

tion Committee, 1971 on "Accounting Matters".

11 15 hrs.

STATEMENT RE-CONTINUANCE IN
FORCE OF THE PROCLAMATION OF
EMERGENCY

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT). Sir, Article 352 of the Constitution provides that if the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may by Proclamation, make a declaration to that effect. The House is fully aware of the circumstances under which the Proclamation of Emergency had to be made on 3-12-1971. By virtue of the provisions of clause (2) of article 352, the Proclamation will continue to be in force until it is revoked by a subsequent Proclamation.

Unstarred question No 3086, answered on 21st August, 1974, sought to ascertain *inter alia* the reasons for the continuance of the Proclamation of Emergency. While considering the question of the continuance of the Proclamation of Emergency, security requirements of the country have been the most decisive. Accordingly, in the answer furnished, the first place of importance was given to the relevant considerations of security and progress of the process of normalisation of relations with Pakistan. The House had been informed from time to time of the recourse taken by the Government to the provisions of DIR. for dealing with anti-social elements, whose activities are prejudicial to the larger economic interests of the nation. In fact, the use of DIR for dealing with the over-all economic situation in the country had been advocated by several quarters, including Members of Parliament. Since

the concrete effect of the Proclamation of Emergency is the continuance in force of the Defence of India Act and Rules, it was thought necessary that the use made thereof to meet the serious economic situation in the country should also be reflected in the answer furnished to the unstarred question. Thus, the reference in the answer to the over-all economic situation in the country was designed only to indicate the totality of the situation in the country.

Sir, I have removed the words 'taken into account by the Government' at the end of the statement supplied.

SHRI S. M. BANERJEE (Kanpur): Why should the emergency continue?

SHRI SHYAMNANDAN MISHRA (Begusarai): The points raised by me have not been answered at all. The point is whether any other reasons could be added to the reasons on the basis of which Parliament had agreed to the Proclamation of Emergency. Now, they have added another reason. Does not that vitiate the Proclamation altogether?

Then, he has not also referred to the statement made by the hon. Prime Minister that there is no war emergency. I had referred to that in my statement and drawn attention to the view of the Prime Minister that there was no war emergency but only an economic emergency. There is nothing like economic emergency in our Constitution. But if what is meant is financial emergency, then on that account, a further Proclamation of Emergency under article 360 is called for. The emergency cannot continue on the basis of article 352 now. The original emergency was proclaimed under article 352. All these points have not been met.

श्री अटल बिहारी वाजपेयी (ग्वालियर) :
अच्छा महोदय मेरा यह एक व्यवस्था का प्रश्न है।

MR. SPEAKER: There shall not be any question or any debate after the Minister's statement which he himself had asked for.

श्री अटल बिहारी वाजपेयी : मैं डिबेट नहीं चाहता, मैं तो आप की व्यवस्था चाहता

अध्यक्ष महोदय : मैं आप से कहूंगा कि हर स्टेटमेंट हर बात तो कवर नहीं करता। जिस बात को स्टेटमेंट कवर करता है उसको बाद में ले कर फिर बहस कर लेना।

श्री अटल बिहारी वाजपेयी : एक बड़ी खतरनाक परम्परा कायम हो रही है गृह मंत्री महोदय के वक्तव्य का अखिरी सेंटेंस देख लीजिये

अध्यक्ष महोदय : टाइम बड़ा लिमिटेड है।

श्री अटल बिहारी वाजपेयी : आखरी लाइन से इन्होंने जवाब को एमेंड कर दिया है।

अध्यक्ष महोदय : आप सब लोग जब खड़े हो जाते हैं।

श्री अटल बिहारी वाजपेयी : मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : आप जब सब खड़े हो जाते हैं, तो रिकार्ड पर कुछ नहीं जाता है। इसलिये मैं जब तक न बुलाऊं, आप न बोलें।

