

## RAJYA SABHA

Thursday, the 26th July, 1973/the 4th  
Shravana, 1895 (saka)

The House met at eleven of the clock,  
MR CHAIRMAN in the Chair.

### ORAL ANSWERS TO QUESTIONS DETENTIONS UNDER 'MISA'

\*91. SHRI S. A. KHAJA  
MOHIDEEN :†

SHRI KALYAN ROY;

SHRI DWIJENDRALAL SEN  
GUPTA:

Will the Minister of HOME AFFAIRS  
be pleased to state :

(a) the total number of persons, party-wise, detained in each State, so far under the Maintenance of Internal Security Act (MISA);

(b) the number of persons released after the Supreme Court Judgement on MISA and re-arrested thereafter?

THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS (SHRI  
K. C. PANT) :-(a) and (b) : A statement  
in respect of information sought is attached.  
[See 'Appendix Lxxxv, Annexure No. 1']  
No person is detained on account of his  
political affiliation. However, information  
regarding the political affiliations of the  
persons detained, wherever available with  
the State Government, is mentioned in  
the statement.

SHRI S. A. KHAJA MOHIDEEN : Sir,  
is it that the MISA is used by the Govern-  
ment against anti-social elements? If so,  
I would like to know from the Minister  
whether the Government considers black-  
marketeers and hoarders to be anti-social  
elements or the leaders of Opposition poli-  
tical parties to be anti-social elements?  
How many such persons have been arrested  
under this Act? Secondly, is it a fact that  
under this Act student leaders from the Ali-

garh Muslim University have been taken  
into custody and leaders of the Opposition  
parties have submitted a memorandum to  
the Prime Minister that this Act should not  
be used against the student community?  
If so, what is the reaction of the Govern-  
ment?

SHRI K. C. PANT : Sir, hoarders and  
blackmarketeers are certainly anti-social  
elements and the MISA is used against them  
also. The numbers are given in the Stati-  
stical Digest that has already been placed on  
the Table of the House and on the basis of  
which there was a full discussion in the  
Rajya Sabha in the last session. So far as  
the memorandum to the Prime Minister is  
concerned, I am personally not aware of  
it, but I did see it in the papers that some  
memorandum has been submitted. I have  
not myself seen it.

SHRI K. CHANDRASEKHARAN :  
I would like to know from the hon. Minister  
whether he would be able to give any de-  
tails, at least in regard to all the States put  
together, about the number of persons who  
have been detained under the MISA for  
blackmarketing and hoarding.

SHRI K. C. PANT : Sir, those details  
I do not have with me, but they are all  
available in the Statistical Digest. I would  
refer him to the Statistical Digest.

SHRI K. CHANDRASEKHARAN : I  
want the latest figures as of to-day. The  
Statistical Digest gives old figures.

SHRI K. C. PANT : I have no figures  
later than that, but certainly if you want me  
to collect them and give notice, I will col-  
lect them.

SHRI BHUPESH GUPTA : Sir, will the  
hon. Minister tell us how many detenues were  
released after the Supreme Court judgment  
which invalidated certain provisions of the  
MISA and according to which, in West  
Bengal alone about 1,760 detenues should  
have been released? Has the hon. Minister  
found out from the West Bengal Govern-

†The question was actually asked on the  
Mohideen.

floor of the House by Shri S. A. Khaja

ment in what manner that judgement of the Supreme Court was respected how many had been released, how many had been re-arrested after release and how many not released at all? Is it not a fact that in West Bengal to-day there are 1,937 detenus, according to the latest available figure? Actually it is more. What steps is the Government going to take in order to have as many of them as possible or the whole of them released? Our demand is that the MISA should be scrapped. I am not going into that now. But how is it that the matter is not being at all pursued in the light of the assurance given in this House from time to time and still arrests are taking place under the MISA?

**SHRI K C PANT** Sir if Bhupeshji had seen the statement it does give the figures both of those who were released pursuant to the Supreme Court judgement and of those mentioned in column 5 in respect of whom fresh detention orders were issued by the State Government. The figures in respect of West Bengal are 1,303 and 1,044 respectively.

**DR Z A AHMAD** Up to what time?

**SHRI BHUPESH GUPTA** Yesterday in the Lok Sabha you gave some other figures.

**SHRI K C PANT** This is the number of persons released in pursuance of the Supreme Court judgement. The precise number of persons released is 1,303. The number of persons in respect of whom fresh detention orders have been issued was 1,044. I am not talking about the total number.

