

[Shri Pranab Mukherjee]

fight in a better way in the international forum. I would like to submit one small point of Mr. Bhupesh Gupta. I know that many a time we have failed in UNCTAD and in GATT. But I may say for the information of the hon. Members that I also had to rush to Geneva like my predecessors, but this time I snatched something from the developed countries. We were able to establish the Common Fund and more so the second window for the Common Fund which will help the developing countries in a big way. We have been able to establish this after protracted discussions which were initiated by my friend, Mr. Chattopadhyaya, in Nairobi UNCTAD and which we could conclude in Geneva where we were able to establish the Common Fund.

3 P.M.

SHRI HARI SHANKER BHABHRA:
What about my question?

SHRI PRANAB MUKHERJEE: In the Agreement itself, it has been admitted that the developing countries will be permitted to have some sort of subsidies in their items. Therefore, it will help us to fight against the United States of America.

STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) ORDINANCE, 1980—Contd.

THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) BILL, 1980

STATUTORY RESOLUTION SEEKING, APPROVAL OF THE NOTIFICATION ISSUED UNDER THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) ORDINANCE, 1980 DECLARING CERTAIN SERVICES AS ESSENTIAL

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Now, further discussion on the Resolution. Shri Jagdish Prasad Mathur will continue his speech.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : श्रीमन्, मैं कल प्रस्ताव पढ़ चुका हूँ, इसलिए उसको दुबारा नहीं दुहराऊंगा। समय कम है इसलिए मुझे कौी बातें करूंगा। जैसा कि मैंने कल भी कहा था, हमारे सामने एक बहुत ही भयानक विधेयक रखा गया है इसलिए मैं इसका सिद्धान्ततः और व्यवहारतः दोनों तरह से विरोध करता हूँ। यद्यपि यह विधेयक लोक सभा से पारित कर दिया गया है फिर भी मैं समझता हूँ कि इस संदर्भ में गहराई से विचार करने के पश्चात् यह विधेयक वापस भेजा जाना चाहिए। इसमें जो असीम शक्तियाँ मांगी गई हैं, क्यों मांगी गई हैं। यह सीधा सवाल है। विधेयक में वर्णित उद्देश्यों का पहला वाक्य है कि असम के अन्दर मास मूवमेन्ट चल रहा है इसका अर्थ है कि सरकार स्वीकार करती है कि यह एक भारी जन-आन्दोलन है। ये अधिकार इस मास मूवमेन्ट को दवाने के लिए मांगे गये हैं। अपने बिल के प्रयोजन के पहले वाक्य में यह कहा है। जब किसी सरकार के विरोध में एक मास मूवमेन्ट खड़ा हो जाए, तो चुनना पड़ेगा कि सच्चा कौन है : उर्दू में कहावत है :

“आवाज ए खल्क नक्कारे खुदा।”

इसका मतलब है कि यदि जनता एक होकर खड़ी हो जाए तो वह परमेश्वर की आवाज होती है। एक ऐसी परमेश्वर की आवाज के रूप में असम की सारी जनता खड़ी है। वहाँ एक व्यक्ति नहीं खड़ा बल्कि संपूर्ण जनता एक व्यक्ति बनकर खड़ी हो गई है। उस को दवाने के लिए आपने यह विधेयक प्रस्तुत किया है। मैं जानना चाहता हूँ लोगों का जुर्म क्या है? उनका जुर्म केवल यह है कि वे चाहते हैं कि उनकी आर्थिक, राजनैतिक, सांस्कृतिक विशेषताएं और अधिकार सुरक्षित रहें। इस बात को हमने स्वीकार

किया है। संविधान के अनुसार स्वीकार किया है। इसे पंडित जवाहरलाल नेहरू ने स्वीकार किया था और आप भी स्वीकार करते हैं। फिर उनका कहना है कि जो विदेशी असम में आ गए हैं उनको बाहर निकाला जाना चाहिए क्योंकि असम की जो अपनी विशेषताएं हैं वे नष्ट न हों। पहले असम एक प्रदेश था, अब उसके कई राज्य बन गए हैं। उन सब की विशेषताओं की समाप्ति हो जाएगी यदि ओवरक्रेल्मिंग संख्या में, अर्थात् बहुत बड़ी संख्या में, विदेशी लोग वहां आकर बस गए हैं। झगड़ा इतना है कि सरकार कहती है 1971 से विदेशियों की गिनती करो, और वह कहते हैं 1951 से करो। आप इस बात को तो अमान्य नहीं कर रहे हैं कि असम में विदेशी आए हैं। सुधाच केवल इतना है कि कब से गिनती की जाए इतनी बात के लिए अमता के विरोध में इतना बड़ा आन्दोलन क्यों हो रहा है। इतना बड़ा असब आपका हम कैसे दे देंगे? और किसे दे देंगे? यदि कोई और सरकार होती तो मैं मान लेता कि ईमानदारी से दिए गए अधिकारों का दुरुपयोग नहीं होगा। पुथना इतिहास में दुहराना नहीं चाहता। 1980 के अंदर आप प्रदेशों में जात कर आए। आप महाराष्ट्र में, कर्णाटक में, उड़ीसा में इसी प्रकार के विधेयक लाए। केन्द्रीय सरकार ने भी चुनाव के तुरन्त पश्चात् प्रिवेन्टिव डिटेन्शन एक्ट बनाया। जब चौधरी चरणसिंह की सरकार ने यह अध्यादेश जारी किया तब आपने उसका डट कर विरोध किया था। परन्तु स्वयं पहला काम आपने यही किया इस सारी पृष्ठभूमि में आप को ये अधिकार कैसे दिए जाएं? नहीं देने चाहिए। आप कहेंगे कि हम इनका दुरुपयोग नहीं करेंगे। लेकिन आपने कौन-सी बात की है जिससे हम आपके कथन पर विश्वास करें कि आप दुरुपयोग नहीं करेंगे? मैं इमरजेंसी की घटनाओं को

दुहराना नहीं चाहता। उड़ीसा का विधेयक हमारे सामने है, महाराष्ट्र का विधेयक हमारे सामने है आपके इरादे अच्छे नहीं दीखते। आप वह रहे हैं कि जो आवश्यक पदार्थ हैं, अर्थात् जो चीज ग्राम आदमी को मिलनी चाहिए उन को बचाने और उन्हें लाने के लिए ऐसा कर रहे हैं। मैं पूछना चाहता हूँ कि ये झंझट शुरू किसने किए? आसाम के आन्दोलन को दस महीने होने आये हैं। पहले किस ने की? श्रीमन्, पहले आप ने की, आना कांग्रेस पार्टी और सरकार ने की। आप ने पहले इस आन्दोलन का विरोध करने के लिए बंगालियों को खड़ा किया। किस ने रेलें पहले रोक दी थीं? किस ने बसें रोक दी थीं? किस ने माल जाने से रोक दिया था? पहले आप ने रोक दिया। आप ने यह सब प्रारम्भ किया। उस आन्दोलन का मुकाबला करने के लिए आपने ईमानदारी से काम नहीं किया। आप ने साम्प्रदायिकता भड़काने की चेष्टा की। कल के सप्ताचापत्रों में छपा है कि कांग्रेस (आई), जो कि सत्तारी पार्टी है, का महाभारत से दुबारा जवाबी आन्दोलन खड़ा किया जायेगा। ये आप के इरादे हैं। आप के इरादे यदि ये न होते और आप कहते कि हम आन्दोलन से पैदा हुई कठिनाइयों का सामना करने के लिए आप शक्ति चाहते हैं तो मैं शायद स्वीकार कर लेता। आप शक्ति कौन सी मांग रहे हैं? आप मामूली शक्ति मांग लेते तो मैं मान लेता। लेकिन अंग्रेजी में जिसे डेकोनियन पावर्स कहते हैं, ऐसी असीम शक्ति आप चाहते हैं जो गैतान के पास भी न होती। आप ने इस विधेयक में सारी सेवाओं की गिनती कर दी है, कोई ऐसी चीज नहीं बची जिसे आप ने शामिल न किया हो। यदि कोई बच गयी तो वह भी आसाम सरकार और केन्द्रीय सरकार से सम्बन्धित विधेयक की 14वीं धारा के अन्दर आ

जाएगी। दुनिया की कौन सी चीज बचेंगी जो प्रदेश का सरकार और केन्द्रीय सरकार से सम्बन्धित न हो? आप ने एक-एक चीज गिना दी, कोई चीज छोड़ी नहीं है।

उस के पश्चात् आप व्याख्या करते हैं कि आप क्या-क्या दंड देंगे। यदि कहीं सड़क पर कोई चला जा रहा हो और पुलिस के अधिकारी को लगे कि वह आन्दोलन से सम्बन्धित है तो वह बिना वारेन्ट पकड़ कर बन्द कर देगा। उस की जमानत नहीं हो सकती, वह अदालत में भी नहीं जा सकता। मकवाणा साहब मेरे मित्र हैं। अगर वह इनकागनीटो आसाम चले जायें, मानो, कछार चले जायें और वहाँ भूम रहे हों तो उन को भी शरारत समझ कर पुलिस वाला अन्दर कर देगा। उन को दो-तीन दिन लग जाएंगे यह बताने में कि मैं हिन्दुस्तान का होम मिनिस्टर हू, मुझे छोड़ दो। अगर मकवाणा साहब चाहते हैं कि उन के आगे-पीछे झब्वेवाला न हो, पुलिस न हो और वे पकड़े न जायें, स्वतंत्रता से घूम सके तो मैं समझता हूँ कि यह अधिकार उन को नहीं लेना चाहिए। लेकिन वह ऐसा नहीं करेंगे। बगैर झब्वेवाला चपरासी और पुलिस के वह जाना भी नहीं चाहेंगे।

फिर आप ने हड़ताल की क्या व्याख्या की है। हड़ताल करना मजदूर का अधिकार है, हर कर्मचारी का अधिकार है। मैं तो कुरंग कि यह मजदूर का फंडामेंटल राइट है। अगर हड़ताल करने का अधिकार चला जाये तो मजदूर मिल मालिक के साथ लड़ नहीं सकता। एक तरफ आप कहते हैं कि मजदूरों का भला करना चाहते हैं, गरीबों का भला करना चाहते हैं और दूसरी तरफ आप

हर कर्मचारी से हड़ताल का अधिकार भी ले लेना चाहते हैं। हड़ताल की ही बात नहीं। अगर वह यह कहें कि वह आप की नौकरी नहीं करना चाहता, आप ने एपोइन्टमेंट दिया, परन्तु नौकरी नहीं करना चाहता, तो भी आप उसे पकड़ लेंगे। यानी वह क्या करे, कैसे करे, कहां करे, नौकरी करे, न करे—इस का भी आप ने अधिकार इस विधेयक के तहत छीन लिया है। फिर मुजरिम कौन होगा। जो हड़ताली हैं वह तो पकड़ ही लिए जाएंगे। साथ ही यदि किसी ने पैसा दिया है तो भी मुजरिम होगा। यदि पुलिस से बचने में किसी की सहायता करता है तो भी सजा पाएगा। 1942 के आन्दोलन में मैं छोटा था, तब भी इतने कड़े कानूनों का सामना नहीं करना पड़ा था। यह तो अंग्रेज का तानाशाही से बढ़ कर तानाशाही है।

श्रीमन्, क्रिमिनल प्रोसीजर कोड की कोई धारा भी हो, कैसी भी हो उस के ऊपर यह कानून है। कमाल है। जो चीजें पूरी एक सेंचुरी से चली आ रही हैं उन के ऊपर भी यह कानून है। यह कानून इंडस्ट्रियल डिस्प्यूट्स एक्ट के भी ऊपर है। मुझे याद है इंडस्ट्रियल रिलेशन्स बिल जनता सरकार लायी थी। बहुत से मजदूर संगठनों ने उस का विरोध किया, वह वापस हो गया। मुझे याद है जनता सरकार के समय मध्य प्रदेश में बिजली विभाग के अन्दर हड़ताल हुई थी। उस के सम्बन्ध में एक आर्डिनेंस जारी किया गया तो बावेल मच गया। कांग्रेस (आई) के लोगों ने इन्दिरा गांधी से ले कर मकवाणा साहब और नीचे तक सब ने विरोध किया। हम ने वह आर्डिनेंस वापस ले लिया। आप मजदूरों की, गरीबों की दुहाई देते हैं, लेकिन आप उन के लिए कोई भी अधिकार छोड़ना

नहीं चाहते । माना जिन्दगी का अधिकार भी छोड़ना नहीं चाहते । मंत्री महोदय, आसाम की जनता मरती क्या न करती ।

बेकसी हृद से जब गुजर जाये,
कोई ऐ दिल जिये कि मर जाये ।

आज यह हकीकत है कि मरता क्या न करता । आप यह विधेयक ले कर जनता के सामने जायेंगे और कहेंगे कि संसद ने हमें यह अधिकार दिया है । हमारे मत्थे यह लगा कर आप उन पर यह जुल्म नहीं ढा सकते । इतना ही नहीं, अभी थोड़ा देर में एक दूसरा भी बिल आने वाला है । उस की चर्चा इसलिये कर रहा हूँ कि इस बिल का और उस का संबंध है । मैं उस के डिबेट में नहीं जाऊंगा क्योंकि आप एक एक बिल ले रहे हैं । इस दूसरे विधेयक से राष्ट्रपति महोदय इस सदन के अधिकारों के ऊपर जा कर कोई भी कानून, कोई भी कायदा बना सकते हैं । मैं उस की वैधानिकता को चैलेंज नहीं करता । संविधान की धारा 356 में साफ कहा गया है कि यदि किसी प्रदेश के अंदर कानूनी तौर से काम न चल सके तो राष्ट्रपति अपने हाथ में शासन का अधिकार ले लेंगे, परन्तु वह लेजिस्लेटिव पावर्स नहीं लेंगे । आप इस भूल भावना का विरोध कर रहे हैं । आप 357 धारा का हवाला देंगे । आर्टिकल 357 यह अधिकार देता है कि पार्लियामेंट चाहे तो राष्ट्रपति को यह लेजिस्लेटिव अधिकार दे दे । मैं मकवाणा साहब से पूछना चाहता हूँ कि 1947 से ले कर हिन्दुस्तान को आजाद हुए आज 1980 आ गया, एक दिन मुझे बता दीजिए कि जब किसी प्रदेश के लिये इस धारा का इस्तेमाल किया गया हो, धारा 357 का आप ने सहारा लिया हो? यह पहली बार है । क्यों है? इस का मतलब है कि आप चाहते हैं कि विधान सभा को, पार्लियामेंट को, सब को अलग

रख कर राष्ट्रपति के नाम पर आप स्वयं सारे अधिकार ले लेंगे । कौन ले लें—जानी जैल सिंह, मकवाणा साहब और श्रीमती इन्दिरा गांधी । राष्ट्रपति का काम तो फीगरहेड का है ।...

उपसभाध्यक्ष (श्री सवाई सिंह सिसोदिया) : माथुर साहब, 12 मिनट हो गये हैं । संक्षेप में बोलिये ।

श्री जगदीश प्रसाद माथुर : इतना जुलम मत करिये । मैं विषय पर ही बोल रहा हूँ । कांस्टीट्यूशन के अनुसार राष्ट्रपति मात्र फीगरहेड है । विधान सभा और संसद के अधिकार भी आप अपने हाथ में ले लेंगे । जाहिर है कि तीन व्यक्तियों के हाथ में यह अधिकार रहेंगे—दो सज्जन और एक देवी । आप एक तानाशाह के रूप में असम पर हुकूमत करना चाहते हैं । मैं सचेत करना चाहता हूँ श्रीमन् यह तानाशाही नहीं चलेगी, नहीं चलेगी ।

PROF. D. P. CHATTOPADHYAYA (West Bengal): In May or June 1977 what happened when you forced the Vice-President to go to polls?

SHRI JAGDISH PRASAD MATHUR: We, you give me one example where Article 357 had been invoked since 1947 when India became independent. You just give one example. (Time bell rings). और किस काम के लिये? श्रीमन्, आप ने घंटी बजा दी, बैठना पड़ेगा, जनता की आवाज को दवाने के लिये । लेकिन मैं कहना चाहता हूँ कि जनता की आवाज दबायी नहीं जा सकती सच्चाई की आवाज घोंटी नहीं जा सकती । इसलिये मैं सदन के सदस्यों से सानुरोध कहना चाहता हूँ कि यद्यपि यह विधेयक लोक सभा में पास हो गया है, उस के बाद भी इस को एक बार फिर वापस

बेज दिया जाय । लेकिन अब तो कांग्रेस (ई) को जीत के लिये काफ़ी संख्या इन सदन में ही रखी है । उस के दब पर पास तो जाय करवा ही लेंगे, लेकिन हमारा विरोध रहेगा । हम असम को जनता के साथ खड़े रहेंगे क्योंकि वह अपनी नागरिक, राजनैतिक और आर्थिक विशेषताओं को बचाने के लिये संघर्ष कर रहा है, उस के लिये अपनी जान की बाज़ा लगा रहा है ।

The question was proposed.

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
(SHRI YOGENDRA MAKWANA):
Sir, I beg to move:

"That the Bill to provide for the maintenance of certain essential services and the normal life of the community in Assam, as passed by the Lok Sabha, be taken into consideration."

Sir, I also move the following Resolution:

"That in pursuance of sub-section (2) of section 2 of the Essential Services Maintenance (Assam) Ordinance, 1980 (No. 2 of 1980), this House approves the issue of Government of Assam, Political (A) Department notification No. PLA-334/80/7, dated the 7th April, 1980, declaring the services in connection with the production, supply and distribution of water and electricity including the services under the Assam State Electricity Board constituted under the Electricity (Supply) Act, 1948, to be essential services for the purposes of the said Ordinance."

Now, Sir, I have come forward with this Bill and this Resolution before this House. This is because of the unprecedented situation which has been created in Assam due to the agitation. Sir, as the hon. Members of this House know, this agitation which was started primarily for the

removal of the foreigners from Assam, has taken a shape where it became communal, some secessionist elements also participated in it and disturbances have been created throughout the State of Assam. The essential services have not been allowed to function and goods like petroleum, petroleum products and so on, have not been allowed to be moved from the State of Assam. As a result of this, not only the people of Assam, but the people of the entire North-East Region as well, are suffering. The hon. Member was very harsh when he said that this is a draconian measure. The Government is not there to use draconian measures against the workers. When he is advocating the cause of the workers, I would like to point out one thing to the hon. Member. I would like to ask him whether this agitation is helping the workers or it is harming the cause of the workers. As the hon. Members of the House know, there are some 1100 wagons, loaded with plywood, bamboo, timber, jute and so on, which are held up in Assam at the Gauhati station. The plywood factories at Bokasan and Tinuklia are not working because plywood is blocked there. Nothing is moving from the State of Assam. In the woollcraft factory at Mariani also, picketing is going on. As a result of this, 20,000 workers are affected. Is it for the workers? Is the agitation meant for the workers? How does it help the workers? Can the hon. Member convince me that this helps the workers? This Bill which I have brought forward before this House is only intended to allow the workers to function, to work. This is only intended to allow the essential services to function. It is in such a state of affairs and to improve the situation that I have brought forward this Bill and this Resolution before this House. The hon. Member said that the Government is again imposing Emergency.

SHRI JAGDISH PRASAD MA-
THUR: I have not said it.

SHRI YOGENDRA MAKWANA: You said that. You reminded me about the Emergency of 1975. (*Interruptions*) But I would like to remind him that the people of India have again voted us to power. This shows that the people of India are now disillusioned by your Emergency slogans.

Sir, the hon. Member has referred to arrests without warrant. This is nothing new. This is there in the Criminal Procedure Code also. If there is a cognisable offence, the person can be arrested without warrant. (*Interruptions*).

श्री जगदीश प्रसाद माथुर : अगर कोई सस्पिशन में चला जाए तो कागनिजे-बुल आफेंस कैसे होगा ?

श्री योगेन्द्र मकवाना : आप को तो ऐसे ही नाइट-मेयर है, हम क्या करें ।

He said about the word 'strike' also. He was critical about the definition of the word 'strike'. I would like to draw his attention to section 2(q) of the Industrial Disputes Act, 1947. The same definition which is given in the Industrial Disputes Act has been reproduced here, with a little bit change in words here and there. It does not make any vital change in the definition. The same definition has been produced here. (*Interruptions*).

SHRI JAGDISH PRASAD MATHUR: Why have you overridden the Industrial Disputes Act here? (*Interruptions*).

SHRI YOGENDRA MAKWANA: I do not want to go into the details of this. This issue has been discussed in this House several times. Many things have been said in this House about the agitation, not only by the Members of the Opposition, but by the Members from this side as well. Sir, the Ordinance was promulgated by the President on the 6th April, 1980 and now I have brought forward this Bill to give it a form of an Act.

With these words I oppose the Resolution moved by Mr. Mathur and I

request the hon. Members of this House to support my motion and pass the Bill.

The questions were proposed.

SHRI S. W. DHABE (Maharashtra): Sir, the reason given by the hon. Home Minister just now for bringing forward this Bill before the House is that Assam is suffering and that is why this Bill has become essential for maintaining certain services. Sir, nobody can object to the movement or transportation of goods. Essential services should be maintained and carried on properly. And if that was the only objective, there was no need for bringing in such an essential services maintenance Bill. If the ordinary law was not sufficient, certainly they could have thought of bringing in a new legislation for maintenance of essential services. The hon. Home Minister just now referred to the Industrial Disputes Act, 1947. There is already a provision under section 22, prohibiting a strike in the public utility services. Public utility services under that Act are more or less the same as essential services. They have been defined in the Act itself under section 2(n). It is said: Public utility service means any railway service, any section of an industrial establishment any postal telegraph or telephone service, any industry which supplies power, light or water to the public, any system of public conservancy or sanitation or any industry, specified in the First Schedule which the appropriate Government may, if satisfied that public emergency or public interest so requires, by notification in the official Gazette, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification.

