

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

SHRIMATI SUSHILA ROHATGI
Sir, I move

"That the Bill be returned "

The question was put and the motion was adopted.

RESOLUTION DISAPPROVING THE MAINTENANCE OF INTERNAL SECURITY ORDINANCE, 1971

MR DEPUTY CHAIRMAN Statutory Resolution disapproving the Maintenance of Internal Security Ordinance 1971, Mr Advani

SHRI A. P. CHATTERJEE (West Bengal) Sir, I rise on a point of order Sir, you have called for the next item—the statutory Resolution disapproving the Maintenance of Internal Security Ordinance, 1971 I am placing before you Rules 122 and 123 of the Rules of Procedure of this House May I read those Rules ?

"122 A any time after the Bill has been so laid on the Table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration "

"123 On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration."

Sir, my first point is this that the Bill was laid on the Table of the House on the 21st June because Parliamentary Bulletin Part I (item 6) dated the 21st June says 'Government Bill laid on the Table The Maintenance of Internal Security Bill, 1971, as passed by the Lok Sabha' Sir, I do not know whether any notice has been given or not by the Secretary But then, Sir, supposing for argument's sake that on the day on which the Bill was laid on the Table of the House, on that very day, the notice was given, that is to say, on the 21st June, according to Rule 123, this Bill cannot come

up for consideration not less than two days from that day of notice, that is to say, if you agree that notice was given on the 21st June, the Bill cannot come up for discussion before the 24th The Bill cannot come up for consideration before the 24th June, not less than two clear days, even if for the sake of argument the notice of the intention to move that the Bill be taken into consideration was given on 21st June That is my first point, Sir.

Secondly, the whole point is this whether the notice has been given or not As far as the notice is concerned, you kindly look at Rule 223 which says —

"(1) Every notice required by the rules shall be given in writing addressed to the Secretary. "

I need not read out the whole thing But Rule 224 says —

"(1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is by these rules required to be made available for the use of members "

Sir, the notice, according to Rule 223 was not circulated to us That is one thing Secondly, it is no doubt said in sub-rule (2)—

"A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from time to time, direct."

I want to know from you whether the Chairman has directed the place and the manner in which the notice has to be deposited We do not know of such a place and we do not know of such a manner. Therefore, I am submitting, first of all, that no notice was given. We do not know because the notice ought to have been circulated to us or might have been made available under Rule 224 That is my first question The point is that notice was not given If the matter was laid on the Table of the House, the matter cannot be considered

My second submission is this Supposing even for argument's sake, that a notice was given after the matter was laid on the Table of the 21st June, under section (1) of Rule 223 the Bill cannot come up for consideration if two days have not yet passed Supposing, for argument's sake, the notice was

[SHRI A. P. Chatterjee]

given on the 21st June, it cannot come up for consideration before the 24th unless the Chairman otherwise directs. The Chairman has not directed otherwise. Therefore, Sir, I am submitting that this Bill cannot come up for consideration on either of the grounds. Therefore, I ask for your ruling on this point of order. I say that this Bill cannot, in any event, be considered today.

SHRI BHUPESH GUPTA (West Bengal): Sir, I rise on a point of order.

MR. DEPUTY CHAIRMAN : What about his point of order ?

SHRI BHUPESH GUPTA : You can take them up together. His point of order should be prolonged. He has made a very excellent point of order and we must appreciate it.

As far as I am concerned, my point of order is this. According to your List of Business you say two things will be discussed together, namely, the Statutory Resolution and the Bill. Sir, this is improper and illegal. It is certainly not acceptable unless the House agrees, which means both sides of the House. The House is not only the other side. They are a part of the House and we are the other part of the House. Collectively we call it House. If we all agree then, of course, it is a different matter. We know conventions come in. Conventions in this matter should be viewed from the point of view of agreement. As you know, many of the things, which are not provided either in the Constitution or in the Rules explicitly, we do by mutual adjustment and mutual accommodation.

Here, there is no question of accommodation. Now, Sir, first the Statutory Resolution should be discussed separately and voted upon separately. After the fate of the Resolution has been decided, we should proceed to the next item, if at all, namely, the Maintenance of Internal Security Bill. The Minister comes into the picture later.

Sir, I would refer you to Part V, Chapter III, article 123 of the Constitution, where certain provisions are made as to how Parliament should deal with the legislative power of the president. Here the Resolution relates to a subject matter coming within

the jurisdiction of the legislative power of the president. The Bill is something which comes within the legislative power of the Parliament itself. They are two distinct categories. It is not as if we are dealing with two matters belonging to the same area of constitutional jurisdiction. Now we are, therefore, called upon initially to decide whether the promulgation of the Ordinance was itself justified or not. The promulgation of an Ordinance is permissible only when the Parliament is not in session. The President on the advice of the Council of Ministers promulgated this Ordinance in May. Here we want to question the entire action of the President, rather the action of the Government in advising the President. This should not be confused with either the Bill or the provisions of the Bill. One may or may not like the Bill. There may be people who endorse in principle the Bill but yet may not like that the Ordinance should have been promulgated. In fact, they may not like that the President should have assumed the legislative power and enacted this measure in this manner when the Parliament was soon to be in session. Therefore, these two things should never be confused. Sir, we should not be debarred from our right to criticise the conduct of the Government in advising the President to take recourse to promulgation of the Ordinance over a matter like this. That right of ours is a constitutionally guaranteed right, and that is why article 123(2) says:

"An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance--

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions;"

So, Sir, we are given a constitutional right to come immediately, at the first opportunity after the President had acted, with a resolution to disapprove it and record our disapproval, compelling the Government to cancel the Ordinance or cancel the particular law, in fact, negating the law.

making power of the President in so far as the particular measure is concerned. This should not be confused with the merits or demerits of the provisions of the Bill or the general consideration of the bill as such. That is why I say that in Part V of the Constitution, the Parliament has been given the power of vigilance, the power of supervision, over the most extraordinary provision in the Constitution namely, the law-making power of the Executive by passing the parliament when it is not in session. Now that the parliament has been seized of the matter, it should first of all give its reaction to the Presidential act of proclamation of the Ordinance. That right, as I said, is a constitutionally guaranteed right. I want this right to be fully exercised here, without being interfered with or impinged upon in any manner by mixing up this discussion with the discussion of the Bill. The Bill will come later (*Time bell rings*) what is the use of ringing the bell? Who is going to listen to it?

Suppose we disapprove of the Bill by a resolution. What happens then? Then the Government should withdraw that Bill. This House cannot go on with this Bill. I am not concerned with the other House. If this House turns down the Ordinance by a resolution, it means that the Bill has lost even the basis for appearance in this House unless they come with some other thing or some other Bill. Therefore, we should have that right. Therefore, I demand the discussion, if at all be separated. We should be given first the right to disapprove and nothing else. We disapprove the conduct of the Government, the whole conduct. After that we shall see what is to be done with the Bill if at all it comes. Therefore, I request you kindly to find out from the Rules of procedure as to which rule of procedure of the House says that such things should be discussed together. We are taking into consideration the Bill under certain other provisions of the Constitution. This we are taking up, a discussion on this, under Article 123 of the Constitution. In fact the provision relating to the consideration of the Bill and the provision relating to the consideration of the Resolution disapproving the Ordinance appear in two separate chapters. They are two different things. Therefore, in the rules of business of the House you do not have a provision for mixing up such discussions. If in the past it was done, it was done by way of agreement, by

way of consensus. But there is no such agreement, there is no such consensus, here. On the contrary there is strong opposition to the entire behaviour of the Government. Therefore, the question of mixing up does not arise. I think the Minister should not at all be called to move the other thing. After you decide the point of order raised by Mr. Arun Chatterjee and you decide to have the discussion — you should not really — then we proceed with the Resolution and the Resolution shall be voted upon in accordance with the provisions of the Constitution. And only after that will the question arise whether the Bill can come or not before that. But if you mix up these two things, it will be surrendering to the convenience and expediency of the Government. It will not be honouring the tradition of the House, it will not be honouring the customs and conventions of Parliament, it will not be honouring the provisions of the Constitution that are there it will not be honouring the Rule of Procedure of the House. I want your ruling on that.

