

III. A copy (in English and Hindi) of the Ministry of Labour Notification G.S.R. No. 54(E), dated the 2nd February, 1977, publishing the Beedi Workers Welfare Cess Rules, 1977, under sub-section (3) of section 7 of the Beedi Workers Welfare Cess Act, 1976. [Placed in Library. See No. LT-96/77].

Ministry of Labour Notifications

SHRI SHANTI BHUSHAN: Sir, I also beg to lay on the Table the following papers: —

I. A copy (in English and Hindi) of the Ministry of Labour Notification G.S.R. No. 199, dated the 12th February, 1977, publishing the Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 1976, under sub-section (3) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970. [Placed in Library. [See No. LT-97/77].

II. A copy (in English and Hindi) of the Ministry of Labour Notification G.S.R. No. 274, dated the 26th February, 1977, publishing the Limestone and Dolomite Mines Labour Welfare Funds (Group C and Group D Posts) Conditions of Service and Recruitment Rules, 1976, under sub-section (4) of section 16 of the Limestone and Dolomite Mines Labour Welfare Fund Act, 1972. [Placed in Library. See No. LT-95/77].

III. A copy (in English and Hindi) of the Ministry of Labour Notification G.S.R. No. 308, dated the 5th March, 1977, publishing the Metalliferous Mines (Amendment) Regulations, 1977, under sub-section (7) of section 59 of the Mines Act, 1952. [Placed in Library. See No. LT-98/77].

IV. A copy each (in English and Hindi) of the following Notifications of the Ministry of Labour, under subsection (2) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952: —

(i) Notification G.S.R. No. 174, dated the 9th February, 1977, pub-

lishing the Employees' Family Pension (Third Amendment) Scheme, 1976.

(ii) Notification G.S.R. No. 305, dated the 5th March, 1977, publishing the Employees' Provident Funds (Amendment) Scheme, 1977.

[Placed in Library. See No. LT-93/77 for (i) and (ii).]

V. A copy of the Ministry of Labour Notification G.S.R. No. 406, dated the 19th March, 1977, publishing a corrigendum to the English version of Government Notification G.S.R. No. 1717, dated the 4th December, 1976. [Placed in Library. See No. LT-98/77].

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

The continued Detention of Political Workers under MISA, DER etc.

SHRI BHUPESH GUPTA (West Bengal): Sir, I beg to call the attention of the Minister of Home Affairs to the continued detention in prisons of a very large number of political workers under MISA, DIR and other laws and the action taken by the Government in the matter.

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): Mr. Deputy Chairman, Sir, the detention of political workers was made largely under Section 16A of Maintenance of Internal Security Act. Consequent on the revocation, on the 21st March, 1977, of the proclamation of emergency on 25th June, 1975, Section 16A of the Maintenance of Internal Security Act lapsed, and all detenus held under this provision of law were released. There were however 6,851 persons still in detention on 25th March, 1977. They had been detained under Section 3 of the Maintenance of Internal Security Act, grounds of detention had been furnished to them and their continuance in detention had been approved by the Advisory Boards.

[Chaudhui Charan Singh]

We have already announced our policy in regard to the Maintenance of Internal Security Act. Further specific proposals will come before the House in due course in the light of our earlier announcement. Consistent with our policy, we are clearly of the view that no one should be kept under detention for an indefinite period. We are accordingly advising the State Governments to release all those still under detention except where interests of security of the country are clearly involved or where persons have been detained on account of their recent indulgence in violent activities.

With the lapse of the provisions of Section 16A of MISA, the vast majority of political prisoners have already been released. Presumably, the Hon'ble Member has in mind the Naxalites, as they are called, in detention. According to the information available with the Government, there were 645 such persons in detention in West Bengal, Tamil Nadu, Kerala and Andhra Pradesh on 25th March 1977. While we do not at all approve of their ideology and while we would clearly reiterate that any violent activity on the part of Naxalites or others would be firmly dealt with in accordance with law, we are also of the view that indefinite continuance in detention of even such persons cannot be any solution to the problems posed by them. We are, therefore, advising the State Governments specifically to release all such Naxalites in detention, except in cases where such detention had been made on account of their recent indulgence in violent activities.

A large number of cases were instituted against political workers under the Defence and Internal Security of India Rules 1971 during the emergency. We have already issued instructions to the State Governments that all cases pending investigation or trial under DISIR should be withdrawn except in

respect of economic offenders and those involved in violent acts. We have further advised the State Governments that even in respect of persons who have been awarded sentences by competent courts, the unserved sentences should be remitted except in the cases of the two categories mentioned above. No action has been taken against some political workers under the normal laws of the land for specific offences, the cases should be allowed to run their normal course and no intervention on the part of the Central Government appears called for. However, if any specific case of a political worker having been falsely implicated is brought to the notice of the Government, the same would be examined and appropriate action taken.

