

10.45 hrs.

STATEMENT RE. DEFENCE OF
INDIA ACT AND DEFENCE OF
INDIA RULES

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathl): Sir, on behalf of Shri Nanda, I make the following statement.

In my statement made on the floor of the House on 27th April, 1966, I had informed the House of the decisions taken by Government to restrict the application of the Defence of India Act and the Rules to and for certain specified border States and areas, and for certain purposes connected with defence and to bring forward the necessary legislation amending the Act for the purpose. A draft Bill was accordingly got ready, and I also wrote to the Speaker giving notice of my intention to seek the leave of the House to introduce the Defence of India (Amendment) Bill, 1966. Meanwhile, several further suggestions were made by some of my esteemed friends of this House and of Rajya Sabha and I felt that it would be desirable to hold detailed consultations with leading members of the Opposition and also of the Congress party so that any new points that arose might also be carefully considered.

Accordingly, we had meetings on 15th and 17th May, 1966, and had a frank exchange of views on how best to give effect to the decisions already announced. We are re-examining the provisions of the draft Bill in the light of views expressed at these meetings. It is for this reason that we have been unable to introduce the Bill in the current Session. I have no doubt that the House will appreciate Government's desire to accommodate the viewpoints of as wide a cross-section of its Members as was found feasible before bringing forward a Bill of this importance.

Even before amending the Defence of India Act we are immediately amending the Defence of India Rules which would enable the Central Government to require a State Government to take the prior sanction of the Central Government for any action proposed to be taken under any of the rules that may be specified. We are also taking powers under the Rules to issue directions to a State Government that no action taken under specified provisions of the Rules shall be continued except in accordance with such instructions as the Central Government may give. In the context of the fundamental rights guaranteed by articles 19 and 22 of the Constitution, it is the provisions of the Defence of India Rules relating to preventive detention and to action against the Press in the form of demand of security, imposition of pro-censorship and prosecution for prejudicial publications, that are of the greatest importance. We are, therefore, bringing exercise of powers and action under these provisions immediately under Central control and direction in all States and Territories except Assam, Nagaland, Manipur, Tripura, and Jammu and Kashmir.

The effect of the amendment which we proposed to make in the Defence of India Act will be as follows:—

- (i) the act and the Rules will remain in force in the border States and Territories I have just mentioned;
- (ii) in the rest of India it is only the Central Government which will have powers under the Act and the Rules, and these will also be limited (a) to certain purposes connected with the needs of the border States and Territories I have just mentioned (b) for civil defence, and (c) for a few defence needs, namely, action against enemy agents and spies, control of movement of persons to and from enemy

territory or occupied territory, publication of reports relating to defence matters, and control of trading with the enemy and of enemy firms including custody of property of the enemy or of persons residing and carrying on business in enemy territory or occupied territory.

I should explain that the only law which under the sanction of article 358 of the Constitution curtails the fundamental rights guaranteed under article 19 is the Defence of India Act and the Rules and Orders made under it, and the order of the President under article 359 suspending the enforcement of fundamental rights is confined to articles 14, 21 and 22, and that too only of rights that may be infringed by the Defence of India Act and Rules. It is not that numerous laws have been made in infringement of article 19, or fundamental rights have been generally suspended under article 359. When the application of the Defence of India Act and Rules is restricted in the manner in which I have explained earlier in my statement, the effect would be a corresponding restoration of the fundamental rights and the right to move the court for enforcement thereof.

Shri Surendranath Dwivedy (Kendrapara): Are they bringing forward a Bill to amend the Constitution to avoid this difficulty of proclamation of emergency and if necessary to apply it to particular areas if the situation so demands?

The Minister of Home Affairs (Shri Nanda): We had lengthy discussions on the whole subject and various alternative approaches were suggested. We felt that at the moment some steps could be taken at once in the direction of the expectations and wishes of the hon. members opposite. That is what has been announced now. Any further consideration of any other suggestion cannot be taken up immediately.

Shri Ranga (Chittoor): In view of the fact that it is already high time that this DIR and Emergency should be withdrawn, may I request that the Home Minister should take counsel with his colleagues as well as the legal luminaries in our country to find ways and means for ending the DIR and Emergency and getting on with the existing legislation that they have, in view of the fact that several hon. members, including Mr. Dwivedy, have been maintaining that the Cr.P.C. is more than enough to deal with the situation?