SHRI DWIJENDRALAL SEN GUPTA (West Bengal) I am on a point of order. So far as the Maintenance of Internal Security Bill, 1971, is concerned, the Order Paper says :

“Shri K.C. Pant to move that the Bill to provide for detention in certain cases for the purposes of maintenance of internal security and matters connected therewith, as passed by the Lok Sabha be taken into consideration.”

My point of order is this. This Bill has not been passed by the Lok Sabha. As such we cannot take into account a Bill for discussion the passing of which by the Lok Sabha is now in question. Mr. Piloo Modi a Member of the Lok Sabha, has written a letter to the Speaker of the Lok Sabha, stating in unmistakable terms that this matter was not passed. It was not put to vote. There was no call for ‘Ayes’, there was no call for ‘Noes’.

SOME HON. MEMBERS No, no

SHRI DWIJENDRALAL SEN GUPTA He said that. And that matter is now pending before the Speaker. There has been no ruling. He has asked for an inquiry.

SOME HON. MEMBERS: No, no.

SHRI DWIJENDRALAL SEN GUPTA: Yes. He has asked for an inquiry...

MR. DEPUTY CHAIRMAN: Mr. Sen Gupta, so far as I remember this point has already been clarified by the Speaker.

SHRI DWIJENDRALAL SEN GUPTA: So long as the matter has not been thrashed out, so long as there is no finding on the allegations of Mr. Piloo Modi who is a very responsible Member of the Lok Sabha. I think this House should not go into this matter.

SHRI M. N. KAUL (Nominated) : Now there are three points of order.

SHRI TRILOKI SINGH (Uttar Pradesh) : I have a submission to make.

MR. DEPUTY CHAIRMAN : Shri Niren Ghosh.

SHRI NIREN GHOSH (West Bengal) : I support both the points of order raised by Shri Chatterjee and Shri Bhupesh Gupta. I forgot the other one. I also support the point of order raised by Shri Sen Gupta. Shri Piloo Mody in the other House has said that it was not put to the vote. Unless a measure is put to the vote, it cannot be passed. Without putting it to the vote, has any presiding officer of either House the right to say that it had been passed? I think no presiding officer has that right.

Yesterday you said first that the budget and the Appropriation Bill should be taken together. We said that there is no such provision in the Rules of Procedure and Conduct of Business of this House. Only when there was want of time, we agreed to that in the past. Otherwise, there is no such Rule. That being the position, I thought it was made abundantly clear yesterday that the statutory Resolution and the Bill are two separate items. . . .

MR. DEPUTY CHAIRMAN : Your point is very clear.

SHRI NIREN GHOSH : Still it is surprising that the same thing is being repeated. . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Please sit down. Your point of order is quite clear.

SHRI NIREN GHOSH : Unless we dispose of the Resolution first, we are not in a position to take up this Bill. . .

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI BHUPESH GUPTA : Sir, Shri Om Mehta is canvassing for support.

MR. DEPUTY CHAIRMAN : He is having some sort of talk with the hon. Member.

SHRI BHUPESH GUPTA : I can hear. It comes through this.

SHRI CHITTA BASU (West Bengal) : How do you know that he is not canvassing ?

MR. DEPUTY-CHAIRMAN : How do you know that he is canvassing? He is always moving about and talking to hon. Members.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन् . . .

श्री उपसभापति : आपका कोई नया प्वाइंट आफ आर्डर है।

श्री राजनारायण : सुनिये तो सही, काहे घबड़ा रहें हैं। श्रीमन्, मैं चाहता था कि मैं श्री त्रिलोकी सिंह जी को सुनने के बाद बोलू। इसी लिये मैं बैठा रहा। लेकिन पता नहीं कि उन्होंने क्यों पसन्द नहीं किया बोलना।

श्री त्रिलोकी सिंह : उनकी निगाह एक ही तरफ रहती है।

श्री उपसभापति : उनका प्वाइंट आफ आर्डर नहीं है, आपका प्वाइंट आफ आर्डर है, इसलिये आपको बोलने के लिये कहा।

SHRI TRILOKI SINGH : I wish to make a submission.

SHRI A. P. CHATTERJEE : Shri Rajnarayan says that Shri Triloki Singh should speak first.

श्री राजनारायण : मैं यह कहता हूँ कि श्री त्रिलोकी सिंह जी संवैधानिक वस्तुस्थिति को मेहनत कर के और दिमाग लगा कर समझते हैं और जो उसकी समझ में बात आ जाती है, उसको बिना किसी डर के वे कहते हैं। उनको डरने की ज़रूरत भी नहीं है, क्योंकि...

श्री उपसभापति : आपका प्वाइंट ऑफ आर्डर क्या है ?

श्री राजनारायण : संविधान के अनुच्छेद 22 को देखा जाय

"कोई व्यक्ति जो बन्दी किया गया है, ऐसे बन्दीकरण के कारणों से यथाशक्य शीघ्र अवगत कराये गये बिना हवालात में निरुद्ध नहीं किया जायेगा और न अपनी रुचि के विधि व्यवसायी से परामर्श करने तथा प्रतिरक्षा कराने के अधिकार से वंचित रखा जायेगा।"

श्रीमन्, हमारे संविधान का अनुच्छेद 22 (क) कहता है कि अगर कोई व्यक्ति गिरफ्तार किया गया है, तो उस व्यक्ति को उसकी गिरफ्तारी के कारणों की जानकारी शीघ्राति-शीघ्र दी जाएगी और वह व्यक्ति अपनी रुचि के मुताबिक, अपनी इच्छा के अनुकूल किसी भी वकील से परामर्श करने का हक रखेगा। उसे कोई वंचित नहीं कर सकता और दूसरा अनुच्छेद उसका कहता है कि प्रत्येक व्यक्ति जो बन्दी किया गया है, हवालात में निरुद्ध किया गया है, बन्दीकरण के स्थान से...

श्री उपसभापति : राजनारायण जी, पढ़ने की ज़रूरत नहीं। वह बहुत क्लियर है।

श्री राजनारायण : अगर यह क्लियर होता तो यह तूफाने बदतमीजी से भरा हुआ आर्डिनेंस क्यों आता। देखिये...

श्री उपसभापति : आप बैठिये। आपका प्वाइंट क्लियर हो गया है।

श्री राजनारायण : यह क्लियर नहीं होगा जब तक आप सुनेंगे नहीं। हयातुल्ला साहब को जब मैंने समझाया तब उनको यह क्लियर हो पाया। इस प्वाइंट को हाईकोर्ट के जज तक भी जल्दी नहीं समझ पाते, सुप्रीम कोर्ट के बिरले-बिरले जज ही समझते हैं। इसलिए मैं आपसे अदब के साथ अर्ज करूंगा कि आप धीरज के साथ हमारी बात सुने और संविधान की हत्या न होने दे, इस वक्त आप हमारे सहायक हैं। (Interruption) जब कोई मूल बात पर बहस हो तो सदन शान्त तो रहे और मैं यह चाहूंगा कि आप ओम् मेहता जी को कहें कि वह इधर-उधर घूमें नहीं। अब मैं अनुच्छेद 22 का दूसरा पढ़ रहा हूँ। अभी मैंने पहला पढ़ा है। पहले और दूसरे का फर्क समझा जाय। पहला कहता है कि यथा शीघ्र शीघ्रातिशीघ्र बन्दीकरण के कारण बताये जायेंगे और वह व्यक्ति अपने इच्छित वकील के जरिये अपना मुकदमा भी उस समय करायेगा और उसका दूसरा अंश कहता है कि प्रत्येक व्यक्ति...

