

(vii) **TAKING OVER OF METRO CINEMA,
CALCUTTA BY GOVERNMENT OF INDIA**

SHRI NARAYAN CHOUBEY (Midnapore): Sir, sometime back the Government of India had taken over the Metro Cinema in Calcutta. This was mainly because doubts and suspicious had been raised about the alleged sale abroad of the American Metro Goldwyn Mayor Company's assets in India to a certain Swiss Company, whose constituted attorney had claimed the authority to run Metro Cinema. The action of the Government of India, in taking it over and running it for some time through its Film Finance Corporation was appreciated by the workers of the Metro and also by public opinion. Since then, however, certain legal proceedings have followed, with the result that, under interim court orders the Film Finance Corporation has been prevented from running Metro Cinema and the constituted attorney of the alleged foreign purchaser of Metro is in control. Meanwhile, the employees of Metro are suffering on account of the repressive nature of the management and such irritants as the recent withholding of bonus payment in disregard of agreements. It is essential that the Government of India take firm steps to expedite the legal process and bring about a situation of certainty about the management of Metro Cinema. It is important also that by invoking the Industries Act and other relevant instruments in the hands of the Government, such cinemas are, when thought fit, taken over firmly and run by the Government. This will also be in conformity with the declared desire of the Government to bring in legislation for safeguarding the interests of the Government to bring in legislative tone to the industry, which has the widest potential in broadcasting to the masses both entertainment and instruction at the same time. An early statement of the Minister of Information and Broadcasting and some action accordingly is, therefore, urgently called for.

14.20 hrs.

**STATUTORY RESOLUTION RE:
DISAPPROVAL OF NATIONAL
SECURITY ORDINANCE AND NA-
TIONAL SECURITY—contd.**

MR. DEPUTY-SPEAKER : The House will now take up the Statutory Resolution and the National Security Bill. Before I call Shri Ravindra Varma, I would like to say that there is a demand from almost all the leaders of the opposition parties that the time allotted for general discussion, namely, 5 hours, is not sufficient. Therefore, they want that the time should be extended. I would like to know the views of the Government.

**THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS AND
THE DEPARTMENT OF PARLIA-
MENTARY AFFAIRS (SHRI P.
VENKATASUBBAIAH):** Government have no objection to extend the time, provided the consideration of the Bill in all its stages is completed today. The BAC originally fixed seven hours, which was extended to 8 hours—5 hours for general discussion, 2 hours for clauses and 1 hour for the third reading. If the hon. Members want more time, I have no objection, provided it is completed today.

MR. DEPUTY-SPEAKER: I find from the list that there are 9 members from the opposition and 20 from the ruling party to speak. Therefore, about 29 members have got to speak. From the Government side they are not restricting the time factor. We have a half an hour discussion fixed for today and this Bill has to be passed. By how many hours do you want to extend it? You want more time and the Government is agreeable.

DR. SUBRAMANIAM SWAMY (Bombay North East): But not with this condition.

MR. DEPUTY-SPEAKER: It is not a condition. It is a question of give and take. I am prepared to sit even at a late hour. The half an hour discussion can be taken up after this Bill is passed.

SHRI KRISHNA CHANDRA HALDER (Durgapur): The Half-an-Hour Discussion should be taken up at 5.30 p.m. sharp.

PROF. MADHU DANDAVATE (Rajapur): We will extend it by two hours.

MR. DEPUTY-SPEAKER: If the House agrees, it can be done. We can sit late. The opposition members must appreciate that we have already extended the time. We cannot go on extending it.

SHRI SOMNATH CHATTERJEE (Jadapur): Sir, what happened on Friday when you were in the Chair?

MR. DEPUTY-SPEAKER: I do not remember, I forget them immediately. In the night I do not remember what food I took in the noon. We will come to the subject-matter. What is the view of the House.

SHRI G. M. BANATWALLA (Ponnani): We will complete the general discussion today and take up the clause by clause consideration tomorrow.

MR. DEPUTY-SPEAKER: I would give a suggestion, it is not that I am imposing my decision on you. We will not fix any time. We will continue the discussion. The Prime Minister will make a statement at 2.45 p.m. After that, we will resume our discussion till 5.30 p.m. when the Half-an-Hour Discussion will be taken up. After that, we will again take this up, sit late and complete the Bill.

SHRI G. M. BANATWALLA: Be considerate.

MR. DEPUTY-SPEAKER: So, we have not decided as to how much we are extending the time. We have only decided that we are going to complete it even if it is 11 O'Clock.

SHRI RAVINDRA VARMA (Bambay North): Mr. Deputy-Speaker, this Bill seeks to arm the Government with extraordinary powers, the power to take away the individual's liberty without trial and judgement. Some hon. Members on this side of the House

have described the Bill as draconian. Even those who have hesitated to use this word have described the Bill as drastic. Even those who have hesitated to say that this Bill is a negation of law have pointed out that this Bill is pregnant with the possibility for abuse, arbitrariness and miscarriage of justice.

