

[Shri H. R. Gokhale]

Elections have now been held for the Legislative Assembly and, as the House is aware, no party has emerged with a clear majority. We understand that the Governor is exploring the possibility of a popular Government in the State, which would have majority support in the Legislative Assembly. In case it becomes possible, and let us hope that it will, to induct a popular Government in office by the 20th March, the current proclamation under article 356 will, no doubt, be revoked or allowed to expire so that the normal functioning of the constitutional machinery in the State may be restored. But, if it does not become possible to have a popular Government in the State by the 21st March, there will be a constitutional vacuum. It is to obviate the possibility of such a vacuum that we have come before this House to seek its approval of the proclamation so that it may continue after the 20th March.

As I have stated, the Governor is exploring the possibility of having a stable popular Government in the State. As soon as the formation of such a Government in the State becomes possible it will be inducted into office without the least possibility of delay and as this is being done in the other States under the President's rule the proclamation under article 356 will be revoked. We have come before this House to seek approval of the current proclamation in Manipur only to avoid a possibility of a constitutional vacuum which would inevitably follow if a popular Government is not formed in that State by the 20th March and if the current proclamation were permitted to expire. I am sure that the House will have no objection to granting its approval.

The question was put and the motion was adopted.

THE ARMED FORCES (ASSAM AND MANIPUR) SPECIAL POWERS (AMENDMENT) BILL, 1972

THE MINISTER OF LAW AND JUSTICE AND PETROLEUM AND CHEMICALS (SHRI H. R. GOKHALE) : Sir, I beg to move :

"That the Bill to amend the Armed Forces (Assam and Manipur) Special Powers Act, 1958, be taken into consideration."

Sir, this is a simple Bill and I need explain its provisions only briefly. The Armed Forces (Assam and Manipur) Special Powers Act, 1958, which had application in the erstwhile State of Assam and the Union Territory of Manipur empowered the Governor of Assam and the Administrator of Manipur to declare certain areas as disturbed. In such areas the Armed Forces have certain special powers such as to destroy arms dumps and shelters of hostiles, to make searches of premises for the recovery of unauthorised arms and ammunition, to check by the use of force the unlawful and violent activities of rebels etc. The Act had also been applied to the erstwhile Union Territory of Tripura. Another law containing analogous provisions, namely, the Armed Forces (Special Powers) Regulation, 1958 is in force in Nagaland, but will cease to be in force on the 5th April, 1972. Subsequent to the reorganisation in the north-eastern region the Armed Forces (Assam and Manipur) Special Powers Act, 1958 now has application in States of Assam, Meghalaya, Manipur and the Union Territories of Arunachal Pradesh and Mizoram. But, the power of the Governor of Assam to declare certain areas as disturbed has not thereby become available to the Administrators of the Union Territories of Mizoram and Arunachal Pradesh. The object of the present Bill is three-fold. Firstly, it is proposed that the Armed Forces (Assam and Manipur)

Special Powers Act, 1958 may have uniform application in all the five States and the Union Territories in the north-eastern region. Secondly, it is sought to state clearly that the Governor of these States and the Administrators of the two Union Territories will have the power to declare areas as disturbed. Thirdly it is proposed to take that power also for the Central Government.

It is hardly necessary to explain in any detail the need for these proposals. In the north-eastern region the situation is no doubt more peaceful generally than it was in the past. However, in view of the continuing activities of the Naga underground and the Mizo hostiles, the need for vigilance in this area continues to be paramount. If any untoward situation were to develop in any part of this region, enabling powers should be available under the law so that the Armed Forces are in a position to act quickly to nip the trouble in the bud.

It is also necessary that under the law the Central Government should be empowered to declare areas as disturbed. In view of the foreign links which some of the tribal groups had developed over the past few years it is of the utmost importance to check their trans-border movements. To ensure that the security forces have the requisite powers to deal with the activities of such groups it is necessary that the Central Government should be enabled to declare certain areas as disturbed.

I am sure that the legislative proposals before the House will have its whole-hearted approval.