Sir, under the First Schedule, of the Act industries are specifically mentioned, such as transport, banking cement, coal, service in hospitals and dispensaries. There are so many other services also mentioned in this First Schedule. The Act also provides

[Shri S. W. Dhabe]

for punishment if they go on illegal strikes and the procedure for punishment is also mentioned therein. Sir, the Industrial Disputes Act provides all the necessary measures required for maintenance of essential services. Why then has this Bill been brought forward? As has rightly been described by Mr. Mathur, this is a draconian law because they want to change the whole concept of the essential services. In clause 2, sub-clause (xiv) they have said: Any service will be an essential service. They have brought it under this sub-clause 'any other service', so that they have got wide and ample powers which are not contemplated in the Constitution. I am certain that this law will be struck down as illegal and discriminatory because the Government cannot take over all the powers and declare even domestic, private or any other service as an essential service. If this law is passed, it will be taken as a precedent for passing such laws in other States. I find that this Ordinance was promulgated on the 6th April, 1980. I would like to know from the Minister how many strikes have taken place, what action has been taken under this Ordinance, what is the implementation, how many workers have been imprisoned or arrested and how many trade union leaders have been taken to task? The Minister was saying so much that the situation in Assam requires maintenance of essential services. What effort has been made by the Government in calling the trade unions of Assam? There are big trade unions in Assam in the tea plantations and other industries. Have they held any conference till now for seeking their cooperation in such a situation? If so, I would like to know when it was held and whether it was held by the Central Government, or the State Government or by the Governor and what the decisions were of such a conference for the maintenance of essential services. Even the Prime Minister recently called a meeting of

the trade union leaders who are very much interested in maintaining industrial peace and increasing production. Under the circumstances, if you think about this question, you will find that this law is a planned conspiracy against the entire working class. This was brought on 6th April, 1980 and I would like to know how much implementation has been made under this law and whether this law has been used or not.

Sir, three Ordinances, have been issued. Thereafter in Maharashtra it was issued, on 12th of May, 1980. The same it was issued in Gujarat. On 24th of May, 1980, it was issued in Orissa, all these states under President's Rule. This Ordinance about maintenance of essential services was opposed by all the trade unions in Maharashtra. On 30th of June when the Assembly was to meet, it was also stated that there would be demonstrations and all the trade unions and workers would come on the streets. The Maharashtra Government withdrew the Ordinance. But in Gujarat and Orissa, these Ordinance are continuing. It is continuing in the State from where the Home Minister comes. In Karnataka also there was no strike notice even. And what is the discrimination between labourers and employers? The working class is against this Ordinance which is meant to curb the working class movement in this country. Not only that, the Government is using iron-hand methods to curb the trade union movement. On the other hand, if the employer declares an illegal lock-out, there is no provision in the whole Act? If the private management or the contractors or any other management themselves suspend these services, nothing has been provided in this Act to take action against them. They cannot be arrested under the provisions of this Bill. Sir, the balance has to be kept. If the workers go on an illegal strike, they are taken to task. Similarly for illegal lock-outs and closures, action must be taken. I say it with anguish that the Government has used hard

measures against the working class only but have conveniently left the management completely out of these laws. Probably they have helped them in the elections.

Sir, what is provided in this law? Let us see the definition of strike under the Industrial Disputes Act. I may read the definition of 'strike' given in clause (c):

"Refuses to work overtime when the work is necessary, for the maintenance of any essential service, any other conduct which is likely to result in or result in cessation or substantial retardation of work in any essential service."

Sir, if you read sub-clause (i), it is so wide that if a man is absent for legitimate work, or is ill and sends an application for casual leave, he can be hauled up. That is why the whole law is bad. The Police have been given unlimited powers. They can say that any person is responsible for any conduct which is likely to result in cessation or substantial retardation of work and can misuse these powers completely. Therefore, it is wrong in principle to give powers to the bureaucracy which can be misused. In this connection, even the punishment which is provided in this Act is rather stringent. The punishment which has been provided even for a trade union worker who instigates the strike or even makes a speech in connection with the strike can be imprisoned for one year and a fine which may extend to Rs. 2000. If the Government really seeks co-operation of the working class, trade union leaders to maintain essential services in the Assam State or any other State like Gujarat, Orissa or Maharashtra, the way is not to bring such legislations but to seek their co-operation and get their emotional involvement.

Sir, in this connection, even the last Government—the Janata Government—was also not above the board. It also brought the Industrial Relations

was sitting on this side, similar provisions were made in that Bill. "Essential services" meant essential services in the First Schedule of the Bill, though it does not say "any other service". The same services are reproduced in this Bill. And, Sir, in that Bill of 1978 it was provided that "essential services" meant services in the Schedule which have been reproduced here with the addition of 'any other service'. And the Bill provided in Clause 90 that any strike in the essential services shall be illegal, thus right to strike was taken away under clauses 137 and 139 punishments were provided for going on illegal strike or instigating it. The Bill was opposed by all the trade unions, including the trade unions which were supporting the Congress (I) and also all the persons sitting now on treasury benches. When the Bill came before the House, many members opposed it; the entire Opposition opposed it. I fail to understand why Mr. Makwana is so known about this Bill. The Essential Services Bill will not help the Government for solving any questions except to get the ill-will of the entire working class not only in Assam but also outside Assam.

Lastly, Sir, this is something very strange. It overrides many Acts. It overrides the Industrial Disputes Act, it overrides the Criminal Procedure Code. I would like to know it from the hon. Minister whether, if a man is convicted in a summary trial, whether he will have the right of appeal or not. Under clauses 9 and 10, if a man is convicted in a criminal court, because of these clauses he will lose all the rights of appeal. Are there really such criminals among the persons who are working there that they should have no right of appeal? Even in murder and such other cases, people have the right of appeal. But here the right of appeal also is being taken away. The draft is so drastic that I would request him to withdraw this Bill and not to press such a Bill which will give a bad name not only to him

[Shri S. W. Dhabe]

The question of Assam is entirely different. It is a political question and political questions have to be solved politically. On the 21st of June, the Pradesh Congress Committee of Assam of which Mr. Sarat Chandra Sinha, ex-Chief Minister, is a very eminent leader . . .

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Mr. Dhabe, you are completing the time allotted.

SHRI S. W. DHABE: I am just finishing, Sir. I know the time given, for the last so many days they were trying for a solution. On the 22nd of June, 1980, the Congress, CPI, CPI(M), RSPL and the Lok Dal and others met and issued an appeal and suggested a solution. They have given the guidelines under which the problem should be solved. They have given the guidelines in the appeal. And the impression gathering is that the Government is not solving the question and is delaying it only for selfish ends and in political interests. Why is the Assembly kept alive while the constitutional machinery has failed? Neither are you restoring the popular Government nor are you dissolving the Assembly. In some States, just by a stroke they dissolved the Assembly without any good reason or other but here, nothing is possible or is being done. Still Government is keeping the party and the MLAs intact and a political solution is evaded. The problem of Assam is to be solved politically and I fail to understand why, if the constitutional machinery is there, identification of foreigners cannot start. Dialogue has been going on for such a long time. Why did Government not take action unilaterally to find out who the foreigners are? Is it not its duty to see who are citizens and who are not? A joint appeal was issued by all the political parties, but no negotiations are being held. A dangerous delay is there. It is obviously for some other reasons, except for the interests of Assam and the interests of the country. Again I say the hon. Home Minister should

withdraw this Bill. The ILO has said that sometimes a strike is to be restricted, but there is no right to restrict a strike in any service by use of blanket power by the Government. The provisions are against the fundamental rights and the rights of the working class people. So I would request him to withdraw this Bill.

PROF. D. P. CHATTOPADHYAYA: Mr. Vice-Chairman, Sir, I rise to support the Bill moved by Shri Makwana and to oppose the Resolution moved by Shri Mathur. Sir, it is not a very pleasant duty on the part of any Member of the House to support such a Bill. But an unpleasant but very compelling duty sometimes appears before us and we cannot run away from that duty or responsibility. If there were no necessity of bringing such a Bill by the Government, I am sure the Home Minister, the Government of India would themselves have been very happy. But the circumstances being what they are, the problems being as serious as they are, I think there is no running away from it at this late hour.

A careful perusal of the Bill will make it abundantly clear to anyone that it is primarily to restore the normal essential services that the Government has been obliged to bring it after dilly-dallying for long period. It is nobody's case that the Assamese or a section of the Assam people, have not genuine reason to be aggrieved. It is nobody's case that the Assam agitation is absolutely irrational. It has been conceded time and again by the Home Minister, by the Prime Minister and by any other leaders from this side of the House that they have sympathy for the reasonable aspiration of the Assamese. Now the extent has been pushed beyond the limits of tolerance; one might say, even the limits of integration of the nation as a whole. When the national integration is thwarted or threatened, when the movement of essential commodities from one part of the country to another is disrupted, as a result of

which the prices go up, when work is stopped not through democratic trade union movement but by compulsion, illegitimate coercion, which is called *ahimsa*, then a Government in power cannot remain an idle spectator. To stand against the wrong doings is a part of responsibility not only of the Government but also of any sensible citizen of the country.

Sir, the movement has turned violent. It is wrong to study this Bill in the perspective primarily of restrictions on workers' rights. It was no intention of the Government to restrict the role of the trade union workers and leaders. So, it is unfortunate that an esteemed friend of mine from that side has said that it is a conspiracy. It is a strong word. It is not only a strong word, but it is a wrong word, I say.

A reference has been made that it is an emergency like provision—Sir, I am an unrepentant supporter of the emergency; I was, I am and I shall be—and that the essence of the emergency was wrong. A strong Government is called for, has been proved once again and vindicated by the last election. So, let us not divert to that.

SHRI SYED SHAHABUDDIN (Bihar): You are an unrepentant supporter.

SHRI KALP NATH RAI (Uttar Pradesh): Do not talk like that.

SHRI SYED SHAHABUDDIN: He says he is unrepentant.

SHRI D. P. CHATTOPADHYAYA: I am an unrepentant supporter of the emergency, I repeat.

Sir, the point should not be misplaced. For eight months the normal life has been disrupted. When one academic session of the young people, not of the elders for whom one year or two years make no difference, those who are in 40s, 50s, 60s, 70s, but who are in teens or early 20s, has been lost and another year is about to be lost and the life is paralysed, not a word of criticism, not a sentence of

condemnation, is coming, and the matter has been focussed deliberately on a very narrow perspective that workers' right has been taken away. It is not that motivation. Workers' rights are not being taken away. On the contrary, work has been disrupted, workers have been thrown out of their jobs, the timber business is at a standstill, the oil refineries have been functioning for a long time in spells and spasms, and the Government offices and the semi-Government offices are not allowed to function. Who stopped the offices from functioning? Who prevented the workers from working? Not the framers of the Bill, not Mr. Yogendra Makwana or Giani Zail Singh or the Prime Minister.

It was Indiraji who the other day, on the 11th of June, here made a very conciliatory statement. If one would have heard her with careful attention, he would have found that the choice of the words, the implications of the total speech, the tenure of her argument, was a very conciliatory. But, Sir, we have landed in a quagmire wherefrom even the students cannot run away. I am sure the entire students community cannot be held responsible for the things that have been going on, disruption, dislocation, sabotage, violence, eviction of the inhabitants, arson, looting, killing for a long time. Sir, there is a poetry of Tagore. Mine would be a very bad translation. It is something like: One who does a wrong and one who tolerates it, suffer the Wrath of God alive. If I do a wrong and others tolerate it without protest in the name of populism in order to play to the gallery, then the wrath of God is equally devolving upon both. In the name of politics do not try to condone the wrong-doers. Sir, essential commodities and services have now been disrupted. Sir, sometimes even the trains are not allowed to move. If a plane is allowed to move on the sky, as soon as it touches the runway, the passengers are not allowed to move. The police has to intervene. Is it normal life? That State is very rich in cultural and mineral resources. Those resources

[Shri D. P. Chattopadhyaya]
are not being exploited. Workers are sitting idle. It is not a question of the Government preventing workers from work. These agitationists prevented the workers from working...

SHRI S. W. DHABE: And the workers will be punished?

PROF. D. P. CHATTOPADHYAYA:
Let us not play to the gallery. Enough of that play has been played. Civil life has been totally disrupted. Sir, it is in this context that I would remind my friends that movement of supplies has come to a standstill, a stagnation and is in a quagmire. Responsible sections of the agitationists, the students, do not like it, but they do not know how to get over it. The leadership is going over to the extremist section.

Sir, you will excuse me if I refer to a circular. I am not in the habit of boring the hon. Members by reading. Sir, you know that secret circular which has been circulated in Assam on guidelines for total revolution in Assam. I want to mention just one or two.

Clause 3: Selection of those Assamese politicians, dalals, Government servants, exploiters, etc., who acted against the interests of the society.

Clause 4: Select those non-Assamese politicians, dalals, Government servants, exploiters etc., who acted against the interests of the society.

Clause 5: Fix up a date for local trial.

Sir, my friends are quoting laws for legal trial which they say are likely to be threatened or trampled upon by the Bill brought forward by my friend, Mr. Yogendra Makwana. But here is a suggestion for legal trials. Everyone

has heard of what happened in the '60s or early '70s. And there is no word of condemnation or criticism from that side.

Clause 8: Cut off train communication from Dimapur to Lumding and connect North Cachar district with road communication.

Clause 14: Bengali politicians, Hindus and Muslims, should not be allowed to contest any election.

Clause 23: Bengali films should not be allowed to be screened in Assam cinema halls.

Clause 24: The Assamese police personnel should be posted in Bengali pockets, industrial belts, towns and on Bangladesh, Nagaland, Meghalaya and Arunachal Pradesh border.

(Interruptions)

SHRI JAGDISH PRASAD MA-
THUR: Who has published it?

PROF. D. P. CHATTOPADHYAYA:
This is a secret circular of the Assam Students' Union: Guidelines for total revolution in Assam.

SHRI DINESH GOSWAMI (Assam):
Mr. Vice-Chairman, Sir, I would like to know this from the Home Minister: Does he say that it is a secret circular of the Assam Students' Union? I did not expect that a document which has been disowned by the Assam Students' Union will be read out here. Has my hon. friend verified it at all? (Interruptions). They have disowned it. A circular which has been published to malign the students is being read all the time here. (Interruptions).

SHRI AJIT KUMAR SHARMA
(Assam): I want one clarification.

THE VICE-CHAIRMAN (SHRI
SAWAISINGH SISODIA): No clarifi-
cation. Let him complete his speech
first.

SHRI AJIT KUMAR SHARMA:
He is a very responsible Member.
This cannot be allowed like this.
(Interruptions)

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Order, please.

SHRI MANUBHAI PATEL (Gujarat): Who has published it?

SHRI JAGDISH PRASAD MATHUR: They have disowned it. (Interruptions).

SHRI AJIT KUMAR SHARMA: Who has printed it? Who has published it?

SHRI JAGDISH PRASAD MATHUR: Let him say on what authority he is saying that it has been published by the students. (Interruptions).

SHRI AJIT KUMAR SHARMA: If I say he has published it... (Interruptions).

SHRI JAGDISH PRASAD MATHUR: What is the print-line? Will you read out the print-line? (Interruptions).

SHRI AJIT KUMAR SHARMA: If I say that Prof. Chattopadhyaya has published it to malign the movement, what is his answer? (Interruptions).

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Let him complete his speech. You must have patience, Please let him continue.

PROF. D. P. CHATTOPADHYAYA: I read newspapers. I anticipated these objections. My point is, this is a disputed circular.

SHRI MANUBHAI PATEL: Who is the publisher? (Interruptions).

PROF. D. P. CHATTOPADHYAYA: Sir, when the leaders of the movement for months together remain underground, when the movement, more than half, is underground, when its literature is disowned by one section but is attributed to them by informed people, then one can at best say that it is a disputed circular; but one cannot say that it is a spurious circular.

SHRI DINESH GOSWAMI: Who are those informed people? (Interruptions).

SHRI MANUBHAI PATEL: Who are the publishers? (Interruptions).

SHRI DINESH GOSWAMI: It is this attitude which is preventing a solution of the problem, this attitude of the ruling party. (Interruptions). We can understand that the ruling party is playing a most dubious game of dividing the Assamese people. This is what comes in the way of a solution. I am sorry, if this is the attitude... (Interruptions).

PROF. D. P. CHATTOPADHYAYA: My time should not be deducted for this.

SHRI MANUBHAI PATEL: On a point of order. The hon. Member was quoting from that circular. Some Members were insisting that he should give the name of the publishers. But he is not giving the name. He is hiding that. He is simply quoting from the circular, without mentioning the name of the publisher.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): There is no point of order.

SHRI MANUBHAI PATEL: Whatever he quotes is being recorded. When it has become the property of the House, it is the duty of the hon. Member to give the name of the publisher.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): There is no point of order.

SHRI JAGDISH PRASAD MATHUR: Then, he cannot quote it.

SHRI SADASIV BAGAITKAR (Maharashtra): I am on a point of order. Any document which is not authenticated or which he is not prepared to authenticate, cannot be quoted in the House. If Prof. Chattopadhyaya refuses to authenticate it, my submission is that portion should be expunged from the record.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): There is no point of order.

श्री हरि सिंह नलवा (हरियाणा) :
आनरेबल मेम्बर कह रहे हैं कि इसका पबलिशर कौन है इस को पिनपोइन्ट करना चाहिए। जब इस देश में इमरजेंसी लगी हुई थी और जनसंघो कच्छा पहन कर इतना कुछ पबलिश करते थे उस में पबलिशर का नाम होता था ? जब देश के साथ कम्युनिस्ट और जनसंघो गद्दारी करते हैं (Interruptions) कम्युनिस्टों और जनसंघियों ने... (Interruptions).

SHRI SADASIV BAGAITKAR: What is your ruling on my point of order? I raised a serious point of order. If he cannot authenticate it, he cannot quote it.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): There is no point of order.

SHRI SADASIV BAGAITKAR: If he cannot authenticate it, how can he quote it? Prof. Chattopadhyaya can authenticate it and then quote it and then only it can go on record.

SHRI MANUBHAI PATEL: Let it be on record that it was an irresponsible statement made by a member of the ruling Party.

SHRI JAGDISH PRASAD MATHUR: Have you published it yourself? He has published it himself.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Order, order. Let him continue his speech.

PROF. D. P. CHATTOPADHYAYA: I have said that this is a secret circular officially disowned by the AASU, but attributed to a secret organisation by very responsible people. It may be a debated document, but it is not a spurious document.

SHRI DINESH GOSWAMI: Let it go on record as to who are those responsible people.

SHRI JAGDISH PRASAD MATHUR: Let the record be straight.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): You are not allowing him to speak. Let him complete his speech.

SHRI DINESH GOSWAMI: A slanderous allegation has been made against the Assamese students. He said that well-informed people have said so. Who are those well-informed people? After that, we can draw our own conclusions.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Let him first complete his speech. Then you can raise your point.

SHRI AJIT KUMAR SHARMA: He must give the names of those responsible people.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Have patience to hear him. Let him complete his speech.

PROF. D. P. CHATTOPADHYAYA: It is nobody's case that there is no good motive behind this Assamese movement. There is a very responsible and patriotic section of people. But sometimes some truths have to be faced, however unpalatable they might be. Sir, I have referred to this call to the police from the circular. Forget about the circular. Sir, you read newspapers. My honourable friends here and on this side of the House know that there is a call that the Government officials and the quasi-Government officials should not attend their offices. This reminds me of what happened in Bihar in 1974-75. Officials should not attend their offices and even the armed forces should not follow the Government orders. That was a bad precedent. Movement comes and movement fizzles out and the movement is withdrawn. But the legacy remains. Not only one State, but also the whole nation, has to suffer. Shri JP called...

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): What about the committed judges? (*Interruptions*). What about the committed judges? You want to make the judges committed and you are objecting to the appeal by JP? (*Interruptions*).

उपसभाध्यक्ष (श्री सवाई सिंह सिसोदिया): शाही साहब आप का टर्न आयेगा अभी उन को बोलने दीजिये । (*Interruptions*).

श्री नगेश्वर प्रसाद शाही : (*Interruptions*).

मिलिटरी अफसरों को कांटेक्ट बनाया गया... (*Interruptions*).

उपसभाध्यक्ष (श्री सवाई सिंह सिसोदिया) : आप पूरी बात सुनिये । उन को बोलने दीजिए ।

PROF. D. P. CHATTOPADHYAYA: Sir, this is a parallelism. JP called upon the officials and thereafter the armed forces to defy the orders of the Government. (*Interruptions*).

SHRI NAGESHWAR PRASAD SHAHI: No, it is not correct. (*Interruptions*).

SHRI MANUBHAI PATEL: It is not correct. (*Interruptions*).

SHRI SYED SHAHABUDDIN: It is not correct. (*Interruptions*).

SHRI NAGESHWAR PRASAD SHAHI: JP never gave such a call. (*Interruptions*).

SHRI SADASIV BAGAITKAR: Sir, I am on a point of order. Sir, the point of order is this. He has referred to the particular point of the armed forces having been asked to rise in rebellion. This is the particular point which the honourable Member is making. But this particular point has been repudiated time and again and it has been contradicted. It is there in the records and it is a fact of record. I am not going to repeat all

those things now. But this has been contradicted times without number. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): How is this a point of order? There is no point of order at all in this.

SHRI SADASIV BAGAITKAR: Sir, when a Member makes a statement which is not genuine... (*Interruptions*)... and if he makes a statement...

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): There is no point of order.

SHRI SADASIV BAGAITKAR:... which has been contradicted innumerable times, can it be allowed? (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): You may differ with him. But this is no point of order.

SHRI MANUBHAI PATEL: He can differ on opinion, but not on fact.

THE VICE-CHAIRMAN (SHRI SAWAISINGH SISODIA): Whether opinion or fact, this is no point of order. (*Interruptions*). Order, please. Yes, Mr. Chattopadhyaya.

PROF. D. P. CHATTOPADHYAYA: Sir, I submit that it is my opinion based on facts. Sir, we all know what happened. We know that perhaps he had good intentions, very good intentions. But the unintended consequence was this. The last meeting which JP himself held in Patna broke up in pandemonium and shoes and stones were thrown at the dais and the venerable leader was insulted... (*Interruptions*).

AN HON. MEMBER: By the police.

PROF. D. P. CHATTOPADHYAYA: And, Sir, what he told Mr. M. R. Masani has been narrated by Mr.

[Shri D. P. Chattopadhyaya]
Masani himself: "Minoo, I have no heart to address any other meeting." And you will recall, friends, that he did not attend any other meeting thereafter. (*Interruptions*). So, once you encourage violence and indiscipline, encourage defiance and disobedience, in the civil service and the police, you have to reap the bitter harvest yourself at the end. (*Interruptions*).

[The Vice-Chairman, (Shri A. G. Kulkarni) in the Chair].

This is the point which the Government has rightly anticipated. (*Interruptions*).

