

वसूली ज्यादा नहीं की, इस लिए उत्तर प्रदेश को गेहूँ नहीं दिया जायेगा। श्रीमन्, मैं निवेदन करना चाहता हूँ कि पिछले वसूली सीजन में राष्ट्रपति शासन था। इस समय के मुख्य मंत्री उस समय मुख्य मंत्री भी नहीं थे। अगर राष्ट्रपति शासन में, गवर्नरी शासन में अधिकारियों ने लापरवाही की और गेहूँ पर्याप्त मात्रा में नहीं खरीदा तो उस क लिए, सरकार की गलती के लिए जनता को सजा नहीं मिलनी चाहिए। जनता को सजा यों मिल रही है कि सरकारी दुकानों से गेहूँ 1 रुपए 38 पैसे किलो मिलता है जबकि बाजार में इस समय लखनऊ के बाजार में गेहूँ का भाव 2 रुपए 5 पैसे किलो है। इस तरह लगभग 70 पैसे का फर्क बाजार में और सरकारी दुकानों में है। सरकारी दुकानों पर गेहूँ नहीं है। लखनऊ तो केपिटल सिटी है, वहाँ किसी सरकारी दुकान पर गेहूँ नहीं है। उस हालत में जनता मजबूर हो रही है बाजार से महंगे दाम पर गेहूँ खरीदने के लिए। उस के लिए लोग सजम नहीं हैं। श्रीमन् इस हालत में आप देखें कि राज्य सरकार की भूल के लिए भारत सरकार ने वहाँ की जनता को संकट में डाला हुआ है और जनता तकलीफ उठा रही है, परेशानी उठा रही है।

इस के अलावा, श्रीमन्, राज्य सरकार ने भारत सरकार से मांग की कि आप कम से कम इतनी हम को इजाजत दें कि हमारे राज्य से जो गेहूँ मध्य प्रदेश में, बिहार में और राजस्थान में जा रहा है उस पर हम रोक लगा दें। वह इजाजत भी भारत सरकार राज्य सरकार को नहीं दे रही है। ऐसी हालत में राज्य सरकार के लिए

और वहाँ की जनता के लिए भारी संकट उपस्थित हो गया है। सरकार तो चलती रहेगी, लेकिन जो जनता है वह मजबूर हो रही है बाजार से मंहगा गेहूँ खरीदने के लिए। इस संकट को दूर करने के लिए मैं माननीय मंत्री जी के माध्यम से खाद्य मंत्री जी का ध्यान आकर्षित करता हूँ कि उत्तर प्रदेश का कोटा पूरा किया जाये।

श्री उपसभापति : सदन की कार्यवाही ढाई बजे तक के लिए स्थगित की जाती है। ढाई बजे अगला विल लिया जायेगा।

The House then adjourned for lunch at fifty-nine minutes past one of the clock.

The House re-assembled after lunch at thirty-two minutes past two of the clock, Mr. Deputy Chairman in the Chair.

### I STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE NATIONAL SECURITY ORDINANCE, 1980.

### II THE NATIONAL SECURITY BILL, 1980.

SHRI LAL K. ADVANI (Gujarat): Sir, I beg to move:

"That this House disapproves the National Security Ordinance, 1980 (No. 11 of 1980) promulgated by the President on the 22nd September, 1980."

Sir, I regard this Ordinance as a gross abuse firstly of the Ordinance-making powers of the Government. Article 123 of the Constitution does empower the Government to promulgate Ordinances when the Parliament is not in session. But, from the very beginning, the Constitution-maker; had

SHRI LAL K. ADVANI (Gujarat):

contemplated that it would be in very ordinary, exceptional circumstances that this legislative power of the President would be invoked. Ordinarily, legislation is the sphere of Parliament, and Ordinances are the way of bypassing Parliament by the Executive. I do not know whether anything happened during September or the 1 months preceding that warranted the invocation of this authority, this Constitutional power, but in fact, I regarded it as a very natural reflex of the present Government, entirely in fitting with its broad approach, broad makeup, and true to form as some leading newspapers have described it.

Sir, during this one year, 19 Ordinances have been issued. In the period immediately preceding this Winter Session, ten different Ordinances were issued. And this House had the occasion on the very opening day to point out how it was totally improper for the Government to issue those Ordinances. Sir, when this year began the ruling party was riding on a crest, on a wave of victory. A wave of confidence, a kind of euphoria, prevailed in the ruling party and even among a section of the people. I would not deny there were high hopes that something new, something spectacular is going to emerge after the assumption of office by this new Government. Sir, now the year is drawing to a close and I doubt whether even the strongest protagonists and supporters of the present Government would deny that all round there is disillusionment and disenchantment. In fact, there is cynicism and pessimism all round. And the people are really amazed and baffled as to what exactly has happened during this one year.

Sir, the two main issues on which this Government was voted were, firstly inflation. I remember the advertisements put out in all the leading newspapers of the country quoting onion prices when Mrs. Gandhi left in 1977, and the onion prices in December, 1979 and appealing to the people that if you want to curb inflation, if you want

to hold the prices of essential commodities like onions, vote for the Congress (I). There was another poster, another advertisement put out saying that it is difficult to move out in the streets, that ruffians, goondas and criminals, murderers and rapists are all round, something like that and if you want to see that the law and order situation is under control, vote for the Congress (I). Sir, at the end of one year I would challenge any person from the ruling party, from the Congress (I), honestly to say that on both these counts they have fulfilled the promises that they had given to the people on the mandate under which they were elected to the office. Inflation—the less said the better. Every two months, of course, we have the Finance Minister coming and reading statements, now we have reached a plateau and there is no question of prices mounting hereafter. But one has only to go and ask the common man, ask the common housewife, what she feels about it. Your own homes would be able to tell you that today the common man, the housewife, is groaning with pain and agony under the oppressive burden of inflation, under the oppressive weight of an inflationary burden never experienced before by us in our life, never before. And, so far as the law and order is concerned, I do not think I have much to say. In this House itself I had occasion to read out a crime diary of the capital for one month, a few months back, bizarre happenings like blindings of under-trials, lathicharge on blind people, stripping of women and parading them naked in the streets, raping of women in police thanas, raping and murdering the wife of a journalist because he had tried to write against some Congress (I) boss there. All these things have become the order of the day, atrocities on the Harijans, communal riots, and so on. Whosoever let elements are the fact is that the law and order situation is in a shambles. Your promise was that if we come to office, we will give you a Government that governs. And, Sir, I am sorry to say that it is a Government that not only does not govern, it is a Government that does not virtually exist. There is no government in the country.

And, instead of doing some introspection as to where you have gone wrong, what has gone wrong with you, instead of doing that, your response is more ordinances, more laws. I would say that the National Security Ordinance and the National Security Bill" is this Government's reaction to its own nonperformance, its own response and nothing else.

When you analyse, please don't search for scapegoats. Please don't do it, because during the last 12 months I can identify at least 5 or 6 which have been framed by your spokesmen. For the first few months, whenever anyone spoke from the Government or from the ruling party, they would say that things have gone wrong because of the legacy left to us by the preceding Janata or the Lok Dal Governments. For three-four months, this continued...

SHRI KALYAN ROY (West i Bengal); It still continues.

SHRI LAL K. ADVANI: Now they are finding newer and newer scapegoats. Later on, we heard that it was 'because of the foreign hands that many things were happening. The Home Minister is here; he himself told me once about this, and so far as the Minister of State is concerned, he made a public statement. The Minister of Information and Broadcasting' made a public statement on this issue. Subsequently, the Prime Minister said that there is no foreign hand ana that scapegoat was over. At one stage, there was a mention that things are going wrong because it is the bureaucracy which is responsible and bur-racy is guilty of these failures that you see. Well, we are aware of the failures of bureaucracy. They have all the failures; they have been there all along. But I must say that in +he democratic set up that we have accepted, political leadership must accept the responsibility of the failure and it is wrong to try to pass on the buck to the officials, who at the moment, during the last one year, because of your any policies towards bureaucracy, because of your inclination to

throw all norms and conventions and practices in terms of promotions and appointments, to the wind, are entirely demoralised and it is therefore that they are not able to put out the best that they are capable of.

SHRI B. D. KHOBRAGADE: (Maharashtra): And it is also because of Parliamentary democracy.

SHRI LAL K. ADVANI: And this is the last of all, by the ruling party's \* main spokesman, Mr. A. R. Antulay, the Chief Minister of Maharashtra. It is being said that the failure is not because Of us; things have, failed— and this is not denied—because the system that w<sub>e</sub> have is bad.

SHRI ARVIND GANESH KUL-KARNI (Maharashtra): Nowadays, Mr. Antulay is called parallel C^tra-pati of Maharashtra.

"\*SHRI LAL K. ADVANI: Therefore he has gone to bring Chatrapati's sword.

MR. DEPUTY CHAIRMAN: Think of other things also.

SHRI LAL K. ADVANI: I do not think that when Mr. Antulay says this, it is just the view of an individual as the Law Minister tried to make out the other aay. No, it is not the view of an individual. He is doing<sub>i</sub> what I would say, a command performance and the ruling party has it in its mind that, perhaps, in the present Parliamentary aemocracy, there is a measure of accountability; there are constraints on executive power and if India were to adopt the Presidential system, there would be no such •constraints. Today, the Home Minister has to come here and to explain to us, answer *to* us as to why thi<sub>s</sub> NSO, why this Ordinance, why this and why that, though with the aid of his majority, he may ignore our comments but he has to answer. But if it is a Presidential system, whatever you do, you nationalise Mar-

[Shri Lai K. Advani]

uti, you bring in National Security Ordinance and when anyone criticises you, you can say: "After five years you ask us that question and we will give you answer after Ave years," For five years there is no accountability whatsoever. There are no constraints on the executive authority, and it is therefore that there is an inclination, there is a proclivity in the ruling party to go in for Presidential form of Government. One more thing, that in the Indian context where the feudal streak in the people is still strong, Parliamentary democracy can be a pathway to hereditary succession; Parliamentary democracy can be a pathway to dynastic rule. I have seen. We all have experienced that when, in a constituency, whether it is a Lok Sabha constituency or an Assembly constituency, a sitting Member dies and the Party is to select a fresh candidate, the first choice is either the widow of that candidate or the son of that candidate or the brother of that candidate and, in many cases, that widow or that son or that brother does succeed, even though he may have nothing to do with public life and he may have no record of public service.

• What happens in one single constituency is sought to be transferred to the whole country by trying to bring in this Presidential form of Government. We are grateful to the Supreme Court for giving us the judgement in the Keshavananda Bharati case, which is still a hurdle in the way of achieving these ambitions. I think, we, in the Rajya Sabha, are proud that still the ruling party has not been able to get the two-thirds majority which would be needed. So, the Rajya Sabha is yet another hurdle in the way of achieving these ambitions. But these ambitions are there. And when Mr. Vntulay goes on campaigning against the present system of Parliamentary democracy, against the present system of government and calls it a dictatorship of the judiciary and goes on advocating his Presidential form of Gov-

ernment, he is only carrying out the wishes of the ruling party.

Sir, I oppose this Ordinance and the Bill which is about to be moved, because, it is against democracy it violates the basic principles of natural justice and seeks to imprison a person merely on suspicion and not on any proved offence. But at this particular point of time, I would like to say that the Janata Government also, at one point of time, intended to bring in a similar— though not as harsh as this— law. I would not deny that. I was a part of it and, therefore, I plead guilty to that charge. I feel sorry for it. But at the same time, I feel happy and proud that the Parliamentary wing of the Janata Party did not allow the Government to do it. And the Government was also responsive enough to appreciate this voice of protest and heed this voice of protest and withdraw that Bill, which it wanted to bring. I remember, some of my colleagues had asked me about this, when the Party meeting was about to be held, before the party meeting. I said 'You need not be under any compulsions; after all, the Party's opinion is being sought'. Now, all I can say is that those who had asked me belonged to the Party to which I belonged earlier. I said that we can never forget that one of the best speeches our Founder-President of the Party, namely, Jan Sangh, made in Parliament was the one in which he opposed the preventive detention law. In that speech, he pointed out that this Government wanted to bring in preventive detention law in order to deal with Communists. At that time, Dr. Katju was the Home Minister and the whole focus was on the Communist threat to the country. Our Party President also pointed out 'I am no admirer of Communists; ideologically, we differ, but so far this preventive detention law is concerned, I regard it as unjustified, illegitimate, against the concept of rule of law'. He said: 'The Home Minister says that this is only a temporary measure and that they will do it only for a short while'. He said 'It would not happen'. And with

uncanny foresight, Dr. Shyama Prasad Mukherjee, said:

"History gives us numerous examples wherein the executive, once having been armed with large and arbitrary executive powers, becomes extremely reluctant to give up those powers. The executive invents excuses and pleas for the continuance of such powers. The very principle of detention without trial shows that there is something wrong in the country, whether in the Government or in the people."

This was in 1952. Today, 28 years after that, we know that the Government, once it becomes armed with these powers, is unwilling to shed them. It will not shed them at all. And it has happened all through. It has been going on happening. Therefore, it is here at this point of time that we would like to sound a word of caution and to say that you tell us frankly what you propose to do. The Home Minister is on record saying that these misgivings that they are going to use it for political purposes are baseless, are not correct; that they do not propose to use it for that purpose. Well, so far as the Janata Government is concerned, the worst it can be accused of is the intention to bring in a law. Not a single instance can be cited between 1977 and 1980, upto the time the Janata Party was in power, where it abused any executive power in its hand. It never abused any power. But so far as this Government is concerned, can the country believe this Government? After all, can we forget that in March-April, 1975, when similar misgivings were expressed by us in the Opposition—at that time it was MIS A that MIS A would be used against political opponents and for political purposes, the assurance given to us was from the highest executive in the country? At that time, Mr. Morarji Desai went on fast on this particular issue and Prime Minister, Mrs. Indira Gandhi, wrote

to Morarjibhai on April 13, 1975—I am merely quoting a small paragraph from the letter in which Mrs. Gandhi said:

"With regard to the application of MISA, we want to make it clear that it is not meant to be used against legitimate political activities but principally against antisocial and antinational elements."

In April, this assurance was given from the highest person in this country—the highest executive authority in the country—to Morarjibhai. And barely two months thereafter, on the 26th of June, 1975, a large number of so-called "anti-national and anti-social" elements in the country were put under detention. Who were these "anti-social" elements? Morarjibhai himself. He was an "anti-national and anti-social" person. Venerable Jayaprakash Narayanji. He was put under arrest. My colleague, Mr. P. V. Reddy here. From the other House, Ch. Charan Singh and Vajpayeeji. In fact, there were as many as 32 Members of the Lok Sabha and 17 Members of the Rajya Sabha who were arrested under MISA, which, according to Mrs. Gandhi, the Prime Minister, was to be used only against "anti-national and anti-social" persons.

Sir, I remember I was a member of a Parliamentary Committee which had its meeting in Bangalore on the 25th of June, 1975. I thought I would be in Bangalore enjoying the cool breeze of that beautiful place for a couple of days. But on the 26th of June, in the early morning, Mr. Vajpayee, Prof. Madhu Dandavate, Mr. Shyama Nandan Mishra and myself were taken prisoners under MISA and we had to enjoy that cool breeze for 19 months. I am merely pointing this out to assert that so far as this Government is concerned, its assurances are meaningless, absolutely meaningless. No one can believe them. No one can trust them. I have not the slightest doubt—whether they intend to do it right now or

[Shri Lai K. Advani]

not—tomorrow this National Security-Ordinance, or if it is to be replaced by the National Security Bill, that Bill would be used to suppress dissent, to settle political scores with not only political opponents but even with party members like Mr. Chandrasekhar and Mr. Ram Dhan. This is going to happen once again. And maybe, who knows, Mr. Yadav here. These things are possible because we have seen them before our own eyes. It is not something that we are speaking about in a vacuum, or just hearing. We have seen all these things happen. Seventy-three persons lost their lives in detention during that period. I know hundreds of families who were ruined at that time and for no fault of theirs except that they were political opponents of the ruling party and nothing else. Trade union workers were brought in under MISA. No such thing happened under the Janata regime, nothing absolutely and not one single instance can be cited. (Interruptions)

AN HON. MEMBER: No work was done. (Interruptions.)

SHRI LAL K. ADVANI: Commissions? Yes. So much so, one of the charges . . . (Interruptions)

श्री महेंद्र मोहन मिश्रा (बिहार) :  
कितने झूठे कमीशन, कितने झूठे मुकदमें कांग्रेस (आई) के लोगों के खिलाफ तीन सालों में आपने लगाए हुए थे. . .

(Interruptions)

SHRI RAMANAND YADAV: You arrested Indiraji. You put her in Tihar. (Interruptions)

SHRI LAL K. ADVANI: Sir, it was only under the Janata rule that an ordinary Magistrate of Delhi had no hesitation to act as he thought

right and to release Mrs. Gandhi even thought . . . (Interruptions)

श्रीमती सरोज खापड़ (महाराष्ट्र) : कम कम से कम सरोज खापड़ कभी नहीं भूलेंगी जिस संसद सदस्या को आपने रात को दो बजे दिल्ली की गली-गली में घुमाया था । रात को तीन बजे तिहाड़ जेल में जाने को मजबूर किया था. . .

(Interruptions)

श्री लाल कृष्ण झाड़वाणी : हमको भी याद है कि छोटी-छोटी ... (Interruptions)  
जहां हम कानून के अन्तर्गत किसी को पकड़ते थे तो पोलिटिकल कैपिटल आप कैसे बनाते थे यह भी हमको याद है । हम कभी भी पोलिटिकल कैपिटल नहीं बनाते । मैं तो फैंक्ट्स बता रहा हूं. . .

(Interruptions)

श्रीमती सरोज खापड़ : जेल में जा कर जो सलूक किया वह सारा देश. . . (Interruptions)

श्री लाल कृष्ण झाड़वाणी : हमको भी याद है हमारे 73 लोगों को आपने जेल में मार दिया, उसकी कोई फिक्र आपको नहीं है। . . . (Interruptions)

श्री उपसभापति : बैठ जाइये . . . (Interruptions)

श्रीमती सरोज खापड़ : किस कद्र हमारी पिटाई की गई ; हमारे नेताओं को पीटा गया वह आप क्यों भूल गए. . . (Interruptions)

SHRI SYED SIBTE RAZI (Uttar Pradesh): Sir, a very important

point of order. अभी माननीय सदस्य ने कहा कि हमने लोगों को मार दिया, मैं आपको बताना चाहता हूँ यदि हमने मार दिया तो आडवाणी जी आप यहाँ कैसे आ गए ?

(Interruptions) माफ़ किजिएगा, इस तरीके से एलीगेंस लगाना आप जैसे सीनियर मेंबर्स को अच्छा नहीं लगता । (Interruptions)

श्री हरी शंकर भामड़ा (राजस्थान) लोग मरे हैं । (Interruptions)

श्री उपसभापति : आर्डर प्लीज । आर्डर प्लीज । सब बैठ जाइये (Interruptions)

श्री हरी शंकर भामड़ा : यह सरकार गिरेगी (Interruptions) हजारों आदमियों को मारा गया । हिन्दुस्तान की जनता इसको भूल नहीं सकती है । शर्म आनी चाहिए आपको (Interruptions) शर्म की बात है । (Interruptions)

श्रीमती सरोज खापड़ें : आपने भी इस देश के हजारों नागरिकों को . . (Interruptions)

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Deputy Chairman, Sir, I would submit to the other side that, after all, they have got a majority. They are going to steamroll it. But should not they have this much patience. . .

SHRI RAMAKRISHNA HEGDE (Karnataka): Or decency? (Interruptions)

SHRI P. RAMAMURTI: Please listen to me. (Interruptions.) I am not going to be intimidated. Sir, the criticism that we make may be

wrong, the facts may be wrong. They have got ample opportunity because half the time is there. They can reply. They have got every opportunity. Therefore, at least they must have the patience and they must have the tolerance to listen to criticism. If they have become so intolerant, woe to this country, and woe to their party—if that tolerance is not there.

SHRI LAL K. ADVANI: If the hon. Members want, I can read the names of those 73 persons, those martyrs who died under detention. I do not want to read them out. But it is a hard fact, it is a cold fact. 3. P.M. And I have seen the conditions of those families. I am not trying to score a political point, a debating point over my opponents at the moment (Interruptions) Sir, 29,700 persons were arrested under MISA and 2,000 under COFEPOSA. Now an impression is being given all over the country and the world as if it was the economic offenders who only were arrested. The fact is that this is only about MISA. The total number of persons who were arrested, detained under various laws during the Emergency went to 1,40,000, most of them under DR etc. and very few were the so-called economic offenders. As I said, under COFEPOSA 2,000 were arrested. An overwhelming majority nearly 99 per cent, was of those who were arrested purely for political opponents. Sir, I would not deny that the country today is facing an unprecedented crisis.

AN HON. MEMBER: . . . created by you.

SHRI LAL K. ADVANI: . . . political, economic, social, and even a moral crisis. You blame the Opposition- parties; you blame the Jana Sangh.

SOME HON. MEMBERS: Yes.

SHRI LAL K. ADVANI: We feel sorry that we are not as active as we ought to be. We are not. In fact, it is only during this one year that all the movements that have "taken place, all the agitations that have taken place are not the agitations launched by the political parties. In most places, it is the people who have taken the initiative. The farmers have taken the initiative.

श्री सैयद सिद्दिके रज़ी : बिहार में कल क्या हुआ । दो आदमी आपने मरवा दिए । उर्दू के खिलाफ एक बहुत बड़ा . . . (Interruptions) क्रिएट करा रहे हैं . . . (Interruptions)

MR. DEPUTY CHAIRMAN: You can't stand up every time. Otherwise, this will go on throughout the day and ...

SHRI PILOO MODY (Gujarat): Who is this man, anyway? (Interruptions).

श्री कलराज मिश्र (उत्तर प्रदेश) : अगर आप यही करेंगे . . . (Interruptions) इस तरह की हरकत न करें।

श्री हरी शंकर भाभड़ा : मैं गृह मंत्री महोदय से निवेदन करूंगा कि इस आर्डिनेन्स का प्रयोग वे यहीं पर कर लें ।

SHRI LAL K. ADVANI: I am concluding. In all these movements, whether it is Assam or the farmers' movement or other movements, it is essentially the people who are reacting spontaneously to the Government's policies and the other people the political parties mainly are essentially backing them, supporting them, at places here and there. This

is the kind of situation that has been brought and this crisis is naturally due to the failure of the Government, failure of the ruling party. (Interruptions) Do not find scapegoats for it. I said that this Bill is motivated. If anyone had any illusions about it, the Communications Minister tried to dispel them in the other House when he said that this Bill is going to be used liberally—that is the word he used—to pin down violent forces trying to sabotage democracy. There are no forces trying to subvert democracy, except perhaps Mr. Antulay who wants to safeguard democracy and bring in the Presidential system.

श्रीमती सरोज खापरडे : अंतुले जी का नाम लेने से पहले दुबारा सोच लीजिए . . . (Interruptions)

श्री पीलू मोदी : मैं तो सरोज का नाम देने वाला हूँ ।

MR. DEPUTY CHAIRMAN: I would request the hon. Members not to interrupt Madam, take your seat. Otherwise, the debate will get prolonged. Everyone will have a chance to speak. Why disturb? Please cooperate; otherwise, the debate will get prolonged.

SHRI LAL K. ADVANI: Sir, the Communication Minister's speech provoked a very acerbic editorial comment from the Indian Express which opened its editorial column saying: 'Having made a mess of the telephone system, Mr. C. M. Stephen seems set to play havoc on a wider scale', namely, in relation to this National Security Ordinance. I am sure the impression created by Mr. Stephen... (Interruptions) I do not know who was there. Mr. Piloo Mody asked why Mr. Stephen was there.