The question was proposed

SHRI K. CHANDRASEKHARAN (Kerala) . Sir, I rise to oppose this Bill for more reasons than one. The Statement of Objects and Reasons and the hon. Minister's statement have indicated that these regulations, as they were called in

1958, were enacted first in respect of Nagaland and thereafter in respect of the State of Assam, now comprising Meghalaya also. It was a temporary enactment. It was not thought at that stage that the enactment should be put on the statute book permanently. In the Statement of Objects and Reasons appended to this Bill, no particular reason or need has been expressed as to why this enactment should be further extended not only in point of time but also in regard to regions. The hon. Minister in the course of his speech has, however, stated that even though the situation of law and order in the north-eastern region of this country is better, still there are troubles from the Naga and Mizo hostiles, that there are links between certain tribals and foreign States and, therefore, it is necessary to protect these areas from any disturbance or dangerous situation. Sir, while I fully appreciate the facts stated by the hon. Minister, I do not think there is any particular need or urgency for the provisions of this extraordinary measure to be kept alive. It has rather been somewhat of a policy of the Government to make temporary enactments and then extend them without any reference to the reason or the need that was in existence at the time the temporary enactment was made. There are both in the Centre and in the States large numbers of temporary enactments for which extensions are taken for granted. There is no review by Parliament or the legislatures in any serious manner. There is no appreciation of the facts necessary for the purpose of continuing such enactments by the Central Government or the State Government, as the case may be, and as a result, when routine files are put up in regard to the expiry of certain temporary enactments, it is taken for granted that those enactments are to be continued, and they are continued.

4 P.M.

I submit that such sort of approach in regard to temporary Bills that we enact is

[Shri K Chandrasekharan]

altogether wrong and a more serious appreciation of the circumstances with reference to need is necessary before we think of continuing the enactments as I submitted initially not only in regard to the point of time but also in extending it to further regions in the country

My second objection is more fundamental. I can appreciate the fact that for the easy deployment of the Armed Forces the State Government be empowered by an enactment passed by Parliament. The deployment of the Armed Forces in view of entry 1 List 1 of Seventh Schedule is the sole responsibility of the Central Government. And that responsibility on particular terms and conditions was sought to be delegated to the State Government. Now, that responsibility which is that of the State Governments is being taken over by the Central Government also. I do not think that this fits in with the scheme and pattern of the Constitution, with the scheme of things that is enacted in the entries in the three Lists in the Seventh Schedule with regard to the powers of the Union, the States and the concurrent powers of the Union and the States. At a time when the States are clamouring for more and more powers, for greater autonomy, within their spheres, it is not proper that the Central Government should come with an enactment of this nature in so far as the States in the north-eastern region are concerned for nothing prevents the Central Government from extending this law or seeking an extension of this law to various other regions of the State. Under entry 1 of List 2 of the Seventh Schedule public order and the maintenance of public order including law and order is the sole responsibility of the State Government and it is highly improper and, I submit, even unconstitutional on the part of the Central Government without seeking at least formally or informally the concurrence

of the States concerned and the States in general in this country to come with an enactment stating that the responsibility of the Central Government in regard to a disturbed or dangerous condition arising in a State would be discharged by the deployment of the Armed Forces by making a declaration that there is emergency to that effect. Article 355 of the Constitution has been relied upon for this purpose. Article 355 states, "It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution". The provision can be read as a whole. The provision can be read in two parts also. If it is to be read in two parts, so far as the latter part is concerned, when in a State the Government of the State cannot be carried on in accordance with the provisions of the Constitution, the following Article, Article 356, which is a very well known Article so far as this country is concerned, gives the necessary powers to the President to take over the administration of that State on a report received in that behalf from the State Governor concerned. In the scheme of things of the Constitution, in the scheme of things of Article 355 and Article 356 and the entries in the three Lists, I submit that the Central Government's responsibility in regard to the maintenance of public order and maintenance of law and order in a particular State can arise only after a Presidential Proclamation is made under Article 356 of the Constitution. And if a Presidential declaration is made under article 356 of the Constitution and the President takes over the administration of a State, so far as the maintenance of public order is concerned, he gets direct powers in that regard and therefore, the Central Government can, through the Governor of that State exercise these powers and a Bill of this nature for the purposes of article 356, when it is actually

