

[Shri Bhupesh Gupta]

under the changed political situation he need not go by the administrative and bureaucratic rule. A political decision can be taken by him. I beg of him and I beg of all that these two young sons of Bengal, Mr. Kanu Sanyal and Mr. Souren Bose be restored to West Bengal. The West Bengal Government demands it the public demands it and all of us demand it; it is a national demand indeed and I do hope that everybody's voice will be raised in support of this demand, and above all there will be the voice of the former Prime Minister of the country, Shrimati Indira Gandhi.

MR. CHAIRMAN: Now the House stands adjourned for lunch to reassemble at 2.10 P.M.

The House then adjourned for lunch at ten minutes past one of the clock.

The House reassembled after lunch at twelve minutes past two of the clock, Mr. Deputy Chairman in the Chair.

#### **THE MAINTENANCE OF INTERNAL SECURITY (REPEAL) BILL, 1978**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir, I beg to move:

"That the Bill to repeal the Maintenance of Internal Security Act, 1971, as passed by the Lok Sabha, be taken into consideration."

'Sir, hon. Members are aware that the Election Manifesto of the Janata Party provides, *inter alia*, that MISA would be repealed. The policy of the Government in this regard was stated in the Address of the Acting President to the two Houses of Parliament on the 28th March, 1977, in the following words:

"Having regarding to the gross abuse to which the maintenance of Internal Security Act has been put

during the last two years, a thorough review of the law will be undertaken with a view to repealing it and examining whether the existing laws need further strengthening to deal with the economic offences and security of the country without denying the right to approach the courts."

Accordingly the matter was examined and it was felt that if there were no Central laws to provide for preventive detention, difficulties might be experienced in dealing with certain serious situations. However, it was felt that reliable and adequate safeguards should be provided in the law to prevent any misuse. The Code of Criminal Procedure (Amendment) Bill, 1977 was introduced in the Lok Sabha on the 23rd December, 1977 with these objects in view. But considering the misgivings expressed even in regard to the provisions in the said amendment Bill and the persistent apprehensions that powers of preventive detention could be misused notwithstanding such safeguards, the Government reconsidered the matter. An announcement in this regard was made by the then Home Minister in this House on the 23rd March, 1978. The Code of Criminal Procedure (Amendment) Bill, 1977 was withdrawn on the 30th March, 1978. And a Bill to repeal the Maintenance of Internal Security Act was introduced in the Lok Sabha on 19th April, 1978. The Bill has been passed by the Lok Sabha on 19th July, 1978. I earnestly hope that honourable Members would support the repeal of MISA.

With these words I move that the Bill be taken into consideration.

*The question was proposed.*

श्री खुरशीद आलम खान (दिल्ली) :  
जनाब डिप्टी चेयरमैन, मैं अपनी जानिब से  
और अपनी पार्टी की तरफ से इस बिल की  
पूरी ताईद करता हूँ श्री. यकीन दिलाता हूँ  
कि हमारी पार्टी आपके साथ है, इस मामले  
में इस वक्त पूरी ताईद आपको हासिल है  
लेकिन यह कहना जरूरी समझा जाता

कि हर जमाने के लिए, हर वक्त के लिए और हालात कुछ ऐसे होते हैं कि जिनसे निपटने के लिए आपको कुछ कानूनों का सहारा लेना पड़ता है, मैं इसका भी एतराफ करता हूँ कि अब जो हालात हैं उसमें बुनियादी तौर पर हमारी जम्हूरियत के लिए इस कानून की अब जरूरत बाकी नहीं रही है और यही दजह है कि हम भी आपकी राय से इतिफाक करते हैं और आपकी ताईद करते हैं। यह भी एक वाक्या है कि स्टेट्यूट बुक से बहुत से कानून हटाये जाते हैं जब उनकी जरूरत नहीं रहती है। इसी तरह से अब आप इस कानून को रिपील करने के लिए एक नया बिल लाये हैं, वह ठीक है और हम आपकी ताईद करते हैं। इस ताईद के सिलसिले में मैं यह जरूर कहना चाहूंगा कि हर कानून के लिए जैसा मैंने कहा किसी वक्त कोई खास जरूरत होती है या कोई खास दुष्कारिया सामने होती है। हमारे देश में बुनियादी तौर पर प्रिवेन्टिव डिटेन्शन की मैं समझता हूँ कि पूरी तौर पर हमेशा कुछ न कुछ जरूरत महसूस हुई है और सन् 71 में जब ऐसा महसूस हुआ, मुल्क के लिए जरूरत थी तो मीसा कानून को लाया गया। यह आप कह सकते हैं कि उसका इस्तेमाल कुछ गलत हुआ, गलत इस्तेमाल करने के लिए किसी भी कानून का इस्तेमाल गलत या सही हो सकता है। उसमें कानून की गलती नहीं होती या कानून बनाने वालों की गलती नहीं होती वह तो यह समझना चाहिए कि उस पर अमल करने वालों की होती है। मैं बहत्तियत मुसलमान अगर आपके सामने कोई बात कहता हूँ और वह आपको गलत मालूम हो या वह आप यह समझें कि मैं सही बात नहीं कर रहा हूँ या मैं एक अच्छा पढ़ीसी नहीं हूँ तो उससे इस्लाम के बारे में राय कायम न की जाय बल्कि मेरे बारे में राय कायम की जाय। इसी तरह से आपको यह मालूम है कि जिस वक्त हमें कानून की जरूरत पड़ती है, किसी खास मामलात में, किसी खास हालात में, मैं यह भी जानता हूँ कि वह हालात ऐसे होते हैं कि

जिस वक्त आप मामूली कानूनों से उससे नहीं निपट सकते, मसलन जो हमारे मुल्क में स्मॉलिंग का एक ऐसा चैंप्टर था, उनका एक ऐसा चैंप्टर पड़ा था जिससे मामूली हालात और मामूली कानूनों के साथ नहीं निपटा जा सकता था, इसकी जरूरत उस वक्त आपको पड़ी थी। यह मैं समझता हूँ कि उनका इस्तेमाल सही था अब आपका 15 महीने का तजुर्बा अगर यह आपको बतलाता है कि इन चीजों से या इस किस्म के मामलात से निपटने के लिए आपके पास जो मुल्क के मामूली कानून हैं वह काम दे सकते हैं तो बहुत अच्छा है उनका इस्तेमाल करके देखा जाय और उनसे ही काम लिया जाय ताकि आपको किसी और प्रोब्लिम डिटेन्शन के किस्म के कानून की जरूरत न पड़े। लेकिन मैं यह जरूर आपको यकीन दिखाना चाहूंगा कि मसलन ऐसे हालात में जैसे कि स्मॉलिंग का मामला है कि जो खुद तो अलग रहते हैं लेकिन दूसरे लोग उनका काम करते हैं तो कोई सूखत ऐसी होनी चाहिए कि जो बुनियादी तौर पर किसी चीज के जिम्मेदार हों जो बुनियादी तौर पर एक जुर्म के जिम्मेदार हैं लेकिन पसे-पदी रहते हैं, पर्दे के पीछे रहते हैं, हटे हुए रहते हैं तो आप उनसे भी निपट सकें, आप उनके साथ कानून के साथ इत्ताफ कर सकें और वह इत्ताफ हो सके। उसी तरह से और भी कुछ मामलात हैं मसलन अगर कोई गिजा बेचने वाला, खाने पीने की चीजें बेचने वाला, या दवाएं बेचने वाला, ऐसे लोग जो इंसानों की जिंदगी से खेतना चाहते हैं, ऐसे लोग जिनके अनुस्तर, अपना थोड़ा सा मुनाफा मद्देनजर है लेकिन वे इंसानों की जिन्दगी से बिल्कुल बेग्याज होकर उनकी जानों की कोई कामत न समझ कर उनके साथ ऐसा बर्ताव करें कि जिससे उनकी जानें खतरे में पड़ें तो मैं समझता हूँ कि हुकूमत और हुकूमतें-वक्त और उन लोगों का जो अरबावे इक्कतदार होते हैं यह फर्ज हो जाता है कि चाहे एक तबके के साथ सख्ती भी करनी पड़े, लेकिन

[ श्री खुरीद आज़म खाँ ]

वह समाज और मुल्क के और अवाम के फायदे में हो ।

मुझे यकीन है कि इन कानून के हट जाने के बाद आप ऐसे जल्द हालात पैदा करेंगे, आप ऐसे मामलात जल्द देख सकेंगे कि इन चीजों से आप अच्छी तरह से निपट सकें और मुनासिब तरीके से निपट सकें । वे लोग जो दूसरों की जान व माल, दूसरों की इज्जत और दूसरों के नामूस से खेलना चाहते हैं, जिनके दिल में दूसरों की इज्जत और दूसरों के नामूस और जानमाल को कोई वकत नहीं है, ऐसे लोगों के लिये आपको यकीनन कुछ करना है ।

आप देख चुके हैं कि मुल्क के अन्दर इस वकत क्या हालात पैदा हो गये हैं । हमारे मुल्क के अन्दर कानून और इतबार की जो हालत इस वकत है वह इतना ही खराब नहीं तब पहुंच चुकी है और इनसे निपटने के लिये बहुत जरूरी है कि चाहे वह मामले कानून के साथ या और जरूरी कानून में तब्दीली करने के बाद ऐसे अपने आपको मुजल्ता कर सकें, आपके अन्दर ऐसी ताकत हो कि आप उनसे निपट सकें और गृहस्थों की और गरीब भाई बहिनों की जिन्दगी, माल, इज्जत और नामूस महफूज रह सके ।

अगर यह नहीं हो सकता है तो मैं समझता हूं कि वह डुकूमत डुकूमत करने के काबिल नहीं है, जो इतना तहफूज, लोगों को यह यकीन न दिला सके कि तुम्हारा इज्जत, माल, जान और नामूस महफूज है ।

इसी तरह से हमारे मुल्क में जो लोग समाजी जिन्दगी को खराब करना चाहते हैं जो हमारी इज्जतसाबी जिन्दगी में अवतरी पैदा करना चाहते हैं, जिन्होंने हमारी समाज को इज्जतसाबी जिन्दगी में ऐसे हालात पैदा कर दिये हैं कि महसूस यह होता है कि हम एक गढ़ की तरफ बढ़ते जा रहे हैं, उनको रोकने के लिये

आपको सोचना पड़ेगा कि आपके पास ऐसे कानून हैं कि जिनसे आप उनसे निपट सकें, आप उनका मुकाबला कर सकें ।

लेकिन अगर आप समझते हैं कि कोई ऐसे हालात हैं, कोई ऐसी कमजोरी है, लचक है कि जो आपको अतः मजबूर हासिल करने में मदद नहीं दे सकती तो मुझे यकीन है कि हमारे मंत्री महाशय और डुकूमत उससे निपटने के लिये जल्द से जल्द कोई ऐसा इन्तजाम करेंगी, कोई ऐसा कानून जल्द मदेनखर रखेगी कि उससे उसका निपटारा हो सके ।

यह होता है कभी-कभी कि कुछ बरस उठाने से वह डुकूमते-वकत जो भी हो, उसके कुछ कामों से लोगों को कुछ तकलीफ पहुंचती है । लेकिन यह भी साथ में देखना चाहिये कि बोड़े हिस्से को या चन्द लोगों को या खास किस्म के फिरके को जो तकलीफ पहुंचती है या परेशानी हुई है, आवाम के लिये अगर आम लोगों के लिये कोई फायदे की बात थी या कोई फायदा हो सकता था या फायदा हुआ था, तो इस चीज को भी सामने रखना चाहिये । मसलन, आप समझते हैं कि आपने अपनी समझ में अच्छा हो किया, बहुत से लोग जो प्रिजेंटिव डिस्टेंशन में थे उनको छोड़ दिया । मैं समझता हूं कि मुझे और किसी को भी इस चीज का एतराज नहीं होगा इसलिये कि आपने अपनी समझ के मुताबिक किया और अच्छा काम समझ कर किया । लेकिन क्या मैं पूछ सकता हूं कि ऐसा करते वकत आपने जांचा था, देखा था, पहचाना था कि जिन लोगों को आप छोड़ रहे हैं, क्या वे सब इसके वाकई काबिल हैं कि इनको छोड़ा जा सके, आजाद किया जा सके ? अगर यह नहीं था, तो मैं समझता हूं कि आज हमारे मुल्क के अन्दर, हमारे शहरों में, हमारे देहातों में, हमारे गांवों में, हमारे कस्बों में जो इस वकत अवतरी कानून के अन्दर आई है, जो लोगों के दिल से कानून का खौफ निकल गया है, उसकी जिम्मेदारी भी बड़ी हद तक

इस चीज पर पहुंचती है । मैं इस बात का वादा नहीं कि अगर कोई किसी के साथ ज्यादा दुई है या किसी के साथ गैर-जल्दों तौर पर अमल किया है तो उसको छोड़ा नहीं जाए, उसको जल्द छोड़ना चाहिए लेकिन जो लोग ऐसे थे कि ज. वा. यो इस चीज के जिम्मेदार थे या इस बात के मुस्तहक थे उन के मामले में जल्द हमें गौर करना चाहिए और मैं समझता हूं कि 15 महीने के पिछले तर्जुबों ने आपको भी कुछ तर्जुबा कराया होगा, आपने भी देखा होगा कि बहुत से ऐसे लोग भी बाहर हैं, बहुत से लोग भी आ गए कि जिन्होंने समाज, मुल्क और कौम के अन्दर जो अवतरो पैदा की वह मैं समझता हूं कि एक जिम्मेदार हुकूमत की हैसियत से न आप पसन्द करते हैं न एक जिम्मेदार अपोजिशन की हैसियत से हम पसन्द करते हैं और हम दोनों में इन बात पर इतिफाक है और यह एक ऐसी चीज है कि जत पर इतिफाक होना ही चाहिए ।

एक और चीज की तरफ मैं ध्यान दिलाना चाहूंगा । अक्सर ऐसा हुआ है और हमारे मंत्री जो को तो मुझ से ज्यादा शायद आपको मालूम होगा कि हमारे मुल्क के बारे में बाहरी खतरे बहुत से हैं और उन बाहरी खतरों में कुछ ऐसे भी हुए हैं कि खूद हमारे बंद-बन्त देश के निवासी मालूम नहीं कि तो लालच से या और किसी दबाव में आकर देश के बारे में कुछ जासूसी भी करने लगते हैं, कुछ ऐसी भी हरकतें करते हैं, कुछ ऐसी इन्फार्मेशन बाहर पहुंचाते हैं जो हमारे लिए नुकसानदेह साबित हो सकती है और जिस को हर कौम, हर मुल्क बचाना चाहता है, महफूज करना चाहता है । ऐसे लोगों से निबटने के लिए मैं समझता हूं जरूरी है आप को देखना कि आप उस पर फौरन अमल कर सकें, आप उनके साथ ऐसा अमल कर सकें कि उसमें देर न हो, उनको ज्यादा बन्त बचने का न मिले, वो बहुत दिनों तक

टालमटोल न कर सकें और जो उनकी नेफाईस एक्टिविटीज हैं या जो इस विस्म का बारोबार कर रहे हैं या इस विस्म की चीजों में हिस्सा ले रहे हैं या किसी दल के खातिर कर रहे हैं, उनको इन हरकतों से रोका जा सके ।

मैं एक और चीज की तरफ तबज्जुह दिलाना चाहूंगा, वह है हमारे यहां फिरके-दार ना मामलों का मसला, इसलिए कि फिरकेदाराना म ले हमेशा एतदम से भड़क उठते हैं और यह हमारे सब के लिए बड़ी शर्मनाक बात है । मैं जानता हूं—जितना हम बुरा समझते हैं, जितना आप बुरा समझते हैं, जितना हम चाहें हैं इस विस्म की चीजें हमारे मुल्क में नहीं हों, उतना ही आप चाहें हैं—अगर हम से ज्यादा नहीं, हम से कम नहीं, लेकिन बराबर जल्द चाहें हैं—लेकिन कुछ ऐसा देखने में आया है कि बहुत से लोग उन फिरके-दाराना झगड़ों को भी, उन मामलात को भी बढ़ाते हैं, उन को उभारते हैं और वह उभारना उन का होता है सिर्फ इसलिए कि कुछ जाती फायदा होता है, एक ऐसे जाती फायदे के खातिर या निजी झगड़ों की खातिर झगड़ों को बढ़ाते हैं । मसलन, देखने में आया है कि कहीं छोटा-मोटा झगड़ा हो गया है, झगड़ा सामने आ गया, लेकिन मैं नहीं समझता उस झगड़े के बाद, उन फतावों के बाद, कभी सही तरीके से उन मुजहिबों का पता चला हो जो किसी भी तरीके से उस से ताल्लुक रखते हों, जो वाक्यो जिम्मेदार थे, जिन पर पूरी जिम्मेदारी इस चीज की आती थी और उनको सजा मिलनी चाहिए थी । इसलिए होता यह है कि इस किस्म के लोगों पर मुद्दों तरह-तरह से मुकदमे चलते रहते हैं और अखीर मैं पता यही चलता है कि हुआ कुछ भी नहीं । शुरू में तो कुछ शोर उठता है, शुरू में बहुत कुछ लोग करना चाहते हैं लेकिन अखीर मैं जब फैसला होता है,

[ श्री खुरशीद आलम खान ]

तो जो चीज उभर कर आती है, जो आखिरी चीज होती है, उसमें पता चलता है कि जहाँ से हम चले वहाँ वापिस आ गए और कोई ऐसा इलाज या ऐसी सजा नहीं हो सकी जो दूसरों के लिए इतरत बनती ताकि वे आइंदा इस किस्म की चीजों में न पड़े, आइंदा इस किस्म के मामलात को न उठाएं। यह बद-किस्मती है कि हमारे देश में 30 साल की आजादी के बाद भी यह चीज बाकी है और यह चीज चल रही है। इस से निबटने के लिये मैं समझता हूँ कि हमारे देश के जो कानून हैं उनसे निबटारा नहीं हो सकता। यह आप का भी तजुर्बा होगा पिछले 15 महीनों में, इसलिये कि आपके जमाने में भी इस तरह के बहुत से फसादात हुए हैं। बहुत सा जानी और माली नुकसान हुआ है। उन का तदारक करना, उन को रोकना हमारा और आप का फर्ज बन जाता है। मैं यकीन दिलाता हूँ कि इस सिलसिले में अगर आप कोई कानूनी कदम उठाना चाहेंगे तो उस में हमारा तयाउन आपके साथ होगा और हम आप के साथ मिल कर वह काम करना चाहेंगे ताकि इस किस्म के झगड़े और मामलात को हम रोक सकें।

दूसरे, मैं माननीय मंत्री जी से यह जरूर कहना चाहूंगा कि जो हमारे मुल्क में कमजोर तबके के लोग हैं

May I speak or the hon. Minister will continue his dialogue . . . (Interruption) .

दूसरी चीज यह है कि (Interruptions) लेकिन मैंने यह दावा कहीं नहीं किया कि मेरी बात समझ में भी आ सकेगी।

दूसरी चीज मैं यह अर्ज करना चाहूंगा कि हमारे मुल्क में बहुत से कमजोर तबके हैं और ऊर्जा मंत्री जी उन को बहुत अच्छी तरह से जानते होंगे ? वह सदियों से पिस्ते रहे हैं। उनकी सदियों से हकतलफी होती रही

है। उन के साथ सदियों से ज्यादाती होती रही है। इस छोटे से इलाके दिल्ली में भी आज एक ऐसा गांव है कि जहाँ उन को सात साल पहले जमीन मिली थी लेकिन उस जमीन को वह अब भी जोत नहीं पा रहे हैं। तो क्या इन चीजों से निबटने के लिये आप को किसी खास कानून की जरूरत है या नहीं है। वैसे यह देखना आप का काम है। आप अपनी जरूरत समझ सकते हैं। आप हाकिमे वक्त हैं। लेकिन हाकिमे वक्त होने के साथ-साथ यह आप की जिम्मेदारी है कि आप यह देखें और यह समझें कि आप का फर्ज क्या है और जो हमारे मुल्क के रहने वाले लोगों का हक है उस हक को आप उन्हें दिला सकते हैं या नहीं। उस को अगर मौजूदा कानून के तहत आप दिला सकते हैं तो वह मौजूदा कानूनों से दिलायें, लेकिन आप उन की मदद से आप वह हक उनको नहीं दिला सकते तो ऐसी सुरत पैदा कीजिए कि जिस से आप एफेक्टिव तौर पर, असर के साथ, बहुत ही वाअसरतरीके से मामलात को हल कर सकें और उन की दुश्वारियों को आप दूर कर सकें और उन के मामलात को आप निपटा सकें और इस तरह से उन मामलात को आप निपटायें कि जित से हमेशा के लिये वह चीज खत्म हो जाय। यह नहीं कि वक्ती तौर पर वह चीज दब जाय या दबा दी जाय और बाद में वह फिर बार-बार उभरे और भड़के और बुनियादी तौर पर वह चीज बाकी रह जाय।

इस में जैसा कि मैंने शुरू में कहा था, खास तौर पर मैं फिर एक बार दोहराना चाहूंगा स्मगलर्स का मामला, इसलिये कि स्मगलर्स ने हमारे देश की एकताशी हालत, हमारे देश की आर्थिक हालत पर बहुत असर डाला है और आज भी वह अपने काम में उसी तरह से मसरूफ हैं और आने काम में लगे हुए हैं जैसे वह उसे अपना फर्ज समझते हों। वह देश के हित में नहीं है और उस से हमारी कौम, हमारे समाज और हमारे

मुल्क को नुकसान पहुंच रहा है। आप कोई ऐसी सुरत कीजिए कि जिससे इस को रोका जा सके, इस पर पाबन्दी लगायी जा सके, इस लानत को खत्म किया जा सके और उन की इस तरह की एक्टिविटीज से हम को हमेशा के लिये नजात मिल सके और हमारा देश स्मरालिन के गुनाह से पाक हो सके। मैं इन अल्फाज के साथ इस बिल को फिर ताईद करता हूं और यही कहना चाहूंगा कि जिस तरह से एक उर्दू शायर ने कहा है :

“रात भर पीते रहे, सुबह को तीबा कर ली,  
रिन्द के रिन्द रहे, हाथ से जन्नत न गयी।”

यह न हो कि आप इसी में उलझ कर रह जायें और कुछ न कर सकें।

SHRI DINESH GOSWAMI (Assam):  
Mr. Deputy Chairman, Sir, I take my stand here to support this Bill and I consider that this is one of the boldest measures that the Janata Government has taken during their 18 months' rule. Therefore, this House will wholeheartedly welcome this measure.