SHRI NAGESHWAR PRASAD SHAHI: What about the pandemonium in the Supreme Court and in the High Courts and the other courts? (*Interruptions*) What about that pandemonium? What about the pandemonium in the Supreme Court and the High Courts and in the other courts? (*Interruptions*).

SHRIMATI USHA MALHOTRA (Himachal Pradesh): You are living in 1980. (*Interruptions*).

श्री हरी सिंह नलवा : मेरा प्वाइंट आफ़ आर्डर है । वहां तीन पार्टियां हैं—लोकदल, कम्युनिस्ट और जनसंघ । इन तीनों पार्टियों का आपस में एग्रीमेंट है देश में गड़बड़ी कराने की । बागवत में तो जनसंघी और कम्युनिस्ट लोकदल को सपोर्ट कर रहे हैं और बागवत के मामले में उनका एग्रीमेंट है और आसाम के मामले में यह दोनों सपोर्ट करेंगे कम्युनिस्टों को ।

4 P.M.

PROF. D. P. CHATTOPADHYAYA: I only submit that the object of the Bill is to restore normal essential services in the State, Sir. The student agitation has disrupted them... (*Time bell rings*.) Even in a revolutionary situation, Sir, there is a necessity of discipline. I will just recall a view of Lenin, one of the very big father figure in the world of Revolution. Sir, Lenin recruited the service of a Navy

Division based on Cruiser Aurora on 7th November, 1977. Those soldiers of the Aurora Navy Division stormed the winter palace of the Czar. And, Sir, as you know, as the... of Russia is recorded by such responsible people as E. H. Carr and W. H. Chamberlain—and myself—my friends will be knowing very well, and Prof. Rasheeduddin Khan will be knowing very well that after several months, that is, in mid-1918, it is this Aurora contingent who went in rebellion against Lenin, and the leader was Dibenko. Dibenko helped Lenin to storm the winter palace of the Czar. And Lenin did not hesitate to shoot Dibenko and 700 of his people. It is an extreme story... (*Interruptions*).

SHRI DINESH GOSWAMI: We are waiting for that... (*Interruptions*).

PROF. D. P. CHATTOPADHYAYA: Never will it happen in India... (*Interruptions*). Never, Sir, the point is that even for an agitation, for running a revolution, there should be discipline. My friend Mr. Goswami is a very well-meaning person, a true well-wisher of students—he would see the advisability of discipline. Once you break discipline among students or in the Civil Service or in the Armed Services—even Lenin did not hesitate to shoot that... (*Interruptions*).

SHRI DINESH GOSWAMI: Had the politicians behaved in this disciplined manner, shown by the students, this country would not have seen many of the instances which we are discussing every day in the House... (*Interruptions*).

PROF. D. P. CHATTOPADHYAYA: The ideal should be approximated... (*Interruptions*). This Bill is a well-meaning Bill, though an extraordinary one to tackle an extraordinary situation. Therefore, I am sure the Government will administer this Bill, when it is enacted into law, with circumspection, with perception, with caution, with care.

With these words, I am sure that this will elicit the support from all quarters of the House.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Shri Syed Shaba-buddin. Your Party has 15 minutes. Are you taking all that time?

SHRI SYED SHAHABUDDIN: About ten minutes.

Mr. Vice-Chairman, Sir, I feel rather touched by the very gracious concern shown by our learned friend, Prof. Chattopadhyaya, who called himself an unrepentant apologist of the emergency, for democracies liberties and for the rights of the people of Assam. I must submit only one thing, Mr. Vice-Chairman. Today in this House, before the bar of history, he stands condemned of contempt of History. And that is all I would say about his remarks about JP and JP's movement.

Mr. Vice-Chairman, Sir, I rise to oppose the Bill—(Interruptions). I would not like to enter into any arguments, because I would lose my time—and to support the Resolution moved by my friend, Mr. J. P. Mathur... (Interruptions).

Mr. Vice-Chairman, Sir, indeed the Bill is a very drastic measure. It has been accepted even by its apologist, Mr. Chattopadhyaya as an extreme measure—I think that it is a vicious Bill, a pernicious Bill. It is a Bill which is contrary to the spirit of the Constitution. It is a bill which is repugnant to the conscience of humanity and to my conscience as a human being when I read it. If you look at the scheme of the Bill, you will find that in the Definition clause itself the mischief is done. I would not like to repeat the text. If you look at Clause 2, Sub-clause (1)(a) and sub-sub-clause (xiii) and (xiv), you will find that the definition is so wide that almost any service, any department, any office, any body of workers and any category of Government servants, even the casual employees, even the contingent labour, can be brought within its compass. If you look at the next definition of the word 'strike' in Clause (c), as has already been point-

ed out, it is much wider than the definition of 'a strike' in the Industrial Disputes Act and, in fact, it is an extension beyond that. That definition has been stretched to the point of ludicrousness, to the point of absurdity, to include people who refuse to accept work and those who refuse to work overtime. Mr. Vice-Chairman, if you look at the punishment clauses (4) to (7), you will find that Clauses 4 and 5 prescribe double punishment, Clauses 6 and 7 virtually bring all activities connected with the movement within its purview; whether it is supposed instigation, whether it is financial assistance or contribution to the fund, every sympathiser would be guilty of an illegal act under this Bill. Mr. Vice-Chairman, the safeguards that are normally available to the citizens of this country under the Criminal Procedure Code have been expressly taken away. Under Clauses (8) and (9), a man can be arrested on suspicion without any warrant and he can be submitted to a summary trial as if we were in a country under martial law. Finally, this Bill sets no time-limit at all for its operation. It has been said that the *raison d'être* of the Bill is the present situation in Assam, the current agitation. In that case, I will appeal to Mr. Makwana that the life of the Bill should have been restricted to the time that the agitation continues. There is absolutely no justification at all for this Bill to continue beyond that period. But there is no such indication at all. This is supposed to become a permanent feature of our law. Mr. Vice-Chairman, therefore, I say that it is an undemocratic Bill and strikes at the very root of our rights and privileges as citizens. It almost brings an emergency without a formal declaration, as far as the poor people of Assam are concerned.

Mr. Vice-Chairman, it is part of a pattern. We know that we are once again moving towards authoritarianism, towards absolutism, towards arbitrary rule, towards total power, towards negation of the rule of law and towards unguided and arbitrary discretion vested in an executive

[Shri Sayed Shahabuddin]

which we do not trust. Mr. Vice-Chairman, Assam is the excuse. But, will the Home Minister please enlighten us as to the reason for passing similar legislation in other States like Orissa, Maharashtra and Gujarat and as recently as the 6th of June in Karnataka? This, Mr. Vice-Chairman, is the logic of a police State. This is not the logic of a democratic State or a Welfare State that we wish to build in this country.

Let us look at the situation in Assam. I was in Assam a few days ago. I came back sad but not shattered. I came back frustrated, but yet with optimism. Much water has flown down the bridge since the movement began. I know that the situation is very grave. It is very critical. It is a matter of national concern. It is a situation in which a spark can light a fire, start a conflagration. There are elements of tension in the situation and of five-way confrontation, the ethnic confrontation, the linguistic confrontation, the religious confrontation, the ideological confrontation and, of course, the confrontation between the Government and the movement which goes on all the times. Yet I have not lost hope in the sanity of our people, in the wisdom of our people. I have not lost the hope that this agitation will safeguard the rights and aspirations of the people of Assam and the nation will find a way of solving the problem.

Mr. Vice-Chairman, I would only like to say that a national consensus is emerging, slowly but surely. There is a distinct possibility of it. I can see it. I can visualise it. There is a possibility of building a bridge between the demand of the movement and what the administration is prepared to do. Mr. Vice-Chairman, Sir, I would not like, at this time, the waters to be muddled. I would not like the possibility of a dialogue to be completely consigned to oblivion through such Draconian measures. I would not like the Government to act in a rush and kill the possibility, the little possibility, extinguish a spark of hope that

is there in the present situation. Mr. Vice-Chairman, Sir, I know that this is a political problem. And you know, Sir, that repression cannot solve it. They tried the politics of force; they tried the politics of terror against the people of Assam and failed. In April, you know what they did and what the response of the people was. And, therefore, this legislation will not help them, will not help to remedy the situation with which we are all concerned. I imagine their concern is sincere. But this law will not help them and, therefore, we have to ask three questions. Are the powers under the normal laws not adequate? Are such drastic, Draconian measures and additional powers necessary? And will they help? And I have given you the answer. No, they will not help.

Therefore, Mr. Vice-Chairman, Sir, my appeal to this House is that this Bill should be rejected. This Bill should not be passed, this Black Bill should not come into our book of laws. This bill only reflects the carze for total power which is the psychology of the group which is exerting power today. It is the psychology of a power-hungry Government. It is an exercise in the politics of power, the politics of force and violence, the politics of power which we know will never solve any political problem.

Therefore, Sir, to sum up, it is an uncalled for measure, it is an unnecessary measure, it is an undesirable measure, it is a counter-productive measure, and it will be an obstacle in the path of reconciliation. And, therefore, I would appeal through you, Sir, to the Government, to the Prime Minister, to the hon. Home Minister and to Mr. Makwana who is here, please for God's sake do not do anything today which will make more obscure, more difficult, the quest of a reconciliation in Assam. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Shri Ram Lakhan Prasad Gupta.

श्री राम लखन प्रसाद गुप्त (बिहार) :
उपसभाध्यक्ष महोदय, इस बिल के विषय में
इसके आब्जेक्ट्स एण्ड रोजन्स में शुरु में ही
कहा गया है कि—

“The mass movement in Assam in connection with the foreign national's issue had been taken advantage of by disruptive forces to seriously affect the maintenance of supplies and services essential to the life of the community, especially the production and distribution of petroleum and petroleum products. The agitation had also led to large-scale and deliberate abstention from work by employee of the Central and State public sector undertakings, thus aggravating the situation.”

श्रीमान्, यह मास मूवमेंट और लार्ज स्केल एण्ड डेलीव्रेट एक्स्टेंशन की बात आब्जेक्ट्स एण्ड रोजन्स में कही गई है। इससे साफ पता लगता है कि वह कोई ऐसी बात नहीं है कि कुछ लोग मिल कर या कुछ ट्रेड यूनियनिस्ट्स मिल कर इस तरह का कार्य कर रहे हों, जिससे यह पता लगे कि गवर्नमेंट को धोखा हो रहा है। आप जानते हैं कि यह एक मास मूवमेंट है और मास मूवमेंट को इस तरह से कानून बना कर दबाया नहीं जा सकता है। लार्ज स्केल में कोई मूवमेंट हो रहा हो तो उसको कानून की सहायता से दबाया नहीं जा सकता है बल्कि उसके साथ राजनैतिक इष्टिकोण से और राजनैतिक सोच-विचार के साथ बात को जा सकती है। कभी कभी समाज में और देश में ऐसे मोके भी आते हैं जब ला-लैसनेस ला बन जाता है। अगर ला लैसनेस ला बन जाती है तो उसमें भी कोई किस तरह से एक-एक चीज को लेकर कानून पास करा सकता है। एक दूसरा बिल भी हमारे सामने आ रहा है जिसमें कानून बनाने के अधिकार प्रेजिडेंट को डेलीव्रेट किये जा रहे हैं। अगर पार्लियामेंट को छोड़ कर हम एक्जी-क्यूटिव के हाथ में या मिनिस्टर के हाथ में पावर दे देते हैं तो हम किस तरह से एक

मास मूवमेंट को दबा सकते हैं। अगर ऐसी बात होती तो सरकार के द्वारा आर्डिनेन्स जारी करने के बाद भी इस प्रकार की स्थिति पैदा नहीं होती। मैं श्री मकवाणा से पूछना चाहता हूँ कि 6 अप्रैल को आर्डिनेन्स जारी करने के बाद आज 20 हजार वैगन्स वहां पर स्टेशनों पर क्यों पड़े हुए हैं और क्यों उनका मूवमेंट नहीं हो रहा है? वह बात स्वयं उन्होंने कही है कि 20 हजार वैगन्स स्टेशनों पर पड़े हुए हैं। तो चार महीने के अन्दर यह क्या हुआ है? चार महीने से यह कानून है और अगर 6 अप्रैल से कानून है तो इस तिथि से इसका क्या उपयोग हो सका है? अगर इसका कोई उपयोग नहीं हो सका है तो हम कैसे समझें कि आज आर्डिनेन्स या कानून बना कर हम उसका उपयोग कर लेंगे और इससे एग्जिस्यूटिव सविसेज मेंटेन कर लेंगे। यह इस बात का द्योतक है कि जो आर्डिनेन्स था, जो लाँ बना हुआ था उसके द्वारा भी काम नहीं हो पाया है।

दूसरी बात, इस बिल के विषय में बोलने से पहले एक बात और कहूंगा। बिल पेश हो गया कि ये क्या-क्या करेंगे। ये कहते हैं कि कानून की धाराओं का हम पालन करेंगे, पर उन्होंने उस चीज की अवहेलना की है। इस कानून के अन्दर प्रावधान है सेक्शन 2 सब क्लॉज 2 में कि :

“Every notification issued under sub-clause (xiv) of clause (b) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session...”

क्या इसके अन्दर जो नोटिफिकेशन हुआ वह आपने फर्स्ट डे आफ पार्लियामेंट सेशन उसको प्लेस किया टेबल पर? आपने नहीं किया। 9 जून को यह हाउस शुरू हुआ और 18 जून को इसे आप हाउस में प्लेस करते हैं।

[श्री रामलखन प्रसाद गुप्त]

इसके अन्दर यह प्रावधान है कि पहले ही दिन इसको प्लेस करना है परन्तु आप 9 जून को नहीं 18 जून को उसे प्लेस करते हैं। यह इस बात का चोत्क है कि अभी जब कि यह कानून बना नहीं है उसी समय से इस कानून को मकवाणा साहब तोड़ने के लिये तयार है।

इसके बाद उपसभाध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि इसके अन्दर, जो क्रिमिनल प्रोसीजर कोड और इंडस्ट्रियल डिस्प्यूट ऐक्ट है, इन दोनों की अवहेलना करके दोनों से ज्यादा अधिकार इसमें रखे गये हैं। हमारे मित्र धन्ने साहब ने बहुत सही कहा कि गलत स्ट्राइक करने वाले जो हैं या स्ट्राइक के नाम पर गलत काम करने वाले जो हैं उनके खिलाफ कानूनी कार्यवाही करने के बहुत सारे दरवाजे हैं। सी०आर० सी०पी० है, इंडस्ट्रियल डिस्प्यूट ऐक्ट है और एग्जिसिवल कमीडिटीज ऐक्ट में प्रावधान है। जब कोई एग्जिसिवल कमीडिटीज की ट्रांसपोर्ट में गड़बड़ी करता है तो उसके लिये सजा का प्रावधान है तो इस चीज के बावजूद, अलग कानून बनाने की, अलग कानून लाने की जरूरत क्या है? अलग कानून लाने की जरूरत शायद इसलिये है कि पूरी अथॉरिटेरियन पावर आप अपने पास ले लेना चाहते हैं। पूरी पावर्स आप प्रेजिडेंट को डेजीगेट कर दें और प्रेजिडेंट की इन पावर्स का इस्तेमाल प्रधान मंत्री और गृह मंत्री जो हैं, जब भी वे चाहेंगे वह इस कानून के अन्दर करते रहेंगे। इस कानून के अन्दर कोई व्यक्ति ऐसा नहीं है जो कि बच सकता हो और कोई भी काम ऐसा नहीं है जो इसकी परिधि से परे हो। जैसे कि स्ट्राइक के अन्दर क्या क्या लाया जा सकता है? अगर कोई नौकरी नहीं करना चाहता है तो इसको भी स्ट्राइक की डेफीनिशन में लिया जा सकता है। यह कहा है सेक्शन 2 क्लॉज (1) सब क्लॉज 30 में कि :

Section 2, clause (1), sub-clause (xiii) says:

“any service in connection with the affairs of the Union or the State of Assam not being a service specified in any of the foregoing sub-clauses.

और इसका फिर उन्होंने एक्सप्लेनेशन दिया और वह जो एक्सप्लेनेशन दिया है यह जान-बूझ कर दिया है। बेशक होगा हम क्या जवाब दें ?

In the memorandum regarding delegated legislation sub-clause (b) of section 2(1) seeks to define “essential service” and it is enumerated in sub-clauses (i) to (xiii). As it is not possible to enumerate all essential services, sub-clause (xiv) of this item empowers the Central Government or the Government of Assam to declare by notification in the Official Gazette certain other services also to be essential services for the purpose of the proposed legislation.

उपसभाध्यक्ष महोदय, जब इतनी सारी बातें ये एन्यूमेरेट दिये हैं तो उसके बाद भी ये कहते हैं कि और भी बहुत सारी चीजें हो सकती हैं। जो बातें हो सकती हैं वे उनके मन में हैं और इस तरह से पूरी पावर ये ले लेना चाहते हैं। उसके साथ ही जो क्रिमिनल प्रोसीजर कोड के अन्दर कहा गया है, स्ट्राइक में भी वही बातें कही गयी हैं।

“Strike” means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal under a common understanding of any number of persons who are or who have been so employed to continue to work or to accept employment, and includes—

(i) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation

tion of work in any essential service.

मैं मकवाना साहब से पूछना चाहता हूँ कि इन्होंने स्ट्राइक को डेक्लीनशन जो दो है, इंडस्ट्रियल डेपथ्यूट ऐक्ट में स्ट्राइक को जो डेक्लीनशन है उसी को आपने इसमें रख दिया। नो अलग से स्ट्राइक को डिफाइन करने की क्या जरूरत थी? फिर उसी में ही लिख देते—
Strike means, as it is defined in the

Industrial Disputes Act. लेकिन यह उन्होंने किया नहीं। इस तरह से जानबूझ कर सभी पावर्स को अपने हाथ में ले कर के स्ट्राइक के अन्दर मजदूरों को लेंगे या व्यक्तियों को लेंगे जानो कहा जाएगा कि तुम यह करोगे या नहीं करोगे। उस पर भी और फिर सर्विजे के अन्दर भी सभी चीजों को ले कर और सारे कानूनों के ऊपर हाथ रख कर उनके बाद आप यह चाहते हैं कि हम जो भी वहाँ पर चाहें वह करें। मैं कहना चाहता हूँ कि इससे जो भी किसी भी व्यक्ति से, किसी भी मास-मूवमेंट में खास कर के लेबर के साथ अगर आप इस तरह से पेश आएंगे तो चाहे कोई गवर्नमेंट ही यह मूवमेंट कम नहीं होगा बल्कि बढ़ता चला जाएगा। इसलिए ऐसे आन्दोलन को जबरदस्ती दबा कर आप रोक नहीं सकते हैं। आसाम के अन्दर कांग्रेस (आई) की सरकार नहीं थी। वहाँ पर विरोधियों की सरकार थी। आज उस विरोधियों की सरकार को सस्पेंड करने के बाद वहाँ पर प्रेजिडेंट राज है और प्रेजिडेंट राज के बाद आप चाहते हैं कि सारी पावर्स प्रेजिडेंट को डेक्लीन कर के हम वहाँ पर इस तरह से दबावें जिसमें कोई भी व्यक्ति हमारे हाथ से बाहर न जाए। यह नहीं हो सकता। मैं यह कह देना चाहता हूँ कि यह जो आपने इवेंशियल सर्विजे राज है, आपकी पार्टी की पालिसी

थी कि वहाँ पर इवेंशियल कमोडिटीज को नहीं जाने देंगे और आज आप यह कहते हैं कि उसकी तरफ से हो रहा है। अगर यह उसकी तरफ से हो रहा है तो दूसरा रास्ता हो सकता है परन्तु यह रास्ता नहीं हो सकता कि इस तरह का बिल, काला कानून वहाँ पर ला कर के आप उसको दबावें। इसलिए मेरा यह कहना है कि आसाम के साथ बहुत ही एक राजनीतिक दृष्टि से आगे बढ़ना होगा। आसाम में इस तरह के कानून लाने से इसकी वहाँ पर जो प्रतिक्रिया होगी उसको आप दबा नहीं सकेंगे। मैं यह कहना चाहता हूँ कि आपको इस तरह का बिल नहीं लाना चाहिए। इस कानून को ला कर हम वहाँ के व्यक्तियों का लाभ नहीं कर सकते हैं। उनका नुकसान कर सकते हैं और वैसी हालत में इस तरह के बिल को वापिस ले लेना चाहिए। मैं, मकवाना साहब ने जो प्रस्ताव उपस्थित किया है, उसका घोर विरोध करता हूँ। माथुर साहब ने जो प्रस्ताव प्रस्तुत किया है उसका समर्थन करता हूँ।

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Bagaitkar, your party has 15 minutes and there are three speakers.

