

[Shri Om Mehta]
the 27th, whether it is up to the 4th or 5th or 6th. But I seek the permission of the House to sit beyond the 30th.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-15 p.m.

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

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

**I. (1) STATUTORY RESOLUTION
(SEEKING DISAPPROVAL OF THE
MAINTENANCE OF INTERNAL
SECURITY (THIRD AMENDMENT)
ORDINANCE, 1975—Contd.**

**II. STATUTORY RESOLUTION
(SEEKING DISAPPROVAL OF THE
MAINTENANCE OF INTERNAL
SECURITY (FOURTH AMEND-
MENT) ORDINANCE, 1975—Contd.**

**III. THE MAINTENANCE OF IN-
TERNAL SECURITY (AMEND-
MENT) BILL, 1976—Contd.**

MR. DEPUTY CHAIRMAN: Shri-
mati Savitri Behen.

श्रीमती सविता बेहन (दिल्ली) :
उपसभापति जी, मैं आंतरिक सुरक्षा
(संशोधन) विधेयक, 1976 का पूर्ण समर्थन
करने के लिए खड़ी हुई हूँ। हमारे देश में
और वैसे तो किसी भी देश में परिस्थितियाँ
जैसी होती हैं तो समय-समय पर आवश्यकता
के अनुसार वैसे बिल लाये जाते हैं और उनमें
महत्वपूर्ण संशोधन भी किये जाते हैं। बिल
वास्तव में वही बिल है जो समय के अनुसार,
जरूरत के अनुसार लोगों की भलाई के लिए

हों और उसमें जो संशोधन किये जाते हैं, वे भी
लोगों की भलाई के लिए ही किये जाते हैं
और उन्हें इफैक्टिवली लागू किया जाता है।

इस समय हमारा देश एक तरक्की के
दौर से गुजर रहा है और इसमें तरह तरह
से, पंचवर्षीय योजना द्वारा और अनेक
योजनाओं द्वारा उन्नति की ओर अग्रसर
हो रहा है। इसके साथ ही साथ हमारा देश
सामाजिक न्याय की तरफ भी तेजी के साथ
कदम उठा रहा है और यह हमारा सौभाग्य
है कि आज हमारे देश में जो इस समय
लीडरशिप है वह इस तरह की है कि उसने
देश की भलाई के लिए अनेकों ऐसे कदम
उठाये हैं जिससे देश का सिर ऊंचा हुआ है,
और देश तरक्की की ओर गया है देश का नाम
ऊंचा हुआ है और देश काफ़ी आगे बढ़ा है।
हमारे देश ने शिक्षा के इदारे में, खेतीबाड़ी
के इदारे में, इंडस्ट्री के इदारे में काफ़ी तरक्की
की है। देश ने विज्ञान की तरफ भी काफ़ी
उन्नति की है। हमारे देश ने पड़ोसी देशों की
तरफ मेल-जोल का हाथ बढ़ाया है और उनके
साथ अच्छा व्यवहार किया है। पड़ोसी
देशों के साथ किस तरह से अच्छे सम्बन्ध
कायम किये जा सकते हैं, इसके लिए
हमारे देश ने अनेकों तरह के कदम उठाये हैं
जिससे देश आगे बढ़े, और देश आगे बढ़ा
भी है। इन दस सालों में हमारे देश ने बेहद
तरक्की की है। हमारे देश ने जो-जो कदम
तरक्की के लिए आवश्यक थे, वे कदम उसने
ठीक तौर पर और ठीक समय पर उठाये।
सौभाग्य की बात तो यह है कि जो हमारे
देश की लीडरशिप है उसने ये सब कदम उठाये
हैं और उस से बढ़कर बात यह की गई कि
लोगों को इस दस साल के समय में ज्यादा
से ज्यादा सामाजिक न्याय मिले।
आर्थिक परिस्थितियाँ किस तरह से ज्यादा
से ज्यादा मजबूत हो सकें और हमारे सामने
मीसा के संशोधन का बिल जो है वह सामाजिक

न्याय देने में सहायक सिद्ध हो। आप देखिये कि 1971 में जब मीसा लाया गया और पास किया गया उस समय इंटरनल इमरजेंसी तो नहीं थी, वैसे थी, लेकिन यह उचित समझा गया कि हमारे देश में ऐंटी सोशल एलीमेंट और ऐंटी नेशनल एलीमेंट ऐसे हैं कि जो हमारे यहां देश को आगे बढ़ने के रास्ते में रुकावटें पैदा करते हैं और खास कर देश में जो डिस्पैरिटी है, जो रहन-सहन में अंतर और असमानता है उस को दूर करने के लिये जो कदम उठाये जाते हैं, ऊपर के जीवन स्तर को जब जरा सा नीचे लाये जाने की बात होती है और पिछड़े वर्ग को ऊपर उठाने की बात होती है तो ऐसे कदमों के विरोध में वे ऐंटी सोशल एलीमेंट उभर कर सामने आते हैं, जिन लोगों की जेब पर उन कदमों का असर पड़ता है और जो अपनी आराम की जिन्दगी में किसी तरह की रुकावट नहीं पैदा होने देना चाहते वही लोग बार-बार इस तरह की रुकावटें पैदा करते हैं और इसलिये ही मीसा की जरूरत पड़ी। हम को सोचना पड़ा कि अब इस तरह के कायदे कानूनों को इम्प्लीमेंट किया जाय कि जो देश में सही मायनों में सामाजिक न्याय को बढ़ावा दे सकें और देश की एकता को मजबूत बना सकें। हमें डिमोक्रेसी की रक्षा करनी है, हमें देश की आजादी बनाये रखनी है और इसके लिए ही हमें मीसा को ज्यादा एफेक्टिवली लागू करना है। इस के लिये ही आज इस की जरूरत पड़ी और आप ने देखा कि 1971 में जब मीसा पास किया गया उस समय भी आर्थिक परिस्थितियां ऐसी थीं, समाज में आर्थिक हालत ऐसी थी जिसको बयान नहीं किया जा सकता। उस समय प्रीवी पर्सन को खत्म करने की बात थी, बैंक नेशनलाइजेशन की बात थी, इंड्योरेंस कंपनियों के नेशनलाइजेशन की बात थी और उन कामों में रुकावटें पैदा करने के लिये तरह-तरह की गलत ताकतें जो रास्ते में थीं उनको किस तरह कमजोर किया जाय। इसलिये उस समय मीसा पास किया गया और 1975 में फिर उस में

अमेंडमेंट आया इसलिये कि हम को अनुभव हुआ कि जो कुछ पास किया है वह उतना एफेक्टिव नहीं है जितना कि होना चाहिए। जरूरत इस बात की थी कि हमारे देश में कानून इस तरह का हो कि जो सामाजिक सुधार में सहायक हो और जो ताकतें उस में रुकावट पैदा कर रही हैं उनको पीछे खींचे। 1971 में भी ऐसी ताकतों को दवाने की जरूरत थी और इसलिये उस समय मीसा की जरूरत पड़ी और पार्लियामेंट को भंग करने के बाद जब कांग्रेस मेजारिटी में जीती और हमारी नेशनल लीडरशिप को देश ने पूरा-पूरा सहयोग दिया, उस समय उन्होंने जो कदम उठाये देश को आगे ले जाने के लिये, उस में भी अनेक ऐसे लोगों ने जो अपने को सो-कोल्ड लीडर कहते थे और निराश लोग और निराश पार्टियां और अनेक समाज विरोधी तत्व सामने उभर कर आये जिन्होंने उन कामों के विरोध में रुकावटें पैदा करना शुरू कर दिया। कुछ तो हमारे देश के स्वार्थी लोग उन को पैसा देते रहे, कुछ बाहर की सुपर पावर्स हैं जो हमारे देश को बढ़ते हुए नहीं देखना चाहतीं, जो हमारे देश को अपने बराबर होता हुआ नहीं देख सकतीं, उन्होंने हमारे देश के ऐसे तत्वों को प्रोत्साहन दिया और पैसे के जरिये, अपनी नीति के जरिये इस तरह के कामों को कराने के लिये प्रोत्साहित किया जिस से देश में अशान्ति बढ़े और देश का साधारण जन जीवन अशान्त हो जाय और आपने देखा कि 1969 के बाद मेजोरिटी में आने के बाद प्रोग्राम को इम्प्लीमेंट इन्हीं लोगों ने नहीं करने दिया। अभी हमारे सामने बैठे पूर्व वक्ताओं ने कहा कि यह बड़ी गलत बात है कि आप के प्रोग्राम इम्प्लीमेंट नहीं हो सके इसीलिये कांग्रेस कहीं जाकर अपनी शक्ति नहीं दिखा सकती, मुंह नहीं दिवा सकती। जो यह कहते हैं कि अपनी बात को छिपाने के लिये कभी मीसा की आड़ लेते हैं, कभी इमरजेंसी की आड़ लेते हैं वे गलत कहते हैं। मैं आदर करती हूं अपने सामने बैठे भाइयों का। यह बात सही है कि इम्प्लीमेंटेशन

[श्रीमती सविता बहिन]

प्रोग्राम्स का उतना नहीं हुआ जितना होना चाहिये था, लेकिन यह बात गलत है कि कांग्रेस वाले बाहर जाकर मैदान में मुंह नहीं दिखा सकते। दरअसल बात यह है कि अपोजीशन पार्टी को इतना खतरा पैदा हो गया था एक क्रांतिकारी लीडरशिप से, योग्य लीडरशिप से वे बौखला उठे थे। देश को इस तरह से आगे बढ़ना इनको अच्छा नहीं लगा और इन्होंने कदम-कदम पर प्रोग्रामों के इम्पली-मेंटेशन में रोड़े अटकाए। मैं मानती हूँ कि कुछ ब्यूरोक्रेसी की वजह से भी इम्पली-मेंटेशन में कुछ कमी रही है लेकिन ज्यादातर गलत तत्वों की वजह से रुका है। मुझे दुःख होता है जब मैं सुनती हूँ कि मीसा के इस बिल की अमेन्डमेंट के लिये विरोध होता है। मैं सामने बैठे भाइयों से पूछना चाहती हूँ आखिर ऐसा क्यों? मीसा तो एन्टी नेशनल लोगों के लिये है, मीसा तो एन्टी सोशल लोगों के लिये है, फिर आप ऐसा क्यों सोचते हैं कि यह हमारे लिये है और हमारी वजह से ही इसको इफैक्टिव बनाया जा रहा है, कहीं हमारे ऊपर ही तो लागू नहीं होने जा रहा है। जब यह उन तत्वों के लिये है जो देश के काम को आगे ले जाने में रुकावट डालते हैं तो फिर आपकी तरफ से इतना विरोध क्यों हो रहा है। बहुत सख्त जरूरत है ऐसे समय में मीसा को ज्यादा अफैक्टिव बनाने की, ज्यादा ताकतवार बनाने की और जरूरी नहीं है कि बार-बार रिव्यू किया जाए, जरूरी नहीं है कि ग्राउण्ड्स बताए जाएं ऐसे हालात में जब बाहर से हमें खतरा हो, ऐसे हालात में जब काले पैसे के जोर से समाज में गलत से गलत काम करने के लिये इस देश के स्वार्थी तत्व खड़े हों, ऐसे हालात में जब दूसरे देश हमारी तरफ आंख लगाए बैठे हों। गवर्नमेंट के लिये जरूरी नहीं है कि वह मीसा को लगाने के लिये ग्राउण्ड्स बताएं देश की बेहतरी के लिये, देश की सुरक्षा के लिये, देश को आगे ले जाने के लिये,

देश को मजबूत रखने के लिये खासकर ऐसी हालत में जबकि हमारे देश में इस तरह के तत्व हों।

अभी आपने देखा कि इमरजेंसी के डिक्लेरेशन से पहले किस तरह से देश की हालत को बिगाड़ दिया था, किस तरह से कानून को तोड़ रहे थे, किस तरह से शान्तिप्रिय लोगों का रहना मुश्किल कर दिया था, किस तरह से विद्यार्थियों का आह्वान किया गया था कि पढ़ाई छोड़ निकल आओ और इसका विरोध करो, किसी भी कंस्ट्रिक्ट काम में गवर्नमेंट का साथ न दो। गवर्नमेंट को पुलिस को, मिलिटरी को देश के काम में रोड़ा अटकाने के लिए भड़काने की कोशिश भी की गई। ये हमारे ही देश के लोग थे। मुझे माफ करें विड ड्यू रिस्पैक्ट मैं कहना चाहती हूँ कि अभी इमरजेंसी है इसमें मीसा है, डी० आई० आर० है और अनेकों ऐसे कानून हैं जिसमें सजा दी जा सकती है। फिर भी अनेकों बहकाए हुए इन्सान, अनेकों देश में ऐसे नागरिक हैं जो गलत पार्टी के इशारे से राज्यों में इस तरह के पर्चे बांटते हैं जिसमें देश के खिलाफ लिखा होता है। मैं पर्चे को पढ़ना नहीं चाहती अध्यक्ष महोदय, यह बात सच है कि इस तरह के पर्चे बांटे जाते हैं जिसमें देश के खिलाफ जहर उगला होता है और जिसमें देश के वातावरण को इस इमरजेंसी के दौरान और बिगाड़ने की बात होती है। देश में जो शान्ति है उनकी कोशिश होती है कि किसी तरह से देश में अशान्ति कायम की जाए।

ये लोग इस तरह का प्रचार करते हैं जिससे अच्छे और सही वातावरण में विष फैलाया जाय। इन पर्चों के अन्दर लिखा है

कि जेलों के अन्दर दो सौ आदमियों को जहर खिलाकर मार दिया गया है और इस बात की किसी को खबर तक नहीं दी गई। इन पत्रों में लिखा है कि श्री जयप्रकाश नारायण जी को दवाई में पौडजन मिलाकर दे दिया गया जिससे उनकी हालत खतरनाक हो गई है। लिखा है कि इंदिरा गांधी हाथ में कुल्हाड़ा लेकर डेमोक्रेसी का कत्तन कर रही हैं और कांग्रेस पार्टी देश के अन्दर तबाही ला रही है। यह भी लिखा है कि आज माइनिस्ट्रीज की इतनी लड़कियों को भगाकर कुछ लोग ले गये हैं और पुलिस इस पर कोई कार्यवाही नहीं कर रही है। इस तरह की अनेक बातें गलत तरीके से लिखाकर छपवाकर ये लोग हम लोगों के पास और अन्य लोगों के पास भेजते रहते हैं। आज भी हमारे देश में इस तरह की हालत है कि रोज़ लेटर बक्स और दूमरे तरीके से इम प्रकार के पत्र बांटे जाते हैं। लोग हम से आकर कहते हैं कि यह किस तरह की इमरजेंसी है जिसमें इस तरह से झूठा प्रचार किया जा रहा है। आज भी हमारे देश में ऐसे लोग हैं जिनको इम देश की शांति और व्यवस्था भाती नहीं है। ऐसे लोग हमारे देश को तरक्की के रास्ते पर बढ़ता हुआ देखना नहीं चाहते। ऐसी स्थिति में मैं समझती हूँ हमारे देश में शांति और व्यवस्था के लिए और एन्टी सोशियल और एन्टी नेशनल एलिमेंट्स को दबाने के लिए इस प्रकार के कड़े से कड़े कदम उठाये जाने चाहिए। वर्तमान स्थिति में जिन हालत के अन्दर हमारे देश की महान नेता श्रीमती इंदिरा गांधी ने बहुत सोच समझ कर इमरजेंसी का कदम उठाया है उससे हमारा देश एक बहुत बड़ी तबाही से बच गया है। मैं समझती हूँ कि हमारे देश के प्रत्येक नागरिक का यह कर्तव्य है कि वह इसमें सरकार को सहयोग दे। मैं यह भी कहना सख्ती के साथ चाहती हूँ कि मीसा का अमल किया जाना चाहिए और जो इस प्रकार के राष्ट्र विरोधी तत्व हैं उनको सख्ती से इन गलत कामों को करने से रोकना चाहिये।

उपसभापति महोदय, इसके साथ-साथ मैं यह भी कहना चाहती हूँ जो लोग हमारे देश को पीछे ले जाना चाहते हैं, जो देश में अशांति फैलाना चाहते हैं, लोगों के अन्दर झूठा प्रचार और जहर फैलाते हैं और जो देश को बिगाड़ना चाहते हैं, उनके खिलाफ मीसा का कड़ाई से पालन किया जाना चाहिए। आज हमारे देश में जरूरत इस बात की है कि जो लोग अपने आपको भारत माता का सपूत कहते हैं, जो देश भक्त कहाते हैं उनको चाहिए कि हमारे देश की नेता जिस तरीके से देश को आगे बढ़ा रही हैं उसमें उनके हाथ मजबूत करें। इन शब्दों के साथ मीसा के अन्दर लाये गये इम एमेन्डमेंट बिल का मैं पुरजोर समर्थन करती हूँ और उम्मीद करती हूँ कि हमारी सरकार इसको पूरी तरह इम्प्लीमेंट करेगी। अभी कुछ भाइयों ने कहा कि न्याय के लिए बोर्ड नहीं है। लेकिन मैं कहना चाहती हूँ कि बोर्ड तो अभी भी है। जो लोग इस तरह का गलत प्रचार करते हैं, और लोगों में जहर फैलाते हैं उनको असलियत की जानकारी नहीं है। मैं फिर इस मीसा बिल का समर्थन करती हूँ।