MR. DEPUTY CHAIRMAN: Don't bring in Mr. Piloo Mody .



SHRI LAL K. ADVANI: Here, we will have the honour and privilege of listening only to Mr. Zail Singh and he would assure the House that Mr. Stephen's speech is irrelevant in the matter and that the Government has no intentions of abusing this ordinance or abusing this Bill for political purposes.

Sir, with these words, I would strongly commend my motion of disapproval to the House for acceptance.

Thank you.

SHRI PILOO MODY: And particularly to Saroj.

*The question was proposed.*

MR. DEPUTY CHAIRMAN: Now, the hon. Minister may please move his motion.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITA-RAM KESRI): I am glad that Mr. Mody has developed some good sense.

THE MINISTER OF HOME AFFAIRS (GIANI ZAIL SINGH): Sir, I beg to move:

"That the Bill to provide for preventive detention in certain cases and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

उपसभापति जी, यह बिल जो लोक सभा में अभी-अभी पास हुआ है, उसके संबंध में मैंने लोक सभा में भी अपना मुख्य जो प्रयोजन है इस बिल का, कहा था।

मैं इस सभा का ज्यादा समय नहीं लूंगा। मैं सिर्फ इतना कहता हूँ कि देश में जो हालात हैं, उनके प्रति जनाव आडवाणी साहब ने कहा कि बहुत बुरे हालात हैं और लोगों को मारा पीटा

जा रहा है, फिरकेदाराना दंगे हो रहे हैं, माइनारिटीज को मारा जा रहा है और व्यवस्था बहुत अस्त-व्यस्त हो चुकी है देश की, यह उन्होंने खुद ही माना है। ऐसे हालात में जब वे मानते हैं—हम तो यह नहीं मानते कि अस्त-व्यस्तता हो चुकी है। लेकिन भय है इस बात का और हमारे पास ऐसी रिपोर्ट्स हैं कि यहाँ कुछ एंटी-सोशल एलिमेंट अपने हाथ-पांव आगे बढ़ा रहा है। फिरकेदाराना और जात-पात के झगड़े और इलाकों के झगड़े बढ़ते जा रहे हैं।

डिप्टी चैयरमैन साहब, अब हाउस इस बात पर मेरे साथ इतिफाक करेगा कि कुछ समय से इन ताकतों को रेस्पैक्टिविल्टी मिली और उसकी वजह से हमारी सर्विसेज में भी यह बीमारी पड़ चुकी और तफरत की भावना बढ़ गयी। असम में आंदोलन की वजह से वहाँ की पड़ोसी रियासतों में यह भावना पैदा हुई। त्रिपुरा के हालात आप जानते हैं कि कितने बुरे थे।

इसी तरह से इसका असर उड़ीसा में भी हो रहा है। वहाँ जो उड़ीसा से बाहर से आए हुए सदियों से वहाँ बसते हैं, उनकी जान खतरे में पड़ गई थी। और यह बात आप जानते हैं कि उत्तर प्रदेश में, गुजरात में, फिरकेदाराना दंगे हुए और उन दंगों के साथ निपटने के लिए सरकार ने उपाय किया। मगर सरकार के उपाय से नहीं, बल्कि अमन-पसंद शहरियों की कोआपरेशन से वे दंगे रूके हैं।

दिल्ली में जिस इरादे से यह बड़ी साजिश करके इस दिल्ली को जलाने का फैसला किया गया था, उसमें भी भगवान की कृपा से लोगों का साथ मिलने से बच गये। मगर वे ताकतें

[जानी जॉर्जसिंह]

एक जगह नहीं, बहुत सी जगह पर, जम्मू और कश्मीर में भी और दूसरे मुल्क के हिस्से में भी सिर उठा रही हैं। इसका नतीजा यह होगा कि प्रांतीयता, जातीयता और साम्प्रदायिकता के बल से इस देश के अन्दर सिविल वार हो सकती थी।

इन बातों को जानते हुए हमने यह आर्डिनेन्स किया है और मैं आडवाणी साहब से इत्तिफाक नहीं करता कि आर्डिनेन्स करना जम्हूरियत के खिलाफ है। हमारे संविधान ने इस बात का अख्तियार दिया है एग्जिक्यूटिव को कि जब पार्लियामेंट इन सेशन न हो, जरूरी हो तो आर्डिनेन्स किया जा सकता है। जरूरी है या नहीं—यह वक्त की सरकार ने देखना होता है। सरकार ने इसको जरूरी समझा और यह आर्डिनेन्स किया और पहले ही सेशन में हम इस आर्डिनेन्स को एक बिल के रूप में दोनों सदनों में लेकर आए हैं। तो मैं चाहता हूँ कि इस बात पर जो बेइतबारी आडवाणी साहब या दूसरे कुछ मेम्बर कर रहे हैं, वे गलती पर हैं। सरकार का कोई ऐसा इरादा नहीं कि पोलिटिकल विरोध को खत्म किया जाए या पोलिटिकल विरोधियों को लेजिटिमेट तरीके से विरोध प्रकट करने का अधिकार न मिले। हम प्रजातंत्र के इस महान उमूल को कायम रखते हुए इस में मदाखलत नहीं करेंगे, लेकिन इस बात की जरूरत समझनी चाहिए कि जहाँ फिरकेवाराना दंगे हैं, इलाकाई दंगे हैं, जात-पात के झगड़े हैं उन को बढ़ाने के लिए कोई पोलिटिकल पार्टी का यह समझे कि चूंकि मैं पोलिटिकल पार्टी का नेता हूँ, मुझे पूरा हक है—मुझे कोई पकड़ नहीं सकता—मैं सब जगह दंगा कराऊंगा, तो यह उस की भूल है।

पोलिटिकल पार्टी का नेता बनना, यह इस बात का लाइसेंस नहीं कि वह मुल्क को बरबाद करे या विदेशी ताकतों से मिल कर हिन्दुस्तान के खिलाफ किसी मुल्क को अपना भेद देता हो, कोई ऐसा काम करता हो जिससे मुल्क को खतरा हो सकता है। ऐसे विघनकारी, समाज के विरोधी तत्वों को, काबू करने के लिए सरकार यह बिल आप के सामने लाई है।

अब आडवाणी साहब जब साथ में यह भी कहते हैं कि बिल की जरूरत नहीं, और यह भी कहते हैं कि अस्तव्यस्त हो गई है मुल्क की हालत और फिर हमारे ऊपर इस बात के लिए दोष लगाते हैं कि सरकार इस मामले में असफल हो गई उससे ऐसा मालूम पड़ता है कि वह हम को असफल करना चाहते हैं। इसी लिए आज उन्होंने इस बात का हवाला दिया कि महाराष्ट्र के मुख्य मंत्री प्रेसीडेंट सिस्टम की पार्लियामेंट दिलाने के पक्ष में हैं और वह सिस्टम ऐसा है जो फुल्ली डेमोक्रेटिक नहीं। आडवाणी जी ने इस का खुलासा भी दिया कि उस में एग्जिक्यूटिव को पावर ज्यादा होती है और पार्लियामेंटरी सिस्टम में पार्लियामेंट को पावर ज्यादा होती है। हमारी तरफ से, रूनिंग पार्टी की तरफ से इस मामले में जो भी जिस ने राय दी है तो वह उसकी अपनी इंडिविजुअल राय है। ना हमारी पार्टी ने इस मामले पर फैसला किया है ना हमारी प्रधान मंत्री ने और ना ही इंडिविजुअली आन विहाफ आफ कांग्रेस-आई या आन विहाफ आफ सरकार हमने इस मामले में कोई राय दी है। स्वतंत्र एडवोकेट्स का एक कंवेन्शन हुआ था, उस कंवेन्शन में यह मसला आया और उन्होंने भी कुछ फैसला नहीं किया ना ही उस पर वोटिंग हुई। यह देश में एक चर्चा चल

पड़ी और महाराष्ट्र के मुख्य मंत्री के थुरु यह कहना कि चूंकि एक मुख्य मंत्री कहता है इस लिए सरकार की इस तरह की नीयत है, मैं खुश हूंगा, हाउस में दोबारा मौका मिलेगा आडवाणी जी को—वह हमारी बात नोट कर लें—वह अगर चाहें तो अपने जवाब में बताएं कि जो यू० एस० ए० में डेमोक्रेटिक सिस्टम है क्या वह डिक्टेटराना है या डेमोक्रेटिक है ? उनकी नालेज बहुत ज्यादा है और मुझे भरोसा है, पुराने पार्लियामेटरियन हैं वह, यह भी बता देंगे कि चाइना में डेमोक्रेसी है या डिक्टेटरशिप है, ताकि हमारी भी नालेज बढ़े । मगर मैं एक बात कहूंगा । यू० एस० ए० में डिक्टेटरशिप नहीं, वहां भी जमहूरियत है, वहां भी प्रेस को पूरी आजादी है । उन में खामियां हो सकती हैं, उन में कोई गलतियां हो सकती हैं, उन का हमारे साथ राय का इख्तिलाफ हो सकता है मगर उस सिस्टम को अगर वह पसन्द नहीं करते तो फिर वह बताएं या हमारे कामरेड बताएं—हम उस सिस्टम की बजाए इस सिस्टम पर गौर करें रूस में क्या सिस्टम है, रूस भी एक पिछड़ा हुआ मुल्क था, बहुत पिछड़ा हुआ मुल्क था और यू० एस० ए० के मुकाबले इतनी बड़ी ताकत बन गया, क्योंकि वहां सोशलिस्ट डेमोक्रेसी है ? खैर, आज जो हम डेमोक्रेसी की चर्चा नहीं कर रहे हैं कि किस किस्म की डेमोक्रेसी चाहिए । तर्जुमल को बदलने का कोई इरादा हमारा नहीं और इस बात पर सोच है न इस निशान पर चल रहे हैं । मगर यह संशय, यह चिंता, जो बे-बुनियाद है—मैं यह कहूंगा—मन से निकाल दें । आडवाणी साहब ने यह भी कहा कि '52 में डा० श्यामा प्रसाद मुखर्जी ने बिल का विरोध किया था । यह ठीक होगा, उन्होंने '52

में विरोध किया होगा । उन्होंने जो तकरीर पढ़ कर सुनायी वह भी दुस्त होगी, मैं उस पर एतबार करता हूं । मैं आडवाणी साहब से कहूंगा और हाउस के आनरेबिल मेम्बरान को बताना चाहूंगा कि श्यामा प्रसाद मुखर्जी पहली सरकार में शामिल थे और पहला जो प्रिवेंटिव डिटेंशन एक्ट आया वह पहली सरकार के जमाने में '50 में आया था और वह बिल पार्लियामेंट में लाने से पहले जब कैबिनेट में आया तो श्यामा प्रसाद मुखर्जी ने उस की हिमायत की थी । मुझे बड़ा अफसोस है, जो शुरू से इस तरह के बिल की मुखालिफत करते रहे हैं । वे कहते तो कुछ समझ में आता । लेकिन जनसंघ के नेता जो जनता सरकार में बड़ी पावर के साथ थे, आडवाणी साहब उस में मिनिस्टर थे और भी बहुत से मेम्बर मिनिस्टर थे, वाजपेयी जी मिनिस्टर थे, वर्मा जी मिनिस्टर थे, भंडारी जी पता नहीं थे या नहीं थे, युझे याद नहीं, लेकिन थे सब मिनिस्टर थे और 1977 में जब एक बिल आया—उस बिल की कापी मेरे पास है—उस का मुकाबला इस बिल के साथ कर लें । वह बिल था सी० आर० पी० सी० को अमेंड कर के इसी तरह की प्रोवीजन्स को परमानेंटली लाने का जब कि यह बिल आरजी है, यह हमेशा के लिए नहीं है । वह हमेशा के लिए सी० आर० पी० सी० को अमेंड कर के एक डिक्टेटराना कार्यवाही करना चाहते थे । मैं कहूँ कि आडवाणी साहब की राय थी कि यह होना चाहिए, जितने जनसंघ के चार मिनिस्टर थे उन की राय थी उस के हक में । यही वजह थी कि वह बिल पार्लियामेंट में आया और पार्लियामेंट में आने से पहले जरूरी था कि कैबिनेट में पास होता । न उन्होंने कैबिनेट में विरोध किया और पार्लियामेंट में तो करना ही क्या था ।

(**ज्ञानी जैल सिंह**)

उस वक्त जो तकरीर की उन के होम मिनिस्टर, चौधरी चरण सिंह जो ने और लां मिनिस्टर शान्तिभूषण ने उस का रकार्ड मेरे पास है। मेरा गला काम नहीं करता नहीं तो मैं वह भी सुना दूँ। मैं यह भी सोचता हूँ . . . . .  
(*Interruption*) मोदी साहब आप का क्या इशारा है ?

**श्री पं. मोदी :** गला काम नहीं करता तो और कहने की जरूरत नहीं। सिर्फ पानी पिलाइये होम मिनिस्टर को।

**ज्ञानी जैल सिंह :** मेरे दोस्त, हम तो पानी क्या जहर भी पी लें आप के कहने पर, मगर आप की आत्मा कहीं नरम नहीं होती, क्या करें। (*Interruption*)

**श्री पी० राममूर्ति :** आप ने एक शेर सुनाया।

**ज्ञानी जैल सिंह :** मैंने कोई शेर नहीं सुनाया।

**श्री पी० राममूर्ति :** अब सुना दीजिए।

**ज्ञानी जैल सिंह :** मैंने कोई शेर नहीं कहा, बड़ा सीरियस डिस्क्शन हो रहा है।

**एक माननीय सदस्य :** आप खुद ही शेर हैं।

**ज्ञानी जैल सिंह :** अब यह मेरे बस की बात नहीं, मुझे खुद ही शेर कह लो।

**एक माननीय सदस्य :** कुछ कह लो, होम मिनिस्टर मत कहो।

**ज्ञानी जैल सिंह :** जमाने की आफतें मुझे रुला नहीं सकतीं,

मैं क्या करूँ, मुझे आदत है मुस्कराने की।

तो मैं इस बात पर हैरान हूँ, डिप्युटी चेयरमैन साहब, कि जनसंघ के नेता '50 से लेकर—वैसे तो इन का जन्म पूरे तौर पर '52 में हुआ था, लेकिन जब विचारधारा चली आती थी—जब सरकार में होते हैं तो ऐसे विल की हिमायत करते हैं और जब सरकार से बाहर हो जाते हैं तो उस की मुखालिफत करते हैं। मधु दंडवते जी ने काफी परहेज किया। वह भी थे इस कैबिनेट में। उन्हें मालूम था कि वह तो हिमायत कर चुके हैं तो उन्होंने अपनी पार्टी के एक और आदमी को बुला दिया। मेरा ब्याल था कि आडवाणी साहब बहुत दानिशमन्द हैं वह खुद नहीं बोलेंगे, लेकिन उन्होंने खुद ही कह दिया। मैं एक बात कहता हूँ, आडवाणी साहब जवाब दें तब बता दें। आप उस वक्त गलती पर थे या आज गलती पर हैं ? आप ने उस वक्त सुस्ती की या आज सुस्ती कर रहे हैं ? आप उस वक्त सोये थे या आज सोये हैं ? दोनों में से एक बात तो है। उस वक्त आप जनता के साथ सिसियर नहीं थे या आज आप जनता के साथ सिसियर नहीं हैं ? जो चीजें मुल्क को आगे बढ़ाने के लिये, मुल्क के फायदे के लिये हैं उसे हम अपने देश में ला रहे हैं। उन के लिये इस तरह की बातें करना कि उन्होंने मीसा को लया दिया, इस तरह के फिकरे कसना ठीक नहीं। अब मैं नहीं चाहता कि मीसा के जमाने की बातें करूँ, लेकिन उस वक्त वे लोग कहते थे कि फौज को बगावत करना चाहिए, पुलिस को कोई आर्डर नहीं मानना चाहिए। (*Interruption*)

कई माननीय सदस्य : गलत है ।  
गलत है ।

श्री लाल कृष्ण आडवाणी : आप जयप्रकाश जी के लिये कह रहे हैं । आप के आफिशियल वक्तव्य में भी कहा गया है कि उन्होंने कहा है कि "आप गलत आदेशों का पालन मत करो ।" आज पुलिस वालों को कोई कहता है कि किसी की आंख फोड़ दो, कोई एस० पी० कहता है या कोई डी० आई० जी० कहता है तो पुलिस वाले का अधिकार है कि वह यह कह दे कि यह इल्लीगल आर्डर है । मैं इस को नहीं मानूंगा । यह जो ब्लाईडिंग इंसीडेंट्स हुए हैं उन से पता लग जाता है कि जे०पी० की बात कितनी सही थी । उस से ही यह प्रमाणित हो जाता है ।

ज्ञानो जैल सिंह : मेरा ख्याल है आडवाणी साहब कि जब आप बोल रहे थे तो आप बोले और उस में आप का कोई कसूर नहीं, आप ने कोई कसूर भी नहीं छोड़ी जितना बल लगा कर नफरत पैदा करने की भावना आप ला सकते थे आप ले आये, मैं आप के खिलाफ कोई नफरत नहीं पैदा कर रहा, मैं तो सिर्फ फेक्ट दे रहा हूँ और पूछना चाहता हूँ आप जैसे पार्लियामेंटेरियन से कि क्या यह गुनाह की बात है कि आप क्यों इस बिल को ले आये ? आप ले आये तो ठीक, लेकिन फिर उस सरकार में बल ही नहीं था, ताकत ही नहीं थी, हिम्मत ही नहीं थी कि वह उस को पास करवा सकती, क्योंकि उस को पार्लियामेंट पर भरोसा नहीं था, लेकिन इस सरकार को पार्लियामेंट पर भरोसा है...

श्री लाल कृष्ण आडवाणी : मैंने उस समय भी कहा था कि  
I feel sorry that I was associated with  
1479 RS—11

it: I feel sorry. I feel proud that my parliamentary party did not allow it to be brought. और उस समय हमारे साथ बहुत से लोग थे ।

श्री हरोशंकर भाभड़ा : हमारे साथ बहादुर लोग थे । उन्होंने बिल लाने नहीं दिया । लेकिन आप लोग गर्दन नीचे कर के बैठे हैं और बिल ला रहे हैं ।

ज्ञानो जैल सिंह : जब आप के भाषण में एक लेडी मेम्बर ने मदाखलत की थी तो वहाँ से आवाज आयी थी कि आप उन को रोकते क्यों नहीं और हम ने उन को कहा और सब को बोलने से रोका । अब आप अपने यहाँ के लोगों को कंट्रोल नहीं कर रहे हैं ।  
(Interruptions)

श्री जे० के० जैन (मध्य प्रदेश) :  
आप थूक कर चाटते हैं । खुद थूकते हैं और खुद चाटते हैं (Interruptions)  
यह गृह मंत्री जी को इस प्रकार से कहते हैं । (Interruptions)

श्री मनुभाई पटेल (गुजरात) :  
इस तरह की चापलूसी से क्या बनेगा ?  
(Interruptions)

श्री सैयद सिब्ते रजी : यह चापलूसी का प्रश्न नहीं है । यह हाउस की मर्यादा का प्रश्न है । आप हाउस में इस प्रकार से कहेंगे तो ठीक नहीं होगा ।  
(Interruptions)

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : गलत बात है । यह चापलूसी नहीं है । यह तो बंधुआ मजदूर है ।

ज्ञानी जैल सिंह : डिप्टी चेयरमन साहब, आडवाणी साहब ने कहा कि हम लोगों को भी उस वक्त जेलों में डंडे खाने पड़े, हवा खानी पड़ी और उन्होंने यह भी कहा कि कुछ आदमी मारे गये हैं। यह तो हो सकता है कि जेलों में कुछ आदमियों की मौत हो गयी हो उम्र पूरी होने की वजह से, लेकिन मारा किसी को नहीं गया। गिरफ्तार हम ने किये और ...

श्री पी० राममूर्ति : मैं आपको याद दिलाना चाहता हूँ कि तमिलनाडु में जनता पार्टी की सरकार नहीं थी, तमिलनाडु में ए० डी० एम० के० की सरकार थी। ए० डी० एम० के० की सरकार ने एक कमीशन बैठाया और उसमें यह पता लगा कि डी० एम० के० के मेयर आफ मद्रास और दूसरे चित्ति बाब ये दो जेलखाने में मारे गये थे और हाई कोर्ट के जज ने उसका पता लगाया ... (Interruptions)

श्री रामेश्वर सिंह (उत्तर प्रदेश) : जयप्रकाश नारायण को आपने क्या किया ... (Interruptions)

श्री जे० के० जैन : तुम लोगों ने जयप्रकाश नारायण की हत्या की है। तुम लोगों ने उसे मार दिया। चुल्लू भर पानी में डूब मरो। तुम लोग जय प्रकाश नारायण के हत्यारे हो ... (Interruptions)

श्री पीलू मोदी : आज मालिश कर रहा है कल बूट पालिश करना पड़ेगा ... (Interruptions)

श्री जे० के० जैन : आपने जयप्रकाश नारायण को मार दिया, बातें करते हो यहां ? ... (Interruptions)

ज्ञानी जैल सिंह : डिप्टी चेयरमन साहब, मैं लाल कृष्ण आडवाणी जी से पूछना चाहता हूँ कि आपने 40 हजार गिनाये हैं। क्या जनता सरकार के जमाने में लोग लाखों की तादाद में जेल में नहीं गये? कांग्रेस आई के लाखों आदमी जेलों में गये। जब श्रीमती इंदिरा गांधी को आपने मेजारिटी के जोर पर मैम्बरी से खारिज किया और खारिज करने के बाद उनको जेल में भेजा ... (Interruptions)

श्री जे० के० जैन : आपने संसद् का अदालत बनाकर उनको निकाला ... (Interruptions)

ज्ञानी जैल सिंह : जाने दो भाई, छोड़ो ... (Interruptions)

श्री जे० के० जैन : अदालत का नाम लेते हैं, झूठ बोलते हैं ... (Interruptions)

ज्ञानी जैल सिंह : डिप्टी चेयरमन साहब मैं फिर विनती करूंगा, आडवाणी साहब आप अपोजिशन के लीडर हैं, जरा कंट्रोल रखिये ... (Interruptions)

श्री पीलू मोदी : शोर मचा रहा है वह और कंट्रोल करें ये ? ... (Interruptions)

श्री मनुभाई पटेल : होम मिनिस्टर साहब आप सारे देश को कंट्रोल करते हो, जरा जैन जो आपके मैम्बर हैं उनको कंट्रोल नहीं कर पाते हो ? उनको संसद् का क्या अधिकार है, यह भी मालूम नहीं है ... (Interruptions)

SHRIMATI PURABI MUKHOPADHYAY (West Bengal): Mr. Deputy Chairman, Sir, how is it that you are allowing one particular Member to

rise all the time and shout. Turn him out of this House. . . (Interruptions)

SHRI J. K. JAIN; You keep quiet . . . (Interruptions)

SHRI HARI SHANKAR BHABHARA: You are the Home Minister. You are accusing the Opposition when your Member is behaving like this. (Interruptions) It shows the standard of the ruling party, what they are going to do. It is shameful for the ruling party. (Interruptions)

SHRI ARVIND GANESH KULKARNI: You are the Home Minister. Why do you take us to the lunatic asylum? Please stop your lunatics. They are coming out running, they are pouncing on us. Please stop them. (Interruptions)

ज्ञानी जैल सिंह : होम मिनिस्ट्री की बात यहां नहीं चलानी चाहिये ।

श्री उपसभापति : इसको छोड़िये । इनकी बात का जवाब मन दीजिये । आगे चलिये ।

ज्ञानी जैल सिंह : होम मिनिस्ट्री की सलाह यहां नहीं चलती । प्रार्थना करके बैठता हूं । आप तो प्रार्थना भी नहीं करते हैं (Interruptions) कुलकर्णी जी आप तो सलाह भी नहीं देते हैं । हम तो देते हैं । (Interruptions)

श्री अरविन्द गणेश कुलकर्णी : आपकी बात सुन रहे हैं । (Interruptions)

ज्ञानी जैल सिंह : बहुत मेहरबानी आपकी । मैं विनती कर रहा था कि उनको चिकमंगलूर से बाई इलेक्शन लड़ना पड़ा । उस बाई इलेक्शन में बहुत बड़ी मज्योरिटी से वह जीती । भारत सरकार ने तमाम ताकत लगाई

और उस वक्त कांग्रेस (आई) का राज था कर्नाटक में । इन्होंने वहां की सरकार की पुलिस पर एतबार नहीं किया । यहां से सेन्ट्रल रिजर्व पुलिस को भेजा और इलेक्शन हुआ और इलेक्शन में इन्दिरा गांधी शाह कमीशन के शोर के बावजूद, रेडियो के शोर के बावजूद, तीस पुस्तकें उनके खिलाफ लिखी गई, इन सब बातों के बावजूद वह मज्योरिटी से जीत कर आई । लेकिन जनता पार्टी इतना भी नहीं कर सकी । कि हमारी एक विरोधी जीत कर आई है, एक्स प्राइम मिनिस्टर है और उन्होंने अपने वक्त में देश के लिये बहुत बड़े काम किये अब आ गई है, तो ठीक है बैठ जाय लेकिन जनता पार्टी ने उन्हें सात दिन की जेल और मवरशिप से खारिज . . .