**SHRI BHUPESH GUPTA** . You are giving this number.

**SHRI K C PANT** We are not. The West Bengal Government has given. So far as the total information in six States is concerned, namely, Assam, Bihar, Punjab, Rajasthan, Tripura, West Bengal, about the arrested persons released as a consequence of the judgement of the Supreme Court striking down section 17(a) of the MISA, he wanted to know the total number of per-

sons released. The number was 1,375 persons released. Out of the six States in Bihar there were no fresh orders of detention issued. In respect of Assam out of 47 persons who were released fresh orders of detention were issued in respect of 41 persons under section 3(i) (b) as all of them were foreigners, namely, Bangla Desh nationals. Of these 41 40 have so far been repatriated to Bangla Desh. It is only one of them who is detained.

In Punjab in respect of 8 out of 12 persons released fresh orders under section 3(b) have been issued. They are Pakistani nationals. In respect of Rajasthan while I do not have up to date information from information received up to 22-4-73, 11 persons, who were released as a result of the judgement, were detained again as they were Pakistani nationals. So this is the total picture of the persons released and detained.

**श्री जगदीश प्रसाद माथुर** आपने कहा कि किसी भी राजनैतिक आधार पर गिरफ्तारियां नहीं की गईं। जिस समय इस विधेयक के ऊपर सदन में चर्चा हुई थी आपने यह भी कहा था कि इसका बड़ा पर उपयोग नहीं किया जाएगा जहां पर साधारण कानून का प्रयोग किया जा सकता है, लेकिन गुजरात के अन्दर जो 19 जनसंघ के सदस्यों की गिरफ्तारी हुई तो हमने इसका विरोध किया था और कहा था कि इस कानून का दुरुपयोग किया गया यह इस बात का प्रमाण है कि उनको तीसरे ही दिन रिहा किया गया। जहां पर चीप ग्रेन शाप्स की डिमांड की जा रही है और अकाल के क्षेत्रों में ज्यादा दुकानें खोली जाये इस बात के ऊपर भी अगर प्रांतीय सरकार इस कानून का दुरुपयोग करती हैं तो क्या केन्द्रीय सरकार इस प्रकार की डाइ-रेक्शंस प्रांतीय सरकारों को देने की दृष्टि से सोच रही है कि किन किन दृष्टियों में इस कानून का उपयोग हो अन्यथा आजकल के महंगाई के जमाने में जिस प्रकार का आंदोलन हो रहा है उसमें इसका दुरुपयोग किया गया तो यह राजनीतिक आधार पर दबाव माना जाएगा।

श्री क० सी० पंत अध्यक्ष जी, यह कानून इस तरह इस्तेमाल किया जाता है जबकि अदेशा हो किसी चीज के होने का, जैसे एंजिनेशन का, पब्लिक आर्डर के खिलाफ कोई चीज होने का या जो सेक्शन 3 में और चीजे दी हुई है जैसे Security of the state, security of India, relationship with foreign countries, preventive action. वगैरह तो उसमें प्रिवेंटिव एक्शन लिया जाता है। मामली तौर पर जब कोई चीज हो जाती है, कानून का उल्लंघन हो जाता है तब स्टेट एक्शन लेती है। इन दोनों में यह फर्क है जो मैं माननीय सदस्य के सामने रखना चाहता हूँ।

जहां तक इस्ट्रक्शन का मबान है, जब यह कानून यहां पाम हुआ उसी वक्त मन् 1971 में ही डिटेन्ड इस्ट्रक्शन राज्य सरकारों को दिये गये और उनमें कहा गया, उनसे निवेदन किया गया कि जो भी अधिकारी हो जो कि इन पावर्स का एक्सरसाइज कर सकते हो, उनके मामले में कस्टोडियन के बारे में और इस ऐक्ट के बारे में सारी चीजे रख दी जाये और उनको समझा दिया जाय ताकि वह जो भी डिटेन्शन आर्डर दियू करे उनका इस्तेमाल इसी के तहत करे।

DR. TRIGUNA SEN : Sir, I have not understood one figure in the statement laid on the Table of the House. So far as West Bengal is concerned, the number of persons detained under the MISA up to 30-6-1973 is shown as 7,604. In column 5, the number of persons released in pursuance of the Supreme Court judgement is given as 1,303. The number of persons re-arrested is 1,044. The number of persons actually under detention to-day is 2,060. These three figures—1,303, 1,044 and 2,060—do not make 7,604. What about the rest?