applied, would be redundant and unnecessary. I submit that the provision now made that the Central Government can also discharge simultaneous responsibility in regard to public order and law and order in a State will lead to more and more conflicts and more and more mis-understandings between the States in this country and the Union Government and it will be setting up a very unholy precedent and that unholy precedent has unfortunately started in the provisions of this Bill. I submit that there may be occasions when the State concerned or even the States in the North Eastern region which are covered by the provisions of this Bill will be ruled by the Party or Parties different from the Party or Parties that are in power at the Centre. It may be that they may hold divergent views in regard to maintenance of law and order and in regard to deployment of the Armed Forces for that particular case. It may be that a State Government, in spite of the fact that there is danger to law and order, may seek only the assistance of its Armed Police or such Central Police as might have been already transferred for the purposes of administration of the State, and not deploy Armed Forces at all. But the Central Government would *bona fide* think that deployment of Armed Forces is necessary in which case the Central Government may declare an emergency and then there will be hell so far as law and order and ordinary citizens in that particular State are concerned. I submit that this will lead also to litigation between the Centre and State governments. In a situation in which the State government does not allow the provisions of this Bill being applied and in a possible situation in which the Central Government might apply them, under article 131 of the Constitution the State Government concerned might approach the Supreme Court with a request to strike down the provisions of this law in which case complications in regard to litigation would also

arise. I submit that looked at from the Constitutional aspect and from the aspect of maintenance of good relations between States and Centre and looked at from the aspect of practical administration, I have no doubt to tell this hon. House that the provisions of this Bill enabling the Central Government also to exercise some of the powers exercised by the State government would lead to perennial conflicts and therefore I oppose the provisions of this Bill.

SHRI H R GOKHALE : I appreciate the points made by the hon. Member, but I am afraid there is a very valid answer to every one of those points. First of all, I would like to point out that the impression which is sought to be given that this is for the first time as it were that such powers are given to the Armed Forces is not correct. As I mentioned in my opening speech, even in Nagaland a regulation known as Armed Forces (Special Powers) Regulation, 1958, is in force and will be in force till the 5th April 1972. The hon. Member asked - "Without the Parliament's sanction, how could such a thing be done?" It is precisely because we do not want to do it without Parliament's sanction that we have brought this Bill before this House. Otherwise, under the States Reorganisation Act it is possible to adopt this regulation at the instance of the President without bringing it before the House at all. But what the Government thought was that instead of following such a course in a matter like this, it is better to obtain Parliament's sanction by bringing this Bill before the House. Here is the changed situation. There has already been a law known as the Armed Forces (Assam and Manipur) Special Powers Act, 1958. It contains more or less provisions similar to the ones in the Regulation. Now this Act is in force in a number of areas in the Eastern Region and gives powers to the Armed Forces which are on land to exercise certain powers in extraordinary situations.

[Shri H R Gokhale]

Now, the act which is being brought forward now is nothing more than what the Act already contains and it is to be extended to the area of Nagaland, instead of continuing the Regulation which is already there. Therefore, I would request the House to consider that nothing extraordinary is, for the first time, being done. I understand the objection that is a provision has been brought forward for a specified period, for example, if the Regulation was to expire on the 5th April, I take it that it should be a temporary measure and then, it is not proper, as was said by the hon. Member, to make it or convert it into a permanent one. When you make a regulation or a law, you anticipate that a situation may dissolve itself into a position where it may not be necessary after a certain number of years. But, when the period expires, you take a review, take stock of the situation and find out whether it is necessary to extend it, whether that situation obtains or not. As I said in my opening speech, I consider that still the conditions cannot be said to be such that you can altogether give up all measures of vigilance, all measures by which you are in a position to take care of the hostiles and the rebels who are in most cases in league with the foreign agencies and foreign powers.

Now, it is not a matter really of protection of the State alone. This is a matter of national security and, therefore, it is more a measure of national security than a measure of maintaining order in the State. To say that law and order is the State's responsibility is, on the face of it, undeniable. But, to look at this measure as only a measure for maintaining law and order in the State is, I would respectfully submit, not a correct approach to the problem, because this is a question pertaining more to the national security than to a local problem of law and order ..

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : It being a border State.

SHRI H R. GOKHALE : Yes. And, Sir, coming to the constitutional objection, I would only assure the hon. Member that there is no difficulty which he anticipates in the State List, which pertains to the powers of the State Legislatures, the very first entry is like this :

"Public order (but not including the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power)".

Therefore, the State Legislature has jurisdiction, has legislative competence to legislate in respect of public order, but not when it relates to anything which means the use of naval, military and air forces or any other armed forces of the Union in aid of the civil power. As against this, in the Union List, the very second entry gives legislative competence to the Union Parliament in respect of military, naval and air forces or any other armed forces of the Union and, in any case, the residuary entry would be there under which only the Central Legislature would have competence to legislate on this. Therefore, I would request the House not to look at this question as a local law and order problem.