श्री मनुभाई पटेल : क्यों ? (Interruptions)

श्री सीताराम केसरी : क्यों मत बोलिये । (Interruptions)

ज्ञानी जैल सिंह : आप बैठे बैठे बोल रहे हैं । (Interruptions) अब जब उन्होंने कहा कि हमारे इनने आदमी जेलों में गये हैं तो मैं भी जनता पार्टी के कारनामे थोड़े से बता दूं । मैं भी जनता सरकार की जेल में रहा ।

श्री मनुभाई पटेल : हमें जेलों में भेजने का कोई कारण नहीं था जबकि उनके खिलाफ प्रिविलेज कमेटी में कारवाई चली (Interruptions) मैं जनता सरकार की जेल में रहा । मेरी जेल में बहुत सेवा होती रही । कोई तकलीफ नहीं हुई कोई तंगी नहीं हुई ; मैं यह कहता हूं ।

श्रीमती राजेन्द्र कौर (पंजाब) : कितने रोज रहे यह भी बता दीजिये। हम तो 19 महीने रहे। आप जरा यह बता दीजिये। (Interruptions)

श्री जगदीश प्रसाद माथुर : इंडियन पीनल कोड की कौन सी धारा में आप जेल गये।

**SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra):** I have got all the records of the Supreme Court to show under what sections Giani Ji and other leaders were arrested and harassed.

श्री धर्मवीर (उत्तर प्रदेश) : जेलों में जगह नहीं थी। (Interruptions)

ज्ञानी जेल सिंह : डिप्टी चैंबरमेन साहब, मैं उनका बड़ा आदर करता हूँ क्योंकि माननीय मास्टर तारा सिंह की बेटा है यह लेडी मੈम्बर। उन्होंने मेरे से पूछा। यह आपको मालूम होगा कि मुझे जेल का तजुर्बा बहुत है। मैं लगातार जेल में रहा हूँ मास्टर जी की जिन्दगी में। मास्टर तारा सिंह जी जो थे उन्होंने महाराजा के खिलाफ मेरा साथ दिया था। जेलें बहुत देखी है लेकिन यह जनता सरकार हमें जेल में रख नहीं सकी। अगर ताकत होती तो विल वापस क्या लेते यह तो राज करते हुए डरते हैं। अगर इनके अंदर हिम्मत होती तो हम को रखते। मैं चौधरी चरण सिंह से मिलने के लिये गया यह कहने के लिए कि मेरे खिलाफ मुकदमें बनाये गये हैं। मैं चाहता हूँ कि सुप्रीम कोर्ट के जज से इन्कवायरी कराई जाये लेकिन सब की कराई जाये जितने आपके मिनिस्टर हैं उनकी और जितने हमारे रहे हैं उनकी भी कराई जाये और कब से कराई जाये, इसके लिये मैंने कहा कि सन् 1947 से। मैं पहली बार जबकि मेरी उम्र 32 साल की थी,

सन् 1948, 1949 में, मिनिस्टर बना था। मेरी उस वक्त की जायदाद देखिए और अब की जायदाद देखिये। अगर मेरी जायदाद बड़ी है तो मैं गुनहगार हूँगा। जब मैं प्रधान मंत्री मोरारजी देसाई के पास गया यह सब कहने के लिये तो श्री मोरारजी देसाई ने कहा कि आप होम मिनिस्टर से मिलें? मैंने कहा कि होम मिनिस्टर को कापी भेज दूँगा, आप असल ले लें। श्री मोरारजी भाई कहने लगे कि मुझे असल देने की जरूरत नहीं है, आप मुझे कापी दे दें और असल उनको भेज दें। यह श्री मोरारजी भाई का वडप्पन था कि उन्होंने मुझे बता दिया कि वे उनका कहना नहीं मानते हैं। मैं चौधरी चरण सिंह जी के पास गया। आज जो बातें श्री लाल कृष्ण आडवानी जी ने कही हैं वही जवाब उन्होंने भी मुझे दिया। कहने लगे, क्या जुर्म कर रहे हो? वे मुझे आदर और प्रेम से मिले। उन्होंने कहा कि ज्ञानी जी बात यह है कि आपने हमारे साथ क्या वर्ताव किया था? मैंने कहा, किया है। कहने लगे कि आप भी तो इमरजेंसी लगाने वालों में थे। मैंने कहा कि यह बात तो दुरूस्त है। फिर कहने लगे कि आपने हमको 19 महीनों तक जेल में रखा। मैंने कहा, चौधरी साहब, आप हमें 40 महीनों तक जेल में रखिये। लेकिन सीधा इल्जाम लगाइये आप तो उस वक्त अमन की बर्बादी कर रहे थे। हम क्या बर्बादी कर रहे हैं? क्या हम आपकी सरकार तोड़ रहे हैं। बद्रश्मनी पैदा कर रहे हैं? देश को तहस-नहस कर रहे हैं। हमने आप पर इल्जाम लगाया था। फिर चौधरी साहब ने कहा... (Interruptions)

श्री जगदीश प्रसाद माथुर : आपका जुर्म क्या था?



**ज्ञानी जैल सिंह :** अगर आप जुर्म की ग्राउन्ड देखेंगे तो आपको पता चल जायेगा . . . (Interruptions)

**श्री लाल कृष्ण आडवाणी :** आपके एटार्नी जनरल ने तो कहा था कि अगर किसी को गोली मार दी जाये तो उसके लिए ग्राउन्ड देने की जरूरत नहीं है ।

**श्री धर्मबीर :** आपके तो बहुत से लोग जेलों से माफी मांग कर बाहर आए थे . . . (Interruptions)

**डा० भाई महाबीर (मध्य प्रदेश) :** क्या बात करते हो, किसने माफी मांगी ? . . . (Interruptions)

**ज्ञानी जैल सिंह :** श्रीमान्, मैं न बातों को छोड़ देता हूँ । लेकिन एक बात कहना चाहता हूँ . . . (Interruptions)

**SHRI RAMAKRISHNA HEGDE:**  
The MISA was there on the statute book. (Interruptions)

**ज्ञानी जैल सिंह :** लेकिन एक बात कहना चाहता हूँ । चौधरी साहब कहने लगे कि अगर हम भी आपको जेल में रखें तो क्या होगा ? मैंने कहा कि आप हमें 19 महीने के बजाय 40 महीने रखिये । उसका नतीजा यह होगा कि जहां आप बैठे हैं वहां हम बैठेंगे और जहां हम बैठे हैं वहां आप बैठेंगे । खैर, मेरे उनसे अच्छे ताल्लुकात रहे हैं । उनको उम वक्त गुस्सा नहीं था । कहने लगे कि मैं पंजाब के मुख्य मंत्री से बात करूंगा और झूठा मुकदमा नहीं करना चाहिए । उन्होंने पंजाब के मुख्य मंत्री से बात की या नहीं मुझे मालूम नहीं है । मेरा कहना यह है कि हमें आपको सरकार का नजुर्वा है । आप भी चाहते थे कि इस तरह का बिल लायें ।

जब सन् 1977 में आपकी सरकार बनी तो पहले साल ही मैं आप इस प्रकार का एक्ट बनाने का इरादा रखते थे, आपका इरादा यही था, लेकिन आपके इरादे में कमजोरी थी, ताकत नहीं थी, आपका इरादा मजबूत नहीं था । मैं तो चाहता था कि आप पूरे पांच साल तक रहते, लेकिन आप ढाई साल में वापस चले गये । आपका बिल भी वापस चला गया । आप लोग ढाई साल से ज्यादा चल नहीं पाए ।

मैं, चाहता हूँ कि हमारे दोस्तों को हमारी बातों का एतबार करना चाहिए । सरकार का इरादा इस बिल को लाने में सिर्फ अमन-अमान, शांति, भाईचारा, लोगों के दिलों में मुहब्बत पैदा करना है । वे एलीमेंट्स जिनकी वजह से मुल्क बर्बाद हो सकता है, मुल्क खतरे में पड़ सकता है, भाई-भाई में लड़ाई हो सकती है, चोरियां और डाके पड़ सकते हैं, लोगों को मारा जा सकता है और ज़ा गुनाह करने वाले लोग हैं उनके खिलाफ हमने इस बिल को पेश किया है । हमारा कोई इरादा नहीं है कि पार्लिकल पार्टियों को इस बिल की ताकत से कमजोर किया जाये । मैं चाहता हूँ कि इस बिल को कंसीडर किया जाय और यह एक निर्विवाद बिल है । मैं आडवाणी जी से यही कहूंगा कि आप जो रिजोल्यूशन लाये हैं, वह आपने जो कुछ भी किया है ठीक किया है, लेकिन अब हमारी बात मान लीजिये । जमूरियत में इस तरह की चीजों का क्या नतीजा होता है, यह आप जानते हैं और यह भी जानते हैं कि मेजोरिटी का क्या नतीजा होता है और माइनोरिटी का क्या नतीजा होता है । इसलिए आप अपने रिजोल्यूशन को वापस ले लें और यह जो बिल पेश किया गया है, इसको कंसीडर करें ।

*The question was proposed.*

MR. DEPUTY CHAIRMAN: There is one amendment by Pro\*. Sourendra Bhattacharjee.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Sir, I beg to move;

"That the Bill to provide for preventive detention in certain cases and for matters connected therewith, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:—

1. Shri Arvind Ganesh Kul-kanni;
2. Shri Lai K. Advani;
3. Shri Nageshwar Prasad Shahi;
4. Shri Bhupesh Gupta;
5. Shri P. Ramamurti;
6. Shri Kalyan Roy;
7. Shri Amarprosad Chakra-borty;
8. Shri B. D. Khobragade;
9. Shri Sunder Singh Bhandari;
10. Shri Dinesh Goswami;
11. Shri Shiva Chandra Jha;
12. Shri Ajit Kumar Sharma;
13. Shrimati Rajinder Kaur;
14. Shrimati Purabi Mukhopadhyay; and
15. Prof. sourendra Bhattacharjee.

with instructions to report by the first day of the next Session of the Rajya Sabha."

*The question was proposed.*

MR. DEPUTY CHAIRMAN: The Statutory Resolution, the Motion for the consideration of the Bill and the Amendment are now open for discussion. Yes. Mr. Sankar Ghose. You have got 20 minutes. May I inform the hon. House that seven Hours have been allotted for the discussion of this Bill and the Resolution?

SHRI SANKAR GHOSE (West Bengal): Mr. Deputy Chairman, Sir, the Home Minister made a long speech and he has just left leaving the matter to Mr. Makwana, who was originally making the speeches and was saying that the Ordinance is a great improvement on the MISA Bill, because they had learnt some lessons.

(The Vice-Chairman (Shri Arvind Ganesh Kulkarni) in the Chair).

I think, Mr. Makwana will agree with me that he, as a Minister was saying that the Ordinance is an improvement on the MISA because (1) the members of the advisory board are not to be appointed by the Government, it will not be an executive appointment but that they will be Minted by the Chief Justice of different High Courts; and (2) no one would be a member of the advisory boards unless he was at least a sitting or a retired judge of a High Court, and that any one who was merely enrolled for ten years, any Tern, Dick or Harry subject to administrative influence, will not be a member of the board. Mr. Makwana is here and he has said that these are the two improvements that have been made in the Ordinance, these are the things that they had learnt. I think that these improvements have been jettisoned in the Bill. Is that not right, Mr. Makwana? These improvements are no longer in the Bill, is that correct?

SHRI PILOO MODY: He does not know.

SHRI SHANKAR GHOSE: Is it not true that the two improvements about which Mr. Makwana spoke, about these things that they had learnt, are not in the Bill? They have been deleted from the Bill. In the long speech of the Home Minister he has not referred to this vital difference between the Ordinance and the Bill, by which the judicial scrutiny is really gone.

The question is not whether Sardar Patel introduced the Preventive De-

tention Bill. The question is not whether any particular Preventive Detention Bill hedged in with in-built safeguards is good or not. The question is whether this Bill, which removes all the in-built safeguards, and which introduces in-built measures for abuse, is to be passed? The question is not in the abstract whether there should be preventive detention if there is secessionist activity or violence. The question is whether this Bill, which confers sweeping, arbitrary, blanket powers is to be passed? Therefore, this removal of all means of judicial scrutiny gives rise to concern.

Secondly, Sir, what has the Home Minister stated in his Statement of Objects and Reasons, what are the reasons for the passing of this Bill? One reason is, social tensions. Another reason is industrial unrest. Will this Bill be used if there is industrial unrest? Will this Bill be used against trade union activities?

SOME HON. MEMBERS: Yes.

SHRI SANKAR GHOSE: It is stated expressly that this Bill is brought because of industrial unrest. It is stated expressly that this Bill is brought in because of the agitation on different issues.

SHRI KALYAN ROY: Shame, shame.

SHRI SANKAR GHOSE: This is given in the Statement of Objects and Reasons and the argument is not whether Sardar Patel brought this Bill, whether there can be a Preventive Detention Bill, in the past but the question is whether this particular Bill which removes all the safeguards----- which expressly says it can be directed to prevent industrial unrest is good? This Bill can be used against agitationists. This Bill has been used against Orissa students. This Bill has been used against a Member of Lok Sabha, Shri A. K. Roy. This Bill was used against a Member of Bihar Legislative Assembly, Shri Kripa Shankar Chatterjee. These are admitted facts. Therefore,

there are no in-built safeguard\*, in this Bill to prevent the arrest of Shri A. K. Roy. Because he was a Member of Parliament, he was released. Because Shri Kripa Shankar Chatterjee belonged to the same party as Shri A. K. Roy, because he could raise some disturbance, he was, leased. Therefore, what are the inbuilt safeguards in this Bill?

So far as this Bill is concerned, Sir, there will as a result be people without a trial in the prisons. The latest figures are that our prisons have a capacity of 1,83,000 persons and there are 2,20,000 people in the prisons. There is over-employment in the prisons when there is under-employment in the country. There are 50,000 more people in the prisons than the capacity of the prisons. Out of 2,20,000 people in the prisons, 1,26,000 are undertrials. About 55 per cent are undertrials. We have recently seen Supreme Court had issued strictures upon strictures against the different Governments particularly, the Bihar Government, saying: You must release these people unconditionally and immediately because they have served so long in prison that if they were convicted, they would have served for lesser period. Therefore, it is a complete mess. So, whether Sardar Patel introduced a Preventive Detention Bill, is not the question. It is not the question whether Preventive Detention Bill can be brought. The question is that this particular Bill which has no in-built safeguards and confers sweeping powers, whether such a Bill should be brought after the lessons we should have learnt, after we the Supreme Court strictures about undertrials, the over-employment in prisons, the arrest of A. K. Roy. the arrest of Kripa Shankar Chatterjee. This is the question.

This Bill says that if there is a criticism which is prejudicial to our foreign relations, its provisions would be applicable. Sir, when the Shah of Iran was dominating Iran and Iranian students wanted freedom, the Shah of Iran came and if somebody spoke

[Shri Sankar Ghose] against the Shah of Iran at that time, it would have been prejudicial to foreign relations. Therefore, if the Bill is intended to be against secessionist activities, if this Bill is against violence, I can understand. But the Bill should define its limits. But it is a blanket, sweeping Bill against everything. The Bill does not say that it will not be used against—such and such activities; the Bill does not say that if you criticise some foreign power where we may have an Embassy, but whose policies are wrong you would not be put in prison under this Bill. This is the kind of Bill which we have to discuss.

Now, what is the position? There are three persons on the Advisory Board, of which two need not be High Court judges and the decision is by a majority. The Bill does not provide that as soon as a person is detained, you must give him the reasons of detention. Why does it not provide for it? Therefore, it seems, the reasons of detention are to be created, to be thought of or manufactured after the detention. Sir, I am not saying that under ideal circumstances, you cannot have a Bill on preventive detention. What I object to is that when you are using this Bill, when you are using these powers under this Bill, the Bill does not provide that you should give him the reasons or the grounds of detention immediately. The Bill does not provide that you will give the grounds not only to the detenu, but also to the members of the family. The Bill does not provide that you will give some subsistence allowance to the members of the family. Let us say, a person is working and suddenly, he is taken away. Then, he will have no livelihood. The Bill does not provide that beyond the first period of detention, namely, three months, the second detention will not be there without the approval of the advisory board. Why should it be so? I understand that the Government can say they want to detain a person, but after the first three months, should not the sanction of the advisory board

be taken for further detention? And not by this kind of advisory board, but the kind of advisory board about which Mr. Makwana said. He also had given a TV interview and he gloated it. That kind of advisory board. Why should not such an advisory board be there? Under the existing bill, there be detentions in instalments of three months and then for full one year. Should not there be a limitation of time on this? It is not a question, as I say again, of preventive detention law in the abstract. We have before us the lessons we have learnt.

Under this Bill, the power can be used by people, by strict magistrates, by subordinate officials, by police commissioners and so on. We know what the police had done regard to blinding. We know what the police had done with regard to the blind. After all this experience, these powers are being given to the subordinate officials. After the first period of three months, if you want to detain a person, should not the sanction of the advisory board be taken? Can a person be detained in instalments of three months for full one year? Should not there be a limitation? Say, beyond the first six months, no detention should be there. After the period of one year has passed, you can detain the same person on another charge. Then, this becomes perpetual. We know that this Bill will become a permanent statute. This is not a temporary statute. You say that this Bill is against secession and violence. This Bill is not against secession and violence. I have seen one amendment moved by a member. Some amendment has been given to the Objects Clause that it should be mentioned that this Bill will be used against democratic and legitimate dissent. If such a kind of amendment has been moved, it is because of the wide powers which are being taken under this Bill. Sir, so far as the smugglers are concerned, we have the COPEPOSA. So far as the black-marketeers are concerned, we have got the Bill for prevention of black-marketing. Again, we have got the Essential Commodities Act. Hence, why

should we adopt from the Constitution, parrot-like, all the powers that we have got? If there has to be a preventive detention Bill, there must be a particular situation and specified powers, specified and limited powers. But here, unlimited powers are being taken. What will happen? For the police this would become an alibi for their non-performance. We have seen the action of the police. Under this Bill powers are being given to the subordinate officials without real check by the advisory board. The advisory board has ceased to be judicial after Mr. Makwana's suggestion has been spurned and rejected by the Home Minister, Mr. Zail Singh. The advisory board has become purely executive. After this Bill becomes an Act, the power would go to the lower level officials and they can create a fear psychosis against all legitimate and democratic activities. This Bill can be used in that way, as it has been used in the case of Mr. A. K. Roy.

You say that this Bill will not be used against democratic activities. The fact that this Bill can be used in such a manner has been proved. Hence, the question arises, what are the in-built safeguards? Mr. A. K. Roy is a Member of Parliament. Hence, Dr. Jagannath Mishra had to release him. But everybody is not A. K. Roy. Hence, the question arises, what are the in-built safeguards? We have before us the lessons we have learnt. When this Ordinance was issued, Mr. Makwana said that the powers under the Ordinance would not be misused. Now if this power is given to subordinate officials, then we know, with the demoralisation that has taken place in the subordinate officials, how they will utilise this power. There is local vendetta; there is corruption; there is pressure at local levels. All this will affect the liberty of the citizen. When we are considering the liberty of the citizen, it is a very very precious question. Defence and security are also very precious. If we had brought a Bill limited to this question with those in-built safeguards—some of

which Mr. Makwana had introduced and Mr. Zail Singh, in his wisdom, has rejected—about the Advisory Boards, then one could understand a bill; But, what is the position? The position is..... (*interruptions*) Sir, a Bill of this nature has been brought. The Home Minister has said that 92 per cent people . \*Ws supported it. I think he will give the break-up how this 92 per cent has been calculated in support of the Bill—whether a referendum was taken, . it was through police investigations or intelligence—so that the House is in full possession of facts about this 92 per cent support, because in the electoral results you get 42 or 46 per cent.

SHRI PILOO MODY: It was recounted.

SHRI SANKAR GHOSE: I would like to know through what process this 92 per cent support was arrived at. That should be investigated.

In the Objects clause, he has specifically mentioned about social unrest. Social unrest is due to rising prices; social unrest is due to non-implementing of land reforms. What will happen? If the Government really require, certain powers against secessionist activities or violence, one can understand that. But the Government says for the first few months everything is due to the fault of the Janata Government— which I have myself criticised because

I knew the faults of the Janata Government— then for another three months they said it was due to the foreign hand, then for another two months? it is non-cooperation by the Opposition, then for another few months that they do not have powers and they should have more powers, and for another two years they will say that the parliamentary form of Government will not suit us, there should be a Presidential form of Government—if all these *alibis* are given, it will not help. What will happen? If you are investing these blanket and sweeping powers in the hands of subordinate officials, (her not do any detection. There will be investigation of crime. They will do what has been done in Bhagalpur in Bihar. Blinding cases will be there. But

[Shri Sankar Ghose]

if the police officers know that they have to act under the ordinary laws of the land, then they will apply their mind and there will be some investigation.

Now, if the Advisory Board finds that the person who has been detained, whose liberty has been taken away has been detained completely unnecessarily, can any action be taken against that officer? Therefore, unless these in built safeguards are there, if you think that for a little safety, a lot of liberty has to be given up, then all history has shown—that we lose not only safety but also the liberty. We cannot preserve liberty, we cannot preserve the rights of the citizen, we cannot preserve the democratic values unless these basic safeguards against abuses are there. It is no use quoting Shri Shyama Prasad Mukherji or Sardar Patel, speaking generalities on the subject. We are not concerned with generalities. We are concerned with this specific Bill which has sought to give unbridled, arbitrary 4.00 P.M. power to subordinate authorities. You made the Advisory Board denied of its judicial character and have removed all limitations on preventive detention. In instalments of three months you can go to one year and—, again start the process on another charge. You want to make the bill not as a temporary measure but as a permanent measure on the Statute Book. Therefore, Sir, I am opposing this Bill.