श्री सदाशिव बगईतकर : उप-सभाध्यक्ष महोदय, जो प्रस्ताव सदन के सामने माथुर साहब ने रखा है, जिसमें मेरा भी नाम है, मैं उसका समर्थन करता हूँ। जिस आर्डिनेंस की जगह यह बिल लाया गया है उसके बारे में सिर्फ ट्रेड यूनियन दृष्टि से, कानून की दृष्टि से सोचना मैं ठीक नहीं समझता। असल में पूरे आसाम में जो परिस्थिति है उसको ध्यान में रख कर जो अधिकार सरकार मांग रही है उस के बारे में सोचना चाहिए। ताज्जुब तो मुझे इस बात का हो रहा है कि यह ऐसे वक्त सरकार

[श्री सदाशिव बगईतर]

कानून बनाना चाह रही है जब एक तरफ से स्वयं प्रधानमंत्री और नेतागण बार-बार कह रहे हैं कि आसाम की समस्या बातचीत द्वारा सुलझानी चाहिए। एक तरफ तो बातचीत करने के लिए तैयार हैं, उसकी बरकरार रखेंगे और दूसरी तरफ इस तरह का बिल आप लाएंगे, जिसका वर्णन अगर करना है तो एक ही वाक्य में किया जा सकता है।

This is declaration of war against the people of Assam. मैं आपको खुले

आप कहना चाहता हूँ कि अगर इस बिल को आप ला रहे हैं, सारे अधिकार आप हाथ में ले रहे हैं और इनको लेकर आप आसाम में दमन करेंगे तो उसकी पूरी जिम्मेदारी आप लोगों पर ही होगी। यह निर्र्क आसाम का सवाल नहीं है, मैं उस इलाके से ही कह रहा हूँ और मैं कह रहा हूँ कि आसाम के आन्दोलन के साथ आप इस तरह से दबा कर पुलिस मेथड्स से पेश आएंगे तो न सिर्फ आसाम बल्कि पूरा नार्थ ईस्ट का इलाका देश से अलग होगा, यह मैं आपको बहुत गम्भीरता से चेतावनी देना चाहता हूँ। इसकी पूरी जिम्मेदारी आप पर होगी, लेकिन आप इसके समझ नहीं रहे हैं कि आसाम में हो क्या रहा है। आप में विनम्रता होनी चाहिए, प्रो० चट्टोपाध्याय जी अब यहाँ नहीं हैं। असम की जो समस्या है इसकी जिम्मेदारी किस पर है? वह जिम्मेदारी विद्यार्थियों पर है, आसाम की जनता पर है, वह जिम्मेदारी उन शासकों पर है जो आज तक 30 साल शासन करते रहे, जो स्वयं अपने बारे में बेखबर रहे। अपनी सीमाओं के बारे में बेखबर रहे हैं, अपनी सीमा पर बसने वाले लोगों की समस्याओं के बारे में बेखबर रहे हैं और जो दूसरे देशों के साथ पैक्ट किये, उनका अमल कौता हुआ, इसकी नैतिक जिम्मेदारी आपकी है। आप विनम्रता

के साथ कम से कम इस गलती को कबूल करके इस परिस्थिति में पेश आने के बजाए आप अपने ऐसे अधिकार हाथ में ले रहे हैं जिससे पूरे आंदोलन को कुचलने के लिए अग्रसर होने जा रहे हैं।

इसलिए, मैं फिर बड़ी गम्भीरता के साथ चेतावनी दे रहा हूँ कि अगर आप समझते हैं कि पुलिस शासन से असम आंदोलन को निपट लें, तो नतीजा यह होगा कि उसके बाद जो पूरे सात पड़ोसी राज्य हमारे देश के हैं, उनमें अलग होने की बात चल पड़ेगी और फिर आप उसकी रोक नहीं पायेंगे। आज भी जो स्थिति नार्थ-ईस्ट में है, आप उससे वाकिफ हैं। इसलिए मैं कहूँगा कि आप इस चीज को गलत ढंग पर लाए हैं। जब बातचीत करके समस्या को सुलझाने की आवश्यकता है, हाथ में तबबार और पिस्तौल लेकर खड़े हो गये हैं और आंदोलनकारियों को कह रहे हैं कि दच्चों बात करो या सर जाओ। तो यह जिम्मेदार सरकार का काम है। इसलिये मैं हैरान हूँ। चट्टोपाध्याय साहब बड़े विद्वान हैं, उनके तर्क को क्या कहा जाए? उनके तर्क को यदि मान लें, तो महात्मा गांधी और जवाहरलाल का नाम और सुभाष बाबू का नाम भी आपको इतिहास से गायब करना होगा। उनका तर्क क्या है? उनका तर्क था कि अगर गैर-कानूनी चीज करने की सीख देंगे तो कल वही चीज उभर कर आएगी, जिम्मेदारी आप पर होगी। यही तो तर्क है और क्या है। चट्टोपाध्याय जी की बुद्धि का मैं क्या कहूँ। (Interruptions). इस तर्क को आप पेश कर रहे हैं कि हमने आजादी के लिए जो कुछ भी किया, वह भी गलत किया है। इस तरह की बात आप कर रहे हैं। इसलिए मैं चाहूँगा कि इस तरह के गलत तर्क को क्यों पेश कर रहे हैं। अब उस

सारी चीज में जो दो-अढ़ाई साल पहले हुई इमरजेंसी में, उसको रखिये अपने पास ... (Interruptions). इमरजेंसी में क्या हुआ, उसके ऊपर भी यदि आप आब्जक्टिवली नहीं देखेंगे, विचार नहीं करेंगे, तो उसकी जिम्मेदारी आपके ऊपर होगी।

जिस तरह का विल मकवाना जी की तरफ से आया, उसके बहुत खतरनाक नतीजे होंगे और अब और ज्यादा अधिकार आप क्यों मांग रहे हैं। जो अधिकार आपके हाथ में हैं, उसका भी आप इस्तेमाल कैसे कर सकेंगे। आपने असम में कर्फ्यू लगाया और जो चीज-आजाद हिन्दुस्तान में कभी भी नहीं हुई, चार-पांच घंटे के बाद आपकी कर्फ्यू वापिस लेना पड़ा।

एक माननीय सदस्य : दो घंटे के बाद ही कर्फ्यू वापिस लेना पड़ा।

श्री ताराशिव बागईतकर : दो घंटे के बाद ही कर्फ्यू वापिस लेना पड़ा। आप यह सोचते हैं कि इन अधिकारों को देखकर असम की जनता डर जाएगी और घर में छिप कर बैठ जाएगी। कदम-कदम पर डिकाएंट होगा और आपको मुंह की खानी पड़ेगी।

इसलिए प्रतिष्ठा का सवाल बना कर आपकी तज्जवार फगून रहेगी। जिस चीज को आप मानते हैं, खुद चट्टोपाध्याय साहब ने कहा कि कुछ बातें ऐसी हैं असम आंदोलन की जिसको आपको स्वीकार करना होगा। अगर यह बात है, तो इस तरीके से वहां शान्ति नहीं कर सकते और आप भूलें भी ना उस बात को कि जो पुलिस स्टेट वहां कायम करने जा रहे हैं और इस पुलिस स्टेट को दुबारा कायम करने में बहुत खतरा है। ऐसी स्थिति में जब देश की पुलिस व्यवस्था में राजनैतिक प्रभाव हावी हो

रहे हैं, ऐसे वक़्त पुलिस के डंडे की बात हम देख रहे हैं। वह तो खूबकशी होगी (The bell rings) जो हम करना नहीं चाहते हैं।

जो बात मैं आपके समक्ष उपस्थित कर रहा हूँ वह यह है कि आखिरकार जो स्थिति है, उसका समाधान इस रास्ते से आप कैसे करने जा रहे हैं। समाधान करना है तो उसूलन जो बात आपने स्वीकार की है कि जो फारेनर्स का सवाल है, प्राइम मिनिस्टर ने इस हाउस में उसूलन में उस बात को माना है कि जो फोरनर्स हैं, वे हिन्दुस्तान में हम लोगों के वोटर्स नहीं हो सकते और जो कानून सिटिजनशिप का है और संविधान है उसी के आधार पर समाधान ढूँढना पड़ेगा। यह आपने कहा है।

विधान के आधार पर और जो सिटीजनशिप का कानून है उसी के आधार पर इसका समाधान ढूँढना होगा। यदि सरकार मानती है तो इसी को आधार बना कर बातचीत द्वारा इसको सुलझाया जाना चाहिए। अगर आपको ऐसा लगता है कि विद्यार्थियों की तरफ से कुछ ऐसी बातें पेश आती हैं तो आप भले ही उसको नामजूर करें, लेकिन असम के अन्दर जितने अगर्नाइजेशन हैं...

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Please conclude.

SHRI SADASHIV BAGAITKAR: I am concluding. जो प्रश्न उन्होंने उपस्थित किए हैं, उनकी सच्चाई को मान कर उसके बाद उनके साथ इस तरह से पेश आएं और पुलिस स्टेट बना कर रहेंगे तो आगे चल कर आपको मालूम हो जाएगा कि मार्शल लाँ लागू करके भी आप स्थिति से निपट नहीं सकते, उस पर नियंत्रण नहीं कर सकते। जब 100 फीसदी जनता किसी भी कीमत पर अपने प्राणों की बाजी लगा कर लड़ रही है तो क्या खाक कानून से रोकेंगे। आप बीत चीत द्वारा और इस विल को

[श्री सदाशिव बगाईतकर]

वापस लेकर असम की समस्या हल करने की कोशिश की जाए।

अखिरो बात। वर्कर्स के वारे में बहुत कुछ इस बिल में आपने कहा है। मैंने जमेंट लाक आऊट करे। तो आपके पास क्या उपाय है इसका उल्लेख नहीं है। फैक्ट्री में लाक आऊट हो जाए और मजदूर काम पर न जाएं तो क्या उपाय है? तो सारा ढांचा जो आपने बनाया है वह बिलकुल दकियानूसी है, एन्टी पीपल एन्टी वर्किंग क्लास है।

श्री एस. डी. मदन (अंतर प्रदेश) :

जलब वान्स चैम्बरमैन - صاحب - ये जो बिल मेन्सटर - صاحب की طرف से पेश हुआ है मैंने इस की तानिद करने के लिये कहा हुआ हूँ - फिर मलकी का मसल्ले इसा नहें है के अस मैंने कौनी दो राँये हों - चहकत मैंने अगर कौनी फिर मलकी कसी मलक मैंने है तो अस को कानुनी طور प्यो वहाँ रहने का हक नहें है और अस को नकल्ला चहकत मैंने लेकिन अस को नकल्ले के लिये कानून का राँस्ते और अन्साव अख्तियार करना चहकत मैंने और अस के साथे साथे जो लोग हलदुस्तान के सेहमिजुस हैं उन को फिर मलकी कहे कर प्रेशान करना उन के साथे नान्साय भरता है - इसा हरकत नहें हुना चहकत मैंने - अस मसल्ले मैंने हुना ये ही चहकत मैंने के कसी के मलकी या फिर मलकी होने का फहल्ले बदलती طور पर हुओ और अस को अस का मरुक्के दिया जाँये जो लोग ये शकित

करें के फल्ल शख्स फिर मलकी है तो अस पर ये डमे दारी हुनी चहकत मैंने के वे अस का डबुत मरुक्का करे - अखर फल्ल भी हुते हैं डाले भी हुते हैं चोरियाँ भी हुती हैं और दूसरे भेत बरे जर्म भी हुते हैं लेकिन अगर कसी को कहा जाँये के ये मरुक्का है तो अस का बाँडुत कहे वाले शकित करने वाले के डमे हुता है के वे ठाबत करे के ये शख्स फल्ल है चोर है डालो है - असी तरह अगर कौनी फिर मलकी पेश रहता है यक़िन्ना अस को पेशा रहने का हक अस को रुरत दिल्ले का हक रुरदुरे नहें है जब तक कानुनी طور पर वे हलदुस्तान का शहरी नहें बन जाँये और अगर इसा है तो शकित करने वाले पर ये डमे दारी है के वे ठाबत करे के फिर मलकी है और अगर बदलत ये फहल्ले कर दे फिर मलकी हुने का तो फिर अस को रहने का हक नहें हुना चहकत मैंने - वे कसी तरह से मलकी बदल्ले के लिये कौनी और तजुबिज अख्तियार करे - ये मसल्ले असी तरह से हल हुओ तो ठहिक हुओ सकता है - लेकिन अस के साथे साथे अस को अक जडुबती अल्लत बदिया कहा और पोलिटिकल अन्दाज मैंने लुगुन को देवका दे कर और मखतल्लफ तरिकुन से दमाग मैंने रुरे भुओ कहा है के वहाँ वुरत हाल इसी हुडुकी है (असाम मैंने) के वमान बद मलकी फसान फल्ल सब हुओ रहे हैं -

Bill, 1980

میں نے خون ایک آٹھ سال کے بچے کو اپنے چہرہ مہیلے کے زخمی بھائی کو اپنی گود میں لئے دیکھا اور اس کے خاندان کے پانچ افراد قتل ہو چکے تھے - صرف ایک بہن اور ایک بھائی چہرہ مہیلے کا بچہ چھتا تھا اور باقی سب قتل ہو گئے تھے - کسی طریقہ سے ہسپتالوں میں زخمیوں کو وہاں گھس کر مارا گیا ہے کوئی حفاظت نہیں ہوئی - پولیس کے اندر جو لوگ ملازم تھے ان کے گھر لوٹے گئے ان کا تبادلہ کیا گیا ان کی حفاظت نہیں کی گئی اور وہ پولیس میں گئے تو ان کی کوئی شکایت درج نہیں کی گئی - اس طرح وہاں پر پورا نظام پیدائش ہے - کوئی انصاف نہیں کرنی قانون نہیں کوئی سلفے والا نہیں کسی قسم کی داد فریاد نہیں لاکھوں لاکھ ہندوستانی شہریوں پر تہمت لگا کر گاؤں کے گاؤں برباد کئے جا رہے ہیں - افسران سامنے کھڑے ہیں - لوگ جا کر کہتے ہیں آپ قی - ایم ہیں دیکھئے کیا ہے یہ ہے اور وہ اندر کو مہذبہ پھیر رہے ہیں - کسی قسم کی شرمندگی نہیں زبانی ہمدردی نہیں کوئی پولیس والا سلتا نہیں - آگ بجھانے والے انجن کو بلایا جاتا ہے فائر بریگیڈ کو تو اس کو راستہ نہیں دیا جاتا اور اس کی پھر کوئی داد فریاد نہیں ہوتی - اس طرح کی حالت ایک

دفعہ نہیں مسلسل ہوتے ہیں - آج بھی یہ خبریں میں ہے - اسی لوگوں کی آبادیوں پر جرمانہ لگا دیا جاتا ہے -

جیسا منسٹر صاحب نے کہا وہاں کی چائے کی تجارت - لکوی کی - پلائی وڈ کی - جیوت کی اور اسی طرح کی سب بلد ہو گئی ہیں - جب سارے ہندوستان میں سوکھا تھا پانی کا ایک قطرہ نہیں مل رہا تھا بمبئی کی پیدوار کم تھی کھیتیں سوکھ رہی تھیں ڈیزل نایاب تھا اور پیٹرول کنٹرول پر لائیں لگی ہوئی تھیں ہندوستان پریشان تھا بارش پچھلے سال کم ہوئی تھی تب آسام سے ڈیزل کو روکا گیا - آپ یہ کہتے ہیں کہ اگر پولیس ہوگی تو علیحدگی کا جذبہ پیدا ہوگا - وہاں ایسے مضمون چھپے ہیں کہ تلہا پیٹرول سے ہم اپنی اکونومی کو مضبوطی سے چلا سکتے ہیں ہمیں ہندوستان کی کوئی ضرورت نہیں ہے -

اسی طریقے سے وہاں تحریک چلانے والوں میں جب کہ وہاں تمام بدامنی ہے فساد میں سٹیژن جیسے نازک مسئلہ کو جو دستور اور قانون سے تعلق رکھتا ہے اپنے ہاتھ میں لے لیا ہے اور گاؤں گاؤں جا کر لوگوں کو دھمکاتے ہیں کہ ہمارے گائے پر دستخط کر دو انکو تھا لگا دو تم غبرملکی ہو - جو لوگ ملکی ہونے کا کوئی ثبوت دیتے ہیں

[شری اسد مدنی]

کوئی قوکومیزمٹ کوئی رجسٹری کا کاغذ دیتے ہیں تو اسے لیکر وہ بازار کر پھینک دیتے ہیں۔ ان کے تمام کاغذات ذائع کر دیتے ہیں۔ لوگوں کا بازار جانا اسپتال جانا دوا لانا تمام چیزیں مشکل کر دی ہیں۔ ایسے حالات وہاں ہیں جنکو آپ واقعی پارٹی باڑی اور دوسرے سیاسی مسئلوں سے الگ کر کے انسانی نظریہ سے دیکھیں تو آپکو شرم آنی چاہیئے کہ کس طرح لوگ ہزاروں کی تعداد میں مصیبت منور مبتلا ہیں۔

اسی طریقہ سے جو یہ کہا جا رہا ہے کہ آسام کے لوگوں کی جو زبان ہے وہ خطرہ میں ہے وہ دھوکا ہے۔ ۱۹۰۱ ع کے سیکسٹمس میں آسامی مدر ٹلگ لکھانے والے ۲۲ پرسیفٹ تھے بمکالی لکھانے والے ۴۸ پرسیفٹ تھے اور ۱۹۷۱ ع کے سیکسٹمس میں آسامی مدر ٹلگ لکھانے والے ۶۱ پرسیفٹ ہیں اور بمکالی لکھانے والے ۱۹ اور کچھ یوٹیفٹ - ۲۰ سے بھی کم ہیں کوئی خطرہ آسامی لنگویج کو آسامی کلچر کو کسی قسم کا نہیں ہے۔ جو وہاں بستہ ہوں انہوں نے آسامی کلچر قبول کیا۔ آسامی زبان قبول کی ہے۔ آسامی بولتے ہیں۔ وہ مل جل کر رہنا چاہتے ہیں۔ کسی قسم کا کوئی بھید بھار

نہیں کرنا چاہتے لیکن یہ سازش ہے پولیٹیکل سازش دوسرے ملک کا اس میں ہمت ہے۔ یہ تحریک اس حصہ کو ہندوستان سے الگ کرنے کے لئے چلائی گئی ہے۔ آپ اس وقت تک انتظار کرنا چاہتے ہیں جب خدانخواستہ یہ صوبہ ہندوستان سے نکل جائے وہاں بھی آسو کے نام سے انجمن بدنامی گئی ہے اسکا نام ہے سول یونائیٹڈ لمپریشن آرسی۔ یہ آسو کے نام سے بدنامی گئی ہے۔ لمپریشن آرسی ہے۔ دوسرے دوسرے حوالے دیئے جاتے ہیں۔ اس کی سازش ہے کہ اس تمام حصہ کو ملک سے آزاد کر دیا جائے۔ دھوکے دیئے جاتے ہیں اس طرح سے۔ پہلے کے روم منسٹر ابھی مجھے ملے تھے وہ کہہ رہے تھے کہ وہ ایک مارواڑی کے پاس گئے اور پوچھا کہ تم لوگ کہوں اس میں پیسہ دیتے ہو۔ اس نے کہا کہ آسام کو پاکستان بنایا جا رہا ہے۔ کیسے پاکستان بنایا جا رہا ہے؟ اس نے کہا کہ ۵۱ پرسیفٹ مسلمان یہاں ہو گئے ہیں۔ انہوں نے اسے بتایا کہ ۱۹۵۱ کی جنو سیکسٹس رپورٹ ہے اس میں مسلمان ۲۲ پرسیفٹ ہیں۔ ۱۹۶۱ ع میں ۲۳ پرسیفٹ ہیں اور اس وقت ۱۹۷۱ کے سیکسٹس میں ۲۴ پرسیفٹ ہیں۔ تو ۲۵ پرسیفٹ سے زیادہ تو کبھی ہوا نہیں۔ یہ ۵۱

کس نے کہا دیا - تو کہا کہ میں پوچھ کر آتا ہوں - وہ آر - ایس - ایس - کے لوگوں کے پاس گئے اور کہا کہ بات یہ ہے کہ ۱۹۷۱ ع کے بعد اقلے آگئے ہیں کہ اب ۵۱ پرسنلٹ ہو گئے اور اس نے کہا کہ اگر ایسا ہو تو گورنمنٹ تو خون مانگتی ہے کہ ۱۹۷۱ کے بعد جتنے لوگ آئے ہیں ان کو نکال دیں گے - تو اگر وہ لوگ آگئے ہیں واقعی میں جیسا کہ لوگ کہہ رہے ہیں تو وہ سب لوگ نکال دیئے جائیں گے - مان لو اس کو - اس کے بعد کیا ضرورت ہے آندولن چلانے کی - اس طریقے سے وہاں کے ایک سابق مسٹرنے پریس میں بیان دیا کہ صرف کام روپ ضلع میں باہر کے لوگ ۳۶ لاکھ کی تعداد میں آگئے - پورے کام روپ کی آبادی ۱۹۷۱ میں ۲۸ لاکھ تھی - جس ضلع کی ساری آبادی ۲۸ لاکھ ہو اس کے متعلق یہ کہا جائے کہ ۳۹ لاکھ آدمی وہاں باہر سے آگئے ہیں یہ کس کی عقل میں آئیگا - اس طریقہ سے وہاں زھر گھولا جا رہا ہے اور پورے آسام کے لوگوں کو درغلایا جا رہا ہے - تری پورہ میں جس طرح سے قتل عام ہوا ہے اسی طرح سے مزورم وغیرہ میں ہوا ہے اور ہندوستان نے شہریوں کو مارا گیا ہے اور میں کہتا چاہتا ہوں کہ وہاں بہادیوں کو یو - پی - والوں کو اور دوسری جگہ کے دہلیے والوں کو بہت پریشانیوں ہوئی ہیں - ۵۰ لاکھ

کو نکال دیا جائے یہ کہا جا رہا ہے - تو ایک کروڑ انتالیس لاکھ میں سے اگر ۵۰ لاکھ کو نکال دیا جائے تو اس کے معنی تو وہاں آسامی اور غیر آسامی کی بات ہے - یہ بڑا خطرہ ہے اور یہ بات صاف ظاہر ہوتی ہے - پورے ملک کو اس سے خطرہ ہے - پورے ملک کی انومک پوزیشن تو اس سے خطرہ ہے - اور آسام میں کھل کر یہ بات ہو رہی ہے - تو اس لئے ان چیزوں پر سوچئے -

آخر میں کہنا چاہتا ہوں کہ اگر ہم ہندوستانیوں کو کہیں بڑا کہا جائے تو ہم برداشت نہیں کریں گے اور اس کے لئے دنگامہ کریں گے - لیکن ہندوستان تو دے دیکھئے - اس میں فوٹو ہے کہ آسام کے آندولن چلانے والے یہ لئے ہوئے ہیں اور اس میں لکھا ہے دھکیت آؤت انڈین ڈاگس فرام آسام، تو یہ کیا چیز ہے - اگر یو - این - او - میں یہ ہوتا تو آپ کیا کرتے ؟ کسی ملک میں اگر یہ ہوتا تو کیا آپ برداشت کر لیتے ہندوستان کے ملک کے لوگوں کے دیس پریم کو میں پکارتا ہوں کہ آپ لوگوں کو سوچنا چاہئے کہ اس کا کیا مطلب ہے - کوئی دوسرا ملک ہمارے متعلق جرائٹ نہیں کر سکتا - یہ فوٹو ہیں اور ساری دنیا میں گئے ہیں - آپ کی کتنی بدنامی ہوئی ہوئی آپ کو

[شہری اسد مدنی]