SHRI BHUPESH GUPTA: sir, some aspects of the statement of the hon'ble Minister are patently at variance with the election manifesto of the Janata Party. The Janata Party manifesto was published in all the papers. There, there was one item called "Programme". I am reading the three items under that.

"To generate fearlessness and to revive democracy,, the Janata Party will:

(i) lift Emergency; (You have done that. Both internal and external Emergency have been lifted —the internal emergency was lifted by others).

(ii) restore the fundamental freedoms that had been suspended by the Presidential Order; and

(iii) repeal MISA, release all political detenus and review all other unjust laws".

Now, Sir, from the election manifesto,, it is clear that the commitment is to repeal MISA, which implies that no MISA detenu should be kept pending the repeal of this Act. In fact, I

do not see as to why the Government did not come forward in this House, or in the other House, with the repealing Act.

Sir,, for the benefit of Mr. Charan Singh, may I point out our own experience here. When Mrs. Indira Gandhi's Government was a minority government, depending on the support of the CPI and others, we of the Communist Party told her that the Preventive Detention Act, the forerunner of the MISA must go. There was a meeting of the Opposition leaders in which Cabinet Ministers were present. You were not there, Mr. Chavan was there. In the agenda, it was shown that the Government proposed to renew the Preventive Detention Act with effect from 1970. The meeting was held in December. We made it very clear at that meeting that the Preventive Detention Act must not be renewed; it must be allowed to lapse; and we suggested that this item should be struck off the list of business for the next year, which she wanted to discuss with us. Sir, there was no review necessary for her then; it was allowed to lapse; it was not renewed. There was no Preventive Detention Act for the whole 1970 and a part of the year 1971. Only after the election, when she got the massive majority,, which has now become a massive minority, in the middle of the year, MISA was revived in its worst form—worse than the Preventive Detention Act.

Now, Sir, here is a commitment by Mr. Charan Singh,, Vice-President of the Janata Party, and others. We welcome that commitment. I welcome this commitment even now. They told the people MISA would be repealed. Why is not being repealed? Bring it tomorrow. It will be repealed in that House and this House. Why a review is called for? You never promised that a review will be made. You made a clear, categorical statement that MISA will be repealed. But now, hffire in the statement, we are

surprised to find that not only MISA is not going to be repealed but they have also directed the State Governments to keep some people under MISA against whom there are charges on grounds of security and violence. It is the same old story.

CHAUDHURI CHARAN SINGH: Sir,, I rise on a point of order. The hon'tole member is delivering a speech rather than asking a question. I will forget all the points of his speech. I will not be able to reply.

SHRI BHUPESH GUPTA: It is no use saying that. Answer as a Minister. If it is a question of showing parliamentary skill, let us have it on another occasion. You can compare how Mr. Charan Singh and Bhupesh Gupta stand. We are not here on that. I have read out your commitment. Why it is not being repealed, I am asking. And then, not having repealed it, why are you giving instructions contrary to your commitment, to keep them provided they are allegedly guilty of violent acts, etc? That is not your election line. The same arguments have been given always. During the last 25 years, in this House, again and again we have heard such arguments put forward. Do I understand that Mr. Charan Singh has adopted the argument that Mr. Katju was giving before or Mr. Gobind Bal-labh Pant or other Home Ministers? Then declare publicly: We qualify our election manifesto; we are going back on our election manifesto. Tell the public. If Mr. Advani could bring two Acts to repeal the Press Objectionable Matters Act and restore the Feroze Gandhi Act, what comes in the way of Mr. Charan Singh to bring an Act to repeal MISA?

Now coming to other facts,, I am grateful to Mr. Chsj-an Singh for one reason. Mr. Charan Singh yesterday gave some facts and figures. I am not holding him responsible for the statistics he has given. I am asking him to deal with it now. Sir, according to his statement, now there are 6,851

[Shri Bhupesh Gupta]

detenus under the provisions of MISA —not under section 16A which has gone. Surprisingly enough, I feel ashamed that out of the 6,851 detenus, in my State alone—see, Mr. Charan Singh, how self-critical I am—there are 6,248 detenus. In one State! In no other State now there are even 225 MISA detenus, but in West Bengal they are leading. Practically all the detenus under MISA are in West Bengal. Mr. Siddhartha Shankar Ray should be ashamed. I am ashamed. On behalf of the people of West Bengal I apologise to you that we have not put an end to this kind of a thing. I do not make it a party issue. I make it a humanitarian issue. But then, Mr. Charan Singh, MISA is a Central law. You are responsible for it. By the fact that you have not repealed it, your responsibility is compounded. Why not take immediate steps? Why not all upon Mr. Siddhartha Shankar Ray to release all of them as many others have done?

SHRI G. LAKSHMANAN (Tamil Nadu): Why did you support the Congress Party in West Bengal?

SHRI BHUPESH GUPTA: Stop that, stop that. I supported you also at one time _____ (Interruption) ----- My friend is a great interrupter.