When a Bill of this kind which seeks to confer arbitrary powers on the Government is considered by this House, it is imperative for the House to subject it to severe scrutiny with consciousness and circumspection. There are certain questions which the House cannot brush aside. What are these questions? These are: (i) Are these powers really necessary, (ii) Are the powers conferred by the existing laws inadequate? (iii) Will the acquisition of these additional powers by Government solve these problems? (iv) Can the law be enforced without the danger of arbitrariness? (v) Is the power likely to be abused? (vi) Are there adequate built-in safeguards against the abuse of these additional powers? (vii) Can the Government be trusted for these additional powers? (viii) What is the context in which. (*Interruptions*). We are all here to listen to each other. (*Interruptions*). I cannot be shouted down. (*Interruptions*). I will not be bamboozled. If the truth hurts my hon. friend, he is free to hug it to his conscience. (*Interruptions*). Some people understand, others interrupt.

MR. DEPUTY-SPEAKER: Mr. Varma, please address me.

SHRI RAVINDRA VARMA: I said, some people understand, others interrupt. What is the context in which the Government is seeking these powers? (ix) What is the record of the Government that is seeking these powers? Our attitude must depend on the answers to these questions.

MR. DEPUTY-SPEAKER: I think you are a little bit angry today.

SHRI RAVINDRA VARMA: Not at all. I am trying to make myself heard.

The first question is: Are these powers really necessary? The Ordinance was promulgated at midnight which has earned the reputation of being the customary hour of the florescence of this Government. No case was made out to convince this House that there was imminent danger to the security of the country. There was no imminent danger of external aggression, no imminent danger of internal subversion. No doubt, the Bill refers to the security of the State. The legal and peaceful process of organising public opinion and resentment against the Government is not subversion. It is certainly not subversion. Sir, organising the opinion of the masses or exposing the weaknesses and the failures of the Government does not constitute an attack on public order. But when you refer to the security of the State, and I am sure many hon. Members opposite will agree with the propositions which I have made, in moments of lucidity, when the security of the State is related to an individual and when a new dogma is propounded and established religion begins to hold that an individual is the nation and therefore, the State and the Government, the phrase 'security of the State' acquires ominous lethal ambiguity (*Interruptions*), and undergoes an alchemy which is fatal to Fundamental Rights and to the democratic system. (*Interruptions*)

Now, let us turn to the question whether the present laws are inadequate. My distinguished friends, the hon. Member from New Delhi and the hon. Member from Jadavpur, have dealt with this question elaborately and effectively. We have sections 108 to 110 of the Criminal Procedure Code, the COFEPOSA, the Prevention of Blackmarketing and Maintenance Act etc. We have the recent amendment to the Criminal Procedure Code. Do they not give powers to take preven-

tive action? But, Sir, what the Government is after is not the power to take preventive action; what it is after is immunity from the responsibility to prove guilt or intent before a court of law. What they want is to substitute suspicion for evidence, substitute the pleasure of the executive for conviction by the judiciary. The Bill, therefore, is not only an attack on the citizen's rights, but is also an attack on the judiciary, the power of the judiciary to protect the citizen.

Sir, will the acquisition of these powers solve the problems that the aims and objects refer to? Communal disharmony, social tensions, industrial unrest, to mention only a few, are all social problems that are complicated and are of a longstanding nature. It is only social action that can solve these problems and not police action.

Sir, will the powers be exercised without arbitrariness? The Bill provides for detention without trial. It provides for detention without disclosure of grounds. Clause 8(i) talks of disclosure of grounds. But clause 8(ii) frees the Government from the responsibility to disclose the grounds. What is given by the left hand is wrenched away by the right hand. What about the composition of the Board? Two of the Members of the Board can be appointed on grounds of amenability. And when you look at clause 11(iii), it is clear that if there is a difference of opinion, the majority view will prevail. Again, what is given by the left hand is wrenched away by the right hand, what is grudgingly given by the left hand is taken away by the right hand. (*Interruptions*). That majority is a cooked up majority, not the majority... (*Interruptions*). How then can you say that there are ample safeguards against the abuse? (*Interruptions*). These are the seeds of intolerance which grow into the National Security Ordinance. Then, how can you say... (*Interruptions*). The hon. Minister should concern himself with colour blindness and colour television.

[Shri Ravindra Varma]

How can one say that there are adequate safeguards against the abuse of these additional powers? These powers were abused in the Emergency. The tendency to abuse these powers persists, the temptation to do so persists. My hon. friend, the Home Minister, may quote Oscar Wilde and say that the best way to resist temptation is to yield to it. Already there is ample evidence of this yielding to the temptation. Many hon. Members in this House have pointed this out and made charges against the lavish abuse of this Ordinance against the minorities, against students, kisans and others.

Sir, what is the context in which we are asked to vote these powers? The Government is in the throes of failure. They have failed to fulfil their promises to the people. Prices are increasing alarmingly. Essential commodities are becoming increasingly scarce. There is growing discontent and disillusionment with the Government. It is the failure of this Government that has caused this disillusionment and not the Opposition. The rage of my hon. friend, Mr. Stephen, therefore, is the rage of Caliban seeing his face in the looking glass.

