

**THE MAINTENANCE OF INTERNAL
SECURITY (SECOND AMENDMENT)
BILL, 1976—Contd.**

MR. DEPUTY CHAIRMAN : Mr. Pattiam Rajan.

SHRI PATTIAM RAJAN (Kerala) : Mr. Deputy Chairman, Sir, I oppose this Bill, as this is uncivilised and repressive. The MISA is being used even after the expiry of more than one year after the declaration of the internal emergency against political opponents, trade unionists, workers, peasants, students, etc. Moreover, Members of Parliament and also Members of the different Legislative Assemblies have also not been immune from it. It is really a draconian law, and is like the sword of Damocles, hanging over the heads of our common masses. After the imposition of emergency, you have brought more reactionary enactments. Under this Act, nobody is given the grounds or reasons at the time of his arrest. No right is given to the detenus even to approach the court of law against illegal arrest. We all know that when Gandhiji, the Father of the Nation, was brutally murdered by the notorious Godse, he was brought before the court of law. But when a Member of Parliament or any other Member or a political worker is arrested under the MISA, that right which was given to the notorious Godse, is denied to the party workers, M.Ps or MLAs. Moreover, even a convicted prisoner knows when he can come out from the jail.

But what about the persons who are in jail under MISA ? They do not know when they will come out of jail because the Minister has come here with this Bill to extend the period for 12 months more. As long as emergency exists, you want MISA and as long as you want to rule in this manner, you want emergency. Our Prime Minister has repeatedly stated about MISA, relaxation of emergency and release of the detenus. Our hon. Home Minister also told the other House that more than 30 per cent of the detenus have already been released. If there is any truth in this statement, I request the Minister to tell us the number of persons who

are in jail and the number of persons who have been released so far. We want the actual number and not the words like "percentage" and "most of them". If you are able to give the ratio in terms of the total population, why can't you tell the number of persons who have been arrested and who have been released so far. I know very well that some few persons have been released only for the purpose of propaganda. At the same time, more persons are being arrested in different parts of the country for your crude, narrow political gain. In my own State especially in Cannanore District, some persons have been arrested in order to bring some co-operative societies and banks under the absolute control of the ruling party illegally. In one co-operative bank, when some nominations of the ruling party men were rejected by the Government-appointed Returning Officer after careful scrutiny, that Returning Officer was taken into custody by the Police Sub-Inspector, and was made to accept the rejected nominations under the threat of using MISA. In another co-operative institution, a spinning mill in Cannanore, the Opposition Parties have got clear majority in the elected Board of Directors. As other measures could not succeed, the Chairman of the Mill, Shri Kunhonandan Nair, a leading lawyer of Kerala High Court was arrested under MISA. Some days later, another Director, named Appa Kutty, was also arrested in order to reduce the majority of the Opposition Parties in the Board of Directors. It is also interesting to know that when an ordinary member of that co-operative mill approached the High Court against the illegal order of the Government giving more rights to the General Manager, that person, named Gopalan, was also arrested under MISA.

Then, what is your attitude towards political detenus who are in jails ? I want to know from the Minister as to how many persons have died in prisons in different parts of India. You please tell us the number in this House. Last month, on 15th July, at midnight, a well-known, trade union leader of Cannanore district,

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Shri Abdullah, died as a martyr of your emergency. It is better to say that our State Home Minister, Mr. Karaunakaran, has killed our Comrade Abdullah without giving him proper treatment in time. Mr. Abdullah had made repeated requests to the Home Minister either to allow parole or to get proper treatment for him. But both were denied by that Home Minister. And lastly, he was brought to the hospital two days prior to his death. And the doctor who examined him is known to have recommended to the authorities that the patient should be urgently rushed to the nearest Medical College Hospital. But that was also turned down by the Home Ministry of Kerala, thereby Mr. Abdullah died on the 15th night. I do strongly believe that if timely and proper treatment was given to him, the tragic end would not have been occurred to our Comrade Abdullah.

Sir, the detenues in the Cannanore Central Prison have made repeated requests to provide them with purified drinking water as the water being supplied to them is not even useful for bathing. No action has been taken so far. Therefore, I request the Minister to show at least humanitarian consideration to these persons. Yes, the Bill is to extend the period of such inhuman detention.

With these words, Sir, I oppose the Bill.

SHRI BRAHMANANDA PANDA
(Orissa) : Mr. Deputy Chairman, Sir, I rise to support this Bill.

Sir, I am not going to repeat these happenings that brought about the proclamation of emergency in this country. It is green in everybody's memory and the holocaust we passed through, we will not forget. And we are confident that the Government will take steps accordingly to see that we do not return to those days destabilisation, confusion and chaos. Sir, MISA is a powerful instrument, and I would rather say, an useful instrument in implementing meaningfully the provisions of emergency. As the Home Mini-

ster has also pointed out, there may be some misuse at certain lower levels, and he has sent directives to State Governments to see that they are kept to the minimum. Well, somebody has put it that law is blind. It has no eyes to discriminate. If 'two' is multiplied by 'two', it equals 'four'. If any person commits some offence and it comes under the purview of law, he has to be apprehended and proper punishment has to be accorded to him. I am sorry to hear my friend from the opposite side, Mr. Sinha, when he said that when some comrades of his Party were arrested and are being arrested, how he could support this Bill.

Taking the whole country's affairs in totality, not only the past but the future also that we are going to shape, I will simply be sorry if Mr. Sinha and his friends do not support this Bill. Sir, in a vast country like ours with so many shades of opinion, with some many types of thinking, with people belonging to so many political parties, it is not just possible to say, while applying a law or administering a law, that there will not be any mistakes from our side. There are also mistakes from the other side. Sir, it is said and Mr. Sinha will know that a revolutionary should be vigilant throughout his life because he does not know at whose instance or at what point of history he may turn out to be an anti-revolutionary. It is the basic tenet of Marxism, which I had the opportunity to read at one time in my life. So, when he said that the 20-point programme meetings are called by the Communist Party to hail the 20-point programme and other things, it may be that when speeches are made probably they do not keep to the framework or conform to the purpose for which the meetings are called. So, Sir, we should not say whether a Congressman was arrested or a Communist was arrested or a member of any other party was arrested. The main thing is whether he is keeping himself within the limits of the provisions of emergency or whether he is flouting those things as a result of which he comes within the purview of MISA. In this connection, section 16A, the controversial provi-

sion as my friend, Mr. Sinha, puts it, is essential because but for section 16A the provisions of emergency will be of no use and, as the Prime Minister said earlier when we were discussing the MISA and at other times when giving interviews to foreign journalists, we are not happy that there is emergency in the country but it was a historic necessity and let us find out and let us ask ourselves as individual public men whether that necessity is not there now. That necessity is there. Many of those people who are coming out, many of those people who are being released are behaving and speaking in a manner as they were doing and speaking before the proclamation of emergency. At present we have a sort of discipline in the country but I do not think that it has become the inner discipline as yet. Once the emergency is lifted and the MISA is withdrawn, I do not think that many people will behave as they are forced to behave now. Therefore, Sir, it is the duty of the Government to see that there is discipline and there is devotion to duty and our production in farms and factories increases. During this period of emergency we have curbed inflation to a certain extent. Prices though not totally stabilised, can be said to have stabilised to an extent. The production in our factories is increasing. School and college campuses are peaceful and students are studying smoothly. There is not much difficulty. We do not see large demonstrations on streets. We do not hear those *murdabad* slogans which were so common earlier when you used to come from your residence to Parliament House or when you went back to your residence. So, we should not say that nothing has happened during this emergency and that MISA has done nothing to curb all these anti-national activities that were going on. Of course, my friend, Mr. Gowda, might smile at me and say that I was exaggerating but I am asking him to put his hand on his heart and say whether whatever I am saying correct or not. Even he in his plantation is safe. But for the emergency I do not think that he would have been able to run the plantation so smoothly. Therefore, Sir, I say let us not simply

be caught by our political considerations. As the Home Minister has pointed out earlier there may not be any legal remedy for those who are wrongfully detained but that has to be proved whether those people are rightly or wrongfully detained. There may be other reasons.

It is no use raising these things on the floor of the House. Sir, not only a large number of Members of this House and the other House are for emergency and for MISA but large masses of our people will also say that emergency should continue and MISA should be there. Sir, in small towns, smuggled watches and other imported commodities were available on foot-paths. Now, if you go in a rickshaw in any small town, you will be happy to see that most of these things are gone. Who are the people who are unhappy today? It is those who are smugglers. Those who had nothing to do with smuggling, are happy. Sir, after the emergency, I had nothing to lose because I do not know smugglers and I had no plans of smuggling. In the same way those who were not connected with any anti-national and anti-social activities, are happy. What I mean to say, Sir, is that emergency has had its effect. I do not want that this should continue indefinitely but on whom does it depend? Does it depend on the Home Ministry or the Government of India? It depends on how we behave. It depends on how we behave ourselves as public men and how we shape the people and how the people behave in general.

So, Sir, without wasting much of the time of the House—I am told there is a long list of speakers—and before you ring the bell, I again emphasise that I support this Bill. Everybody knows why the Emergency was clamped. Provision 16A of MISA is not only essential but necessary for the meaningful implementation of the objectives of emergency. Thank you.

श्री विश्वम्भर नाथ पांडे (नाम-निर्देशित) :
माननीय उपमहापति जी, मैं इस बिल की ताईद में
बड़ा हूँ। इसके खिलाफ जो तकरीरे हुई मैंने

[श्री विश्वम्भर नाथ पांडे]

उन्हें बड़े गौर में मुना। लेकिन उनके बावजूद मैं इस राय का हूँ कि जो तरसीम पेश हुई है इस बिल के सिलसिले में उसे मंजूर करना निहायत जरूरी है।

आखिर हम यह अपने में मवाल कर सकते हैं कि क्या कैफियत या जह्नियत लोगों की बदल गयी। प्रधान मंत्री ने एक बार नहीं, दो बार नहीं, अनेक बार यह मवाल किया है कि क्या लोगों की जह्नियत बदल गयी। हम यह नहीं कहते कि हम इसको जरूरत में ज्यादा लम्बा बढ़ाएँ, लेकिन हम यह देखते हैं कि लोगों की जह्नियत में अभी फर्क नहीं आया है। आज कैफियत यह है कि जगह-जगह अब भी पोशोदा तरीके से पर्चे छापे जाते हैं, बाटे जाते हैं और कानून तोड़ने के लिए लोगों को उकसाया जाता है। अब भी फिरकावरियत के जज्बे को बढ़ाने की कोशिश की जाती है। अब भी जगह-जगह जो शांतिपूर्ण तरीके से कारखानों में काम होता है उसको गर्म-वर्म करने की कोशिश की जाती है। तो ऐसी मूर्खता में जब कि कैफियत में, वातावरण में शांति नहीं आई है, पूरे तरीके से लोगों के दिमाग नहीं बदले हैं, लोग अब भी जगह-जगह इस बात की कोशिश करते हैं कि जो इस समय चीजे चल रही हैं उनमें फर्क आये, मौका मिलता है और फौरन चीजों के दाम बढ़ाने की कोशिश की जाती है, ऐसी मूर्खता में एक जो अनुशासन इनकी कोशिश के बाद हासिल हुआ है हमारे देश को जबकि प्रोडक्शन, पैदावार बढ़ रही है, जब कि रेलों में, कालेजों में, विश्वविद्यालयों में अनुशासनप्रियता आयी है और मारा काम ठीक तरीके से हो रहा है तब ऐसी मूर्खता में अभी इस प्रयोग को खत्म कर देना नामुनासिब है। इस प्रयोग को जारी रखना बहुत जरूरी है इसलिए कि हिन्दुस्तान की जनता इसे चाहती है। हमारे एक भाई ने दो-एक बाने कहीं, छिदवाड़े की कोल-माइन्स का जिक्र किया। अभी दो हफ्ते पहले मैं उन्हीं कोल माइन्स के बीच में था।

किन सूरतों में वह गिरफ्तारियां हुई अगर वह पता लगाये तो उन को खुद इतमिनान हो जायेगा कि बहुत मुनासिब काम उन के साथी नहीं कर रहे

थे। फिर शिकायत करने से क्या फायदा। हमारे भाई शिकायत कर रहे हैं। हम ने तो कभी इस तरह की शिकायत नहीं की। आजादी की लड़ाई हम ने लड़ी है, उस के लिये गिरफ्तारियां हम ने करायीं, लेकिन साल भर में जो आकड़े पेश हुए हैं, जो सदन में हमारे भाई ने पेश किये उस पर आहोजारी क्यों हुई।