I still hope that some improvements will be made and the improvements which Mr. Makwana had talked about. At least those should be restored, and the assurances that are given by Mr. Zail Singh, that it will not be used, against political opponents or against industrial workers, will have to be spelt out specifically in section 3 because section 3, as it stands, can be legitimately used against political opponents and industrial workers. I think, if these drastic changes are not made in this Bill, it will amount to a gradual erosion of the rights of the

citizens, liberty of the subjects and our democratic values. Thank you.

श्री श्रीकान्त वर्मा (मध्य प्रदेश):  
उपसभाध्यक्ष महोदय...

श्री पीरू मोदी : अंग्रेजी में बोलिए ।  
हम सुन सकते हैं ।

श्री श्रीकान्त वर्मा : पन्त जी से पूछिए उपसभाध्यक्ष महोदय, इतिहास अपने आप को दुहराता है। पिछले पाँच-छः वर्षों में जो उथल-पुथल होती रही है उस को ध्यान में रखकर ही इस अधिनियम पर विचार करना चाहिए। भावनात्मक प्रतिक्रिया व्यक्त करने से कोई प्रयोजन सिद्ध नहीं होगा। मैं आप को 1974 की परिस्थितियों की याद दिलाना चाहता हूँ जब बसों और ट्रेनों रोक दी गई थीं और यूनिवर्सिटियों में पढ़ायी स्थगित हो गई थी, दपतरों में ताले लग गए थे, कारखानों में हड़तालें और तालाबंदी थी। देश में चारों ओर एक तरह की ऐसी निराशा थी जिस की कोई मिसाल इतिहास में नहीं मिलती। यह सब किन कारणों से हुआ। सिर्फ एक व्यक्ति के गलत और भ्रामक दर्शन की वजह से हुआ एक व्यक्ति देश को गलत दिशा में ले जा रहा था और वह व्यक्ति उन दिनों थे श्री जयप्रकाश नारायण। उन्होंने संपूर्ण क्रांति के नाम पर एक बिल्कुल भ्रामक दर्शन तैयार किया था। जो उन्होंने 9-सूत्री कार्यक्रम 1974 में तैयार किए, मैं उन को आपके सामने पढ़ देता हूँ। और आप से पूछता हूँ कि उस दर्शन में उन दिनों जो मांगें की गई थीं, संपूर्ण क्रांति के नाम पर, और आज जो कुछ हो रहा है—उसमें क्या फर्क है? आज जो भी विरोधी या प्रतिपक्ष इस सदन में कह रहा है या देश में बाहर कर रहा है उसमें, या उसकी जो इच्छा और श्री जयप्रकाश नारायण ने 1974 में

जो 9-सूत्री कार्यक्रम रखा था उसमें क्या फर्क है? मैं यह कहना चाहता हूँ कि स्थिति आज भी वही, 1974 की जैसी है। ये 9-सूत्री कार्यक्रम थे—

1. Boycott of schools, colleges and examinations for one year by students.
2. Gheraos of MLAs to force them to resign their membership of the Assembly.
3. Social boycott of MLAs.
4. Formation of parallel Assemblies.
5. Paralysing work in Government offices.
6. No Tax Campaign.
7. Boycott of courts.
8. Establishment of parallel Governments and parallel courts.
9. Call to all Forces, police and Government servants to oppose the Government.

यह स्थिति थी उस समय और 25 जून को इमरजेंसी लागू हुई। जैसा कि प्रधान मंत्री श्रीमती गांधी ने स्वयं ही आश्वासन दिया है, इमरजेंसी दोबारा लागू नहीं होगी। लेकिन अगर इमरजेंसी लागू हुई तो उसकी जिम्मेदारी किस पर थी। उस की जिम्मेदारी श्री जयप्रकाश नारायण और उन सब लोगों पर थी जिन के नाम हमारे मित्र आडवाणी जी ने कुछ देर पहले गिनाये। उन को दुख है कि 19 महीने उन को जेल में रहना पड़ा। दुख हमें भी है कि हमारे मित्रों को जेल में रहना पड़ा, लेकिन जो भी परिस्थितियाँ तैयार हुईं वह श्री जयप्रकाश नारायण और उन के सहयोगियों की भूमिका की वजह से हुई।

उप-सभाध्यक्ष महोदय, सम्पूर्ण क्रान्ति के एक और प्रवक्ता है, जार्ज फर्ना-

न्डीज। जार्ज फर्नान्डीज की सम्पूर्ण क्रान्ति कैसी होती है यह मैं आप के सामने पढ़ कर सुनाता हूँ।

SHRI PILOO MODY: Have you published your list already? Are you publishing a list of your possible ----- ?

SHRI SHRIKANT VERMA: All sorts of unauthorised publications are undertaken by you, not by us. मद्रास में 29 मार्च 1974 को जार्ज फर्नान्डीज ने कहा :

SHRI J. K. JAIN: He has been licensed for that. Mr. Piloo Mody has been licensed for that.

SHRI SHRIKANT VERMA: Seven, day strike of the Indian Railways; every thermal power station in the country is closed down; ten-day strike of the Indian Railways; every steel mill in India will close down and the industry will come to a halt for the next 12 months if once the steel mill, furnace switch off for 15 days.

यह हमारे मित्र जार्ज फर्नान्डीज का समाजवाद है। उपसभाध्यक्ष महोदय, मैं इन अधिनियम का समर्थन नहीं करता अगर मुझे निश्चित रूप से यह विश्वास नहीं होता कि आज देश में 1974 जैसी शक्तियाँ काम कर रही हैं, वह वही स्थितियाँ उत्पन्न करना चाहती हैं, वहीं तहस नहस करना चाहती हैं, वही तोड़फोड़ करना चाहती हैं।

आडवाणी जी ने कहा कि क्या परिस्थितियाँ थीं जिनकी वजह से यह अधिनियम लाया गया और उस के बाद दूसरे सेंटेंस में उन्होंने कहा कि देश में चारों तरफ गिरावट है। स्वयं ही वह स्वीकार करते हैं कि ऐसी परिस्थितियाँ उत्पन्न हो गयी हैं कि कड़े कदम उठाये जायें और दूसरी ओर वह कहते हैं कि कड़े कदम न उठाये जायें — heads mine; tails mine.

[Shri Shrikant Verma]

उपसभाध्यक्ष महोदय, जब यह सरकार चुनी गयी तब कहा गया था हमारा नारा था :  
Elect the Government that works  
उसके बाद यह कहा गया कि सरकार सक्ती से काम नहीं ले रही है। कहा गया कि It is not the Government that works. और इस नारे का मजाक बनाया गया। जब सरकार ने यह सख्त कदम उठाया, जब यह आर्डिनेंस लागू हुआ यह पहला कदम है इस ओर, तब यह कहा जा रहा है कि सरकार सख्त कदम क्यों उठा रही है। उपाध्यक्ष महोदय, मैं जानना चाहता हूँ कि आखिरकार इस डिलेमा में, इस संशय में देश को कब तक रखा जायेगा।

खैर, मैं उस क्रम पर फिर आता हूँ जहाँ से मैंने शुरू किया था। 77 में फिर चुनाव हुए और कांग्रेस पार्टी उसमें हार गयी और जनता पार्टी का शासन शुरू हुआ। जनता पार्टी ने अपने शासन में क्या किया? तीन साल के दौरान में जितना अन्याय, जितना अत्याचार जनता के साथ हुआ, लोकतंत्र का जिस तरह स्वांग रचा गया मैं नहीं समझता कि कभी भी ऐसा हुआ। क्यों हुआ? क्यों कि जनता पार्टी लोकतंत्र के फार्म में तो विश्वास करती थी, सबस्टेंस में नहीं। कोई भी चीज बिना अर्थ के निरर्थक होती है। जनता पार्टी ने लोकतंत्र के ढाँचे को स्वीकार कर लिया, लेकिन उसके अर्थ को लोगों की जिन्दगी को प्रभावित करने वाली चीजों को स्वीकार नहीं किया। वे एकमात्र कार्यक्रम को लेकर आगे बढ़े और वह कार्यक्रम था श्रीमती इन्दिरा गांधी, उनके परिवार के सदस्यों, उन के दोस्तों, उन के समर्थकों, कांग्रेस पार्टी सब का संहार। वह जानते थे, जनता पार्टी के लोग अच्छी तरह जानते थे कि जब तक श्रीमती गांधी का संहार नहीं होता तब तक वह शक्ति प्राप्त नहीं कर सकते और उन्होंने इसी कार्यक्रम को चलाया। नतीजा क्या हुआ?

जब आप का दृष्टिकोण नकारात्मक या निषेधात्मक हो तब देश की कोई प्रगति नहीं हो सकती और केवल 18 महीनों के अन्दर देश के अन्दर चारों तरफ गिरावट आ गयी।

कानून की बात आडवाणी साहब ने की और हमारे मित्र शंकर घोष ने भी की। मैं नहीं समझता कि कानून में आज इतनी गिरावट है। और अगर है तो उसकी जिम्मेदारी जनता पार्टी पर है।

एक माननीय सदस्य : गिरावट नहीं है तो सुरक्षा आदेश क्यों ला रहे हैं ?  
(Interruptions)

श्री श्रीकान्त वर्मा : आपको अरेस्ट करने के लिये नहीं ला रहे हैं ?

अध्यक्ष महोदय, याद कीजिए 1979 के अंतिम दिन। ये 1980 के अंतिम दिन हैं। आप 1979 के अंतिम दिनों को याद कीजिए और अपने घरों को स्त्रियों से पूछिये कि उन दिनों सड़कों पर क्या हो रहा था? कितनी स्त्रियाँ थीं कि जो शाम को 6 बजे के बाद और मुबह 6 बजे के पहले घर से अकेली निकल सकती थीं? किस तरह से उन दिनों ट्रनों की जंजीर खींच कर लूटा जाता था, किस तरह से स्त्रियों के गलों की जंजीरों को खींच कर लोगों का गला घोट दिया जाता था और उन्हें लूट लिया जाता था। आम लोगों से जा कर पूछिये कि वह किस तरह से दरवाजे पर दस्तक से भी डर जाते थे। यह गिरावट जनता पार्टी के 23 या 22 महीनों के शासन काल में हुई क्योंकि जनता पार्टी का दृष्टिकोण पहले से ही निषेधात्मक था। वह किसी कार्यक्रम पर आधारित नहीं था। वह किसी विचारधारा पर आधारित नहीं थी और उसका नतीजा यह हुआ कि जनता पार्टी शासन से चली गयी। 1980 में श्रीमती गांधी की सरकार आयी। लोगों ने उसका स्वागत किया और अब भी श्रीमती गांधी के प्रति लोगों के मन में उतना ही विश्वास है जितना



कि 1980 के जनवरी के महीने में था। यह कहना आडवाणी साहब का मत है कि यहां कोई स्पेक्टुलर चीज नहीं हुई है। सबसे पहली स्पेक्टुलर चीज तो यह हुई है कि इतना सब होते हुए भी विरोध के एक आदमी को भी सताया नहीं गया, गिरफ्तार नहीं किया हम में से कितने ही लोग जेलों में गये, हममें से कितने ही लोग सताये गये उन तीन सालों में (Interruptions) 1980 की बात में कह रहा हूँ ...

श्री जे. के. जैन : जर्मंदारों को जेल का एक दिन भी बहुत होता है। आप तो इतने बेशर्म हैं कि 19 महीने भी आप के लिये कुछ नहीं हुए। (Interruptions)

श्री श्रीकान्त वर्मा : उपसभाध्यक्ष महोदय, केवल मैं अपराधों और कानून और व्यवस्था को ही बात नहीं करता, बल्कि मैं और दूसरे क्षेत्रों की बात भी करना चाहता हूँ। आप देखिये कि श्री अंकर घोष जी ने अभी कुछ आंकड़े दिये आप देखें कि फरवरी 1979 का मूल्य सूचकांक 183 था और मितम्बर, 1979 में वह बढ़ कर 200 से ऊपर चला गया। सिर्फ सात महीनों में मुद्रास्फीति में 20 प्रतिशत की वृद्धि हो गयी। सोने का हाल आप जानते हैं। इसी सदन में कई बार उस पर बहस हुई और उस के बाद भी एच० एम० पटेल साहब जो वित्त मंत्री थे उन्होंने सारे का सारा सोना नीलाम करा दिया, तस्करों को दे दिया ...

(Interruptions)

AN HON. MEMBER: What is the price today?

श्री संसद सिक्रेटरी : शूट आउट है, चाहे नया हो या पुराना हो।

डा० भाई महावीर : आप की सरकार का जवाब आ चुका है कि सोने का भंडार पहले से ज्यादा है।

श्री श्रीकान्त वर्मा : आप अंग्रेजों रहे हैं। आप तो महावीर हैं। आप बटिये

उपसभाध्यक्ष महोदय, मैं पुराने आंकड़े ही सामने नहीं रखता बल्कि कुछ नयी बात भी आप के सामने रखना चाहता हूँ। पिछले साल भर में और खास तौर से पिछले 6 महीने से खास तौर से हमारे प्रतिपक्षी मित्र बार-बार हम पर आरोप लगा रहे हैं कि सरकार नहीं चल रही है। पहली बात तो यह है कि यह गलत है, लेकिन अगर सरकार नहीं चल रही है तो इसकी काफी हद तक जिम्मेदारी प्रतिपक्ष पर है। (Time ball rings) अभी तो मैंने शुरू ही किया है। 1980 के जनवरी में श्रीमती गांधी ने आते ही यह नारा दिया था कि पिछली बातें भुना दीजिए और आपस में सहयोग करके सरकार को और देश को आगे बढ़ाया जाय। यह एक महीने का और स्वयं प्रतिपक्ष के नेता और उन के सब से बड़े प्रवक्ता श्री जयप्रकाश नारायण एक राष्ट्रीय सहयोग की सरकार की मांग करते रहे हैं और यह उन की मांग रही है कि सबके सहयोग से देश की समस्याएँ हल हो सकती हैं, लेकिन श्रीमती गांधी के इस आफर को जनता पार्टी ने और जनता पार्टी की पचास टुकड़ियों ने—मांच या छः टुकड़ तो हो ही चुके हैं, उन सबने ठुकरा दिया।

श्री उपसभाध्यक्ष (श्री भरविन्द गणेश कुलकर्णी) : आपका टाइम खत्म हो गया।

श्री श्रीकान्त वर्मा : श्रीमन्, इटरप्शन में मेरा टाइम खत्म हो गया, मैं क्या करूँ। I am speaking as an individual (Interruptions)

श्री उपसभापति (श्री भरविन्द गणेश कुलकर्णी) : आपके ही दादमी लोग यह करते हैं। (Interruptions) .....

श्रीमती प्रतिभा सिंह (बिहार) : इनको टाइम दीजिए, हमारे पार्टी का बहुत टाइम है।

श्री श्रीकान्त वर्मा : मुझे 5 मिनट दीजिए, कम से कम। हमारी पार्टी एडजस्ट कर लेगी। . . .

(Interruptions)

श्रीमती प्रतिभा सिंह : इनको टाइम दीजिए, हमारी पार्टी के टाइम में वह एडजस्ट हो जाएगा। . . .

(Interruptions)

श्री उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : आपकी पार्टी का टाइम इधर लिखा है। उसके मुताबिक डिप्टी चैयरमैन ने टाइम हर एक आदमी का अलोकैट किया है। वह मैं कोअर्डिनेट कर रहा हूँ। . . .

(Interruptions)

कुछ माननीय सदस्य : इनको बोलने दीजिए . . .

(Interruptions)

श्री उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : आप जैसे चाहे बोलें, एक घंटा बोलना है बोलें 2 घंटा बोलें।

As you are suggesting, I am in your hands. If you want me to allow your speaker to speak for one hour. I have got no objection. You have got three hours and thirty minutes. He can speak. I don't mind. How many hours should I give him?

SHRI N. K. P. SALVE (Maharashtra): Sir, my party has been given 3 hours. He is the first speaker. And how much time are you allowing to each speaker?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I am allowing the first speaker 20 minutes. Now 17 minutes are over. Should I ring the bell or, should I not ring the bell. You please advise me.

SHRI N. K. P. SALVE: You are there to conduct the proceedings of

the House. You can ring the bell. He is asking for five minutes more.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The first speaker is given 20 minutes and the other speakers, as the Deputy Chairman has written here, are given 15 minutes each.

SHRI N. K. P. SALVE: Please give him 25 minutes.

I

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): He has already taken 17 minutes. If you want to give him more time from your party...

SHRI N. K. P. SALVE: Please give him 25 minutes.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): If you want me to give him more time, please bring permission from the Deputy Chairman.

SHRI N. K. P. SALVE: I am deputising...

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I have got no discretion at all.

SHRI N. K. P. SALVE: The Minister of Parliamentary Affairs has gone away. I am deputising for him.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): What can I do? I am not here to act on what your Minister...

SHRI N. K. P. SALVE: I am questioning you. He is the first speaker. Kindly allow him 25 minutes.

SHRI HARKISHAN SINGH SUEJEET (Punjab): Sir, let the time for the discussion be extended.

श्री श्रीकान्त वर्मा : उपसभाध्यक्ष महोदय, जनवरी, 1980 में कांग्रेस पार्टी को एक ऐसी सत्ता, ऐसा शासन विरासत में मिला, एक ऐसा डांचा उत्तराधिकार

में मिला जिसके बल पर कोई भी प्रगति सम्भव नहीं थी। लेकिन फिर भी चूंकि हमारे पास एक परम्परा रही है, हमारी एक पार्टी रही है, जिसमें शासन की योग्यता रही है, जिसके पास एक दृष्टि रही है, जिसके पास व्यापक निगाह रही है, उस पार्टी ने अपने बलबूते पर कुछ करके दिखाया, लेकिन मैं यह नहीं कहता हूँ कि हमारी पार्टी या हम लोग इस प्रगति से बहुत संतुष्ट हैं। अगर संतुष्ट होते तो शायद इस अधिनियम की आवश्यकता नहीं होती। लेकिन जैसा कि मैंने कहा, इसकी जिम्मेदारी जनता पार्टी के ठाई वर्षों के शासन को है और मैं आपके सामने नमून के तौर पर एक तथ्य रखना चाहता हूँ। कुछ ही महीने हुए लखनऊ में रिसर्च और डेवलपमेंट आर्गनाइजेशन संस्थान को बम से नष्ट करने की कोशिश की गई। यह एक बहुत बड़ी संस्था है, अंतर्राष्ट्रीय संस्था है जिससे 22 देशों के रेलवे विभाग सलाह लेते हैं और इसे नष्ट करने की कोशिश की जा रही थी। लेकिन सरकार ने उसको किसी तरह से रोक लिया।

श्रीमन, असम में क्या हो रहा है? अभी खासकर मुरादाबाद में क्या हुआ आपने खुद देखा। मुरादाबाद की जिम्मेदारी भी आप हम पर रख रहे हैं जब कि अपने दिल से आड़वाणी जी को पूछना चाहिए, अपने गिरेबां में झाँककर देखना चाहिए। मैं आपको कहता हूँ—

गिरेबां चाक करता है

तंग जब दीवाना आता है।

उनको अपने दिल में झाँकना चाहिए। मुरादाबाद के बाद जो घटनायें हुईं उसके लिए कौन जिम्मेदार है? उनको अपने आपसे पूछना चाहिए कि देश भर

में अफवाहों का जो जाल फैलाया गया, श्रीमती इंदिरा गांधी, उनकी सरकार, उनके परिवार के बारे में हर तरह की अफवाहें देश में फैलाई जा रही हैं, उसके लिए कौन जिम्मेदार है? अगर उनको हम पर कुछ शुबह हो तो आम-नाइजर के संपादक से पूछें। अपने आर० एस० एस० के कार्यकर्ताओं से पूछें इतनी अफवाहें उन्होंने फैला दी हैं। जिससे लोगों के मन में एक असुरक्षा और अनिश्चिन्ता पैदा हो गई है। इसके बाद भी वह चाहते हैं कि बिना कोई ठोस कदम उठाये, बिना कोई कड़ा कदम उठाये एक लिबरल ढांचा बना रहे। मैं भी लिबरल हूँ लेकिन हमने देखा है There is a deceit in the being a liberal. इसी लिबरलिज्म के नाम पर ब्रिटेन ने हिटलर से समझौता किया था, म्युनिख में दस्तखत किये थे। इसी लिबरलिज्म के नाम पर स्पेन में उदार-पंथियों ने धोखा दिया। इसी के नाम पर यूरोप में जब-जब युद्ध हुए तब-तब अपने को समाजवादी कहलाने वाले लोगों ने धोखा दिया अपने को और देश को। इसलिए शब्दों पर नहीं जाना चाहिए अर्थ पर जाना चाहिए। अभिप्राय पर जाना चाहिए। इस अधिनियम का अभिप्राय क्या है? इस अधिनियम का अभिप्राय है लोकतंत्र को सार्थक बनाना। आपकी शिकायत को दूर करना कि यहां अराजकता नहीं है वल्कि राज है। साधारण कानूनों के जरिए यह संभव नहीं रह गया है। आप वही पुराने कानूनों, पुरानी अदालतों, पुराने ढांचे को लेकर नई दुनिया नहीं बना सकते। आप मन में खुद यह बात जानते हैं क्योंकि आप शासन में रह चुके हैं। चूंकि आज आप विरोध में हैं इसलिए अपने आप को झूठला रहे हैं। कानून

[ श्री श्रीकान्त वर्मा ]

को बदलना होगा और कानून को बदल कर नया शासन और नई व्यवस्था कायम करनी होगी। इस बिल का उद्देश्य में समझता हूँ निर्दोष है। यह राजनीतियों के खिलाफ जसा गृह मंत्री महोदय ने कहा, नहीं बनाया गया है बल्कि तस्करों, चोरों, उचककों और बदशामों को गिरफ्तार करके उनको बंद करने के लिए बनाया गया है। मैं समझता हूँ प्रतिपक्ष बहुत बड़ा काम करेगा अगर वह हृदय से इस अधिनियम का समर्थन करे। इस अधिनियम को लागू किए बिना मैं नहीं समझता चोरों, बदमाशों, उचककों को तुरन्त गिरफ्तार या उनको तुरन्त सजा संभव है। आज जैसी बेकरारी है, बेसद्वी है वह तुरन्त कार्रवाई चाहती है। आप भी तुरन्त कार्रवाई चाहते हैं। आप चाहते हैं या नहीं लेकिन मांग जरूर करते हैं। लेकिन जब आप तुरन्त कार्रवाई की मांग करते हैं तब तुरन्त कार्रवाई को महत्व देने वाले इस अधिनियम का समर्थन करना आपका कर्तव्य हो जाता है और मैं भी अपनी ओर से आपको आश्वासन देता हूँ कि इस विधेयक का दुरुपयोग नहीं होगा। इस देश में लोकतंत्र है। यह सदन है और दूसरा सदन भी है। जब तक ये सदन है तब तक विधेयकों के दुरुपयोग होने की गुंजाइश नहीं है।

श्री मनुभाई पटेल : अगर हुआ तो आप क्या करेंगे। आप आश्वासन देते हैं। अगर दुरुपयोग होगा तो आप क्या करेंगे यह बता दें।

श्री जगदीश प्रसाद माथुर : आप यह कहिए कि आप सरकार को चेतावनी दे रहे हैं कि इसका दुरुपयोग नहीं होना चाहिए।

श्री श्रीकान्त वर्मा : इसीलिए मैं आपसे अनुरोध करता हूँ कि इस विधेयक का समर्थन करें और इस सवाल को पार्टी की दृष्टि से न देखें बल्कि राष्ट्र की दृष्टि से देखें, राष्ट्र हित की दृष्टि से इस अधिनियम का समर्थन करें :

SHRI PILOO MODY: Mr. Vice-Chairman, I rise to support the Resolution of Mr. L. K. Advani, and I should be vociferously objecting to the Bill that has been brought before the House by the Home Minister. But I find that in a very strange way I am almost tempted to welcome the Bill, because I know that the greater the use they make of this Bill, the shorter will be their tenure of office. We live in hope which hope unfortunately you cannot share because you have no hope left at all in this world.