श्री उपसभापति : पूरा पढ़ने की ज़रूरत नहीं, संक्षेप में कहें कि 24 घंटे के अन्दर उसे अदालत में पेश करना चाहिए। सीधा उसका मतलब है।

श्री राजनारायण : आप तो बुद्धिमान आदमी हैं। समझ जाते हैं बाकी लोग कैसे समझेंगे जो कि वकालत नहीं पढ़े हैं। मैं उनके लिए ही पढ़ रहा हूँ, आपके लिए नहीं।

श्री उपसभापति : पूरा पढ़ने की ज़रूरत नहीं।

श्री राजनारायण : मैं पूरा नहीं पढ़ रहा हूँ? मैं उनको बताना चाहता हूँ कि जिस समय गिरफ्तारी हुई और अदालत तक ले जाने में जितना समय लगा उसको

[श्री राजनारायण]

काट कर 24 घण्टे के अन्दर निय-रेस्ट, जो सबसे नजदीक मैजिस्ट्रेट है, उसके सामने उस व्यक्ति को पेश करना होगा, यह संविधान की वैधता है। यह उसको करना ही होगा। अब मैं चाहता हूँ कि श्री दीक्षित जी इस पर ध्यान दे, क्योंकि इस समय वे नेता सदन हैं। क्या सरकार कोई ऐसा बेहूदा आर्डिनेंस निकलवा सकती है, जिसमें वह कहे कि 5 दिन के बाद उस व्यक्ति को कारण बताये जायेगे? संविधान को कोई ऐक्ट या आर्डिनेंस काट नहीं सकता है।

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : यह तो आप मेरिट्स पर बोल रहे हैं।

श्री राजनारायण : मेरिट्स पर बोल रहा हूँ? सदन में बैठ कर बाजारू मनोवृत्ति से बात मत करो। श्री भूपेश गुप्त जी ने जो प्वाइंट रेज किया है, मैं उनके प्वाइंट के महत्व को समझना चाहता हूँ कि यह दोनों दो चीजें हैं। आर्डिनेंस पर बहस करना अलग है और बिल पर बहस करना अलग है। यह दोनों एक साथ नहीं हो सकते। मैं समझता हूँ कि यहाँ बहुत से ऐसे सदस्य होंगे कि जब राष्ट्रपति जी ने आर्डिनेंस जारी किया होगा कि किसी व्यक्ति को गिरफ्तार करने के 5 दिन के बाद उसको कारण बतलाये जा सकते हैं तो तिलमिला उठें होंगे। जिनको संविधान के इन अनुच्छेदों की जानकारी होगी वे तिलमिला उठें होंगे। इसलिए मैं कहना चाहता हूँ कि दोनों को एक में मिलाया न जाय। अगर आप चाहेंगे कि मन्त्री द्वारा प्रस्तुत विधेयक और हम लोगों द्वारा प्रस्तुत प्रस्ताव कि हम इसका निरनुमोदन करते हैं, एक में लिया जाय तो यह अनर्थ हो जायगा। संविधान की हत्या होगी, कामून की हत्या होगी। मान लीजिये कुछ लोग इस सदन में इस सदन में ऐसे हों कि राष्ट्रपति द्वारा जारी किये गये अध्यादेश का मूलतः विरोध करने के लिये कटिबद्ध हों मगर जो विधेयक

माननीय मन्त्री जी ला रहे हैं, उसके लिए सोचते हों कि इसमें कुछ संशोधन ला देंगे, इसमें जब संशोधन पर चर्चा होगी तो हमारा संशोधन मान लिया जायेगा। तो इस तरह मे माननीय सदस्य सोच सकते हैं। तो मैं आपसे अदब के साथ अर्ज करूंगा कि हर्गिज-हर्गिज किसी भय में आ कर दोनों को एक साथ न चलने दीजिये। पहले हमारा प्रस्ताव है।

श्री उपसभापति : आपका प्वाइंट त्रिलयर है। आप बैठ जाइये। श्री त्रिलोकी सिंह।

श्री राजनारायण : अब मैं दूसरे प्वाइंट पर आ रहा हूँ। त्रिलोकी सिंह जी आप बैठिये। आप जानकार आदमी है।

श्रीमन् देखिये, श्री लाल आडवाणी, श्री चित्त बासु, श्री निरंजन लाल वर्मा, श्री राजनारायण, श्री नागेश्वर प्रसाद शाही, श्री सीताराम सिंह, श्री ए० पी० चटर्जी इतने लोगों ने संकल्प प्रस्तुत किया है और इनका कहना है कि इस अध्यादेश का हम निरनुमोदन करते हैं, हम सदन से आग्रह करते हैं कि सदन इस अध्यादेश का निरनुमोदन करे। इसलिए मैं कहना चाहता हूँ कि क्यों।

श्री उपसभापति : जब यह मूव करना होगा उस वक्त में कहना होगा।

श्री राजनारायण : वही मैं आ रहा हूँ। दूसरी बात यह है कि हमारे श्री ए० पी० चटर्जी ने जो प्रस्ताव प्रस्तुत किया था, उसकी गुस्ता को गम्भीरता से सोचें। श्री त्रिलोकी सिंह जी जरा सुनें। मैं त्रिलोकी सिंह जी को इसलिए याद करता हूँ कि हम उत्तर प्रदेश की विधान सभा में साथ रहे हैं। मैं आपको बताना चाहता हूँ कि क्या बिना विधेयक के किसी अध्यादेश के निरनुमोदन करने का संकल्प नहीं आ सकता। निरनुमोदन करने का

अध्यादेश के निरनुमोदन करने का संकल्प यों भी आता है। यह साफ है कि अध्यादेश के निरनुमोदन करने का संकल्प पहले लाया जायगा और अगर सरकार साधु सरकार है तो जिस दिन सदन बैठेगा, उस दिन वह लिया जायगा। यह नहीं होता कि आखिरी दिन में लिया जाय और विधेयक के साथ लिया जाय। यह नियमों की ओर सविधान की हत्या है और सब परम्पराओं की हत्या है। यह जंगल का कानून यहां चल रहा है। यहां संविधान और नियम-बलि को चलने नहीं दिया जा रहा है।

इसलिए मैं कहना चाहता हूं कि पहले हमारा प्रस्ताव लिया जाय, हमारा संकल्प लिया जाय और जब हमारा संकल्प फेल हो जाय तो मन्त्री महोदय को हक होगा कि वह विधेयक को लाने के लिये तैयार हों।

1 P.M.

MR. DEPUTY CHAIRMAN : Please sit down, Mr. Rajnaraian. Mr. Triloki Singh.

SHRI TRILOKI SINGH : Sir. . .

SHRI BHUPESH GUPTA : It is lunch hour. . .

SEVERAL HON. MEMBERS : After lunch, after lunch. . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Points of order should be disposed of immediately, then and there . . .

SEVERAL HON. MEMBERS : After lunch. It should be taken up after lunch hour.

