करोड़ रुपये तक जमा है, जो उन्होंने खर्च कर दिये हैं और देने के लिए उन के न संपूर्ण नहीं है। इस लिए मेरा निवेदन है कि प्राविडेन्ट फ़ॉण्ड ट्रस्ट को तरह ग्रैचुइटी ट्रस्ट बनाइये और जिनी रकम ग्रैचुइटी में जमा होती है, इन ट्रस्ट के अन्तर्गत रखिये। इस से यह रकम आप के पास आ जाएगी और आप इस का इस्तेमाल विकास कार्यों में कर सकेंगे।

मैं हमारे कुछ मिन्न कह रहे थे कि यह 8 हजार को जो कूद दो है यह तो शहरवानों के लिए है, इस से फ़ॉण्ड कास्ट्स और ग्रैड-यून्ड ट्राइब्य को क्या फ़ादरा हुआ, देहानवानों को क्या लान मिला, जो भी फ़ापदा हुआ है गज़दूरों या सरकारी कर्तिरियों को हुआ है। मैं आप से निवेदन करना चाहता हूँ कि वास्तव

में जिनका सम्बन्ध उससे यहीं उन को कोई फ़ाथड़ा नहीं हुआ है, मैं आपके सामने कुछ भाँ कहे रखना चाहता हूँ। 1960 में बम्बई, अहमदाबाद, कोएम्बटर, मद्रास, इन्दौर, कानपुर, और दिल्ली में श्रमिकों का जो कास्ट आफ़ लिविंग इण्डेन्स के हिसाब से डीप्रनेस एलाउन्स मिलता था वह 1960 में अहमदाबाद में 125 रुपये 81 पैसे डीप्रनेस एलाउन्स मिलता था, 1961 में वह 124 रुपये हुआ, 1962 में 126 रुपये हुआ। 1963 में 123 रुपये हुआ, लेकिन 1971 में वह 225 रुपये हो गया। कहने का मतलब यह है कि 1960 में जो मिलता था, 12 वर्ष बाद उस में बाजार भाव के हिसाब से 100 रुपये की बढ़ोतारी हुई। लेकिन अब उस के बाद देखिये—1971 में 225 रुपये 80 पैसे थे, 1974 में 426 रुपये 14 पैसे हो गये—कहने का मतलब यह है कि 12 वर्ष में 100 रुपये बढ़े, लेकिन इधर 3 वर्षों में 201 रुपये बढ़ गये। यह तो ठीक है कि कास्ट आफ़ लिविंग इण्डेन्स के अनुसार डीप्रनेस एलाउन्स बढ़ गया, लेकिन दूसरी तरफ उन पर इन्कमटैक्स भी लग गया। जिन लोगों पर पहले इन्कमटैक्स नहीं लगता था, डीप्रनेस एलाउन्स बढ़ने से उन पर इनकम टैक्स लगने लगा। मंहगाई भत्ता इस लिए बढ़ा कि बाजार में चीजों के दाम बढ़े, कास्ट आफ़ लिविंग इण्डेन्स के अनुसार बढ़ा, लेकिन जो बढ़ा वह इनकमटैक्स लागू हो जाने से हाथ से निकल गया—बात वहीं की बही रही। मंहगाई भत्ता भी 116ट आफ़ लिविंग के हिसाब से सब जगहों पर सेंट पर-सेंट नहीं मिलता है, बम्बई अहमदाबाद में सेन्ट-पर-सेन्ट मिलता है, लेकिन दूसरी जगहों पर कहीं 80 परसेन्ट, कहीं 75 परसेन्ट और कहीं 90 परसेन्ट मिलता है। आप इस हिसाब से भी देखें तो आप पायेंगे कि आप का जो इनकम टैक्स इस वर्ग के ऊपर था, वह एक भारी बोझा था। इस लिए मेरा कहना है कि आपने 8,000 टी लिमिट को बढ़ा कर श्रमिक एवं मध्यम वर्ग के लोगों को एक बहुत बड़ी राहत दी है और इस के लिए मैं आप का धन्यवाद देता हूँ।

SHRI M. RAM GOPAL REDDY (Nizamabad): Sir, this raising of exemption limit for income-tax is one of the points announced by the Prime Minister for the welfare of the weaker sections. About 7 lakhs of persons are benefited and the exchequer is losing Rs. 21 crores. I have no grudge against it, but I want to know whether the people who are going to be benefited by this will work honestly and efficiently and implement the other programmes announced by the Prime Minister or whether they are just going to enhance their demands further. A congress Member just now said, the exemption limit should go up to Rs. 12,000. Somebody may say it should go up to Rs. 1 lakh. I feel the exemption limit should not be raised by a rupee beyond Rs. 8,000. The per capita income in India is only Rs. 681 and nobody would get more than that if all the wealth is equally distributed. But people getting more than Rs. 800 per month want more relief. Nobody wants to work or produce. After getting so many facilities, these people working in the offices never care and they have no sympathy for the poor people. If a big man comes, they will do his work promptly. That is their mentality.

We in this Parliament have at our disposal Rs. 10,000 crores which is the poor tax-payers' money. Are we doing justice in distributing this amount? Only the more vocal population are getting the benefits. If you add the States' budgets, it comes to Rs. 20,000 crores, out of which the salary bill is not less than Rs. 16,000 crores. Hardly Rs. 4,000 crores are available for planned development and other things. The Finance Minister should see that all unproductive expenditure is stopped once and for all. Lots of money are being paid as overtime. This must be completely stopped. If the work could not be completed let more people be appointed, so that more people get employment. Now when the Government has got a lot of authority, why not

bring an ordinance putting a stop to overtime? Does the worker who works for 18 hours in the field, get any overtime? He is not getting even the real wage.

Regarding production, what is happening. In one year we have got bumper crop. In 1971-72 we got plenty of foodgrains. Still, we have not given good rates to the farmers. The same is the case with sugar industry. In Andhra Pradesh, we have to give sugar at the rate of Rs. 117/- per quintal wheres the cost of production is Rs. 150/- per quintal. The same is the case with other 8 States. Sir, the tax on levy sugar is 31 paise per kg. and on free sale sugar Rs. 1.14 per kg. This tax is very heavy. Everybody says that sugar is costly. Sugar is not costly but the tax on sugar is very heavy and that makes the sugar cost more. that is why I say that the tax on sugar should be reduced. I want to know from the Minister of Finance who is also having the knowledge of agriculture, whether the price which the Government has fixed on sugar is reasonable. Some foolish fellow who is sitting there in the Ministry of Agriculture is doing all these things. I request the Minister that there should be a rational basis in fixing the price of sugar. I want to warn the Minister that if the present price in sugar is prevalent throughout, then we are not going to get more than 30 lakh tonnes of sugar next year. Government is earning a lot of foreign exchange from sugar. If such is the case, I request the Minister of Finance to use his good offices and see that these prices which are prevailing now, are revised so that these are remunerative both to the industry as well as to the cane-growers. Also be may kindly see that the foolish persons sitting in the Agriculture Ministry are punished.

थी मूल चन्द डागा (पालं) : सभापति जी, राजनीतिक आजादी के बाद अगर आर्थिक आजादी नहीं मिलेगी, आर्थिक विषमता नहीं घटेगी तब तक देश में असंतोष फैलेगा । और इसका सब से बड़ा एक कारण यह है कि एक आदमी भी नार में जैठा है और एक जमीन पर रेंग रहा है । सारी आप की पौलिसीज फेल हैं जब तक आर्थिक विषमता नहीं मिटती । आपने सिद्धांत बना दिये कि इन सिद्धांतों के आधार पर गज्य चलेगा जैसा कि आर्टिकिल 39 और 43 में लिखा गया है :

Article 39 (c): "That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment."

Article 43. The State shall endeavour to secure by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or cooperative basis in rural areas.

तो मेरा कहना है कि कुछ न होने से तो कुछ होना अच्छा है । कुछ आप ने किया । न किन सवाल यह है कि मैं समझता हूं कि आप अपनी मशीनरी को ठीक कीजियें आप क. काफी रूपया मिल सकता है । आज भी आग के इन्कम टैक्स दिपार्टमेंट में करीब 3,655 इन्कम-टैक्स अधिकारी हैं, 3,181 इम्प्रीक्टर हैं, 28,666 क्लर्क हैं प्रोग्रेस 10,000 अन्य कर्मचारी हैं । जो आदमी बी०एस०सी०या बी०ए० पास होता है और पब्लिक सर्विस कमेंटेशन का इम्तहान पास कर लेता है उसको इन्कम टैक्स अफसर बना देते हैं जिनको अकाउन्ट्स का कुछ ज्ञान नहीं होता । मैं

नन्दी की किताब से एक कोटेशन आपको पढ़ कर सुनाऊंगा । मैंने देखा है कि आप के अधिकारी किने अयोग्य होते हैं, उनमें न योग्यता है और न काम करने की क्षमता है वह हिसाब किताब की किताबों को पढ़ भी नहीं सकते । वह न चारटर्ड अकाउन्टेंट हैं, न बैंकील हैं, न कोस्ट अकाउन्टेंटी जानते हैं और न ही हिसाब करना जानते हैं । ऐसे लोगों को इन्कम टैक्स अधिकारी बना दिया जाता है । अब ऐसे लोग क्या काम कर सकेंगे यह सोचने की बात है । बड़े दुख की बात है कि कभी भी हमने यह नहीं सोचा कि हमने अधिकारी होने के बाद भी आज इन्कम टैक्स क्यों इवेंड हो रहा है ।

मैं नन्दी की किताब से आप को पढ़ कर सुनाना चाहता हूं ।

I am reading from a book by N. Nandi titled "Wanchoo Committee's Judicial Suicide and the doom of the Income-Tax", page 14:

"The versatility and all-roundness required of an Income-tax Officer" is, as I have said at page 367-68 of my book 'The Ills That Beset the Income-tax', "peculiar to him alone, combining in himself the 'qualities of a policeman, and accountant, a lawyer and a judge', to quote the language of the Income-tax Investigation Commission Report." This peculiarity has been wholly ignored in building up the training scheme that has been built up. All my remonstrances, as revealed in the extracts quoted above, and a host of others lying scattered all over my heavy literature have totally failed to bring about the least realisation in the minds of the men in power the ruinous effect of their stupid policy of perpetually (a) allowing Income-tax Officers who cannot read the book of accounts (owing to language difficulty) to "examine" those books of accounts, and (b) investing (uninformed novices of one year's nominal training with unlimited

[श्री भूस चंद डाला]

power of assessment, against the practice in the remote past of at least 8 years' experience necessary for such investment, following a like practice in the U.K."

मैं जानता हूं कि आप के अधिकारी कितने अयोग्य होते हैं। एक दफा आप मेहरबानी करके अपने अधिकारियों की प्रोपर्टी का सर्वे करा लीजिये। इस इमरजेंसी में आप यह कदम उठा कर इन्कम टैक्स अफसरों और कमिशनर्स की प्रोपर्टी का सर्वे करा लीजिये और जांच कीजिये कि कितने मालदार हो गये हैं और कितनी पूँजी जमा है। मैं एक केस में अपीयर हुआ था मुझे मालूम है कि जो अकाउन्ट्स बुक हम लोग मारवाड़ी भाषा में लिखते हैं उसको इन्कम टैक्स अधिकारी पढ़ नहीं सकते।, वह हिसाब नहीं जानते क्योंकि उन को अकाउन्ट्स का कोई ज्ञान नहीं होता। लेकिन फिर भी वह इन्कम टैक्स अधिकारी बने हुए हैं। मुझे अगर कोई कहे कि तुम दजीनियर हो सकते हो, तो मैं कहूँगा कि नहीं। आप बताइये कि कितने इन्कम टैक्स अधिकारी आपके हाथ से सर्वेड हुए ? कभी आप ने इनक्वायरी की कि पार्टनरशिप में कितनी इन्कम टैक्स क. चारी होती है ? क्या आपने जाच की कि हिन्दू जोइट फैमिली में किस प्रकार टैक्स इवेड होता। मेरा एक भतीजा है जो पाच माल का है और दर्जा एक में पढ़ता, वह भी पार्टनर है, मेरी मिस्टर-इन-ला है वह भी पार्टनर है उसमें। हिन्दू ज्वाइट फैमिली के सारे पार्टनर्स बन जाते हैं और अगर फर्म को दो नाम प्रोफिट हुआ तो पाच पार्टनर्स में उसको डिवाइड कर लेते हैं। आप कहेंगे कि हिन्दू ज्वाइट फैमिली अलग है और पार्टनरशिप फर्म अलग है। यह पार्टनरशिप फर्म कैसे बनती है। वे लोग जो मुनीम होते हैं, गुमाश्ना होते हैं और उस फर्म में काम करते हैं, उन का लड़का पार्टनर हो जाता है केवल नाम का और इन्कम टैक्स इवेड करने के लिए बोर्ड फर्म बन जाती है। इस तरह से आप देखेंगे

कि इन्कम टैक्स के अन्दर हजारों फर्म जो हैं वे बोगस फर्म हैं। उन में एकांश पार्टनर हो जेतुहन होते हैं। बाकी बोगस होते हैं और जो प्रोपर्टी होती है वह लिमिट कर दी जाती है। मुनीम का लड़का है या कोई दूसरा अपने कार्किंडेंस का नौकर है, उस को फर्म में पार्टनर बना लिया जाता है और इस तरह से बोगस फर्म बन जाती है। अगर आप इस चीज को एग्जिक्युटिव मिलेंगे जिनके द्वारा लाखों रुपये का टैक्स इवेड होता है हर दिन। इस तरह से यह हिन्दू ज्वाइट फैमिली क्या है और यह पार्टनरशिप फर्म क्या है, इस के असली रूप को आप देखें। इस में लाखों रुपये का टैक्स इवेड किया जाता है। यह जो किताब है, जिसका हवाला मैं ने पहले दिया है इस को कोई इन्कमटैक्स आफिसर पढ़ेगा, तो उस को बहुत सी बातें पता चलेंगी। आप धंटी बजा रहे हैं। मैं अभी समाप्त कर देता हूं। यह जरूरी है कि आधिक विषमता को कम करना चाहिए और यह जो आप ने 8,000 रुपये की लिमिट की है, इसमें क्या होगा। जो आदमी एक मोनार पर बैठा हुआ है, उस को आप को नीचे लाना चाहिए और नीचे बाले आदमी का मैट्टेडर्ड आफ लिविंग ऊत्रा उठाना चाहिए। जिन लागा का पूँजी बढ़ रही है, उस को रोकना चाहिए। मैं इस किताब के पेज 133 से कुछ परिचय कोट कर रहा हूं

"I said that the chief obstacle to fighting tax-evasion is a weak administration rotten to the core, and the chief obstacle to the toning up of the administration is a weak Board equally rotten to the core, and what is worse, is a renegade Board that does not believe in playing a full role and has perpetually been content with playing a partial role, and faithless to the unrestricted fulfilment the objectives for which the Department stands, and always prone to escaping from

reality and dodging."

आपकी जो पब्लिक एकाउन्ट्स कमेटी है, उस ने भी इस सम्बन्ध में अपनी कुछ रिकामेंड-शन्स दी हैं लेकिन हूँ केयर्स फार दीज रिकामेंड-शन्स? इस की जो रिकमेंडेशन्स होती है उनको इन्कम टैक्स डिपार्टमेंट इग्नोर करता है। मैं इस को पढ़ना चाहता हूँ और आप इस को सुन कर आश्वर्य करेंगे। आप बांटी बजा देंगे लेकिन मैं कहता हूँ कि इन्कम टैक्स की लाखों करोड़ रुपयों की ओरी न होती तो यह 15 करोड़ रुपये का काला धन न होता। यह काला धन क्यों हो गया? यह इसलिये हो गया क्योंकि इन्कम टैक्स आफिसर ऐसे लोगों से हाथ मिलाते हैं। यहाँ पर अभी एक साहब उनकी बकालत कर रहे थे कि उनको अच्छे बकान देने चाहिये। वे दौलत कमाने में मसगूल हैं और धन का प्रदर्शन करते हैं। अगर किसी आदमी का बेटा इन्कम टैक्स आफिसर हो जाता है या सैल्म टैक्स आफिसर हो जाता है, तो वह मालामाल हो जाता है। मैं भृक्षमे ऐसे हैं जहा धन लुटाया जाता है। यह एक तरफ़ धन लूटते हैं और दूसरी तरफ़ देश को गरीब बनाने हैं। तो मैं पब्लिक एकाउन्ट्स कमेटी की रिपोर्ट के पेज 126 पर जो लिखा है, उस को पढ़ कर मुनाना चाहता हूँ :

"It is most deplorable that even after six months of the target date fixed, the results of the review have not been made available to the Committee. The Committee take a serious view of the delay that has taken place and for which there would appear to be no valid reasons."

इन्होंने कहा है कि 50,000 रुपये की दौलत हो, तो उस पर रिमार्क होना चाहिए कि यह कहाँ से आई और इसके क्या डिटेल्स हैं। इसका एक कालम होना चाहिए लेकिन इन्कम टैक्स आफिसर कुछ नहीं करते हैं

और वे सोचते हैं कि हमारा कुछ नहीं होने वाला है। मारी भशीनरी और सारी ब्योरो-क्रेटिक भशीनरी की अगर यह जांच करें, तो हम जानें कि हमने कुछ काम किया है नहीं तो ये लोग हमारे सर पर बैठे रहेंगे और हम पर राज्य करेंगे। उस के बाद वह कहते हैं ;

"The Committee, however, regret to note that the Ministry has neither accepted their suggestion for an additional column being provided in the Income-tax Return, for keeping a watch over the receipt of outstanding professional income nor has it offered any reason for turning it down."

डाक्टर वकील कितने मालामाल हैं। आप ने जो यह लिमिट 8 हजार तक की है, उस के लिए मैं धन्यवाद देता हूँ कि कुछ रिलीफ़ तो छोटे लोगों को मिला है। अच्छी बरसात आई है। कुछ बरसात यह है और कुछ बैसे भी इस बार अच्छी बरसात हो रही है। लेकिन इस से ही हमें सतोष नहीं कर लेना चाहिए। सतोष तो हमें तब होगा जब मिनार पर बैठने वालों को नीचे लाए और गरीबों को ऊचा उठाए। उस समय हमारे फाइनेन्स मिनिस्टर माहबूब बदाई के पात्र होंगे।

श्री राम हेड़ाऊ (गम टैक्स) : ममापति जी, यह जो बिगड़ आया है, मैं इसका समर्थन करने के लिए याड़ा हुआ हूँ। इस में यह अच्छी बान कही गई है कि 6,000 रुपये की जगह 8,000 रुपये की राशि इन्कम टैक्स के लिए बढ़ा दी गई है। इस से यह स्पष्ट है कि जो सरकारी कर्मचारी है, जिनकी इन्कम कागज पर लिखी जाती है, उस में तो बराबर टैक्स बसूल होता है लेकिन जिन की आदत न० 2 का रिकार्ड मेन्टेन कराने की है और जो टैक्स की ज्यादा ओरी करते हैं, उनके बारे में इस बिल में प्रावधान नहीं है और उनसे कर बसूल नहीं कराया जा सकता।

[श्रीराम हेडाऊ]

आज आप देखें कि देश में जो बकील है और जो बकालत का धंधा करते हैं, वे कानून के न पालन करने के ऐसे रास्ते बताते हैं जिनसे टैक्स कम बसूल होता है और उसी के लिए वे बहुत ज्यादा फीस लेते हैं। मैंने यह देखा है कि जो इन्कम टैक्स के अफसरान होते हैं, बड़े-बड़े अफमगन हैं, उन की पूंजी-तियाँ, कारखानेदारों या जिन की आमदनी बहुत ज्यादा है, उन लोगों से बहुत ज्यादा दोस्ती हो जाती जैसा कि मराठी में शब्द है कि ससुर जवाई जैसे सम्बन्ध मेन्टेन हो जाते हैं और फिर वे अफसरान कर अपवचन के अनेक तरीके सिखाते हैं कि न० २ का रिकार्ड कैसे मेन्टेन करें। इतना ही नहीं जो टैक्स उन पर लगाया जाता है, वह भी बमूल नहीं होता है। आप किसी शहर में चले जाइए। आप पाएंगे कि इन के हक्के बंधे होते हैं जैसे कि पुलिस डिपार्टमेंट में गुनाहगारों में हफ्ते बंधे होते हैं। इस तरह से यह अफसरान कर बंचना में बड़े बड़े लोगों की मदद करते हैं। मैंने पिछली दफा भी बताया था कि भडाग जिले में जिला कांग्रेस कमेटी के जो प्रेसीडेंट हैं श्री राम नारायण मोर और परिवार पर काफी इन्कम है टैक्स का रुपा बताया है और मंत्री महोदय ने खुद बताया था कि ४० लाख रुपये इन्कम टैक्स के बकाया है। १५ माल से उन पर इन्कम टैक्स का बकाया है। ये जो आंकड़े उन्होंने दिये यह भी गलत है। उनके ऊपर करीब ४ करोड़ ३० लाख टैक्स का बकाया है लेकिन हर माल उसने रुपये के नाम बदल कर करावांचन की है। मैं सरकार में यह पूछा चाहता हूँ कि इनना टैक्स बकाया होने के बाद भी क्यों उन से यह बमूल नहीं होता है। इसका स्पष्ट भारण यह है कि कर अधिकारी उन से भिले हुए हैं, अफसरान मिले हुए हैं और नेता मिले हुए हैं। पार्टी-इन-गवर के नेता भी उन के पीछे हैं और इमलिए यह कर बसूल नहीं होता है। वे कांग्रेस (आर) की जिला कांग्रेस कमेटी के प्रेसीडेंट हैं। ये जो बड़े लोग कांग्रेस के

बैठे हुए हैं, क्या वे जनता की सेवा करेंगे? नहीं इन्कम टैक्स बचाते रहना है, इनको अपनी प्राप्टी बड़ाना है और हमेशा सरकार को लूटना है। अपना जो माल मता है, सम्पत्ति है उसको बढ़ाते रहना है। इसकी और मंत्री महोदय और सरकार को देखना चाहिये। आपको चाहिये कि आप नीचे के आदमी का उत्थान करें। नीचे का आदमी तीन रुपये रोज़ से अपने परिवार का निवाह करता है। वह भूखा रहता है। जबकि दूसरी और इस प्रकार से सरकार को लूट कर, कर अपवंचन करने वाले जो लोग हैं वे बड़े बड़े होटलों में पाच सौ रुपये की थानी अफमगन और नेताओं के माथ खाते हैं। इननी भारी जो विषमता है इसको आप कब बन्द करेंगे। करअप-बंचन के जिनने प्रकार है ये सब बन्द होने चाहियें। किन किन रास्तों से कर अपवचन होता है इसको आप देखें और उन रास्तों को आप बन्द करें। मैं आपको अपना अनुभव बताता हूँ। मैं भी इनकम टैक्स देने वाला हूँ। मैं इनश्योरेस का धंधा करना रहा हूँ। मैंने इनकम टैक्स रिटर्न मम्ब पर नहीं भग किन्तु टैक्स भग था। मैं नवा आदमी था। मुझे इसके बारे में सालूम नहीं थी। मेरा केस प्राठ साल तक चलाता रहा है। मुझे बकील की मार्फत मंदेण भैजा गया कि मैं पाच हजार रुपये दे द इन्कम टैक्स आफिसर को नो फैसला हो सकता है। मेरे खुद के माथ यह घटना घटी है। मैंने कहा कि पांच हजार नो क्या मैं पाच पैसे भी नहीं देगा, मैं देखूँगा क्या होना है। मैंने कुछ नहीं दिया। यह आज स्थिति है। जो इनकम टैक्स आफिसर है उन्होंने जब आप नीकरी पर लगाते हैं तो उसकी तथा उसके रिटेनेशन की प्राप्टी का डिक्लेरेशन लेना चाहिए और इस डिक्लेरेशन को हर दो माल के बाद और फेश डिक्लेरेशन करवाना चाहिये। इससे आपको पता चल सकेगा कि प्राप्टी कहीं बढ़ तो नहीं रही है।

13 hrs.

आपको देश के उत्थान के लिए पैसे की

महसूरत है। इनकम टैक्स की ओर लकाया राखियाँ हैं उनको लांबको बस्तु करना चाहिये। किसी भी पक्ष का आदमी हो, कोई भी बंधा करना हो किसी पर अपनको सहम भहीं दिखाना चाहिये। जो देता नहीं है उसकी प्राप्ती को आप नीलगम करें और इनकम टैक्स की राशि तुरखा आप बसूल करें। किसी पर भेहरवानी नहीं होनी चाहिये। आज देखने में आता है कि गरीबों की कोई सुनता नहीं है, औटे औटे साँग जो इनकम टैक्स देने वाले हैं उनको बहुत सताया जाता है, उनके केसिस प्रांच पांच छः छः साल तक फाइनलाइज़ नहीं होते हैं। उन से पैसे लिए बगैर उनके केसिस फाइनलाइज़ नहीं किये जाते हैं और बड़े सोगोंको हर जगह सहूलियत दी जा रही है इनको प्रोटेक्शन दिया जाता है। यह सब बन्द होना चाहिये।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI SHYAM SUNDER MOHAPATRA (Balasore): Mr. Chairman, Sir, it is heartening that the country is passing through an emergency today. There are promises which had not been fulfilled yet. The process can be accelerated during this emergency.

Mr. Chairman, I want to emphasize one particular aspect of our planning, that is, unless the people are asked to participate in the implementation of projects, our socialist planning will never be a success. It is a poor country in the sense that it is not possible for the Government or other agencies to employ millions of people for implementation of projects.