Any provision of preventive detention is incompatible with democracy. However, even the advanced countries have by now realised that to meet certain contingencies certain specific laws are to be brought. Even countries like the United States of America, as late as 1950, had to bring on the Statute Book the Internal Security Act. But the unfortunate part of Indian political life has been that though preventive detention was brought into the Statute Book as a temporary measure, it almost continued as a permanent measure. The record shows that when Mr. Patel brought the first Preventive Detention Act in the House as the Home Minister, he had to pass agonising time and had to pass two sleepless nights before he really brought this measure into the House. At that time, the makers of modern India probably were confronted with the question of safeguarding the newly gained freedom and that required the bringing of the Preventive Detention Act. But, unfortunately, that Act con-

tinued up to 1969. Again, because of a delicate situation, the Maintenance of Internal Security Act was brought into the Statute Book in 1971. There was threatened invasion from Pakistan and thousands of people which grew into millions were coming from the then Pakistan to India, subversive activities were growing and the situation was such that it was thought necessary to bring a provision by which the preventive action could be taken to safeguard the integrity of this country. But we have seen and this has been our experience and probably we must learn a lesson from it that when power is concentrated in the hands of an individual or even a Government by this type of statute, the tendency ultimately grows for the power to go tangentially and that has been our unfortunate experience during the last few years. When the Repeal Act has been brought to this House, Sir, we all welcome it and I feel that the Government has undoubtedly done a very bold thing. But, at the same time, we must recognise this fact that this has brought additional responsibility to the Government because though the Maintenance of Internal Security Act was utilised undoubtedly in some cases for political purposes which I must confess, it was also utilised to remove certain distortions in some, social and economic spheres. I feel that it is not necessary to have an act like Maintenance of Internal Security Act to remove these distortions. But these distortions, to a certain extent, were curbed through the help of the Maintenance of Internal Security Act and a common man or an ordinary man will be misled and he will carry a wrong impression about this legislation if he finds that after this Act has been repealed, these distortions are growing. The Government and the ruling party has the responsibility, in the interest of the democratic polity of this country, to see that these distortions do not grow after the Act is repealed. It will be a sad day both for this country, for the democracy in this country and for

[Shri Dinesh Goswami]

the institutions of this country which we cherish if the Government, by their half-hearted measures and by their compromises, allow the distortions to grow. We have seen unfortunately, that during the last 15 months of Janata rule, the distortions have grown. I hope that every Janata Member will put his hands on his heart and try to see what the effect of the Repeal Bill on the common man today is. If this Bill had been brought at the time when the Janata Party came into power, it would have generated a tremendous enthusiasm. But today hardly the country is taking any notice of it. The Lok Sabha has passed the Bill recently. But there was hardly any response in the whole country and the ordinary man in the street has allowed such a measure almost to go unnoticed. This is the fact of life which the country must take very serious note of and which the Government must take very serious note of because the ordinary man is feeling that merely by the removal of this type of provision from the Statute Book his problems are not solved. In the last election of 1977—we shall have to concede and confess—we lost and the Janata Party came into power. No doubt, to a certain extent, because of the emergency excesses. But it was also because of the fact that during the emergency the people felt suffocated and they felt that a change in the political structure was necessary so that they can express themselves freely. They wanted to get away from the feeling of suffocation which they experienced during the emergency. The common man's enthusiasm grew. But with the passing of time in the last 18 months the enthusiasm has virtually evaporated and if recent election results are any indication then it is seen the people have become indifferent to this enthusiasm. Why is it so? It is because in the 1977 elections they voted the Janata Party to power. They voted against the ruling party in the high hopes and aspirations. And those aspirations\* have fully been

belied. I myself was a victim of the elections. They thought that with the change of the Government virtually a new climate will be created in which every individual will have the opportunity, to express himself. After all, democracy does not merely mean a rule of the majority. The essence of democracy is that individuals get fullest freedom of expression, fullest opportunity where their individuality blooms. But, unfortunately, we have seen that the Janata Party because of its inaptitudes, compromises, because of its failure to tackle problems or because they have been busy so far in fighting intra-party rivalry, have not been able to create a climate in which the ordinary man in the street would feel that he has the opportunity of expressing himself freely in this country. If the Home Minister of the country goes and tells the common man: Look here, we have done a tremendous thing, we have repealed the Maintenance of Internal Security Act; his reply will be: What of it, how does it help me? During the emergency at least I was safe from the oppression of land-owners but today I find that if I try to exert my right over the land, well, either I am burnt or my family members are burnt. Therefore, when we repeal this provision of law, if we really want to have its healthy impact on the society, if we really want to create a psychological climate in this country so that these laws may not be promulgated at any time in future, it is also our duty to create a climate where the ordinary man will be able to feel that really a situation has been created where he treated as a part of the society, a society in which he has the full right and opportunity to express himself and where he is not at the mercy of the privileged few. Unfortunately that situation we have not been able to create. We are talking, in high terms of constitutional rights and guarantees. What constitutional right of freedom of expression means to an ordinary man who is striving every day for a square meal. After all, to him it does not matter whether

one has the right of expression. We talk about constitutional and fundamental rights of freedom of trade or freedom of employment whereas even graduates, science graduates and most of the degree holders are asking for peon's posts. When we put before them the statute book and say: you have got the fundamental right of freedom of trade and all that, to them it seems to be the greatest mockery. To an ordinary Harijan when I say: you have got the right to property, it becomes a mockery because even when he is ploughing on this land, the right which he has legally got, he is put to merciless troubles. Therefore, I feel that while repealing this statute if we take the satisfaction that we have done everything, I think we will be misleading this country and we will be suffering from a gross delusion. That is why I feel that while we repeal this Act, while we pass this Act, a greater sense of responsibility must dawn upon the ruling party and equally upon us so as to see that the distortions which are growing every time do not grow, and may be curbed.

My friend spoke about smugglers. We know that there are very many vested elements in this country, smugglers, black-marketeers and big houses even, who want to distort the economy of this country. They really want to apply the entire economic mechanism of this country to their own benefit, to the detriment of the vast millions of this country. Up till now the Maintenance of Internal Security Act, to a certain extent, acted as a curb on them, as a threat upon them. But when we have removed this from the statute book—I am not saying keep it, because I feel that this type of a measure leads to other distortions, much more grave distortions—, we must also see that these anti-social elements do not take advantage of it. Therefore, I feel, Sir, that while welcoming this Bill, the Government must also take the totality of the picture into account and must apply their mind very seriously so that these distortions may not grow and the common man may feel that really these

types of statutes are not important. I have got my grave doubts here. If you had asked an ordinary man in the street whether the Maintenance of Internal Security Act is necessary or not immediately after the elections, he would have said: No, it is not necessary, scrap it. But today if a vote is taken I have got my doubt as to what will be the percentage in its favour or against it. It is not only to say positively in favour of MIS A but it seems something has gone wrong in the style and functioning of the Janata Party itself, may be in the entire polity of the country in which such a situation has emerged after 18 months of Janata Party's rule and I hope that the Janata Party will take note of it.

Before concluding, I will like to draw the attention of the Minister that though the Maintenance of Internal Security Act is being repealed, the fact remains that in a number of States there are preventive laws in existence. These laws are in existence in Madhya Pradesh. These laws are in existence in Jammu and Kashmir and also in other States. If we allow these laws to be in existence in some States and allow the State Governments to take action under the preventive detention laws in the States, it will mean that not only what you have done here is of a restricted value but also there will be discrimination between a citizen of one State and a citizen of another State. A citizen of one State will have complete freedom while a citizen of another State will be at the mercy of the executive or the bureaucracy or the ruling clique. That situation, I think, is not warranted under the provisions of the Constitution. I do not know whether you would like to do something regarding Jammu and Kashmir, but I do not find any ground as to why in Madhya Pradesh such an Act should still continue when in this Parliament we are repealing this Act. Therefore, I feel that the time has come for the Government to take a fresh look about the entire preventive laws in existence either in the



[Shri Dinesh Goswami]

form of preventive laws or otherwise, to take a comprehensive view of the matter and to take measures by which the preventive laws which were in existence in different States are also repealed.

With these words, I thank you for giving me this opportunity to speak and I lend my whole-hearted support to the provisions of this Bill.

SHRI PILOO MODY (Gujarat): Mr. Deputy Chairman, Sir, in my opinion we are now passing through a historic moment when a black law is going to be thrown out lock stock and barrel. It is strange that this historical Bill should have such an innocuous title as Bill No. 64-C of 1978, a Bill to repeal the Maintenance of Internal Security Act, 1971. The Maintenance of Internal Security Act, 1971, is hereby repealed. I should have thought that in a moment like this the debate that we have been hearing so far would have gone a little farther than human proportions and that generosity would have flown a little more freely because it is not often that Parliament witnesses an Act which restores to the people what is legitimately theirs. Acts of Parliament over the years have always taken away from the people whatever little they had. Therefore, when you are today in a process of reversing that historical process, I should have expected greater joy and greater magnanimity.

Sir, I heard very carefully to the extent that I could understand the hon. Member, Mr. Khurshed Alam Khan. While welcoming this Bill he has all manner of reservations. I do not know why while trying to justify that there are times in the events of man when such draconian laws are absolutely necessary, the statement in itself could have passed by itself but his obvious reference was that in the years of the emergency, in the years 1975 and 1976, these laws were absolutely necessary.

SHRI KHURSHED ALAM KHAN: I did not mention any years.

SHRI PILOO MODY: He did not mention any (years, but I think he

would allow me to interpret his speech in the language he gave it. Therefore, Sir, this idea of trying to justify which is really indefensible is something that has disappointed me. My hon. friend, Mr. Goswami, was a little more careful and a little more circumspect. He welcomed it a little more wholeheartedly but not totally. He said that the deteriorating law and order situation should make one sit up and think whether this is the proper moment and that a number of common people, whom only the hon. Member, Mr. Goswami, gets to talk to, have been telling him that this is not the right time, that had it been done about fifteen months ago, it would have been very...

SHRI DINESH GOSWAMI: I think Mr. Piloo Mody has completely misinterpreted my speech. I never said that this is not the time when the Act should be repealed. I said this is the time. I only wanted that the Government should create a proper climate. Because of the deteriorating law and order situation and other things, the common man should not be carried away by the feeling that this is not the right time. Now, because of these things the common man is not feeling enthusiastic about it. The Government should create a proper climate in which he feels enthusiastic about it.

SHRI PILOO MODY: Sir, now that he has translated his own speech..

SHRI BHUPESH GUPTA (West Bengal): Sir, we are looking forward with interest to his speech. Mr. Piloo Mody will be certainly right in comic footnote.

SHRI PILOO MODY: I am glad to have a second translation by Mr. Goswami to what he said earlier. I do not dispute his translation either. He said that this was, perhaps not the proper moment and that it should have been done fifteen months ago when there was great enthusiasm. I agree with him. This is what he does not understand. I agree with him wholeheartedly. As a matter of fact, I condemn my own Government for not having brought forward this Bill earlier. Why have

they taken fifteen months? God alone knows. Why should they take so much time for us to come to this day when the Bill is being repealed with exactly one line? I wrote to the Government. I wrote to the Prime Minister more than eight months ago, that this Bill should be thrown out, lock, stock and barrel with only one line. At that time there was all manner of cautious thinking going on—such as my friend there is advocating today and such as my friend at the back is also advocating—as if the maintenance of internal security is to be confused with the maintenance of law and order. Sir, there is a vital difference between the two. One is fundamental and the other is a matter of governance. What is fundamental cannot be tampered with and this my friends all these years did not understand. Why should they not welcome this wholeheartedly? After all, whom does it really protect? It protects them because MISA in this country was never used for its right purpose. It has always been used for the wrong purpose. Therefore, this repeal really protects them. My friend Mr. Kalp Nath Rai can keep growing and growing till he becomes to my size and still be sure that he will not be taken in on same dark night, woken up from his sleep and hauled up to jail without even a modicum of goodbye to his wife, children or whoever else he may have around him. Sir, I do not know why these people should be so hesitant in acclaiming this.

SHRI KHURSHED ALAM KHAN:  
We cannot acclaim . . .

SHRI PILOO MODY: Are you worried about your coming back? That is what always intrigues me. They think that if you do something in the name of an economic offence, or, if you do something in the name of a social offence, Government will forgive you. But if you do something in the name of a political offence then, of course, there is no forgiveness. I cannot understand this strange logic. Law must apply equally to you as it does to every other citizen in this country. To think

that political downright corruption, political nonsense is of a higher order than economic offences or social offences would be to put you upon a pedestal which you do not deserve at all. Sir, the law must apply equally and this is the essence of the phrase 'rule of law'. Rule of law means that a law is passed and that law is to be applied equally to every single citizen of this country. And they have to say that smugglers can be tried under one law, tax-evaders can be tried under another law, other offenders can be tried under a third law, but politicians must be sacrosanct, they cannot be tried under any law. This is a sort of thinking which is.

SHRI BHUPESH GUPTA: Now the Lokpal is coming.

SHRI PILOO MODY: I am not interested in the Lokpal, I will explain Lokpal to you later on. And to think these laws can be graded depending upon who is making the law, this sort of thinking has degenerated our democracy, eroded our morality and led to a situation which made it was possible for bringing in such a draconian emergency, all justified by mere words, words that can be played upon, as if a situation existed in the year 1975 which was in any way better or worse than the situation that exists today.

Therefore, Sir, I do not want to say much on this subject. I do not even want to recriminate. I am so happy that finally this one line Bill has been brought before this House. I am so happy that we have been in a position to restore for the people their fundamental liberties. I am so happy that I have been asked to participate in this debate. I will end by merely adding to the rest of the House that while carrying through this debate I wish you to see the positive and the human aspects of this Bill instead of being over-cautious or over-sensitive to apologise for the past in terms of defending it, and instead to create a future in terms of bringing it about.

I thank you, Sir.

SHR BHUPESH GUPTA: Sir, I rise to whole-heartedly welcome this Bill.

SHRI PILOO MODY: No 'buts' now.

SHRI BHUPESH GUPTA: There is no reservation whatsoever in welcoming this measure because over the years I have been here before we have been fighting. I gained my political career under the preventive detention in early 1930s. I went to jail as a student, matriculate, and I came out as a graduate from the jail. So, I went to jail under preventive detention; those were the days of the British. Later on also, under the Congress rule, in the beginning I suffered under the Preventive Detention Act, as it was then called for before that other Acts were there. Well for three years I had eluded arrest. In fact, Sir, I heard the news of my election to the Rajya Sabha in 1952 in ward number 7 of the Dum Dum Central Jail, a victim of the Preventive Detention Act. Straight from that cell I walked into this House and since then I have been here.

SHRI PILOO MODY: You mean, a prisoner of this House.

SHRI BHUPESH GUPTA: Well, I have been, you may say, under perpetual detention of this House. Sir, therefore, you can well imagine how happy I would be.

I shall give you some facts in welcoming this measure. Much of the things Mr. Piloo Mody has said and I am in agreement with him. It is very heartening to hear such things from such a massive person as Mr. Piloo Mody and certainly I appreciate what he has said. But the way the BiM was 'moved, was the most lifeless—the speech made from this side.

Mr. Dhanik Lal Mandal wanted to perpetuate it. Now because of 3 P.M. you, because of us, because of many on this side and in the public the Criminal Procedure Code (Amendment) Bill has not been gone through, and MISA is going. But an attempt was made to bring it in. But before MISA is gone, Mr. Charan Singh is gone. That is the irony of it. Mr.

Charan Singh has gone faster than MISA and Mr. Charan Singh wanted to keep it alive.

Sir, as you know, in the beginning of the Session when the President entered the Central Hall to address us, I got up and reminded him as to what happened to the promise in the previous year's Presidential Address that MISA would be repealed. The President said that something would be done. Ultimately, we got, as you know, the Criminal Procedure (Amendment) Bill. Before we got this, an attempt was made to bring that in. Mr. Piloo Mody is quite right when he said that it should have gone much earlier. In this regard, I must thank Mr. Advani who repealed that abnoxious Bill—the Prevention of Publication of Objectionable Matter Act—and also restored the immunity of Parliamentary proceedings. The Feroze Gandhi Act was assassinated by a person very dear to Feroze Gandhi and revived by a Jana Sangh leader. Since is the irony.

SHRI PILOO MODY: That makes you a member of the family.

SHRI BHUPESH GUPTA: And the other Act which Jawaharlal Nehru abolished—the Prevention of Publication of Objectionable matter Act—in 1956 in this House (I participated in that debate) was revived by Jawaharlal Nehru's daughter and repealed again by a Jana Sangh leader. Such things happen.

I should like to tell you that when I spoke on this subject in May/August 1952, it was not my privilege and fortune to have any of you present in this House. Today you are new faces, good faces, and I entertain good hopes from many of you. Now, Sir, after so many years we are repealing the Maintenance of Internal Security Act, its predecessor being the Preventive Detention Act. In that form it was there.

I should like here to point out one or two things about the history of it. The Preventive Detention Act has a very dark history of which this is the Droget—"wh- h we are repealing today. There was a case pending in Calcutta High Court on a writ petition by a number of Communist detainees. That was in the beginning of

1950. At that time, there was no Preventive Detention Act, or for that matter any Central law on detention. There was the West Bengal Security Act against which we agitated, under which many of us—not me personally but my colleagues—were detained. Perhaps Mr. Jyoti Basu was also one of them. Many of our other comrades were detained. Then came the Constitution into force on the 26th January, 1950. When the Constitution came into force, all those detention laws passed by the States were in danger of being struck down as *ultra vires* of the Constitution. In the Calcutta case, it was almost certain that it would be struck down and all the 300 and odd detenus would be released. In that situation, in the month of February, when the judgement was about to be delivered, I was then an underground, hunted by the police, wanted under preventive detention law, and what happened was that in the provisional Parliament Sardar Patel came rushing one day and said: "Pass this Bill today." "What Bill? People will not know. He said: "I have passed a 6leoples, night an dl have brought a Bill called the Preventive Detention Bill, 1950. You have to pass it today; otherwise the blessed Communist detenus will be released all over the country—and certainly in West Bengal". The Bill was introduced. The same day it was passed. All the rules were waived to get the Preventive Detention Bill through in one single day by the great sarder Patel. That is how the Bill was passed.

Then, Sir, though they had finished the Communist Party, with the blessings of our people we appeared in the two Houses of Parliament as the major Opposition party and I occupied those benches where Shri Kamlapati Tripathi sits. I came from the Dum Dum Jail to this position. Mr. Gopalan came to the other House to the similar position. That was a slap in the face of the Congress rule at that time.

So the Act was passed. It was a temporary measure and every two years it needed to be renewed. In 1952 they brought it for renewal, after

two years of its passage in 1950. It was met with strong opposition at that time from the entire opposition. And there, along with us, we had—I must take that name—Dr. Shyama Prasada Mookherjee who along with us fought against the Preventive Detention Act. There was Prof. Meghnad Saha. Many others were there whose names I need not take, great figures in the Indian Parliament. We were junior people. I know how he sat together to resist tooth and nail the renewal of that measure. The entire Opposition rose. At that time the Government did not listen. But Pt. Jawaharlal Nehru did one thing. He made certain modifications to the Preventive Detention Act such as Advisory Board and many other things, liberalised as they called it. The Act was put through. Mr. Katju! was then the Home Minister in his place sitting over there. He was piloting this Bill with gusto, renewal of the Preventive Detention Act for security, for independence, to maintain progress and to protect our infant state from the Communists, people with daggers and bombs in their hands. They had to be put in prison. Mr. Katju one day asked me: "Do you know, Mr Bhupesh Gupta, how to spell democracy?" I got up, Sir,, and said, "Yes, I do."

SHRI PILOO MODY: C-O-M-M...

SHRI BHUPESH GUPTA: Yen, I said, "K-A-T-J-U". He was taken aback. That is democracy. Mr. Katju was sitting there. According to this new definition democracy must be Katju. The battle was fought out and we got the liberalised Act. That is how it continued. That is the story.

Here I will give you a little arithmetical fact. Since independence we have always been under the Preventive Detention law. But we have had under the Central law Preventive Detention for 324 months, not counting the 16 months when there was no Central Preventive Detention Law. We joined them, some of them sitting there.

Mrs. Indira Gandhi was running a minority government in 1969 after

[Shri Bhupesh Gupta] the split, her 'number' having come down to 223 in the Lok Sabha in a House of 523. One day a meeting of the Opposition leaders was called in December. An agenda was shown. One item for the next year was "Renewal of Preventive Detention". Some of them will remember it. We told Mrs. Gandhi that it would not be passed. Those days are over. And if she attempted to pass it she would bear in mind the implications of it. It would be defeated in the Lok Sabha. And when a major Bill is defeated in the Lok Sabha the Government falls. We came out very sharply that if Indira Gandhi tried to pass this Preventive Detention law, the Government must go. Then, Sir, at the next meeting, in the agenda we found that that item was taken out.

SHRI PILOO MODY: It was introduced.

SHRI BHUPESH GUPTA: It was not removed. It lapsed on the 31st of December, 1969. They introduced many things that way. Mr. Chavan introduced the Criminal Procedure Code Bill but he took it back. (*Interruptions*) We could not have done it if we were not united. All of us took away the Bill. It was for sixteen months only that there was no Preventive Detention Act. Therefore, if you count this month also, for 324 months the country has been under the Preventive Detention Act or the Maintenance of Internal Security Act, that is to say, under a law of Preventive Detention. Let Us remember, for 324 months we had been under the Preventive Detention law.

SHRI PILOO MODY: First time it has been voluntarily given up.