SHRI TRILOKI SINGH : With your permission, Sir. . .

SHRI BHUPESH GUPTA : Many more points of order will come.

SHRI TRILOKI SINGH : I will not take long and will not stand between the lunch and the hon. Members.

Sir, two points of order have been raised. . .

MR. DEPUTY CHAIRMAN : Three.

SHRI TRILOKI SINGH : May be three. But I am not going to deal with the third. The hon. Member, Shri Arun Prakash Chatterjee has drawn attention of the Chair to the provisions of Rule 123, which lays down :

“ . . . the list of business which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice. . . ”

Sir, I take it that once it has been put in the Order Paper, it has been done with the permission of the Chairman. And in the Order Paper of yesterday also, we find it.

In the Order Paper circulated yesterday also, we find—it is on page 66 of the Order Paper as the last item—“Shri K. C. Pant to move that the Bill to provide for detention in certain cases*** be taken into consideration.” So, insofar as the objection taken under Rule 123 is concerned, I find, Sir,—and I submit it for your consideration—that it has no force in law. Insofar as the other point raised by the hon. Member, Mr. Bhupesh Gupta, is concerned, . . .

(Interruptions)

SHRI NIREN GHOSH : What is your argument when you say that it has no force in law ?

SHRI BHUPESH GUPTA : On a point of order, Sir. When a point of order is raised by the hon. Member, we are entitled to hear what his arguments are when he disposes of a point of order.

SHRI TRILOKI SINGH : There can be no point of order on a point of order. The hon. Member has full liberty to raise his point, but later. It is not that he alone knows how to speak of parliamentary practice. Let him hear me first.

SHRI BHUPESH GUPTA : I know he knows parliamentary practice very well, but I am entitled to hear his arguments. . .

SHRI TRILOKI SINGH : Now I am speaking. The hon. Member is at liberty

[Shri Triloki Singh]

take half an hour or ten hours or twenty hours of the time of the House and speak, but later. The hon. Member was just now making the point that his lunch is being delayed and the House should adjourn for lunch. All the same, now he would not permit me even three or four minutes to speak when he has taken ten or fifteen minutes of the time of the House, and this is not parliamentary practice, Sir.

MR. DEPUTY CHAIRMAN: The other day when I wanted to adjourn the House for lunch, he said no, no, there was no hurry for lunch. "Let us complete the business on hand and then adjourn." But now the same Mr. Bhupesh Gupta is speaking to the contrary.

SHRI BHUPESH GUPTA : A point of order has been raised. According to the Rules, Sir, according to the Parliamentary Bulletin, Sir, "Unless the Chairman otherwise directs, the time of sittings of the Rajya Sabha during the Seventy-sixth Session will be 11.00 A.M. to 1.00 P.M. and 2.00 P.M. to 5.00 P.M." First of all, you have not directed—neither can you direct except on the basis of the consensus of the House—any departure from these timings today. Therefore, the business should have stopped at 1 o'clock. But, you have allowed it and we have been listening to him by way of courtesy.

SHRI NIREN GHOSH : And he was only speaking on a point of order.

SHRI A. P. CHATTERJEE : Mr. Deputy Chairman, Sir, Mr. Triloki Singh has said something on my point of order. May I reply to him ?

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI A. P. CHATTERJEE ; But I have to reply to him.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order please.

श्री राजनारायण : सुनिए, ये लोग पौडट

आफ आर्डर रेज नहीं कर रहे हैं। बाबू त्रिलोकी सिंह जी को सुनें।

SHRI TRILOKI SINGH : You should be kind to me.

श्री राजनारायण : मैं आपको सुनना चाहता हूँ। ये पौडट आफ आर्डर नहीं उठा रहे हैं, आपसे सफाई चाह रहे हैं।

MR. DEPUTY CHAIRMAN : Please sit down, Mr. Rajnarain.

(Interruptions)

MR. DEPUTY CHAIRMAN : Don't interrupt Mr. Triloki Singh, please. He is already on his legs.

SHRI A. P. CHATTERJEE : Mr. Deputy Chairman, Sir, Mr. Triloki Singh has already said something on my point of order, and he is now travelling to another point of order. Therefore, on that point I should reply, of course very briefly.

MR. DEPUTY CHAIRMAN : Not necessary now. Please sit down.

SHRI A. P. CHATTERJEE : I will take only one minute.

MR. DEPUTY CHAIRMAN : No, not now. Please sit down.

SHRI A. P. CHATTERJEE: Bnt I have to reply.

MR. DEPUTY CHAIRMAN : Let him finish first.

SHRI A. P. CHATTERJEE : He has given his opinion on my point of order.

MR. DEPUTY CHAIRMAN: Not now. Kindly listen to him now. Please sit down.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : Sir, I would just say one word of assurance to the hon. Members of the House that

we do not want to inhibit discussion. We also do not want to over-rule the objections or the points of order raised, without the House giving due consideration to them. We only want to say that while on their side they have raised their points of order, on our side only one Member, either the Law Minister or Mr. Triloki Singh, will reply to them and we will have done with that. Let us have that opportunity now and let at least one Member on our side reply to the points of order raised on the other side by so many.

SHRI BHUPESH GUPTA : Every Member in the House has the right to raise a point of order.

MR. DEPUTY CHAIRMAN : Please, Mr. Chatterjee, sit down.

SHRI BHUPESH GUPTA : The business in the House is not going to be an easy one.

MR. DEPUTY CHAIRMAN : I know what you are going to do today.

SHRI BHUPESH GUPTA : We are not talking nonsense. Let him continue to give arguments

SHRI TRILOKI SINGH : Sir, I am obliged that the hon. Members opposite. . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Please sit down. I say, please sit down. He is also speaking on the point of order.

SHRI NIREN GHOSH : He is discussing the point of order.

MR. DEPUTY CHAIRMAN : This is rather very bad. I know Mr. Appan has also to raise a point of order. Whenever any Member raises a point of order, other Members can also express a view on that point of order but when he is speaking on a point of order, no other Member can raise a point of order. Please sit down. He is already on his legs.

SHRI MONORANJAN ROY (West Bengal) : Before he speaks you give me a chance,

SHRI N. K. SHEJWALKAR (Madhya Pradesh) : What we want is that we should be given an opportunity. It cannot be one-way traffic.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, order. Please sit down.

SHRI TRILOKI SINGH : I am obliged to the hon. Members for the courtesy extended to me in making my submission to you. The second submission that I wish to make is that the hon. Leader of the Communist Party of India, has raised an objection that the Statutory Resolution disapproving the Maintenance of Internal Security Ordinance, 1971, and the Bill as passed by the Lok Sabha and referred to this House cannot be taken up simultaneously. He has drawn the attention to the provisions of the Constitution and also to the Rules of Procedure. But as everybody knows so well, convention over-rides the rules.

SOME HON. MEMBERS : No, no.

SHRI BHUPESH GUPTA : We are grateful to you. Sir, I congratulate you. I am very happy. He has done a signal service to the House.

SHRI A. P. CHATTERJEE : What is this, Sir ?

MR. DEPUTY CHAIRMAN : Mr. Chatterjee, please sit down. Everyone has had his say. Please sit down.

SHRI A. P. CHATTERJEE : Do not show your lack of knowledge.

SHRI BHUPESH GUPTA : Sir, I am very glad, the hon. Member, Shri Triloki Singh has not said that he can ride over the Deputy Chairman.

SHRI TRILOKI SINGH : I would like to be enlightened in the knowledge of parliamentary practice not only by the hon. Members opposite but anybody even outside the House, but what I would like to submit again is that conventions are a departure from Rules.

