

Clause 3—(Amendment of the First Schedule)

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

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

Page 2, line 5,—

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

Page 2, line 39,—

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

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

Amendments Nos. 1 and 2 were put and negatived.

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

"That Clause 3 stand part of the Bill".

The motion was adopted

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

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

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted

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

13.40 hrs.

MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri K. Brahmananda Reddy]

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

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

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

MR. CHAIRMAN: Motion moved.

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

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

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

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

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

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

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

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

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

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

[Shri Indrajit Gupta]

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

SHRI M. C. DAGA: With certain amendments.

SHRI INDRAJIT GUPTA: With certain amendments!

13.58 hrs.

[SHRI ISHAQUE SAMBHALI in the Chair]

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

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

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

14 hrs.

A report in another paper says:

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

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

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

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

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

[Shri Indrajit Gupta]

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

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

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

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

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

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

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

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

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

[Shri K. Lakkappa]

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

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

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

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

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

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

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

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

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

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

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

श्री जयप्रकाश नारायण के कोई भी बच्चा नहीं है, महिलाओं की बात अलग है, पुरुष होने के नाते उन्होंने कभी बच्चों के लिये नहीं सोचा। श्री अटल बिहारी वाजपेयी, जो जनसंघ के लीडर हैं उनके भी शादी नहीं हुई और उनकी भी बच्चों के प्रति कोई भावना नहीं है। श्री ज्योतिर्मय बसु सी०पी०आई० (एम) के लीडर ने भी उनके

[श्रीम. म. न. ब. जी.]

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

मैं जब पटना गई थी, तो वहाँ एक घर में गई। वहाँ एक बीबी ने कहा कि हमारा लड़का पढ़ाई में तो अच्छा था लेकिन मोर्चे के लोगों ने उसको कहा कि इम्तहान न दो लेकिन वह इम्तहान देने जा रहा था। इन लोगों ने उसको रास्ते में पकड़ लिया और इनका मारा, कि उसको मार कर खत्म कर देना चाहते थे। लेकिन उस दिन किसी तरह से वह बच गया मगर बेहोश हो गया। जब होश में आया तो हर वक्त वह बोलने लगा कि मैं इम्तहान नहीं दूंगा, मुझे मारो नहीं, जानसे न मारो। क्या हम अपने बच्चों को ऐसे फ्यूचर और ऐसी जिन्दगी की तरफ ले जायेंगे ? हमारा देश ऐसे खत्म हो जायेगा। महिला के नाते मैं कह सकती हूँ कि जितनी हालत में यह हमको ले जा रहे थे, उसको देखते हुए यह बहुत अच्छा हुआ कि वे मौसा में पकड़े गये।

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

आर्थिक क्षेत्र में हमने देखा कि स्मगलिंग क्या हालत पैदा कर रहे थे। इन लोगों की कार्यवाहियों की वजह से हमारी सरकार को

फोरन-एक्चेंज में 400 करोड़ रुपये का नुकसान होता है। वे लोग बड़ी मात्रा में स्मगलिंग कर के हमारे देश की सिन्थेटिक फाइबर को इंडस्ट्री को एकदम खत्म कर रहे थे। इन तरह से वे लोग एक परैलल इकनामी और परैलल सरकार चला रहे थे। हमारी सरकार ने देश की उन्नति और डेवलपमेंट के लिये जो भी पैसे खर्च करने की कोशिश की, उन सब को उन्होंने विफल कर दिया। परैलल इकनामी चलाकर उनको फरस्ट्रेट कर दिया। इतनी बुरी हालत उन्होंने पैदा कर रखी थी। वे लोग स्मगलिंग के पैसे से इकनामिक पावर को पचेंज करते थे और सोशल रैस्पॉन्सिबिलिटी प्राप्त करते थे। जो बड़े बड़े स्मगलर्स पकड़े गये थे, बाद में उनको छोड़ देना पड़ा। उसके बाद वे लेटस्ट इलैक्ट्रानिक डिवाइसेस के द्वारा अपनी आग नाइजेशन को ठीक ठाक करने लगे। उनका छोड़ना नहीं चाहिये था। अब अच्छा हुआ कि सरकार मौसा एक्ट में सशोधन कर रही है और यह जस्टिसेबल होगा और इससे देश में अच्छे हालात होंगे।