आशिक इशक में करे नालां, इस से तो बेहतर है मखिया खा ले। तो मैं चाहता हूँ कि जो तजवीज हमारे सामने आयी है उस को हम मंजूर करें पूरी तरह से मंजूर करें। वेशक शिकायत हो सकती है और मैं समझता हूँ कि होम मिनिस्टर साहब ऐसी शिकायतों पर गौर करेंगे और गौर करने के बाद अगर कहीं कोई ज्यादाती हुई है तो वह उस को देखेंगे कि वह ज्यादाती रफा हो। यह तो हमारी प्रधान मंत्री जी ने भी बार-बार कहा है और उन्होंने चेतावनी दी है, राज्य सरकारों को चेतावनी दी है और अफसरों को चेतावनी दी है कि मीमा की आद में किसी किसिम की ज्यादाती न होने पाये। हालांकि मैं जानता हूँ, हमारे यहां इलाहाबाद विश्वविद्यालय में एक होस्टल के सुपरटेण्डेंट ने बाइम चामलर को खन लिखा कि फला हरिजन लड़के बहुत बदमुराती कर रहे हैं लिहाजा उन को किसी तरह से मीमा में पकड़वा दिया जाये। तो एक धमकी के तौर पर भी मीमा का कुछ इस्तेमाल किया जाता है इस को हमें देखना है कि ऐसी चीज न होने पाये। और जरूरत से ज्यादा इस बारे में तबज्जेह देनी चाहिए होम मिनिस्टर साहब को कि जो शिकायतें हैं वह रफा हो, लेकिन कोई मवाल नहीं उठना कि इस मौके पर हम इस में कोई डील दे। जो चीज चल रही है अनुशासन के साथ उसे बराबर चलते रहते देना चाहिए। इन शब्दों के साथ जो तजवीज हमारे होम मिनिस्टर साहब ने पेश की है उस की मैं तईद करता हूँ।

गृह मंत्रालय कार्मिक और प्रशासनिक सुधार विभाग तथा संसदीय कार्य विभाग में राज्य मंत्री (श्री ओउम मेहता) : आप ने यह बताया नहीं कि कौन से आशिकों ने मखिया खाया है।

SHRI N. K. BHATT (Madhya Pradesh): Mr. Deputy Chairman, Sir, I rise to compliment the hon. Home Minister for his

thoughtfulness in bringing forward this Bill to extend the operation of MISA by another year. This pertains to section 16A of the Maintenance of Internal Security Act by which Government wants to extend the period of operation of the Act by another twelve months. Sir, during normal times, nobody thinks of bringing forward such a measure. As has already been said, law is a double edged sword, more particularly in respect of this Act. When the Government is bringing forward this Bill, I hope they are in full possession of the facts which warrant such a measure.

Before the promulgation of Emergency, we have seen how dangerous was the situation in the country, how people were taking law into their own hands in each and every corner of the country and how prices were going up unchecked. Inflation was going up in a geometrical proportion. Corruption, bribery, nepotism and profiteering were all going on unchecked. Whenever Government wanted to take stern action in such situation, there was a cry as if democracy was in danger. Attempts were being made by anti-national, anti-social and vested interests in the country to create a chaotic situation and even make it vulnerable by wiping out all the gains and all the successes that we had during the last 30 years.

Sir, the country achieved political independence under the leadership of Mahatma Gandhi and Jawaharlal Nehru. When Prime Minister, Shrimati Indira Gandhi, is trying to bring about economic independence and give meaning to political independence, many obstacles were being created by the interested parties, particularly in the name of the so-called movement by Shri Jaiyaprakash Narayan. They were trying to have a total revolution in the country. This was nothing but an attempt to deprive the countrymen of all the gains they had since Independence. The other political adventurist parties were not lagging behind and they were also indulging in all these things. Naturally, under such a situation, no Government worth the name, no Government which is entrusted with the responsibility

of looking after the destinies of the people, no Government which is required to look after the economic interests of the people could allow such a lawless situation to continue any longer and it was in the fitness of things that emergency was promulgated in the country. This emergency was followed by a positive action-oriented programme given to the country—the 20-point economic programme.

Sir, this 20-point economic programme and declaration of the emergency go hand in hand. We know how the industrial situation in the country was before the declaration of the emergency. Every day there were lock-outs and closures on the part of the employers and workers were also forced, because of the anti-labour practices of managements, to give calls for strikes : It was not a one-way traffic. Even innocent citizens of the country were being made targets of the anti-national, anti-social vested interests in the country. There was trouble not only on the industrial front but every where. Among the students also there were agitations. There was a regular infiltration of goonda elements into the student community with the result that the students were forced to boycott examinations. No examinations could take place. Law-abiding, good and hard-working students were put in a difficult situation and all this was saved only by the emergency. Naturally, to control such anti-national forces there was no other way for the Government but to bring them to book under MISA—which was already there—and particularly this Section 16A.

Sir, during the last one year we have seen the gains of the emergency. We have seen improvement in every walk of life, particularly in the lot of innocent people who were working hard with the hope that they would get something in return but were deprived of their due because of the lawlessness created by adventurist political parties. Now students participated in examinations, industrial production has reached an unprecedented record growth of above 11 per cent, agricultural production has increased and in all walks of life there is perfect peace. All this has happened dur-

[Shri N. K. Bhatt]

ing the last one year because anti-national, anti-social and goonda elements have been brought to book. Of course I do not claim to say that all those who have been taken into custody or arrested are goondas, but certainly there is a major section of such people and Government is trying to deal with them. Such of those who are not goondas and those who have faith in democracy, would like to have law and order in the country and would like to cooperate with the Government, where they have given an undertaking to the Government and where the Government has been completely satisfied, a large number of such people are being released every day and we see that there is a change in their postures. But unless there is a real change of heart and change of mind is there in those who wanted to create a situation, the Government is perfectly justified to further extend the operation of this Section 16A.

Sir, the other day—I was not here—my friend, Mr. Kalyan Roy said that thousands of workers of the Madhya Pradesh coal fields have been arrested. I was amused to hear that, I was not here at that time. I would like to bring certain facts before the House because I am one who is intimately connected with the coal mine workers. I come from Madhya Pradesh and I have the honour of being the President of one of the biggest union with a membership of 22,000 coal mine workers. I am in possession of two of several handbills which are being distributed by unauthorised persons. These are the people who go and try to hold meetings in the name of the 20-point economic programme. And when they go there, naturally there is no difficulty but they have hardly any following. The same truck-load of people are taken from place to place and they have no other programme but to abuse Mrs. Gandhi. Sir, one may like it or not today Mrs. Gandhi is not merely an individual in this country; she symbolises the peoples' aspirations and all that is good for the future of this country and no worker, no man whatever his position be, is prepared to tolerate such a situation where unbecoming and filthy language is used

against Shrimati Indira Gandhi or our other national leaders. And under these circumstances, if the State Government did not come into the picture, well the situation would have still worsened. Murders have taken place in that area and all the fight from interested parties has been going on with the sole object as to how to increase the area of their political operation. Area of operation among the working classes cannot be created by dictation, intimidation, threats or violence but you have to merge your personality with them; you have to work with them and unless you work with them selflessly for their betterment you cannot achieve anything. So, if here and there the Government has come forward to take some people into custody, well either they should improve upon themselves or they should face the consequences. Now, what has been the result? The result has been that in that area there is complete peace, production has touched the top record, there is no disturbance, everybody is heaving a sigh of relief. Under these circumstances, to say that the Government is using MISA in a very discriminating manner, it is far from truth. I can say, in Madhya Pradesh the Jana Sangh and the RSS and some other parties are still very active. No doubt, some of their leaders have repented and have given undertakings that they have faith in democracy, in constitutional means to achieve the redressal of their grievances, such people are being released. But there are other people who want to take shelter under the pretext of giving such undertakings. Immediately after coming from jail they are holding meetings, they are creating disturbances by distributing malicious literature, they are trying to mislead the people. Therefore, Sir, there is no other way left for the Government but to book such people again and put them into jail.

Nobody wants this country to be under emergency for all time to come. The moment normalcy is there, it will cease to be under emergency. As has been rightly pointed out by the Prime Minister time and again and also by the Home Minister, there is no intention to continue the emer-

agency longer than necessary. They want to cut it as short as possible but all that depends on the political parties which have all along been acting against the established democratic principles. Unless they change their behaviour, unless they change their thinking, unless they stop abusing and throwing mud and filth on the national leaders, I am afraid, even though the Government may not employ MISA but the people will have to use their own MISA. The people of this country are now quite alive to the situation. They are citizens of this free country for the last 30 years. They are completely prepared and they know how to deal with such elements. The Government is rightly taking the steps which they should, because they know the pulse of the people. With these words, Sir, I only hope that it will not be too long when this emergency will be withdrawn and the Government, on their own, will release all the detenus. Yet it depends more on people who are in jail. It depends on the leaders of those parties. They will have to leave their past ideals, where they thought of communalism, where they thought of creating quarrel among people, where they used to preach violence to create problems and disturbances in the society. The people at large are very clear in their mind, particularly, those in the interior. They say why this emergency was not introduced earlier, why this emergency could not continue for a further period. But this emergency should not continue for all time to come. It depends upon the co-operation of the leaders of the parties.

I do not want to read the handbills that I have got but they show the way in which some people who were taken into custody under MISA and released on undertakings, want to work. The members of the RSS and the Jana Sangh are particularly still active. But I hope, soon their hearts will change and they will appeal to the Government to withdraw the emergency and there will be no need to have the operation of emergency.

Sir, this country, everybody understands, can rise, can prosper only when there is

discipline, when all of us are united, when all of us put in hard work and work with dedication.

With these words, I once again compliment the hon. Minister for bringing in this measure because they are the sole custodians of the liberty of the people and the economic prosperity of the country. I hope with the measures that they are taking there will be change in the economic condition of the country, there will be change in the hearts of the people and they will soon come forward to say that there is no more need to have operation of such emergency.

With these words, I once again thank the Minister for bringing in this legislation.

SHRI BHUPESH GUPTA : Mr. Deputy Chairman, comrade Indradeep Sinha has explained our stand on this question of MISA. We are discussing this matter, I believe, 14 months after the Proclamation of Emergency. Naturally, we are discussing this matter not in the mood of June or July last year but in the mood of today when the Prime Minister herself is telling our people here and the people abroad that the emergency is being relaxed. Only yesterday she has made a statement of this kind in Colombo. It is understandable; if the situation is improving, we should take note of it, and we should act accordingly. And there is no point in repeating what we said only a year ago.

Mr. Bhatt has given us this understanding of the background of the situation in which the MISA operates. And in our view, the MISA is also being misused. And I am here to speak against the misuse of the MISA. I need not say that we have no complaint on the score of the MISA being used against the smugglers, the profiteers, the blackmarketeers and some other elements who are incorrigible and who are out to destroy our democratic institutions and help in the destabilisation of our country. Unfortunately, it is they who created a situation whereby this draconian law, much as we dislike it, has become necessary. But there is no reason why the

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Government should not be extremely careful in ensuring that the MISA is not used against the democratic and progressive forces, whether they belong to the Communist Party or the Congress Party or for that matter to any other democratic and secular party. Especially, in an emergent situation when extraordinary laws are in force, it becomes the bounden duty of a responsible Government to pay special attention to the representations that are made about the misuse of the MISA and similar other laws. Unfortunately, this is not being done for a variety of reasons.

Sir, we are not merely concerned about the misuse of the MISA; we are also concerned about certain other trends, political trends, against which the tendency to misuse power, including the power to detain people without trial, is growing. Sir, the time has come to cry a halt to this tendency and to put a check upon this tendency. We are particularly perturbed when I am told that some eminent members of the ruling party including some Ministers are toying with the idea or canvassing the idea of an indefinite postponement of the general elections—if possible, indefinitely; if not possible, by another year. I say this is a dangerous thinking, as dangerous as the idea of the introduction of the Presidential system in our country. I do say, Sir, that we cannot but take serious note of this political background wherein such ideas of the indefinite postponement of the general elections are bandied about or are spreading in some quarters.

If we are improving in our situation, I should like the Prime Minister and others to make it known to the nation that there is no reason why the general election should be postponed. The election should take place on schedule and there should be a call by the Government to all of us, to the people of this country, to remove all obstacles in the way of the democratic processes so that the election can take place. Sir, those who are responsible for destabilisation may have their own ideas. But fortunately the overwhelming majority of the people have not taken to the path of destabilisation. They have fought the

rightist forces because they cherish freedom and democracy. Naturally they would like today. When we are discussing, above all, the constitutional changes, to see that our democratic institutions and processes are safeguarded with all our strength and not impinged upon or otherwise disturbed by any extraneous considerations or similar other arguments that are being put forward.