Then, Sir, a question was posed as to why it is taken for granted that such measures should be continued. I agree that the approach to such questions should not be a mere routine approach. I agree. Merely because a law is expiring, without applying your mind or without examining the necessity for its continuance, if you are applying it, then, I would say your criticism would be valid. But, is it the situation that is obtaining there that we can say that we are happy, that we have improved, that the conditions have improved, that no vigilance is necessary and no powers are necessary ?

Therefore, I would submit that this is a measure which is more a measure of national security than of maintaining merely law and order in the State. And, in any case, let me tell the House that this is an enabling measure. Nothing *ipso facto* happens because the law is passed. And when the Government, on account of the information in its possession that action under this Act is necessary, then it will take steps to see that a certain area is declared as disturbed or the whole State is declared as disturbed.

Another criticism was that the power of the State has been taken over. It is not so. It is an additional power given to the Centre. The power of the Administrator or the Governor is retained; it is there in the Act. Therefore, it is not correct to say that the State is absolutely absolved of its responsibility of taking action when local law and order questions arise.

I would request the House to adopt this measure.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That the Bill to amend the Armed Forces (Assam and Manipur) Special Powers Act, 1958, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

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

SHRI NIREN GHOSH (West Bengal) : There is no quorum. I challenge.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I have finished now.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : Third Reading is still pending.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I wish you were there some time back....

SHRI OM MEHTA : Third Reading is pending. He can speak if he likes in the third reading.

SHRI NIREN GHOSH : That is another thing. There is no quorum.

Mr. Deputy Chairman in the Chair.

श्री राजनारायण (उत्तर प्रदेश) : यह क्या तरीका है कि हम लोग आधे घंटे तक इंतजार करें ?

श्री उपसभापति (श्री अकबर अली खान) : एक मिनट ठहरिये तो। आप गिनने तो दीजिए कि कितने सदस्य हैं।

MR. DEPUTY CHAIRMAN : Let me count how many there are. All right. We adjourn for some time then. We adjourn till 4-45.

The House then adjourned at twenty five minutes past four of the clock till quarter to five of the clock.

The House reassembled at forty-seven minutes past four of the clock, MR. DEPUTY CHAIRMAN in the Chair.

MR. DEPUTY CHAIRMAN : Is there quorum now?

SHRI OM MEHTA : Yes, Sir.

श्री राजनारायण : श्रीमन, हमारा एक व्यवस्था का प्रश्न है। आप सदन को 4 बज कर के 45 मिनट तक के लिए स्थगित कर के उठे और 4 बज कर के 45 मिनट पर सदन में कोरम नहीं हुआ। हमारे नियम में है कि सदन 11 बजे बैठेगा और अगर ठीक 11 बजे कोरम न हो तब और ठीक 11 बजे चेयरमैन साहब यहां आ जाते हैं।

श्री श्रीम मेहता : नहीं ।

श्री राजनारायण : देखिये, जरा मुन लीजिये हमारा प्वाइंट । आप हमारा प्वाइंट मुन लीजिए । उसी तरीके से जब आपने निश्चित समय दे कर के कह दिया कि अब हम उठते हैं और अब हम पीने पाच बजे बैठेंगे और पीने पाच बजे कोरम नहीं हुआ, तीन चार मिनट के बाद कोरम पूरा होता है, पीने पाच बजे जब कोरम नहीं हुआ तो उसके बाद हम सदन में क्यों बैठें । हम जानना चाहते हैं, आप कृपा करके इसमें व्यवस्था दें और अगर आप व्यवस्था न दे सके तो आप कहें कि हम सदन को स्थगित करते हैं, व्यवस्था बाद में देंगे ।

श्री उपसभापति : ऐसी बात है कि जब बेल बजती है तो बेल बजने तक वह आ सकते हैं ।

श्री राजनारायण : बजी कहां बेल ।

श्री उपसभापति : कोरम बेल बज रही थी ।

श्री राजनारायण : कोरम बेल क्या रात तक बजेगी ।

श्री उपसभापति : रात तक नहीं । दो मिनट का कायदा है । दो मिनट से ज्यादा नहीं बजेगी ।
There is quorum now. Mr. Gokhale.