ऐसी स्थिति बा रही थी कि देश में इन्फ्लेशन बढ़ रहा था और आर्थिक क्षेत्र में बहुत कठिनाइयों का सामना करना पड़ रहा था। प्रोक्वोरमेंट में कितनी मुश्किल हुई ? जब यह तय हुआ कि सरकार की तरफ से प्रोक्वोरमेंट होगा तो मने अपने वर्क्स को कहा कि वे सरकार की मदद करें। पंजाब से हमारे पास लेडीज आई, उनका पता चला कि कुछ लोग गांव में जाते थे और कहते थे कि तुमने कितना अनाज पैदा किया है। 5 हजार का पैदा किया है, तो हम 10 हजार दे रहे हैं, अपनी जरूरत के लिये तो रख लो और बाकी को जला दो, जमीन में गाड़ दो, मगर सरकार को मत दो। क्या यह एन्टी-नेशनल एक्टिविटी नहीं है ? क्या ये लोग ऐसा कर के देश को खतरे में नहीं डाल रहे थे ?

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

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

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

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

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

मैं यह दावे से बोल सकती हूँ, हम दिल्ली के एम० पी० हूस्बेन के मुकाबले में बत ज्यादा

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

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

इन शब्दों के साथ मैं इसका समर्थन करती हूँ।

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

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

[Shri S. A. Shamim]

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

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

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

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

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

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

AN HON'BLE MEMBER: Who said so.

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

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

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

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

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

Shri Jawaharlal continues:

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

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

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

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

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

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

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

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

[Shri S. A. Shamim]

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

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

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

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

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

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

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

following section shall be inserted, namely:—

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

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

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

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

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

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

[Shri S. A. Shamim]

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

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

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

15 hrs.

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

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

वह रण कि बग़ाही ज़ामा नो पोश
मन अन्दाज दत्त रानी शनासम ।

[پہر جنگ کہ خواہی جامہ می پوش
می انداز دت رانی شناسم -]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

मैं फटकता हूँ तो छलनी को बुरा
 लगता है क्यों

हैं सभी तहजीब के झोझार तू छलनी में छाज ।

[میں پھٹکتا ہوں تو چھلنی کو
 برا لگتا ہے کہوں -

میں سبھی تہذیب کے اوزار
 تو چھلنی میں چھاج۔]

He wanted to be have like British Imperialists or Hitler.

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

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

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

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

This is how he was going towards dictatorship.

[Shri Syed Ahmed Agha]

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

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

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

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

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

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

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

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

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

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

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

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

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

SHRI S. A. SHAMIM: (*)

SHRI BHAGWAT JHA AZAD (Bhagalpur): (*)

SHRI S. A. SHAMIM: (*)

SHRI BHAGWAT JHA AZAD: (*)

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

श्री ए. ए. शमीम :

श्री भागवत झा आजाद :

श्री ए. ए. शमीम :

सभापति महोदय : भगत जी, आस्टिन साहब और भागवत झा आजाद साहब ने जो कुछ कहा है, मैं उस से इनफ क करता हूँ। यह बात सिर्फ शमीम साहब के लिए ही नहीं है, मैं पहले भी कह चुका हूँ—कोई साहब भी जो चेयर की परमिशन के बगैर बोलेंगे वह रेकार्ड पर नहीं जायेगा।

श्रीमती राबिन्त्री इराम (आंवला) : सभापति महोदय, यह पहला अवसर नहीं है जब हमारे शमीम साहब ने इस मीसा की मुखा-लिफत की है। जिस समय वह इस सदन में आये थे, तो हम समझने थे कि वे बहुत साफ-सुथरे, पढ़े-लिखे व्यक्ति हैं, इस सदन में कुछ इस तरह का असर छोड़ेंगे जिस से जाहिर होगा।

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

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

[श्री मती सवित्री इयाम]