Sir, one cannot congratulate my hon. friend, Shri Nanda, on this half-hearted and half-way measure that he has brought forward. All that we can say is, we sympathise with him in his efforts to alleviate the distress of the people who have suffered and who are likely to suffer from the rigours of this DIR. We totally dissociate ourselves with this unsatisfactory move that is being made by the Government, and we would continue to press for the abolition of these two infamous measures.

Shri H. N. Makerjee (Calcutta Central): Sir, I would not like an impression to go abroad in the country that because the Home Minister held certain confabulations, where some of us were invited, we are a party in any sense or form to whatever decisions he has announced. It was, of course, a polite act on his part to consult, even though in a very perfunctory manner, some Opposition Members of Parliament. As far as I could gather, my hon. friends, Shri Surendranath Dwivedy and Professor Ranga were there for part of the time, and I also could attend only a part of the time, during those discussions. We tried to make it clear that we continue our unequivocal stand that whatever the difficulties in one part of our country or another which might be trumpeted by Government as an excuse for continuation of the emergency, we were positive that the ordinary law of the land was sufficient to deal with

[Shri H. N. Mukerjee]

whatever problems confronted us today. And, we also recalled to the Home Minister that in spite of the possession of the most extraordinary sort of powers in his hands on account of emergency, the DIR and the entire paraphernalia which is its concomitant, he has most egregiously failed in preventing and then overcoming the difficulties which have come about in our country, in many parts of our land, from Mizoland and Nagaland to other areas of our country. We discovered, therefore, that the Government was in possession of the most extraordinary powers at a time when extraordinary powers were not called for in decency and in democracy, and in spite of having those extraordinary powers the Government showed egregious inaptitude in handling the problems and preventing problems from cropping up in the country. Therefore, we were positive and unanimous in our opinion, and it is necessary for us to repeat it in this House, that we remain convinced that Government has adopted only a half-hearted measure which is neither fish nor flesh, that Government is not recognising that it has committed a mistake, it has perpetrated a fraud on the Constitution and the country by continuing this emergency for more than three years with the results that it has shown, and it was more than high time the emergency was revoked, the DIR was stopped for the whole country, and that the ordinary law of the land was good enough to deal with the problems we have. If and when, God forbid, the country is in danger, then of course it would be time to have whatever emergency declaration you want. In a country like England when war is over, as soon as it is over emergency is lifted in that country. We continue being friendly—if diplomatic relations continue they are ostensibly friendly—with Pakistan and China. At the same time, over and over again, using the name of Pakistan and China being our enemies so to speak—that word sometimes even crops up in Parliament—this kind of

emergency powers are arrogated to itself by the Government and the country is under obloquy. All kinds of things take place and nothing is prevented. Therefore, though we appreciate, to the extent parliamentary courtesy requires, the gesture of Government, even though somewhat perfunctory, in having discussions in regard to this matter, we are positive in our stand. We do not agree with what the Government has decided in regard to this matter and we continue our agitation, with whatever force of the people we can muster behind us, for revocation of the emergency and all that it connotes.

17 hrs.

Shrimati Renu Chakravarty (Barrackpore): Sir, I would ask you to ask the Home Minister to amend the statement then. We have just now heard—we were not present when the discussions took place; but he gave the impression—that all the parties have met and this is more or less the consensus of opinion. He has tried to give that impression. This is a wrong opinion and he must make an amendment to his statement. All the Opposition was totally opposed to the continuance of the DIR.

Shri Ranga: We made it very clear to my hon. friend.

Shri Bade (Khargone): We do not agree with the statement made by the Home Minister just now that he has taken into confidence all the Opposition Members and, therefore, he is issuing the statement. That is wrong. We always say that the Defence of India Act and the DIR are just like a star chamber to us. We want that they should remove the emergency as soon as possible, when there is the Tashkent Agreement. But they do not do that. Now today at the last hour, at the last minute they are coming with this declaration. That is also haphazard. I would request the Home Minister to break this emergency and declare that there is no emergency in India. The Defence Act is also misused by all the States. In Madhya Pradesh and

everwhere it is misused. Now they have taken all the powers in their own hands. That is a good thing that they have done; but today we want that they should do away with the emergency and this Defence of India Act.