In all socialist countries, we have found, Mr. Chairman, that people contribute voluntary labour for the completion of projects. In China or in Russia or in Yugoslavia or in Germany or in Hungary also people have contributed largely for the completion of projects during the planning periods. A dam which would have

taken normally eight years was completed within eight months in China and that was admitted by Mr. K. L. Rao, our former Irrigation & Power Minister. Well, judging from that standard, if we call upon people in this emergency, during this period of transition, and they come forward voluntarily, I think, we can complete our dams, reservoirs and roads which connect every village. There are so many things which can be completed successfully during this period.

Every State, whether it is in the north or in the south or in the centre or in the frontiers, suffer from floods and drought. Unless we take water to the villages, we cannot certainly improve upon our Agricultural system and we cannot have enough production to feed all the mouths in our country. But it is true, as our Prime Minister once said, it is a very costly enterprise to have lift irrigation system. But whatever it is, I think, we must fix a target. A target should be fixed by which period all our river valley projects should be completed and, at least, lift irrigation can be given, if not to every village, to a few villages which can be brought under a cooperative system. Unless it is done, our productivity of land will never increase.

Health is a hazard in our country. It is impossible to give the benefit of health to all our villages. About 80 per cent of our population lives in villages. It is the urban people who have the benefit of health system. In our country, we have Ayurveda system, Unani system and Homoeopathy system. Why not take some doctor of some system, of some branch of medicine, to the villages so that the villagers can have the benefit of health system?

The people want clothes to wear. It is an unfortunate thing that our village people do not get standard cloth. Standard cloth that we give to the cooperatives is taken out to the

[Shri Shyam Sunder Mohapatra]

market where it is sold at a higher price. All the textile mills were asked to produce standard cloth of a definite quantity. What happened? They did not fulfil the target. The preferred to pay the penalty of 6p. per metre. They gave the penalty and got the cloth produced by other mills and got the incentive by which they were benefited four times. Our Government, our Textile Commissioner, closed their eyes. I would urge upon you to say, let us not produce costly cloth, terylene, terycot and so many other kinds of cloth—I do not know the names. Why not produce standard cloth, coarse cloth, so that we can give this cloth to poor people? We can ask the mills to produce this type of cloth and give it to our people. If we can give food to our people, if we can provide cheap clothing to our people, if we can give the benefit of health scheme to our people and education to our people, I think, we would have sufficiently done our job during this period of Emergency.

DR. KAILAS (Bombay South): Mr. Chairman, Sir, I support the Finance (Amendment) Bill moved by the Finance Minister. But while supporting it, I would like to make a few comments and ask some queries.

I was just reading one of the papers in which it has been shown that the ex-factory levy on sugar has been either increased to a very high level or reduced to a very low level. I would like to quote the figures here. In Andhra Pradesh, the levy on sugar factories has been revised to Rs. 117.48; in East U.P. it has been revised to Rs. 200.25; in South Bihar, it has been revised to Rs. 441.31 and in Maharashtra, it has been revised to Rs. 140.31 while existing levy was Rs. 149.55 in Andhra Pradesh, Rs. 167.95 in East U.P., Rs. 183.07 in south Bihar and Rs. 156.99 in Maharashtra. I just want to understand why the revised levy rates has been increased,

highest by Rs. 258.24 in south Bihar and in some cases reduced by Rs. 32.87—lowest—in Andhra Pradesh.

We must see that the price of sugar should not go down so low as to affect the manufacture of gur and khandsari. If we reduce the price of sugar, the fear is that, next year, the manufacture of sugar will be less and that whatever little we are earning in foreign exchange, perhaps, may be further reduced. I can understand that. But it should not be revised below cost price of Rs. 4 per kg. so that the people are not much hurt, we earn our foreign exchange and the quantity manufactured by the factories should not be less than 45 lakhs tonnes per year. But if gur and khandsari, due to the lowering of sugar price, go down, it directly affects the farmer and the intention of this Government has always been to support the farmer, who is the weakest link in the nation. Hence, you have to be very, very cautious. Government is very anxious to complete all the Plans they have planned for 1974-75 and 1975-76. Money must be got for them and I must congratulate Government for the fact that Rs. 285.75 crores have been demanded as a Supplementary Demand. This is only to show to the country, and to all those who are shouting from the house-tops that our Plans are not being fulfilled, what exactly the Government wishes to do, that our developmental work does not come to a standstill but goes on progressing.

As rightly stated by Shri Shyam Sunder Mohapatra, we must see not to take up only the big plans of Irrigation cum generation of electricity. Of course, I am happy that there are 16 big projects which are completed over 50 per cent to 60 per cent and are going to be completed within one, two or at the most three years, for multi-purpose work—for generation of electricity, irrigation etc. But most of the money should be utilised for quick results or the benefit of the nation. That means

that minor and medium irrigation projects should be taken in hand all over the country.

About this sum of Rs. 85.75 crores, which have been asked for, I would like to have some more details. They have been given, but it is better that, while replying, the Minister shows to the country and to the world that we have promulgated emergency not to put somebody behind the bars but to bring discipline in this country, that we want to work in this country, that we want production to go up, that we don't want prices to go up and that we want to see that nobody is deprived of what is due to him.

My hon. friends Shri Nimbalkar and Ramjibhai were rightly quoting some figures as to what we achieved from World War II up to 1962 and how much after 1962 in paying DA to the workers. If this is due to labour class, then they are all working and doing their job not only for their own families but for the nation and we should not grudge. So, we should not grudge them paying anything more. After all, the minimum they get is still not even the bare minimum. Rather, I should say that even the necessities of life are not yet given to them. So, we should not grudge giving them anything more so that the money gets back in the form of labour from our workers.

Secondly, the distribution system has got to be very much strengthened, and more so in rural India. With the very dynamic and intellectual effort of Shri Subramaniam, I am sure the country will go forward.

I must congratulate the Prime Minister for raising the exemption limit from 6,000 to 8,000. But still, as rightly pointed out by the first speaker from the Congress side, we must try to see that in the future, say after ten or fifteen years, the income-tax is reduced to the minimum and the lowest man is brought to such a level that the gap between the richest and the lowest is 1:10 at the maximum by getting more profits from public sector undertakings.

I thank you, Sir, for giving me this opportunity to express my views.

SHRI CHAPALENDU BHATTA-CHARYYIA (Giridih): Mr. Chairman, this is Finance (Amendment) Bill, and we have to judge the problem of tax relief, which we all welcome, in the larger context of the economic background and the functioning of our economy itself. We welcome this announcement by our Prime Minister. It is a very welcome relief, and we also welcome the successful efforts to control the rate of inflation in our economy. As a matter of fact, in July 1975, the rate of inflation is nine per cent less than what it was in July 1974. We have taken this upward revision in the prices of coal and steel in our strides without much significant increase in the price level. This is good so far as it goes. The increase in the coverage of irrigation, the productive effort in crop calendar, and the increase in productivity in agriculture, are the keys which will further accelerate the process of our economic expansion in the coming years. The money supply has been curtailed, has been kept down; it has declined by Rs. 29 crores in the week ending 4th July 1975. The power position is being urgently looked into. I understand that an additional Rs. 1,000 crores for irrigation and an additional Rs. 150 crores for power are being granted. At the same time, there has been a decrease in the price of fertiliser. The overall deficit is going up. In this broad context, we welcome this increase in the tax exemption limit from Rs. 6,000 to Rs. 8,000. It is good as far as it goes, but not far enough. This particular sector should get more relief. I refer to the survey conducted by the Reserve Bank of India on the extent of indebtedness of the middle class people. Their indebtedness has grown, and the cost of living index has also gone up. Naturally, the indebtedness of those families earning income upto Rs. 10,000 has grown and some relief is due to them.

[Shri Chpalendu Bhattacharyya]

I am going to suggest to the Finance Minister, through you, Sir, that, if he cannot directly increase the tax exemption limit to Rs. 10,000, the least he could do is to increase it from Rs. 8,000 to Rs. 10,000 in this way: Rs. 2,000 could be linked with small savings; that means, those families who deposit Rs. 2,000 in small savings could be given exemption, to that extent, from income-tax.

The entire issue has to be seen in the context of the position in recent years of unrealised income-tax, the quantum of evaded income-tax and also non-implementation of the expenditure tax proposed by Professor Kaldor. I still maintain that Prof. Kaldor's expenditure tax was never given the trial it deserved. The number of 5-star hotels is going up; the black-moneyed people, the neo-rich, are spending their money on 5-star hotels; three out of every five rooms are occupied by the neo-rich, the Indian neo-rich; A large number of them are evading taxes; they are spending their wealth in this way. How can you take away a slice of this expenditure unless you impose tax on heavy expenditure? We should give relief to the small people and come down heavily on the black-moneyed people with a trial of expenditure tax. Through expenditure, the black money is really adding to the inflationary pressure on our economy.

The question was how to make good the shortfall. If we streamline the working of the tax-gathering machinery—not only income-tax but also customs and excise—then certainly the shortfall will be made good. Unfortunately, our strategy has been this: in order to make good the shortfall, we have been increasing the coverage, as it were. If excise duty on 29 goods does not make good the shortfall, you increase it to 220. If the customs duty does not come up to your anticipated receipts, you increase the rate of customs

duty. Sir, the machinery that we have on ground is what for? Is it for large leakage and lot of mal-practices which have been brought out by the previous speakers. Sir, it is possible to curtail our budgetary deficit and give relief to the small man by stiffening up the tax collecting machinery. That would give a great fillip to our economy. We would request that the suggestion of ten thousand tax threshold should be given the attention it deserves.

THE MINISTER OF FINANCE (SHRI C SUBRAMANIAM): Mr. Chairman, Sir, this is a very simple Bill, but since it is an amendment of the Finance Act, a wide range has been covered in the debate on this Bill.

As far as the working of the Income-tax Act is concerned, as far as improving the administrative structure of the Income-tax Department is concerned, I am sure, the hon. Members are aware that we had a Committee, known as the Wanchoo Committee, which went into the whole system of income-tax and the functioning of the Income-tax Department. And on that basis, a draft Bill was submitted to this House and it had been referred to a Select Committee. The Select Committee has submitted its report and that Bill is going to be taken up for consideration in this House in the next few days. As a matter of fact, it is already on the Order paper. Therefore, I would rather reserve my comments with regard to the functioning of the Income-tax Department and the various other matters that were raised to be discussed and to be dealt with when we consider that Bill. Therefore, it is not as if I do not attach any importance to the very many points raised, I attach a very great importance to them, but since we are going to have that Bill within a very few days, I think, that would be the appropriate stage to go in detail with regard to these various matters.

Naturally, various other matters relating to the economy of the country were touched and particularly some Members got excited about the fixation of the levy sugar. I am afraid, I do not have all the facts and figures with regard to that, but I am sure that if proper representations have already been made to the Food Ministry, it is bound to be looked into. If there are any points which require rectification and if it is found, it is necessary to do that, I do not think there would be any hesitation on the part of the Government to have those defects rectified. But I am afraid. I do not have the facts before me to give any categorical reply with regard to that.

Before I go into the details of the Bill and the suggestions made by Shri Shastri and various other hon. Members with regard to the raising of the exemption limit, I would like to mention one point. Some points were raised with regard to the raids which are going on and what had been the results of these raids. Sir, during the last year, we had more than 2,000 raids and about twenty crores worth of assets have been seized. But this is only the tip of the iceberg. During searches, many incriminating documents have been seized and many incriminating account books have been seized and if only we scrutinize these documents properly, I am sure, this would lead to much larger disclosures of undisclosed income and on that basis, it would be possible to catch the tax-evaders. Not only the tax evaded would be collected from them, but further actions which are called for would certainly be initiated against them.

A point was made with regard to the stay orders which are generally obtained with regard to some of the investigations we have taken up. I do agree the orders of the court do come in the way of the investigation. But, certainly for that, we have to take necessary amendments in the various statutes for the purpose of

avoiding it. This is under the consideration of Government and perhaps we may make suitable amendments and, if it is necessary, even in the Constitution. I am sure particularly in the investigation of economic offences, stay should be avoided. That is my considered view. That is why I have been emphasizing this aspect that if it is a question of personal liberty, naturally, the judiciary should come forward and give the necessary protection, but, with regard to economic offences and particularly, when investigations are going on, people rush to the court and get stay and stop the entire investigation and thereby the whole matter gets frustrated in that process. For example, we had the Sarkar Commission inquiring into the affairs of some of the big business houses. Writ petitions were filed and the whole proceedings were stopped. Fortunately, we have won one case out of 70 to 80 odd cases filed and I hope the other cases also we will be able to win. But the time is lost and when time is lost, perhaps some evidence is also lost. This is the real difficulty. Therefore, in these cases, we have to take care to see that the judicial process does not come in the way of even investigations going into matters with regard to the submission of returns whether they were true returns, the re-opening of some of the proceedings in the income-tax or the wealth-tax, etc. these matters naturally should go through that process and in the statute itself we have provided for appeals and then appeal to the High Court and then appeal to the Supreme Court also. Therefore, to get the investigations stopped in between certainly hampers the administration or functioning of the administration. This will have to be looked into. I want to assure the House that this matter is being looked into and we shall try to see that the judicial process is not abused and taken advantage of by vested interests to get the investigations stayed.

With regard to the Bill itself, the main point made was that this Bill

[Shri C. Subramaniam]

8000 should be raised to Rs. 10,000. I am glad to find that there is unanimity as far as this Bill is concerned that it is welcome. I am not surprised. It may not be welcomed by all classes of people but at least those who get relief, I am sure, will welcome it and it is in that sense we all welcome this Bill because generally we represent that class who will get some relief or the other by this Bill. But we should not be carried away by our enthusiasm that this should be further increased to Rs. 10,000 because we should also realise what status these people occupy in the whole of the society. As it was pointed out by somebody, if our per capita income is only round about Rs. 700 or so, then people who are getting Rs. 8000 and more are certainly getting 10 to 12 times the per capita income. But still taking into account the inflationary situation etc. we have come forward to give some relief and, therefore, we have to scrutinise this very carefully as to who all would be the beneficiaries out of it and upto what level. Rs. 8000 would mean Rs. 8000 taxable income. It is not gross income.

SHRI S. M. BANERJEE (Kanpur): It would actually mean Rs. 10,500.

SHRI C. SUBRAMANIAM: Rs. 8000 is the taxable income. I am sure the hon. Members are aware and anyhow I would like to bring to their notice that as far as salaried incomes are concerned, a standard reduction of 20 per cent of the salary upto Rs. 10,000 and 10 per cent of the salary in excess of Rs. 10,000, subject to a maximum of Rs. 3,500, the assessee is entitled to get deducted. If a person is getting Rs. 10,000 he can get Rs. 2,000 deduction, he comes to the level of Rs. 8,000, on which he need not pay any tax. Even take a person receiving Rs. 11,000 as gross salary. He would get deduction of Rs. 2,100 and if he has an insurance policy and paying Rs. 900 to the extent of Rs. 3,000 he can deduct from his income. Therefore, at the level

of Rs. 11,000 he need not pay any tax. Therefore, as far as gross income is concerned, upto the level of Rs. 11,000 no tax need be paid. Unless the taxable income comes to the level of Rs. 11,000, nobody need pay any tax. With regard to the taxable income, in the scheme which we have formulated in this Bill, at Rs. 8000, no doubt there is no tax to be paid, he gets relief of Rs. 264 per annum. If you go to the man earning Rs. 9,000 taxable income, leaving alone deduction, he gets relief of Rs. 209. If taxable income is Rs. 10,000 he gets relief of Rs. 154, on Rs. 11,000 relief is Rs. 132, on Rs. 12,000 relief is Rs. 110, on Rs. 13,000 relief is Rs. 88, on Rs. 14,000 relief is Rs. 66; on Rs. 15,000 and above Rs. 44 is for all of them. In addition to what they are entitled to get as relief on account of certain deductions from their gross incomes, even where the taxable income comes to more than Rs. 8,000 these are the reliefs. The higher the income, the lesser is the relief. I am sure Shastri will agree with this philosophy—the higher the income, the relief should be smaller and the burden should be greater. As a matter of fact if you go to Rs. 10,000 man, Rs. 528 will be the relief. I respectfully submit there is no case for pleading that this Rs. 8,000 should be increased to Rs. 10,000. On the other hand it is taxable income which is Rs. 8,000 which is given the relief. At the level of gross income of Rs. 10,000 there is relief already. He need not pay any tax. But even with regard to taxable income there are reliefs provided in the scheme of the Bill even from Rs. 8,000 upwards. Therefore, from this point of view I am sure hon. members would agree there is absolutely no case for increasing it to Rs. 10,000.

Hon'ble members coming from the rural areas plead if urbanised people getting salaried income get tax exemption, then what about the poor farmers from whom we collect all sorts of taxes. Therefore, unfortunately we should not become advocates of our

own clients. We should have a broader look into the national situation and particularly the large masses of people who are living in the rural areas, who are agriculturists. What are their conditions and under those conditions what are they called upon to pay. I am not pleading in respect of large farmers in my view who have got to pay high levels of taxes. I am talking about poor farmers, marginal farmers, small farmers who have five to ten acres of land. You have to take into account their income and the tax they are called upon to pay. If you take that into account, we are more than generous to this class of people whom we represent and whom we want to give relief. Even Shastri would agree that what we have come forward with is a generous gesture with regard to the middle class.

It has been said if we give more relief, people would come forward to support us and particularly for implementation of these programmes. I do not agree with it. I do not think people are mercenary that their support should be bought for implementation of various radical programmes. I thought there was much more commitment than mercenary commitment. I am afraid it will be casting reflection on those who are supporting the Prime Minister's radical programme. Secondly, they are coming forward for getting monetary return as such. They have faith in the programme. That is why they are coming forward. They have faith in the programme of providing relief to the poor masses, millions of people, who are today living under substandard conditions, below the subsistence level. As a matter of fact, our concern has got to be how to improve the situation with regard to the last three or four tiers in the population, but we always look at things as to with whom we come into contact, in whom we are interested, and naturally, we plead for their cause a little more—not that people could not plead for them, but we should at the same

time view the other side of the picture also. If things are viewed from this perspective, I think, the hon. Member would welcome this gesture of increasing it to rupees 8,000. With great respect to hon. Members, I wish again to emphasise that there is absolutely no case to think in terms of increasing this further beyond this limit of Rs. 8,000. This is one of the programmes in the Prime Minister's 20-Point Programme. I am happy to say that perhaps this House will be getting an opportunity to discuss the entire economic programme; we may perhaps have a day to discuss this. Therefore, these programmes also will have to be implemented as expeditiously as this programme of giving relief to middle-class people. As a matter of fact, those programmes relating to much poorer sections should get speedier implementation. I hope that with the full cooperation of the House this will be done. Just like there is this cooperation from members and unanimous support to this Bill, I hope, this support will be further intensified in greater measure in regard to these various other measures which are brought for helping the poorer sections of our people.

Sir, I commend this Bill for the acceptance of the House.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Finance Act, 1975, be taken into consideration".

The motion was adopted.

MR. CHAIRMAN: Regarding Clauses, for Clause No. 2 there is no amendment.

I will put it to vote. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of the First Schedule)

MR. CHAIRMAN: For Clause 3, there are amendments Nos. 1 and 2 by Shri Ramavtar Shastri. Is he moving?

SHRI RAMAVATAR SHASTRI (Patna): Yes, Sir, I am moving my amendments Nos. 1 and 2. I beg to move:

Page 2, line 5,—

for "8,000" substitute "10,000"
(1)

Page 2, line 39,—

for "8,000" substitute "10,000" (2)

MR. CHAIRMAN: I will now put these amendments to the vote of the House.

Amendments Nos. 1 and 2 were put and negatived.

MR. CHAIRMAN: I will now put Clause 3 to the vote of the House. The question is:

"That Clause 3 stand part of the Bill".

The motion was adopted

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

THE MINISTER OF FINANCE (SHRI C. SUBRAMANIAM): I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted

MR. CHAIRMAN: Item No. 34, Dr. Laxminarayan Pandey—not here. Item No. 35—Shri K. Brahmananda Reddy.

13.40 hrs.

MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Sir, I beg to move:

"That the Bill further to amend the Maintenance of Internal Security Act, 1971, be taken into consideration."

Government have already explained adequately in the House the circumstances leading to the proclamation of the present emergency. The activities of certain political parties over the last few years have deliberately injected hatred and violence into the public life of the country and attempted to create conditions of chaos and anarchy.

Here was a situation created not merely by the activities of a few individuals but by the sinister machinations and manoeuvres by organised groups which wanted to seize power by extra-constitutional means. This was an extraordinary situation and the entire country was being fouled by an atmosphere of violence, hatred and calumny. This extraordinary situation called for extraordinary steps. Immediate preventive measures had to be taken under the provisions of the MISA.

When a proclamation of emergency is in operation, the State gets powers under Article 358 to make any law or to take any executive action within its competence, notwithstanding the constitutional provisions relating to fundamental rights. In an extraordinary situation where the entire administrative machinery throughout the country was continuously engaged in maintaining extreme vigil to guard against the activities of subversive elements in the present situation, enforcing appropriate preventive measures against all anti-social elements

including black-marketeers, hoarders, etc. to prevent their exploiting the current situation and maintaining law and order effectively to ensure continuance of essential services and supplies, it became urgently necessary to prevent the diversion of law enforcement agencies to other work that might arise from litigation started by the persons dealt with in the course of the above action. A Presidential Order was, therefore, issued under Article 359 on the 27th June, 1975, suspending the right of any person to move a court for the enforcement of certain specified fundamental rights mentioned in Part III of the Constitution which are relevant to the preventive action which the Government had been compelled to take in the larger interests of the country as a whole.

A Presidential Order under Article 359 can only bar a person from going to court for enforcement of fundamental rights as mentioned in the Constitution. There is a view that it would not apply to court proceedings arising from other statutory rights that might independently emanate from a statute like MISA. The normal provisions of MISA specify certain procedures which include, as you know, the furnishing of grounds to the detenu, his being given an opportunity to make a representation and reference to Advisory Board for opinion. These procedures by themselves create certain rights for the detenu which cannot be covered by the Presidential Order under Article 359 which therefore became ineffective in practice. The amendments proposed in this Bill are essentially meant to make it effective.

It is for the same reason that a new section (Section 18) is proposed that a detenu cannot claim any right to personal liberty by virtue of natural law or common law.

This is not the first occasion when such extraordinary provisions regarding preventive detention are sought

to be availed in an emergency. In the Defence of India Act, 1962, there were similar provisions for preventive detention without having to furnish grounds to the detenu and without having to refer his case to an Advisory Board. Those provisions included a procedure for periodic review of detention cases by the Government. A similar procedure for review is included in the amendments now proposed to MISA.

There is also an analogy in the COFEPOSA enacted in December, 1975, which contains a provision for eliminating Advisory Boards in the case of preventive detention of smugglers and foreign exchange racketeers in certain circumstances depending on the nature of their activities and area of operation. The COFEPOSA has been further amended by a Bill passed in this House on the 23rd July, 1975, to provide for preventive detention of smugglers without having to furnish grounds to the detenu or refer his case to Advisory Board if the appropriate Government considers the detention of the person necessary for effectively dealing with the emergency and makes a declaration to that effect.

To ensure that the detentions ordered in the wake of emergency are not continued longer than necessary for effectively dealing with the emergency, it is provided that, firstly, when the detention order is made by a competent authority subordinate to the State Government, the State Government shall review the order within 15 days and confirm whether or not such detention is necessary for effectively dealing with the emergency, and, secondly, that even after such confirmation, the State Government or the Central Government as the case may be, shall reconsider the matter again within four months.

The existing section 14 of the MISA prohibits the re-detention of such a person unless he comes to adverse

[Shri K. Brahmananda Reddy]

notice again after release. In the context of the present emergency, the possible release of detenus on technical grounds will cause a serious setback to the preventive measures launched by the administration in the larger interests of the country. It has therefore become necessary to amend section 14, to remove this handicap.

Detention under MISA is a preventive measure and, therefore the provisions of MISA do not envisage the release of a person on bail. Yet we have had a few instances of persons securing their release on bail. It has, therefore, become necessary to include a specific provision in MISA prohibiting such release on bail. These are the important amendments, Sir, that have been proposed in this Bill.

With these words, Sir, I would request the House to consider it and give its assent.

MR. CHAIRMAN: Motion moved.

"That the Bill further to amend the Maintenance of Internal Security Act, 1971, be taken into consideration."

SHRI INDRAJIT GUPTA (Alipore): Mr. Chairman, Sir, we are all conscious of the fact that this amending Bill has been brought forward in extraordinary circumstances—circumstances which, if I may say so, are unprecedented in the history of this country since the dawn of Independence. And all those who have understood—I do not know how many they are in the country taken as a whole—or who have been given an opportunity to understand the seriousness and gravity of the conspiracy which was afoot just prior to 26th June will no doubt support in general this measure—though it is undoubtedly a draconian measure—as a measure which is necessary in order to put down and scotch this danger which was rearing its head and a danger which has not been done away with even now. It is a danger which may

rear its head again unless certain steps are taken to see that the fundamental base of these reactionary and rightist forces is destroyed.

Therefore, in general, Sir, as an extraordinary measure, meant to deal with an extraordinary situation, we support this Bill. At the same time, as one who has on past occasions been a victim of preventive detention, more than once, I consider it a matter of conscience also to make certain observations because what we are really worried about here is not so much the powers, the extraordinary powers which are being taken by the Government in order to see that the people who were out, as the Minister has said, to seize power by unconstitutional means, by violent means are kept in detention so long it is necessary; it is not those powers which we are so much worried about, but, the possible mis-use of these powers because of the enormous concentration of power which is now being handed over to the bureaucracy.