کیسی تحریک وہاں چل رہی ہے -
ہماری جلتا پارٹی کے ایک معزز ممبر
نے پچھلے دنوں یہاں زبردستی دارالعلوم
دیوبند کا ایک آزاد ادارہ ہے اسے
کھینچا اور کھینچ کر یہاں تک کہا کہ
وہاں طلباء میں آپس میں ٹکراؤ
ہو گیا اور پی - اے - سی - نے اور
پولیس والوں نے اس کو بند کروایا
اور کہا کہ فلاں فلاں کی مداخلت
ہوئی اور اندرا جی کو زبردستی اے
جایا گیا تاکہ وہاں اپنا اثر بڑھایا
جائے - اندرا جی کو دعوت دیئے
والے مولانا طوب صاحب وہاں
کے وائس چانسلر تھے اور ان کے
ساتھ مفتی عتیق الرحمن صاحب
آئے تھے - انہوں نے یہ دعوت دی
تھی اور دعوت دے کر گئے تھے -
کوئی دوسرا آدمی وہاں دعوت دیئے
کے لئے نہیں آیا تھا - اگر ہمدوستان
کی سب سے بڑی شخصیت یہاں کا
پدائیم مسٹر کسی جلسہ میں جاتا
ہے تو یہ تو اسرار کی بات ہے -
مناسب ہے اور اسے جانا چاہیئے اور
اس سے عزت... (انٹرویشن) مہرا
ٹائم بہ برباد کر رہے ہیں -

†[श्री असद मनी (उत्तर प्रदेश) :

जनाब वाइस चेंबरमैन साहब, यह जो बिल
मिनिस्टर साहब की तरफ से पेश हुआ है
मैं इसकी ताईद करने के लिए खड़ा
हुआ हूँ। गैर मुल्की का मसला ऐसा

नहीं है कि इसमें कोई दो राय हों।
हकीकत में अगर कोई गैर मुल्की किसी
मुल्क में है तो उसको कानूनी तौर पर वहां
रहने का हक नहीं है और उसको
निकलना चाहिए। लेकिन इसको निकालने
के लिए कानून का रास्ता और इसाफ
अख्तियार करना चाहिए। इसी के साथ साथ
जो लोग हिन्दुस्तान के सिटिजन्स हैं
उनको गैर मुल्की कहकर परेशान करना
उनके साथ नाइंसाफी बरतना है। ऐसा
हरगिज नहीं होना चाहिए। इस मसले
में होना यही चाहिए कि किसी के मुल्की
या गैर मुल्की होने का फैसला अदालती
तौर पर हो और उसको इसका मौका
दिया जाए। जो लोग यह शिकायत करें
कि फलां शख्स गैर मुल्की है तो इस पर
यह जिम्मेदारी होनी चाहिए कि वो उसका
सबूत मुझ्या करे। आखिर कतल भी
होते हैं। डाके भी पड़ते हैं, चोरिय
भी होती हैं और दूसरे बहुत बड़े जुर्म भी
होते हैं, लेकिन अगर किसी को कहा जाए कि
यह मुजरिम है तो इसका वासबूत कहने
वाले, शिकायत करने वाले के जिम्मे होत।
है कि वो साबित करे कि यह शख्स
कातिल है, चोर है, डाकू है, इसी तरह
गैर मुल्की कोई यहां रहता है, यकीनन
उसको यहां रहने का हक, उसको वोट
देने का हक नहीं है, जब तक कानूनी तौर पर
वो हिन्दुस्तान का शहरी न बन जाए और
अगर ऐसा है तो शिकायत करने
वाले पर यह जिम्मेदारी है कि वह साबित
करे कि गैर मुल्की है और अगर अदालत
यह फैसला कर दे गैर मुल्की होने का तो फिर
उसको रहने का हक नहीं होना चाहिए।
वो किसी तरह से मुल्की बनने के लिए कोई
और तजवीज अख्तियार करे। यह मसल
इसी तरह से हल होतो ठीक हो सकता है।
लेकिन इसके साथ उसको एक जज्बाती
स्टंट बनाया गया है और पोलिटिकल अंदाज

Bill, 1980

में लोगों को धक्का देकर और मुख्तलिक तरीकों से दिमाग में जहर भरा गया है कि वहां सुरतहाल ऐसी हो गयी है (असाम में) कि वहां बंदअमनी, फसादा, कत्ल सब हो रहे हैं। मैंने खुद एक आठ साल के बच्चे को अपने छः महीने के जख्मी भाई को अपनी गोद में लिए देखा और इसके खानदान के पांच अफराद कत्ल हो चुके थे। सिर्फ एक बहन और एक भाई छः हीने का बच्चा जीता था और बाकी सब कत्ल हो गए थे। किस तरीके से अस्पतालों में जख्मियों को वहां घुस कर मारा गया है, कोई हिकाजत नहीं हुई। पुलिस के अन्दर जो लोग मुलाजिम थे, उनके घर लूटे गए, उनका तबादला किया गया, उनकी हिकाजत नहीं की गयी और जो पुलिस में गए तो उनकी कोई शिकायत दर्ज नहीं की गयी। इस तरह से वहां पर पूरा नजाम परालाइज्ड है। कोई इंसाफ नहीं, कोई कानून नहीं, कोई सुनने वाला नहीं, किसी किसम की दाद फरियाद नहीं। लाखों लाख हिन्दुस्तानी शहरियों पर तोहमत लगा कर गांव के गांव बर्बाद किए जा रहे हैं। अफसरान सामने खड़े हैं, लोग जा कर कहते हैं आः डी० एम० है देखिए क्या हो रहा है और वो उधर को मुंह फेर लेते हैं। किसी किसम की शर्मिन्दगी नहीं, जबानी हमदर्दी नहीं। कोई पुलिस वाला सुनता नहीं। आग बुझाने वाले इंजन को बुलाया जाता है, फायर ब्रिगेड को तो उसको रास्ता नहीं दिया जाता और उसके लिए कोई दाद फरियाद नहीं होती। इस तरह के हालात एक दफा नहीं मुसलसल होते हैं। आज भी यह खबरों में है। इन्हीं लोगों की आवादियों पर जुर्माना लगा दिया जाता है।

जैसा मिनिस्टर साहब ने कहा वहाँ की चाय की तजारत, लकड़ी की, प्लाईवुड की, जूट की और इस तरह की सब बंद हो गयी हैं। जब सारे हिन्दुस्तान में सूखा था

पानी का एक भी कतरा नहीं मिल रहा था, बिजली का पैदावार बम थी, खेतियां सूख रही थी, डीजल नायाब था और पेट्रोल कम्पनियों पर लाइनें लगी हुई थीं, हिन्दुस्तान परेशान था, बारिश पिछले साल कम हुई थी, तब आसाम से डीजल का रोका गया। आप यह कहते हैं कि अगर पुलिस होगी तो इलायदगी का जज्बा पैदा होगा। वहाँ ऐसे मजबूत छपे हैं कि तन्हा पेट्रोल से हम अपनी इकानोमी को मजबूती से चला सकते हैं। हमें हिन्दुस्तान की कोई जरूरत नहीं है।

इसी तरीके से वहाँ तहरीक चलाने वालों में जब कि वहाँ तमाम बंदअमनी है, फसाद है, रिटिजन्स जैसे राजका मसले को जो दस्तूर और कानून से तारिलुक रखता है, अपने हाथ में ले लिया है और गांव-गांव में जाकर लोगों को धमकाते हैं कि हमारे कागज पर दस्तखत कर दो, अंगूठा लगा दो, तुम गैर मुत्की हो। जो लोग मुत्की होने का कोई सबत देते हैं, कोई डक्यूमेंट, कोई रजिस्ट्री का कागज देते हैं तो इसे लेकर वो फाड़ कर फेंक देते हैं। इनके तमाम कागजात जाया कर देते हैं। लोगों का बाजार जाना, अस्पताल जाना, दवा लाना तमाम चीज मुश्किल कर दी हैं। ऐसे हालात वहाँ हैं जिनकी आप वाकयी पार्टीबाजी और दूसरे सियासी मसलों से लग कर के इंसानी नजरिए से देखें तो आपको शर्म आनी चाहिए कि किस तरह लोग हजारों की तादाद में मुसीबत में मुबत्तला हैं।

इसी तरीके से जो यह कहा जा रहा है कि आसाम के लोगों की जो जवान है वो खतरा में है, वो धोखा है। 1901 के सेंसस में आसामी मदरटंग लिखाने वाले 22 परसेंट थे, बंगला लिखाने वाले 48 परसेंट थे और 1971 के सेंसस में आसामी मदरटंग लिखाने वाले 61 परसेंट

[श्री असद मदनी]

हैं और बंगाली लिखाने वाले 19 और कुछ प्वाइंट, 20 परसेंट से भी कम हैं। कई खतरा आसामी लैंगएज को आसामी कल्चर का किसी किस्म का नहीं है। जो वहां बसते हैं उन्होंने आसामी कल्चर कबूल किया। आसामी जवान कबूल की। आसामी बोलते हैं, वोमिल जुन कर रहना चाहते हैं। किसी किस्म का कई अभाव नहीं करना चाहते। लेकिन यह साजिश है, पोलिटिकल साजिश है, दूसरे मुल्क का इसमें हित है। यह तहरीक इस हिस्से को हिन्दुस्तान से अलग करने के लिए चलाई गई है। आप इस वक्त तक इंतजार करना चाहते हैं, जब खुद न खास्ता यह सुबह हिन्दुस्तान से निकल जाए, वहां भी आसू के नाम से अंजमन बनाई गयी है। इसका नाम है सिविल यूनाइटेड लिबरेशन आर्मी यह आसू के नाम से बनाई गई है। लिबरेशन आर्मी है। दूसरे-दूसरे हवाले दिए जाते हैं। इसकी साजिश है कि इस तमाम हिस्से को मुल्क से आजाद कर दिया जाए। धोखे दिए जाते हैं इस तरह से। पहले के होम मिनिस्टर अमी मुझे मिले थे वो कह रहे थे कि वो एक मारवाड़ी के पास गए और पूछा कि तुम लोग क्यों इसमें पैसा देते हो इसने कहा कि आसाम को पाकिस्तान बनाया जा रहा है। कैसे पाकिस्तान बनाया जा रहा है? उसने कहा कि 51 परसेंट मुसलमान यहां हो गए हैं, उन्होंने इसे बताया कि 1951 का जो सेंसस रिपोर्ट है उसमें मुसलमान 22 परसेंट हैं। 1961 में 23 परसेंट है और इस वक्त 1971 की सेंसस में 24 परसेंट है। तो 25 परसेंट से ज्यादा कभी हुआ नहीं। यह 51 किसने कह दिया, तो कहा कि मैं पूछकर आता हूं। वो आर०एस०एस० के लोगों के पास गए और कहा कि नहीं बात यह है कि 1971 के बाद इतने

आ गए हैं कि अब वो 51 परसेंट हो गए। और उसने कहा कि अगर ऐसा हो तो गवर्नमेंट तो खुद मानती है कि 1971 के बाद जितने लोग आए उनकी निकाल देंगे तो अगर वो लोग आए हैं वाक्यी में जैसा कि लोग कह रहे हैं तो वो सब लोग निकाल दिए जाएंगे। मान लो इसकी इससे बाद क्या जरूरत है आन्दोलन चलाने का। इस तरीके से वहां के एक सावक मिनिस्टर ने प्रेस में बयान दिया कि सिर्फ कामरूप जिले में बाहर के लोग 36 लाख की तादाद में आ गए। पूरे कामरूप की आबादी 1971 में 28 लाख थी जिस जिला की सारी आबादी 28 लाख हो उसके मुजलक यह कहा जाए कि 36 लाख आदमी कहां बाहर से आ गए हैं। यह किसकी अक्ल में आया। इस तरीके से वहां जहर घोला जा रहा है और पूरे आसाम के लोगों को बर्लाया जा रहा है। त्रिपुरा में इस तरह से कल्लेआम हुआ है, उसी तरह से गिजोरम दंगरह में भी हुआ है। और हिन्दुस्तान के शहरियों को मारा गया है और मैं कहना चाहता हूं कि वहां विहारियों को यू० पी० वालों को और दूसरी जगह के रहने वाले को बहुत परेशानी हुई। 50 लाख को निकाल दिया जाए यह कहा जा रहा है तो एक करोड़ 39 लाख में से अगर 50 लाख को निकाल दिया जाए तो इससे माने तो वहां आसामी और गैर-आसामी की बात है। यह बड़ा खतरा है और यह बात साफ जाहिर होती है पूरे मुल्क को इससे खतरा है। पूरे मुल्क की इकनामिक पोजीशन को इससे खतरा है। और यह बात खुनकर आसाम में कही गयी है। तो इसलिए इन चीजों पर सोचना चाहिए।

आखिर मैं कहना चाहता हूं कि अगर हम हिन्दुस्तानियों को कहीं बरा कद्र

जाए तो हम वर्दाशत नहीं करेंगे और इसके लिए हम हंगामा करेंगे लेकिन "इंडिया टुडे" देखिए इसमें फोटो है आसाम के आन्दोलन चलाने वाले यह लिए हुए हैं और इसमें लिखा है 'गेट आऊट इण्डियन डाग्स फ्रॉम आसाम' तो यह क्या चीज है। अगर यू० एन० ओ० में यह होता तो आप क्या करते? इसी मुल्क में अगर यह होता तो क्या आप वर्दाशत कर लेते। हिन्दुस्तान के मुल्क के लोगों के देश प्रेम को मैं पुकारता हूँ कि आप लोगों को सोचना चाहिए कि इसका क्या मतलब है। कोई दूसरा मुल्क हमारे मुतलक जुरत नहीं कर सकता। यह फोटो है और सारी दुनिया में गए हैं आपकी जितनी वदनामी हुई होगी आपको सोचना चाहिए यह कौन सी और कैसी तहरीक वहां चल रही है। हमारी जनता पार्टी के एक मुख्यज्ज मेम्बर ने पिछले दिनों यहां जबरदस्ती दारुलअलूम देओबंद का एक आजाद अदारा है। इसे खींचा और खींचकर यहां तक कहा कि वहां तुलवा में आपस में टकराव हो गया और पी० ए० सी० ने और पुलिस वालों ने उसको बंद करवाया और कहा कि फलां फलां की मदाखलत हुई और इन्दिरा जी को वहां जबरदस्ती ले जाया गया ताकि वहां अपना असर बढ़ाया जाए। इन्दिरा जी को दावत देने वाले मौलाना तैयब साहब वहां के वाइस चान्सलर थे और उनके साथ मुफ्ती अतिकुलरहमान साहब आए थे। उन्होंने यह दावत दी थी। दावत देकर गए थे। कोई दूसरा आदमी वहां दावत देने के लिए नहीं आया था। अगर हिन्दुस्तान की सबसे बड़ी शख्सियत यहां का प्राइम मिनिस्टर किसी जलसा में जाता है तो यह तो अज्जाज की बात है मुनासिब है और इसे जाना चाहिए और इससे इज्जत... (Interruptions). मेरा टाइम यह बरबाद कर रहे हैं।]

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Mathur, please do not disturb. Why are you disturbing? Madani Saheb, please go on.

شہی اسد مدنی: تو اس طریقہ سے

میں یہ عرض کر رہا تھا کہ انہوں نے اعتراض کیا اور یہ کہتے ہیں کہ اسی سال کے بورے وہاں ایک تھ کانگریس (آئی) کے ان کو ایک چھوٹا سا گروپ ہٹانا چاہتا ہے۔ ان کے اوپر یہ ذمہ داری ہے کہ اس کو رہ ثابت کریں۔ اتنی غلط باتیں وہ کریں گے کہ میں جن کا ٹیوٹ نہ نہیں دیا جا سکتا۔ اس معاملہ میں میرا ذاتی تعلق ہے۔ میں نہیں سمجھتا کہ وہاں کسی "ہیتھم کو ہٹانے کے لئے میرا کوئی جذبہ یا خیال یا کوئی حرکت ہوئی ہو۔ میں نے تو دارالعلوم کے ساتھ ایسا تعاون کیا ہے کہ جس کو وہ سوچ نہیں سکتے۔ اس طرح کی غیر ذمہ دارانہ باتیں کہنا پارلیمنٹ کے ممبرز کے لئے کسی بھی طرح شایان شان نہیں ہے۔ ان کو سوچنا چاہیئے۔ اس لئے میں ان تمام چیزوں کے ساتھ ملحدوستان کی ایکتا قوت محکمات تعلقات انسانیت اور مظلوموں کی ہمدردی اور دکشا ان تمام چیزوں کے لئے سب سے اپیل کرتا ہوں کہ اس بل کو سہجرت کریں اور اس کو منظور کرائیں۔ آج ہم

[شری احد مدنی]

کہیں اگر وہاں خون خرابہ اور بربادی
ہونے لے تو یہ سارے ملک میں
پھیلے گا تو ملک برباد ہو جائے گا -
اس لئے ملک کو بچانے کے لئے
ہمیں سب چیزیں کوئی چاہئیں -
اگر ملک بچے گا تو ہم سب بچیں
کے ملک تباہ ہو جائے گا تو ہم سب
تباہ ہو جائیں گے -

†[श्री असद मदनी : तो इस तरीका
से मैं यह अर्ज कर रहा था कि उन्होंने
एतराज किया और यह कहते हैं कि 80
साल के बूढ़े वहाँ कांग्रेस (आई)
के उनको एक श्रृंखला हटाना
चाहता है । उनके ऊपर यह जिम्मेदारी
है कि उसको वो साबित करें कितनी
गलत बातें वो क्यों करते हैं । जिनका
सबूत नहीं दिया जा सकता । इस मामले
में मेरा जाल है । मैं नहीं
समझता कि वहाँ कितनी मोहताम को
हटाने के लिए मेरा कोई जज्बा या
खयाल या कोई हरकत हुई हो । मैंने तो
दारुलमलूम के साथ इतना ज़ावत किया
है कि इसको वो सोच नहीं सकते ।
इस तरह की गैर जिम्मेदारता बातें
कहना पार्लियामेंट के मेम्बरान के लिए
किसी भी तरह शायानान नहीं है ।
उनको सोचना चाहिए । इसलिए मैं इन
तमाम चीजों के साथ हिन्दुस्तान की
एकता, कूशत, मुहवत, तालुकात,
इंसानियत और मजलूमों की हमदर्दी और
रक्षा इन तमाम चीजों के लिए सबसे
अपील करता हूँ कि इस विल को सपोर्ट
करें और उसको मंजूर कराएँ । आज
हम कहीं अगर वहाँ खून खराबा और
बर्बादी होने दें तो यह सारे मुल्क में
फैलेगा तो मुल्क बर्बाद हो जाएगा इसलिए
मुल्क को बचाने के लिए हमें सब चीजें

करनी चाहिए । अगर मुल्क बचने का
हम सब बचेंगे । मुल्क तबाह हो जाएगा
तो हम सब तबाह हो जाएंगे ।]

SHRI DINESH GOSWAMI: Mr.
Vice-Chairman, Sir, when the main
spokesman of the Congress(I) Mr.
Chattopadhyaya...

THE VICE-CHAIRMAN (SHRI A.
G. KULKARNI): Time is very short,
Mr. Dinesh Goswami, as you know.

SHRI DINESH GOSWAMI: Sir,
when we have been abused right and
left, I hope you will give us a chance
to defend ourselves. When the main
spokesman of the Congress(I), Mr.
Chattopadhyaya, spoke, I had to inter-
rupt him. I was not happy with the
heat and passion that was generated in
this House because if Assam needs
today something it is not confrontation,
it is not accusation and counter-accusa-
tion. Assam needs a healing touch, a
soothing touch. And I heard Mr.
Madani say that there is no misap-
prehension in the minds of the people
of Assam of being swapped and their
culture being submerged. Sir, may I
remind him that it is his leader none
other than the Prime Minister who
on this platform has said that the ap-
prehensions of the Assamese are
genuine. It is statement by a person
like Mr. Madani who tries to overlook
the facts that creates complications;
and that creates a genuine doubt in
our mind that you are approaching this
problem politically. Sir, I am happy
to note and hear from Mr. Chattopad-
hyaya that he is an unrepentant sup-
porter of the Emergency. (Interrup-
tions).

شری احد مدنی : ایکمن چناب

یہ باتیں جو حقیقت ہیں جو واقعات
ہیں وہ میں نے کہی ہیں - اس
میں شک و شبہ کی بات نہیں ہے -

*[श्री असद मदनी : लेकिल जनाव
यह बातें जो हकीकत हैं जो वाक्यात है
वो मैंने कहीं हैं । इसमें शक व शुबा की
बात नहीं है ।]

SHRI DINESH GOSWAMI: Sir, I am happy to hear from Mr. Chattopadhyaya that he is an unrepentent supporter of the Emergency. We know, Sir, that Emergency has been proclaimed in Assam through the back-door and Mr. Chattopadhyaya, the main spokesman of the party, has made it clear to the people of Assam: "Be prepared. Your days of constitutional safeguards are over." Sir, for nine months we have fought and the students of Assam have tried to keep this movement absolutely non-violent. You have seen what has happened in Tripura within three days. If you go on accusing the students there times without number by saying "No, you are violent, you are violent", don't you realize, Mr. Chattopadhyaya, that the extremist section of the students will tell them: "Well, you talk of non-violence. Have you been able to get even a semblance of sympathy from the Indian Parliament? What is the use of being non-violent?" Are you not strengthening the hands of the extremists by this type of statement? For the last ten months if somebody has suffered, it is the people of Assam. When you talk about the foreigners, always it is said that the issue is the creation of the Janata Party and so on and so forth. May I point out a few things from certain documents? In 1962, for example, there is a resolution:

"...that the infiltration of Pakistani nationals without valid travel documents into Assam is likely to endanger the security of the country as such it is an imperative necessity that further infiltration should be stopped."

This is dated 8-8-62. There are a number of other such resolutions. I will not go into them. In 1964, "the problem of Pakistani infiltrators is posing a serious problem for the security of this frontier State".

In the light of the above observations, the Committee asked for a target date of 31.3.65 to complete Pakistani infiltration. Then:

"That the Citizens' National Register with house numbers intended

for preparation of the Census of 1951 be made a basis for tracing out..."

This is a document of the party, the party to which had the privilege to belong, the Assam Pradesh Congress Committee, published recently to show their stand on infiltration.

Sir, it is said that the students have become unreasonable. May I read from the latest letter of AASU to the Prime Minister, which unfortunately has not been published. Mr. Madani has referred to *India Today*. Sir, will he kindly lay it on the Table of the House? The words "Dogs, Indian dogs, go back" have been superimposed on the photo in order to give a bad name to the people of Assam.

SOME HON. MEMBERS: Shame; shame.