श्री मधु लिमये : (मंगेर) : जो गृह मंत्री से अपेक्षा थी वह तो उन्होंने पूर्ण नहीं की है। मैं जानना चाहता हूँ कि जिस तरह से 19वीं धारा के बारे में उन्होंने पुनर्विचार किया है क्या 22वीं धारा में जो अधिकार नागरिकों को प्राप्त हैं प्रदासत के सामने जा कर उन पर प्रमल कराने के बारे में उसके संबंधी जो प्रेजीडेंट का आर्डर है या उसके ऊपर भी पुनर्विचार नहीं किया जा सकता है ?

दूसरी बात यह है कि त्रिपुरा के जो संसद सदस्य हैं उनकी रिहाई के बारे में पूछा गया था और जिसके बारे में कोई निवेदन नहीं थाया है उसके बारे में भी उनका निवेदन धाना चाहिये।

अन्तिम बात यह है कि महाराष्ट्र के गृह मंत्री द्वारा भारत सुरक्षा कानून का जो दुरुपयोग एक औरत की गिरफ्तारी को ले कर किया गया था उसके बारे में भी गृह मंत्री जी ने धारवासन दिया था कि वह व्यक्तिगत जांच करेंगे। उसके बाद पिछले सप्ताह में और कल भी मैंने उनके पास काफी निवेदन भेजे हैं और

अध्यक्ष महोदय : आर्डर, आर्डर। दूसरी चीजें इस में नहीं लाई जा सकती हैं।

श्री मधु लिमये : भारत सुरक्षा कानून से यह संबंधित है।

अध्यक्ष महोदय : सारी नहीं धा सकती है।

श्री मधु लिमये : मैं इतना ही पूछना चाहता हूँ कि दो सत्रों के बीच में गृह मंत्री जी जांच करके धाने वाले सत्र में इसके बारे में भी विस्तृत निवेदन करेंगे।

श्री तुलशी दास जाबब (नांदेड़) : महाराष्ट्र के गृह मंत्री के बारे में इन्होंने जो कहा है वह ठीक नहीं है।

अध्यक्ष महोदय : अच्छी बात।

Shri B. D. Deshmukh (Aurangabad):
Mr. Speaker, Sir, on a point of order.

Mr. Speaker: Order, order. Shri
Tridib Kumar Chaudhuri.

Shri Tridib Kumar Chaudhuri (Berhampur): Mr. Speaker, Sir, I join my voice with the Leaders of the Opposition in dissociating ourselves from the decision that has just now been announced on behalf of the Home Minister. The way they want to continue the emergency has been made very palpable that two of our colleagues in this House have not only not been released but have been transferred from their State to another State, to Hazaribagh Jail and kept there. I make bold to say that this has been done deliberately with the intention of preventing them from taking part in the elections because in the State of Tripura their release would mean the end of the Congress Government. This is the way the emergency is still being sought to be continued. We entirely oppose the attitude of Government and dissociate ourselves from the decision just now announced. It in no way represents the consensus of the House.

Shri Bhagwat Jha Asad (Bhagalpur): Sir, we welcome the announcement of the Home Minister about relaxing the DIR. We have said during the Home Ministry's Demands that we would like that the emergency should go as early as possible. We had said that in certain parts of the country, like Nagaland, Mizo Hills and Jammu

[Shri Bhagwat Jha Azad]

and Kashmir, this is essential, that is, in what are called, the border districts. We had also made it clear that in the name of the border districts this should not be allowed to continue either in West Bengal or in Bihar, Uttar Pradesh or Punjab and that if any State cannot do without it, it should justify it. I would only say that the Home Minister should take steps to see that, if it is necessary, the Constitution should be properly amended to apply the emergency only to parts like Nagaland and Mizo Hills. To say that because the Constitution does not permit an emergency to apply only to a part, the emergency should be allowed to continue in the whole country, is untenable. We cannot support this state of affairs. We would request the Minister to take early steps, if necessary, to amend the Constitution, to apply these provisions only to these vital parts of the country and, as for the entire country, to revoke them as early as possible.