SHRI G. LAKSHMANAN: Mr. Deputy Chairman, Sir, I would state that this amendment to the MISA is another declaration of war on the people of India by the Government of India. A government which has lost faith in the people of the country only brings in such Acts—shall I say, Sir, with your permission, lawless Acts, draconian Acts and anti-people Acts? A government which has got faith in the people of this country shall not bring in such an Act. We thought that the ruling party, the Congress, though it has lost the backing of the people, would hold elections in 1976 after promulgation of emergency in June, 1975. How many lawless Acts have they brought in? If the Government is

[Shri Lakshmanan.]

a democratic government, what should it have done? It should have done so many things. It should have given explanations to the people for these things. They should have faced the elections in the year 1976 to have the verdict of the people for their action of declaring emergency. They say that Jayaprakash Narayan and other opposition leaders are anti-national and anti-social elements. These opposition parties did not allow them to implement all the programmes of progress. They have arrested all the people through an ordinance and through a draconian law which has been presented here today. They have done everything. The programme has also been given after the promulgation of emergency. This programme should have been given in the year 1971. At that time, the people were told by the Prime Minister, Indira Gandhi, and the Congress Party that they had no majority. They had a big programme to see that starvation did not take place in the country and poverty was removed. Therefore, they wanted the support of the people. They faced the elections and massive support was given by the people of this great country in 1971. Who prevented the ruling party, the Congress Party and the Government from bringing in this Twenty Point Economic Programme in the year 1971? Can the ruling party prove that any leader of any opposition party, who is under arrest, now, has opposed any of the national programmes in this country? Can they prove it? Was bank nationalisation opposed? Was any satyagraha conducted when the banks were taken over by the Government? Was any other progressive reform that brought in by the Government of India opposed by any political party which is in opposition and whose leaders are in prison today? Therefore, Sir, the promulgation of emergency and issuing of so many ordinances are

meant to allow the Congress Party continue in power. The Congress Party has lost the faith of the people. They should have faced the elections in March, 1976 after the completion of five years. What have they done today? Just because there is a constitutional provision, they are going to ask Parliament next week to give them one year of extension because they can ask for only one year. Who knows that elections will be held even after one year? If the Congress Party and the Government is a democratic party and a democratic government, they should have taken the verdict of the people. What happens in foreign countries where there is democracy, in the U.K. or Australia? What happened in Australia? The Governor-General dismissed the Prime Minister and the elections were held immediately after that. Whether the act of the Governor-General is correct or not is another thing. So also in the United Kingdom. When the Labour Party lost the majority, they held the elections. Then, why in this country which calls itself a democratic country, do they want to continue for another year after having completed five years? Do you mean to say that this Twenty Point Programme is going to be implemented and completed in this one year. No. They saw the results of the Gujarat elections. If my friends sitting in the opposite do not mistake me, I would say that this emergency was promulgated after the Gujarat elections. Today, the Prime Minister, says: People come and tell me that I have very good support; therefore, I can conduct the election. Then why is she not conducting the elections?

As far as the D.M. K. party is concerned we are opposed to this legislation because in a democratic country a big stick and a powerful and repressive stick should not be vested with the Government since it would be handled not by the powers that be or by the Ministers but by the

bureaucrats about whom my senior friend, who had been in the Congress Party, has said everything. Hon. Brahmananda Reddi is a class-mate of Late Anna, the ex-Chief Minister of Tamil Nadu. He was a Member of this great House. At that time, Indira Gandhi's emergency was not there. There was only Jawaharlal Nehru's emergency and the D.I.R. Now this is another emergency. Even when that emergency was there in the year 1966, late Anna while participating in the discussions on the Presidential Address, said:—

Sir, I quote:

"I would request and demand of the Government to repeal this Emergency and this DIR. They have got enough powers with the laws that they have to deal with any mischief, with any anti-social elements. Why are they apprehensive of their own people? Therefore, I would demand of this Government that they should forthwith lift this emergency and and this DIR and release those who are kept in jails. And unless and until they do that, they would not have the claim to decency and democracy. To the public, the first and foremost and the one question that they will have to answer will be: Why do you want emergency and DIR?"

Sir, this is what Anna said in this same House. Why the Congress Party in Government do not want elections? This they will have to answer. If they announce elections tomorrow, We will see you, we will meet you in the field. So also in Tamil Nadu, the same Congress Party in the opposition and the other opposition parties want President's rule and not elections. But what do we want? We want simultaneous elections to the Parliament and to the Tamil Nadu legislature because we cannot leave out Parliament and because four and a half crore people in Tamil Nadu are being ruled by the Parliament also. Therefore, there

should be elections to the Assembly and to Parliament. That is what we ask.

Sir, I would also like to quote from the speech made on the same day or the next day by hon. Shri Bhupesh Gupta. Shri Bhupesh Gupta said, and I quote:

"They use the emergency in order to build up the bureaucracy, to build themselves up and to give security to the Congress raj, security to the Congress administration, a bad administration, that is what I say. Therefore, they want to create an artificial political atmosphere under the emergency in order to divert the people's attention from the real day-to-day issues. Emergency powers are needed to shield corruption, inefficiency and nepotism in the administration and to cover up the bankruptcy in their whole policy and execution. That is clear. The emergency powers are needed to intimate the working people and suppress the democratic movements."

Again, Shri Bhupesh Gupta says, and I quote:

"Actually emergency means more powers for bureaucracy, Emergency means more powers for the ministers. Emergency means more powers to issue threats to the democratic rights and liberties of the people. Emergency means a sword in the hands of the ruling party to brandish over the heads of the opposition party and emergency means that when the elections takes place, he can go and tell the people that if they voted against you then the Defence of India Rules will be used as has been done in the past. That is called emergency."

[Shri G—Lakshmana.n]

Sir, this is what hon Shri Bhupesh Gupta said. Sir, I belong to a very small party. And I am also a very junior Member, a very young Member in this House. I may be more aged but I have put in only two years of service in this House. I would like the Congress Party people to note one thing. If you believe in democracy, today's Congress Party in power is tomorrow's opposition party. Therefore, whatever takes place in this country will apply to the Congress Party also. My friends in the Congress Party think that it can happen only to Jayaprakash and to Anna and to Bhupesh Gupta. No. Suppose tomorrow, after all these draconian laws are enacted, you become the opposition party. Hon. Brahmananda Reddi becomes the opposition leader and hon. Bhupesh Gupta becomes the Home Minister and under the same draconian law, Mr. Brahmananda Reddi is arrested by Mr. Bhupesh Gupta, what will happen? Therefore, when such issues, such draconian laws are brought before the House, we should forget our party affiliations. We should forget our party interest when such issues are brought before us. Why do I oppose this emergency? From the year 1947 onwards, if the working class has progressed, if the working class got something, if the working class got the dearness allowance, it was because they conducted democratic movements. On no occasion has the Government come forward and offered to the employees: Take these hundred rupees as dearness allowance. Democratic movements have been conducted by the working classes. But today, no democratic movement can be conducted. Whose hands are strengthened? It is the exploiting class whose hands are strengthened in the name of emergency. Therefore, I oppose this emergency. In a democratic country, right of demonstration against exploiting classes should not be curtailed in the name of emergency in order to save a particular political party in power. Democratic move-

ments in this country are being completely scattered and, therefore, I oppose this.

My honourable friend Mr. Brahmananda Reddi, you have been agitator once; I know that you have all been once agitators and today you are the administrators. But, Mr. Deputy Chairman, Sir, let them think that they will become agitators again in opposition. Therefore, Sir, as far as my party is concerned we oppose this emergency. My leader Anna in whose funeral—it was reported in the press—there was a massive number of people who attended, that is what was told by even Hindu also expressed his views which I just quoted. Therefore, such a great person who had the honour of being a member of this House and Mr. Bhupesh Gupta the seniormost member of this House have also said so previously. Therefore, this Government and the Congress Party should take all these things into consideration. We suggested in our Party conference at Coimbatore which was attended by about 5 lakhs of people that a round table conference of all the political leaders must be convened and our views must be exchanged and we must arrive at a decision as to how far we are going to allow this sort of thing. With a stick in your hands, Mr. Brahmananda Reddi, you cannot rule for long. Nobody has ruled in the world for long with a stick in hand. Therefore, I would say that the difference between the Congress Party and the DMK is that Prime Minister Indira Gandhi and the Congress Party want a disciplined democracy and my Party and my leader Dr. Karunanidhi, Chief Minister of Tamil Nadu, wants discipline and democracy. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Shri Shyam Lal Yadav. He is not here. Now Shrimati Leela Damodara Menon.

SHRIMATI LEELA DAMODARA MENON (Kerala): Mr. Deputy Chairman, I support the Bill. Just now, an hon. Member said that this is a lawless Act. I feel that it is an Act against lawlessness. It is only a temporary measure during a temporary period of emergency. The purpose of this enactment, as the honourable Home Minister has already stated, is to make these provisions fool proof so that the enactment is not like a net with a big hole in it through which the culprits escape and continue their nefarious activities. We are not going through normal times as has been stated in this House so often during the last few months. The nation is faced not only with serious problems of economic survival but also acts of violence and acts of subversion. The Prime Minister spoke the other day in this House that there is good evidence to show that there are grave threats to our democracy. We are thankful that we have a leader who with undaunted courage has anticipated these dangers so that our country did not go through the revolting acts of violence and destruction. Powerful forces have been interfering with the fate of many nations. There are also people in this country who have become frustrated, bitter and who are equally dangerous. We did not call Shri Jayaprakash Narayan anti-social or anti-national till his activities became anti-social and anti-national.

The hon. Member also referred to what the Prime Minister had said. I am not giving here either the Prime Ministers version of the present circumstances or my own. But I would like to refer to the remarks of some Members of Parliament from some Western countries who came to India with great misgivings. Later on, they found that the Opposition in India had called the administration to halt and that it had urged the Army and the Police to revolt. They say:—

"It is difficult to imagine any Government to have stood by in the face of such threats".

They also found that the preventive measures had not affected the people and that people, in general, had more self-confidence and discipline.

Adequate preventive measures have to be taken when they are necessary. We have heard in this House Opposition Members demanding summary punishment against black-marketeers, smugglers and other economic offenders. Can political disturbances and violence be less harmful? After all, what has happened in Bangladesh and many other countries in the world? Should not adequate preventive steps be taken against powerful groups and not only against just individuals who are anti-national and anti-social? Will mere warnings prevent them from carrying on with their activities? Was it harmful to restrain them?

As the hon. Home Minister has said, certain detentions were found vitally necessary. They were against some elements which were bent upon destroying the national life. If proof is needed and if there is to be legal confrontation in each and every case, preventive detention will become absolutely impossible. After the crimes are committed, it is easy to detain people. But sometimes, after the crimes are committed, they do inseparable harm. Therefore, it is necessary to take preventive action and to provide the necessary safeguards. As far as the courts are concerned, we should make our intentions very clear. The hon. Minister had given the assurance when this Bill was discussed there that the measures will be used with discretion. It is not as if the detenues have no hope. The Central and the State Governments can review the cases where *mala fide* is proved. I do not want to say anything on the judiciary. But I think when doubts exist regarding any enactment, Parliament should make its

[Shrimati Leela Damodara Menon.] intentions very clear and there should be no scope for ambiguity. Otherwise, I am afraid it will be like the poet who explained his poem. First, he said that both God and he knew it the meaning and afterwards he said that only God knew the meaning and he did not. It will be like that. If we ourselves do not make our intentions clear, the courts would feel the ambiguity. Therefore, I feel that this enactment is necessary so that there is no room for ambiguity and effective action can be taken. It may be contended, as an hon. Member has just now pointed out, that the existing provisions are quite adequate. If the existing provisions have been adequate, then there would not have been any need for this enactment. It is because of the fact that the existing enactments are not enough that this Amendment Bill has become necessary. At this moment, in this sort of crisis in this country, it is necessary that these powers are given so that preventive action could be taken because, without the canvas of peace we cannot paint the picture of economic progress in our national life.

Sir, the Prime Minister, in her speech the other day, stated that if India is not great, not one Indian can be great and individual freedom means little if the nation is not free and fearless.

Even the most skeptical critic of India cannot say that India is a police State or that the people of India are not free. Freedom to do as they like is denied only to a few persons who did not want freedom for the total people of India.

A lot of arguments are raised on the inalienable rights of individual liberty. Some people even wish to raise the rights as given in the Penal Code, to discover lost rights even before our Constitution came into

existence. But in all countries, in times of emergency, to save national integrity and freedom, ordinary laws have been suspended. The very meaning of the word "right" changes according to the time. I would just refer to a speech of Abraham Lincoln who was one of the greatest democrats. He said: "The word 'liberty' for some may mean, for each man to do as he pleases with himself and the product of his labour, while the same word may mean for some other men to do as they please with other men and the product of other men's labours." Here are two not only different but incompatible things called by the same name "liberty" and it follows that by each of the respective parties it is called by two different and incompatible names, liberty and tyranny. What is called liberty by one group is called by the other group as tyranny. But one fact is certain. Liberty for the individual, is all right as long as it does not infringe on the liberty of other men. Here is a case when the liberty of one group of individuals harms the liberty and the total freedom of the country. Then such drastic steps are necessary for a temporary period.

Some courts have understood the purpose of this legislation but others have taken a different view. I can only point out in this context a decision of the US Supreme Court which, when the Government decided to eradicate slavery, took the view that any congressional prohibition of slavery in territories is unconstitutional and had reached the proposition from the fact that the US Constitution expressly recognised property in slaves. A civil war had to be fought in the United States to see that the Government's decision for the welfare of the people was finally implemented after such great torture and suffering to the people of that nation.

Sir, here we want to prevent such a situation. We want to prevent this country from going into a saga of violence and bloodshed. We want to prevent this country from being prevented from its great duties towards the welfare of her people. We want to prevent a few people from preventing the nation going from progress to progress. With all our hazards for economic development, we have a great deal to do. Therefore, I have to support the Bill because I again can say that it is a temporary measure for a temporary period to prevent people from doing great harm to our nation. Thank you, Sir.

SHRI VISWANATHA MENON: Sir, I oppose the Bill. The previous speaker, Mrs. Damodara Menon was trying to impress on the House that this is going to be a temporary measure. If anybody thinks that this emergency and this MISA are going to be temporary measures, he is going to have another illusion. Sir, this emergency—and MISA—has been brought in this country with the ultimate aim of having an authoritarian rule in this country.

AN HON. MEMBER: No.

SHRI VISWANATHA MENON: In 1971, when the Bengal elections were rigged, we said: "Democracy is in danger". But my friends in the opposition, and many of the parties also, did not believe that. But now, one after another, they realize that, even Mr. Bhupesh Gupta. Sir, I am very glad that Mr. Bhupesh Gupta, who was my leader for many years, has come out as the champion against censorship; I was hearing him with all admiration and rapt attention.

[The Vice-Chairman (Shri V. B. RAJU) in the Chair]

Sir, one thing is clear, In this country, when somebody wants to have all the powers in his hands, that can be used against anybody. If

somebody falls from the grace of the ruling clique, he can be caught and jailed. And my dear friends, don't forget one thing, many of you are on the list—I am not simply threatening you... (*Interruption*). Malaviyaji, I did not object when you said something.

AN HON. MEMBER: That is not your business.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Mr. Menon, you should address the Chair and not Mr. Malaviya.

SHRI VISWANATHA MENON: Sir, Mr. Malaviya is unnecessarily bothering me. He is a senior Member of the House.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): But you should address the Chair.

SHRI VISWANATHA MENON: The point is that when the Congress Parliamentary Party elections were conducted, Mr. Ramdhan contested with one slogan: "Dialogue with J.P."—and you elected him.

An HON. MEMBER: No, it is not correct.

SHRI VISWANATHA MENON: He was elected and his slogan was "Dialogue with J.P." ... (*Interruptions*). Now I understand your shouting.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please do not get into the controversy of inter-party matters.

SHRI VISWANATHA MENON: Sir, when Shri Lakshmanan was speaking, he was asking the Congress Party to go to polls. I want to tell Shri Lakshmanan that they are not prepared to face even their own party elections. Their party elections have been stopped in Jullundur.

AN HON. MEMBER: Not Jullundur, but Chandigarh.

