I also beg to lay on the Table :—

I. A copy each (in Hindi) of the following Reports of the Comptroller and Auditor General of India for the year 1970-71, under clause (1) of article 151 of the Constitution:—

(i) Union Government (Commercial) Part VII—Indian Oil Corporation Limited (Marketing Division).

(ii) Union Government (Commercial) Part VIII—Modern Bakeries (India) Limited.

(iii) Union Government (Commercial) Part IX—Hindustan Photo Films Manufacturing Company Limited. [Placed in Library. *See* No. LT-8477/74 for (i) to (iii)]

II. A copy (in Hindi) of the Report of the Comptroller and Auditor General of India, Union Government (Commercial) 1973—Part I—Introduction, under clause (1) of article 151 of the Constitution. [Placed in Library. *See* No. LT-8478/74]

OBJECTION TO LAYING OF PRESIDENTIAL ORDER SUSPENDING THE RIGHT TO MOVE COURT WITH RESPECT OF DETENTION MADE UNDER MISA

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS, DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : Sir, I beg to lay on the Table, under clause (3) of article 359 of the Constitution a copy (in English and Hindi) of the order (*Interruptions*) G.S.R. No. 659(E), issued by the President on the 16th November, 1974, under clause (1) of article 359, suspending for a period of six months or the period during which the Proclamation of Emergency is in force, whichever period expires earlier, the right to move any court with respect to orders of detention made under section 3(1)(c) of the Maintenance of Internal Security Act, 1971, as amended by Ordinance No. 11 of 1974. [Placed in Library. *See* No. LT-8481/74]

SHRI RABI RAY (Orissa): On a point of order . . .

MR. CHAIRMAN: It has to be laid on the Table of the House. After that . . .

SHRI RABI RAY: It is unconstitutional. He is committing an unconstitutional act.

MR. CHAIRMAN: Under the Constitution, it has to be laid on the Table of the House . . .

(*Interruptions*)

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Sir, I would like to quote Rule 29(2) here:

"Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Chairman."

Sir, I think I have every right as a Member of Parliament to expect the Chairman to give some prefatory remarks as to why this thing has to be laid, why this Presidential Order has been passed when the Parliament is in session particularly when the matter could have been brought in here on Monday. As a Member of Parliament I would like to know from the Chairman why he is giving permission to Mr. Om Mehta to lay this paper on the Table.

MR. CHAIRMAN: Permission was sought and given to afford an opportunity to the Members to express their views.

श्री रबी राय : श्रीमन्, पौइन्ट आफ आर्डर। अभी जो ओम् मेहता ने प्रैसिडेंशियल आर्डर ले किया है उसके बारे मे मैं यह कहना चाहता हू कि सरकार बहुत निराश होकर इस तरह की एक गिमिक हम लोगो के सामने रख रही है । यह जो आर्डर है यह अनकांस्टीट्यूशनल, ड्रेकोनीयन और मैलाफाइड है । इसके जरिये सरकार नैकेड डिक्टेटरशिप को देश में कायम करना चाहती है। मैं आपके जरिये यह कहना चाहता हूं कि संविधान के आर्टिकल 14, 21 और 22 [illegible] सरकार

[श्री रवी राय]

प्रेसिडेंशियल आर्डर के चलते सस्पेंड करना चाहती है। इस बहाने से कि जिस तरह से तस्करों को हाई कोर्ट और सुप्रीम कोर्ट ने छोड़ दिया है उनको न छोड़ दिया जाये इस सरकार ने एक असंविधानिक और घोर अप्रजातांत्रिक आदेश हम लोगों के सामने रखा है। फारेन रेगुलेशन एक्ट, आई० पी० सी० और सी० आर० पी० सी० को होते हुये सरकार ने पिछले 25--27 सालों में स्मगलिंग को बढ़ने दिया और एक-एक स्मगलर जो 25 साल पहले दो रुपया, तीन रुपया कमाता था, अब 10—20 करोड़ का आदमी बन गया है। इस सरकार की नीति के चलते तस्करों को बढ़ावा मिला। हम लोगों को दिखाने के लिये सरकार ला रही है स्मगलर्स के खिलाफ, लेकिन, जैसा आप जानते हैं, मीसा और डी० आई० आर० का उपयोग विरोधी दल के लोगों को पकड़ने के लिये किया गया है। हमको सरकार के बोनाफाइड्स में भरोसा नहीं है। जब सरकार मीसा लाई थी तो उसने सालेम एश्योरेंस दिया था कि कोई भी विरोधी दल के खिलाफ उसका प्रयोग नहीं होगा, केवल एन्टी नेशनल एक्टिविटीज को दबाने के लिये उसका प्रयोग होगा, लेकिन सरकार ने विरोधी दल के कार्यकर्त्ताओं को ही उसमें ज्यादा पकड़ा है। युद्ध के समय में भी इंगलिस्तान में जनता के बुनियादी अधिकारों का हनन नहीं किया गया। यह सरकार जानबूझ कर फंडामेंटल राइट्स का हनन कर रही है, इस प्रेसिडेंशियल आर्डर से। सरकार यह इसलिये कर रही है; क्योंकि वह बहुत अनपापुलर हो गई है और फिर गरीबी हटाओ की तरह एक गिमिक ढूंढ रही है। आजमगढ़ और बनारस में सरकार ने कुछ तस्करों को पकड़ा था। नियम के अनुसार जिला मजिस्ट्रेट 12 दिन तक उनको जेल में रख सकता है और उसके बाद राज्य सरकार की अनुमति लेनी होती है। मैं मंत्री जी से जानना चाहता हूं कि क्या यह सही है कि आजमगढ़ और बनारस के जिन तस्करों को पकड़ा गया था उनको छोड़ दिया गया है, रुपया इकट्ठा कर लिया गया है; कांग्रेस इलैक्शन फंड के लिये? हम चाहते हैं कि तस्करों के खिलाफ सरकार सख्ती से काम करे, उनके अपराधों को नान-बेलेबिल बनाया जाये, उनको अन्डर ट्रायल रखा जाय, ओपिन कोर्ट में उन पर विचार हो। रेवेन्यू इन्टेलीजेंस के अफसर, कस्टम्स के अफसर जिन्होंने हाजी मस्तान जैसे तस्करों को पकड़ा था, जो ईमानदार अफसर हैं उनको सरकार ने सुपरसीड किया है, उनको ट्रांसफर कर रही है। इसलिये हम सरकार के बोनाफाइड्स पर यकीन नहीं करते। इसका प्रयोग सरकार विरोधी दल के लोगों को पकड़ने के लिये करेगी। इसे हिन्दुस्तान की जनता के फंडामेंटल राइट्स को वंचित करने के लिये इस्तेमाल किया जायेगा। इसलिये मैं कहना चाहता हूं कि यह सरकार आर्डिनेंस की सरकार हो गई है। यह जो आर्डिनेंस लाये हैं यह अनकंस्टीटयूशनल, मेलाफाइडी और ट्रेकोनियन है। इसको सरकार वापस ले।