SHRI SHYAMLAL GUPTA (Bihar): Is it not a fact?

SHRI BHUPESH GUPTA: My friend does not know. Interruption can also be on points of fact. Any interruption cannot be on a point of fact absolutely. Do not say such things. Interruption can be on philosophy, interruption can be on a point of fact _____ (Interruption) ----- Please be brief. A new Minister has come to this House. He should listen to me and answer. And I have no quarrel with him on this question. I am not dealing with his crimes. What is the use of saying this kind of a thing? Let us discuss it on another occasion. Sir, in my State, there are

many. Practically, all of them are in my State. There are some others under DIR. Mr. Charan Singh has said—and I do not blame him for that—that he has not collected the information so far. I can understand it. But my Calling Attention relates to penal and other laws. In West Bengal, there are many political prisoners—under-trial prisoners as they are called. For years and years, they are kept in prisons without any charges being framed against them. I do not know where Mr. Shanti Bhushan is. He should go into the legal aspects of it. Is it proper for any Government to keep under-trial prisoners without framing charges against them? It is a contrivance for detention without trial; when MISA you cannot use for long, put them under trial. That is what is being done.

In this connection, I would like to ask Mr. Charan Singh to inquire into the matter and let us know the facts. There was a firing in the Howrah Jail on the 3rd of May, 1975 and five prisoners were killed. There was a great public agitation. Then, a retired High Court Judge was appointed as the one-man Commission to investigate into the matter on the 19th of May, 1975. He submitted his report on the 15th of September, 1975. That report has not been made public. It has been kept back from the public. Why? I would request Mr. Charan Singh to get a copy of the report and make the document available to the Members of Parliament. Sir, it is not merely in the Howrah Jail that firing had taken place. Firing had taken place in the Burdwan Jail and also in the Dum Dum Jail. In the Berhampore Jail, lathi-charge had taken place. Such a thing happened in the Alipore Jail and the Presidency Jail also. It has been a very common occurrence in West Bengal. We want proper investigation into all these things. Ask the West Bengal Government to furnish the facts. We in Parliament are entitled to know such facts.

Then, there is another very important matter. Find out from the West Bengal Government as to how many political prisoners are under trial, or under DIR. Sir, I have been to the Alipore Central Jail, I have been to the Presidency Jail. I have met the political prisoners, including the Naxalites who are referred to in many ways. I can tell you that it is inhuman to keep young people in jails. For years and years to be put under detention, is the destruction of our youth. Sir, we, the people of Bengal feel very very bad about it. I can remind you that it was poet Rabindra Nath Tagore who came out of his sick bed to support the release of political prisoners. When they were being ill-treated in the detention camps, he came out in a public meeting in Calcutta and firing took place. The doctor's advice had been defied because the call of conscience

was such..... (Interruptions). He came out and spoke these memorable words. Know it for your benefit. "Those who are poisoning your atmosphere and air, those who are putting out light, are you forgiving them, or you loving them?" That was his theme. That was the tradition of the people of Bengal. Today, they are subjected to a situation where so many young men and young girls are put under detention without trial, without any charges being framed against them, under other provisions of MISA. Mr. Charan Singh, kindly repeal this Act; if not in this session, in the beginning of the next session, you bring a Bill to that effect.

Then, sir, about these under-trial prisoners, you will be surprised to hear that the West Bengal Government does not even recognise them as political prisoners.

AN HONOURABLE MEMBER: Will you withdraw your support to Sid-dhartha Shankar RayT..... (Interruption).

SHRI BHUPESH GUPTA: You are making fun of these things! You should understand what it means when people are put in jails for years and years—the young boys.

MR. DEPUTY CHAIRMAN: Nobody is making fun of it. It is a very serious matter. But we request you to be brief and specific so that the Minister can reply.

SHRI BHUPESH GUPTA: You can take me to task for this. How can I be brief on a matter like this? This is a matter which evokes emotion. This is a matter on which I speak from my heart, not from my tongue alone. We feel bad. We have not been able to do justice to them. Now that there is a change of Government, I expect that the whole question will be gone into and these people will be set free. This is not a matter to be made fun of. There are many other occasions to do so. I know that many people there share the same sentiment. Don't you have children, sons, daughters, mother, father?

SHRI SHYAMLAL GUPTA: A point of order, Sir. According to para 14, Calling Attention to Matters of Urgent Public Importance, under sub-para (8) he has to take only five minutes, not more than that. He has taken more than 15 minutes, Sir. The Member who initiates the calling attention notice should not take more than five minutes. Other members who may participate in the proceedings should restrict themselves strictly in seeking clarifications on points. The time to be given to a Member for this purpose is entirely within the discretion of the Chairman.

SHRI BHUPESH GUPTA: Sir, I am sorry that my friend raised it. Mr. Shyamlal Gupta has reason to be happy because the case against him has been withdrawn.