SHRI H. R. GOKHALE : Sir, I move—

“That the bill be passed.”

The question was proposed.

श्री राजनारायण श्रीमन्

श्री उपसभापति : आप बोलना चाहते हैं ।

श्री राजनारायण : दो घंटा बोलूंगा ।

श्री राजनारायण श्रीमन् मैं बहुत ही अदब के साथ...

श्री उपसभापति : राजनारायण जी, यह थर्ड रीडिंग है ।

श्री राजनारायण : तभी तो, थर्ड रीडिंग में बोल रहा हूँ ।

श्री उपसभापति : थर्ड रीडिंग में 5 मिनट से ज्यादा नहीं मिलेगा ।

श्री राजनारायण : क्यों ?

SHRI OM MEHTA : The time allotted for this is one hour.

श्री राजनारायण : मैं यह निवेदन करना चाहता हूँ कि बिना सशस्त्र-बल विशेष शक्ति संशोधन विधेयक के कानून की शक्ति देने से भी काम चल सकता है । यह अनावश्यक है । बेमतलब सरकार अधिक शक्ति अपने हाथ में लेती चली जा रही है । एक बात मैं चाहता हूँ कि आप भी और इस सदन के सम्मानित सदस्य भी गौर करेंगे कि इनकी कयनी और करनी में क्या कही, तनिक भी, मेल है ? नाम ये लेंगे जनतंत्र का, काम करेंगे कि सारी ताकत इनके हाथ में मोहैया हो जाए । स्टेट गवर्नमेंट की सारी ताकत अपने हाथ में ले रहे हैं । जब यह स्थिति है तो क्या सेन्ट्रल गवर्नमेंट स्टेट की सरकार है । इस प्रकार से नये कानूनों को बना बना कर, पुराने कानूनों में परिवर्तन कर कर के यह सरकार ज्यादा ताकत अपने हाथ में लेती चली जा रही है । मैं जानना चाहता हूँ, किसी भी जनतंत्र के जानकार विद्यार्थी से, कि क्या जनतंत्र की यही परिभाषा है ? या जनतंत्र का यही आचरण है कि जनतंत्र शब्द का प्रयोग करे और अमल बिल्कुल उल्टा करे । जहाँ पर केन्द्र की सरकार सर्वप्राप्ती मनोवृत्ति से काम करे और सारी ताकत अपने हाथ में ले ले—राज्य के पास जितनी ताकत है यह भी ले ले, जिला के पास जो ताकत हो वह भी ले ले, गांव पंचायत के पास जो ताकत है वह भी ले ले और एकछत्र, सर्वप्राप्ती, होकर मत्ताप्राप्ती हो जाए—तो क्या यह जनतंत्रीय प्रणाली पर चलने वाली सरकार कही जाएगी ? मफायी के साथ इसका उत्तर होना चाहिए और अनावश्यक ढंग पर जनतंत्र शब्द के साथ खिलवाड़ नहीं होना चाहिए । इसीलिए मैं इस विधेयक का विरोध करता हूँ कि यह विधेयक केन्द्रीय सरकार के हाथ में ज्यादा ताकत देता है ।

दूसरी बात श्रीमन्, मैं यह कहता हूँ कि यह सरकार गांधी जी का नाम लेती है, तो गांधी जी की किम चीज को यह सरकार मानती है ? क्या गांधी जी की अहिंसा यह सरकार मानती है ? और अहिंसा नहीं मानती तो क्या गांधी के शान्ति प्रयोग को यह सरकार मानती है ? गांधी जी के शान्ति प्रयोग को अगर यह सरकार नहीं मानती तो बिल्कुल, पूर्ण रूप में, हिंसक है । मैं बहुत

ही दुःखित हृदय से कहना चाहता हूँ, श्रीमन् आप जरा इस बात का ख्याल करें कि आज हमारे मारे देश को क्या हो रहा है? चाहे असम हो, चाहे मणिपुर हो, चाहे वह मिजोराम हो, चाहे वह मेघालय हो, चाहे कुछ हो—चाहे वह बिहार हो चाहे वह पश्चिमी बंगाल हो—हर जगह यह सरकार धीरे-धीरे सारी खुराफात को अपने हाथ में लेकर अपने विरोध को खत्म करने का प्रयत्न षड-यन्त्रकारी ढंग से कर रही है और इतना घृणित तरीका अद्वितीय कर रही है, जैसा कि अभी कल हमने यहां पर कहा कि रात में 12 बजे गुलाम सरवर को—लोग जानते हैं कि गुलाम सरवर एक जिदादिल लीडर है—उन्हें 12 बजे रात घर में घेर कर गिरफ्तार किया गया...