I think it would have been more appropriate for the hon. Minister, when he moved this Bill, if he had made available a factual statement—I do not say a white paper—but at least a factual statement should have been circulated to all the Members of this House giving details, I mean in terms of figures—obviously, they are not going to reveal the names and identity of persons, but in terms of figures at least a detailed and exhaustive statement should have been made available to this House regarding the action which has actually been carried out under this MISA since the proclamation of emergency. Since the 26th of June, we are entitled to know, what is the latest position, how many people have been detained on grounds of political activity, how many have been detained on grounds of economic offences and so on. Well, we have got no exhaustive or reliable information

before us except to depend upon certain statements which are appearing now and then in the Press and in the speeches of various Ministers. I think the Minister here owed it to the House. When taking us into confidence and when asking us to support this measure, he should at least have supplied us with the factual data regarding the action taken under MISA between the 26th of June and now, up-to-date. However, he has not done that. But, may be, during his reply, he may be able to give us some information.

Now, the point I wish to make out, Sir, is this that Government is taking upon itself a very great and serious responsibility and that is the responsibility of seeing to it that these powers are not mis-used and that the liberty of an individual is not taken away without sufficient cause, because the amendments which are being sought to be made in the Act, mean that the detenu actually has no rights whatsoever. Absolutely, he is deprived of all rights without any kind of restriction or condition upon them at all. Now, that is quite a drastic thing, which is inviting a lot of unfavourable comments. I may say, particularly abroad. I am sure the hon. Minister has been studying the reports and the comments appearing in the various sections of the foreign Press. I do not mean only those sections of the foreign Press which are traditionally hostile and unfriendly to India. It is obvious that they will write all these things. Of course, this is also giving them an opportunity to distort the actual state of affairs and to carry on quite a vituperative campaign against the so called total suppression of personal and civil liberties in India at the present moment. But even papers which are accepted generally to be sort of liberal newspapers, even a paper—unfortunately, I forgot to bring those issues with me today—like *The New Statesman* of

England—*The New Statesman*, I think, if I remember aright, from Jawaharlal Nehru's Autobiography was quite a favourite reading matter of the Nehru family at one time, and it is considered to be a very liberal and a very progressive type of paper—even that *New Statesman*, I find on this particular point about the suppression of personal liberties, is writing so much that it is really painful to read. And in their paper on the back page they are now running a campaign, not the paper itself but an advertisement which has appeared from some other organisation which is running a campaign for the release of Jayaprakash Narayan, complete with his photograph and everything. The address is given in London somewhere of a Committee which is asking for funds, donations, being collected to carry on a campaign for the release of Jayaprakash Narayan who is described there as 'one of the original and true followers of Gandhiji, founder of the Socialist Party, votary of non-violence etc. etc. now unjustly imprisoned by the Indian Government. Please send your contributions to such and such address, London'. Photograph and everything is given.

What I am trying to say is that, on the face of it, there is no doubt that this is a very very drastic measure, because once the detenu is locked up, he can absolutely do nothing. He can neither go to court, nor is he given the grounds of his detention, nor can his case be sent to the advisory board for review, nor can he be released on bail or bail bond even if his wife is dying outside or his child is dying outside. It means that under no circumstances can he be released to go and see his dying wife or dying child or whatever it is.

Therefore, I wish to point out that a very great responsibility and a very grave responsibility, devolves upon the Government, responsibility—the Government is taking upon itself, to ensure that there will be no misuse

[Shri Indrajit Gupta]

of these powers. Of course, we hope that these provisions will be withdrawn as soon as the emergency is over. I do not know if that is his interpretation of this Bill. What is the interpretation of cl. 6 of this amending Bill? I would like him to clarify. I understood it to mean that this is only for the duration of the emergency. If I am wrong and if this is something which has come to be put permanently on the statute-book, he will kindly clarify it.

SHRI M. C. DAGA: With certain amendments.

SHRI INDRAJIT GUPTA: With certain amendments!

13.58 hrs.

[SHRI ISHAQUE SAMBHALLI in the Chair]

First of all, this provision for review by an advisory board has been removed. Why it has been removed. Why it has been removed I do not know. He should tell us. The advisory board was a well-thought-out and well-conceived-of procedure which has been there on the statute-book for so many years, that the review should be done by an advisory board, that is to say, a board which is not completely an official body, which has some judicial people on it. Generally they are all people who are of a judicial standing, who have the qualifications to be judges of the High Court and so on or ex-judges, former judges, retired judges, so that they have some judicial training, some judicial bent of mind and some capacity to judge something independently and impartially. Now that reviewing provision is also being done away with and this review only within 15 days is to be apparently by some officials. Naturally it will not be done by Shri Brahmananda Reddy. This responsibility at various levels in the States, at the Centre and everywhere will devolve upon certain officials, certain bureaucrats. Anyway this means that for the first fifteen days, I have

no remedy at all. If at the end of 15 days the review authority comes to the conclusion that I have been wrongly detained or detained on grounds which were not adequate, I may even be released. But for the first fifteen days even without any substantial or justifiable grounds, I could be kept in prison and I have no kind of remedy against that. That is why I am saying that this is a very serious matter. We understand that such powers are necessary just at this moment to meet with the extra-ordinary situation of the Emergency and all that. But Government cannot escape its responsibility of ensuring that these tremendous powers which it is taking are not going to be misused or abused in any way. I was glad to read in the papers yesterday a statement made in Bombay by the Chief Minister of Maharashtra, Shri S. B. Chavan, this is what he is reported to have said:

"The Chief Minister, Mr. S. B. Chavan, said here today that there had been cases the State of people being detained under the Maintenance of Internal Security Act on inadequate grounds. 'In all such instances, the detenus have been set free', he added. The Chief Minister said that a Government committee met every fortnight to review the case of detenus. Mr. Chavan said the Government had issued instructions to the police to exercise care while detaining people under MISA"

14 hrs.

A report in another paper says:

"Chief Minister S. B. Chavan told newsmen today that if any misuse of MISA or DIR was being made by any official because of local bias or by way of vendetta, strict action would be taken against such official."

I welcome such an assurance by the Chief Minister of Maharashtra. But I do not find the same kind of thing being said here by the Home Minister of the Government of India in a forth-

right manner warning the officials that if any kind of abuse or vendetta or attempt to settle old scores or something like that was done and if it is found out, the official would be severely punished. If the Chief Minister of a State can make such a categorical assurance, the Union Home Minister can certainly do better than him and should do better than him.

I am not talking in the air because—no doubt he is aware of the fact—already reports have begun to come in for example of the fairly large number of workers and members of my party who have also begun to be arrested and detained under MISA. We have received this report yesterday from Bihar; on 29th June in Aurangabad two members of the West Champaran district executive committee. Sheo Kumar Tiwary and Akhileshwar Singh of Nabinagar have been arrested and held under MISA. I can quite understand what may be going on. It is something we had always apprehended in the past also. Some local landlord or some local landed gentry want to settle old scores with people who might have been leading some struggle there on behalf of landless labourers or Harijans or something they take this opportunity and they have such relationship with the local police and so on. The whole thing is cooked up and people are locked up and removed and put out of the way. On 29th June again in Sitamarhi, two dozens of persons were arrested under section 69 of the DIR; it might as well have been MISA. They are from police stations of Riga, Bajipatti Sonebarsa, Belsand, Patnaha and Sitamarhi town. Among them are five members of the district council of our party, one of the members of the district executive committee and one member of the district secretary. They are all leading people of our party. In Saran district on 5th of July three of our party members, Chandreswar Singh, Lalbabu Singh and Chandrajyoti Singh have been

arrested again under section 69 of the Defence of India Rules. The Secretary of our All India Trade Union Congress Committee in Jammu has been arrested. Two members of our Party's State Executive Committee in Himachal Pradesh have been arrested. What was going on earlier? I know on the day when the emergency was declared, in Sahdol District of Madhya Pradesh, ten of our trade union workers from the coal mines there and two office bearers of the Union of Amlai Paper Mills were arrested and locked up under MISA. I think most of them have been released subsequently. But it was done because the Home Minister of Madhya Pradesh—I do not mind saying it here, Mr. Krishna Pal Singh—whose constituency that happens to be, has been itching for a long time somehow or other to get the better of our A.I.T.U.C. there. The moment the emergency was declared the first thing he did was that he got all our union members locked up under M.I.S.A., in the name of emergency and this is what is going on now. And such strange reports have also come from Bihar. For example, in Patnaha, that is in Sitamarhi, the Sangharsh Samiti boys had cut telephone wires. None of them was arrested but 9 harijans of Kisanpur village were arrested and severely beaten of by police. In Begusarai, the District Magistrate has refused to give permission for indoor meeting, inside the Hall, fixed for the 30th of July to constitute a local Reception Committee for an anti-fascist congress. Even invitation cards for this congress were not allowed to be printed under censor rules. I am bringing all this to the attention of the Home Minister. Later on we will see what specific action is to be taken in these cases. I am not making a big song and dance about it because I know that down below such things will happen. There has never been an instance when these orders have not been misused because of the outlook and character of our bureaucracy in this country. The

[Shri Indrajit Gupta]

same bureaucracy is going to be one of the biggest hurdles in the way of your implementing even the economic programme and therefore we will have to think of some other way, some other machinery, some other institutional changes which make it possible for the people themselves to be directly involved in carrying out these things. But here in the case of arrests, if you do not take a strong attitude from the beginning that this type of misuse and abuse will not be permitted and officials who are responsible for it will be punished just as Mr. Chavan, Chief Minister of Maharashtra, has had the courage to say, then I am afraid as days go by, many such things will happen. I remember during the war with Pakistan in 1965, so many innocent muslims were locked up just because there happened to be Jan Sanghi-minded police officials there who wanted to get at them and they gave a false report that they were listening to Pakistan radio or something or other and locked them and those Muslims had to be released later on when it was found groundless. I know because I was involved in getting some of these people released such thing happened. So, without any advisory Board without any access to the Courts and so on, these dangers are magnified many time. Therefore, on behalf of various members of our party, we have tabled some amendments which only seek to reduce the period within which these reviews are to be carried out. This 15-day period of initial review, we have suggested, should be reduced to 10 days and periodical review thereafter should be reduced from four months to at least three months. Every three months; a review should be made.

Sir, one thing I would like to comment about. You are locking up the people--quite rightly in my opinion--who are actively engaged in this campaign of spreading violence and dis-

order with a view to seizing power. But what about the people who instigated them? What about the newspapers, people owning and running newspapers, who till the 25th June were writing editorials under banner headlines and all sorts of things investigating this campaign, and demanding that the Prime Minister must vacate immediately and has no right to stay for a single day despite what the High Court and the Supreme Court right have said? Were they not adding fuel to the fire?

Just now I have checked from the library what the *Hindustan Times* said on June 25 in its editorial. Mr. Brahmananda Reddy, please read it and see whether that was not an integral part of the whole campaign which was going on. Mr. Jagjivan Ram, in his reply the other day, had referred to the fact that certain newspapers, to use his own words, had exceeded the bounds of decency and decorum and it was therefore necessary to impose pre-censorship on them. But what about those organs which mould public opinion? I am surprised. the Chairman of the Board of Directors of the *Hindustan Times*, Mr. K. K. Birla, after this paper had written in this way editorially on June 25, overnight within two days becomes a great patriot and goes in a deputation to the Prime Minister and says, 'We assure you full support. We are all for emergency' and so on and so forth, and there the matter ends! Now Mr. Birla has become a respected citizen of this country, because he is a man of means, owing a lot of industries and so on. Therefore, everything that has been done in the past under his guidance and direction is wiped out! Is this how you are going to fight this danger?

If you turn over the pages of *Motherland*, please see how much advertisement revenue they get from certain big business houses here, who

were consistently giving big size advertisement to it. One of them is the Bharat Ram and Charat Ram combine. Did they not know what Motherland stood for? I know it for a fact that in the concerns run by Bharat Ram and Charat Ram not a single Muslim will ever be given a job. I am prepared to stake everything on this. I know that applications were invited for some posts in those concerns and it so happened that there were two Muslim applicants. The members of the selection committee were of the opinion that these two Muslim boys were head and shoulders above all the others, but the high-ups of the concern said, "Nothing doing; no muslims here. They cannot be trusted." That is to say are disciples of Mr. Balraj Madhok's theory about Muslims. Now you have closed down Motherland and locked up its editor. That is good I say so because it was omitting nothing but poison. But what about those people who went in a deputation, Members of the Federation of Indian Chambers of Commerce and Industry, to the Prime Minister and assured her of their loyalty and support? Are we fools? Can a leopard change its spots so easily? If you want to use these powers which we are giving you in a really effective way, in a really politically directed way, so that this fascist danger is properly scotched, don't play about it in this kind of superficial manner. On the one hand you have to guarantee that there will not be any misuse or abuse of powers against innocent people. On the other hand, you have to see that all these dangerous forces which today are trying to masquerade as patriotic forces, trying to change their posture and pretending to be innocent, are properly watched. I am not saying they should be arrested tomorrow, but at least a proper watch should be kept on them.

I do not know what the position now is regarding the usual type of facilities which were always given to

detenus under MISA in the past. I am told that at present the detenus, particularly those who were detained after 26th June, are not permitted to have interviews with their wives, children and other relatives. I do not know whether it is fact or not. If it is a fact, I do not support it for a single moment. I do not understand why we should go to this length. I know of some cases where I am being approached by parents in this behalf. I am told that even Shri Charan Singh was not allowed to meet his wife. These things are talked about all over. You can't censor all these things. I want to know whether those elementary facilities which were given to a detenu like writing letters, meeting relatives etc. have been curtailed or are still continuing. I would submit that certainly in these matters the Government can afford to be humane and liberal because this is in no way prejudicial to safety. Generally, of course, we support the Bill. In the present situation, there is no other go. We do not want these people to be released either by courts, through some subterfuge or through some other technical loophole which may be there. It is necessary that for some time at least, these people who had lost all sense of propriety, have to be contained. Subject to that, while we support the Bill, I would like the Home Minister to give us an assurance on various points which I have raised.

SHRI K. LAKKAPPA (Tumkur): Mr. Chairman, Sir, after the promulgation of emergency, certain steps have been taken by Government. The leadership of this country have introduced a new era of discipline in the country and it is very necessary and justifiable because of the threat posed by the internal forces to the security of the country. The security of this country has been disturbed not now but time and again and now they have created such an atmosphere of terror, arson and looting which amounts to sabotage. To meet those activities of

[Shri K. Lakkappa]

the internal forces this legislation is very necessary at this hour.

The other day, Shri Mavalankar described this as a draconian law. I do not know what prompted him to call this law in that manner. He has stated that the liberty of every individual has been questioned by bringing forward this kind of a legislation. Is it not necessary that the liberty of every citizen of this country should be protected by the system that we have got, viz. the democracy? The very system of democracy has been hindered by such people. Is it not envisaged in the Constitution that we have to take action in such an atmosphere of terror to ensure the functioning of democracy? We have already stated—and the leadership has also stated in a way—as to what are the reasons which have prompted the Government of India to undertake such legislations and other steps, while operating the Constitution. Even the courts have not fully exercised their functions in relation to the programmes and policies which have been assigned by the people of this country. Therefore, it is necessary to endow the Government of India with these powers to enable them to put down activities which are subversive in nature and which prevent the economic development of the country, especially after the introduction of an economic programme by Shrimati Indira Gandhi. There is another aspect. My friend was very much agitated over a point, viz. whether this legislation would completely put down the activities of reactionary forces or the vested interests which are designed ultimately to unsettle the entire functioning of parliamentary democracy. How is this measure to be implemented; and how can it become an effective instrument? He is agitated because of the nature of the bureaucracy which we have. The infiltration into the bureaucracy of forces of rightist conspiracy—in various States and in various organizations—has to be taken care of by the

Home Ministry. Many of the speakers have said that there is a lot of infiltration by them into the executive authority, i.e. the bureaucracy. For a long time now, we have seen the infiltration by Jana Sangh and the para-military organizations into various public undertakings, as also into schools, colleges and universities. In order to put down the conspiracy by the right reactionaries and vested interests, a thorough scrutiny of the bureaucracy is very necessary. We should bring about a structural change in Article 311 and see that the executive authority, i.e. the bureaucracy is trimmed and tuned properly, in order to see that the anti-national activities and conspiracies of vested interests are suppressed, since they create an atmosphere which prevents the implementation of the economic measures which are very near and dear to the hearts of the people of this country. This aspect has to be considered.

So many friends have been taking about freedom, but freedom should not be mis-construed according to their own convenience. A certain section of the people says that every article of this Constitution is very sacred and sacrosanct, but it is the Prime Minister Shrimati Indira Gandhi who for the first time made the Constitution a living instrument to transform our society and make it dynamic. Naturally the undesirable forces are affected.

It is very shocking to know that on the 18th July, 1975 24 smugglers were held in Tamil Nadu, of whom 9 are RSS, 10 are Marxists and 5 belong to the Jamat-e-Islami. This is a recent example to show how these communal organisations are exploiting civil liberties and Constitutional guarantees and carrying on their activities on a large scale. No action had been taken against them for a long time. Why did the Home Ministry not take the serious step of scrutinising the infiltration of these people in the guise of political organisations? This is very serious.

This is how these political organisations have been built up. I have been in Karnataka. Most of the universities and educational institutions there are run by RSS and Jana Sangh. They are brain-washing our younger generation and creating an atmosphere of sabotage and internal disturbance. It is the same in every part of the country. Why has not that angle been looked into so far and no action taken?

It is very necessary that the bureaucracy has to be put in its proper place. Unless bureaucracy is put in its proper place, it would be very difficult to implement the legislation that we are going to pass.

There are international agents behind the smuggling activities in this country and they are taking away the resources of this country and retarding our economic growth. According to the Kaul Committee, the estimated outgo of foreign exchange for various purposes including smuggling is about Rs. 240 crores. How can any Government implement its economic programme and introduce an atmosphere of economic freedom in such a situation? When our Government takes certain measures and introduces economic freedom in this country for the first time, all these vested interests and smugglers under the leadership of Jaya Prakash Narayan create an atmosphere of a whispering campaign against the proclamation of emergency. In Madras certain yellow journals are publishing material against the proclamation of emergency. They feel that they are more independent than other States and they feel that they have got more freedom, but the Government of India has not taken any action against them for making propaganda against our Government, against our leaders and against our economic measures. A leaflet has been circulated even in Karnataka. Everyone knows from where it started, but still no action has been taken.

Therefore, this legislation would be very handy to take action against such whispering campaigns and infiltrators. They have to be combed and scrutinised very properly and drastic steps have to be taken.

We are passing this legislation in order to give effect to the 20 point programme enunciated by our leader Shrimati Indira Gandhi. More steps are necessary. An agency should be created and an atmosphere has to be created for taking drastic steps to see that the transformation of the economy of this country is achieved and that all anti-social elements, reactionaries and vested interests are put down.

श्रीमती मुकुल बनर्जी (नई दिल्ली) :
सभापति महोदय, भीसा में जो संशोधन लाया जा रहा है, उस पर विचार करते समय हम देखते हैं कि देश में अभी जो कानून है वह देश को और देश की जनता को पूरी तरह से खतरे से नहीं बचा सकता है, इसीलिये भीसा में संशोधन करने की ज़रूरत हो रही है। कुछ लोगों ने देश में संकटकालीन स्थिति पैदा की हुई थी और लोग भी करते जा रहे थे। उन्होंने राजनीतिक जीवन में और आर्थिक जीवन में सब तरफ से देश में अराजकता, उच्छृंखलता और अव्यवस्था फैला रखी थी। उस स्थिति से निपटने के लिये भीसा एक पर्याप्त नहीं था इसलिये अडिनेन्स निकालने की ज़रूरत हुई और उसमें संशोधन की भी ज़रूरत हुई।

श्री जयशक्ति नारायण के कोई भी बच्चा नहीं है, महिलाओं की बात अलग है, पुरुष होने के नाते उन्होंने कभी बच्चों के लिये नहीं सोचा। श्री अटल बिहारी वाजपेयी, जो जनसंघ के लीडर हैं उनक भी शादी नहीं हुई और उनकी भी बच्चों के प्रति कोई भावना नहीं है। श्री ज्योतिर्भव बस सीपीआई (एम) के लीडर ने भी उनके

[श्रीमति म. हुतब (जी)]

साथ हाथ मिलाया, उनके भी एक इकलौता लड़का लम्हन में पड़ता है और वह छुट्टियों में लम्हन से बापत आता है। ऐसी हालत में वे हमारे देश के बच्चों का क्या ध्यान रखेंगे?

मैं जब पटना गई थी, तो वां एक घर में गई। वहां एक बीबी ने कहा कि हमारा लड़का पड़ाई में तो अच्छा था लेकिन मोर्चे के लोगों ने उसको कहा कि इस्तहान न दो लेकिन वह इस्तहान देने जा रहा था। इन लोगों ने उसको रास्ते में पकड़ लिया और इन्हाँ मार, कि उसको मार कर खत्म कर देना चाहते थे। लेकिन उस कन कमी तरह से वह बच गया मगर बेहोश हो गया। जब होश में आ गा तो हर बक्त वह बोलने लगा कि मैं इस्तहान नहीं दूंगा, मुझे मार; नहीं, जनसे न मारो। क्या हम अपने बच्चों को ऐसे फूचर और ऐसी जिन्दगी की तरफ ले जायेंगे? हमारा देश ऐसे खत्म हो जायेगा। महिला के नामे में कह मरनो लूं कि जिन हालत में यह हमको ले जा रहे थे, उसको देखते हुए यह बहुत अच्छा हुआ कि वे मीसा में पकड़े गये।

जब हनुमंगरात में चुनाव में गये तो इन लोगों ने चरों तरफ लोगों के दिलों में इतन डर पैदा कर दिया था कि कोई बैज लगाने से भी डरता था। हम महिला होने के नामे घर घर जाते थे। उनको कहा जाता था कि बहिन, आप लोग हमारे घर में मत आइये, हम अपको ही बोट देंगे, आपको यहां कोई देख लेगा तो हमारा घर नहीं बचेगा, हमारे बच्चों को ये मारेंगे। क्या ऐसी हालत को आ; लोकतंत्र बोलते हैं? लोकतंत्र को तो ये लोग खत्म करने के लिये तैयार थे, ऐसी हालत कर रखी थी।

आर्थिक क्षेत्र में हमने देखा कि स्मग तक क्या हालन पैदा कर रहे थे। इन लोगों की कार्यवाहियों की बजह से हमारी सरकार को

फोरन-एक्टवेंज में 400 करोड़ रुपये का नुकान होता है। वे लोग बड़ी मात्रा में स्मगलिंग कर के हमारे देश की स्थितिक फाइबर को इंडस्ट्री को एकदम खत्म कर रहे थे। इन तरह से वे लोग एक पैरेलल इकनामी और पैरेलन सरकार चला रहे थे। हमारी सरकार ने देश को उभ्रति और डबलपैट के लिये जो भी इन लागू करने की कोशिश की, उन तब को उन्होंने विफल कर दिया। पैरेलन इकनामी चलाकर उनको फरस्टेट कर दिया। इतनी बुरी हालत इन्होंने पैदा कर रखी थी। वे लोग स्मगलिंग के पैसे से इकनामिक नावर को पच्चा करते थे और सोल रैस्पैक्टेबिलिटी प्राप्त करते थे। जो बड़े बड़े स्मगलर्स पकड़े गये थे, बाद में उनको छोड़ देना पड़ा। उसके बाद वे लेटस्ट इलक्ट्रॉनिक डिवाइसेस के द्वारा अपनी आग नाइजेशन को ठीक ठाक करने लगे। उनको छोड़ना नहीं चाहये था। अब अच्छा हुआ कि सरकार मीसा एक्ट में सशोधन कर रही है और वह जस्टिसेबल होगा और इससे देश में अच्छे हालात होंगे।

ऐसी स्थिति वा रही थी कि देश में इन्क्लेशन बढ़ रहा था और आर्थिक क्षेत्र में वह कठिनाइयों का सामना करना पड़ रहा था। प्रोक्योरमेट में कितनी मुश्किल हुई? जब यह तय हुआ कि सरकार को तरफ से प्रोक्योरमेट होगा तो भते अपने वर्कस को कहा कि वे सरकार की मदद करें। पंजाब से हमारे पास लेडीज आई, उन पता चला कि कुछ लोग गांव में ज ते थे और कहने थे कि तुमने कितना अनाज पैदा किया है। 5 हजार का पैदा फा है, तो हम 10 हजार दे रहे हैं, अपनी जरूरत के लिये तो रख लो और बाकी को जला दो, जमीन में गाड़ दो, मगर सरकार को भत दो। क्या यह एन्टी-नेशनल एक्टिविटी नहीं है? क्या ये लोग गेला कर के देश को खतरे में नहीं डाल रहे थे?

मैं यह नहीं कहता कि सभी सरकारी लोग बुरे हैं। लेकिन मैं एक खोज कहना चाहती हूं कि जो बुरे सरकारी नौकर हैं, उनको खाली डिसमिस करने से काम नहीं चलेगा। जब किसी को गलती पकड़ी जाती है और जिसने देश का नुकसान किया है, उसको डिसमिस करना ही काफी नहीं है, क्योंकि उसने जिन्दगी के लिए काफी सारा इंतजाम कर लिया होता है। उसको बड़ी सजा देनी चाहिये ताकि दूसरे सरकारी नौकर ऐसा काम न करें।

जो लोग मीमा के संशोधन की आलोचना करते हैं, वे नहीं जानते हैं कि गणतंत्र को बचाने के लिये कानून को मजबूत करना बहुत जरूरी है। इस संशोधन से लोकतंत्र को कोई खतरा नहीं है। जो अच्छे लोग हैं, उनको इसमें कोई डर नहीं होना चाहिये। अग्रेजी की एक कहावत है—

Hundred offenders may go scotfree but not one innocent person should be punished.