श्री क० ना० तिवारी (बगहा) : धामी जो कश्मीर में घटना हुई है और वहां के चीफ मिनिस्टर पर जो बम पड़ा है उसको देखते हुए क्या गवर्नमेंट को फिर से सोचना नहीं चाहिये? प्रमोजीसन चाहता है कि श्री आई० प्रार० और एमरजेंसी को हटा दिया जाए क्या इसको हटाना ठीक है? इसका क्या नतीजा होगा इस पर भी सोचा जाना चाहिये। प्रेशर में घा कर उनको कंट्री को डेन्जर में नहीं डाल देना चाहिये। सूखरी जो स्टेट्स हैं उन में धमर घाप रिलेक्सेशन करना चाहते हैं तो करें लेकिन जहां तक काश्मीर का संबंध है या बोर्डर एरियाज का संबंध है नागालैण्ड का संबंध है वहां में चाहता हूँ कि एमरजेंसी को कभी न हटाया जाए और उनके लिए जरूर प्राबिधन रखा जाए।

धामी लैफ्ट कम्प्युनिस्ट मोव छूट कर घाप है और छूट कर घाने के बाद धमर घाप उनके

स्टेटमेंट्स को स्टडी करेंगे तो घापको पता चलेगा कि उनके रवैये में कोई तबदीली नहीं हुई है। पहले जो उनका रवैया था वही रवैया अब भी है। इस वास्ते घाबिनरी ला के मुताबिक घाप कंट्री को बचा सकते हैं, बाहर के खतर से, घाप खुद सोच लें लेकिन घेरा क्याल है कि बोर्डर एरियाज से इसको कभी नहीं हटाया जाना चाहिये।

Shri Khadilkar (Khed): I welcome the process of revocation as the Home Minister has started according to the statement made by him. I do not for a moment support the amendment of the Constitution for making Emergency provisions applicable to a part of the country because the Constitution makers had visualised a very sound juridical concept of Emergency. Even if there is a small boil, the whole body is likely to suffer—the boil might develop into a gangrene. Therefore, the juridical concept should not be disturbed.

There is a suggestion that it should be applied only to border areas like Mizo Hills, Nagaland and also Jammu and Kashmir which are disturbed areas. I would like to state that if we continue Emergency in these areas, the process of integration that we want to initiate will suffer. Ultimately, all the people there are not in revolt. Emergency provisions contemplate either an attack by the enemy or an internal situation threatening the very existence of the State. Therefore, I would plead with him that he should consider, while applying these provisions to isolated areas like Mizo Hills or Nagaland, how he will safeguard the process of integrating these areas as they are also one of us and they will remain one of us after the present discontent is removed.

Shri M. N. Swamy (Ongole): During the discussion with the leaders of the Opposition Parties, our representative made it very clear that the Emergency and the D.I.R. should be

withdrawn immediately. But the Minister here makes the statement that he is doing so in consultation with the leaders of the Opposition parties. It gives the impression as though the leaders of the Opposition parties are one with the statement. But that is a wrong statement on the face if it.

Secondly, as has been pointed out, two M.Ps. from Tripura and the leader of the Opposition in Tripura Assembly are still in detention. Similarly, in Assam, perhaps about a dozen are still in detention. While in border States like U.P., Punjab and Jammu and Kashmir, detenus have been released very recently, may I know what special factors are compelling either the Central Government or the State Government to detain these persons in Assam and Tripura States. I want to know this from the Minister.

श्री प्रकाशवीर शास्त्री : (बिजनौर) : नेफा घोर नागालैण्ड की समस्या से मुझे उतनी निकट से जानकारी नहीं है जितनी जम्मू काश्मीर से है। गृह मंत्री जी को इस बात की जानकारी होनी कि भारत सुरक्षा अधिनियम का जम्मू काश्मीर राज्य में राजनीतिक स्वार्थों की प्रतिबन्धिता निकारने के लिए भी प्रयोग हुआ है। अभी भी जम्मू घोर काश्मीर के घनदर सत्तारूढ़ दल घोर जो सत्तारूढ़ दल में नहीं है एक ही पार्टी में एक ही विचारों के लोग हैं उन में घ्रापस में बिधिव किस्म की प्रतिबन्धिता चल रही है। जम्मू घोर काश्मीर राज्य भारत के लिये एक गम्भीरतम समस्या बना हुआ है। ऐसी स्थिति में इस पारतीय सुरक्षा अधिनियम का जम्मू घोर काश्मीर राज्य में राजनीतिक स्वार्थों की पूर्ति के लिये उपयोग न हो सके इस बात का भी कम से कम गृह-मंत्री धारणासन दें। जम्मू घोर काश्मीर राज्य की स्थिति जितनी नाजुक है उस स्थिति में राजनीतिक स्वार्थों के लिये जो सत्तारूढ़ दल है वह किसी प्रकार से प्रतिबन्धिता कर के इस का उपयोग

करे यह इस देश के लिये भी घोर राज्य के लिये भी बड़ी बातक बात सिद्ध हो जायेगी।

श्री शीर्ष (प्रलीगढ़) : सिर्फ कांग्रेस वाले ही बोल रहे हैं। हमें भी मौका मिलना चाहिये।

अध्यक्ष महोदय : मैं एक ही तरफ नहीं रह सकता। सब तरफ मझे देखना होता है। The hon. Member claims to be a member of a party, and still he claims an independent status also. How could the two go together?