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश) : सभापति जी, मैं इस सम्बन्ध में केवल दो तीन निवेदन करना चाहता हू और अपने मित्र श्री ओम् मेहता जी को स्मरण दिलाना चाहता हूं कि उनको अच्छी तरह से याद होगा कि कानून का दुरुपयोग करने के लिये भारतीय सुरक्षा अधिनियम के अन्तर्गत एक व्यक्ति को 6 साल तक जेल में रखा गया और बाद मे जब वह छूट कर जेल से आया तो उसको इतना सम्मान दिया गया कि वह आपकी सरकार के अन्दर एक मंत्री है। जो व्यक्ति 6 वर्ष तक जेल में रहा डिफेंस आफ इंडिया रूल के अन्तर्गत, वह केन्द्रीय सरकार का इस समय मंत्री भी है। मैं जानबूझकर उनका नाम नहीं लूगा। मैं इसलिये कहना चाहता हूं कि राजनीतिक बदले की भावना का किस प्रकार दुरुपयोग हो सकता है, यह इसका उदाहरण है।

इसी प्रकार का एक और केस जो कल मैंने जालंधर में सुना कि अमृतसर में किसी एक कांग्रेसी कार्यकर्त्ता को गिरफ्तार किया गया और गिरफ्तार इसलिये किया गया कि एक व्यक्ति की जेब में दियासलाई निकली जो पाकिस्तानी तस्कर था और उसके अन्दर एक स्लिप थी। उस स्लिप के ऊपर यह लिखा हुआ था कि अमुक व्यक्ति को सोने के रूप में इतना रुपया

देने के लिये मैंने कहा है। कुछ लोगों का कहन यह है कि वह जो स्लिप थी वह जानबूझकर पुलिस ने उसकी दियासलाई में रखी। इस आधार पर पंजाब के अन्दर जो सत्तारूढ़ दल है उसमें भी दो वर्ग हैं। एक वर्ग ने दूसरे वर्ग को बदनाम करने के लिये इस क्षेत्र के जो सबसे बड़े कार्यकर्त्ता थे, जिसके समर्थक कई केन्द्रीय मंत्री बताये जाते है, उनके समर्थक को गिरफ्तार करके मीसा के अन्तर्गत जेल में डाला हुआ है। मेरा कहना यह है कि मंत्री महोदय जरा हमको इस बात को बताये कि इसकी क्या गारन्टी है कि जो आदेश राष्ट्रपति से जारी किया है इसका उपयोग राजनीतिक बदले की भावना से विरोधी दलों के ऊपर नही किया जायेगा; क्योंकि किसी भी व्यक्ति को 6 महीने तक जेल में आप रख सकते है, मुकदमा चल नहीं सकेगा। आप उसके घर में विदेशी सामान रखवा दीजिये या किसी भी तरह से कह दीजिये कि यह तस्करी के अन्तर्गत गिरफ्तार किया गया है, इसलिये 6 महीने तक कोई अपील नही हो सकेगी, यह मौलिक अधिकार का हनन है।

दूसरी चीज, सभापति महोदय, मै आपको बताना चाहता हूं कि अभी हैदराबाद में एक व्यापारी के लड़के को कैस्टर आयल का नमूना शुद्ध नही था, इस आधार पर उसे गिरफ्तार किया गया। गिरफ्तार करके उसे जेल में डाला गया। एक मंत्री जो उसी विभाग से संबंधित था उन्होने उनके परिवार को संदेश भिजवाया कि 1 लाख रुपया आप दो तो आपके बच्चे को छोड़ दिया जायेगा, इसलिये कि एक महीने बाद उसकी शादी होने वाली थी। परिणाम यह हुआ कि उन्होने वह रुपया देना स्वीकार नही किया। वह मामला सुप्रीम कोर्ट में गया और इतनी देर मे कलकत्ता की लैबोरेट्री ने अपनी रिपोर्ट दी कि कैस्टर आयल में किसी प्रकार की कोई मिलावट नही है। फिर सुप्रीम कोर्ट ने कहा कि उस व्यक्ति को छोड़ दो चूंकि उसमें मिलावट ही नहीं इसलिये इसके अन्दर निर्णय देने की कोई आवश्यकता नही है। मेरे कहने का मतलब यह है कि किसी प्रकार से कानून का दुरुपयोग हो रहा है, इसके लिये मैने ये तीन चार केसेज आपके सामने रखे। यह जो राष्ट्रपति महोदय ने आदेश जारी किया है इसका राजनीतिक बदले की भावना से दुरुपयोग नही होगा, इसकी क्या गारन्टी है? इस विषय में कोई दो राये नही है कि तस्करो को क्षमा न दी जाये, तस्करो के साथ जितनी सख्ती से पेश आया जा सकता है उतनी सख्ती से पेश आया जाये। लेकिन किसी राजनीतिक कर्मचारी को तस्कर व्यापारी के अन्दर गिरफ्तार करके बदले की भावना से काम नही किया जायेगा, इसके लिये सरकार ने कोई गारन्टी नही की।

दूसरी एक और मैं विशेष बात कहना चाहता हूं वह यह कि अभी सर्वोच्च न्यायालय ने दो तीन केसेज के अन्दर निर्णय देते हुये इस बात पर सकेत दिया है कि 'मीसा' के अन्दर कुछ ऐसे व्यक्तियों को गिरफ्तार किया गया जो चावल एक जगह से दूसरी जगह ले जा रहे थे, जो नमक एक जगह से दूसरी जगह ले जा रहे थे। सुप्रीम कोर्ट ने कहा कि इस बड़े कानून का इन छोटी-छोटी बातो में उपयोग करना ठीक नही है, इसके लिये दूसरे कानून भी हो सकते हैं। मेरा कहने का अभिप्राय यह है कि मक्खी को मारने के लिये मशीनगन का उपयोग करने के बराबर है यह अध्यादेश। राष्ट्रपति अध्यादेश जारी करना कानून की सबसे बड़ी दुर्बलता है जो हम को मिल कर दूर करनी चाहिये। मैं इतना ही चाहता हूं कि राष्ट्रपति महोदय ने जल्दबाजी में आ करके जो यह अध्यादेश जारी किया है इस पर सरकार फिर से विचार करे। सरकार के पास पहले से जो कानून हैं वह इतने पर्याप्त है कि उसके अन्तर्गत भी इनका उपयोग किया जा सकता है। संविधान के मौलिक अधिकारों का हनन राजनीतिक बदले की भावना से जो इस प्रकार कानून को तोड़ मरोड़ करके किया जा रहा है इसको न किया जाये इतना ही मै चाहता हूं।

SHRI S. S. MARISWAMY (Tamil Nadu): Mr. Chairman, it is really a pity that the Government does not treat Parliament with the respect that is due to it.