SHRI BHUPESH GUPTA: No. How can this voluntary thing come? That you are taking it away is good. That I have said before also. So, for sixteen months only it was not there—the whole of 1970 and Part of 1971. But, immediately after she won the election, she had an Ordinance promulgated without talking to anybody,

which is now called the Maintenance of Internal Security Act, which was even harsher. The Preventive Detention Act was temporary but the Maintenance of Internal Security Act was made permanent. Its provisions are harsher than the provisions of any Act, even the British Act. So, that was a massive betrayal of the election pledge, that was an act of ingratitude towards the Opposition and people who were supporting her politically in many matters. Then, in the June session of the Lok Sabha it was passed. The Ordinance was brought there it was passed with a brute majority. That is how it happened. Now we are doing away with it.

The only thing I would like to say for the benefit of Mr. Piloo Mody is, in all these 324 months that the Preventive Detention Act or the Maintenance of Internal Security Act had been in operation, our friends like Mr. Piloo Mody, our rightist friends, had been under the cloud of it only for 19 months during the Emergency.

SHRI PILOO MODY: Because we were well behaved.

SHRI BHUPESH GUPTA: Now you were well behaved except for those 19 months. As far as the Preventive Detention Act or the Maintenance of Internal Security Act is concerned, we were also in the danger zone. Beginning 1950 till today, people have been arrested under the Preventive Detention Act and the Communist Party of India to which I belong will produce the largest number of ex-detenus. When Mr. Vallabhbhai Patel was moving this thing on that day, he revealed that they had ten thousand people in prison—communist sympathisers and supporters. And Mr. Advani, for your benefit... (*Interruptions*)

SHRI PILOO MODY: Which paper are you quoting?

SHRI BHUPESH GUPTA: I am quoting the Government; I am giving Government figures. According to

the official figures published by the Government of India during the first three years of independence, between August, 1947 and August 1, 1950, the police/armed forces opened fire on popular demonstrations no less than 1982 times, killed 3,748 persons and injured and wounded nearly 10,000, jailed 50,000 and shot down 82 prisoners inside the jails. Most of them were communists.

SHRI PILOO MODY: Impossible. Where from did you get so many Communists?

SHRI BHUPESH GUPTA: Communists were there. Everybody was a Communist then. Sir, in this connection, I invite your attention to what the editor of the *New Statesman And The Nation* noted in the issue of September 10, 1949. Because you have got foreign papers, I also quote.

SHRI PILOO MODY: You are quoting from the *New Age*.

SHRI BHUPESH GUPTA: Not the *New Age*. "In India, I am told on excellent authority, there are at least one lakh and perhaps as many as two lakh Communists and others detained. Even if the lower figure is correct, it means that the national Government of India has more people detained without trial than the British ever had at any single time". The jute press did not take notice of it because in those days we rugged people, we the labourers' sons and other people coming from the down-trodden classes were imprisoned.

SHRI PILOO MODY: Led by the elite.

SHRI BHUPESH GUPTA: These people were in jails in tens of thousands, but the bourgeois press, the monopoly press, the jute press did not take note of it. Foreign papers—some of the better elements—took note of it. Nowadays, of course, if one Piloo Mody goes to jail, his photograph appears—and you can understand that his photograph always creates a serious problem for the newspapers; even so it appears.

SHRI PILOO MODY: Never in the *New Age*.

SHRI BHUPESH GUPTA: The *New Age* does not have that much space. We have no intention of bringing out any special edition to cover Piloo Mody's geographical area in our paper. It is not possible. But they do it. Now here I say that the Preventive Detention Act was born with malice against the Communists and the Left movement for attacking them, for harassing them, for prosecuting them. Tens of thousands of the Communists and other Leftists have passed through the jails. I cannot remember any Communist leader of long standing who has not been a victim of the Preventive Detention Act. Many of them have been dying in prisons under the Preventive Detention Act, shot down.

SHRI HAMID ALI SCHAMNAD (Keraia): You had put many people behind the bars. (*Interruptions*)

SHRI BHUPESH GUPTA: When we formed the first Cabinet in Keraia in 1957 and then in 1959, we refused to use the Preventive Detention Act although there was a violent movement engineered by the Congress leadership, Shrimati Indira Gandhi being at the head of the Congress at that time as its President. Dr. Radhakrishnan here in that chamber congratulated me by saying: "You are doing well by not using the Preventive Detention Act even in spite of that movement." And that was a violent movement. Now when I say this thing I only point out that the Preventive Detention Act was conceived with a view to suppressing the progressive Left movement, the working class movement, the peasant movement, the employers'/employees' movement and the teachers'/students' movement, and so on. That is the history. It is only during the 19 months of the emergency, by an error of judgment—may be on both sides—that our friends came into the picture. But they came out. And they came out not to occupy the Opposition Benches. Jawaharlal Nehru got

[Shri Bhupesh Gupta] us the leading Opposition seals; Indira Gandhi went further by keeping them in detention and brought them to the Treasury Benches. That was Indira Gandhi's improvement. We came on those Benches, far away from these Benches. But Madam Gandhi by her excesses and other things created such a situation that the Congress was wiped out in the Lok Sabha election a number of States. My Friend, Shri Advani, parted company with me to occupy the place which Govind Ballabh Pant and Katju were occupying. It is wonderful.

Sir, the greatest gain of the Emergency for them has been their coming to power. This is the biggest gain of the Emergency for you. It may be the greatest loss to the country. This is the history of the Preventive Detention Act.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINHA): That is why you supported it.

SHRI BHUPESH GUPTA: Yes, we supported it. We committed a great error, and we admitted it publicly. We do commit mistakes sometimes.

SHRI PILOO MODY: You share the credit to Mrs. Gandhi for having benefited us.

SHRI BHUPESH GUPTA: We were not a party to the misuse of the Emergency. We were supporting the Emergency because we thought that you were giving call to the Armed Forces. Mr. Jaya Prakash Narayan did it.

SHRI PILOO MODY: You are saying exactly what she did. It is a lie.

SHRI BHUPESH GUPTA: It was an error. You should have been dealt with politically and not put in preventive detention or the Emergency proclaimed. Well, sometimes we have been put in preventive detention. Political leaders do come under preventive detention.

I am questioning the Preventive Detention Act. That was the greatest folly. The imposition of the Emergency was wrong. When the Emergency came, you know how the MISA was misused. I know, Mr. Piloo Mody, when you were in the prison you were provided with all the amenities: we never had them. He was looked after by Shrimati Indira Gandhi very well, and he can have no complaint. Let him complain.

SHRI PILOO MODY: I have complimented. I have not complained.

SHRI BHUPESH GUPTA: No, you cannot.

SHRI PILOO MODY: Why are you so uncharitable?

SHRI ARVIND GANESH KULKARNI (Maharashtra): What about the evening equipment?

SHRI BHUPESH GUPTA: All equipments he got, solid or liquid. He got everything.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): No facilities were given during the Emergency. All the prisoners were put in a cell. They have been tortured. Many prisoners died in the prisons. That is a fact.

SHRI PILOO MODY: A point of order. I insist that in the interest of truth he should withdraw the word, 'liquid.'

SHRI BHUPESH GUPTA: Sir, I will be willing to withdraw it. In the interest of truth, I do not know how Piloo Mody could live there without liquid.

SHRI B. SATYANARAYAN REDDY: I was a prisoner. I know very well, no facility was given.

SHRI PILOO MODY: I do not expect a leader of your stature to say like this. You know what you said. You withdraw it.

SHRI BHUPESH GUPTA: Sir, I meant only liquid. I am also a little

not of that type. I deliberately used the word, 'liquid' because if I had not used the word liquid, you, Mr. Piloo Mody, you would have perhaps, more relevantly objected to it.

SHRI PILOO MODY: I am objecting in any case.

SHRI BHUPESH GUPTA: Liquid of this variety or that variety whatever it is, your liquidity is unquestionable. So, Sir, it happened. I said it because even during the Emergency period, their Ministry had said that 29,000 people were arrested under the MISA. Out of them 10,000 were those, what they called, who had had political affiliations, and the rest were the anti-social elements, the smugglers and so on. The political prisoners were 10,000. I can tell you that at one point of time when a habeus corpus case was going on in the Calcutta High Court, we had 10,000 people in the prisons of India.

And now I have read out to you. Now I do not want to go into this comparison because comparison is no comparison in the sense that we want MISA to go. Sir, at that time when we prevented Mrs. Gandhi from doing so, Frank Moraes, Editor of Indian Express, wrote a centre-page editorial article in which he paid a tribute to the CPI without meaning it; he said that what the Naxalites could not do, by putting out one threat to Mrs. Indira Gandhi that she might lose her seat, we got done.

He wanted to convey how Mrs. Indira Gandhi had become dependent on the Communists. Nothing of the kind. But it is a fact that the Communist Party took a leading role along with the others in seeing that the P.D. Act was not renewed. It lapsed only for 16 months. The moment she got the mandate, back came the P.D. Act in the form of the Maintenance of Internal Security Act, a permanent Act.

Now, Sir, we are repealing this Act. Naturally we are very very happy.

The Janata Government should have done it 15 months ago.

SHRI PILOO MODY: You cannot say that.

SHRI BHUPESH GUPTA: They have done it; I entirely agree. But they wanted to keep it. Even now Mr. Rajnarain talks about arresting somebody under MISA. MISA he likes. And Mr. Charan Singh wanted this kind of thing to remain by way of an amendment to the Code of Criminal Procedure, despite their assurance during the elections and in the Presidential Address. Due to the pressure of the public, the pressure of political parties, including members of the Janata Party, we are now in a position to repeal it. I congratulate you all; I congratulate ourselves; I congratulate parliament above all, I congratulate our fine robust democratic tradition and our great people. But for this solid public opinion, solidly expressed, as reflected on both sides of the House, perhaps MISA would not have gone. It would have found shelter in some other law. Therefore, Piloo Mody can rest assured that I am indeed very very happy today that it is going. The only thing that I would like to say in the end is this. Sir, in fact, my Bill is pending. Tomorrow you will see a Bill standing in my name for the repeal of MISA.

SHRI PILOO MODY: Are you moving an amendment?

SHRI BHUPESH GUPTA: Bhupesh Gupta does not go by amendment. He does not go by amendment. He goes on his own. But you would be amended.

Sir, now my Bill will not be necessary. The Bill would be there in the List of Business already circulated for tomorrow. That was introduced last year. Tomorrow it will come up. But then I will withdraw it because you are passing it today. I gave the historical fact because some of you should know—all of you know, but I wanted to remind some of you—that



[Shri Bhupesh Gupta]  
it has a history of its own.

The Congress regime never meant it for dealing with the rightists or reactionaries, as they call it. The Congress regime meant the Preventive Detention Act to deal with the Communists and leftists. For more than 27 years they used it almost exclusively against us. Our Chairman, Mr. Dange, was put in detention in connection with the Samyukta Maharashtra Movement. Many of us were there. Such is its history. The Socialists were there; many others were there. As tragedy would have it, even Mr. Shyama Prasad Mukherjee had to be detained and he became a victim of the law which was passed when he, Sir, was a Minister.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI LAL K. ADVANI): No, he was not the Minister.

SHRI BHUPESH GUPTA: In later years. Such things happened. Such is the dark history of the Preventive Detention Act. Before it we had Regulation 3 of 1818 which provided for preventive detention. The Congress opposed it. Then when the Congress came to power . . .

SHRI LAL K. ADVANI: Dr. Shyama Prasad Mukherjee's was the most vehement opposition to the Bill.

SHRI BHUPESH GUPTA: I have paid him a tribute. Even your members did not remember him. I do remember Mr. Shyama Prasad Mukherjee, although we differed on many other things. After Regulation 3 of 1818 came the Defence of India Act at the outbreak of the First "World War. Then came the Rowlatt Act. Then came the Bengal Ordinance of 1930 of which I was a victim. Then came the Defence of India Act and Defence of India Rules. Then came the Public Security Act.

The Acts passed by the British Government were revived by the Government of West Bengal under the Profulla Ghosh Ministry. Dr. Ghosh adopted the Special Powers Ordinance of the British, in August 1947 he wanted to pass it in the name of West Bengal Security Act. There was a protest against it led by the CPI. In that protest Sarat Bose joined with us; N. C. Chatterjee (joined with us. And we fought. The result was one Sisir Mandal had to die in police firing which was indulged in order to suppress this movement, and he became a martyr ...

SHRI PILOO MODY: That is enough.

SHRI BHUPESH GUPTA: You are enough; you are more than enough. Sir, he would not like the past history. I am only narrating to past history but he would not like it. Mr. Piloo Mody does not like it. There is nothing for him. Mr. Piloo Mody, you do not know these things; I wanted to tell you a bit. It is for you I am saying this, not for Mr. Advani so much. You should know this. You do not know the past history. The Preventive Detention Act had been fought at every stage. People had become martyrs. They gave their lives in order to get rid of what you are getting rid today for the second time. I hope it will not return again. I hope you will see to it. Then there are many other things going on. The Essential Services Act is being misused by the Government for dealing with the students and teachers. Teachers are being arrested under that. In the name of the Essential Services Act many other things are being done in order to rope in political workers. That should not be done. We are repealing this not to indulge in repression by other means, by other laws, by misusing other laws that exist today. That is what I want. Please keep that in mind.

We have read the Shah Commis-

sion Report. I am a little surprised the Shah Commission only mentions about the Textile officers or Bhimsen Sachar. Good, they mentioned them or some other people. The Shah Commission mentioned how MISA was being misused in their case, but they never mentioned the workers who had been the victims of MISA, employees who had been the victims of MISA, Agricultural workers who had been the victims of MISA. The Shah Commission completely ignored them. Blood is thicker than water—class blood. Yet, the Shah Commission is worried about what happened to the men at the top. Those at the bottom, who suffered in the villages in the factories, in the towns, and so on, they did not figure as victims of MISA during the Emergency to attract the Shah Commission's sympathy. That is my complaint against the Shah Commission.

During Emergency, of course everything was given a go-bye. All the rights were taken away including the right of habeas-corpus. It was shame the way the right of *habeas-Corpus* was taken away in order to make preventive detention under MISA absolutely free from any questioning in the highest court of Jaw in any manner. It was a shame and we raised it in Parliament. You know it, even if the people were shot dead in the streets, there was no questioning. You will remember, we protested against that. But this happened. It was a dark chapter in our history. Let us, therefore, bury it.

But then, don't try to bury MISA in order only to use some other repressive laws in your arsenal against the working people, against the Harijans, against the agricultural against the labourers, against the employees, against the teachers and students, which is what is happening today. And I do want an assurance that such a law shall never come on the Statute Book. My friends of the Congress Party—now they are in the Opposition—we all learn from experience,

I would welcome Indira Congress people to get up and say they are Sorry for the Emergency. It will be a good thing for them. Shrimati Indira Gandhi will have done some justice to herself if she had publicly declared that she was sorry for the proclamation of Emergency and that it shall not come for thousands and thousands of years as she said. But, Sir, if on the one hand you say that emergency shall not come for thousands of years and at the same time you justify the proclamation of the emergency, nobody will take you seriously. I do not know whether we shall live to see that day.

I think the national will, national verdict national commonsense and patriotism demand that, whatever may be our individual role or part's role, all should join together and a united nation should declare that the proclamation of emergency was unjustified and wrong. That should be done. That should be the sign of leadership. The sign of leadership is not in justifying a wrong step. Even the greatest leaders have committed grave blunders. Mahatma Gandhi said he had committed Himalayan blunders. How many of you, living and dead, would not consider him as a great leader? If he could admit his mistakes in this manner by saying that he had committed Himalayan blunders, I do not see any rhyme or reason why "the former Prime Minister and others should go on telling the people that emergency was justified. Why should they not proclaim to their conscience, to the world and to our people that it was a wrong step and they are sorry for it and in future such a step would not be taken?

SHRI PILOO MODY: That will make them human.

SHRI BHUPESH GUPTA: I think they are human. I would not say that they are not human. I think they are human. I would not make that uncharitable remark that they are not human. But they are sticking to the wrong position. That is the tragedy of it. And you have been the biggest beneficiary of it. I told Mr. Charan

[Shri Bhupesh Gupta]  
Singh one day. "Mr. Charan Singh, you should feel beholden to the Congress Party because they have brought you here" Nothing else would have brought them here. Ask Mr. Advani. Let him put his hands on his ears and tell us if he would have been able to occupy this seat from 1977, but for the monumental folly of Shrimati Indira Gandhi and the crimes and excesses committed during the emergency. He will admit it. As far as Mr. Piloo Mody is concerned, I do not know. (Time bell rings)

You have rung the bell. I am very happy today. All other members are here. But I am the only one to survive. I have been the boy on the burning deck somehow or the other. Today I join with you. The Unifying one of the hated Act of our country which has been a disgrace to the Statute Book, which has been a blot on our law. It has been a lawless law which had been denounced by Gandhiji and Jawahar Lal Nehru before independence and which has been condemned by all right thinking men in our country since then. It is a matter of privilege and pleasure today in this House—I need not say it is a red letter day because Mr. Piloo Mody will run away since the word 'red' is there...  
SHRI PILOO MODY: Quite right.  
SHRI BHUPESH GUPTA: I will consider this a memorable day that in this very House I am in a privileged position, having fought against this law for 26 years under the Congress, to join with my friends of the ruling party on the basis of a Bill brought by them to repeal the most hated, obnoxious and despicable law which should not have found any place in the Statute Book. I hope my friends, so long as they are in power, will live up to it, and see that this is an end to all the repressive measures and nobody will bring preventive detention laws back under any pretence whatsoever.

My friend, the Minister, is sitting here. I do not know how far he has been able to understand me. Even if

he has misunderstood me, I will thank him. Sir, it is his privilege as the Minister and it has been his privilege to bring forward this repealing law which was not the privilege of the other Ministers who have gone before him. I think he is very fortunate and I think it is very important for him and I wish him well insofar as this is concerned. I do hope that we all shall live in the spirit in which we welcome this measure. I do hope that repression will go out of the country. The working class people must have their full right to carry on their democratic struggle and no devices or contrivances, I hope, would be created to fetter them in any manner.

Once again, Sir, I express my happiness, before I sit down, that this law, this black law, this lawless law, is now about to be finally given its burial and I hope that this is final in this House\* with the participation of all Members. I do thank our friends of the Janata Party. They have also played a part, they have also played their part in seeing that the MISA is repealed. I do not take credit for myself and we do not take credit for ourselves only. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Yes, Mr. Venka.

[The Vice-Chairman (Shri Shyam Lal Yadav) in the Chair] >

\*\*SHRI V. VENKA (Tamil Nadu):  
Mr. Vice-Chairman, the MISA was against all democratic principles. The present ruling party too had suffered under this MISA. We too, in South India, had suffered a lot during the days of emergency. The Janata Party made it a point to repeal the MISA in their Election Manifesto; but they kept mum during past 18 months—I would like to know the clause of delay in repealing, along with the other Members of this House. Using the MISA against political leaders cannot, under any circumstances, be excused.

Under the MISA, there were about 10,000 political prisoners out of

\*-English translation of the speech delivered in Tamil,

29,000 arrested. Others were, it was informed, anti-social elements.

I have to mention that many people are complaining now that the current position during the 18 months after Janata Party took over, is worse than emergency period though MISA was not used.

I am the man brought up by the Great Tamil Leader Hon'ble Annadurai who graced this House from 1962 to 1967. He was a true democrat and instilled in us spirit of democracy. However in the name of Democracy, there are some anti-social elements who lead India in a destructive way. To curb their activities we will have to find out some ways now itself. Today, the Janata Party placed this Bill for repeal, of course, with the support of public, but we have to think of alternative measures.

I would like to bring this to notice of Janata Party that the cost of living index has gone up by 30 per cent during the period of 18 months. It is said that some anti-social elements which have entered into Janata Party are responsible for the price rise. Let us not forget. The MISA was used against anti-social elements also. With MISA gone, I do not know, as to how the Government is going to curb the activities of anti-social elements in future. The need is there for an effective curb against anti-social elements, which should not however be misused against political opponents.

As the Hon'ble Member Shri Bhupesh Gupta has just remarked, the Ruling Party seems to be interested in curbing the activities of Political Leaders in opposition, using one or other law. Let me quote one instance. In February, 1972, the then ruling party in Tamil Nadu the D.M.K., had done a number of follies, even though it was supposed to follow the ideals of our great leader, Mr. Annadurai. They had tried to misuse their powers against political opponents. I protested and left that Party.

While I was attending a meeting in the Legislators' hostels in the days of emergency, I was dragged and beaten severely by the hooligans engaged by the other party. I had noted the car number of the hooligans and informed the police but it is regretted, no action was taken by the Police. They have not arrested any anti-social element under MISA. We, who were politically against them were arrested under MISA. They had tried to kill me after the meeting was over. I was stabbed here, and there at eight places on my body. I became unconscious and was admitted into the hospital. Anyhow, I am quite happy that I have recovered from those physical injuries and I am able to address you today. This I am mentioning to show how MISA was misused against the political leaders by an unscrupulous Government. It was a great blunder in Indian democracy using primarily an economic weapon for political purpose and I can give you many instances. I would like that our hon. Minister assures the House that no political leader would be arrested under any emergency in future. Any Act will be appreciated only when the ruling party leaders use it for the good of society and not for strengthening their own power. I am quite happy that the present ruling party at the Centre did not use MISA to arrest any political leaders of the opposition parties during the 19 months of their rule.

Now, we will have to find out how to curb the activities of black-marketeers, smugglers and anti-social elements without MISA. I have already told you how the then ruling party used MISA particularly against the political leaders and they put them in jail. At the same time, in spite of the unlimited powers under MISA, the then ruling party did not curb the activities of smugglers, black-marketeers and anti-social elements. What is vital is that black-marketing, smuggling and other anti-social offen-

[Shri V. Venka]

ces should be eradicated with the help of any weapon lest they could destroy society. If the present Government also does not curb the activities of smugglers, black-marketeers and anti-social elements, then the purpose of repealing the Act will not be served. Therefore, I would like the Minister to find out ways and means to curb the activities of anti-social elements without MISA. During the last 18 months of Janata rule, the smugglers, black-marketeers and anti-social elements have been increasingly active. Thefts in the railways have increased throughout India. Now it becomes our bounden duty to curb their activities even without MISA. I hope that the Janata Government would take the necessary measures to find out ways and means to curb the activities of smugglers and black-marketeers. Thank you.