Sir, we are in a position today to think ahead, to think of holding the election on schedule. And I think that it will bring credit to our country. Now, Sir, I mention this thing because it is one instance of certain negative trends secretly and surreptitiously seeking to gain ground in our political life, against which the misuse of the MISA must be examined and considered. If you start giving encouragement to one set of reactionary or retrograde trends which show little respect for democratic norms, traditions, conventions and institutions, there is no end to it. The same trend grows in other spheres of our public life. It is time for us to be absolutely vigilant about it. And I would ask at least the Ministers, if any of them is carrying on such propaganda, to put a stop to such propaganda. It should be the duty of the Prime Minister also to ask her colleagues not to indulge in such propaganda secretly or otherwise against holding the general election on schedule because that is a sign of our strength, our vitality, our dynamism and the genius and greatness of this nation which no forces of destabilisation can ever expect to destroy or silence. We have brought up this question of abuse of the MISA not because we are particularly touchy about some of our people being arrested. We have been accustomed to detention without trial both before and after independence. We are naturally sorry when we find that our colleagues and comrades are most unjustly and unwarrantedly held in detention for no reason whatsoever except that some bureaucrats or may be some Minister, and in one case at least the wife of a Minister, some sort of a politician, disliked some of them. Sir, I would not like such things to happen. But I am raising a bigger political issue. But before that, I would like the hon. Minister, Mr. Brahmananda Reddi,

who has been known for his commonsense, not to freeze his commonsense for the temporary advantage of securing a debating point; he will only lose both his commonsense and his debating skill. Now, what do I ask? How are we to judge. Is the Police Inspector more important and believable than the political forces who together with you have fought the rightist challenge? Do you think that they would be so very irresponsible as to come forward to seek the release of people who are either sympathetic to the RSS or otherwise interested in weakening our democratic institutions or threatening our independence? Surely they will not be interested in that. Therefore, we say that when we bring it to the notice of the Government, the Government should pay due attention. I am not saying that the Ministers are totally ignoring us. I have written letters to the Prime Minister, to Mr. Om Mehta, Minister of State in the Ministry of Home Affairs and to Mr. Brahmananda Reddi also.

They all at least acknowledge my letters and some of them have tried to look into the grievances. I would not be so ungrateful as not to recognise this good gesture they have shown. But the result has not been commensurate with the gesture they have shown. What comes in the way? My question is: What comes in the way? Some factors are coming in the way because for the life of me I cannot think these hon. men—Shri Brahmananda Reddi or Shri Om Mehta or for that matter the Prime Minister of the country—have become so insensitive to reasonable and decent representations that they turn down what we say without much care. I cannot think so.

SHRI JAGAN NATH BHARDWAJ (Himachal Pradesh) : Regarding Himachal Pradesh, has he gone and personally enquired into the matter?

SHRI BHUPESH GUPTA : Himachal will not spare me. That is what I find. Shri Brahmananda Reddi has stated that the State is responsible for it and the Government is guided by the State. Mr. Reddi, you have been the Chief Minister of a

State—a kind of little Czar in the democratic setup. It is one of the biggest States in India. And you know very well how the affairs of the State Government are handled. In fact you have handled them—not always very well. Sometimes you have mismanaged them also. But nevertheless you have acquired enough experience to understand what happens in the States. Is it not within your knowledge that the bureaucrats, the Police Officers, the Inspector-General of Police and others are liable to misuse their powers? Have you not in the course of your career come across instances when the grossest misuse of power has taken place and you or your colleagues were called upon to intervene to set things right? Therefore, I say misuse of power is taking place in the States. As far as the Ministers in the States are concerned, I understand that some of them are busy organising receptions and doing all kinds of things. There is no time for them to look into the affairs of the State because they know which side of the bread is buttered. They are—some of them at least—are interested in buttered breads rather than anything else. I can sympathise with these gentlemen. But that does not give us any hope that the grievances will be looked into. So, the State is going wrong. Shri Anwar Ali Khan, a member of our Party, comes from Andhra Pradesh and he works in Himachal Pradesh for the last one year. He has been under detention. I have been knocking at every door—the door of the Prime Minister of the country, the door of the Home Minister and the door of the Minister of State for Home Affairs. I have also written to the Chief Minister of the State of Himachal Pradesh. But nobody listens to it. Am I to understand that the Prime Minister would not listen to reason in such matters or Shri Om Mehta would suddenly become so ungenerous that he brushes aside what I bring to him or for that matter Shri Brahmananda Reddi. . . .

SHRI OM MEHTA : On a point of clarification. It was due to our intervention that he was released on parole.

SHRI BHUPESH GUPTA : How do you like to be a Minister on parole, I should

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like to know? I would not like our Minister of State for Home Affairs to be a Minister on parole. I would like him to be a Minister in dignity and honour. I like my comrade to be released so that he can live in honour and dignity. What crime has he committed, I should like to know? Have we committed more crimes than Mr. K. K. Birla who is favoured by this regime and for whom the detention law is invalid? Our comrade who fought the rightist forces is in detention and is now on parole and is still under orders of detention while Mr. K. K. Birla, who was producing cash for financing the RSS Journal, "The Observer", is rewarded, praised, eulogised, lionised, and is given passport to go abroad and demonstrate his patriotism there! We do not like such things. Therefore, Sir, I say that a double standard should not be observed. I know that Shri Om Mehta would surely be convinced because I cannot think, over a matter like this, that Mr. Om Mehta will question my *bona fides*, as that would be a sad day for me if I were to have such thoughts about him. But then he is circumscribed in such matters and he is inhibited in such matters by the arrogance of the Chief Minister who would not like to release a person who has been held as a captive for sure political vendetta and that is what I say. Mr. Brahmanda Reddi, what is the remedy now? What is the remedy, I ask.

SHRI JAGAN NATH BHARDWAJ : Here there is nothing personal and I know it for certain.

SHRI BHUPESH GUPTA : What?

SHRI JAGAN NATH BHARDWAJ : I say that you are talking about personal matters alone all along.

SHRI BHUPESH GUPTA : Am I talking about somebody's wife? What is personal in this?

SHRI JAGAN NATH BHARDWAJ : I say that you have been talking about many things. You are talking about the detention of somebody, you are talking about Mr. Birla and you are talking about so many matters in the same breath.

SHRI OM MEHTA : Sir, Mr. Bhupesh Gupta may be talking about somebody's wife because he does not have one.

SHRI BHUPESH GUPTA : Sir, I know that Mr. Om Mehta is not extending his jurisdiction to the region of wives. But I am a little bit apprehensive about him these days.

Now, Sir, I say that this is not a personal matter, but it is a political matter and it is a matter of public interest.

SHRI JAGAN NATH BHARDWAJ : This is a personal matter concerning the law of the land and you can not discuss something concerning the law of the land in this House.

SHRI BHUPESH GUPTA : Sir, I have got the disqualification of not following my friend because I cannot keep pace with his superlative wisdom and that is one of the misfortunes that I have.

SHRI JAGAN NATH BHARDWAJ : I know you have monopoly of wisdom. Whatever that may be, I say that it is a personal matter. Where the law of the land is concerned, you must not talk about that. You should not talk about personal matters. You can take it up with the Chief Minister and have it settled.

SHRI BHUPESH GUPTA : Sir, I wonder sometimes how excellent it would be if our friend is put under the MISA for a while to share some of his personal problems with the detenus there in the jail!

SHRI JAGAN NATH BHARDWAJ : I will welcome that in case I defy law.

SHRI BHUPESH GUPTA : I am sure you will welcome that because you will be in a better company there. I am sorry, I had to disturb you, because you went on interrupting me. But such interruptions are rather rare in this House. All the same, I welcome them.

Now, I say, Mr. Brahmananda Reddi, that there should be some machinery. Well, the time has come to give a little thought to this problem. Why should the Maintenance of Internal Security Act be an indiscriminate law? Why can't we bring about changes in that law, in the text of the law, in such a manner as to make the misuse impossible or to make the misuse as nearly impossible as we can by the bureaucrats and the police officials? It is possible to do so and it is not beyond the competence of the Government or its ingenuity or our collective wisdom and we can do that. For example, we can so reformulate the law, especially the Presidential proclamation, that the MISA cannot be used against any democratic movement or any democratic forces. Let them allow the other laws to take care of these persons should they go wrong. It is possible to do so. If you have a sweeping legislation of this kind and if you have such a blanket power given to the police and the magistracy and others, the law is liable to be misused in our country.

3 P.M. It is no use saying that the law is misused here and there. Of course, it is misused here and there. But why at all should such a draconian law be open to misuse? That should worry the Government. When the President's Proclamation was issued, was it not possible to lay down certain conditions in the Proclamation, so that there is no danger of such law being misused? It was possible. But once you get into the habit of exorbitant powers, you develop a taste for blood and go in for the quickest solution of the problem. As a result, our liberties, our rights, our public life suffer . . .

(Time bell rings.)

What is happening today? I suggest that some consideration be given to the suggestion that the law, especially when you are prolonging it, should be so modified as to rule out its possible misuse by any authority. Sir, here again I am not going into the details of the law. Law is there permanently on the Statute Book. Do you think it brings credit to our

country when the Supreme Court said: A citizen has no remedy even if he is shot so long as there is emergency? Mr. Brahmananda Reddi was intelligent enough to get up and say that he has no legal remedy. Mr. Brahmananda Reddi, we are talking about legal remedies here. In a political system, civil liberties, criminal laws and all these things come in. And here we are concerned precisely with legal remedies. That does not bring credit to our country. Is it necessary to say so? The language of the law has to be in such a manner that the world will be convinced that we are not interested in any way in affecting the democratic rights and liberties of the freedom loving, democratic people, but we are interested in dealing with communal, violent forces of destabilisation backed by the American imperialism and others. We can make the proposition clear in the . . .

SHRI K. BRAHMANANDA REDDI : I have only said what the Supreme Court has said.

SHRI BHUPESH GUPTA : Mr. Brahmananda Reddi, do I need here a Union Home Minister to tell us what the Supreme Court has said? We do not need. You said it approvingly as if, like a drowning man, you have got something to catch on. You have said it yourself. I would be glad if you disown the statement and the mentality behind the statement. But the trouble is that you have put the Supreme Court in such a position that it has to say such thing. It should make you think as to why our Judiciary should be operating in such a position and make such a statement which gives rise to misgivings. If you make it known to the world that we are using repressive measures, we are using certain extraordinary laws, in defence of our independence, our unity, our secularism, against the forces of destabilisation, the world today will understand it. But the world will not understand such a sweeping statement that a man in India has no legal remedy even if he is shot in the street, so long as the emergency continues. Then, modify the exercise of emergency powers and your Proclamation in such a

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manner that neither the Supreme Court nor, for that matter, anybody would be driven to such conclusion, even by inference. That's what you should do . . .

(Time bell rings).

Then, towards the end, I would urge upon the hon. Home Minister to think over it seriously. I am told, some Congress men are arrested also under the MISA. I am told, and I have reason to believe, that even to settle factional quarrels, the MISA is being used in my State. I am very sorry, Mr. Brahmananda Reddi. You have enough authority in order to settle your internal organisational problems. Why, then, should the MISA be used? A complaint has been made to us by some members of your party. They do not get up and speak. But I know, there are legislators and others who have complained that the MISA is being used in order to settle inner-party quarrels or factional quarrels.

You should look into that also.

SHRI SAT PAUL MITTAL (Punjab) : You are relying on hearsay only.

SHRI BHUPESH GUPTA : What I have been told, I have just repeated. I am sure Mr. Brahmananda Reddi knows it more than I do. Yet I have taken the liberty of reminding him what he knows because this is relevant. I wish that nobody should be arrested unjustly. Certainly, the Members of the political parties like the Congress Party or the C.P.I. and the others should not be arrested unjustly. I should like to say this thing. Therefore, I do not make it a party issue.

MR. DEPUTY CHAIRMAN : You have to wind up now.

SHRI BHUPESH GUPTA : If, any Member is indulging in blackmarketing or corruption from my party or any other party, I can understand it. But innocent people should not be arrested under MISA. MISA is not meant for that. Sir, the trouble in the situation is that MISA is not merely being misused, but there is a fear about MISA being misused among the people. I know whenever there is

any difficulty, some officers get up and say, "Arrest him under MISA".

SHRI K. K. MADHAVAN (Kerala) . You mean that democratic freedom given by the State should be allowed to be misused.