[Shri S. S. Mariswamy]

As early as February 1974, I made a revelation in my speech about one ship that came to Bombay to unload contraband cae to worth 2 or 3 crores of rupees. The then Finance Minister, Mr. Ganesh, got up and said that he was not aware of it and that he would make enquiries. When he met me in the Central Hall a few days later, he confirmed my report and said that action was being taken. We are still to hear as to what action has been taken. The people, Captain and others, who brought the ship were taken to a five-star hotel in Bombay. They were entertained lavishly. Later on, they were taken around in a big limousine. So, these types of things are happening in the country.

Ever since the Second World War, these smuggling activities are on the increase and the Government did not take any action so far. We have been crying hoarse that some action must be taken. Now, some action has been taken fortunately. But it is a half-hearted action. Most of the people who had been taken to the courts were released immediately because the orders were not carefully worded and full attention was not paid when the charges were made. They could not formulate a simple order with all the vast machinery and the Legal Department. Therefore, such things are happening not because or any lacuna in the law but because of the unwillingness on the part of the Government to take stringent action.

Furthermore, I have a feeling that the Government is not prepared to put the big smugglers in the dock because they are afraid that they will reveal something which will be inconvenient to them.

Sir, I was told by my colleague that one evening at 8.30 P.M., all the Opposition Leaders were called to the House of Mr. Raghu Ramaiah. They assembled at 9.00 P.M. They were told that a decision had been taken in the Cabinet. When they said that they could not accept it, they were asked to go and they issued the orders the next morning without even telling the Opposition Leaders that they were going to issue the orders.

SHRI RABI RAY: We demanded the text of the order.

SHRI S. S. MARISWAMY: It is a very cheap tactic for a party with such vast history behind it. If they want to consult the Opposition, they should consult them and take their advice. It was a mere formality to show that they had consulted the Opposition. This shows how undemocratic and arrogant this Government is. The people are already awake. The day is not far off when the people would teach a lesson to this Government. We are afraid that this draconian measure would be used against political opponents. We are hundred per cent sure that a day would come when most of the people whom you see on that side will be behind the prison bars. Suppose, a suspicion is cast on an innocent man. It would be difficult for him to remove that suspicion. I would say that we are not prepared to give these powers to the Government. If the Government wants to be very strict so far as the smugglers are concerned, they can pass stringent orders and then take action. So far as our party is concerned, we are in favour of taking strong action against the smugglers. But we are not prepared to give the Government these draconian powers.

DR. Z. A. AHMAD (Uttar Pradesh): Sir, as you have given an opportunity to other parties and groups to put forward their point of view on this question, we would also like to put forward our point of view. Sir, nobody would be happy at the withdrawal of the fundamental rights even in a limited way because the fundamental rights are fundamental rights. They have to be preserved and they have to be safeguarded. And, therefore, Sir, our Party has always consistently opposed the use of MISA and DIR which curtail the fundamental rights of the people. And we

have opposed the continuance of emergency. On that point, there is no confusion. We have even said that these young men and women who are accused of being Naxalites should be brought before the court of law and tried. Why are you putting them behind the bars without trying them ? None the less, the Government has continued to use these laws against political persons, against persons whose activities they consider to be undesirable. While opposing the use of MISA against political persons, we have demanded at the same time that MISA and DIR should be used effectively and ruthlessly against those who are indulging in economic crimes, against those who are responsible for starvation, for hoarding, for blackmarketing and for smuggling, and who are actually destroying our whole economic set-up. We have demanded: Why the Government did not move on that point ? Today, the Government has moved, and we are not afraid of saying that it has moved in a limited way and in a correct direction. It is a correct direction. Mr. Mariswamy said that he is against smugglers. Now, the smugglers are cleverer than Mr. Mariswamy or anybody else. Can you catch hold of Mastan ? There is nothing in his name. Can you catch hold of all those big guys who are running a chain of smuggling on the coastal line of India ? It has become a fine art, and in the court of law, it can never be proved. It would be difficult to prove. All honest, democratic people are against them, and say let them be behind the bars. We cannot excuse them. They are a different category. They are the destroyers of our economy. They are the killers of our people. Therefore, Sir, our contention is this. . .

SHRI N. G. GORAY (Maharashtra): May I put a question ?

DR. Z. A. AHMAD: Please let me say. I am not going to answer your question . . .

(Interruptions)

SHRI N. G. GORAY: Is it not that Mr. Bhupesh Gupta said in the meeting. . .

(Interruptions)

SHRI BHUPESH GUPTA (West Bengal): Bhupesh Gupta stood up and pleaded that not only there should be a law but comprehensive measures should be brought out in order to arrest their patrons, their political patronages.

DR. Z. A. AHMAD: Sir, I have only this to say. Our demand has been this that not only the laws should be enacted in order not to allow them to get out but there should be stronger laws to confiscate their properties, their benami properties, and stronger laws in order to expose the patronage that they have in the administration, and the political patronage. Their abettors and their supporters should also be exposed. Therefore, a proper machinery has to be set up in order to put an end piracy, not only the administrative machinery should not only arrest these people but also confiscate their property. And all the means should be employed to expose the conspiracy that is there. In that conspiracy, not only the administrative machinery but also important political patrons and personages are there. Then only, will you be able to tackle it. I would not mind bringing someone who wants to speak out. Let them be brought before the court of law; let them speak out; we are not going to prevent anybody. But please do not become their protectors by saying that the fundamental rights. . .

(Interruptions)

SHRI S. S. MARISWAMY: You want to protect them

(Interruptions)

SHRI RABI RAY: He cannot but side with the Government. Nobody is here to protect the smugglers. He has no right to misinterpret us.

DR. Z. A. AHMAD: Let there be a clear provision about this, to smash out this. . .

(Interruptions)

SHRI S. S. MARISWAMY : He went and defended Haji Mastan.

DR. Z. A. AHMAD : Therefore we demand that a consolidated law should be provided for dealing with economic crimes of various categories and that law should be brought before Parliament and enacted by Parliament so that we have a powerful instrument in our hands in order to crush this curse that has afflicted our country.