SHRI G. LAKSHMANAN (Tamil Nadu); Sir, I have great pleasure in welcoming this Bill. At the same time, I cannot congratulate the Janata Party and the Government as much as I would congratulate the Congress Party which is in the opposition today. It is very noble of them that those people who were responsible for this Act, have come forward completely, shall I say with your permission, in such a noble manner that they welcome this Repeal of Maintenance of Internal Security Act.

Therefore, I congratulate the Congress Member, here, for having welcomed the repeal of this Act. Why I do not congratulate as much the Janata friends as I do the Congress friends is because they waited for one and a half years to bring forth the repealing measures. What was the mandate of the people? Before bringing forward this Bill they were very seriously thinking of bringing forth some sort of a measure on the lines of the Preventive Detention Act, but people's representatives, like Mr. Jethmalani, rose to the occasion and fought it out and then only that measure was withdrawn

and this repealing Bill was brought forth. Therefore, the Janata Party and the Government do not get the congratulations which I have given to the Congress Party. The Government has not very conscientiously or willingly brought forth this measure. Many people, when they come to power forget what assurances they had given to the people. The position which they occupy makes them forget what they told the people and what assurances they gave to them. Or, else, the Minister might tell us what was the reason for the delay in bringing forth this repealing measure.

Sir, if at all there is any party which has suffered under the Maintenance of Internal Security Act and the misrule of Shrimati Indira Gandhi's Government, after extending the life of Parliament for two years, it is the D.M.K., and nothing but the D.M.K. It is that party which has suffered, its rank and file and its leaders. About 25,000 people were arrested when the President's Rule was promulgated in Tamil Nadu though my Party is considered only to be a State Party. I think from no other party in India, even at all-India level such a large number of people were arrested. Towards the end there were about 555 people in custody under the Maintenance of Internal Security Act.

All of you would feel sorry to know that one of the Members of Parliament, when he was a sitting Member of Parliament Mr. Chitti Babu, would not have died if he had been released in time and the Ismail Commission has also said so in its report. That is the report of the Ismail Commission. Mr. Chitti Babu died because of his arrest. When this matter was brought to the notice of Home Minister, Shri Brahmananda Reddi, he said, Mr. Chitti Babu is safe, he has got this disease and that disease. But they were not prepared to release him. The Ismail Commission which was appointed to go into the beating of prisoners in India—a

large number of prisoners were beaten during the emergency and when the President's rule was promulgated—has said that Mr. Chitti Babu was one of the victims and that is how he died. He is the only parliamentarian, the only Member of Parliament, who died during the emergency. The provisional Government should take the entire responsibility for the death of Mr. Chitti Babu.

Mr. Vice-Chairman, Sir, I do not believe in omen and all that, this *rashi* and *jhatok* Business, because I am a rationalist. But still he died one year prior to the general elections that were ordered by Mrs. Indira Gandhi. What was the result? Before the elections were held, Mr. Chitti Babu died as a Member of Parliament and, after the elections, Mrs. Indira Gandhi was not allowed to enter Parliament. I am not very happy about it. But see Nature's decision. A Member of Parliament dies in prison because of an Act and the leader of the nation is not allowed to come into Parliament when elections are held. That is the punishment. But Sir, the family of Mr. Chitti Babu has not been cared for by the Janata Government. They say that they are repealing the Maintenance of Internal Security Act and they say that they have done so many things. But Sir, as far as the South is concerned, none of the misdeeds of the previous Government during the implementation of this Act and during the President's Rule have been undone. Nothing has been done with regard to my party. They are not interested in doing it. Now, in Tamil Nadu, a party which supported the Emergency and which supported Mrs. Gandhi has come to power. That party is in power today. But as far as the Emergency excesses are concerned, the Central Government could have intervened and asked the State Government to undo what all were done during the Emergency and during the President's Rule. I mentioned this even a year

back in this House as to what all atrocities were committed in those days, bringing a bad name to the Indira Gandhi Government. These were brought to the notice of the Janata Government. But they never cared. That is why, there is a feeling in the South that the Janata Party is a regional party, that it is there only in the North and that it does not belong to the South. This is because they have not undone what all the previous Government did in the name of Emergency and all that. Now, 550 people have been released. But many of them are not getting any pension. Take even Chitti Babu's case. His family is not getting any pension. Actually, his people are in the streets today. They have already submitted a petition. Since there is another Government, I do not know whether they have got to recommend it. But I would request the Janata Government to take note of it and do something.

Sir, why do Tsay the Janata Party is a regional party? You know how the DMK Government was dismissed. Mr. Morarji Desai, Mr. Advani and Mr. Chandra Shekhar came to Tamil Nadu at the time of the last elections and said that the dismissal of the DMK Government was a politically motivated one. They also said that the appointment of the Sarkaria Commission, to justify the dismissal, was also politically motivated. This was said by no less a person than the leader of the Janata Party. But as soon as they came to power, what have they done? I would say this appointment of the Sarkaria Commission itself is an emergency excess. It is an emergency excess because the Kerala Government was being given extension every six months. As a matter of fact, we never wanted extension. We never wanted Mrs. Gandhi, the then Prime Minister of our country, to join hands with us. We only wanted her to hold elections, not only to Parliament, but to the Tamil Nadu Legislative Assembly as well, in the year 1976. DMK was the

[Shri G. Lakshma'nan]

only party which made that demand. Had Mrs. Gandhi conceded the demand of the DMK and Dr. Kalaignar Karunanidhi, so many things would not have happened. The death of Mr. Chitti Babu would not have happened. So many other havocs would not have happened. We would not have seen the formation of the Janata Party itself. But she never heeded. She never cared. She dismissed our Government, though there were still 30 days. To justify it, she appointed the Sarkaria Commission. I have already said that this Sarkaria Commission was a Sarkar Commission. After the appointment of the Sarkaria Commission, we know what all took place. And, Sir, I would like to place before the Janata Government and before you that this is the only Commission which was appointed when there was internal emergency in existence in this country. There were about 26 or 27 Commissions appointed, but no Commission was appointed when internal emergency was in existence. The Sarkaria Commission is the only Commission and it was appointed at that time so that they would not have any right to go to the court.

Sir, 300 witnesses were prepared. The chairman of the CBI, under whose chairmanship all this was done, prepared three hundred witnesses. Now that man has been arrested and action is being taken against him. Under his leadership 300 witnesses were prepared. And you know how the witnesses were collected? They will go and get hold of Mr. Pranab Mukherjee.

SHRI PRANAB MUKHERJEE  
(West Bengal): Say somebody else.

SHRI G. LAKSHMANAN: Just for name sake. All right, somebody else, Shri Brij Lal Verma. They will tell him: If you do not like all these things, there is the Maintenance of Internal Security Act. Nobody can question us. You will be arrested.

This is how the witnesses were prepared. We have already said this that all the witnesses should be examined, but Justice Sarkaria said, no. Had there been Fundamental Rights available for us, we would have gone to the High Court as in the case of the Rajagopala Iyengar Commission Bakshi Ghulam Mohammad went to the High Court and got the ruling. But we were not allowed to go to the High Court. We wanted that all the three hundred witnesses should be examined, but Justice Sarkaria said, no. Therefore, We were not given that opportunity of going before the court. So, we told the Janata Party that we were not afraid of this Commission. We will definitely politically face it. Therefore, this Commission itself is an emergency excess. Having dismissed the Government they wanted to justify the dismissal. The memorandum was presented by the present Chief Minister, the then treasurer of my party, Mr. M. G. Ramachandran, in the year 1972. Mr. Pranab Mukherjee knows everything. That is why he is laughing. And it was kept in cold storage till 1976. We have given our replies and we have given everything. Within three days out of 54 allegations 27 were only selected suddenly and they were sent to the Sarkaria Commission which was appointed three days after the dismissal of the Government. Therefore if the Janata Government is sincere to the language which they spoke just before elections, it must treat the Sarkaria as an excess of emergency and withdraw that Commission. Now what is happening? If a Commission is appointed against Mr. Karunanidhi, my leader, immediately a report comes. Very loyally, very patently, our respected Prime Minister Morarji Desai sends it to Shri Ramachandran, about which he has said that is a politically motivated one before election—and asks him to take further action. But when an allegation is made by no less a person than the Home Minister of this country against the son of the present Prime Minister, he says,

please withdraw that letter. What is this? What is this Government's standard in public life? When there is an allegation against Mr. Karunanidhi, though it is an emergency excess, the report is received and action is taken. By whom? By one who himself is the complainant, Mr. M. G. Ramachandran. Mr. Ramachandran is the complainant. He made the allegation. Now he is the Chief Minister and the report has been forwarded to Mr. Ramachandran who is the plaintiff, by Mr. Morarji Desai. The plaintiff is going to take action against the accused. He forwarded it, but in the case of his son, Mr. Morarji Desai's son, he wants Mr. Charan Singh to withdraw the case. Therefore, in the public life there shall not be two standards. Therefore I would say, as far as the DMK is concerned, it may be a small party, whatever attacks that were unleashed by the previous Congress Government we were able to manage because our party is not a party that was started yesterday only, it has a life of 75 to 80 years. It has produced a history of 75 to 80 years. It has produced eminent "men. One of them was a member of this House—Mr. Anna-durai. 'Anna' we used to call him lovingly.

As far as the Janata Government is concerned, I would say . . .

SHRI HAMID ALI SCHAMNAD: So your party has again come to an understanding with Mrs. Indira Gandhi's party.

SHRI G. LAKSHMANAN: This is a political question. You must ask this question of Dr. Karunanidhi. But I would only tell you that there are no permanent friends and permanent enemies in politics.

SHRI HAMID ALI SCHAMNAD: Only permanent interests.

SHRI G. LAKSHMANAN: I would ask you, Janata Party has come to

an understanding in Maharashtra with Mr. Pawar. Does it speak well of that party? Janata Party defeated Congress Party because of their misrule and restored democracy. The same Janata Party joined a rebel from a particular party and formed the Government and helped the Government. Janata Party MLAs are Ministers there. How does it help? Can you answer that?

SHRI HAMID ALI SCHAMNAD: We can only conclude . . .

SHRI G. LAKSHMANAN: I tell, you, politics there are no permanent friends or permanent enemies. And as far as we are concerned, we take a neutral attitude, a central attitude. With regard to any problem here, we take a central attitude. Even on that day, I found that the contention of Mr. Morarji Desai that he would not place those letters was not in order. At the same time, I also did not want the stalling of the proceedings of this House. So I was keeping quiet though I made our stand clear in the meetings that were held. If we want to achieve some thing, the means we adopt should justify the end. That is what I told our esteemed Shri Kamlapati Tripathi, and he agreed. Therefore, we found some solution.

So as far as my party is concerned, We are not satisfied—not because we want to be inimical—with the way in which 'the emergency excesses have been dealt with. Sir, Ismail Commission was appointed by the Governor, Mr. Patwari. It was not appointed by Mr. Ramachandran. It has given a report. In that report, it is said that these officers were responsible. Mr. Parmaguru, Commissioner of Police was solely responsible and he behaved in the most irresponsible manner. If Chitti Babu had been released, he would not have died. What action Mr. M. G. Ramachandran has taken? Another thing



[Shri G. Lakshma'nana] is, what all we opposed during the emergency, Mr M. G. Ramachandran is bringing into law. There is an Ordinance in Tamil Nadu today. No-body can go on strike in the essential services. There is an Ordinance and my party is fighting against it. Now I wanted to raise it during zero hour as a Special Mention. It was not permitted by our esteemed Chairman. I do not want to attribute motives to him, it was not permitted. That was to condemn that Ordinance to ban strikes in the essential services. But that was not permitted by my esteemed Chairman. I did not question him.

SHRI HAMID AL-SHAMNAD: You can make a reference.

SHRI G. LAKSHMANAN: I did not want to question his authority and, therefore, I did not mention. But I thought that because the Janata Government and the Anna-DMK Government have come to cooperate with each other and because he has come to power in Tamil Nadu—earlier he was cooperating with Mrs. Indira Gandhi during the Parliamentary elections and now he has become very friendly with the Janata Government—therefore, they are not taking any action. Sir, that may be the reason also why the Janata Government is not taking any action to undo all the emergency excesses. Therefore, I would say that all the emergency excesses in Tamil Nadu should be looked into and the Janata Government must do justice to those people. If Mr. George Fernandes opposed emergency and if there was the Dynamite Case against him, it was immediately withdrawn because he belongs, fortunately, to the northern part of India. I do not know whether Bombay is the northern part or not.

SHRI S. W. DHABE (Maharashtra): He was elected from Bihar.

SHRI G. LAKSHMANAN: Therefore, immediately the case was withdrawn. As an emergency measure, Sarkaria Commission was appointed by Mrs. Indira Gandhi. I did not want that the case should be withdrawn. It

should be treated as an emergency excess. If the Janata Government is bold enough, let all the 57 charges be enquired into in a democratic country like ours. We do not oppose it; we do not say that you must withdraw them. And the 57 allegations have been there because those people who are responsible for these allegations are in this House also.

SHRI HAMID AL-SHAMNAD: If these allegations are false, concocted they must be withdrawn.

SHRI G. LAKSHMANAN: I do not want that all these allegations should be withdrawn or the Sarkaria Commission report should be withdrawn. I want that the Government enquire into all the 57 allegations given by Mr. Ramachandran, and then a new Commission should be appointed to enquire into them. And we will accept whatever decision is given. We have been victims of emergency excesses. Therefore, we do not accept the report of Justice Sarkaria. You know the kind of justice we will get. All these things you know. Therefore, as far as my party is concerned I may state that this Maintenance of Internal Security Act should have been withdrawn much earlier. I welcome it. I am also very thankful because the Congress friends by doing so many things have made our party most popular, a most powerful party to take charge of the Government within one or two years, not by defeating this Government when allegations are being made. I must also thank Mrs. Indira Gandhi and also other friends who have made our party a militant party. A new experience we have gained because of this attack not on the people but on the D.M.K., unfortunately, which D.M.K. was responsible for putting in power Mrs. Indira Gandhi in years 1969 and 1971.

In the year 1969 you know how Mr. Giri was supported by the DMK. Had we not supported Mr. Giri on the advice of Mrs. Indira Gandhi what about the public life of Mrs. Indira Gandhi? Mr. Sanjiva Reddy

would have come out successful. Such a party was ill-treated. Such a party was badly treated by Mrs. Indira Gandhi and the (previous Government. That is why they are facing all these turmoils and troubles today. It is nature's gift to them, nature's reward to them. Therefore, as far as they are concerned, I would say do not follow the same path. Even in the present letters case they are so much reluctant. And Tulmohan Ram's case was taken as an example. Why should you cite Tulmohan Ram's case as an example? Where is the question of prestige of the Prime Minister? The prestige of the House is the prestige of the Prime Minister. Why should there be two prestiges? The Prime Minister should not take the case of Tulmohan Ram as an example. This situation ought to have been avoided by the ruling party and the Prime Minister Morarji Desai.

When Anna was in the Tamil Nadu Assembly, one M.L.A. asked him that the Government should not take it as a prestige issue. Immediately Anna said: In a democracy there is no separate prestige to the rulers and another prestige to the people. Prestige to the ruler is the prestige to the people. Do "not separate it. Therefore, Mr. Morarji Desai need not take it as his personal prestige. That is why Mrs. Indira Gandhi faced so many troubles. I am not a big vnan, so aged, experienced like Mr. Morarji Desai. During the first six months when he became the Prime Minister he was all right. Now he is always angry. His face itself is in an angry mood. That is what I am observing these days.

SHRI YOGENDRA MAKWANA (Gujarat): Now he is in his usual mood.

SHRI G. LAKSHMANAN: It is not personal. Nowadays he is very angry. He is always in a pensive mood. I do not know whether it is due to any internal trouble in the party or whatever it is. He must listen. He is a very experienced

*Bill, 1978*

person, a very good Prime Minister. But he must behave. He should not have come down to that level. He should have shown the letters himself. He mentioned rules. Who made the rules? The people made the rules. In the name of rules you want to cheat the people. Then there is no democracy in our country. I am not a slave to the rules. The Prime Minister should not be a slave to the rules. What is there? Our country is such a vast country with different cultures and civilizations. If it is a foreign invasion either by China or Pakistan—however much we may be opposing Hindi—we stand together like one man. What did Anna say then? He said that even our party flag would not fly till we win that war. During the Bangladesh war we collected six crores of rupees and, our Dr. Karunanidhi, the then Chief Minister of Tamil Nadu, gave that amount to Mrs. Indira Gandhi. We are the only State who collected six crores of rupees. We as an Indian people are the most cultured because we have a hoary tradition and civilisation which is five thousand years old. Therefore, our people are very good people.

When I said it in Tamil Nadu that Indira Gandhi was going to be defeated, even my own partymen laughed at me. "You have become a crack." That was what they said to me. But how was Indira Gandhi defeated, very nicely? In some other countries, some other political changes are taking place. How are they taking place? Take, for instance, Bangladesh. How have political changes taken place there? How, in our own country, are political changes taking place? Even on this issue, how have we settled this issue? Therefore, if in the name of the culture and civilisation of the people of this country they run this country well, my party will definitely support them. But, as far as the Emergency excesses are concerned, the Janata Party have failed miserably. They have cared only for North India; they have not cared for South

[Shri G. Lakshmanan]  
India. Therefore, I want to place this  
before the House.  
Thank you, Sir.

**श्री कल्प नाथ राय (उत्तर प्रदेश) :**  
आदरणीय उपसभाध्यक्ष महोदय, सरकार ने जो मीसा रिपील का कानून लाया है मैं इसका समर्थन करता हूँ। लेकिन मीसा किस परिस्थिति में इस देश में लागू हुआ था उस बात को भी कभी नज़रअंदाज़ नहीं किया जा सकता। हमारे देश की नेता या हिन्दुस्तान की भूतपूर्व प्रधान मंत्री श्रीमती इन्दिरा गांधी, जो लोग आज ट्रेजरी बेंच में बैठे हुए हैं, उनसे कम देश के लिए नहीं सोचतीं या इस मुल्क की कम सेवा उन्होंने नहीं की है। किन परिस्थितियों में मीसा को लागू किया गया इस बात को भी किसी को नहीं भूलना चाहिए। क्या था उस वक्त? जनता पार्टी में आज जो लोग हैं उनके घटकदेश में मिलिटरी विद्रोह का आह्वान कर रहे थे। वे पूरे देश में यह आह्वान कर रहे थे कि इस मुल्क में फौज बगावत करे, इस सरकार का कहना न माने। वे ताकतें आह्वान कर रही थीं कि मुल्क में पुलिस सरकार का कहना न माने। सारे देश के अन्दर एक अराजकता का वातावरण पैदा हो गया था। देश के तस्कर, चोर-बाजिरिए, जमाखोर पूँजीपतियों की इयोडियों पर पहरा देने वाले जनता का नाम लेकर इस मुल्क में जनघात और राष्ट्रघात की ताकतों को पनपा रहे थे। ऐसी परिस्थिति में मेंटेनेंस आफ इंटर्नल सिक्युरिटी एक्ट लागू हुआ। ऐसी परिस्थिति में इस मुल्क में इमरजेंसी लागू हुई जो टम्पोरेरी पीरियड के लिये थी। उसको हमारी पार्टी ने खत्म किया। कांग्रेस पार्टी ने इस मुल्क में चुनाव का एलान कराया। चुनाव का एलान कराने के बाद हमने हंसते हंसते अपनी हार को स्वीकार किया। हमने सत्ता का हस्तांतरण शान्तिपूर्ण तरीके से किया। चरित्र हत्या, एक दूसरे पर छोटकशी से किसी मुल्क में लोकतंत्र नहीं चल सकता। मीसा खत्म हो रहा

है, इसका हम स्वागत करते हैं। हमने इसका स्वागत किया था। हमने किस परिस्थिति में इसको लागू किया? आदरणीय उपसभाध्यक्ष महोदय, जनता पार्टी ने अपने चुनाव घोषणा-पत्र में वादा किया था कि हम जैसे ही सत्ता में आएंगे हम मीसा को खत्म कर देंगे। क्या कारण था, कौनसी परिस्थितियाँ थीं कि 16 महीने तक मीसा को खत्म नहीं किया गया? परिस्थितियाँ यह थी कि इस पार्टी के जनता सरकार के भूतपूर्व गृह मंत्री चौधरी चरण सिंह मीसा को किसी कीमत पर हटाना नहीं चाहते थे। उनकी पार्टी का प्रेशर था, प्रेशर गुट काम कर रहा था उस पार्टी में—जब तक वे गृह मंत्री बने रहे मीसा नहीं हटा। मोरारजी देसाई का दूसरा करेक्टर है, डेमोक्रेटिक करेक्टर है, वे दूसरे ढंग के व्यक्ति हैं। मुझे खूशी है कि उन्होंने मीसा के रिपील का कानून यहां लाया है और हम इसका समर्थन करते हैं। आदरणीय उपसभाध्यक्ष महोदय मीसा को तो हटाया जा रहा है लेकिन आज मीसा से भी ज्यादा काले कानून इस देश में जनता सरकार के द्वारा लाये जा रहे हैं। मैं पूछना चाहता हूँ कि सदन के लोग बैठे हैं इधर के लोग बैठे हैं। उत्तर प्रदेश में अध्यापकों का आन्दोलन हुआ परन्तु इसेशियल सर्विसेज डिबलेयर करके इस सरकार ने उस सारे अध्यापक आन्दोलन को कुचला और उत्तर प्रदेश के अन्दर दो महीने की तनख्वाह आज तक उन अध्यापकों को नहीं दी गयी। सरकार ने आर्डिनेन्स लागू किया कि जो लोग हड़ताल वापस नहीं लेंगे पाँच जनवरी तक, उनकी नौकरी बर्खास्त समझी जाती है। दो महीने तक उत्तर प्रदेश के अध्यापकों की इतनी बड़ी हड़ताल हुई और उनकी मांगों को रविवार नहीं किया और इसेशियल सर्विसेज डिबलेयर करके उनकी हड़ताल को तोड़ा और आज तक दो महीने की तनख्वाह जनता सरकार ने उनको नहीं दी। क्या हिन्दुस्तान के पिछले