SHRI SHYAMLAL GUPTA: Who initiated the action?

SHRI BHUPESH GUPTA: You have reason to be happy because one great act of magnanimity has been done. As the Janata Government came to power, the case against you has been withdrawn. But withdraw the case, against them. That is what I am asking. Don't you know how important it is to have a case withdrawn against a person? We will not spare Mr. Shyamlal Gupta. Sir, I demand due to intervention that Government should explain why the cases against political workers are not being withdrawn and the case of corruption against Mr. Shyamlal Gupta is being withdrawn.

Sir, here is a telegram from Madras,, saying that all the top-most economic offenders have been released all over India whereas few people are still behind the bars in the Central Prison, Madras. May I request the Honourable Prime Minister, Shri Morarji Desai, and the Janata Party leaders to fulfil their pledge of removing detention order immediately? Now, I am not concerned with the economic offenders. I am talking about political offenders. I suggest, therefore, that steps should be taken. Sir, my submission is that no Government can keep the people under MISA if the Central Government takes a firm step. In 1952, after the election, some of us were kept in detention in West Bengal. Dr. B. C. Roy would not release them. When we came to Jawaharlal Nehru, in the morning we met him and in the evening they were all released. You can take this step. At least on moral ground you should announce publicly that all the detainees should be released and call upon the West Bengal Government to release them. As far as the under-trial prisoners are concerned. I do appreciate your difficulty. But, collect facts and see what you can do. DIR is a Central law. You should revoke DIR. It should not continue anymore when the emergency has gone.

श्री वीरेन्द्र कुमार सखलेचा : उप-समापति महोदय, सही स्थिति यह है कि जो मीसा को सपोर्ट करके बहस करते हैं वह बन्द नहीं थे, मीसा में बन्द तो हम थे।

SHRI BHUPESH GUPTA: One man is not interrupting my friend, Mr. Rabi Ray is not interrupting. He understands me over this matter. He is not yet infected. Do not get infected,, Mr. Rabi Ray. Sir, I am

श्री वीरेन्द्र कुमार सखलेचा (मध्य प्रदेश) : श्रीमान्, मेरा प्वाइंट आफ ऑर्डर है। प्वाइंट आफ ऑर्डर यह है कि 12 बजे से यह कॉलिंग अटेंशन चल रहा है और 20 मिनट मा.नीय सदस्य बोल चुके हैं। आखिर इस भाषण की कोई सीमा है या नहीं?

SHRI BHUPESH GUPTA: Sir, I thought that Champion of civil liberties will be a little indulgent in this matter. I thought so. I knew, that is why I didn't ask you to go and sit in the Treasury Benches. That is the trouble. You have been only one week there and are talking like those veteran Ministers.

श्री वीरेन्द्र कुमार सखलेचा सदन में
अन्य सदस्य भी हैं उनका भी मौका मिलना चाहिए।

SHRI JAGBIR SINGH (Uttar Pradesh) :
He should know how to talk in Parliament.

SHRI BHUPESH GUPTA: Sir, I am grateful to them. Every interruption is helping my case. Very good, do it. I like it.
Interrupt.

MR. DEPUTY CHAIRMAN: No, hon. Member, as I requested you earlier, if you could kindly be brief—we know your feelings in the matter; I think the feelings are shared on both sides of the House—I think it will facilitate the discussion.

making a suggestion to Mr. Charan Singh. He is all humility. As I said, I am not making out a case against him. All I say is, how he should proceed. First of all, you repeal MISA. Bring the Bill in this session or in the beginning of the next session. No review is called for. When you repeal an Act, you do not review it. One does not review an Act to repeal it. One needs a review to amend an Act. When your demand is for repeal, why do you bring in the question of review? I cannot understand.

Sir, another proposal is, I think a parliamentary committee consisting of representatives of all parties in Parliament should be appointed to visit the jails in the country and recommend how political prisoners should be treated. This is also a matter of our commitment.

SHRI M. * KAMALANATHAN (Tamil Nadu): What is the use of going to jails now?

SHRI BHUPESH GUPTA: Visit, if necessary, I said. In West Bengal you can meet them. It is for you to decide. But I think this question should be taken seriously. Mr. Charan Singh, I would appeal to you; Call a meeting of the leaders of the Opposition parties and the ruling bloc in order to discuss this matter as to how we can solve the problem of the status and conditions of the political prisoners to the detenus and others. Bengal extended the status of political prisoners to the detenus and others. The present Government has withdrawn this thing. According to them, nobody is a political prisoner. Mind you, a good thing has been done away with. Some of you have been in jail. We have been in jail. Surely we are political creatures. I would ask you, Mr. Charan Singh, to consider such things.