SHRI VISWANATHA MENON: Yes that is right, in Chandigarh, not in Jullundur. From this the position is very clear, that totalitarian dictatorship has come here, and it is going to stay, whether Mr. Bhupesh Gupta likes it or not, or whether I like it or not. And they have enjoyed the blood of emergency with all the Draconian laws. Now hon'ble Shri Brahmananda Reddi is moving a Bill telling us that the reasons for which a man is being arrested need not be revealed. I am sure even the hon'ble Home Minister cannot tell this House how many are in jail under MISA for political purposes. When the MISA was brought forward here, Mr. Bhupesh Gupta and his party, with all their enthusiasm, supported it because it was to be used only against the smugglers, only against economic offenders. Naturally, they supported it. But now it has been realised that the MISA is being used against their political opponents. When Mr. Indradeep Sinha was speaking, he was mentioning certain names. I can tell him many other names. Two weeks before, Chittaranjan, Secretary of the AITUC, Kerala, was arrested for conducting a satyagraha before the Electricity Board. Incidentally, the Minister for Electricity is Chittaranjan's partyman, Mr. M. N. Govindan Nair. When Mr. Indradeep Sinha was speaking, he was briefed by Mr. Kalyan Roy saying that 17,000 people were arrested. Agreed. But what about Kerala? The same thing. All the AITUC, the CITU and other trade union workers were arrested for conducting satyagraha over the Bonus Ordinance. This is a peculiar situation in which you have taken up a stand. And that is why my party has taken up a stand, because we have felt that this is coming. When the West Bengal elections were rigged, we said that this was going to happen everywhere. It happened in UP. Is it not? All the Opposition parties have complained of it afterwards. Sir, that is the position. If tomorrow the Home Minister comes

with another law, more draconian than this, more stringent than this, asking that everybody should be put in jail, I will not be surprised. Sir, what is the basis of democracy? The basis of democracy is that the Opposition must be given the chance to function in this country. Now, a handful of persons may be here in this House. But the majority are in jail. Is it not? All over India, lakhs of people have been kept in jail, and you are saying that the country is with me. Sir, when those people who had taken part in the national movement in the pre-Independence days in 1942—Mahatma Gandhi and others—were all kept in jail, the British people were also saying the same thing.

AN HON. MEMBER: Who was supporting them?

SHRI VISWANATHA MENON: Leave it, I am also a freedom fighter. I do not want to go into that. I am prepared to argue; but I have got only a little bit of time. He will ring the bell. Just as in the pre-Independence days the people who had taken part in the freedom struggle were put in jail, after some time people will be put in jail; there will be some stalemate, and the feeling will be—as the British feeling was at that time—that the people are with me. Now, you have got an illusion, including Mr. Malaviya and others, that the people are with you.

AN HON. MEMBER: It is a fact.

SHRI VISWANATHA MENON: You say that it is a fact. Then why not go to the polls in Kerala and in Tamil Nadu? You went to the polls in Gujarat and you lost.

SOME HON. MEMBERS No, no.

SHRI VISWANATHA MENON: You lost your case at the Allahabad

High Court and the emergency came. Everybody knows that. Everything happened in one day, in one week; in the same week it happened.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You please do not address your colleagues. Address the Chair. And you do not say, 'you', 'you'.

SHRI VISWANATHA MENON: I will address you.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Address the Chair. And please keep the order of the House.

SHRI VISWANATHA MENON: I agree. But those hon. Members are putting some questions.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You address the Chair.

SHRI G. LAKSHMANAN: Mr. Vice-Chairman, Sir, when you are asking Mr. Menon to address you...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The Chair.

SHRI G. LAKSHMANAN... you must also kindly inform them, when they interrupt, that they must also address you and not Mr. Menon. They are not addressing you, but they are addressing Mr. Menon direct.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I will take care of them.

SHRI VISWANATHA MENON: I am not at all bothered about their interruption. I like it. They are touchy. Naturally when I say something, they will become touchy and they will shout. I will also do that. I have no objection.
(Interruptions)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let the debate go on in an orderly manner. Please come to the Bill.

SHRI VISWANATHA MENON: Sir, everything is connected with the Bill. Every single word I say is connected with the Bill because this draconian law has made this country like this.

I will tell you another instance. To-day Mr. Bhupesh Gupta has come up with a resolution to oppose this Bill. I am very happy. Sir, tomorrow some of the ruling party members also will come up. I expect that because in Kerala—everything begins in Kerala—it has already begun.

SHRI BRAHMANANDA PANDA (Orissa): Wrong prophecy.

SHRI VISWANATHA MENON: The other day, the KPCC President, Mr. A. K. Antony was speaking in Trivandrum in a public meeting for collecting funds for *Veekshanam*, a daily to be published by the KPCC. That meeting was disturbed by the DCC President and his gang, shouting slogans in favour of the Minister, Mr. Karunakaran. There was a lathi-charge and Youth Congress boys who support Mr. A. K. Antony were taken under the DIR. How this draconian law acts, it is very interesting to note. Now it is being used by one faction to finish the other faction, is it not? So, Sir, when you begin to roll the ball, you must be careful as to where it goes and hits. Here this MISA was rolled. Mr. Bhupesh Gupta and his party thought "Oh, it is only against the smugglers, the economic offenders, not against us". But now the ball is rolling against his party also. In my party, everybody is in jail, except the few who are here; may be because we have got the status of M.P. or something like that, we are not arrested. But almost all the others are in Jail. In Kerala

[Shri Vishwanatha Menon]

there is no Anand Marg, and a little bit of RSS is there. The real opposition party in Kerala is the Marxist Communist Party, and almost everyone is in Jail. Sir, it is heard that in the name of emergency, the life of the Kerala Assembly is going to be extended once more. Yet, at the same time, you will say "The people are with us". If the people are with you, what is wrong in conducting a free and fair election? If the people are going to vote for you, conduct the election and make my party a minority party or a non-entity in Kerala politics. There you change your tone. You say "You are going to have sabotage and all that" and you use big big words. (*Time bell rings*) Sir, I will conclude. You have got your Central Intelligence. Even your Central Intelligence will not say that that kind of sabotage has been planned and put forward. Sir, on September 29th, all the top leaders of our party, excepting Namboodiripad and Gopalan, were arrested. Why? We were preparing for the elections because in Kerala the elections were coming. So, you wanted to sabotage that. And yet you talk of democracy! If you talk of dictatorship and all those things, I do not mind. But when you talk of democracy, you should act as democrats. You give a chance to every Party to contest the election. You cannot finish an ideology by repressive measures. If you want to finish RSS, this is not the way. Shri Indradeep Sinha was saying: "I am for repressive measures against RSS". That is not the way to finish RSS ideology. Ideology must be fought with ideology. That is the only way. But you are not doing that. You are forcing RSS to go underground. And they have gone underground. Is it not a fact? If you are real democrats, you should fight them ideologically. I do not agree that you are democrats. Democracy was finished when Indira Gandhi came to power. Till then there was some democracy. Now democracy is finished. We knew Indira Gandhi as Congress President and

we know what she did for Kerala. When we had a majority in Kerala, she intervened. She was then the Congress President. She organised the liberation struggle. And she had the audacity to come and say here that the Chief Minister asked for that—the Chief Minister of the calibre of Namboodiripad. And Shri Namboodiripad had to refute that. Tomorrow I will not be surprised if Shri Brahmananda Reddi brings some other law...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You have already said that.

SHRI VISWANATHA MENON: I want to stress it. Of course, there may be some repetitions here and there because I am not reading out any written speech.

SHRI BHUPESH GUPTA: Do not say it again and again so that he may bring one.

SHRI VISWANATHA MENON: He may not be there. Somebody else may be there. That is also a possibility.

The position in this country today is that the Congress Party wants to have an authoritarian rule. But I would like to warn them. There were dictators in the world in the past. Hitlers and Mussolinis did not last long. Even in Spain dictatorship could not hold on. So, I request you to come back to democratic path and forget about MISA and all this nonsense and go to the polls either in February or March, 1976.

श्री रोशन लाल (हिमाचल प्रदेश) :
जनाव वाइस चेयरमैन साहब जो दाखिली
और वेरुनी सलामती ऐवट तरमीमन्दा
इम हाउस के सामने जेरे बहस है मैं उस की
ताईद करने के लिये खड़ा हुआ हूँ। पेशतर
इसके कि मैं अपने कुछ ख्यालात का इजहार
करूँ इस बिल पर, मुझे एक शेर याद आ
रहा है :

न जहर बिछू में है न मारेस्याह में,
जो जहर है वह निगाहे फितरते इंसान में है ।
गुजिश्ता 6 साल में मैं तकरीबन इस हाउस
का मँम्बर रहा हूँ और जो पुरानी तवारीख
है उसकी तरफ जब निगाह दौड़ाई जाय
और जो लोग यहाँ डिमोक्रेसी की दुहाई
पीट रहे हैं उनके कारनामों की तरफ निगाह
दौड़ाई जाय तो यह कहना हकबजानिव
होगा कि उन लोगों ने जो मुत्तहदा महाज
बनाया था ।

1971 के एलेक्शन जब पार्लियामेंट
के हुए थे उस वक्त, तो उस वक्त प्राइम
मिनिस्टर, श्रीमती इन्दिरा गांधी ने 'गरीबी
हटाओ' का नारा लगाया था और सब पार्टियों
ने मिल का एक मुत्तहदा महाज बना कर
'इन्दिरा हटाओ' का नारा लगाया था, तो
वे अपने गरेबां में मुँह डाल कर देखें कि क्या
उन के दिल और उन के मन साफ थे और
उस के बाद जो आज वे जम्हूरियत का शोर
करते हैं वह देखें कि पिछले चार साल के
अरसे में कितने घेरावे हुए, कितनी हड़तालें
हुई, स्कूल और कालेज के बच्चों में कितनी
गैर-इतमिनानी फैलाई गयी, कितनी कौमी
मत्कियत को नुकसान पहुंचाया गया, और
आम लगाने वगैरह की कितनी वारदातें
हुई । तो जाहिर है कि जम्हूरियत से न
इनका कोई वास्ता था न कोई प्यार । इनकी
नीयत महज इन्दिरा जी की खिलाफत
थी, इनकी रंजिश थी कि इनको हटाया
जाए, गवर्नमेंट को बदला जाए । इसीनिये
मैंने यह शोर पड़ा था । मेरी अर्ज है कि
इनके पीछे कोई तखरीबकार इन्तहा पसन्द
जमात काम कर रही थी और ये उनके इशारे
पर नाच रहे थे । लेकिन हिन्दुस्तान की तारीख
गवाह है कि इस देश ने बड़ी-बड़ी कुर्बानियां
की और त्याग किये । जब बदनियत जुल्म
और तशदुद का दौर शुरू होता है तो कोई
न कोई महान शक्ति का जन्म होता है ताकि

उस जुल्म का खात्मा किया जा सके और
इज्जत और गैरत को जहाँ से खतरा हो
उसको महफुज किया जा सके ।

इन्दिरा जी उस खानदान की चश्मे
चिराग हैं जिस खानदान ने बेइन्तहा कुर्बानियां
की, जिस खानदान ने बनीनाए इंसान के
लिये मोहब्बत दिखाई और जिस खानदान
ने हुस्बुल वतनो का जजबा रखते हुए कुर्बानियां
कीं । इन्दिरा जी न केवल हिन्दुस्तान की
एक मुसल्लम नेता हैं बल्कि दुनिया भर के
अजीम तरीन खातूनों में से एक हैं । आज
उनकी वजह से हिन्दुस्तान का सर बुलन्द
है । आज इसे फ़क़ हासिल है कि दूसरे तरक्की
पज़ीर मुल्क भी आज हिन्दुस्तान की तरफ
निगाह लगाए हुए हैं । जो पंडित जवाहर
लाल नेहरू की पंचशील, ताबुन मुफ़ाअद,
नावाबस्तगी की पालिसी थी उन्हीं के ऊपर
हमारी इन्दिरा जी चलना चाहती हैं ।

मैं यह भी अर्ज कर रहा था कि प्राइम
मिनिस्टर इन्दिरा गांधी जी ने इमरजेंसी
का निफाज किया । उसकी जरूरत इसलिये
महसूस हुई कि राष्ट्रपिता महान्मा गांधी
सारी उम्र कास्टीज्म और वारवेटिक
कम्प्युनलिज्म के लिये बराबर जद्द-जहद
करते रहे और आखिर में उन्होंने इसके
पीछे अपनी जान दे दी । पंडित जवाहर
लाल नेहरू कानिले फ़त्र और कार्बिन् अहतराम
नवा थे । उन्होंने 26 जनवरी, 1950 को
हमारा आर्टिन तैयार करके हमारी कौम
के सामने रखा ! उन्होंने उस वक्त कौम के
सामने यह अहदो पैमान किया था कि हम
एक ऐमा मुमतरका निजाम का कयामे
अमल करने वाले हैं जिसकी बुनियाद को-
आपरेटिव बेसिस पर होगी । जिसमें हर
इन्सान को बिना लिहाज मद्दहब और
मिल्लत, अक्कीदा और ख्यालात जात
और पान, रंगो-नमल, एकसा हकूक
हो । 28 साल हो गये हैं न हम उन
कूकों को ले सके और न उन पर अमल

[श्री रोशन लाल]

कर सके। बहुत सारे पुराने लीडर हैं अपोजिशन के, अभी उन्होंने पंडित जी की और महात्मा जी की बहुत सारी बातें कहीं लेकिन वे अपने सीने पर हाथ रख कर देखे कि क्या उन्होंने कभी खुद इस तरफ तवज्जों दी? आज देश के कितने ही फीसदी लोग गरीबी की सतह से नीचे हैं इसकी तरफ आपने गौर किया? आपने कभी कास्टलैस सोसाइटी बनाने की तरफ कदम उठाया? आपने कभी ऐसा करने की कोशिश नहीं की और जब इलैक्शन आता है तो जात-पांत का नारा लगाते हैं और कौम को ऊपर उठाने की बात करते हैं।

मैं अर्ज कर रहा था कि इन्दिरा जी ने 20 नुकाती इन्तमादी प्रोग्राम हमारे सामने रखा। उसका मकसद किसी जमात के ऊपर या किसी इन्सान के ऊपर सख्ती करने का नहीं है और न ही, मकसद जो मीसा या कानून हमारे सामने है इनसे लोगों के साथ बेइन्साफी करने का है।

इसमें किसी के साथ अन्याय करने का कोई मंशा नहीं है। आज तक पिछले 28 सालों में जिन कामों को हम पूरा नहीं कर सके उनको पूरा करने का अब इरादा किया गया है और उसी की तरफ हमारे कदम बढ़ रहे हैं? हम इस मुल्क में समाजी इन्क्लाव लाना चाहते हैं। किसी भी जम्हूरी निजाम में लाठी और बन्दूक के जरिए काम नहीं चल सकता है। हमने अपने मुल्क में जम्हूरी निजाम बनाया है जो सबसे आला महजबतरीन निजाम है। दुनिया में दो किस्म के निजाम होते हैं। एक तरफ तो दुनिया में ऐसे मुल्क हैं जिनमें बोलने और तकरीर करने की इजाजत नहीं है और दूसरी तरफ इस तरह के मुल्क हैं जिनमें बोलने और तकरीर करने की इजाजत होती है। कुछ लोग यहां पर डिक्टेटरशिप की बात कर रहे थे, लेकिन मैं

उनसे कहना चाहता हूं कि हमारे जम्हूरी निजाम में इसानियत उजागर होती है। हमारा निजाम इस मुल्क के अन्दर एक समाजी इन्क्लाव लाना चाहता है। मुल्क के अन्दर इक्तसादी तरक्की और जहरतमंदों की भलाई लाठी के जरिए न नहीं लाई जा सकती है। यह इन्क्लाव हम मुल्क में जोरजबर्दस्ती और डिक्टेटरशिप से नहीं ला सकते हैं। इसलिये मुआशा अदम ससावात और जात-पांत की लानत है। हां, यह जरूर है कि इक्तसादी तरक्की खत्म करना होगा और मुल्क के अन्दर समाजी इन्क्लाव लाना होगा। समाजी इन्क्लाव बगैर इक्तमादी इन्क्लाव के नाकाविले अमल है। हमारे समाज के अन्दर जो भेदभाव रखे हुए हैं उनको दूर करना होगा। मैं समझता हूँ कि हमारी कौम अब बहुत देर तक इन्तजार नहीं कर सकती है क्योंकि कौम का पैमाना सब लवरेज हो चुका है और उसमें अब इतना सब नहीं रहा कि अब वह और ज्यादा वक्त तक इंतजार करे। हमारे मुल्क के लोग अब जल्दी तबदीली चाहते हैं और इसी तबदीली को लाने के लिए हमारी प्राइम मिनिस्टर ने अपना 20 निकाती इक्तसादी प्रोग्राम कौम के सामने रखा है। इस प्रोग्राम का मकसद यह है कि मुल्क को आगे बढ़ाया जाय।

वाइस चैयरमैन साहब, मैं पहले यह अर्ज कर रहा था कि माजी में पसमांदा जाति और पसमांदा कबीले के लोगों को अपनी मुआशी समाजी और इक्तसादी कद्रों से महरूम रखा। ऐसे लोग अब ज्यादा देर तक इंतजार नहीं कर सकते हैं। ये चाहते हैं कि मुल्क के अन्दर जल्दी समाजी तबदीली लाई जाय। हमारे मुल्क के अन्दर जिन लोगों को पीछे रखा गया है उन लोगों को भी रेटी खाने और जीने का हक है। उन लोगों को भी इस बात का हक है कि उनको रेटी, कपड़ा और खाने के लिए मक न मिले।

ये सारा चीजें 20 निकाती प्रोग्राम के अन्दर हैं। मैं इस बारे में ज्यादा न कह कर सिर्फ यह कहना चाहता हूँ कि हमारे वजीरे दाखिला ने हाउस के सामने मीसा के अन्दर जो तर्मीम लाने का विल रखा है उसके लिए मैं उनका शुक्रिया अदा करता हूँ और उसका खैरमकदम करता हूँ और चाहता कि वे इसको अमली जामा पहनाये। हमारा मुल्क तरक्की करता रहे और हमारे देश की वका कायम रहे। इसके लिए जरूरी है कि इस तरह क कानून हमारे मुल्क में हो। मैं आपका ज्यादा वक्ता न लेकर इस विल की फिर ताईद करता हूँ।

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra): Mr. Vice-Chairman, Sir, with your permission I would express my views on the Bill further to amend the Maintenance of Internal Security Act, 1971. I will not divulge any extraneous issues. I would only refer to matters which are before the House for consideration. For that, I would, through you, Sir, crave the indulgence of the hon. Minister to the statement he has made in the other House: If anybody is arrested with a *mala fide* intention then the Government will look into it and the right to arrest persons under the MISA is not being entrusted to petty officers; only District Magistrates, Additional District Magistrates and Commissioners of Bombay, Calcutta, Madras and other capital cities are entrusted with the right to go into the cases under the MISA. This is what the Minister had stated in the other House.