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

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

क्या परेशानियों के ऊपर आप कह रहे हैं कि जब तक एमरजेंसी रहेगी जब तक कोई रिब्यू नहीं होगा। और जिस के ऊपर ये चार्जेज हैं उसकी जमीन, जायदाद, और असेट्स का कन्फिश्केशन होगा? जिन्होंने ये इन देश की दौलत के ऊपर भोज उड़ायी है। क्या वह यह सजा न भुगतें? उन महिलाओं को देखें जिन के पास तन ढकने के लिए दूसरा कपड़ा नहीं है। क्या हमवर्दी उन लोगों के साथ हो सकती है जो तस्करी, मिलावट या घूस लेते पकड़े जायें। मैं मांग करती हूं कि इस विधेयक के क्लॉज 15 में आप एक प्रोवीजी लगायें कि जिन के ऊपर ये चार्जेज हैं उन की जमीन, जायदाद और असेट्स को जब्त कर लिया जाएगा।

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

ग्रनटक्वबिलिटी के बारे में मेरा निवेदन है कि एम०आई०एस०ए० के बाद मैं ने देखा कि एक औरत किसी सवर्ण हिन्दु से पानी मांग रही थी उस को 10 गाली देने के बाद दो डोल पानी दिया गया । क्या यही हमरजेंसी है ? मैं चाहती हूँ कि उन की सुनवाई होनी चाहिए । अगर इस हमरजेंसी के अन्दर लोगों को राहत नहीं मिली तो फिर आप के पास कोई कदम नहीं है जिस से आप गरीब लोगों को राहत दे सकें । इसलिए सावधानी से सोच समझ कर इस संशोधन विधेयक में जो कमियाँ हैं उन को आप दूर करें । आप को इस हमरजेंसी के दौरान देश की शक्ल बदलनी है इसलिए आप एम०आई०एस०ए० की परिभाषा और इस के स्कोप को बढ़ाइये जिस में प्रोफेसर, सरकारी नौकर और एम० पी० भी शामिल हों । कहा गया कि किसी एम०पी० को, जर्नलिस्ट को नहीं आने दिया जाता है । मैं कहती हूँ कि अगर मुझ से भी खतरा हो तो मुझको भी नहीं आने दिया जाये । एक आदमी की लिबर्टी जाने से देश को कोई खतरा नहीं है ।

इन शब्दों के साथ मैं चाहती हूँ कि मंत्री सहोदय मेरे सुझावों पर विचार करेंगे ।

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

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

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

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

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

[Prof. Narain Chand Parashar]

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

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

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

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

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

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

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

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

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

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

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

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

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

[Prof. Narain Chand Parashar]

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri K. Mayathevar]

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

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

15.55 hrs.

[SHRI ISHAQUE SAMBHALI in the
Chair]

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

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

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

MR. CHAIRMAN: Please conclude.

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

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

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

16.01 hrs.

श्री साधूराम (फिल्मौर) : महापति महोदय, मीसा के लगने के बाद देश का खाल था कि म्मगलर, हांडर, ब्लैक मार्केटिंग करने वाले जो कर्नेली इकट्ठा कर रहे थे, वह बाहर आयेगी और गरीबों का कुछ फायदा होगा और मुल्क का डेवलपमेंट होगा। लेकिन अभी तक यह उम्मीद पूरी होती नजर नहीं आई है, क्योंकि इमरजेंसी की प्रोक्लेमेशन होने के बाद अभी तक काम ढीला नजर आ रहा है।

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

16.01 hrs.

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

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

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

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

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

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

[श्री साधूराम]

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

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

श्री साधूराम : मेरे पास बहुत सी शिकायतें आती हैं कि गरीब हरिजनो के साथ बड़ी बेइन्साफी हो रही है। मेरी कांस्टीट्यूएन्सी में, जिला जालंधर, नवांशहर तहसील। चक-दाना गांव में, गांव के लोगों ने वहां के बीस हरिजन फैमिलीज का पंद्रह रोज से सोकल बायकाट कर रखा है—उनका हाट्ट-पेश ब और बाहर आना-जाना बंद कर रखा है। इस बारे में पंजाब के चीफ मिनिस्टर और दूसरे मिनिस्टर्स को लेटर लिखे गये हैं। मैंने वहां के आई०जी० पुलिस और एन० एस० पी० को पर्सनल लेटर लिखे हैं कि वे इस मामले का इन्वेस्टीगेशन करें और जरूरी एक्शन लें। आज मेरे पास फिर उन लोगों का लेटर आया है, जिस में कहा गया है कि आज तक इस बारे में कोई कार्यवाही नहीं की गई है।