I never thought that the day will dawn when we will be redebating this particular Bill, Because I had thought that a result of what transpired in the last five years, we will put an end, once and for all, to these ultra-Constitutional methods of running Governments. Unfortunately, I have come to the conclusion that we in India never learn anything. When people used to tell me that after all Mr. Gandhi has learnt a lesson and that the Congress (I) Party has learnt a lesson, I used to say . . . (Interruptions). May I have some silence? When I used to be told that Mrs. Gandhi has learnt her lesson and [he wil] not go into the same paraphernalia [he had to resort to last time in order to save her skin, I used to say that it is a forlorn hope. I think the hon. lady Member on the other side will have to agree with me when I say that there is no change at all. incidentally, where is the other lady? I do not know, in her absence and without her. how your Party is going to defend itself. I sent for her, but unfortunately she is not available. I do not know where she is hiding.

The fact of the matter is that in all the confusion that prevailed in the last five years, the Congress (I) Party managed to get away with a great deal, I must compliment that Party for their manoeuvrability, for the methods by which they wormed themselves and the manner in which they infiltrated into our Party. I must congratulate them for all that—but not any of you, only one, single, solitary member, not any of these noise-makers. But the tragedy of the situation is that you misunderstand us. You misunderstand us fundamentally. We do not object to Mrs. Gandhi being the Prime Minister, just as you like nobody else other than Mrs. Gandhi to be the Prime Minister... (*Interruptions*).

So, we do not resent the fact that Mrs. Gandhi is the Prime Minister. We wish her long life and hope she continues to be the Prime Minister as long as she feels that she is upto the job... (*Interruptions*). But all the time she is ruling over this country, all the time she is the Prime Minister, I want to reserve for myself the right to dissent, the right to argue, the right to disagree, the right to correct, the right to shout and, if necessary, the right to agitate...

SHRIMATI HAMIDA HABIBUL-LAH (Uttar Pradesh): You have that right and you are agitating.

SHRI PILOO MODY: Mr. Home Minister, will you please ask her not to give assurances on your behalf? I do not know what special relationship you have, with her. Kindly persuade her. We heard another Member from that side. Where is he? He has disappeared. I am very sorry for him. I thought that when Mr. Verma was on these benches, he was making a worthy contribution from the opposition. ... (*Interruptions*). I find that for the last 11 to 12 months Shri Verma has been very quiet. One day I met him in the Central Hall. Then I asked him: Why is it that you are silent now? You were making a good contribution from the opposition in

1479—RS—12

those days. Who has silenced you now? I am afraid that my comments have brought about a very adverse reaction. What he has said today was really silly. I cannot find a more suitable word to describe what he has said. I tried to persuade him to speak in English so that I could follow him better. But he kept me in the dark. From what I have got through this ear-phone, it was really quite, quite beyond what I had expected of him. Only a lady Member on the other side could have made a speech like that! I could not expect it from Mr. Shrikant Verma. (*Interruptions*)

Now, Sir, the fact of the matter is that the Congress (I) Party and its leader have cheated the people. They have cheated them, they have lied to them and they have misled them in order to get votes. I grant it, Sir, that getting votes is the only God in this country now and, therefore, there is a tendency to sacrifice everything in order to get votes and that is what has made them cheat, lie and mislead.

I do not understand the situation at all: When things were not going well, either under the Janata rule or under the caretaker Government, they used to say that all these had been created by the Janata Party. Did they say that or not? When they came to power on these false promises, they started saying that all these things are much better now and that the country is in safe hands and that everything is going on very well.

SHRI MAHENDRA MOHAN MISH. RA; Definitely.

SHRI PILOO MODY: But simultaneously, they bring forward a Bill like this in which they say-

"In the prevailing situation of communal disharmony, social tensions, extremist activities, industrial unrest and increasing tendency on the part of various interested parties to engineer agitations on different issues, it was considered necessary, bla, bla..."

[Shri Piloo Mody]

Who is lying and who is telling the truth? Then, Sir, it goes on to say that there is a grave danger and challenge to the lawful authority and sometimes they even hold society to ransom. Either<sup>4</sup> their description is wrong or they desire to get credit for the twelve months of miserable rule. They should either take credit for that and if there is no credit and if they need to bring forward these draconian measures before the House, then they must take the blame, because they cannot have the best of both the worlds. They cannot have the best of both the worlds because, the introduction of this Ordinance and the Bill, Sir, is the proof of the gross failure of this Government. This Government stands condemned and it stands condemned not only in our eyes, not only in the eyes of the people, but also, I am afraid, in the eyes of the honourable Members of the Congress (I) Party. And, therefore, Sir, I want to know whether the Home Minister is going to stand by the objects and reasons he has stated for introducing this Bill or whether he is going to take credit outside in the bazaar for having done so well, having taken the Government away or for cheating the Janata Party of its legitimate government.

Sir, I would like to ask a few questions and my colleague in the Lok Sabha asked the same questions which, I think, I should ask the Home Minister here again.

Are these powers really necessary? Are the powers conferred by the existing laws inadequate? Will the acquisition of these additional powers by the Government solve the problems? Can such a law be enforced without the danger of arbitrariness? Is the power likely to be abused or not? Are there adequate built-in safeguards against the abuse of these additional powers? Can the Government be trusted with these additional powers? What is the context in which these powers have been taken? What is

the record of this Government that it is seeking these powers?

Sir, our attitude must depend on the answers that we receive to these questions. Of course, I do not think that there is any hope at all of our receiving any answer to any of these questions because, I tell you quite honestly, the Home Minister does not know what he has to do with these powers. May be his deputy, the Minister of State sitting next to him, may occasionally use these powers to settle, a few political scores. But I do not think and Home Minister knows what to do with these powers and I do not think any member of the Congress (I) Party knows what to do with these powers. And these powers will be exercised only when the need arises for the protection of an individual. What is it that they do not have? What is the power that they do not have? They have sections 108 to 110 of the Cr.P.C. They have COFEPOSA. They have, the Prevention of Black-marketing and Maintenance Act and they have a number of other instruments and ways and means. They have a large army of personnel to do these, things. So why is it necessary for them to bring this Bill? I do not understand. It is said: "Considering the complexity and nature of the problems, particularly in respect of defence..."

What has gone wrong with defence can be laid squarely at the door of this Government, because on every Defence contract they want large rake-offs. Then, it is stated:

"... security, public order and services essential to the community, it is the considered view of the Government that the administration would be greatly handicapped in dealing effectively with the same in the absence of powers of preventive detention..."

I think on March 21, 1977, we celebrated 'Liberation Day' and I found that on September 22, 1980, we had

to suffer another 'Occupation Day'— exactly 3\* years after we were liberated. I wonder how long it will take before we can liberate the people, of this country again.

All manner of assurances have been given, all manner of reasons quoted. Actually we know why this Bill has been brought and all these assurances do not stand for anything at all. The concern that people had in the old days for bringing such ultra-constitutional measures to solve, the day-to-day problems—that concern today is not shared by many people in this country to day, and certainly not those in power.

What is this Bill? This Bill does not acquire for the Government powers of preventive detention, because the power of preventive detention they already have. What this Bill does is to absolve them from the responsibility of giving good reasons as to why they are detaining someone without trial, without charges. That is what this Bill does. Therefore, this Preventive Detention Bill is, in my opinion, misnomer; it is yet another way of hoodwinking us or cheating us. As far as the assurances are concerned, we have just now had one from Mr. Shrikant Verma. That is pathetic. I have read a letter which Mrs. Gandhi herself wrote to Mr. Morarji Desai, giving assurances. I imagined that between the two assurances, that one would weigh more. Unfortunately, it weighed nothing at all. And now we have the assurances from Mr. Shrikant Verma. Anyway, thank you. Mr. Srikant Verma—whatever little mercy we receive from you, we gratefully accept it. (*Interruptions*)

Arguments have been put forward that Sardar Patel also brought this Bill. I do not know, first of all, how they can compare themselves with Sardar Patel or how they can compare the Government of Jawaharlal Nehru with that of his daughter. Nevertheless, they have brought forward the point that since Sardar Patel brought this Bill there is nothing very much

wrong with it; we should pass it without much thinking or even debating it.

Then, of course, the charge to which we plead guilty that the Janata Government also wanted to bring a similar Bill as Advaniji referred to it very adequately. But what is of great delight and what is something that makes my breast swell with pride is the fact that the party told the Government; 'No'. I am very happy to say that I fired the first shot and I said, "No, you will not pass this Bill." And the Government had to listen. But here, these 'bandhua mazdoor', this bonded labour... (*Interruptions*) Now is the time to say, "No".

SHRIMATI HAMIDA HABIBU-LLAH:  
Yes....

SHRI PILOO MODY: Don't say 'Yes', say 'no' What, can you do when a person does not know the difference between 'yes' and 'no'.

SHRI J. K. JAIN: The hon. Member has gone on saying that he does not understand why we have brought forward this Bill. If you don't understand it, then what are you talking about?

SHRI PILOO MODY: I am afraid that you won't find even a single Member of that Party who has the courage to say 'no'. Am I wrong, Sir, that I referred to them as 'bonded labour'? It has been proved beyond a shadow of doubt.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Mr. Mody, I cannot express any opinion. It is for you and them to decide amongst yourselves.

SHRI PILOO MODY: How fortunate for you that you cannot even say 'no'. I think, Sir, I have proved my point 'Quod Erat Demonstrandum' But the history of this Government is the history of 12 months of faiku'e, 12 months of complete failure. .

SHRI SHRIKANT VERMA: At the Twentieth Meeting of the Congress Party of the Soviet Union, when somebody asked Khrushchev what he was doing when Stalin was perpetrating crimes, etc. etc., Khrushchev shouted, "Who is he"? And there was no reply. Then Khrushchev said, "This is precisely what I was doing at that time".

SHRI PILOO MODY: Thank you, Mr. Verma. It is better than how I could have put it because the confession always counts for more than an attack and I thank you for your confession.

SHRI J. K. JAIN: You said nothing at that time and now you are opening your mouth.

SHRI PILOO MODY: I stopped the Bill from becoming a law.

SHRI J. K. JAIN: No, you did not open your mouth.

SHRI PILOO MODY: Then how do you think it got stopped. By you? (*Interruptions*)

SHRI J. K. JAIN: Mr. Advam Claimed that he stopped it and you Bay that you stopped it.

SHRI PILOO MODY: On the contrary he apologised. Honourable men admit their mistakes. Bonded labour and dishonourable men don't.

Can I catalogue your failures of 11 months or 12 months during Which you have been in power? Prices have gone shooting up. Fault-Janata Party. The scarcity is acute and there are long queues for everything. Fault- I Janata Party. Unemployment soaring as it never did during Janata rule. Fault-Janata Party. Corruption in such monumental proportions that every day you hear of a scandal involving crores and crores of rupees. j Fault-Mrs. Habibullah. Energy- crisis of an unprecedented proportion; coal does not move; waters don't flow; rivers j;et silted; catchment areas get denuded. Fault-Janata Party.

i AN HON. MEMBER: That is the fashion, I think.

SHRI PILOO MODY: I just told you that honourable men confess. Essential commodities disappeared from the market. Fault-Janata Party. Ths commodities are there. The manufactures are there. They are available but not in the market, fault, the Janata Party Letters don't get delivered, fault, the Janata Party. Or, do you have some relations in the Postal Department? Telephones do not work. About the Railways you are lucky if I you reach the other end. Transport is in a shambles. But more than anything else, each one of you, every single one of you, including Mr. Jain, can take note of this that we have created institutional failures in this country. And this is no laughing matter. We have made Parliament into something that one cannot possibly discribe as a check or a balance to the democratic system. (*Time bell rings*) I think, your clock is a little off Sir. I have 30 minutes.

! THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI: Then, Mr. Hegde would not be called.

SHRI PILOO MODY: We will we to that. Sir, the judiciary is in a ' shambles. No body today... .

SHRI J. K. JAIN: Mr. Piloo, to stop this *dadagiri*, we are bringing this NSO because you said. "We will see".

AN HON. MEMBER: Is it *dadagiri*?

SHRI PILOO MODY: You can raise your hands and I can raise my hand. But it is not going to put any sense in his head Sir. The best ihing is to ignore him. But no citizen of this country expect, that when he goes to a court gf law, he will get justice. This is what is meant by the institutional failures. You talk about the press. And I am glad to see that certain persons a part of the press is beginning to revive. And I don't know what will happen after this law is passed and you claim your first victim. About universities, you ju^t



had a brilliant speech by Dr. Sarup Singh. Where is he? He is not here unfortunately. But your Education Minister heard a brilliant speech by Dr. Sarup Singh. It was a totally non-partisan speech. But you have played havoc with the education system in this country. Your hospitals do not get administered. If it is staffed, it has no medicine. Somebody or the other is constantly pilfering. At every level of society, you have these institutional failures. Take your Administrative services. Twenty-five officers keep rushing and walking behind Ministers, each one of them having nothing to do except to register his presence that 'I am also with you'. Look at what has happened to the police. Nobody seems to have any control over what the police is doing. It has gone completely haywire. And you know, Mr. Minister, why it has gone haywire? It is because of the unbridled powers that you gave it during the emergency, and it has never been able to psychologically adjust itself to the new regime which meant that you work according to the rule of law. Take the para-military forces. All the institutions of this country have been mutilated and destroyed. And once the institutions go, not even this Bill can help you, Sir. Not even this Bill can help you. You can go on filling the jails. You don't have as many jails as there are people in this country. And you will have to put them in—ail of them including the members of your own Party. That might be rather interesting to see my friend, Mr. Jain, in jail with me.

I want to know, Mr. Minister, what you will do when we oppose the presidential system that you and others are advocating for this country because we are not going to accept the Presidential system. You are not going to bring in an American Presidential system to which you so graciously referred in your speech. If you bring a direct American Presidential system. Maybe, you will find there is less objection to it. So, you may talk about the French type. I have certain nasty jokes to crack about why you prefer

the French system to the American system. But, I think, I will not do it on this occasion because I do not want to shatter the decorum of this House. But not even the French system will satisfy you because your efforts and the effort of those of you sycophants who want to introduce the Presidential system is that there should be a dictatorship created in this country, and we will not have it. You can take us in. You can put us in jail. You can kill us. You can puncture our eyes. You can beat up blind people. You can mutilate our bodies. You can make people lame. But we are not going to accept dictatorship in this country. You can take it, this is the assurance we give you in return for this Bill,

And, finally, Sir, here I have sitting next to me Mr. K. C. Pant, Mr. Makwana, he was your worthier predecessor. He is the man who piloted that draconian Bill in Parliament on the last occasion. And with all the earnestness and sincerity that he could muster he also gave us an assurance and to tell you, coming from Mr. Pant, we accepted that assurance at least partially, if not fully. And, I am sure that today he rules the day when he gave an assurance which he could not fulfil. And, therefore, Sir, so that you, Mr. Home Minister are not put in a similar situation I suggest that you quietly withdraw this Bill or sabotage it in some other fashion. Thank you, very much.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Now, I have to take the sense of the House. Since we have today no panel of Vice-Chairmen available to take the Chair because there is some shortage, unfortunately, so, may I request you, I have to attend a meeting of the Business Advisory Committee at 5 o'clock, will you please permit me to call Mr. Dinesh Goswami, to take the Chair, after I go, if you all agree?

SHRI PILOO MODY: Up to what time are we sitting?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Up to 7 o'clock.

SHRI PILOO MODY: Why?

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): The time has been allotted.

SHRI MANUBHAI PATEL: Sir, that time is not fixed. Time for discussion is fixed, i.e. 7 hours. So, it can be taken up on the 22nd morning, i.e., Monday, Today at 5 o'clock we should close and on 22nd, Monday, we can continue.

SHRI HARKISHAN SINGH SUR-JEET: Not today. On Monday we can sit.

SHRI HARKISHAN SINGH SUR-JEET: No, no, not today. (*Interruptions*).

श्री सीताराम केसरी : मेरा आप से निवेदन है कि मन्डे को तो होगा ही मगर यह ऐसा विषय है जिस पर हमारी तरफ से भी सदस्य बोलना चाहेंगे इस-लिए आज 7 बजे तक के लिए रखिए, मन्डे को जिस समय से जिस समय तक चाहेंगे, रख लेंगे।

श्री मनुभाई ष्टेल : पूरे 7 घंटे हैं। 7 घंटे के अंतर्गत होना है।

श्री सीताराम केसरी : देखिए, जरा समझिए जो मैं निवेदन कर रहा हूँ। मेरा आप से निवेदन है कि आप 7 बजे तक कार्यवाही चलने दीजिए और फिर जब सोमवार को बैठें उस दिन भी काफी समय तक इस पर बोला जा सकता है। हम नहीं चाहते हैं कि . .

श्री नागेश्वर प्रसाद शाही : वाइस चेयरमैन साहब, जरा सुन लें . . . .

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): Just a minute, Mr. Shahi, I will listen to you

think the Business Advisory Com-nttee, if you please let me speak, Mr. tfanda, would you please allow me to

I request you that the Committee also recommended that the House should sit up to 6 p.m. as and when necessary for the transaction of Government business. This is a very important matter.

SHRI HARKISHAN SINGH SUH-JEET: Unnecessary. Sir, we are not closing the discussion today. Discussion continues and if it is necessary and if we feel that we cannot complete the discussion then we can extend the Session.

SHRI P. RAMAMURTI: Mr. /ice-Chairman, please listen to me. After all, on Monday, Tuesday and Wednesday, on these three days there is no Question Hour. It has been agreed that on Monday, Tuesday and Wednesday there will be no Question Hour. Therefore, there is no other business excepting the Bill that the Government is bringing. Therefore, there is ample time; the whole morning is there.

THE VICE-CHAIRMAN (SHRI ARVIND GANESH KULKARNI): I call the last speaker now, Shri Nigam.

श्री नागेश्वर प्रसाद शाही : वाइस चेयरमैन साहब, मैं खड़ा हुआ बोलने को तो आप ने कहा मैं बोल लूँ, तब बोलिए। फिर आप भूल जाते हैं। यह कैसे काम चलेगा।

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : मैं भूल नहीं जाता हूँ। मैं जानता हूँ आप बोलने वाले हैं। बोलिए।

श्री नागेश्वर प्रसाद शाही : मैं निवेदन कर रहा था कि चूँकि माननीय केसरी जी जानते हैं कि सोमवार को भी यह बिल चलना है और सोमवार को 11 बजे से ले कर 6 बजे तक 7 घंटे होते हैं और इस बिल को 7 घंटे एलाटेड हैं, आज ढाई बजे से पांच बजे तक ढाई घन्टा हो चुका है, आप के पास एम्पिल

टाइम है, 5 बजे से बिजनेस एडवाजरी कमेटी की बैठक है, इसलिए आप 5 बजे खत्म कर दें ताकि वह कमेटी बैठ जाय। सोमवार को 5 घंटे तो मिलेंगे ही, 2 घंटे और एक्सटेंड कर दीजिए।

श्री सीताराम केसरी : जैसा लिखा हुआ है, 6 बजे तक होगा। एक चीज आप कर लीजिए। अगर सोमवार को कालिंग अटेंशन न हो, स्पेशल मेशन न हो, 11 बजे से आप यही काम करें तो हमें एतराज नहीं है। आप कालिंग अटेंशन भी लेंगे, स्पेशल मेशन भी लेंगे। अगर इस का आश्वासन आप दे दें। कि सोमवार को स्पेशल मेशन न हो कालिंग अटेंशन न हो (Interruptions)

श्री नगेश्वर प्रसाद शाही : सोमवार को इस बिल को खत्म करेंगे।

श्री सीताराम केसरी : इस पर कोई तनाव की बात नहीं है।

श्री नगेश्वर प्रसाद शाही : सोमवार को इस बिल को खत्म करेंगे।

THE VICE-CHAIRMAN (SHRI AR-VIND GANESH KULKARNI): Am I to accept your suggestion that on Monday you will complete this Bill in all respects? About the special mentions, that is not within my powers; it is for the Chairman who will use his discretion. But do we all agree that on Monday, the Bill will be completed in all respects?

SHRI MANUBHAI PATEL: But it depends on their co-operation.

THE VICE-CHAIRMAN (SHRI AR-VIND GANESH KULKARNI): You cannot have both. If you can agree to this, I will adjourn the House just now.

SHRI HARKISHAN SINGH SUR-JEET: Similarly, Sir, the Lok Sabha decided to finish it on that particular day but it could not. So, it depends

on them also. So far as we are concerned, we are prepared to co-operate in the matter so that this business is over. But it depends on them also whether we are able to finish or not.

SHRI SITARAM KESRI: I have no objection if we do not sit late today provided you accept my suggestion, that there will be no Calling Attention and special mentions on Monday.

SHRI R. RAMAKRISHNAN (Tama Nadu): Sir, you have heard everybody; you hear me also. Now, if some people agree to finish the Bill on Monday, what will happen is that the Chair will go on ringing the bell because we have to finish the Bill that day itself and everybody will be anxious to speak, whereas the bell will go on and v/e will have to rush up. Therefore, Sir, if you can persuade the Members to sit for 2-3 hours today. ... (Interruptions).

SOME HON. MEMBERS: No, no.

SHRI R. RAMAKRISHNAN: Otherwise we will have to rush up so as to finish the Bill on Monday.

SHRI NARASINGHA PRASAD NANDA (Orissa): May I make a submission? Since I am also a member of the Business Advisory Committee, I may say that I have given my commitment in the Business Advisory Committee that the House may sit up to (5 O'clock. So we have to sit till 6 O'clock. This is the basis of our understanding.

THE VICE-CHAIRMAN (SHRI AR-VIND GANESH KULKARNI): All right; we....

SHRI MANUBHAI PATEL: Sir, you had just said that Mr. Nigam will be the last speaker. Why should we then sit up to 6 O'clock? When you said he will be the last speaker, let him be the last speaker.

THE VICE-CHAIRMAN (SHRI AR-VIND GANESH KULKARNI): I said it on the understanding that on Monday we shall complete this Bill. Now, Mr. Nigam takes the floor.

SIIRI HARKISHAN SINGH SUR-JEET: Point of order, Sir. I am also a member of the Business Advisory Committee. It is not in relation to the specific Bill. The Business Advisory Committee said that if we are not able to complete the business, then we will extend the session even up to 6 O'clock.

5.00 P.M.

This is not in relation to this Bill. This is only when you are not able to complete the Business. This Business cannot be completed today. If you are not able to complete the Business today....

THE VICE-CHAIRMAN (SHRI AR-VIND GANESH KULKARNI): I have understood your point. With due respect to the hon. Members, my understanding is that, every day, for these two important Bills, Maruti and NSO, we agreed that we shall sit up to six. Now, I call upon Mr. Ladli Mohan Nigam to speak.