SHRI DINESH GOSWAMI: Let it be placed on the Table of the House to see whether this has been superimposed or not. Please place it there.

شری اسد مدنی: یہ اندھا ٹو قے

ہے - میں اس کو دکھانے کے لئے تیار

ہوں - بالکل دکھانے کے لئے تیار ہوں -

یہ میرا کاغذ نہیں ہے - یہ تمام میں

چھپا ہے - میں اس کو دکھانے کے لئے

تیار ہوں -

†[श्री असद मदनी: यह इण्डिया टुडे है। मैं इसको रखने के लिए तैयार हूँ। बिल्कुल रखने के लिए तैयार हूँ। यह मेरा कागज नहीं है। यह तमाम में छपा है। मैं उसको रखने के लिए तैयार हूँ।]

SHRI DINESH GOSWAMI: Sir, this should be placed and let it go to an expert to see whether this has been superimposed or not. (Interruptions)

شری اسد مدنی: یہ موجود ہے -

تمام میں چھپا ہے - میں اس کو

دکھانے کے لئے تیار ہوں - وئس

چیرمین صاحب (انٹروپشنز)

† [] Devnagari transliteration.

†[श्री असद मदनी: यह मौजूद है, तमाम में छपा है। मैं इसको रखने के लिए तैयार हूँ। वाईस चेयरमैन साहब... (Interruptions)]

SHRIMATI PURABI MUKHOPADHYAYA (West Bengal): A point of order, Mr. Vice-Chairman.

SHRI DINESH GOSWAMI: I say, let it be placed.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): What is the point of order, madam?

SHRIMATI PURABI MUKHOPADHYAY: Please remember that it was I who handed over a bunch of pamphlets purported to be printed by the AASU and those who launched this movement, and in one of the pamphlets they have written, "Indian dogs" and they have also mentioned the names of certain Indian leaders to be hanged. And when Mr. Goswami says that there is no violence on the part of the students or those who are in the movement, it is wrong. And Mr. Asad Madani has said that the Muslims there have given their language as Assamese; it is quite true, he cannot deny that

SHRI DINESH GOSWAMI: I have said that the students of Assam have tried their utmost to keep their movement non-violent. Let the document be placed on the Table of the House. Let it be judged by an impartial person, and let the truth come out. Let it be placed on the Table of the House, and let it be judged.

SHRI JOSEPH LEON ALBAN D'SOUZA (Maharashtra): Who says that it has been superimposed?

SHRI DINESH GOSWAMI: Because it is apparent from the photo published in "India Today". (Interruptions). Let it be proved. I have thrown a challenge. I have thrown a positive chal-

lenge. It is a superimposed photo. With all the responsibility on a Member of Parliament I say this. Are you in a position to say that? Kindly say so.

SHRI JOSEPH LEON ALBAN D'SOUZA: Mr. Vice-Chairman, I was a witness when he challenged him a little while ago. He asked him to prove something he has got.

SHRI DINESH GOSWAMI: I did not. I said it was a superimposed photo.

SHRI JOSEPH LEON ALBAN D'SOUZA: Certainly, I heard it.

SHRI DINESH GOSWAMI: Sir, I do not want heat to generate. Let me go through the letter.

श्री असद मदनी : یہ کوئی

معمولی بات نہیں ہے - ساری دنیا

میں چھپنے والی بات ہے - یہ ایک

محلہ کی چیز نہیں ہے سب کی

چیز ہے - آپ اس کو جس طرح سے

چاہیں لے لیں.....

†[श्री असद मदनी : यह कोई मामूली बात नहीं है। सारी दुनिया में छपने वाली बात है। यह एक मौहल्ला की चीज नहीं है, सबकी चीज है। आप इसको जिस तरह से चाहें ले लें...]

SHRI DINESH GOSWAMI: Let it be judged. It should be judged. I want it to be judged. Let the world know whether I am wrong or Mr. Madni is wrong. It should be placed on the Table of the House. (Interruptions).

SHRI P. RAMAMURTI (Tamil Nadu): He has asked him to place it on the Table of the House. He has asked the Government to find out whether it is superimposed or not, and

Mr. Madni is prepared to do that.
There ends the matter.

SHRI DINESH GOSWAMI: That ends the matter.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Ramamurti, Mr. Madni has shown some publication, and Mr. Dinesh Goswami has challenged the *bona fides* of certain words that they were superimposed. Would you please take your seat? This document is a public document. What is the use of placing it on the Table of the House? Let the Home Minister take it into his custody and enquire into it, and before the next session comes, give his information on what is what.

SHRI DINESH GOSWAMI: I am very happy. Then it will be proved whether I am correct or the other side is correct.

I am reading the letter of the All-Assam Students Union. Sir, this letter, I thought, I should share with the House.

SHRI ASAD MADNI: Point of order.

SHRI DINESH GSWAMI: I did not interrupt when he spoke.

شہری اسد مدنی : میرا پوائنٹ

آف آرڈر ہے - میں یہ پوچھنا چاہتا
ہوں کہ یہ ساری دہیا میں دیا تھا
تو ان کے لیڈروں نے اس کی تردید
کی تھی یا نہیں ؟

†[श्री असद मदनी : मेरा प्वाइंट
आफ आर्डर है । मैं यह पूछना चाहता

† [] Devnagari transliteration.

हं कि यह सारी दुनिया में छपा था तो
इनके लीडरों ने इसकी तरदीद की
या नहीं ?]

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Madni, now I have advised the Home Minister to enquire. Why are you worried now?

SHRI DINESH GOSWAMI: I am not blaming Mr. Madni of superimposing it. Now, let me share with this House the latest communication of the All Assam Students' Union to the Prime Minister of India. The letter says:

"At the very outset, we express our deep condolence at the premature demise of your son Shri Sanjay Gandhi, who was also a member of Parliament, on June, 23, 1980.

We acknowledge your assurance that the foreigners issue would be solved within the framework of the Constitution. However, you have neither accepted nor objected to using the NRC and the earliest electoral rolls as documents for detection. This raises a question of vital importance to us. We would like to know how the Government proposes to identify the foreigners. We firmly believe that there exist no documents alternative to the NRC and the first Electoral Rolls prepared after the adoption of the Constitution, to detect the foreigners within a reasonable period of time. We request you to clarify this aspect.

There is another important aspect of the problem. Regarding deportation you have unambiguously stated that those who entered India after 1971, must go back to their own country. We also appreciate your statement that all re-infiltrators would be deported. However, the Government has expressed its inability to deport the persons who came before 1971. Under such circumstances, we would like to know what the Government proposes to do with those persons whom the Government cannot deport. Any solution aimed at keeping the entire

bulk in Assam would surely be unacceptable to us. Any practical solution must be capable of removing the sense of insecurity from the minds of the people of Assam in the socio-political-cultural and economic life."

And it concludes as follows:

"We believe that negotiations on the above basis can lead to a solution. We are ready for talks once the repressive measures, including those against the Government employees, are withdrawn." t

Is this a letter of confrontation? Is this a letter of accusation? Is this a letter which says that the students want something to be done outside the framework of the Constitution of India? Is this a letter which says that the laws of this country should not be applied to Assam? Sir, this is a letter which proves the *bona-fides* of the students that they want a solution. And, Sir, what is the reply of the Home Minister? The *Statesman* has reported him as saying that the entire movement in Assam is being launched by certain anti-social elements. Sir, my brothers and sisters and mothers are in this movement. Let me say clearly that every Assamese, man or woman, is in this movement. And the Home Minister calls all of us anti-social elements. (*Interruption*). And you want that the people of Assam should treat this Government with respect? When you call the people of Assam as anti-social elements, when he goes to the people of Assam.... (*Interruptions*). That is exactly what your Home Minister has been reported to have said. (*Interruptions*).

PROF. D. P. CHATTOPADHYAYA: You are quoting him out of context.

SHRIMATI USHA MALHOTRA: He has not said that. (*Interruptions*).

SHRI DINESH GOSWAMI: I am not yielding. "Opening a three-day conference...." I will read the whole

paragraph. The *Statesman* is a paper which goes to Assam. (*Interruptions*). Please. Kindly permit me.

SHRI HARI SINGH NALWA: On a point of order.

SHRI DINESH GOSWAMI: The *Statesman* is a paper which goes to Assam. (*Interruptions*). Mrs. Malhotra, try to understand my point. Why I am saying so is this. (*Interruptions*).

SHRI HARI SINGH NALWA: On a point of order.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Please take your seat.

SHRI DINESH GOSWAMI: I said on the last occasion that there is a crisis of confidence between the Government and the people of Assam. If this confidence is not restored, looking to what has happened in Tripura, looking to what has happened in Manipur... (*Interruptions*). Mrs. Malhotra, you do not know the problems of the North-Eastern region. Do not enter into an area about which you do not know. You are facing the gravest crisis in this region. (*Interruptions*)

SHRIMATI HAMIDA HABIB-ULLAH (Uttar Pradesh): The Home Minister said that it is the anti-social elements... (*Interruptions*).

SHRI DINESH GOSWAMI: I am giving an opportunity to the Home Minister. (*Interruptions*).

SHRI HARI SINGH NALWA: On a point of order.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): What is the point of order that you want to raise? He is making a speech. What is the necessity for a point of order?

SHRI HARI SINGH NALWA: This is a most important point of order.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): He has quoted some paper. He is entitled to quote from a paper.

SHRI HARI SINGH NALWA: My humble submission is...

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): What is your point of order?

5 P.M.

SHRI HARI SINGH NALWA: My point of order is that the hon. Home Minister of India was not calling the Assamese people anti-national elements. He was calling anti-national...

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): That is for the Home Minister....(Interruptions). There is no point of order. Do not unnecessarily disturb when he is speaking. The Home Minister is presenting himself. He is competent enough to deny it or accept it. Yes, Mr. Goswami.

SHRI DINESH GOSWAMI: I am only quoting what the Statesman has reported. And my purpose of quoting is to give an opportunity to the Home Minister who, I hope, will say that he has not used these words in his statement which said that it is being launched by certain anti-national elements. If he had said that the advantage of this movement is sought to be taken by anti-national or anti-social elements, I could have understood it. But when it is said that it is being launched by anti-social elements, I tell him that my brothers, my sisters and my mothers are all in this movement. If you call my brothers, sisters and mothers anti-social elements, do you think that you are helping the cause for negotiations? This is precisely what I am pointing out.

The problem of Assam cannot be solved with the muzzle of the gun. You have tried it. You imposed curfew there. What did you gain? Therefore, the problem can be solved only on the basis of understanding.

You have brought this Bill for the purpose of providing essential services. Mr. Makwana, may I point out to you that essential services are available in Assam today? They are available because the Assam Students' Union has kept essential services out of the

purview of their agitational programmes. If the Assam students decide to challenge you and bring essential services within the purview of their agitational programmes, your Essential Services Act will not be able to do anything. You tried with all your might. You tried it with your might in the petroleum refineries. Could you do anything? For the last three days trains did not go to Assam in spite of your Ordinance. Could you do anything? It is only by understanding and appreciating the problems of the people of Assam and the students of Assam that you can solve this problem.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Will you please conclude now?

SHRI DINESH GOSWAMI: I will conclude in five minutes. Sir, this Bill has been brought with *mala fide* and ulterior motives. This Bill has been brought not only to curtail trade unionism but to curtail democratic rights of entire people of Assam by force. It is said in the Bill that anybody who has contributed for this movement can be brought within the purview of this Bill. You can bring anybody under it. This Bill has been brought to give unbridled power to the Executive. Today the Industrial Disputes Act has been overridden by a clause of this Bill. The Criminal Procedure Code has been overridden by another clause of this Bill. Today the Home Minister will bring forward another Bill which will prevent Parliament from legislating for Assam. The legislative powers of Assam will be conferred on the President by that Bill. So, Parliament has been taken out of the purview of Assam. The Constitution does not apply to Assam. The Citizenship Act does not apply to Assam. We are at the mercy of the Executive....(Interruptions). There is a difference between the President and Parliament. Parliament always acts as a check on the Executive. But you want to give unbridled powers to the Executive. This is a colonial attitude.

Today everybody is talking of economic injustice to Assam. It is

[Shri Dinesh Goswami]

said that Assam has been economically neglected. I can quote from debate after debate to prove what you, from the treasury benches, said when we asked for a refinery in Assam. You called us parochial. You call us names. We are being abused left and right and we are accused.

Sir, this draconian Bill is an undeclared war on the people of Assam. May I ask you one question? Why bring this Bill? Why not bring a Bill against those persons who are molesting women all over the country? You have no courage to bring forward a Bill of that nature. But you bring forward such a Bill in order to fight us. Unfortunately, what will happen today, is this. As I have shown in the letter of the 25th June, the students of Assam were very keen for a solution. They wanted to come to the negotiating table. But the law of this nature, which, as I have said, is a draconian measure and which is an undeclared war on them, will come in the way of negotiations because immediately the people will doubt the *bona fides* of this Government. Sir, I feel that this Bill should be torn to pieces...

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Thank you.

SHRI DINESH GOSWAMI: ...and once you throw the Bill into the wastepaper basket, there can be some solution to the problem of Assam. Mr. Home Minister, if you think that you can solve the problem through the muzzle of a gun, history is replete with instances where such a type of attitude on the part of the government led to disastrous consequences. I still believe that the Prime Minister of this country has undoubtedly some understanding of the problem and if she sits at the negotiating table with the students, the problem can be solved. I have heard also that today in Assam the Governor probably the chief Adviser do not see eye to eye. I do not know. But the fact remains. The bureaucracy is coming in the way of

a solution. For heaven's sake, please do not bring in such legislations. These legislations will create problems. You have tried your method of using arms against the Nagas and against the Mizos. Have you been able to do anything for the last fifteen years? Ultimately, you had to talk to Mr. Laldenga today. Kindly, for heaven's sake, appreciate the feelings of the people of the North-Eastern region and once you appreciate the feelings of the North-Eastern region, you will be able to solve it. Otherwise, Sir, I am sorry to say that I am worried about the future of this region and the country.

SHRI P. RAMAMURTI: Mr. Vice-Chairman, Sir, at the outset, I want to say that I agree with Mr. Goswami on the last portion of his speech, namely, that this Bill is not going to help us at all. On that question I am one with him. Generally speaking, our party and the trade union movement in the country have been totally opposed to this so-called Essential Services Maintenance Bill, whether it is now introduced in this House or whenever it has been introduced in this House and I would also like to point out to the Government that despite all these draconian measures and laws on the Statute Book, whenever the working class has decided to go on strike and fight, these laws do not prevent it from going on strike and from fighting. Therefore, I am totally opposed to this Bill. I do not want to go into the various clauses that are incorporated in this Bill and I am not bothered about them. But the main question that I want to ask the Government is this: Is this Bill in any way going to help you solve the problem at all? And what is the problem now? After all, will he be able to enforce this Bill? Here is a State where the entire administration, as I said the other day, is run by the students' organisation and the movement is run by the administration. That is the reality now. The reality is that the administration is run by the AASU and the AASU is run by the administration. That is the reality of the situation as far as Assam is

concerned. And, with regard to the wonderful slogan that this is absolutely a peaceful and democratic movement and the entire Assamese people are involved in that, I will say, yes, I agree that the Assamese people, the Asamese-speaking people are involved in that. But how are they involved in that? My friend Mr. Goswami was waxing eloquent and said that every Asamese is involved in that. I would like to point out to him one thing. What happened to Mr. Gohain, the sane voice that was talking against this agitation and that was pointing out the dangers inherent in this agitation? What happened to Mr. Gohain? Mr. Gohain, when he was distributing his newspaper in the bazaar of Gauhati, was beaten up. By whom? By nobody else than the students and the other people. Is that the non-violent way in which they are carrying on? If you have a right of dissent, they are not prepared to give. What happened to that lady to that lady journalist, Borgaihn? What hapened to her when she went there and when she saw a set of doctors there? When she told those doctors to give treatment to those people, what was the answer she got? She got the answer from those doctors, saying that these are not Indians, don't ask us to do anything. Have you forgotten that? Can you deny that when she came back to join the newspaper with which she was associated, she was told: You are not loyal to this paper; get out of it, and immediately she was sacked. This is the way in which people have been intimidated. The Assamese people, the Asamese-speaking people, the saner section of people, who see what is behind this movement, who see that these students are being misled and who want to tell them that they are being misled—those people are terrorised, those people are socially ostracized, they are being called disloyal people, they are called traitors. This is the way in which that movement is being run.

SHRIMATI PURABI MUKHOPADHYAY: Even Members of Parliament, of Lok Sabha and Rajya Sabha..

SHRI P. RAMAMURTI: I know that. I can understand the position of Mr. Goswami. This is the actual position of the movement there. They are waxing eloquent about the Prime Minister being interested in the minorities. What is the position of the minorities there? What happened to the hundreds of thousands of minorities? I am not talking of linguistic minorities. I am not talking of the Muslim minorities, minorities who belong to the Muslim community, minorities belonging to the non-Muslim community, whether they are Muslim Bengalis. After all, the Bengalis constitute 19 per cent. And if you take out the Cachar district which is entirely of Bengali-speaking people, the Bengalis constitute only 11 per cent of the population. But what about the entire non-Assamese people who constitute about 40 per cent of the population—the Nepalese who have come, the tea garden workers, the tribals that are there? All these people together constitute about 40 per cent of the people. Are they able to live in peace there? How is it that thousands and thousands of those people are running away from there? And why has it become necessary to have camps in Nalbari, in Kamrup district, in Barpeta and in so many other places? Is it peace and non-violence? Is it the peaceful way in which the movement is being carried on? What is all this talk of being peaceful? Why is it necessary, if it is so peaceful, for 12,000 people, Bengali-speaking people, to run from Golpara district and seek shelter in Bengal? Why should the Bengal Government be burdened with that? This is a wonderful way. After all, we know, Sir, that students are being misled. If the truth is known, they will not be in this movement. We know that there have been forces which have been planning this whole movement for a long time. I can quote figures. But the time does not permit me. For example, when in 1978 or 1979, when 'Bihu', the Year Festival, was being celebrated in Sibsagar, what happened there to those leaders gathered there? And who was the chief guest? The

[Shri P. Ramamurti]

Thai Ambassador from here. The Thai Ambassador suddenly discovered that his kith and kin came migrated from Siam, from Thailand, 700 or 800 years ago, and his kith and kin are here. And then after the confabulation we know how the Thai Ambassador talked to establish kinship of his descendants who had come here 700 or 800 years ago and ruled Assam. We know all that. This is not the only instance. What happened when the American Ambassador went from here and stayed in Golaghat? He stayed as the guest of a tea garden manager who stayed in that bungalow and all that. And what happened? Some selected friends were called for a dinner—a dinner which lasted for three hour. What happened in that dinner? Will Mr. Goswami be able to throw some light on that? Why should he go there? What is the slogan that is being given today? Has he gone through the various writings of the so-called American research scholars who, unfortunately have been permitted by this Government to go and work there under the guise of Ford Foundation and this thing and that thing. They were research scholars with regard to all these things. These were the theoretical books which were given to those people for years. What is that Academy, that Assam Sahitya Academy? Has he gone through the writings of that Sahitya Academy, one of the constituents of the Parishad which is now spearheading that agitation? Has he gone through that? Does it not amount to open instigation for separation from India as the only solution to all the problems that the Assamese people have? All these things are there. It is these hands that are really guiding that movement. That is why, Sir, he waxed eloquent over the question of the foreigners. Yes, he quoted some resolution of the Congress Committee. I agree that in 1962 the Assam Congress Committee passed that resolution. But it is also a fact that in 1962, the Congress Government there appointed a number of tribunals, judicial tri-

bunals and not executive tribunals, and those judicial tribunals sat for 10 years and year after year the foreign nationals who had infiltrated without valid documents were deported. It was a judicial tribunal and on the basis of this tribunal more than 3,20,000 people had been deported. This is on the basis of the Assam Gazette.

SHRIMATI PURABI MUKHOPADHYAY: Sir, I am on a point of order. The document that Mr. Ramamurti refers to clearly states that instead of giving that power of externment in the hands of the executive, they appointed a Judicial Committee. It has been stated in that document. That document is still lying with the Government. It shows how many persons have been sent back by this judicial tribunal. (Interruptions). Please don't try to distort facts and what the Congress Government did.

SHRI P. RAMAMURTI: You did not hear me properly. You have misunderstood me. I said that judicial tribunals were appointed and that these were not executive tribunals. These tribunals, judicial tribunals, lasted for 10 years. You misunderstood me. They have given statistics year after year and the Assam Gazette has published the number of people who have been deported. It comes to about 3,20,000 up to 1972. In 1972, the very Government of which you were a Member decided that the work of identifying the foreigners was over and, therefore, they wound up the tribunals. These are the facts. These facts cannot be denied. That is why, today when they raise this question of 1951, there is some other motive behind it. It is not because of that. There is some other motive behind that. The motive is to see that under some pretext or other, no negotiations take place. The guiding hand behind them wants them not to enter the negotiating table. Therefore, under some pretext or another, the slogan of 1951 is raised. This is a pretext to avoid any negotiations. There-

fore, the year 1971 is a very relevant thing. They had judicial tribunals for 10 years and the judicial tribunals have wound up their work on the basis of a solemn statement that the work is over. (*Time bell rings*) After that, what is the use of raking up this question? Then, Sir, I would only respectfully point out to the House one thing. I went through the parliamentary debates from 1960 to 1976 in this House as well as in the Lok Sabha. Altogether, 75 questions have been raised in these 16 years. By Whom? By persons like Mr. Atal Bihari Vajpayee and Mr. Thengari, by so many members of the Janata Party and by so many Members of the Jana Sangh. No even one question raised the issue of infiltrators. All the 75 questions that have been raised on the floor of the Parliament, of this House and of the Lok Sabha, refer only to one point and that is: What are you doing with the refugees? They are extremely concerned with the rehabilitation of the refugees and finding jobs for them. This has been the concern of this House. But in 1979, when the by-election to that Mangaldoi constituency comes, suddenly the question of foreigners and the movement starts. At that time the slogan was not to deport the foreigners, the slogan was to delete the foreigners whose names have been included there. Suddenly they discovered the foreigners and suddenly, executive tribunals were appointed by the Janata Government, and suddenly within a few days, 40 thousand people were declared as foreigners. This is the wonderful way in which they functioned, the Janata Government. Within 15 days, without any evidence, 40,000 people are declared as foreigners and then the whole thing has started. Therefore, Sir, I want to point out that public opinion in this country must be roused, the entire people must be roused as to what is behind this, who are the missionaries through whom the entire foreign outfit is acting in this country. The foreign missions, particular-

ly the Baptist missions, which is operating in the entire area under different colours, the Canadian Baptist mission, and all these Baptist missions belonging to so many countries—and ultimately they are all affiliated to the Baptist mission in Washington—all of them should go. And it is these people who are creating all these things. Therefore, if the Government wants to solve the problem, my immediate suggestion is, deport all these foreign missionaries working in this area immediately. Deport all of them from the entire North-Eastern Region forthwith because they are forcing a problem and threatening the security and integrity and unity of this country. And then and then only will we be able to appeal to the people of Assam; don't be misled by the slogans. Sir, I have seen wonderfully printed books saying to the Assamese people, "Assam, you are tea-rich, you are oil-rich; India is colonising you and if you are free from Indian colonialism, then this oil will be your wealth. You have got tea..."