श्री महावीर त्यागी (उत्तर प्रदेश) : चैयरमैन साहब, तस्करों के खिलाफ या स्मगलर्स के खिलाफ कोई कार्यवाही की जाये, इसका मुझे विरोध करना नहीं है। मैं समझता हू, जो कानून को तोड़ते हैं, जो चोरी के तरीके से काम करते है उनके साथ सख्ती से बर्ताव करना चाहिये, मैं इसके साथ हूं। लेकिन सवाल यह उठता है, मेरे साथी उधर बैठे हैं, मेरे साथ काम कर चुके हैं, बहुत से लोग है जो जेलखाने भी काट चुके है, मैं उनसे भी कहूंगा कि डेमोक्रेसी के असली रूप को समझे, उस की याद दिलाते हुये मैं यह कहूंगा कि आखिर जो हमारा हाउस है, लोक सभा हो या राज्य सभा हो, उसका यह कर्तव्य है कि वह लोगों के अधिकारो की रक्षा करे, और लोगों के अधिकारो की रक्षा करने में चाहे कोई गुनहगार हो, चाहे चोर हो, और एक डाकू जो कत्ल करता है, उन सब के लिये कानून के हिसाब से मुकदमा चलाने का और फेयर डील करने का हमारे यहां प्रावधान है। कत्ल करने वाला भी अदालत के अन्दर जाकर अपनी सफाई दे सकता है, किसी को रेड हैंडेड जुर्म करते पकडा हो उसको भी अख्तियार है कि अपनी सफाई में जो कहना चाहे वह कहे। तो मेरा कहना यह है कि जो सत्ताधारी पार्टी है, उसके जो मेम्बर्स हैं, वे जरूर इसको सपोर्ट करेंगे, उन पर कोई धब्बा मैं नहीं लगाना चाहता, लेकिन कम से कम मैं सत्ताधारी पार्टी से यह अपील करूगा कि ईमानदारी से यह सोचें कि जो विरोधी दल वाले हैं उनका यह कर्तव्य है कि जनता के हितों की रक्षा करें, सिटिजंस के अधिकारों की रक्षा करें। अगर फर्ज कीजिये हम आपकी किसी बात का विरोध करते है उसके मायने यह नही है कि आंख मीच कर, चूंकि आपकी बात है, इसलिये विरोध कर रहे हैं। विरोध करते है तो जनता के हितो और अधिकारों की हिफाजत के लिये । अगर फर्ज कीजिये, अधिकार यह दिया जाये कि किसी को गिरफ्तार कर लो, अब गवर्नमेन्ट के अख्तियार में है--सबूत देने की कोई जरूरत नही, अदालत में वे जा नही सकते--यह चीज एकदम पास कर दें, एक रूल के जरिये, प्रेसीडेट का आर्डर निकाल कर, तो सारा कानून खत्म हो जाता है। अगर फर्ज कीजिये, किसी मुजरिम को, किसी कातिल को जिसने कत्ल किया है, जो मर्डरर है, उसको भी हमारे विधान के अनुसार अधिकार है अदालत मे अपनी सफाई देने का; और चोरी में जो पकड़ा गया है उसको भी अदालत में सफाई देने का अधिकार है। अब मैं तस्करों की सिफारिश, तस्करो की हिफाजत करना नही चाहता। सजा दी जानी चाहिये। लेकिन कायदा जो है उसके मुताबिक दी जानी चाहिये। हाउस के बैठे रहने के वक्त एकदम प्रेसीडेन्शियल आर्डर निकाल देना तस्करो के वास्ते कि जो तस्करी के मामले में गिरफ्तार होगे उनको सफाई देने का अधिकार नही होगा यह चीज अगर हम मजूर करते है तो हम अपने फर्ज से पिछडते है। हम विरोधी दलों का यह फर्ज है कि जनता के अधिकारों की रक्षा करें और इसलिये हम सब ने यूनैनिमस्ली जब होम मिनिस्टर ने बुलाया था सलाह के लिये, तो जितने भी विरोधी दल के लोग थे, उन सब ने यूनैनिमस्ली कहा कि यह ठीक नहीं है । इसके पाच, दस मिनट बाद हमने सुना कि सरकार ने इस सम्बन्ध मे एक आर्डर निकाल दिया है, तो इस तरह की जो कार्यवाही है वह डैमोक्रेसी के खिलाफ है।

हम इसका विरोध इसलिये करते है कि इस अधिकार को पाने के बाद अगर गवर्नमेंट इसका मिसयूज करती है, तो इसके लिये कोई रोकथाम नही हैं। कोई ऐसा कानून नही हो सकता जो इस हाउस में पास नहीं हो सकता और जिसमें गवर्नमेंट के किये हुए पर कोई रुकावट न हो । अगर हम यह इजजात दे देते

तो अपने आपको डिजौल्व करते है और हम एकदम विरोधी दलो को खत्म करते है। हम जनता के पक्षपाती है और जनता की हिफाजत करते है। जनता की हिफाजत के माने यह नही है कि जो पाप करता है,, जो जुर्म करता है, उसकी हिफाजत भी करें। लेकिन जो कानूनी अधिकार उनको है, उसकी हिफाजत होनी चाहिये और जो मर्डरर है उसको भी कानूनी हिफाजत मिलनी चाहिये। इसलिये मै कहना चाहता हूं कि हमारा विरोधी दल का यह फर्ज है कि हम गवर्नमेंट से अपील करें कि वह फिर से इस बात पर गौर कर ले क्योंकि इस हाउस के रहते हुये इस हाउस को कानून बनाने का अधिकार है। माना कि कायदे के अन्दर आपको प्रेजीडेन्ट के नाम से आर्डर निकालने का अधिकार है और मै इसको बेकानूनी तरीका नही कहता। आप को इस बारे मे कानूनी अधिकार है, लेकिन हाउस के रहते हुये यह करना एक तरह से मौरली ठीक नही है। मौरली आपका यह फर्ज है कि जब हाउस बैठा हो तो उसकी राय लेने के बाद ही आप इस तरह का कानून पास कर सकते है। लेकिन उसके नुमायन्दों के मुखालिफत के बावजूद भी आपने इस तरह का आर्डर निकाल दिया और इस तरह का अधिकार आपने ले लिया है, जो कि उचित नही है। जो सत्तारुढ पार्टी है उसके अधिकारो पर इस तरह की रुकावट पड़नी चाहिये क्योंकि अगर ऐसा नही होगा तो फिर डिक्टेटरशिप हो जायेगी। इसलिये आपका जो काम है वह ऐसा होना चाहिये। जिससे जनता के सामने, अदालत के सामने सफाई हो सके और कानूनी तरीके से वह ठीक बैठा हो। इस तरह का कानून बनना चाहिये। यह जो कानून है, इसका विरोधी दलों ने विरोध किया है और उसके बाद भी आपने प्रेजीडेंट का आर्डर निकाल दिया। आपने इस बारे में हाउस से भी सलाह नही ली और हाउस की मंशा के खिलाफ इस तरह की बात करना यह डिक्टेटोरियल है। इसमे कोई गारन्टी नही है कि यह कानून केवल स्मगलर के खिलाफ ही होगा क्योंकि जो कानून आप बना रहे है वह किसी के खिलाफ आप लागू कर सकते है। जिसको भी आपने डिटेन किया, वे सब के सब इसके अन्तर्गत आ जायेंगे और इनमे अकेले स्मगलर ही नही होंगे? इसलिये मै कहना चाहता हूं कि यह कानून ऐसा है जिसको अगर हम मजूर करते है, तो जिस मेज पर हम इसको रखते है उसको भी भ्रष्ट करते है, अपनी मेज को स्पायल करते है। मैं इस कानून को मेज पर रखने पर इस लिये विरोध करता हू क्योंकि सदन की जो मेज है वह एक पवित्र मेज है। जिस तरह से लोक सभा है, उसी तरह से राज्य सभा भी है क्योंकि इसमे स्टेट्स के प्रतिनिधि है और सारे इंडिया के प्रतिनिधि है इस लिये इस मेज पर इस किस्म का भद्दा कानून रखना एक तरह से इस मेज को सड़ाना है, उसका अपमान करना है और इसीलिय मै इसका विरोध करता हू।