मगर यह कहावत सामान्य स्थिति में चल सकती है। आज जो असामान्य स्थिति है, जो अराजकता पैदा कर रहे थे, उसमें यह बात नहीं चल सकती है।

मैं श्री इन्द्रजीत गुप्ता से सहमत नहीं हूं। मेरा कहना है कि हमारी पार्टी हो या सी.पी.आई. हो या किसी अन्य पार्टी का कोई व्यक्ति हो, अगर कोई गलत काम करता है, जिससे देश को खतरा पैदा होता हो तो उसको जरूर पकड़ा चाहिये और मीसा में बन्द करना चाहिये। अभी जो मीसा कि इस्तेमाल किया जाया है, उससे जो अब हालात पैदा हुए हैं वह अच्छे हैं। किसी को छोड़ना नहीं चाहिये।

मैं यह दावे से बोल सकती हूं, हम दिल्ली के ८००००० लोगों के मुकाबले में बहुत ज्यादा

आज लोगों के साथ रहते हैं और बारहों महीने अपने लोगों के साथ रहते हैं, जनता से मिलते हैं। दिल्ली की जनता बहुत खुश है। लोग कहते हैं कि श्रीमती इन्दिरा गांधी ने यह 2, 5 साल पहले क्यों नहीं कदम उठाया। अब इसको उठाया गया है तो इसको कड़ाई से लागू किया जाये, इसको खत्म न करें।

आज लोगों की भलाई के लिये, देश को बचाने के लिये और चार बजारी व काला बजारी को खत्म करने के लिये, स्मगलर्स और बुरे राजनीतिक लोगों को रोकने के लिये मीसा में संशोधन बहुत जरूरी है। देश को और देश की जनता को बचाने के लिये इसकी बहुत आवश्यकता है।

इन शब्दों के साथ मैं इसका समर्थन करती हूं।

SHRI S. A. SHAMIM (Srinagar):
Mr. Chairman, Sir, the darkness which started at the noon of 26th June is becoming deeper and deeper and, if any proof is needed, the proof can be found in this August House, Indian Parliament, having heard a few speeches in support of the amendment to the MISA. I am convinced that certainly this is going to be the last free session of Parliament of course, free within, not free without. Whatever is happening will be known to a few Members of Parliament. The Opposition has been got rid of. There is no question of dialogue now. We will be used now to a monologue, Ministers proposing, Members agreeing and pieces of legislation getting passed.

Sir, when this House passed MISA, at that particular point of time, it was for smugglers. In this very house, the hon. Member who has now chosen to support Mrs. Indira Gandhi and her Government due to domestic compulsions asked Mr. K. C.

[Shri S. A. Shamim]

Pant who was piloting the Bill then, "Please give us an assurance that this MISA which has become the Messiah for this Government will not be used against political leaders." I remember, Mr. Pant saying, "I assure you, this is a positive assurance that this MISA will never be used against political parties or political leaders." He did not qualify it at that time. Normalcy was not to be defined by the Minister of Home Affairs or the Minister of State for Home Affairs or, for that matter, the Prime Minister. I am referring to an historical event and the record of the House bears witness to that. Once we conceded that in the case of smugglers, then it was left to the caprices of the Government that it would be used against political parties and political persons.

The other day, Mrs. Indira Gandhi said, "We have made very selective arrests. The total number of arrests may be one thousand but there are only one hundred political persons under arrest." The Opposition parties also wanted a selective head. They wanted the head of Mrs. Indira Gandhi. They did not want the heads of all party leaders. Sometimes, by being selective, you destroy the basis. You have arrested all those who opposed you. I did not oppose you. Therefore, I am free. I do not know what will happen now. For the last three days, according to you and according to Mrs. Mukul Banerjee, I have violated all laws. Therefore, I do not know what is going to be my fate now. In the name of selective arrests, all those articulate Members of Parliament, all those who opposed—Mrs. Indira Gandhi and her Government, have been arrested. She says, "I have made very selective arrests."

Now, the Members on the other side and, unfortunately, some Members on this side also stand up and say, "Well done, Madam. More of it." This is how the freedom comes to an end. When the freedom comes to

an end, you never know what will be the next step.

The first casualty was a free press. I was hearing Mr. Indrajit Gupta saying, "Punish the Hindustan Times with retrospective effect." Why? Because the Editor of the Hindustan Times wrote a particular editorial on 25th June. Not that he violated any Emergency law. It is because he wrote a particular article saying that Mrs. Indira Gandhi should resign. Therefore, he said, the Editor should be punished retrospectively. The Editor of the Hindustan Times does not have the right to reply to Mr. Indrajit Gupta, within or without. You would like to hear only one voice, and that is your own voice; and this is where the end of democracy starts.

Sir, about freedom of the press, a letter has been written to Prime Minister Indira Gandhi—the Prime Minister of the greatest democracy of the world. This letter has been written by some of those who have fought in the freedom struggle and, the letter being addressed to Madam Gandhi, I hope there is no ban on my reading it out. This quotes Jawaharlal Nehru. There is still no ban on quoting Jawaharlal Nehru in this House but you cannot quote Jawaharlal Nehru outside. You can quote Jawaharlal Nehru's daughter but you cannot quote Jawaharlal Nehru.

AN HON'BLE MEMBER: Who said so.

SHRI S. A. SHAMIM: Shri V. C. Shukla: (Interruptions) After your theatrical performance, madam, I was in tears. Let me recover now and say what I have to say.

Shri Jawaharlal Nehru, the father of Shrimati Indira Gandhi says:

"To my mind, the freedom of the press is not just a slogan from the larger point of view but it is an essential attribute of the democratic process. I have no doubt that

even if the Government dislikes the liberties taken by the Press and considers them dangerous, it is wrong to interfere with the freedom of the Press. By imposing restriction you do not change anything; you merely suppress the public manifestation of certain things, thereby causing the idea and thought underlying them to spread further."

Instead of taking this advice of the father, by violating that advice, Mrs. Gandhi is becoming the instrument of spreading these very ideas she wants to suppress.

Shri Jawaharlal continues:

"Therefore, I would rather have a completely free Press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated Press".

But, here, the *Hindustan Times* is to be punished because, on the 25th June, not knowing that emergency was coming, the editorial demanded the resignation of Mrs. Gandhi. Sir, I also should be punished accordingly because, on the 15th June, I had also requested Mrs. Gandhi to declare her intention of resigning. I don't know under which law I can be hauled up.

Then, Sir, Mr. Borooh and I met on the 14th June. Mr. Borooh the Congress President, came to me with Sheikh Mohammed Abdullah, the Chief Minister of Kashmir. He had a copy of the *Times, London* in his hand. He said "I don't read any other paper; they are trash". The *Times, London*, carried an editorial saying that the offences with which Mrs. Gandhi was charged were petty and under the English law they are no offences. On that date, Mr. Borooh read the *Times, London* but from the 25th June these 'imperialist' papers are not being read. Suddenly they have become 'imperialist' newspapers. I don't know

whether Mr. Borooh reads *The Times, London* now or not; I am sure he cannot.

Mrs. Gandhi says that those papers are opposing her now, and describing what has happened in India as the start of dictatorship. Madam Gandhi, you are wrong. It was the Nixon Government which supported Pakistan, but the people of America, the *New York Times* and *Washington Post* supported Bangladesh. It was the *New York Times*, the *Washington Post* and the people of America who supported India. And, today, the American Government is silent again, supporting what you are doing. It is the *New York Times*, the *Washington Post* and the *Times, London*, which are opposing you. Don't count them when they criticise you. It is a free press; they can afford it. But don't try to put perverted logic before the nation because only your voice is heard.

Sir, the need for emergency now is not a justiciable question. Probably the President, in his wisdom, thought that an emergency arose. But where are you taking this emergency to? To which extent, to which limit are you taking it? You are taking it even to the limit that an ex-M.P., cannot enter the Central Hall, that Journalists cannot enter the Central Hall. This is the fear to which, again, Mahatma Gandhi referred to—Mahatma Gandhi's quotations are allowed in Parliament but they have been banned in the Press.

May I again remind this House of what Pandit Jawaharlal Nehru said about fear which Mrs. Indira Gandhi, Mr. Brahmananda Reddy and others are inculcating in the minds of the people?

"The greatest gift for an individual or a nation, so we had been told in our ancient books, was *abhaya*. (fearlessness), not

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merely bodily courage but the absence of fear from the mind. Janaka and Yajnavalka had said, at the dawn of our history, that it was the function of the leaders of a people to make them fearless. But the dominant impulse in India under British rule was that of fear—pervasive, oppressing, strangling fear; fear of the army, the police, the widespread secret service; fear of law meant to suppress. It was against this all-pervading fear that Gandhi's quiet and determined voice was raised: 'Be not afraid'."

Without saying that this was said by Pandit Jawaharlal Nehru, anybody can apply this to the present state of situation, to the present state of affairs, in this country. You have the fear of the people, the fear of ex-MPs, the fear of the Pressmen, and yet, you say, 'People are with us'. I cannot understand this melodrama, your saying that the whole country is with you except a handful of people like Mr Jayaprakash Narayan, Mr. Morarji Desai, Mr. Madhu Limaye and others. (Interruptions) I do not know what that lady is saying. One lady has clamped Emergency and another lady does not allow us to speak. There must be an end to ladies' caprices.

We are talking of the Hindustan Times being punished. The Hindustan Times may or may not be punished. But one criminal at large, Mr. Baburao Patel, who has been spreading poison in this country for the last 20 years, was arrested under the MISA and was then released because the authorities concerned thought after putting him in jail for 7 or 14 days that he was purified. By this standard, Shri Jayaprakash Narayan, Shri Morarji Desai and the others also should have been released because if Shri Baburao Patel, a poisonous snake I would call him, can be purified by being put in jail

for about ten days only, it is time that Shri Jayaprakash Narayan and all other leaders also were released.

Mrs. Indira Gandhi says that the fact that Parliament meets shows that there is democracy in this country. Mrs. Gandhi has the right to say so because there is no other voice to tell her that this is not the real Parliament this is a mock Parliament which we used to arrange and stage in our schools and colleges. Excepting the Chairman, everybody here is a mock-piece. If you were not in the Chair, Mr. Chairman, I would have said that the Chairman was also a mock-piece. Having arrested all those and not allowing them to come here—members of the Opposition—she says that Parliament meets.

Nothing can go outside except the Prime Minister's speech and Mr. Brahmananda Reddy's speech, and yet, she says that Parliament meets and, therefore, democracy is functioning. Why is Mrs. Gandhi keen to maintain this facade of democracy? She used to be a very brave woman; she used to be a great fighter. But this 'fear' seems to have gripped her now. Why is she keen to show to the world, particularly to the imperialist world, that democracy is functioning here. Why does she not say, 'Democracy cannot function in this country; in this country we experimented democracy but we found sluggishness, we found laziness, we found people coming to office late, and therefore, we dispensed with democracy'? Why is she keen to show that there is democracy functioning here?

I was telling you that the shadow of darkness had deepened. I want to prove this to you. With this Amendment Bill, what is Mr. Brahmananda Reddy trying to do? I will only refer to one Clause, Clause 7, where it is said that the

following section shall be inserted, namely:—

“No person (including a foreigner) detained under this Act shall have any right to personal liberty by virtue of natural law or common law, if any.”

I am sure that Mr. Brahmananda Reddy does not know what he is saying in this. He does not know what is a natural law or a common law. I do not know about his educational qualifications, but, obviously, he is not a lawyer, and if he is one, he must have passed through backdoor method; if he is a lawyer, this will be the saddest day for the country that a Law College had given him the Degree. (Interruptions). He does not know what is a natural law and what is a common law. Natural law is a law inherent in nature. This is the result of thousands of years of the struggle of man that, irrespective of what is written in a Constitution or in the Penal Code, men have certain natural laws. The Common law is not peculiar only to Britain. We have our own common law based on customs and traditions. Mr. Brahmananda Reddy does not seem to be satisfied with changing the Penal Code. He wants to destroy the natural law and the common law. I am sure he does not know what is natural law and what is common law. If he were a law graduate or a barrister, then he would have tried to camouflage it as he has done a number of times, and he would not have so expressly put this idea, depriving the human beings of their natural law.

On 26th June, apparently nothing happened, but a system was destroyed. The system was a very sluggish system, a weak system, a defective system, but all the same it was a system. We knew that after five years there are going to be elections;

people will reject one party and accept another. On 25th June, we did not know, what would happen on 26th June.

We do not know, Mrs. Gandhi may be an honest lady, she may be the greatest of ladies the world has produced, but she has destroyed the guarantee and continuity of a system. Now onwards, it will be one man's word, one person's word, and that person can tomorrow decide and put Shri Brahmananda Reddy under arrest under MISA and Shri Brahmananda Reddy would have no appeal. Then Shri Brahmananda Reddy will like to speak from these benches, but these benches must have been closed. We may be the last of the Parliament; everybody must see us curiously and attentively. We are the last specimens; we will be preserved in a museum. Future generations will come and pay heavy tickets to see, who were the last Parliamentarians of the Parliament of India. I am not sure, if Shrimati Gandhi will find a place or not, but she will find a mention as one person who converted a living organism into a museum of historical importance and had this piece of legislation. When Shri Brahmananda Reddy dies—and I am sure he will die very soon, not a physical death, I am talking of spiritual death—then I will get these words engraved in the shamshan, “No person including an Andhrite or a foreigner detailed under this Section will have any right to personal liberty by virtue of natural law or common law.”

I am exonerating Shrimati Indira Gandhi, because she told us. “I do not know the implications of law.” She, therefore, stands exonerated. She does not know, what she is made to sign. Shri Brahmananda Reddy, I understand, knows law. By destroying the natural law, he has destroyed the dignity of the human being, he has destroyed the great culture of India, he has destroyed the spirit of Mahatma

[Shri S. A. Shamim]

Gandhi and he has destroyed the philosophy of Jawaharlal Nehru. I consider this blackest day in Indian history. The blackest day started on 25th June, but still blackest day had to come and this is the day.

Sir, the other day, one Congress M.P. in the Central Hall was telling me, "Please put up with this for a few months. How does it matter if your speech does not go out and how does it matter if the press does not report it?" I told him that if it were for only a few months, I would have put up with it. The question is, once you get used to it for a week, you will like to extend it to two weeks, and when it is two weeks, you will like to extend it further to two years and ultimately you find it so convenient that you will like to keep it permanently.

All the arguments that were given, strangely enough, find a strange similarity with the diction and dialogue of all the dictators. I have never lived under a dictatorship except for forty days when I was in Pakistan. Therefore, I had no experience; I had read about it only. I find the same arguments, the same logic, being given by dictators everytime they usurped power; every time they imposed dictatorship. And then they get used to it. They do find people—ladies like Mrs. Ray and lords like Mr. Parashar—who support this without knowing that one day this axe will fall on them. So, presently, the Congress Members, the Ministers and their wives and the Chief Ministers and their wives extend full support not knowing for whom the bell tolls. Mr. Brahmananda Reddy and all others—this piece of legislation which is being passed against smugglers, I make a forecast that all of you one day will be arrested and the common man will know only that you are also smugglers.

15 hrs.

So, Sir, I oppose this Bill with all the vehemence and force at my command.

SHRI SYED AHMED AGHA (Baramulla): About the hon. Member, Shri Shamim who has just spoken, I would only say:

وہر رنگ کی بڑا ہاں جامی نہیں پوچش
میں انداز قدت، امی شناسم ।

میں انداز قدت، امی شناسم ।

He has given me three impressions. First he thinks that he is wiser than the wisest. The other impression that he gave was that he is here to support the US imperialism and the US journalists. The third impression he gave me was that he was very sad that the journalists who used to come to the Central Hall are not there now ... (Interruptions) I did not disturb him when he spoke. Why should he disturb me now?

SHRI S. A. SHAMIM: Why did you not do it? That was your natural law.

MR. CHAIRMAN: It is very difficult Mr. Shamim, please don't interrupt.

SHRI S. A. SHAMIM: Let him not speak about me. Let him speak about the Bill.

MR. CHAIRMAN: He has a right to reply to you.

SHRI SYED AHMED AGHA: He must understand that as our President said, Indira is India and India is Indira. Their conspiracy was directed against India and the Indian democracy. Why and by whom was it directed? He should know that the object of the whole thing was...

SHRI S. A. SHAMIM: In any case this is your last term. No chance for your coming back.

MR. CHAIRMAN: You are a good actor also—I think.

SHRI SYED AHMED AGHA: The object of the conspiracy was that there should be a dictatorship of the propertied classes. That was No. 1. The other thing was that there should be a reversal of the anti-imperialist policy. This was the object of the conspiracy. What was the method employed? The method was that there should be subversion, and chaos and confusion. How can we do it? We must have strikes, bandhs and communal strifes. We must kill people. Then, they were not contented with that—Why not kill even Mr. L. N. Mishra? They killed Mr. L. N. Mishra who was one of our great leaders. They say that this is not enough to shake the confidence of the Indian people. Then, let us attempt to kill the Chief Justice of India. What was their aim? Their aim was fascism. Then they adopted anti-democratic moves. Let us gherao the M.L.As. Let us force them to resign. Let the assemblies be closed. This was the way they wanted to behave so far as anti-democratic moves were concerned. What more fascist steps could they take? They said let us have janta sarkar, let us have janta adalat, parallel administration and the Government must be paralysed and bring about a fascist dictatorship?

They are talking of liberty. They wanted liberty to kill the Chief Justice. They wanted liberty to paralyse everything—a licence to do all this.

Gandhiji used to fast for the freedom of the country. Morarji Desai is fasting for the dissolution of the assemblies—an anti-democratic step. We thought that he was a revered and old man and we should save his life. He misunderstood it.

Let me give a few instances of what they were doing. On 9th December, in a letter from Shri Jayaprakash Narayan it was written 'elections have been growing more and more irrelevant to the people.' He approvingly talked of Mao in Patna and he said power came out of the barrel of a gun. Is it not going towards fascism?

In Motherland on 6th March he said—if R.S.S. is fascist, then I am a fascist. He justified R.S.S. and fascist move. This is what they are doing. But they say that they were doing nothing.

On 5-6-1974 he again said—'decisions will be mine and you will have to accept them'. He was almost going to become the Hitler of India. I am reminded of a verse—

मैं फटकता हूं तो छलनी को बुरा
लगता है क्यूं

हैं सभी तहजीब के औजार तू छलनी में छाज ।

[میں پھٹکتا ہوں تو جھوٹی کو
برا لگتا ہے کہوں
ہم سبھی تہذیب کے اوزار
تو جھوٹی میں جائیں]

He wanted to be have like British Imperialists or Hitler.

On 13th January in the Statesman, they said—revolution will not come from Parliament or Assembly. Army and Police must revolt.

On 24th October, 1974 he stated, violent revolution can be successful if Army and police revolt.

On 6-6-1974 a call was given to the policemen to revolt.

On 5-9-1974 at Samastipur he said, day was not far when they would turn their guns on their superiors

This is how he was going towards dictatorship.

[Shri Syed Ahmed Agha]

On 31-3-1975 he said he would not hesitate to give a call to the Army and the Police to rise in revolt at an appropriate time.

On 4th April at Bhavneshwar he said that he would ask the Army and the Police to rise in revolt at an appropriate time. On 25-6-1975 he said, the time to which I have been repeatedly referring is now coming.

Therefore, I say the time for proclamation of emergency had also come. I wish to say in clear terms why all these things were done. They wanted to oppress the people, to protect the vested interests of the country. Therefore, the right reactionary elements started this movement. It was started right from the time when we embarked on 'bank nationalisation' and 'abolition of the privy purses'. We helped Bangla Desh to get liberated. We concluded the Indo-Soviet Treaty of Friendship and Co-operation. The Seventh Fleet had to go back from the Bay of Bengal. It was proved to the world that a friend in need is a friend indeed. When all these events took place, what happened? The imperialist forces were trying to become more and more active within the country, may be through CIA. I wish to quote from the New York Times and this news item is dated July 24th, that is yesterday. It says.

'The United States Central Intelligence Agency was authorised in September 1970, to make a last effort to prevent Salvador Allende from gaining power in Chile, by former US President Richard Nixon.'

The CIA was also active here as they were active elsewhere. The imperialists did not like us; they did not want us to be independent and to have a non-aligned policy. They did not want that we should stand on our legs. Just after independence the

Britishers and the United States were saying: You are an agricultural country, use more of fertilisers; produce more of grains. But our public sector built the strength of the nation. That was proved during the days of the Bangla Desh war. We proved that we could stand on our legs. The imperialists do not like us because we had nuclear explosion and we put Aryabhata into space. These achievements unnerved them. Since Shrimati Indira Gandhi is responsible for a strong India and since she has built up a strong India, since she has raised the stature of India in the international world, in the non-aligned groups, Indira Gandhi has become inconvenient for them. Through the ballot boxes the reactionaries could not come. Therefore, violence! First they tried by forming a syndicate but they could not come; they could not succeed. Therefore, they started creating conditions and circumstances by which they could hope to come. Why? Because they wanted the propertied class here.

I am just concluding. It would have been very unfortunate at this hour of crisis when the imperialist forces and the vested interests had joined together if we had not acted quickly and proclaimed emergency as we have done now and the consequential amendments in the MISA. So this step was unavoidable and it had to be taken.

I want to tell the hon. Member that he had been giving the impression ever since he came here that he was very close to my Chief Minister of Kashmir, Shri Sheikh Abdullah.

SHRI S. A. SHAMIM: Unlike him I am not a chumcha.

SHRI SYED AHMED AGHA: While Sheikh Abdullah has justified the Proclamation of Emergency, he is

opposing the Proclamation of Emergency as well as the MISA which is a consequential measure.

With these words, I thank you for having given me an opportunity to speak.

DR. HENRY AUSTIN (Ernakulam): Sir, this kind of not showing adequate respect to the Chair or dignity to the proceedings of Parliament is not proper. Let us all speak here in a dignified manner.

SHRI S. A. SHAMIM:(*)

SHRI BHAGWAT JHA AZAD (Bhagalpur): (*)

SHRI S. A. SHAMIM: (*)

SHRI BHAGWAT JHA AZAD: (*)

SHRI H. K. L. BHAGAT (East Delhi): Sir, the word 'chumcha' is not dignified.

अ ए : ए० शम०म :

अ० भागवत ज्ञ० अ० जाद० :

अ० ए० ए० भ० म० :

अभ पति मह दय : भगत जी, आस्टिन साहब और भागवत ज्ञा आजाद साहब ने जो कुछ कहा है, मैं उस से इनकक करता हूँ। यह बात सिर्फ शमीम साहब के लिए ही नहीं है, मैं पहले भी कह चुका हूँ—कोई साहब भी जो चेयर की परमिशन के बगैर बोलेंगे वह रेकार्ड पर नहीं जायेगा।

अ० भ० म० : अ० विद्व० इ० आ० (श्राविला) : सभापति महोदय, यह पहला अवसर नहीं है जब हमारे शमीम साहब ने इस भीसा की मुख्य-लिफत की है। जिस समय वह इस सदन में आये थे, तो हम समझने थे कि वे कुछ साफ-गुथरे, पढ़े-लिखे व्यक्ति हैं, इस सदन में कुछ इस तरह का असर छोड़ेंगे जिस से जाहिर होग।

कि वे बाकई कुछ करना चाहते हैं। लेकिन इस सदन में एक भी ऐसी मिसाल नहीं है जब कि उन्होंने किसी भी प्रोप्रेसिव कदम को सपोर्ट किया हो।

जिस समय श्री गणेश ने भीसा के अन्तर्गत बहुत से तस्करों, व्यापारियों, चोरबाजारियों क. पकड़ा, उस समय भी उन्होंने इसी सदन के अन्दर दूसरे विरधी दलों के नेताओं के साथ मिल कर यह दुहाई दी थी कि यह उन का फ़ड़ा-मेन्टल गाइट है, परसनल लिबर्टी है, कानूनी लिबर्टी है। मैं उन से पूछना चाहती हूँ—हिन्दुस्तान कोई छोटा-मोटा देश नहीं है, इस देश में 55 करोड़ व्यक्ति रहते हैं, इस देश में कुछ थोड़े से फैनें-चुने व्यक्ति अपनी पर्सनल लिबर्टी के नाम पर, नैचुरल जस्टिस के नाम पर, सारे हिन्दुस्तान की जिन्दगी को तबाह-बरबाद नहीं कर सकते। आज नहीं, अब से दो वर्ष पहले श्रीमती इंदिरा गांधी ने इस बात की चेतावनी दी थी कि इस देश के अन्दर और इस देश के बाहर वे ऐसी प्रवृत्ति के लोग हैं, इस तरह की गलत ताकतें हैं जो हिन्दुस्तान को बरबाद और खंखला करने में लगी हुई हैं। अब भी इस सदन के अन्दर यह कह कर मजाक उड़ाया गया था कि देश को किधर से खतरा है? और देश के जिस कोने में एमरजेंसी लगी हुई थी कहा गया कि इस को खन्ना करो, यही से भी कोई खतरा नहीं है। चीन और पाकिस्तान शांत हैं और देश के अन्दर भी शांति है। लेकिन कुछ दिनों के बाद जो हालात सामने आये उन से प्रकट हुआ कि देश को बरबाद करने की साजिश की जा रही थी। कीन सा ऐसा समाज का हिस्सा है, जो राजनीति हो, व्यापार हो, तस्कर हों, सरकारी कर्मचारी हों, स्कूल के अध्यापक हों, सब ने इस बात की कोशिश की कि जिस इमारत को इस देश ने नेताओं जहार लाल नेहरू और इंदिरा जी ने 25 साल की भेहनत और जनना

(*) Not recorded.