SHRIMATI MARGARET ALVA (Karnataka): Why don't you talk about the Chinese arms?

SHRI P. RAMAMURTI: Please wait. I will talk about that also. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Ramamurti, I am afraid, you have no time now. I will call the next speaker.

SHRI P. RAMAMURTI: Give me only two minutes.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): No, no. Only one minute.

SHRI P. RAMAMURTI: Let us not argue, Sir. Give me only two minutes.

SHRIMATI PURABI MUKHOPADHYAY: Mr. Vice-Chairman, Sir, you can cut out one minute from the time of any of us to give him the

[Shrimati Purabi Mukhopadhyay]
opportunity of saying something about the Chinese Government supplying arms....

SHRIMATI MARGARET ALVA:
I will give my time.

SHRI P. RAMAMURTI: If the Chinese are interested in doing that, I have no hesitation in condemning them. I want to point out.... (*Interruptions*). Please listen to me. I have no hesitation in condemning the Chinese. I have condemned the Chinese. Our Party has condemned the Chinese as far as the Chinese Communist Party's foreign policy is concerned. I have no doubt about it; I have no hesitation in that. But, as far as this question is concerned, they have been saying, "We have stopped this. This is a thing of the past. We want to enter into better relations." If the Government has got evidence that despite that assurance they are doing this today, I will have no hesitation in condemning them. That is my answer.

Therefore, Sir, this question has got to be tackled. And this question cannot be tackled by the Ordinance that you are bringing because there is no authority there which will be able to execute it. Apart from the other things, apart from the draconian measures for which we are totally opposed, you have no machinery whatsoever by means of which you will be able to do that. Therefore, please withdraw that measure and think of other measures. Thank you, Sir.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to support the Resolution disapproving the Ordinance, and to oppose the Bill, which seeks to replace the Ordinance. Every line of this Bill is anti-working class anti-democratic and obnoxious. Some of its clauses take away the rights which our working class had won already through their struggles. Even the benefits under the Industrial Disputes Act cannot be availed of. If this is

put into an Act, then even in respect of the Central Government employees whether the protection given under article 311 will be available to them, is doubtful. They can be dismissed without any inquiry, without any charge sheet. So obnoxious are the provisions of this Bill. So, as a trade unionist I cannot support any word of it. Whatever may be the noble objective behind it, we should not be misled by the foreword saying it is to provide for the maintenance of certain essential services and the normal life of the community in Assam.

Sir, the solution must be found elsewhere. If the Government thinks that this struggle is going to be of a temporary phase, then why do you bring in a Bill which makes the statute permanent? Everybody in this House and even in this country hopes that the agitation will be settled peacefully. So, that should be our aim. Sir, the provisions of this Bill or any such other powers are not going to result in a peaceful solution of the problem. This will only be provocative. This will only help the hands of those who want to foment trouble there and those who are interested in a continuous state of confrontation between the Centre and the State.

So, Sir, I would urge upon the Home Minister to drop this Bill and try to carry the House, all sections of the House, for a peaceful solution of the problem. When the Prime Minister called a meeting of all the leaders, certainly my party participated in it, all the Left parties participated in it. Even today, Sir, I feel that the conclusions reached at that meeting provide a basis for a peaceful settlement of the problem: It shall be the endeavour of all who are interested in the unity of the country, who want to meet the challenge that is posed to the unity of our country, to see that a peaceful settlement is reached through negotiations.

So far as the movement is concerned, I cannot claim to have any personal knowledge of those things. All our friends have spoken here. Sir, if their interest is only with regard to the economic development and cultural development of the Assamese people and their region, those who are genuinely interested in that aspect, they have every reason to feel satisfied that their movement has achieved the purpose of drawing the attention of the entire country towards their genuine grievances. All sections of the people, especially the working class of this country, will sympathise with them in their genuine grievances. Assam as a region was exploited mercilessly by the Britishers for centuries.

SHRI KALYAN ROY (West Bengal): Now the tea planters.

SHRI M. KALYANASUNDARAM: If the movement gives some attention to the exploitation made by the tea planters, if the demand is nationalisation of the entire tea plantations which will be of help in their development, that is a different matter. So, the solution should be found not in constant confrontation and agitation. It is the Government of India's responsibility to see that economic development is looked after properly. Even after 30 years of independence there are neglected regions like this. Don't think of a strong Centre. When I was listening to Prof. Chattopadhyaya, I was very much concerned about it.

SHRI KALP NATH RAI: A strong Centre is needed.

SHRI M. KALYANASUNDARAM: You cannot have a strong Centre with this kind of regional imbalances. You had these powers. This was an Act. What is the report reaching today? Everything is paralysed, not for want of powers, but for this Act and we are now going to pass this Act. And when we are going to implement the provisions of this Act in 3 or 4 days,

all the services will be paralysed. So, this Act will not be of any use to you. Get the co-operation of the working class, get the co-operation, of all sections of Assamese people.

When many of the Members from the ruling party were speaking, I was shocked to see that they were silent about CIA agents that are operating. Only when Comrade Ramamurti spoke, somebody thought of the Chinese. Why do you try to look at Assam in isolation from what is happening around us, on our borders, with the collusion of Chinese leadership. American imperialists and local reactionaries? What is happening in Thailand? Only yesterday, our Government took a bold decision. I congratulate them for that—in granting recognition to Kampuchea. That is a slap on those who think that our country can be cowed down. Whoever may be in power, India cannot be cowed down whatever may be the threat around us. So, Sir, these are the forces which are threatening our unity and which are at the bottom of this trouble. I would appeal to the students' union, through the Parishad, and those people who are genuinely interested in the development of that region, to think back and isolate the disrupters. At the same time, the ruling party should not try to discredit them. Don't try to discredit and provoke them. Our endeavour should be to win over the people of Assam and make them feel that Delhi is their property, that the whole of India will rush to their help. That should be the spirit with which we should approach the people of Assam. For that Sir will this Bill help? This will frighten the working class in other parts of the country and the Government will not be able to mobilise the support of the working class. Without the support of the working class, do you think that you will either succeed in developing this country or fighting the foreign disrupters? The working class must be roused.

[Shri M. Kalyansundaram]

What is happening in Assam is not the concern of Assam alone it is not the concern of the ruling party alone; it is not the concern of the Central Government alone. It is the concern of the entire nation and of those who are interested in the sovereignty of the country and unity of the country. And the entire nation must be roused against the forces which are playing their game as they tried and miserably failed in Kampuchea. They are trying the game here as they are trying just now in Afghanistan and they are getting repulsed rightly so. Therefore, our country should not become a hot-bed for such imperialist forces. Therefore, I appeal that such Bills should be withdrawn.

Further, Sir, the All-India Trade Union Congress has taken a decision to convene a national convention of all trade unions to rouse the entire working class in the country on the question of national unity, national integration, and to fight against the forces of disruption, disunity and spirit. The ruling party should not imperialist forces. That should be the think that they alone can do it. We know how the ruling party is behaving in various parts. I was very much disappointed while listening to Prof. Chattopadhyaya. There is no effort to carry all sections of the House together for a peaceful solution of the problem. So, a peaceful solution is essential. For that again, I support many of the points made by Comrade Ramamurti, that is, at least the activities of the foreign missionaries must be curbed; their leaflets and pamphlets published must be proscribed and some concrete steps must be taken. Also, at the same time, Assamese people must be given the confidence that their legitimate grievances will be looked into and their development assured.

*SHRI D. HEERACHAND (Tamil-Nadu): Respected Vice-Chairman

*English translation of the original speech delivered in Tamil.

Sir, in the beginning I convey my thanks to you for inviting me to speak on this subject. I present this maiden speech in this House as my humble offering to our revolutionary leader—who is the beloved leader of 4 crores of Tamilians and deputed me here to reflect the feelings of Tamilians. We support this Bill moved in this House. But we should protect the interests of minorities there; I would point out in this connection that the Central Government has a duty to preserve the tradition, culture and individuality of the Assamese. The legitimate demands of those people should be accepted. I convey my sympathy to the affected people in Assam. We strongly condemn the attitude of foreigners who settled there and deprived the Assamese of their rights and made them slaves. I request the Centre to protect the rights of the Assamese; at the same time the right of the minorities—who settled there should also be protected. Not only the rights of those who settled there are to be protected; but also we should examine the demands of Assamese to preserve their identity.

The situation there makes the entire nation sad. We witness the tragic incidents like murder, dacoity, rape etc. there. I would point out that if we do not put an end to these incidents, it would put the entire sub-continent in peril. To solve these problems in a peaceful manner I would suggest that the representatives of minorities, scholars and non-party leaders should be consulted; this would also protect the interests of minorities there; I request the Home Minister to take steps in the matter. I would request repeatedly that the Assamese people should consult the minorities now and then in the matter.

I find that this Bill seeks unlimited powers. I, therefore, request humbly that these powers should not be misused. We should see that rigorous law and special powers are exercised

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to book only the guilty persons not the innocents. The other Bill also vests special powers on the President, I request that the powers may be exercised only for the welfare of people; they should not be misused. Our AI-ADMK Party functions on the basis of 'ONE NATION THEORY' without any discrimination of caste creed etc. We would like to follow this fundamental principal of non-discrimination to strengthen this theory. In case we are not able to solve the problems of Assam, it would not only go separate; but the unfortunate situation may spread like a wild fire and spread out in the entire sub-continent.

I request that our Prime Minister Shrimati Indira Gandhi, who won the confidence of 60 crores of Indians may assure the Assamese people that the Central Government is interested in their welfare. I request the Home Minister to convey this to her, because we believe firmly that she alone can solve the problems peacefully and assure the people there.

I request the Government to take necessary steps in the matter. I thank you, Sir, for giving me this opportunity.

SHRI L. GANESAN (Tamil Nadu): Sir, I would like to take this opportunity to express my homage to my late lamented leader Anna who had been an illustrious Member of this House for some years and also I wish to convey my thanks to the beloved leader Dr. Kalaignar Karunanidhi.

Mr. Vice-Chairman, Sir, today we are discussing a very serious problem that threatens the very solidarity and territorial integrity of the country and every sensible person, not only inside Assam but all over India, is deeply disturbed and greatly worried about the situation in Assam. Therefore, when this Bill is being discussed, as far as I am concerned, I see that there are two hard-liners. Prof. Chattopadhyaya, when he was advocating on behalf of the Government

Bill, made a reference to the emergency. He said: He felt proud of and was, is and will be an unrepentant supporter of emergency. No doubt, there was an emergency and he supported it, but where was the need to say that he would be the supporter of emergency? It appears as if there would be another emergency. That is the doubt, that is the trouble and there is the trouble. On the other hand there are extremists, they are really afraid of something. They say that if such powers are given, they are immune, that is an indirect attempt to bring the emergency once again. They have expressly said that the Government is trying to become authoritarian or totalitarian and this is an indirect attempt to once again become such a Government. That is the trouble. But as far as I am concerned, this is a problem. Then the question is: is it a legislative problem? Not at all. Is it an administrative issue? Definitely not. Is the problem of Assam a nefarious, sinister work of foreign instigators? Is it a social evolution of a phenomenon? Is it an administrative issue? I feel that it is a blending of all the three. Therefore, when we try to say that this is a very great.... (*Time bell rings*). Sir, this is my maiden speech and, therefore, the Chair is usually considerate and compassionate towards new Members.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): I know that, but I have got to conclude the debate by 6.00 O'clock.

SHRI L. GANESAN: That is all right, but you should be a little bit considerate because this is my maiden speech. Therefore, Sir, the problem is very grave, extraordinary and extraordinary to the extent that on all the sides the remedy is to be an extraordinary one. Everybody is afraid of the future. Everybody is concerned and everybody agrees that this problem should be solved immediately. Therefore, if it were not an extraordinary situation I was

[Shri L. Ganesan]

bound to oppose the Bill tooth and nail. But now there is an extraordinary situation. Remedy is required to tackle that situation. Therefore, I support this Bill. Some of the hon. Members on the other side feel that our beloved Prime Minister may not once again become a dictator or something like that. But there is a proverb in Tamil: "soodupatta poonai", i.e. once burnt, twice shy.

That means, she has already burnt her fingers and therefore, she will never become a dictator. We need not be afraid on that count. And we hope that Mrs. Gandhi will never misuse or abuse these powers if given. That we can understand very well. After emerging victorious in the recent Assembly elections, most of the people thought that she may take drastic steps to suppress the agitation. On the other hand, she has taken a different outlook and different steps. She initiated a round of talks with other political leaders. Therefore she is quite capable and she is the best strategist. I do hope with all sincerity, she will try to solve the problem with the help of the other political leaders, without abusing or misusing these powers.

With these remarks, I support this Bill.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Dr. Zakaria.

SHRI DINESH GOSWAMI: May I know how long are we going to discuss this, since the other Bill is also there?

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): I am in the hands of the House. You know my difficulty.

श्री शिव चन्द्र झा (बिहार) : इसमें बहुत लोग बोलना चाहते हैं ।

उपसभाध्यक्ष (श्री अरविन्द गणेश कulkर्णी) : यह तो ठीक है, रात के 10 बजे तक बैठना पड़ेगा ।

You know my limitation. This has to be completed by 6 o'clock. That is my difficulty. How can I do it, I don't know.

AN HON. MEMBER: Only 15 minutes are left.

DR. RAFIQ ZAKARIA (Maharashtra): Mr. Vice-Chairman, Sir, I stand to speak on this Bill with pain and anguish. It is because the situation has become so grave that, as has been emphasised repeatedly from every section of the House, the very unity and integrity of our country is at stake. That is why I was a little surprised to hear the outburst of my good friend, Mr. Dinesh Goswami, for whom I have deep regards, at the speech of Maulana Asad Madni who spoke what the Minorities in Assam are experiencing and feeling. I myself had the opportunity of listening to so many of their representation who had come to Delhi in search of finding justice at the hands of the Government. Mr. Goswami was upset at the photograph that was shown—whether it was real or otherwise—I do not want to go into it because, Mr. Vice-Chairman, you have asked the Home Minister to investigate into its genuineness. Therefore, whether there is the slogan of "Indian dogs go away" or not, I would like to ask my friend, Mr. Dinesh Goswami, whether preventing oil being supplied to the rest of India at a time when India was in the deepest oil crisis, begging from one Arab country to another, begging from one OPEC country to another, to supply us oil, was it a sign of national integrity? I want to ask Mr. Goswami whether prevention of road, rail and air communications from the rest of India to Assam is a sign of national unity? I want to know from Mr. Goswami whether what has been said by Mr. Ramamurti and what has been said by so many others not interest politically in taking any advantage of the situation, that has arisen, whether it is an indication that all these people are just interested in maligning the

think Mr. Goswami would really say that it is so. He might be emotionally involved . . .

SHRI DINESH GOSWAMI: I am not interrupting you. Kindly don't put something into my mind. Then I shall have to interrupt you.

DR. RAFIQ ZAKARIA: Knowing you as I do and the judicial approach I have always found in you, I feel that even if you have any apprehensions, you should get rid of them. That is all that I would say.

Sir, I have not much time to go into the whole history of what is being described as popular upsurge which has emerged for the first time in Assam. But what are the facts? Sir, if one were to go into the history of this movement, it goes back to much before Independence, and this cry of the Assamese against the so-called immigrants has a historical background. And I would like here to quote, Sir, from a letter that Pandit Nehru wrote in reply to the PCC Chief of Assam when a representation was made to him that a ban should be advocated by the Indian National Congress on immigration in Assam. Panditji wrote:

"Sparsely populated and land rich Assam could no longer continue to remain so with an overcrowded province flanking it. Immigration is, therefore, bound to take place as an economic necessity. No, amount of sentiments, not even law, can stop it."

Sir, I have quoted Panditji only with a view to making it clear that what is being described as a development of recent origin is not so, because this reply of Panditji is dated 1940 or so. In fact, the States Reorganisation Commission itself has opined that upto 1931 when linguistic tabulation was last undertaken, Assamese was not in fact spoken by the majority of the inhabitants of the State, and that from 1931 to 1951 the increase has been from 31.4 per cent to 56.7 per cent. So, this whole

process, in which not only the Bengali-speaking people are attacked, not only the people from other neighbouring States are attacked but also, unfortunately, a large number of Muslims are attacked, is of long standing. It got a communal colour after the demand for Pakistan was made. As to what happened after the creation of Pakistan I do not want to go into it, Mr. Goswami, I am sure, is quite familiar with it. Various efforts were made to see that the illegal immigrants were thrown out of Assam. Mr. Ramamurti spoke of the judicial tribunals. Mr. Bardolci's efforts also resulted in the throwing out of lakhs of the so-called immigrants. The National Register of which Mr. Goswami spoke also was the result of this kind of a demand that any person who is suspected of not being of Assamese origin should not be allowed to remain in Assam. Still Mr. Goswami is saying that every . . .

SHRI DINESH GOSWAMI: I do not want to interrupt you, but the whole tribunal was for the purpose of deporting foreigners.

DR. RAFIQ ZAKARIA: My dear Mr Goswami, the tribunals were for deporting the so-called Pakistani infiltrators. And while talking about Pakistani infiltrators, let us not mind words. Please don't talk of foreigners. Make it very clear that they were the Pakistanis, or the so-called Pakistanis. Especially when you have such a long border, this question of immigrants, infiltrators and foreigners becomes very confused.

SHRI DINESH GOSWAMI: Do you think that Pakistanis are not foreigners?

DR. RAFIQ ZAKARIA: Whoever is foreigner certainly deserves to be thrown out. But is that the whole truth? What I am saying is that as a result of Partition, our Constitution itself speaks that those who have migrated and come back and other things . . . I do not want to go

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[Dr. Rafiq Zakaria]

into the whole history of it. Therefore, let us not talk of these constitutional provisions. The main constitutional provision which binds India together and which preserves the unity and integrity of this country is the freedom for every citizen of India to move to any part of this country and to settle wherever he wants.

SHRI DINESH GOSWAMI: Not the foreigners.

DR. RAFIQ ZAKARIA: The whole question is that what has been regularised by the tribunals, what has been regularised by the National Register, what has happened as a result of the historical process, is sought to be undone. This upsetting process which had begun, as Mr. Ramamurti has said, with only a plea for revision of the electoral rolls, has gone now to the extent of demanding deportation of lakhs of people. And who is going to take these people? It is a human problem. It is not a matter of going into the question of the merits or the demerits of this problem. Who is going to take these lakhs of people? They say, spread them in different States. Do you want the entire tranquility of India to be really disturbed? Does one realise what would happen to the unity of our country if this were done? The matter is so serious that I would like to humbly plead with all the Members, irrespective of their party and political affiliations; "Please don't play with fire". All that the Government is seeking is a very half-heard measure. I agree with Mr. Goswami that it is not going to solve the problem.

Has there been a more amicable approach to this problem than the one adopted by the Prime Minister? She has said, "Don't withdraw the agitation. All right. Without any conditions, let us sit together and let us try and identify who the foreigners are and irrespective of the year the Government is prepared to take whatever action is necessary". What else is wanted? (*Interruptions*) what

else is wanted? I ask. What is wanted by them is not action. What is wanted is turbulence. What is wanted is that somehow or other this unity and integrity of the country which is so fragile should be endangered in a manner that not only that unity but also our secularism is jeopardised. And let me also inform Mr. Goswami that the Census Report of even 1951 officially says "the aggressive linguistic nationalism now prevailing in Assam". . . . I am quoting. I do not subscribe to it. I think there are economic problems of Assam. Perhaps we have committed many blunders, as a result of which this resentment has arisen. But I want to know how the minorities are responsible, how the Bengali-speaking people are responsible, how are those who are non-Assamese to be held responsible for what the Government did not do, Damn the Government. Condemn it I will be one with you even if you condemn Mr. Makwana who might have nothing to do with it. But to deprive Mr. Makwana the power when the entire machinery of Government has been paralysed is not a proper thing. And why has it been paralysed? It is because every officer, every man every policeman, every revenue officer has been....

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): You will have to wind up now.

DR. RAFIQ ZAKARIA: I will take two minutes more... involved in this movement and has participated in it. And that is why more 6 P.M.

powers are required if our democracy is to be safeguarded, more powers are required if our unity is to be safeguarded, more powers are required if our secularism is not to be endangered.

Sir, Mr. Goswami quoted from "The Statesman" various reports and others. I would, Sir, end my speech. I hope you will give me indulgence for a minute or so by quoting from the same, "The Statesman". It has

writes about what is really behind this whole movement, a movement this is not only going to disturb the lives of lakhs of people in Assam but once the kind of solution that they are trying to seek, if we accept it, this disturbance is going to spread all over the country. And, therefore, we have to be firm and we have to arm the Government with all the powers that are necessary because for ten months all kinds of efforts at reconciliation, at amicable settlement, at arriving at some kind of an agreement, have failed and failed miserably.

SHRI DINESH GOSWAMI: You are taking a different view from that of the Prime Minister.

PROF. D. P. CHATTOPADHYA-
YA: Democratic diversity.

DR. RAFIQ ZAKARIA: Not only that, I would say that even as far as the Central administration is concerned, certain drastic changes are necessary. Mr. Makwana will have to think seriously whether the present Governor should be continued in office, whether some of the officers are playing their proper role and whether they should be immediately transferred if the situation is to be brought under control.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Please conclude now.

DR. RAFIQ ZAKARIA: Sir, I will only take one more minute and I will read from "The Statesman" dated the 30th May. Sir, it says:

"Assam may not be overtly secessionist; but its efforts to opt out of the multiracial and multicultural mainstream are sustained by the cynical awareness that it commences the strategic gateway to a disturbed triangle of about 2,50,000 square kilometres bounded by Bhutan, Tibet, Burma and Bangladesh.