We are told that the Opposition has destroyed the economy of the country, that it has destroyed the political fabric of the country, that the Opposition is the greatest impediment to progress in this country: Virtually that the Opposition has no reason to exist except to provide an alibi to the honourable gentlemen on the Treasury Benches for their failures.

Sir, although the Prime Minister herself prescribes one code of conduct for the Opposition when her Party is in the Opposition... (*Interruptions*)—you don't know what her Party is?—(*Interruptions*) and demands another code of conduct from the Opposition when her party is in power.

Sir, we are told that the judiciary is an impediment to progress, that

the parliamentary system offers a cover for the dictatorship of the judiciary, that we need a committed judiciary, a committed press and a committed bureaucracy, that the division of powers is an anachronistic doctrine, and the way to save democracy is to concentrate power in the hands of one individual and equate that individual with the nation.

We are told that the parliamentary system is responsible for the failures, that this system must be scrapped and substituted with a Presidential form of government, that the leader of the ruling party who has made her entry into this House now must be elected President for life, that an individual must be equated with the nation and the State. We are told that the emergency had the sanction of the people, that the mandate that the ruling party received was a mandate for the emergency; that the emergency should be immediately clamped down again.

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN):

Who said it?

SHRI RAVINDRA VARMA: So many, I am coming to that. You yourself have said it, but you cannot be held to your words, I know.

The most unabashed advocacy of the emergency came from my distinguished and hon. friend Mr. Anthony. Unfortunately, he is not here now. He out—Heroded Herod. We have been free for 30 years, yet it seems Mr. Anthony is ill at home in the atmosphere of freedom. He was pining for the Rowlett Act, he was pining with nostalgia, perhaps for a moment of Michael O'Dyer, he was pining for the MISA, he was pining for the emergency because that was the nearest that we do get to the days of the Raj.

Now I come to Mr. Stephen.

MR. DEPUTY-SPEAKER: I thought you had already come to him.

SHRI RAVINDRA VARMA: Politics is often described as the last refuge of the scoundrel. Do you think he is the last refuge?

MR. DEPUTY-SPEAKER: He has included you also in that.

SHRI RAVINDRA VARMA: My hon. friend Mr. Stephen and the hon. Home Minister the other day rained fire and brimstone, they promised that they mean business, that they intend to use the big stick. My hon. friend Mr. Stephen is a very old and dear friend of mine. His performance the other day reminded me of the proverbial pettifogging lawyer, and his pomposity, of the lawyer's pomposity; pomposity and pronciency with commas, colons and semi-colons, and his utter paucity of concept, concern for lucre and distance from conscience.

He was at pains to say that he was fulfilling the task of the Janata Party. There are hon. gentlemen who can use the language as they please, to hide whatever they have to hide.

MR. DEPUTY-SPEAKER: But nobody can hide any thing from his own conscience.

SHRI RAVINDRA VARMA: That is true, but that is the rarest commodity on that side of the House.

He tried to say that he was not against the principle of preventive detention,—but he did not want it to be permanently on the statute-book, but my hon. friend failed to show any clause in this Bill or the Criminal Law (Amendment) Bill which restricts the period of the validity of these laws and ensures that they will not be on the statute-book permanently. So, he was talking with his tongue in his cheek.

He accused the Janata Party and said that the Janata Party faced a dilemma, that the Janata Party introduced a Bill and then it withdrew the Bill.

SHRI C. M. STEPHEN: Which Janata Party?

SHRI RAVINDRA VARMA: It does not become you to make such an

interruption. Please say something more intelligent,—for a change.

MR. DEPUTY-SPEAKER: Please stick to the subject.

SHRI RAVINDRA VARMA: I am being interrupted, it is not my fault.

MR. DEPUTY-SPEAKER: He tries to divert your attention. Be careful.

SHRI RAVINDRA VARMA: The Janata Party did face a dilemma. It did introduce a Bill. The crime of the Janata Party seems to be that it was responsive to public opinion, that when it found that there was a strong volume of opinion in the House, in the party and outside against the Bill, it respected public opinion, it did not stand on false prestige, but yielded to public opinion and withdrew the Bill. That is the greatest crime of the Janata Party. For the rest, it released everyone who had been arrested under MISA, never used the MISA, and repeated the MISA. (*Interruptions*)

SHRI C. M. STEPHEN: It was your Cabinet which brought it here.

SHRI RAVINDRA VARMA: It is that very Cabinet that decided that the Bill should be withdrawn.

14.40 hrs.

(*MR. SPEAKER in the Chair*)

Then, I come to the Home Minister.

MR. SPEAKER: Are you going to have a direct dialogue with him?

SHRI RAVINDRA VARMA: No, Sir, if you please, it will be through you.

He talks of Sardar Patel occasionally when it suits him. When Sardar Patel moved the Preventive Detention Bill in 1950, he not only gave the reasons for introducing the Bill, but also said:

“I am glad that the Bill has met with careful criticism, because when the liberty of any citizen is sought

[Shri Ravindra Varma]

to be taken away by a Bill, it should be carefully scrutinised, and the necessity for it should be proved beyond doubt. It is not a pleasant task to bring in a Bill of this kind. There are occasions on which there may be room for humour, jokes and laughter.