श्री उपसभापति : बिल से इसका क्या ताल्लुक है, कैम ग्लेवेन्ट ?

श्री राजनारायण : यानी, यह बिल इसीलिए है कि शांति रखी जाए, अशांति न होने दी जाए। डिप्टी चैयरमैन साहब, यह विधेयक इसीलिए लाया जा रहा है कि हर जगह शांति रहे।

अगर शांति न हो तो यह सरकार अपने कुकर्मों से अशांति पैदा कर रही है। चूंकि जिन जिन लोगों ने इस सरकार को वोट नहीं किया, वह जानती है कि गुलाम सरवर के नेतृत्व में मुसलमानों ने एन मास इस सरकार के विरुद्ध वोट दिया। इसलिए मुसलमानों का टैरिफाई करने के लिए इसने गुलाम सरवर को गिरफ्तार कर लिया है। मुसलमानों के जितने लीडर्स हैं चाहे वे हमारे दल में हों, सगठन कायेम में हों या चाहे दूसरे दलों में हों सब के खिलाफ वारंट जारी कर दिये गये हैं और सब के खिलाफ इस समय वारंट घूम रहा है चाहे वे आज रात को गिरफ्तार कर लिये जायें या कल सबेरे गिरफ्तार कर लिये जाएं। तो मैं कहना चाहता हूँ कि ब्रिटिश इस देश में हो चुका है, मुसोलिनी इस देश में हो चुका है, रावण और कस भी हो चुके हैं।

श्री ओम मेहता : राजनारायण भी हो चुके हैं।

श्री राजनारायण : राजनारायण तो है। हो चुके नहीं, बल्कि है।

निर्माण और आवास मंत्रालय में राज्य मंत्री (श्री आई० के० गुजराल) : दो चार ही दिन हैं।

श्री राजनारायण : जब उन्होंने मुझे टोक दिया है तो मैं एक कथा बतला दूँ। वास्तव में जब लक्ष्मण को शक्ति लगी थी तो उस समय सुखेन वैद्य आये थे। सुखेन वैद्य ने कहा कि ये अच्छे नहीं होंगे, तुम सजीवनी बूटी लाओ। सजीवनी बूटी कौन लायेगा। हा, हनुमान लायेगा और हनुमान में कहा जाय कि वह लाये। जब रावण को यह बात मालूम हुई तो उसने कहा कि हनुमान को रोका जाय ताकि वह समय के अन्दर सजीवनी बूटी न ले आये वरना लक्ष्मण जिन्दा हो जायेगा और अगर लक्ष्मण जिन्दा हो जाएगा तो राम भी नहीं मरेगा तथा वह जिन्दा रहेगा। तो कालनेमि से कहा गया कि हे, कालनेमि, तुम ऐसा उपाय करा कि हनुमान धोनागिरि न जा सके और वहां से सजीवनी बूटी न ला सके। इस पर कालनेमि ने माया की वाटिका बना दी, माया का तालाब बना दिया और माया की कुटी बना दी। कालनेमि ने एकदम रामनामी चन्दर ओढ़ लिया और लगा राम राम कहने लगे। हनुमान न सोचा कि राम के नाम में इतना बड़ा भक्त कौन होगा। जब हनुमान उसके सामने गये तो उन्होंने कहा कि जरा पानी दो। इस पर उसने कमण्डल दे दिया। उसमें काफी पानी नहीं था और हनुमान ने कहा कि इससे तो प्यास नहीं बुझेगी। इस पर उसने कहा कि तुम मरोवर में चले जाओ और तालाब में पानी पी लो। हनुमान वहां पर पानी पीने गये तो वहां एक मगरी थी। मगरी ने पवन-पुत्र से कहा कि तुम कहा फस गये हो, यह मुनि नहीं है, यह कालनेमि निशाचर है। तुम्हें रोकने के लिए माया की गई है और तुम इससे बचो। हनुमान ने कहा कि इसने हमसे दक्षिणा मागी है, हम जरा दक्षिणा दे आते हैं। हनुमान वहां पर आये और अपनी पूछ से उसकी गर्दन को लपेट कर तीन बार जमीन पर पटका और कालनेमि धाराशायी हो गया तब वे वहां से धोनागिरि गये और सजीवनी बूटी लेकर आये। इस तरह से लक्ष्मण बच पाये और राम भी बच गये। 1967 में जब गैर कायेसीवाद में डा० लोहिया की लहर चली, तो 8 मूबों में कायेम धाराशायी हो गई। तब हमारे देश में जो बड़े-बड़े पूजिपति थे, टाटा, बिरला, मिश्रानिया, वी० के० मोहन, जो सजीव गांधी का डायरेक्टर बना हुआ है, इन तमाम लोगों ने सोचा कि किसी कालनेमि को खोजो वरना सच्चा समाजवाद आ जायेगा। ऐसे आदमी को खोजा जा कि समाजवाद, समाजवाद स्टे और सारे काम उल्टे करे। तो श्रीमती इन्दिरा नेहरू गांधी की सरकार कालनेमि समाजवाद के लिए