SHRI BHUPESH GUPTA : Democratic freedom should not be misused. I am not saying that. Am I discussing the democratic freedom being misused? I am discussing the MISA being misused. You must realise that. Democratic freedom should not be misused. There is no justification for it. If somebody is misusing democratic freedom, he should be arrested. But MISA should not be used if somebody has a grudge against you or has an axe to grind against you. (Time bell rings). Therefore, I say that it should be very clear. Mr. Brahmananda Reddi has not been quite successful in dealing with this problem. I would, therefore, urge upon him to give a little more serious and deeper thought. Emergency is an extraordinary situation. We have to live with it because we cannot help it perhaps. But for all our life, we shall not be living in emergency. Even your Prime Minister has said that emergency cannot be continued indefinitely. Therefore, today let us look to the future with a little confidence. Wherever the powers are being misused, whether under MISA or anything else, you should put a check on it. As I said, it is not merely the MISA, but the fear among the people that should they not comply with whatever the Government wants, they will be liable to be arrested under MISA. (Interruptions)

MR. DEPUTY CHAIRMAN : Mr. Bhardwaj, the more you interrupt, the more he will go on speaking.

SHRI BHUPESH GUPTA : I should like Mr. Brahmananda Reddi and the Government to create an impression in the country that nobody should fear that MISA will be misused. In this connection, I would like to tell him that if he had taken action against one or two misusers of the powers under MISA, that would

have acted as a great deterrent against misuse. Unfortunately, you can detain people without trial wrongly. But those who misuse the powers in order to detain wrongly, go scot-free.

MR. DEPUTY CHAIRMAN : Yes, I should call the next speaker now.

SHRI BHUPESH GUPTA : Therefore, Sir, let it be known to the bureaucrats and the police in particular that those who are misusing MISA, will be liable to disciplinary action and punished, if necessary, with removal from service. (*Interruptions*)

MR. DEPUTY CHAIRMAN : You have to conclude now.

SHRI BHUPESH GUPTA : You do not like the discussion on the subject very much.

MR. DEPUTY CHAIRMAN : I very much like the discussion. But there is a time-limit.

SHRI BHUPESH GUPTA : So, I say that we cannot support this thing. And we shall continue to protest against misuse of power whether of the MISA or any other power. And the Home Minister of the country will be well-advised to put a check on all that is happening. Otherwise, we may keep under dead letter our democratic norms and institutions. And certainly this is not the principle for which we have all been fighting the forces of destabilisation.

SHRI BHAIKAB CHANDRA MAHANTI (Orissa) : Mr. Deputy Chairman, Sir, I rise to support this Bill. This is in continuation of the game. The ball came into play by the total revolutionaries and people of their way of thinking when they started attack on not only the Congress Party and the Government but also on the leader—the Prime Minister. It continued unabated, and the citadel of the Congress was to be blasted, the nation's safety and security was to be jeopardized and endangered. Little did they then realise that the leader, the captain of the Congress Party could rise to Olympian heights, per-

haps, unparalleled in the recorded history of mankind in the matter of development of strategy and technique. And it was at that point that the emergency was clamped; the nation was saved from disaster. Now the clamour is that normalcy should be restored. It is not in our hands. The Prime Minister has so many times said that it is in the hands of those who started or those who are responsible for bringing about this abnormal situation in this country. The game is on. The final whistle has not been blown yet nor has the other party surrendered the game nor abandoned the field. It will continue till that time comes.

Sir, the emergency was clamped for certain reasons. The people who were responsible for this emergency, some of them are inside the jail or under detention. Quite a number of them have been released. But has anyone yet come out with any kind of a statement, even after seeing for himself, the achievements that the country has had in the matter of increased production, both in the factories and in the fields; discipline restored in the educational institutions and other establishments, and the country's prestige gone high up both in places like the UNO and for that matter in the Non-aligned Summit at Colombo. Has anyone of them thought it fit to unequivocally say what have been the benefits of emergency? Most of the leaders of this Party call themselves to be Gandhians. Sir, I remember Gandhiji himself saying after the Chowri-Chowra incident—which compared to what the country was facing on the 25th of July, 1975, is very, very insignificant, that being civil disobedience movement—that he had committed a Himalayan blunder.

What stops these people from unequivocally condemning what they did in the past? Sir, many things have been said, I do not want to repeat them. I want to say only one thing. My friends of the Communist Party have insisted, both in the Lok Sabha and also here, that the MISA should be lifted and that it has been a draconian law because, as they say, some of their party workers have been

[Shri Bhairab Chandra Mahanti]

arrested. Sir, there are certain things which I want to humbly submit to them that matters like this where a country's, a nation's safety and security are involved some such things should be kept out of the orbit of party politics, and everything should be judged on its own merits. I have read Gandhiji saying that all Congressmen are not angles as all Communists are not devils. May I remind these Communist friends of mine that they should not think that all Communist Party workers are angles. If they come to this position, they will themselves realise that what they have been advocating for that some Communist workers who have been arrested here and there should be released, they will not insist on it. I am sure, it would not have been a very easy job for the Government to have taken a decision to put under arrest, detention, some workers who were working in the defence production factories. It does not matter whether they belong to the Communist Party or to the Congress Party. In fact, as they have said, some members of the Congress Party have been arrested and are under detention and it has to be admitted that the Government of the land have in their possession facts which no individual can claim to have. The Government have also in their possession so much information which no individual can claim to have. Therefore, Sir, I would only request my friends of the Communist Party to take that view of things and then only they will not insist that the Communist workers who have been arrested should be released.

Sir, a demand is being made from the Government to disclose the number of people who have been arrested. Well, I think in his reply in the Lok Sabha, the Home Minister, Shri Reddi, has given sufficient information from which we could make a calculation and come to some rough assessment about the number of people who are now in custody or under detention. He has said that the total number of arrests was equal to two for every lakh of population of our country of 56 crores.

SHRI HARSH DEO MALAVIYA
(Uttar Pradesh) : Sixty crores.

SHRI BHAIKAB CHANDRA MAHANTI : At 56 crores it works out to 11,200 in all. Now, out of that, one-third belong to banned organisations and to this there cannot be any opposition from both sides of the House. Those people who belong to banned organisations make for one-third of this figures, i.e., 3,700, leaving a balance of 7,500. If 50 per cent of them are blackmarketeers, smugglers, profiteers and hoarders, that reduces the number to 3,750, and 30 per cent or nearly one-third of this number has been released, i.e., nearly 1,250 persons have been released, leaving the number under detention now to 2,500 only or roughly a figure of that order.

Is that a big number compared to the size and the population of this country with certain people whose stay outside would have endangered the safety and security of this country, particularly knowing fully well the fact that very powerful inimical and hostile forces are working against us?

Sir, while commending this Bill and congratulating the Home Minister for it, coming as I do from Orissa, I would only request the Home Minister to ask the Government of Orissa from now to keep a list, through the S.D.Os, of the sahuikars and the money-lenders before the harvest season so that the bad among them could be listed out and in time kept under MISA. Thank you.

SHRI HARSH DEO MALAVIYA: Sir, I rise to support this Bill. Sir, emergency really has created normalcy and in the present state of affairs in the country, we would like it to be the normal feature. And this is attributed to many things, to the leadership of Mrs. Gandhi, to the imposition of emergency and also the MISA. There have been some comments made by Hon. Shri Bhupesh Gupta that emergency has created a fear psychosis. I am not very much worried about the fear psychosis. Yes, fear should be there. The

dishonest men, the smugglers, the black-marketeteers, all these fellows must have the fear of their life. If there is fear psychosis, it is all right.

हिन्दी में तुलसीजी ने कहा है 'बिन भय होय न प्रीति'।

Tulsi Dasji has said it. And it is very true. Therefore, I am not very much concerned if some people have the fear. Only those who commit crimes, only those who have guilty conscience and who are guilty, will have the fear. I think no honest man in India need entertain any fear about the MISA and all that.

About the sweep of emergency, Sir, it seems that the opposition wants to make out that the whole country is arrested. It is not a fact. Figures have been just now repeated by the hon. Member there, as were given by Shri Brahmananda Reddi in the Lower House that only two persons have been detained against a lakh population and some one-third of them are from the banned organisations, two-third are smugglers, hoarders and black-marketeteers; further he said that about thirty per cent of these arrested have been released. If I am wrong, kindly correct me. And ten per cent are on parole Mrs. Gandhi, our Prime Minister the other day told that we are trying to relax things. We want things to return to normal but then it is evident that those who are released or those who had been pursuing a particular policy, have not changed their mind. The fact is that the danger remains. There is evidence of it. But, Sir, the most interesting things are these letters and chits we quite often receive at our homes. If you will allow me, I will read one which I have received.

26 जून काला दिन

आपत्ति देश पर नहीं, इंदिरा जी पर आयी—
आपत्काल लगाया कुर्मी और स्वार्थ के लिए
आपत्काल लगाया।

आपत्काल याने प्रजातन्त्र को कुचलने की माजिश

आपत्काल याने संजय को प्रधानमंत्री बनाने की मोर्चाबंदी

26 जून अदानतों का गला घोटने का दिन

26 जून प्रचार-ध्वनीय की नष्ट करने का दिन।

मदन के नेता (श्री कमला पति त्रिपाठी) : क्या है यह ?

श्री हर्षदेव मानवीय : यह बिट आई थी, इसको पट रहा है।

मीमा—इंदिरा रक्षा हेतु मे विरोधियों को जेलों में धानों में भरवाना

मीसा—विरोधियों को मरवाकर कांग्रेसमानर्गन विरोध दवाना

नाम लो जनता का—गला घोटों संविधान का

नाम लो जनता का—नाश करो जनता के अधिकारों का

केन्द्र और केरल सरकार का कार्यकाल जबरन बढ़ाया

गुजरात और तामिलनाडु सरकार को जबरन समाप्त किया।

I do not want to go into the details. We have the latest example of not so an hon. Member of this House. I am sorry to say that. That gentleman's passport was impounded. How did he come to India? Well, our hon. Minister would know better. But according to whatever information we have, he came to Kathmandu. From where did he come to Kathmandu? In this, he has been helped by a certain agency. There are powerful forces behind this. He comes to Kathmandu, smuggles himself into India and then disappears from India. This is a very serious thing. I would not like it to be taken in a light way. I am sure quite a lot of these gentlemen who have been very active, what are called JP wallahs and JP's followers, have had links with the CIA. This has been clearly established. The CIA has a department of dirty tricks and this department of dirty tricks has the responsibility for organising murders, smuggling etc. I do not want to go into the whole history. Rather, they are very much considerate towards India also. I would give you an example. There is one organisation known as Amnesty International. This organisation which

[Shri Harsh Deo Malaviya] based in London has been carrying on an insidious propaganda during these months and years. A person connected with that organisation, Mr. Richard Roch, was here in India some time ago. He stayed at the Gandhi Peace Foundation at Rouse Avenue and he met many people. Then, there was another person, Mr. Peter Jones. He also came here and he was supposed to be a peace activist or something like that, perhaps belonging to MRA. He came here, went round certain States and met many people. Then, there was also another professor from Birmingham University Mr. Geoffery Ostergard. He was here between October-January last. Ostensibly, his purpose was to study rural development. But actually, he met many people here; he went to Bihar, Uttar Pradesh and Maharashtra. He also went to Wardha and met some gentlemen at Wardha. These gentlemen are these days behind provocation to Vinoba to go on fast. He is supposed to be the author of a book called 'The Gentle Anarchist', which is a book on Bhoodan. It was through him that the famous JP's message was passed to a London news paper, 'keep the flag flying'. There is a paper in London called 'Swarajya' and this paper published his message. The editor of this paper is one Mr. Satish Kumar and there is also another person by name Mr. M. S. Hoda. His passport has also been impounded. He carries on a virulent anti-India campaign in London. A gentleman who came from London recently told me about this. Then there is one Mr. Dharam Pal and one Mr. Devi Prasad. They have all links with the Gandhi Peace Foundation.

There is one Mr. Janis Chet. He is the General Secretary of the Socialist International, which is also called the Socialist International. Hon. Shri Bhatt knows about it. He was spearheading this attack on India. He is financed by certain agencies and he is organising student groups; a group of these students went round Europe to defame our country.