—Perhaps he had premonitions that this is what things would come to in 1980.—

“But I assure this House that I have passed two sleepless nights when I was asked to take up this measure.”

Now, he did not talk with strident levity, strident levity of the kind that the hon. gentlemen sitting on the Treasury Benches exhibit today. He spoke with sadness and humility, he was a great statesman, a Titan, not a tin god with clay feet, alternately basking and boasting in borrowed glory and grovelling in abject sycophancy.

You talk of the emergency and your return to power, you fool the people with your melodrama, with your tears and false promises. You have learnt no lesson. Don't brag. The people of this country cannot be fooled for all time. This Bill must be rejected, must be resisted.

श्री मोहन लाल सुख-डिया (उदयपुर) :
अध्यक्ष महोदय, जब से इल बिल पर सदन में विचार हुआ, तब से मैं विरोध पक्ष के नेताओं के भाषणों को बहुत गम्भीरतापूर्वक सुनता रहा। लोकतन्त्र के नाम पर और व्यक्तिगत स्वतंत्रता के नाम पर काफी जोरों से यहां पर बहस की गई कि व्यक्तिगत स्वतंत्रता होनी चाहिए, लोकतंत्र कायम रहना चाहिए, लेकिन लोकतंत्र को मानने वाले आज जिस प्रकार से देश के अन्दर व्यवहार कर रहे हैं, मैं समझता हूँ कि इस बात को सख्ती से सोचने की आवश्यकता है कि लोकतन्त्र की बात को जब हम सामने रख कर चलना चाहते हैं

तो लोकतंत्र के लिए उपर्युक्त वातावरण बनाना सबकी जिम्मेदारी बन जाती है।

आज उदाहरण दिया जाता है, अमरीका का, आज उदाहरण दिया जाता है— आन्दोलन का, दूसरी जगह जहां पर लोकतंत्र चलता है, लेकिन क्या हम इस बात को मानने से इंकार कर सकते हैं कि जब वहां पर एक चुनाव हो जाता है तो उसके बाद समस्याएँ वहां भी होती हैं, लेकिन उन समस्याओं को हल करने के लिए वहां के सदनों के अन्दर विचार किया जा सकता है, लोकमत वहां पर तैयार किया जा सकता है, लेकिन हर प्रश्न को गोलियों का प्रश्न नहीं बना दिया जाता, हिंसा का प्रश्न नहीं बना दिया जाता। लोग आज लोकतंत्र की बात को कह कर वहाँ का उदाहरण देकर हमें यह कहना चाहते हैं कि हमारे यहां भी लोकतन्त्र के बारे में उन्हीं आधारों पर विचार किया जाना चाहिए। अध्यक्ष महोदय, आज सही बात तो यह है कि इस चुनाव के बाद विरोधी पक्ष चुनाव में हार गया है, पार्टी बिखर गई है, जो कुछ इसका विरोध किया जा रहा है या जो कुछ आन्दोलन किए जा रहे हैं, सच बात तो यह है कि आज उनके मन में एक फ्रस्ट्रेशन पैदा हो गया है और उसका इजहार वे आन्दोलन के जरिए कर रहे हैं।

मैं आप को उदाहरण देना चाहता हूँ— अभी कुछ दिन पहले हमारे बंगाल से आने वाले माननीय सदस्य श्री चित्त वसु साहब ने “किसानों को कीमतें ज्यादा मिलनी चाहिये” इस के बारे में एक प्रस्ताव प्रस्तुत किया था। मैं निवेदन करना चाहूंगा— जब गेहूँ की कीमत तय करने के लिये मुख्य मंत्रियों की बैठक बुलाई गई थी, उस समय बंगाल की सरकार ने 117 रुपया गेहूँ का भाव देने के लिये कहा था, उस वक्त उन की सरकार ने ज्यादा देने के

लिये क्यों नहीं कहा ? लेकिन जब आन्दोलन छिड़ गया, तब आप भी इस बात के लिये तैयार हो गए कि हम भी उस में सहयोग देना चाहते हैं... (व्यवधान)... जब भी किसानों को ज्यादा देने की बात आई, चाहे गेहूँ के लिये हो या चावल के लिये हो—हमेशा बंगाल सरकार की तरफ से कन्ज्यूमर का ध्यान रखा जाता रहा। किसानों का ध्यान न रख कर खाने-पीने की चीजों के दाम न बढ़ाये जायें—इस बात के लिये ही कहा जाता रहा। लेकिन जब आन्दोलन खड़ा होने लगा, तो कहने लगे कि किसानों की चीजों के दाम बढ़ाये जाने चाहियें।