श्री शीर्ष : मैं कह रहा हूँ कि कांग्रेस भी तो एक ही दल है। उस में से बाहे कितने लोग बोल सकते हैं लेकिन जो कोई दूसरे दलों से घ्राये हैं वे नहीं बोल सकते यह कहा तक ठीक है।

Mr. Speaker: Now Shri D. C. Sharma.

Shri Kapur Singh (Ludhiana): You had said that you would call only one Member from each party. But you have called more than one Member from the Congress Party.

Shri S. M. Banerjee (Kanpur): I was not invited to that meeting. I should also be given a chance to express myself.

Mr. Speaker: Shri D. C. Sharma.

Shri D. C. Sharma (Gurdaspur): I believe that right-thinking people and people who are not biased by any kind of political dogmas or political doctrines will welcome this statement which Shri Nanda has made. He has made a great deal of relaxation so far as the sense of emergency is concerned, and he has also mitigated the difficulties experienced by people in the application of the DIR.

I want to make two observations in this connection. The first is that while Government have been feeling a sense of emergency, and we also

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have been experiencing that, the people have not experienced that sense of emergency. Government have done nothing to educate the people with regard to the state of emergency that prevails in this country. For instance, anti-social crimes go on as before. Seditious goes on as before. Treacherous dealings go on as before. Only recently, as my hon. friend has put it, a very heinous and dastardly attempt was made on the life of the Chief Minister of Jammu and Kashmir State. All this shows that the people do not realise the full implications of the sense of emergency. I believe that now that the emergency is being taken away from some parts, Government should educate the people with regard to that.

My second point is this. The DIR may have been used sometimes in a way which might have lent itself to abuse.

My hon. friend had been pleading about one case all the time.

Shrimati Renu Chakravartty: But that is a very bad case.

Shri D. C. Sharma: We have been hearing different stories about that case. But that is not the point at issue.

What I mean to say is this that so far as the DIR is concerned, we still need it in exceptional circumstances and in exceptional areas. We also need the state of emergency in those areas which are very sensitive areas.

Shri Maurya: Martial law will be much more effective and powerful in those areas.

Shri D. C. Sharma: I know that if the martial law will be there, my hon. friend will not be here, nor shall I be here.

Shri Maurya: I am talking about those sensitive areas.

Shri D. C. Sharma: My hon. friend has got the habit of interrupting everybody.

I shall submit very respectfully to this gentleman and to you that the state of emergency does exist and Government have done well by confining it to some areas.

I also say that the use of the DIR should be taken by the Centre in their hands, as has been done, of course, in relation to the sensitive areas to which the hon. Minister has referred. It should be applicable to the States also with the concurrence of the Central Government. I do not want that the State should have a free hand in this and they should apply the DIR as they like. I would submit that they should apply the DIR only after consulting the Centre....

Shri Surendranath Dwivedy: They should have no powers in their hands.

Shri D. C. Sharma: Therefore, I welcome the statement of the Home Minister.

Mr. Speaker: The hon. Minister.

श्री स० मो० बनर्जी : अध्यक्ष महोदय , नन्दा जी का डी० घाई० घार० हम लोगों पर ही लागू होता है। हम पर बार बार डी० घाई० घार० लगता है नन्दा जी पर कभी नहीं लगता है।

श्री मौर्य : हम लोग जो डी० घाई० घार० में गिरफ्तार हुए हैं आप उन को भी मौका दीजिये।

अध्यक्ष महोदय : मैं इंडिविजुअल्स की बात कैसे कर सकता हूँ। मैं ने मिनिस्टर साहब को बुलाया है।

Shri S. M. Banerjee: This is a Government which cannot rule.

श्री मौर्य : इस का अनुभव उन को ही हो सकता है जिन के ऊपर इस को लागू किया गया है। हम पर लागू हुआ है नन्दा जी पर लागू नहीं हुआ।

अध्यक्ष महोदय : हम इस वक्त सारे डी० धाई० धार० को तो नहीं ले सकते ?