[भी मती स.विदो इयाम]

के त्याग तथा बलिदान के ज्ञानार पर बनाया है उसी को खोखला कर दो । वास्तव में यह उन का कसूर नहीं है जो इस को खोखला करने में लगे हुए थे, बल्कि इस के पीछे देशी और विदेशी ताकतें हैं । दूसरे विश्व युद्ध के बाद से पूंजीवाद यहां से खत्म हुआ लेकिन उस के कीड़े यहां रह गये और समाज के हर क्षेत्र में उन्होंने घूसना शुरू किया जो आज भी दिखाई देते हैं । पूंजीवाद ने जब देखा कि कन्वांडिवा, वियतनाम आर कोरिया में वह सफल नहीं हुआ तो उन्होंने यह सजिश की कि पाकिस्तान को हथियार दे कर भारत को कमजोर करो तथा अन्य जो डेवलपिंग देश हैं उन को भी कमजोर करो । इसलिए उन्होंने दूसरे तरीके अपनाये । आज उन्होंने मिलिटरी फोर्स का सहारा न ले कर ऐसी स्ट्रेटिजी अपनायी है जिस से वह काम कर सकें, और जो देश के अन्दर गद्वार थे उन्होंने अपने निजी स्वार्थवश देश को बरबाद करने का काम शुरू कर दिया । आखिर प्रधान मंत्री इस तमाजे को कितने दिन तक देखती रहती । कोई भी सरकार, जो नाम के लिए भी सरकार है, वह इस को अधिक नहीं देख सकती थी । कांग्रेस के ऊपर जो जिम्मेदारी जनता ने सौंपी उस को निभने के लिए सरकार को सब कुछ करना चाहिए था । इस कदम को प्रधान मंत्री को बहुत पहले ही उठाना चाहिए था ।

एम०आई० एस० ए० कोई नया कानून नहीं है बल्कि 1957, 1971 का एकट है । उस में सभी समय पर संशोधन किये गये हैं । मैं गृह मंत्री से कहना चाहती हूं कि जो संशोधन वह लाये हैं वह बहुत लचकदार है । अगर आप चाहते हैं कि इमरजेंसी में 21 सूची कार्यक्रम पूरा किया जा सके तो जो संशोधन आप लाये हैं उस से वह पूरा होने वाला नहीं है क्यों कि आप ने कहा है कि जो इस कानून के अधीन पकड़ा जायेगा उस की बेस नहीं होगी, वह कोई में नहीं जा सकेगा । यह ठीक है, लेकिन मैं पूछना चाहती हूं कि इस के अन्दर आप को

आप परेशानी है जबर ज्ञान वह दें कि यह तक एमरजेंसी रहेकी जब तक कोई रिव्यू नहीं होगा । और जिस के ऊपर ये जारी हैं उसकी जमीन, जायदाद, और असेट्स का कनफिसेशन होगा ? जिन्होंने इन देश की दौलत के ऊपर भीज उड़ावी है । क्या वह वह सजान भूगतें ? उन महिलाओं को देखें जिन के पास उन ढकने के लिए दूसरा कपड़ा नहीं है । क्या हमवर्दी उन लोगों के साथ हो सकती है जो तस्करी, मिलावट या घृस लेते पकड़े जायें । मैं मांग करती हूं कि इस विधेयक के कलाज 15 में आप एक प्रौदीजी लगायें कि जिन के ऊपर प्रे चार्ज हैं उन की जमीन, जायदाद और असेट्स को जब्त कर लिया जाएगा ।

चार महीने बाद रिव्यू की बात कही गई है जिस के बारे में माननीय इन्द्रजीत गुप्त का कहना था कि इस समय को घटा कर 3 मह ने कर दिया जाये । मैं चाहती हूं कि सरकारी अधिकारियों की सख्त हिदायत होनी चाहिए कि जिस को पकड़े सही पकड़ें और जब तक एमरजेंसी है तब तक कोई रिव्यू नहीं होना चाहिए । जो डेफीनीशन है उस के स्कूल को बढ़ाया जाये । कहां कहां शाखाये लगती थी । बनारस और रुद्रकी विश्वविद्यालयों में । आप ने उन के लिए क्या तरीका अपनाया । क्या आज भी वहां वही प्राफेसर और वाइस-चांसलर नहीं हैं जिन की आर० एस० ए० की शाखाये पनपती रही । आज भी वह ऐसे ही कार्यों में दिलचस्पी लेते हैं । आप ने कहा कि जनसंघ के स्कूलों को सरकार अपने अधीन ले लेगी । मेरा कहना है कि इस से काम नहीं चलेगा जब तक आप उन के पूरे काडर को और स्कूल के एडमिनिस्ट्रेशन को न बदलें । अगर आप चाहते हैं कि देश के अन्दर समाजवाद हो, गरीब आदमी जो पावर्टी लाइन के नीचे बढ़ते चले जाते हैं, अगर आप चाहते हैं कि उन को राहत मिले तो आप को अपने एडमिनिस्ट्रेशन के कंसैन्ट को बदलना पड़ेगा । यह टिटविट में संशोधन खाने से कमज़ नहीं चलेगा ।

अनटकएविलिंग के बारे में मेरा निवेदन है कि एम०आई०एस०ए० के बाद मैं ने देखा कि एक औरत किसी सबर्ण हिन्दू से पानी मांग रही थी उस को 10 गाली देने के बाद दो डोल पत्नी दिया गया । क्या यही इमरजेंसी है ? मैं चाहती हूं कि उन की सुनवाई होनी चाहिए । अगर इस इमरजेंसी के अन्दर लोगों को राहत नहीं मिली तो किर आप के पास कोई कदम नहीं है जिस से आप गरीब लोगों को राहत दे सकें । इसलिए सावधानी से सोच समझ कर इस संशोधन विधेयक में जो कमियां हैं उन को आप दूर करें । आप को इस इमरजेंसी के दौरान देश की शक्ति बदलनी है इसलिए आप एम०आई०एस०ए० की परिभाषा और इस के स्कोप को बढ़ाइये जिस में प्रोफेसर, सरकारी नौकर और एम०पी० भी शामिल हों । कहा गया कि किसी एम०पी० को, जनलिस्ट को नहीं आने दिया जाता है । मैं कहती हूं कि अगर मुझ से भी खतरा हो तो मुझको भी नहीं आने दिया जाये । एक आदमी की लिबर्टी जाने से देश को कोई खतरा नहीं है ।

इन शब्दों के साथ मैं चाहती हूं कि मंत्री महोदय मेरे सुझावों पर विचार करेंगे ।

PROF. NARAIN CHAND PARASHAR (Hamirpur): Sir, the Maintenance of Internal Security (Amendment) Bill is before the House and being a serious measure, it should be given the importance it deserves. But, I am very unhappy to see that Mr. Shamim tried to ridicule it and in his mock performance, he went so far as to say that everybody sitting in this House, excepting you, Mr. Chairman, was just a mock show. I am happy that by implication he included himself also—he himself became a mock piece. But he should not be so much proud of himself because the people, without his doing so, take him like that.

Sir, when his own people the people of his own State the Chief Minister of his own State, the people who have elected him and the Members of the Legislative Assembly who cover his Parliamentary constituency, are dittoing, when they are supporting, when they are approving the measures the steps taken by the Government of India, Mr. Shamim should think twice before becoming an object of ridicule and before making others also objects of ridicule.

Sir, on the one hand, he poses himself to be a symbol of secularism and progress and on the other, he opposes such measures as are going to safeguard the very secularism which is one of the cherished objectives of this land.

Shri Shamim used to rise to great heights of oratory whenever there was a communal disturbance. Why is he not happy now that there is no communal disturbance in this country because the emergency, MISA and such other measures have made it virtually impossible for the communal forces to raise their heads. Shri Shamim's heart used to bleed then, but he does not approve these measures. He thinks that we are one of the last museum pieces. May be if he wants to be a museum piece, we have no objection. All that I want to say in all seriousness is to remind him—if he had been present, he would have listened to me that—all his past performances have just given an impression that he has not taken anything seriously. Whatever has been done for safeguarding the lives and properties of people outside is also to be safeguarded by measures like this. It is not a measure which we are going to implement only for the sake of a few; it is for the safety and security of the country.

One thing the House must remember, and Shri Shamim would also do well to remember, is that preventive

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detention is provided for in the Constitution. Articles 22, 246 and 254 provide for preventive detention. If you go into the history of preventive detention, you would find that first of all it was in 1950 that the Preventive Detention Act was passed. The country was threatened by some disturbance in Andhra Pradesh, in the Telengana area. Thereafter, it was supposed to lapse on 1st April 1951. But this very Parliament approved of the extension of this measure for as many as 18 years. That Act lapsed on 31 December 1969. That the country, the Parliament and society, the Government and the political behaviour of this country, of which Shri Shamim is proud to such an extent, should have approved of that measure for 18 long years is proof of the fact that the measure was one in the right direction, that it was a step in the right direction. In 1971 just after a lapse of two years when the country's borders were threatened and there was also a threat to internal security, this was promulgated as an ordinance by the President on 7 May 1971 and within a month Parliament met here and it became an Act. On 2nd July 1971, this was passed in the form of an Act with certain amendments which have to be carried out later on.

The State Governments were consulted in 1950, 1951 and 1952. All the State Governments at that time approved of the continuance of this measure and even as late as 1966 and 1968 when there were many Opposition Governments in many States, they also thought that this measure should continue in the best interests of the country.

So there is no opinion which can go against it. Shri Shamim said that before 25th June Parliament was a free Parliament. To us this Parliament is the same as it was before because it is the custodian of the country's rights, it is the custodian of

the country's interests. Also when State Assemblies and State Governments have approved of it, there is no reason why we should doubt it.

Shri Indrajit Gupta has expressed certain doubts. I am also of the view that care should be taken to see that MISA is not abused or misused. But more important than this is the need to see that people who are trying to sabotage the security of the country, who are trying to create secret cells, are not left untouched. Today in Delhi there is a secret circular issued by the Vidyarthi Parishad saying that the students should not go to the colleges. This circular was distributed freely yesterday and even today. So I would remind the House that attempts are still being made to close down universities, to close down normal working. In the name of normalcy, they are striking at the roots of normalcy. What are the aims and objects of these people who are crying for normalcy now? One student from my State wanted to go to Muzaffarpur to take an examination in 1974. Then he found that three times the hooligans prevented holding of the examination. So he had to go back to and then come from Himachal Pradesh. Thus he had to spend Rs. 1,000. He wrote a letter to me saying that he could not take the examination. Secret letters and pamphlets were distributed in the Universities of Bihar to students from Thailand, Burma, Ceylon, etc. not to attend classes as nobody would guarantee the safety of their lives and property. This kind of campaign culminated in the tragic death of Shri L. N. Mishra, Union Minister of Railways. Having failed in their attempt to paralyse the Government and destroy the security of the country through the railway strike, they struck at the Railway Minister. If the railway strike fails, the Railway Minister is attacked. If the Railway Minister is dead the Prime Minister is their target. We took very seriously the warning given to us that

the demand was for Prime Minister Indira Gandhi's head. They tried to paralyse the Government. This is what Mr. George Fernandes said:

"The railwaymen should not be a sleeping giant now but should organise themselves into one indivisible unit and if they succeed in this, they can change the whole history of India and bring down Indira Gandhi Government at any time by paralysing the railway transport to a dead stop."

They wanted to paralyse the Government. What was his feeling for the country? At Madras on March 29, 1974, he reiterated this concept and told the railwaymen:

"A ten days' strike of the Indian Railways—every steel mill in India would close down and the industries in the country will come to a halt for the next 12 months. If once the steel mill furnace is switched off, it takes nine months to re-fire. A 15 days' strike in the Indian Railways—the country will starve."

Whom did they want to starve? Millions of this country. L. N. Mishra died for the sake of opening a broadgauge line from Samastipur to Muzaffarpur so that it may be a direct railway line on our Northern border right up to Delhi. But these people want the railways to come to a grinding halt so that the millions in this country are made to starve. The country has to choose between the two, whether it has to come to a grinding halt and starve or it should develop further and rise to new heights. People like L. N. Mishra and those who follow him will not be let down by the millions in this country. MISA and other enactments are necessary in that context. Millions in the country approve of that. On the 8th of March this year, Jayaprakash Narayan said:

"If you (Jan Sangh) are a fascist, then, I too am a fascist."

In those eleven words he reverses the entire career of his and he became the greatest fascist of this country, let me go on record. I happened to listen to his Convocation Address at the University of Delhi six years ago and referring to RSS he said that it is like an empty shell cover for its bad designs. These words are still ringing in my ears. Six years later, I hear him saying: 'if you are a fascist, I am a fascist too.' It shows that he is not only a fascist; he is the source of inspiration for all fascists. This Hitlerite march of the fascist brigades can be carried only over the dead bodies of people of India, India shall resist it and India shall rise at the call of Prime Minister Indira Gandhi. In the words of Jawaharlal Nehru and Rabindranath Tagore, if we have to act, we must act firmly. Cowardice is one thing; non-violence is another. The greatest cowardice of all is fear against violence. If we do not rise against violence, against chaos, what are we for and what is the Government for? I welcome this measure I say that there should be safeguards; MISA should not be abused or misused. Government should see that the dark and sinister designs and the centres of conspiracy are eliminated once for all. Let not the Bharatiya Vidarsh Parishad and the RSS centres be allowed to continue their operations in the university corridors of Delhi or in the streets of Delhi. Similarly with the Jamaat-e-Islami-e Hind and all other forces which want to disintegrate this country. They must be condemned and dealt with firmly.

I want to sound one note of caution. People think that 12th June reversed the history. Prime Minister Indira Gandhi acted in the best interests of the country and democracy. I shall quote from a memorandum submitted to the Prime Minister on 7th January, 1975, just after the murderous attack on Shri L. N. Mishra it is signed by not less than 200 members of Par-

[Prof. Narain Chand Parashar]

liament of the Congress Party and others also. I quote its Hindi version. I shall quote it.

महोदया, हमारा आप से प्रबल अनुरोध है कि तोड़फोड़ एवं धांधली समर्थक शक्तियों को सज्जी से दबाया जाए और राष्ट्र के प्रजातांत्रिक ढांचे को नष्ट करने की इच्छा रखने वाले बड़े से बड़े व्यष्टियों को भी क्षमा न किया जाए। यदि अराजकता और प्रजातंत्र के मूल्यों के हास के बढ़ते हुए ज्वारभाटे को कठोर पग उठा कर न रोका गया तो तोड़फोड़ की शक्तियां समस्त राष्ट्र में अराजकता फैलाएंगी और भारत की पवित्र भूमि पर स्वतंत्रता एवं प्रजातंत्र के प्रभात के उदय के लिए अपना जीवन बलिदान करने वाले असंख्य शहीदों एवं देश भक्तों के स्वप्न भंग कर देगी।"

So, this is the spirit surcharging the entire memorandum. It was approved in the form of a resolution by the general body of the Congress Party in Parliament which met on 15th February 1975 at New Delhi. It is in this spirit that we were always trying to impress upon the Prime Minister and the other leaders to safeguard the interests of the country so that the weaker sections of society may get justice and uphold the parliamentary traditions. If we have to act, let us act firmly and bravely. Say to the world that India can be strong and we can protect its democratic institutions, no matter whatever the threats or conspiracies from inside or outside. People like Shri Atal Bihari Vajpayee, Shri George Fernandes and Shri Jayaprakash Narayan cannot be allowed to barter away the freedom and the parliamentary democracy in this country at any cost. The freedom of the country, the unity of the country and the parliamentary democracy sanctified by the blood of martyrs like Bhagat Singh, Mahatma Gandhi and L. N. Mishra shall be protected at all

costs. I support the amendment to the M.I.S.A. with this end in view.

MR. CHAIRMAN: The time is very short. As 5 O'clock the Minister will reply. Now, two Opposition Members will speak for five minutes each. I have been advised by the Congress Chief Whip of the House that speeches by the hon. Members should be restricted to five minutes each.

SHRI S. M. BANERJEE: Sir, the Business Advisory Committee has allotted 4 hours and one more hour can always be given at the discretion of the Chair.

MR. CHAIRMAN: That will be decided by the next Chairman.

SHRI K. MAYATHEVAR (Dindigul): Mr. Chairman, I welcome the Emergency declared by the President of India which was purely in the interests of the people of India and to safeguard the safety and the security of the nation. I appreciate the Prime Minister of India, Shrimati Indira Gandhi, for evolving a 21-point economic programme which is sought to be implemented as speedily as possible. Then, Sir, I welcome the amendments introduced in D.I.R. in the M.I.S.A. and in the Constitution of India and the various changes and provisions of law made in the Act and also various amendments to suit the disturbed situation in this country.

My respectful submission to the Chair and my respectful submission to the Government of India is that you should take necessary steps to prevent offences being committed in future by taking so much of powers under M.I.S.A. D.I.R. and making other provisions of law. But one thing I would like to submit for the kind consideration of the Government of India is that these economic offenders are worst possible offenders than of real murderers who are

punished under Section 302 IPC with death or life imprisonment. A person who murders somebody is given capital punishment under I.P.C. But these economic offenders like smugglers, counterfeit currency makers, blackmarketeers, hoarders, anti-social and anti-national people are sitting on the top of 55 crores of people of India.

They are responsible for the price rise, inflation and slaughtering the day-to-day life of the 55 crores of our people. This is the best opportunity to amend the various provisions of the IPC, Customs Act, Prevention of Food Adulteration Act, etc. to provide for maximum punishment. As a lawyer, I am pleading that we must give life imprisonment or a minimum of 10 years' imprisonment to economic offenders. They are the worst offenders taking away the bread of the poor people. We need not even give this punishment: if you just provide for this deterrent punishment, automatically the prices will come down due to fear.

The leader of the CPI and some other hon. members have spoken about the misuse and abuse of the powers under MISA. Government should take maximum care to see that it is not misused against innocent people, whether politicians or others. The Central Government should also see that the State Governments are not misusing these powers to liquidate their political enemies at various levels. I am happy the Home Minister is present. He is well known to the people of Tamil Nadu and he knows the Tamil Nadu politics very well. The Anna DMK, CPI and other opposition parties are functioning under peculiar circumstances there. The State Government is daring enough to flout the directions of the Central Government. For instance, immediately after the proclamation of emergency, the Prime

Minister announced a 21 point economic programme to be implemented expeditiously. The Tamil Nadu Chief Minister, Shri Karunanidhi told the press and the public, "The Tamil Nadu Government has already implemented 16 of the 21 point." But we are suffering at the atrocious hands of the Chief Minister. We do not even have drinking water in Madras City. It is supplied only on alternate days. That is the saddest position of the Tamil Nadu administration. Immediately after the declaration of the emergency, the working committee of the DMK met secretly and decided to oppose the emergency and refute the orders of the Central Government. They have violated the provisions of article 353. It is the duty of the Chief Minister to implement the directions of the Central Government, but Shri Karunanidhi is speaking day in and day out against the emergency. Apart from the resolution adopted by the working committee of the DMK, Mr. Karunanidhi, Mr. Nedunsezhian who is Education Minister and Mr. Anbazhagan who is Health Minister, who are responsible office-bearers in the party made a statement on 6th July, 1975. The Chief Minister told the public meeting that they had already implemented this programme. He said that there was no necessity for emergency in India and there was no danger to the people of India either internally or externally. Mr. Karunanidhi is the Chief Minister of Tamil Nadu and he is bound to implement all the policies and programmes of the Central Government. And if he does not implement all the directives of the Central Government, he must resign and go. Constitutionally, he is the custodian and guardian of the State but he talks all non-sense. The Education Minister of Tamil Nadu also said in the public meeting that there was no danger to the people of the country. The danger was only to Smt. Indira Gandhi Prime Minister of India after the

[Shri K. Mayathevar]

judgment of the Allahabad High Court. Therefore, it amounts to violation of the Central Government directives. I request the Central Government to dismiss the Karunanidhi Ministry and MISA must be used against the Chief Minister and other Ministers of Tamil Nadu.

Regarding censorship on newspapers, there are two kinds of papers in Tamil Nadu. One kind is of those papers which are neutral and support the poor classes. I want to mention that the price of rice has gone down in almost all the States of India except Tamil Nadu. The price of rice is rising day by day in Tamil Nadu. This I am saying from my own experience. Day before yesterday, I purchased some rice in the open market. Before emergency, the rice was selling at Rs. 4 or Rs. 5/- per measure but now, the same rice is selling at Rs. 9.50 per measure. There is a very popular paper in Tamil Nadu 'Makkal Kural' which is called the 'voice of the people', this paper in its publications on 20th, 21st and 23rd mentioned about the rise in price of rice in Tamil Nadu.

15.55 hrs.

[SHRI ISHAQUE SAMBHALLI in the Chair]

But the Chief Minister who is also in charge of police, directed the confiscation of all these papers, viz. 'Tennagam' belonging to Anna DMK as also 'Makkal Kural' and 'Annai Nadu'. Accordingly these papers were seized. Their agents were arrested, taken to the police station and put in jail without making any entry in the police diary. The Home Minister should look into this; you have given powers to the Government of Tamil Nadu, which have been misused by Karunanidhi and abused to the maximum. Again, Sir, the State Government have appointed Mr. Venkatara-

man who has to represent the Central Government. I am told yesterday that he is dancing to the tunes of the police commissioner of Madras city. The police commissioner of Madras city is calling for the explanation of Mr. Venkataraman. Mr. Venkataraman is dancing to the tunes of the Chief Minister. You should appoint another daring, bold and honest person to represent this cause, in order to save democracy in Tamil Nadu.

Now, a few words about Mr. K. K. Shah, Governor. Mr. Shah goes on praising the DMK. Even day before yesterday, he and Mr. Karunanidhi addressed some public meetings. (Interruption) Mr. Shah was praising Karunanidhi and said: "I am bound to praise Mr. Karunanidhi." It was published in Tamil newspapers also. Without any reason or justification, Mr. Shah was praising him. Therefore, I request the Government of India to look into the Governor's activities and examine whether he is acting as the Central Government's representative or as the representative of the State Government. Therefore, I request you to take back Mr. K. K. Shah, transfer him somewhere else and appoint some other very powerful, straightforward governor to safeguard the interests of the people of Tamil Nadu.

MR. CHAIRMAN: Please conclude.

SHRI K. MAYATHEVAR: Yes, Sir. Finally, in Tamil Nadu, the MISA has been used against the Prohibition offenders. We appreciate and welcome it. But why should not the same Karunanidhi government apply MISA against black marketeers in order to bring down the price level of essential commodities? Not even a single black marketeer has been arrested under MISA by the Government of Tamil Nadu; not even a single hoarder, anti-social element or

anti-national element has been arrested. You should not allow the Tamil Nadu Government to abuse the power you have granted to them.

Finally, we are in very grave difficulties in Madras, because we are fighting against that corrupt government; but you have allowed that government to go on functioning. We are supporting your policies. Many newspapers are doing it; but we are punished for giving this support. I, therefore, earnestly request that the Central Government should dismiss the Chief Minister; and arrest the Chief Minister, Education Minister and Health Minister and put them inside and render justice to newspapers and innocent people of Tamil Nadu.

16.01 hrs.

श्री सारूपायन (फिल्मौर) : मध्यापति महोदय, मीसा के लगने के बाद देश का स्पाल था कि स्मगलर, हांडर, ब्लैक मार्केटिंग करने वाले जो कर्नन्सी इक्ट्रू कर रहे थे, वह बाहर आयेंगे और गरीबों का कुछ फायदा होगा और मुल्क का डैवेलमेंट होगा। लेकिन अभी तक यह उम्मीद परी होती नजर नहीं आई है, क्योंकि इमरजेंसी की प्रोकलेमेशन होने के बाद अभी तक काम ढीला नजर आ रहा है।

मैं समझता हूँ कि देश के लोगों ने इमरजेंसी की प्रोकलेमेशन और मीसा का बहुत स्वागत किया है। लोग बहुत खुश हैं और उन का स्पाल कि श्रीमती इंदिरा गांधी की गवर्नरमेंट ने यह कदम उठा कर जो काम किया है, वह बहुत बढ़िया है, इस से गरीबों का फायदा होगा, एफिशेंसी भी बढ़ेगी और देश का कुछ डैवेलमेंट भी होगा।

16.01 hrs.

[SHRI H. K. L. BHAGAT in the chair].

लेकिन हम देखते हैं कि व्यूरोक्रेसी और अफसरशाही इस काम को पीछे खींच रही है। सेंट्रल गवर्नरमेंट ने जो कार्यक्रम बनाया है, उस

को इप्लीमेंट करवाने के लिए उस ने स्टेट गवर्नरमेंट्स को कोई सख्त आर्डर नहीं दिये हैं। हम गांबों और शहरों में जाते हैं, तो लोग कहते हैं कि इस गवर्नरमेंट ने यह जो काम किया है, वह दस साल पहले करना चाहिए था। इस में देर के लिए हर लोगों से माफी मांगते हैं और उन से कहते हैं कि अब जो कदम उठाया गया है, वे इस को सपोर्ट करें। लोग सरकार के इस कदम की बहुत सराहना करते हैं और हर तरह से मदद करने के लिए तैयार हैं। लेकिन मुझे भी तक उस के इम्प्लीमेंटेशन में कमी महसूस होती है।

आपोजीशन के मैम्बर सरकार के हर एक वदम को आपोज करते हैं।

MR. CHAIRMAN: I would request the Congress members to take only five minutes each. He has already taken four minutes. So, I would request him to conclude within one minute.

