

(iv) The Customs and Central Excise Duties Export Draw-back (General) Forty-first Amendment Rules, 1967, published in Notification No. G.S.R. 895 in Gazette of India dated the 10th June, 1967.

(v) The Customs and Central Excise Duties Export Draw-back (General) Forty-second Amendment Rules, 1967, published in Notification No. G.S.R. 914 in Gazette of India dated the 17th June, 1967.

[Placed in Library. See No. LT-741/67].

(3) A copy each of the following Notifications under section 38 of the Central Excises and Salt Act, 1944:

(i) The Central Excise (Twelfth Amendment) Rules, 1967, published in Notification No. G.S.R. 888 in Gazette of India dated the 10th June, 1967.

(ii) The Central Excise (Fourteenth Amendment) Rules, 1967, published in Notification No. G.S.R. 889 in Gazette of India dated the 10th June, 1967. [Placed in Library. See No. LT-742/67].

SECOND REPORT OF RULES COMMITTEE

The Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh): I beg to lay on the Table, under sub-rule (2) of rule 331 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Second Report of the Rules Committee. [Placed in Library, See No. LT-743/67].

12.49 hrs.

STATEMENT RE. CONTINUANCE OF EMERGENCY

Mr. Speaker: Now, the hon. Home Minister.

श्री कामेश्वर सिंह (खगरिया) :
प्रध्यक्ष महोदय, मंत्री के वक्तव्य के पहले

मेरा एक व्यवस्था का प्रश्न है। यह सदन की परम्परा रही है बराबर से कि जो भी वक्तव्य देना है मंत्री को वह पहले किसी प्रेस में नहीं दिया जाना चाहिये। सदन के सामने पहले दिया जाना चाहिये, उसके बाद प्रखबारों में आता है। परन्तु यह तो प्रखबारों में आ चुका है एमजेंसी के बारे में।

Mr. Speaker: Somehow, it may have leaked out. It is not a statement made by the Minister. If it is a statement made by him, then I could understand and he could be held responsible. But if somebody else has leaked it out, how could he be held responsible for it?

श्री कामेश्वर सिंह : कंसे लोक आउट हुआ ?

The Minister of Home Affairs (Shri Y. B. Chavan): Sir, I informed the House in March last that the Government have in actual practice already restricted the exercise of emergency powers to certain areas, and that it was our intention to seek necessary constitutional authority to terminate with effect from 1st July, 1967 the state of emergency in all parts of the country except where abnormal conditions still persist.

In making this announcement the Government had three related considerations clearly in mind. The first was that as a result largely of operation of external factors the situation in certain parts of the country was such that the Government had no alternative but to continue the Proclamation of Emergency in those parts. Secondly, it was our view that it would be more appropriate that the Government should have specific constitutional authority for the continuance of the Proclamation of Emergency in certain parts of the country. Thirdly, it was our intention that in the other parts of the country Emergency powers which were already not being exercised in practice, should be formally withdrawn.

[Shri Y. B. Chavan]

In pursuance of the announcement the Government intended to undertake an amendment of the Constitution to enable the continuance of the emergency only in certain border areas. The salient features of the proposal were informally discussed with the leaders of the different opposition parties. But the proposal did not meet with their support. We have, therefore, decided not to introduce at present a Bill to amend the Constitution.

The Government have recently reviewed the conditions obtaining in the border areas. The situation in some parts of Assam, particularly the Mizo Hills District and the adjoining areas, continues to be disquieting. The recent developments in Nagaland, Manipur and the adjacent areas leave no room for complacency. Gangs of Nagas hostiles had gone to China and some of them have returned to Nagaland. The Chinese have been taking special interest in the activities of the hostiles, which they describe as a "peoples liberation movement". Pakistan continues to give various kinds of assistance to the Nagas and the Mizos and also to certain other tribes; and its military preparations and plans for subversion, sabotage and infiltration into Jammu and Kashmir have proceeded apace. The collusion between China and Pakistan aggravates the situation.