श्री लाडली मोहन निगम (मध्य प्रदेश) : उपसभापति जी, मैं इस काले कानून का निरनुमोदन करने की दरखवास्त करने के लिये खड़ा हुआ हूँ। मैं बहुत गम्भीरता से और एकाग्रचित्तता से गृह मंत्री जी के भाषण को सुन रहा था। एक अजीब संयोग है कि आज की यह बहस एक ऐसे वक्त की तरफ मुझ को ले जा रही है जहाँ से आजादी का असली आगाज शुरू हुआ था। आप मुझे इजाजत दें तो मैं निवेदन करना चाहूँगा कि 1918-19 में हिन्दुस्तान में उस जमाने के शासक ऐसा ही बिल लाये थे जिस को रोलट ऐक्ट कहते हैं और जब मैंने आज इत्तफाक से लाइब्रेरी से उस जमाने के रोलट ऐक्ट को मंगाया तो मैं आपसे सच कहता हूँ कि मुझे एक अजीब हैरत हुई कि आजादी के बाद हिन्दुस्तान में जो कानून बनाया जाय उस की आधारशिला भी वही हो जो 1918-19 में जो कानून बनाये गए उस

कानून की थी। रोलट ऐक्ट की धारा 3 से लेकर 7 तक की भाषा आप पढ़ लीजिए और इस बिल के उद्देश्य और इस की भाषा आप देख लीजिए। भाषा का थोड़ा फर्क होगा, लेकिन उस के मंतव्य में आप को फर्क नहीं मिलेगा और जब गृह मंत्री जी इस बात का जवाब दे रहे थे तब इत्तफाक से मुझे उस जमाने की कार्यवाही सेंट्रल लेजिस्लेटिव असेम्बली की भी पढ़ने को मिली और मैं बहुत अदब के साथ कहना चाहूँगा कि उन की भाषा और उन के भाषण तथा माइकेल ओडायर की भाषा और भाषण में कोई फर्क नहीं है। पन्ने 321 को देखिये उस 23 सितम्बर, 1918 की डिबेट के, मैं उस को कोट नहीं करूँगा, पेज 321 से 337 तक, जिस में माइकेल ओडायर ने बिल का समर्थन करते हुए जो कहा था कि क्यों उन को बिल लाना पड़ रहा है। लेकिन उस के साथ साथ उस समय के अंग्रेज शासक सर विलियम विन्सेन्ट ने भी कहा था कि हिन्दुस्तान आदतन एक शान्ति पसंद देश है।

[उपसभाध्यक्ष (श्री विश्वम्भर नाथ पांडे) पीठासीन हुए]।

लेकिन उन को खतरा है कि शायद कुछ घटनायें जासूसी का और शासन को उखाड़ने की हो सकती हैं इस वास्ते वह रोलट ऐक्ट ला रहे हैं। मैं उन तमाम मोहतरिम सदस्यों को कहूँगा और मुझे खुशी है कि उस जमाने में सब से पहले खड़े हो कर जिन्होंने उस का विरोध किया था श्री जी० एस० खापर्डे, जिन की पोती आज आपके शासक पक्ष में बैठती हैं, उन का हाँ भाषण पढ़ लीजिए। उस जमाने में उन्होंने जिन खतरों की तरफ अंगुशनुमाई की थी यह संभावित खतरे हो सकते हैं, मैं भी आज उन्हीं

खतरों को उठते हुए देख रहा हूँ और मैं चाहूंगा, गृह मंत्री जी से चाहूंगा कि कम से कम वे इतनी कृपा करेंगे कि जब आप आखिर में इस बिल पर इस बहस का उत्तर देने खड़े हों तो सर सुरेन्द्र नाथ बैनर्जी, उदारमना डा० सर तेज बहादुर सप्रू, श्री निवास शास्त्री ऐसे लोग, जिन्होंने हिन्दुस्तान में जब कभी नागरिक और व्यक्तिगत स्वतंत्रता पर हमला हुआ है, उस को बचाने की कोशिश की है, उन के भाषणों को पढ़ लें। मैं यह मानता हूँ कि अगर आप में थोड़ी सी भी रैरत है तो उस भाषणों को पढ़ने के बाद आप कभी भी ऐसा बिल नहीं लायेंगे।

मुझे अफसोस हुआ कि आपकी भाषा और डायर की भाषा एक रही। उसको भी खतरा था कि पंजाब में बलवा हो जाएगा। आज आप पंजाब में असम का हवाला देते हैं। वह भी पंजाब का नुमाइंदा था तो आप भी उसके नुमाइंदा बनकर माइकेल डायर की भाषा बोलते हैं तो मुझे अचम्भा नहीं होता। खैर यह तो मैंने प्रस्तावना के रूप में कहा।

जहां तक इस बिल का ताल्लुक है, इस बिल के पास हो जाने के बाद न कोई दलील हो सकती है, न कोई अपील हो सकती है, न कोई वकील हो सकता है। किसी भी आदमी की स्वतंत्रता को जब आप चाहें खंडित कर सकते हैं और हम इतना ही कहना चाहते हैं कि जब से आजाद हिन्दुस्तान में कानून बनने शुरू हुए हैं, पी० डी० ऐक्ट से लेकर आज तक आप लोगों के साये में जो कुछ सीखा है, उसके तहत, मैं घमण्ड तो नहीं करता, छोटा सा आदमी क्या घमण्ड कर सकता है, लेकिन पी० डी० ऐक्ट से लेकर मीसा तक जितने भी कानून आपके नागरिक आजादी को खत्म करने वाले आज तक बने हैं उन सब का मैं शिकार

हुआ हूँ। आजादी के बाद 11 वर्ष तक जेल में रहा और 11 ही नहीं सारी जिन्दगी जेल में काटने को भी तैयार हूँ अगर इससे हिन्दुस्तान के उन करोड़ों गरीबों का भला हो सकता है। देश की इतना-सादी हालत, सामाजिक हालत और न्यायिक हालत को सुधारने में मदद मिले तो मुझे कोई गुरेज नहीं। लेकिन सत्ता पक्ष को रखने के लिए, अपनी कुर्सी को बचाने के लिए अगर हम इस तरह के कानूनी गलियारे बूढ़ने की कोशिश करेंगे तो मैं इतना ही कह सकता हूँ कि उन सरकारों की हस्ती मिट गई जिस ने ऐसे कानूनों का सहारा लेकर उस कानून से अपनी सत्ता बचाये रखने के लिए ऐसे कानूनी गलियारे बूढ़ने की कोशिश की है। वह सरकारें नहीं कर सकीं। आप भी खत्म हो जायें, मैं नहीं चाहता कि आप खत्म हों। देश की जनता आपको खत्म करेगी। मुसीबत इस वास्ते हो रही है कि हिन्दुस्तान में सड़कों और संसद का रिश्ता टूट गया है। सड़कों पर क्या होता है, सड़कें क्या बोलती हैं, संसद उसके विपरीत करती है और फिर एक ऐसी स्थिति पैदा हो जाती है जब सड़कों की आवाज खत्म हो जायेगी, तो फिर संसद में उसकी आवाज उठाने की कोशिश की जायेगी और उसके जरिये देश की हुकूमत को चलाने की जो कोशिश की जायेगी उस जागरण के खिलाफ अगर संसद ऐसा कोई कानून बनाती है तो फिर संसद वैसा कानून तभी बना सकती है जब उसका प्रजातंत्र में विश्वास न हो। मैं इस कानून को इस निगाह से देख रहा हूँ कि सरकार, मुझे ऐसा लगता है कि अपना खुद का विश्वास खो चुकी है, नहीं तो क्या बजह है कि हिन्दुस्तान में इतने बड़े कानून हुए हैं, कानूनों का इतना बड़ा जंगल है कि शायद जो कानून बनाने वाले हैं उनको भी पूछिये कि कितने कानून बन चुके

[ श्री लाडलीमोहन शिंगम ]

है तो वह खुद नहीं बता सकने और इतने कानूनों की लम्बी फौज आपके पास है और उसके बाद न्याय और व्यवस्था के नाम पर आप ऐसा गन्दा कानून लाने की कोशिश करें उससे ज्यादा मजाक क्या हो सकता है।

तो जो मैं अर्ज करजा चाहता हूँ वह यह है कि जिस संस्था का प्रजातंत्र पर से विश्वास उठ जाता है वही गैर प्रजा-तांत्रिक तरीके का इस्तेमाल करती है। मैं आपको चाहूँगा जानी जी कि रौलेट एक्ट जब आया था तो उस समय गांधी जी ने क्या कहा था, गांधी जी का भाषण पढ़ लीजियेगा। आप चाहे तो मैं आपको पेश कर सकता हूँ और मैंने जैसा निवेदन किया कि कुछ मत कीजिये 70-80 पेज की यह रिपोर्ट है, रौलेट एक्ट के जमाने की उसको पढ़ लीजिये। उसके बाद अगर आप का जमीर गवारा दे तो जो आप करने जा रहे हैं उसके बाद मुझ से कहिये। जब इस तरह के आरोप, इल्जाम लगाये गये तब मुझे गांधी जी का एक वाक्य याद आता है। गांधी जी ने कहा था लाईट हाईज को चिट्ठी लिखते वक्त कि ऐसे दानवी कानूनों को लाकर देश के जनमत को आप खत्म करना चाहते हैं, देश की आजादी को खत्म करना चाहते हैं, उनकी जो आजादी की भूख है उसको खत्म करना चाहते हैं, उनके विरोध को व्यक्त करने के अधिकार को खत्म करना चाहते हैं। मैं ऐसा आदमी हूँ जो जिन्दगी भर अहिंसा का पुजारी रहा हूँ और रहूँगा लेकिन अगर अहिंसा के सभी रास्ते बंद हो गये, मत व्यक्त करने के सभी रास्ते आपने बंद कर दिये, देश की जुवान को कलम करने की कोशिश की तो मैं गांधी जी के वाक्य को दोहराना चाहता हूँ, उन्होंने कहा था कि अगर मुझ को अहिंसा और हिंसा के बीच में से चुनना

पड़े तो मैं हजारों बार अहिंसा चुनूँगा अहिंसा की जगह हिंसा कबूल करूँगा। बनिस्वत इसके कि सारी कौम नपुंसक हो जाये, कायर हो जाये। कल अगर यह कानून पास हो जाता है, उसके चले अगर जनमत तैयार होता है इस कानून का विरोध करने के लिये, उसके चलते हिन्दु-स्तान की इस सर-जमीं पर कहीं कोई घटना घट जाती है तब आप उसको हिंसा नहीं कह सकते। कौन सा तरीका आपसे कहा जाये, किस तरीके से जनता अपनी बात आपके पास पहुंचाये, बात कहना भी जुर्म है। उस जमाने में एक सर हेनरी काटन साहब थे। उनका हवाला दिया गया है। उन्होंने यह कहा था कि सरकार सहनशील होनी चाहिये। सरकार को आजादी का रास्ता अख्तियार करना चाहिये सरकार को कोई रास्ता ऐसा अख्तियार नहीं करना चाहिये कि सब के लिये दरवाजे बंद हो जाये। यहां तो कोई भी कानून बनने से पहले उसका इस्तेमाल हो जाता है। अभी इस बिल के तहत एक सम्मानित सदस्य श्री ए. के. राय साहब को गिरफ्तार किया गया। यह तो अच्छा हुआ कि कानून बना नहीं था। अदालत के पास वह जा सकते थे। इसलिये वह छूट गये। इसके पास हो जाने के बाद अदालत के दरवाजे बंद हीं हैं। रौलेट एक्ट जब पास किया गया था उस वक्त उन्होंने गारण्टी की, उसमें इतना बड़ा कोई गंदापन नहीं था। उसमें यह था कि हाई कोर्ट के जज के दरवाजे कभी भी खटखटाये जा सकते हैं। अंग्रेजों में एक गैरत थी। उनको यह डर लगता था कि यहां कोई ऐसा अप्र-जातांत्रिक काम न किया जाये जिसका जवाब उनको वहां की पंचायत में देना पड़े, पार्लियामेंट में देना पड़े। देश के आधुनिक अंग्रेजों को किसी का डर नहीं। यह तो इस तरह से कानून पास करने की कोशिश करते हैं कि द्वारा आपको

जवाब देने के लिये आना ही न पड़े। मैं आपसे कहना चाहता हूँ कि चाहे पी. डी. एकट हो चाहे वह हिन्दुस्तान का पहले जमाने का डी. आई. आर. कानून हो जिसे आज आप राष्ट्रीय सुरक्षा कानून के नाम से लाना चाहते हैं ये सब एक ही तरीके के कानून हैं। कहीं कोई इनमें बदल नहीं है। सन् 1975-76 में जिन मनसूबों को आप पूरा नहीं कर सके वे मनसूबे आज आप पूरा करना चाहते हैं। आपने जब बात कही तो मैं एक बात कह देना चाहता हूँ कि किसी को हक हो या न हो लेकिन मुझ जैसा व्यक्ति, जिसका पहले की सोशलिस्ट पार्टी से संबंध रहा हो, यह दावे के साथ कह सकता है कि हिन्दुस्तान की धरती पर इस कानून का विरोध करने का हमारा मौलिक अधिकार कोई छीन नहीं सकता। हमारी जनता पार्टी की सरकार थी। हम उसके एक अंग थे। हम लोगों ने सबसे पहले उसका विरोध किया था। विरोधी ही नहीं बल्कि विरोध को इतनी दूर तक ले गये कि अगर चाहते तो सत्ता बनाये रख सकते थे लेकिन जनता पार्टी टूटी। हमने पार्टी से अलग होना मंजूर किया, लेकिन सिद्धान्तों के साथ समझौता करना कबूल नहीं किया। इस देश के जो राष्ट्रीय आदर्श रहे हैं उनको आप मत भूलिये। जिस तरीके से आज हम सन् 1918-19 की घटनाओं को पढ़ते हैं तो दुख होता है उसी तरह से आने वाली पीढ़ी आज की बातों को पढ़ेगी तो उसको भी दुख होगा। हम तो सन् 1918-19 में पैदा भी नहीं हुए थे। उन दिनों का वर्णन जो कुछ हमें पढ़ने को मिला उससे हमें दुख होता है। उसी प्रकार से ऐसा नहीं होना चाहिये कि आज कि ये बातें आने वाली नस्ल पढ़े तो उसको भी किसी प्रकार का दुख हो। इसलिये भविष्य के लिये, इतिहास के लिये और तवारीखी तकाजों के लिये यह जरूरी है कि आप इस तरह से कदम न

उठाये। जो गलत काम पिछले जमाने में हो चुके हैं आप उनको मत दोहराइये। इस बात को याद रखिये कि सत्ता का कितना भी केन्द्रीयकरण आप कर लें वह जरूर टूट जाती है। शिखर को आप कितना भी मजबूत कर लें, जब तक नींव मजबूत नहीं होगी, इमारत खड़ी नहीं रह सकती है। किसी दरखत का शिखर बहुत बड़ा हो और उसकी डालियां, पत्तियां कमजोर हों तो वह दरखत बिना मजबूत नींव के टूट जाता है। मैं तो चाहता था कि आप ऐसे कानून बनाते जिनसे दिन ब दिन केन्द्रीयकरण के बजाय विकेन्द्रीकरण होता और कानूनों की ताकत नीचे तक जाती। लेकिन आप सारी ताकत एक केन्द्र के पास रखना चाहते हैं। मैं यह पूछना चाहता हूँ कि जाफ़ता फौजदारी में आप किस को बन्द नहीं कर सकते हैं? हममें से बहुत से माननीय सदस्य ताजी राते हिन्द में बन्दी रह चुके हैं। इसमें अभी तक दफा 109 चल रही है। मैं स्वयं दफा 109 का बन्दी रहा हूँ। मुझे खुशी है कि दफा 109 से लेकर 302 तक में मैं बन्दी रहा, लेकिन कभी कुछ नहीं हो सका। जिस देश में आर्ट करोड़ से भी ज्यादा लोग बेरोजगार हों उस देश में कोई एरागैरा नत्थूखैरा पुलिस वाला लोगों को जेल में डालने की हिम्मत करे तो यह उचित नहीं है। जब तक गुनाहगार का गुनाह साबित नहीं हो जाता उसको जेल में बन्दी बनाये रखना किसी भी सरकार के लिए इज्जत की बात नहीं है। बिना मुकद्दमा चलाये किसी को बन्दी बनाना प्रजातंत्र में कलंक के समान है। हिन्दुस्तान में अब तक जो कानून चलते रहे हैं उनमें भी आप सब प्रकार के काम कर सकते हैं। ऐसी हालत में मैं यह समझने में असमर्थ हूँ कि इस कानून को लाने की जरूरत क्यों पड़ी? मैं समझता हूँ कि यह कानून जो देश की जनता के प्रजातांत्रिक मूलभूत अधिकारों पर कुठाराघात करता है और मानवीय

[श्री लाडली मोहन निगम]

स्वतंत्रता को छीनने की कोशिश करता है इसको किसी भी दृष्टि से पास नहीं किया जाना चाहिए। इस दुनिया में सबसे अच्छी चीज किसी भी आदमी के लिए पहले रोटी मानी जाती है और दूसरी चीज आजादी है। मैं चाहता हूँ कि हमारे देश के हर आदमी को रोटी, रोटी की आजादी मिलनी चाहिए। लेकिन अगर मुझ से कोई पूछे कि इनमें से किस को सबसे ज्यादा पसन्द करोगे तो मैं कहूँगा कि प्रत्येक आदमी को रोटी तो मिले ही, लेकिन मैं आजादी को ज्यादा पसन्द करूँगा। आप उस आजादी को छीन लेना चाहते हैं। इसलिए मैं इतना नम्र निवेदन करना चाहता हूँ कि आप राष्ट्रीय आदर्शों के खिलाफ कोई काम मत कीजिये। अगर आप इस कानून को पास करेंगे तो इससे अदालतों के दरवाजे बन्द हो जाएँगे और वकीलों की पैरवी भी खत्म हो जाएगी... (Interruptions)।

मैं उन वकीलों की बात नहीं करता जो दूसरा धन्धा भी करते हैं। आप साल्वे जी के धन्धे की बात कीजिये। मैं तो वकील का धन्धा नहीं करता हूँ। मैं बहुत ही विनम्रता के साथ निवेदन करना चाहता हूँ और जैसा कि मैंने शुरू में ही निवेदन किया कि रोलेट ऐक्ट की भाषा आज भी हिन्दुस्तान के आजाद होने के बाद बोली जायेगी तो इसका एक ही कारण है कि अंग्रेजी की मानसिक औलादें आज भी आजाद हिन्दुस्तान में बरकरार हैं। अगर हिन्दुस्तान की नौकरशाही उस मानसिक गुलामी से नजात नहीं पा सकती है तो मुझे यह कहने में भी कोई गुरेज नहीं कि आज का हिन्दुस्तान का शासक अंग्रेजों की मानसिक गुलामी से भी निजात नहीं पा सका है, जो कि हिन्दुस्तान की आजादी के लिये लम्बे-लम्बे समय तक जेलों में रहे, खहर पहनते रहे। आप

खहर क्यों न पहनें लेकिन उसका कोई अर्थ नहीं अगर आप अपनी मानसिकता को न बदलें। खहर पहनने से हिन्दुस्तान नहीं बदलेगा। जब तक आप मानसिकता नहीं बदलेंगे तब तक यह नहीं हो सकता। चाहे एक को हटाकर दूसरा बैठे, दूसरे को हटाकर तीसरा बैठे। सवाल मानसिकता को बदलने का है, मन को बदलने का है। हिन्दुस्तान की गद्दी पर बैठने वालों के जब तक मन नहीं बदलते और जब तक उसका वही मन नहीं होता जो कि सड़कों की आवाज का मन है, जब तक आवाज के मन के साथ राज करने वालों के मन नहीं बदलते तब तक शायद आप हिन्दुस्तान की बहुवूदी नहीं कर सकते और हिन्दुस्तान में जन-कल्याण नहीं हो सकता, यह विचार मैं आपके सामने रखना चाहता हूँ। मुझे एक ही खतरा है और वह यह खतरा है कि अगर वे बातें आज भी आयेंगी जिनके लिए महात्मा गांधी ने देश के लोगों को प्रेरणा दी और जिसके लिये उन्होंने इतनी मुश्किलों का सामना किया तो मुझ जैसे लोगों के लिए कोई और रास्ता नहीं है। सदन के अन्दर जो अपनी सामर्थ्य होगी, ताकत होगी उसके आधार पर पूरा विरोध करेंगे। अंग्रेजों के जमाने में गांधी जी ने अपने अनुयायियों को रोलेट ऐक्ट का विरोध करने को कहा था और उसको लेकर सारे देश में आग लग गई। जिसके फलस्वरूप जलियाँवाला बाग कांड हुआ। मैं इतना ही निवेदन करना चाहता हूँ अगर यह कानून आपने पास किया तो उसके चलते हिन्दुस्तान में कई जलियाँवाला बाग जैसे कांड होंगे और उसकी जिम्मेदारी हिन्दुस्तान की जनता पर नहीं होगी, आप पर होगी क्योंकि माइकेल डायर ने वह कानून बनाकर इस कांड की सृष्टि की थी। इसलिये मैं कहना चाहता हूँ ज्ञानी जी आप यह दूसरा कानून बनाकर दूसरा जलियाँवाला बाग इस देश



में न होने दें। इस वास्ते मैं बहुत ही विनम्रता के साथ निवेदन करना चाहता हूँ कि इस कानून को आप वापस लें। जहाँ तक समाज में जो कुरीतियाँ, अन्याय हैं उसके साथ लड़ने का प्रश्न है हम आपके साथ खड़े होकर लड़ने को तैयार हैं। लेकिन हम किसी भी कीमत पर 90 साल के लम्बे संघर्ष के बाद हासिल की हुई आजादी को और खामखोर राजनैतिक आजादी को कुंठित नहीं होने देंगे और उसका मुकाबला करेंगे। हिन्दुस्तान में राजनैतिक आजादी को कुंठित करने की कोशिश की जाय इसको हम बर्दाश्त नहीं करेंगे। राजनैतिक आजादी को कुंठित करने वालों को एक ही बात में कहना चाहता हूँ अंग्रेज अपनी लम्बी फौज-फाटे और ताकत के बावजूद भी, संगीन और बंदूकों के बल पर भी अपना तख्त और ताज न बचा पाये। अगर आप सोचते हों कि संगीन और बंदूकों का सहारा लेकर अपना तख्त बचा लेंगे तो आप भी बचा नहीं सकते। इस वास्ते समय की पुकार को पहचानकर इतिहास से सबक लेने की कोशिश करें और आप नए हिन्दुस्तान के माइकेल डायर न बनें, यही मेरी इच्छा है और इसी इच्छा के साथ मैं चाहता हूँ कि आप इस बिल को वापस ले लें।

SHRI BIPINPAL DAS (Assam): Mr. Vice-Chairman, Sir, I was really surprised to listen to my good friend Shri Ladli Mohan Nigam, when he tried to compare the Rowlatt Act with the Present Bill. Ladli Mohan Ji will quite remember that the Rowlatt Act was promulgated, was enacted, against the freedom movement as a whole, that means, against the people of India as a whole. This Bill is not aimed against any political party or trade union or the Press or a peaceful movement as such. This Bill is against anti-social and anti-national elements. There is a fundamental difference between that Act and this Bill. I am really surpris-

ed how a very knowledgeable friend of mine can compare these two.

SHRI SADASHIV SAGAITKAR (Maharashtra): Sir, for the information of my hon. colleague, I want to inform him that Mr. Antulay has, two days back, described, in the Maharashtra Assembly, his political opponents as anti-socialist. This is for your information.

