

Mr. Speaker: We will now take up further consideration of Unlawful Activities (Prevention) Bill.

Shri D. N. Patodia (Jalore): What about item No. 18 on cotton price policy?

Mr. Speaker: That statement has been placed on the Table.

Shri D. N. Patodia: What about the discussion or questions on that?

Mr. Speaker: No discussion now.

12.57 hrs.

UNLAWFUL ACTIVITIES (PREVENTION BILL)—Contd.

Mr. Speaker: The House will now take up further consideration of the Unlawful Activities (Prevention) Bill.

Shri Frank Anthony (Nominated Anglo-Indians): What about the amendments for circulation, Select Committee and so on?

Mr. Speaker: I will take them one by one.

Shri Nambiar (Tiruchirappalli): There is going to be voting on each of them. It will take the whole of today and tomorrow.

Mr. Speaker: Let us see. I will take them one by one. The first one is by Shri Yashpal Singh. Does he want to move his amendment?

Shri Yashpal Singh (Dehra Dun): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1967." (1)

Shri Madhu Limaye (Monghyr): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st September, 1967." (45)

Shri C. C. Desai (Sabarkantha): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1967." (46).

Shri Frank Anthony: I beg to move:

"That the Bill be referred to a Select Committee consisting of 12 members, namely:

Shri Y. B. Chavan, Shri Hem Barua, Shri Hamayun Kabir, Shri Madhu Limaye, Shri Bal Raj Madhok, Shri M. R. Masani, Shri H. N. Mukerjee, Shrimati Sharda Mukerjee, Shri P. Ramamurti, Shri Era Sezhiyan, Shri Atal Bihari Vajpayee, and Shri Frank Anthony.

with instructions to report by the first day of the next session" (47)

Shri C. C. Desai: I beg to move:

"That the Bill be referred to a Select Committee consisting of 17 members, namely:

Shri Tridib Chaudhuri, Shri Y. B. Chavan, Shri M. Mohammad Ismail, Shri S. Kandappan, Shri K. M. Koushik, Shri Madhu Limaye, Shri Bal Raj Madhok, Lt. Col. H.H. Maharaja Manabendra Shah of Tehri Garhwal, Shri H. N. Mukerjee, Shrimati Sharda Mukerjee, Shri K. Ananda Nambiar, Shri Nath Pai, Dr. Baburao Patel, Shri Manibhai J. Patel, Shrimati Sushila Rohatgi, Pandit D. N. Tiwary; and Shri C. C. Desai.

with instructions to report by the first day of the next session." (48)

Shri Jyotirmoy Basu (Diamond Harbour): I beg to move:

(i) "That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1967." (65)

श्री अटल बिहारी वाजपेयी (बलराम-
पुर) : अध्यक्ष महोदय, मैं एक व्यवस्था का
प्रश्न खड़ा करना चाहता हूँ ।

Shri Surendranath Dwivedy (Ken-
drapara): Sir, are you fixing any
time for the amendments, clauses,
third reading etc.

Mr. Speaker: Now, Shri Vajpayee
is raising a point of order. Let it
be over.

श्री अटल बिहारी वाजपेयी : इस विधेयक
को पेश करते हुए गृह मंत्री ने कहा था कि
नेशनल इन्टिग्रेशन कौंसिल ने एक कमेटी बनाई
थी: कमेटी ग्रान रिजनलिज्म एन्ड कम्युनलिज्म
और उस की सिफारिश के आधार पर यह
विधेयक लाया गया है ।

गृह-कार्य मंत्री (श्री यशवन्तराव
चव्हाण) : माननीय सदस्य ने शायद मेरी
बात सुनी नहीं थीं । मैंने कहा था कि उस
कमेटी ने कांस्टीट्यूशनल एमेंडमेंट की
रीकमेंडेशन की थी और वह कांस्टीट्यूशनल
एमेंडमेंट हो गई है ।

श्री अटल बिहारी वाजपेयी : मैं भी
नेशनल इन्टिग्रेशन कौंसिल का मेम्बर था ।
उस ने दो कमेटियां बनाई थीं : एक रिज-
नलिज्म के बारे में और एक कम्युनलिज्म
के बारे में, मगर गृह मंत्री महोदय ने दोनों
कमेटियों को मिला दिया है । साम्प्रदायिकता
के सम्बन्ध में जो कमेटी बनी थी, प्रधान मंत्री
महोदय स्वयं उस की मेम्बर थीं । हम ने
कोई सिफारिश नहीं की कि कांस्टीट्यूशन
में एमेंडमेंट किया जाये या इस तरह का
बिल लाया जाये । मैंने लाइब्रेरी में यह पता
लमाने की कोशिश की कि गृह मंत्री ने जिस
कमेटी का हवाला दिया है, उस की सिफारिशें
क्या हैं । मैं चाहता हूँ कि यह विवाद तब तक
रोक दिया जाये, जब तक कि सब सदस्यों को
उस कमेटी की सिफारिशें न बाँटी जायें,
जिस का हवाला गृह मंत्री ने दिया है ।

(ii) "That the Bill be referred
to a Select Committee consisting
of 16 members, namely:

Shri Syed Badrudduja, Shri
H. P. Chatterjee, Shri N. C.
Chatterjee, Shri Y. B. Chavan,
Shri Tridib Chaudhuri, Shri
Abdul Ghani Dar, Shri Hem
Barua, Shri Humayun Kabir,
Shri S. M. Joshi, Shri S. Kan-
dappan, Shri D. K. Kunte, Shri
H. N. Mukerjee, Shri Anand
Narain Mulla, Shri P. Rama-
murti, Shri S. C. Samanta; and
Shri Tenneti Viswanatham.

with instructions to report by the
30th December, 1967." (66)

Shri Yashpal Singh: I beg to move:

"This House is of opinion that
the Unlawful Activities (Preven-
tion) Bill, 1967, be referred to the
President for obtaining the opinion
of the Supreme Court under
article 143 of the Constitution on
the question of constitutional
validity of the Bill." (137)

Shri S. Kandappan (Mettur): I beg
to move:

"That the Bill be circulated for
the purpose of eliciting opinion
thereon by the 30th December,
1967." (231)

Shri C. C. Desai: Mr. Speaker, Sir.
I rise to oppose the Bill which has
been moved by the Home Minister.

श्री मधु लिमये : अध्यक्ष महोदय, मैं
एक बुनियादी सवाल उठाना चाहता हूँ । मैं
ने आप को स्पगन-प्रस्तावों का नोटिस भी
दिया था । मुझे पता चला है कि दो दिन पहले
कांग्रेस पार्टी इस सदन में हारी
(व्यवधान)

संसद्-कार्य तथा संचार मंत्री (श्री
राम सुभग सिंह) : नहीं हारी (व्यवधान)

श्री मधु लिमये : हमारा संघोष्ण लो
पास हो गया था । अध्यक्ष महोदय, वे जौग

श्री मधु लिमये]

आप के निर्णय को चुनौती दे रहे हैं। हमारे संशोधन पर जो मतदान हुआ था, उस में ये लोग दो वोट से हारे थे और उसी दिन शाम को, रात्रि को और मध्य-रात्रि को संसद्-कार्य मंत्री ने सरकारी टेलिफोन का इस्तेमाल कर के.....

Mr. Speaker: How do you raise it here in this manner? On what basis are you raising it? You have given me a notice. But how can you raise it now until I have allowed it?

श्री मधु लिमये : मैं अज्ञ करना चाहता हूँ कि आप मेरी बात को सुन लीजिए। आप का जो भी निर्णय होगा, हम उस को मानेंगे।

मुझे पता चला है कि सरकारी टेलिफोन का इस्तेमाल करके उन्होंने कांग्रेस पार्टी के सदस्यों को झंटा है, उन को यहां उपस्थित रहने के लिए कहा है। यह सरकारी पैसे का दुरुपयोग है।

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla): What is he speaking about?

श्री मधु लिमये : राष्ट्रपति के चुनाव के समय भी ऐसी बातें हुई थीं। ये लोग हार से इतना डबराते हैं.... (ब्यवधान)

Mr. Speaker: Now, will you all kindly sit down? Shri Vajpayee raised a point of order. Then, when Shri Limaye stood up and started speaking, I thought he was raising some other point relating to the Bill. But I find he refers to telephones and some other subject and not about the Bill. Now, if any Member starts to speak about the Bill or the Minister's statement, I can understand it.

श्री मधु लिमये : अध्यक्ष महोदय, अभी किन्हीं का व्यवसाय तो शुरू नहीं हुआ है।

अध्यक्ष महोदय : वह तो शुरू हो गया है।

In fact, I have called Shri C. C. Desai to speak and he was speaking. Then, Shri Vajpayee raised a point of order. After so much has happened, now he is referring to some other item.

Shri Surendranath Dwivedy: Before Shri Desai continues his speech, I would like to know one thing. There has to be a general discussion and there are 300 amendments. If you give even one minute for each amendment, it will take five hours.

Shri Vidya Charan Shukla: Let us see.

Shri Surendranath Dwivedy: You will see. This cannot be ever even by the 12th. This will go on..... (Interruptions). Sir, I want to know from you how much time you are going to provide for the general discussion and for the amendments..... (Interruptions).

Mr. Speaker: Now will you all kindly sit down. I have not called anybody. I will try to accommodate all members.

Shri Surendranath Dwivedy: Shri Shukla was saying "we shall see". We will see how he will get it passed.

श्री य० व० शर्मा (अमृतसर) : अध्यक्ष महोदय, मैं इस सदन में बिल्कुल नहीं बोलता, लेकिन इस समय मैं यह निवेदन करना चाहता हूँ कि अभी राज्य मंत्री, श्री शुक्ल, ने जो कुछ कहा है, हम उस मनोवृत्ति को सहन नहीं करेंगे। यह बिल्कुल तानाशाही मनोवृत्ति है। वह कहते हैं कि "वी शैल सी" खाट बिल ही सी? वह क्या देखेंगे? यह तरीका ठीक नहीं है। आप उन को सिखाइये कि इस सदन में कैसे व्यवहार करते हैं। लोकतंत्र में यह तरीका सहन नहीं किया जा सकता है। इस तरह की बातें यहां पर नहीं कही जायेंगी।

Mr. Speaker: Now, will he kindly resume his seat and hear me? I know that this will be the trend of this debate. Now, when I am on my legs, all members should sit down. He has raised some point about the... (Interruptions).

13 hrs.

श्री सुकम चन्द कदवाय (उज्जैन) :
भाप शुक्ला जी को बताइए (दृष्टवान्)

Mr. Speaker: I know, you are there to reply effectively to Shri Shukla. There is no doubt about it. Shri Shukla also knows it.

Shri Surendranath Dwivedy: What does he mean by saying, "We shall see"? The Speaker is there..... (Interruptions).

श्री सुकम चन्द कदवाय : भाप उन से
विदहा करवाइए ।

Mr. Speaker: I am replying..... (Interruptions).

Shri Surendranath Dwivedy: We were addressing you and they raise a *halla* here..... (Interruption).

Mr. Speaker: I am replying on behalf of the House. Will you kindly sit down?

Shri Surendranath Dwivedy: You must take note of it. Do they want a riot here or do they want some procedure?

Mr. Speaker: On an important Bill like this no Member will be asked just to move the amendment and then go away. Full discussion will be allowed. That is the privilege of hon. Members of this House. Nobody can prevent them from having a fair discussion. All I say is that too many people getting up at the same time and speaking is not nice. I appeal to hon. Members not to do this. Everybody will be given a chance. (Interruption).

Shri Jyotirmoy Basu rose—

Mr. Speaker: Will you kindly sit down? It is not Shri Shukla or anybody else who controls but it is the Speaker who controls the discussion in this House.

Shri Surendranath Dwivedy: You must take note of this. We take objection to this. If you do not take notice of this sort of remarks, you cannot prevent other Members from saying whatever they like. I was appealing to you about time and he said, "We shall see". What does that mean? Has he the authority of the House to say that? (Interruption). There must be some decorum.

Mr. Speaker: I cannot answer for him as to what he means by that. But I can assure you from the Chair that I shall give full opportunity for discussion. I cannot vouchsafe for what he means.

Shri Surendranath Dwivedy: It is a threat to the House.

Mr. Speaker: Now we adjourn for Lunch and meet again at 2 p.m. to continue the discussion.

13.03 hrs.

The Lok Sabha then adjourned for lunch till Fourteen of the Clock.

The Lok Sabha re-assembled at Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

UNLAWFUL ACTIVITIES (PREVENTION) BILL—Contd.

Mr. Deputy-Speaker: Shri C. C. Desai.

श्री ब्रह्मल बिहारी बाजपेयी : उपाध्यक्ष महोदय, भापको स्मरण होगा कि मैंने एक व्यवस्था का प्रश्न उठाया था कि गृह मंत्री महोदय ने बिल का आधार बनाने के लिये नेशनल इन्टीग्रेशन काउन्सिल की रिपोर्ट

[श्री अटलबिहारी वाजपेयी]

कमेटी की सिफारिशों का हवाला दिया है, उस कमेटी की सिफारिशों सदस्यों को प्राप्त नहीं हैं और हमारे लिये यह तय करना मुश्किल है कि यह बिल उसी कमेटी की सिफारिशों के अनुसार है या उनमें कुछ परिवर्तन कर के है। गृह मंत्री महोदय ने यह भी भ्रम पैदा करने की कोशिश की है कि एक कमेटी बनी थी जिसमें रिजनलिज्म और कम्युनलिज्म दोनों मसस्याओं पर विचार किया गया था—यह बात तथ्यों के विपरीत है। वस्तुतः दो कमेटियाँ बनी थीं। भापके स्टेटमेंट आफ फ्रान्चैक्ट्स में लिखा गया है कि सर० सी० पी० रामस्वामी ऐयर की अध्यक्षता में जो कमेटी बनी थी वह रिजनलिज्म और कम्युनलिज्म के बारे में थी—यह सच नहीं है। कम्युनलिज्म के बारे में अलग कमेटी थी

श्री यशवन्त राव चव्हाण : वह रिजनलिज्म के बारे में थी।

श्री अटल बिहारी वाजपेयी : तो फिर कम्युनलिज्म इस में कहा सेना गया। क्या मंत्री इस को शुद्ध करने को तैयार हैं और क्या यह उनकी जिम्मेदारी नहीं है कि संसद सदस्यों को, जिस रिपोर्ट के आधार पर यह बिल तैयार हुआ है उसकी कापी उपलब्ध करायें ?

Shri Y. B. Chavan: Sir, may I explain it? What I said was this. I was giving the history of this Bill and, while giving the history of the Bill, I mentioned that divisive forces were making appearances in early 60's and, therefore, the National Integration Conference met and appointed committees. One of the committees was a committee on regionalism

Some hon. Members: Where is the report?

Shri Y. B. Chavan: Please listen to me.

Shri Kanwar Lal Gupta (Delhi Sadar): He has not circulated the report to any Member of the Committee.

Shri Y. B. Chavan: Why don't you listen to me? (Interruption).

The point is that the committee on regionalism issued a statement which was published, at that time, in the press and one of the recommendations was to amend Article 19 of the Constitution. That was the recommendation and that recommendation was implemented by accepting the amendment of Article 19 in 1963.

Shri A. B. Vajpayee: Then why this Bill?

Shri Y. B. Chavan: My case was that what was the purpose of that amendment will be further carried by passing this Bill. This Bill is not directly dependent on the recommendation of that committee. The recommendation of the committee was implemented by amending the Constitution. Unnecessarily, the hon. Member is confusing the facts.

Shri S. M. Banerjee (Kanpur): This Bill is redundant.

Shri Ranga (Srikakulam): Sir, one of our friends has already castigated this Bill as the blackest Bill. On the very first occasion, when this Bill was introduced, so many Members had expressed their opposition to it and that should have made my hon. friend wise about it and that should have persuaded him to come here with a proposal either for circulation or for referring it to a Select Committee. He would not himself take the initiative. Now, as a result of his own actions, he has helped the Opposition to become one

Shri Hem Barua (Mangaldai): It is always one.

Shri Ranga: ...solid alliance against this Bill. It is this gift that my hon. friend is making on the 9th August....

An hon. Member: It is 10th August today.

Shri Ranga: The day before yesterday was the eve and today is the after. What is this gift on the 9th August? On the previous occasion, we all came together, different groups of us, different sections of us, amongst the nationalists and the patriots, in this country in order to throw out the British. Today, my hon. friend is playing the role that the Britishers had played....

Shri Madhu Limaye: And we will throw them out.

Shri Ranga: ...and coming events have already cast their shadows. The day before yesterday, they had their taste of it. (*Interruption*).

This morning, I rose in my seat, the last among us all, to make that plea and I thought I was making it as persuasive as possible, as reasonable as possible, for my hon. friend to accept our suggestion. It is not an easy suggestion to make to agree to go to the Select Committee. It means a very big thing indeed. It is a big concession on the part of so many of us. We were prepared to swallow that. On the other hand, in regard to the Bill of my friend, Mr. Nath Pai, we were not prepared to go to the Select Committee—we did not go to the Select Committee—but on this, we were prepared to go to the Select Committee. My friends on that side should have had the wisdom to appreciate the concession that we were making and the offer of cooperation also that we were extending. But like the Barons of the old, like the Britishers of the recent past, my friends here are only keen on having a leaf from Mr. D. P. Mishra but not from any wise person like Lord Attlee or Lord Mountbatten. They are not

prepared to bow before the events, before the challenge of times.

Now, I take this opportunity again and I appeal to them even at this last moment to agree to my suggestion, the suggestion made in a comradely manner, in a parliamentary fashion, to go to the Select Committee. I do hope he would agree to that. Sometimes, he appears to be very reasonable but, suddenly, I do not know why, he becomes solid as a rock. The trouble is that even talks are being polished nicely. How is it my hon. friend is not prepared to listen to reason?

Shri Piloo Mody (Godhra): He is listening to Dr. Ram Subhag Singh.

Shri Ranga: He is not going to lose much. On the other hand, he is going to gain much. Why am I saying this? It is for the benefit of democracy and parliamentarianism in our country. Otherwise it is not necessary for us to go to cooperate with this Government in carrying out the kind of treacherous governance that they have blessed our country with, that they have brought here as a kind of blight on our country and on our own people. Is my hon. friend willing to accept it? He is not willing and he would leave us no other choice.... (*Interruption*).

Shri Surendranath Dwivedy: Let us know whether he is willing.

Shri Y. B. Chavan: Certainly, I do not want anybody to feel as if there is some unwillingness on our part to consider the reasonable suggestion that they make. It will be our effort to see that whatever reasonable suggestion they make is considered. Supposing it was a question of merely requiring more time for the discussion, certainly, an offer was made from our side to discuss it for more time, five hours, ten hours, and, certainly, we can sit and discuss it. I do not want to take any particular position in a doctrinaire manner. That

[Shri Y. B. Chavan]

is not my way of doing it. I would like to make an appeal, if at all there are any difficulties, and certainly we can go into them. Why is it that they want to go to the Select Committee? I am prepared to sit and have a discussion with them. What is exactly the point that they are going to achieve by going to the Select Committee? My only fear is—I do not want them to take it in a wrong way—that they seem to be saying that this Bill cannot come through. If that is the intention.. (Interruptions), that certainly makes us take a certain position about it.

Shri Surendranath Dwivedy (Kendrapara): You must agree that when we opposed it at the introduction stage, the principles were not acceptable to us. Since we are now accepting the proposition of sending it to the Select Committee, as he has said, it is a great concession and, therefore, we want further examination in the Select Committee.

Shri Y. B. Chavan: As I said, I do not want to change my views. Today we are the Government—not because we like it but we are there. I personally consider that, as a Government, we certainly owe a responsibility not only to the places from where we were elected, but to the whole country. There is no doubt about that position. Once we accept this position, we should accept this. My view was that this Bill was important, this Bill was urgent. That is my view and I do not want to change that view. But even in those circumstances, if they feel that they are prepared to accept the principle, I am prepared to discuss this matter with them.

Shri Surendranath Dwivedy: No question of discussion.

Shri Y. B. Chavan: When I said, I am prepared to discuss, I mean I am prepared to discuss it in the Select Committee also.

Shri Surendranath Dwivedy: Has he agreed to the proposition of Select Committee?

Mr. Deputy-Speaker: He has accepted in principle....

Shri Y. B. Chavan: As Mr. Ranga said. I accept he is the eldest Member of this House and I have nothing but regards for him; not only for him but for everybody. Once we accept the principle, once the principle of the Bill is accepted, I am prepared to go to the Select Committee.

Shri Bal Raj Madhok (South Delhi): I want to make one thing clear. When this Bill was introduced, the House may remember, I said at that time too that we do want that the integrity of this country must be maintained. There are elements which are working against the integrity of the country; there are elements in this country which are having extra-territorial loyalties and whom we look upon.... (Interruptions) as a threat to the integrity of this country. I would like to place the point of view of my Party before the House. I have given an amendment in this Bill in which I have said this thing clearly. We accept the principle of this Bill, though certain other people may not agree. On behalf of my Party I would say that we accept the principle of this Bill. We do want that in this country any kind of propaganda, any kind of activity, which encourages extra-territorial loyalties, whether in favour of Pakistan or in favour of China or America or Russia, should not be tolerated; we cannot tolerate it. That is a danger to the country's integrity. If that principle is accepted, then there is a lot of scope to improve this Bill. The Bill, as it has been drafted, creates a lot of misgivings. Therefore, it is good that he has accepted the proposition of sending it to the Select Committee. Let it go to the Select Committee and then we shall discuss and see that this Bill does not become another

engine of oppression against political opponents but really becomes an instrument for checkmating those elements which work against the integrity of the country, the unity of the country.

श्री प्रकाशबीर शास्त्री (हापुड) : जसा कि श्री गृह मंत्री महोदय ने कहा कि यदि माननीय सदस्य इस विधेयक के सिद्धान्तों से सहमत हों तो वह इस विधेयक को प्रवर समिति में ले जाने को तैयार हैं इस के लिए मेरा उन से कहना है कि यह बात तो सिद्धान्ततः वैसे ही स्वीकार हो जाती है। जब कोई सदस्य यह कहता है या कोई दल कहता है कि इस को प्रवर समिति में ले जायें तो वह उस बिल को सिद्धान्त रूप में मान कर ही तो यह दूसरा प्रस्ताव आता है कि उस को प्रवर समिति में ले जाय। इसलिए यह शर्त गृह मंत्री जी की ओर से आना कि पहले इस सिद्धान्त को स्वीकार किया जाय तब फिर यह विधेयक प्रवर समिति में जायगा बेकार है क्योंकि जो यह कह रहे हैं कि इसे प्रवर समिति में ले जाया जाये वह इस सिद्धान्त को मान कर ही ऐसा कह रहे हैं कि प्रवर समिति में भेजा जाय। अगर सिद्धान्ततः इस बात को वह नहीं मानते तो इसे प्रवर समिति में ले जाने का प्रस्ताव नहीं रख सकते थे। यह बात एक दूसरे के साथ लगी हुई है और इसलिए इस बात को नये सिरे से कहलाने की कोई आवश्यकता नहीं है। मेरा यह प्रस्ताव है कि इस विधेयक को प्रवर समिति को भेजा जाय।

Shri Tridib Kumar Chaudhuri (Berhampore): I would not have intervened but for the fact that certain remarks have been made from this side of the House, and not from the other side of the House, about the acceptance of the principle of this Bill. So far as our Group is concerned, we accept the principle of the Bill so far as it is stated in the Statement of Objects and Reasons, and we do not stand committed to that kind of communal chauvinism and other things in the name of inte-

grity. We think that communal chauvinism is a thing which destroys the integrity of the country at the very root. So, that must be made very clear. When we accept the principle of the Bill, so far as our Progressive Group is concerned, we accept that for the maintenance of the integrity and sovereignty of the country. We are prepared to consider the three restrictions given in the Statement of Objects and Reasons, and nothing beyond that.

श्री मधु लिये : उपाध्यक्ष महोदय, मेरी समझ में यह बात नहीं आ रही है कि यह बहस और विवाद क्यों चल पड़ा है? सीधे हम लोगों का प्रस्ताव या और उस के ऊपर सभी नेताओं के हस्ताक्षर थे कि इस विधेयक के सभी पहलुओं पर विचार करने के लिए उसको प्रवर समिति के पास या संयुक्त पार्लियामेण्टरी समिति के पास भेजा जाय। मैं भी कुछ संसदीय प्रणाली के बारे में जानता हूँ और मेरी यह समझ में बात नहीं आती है। यह पहले कहना किसी के लिए आवश्यक नहीं है कि इस बिल के किसी हिस्से को या उसके सिद्धान्त को वह मानता है। अगर गृह मंत्री जी का यह कहना है कि संविधान में जो परिवर्तन हुआ था उसी के आधार पर यह बिल है तो हम सभी लोगों ने संविधान की कस्म खाई है। मैं संविधान के एक हिस्से की तरफ ध्यान दिलाना चाहता हूँ :

"Nothing in sub-clause (c) of the said Clause shall affect the operation of any existing law in so far as it imposes or prevents the State from making any law imposing...in the interest of sovereignty and integrity of India."