SOME HON. MEMBERS : No. no.

MR. DEPUTY CHAIRMAN : Just listen. Order please. The hon. Members may not agree with the view of this Member but he has a right to express his views and no body can bar his right.

SHRI TRILOKI SINGH : I would like to tell Members that the conventions are a departure from the Rules and in this case the hon. Member, Mr. Gupta, who himself raised that point of order conceded that there has been a convention in this House to discuss such matters together.

SHRI BHUPESH GUPTA : On a point of a personal explanation. Only when we agree and agreement is a part of it.

(Interruptions)

SHRI TRILOKI SINGH : Let me complete. What do the hon. Members mean ? Let them go on howling. I know that barking dogs do not bite.

SHRI A. P. CHATTERJEE : On a point of order. He must withdraw the word. He used the word 'howl'. It is unparliamentary. We want to ruling on that.

SHRI TRILOKI SINGH : I am not going to withdraw it. It has been said in the other House and held to be in order by no less a person than the late Vithalbhai Patel.

MR. DEPUTY CHAIRMAN : About the word 'howl', I will consider afterwards.

SHRI GODEY MURAHARI (Uttar Pradesh) : 'Howl' is parliamentary. We say it many times.

SHRI TRILOKI SINGH : In this case there is no rule. (Interruptions). I am not going to sit down. I will finish in half a minute.

SHRI A. P. CHATTERJEE : You must have a sense of discipline in the House,

SHRI TRILOKI SINGH : I know my rights and privileges. It is not only the Members on the other side are Member of Rajya Sabha and I am an outsider who has somehow or other managed to get his entry in this House. What does he mean ?

SHRI A. P. CHATTERJEE : You have crossed the floor. You are entitled to break the Rules.

SHRI TRILOKI SINGH : In this case I say there is no Rule of the House, no Rule of Procedure, no provision in the Constitution which comes in the way of the discussion of these two measures together. That is the point. And the convention is in support of such a discussion. Therefore my submission is that you rule the points of orders raised by Mr. Gupta and Mr. Chatterjee out of order, and allow the House to proceed with the consideration of the two matters.

HON. MEMBERS : We should get up for lunch.

MR. DEPUTY CHAIRMAN : After we hear Mr. Advani Mr. Advani.

SHRI BHUPESH GUPTA : Are you helping the Government.

MR. DEPUTY CHAIRMAN : The point of order should be disposed of.

SHRI A. P. CHATTERJEE : We must get up for the lunch hour.

MR. DEPUTY CHAIRMAN : We have had enough discussion on the points of order raised. . .

HON. MEMBERS : No.

श्री राजनारायण : आपको सुनना ही पड़ेगा । आपको सुनना ही पड़ेगा ।

MR. DEPUTY CHAIRMAN : Order, order please. One at a time. (Interruptions). We can have two Members only.

SHRI S. D. MISRA : Let us meet after lunch.

MR. DEPUTY-CHAIRMAN : Mr. Advani please. I have to dispose of the points of order, if you want that I should do it, after hearing the observations of Mr. Advani and Mr. Godey Murahari. I have to dispose of the points of order.

SHRI BHUPESH GUPTA : You can adjourn the House, if you like. How do you think you can proceed ?

MR. DEPUTY CHAIRMAN : I only want to dispose of the points of order. (Interruptions) I Mr. Appan wants to raise another additional point of order please listen—he may raise it after lunch. Certain points of order have been raised already and before we adjourn for lunch these should be disposed of. (Interruptions) Please listen. Two Members wanted to speak, Mr. Advani and Mr. Godey Murahari, in reply to the observations made by Mr. Triloki Singh and I have said that I will call those two Members. I will call Mr. Advani and Mr. Godey Murahari and after that I will dispose of the points of order. Mr. Advani please.

श्री राजनारायण : श्रीमन्, मैं बोल रहा हूँ। मैंने आपके द्वारा त्रिलोकी सिंह जी से आग्रह किया कि वे अपने मत का प्रकाशन करें और मैं उनसे एक सफाई चाहता हूँ।

MR. DEPUTY CHAIRMAN : I have called Mr. Advani please.

श्री राजनारायण : देखिये, मैं श्री त्रिलोकी सिंह जी से एक सफाई चाहता हूँ।

श्री उपसभापति : मैंने आडवाणी जी को बुला लिया है। आप बैठें।

श्री राजनारायण : मैं नहीं बैठने वाला हूँ। आप एक्सप्लेनशन नहीं देने देंगे ? क्या यह पार्लियामेण्टरी सिस्टम है। बाबू त्रिलोकी सिंह बतलाना चाह रहे थे और आप उनको नहीं बोलने देंगे ? मैं एक एक्सप्लेनशन चाहता हूँ बाबू त्रिलोकी सिंह जी से।

श्री उपसभापति : आडवाणी जी के बाद।

श्री राजनारायण : जो आर्डिनेंस आया है

वह मैं समझता हूँ कि राष्ट्रहित विरोधी है, काला है और उसके लिए विधेयक नहीं आना चाहिए। तो उस आर्डिनेंस का निरनुमोदन करने के लिए हमारा प्रस्ताव आयेगा या नहीं, बाबू त्रिलोकी सिंह जी इसका जवाब दें। आर्डिनेंस जब तक है वह कानून के रूप में इन्फोर्स रहता है और श्रीमन्, न जैसा कहा कि निरनुमोदन का प्रस्ताव और सरकार का विधेयक साथ-साथ आ सकते हैं, तो मैं कहना चाहता हूँ कि गवर्नमेंट विधेयक में जाल कर सकती है और उस बहूदा आर्डिनेंस के जरिये लोगों को कत्ल कर सकती है। इसलिए यह निरनुमोदन का प्रस्ताव अलग होगा, उस पर विचार अलग होगा और उसको पहले आना चाहिए, अगर जनतंत्रीय पद्धति की किसी को जानकारी हो और कोई डेमोक्रेसी में आस्था रखता हो तो वह हमारे इस तर्क की काट में क्या कह सकता है, यह मैं जानना चाहता हूँ। इसके बाद अगर सरकार ने कोई आर्डिनेंस जारी कर दिया और वह निरस्त हो गया और उसके बाद वह विधेयक लाना नहीं चाहती, तो दोनों साथ कैसे लिये जा सकते हैं। तो प्रस्ताव और विधेयक दो अलग-अलग बातें हैं।

MR. DEPUTY CHAIRMAN : I have called Mr. Advani. He should speak.

SHRI A. P. CHATTERJEE : I should also be allowed to reply to the point raised by Mr. Triloki Singh.

MR. DEPUTY CHAIRMAN : Let him continue, Mr. Advani.

SHRI GANESHI LAL CHAUDHARY : Can you do justice under these conditions ?

श्री लाल आडवाणी (दिल्ली) : उपाध्यक्ष महोदय, बाबू त्रिलोकी सिंह इस सदन के एक वरिष्ठ सदस्य हैं और इस समय मुझे आश्चर्य

[श्री लाल अडवानी]

हुआ जिस प्रकार की भाषा का उन्होंने प्रयोग किया, उसे सुन कर मुझे आश्चर्य हुआ और इसी कारण मैं बीच में खड़ा हुआ। आपने स्वयं यह निर्णय दिया कि उनके यह शब्द कि सदन के विरोधी सदस्य हाउस कर रहे हैं, चीख रहे हैं यह पार्लियामेंटरी है अथवा नहीं, इसकी आप जांच करेंगे। लेकिन लगता है कि आपके ध्यान से उसके बाद जो उन्होंने कहा वह शायद निकल गया। वह और भी अधिक आपत्ति-जनक था, अनपार्लियामेंटरी था और इन्डीसेंट था। उन्होंने हमारे एक मित्र कामरेड भूपेश गुप्त के बारे में 'बार्किंग डाग' शब्द का प्रयोग किया है।

(Interruptions)

In the noise perhaps this was missed. I say that this is highly objectionable.