Again, before I sit down. I appeal in the name of this House, in the

I name of all—I do hope that my friends in the Opposition would support the resolution, if I move it at the beginning of the next session, demanding the release of all—I implore the Janata Party and the Government to redeem that pledge about repealing MISA. Meanwhile, Mr. Charan Singh, should show absolute vigour and leadership in this matter to get the States to release the remaining political detenus, collect information about the others who were detained under the DIR and see that the cases are withdrawn. It is for the Law Minister to go into the question how the civil law, the Criminal Procedure Code and the IPC are being misused by the State Governments to keep so many Naxalite and other prisoners under detention on the ground that they are under trial when, in fact, they are accused of no definite or specific charge. Sir, this is my appeal. I do hope Mr. Charan Singh will take it in the spirit in which I have made it. It will be a good gesture on his part and on the part of Parliament after the elections to declare a general amnesty of all political prisoners in the country.

CHAUDHURI CHARAN SINGH: Mr. Deputy Chairman, Sir, I am really grateful to the hon. Member for saying some good words about me personally. I think I will not disappoint him. Our policy, as he has already said, is laid down in the President's Address and also in our manifesto. The President's Address says on page 2;

"The Government will also take the following measures :

- (i) Having regard 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 Act will be undertaken with a view to repealing it and examining whether the existing laws need further strengthening to deal with economic offences and security of

[Chaudhuri Charan Singh]

the country without denying the right of approach to courts."

Now there is a printing error here, to which the hon. Member has rightly pointed out. The term used here is "a thorough review of the Act". In fact what we have decided is to make a thorough review of the law. It seems the correction did not appear in the President's Address as it was ultimately printed. As the hon. Member has himself said a thorough review of the act with a view to repealing it will not make any sense. Our intention was to make a thorough review of the criminal law in this regard.

As regards the actual question, namely, the release of Naxalites....

SHRI BHUPESH GUPTA: Will the Act be repealed?

CHAUDHURI CHARAN SINGH: That will be repealed and if necessary the existing laws will be strengthened or a new enactment will be brought forward.

SHRI BHUPESH GUPTA: So, the present Act will be repealed?

CHAUDHURI CHARAN SINGH: The present Act, as it stands, will be repealed.

As regards release of detenus, I have already made the Government's position very clear. We have already made two provisos and they relate to those persons whose release is likely to harm the security of the State and those who have been only recently detained, say within a month or so, and are clearly guilty of violent offences. Barring these two categories, we are releasing all the detenus.

As regards the first category which comes under the term 'security of the State', I do not think if I explain it,

the hon. Members sitting opposite will differ. This term refers to spies and people who are the agents of foreign countries and are guilty of espionage within the country. It also includes those rebels who believe in violence and have actually rebelled against the Government and were working underground, but have been arrested by our police. They are also included in this category coming under the term 'security of the States'. There are certain other categories. The Government does not intend to release these persons and I do not think anybody will disagree with me.

SHRI BHUPESH GUPTA: As regards the first part relating to spies etc., I agree. As regards the second category relating to violence, you do not know; it is the Police who decide.

CHAUDHURI CHARAN SINGH: I was simply dealing with the first category at present. It is under this category that thousands have been detained and we do not want to release them just under a blanket order. But as I said in the lower House, with your permission I may assure the hon. Members sitting opposite that each case of these several thousands of people will be reviewed. We will undertake a review of these cases and those cases where we think people have been kept behind the bar or detained for quite a long period and whose offences are not serious enough. Such persons even under this category will be released. Secondly, cases of those who are guilty of violence and have only recently been detained—say in February or even in March—will also be reviewed. But I cannot give an undertaking that they will be released. Unless their cases have been reviewed, I cannot give a general assurance. Barring these two categories, I have already stated explicitly and in an unqualified way that all the detenus will be released. Then, I do not know what is there for Shri Gupta to bother about. I really express my admiration for the hon. Member's capacity to whip up enthu-

[Mr. Chairman in the Chair]

siasm against a legislation which he had supported so enthusiastically only three months ago.... (*Interruption*). I further understand that the hon. Member's party is extending its support to the West Bengal even today and that Government is responsible for most of the detenus for whom he is pleading now.

SHRI BHUPESH GUPTA: Sir, on a point of personal explanation. We are in the Opposition in the West Bengal Assembly. We support whatever good things they do.... (*Interruptions*). Of course, we will support you also. For whatever good things you do, you will get our support.

SHRI SHYAMLAL GUPTA: Then you sit here.

SHRI BHUPESH GUPTA: But you will not get our support for bad things. Mr. Charan Singh, you asked *me* a question.... (*Interruptions*).

SHRI G. LAKSHMANAN: In the elections, why did you support the Congress Party? .. (*Interruption*) . . Why did you support the Congress in the elections?