इसी प्रकार से जब यहां पर चौधरी चरण सिंह की सरकार थी या उस के पहले जब जनता पार्टी की सरकार थी—व्या गन्ने के भाव बढ़ाने से आप को किसी ने रोका था ? आप बतलाइये—कौन मना कर रहा था कि गन्ने के भाव न बढ़ाये जायें या और चीजों के भाव न बढ़ाये जायें ? लेकिन जब आपने देखा कि महाराष्ट्र में आन्दोलन खड़ा हो गया है तो फिर आप ने भी कहना शुरू कर दिया कि गन्ने का भाव 30 रुपये होना चाहिये। जहां आप लोकतंत्र की बात कहते हैं—मेहरबानी कर के इस बात पर भी निगाह डालिये कि एक तरफ आप कहते हैं कि सरकार कीमतों को नहीं सम्भाल रही है, ला एण्ड आर्डर ठीक नहीं चल रहा है, कम्यूनल सिचुएशन खराब हो रही है, दूसरी तरफ यदि प्रीवेन्टिव डिटेन्शन का कानून लाया जाता है तो आप कहते हैं कि इस कानून को मत लाइये। प्रीवेन्टिव डिटेन्शन का कानून आज पहली बार नहीं आ रहा है, यह पहले भी यहां मौजूद था और जैसा कि पहले कहा जा चुका है, सिवाय 2 वर्षों के यह कानून इस देश में हमेशा मौजूद रहा है। जनता पार्टी भी इस कानून को लाई थी, लेकिन उन को वापस लेना पड़ा, जन-मत विरुद्ध था इस आधार पर वापस नहीं लिया था, बल्कि उन की अपनी पार्टी

बिखरने लगी थी, इस लिये उन को वापस लेना पड़ा था। आज आप का यह कहना कि इस को जनमत के आधार पर वापस लिया था, आप के इस भुलावे में कोई नहीं आ सकता। यदि ऐसा होता तो आप की कैबिनेट कैसे इस बिल को यहां लाने की अनुमति देती।

अब जहां तक लोकतन्त्र की बात है, व्यक्तिगत स्वतन्त्रता की बात है, जूडीशियरी की बात है—हमारी प्रधान मंत्री जो इस वक्त यहां बैठी हुई हैं, आप की यह दलील आप के अपने ही लिये बड़ी एम्बेरेसिंग है। इन लोकतन्त्र की दुहाई देने वालों ने खुद ही इन्दिरा जी को पकड़ कर जेल भेज दिया था... (व्यवधान)... लेकिन दूसरे दिन ही मजिस्ट्रेट ने उन को छोड़ दिया, एक दिन भी ये लोग उन पर मुकदमा नहीं चला पाये। आज आप व्यक्तिगत स्वतन्त्रता की बात कह रहे हैं, लेकिन उस समय यह व्यक्तिगत स्वतन्त्रता कहां थी ? ... (व्यवधान)...

आज आप लोकतन्त्र की दुहाई दे रहे हैं—आप देखिये, चिकमगलूर की जनता ने इन्दिरा जी को बहुमत के आधार पर चुन कर यहां भेजा था, लेकिन आप ने अपने बहुमत के आधार पर उन के यहां से निष्कासन का प्रस्ताव पास किया था... (व्यवधान)... आप का लोकतन्त्र कहां गया ?

आप कहते हैं कि इस सरकार को यह अधिकार नहीं दिया जाना चाहिये क्योंकि इस के दिये जाने से व्यक्तिगत स्वतन्त्रता खतरे में पड़ जायेगी। मैं निवेदन करूँ—1965 से ले कर 1975 तक श्रीमती इन्दिरा गांधी हिन्दुस्तान की प्रधान मंत्री रहीं,—आप मुझे बतलाइये उस काल में किस की व्यक्तिगत स्वतन्त्रता समाप्त हो गई ? यह ठीक है कि 1975 के पहले इस देश में कुछ इस तरह के हालात पैदा किये जाने की कोशिश की गई, जिन के कारण मीसा कानून को लाना पड़ा, लेकिन प्रीवेन्टिव डिटेन्शन का कानून तो 10 साल पहले से चला आ रहा था।

[श्री मोहनलाल सुखाड़िया]

इस में जूडीशियरी को कहीं भी बार किया गया हो, ऐसी कोई बात इस कानून में नहीं है। आज जब इकानामिक आफेण्डर्स की समस्या और कुछ दूसरी समस्यायें हमारे सामने आईं—तब इस कानून को यहां लाना पड़ा। जब ब्लैक मार्केटिंग के खिलाफ यहां पर कानून लाया गया था, मुझे याद है जार्ज फर्नांडीज साहब ने यहां स्पीच दी थी और कहा था कि ब्लैक मार्केटिंग और होर्ड्स के खिलाफ जो कानून लाया जा रहा है, उस के अन्तर्गत राजनीतिज्ञों को पकड़ा जायेगा, मैं पूछना चाहता हूँ—आप बतलाइये कितने लोगों को उस कानून के अन्तर्गत जेल भेजा गया? कितनों के खिलाफ कार्यवाही की गई, कितने राजनीतिक व्यक्तियों को बन्द कर दिया गया? इस वक्त यही कहा गया था कि यह कानून राजनीतिज्ञों के लिये लाया जा रहा है। आज कितने राजनीतिज्ञों के लिए इस को इस्तेमाल किया गया। आज भी यही दलील दी जाती है। इस आर्डिनेन्स को अक्टूबर में जारी किया गया था लेकिन उस के बाद इस आर्डिनेन्स को जनता के विरुद्ध काम में लाने की या दूसरी तरह की ऐसी कोई बात हुई हो, इस का प्रश्न खड़ा नहीं होता है। अध्यक्ष महोदय, असल में मैं समझता हूँ कि बहुत से विरोध पक्ष के लोग इस बात की आजादी चाहते हैं कि कोई कानून ऐसा नहीं होना चाहिये जिस में जिस तरह से चाहो जो काम करो और कोई कार्यवाही न हो। देश में अराजकता फैलाने का अधिकार होना चाहिये और फिर इनको यह कहने का मौका होना चाहिए कि यह सरकार कानून व व्यवस्था को कायम नहीं रख सकी। वह चीज न देश चाहता है और न दूसरे चाहते हैं। चुनाव के मौकेपर विरोधी पार्टियों ने जगह जगह पर यह हा था कि इस से आप की आजादी कम हो जायेगी, दूसरे अधिकार कम हो जायेंगे लेकिन सब जानते हैं कि जो आज इस पार्टी को लोगों ने वोट दिया है, वह यह समझ