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

तीर पर जबर्दस्ती रोक रखा है। मैं अभी तक हरियाणा के चीफ मिनिस्टर को नहीं लिख पाया हूँ, लेकिन वहां के आई०जी० पुलिस और एन० एस० पी० को लेटर लिखे हैं।

मैं बताना चाहता हू कि इस देश में इमरजेंसी लागू होने के बाद भी गरीबों की क्या हालत है। उन का डेवलपमेंट होना तो दरकिनारा, उन का सोशल बायकाट कर के उन का तग किया जा रहा है। होम मिनिस्टर को इन बातों की तरफ ध्यान देना चाहिए। मैं दोनों एग्जिक्यूटिव कब उन्हें मबमिट कर दूंगा। वह स्टेट गवर्नमेंट से जवाब तानब करे और देश के सभी चीफ मिनिस्टर्स को हिदायत करे कि वे इमरजेंसी का फायदा उठा कर व्यूरोक्रेसी का हथियार न खेने और देश की भलाई के लिए ठोस कामों को जल्दी शुरू करें, ताकि गरीबों को कुछ राहत मिल सके।

श्री रामशेखर प्रसाद सिंह (छपरा) . सभापति महोदय, मैं आन्तरिक सुरक्षा (मशो-धन) विधेयक का स्वागत करता हूँ और साथ ही मंत्री महोदय को बधाई देता हूँ कि उन्होंने एक ऐसा बिल प्रस्तुत किया है, जिस की इस समय देश में आवश्यकता थी।

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

एक सदस्य के अलावा सभी माननीय सदस्यों ने इस को सपोर्ट किया है। कुछ दिन पूर्व इस सदन के एक बुजुर्ग नेता, माननीय

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

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

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

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

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

[श्री र.मेश्वर प्रसाद सिंह]

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

इन्दजीत गुप्ता जी ने जो खतरा बताया है उस के ऊपर माननीय गृह मंत्री महोदय की कोई व्यवस्था करनी चाहिए। मेरा मुद्दाव है कि चूँकि सब व्यवस्था बन्द हो चुकी है इसलिए स्थानाय तन्त्र पर एम० एल० ए०, एम०पी० और जो लोक वहाँ के समाजसेवी हों उन लोगो की एक सस्था बनाएं ताकि स्थानीय अधिकारी इस मिसा का व्यवहार वाजिब तरीके से न कर के उस का दुरुपयोग करते हों तो उस के विरुद्ध यह नाम-आफिशियल रिपोर्ट करे और उन के ऊपर शीघ्र ही कार्यवाही की जाय। उस के साथ साथ यह भी हो कि जो सरकारी अधिकारी इस काम में गड़बड़ी करते हों उन के खिलाफ

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

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

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

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

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

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

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

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

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

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

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

[Shri Bhogendra Jha]

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

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

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

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

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

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

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

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

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

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

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

आप जानते हैं हिन्दुस्तान में पिछले दो, तीन, चार साल के अन्दर प्रतिक्रियावादी लोगों ने, आनन्दमार्गियों ने, जमाते इस्लाम ने, जक्संध ने, आर० एस० एस० ने—जितनी

[श्री हरि सिंह]

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

बधाई देना चाहता हूँ। उन्होंने देश को बचा लिया और हिन्दुस्तान को फिर से आगे की तरफ ले जाने के लिए मन्त्रिमण्डल शुरू की है और मैं जानता हूँ कि यह मन्त्रिमण्डल कामयाबी के साथ पूरी होगी।

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

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

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

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

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

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

[श्री मुल्को रंज सैनी]

आज सरकार तक, हमारी प्राइम मिनिस्टर तक, कृषि मंत्री तक पहुंचाना चाहता हूं। उनका पेमेंट जल्दी से जल्दी होना चाहिये और इस मामले का हल होना चाहिये।