श्री श्रीर्य : जिन लोगों पर डी० धाई० धार० लागू हुआ उन का मसबरा नहीं लिया जाता । हम लोगों पर यह लागू हुआ है इस लिये हम लोगों की बात सुनी जानी चाहिये ।

अध्यक्ष महोदय : मैं कह रहा हूँ कि यह डी० धाई० धार० पर जनरल डिस्कशन नहीं है कि हर एक मेम्बर को मौका दिया जाये ।

श्री श्रीर्य : हम भी जनता के प्रतिनिधि चुन कर आये हैं । हम को भी मौका मिलना चाहिये । यह कोई सही बात नहीं है कि डी० धाई० धार० हम पर ही लागू हो धीर हमसे ही मसबरा उसके बारे में न लिया जाये । हम को जनता ने चुन कर भेज है । इस लिये आप को उन लोगों की बात सुनी चाहिये जिन के ऊपर डी० धाई० धार० लागू होता है

Shri S. M. Banerjee: We are facing it daily. Why should he not hear us on this matter?

Shri Maurya*

Mr. Speaker: This will not be recorded.

Shri S. M. Banerjee*

Mr. Speaker: This will not be recorded.

Shri Maurya*

Shri S. M. Banerjee*

Mr. Speaker: These are not to be recorded.

Shri Nanda: When I made a request to hon. Members on both sides who had taken special interest in this problem, that we might meet and discuss this subject, I had not entertained the hope that I was going to secure their

assent and therefore on the strength of that assent I would be able to say that here is a consensus and here all of us are agreed on the thing I have been able to announce here. It was not so and it is wrong to interpret this statement in that sense

It has not been said that whatever we are doing here is on the basis of any kind of agreement. When the hon. Members read the statement, they will find that there is no occasion and they have no reason to entertain any such apprehension that they are being committed. I have not committed them; I am only committing myself and Government. That is all I am doing.

I thought that before we adjourned I would be able to say something to take things further in the direction of the expectations of all of us, and I have done that as far as possible at the moment. I have not said that this is the last word on the subject; this is not the last word on the subject. I think we are going to discuss the matter further, consider the matter further and immediately this would be done.

The hon. Member said that these consultations were perfunctory and all that. They were genuinely and earnestly intended to obtain the reactions of the hon. Members who were deeply interested in the subject. At least, I have benefited. As a result of the discussions, certain questions emerged and several aspects of this problem came into focus; we are applying our minds to them.

I need not take the time of the House in bringing

Shri S. M. Banerjee: All sections have condemned it.

Shri Nanda: Even though some Members may be feeling in their heart of hearts—I am not casting any reflection—that there is need, that the need has not disappeared, that the threat

*Not recorded.

[Shri Nanda]

has not completely gone, it is there looming large still their political stand is that they will not be able to depart from that. Therefore, I am not questioning their motive or questioning anything. Let them retain their stand and their position. I am only explaining how far we have progressed in that direction. I would be very happy, the happiest person if it would be possible to say that emergency is removed from tomorrow. Why have we to carry on this burden?

Shri S. M. Banerjee: For political purposes.

Shri Nanda: Not at all. Nobody derives any benefit from this. It is not a question of our gaining anything from it.

The hon. Member has said about Tripura, that the Tripura M.Ps. are being retained in the interests of maintaining the Congress Government. The hon. Member may not be knowing that we have already issued orders for the release of those Members.

Shrimati Benu Chakravarty: We are happy about it, that you have announced it.

Shri Nanda: Therefore we do not care for the Congress Government or no Congress Government in a State. The national interest is first.

Shri M. N. Swamy: What about Assam?

Shri Nanda: There are no M.Ps. there I believe, I was answering that question about Members of Parliament.

As a result of these discussions, we have got certain issues. We are applying our minds to these issues, but I said that before this session closed, I would like to take some step. The Defence of India Act amendment because of the various things which have yet to be considered, could not be brought up here, and there was not

time, at any rate, for a passage of any amending Bill, but the next best thing, which is producing the same effect, we have done, i.e., we have taken in our hands the power to allow any action to be taken somewhere or to withdraw the power where we do not feel that that power should remain in the hands of any State Government. That means, effectively, virtually, the intent of the amending Bill has been achieved through the amendment of the rules for the time being, and a further step may follow.