श्री साधूराम : आपोजीशन पार्टियों के नाम देश के हित के कामों की भी हमेशा मुखालिफत करते हैं। सबाल यह है कि क्या उन को देश का कुछ स्पाल है या नहीं। ऐसा मालूम होता है कि वे लोग पालियामेंट में आकर देश के भले को भूल जाते हैं। बच्चों का लौहे के धोड़े का एक खिलौना होता है। असली धोड़े की लगाम होती है, लेकिन वह खिलौने का धोड़ा बगैर लगाम के होता है। जब उस धोड़े को चाबी दी जाती है, तो वह दौड़ता है। लेकिन उस की कोई खास डायरेक्शन नहीं होती है। जिस तरफ उस का रुख हो गया, उस तरफ वह दौड़ना शुरू कर देता है। यही हालत इन आपोजीशन पार्टियों की है। देश के गरीबों की भलाई के लिए भी जो काम किये जाते हैं, वे उन की भी मुखालिफत करती हैं। यह कितनी अजीब बात है कि कुछ लोग पालियामेंट के मैम्बर बनने के बाद देश की भलाई के कामों की मुखालिफत करने लगते हैं।

[श्री साधूराम]

सरकार ने जो स्टेप लिया है, सारे देश ने उस की सराहना की है। इस से गरीबों में बहुत उत्साहा पैदा हुआ है। लेकिन इस से बाकई गरीबों का भला होगा या नहीं, यह में नहीं जानता हूँ। मैं होम मिनिस्टर से कहूँगा कि इमरजेंसी में वह कुछ ठोस कार्यक्रम तय करें और स्टेट गवर्मेंट को यह हिदायत दे कि वे जल्दी से जल्दी उस को कम्पलीट करने की कोशिश करें।

MR. CHAIRMAN: Kindly sit down. I have with me the names of 30 Congress members. Well, I have to call the Minister at 5 O'Clock. Of course, it will not be possible to give time to all of them. But if you take more than five minutes, it will be at the expense of other Congress members. Therefore, kindly conclude your speech.

श्री साधूराम : मेरे पास बहुत सी शिकायतें आती हैं कि गरीब हरिजनों के साथ बड़ी बेइन्माफी हो रही है। मेरी कांस्टीट्यूशनली में, जिला जालंधर, नवांशहर तहसील। चकदाना गांव में, गांव के लोगों ने वहां के बीस हरिजन फैमिलीज का पद्धति रोज से सोकल बायकाट कर रखा है—उनका ही टट्टू-पेश बायर बाहर आना-जाना बदल दर रखा है। इस बारे में पंजाब के चीफ मिनिस्टर और दूसरे मिनिस्टरों को लेटर लिखे गये हैं। मैंने वहां के आई०जी० पुलिस और एन०एस० पी० को पर्सनल लैटर लिखे हैं कि वे इस मामले का इनवेस्टीगेशन करें और जरुरी एकशन ले। आज मेरे पास किर उन लोगों का लेटर आया है, जिस में कहा गया है कि आज तक इस बारे में कोई कार्यवाही नहीं की गई है।

इसी तरह हरियाणा के डकोली गांव, पुलिस स्टेशन इन्दरी जिला करनाल में भट्टे बालों ने 37 हरिजन फैमिलीज को गैरकानूनी

तीर पर जबर्दस्ती रोक रखा है। मैं अभी तक हरियाणा के चीफ मिनिस्टर को नहीं लिख पाया हूँ, लेकिन वहां के आई०जी० पुलिस और एस०एस०पी० को लैटर लिखे हैं।

मैं बनाना चाहता हूँ कि इस देश में इमरजेंसी लागू होने के बाद भी गरीबों की क्या हालत है। उन का हैप्पलमेंट होना तो दरकिनार, उन का सोशल बायकाट कर के उन का राग किया जा रहा है। होम मिनिस्टर को इन त्राना की तरफ ध्यान देना चाहिए। मैं दोनों प्राप्तिकैगन्ज कन उन्हे मबमिट कर दूगा। वह स्टेट गवर्नर्सें से जबाब तनब करे और देश में मधीं चांफ गिगिरड़ों को गिरायत करे तो वे इन्हें बायकाट कर देंगे। इन्होंने ग्राम पाल देश की मनाई के लिए ठोन बामो को जन्मी शुरू करे, नाकि गरीबों को कुछ राहत मिल मिले।

श्री रामजेवर प्रसाद सिंह (छपरा) : सभापति महोदय, मैं आनंदिक सुरक्षा (मशोधन) विधेयक का स्वागत करता हूँ और माथ ही मंत्री महोदय को बधाई देता हूँ कि उन्होंने एक ऐसा बिल प्रस्तुत किया है, जिस की इस समय देश में आवश्यकता थी।

माननीय सदस्यों ने इस सम्बन्ध में जो विचार व्यक्त किये हैं, उन को मैंने बहुत ध्यानपूर्वक सुना है। माननीय मदस्य, श्री इन्द्रजीत गुप्त, ने यह सन्देश जाहिर किया है कि सरकारी अधिकारी कहीं मीसा का उपयोग इस तरह न करे, जिस से इस का इस्तेमाल देश के लिए न कर के वे इस को व्यक्तिगत साधन बना का लोगों से द्वेष निकालें और इस प्रकार इस के वास्तविक उद्देश्य की पूर्ति न हो सके।

एक सदस्य के अलावा सभी माननीय सदस्यों ने इस को समोदृग किया है। कुछ बिन्दुओं इस सदन के एक बुजुर्ग मेता, माननीय

श्री विभूति मिश्र, ने मुझ से कहा कि ऐसा लाता है कि जिस आजादी को हम लोगों ने खून बहा कर, और कितने ही लोगों ने अपनी जान की बाजी लगा कर, प्राप्त किया, वह हमारी ही जिन्दगी में चली जायेगी। मैं ने उन से बिन प्रश्नों में कहा कि आप की जिन्दगी में तो नहीं, लेकिन कई बार ऐसा लगता है कि मेरी जिन्दगी में ऐसा हो जायेगा।

पिछले एक वर्ष से जो परिस्थिति मैं अपने प्रदेश में देखता था, उस का श्री शमीर की जान नहीं होगा। उन को यह भी जान नहीं है कि कितने परिश्रम, त्याग और बलिदान के फलस्वरूप यह सदन अस्तित्व में आया है, जिस में उन को बैठने का अवसर मिला है। हजारों व्यक्ति अपनी जमीन-जायदाद से हाथ धो बैठे। अनेकों महिलाओं का सुहाग-सिन्दूर मिट गया। कितनी ही ललनाओं के बच्चे फांसी के तख्ते पर चढ़ गये। इस सब के फलस्वरूप इस देश को आजादी मिली। आज प्रश्न है कि यह आजादी रहे या चली जाये।

10 अप्रैल, 1974, को मैं ने पटना के गांधी मैदान में श्री जयप्रकाश नारायण का भाषण सुना, जिस में उन्होंने चाइना सरकार और उस के अध्यक्ष की तारीफ की और यह भी कहा कि आज यदि गांधीजी होते, तो वह भी यही काम करते। कितना बड़ा अन्याय गांधीजी जो के प्रति है। जो लोग भारत के इतिहास और आजादी के इतिहास से कुछ भी सम्बन्ध रखते हैं, उन्होंने देखा है कि यद्यपि श्री जयप्रकाश नारायण को जिन्दगी भर गांधीजी का पूरा सहयोग और सपोर्ट मिला था, लेकिन उन्होंने गांधीजी की जिन्दगी में उन के किसी सिद्धान्त को नहीं माना। लेकिन गांधीजी के मरने के बाद वह उन के सिद्धान्तों की बात कर के, और उन का नाम ले कर, देश में अराजकता और अनुशासन हीनता फैलाने के लिए आनंदोलन

चलाने लगे। उस सभा में उन्होंने कहा कि गांधी जी भी होते तो यही कहते और उस से भी आगे उन्होंने कहा कि ये चाइना के लोग हमारे ज्यादा मिल हैं और रशिया के लोग बूरे हैं या और कहीं दूसरे देश के लोग बूरे हैं। मैं रशिया की कोई बकालत नहीं करता लेकिन मैं इतना जरूर कह सकता हूं कि रशिया के लोग तो हमारे भले की बात सोचते हैं और चाइना के लोग तो हमारी जमीन हड्डप कर बैठे हुए हैं। उन से हमें अपनी खायी हुई जमीन और प्रतिष्ठा को बापस लेना है और जब तक हमारे देश के एक भी आदमी में एक भी सांस है तब तक हम कभी भी चाइना के लोगों को बर्दाश्त करने के लिए तंयार नहीं हो सकते। जयप्रकाश नारायण को देख कर मेरे मन में आया कि जिस तरह से हिंदू का पुरनिया बृद्ध जो हो जाता है उस का मस्तिष्क घट है। आता है वैसी ही हालत उन की हा रही है। अगर यह नहीं होता तो देश के नोजावानों को वह देश की प्रगति और उत्थान के लिए लगाने की बात सोचते न कि उन का पढ़ना लिखना छुड़ा कर गुण्डागिरी करने को तरफ उन को लगाते।

सभापति महोदय, आप ने बिहार को देखा होगा या नहीं मैं नहीं जानता, मैं तो जयप्रकाश नारायण के जिले से आता हूं, उस क्षेत्र से आता हूं जिस क्षेत्र में जयप्रकाश नारायण का घर है। वह हिस्सा आज गंगा के कटाव के कारण उस जिले से कट कर बलिया जिले में चला गया है। मैं उन को बहुत नजदीक से जानता हूं। मेरी जानवह-चान उन से नहीं हैं, मैं ने आज तक उन को नजदीक से देखा भी नहीं है, लेकिन मैं ने उन के कामों को नजदीक से देखा है। शरीर से मैं ने नहीं देखा है।

[श्री रमेश्वर प्रसाद सिंह]

ऐसी स्थिति में बिहार में जो कुछ हुआ, जिस तरीके से 85 चुने हुए वहाँ के विधान सभा के सदस्य लोगों के साथ, जो छोटे तबके से आते हैं, हरिजन कलास से आते हैं, मुस्लिम या कमजोर वर्ग से आते हैं उन के साथ जिस प्रकार का दुर्व्यवहार हुआ, जिससे उनका गाड़ी में चलना मुश्किल हो गया, किसी आदमी का काम करना मुश्किल हो गया, जो लोकतंत्र पद्धति से चुन कर आए थे उन लोगों के साथ जो बेइज्जती की गई उस के उत्तर में इस तरह का काम करने के अलावा दूसरा कोई काम हो नहीं सकता था। किसी कीमत पर बिहार में आप सुरक्षित चल नहीं सकते थे, कोई सामान ले कर कोई चले, दो आदमी मिल कर उस को लूट लेने थे। ऐसी परिस्थिति में देश की आंतरिक रक्षा और बाहर में रक्षा के लिए यह आवश्यक था कि कोई ऐसा शामन, मजबूत शामन हो जिस में अनुशासन सभी लोगों में हो सरकारी नौकरों में अनुशासन हो, विद्यार्थियों में अनुशासन हो, शिक्षकों में अनुशासन हो और खास कर के भरकारी कर्मचारियों में अनुशासन हो जो कि अपने काम को ठीक भकार से कर सकें।.....(व्यवधान)

इन्द्रजीत गुप्ता जी ने जो खतरा बताया है उस के ऊपर माननीय गृह मंत्री महोदय की कोई व्यवस्था करनी चाहता है। मेरा मुझाव है कि चूंकि सब व्यवस्था बदल हो चुकी है इसलिए स्थानाय स्तर पर एम० एल० ए०, एम०पी० और जो लोक वहाँ के समाजसेवी हों उन लोगों को एक संस्था बनाएं ताकि स्थानीय अधिकारी इस मिमा का बाबहार वाज़िब तरीके से न कर के उस का दुरुपयोग करते हों तो उस के बिश्द यह नाम-आफिशियल रिपोर्ट करे और उन के ऊपर शीघ्र ही कार्यवाही की जाय। उस के साथ साथ वह भी हो कि जो भरकारी अधिकारी इस काम में गड़बड़ी करते हों उन के खिलाफ

सख्त कार्यवाही की जाय और उन के खिलाफ भी मिसा का इस्तेमाल किया जाय। जिन लोगों ने गलत तरीके से धन एकत्र कर लिया है उन के खिलाफ भी मिसा का इस्तेमाल कर के उन के धन को जब्त करना चाहिए।

इन शब्दों के साथ मैं सभापति महोदय, आपको धन्यवाद देता हूं और गृह मंत्री महोदय को धन्यवाद देना हूं और उन से आग्रह करना। चाहता हूं कि जिस उद्देश्य से वे इस बिल को लाए हैं उसी दृढ़त और उसी डिटमिनेशन के साथ इस को कार्यरूप में परिणित करें।

SHRI BHOGENDRA JHA (Jainagar): Sir, we all cherish freedom of expression, assembly and Press. That is why, the first reaction of anyone is that when there is any bill or act like that, we begin to think upon this issue as if it curtails all our basic and normal rights and liberty. That is quite understandable, because for these values, we had been fighting, against the Britishers and thereafter, we have been working and progressing and trying to achieve these values.

But, before the proclamation of emergency, we had been fighting for these things for about 1½ years. What was the condition? Partly, it had been narrated in that book entitled "Why Emergency". My friend, Shri Rameshekhar Prasad Singh, has said something about it, because in Bihar not a single public meeting would be held unless it is protected by volunteers with lathis. Some people even now from those Benches have been saying that J. P. was not practising what he was professing. I am not saying anything about him. We have been too close to him to know about

his practices and professions. There have been contradictions between what the practised and what he professed throughout his life and career. We have got enough proof of that. I need not go into all that.

Whenever a public meeting was being held by us, it was said that it should not be held. Men and women were being taken away from the trains whenever they were going to attend any public meeting. An open call of violence was given. Even MLAs were being taken from their houses and assaulted. They were being slapped and attacked.

Even then, these things would not have gone to that extent, had there been the freedom of press in our country. Because there was no freedom of press, because it was being prostituted by the monopoly houses, monopolising the voice of the country, these things were happening. It was against this trend, against this danger that Jawaharlal Nehru, in his days, had given a warning to the people against the chain of newspapers. Those who are misquoting Nehru should understand it. On several occasions, Jawaharlal Nehru had said that chain newspapers had become a danger to our country, a danger to the pen of the editor even.

Now, all these newspapers were propagating even things said in bath-room. They were propagating these things throughout the country. It was to curtail the freedom of the press, to curtail the fundamental rights of the people, that these things were being propagated. Whenever we addressed public meetings of lakhs and lakhs of people, they completely suppressed these things as if nothing had happened. There was not only a lack of freedom of press but there was also a danger to the security of the country. On the one hand, sensible things said in public meetings were being

blacked out, on the other hand, non-sensical things or whimsical ideas or insane behaviour were being reported as to bring our Parliament to disrepute outside in our country and abroad. In such a situation, because of lack of freedom of press, because of control of press by monopoly houses, because of extra-constitutional means adopted, they openly gave a call for violence, for overthrow of the Government, for elimination of the parties, for a partyless system, etc., they were given a guard of honour.

When J. P. went for the closure of the Secretariat, he was given a guard of honour by the D.I.G. (Police). On a police van, he was taken round the Secretariat to ensure that none was allowed to go inside the Secretariat. That is how the fascism comes. That is how the ruling party and the Government assisted, aided and abetted the crime and things came to such a pass. Even in this House many people were under an illusion that once he happened to be with Vinoba, he became a non-violent man. Mr. Shamim said that a similar call was given by Gandhiji also. But Gandhiji never told students, "You don't study; you don't appear in the examinations. You will be awarded degrees without appearing in the examinations." Such things had never happened before. Even these things were being propagated throughout the country. That is how an abnormal situation developed. The normal life of the people was threatened. The freedom of the press, the freedom of the individual, the freedom of holding public meetings, etc. all these things were not only a danger to the fundamental rights of the people but also a danger to the country. We have been experiencing it, facing it, fighting it and defeating its purpose.

In such a situation, Emergency was long overdue because not only these things threatened the individual rights

[Shri Bhogendra Jha]

of the people or of the parties but these things also threatened the freedom of the country itself, the integrity of the country itself, in combination with some foreign powers. A case has been mentioned in the document entitled "Why Emergency?" that through a foreign bank money was received by Mr. George Fernandes. But there are more instances of that kind. When foreign powers began to interfere in our internal affairs and meddle with our freedom and independence itself, then the necessary step which was long overdue was taken.

Then, Sir, I will say a few words regarding the freedom of the press. We know that K. K. Birla and the Indian Express group had become slightly docile and began to pay tributes to the Prime Minister but after the 22nd, when they thought that finally, take-over by the fascist powers was coming up, the Hindustan Times wrote in the editorial that the only course was for the Prime Minister to go and the Indian Express wrote that it was 'time to go', without any respect for the Judiciary. They wanted our system to go, the democracy to go, the democratic institution to go. In such a situation I think the measure taken for saving democracy was timely and the Bill cannot be opposed at this stage.

But in the Objects of the Bill, two main things have been omitted. Why should the Home Minister shy away from them? He had dealt with release on bail, natural law, common law etc. But two most important things have been mentioned in the Bill, namely with regard to (1) the Advisory Board and (2) the grounds of detention. In such a situation, I think these should be mentioned in the Objects also because, otherwise, one has to read the whole Bill to know what the Bill is about.

Section 8 of the Original Act deals with the grounds of detention and Sections 9 to 12 deal with the Advisory Boards, and they have been taken up. I think other things, like review of the orders etc. are not bad in themselves, but the review will be made by the same officers or agencies who issue the orders of detention. Therefore, it will be much better if you retain the system of Advisory Boards. After all, the Advisory Boards will be constituted by the State Government or the Central Government and they will consist of persons selected by the State Government or the Central Government and they will review the grounds on the basis of the material given by the Government. There will be no lawyers. In such a situation, everything will be safe. I do not know why the Advisory Boards should be taken away and why the grounds of detention should not be given if you have got them. Here, in the Act itself, it is mentioned that Government need not give all the grounds of detention if it feels that any particular ground, if given, would harm the interests of security or maintenance of order. That is there already but other grounds can be given.

So, in regard to these two points I think the present form of the Bill is not only unnecessary but harmful also because what happens is this. There will be such incidents as has been mentioned by my colleague.

In Kanpur, the Dean of the Indian Institute of Technology Dr. A. P. Shukla was arrested Prof. B. Sircar was arrested under MISA and R. P. Tiwari, Secretary of the Karmachari Sangh, who has been having connections with the RSS and other fascist forces for the last five years was arrested. The Government has the task of seeing who is occupying which position in the Government. Our State policy is secularism, democracy and socialism. As such it has to fight

against communist forces which are undemocratic, and fascist forces. In the administration also there are officers who are predominantly fascist and who have RSS leanings; they are there in the bureaucracy. We know because there were lectures at the Defence Academy for Army Officers and formerly our friend Balraj Madhok used to be invited to deliver lectures there for Army officers. Even now, about a few months ago, Mr. Vajpayee was invited to deliver a lecture to the IAS officers as part of their training programme. I do not want to say much about it. When the implementation of this Act will be in the hands of such officers, then some brake has to be given. I suggest that the Advisory Board be retained, the clause on page 3 of the Bill which says 'sections 8 to 12 shall not apply' should be deleted from the Bill. The Advisory Boards should be retained and the grounds of detention should be given in cases where the Government feels that it is not harmful for the security of the State.

One very valuable suggestion has been made by my friend, Shri Rameshwar Prasad Singh. Why can't there be a statutory non-official body at the Central level or State level or district level to look after the implementation of this Act? We suggest this because a few persons who were arrested last year for creating violence, chaos and anarchy, because of some approaches, have now been spared; they have not been touched; it seems, some officers are supporting some people who have gone even underground. The danger from those elements is not yet over. The Secretary of the All India Struggle Committee has gone underground he is not going to offer satyagraha. Because we happen to be on the Board, we know that many people have fled to Nepal and from there bring leaflets and materials. In our area, in North Bihar particularly, there is talk that people from Bombay have gone over

to Nepal from that area and the American Embassy in Kathmandu is helping those people. There is also talk that the Chinese Emossay people are also helping them. In such a situation, immediate steps should be taken to have popular vigilance by having a non-official body consisting of people who believe in secularism and democracy. Some institutional check should be guaranteed. Only then this can be correctly implemented. This is my submission.

श्री हरि सिंह (खुर्जा) : माननी सभापति जी, मैं आन्तरिक सुरक्षा बनाये रखने के द्वितीय संशोधन विधेयक, 1975 का समर्थन करता हूं और स्वागत भी करता हूं। इसलिए बहुत समय से महसूस किया जा रहा था कि मीसा के अन्तर्गत कुछ अमेण्डमेन्ट्स लायें जायें और माननीय गृह मंत्री जी बहुत समय पर अच्छे तर के से यह संशोधन लायें है। मैं एक बार फिर उनका स्वागत करता हूं।

आपको याद होगा कि जो समग्रलस्स पकड़े गए थे मीसा के अन्तर्गत वह दिल्ली और मद्रास हाई कोर्ट से बरी कर दिए गए थे क्योंकि कानून के अन्दर कुछ कमज़ोरी थी। उन कमज़ोरी और लूपहोल्स को इन संशोधनों के जरिए पूरा कर दिया गया है। इसके बाद यह मीसा का कानून हर परिस्थिति में कारगर रूप से काम करने की अवस्था में आ जायेगा।

आप जानते हैं हिन्दुस्तान में पिछले दो, तीन, चार साल के अन्दर प्रतिक्रियावादी लोगों ने, आनन्दमार्गियों ने, जमात इस्लाम ने, जबसंघ ने, आर०एस०एस०ने—जितनी

[श्री हरि सिंह]

मी ऐसी पार्टियां थीं—उन्होंने देश में तोड़-फोड़ करने, देश की अर्थ-व्यवस्था को बिंगाड़ने शासन और देश को नष्ट करने के अभिप्राय से एक योजना शुरू की थी। ऐसे लोगों को रोकने के लिए, उनकी हरकतों को बन्द करने के लिए हमारा जनरल ला फेल हो रहा था, वह इसके लिए काफी नहीं था और इसीलिए मीसा की जरूरत पड़ी। इसके अलावा ऐसा कोई कानून नहीं था जिसके अन्तर्गत ब्लैक-माकेटीयर्स, स्मगलर्स और मिलावट करने वालों को पकड़ा जा सकता। इसी लिए मीसा का कानून बनाना पड़ा जिसके अन्तर्गत ऐसे लोगों की धर-कड़ की जा सकती है। आप जानते हैं इन लोगों ने गिली 29 तारीख को हिन्दुस्तान की सरकार को चौट करने का एक मंसूबा बना लिया था, उसकी सारी प्लानिंग कर ली थी। आनन्दभागियों तथा जय प्रकाश के दूसरे चेलों ने देश में खून-बराबा, तोड़-फोड़ करने और सरकार को चलने न देने की योजना बनाई थी। विरोधी दलों के कुछ कार्यकर्ता, नेतागणों ने तो कलकटर की कुर्सी पर बैठना शुरू कर दिया था और वह कहते थे कि हम कलकटर हैं, हमारी सरकार है। ऐसे समय में हमारी प्रधान मंत्री ने जिनके दिल में हिन्दुस्तान की तस्वीर है, भारत को ऊंचा करने और आगे बढ़ाने की लालसा है, यह उचित कदम उठाया। हमारे 55 करोड़ लोग हैं, उन को नुशहाल बनाने का हमारा मन्सूबा है। उन्हीं प्रधान मंत्री ने इन सारे हालात को देखते हुए एमरजेन्सी की घोषणा करवाई, जिस का सारे देश के अन्दर स्वागत हुआ है। आप जानते हैं—हिन्दुस्तान में आज इन्दिरा गांधी जैसा नेता न होता तो हमारा देश हुनिया के नक्षे पर भिट जाता, यहां पर प्रजातन्त्र के बजाय फासिस्ट हुकूमत होती, हिटलरशाही जैसी हुकूमत होती। मैं इस मौके पर श्रीमती इन्दिरा गांधी को

बघाई देना चाहता हूं। उन्होंने देश को बचा लिया और हिन्दुस्तान को फिर से आगे की तरफ ले जाने के लिए मन्त्रिल मुख की है और मैं जानता हूं कि यह मन्त्रिल कामयाबी के साथ पूरी होगी।

मीसा के इस संशोधन की देश में बहुत हल्ले से आवश्यकता महसूस की जा रही थी। इन स्मगलर्स ने, मिलावट करने वालों ने, ब्रष्टाचारियों ने, जो बड़े बड़े नेता बन गये थे, हमारे सरकारी विभागों का, रेल का काम फेल कर दिया था, अपने पैसे के बल पर ये सब को खरीद लेना चाहते थे। इन को पकड़ने के लिए मीसा कानून में जो यह संशोधन आया है मैं इस का स्वागत करता हूं।