कर दिया है कि देश के अन्दर अमन व शान्ति कायम रखी जानी चाहिये और देश का आगे से आगे तेजी से विकास होना चाहिये। आज कहीं पर पावर हाऊसेज में स्ट्राइक है, कहीं रेलवे के बैगनों की फैक्टरी में स्ट्राइक है और कहीं पर और चीजों में रुकावटें डाली जा रही हैं और रेल का चक्का जाम किये जाने जैसी चीजें हो रही हैं। जब सारे देश में ऐसी स्थिति है, तो आप लोग बैठ कर, आपस में बातचीत कर के इन प्रश्नों को हल करने की कोशिश करें। जो वाजिब चीज हो, उस को किया जाए। आज असम के अन्दर पृथकतावादी आन्दोलन चल रहा है और उड़ीसा के अन्दर भी इसी प्रकार की आवाजें उठाई जा रही हैं, क्या कोई इस बात से इन्कार कर सकता है? आज उड़ीसा के अन्दर जो आन्दोलन चला, तो ये लोग उस को आगे से आगे बढ़ाने के लिए उन के साथ हो गये। इस से एक प्रकार की स्थिति और पैदा हो गई और जानने वाले जानते हैं कि पृथकतावादी ताकतें देश के अन्दर अपना सर उभारने में लगी हुई हैं। इसलिये इस बात की कोशिश की जाती है कि किसी प्रकार से हिंसा का स्वरूप देश के अन्दर पैदा हो। मैं आप से निवेदन करूँ कि आज वास्तव में लोकतंत्र के लिहाज से, मानवाधिकारों के लिहाज से, मैं ऐसी आशा करता हूँ कि विरोधी पक्ष के लोग इस बात को ले कर विचार करें कि आज देश में जो कुछ हो रहा है, क्या वह सब लोकतन्त्र है? क्या हर चीज को आप लोकतन्त्र मान क चलेंगे? आज कोई सरकार हो, चाहे यह सरकार हो और चाहे और दूसरी सरकार हो, हर दृष्टि से विचार कर के आप चलें, तभी देश में लोकतन्त्र चलेगा। लोकतन्त्र तभी चल सकता है जब देश में अराजकता नहीं होगी, देश के अन्दर शान्ति होगी। जो वास्तव में लोकतन्त्र के मानने वाले हैं, वे यह नहीं चाहेंगे कि देश में अराजकता हो और पृथकतावादी ताकतों को बढ़ावा मिले। वे ताकतें ज्यादा से ज्यादा आगे बढ़ें, मेरे ख्याल से यह हर कोई नहीं चाहेगा बल्कि वे यह चाहेंगे कि

उन ताकतों को आगे बढ़ने न दिया जाये, ज्यादा उभरने न दिया जाए और उन ताकतों को रोका जाए। डेमोक्रेसी तभी बचनेवाली है जब देश के अन्दर अराजकता पैदा न हो। आज डेमोक्रेसी को बचाने की बात सिर्फ नारे के तौर पर या दूसरी तरह की अराजकता पैदा करके नहीं की जा सकती। अराजकता की सब से ज्यादा शिकार अगर कोई होगी, तो वह डेमोक्रेसी होगी, इस बात को ध्यान में रख कर चलना होगा। आज विरोधी पक्ष के लोग लोकतंत्र के लिए यहां पर जबानी हमदर्दी जाहिर करते हैं लेकिन दिल से वे लोकतंत्र में विश्वास नहीं करते हैं, कौन इस बात को नहीं जानता ?

मैं आप से निवेदन करूं कि हमारे सी० पी० एम० के भाइयों ने और कई दूसरे लोगों ने इस बात पर जोर दिया कि यह कानून नहीं होना चाहिए। मैं यह निवेदन करूं कि क्या रूस और चीन के अन्दर भावों के लिए और दूसरी चीजों के लिए कोई हिंसक आन्दोलन करने की इजाजत है। क्या उन देशों में इस चीज की गुंजाइश है कि वे ऐसे मामलों को ल कर आन्दोलन करें लेकिन जब इस देश में यह सवाल खड़ा होता है, तो हमारे सी० पी० एम० के भाई किस तरह का व्यवहार करते हैं, .. (व्यवधान) ... लोकतंत्र में कितना उन का विश्वास है, यह सब जानने वाले जानते हैं .. (व्यवधान) ..