MR. DEPUTY CHAIRMAN : I will refer to the record and see.

SHRI LAL K. ADVANI : You should refer to the record and the Member should withdraw it

MR. DEPUTY CHAIRMAN : All right. Please continue.

SHRI LAL K. ADVANI : So far as the substantial point of procedure is concerned, I think it is very important that on this occasion a right procedure should be laid down. It is true that till now, we have often been considering statutory resolutions and Bills together. This is true. But this resolution, particularly when any section of the House opposes simultaneous consideration, should stand by itself. It is an independent thing altogether, and the statutory resolution raises primarily the issue whether the issuing of an Ordinance at the time when it was issued was right or wrong. A person may be totally in agreement with the Bill, but he may be opposed to the issuing of the Ordinance. If you discuss these things together, the Member does not have the opportunity the right, to express the views freely on the two issues. Therefore, on this occasion when a large section of the House is opposed to simultaneous consideration of the Bill and the

statutory resolution, I think the right precedent should be laid down by you. If there is a disagreement on the issue, then the statutory resolution should be taken up separately and after the statutory resolution is disposed of, the Bill should be taken up.

श्री गोडे मुराहरि : उपसभापति जी, मैं श्री आडवानी का जो तर्क है उसका समर्थन करता हूं और साथ-साथ मैं यह कहना चाहूंगा कि त्रिलोकी सिंह जी ने जो कहा कि कंवेन्शन ओवरराइड्स रूल्स यह बिल्कुल गलत है। असल में कंवेन्शन तब आता है जब कि कोई रूल स्पेसिफिक नहीं होता है। जब रूल होता है तो रूल रूल है उसको कोई ओवरराइड नहीं कर सकता, लेकिन अगर कोई रूल किसी चीज पर स्पेसिफिक नहीं है तो कोई कंवेन्शन हम आरम्भ करते हैं उस रूल के अन्तर्गत। तो जो रूल है उसको कोई भी ओवरराइड नहीं कर सकता है। रूल के अन्तर्गत ही कुछ भी कंवेन्शन हम आरम्भ कर सकते हैं, इम्प्लिश कर सकते हैं। हो सकता है कि हम इस सदन में इस तरह के रेजोल्यूशन को बिल के साथ लाये हैं, लेकिन यह जरूरी नहीं है कि आज भी उसी पद्धति का अवलम्बन करें, क्योंकि जब कोई एक भी सदस्य सदन में कहेंगे कि यह रूल के अन्तर्गत नहीं हो सकता तो रूल जैसा कहता है उसी ढंग से चलना पड़ेगा और जब कोई आब्जेक्शन नहीं होसा हाउस में तब हो सकता है कि दोनों एक साथ हम लोएँ ने डिसकस किया हो। उसका मतलब यही हुआ कि रेजोल्यूशन पर कोई नहीं बोला, बिल पर बोला और जब मत लिया गया तो दोनों पर लिया गया, लेकिन जब आज किसी ने आब्जेक्ट किया है तो हो नहीं सकता है और मैं कहना चाहूंगा कि रूल जो है, हमें उसका पालन करना चाहिये। उसको कोई ओवरराइड नहीं कर सकता।

SHRI G. A. APPAN (Tamil Nadu) : Sir, I have been standing for one hour and you have discriminated against me and you have given chance to three or four other people,

MR. DEPUTY CHAIRMAN : You want to raise a new point of order. Unless and until I have disposed of these points of order you will not be allowed to raise a new point of order.

SHRI G. A. APPAN : I want to say . .

MR. DEPUTY CHAIRMAN : I have already told you that immediately after disposal of these points of order I will give you a chance. Sit down.

SHRI G. A. APPAN : The whole thing is unlawful. Why do you want to waste your time ?

MR. DEPUTY CHAIRMAN : Please sit down now.

SHRI A. P. CHATTERJEE : Mr. Triloki Singh pointed out that as far as my point of order under rule 123 is concerned there is a provision there "unless the Chairman otherwise directs", and he has said that because the List of Business includes this Bill, therefore, it should be taken as the direction of the Chairman. That is absolutely wrong. If you look at rule 29 of the Rules of Business, it says this

(1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member

(2) 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.

So, the list of business is the preparation of the Secretary and the Chairman has nothing to do with it. Therefore, just because an item is put in the list of business it cannot be said that the Chairman has directed that the Bill should be considered. My point remains that if it is conceded that notice was given after it was put on the table of the House on 21st June, two days have not gone by. It cannot be considered today. Even if it is to be considered, it must be considered tomorrow. The Chairman must produce before the House the notice which was received according to rule 224 of the Rules of Business. That is the first thing.

The second point is this. Look at the Parliamentary Bulletin, Part II am speaking on the second point of order of Shri Bhupesh Gupta. It is said therein that the Business Advisory Committee has given six hours for the consideration of the Maintenance of Internal Security Bill. But there is nothing in the Bulletin or anywhere else that any time will be given for the discussion of the Statutory Resolution. Therefore, these six hours are only meant for the Maintenance of Internal Security Bill. So there will be separate allocation here and now for the Statutory Resolution. Even according to the Committee, these two things are separate and must be treated separately.

श्री नवल किशोर (उत्तर प्रदेश) : उप-सभापति जी मेरी कोई इच्छा इस पर बोलने की नहीं थी। अगर बाबू त्रिलोकी सिंह ने कुछ बातें न कही होती तो शायद मुझे बोलने की आवश्यकता नहीं थी। उनके बारे में हम सब की धारणा यह है कि उनको रूल्स एंड प्रोसीजर का काफी ज्ञान है। लेकिन मुझे आज नाजुब हुआ जबकि उन्होंने यह कहा कि कन्वेन्शन ओवरराइड्स दि रूल। ऐसा कही नहीं है, यह वर्ड ब्रिटिश पार्लियामेन्टरी प्रैक्टिस से उन्होंने लिया है। मान्यवर, ब्रिटिश कॉन्स्टीट्यूशन चूकि लिखा हुआ नहीं है, वहां प्रैक्टिस यह है कि—कन्वेन्शन हैज दी फोर्स आफ लाँ। यह कही नहीं लिखा है कि कन्वेन्शन ओवररूल्स और ओवरराइड्स दि लाँ। मगर जहां सविधान लिखा हुआ है, वहां कन्वेन्शन कभी भी कानून को ओवरराइड नहीं कर सकता।

दूसरी बात मैं यह नहीं समझ पा रहा हूँ कि इतना टेन्शन होने की खाह-म-खाह क्यों आवश्यकता पड़ गई, क्योंकि चार-पाच दफे ऐसा मौका मेरे सामने भी आया, जब कि स्टेट्युटरी प्रस्ताव और बिल साथ-साथ लाये गये। लेकिन इसके पीछे एक एग्रीमेंट था, इसमें किसी का आव-जेक्शन नहीं था। अगर मुझमें पूछे तो मुझे आज भी कोई बहुत बड़ा आवजेक्शन नहीं है। मगर हाउस के एक संकशन का आवजेक्शन है। तो यह कोई प्रेस्टीज का सवाल नहीं है। हमको

[श्री नवल किशोर]

यह बिल पाम करना ही है तो यह बाद को भी लिया जा सकता है। लेकिन इस प्वाइन्ट के ऊपर इस कटर टेन्शन पैदा किया जाए, मेरी सम्झ में नहीं आता। अगर कोई सदस्य चाहता है कि इस प्रस्ताव को अलग से लिया जाए तो उसमें कोई दिक्कत नहीं है। पहले प्रस्ताव ले लिया जाए, उसके बाद बिल ले लिया जाए।

SHRI G. A. APPAN Sir, . . .