यह शब्द संविधान में हैं। उस की हम सभी लोगों ने कस्म खाई है। प्रवर समिति का यह काम है, संयुक्त पार्लियामेण्टरी समिति का यह काम है कि वह यह देखे कि क्या इन उद्देश्यों को धक्का देने का काम यह विधेयक करता है? अगर वह नहीं करता है और कोई

[श्री मधु लिमये]

अनुचित रोक अगर हमारे बुनियादी अधिकारों पर डालता है तो प्रवर समिति को यह पूरा अधिकार है कि उस में संशोधन करे, उस को सुधारे। इसलिए मैं अपने दल की ओर से साफ करना चाहता हूँ कि संविधान में जो बात है जिसकी कि हम ने कसम खाई है उस के अलावा हम किसी भी चीज को अभी से मानने के लिए तैयार नहीं हैं।

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, मुझे एक बात कहनी है। मेरे दल के सदस्य श्री बलराज मधोक ने अभी कुछ कहा है। उन के कथन से यह सदन किसी गलत-फहमी में न पड़े इसलिए मैं इसे स्पष्ट कर देना चाहता हूँ कि मेरे दल ने इस सिद्धान्त को माना है कि राष्ट्र की एकता और अखंडता की रक्षा की जानी चाहिए लेकिन उस के लिए किसी संगठन को गैर-कानूनी घोषित किया जाय और उस का अधिकार सरकार को दिया जाय यह सिद्धान्त हम ने नहीं माना है और हम खुल दिल से उम पर विचार करना चाहेंगे।

Shri H. N. Mukerjee (Calcutta North East): It is good that the Home Minister has accepted the idea of Select Committee and he has done it in the interest of parliamentary propriety. But I should like to make it clear that, as far as we are concerned, we have been, and continue to be, totally opposed to the manner in which the Bill has been formulated, because we suspect the *bona fide* of the Bill and that goes to the root of the matter. Of course, we are at liberty even now to examine how far, if at all, the provisions of the Bill can be improved by reference to the Select Committee, which is the only possible parliamentary process open to us. So, it is a good thing that he has accepted, in the interest of parliamentary propriety, this reference to the Select Committee, for which all of us had had to fight for a long time.

But, at the same time, I wish to make it clear that our opposition to the Bill as it had been formulated continues to be as total and as uncompromising as it has been at the time of introduction.

Shri P. Ramamurti (Madurai): I would not have risen to speak now but for the statement made by the Home Minister. When we came to this House we had all taken the pledge, and as far as my party is concerned, our party programme also makes it clear that we stand for the unity and integrity of this country. But the point is that accepting the unity and integrity of the country is one thing and accepting this Bill is another thing. The question is whether such a Bill is at all necessary under the existing conditions in the country and whether the Bill will serve the purpose of keeping the unity and integrity of this country or whether it will lead to further disruption in this country. That is the fundamental question that has got to be raised. Therefore, when we agree to go into the Select Committee we do so because of a certain situation in which we are functioning, and despite our opposition to the Bill it may be passed. In the Select Committee we can go into every clause, and finally make a recommendation; if the Select Committee, if the entire Select Committee, feels that this Bill will not serve its purpose, then it is open to the Select Committee to make even a recommendation that this Bill be dropped. Therefore, there is no question whatsoever of accepting the fundamental principles on which this Bill is based. The question of integrity and unity of this country is an entirely different thing. We have got to examine whether this Bill is at all going to safeguard that or it is going to do something else. Therefore, it is on that basis that we agree to go into the Select Committee.

Shri Surendranath Dwivedy: Let it be clearly understood that there is

no question whatsoever about upholding the integrity and sovereignty of the country. All of us in this House want that we should curb activities, illegal or legal which in any way sabotage the country's integrity and security. There is no doubt about that. Here, the only question that remains is whether the powers in the hands of Government are not sufficient to curb these activities and whether such a Bill is at all necessary.

Although the Constitution (Sixteenth) Amendment Bill has been passed, I think such a Bill is not necessary because the purposes of the constitutional amendment can be served more effectively if Government exercise the very emergency powers that they have with them already. Therefore, most of us think that such a Bill is not at all necessary. But, still, Government think that there is a case. If that be so, then the Select Committee will go into these questions and scrutinise whether such penal provisions are necessary. That was why we were pleading from the very beginning for a Select Committee. There is no question of a guarantee in regard to the acceptance of the principle of the Bill. After all, in accordance with parliamentary procedure, as I have said already, the Bill has been opposed already at the introduction stage. And the procedure is that if a Bill goes to a Select Committee, it is not the principles and other things that are gone into, but the clauses are gone into and that is what the Select Committee is going to do. As suggested, if the Select Committee and the Government in their wisdom think that such a Bill is not at all necessary after discussion, it will be a good thing. Therefore, it is good that the Home Minister has accepted this proposition. Our position remains as usual and as before....

Shri Y. B. Chavan: As usual?

Shri Surendranath Dwivedy: Yes, as usual and as before, because we

do not think that such a Bill is necessary at the moment.

Shri Y. B. Chavan: May I just intervene for a minute? I am not replying, because my idea is not to reply now because there is no question of any reply now. My hon. friends had said that they were opposed to the principle of the Bill. After all, what is the principle of the Bill? What is the principle involved? Shri Madhu Limaye has also said that he has accepted the principle of the Constitution.

श्री मधु लिमये : कसम खाई है ।
 मान्यता का क्या सवाल है आप ने भी खाई है और हम ने भी खाई है ।

Shri Y. B. Chavan: I am afraid he is forgetting that *kasam*.

श्री मधु लिमये : यह बहुत अनुचित है ।
 मैंने स्वयं कहा कि मैंने कसम खाई है, आप ने भी खाई है । इस को भूलने का क्या सवाल है ? लेकिन यह आपको नहीं, मुझ को ही याद रहता है ।

Shri Y. B. Chavan: I would only remind him of that.

Shri A. B. Vajpayee had also got up and said that he had accepted the principle of protecting the sovereignty and integrity at any cost, and he has agreed to that. What is it that he is not prepared to accept? He want that there should be no restrictions on the fundamental rights. That means that he has not accepted the Constitution. Article 19 provides that in order to maintain the sovereignty and integrity of the country, if it is necessary, restrictions on the fundamental rights will be accepted. That is the provision in the Constitution.

Shri P. Ramamurti: If it is necessary only. That question has to be gone into.

Shri Y. B. Chavan: Then comes the question whether it is necessary. That is a different matter altogether. Let them not, therefore, talk of principle. The principles are there in the Constitution already.

Shri P. Ramamurti: The Constitution only says that such restrictions could be placed only if it is necessary.

श्री प्रदल बिहारी बाजपेयी : उपाध्यक्ष महोदय, मेरी बात को तोड़ मरोड़ कर पेश किया गया है। मुझ को बहुत अफसोस है। मैंने फंडामेंटल राइट्स की बात नहीं कही। मैंने कहा हम इस सवाल पर खुला दिमाग रख रहे हैं कि देश की एकता और अखण्डता की रक्षा के लिये क्या सरकार को किसी सगठन को गैर-कानूनी घोषित करने का अधिकार दिया जाय या नहीं।

Shri P. Ramamurti: Only if it is necessary, such restrictions could be placed. Article 19 is an enabling provision. It does not say that under this article, Government must put on the statute-book a Bill of this nature. So, the question whether it is necessary at all is also a question which has to be gone into.

Mr. Deputy-Speaker: All these matters could be discussed in the Select Committee. The hon. Minister of Home Affairs has already accepted the suggestion of the hon. Members of the Opposition to refer the Bill to a Select Committee.

Shri N. C. Chatterjee (Burdwan): I want to point out one thing. The Constitution (Sixteenth) Amendment Act not only amends article 19 but makes it clear that Parliament in its wisdom can make legislation imposing reasonable restrictions to further the integrity and unity of this country and the sovereignty of the nation. We all accept that.

The Sixteenth Amendment itself provides that whenever a person is

nominated as a prospective candidate for parliamentary election, he must take an oath, as you know very well, affirming his loyalty to the Constitution including that amendment. Therefore, we all accept it.

The only basic question is this. The Supreme Court by unanimous judgment in *Makhan Singh vs. The State of Punjab* has pointed out that so long as the Proclamation of Emergency is there, article 19 is completely kept in the cold storage, and no citizen of India from Kashmir to Cape Comorin could go to any court of law and challenge any executive action on the ground that there had been a violation of or outrage on his fundamental rights, particularly the seven freedoms mentioned in article 19. Therefore, this Bill is absolutely unnecessary until the Proclamation of Emergency is over."

The language used by Chief Justice Gajendragadkar is this:

"Article 358, however, makes it clear that things done or omitted to be done during the Emergency cannot be challenged even after the Emergency is over. In other words, the suspension of article 19 is complete during the period in question and legislative and executive action which contravenes article 19 cannot be questioned even after the emergency is over."

First of all the Home Minister should declare here that the Select Committee should have the right to demand that the Proclamation of Emergency be withdrawn so that article 19 could be put on the statute-book and be made effective and it would not be kept in cold storage any more and then he can bring forward this Bill. Otherwise, the Bill is absolutely premature. There is no question of article 19 now. For five years, no citizen of India has been able to go to the Supreme Court or any court in India complaining against

executive action, even apart from parliamentary statute, saying that executive action has violated his fundamental rights; freedom of speech is gone; freedom of expression is purely a pious platitude on paper. You know, Sir, that that is the judgment.

Therefore, the Select Committee's first business will be to make that position perfectly clear. We are accepting this suggestion to go into a Select Committee, and that is our unanimous decision, because this Bill is intended for protecting the sovereignty and integrity of the nation; but before the Select Committee meets, the Home Minister in his wisdom should revoke the Proclamation of Emergency. Otherwise, under article 358, complete eclipse is there, and complete cold storage continues and it is absolutely useless, therefore, to come to Parliament and say 'Give me powers so that I can impose some restrictions even on the freedoms guaranteed under article 19', because no freedom is there, and no freedom is operating and no freedom can be operative so long as they keep the Proclamation of Emergency in force.

Mr. Deputy-Speaker: The Home Minister has suggested or rather accepted the suggestion made by all leaders of the Opposition for referring this Bill to a Select Committee. I would, therefore, suggest that the original allocation of 5 hours for this Bill may now be revised.

Shri Nath Pai (Rajapur): He must move the necessary amendment.

Mr. Deputy-Speaker: That is coming.

Shri Y. B. Chavan: I shall move the motion.

Mr. Deputy-Speaker: Once he has accepted the suggestion, that is enough; the rest is only a formality; he will be moving the motion presently.

The point is that 5 hours were allotted for this originally. If we could curtail that time, we shall be able to find some time for the other important items like the DA Commission's report and also the statement of the Education Minister on the medium of instruction in the universities.

May I suggest that we may have 2 hours for this?

Shri Ranga: Let it be 3 hours. Otherwise, you would not be able to complete even one round.

Shri Sonavane (Pandharpur): Without further debate, let this motion for reference to Select Committee be adopted.

Mr. Deputy-Speaker: Shall we have 3 hours then? Let us begin the debate now. Shri C. C. Desai.

Shri Nath Pai: Where is the Home Minister's amendment?

Mr. Deputy-Speaker: It is coming.

Dr. Ram Subhag Singh: After we have agreed to refer it to the Select Committee, we need not spend so much time on this.

Mr. Deputy-Speaker: Even if we call only the leader from each group, he will take at least ten minutes. That is the minimum. It is for hon. Members to decide. If they want some time for the DA Commission's report and the Education Minister's statement, then they should save some time on this.

श्री शिव नारायण (बस्ती) : डेढ़ घंटा तो हो चुका । चार बंटे बैसे भी लेट हुआ (स्वबचान)

Mr. Deputy-Speaker: On the floor of the House, we are revising the decision of the Business Advisory Committee. I must take the sense of the House at the time of revision. So three hours?

Shri Ranga: Yes.

Shri R. D. Bhandare (Bombay Central): Under rule 74, motions after introduction of Bills, it may be either taken into consideration or referred to a Select Committee. Then comes rule 75, the provisions can be discussed generally, but not the details of the Bill.

Mr. Deputy-Speaker: That is accepted.

Shri R. D. Bhandare: The principle must be discussed. Only if the principle is accepted, rule 74 can be resorted to.

Shri Ranga: All that is understood.

Shri R. D. Bhandare: So long as they do not accept the principle of the Bill, no useful purpose will be served by sending it to a Select Committee.

Mr. Deputy-Speaker: It should be presumed when they have agreed to reference to a Select Committee that they accept the principle.

Some hon. Members: No, no.

श्री मधु लिमये : ऐक्सप्ट शब्द कहा है ?

Mr. Deputy-Speaker: Shri C. C. Desai.

Shri C. C. Desai (Sabarkantha): Now that wisdom has dawned on the Home Minister, as usual too little and too late—which is a characteristic of this Government—I would go one step further and say that in order to make the work of the Select Committee more effective, it is necessary to mobilise public opinion in the country. Therefore, if the Select Committee is really to do its work properly and effectively, they should also agree to circulation of the Bill for eliciting public opinion. I hope that this logical and consequential step will appeal to the Home Minister.

Now this Bill has had a chequered career. It was brought forward in the Third Lok Sabha and when the opposition was tremendous, they withdrew the Bill. Again they brought it forward and wanted to get it passed as quickly as possible. But they gave up the idea. When a similar Bill was brought forward in the last Lok Sabha, the Congress people thought that they would have a majority in the elections and they would be able to use their powers without resort to coercion, repression, suppression and the like. But they found what the result of the election was. Then they became fidgety and brought forward this Bill. It was only when the Congress Ministry in Madhya Pradesh fell that they found, that they must have one more lever, one more power, to their elbow in order to check the growing tension against them in the country.

This Bill is aimed or is supposed to be aimed at secession. I would like to know where the secessionist movement is in the country today. You look anywhere in the country. The hon. Minister will know that at a particular moment, there was a movement in the south by a certain party, there was a demand in Madras for secession. Since then that cry has been given up. Not only that. The Congress has been completely routed in that State and now there is a Government run by that very party, the DMK. The DMK Chief Minister, if I may say so, is a greater admirer of the Prime Minister and the Congress Government here than perhaps any other non-Congress Chief Minister today.

In such a situation, this Bill has been brought forward. If these draconian powers had been given to the executive at that time and if they had exercised them, they would have used the methods of repression, and suppression and what would have been the result? It would have been a repetition of Pakistan here. By using your powers wrongly, you drive underground those forces and bring about the very situation you want to avoid. Fortunately, at that time for our

country, the Government saw the sign of the times and did not proceed with a Bill of this kind. They had merely got through an amendment of the Constitution, and therefore, no such repressive or arbitrary powers were necessary.

The other day I was reading the proceedings of the Imperial Assembly when the Rowlatt Act, which compares with this Bill, was under discussion. That was in 1918. Then giants like Sir Tej Bahadur Sapru, Shri Srinivasa Shastri and Mr. Mohammed Ali Jinnah spoke against that Bill. The situation is very similar today. That Bill was known as a Black Act. It was designed to suppress the civil disobedience movement founded and started by Gandhiji whose *chelas* or disciples or followers these people opposite are claiming to be.

Why are they bringing forward this Bill? This Bill is designed to suppress freedom activities in this country. They talk about secession. Why should there be secession? Where is the danger to the integrity and sovereignty of this country today? It is not in the south, it is not in Assam, it is not even in Kashmir. It is the wrong policies pursued by this Government which have led to tensions, which have led to the necessity for what might be called repression or suppression of any of these activities.

So the remedy lies in good government, in improving the lot of the people, in improving the life of the people, not in taking recourse to these draconian measures of mass arrests, of sending people to jail, of detaining leaders like Sheikh Abdullah without trial and so on. This is not the way to handle a political situation.

What is happening today? Look at Assam. The present situation in Assam is the direct creation of the bad policies of Government. At one time, we had only the Naga problem, but now we have the Naga problem, the Mizo Hills problem, the Lushai and Jaintia

Hills problems, the demand from Cachar for being a separate State, the demand for the constitution of the Brahmaputra Valley as a separate State. Assam is on the verge of a process of Balkanization and is likely to be broken up. All this has come to pass because of the policies of this Government. It has nothing to do with secession.

Similarly take the case of Kashmir. In regard to Kashmir, it is not necessary to have a dialogue with Pakistan. Kashmir is an internal problem, but it is a problem in the sense that our writ does not run there and they do not have a government of the people, by the people and for the people. So what we want in Kashmir is not a draconian measure like this, not an unlawful Bill like this, not a Black Bill like this, but free and fair elections, freedom of movement, freedom of association and freedom of speech to the people of Kashmir so that they can have a government of their own choice and their own desire. Even the so-called plebiscite front people, the so-called secessionists, will come round if we tackle them in the correct way and persuade them to make common cause with us in our objective. But we are dealing in a different way with these people who would otherwise be our friends.

The real danger to the country is from a movement started by my hon. friend himself, the Shiv Sena, that is directed at the very heart of India in the city of Bombay, in the metropolis of the country—started by the present Home Minister here and carried on by the Home Minister of Bombay. That is the unlawful activity that has got to be curbed not the so-called secessionist activity at which the Bill is supposed to be directed.

Shri Y. B. Chavan: He is absolutely wrong. At least when he is making some serious allegation, I thought he would be a little more responsible.

Shri C. C. Desai: I am glad the hon. Minister has realised the folly of this particular movement and therefore now says that it was not due to him. But the whole world knows that it owes its origin to him or to the Government of which he was Chief Minister.

Shri Nath Pai: This is quite wrong.

Shri C. C. Desai: But that is the story going round in Bombay. One would like to know that this Bill is going to be used for controlling and containing the activities of organisations like Shiv Sena . . . (Interruptions.) They harm the integrity and sovereignty of India much more than the so-called secessionist activities in NEFA or Kashmir or in the Assam area. There are other activities which are dangerous to the lifeblood of the country. There are things like the gheraos and there are such activities as the Naxalbari activities which should be controlled. A practical, permanent, peaceful solution must be found to such problems. As the Home Minister has himself agreed to take this Bill to the Select Committee, there will be plenty of opportunities to go into each provision and find out whether it is necessary or consistent with the fundamental civil liberties of the people, with the honour and requirements of this country. It will be possible to improve on the Bill. But so far as I can see it, the root of the trouble is bad government, politically, economically, socially and culturally, everywhere. You must remove the causes of tension; you must give good government to the people—a roof to live under, food to eat, clothes to cover one's shame, the daily necessities of life. There need be no more legislation, no more powers in your hands. Much wider powers had been in the hands of past governments. What was the result? It is the experience of the history all over the world. Merely by repression and merely by draconian measures, you do not maintain the integrity or sovereignty of your administration. It is only by the

willing consent of the people you can govern. You should direct your attention to these things rather than waste your energies over imprisonment or mass shootings and firings or various other repressive measures which you yourselves fought against in the freedom struggle. But they now want to repeat those very methods in the country today. First of all, I hope the hon. Minister will take the logical step of agreement to take this Bill to the Select Committee by agreeing to have it circulated for eliciting public opinion because it will provide material and the basis for the Select Committee to function effectively.

Shri N. C. Chatterjee (Burdwan): The main point that I wanted to make is this. Really this Bill is not needed at the present moment. To put it shortly, you are taking the power to make an inroad into article 19 because you say you cannot properly safeguard and take action against the infringement of the integrity of the country and so you want some powers to suppress some unlawful activity or some organisations. But the whole point is that article 19 is ineffective for the last five years. I was therefore appealing to the Home Minister in all seriousness to put article 19 in its proper pedestal and then to say: article 19 is now operating and therefore my powers are restricted; we should have more powers in order to restrict some rights guaranteed under the fundamental rights chapter. What is the machinery by which you will decide whether a particular organisation is an unlawful association or not? I am very much perturbed over this tribunal business. A tribunal has always been a failure. Those who had the privilege of appearing before these tribunals even when there was a Chief Justice or a High Court Judge as a chairman—say, in a case where a person was detained under the Preventive Detention Act—the inevitable consequence was great disappointment. What happens? They do not follow either the civil procedure code or the criminal procedure code; they do not even follow the principles

of natural justice. I am therefore of opinion that the tribunal business should be thoroughly recast before you provide that by its edict you will declare a particular organisation unlawful.

The definition of 'unlawful activity' is too wide: "unlawful activity in relation to an individual or association means any action taken... which is intended or supports any claim to bring about on any ground, whatsoever the cession of a part of the territory of India." Appearing before the highest court in this country for the people of Berubari, I said this: this is what you are doing. You were doing it. If the government does it, if it surrenders part of the territory of India, it is legal but if anybody else suggests that in order to purchase peace with some other country, enter into a pact like Tashkent, then the government immediately comes and says it is within the wide scope of this definition. I submit that this is a very dangerous doctrine. Supposing the Bar Association of India whose President is Mr. Setalvad, the former Attorney General and the greatest man in law in this country, suggests: let there be a pact with Pakistan or a treaty of friendship with China on the basis of some give-and-take, even that will come within the purview of this because the clause reads: "... supports any claim, to bring about on any ground whatsoever the cession of a part of the territory of India..." Then all the members of the bar association become guilty of unlawful activity and can be sent to jail. This is a horrible provision which will have to be considered carefully by the Select Committee. These things have got to be thrashed out. We should know from the Minister exactly against whom this is directed. Parliament is not the proper place or forum to discuss all these things. We want to know against whom he is directing it. Which is the insidious force in the country which he wants to suppress for this kind of unlawful activity? My hon. friends of the DMK at one time thought in terms of secession from

India. They have now clearly given up that idea of secession and that is a great thing; we welcome it. We think they are sincere when they have taken their oath and pledge under the 16th amendment Act; they are behaving in that manner. We want to know against whom this is directed. Having regard to this wide and extensive power, we must proceed very cautiously so that this may not be used for political purposes and for serving party ends by crushing the Opposition. I also do not know how the delegation to the states would be effective because you will have to give directions from time to time. I am not going to waste the time by reading the clauses whereby power will be given to the states. In some states there are non-Congress ministries.

Shri Y. B. Chavan: There is no basic delegation here.

Shri N. C. Chatterjee: There is delegation. Kindly see clause 21. There is another clause. Your memorandum regarding delegated legislation says:

"Clause 19 of the Bill empowers the Central Government to direct the State Government to exercise all or any of the powers exercisable by it under the Bill."

Then clause 19:

"The Central Government may, by notification in the Official Gazette, direct that all or any of the powers which may be exercised by it under section 7 or section 8, or both, shall under such circumstances and under such conditions, if any as may be specified in the notification, be exercised by any State Government ..."

There is provision for prosecution for the offences under the Act, for protection of action taken in good faith and so on. There is provision for these things. That requires careful scrutiny, a vigilant scrutiny. I hope the

[Shri N. C. Chatterjee]

Select Committee will devote some time to this aspect of the matter.

I have already stated that in the national interest it may not be desirable. I want to know exactly for whom is this intended. We know there are forces—we are conscious of it—which have worked for the disintegration. That is a great danger. But let us not take this kind of blanket power to declare an association unlawful and convict all the members of that association of unlawful activity, and thereby paralyse that association. Leaving aside these dangerous and insidious associations, which are really operating, what about Nagaland? What about Mizo Hills and what about Kashmir? Are you really going to operate there? If so, in what particular way. We shall have to discuss that very seriously after getting the data, the facts and getting some more information objectively, and assess the situation properly and then we shall have to recast the Bill so as to subserve the interests of the nation.