Sir, at the very outset, I will refer to a very important case in which a poor Brahmin serving in a Government concern has been arrested because of mistaken identity. There were two persons of the name of Mukund Varman Sathye and Mukund Vaman Sathe. The one serving in the India Security Press Nasik was staying

in Shivaji building and the other Sathe was staying in Navale building. There was a road in between these two buildings. Then the one who was serving in the India Security Press got accommodation in the colony and he went there. The other Sathe, a bank employee, was transferred to Manmad. In the meantime, the order of arrest under MISA was passed by the District Magistrate. The police enquired at Nasik Road. Both of them were not staying there. Then one of the neighbours told the police that one Mr. Sathye was staying in the colony of the India Security Press. Early in the morning of 5th January, 1976, he was arrested by the police. Now, the wife of Mr. Sathye who has been arrested under MISA has written to me. She says that her husband has been serving in the India Security Press for the last 21 years. He had no connection whatsoever with any political party. Nor did his wife have any connection with any political party. The other Sathe was serving in the Maharashtra Bank of Nasik Road Branch. He was transferred to Manmad. He was the person who was a Member of R.S.S. Sathe who is a Member of R.S.S. is free and the poor Sathye who has been a Government servant for more than 21 years and who had no connection whatsoever with any political party has been arrested. The poor lady who is the wife of Mr. Sathye is running from pillar to post. Nobody has paid any attention to her. Let me tell the hon. Minister that not only those who have been arrested under MISA but the members of their families also have to go through a terrible type of mental torture. This is one of the incidents and the hon. Minister should take note of it. If it is correct, Mr. Sathye should be set free immediately. This is one instance which I wanted to bring to the notice of the hon. Minister.

The second incident is in connection with my party men who have

[Shri Krishnarao Narayan Dhulap.]

been arrested by the Government of Maharashtra under MISA. I am referring to it because of the promise of Mr. Reddi which he gave in the other House. The Peasants and Workers Party of India is the main opposition party in Maharashtra. There are Ministers in the cabinet who are in charge of certain districts. Mr. A. R. Antule, Minister of Law, is in charge of Kolaba District. The two Members of my party Mr. P. N. Patil and Mr. D. N. Patil, who are brothers, were alleging against Mr. Antule that all the while, Mr. Antule, Law Minister of Maharashtra, had close connections with the smugglers of the District and my Party men openly said that the Minister should proceed against them in a court of law. They were prepared to face any proceeding whatsoever. But the Minister did not dare to do anything. Sir, when the emergency was declared and when the MISA was set in motion vigorously, he took advantage of that situation and Mr. D. N. Patil and Mr. P. N. Patil were arrested under the MISA. I perfectly know that they had not held any meetings against the emergency. They had not uttered a single word against the 20-Point Programme. But they were arrested only because the Minister has a grudge against them, and he took advantage of this peculiar situation. Sir, then the negotiation started and when they were released from the jail, the car sent by the Minister was waiting outside the jail, and they were taken to their own destination, that is Ali-bang, in the car. One of them joined the Congress with a vow to completely wipe out my party from that District. And the other, Mr. D. N. Patil, has given an undertaking in writing that he has no grudge, no allegation whatsoever against the Minister concerned, and whatever criticism was levelled against the Minister was based on erroneous fact. And, therefore, at present, he has no complaint whatsoever against the

Minister concerned. That was the undertaking given. Let me ask the hon. Minister, Mr. Reddi, through you, Sir, one question: Is this not a misuse of MISA? This is being used by the Congress Party to suppress the activities of the Opposition parties and particularly the parties which are a sort of challenge to them in that particular region. So, Sir, this is the second incident which I would like to bring to the notice of the hon. Minister and he should take note of it and make the enquiry, not through the State of Maharashtra but by sending his own people to enquire into as to how the MISA is being misused by the Congress Party Governments at the State level.

Thirdly, Sir, the incident which I would like to bring to the notice of the hon. Minister is this. Anti-social elements are also being arrested under the provisions of the MISA. But those who grease the palm of the officers are let loose and those who do not pay are arrested. I can give a number of instances. But if I say this openly here, my life itself will be in danger because those anti-social elements will be after me, and the concerned police officers will make out anything against me and they can arrest me also without assigning any reasons. And they can send any reasons to the Central Government which of course I would not know. Therefore, Sir, these petty officers—they are petty, and why I say petty is because the District Magistrate or the Additional District Magistrate who are empowered under this Act do not go themselves to make the enquiry and report—but these petty officers, the sub-inspector of police or the inspector or the other officer concerned just send the reports and the District Magistrate on the Additional District Magistrate or the Commissioner of Police sit in their offices and go through these reports and then the order of arrest

under the MISA is generally made. Therefore, Sir, the instance to which I have just referred, particularly of Mr. Mukund Govind Sathye of Nasik in the State of Maharashtra, should be enquired into by the hon. Minister, and how the MISA is being misused should be brought to the notice of the State Government and the erring officers should not only be pulled up but they should be dealt with very severely because it is dealing with the liberties of the people who were arrested and giving mental torture to those who are dependent upon them.

With these words, Sir, I conclude.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Shri N. R. Choudhury. He is not here. Shri B. C. Mahanti.

SHRI BHAIKAB CHANDRA MAHANTI (Orissa): Sir, after all that happened till the 26th of June 1975 and what has been happening thereafter including the criminal activities of the criminal agents of about half a dozen countries inimical to our progress and prosperity with which some of our own countrymen are associated, I thought that the passage of this Bill which is purely of a consequential nature, will have very little resistance. But that was not to be. In attacking the Bill, some members of the Opposition including our old and very respectable colleague Shri T. N. Singh participated and also Shri Krishan Kant, who was till the other day sitting on this side of the House, the names of Mahatma Gandhi, Pandit Jawaharlal Nehru and Rash Behari Bose have been invoked. Shri T. N. Singh, if I have heard him all right, said that conditions have been created under which a man cannot offer *satyagrah*. *Satyagrah* is a word given to this world by Mahatma Gandhi. *Satyagrah* was an article of faith with Mahatma Gandhi. It is not the case with other. At best, it is a political strategy and a political weapon with them.

SHRI T. N. SINGH: Do not misquote Gandhi at least. His was not a political strategy.

SHRI RANBIR SINGH: Gandhiji was against *duragrah*.

SHRI T. N. SINGH: What I said was that Gandhiji resorted to *satyagraha* to protect the rights of his country men and of individual. It was not a strategy. That would be misunderstanding Gandhiji to call it a strategy.

SHRI BHAIKAB CHANDRA MAHANTI: I said it was an article of faith with Gandhiji.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Do not interrupt him.

SHRI BHAIKAB CHANDRA MAHANTI: Sir, names of Rash Behari Bose and Nehru have been invoked. In everything, Sir, there is a rule of the game; so also has democracy its rules of the game. When Nehru thought of parliamentary democracy and the democracy as it is, I do not think he ever thought of seeing things that we see here, members lying on the floor of the House and seasoned parliamentarians trying to pull down the presiding officer of the House and people who once headed the Government of Maharashtra at one time and held very responsible offices in the Central Government, should think offering *satyagraha* on the floor of the House. That was not the type of democracy that Nehru thought of. With these words, Sir, I now come to the Bill itself.

The principal Act, Maintenance of Internal Security Act No. 26 of 1971, was an Act to provide for detention in certain cases for the purpose of maintenance of internal security and matters connected therewith. It is up to us, for this House, to decide whether under the existing circumstances in which India is placed today, such a situation exists or not.

[Shri Bhupesh Gupta.]

Sir, what led to the Proclamation of Emergency? Was it the personal attack made from day after day, month after month and from year to year on the Prime Minister of this country on the floor of this House and outside? Certainly not. She is far above these things. She tolerated up to a point where it became a question of the liberty and freedom of this country or the liberty of a few handful of persons. It was at that point Emergency was clamped and subsequent things followed. Conditions were so created that the nation had to pay the price by way of assassination of a Minister of the Government of India, Shri L. N. Mishra. Conditions were so created that a bomb was thrown at the car of the Chief Justice of this country. I would like to know how many of these defenders of democracy sitting opposite came out with statements either in the Press or on the floor of this House against this? It was a question of safety and security of the country and they had ample opportunities in this House to speak out their mind. Did they, even once, unequivocally condemn such actions?

Sir, I will not take much time of the House because many things have been said in the past and many things have been said by my colleagues on this side. Now, people are asking for elections. There are two things before us. First is, who was responsible and who was the main architect of things that developed into a state where the Prime Minister had no other way than to take, as she herself said, the most painful decision of her life so far, of clamping Emergency on the country? A call was given to the Army and the Police of this country to disobey the orders of the established Government which was, in other words, a call for rebellion. That chapter is over now. We need not recall all those things. The position as it

stands today is that Shri Jayaprakash Narayan is not confined and restrained inside. He claims, as also his supporters and sympathisers claim, that he is a Gandhian, Mahatma Gandhi, as you know and as all hon. Members know, had to call off an agitation and he called it a Himayalan blunder, when things developed in a manner which he never wanted. Will it be un-Gandhian on the part of Shri Jayaprakash Narayan, after seeing what has happened and after seeing that his call for total revolution was dangerous and damaging to the interests of the country, to say now that his call to the Army and the Police was basically wrong? May I ask Shri T. N. Singh and his supporters on the opposite who do not, perhaps, see eye to eye with us to say, "Yes, we do not approve of it, we condemn the action of Jayaprakash Narayan in calling the army and the police of the country to disobey the orders of the established Government"? That is the crux of the problem.

The Prime Minister has so many times, in the course of her interviews to foreign correspondents and also to the press in our own country, given out her mind, telling that the ball is on the other side. When the emergency will be lifted, it is for the other people to say.

This Bill, Sir, as I have said, is of a purely consequential nature. I support this Bill wholeheartedly.

SHRI JAHARLAL BANERJEE
(West Bengal): Respected Vice-Chairman, Sir I have stood here to support the Amendment Bill moved by the Home Minister. Sir, nobody says that emergency is desirable, but in the same breath it must be said that no Government worth its name should tolerate indiscipline in the country and be a mere spectator to these things.

Sir, I want to remind my friends in the Opposition of what took place

before this emergency was proclaimed. I won't go into the details but will only give some instances. There was no healthy parliamentary system and it was always obstructed as my friend has just now said. Threats to the security of the country by calling strikes in factories and hampering production in factories. There was student unrest and, in Gujarat, resisting the lawfully elected members from attending the Legislative Assembly and compelling them to resign by threats. There was violence. It is, therefore, Sir, that this emergency had to be proclaimed and this MISA law is a natural consequence of this emergency. Therefore, I say, it is not the Government which is to be condemned for this emergency; it is the Opposition which should be condemned for the proclamation of this emergency.

Sir, I would say something about the Opposition. In 1967 somehow there was United Front Governments in some States and those people in the Opposition thought that it was the best time for them to capture power at the Centre.

Of course, this was done by character assassination of our great leaders and by making false propaganda. But, in 1971, under the dynamic leadership of our great leader, Mrs. Gandhi, people could understand that Congress only could give good government to the people. Therefore, there was vast majority of Congress, not only in Parliament but also in the States after that. Now, this changed the mind of the people. When the people could understand that how the opposition moved, when people could understand that they do not do what they promise, when they could think that United Front is not really a front of the united opposition but rather every party tries to use the Ministry for party's sake, they placed confidence again on us, and the oppo-

sition people became nervous and, finding no other way, they lost confidence on ballot boxes and resorted to violent methods. This is the whole history.

Sir, thanks to the timely action taken by our great leader Shrimati Gandhi, the country was saved from a civil war. Otherwise, there could have been a civil war like the one in Bangladesh or in Angola or in other countries. Sir, we can understand foreign aggression, and our brave soldiers can resist it, just as they did it during the past Pakistani activities. But this internal conspiracy, specially under the guidance of the foreign rule, is more dangerous. You do not know where the enemy is. You are not face to face with the enemies. The enemies are from amongst us. If we see the history of our nation, we find these internal conspirators are so very dangerous that the country had to lose its freedom. Therefore, the Government could not tolerate it any longer, and so this emergency and its corollary MISA were introduced.

Some points were raised by some friends in the opposition, that revealing of charges to detenues has been barred by this amendment. I must say that if the detenues are given the opportunity to know their charges in public, then what will happen? The conspirators will be cautioned—and this is very dangerous. Therefore, I

support the amendment. The 4 P.M. Opposition charge against the

Bill is that the law may be misused. I fail to understand how it can be misused. They must have confidence that it will not be. If the officers misuse the law, then there is the State Government which can review it. Even the Central Government has got the power to review it. Therefore, their charge is without any foundation, is baseless, and is made for propaganda only.

[Shri Jaharala Banerjee].

Sir, Mr. Lakshmanan said that we are afraid of the Opposition. But the other day the leaders of the Opposition unanimously wanted that the DMK Government should resign. But Mr. Karunanidhi did not step down. Mr. Menon has said that in West Bengal in 1971 the election was not fair. There is a Bengali proverb—

“Bhooter mukhe Ram Nam”.

It means that there is a popular belief that ghosts fly away when Ram nam is uttered. It is impossible to hear Ram nam from the ghosts. From my personal experience I tell you—in 1967 I was the Secretary of the District Congress Committee. I was not allowed to enter many of the booth areas by the so-called volunteers of the Communist Party (Marxist) who were standing there with arms. Is this a fair election?

DR. RAMKRIPAL SINHA: That is why you took revenge?

SHRI JAHARLAL BANERJEE: We did not take revenge. They should not level charges against us. We did not do that. But they are in the habit of doing all that. So, they say that everybody does it.

Sir, I will not take much of the time of the House. I again support the Bill. This is necessary to protect our country from the hands of those Vibhishans . . .

SHRI BHUPESH GUPTA: Where is Seeta?

DR. RAMKRIPAL SINHA: You are branding the Opposition as Vibhishans. What do you brand yourself?