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

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

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

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

मैं सत्यासी हूँ, मेरी कोई व्यक्तिगत सम्पत्ति नहीं है। मेरे रिता जमींदार थे। सत्यासी होने के बाद मेरे पास जायदाद से

संबंधित कांग्रेस आये, मैंने कहा कि मैं सन्यासी हूँ मुझे कुछ नहीं चाहिये। मुझे जो यहां से तनखाह मिलती है उसमें से मैं एक पसा भी अपने लिये नहीं लेता, सारा पैसा मैं स्कूल, कालेज को देता हूँ। मैं भिक्षा माँकर खाता हूँ। गांधी जी का सम्पर्क मैंने किया है और देखा कि जब तक देश में गरीबी है तब तक किसी को सम्पत्ति रखने की जरूरत नहीं है। इन्दिरा जी ने गरीबों को ऊँच उठाने की बात की तो दुनिया के और हमारे देश के पूजार्पित उनका विरोध कर रहे हैं। इन्दिरा जी ने तो ऐसे लोगों को जेल में बन्द किया, लेकिन अगर मैं प्रशामक होता तो ऐसे लोगों को गोली में उड़वा देता।

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

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

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

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

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

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

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

[श्री राम सिंह भाई]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri B. R. Shukla]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SHRI K. BRAHMANANDA REDDY: No, no.

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

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

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

[Shri K. Brahmananda Reddy]

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

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

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

SHRI INDRAJIT GUPTA: The public will not know anything.

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

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

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

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

SHRI INDRAJIT GUPTA: You have not clarified anything.

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

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

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

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

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

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

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

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

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

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

(Interruptions)

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

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

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

MR. CHAIRMAN: The question is:

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

The Lok Sabha was divided:

Division No. 9]

[17.31 hrs

AYES

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

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

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

NOES

Shamim, Shri S. A.

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

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

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

The motion was adopted

Clauses 2 to 4 were added to the Bill

Clause 5—(Amendment of section 15)

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

'Page 2, line 30,—

omit "or otherwise". (8)

It says here:

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

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

SHRI K. BRAHMANANDA REDDY. The point is:

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

"and save as otherwise provided in this section'

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

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

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

SHRI K. BRAHMANANDA REDDY: No.

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

SHRI M. C. DAGA: Yes.

Amendment No. 8 was by leave, withdrawn.

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

The question is:

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

Clause 5 was added to the Bill.

Clause 6—(Insertion of new section 16A)

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

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

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

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

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

SHRI BHOGENDRA JHA: I beg to move:

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

Page 3,—

omit lines 44 to 51. (7)

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

Page 3, line 1,—

for “fifteen days” substitute “ten days” (9)

Page 3, line 24, —

for “fifteen days” substitute “ten days” (11)

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

Page 3, line 14—

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

Page 3, line 32, —

for “four months” substitute “one month.” (12)

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

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

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

[Shri Bhogendra Jha]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

श्री मूल चर्चा (पाली): सभापतिजी,
एक बात मैं जरूर जानता हूँ—मैं अपने
गृह मंत्री जी से पूरी तरह से परिचित हूँ,
वे बड़े सज्जन हैं और इन्होंने पूरा
सज्जनता की बातें कही हैं, इस लिए मैं
अपनी दोनों एमन्डमेंट्स के बारे में बालूंगा।
सब से पहले तो मैं सुप्रीम कोर्ट के एक रिसेंट
रूलिंग की तरफ आप का ध्यान खींचना
चाहता हूँ—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. Members: Yes.

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

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

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

The motion was negatived.

MR. CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 1—(Short title
and Commencement)

Amendment made

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

(SHRI K. BRAHMANANDA REDDY):

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

The motion was adopted

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

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

SHRI K. BRAHMANANDA
REDDY: I beg to move:

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

MR. CHAIRMAN: The question
is:

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

The motion was adopted.

18 hrs.

The Lok Sabha then adjourned till
Eleven of the Clock on Monday, July
28, 1975/Sravana 6, 1897 (Saka).