श्री का० ना० तिवारी (बैतिया) :

उपाध्यक्ष महोदय, जो बिल हो: मिनिस्टर साहय लाए हैं उस की आवश्यकता इस बात से ही साबित हो जाती है कि श्री मधोक और श्री एन० सी० चटर्जी ने भी इस बात को माना है कि देश की सुरक्षा और एकता के लिए डेंजर विद्यमान है। होम मिनिस्टर साहब इस बिल को सिलेक्ट कमेटी में भेजने के लिए राजी हो गए हैं। चूंकि सिलेक्ट कमेटी में इस बिल की दफात और उन की इम्प्ली-केशन पर डिस्कशन होगी इस लिए मैं इस बक्त उन में नहीं जाना चाहता हूं।

मैं सदन का ध्यान इस बात की तरफ दिलाता चाहता हूं कि जब कभी काश्मीर, नागालैंड या नक्सलवाड़ी जैसे किसी सीमा वर्ती क्षेत्र में कोई गड़बड़ होती है तो यह सरकार उस के लिए जिम्मेदार ठहराई

जाती है और यह पूछा जाता है कि उस के सम्बन्ध में क्या करने जा रही है। हम इस बात से इन्कार नहीं कर सकते कि कम्युनिस्टों में लेफ्ट राइट और सेंटर के कम्युनिस्टों के आलावा अब अल्ट्रा-लेफ्टिस्ट कम्युनिस्ट भी पैदा हो गए हैं जो चाइना से सम्बन्ध रखते हैं और जिन को कम्युनिस्ट पार्टी से निकाल दिया गया है।

अभी माननीय सदय श्री चटर्जी ने पूछा कि यह बिल किम के खिलाफ लाया जा रहा है। मैं यह निवेदन करना चाहता हूं कि चाइना और पाकिस्तान के आक्रमक इरादों के कारण नेपाल के बार्डर पर, काश्मीर की सरहद पर या नक्सलवाड़ी में जो खतरनाक स्थिति पैदा हो गई है उस को दिल्ली में सुप्रीम कोर्ट या पार्लियामेंट में बैठे हुए लोग उतना महसूस नहीं कर सकते जितना कि उन क्षेत्रों में रहने वाले या वहां जा कर देखने वाले महसूस करते हैं। इस लिए यह जरूरी है कि कानून की बाल की खाल खींचने के बजाये सरकार को इतनी पावर दी जाये कि वह इस स्थिति का सफलता पूर्वक मुकाबला कर सके। मैं कहना चाहता हूं कि जो डकैत डकैती डालते हैं या जो लोग नक्सलवाड़ी में लाठी, भाला या बन्दूक ले कर चलते हैं वे कानून की परवहा नहीं करते हैं। उन का मुकाबला करने के लिए सरकार के पास मनासिब पाबज होनी चाहिए। अभी श्री वाजपेयी ने कहा कि किसा भी आगैनाइजेसन को अन-लाफुल डिक्लेयर न किया जाये।

श्री अटल निहारी वाजपेयी : नहीं कहा है ?

श्री का० ना० तिवारी : मैंने तो यही समझा है। अगर मैंने उन को गलत समझा है, तो वह सुधार कर दें।

श्री कंवरलाल गुप्त : माननीय सदस्य ने कबल सचक्षा है ।

श्री क० ना० लिब्यारी : धब समय था गया है कि इत्त गवर्नमेंट को अपने हाथ में इतनी जबर्दस्त ताकत लेना चाहिए

श्री अटल बिहारी वाजपेयी : कि वह कांग्रेस को भी अनलाफल डिक्लेयर कर दे ।

श्री क० ना० लिब्यारी : . . . कि जो ताकतें या जो भागेंनाइजेशनइ इस देश को छिन्न-भिन्न करने या विदेशी ताकतों के साथ मिल कर देश को नुकसान पहुंचाने या विदेशी तमकतों को यहां इनवाइट करने के मन्सूबे बनायें उन को अनलाफल डिक्लेयर कर दिया जाये ।

माननीय सदस्य श्री मधु लिये ने कहा है कि हम ने यह कसम खाई है कि हम देश की एकता और अक्षुण्णता बनाए रखेंगे । मैं आशा करता हूँ कि सिलेक्ट कमेटी के अख्तियार इस बिल पर पार्टी बेसिस पर विचार नहीं करेंगे, बल्कि वे देश की एकता को बनाए रखने और देश हित के खिलाफ काम करने वाली ताकतों के विरुद्ध कार्यवाही करने के लिए गृह मंत्री के हाथ मजबूत करेंगे । उन को ऐसी व्यवस्था करनी चाहिए कि देश-विरोधी तत्वों के खिलाफ कार्यवाही करने के सम्बन्ध में सुप्रीम कोर्ट और हाई कोर्ट आदि में जाने की जरूरत न पड़े क्योंकि उससे प्रशासनिक कार्यों में देरी होती है और देश की रक्षा करने का जो हमारा इरादा है, हम उसको पूरा नहीं कर सकते हैं ।

देश की एकता और सुरक्षा के लिए जो खतरे हैं उन का खयाल रखते हुए मैं इस बिल को सपोर्ट करता हूँ और मैं आशा करता हूँ कि जो सदस्य सिलेक्ट कमेटी में बैठेंगे वे पार्टी पालिटिक्स को नहीं बल्कि देश-हित को अपने सामने रखेंगे ।

श्री यशपाल सिंह : उपरोक्त महोदय, मैं अपने संशोधन के मुताबिक कुछ कहना चाहता हूँ ।

Mr. Deputy-Speaker: I will give you an opportunity a little later.

Shri K. K. Nayar (Bahraich): Mr. Deputy-Speaker, Sir I rise to oppose the passage of this measure which has been pretentiously called the Unlawful Activities (Prevention) Bill. I say that it is pretentiously styled because I have no doubt that the attempt to suppress cession or sedition or secession through the instrumentality of this measure is bound to fall. Every Bill is intended and aimed to prevent the crystallisation of a situation which either exists to endanger the State or is apprehended in the future. This Bill is aimed primarily at associations which the Central Government may declare unlawful; but in a subaltern mood it aims also at individuals.

Let us examine what is meant by an association under this Bill: I shall read from the definition given in clause 2(a):

“Association” means any combination or body of individuals, whether the same is known by any distinctive name or not.”

Than this I can imagine no ineffective or futile description of an association: for not even a common purpose, not even a common pursuit, not even a common effort, not even a common endeavour is intended. If this definition is to hold, then, a crowd at a football field, the people attending a cinema show and even those who are watching a religious festival would all be deemed associations; and once they are declared unlawful they come within the mischief of the law. But what is happening to the real malefactors, the people who really preach and practise cession and sedition in this country? Will you be able to bring them within the mischief of this Act?

[Shri K. K. Nayar]

I give some examples. First and foremost comes to my mind the instance of the hostiles in Mizo Hills. Will you be able to use this against the Mizos? Will you be able to declare the Mizos as forming an unlawful association, as people who can be put behind prison bars just because they are Mizos? Does your writ run in the Mizo hills? It does not. You will not be able to use this against the Mizos. They are devoted to violence, vowed to armed insurrection and determined also to strike at the integrity of this country, but you cannot use it against them. The position is the same in respect of the Naga hostiles, and the position is still worse in the case of the millions of Kashmiris, scattered over thousands of square miles of the territory of Kashmir, who still shout "Sheikh Abdulla Zindabad" and occasionally also "Pakistan Zindabad." Will you be able to treat them as forming an unlawful association? You will have to descend to the subaltern purpose of taking them up one by one; you cannot take action against them collectively. Why then this word "association"? For what purpose is it intended? Why has it been introduced into this piece of legislation? It is intended to be used against existing organisations which have attracted the wrath and the spleen of the government of the day. I would respectfully ask Shri Chavan, who has been heading the Home Ministry for a long time, to name any existing organisation against the activities of which this is intended or to name any organisation of that kind of which the formation is apprehended by him. I would ask him to point out the activity which that organisation has been pursuing or which is apprehended from that organisation.

15 hrs.

I ask him a question again. Will his writ reach, will this measure be used against a majority of the teachers of institutions like the Aligarh University

where sedition is openly preached or institutions like the Jamia Millia? No. Will it be used against the Muslim League, the arch secessionist of our era which still trades in India under the same name and under the same philosophy? No, it will not.

What do I apprehend? I apprehend that it may be used for a different purpose, for a different end, against existing organisations like the Rashtriya Swayam Sewak Sangh. Some time back Congressmen sat in conclave and considered the advisability and the desirability of banning this organisation. This Rashtriya Swayam Sewak Sangh is a purely social, purely reformative organisation conceived, intended and run for the purpose of strengthening this country and making it a viable, virile and respected member of the comity of nations. That is not doubted. But it is being attacked as a communalist organisation, it is being attacked as one likely to interfere with the integrity of this country. One hon. Member, Shri Tridib Kumar Chaudhuri, while commenting on Shri Madhok's speech, said something to this effect. I challenge it. It is true that the Rashtriya Swayam Sewak Sangh and the Jan Sangh oppose various brands of communalism which have led to trouble in this country and which presage more trouble for this country. By that very token we are being attacked and called communalists and chauvinists. If that is so, we prefer to be called communal rather than secular. If our opposition to communalism is so branded and we are called communalists, we shall face that odium and that opprobrium. We shall meet that challenge.

Let us examine this measure to see how it will work. I say that it will fail to work where it has a task and it will work where it has no task. I have pointed out three areas, three sections of India's population which are undoubtedly hostile to the integrity of this country. Against them this

measure cannot be used. I have also indicated an organisation which has come into disfavour with the Government of the day and against which it is likely to be used although it has never made any attempt to dispute, deny or strike at the integrity of this country.

I now proceed to discuss one or two definitions in this Bill. In clause 2(b) "cession" and "secession" have been defined. The definitions are not exhaustive. They are only illustrative. I do not cavil against them. I proceed to the definition which really matters. In clause 2(f) "unlawful activity" is defined *inter alia* as something which disrupts or is intended to disrupt the integrity of India. I have a bone to pick with those who drafted this. I want to know what was meant by the integrity of India. From the employment of the words "cession" and "secession" and the meanings which have been given to them, I should understand that the word "integrity" is supposed to signify only the territorial integrity of India and the word "India" is supposed to mean only the territory of India. But these two words have extensive connotations. For example, the word "integrity" may refer to persons, objects or territories. The meaning of the word "integrity" is understood in the personal sense even by those who do not possess the attribute or have abalienated it in the course of a life of pursuit of self-interest. The word "integrity" as applied to an object is understood to indicate the unbroken condition of the object. The word "integrity" as applied to a territory, we understand—and I believe that this is what is meant here. But when we refer to "India", India means the nation of India, sometimes it may mean the Government of India and occasionally—but only when the context so indicates it refers to the territory of India. You must make your meaning clear by inserting the word "which disrupts or is intended to disrupt the territorial integrity of India". Otherwise mischief will arise. For those who assail a social system, an economic system, a

legal system, or even social practices will all come within the pale of this definition.

In a reverie over the possible consequences and ultimate fate of this Bill I imagined that I saw in a nursery book on the history of India written in the year 2000 A.D. a reference to our era; and I imagined that I read the following lines on Shri Yashwant Rao Chavan under the heading "How Yashyant Rao Chavan preserved the Nation":

"Yashwant was his name,
and he earned some fame;
From 'Fence to Home' he came,
with antecession as his claim.

But that was just an excuse lame,
For power stark was his aim;
And he played his little game,
Within the legal frame.

Treason rampaged all the same,
To the State's own loud acclaim;
Known Caitiffs knights became,
While yeomen he did maim.

Flickered low the nation's flame,
While patriots took the blame;
He made our manhood weak and tame,
Alas, to Chavan's lasting shame."

Mr. Deputy-Speaker: Now, with this rhyme you should conclude.

Shri K. K. Nayar: I have to say something in praise of Shri Chavan. What is good, I want to tell him. This is not how we conjured up his image. This is not how we thought of him. We thought of him as following the illustrious traditions of his forbears in general and of one of them, in particular, the peerless Shivaji. We thought of him as the Shivaji of the day. Let him come to the defence of the nation. Let him withdraw this Bill. Let him settle the frontiers of this country with a population on whom he can rely. Let him dilute the sensitive areas with peoples on whom he can rely. Let him then run his writ there. It is only with a loyal population and loyal

[Shri K. K. Nayar]

instruments that this writ of law can be made to run. Let him bring a measure when he is able to enforce it. And, let him give us cause to remember him like Shivaji in ballads, not in ditties and doggerels.

Shri P. Ramamurti (Madurai): Mr. Deputy-Speaker, Sir, although the motion before the House is for reference of this Bill to a Select Committee, I refuse to accept the point that we are all agreed to the understanding that this Government has come forward with this Bill, twenty years after the Congress Government came into existence, in order to take powers in its own hands to put an end to what it calls unlawful activities or the idea of secession in this country (*Interruption*). It is I submit the biggest condemnation of this rule for twenty years. After all, we know that this country was politically united for the first time in its long history only during the period of the British. Before that this country consisted of a number of principalities—kingdoms rising and kingdoms falling. This was the history of this country.

An hon. Member: What about Asoka?

Shri P. Ramamurti: Asoka's writ did not go beyond Kalinga. The entire country was unified for the first time under the British.

Shri C. K. Bhattacharyya (Raiganj): Asoka's empire went to the borders of Russia.

Shri P. Ramamurti: Russia is to the north. I am speaking of the South. After all, the unity of a country is something which is not achieved by mere words or by mere ideas. The unity of the country, the unity of different sections of people of a country is achieved because there is a common interest to all the sections, whatever might be the diversities of their other ways of life; it is achieved through a common struggle for achieving a common objective. In our

country, despite the diversities that existed during the last so many hundreds or thousands of years, during the struggle against the British imperialism, the entire people of this country united for the first time. It was that common struggle against the British imperialism that made it possible for the feeling of oneness and the feeling of one nationality in this country. Therefore, this Government had a very rich heritage to fall back upon. If, unfortunately, during the last twenty years there have been some fissiparous tendencies that have been rising here and there, one must look to the fundamental causes that have been responsible for this kind of thing. If after independence the different units of this country do not feel that their common interests are being served by being in this country, in this union, if they feel that they are neglected, if particular units begin to feel that they are being neglected, if you give cause for that kind of feeling, then, inevitably, all these things will follow. Instead of going into the fundamental question as to why it is that certain fissiparous tendencies have arisen in this country, if our Home Minister thinks that by passing a Bill of this type he will be able to put an end to this, I submit that he will not achieve that objective. Take, for example, the unevenness of economic development which has taken place in this country during the British period, an unevenness which has got to be immediately revoked. For that, what is it that the Congress Government has done all these years, or has it allowed even greater unevenness to develop as between the different units of this country? These are the reasons which make for this kind of feeling in this country. Instead of checking that, our Home Minister thinks that by bringing a Bill of this type he will be able to put an end to this. Therefore, I submit that this Bill is not only wholly unnecessary because it does not find out the real malaise from which this country is suffering and then find out the real remedy for this kind of thing but it is positively undesirable

because it seems to clothe the Government of India with absolutely dictatorial powers.

I would like to point out how absolutely dictatorial the powers are which are being sought by the government. Clause 13(3) says:

"Nothing in this section shall apply to any treaty, agreement or convention entered into between the Government of India and the Government of any other country or to any negotiations therefor carried on by any person authorised in this behalf by the Government of India."

Therefore, the Government of India is advertising beforehand that occasions will arise when this Government will inter into treaty with other foreign countries for the cession of a part of its territory. This is what it is advertising, and if the Government does that, that will not come under the mischief of this Act. As far as our Constitution is concerned, unfortunately, it does not make it obligatory for the Parliament to ratify any treaty that this Government may enter into with any foreign country before that treaty becomes effective. Therefore, the Government says "I am at liberty, behind the back of the people, behind the back of Parliament, to enter into any treaty with any country, Pakistan, China or Burma or any other country, ceding a part of our territory, if I think it is in the interest of the country; it is the prerogative of the Government of India". But if anybody else in this country suggests that for some reason or other it is not in the interests of this country, because it was done behind the back of the people, the Government says "no, you will not have the right to do it, because it is treasonable". For that purpose, that association itself will become an unlawful association. May I ask: how does it become the particular prerogative of the government alone? Has the Government of India today taken over the sovereignty of this country? Does the sovereignty of this country

not lie in the people of this country? Cannot the Members of Parliament or political parties tell the people of this country what they think about any particular proposal? Is it open only to the Government of India to do that kind of thing? It is just this that the Government advertises beforehand that it is going to do it but, nonetheless, we cannot question that; if we question it, we become an unlawful association. This is a wonderful provision in the law.

Then, if we go through the other provisions, what is this tribunal that is provided? The term used in the Bill is "which disrupts or is intended to disrupt the integrity of India". Who is to decide what disrupts the integrity of India? My hon. friend, Shri Frank Anthony will say that your educational policy, which seeks to do away with English, will disrupt the integrity of this country. Who is to decide what is going to disrupt the integrity of this country? Or somebody else might suggest that Shri Chavan's promotion of Maharashtra State's quarrel with Andhra and Mysore over the sharing of the waters of Godavari is going to disrupt the integrity of this country, or somebody else might suggest that the agitation that is going on in Maharashtra by the Samyukta Maharashtra Samiti over Belgaum will disrupt the unity and integrity of this country. Who is going to decide what disrupts the integrity of this country? Shri Chavan or somebody in the Home Ministry is going to decide what will disrupt the integrity of the country. What is the provision that is made in the law to decide what will disrupt the integrity of this country? There is no such provision. Who is to decide that? No provision is made in that regard. Ultimately, what is the safeguard that is provided to the affected people? The safeguard that is provided is that it will go before a Tribunal of some hand-picked people.

We know how these wonderful tribunals work. Shri Chatterjee also

[Shri P. Ramamurti]

told us how they function. We know that the tribunal will consist of people who are qualified to be appointed as High Court judges. I dare say that the Central Government can pick and choose people of ten years' standing who will do what the government want. They will choose their own stooges, their own henchmen. There is nothing wonderful about it. Even if the best of people are chosen, what is the use? It is not for the government to go and prove their case that it is necessary to make this association unlawful. The clause reads:

"On receipt of a reference under sub-section (1), the Tribunal shall call upon the association affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the association should not be declared unlawful."

Therefore, the onus of proof is on the person or association affected. First, the government declares that I am a thief. Then I will have to prove that I am not a thief. Wonderful jurisprudence indeed! This is the kind of ethics they are following. The offence need not be proved by the prosecution. I will not have the right of cross-examination. The government may withhold whatever information it has in its possession. The whole thing is based on information supplied to the Tribunal by the Government. The Government may supply a certain information to the Tribunal. But there is a certain provision in the Bill which says that Government need not even divulge it. What about the veracity of that opinion, how far it is true; it cannot be verified by the affected party. The minions of the police department may cook up all kinds of stories and all those things will be bandied about before the Tribunal. The Tribunal will have to decide on that. It amounts to this. Government will say: we are determined to make certain associations unlawful and we will make them unlawful, of course, we will give this reason that

this association is indulging in activities which are intended or which will disrupt the integrity of this country. It actually amounts to that. I, therefore, say that this Bill seeks to clothe the government with dictatorial powers.

The Tribunal is a facade; nothing more than that; it is a facade, a smoke screen behind which the dictatorial powers that Shri Chavan seeks to get are going to be hidden. Therefore, in practice nothing can be done by the affected party. Even the agitation for increased dearness allowance can be interpreted to mean disrupting the integrity of this country. That is why I point out that this kind of Bill is not going to serve the purpose they say it should serve. The only purpose it will serve is to give this government authority to declare as unlawful whichever organisation or person who is fundamentally opposed to it, from whom it thinks that the government itself is facing a threat. It will not be a treat to the country; it will not be threat to the integrity of the country; but it will be a threat to the Congress Government. Any organisation which poses a serious threat to the Congress organisation, to the Congress Party or the Congress Party Government, that organisation will be declared unlawful under this Act. Therefore, I say that I am totally opposed to it. Nonetheless, I will certainly serve in the Select Committee. That does not mean that I accept the principle underlining it. That does not mean that I accept either the need for such a Bill or the need for clothing the Government with such dictatorial powers or that only by doing this the integrity and unity of this country can be saved.

I am absolutely certain that so long as the policies that are being pursued by this Government continue to be pursued, no power on earth will be able to save this country from disintegration. Your policies all these twenty years have led to more and

more disintegration. It is the policies of this Government that have given rise to all these forces in this country. Unless there are fundamental changes in policies, no power will be able to save this country. We are all very sorry for that. We want to prevent it and we begin to feel more and more that possibly this Government will not listen to any other reason and the only way in which the integrity and unity of this country, about which we are all very much concerned and which we ardently desire—we have fought the British Government in unity not because we wanted the disruption of India or that this country should be disrupted into a number of Balkan states but because we had a very glorious vision of a future India, united and strong—we begin to feel that the only way in which the unity and integrity of this country can be firmly established is by removing this Government and by having a new government which alone will be able to do that.

Shri Nambiar: It is because of the fear of removal of the Government that they are bringing forward this Bill. They want to see that "Madhya Pradesh" should not be repeated here. They are trying to put us in jail so that we should not vote them down. That is the fear.

श्री प्रेम चन्द वर्मा (हमीरपुर) : उपाध्यक्ष महोदय, अभी आनरेबल मेम्बर ने बड़ी धुआधार तकरीर की है। बहुत कुछ उन्होंने कहा है। मैं उनका उत्तर कुछ अपने शब्द कहने के बाद दूंगा।

आज सदन के सामने अनलाफुल ऐक्टिविटीज बिल है और उस पर बहस चल रही है। बहस में विरोधी दलों के कुछ माननीय मेम्बरों ने विरोध केवल विरोध के लिये किया है। किसी बात की आलोचना करना अच्छी बात है अगर वह ईमानदारी से उसमें बेहतर के लिये की जाये। मगर हर चीज को कानून या प्रस्ताव को जिसे सरकार देश और भ्रवाम के फायदे के लिये पेश करती है उसका भी विरोध करना यह अपना धर्म समझते हैं।

मैं जानता हूँ कि उनमें से कुछ लोग धर्म पर भी विश्वास नहीं करते इसलिये आप इस को ईमान समझ लीजिये। यह बात देश की जनहृदय के लिए अच्छी नहीं है इस बात का ध्या : रखा जाना चाहिए कि जनहृदय में विरोधी दल की बड़ी जिम्मेदारी होती है। लेकिन आज उनका काम सिर्फ गालियाँ निकालना, सरकार को निकम्मा और लंगड़ा कहना ही नहीं होना चाहिये बल्कि कंस्ट्रक्टिव सजेशन देना भी होना चाहिये। मगर कुछ माननीय सदस्य सोचते ही उल्टा हैं। अगर सरकार कहे कि 2 और 2, 4 होते हैं तो उनका यही कहना होगा कि नहीं 2 और 2 मिल कर 3 होते हैं। मैं विरोधी दलों से अपील करूँगा कि हम आप की बात शान्ति से सुनते हैं हमारी बात भी उनकी धीरज से सुनी चाहिये और उस के मुतालिक बो हम कहते हैं उसको अपने दिमाग में सोच कर फैला करना चाहिये।

जैसा कल गृह मन्त्री जी ने इस बिल को पेश करते वक्त बतलाया कि इस बिल को पेश करने का उद्देश्य देश की एकता और उस की अखण्डता को उस की आजादी को कामम रखना है और इस बिल में जो कुछ दर्ज है वह बही है जो इस माननीय सदन ने भारत के संविधान के आर्टिकल 19 में संशोधन किया था। अब उस संशोधन के अनुसार ही इस बिल के द्वारा उन विफारिशों को लागू करना है। माननीय गृह मन्त्री जी ने यह बात भी साफ कर दी है कि जब कोई संगठित आन्दोलन हो जिससे देश की एकता और आजादी को खतरा हो तो उसका मुकाबला करना पड़ता है। इस बिल में मूलभूत अधिकारों पर उतरी हुई पाबन्दी लगाई जा रही है जिनका उल्लेख संविधान की धारा 19 में किया जा चुका है। गृह मन्त्री जी ने मीजो क्षेत्र का जिक्र किया था कि इस गड़बड़ का मुकाबला करने के लिये सरकार को यह बिल पेश करना पड़ा ताकि इस बीमारी का इलाज किया जा सके। जिन हालात में यह बिल पेश किया गया है उनके लिये ही यह पास भी किया जा रहा है।

[प्रेम चन्द वर्मा]

में धर्ज करना चाहता हूँ कि आज बहकी बहकी बेलुकी तोड़ फोड़ की आरोप की बातें करना एक फैशन बनता जा रहा है। देश की सुरक्षा और अखण्डता के खिलाफ एक ऐसी लहर पैदा की जा रही है जिस का उद्देश्य राजनीतिक है। जबकि इससे भारत के 50 करोड़ भारतीयों का भविष्य अन्धकारमय होता नजर आ रहा है। इसके अतिरिक्त तहरीरों में भी यही रफतार जारी है। जिस के मन में जो आता है उसे छाप कर अग्रिम को गुमराह करने के लिये बांट दिया जाता है। यहां तक कि कुछ लोग चीन और कुछ लोग पाकिस्तान के प्रचार के लिये हर प्रकार की सामग्री छाप कर देश से गद्दारी कर रहे हैं। इस लिये कि विदेश उन्हीं रुपया देते हैं और उसके बदले वह उनका ईमान खरीद कर उनसे प्रचार कराते हैं जो कि खतरनाक बात है।