Sir, yesterday, at the Colombo Conference, our Prime Minister in a forthright speech, which we heard on television last night, had warned us that the threat

to our independence and our sovereignty still remains. She warned all the third world countries and the newly independent non-aligned countries to beware of it. Sir, if you read today's paper, you will find that practically all the speakers from the non-aligned world have warned us, have warned the entire third world, that the danger to our freedom and our sovereignty from the imperialist forces still remains. This is something which we have to bear in mind. I would like to point out with great pain that we should not forget what happened in our neighbouring country, Bangladesh. We are certainly sorry for what happened there. We want good relations with Bangladesh. We have been trying to do our best. But the fact of the matter is that Major Dalim, who murdered Sheikh Mujibur Rahman, and Major Rashid who commanded the group which murdered Mujibur Rahman's family, have been given cushy jobs as First Secretaries in Bangladesh embassies in Peking, Senegal and so on. What makes me sadder still is the fact that General Ziaur Rahman, the Vice-President or the Martial Law Administrator of Bangladesh, gave a dinner in Colombo on the 14th August to commemorate the murder of Sheikh Mujibur Rahman.

SOME HON. MEMBERS: Shame, shame.

SHRI HARSH DEO MALAVIYA: They have opposed India's admission to the Co-ordinating Bureau of the Non-aligned Countries that is being created. And we know who are behind the Bangladesh people. It is the hand of the CIA and that long hand extends to India also. I need not quote our Congress President, Shri Borooh or our Prime Minister. They have time and again told us to beware of the foreign agents in our country.

Sir, here is our hon. Minister, Shri Raghunatha Reddy, a member of the Council of Ministers. He spoke on May, 11 last year in Bhubaneswar, and he said:—

"The CIA, which was an instrument of American intervention, had found Orissa to be a happy hunting ground."

It was reported that "Mr. Reddy, who was addressing the anti-fascist convention organised by the Youth Congress, declared that there was 'some kind of a parallel between the situation in Orissa and what happened in Chile'. "This is coming from a very responsible member of the Council of Ministers.

Then Sir, I would like to point out another thing. These days we hear a lot about Hare Krishna Society and Hare Rama Society and God knows what not. Here is a write-up on the religious groups which are assisted, helped and encouraged by the CIA:—

"Mexico media reported the illegal activities as an activist of a Federal District Methodist Church of Nelson Bardsio, an Uruguayan CIA agent who organised the Death Squadron in the South American country.

As indicated by the investigations conducted after the disappearance of the agent, his main objective was to facilitate the entry in Mexico of a religious organisation classified as 'suspicious'."

And most important and interesting is the fact that this religious organisation which has different religious groups organised by the CIA to go into different countries in different shapes and forms, is headed by Billy Graham. Billy Graham, as you know, during President Nixon's time, was religious preacher at the White House. He was supposed to be spiritual adviser to former President Nixon. "The Association seems to be run by some mystics of Graham's own most earthly creation. They are listed in a book titled 'The Angels, God's Secret Agents'. Graham wants to place a halo on the head of each member of the United States Secret Service, whom he does not hesitate to dub as 'earth angels'." So, about these dangers also we should be wary of and cautious in this country. In this context I would like to point out that we should keep a close watch on these societies. These whitemen of saffron

kurta, dhoti and choti, when they move about, I look at them very suspiciously. They are coming to our country and it is time that we be careful about them.

Sir, in this context I am happy that the RSS has been banned. But there is yet another fascist organisation going about, and it is the Shiv Sena. This Shiv Sena must be banned. It is a general demand which has been voiced in Bombay, which has been voiced by many people. I once even understood that it was going to be banned but it has not yet been banned. We would like the hon. Minister to tell us about this Shiv Sena.

Another thing which I am sorry to point out is that there are many reports about indefinite paroles being granted to smugglers. About some known smugglers in Gujarat I can tell you the names. You can ask the Gujarat M.Ps. about it. How is it that this is happening?

He is a famous smuggler. I do not want to take his name. I can tell the name to the hon. Minister personally but he is on parole for six months, and the parole is being extended again and again. There are some other cases in some other places. Therefore, we should be cautious about it.

I would agree with some friends on the opposite and I think our own Party friends have said that there have been certain cases of *mala fide* arrests. At some places the officers at the lower level have used MISA as a personal vendetta and in other ways. Some innocent persons may have been jailed but that does not mean that the MISA should be withdrawn. It happens in such a big country, some miscarriage of justice may take place. But the hon. Minister, Shri Brahmananda Reddi, hon. Shri Om Mehta and even the Prime Minister have time and again pointed out that if such cases are brought to the notice of the Government they will be looked into and they will be released.

I would rather finish now. I entirely and whole-heartedly support this Bill because the threat to our country remains from

[Shri Harsh Deo Malaviya]

those who want to destabilise such non-aligned, free, sovereign countries as do not agree with their political line, with their foreign policy. They are still active. They have not given up their line.

Today, the Presidential election is taking place in the USA and what do we see? There is a competition between the two prospective candidates as to who is more reactionary. The present chief of the CIA George Busch, was in Peking recently. He was the special USA envoy to Peking, and now he has gone back to the USA. Before he returned, he was given a very big lunch. The Chinese Prime Minister gave him a very big lunch and he has gone on record to say that: it is U.S.A.'s right, it is the right of the CIA to destabilize governments which they think are not following the global policy of the USA. So, the threat to our security remains. Therefore, the continuation of this MISA is right and it should be continued.

Thank you.

श्री प्रकाशचौर शास्त्री (उत्तर प्रदेश) : सभापति जी, आन्तरिक सुरक्षा कानून में संशोधन होने से पहले सर्वोच्च न्यायालय और उच्च न्यायालय में कुछ इस प्रकार के बंदियों के केस आये थे जिनको छोड़ते हुए सुप्रीम कोर्ट ने और हाई कोर्ट ने पुलिस के खिलाफ कुछ रिमांड दिये थे। सुप्रीम कोर्ट ने यह कहा था कि पुलिस को इस प्रकार के लोगों को बंदी बनाने से पहले उसके लिये आवश्यक कारण जरूर तैयार कर लेने चाहिए। बिना उचित कारण के बताये हुए उन लोगों को आन्तरिक सुरक्षा कानून में या मीसा में बंद करना उचित नहीं था और इस आधार पर सुप्रीम कोर्ट ने वह बंदी छोड़े गये। यह मैं उस समय की बात कह रहा हूँ जब कि आपने आन्तरिक सुरक्षा कानून में न्यायालयों के दरवाजे बंद नहीं किये थे और जब आन्तरिक सुरक्षा कानून में या डी० आई० आर० में जो केसेज होते थे उनमें पकड़े गये व्यक्ति न्यायालयों के दरवाजे खटखटा सकते थे। मेरा इस बात को कहने से अभिप्राय यह है कि जबसे आपने इस कानून में संशोधन किया है कि जो लोग इसके अंदर बन्द होंगे वह न्यायालयों का दरवाजा नहीं खटखटा

सकेंगे, उसके बाद किस तरह से इस कानून का दुरुपयोग हो रहा है, इस सम्बन्ध में मैं किसी का नाम न लेता हुआ केवल एक उदाहरण देकर अपनी बात को आगे बढ़ाना चाहता हूँ। उत्तर प्रदेश में डी० आई० आर० में गिरफ्तार किया गया। डी० आई० आर० में जब उनको गिरफ्तार किया गया तो उन पर दोष यह लगाया गया कि वह दोपहर को 12 बजे बिजली के खम्भे पर चढ़ कर बिजली का तार काट रहे थे। वह बहून अच्छे एडवोकेट हैं और डिस्ट्रिक्ट कोर्ट के नहीं, हाई कोर्ट के अच्छे एडवोकेट हैं। जब यह दोष उन पर लगाया गया कि वे बिजली का तार काट रहे थे, तो डिस्ट्रिक्ट जज ने यह कहा कि ऐसा गमभीर व्यक्ति जो हाई कोर्ट में प्रेजेंट करना है वह दोपहर में 12 बजे बिजली के खम्भे पर चढ़कर बिजली के तार काटेगा यह बात विश्वास से परे है इसलिये उनको मुक्त कर दिया जाय। लेकिन ज्यों ही वह जेल से बाहर आय वैसे ही मीसा में गिरफ्तार कर लिये गये। जब उनको मीसा में गिरफ्तार किया गया तो उन्होंने जानना चाहा कि इतनी देर में मैंने कोन सा राजद्रोह का काम कर दिया कि मुझे फिर गिरफ्तार कर लिया गया। वह जेल के दरवाजे में दौटकर बाहर आये, कुछ देर भी नहीं हो पाई थी कि उनको आन्तरिक सुरक्षा कानून के अन्तर्गत गिरफ्तार कर लिया गया। उसके बाद हाई कोर्ट में पांच जजों की बेंच बैठी और पांच जजों की बेंच ने उनको मुक्त कर दिया। उसके बाद वह केस सुप्रीम कोर्ट में आया। मैं इस बात को लम्बा नहीं बढ़ाना चाहता, लेकिन मैं कहना चाहता हूँ कि जो बात सुप्रीम कोर्ट ने आन्तरिक सुरक्षा कानून में संशोधन होने से पहले कही थी कि पुलिस कोई भी केस बनाने के लिये उसके लिए ग्राउन्ड प्रिपेयर करे, उसके लिए आवश्यक बातें समझाये कि किम आधार पर इसको मीसा में गिरफ्तार किया जा रहा है, तब ऐसे व्यक्ति पर हाथ डालना चाहिए। लेकिन हाँ यह रहा है कि कई राज्यों में—मुझे ख़शी है कि सत्ताधारी दल के भी कई सदस्य आज इस तथ्य को स्वीकार कर

रहे हैं—मीसा का दुरुपयोग आज राजनीतिक बदले लेने के लिए भी कही कही किया जा रहा है। मीसा का दुरुपयोग आर्थिक प्रलोभनों में आकर भी किया जा रहा है। मैं बाहर के नहीं, दिल्ली के इस प्रकार के कैसे बता सकता हूँ, अगर श्री ब्रह्मानन्द रेड्डी चाहें तो, कि जब किसी व्यक्ति को यह कहा गया कि तुम्हें इतने रुपये देने होंगे अन्यथा तुमको मीसा के अन्दर बन्द करा दिया जाएगा। वह व्यक्ति उतना रुपया किसी बड़े भारी नेता को नहीं दे सका, इसलिए, मीसा में वह बन्द हो गया। अगर इस आन्तरिक सुरक्षा कानून का इस तरह दुरुपयोग होगा, या राजनीतिक बदला लेने के लिए या आर्थिक प्रबन्ध करने के लिए किसी को मीसा में बन्द करा दिया तो मैं समझता हूँ कि कानूनों का दुरुपयोग इस प्रकार से बढ़ जाएगा कि लोगों का असंतोष चरम सीमा पर पहुँच जाएगा।

आज की स्थिति यह है कि—मैंने गृह मंत्रालय की सलाहकार समिति में भी श्री ब्रह्मानन्द रेड्डी को भी यह बताया था कि—85 प्रतिशत आवादी इस देश की गांवों के अन्दर रहती है। सरकार की देखरेख केवल शहरों तक होती है। गांवों में मीसा और डी० आई० आर० का कितना दुरुपयोग हो रहा है। रिश्वत के रेट पुलिस के, गांवों में कितने बढ़ गये हैं। मैं निष्पक्ष भाव से चाहूँगा कि मेरे सामने जो आई बैठे हैं वह बतायें कि किस प्रकार से इन कानूनों का दुरुपयोग अधिकारी कर रहे हैं और निरपराध व्यक्तियों को परेशान कर रहे हैं। मुझे खुशी होगी इस बात की कि इस कानून की अवधि बढ़ाई जाए उन लोगों के खिलाफ जो मीसाओ पर तस्करी करते हैं। मुझे खुशी होगी इस बात की कि इस कानून को बढ़ाया जाए उन लोगों के खिलाफ जो देशद्रोह करते हैं, अपने देश के हितों को छोड़कर पैसे के स्वार्थ में या व्यक्तिगत स्वार्थ में आकर काम करते हैं अपने देश के हितों को बलिदान करते हैं और दूसरे देशों को आवश्यक सामग्री देते हैं। मुझे खुशी होगी इस बात की अगर तोड़ फोड़ करने वाले व्यक्तियों को, जमाखोरों को और ब्लैक मार्केटियर्स को इस कानून के अन्तर्गत

गिरफ्तार किया जाए वह तो मुझे खुशी होती। लेकिन राजनीतिक बदले लेने के लिए इस कानून का दुरुपयोग किया जाए और फिर उसकी अवधि एक वर्ष के लिए बढ़ाई जाए मेरे जैसे व्यक्ति कम से कम उसके साथ सहमत नहीं हो सकने। इसलिये मैं चाहता हूँ कि इस चीज को फिर से देखा जाए। और गम्भीरता से इस पर विचार किया जाए।