श्री अटल बिहारी वाजपेयी : मेरा इस पर प्वाइन्ट ऑफ आर्डर है।

अध्यक्ष महोदय : मैंने कहा कि इस पर कोई टोका-टाकी नहीं हो सकती।

श्री अटल बिहारी वाजपेयी : मैं टोका-टाकी नहीं कर रहा हूँ। मैं बहस की मांग नहीं कर रहा हूँ।

अध्यक्ष महोदय : आप को तसल्ली नहीं है, तो उस पर बहस कर लीजिये अगले सेशन में।

श्री अटल बिहारी वाजपेयी : मैं इस वक्त बहस नहीं चाहता। बहस अगले सेशन में कर लेंगे। मैं आप की रूनिंग चाहता हूँ कि क्या मंत्री महोदय ने सवान के जवाब में जो कहा है, उस को स्टेटमेंट के द्वारा एमेंड कर सकते हैं। आप आखरी वाक्य देखिये।

अध्यक्ष महोदय : मैं देखूंगा आप प्वाइन्ट आउट करें।

SHRI SHYAMNANDAN MISHRA:
How can that be done in a cavalier manner?

SHRI UMA SHANKAR DIKSHIT:
I have not said that the reply stands amended.

श्री अटल बिहारी वाजपेयी "बि रेप्लाई हेज बीन एमेन्ड, यह कसे हो सकता है ?

श्री उमा शंकर दीक्षित : जो स्टेटमेंट सर्कुलेट हुआ है, उसके जो आखरी लफ्ज है, "taken into account by the Government."

इन को मैंने नहीं पढ़ा है।

श्री अटल बिहारी वाजपेयी : यह साफ कहना चाहते हैं कि एकेनामिक सिचुएशन को छोड़ा गया है।

अध्यक्ष महोदय : यह जो स्टेटमेंट मेरे पास है, इसमें जो आखरी लाइन है, इस को इन्होंने डिलीट कर दिया है।

श्री अटल बिहारी वाजपेयी : आप आखरी लाइन पढ़िये।

MR. SPEAKER: The last sentence in the statement is:

"Thus, the reference in the answer to the overall economic situa-

tion in the country was designed only to indicate the totality of the situation in the country". "taking into account by the Government"

यह वाट दिया गया है।

SHRI SHYAMNANDAN MISHRA: This amounts to surreptitiously amending the reply to a question

श्री अटल बिहारी वाजपेयी : यह जवाब कैसे काट दिया गया। पार्लियामेंट में जो सवाल पूछा गया था और उस सवाल का जो जवाब दिया गया था, उसमें एकेनामिक सिचुएशन का हवाला दिया गया था और श्री श्री मिश्र जी का जो मुद्दा 377 के अन्तर्गत था, उसका असल आधार वही था।

अध्यक्ष महोदय : इससे यह गाल्लुक नहीं रखता। आप इसका अलग में ले लीजिये, तो मैं इसको देख लूंगा।

श्री अटल बिहारी वाजपेयी : इसको यह कैसे बदल सकते हैं।

SHRI UMA SHANKAR DIKSHIT: It is not our intention to base this on the basis of the economic situation. . .

MR. SPEAKER: He has not changed it. He has not uttered those words

श्री अटल बिहारी वाजपेयी : यह आप कैसे बदल सकते हैं।

अध्यक्ष महोदय : आप थोड़ी सी मिस-अंडरस्टैंडिंग कर रहे हैं।

श्री अटल बिहारी वाजपेयी : एन्होंने उस वक़्त हा था कि हम एकेनामिक सिचुएशन को कसिड नहीं करते। अब यह कह रहे हैं कि हमने जो जवाब दिया था और उसमें जो एकेनामिक सिचुएशन का हवाला था उसको नियाल दिया जाए।

श्री उमा शंकर दीक्षित : हमने यह नहीं कहा है। जो हम उस स्टेटमेंट में कह रहे हैं, उसको मैं बता दूँ।

I have said that what was said was merely to state certain facts to reflect the situation, the fact of the situation

that the DIR had been used for economic offences with the consent of the House and Members of Parliament. It was only to have that fact reflected in the reply that that was stated. But otherwise, so far as the continuance of the emergency is concerned we have not taken that into account so far as the statement is concerned.