विदेशी अब भारत के प्रेम के उस भाव को जिसे गटर या यलो प्रेस कहा जाता है भारी माली मदद देकर अपना प्रचार करा रहे हैं। इस बात के सबूत मौजूद हैं कि प्रिंटर, पब्लिशर भारतीय हैं और अखबार में तमाम सामग्री विदेशी प्रचार की है और यह सब कुछ लगभग तमाम भाषाओं में छपा जाता है। जहां प्रेस की आजादी कायम रहनी चाहिये वहां इस बात की इजाजत नहीं देनी चाहिये, कि वह हमारे प्रेस को हमारे खिलाफ ही इस्तेमाल करें और इस बीमारी का इलाज अगर फोरन न किया गया तो इसके नतायज खतरनाक होंगे। इसलिये देश के हित को सामने रखते हुए इस बिल के जरिये अगर सरकार तहरीर और तकरीर पर कुछ पाबंदियां लगाने के अख्यार हासिल करती है तो वह नामुनासिब नहीं है क्योंकि इस वक्त जरूरत है कि केन्द्रीय सरकार मजबूत हो ताकि वह देश की एकता और अखण्डता को कायम रख सके।

अब मैं तस्वीर की दूसरी ओर आपका ध्यान दिलाना चाहता हूँ। इस वक्त मुल्क में फिरकापरस्ती, सूबापरस्ती और विदेश परस्ती की लहर चल रही है और जो लोग इन तीनों साजिशों में शामिल हैं इस बिल से उनको ही कुछ ज्यादा घबराहट है। वह ही इसकी मुखालिफत कर रहे हैं और करेंगे। क्योंकि इस बिल से उनकी कारवाइयों पर रोक लगाई जा सकेगी। इसलिये देश में गड़बड़ पैदा करने में वह असमर्थ रहेंगे जिससे उनके उद्देश्य पूरे न हो सकेंगे।

आज भारत में न जाने कितनी यूनियनों और एसोसिएशन बनी हुई हैं। लगभग हर तकके ने अपने संगठन बना रखे हैं। ट्रेड यूनियनों सरकारी कर्मचारियों की यूनियन, व्यापारी एसोसिएशन, डाक्टरों, राजाओं, वकीलों टैक्सि, स्कूटर, रेडी, ठेला, स्कूल, कालेज, कारखाना, हलवाई, और नाई, न जाने कितनी यूनियनों आज कल हैं। और इन में कितनी इस वक्त ऐसी हैं जो विदेशी रुपयों से चलती हैं और देश में गड़बड़ पैदा करने और घेराव जैसे खतरनाक आन्दोलन कर रही हैं। इन वक्त अगर कोई कमर बाकी है तो सिर्फ स्मगलर, चोर, डाकू, जेबकत्ते, धोखेबाज, विदेशी एजेंट, बुर्दाफरोश, गुंडे और सफेब्योश बदमाज ही रह गये हैं जिनकी यूनियनों अभी नहीं बनी हैं। अब यह देखने की बात है कि विरोधी दलों के कौन से लीडर इन की यूनियनों बनाने में पहले सफल होते हैं। और इसका श्रेय प्राप्त करते हैं। मेरे विचार में इन यूनियनों को कामरेड लोग शायद बनाने का प्रयत्न कर भी रहे हों तो कोई शक की बात नहीं है। क्योंकि इन यूनियनों से एक तो रुपया मिल जायेगा और दूसरे हर रोज पालियामेंट में काल अटेंशन, ऐडजर्नमेंट मोशन और शार्ट नोटिस क्वेश्चन देने का मौका मिलता रहेगा। इससे अखबारों में पब्लिसिटी भी ज्यादा मिलेगी और एक खास

तबके की नुमायन्दगी भी मिल जायेगी । क्योंकि लेबर यूनियन में तो ड्रेड यूनियन कांग्रेस हिस्सेदार है, इसलिये झगड़ा रहता है, मगर इनमें कोई कांग्रेसी हिस्सेदार नहीं होगा । न ही विरोधियों को शिकायत का मौका मिलेगा कि उनकी नुमाइन्दगी में कोई बखल दे रहा है ।

अब तो जरूरत केवल यह रह गई है कि एक्स-मिनिस्टर, एक्स-स्टेट मिनिस्टर, एक्स-डिप्टी मिनिस्टरों और एम एम पो० और एम० एल० एज० की भी यूनियनों वन जायें क्योंकि बहुत जल्द ही कई कामरेड एक्स-मिनिस्टर हो जायेंगे । शायद हमका सेहरा भी बंगाल, बिहार या पंजाब के किसी कामरेड को मिलेगा क्योंकि कामरेड लोग ही ऐसे हैं जो सब को बेटा देने का वादा करते हैं और वे इन लोगों का घेराव करने को तर्कीब देंगे कि सत्तारूढ़ लोगों से घेराव के जरिये शासन छीन लो ।

जिस देश में इतनी यूनियनों और एसो-सिएशन हों न जाने उनके लीडरों के जरखेज दिमाग क्या सोचें और करें इसलिये जरूरी है कि सरकार मुनासिब अख्यारान हामिल करे । यह लोग इस मदन में कई बार यह कह चुके हैं कि यह सरकार जब भाग लगती है तब कुभ्रां खोवने लगती है । हालात का जायजा लेने के बाद जो सरकार देश की सुरक्षा और अमन व अमान को कायम रखने के लिये मुनासिब कानून नहीं बनाती वह अपने फरायज से कौताही करती है और अबाम ने जो विश्वास उसे दिया है उससे धोखा करती है । इसलिये भारत सरकार के गृह मन्त्री ने अनलाफुल एक्टिविटीज का जो कानून सदन के सामने पास करने के लिये रक्खा है यह देश के फायदे के लिये है अमन व अमान कायम करने के लिये है, और विदेशी एजेंटों और तोड़ फोड़ करने वालों को सजा देने के लिये है । इसलिये हर अमन पसन्द शहरी और संसद सदस्य इसकी हिमायत करेगा ऐसा मेरा विश्वास है । मुखालिफत वही करेगा जिनका

दिल बेईमान और काला है । जिसमें कपट है ; जिन्हें अमन व अमान के बजाय गड़बड़ में विश्वास है ।

15.29 hrs.

[SHRI C. K. BHATTACHARYA in the Chair]

हमारी सीमायें चीन और पाकिस्तान से मिलती हैं । इस वक्त चीन पूर्वी सीमा पर सरगम है और हमारे देश के कामरेड जो खाते इस देश का हैं और गाते चीन का हैं वह अपनी तमाम तबज्जह इन सीमाओं पर गड़बड़ पैदा करने में लगा रहे हैं । दूसरी तरफ पाकिस्तान के हिमायती हैं । कुछ लोग हैं जो देश में जानूसी का काम सरगामी से कर रहे हैं । तोड़ फोड़ के लिये लोगों को उकसा रहे हैं । जम्मू और काश्मीर में इनकी सरगमियां खतरनाक हद तक जा पहुंची हैं । यहाँ तक कि चीन और पाकिस्तान के मुक्तका दोस्त सरहद्दी प्रान्तों में संगठित आन्दोलन चलाने का प्लान बना रहे हैं जिससे देश में गड़बड़ पैदा की जा सके । फिरकेदाराना आन्दोलन पैदा करके खून खराबा कर दिया जाये । दूसरी तरफ अमीर व गराब के सवाल को इस हद तक उछाला जाये कि कामरेडों का हलवा मांडा बनने का सौदा बन जाये और खूनी इनकलाब के हालात पैदा किये जायें ताकि देश की एकता खत्म हो और तरक्की रुक जाय और देश में भूख गरीबी और बेरोजगारी का दौर दौरा हो ताकि चीन के एजेन्ट अपना मयासी भकसद हासिल करने में कामयाब हो सकें । जरूरत इस बात की है कि ये जो हालात पैदा हो रहे हैं उन पर रोक लगाई जाए और इनसे देश को बचाने के लिए ऐसा कानून बनाया जाय जो देश की अखंडता, देश की एकता को कायम रख मकने में मदद कर सके । मैं यह समझता हूँ कि यह जो अखंडता एक्टिविटीज बिल है वह इस जरूरत का पूरा करता है । मैं इसका पूरा-पूरा हिमायत करता हूँ ।

हमारे कामरेड साहब ने भी अपने विचार आपके सामने रखे हैं। उन्होंने कहा है कि देश की आजादी के लिये जो लड़ाइयां लड़ी गई हैं उन सब लड़ाइयों में हम सब इकट्ठे थे तब देश में एकता थी तब हम सब साथ थे। मैं कामरेड साहब से पूछना चाहता हूँ कि 1942 में जब रूस और अमरीका इकट्ठे हो गये थे और इतिहादी बन गये थे उस समय हम लोग जेलों में जा रहे थे तब ये कम्युनिस्ट लोग, तब ये कामरेड लोग क्या यह सच नहीं है कि अमरीका और रूस और इंग्लैंड के जूते चाट रहे थे उनकी हमारे खिलाफ जाकर हिमायत कर रहे थे? मुझे वह बतायें कि क्या यह बात सच है या गलत है

एक भारतीय पदस्थ : आप जेल गये हैं ?

श्री प्रो. च. ब. वर्मा : आप सुनें तो सही मैं 1942 की बात बता रहा हूँ।

उन्होंने धारा तीन पर आपत्ति की है और कहा है कि किसी भी संस्था को अवैध घोषित सरकार कर सकती है। यह जो बिल है इसमें साफ तौर पर लिखा हुआ है कि यह जो ट्रिब्यूनल होगा उसके पास मामला जाएगा। अगर किसी संस्था को अवैध घोषित किया जायेगा तो उनका इनका नोटिस दिया जाएगा। तीस दिन का बाकायदा नोटिस दिया जाएगा और उस संस्था को हक हासिल होगा कि वह ट्रिब्यूनल के सामने आकर मारी पोजीशन को एक्स्प्लेन करे।

हमारे राममूर्ति जी ने बड़ी धुआंधार तकरीर की है और धुआंधार तकरीर करके उन्होंने समझ लिया है कि पार्लियामेंट के मेम्बरों को उन्होंने प्रभावित कर दिया है। उन्होंने मेम्बरों से अपील की है कि वे सोचें कि क्या इससे देश तबाह नहीं हो जाएगा, अरबाद नहीं हूँ, जायेगा? उन्होंने यह भी कहा है कि कांग्रेसी जो सरकार है या सरकारें हैं उनको इस बिल के पास होने से फायदा होगा। देश कोइ ससे फायदा नहीं

होगा। कांग्रेस सरकार विरोधियों के खिलाफ इस कानून का इस्तेमाल करेगी। मैं उनको बतलाना चाहता हूँ कि कांग्रेस पार्टी बेल में बीस साल से पदाब्द है। बीस साल से वह देश की बागडोर सम्भाले हुए है। यह कांग्रेस पार्टी ही है जो कि लोकतन्त्र में विश्वास रखती है। चूँकि वह लोकतन्त्र में विश्वास रखती है और लोकतन्त्रीय ढंग से काम करती है इस वास्ते आप यहां सामने के बेंचों पर बैठे हुए नजर आ रहे हैं। आप यह भी देखें कि आज से पहले हमारी बड़ी भारी मैजोरिटी पार्लियामेंट में थी। हम चाहते तो संविधान तक को बदल सकते थे अपने फायदे के लिए। लेकिन हमने ऐसा नहीं किया। अगर हम लोकतन्त्र में विश्वास न करते होते तो इन कामरेडों को जेलों की कोठरियों में बन्द करके रख सकते थे जैसे कि रूस और चीन में होता है। वहां अगर कोई सरकार का विरोध करता है तो उसको गोली से उड़ा दिया जाता है। लेकिन हम इन हथकंडों में विश्वास नहीं करते हैं। हमारे यहाँ सही मामों में डेमोक्रेसी वर्क करती है।

हमारे दोस्त जो उधर बैठते हैं वे हर उस चीज में बुराई ही देखते हैं जो गवर्नमेंट करती है। हम जो भी कानून बनाते हैं देश की भलाई के लिए बनाते हैं। किसी के खिलाफ बिना वाजिब कारणों के उसका इस्तेमाल नहीं करते हैं। उन्होंने महाराष्ट्र और मैसूर का भी जिक्र किया है। मैं कहता हूँ कि यह हिन्दुस्तान की कांग्रेस सरकार है जो सारे फंसले जितने भी वह करती है जम्हूरियत के उसूल पर करती है।

आपने प्रोटेस्ट भी किया है। किसी भी नीयत से किया हो लेकिन मैं आज भी कहता हूँ कि उनकी यह जो मांग है कि इसको सिलेक्ट कमेटी के पास भेज दिया जाए यह मांग नेकनीयसी पर मबनी नहीं है। लेकिन अः

यह कानून उसके पास जा रहा है उससे यह बिल वापिस नहीं आएगा। लेकिन मैं जानता हूँ कि वापिस आने के बाद फिर आप इसका विरोध करेंगे। हमारे लिये जी ने आज कहा था कि सदन में प्रांथी आ जाएगी। मुझे उनकी इस बात को सुन कर हैरानी हुई। मुझे पता नहीं उन्होंने यह धमकी क्यों दी। अगर आप ईमानदारी से सिलेक्ट कमेटी को मोशन को सपोर्ट करते हैं तो मैं आपसे प्रपील करूंगा कि हमारे नेतागण इस बारे में नेकनीयती से सरकार की बात आपके सामने रखेंगे और आपको भी चाहिए कि आप यह जो बिल है इसमें चीप पब्लिसिटी पाने का तरीका न दूँ कोई स्टैंट खड़ा न करें। इस बिल को देश के फायदे के लिए देश की भलाई के लिए, देश की एकता और प्रखण्डता को बनाये रखने के लिये यहां पेश किया गया है। आपको चाहिये कि आप ठंडे दिल से विचार करके इस पर अपनी राय दें।

Shri Surendranath Dwivedy (Kendrapara): Mr. Chairman, Sir, I oppose this Bill because, I think, it is absolutely unnecessary. The Statement of Objects and Reasons of the Bill says that it is to give powers for dealing with activities directed against the integrity and the sovereignty of India. I want to say that the Emergency powers with the present Government are sufficient to prevent any such activity, unlawful or lawful, which threatens the sovereignty and the unity and the integrity of India and, therefore, this Bill is absolutely unnecessary. I think, even the constitutional validity of this Bill can be questioned but for the Emergency Proclamation because it violates article 19 of the Constitution which gives the right of association, the freedom of speech etc.

Sir, when I went through the clauses of the Bill it reminded me of the year 1932 when the civil disobedience movement started in this country. I wonder now whether we are in a welfare State or in a police State. You will remember, in the year 1932, on the 4th of January, before any formal announcement of civil disobedience

movement was made, the then Viceroy of India, Lord Willingdon, proclaimed as many as 12 Ordinances declaring unlawful every Congress organisation, anybody helping or abetting any political offenders, etc. and out of these 12 Ordinances, at least 4 were, Emergency Powers Ordinances, Unlawful Instigation Ordinance, Unlawful Association Ordinance, Preventive Molestation and Boycotting Ordinance. If one reads those Ordinances and compares them with the present Bill, one would fear that probably in the Secretariat of New Delhi those elements or persons—I do not know whether they have retired or not—still exist. Otherwise, I can never think of that any Secretariat or any Ministry or any Government, under the present Constitution, would ever think of drafting such a Bill. I am really surprised to see that the present Government comes forward for the support of a Bill of this nature and seeks the support of the House.

Sir, I want to point out only two or three aspects of this Bill because the detailed discussion will take place in the Select Committee. Nobody in this House—I again emphasize 'nobody'—is against clothing the Government with powers to prevent any unlawful activity which specially threatens the unity and the sovereignty of India. That goes without saying. What are the unlawful activities? I want to understand that. I would have really supported it if either in the Statement of Objects and Reasons or in the statement that the hon. Home Minister made, while moving the Bill for consideration, he had clarified the position. What are the elements, the associations, the movements that are really threatening the sovereignty and the unity of India? Is he very clear in his mind? I do not think there is any clarity of thought even today. If there was any clarity of thought, such a Bill would not have come here.

I would like to quote just one or two provisions in the Bill. Clause 2 (f) (iii) says:

"which disrupts or is intended to disrupt...."

[Shri Surendranath Dwivedy]

What does this mean? Who is going to decide the intentions?

Shri J. B. Kripalani (Guna): They have got a thermometer for that.

Shri Surendranath Dwivedy: Who is going to decide it? I could have understood if it was stated, whoever threatens the territorial integrity of India. I could have understood that. But it has not been made clear. It only says, 'integrity of India'. Then you may read it with the previous clause, Clause (2), where they say what they mean by 'association'.

"'association' means any combination or body of individuals, whether the same is known by any distinctive name or not."

It is not necessary for the purpose that there should be a regular body of association. It may be even a group of individuals.... (Interruptions), even members of a family, even the Congress defectors today because the defectors are leaving the Congress and are joining the other parties in the Opposition to form a Government. This Government may think that they are threatening the integrity, security and stability of this Government. So, these Congress defectors may themselves be declared unlawful. This is a very funny measure. One cannot conceive of things like this. When the Ordinance was there, it was clearly stated what sort of activities of the particular association would be considered to be illegal. They can do it under the present law. The Criminal Law Amendment Act is there. If they feel that either this party or that group is indulging in activities which are considered to be objectionable, they can invoke the Criminal Law Amendment Act. (Interruption) They have that power and they want to make it very wide so that they can haul up anybody they like, anybody who does not agree with them, even politically; he may be believing in the sovereignty of the country, in the integrity of the country,

but if politically he is opposed to them, they are going to use this instrument against him; they are going to use this instrument against their political opponents, even the groups inside the Congress. That is why we say that such a measure at this stage is very very objectionable.

Then, how is this measure going to be implemented? That is a different matter. We know what sort of machinery, what sort of Government, is functioning in this country: we know that. I would not have questioned the intention of this Bill if, as they had done in the Preventive Detention Act, there is a provision for review, for revision.

Why do you want a Tribunal if, on your judgement, you would not disclose the reasons? They say that if they feel that in public interest the reasons for which they are declaring such an association or a group of individuals as unlawful, are not to be disclosed, they need not disclose. They take this power in this Bill not to disclose the reasons. We do not want any such thing. In this country we want that you should prove the offence. If a man is really indulging in unlawful activities, you can go to the court. If the activities are considered sufficiently unlawful, objectionable, then you make them public. Let the public judge; let the public judge what sorts of activities are there. But they take this power in this Bill not to disclose the reasons in public interest. Again 'public interest' means their own interest, their own selfish interest.

Then, from where will they seek this confirmation? A Tribunal will be appointed. The only concession which Mr. Chavan proposes to give—because we had given amendments—on this matter is that only a sitting judge of the High Court will be the Chairman of such a Tribunal.

Shri Frank Anthony: They have that in the Preventive Detention Act.

Shri Surendranath Dwivedy: I would like to ask, why a Tribunal is at all necessary. Why not this matter be referred to the High Court itself? Why not send it before they make the proclamation, before they notify? It is said that after the notification is made, the confirmation will be taken from the Tribunal. Why not refer this matter to the High Court. Let the bench of High Court decide whether there is sufficient material or not because so far as courts are concerned, you cannot keep anything secret from the courts, even in matters of 'public interest'; all the papers will have to be made available to the courts. If the court, in their judgement, think that it is a valid case for declaring unlawful, then I would not question their intention. Really if the state of affairs is such that any such notification or proclamation is necessary, let them get the judicial finding on the matter, but that is not so. They are having a provision only for a tribunal. We know what happens in a Tribunal. We have no faith in such Tribunals. There may be some hand-picked men, one does not know. I cast no aspersions on any High Court judge, but I want to maintain that if you really want the judiciary to pronounce the judgment on a decision which the executive wants to take, then it is necessary that it should be referred to the High Court and not to a Tribunal.

Then, there is another very pernicious provision in the Bill. Funds of such association can also be declared illegal. They do not say, funds belonging to the association. Suppose, somebody or some group or some association somewhere has some money, and if somebody in the Government thinks that he is a *persona non grata*, then he will declare that that man cannot spend the money, the money which may be either in the bank or in any account which he may have kept; immediately they can declare that he cannot dispose of this money

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and then some other procedure has to come through. Therefore, it is an encroachment on even individual's right. I can understand if you say that money belonging to any such association should be declared illegal or Government may forfeit the amount or whatever it is. But under the pretext of this provision which they have made here, even personal money of any individual can be taken away. Therefore, when we objected to this, we objected because of the very arbitrary provisions which give the bureaucracy more power, and we know how bureaucracy uses this power; it uses the power not for the interest of the country, not for maintaining the integrity and the sovereignty of the country, but for their political purposes.

Of course, the Select Committee is going to scrutinise all aspects of the Bill. But I would again, at this stage, appeal to the Government to withdraw this Bill. Let them bring forward another Bill in the next session. But let them withdraw this at the moment. They may bring another Bill and may clearly tell us which are the dangers which they cannot meet under their present powers and for which specific powers are needed, and this House will have no hesitation to give them the support, as the House supported them whenever any such contingency had arisen during aggression or any other time.

Shri S. Kandappan (Mettur): This Bill is an obnoxious measure which any decent democratic government should be ashamed of bringing before an august body like ours. If we pass this Bill, we would be signing the death warrant against democracy itself. That is how I look at this Bill.

I am glad that the Government have at least conceded to the unanimous demand from the Opposition that this Bill should be referred to a Joint Select Committee.

I would, at the outset, like to make one thing very clear. If the Govern-

[Shri S. Kandappan]

ment still have any lurking fear or doubt about the *bona fides* of the DMK, let them remove it once for all. We have made it amply clear on previous occasions, times without number, outside as well as on the floor of the House . . .

Shri Sonavane: Why should the hon. Member bring in the DMK into this debate?

Shri S. Kandappan: . . . and I should like to repeat that categorical assurance that as far as we the DMK are concerned, we have decided, for good or for bad, to stay within the Indian Union. . . .

Shri Surendranath Dwivedy: But they want to drive them out.

Shri S. Kandappan: But my only anxiety and regret is this that while we all stand for a United India why the Government should pursue policies eventually leading to the balkanisation of this country.

I have moved a motion for circulation of this Bill. Some hon. Members who have preceded me have demanded that this Bill should be circulated for eliciting opinion thereon. I think it has far-reaching implications. So, it is but proper that Government should proceed just one more logical step further and accept our demand for the circulation of this Bill so as to give the widest possible publicity to it and they can take cognizance of the public view on this matter because it is going to affect everybody in this country. Even a man in the street, as somebody has pointed out, even a man who goes to some picture, or people who assemble for some ceremony or some festivities could be affected by this, if the Home Minister or some unscrupulous man coming to power takes it into his head to resort to this measure. I do not cast any aspersion on the present Home Minister. I think for all intents he is very honest, though we have had some doubts over Rajasthan and Madhya Pradesh. But we

cannot be sure that he is going to remain here for all time. Home Ministers may come and go, and even the Government may fall at any moment. So, when we enact a measure of this nature, we should try to see that it is fool-proof and innocent people are not affected by it.

Even in the Statement of Objects and Reasons, it has been clearly mentioned that they are going to curb and curtail the freedom of speech and expression and the right to assemble peacefully and without arms and the right to form associations and unions. If they are going to prevent people from assembling peacefully and without arms, then they will assemble with arms; that will be the consequence. Do they want such a situation to be created in this country?

This is a very mischievous Bill, and I think that it is but proper that the country should be given an opportunity to discuss this before we take any concrete action on this Bill. So, I would like to plead with Government that it would be better if they circulate this Bill and take public opinion into consideration and also the opinion of legal luminaries in this country who are not going to come to the Select Committee, and the State Governments many of which are today non-Congress Governments. So, it is but proper that Government should see to it that the maximum consensus is arrived at before we pass a measure of this nature.

As my hon. friend from the PSP and also Shri P. Ramamurti has pointed out already, the tribunal is going to be a farce. If the provisions are going to be retained in their present form, I do not think that we could have any benefit out of this tribunal.

I would like to draw the attention of the Law Minister who is here to pages 2 and 3 of the Bill. Clause 2 (2) provides that:

"Every such notification shall specify the grounds on which it is

issued and such other particulars as the Central Government may consider necessary:

“Provided that nothing in this sub section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.”

So, they can arrest any person without disclosing the grounds. It has further been provided in the proviso to sub-clause (3) of clause 3 that:

“Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette.”