In the interests of national security and defence, it is, therefore, necessary to continue the Proclamation of Emergency during the ensuing months when because of physical conditions there is a greater threat of external aggression. We are advised that in the absence of specific constitutional sanction, it would not be permissible to continue the emergency formally only in certain areas. We are, however, of the definite view that except to the extent demonstrably necessary for the purposes of meeting the situation in the border areas the emergency powers should not be exercised

in the rest of the country. We also propose to advise all the State Governments accordingly.

Shri Ranga (Srikakulam): I am shocked, and I am sure various sections of this House also are equally shocked, at this statement made by my hon. friend. There cannot be a more blatant example of breach of faith on the part of this Government.

We are second to none in our anxiety to ensure and help the people to see that the security of our country is assured and strengthened. But what we have found is that under that pretext, the Government have misused these emergency powers. If we are to judge by their conduct during the last five years...

Mr. Speaker: At this stage clarification only can be sought. If necessary, we shall have a discussion later. We have only ten minutes left before lunch hour.

Shri Ranga: There is no need to finish it in ten minutes. We have all got to ask questions.

He has conjured up all sorts of troubles for which this Government themselves were mostly responsible in order to justify the continuation of this emergency.

An hon. Member: Question.

Shri Ranga: He gives an assurance that it would be used only for this limited purpose and says he has given his advice to the State Governments that it should be used only for this limited purpose. How can we be sure when this Government here, the mother of all those Governments or their elder brother, have themselves been so dishonourable in the manner in which they have used these emergency powers, that those younger brothers are likely to show better behaviour or better regard to the civil liberties of the people. Do they want us to believe that the Mizo hills trouble, the Naga trouble, the Assam trouble and all these various troubles

are going to be solved by these emergency powers alone and not by the other powers that they have had all these five years? Yet more and more of these are coming to us just because of the ineptitude, as I have said earlier, and imbecility of this Government.

Therefore, we cannot be a party to the continuation of this emergency in the manner in which the hon. Minister wants us to agree with it.

Mr. Speaker: Normally, when a Minister makes a statement, there is no discussion. Some clarification is only sought. It started like that.

Shri Ranga: It is not a question of clarification here.

Mr. Speaker: Otherwise, it will take an hour.

Shri Ranga: It is bound to.

Mr. Speaker: You can ask for a discussion later on. After all, on every subject, I am allowing a discussion, one hour, two hours and so on.

Shri N. C. Chatterjee (Burdwan): It is a matter of very grave importance.

Shri Ranga: What about the Delhi affair alone on which we spent an hour?

Mr. Speaker: I am prepared to allow a discussion provided you ask for it.

Shri Hem Barua (Mangaldai): Assam is going to be the worst sufferer.

श्री अटलबिहारी बाजपेयी (बलरामपुर): अध्यक्ष महोदय, गृह मंत्री जी ने अभी जो वक्तव्य दिया है उस पर हम लोग वाद-विवाद चाहते हैं और मुझे विश्वास है कि आप उसके लिये समय निकालेंगे और सदन के सभी दलों को मौका देंगे कि वे गृह मंत्री के वक्तव्य के बारे में अपनी प्रतिक्रिया प्रकट कर सकें। मगर मैं एक स्पष्टीकरण पूछना चाहता हूँ—जब गृह मंत्री ने यह घोषणा

की थी कि शासन 1 जुलाई से संकटकाल की स्थिति को हटाने या उसमें संशोधन करने पर विचार कर रहा है, तब क्या जो कारण आज गृह मंत्री दे रहे हैं, वे कारण उस समय मौजूद नहीं थे। नागाओं और मीजो की असम में और अन्य पूर्वांचल क्षेत्रों में जो गड़बड़ियाँ आज चल रही हैं, वे उस समय भी चल रही थीं, उन गड़बड़ियों के होते हुए भी गृह मंत्री ने ऐलान किया था

श्री यशवन्त राव चव्हाण : क्या कहा था, पढ़कर देखिये, क्या ऐलान किया था ?