श्री मुलकी राज सेनो (देहरादून) : सभापति जी, मैं गृह मंत्री जी द्वारा प्रस्तुत संशोधन विधेयक का स्वागत करने के लिए खड़ा हुआ हूं। यह आन्तरिक सुरक्षा का संशोधन लाना इस लिए जरूरी हुआ कि एमरजेन्सी कायम हुई। एमरजेन्सी किस लिये कायम हुई—इस पर पूरी बहस हो चुकी है, सारे दंश और इस हाउस को पूरी तरह से बाजा हो चुका है कि एमरजेन्सी क्यों लागू हुई। इन्टरनल सुरक्षा की वजह से ही एमरजेन्सी को लागू करना पड़ा है। जैसा अभी मेरे एक साथी ने बतलाया कि बहुत से इकानामिक आफेन्सेज करने वाले लोग हाई कोर्ट से छोड़ दिये गये, उन की कार्यवाहियों को रोकने के लिए ही सरकार को यह कदम उठाना पड़ा है। इन के जरिये इकानामिक आफेन्सेज का खत्म किया जा सकेगा, इसीलिए सारे देश ने इसका स्वागत किया है।

आचार्य विनोद भावे के शब्दों में यह अनुशासन पर्व है, मैं इसमें यह जोड़ देना चाहता हूं कि यह करप्शन खत्म करने का पर्व है, गरीबों को रोटी देन का पर्व है, देश

में पुर-अमन जिन्दगी को चलाने का पर्व है। जो कानून में चलने वाले लोग हैं, सरकार उनकी मदद किया करती है, नको रोजी दिया करती है, उन को अमन दिया करती है, उनको तन्त्रकी दिया करती है। लेकिन जो कानून के पावन नहीं होते, चाहे वे किसने बड़े नेता हों, उनके खिलाफ कार्यवाही करना सरकार का फर्ज हो जाता है। अभी एक साहब ने कहा कि 1000 लोगों में 100 पोलिटीकल लोग हैं। इसमें क्या बुरी बात है, अगर वे कानून के खिलाफ काम करते हैं तो उनको भी पकड़ा जाना चाहिए। इनमें बल्कि ऐसे लोग भी हैं जो हमारी कांग्रेस के अन्दर रह कर तोड़फोड़ कर रहे थे। जब तक वे मिनिस्टर की कुर्सी पर थे, जब तक उन को सरी सहूलियतें मिलती रहीं, तब तक उनकी जुबान न इन्दिराजी के सामने खुली, न कांग्रेस अध्यक्ष के सामने खुली, न कांग्रेस संघाय दल के सामने खुल। लेकिन जब वे यहां से नले गये तो सारी चीजें खराब हों गई और वे भी उसी साप्तिस में शरीक हो गये। इन्दिरा जी की इन कार्यवाहियों का देश की जनता ने स्वागत किया है—देश की जनता यही चाहती है कि उस की रोजी और रोटी मिले, देश में स्मारिंग खत्म हो, अप्टिंर खत्म हो, टक्सों की चोरी खत्म हो, सरकारी कर्मचारियों में अनुशासनबद्धता आये लोग आनी डूटी को ईमानदारी से पूरा करें—इन्दिरा जी के प्रयत्नों से इन सब चीजों पर अमल शुरू हो गया है, इसीलिए जनता ने उनका स्वागत किया है। लेकिन जनता यह भी कहती है कि यह सिर्फ शुरुआत है, इन उद्देश्यों को प्राप्त करने के लिये जब तक ज़रूरी हो भीसा को लागू रखा जाय, एमरजेंसी को लागू रखा जाय। कानून इन्सान के लिये होता है कानून जनता के लिये होता है, लेकिन जनता कानून के लिये नहीं होती। इसलिये इन कानूनों ने जनता को राहत

मिलनी चाहिये। देश में एक ऐसी हालत पैदा हो गई थी जसे इस देश में कोई सरकार ही नहीं है। हम सरकारी कर्मचारियों से पूछते थे तो वे कहते थे कि हम सरकार नहीं है। वे भी सरकार को गालियां दिया करते थे। मजदूर, विद्यार्थी, दुकानदार, व्यापारी सब के सब अपने फर्ज को भूल बैठे थे। यहां तक कि हम चुने हुए नुमाइन्दे संसद सदस्य और विधायक भी अपने को सरकार में नहीं समझते थे लेकिन एमरजेंसी के आने के बाद सरकार क्या है—यह चीज़ हमारे सामने आई है और इसीलिये मैं इसका स्वागत करता हूं क्योंकि इसने हमारे फर्ज की याद को ताजा कर दिया है।

इस मौके पर एक बात में ज़रूर कहना चाहता हूं। जनता को जब सहूलियतें नहीं मिलती हैं, उनको सहयोग नहीं मिलता है, रोटी नहीं मिलती है तब उनके अन्दर असन्तोष पैदा हो जाया करता है—यह एक हकीकत है। आज हमारे यहां के किसान बहुत परेशान हैं। तमाम हिन्दुस्तान में गन्धे की कीमत का 70 करोड़ रुपया बकाया है और केवल उत्तर प्रदेश में 24 करोड़ रुपया बकाया है जिसमें से 6 करोड़ रुपया तो 1971-72-73-74 का बकाया है। सिर्फ जिला सहारनपुर में साड़े चार या पाँच पांच-करोड़ रुपया बकाया है। उनमें बड़े बड़े किसान नहीं हैं, जमीदार नहीं हैं; उनमें छोटे छोटे किसानों का पैसा है। बड़े बड़े किसान तो आप जानते हैं सोसायटी वालों से मिलकर अपना पैसा बसूल कर लेते हैं, लेकिन गरीब को पैसा नहीं मिल पाता, जिनमें मार्जिनल फार्मसं है, छोटे किसान हैं 10-20-50 बीघे वाले किसान हैं। इस हाउस के ज़रिये मैं किसानों की यह

[बिल प्रस्तुति संघर्ष संबंधी]

आज वाला संरकार तक, हमारी आहम शिनिस्टर तक, कृषि मंत्री तक पहुंचाना चाहता हूं। उनका प्रेमेन्ट जल्दी से जल्दी होना चाहये और इस मसले का हल होना चाहये।

श्री स्वामी ज्ञाननन्द जी (हमीरपुर) : सभापालत महोदय, मैं इस संशोधन विधेयक का समर्थन करता हूं। हमारी संस्कृति क्या हैं? सरकारें क्यों बनती हैं? सरकार या संस्कृति मानवता को ऊंचा उठाने के लिये बनती हैं। जब देश के अन्दर मानवता खत्म हो रही थी, पूंजीपति बढ़ रहे थे, जब देश और विदेश के पूंजीपतियों ने देखा कि इन्दिरा गांधी ने गरीबों का नाम लिया है, मानवता का नाम लिया है तो इन सारे पूंजीपतियों ने इकट्ठे होकर इन्दिरा गांधी की हुकूमत को खत्म करने वा इरादा कर लिया। ऐसी स्थिति में हमारी इन्दिरा गांधी आपत्कालीन स्थिति इस देश में लाई और उनका बहादुरी से मुकाबला किया। हिन्दू संस्कृति के अनुसार तो ऐसे देशद्रोहियों को एक लाइन में खंडा करके गोलियों से उड़ा दिया जाता है, क्योंकि संस्कृति मानवता की रक्षा के लिये होती है।

आज एक बकील 4 हजार रुपये एक दिन की फीस लेता है, एक बड़ा अफसर तीन हजार रुपये लेता है, लेकिन एक मजदूर को सिर्फ 4 रुपये मिलते हैं, जब कि वह मजदूर सारे दिन काम करता है। खेतीहर मजदूर इतवार को भी हल चलाता है, उसको क्या कोई ओवर टाइम मिलता है? वे हमारे हाई कोर्ट और सुप्रीम कोर्ट किस गरीब की मदद करते हैं। लेकिन जब इन्दिरा गांधी ने गरीबी को दूर करने का बीड़ा उठाया तो सारी अदालतें, ये हाई कोर्ट इन्दिरा गांधी के खिलाफ हो गये। मैं आज यह सही बात कहता हूं—इन्दिरा गांधी की आधार को ये दबा नहीं सकते।

यह गरीबों का देश है। आज मानवता क्या कहती है? मानवता कहती है—हर एक आदमी को कपड़ा मिले, वर एक इन्सान को न्याय मिले। मानवता कहती है कि हर इन्सान को दवाई, भोजन, वस्त्र मिले, उसके साथ बराबरी का बताव हो। आज तक हमारे देश में पूंजीपतियों द्वारा हरिजनों और भेहतरों को बराबरी का अधिकार नहीं दिया गया। जब पूंजीपतियों ने देखा कि प्रधान मन्त्री सब को बराबर कर रही हैं तो उन्होंने संगठित हो कर प्रधान मंत्री को ही हटाने का पड़यन्त्र रखा। बराबरी के माने यह नहीं थे कि बड़े आदमी को काट देतीं और छोटे आदमी को बढ़ा देतीं। बराबरी के माने थे कि जल्हरत की बीजें सब को मिलें। इसीलिये इन्दिरा गांधी को मारने का प्रयास किया और देश में हत्यायें बढ़ गई। ऐसी स्थिति में क्या हो सकता था, सिवाय इसके जो प्रधान मंत्री ने कदम उठाया? मैंने पहले ही कहा था कि जयप्रकाशजी को नारद मोह हो रहा है और वह सत्ता हथिया कर देश का नेता बनना चाहता है, इसको फौरन बन्द किया जाय।

मेरी मांग है कि वकीलों को खत्म करना चाहिये, न्यायालय पंचायत के रूप में बदलने चाहिये, हर आदमी को भेहनत करनी चाहिये। यह नहीं कि एक आदमी तो हजारों के कपड़े पहन कर धूमे और एक आदमी नंगा धूमे। जो चार, चार हजार रुपया रोज़ का लेते हैं उनकी सारी सम्पत्ति का राष्ट्रीयकरण होना चाहिये, आवश्यकता से अधिक जिसके पास भी धन हो उसको निकाला जाय और उस सम्पत्ति को देश हित में लगा दिया जाय।

मैं सत्यासी हूं, मेरी कोई व्यक्तिगत सम्पत्ति नहीं है। मेरे पिता जमीदार थे। स यासी होने के बाद मेरे पास आयदाद से

संक्षेपित कागज अग्रेस, मैंने कहा कि मैं सन्धारी हूं मुझे कुछ नहीं चाहिये। मुझे जो यहां से तनखाह मिलती है उसमें से मैं एक पसा भी अपने लिये नहीं लेता, सारा पैसा मैं स्कूल, कालेज को देता हूं। मैं भिक्षा मा कर खाता हूं। गांधी जी का समर्क मैंने किया है और देखा कि जब तक देश में गरीबी है तब तक किसी को समर्पित रखने की ज़रूरत नहीं है। इन्दिरा जी ने गरीबों को ऊर उठाने की बात की तो दुनिया के और हमारे देश के पूजार्पण उनका विरोध कर रहे हैं। इन्दिरा जी ने तो ऐसे लोगों को जल में बन्द किया, लेकिन अगर मैं प्रशासक होना तो ऐसे लोगों को गोली में उड़वा देता।

SHRI GIRIDHAR GOMANGO (Kraput). Mr. Chairman, Sir, I rise to support this amendment Bill because it has been brought at the appropriate time and the emergency has been enforced to stop the internal disturbances. This is a ripe time for the people to get rid of internal disturbances. I am not going to repeat again as to what happened before emergency.

The development of the country depends upon the people, the politicians, the personnels and the press. In the interest of the country it is highly essential for these four groups to have discipline by which the country can progress.

India has got two Gandhi eras—'Mahatma Gandhi era' started in 1947 which brought independence to this country. The next era is from 1974 onwards which is 'Indra Gandhi era' which will bring economic independence to the country. The democratic socialism of which we are thinking of, can be achieved because of this emergency. The Act was passed previously but the action was not efficient but after the declaration of emergency

it became efficient. Why not, therefore, invite emergency and MISA?

The country needs revolution, not red revolution but green revolution. The country requires reformation. Reformation will not come all of a sudden just like revolution. Some may get temporary gain but may lose permanently if they do not tolerate all this. We respect our great leader Shrimati Indira Gandhi who has got three 'T' powers that is to say, maximum Tolerance, appropriate Timing and Tackling the problem. These are the three T's. She is serving the country with sincerity and devotion and she wants the country to be a better place for future generations.

While concluding, I would say that the MISA will eradicate all these evils from A to Z. These evils are: Agitation, Black Money, Corruption, Destruction and disturbance, Exploitation, Falsehood, Goondaism, Hoarding, Insecurity, Jealousy, Kith and kin favouritism, Laziness, Mannerless things and Murders, Nepotism, Organisations which are not good for the country, Political abuses which will pollute the political atmosphere, Quarrels for power, Reactionary forces, Sabotage, Threatenings, Unwanted things, Violence, Worst position of the country, and Youth Unrest. Regarding the letters 'X' and 'Z' I would say this: The MISA will put 'X' mark, that is, 'into' in regard to all these evils and we will get 'Z', that is, 'Zero' which means, complete eradication of the said evils.

श्री राम सिंह भाई (इंदौर) : सभापति जी, मुझे दुख और आश्चर्य होता है कि ऐसे विषय पर बोलने के लिए केवल 5 मिनट का समय मिला, और मेरे जैसे शाक्ति को जो बहुत ज्यादा इस विषय में कहना चाहता हो। खैर आप के हुक्म का पालन करना है। मुझे मंत्री जी से एक प्रश्न पूछना है कि यह इमरजेंसी का समय है,

[श्री राम सिंह भाई]

इसमें सरकार भी चिन्तित है और हम भी। देश की स्थिति में कुछ सुधार होना चाहिए और जो अशान्ति फैला रहे हैं उनको अच्छी सजा भी मिलना चाहिए। इसमें कोई शक नहीं है।

अभी हाल में गुजरात विधान सभा में वहां के गृह मंत्री ने सदस्यों को यह आश्वासन दिया है कि पिछले वर्ष गुजरात में नव निर्माण समिति का जो आन्दोलन चला और जिसको ले कर सारे देश में ख़राबी हुई जयप्रकाशजी मृत-प्राप्त: जैसे पड़े थे उनको भी जोश आया, उस आन्दोलन में जिन्होंने आग लगाई, तोड़ फोड़ की, हड़तालें कराई, कितनी हत्यायें हुई हैं और ऐसे मामलों को लेकर जो पकड़े गये हैं उनके लिए गृह मंत्री ने कहा है कि उनको छोड़ा जायगा और सरकार उनके खिलाफ़ केसेज वापस लेने के बारे में विचार कर रही है। इतना ही नहीं जो इन आन्दोलन में पुलिस और मिलिट्री के द्वारा मारे गये हैं उनके परिवार वालों को, मृतकों का वीरता का पुरस्कार दिया जायगा और परिवार को आजीवन पेंशन दी जायगी, जैसे देश की आजादी के लिए फ्रीडम फायटर को दी जाती है।

दूसरी बात यह कि जिस पुलिस ने ला एण्ड आर्डर मेन्टेन करने के लिए जो कार्यवाही की है उन पुलिस जवानों के खिलाफ़ कार्यवाही की जायगी। यह वहां के गृह मंत्री ने कहा है। मैं मंत्री जी से जानना चाहता हूं कि वहां ऐसी सरकार को बने रहने देना चाहिए? एक प्रश्न यह है कि जो देश के अन्दर तोड़ फोड़ कर रहे हों, आगजनी कर रहे हों, हत्या कर रहे हों उन्हें तो पुरस्कार देंगे और जिन्होंने ला एण्ड आर्डर मेन्टेन करने के लिए अपनी इयूटी बजाई है उनके ऊपर कार्यवाही की जायगी और वह भी ऐसे वक्त में जब कि देश में इमरजेंसी है

और उसमें ये सारे कानून बन रहे हैं, क्या यह उचित होगा? इसका गृह मंत्री जी ख़लासा करें कि गुजरात विधान सभा में जो वहां के गृह मंत्री ने स्टेटमेंट दिया है उसके बारे में आप क्या सोच रहे हैं?

श्रीमन्, मैं यह निवेदन करना चाहता हूं कि मैं मजदूरों में काम करता हूं और गुजरात ग मजदूर महाजन मजदूरों की संस्था है और "मजदूर संदेश" उनका मुख्य पत्र है। जो मजदूर महाजन हैं वे मुराजी ग्रुप से सम्बन्धित हैं, संगठन कांग्रेस मे सम्बन्धित है और इस चुनाव में कांग्रेस के विरुद्ध उन्होंने अहमदाबाद मे अपने उम्मीदवार खड़े किये थे और मैं आपको बनाना चाहता हूं कि वहां पर 6 सीटों मे मे पाच सीटें हमने जीती। केवल एक ही सीट वे जीत पाए। इस तरह से आप देखें कि वहां पर मजदूर लोगों ने कांग्रेस का साथ दिया।

मैं यह भी बताना चाहता हूं कि उपद्रव के समय वहां पर मजदूर काम पर जाते थे और नव-निर्माण समिति वाले उन मजदूरों को काम पर जाने से रोकते थे। उन मजदूरों ने उस टाइम पर जब कि दो महीने तक करफ्यू लगा हुआ था, उसमें मिलें चलाई और वे मिलिट्री वालों से कहते थे कि हमें प्रोटेक्शन मिलनी चाहिए। उस वक्त वहां पर मिलिट्री लगी हुई थी और वे उसकी प्रोटेक्शन चाहते थे। इस तरह से जो दर्रीब वर्ग था, वह मेहनत करके पेट भरना चाहता था और मिलिट्री से प्रोटेक्शन मांगता था लेकिन दूसरे लोग उनको काम नहीं करने दे रहे थे, आग लगा रहे थे और मारपीट कर रहे थे।

MR. CHAIRMAN: I would request you now to conclude.

श्री राम सिंह भाई : इस सम्बन्ध में मुझे बहुत कुछ कहना था । मने पहले समय मांगा था लेकिन मुझे मौका नहीं दिया गया । अब आप कहते हैं तो मैं बन्द कर देता हूँ ।

MR. CHAIRMAN: I am really sorry. Kindly conclude.

श्री राम सिंह भाई : श्रीमा, मैं यह देखता हूँ कि यहां पर कुछ लोगों की मोनो-पली है और उनका ही नाम बोलने में आगे होता है और उनको ज्यादा टाइम भी दिया जाता है । जो पुराने आदमी है और बूढ़े अनुभवी आदमी है, उनको बक्त नहीं मिलता है ।

मेरे पास जयप्रकाशजी का एक लेख है, मैं उसको उद्धृत करना चाहता था जिस में उन्होंने गाधीजी के लिए बहुत गन्दे शब्द लिखे हैं । उनको कैमे सर्वोदय नेता माना जा सकता है । जयप्रकाशजी भी सर्वोदय नेता रहे ही नहीं । वे तो हार मान कर सर्वोदय के शरणागत हो गये थे । लेकिन आप मुझे और समय नहीं दे रहे हैं, इसलिए मैं उसको उद्धृत नहीं कर रहा हूँ ।

SHRI B. R. SHUKLA (Babraich): Mr. Chairman, Sir, this House has already approved the proclamation of emergency and the present amending provisions in the Maintenance of Internal Security Act are nothing but the necessary follow-up legal action because, if we have to deal effectively with the emergency provisions, then, necessarily, we have to introduce such changes which curtail and restrict the personal liberty, the abuse of which is threatening the very existence of the State. Therefore, my respectful submission is that it is perfectly in accordance with the constitutional provision contained in Article 22. The

present amending Bill makes provisions which shall be coextensive with the period of emergency. Therefore, the drastic measure would not be in operation after the cessation of emergency. That is one basic feature. Secondly, it is not necessary to disclose the facts or the grounds on which a person is sought to be detained by the appropriate authority under this amending Bill. Thirdly, it also provides that it is not necessary that the person so detained should be given an opportunity to make representation. These are the departures from the common law and the natural rule of justice.

Now, when there is a conflict between individual liberty and the State, then, certainly, the State, as the custodian of the rights and liberties of the entire nation has to override and suspend the personal liberty of an individual. It would be asked why this draconian law is sought to be imposed banning all sorts of personal freedom. My answer to this—and all of us are of this view—is that there are big sharks in the shape of saboteurs, in the shape of enemy of the State and in the shape of anti-social elements who cannot be brought within the clutches of the ordinary law of the land. They are too big and too powerful to break the sinews of the net of common law. Therefore, this amending Bill has been thought to be necessary to be on the statute book. My submission is those enthusiastic friend sitting on this side should not think that these measures are remedies for all times to come. These measures are not a panacea for all evils—social, administrative, political and economic. The only thing which the hon'ble Home Minister has to take care is this that he should impress upon the authorities at the State and administrative level to see that they should not make an indiscriminate use of these provisions in detaining innocent persons with *malafide* and *ulterior* motives otherwise just as in the case

[Shri B. R. Shukla]

of medicine, when the most powerful medicine is to be applied, the milder does not have any effect. The harsh remedy does not always bring about the desired results. I would like to say a word about 'liberty'. From time immemorial liberty has been valued and loved. About 'liberty' one very eminent writer has said these words:

"Thou hatest nothing but the whip, the chain and the dungeon key; Thou art the only deity before whom the devotee does not tremble".

I will conclude by saying that the anti-social elements who are the enemies of the State must be dealt with effectively.

MR. CHAIRMAN: I have to offer my regrets to the other hon. Members who could not be given the opportunity to speak because we had decided that the Minister will reply at 5 O'clock. There are ten to twelve Members still who want to speak. I think the understanding was here that the Minister will begin at 5 P.M. So, I request the hon. Minister to reply.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Mr. Chairman, Sir, at the outset I would like to thank all the hon. Members on this side of the House as well as on the other for giving their support to this MISA amending Bill. I have not tried to cover the same ground because it has already been covered when the Resolution on proclamation of emergency was taken up by this House. Sufficient material has been put forward either by the mover of the Resolution or the Prime Minister intervening or other hon. Members participating in the debate. I have also said, Sir, that the activities of certain political parties in the last two years have been so violent disruptive of national unity and it looked as if the nation was drifting towards anarchy because of

the activities of these leaders of political parties. As Mr. Indrajit Gupta has said, this Proclamation and the subsequent amending Bill of the MISA has come about because of the unprecedented circumstances in the country. Naturally, Sir, an unprecedented situation where we see clearly the prospect of the nation drifting towards lawlessness and violence and then coming in the way of activities which would go to help or ameliorate the conditions of the weaker sections of the society, has to be met effectively. If that has to be met effectively, naturally, certain steps have got to be taken. As the Prime Minister once remarked, in the other House, it is a painful necessity. The activities of these leaders, of these parties, have necessitated the proclamation of emergency and the subsequent actions had to be taken for strengthening the nation, seeing to it that no serious internal disturbances arise and that the nation and the nation's economy also get strong.

Now, my friend, Mr. Shamim was saying that at the time when MISA was introduced originally, there was an assurance on behalf of the Government that it will not be used against political activities. Of course, I have also said on some other occasion that MISA will not be used against legitimate political activities. It does not mean that all activities whether violent or otherwise, disrupting the country and indulged in by politicians are exempted. Therefore, you have to distinguish between lawful political activities and subversive or violent activities indulged in by politicians. Therefore, Sir, you have to make a distinction.

Has Mr. Shamim, in spite of his great advocacy for democratic traditions—he has quoted Gandhiji; he has quoted Panditji; he has quoted some others—taken care to see whether such things have been happening all these years are legitimate political

activities and lawful activities? Are they indulged in in some other countries, which you wanted to quote? Even in Britain, I am told, there is a Defence of Realm Act which takes care of situations like this. I do not want to go into it again. Do you think that incitement to the Police or the Army is a legitimate political activity? As Mr. Bhogendra Jha has said and as Mr. Singh has also said who was present at the meeting, no public meeting could be held without armed political cadres to preserve peace and order. Or, do you think that a Janta Sarkar or a Janta Adalat—I have not understood it till now, I do not know whether my friend Mr. Shamim has understood it—or encouragement to violence or creating a climate of not only violence but hatred; the type of false and baseless rumour-mongering and this character assassination indulged in even on the floor of this House—do you think this is a thing which can be called legitimate political activity? Does it not shake people's faith? Does it not shake, as the Prime Minister once remarked, people's will? After all, we are a democracy. We want to involve our people in our development activities. We want to make them partners. Not only do we want them to be determiners of their own destiny, not only do we want them to determine what type of government they should have in this country, but we also want them to involve themselves at every stage and in every sphere, in every region, actively in the development activities so that they can not only feel but share in the fruits thereof.

Therefore, my submission, as I have said even in the other House, is that if all of us believe in the democracy that we have, that our elders have given us, we have to play the rules of the game strictly. Therefore, my submission is that it can be taken that it should not be used against any legitimate political activity, but not all

types of political activity, violent, subversive, just because they are indulged in by some political parties.

SHRI S. A. SHAMIM: You have arrested journalists. This morning you arrested Kuldip Nayyar. What incitement to violence did he indulge in? He was arrested under MISA.

SHRI K. BRAHMANANDA REDDY: I am coming to that. I would tell Shri Shamim that law is no respector of persons. My friend, Shri Bhogendra Jha, was remarking in his speech that a Dean was arrested or a Professor was arrested and some other person was arrested. I want to say this. This is not only about politicians. A politician may be a big politician. It depends on what activity he does, what is the activity he is indulging in, what is he planning what is he trying to do, what is he likely to do. That is the question. It is not a question of status. If it is a question of status all these leaders should not be detained. Therefore, you must make a distinction. A person because of his position may occupy a status or stature, but it does not mean that he is not indulging in some activity which is detrimental to the interests of the nation.