श्री श्याम लाल यादव (उत्तर प्रदेश) :
माननीय उप-सभाध्यक्ष जी, मैं इस विधेयक

का समर्थन करते हुए कहना चाहता हूँ कि जब कोई असाधारण स्थिति उत्पन्न होती है और आपात्-स्थिति की घोषणा होती है उस समय यह आवश्यक हो जाता है कि जो भी कदम उठाए जाएं, सोच समझ कर और पूरी तरह से उठाए जाएं। मान्यवर, ऐसे समय में जब संकट उत्पन्न हो तो यह संभव नहीं दीखता कि जिसके विरुद्ध आंतरिक सुरक्षा अधिनियम के अन्तर्गत कार्यवाही की जाए उसको वे सभी आधार बता दिए जाएं कि किन कारणों पर उन्हें गिरफ्तार किया गया है और जब सरकार यह घोषणा कर दे कि यह गिरफ्तारी आपत्कालीन गिरफ्तारी है तो यह प्रमाण होगा इस बात का कि उसकी गिरफ्तारी आपात्-स्थिति के उद्देश्य से, क्रियान्वित की गई है। इसलिए उस उद्देश्य को पूरा करने के लिए जो संशोधन विधेयक रखा गया है वह, मैं समझता हूँ उचित है। मान्यवर, ऐसी स्थिति दूसरे देशों में भी आई। अमरीका में भी, जब अब्राहम लिंकन थे, और वह बात हम सभी जानते हैं, वे कितने बड़े प्रजातांत्रिक सिद्धान्तों को मानने वाले थे, उन्होंने भी अपने देश में जो हैबियस कॉर्पस का अधिकार था वह कुछ समय के लिए स्थगित कर दिया था। हमारे यहां तो ऐसा नहीं हुआ। हमारे यहां तो संविधान में एक व्यवस्था है और साधारणतः यह माना जाता है जब कोई आपात स्थिति की घोषणा होती है जो हमारे मौलिक अधिकार हैं वे मुअत्तिल हो जायेंगे और वे अधिकार नहीं चलाये जा सकेंगे लेकिन बहुत से ऐसे हाईकोर्ट हैं जिन्होंने इस अधिनियम की बातों को सही माने में समझा और बहुत सी अदालतों ने इसका अर्थ सही मानों में नहीं समझा। इसलिए मैं समझता हूँ कि यह आवश्यक हो गया कि इस तरह का विधेयक सामने लाया जाय और तमाम स्थिति को स्पष्ट किया जाय जिससे अदालतों में और दूसरे लोगों में किसी तरह का कोई भ्रम न रहे।

इसके साथ ही साथ मान्यवर, हमारे एक दोस्त श्री कृष्णकान्त जी ने यह कहा था कि पूज्य पंडित जवाहर लाल नेहरू ने यह कहा था कि Freedom is in peril. Defend it with all your might. मैं समझता हूँ कि कि जब हमारी आजादी को खतरा उत्पन्न हो गया तो हमारे देश की नेता प्रधान मंत्री ने मजबूती के साथ यह कदम उठाया और उस कहावत को चरितार्थ किया जिसमें कहा गया था कि जब भी देश में किसी तरह का कोई खतरा उत्पन्न हो तो कोई भी कदम उठाने से हिचकना नहीं चाहिये। आज जो देश में स्थिति उत्पन्न हुई है, उसकी जिम्मेदारी बहुत कुछ विरोधी दल पर है। हमारे टी० एन० सिंह एक पुराने बुजुर्ग नेता हैं। मेरा कांग्रेस में आपका साथ रहा और कई चुनावों में लड़ने का मौका मिला। उस समय तो जो स्थिति थी वह ठीक थी। लेकिन अब वे इस समय जिस स्थान में बैठे हैं इस बात को महसूस करते होंगे अपने दिल में कि विरोधी दल वालों ने जिस प्रकार का रवैया अपनाया और येन केन प्रकारेण सत्ता अपहरण करने की कोशिश की। उन पार्टियों के सामने कोई सिद्धान्त नहीं था और न ही कोई उद्देश्य ही था। उन्होंने तो केवल सत्ता अपहरण करने का एक कार्यक्रम बनाया और उस कार्यक्रम को अपनाने के लिए श्री जयप्रकाश नारायण अपना सत्यास त्यागकर फिर से मैदान में आ गये जब देश में चुनाव हुए तो विधान सभाओं का विघटन करने के लिए कार्यवाही की गई और इसके लिए सेना का आह्वान किया गया, इसका जिक्र श्री टी० एन० सिंह ने अपने भाषण में नहीं किया। उन्होंने श्री जयप्रकाश नारायण के लैटर का अंतिम पोर्शन पढ़ा, लेकिन इस बात का जिक्र नहीं किया कि

जयप्रकाश नारायण जिम प्रकार का वातावरण देश में उत्पन्न करने की चेष्टा कर रहे थे, अगर वह कामयाब हो जाता तो टी० एन० सिंह जी यहां सदन पर बैठते और न ही माननीय सदस्य ही सदन में बैठ पाते। बल्कि देश में कुछ संगठित लोग, कुछ गुन्डे लोग देश के कुछ लोगों को एकत्रित कर लेते और फिर सदन के बाहर खड़े होकर माननीय सदस्यों को कार्य करने से रोक देते।

श्री टी० एन० सिंह: मैं बीच में बोलना नहीं चाहता हूँ। श्री जयप्रकाश नारायण का नाम लिया गया, लेकिन वे यहां सदन में मौजूद नहीं हैं। इस वास्ते मैं यह आवश्यक समझता हूँ कि कम से कम उनकी जो सेवाएं है उनका तो ख्याल रखा जाय। श्री यादव जी को इस तरह के आरोप उन पर नहीं लगाने चाहिए और इस तरह से छोटी मुंह बड़ी बात नहीं कहनी चाहिये।

श्री श्याम लाल यादव: मान्यवर, हमारे देश की यह परम्परा रही है कि जो बुजुर्ग हो जाते हैं, वयोवृद्ध हो जाते हैं, वे अपने से छोटों को हमेशा ठीक नहीं समझते हैं। गांवों में जैसे बूढ़ी औरतें पंचायत घर में बैठ कर बहू-बेटियों की रात-दिन शिकायत करती हैं और यह मानती हैं कि उनको कोई अधिकार नहीं है। तो जो लोग जयप्रकाश नारायण को अपना नेता बनाना चाहते थे, वे तो सदन के सामने हैं और हमें पूरा अधिकार है कि वे चाहे सदन में हों या न हों, लेकिन उनके समर्थक तो हैं और इसलिए मैं समझता हूँ कि मुझे पूरा अधिकार है कि मैं अपनी बात कहूँ। इसमें छोटी मुंह और बड़ी बात

[श्री श्यामलाल यादव]

होने की कोई बात नहीं है। मैं इतना अवश्य कहना चाहता हूँ और इस बात को दोहराना नहीं चाहता हूँ कि 1967 के चुनाव में मैं टी० एन० सिंह के साथ खड़ा हुआ था। हम कांग्रेस की ओर से खड़े हुए थे और श्री कमला पति त्रिपाठी वहाँ पर मौजूद थे।

श्री बनारसी दास (उत्तर प्रदेश) :
आप डिफेंड कर गये।

श्री श्यामलाल यादव : आप डिफेंड कर गये। उस समय बनारसी दास जो को हुकूमत उत्तर प्रदेश में थे। उनकी क्या तस्वीर थी, यह मैं इस समय दोहराना नहीं चाहता हूँ। उत्तर प्रदेश की जनता जानती है कि किस प्रकार के कुत्सित इनकी सरकार ने किये थे। मैंने जब देखा कि इनकी सरकार को नहीं गिराया जा सकता है तो मुझे विरोध में जाना पड़ा और कोई बात नहीं थी। श्री टी० एन० सिंह कांग्रेस दल से अलग हो गये और बाकी सब लोग श्रीमती गांधी के साथ संगठित हो गये। मैं श्री टी० एन० सिंह जी को याद दिलाना चाहता हूँ कि 1967 के चुनावों में विरोधी दल के लोगों ने क्या मुकाबला किया? वे सब पराजित हुए। उन लोगों ने किन प्रकार का हिंसा का वातावरण उत्तर प्रदेश के चुनावों में फैलाया था और ठीक उसी प्रकार पुनरावृत्ति गुजरात में हुई। मुझे गुजरात में जाने का मौका मिला और मैंने वहाँ अमरेली जिले में दौरा किया। हमारी सभाओं में जनता मोर्चे द्वारा डेलेफेंड गये, इनके समर्थकों ने डेलेफेंड किए। मैं अपने मित्रों से यह पूछना चाहता हूँ कि क्या आप इसी तरह का जनतंत्र देश को विरासत में देना चाहते हैं जिसमें हिंसा का वातावरण हो? जिसमें लाठी के बल पर शासन चलाना चाहते हैं। वह दिन अब वापस नहीं आयेगा। इस देश में तानाशाही प्रवृत्ति के लोग जो शासन में रहे हैं आज शासन चलाने देना नहीं चाहते।

वह शासन में ही रहना चाहते हैं और हिंसा के बल पर आज वह सब चीजें नहीं हो सकतीं। आज देश के करोड़ों गरीब और मजदूर जाग गये हैं और इन्दिरा जी में उनको विश्वास है। इन्दिरा जी ने जो उनको मौका दिया है उसमें उनका समर्थन करते हुए वह इस जनतंत्र को कायम रखेंगे। आज श्री टी० एन० सिंह को बहुत अफ़ोस होता है। मैं समझता हूँ कि जिन दिनों वह शासन में थे और वह कुछ दिन तक उत्तर प्रदेश के मुख्य मंत्री भी रहे, उस समय मैं उनके साथ था। लेकिन उस समय की हालत को देख कर ऐसा लगता था कि मानो कोई शासन ही नहीं है। मैं उन सारे हालात को यहाँ फिर से कहना नहीं चाहता, वैसे व्यक्तिगत रूप से मैं उनका आदर करता हूँ लेकिन वह इस बात को न भूल जायें कि इस देश का जनतंत्र ऐसा ही नहीं रहेगा। यह बढ़ना चलेगा और जब कभी सकट पैदा होगा, जब कभी ऐसी ताकत जनतंत्र को समाप्त करने की चेष्टा करेंगी वह नाकामयाब होंगी और ऐसे समय ही देश में ऐसा नेतृत्व उभरेगा कि जो उन ताकतों को नष्ट कर सके। जैसा कि गीता में भगवान् श्रीकृष्ण ने कहा है कि जब-जब धर्म की हानि होती है मैं जन्म लेता हूँ और पुनः धर्म की स्थापना करता हूँ, ऐसी स्थिति में ही हमारे देश में श्रीमती इन्दिरा गांधी का नेतृत्व उभरा है।

आखिरी बात कह कर मैं अपनी बात को समाप्त करूँगा। जो कुछ हम कहते हैं उसे आप भले ही न मानें, लेकिन जो विनोबा जी ने कहा है उसे तो आप मान लीजिये।

(Interruption) आप मेरी बात सुन तो लीजिये। उन्होंने क्या कहा, इसे आप सुन लीजिये। मान्यवर, मोतीलाल जी के भाषण में उनके राम-राम के नाम लेने की चर्चा हुई है। हमारे यहाँ एक राम थे और उनके दो तरह के भक्त थे। एक अनुरोधी भक्त थे और एक विरोधी भक्त थे। अनुरोधी भक्त

जैसे हनुमान, भरत आदि थे और विरोधी भक्त जैसे रावण या कुम्भकर्ण थे। उसी प्रकार इन्दिरा गांधी के अनुरोधी भक्त इस देश की जनता तथा हम कांग्रेस जन हैं और विरोधी भक्त हैं यहां की विरोधी पार्टियां। जैसे रावण के मारे जाने के बाद भी उसका उद्धार उस समय तक नहीं हुआ जब तक कि उसने राम का नाम नहीं लिया। उसी प्रकार विरोधी दल भी जो जी रहा है, लेकिन जब तक वह इन्दिरा गांधी का नाम नहीं लेगा तब तक उसका भी उद्धार नहीं होगा, यही मुझे कहना है।

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, we are at the close of this debate and our Resolution has been moved by comrade Indradeep Sinha. Broadly he has made the points that we wished to make.

But on this occasion I think a few things need to be clarified and stated very frankly in this House for the benefit of our colleagues.

It is well known that in the past we had been very much against preventive detention. When we came to Parliament many years ago, we fought against preventive detention and we got the preventive detention law of that time somewhat amended. Shri Jawaharlal Nehru accepted those amendments. In those days preventive detention law was meant mainly against the left wing forces, the Communist Party in particular. In fact when I was elected to this House, I was in detention in Dum Dum Central Jail and I came straight from jail. And so did many others. At that time there was no problem of destabilisation of the country. There was no charge against us that we were in collusion with some imperialist forces or CIA or some other agents in order to bring

about the downfall of the Government with a view to wreck our independence. In those days it was for entirely different reasons that we were fighting preventive detention law which had been used by the powers that be at that time against left wing movements in our State and other States as well.

You will remember that the Preventive Detention Act was passed at the instance of Sardar Patel, the Home Minister, who came to the provisional Parliament to say that in a matter of hours the law had to be passed as otherwise the Communist detenus were likely to be released by the High Court as indeed was the case. Many *habeas corpus* petitions were pending—hundreds of them—and there was danger from the point of view of the Government that the Communist captives at that time would be released as a result of the misuse of even those lawless laws.

Well, this is how the Preventive Detention Act came. When we were elected, we naturally took it up and a great debate took place in the two Houses of Parliament and that debate will be remembered by those who were Members at that time. Diverse points of view were expressed. But we were not under the shadow of destabilisation. Whatever the points of view, they were not expressed under the threat of a foreign power or under the kind of the communal thing that some people sought to organise later. It was mainly a weapon against the progressive and leftist democratic forces in the country, particularly the Communists in the country. We fought and we got some amendments accepted and, ultimately, certain provisions were added to the Preventive Detention Act with some safeguards by way of the Advisory Boards and so on and also, Sir, certain other provisions were there. Now, Sir, since then we have been fighting against the Preventive Detention Act. The law

[Shri Bhupesh Gupta.]

had been used against the trade union movement, the peasants' movement, the workers' movement, the teachers' movement and the students' movement in which many of us had been the victims. But the irony of it is this: Shri Morarji Desai was one of those who were very keen in using the Preventive Detention Act against us. I remember the stand Shri Morarji Desai took in the composite Bombay State Assembly when he justified the arrest of even our comrade, Shri Dange. Well, he was fighting for the linguistic reorganisation of the State along with others. The principle of linguistic reorganisation of States was accepted by the Government and, as you know, Sir, very well, many suffered in those days and many were killed. But surprisingly enough, some of our friends today are speaking against it. But they were the great champions of the Preventive Detention Act then. I do not know how many of them are here on this side and I do not know how many of you have come to this side from that side—not that many of them are there—but your predecessors or your camp-followers hurled abuses and attacked us and justified the Preventive Detention Act. The circle has come full. Today, you have become the victims of the Preventive Detention Act for reasons none too holy at all. Sir, I am reminding the House of these things because one must see things in the proper historical perspective. Life is full of changes. At that time, the Americans were demanding the arrest and detention of the Communists. We were denounced and were called names by the Americans and their brothers and others. When we were put in prisons, some people asked: "Why were they put in prisons? They should have been shot." You know all those things. From which quarter came the cry, the hoarse cry, that we should be prosecuted and attacked and put in prison

and so on? It came from the same quarter, the USA and the imperialist circles and others who raised their voice against us. Unfortunately, at that time, some of my friends who have joined the Congress (O) and others were with them demanding the same type of action. Again, Sir, today, we find that the President of the same Americans thinks that democracy is dead in India because some people have been kept under detention and there has been according to him, the demise of democracy. So, according to the Americans, if the Communists are put in prison, if the leftists are put in prison and if the workers are put in prison democracy survives, grows and becomes magnificent, beautiful and good to look at, almost as good as, if I may say so, some of the good American ladies. It is like that. But the moment the reactionaries or the communalists or the Anand Margis or the RSS people or the people of this kind are put in prison democracy is dead as a dodo. That is their line. We naturally disassociate ourselves from that line. So, Sir, today a situation has arisen in the country. We support the emergency and we have not withdrawn our support to the emergency.

We have even to accept the MISA, the application of MISA, because the country was faced with de-stabilisation. It was not a normal political battle that was waged in the country. It was not as if some opposition parties wanted to capture political power through the normal democratic, parliamentary process. It was a situation when they went in for a mutiny and rebellion, and all kinds of activities were indulged in—arson, violence and other things—and the forces, the Anand Margis, the RSS, etc., appeared in the streets for a total revolution, in order to settle accounts in the streets of

Delhi, Patna and elsewhere. And they were greeted by imperialists and other such forces. Let these be denounced today. Our friends should denounce them. Without exception, all counter revolutionary offensives should be condemned. Unless we condemn them, unless anybody condemns them, there will be de-stabilization and enacting of the tragedy of Bangla Desh in the streets of Delhi. That must be clearly understood. We have been forced to support the Government, we have been obliged to support the Government and obliged to support this action. Either measures are taken to forestall the counter-revolutionary blow or put many of them in prison. We did not like the second alternative. We liked the first alternative, which is very clear. It is not a question of Indira Gandhi or somebody else. It is a question of a particular strategy or policy which came into the open with all its wickedness, with all its viciousness, with all its violence, with all its deceit, of unaccountable crimes committed against the interests of the country, threatening the very independence, unity and security of the country. What else could be done? So came the emergency.

I think our friends should thank themselves for the emergency. They were brewing for a serious situation. These gentlemen, our friends here, thought of taking advantage of the Allahabad High Court judgment for capturing political power. Well, you failed. I think that introspection is necessary on your part. You should ask yourself: Why was this miscalculation? Why that gamble? I think our friends are not doing that. They are not self-critical. They may call it a Himalayan blunder, if I may use this word. But it is not a Himalayan blunder; it is a calculated crime that was conceived, that was prepared for, that was to be executed. For this situation our rightist friends are res-

ponsible. We do not like a situation of this kind to prevail in the country. But who has brought it about? They should have waited till the 1976 elections; they were not very far ahead at that time they were barely 9 months ahead. But they were in a desperate hurry. I place the responsibility for the situation which has arisen in the country today basically, so far as these things are concerned, on the rightists combined. Mr. Jayaprakash Narayan is responsible, and others are responsible for it. Let us not get away from that fact. Naturally, action had to be taken. It seemed inescapable at that time. What has happened in Bangla Desh? You have seen. Well, these forces appeared in the streets.

Did we not see that drama being enacted or sought to be enacted in the early part of June when certain forces inside and outside the Congress Party perhaps were trying to bring about a situation jeopardising the stabilisation of the country? Naturally, it so happened in that situation. Let us be clear about it. I do not want to go into that thing. So, Mr. Krishan Kant should realise as to why we support. It is not a question of change of Government. We are not opposed to a democratic change of Government. It was a question of taking away the freedom of our country. It was a question of putting our country on the lines of destabilisation in which American dictatorship under the facade of some sort of institution or government would rule. Well, we did not opt for it. Now, after Bangladesh at least, you should understand, I would like to ask my friend as to why he did not discuss Bangladesh a little. Mujibur Rahman was murdered and other people were killed in Dacca Central Jail. They have been slaughtered in a very brutal manner by the forces of imperialism and destabilisation. I expected Mr. Singh to say something about what happened

[Shri Bhupesh Gupta]

in Dacca in August or in the Central Jail, Dacca, in November. But nothing has been said. Why this silence? Why this significant silence today? Is it not time to condemn?