SHRI BHUPESH GUPTA: You have not yet been taken in the Cabinet.... (*Interruptions*). Mr. Charan Singh, can you make him a Deputy Minister? I say this because he is very keen on speaking like a Minister these days having gone to our side. Make him a Deputy Minister. Now, Mr. Charan Singh, you have given the figures. Take West Bengal's case. Do you think that West Bengal has six thousand spies? Of course, in the other States, these people have been released and I can understand if there are just fifteen or twenty people left out. You see, in West Bengal, the number is in thousands! You see, these are all political things. Mr. Charan Singh, these are all political things. Do not give the same arguments and do not give

security reasons for this thing. These excuses are not good. You have been detained and I have been detained on some such special ground, as you know very well, in the past under the British regime. Therefore, do not go into this kind of thing. If you do not intervene now in this matter, they will continue to rot in the jails because the police people frame the charges and they give such usual arguments. But it is a good thing that you have corrected the mistake, have corrected the President's Address. I congratulate you for that because it is a basic thing and you have done it. But carefully go through the President's statement. I think Mr. Madhu Limaye and others can help you. Now, in your manifesto, you have said : "Repeal the MISA and release all political detenus." You have not said "some political detenus", and you also did not say, "Release all political detenus minus such and such categories.". You never said that. All I ask you, Mr. Charan Singh, is to implement this and nothing else. (*Time bell rings*). Sir, it is most unfortunate that within a week of taking over, this Government should have started prevaricating over a matter of firm commitment of this type. How do you feel, Mr. Rabi Ray, over this? I would like to ask you. How others feel about this, I would like to know. I am not asking Mr. Lakshmanan, because he is trying to become a Deputy Minister. So, this is my point. Sir.

MR. DEPUTY CHAIRMAN: Yes, Mr. Rabi Ray.

श्री रबी राय (उड़ीसा) । उपसभा-
पति जी, इस मामले पर हमारे घर मंत्री
जी ने जो सफाई दी है उसके लिए मैं
उन्हें बधाई देता हूँ । इसके साथ साथ
राजनैतिक बन्धियों को रिहा करने के संबंध
में तथा नक्सलवादी बन्धियों को रिहा
करने के संबंध में उन्होंने जो मानवीय
दृष्टिकोण अपनाया है उसके लिए भी मैं

[श्री रबी राय] :

उनको बधाई देता हूँ। मैं माननीय गृह मंत्री जी से यह जानना चाहता हूँ कि नेक्सलवादी बन्धियों को जेलों से रिहा करने के बाद क्या मंत्री महोदय उनके नेताओं को आमने-सामने बैठकर उनके साथ कोई बातचीत करेंगे क्योंकि मैं जानता हूँ कि हिन्दुस्तान में जो छोटे किसान हैं या जो खेतिहर मजदूर हैं उनकी समस्याओं को लेकर नेक्सलवादियों ने रिवोल्ट किया था? इन नेक्सलवादियों का खेती के संबंध में अपना एक रुख रहा है। इसलिए मैं फिर से इस बात को पूछना चाहता हूँ कि क्या गृह मंत्री जो अपने दिमाग में इस तरह का कोई विचार रखते हैं जिसमें इन लोगों के साथ बैठकर और उनको समझा-बुझाकर यह कहा जाय कि जो गांधी जी का सिद्धान्त सविनय अवज्ञा का सिद्धान्त है, जिसको हमारे गृह मंत्री चौधरी साहब ने जो जनता पार्टी ने माना है, उसको ये नेक्सलवादी अपनाए और हिंसा का रास्ता हमेशा के लिए छोड़ दें? दूसरा सवाल मेरा यह है कि कोई भी इस बात को नहीं कह सकता है कि बन्धियों के साथ जेलों में बुरा बर्ताव नहीं किया जाता है। हमें इस बात का तजर्बा रहा है। चूंकि कांग्रेस के लोग आज की जेलों में नहीं रहेंगे। इसलिए उनको इनका अनुभव नहीं है। लेकिन हम लोग इस बात को जानते हैं और अभी पिछले दिनों जेलों के अन्दर बन्धियों के साथ जिस तरह से बर्ताव किया गया वह मानवीय व्यवहार नहीं था। चौधरी साहब को भी इसका अनुभव है। इसलिए मैं गृह मंत्री जी से जानना चाहूंगा कि आगे चलकर जो लोग गांधी जी के सिद्धान्तों के कारण और सविनय अवज्ञा के सिद्धान्तों के कारण जेलों में जाने के लिए बाध्य होंगे, क्या उनके साथ जेलों में मानवीय ढंग से व्यवहार किया जाएगा और इस संबंध में जो ब्रिटिश जमाने से कानून बने हुए हैं उनको

समाप्त किया जाएगा। इस दृष्टि से क्या मैं यह उम्मीद कर सकता हूँ कि भविष्य में जो लोग जेलों में भेजे जायें उनके साथ अमानवीय ढंग के बजाय मानवीय ढंग से व्यवहार किया जाएगा? मैं यह भी जानना चाहता हूँ कि जो बाँनें मैंने पूछी है उनके बारे में सरकार का क्या रुख है?

SHRI BHUPESH GUPTA: Do you support Mr. Rabi Ray?