अध्यक्ष महोदय : आप बीच बीच में क्यों बोल रहे हैं। इन को अपनी बात कहने दें।

श्री मोहन लाल सुखाड़िया : अध्यक्ष महोदय, आज लोकतंत्र की बात कही जाती है। बंगाल के अन्दर कितना लोकतंत्र के आधार पर काम करने वाले हैं, यह बात सामने आ रही है। यह सब को मालूम है कि किस आधार पर उस को काम करना चाहिए। मैं एक बात यह निवेदन करना चाहता हूँ कि यह जो कानून लाया गया है,

यह इस लिहाज से नहीं लाया गया है कि आप लोगों को गिरफ्तार कर के रख दिया जाए। सही बात यह है कि आज विरोधी पक्ष में इतनी ताकत ही नहीं है कि इनको गिरफ्तार करने की जरूरत पड़े। यह कोई बहुत ताकत-वर होता तब तो जरूरत पड़ती लेकिन अब तो जरूरत ही नहीं पड़ेगी क्योंकि कोई अधिक ताकत इसमें नहीं है। हमारे विरोधी पक्ष को केवल भय ही सता रहा है और केवल मात्र एक वातावरण बनाने के लिए वे इस तरह के भाषण दे रहे हैं। दिल से वे जानते हैं कि इस कानून के जरिये कोई वाजिब काम वे करेंगे तो उन पर कोई रोक नहीं लगेगी। और वे अपने पक्ष में जनमत तैयार करने का काम करेंगे तो उनको डरने की कोई आवश्यकता नहीं है और उन के खिलाफ कोई कार्रवाई नहीं होगी। जो पृथकतावादी ताकतें हैं, जो सामाजिक हितों के खिलाफ कुछ करने वाली ताकतें हैं, जो साम्प्रदायिकता भड़काना चाहते हैं या और कोई इस तरह की चीज करते हैं उन पर तो इस कानून को लागू करने की आवश्यकता पड़ेगी वरना नहीं पड़ेगी। विरोधी पक्ष वालों को अगर और वक्त मिलता और वे कुछ और समय तक सत्ता में रहते तो मुझे पक्का यकीन है कि वे इससे भी कोई ज्यादा सख्त कानून मीसा की तरह का ला कर रहते। मैं क्यों ऐसा कहता हूँ ? माननीय अटल बिहारी वाजपेयी जी का जो बहुत जोरदार भाषण हुआ है उसको मैंने सुना है। लेकिन उन्हीं की सरकार का जो मध्य प्रदेश में काम करती थी जब वह केन्द्र में थे। उस समय मध्य प्रदेश में मिनी मीसा लागू किया गया। उनको क्या मध्य प्रदेश की सरकार को ऐसा करने से रोकना नहीं चाहिए था ? अगर वह चाहते तो उसको रोक सकते थे। लेकिन उसको रोकने की बात नहीं हुई। उससे भी कम सख्त यह कानून है। उस वक्त तो उनको वह चीज वाजिब लग रही थी लेकिन आज वह कह रहे हैं कि इस कानून को हम क्यों ला रहे हैं और किस के लिए ला रहे हैं। मैं निवेदन

[श्री मोहन लाल सुब्बाड़िया]

करना चाहता हूँ कि जनता ने जो हमारे ऊपर जिम्मेदारी सौंपी है उस को हमको पूरा करना है। इस सरकार के आने के बाद इसकी एक एक चीज़ आप को देखनी होगी। पिछली सरकार जब सत्ता में आई तो कई कांग्रेसियों के खिलाफ, प्रधान मंत्री तक के खिलाफ कार्रवाई उसने की। लेकिन इस साल भर में कोई भी बदले की भावना से काम नहीं किया गया है। साल भर का इतिहास आपके सामने है। इस साल भरमें कोई उस तरीके का काम नहीं किया गया है।

मैं कहना चाहता हूँ कि यह कानून देश के व्यापक हित में लाया जा रहा है। मैं आशा करता हूँ कि इसके जरिये देश को नुकसान पहुंचाने वाली जो ताकतें हैं उनको रोकने की कोशिश की जायेगी और मजबूती के साथ ऐसे कदम उठाए जायेंगे जिन से देश में शान्ति स्थापित हो सके।

MR. SPEAKER: The Prime Minister was to make a statement at 2.45 p.m. but now the statement will be at 4.15 p.m.

SHRI CHANDRAJIT YADAV (Azamgarh): What is the reason?

MR. SPEAKER: The reason is that we have got to give you copies. A little more time is required for the machine etc.