SHRI VASANT SATHE (Akola): You are not supposed to tell all that to Shri Shamim as to what they are indulging in.

SHRI K. BRAHMANANDA REDDY: No, no.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): There are certain cases where bureaucrats have misused authority, where local police people have misused authority.

SHRI K. BRAHMANANDA REDDY: I am coming to that. Just have some patience.

You said about a free press also. Certainly times without number, the

[Shri K. Brahmananda Reddy]

Prime Minister has stated, and many others have stated, that the press should be free. We do not want to interfere. But you have seen a section of the press acting as if there is only a one-way traffic, trying to do some things which support this type of attitude or mentality. Naturally, therefore, it has to be taken care of.

SHRI S. A. SHAMIM: That section of the press is now censored.

SHRI K. BRAHMANANDA REDDY: Rightly, hon. friends on this side of the House as well as Shri Indrajit Gupta raised a point that the extraordinary powers that we acquire under MISA should not be abused or misused. I certainly agree with it. the Prime Minister has advised the Chief Ministers to be careful in the application of MISA and we, on behalf of the Home Ministry, have cautioned the respective State Governments against any possible abuse or misuse. Even so, it may be possible, it may be within the knowledge of some hon. members, that some misuse or abuse has taken place. Certainly it will be within the competence of the respective detaining authorities as well as the Central Government to see that this type of impression is not given to the public.

SHRI INDRAJIT GUPTA: The public will not know anything.

SHRI K. BRAHMANANDA REDDY: I want to say another thing in this connection. Some friends may say that some CPI Members had been arrested. I am not trying to justify the arrest or detention. I am only trying to say that just the fact that a man belongs to a particular party is not the criterion. As I have said earlier, what he is doing and what he is planning to do are relevant points.

Shri Indrajit Gupta and other friends said that if the wife or child

of an arrested persons was not well, he would not be given any interview. That is not correct. Persons detained after the emergency are governed by the same rules as were applicable to the original MISA. Interviews with family members are not totally prohibited they are permitted in certain specified circumstances. Their frequency is regulated. Interview with lawyers is also being permitted. You should not go with the impression that interviews with family members or close relations are prohibited. It may not be as frequent as it used to be but certainly it is permitted and it is regulated.

He also raised another question—the duration of operation of this provision. It is mentioned in the amending Bill itself in clause 6: "Notwithstanding anything contained in this Act or any rules of natural justice the provision of this section shall have effect during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971, or the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, or a period of twelve months from the 25th day of June, 1975, whichever period is the shortest." This relates to the point raised.

SHRI INDRAJIT GUPTA: You have not clarified anything.

SHRI K. BRAHMANANDA REDDY: So far as clause 6 of this amending Bill is concerned, it is limited to the duration of the emergency or a period of 12 months, whichever is earlier.

I do not want to go into other matters, about some industrialists and others meeting the Prime Minister. It does not mean that what everybody says is swallowed or that it is taken without reservation. It is

good for a cross section of society to go and inform the Prime Minister: We give our co-operation. You take it to the extent that it is advantageous.

My friend from the Anna DMK welcomed the Bill. I think him. I can also tell my friend from Gujarat as well as the ADMK friend, that we are aware of what is happening in Gujarat or Tamilnadu.

Now, as I have mentioned, even at the outset, even in my introductory speech, it is not as if this is the first time that the grounds are not given or the Advisory Board is not brought in. During the Proclamation of Emergency in 1962, there was no provision for either grounds or Advisory Board. I have also brought it to your kind notice to the notice of the hon. Members that in the recent Bill that we have passed two days ago—on the 23rd July 1975—with regard to the Conservation of Foreign Exchange and Prevention of Smugglers Act, the same thing has been provided. No grounds or Advisory Board were provided earlier and even in 1974 there was no provision for Advisory Boards. Therefore, it was not as if this is being resorted to for the first time. It has been there and as you have rightly remarked, when this is an unprecedented situation, a dangerous situation, so far as the country is concerned, so far as the nation is concerned, when we have to meet it, there should not be a half-way house. We must meet it effectively so as to safeguard all the vital interests of the nation.

Now, one thing I would like to submit to you, that is about the possible abuse or misuse of this power. Under original MISA also, the detaining authority is restricted to certain class of officers like the District Magistrates, the Additional District Magistrates or some Commissioners or somebody. Therefore, we have taken care to see that the original detaining authorities themselves

are not small fry. They are fairly high in the ladder of Government service and further this is reviewed at the highest level of the State Government. A review has been provided and not only should the State Government see that the declaration is made within 15 days but it should also periodically review the situation and see whether the detention order has to be kept or to be revoked. Therefore, that precaution has been taken to the extent possible. Now, it is true I do not believe in warning but I do say on the floor of this House regarding the points that have been made by the hon. Members that the detaining authorities must be circumspect and must exercise due care and see that they do not misuse or abuse, it is within the competence of the State Governments to warn or pull up the authorities or revoke if necessary any detention orders which have been found to be not proper. We are in touch with the State Governments. As I have said earlier we have cautioned them also against any possible misuse. We have also to safeguard against even the threat of detention or indulging in similar practices, at certain times.

Now, of course, some friends wanted that 15 days should be limited to 10 days. Even under the original MISA a period upto 22 days is allowed. Therefore, under the pressure of circumstances, action has to be taken by the State Governments not only with regard to these persons political parties or others indulging in violent activities but also against hoarders, blackmarketeers and smugglers and naturally they would require some time. Fifteen days is not a big enough period and a review is also provided within four months. Practically, a month is over now and, therefore, four months is not a big period. In fact, one Hon'ble Member wanted it to be reduced to three months. Between three and four months there is not much difference...

SHRI M. C. DAGA: Four months means 120 days.

SHRI NIMBALKAR (Kolhapur): When you are outside it is not a big period but when you are inside it is a big period.

(Interruptions)

SHRI K. BRAHMANANDA REDDY: Whether the period is big or small is not the point. The point is that in the circumstances of the case it was found that four months would be necessary for the State Governments to make a review of the orders of the detaining authorities, and come to their judgment. That was what was felt. Suppose somebody says 'why four months why not three months and fifteen days', I cannot give a better argument than that we felt that in the circumstances of the situation four months would be required by the State Governments. That is my submission.

Therefore the points that have been raised by my Hon'ble friends, I have tried to meet and explain and I would now request that this may receive your kind support.

SHRI B. V. NAIK (Kanara): The Hon'ble Minister has stated—I do not know whether it was done inadvertently—that what a person is likely to do will also warrant arrest. Is it a fact or was it an inadvertent statement? He used the words 'what a person is likely to do'.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Maintenance of Internal Security Act, 1971, be taken into consideration."

The Lok Sabha was divided:

AYES

Agha, Shri Syed Ahmed
Ahirwar, Shri Nathu Ram
Ambesh, Shri
Ansari, Shri Ziaur Rahman
Austin, Dr. Henry
Banerjee, Shri S. M.
Barupal, Shri Panna Lal
Bhagat, Shri B. R
Bhagat, Shri H. K. L.
Bhargava, Shri Basheshwar Nath
Bhatia, Shri Raghunandan Lal
Bist, Shri Narendra Singh
Chandra Shekhar Singh, Shri
Chandrappan, Shri C K
Chandrika Prasad, Shri
Chaudhary, Shri Nitiraj Singh
Chhutten Lal, Shri
Daga, Shri M. C
Darbara Singh, Shri
Das, Shri Anadi Charan
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshpande, Shrimati Roza
Dhamankar, Shri
Dixit, Shri Jagdish Chandra
Doda Shri Hiralal
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gavit, Shri T. H.
Ghosh, Shri P. K.
Gomango, Shri Giridhar
Gowda, Shri Pampan
Gupta, Shri Indrajit
Hari Singh, Shri
Jadeja, Shri D. P.
Jha, Shri Bhogendra

Jha, Shri Chiranjib
 Kadam, Shri J. G.
 Kakodkar, Shri Purushottam
 Kamakshaiah, Shri D.
 Kapur, Shri Sat Pal
 Karan Singh, Dr.
 Kisku, Shri A. K.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Madhukar', Shri K. M.
 Mahajan, Shri Vikram
 Majhi, Shri Kumar
 Malhotra, Shri Inde J
 Mandal, Shri Jagdish Narain
 Manjhi, Shri Bhola
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.
 Modi, Shri Shrikishan
 Mohan Swai up, Shri
 Mohapatra, Shri Shyam Sunder
 Mohsin, Shri F. H.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuli, Shri Paripoornanand
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandit, Shri S. T.
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Paswan, Shri Ram Bhagat
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri T. A.
 Patnaik, Shri J. B.
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Ram Singh Bhai, Shri
 Ramshekhar Prasad Singh, Shri

Rao Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Ganga
 Reddy, Shri P. Narasimha
 Richhariya, Dv. Govind Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Samanta, Shri S. C.
 Sambhali, Shri Ishaque
 Sankata Prasad, Dr.
 Sarkar, Shri Sakti Kumar
 Sathie, Shri Vasant
 Satish Chandra, Shri
 Satpathy, Shri Devendra
 Satyanarayana, Shri B.
 Savitri Shyam Shrimati
 Sayeed, Shri P. M.
 Sethi, Shri Arjun
 Shailani, Shri Chandra
 Shambhu Nath, Shri
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Dr. H. P.
 Shastri, Shri Biswanarayan
 Shastri, Shri Sheopujan
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Suryanarayana, Shri K.
 Thevar, Shri P. K. M.
 Unnikrishnan, Shri K. P.
 Venkatswamy, Shri G.

NOES

Shamim, Shri S. A.

MR. CHAIRMAN: The result* of the Division is—Ayes: 121; Noes: 1. *The motion was adopted.*

MR. CHAIRMAN: Now, we take up clause-by-clause consideration of the Bill. From clauses 2 to 4 there are no amendments. I put them together.

MR. CHAIRMAN: The question is: "That clauses 2 to 4 stand part of the Bill."

The motion was adopted

Clauses 2 to 4 were added to the Bill

Clause 5—(Amendment of section 15)

SHRI M. C. DAGA (Pali): I beg to move:

'Page 2, line 30,—
omit "or otherwise." (8)

It says here:

"provided in this section, no person against whom a detention order made under this Act is in force shall be released whether on bail or bail bond or otherwise."

Now, in the old clause 15 you have said that he can be released. Now you say, "otherwise" I have not understood it. You should omit the word 'otherwise'.

SHRI K. BRAHMANANDA REDDY. The point is:

"Notwithstanding anything contained in any other law' You may kindly note the words:

"and save as otherwise provided in this section'

"Otherwise' means that the Government can revoke an order. Gov-

ernment can, in some circumstances, give parole; but he is not entitled for any bail or any bail bond or otherwise.

SHRI M. C. DAGA: If the Government wants to release him at any time, will this debar him?

SHRI K. BRAHMANANDA REDDY: No.

MR. CHAIRMAN: Mr. Daga, are you withdrawing your amendment?

SHRI M. C. DAGA: Yes.

Amendment No. 8 was by leave, withdrawn.

MR. CHAIRMAN Now I put Clause 5 to the vote of the House.

The question is:

"that Clause 5 stand part of the Bill".
The motion was adopted.

Clause 5 was added to the Bill.

Clause 6—(Insertion of new section 16A)

MR. CHAIRMAN: In clause 6, we have a large number of amendments. Amendments 1, 2, 3 and 4 are from Mr. D. N. Tiwary and he is not here. Now amendments 6 and 7 are from Bhogendra Jha. Shri Ramavtar Shastri, Shri S. M. Banerjee and Shri C. K. Chandrappan. Now Mr. Jha.

SHRI BHOGENDRA JHA (Jamm-Nagar): The provision in clause 6 days that sections 8 to 12 shall not apply in the case of detenus detained under MISA, after the bill is passed. Section 8 relates to providing the grounds of detention.

*Shri T. Balakrishniah also recorded his vote for Ayes.

MR. CHAIRMAN: Mr. Jha, there are amendments 9, 10, 11 and 12. Some of them are in the name of your party. I take all the amendments as having been moved.

SHRI M. C. DAGA: I am moving amendment 10 and 12.

SHRI BHOGENDRA JHA: I beg to move:

Page 3, line 32,—for "four" substitute "three" (6).

Page 3,—

omit lines 44 to 51. (7)

SHRI S. M. BANERJEE: I beg to move:

Page 3, line 1.—

for "fifteen days" substitute "ten days" (9)

Page 3, line 24, —

for "fifteen days" substitute "ten days" (11)

SHRI M. C. DAGA: I beg to move:

Page 3, line 14—

after "the officer" insert "not below the rank of Commissioner Secretary." (10).

Page 3, line 32, —

for "four months" substitute "one month" (12)

MR. CHAIRMAN: These amendments are now before the House. Hon. Members can speak on all the amendments together.

SHRI BHOGENDRA JHA: Section 3 of the Act provides for giving grounds of detention to the detenu. In the Act itself, it is provided that if the Government feels, after detaining that a particular ground is not, in the public interest, to be supplied to

the detenu, then it need not be supplied but other grounds shall have to be supplied. Here, now there is no question of going to the courts. In such a situation, the submission of grounds, taking into account the fact that the detention order has necessarily been issued by the officers, information will be supplied by that very agency; in such a situation while giving the ground, at least if any officer or group of officers has got the obligation to give the grounds to the detenu, he will feel at least accountable to the department itself, to the government itself. So, he may be compelled to give some second thoughts. In such a situation I want to ask what the Government loses by submitting the grounds of detention and whether, and to what extent, the security or public order will be threatened by this. So, I think that Section 8 should not be made inapplicable in the case of detenus here. It had been stated that in the case of each detenu, the cases will be periodically reviewed by the officers. In these cases these sections of the Act will not apply. The reviewing, after 15 days by any officer and again after 15 days by the State Government, may be all right; but that review will take place by the officers themselves who have issued the orders of detention, or who have arrested the persons. In such a situation, that review itself is not bad. But here if we do away with the grounds of detention, it would be harmful to the Government itself, would be against the interests of the maintenance of security or the maintenance of public order. The provisions of the Act would be nullified by this provision of Bill. This will make the provisions of the Act dead provisions. So, I think section 8 of the Bill would be inexpedient and harmful without being of any help. Sections 9 to 12 deal with the formation and functions of the Advisory Board. If a person is detained, an advisory board consisting of three persons who will be judges, ex-judges or persons fit to

[Shri Bhogendra Jha]
be appointed as judges will be formed. If a detenu so desires he can argue his case before the Board. If the board thinks that there is sufficient ground for detention, then the Government can keep him in detention for one year. In such a situation why should the board be made inapplicable in this case? After all, the members of the board would be selected by the Government for this particular purpose. That authority, rests entirely with the Government. In such a situation, doing away with the Board is going to far. So, sub-clause (1) of clause 6 on page 3 should be deleted. Similarly, sub-clause (2) of section 13 of the Act is a consequential provision. If this provision is deleted from this Bill, I think the Bill would become more compact, more helpful and more expedient and it will not contradict with the Act itself. Because, after all, sections 8 to 13 remain in Act. They are only made inapplicable.

In the Statement of Objects and Reasons attached to the Bill it has not been provided that the grounds of detention will not be supplied to the detenu. Nowhere in the Statement of Objects and Reasons is it mentioned that the grounds of detention will be done away with. It is only mentioned that the granting of release on bail, natural law or common law they will be done away with; the mentioning of the grounds of detention has not been done away with. If this provision is not deleted, my apprehension is that in this emergency some officer will surreptitiously take recourse to that provision and not mention the grounds of detention.

The Statement of Objects and Reasons does not make mention of doing away with the advisory board altogether. In fact, sections 9 to 13 deal with them. So, this provision in fact is contrary to the Statement of Objects and Reasons. This surreptitious method of introducing certain

provisions in the Bill, which are not mentioned in the Statement of Objects and Reasons, is not good. It is in bad taste. So, our amendment should be accepted and this should be deleted.

SHRI S. M. BANERJEE (Kanpur): Mr Chairman, I support the arguments advanced by my hon. Friend, Shri Bhogendra Jha. I do not know why the advisory Board has been done away with. The hon. Minister has not given sufficient reason, to show that there is no need for an advisory board. When you arrest somebody without any warrant, or without any reasons being assigned, when he is produced before the authority after 15 or 20 days or four months, he should be given the feeling that justice is being done. This Advisory Board provision came when this House discussed exhaustively all the provisions of the parent Act. You will remember that in 1971 when this legislation was brought, I was the first man to oppose it. Now, because of the changed conditions, we are supporting this Bill because we think this is being used against those who are anti-nationals or who want to hold the country to ransom. But should it mean that there should be no provision for an Advisory Board? The hon. Minister can tell us why the particular provision has been omitted completely and there is a substitute for it.

My hon. friend Shri Indrajit Gupta mentioned how our party workers fought against J. P. at every stage with their back to the wall, at a time when the Ghafoor Ministry was almost tottering, when they were afraid of coming out against the on slaughter of J. P. and his followers. What has happened today?

SHRI BHOGENDRA JHA: In Sitamarhi a Communist Party worker was killed. Up till now the case has not been investigated.

SHRI S. M. BANERJEE: In Madhubani, Sitamarhi and Chhapra Dis-

tricts, the people who fought J. P. have been arrested.

In his reply the hon. Minister said that it is not the person or the party which is concerned, but it is their action. He did not even promise to make an investigation. At least when we went to the other Minister, he promised. I would request him to kindly go through these cases and satisfy himself whether the action taken is correct or not.

Actually, it is known to every one, right from the Prime Minister to Shri Bhagwat Jha Azad who is occupying the Chair here, how in Bihar the C. P. I. workers and their cadre fought against the movement which was launched to subvert democracy and to dissolve the Assembly there. And this is the reward which we get today.

The hon. Minister says it is not the person or the party which is concerned, but the action. Action by whom? You are relying on the report of the same District Magistrate and police officers who were hailing J. P. and his followers. I say it is a shame on the Home Minister if he says like that. How do we protect our workers, inspire them to support whatever Shrimati Indira Gandhi does? We may have been isolated from the other opposition but we have definitely supported her in the proclamation of emergency and in all the actions taken to save democracy. And people who fought every inch for the mere existence of the Government in Bihar so that it could not be thrown out at the sweet will of J. P. are behind bars. The Home Minister says he will not even investigate. In that case let the District Magistrate occupy the chair of the Home Minister. Perhaps he thought that in the present cooler atmosphere there would be nobody to criticise him; otherwise it would have been impossible for him to address this House.

MR. CHAIRMAN: You are criticising all right and very strongly.

SHRI S. M. BANERJEE: I have all regard for him, I tell you honestly.

In Kanpur, what happened? In the I. I. T., Dr. A. P. Shukla and Dr. B. Sarkar, brilliant professors, and Mr. R. K. Tiwari, General Secretary of the Karamchari Sangh, fought the Dollar lobby headed by Dr. Muthana who was kicked out at our instance. They were creating some sort of lobbying there; Jan Sangh and their shakha at IIT, Kanpur. Dr. Shukla and Dr. Sarkar fought tooth and nail. It is known to the district authorities; it is known to everybody that these two professors were put behind the bars under MISA. What should I tell you, Sir I expected Mrs. Sushila Rohatgi to support it and I hope she will write a letter also. It is her constituency; it is not my constituency. But it is not a question of constituency. Prof. Nurul Ilasan had hailed the action of the Karamchari Sangh at a time when the students were there under the banner of the RSS and the Jan Sangh, and they were, aided by the dollar lobby, creating such a trouble that IIT was closed. These men, R. K. Tiwari, General Secretary of the Karamchari Sangh and other employees fought it. Prof. Sushila forgetting for a moment, that he was a Professor, Joined the Karamchari Sangh as Chairman. There was also Dr. B. Sarkar who was a brilliant professor known to everyone in this country. Today, they are behind the bars.

We request the hon. Minister to investigate into the charges if they are correct. It is not their fault. We want to support this emergency because of various reasons. I would request him not to stand on prestige. I know the difficulties. Perhaps if Prof. Shukla is released, if one man is released then we will have to release Shri Jayaprakash Narayan. But that is not cor-

[Shri S. M. Banerjee]

rect. Two wrongs do not make one right. I want an assurance that these cases will be investigated. We sent a delegation to the Prime Minister also. They should be released forthwith. I did approach the Chief Minister. But the Chief Minister is unable to do anything in the absence of the instructions from the Central Government. I request that this should be investigated, otherwise, this will become a farce, if known Professors are arrested without any fault on their part I am sure, my hon. friend, rather my sister Smt. Sushila Rohtagi will say that she had a majority in that area. May be a Jan Sangh area. Ultimately, Government put them behind the bars. It is a sad commentary on us. People will lose faith in the emergency if such persons, known professors of Kanpur, IIT, are put behind the bars. I had a talk with the Chairman; I had a talk with Prof Nurul Hasan I requested Shri Om Mehta. I am requesting Shri Brahmananda Reddy with all seriousness and in all humility to kindly consider the issue. I would, therefore, request you to accept this amendment in regard to the Advisory Board. The other amendment is in regard to the reduction of review period from 15 days to 10 days. Even my hon. friend, the oldest member of the House, Pandit D. N. Tewary has moved this. This will not take more than 10 days. I know it will be difficult for him to accept any amendment. But I would request him to kindly give some assurances and we would respect those assurances. This is a very serious matter where innocent persons could be arrested. But let them have the satisfaction of going before the Board and reason, should be assigned.

If I had said anything wrong, if I had injured the sentiments of Shri Brahmananda Reddy, I am sorry for it. But let him not rely on the wisdom of the District Magistrate. I saw the bureaucrats in Delhi. Joining the shakhas and after the emergency, the shakhas

were broken. Somebody was beaten in the Rana Pratap Bagh. So, don't rely on the bureaucrats. There are good bureaucrats and there are bad bureaucrats. After all it is a political decision which we have taken and the bureaucrats will be subservient to the politicians; the politicians should not be subservient to the bureaucrats.

श्री भूल कृष्ण डाग (पाली) : समाप्तिजी, एक बात में जम्हर जानता हूँ—ने अपने गृह मंत्री जी से पूरी तरह से परिच्छा हूँ, वे बड़े सज्जन हैं आग इन्हाने पूरी सज्जनता की बाते कही हैं, इस लिए मैं अपनी दोनों एम्डमेंट्स के बारे में बालूगा। सब से पहले नो मैं मुख्यमंत्री के एक रीसेन्ट रूलिंग की तरफ आप का ध्यान खीचता चाहता हूँ—

"It must be remembered that the personal liberty of an individual has been given an honoured place in the fundamental rights which our Constitution has zealously protected against illegal and arbitrary deprivation and that this Court has been entrusted with a duty and invested with a power to enforce that fundamental right.

The seriousness of the step must be appreciated by Government and continuous check-up on the need to prolong the prison life of the citizen made. The final cure for prejudicial activities threatening the survival of the community is not executive shut up of all suspects in prison for how long one is kept guessing. Such a strategy may alienate and embitter men who should be weaned away and won over."

What he means to say is this. Suppose you entrust them to an officer. Who is that officer? That has not been defined. You have said in Section (3) that "an officer" means "Additional District Magistrate". I have submit-

ted that a person who applies his mind to the detention order, whoever does it, must be a seasoned person not an ordinary District Magistrate. He must not be a Secretary or a Joint Secretary or a Home Commissioner. He must be a seasoned person. I have already said that there must be a check-up from time to time. You have said, four months. I say, there should be a check-up within a month.

SHRI K. BRAHMANANDA REDDY: Mr. Chairman, Sir, we are certainly thankful to the Communist Party of India for fighting along with us the forces of reaction and disruption.

Now, the points or the names of certain persons where certain action has been taken in Bihar have been mentioned.

Shri Indrajit Gupta has mentioned the names of persons.....

SHRI S. M. Banerjee: I have mentioned about the Indian Institute of Technology, Kanpur.

SHRI K. BRAHMANANDA REDDY: The points, the names, etc. That have been mentioned by Shri Indrajit Gupta, Shri Bhogendra Jha, and Shri S. M. Banerjee are taken note of. It is not a question of giving any assurance. It is a question of what has been mentioned with great responsibility by the leaders of the Communist Party regarding the arrest of some persons in position etc., and that has already been noted. I need not come before the House and say here and now, I give you an assurance and all that. I need not say that. That does not mean much. They are taken note of and they will be looked into.

I am sorry I am not able to accept the amendments. This amendment is one of the most important of the amendments to the MIS.A. I have already explained that in my opening speech and even subsequently also. Therefore, I am not able to accept these amendments. As I have said in

my reply to clause 6, about the point which has been raised by Shri Indrajit Gupta, the duration of that is for the Emergency or for a period of twelve months whichever is earlier.

SHRI S. M. BANERJEE: Except amendment No. 7, I withdraw the other amendments.

SHRI M. C. DAGA: I am also withdrawing my amendments Nos. 10 and 12.

MR. CHAIRMAN: Is it the pleasure of the House that the amendments be permitted to be withdrawn?

Hon. Members: Yes.

Amendments Nos. 6, 9, 10, 11 and 12 were by leave, withdrawn.

MR. CHAIRMAN: I will now put amendment No.7.

The question is: 'Page 3,—omit lines 44 to 51.' (7)

The motion was negatived.

MR. CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 1—(Short title and Commencement)

Amendment made

Page 1, line 4,—for "(Second Amendment)" Substitute—"Amendment" (5).

(SHRI K. BRAHMANANDA REDDY):

MR. CHAIRMAN: The question is:
"That clause 1, as amended, stand part of the Bill"

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI K. BRAHMANANDA REDDY: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, July 28, 1975/ Sravana 8, 1897 (Saka).