30 वर्ष के इतिहास में आप एक भी उदाहरण दे सकते हैं। बड़ी से बड़ी हड़तालें हुई रेलवे की जनघाती और राष्ट्रघाती हड़तालें हुई, जार्ज फर्नेन्डो साहब ने इस मुल्क को तबाह करने की कोशिश की, मुल्क की अर्थ-व्यवस्था को नष्ट करने में योगदान किया लेकिन कांग्रेस सरकार ने किसी व्यक्ति की, किसी मजदूर की, किसी हड़ताली कर्मचारी की तनख्वाह नहीं रोकी। लेकिन जनता सरकार के अन्तर्गत आज दो महीने से, दो महीने की तनख्वाह उनकी रोक दी गयी। दो महीने की तनख्वाह उत्तर प्रदेश के एक लाख अध्यापकों को जनता सरकार ने नहीं दी। क्या पिछले 30 सालों के अंदर ऐसा हुआ। हजारों हड़तालें हुई, हजारों आन्दोलन हुए, क्या क्या कभी कांग्रेस की सरकार ने हड़ताली कर्मचारियों की तनख्वाह को रोक दिया? क्या ब्रिटिश हुकूमत ने भी अध्यापकों के साथ ऐसा बर्बर अत्याचार किया? आदरणीय अध्यक्ष महोदय आप उदाहरण लीजिए। डाक्टरों ने हड़ताल की, उत्तर प्रदेश की सरकार ने यहां के गृह मंत्री के आदेशानुसार कहा कि यह इंसिग्नियल सर्विस है और उनकी हड़ताल को तोड़ने की कोशिश की। आज तमाम देश के अंदर उससे ज्यादा गंदे गंदे ढंग से आज दमन चक्र चलाया जा रहा है।

आदरणीय उपसभाध्यक्ष महोदय, दूसरी बात मैं आपके सामने यह कहना चाहता हूं कि देश के, मेरा कहना है कि, पोलिटिकल लोगों को जो जेल में डाला गया 10,000 के आंकड़े दिये गये, पोलिटिकल लोगों को मीसा में नहीं बन्द करना चाहिए हम से यह गलती हुई लेकिन अध्यक्ष महोदय इस सरकार का क्या एटीट्यूड है हमने तो बन्द किया था एक राष्ट्रीय परिस्थिति में जब फौज को, मिलिटरी को बगावत का आह्वान किया जा रहा था, जनघाती और राष्ट्रघाती ताकतें देश के अन्दर एक

सिविलियन वार पैदा करना चाहती थीं, ऐसी स्थिति में हमने बन्द किया था विरोधी दलों के नेताओं को मीसा के अन्तर्गत लेकिन आदरणीय उपसभाध्यक्ष महोदय आज सरकार क्या कर रही है। आज सरकार अपने पोलिटिकल प्रतिद्वन्द्वियों को, पोलिटिकल राइवल्स को, क्रिमिनल चार्ज के ऊपर सारे देश में बदनाम कर रही है। राजा के साथ राजा का व्यवहार होना चाहिए। अगर आज आप सत्ता में हैं जेल में डाल सकते हैं, हमको आपके जेल की परवाह नहीं है, पुलिस की हथकड़ियों की परवाह नहीं है, हम पोलिटिकल आदमी जेल से डरते नहीं हैं, फांसी से डरते नहीं हैं। आज आपकी सरकार क्या कर रही है . . . आप साल भर जेल गये हैं, मैं भी जेल गया हूं, मैंने भी तीन साल जेल काटी है, मैं उसकी चर्चा नहीं करता, जेल तो राजनैतिक आदमी के लिए एक तीर्थ थावा है . . .

SHRI PILOO MODY: That must be for a criminal offence.

श्री कल्प नाथ राय : जो जितना ही बड़ा नेता है उसे उतना ही ज्यादा जेल जाना पड़ता है, जो जितना ही बड़ा नेता होता है वह उतना ही जेल जाता है। जेल तो मैं तीर्थयात्रा मानता हूं। आपकी जनघाती हुकूमत के खिलाफ, राष्ट्रघाती हुकूमत के खिलाफ, मजदूर विरोधी सरकार के खिलाफ, किसान विरोधी सरकार के खिलाफ, अध्यापक विरोधी सरकार के खिलाफ, देश की जनता के खिलाफ जो जनता पार्टी की सरकार है, उस जनता पार्टी की समर्थक सरकार के खिलाफ, अमरीका परस्त सरकार के खिलाफ हम आन्दोलन करेंगे। तुम्हारी हिम्मत है तो हमें जेल में डालो, हमें जेल की परवाह नहीं है, कोई पोलिटिकल आदमी जेल की परवाह नहीं किया करते हैं। हमारे जैसे लोगों को तुम पूरे पांच साल तक जेल में रख सकते हो हम कभी शिकायत नहीं करेंगे कि क्यों हमें जेल में डाला (Interruptions)

**श्री पीलू मोदी :** तुम्हें जेल में डालकर जेल नहीं खराब करनी है ।

**श्री कल्पनाथ राय :** नहीं दम है तुम्हारी जेल में, नहीं दम है कि तुम हमारी ताकत का मुकाबला कर सको ।

आदरणीय उपसभाध्यक्ष महोदय, लेकिन वर्तमान सरकार क्या कर रही है मैं पीलू मोदी से पूछना चाहता हूँ कि आज हिन्दुस्तान ही नहीं बल्कि दुनिया की जानी मानी नेता श्रीमती इंदिरा गांधी और उनके परिवार को क्रिमिनल चार्ज के अंतर्गत फंसाने का लगातार षडयंत्र यह सरकार कर रही है और बदले की भावना से प्रेरित होकर यह सरकार उनके खिलाफ कार्यवाही कर रही है । उतनी ही हिन्दुस्तान की जनता इस जनता सरकार को उखाड़ फेंकने के लिये दिन दूनी रात चौगुनी रफतार से तैयारी कर रही है । क्या उत्तर प्रदेश का एक चुनाव भी आप जीत सकते हैं, मैं आपको चुनौती देता हूँ कि पीलू मोदी फतेहपुर का चुनाव क्यों नहीं कराते, हैं क्यों नहीं समस्तीपुर का करवाते हैं, क्यों नहीं चुनाव करवा रहे हैं उत्तर भारत में जहां कि तुम्हारी पार्टी जीती है ? चुनाव में आप एक भी सीट नहीं जीत सकते हैं क्योंकि हिन्दुस्तान की जनता यह समझ गई है कि आप लोग, आपको जनता ने वोट दिया था कि कांग्रेस की पार्टी जायगी जनता पार्टी उससे अच्छे कार्यक्रम के साथ, उससे अच्छे जनहित के कार्यक्रमों के साथ देश के बीच में आयगी । लेकिन आपने जनता को भुला दिया, आपने देश को भुला दिया । आपको केवल एक व्यक्ति नज़र आती है और वह है श्रीमती गान्धी और उनका परिवार । क्या किसी पोलिटिकल पार्टी, किसी पोलिटिकल नेता के खिलाफ इस तरह का व्यवहार करना चाहिये ?

मैं आपसे पूछना चाहता हूँ कि क्या आप दुनिया में एक भी नेता बतलायेंगे, दुनिया की धरती पर एक ऐसा नेता बतला

सकते हैं कि जो सरकार से बाहर गया हो और जिसकी सभाओं में दस, पन्द्रह लाख की भीड़ होती है ?

**श्री पीलू मोदी :** आपने मुझे पूछा, मुझे जवाब भी देने दो ।

**श्री कल्पनाथ राय :** इस तरह की बातें मैं नहीं सुनना चाहता हूँ । लेकिन आपको जानना चाहिये, मेरे देश के लिये, मेरे राष्ट्र के लिये मैं तो चाहता हूँ कि जनता सरकार कायम रहे । हम चाहते हैं कि यह सरकार कायम रहे ताकि जनता जो लाठी और डण्डे लेकर खड़ी है वही इसको उखाड़े । हिन्दुस्तान में जितने ही दिन आपकी सरकार रही है, जनता उतने ही इसके कुकर्मों से आपके खिलाफ खड़ी हो गई है । आज देश का गृह मंत्री कहता है कि मंत्रिमण्डल भ्रष्ट है । देश का भूतपूर्व गृह मंत्री कहता है—

"I am surrounded by the corrupt people and corrupt Ministers. I am surrounded by the corrupt persons."

SHRI KALP NATH RAI: The Prime Minister has said:

"I have serious charges of corruption against the former Home Minister, his wife, sons-in-law and brothers."

जहां प्रधान मंत्री और गृह मंत्री एक दूसरे को और एक दूसरे मंत्री पर भ्रष्टाचार के आरोप लगाते हैं, गृह मंत्री लगाते हैं कोई मैं नहीं लगाता, कोई पीलू मोदी नहीं लगाता, इसके बावजूद भी वह सरकार बनी हुई है ।

आज जनता सरकार में क्या चल रहा है प्रधान मंत्री कहते हैं कि यह मेरा प्रैगमेटिव है कि कौन मंत्री मेरे यहां रहेगा और कौन नहीं रहेगा । बीजू पटनायक, फर्नेन्डो, कनसैन्सस का फार्मूला लेकर घूम रहे हैं कि यदि जनता पार्टी को चलाना है तो चरण सिंह को

टेलीफोन मंत्री ही बना दीजिये और क्या विडम्बना है भारतीय राजनीति की कि आज इतने भयंकर आरोपों को लगाने के बाद इस देश का भूतपूर्व गृह मंत्री एक मामूली मंत्री बनने के लिये बीसों सलाहकारों को मिल रहा है और श्री राजनारायण का क्या देश की जनता से इनका कोई रिश्ता है ? इनका अपनी कुर्सी से रिश्ता है और आपको जानकारी होगी कि एक चन्द्रास्वामी नाम का तान्त्रिक आकर चरण सिंह से कहा गया कि साहब 24 जुलाई तक आप प्रधानमंत्री हो जायेंगे और 24 जुलाई तक प्रधानमंत्री होने के लिये एक तान्त्रिक के कहने पर अपनी रुग्ण शैया से यह निकले हैं । जिस देश का गृह मंत्री एक तान्त्रिक के कहने पर अपने कैबिनेट को श्रीरंग के खिलाफ आन्दोलन छेड़ दें और कहता है कि नरुसकों की कैबिनेट है । जैसे यह सब भाग जायेंगे और प्रधानमंत्री चरण सिंह हो जायेंगे । न कोई रीजनि है, न कोई लाजिम् है इस बात में कि तान्त्रिक के कहने पर ऐसा करें । एक तान्त्रिक के कहने पर . . .

**श्री पीलू मोदी :** अब तो मानते हैं शिकायत सलत थी ?

**श्री कल्प नाथ राय :** उपसभाध्यक्ष महोदय, यह तान्त्रिक चन्द्रास्वामी है और उनकी यह फाइल है कि जनता सरकार का पतन क्यों हुआ । चौधरी चरण सिंह को चन्द्रास्वामी ने कहा कि 24 तारीख को प्रधान मंत्री होने की साइट है . . .

SHRI HAMID ALI SCHAMNAD:  
Sir, his voice is so loud that we are not able to hear the translation.

**श्री कल्प नाथ राय :** अब क्या कारण है कंगोमाइज की बात हो रही है । आपको जान कर खुशी होगी कि लखनऊ से एयरोप्लेन द्वारा ब्रह्मानन्द राय को जो ज्योतिषी हैं चौधरी चरण सिंह ने अपने घर पर बुलाया ; उन्होंने 3 बातें कहीं — आप 1 इम मिनिस्टर नहीं हो सकते हैं, आप

किसी तरह से मंत्रिमण्डल में प्रवेश कीजिए आप 2 वर्ष से ज्यादा जिंदा नहीं रह सकते । जब से उन्होंने 3 बातें सुन लीं तब से बराबर प्रयास शुरू कर दिया—हमको मंत्रिमण्डल में ले लिया जाए, मुझे मंत्री बनाया जाए । मैं नाम कोट करता हूँ : बी० एन० राय को हवाई जहाज से लाया गया चौधरी चरण सिंह के घर पर और फिर दुबारा हवाई जहाज से जाने लगे तो कहा मुझे तो प्लेन से बुलाया गया था, मैं 3 भविष्यवाणी कर के जा रहा हूँ : 2 वर्ष से ज्यादा जिंदा नहीं, आप प्रधानमंत्री बनेंगे नहीं, आप किसी तरह से मंत्री बन जाएं । यह इस मुक्त के मंत्रियों का हाल है, भूतपूर्व गृह मंत्री का हाल है . . .

**श्री पीलू मोदी :** यह है देश का हाल जो आपने बनाया है । इन्दिरा गांधी के आजू-बाजू में क्या कोई कम तान्त्रिक थे ?

**श्री कल्प नाथ राय :** उपसभाध्यक्ष जी, मुझे खुशी है कि पीलू मोदी, एच० एम० पटेल, भानु प्रसाद जैसे बी एल डी के लोगों ने विद्रोह का झंडा खड़ा कर के मोरारजी देसाई का साथ देना शुरू कर दिया है ताकि वे जल्दी मंत्रिमण्डल में शामिल कर लिए जाएं—मेरा मतलब श्री पीलू मोदी से है । मैं जानता हूँ पीलू मोदी साहब का प्रयास है कि कोई समाजवाद न होने पाए । जो बी एल डी के बहुत से एम० पी० थे जो चौधरी चरण सिंह के साथ थे, वे टूट कर आज मोरारजी देसाई के साथ खड़े हैं, उन का कहना है कि . . .

**कुछ माननीय सदस्य :** नहीं नहीं ।

**श्री कल्प नाथ राय :** . . . उनको किसी कीमत पर मंत्रिमण्डल में मत लीजिए, हम लोगों को उनकी जगह में लीजिए ।

**श्री पीलू मोदी :** यह खबर कहां से लाते हो, मुझे तो बताओ ।

**श्री कल्प नाथ राय :** विश्वास कीजिए, यह जो पत्रिका है “साप्ताहिक वाक्ती” और चौधरी चरण सिंह के एक बड़े तान्त्रिक की

[श्री कल्प नाथ राय]

ये दोनों किताबें एक बी एल डी के मेम्बर पार्लियामेंट ने मुझे अभी दिया है। यह है जनता सरकार। जनता सरकार का मन टूटा हुआ है। जनता सरकार दिशा-हीन है, जनता सरकार देश की जनता की दुश्मन है, किसानों की दुश्मन है, मजदूरों की दुश्मन है। मैं भूपेश गुप्त जी को रिमाइंड कराना चाहूंगा, जब तक कोई भी सरकार समाजवादी कार्यक्रमों को लागू नहीं करेगी, देश की 50 करोड़ जनता को रोटी कपड़ा, मकान, दवा और शिक्षा दिलाने का इंतजाम नहीं करेगी, जो पूंजीवादी सरकार अपने को सत्ता में रखने के लिए प्रिवेंटिव डिटेन्शन ऐक्ट (पी डी ए) का, मीसा का इस्तेमाल करेगी—और आज तो यह जनता पार्टी की सरकार ने मीसा को खत्म किया मगर यह पी डी टी के अंतर्गत मीसा जैसे प्राविजंस को लाएंगे, ये इंसेशियल सर्विसेज ऐक्ट के अन्दर आंदोलनों को कुचलवाएंगे—चाहे अध्यापकों का आंदोलन हो, छात्रों का आंदोलन हो, किसानों का आन्दोलन हो, मजदूरों का आंदोलन हो। उपसभाध्यक्ष महोदय, क्या पंतनगर से ज्यादा बड़ा अत्याचार या हत्याएं पिछले 30 वर्षों में कभी हुई थीं? जलियांवाला बाग 13 अप्रैल को हुआ 13 अप्रैल को पंतनगर में 200 मजदूरों को गोली का निशाना बनाया गया, भागते हुए मजदूरों को गन्ने के खेतों में ज़िंदा जला दिया गया। इतनी बेशर्म सरकार है जिसने 200 लोगों की हत्याएं की; 9 मिनट में हत्याएं हुई हैं। पिछले 18 महीनों में जितना गोलीकाण्ड जनता सरकार के शासन काल में हुआ है उतना पहले कभी नहीं हुआ था। वह सरकार जनतंत्र की बात करती है। यह तो खुशकिस्मती है कि आप को इतनी सुदृढ़ अर्थ व्यवस्था मिली हुई है कि आप चल रहे हैं। यदि आप को ऐसी अर्थ व्यवस्था मिली होती कि जिस में अन्न की कमी होती, कि जिस में इंडस्ट्रियल इस्टैबिलिटी नहीं होती, जिसमें इकोनॉमिक इस्टैबिलिटी नहीं होती तो आप दो महीने भी सरकार को नहीं चला सकते

थे। मैं जनता सरकार से कहना चाहता हूं कि यदि वह जीवित रहना चाहती है तो उसे आर्थिक कार्यक्रम चलाना चाहिए। जैसे आदमी का धर्म है जिन्दा रहना। हर आदमी जिन्दा रहना चाहता है और उसके लिये वह पानी पीता है, उसके लिये वह अन्न खाता है, उसके लिये वह हवा में सांस लेता है, वैसे ही किसी भी सरकार को जिन्दा रहने के लिये जरूरी है कि आर्थिक कार्यक्रम चलाये जायें और देश की करोड़ों जनता के मन को छूने वाले कानून बनाये जायें और उन को लागू किया जाये। यह सरकार तो आज लैंड रिफार्म्स को उलट रही है। बीजू पटनायक ने उड़ीसा में कराया है कि 18 एकड़ की सीलिंग को 28 एकड़ कर दिया जाये। गुजरात में लैंड सीलिंग की सीमा को दुगुना किया जा रहा है। उत्तर प्रदेश में लैंड सीलिंग से जितनी जमीन निकलने वाली थी उस पर वहां के जमींदारों ने कब्जा कर लिया है और जो जमीनें बांटी गयी थीं बीस सूची कार्यक्रम के अंतर्गत उन पर कब्जा कर लिया है। तो लैंड रिफार्म्स की यह सरकार दुश्मन है। आर्थिक कार्यक्रमों की यह सरकार दुश्मन है। इस सरकार ने बेकारी के लिये कोई टाइम बाउन्ड प्रोग्राम नहीं रखा है। इस सरकार की कोई विदेश नीति नहीं है, इस की कोई दिशा नहीं है, इस सरकार का कोई नेता नहीं है, तो क्या यह सरकार चलेगी।

This Government is directionless. This Government is a rudderless Government. This Government has got three Prime Ministers in its Cabinet and nine Prime Ministers in waiting.

एक भूतपूर्व गृह मंत्री जी कहते हैं कि हमने मोरार जी को प्रधान मंत्री बनाया। मोरार जी कहते हैं कि उसकी क्या हैसियत है। वह हम को प्रधान मंत्री बनाये। जगजीवन राम जी सोचते हैं कि जहां हम पड़े हैं वहीं अच्छे हैं। तो जहां 9 या 10 प्रधान मंत्री बनने वाले हों वहां उपसभाध्यक्ष महोदय काम कैसे चलेगा। अगर परिवार का एक

मालिक है तो परिवार ठीक से चलता है, लेकिन जिस परिवार के चार मालिक हों और 12 मालिक बनने वाले हों तो क्या वह परिवार चलेगा। क्या ऐसी सरकार देश को चला पायेगी? क्या ऐसी सरकार राष्ट्र को चला पायेगी? अभी राजनारायण जी मिले थे। उन्होंने कहा कि मैं ऐसी भ्रष्टाचारी सरकार को जब तक नष्ट नहीं कर लूंगा तब तक मैं फिर पार्लियामेंट में नहीं आने वाला हूं। राजनारायण जी ने कहा था कि जब तक चौधरी चरण सिंह जैसे विभीषण को खरदूषण नहीं बना दूंगा तब तक चैन नहीं लूंगा और उन्होंने राजनारायण ने कहा है कि 2 अक्टूबर को गांधी जी के जन्म दिवस पर एक राष्ट्रीय जनता पार्टी का मैं निर्माण करूंगा और हमारा मुकाबला होगा कांग्रेस पार्टी से। यह तो भ्रष्टाचारियों की हुकूमत है। अब वह पूरी ताकत लगा रहे हैं जनता पार्टी को तोड़ने की। मनीराम बागड़ी का बयान था कि 9 अगस्त को किसान रैली होगी और राजनारायण जी जनता पार्टी को तोड़ना चाहते हैं और चौधरी चरण सिंह होम मिनिस्टर बने रहना चाहते हैं और इसी तरह से पूरी जनता पार्टी चल रही है। आदरणीय उपसभाध्यक्ष महोदय, अगर इस मुल्क में प्रजातंत्र को कायम रखना है, समाजवाद की लम्बी चौड़ी बातें करनी हैं, तो आप को कुछ करना पड़ेगा। गलतियां हम से न हुई होतीं तो हम आज विरोधी पक्ष में न बैठे होते। अगर कांग्रेस पार्टी ने गलतियां न की होतीं तो चुनाव में हम न हारे होते। हम ने गलतियां की और हमारी गलतियों के लिये, उनके कारण जनता ने हम को हराया। उसके निर्णय को हमने स्वीकार किया और विरोधी दल में यहां आकर बैठे, लेकिन जनता ने आप को बोट दिया था। आप को कुछ करना चाहिए। रामेश्वर सिंह जी बोल रहे हैं। रामेश्वर सिंह जी ने जयप्रकाश नारायण जी को पत्र लिखा है कि चार करोड़ रुपया के० के० बिरला और गोयन्का ने कलकत्ता के अमीचन्द प्यारेलाल को होटल में दिया, चार करोड़ रुपये का

सौदा हुआ जिस में कि जनता पार्टी के केन्द्रीय नेता उपस्थित थे और उन नेताओं ने के० के० बिरला से और गोयन्का से कहा कि अगर चार करोड़ रुपया खर्च करने को तैयार हो तो हम चौधरी चरण सिंह को कैबिनेट से निकालने का फैसला करते हैं और रामेश्वर सिंह जी ने कहा है कि 80 लाख रुपये का पेमेंट तो तुरन्त के० के० बिरला ने किया। आदरणीय उपसभाध्यक्ष महोदय, रामेश्वर सिंह जी का कहना है कि 80 लाख रुपया जनता पार्टी को अमीचन्द प्यारेलाल ने होटल में दिया। जनता पार्टी का मन्त्री, कैबिनेट मन्त्री कहता है कि चार करोड़ रुपये केन्द्रीय नेताओं से लेकर चौधरी चरण सिंह और राजनारायण को मन्त्रिमण्डल से निकाला। यह आरोप या तो सच है या नहीं तो जनता पार्टी सच नहीं है। क्यों नहीं आप इसका फैसला करते। रामेश्वर सिंह जी ने हमें बताया कि किन-किन नेताओं को यह रुपया मिला है। चूंकि एक बहुत कांफिडेंशल बात कही है, इसलिए मैं नहीं बताना चाहता कि किन-किन आदमियों को पैसा दिया गया है...