[श्री राजनारायण]

बनकर आ गई। आज वह समाजवाद, समाजवाद, समाजवाद, बिल्ला रही है और काम बिल्कुल उल्टा कर रही है। इस देश की जनता को हनुमान बनना चाहिए और कालनेमि राक्षस का नाश करना चाहिए, वरना देश बरबाद हो जायेगा। नमस्ते।

5 P. M.

SHRI NIRL N GHOSH : Mr. Deputy Chairman, Sir, I oppose this Bill because it is a dangerous Bill. It is a sinister Bill and it is directed not against the enemies of the country, but rather against the people. You will note that the Bill covers Assam, Meghalaya, Manipur and even Tripura has been included. So, all those places are considered to be disturbed places. Otherwise, there is no need to pass such a Bill. So, under the masquerade of declaring the entire States and Union territories disturbed areas, they are arrogating to themselves all the powers and they are handing over those places to the military. They call the military at any time and enforce any measure, whatever they like. Sir, one can understand—even in Nagaland there is supposed to be a truce between the Underground Nagas and the Government and that truce is still continuing. And in Mizoram there might have been some disturbances before. So, what is the purpose of having a Bill passed by Parliament which includes in its ambit not only those places which are no longer disturbed now but even Assam, Tripura, Meghalaya, Manipur and what not? So, it seems that the entire east—and now West Bengal also—is disturbed. What are they doing—not officially—but unofficially? Their hoodlums, thousands and thousands, with the forces at their beck and call, they are roaming about the streets with rifles, sten-guns, revolvers, bombing places. Already some 25000 to 30000 people have been uprooted. They just go and say, "Quit this place by night. Otherwise, we will either kill you or set fire to your house." Then is this not disturbing? But no military, no police is called in to

check this. Rather, the police and the CRP are called in to aid and abet these people. That is what they are doing. So, the entire eastern region of India has been put under a sort of military raj. That is what is going on there. There is no shread of democracy, there is no shread of what is called people having their elementary rights. Even in a bourgeois democracy, they are supposed to have their elementary rights. Just now, I have got information that one of the Members of the Lok Sabha, Shrimati Vibha Ghosh, was attacked by the Congress hoodlums. Shrimati Indira Gandhi says, I dissociate myself from the goondas. But she does not. I say that her assertion is not correct. It is totally incorrect because her State police are protecting precisely those goondas. So what is the point in saying on the floor of the House "I dissociate myself from them"? That is just to hoodwink and dupe the people and it is nothing else. And this sort of double-dealing, this sort of double-talk can arise only where the President's rule is there. That is, in the entire eastern region of India there is police raj, military raj, the administration has been handed over to the military and the Armed Forces, boundless Armed Forces, whether it is organised or it is given official stamp. That is what is taking place. So, the entire process that is going on is dangerous and sinister. And not only that. It portends that so far as the eastern region is concerned, democracy is at an end. No longer is there democracy, the so-called bourgeois or parliamentary democracy. And such things are being done surreptitiously by a Bill, by a measure, by some measure, by this, that or anything, by all possible means. Have you ever heard in England which is supposed to be the citadel of bourgeois democracy such laws being in existence there, or in France or in Italy or anywhere? It is only in the so-called tom tom, biggest democracy of the world that democracy is a casualty in the hands of the Congress and in the hands, I regret to say, of the Prime

Minister herself because it is she who pilots this measure, it is her Secretariat and her secret committees, the Research and Analysis Wing and all that which deals with it.