श्री रबी राय : आप मंत्री तो नहीं ?।

चौधरी चरण सिंह : उप-सभापति महोदय, मेरे माननीय मित्र ने दो प्रश्न उठाये हैं। एक तो यह कि नेक्सलाइट दल के नेताओं से उन कारणों पर बातचीत करने को गवर्नमेंट तैयार होगी या नहीं होगी जिसकी वजह से उनके आन्दोलन को बल मिलता है। आपके जरिये मैं सदन को यह बतलाना चाहता हूँ कि अगर नेक्सलाइट नेता लोग इसके लिये तैयार होंगे तो मुझे उन के साथ बातचीत करने में खुशी है। मैं, जैसा कि माननीय रबी राय जी ने इशारा किया था इस बात को मानता हूँ कि अधिकतर नेक्सलाइट लोगों के उदय होने का, राज्ज होने का जो कारण है, वह यह है कि कांग्रेस की गवर्नमेंट ने जिन जिन इलाकों में जमींदारों का खात्मा नहीं किया, उन्हीं इलाकों में श्री भूपेश गुप्ता की पार्टी और नेक्सलाइट तथा अन्य एक्स्ट्रीमिस्ट एलीमेंट को जोर बढ़ा है। इसमें मैं माफी मांगना चाहता हूँ माननीय भूपेश गुप्ता से यदि उनकी पार्टी का नाम भी शामिल कर दिया है।

SHRI BHUPESH GUPTA: You are taking our name. It is a good thing. (Interruptions).

श्री रबी राय : आपकी पार्टी के लिए बोला है।

SHRI BHUPESH GUPTA: You can take.

चौधरी चरण सिंह : नक्सलाइट लफ्ज इस बात को साफ करता है कि इस आन्दोलन के जो कारण हैं वह अमेरियन अनरेस्ट, भूमि सम्बन्धी इन्जाम था। अंग्रेजों के जमाने की परम्परा को ठीक उसी तरह कायम रख कर कांग्रेस गवर्नमेंट ने लोगों में गुस्सा पैदा किया। यह कारण हुआ है नक्सलाइट पैदा होने का। मुझे मालूम है कि बिहार में खास तौर से, बंगाल का मुझको ज्यादा मालूम नहीं है, वैसे मुझे बंगाल का भी मालूम है (*Interruption*) जहां गैर दखलदार (नान आकोपेन्सी टेनेन्ट्स) के राइट्स की बात आती है, सभी को ट्रेसपासर्स कहकर बेदखल कर दिया गया। बंगाल, जहां बड़े बड़े फार्म कायम हो गये, वहां गवर्नमेंट की हमदर्दी इन गरीब आदमियों के साथ नहीं थी बल्कि यहां के बड़े बड़े जमींदार और ऊपर के वर्ग के हाथ में कांग्रेस गवर्नमेंट थी। यह देश की बदकिस्मती है कि वहां नक्सलवादी लोगों का उदय हुआ। मैं इस के लिये नक्सलाइट लोगों को दोष नहीं देना चाहता हूं बल्कि जहां तक उनके असन्तोष, उनके गुस्से की बात है उसको मैं समझता हूं। मैं इसके लिये उनको दोष नहीं दे रहा हूं। मैं उनको केवल इस बात के लिये दोष दे रहा हूं कि उन्होंने हिंसा का मार्ग अपनाया। मैं तो केवल यह कहना चाहता था कि ऐसे जो सोसियो-इकानामिक रीजन, सामाजिक और आर्थिक कारण हैं, उसको यह गवर्नमेंट दूर करने की कोशिश करेगी जिससे कि यह असन्तोष मिटे और जो नौजवान और लोग नक्सलाइट या किसी अन्य पार्टी से सम्बन्ध रखते हों, हिंसा का मार्ग छोड़ने के लिये राजी हों। इसके लिये मैं उन लोगों से बात करने के लिये तैयार हूंगा।

मगर मैं यह साफ करना चाहता हूं कि जमींदारी अबोलिशन जो 20 साल पहले होना चाहिए था, उसके लिए अब समय बीत चुका है। बहुत कानूनी पेचीदगियां

बीच में हो चुकी है। गवर्नमेंट की चाहे कितनी ही नेकनीयती क्यों न हो, हम उसमें पूरी तरह कायम हो सकेंगे, इसमें मुझे शक है। लेकिन जैसा कि हमारे मित्र ने प्रश्न उठाया है, मैं बात करने के लिए तैयार हूं या नहीं, मैं कहना चाहूंगा कि अगर आपको गवर्नमेंट में यकीन है, तो मुझे बात करने में खुशी होगी।

अब दूसरी बात उन्होंने उठाई है कि जेल के अन्दर पोलिटिकल लोगों के साथ कैसा बर्ताव होता है। मैं इसमें पूर्णतया सहमत हूं लेकिन प्रश्न यह है कि जो एक फिलासफी के तौर पर इस गवर्नमेंट को वायलेन्स के जरिए से गिराने की बात सोचते हैं, आया उनके साथ वही बर्ताव होना चाहिए जैसा कि श्रीर पोलिटिकल प्रिजनर्स के साथ होता है ?