SHRI C. K. DAPHTARY (Nominated): Mr. Chairman, Sir, may I say a few words not from the point of view of any party but from the point of view of an ordinary citizen towards Fundamental Rights that are very much at stake? The point is, this Order shuts out equally the innocent person as also the guilty man from going to the court and getting his liberty. I only give you one instance of a man who was charged with smuggling, detained under the smuggling amendment. Sir, the ground given in his case was that he had smuggled something in 1961 and, therefore, in 1974 he was detained because it was thought that he was likely to smuggle again. The court rightly let him off saying that this was too far off, too irrelevant because if a man does something, in 1961 he cannot be suspected for the same thing in 1974 and detained without any trial. This is only one instance. There is another instance which I would like to mention in this House, and that is under the MISA, without the smuggling part of it; a man who was a petrol dealer was detained on the ground of selling diesal oil to a number of people without giving the name and address of persons on the cash memo. That was a term of his licence but the licence had been altered there was a general order doing away with this particular requirement of giving name and address of the person on the cash memo.

[Shri C. K. Daphtry]

That was six years ago. Six years later he is detained on the ground that he had issued forty cash memos without names and addresses. Who made the order? The order was made by the District Magistrate. The unfortunate part about the administration of these Acts is that very often the administration is left in the hands of minor officials and in this case the District Magistrate made the order, I am sure, not on his own initiative but on the telling and the word of someone else. Now, the court rightly might have asked: Here is a man detained by a man who does not apply his mind to the facts but goes by things which are non-existent. Now, that man, if he was a smuggler and detained by reason of his smuggling in 1961, cannot go to court. He cannot tell the court: I am detained for an irrelevant matter, for some thing had happened in 1961, and they think I am going to do it again. Now, Sir, the point is this. It is the administration of the Act and not the Act itself which is bad. The Act itself is good. Every right-minded citizen will say that smuggling is a heinous offence, an offence which ought to be suppressed in every possible way, but not by roping in everyone who may be suspect, by some minor official. For the personal spite of a higher official or political animosity or some other extraneous reason, if he is detained, he has no remedy whatsoever of telling the court: Look, I have been detained under something which is totally irrelevant and totally non-existent I can show it to the court and yet I have been detained. Now, the matter is easily solved, not by an order of this kind which bars everyone from going to court and deprives him of the Fundamental Rights but by amending the Act or as the learned hon. Member said by bringing forward a comprehensive legislation for dealing with smuggling and giving proper safeguards to people to go to court in limited cases. If the ground is irrelevant, the Constitution provides certain safeguards. He must be given the grounds. He must be given such particulars as can be safely given. He has a right to represent to the Board or the Tribunal against his detention. The Tribunal may confirm it. Then, he goes to court. The court might let him go on being satisfied that the ground is irrelevant, bad or non-existent. This order is really a reflection on the courts in a sense. It is an insinuation that the courts are wrongly letting off people. The court is very careful. The courts goes through the grounds and later they let off people if they are satisfied that they have been detained for something done by them long ago . . .

DR. Z. A. AHMAD: I suppose they are very much in collusion with them and they are lenient.

SHRI C. K. DAPHTARY: It is possible that the courts might be wrong as much as the fact that the District Magistrates might be wrong. After all, they are human. The courts also are human. They go into the matter and according to their conscience they deal with it. It does not mean because the courts are sometimes wrong everyone must be debarred from going to court. Tomorrow a man may be put in detention on some flimsy ground and he has no right to go to court. It is totally unreasonable to come to the conclusion that the man ought to be detained.

DR. Z. A. AHMAD: It was on a minor technical ground.

SHRI C. K. DAPHTARY: It is not a technical ground. If a man has done something in 1961 and he is detained in 1974 it is not a technical ground.

DR. Z. A. AHMAD: He has been doing it all this time.

SHRI C. K. DAPHTARY: No. such suggestion was made in the grounds given that anything has happened since 1961. There are borderline cases where the courts might go wrong or the courts may be right. Every case is looked into with care. Therefore, my submission is that this order was totally unnecessary. It can be got over by giving instructions to minor officials to do the thing with care and circumspection or vest the power to detain in the hands

of some higher authority who can bring a proper mind to bear on the subject and who has no prejudice. As it is very often today a man is detained under MISA merely because a minor official has a grudge against him. Therefore, he is detained. I am not against taking action against smugglers.

And I am not referring to every case under the MISA where a man is detained on a ground, totally flimsy; The District Magistrate issues the order and he is detained. Unless he goes to the court, he has no way out. This prevents him from going to the court. The case I put to you was, the licence was altered, telling him he need not give the names and addresses of the purchases in the cash memos; six years later, after that amendment is passed, he is put in detention. This is a flagrant case. That can be avoided by putting the power into the hands of the right people; or you make each case to be confirmed by some superior authority who is prepared to put his mind to the facts. We are as much against smugglers as anyone else. But you take the risk under this order; you give liberty to people to detain.

DR. Z. A. AHMAD: No liberty.

SHRI C. K. DAPTHARY : And yet he has no remedy whatsoever; I would rather that two smugglers should get off than one innocent man should be detained.

SHRI MAHAVIR TYAGI: It is worse than even the Rowlatt Bill.

SHRI K. CHANDRASEKHARAN (Kerala): Nobody wants to support the smuggler and smuggling has got to be stopped in this country one day or the other. But it is a fact that smuggling had continued over the years and has risen to such large proportions that a parallel economy was being created in the country. It is good; it is heartening that Government took certain steps to see that smuggling was no longer a trade in this country. But, certainly, Sir, in the name of smuggling and with a view to preventing smuggling, the freedom of the citizen of this country cannot be tampered with, and that is what is being done by the present laws and the present Order.