श्री अटल बिहारी वाजपेयी : इस सदन को भरोसा दिलाने के लिये आप आखरी वाक्य पढ़ दें।

अध्यक्ष महोदय : दीक्षित जी, आप हूँ पढ़ दीजिये कि आखरी स्टेटमेंट आपने कहा खत्म किया।

SHRI UMA SHANKAR DIKSHIT: The last portion of the statement is as follows.

"Since the concrete effect of the Proclamation of Emergency is the continuance in force of the Defence of India Act and Rules, it was thought necessary that the use made thereof to meet the serious economic situation in the country should also be reflected in the answer furnished to the unstarred question"

There is no objection to that. Then, the statement goes further to say:

"Thus, the reference . . ."

This is only explanatory

"Thus, the reference in the answer to the overall economic situation in the country was designed only to indicate the totality of the situation in the country".

After that, I have not said anything. I have removed the words "taken into account by the Government."

श्री जगू लिनये (बाका) : मेरा ब्यवस्था का प्रश्न है।

SHRI UMA SHANKAR DIKSHIT: After that, full-stop.

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : यह जो इन्होंने नहीं पढ़ा है, यह रिकार्ड पर नहीं आएगा।

श्री मधु लिमये : जो पढ़ा है, उस पर मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : तो फिर यह जो रूल है उसको काट दीजिये जिस में कहा गया है कि स्टेटमेंट पर बहस नहीं होगी।

श्री मधु लिमये : मैं कोई बहस नहीं उठाऊंगा।

अध्यक्ष महोदय : वही बात आ जाती है।

श्री मधु लिमये : मेरा प्वाइंट आफ ऑर्डर बोर्डर लाइन होता है। इस में मेरा व्यवस्था का मवाल है। इस में आप देखिये कि दो विषयों को इन्होंने मिला दिया, एक एकेनोमिक सिचुएशन को लेकर एमर्जेंसी और दूसरा डी आई आर का इस्तेमाल, लेकिन मैं आप का ध्यान इस बात की और दिलाना चाहता हूँ कि एमर्जेंसी हटने के बाद भी डी आई आर के कुछ प्रोवीजन्स कानूनी बंध होते हैं। इमलिये डी आई आर के इस्तेमाल का और एमर्जेंसी का कोई संबंध नहीं है। हम यह जानना चाहते हैं कि एमर्जेंसी को बरकरार रखने में क्या आर्थिक स्थिति एक कारण रहा है? मैं श्री श्याम नन्दन मिश्र जी के मुद्दे का समर्थन करता हूँ और आप की व्यवस्था चाहता हूँ इस के ऊपर। मैं यह व्यवस्था चाहता था कि श्री श्यामदाबू ने यह कहा है कि विदेशी आक्रमण के लिये जो एमर्जेंसी थी, अब क्या विभिन्न घान्दोलनों के लिये जो कि आर्थिक स्थिति के कारण चल रहे हैं, यह चलती रहेगी। यह जो फैक्टर्स हैं उन में यह नया जोड़ने से तो यह प्रसंभधानिक हो जाती है, अनकांस्टीट्यूशनल हो जाती है।

यह अनेक मुद्दे हैं। इस में आप की व्यवस्था चाहता हूँ। मेरा कहना यह है कि डी आई आर और एमर्जेंसी का, आपस में कोई सीधा संबंध नहीं है।

SHRI JYOTIRMOY BOSU: (Diamond Harbour): Because of the emergency, no less than 8,000 political prisoners are detained without trial. By amending the Defence of India Rules, they are competent to keep them detained without any restriction on time, as long as they like. The minister should be good enough to enlighten the House as to what the ruling party have been able to get by keeping the emergency alive.