एक माननीय सदस्य : यह तो पोलिटिकल फिलासफी है।

चौधरी चरण सिंह : यह पोलिटिकल फिलासफी है मगर दुनिया में कोई डेमोक्रेसी इसको मानने के लिए तैयार नहीं है। जहां तक अन्डेमोक्रेटिक कंट्रोल का सवाल है वहां तो कोई सवाल ही नहीं उठता। वहां तो जो आदमी डिफर भी करते हैं दुश्मन है, एनिमी आफ द स्टेट। हम यह मानते हैं, जो आदमी मदभेद रखते हैं वे उतने ही देशभक्त हैं, ईमानदार हैं, जितना हम अपने आपको देशभक्त और ईमानदार समझते हैं। तो यह है डेमोक्रेसी का उसूल लेकिन जो लोग यह समझते हैं कि जो लोग अक्ल रखते हुए भी उनसे मतभेद रखते हैं—

They are either goondas or traitors.

यह टोटेलिटेरियन फिलासफी में विश्वास करने वाले मानते हैं। हम उस पर विश्वास नहीं करते। लेकिन जो वायलेन्स के जरिए गवर्नमेंट को उखाड़ने की कोशिश करते हैं उस पर सोचने की बात होगी कि आया उन, वे साथ वही बर्ताव किया जाए जो कि उनके साथ

[चौधरी चरण सिंह]

किया जाता है जो नान-वायलेन्स में विश्वास करते हैं। इसको तो कोई गवर्नमेंट दुनिया में मान ही नहीं सकेंगी और जहां तक डेमोक्रेटिक गवर्नमेंट का सवाल है, लोगों के लिए रास्ता खुला हुआ है कि अपने व्यूज से लोगों को कंवर्ट कर सकें और बैलट के जरिए मत का इजहार हो। यह जनता पार्टी कीवि क्टरी केवल इलेक्टोरल एलायंस की विक्टरी नहीं है, It is a non-violent revolution. जहां इस देश की इज्जत इन्टरनेशनल स्फेयर में बढ़ी है इस इलेक्शन के नतीजे के तौर पर, वहां इस इलेक्शन ने देश को हिंसा से बचा दिया। तो बैलट के जरिए जब रिवोल्यूशन हो सकता है, जब वह खुला रास्ता मौजूद है, फिर एक फिलासफी अपनाई जाए कि वायलेन्स के जरिए हम गवर्नमेंट को गिराएंगे, कम से कम मैं उससे असहमत हूँ, और मेरा मन इसको मानने के लिए तैयार नहीं है। तो उनके साथ इसी तरह का बर्ताव किया जाएगा, जो डेमोक्रेसी में विश्वास करते हैं और किसी गलती के कारण जेल में चले गये हैं।

SHRI BHUPESH GUPTA: On a point of order. We have been following a particular procedure on the Calling Attention. The person who gives notice asks question first. Then there are people belonging to various Parties to ask questions. Certain Congress Members are asking questions. They should be allowed to ask. Mr. Rabi Ray has rightly been allowed to ask questions.

(i Interruptions)

MR. DEPUTY CHAIRMAN: Those hon. Members who had expressed a desire and had intimated to us of the desire to speak have been accommodated.

SHRI TRILOKI SINGH (Uttar Pradesh): I wanted to ask a question.

MR. DEPUTY CHAIRMAN: If it was so, you could have informed me earlier.

REFERENCE TO THE PRIME MINISTER'S BROADCAST

MR. DEPUTY CHAIRMAN: Special mention by Mr. Mohammad Yu-nus Saleem.

SHRI MOHAMMAD YUNUS SALEEM (Andhra Pradesh): Mr. Deputy Chairman Sir, I am very much grateful to you for having granted me permission to mention a matter of importance. Sir, you would recall that yesterday I brought to the notice of this House that on the 4th of this month, the Prime Minister, in his broadcast, has said certain things which are tantamount to the basic policies of the Government and which have not been mentioned anywhere in the Presidential Address. Sir this is the practice of every parliamentary country where democracy has got any value that when the Parliament is in session, a Minister or the Prime Minister, if he has got to say anything regarding the policy which is to be implemented by that Government has to state that policy or make a statement to that effect on the floor of either House of Parliament and he should not go to the people directly through the radio or television or any other way. Sir, my friend, Mr. Triloki Singh who has already been given permission would discuss this matter in detail. I would simply submit that from the text of the Prime Minister's speech which has been reported in the national Press I may quote a few extracts. Sir, in his speech, he has said, and I quote:

"We shall have to make a very meaningful and constructive approach to the utilisation of youth in this context in the service of the