**श्री पीलू मोदी :** कांफिडेंशल कारस-पोर्सेस भी इसीलिए मांगते हो।

**श्री कल्प नाथ राय :** कांग्रेस पार्टी तो 30 साल सत्ता में रहने के बाद हटी, कांग्रेस तो 30 साल के बाद सत्ता से बाहर गई, लेकिन यह पार्टी तो साल भर नहीं बीता, साल भर के अन्दर उन में तु-तू मैं-मैं मची हुई है। ये लोग देश की बागडोर सम्भालने की बात करते हैं।

आदरणीय उपसभाध्यक्ष महोदय, मैं मन्त्री महोदय श्री धनिक लाल मण्डल से कहना चाहता हूं कि जब बाहर छात्र आन्दोलन खड़ा होगा, अध्यापक आन्दोलन करेंगे, किसान आन्दोलन खड़ा होगा, करोड़ों लोग बगावत करेंगे, उनकी समस्याएं हल नहीं होंगी तो हड़ताल करेंगे, तो उनका नियन्त्रण करने के लिए सरकार को रहना है तो प्रिवेंटिव डिटेन्शन ऐक्ट, मीसा जैसे काले कानून को लागू करेगी।



[ श्री कल्प नाथ राय ]

जिस सरकार को रहना है वह सरकार के हित में आर्थिक कार्यक्रमों को लागू करती है। 20 सूत्री कार्यक्रम जैसे काम करती है, बैंकों का राष्ट्रीयकरण जैसे काम करती है, राजे-महाराजाओं के प्रिवी पर्स समाप्त करने का काम करती है, वह स्मगलरों के, जमाखोरों के खिलाफ ऐक्शन लेती है। तब वह पार्टी जिन्दा रहती है। क्या यह सच नहीं है कि बैंकों का राष्ट्रीयकरण हुआ तो सारे देश की जनता ने इन्दिरा गांधी का स्वागत किया था उसकी इतिहास में मिसाल नहीं है। राजा महाराजाओं का प्रिवी पर्स समाप्त किया तो जो देश की जनता ने स्वागत किया उसका उदाहरण नहीं है। बंगला देश की विजय के बाद श्रीमती गांधी का दुनिया में जो रुतबा बढ़ा था उसकी मिसाल नहीं है। लेकिन हमने गलती की। इमरजेंसी के दौरान में गलती की जिसके कारण हम यहां आ गये। आपने एक काम नहीं किया। जिस शरीर जनता ने आपको यहां भेजा उसके लिए कोई काम नहीं किया जिससे उसका कोई भला हो। लेकिन केवल एक ही बात आपने की है कि क्रिमिनल चार्ज इन्दिरा गांधी के खिलाफ लगा कर लोगों को और इन्दिरा गांधी को जेल में डालो। कोई भी जनता पार्टी का नेता हमें नहीं मिला जो जेल से निकलने के बाद दुबला पतला दिखाई दिया हो...

(Interruptions)

श्री मनुभाई पटेल (गुजरात) : मैं बीमार हो गया था, कमजोर होकर बाहर आया।

श्री रामलखन प्रसाद गुप्त (बिहार) : जयप्रकाश नारायण किस हालत में बाहर निकले ?

श्री खुरशीद आलम खान : पोलू मोदी किस हालत में निकले? ... (Interruptions)

श्री कल्प नाथ राय : जयप्रकाश नारायण को श्रीमती गांधी ने तीन चार महीने के बाद बाहर किया था। चौधरी चरण सिंह ने भी सिफारिश करके अपने को बाहर करवाया

था। ब्रह्मप्रकाश और सत्यपाल मलिक सैकड़ों बार मिले थे। चौधरी ने शर्त रखी थी कि हम को मुख्य मंत्री बना दिया जाए तो हम आपके साथ आने के लिए तैयार हैं। लेकिन हमारे पंडित कमलापति त्रिपाठी जी ने कहा कि इस दल-बदल को लेकर हम क्या करेंगे। इसलिये वह समझौता टूट गया। इसके परिणामस्वरूप वह आपकी पार्टी में चले गये। इमरजेंसी में जेल से बाहर निकालने के लिए ब्रह्मप्रकाश और सत्यपाल लिक को किसने भेजा था ?

एक माननीय सदस्य : यू० पी० असेम्बली में इमरजेंसी के खिलाफ चौधरी चरणसिंह ने तीन घंटे तक भावण किया था। (Interruptions)

श्री कल्प नाथ राय : अपने दामन को देखो। दूसरों के दामन पर कीबड़ उछालने के लिए सब काम किये जा रहे हैं। आपके दामन में कितने काले धब्बे पड़े हुए हैं। दूसरों के घर में पत्थर फेंकने से पहले अपने शीशे के घर को देखो वह टूट जाएगा। इसलिए राष्ट्रीय समस्याओं को हल करने के लिए नेशनल डायलाग होना चाहिए। देश के सामने जो संकट के बादल मंडरा रहे हैं, बेकारी की समस्या बढ़ रही है, मुक्त की सीमाओं के टूटने के आसार हो रहे हैं, जो राष्ट्रीय एकता को तोड़ने की ताकतें उभर रही हैं, जो आज अमरीका के सामने घुटने टेक रहे हैं, उन सारी समस्याओं को राष्ट्रीय मतैक्य, नेशनल डायलाग से आप हल कर सकते हैं। इसके अलावा छिद्रान्वेषण या एक दूसरे पर आरोप लगाने की बात है जितना लम्बा भावण आप देंगे उससे दुगुना सुनने को आपको तैयार रहना होगा। पर इससे कोई समस्या का हल नहीं होने वाला है। मीसा रिपील एक्ट का मैं स्वागत करता हूँ लेकिन साथ ही जनता पार्टी से निवेदन करता हूँ कि वह ऐसा काम करें जिससे कांग्रेस सरकार और जनता सरकार में क्या और कितना अन्तर है इसकी स्पष्ट रेखा खींची जा सके और कोई ऐसा क्रान्तिकारी जन-हित का काम करें जो सृज की तरह उठे और बिजली की तरह

चमके और हर एक को पता लग जाए कि कांग्रेस राज में और जनता राज में कितना अन्तर है।

जब आप आर्थिक कार्यक्रम को, समाज-वादी कार्यक्रम को जनता के दिलों को छूने वाला कार्यक्रम बनायेंगे तब ही आप सत्ता को बनाए रख सकेंगे वरना मैं बताना चाहता हूँ कि पूरे देश के अन्दर जनता सरकार के विरोध में एक हवा उठ गई है और वह हवा प्रचण्ड आंधी का रूप धारण करने वाली है और आने वाले दिनों में, जैसे हमारा पता नहीं लगा वैसे ही आपको भी पानीपत से लेकर पाटली पुत्र के बीच में एक भी सीट नहीं मिलेगी। इन शब्दों के साथ आर्थिक कार्यक्रम लागू करने की अपील करने के साथ-साथ मीसा रिपील एक्ट का स्वागत करता हूँ।

**श्री रामलखन प्रसाद गुप्त :** उपसभा-ध्यक्ष जी, मेरे पूर्व वक्ता श्री कल्पनाथ राय ने जो बातें कहीं हैं उन सब के बावजूद उन्होंने यह शुभ कामना की है कि जनता पार्टी रहेगी और वह चाहते भी हैं कि यह बनी रहे। बनी रहने के कारण ही जनता पार्टी ने जो घोषणा पत्र में कहा था उसी घोषणा पत्र के अनुसार अब इस मीसा कानून को हटाये जाने का बिल यहाँ आया है जिसका मैं हार्दिक स्वागत करता हूँ।

यह मीसा कानून सचमुच एक बहुत ही काला कानून है और इस कानून को हटाना बहुत ही उचित था, जहाँ तक इस कानून को सरकार ने बदलने के बाद भी अभी तक रखे जाने की बात है इसके लिये भी हमारे विरोधी पक्ष का कोई भाई यह नहीं कह सकता कि इसका कभी उपयोग किया गया या किसी को इसके अन्तर्गत पकड़ा गया जब से जनता सरकार आई है। आज का दिन इस सदन के लिये और जनता के लिये आजाद भारत के इतिहास में स्वर्णिम दिन है जब इस काले कानून को, इस लोकतंत्र विरोधी कानून को, इस संविधान विरोधी कानून को, इस नैतिकता विरोधी कानून को हटाने के लिये आज हम यहाँ पर

वाद-विवाद कर रहे हैं और मुझे उम्मीद है कि यह बिल सर्व सम्मति से पास भी होगा।

यह कानून जब सामने आता है तो मुझे वह दिन भी याद आता है जिस दिन इस कानून के अन्तर्गत मुझे नज़रबंद किया गया था इसलिए कि मैंने विद्यार्थियों और नव-युवकों की वकालत मुफ्त में की थी। मैं इसलिए नज़रबंद किया गया था कि मैंने रेलवे हड़तालियों की वकालत मुफ्त में की थी। इमरजेंसी में नज़रबंद इसलिए किया गया था। 20 महीनों तक जेल में इसलिए रखा गया था कि बिहार स्टेट बार कौंसिल जैसी संस्था जिसमें मात्र 20 वकील चुने जाते हैं उसकी बैठक में मैंने भाग लिया था। इस तरह के कानून के अन्तर्गत सिर्फ मैं ही नहीं भारत के हजारों की संख्या में लोग नज़रबंद किए गए और लाखों की संख्या में उनके जो परिवार के सदस्य थे उनके ऊपर विपत्ति ढाई गई। इसी कानून को आज समाप्त करने की बात है जिसका मैं हृदय से स्वागत करता हूँ। यह कानून, प्रिवेन्टिव डिटेन्शन एक्ट जो पहले रखा गया था यह सचमुच उसी का एक रूप है। हम यह कह सकते हैं कि वहीं से इसकी शुरुआत हुई। आखिर में आकर इसने मीसा कानून का रूप ले लिया है। जिस समय प्रिवेन्टिव डिटेन्शन एक्ट लाया गया था उस समय भी मुझे याद है कि मात्र इसलिये मुझे नज़रबंद किया गया था कि मैं राष्ट्रीय स्वयं सेवक संघ का एक सदस्य था। उस समय तो ग्राउण्ड भी दिये जाते थे परन्तु आज इस मीसा के अंदर तो यह स्थिति आ गई है कि कोई ग्राउण्ड ही नहीं दिये जा रहे हैं। इस संबंध में श्री के० एम० मुंशी ने जो कुछ लिखा है, मैं सिर्फ उनके एक वाक्य को आपके सामने रखना चाहता हूँ। कानून के संबंध में और गिरफ्तारी के लिए ग्राउण्ड्स देने के संबंध में उन्होंने कहा है कि—

"What is necessary for a valid order is 'ground', not the facts,

[श्री रामलखन प्रसाद गुप्त]

which should be communicated to the detenu. Grounds are conclusions as to the detenu's activities drawn from the information furnished to the detaining authority; facts are particulars in the information supporting the grounds."

श्रीमन्, इतना ही नहीं प्रिवेंटिव डिटेन्शन एक्ट के संबंध में सुप्रीम कोर्ट के चीफ जस्टिस श्री कानिया ने बहुत ही साफ शब्दों में अपनी बात कही है। बम्बई राज्य बनाम आत्माराम के केस में उन्होंने अपना फैसला दिया था कि ग्राउन्ड देना चाहिये। यह भी कहा गया था कि किसी भी हालत में ग्राउन्ड देना उचित है। हमारे देश के संविधान के आर्टिकल 22 में जो फण्डामेंटल राइट्स आफ लिबर्टी का अधिकार दिया गया है उस अधिकार के अनुसार किसी भी व्यक्ति को बिना कोई कारण बताये जेल में बंद नहीं किया जा सकता है। इन सारी बातों के बावजूद हमारे देश में मीसा का एक्ट लाया गया और लोगों को गिरफ्तार करने में ग्राउन्ड का देना बंद कर दिया गया। इस प्रकार से गिरफ्तारी का कोई कारण न बताने के साथ साथ मीसा कानून में दफा 16(ए) जोड़ दी गई। इस दफा के अन्तर्गत किसी भी व्यक्ति को बिना कारण बताये जेल में रखा जा सकता है। हमारे देश में जब पिछली सरकार ने इमरजेंसी लगाई तो मीसा के अधीन हम लोगों को जेलों में डाल दिया गया और बाहर क्या होता रहा, यह बात अब हम सब लोगों के सामने है।

हमारे देश में मीसा का किस प्रकार से दुरुपयोग किया गया, इसका एक उदाहरण मैं आपके सामने रखना चाहता हूँ। रेलवे की हड़ताल के सिलसिले में कुछ लोगों को दफा 107 के अन्तर्गत गिरफ्तार किया गया और जब उन लोगों को जेल अधिकारियों के सामने लाया गया तो यह कहा गया कि जिन लोगों को दफा 107 के अन्तर्गत गिरफ्तार किया जाता है उनको जेल में नहीं रखा जा

सकता है। उस समय जो मजिस्ट्रेट काम कर रहा था उसने तुरन्त ही एक सादे कागज पर दस्तखत करके उन लोगों को मीसा के अन्तर्गत नजरबन्द करवा दिया। चूंकि दफा 10 के अधीन गिरफ्तारी करके जेल में नहीं रखा जा सकता था, इसलिए मीसा का प्रयोग किया गया। इस प्रकार से इस मीसा एक्ट का दुरुपयोग किया गया है। भारत सरकार ने इमरजेंसी की ज्यादातियों की जांच करने के लिए जो शाह कमीशन बनाया था, मैं उसके द्वारा कहे गये कुछ शब्दों को यहां पर कोट करना चाहता हूँ :—

"The Shah Commission has observed that it was unfortunate that in a large number of cases of detention under the Maintenance of Internal Security Act during the emergency, District Magistrate had used their authority without satisfying themselves about the existence of grounds of detention. The Commission had proved beyond any doubt that Mrs. Gandhi had imposed emergency for personal reasons and the decision was entirely unconstitutional."

इसी मीसा कानून के अन्तर्गत हम लोगों को जेल में भेजा गया था। श्री कल्पनाथ राय ने बिल्कुल सही कहा है कि इस कानून का दुरुपयोग करने के कारण ही लोगों को इधर बैठना पड़ा और हम लोगों को उधर बैठना पड़ा। आज हमारे लिए यह बहुत खुशी की बात है कि हम इस कानून को समाप्त करने जा रहे हैं। यह बात बिल्कुल स्पष्ट है कि जिन्दा रहने का अधिकार और स्वतंत्र रहने का अधिकार हमें हमारे संविधान ने ही नहीं दिया है बल्कि जब से इस विश्व पर मानवता आई तब से उसे जिन्दा रहने और स्वतंत्र रहने का अधिकार है। उस चीज को अगर कोई समाप्त करना चाहता है तो हम समझते हैं कि वह बहुत गलत है। हमारे संविधान में हमें जो आजादी दी गई है उसमें संशोधन करके हमारी आजादी को खत्म कर दिया गया।

ये सारी बातें उस समय हुई जब इस देश में इमरजेंसी लगाई गई थी और मीसा के अन्तर्गत हम लोगों को बंद कर दिया गया था। इस प्रकार की गिरफ्तारियाँ प्रदेशों के शहरों में हुई। जिन लोगों को नजरबंद किया गया था उनके संबंध में तत्कालीन महाराष्ट्र प्रदेश के मुख्य मंत्री ने कहा था कि—

"Detenues should thank themselves that they have come alive from the out prisons."

5 P.M.

भावित्व में इस तरह की बातें नहीं हों, इस पर हमें विचार करना चाहिए। बिहार में पहले पहल इमरजेंसी में मेरा रिट पिटीशन एडमिट हुआ तभी एडिशनल डिस्ट्रिक्ट मजिस्ट्रेट बनाम एस० सी० शुक्ला का केस सुप्रीम कोर्ट में गया तो सुप्रीम कोर्ट ने जो फैसला दिया वह बहुत दर्दनाक फैसला था। वह फैसला मानवता के खिलाफ एक फैसला था। वह इस तरह का फैसला हुआ कि कोई भी डेटेन्स चाहे उसे ग्राउन्ड बताया गया हो या नहीं। वह कोर्ट में भी नहीं जा सकता है, अपना दुखड़ा भी नहीं रो सकता है, चाहे वह कितना ही नाजायज क्यों न हो। इस तरह का फैसला सुप्रीम कोर्ट का हुआ था। और सभी रिट पिटीशन खारिज कर दिए गये। 45वां संविधान संशोधन लाया गया है और 42 वां संविधान संशोधन जिसके अन्तर्गत हमारे सारे अधिकार छीन लिए गये थे, वह सारा समाप्त हो गया। इन सारी चीजों को देखकर हम यह कहेंगे कि आज का दिन जब कि मीसा कानून को समाप्त किया जा रहा है, हमारे लिए एक बहुत ही खूशी का दिन है और आज हम ही नहीं सारे भारत के स्वतंत्रता प्रेमी नागरिक इसका स्वागत करेंगे।

SHRI S. W. DHABE; Mr. Vice-Chairman, Sir, in this debate, speeches have been made to welcome this Repeal of the Maintenance of Internal Security Act. Sir, we talk of welcoming this Bill. In my opinion, though it is a welcome step, it is a mere ruse by the Jafcata Government to divert the attention of the public

from the major economic issues. They are not very sincere in doing this. They are talking of amending the Constitution and the 45th Amendment Act. But not a word is spoken about Article 22 of the Constitution. Article 22 of the Constitution contains a provision for detention of any person. I quote sub-clause (7) of Article 22:

"Parliament may by law prescribe the circumstances under which, and the class or classes of cases in which, a person may be detained for a period longer than three months."

Sir, so long as this Article remains on the Constitution and so long as power remains with the Parliament to pass preventive detention laws, it is too much for Mr. Piloo Mody to take credit that it is a red letter day and we have made history. They are dishonest in their intentions. What they are doing or undoing here, they want to do indirectly in the States. The Detention Law was passed in Madhya Pradesh in 1977. As my friend, Mr. Kalp Nath Rai, said, in Uttar Pradesh also there is law on the Statute Book about detentions and essential services. I would like to tell the House that there are still in force Andhra Pradesh Detention

Act, 1970, Rajasthan Preventive Detention Act, 1970,

विरोधी तत्व निवारण अधिनियम 1970, मध्य प्रदेश लोक अव्यवस्था निवारण अध्यादेश, 1977

and many other laws in Jammu and Kashmir and other States. This Government takes much pride. An ordinance was issued in Madhya Pradesh for detention of persons for breaking the strike of electricity workers. They wanted to go on strike and the Madhya Pradesh Government and the Chief Minister immediately issued an ordinance which had the support of the Central Government. The Central Government in spite of the protests by trade unions, could not do anything. Therefore, Sir, my submission is that detention laws are still existing in many States, major

[Shri S. W Dhabe]

city of whom are ruled by the Janata Party Governments, so far is article 22 remains in the Constitution it is tall talk to say that this is a red-letter day and that the Janata Party has done a very big thing. It is nothing but deceiving the public. In this connection, I would like to say that security of State is entirely a different matter than keeping public order. For the maintenance of essential services and other matters, a mere disturbance will not create the problem of security of State. It should be remembered that the Maintenance of Internal Security Act was passed in July 1971 when we were facing the danger and fighting on the Bangladesh border. Many problems of enemies, foreigners and espionage were there. Section 3 of the Act enumerates the purposes for which it had been enacted. It says, defence of India, relations of India with foreign powers, security of India, security of the State and the maintenance of public order and maintenance of supplies and services essential to the community.

In this connection, I may ask, Sir, that even though the members talk of Rama rajya, is it possible for the Government to run the country without the police and the army and without any laws? What is happening today? Because there is no law; smugglers are being set free by courts. They are released on bail and some of them have fled away from the country. For economic offenders there are no sanctions. For the anti-social elements there is no law. Therefore, sir, the last Home Minister has rightly suggested that some provision should be made in some other law to maintain law and order in this country and to maintain the security of the country. The Jammu and Kashmir Government refused the directive of this Government. Jammu and Kashmir has a vast border where there are problems of the security of State. It will have to be considered what steps should be taken there. It is, therefore, Sir, too much to expect that we

can have a Government without army or police or any law to run such a big democratic country.

Sir, if we really want to run this country without such preventive detention laws, it is a very good idea, but people will have to be trained to have peaceful agitations, peaceful change of Governments and peaceful methods of working. Was it done by this Government? The Party which runs the present Government organised the railway strike in 1974 and asked the army to break the laws.