Sir, the Socialist Party is completely opposed to preventive detention including detention under the Maintenance of Internal Security Act. Therefore we oppose any amendment to that Act by which preventive detention could be continued and enlarged. We oppose the Presidential Order that has been issued today for the furtherance of preventive detention.

Sir, why has smuggling gone on in this country and who encouraged the same? I do not want to go into the history or the details thereof. But with your permission I would like to say one thing about what has happened with regard to alleged smuggling and alleged smugglers in my home district of Cannanore in North Kerala. A Congress House is coming up in Cannanore today. And it is said— it is an open secret in the Cannanore District—that the entire thing was financed by one of the smugglers from Kasaragode, who is under detention, and there is a lot of gossip going on as to what has happened to the amount which has been contributed by him. But, Sir, the question is that the Government and the politicians—rather the politicians belonging to the ruling party—have encouraged these smugglers, and the position is, we have come to a stage in which the entire country is having smuggling one way or the other.

The immediate reason for issuing the Presidential Order is stated to be the intervention of three or four of the High Courts of this country in releasing some of these detenus. Facts have been given that 579 people have been arrested and detained so far for alleged smuggling or for alleged handling of what is popularly called the tube money and that 20 of them have been released. But twenty of these have been released not on the basis of any defect in the law, not on the basis of any invalidity or illegality of the law but on the ground that most of these orders have been absolutely faultily prepared. And the fault lies with whom?

SHRI SUBRAMANIAN SWAMY : May I raise a point of order? Mr. Om Mehta, the Minister of Parliamentary Affairs, laid the Order, and on that basis you allowed the Leaders of the Opposition Parties to state their position. You are allowing another Member of the ruling party to speak. I do not mind. But you should allow me also to express my opinion.

MR. CHAIRMAN : No, no. We have had a round of discussion.

SHRI SUBRAMANIAN SWAMY : Under what rule you are allowing him? It is a very important thing. Why is it that you are allowing him to speak? The usual procedure is that the Minister places on the Table of the House a statement to express his position. Under what authority you are allowing him to speak? Then I would also like to speak.

MR. CHAIRMAN : You have spoken sufficiently. The Chair will have to give equal opportunity to all. You have given opportunity partywise.

श्री रबी राय : पोइन्ट आफ आर्डर यह है कि नेकेड डिक्टेटरशिप सरकार जानबूझ कर चला रही है। इमरजेंसी को उठाने के लिये ब्रह्मानन्द रेड्डी जी ने होम मिनिस्टरी की कन्सलटेटिव कमेटी में 4 नवम्बर को वायदा किया था तो फिर आप इस तरह इमरजेंसी को 6 महीने तक बढाने के लिे भकानून क्यों ला हे है। इस बारे में ओम मेहता जी ने जो तर्क देने थे वह दे चुके हैं, सरकार सभा पटल पर रख चुकी है इसलिये मैं कहना चाहता हूं कि फिर राजू साहब को बोलने के लिये क्यों खड़ा किया गया? सभपति महोदय, जैसा त्यागी जी ने कहा है सरकार का यह कदम इस आर्डर के चलते नेकेड डिकटेटरशिप है। हम लोग इसके खिलाफ बहिर्गमन करते हैं। सब विरोधी दल इस तरह का नेकेड डिक्टेटरशिप नहीं चाहते है। इस मामले में हम सरकार का साथ नही देंगे क्योकि सरकार इस सदन के खिलाफ संविधान के खिलाफ और राष्ट्र के खिलाफ तैयारी कर रही है। हब सब वाक आउट करते हैं।

(Some hon'ble Members left the Chamber)

SHRI K. CHANDRASEKHARAN : The fault lies to a large extent with the State Government and the subordinate offices. As Mr. Daphtary rightly put it, officers not even at the District Magistrate's level in my State, officers of the revenue divisional officers level, Deputy Collectors, have been given authorisation to issue orders of preventive detention under the amended MISA. And it is these orders in some of the States that have been termed by the High Courts as defective. I charge the Government and the governmental officers with collusion with some of these alleged smugglers for preparing these faulty orders. See 137 that has led to the present state of affairs.

MR. CHAIRMAN : Please conclude.

SHRI K. CHANDRASEKHARAN : I am concluding. I only say that the emergency is being misused and exploited for the purpose of issuing the present order. There is absolutely no justification to have the emergency or continue the emergency and yet the emergency is made capital of for the purpose of issuing the present order. The present order is certainly to make scapegoats of alleged smugglers for the failure of the Government in the economic field. I submit, Sir, that for once the issuance of the Presidential Order negates the rule of law completely in this country. Therefore, Sir, for once the prosecutor and the judge have become one. It is a very bad thing so far as the future of democracy is concerned. Thank you.

MR. CHAIRMAN : Mr. Raju.

श्री ओउम् प्रकाश त्यागी : सभापति जी, सरकार का यह आदेश संविधान के और देश के मौलिक सिद्धान्त के सर्वथा विपरीत है और राजनीतिक दृष्टिकोण से उठाया गया कदम है। हम स्मगलर्स को बचाना नहीं चाहते परन्तु जैसा दृष्टिकोण आपने अपनाया है इस दृष्टिकोण से भी नहीं । जिस तरह से यह लाया गया है इसके विरोध में हम वाक आउट करते हैं।

(Some hon'ble Members left the Chamber)

SHRI V. B. RAJU (Andhra Pradesh): Mr. Chairman, Sir, some of the Opposition parties would like to make politics out of it. In fact, when they had their say, Members on this side heard them very patiently; nobody interrupted them. They should have the patience to hear what the Congress Party has to say in the matter.

Sir, every situation demands a particular type of action suited to that occasion. Now the question is whether the Opposition does realise that there is a very difficult situation that the country is facing. I have heard the Opposition say a dozen times or even more that the Government has been very soft to these unsocial elements who have commited economic offences. They were even taking names. Now they say that a man is honest until he is proved in the court to be guilty. But I can take the records and show that some of the Opposition parties have taken names and said that these were the offenders, that these offenders are known to everybody and why action was not being taken. That was the accusation levelled against the Government and the Congress Party continuously for the last one year or one year and a half.

Sir, now let us understand the situation. What has the Government done here? When the law is insufficient, should not the Government, in order to discharge its duties and responsibilities, take the help of the Constitution? What for is the Constitution? I want to ask. When the law is insufficient, should the Government with folded hands say "We are helpless"?

Then we talk about courts. We have got the greatest respect for the courts. But could this country go on enjoying the luxury of litigation while the common man is suffering? Should we be satisfied by merely explaining to him the niceties of law?