SHRI BIPINPAL DAS: Well, first of all I do not know what Mr. Antulay said, and I am not sure whether Mr. Bagaitkar is sure of the Press report or Mr. Antulay's speech. Therefore, let us not base our arguments on doubtful premises or unreliable premises. Sir, the fact is that communal clashes have taken place at several places in this country. Communal hatred and disharmony is being preached and propagated almost daily, creating tensions and conflicts. There is unrest among the farmers, among the industrial workers, among the students, very often leading to violence. I do not mind if it is a lawful movement or a peaceful agitation. But these agitations lead to violence against the police against public property, against lawful authorities. Nobody can deny that anti-social elements are constantly trying to engineer all kinds of agitation in this country today. And the extremist elements who believe in violence are penetrating into all kinds of agitation. We are seeing it every day. I need not give examples. The extremist elements who believe in violence penetrate into all these agitations and movements, however, peaceful they may be intended to be, and will do all kinds of things. They create violence, they create law and order problems. There are frequent attacks on the Scheduled Castes, Scheduled Tribes and the weaker sections of the society. We have seen it. Anti-national elements and forces of disintegration are trying to build up secessionist tendencies and movements, threatening the very unity and integrity of this country. These are the facts of the situation. Nobody can deny them.

(Shri Bipinpal Das)

There have been persistent attempts, Sir, at various places to disrupt the essential services and the national economy. Black-marketeers and smugglers are fleecing the people. This is the economic and political situation. In certain cases, there was an open challenge to the lawful authorities and there were attempts to hold the entire society to ransom. My friend, Mr. Piloo Mody laughed at it. Is it not a fact that at certain places, agitations have been conducted in such a manner that the entire society has been held to ransom? We know it. I need not mention the movements and agitations. Take, for example, "gherao". "Gherao" has become a programme of political action today. Does not "gherao" mean coercion? Does it not inflict punishment on innocent people? Is it not against the fundamental principles of non-violence? Is it a peaceful movement? "Bandh" is a peaceful movement, I agree. But what happened on many occasions, we all know. Sir, it is in this situation that this Bill has been conceived, *(Interruptions)*

Now, Mr. Piloo Mody said that for all these things we blame the Janata Party. The fact remains that all these things started during the Janata rule, and by force of momentum, all these conditions are continuing today. This Government is trying to bring them under control. To some extent we are successful, not to the full extent. But I have no doubt that this kind of lawlessness, this kind of harassment of people, this kind of violent activity, this kind of anti-social elements; this kind of anti-national tendencies, were given a fillip, a new life during the Janata rule. And that continues even today.

Now, the Opposition says that the situation in this country is bad, that the law and order situation is not very good, that the economic situation is not very good, this is bad and that is bad. Mr. Piloo Mody said that every morning he reads in the newspapers this thing and that thing.

Thereby they are saying indirectly that this measure is justified. They say that the existing measures are enough. If the existing measures were enough, the Government would not have felt compelled to bring this measure today. The Government feels that some additional power is necessary to control the situation which the opposition parties themselves describe as very bad. This is nothing but a legacy and consequence of what happened during the Janata rule.

Sir, the normal judicial process always causes delay. It encourages offenders, and all efforts to maintain law and order through the normal judicial process have often been frustrated. Therefore, this Bill has become necessary. After all what is this Bill? Sir, prevention, everybody knows, is better than cure. Prevention of commission of an offence is certainly more effective, more human, more responsible a measure, than to allow the commission of the offence and then to try to find out the culprit and punish him.

After all, the society suffers or a section of the society suffers, in the hands of anti-social elements, anti-national elements. And trying to bring those elements to book after the event is much more difficult than preventing the very occurrence of that kind of a crime. And prevention is the very purpose of this Bill, prevention from commission of offences which otherwise will ultimately lead to the suffering of the society and the nation. Therefore, I say it is more effective, more human and more responsible. The Bill only aims at prevention of commission of crime, social as well as national. It is only to ensure maintenance of peace and order in the society and to ensure security of the country. What is wrong in it? Can anybody say there is anything wrong in it? If the Government empowers itself with some powers which could prevent—whom?—

the anti-social and anti-national elements from creating situations which may damage the very fabric of the society and the country, which may cause suffering to innocent people, is there anything wrong for the Government to arm itself with such a measure? Had it been wrong, the founding fathers of the Constitution would never have provided Article 22. I want to ask my learned friends there. Why is it that the Constitution contains Article 22? Why? Do you think that Pandit Jawaharlal Nehru, Sardar Patel, Babu Rajendra Prasad, Dr. Ambedkar. all those people were not wedded to democracy? They were all wedded to democracy. And yet, in the matter of running the administration and Government in the country the founding fathers of our Constitution realised that in a vast country, with a complex social structure, situations might arise such powers may become necessary in the hands of the Government to control the situation. This very simple fact proves that preventive detention is not an undemocratic act or an undemocratic approach.

Since people have already mentioned the details, I do not want again to go into the details. But I want to point out, there was preventive detention, the Central Preventive Detention Act from February 1950 to August 1978 with a brief gap between January 1970 and May 1971. We also know that various State Governments have already enacted such preventive detention measures either directly or by amending the Criminal Procedure Code. I may even mention—my Marxist friend is not here, I am sorry—the Marxist Government in Tripura has very recently amended the Criminal Procedure Code to increase the period of remand up to six months which indirectly means a man can be kept....

SHRI PATTIAM RAJ AN (Kerala): They should be brought before the court.

SHRI BIPINPAL DAS; No, no. You contradict later on. They have in-

creased the period up to six months. That means a man can be kept without trial for six months, (*interruptions*) Anyway, I am asking the Opposition parties, my Congress friends sitting on that side: We were all party to earlier Preventive Detention Acts. They cannot shout against it. And if they shout against it, then it is meaningless. Then from the Janata Party Mr. Piloo Mody was very eloquent. The Janata Party brought that Bill but later on withdrew the same. The question is: In the first place why did they bring that Bill? That means the Janata Government felt that they needed such a measure. And then they withdrew the Bill, and Mr. Piloo Mody claims all the credit for firing the first shot. That the Government withdrew the Bill is no answer. We also know certain facts. There were internal troubles within the Janata Party and some people wanted to put the then Home Minister of the Janata Government into the wrong. And ultimately the Home Minister had to withdraw the Bill. This was due to their internal politics and had nothing to do with democratic principles. It is all nonsense.

Choudhury Charan Singh also promulgated an Ordinance—Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Ordinance, 1979. This provided preventive detention. So many States felt the need for preventive detention. It is but natural and advantageous and desirable for the Centre to have such a law for the whole country for the sake of uniformity. It is also necessary because anti-social and anti-national elements operate not in one single State, but in various States simultaneously. Therefore, it is necessary that the Centre should have a measure like this in its possession.

Mr.- Sankar Ghose and Mr. Piloo Mody raised the question of safe guards. They felt that enough safe guards have not been built into this legislation. I do not know whether they have gone through this Bill (

(Shri Bipinpal Das.)

not. Let me point out some salient features of the safeguards built into the Bill. In order to prevent any misuse of the provisions of this Bill and to ensure justice and fairplay to the citizens of the country, some safeguards have been built into the Bill. What are these safeguards?

Firstly, the grounds of detention must be communicated to the detenus in five days and not later than 10 days in any case. Secondly, any representation from the detenus must be disposed of within 12 days. Certain facts may be withheld or may not be disclosed in the interest of national security. These may be of sensitive nature or sometimes of secret nature and may not be divulged. This is quite natural. I need not elaborate this, because this can be easily understood. These may involve the security of the country as a whole. But it is mandatory that grounds of detention will be communicated to the detenus. I believe the hon. Members have understood the distinction. Therefore, one cannot say that enough safeguards have not been built into the Bill.

Then, they said that a District Magistrate's or Police Commissioner's order was enough to detain a person. But please take note of this. These orders have to be approved by the State Government within 12 days. Otherwise, they become invalid. Then again, the State Government must refer the matter to the Centre within 7 days. Otherwise, the orders become invalid. These are inbuilt provisions of the Bill.

Above all, the Advisory Boards are there. The matter goes to the Advisory Board. If the Advisory Board thinks that there is no valid reason or sufficient reason for the detention, the detenu will be released. The function of these Advisory Boards is somewhat analogous to judicial review. The Advisory Board will have to dispose of the case within 7 weeks.

In other words, nobody can be detained without sufficient and valid reasons for more than seven weeks. This is very clear. The Board's verdict is final as to whether a person can be kept under detention or not. A man detained can be kept under detention only for a maximum period of 12 months....

DR. HAREKRUSHNA MALLICK (Orrisa): Is that a short period?

SHRI BIPINPAL DAS: I think so, considering the nature of the offence.

DR. HAREKRUSHNA MALLICK: The hon. Member says 'only 12 months'. The nation cannot afford that.... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please sit down. Mr. Das is not yielding. (*Interruptions*).

SHRI BIPINPAL DAS: Dr. Mallick, are you speaking or .....

AN HON. MEMBER: Sir, Mr. Mallick should not interrupt like this. (*Interruptions*).

SHRI HAREKRUSHNA MALLICK: The Chair is there to direct me. Who are you to tell me to sit down? I strongly protest against it. (*Interuption*). Very politely I am asking a question and I do not know why the honourable Member there is protesting against that. (*Interruptions*).

SHRI BIPINPAL DAS: Dr. Mallick, are you speaking or are you interrupting me?

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): You sit down, Mr. Mallick. Yes, Mr. Das, you go on.

SHRI HAREKRUSHNA MALLICK: Sir, the hon. Member said that there are twelve months. I wanted to ask whether it is a short period. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Let him complete the speech, please.

SHRI HAREKRUSHNA MALLICK:

I want to know from the honourable Member whether this is not a long period and I do not know why the other Members "should object to that. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): What are you doing?

SHRI HAREKRUSHNA MALLICK: I want a clarification from him. That is all. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): What are you doing? You sit down. Nothing of what you say will go on record.

SHRI HAREKRUSHNA MALLICK: (*Continued to speak*).

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please take your seat.

SHRI HAREKRUSHNA MALLICK: This I accept now.

SHRI V. GOPALSAMY: When you are advocating freedom of expression, you must listen to what he says.

SHRI HAREKRUSHNA MALLICK: I know how to conduct myself. I have always obeyed the Chair. (*Interruptions*). I have always maintained the decorum of the House. But that honourable Member must know what to talk. At this rate this Bill cannot be passed. (*Interruptions*).

SHRI BIPINPAL DAS: Sir, Dr. Mallick is a good friend of mine and he always gives me tea or coffee in the Central Hall. But he takes a special interest in interrupting me in the House everytime.

SHRI HAREKRUSHNA MALLICK: Sir, this is an aspersion. (*Interruptions*). Sir, this is casting aspersion on me. I have not been interrupting him and I have not done that. This is an aspersion on me.

1497LS—13

SHRI DINESH GOSWAMI (Assam): Sir, from now on, let Mr. Das not take tea or coffee from Mr. Mallick.

SHRI BIPINPAL DAS: Sir, section 3 of the Bill makes it very clear that this Bill is not going to be used against the political parties and the honour-abe Home Minister has given an assurance on this. This will effect only those individuals who are considered to be anti-national and anti-social and only such individuals may be affected by the Bill and not any organisation, not any party and not any movement. It is *only* meant to immobilise the anti-social and anti-national elements under certain circumstances and not under all circumstances. Sir, they have raised another point and said that sitting Judges will not be appointed to the Advisory Board. Sir, people who are otherwise qualified to be Judges of the High Courts, but who do not want to become High Court Judges for other reasons or for personal reasons, is their status not equivalent to that of the Judges of the High Courts? What is the difference? The High Court Judges themselves are appointed by the President on the advice of the Cabinet. The High Court Judges do not come from the heaven and they are not sent by God. The High Court Judges are appointed by the President on the advice ultimately of the Cabinet and these Boards will also be appointed by the Cabinet. So, what is the difference? I do not understand why learned persons in the legal profession, who are otherwise qualified to become High Court Judges, but who do not choose to become so for personal reasons, should not be appointed to such Boards and I do not understand why the services of such persons should not be utilised for these Boards. I do not understand this at all.

SHRI LAL K. ADVANI: What is there in section 3?

SHRI BIPINPAL DAS: The purpose of the Boards is not to convert the proceedings into court proceedings because the court proceedings are

[Shri Bipinpal Das.]

time and energy consuming. For the same reason, Sir the legal practitioners are not allowed to appear on behalf of the detainees, but they are allowed to help them. They can help them. But they are not allowed to appear before the Advisory Boards so that the proceedings of the Boards are not converted into court proceedings since the court proceedings take too much time and energy. The factors or reasons leading to the detention in some cases are mostly of a sensitive nature and sometimes even of a secret nature and, therefore, open court proceedings are not at all desirable in these cases.

Again, Sir, some questions which were raised are unfounded and baseless. The Bill does not bar any detenu from going to the law courts for protection of his Fundamental Rights. Where is the bar? There is no bar even to challenge the provisions of this Bill in a court of law. In fact, some writ petitions are already there in the Supreme Court. Anybody can go to the Supreme Court or High Court for protection of his Fundamental Rights. So in what way the basic rights of even those who are suspected to be dangerous elements by the Government have been taken away, I do not understand.

Finally, before I conclude, I will answer one question which has been mentioned by several members on the other side, that this Bill intends to take away the liberty of citizens. May I ask a question, "Liberty of whom?" Not the masses of the people, but individuals indulging in anti-social and anti-national activities, for a short period—not of the vast masses of the people or innocent citizens. Not at all. It is better to take away the liberty of one for a short period in order to save hundreds or the society as a whole, in the interest of the security of the State and nation. Sir, I am a great lover of liberty. I am a confirmed democrat since my childhood.

I hate that the liberty of anybody has to be taken away. But if there is a conflict, if there is a choice—here is one man who is doing something against the interests of the people as a whole, the society as a whole, against the security of the nation, if we have to take away the liberty of this man, I would certainly favour it, because to look after the interests of the people, innocent people, is a larger responsibility for the Government than that of one single individual who is suspected to be guilty of anti-national activities. Therefore, there must not be any confusion about it. It must be a very clear choice. As I said, I do not want anybody's liberty to be taken away for nothing; I do not want it. I am all for civil liberty. But if there has to be a choice between two sections, the anti-national and anti-social elements on the one hand, some individuals trying to create disruption of the economic and political life or national life and social life, some elements trying to thwart the very security and integrity of this nation, if we have that section on one side and the entire people, the interests of the country, interests of the economy, innocent people, the society as a whole on the other side, if we have to make a choice between the two, I will take away the liberty of that one suspect, that anti-social element rather than allow the society and the country to suffer.

Therefore, Sir, I strongly support this Bill for adoption. Thank you.

SHRI NARASINGHA PRASAD NANDA: Sir, may I suggest that we continue up to 6-30 P.M. so that two or three more Members get the opportunity to present their views before the House?

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Shri Dinesh Goswami.

SHRI DINESH GOSWAMI: Mr. Vice-Chairman, Sir, Mr. Verma, while speaking from the Congress (I) side,

said that history repeats itself and we are back in the days of freedom struggle. In fact, history has repeated itself. Here I would like to refer to the debates in the Legislative Council in 1918-19. The Minister has said that this Bill is only for the criminals.

The patriots and the peace-loving people have got nothing to worry. Sir, my immediate recollection goes back to the speeches of the then Home Member, Mr. William Vincent, who, while moving in the Criminal Law (Emergency Powers) Bill, arising out of the Rowlatt Report said as follows. His speech appears at page 453 of the debate.

"My Lord, I think if these facts were more fully realised, we should hear less of that veiled sympathy with desperate men which really encourages them to further efforts and hinders the work of many who have the progress of this country at heart; and I suggest that it is a duty of all sober-minded men to combat this dangerous confusion of crime with patriotism, remembering what the effect of any such encouragement is. The Bill which I now seek to introduce is not aimed at patriots; it is aimed at criminals; it is not aimed at the suppression of politics at all; it is aimed rather at the purification of politics. What we seek to do is to prevent anarchy and disorder, and I think that many here will realise the importance at this juncture of combating these forces of disorder so rampant in many parts of the world."

He says further:

"My Lord, I ask the Council to get rid of this delusion. These men are not patriots; they are really enemies of civilisation..."

Sir, the Home Minister is echoing the voice of the then Home Member, Mr. Vincent, and what he assured in the Criminal Law (Emergency Powers) Bill. At that time, the predecessors of the Home Minister, the

freedom fighters, rose to a man to oppose the provisions of the Bill. When I went through the debates of the Criminal Law (Emergency Powers) Bill, I feel deeply grieved that today the torch bearers of the freedom fighters who rose to voice their protest against such a measure, are bringing this measure in the name of liberty.

Sir, may I quote the speeches which were delivered at that particular time by hon. Mr. Vithalbhai Patel and which appeared at page 454? I recall his speech. What a powerful speech it was which he delivered at that particular moment saying:

"In moving this amendment, I must say at the outset that no sensible Indian could be charged with having any the slightest sympathy with anarchists or anarchism. We are all interested, my Lord, in putting down anarchists or anarchism, and as a matter of fact, the interests of the Government and of the people are identical in this respect. The difference however is in the methods in the ways and means as to how to put down these anarchists and anarchism. In every country, my Lord, revolutionary crime is really the outcome of what I may call political and administrative stagnation; if the political advancement of a country is really very slow and does not keep pace with the times, this sort of crime is bound to raise its head and disturb the peace of the country. What is then the remedy? The remedy, I submit, does *not* lie in repressive measures, but I am strongly of opinion that the remedy lies in the removal of the standing grievances which bring revolutionary crime into existence."

Sir, quoting one sentence from Lord Morley's 'Recollections', Mr. G. S. Khaparde said;

"Shortcomings of Government lead to outbreaks; outbreaks have

[Shri Dinesh Goswami]

to be put down; reformers have to bear the blame and their reforms are scotched. Reaction triumphs, and mischief goes on as before, only worse".

May I point out the memorial words of Mr. Srinivasa Sastri, when he said:

"Now, my Lord, a bad law once passed is not always used against the bad."

This is what our predecessors of the freedom movement spoke opposing the Rowlatt Bill. At that point of time, they thought that the descen-dents of the freedom struggle will uphold the liberty of the nation. Now they are probably turning in their graves thinking that those of us who stand by the flag of the Congress Party are speaking in the voice of Mr. William Vincent. Fortunately, the opposition today, whom everyone talks as against the Congress culture, is raising their voice to safeguard tradition of culture of our freedom fighters—the voice of liberty and freedom.

This is the paradox. And for that, I think everyone in the ruling party to which I had the privilege of once belonging must today view himself with introspection. May I quote once more the words of Srinivasa Shastii for their benefit?

"Now, my Lord, a bad law once passed is not always used against the bad. In times of panic to which all alien Governments are unfortunately far too liable, in times of panic, caused it may be very slight incidents, I have known Governments lose their heads. I have known a reign of terror being brought about; I have known the best, the noblest Indians, the highest characters amongst us, brought under suspicion, standing in hourly dread of the visitations of the Criminal Investigation Department."

He further said:

"It is very well to say that the innocent are safe. I tell you, my Lord, when Government undertakes a repressive policy, the innocent are not safe. Men like me would not be considered innocent. The innocent man then is he who forswears politics, who takes no part in the public movements of the times, who retires into his house, mumbles his prayers, pay^ his taxes and salaams all the Government officials all round."

Yes, Sir, those who *salaam* the Government officials, those who will not play politics, those who retire from politics and those who go home and pray, they will be considered innocents and not the politicians, not the persons who launch the agitation. Sir, his predecessor said, "Well, it is my right to govern. These Congressmen who are agitating are not innocent people. They are criminals. They must be branded as criminals. History has proved that real patriots were those who were behind the bars under the Criminal Emergency Act. History has also proved, and let us also not forget the judgment of 1977 that people who were put behind the bars were put at the highest pedestal of power. After all, Mr. Morarji Desai was brought back to power by the people of India, and everyone who was put behind the bars was elected by the people. And why? It is because the people wanted to show to the Ruling Party that such type of repressive measures is completely alien to the Indian culture, and people who believe in the culture of liberty and freedom will not stand to such type of repressive measures.

Therefore, Sir, when I went through the debates of the Legislative Council, I felt sorry. And those who ought to have stood up against it today, the members of the party who fought for freedom are bringing a legislation which is worse than the



Rowlatt Act and the Criminal Emergency Act. And unfortunately those who really do not believe in the Congress culture, some of them have stood up today to defend the Congress culture which we still cherish right from those days.

Sir, I have got before me three or four cases on the Preventive Detention Act and the National Security Ordinance, it is claimed that the Act is to be used against criminals. But Sir, here is case of Mr. Tirath Nath Hazarika, who has been detained under the NSO. What are the grounds of his arrest? It is said. "On 1-12-1979, the State Government employees of Jorhat Branch held meeting in Jorhat where the subject attended and delivered speeches supporting the present movement launched by the AASU/AAGSP.

Do you mean to say that the movement of Assam is anti-social, anti-national, and if somebody participates in this movement, he is to be put behind the bars? Mr. Home Minister, you shall have to construct a jail by putting walls on the boundary of Assam as you shall have to put the entire people of Assam behind the bars if that is your criterion.

Sir, I have got another case and you will be laughing at the grounds that have been given. The ground is that he attended a meeting of the AAMOA, Tezpur Branch at Tarun Assam Sangha on 15-12-1979, which condoled the death of Mr. Khargsh-war Talukdar, and decided to observe token strike from 2 p.m. to 4 p.m. on 17-12-1979 as part of their 1st phase of agitation. And, Sir, when this case went to the High Court, I could learn that the Government Counsel who was asked to defend the case had privately told the Government. "Well, kindly don't imprison persons under such grounds because you are making a mockery of the legislation."

Mr. Home Minister, you have given the power of detention to whom? You have given the power to arrest

to a District Magistrate, to some police officials. How do you forget that in Bhagalpur your entire police personnel, your District Magistrate have connived in the blinding of the prisoners and today they are launching a movement against the suspensions? Do you want to give the powers to these people? How can you forget that during this period you arrested Mr. A. K. Roy? And luckily because he is a Member of Parliament, there were voices which could be raised in the Parliament and he was freed. If Mr. A. K. Roy had not been a Member of Parliament, he would have been languishing in jails today

6 P.M.

And hundreds of A. K. Roys are languishing under the Preventive Detention Act. Sir, what are the reasons for bringing this legislation? The Statement of Objects and Reasons states, social tensions. What is meant by social tensions? Is there any time in the history of this country when there was no social tension? Social tensions will remain so long as economic and social differences will remain. Social tensions will remain so long as other divisions will remain and concerned parties will engineer agitations on different issues. May I remind the ruling party that, after the last Lok Sabha election, when the opposition talked about constructive cooperation, the members of the ruling party said there cannot be constructive co-operation with the ruling party? The duty of the opposition is to agitate and oppose and it is you who proposed that lesson to the opposition. You ought to have talked about constructive co-operation if you wanted constructive co-operation from this side. The right of the opposition is to agitate and you cannot take away that right. The motive of this legislation is *mala fide* is apparent from one change which you have brought from the Ordinance in this Bill and that is in clause &. In clause 9 of the

[Shri Dinesh Goswami]

Ordinance the power to constitute the advisory committees depended on the recommendations of the Chief Justices of the appropriate High Courts and it was laid down that the Chairman of the advisory board was to be a person who has been a Judge of a High Court. Mr. Bipinpal Das said, what is the difference between a Supreme Court Judge and a person who is qualified to be a Judge? When you allowed Mr. Justice Vaidyalingam to inquire into the charges against Mr. Morarji Desai, would you have allowed Mr. Dinesh Goswami to inquire into the charges, though I am qualified to be a High Court Judge? Mr. Zail Singh, if there is a complaint against you, will you permit an ordinary person to inquire into the charges? A Supreme Court Judge or a High Court Judge enjoys certain position because of the constitutional provisions. They have got certain safeguards, namely, that they are free from executive influence. You cannot take away their services. But an ordinary person qualified to be a Judge does not enjoy that power. Such a person runs after the executive in order to get one post or the other. Why did you not stick, at least, to clause 9 of the Ordinance? You thought that if the Chief Justice of the High Court is given the power to choose an advisory committee and you thought that if the presence of High Court Judges on advisory committees is provided for, your purposes may not be fulfilled, because in Assam most of your detention cases were nullified by advisory committees constituted by High Court Judges. Sir, in Assam, we have got reasons to oppose it. Do you remember the date on which you brought this Ordinance? It was the date on which the talks between the students and this Government failed. On that night you brought this Ordinance, maybe, in order to create a psychological fear in the minds of the students who came to Delhi. You have failed in that. When the people rise, repres-

sive measures, such type of legislation is no answer. Then, Sir, this change in the Bill from the Ordinance, giving powers to you to make your own choice of certain members of the Advisory committee proves your *mala fides*. May I point out to the ruling party, in all humility, where is the guarantee that Mrs. Gandhi or your party will be in power? Where is the guarantee that some other party will not come into power? May I remind you that when Chaudhary Charan Singh and the caretaker Government went for the promulgation of the Preventive Detention Act, there were voices of protest from your ends. I remind you that the Prime Minister's announcement of the pre-emergency Preventive Detention Act was criticised today. In a joint statement it was said that this would be mainly used to destroy dissent and, therefore, this situation was highly condemnable. Now, this Preventive Detention Act was much less draconian than this Act, the NS Bill, which you have brought and, who were the signatories? The signatories were Mr. A. P. Sharma, Mr. Shankarnand, Mr. Mohammad Usman Arif, Shri N. K. P. Salve, Mr. C. K. Jaffar Sharief and Mr. Mallik-arjun. Don't you realise that when you acquire this power, tomorrow in many States assuming that you have got all the *bona fides*, Mr. Home Minister, as an honest man, you are giving powers not only to yourself, but you are giving powers to some of the States, when the C. P. M. Governments are there, and, for the first time, I find that you are believing them? Tomorrow supposing your Government fails, do not you realise. . . .