श्री अटल बिहारी बाजपेयी : आपने यह ऐलान किया था कि कुछ सीमित क्षेत्रों में आपात स्थिति रहेगी। मैं यह पूछना चाहता हूँ कि गृह मंत्री उसी आधार पर आपने क्यों नहीं बढ़ते हैं ? क्या वे इस परिणाम पर पहुंच गये हैं कि संविधान में संशोधन का उनका विधेयक पास नहीं होगा ? एक बैठक में इस पर विचार किया गया था, हम में से बहुत से लोग व्यस्थ थे, उस बैठक में नहीं आ सके, तब गृह मंत्री ने कहा था कि इस समस्या पर विचार करने के लिये वे विरोधी दलों के प्रवक्ताओं की दूसरी बैठक बुलायेंगे . . .

श्री यशवन्त राव चव्हाण : बुलाई थी।

संसद-कार्य तथा संचार मंत्री (डा० राम सुभग सिंह) : दूसरी बैठक भी बुलाई थी, उस दिन भी आप उपस्थित नहीं थे।

श्री अटल बिहारी बाजपेयी : क्या मैं यह समझूँ कि सरकार इस नतीजे पर पहुंच गई है कि उसका संविधान में संशोधन का विधेयक पास नहीं होगा, इसलिये वह अपने वायदे से मुकर रही है।

डा० राम मनोहर लोहिया (कन्नौज) : यही डर तो है। इसके भलावा और क्या हो सकता है ?

Shri Y. B. Chavan: I can certainly explain. These conditions in the border areas existed even then, and even then our intention was that we

[Shri Y. B. Chavan]

would seek a constitutional amendment to continue the emergency in those areas. On the basis of that, I held discussions twice with the different groups of the opposition, and in the second meeting I got the impression that they were not agreeable to that. The representatives of the Jana Sangh were also present there, though Mr. Vajpayee was not there. I am prepared to have discussions again, there is no question about that. (*Interruptions*).

डा० राम मनोहर लोहिया : ये साफ़ कः रहे हैं कि इन को सरकार के गिर जाने का डर है, इसीलिये यह आपत्काल नहीं उठा रहे हैं, इससे ज्यादा साफ़ और क्या कह सकते हैं ? कौसी यह लोक सभा हो रही है— एक दम साफ़ कह रहे हैं कि हम को निकाले जाने का डर है ।

Shri S. Kandappan (Mettur): The hon. Minister has stated categorically that they are going to strictly confine the exercise of these emergency powers to the border areas. A similar assurance was given by his predecessor that these emergency powers would not be used against labour unrest and against labourers, but on April 12th—they are not even listening. Do they want it to be repeated?

Shri Y. B. Chavan: Please repeat.

Shrimati Sushila Rohatgi (Bilhaur): On a point of order. Under rule 372 you cannot allow any questions. How is it that a barrage of questions has been put and they are eliciting information from the Minister?

Mr. Speaker: It is a point of order. You cannot answer, I will answer.

Normally the practice has been that they seek some clarification. That is how it started three years ago, and clarification has developed into speeches now. Therefore, I would say these clarifications will not do. We must have a discussion of one hour on this issue. (*Interruptions*). If you say one hour, as you all know,

it does not stop there. (*Interruptions*). We will see to that. What I am suggesting now is that this clarification for one minute or two minutes will not solve the problem.

Some hon. Members rose—

Mr. Speaker: Will you kindly sit down. If all of you stand, there is no use of my standing. Please sit down.

It is already 1 O'clock. I will have to adjourn now. Therefore, I say let us have some discussion. That is a very correct attitude. In the name of asking for clarifications if I allow every leader to make a speech, it is not proper.

श्री मधु लिमये (मुंगेर) : भाषण नहीं कर रहे हैं, सवाल पूछ रहे हैं ।

Mr. Speaker: After all, when some important issues come up, I want them to be discussed.

Shri Hem Barua: We have already given notice, but it has not been admitted.

Mr. Speaker: I will myself fix it up. (*Interruptions*). Until I complete, I am not going to hear anybody. Please hear my suggestion. Therefore, instead of asking clarifications they are making speeches. It is out of order, as she pointed out. The rule says that after a Minister's statement, no questions can be asked.