Now the ultimate scapegoat is the small officer, the District Magistrate. We say the small officer is irresponsible, he has his likes and dislikes. We are attributing motives. Can an administration run, can a Government run, if you suspect from the top to the bottom that everybody is dishonest and only the Opposition leaders, who make accusations, are honest? Ultimately it is this administration which has to run even if the Opposition parties come to power. As it was already said, we should not go into mere technicalities. The hon. Member, Shri Daphtary, has just quoted one or two cases about 'proximity'. Should we take shelter under legal niceties, that it was reported only in 1961, that one was guilty of doing a bad act and meanwhile there has not been any report, he has not been caught and he has not been convicted and now you detain him? Shri Daphtary knows that this is to prevent a man from acting wrongly. It is not being done because he has done something. It is suspected that he is going to do something.

SHRI C. K. DAPHTARY : Let him say so.

SHRI V. B. RAJU : You are saying that the law must be strengthened, must be made perfect, must be tightened. We know the courts. We are not blaming the courts. They have their subjective attitude and the Judges differ among themselves.

SHRI HAMID ALI SCHAMNAD (Kerala) : Can a person be punished for the same offence twice?

SHRI V. B. RAJU : Don't go into technicalities. As I said, the situation needs a remedy of a particular type. The Government had to take recourse to article 359(1). Why was this particular article incorporated in the Constitution? For what purpose? We must be very clear about it. Can there be a more serious situation than this? To-day there is no insecurity to the country from outside. If there is any insecurity for the country, it is only from within, because of the unsocial elements who commit economic offences, who are suspected to be corrupting the administration and politics also. Should we merely say with folded hands that we are helpless?

SHRI KALYAN ROY (West Bengal): The best legal brains are defending them.

SHRI V. B. RAJU : I do not want to attribute motives. The Opposition parties have had their say. But on one thing I appeal to the Opposition. They are not to oppose everything. They should discriminate between what is good, what the people want and what is bad. Let the Opposition leaders go into the contryside and find out what is happening. Sir, the prices of certain commodities have actually collapsed. I can give instances. From Bombay to Hyderabad, to carry smuggled goods, a truck was charging Rs. 3,000. Now, after this strong action of the Government, they are afraid of smuggling goods. There are not people even to engage it for Rs. 800 to-day. The lorries and trucks refuse to take these goods now. What a pshychological change has come about in this country as the Govt. have acted firmly? The Opposition wants actually to stop the Government from acting firmly. It is time that they stand by the Government. Opposition parties should have claimed credit for this firm action by the Government. But instead of claiming credit, they now speak in favour of smugglers and want to take excuse of courts. We are not disrespecting courts. Government have acted within the bounds of article 359(1) of the Constitution. What more can be done? It is said that this is a black Bill like Rowlat Act and so on. They said that never such a thing has happened before.

When the Constitution was not sufficient to meet the situation, we have amended it. We have amended the Fundamental Rights. We have amended article 31. Even at that time we heard the same speeches that Government was acting in a dictatorial way. If the Government was acting in a dictatorial way. If the Constitution cannot help us, if the law cannot help us, what do you want the Government to do? Government is acting in the manner in which people want them to act. They are putting down economic offences. Still our learned Shri Daphtary is saying that you have got to prove it in the court . . .

SHRI C. K. DAPHTARY : I did not say that. Detain them on proper grounds.

SHRI V. B. RAJU : What is proper? Government have behaved properly and within bounds of the Constitution. Do you say that article 359(1) should not have been there? The fathers of the Constitution had visualised such a situation and that is why they have provided this article. Government have made use of it. They have not done anything unconstitutional. This is not a disrespect to the courts. It is the bounden duty of the Government to stand by the common man and see that economic offenders, whoever they are, smugglers or blackmarketeers or hoarders or connivers, are dealt with firmly under executive action.

MR. CHAIRMAN : Let us take up next time.

SHRI OM MEHTA : We have been accused of inaction so many times . . .

MR. CHAIRMAN : Why are you speaking? Do you want to say something?

SHRI OM MEHTA : Yes, because so many charges have been levelled against us. Therefore, I would like to say something. We have been accused of inaction whenever the issue of smuggling has come up in the House. They have been telling us that Government is not doing anything. When we do something, again they accuse us. When we amended the MISA and arrested them they said we did it to get money. When they were released by the courts, they accuse us and say that we are releasing them taking money from them. We would like to be guided by you on this . . .

श्री ओउम् प्रकाश त्यागी : सभापति जी, पौइन्ट आफ आर्डर।

कई माननीय सदस्य : आप तो वाक आउट कर गये थे।

श्री ओउम् प्रकाश त्यागी : पौइन्ट आफ आर्डर तो सुनिये। अभी मंत्री महोदय ने कहा है कि चार्ज लगा है और उन तस्करों और स्मगलर्स के खिलाफ उन्होंने ऐक्शन लिया है, और इस मामले मे हाउस उनके साथ है। लेकिन सरकार के जो आफिसर्स है, अधिकारी है उन्होंने स्मगलर्स के खिलाफ मनमानी ढंग से, इन्कम्पलीट तरीके से चार्जेज लगाये ताकि कोर्ट्स को मौका मिले। इसलिये इसमें हमको डाउट लग रहा है। मैं बम्बई से आ रहा हू, वहां यह कहा जा रहा है कि गवर्नमेंट की रूलिंग पार्टी की ओर से 50 करोड़ रु० मांगा गया है; 20 करोड का आफर स्मगलर्स की ओर से आ गया है, इसलिये मैं कहता हू (*Interruption*) क्यों चार्जेज जो कि निराधार चार्जेज है

MR. CHAIRMAN : Please resume your seat. Why do you interfere. When they are speaking?

श्री ओउम् प्रकाश त्यागी : मुझे जवाब दीजिये कि निराधार चार्जेज पर क्यों पकडा, चार्जेज भी ठीक तरीके से नहीं लगाये ताकि कोर्ट को मौका मिले।

(*Interruptions*)

1 P.M.

SHRI OM MEHTA : I do not think that there is any truth in it. लेकिन मैं उनको एक कहानी बतलाना चाहता हूं। एक बकरी पानी पी रही थी। वहीं पर एक शेर आ गया और कहने लगा कि तुमने सारा पानी गन्दा कर दिया है इसलिये मैं तुम्हें खाऊंगा। इस पर बकरी ने कहा कि मैंने तो पानी ही नहीं पीया। इस पर शेर कहने लगा कि तुमने नहीं पीया तो तुम्हारे बाप ने पीया होगा। इसी तरह से हमारे दोस्त भी हमारे ऊपर इल्जाम लगाना चाहते है कि जरूर कुछ किया होगा।

Whenever we want to do anything against the smugglers they want to offer one excuse or the other and always want to defend the smugglers in one form or the other, sometimes taking shelter behind the Constitution and sometimes taking shelter behind the fundamental rights. Sir, as has been rightly pointed out by Mr. Raju Dr. Z. A. Ahmad, you know why this has been brought forward. Why have we brought forward this? It is because a number of smugglers have been released by the courts on the plea that the grounds furnished to them are not sufficiently precise and specific and proximate. Given the nature of smugling, it is necessary to ensure that the smugglers are not let off on technical grounds or for lack of information. It is well-known they also known and Mr. O. P. Tyagi also knows that the smugglers have got the best resources and they can engage the best lawyers in the country and when the best legal advice is available to them in the courts, on some courts, on some technical ground or on account of some minor flaw, they let them off . . .