SHRI AWADHESHWAR PRASAD SINHA (Bihar) It is just the opposite of what the hon'ble Member says

SHRI NIREN GHOSH Secret plans are hatched against the peoples. They are being bowled out. That is the position we have come to. Why not say openly and clearly that in Assam, Meghalaya, Manipur and Tripura and what not there will be military raj? Hand it over to the military. You are actually doing so without saying so. That is the trick you have adopted. That is the trick that the Home Ministry adopts. That is how they are carrying on. So I say this Bill is an anti-people Bill. It is a Bill that militates against the interests of India. It is a Bill that militates against the interests of the people of India. It is a Bill which is reminiscent of the British raj. Under one pretext or the other, under such provisions they used to declare areas disturbed and punitive taxes were imposed on the people and collected through the military. Marching in the footsteps of the British raj, they are similarly taking away all the rights of the people and handing over the country to the military and the police curtailing all the rights the people can enjoy under a bourgeois democracy. Even that is not there. So I say this is a dangerous Bill.

MR. DEPUTY CHAIRMAN Please conclude now.

SHRI NIREN GHOSH So I say that civil days are ahead. Peoples are being enslaved. They are being transformed into slaves. If they do not agree anywhere they are exterminated, killed and bombed. They are uprooted from their residential homes as has happened in Dum Dum and Baranagar. Within two days 25,000 people

have been uprooted by the Congress hoodlums with the help of the police and the C.R.P. This is the raj they are carrying on under the banner of democracy. The entire eastern region of India is being gradually brought under iron curtain. Therefore, this Bill is thoroughly anti-people. It should be resisted and criticised so that people at least know what is going on in the New Delhi raj.

SHRI H. R. GOKHALE Sir, since it is necessary to deal only with points relating to the clauses of the Bill, I do not think the answer needs to be elaborate because in my opening speech I had mentioned that it is not, as it were, something new that has been brought before Parliament. I mentioned that for this very territory there was a Regulation, the Armed Forces (Assam and Manipur) Special Powers Act, 1958 in force. Even today it is in force. It will expire on 5.4.72. There is another legislation called the Armed Forces (Special Powers) Regulation, 1958 which is on the Statute Book since 1958. The question is that if the situation prevailing in the eastern region particularly is more or less of a similar character, is it appropriate that there should not be a legislation which is uniform and there should be discrimination between area and area? What was thought was that in cases of emergency developments there must be powers in a State Government as well as in the Centre to deal with a situation of that type. As I mentioned in the Bill while the situation has no doubt improved now, one cannot say that the danger has completely gone and the Government can be complacent and can say that no vigilance is necessary. Even now rebels and hostiles are active in parts and there is reason for Government to think that these rebels and hostiles have a link with foreign powers. Now what is missed or probably intentionally not mentioned in criticising the Bill is that on the passing of this Bill, *ipso facto* the Armed Forces do not get any

[Shri H R Gokhale]

power s It is an enabling legislation. Power is given to the State Government, to the administrators, to the Central Government to declare certain areas as disturbed areas if such areas are really found to be disturbed areas, and only when such a declaration is made, these powers become available to the Armed Forces. And these powers are also limited to the extent mentioned in the provisions of the Act, such as arresting without warrant in exceptional cases which power is by no means extraordinary because that power in the case of a cognizable offence is already there with the police. But when you deal with armed bands of people, it is more effective to arm the Armed Forces with those powers, and that is why the very same powers which the police already have, are now given to the Army who may be authorised in disturbed areas to act under the provisions of this Act. Therefore, Sir, the apprehen-

sion that by the passing of this Bill there is going to be a military raj is, I think, to say the least, a complete misuse of the English language. I would submit, Sir, that this Bill should not be looked at merely as a measure for maintaining law and order in a local area, it is more a Bill aimed at preserving national security. And for the reasons which I have already given, I recommend to the House that the Bill be passed.

MR DEPUTY CHAIRMAN. The question is

"That the Bill be passed."

The motion was adopted

MR DEPUTY CHAIRMAN. The House stands adjourned till 11 A.M. on Monday, the 20th March.

The House then adjourned at thirteen minutes past five of the clock till eleven of the clock on Monday, the 20th March, 1972.