SHRI T. N. SINGH: Mr. Bhupesh Gupta, I wrote. You are not aware because none of our statements have been published in the press.

SHRI BHUPESH GUPTA: Repeat it. Repeat it again. Say it again. Say it again and again. Condemn America.

SHRI T. N. SINGH: Mr. Bhupesh Gupta should accept what I have said.

SHRI BHUPESH GUPTA: I have not seen it. It is some sort of secret statement by him.

SHRI T. N. SINGH: How will you see when it is not published?

SHRI BHUPESH GUPTA: Condemn the United States of America and its destabilisation. Say that whatever happens, never never shall we allow such things to happen in our country, that the C.I.A. should be thrown out of the country and that action should be taken against them. I should say it and you should say it. But because you are not a decent man and your politics is not decent, it sticks in your mouth. Otherwise, if Bhupesh Gupta can speak in this manner, why cannot such a veteran politician, ex-Chief Minister, Member of the Planning Commission and a member of the Government here at the Centre can't say: I denounce what has happened; I denounce America; I denounce C.I.A. and I denounce all those who stand for that kind of thing? What is the difficulty in that? Has language dried up? No, there is some difficulty there. My friends speak about national reconci-

liation. I am not going into it. But where is the meeting ground between those who associate themselves with murder and those who stand for certain ideals? Would-be assassins and would-be victim should not meet always. That is the law. There should be rule of law. That is what I am saying.

Now, Sir, after giving this broad background, I have to say something else.

We are discussing this thing seven months after the emergency. We are not under that old strain or excitement. I think we can objectively in a self-critical mood review things that have happened. Well, Sir, emergency, we supported it. We still support now. But emergency for what? Again and again the question will be asked; if we do not ask others will ask. Emergency is to weaken and attack the imperialist agencies in our country. Emergency is meant to take care of the forces of destabilisation and strength the forces, who are fighting it. Are we doing it? Emergency is meant to weak the positions of the exploiting classes like the monopolists, the Tatas, the Birlas and others, and the village landlords and those who feed the counter-revolution and reaction and fascism. Are we doing it? Emergency is meant to ease out from the administration those officials and others who have been known as supporters of the Anand Marg or the RSS or those who have been in sympathy with rightist forces. Have we done it in full measure? These are the questions the Prime Minister Indira Gandhi, should ask herself, Mr. Brahmananda Reddy should ask himself, and the other Ministers should ask themselves and find to the satisfaction of their own conscience, if not to our satisfaction, what has taken place. What has happened even to your 20-Point Economic Programme? Why is it slow? Why is it not being properly implemented? Who are coming in the way? These are the questions to be asked.

Sir, many things have been passed giving powers. In an extraordinary situation, extra-ordinary powers are needed. I know it. We are conscious of it and we do not grudge powers being given. But when powers are misused and abused, when the institutions are bypassed and defied, when the extraneous agencies begin to come to operate, we ask the question and raise the issue. Is it wrong, I should like to know. Mr. Brahmananda Reddy is sitting here. Well, even emergency has not dispensed with Parliament. Assemblies are democratic institutions. May I strike you a warning today? Do not play with your democratic institutions. It may be convenient or advantageous to you or some of you. But if the democratic institutions that you built over the years, through your own sweat and struggle, suffering and sacrifice, by learning from your life and yet drawing the lessons from others, and if you break those institutions, humiliate them, degrade them, denigrate them, you will see that much greater damage will befall our country and we will not be able to meet that challenge and threat. Mr. Vice-Chairman, this is the experience of the struggle of the people all over the world that democracy must hinge on the institution, democracy must be on the top of the institution. The institution must be the instrument of democracy not an individual nor a group of individuals, nor a coterie nor a caucus. Can we say that we are being respectful to the institution? MISA is there. You may put me in jail. I may be there for some time and come back again and some of you will go and come back. That is the pattern of life. But what happened? If our parliamentary institution, the democratic institution and other institutions that we have set up have been denigrated, weakened, undermined and ridiculed, well, what happens then? Something I shudder to think. I think betimes how we can allow anybody to do such a thing. We shall fight the right reactionary and

the forces of destabilisation from the positions of democracy, from the positions of our institution. These institutions that we have built up are our hope and our bastions of struggle. We shall not allow these institutions to be weakened and undermined. That is what we say. That is why I come to the question of accountability. Mr. Brahmananda Reddy and Kamlapatiji, that accountability must prevail. Nobody in authority in the country should function without having the accountability to the supreme body like Parliament. That should be there. Let that impression be not gained outside that well, it is possible in our State to take it around the country without being accountable to Parliament, the supreme body. Supremacy of Parliament has been very rightly stressed by the Prime Ministers and others. We fully reciprocate the sentiments but today it is not a matter of sentiments. We are passing through a critical time amidst external and internal threats of destabilisation. We have to hang on with all our strength, with all our dedication, with all our devotion to whatever democratic institution we have built up. And not only that, we must strengthen it and take it to the grass root level so that masses can become the active partners and participants in such institutions. That should be our aim. I hope the lesson has gone home to the Government and the entire Council of Ministers and the legislators will function in a proper way. That is what I want. If anybody wants to function in a different manner and if it is wrong, do not allow him to go in that manner. We may not be there for long. I think many of you are as old as I am. We will be going away but what will our generations that will come, think of us? They will think that we elders sitting here did not pay attention to these things and these things were going wrong. That is why I must tell you to pay attention to this aspect of the matter.

[Shri Bhupesh Gupta.]

As far as MISA is concerned, is it not being misused, Mr. Brahmananda Reddi? You have said: "We shall take precaution against its misuse." Shrimati Indira Gandhi has also said it at Chandigarh and elsewhere. Which honourable man would not say that MISA is being misused? Everybody will say but as far as you are concerned, it is your duty to take measures to prevent this misuse of MISA. Now, grounds of detention you will not give. I do not know what you gain by it. Have you examined it? You are open to the charge that either you do not have the grounds or your intelligence and other agencies have failed very much and they cannot prepare the grounds. I was detained under the British for four years; grounds were given. I was detained by your Government also; well, I do not know whether some of you were there; and the grounds were given and I was detained all the same. Now why these kinds of steps are being taken in this manner? I think some of the things you should avoid. You are being watched by the whole world. If the world is admiring you that you have taken action to protect your independence, to protect your integrity, to protect your sovereignty, to protect the country from destabilisation, they are also watching how you are using the ample powers that you are acquiring. Please understand. We are watching; the people are watching. Silence should not be taken for acceptance. Maybe, people are silenced today; may be, many people are silent in other States but do not take it for granted that silence means endorsement. I warn you, do not commit that mistake. Find out by feeling the pulse of the people, by talking to them intimately in a friendly way as to what they feel and what they have to say. Come to your own conclusion as to what you should do. You are not doing that. Take for example, our case. You say MISA is not being misused. Mr. Vice-Chairman, Sir Dr Harnam Singh, Secretary Kurukshetra District Council of CPI

and President of the Haryana Kisan Sabha had been wrongfully detained on the 30th of December 1975. May I know....

AN HON. MEMBER: Why are you complaining?

SHRI BHUPESH GUPTA: May I know whether he is a destabiliser? Is he a rightist? Should you not believe Bhupesh Gupta saying that he belongs to our Party? Should you not believe Bansi Lal that he is a very well-known Communist leader? Why is he arrested? Is he arrested to vote for us? Even now this is the generosity of the Communist Party or of the working classes that despite the fact that our Communists are being arrested we are taking a political stand in the larger interests of the country. We know that we have supported this measure and that will be used against us. And here is the case. Is a sub-inspector more important for you than a man sitting here with you? You know very well whether I am a scoundrel or a liar or anything. You do not believe me. You believe your Superintendent of Police. What conclusions am I to draw from this? Will the country be ruled by politicians or on the basis of complaint books prepared by some police superintendent or some sub-inspector? This is one case of our Haryana friend. You can find out from your Chief Minister. Again, in Madhya Pradesh, we have the cases of five of our comrades, Jaydeo Upadhyaya, Sheodayal Awadhya, H. R. Karsh, Sikdas and Fulidas. They are all our party members and they have all been arrested. What certificate you gave? Do you think I would plead for Anand Marg? Do you think I would plead for RSS? Do you think, I would plead for those who went out in the streets of Delhi on the 25th, 27th and 29th of June? Why have they been arrested? Did the President impose Emergency in order to arrest them? Is it the position? Mr. Brahmananda Reddi, are you so helpless, so powerless, so denigrated

so rendered helpless that you cannot even pass an order on the strength of what I say that these people should be set free? I am sorry for you, I am sorry for me and I am sorry for our fellows who are in jail. We all seem to be thinking in different situations. Take another case. One of the leading members of our party in Madhya Pradesh, whom everybody knows, is under detention. He is a dear colleague of ours. What crime did he commit? Did he appear in Delhi in the morcha led by Shri Jayaprakash Narayan? Did he fight for Shri Jayaprakash Narayan in his State. Why is he arrested? This is not a individual case. This shows the typical attitude of some people who are behind the scene. Mr. Brahmnananda Reddi or Mr. Kamlapati Tripathi may not be responsible for it; some other people may be doing it. But you are the head of the administration. If something goes wrong in the War, the generals and commanders answer. When your officers misbehave in this manner, it is your duty to ask them as to what is happening. There is nothing of that kind. You will be surprised to know that one of our colleagues, Mr. Anwar Ali Khan, Muslim comrade, was arrested at the beginning of Emergency in Himachal Pradesh because the Chief Minister did not like him. If the President while proclaiming the Emergency had also stated that people whom Chief Ministers did not like may also be arrested, I could have understood. What is the legal position? Mr. Anwar Ali Khan, a young member of our party from Himachal Pradesh, is arrested.

SHRI JAGAN NATH BHARDWAJ: You are giving wrong information. Your information about Himachal Pradesh is wrong. You should not go by imagination. You are not stating the correct facts.

SHRI BHUPESH GUPTA: Now, he has been released on parole. After seven months, we have got him out of prison on parole. Why do you defend your Chief Minister? Is there any

Rajya Sabha election from Himachal Pradesh? It is not necessary for you to defend him. He can do it. I am told that he was arrested because he was a communal man and a Pakistani agent. Do you believe we will entertain in our party a person who is communal or who is an agent of Pakistan or some such thing? Your party may be so generous and so accommodative that everybody may come in. But in our party, it is not so simple for a communal man to occupy an important position. This is what I would like to say. In Bihar a number of people have been arrested. Why? I am surprised. I took up the matter with the Prime Minister and some had been released. And another letter came from an esteemed Minister friend—I do not want to name him. Do you know what he said? He says that nobody against whom there are charges of sabotage will be released. Were we committing sabotage in Bihar when we were fighting Jayaprakash Narayan? Why this tell-tale thing is given I cannot understand. I have given this example only to show how the emergency powers are being used. Take the case of compulsory retirement. Is it not a fact that many people are being retired wrongfully whereas those who should be retired are not being retired? Representations have been made.

Now, if you give powers to them, you must have political control over them. Otherwise, other agencies will misuse this power and despite you they will misuse these powers; despite your exhortations and warnings they misuse the powers. Mr. Brahmnananda Reddi is not writing every order. Others are writing and these people may misuse. For example, I have got instances where the Ananda Margis are in an entrenched position even now and are persecuting others. Well, such things are happening. What is your political control? Why not ask some of us? Forget us, why not some of them there? Put it in their hands and let them advise if you do not have faith in us, and go by their advice and see

[Shri Bhupesh Gupta.]

as to whether power is being used or misused. But I am bringing these facts to your notice.

Vice-Chairman, Sir, the Attorney-General gets up in the Supreme Court and says that under emergency, after the suspension of article 359, if an officer shoots anyone and kills him, even if it is against the law, nothing can be done against him. It has appeared in headlines in the newspapers here and abroad. I ask: Does it bring prestige to our country when a major law officer like the Attorney-General gets up in the highest court of law and declares that in India an officer, under emergency, can shoot down anybody and kill and he has no protection constitutionally and legally?

(Interruptions)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let the debate be over.

(Interruptions)

SHRI BHUPESH GUPTA: It seems I have offended Haryana. This was a statement in the Press.

SHRI BANARSI DAS: This is not Bhupesh Sabha.

SHRI T. N. SINGH: Sir, we have noticed for so many years that when he speaks there is no restriction.

SHRI BHUPESH GUPTA: There you are. I am speaking against the Ordinance. So intolerable we have become to them!

SHRI T. N. SINGH: We should have equal chances.

SHRI BHUPESH GUPTA: By your interruption you have certified.....

(Interruptions)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I am trying to persuade him to complete and you are trying to prolong. Why interfere? Please complete.

SHRI BHUPESH GUPTA: Therefore, my suggestion in this matter is, emergency does not mean that democracy should be weakened. Democratic rights should not be taken away from people who fight for democracy and against reaction including forces of destabilisation.

There was a hunger strike against the Bonus Ordinance and DIR was used there. Is the DIR to deal with hunger strikes? Thousands of our people are arrested under DIR simply because they protested in a very peaceful manner against the hideous Bonus Ordinance that you have promulgated. Now I should like to know whether the DIR should be used for dealing with hunger strike. We are not allowed even to participate in this way. Therefore, it is quite clear that abuse of power is taking place. You have given ample powers to the bureaucracy and the bureaucracy is using it as it likes and there is no check over it. Sir, Mr. Malaviya is here, our dear friend. He was quoting Lenin. Lenin used power against imperialism, against monopolists. We never saw that under Lenin's rule men like K. K. Birla emerged as the champion of the 20-point or 50-point programme. Mr. Malaviya knows very well that when the Bolshevik revolution came, the imperialists went, the monopolists went. Surely they did not flourish in places where those people are flourishing today in our country. Therefore Sir, I must set the historical record straight. I would be very happy if the emergency powers are used against

Birlas and Tatas and other elements in order to weaken their social and economic position which is responsible not only for the people's sufferings but also for advent of the rightist forces in our country. I entirely agree that way.

Sir, I would not like to say anything more. I would again appeal to the Government that we are opposing this measure because there was time for us to seriously discuss the matter and see how we could tackle the situation. You know we have many instances of MISA being misused by the Government. And hence we expected some careful thought to be given to the representation that we have made. Sir, that has not been done. That is why we have done it. As far as the rightists are concerned, the destabilisers are concerned, the imperial agents are concerned, well, Sir, we have no sympathy for them.

SHRI T. N. SINGH: Sir, when I got up, you said that I was delaying.

SHRI BHUPESH GUPTA: The counter-revolution and destabilisation should be dealt with severely. We entirely agree there. But again we say: For that, take such powers as are necessary. Don't arm the bureaucracy with unnecessary arbitrary powers which you are not in a position to control at all. Therefore, the time has come for the Government to consider seriously whether powers should be given, how much powers should be given, how they should be exercised, for what purpose. We stand for the use of powers against the enemies of the country, and for unity of the nation. Powers should strengthen the position of the working people because the struggle will continue—the struggle has not ended. This is all that I have to say. I am very sorry I have annoyed my friend Mr. T. N. Singh. But again I appeal to Mr. Singh: Denounce your power. Admit your mistakes. See that when you commit a grave act, you never do this in the name of destabilisation. I have no doubt

SHRI T. N. SINGH: Sir, I think it is your duty to see that Members get a fair deal and they get equal opportunities to speak and time is not used for personal attacks, as has been going on here. When I interrupted, you blamed me. That means, we should not try to have equal treatment. When I interrupted, you said that I was delaying, I was causing all this. This is highly unfair....

(Interruptions)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Mr. T. N. Singh, I was trying to persuade the Member. This is a polite way of dealing with the Member. The Chair cannot rule.

SHRI T. N. SINGH: Why not be polite with me also? You should have been polite with me. At this age you treat me this way.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): When I was trying to persuade the Member, if other Members interfered, this would have again caused delay.

SHRI BHUPESH GUPTA: Sir, I have not made any personal attack.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): No controversy. Please forget about it

SHRI INDRADEEP SINHA: Mr. Vice-Chairman, Sir, I have listened very carefully to the debate and to the speeches made by the Home Minister and the other hon. Members on the other side. I once again want to refer to one point which I raised at the beginning. That point is: What is the Home Minister's remedy against *mala fide* detentions and detentions of mistaken identity. Cases have been established herer in this House of *mala fide* detentions and even detentions of persons with mistaken identity. And once again, I would like to urge upon the Home Minister to give a categorical and specific answer as to what safeguards a citizen has against *mala*

[Shri Indradeep Sinha.]

fide detention and against detention under mistaken identity. I stand by my Resolution.