SHRI S. M. BANERJEE: Although there was a motion before the House admitted by you and although we could have demanded a discussion because of want of time, we wanted a statement. In his statement, the minister has referred to an Unstarred Question in reply to which also it was said that not only for external aggression but to deal with economic offences also DIR was used and emergency is necessary. DIR may or may not be used for political purposes or other purposes. It is not linked with that. You asked the minister to clarify because there is no external aggression and emergency is not necessary. But to deal with the economic situation, which has arisen out of the failures of this Government for the last 27 years, they are utilising it.

MR. SPEAKER: Mr. Mishra's point of order was very simple. Can the minister through his statement expand, add or detract or subtract from the answer given to the question.

SHRI SHYAMNANDAN MISHRA: And also the statement made by the Prime Minister—nothing can be more authoritative than that—that there is no war emergency.

MR. SPEAKER: Your question was through this process can be expand, add or subtract from the answer given. I take this as the point of order.

SHRI H. N. MUKERJEE (Calcutta North East): Could I ask you on a point of order whether Parliament could justify itself by being told by the Minister that the Proclamation of Emergency, which was continuing on a certain basis, continues now on another basis, even though the Constitution permits it? How could we justify ourselves? And this is the last day of our session. Could we go back, after hearing the Minister say that he can continue the Proclamation of Emergency on grounds qualitatively different from the grounds promulgated earlier, even though the Constitution allows you to make the law...

SHRI UMA SHANKAR DIKSHIT:
I have not said that.

श्री अटल बिहारी वाजपेयी : जो ब्यान दिया है इसको आप थोड़ा गहराई से पढ़ें। यह बड़ा हास्यास्पद है। वह कहते हैं कि एमरजेंसी के अन्तर्गत डी आई आर है और डी आई आर इकोनॉमिक आफेंसेज के लिये भी काम में लाये जा रहे हैं इसलिए इकोनॉमिक सिचुएशन को भी हमें कन्सीडर करना पड़ेगा। क्या टोटेलिटो का मतलब यह नहीं निकलता है। इकोनॉमिक सिचुएशन को भीट करने के लिये अगल कायदे हैं। (ब्यवधान) .. एमरजेंसी की वजह से डी आई आर आया और अब डी आई आर की वजह से एमरजेंसी कायम रहे यह कितना मजाक है। यह संविधान के साथ खिलवाड़ हों रहा है। (ब्यवधान)

SHRI SHYAMNANDAN MISHRA:
My humble submission is that you kindly compare the statement made by the hon. Minister today with the statement that I had made earlier under rule 377. If you are satisfied that all the points raised by me have been adequately met by the hon. Minister, I will have nothing to say. But I have raised certain issues; the emergency is being continued on grounds which Parliament had not approved of. Now, in the name of economic offences, they cannot

continue the emergency perpetually....
(Interruptions)

श्री अटल बिहारी वाजपेयी : हम अपना असंतोष प्रकट करने के लिये सदन से बाहर जा रहे हैं। यह फंडमेंटल राइट्स का सवाल है।

[Shri Samar Mukherjee, Shri H. N. Mukerjee, Shri Sezhiyan, Shri Atal Bihari Vajpayee, Shri Shyamnandan Mishra, Shri Madhu Limaye and some other hon. Members then left the House]

11.35 hrs.

STATEMENT RE: ALLEGED BEATING OF NEWSMEN BY POLICE IN AHMEDABAD ON 7TH AUGUST 1974

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to lay on the Table a statement, in pursuance of matter raised by Shri Atal Bihari Vajpayee on the 30th August, 1974, regarding alleged beating of newsmen by Police in Ahmedabad on the 7th August, 1974.

Statement

According to the information received from the Government of Gujarat, a complaint was lodged by Smt. Ilaben Prakash Jagatram at Navrangpura police station, Ahmedabad alleging that she was molested by a journalist Shri Asraf Sayed of the Times of India, Ahmedabad when she was returning to her residence with her husband at 10.30 P.M. on the night of 7th August, 1974. It was further alleged that her husband was also beaten by the Journalist and some of Shri Sayed's friends.

2. Shri Sayed also filed a complaint against Shrimati Ilaben Prakash Jagatram and her husband under section 323 of the I.P.C.