In effect, it means that even without referring to the tribunal or going to the tribunal they can take any arbitrary action they like against the so-called unlawful association. This is such a dictatorial power that I wonder how this Government could entertain such thoughts.

So, I would reiterate my appeal that it is better that even before we go to the Select Committee, let us give him maximum opportunity to the public to discuss these measures. After all, it is in the interests of the public that this measure has been brought forward.

Much is being said about the integrity and unity of this country. After twenty years of Independence, it is a reflection on the strength and vigour of our democracy to say that this country can not pull together. If all Government feel that there is something wrong with the mentality and

thinking of the people, I would squarely lay the blame on the Government because they were running the administration of the country for the last twenty years.

It is true that there may be people and communities and races and religious groups who may not feel satisfied with everything that is going on in this country. In that case, the proper and healthy approach on the part of Government would be to see that that kind of misgiving is removed. Instead of resorting to that healthy approach, we find that by taking these blanket powers under these measures, they are antagonising the public more and more and they are alienating the people more and more. That is how I look at it.

By way of example, I would like to place before the House the case of my own State. It is clear and obvious that as far as the question of language is concerned, we have got our own reservations, and we had made our observations very clearly then on the floor of the Assembly and our Chief Minister himself had stated that he would not feel satisfied until a constitutional amendment was enacted.

I would like to pose one question now before Government. After all, we are going to discuss the educational policy in regard to languages, and mostly the time will be spent on this language question. Government seem to have decided once and for all to banish English from this country. I do not know whether they will be achieving it. But if that is the motive, and if that is the purpose of their policy announcement, and if that policy is also going to govern the language Bill which we are told is going to be introduced in the Rajya Sabha, I am afraid they will have to face a secessionist movement in Tamil Nad, not from DMI but it will be led by Shri Kamaraj. They can take my word for it. I am not issuing a threat. But that is the

[Shri S. Kandappan]

intensity of feeling there. That is how people look at this problem. I am very clear in my mind that nowhere, in no democracy, the basic inalienable right of language is refused to any community. It is only in India where we find that this discrimination on the grounds of language exists. In the UN charter, to which we owe so much allegiance, about which we talk so much, I find that there is a provision that discrimination on grounds of language should not be there. But in our country unfortunately, even in the Constitution we find that the framers of the Constitution—I am not casting any aspersions on them—have made no provision against discrimination on grounds of language. I strongly feel that that is one of the Himalayan blunders committed by them as far as the Constitution is concerned that they did not provide any fool-proof guarantee that there shall be no discrimination on the grounds of language so that the interests of the language groups in India could be safeguarded.

If Government do not see the writings on the wall, I wonder whether they could really take this country along with them. These are all serious things. By adopting measures of this nature, Government cannot ban the sentiments of the people or prevent them from agitating for their rightful demands. Supposing that Government think in their wisdom or foolishness that they can ban English after ten years, what would happen? In Tamil Nadu, there is already a G.O. issued by our Government in regard to the three-language formula, the three languages being Tamil, English and advanced or classical Tamil being considered as the third language. I think that is a correct step, because classical Tamil is something different from modern Tamil. So, for a Tamilian, it is important and it is really needed and it is inevitable that he should try to

understand his own classical age first before he understands the world or India. Naturally, therefore, what we are going to do and what we are actually doing is to learn our modern language as well as our classical language and also English. I read from papers that in the northern parts in many universities, even now itself they are not making it compulsory or obligatory for students to get a pass in BA and MA to take tests in English. So that means virtually that they will not be learning English. All right. If they are not going to learn English, and if in the South are not going to learn Hindi, how are you going to keep up the unity of the country? What is the measure Government is contemplating for that? (Interruption). Compulsion will never succeed, has never succeeded anywhere in the world. These are all basic things to tackle which Government should seriously bring some measure that would be acceptable to all concerned. Unfortunately, serious differences of opinion exist in the country; it is multi-lingual, polyglot, with so many ethnic groups, many racial groups, many religions. It is a historical fact. It is nothing to be ashamed of. Some people think that it is proper for us to call ourselves a nation only when when we can claim that we can speak in only one language, Hindi. That is an absurd proposition. After all, it is a historical fact that we speak many languages. We need not be ashamed of it.

16 hrs.

So if Government are not going to change and alter radically and frame certain propositions acceptable to us, I am afraid this kind of measure is not going to prevent this country from disrupting or leading it to Balkanization.

One other thing. In this House, we have made a demand before and even now we make it. We feel very acutely—I am rather very candid

about what I feel and what my Party feels; it is for Government to take cognisance of our feelings—that there is a discrimination practised in respect of the promotion of languages. They are spending a lot of money on the development of Hindi.

Shri Sonavane: Language is a separate matter, not connected with this Bill.

Shri S. Kandappan: He can occupy himself with the Shiv Sena.

In the Constitution are mentioned 15 languages, all national languages. But only one language is given favoured treatment. To cater to the needs of the Hindi language, there are five or six States which are Hindi-speaking, Madhya Pradesh, UP, Haryana, Himachal Pradesh, Delhi, Bihar and so on—what is the need for an additional central allocation, over and above that which those States are already spending to develop Hindi? What is the need for making this bulk allocation whereas the other national languages are completely neglected. It is only proper that the Government should come forward with funds to develop the other languages. Take the case of Urdu, particularly. I do not know if any State is encouraging it as a State language. It is but proper that there should be equal distribution of allocation for development of languages and there is no discrimination.

Unless these basic things are attended to, unless Government basically and drastically change their outlook on language, we are not going to find a solution for the language problem in our country.

श्री शिंदरे (पंजिम) : उपाध्यक्ष महोदय, क्या यह डिस्कशन लैम्बेज बिल पर चल रहा है ?

Shri S. Kandappan: I do not know what my hon. friend said. If he wants me to follow what he has been saying, let him speak in English.

Shri A. S. Saigal (Bilaspur): You are talking of languages. That is not part of this Bill under discussion. At the time the language is under discussion, he can discuss those things.

Shri S. Kandappan: I would like to make a very positive suggestion to Government. They cannot carry on this country with the people as a den of thieves, each community looking suspiciously at the other. Unless this suspicion that one community is thriving at the cost of the other language groups is removed, I do not think any power on this earth or heaven is going to unite this country. Unless that feeling is removed, unless that suspicion is removed that some people are thriving at the cost of the others who are being exploited in order to benefit them, I do not think we are going to pull together.

Therefore, I would make this appeal to Government. It is high time they removed the regional disparities and this cause of suspicion and discontent in the community groups, to which ever community they may belong. If this is done, there is no need for such a Bill and we can definitely prove our worth, consolidate our strength in this country, call ourselves Indians and march forward as any other nation.

Shri R. D. Bhandare (Bombay Central): I have heard the speeches of members opposite very carefully. Right in the beginning, they accepted the principle underlying the Bill, but in their speeches they have opposed the Bill saying that it should be withdrawn. I leave it to you to decide whether it is proper on their part to accept the principle and reject the Bill when they come to speak on it.

One hon. Member just now asked why we have to have such an enactment when we have the Criminal Law Amendment Act, the Indian Penal Code and so on. May I tell him that if he goes through those enactments,

[Shri R. D. Bhandare]

he will find that those enactments deal with different things whereas this Bill seeks to prevent the activities of those individuals and associations who speak or likely to act against the integrity, unity or sovereignty of the country. So it has an altogether different purpose.

Now I shall come to the scheme of the Act itself. Before that, let me ask a very fundamental question of my friends opposite. Does this Bill give absolute, despotic, dictatorial powers to Government?

Shri S. M. Joshi (Poona): Yes.

Shri R. D. Bhandare: My hon. friend, Shri S. M. Joshi, says yes.

An hon. Member: He has not read the Bill.

Shri R. D. Bhandare: He may have read the Bill, but he has not understood the scheme of the Act. The whole criticism is based on a misunderstanding of the Bill and the misapprehension which they entertain.

Let me deal with clause 3 which speaks of a declaration. This declaration will be published, but it will not come into force till reference is made to the tribunal.

Shri S. M. Joshi: See the proviso.

Shri R. D. Bhandare: I am aware of that. The proviso speaks of reasons.

Shri S. M. Joshi: No, no.

Shri R. D. Bhandare: I shall read it out.

"Provided that nothing in this sub-section shall require the Central Government to disclose any fact which if it considers to be against the public interest to disclose . . ."

Abnormal emergencies. Then also reference has to be made to clause 4, where reference to the tribunal is obligatory.

Shri S. M. Joshi: Till that time, they have dictatorial power.

Shri R. D. Bhandare: This is the period in which the Government are arming themselves. Even, if Government are to arm themselves, under clause 3, they have to give reasons. The reasons necessarily will have to be in conformity with the principle of natural justice. In assigning the reasons, there is also clause 4 which comes in. Clause 4 should not be lost sight of; it says that so long as the tribunal does not give sanction and sanctity or ratifies a notification or declaration, it shall have no validity. Is it dictatorial or absolute power then? Without understanding all these things some hon. friends may say: yes. One of my hon. friends said that he had no faith in the tribunal. If they go to the extent of challenging the very *bona fides* and the constitution and the procedure under which the tribunal is organised and established, then they could not believe in anything at all. The hon. Minister said that the tribunal would be presided over by a sitting judge of a High Court. If they have no faith in the judge, they cannot have faith in any institution or law or individual. Therefore, they should know the scheme and the purpose of the Bill. My hon. friends should understand why the government wants to let this Bill passed. What will happen if the Emergency is removed? In order to arm itself beforehand this Bill is sought to be passed.

Shri Frank Anthony: Do you believe it is going to be removed?

Shri R. D. Bhandare: Why not? That is exactly the purpose of this Bill. Emergency cannot continue for all times, because of the very fact

of the name itself: emergency. I think my friend Mr. Ramamurti says that because of economic ills people are organising themselves in a manner which they should not. Let me tell my friends in the opposition that poverty cannot be the cause for carrying on a propaganda for secession or against the sovereignty of the country. If poverty alone is the cause, so far as our people are concerned, we are never afraid of poverty. Even though we do not preach the philosophy of poverty and we would like to improve the economic conditions of the downtrodden, what is necessary for the downtrodden people is a democratic form of government and the unity of the country and the sovereignty of the nation. That is the point which ought to be remembered. We are not afraid of poverty at all. We have been poor for ages together. But we were never united, never one nation. Therefore, let the poor downtrodden people be under one rule, right from Kashmir to Kanyakumari because of the integrity and sovereignty of the country. We would like to maintain the sovereignty and integrity of the country. My last point is that the government must necessarily have the power to maintain and preserve the unity of the country. Lastly, the end of my speech, some of my friends spoke as if Shiva Sena was the creation of the Home Minister. It is far from truth. There is no basis for this allegation... (Interruptions.) I do not believe in sectarianism; I believe in integrity and unity and sovereignty of the nation because the downtrodden people must unite under one regime in one country. So let us try to understand the scheme of the Bill and its object. We have to accept the scheme and purpose of the Bill because there is no other go and therefore, we have to support the measure moved here.

Shri Frank Anthony (Nominated—Anglo-Indians): Mr. Chairman, I am sorry that the Home Minister is not here but I am glad that he has ac-

cepted this reference to the select committee. Mine was an amendment for reference to the select committee. Quite frankly, I have not inconsiderable respect for Mr. Chawan because in my dealings with him I found him to combine a certain amount of flexibility with firmness....

Shri D. N. Tiwary (Gopalganj): Government will accept any reasonable suggestion.

Shri Frank Anthony: . . . I would not like that combination to degenerate into some kind of pseudo dictatorship confusing firmness with rigidity and a sort of stupid stubbornness. My friend Mr. Vajpayee referred to the national integration council of which both he and I were members. As far as I remember, the council did accept the proposition for some kind of a suitable legislation to be brought in order to outlaw palpably secessionist activities. More than that I do not think we did. That was one of the reasons I felt why this Bill should be referred to select committee. Because I feel that it had gone beyond the clear recommendation of the national integration council. The scope has been unduly extended. If you look to the definition of unlawful activity, you will find it posited in clause 2(g) which is subdivided into six parts. I do not want to canvass a position here against our recommendation. As I said we were in favour of legislation outlawing secession. There is the first sub-clause (1) which in effect does that. But it also brings in the question of cession. Here I can contemplate a certain position arising. Some people may legitimately canvass the position that a certain territory should be ceded in return for other territories. But secession is in a category by itself. Anybody who preaches secession—I feel that this activity should be banned. But the question of cession is on a rather different footing. Here there is the question of rendering assistance to an enemy; there is

[Shri Frank Anthony]

the question of threatening the security of India, and then, anything which impinges on the sovereignty of India. I agree with these. Now, one of my main reasons for asking for reference to select committee was sub-clause (5). If I may read it: "...which disrupts or is intended to disrupt the integrity of India . . ." Mr. Chavan, a layman may not know but you as a journalist will realise that there is a sweeping blanket expression: 'Anything that disrupts or which is intended to disrupt'. I may or may not have faith in the Congress government. By and large they have subscribed to certain minima so far as the rule of law is concerned. I do not know why it became the practice—in the past it may have been justified—that the Congress government always acted under the impression that they were there in perpetuity. You see what is happening in the country today. The Congress may or may not be there. Then, this provision in the hands of some other government, coalition with a different ideology, may become an avowed instrument of expression and terror. I do not want to say anything that will offend the Members on this side, but I am only giving examples. If there was a Jan Sangh or a Jan Sangh-dominated Government at the Centre, I hope it will never be—from my own point of view;—it may be a narrow point of view—what will happen? Look at this: 'Anything that disrupts the integrity of India'. Immediately, they will ban the DMK, not because they are wanting to secede but because they are fighting legitimately against the imposition of Hindi. Immediately, they will want to ban any non-Hindi organisation, and they will certainly ban my little organisation which will be fighting—(Interruption)—yes; definitely; I will be fighting for my own survival, for my own language. They will say, "No, you are disrupting the country." Anybody who dares to raise a finger against Hindi will, according to them,

be disrupting the integrity of the country! Then, I am a little afraid today—do not apply too many functions to your Congress soul yet—that the Congress party, I regret to say, is increasingly a prisoner today of Hindi chauvinism.

I spoke the other day to the Prime Minister, and I was horrified: it was a full and complete capitulation to the Hindi phalanx in the Congress party. They had in effect decided—that is what the Prime Minister told me—to "banish English." Whether it can be done in the political context, whether it can be done in the context of the Constitution, whether it can be done in the context of the fact that mine is a small community but an Indian community, whose recognised language is English—the Supreme Court has held that English is as much an Indian language as Hindi and in fact it is the dominant language of the Constitution—is a different matter. But here is a decision taken by consensus. I spoke to some members of the Cabinet, people with a sense of balance, people with a sense of vision, people with a sense of proportion: they said, "What could we do? We could not even speak. We were shouted at by the Hindi phalanx in the Government." (Interruption). I am only saying what will happen.

श्री प्रकाशवीर शास्त्री : यह अनलाफुल ऐक्टिविटीज बिल चल रहा है या लैंग्वेज बिल ?

Shri Frank Anthony: My friend is not a lawyer and he has not got a sense of relevance. What I was saying was this. Here today is the Congress party, increasingly the prisoner of the Hindi chauvinist phalanx. What is going to happen? They might easily say, "Well, Mr. Anthony, you are canvassing against Hindi; Mr. Kandappan, you are disrupting the integrity of the country." But who is there to put them in the dock? I

say today, those who are propagating the cause of Hindi chauvinists are the greatest disrupters of India's integration.

I fought Jawaharlal Nehru alone from that second place in the front bench. I said, "You are getting the distinction, by the linguistic distribution of the States, of putting the first nail on the coffin of India's integration." And I regret to say that his daughter today is achieving the final distinction, through this, of putting the final nail on the coffin of India's integration. As I said, I am a little afraid that the Congress also, under the pressure from the Hindi phalanx, will use this, not against the secessionists, not against the people whose activities impinge on such things as sovereignty, but they will use it to crush the people who are fighting for their very survival. That is my fear.

And, with the Communists in power, what would happen? (*Interruption*). I am talking on clause 5. This, *par excellence*, is something which will commend itself as a God-given gift to the communist party. Today, they are protesting, because they are likely rather to be at the receiving end of this Bill, but tomorrow, if they are in power—God forbid—if they had this uneasy opportunistic coalition such as they have got in West Bengal, if they had the same thing here also—what would they do? They would welcome this—a typical communist—clause 5, because they would use this not only as an instrument of oppression, but they would use it avowedly as an instrument of terror, to implement their avowed purpose: what is the purpose? To use democracy to destroy democracy; use the rule of law to destroy the rule of law; use the Constitution to destroy the Constitution. And here again, they would have a ready-made instrument: any body would be stigmatised as a disruptor: the Congress would be banned; the Jan Sangh would be banned; probably, my good friend Shri Hiren

Mukerjee,—he as a Right Communist would be banned. I would like to tell my friend, Shri H. N. Mukerjee, "Hiren, don't you realise that the Moloch of the communist revolution destroys its high priest. They are not considered the real revolutionaries. You are not a real revolutionary. When the Moloch of the communist revolution comes into the saddle, your head will roll first, my friend, Hiren Mukerjee."

I want to deal, very briefly, with this tribunal question. For be it from me, as a practising lawyer, to point a finger at any judge or anyone qualified to be a judge. But I as a practising lawyer know how still born these advisory bodies are. I have done so many cases under the Preventive Detention Act. You may know, vaguely, there is an Advisory Board. The qualifications are almost the same. You have to be a judge, an ex judge or qualified to be a judge. Without pointing a finger remotely, I may say that these advisory bodies are functionless. What can they do? In the same way here you put them into a straight-jacket.

16.26 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

See clause 3. My hon. friend is not here. He is also a lawyer and a professor. I have great regard for his lucidity. But clause 3 gives complete power to the Central Government to declare an association unlawful if it is in its opinion unlawful. The matter is completely subjective. The Central Government's opinion is the final, absolute determinant for declaring a body unlawful. Then—of course, as a lawyer my hon. friend had to speak from a brief—if you look at 3(2), even the grounds or reasons for the notification need not be given. Again, it is an *ipse dixit* of the Government. The Government merely has to say "in the public interest" or "in its opinion" and then no grounds need be given.

[Shri Frank Anthony]

First of all, it is an opinion completely subjective, not justiciable, as in the Defence of India Act and Rules, and no grounds need to be given. There again there will be no question of its being justiciable before a court. So you put the court, as I say, into a complete strait jacket. They may want to do justice, but when you go by an *ipse dixit* and not give any grounds, how will they seize upon it and make it justiciable. That has been our difficulty over and over again with regard to the Defence of India Act and Rules.

Then, Sir, this clause 16, advisedly, deliberately, seeks the ouster of the jurisdiction of the court. Any action by any officer cannot be adjudicated upon and no injunction can be asked for. I know that cannot apply to the ouster of the jurisdiction of the Supreme Court or High Court. No ouster clause can oust the jurisdiction of the High Court under article 226 and the jurisdiction of the Supreme Court under article 32.

What has happened? I have appealed to my hon. friend, the Home Minister. I have asked him, are you in favour of India being a police State? Are we not in effect, virtually, today a police State. The other day I pleaded with him. My hon. friend there says, emergency means an emergency. But today the trouble is, our legal conscience, our moral fibre, has become not only coarsened but deadened because of this perpetuation of the emergency.

Shri K. N. Tiwari: What has happened in Bengal and Kashmir?

Shri Frank Anthony: But you do not do what is required. I ask the Government, why don't you ban the Left Communists? You are afraid of them. Whom will you ban? You will be the Anglo-Indian Association because we are fighting against Hindi imposition. You will ban the DMK because they are fighting against Hindi imposition. You will not ban

the Left Communists who are avowedly secessionists, who are avowedly subversionists. You will not do that. You will try to suppress or crush the poor Muslims. Because they asked for something for urdu, you will destroy their organisation too. You will say that is disruptionist. That is the trouble.

Shri Kamalnayan Bajaj (Wardha): Have we not put Left Communists in prison? Have we not made the Defence of India Rules applicable to them?

Shri Frank Anthony: I have pleaded with Shri Chavan and he had said that he would consider my plea for deleting article 358 of the Constitution. The Law Minister is also here. Why don't you do it? Whatever our professions, outside we project an image of a police state with only the superficial trappings of democracy with the substance of democracy eluding us; all our protestations mean nothing. Your perpetuation of emergency, your perpetuation of the blanket suspension of fundamental rights, who is going to question it? I say, *ex-facie* some of the provisions will be struck down; *ex facie* they are unconstitutional; *ex facie* there is no rationality behind them, as they are not reasonable restrictions. But who is going to test that? If DMK or I want to plead, invoking article 19, the Judge would open the Constitution and say "Mr Anthony, there is no Constitution here". That is what a Judge had to say to me, because there is no Constitution. You have destroyed the Constitution. You have suspended article 19, the seven precious freedoms including the freedom of speech, freedom of expression and freedom of association. They are all under blanket suspension. Then, who can go to a court? You can be viciously *mala fide*: you can be flagrantly malicious. If I know they are *mala fide*. If I know you are going to oppress and destroy me. Yet I cannot go to the Supreme Court. If I go, the Judge will say "Mr. Anthony,

there is no Constitution; the Constitution has been effaced." What a confession for a country which claims to be the largest democracy in the world! It outrages my legal conscience.

I tell you: you outlaw secession. If you outlaw the Left Communists, I will argue your brief, if you are not able to do it. If you outlaw somebody else who preaches against the sovereignty of India, I will argue for you; if you want me to argue your brief against the government, that because of their policy on Hindi they are the greatest disrupters, I will argue on behalf of the DMK. But what I am pleading with you is this.

In the National Integration Council we suggested outlawing the secessionist, those who question the sovereignty of this country. Now that the Law Minister is here, I hope he will remember one or two things that I have said today and in the Select Committee he will himself press for the necessary pruning of these provisions.

Mr. Deputy-Speaker: Shri Vasudevan Nair.

Shri Vasudevan Nair (Peermade): Mr. Deputy-Speaker, Sir...

Shri Randhir Singh (Rohtak): Sir, let some members from the Congress side also get an opportunity.

Mr. Deputy-Speaker: I have to conclude this debate in three hours. Also, I cannot bi-pass leaders of groups.

श्री रणधीर सिंह : आप तीन उधर से और एक उधर से बुला रहे हैं। समझ में नहीं आता है कि यह क्या बात है। स्पीकर साहब भी यही करते हैं और आप भी यही करते हैं।

Mr. Deputy-Speaker: Shri Randhir Singh ought to realise that his pro-

test is not justified. I have to tell him that I cannot possibly accommodate anybody from this side. It is not possible.

Shri Randhir Singh: I do not want to speak myself. But we are in majority.

मैं नहीं कहता हूँ कि आप मुझे बुलायें। मैं बोलना भी नहीं चाहता हूँ। सवाल यह है कि तीन उधर से और एक उधर से, इसका क्या मतलब है। मैं खुद नहीं बोलना चाहता।

Mr. Deputy-Speaker: We have allocated some time to the groups. I must give them that time. Whatever remains....

श्री रणधीर सिंह : हमारे समय को कौन खाता है, समझ में नहीं आता है। उधर के एक एक मेम्बर को देखो, पन्द्रह, पन्द्रह मिनट बोलता है।

Mr. Deputy-Speaker: The Minister will have to reply to this, which will be counted against the time of this side... (Interruptions) No, it is not possible.

Shri Randhir Singh: We will not tolerate this. We respect you so much and we bow down to what you say. But this is not the way to treat us.

Shri M. Y. Saleem (Nalgonda): I have suggested that the time taken by the Minister for the reply should not be taken from the time of the Congress Party and the Speaker was pleased to say that he will look into this question. When any of us rises requesting you to give us an opportunity to express our views, we are not given an opportunity. That means, the Chair is not prepared to recognise our existence in this House. The result will be that we will be constrained to adopt ways to make the Chair realise that we do exist in this House. But we do not want to come to that level.

Mr. Deputy-Speaker: We have a certain amount of time fixed. We accepted three hours for this. First

[Shri M. Y. Saleem]

proposed two hours but Professor Ranga said that the minimum should be three hours. I said, "All right". Half the time is given to the Opposition groups. That is the usual practice here. Now you ought to realise that I cannot bypass the claims of these groups sitting in the Opposition and call hon. Members from this side. Time permitting, certainly I will call them but when time is very limited, I will have to take that into consideration.

Shri Randhir Singh: They are not to be accommodated at our cost.... (Interruption).

Mr. Deputy-Speaker: You take up this matter with the Minister of Parliamentary Affairs. I cannot help it, I am very sorry... (Interruption).

Shri Randhir Singh: We will not accept this.