SHRI KRISHAN KANT: Sir, I have listened to what my friends on both sides of the House have said. But the basic questions which I had raised remain unanswered. The first was: Why was recourse to courts stopped for those people who were described patriotic even by the Government. Before the 25th June, 1975, even those who were against the security of India, who were spying, who were indulging in violence in West Bengal and Tripura, they were given the right that they would get the grounds of their detention, that they would get the whole material and information about their detention so that they could represent to the Advisory Board and later on before the court. If this was allowed to those people up to the 25th of June—before these MISA amendments were brought before the House and accepted—why is this facility, this benefit is not being given to the patriots of India who have been arrested after the 25th June? I specifically mentioned that Mr. Chandra Shekhar and Mr. Ram Dhun were not in any way concerned with jeopardising the defence or the foreign affairs or the essential services of this country. And still they are being treated worse than those persons who indulge in violence, worse than those who are firing? (Interruptions) I do not in this country?

Nobody has replied to the second question as to why recourse to courts has been disallowed to those people who have suffered in British days, who have suffered for their patriotism, who have suffered lathi-charges and firing? (Interruptions) I do not want to say things about you.

Mr. Vice-Chairman, this is a discrimination against those people. Well, the Home Minister had said, for the security of India, they are not being

told the grounds. I want to say, the security of India is not jeopardised by these people, either by J.P. or by Morarji Desai or by Vajpai or Chandra Shekhar or Ram Dhun. It is being jeopardised by those who indulge in spying and in violence and in anti-social activities; against these people please do that. But those very persons about whom the Prime Minister that day very gladly gave a statement that they are patriots—I am very happy—at least they must know the grounds. The doors of the courts must be opened to them. I have not got the reply to this basic question up till now. The hon. Mr. Bhupesh Gupta said about Bangladesh and Chile. I know that what has happened there is a heinous crime against humanity. I deprecated it and other things in my speech on the President's Address. But the real lesson is not being learnt. They are thinking in a different direction. Bangladesh incident happened because the society was closed, the multi-party system was finished, the Press was closed, so that those destabilisers, those spies and those agents of imperialism could not get exposed. If you are closing the system of newspapers, closing the parties, you are closing the means of information to the Government itself. That very specific lesson has to be learnt.

5P.M.

He correctly said about the emergency and the implementation of the programme. Nobody could reply to me. Now, people are being put in jail. For what are they being put in jail? Has anybody been taken to task in the last four or five years for not implementing the 10-point programme, for not implementing the 13-point plan which was adopted at Narora and which was to be implemented by the end of February 1975? Has any action been taken against anybody? But action has been taken against Chandra Shekhar, Ram Dhun, Dharia and others. What have they done? (Interruptions) Mr. Vice-Chairman, I do not want to argue with my friend, Mr. Kesri. My difficulty is, Mr. Chandra

Shekhar, who was fighting against monopolists, is in jail. The Sarkar Commission was appointed after a great deal of struggle, to look into the affairs of the monopoly houses. It has not given its report yet. And Chandra Shekhar is in jail. Is this the way to implement the programme? The emergency should be used against those who did not implement the economic programmes in the last five years or so, since 1967 when the 10-point programme was adopted. Has any action been taken against anybody in the country, in the party, in the Government for not implementing the economic programmes? Where is accountability, Sir? Mr. Bhupesh Gupta talked about counter-revolutionaries and rightists. Sir, I would request the Home Minister not to go by these words. Mr. Home Minister, you were also called a rightist when you were the Chief Minister there. The Leader of the House was also called a rightist and many have been called rightists. It is a very flimsy word which can be used against anybody whom you do not like or whose face you do not like. The real question facing the country was the crisis in the economy which developed because of a crisis in politics, and corruption in politics. Sir, when corruption starts, politics ends and when politics ends, there is no right, no left, no centre. Unless politics is clear, unless public life is clean, nothing can be implemented. That is why our fight was for cleansing public life.

Then Sir, this destabilisation, external conspiracies of the imperialists for destabilisation cannot be thrown out of this country by polarising the country. It can be done only by following Nehru's method of bringing about a consensus, the method of conciliation, for implementing programmes on which the whole nation, whether it is the Congress or the opposition, agrees. But if you increase confrontation, the tendency of the imperialists to create destabilisation will grow more and more, and foreign agents will be interfering on both sides, in the ruling party and in the opposition. If you

want to nip in the bud the attempt of these external forces, of these imperialist agents and rightists in the world, then consensus is the way, not by creating confrontation, bitterness and alienation in the system. And you are taking away that consensus in politics which was the biggest contribution of Jawaharlal Nehru.

Sir, two more points I want to make. Mr. Bhupesh Gupta rightly said that the glory of Parliament should not be taken away and Parliament must be accountable to the nation. But when Parliament is made an instrument to weaken the judiciary, to weaken the press...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): This is an insult to Parliament.

SHRI KRISHAN KANT:...to take away the right... (*Interruptions*). Mr. Vice-Chairman, Sir, I did not interrupt.....

SHRI OM MEHTA: Parliament is fully supreme. He cannot insult Parliament.

SHRI KRISHAN KANT: Sir, I did not interrupt....

SHRI RANBIR SINGH: On a point of order, Sir. The words insulting Parliament may be expunged.

SHRI KRISHAN KANT: When the others were speaking, I was only listening.... (*Interruption*).

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please conclude.

SHRI KRISHAN KANT: In a democracy, there are four or five institutions which must have a check and balance on each other—Parliament, judiciary, the press, the executive,

[Shri Krishan Kant.]

and the people. If there are no checks and balances with each other, only one institution grows strong, but that institution will not remain strong; that institution will again become weak. That is the logic of the system that we have adopted. So, if Mr. Bhupesh Gupta or anybody else thinks that by taking away the rights of courts, you can strengthen Parliament, I say Parliament will not be strengthened....

SHRI BHUPESH GUPTA: I did not say that. In fact, I would like some rights of the courts to be taken away.

SHRI KRISHAN KANT: Now about the misuse of MISA. MISA is bound to be misused because it is going to be used by the Deputy Commissioner or the District Magistrate who will be acting on the advice of lower people. This morning I mentioned about Regulation III of 1818 passed during the British days and which is called a lawless law by Rash Bihari Ghosh, Lajpat Rai and Lok Manya Tilak. Even Detention without trial was ordered only by the Governor-General in Council even in the British days. But now the Deputy Commissioner on the advice of some petty Police Officer will be doing it. How can it not be misused? I want to tell Shri Bhupesh Gupta that MISA is bound to be misused because under the emergency they have given them all the powers.

Shri Banarsi Das was arrested and kept in jail under DIR for three months. But the prosecution could not give any charge and therefore he was released. It has happened. Shri Satya Prakash, MLA, Shri Krishna Varma, ex-Deputy Mayor, Lucknow, Shri Mahadev Prasad Verma and Shri Vasant Lal were taken into custody under DIR. The prosecution could not file any case against them in the court. So, later on they were put under MISA. How could it be possible? If there are no cases against

them under DIR, why should they be kept in jail under MISA? This is how MISA is being misused.

I shall give you another instance. Shri Ram Murthi was the former Minister. He is an MLA now. He belongs to Congress (O) Party. He was served with a notice by the District Magistrate saying that since he belongs to a banned organisation why the licence for his arms could not be forfeited. This is how District Magistrates are using the MISA and the emergency.

My friend said that there should be rules of the game. I am all for rules for the game. The rules may be applied to both sides. If one party is allowed to organise a meeting and the other is refused, is it the rule of the game? If Kamraj dies today and the ruling Congress can hold a meeting it is all right. But if the Congress (O) wants to hold a meeting to condole the death of Shri Kamraj who happened to be a member of their Working Committee, that is not allowed. Is this rule of the game? For these reasons, I appeal both to the Home Minister and the Leader of the House who participated in the freedom movement and who made sacrifices for the country to kindly save democracy which has gone astray. If you do not save it, it will become.... (Interruptions). I can tell you that MISA is not only going to be misused in the case of opposition parties. It is going to recoil on everybody. Shri Bhupesh Gupta said that it is being used against his men. Today we may be the victims of MISA. But tomorrow the same MISA can be used against you by somebody else. Then you will be arrested and you will not be given the grounds of detention. You cannot go to the court. Is this democracy? Both the Home Minister and the Leader of the House have fought the freedom struggle. You have faced the draconian lawless laws of the British Government. I request you not to put your seal on this mea-

sure which will be closing the noose round the freedom of the people. Today we are the victims. Some other day some other forces will emerge to use this MISA. Therefore, I appeal to you to think over once again before you put your seal on this measure.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The Home Minister.

SHRI T. N. SINGH: It is already ten minutes past 5 o'clock. I suggest that the Home Minister may kindly reply the next day.

SHRI OM MEHTA: It had been decided that we should be prepared to sit late.

SHRI T. N. SINGH: We are prepared to sit late, but not today.

SHRI OM MEHTA: This was decided much earlier that we should sit beyond 6 P.M. whenever necessary. Long back it was decided, Sir.

SHRI T. N. SINGH: Sir, I think you should not try to rush things like this. I suggest....(Interruptions)....that this should be postponed....(Interruptions)....I request you to postpone the discussion to the next day.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): No.

SHRI OM MEHTA: Sir, Mr. T. N. Singh was not here the other day when the announcement was made. Nothing has been decided today. It was about ten days back that the House decided that it would sit up to six o'clock and beyond six o'clock to pass any legislation that was before the House.

SHRI T. N. SINGH: No, Sir....
(Interruptions)....

SHRI MAHAVIR TYAGI (Uttar Pradesh): Sir, I want to say something.

1066 RS-5.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Tyagiji, the Minister is going to reply.

SHRI MAHAVIR TYAGI: I only want to have some information.

SHRI T. N. SINGH: I think this can be postponed.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): If the Minister is ready to reply and if the House is ready to hear him, why postpone the business?

SHRI MAHAVIR TYAGI: Sir, I am not going to speak I want only some information. I am sorry that I have disturbed you. But I have come here deliberately to vote against this Bill, because, otherwise, my stand and the stand of my party will not go into history. First of all, before the Minister begins his reply, the House has got a right to know as to how many people have been arrested and how many politicians have been arrested. That information is missing. If even this information is not given to the House, how do you expect us to hear the reply....(Interruptions).

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The Minister is to reply now.

SHRI MAHAVIR TYAGI: If the information as to how many people belonging to the various political parties have been arrested is not given to us, what is the use? I feel very much distressed and it is a disgrace because all my junior colleagues and friends have been arrested. Are they not patriots? How many of them have been arrested? I want to know. If you arrest them, I feel hurt. They are arrested as if they are not patriots. We are being treated as if I am not a patriot, as if they are not patriots....
(Interruptions).

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The Home Minister is replying now.

SHRI MAHAVIR TYAGI: I want only one thing. They must give us the information as to how many politicians have been arrested. This information is necessary.

Then, Sir, I want to point out one more thing. As far as the Parliament sittings are concerned, I know that it is a fact that in a paper the walk-out incident was published. During the course of the censoring, the Censor approached the Press and asked them not to publish that news. Half of them carried this news of walk-out and half of them did not carry that. So, this is how they are interfering with the proceedings of the House also.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Thank you. Now, the Minister is replying.

SHRI T. N. SINGH: Why not the next day?..(Interruptions).

THE VICE-CHAIRMAN (SHRI V. B. RAJU): No. The Home Minister is prepared to reply.

SHRI T. N. SINGH: I know that the Home Minister is prepared and I think he is capable enough to reply now and he is a hard-working Minister....(Interruptions). }

DR. RAMKRIPAL SINHA: Mr. Vice-Chairman, Sir,...

SHRI T. N. SINGH: Does not the Minister have that information?

SHRI K. BRAHMANANDA REDDI: Mr. Vice-Chairman, Sir, I have listened with attention to many of the learned speeches made, particularly from the Opposition side. But, I am sorry to say, Sir, that anything except what is contained in the amendment is spoken of here. Now, many speeches have been made on democracy, on freedom, on liberty and so on. But it must be understood that the administration of a country, of a vast country like ours, with such diversity and with such complexity, is a matter

which has always to be borne in mind while speaking of several abstract propositions.

Now, Sir, it has been said that Sardar Patel, when he was introducing the Preventive Detention Bill, spent sleepless nights...

SHRI BHUPESH GUPTA: Only one night.

SHRI K. BRAHMANANDA REDDI: One night only?

SHRI T. N. SINGH: Two nights.

SHRI BHUPESH GUPTA: One night.

SHRI K. BRAHMANANDA REDDI: All right. Whether it was one night or two nights, naturally, Sir, he must have exercised a great deal of his thought, his mind, over it. Detention, without trial, is not one that a politician, specially in a democracy, would welcome or would like. Now, at the same time, I would like hon. Members to listen to what Sardar Patel himself had said. I quote:

"When law is flouted and when offences are committed, ordinarily, there is the criminal law which is put into force. But where the very basis of law is sought to be undermined and attempts are made to create a state of affairs in which to borrow the words of Motilal Nehru, 'men would not be men and law would not be law', we feel justified in invoking emergent and extraordinary law."

This is what Sardar Patel said in that context. Why do you presume, Sir, that Prime Minister Shrimati Indra Gandhi herself has not spent, not one sleepless, but several sleepless nights before this emergency was proclaimed? If she was in a hurry to gag either the freedom of the Press or the freedom of speech of individuals, that could have been done long ago in the year 1974 itself when all unconstitutional methods, with all kinds of violence, with all acts of intimidation, were indulged in reck-

lessly in several States of this country. But because of respect towards the feelings of the people involved—because it is respect for democracy, it is respect for the way of life that we have been accustomed to all these years—that she had to wait till it actually became impossible to wait further, except at the grave risk and security and independence of this nation. Therefore, I do not want to go into this subject now, because it has been debated once, twice, thrice, and so on. Emergency has been debated in this House, and the Prime Minister has spoken here and in the other House and, again, recently when she gave reply to the debate on President's Address. She made a speech here as well as there. Many hon. Members on my side of the House also have spoken why it has come. You must also have heard the Prime Minister saying not once but several times that this is a bitter pill which had to be given, this is a shock treatment which had to be given to the nation if the nation were to be kept on the rails of democracy. After all, as my friend, Mr. Krishan Kant, said, rules of the game must be observed in a democracy. I have said on the floor of this House while replying previously that there cannot be one set of rules for the Government only. Of course, Government is responsible. But in a democracy, the Opposition has equally to play its part in a responsible manner. I would say that there is more responsibility on Opposition. Therefore, Sir, when the security of the nation is at stake, when the interests of the nation are jeopardized, when the very way of life we are accustomed to is threatened, what should be done? Supposing Prime Minister Indira Gandhi had not taken that correct step and supposing something had happened, what would the entire country and the world say? In fact, as Prime Minister has mentioned on more than one occasion, many foreign friends and many foreign diplomats have gone to her and asked her: Why are you keeping quiet when so much lawlessness is

going on in this country? I do not want to go into all this just now. This is being debated.

Therefore, you have to see that the interests of the country are paramount. If the interests of the country are jeopardized, I think it is the duty and the responsibility of the leader of the nation, the Prime Minister to take sufficient action for preventing any untoward thing happening in this country. Now, Sir, I am glad my hon. friend Mr. Bhupesh Gupta has said that he still stands by emergency and that he still stands by MISA. I thank him for it. His party had given that support at the time of promulgation of emergency and even at the time of the MISA Amendment Act. He seems to be annoyed over the fact that there is some attempt on somebody's part to devalue Parliament or our democratic institution. I want to say that there is no intention on the part of the Government to devalue Parliament or to devalue representative institutions in this country. We have greater respect for democracy. It is because we have greater respect for democracy, it becomes necessary to see that democracy functions in the spirit of democracy and not in the spirit of licence where any man can do with impunity whatever he wants.

SHRI BHUPECH GUPTA: Anarchy should not be given licence. Will you kindly ask your people to stop licence?

SHRI K. BRAHMANANDA REDDI: Now, Sir, I entirely agree that democracy is to weaken forces of disruption and the forces of destabilisation and that democracy is to mobilise public opinion and people against reaction, disruptive tendencies and forces, either foreign or internal, which are trying to destabilise the power. Therefore, Sir, my submission is this. People have asked. Why are you panicky? We are not at all panicky. Absolutely not. If any friend has thought that there is some panic in us, he is

[Shri K. Brahmananda Reddi.]

absolutely mistaken. If some friends feel that the action that has been taken by the Prime Minister on the 25th of June has not been given wide support by the people of this country, he is also mistaken. It has been seen that an overwhelming representative opinion, Members of Parliament, Members of Assemblies, Members of other representative institutions and masses of people have given solid and overwhelming support to the action taken. There is no doubt about it. Therefore, there is no question of being afraid. We are not afraid of people. As the Prime Minister has said, even in 1971 the opposition friends have said that we are a minority Government. We have no majority backing of the people. Why don't we go to the people? Immediately, she took up the challenge and said: All right, let us go before the people and obtain their opinion. What happened? Sir, it is not a question of saying every time: Go to the people. When necessary we will certainly go to the people? What is the point about it? If my friend Mr. Lakshmanan thinks that we are afraid of elections, he is sadly mistaken. If there is one party which is afraid of elections in 1976, it is the D.M.K. party. Let me tell him.