SHRI K. CHANDRASEKHARAN : They were released on other grounds. Only one ground is stated here.

MR. CHAIRMAN : So your question has been answered by Mr. Chandrasekharan.

DR. TRIGUNA SEN : No. I am not satisfied. I want the answer from the Minister.

SHRI K. C. PANT : The number of persons detained was 7,604. The number of persons released is 5,544 and 2,060 persons are still under detention. The figures here relate only to the releases and re-arrest which followed the Supreme Court judgement in respect of one particular section of the Act. The other sections are not affected by that judgement. It affects only a very narrow portion of that Act.

SHRI K. P. SUBRAMANIA MENON : Sir, from the statement it is clear that the main purpose of the MISA has been to attack our party and its cadres, and the trade union and kisan sabha leaders. It will be found that over one thousand of our comrades have been detained under this Act, and in spite of the Supreme Court judgement, the Government has shamelessly re-detained them; they just sent them out of the jail and immediately they were re-arrested under different sections. May I know from the Minister what the reasons are for detaining such a large number of trade union and kisan sabha leaders, in spite of the Government's talk about democracy? May I know whether this MISA is intended to safeguard the Congress rule or it is intended to safeguard what they call the security of State? If it is a matter of security of State, then nobody is involved here. Most of these people are trade union and kisan sabha workers. So, the whole thing has been a conspiracy to see that all the trade unions are captured by the Congress goondas in West Bengal and other parts of the Country. May I know if this is the purpose of this Act?

SHRI SITARAM KESRI : Goondas are sitting there. (Interruptions)

MR. CHAIRMAN : Order, please.

SHRI K. C. PANT : My hon. friend's mind is so conditioned that he sees conspiracy behind every bush.

SHRI K. P. SUBRAMANIA MENON : Yes, yes, that is what you do.

**SHRI K. C. PANT :** Sir, it is very wrong to suggest that the MISA is used against anybody indulging in either political activity or trade union activity. But if somebody comes within the purview of the Act by virtue of his actions or what he proposes to do...

**SHRI K. P. SUBRAMANIA MENON :** How do you know what he proposes to do?

**SHRI K. C. PANT :** Yes, yes, there is the Advisory Board. There are various safeguards which are provided. If you have read to study the Statistical Digest, several persons have been released by the Advisory Board, by the court, by the High Court and perhaps by the Supreme Court also. Therefore, there are adequate safeguards. Where any State Government has used the MISA in a manner which was found to be wrong either by the Advisory Board or by the court, the person detained has been set free. So these safeguards are also provided. It is not against political activities or trade union activities.

**SHRI KRISHAN KANT :** May I know from the hon. Minister whether they consider the activities of certain elements and representatives of certain political parties, like obstructing the procurement of wheat and other foodgrains, as an act which can be brought under the MISA? If so, how many persons, how many top people in various States, have been held under this Act? It was quite recently mentioned by a former Minister of Agriculture in Bihar that some top people were obstructing procurement of foodgrains.

**SHRI K. C. PANT :** As I said earlier, the local people have a feeling that in a certain case MISA should be used—and there is a provision about the movement of essential commodities and so on, that is one of the provisions under which MISA can be invoked—they would certainly invoke it. As to whether any State Government in a particular situation has invoked the provision or not, I would require notice to answer.

**SHRI KRISHAN KANT:** Since the procurement started, has anybody been held under MISA?

**SHRI K. C. PANT :** I do not know. As I said earlier, I do remember, from the statistical digest which was supplied and from other figures, it has been used against hoarders and blackmarketeers. And I remember that in West Bengal it has been used against people who were stealing copper wires. I do remember all these things. But I cannot say precisely from which date.

**SHRI B. K. KAUL :** From the statistical digest it appears that 912 CPI(M) and 80 Congress people were detained under MISA. Should it be presumed that the ruling party organization would like to take action against those Congress people who detained under MISA?

**SHRI K. C. PANT:** That is the action taken. And it has no bearing on whether they are members of the Congress Party or the CPI(M). If they come within the mischief of the law, then they are detained.

**श्रीमती सीता देवी :** क्या मिनिस्टर साहब यह बतायेंगे कि उनकी नालेज में है कि अनाज की जो इतनी तंगी है और जो राज्य सरकारें हैं उनको पता भी है कि लोगो ने अनाज होर्ड कर रखा है तो क्या इस कानून का इस्तेमाल ब्लैक मार्केटियर्स पर, जो जमाखोर हैं और लोगो को भूखा मार रहे हैं और गवर्नमेंट को बदनाम करना चाह रहे हैं; उनके खिलाफ किये जाने का विचार सरकार रखती है या नहीं?