Mr. Deputy-Speaker: You will have to request the Minister of Parliamentary Affairs for your share of the time.

श्री रणधीर सिंह : उधर से सब को बुलाते हैं लेकिन इधर से नहीं बुलायेंगे ? अगर पचास पार्टियां हों तो पचास पार्टियों के लीडरों को बुलायेंगे तो हम तो माफ हो जायेंगे ।

Shri M. Y. Saleem: This suggestion may be accepted that the time allotted to the Minister should be excluded from our time. We do not want to deprive the other parties of their time.

Mr. Deputy-Speaker: The Minister might require about half an hour and I have got to take that into consideration.

Shri M. Y. Saleem: That should not be at our cost.

Mr. Deputy-Speaker: Then only 2½ hours are left and I cannot ignore Members from the Opposition. It is very difficult... (Interruption).

Shri M. Y. Saleem: That half an hour should not be taken from our time.

श्री रणधीर सिंह : मिनिस्टर के नाम से हमारे मफाद को नुकसान पहुंचायेंगे । हम वाक फ्राउट कर जायेंगे, बताये देते हैं ।

Mr. Deputy-Speaker: I have to finish the debate within three hours.

Shri B. Shankaranand (Chikodi): Sir, you said that their claims cannot be by-passed... (Interruption).

Shri M. Y. Saleem: We do not want to create scenes in the House but we are being forced to do that.

श्री रणधीर सिंह : उधर हमारे मैकेबेनी बैठे हैं, इधर मारे के मारे घनजान हैं ?

Shri M. Y. Saleem: We only want justice.

Shri Randhir Singh: If this thing continues, we will walk out.

Shri B. Shankaranand: You cannot neglect them but you can neglect us!

श्री प्रेम चन्द वर्मा : हम नहीं मानेंगे, एक उधर से और एक इधर से बुलाइये ।

Mr. Deputy-Speaker: Please resume your seat.

Shri Randhir Singh: We appeal to your sense of justice. We have full faith in you.

Mr. Deputy-Speaker: We allotted three hours for it and I want to conclude it within that time. I have to call seven or eight people from there and if they take ten minutes each, the only thing possible is that I call two from that side and one from this side because half an hour at least I have to give to the Minister. How can I do it? It is not possible to call one from that side and one from this side.

Dr. Ram Subhag Singh: But Members on this side should also be given a chance. You should call one from that side and one from this side.

Mr. Deputy-Speaker: Do you want that time should be extended?

Dr. Ram Subhag Singh: No. In fact, I wanted it to be only two hours. But it must be recognised that one from this side and one from that side is called. You may limit the debate to one hour but one from this side should also be called.

Mr. Deputy-Speaker: It is not possible. Then I cannot give half an hour to the Minister.

Shri Randhir Singh: We have been silently sitting and bearing this, but kindly bear this in mind. We have full faith in your sense of justice. But do not give them preference over us. Our grouse is that you are giving them undue importance.

Mr. Deputy-Speaker: I will have to say some unpleasant truth. Please resume your seat.

Shri Sonavane: Let us know how time is apportioned. When the numerical strength of the Treasury Benches is larger, we are entitled to a larger share of the time.

Mr. Deputy-Speaker: Please resume your seats. This morning, the Opposition claimed that they represent some governments here . . . (*Interruptions*).

Shri Randhir Singh: What governments? We represent the Government here. We have got the majority . . . (*Interruptions*).

Mr. Deputy-Speaker: How is it possible to conclude the debate in 3 hours? (*Interruptions*).

Shri H. N. Mukerjee: Why don't you ask them to behave themselves? For God's sake, behave yourselves. (*Interruptions*).

Dr. Ram Subhag Singh: Sir, the usual procedure is that one Member from the Opposition is called and one Member from the Congress is called.

Mr. Deputy Speaker: We, usually, follow that.

Dr. Ram Subhag Singh: You kindly follow that procedure.

Mr. Deputy-Speaker: In that case, I cannot conclude the debate in 3 hours.

Dr. Ram Subhag Singh: You follow that procedure within 8 hours allotted time.

Mr. Deputy Speaker: It is not possible to accommodate seven Opposition groups and seven Congress Members within 3 hours. (*Interruptions*).

श्री रणधीर सिंह : अगर आप उधर से सात सदस्यों को बुलाते हैं, तो इधर से दस को बुलाइये अगर आप ऐसा नहीं करेंगे, तो हम सब लोग वाक आउट करेंगे ।

Shri Muthyal Rao (Nagarkarnool): You cannot ignore us; we have the right to reply to them . . . (*Interruptions*).

Mr. Deputy Speaker: You have the right to express your views. You have the right to reply to them. But there is the time factor. Supposing there is one hour allotted, even if I were to give 5 minutes each, one hour is completely exhausted.

श्री मु० प्र० सां : (कासगंज) : आप उन लोगों को बीस बीस मिनट देते हैं, लेकिन आप हमें मौका नहीं देना चाहते हैं ।

श्री रणधीर सिंह : आखिर उनमें क्या खास बात है ?

श्री मु० प्र० सां : हम लोग भी जनता से चुन कर यहाँ आए हैं ।

Mr. Deputy Speaker: Please resume your seats. . . . (*Interruptions*). If you don't listen to me, you continue . . . (*Interruptions*).

श्री रणधीर सिंह : आप उनको इतनी ग्रहमियत दे रहे हैं, लेकिन हमने उनकी जमानतें ख्त करवाई हैं । मेरे खिलाफ सात आदमी

[श्री रसाधीर सिंह]

खड़े थे और मैंने उन में से छः की जमानत जन्म करवाई है ।

Shri M. Y. Saleem: We are compelled to do that . . . (*Interruptions*).

Mr. Deputy Speaker: Please resume your seats. You don't obey the Chair also?

Shri Randhir Singh: We respect you more than they do. We have full faith in you . . . (*Interruptions*).

Mr. Deputy Speaker: It is not a question of faith. The question is how to regulate the time. There is the time factor. I have to regulate the time . . . (*Interruptions*).

Shri Somavane: You are not doing it.

Mr. Deputy Speaker: I have to regulate the debate in 3 hours.

Shri Randhir Singh: We are not speaking for the individuals; we are speaking for the Congress Party.

Mr. Deputy Speaker: We will have to extend time then.

Dr. Ram Subhag Singh: No extension Within that much time, you accommodate this side also.

Mr. Deputy Speaker: Shri Vasudevan Nair.

Shri Manubhaj Patel (Dabhoi): Out of 3 hours, you give 90 minutes to us and 90 minutes to them . . . (*Interruptions*).

Mr. Deputy Speaker: That I always do. You can see the record.

Shri Manubhaj Patel: We are concerned with our 90 minutes. You accommodate this side within that much time.

Mr. Deputy Speaker: I have followed that practice. Even then it is difficult. Shri Vasudevan Nair.

श्री रसाधीर सिंह : आप खुद भी हमको मौका नहीं देते हैं और चेयरमैन को भी हुक्म

दे देते हैं कि वे भी हमें मौका न दें । आप उनके लिये भी मुसीबत पैदा कर देते हैं ।

श्री प्रेम चन्द वर्मा (हमीरपुर) : आप इस तरह हाउस को कंट्रोल नहीं कर सकते हैं । उधर के लोग शोर करते हैं और आप उनके शोर से डर कर उनकी बात मान जाते हैं । (**व्यवधान**) यह बात ठीक नहीं है । अगर आप यहां इन्साफ नहीं करेंगे, तो इस हाउस का काम चलना मुश्किल हो जायेगा । (**व्यवधान**) जब तक आप हमें हमारा दादा के मुताबिक टाइम नहीं देंगे और हमारे साथ इन्साफ नहीं करेंगे, तब तक हम इस हाउस का काम नहीं चलने देंगे । (**व्यवधान**) आप इस बात का फ़ैसला कीजिये और अपनी रूखिग दीजिए कि आप कितना टाइम देंगे । हमारी पार्टी के सदस्य बहुत नाराज हैं, क्योंकि आप उन्हें बोलने का शिक्कल कोर्ट मौका नहीं देते हैं और आपोजीमन की हिमायत करते हैं (**व्यवधान**) इस तरह आप कुर्सी पर नहीं रह सकते और इन हाउस का काम नहीं चला सकते (**व्यवधान**)

Shri M. Y. Saleem: It is only fair and just that you allow us.

Shri Nambiar: The best way would be for the Congress members to stage a walk-out as a protest.

श्री प्रेम चन्द वर्मा : इस हाउस में हमारी मैजारिटी है, लेकिन हमको बोलने का मौका नहीं दिया जाता है । इस हाउस में कोरम पूरा करने के लिए तो हम हैं, लेकिन बोलने के लिए उधर के सदस्य हैं । हमारे साथ इस तरह बे-इन्साफ़ी नहीं होनी चाहिए ।

Shri Srinibas Misra (Cuttack): On a point of order.

Mr. Deputy-Speaker: I will listen to his point of order later on. May I appeal to the members on this side? I am distributing the time as required by the circumstances and want to finish within the time allotted. The Minister of Parliamentary Affairs has said that, if need be, I

may extend the time. (*Interruptions*).

Some hon. Members: No, no.

Shri Randhir Singh: We expect fairplay from you.

Shri S. Kandappan: Can they intimidate the Chair into taking decisions in a particular way? (*Interruptions*). Is it not for the Chair to conduct the proceedings of the House? (*Interruptions*).

Shri Randhir Singh: Are we in a minority? Ten from that side and six from this side! What is this? (*Interruptions*).

Mr. Deputy-Speaker: I have to accommodate the different groups because they are recognised groups.

Shri Randhir Singh: There may be a hundred groups, we do not mind. But we constitute 54 per cent of the House.

श्री म० प्र० खां: अगर टाइम देने में इस तरह की पार्श्विटी की जायेगी, तो हाउस का काम नहीं चल सकेगा।

Mr. Deputy-Speaker: We have already lost about fifteen minutes on this.

Shri Piloo Mody: It is a minority Government. You must give it more consideration.

Shri Srinibas Misra: On a point of order.

Everybody from this side as well as from that side claims the right to speak. The person who is on his legs may have the right to speak, but the others who are sitting have the right to hear. This is there in the rules. The proceedings must be conducted peacefully. The members who are sitting have the right to hear. If five or six members keep standing and speaking at the same time, we cannot hear anybody. Let them say what they want to their heart's content, but let them say one by one and not so many at a time. Let them not say

which is Parliamentary and which is not Parliamentary. It is for you to say what is Parliamentary and what is not Parliamentary. We have a right to hear. . . . (*Interruptions*). If five or six speak at the same time, we cannot hear. (*Interruptions*).

Mr. Deputy-Speaker: Order, order. All the hon. members may please sit down.

Shri K. Lakkappa (Tumkur): My learned friend has made a submission . . . (*Interruptions*). The Minister of Parliamentary Affairs is here, the Home Minister is here . . . (*Interruptions*).

Some hon. Members rose—

Mr. Deputy-Speaker: So many members are standing.

When they flout the rules, they have no authority to quote any rule in this House. They should obey the rules. . . . (*Interruptions*). Any member with a book in his hand wishing to rise on a point of order must obey the Chair and abide by what the Chair says. Then only he has the right to argue.

All the hon. members may please sit down. I want to continue the debate and finish it as early as possible. Mr. Vasudevan Nair.

श्री रणधीर सिंह: हम भेड़-बकरियां नहीं हैं।

Shri B. Shankaranand: I rise on a point of order. I want to raise a very important point of order. (*Interruptions*).

श्री रणधीर सिंह: घ्राप जिन लोगों को लीडर मानते हैं, हम उनकी जमानतें जब्त करा के घ्राए हैं। उनको पीडर मानने की जरूरत नहीं है।

[श्री रणधोर सिंह]

जिन लोगों को आप लीडर मानते हैं उनकी जमानतें जम्त करा के आया हूँ। यहाँ चुपचाप बैठने के लिए नहीं आया हूँ।

Mr. Deputy-Speaker: Will the hon. Member keep some discipline and help me to keep some discipline in the House? I have listened to their protest and I have explained my difficulty already.

श्री प्रेम चन्द वर्मा : डिसिप्लिन की जिम्मेदारी अध्यक्ष महोदय, आप के ऊपर है

Shri K. Lakkappa: We are obeying you.

Shri J. H. Patel (Shimoga): We are obeying you.

Shri Nambiar: When we are obeying, why should they disobey?

Shri J. B. Kripalani: Some of us are interested in the debate; the question who speaks or who does not speak, I think, should be legitimately left to the Chair, and the Chair must be allowed to conduct the proceedings. Therefore, I think that it is time that the hon. Member who has been called should be allowed to speak.

Dr. Ram Subhag Singh: The convention here has been that when a Member of the Opposition is given time, after him a Congress Member is given time. I most humbly request you not to break that convention. You must give time to us in proportion.

Mr. Deputy-Speaker: I have always been following this convention when there is enough time at our disposal. When I give five minutes to one Member from the Opposition side, I give about 5 minutes to a Member from the Congress. Now, because I want to accommodate two more groups...

Shri Sonavane: Then what would happen is this. If there are a hundred groups on the other side, and you go on giving time to them, we would not get any time at all. Let them consolidate their ranks and get their full time.

Mr. Deputy-Speaker: Time permitting, I would call some Congress Members also.

Shri S. Kandappan: They are challenging your ruling.

Shri Manubhai Patel: You have to give half the time to us and half the time to them. Within 90 minutes, whichever groups you can accommodate you should accommodate.

Mr. Deputy-Speaker: Tomorrow, he will find that the Congress would have taken more than half the time.

Shri Manubhai Patel: When 3 hours have been allotted, 90 minutes should be allocated to the Opposition and 90 minutes should be given to us.

Shrimati Lakshmikanthamma (Khammam): Whatever we discuss here goes to the press and people read it. The impression should not go out in the world that only something wrong is happening in the Government all the time. Our voice should also be heard. It is not for Government alone to defend themselves or defend their Bill. It is for us Members also to do so. A debate means that views must be heard from both sides. You had stated that that side represents certain State Governments. Under what rule are they representing the State Governments here? That is what I want to know?

Mr. Deputy-Speaker: I have followed her point. I referred to one aspect of the matter. In the present context and in the present situation, I said, though it was unpleasant, this morning they had asserted that right on this motion; I do not say that I accepted that position. I did not accept

that position but I just referred to it. (Interruptions).

Shri D. N. Tiwary: Members are here in their own capacity, not as representing the government, this or that.

Mr. Deputy-Speaker: It is not a question of that.

Shri D. N. Tiwary: But you said that.

Mr. Deputy-Speaker: I just referred to their assertion, not mine.

Shri B. Shankaranand: When you call a member from the other side, you must also call a member from this side after that.

Mr. Deputy-Speaker: Everybody must abide by the time limit. Nobody does it.

Shri Viswambharan (Trivandrum): I would like to get a ruling from you whether the Ministers' time is included in the Congress Party's time, whether they are not spokesmen of the Congress Party.

Mr. Deputy-Speaker: That question should be raised in the Business Advisory Committee at the next meeting. I do not know what was said...

Shri S. Kandappan: It is included in the Congress Party time.

Mr. Deputy-Speaker: I do not know. From the records here, I find it is included. We must give some time to the Minister, for he has to reply.

Shri Vasudevan Nair (Peermade): It was made very clear on behalf of my party that our opposition to this black Bill is total, absolute and complete. My hon. friends, colleagues from various other Opposition parties, have covered the ground to great extent. So I do not like to repeat what they have already said.

The hon. Home Minister's claim is that he wants to defend the integrity and sovereignty of this country, and for that purpose, this kind of legisla-

tion is inevitable. At the same time, while moving the motion for consideration yesterday, he agreed that a political approach to a political problem is also needed. The basic question is: in a country like ours, with so many languages, differences in religion, regional imbalances, different cultures, what should be the fundamental and basic approach, whether it should be a legalistic, administrative, totalitarian or dictatorial approach or whether it should be a popular and political approach. I am afraid this Government are putting things upside down. They were doing that all along. They know only to do that. In future also, we cannot expect from this bankrupt Congress Government anything better. The whole crux of the matter is that this Congress Government is a bankrupt government. This kind of statement will not be palatable to my friends opposite—I can understand why they are shouting.

Shri Muthyal Rao: We are not shouting.

17 hrs.

Shri Vasudevan Nair: We saw that just now. I do not go into that.

If these divisive tendencies, fissiparous tendencies have grown in the country, if they are raising their head in this country, after twenty years of so-called popular government, national government and what not, why has this happened? What is the basic reason? There you should analyse the policies of this Government. The basic policies of this government are totally wrong. I do not have the time to go into an analysis of all its policies at this stage. Why should 500 million people, a vast population with such differences, cling together, stand together? What is it that drives them to stand together? There should be something very substantial for them to stand together. No amount of sentiment will bind them together; that could be a temporary cementing force. There should be

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something more concrete. In that respect, Mr. Chavan should really search his heart and find out whether his government could offer anything positive and concrete to the people of this country. Take the question of the economic betterment of our people. They have succeeded in certain things. The Congress government has succeeded in building up a Birla Empire. They have certain achievements like this to their credit (Interruptions.) I had to rise at least a dozen times; yet they will not allow me to speak; now at least they should hear me. This is again a very unpalatable truth. If after 20 years of freedom, some people still live a life of misery, if some of them think: we better secede from this Birla empire, you have to take their sentiments into consideration. I am not justifying it; I want to make it clear beyond doubt that our party does not stand for secession; we will entertain no such idea.

Shri Kamalnayan Bajaj: You did in the part.

Shri Vasudevan Nair: Do not shout like that. Why do people begin to think like that? I know the sentiment of people in Kerala, for example. It is no question of party. Let him ask his Congress colleagues, or a man in the street today. He is feeling that even on the question of food, the primary necessity, certain people in certain parts can have a specially privileged position while millions in other parts are in an under-privileged position. The Union government has miserably failed in working out and implementing a really national policy even on food. Is there any point in throwing a Bill at their face like this asking them to keep quiet and live under the flag of this Congress government? Then, let us look at the question of regional imbalances. In the industrial policy resolution and in all the declarations made by the government, they have always declared that the aim of planning is to remove

regional imbalances. We know the result. If at all, the regional imbalances have widened as a result of the so-called planning. If this government can—I do not know, I do not believe—basically change its policies, then they need not be afraid of the divisive forces. I am convinced that they cannot do so. We will have to face a lot of problems. No amount of legislation can solve these problems.

Now, there is the Naga problem which is perhaps the most concrete problem which we face today, as far as the separation of the country is concerned. There again, is it not a fact that the Government has failed to act in time? When the people wanted a separate Statehood inside India, the Government hesitated; they could not act in time, and when the people took to certain other courses, they began to run after the people with the idea of a separate State; by that time, the people were thinking of something else. Even today, in Assam, the problems of the hill tribes are not sought to be solved with a vision, with a perspective. And ultimately, you will have to face bigger problems, a larger number of problems, and those problems are sought to be solved by a piece of legislation like this!

Now, our proposal to this Government is that they should not proceed with this Bill. Of course, they can take a decision at the Select Committee stage. Now, it may be a question of prestige for the Government at this stage to drop this Bill.

An Hon. Member: Mr. Piloo Mody has crossed the floor, Sir. He is sitting with the Treasury Benches.

Shri Nambiar: He is too big to cross it. (Interruption).

Mr. Deputy-Speaker: Order, order. Let him resume his seat and be comfortable.

Shri Vasudevan Nair: Why I make this point is because this Government, even if they get this Bill passed, has to implement it through the instrumentality of the State Governments. And in today's set-up, it is very necessary for the Central Government to take all the States into confidence. (*Interruption*). I do not know whether they can send out the army to the various States and implement such a legislation. So, let them withdraw the Bill. Let them have consultations with the State Governments first, and then only let them take any further steps in the matter.

There is the question of cession the ceding of territory. Is it not foolhardy and foolish on our part, as we are situated today, to close all doors for settlement with our neighbours as far as territorial disputes are concerned? We know that even Pandit Jawaharlal Nehru had hinted at certain adjustments with Pakistan on the question of Kashmir on the basis of the cease fire line. We have experience of what we did on the question of Beru Bari. In this country, very responsible people who can never be accused of being secessionists and disruptionists have in all seriousness made suggestions for the solution of our disputes with our neighbours on the basis of territorial adjustments. As my colleague, Shri Ramamurti, asked sometime back, if some parties in this country, in all seriousness, and with responsibility, wish to make certain suggestions for the permanent settlement of some of the territorial disputes that we have, are you going to shut them up in jail for making some such suggestions? Is it not foolish to think on those lines?

So, from all these points of view, even at this stage, if they have any wisdom left in them, they should drop this Bill. They should first take the Opposition parties and all the State Governments into consideration and sit round a table and try to see how, if at all there are any problems some dissimilar tendencies and divisive forces, they can be faced and how the

problems can be solved. So, this Bill is totally, completely and absolutely opposed by my party.

Mr. Deputy-Speaker: Shri Randhir Singh.

Shri Randhir Singh: Until we get justice, I am not going to speak.

Mr. Deputy-Speaker: Shri Krishna Kumar Chatterji.

Shri Krishna Kumar Chatterji (Howrah): Sir, I rise to support the Bill that has been moved by my hon. friend, the Home Minister. As I heard the hon. Members on the other side, a feeling grew in me that all of them were speaking from a guilty conscience. It is quite clear from the provisions of this Bill that divisive forces are to be fought against. Unless some of these party leaders feel that they are generating such divisive forces in the country, there is nothing to fear. Unless and until there is abundant evidence that one is creating such conditions in the country and the integrity of the country is in danger no action is contemplated under the provisions of this Bill.

Sir, hon. Members opposite should have welcomed this Bill. They have accepted the principle of the Bill by agreeing to refer it to a Select Committee. After that, all the speeches that have been delivered, including that of the hon. Member, Shri Ramamurti and also other party leaders, have clearly shown their intention. At the very beginning the hon. Home Minister was opposed to the Bill being referred to a Select Committee for the only reason that it was probably an attempt to see that this Bill is never passed into an Act. He was afraid of that and he was quite right in his apprehension. From the speeches it is now quite clear that all those people and parties who are trying to create some connection with some foreign elements and creating trouble in the border areas are making all kinds of combinations in all those troubled and sensitive areas

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where the question of not only the integrity of the country but the security of the country is concerned. That is in danger. From these speeches it is quite clear. Therefore, I feel that the hon. Home Minister made a mistake in agreeing to refer it to a Select Committee. I feel that he did not understand their real intention when they demanded that the Bill be referred to a Select Committee. We on this side feel that it is an attempt to delay matters. This is a Bill which is very essential for the security and integrity of this country. This Bill should have become an Act very urgently.

Sir, we all understand that border security is a problem. Even yesterday newspapers forecast before the people the danger, which was also discussed in the Executive Committee of the Congress Parliamentary Party, because of the concentration of Pakistani forces in collusion with the Chinese military arrangements. It is essential, therefore, that this Bill should be passed in this session of the House. However, in view of the appeal made by Professor Ranga, leader of one of the parties here, they should have exercised their patriotic feelings to the extent of at least expressing their solidarity with the desire of the Home Minister that he expressed while introducing this Bill. He mentioned about the presence of divisive forces, forces of disruption and the danger of external forces attacking our national security, and he appealed to them to have this Bill enacted so that security and integrity of the country may be safeguarded.

It has to be admitted by all, including my DMK friend who spoke from the other side, that there is some kind of disruptive elements gaining ground in this country. Can the hon. Member who spoke just now deny this? He said his party was opposed in totality to this Bill because due to the question of food and other things it was sometimes justified to think in

these lines. He hastened to say that they are not prepared to secede and they are not thinking in that line, but the arguments he advanced showed that there was a psychological feeling in favour of secession in their minds. When they are abusing us, they are furthering the building up of the Birla Empire. The Chief Minister of Kerala invited the Birlas to build industries there. We all welcome the setting up of industries. But one of the terms and conditions of the contract is that the workers engaged in the industries to be set up by Birlas will have no right to clamour for pay rise or dearness allowance or legitimate trade union activities for some years to come. While on the one hand they criticise the Birla empire, the Chief Minister of Kerala, Shri Namboodiripad is in secrecy helping the growth of the Birla kingdom in Kerala itself; it is done in secrecy so that the people may not know that the Communist government is helping Birlas.