SHRI CHANDRAJIT YADAV: Sir, the Prime Minister's statement is a serious statement. (Interruptions). I want to say only this thing, that when the Prime Minister makes a statement, it is a very important statement. When even the time was circulated, unless there is a very urgent and important reason, it should not be postponed. It causes inconvenience to many people we all came to listen to the Prime Minister's statement.

MR. SPEAKER: One thing is there. If you want to listen to her without getting copies, it can be done, but I wanted you to get copies of it.

DR. SUBRAMANIAM SWAMY: There is an Estimates Committee meeting which I have to attend...

MR. SPEAKER: Mr. Swamy, I wanted all the Members to get copies: that is the reason. (Interruptions).

SHRI CHANDRAJIT YADAV: I am not saying anything, but the Prime Minister's statement is a very important statement...

MR. SPEAKER: If you want to listen without the copies, she can make the statement.

SHRI CHANDRAJIT YADAV: Let her make the statement; we will listen. We have come to listen to the statement, not to read it.

MR. SPEAKER: All right, we will do that.

Shri Unnikrishnan.
15 hrs.

SHRI K. P. UNNIKRIISHNAN (Badagara): Mr. Speaker, Sir, from Mr. Frank Anthony to Mr. Stephen and Mr. Ravindra Varma, this Bill has attracted all able and eloquent spokesmen of various hues and interests. It was shameful, or to say the least, very distressing to find the Treasury Benches applaud Mr. Frank Anthony's interpretation of Indian history 'as a history of tribalism, as a history of internecine warfare and nothing more', which was reminiscent of the colonial masters whom he adored. Maybe, it is not surprising to see this from a Party which has given up the vision and, probably, the perspective of Pandit Jawaharlal Nehru to do this.

Another tub-thumping performance, which was witnessed here, came, as usual, from the Minister for Communications, Mr. C. M. Stephen. During the Janata days while Mrs. Gandhi was repeating, not once but on several occasions, "that there would not be an Emergency for a thousand years", that it was a creature of a certain extraordinary situation, Mr. Stephen was not merely extolling the virtues of Emergency but was saying, "We never apologised or repented", and went on to characterise this National Security Bill, which I have earlier characterised as the 'harbinger of things to come'; as a measure 'to

put down violent forces trying to sabotage democracy'...

AN. HON. MEMBER: Mr. Stephen was right.

SHRI K. P. UNNIKRISHNAN: If Mr Stephen was right! That is why I had to characterise it as 'the harbinger of things to come'.

I know that the time at my disposal is brief, and I shall confine myself only to some of the salient features of the Bill.

The Statement of Objects and Reasons of this Bill give us, indeed, a grim picture of the situation in the country after the so-called massive mandate. According to these 'Objects and Reasons', social tensions and communal disharmony are on the increase, industrial unrest is increasing, the 'extremist activities', which is a euphemism used by the ruling cliques everywhere for any kind of activity that challenges the present order or Government, are on the increase. I do not know whether it is a long list of confessional record of a Government that claims that it has not only a mandate but also a programme to fulfil! But that precisely is the point that it has no vision or programme to fulfil. To meet the so-called anti-social and anti-national elements, including secessionists, communal and pro-caste elements—a new terminology of the Home Minister—and all those who challenge the lawful authority, he has brought forward this Bill, according to his introductory remarks.

Now, I would like to know from him, if there was an immediacy for bringing forward this Draconian legislation first as an Ordinance, how many black-marketeers he had arrested in the first week of October and November, how many hoarders he had arrested in the second week of October and November; the House should be enlightened about this as to how many economic offenders were picked up under this law and arrested during October and November. I do not know whether he is in the habit of going through some of his own

Ministry's findings. The Home Ministry, I know, had done a brilliant study on the sources of rural tension, a few years back, and had come to the sad conclusion that it was not want of laws or authority that was creating tensions, nor could the repressive laws to a solution. They have clearly said that the question of relations in land, the agrarian relations, the inadequacy of land reforms, is the basic problem. Now, that is precisely...

MR. SPEAKER: Let the Prime Minister's statement come now...

AN HON. MEMBER: Not in the middle of the speech.

SOME HON. MEMBERS: Not now.

MR. SPEAKER: I don't mind. It was because of your urgency that I was calling upon her.

THE PRIME MINISTER (SHRIMATI INDIRA GANDHI): At 3.15, I have an appointment with a Foreign Minister. Either we have the Statement now or we can have it later...

SOME HON. MEMBERS: Let us have it now.

SHRI K. P. UNNIKRISHNAN: I am yielding to the Leader of the House.

SHRIMATI INDIRA GANDHI: I was summoned. There is no question of yielding to me.

MR. SPEAKER: Now, the Prime Minister.

15.05 hrs.

STATEMENT RE. VISIT OF MR. L. I. BREZHNEV

THE PRIME MINISTER (SHRIMATI INDIRA GANDHIJI): The Chairman of the Presidium of the Supreme Soviet of USSR, General Secretary of the Communist Party of Soviet Union His Excellency Mr Leonid Illyich Brezhnev visited India from December 8-11. This was a visit to which both India and the USSR attached great importance and one which was in response to an invitation which we had extended to him in Belgrade last May. The visit was significant also because of internatio-