दूसरी बात जो विशेष रूप से मैं कहना चाहता हूँ वह यह है कि अभी भी इस प्रकार के कुछ लोग हैं, हमारे पार्लियामेंट के मੈम्बरों को ले लीजिए, मैं तो उनकी बात कहना चाहता हूँ जो मीसा में या आन्तरिक सुरक्षा कानून के अन्दर बन्द है। मैं चाहूँगा कि आप इस पर गौर करें। सदन के नेता पंडित कमलापति त्रिपाठी बैठे हैं, गृह मंत्री श्री ब्रह्मानन्द रेड्डी भी बैठे हैं दोनों को मैं इस देश की परिस्थितियों और भावी स्थितियों की कल्पना करके कहना चाहता हूँ कि आपत्कालीन स्थिति लागू होने के बाद इस देश में कुछ नई परम्परायें, नई पद्धतियाँ और नई परिस्थितियाँ जन्म ले रही हैं। आप ऐसा मार्ग मत खोलिए कि कहीं कल को आप इन कुर्मियों पर न हों और दूसरे लोग इन कुर्मियों पर बैठें और इन कानूनों का दुरुपयोग इस प्रकार करें जो फिर आपको भी पछताना पड़े। आप मार्ग वह खोलिए जो आप स्वयं सोचें कि आगे भी उसका सामना कर सकेंगे, कभी वह चीज आपको आगे जाकर खटकेगी नहीं। आप ऐसे व्यक्तियों को, पार्लियामेंट के मੈम्बरों को या ऐसे लोगों को जेल में रखें जो किसी षड्यंत्र में दोषी पाये गये हों, लेकिन राजनीतिक बन्दी जो कि एक डेढ़ वर्ष से जेल में पड़े हुए हैं, उनको मौका दे। अंग्रेज सरकार भी यह काम करती थी, गांधी जी के जमाने में, उनको मौका देती थी। आप फिर से उन पर विचार करें, फिर से उनको देखें। अगर ये लोग बाहर आकर फिर उसी प्रकार की गतिविधियाँ जारी रखते हैं जिनके कारण आपने उनको जेल में भेजा तो आपके पास कानून हैं, अधिकार हैं, फिर उनका उपयोग कर सकते हैं। लेकिन एक बार जेल से बाहर निकालकर तो देखिए। लेकिन मैं यह

[श्री प्रकाशवीर शास्त्री]

चाहता हूँ कि जो अधिक अपराधों या दूसरे पड़व्यों के दोषी नहीं है उनको आपको जेल से तत्काल बाहर लाना चाहिए। मुझे ऐसे व्यक्तियों की जानकारी है जिनके वहाँ रहते हुए स्वास्थ्य इनने खराब हो गये हैं कि वह शायद ज़िन्दगी में दुबारा संभल भी सकेंगे या नहीं। ऐसे व्यक्ति जो राजनीतिक हैं और जेलों से बंद हैं उन को जेलों से बाहर लाना चाहिये। पर जब मैं जेल से बाहर लाने की बात कह रहा हूँ, मैंने सदन के पिछले सत्र में भी, उपमहापति जी आपको स्मरण होगा, यह बात उठाई थी कि उन सदन के दो सदस्य इस प्रकार के हैं जो निर्वाचित हुए हैं और निर्वाचित होने के बाद अभी तक उनको शपथ लेने का अवसर नहीं मिल सका है। मैं चाहता हूँ कि कोई इस प्रकार की प्रक्रिया हो कि जिनको चुन दिया गया है उसको शपथ अवश्य दिलाई जाए। उसके बाद भी अगर आप उसकी गतिविधियाँ इस प्रकार की समझने हैं कि वह इस सदन में बैठने योग्य नहीं है या बाहर खुली हवा में बैठने योग्य नहीं है तब आप उसके लिये कानून का उपयोग करें। अगर आप चुने हुए व्यक्ति को शपथ नहीं दिलायेंगे या जेल में बंद कर देंगे तो मैं समझता हूँ नैतिक दृष्टि से यह उचित नहीं है और इस प्रश्न पर आपको फिर से गंभीरता से विचार करना चाहिए। जो व्यक्ति जेलों में बंद हैं उनमें से शायदशायद दो प्रकार के व्यक्तियों के लिये तो विशेष अपील करना चाहता हूँ। एक तो महिलाओं के बारे में अपील करना चाहता हूँ जो कि एक-डेढ़ साल से जेल में बंद हैं, राजनीतिक बंदी हैं और कोई अपराध उन पर नहीं है, उन्हें कम से कम समय में छुड़ा करके जेलों से बाहर लाइये। दूसरे व्यक्ति वे हैं जो अकेले हैं और अपने पूरे परिवार के निर्वाह का दायित्व अपने कंधों पर लिये हुए हैं और जिनका खानदान तबाह हो रहा है। मैंने गृहमंत्री श्री ब्रह्मानन्द रेड्डी से गृह मंत्रालय की सलाहकार समिति में भी यह बात कही थी कि जो एक ही व्यक्ति अपने परिवार में कमाने वाला है और उस व्यक्ति को अपने जेलों में बंद कर दिया है,

उसके जेल में जाने के बाद उसका परिवार इधर उधर भटक रहा है तो आप उसके परिवार के निर्वाह की कोई व्यवस्था कीजिए। उस समय गृह मंत्री जी ने बताया था कि कुछ राज्यों ने ऐसी व्यवस्था की है और कुछ राज्यों को हम निर्देश दे रहे हैं। लेकिन आज भी मैं यह कह रहा हूँ कि अगस्त के महीने में अभी भी अधिकांश व्यक्ति इस प्रकार के हैं जो अकेले ही पूरे परिवार का निर्वाह करने वाले थे और जेलों के अंदर बंद हैं। लेकिन जेलों में बंद होने के बाद सरकार को और मेरे उनके परिवार को निर्वाह बंति नहीं दी जा रही है और उनका परिवार इधर-उधर भटक रहा है। ऐसे परिवारों से मैं परिचित भी हूँ इसलिये मेरा आपसे यह निवेदन है कि इस बात पर विशेषरूप से आपको देखना चाहिये।

इन शब्दों के साथ मैं इस आधार पर इस विधेयक का समर्थन करना हूँ कि जो यह अवधि बढ़ाई जा रही है इसको राजनीतिक कार्यकर्ताओं पर लागू न किया जाए। यह केवल तस्करो, व्यापारियों, देशद्रोहियों, ब्लैक-मार्केटियर्स, जमाखोरों, जो समाज की स्थिति को बिगाड़ने हैं, माफ़प्रदायिक द्रव्य बढ़ाते हैं, उन पर लागू किया जाए। राजनीतिक आधार पर जिन लोगों को आपने बंद किया है उनको जेलों से बाहर निकाल कर उन्मुक्त हवा में आने का मौका दीजिए, विचार करने का अवसर दीजिए। उन्हें फिर से एक नई दिशा की ओर पग बढ़ाने का अवसर दीजिये। अंत में, मैं फिर कहता हूँ कि राजनीतिक व्यक्तियों पर यह लागू न किया जाए।

SHRIMATI LEELA DAMODARA MENON (Kerala) : Sir, I support the motion for amending the Maintenance of Internal Security Act. The scope of the amendment is very limited. It only seeks to make a small amendment to one of the clauses, to change the period from 12 months to 24 months.

[The Vice-Chairman (Shri Ranbir Singh) in the Chair]

The hon. Minister has explained why the change has to be made. Some hon. Members take it that it is only because the

original Bill had not been drafted properly. I see in it the genuine concern of the Home Minister and the Government not to extend the provisions of MISA even a minute beyond the need for them. The hon. Minister stated that today they cannot release the detenus merely because of this provision of 12 months because their release will create the same conditions that were prevailing before their detention and that therefore he has asked for the extension of the period. I support that motion.

Sir, the provisions of this Act have been discussed in this House several times. We have approved by a majority of the principle and content of this Act. But this is a good opportunity that the Government has given us to dispel the doubts that some hon. Members have raised; the Government has also an opportunity to project its genuine desire to use these provisions to the extent that they are needed and to dispel the misapprehension and doubt.

Sir, I am sure that the hon. Home Minister will be able to clear the doubts of the hon. Member, Shri Bhupesh Gupta, and others who really raised some points, and I am sure justice would be done. The hon. Home Minister had made it very clear that to safeguard the proper implementation of this Act, all care has been taken and that this is only a preventive and protective measure to shield the nation from anti-social and anti-national activities.

The hon. Member, Shri Bhupesh Gupta, said that emergency is an extraordinary situation. This is true and, therefore, this extraordinary measure has been taken. We must remember the context in which this extraordinary measure was brought. This country had been placed in a very hazardous position sometime ago when there was countrywide defiance of laws, a civil disobedience movement and smuggling and blackmarketing which were really shattering our economy, and also indiscipline in all sectors, and irresponsible publicity media trying to foment trouble and encourage frenzied destruction and also lawlessness permeating even to little children. I recall

the Prime Minister's speech in this very House when she said that every person who came from abroad and who met her asked "Is this democracy?" Sir, a powerful and determined group of people had been making a sustained and well-planned effort to destroy the structure of democracy in this country. Therefore, when this decision was taken that a few people should not be permitted to destroy the democratic structure or disturb the peace of this nation and that the need for this Act had come, we had given permission to the Government and we had approved the provisions and the principles of this Act.

Sir, the hon. Home Minister stated that detentions are not done vindictively and that in order to prevent victimisation, safeguards are taken at the highest level and at the highest state administrative level these cases are considered, whenever any particular case is raised. Mr. Pattiam Rajan from Kerala said that the Kerala Home Minister is behaving in a very inhuman and cruel manner. Sir, I refute this. As a matter of fact, the Kerala Home Ministry has been dealing with these detenus with very great consideration. They have been dealing considerably not only with the detenus but even with their families. They have been assisting the families of detenus when they deserve assistance. Just now Mr. Prakash Veer Shastri said that the families should not be left to suffer for what the earning members had been doing. Therefore, Kerala has been dealing with them with consideration. He raised a question about somebody dying. Of course, the Kerala Home Minister cannot stay the hand of Death or death due to natural causes, in spite of his great desire to be considerate to the detenus. When death due to natural causes occurs, naturally the Home Minister is helpless.

Sir, it has been pointed out that the number of people who have been detained under this measure is really very small considering the danger to which this country had been put and considering the vast millions who are law-abiding and against whom these people

[Shrimati Leela Damodara Menon] have been working. Sir, though the number of people detained is so small, there are still a large number of people outside who are creating trouble. The release of all those who are detained today will only add to the trouble. In my State of Kerala, there are small pockets where violence erupts every now and then and it has to be controlled by the Government in a sustained way, because otherwise the situation will get out of control. A lot of propaganda is carried on, as Shri Malaviya has said, inside and outside this country about the scare of MISA. When you go outside, people ask whether they will be apprehended under MISA if they come to India. Even children are told that they will be caught under MISA as if MISA is some kind of disease or ghost. This is a calculated propaganda done to undermine the confidence of the people in a measure which is meant to protect them and prevent anarchy and destruction of the State. This measure is not really against anybody in general. I come back again to the question posed to our Prime Minister by some foreigners, namely, "Is this democracy?" Today when the same people come to our country, they again ask: "Is this democracy?" The best answer that has been given to this is not by any one of us. I think yesterday's paper contained what Miss Jennie Lee said while speaking at the Independence Day celebrations in London. I must quote her because it is very relevant here. She said:

"The Indian Prime Minister could not have done anything but take such measure as the Emergency. Mrs. Gandhi is being criticised because she committed the unforgivable offence of standing up for the poor of the country and not for the privileged class."

Miss Jennie Lee added :

"If the Prime Minister had stood up for the privileged few, nobody would have raised this criticism."

In conclusion, while supporting the motion, I would like to quote Gandhiji

who had always been our guide. Let us apply his test. He said :

"When you are in doubt, recall the case of the poorest and the weakest man you may have seen and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it lead to Swaraj, self-government for the hungry and spiritually starving millions of India? Then you will find your doubts melting away."

By applying the same test, I think our doubts melt away because we know that these measures are for the poor and the hungry millions of India and these are to give them dignity and means to live.