MR DEPUTY CHAIRMAN I will listen to your point of order afterwards. Three points of order have been raised . . . (Interruptions) Mr Appan, I will give you a chance afterwards. Please sit down.

SHRI G. A. APPAN Please hear me

MR DEPUTY CHAIRMAN If the House wants to listen to me on the points of order raised, I will give reasons for my ruling. If the Members do not want to listen, then in one single sentence, I will say what I have to say. I appeal to the hon. Members.

SHRI A. P. CHATTERJEE The crux of the matter is this. Allow him to raise it after lunch . . .

(Interruptions)

MR. DEPUTY CHAIRMAN Order, order.

SHRI G. A. APPAN I will say . . .

श्री राजनारायण : हमारा प्वाइन्ट आफ आर्डर है। इसका उससे रिलेशन है। हमारा प्वाइन्ट आफ आर्डर सुनिए, श्रीमन्।

MR DEPUTY CHAIRMAN I must dispose of the three points of order. If any Member after that wants to raise any point of order, I would not bar him. I am only saying that I want to give a ruling on these. . . . (Interruptions) All right. I will do one thing. I rule out all the three points of order and I will give my reasoning afterwards. All the three points of order raised by Shri Chatterjee, Shri Bhupesh Gupta and Shri Rajnarain are ruled out.

The House stands adjourned till 2.00 p.m.

The House adjourned for lunch at thirty-five minutes past one of the clock.

The House reassembled after lunch at two of the clock, MR DEPUTY CHAIRMAN in the Chair.

SHRI BHUPESH GUPTA : Sir, I rise on a privilege of the Members of the House which I think is being flouted deliberately, by whom, I would not say Sir, it is the duty of the Chair as far as I can understand the parliamentary practice, convention and rules, that he should be helpful not only to the Government but also to the Opposition, that he should give all accommodation possible within the rules and the Constitution for free and reasonable discussion and free expression of opinion by the Members of the House. In no circumstances should he create an impression as if he is trying to force a decision on the Opposition which the Opposition would not like in order to suit the convenience of the Treasury Benches. Sir, the moment that impression gains ground, it means absolute degradation of Parliamentary principles and conventions. We feel, Sir,—and I say it very strongly—that in this matter we are being treated as if we have no other function but to allow the Government to get away with this Bill as quickly as possible and have it passed.

Then, you as Chairman, should be aware that the Government, the Treasury Benches in this House do not command the majority of the Members in this House. The majority of the Members of this House stand on this side of the House. (Interruption) Surely, you can consult the list of names with Mr. Om Mehta. Let the Chairman say that he has consulted the list of the Congress Party Members in the Rajya Sabha and he has come to the conclusion that they have the majority, that they have 121 Members at their command. I am very sorry that we of the Opposition, despite the fact that we are numerically large, are not being given the attention that we deserve in this matter. You have forced us to cut our lunch hour by half an hour, for what reason I do not know. You said "adjourns till 2 o'clock". Normally when we adjourn at half past one, we meet at half past two. When we adjourn at 2, we meet at 3. The normal provision is one hour for lunch. Just to suit the

convenience of the Treasury Benches you have down the lunch hour, not that we are fond of lunch hour. Many of you have a lot of money. You can eat lots of things here. But we cannot eat such things. A sum of Rs 2,500 is not available to us to feed ourselves. The sumptuary allowance is not available to feed ourselves and so on.

SHRI G. A. APPAN : You are unmarried.

SHRI KOTA PUNNAIAH (Andhra Pradesh) : You are one of the Senior-most Members.

SHRI BHUPESH GUPTA : I know you are well fed. Now one hour has been provided for lunch. Why should we not have met at half past two ? Then you gave the ruling which we have not heard. Suppose you had tried to give the ruling, it was a very wrong way of attempting to give a ruling on this thing. You should have given reasons. Nothing of the kind.

Now, two things cannot be discussed unless it is the Budget and the Appropriation Bill. Here it is a Statutory Resolution, just the opposite of the Bill that has come.

The Resolution is to the contrary. The Budget and the Appropriation Bill fall in the same category, one supporting the other. But there you agreed yesterday that the two things should be discussed separately in view of the opposition to discussing them together. But to-day when actually there is much greater reason for separate discussion, you say, "No separate discussion." The Chair is not above the rules. If the Chair wants to be above the rules, we shall also in this House be above the rules, and we shall behave as if there are no rules. If there is no rule of law enforced by the Chair and respected by the Chair, neither shall there be any rule of law respected by us in this House. I make this quite clear and you can draw the necessary conclusion. I hope my friend, Mr. Rajnaram, will fully co-operate with me and I will co-operate with him.

Now, Sir, you say, conventions. First of all, you as the Chair are guided by the Constitution. Under your oath of office, you are supposed to protect the Constitution. By mixing up the discussion, which provision of the Constitution you are protecting, I should like to know. Then come the

Rules of the House. The Rules of the House do not advisably provide for a joint or mixed-up discussion. Under which Rule are you compelling us to agree to a mixed-up discussion ?

SHRIMATI PURABI MUKHOPADHYAY (West Bengal) : The people's verdict in the other House—under that rule

SHRI BHUPESH GUPTA : Shrimati Purabi Mukherjee knows very well that neither she nor I have come here through people's verdict.

SHRIMATI PURABI MUKHOPADHYAY : That is the reason why this House should be abolished, because when the people have given us their verdict to bring progressive legislations as well as to ensure the freedom of the individual people, this sort of restrictive attitude...

(Interruptions)

SHRI BHUPESH GUPTA : It is a pleasant privilege to agree with her. Let us discuss the abolition of the House.

DR. Z. A. AHMAD (Uttar Pradesh) : Yes, that is better.

(Interruptions)

SHRI BHUPESH GUPTA : Shrimati Purabi Mukherjee's good quality is one. Her heart beats in one direction and her tongue in another direction. There is no coherence between the tongue and the heart. There is no symphony between the two.

SHRIMATI PURABI MUKHOPADHYAY : You asked "Under what rule ?" I have told you the rule.

SHRI BHUPESH GUPTA : Under the rules of humanity...

SHRIMATI PURABI MUKHOPADHYAY : The rules of humanity demand this sort of action. The people who are sitting by your side are killing people every day. What is the remedy for the people ?

SHRI BHUPESH GUPTA : We will discuss that later. I understand the anguish of the lady. Fortunately neither you nor

[Shri Bhupesh Gupta]

I have been killed so far. We are alive today. I do not know to the fortune or to the misfortune of mankind, both of us are alive. Now, Sir, the Rules do not allow you. . .

MR. DEPUTY CHAIRMAN : I have understood your point.

SHRI BHUPESH GUPTA : You will say, conventions. . .

MR. DEPUTY CHAIRMAN : That is all right. Please sit down.

SHRI BHUPESH GUPTA : Just a minute. You can mention the Constitution or the Rules or conventions. The Constitution does not provide against separate discussion. The Rules should not be presumed to provide indirectly for a joint discussion. Now, coming to conventions, they do not arise unless there is acceptance and agreement. The mother of conventions in such matters is the agreement between the Opposition and the Government. Conventions in this House and in the other House have been built up by agreement. Now, you can say that we have discussed these things jointly before and we have agreed to it. Yes, but when we agreed, it was, by implication, waiving of the Rule ; constructive waiving of the Rule has taken place. When we proceed to discuss it together, it is implied that the Rule may be waived.