Therefore, the arguments put forth by the opposition against this Bill are not at all convincing. We would appeal to the hon. Members to allow this Bill to go to the Select Committee where let them convince the hon. Home Minister about the necessity or otherwise of the various provisions. He is quite prepared to accept any reasonable argument put forth by the other side. It would indeed be wrong if we leave the country to think that everything is O.K. Everything is not O.K. in this country. When the Chinese army is ready to jump at us, when Pakistan is conspiring to attack us, when in Naxalbari certain elements, belonging to the Communist Party... (interruptions) are going across the border to establish connection with Pakistan and China, how can they put forth this argument that this Bill is not necessary today? Therefore, I would appeal to the hon. Members of the other side to accept this Bill, in the way in which it has been suggested by the hon. Home Minister. Let

it go to the Select Committee. The hon. Home Minister is prepared to accept any reasonable argument put forward by them and amend the Bill here and there, if some provisions are to be altered. With these words, I recommend this Bill for the acceptance of the House for its reference to the Select Committee.

श्री एस० एम० जोशी (पूना) : उपाध्यक्ष महोदय, इस विधेयक के ऊपर जो चर्चा और बहस चल रही है उस के दौरान में जब मैं दलील सुन रहा हूँ खास कर कांग्रेस पार्टी की तरफ से तब मुझे ऐसा लगता है कि यह बिल कंसर्ट पास होने नहीं देना चाहिए क्योंकि यहाँ तो एक ऐसा जिक्र हो रहा है कि किसी ने हिन्दी का सवाल उठाया, किसी दूसरे ने अनाज के बारे में सवाल उठाया तो इस पर मुश्किल होनी शुरू हुई है। मैं उपाध्यक्ष महोदय, आप से पूछूंगा कि अगर हमारे देश की एकता के लिए हम लोगोंके साधन बन रहे हैं और अगर मेरे जैसे आदमी ने यह पूछा कि इस शासन ने जो आज हमारे खाद्यान्न की परिस्थिति है हो सकता है कि हमारे देश में काफ़ी पैदा नहीं हुआ है लेकिन क्या यह जो तरीका अपनाया जाता है कि आंध्र में इतना होगा और केरल में कुछ नहीं होगा या महाराष्ट्र में इतना होगा और यू० पी० में कुछ नहीं होगा यह जो है इसके लिए अगर महाराष्ट्र के अगर आंध्र के या केरल के लोग शिकायतें करेंगे तो आप लोग कहेंगे कि नहीं यह सर्सर्जनिसट टेंडेंसी है तो मैं समझता हूँ कि यह आज मैं नहीं जानता कि हमारे गृह मंत्री के दिमाग में क्या है ? लेकिन जो भाषण मैं सुन रहा हूँ उन से तो मुझे आशंका हो रही है कि इन लोगों के दिमाग भी साफ़ नहीं हैं और दिल कुछ ठीक दिखाई नहीं देता है। मैं खुद चिन्तित हूँ और आपसे कहना चाहता हूँ कि जब यह बिल मैंने पढ़ा तब मुझे उन दिनों की याद आ गई जब ब्रिटिश हुकूमत थी और वह अपना कानून बना कर के जो भी संस्था जनता के लिए कोई कोशिश करती थी उसको गैरकानूनी बता देते थे। कांग्रेस को

कई दफ़े इल्लिगल बनाया कांग्रेस सोशलिस्ट पार्टी को इल्लिगल बनाया, राष्ट्रीय सेवा दल जैसी एक संस्था को भी इल्लिगल बनाया। क्या आज कांग्रेस के शासन की वह नीबत आ गई है कि अब उससे जनता से डरना शुरू किया है

श्री सोमबख्त सोलंकी (गांधीनगर) : श्रीन ए प्वाइंट ऑफ़ आर्डर, सर। मेरा प्वाइंट ऑफ़ आर्डर सुन लीजिये। जोशी जी ने जो कांग्रेस के बारे में कहा है इसीलिए उसका जवाब देने के लिए मैं एक छोटी सी बात आपके सामने रखना चाहता हूँ
(ध्वजवाहन)

Mr. Deputy-Speaker: Please resume your seat . . . (Interruption).

श्री एस० एम० जोशी : अभी यहाँ हिन्दी का भी जिक्र हुआ। कई लोगों ने यह भी कहा कि अगर हम लोगों ने हिन्दी का समर्थन किया और कहा कि अंग्रेजी सीखना नहीं चाहते हैं तो कई लोग यह कहेंगे कि देखो देश में अब तुम फूट पैदा कर रहे हो, यह इंटेग्रेशन के खिलाफ़ है। मैं अपने मित्र श्री फ्रैंक ऐन्थनी से पूछना चाहता हूँ कि अगर हम लोगों ने हिन्दी का समर्थन किया तो क्या वह यह समझते हैं कि जो आजादी हम लोगों को मिली उसमें हिन्दी जवान का कोई हिस्सा नहीं था ? अगर हम हिन्दी जवान न इस्तेमाल करते तो क्या पूरे देश की जनता एक झंडे के तले खड़ी हो सकती थी। क्या हम अंग्रेजी को रखे तभी देश की एकता कायम रह सकती है ? मैं बहुत भ्रदब के साथ कहूंगा कि जो कोई भी अंग्रेजी को चाहने वाले हैं वह अंग्रेजी पढ़ें। मुझे इस से कोई ऐतराज नहीं है, लेकिन अगर वह हमारे ऊपर जबर्दस्ती करना चाहें कि हम अंग्रेजी पढ़ें तो इसका उनको कोई अधिकार नहीं है।

Shri S. Kandappan: We can surely rise as a nation without Hindi. It was already demonstrated during the Indo-Pak. war.

Mr. Deputy-Speaker: The House listened to your point of view. Now let him place his point of view.

श्री एस० एम० जोशी : तो मैं कहता हूँ कि ऐसे सवाल घ्रा रहे हैं जिनको लेकर कहा जा सकता है कि इन संस्थाओं को इल्लीगल बनाया जाये, उसको इल्लीगल बनाया जाय ।

मैंने गृह मंत्री जी से पूछा कि घ्राज इस बिल की क्या जरूरत है ? कौन सी ऐसी संस्था घ्राप के सामने है जो कि इस तरह का खतरा देश में पैदा कर रही है। मैंने सोचा कि यह जो हमारे संविधान का संशोधन हुआ उस वक्त जो सेसेशन की बात चल रही थी, डी० एम० के० वाले उन दिनों कहा करते थे कि हम अलग होना चाहते हैं, उस चीज को लेकर संविधान का संशोधन हुआ होगा । लेकिन जब अब हालत ऐसी बन चुकी है और डी० एम० के० वाले कहते हैं कि हम कुछ नहीं करेंगे, हम हिन्दुस्तान में रहना चाहते हैं, तो अब इस बिल की क्या जरूरत है ? किस लिये यह बिल बना है । संविधान में हम लोगों को जो अधिकार दिये हुए हैं उन अधिकारों को कम करने के लिये यह काम हो रहा है । मैं तो कहता हूँ कि सिर्फ सेसेशन की बात करने वालों के लिये ही सोचना अच्छा होगा । अगर एकता की बात स्पूल रूप से करेंगे तो सब गड़बड़ी हो जायगी । मैं जिस चीज को एकता के लिये चाहूंगा, हो सकता है कि कोई उसको देश के टुकड़े करने वाली समझें । मैं चाहता हूँ कि जो गरीब लोग हैं, जो कि इस देश में सब से ज्यादा हैं, उनका संगठन किया जाये । हो सकता है कि घ्राप कहें कि इससे नुकसान होने वाला है, मैं हिन्दी की बात कहूंगा तो घ्राप कहेंगे कि इससे नुकसान हो रहा है । तो यह कोई बात नहीं है ।

घ्राप देखिये कि घ्राप ने जो अनलाफुल एक्टिविटी बनाया है उसके मतलब क्या

होते हैं । बारबार बतलाया गया कि :

"which disrupts or is intended to disrupt the integrity of India"

अब इंटेंडिड के माने क्या होंगे । यानी उनके दिमाग में जो काम शुरू हो सकता है । मेरे मित्र श्री भंडारे ने पूछा मुझ से कि क्या यह डिक्टेटोरियल अधिकार दिया है । मैं कहता हूँ कि दिया है । उन्होंने कहा कि मैंने पढ़ा नहीं ठीक तरह से । मैंने प्राविजन की तरफ ध्यान खींचा कि उसमें दिया है कि ट्राइब्यूनल के पास जाने से पहले जो कार्रवाई होगी वह अमल में आ सकती है, और ट्राइब्यूनल का फैसला जब होगा तब होगा । इसके लिये सिर्फ इतना कहा गया है कि :

"as expeditiously as possible"

समझिये कि किसी संस्था को घ्राप ने इल्लीगल बना दिया । घ्राप ने उस पर प्रोवाइजो लायू किया । क्या मतलब होता है ? ट्राइब्यूनल नियुक्त किया जायेगा । फैसला घ्रापने तक तो घ्राप का काम चलेगा ही । अगर यह डिक्टेटोरियल नहीं है तो क्या है ?

मैं गृह मंत्री से कहूंगा कि घ्राप के पास जितने अधिकार हैं उनका इस्तेमाल घ्राप क्यों नहीं करते ? यहां बहुत तरह की बातें होती हैं । किसी ने कहा कि अर० एस० एस० को इल्लीगल बनाओ, दूसरे ने कहा कि लेफ्ट कम्युनिस्ट को इल्लीगल बनाओ, तीसरे ने तीसरी पार्टी का नाम लिया । यह तो चलेगा । इसका मतलब यह होगा कि (व्यवधान) घ्राप मेरी बात भी तो सुनिये । घ्राप की संख्या अधिक है, घ्राप पास तो करा ही लीजियेगा । लेकिन देश के लिये घ्राप क्या चाहते हैं ? हमारे देश की एकता के रखने के लिये और खास कर के इस देश में लोकतंत्र को कायम रखने के लिये क्या हम डंडे का इस्तेमाल करना चाहते हैं ? क्या डंडे का इस्तेमाल करके हम देश की एकता को रख सकते हैं ? ऐसा नहीं होना चाहिये । मैं तो उन घ्रादमियों

मैं हूँ जो हुकमत से कभी नहीं कहेगा कि जब तक जो हमारा कानून है उसके खिलाफ कोई कार्रवाई नहीं करता तब तक उसके फंशमेन्टल राइट्स को कम किया जाये।

मुझ से कई बार पूछा गया कि मैं क्यों नहीं कहता कि कम्युनिस्ट पार्टी को इलीगल किया जाये। मैंने कहा कि मैं कम्युनिस्ट पार्टी से मुक्तफिक नहीं हूँ। उसकी कई चीजें मुझे बिल्कुल पसन्द नहीं हैं, लेकिन मैं कभी नहीं चाहूँगा कि उनको इलीगल किया जाये। अगर हम मैं हिम्मत है वो हम जनता को बतला सकते हैं कि यह रास्ता ठीक है, इस रास्ते से चलो। मैं तो कांग्रेसियों से भी यह कहूँगा कि वह भी इसी तरह से जनता को बतलायें कि इस रास्ते से चलो। अगर मैं किसी का नाम लूँगा, आप किसी दूसरे का नाम लेंगे, तीसरा तीसरे का नाम लेगा, और कहेगा कि उन्हें गैर-कानूनी बनाओ दो इसका नतीजा बुरा होगा। यह जो जोकबंत्र है जिसकी शान दुनिया में है, वह खत्म हो जायेगी। मैं कहता हूँ कि आज दूसरी जगहों में लोकतंत्र खत्म हो रहा है लेकिन हमारे यहाँ लोकतंत्र कायम है और हम लोग अभी तक जनशक्ति के ऊपर विश्वास करते हैं।

यहाँ बतलाया गया कि यह सेसेशन के लिये है। मैं पूछता हूँ कि चाहे कारखाने हो, चाहे टिचवाल हो, उरी पूछ हो, हाजी पीर हो, क्या यह हमारा इलाका नहीं था? आप कहेंगे कि जुरिडिकली हमारा है। कहता हूँ कि आप के कब्जे में आ गया था तब उसको फिर क्यों दे दिया? क्या यह इंटेग्रेशन के खिलाफ काम नहीं हुआ। क्या आप सिर्फ कानूनी सार्वभौमिकता चाहते हैं या सबकुछ चाहते हैं? अगर मुझ से पूछा जाय कि क्या यह कानून जरूरी है तो मैं कहूँगा कि इस कानून की कोई जरूरत नहीं आज के हालात में। इसका विरोध करना जरूरी है।

यहाँ प्रिंसिपल की बात उठाई गई। मैं कहता हूँ कि अगर हम ने बिल को रीसेक्ट

कमेटी के पास भेजना मंजूर कर लिया तो क्या हम ने प्रिंसिपल को मान लिया? ऐसी बात नहीं है। जब कोई कानून बनता है और उसके प्रिंसिपल पर चर्चा होती है, पहला वाचन होता है तो उसका मतलब यह नहीं है कि सब लोगों ने प्रिंसिपल को मान लिया है। जिसे जाना है वह प्रवर समिति में जायेगा और जिस को दुस्त करना है वह करेगा। हो सकता है कि वहाँ जा कर लेसर इविल रह जाये। मान लीजिये कि बिल मुझे पसन्द नहीं है, उसका प्रिंसिपल पसन्द नहीं है। मगर उसमें जो खराबी है उसको दुस्त करने के लिये मे प्रवर समिति में नहीं जा सकता? इसका मतलब यह नहीं कि हम को बिल पसन्द है। मैं इसमें और कोई प्रिंसिपल नहीं देखता सिवा इसके कि यह एक साधन है यह जो ड्राफ्ट है इसको वहाँ पर दुस्त करना होगा। इसलिये मैं पहले वाचन का सख्त विरोध करता हूँ।

Shri B. Shankaranand (Chikodi):
Mr. Deputy-Speaker, Sir, I have been very attentively hearing the speeches made by the Opposition Members. I find that they are either deliberately opposing this Bill, knowingly that the Bill is useful for the country, for the sake of opposition or otherwise. The Statement of Objects and Reasons is quite clear. It says:

"Pursuant to the acceptance by Government of a unanimous recommendation of the Committee on National Integration and Regionalism appointed by the National Integration Council, the Constitution (Sixteenth Amendment) Act, 1963, was enacted empowering Parliament to impose, by law, reasonable restriction in the interests of the sovereignty and integrity of India, on the—

(i) freedom of speech and expression;

[Shri B. Shankaranand]

(ii) right to assemble peaceably and without arms; and

(iii) right to form associations or unions.

The object of this Bill is to make powers available for dealing with activities directed against the integrity and sovereignty of India."

This is very clear that this Bill is intended for those who act in such a way as to be a threat to the integrity and sovereignty of India. I am not against all these people who are just shouting. Let them place their hands on their hearts and say whether they are standing for integrity or not; if not, let them oppose this Bill. I thought for a while that the whole House would thank the Home Minister for having come forward with this legislation which the country needs so urgently. What do we find? Every day we see a call-attention on Naxalbari or Kharibari or some such place. If the Government wants to take a certain action, the Opposition members come and say that this action is not good and that action is not good, and the reasons under which they take shelter are language or economics or finance, and they go on attacking the action.

The only argument that was reasonably put forward was the one raised by Shri N. C. Chatterji. He did not go into all those things which were not relevant to the point. He said that this Bill was legally a little premature in the sense that Article 19 has been suspended according to the Supreme Court Judgement which he referred. According to him, the Government should not have introduced this Bill without removing those impositions. But there also I differ from him. What does Article 19 of the Constitution say?

Article 19 says:

"All citizens shall have the right to freedom of speech...."

All those freedoms are given there. And then, what does sub-clause (2) say? It says:

"Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."

This Bill is in furtherance of this Article. It is not as if the whole Article is suspended by the Supreme Court judgment. The Supreme Court judgment does not say that the whole of Article 19 is suspended, and the Government's hands are tied down and they cannot come with any Bill. To deal with the situation that is arising in the country.

I was a little surprised by the arguments levelled by my friends on the other side. What Mr. Ramamurti said was a little uncharitable. He levelled charges against the members of the Tribunal. He was very uncharitable. Of course, it is the habit of those people not to believe in anything good being done and also not to believe in themselves doing anything good, and they just go on criticising and attacking.

I submit that the very important Clauses in this Bill are Clauses 3, 4 and 13.

Many hon. friends on the other side criticised only taking a sub-clause here and there. They said, 'association without referring to the clause 'unlawful association' and they commented only on 'association'. They very conveniently left the clause 'unlawful association' and commented only on 'association'....

Mr. Deputy-Speaker: He will conclude now.

Shri B. Shankaranand: Clause 4 is the most important clause and I want to stress here....

Mr. Deputy-Speaker: Every Clause is important. But the time is more important.

Shri B. Shankaranand: Of course, the time is important for us. But it is also important for me to express my opinion. I must support this Bill. I must convince the members on the other side.

I will finish in a minute.

Shri Hanumanthaiya (Bangalore): He is making his maiden speech. Therefore, he may be given some more time.

Mr. Deputy-Speaker: He has spoken before. Perhaps the hon. Members was not here. This is not his maiden speech.

Shri B. Shankaranand: If the Opposition Members want to oppose this Bill just for the sake of Opposition, then let them do so and I have no quarrel with them. But if they want to oppose this Bill on principle, then what we could take them for is very clear. This Bill deals with those who are against the integrity and sovereignty of India. Let them say on what grounds they want to oppose this Bill and I shall take them at their word.

श्री प्रकाशवीर शास्त्री (हपुड़) : उपाध्यक्ष जी, इस विधेयक के उद्देश्यों और कारणों में अन्तिम पंक्ति में लिखा है कि इस विधेयक का उद्देश्य भारत की अखण्डता और प्रभुसत्ता के विरुद्ध कार्य कलापों से बरतने के लिए शक्ति उपलब्ध कराना है। सचमुच अगर इस विधेयक का यही उद्देश्य है और सरकार इसी पवित्रता के साथ इस विधेयक को लाई है तो मेरा अपना अनुमान है कि किसी को इस विधेयक को स्वीकार करने में शायद आपत्ति न हो। परन्तु वास्तविकता यह है कि राष्ट्र

की अखण्डता और प्रभुसत्ता बनाये रखने के लिए अब तक जो भी इस प्रकार के पग सरकार ने उठाये हैं उनका निर्णय लेने में भी अगर उसने उतनी ही पवित्रता बरती होती तो शायद इस विधेयक पर इस सदन में इतना आक्रोश और इतना खोभ न दिखाई देता।

सब से बड़ी बात जिस को मैं आपके द्वारा गृह मंत्री महोदय से पूछना चाहता हूँ यह है कि अब से पिछले बीस वर्ष में जब इस प्रकार की अखण्डता और देश की प्रभुसत्ता को सुरक्षित बनाये रखने के लिए विधेयक या कानून बनाए गए हैं, उन में क्या दुर्बलता इस प्रकार की रही जिसको हटाने के लिए यह विधेयक नए सिरे से सदन में लाया जा रहा है? अगर उन में किसी प्रकार की कोई दुर्बलता नहीं थी तो फिर इस विधेयक को लाने की आवश्यकता क्या थी? अगर उन में किसी प्रकार की दुर्बलता थी तो पिछले बीस वर्षों में राष्ट्र की प्रभुता और अखण्डता कैसे सुरक्षित रह सकी? सब से बड़ी बात यह है कि इस विधेयक को लाने के बाद भी क्या गारन्टी है कि आगे फिर सरकार इस प्रकार का कोई विधेयक नहीं लाएगी?

दो बातें होती हैं एक नीति और दूसरा निर्णय। जहाँ तक सरकार के निर्णयों का संबंध है मुझे इस में कोई सन्देह नहीं है कि निर्णय अच्छे हैं काश कहीं नीति भी उसी प्रकार अच्छी होती तो इस प्रकार बार बार सरकार को सदन के सम्मुख विधेयकों के द्वारा उपस्थित न होना पड़ता।

अभी हमारे कुछ सत्तारूढ़ पक्ष के मित्र चर्चा कर रहे थे नक्सलवाड़ी और पश्चिमी बंगाल की। इस में कोई सन्देह नहीं है कि पश्चिमी बंगाल की वर्तमान स्थिति को देखते हुए चाहे वह नक्सलवाड़ी की हो, चाहे वह कलकत्ता की हो और चाहे वह भाओ रसे तुग जिन्दाबाद के नारों की हो, कोई भी क्यों न हो देशवासियों को उसी प्रकार की चिन्ता है।

[श्री प्रकाशबीर शास्त्री]

जिस प्रकार की सत्तारूढ़ पक्ष को चिन्ता है। लेकिन सत्तारूढ़ पक्ष में बैठे हुए भाइयों से मैं कहता हूँ कि वे अपने हृदय पर हाथ रख कर सोचें कि आज पश्चिमी बंगाल की इस स्थिति को बनाने का दायित्व किस पर है। आज से एक वर्ष पहले बंगाल के अन्दर जो स्थिति चल रही थी कांग्रेस की हाई कमान ने, कांग्रेस के शीर्षस्थ नेताओं ने अगर उस समय भूल न की होती तो आज पश्चिमी बंगाल का यह रूप न होता जो नक्सलवाड़ी या कलकत्ता में घेराव और माओ त्से तुंग जिन्दाबाद के रूप में दिखाई दे रहा है। यह सब कुछ होने के बावजूद भी क्या सत्तारूढ़ पक्ष ने किसी प्रकार की कोई शिक्षा ग्रहण की है ?

जहां तक असम का संबंध है क्या हम इस बात को नहीं जानते हैं कि असम में लाखों की संख्या में जो पाकिस्तानी नागरिक प्रवेश कर गए हैं कभी सत्तारूढ़ पक्ष के भाइयों ने अपने हृदय पर हाथ रख कर सोचा है कि अब तक असम में बराबर उनकी गवर्नमेंट रही है ? क्या उनकी दुर्बलता के कारण ही असम में इस प्रकार की स्थिति नहीं बनी है और भिजो लोगों को पृथकता और नागाओं को पृथकता का नारा लगाना पड़ा ?