SHRI G. LAKSHMANAN: Therefore, we have asked for elections. You are postponing. You say there is mass support to the declaration of emergency. What is the barometer to know this mass support? Only elections in a democracy. Why are you afraid to face the people. *(Interruptions).*

SHRI VISWANATHA MENON: You proclaimed emergency because of Gujarat elections.

SHRI G. LAKSHMANAN: What is the barometer to show that mass support? Elections. Why are you not announcing elections?

SHRI VISWANATHA MENON: Because of Gujarat elections, you have brought Emergency.

SHRI K. BRAHMANANDA REDDI:

Mr. Menon and Mr. Lakshmanan, let me tell you plainly that in Gujarat election, majority of people have supported the Congress... *(Interruptions).*

SHRI G. LAKSHMANAN: From the days of independence, the Congress has got only 44 per cent of votes. It is a minority party that is ruling the country... *(Interruptions).*

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let there be no controversy across the benches. You only address me.

SHRI K. BRAHMANANDA REDDI: Sir, let us leave Mr. Lakshmanan. In spite of what he says, he continues to be my friend, Sir.

SHRI OM MEHTA: He is advocating sectarianism and racialism.

SHRI K. BRAHMANANDA REDDI: Sir, one point that has been made and continues to be made in spite of my explanation even at the time of introduction is, why don't you disclose the grounds? In fact, Sir, this amendment of non-disclosure of grounds of detention is there already in the 1975 Amendment Bill. I am not taking away that right of the detenu to get the grounds of detention under this amending Bill.

SHRI INDRADEEP SINHA: That is a different rule.

SHRI K. BRAHMANANDA REDDI: I have looked into it. Times without number. In fact, there is a prohibition today in this amending Bill on the officers not to disclose and communicate. There is an obligation, a responsibility cast on the officers not to disclose or communicate any information relating to that. Why?

SHRI VISWANATHA MENON: That is after Kuldeep Nayar's case.

SHRI K. BRAHMANANDA REDDI: Please do not interrupt me. The point is this, Sir. The fact is that the

grounds are not being disclosed for the reason of security of the State. If the grounds are disclosed and if they are agitated in courts of law and naturally that becomes public which is itself dangerous to the security of the country. That is the point, Sir. My friend, Mr. Indradeep Sinha, has asked whether there is any remedy if it is a mistaken identity. Certainly he can himself straightway say to the Central Government or the State Government that he is not the man intended to be detained. If it is a question of mistaken identity, it will certainly be gone into. He can tell the Central Government. He can tell the State Government. Suppose, Sir, as he says, it is a case where there is a mala fide done, certainly he can tell the State Government and the Central Government.

SHRI INDRADEEP SINHA: I referred to specific cases.

SHRI K. BRAHMANANDA REDDI: I am coming to it. Sir, there are many, many representations that have been made by detenus or on their behalf to the Central Government. Apart from what they did to the State Government, in fact, I have mentioned in the other House also that about 193 representations have been received by us here either from themselves or on their behalf or through the Members of Parliament, whatever that may be. We have looked into them; we have consulted the State Governments; we have consulted other agencies and out of these 193 cases, on our advice, the State Government revoked the orders in case of 35 persons; that means in 20 per cent of the cases, the orders have been revoked. I want to say that it is not as if they are ignored. We know that there can be a possibility of misuse here or there and, therefore, we want to guard against it. The Prime Minister at the earliest opportunity after declaration of emergency, in the first week of July itself, wrote to the Chief Ministers concerned and told them that they must look into these cases personally and that a committee,

if necessary, of the Ministers be called. I have also written, Sir, and the officers have written to the Chief Secretaries. It is not as if we are not taking care. We are taking sufficient care, as much care as we can. For instance, even in the case of Bihar, when Shri Bhupesh Gupta wrote to the Prime Minister that some people of his Party were detained, the cases were looked into and in fact, two members of his Party have been released and the detention orders have been revoked and other cases are under examination. I want to tell you, Sir, that if Shri Bhupesh Gupta or his Party feel that whatever they write, we must accept in toto, that may not be proper. I may know more than Shri Bhupesh Gupta about some of his Party people. Therefore, you grant us . . .

SHRI BHUPESH GUPTA: On a point of order, Sir. That was not the issue in principle. You say emergency and MISA is for the specific purpose. You can arrest on other charges. You arrest somebody belonging to our Party who had been fighting Jayaprakash Narayan and say that he is detained under MISA. Now, would you not listen to me for that?

SHRI K. BRAHMANANDA REDDI: You have said that.

SHRI BHUPESH GUPTA: I do not know how long you will be listening.

SHRI K. BRAHMANANDA REDDI: That is why I say that "you do not believe me, an hon. Member of Parliament, a senior leader in the country, a man who had been here for the last 25 years. You do not believe me." it is not so. I want to request you not to take it in that light. When you wrote on behalf of your party about some people coming from Bihar, Calcutta, Andhra Pradesh, Himachal Pradesh, Kerala, throughout the country, it is just possible that you are likely to be as much misled.

SHRI BHUPESH GUPTA: Your affection for me was showing like the Jamuna in spate. People remained in jail seven months.

SHRI K. BRAHMANANDA REDDI: If people deserve to remain in jail, they have to.

SHRI T. N. SINGH: Sir, according to what the Home Minister said in one little province, 20 per cent of the detentions were found to be unjustified, and today . . .

SHRI K. BRAHMANAND REDDI: Out of the complaints made to me.

SHRI T. N. SINGH: Today it is possible under this Bill to arrest a person and detain him merely for holding the views. I do not think that is the intention. No self-respecting man will say that he does not hold that view. That is the difficulty. He has also been under detention. Would he have liked to say that he did not hold view in favour of independence and getting rid of the British? Supposing a man holds certain views in regard to the administrative and political matters. Is he going to be penalised or not? That is number one. And if he does not make a representation, what happens to him? Why have you not taken care of this aspect while depriving a valued citizen of this country of this opportunity?

SHRI K. BRAHMANANDA REDDI: What I was trying to say is that representations received were, with the best of our sincerity, gone through, agencies consulted and action taken. It does not follow, Sir, the conclusion does not follow that in those 20 per cent of the cases, it was unjustified. We felt that continuation of detention was not necessary. It is not a question of unjustified detention.

SHRI KRISHAN KANT: Mr. Home Minister, Justice Bhagwati asked this question to the Attorney-General. Have not there been a number of cases where courts have gone into complaints of illegal detention where

mala fide action has been taken by Chief Ministers and political dignitaries? If *mala fide* action is taken against persons by Chief Ministers and political dignitaries, who will go into it?

SHRI K. BRAHMANANDA REDDI: These are all hypothetical questions. That is why, you get distorted replies.

SHRI KRISHAN KANT: A Judge says that in the last twenty-five years, there have been cases where *mala fide* action has been taken against persons by Chief Ministers and other political dignitaries.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The debate cannot go on like this.

SHRI K. BRAHMANANDA REDDI: Sir, it is your responsibility.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): You are yielding the floor to the Members.

SHRI K. BRAHMANANDA REDDI: What I am trying to submit is that things are put out of context, some hypothetical and out of the way questions are put and some answers are provided. If you take things out of context and try to make a point out of it, it is not fair. That is why, I am not going into what has happened in the Supreme Court or what X or Y has said either in support or against. I do not know the context or the situation and whether that is applicable or not to the present Emergency or the detention orders. Therefore, I am not going into it. It becomes very risky to answer questions without knowing the context, without knowing the situation and without knowing what was the question and what was the answer. Therefore, Sir, let us not go into that. I have said in the other House also that there is absolutely no intention on the part of Government to justify or defend *mala fide* action by officers. Therefore, Sir, . . .

SHRI BHUPESH GUPTA: What action have you taken?

SHRI K. BRAHMANANDA REDDI: It is due to the security interests of the country that we said that reasons should not be disclosed and an obligation has been cast on the officers not to disclose the reasons. If every material we have and every secret information we have is published in papers, how do we fight the forces of reaction as my friend wants us to?

SHRI MAHAVIR TYAGI: Is it also harmful if you disclose the information in regard to the total number of persons detained?

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Let him complete his reply.

SHRI K. BRAHMANANDA REDDI: Another point which I have mentioned before is this. Of course, as far as the banned parties are concerned, like RSS, Jamait-e-Islami, Anand Marg etc. the members of these organisations are liable to detention or other penal action. But so far as other political parties are concerned, it is not because of their affiliation to a particular political party that people are detained. As you know, several Congress friends have also been detained. Some CPI friends might have been detained. There are others who have been detained not because they belong to a particular party or an organisation or a group but because of the information which Government had regarding what they were going to do, what they were proposing or conspiring to do. This is what determines the action of the Government. Therefore, if you have any impression that people are arrested—apart from those of the banned organisations—because of their affiliation to any particular party, you are mistaken. Let me submit that way.

Sir, I want to remind hon. Members, particularly, the revered old gentleman, Mr. T. N. Singh as well as Krishan Kantji that this detention is only preventive detention which was

there earlier in 1952 or so. When the MISA of 1971 was enacted by both the Houses of Parliament, there was no emergency either because of external aggression or because of internal disturbances. But still, the detention was without trial. What is detention without trial? It is not a punitive action. You are trying to disable a man from doing something, you are trying to prevent a man from indulging in certain activities. Therefore, it was thought necessary and Parliament in its wisdom had passed the MISA of 1971 when there was no emergency of any kind. I congratulate the hon. Members of both the Houses for taking responsibility for the security of this country. That is why they passed it and I congratulate them. Now when a more difficult situation has come, you may know that even under the Constitution, under article 22(6), in certain circumstances, in public interest you need not disclose the reasons. That is contained in the original MISA of 1971 also. Therefore, either at the time of framing the Constitution or later when the MISA was passed, friends had visualised occasions when it becomes necessary in public interest, in the interests of the country, not to disclose the grounds of detention, and more so in case of emergency where we have seen an atmosphere which has been completely vitiated.

SHRI BHUPESH GUPTA: Will your speech be published fully in the Press?

SHRI K. BRAHMANANDA REDDI: I do not know. I will not be sorry also if it is not published. It is enough if you understand. Also you should not be very touchy.

SHRI BHUPESH GUPTA: Sir, I have a resolution. I request that Mr. Brahmananda Reddi's speech should not be censored and should be published in full. I am sure he is not saying anything which is contrary to the interests of the State.

SHRI K. BRAHMANANDA REDDI: Therefore, Sir, it was originally there

[Shri K. Brahmananda Reddi.]

and now in this emergency—according to what we have said in the Amending Act of 1975 passed last July—in the interests of the security of the State, the grounds need not be disclosed. But sometimes, even today, if in a case of detention where a declaration had not been made, the old MISA rules apply, namely, the ground of detention will be given, an Advisory Board will be there to look into it and all that will be there. Only in cases where a detention has been made and a declaration has been made under 16A(1) or (2), then alone the grounds of detention will not be disclosed. You may try to understand that distinction also so that you may know. This is not an absolute power. We have tried to circumscribe it to the extent possible, of course, consistent with the security or the interests of the country.

SHRI BHUPESH GUPTA: Have you become a grandfather, because you seem to think most of us are grandchildren from the way you are giving your argument?

SHRI K. BRAHMANANDA REDDI: Therefore, I would only request hon. Members to consider dispassionately whether an executive should not be given some extraordinary power in times of crisis and emergency. This happens all over the world, in the biggest of democracies. This happened in India under our great leaders, as we all know. Our freedom may be important, your individual liberty may be important—as one man used to say: “Your freedom ends where the tip of my nose begins”—all your freedoms, whatever they may be, they are subject to the paramount interests of the nation. If you are thinking that you can exist without the nation, what fallacy you are committing! You are living in a fools’ paradise. Therefore, I would submit....

SHRI BHUPESH GUPTA: I am very conscious that we are living in a fools’ paradise!

SHRI K. BRAHMANANDA REDDI:

And, therefore, my submission is: You kindly consider it in that light. Don’t draw conclusions which are unwarranted. Here is an extraordinary situation. In fact, some friends have said: When the vast majority of people are with you, why do you want to resort to this? But we must understand, Sir, that the forces of destabilisation and the forces of disruption in our country are not weak in the sense that they may be a small conspiratorial gang but they will not be weak naturally. Therefore, it is not proper for you to look at it that way. You must see that in this land of ours we have got a difficult, complex situation to meet, either economically or politically or otherwise, and therefore it becomes the duty of all of us to give as much as possible. The Prime Minister did not ever say that she cannot be criticised, that dissent is not possible. Dissent is possible, criticism is possible, but within bounds. Therefore, Sir, let us think over—let all of us think over—it and see that we go through the times of crisis unitedly.

Thank you, Sir.

SHRI T. N. SINGH: Just a minute, Sir. He has not replied to the query regarding the number of political prisoners detained under MISA. Sir, we have repeatedly asked that question. What is the matter?.... (Interruption)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Order, please.

I shall first put the resolution moved by Shri Indradeep Sinha to vote.

SHRI T. N. SINGH: We will walk out.

श्री ओइम प्रकाश त्यागी (उत्तर प्रदेश):
मैं भी वाक बाउट करता हूँ।

(At this stage some Hon. Members left the Chamber)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That this House disapproves the Maintenance of Internal Security (Third Amendment) Ordinance, 1975 (No. 16 of 1975) promulgated by the President on the 17th October, 1975."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): I shall now put the resolution moved by Shri Krishan Kant to vote.

The question is:

"That this House disapproves the Maintenance of Internal Security (Fourth Amendment) Ordinance, 1975 (No. 22 of 1975) promulgated by the President on the 16th November, 1975."

The motion was negatived:

THE VICE-CHAIRMAN (SHRI V. B. RAJU): 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 V. B. RAJU): We shall now take up clause-by-clause consideration of the Bill.

Clause 2. There is one amendment by Shri Dhulap.

Clause 2—Amendment of section 3

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I beg to move:

1. "That at page 1, line 8, for the words 'twenty days' the words 'seven days' be substituted."

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Mr. Dhulap, you have already spoken. You need not speak now.

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I was not given enough time. I want to refer to some important things. We are going to sit here till 6 P.M.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): All right.

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I have only a few submissions to make. I have moved: "That at page 1, line 8, for the words 'twenty days' the words 'seven days' be substituted." Sir, I have moved this amendment with a specific intention, that when the liberty of a citizen is jeopardized, then naturally Government necessarily should move more expeditiously and promptly. Now, in the amendment which has been suggested by the Government, they want to extend this time from 12 days to 20 days for the approval of the Government to whom the officer makes a report about the detention of a detenu. So, instead of expediting that, this amendment suggested by the Government is going to extend that time. Instead of 12, they want the time to be extended to 20 days. I have moved this amendment so that the time should be curtailed, and 'seven days' has been suggested by me. During the emergency, the State Governments and the officers concerned should move as expeditiously and as promptly as possible.

SHRI BRAHMANANDA REDDI: I do not accept the amendment. Obviously, my friend seems to be labouring under some misapprehension. In the Statement of Objects and Reasons it has been explained why 20 days, has been given.

The question was proposed.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

1. "That at page 1, line 8, for the words 'twenty days' the words 'Seven days' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 2—Amendment of section 14

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I move:

2. "That at page 1, line 24 and at page 2, lines 1 and 2, the words 'or the expiry of the Defence and Internal Security of India Act, 1971, whichever is later be deleted.'"

Sir, I have moved this amendment with a view to confirming the statement made by the hon. Minister, Shri Brahmananda Reddi, in the other House. I have read the synopsis published by the Legislature Department and also read the same in the newspapers. He is alleged to have said in the other House as regards the second detention, another detention after the expiry or revocation of the first detention, if there are no fresh grounds for the second detention of a detenu, the second detention will not be more than 12 months. So, the time of his being in detention because of the first and second detentions could not be more than 12 months in all. Here the other wording has been added "or the expiry of the Defence and Internal Security of India Act, 1971, whichever is later". The hon. Minister says that in any case, the duration of the detention of a detenu would not be more than

12 months. Then why has this been added? The proviso to the clause itself says—

"Provided that in a case where no fresh facts have arisen after the expiry or revocation of the earlier detention order made against such person, the maximum period for which such person may be detained in pursuance of the subsequent detention order shall, in no case, extend beyond the expiry of a period of twelve months from the date of detention under the earlier detention order...."

There has been a promise by the hon. Minister in the other House. If it is going to be true, then the remaining part should go otherwise the detention could be indefinite upto the expiry of the said Act. Only this part should remain. Therefore, what has been deleted by me in my amendment should be accepted by the hon. Minister.

The question was proposed.

SHRI K. BRAHMANANDA REDDI: I do not accept the amendment, Sir.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Mr. Dhulap, you insist on the amendment being put to vote?

SHRI KRISHNARAO NARAYAN DHULAP: Yes.

THE VICE CHAIRMAN (SHRI V. B. RAJU): The question is:

2. "That at page 1, line 24 and at page 2, lines 1 and 2, the words 'or the expiry of the Defence and Internal Security of India Act, 1971, whichever is later' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): The question is:

"That clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 7 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 VICE-CHAIRMAN (SHRI V. B. RAJU): The House stands adjourned till 11 A.M. on Tuesday.

The House then adjourned at fifty-seven minutes past five of the clock till eleven of the clock on Tuesday, the 27th January, 1976.