Sir, there is no reason to be apologetic about the emergency which was clamped. I am surprised to find the C.P.I. leader saying that they are very sorry for it. Emergency was clamped to oppose the fascist forces. It was to maintain law and order; that the emergency was clamped and a Resolution to that effect was passed by this House. What happened after the emergency? Everybody knows that. The real reason for the debacle of the Congress in the elections was the emergency excesses in some parts of the country, especially about family planning and other things and not that the steps taken by the previous Government were all wrong. The result of elections in the southern India went in favour of the Congress and they lost in the north for reasons other than mere clamping of the emergency. Therefore, Sir, my submission is that so far as this Act is concerned, it has nothing to do with the emergency. It was passed in 1971 when certain steps were taken for the security of the country.

In this connection, Sir, I would like to say that in our country democratic political dissent is very essential. But if democracy is to succeed without any draconian laws, it is essential that all must follow the rules of the game. Peaceful and purposeful campaign and a change in the Government is possible if we can follow what is called the basic principles of functioning of democratic institution. In this connection, I would say, Sir, that

if this is to be a beginning of a new era in our country, it is very essential that there should be some norms and a national dialogue should also be held to see what steps can be taken to curb the smuggling activities, the espionage activities and the various other economic offences. But today, Sir, the position is entirely different. I agree with Mr. Kalp Nath Rai in this matter. The problems in regard to law and order are so many. Trains are being looted openly during daytime. Bank robberies are taking place in the capital itself. People have a feeling that there is no security and no rule of law. Therefore, Sir, in order to enforce the rule of law, if this Government can create conditions when there will be no economic offenders, when there will be no anti-social elements and when there will be an ideal society, then, it can be said that the beginning which we are making today will be useful and purposeful. I would again say that if this Government is genuinely interested in seeing that there is no detention of political workers and that they should have the freedom to conduct agitations peacefully, they must take further steps in this regard. They should see that article 22 is deleted from the Constitution. They should ask their Governments in Madhya Pradesh, Rajasthan and U.P. to abolish the Acts such as the Maintenance of Essential Services Act and so on. If this is not done, it will be a meaningless formality. Tomorrow, they will again say that they require a law. Under article 22(7), they may bring in a new law to restore the original position. Of course, I congratulate the Government for repealing MISA. They have also taken action to restore the freedom of the Press and the liberty of the individual. But the liberty of the individual and the security of the State are equally important. On the economic side, there have been some failures. Before I conclude, I would once again say that; this is a step which every citizen in this country welcomes. But they expect much more from this

Government. They should take steps to delete the other provisions so that there will be no preventive detentions in this country in future.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Vice-Chairman, Sir, on behalf of my Party, the R.S.P., I wholly endorse this one sentence repeal Bill which has been moved here by the Minister of State for Home Affairs. As a matter of fact, it was long overdue. My only appeal would be that, when this repeal Bill is passed—by all indications, it appears, it will be passed unanimously—the day on which this repeal Bill is passed, should be a day of declaration that in a democracy there is no place for detention without trial, preventive detention or things like that.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) :  
वाइस चेयरमैन साहब, मेम्बरों को बोलने  
का मौका मिलना चाहिए। आप चाहते हैं दिन  
में 14 बिल पस हो जाये यह संभव नहीं है।

प्रो० सौरेन्द्र भट्टाचार्य : हमको भी बोलने  
का मौका दीजिए शाही जी।

Let the day on which this repeal Bill is passed be taken as an occasion for a declaration of this principle, a principle which has been denied so far in this largest democracy of the world, since its foundation. As has been referred to earlier, Independent India has practically been without a period when preventive detention in one form or the other was not there. It is very heartening that those who were at one time responsible for the promulgation of such Acts are now coming forward to support this repeal Bill. After being divested of power, after seeing the results, they have perhaps come to realise that illegal laws, unlawful laws like this, are unable to keep one in power. But this has been the tradition of the ruling party in our country that they have always relied on such laws. The history has been recounted at length by respected Mr. Bhupesh Gupta, I need not go into it. In spite of the delay, I would congratulate the Minister of State for

[Shri Prof. Sourendra Bhattacharjee].

Home Affairs and his Government for bringing forward this Bill to repeal this Act after, I should say, much hesitatingly giving up the idea of bringing about some Act to substitute MISA.

While this overdue legislation has been brought forward, I would like to draw the attention of the House to certain other factors. We know that during the last 16 months, in spite of the promises of the Janata Party, many political prisoners are yet behind the bars in different parts of the country. The question of the jurisdiction of the State Governments may come in, but the fact remains that when the Janata Government was returned to power after elections and a demand was made that according to its election promise all the political prisoners be released, it was at that point that the question of abjuring violence was raised and on that plea many political prisoners were forced to remain in jails. It was not declared as a general policy of the Union Government. The cases of Kanu Sanyal, Souren Bose and others like them were raised by Comrade Bhupesh Gupta this very day. The cases against them have been withdrawn by the Left Front Government in West Bengal, as they have been withdrawn against all the political prisoners and effected their release already... (*Interruptions*) Yes, by all means. But the point is that the Plea of violence and non-violence has been taken now. This is a very old controversy, a controversy which has been raised in the country as long back as in the British days when there was a national movement.

[The Vice-Chairman, (Shri Syed Nizam-Ud-Din) in the Chair]

There was a very big controversy and notwithstanding that controversy we went ahead with that national movement. That plea was taken to keep a large number of workers of political movement behind the bars in

different parts of the country. I would expect that while bringing forward this Bill the Janata Government should act in consonance with the election promise and declare that they are in favour of the release of all political prisoners irrespective of the question of violence or non-violence.

To one other aspect also I would like to draw the attention of the House. Ours is a country where emphasis has been laid on mixed economy. Mixed economy is another name for capitalism. It goes without saying that acute exploitation of the working class in the mixed economy system is a known fact. Notwithstanding the promises of the present Government of doing away with unemployment in 10 years, in the last one year the unemployment has been on the increase. In the last one year, unemployment has been on the increase. While unemployment has increased, the production has, in effect, fallen and the workers all over the country have been facing attacks from the side of the capitalists in different forms. Naturally, the workers are also resisting. The limited extent to which the democracy has been restored has helped them in this struggle. But, on the other hand, we find that the Janata Government also is relying on the police and forces like that to suppress the movement of the workers. The lessons of Bailadilla and Pant Nagar cannot be very easily forgotten. In a class-divided society in which there is domination of the capitalist class over the society, the ruling power has the propensity, as has been proved all these 30 years, to meet the toiling peoples' demands with repression, with detention without trial and other oppressive measures. A part of it has already been resorted to by the Janata Government. On the other side, they have brought this Bill to repeal MISA which I take as a declaration on their part that in a democracy there is no place for detention without trial. But if they are to follow it to the logical

conclusion, they must give up the idea of suppressing the toiling peoples' movement with the help of police or para-military force or military even. It has been proved to the hilt that even unbridled power cannot retain a ruling power entrenched in the face of the rising tide of toiling peoples' movement. It is a very recent experience and my appeal to my friends in the ruling party would be that they should be cautious that in following this age-old line, they should not deviate in future from the profession of the principle that is being made today in meeting the popular discontent which they have not been able to contain, or the tide which they have not yet been able to reverse. Unless their economic policy is fundamentally different, in the days to come, from what they have been following now, the strong tide of popular movement is bound to be there. Let them not depend on the draconian laws on which the earlier regime depended. I hope they will not resort to them and this will be an enduring declaration of the principle that in a democracy there is no place for preventive detention in one guise or the other. With this expectation, I support the Bill.

SHRI HAMID ALI SCHAMNAD: Sir, I support the repeal of the Maintenance of Internal Security Act of 1971. When this Bill was introduced in this House in 1971, many of us supported this Bill. Then the former Prime Minister gave an assurance to this House and to the Nation that this will not be used against political leaders, workers and the kisans and that it would be used only against undesirable elements, black-marketeers and so on. But our experience shows that MISA has been misused very badly throughout the length and breadth of the country. During emergency MISA has been notoriously used even against my party leaders. Five leaders in Kerala they were the MISA victims. Even though we supported this Bill in 1971 we were the victims of this Government. I belonged to the Muslim League in those

days. We differed from the Indian Union Muslim League leadership saying that we should not support the Congress and walked out of the League and formed our own Muslim League in Kerala as All India Muslim League which is different from the Indian Union Muslim League. For that reason, Sir, our leaders were put behind the bars in Kerala by Mr. Achuta Menon Government led by the Communist Party of India. We represented this matter to the then Chief Minister, Mr. Achuta Menon, but he said he was helpless in the matter. All these things had been done by the Home Minister even though the Chief Minister belonged to the Communist Party. Though he was the Chief Minister he put the blame on the Home Minister of his own Cabinet. That was the state of affairs at that time.

Power corrupts and absolute power corrupts absolutely. Even though the Communist Party was working for the working class, when power was there with them in Kerala they wanted to share it with the Congress. They never thought of coming out of the Ministry because they were tasting the Ministerial powers in Kerala. Sir, there are many cases. Even intellectuals, students were not spared. You know Rajan's case that is going on in a Coimbatore court. Rajan was a student of an engineering college. He got rank in the University. He was not only arrested but he was tortured to death. I do not want to say anything in this matter since the matter is sub judice. When Rajan was missing we went to the Chief Minister of our State. He was not a Congressman; he belonged to the Communist Party. He replied that he did not know where Rajan was. He did not have the guts to find out from the IG of Police as to where Rajan was. Many of us even went to Mr. Bhupesh Gupta and told him, "Sir, your leader, Mr. Achuta Menon, is ruling Kerala. Why do you not make use of your good office and ask the Chief Minister to trace him out? Mr. Achuta Menon is your Party leader." He was the son



[Shri Hamid Ali Schamrad]. of Prof. Warriar. So he expressed his sympathies with them. He said, 'What can I do? Even your Chi-\* Minister is helpless. He is in the hands of the Home Minister'. So that was the position.

They say collective responsibility. Now what is happening in the Janata Government? The same thing was there in Kerala in those days. But neither the Communist Party of India nor the Congress nor any other party thought on that issue. That was the state of affairs. And that continues even to this day.

Now, Sir, you are repealing this law. So many atrocities were committed by misusing the provisions of the law. I do not want to repeat all those miserable incidents. Five Muslim League Leaders were detained under MISA. They never supported the JP. movement. The only sin they committed was that they said that emergency was wrong. They said that they could not all the time support the Congress. Muslims of India had supported the Congress for thirty years. They said, "Hereafter we do not stand on that ground". And all the five leaders of the Muslim League were arrested and kept behind the bars. They were released only after emergency was lifted. So that was the state of affairs that continued.

Sir, Mrs. Indira Gandhi was defeated at the elections because of her doings and undoings not because she was the daughter of Pt. Jawaharlal Nehru or because she as the granddaughter of Pt. Motilal Nehru. We do not agree with those leaders who criticise Nehru family as a whole. There is conflict, they say, between Nehruism and Gandhism. This is absolutely meaningless, and, if I may use the word stupidity, because historians will never say anything against Pt. Jawaharlal Nehru who contributed so much for the nation to uplift and also pushing our country to the topmost position in the world. But that has nothing to do with this.

I do not believe in such ideological fights as between Gandhism and Nehruism. After all, it was with Gandhiji's blessings that Nehru had come up. Everybody knows that it was Gandhiji who nominated Jawaharlal as his heir and not Sardar Patel. I do not want to go into that angle now, but nowadays everybody wants to claim that he is a Gandhian. That is the difficulty. Everybody says, "I am a Gandhian." Everybody says he is following the Gandhian philosophy. I only pray to God Almighty to save Gandhiji from these so-called followers of his.

Now, when we think of law and order, we must say that there is some slackness in law and order; looseness there. So many sabotages were there in the country. There were railway sabotages; there were many atrocities against the Harijans. Also the general law and order in the country is let loose. I appeal to the Home Ministry to consider these factors. Even today a matter has been raised in the House as to what happened at the Western Court in Delhi, which is an M.P.s' hostel. I do not know whether what is alleged is true or not, but even there it is said the matter is under investigation as such. What happened at Western Court, which is supposed to be an M.P.s' hostel, is some murder or suicide or some such thing has happened. Anyhow, I do not know what it is.

SHRIMATI SAROJ KHAPARDE (Maharashtra); Still that investigation is on.

SHRI HAMID ALI SCHAMNAD: Every one of us is interested in this matter because it is a matter of law and order, especially in the capital city of India. It happened at a place not even two kilometres away from the house of Mr. Morarji Desai or the house of the President of India.

SHRI YOGENDRA MAKWANA (Gujarat); They want to suppress the facts.

**SHRI HAMID ALI SCHAMNAD:** Even this type of things are there, I am sorry to say that. I have been to Bombay the other day. Some people were telling me—who do not belong to any party—there was lawlessness in the country. Many people expressed their views and people find it difficult to move about because there is hooliganism and rowdiness in the country. Whether Indira Gandhi's followers are responsible or others are responsible, it is immaterial because, as far as the citizens of this country are concerned, they want to live peacefully. So it is for the Government to see that such things are put down with a heavy hand and, I am quite sure, Mrs. Indira Gandhi's followers also will co-operate with the Government in putting down this hooliganism in this country.

Now police people say, "We are punished for what we did during the Emergency period. Therefore, why should we care?" In Kerala two DIGs of Police are accused in a case and they are facing a trial today. So the police people feel, "Why should we worry? All that we did was under the verbal orders of the Ministers. Now we are accused. Therefore, why should we worry?" Such feelings are there. Therefore, it is for the Government to consider this matter and see that law and order is maintained in this country at any cost, and they should show to the country that without MISA and without Emergency they will be able to maintain law and order in this country.

Now, Sir, a word about Kashmir. When we repeal MISA in India, it should be made applicable to Kashmir also. In Kashmir also law and order is at stake. People who do not support Sheikh Abdullah's party are not allowed to move freely, and freedom of movement, freedom of association and freedom of expression are denied to those people who

oppose the ruling party in Kashmir. I do not know what the truth is. But these are matters for the Government to consider and persuade Sheikh Abdullah. After all, the Union Government should have a hold over the Chief Minister of Kashmir. It is not an independent State. Now, can you say that all the parties have freedom of expression and freedom of association in Kashmir? I am told that now terrorism is let loose by the State Police of Kashmir against the people who do not support the Government there, and this point may be considered by the Government.

With these words, Sir, I conclude my speech and support the Bill. Thank you.

**श्री नागेश्वर प्रसाद शाही :** उा ध्यत महोदय, जिस स य यह कानून संसद् में पस किया गया था उस समय बहुत ही शुद्ध इादे के साथ यह कानून बना था और इाद यह था कि इस कानून का इस्तेमाल स्मगलर्स, बैंक मार्केटर्स, ह ड्रैग्स क्रिमिनल्स के खिलाफ किया जाएगा। शुरू-शुरू में कुछ हुआ भी ऐसा ही लेकिन बाद में जब इमरजेंसी लगाई गई तब इस कानून का दुरुपयोग हुआ और उसी दुरुपयोग के कारण जनता पार्टी ने अपने चुनाव में जो वायदा किया था उस वायदे के अनुसार इस कानून को रिपील कर ही है। मेरा अपना खयाल है कि किसी न किसी फार्म में आपको एक ऐसा डिटेन्शन ला बनाना पड़ेगा जिसके रिबीजन की गुंजाइश हो। इस कानून में भी इस तरह की बात थी कि छः महीने बाद, तीन महीने बाद एक कमेटी जांच करेगी लेकिन यह हुआ नहीं। इमरजेंसी के दौरान कोई और कानून चलता था। मीसा के निदमों के अनुसार डिटेन्शन नहीं होता था, मनमाना डिटेन्शन होता था। उसको न तो राज्य सरकारें जानती थीं और न ही चीफ मिनिस्टर जानता था और न डिस्ट्रिक्ट आफिसर्स जानते थे। इस प्रकार की सूचनाएं एका जगह से आती थीं और आदमी को गिरफ्तार क

[श्री नागेश्वर प्रसाद शाही]

लिया जाता था। यह काम मीसा के कानून के अनुसार नहीं होता था, मनमाना होता था।

**श्रीमती सरोज खापर्डे :** वह एक जगह कौन सी थी।

**श्री नागेश्वर प्रसाद शाही :** आप भी हमारे साथ थीं, घबराइये नहीं। बावजूद सारी कोशिशों के आज भी स्मगलिंग जारी है। बावजूद सारी कोशिशों के सीमेंट की शार्टेंज है। उस पर 30-40 रुपये पर बोरी ब्लैक है।

**श्री कल्पनाथ राय :** 50 रुपये गोरखपुर में है।

**श्री नागेश्वर प्रसाद शाही :** बावजूद सारी कोशिशों के इस सरकार ने बिरला के ऊपर हाथ रखना शुरू किया। बिरला के खिलाफ वारंट जारी किये गये और उनको गिरफ्तार किया गया। अब बिरला ने साजिश शुरू की। देश में नहीं विदेशों में जाकर साजिश शुरू की और यह कोशिश करनी शुरू कर दी कि फारेन कैपिटल इन्वेस्टमेंट इस देश में शुरू न होने पाये और इस देश की सरकार को बदनाम किया जाए। इस समय बिरला के ऊपर करीब साढ़े चार सौ मुकदमे टैक्स इवेजन के खिलाफ विभिन्न अदालतों में चल रहे हैं। 10 करोड़ रुपये की चोरी करता है और एक लाख रुपया हाई कोर्ट के ऊपर खर्च करता है। बिरला की गिरफ्तारी का क्या अंजाम हो सकता है? कोई मौजूदा कानून बिरला के साथ डील नहीं कर सकता। कोई मौजूदा कानून स्मगलर्स के साथ, जो बम्बई में मालाबार कोठियों में रहते हैं करोड़ों-करोड़ों रुपया बनाते हैं, लाखों रुपया पुलिस अफसरों को, नेताओं को खिलाते हैं, उनकी पाकेटों में रखते हैं, डील कर सकता है? नहीं कर सकता है। इसलिए टैक्स इवेजर्स के लिए, बिरला के लिए, गोयन्का के लिए, स्मगलर्स के लिए और हाईड्रेंड क्रिमिनल्स के लिए किसी न किसी प्रकार के डिटेन्शन कानून की जरूरत

है। एक तरफ तो लोगों को खाने के लिए रोटी भी न मिले और पहनने के लिए कपड़ा भी नसीब न हो और दूसरी तरफ बिरला—टाटा कानून की आड़ में समाज विरोधी काम करें, यह किसी भी दृष्टि से उचित नहीं है। मैं पूछना चाहता हूँ कि आज हमारे देश में कौन-सा कानून है जो बिरला के साथ डील कर सकता है? मैं समझता हूँ कि ऐसा कोई कानून नहीं है। कानून हमारे देश में गरीबों के लिए है। जो व्यक्ति दो रुपये का सामान चोरी कर लेता है उसको तीन महीने की सजा हो जाती है। अगर बस स्टैंड पर कोई लड़का पिक पाकेटिंग करके 25 रु० निकाल लेता है तो उसको तीन महीने की सजा हो जाती है। कोई लड़का जो गरीब है और जिस के पास पेट भरने के लिए रोटी भी नहीं है, अगर वह स्कूल से भाग कर पिक पाकेटिंग करता है तो उसको तीन महीने की सजा हो जाती है। लेकिन बिरला के लिए हमारे देश में कोई कानून नहीं है। मैं समझता हूँ कि अगर हमारे माननीय संसद् सदस्यों में जरा भी ईमानदारी है तो उन्हें इस पर विचार करना चाहिए कि कोई ऐसा कानून बनाया जाये जिसके अन्दर विदम्राउट ट्रायल के बिरला जैसे लोगों को और स्मगलर्स को और हाईड्रेंड क्रिमिनल्स को तथा उस कैटेगरी के अन्य लोगों को बन्द किया जा सके।

श्रीमान्, मैं एक अन्य प्रश्न की ओर भी सदन का ध्यान दिलाना चाहता हूँ। हमारे दोस्त यहां से चले गये। ये लोग हमारे देश में धार्मिक और भाषाई दंगे कराते हैं। ये लोग अपने को राजनीति में कायम रखने के लिए धार्मिक और भाषाई दंगे कराते हैं, कम्यूनल अगड़ा करवाते हैं और एन्टी हिन्दी कांफ्रेंस करवाते हैं। आप जानते हैं कि अभी कुछ दिन पहले मद्रास में जो कांफ्रेंस करवाई गई थी उसका मकसद क्या था? मैं पूछना चाहता हूँ कि हिन्दी ने कौन-सा गुनाह किया है? इस मुल्क के अन्दर जिस भाषा

को 1950 में राजभाषा के पद पर प्रतिष्ठित हो जाना चाहिए था उसको आज 1978 में बहिष्कृत किया जा रहा है। मद्रास के अन्दर असली झगड़ा अंग्रेजी और तमिल के बीच में है। मैं कहना चाहता हूँ कि तमिल नाडु के चीफ मिनिस्टर श्री रामचन्द्रन में अगर हिम्मत है तो वे इस बारे में रेफ्रेन्डम करायें। तमिल और अंग्रेजी में बीच में रेफ्रेन्डम करायें।

SHRI K. K. MADHAVAN (Kerala): I want to ask; Is the Hon. Member prepared to learn a South Indian language?

श्री नागेश्वर प्रसाद शाही : तमिल नाडु में 99 फीसदी आदमी तमिल के पक्ष में है थोड़े से मुट्ठी भर लोग ही अंग्रेजी को बनाये रखना चाहते हैं। ये लोग तमिल नाडु में अंग्रेजी को हटा कर तमिल की बात नहीं करते हैं। वास्तव में असली झगड़ा तमिल और अंग्रेजी के बीच में है और हमारे देश में वास्तविकता यह है कि 10 प्रतिशत लोग 90 प्रतिशत लोगों के ऊपर अंग्रेजी को लाद रहे हैं।

SHRI JAHARLAL BANERJEE (West Bengal): A point of order. I want to know whether the speaker has got any right to question the non-Hindi Chief Ministers' Conference and other things in this connection?

SHRI NAGESHWAR PRASAD SHAHI: I am very much astonished that my learned friend does not know what can be spoken here.