"That consideration should not oblige the Centre to be squeamish

when the basic concept of national unity is being challenged. No Indian State is an island unto itself; it cannot chalk out an exclusive future in isolation from interacting reality. Assam's misgivings about Marxists and Muslims need to be removed; its economic complaints call for remedial action; its cultural heritage must be preserved. But neither singly nor jointly can these compulsions justify defiance and intimidation. A State which holds the country to ransom to gain regional ends has, in effect, psychologically withdrawn from the Union. Thank you, Sir.

SHRI SADASIV BAGAITKAR:
Sir, . . . (Interruptions):

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Just a moment. Mr. Bagaitkar, please do not cast any aspersions. May I request one thing if it has the pleasure of the House? There is a very heavy agenda. You know today is the last day. There is another Bill called the Assam State Legislature (Delegation of Powers) Bill which is of the same type. I would request you for this if you agree with me. I will finish this Bill just now and immediately take up the next Bill so that the Members whose names are here will be called again in the same order.

SHRI P. RAMAMURTI: They will be transferred to that Bill.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Yes, I am in your hands. Will you agree with me?

SHRI JAGDISH PRASAD MATHUR: I would like to have a few minutes to reply to the debate. I have got the right to reply.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The right reply is there. You co-operate with me. You basically agree with the scheme. The Treasury Benches have agreed. They have six names yet to be called. I requested them, and they have agreed. Mr. Mathur, you are to reply. You take a little time. You reply.

[Shri A. G. Kulkarni]

But on the basic scheme, let us agree. So, now, Mr. Mathur, you please reply, take only five minutes.

श्री जगदीश प्रसाद माथुर: श्रीमन्, आप ने समय का बन्धन लगा दिया।

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : चलो भाई।

श्री जगदीश प्रसाद माथुर: मैं बड़ा धन्यवादी हूँ कि कैबल डी एम के और ए डी एम के को छोड़ कर विरोधी दल के सब लोगों ने मेरे प्रस्ताव का समर्थन किया है। कारण भिन्न हो सकते हैं, लेकिन सब का अन्तिम मत एक ही था कैबल मेरे साथी सी पी एम के राममूर्ति जी को छोड़ कर। उन्होंने केवल इस बात पर मतभेद व्यक्त किया है कि आसाम के आन्दोलन की पृष्ठभूमि क्या है और उसकी सम्भावनाएं क्या हैं। बाकी किसी ने न तो पृष्ठभूमि के सम्बन्ध में और न उसकी सम्भावनाओं के सम्बन्ध में कोई मतभेद दिखाया है।

मैं श्री राममूर्ति जी के इस सुझाव से बिल्कुल सहमत हूँ कि वहाँ पर आज से नहीं बल्कि वर्षों से विदेशी हाथ किसी न किसी रूप में काम करता रहा है। मैं समझता हूँ कि पाकिस्तान और चीन के बीच 60-61 के बीच समझौता हो गया था कि ब्रह्मपुत्र को रेखा मान कर आसाम का आपस में विभाजन कर लें। अटलबिहारी वाजपेयी अथवा मैं यह कहते तो शायद हमें साम्प्रदायिक कह दिया जाता। मैं राममूर्ति जी की इस बात का समर्थन करता हूँ कि जितने भी विदेशी मिशनरी हैं उनको आसाम और त्रिपुरा आदि क्षेत्रों से निकाला जाना चाहिए। मैं उनकी दाद देता हूँ कि सच्ची बात उन्होंने हिम्मत के साथ कही है। लेकिन कांग्रेस (आई) के जितने साथी बंले उन सब ने यह बात तो स्वीकार की है कि आन्दोलन

में सच्चाई है, उसका निराकारण होना चाहिए।

श्री पी० राममूर्ति : मैंने भी इस बिल की मुखालिफत की है।

श्री जगदीश प्रसाद माथुर: मैं स्वीकार करता हूँ। मैंने कहा है कि उसकी जो पृष्ठभूमि है....

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : माथुर साहब, विषय पर आइए।

श्री जगदीश प्रसाद माथुर: लेकिन किसी भी वक्ता ने यह नहीं कहा कि इस मामले को सुलझाने के लिए इतनी बड़ी ताकत की आवश्यकता क्यों है? मामला केवल इतना सा है कि विद्यार्थी कहते हैं कि 1951 की तिथि मानो और सरकार कहती है कि 1971 की मानो। मैं पूछना चाहता हूँ मंत्री महोदय से—जानी जी बैठे हैं—कि इतनी सी बात को तय करने के लिए क्या सरकार को इतनी बड़ी ताकत चाहिए? लेकिन माननीय चट्टोपाध्याय जी ने जो कुछ कहा उससे सरकार का इरादा स्पष्ट हो गया..

—the Cat is out of the bag.

उन्होंने सारा भेद खोल दिया। जब उन्होंने लेनिन की एक घटना का उदाहरण दिया और कहा कि गोली भी चल सकती है सब लोग गये समझ गये कि उनके दिल में क्या है।

PROF. D. P. CHATTOPADHYAYA: You have misunderstood me. You are quoting me out of context.

श्री जगदीश प्रसाद माथुर
चट्टोपाध्याय जी को मैं धन्यवाद चाहता हूँ कि उन्होंने मंत्री महोदय दिल की बात अपने मुह से कह दी कि वह आन्दोलन को दबाने के लिए, विरोधियों को दबाने के लिए सब कुछ करेंगे। मैं लेनिनवादी नहीं हूँ, मैं हिन्दुस्तान का रहने वाला।

PROF. D. P. CHATTOPADHYAYA:
Gandhiji praised Lenin in 1922.

श्री जगदीश प्रसाद माथुर: उन्होंने लेनिन की घटना का उल्लेख किया। मैं हिन्दुस्तान की आजादी की लड़ाई का नारा लगाना चाहता हूँ—

“सरफरोशी की तमन्ना अब हमारे दिल में है,
देखना है जोर कितना बाजूए कातिल में है।”

जो करना है कर लीजिए, आसाम के लोग डरने वाले नहीं हैं। जफरिया साहब ने कहा कि आन्दोलन में वहाँ के अफसर भी शामिल हैं, पुलिस भी शामिल है, लेकिन इस आन्दोलन के पीछे कुछ लोग हैं, जनता नहीं है। अगर जनता नहीं है तो सिपाही कैसे शामिल है, अफसर कैसे शामिल हैं, आम आदमी कैसे शामिल है। यह जो आप के मन में द्वैत है, उसी बात के कारण है। मैं पूछना चाहता हूँ मकदुशा साहब से कि अगर पुलिस शामिल है, अफसर शामिल हैं तो आप इस विल के माध्यम से किस प्रकार उनको रोक लेंगे? नहीं रोक सकते।

आपने कहा कि आन्दोलनकारी रेलें रोक रहे हैं और गड़बड़ कर रहे हैं। यह असम का अखबार है। विद्यार्थियों ने कहा है कि वे एसेशियल सर्विसेज में बाधा नहीं डालेंगे। जब उन्होंने बाधा डाली तो घोषणा करके कि दो दिन के लिए ऐसा कर रहे हैं। हिन्दुस्तान की आजादी की लड़ाई के बाद यह एक ऐसा आन्दोलन है जिस में असम की सारी जनता एक होकर खड़ी है। मैं कहना चाहता हूँ, निवेदन करना चाहता हूँ सरकारी बेंचें से कि वे इसमें राजनीति न लाएं। मैं मदनी साहब के भाषण के बारे में कुछ अधिक कहना नहीं चाहता। आप ने मुसलमान का सवाल खड़ा कर दिया। इसमें मुसलमानों का कोई सवाल नहीं है। उन्होंने कहा कि

25 परसेंट मुसलमानों को निभालना चाहते हैं न मुसलमान यहाँ गैर हैं, न हिन्दू गैर हैं। गैर वे हैं जो विदेश से आए हैं, पाकिस्तान से आए हैं, बंगला देश से आए हैं। हिन्दू अगर आया है तो उसको भी निकालो और मुसलमान आया है तो उसको भी निकालो। लेकिन आदमी किस गरज से आया है इसे हमको देखना पड़ेगा। अगर असायलम लेने के लिये आया है तो हमारा धर्म और अन्तर्राष्ट्रीय कर्तव्य है कि हम उस की रक्षा करें। लेकिन अगर कोई आर्थिक फायदे के लिये आया है तो हम उसको स्वीकार नहीं करेंगे। मदनी साहब ने कहा कि कहने वाला साबित करे कि अमुक विदेशी है। मैं नहीं समझता कि कौन सा इंटरनेशनल ला उन्होंने पढ़ा है। अमेरिकन यहाँ आ जाये तो उसको साबित करना होगा कि वह यहाँ का सिटीजन है। यह यहाँ के किसी नागरिक या अधिकारी की ज़िम्मेदारी नहीं है। अगर बंगला देश से कोई परिधर आता है और उस के यहाँ संयान पैदा हो जाती है तो वह संतान तो हिन्दुस्तानी नागरिक मानी जायेगी। लेकिन साबित करने की ज़िम्मेदारी उसी पर होगी। अन्त में निवेदन करना चाहता हूँ कि सदन में आप का बहुमत है आप जीत जायेंगे, लेकिन आप को यह समझ लेना चाहिए कि अगर आप यह सोच रहे हैं कि इस विल के बलबूते पर हिन्दुस्तान की और असम की जनता को दबा लेंगे तो यह नहीं होगा। आप गलतफहमी में हैं। इसलिये मैं फिर वही बात कहता हूँ कि:

“सर फरोशी की तमन्ना अब हमारे दिल में है,
देखना है जोर कितना बाजूए कातिल में है।”

SHRI YOGENDRA MAKWANA:
Sir, I am thankful to all the hon. Members who have participated in this debate and some of them for offering suggestions which have been debated many a time in the House.

Mr. Ramamurti, Prof. Chattopadhyaya, Maulana Asad Madni and Dr. Zakaria have described the nature of the moment in Assam and, therefore, in that sort of moment, only this Bill can work. That is why I have brought this Bill.

My friend Mr. Dhabe, while initiating the debate, raised some points. I would like to reply to Mr. Dhabe. He said that the Industrial Disputes Act is already there and why this Bill has been brought before the House. I might tell him that the provisions of the Industrial Disputes Act are not comprehensive and many of the provisions are such which cannot work in the present context. The present moment there is of such nature that some strict measures are required. Therefore, this Bill has been brought.

Mr. Dhabe has raised a point regarding clause 2(1)(b)(xiv) and said that any service can be declared essential service and brought under this. But for that also a notification has to be issued and that notification is to be placed before both the Houses of Parliament. Without the approval of the Parliament it becomes null and void. So, there is nothing wrong in inserting this clause in the Bill.

No more points are made....

SHRI S. W. DHABE: What about right of appeal?

SHRI YOGENDRA MAKWANA:
There is a provision for right of appeal in this Bill.

Most of the Members have described the nature of the situation in Assam and perhaps the situation in Assam at present requires such a Bill. Therefore, I have come with this Bill. I

request all the hon. Members of the House to support the Bill and to oppose the Resolution moved by Mr. Mathur.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): I shall now first put the Resolution moved by Mr. Mathur to vote.

The question is:

"That this House disapproves the Essential Services Maintenance (Assam) Ordinance, 1980 (No. 2 of 1980) promulgated by the President on the 6th April, 1980."

The House divided.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Ayes 28
Noes 38

AYES—28

Alva, Shrimati Margaret
Bagaitkar, Shri Sadasiv
Banerjee, Shri Jaharlal
Bhabhra, Shri Hari Shankar
Chakraborty, Shri Amarprosad
Dhabe, Shri S. W.
Goswami, Shri Dinesh
Gupta, Shri Bhupesh
Heerachand, Shri D.
Jha, Shri Shiva Chandra
Kalyanasundaram, Shri M.
Madhavan, Shri K. K.
Malik, Shri Satya Pal
Mallick, Shri Harekrushna
Mathur, Shri Jagdish Prasad
Mukhopadhyay, Shrimati Purabi
Nanda, Shri Narasingha Prasad
Narendra Singh, Shri
Patel, Shri Manubhai
Pradhan, Shri Patitpaban
Ramamurti, Shri P.
Razack, Shrimati Noorjehan
Reddy, Shri B. Satyanarayan
Shahi, Shri Nageshwar Prasad
Sharma, Shri Ajit Kumar

Sheikh, Shri Abdul Rehman
Siddhu, Dr. M. M. S.
Yadav, Shri Hukmdeo Narayan

NOES—88

Adivarekar, Shrimati Sushila
Shankar
Ali, Shri Syed Rahmat
Amarjit Kaur, Shrimati
Amla, Shri Tirath Ram
Anjiah, Shri T.
Arif, Shri Mohammed Usman
Balram Das, Shri
Barman, Shri Prasenjit
Basavaraju, Shri M.
Bhagwan Din, Shri
Bhandari, Shri M. C.
Bharadwaj, Shri Ram Chandra
Bhatt, Shri N. K.
Bhim Raj, Shri
Chandrasekhar, Shrimati Marag-
atham
Chattopadhyaya, Prof. D. P.
Chavan, Shrimati Premilabai Daji-
saheb
Chowdhari, Shri, A. S.
Das, Shri Bipinpal
Das, Shrimati Monika
Deshmukh, Shri Bapuraoji Marot-
raoji
Dharmavir, Shri
Dinesh Chandra, Shri Swami
Habibullah, Shrimati Hamida
Handique, Shri Bijoy Krishna
Hanspal, Shri Harbendar Singh
Heptula, Shrimati Nazama Akbar-
ali
Ibrahim, Shri B.
Jain, Shri J. K.
Jani, Shri Jagdish
Joshi, Shri Krishna Nand
Joshi, Shrimati Kumudben Mani-
shankar
Kalaniya, Shri Ibrahim
Kesri, Shri Sitaram
Khan, Shri F. M.

Khan, Shri Khurshed Alam
Khan, Prof. Rasheeduddin
Khaparde, Shrimati Saroj
Krishna, Shri M. R.
Kureel, Shri Piare Lal urf. Piare
Lal Talib Unnavi
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahida, Shri Harisinh Bhagubava
Makwana, Shri Yogendra
Malhotra, Shrimati Usha
Manhar, Shri Bhagatram
Maurya, Shri Buddha Priya
Mehrotra, Shri Prakash
Mehta, Shri Om
Mhaisekar, Shri G. R.
Mishra, Shri Mahendra Mohan
Mistry, Shrimati Roda
Mohapatra, Shri Shyam Sunder
Moopnar, Shri G. K.
Mukherjee, Shri Pranab
Naidu, Shri N. P. Chengalraya
Nalwa, Shri Hari Singh
Panda, Shri Akshay
Pande, Shri Bishambhar Nath
Pandey, Shrimati Manorama
Pandey, Shri Narsingh Narain
Pandey, Shri Sudhakar
Paswan, Shri Ram Bhagat
Pattanayak, Shri Bhabani Charan
Prasad, Shri K. L. N.
Rajasekharam, Shri P.
Rai, Shri Kalp Nath
Rao, Shri V. C. Kesava
Ratan Kumari, Shrimati
Razi, Syed Sibte
Roshan Lal, Shri
Sahu, Shri Santosh Kumar
Samad, Shri Golandaz Mohammed-
husain
Saring, Shri Leonard Solomon
Sheikh, Shri Ghouse Mohiuddin
Singh, Shri J. K. P. N.

Singh, Shri Ng. Tompok
Singh, Shrimati Pratibha
Singh, Dr. Rudra Pratap
Sisodia, Shri Sawaisingh
Sujan Singh, Shri
Swu, Shri Scato
Vaishampayan, Shri S. K.
Venkatrao, Shri Chadalavada
Warjri, Shri Alexander
Yadav, Shri Ramanand
Yadav, Shri Shyam Lal
Zakaria, Dr. Rafiq

The motion was negatived.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

"That the Bill to provide for the maintenance of certain essential services and the normal life of the community in Assam, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Now, we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

Clause 5 (Penalty for illegal strikes)

SHRI SHIVA CHANDRA JHA: Sir, I beg to move:

1. "That at page 4, in line 4,—

(i) for the words 'six months' the words 'two hundred' be substituted."

(ii) for the words 'one thousand' the words 'two hundred' be substituted."

उपसभाध्यक्ष महोदय, यहाँ पर बहुत ही ठीक कहा गया है कि यह ब्लैक बिल है, काला विधेयक है और इसकी धार इतनी तेज है कि जहाँ-जहाँ जनतंत्र के पौधे होंगे वे सब के सब झटपट कट

जायेंगे। मैं अपने संशोधन से इस धार को ब्लन्ट करना चाहता हूँ लेकिन कितना ब्लन्ट होगा यह नहीं कहा जा सकता क्योंकि इसकी धार बहुत तेज है। इसकी धार को ब्लन्ट करने के लिये मैंने यह संशोधन रखा है। कलाज पाँच में यह कहा गया है:

"Any person who commences a strike which is illegal under this Act, or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both".

आपने रखा है कि 6 महीने की सजा देंगे अगर कोई स्ट्राइक करता है और मैंने अपने संशोधन में कहा है कि दो महीने की सजा हो। दूसरी जगह आपने एक हजार रुपये की बात कही है जब कि मैंने उसको कम करके 200 रुपये की बात कही है। वैसे तो सारा विधेयक ही वापिस कर लिया जाना चाहिये चूँकि अब यह आ रहा है इसलिये मेरी कोशिश है कि इसकी धार को ब्लन्ट किया जाए। सजा जो आपने रखी है उसको कम किया जाए यानी 6 महीने की सजा के बदले दो महीने की सजा और एक हजार रुपये की जगह 200 रुपये का मैंने संशोधन रखा है।

The question was proposed.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

1. "That at page 4, in line 4,—

(i) For the words 'six months' the words 'two months' be substituted.

(ii) for the words 'one thousand' the words 'two hundred' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Now we take up Clause 6. There is an amendment by Mr. Jha.

Clause 6 (Penalty for instigation, etc.)

SHRI SHIVA CHANDRA JHA: Sir, I move:

2. "That at page 4 in line 9,—

(i) for the words 'one year' the words 'one month' be substituted;

(ii) for the words 'two thousand' the words 'one hundred' be substituted."

श्रीमन्, इसम कहा है—

"Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both."

विधेयक में यह व्यवस्था की गई है कि अगर कोई इस प्रकार का काम करता है तो उसको एक साल की सजा और दो हजार रुपये जुर्माना हो सकता है। लेकिन मेरा संशोधन है कि ऐसे मामलों में एक महीने की सजा और 100 रु० जुर्माना होना चाहिए। यह सजा भी ज्यादा से ज्यादा है और बहुत ज्यादा है। मेरी राय में तो यह भी नहीं होनी चाहिए। यह विधेयक एक गड़बड़ विधेयक है, ब्लैक विधेयक है, लेकिन फिर भी तात्कालिक दृष्टि से मैंने यह संशोधन दिया है।

The question was proposed.

SHRI YOGENDRA MAKWANA: I oppose the amendment.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

2. "That at page 4, in line 9,—

(i) for the words 'one year' the words 'one month' be substituted.

(ii) for the words 'two thousand' the words 'one hundred' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

THE VICE-CHAIRMAN: (SHRI A. G. KULKARNI): Now, we take up Clause 7. There is an amendment by Shri Jha.

Clause 7 (Penalty for giving financial aid to illegal strikes.)

SHRI SHIVA CHANDRA JHA: Sir, I move:

3. "That at page 4,—

(i) in lines 13-14, for the words 'one year' the words 'one month' be substituted;

(ii) in line 14, for the words 'two thousand' the words 'one hundred' be substituted."

This clause says:

"Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both."

[श्री शिव चन्द्र झा]

श्रीमान्, विधेयक की इस क्लॉज में कहा गया है कि स्ट्राइक में जो आदमी रैलों से मदद करेगा उसको सजा देने की बात कही गई है। मैं समझता हूँ कि यह सजा बहुत ज्यादा है। इसलिए मेरा संशोधन है कि ज्यादा से ज्यादा एक महीने की सजा हो और 100 रु० फाइन हो। यह भी बहुत ज्यादा है इसकी कम करना चाहिये।

The question was proposed.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

3. "That at page 4,—

(i) in lines 13-14, for the words 'one year' the words 'one month' be substituted.

(ii) in line 14, for the words 'two thousand' the words 'one hundred' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The question is:

"That Clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Now, we go to Clause 8. There is an amendment by Mr. Jha. It is a negative amendment. Mr. Jha, you can take a minute or two.

श्री शिव चन्द्र झा : श्रीमान्, इसमें भी वही बातें हैं। किमिनल प्रोसीजर कोड और पीनल कोड को ताक पर रख कर वर्ग्वार वारन्ट के सरकार लोगों को गिरफ्तार करना चाहती है। अगर कोई आदमी सड़क पर चल रहा हो तो उसको फौरन बंद किया जा सकता है और वह भी बिना वारन्ट के। मकवाना साहब तो गार्ड के साथ चल सकते हैं, लेकिन उनको भी वर्ग्वार वारन्ट के गिरफ्तार किया जा सकता है। मैं समझता हूँ कि इस

प्रकार के कानूनों से जनतंत्र का खात्मा हो जाएगा। इसलिए मेरा संशोधन है कि इस क्लॉज को डीलिट कर दिया जाय, हटा दिया जाय। इस क्लॉज के मुताबिक तो किसी को भी किसी वक़्त भी, बिना वारन्ट के गिरफ्तार किया जा सकता है। यह बिलकुल हिटलर-जैसी है। इस क्लॉज को फौरन हटा देना चाहिये।

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): It is a negative amendment. The question is:

"That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 11 were added to the Bill.

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

SHRI YOGENDRA MAKWANA: Sir, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): I shall now put the Resolution moved by Shri Makwana to vote.

The question is:

"That in pursuance of sub-section (2) of section 2 of the Essential Services Maintenance (Assam) Ordinance, 1980 (No 2 of 1980), this House approves the issue of Government of Assam, Political (A) Department notification No. PLA-334/80/7, dated the 7th April, 1980, declaring the services in connection with the production, supply and distribution of water and electricity including the services under the Assam State Electricity Board constituted under the Electricity (Supply) Act, 1948, to be essential services for the purposes of the said Ordinance."

The motion was adopted.