श्री बापूराव जी माहूतरावजी देशमुख (महाराष्ट्र) :
उपसभाध्यक्ष महोदय, यह जो सदन के सामने प्रस्ताव आया है, मैं इसका समर्थन करता हूँ। अभी कई माननीय सदस्यों के विचार मैंने गौर से सुने। एक साल पहले यह इमरजेंसी आई और इसको एक साल और बढ़ाने के लिये इस सदन में यह सशोधन लाया गया है। इनके साथ ही साथ मीसा की अवधि एक साल बढ़ाने के लिये भी संशोधन यहाँ है।

मीसा के बारे में यहाँ जो भी विचार रखे गये हों परन्तु जहाँ तक मैं सोचता हूँ हमें यह भी देखना पड़ेगा कि इमरजेंसी के पहले देश में क्या उत्पादन था, इस देश की क्या परिस्थिति थी, कितना काला बाजार था, कितना भ्रष्टाचार था। इस पर यदि पूरा विचार किया जाय तो मुझे ऐसा प्रतीत होता है कि एक साल के इस इमरजेंसी की अवधि में आज काला बाजार काफी हद तक कम हो गया है, इसके कारण महंगाई भी बहुत कम हो गयी है। दूसरी बात, लोगों में एक तरह का अनुशासन आया, उत्पादन भी बढ़ा और नया वातावरण भी इस देश में पैदा हुआ। ऐसे वक्त में हमारे कुछ मित्रों ने इमरजेंसी और साथ ही साथ मीसा के बारे में कहा कि इसका दुरुपयोग 4 P.M. किया जाता है। यह बात कहाँ तक सही है वे ही जान सकते हैं। लेकिन अगर मीसा का उपयोग नहीं करते और जहाँ-जहाँ लोग गदगदी

करना चाहते थे अगर वैसी ही गड़बड़ी चलती रहती तो इस देश में अराजकता फैल जाती। जैसा कि मुझे मालूम है, आज भी कितने परचे निकलते हैं, हमारे प्रधान मंत्री के खिलाफ, इमरजेमी के खिलाफ। जगह-जगह कितने परचे बाटे जाते हैं और गांव-गांव में बाटे जाते हैं। इस परचे-बाजी का कारण यह होता है कि अभी भी जो प्रतिक्रियावादी लोग हैं, विरोधी पक्ष के लोग हैं जिनको देश का जो एक उचित वातावरण बन रहा है वह ठीक नहीं मान्म होता और वह बनना नहीं चाहिए, इसके लिए उनकी हमेशा कोशिश होती रहती है। इसलिए इमरजेमी के चलते हुए एक साल में जो फर्क हुआ, जो उत्पादन बढ़ा और जो जनता में अनुशासन आया इसमें देश में नया वातावरण पैदा हुआ। यह जो एक नया और अच्छा वातावरण आज हमें दिखाई दे रहा है, इसी वास्ते आज यह संशोधन रखा गया है, इसका मैं चंद शब्दों में समर्थन करता हूँ।

SHRI NARASINGHA PRASAD NANDA (Orissa) : Sir, the Maintenance of Internal Security Act was not enforced after the proclamation of emergency, but it was on the Statute Book from 1971 itself. You will kindly notice that under the provisions of this Act, one can be detained as one could be detained earlier under the Preventive Detention Act which is earlier to the MISA. The only significant change in this statute, after the proclamation of emergency, is the insertion of section 16A which takes away the jurisdiction of the court. At least I do not understand some of my friends who blow hot and cold. They support the emergency and say that as a result of the emergency, we have gained in the economic sector, in the social sector and in the various other sectors of activity and, at the same time, they also say that this Act, the Maintenance of Internal Security Act, should not be there. Sir, this is the result of confused thinking. I would submit that as a result of the proclamation of emergency, article 14, article 19 and article 22 of our Constitution, which form part of the Fundamental Rights, were

abrogated and this abrogation was not done as a matter of pleasure, but was necessitated by circumstances. The compulsion of circumstances required that the exercise of these Fundamental Rights under articles 14, 19 and 22 should be suspended and I would submit very respectfully, as a man with some logical mind, that the insertion of section 16A in the MISA is a natural corollary to the suspension of these articles. We should have one mechanism through which the provisions of the MISA can be effectively used against the lawless people and against the law-breakers. Sir, in this view of mine, I am supported by no less a person than Bertrand Russel.

"The attempts of a minority to seize power by force and incitement . . ."

Each of these words is very, very significant.

"...may reasonably be forbidden on the ground that a law-abiding majority has a right to a quiet life if it can secure it . . ."

Therefore, my simple question is whether the majority of the people of this country, who are law-abiding and peace-loving citizens, have a right to a quiet life and a peaceful life, if they can secure it. And I would submit that the only method by which the law-abiding citizens and peace-loving citizens can secure it is by enforcement of the provisions like Section 16A of the Maintenance of Internal Security Act.

Now, the only question is whether there is still a situation justifying the proposed amendment. This Parliament, this House and the other House, passed Section 16A, included it in the MISA and made it a part of the Statute last year. Now, the question is whether this provision should be allowed to continue for another year I would submit, Sir, that the answer would be 'yes' even, if it can be said that the situation has improved, but not yet free from danger. But then I would submit that you may see the way in which

[Shri Narasingha Prasad Nanda]

some of my friends argued; particularly Shri Bhupesh Gupta—he is not here now—was talking like a Liberal Democrat of the days where freedom means licence, democracy means anarchy and natural justice means law of the jungle. Is he not aware that when Stalin was in power, hundreds of thousands of people were kept in the consternation camp? And, in India Mr. Gupta is still able to talk with that tone and with that tenor, with impunity. Mr. Prakash Veer Shastri is able to talk with that immunity. Is it not sufficient guarantee of their freedom? Could they have talked like this in any other country? Sir, I would respectfully submit that one should not try to magnify a very small problem through one hundred eyes. If you look at a bacteria through the microscope, it will be magnified. In a country having a population of 600 millions, with enormous problems, with such diverse cross-section of people, if hardly three thousand people are under arrest, are taken into custody, by exercise of the coercive powers under the MISA, can it be said that it is misuse of power? Is the human society perfect? Is the human machinery perfect? We have our imperfections. We have our deficiencies. We have our deficiencies and imperfections, and the deficiencies and imperfections cannot be taken advantage of, to magnify stray misuse of the provisions of a coercive measure which has not been introduced as a matter of sweet will, as a matter of pleasure, but because of compulsion of circumstances.

With these words, Sir, I support the Bill brought forth by the Home Minister.

SHRI NABIN CHANDRA BURAGOHAIN (Assam) : Mr. Vice-Chairman, Sir, I stand to support the provisions of the MISA, by which the operation of Section 16A is sought to be extended to a period of 24 months instead of 12 months. A critic of this Bill should appreciate the events which had led to the imposition of emergency. For that, he should make an assessment of the situation which had been prevailing in the country. Should he

no see the improvement in all the areas, whether it is production, education or industry? One of the evils which emergency has fought well is the international phenomenon of inflation. The emergency could contain the challenge of the international phenomenon of inflation. This is one of the biggest achievements India has made. I appreciate the improvements made in all the areas. I feel that in some of the areas, improvements have reached the saturation point. As an example, I cite the improvements in the field of administration in the States. There, the improvements have reached a saturation point. There are no improvement after a particular limit has been reached. So, I ask the hon. Minister to see whether our administration can break this limit of saturation point and go ahead. In our debate, whether in this House or in the other House, I consider that only one issue has been raised. It is whether the people who stand for democratic forces and who stand for implementation of the twenty-Point Programme are to be arrested under MISA. I submit, Sir, that the implementation of the Twenty-Point Programme may be regarded as one of the biggest revolutions of the world. This is the biggest revolution in India after the political movement. It could contain the problems of the present times. But we differ in its implementation from one of our allies. We want that all the achievements under the Twenty-Point Programme should be made through a policy of peace and through a policy of non-violence, on the rock of which India got independence. But, I think, our main political ally, the C.P.I., differs with us on this. I appreciate that there might be some cases where the C.P.I. people, inspired by their ideology, might be on the verge of violence or on the verge of things causing violence. In those cases, I think the Home Minister should seriously think whether those people are to be detained under MISA. Sir, a point has been raised by Shastriji that many people had been arrested on political grounds. Our hon. Home Minister has repeatedly stated in this House that not a single citizen of India had been ar-

[Shri Nabin Chandra Buragohain] rested on political grounds. Every case depends on its own merit. I also have a firm faith in the statement made by the Home Minister. If there are some cases *mala fide*, I think the Home Minister would consider them. And he has further stated that the Prime Minister and he himself repeatedly directed the State Governments to make the screening properly, very cautiously. I think, after that repeated request or directions from the Prime Minister, no State Administration would act *mala fide*.

With these words, Sir, I support the Bill.

SHRI GIAN CHAND TOTU (Himachal Pradesh) : Mr. Vice-Chairman, Sir, I rise to support the amending Bill. The extension of MISA for another year is to be welcomed. Let us not forget the circumstances which made it necessary to bring in the MISA and the Amendment. Certain forces in the country had almost paralysed the normal life of the country. Some political parties started sabotaging the very basis of democracy. After they failed to come into power through democratic means, they not only challenged the authority of the Government, not only indulged in character assassination but they wanted to bring untold misery by disrupting the economic life of the whole country. Their open defiance encouraged the anti-social elements in our country, and the production was going down, thereby increasing the inflationary tendencies in our country. The foreign exchange racketeers and smugglers were having a hey-day. The ill-gotten money enabled these elements to subvert the judicial system in the country. The foreign remittances into our country were coming through unauthorised channels. The foreign exchange thus earned was being utilised to pay for the smuggled items. The value of the rupee was going down. Do our friends in the Opposition want to bring the same conditions? Then, Sir, there were elements in our political parties who were receiving money from foreign

sources for subverting democracy by violent means. And in the name of democracy, the individual freedom became a licence for anarchy. The cult of Anand Marg was spreading to other parties. The Home Minister has just stated that one-third of the detenus are economic offenders. Another one-third belonged to the banned political parties. I was wondering that the C.P.I. people were criticizing us. May I ask them as to how the political opponents are dealt with under their own system? Sir, our civilization believes in tolerance. Therefore, I feel that it is a milder form of punishment to detain a person for such heinous crimes which they have committed against the society and against the nation. And then, Sir, do those conditions still exist in the country? They do exist in the country. Our Prime Minister has also stated that the persons who are being released are still singing the same old tune which they were doing a year before. And, Sir, what is the result of these measures? Sir, the Income-tax Department, last year, was expecting a disclosure of Rs. 500 crores. Ultimately, the disclosure was to the tune of Rs. 1,600 crores. Last year, the total foreign remittances came to the order of Rs. 1,053 crores. And in the current year, only in six months, the foreign remittances have touched the figure of Rs. 723 crores. Now, Sir, India is perhaps the only country in the world which has been able to check the inflationary tendency. It has been only possible because the Government took stringent measures and it would not have been possible if the Government had not promulgated emergency, if the Government had not enacted MISA and by these measures only now it has been possible for the poorer sections in this country to buy essential commodities, I do not say at reasonable prices, but I would certainly say at not higher prices. I, therefore, fail to see any reason why our friends should say that these provisions should only apply to certain political parties and should not apply to certain other political parties. I think that is not a reasonable demand. How can you enforce a provision if you

[Shri Gian Chand Totu]
want to apply it to certain parties only? Therefore, Sir, I feel that it is in the interests of the common man of India that these harsh provisions of MISA should stay and the Government should have the authority to detain people because, as I said earlier, people with ill-gotten money were able to subvert the judicial system in the country and people were not getting justice. Now, not only do the people go to offices in time, not only has the production increased, not only is there discipline in schools and colleges and not only are the trains running in time but our tax receipts in spite of recession and depression are increasing. Therefore, Sir, I support this Bill. Thank you.

SHRI K. BRAHMANANDA REDDI :
Sir, I am thankful to all the hon. Members for their participation in the discussion on this amending Bill. Sir, it is unnecessary for me to recall to your memory the discussions that took place at the time when the original Bill came here for approval. That was a situation where all of us felt that democratic institutions are coming into ridicule, that Parliamentary institutions are brought into contempt, where an atmosphere of lawlessness and violence was created, where the people were losing their faith, their confidence in the democratic institutions and the Government's ability to sustain a democratic Government. That was a situation, Sir, when to meet it, it was felt that it was Government's responsibility and that no Government worth its name could disown its responsibility to meet the situation effectively. And, as I have said even before, probably, if the Government had not done something to meet effectively the situation, there would have been some scope for some people to complain that the Government had abdicated its responsibility towards the people. Therefore, Sir, the emergency was promulgated and the MISA was amended and many leaders have been detained. By this action, as the Prime Minister called it then—a shock treatment, it was possible to grip the mind of the entire society and, as it were, bring the entire society under a

certain kind of discipline. There is no gainsaying the fact that with this discipline which has come about, thanks to the co-operation, thanks to the understanding which the people of India, in general, have given to it, certain beneficial results have accrued to the nation. If our economy today is in this shape, if prices of essential commodities have been controlled to a large extent, if industrial production is proceeding apace and agricultural production is proceeding on proper lines, and if there is discipline in other activities of the entire society, like schools, colleges, factories, etc., it is as a result of this discipline which has come about. And, as I said in the other House, this discipline which has come about, whether emergency or no emergency, should accrue permanently to the benefit of the nation.