महोदय, मैं कह रहा था कि चार राज्यों के मुख्य मंत्रियों को वहाँ इकट्ठा किया गया, रोटी के सवाल पर नहीं इकट्ठा किया गया, गरीब मछुओं के सवाल पर नहीं इकट्ठा किया गया, वहाँ उद्योग धंधे लगाने के सवाल पर नहीं वरन् उन्हें इकट्ठा किया गया कि हिन्दी लादी जा रही है। श्रीमन्, मैं कहना चाहता हूँ कि वह दिन दूर नहीं जब कि हमको यह बड़े

जोर से कहना पड़ेगा कि हम आपकी तमिल के बारे में दखल नहीं देते, हम आपकी तेलुगु और कन्नड़ के बारे में दखल नहीं देते, इसलिये आप हमारी हिन्दी के बारे में कम बोलिये। आप अपने यहां चाहे जो करें, मगर दूसरों को रोकने की कोशिश मत कीजिये और अंग्रेजी को देश की 90 फीसदी जनता के ऊपर थोपने का प्रयास मत कीजिये।

श्रीमन्, आखिर में एक बात कह कर खत्म करता हूँ। अभी हमारे सी०पी०एम० के एक दोस्त बोल रहे थे। अब वह चले गये हैं। उन्होंने बैलाडिला और पंतनगर का जिक्र किया और कहा कि इन स्थानों पर गोली चली। परन्तु उन्होंने इस बात का जिक्र नहीं किया कि पश्चिमी बंगाल में क्या हो रहा है। वहाँ गांव-गांव में सी०पी०एम० के लोग छुरे के बल पर शासन चला रहे हैं। गांव गांव में सी०पी०एम० की सरकार में परेलल व्यवस्था कायम करने वाले पार्टी वक्स की गोलियों से, पलिस की गोली से तो 10-20 लोग मरते हैं—मगर सी०पी०एम० के कार्यकर्त्ताओं की गोली से लाखों करोड़ों लोग मरते हैं। इसलिये मैं कहना चाहता हूँ कि हमारे सी०पी०एम० के दोस्त को पहले अपनी ओर देखना चाहिए कि वहाँ क्या हो रहा है बजाय इसके कि बैलाडिला और पंतनगर की ओर जायें।

SHRI JAHARLAL BANERJEE: Yes, yes, absolutely right. I congratulate you.

श्री नागेश्वर प्रसाद शाही : मैं बैलाडिला और पंतनगर की फायरिंग का विरोधी हूँ, इसका समर्थक नहीं हूँ।

श्रीमन्, आखिर में मैं यह बात कहना चाहता हूँ कि सरकार को मीसा कानून को समाप्त करके जल्दी से जल्दी एक ऐसा कानून जरूर बनाना चाहिए ताकि देहात में बिरला की कैटेगरी के जो लोग हैं, जिनको अब जनता वर्दाशत करने को तैयार नहीं है, हाईड्रेड क्रिमिनल, स्मगलर्स और ब्लैकमाकेटियर्स इनको

[श्री नगेश्वर प्रसाद शाही]

डिटेन किया जा सके। क्योंकि इन के ऊपर कोई कानून लागू नहीं होता। इन लोगों का मुकाबला करने के लिए ऐसा कानून सरकार को अवश्य जल्दी ही बनाना चाहिए। धन्यवाद।

SHRI G. C. BHATTACHARYA  
(Uttar Pradesh): Sir, . . .

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): No more names here. The Minister.

SHRI G. C. BHATTACHARYA: My name has been written by the Deputy Chairman.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): We to by the list of names given by the parties.

श्री धनिक लाल मंडल : महोदय, जैसा कि माननीय श्री भूपेश गुप्ता जी ने कहा, सचमुच मैं अपने को बड़ा सौभाग्यशाली समझता हूँ, जो कि मुझे इस बिल का पायलट करने का मौका मिला। जनता सरकार बावजूद इस के कि कुछ माननीय सदस्यों ने यह कहा कि सरकार को हिचकिचाहट थी, सरकार द्विविधा में थी और न जाने कितनी बातें और कितने आरोप लगाये। लेकिन महोदय, मैं इस बात को स्पष्ट करना चाहता हूँ कि जनता सरकार कभी भी द्विविधा में नहीं रही, जनता सरकार को कभी किसी प्रकार की हिचकिचाहट नहीं रही। हमने जो संकल्प किया था, हमने जो जनता को वचन दिया था हम उसके प्रति बराबर ही आस्थावत रहे, बराबर ही प्रतिबद्ध रहे, क्रिमिनल प्रोसीजर कोड में कुछ संशोधन करने की बात आई, तो महज इसलिए आई कि आगे यदि कभी कोई ऐसी स्थिति आये जिसमें जो वर्तमान कानून हैं वह अक्षम पाये जायें तो उसको थोड़ा मंजबूत बनाने के लिए यद्यपि वहाँ भी इस बात की पूरी-पूरी कोशिश की गई कि पूरे के पूरे संफगर्ड्स इस में रखे जाएं। दोनों को मिला देना, मैं समझता हूँ कि यह बहुत ही फारफेचड

और कान्पनिक है। जो प्रावधान किया गया था यद्यपि उसे भी वापिस ले लिया गया, लेकिन मैं आपमें निवेदन कर रहा था कि हम लोगों के मन में, जनता सरकार के मन में इसके प्रति कभी भी हिचकिचाहट नहीं रही और यही कारण है कि इस कानून का कभी भी प्रयोग नहीं किया गया। बराबर इस कानून के तहत जो लोग जेलों में बंद थे, अन्दर थे उनको एक एक कर के छोड़ने का काम जारी रहा और उनको छोड़ा गया। भूतपूर्व गृह मंत्री चौधरी चरण सिंह के बारे में . . .

श्री अनन्त प्रसाद शर्मा (बिहार) : आपने इसका इस्तेमाल तो नहीं किया लेकिन आपके भूतपूर्व गृह मंत्री ने कहा था कि मीसा का भी इस्तेमाल किया जाए।

श्री धनिक लाल मंडल : उन्हीं का मैं हवाला दे रहा हूँ। क्योंकि भूतपूर्व गृह मंत्री का नाम लिया गया। मेरे पास यह उनका 23 मार्च का बयान है। इस में उन्होंने कहा है कि हम यद्यपि चाहते थे कि किसी भी प्रकार की स्थिति का मुकाबला करने के लिए कानून को थोड़ा कड़ा किया जाए, सख्त किया जाए और इसके लिए क्रिमिनल प्रोसीजर कोड में अमेंडमेंट किया जाए फिर भी माननीय सदस्यों और जनता की भावनाओं का हम आदर करते हैं और इसलिए हम इसको वापिस ले रहे हैं। इसलिए मैंने रिकार्ड को स्ट्रुट करने के लिए इस बात को आपके सामने रखा। जिस किसी सदस्य ने कहा कि चौधरी चरण सिंह इसको हटाना नहीं चाहते थे इसलिए मैंने उनका 23 मार्च का बयान पढ़ा है।

श्री ज्ञान चन्द तोल (हिमाचल प्रदेश) : चौधरी साहब ने मीसा के अन्दर अरेस्ट करने के बारे में कहा।

श्री धनिक लाल मंडल : मैं सिद्धांत की बातों में नहीं जाऊंगा। यहां कुछ सिद्धांत की बातें हुई हैं और इतिहास की भी बातें हुई हैं। माननीय सदस्य भूपेश गुप्त जी ने

प्रश्न उठाए हैं और भी माननीय सदस्यों ने तथा श्री खुरशीद आलम खान ने जो प्रश्न उठाए हैं और उसकी ओर इशारा किया —रोजी रोटी के बीच में फर्क किया गया है। मैं समझता हूँ कि यह बहुत ही खतरनाक सिद्धांत है। रोटी के लिए आजादी ले ली जाए ऐसे जो कहा गया यह बहुत ही खतरनाक सिद्धांत है और हम लोगों का इसमें विश्वास नहीं है। हम लोग ऐसा मानते हैं कि रोटी और आजादी में बुनियादी कंटेडिक्शन नहीं है, विरोध है। रोटी देने के लिए जनता की, आजादी ले ली जाए, ऐसा हमारा विश्वास नहीं है।

श्री अनन्त प्रसाद शर्मा : यह किसने कहा ?

श्री धनिक लाल मंडल : यही तो बातें हुई। आर्थिक कार्यक्रमों के लिए इमरजेंसी की दुहाई दी गई। आर्थिक कार्यक्रमों को पूरा करने के लिए इमरजेंसी लगाई गई थी...

SHRI KALP NATH RAI: Who said it?

श्री धनिक लाल मंडल : आपका नाम मैंने नहीं लिया...

SHRI ANANT PRASAD SHARMA: Nobody in the House said it.

श्री धनिक लाल मंडल : आपका नाम भी नहीं लिया। मैं ने कहा यह सैद्धांतिक प्रश्न उठाए गए हैं कि जो समाज विरोधी लोग हैं या और दूसरी प्रकार के लोग हैं उनके लिए विशेष प्रकार के कानून बनाने की आवश्यकता है इस तरह के सिद्धांत भी खतरनाक हैं। महोदय, यह बात आवश्यक है, मैं मानता हूँ समाज उस स्थिति में अभी नहीं पहुंचा है, जहां हम सम्पूर्ण लिबर्टी की बात कर सकें, सम्पूर्ण आजादी की बात कर सकें। यह संभव नहीं है कि हम सम्पूर्ण आजादी की बात कर सकें। उस स्थिति में हमारा समाज अभी नहीं पहुंचा है और समाज में ऐसे तत्व हैं जो इस कानून का सहारा लेकर समाज विरोधी

काम करते हैं, राष्ट्र विरोधी काम करते हैं और कानून वहां उनको पकड़ने में थोड़ा अक्षम होता है जिसके लिए मैंने कहा कि वह उपब्रंध करने की बात हुई थी किमिनल प्रोसोजर कोड में।

श्री भूपेश गुप्त : वह बात छोड़ दीजिए।

श्री धनिक लाल मंडल : अच्छा छोड़ दिया। मैं सिद्धांत की बात कर रहा हूँ। इसलिए मैंने कहा आजादी हम चाहते हैं। जैसा कि सदन के सभी पक्षों के माननीय सदस्यों ने जो भाव प्रकट किया, विचार प्रकट किए, हम चाहते हैं इस देश में जनतंत्र रहे, हम चाहते हैं, लोगों की सारी आजादी अक्षम रहें, हम चाहते हैं हमारे लोग निर्भय समाज में रहे, हम चाहते हैं हमारा समाज सम्माननीय बने, खुला समाज बने, ऐसा हमारा अभिप्राय है और जैसा कि माननीय सदस्यों ने भाव प्रकट किया है कि यह हमारा अभिप्राय है तो निश्चित ही सरकार माननीय सदस्यों से सहयोग का आह्वान करती है। सरकार जरूर यह चाहेगी कि इस तरह की स्थिति को बनाने के लिए जहां आजादी को बिना खाये हम इस देश की गरीबी, इस देश की बेकारी और इस देश की जितनी समस्याएं हैं, भाषाई दंगे, साम्प्रदायिक दंगे, जातीय दंगे जो स्थिति देश में है उस से हम निपटना चाहते हैं बिना आजादी की कीमत दिए...

श्री नागेश्वर प्रसाद राहो : पॉइंट आफ आर्डर है श्रीमन्, हमारे मंत्री जो अपने लोहिया साहब के फालोअर हैं, डाक्टर साहब यह कहते थे कि जब तक कि करोड़पथ का कंगूरा नहीं काटा जायगा, पहाड़ ही काटा जायगा गरीबी दूर नहीं की जा सकती है इसलिए बिड़ला और टाटा का समाप्त होना बहुत जरूरी है और मंत्री जो कहते हैं उन के लिए विशेष... बनायेंगे. (Interruptions)

श्री उपसमाध्यक्ष (श्री सैयद निजामुद्दीन) अपनी तकरीर में कह चुके हैं आप।

Bilt, 1978

**श्री धनिक लाल मण्डल :** उनको नेशन-लाइज कर लीजिए इतनी चिन्ता क्यों करने हैं, आप कहाँ है।

महोदय, मैं कह रहा था जो स्थिति हम लोग चाहते हैं कि बने तो उस स्थिति में सरकार माननीय सदस्यों से सहयोग का आह्वान करती है और हमें विश्वास है कि माननीय सदस्यों का सहयोग हमें मिलेगा। महोदय यह बात सही है जो कुछ माननीय सदस्यों ने आशंकाएं प्रकट कीं और कुछ भय प्रकट किया कि कानून का आदर घट रहा है या हिंसा की, किसी पाकेटस में, खास-खास पाकेटस में घटनाएं बढ़ रही हैं और विधि और व्यवस्था की स्थिति के बारे में चिन्ता प्रकट की गयी। इन सारी चीजों के लिए यदि हम इस बात को स्वीकार कर लें कि हमारा जो भी काम होगा उसमें हमारा आधार अहिंसा होगा जो गांधी जी ने अपनाया इसको यदि हम स्वीकार कर लें, सिर्फ एक शर्त मान लें कि जो भी आंदोलन हों, हमारी जो भी एंशपेरेंस हों जो भी होप्स हों, उसको फुलफिल करने के लिए, रियलाइज करने के लिए, हम जो आंदोलन का रास्ता लें या कोई अन्य रास्ता लें तो वह डेमोक्रेटिक हो, पीसफुल हो, यदि इतनी बात हम स्वीकार कर लें तो सारी समस्याएं आप से आप हल हो जायेंगी इसलिए महोदय मैं बहुत समय नहीं लूंगा, मैं माननीय सदस्यों, का आभार मानता हूँ और यह आशा प्रकट करता हूँ कि जिस खुशी से यह कानून पास कर रहे हैं आज।

महोदय, राज्यों के बारे में बात हुई, इसके बारे में भी मैं जवाब दे दूँ। राज्यों के संबंध में जो बातें हुई। हम लोग राज्यों के साथ कोई भेद भाव नहीं कर रहे हैं चाहे वहाँ जनता पार्टी की सरकार हो, कांग्रेस की सरकार हो या काश्मीर की, नेशनल कांफ्रेस की सरकार हो, जिस किसी की सरकार हो उसमें हम कोई भेदभाव नहीं करेंगे और यह राज्य सरकार का ... (Interruptions)

**श्री श्रीधर वासुदेवराव धावे :** यह तो जनता पार्टी का मैनीफेस्टो है ...

Is not the Janata Party manifesto binding on the State Governments? 6 P.M.

**SHRI BHUPESH GUPTA:** From the Constitution you delete article 22(7) and also Entries 9 and 3 from the Union List and the Concurrent List respectively. Then, no State will be in a position to pass any preventive detention law. Now, Jammu and Kashmir has got it; Madhya Pradesh has got it; Bihar has got it; and UP also has got it.

**श्री धनिक लाल मण्डल :** मैं खत्म कर रहा हूँ। महोदय, मैं तो धन्यवाद दे रहा था। मैं अमार प्रकट कर रहा था और मैंने यही कहा कि राज्यों के बारे में कोई भेदभाव नहीं है। कान्स्टीट्यूशन के बारे में जो 45वां अमेंडमेंट आ रहा है उसमें इसका प्रावधान है कि आर्टिकल 22 के 7(ए) में संशोधन कर दिया जाए कि दो महीने से अधिक बिना एडवाइजरी कमेटी की राय लिये डिटेन्शन में किसी को नहीं रखा जा सकता। यह उपबन्ध किया जा रहा है। यह आपके सामने 45वां अमेंडमेंट आ रहा है। उसमें यह उपबन्ध किया गया है।

मैं माननीय सदस्यों को इसके लिये धन्यवाद देता हूँ।

**SHRI S. W. DHABE:** But you are retaining it.

(Interruptions)

**SHRI BHUPESH GUPTA:** You have the Intelligence people and the Intelligence people are doing it. I am reading the newspapers. Mr. R. N. Kau was the Head of the Research and Analysis Wing. He has told the Shah Commission..

(Interruptions)

**THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN):** The question is:

"That the Bill to repeal the Maintenance of Internal Security Act, 1971, as passed by the Lok Sabha, be taken into consideration."

SHRI BHUPESH GUPTA; Sir, he told the Shah Commission that he did not collect any internal intelligence. (Interruptions). It is a blatant lie.

(Interruptions)

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN); We shall now take up the clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

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

SHRI BHUPESH GUPTA; You should ask Madhya Pradesh and Bihar not to use it till we amend the Constitution.

(interruptions)

SHRI DHANIK LAL MANDAL: Sir, I beg to move:

"That the Bill be passed." The question was proposed: SHRI S. W. DHABE; Sir, I wanted to speak.

श्री नगेश्वर प्रसाद शाही : मंत्री महोदय ने यह नहीं बताया कि काश्मीर में आज भी मीसा का प्रयोग राजनीतिक विरोधियों के खिलाफ हो रहा है। आज भी वही हो रहा है जो एमरजेंसी में होता था। उसके बारे में मंत्री जी ने कुछ नहीं कहा कि शेख अब्दुल्ला को क्यों इस बात की छूट दी गई है कि वे अपने राजनीतिक विरोधियों के खिलाफ मीसा का कानून इस्तेमाल करें। वहां कानून इसलिए बना कि पाकिस्तान से खतरा होता है, बहाना है बार्डर स्टेट का, बहाना है कि पाकिस्तान से खतरा है और उसका इस्तेमाल लोगों के खिलाफ हो रहा है और जनता पार्टी के कार्यकर्ताओं को, फरूख साहब के कार्यकर्ताओं को डिटैन किया जा रहा है, पुलिस थानों में उन्हें पीटा जा रहा है और कोई सुनवाई नहीं है। देश भर के लिये कानून लागू कर रहे हैं वह काश्मीर में क्यों नहीं लागू करते।

SHRI S. W. DHABE; Sir, I want to speak on this.

THE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN); You have already spoken on this.

SHRI S. W. DHABE: But I want to say something on his statement. Sir, the Minister has said that article 22(7)(a) will be amended to reduce the period. (Interruptions). I would like to ask whether it will serve the purpose. Secondly, the Janata Party manifesto says that they would repeal the MISA. It seems that the manifesto is binding only on the Central Government and not on the State Governments ruled by the Janata Party. I would like to know from him whether this is so.

SHRI BHUPESH GUPTA: Sir, one suggestion I would like to make. I did not want to speak. But, since you have allowed us, I would like to make one suggestion. So long as the Constitution does not give the guarantee, the States are free to do what they like. Therefore I will suggest to him that before the Forty-Sixth Constitution (Amendment) Bill comes, let the 11th Entry of the Union List and the Concurrent List, which empower State Governments and the Union Government to pass such law, be deleted. Article 22 should also accordingly be modified. The Constitution should not have the sanction for preventive detention. Unless you assure them, even you may come some time later under some pretext to have some other law. Therefore, it is very important.

Finally, one point more. Whatever you may do, this law is administered by the Intelligence. We have seen during the emergency how the Intelligence branch or the Central Intelligence Bureau or the RAW as they call it, behaved; how they went out of their way to please somebody and gave false reports. Therefore I mention this thing. This R.N. Kao who was in charge of the RAW told the Shah Commission "that he had not been collecting internal information, he was only collecting ex-



[Shri Bhupesh Gupta]

ternal information. It is a blatant He. He was collecting internal information and interfering with internal politics and was in the drive against the Naxalities. He even collected the information regarding election prospects of Mrs. Indira Gandhi before the election was announced. Such are the people. As you know, another man Mr. Mathur, who was in charge of the Intelligence Bureau, used to go to Mr. Sanjay Gandhi to take direction from him and give information. And one good thing they did was that they gave wrong information to Mrs. Gandhi as far as the election prospects are concerned. They told her that she would win the election though by a simple majority. That is why she called the elections. This is the only good thing they did—without intending it.

Therefore, I say that these Intelligence people RAW and other agencies, should not be there because they are doing such things. Therefore I say that if you have this thing in the Constitution always, you will be in danger. Hold a thorough inquiry departmental and otherwise, against these Intelligence officers like Mr. Mathur and Mr. Kao who made false statements before the Commission. Well, you can hold the enquiry. Or let a Parliamentary Commission be appointed. We shall probe how at that time Mr. Kao was interfering in the internal affairs. Therefore, it is very important. Meanwhile, stop their pensions, by a special law; stop the pensions of such officers, whether in the Intelligence Bureau or otherwise, who have been guilty of misuse of power. Administratively, you can certainly deal with these Intelligence officers who wanted to placate—not Parliament, not even the Government, but some individual who had no status under the Constitution. Therefore, take this advice; Amend the Constitution, to begin with, deal with these officials who are now competing with each other in confes-

sing before the Commission. Even then they were committing perjury by telling lies.

**श्री धनिक लाल मंडल :** महोदय, मैंने काश्मीर के संबंध में माननीय सदस्य को जानकारी दी कि काश्मीर का जब आर्टिकल बना था उस वक़्त उस समय के गृह मंत्री जी ने, भूतपूर्व गृह मंत्री जी ने उन को बिल्ट इन सेफगार्ड्स के बारे में लिखा था। मैं माननीय सदस्यों को सूचना देता हूँ कि वे सारे सुझाव स्वीकार कर लिए गए और जो कानून बना है उसमें सभी प्रकार के सेफगार्ड्स का प्रावधान किया है। जहाँ तक माननीय सदस्य ने कहा मैंने उन को सूचना दी है कि आर्टिकल 27-ए में संशोधन करने के लिए उपबंध किया गया है, 45वें संशोधन बिल में और जहाँ तक सी०बी०आई० और इंटेलिजेंस सर्विसेज के बारे में माननीय सदस्य ने कहा कि उसमें जो डिस्टारशन है और जो शाह कमीशन के माध्यम से आया है उस पर गौर किया जा रहा है और इस तरह का डिस्टारशन अगर है तो उस को खत्म कर दिया जायेगा।

**श्री भूपेश गुप्त :** काऊ का क्या हुआ ?

1 HE VICE-CHAIRMAN (SHRI SYED NIZAM-UD-DIN): Tha question is,

"That the Bill be passed."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI SYED

The

House stands adjourned till 11.00 A.M. tomorrow.

The House the, adjourned at eleven minutes past six of the clock till eleven of the clock on Friday, the " 28th July, 1978.