(*Interruptions*)

SHRI KALYAN ROY : I want to know one thing from you. Mr. Om Mehta. Mr. A. K. Sen, a member of the Congress party in the Lok Sabha has been defending the smugglers. Why don't you expel him?

SHRI OM MEHTA : That is a different thing.

SHRI SUBRAMANIAN SWAMY Sir, I want to ask . . .

SHRI OM MEHTA : What we want to do with him is our party line. What we are going to do with him is our party affair. But I may tell you that this thing has been done with the best of intentions

[Shri Om Mehta.]

and, as has been said earlier also, the scope of this Notification is quite limited. It is extremely limited. The order suspending the rights to move the courts is limited to those against whom action has been taken under the Maintenance of Internal Security Act, 1971, as amended by Ordinance No. 11 of 1974, and this Ordinance inserted a new clause under Section 3(1)(c) of the MISA. The new provision relates to detention of persons with a view to preventing a person from smuggling, dealing in smuggled goods or engaging himself in activities prejudicial to the conservation of foreign exchange and the order made by the President under article 359 does not extend either to the other cases of detention under the other provisions of the MISA or any other action taken under the DIR or any other law. The order is also limited in duration, that is, it is for a period of six months or until the revocation of emergency, whichever may be earlier. The order is intended to achieve the objectives of the anti-smuggling drive of the Government and I would also like to add that it is under the consideration of the Government that to fight this malady of smuggling a comprehensive legislation be brought forward before the Parliament and enacted...

(Interruptions)

SHRI N. H. KUMBHARE (Maharashtra) : Sir, I would like to know how long it will take.

(Interruptions)

SHRI BHUPESH GUPTA : Sir, the only thing is...

SHRI SUBRAMANIAN SWAMY : Sir, I wanted to speak; but he is speaking now.

MR. CHAIRMAN : One at a time, please.

SHRI BHUPESH GUPTA : As far as we are concerned, these smugglers should not be let off and should not be allowed to get out of the jail on any ground. Those when you have arrested, you have to keep them. But this opportunity should also be utilised for bringing forward a comprehensive legislation.

SHRI OM MEHTA : I have said about that.

SHRI BHUPESH GUPTA : Meanwhile, now that you have been armed with the law and since you have assured that it will not be applied against others, why not go against the patrons of the smugglers, the political elements, whether they belong to this side or that side? Whether they belong to this side or that is not the point. Why not go against those top officials who have been helping them, the Governors, the ex-Governors, Ministers, the ex-Ministers and others, whether they belong to the Congress (O) or the ruling party, and I am not bothered about it at the moment. You have the dossier and now you have got the chance, Mr. Om Mehta, to do that. Go against them. Why not do it against such big people? If you arrest them and put them in jail, your *bona fides* in this matter will also be established. Besides, I would also request you to do one more thing now that you have promised a comprehensive legislation in this regard. This is going to be only for six months and after six months these people will be out and we do not want them to be out. Therefore, bring forward the law and, secondly, try to put as many as smugglers as possible on public trial.

I know the difficulty involved in it. But it is for you to go through the papers, sift the evidence and bring them to trial, so that their connections and their ramifications are exposed in the interest of intensifying the drive against the smugglers.

Finally, Sir, one thing I have to make clear. Much has been said about this because sometimes things are said in a long way. At that very meeting we told that we were not in favour of a single smuggler being released. We were as-

sured that full measures would be taken. It is a good thing. All that we now want is that you follow up your assurances by proper action.

SHRI SUBRAMANIAN SWAMY : Sir, three and a half speakers from the ruling clique have spoken—Mr. Ahmad, Mr. Om Mehta, Mr . . .

(Interruptions)

SHRI KALYAN ROY : Smugglers should also get an opportunity to speak . . .

(Interruptions)

SHRI SUBRAMANIAN SWAMY : I just want to bring to your notice the fact that we have reached a crucial stage. You have not only allowed the Minister to make a complete statement but you have also allowed another member of the ruling party to make a statement. I will take just a couple of minutes to make a small point, if you permit me.

(Interruptions)

SEVERAL HON. MEMBERS : No, no . . .

(Interruptions)

SHRI SUBRAMANIAN SWAMY : On a point of order . . . *(Interruptions)*. I as a Member seek your protection. I have a right to know from you, for future reference, on what basis you allowed so many members of the ruling party to speak, when you have allowed only member from this side ? You please satisfy me on this point . . .

(Interruptions)

MR. CHAIRMAN : There is no difficulty when all the leaders of the different political parties are allowed to speak. Similarly, as a political party it has a right to speak. It is not the Ministers alone who are to defend. The members of the party have also as much right . . .

श्री भैरों सिंह शेखावत (मध्य प्रदेश) : मैं माननीय मंत्री जी से यह जानना चाहता हूं . . .

SHRI OM MEHTA : There cannot be a discussion on it . . .

श्री भैरों सिंह शेखावत : मैं एक छोटी जानकारी चाहता हूं । जो स्मगलर्स सुप्रीम कोर्ट से और बाकी के हाई कोर्ट्स से रिलीज हो गये हैं उन स्मगलर्स में से 6 को आपने पुन. गिरफ्तार कर लिया, बाकी के 13 को क्या सरकार गिरफ्तार करने वाली है ?

MR. CHAIRMAN : It is not necessary to answer this. Let us go to the next subject.

RE. SUPPLEMENTARY DEMANDS FOR GRANTS FOR EXPENDITURE OF THE CENTRAL GOVERNMENT (EXCLUDING RAILWAYS) FOR THE YEAR 1974-75

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : Sir, I seek your guidance. This has not yet been laid on the Table of the Lok Sabha. If you permit me I will lay it here just now . . .

(Interruptions)

MR. CHAIRMAN: You let it at 5 o'clock . . .

SHRIMATI SUSHILA ROHATGI : I have a Bill . . .

MR. CHAIRMAN : Somebody else can do it. Now, let us go to the Calling Attention . . .

SEVERAL HON. MEMBERS : After lunch . . .

(Interruptions)

MR. CHAIRMAN : The House stands adjourned till 2 P. M.

(Interruptions)