**श्री के० सी० पंत :** मैं ने बताया कि यह लागू है और कितनी ही जगह इस्तेमाल किया गया है।

**श्री कमल नाथ झा :** मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि जैसा सीता देवी जी ने कहा, उसके मन्दर्भ में मेरे चार सवाल हैं। एक तो स्मगलिंग का है, चोरी छिपे हमारी सीमा से बहुत सा अनाज बाहर भेजा जा रहा है, उत्तर में, पश्चिम में और पूर्व में, और दूसरा सवाल यह है कि चीजों की कीमत कितनी अधिक बढ़ाई जा रही है व्यापारियों और उद्योगपतियों द्वारा और उसके लिए

मारा गलत दोषारोपण सरकार के ऊपर किया जा रहा है और चीजों की कीमतें मनमाने ढंग से बढ़ाई जा रही हैं व्यापारियों के द्वारा...

श्री सभापति आप प्रश्न कीजिए। यह प्रश्न नहीं है।

श्री कमल नाथ झा मैं प्रश्न ही कर रहा हूँ। इसी तरह से जो स्मगलर्स हैं और जो ब्लैक मार्केटियर्स हैं या जो बड़े पैमाने पर दवाइयों में एडल्टरेशन कर के लोगों की जान माल के लिए खतरा उपस्थित कर रहे हैं, तो मिलावट करने वालों, स्मगल करने वालों, चोर बाजारी करने वालों और होठें करने वालों के विरुद्ध भी आज इस सीमा का सबसे अधिक उपयोग होना चाहिए जो कि इंटरनल सेक्योरिटी को भंग कर रहे हैं। तो मैं जानना चाहता हूँ कि क्या सरकार इस दिशा में कोई कारगर कदम उठाने जा रही है या नहीं?

श्री कै० सी० पन्त इसका उत्तर मैंने दे दिया है।

MR. CHAIRMAN: Now, Mr Anandan. Yours is the last question

SHRI T. V. ANANDAN: I always stand last. May I know from the Government whether the situation in general in West Bengal is better than what it was previously?

SHRI K. C. PANT: Sir, certainly the situation is very much better. And if you recall the days of terror and of mass violence, of people killing each other and of reports of murders of political opponents in West Bengal, you will find that there is vast improvement. And today there is normalcy and there is peace. And this is a measure which has certainly helped in that process.

श्री नवल किशोर श्रीमान्, मैं यह जानना चाहता हूँ कि उत्तर प्रदेश में 87 डेटन्यूज थे मगर अब उनकी संख्या 25 रह गई है तो यह 25 आदमियों के न छोड़ने की क्या वजह थी और ये कब से बन्द हैं और क्या इनमें कुछ पी०ए०सी० के लोग भी बन्द किये गये हैं, यदि हाँ तो उनकी कितनी तादाद है?

श्री कै० सी० पन्त अब, मुझे इसका व्यौरा तो नहीं मालूम है। जहाँ तक मुझे याद है पी०ए०सी० के किसी आदमी के खिलाफ फिलहाल इस्तेमाल नहीं हुआ लेकिन इसको चेक करना पड़ेगा।

श्री नवल किशोर ये 25 आदमी कब से बन्द हैं?

श्री कै० सी० पन्त कब से है, यह भी मेरे पास नहीं है, नोटिस दे तो मैं पता लगाऊंगा।

## WORKING OF INDUSTRIAL ESTATE

\*92. SHRI J. S. TILAK:†

DR. Z. A. AHMAD:

SHRI KOTA PUNNAIAH:

SHRI A. G. KULKARNI.

SHRI KALI MUKHERJEE:

SHRI CHANDRA SHEKHAR:

SHRI KRISHAN KANT:

Will the Minister of INDUSTRY/DEVELOPMENT AND SCIENCE AND TECHNOLOGY be pleased to state:

(a) whether Government have reviewed the working of the Industrial Estates in the country;

(b) whether the capacity of industrial units is under-utilised; and

(c) if so, what steps are being taken by Government to improve their working?

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT (SHRI Z. R. ANSAR)

(a) Yes, Sir.

(b) and (c) Small Scale Industrial Units have not been working to full capacity mainly for the reason that raw materials are in short supply and partly on account of the recent power shortage. Steps are being taken by Government to improve the supply of raw materials including power.

†The question was actually asked on the floor of the House by Shri J. S. Tilak.