The question was whether the existing laws, the normal laws would not suffice? There are some, a few only, who assert that under no circumstances the special powers under the emergency provisions in the Constitution should at all be resorted to. That means that all those articles in the Constitution were superfluous. I think mostly Members do not agree with that. There was a time when there was active warfare, we had the need for the use of these powers. The only question there may be now is that since there is not active need, emergency in that sense, an acute phase of the emergency, we do not need that, but we may with do with something less. Here is a question of judgement whether the situation in the Miso Hills District, the situation, in Jammu and Kashmir, can be met, dealt with, in the interests of national security, without recourse to those powers. We feel that it cannot be.

We had two meetings. Of course, it was not possible to cover the whole ground. We are prepared to sit down and examine it. Here is the need. Can it be served by this law, that law? If it can do, I will be very willing, very happy, to entirely discard all those weapons and just rely on the ordinary law with such amendments as it is possible to bring in. I have said that.

Therefore, it is not that we are just clinging to something simply because we have got into the habit of it.

Then there is the other thing. Somebody said elsewhere also that we can have martial law. That is the extreme.

Shri S. M. Banerjee: Nobody said that.

Shri Nanda: It has been said somewhere. It was said in our meeting also. That means you have the most drastic powers or no powers. I think that is not the position. The proper thing is a proper blend of the special powers and other normal powers also, but not simply leaving everything to a situation where it may tantamount to martial law. I have already said that we are prepared to understand and examine the position. To say what use has it been to you, what benefit you got from having the powers, that you cannot prevent this and prevent that, my answer will be: we have met certain situations effectively, successfully; we have gone through certain trouble. Maybe, if we had not those powers, we would have been handicapped. That is not a kind of argument: you still have trouble with China and with Pakistan although you had these powers. I do not want to elaborate it. But this must have helped us; it does help us. The question, whether there is any situation about Pakistan and China—I think this is not the time for me to dwell on that... (Interruptions).

Shri S. M. Banerjee: Why not have faith in the people?

Shri Nanda: All of us, patriotic Members, all of us have a keen sense of national security. Let us not be oblivious to the fact. I am sure that everyone of us will be very willing to give all the powers, that is required to meet any situation which may be a developing situation. We are only talking now because we have not sat down to deal with those concrete issues and with the needs in terms of the situation that we are facing here and there. Then, there is this question; hon. Member **Shri Bhagwat Jha Azad**

said about U.P., Bengal, Bihar, etc. There is no mention of these States. Therefore, we have already restricted in the narrow way where the need lies. At the moment nobody can question the need because the facts are well known. Jammu and Kashmir also. The hon. Member said, it is clear from the whole approach and the tenor of the statement that has been made that it is going to be applied in the strict sense of meeting the demands of national security. No partisan, no other consideration that has no bearing on this...

श्री प्रकाशचौर शास्त्री : मेरा कहना यह था कि राजनैतिक दुश्मनी निकालने के लिए डी० घाई० धार० का प्रयोग न हो।

Shri Nanda: This is the answer I have given; no other consideration, no partisan interest—that is the answer to the very question that was raised by the hon. Member. This question of Maharashtra was raised although it was answered. I have spoken to the hon. Member also. I got all the details, facts about the situation and they were so very full of information about the situation, about what happened there. In addition, I had pointed out that in the Assembly there was a cut motion on this subject and the member of the party to which the hon. Member belongs, if I am not mistaken, they withdrew that motion....

श्री मधु लिवयें : कम घीने नये सद्ध, नये पत्र इनको दिये हैं और उन्होंने स्वयं कहा था कि हम विचार करेंगे।

Shri Nanda: Let me complete it. As I said I spoke to him that this appears to me very convincing and yet if any other aspect is there and the hon. Member brings that out, I am still prepared to go into everything.

Shrimati Renu Chakravarty: You just agree to that, to have all the details because this is really a very bad thing.

Shri Nanda: I still maintain that position. I hope that whatever the hon. member may say in order to preserve a certain stand that they have, I hope they will agree with me that this is a very big step forward.

Mr. Speaker: This brings to a close the longest session of this Parliament.

Shri Hari Vishnu Kamath: Of this Lok Sabha, third Lok Sabha.

Mr. Speaker: . . . of this Parliament, third Lok Sabha. The House is adjourned *sine die* .

17.30 hrs.

The Lok Sabha then adjourned sine die.