I am not saying that emergency should be permanent or emergency should be indefinite. Of course, the Prime Minister has answered it saying that emergency cannot be indefinite. But I do plead with everybody, including the Opposition who may not see eye to eye with emergency also, that the benefits that have accrued as a result of the discipline should be a permanent feature of India's society so that a fresh confidence can be generated amongst our people for better work, more work and harder work so that this nation can really progress as a great nation in the comity of nations.

I said even during the discussion previously that this MISA is not directed against any particular party. Party considerations are of not much consequence but what a leader of another group is likely to do, is attempting to do, is thinking of doing or is planning to do is far more important for an action of putting him under detention. As you know, Sir, detention is not for committing a particular offence. It may be so; it need not necessarily be so. Of course, if a particular offence is committed, certainly there are other laws to take care of it but detention comes in largely when you apprehend, when you reasonably apprehend that a

certain situation is going to arise that certain actions are going to be indulged in which will be to the detriment of the society's progress or to the functioning of the Government. Therefore, I said, Sir, irrespective of party considerations it will have to be applied. And I do not see why my friends in the Opposition, particularly the C.P.I. who have given us a full-throated support at the time when this amending Bill was brought, should have begun to re-think on this matter. My friend, Shri Indradeep Sinha, has given us a very lame excuse, if I may use a very light word. I do not think he is going to say that because his party workers are being detained, it will not be possible for him to give his support to this Bill. I do not think it is so simple as that. There may be other reasons which I need not go into.

SHRI INDRADEEP SINHA : Sir, may I seek a clarification from the hon. Home Minister? The Home Minister has said that MISA is not directed against any party. I would like to know whether it is directed against the anti-democratic forces and the forces of destabilisation only, or it is directed against the democratic forces also.

SHRI K. BRAHMANANDA REDDI : It is directed not only against the forces of destabilisation and the forces of violence, but also against forces which may under the cover of support to the Government, try to act in an aggressive and violent way, disturbing the peace of a certain area. I suppose I am clear.

SHRI INDRADEEP SINHA : I would like to seek another clarification. In that case, who is to be the judge of the situation? Will a petty police official be the judge of the situation?

SHRI K. BRAHMANANDA REDDI : Obviously, in the first instance the judge of the situation would be the person who is on the spot.

If, unfortunately, some friends of the CPI have been detained, certainly, it is a matter which we can go into and see whether there is reasonable justification for the detention or not. But for you to say that because some CPI workers have been detained, you would not give your support to this Bill, would be rather inconsistent with the stand you had taken earlier and the stand you are at present taking. You are not opposing the extension of this MISA. You do not want that the forces of destabilisation, the reactionary forces and all other forces which may be, for the time being, dormant and which may activate themselves again, should be released. It is not your idea. It is not your idea that the members of the banned organisations should be released. It is not your idea that the smugglers, hoarders and other anti-social elements who played havoc with the society should be released. Therefore, it is for you to consider. I am not advising you anything. I am only submitting that your attitude at the moment does not seem to be reasonable or even sound to be logical. I am not criticising. I thank you for saying that this MISA needs extension, that this section 16A of the amended MISA needs extension, because the withdrawal of section 16A suddenly would mean the release of all forces which have been detained under section 16A previously, which include the reactionary elements, the banned organisations, smugglers, hoarders and so on. Therefore, to that extent, I thank you.

Now, Sir, hon. Members from either side of the House, including my own, feel that there are reasons to say that in certain cases, here and there, there has been some misuse of MISA. I have mentioned this previously and I am saying it today also. It is not my intention to rebut the argument and say that there is no instance of misuse of MISA. Possibly, there could have been. After all, sometimes, there may be some wrong information or insufficient information. It may not necessarily be political vendetta as Shri Prakash Veer Shastri says. But all the same, it is our desire and it is also our anxiety from

[Shri Brahmananda Reddi]

the beginning that an extraordinary power like this which has been generously given by the Members of Parliament should not be misused. Certainly, we do not want even a single instance of misuse. But as has been said, in a diverse society like this when a certain situation has to be controlled, at a particular juncture of time, it is possible that there may be some misuse. I do not say it has been so. But I say it is possible. Sir, within a few days after the promulgation of the Ordinance on the 29th June, 1975, on the 3rd July, hardly four-five days later, the Prime Minister addressed a letter to all the Chief Ministers. She told them that this power was going to be given by Parliament, that they should exercise their right and that they should be heading the Review Committee, if necessary with some help of their office colleagues, etc. And that attitude has been sustained by several letters of the Home Secretary thereafter. Therefore, Sir, I only wish to submit to the House that it has been the attitude of the Home Ministry and particularly the Prime Minister to see that the possibilities of misuse are closed. Sometimes friends say—Mr. Bhupesh Gupta also has said—that there is a fear psychosis, the fear of use of MISA. I do not mind it. What is wrong with fear of use of MISA? After all, every penal law is meant to inculcate some fear not in law-abiding citizens but in the law breaker. In a smuggler, in a hoarder, in one who acts violently, detrimental to the society—certainly. But what I say is, indiscriminate threats of use of MISA which can be called “misuse” should be prevented. That is bad; certainly it is bad. Therefore, my submission is—as I have said it before on the floor of this House—that we do not want any type of misuse should be made at any level. I have also said on the floor of this House that all *mala fide* actions will certainly be gone into and necessary action will be taken against those who indulged in such outrageous *mala fide* actions.

Sir, I have now a list of representations.

Though the Supreme Court had said that in a court of law there cannot be a remedy, representations have been made to the State Governments and to the Central Government by a wide section of people including Members of Parliament, Members of State Legislatures and others. I may tell you, Sir, that so far as the representations that have been received are concerned the Home Ministry goes into them, consults the State Governments, takes other opinion that may be available and tries to advise the State Governments also to consider those matters. But the primary responsibility is on the Chief Ministers who review these cases—who are under a legal obligation to review these cases once in every four months—to look into them and say whether there is justification—though there may be justification for a detention, whether there is justification for a further detention also they should go into—and they have been going into such matters. As I have said on the floor of the House the other day—without indicating exactly the figure—a certain number of people have been released and a certain number of people are on parole. Therefore, you will see that these emergency provisions are already under relaxation, are always constantly under review and, therefore, it is not as if the Government view it in any rigorous way. They view these matters in a fairly relaxed way. Now, Mr. Bhupesh Gupta was pleading as to why not some machinery be evolved for looking into complaints of misuse of MISA. As you know, Sir, under the original MISA of 1971 if a person has been detained, certainly within a period of 7 or 10 days grounds are given to him. He is allowed to make a representation against the grounds shown to him and then an Advisory Board is constituted, and all that procedure is there. It is not as if that procedure is not there today. That procedure exists. But this section 16A which prevents either giving of the grounds or constitution of Advisory Board, was specially enacted to meet a particular situation which has arisen on or before 25th June. Therefore, to plead today that some machinery be evolved to look into the

possible misuse of MISA does not lie. The State Governments as the reviewing authority, or the Home Ministry who has also the power to look into the cases and advise the Government accordingly, certainly can go into them and make the necessary revocation orders in certain cases.

Now, Mr. Bhupesh Gupta also should not run away with the impression that either in the States or here we are insensitive to the complaints or requests of Members of Parliament or other representations received against detentions. Now, I am very sorry if Malaviyaji has said that some indefinite paroles have been given to some notorious smugglers. It is a matter which certainly you can tell me.

SHRI HARSH DEO MALAVIYA :
Jumnagar, Sir.

SHRI K. BRAHMANANDA REDDI :
Whichever area it may be. Certainly, it is a matter which cannot be countenanced. We will certainly try to correct it, if it is so.

Sir, Prakash Veer Shastriji has been stressing, apart from indicating cases of misuse of MISA, etc., that Members of Parliament should be released and all that. Whether it is a Member of Parliament or others, as I submitted earlier, it is a case which is always under review. Necessary consideration will certainly be shown and necessary action also would follow after consideration. The point of family allowances has also been made by Mr. Shastriji. Certainly, in some States, not many but in some cases, so far as the information available with me goes, several friends have been given this family allowance. Sir, I have nothing much more to say but . . .

SHRI HARSH DEO MALAVIYA :
What about Shiv Sena ?

SHRI K. BRAHMANANDA REDDI :
Sir, Shiv Sena is an organisation against which any preventive action is possible to be taken but we have all to see the circumstances, the time and the situation, when it has to be taken, if at all it has to be taken.

Sir, Mr. Bhupesh Gupta—unfortunately, he has gone away but he has told me that he is going away—as he has got some other work—has written a number of letters relating naturally to his party people. I can convince you, if I have the time, what best of consideration we have given to what all he said and how many people have been released. I only want to convince you that any representation made is sincerely and honestly looked into. If we felt at any time that further detention was unjustifiable, the person concerned was released. But in certain cases it was felt by the State Government, and also by us, that under particular circumstances the person concerned could not be released for the time being. In all such cases, certainly they should give consideration to our views as well. After all, our views are based on some information. Sir, if the honourable Member had been here, I would have read an account of the action we had taken on those various letters which he had written, but now it is not necessary.

My submission, Sir, is that if this Bill which was due to expire on the 24th of June, was not extended by an Ordinance because Parliament was not sitting at that time, naturally it would have resulted in some action where a large number of people would have to be released, including the people of the banned organisations, including some smugglers and other people, which may be forces of destabilisation or may be reactionary forces or other forces. Therefore, Sir, everyone in the House will agree with me, including those on the other side, that it is not a situation which can be countenanced and, therefore, this had to be extended. And, as I have said—and I have given sufficient proof also—it is already under relaxation and many people have been released. How the matter stands now, I have given the information to the House. Therefore, Sir, I feel this is a measure which has to be extended for the present. The situation will be watched carefully.

Thank you.

THE VICE-CHAIRMAN (SHRI RAN-BIR SINGH) : The question is :

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

The motion was adopted.

THE VICE-CHAIRMAN (SHRI RAN-BIR SINGH) : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

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

SHRI K. BRAHMANANDA REDDI : Sir, I move :

"That the Bill be passed."

The question was put and the motion was adopted.

THE PRESIDENT'S PENSION (AMENDMENT) BILL, 1976

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN) : Sir, I beg to move :

"That the Bill further to amend the President's Pension Act, 1951, as passed by the Lok Sabha be taken into consideration."

Sir, this is a very simple Bill. The existing provisions of the President's Pension Act, 1951 do not provide for the medical facilities for a retired President's spouse. So this is only intended to extend the medical facilities to the wife of an ex-President, and this opportunity has been taken also to get deleted the existing obsolete section 3 of the President's Pension Act, 1951, which relates to the grant of pension to the last Governor-General, and also to have inserted the normal rules requiring laying of rules made under the Act. So, this is a very simple Bill. I command the Bill for the acceptance of this House.

The question was proposed.

SHRI MULKA GOVINDA REDDY (Karnataka) : I extend my wholehearted support to this Bill, the President's Pension (Amendment) Bill, 1976, and would like to make some observations.

Section (2A) says—

"Subject to any rules that may be made in this behalf, the spouse of every such person shall, for the remainder of life, be entitled to medical attendance and treatment, free of charge."

While this is to be supported, it would have been better if the same facilities—medical treatment and attendance, free of charge—are also made available to the dependent children of the spouse of the retired President. Further it is said in sub-clause (b) of clause 2—

"for sub-section (3), the following sub-section shall be substituted, namely:—

'(3) Where any such person is re-elected to the office of President, such person or the spouse of such person shall not be entitled to any benefit under this section for the period during which such person again holds that office.'"

This seems to be redundant and not necessary at all. When a person who has retired from the Presidentship of India is re-elected, he gets all the benefits that are due to the President holding that office. So, automatically he gets these benefits and there is no reason why this should have been included in the Bill.

Clause 3 reads—

"For section 3 of the principal Act, the following section shall be substituted, namely:—

'3. Subject to any rules that may be made in this behalf, the spouse of a person who dies while holding the office of President shall, for the remainder of life, be entitled to medical attendance and treatment, free of charge.'"