13 hrs.

Shri S. Kandappan: Mine is strictly a clarification.

Mr. Speaker: I know that. You may change the rule; I have no objection.

Shri Hem Barua: Fundamental Rights are going to be put in cold storage in Assam.

Mr. Speaker: Assam is very important for all of us, not for Barua alone, but for the whole of India. Let us change the rules. After the Minister's

statement if every leader of every party is allowed to make speeches, it may be difficult. I do not mind it if you change the rules. But on this issue, let us have a discussion, not today, because we have to finish the Railway Budget—I forgot about it—even if we have sit half an hour or one hour late. Tomorrow it has got to go to the Rajya Sabha. We are far behind the budget demands. The House must remember that. All will have to be guillotined on the 21st of July. Therefore, we have to ask ourselves whether we can waste the time of the House. Railway Budget must be finished today and it should go to the Rajya Sabha. If necessary, I will fix up some time for a discussion. Technically, somebody must give a notice:

Shri Umanath (Pudukkottai): There is a notice already.

Mr. Speaker: So, we shall now adjourn for lunch.

13.02 hrs.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

RE. POINT OF PERSONAL EXPLANATION

श्री मधु लिमये (मुंगेर) : उपाध्यक्ष महोदय, प्राप से मेरी एक विनती है। दो दिन पहले जब प्राप कुर्सी पर बैठे हुए थे तब प्राप ने बनर्जी साहब के बारे में कुछ कहा था कि उन्होंने गलत झूजामात लमाये हैं। प्रापने यह भी कहा था कि :

"Either Mr. Banerjee will have to produce evidence to substantiate these allegations or...he will have to apologize to the House."

यह प्रापका निर्णय है। उस दिन श्री बनर्जी नहीं थे। वह आज प्राये हैं। प्राप उनको 896 (Ai) LSD—7.

दो मिनट का मौका दीजिये क्योंकि वह गैरहाजिर थे जब यह बात कही गई थी। प्राप उनको दो मिनट के लिये सुन लीजिये।

Mr. Deputy-Speaker: I remember I have made that observation. On the same matter, a point of privilege was to be raised today, and the Speaker has said he would look into it.

Shri S. M. Banerjee (Kanpur): This has nothing to do with the privilege motion. Kindly hear me for a minute; just two minutes.

श्री मधु लिमये : क्या उनकी अनुपस्थिति में कोई बात यहां हो सकती है उनके बारे में ?

Mr. Deputy-Speaker: If it is only for two minutes, I am prepared to listen. We have to finish the railway demands for grants today.

Shri S. M. Banerjee: I am not taking more time.

श्री मधु लिमये : मैं विशेषाधिकार के प्रश्न पर नहीं कह रहा हूँ। मैं श्री बनर्जी के बारे में कह रहा हूँ। वह जो कुछ कह रहे हैं उसको सुन लीजिये। मान लीजिये कि विशेषाधिकार प्रस्ताव प्राप्ता ही नहीं है तब उनको तो कोई मौका नहीं मिलेगा और उनके बारे में सदन में और सदन के बाहर एक तरह की गलतफहमी रहेगी। प्राप उनको सिर्फ दो मिनट दीजिये। वह व्यक्तिगत स्पष्टीकरण देना चाहते हैं, वह दो मिनट से ज्यादा समय नहीं लेंगे। इसके लिये नियम है। (स्ववचान) यह लोग समय बरबाद कर रहे हैं। उपाध्यक्ष महोदय, प्राप का व्यक्तिगत स्पष्टीकरण करने देने का अधिकार है।

Mr. Deputy-Speaker: I can allow, but the question is the time factor.

Shri S. M. Banerjee: I have given notice.

Mr. Deputy-Speaker: Let us proceed with the railway budget. I will permit him later.

The Minister of Parliamentary Affairs and Communications (Dr. Ram Subhag Singh): He cannot be allowed to raise it just now. We are now on the Demands for Grants (Railways).