SHRI HARKISHAN SINGH SUR-JEET:  
We do not want those powers.

SHRI P. RAMAMURTI: I want to make one thing clear. I want to correct you that they do not believe us but they know that this party in West Bengal, the West Bengal Government, will never use these powers nor the

Kerala Government will use them. Even when these powers were there, they never used them. Therefore, they are not bothered about it.

SHRI DINESH GOSWAMI: Don't you realise Mr. Home Minister that when Mr. Charan Singh's Ministry was there and when much less Draconian law was brought into existence, 36 Members of Parliament rose in protest because you were all apprehensive that these powers would be misused? Powers are not exercised by the Home Minister, Giani Zail Singh. So you think that you would have allowed the blindings of the under-trials in Bhagalpur? Is it your case that Mr. Jagannath Mishra the Chief Minister, has permitted the under-trials to be blinded in Bhagalpur? The powers are exercised by some officials. And remember, when small people cast long shadows, the sun is about to set. You have given powers to small people to cast long shadows and tomorrow, who knows who may be the victim? My appeal will be that when you give powers to somebody, you should know, we should know, as to how that power is utilised.

Mr. Bipinpal Das said that detention will be for 12 months. I do not think there is any other parallel in any democratic country of the world where you can keep a man behind the bars for 12 months without trial on the ground of preventive detention. We are making a mockery of the system in the international community. I think in the international community India had a unique prestige of its own because it always stood for certain values. We stood for the values of liberty for all nations, liberty for individuals and against all kinds of opposition. When the international community will come to know that the executive in India today a petty District Magistrate or a Commissioner of Police who is capable of blinding people and then inciting people to go against the suspension order, possesses the power to keep people under detention for 12 months, they will conclude that the entire values for which Pandit Jawahar-

lal Nehru fought and for which Gandhi-ji fought have suffered total erosion in this country.

You have taken the name of Sardar Ballabh bhai Patel. The point is, if you look at the speech of Sardar Ballabhbhai Patel and your own speech, you will find, what a difference of approach. Even in case of Sardar Patel, history has proved him wrong. Sardar Patel said that he brought the measure of preventive detention to contain the communists and history has proved that communist movement— whether we like it or not—is a movement which has caught the imagination of a large section of the population of the international world. We may not agree with the communist philosophy. I have got differences with the communist movement; I do not agree with them in many things, but to call a communist unpatriot will be to ignore history today.

May I point out in this context the speech of Mr. Vincent when he spoke about the Criminal Law (Emergency Powers) Bill. What were his views? He said:

"What we seek to do is to prevent anarchy and disorder and I think that many here will realise the importance at this juncture of combating these forces of disorder so rampant in many parts of the world when they consider the effect of anarchy both in Russia and in other countries."

History is a merciless Judge of people and even what Mr. Vincent called at that time "anarchy in Soviet Russia" has proved to be totally wrong. We welcomed Mr. Brezhnev as the leader of one of the most progressive countries of the world only yesterday. You are not the judge of history. You cannot be the judge of history but you are calling upon this Parliament to enact a law which will, for all times, be a blot on the statute book in this country, and that is why we oppose it.

What power do you lack today? Mrs. Gandhi has been given a massive mandate. You sneak all the time about the massive mandate.

[Shri Dinesh Goswami]

Do you mean to say that the massive mandate given by the people is not sufficient and you want more draconian powers, you want to arm yourself with more powers? You do not know how to utilise your powers? You are not relying on the power of the people and you are trying to supplement it by the power of the district magistrates. Do you want a mandate from the district magistrates of this country and from the police commissioners of this country? What a tragedy. You speak about the Opposition. Why do you unnecessarily give credit to the Opposition? Where is the Opposition in this country today? It would have been better, if there had been an Opposition. I come from Assam. In Assam, all the Opposition parties have become irrelevant today on the issue of the foreign nationals. Hence, do not give undue credit to the Opposition. As Mr. Patel said at that time, it is not by repressive measures and not by laws that one can really solve the problems of this country. He said that you must go to the basic needs and the basic issues and if the government do not go to the basic issues, no Government will be able to solve the problems of the country. I will again quote his own words. He said:

"In every country, my Lord, revolutionary crime is really the outcome of what I may call political and administrative stagnation; if the political advancement of a country is really very slow and does not keep pace with the times, this sort of crime is bound to raise its head."

The Opposition talked about Congress misrule for 30 years. They wanted to make political capital out of it. But they could not last for more than two and half years. If you go on talking about the Janata misrule, which has been there only for two and a half years, you will also not be able to last long. It is not a question of the Janata misrule. The point is that, this country today is faced with a grave crisis, undoubtedly, and if you create a psychosis of fear in this country, you

will not be able to solve the problems of this country. Unfortunately, an attempt has been made to create a psychosis of fear. It is only by the cooperation of the people that the problems of this country can be solved. Democracy means not only a rule by majority. If democracy means only a rule by majority, as has been said by the Home Minister, Hitler would have been regarded a great democrat of the world, because, he had virtually the entire German race behind him. Democracy means, the majority must always be receptive to the opinion of the minority and that even a single individual's point of view must be allowed to flourish. This is the concept of democracy. Therefore, let us distinguish between democracy and dictatorship. There have been many dictators in the world who have been popular, at times in the popular backing behind them, but still, they were not democrats because they did not allow dissent to grow. They did not allow the flowers of dissent to grow. The concept of democracy is that even if one person has a voice of dissent, that voice should be heard. By putting people behind bars, what you will be transforming this country into is that, the democratic tradition which this country had built up during the last 30 years, thanks greatly to Panditji, and other stalwarts would be destroyed. Today, unfortunately, this tradition is gradually being eroded, because, you have lost the sense of confidence in governing this country. If you want to solve the problems of this country, it is not by putting people behind bars that you can solve the problems of this country. No country has ever been able to do it. It is only by getting the co-operation of the people of this country that you can solve the problems of this country. The people have got love and respect for your leader. If you merely put people behind bars, as Mr. Mody has said, this would only lead to your own downfall.

Therefore, Sir, I would make a request to the hon. Home Minister Kindly go through lessons of history, kindly go through the records of our earlier debates and try to recall the voices of these leaders

who created the destiny of this country. Let not this Parliament pass a legislation, which for times to come, will be a blot. Let not a time come when people will say "This was the Parliament of 1980 which destroyed what was created in 1947". Therefore, Sir, with all the vehemence which I have at my command, I oppose this Bill and with all the humility which I have, I would request the hon. Home Minister, for the sake of democracy for the values for which humanity stands for the sake of posterity, kindly withdraw this Bill. Thank you.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Is the House ready to sit up to 6.30 PM?

SHRI NARASINGHA PRASAD NANDA: Yes, Sir.

SHRIMATI MARGARET ALVA (Karnataka): Mr. Vice-Chairman, Sir, it was just 12 months ago that the present Government was elected on this basic concept that they were being voted to power so that there might be a Government that works. The slogan of the campaign was "Vote a Government that works" and I think it was basically on this slogan under the leadership of Mrs. Indira Gandhi that you were voted to power so that you may provide a Government that could rule. But what have the people heard over the last so many months? Either you have stood up and blamed the previous Government for what is going wrong. Then a little later, you have begun blaming the Opposition for what is going wrong. And very recently you have had great stalwarts stand up and blame the parliamentary system of Government for what is going wrong. And then, of course, all the time there was the background music of a foreign hand that is making things go wrong, I am asking you, if all these factors are continuing to contribute to destabilisation, then what right have you got to govern and say that you have been voted to provide a Government that can work in this country?

After one year, we heard the other day the speech of Mr. Stephen in the other House when he said: "We mean business. We are going to use this Preventive Detention Act to see that the system works". In other words, you now admit to the people that you are not able to make it work in the normal course; so you have brought in this preventive detention law in order that you may make the system work. This, I think, is nothing but an admission of failure and frustration for being unable to make the system work under the normal circumstances.

I further ask you, this Bill which you have introduced came in as the National Security Ordinance. Where was the need for this Ordinance at the dead of night? And then this Ordinance says: "The President is satisfied that circumstances exist which render it necessary for him to take immediate action for national security". This is the reason given in the Ordinance. What was the imminent threat to national security when the Ordinance came? Was there any attack on the country? Was there any threat on the border? What was the immediate cause for an Ordinance at midnight? And no clarification was given at that time. Just threat to national security' was mentioned. And now after all these weeks comes this explanation which is referred to in the Statement of Objects and Reasons. There is communal tension. It has been quoted, of course—that the interested parties are holding the country to ransom, anti-social and anti-national elements are posing a grave challenge, there is industrial unrest; and so suddenly, the national security question becomes all these factors. I ask you, have not these factors existed all these 30 years? Haven't you had industrial unrest all these years? Haven't you had communal tension? Haven't you had all these different reasons which have created problems? What was the special reason that it suddenly became necessary for you to impose an Ordinance? And now you are coming up to take the concur-

[Shrimati Margaret Alva]

rence of this House. (*Interruptions*) You managed without an Ordinance. Let me ask you, is organising people to express their dissent anti-national? Does it mean that if there are some groups or some parties or others who are spearheading and giving expression to the dissent of the people, giving expression to the discontent and disgust at what is happening all around—at the rising prices, at the failure of the law and order situation—do they become threat to your national security? I say there are existing laws. You have got sections 108 to 110 of the Criminal Procedure Code, which you have amended only recently to make it as you say, more meaningful and more useful. You have got the COFEPOSA; you have got the Ordinance which you have got converted into a law for preventing black-marketing. All these laws are in your hands. And in spite of that, you have not been able to change the situation over the last 12 months. You admit that today. Then how is it that another law like this is going to add to anything that you are going to do? I feel that the Government is seeking today immunity from the responsibility to prove guilt or intent before a court of law.

You are trying to run away from the normal legal process of bringing people to book. You are seeking to substitute the pleasure of the Executive for the conviction of the Judiciary. This is the sum total of the objects behind this preventive detention law that you have brought in. I would like to ask the hon. Home Minister: You have got with you this law against blackmarketees. How many have you been able to detain over the last year? How many have you detained? What action have you taken to see that essential supplies of commodities are made available at reasonable prices? You have shortages. Essential commodities are not moving. You have trouble with essentials of life. What have you done with the Preventive

Detention Act as far as blackmarketees, smugglers and anti-social elements are concerned? Because this Bill completely leaves out this section, you say, you do not bring them into this. You have already got something. What have you done in that regard and how effective has this been as far as controlling prices and supplying essential commodities are concerned? It is obvious to any of us who understand anything of the law and of the situation that this is essentially a political measure which is aimed at containing your political opponents. There was a report the other day that you have already instructed the State Governments to withdraw all cases pending against Congress (I) members in the country, It was in 'box'. It means that you have a law by which you withdraw all cases pending against Congress (I) Members and then you bring in the preventive detention law. For whom? For those who are not in the Congress (I) and who are in opposition to you becomes an obvious answer.

SHRI SHRIKANT VERMA: When the Janata Party withdrew the case against Mr. George Fernandes.....

SHRIMATI MARGARET ALVA: Mr. Vice-Chairman, Sir, let me tell you that I have been one of the strongest critics of the Janata Party. I do not hold a brief for the misdeeds of the Janata Party. My record is clear. I have stood in this House and outside and opposed everything that went wrong when the Janata Party was in power and I do not have to explain that, least of all, to you, Mr. Verma.

Let me say, Sir, fear psychosis is no answer to social tensions. The other day I addressed a meeting and I was a witness to what happened at the Boat Club. I am ashamed to say it. I addressed an agitation of "Jobs or Jail". Unemployed youth from all over the country were here, marching and asking only for one thing. "Give us jobs or take us to jail because we do not want to starve." And that was the day when a number of girls were there from the Delhi University. There

were girls and young women. And what happened that evening? The pictures appeared in the papers. Girls were dragged by their legs into waiting buses by policemen who were there. There were 15 buses waiting with 200 policemen. Before I started speaking, I warned them: "Policemen and buses are waiting to take you to jail. But no agitation, T tell you, can be stopped by policemen or by lathis."

SHRI J. K. JAIN: It was your manipulation. (*Interruptions*)

SHRIMATI MARGARET ALVA: Let me tell you, Mr. Home Minister, that there is no agitation that can be contained by lathis, by police and by Jail.

Now I would just draw your attention to two or three clauses. The first thing, of course, has been mentioned. Why did you change section 9 of the Ordinance? In order to make it convenient to you. You decided that the appointment of the Advisory Board should not be made on the recommendations of the Chief Justice but by the State Government because then you have the final say and the political power to appoint whomsoever you want.

SHRI J. K. JAIN: Where were you in 1976? (*Interruptions*)

SHRIMATI PURABJI MUKHOPADHYAY: Indian National Congress.

SHRI J. K. JAIN: What were you doing? (*Interruptions*) Before you open your mouth, reply what you were doing. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please let the speaker continue. (*Interruptions*)

SHRIMATI MARGARET ALVA; I will give him an answer before I finish. I have an answer for that. Let me say also that the membership of the Boards which were supposed to contain only sitting or retired High Court Judges has been changed to

make room for those qualified to become Judges because a forum of lawyers has already been created—which has been very convenient as far as the ruling party is concerned—and they can hand-pick people from them for appointment on any Advisory Board in the country.

As has been already said, the Statement of Objects and Reasons is a grim picture of the situation in the country which does credit to no Government—least of all to a Government which has been elected with such a massive majority of the people in this country.

As I have said before, there are just two or three clauses in the Bill which I wish to refer to and which, I think are very pertinent, Mr. Vice-Chairman. The first is clause 8 (1) where you say that the grounds have to be stated—the grounds of detention. And yet in clause 8 (2) you say: "Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose." So the grounds can be withheld any time in public interest. So what you have tried to say in sub-clause (1) you have taken away in sub-clause (2) without batting an eye-lid. Any time you can stand up and say: "public good"; "public interest"; we don't disclose the grounds, as there is no need to do so under section 8 (2).

Then you come to clause 9. Here again it is very well worded; "The Central Government and; each State Government shall, whenever necessary. . . ." I repeat the words "whenever necessary", "...constitute one or more Advisory Boards for the purposes of this Act."

SHRI BIPINPAL DAS: May I point out something?

SHRIMATI MARGARET ALVA: Mr. Bipinpal Das. don't disturb me (*Interruptions*) You can reply after I have finished. I do not want to be disturbed. (*Interruptions*).

SHRI BIPINPAL DAS: I am asking for your permission. If you don't permit, I will sit down. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Why do you disturb?

SHRI HAREKRUSHNA MALLICK: Sir, I rise on a point of order. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Mr. Das. *(Interruptions)*

SHRI BIPINPAL DAS: You are a lawyer. You should know the clear distinction between the grounds of detention and certain facts. You are a lawyer. You should know it.

SHRIMATI MARGARET ALVA: Yes. Let me explain to you as a lawyer that you have forgotten that facts constitute grounds when you draw them up. You have lost your law in your.... *(Interruptions)*

Sir, let me also point out that there is again clause 11(4) wherein it is said that no legal practitioner may appear on behalf of any detenu. That means, they must appear on their own and no legal person can appear on their behalf, no lawyer, no practitioner, no aid of any kind, which, I think, is a very mischievous clause because many of the people who are detained may not be able to know how they are to proceed and what they are to do to defend themselves.

And then there is this clause, clause 13, wherein it is said that the maximum period of detention is 12 months. And yet when you go further you say that nothing prevents the same person from being detained again on being released, provided you can show that other grounds are available to detain him. So you detain him for 12 months maximum, he comes out you present him with an order. *(Interruptions)* As he finishes his term, you give him another order of detention and put him ki for another 12

months. You leave a clear room for this by clause 14(2) where you say that there is nothing which prevents further detention provided you have found new grounds, which you can always find.

Then here again it is said: "No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other, legal proceeding... for any wrong detention. You may discover after one year that there were absolutely no grounds, but he has no remedy no compensation, nothing whatsoever for what he has suffered because of a wrong detention. And you know how detentions are made these days; enough has been said about that. You are today trusting the life and liberty of the people to Police Commissioners and District Magistrates and you yourself know how this power has been used right under your nose without the Preventive Detention Act.

You have talked of communal trouble. I met the people who came from Moradabad the other day. Twenty-two of them are behind bar under Preventive Detention Ordinance; and four of them are people who are Secretaries of parties who had issued a joint appeal for communal harmony, who had appealed for peace and under standing and blamed the police and the administration that had failed miserably to maintain peace and order. These people are behind bars under this Ordinance today. They were appealing for harmony and blaming the administration, the police and others for what has happened. This is how it has been used.

I was also in the party those days. Let me tell Mr. Jain, I was in the party in 1976. I was with the party after 1977 also when he ran away and came back later. I have the honour to say that I stood and fought for what I believed to be right, during the Janata regime. I did not run away like many others who ran away and returned. Let me tell you also that I thought that after 1976 friends like



you and many others would have realised that with the best of intentions any Act can be misused. Mrs. Gandhi has repeatedly said from public platforms that during the Emergency it was people lower down who misused the provisions of the Emergency. You people....

SHRI J. K. JAIN: Because you were there. (Interruptions).

SHRIMATI MARGARET ALVA: I was not.... (Interruptions)

SHRI J. K. JAIN: People like you recommended the cases

SHRIMATI MARGARET ALVA: O.K.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please let he, continue.

SHRIMATI MARGARET ALVA: People like him did everything. Let me tell you. Sir, that....

SHRI NARASINGHA PRASAD NANDA (Orissa): Mr. Kesri, I can tell you that unless you are able to control the Members of your party, you will not be able to proceed in the House in a peaceful manner. Please take this warning.

SHRI J. K. JAIN: We can also do that. (Interruptions)

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please. It is the business of the Chair to control the House. It is never the business of Mr. Kesri.

SHRI NARASINGHA PRASAD NANDA: You should control.. (Interruptions)

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please do not interfere.

SHRIMATI MARGARET ALVA: When their Members speak, we never stop them.

SHRI K. K. MADHAVAN (Kerala): You ask him to behave (Interruptions)

श्री भोला पासवान शास्त्री (बिहार) :  
उपसभाध्यक्ष जी, मुझे बड़े दुःख के साथ कहना पड़ता है कि ये सदस्य इस तरह से इंटरफेयर करते हैं। अगर मिसेज अल्वा कोई इरिलेवेंट बात करती तो शायद माननीय सदस्य इंटरप्ट कर सकते थे ? इस तरह से अगर डिस्टर्ब किया जाएगा पार्टी के मेम्बर को, तो और भी जो मेम्बर बोलने वाले हैं उनको भी डिस्टर्ब किया जा सकता है। इस तरह से सदन कैसे चलेगा। कैसे चलाएगा ? यह बहुत सीरियस मामला है। अगर मैजोरिटी पार्टी हलिंग पार्टी के लोग ऐसा करेंगे तो कैसे होगा ? अगर आप कहें कि श्रीमती अल्वा ने इरिलेवेंट बात कही है तो टोक दीजिए। लेकिन अगर इस तरह से हाउस को चलाना चाहते हैं तो हम लोग कभी इस चीज को बर्दाश्त नहीं कर सकते।

उपसभाध्यक्ष (श्री विश्वम्भर नाथ पांडे) : मैं अपोजिशन के लीडर साहबान के इस सेटिमेंट से पूरी तरह साथ हूँ और हमें इस बात को देखना चाहिए सदन की कार्यवाही हम शांतिपूर्वक चलाए और दूसरों के विचार, चाहे पक्ष में हों या विपक्ष में हों उन्हें भी हमें शांति के साथ सुनना चाहिए।

SHRIMATI MARGARET ALVA: I you do not allow our opinion to be expressed in the House, how do you expect us to function outside with this Act which is coming now?

In conclusion, I am saying that we should learn from the lessons of the past. When the Janata Government

[Shrimati Margaret Alva.]

thought that it would contain Mrs. Gandhi by various kinds of extra-legal methods, you were the ones who said that she should be fought politically, not in that manner, not through the court. This is what you said by way of slogans. Today you are trying to commit the same mistakes. You said atrocities were committed not because of the Emergency but because the persons down below misused the provisions and created enough problems for the entire country. Therefore, I would appeal to the Home Minister to learn from the past and realise that all that you are saying, the assurances which you are giving, today, were also given in the past. We know what happened, and we fear that those things will be repeated particularly in the present atmosphere. When the police is agitating, when there is so much confusion in your own administrative ranks, this can be an instrument for destroying yourself and the entire democratic system. Thank you.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): The last speaker of this evening is Shri Ramakrishnan. After that we will adjourn.

SHRI V. GOPALSAMY (Tamil Nadu): Sir, we can continue it on Monday. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Please. Let us accommodate him.

Business

- i. Consideration and passing of the Salary, Allowances and pension of Members of Parliament (Amendment) Bill, 1980.
2. Motion for concurrence in the recommendation of the Lok Sabha for the constitution of a Parliamentary Committee on Drying prohibition.
3. Motion given notice of by Shri Era Sezhiyan regarding disapproval of the notification proposed to be issued under the Companies Act, 1956.

Government and

SHRI V. GOPALSAMY: We can continue it on Monday (*Interruptions*) Mr. Vice-Chairman one minute. Satyajit Ray's film "Pathar Panchali" is being screened at Vigyan Bhavan for the Members of both the Houses. We do not want to miss that film. And we also want to hear him.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): He will make a short speech. (*Interruptions*) All right, you start and then you can continue afterwards.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I thank you for the opportunity. On behalf of the All-India Anna DMK, I can assure you that I will be very unpopular with my colleagues in the Opposition, as I am going to support the Bill.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): You can continue later. Now there is one announcement.

#### ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT AND OTHER BUSINESS.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR

PANDE): I have to inform Members that the Business Advisory committee at its meeting held today, the 18th December, 1980, allotted time for Government Legislative and other Business as follows:

Time allotted in

hour

1 hour,

3 J minutes.