काश्मीर की स्थिति क्या है ? आज काश्मीर की जिस स्थिति को देखकर सरकार भी चिन्तित है और देश चिन्तित है क्या सत्तारूढ़ पक्ष के भाई अपने हृदय पर हाथ रख कर सोचेंगे कि काश्मीर के वर्तमान वातावरण को बनाने में सत्तारूढ़ पक्ष का कितना बड़ा हाथ रहा है ? एक एक घटना के विस्तार में मैं नहीं जाना चाहता। सत्तारूढ़ पक्ष के एक जिम्मेवार व्यक्ति जो इस सदन में उपस्थित हैं श्री कुशोक बाकुला जो कि लद्दाख का प्रतिनिधित्व करते हैं इस सदन में उनके जैसे साधु पुरुष की इस प्रकार की गम्भीर चेतावनी को भी सरकार ने अभी तक अपने कानों पर नहीं पड़ने दिया है।

मेरे कहने का अभिप्राय यह है कि अब तक जो इस प्रकार के कानून बने हुये थे उन कानूनों के द्वारा अगर सरकार इस प्रकार की गतिविधियों पर प्रकुश लगाने की कोशिश करती तो फिर आज इस प्रकार का विवादास्पद विधेयक नए सिरे से लाने की उसको आवश्यकता न पड़ती।

अन्त में दो बातें मैं विशेष रूप से कहना चाहता हूँ एक सब से बड़ी बात यह कहना चाहता हूँ कि इस विधेयक के संबंध में कुछ और प्रश्नों की भी चर्चा यहां हुई है। उन प्रश्नों को न छोड़ते हुए मैं कहना चाहता हूँ कि कुछ हमारे देश में राजनीतिक दल इस प्रकार के हैं जो भाषा को और इसी प्रकार के—दूसरे कोमल प्रश्नों को अपना हथियार बना कर अपना अस्तित्व बनाये रखना चाहते हैं। जैसे पाकिस्तानी नेता भारत विरोधी नारे लगा कर वहां अपने को कुसियों पर टिकाये रखना चाहते हैं। मुझे आश्चर्य हुआ एंग्लो इंडियन सदस्य के भाषण को सुन कर जो देश के राष्ट्रीय स्वरूप को बनते हुए देख कर शायद उतना सन्तुष्ट नहीं हो पा रहे हैं। राष्ट्रीय एकता के इस प्रकार के प्रश्न को देख कर उनको कष्ट होता है और इसलिए इस प्रकार की आवाज सदन में उन के मुख से सुनाई देती है।

लेकिन मैं जो बात विशेष रूप से कहना चाहता हूँ वह यह है—मूह मंत्री महोदय को बड़ी स्पष्ट भाषा में अपने और अपने सहयोगी सदस्यों की ओर से उन को विश्वास दिलाता हूँ कि हम इस विचार को मानने वाले हैं कि देश की एकता, अखण्डता और प्रभुसत्ता को व्यक्ति हो या संगठन हो, किसी भी ओर से अगर आघात पहुंचाने की आशंका होगी तो हम पहले व्यक्ति होंगे कि जो खुल कर उसका विरोध करेंगे। जो व्यक्ति या संगठन हमारे देश की अखण्डता और एकता को आघात पहुंचाने वाला हो,

हम कभी भी और किसी भी रूप में उस का समर्थन नहीं कर सकते। लेकिन इस का अभिप्राय यह कदापि नहीं है कि देश की एकता और सुरक्षा की भाङ्ग में सरकार द्वारा ऐसे निर्णय लिये जायें, जो राजनैतिक बदले के रूप में बाद में परिणत हो जायें या इस भाङ्ग में राजनैतिक बदले उतारे जायें।

मैं समझता हूँ कि गृह मंत्री महोदय ने बहुत अच्छा किया कि इस विधेयक को प्रवर समिति को भेजने के प्रस्ताव को स्वीकार कर लिया। वहाँ पर इस की एक एक व्यवस्था की बारीकी से छानबीन हो जायेगी और सरकार इस संबंध में कोई युक्तिसंगत निर्णय ले सकेगी।

श्री शिव नारायण (बस्ती) : उपाध्यक्ष महोदय, मैं श्री रंगा को बधाई देना चाहता हूँ कि उन्होंने इस बिल के संबंध में बुद्धिमानी से काम लिया। जहाँ तक बाकी विरोधी सदस्यों का संबंध है, उन्होंने यह तो स्वीकार किया कि आज हमारे देश में गड़बड़ करने वाले तत्व मौजूद हैं, लेकिन उन्होंने इस बिल का विरोध किया। मैं समझता हूँ कि जब उन्होंने यह बात मान ली कि इस बिल को सिलेक्ट कमेटी के सुपुर्द कर दिया जाये, तब उन्होंने इस के प्रिसिपल को भी मान लिया। मुझे मालूम है कि आज बंगाल में क्या हो रहा है, कलकत्ता में क्या हो रहा है और मद्रास में क्या हो रहा है मेरे पास स्पीकर साहब से एक चिट्ठी भी आई है, जिस में बड़ी छींटाकशी की गई है। आज हर जगह अनलाफुल एक्टिविटीज हो रही हैं, यहाँ तक कि कांग्रेस के एम०एल० एज के हाथ पैर काटे जा रहे हैं।

मेरे मित्र, श्री शास्त्री, बड़े विद्वान आदमी हैं। उन्होंने हमारा आधा सवाल हल कर दिया, जिसके लिए मैं उनका अनुगृहीत हूँ। लेकिन चूँकि वह विरोधी दल में बैठते हैं, इसलिए भीठे शब्दों में, खुमा-फिरा कर, उन्होंने इस सरकार की

आलोचना की और इस बिल का विरोध किया। मैं समझता हूँ कि उनके साथ जो साठ इंडिपेंडेंट मੈम्बर बैठते हैं, अगर वे हमारे साथ चले भायें, तो वे भी बड़े ही, जायेंगे।

इस बिल के जरिये हम गवर्नमेंट के हाथ मजबूत करना चाहते हैं, ताकि वह देश-विरोधी तत्वों का सामना अच्छी तरह से कर सके। मैं अपने मित्र, श्री जोशी, से कहना चाहता हूँ कि गवर्नमेंट्स हमेशा अपनी सूझ-बूझ के मुताबिक और परिस्थितियों के अनुसार कानून बदलती रहती हैं। हमारे ऊपर यह चार्ज लगाया जाता है कि इन बीस वर्षों में हमने यह नहीं किया और वह नहीं किया। लेकिन मैं बताना चाहता हूँ कि यह इस गवर्नमेंट की नान-वायलेंस की पालिसी और उदारता का सबूत है कि कई प्रकार की इमरजेंसी पावर्ज के होते हुए भी उसने मिसबिहेव नहीं किया। इस तरह यह गवर्नमेंट और होम मिनिस्टर साहब इस कानून का भी मिसपूज नहीं करेंगे।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और श्री रंगा को फिर धन्यवाद देता हूँ।

श्री यशपाल सिंह (देहरादून) : उपाध्यक्ष महोदय, चन्हाण साहब जो बिल इस सदन के सामने लाए हैं, वह जेनेरल प्र्यूबन्सा के देश में तो शोभा दे सकता था, लेकिन गांधी और गीतम की इस भूमि में यह शोभा नहीं देता है।

[श्री यशपाल सिंह]

हमारे संविधान के आर्टिकल 19 में कहा गया है ;

“Nothing.... shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions...”

लेकिन मैं समझता हूँ कि चव्हाण साहब जो पाबन्दियाँ लगाने जा रहे हैं, उनको रोज़नेबल रेस्ट्रिक्शन नहीं कहा जा सकता है। संसार के हर एक देश में “पब्लिक इन्ट्रेस्ट” को तय करने वाली, उसको इन्टरप्रेट करने वाली जुडिशरी, सुप्रीम कोर्ट और हाई कोर्ट, होती है, गवर्नमेंट नहीं। मैं चव्हाण साहब का यश चाहता हूँ। मेरा नाम भी “यश” है और उनका नाम भी “यश” है। मैं यह नहीं चाहता कि उनके हाथों से कोई गलत काम हो। देश के महानतम लीडर, श्री राजगोपालाचार्य, ने कहा है कि यह सरकार सिर्फ़ और तेरह महीनों की मेहमान है। चव्हाण साहब चाहे कितने बड़े पहलवान हों, लेकिन वह डी० पी० मिश्र से बड़े पहलवान नहीं है। जब श्री मिश्र को डीथोन किया जा सकता है, तो हाँ सकता है कि शायद कल चव्हाण साहब का भी इधर बैठना पड़े। इस हालत में उनको इस बात से क्या फायदा है कि वह दुश्मन के हाथ में यह रिवाल्वर दे रहे हैं, जो उनके इस तरफ़ बैठने पर खुद उन पर ही चलाया जा सकता है ?

मैं साफ़ कहना चाहता हूँ कि इस सरकार की पिछले बीस साल की राजनीति पराजय और भ्रष्टाचार की राजनीति रही है। सरकार की नीति के फलस्वरूप देश को पराजय और डिफीट मिली है, भुखमरी मिला है, और कुछ नहीं मिला है। अगर यह सरकार नक्सलवाड़ी की वर्तमान स्थिति का अन्त करना चाहती है,

तो वह वहाँ के भूखे लोगों को रोटी दे। अगर उन लोगों को पेट-भर भोजन मिलेगा, तो सरकार को किसी को क्रश करने की जरूरत नहीं होगी। “बुभुक्षितः किं न करोति पापं”?—भूखों भरता इन्सान क्या नहीं करता है ?

मेरी अर्ज है कि यह सरकार करप्शन का नाम न ले, बल्कि प्राइवकेशन का नाम ले; वह भ्रष्टाचार का नाम न ले, बल्कि पैदावार का नाम ले। इससे नक्सलवाड़ी की समस्या खुद-ब-खुद खत्म हो जायेगी, विद्रोह अपने आप समाप्त हो जायेगा। अगर घर की गाय आध सेर दूध देती है और घर में आठ बच्चे हैं, तो माँ को भी एडल्टेशन और भ्रष्टाचार करना पड़ेगा। यह पाटों का सवाल नहीं है, बल्कि सवाल यह है कि धरती माता जो पैदावार दे सकती है, उसका दस फीसदी भी नहीं लिया गया है; हमारे कल-कारखाने जो पैदावार दे सकते हैं, उसका पांच फीसदी भी नहीं लिया गया है। यह सरकार फेल हुई है। इस ने देश को पराजित कहलवाया है, भारत माता की सन्तान को, गु गोविन्द सिंह के बच्चों को डिफीटिड नेशन लिखवाया है, महाराणा प्रताप की श्रीलाद को पराजित जाति लिखवाया है।

मेरी दरखवास्त है कि यह सरकार देश के मसलों का हल निकाले। हम उसके कंधे से कंधा भिड़ा कर काम करने के लिए तैयार हैं। हम कोई पद, चेयर या पब्लिसिटी नहीं चाहते। जिस तरह से हमने प्राणपण से पाकिस्तान और चीन के मुकाबले में अपने बच्चे कटवाए हैं, उसी तरह हम खुद भी कटेंगे, लेकिन यह सरकार देश की समस्याओं का समाधान ढूँढ़े। यह डिक्लेटरशिप आज नहीं चल सकती है। महात्मा गांधी ने कहा था “दैंट गवर्नमेंट इज दि बैस्ट, बिच गवर्न्स दि वीस्ट।” आज

यह सरकार लोगों की सभाओं और स्पीचिज पर पाबन्दी लगाने जा रही है।

मेरी दरखास्त है कि चव्हाण साहब देश की समस्याओं का हल निकालें, इस इस भूखों मरती हुई जाति को बचायें और इस डिफिकिटिड नेशन को विक्टोरियस नेशन लिखवायें। हमारी सेवायें उनके साथ हैं।

मैं समझता हूँ कि इस बिल को सिनेट कमेटी को भेजने की जरूरत नहीं है, बल्कि दियासलाई के हवाले करने की जरूरत है।

The Minister of Home Affairs (Shri Y. B. Chavan): Mr. Deputy-Speaker, Sir, the debate on this Bill has gone on for nearly four hours in its early discussion. I had heard some speeches and I have got the main points of speeches which I could not hear. I must make it clear at the outset that though some of the members opposed the Bill, they did so from their party angles. Most of them ultimately said that the responsibility for the divisive forces was that of the Congress because of its 20 years rule. I can understand such an argument at the election time in an election platform. But we are discussing here a serious problem, not merely a Bill; the real problem is effective measures to meet the danger of the divisive forces in India ultimately leading to secession. It is not a party issue or a Congress or Swatantra or Jan Sangh or Communist issue. I have not heard from anybody that the danger is not there. If anybody could argue and convince me that there is no such disease and no *dava* is needed, I can understand it. But everybody says that there is the real danger; but they say that the danger is there only because of the Congress party!

Shri S. Kandappan: That is oversimplification.

Shri Y. B. Chavan: Some of you did try to analyse the causes and ultimately they came to the conclusion and said: your policies were wrong; you

did not implement them; you were in power for 20 years. Well, possibly we may be here for another 20 years.... (Interruptions). If you do not accept this for argument also, you are not democrats. I consider those democrats, who consider the other side's point of view also may be right. Unless that assumption is there, the argument does not exist, the debate does not flow. You have to consider what I am saying. Let me go back to the basic point. The divisive forces are there. Who is responsible for it? What is the reason for that? I did say in my opening speech that the divisive forces tried to raise their ugly head in the early 1960s. Immediately after the independence the impact of independence was so big that all these smaller or, rather baser, urges were buried down. They were rather hiding themselves, concealing themselves, but after 10 to 15 years, after Independence, they raised their ugly heads, not because of a party or a Government policy; it is because there are certain historical reasons for that. It is quite true, really speaking, that we became a nation in the last 150 years or so. The forces of unity were further strengthened by the freedom movement in this country. There is no doubt about it. As somebody said, India became one because there was the British rule. I say, not because of the British rule only. The British rule certainly created a physical condition for that. But the mental condition and other conditions of spirit were created by the freedom struggle of this country which went on for more than a century or so. So, these forces are there.

Now, naturally, when there is the power, the division or the sharing of power and then the religious ideas, linguistic ideas and some other ideas come in. They certainly create these divisive forces. I entirely agree that mere legal action is not the solution. I myself said so at the beginning of my speech. There are certain political methods, economic methods; there are some other social solutions that we have to evolve. Education is an im-

[Shri Y. B. Chavan]

portant thing; the economic development is also another important thing. We want to support them and strengthen those forces. But at the same time, when a situation comes, when organised attempts are made, legal action also is called for, and becomes necessary. When legal action becomes necessary, what is the answer for that? Naturally, the Members sitting in Opposition will say, "Here is a situation and why is it that we are not acting?" You want this Government to act with the help of the law. You do not want this Government to become the dictator. If it has to function only through the law and when the Government for legal action, requires the law, and if the Government comes to Parliament for the sanction of that law, I am told, "You are bringing in a black law."

Shri Surendranath Dwivedy: The existing laws are enough.

Shri Y. B. Chavan: Unfortunately, he does not know about this. I will certainly argue this point in the Select Committee. I will tell him and convince him that the present statutes do not help for this type of trouble. My hon. friend Shri Vasudevan Nair made certain remarks. He knows and uses good adjectives to condemn us. He called this a black law. But unfortunately, he knows only two colours. One is red and the other is black. (*Interruption*).

Shri Vasudevan Nair: I know what is red!

Shri Y. B. Chavan: May I tell him there are many varieties of colours? Let him try to understand. I may tell him that I personally do not like such laws if at all you ask for my likes and dislikes. But it is very natural for anyone and naturally for the Parliament to be suspicious about any executive asking for some more powers. I understand that. I can examine the basic points. But this type of attitude, of saying that everything is bad, is not good. One hon. Member asked, is this

not dangerous. I have heard them carefully . . .

Shri Yashpal Singh: You have created this danger.

Shri Y. B. Chavan: Well, I know history, our country's is a long history. Now the hon. Member from Jan Sangh gets up and asks, "Are you going to apply this law against such and such a Muslim organisation?" Then, some other Members get up and ask, "Are you going to make use of this against the RSS organisation?" From Shri Frank Anthony to Shri P. Ramamurti—everyone has his own reasons; that is the wonderful part of it. There is unity there! Shri Ranga pointed out in his speech that I am forcing unity on them because of this Bill. Well, I do not force anything. Really speaking, what are these provisions for? The idea is not to penalise any views, any political views or ideological conception. There is absolutely no such thing possible. I would like to argue it in the Select Committee.

Shri Joytirmoy Basu: To be used—against political opponents.

Shri Y. B. Chavan: Not at all; that is your philosophy. Our philosophy is not that. The idea is not to use it against any political thought or political theory or any political party as such or against any political opponents also; There is no idea of any academic discussion or expression of views about any such matters on this question.

But, Sir, I would like you to look to that clause which defines "unlawful". It says: "Unlawful activity in relation to an individual or an association means any action taken by such individual or association". We have not said "act". Hon. Members would realise the difference between the connotation of the word "act" and the word "action". "Action" is something more, something positive, something comprehensive. Therefore, really speaking, it is not enough that one holds certain views. What is, really

speaking, expected of an association or an individual to attract the operation of the law is that the individual or the association takes certain action. For what? That action should be for secession, for doing some harm to the sovereignty and integrity of the country. This is the basic position.

An hon. Member: Who is to prove that?

Shri Y. B. Chavan: That is a very reasonable question. When the executive is asking for power we should see the scheme of the Act. Normally, we would have said, let the Government announce it properly. What is being done is, Government wants a tribunal. Again, some people say that they do not like tribunal. If we logically go by that line, then somebody might say that they do not like the Supreme Court also. What can we do? The tribunal is going to be presided over by a sitting judge of a High Court. I am going to move an amendment whereby I am going to accept the Chairman to be a sitting Judge of a High Court. When a sitting judge of a High Court sits over the tribunal, goes into the details, the merits of the question and if after all that the order of the Government is confirmed then it becomes absolutely a judicial decision, a judicious decision.

Shri S. Kandappan: Leave it to the court itself.

Shri Y. B. Chavan: Let us argue that point in the Select Committee. Then you must accept this thing that such an action is necessary, such a law is necessary. First of all accept this. Why are you ashamed, so shy of saying that you accept the principle of it. I am glad that Professor Ranga accepted the principle of it. (*Interruption*).

Therefore, these arguments are rather misleading arguments.

17.57 hrs.

[**MR. SPEAKER in the Chair.**]

The hon. Member, Shri Chatterjee raised the question of constitutional

significance. I do not know whether he expressed his views on the merits of the Bill. He spoke twice, but both the times he repeated the same point, that when under the emergency we have made article 19 completely inoperative by that blanket order what is the use of further restricting it by this Act. I understand his argument. It is rather a legalistic argument. I can tell him that these are two different questions. I have said, while discussing the question of emergency that the emergency is going to be revised in the month of December or so. This Act is going to remain on the statute-book, if the hon. House accepts it, permanently—permanent in the sense as long as this House allows it to be there.

Shri N. C. Chatterjee: My point was, first of all revoke the proclamation of emergency, put article 19 in operation and then bring in this Bill.

Shri Y. B. Chavan: I, really speaking, do not understand it. I can say allow me to have this Act and then I can revoke the proclamation of emergency. What will you say to this proposition? I do not want to make that kind of a bargain.

Shri N. C. Chatterjee: You are trying to put fetters on article 19 whereas there is no article 19.

Shri Y. B. Chavan: This is no question of bargaining, that if you agree to do this I will do that. That is not the right attitude (*Interruption*). The point I am making is this, there is no connection between emergency and this Act. This Act is necessary because of certain conditions, which are not very healthy conditions, which are making their appearance in this country. We have to accept the challenge and meet them. If I am not coming to this hon. House, where do I go? Because, the hon. House has laid the responsibility of maintaining and protecting the sovereignty and integrity of this country on this government. If we say that we want this weapon and you say that "you would

[Shri Y. B. Chavan]

not have this weapon but still you must achieve this miracle" how can we do that?

18 hrs. ...

Some people asked me about the Mizo problem. I did make a mention of the Mizo district the other day. Can anyone say that the Mizo problem is because of the Congress Government? If anybody says that, I would only say that there is nothing but prejudice in their minds.

Shri Viswanatha Menon (Ernakulam): Can you solve the Mizo problem or the Naga problem by this Bill?

Shri Y. B. Chavan: Perhaps the hon. Member has not heard my speech fully. This Bill alone is not going to solve that problem. I have said it. No Bill alone can solve anything. I agree there. I am not disputing it.

Shri S. Kandappan: Some Bills do create problems.

Shri Y. B. Chavan: As long as you concede that the problem is there, in order to solve that problem this is one of my instruments.

Shri Hardayal Devgun (East Delhi): If this Bill is passed, will you lift the Emergency?

Shri Y. B. Chavan: Are we supposed to bargain like that here? This question of emergency is a separate question, which has to be decided on its own merits. I have assured this House that this question of emergency is going to be reviewed in the month of December. It can certainly be decided on its own merit. There is no relationship between the two.

Shri Jyotirmoy Basu: Your government will not survive that.

Shri Y. B. Chavan: I was very much encouraged by the voice of wisdom I heard from the hon. Mem-

ber, Shri Bal Raj Madhok. I hope he keeps the same attitude. That will certainly help all the healthy forces in this country to keep us very straight to face this problem of division in this country.

As we have agreed for the Select Committee, I do not want to anticipate all the arguments and meet them here, because I must keep some for my answers there. But I have no doubt that while bringing this Bill the idea was not to have any dictatorial powers; the idea was to have certain powers. As I said last time when this Bill was introduced, I shall be the happiest person if this Bill, after becoming an Act, becomes a dead letter. I would not be sorry for that.

Shri Jyotirmoy Basu: What is the Shiv Sena doing in Bombay?

Shri Y. B. Chavan: You have got your own Shiv Sena. Go back, open your eyes and find out. Some of the hon. Members unnecessarily bring in Shiv Sena. I was very much pained, I must say. I do not know why people deliberately do that; I do not mind it; it is their culture, I may say. Shiv Sena is always brought and they try to connect me with that. I think I must ignore this. Shiv Sena, I have said before and I want to say it again, is something which is anti-national, which is very unhealthy on our national life and we certainly would like to meet this. But I do not know whether there is any law meant for that. This law is not meant for that. But if any force, whether it is Shiv Sena or whether it is any other Sena ...

An hon. Member: Naxalbari Sena.

Shri Y. B. Chavan: . . . if they try to challenge the sovereignty and integrity of this country, the bludgeon of this Act will certainly fall on them. It is meant for that. But, let us not unnecessarily bring in irrelevant

issues, personal issues, issues of pre-judice. Let us think of this Bill as an instrument, as a measure to meet the national danger which we as a nation has to face and see that our country remains united, our country remains great.

Sir, I beg to move:

That the Bill to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 39 members, 26 from this House, namely:—

Seth Achal Singh, Shri Kushok Bakula, Shri S. M. Banerjee, Shri Bedabrata Barua, Shri R. D. Bhandare, Shri Krishna Kumar Chatterji, Shri Tridib Chaudhuri, Shri N. T. Das, Shri Devinder Singh, Shri Surendranath Dwivedy, Shri Ram Krishan Gupta, Shri V. Krishnamoorthi, Shri Madhu Limaye, Shri Raja Venkappa Naik, Dr. Sushila Nayar, Shri Jagannath Pahadia, Shri Nanubhai N. Patel, Shri P. Ramamurti, Shri K. Narayana Rao, Shri A. S. Saigal, Shri B. Shankaranand, Shri Prakash Vir Shastri, Shri Vidya Charan Shukla, Shri S. S. Syed, Shri Atal Bihari Vajpayee, Shri Y. B. Chavan.

and 13 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join 1910(ai) LSD—21.

the said Joint Committee and communicate to this House the names of 13 members to be appointed by Rajya Sabha to the Joint Committee.

Mr. Speaker: Now I shall put the substitute motion to the vote of the House. I hope, Shri Yashpal Singh withdraws his motion for reference to the Supreme Court.

Shri Yashpal Singh: No, I am not withdrawing.

Mr. Speaker: Then, I shall put it to the vote of the House.

Amendment No. 137 was put and negatived.

Mr. Speaker: Then, there are others by Sarvashri Yashpal Singh, Madhu Limaye, C. C. Desai, Jyotirmoy Basu and Kandappan for circulation. Are they withdrawing them?

Shri S. Kandappan: No, Sir.

Mr. Speaker: Then, I shall put them to the vote of the House.

Amendments Nos. 1, 45, 46, 65 and 231 were also put and negatived.

Mr. Speaker: Now I shall put the Home Minister's substitute motion to the vote of the House.

Shri Surendranath Dwivedy: There was another motion moved by Shri Frank Anthony.

Mr. Speaker: The question is:

That the Bill to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 39 members, 26 from this House, namely:—

Seth Achal Singh, Shri Kushok Bakula, Shri S. M. Banerjee, Shri Bedabrata Barua, Shri R. D. Bhandare, Shri Krishna Kumar Chatterji, Shri Tridib Chaudhuri, Shri N. T. Das, Shri Devinder Singh, Shri Surendranath Dwivedy, Shri Ram Krishan Gupta,

[Mr. Speaker]

Shri V. Krishnamoorthi, Shri Madhu Limaye, Shri Raja Venkappa Naik, Dr. Sushila Nayar, Shri Jagannath Pahadia, Shri Nanubhai N. Patel, Shri P. Ramamurti, Shri K. Narayana Rao, Shri A. S. Saigal, Shri B. Shankaranand, Shri Prakash Vir Shastri, Shri Vidya Charan Shukla, Shri S. S. Syed, Shri Atal Bihari Vajpayee, Shri Y. B. Chavan.

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that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 13 members to be appointed by Rajya Sabha to the Joint Committee.

The motion was adopted.

Mr. Speaker: Now, Dr. V. K. R. V. Rao.

Shri Surendramath Dwivedy: Sir, what happens to Shri Frank Anthony's motion?

18.08 hrs.

STATEMENT RE: PORT AND DOCK WORKERS STRIKE

The Minister of Transport and Shipping (Dr. V. K. R. V. Rao): Sir, I am grateful to you for this permission.

I made a statement in this House on 8-8-1967 in which I explained the position regarding the strike notice given by the All India Port and Dock Workers Federation at the major ports. The Minister for Labour and I have had full and frank discussions with the representatives of the Federation during the last three days and I am glad to say that the following agreed conclusions on the main issues have been reached with the Federation and the notice of strike is being withdrawn immediately. There will, therefore, be no strike.

"Pay" for purposes of Provident Fund, Gratuity, (i.e. special contribution) and *ex-gratia* payment, will mean "basic wages" as defined in the Employees' Provident Fund Act plus the allowances which are specified in the Act for purposes of deducting Provident Fund contributions, and interim relief, city compensatory allowance and piece-rate earnings wherever applicable. This will exclude house rent allowance in any form and over-time allowance. This shall have effect from 1-8-1967 in respect of Provident Fund and special contribution; and in respect of *ex-gratia* payments based on the accounting year 1966-67 payable in 1967-68.

In case of resignation a worker will be entitled to receive special contribution to the Provident Fund only if he has completed 10 years service. In case of dismissal he will be entitled to it only after completion of 15 years of service. In such cases where the employer has suffered any monetary loss due to the misconduct of the employee, the amount of loss caused by such misconduct shall be deducted from the amount of his special contribution payable to him.

Fifty per cent of the additional amount that would thus become payable to an employee on account of *ex-gratia* payment due to the enlargement of the definition of "pay" will