It is not said in so many words, but by action it is implied. Here today action is exactly in opposite direction. They are trying to have the discussion together. But the majority of the House wants the discussion separately. You gave your ruling but we are not going by it. It is lawless law. Your ruling is as much lawless, unconstitutional, unjustified and illegal as the Maintenance of Internal Security Bill. We are not bound by your ruling. I declare here I do not consider it as a ruling . . .

SHRIMATI PURABI MUKHOPADHYAY : In the West Bengal Assembly your colleagues are trained to stall the business of the House, but there are others here who do not allow it.

SHRI BHUPESH GUPTA : Though she has come to a higher position from the

West Bengal Assembly she seem to be living in the old rut. I would try to help her out

SHRIMATI PURABI MUKHOPADHYAY : I am in an elevated position. I will not go down.

SHRI BHUPESH GUPTA : If you think that I should go down with you—you may think so—I have a little difficulty.

You say, Sir, convention. There is no convention. Convention does not arise. Take the case of quorum. Remember, quorum is the guide. Suppose there is no quorum in the House and nobody raises an objection. Then despite lack of quorum you can go on. But the moment one person says there is no quorum and challenges the quorum, the bell has to be rung, and if the quorum is still not there, is not available, the House has to be adjourned, the discussion has to be stopped. You will remember, when the House was discussing a half-an-hour discussion somebody raised the question of quorum. There was no quorum. I think it was Mr. Babubhai Chinai who said there was no quorum and the House should be adjourned. And the House had to be adjourned as there was no quorum on that day. But today there are so many of us who have taken this particular stand and there are less for the position you have taken. And you said this is the ruling and you disappeared into the Chamber. We cannot disappear with you into the Chamber neither can we walk out of the Chamber submitting to your ruling which has no basis in either the Constitution or convention or in the rules of the House. It is an arbitrary ruling and parliamentary democracy has got to be defended by defying your ruling if at all it is a ruling. Therefore, I hope honourable Members will agree with me that this ruling that is sought to be enforced should be defied in an appropriate manner in this House. I ask the Government to accept immediately at least a separate discussion. Then let us start with this Resolution which is a disapproval which is our side and the Bill is their side. We can discuss the Bill later, if necessary, if the House considers it necessary. I am not giving an opinion on it. . .

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMETARY AFFAIRS (SHRI OM MEHTA) : Let there be a vote.

SHRI CHITTA BASU : It is not a question of taking a vote.

SHRIMATI PURABI MUKHOPADHYAY : Your Resolution originated from the President's Ordinance.

SHRI BHUPESH GUPTA : The Resolution is for President's conduct also. Apart from the merits of the Bill. . .

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you have made your points clear. Please sit down now.

SHRI BHUPESH GUPTA : You do not understand us. I am not going to sit down. You have to be clear in your mind. The issuance of the Ordinance itself is a conduct that can be questioned in Parliament which is why Article 123 has provided for such a Statutory discussion. . .

MR. DEPUTY CHAIRMAN : That would be enough please. Mr. Appan now.

SHRI BHUPESH GUPTA : Therefore, I do not think you have given any ruling. Whatever it is, you have not given any ruling. Should you think so, let the other rulings also come up.

SHRI G. A. APPAN : Sir, I have the Order Paper in English. Here is the Constitution of India. On page 30 of the Constitution, Article 79 says—

“There shall be a Parliament for the Union which shall consist of the President and two Houses to be known respectively as the Council of States and the Houses of the People.”

Does this Constitution anywhere in English say, or, is there any word or an institution called ‘Lok Sabha’ ?

I do not think so. How can you say, Mr. Deputy Chairman, that we should follow this Order Paper or this Order Paper is maintainable in this House ? All these years you have been trying to deceive us by trying to introduce Hindi through your back-door methods. What right have you to do that ?

MR. DEPUTY CHAIRMAN : Please sit down, Your point of order is clear.

SHRI G. A. APPNA : My point of order is this : The Order Paper says :

“Shri K. C. Pant to move that the Bill to provide for detention in certain cases for the purposes, of maintenance of internal security and matters connected therewith, as passed by the Lok Sabha, be taken into consideration”.

Where is this Lok Sabha ? Can you show me ? My request to you and to the government is that hereafter no paper that is communicated to this House in English should contain the words ‘Lok Sabha’. I hope you will give a direction to this effect.

Further more, I would also like to know the number of votes cast in the House of the People—I cannot call it Lok Sabha—while passing the Bill, in favour of ‘Noes’ and ‘Ayes’. Whoever calls the other Chamber by Lok Sabha will be doing a great disservice to the Constitution. He will be infringing and violating the spirit of the Constitution. That term is unconstitutional unlawful and therefore not maintainable in this House. Therefore, this House cannot discuss this Bill which is before the House today.

One more point. Shri Sen Gupta has raised this point. Shri Piloo Mody has represented to the Speaker that the Bill was not duly passed in the other House. It is not maintained that the Bill has been passed. According to law and according to the Constitution, for all practical purposes, it has not been passed in the House of the People.

MR. DEPUTY CHAIRMAN : The hon. Member has raised a point that in the motion to be moved by Shri K. C. Pant, there is reference to the Bill as passed by the Lok Sabha and he said that there is no such thing as Lok Sabha provided in the Constitution. But I think from the very inception of the Parliament these two terms—Lok Sabha and Rajya Sabha—have been in use and in all the documents these two names appear. Whatever has said about Lok Sabha naturally applies to Rajya Sabha and in that case, he cannot be a Member of the Rajya Sabha if he says that Rajya Sabha also does not exist.

SHRI G. A. APPAN : Only the Council of States.

MR. DEPUTY CHAIRMAN : We have been using these terms and therefore there is no point of order in this and we should proceed further.

SHRI CHITTA BASU : What is your ruling on Shri Bhupesh Gupta's point of order ?

MR. DEPUTY CHAIRMAN : Shri Bhupesh Gupta said that today we adjourned for lunch only for half an hour. This is not the first time that we have adjourned the House of the such short time. Whenever there is pressing business before the House, we have always adjourned for shorter periods. The normal practice is that we adjourn for an hour. Sometimes it is 45 minutes, sometimes half an hour and sometimes we have never adjourned for lunch at all. Therefore, the objection raised by Shri Bhupesh Gupta is not valid.

SHRI BHUPESH GUPTA : Today nothing is valid. I would like to discuss the conduct of the Deputy Chairman. I want to move a motion. The conduct of the Deputy Chairman should be discussed in the House. We can certainly express our lack of faith. If you are giving ruling according. . .

(Interruptions).

SHRI AKBAR ALI KHAN : You cannot do it.

SHRI BHUPESH GUPTA : I would like to do it. . . (Interruptions) . . . Yesterday you gave a ruling ; today you are giving an opposite ruling.

MR. DEPUTY CHAIRMAN : If the hon. Members want to discuss the conduct of the Deputy Chairman, I have no objection. . . (Interruptions) . . . But, let the House take a decision.

SHRI BHUPESH GUPTA : All right. I move that the conduct of the Deputy Chairman should be discussed.

MR. DEPUTY CHAIRMAN : There is a certain procedure to be followed and you follow that procedure. I have no objection.

SHRI BHUPESH GUPTA : I charge you with helping the Government.

(Interruptions)

MR. DEPUTY CHAIRMAN : Of course, not.

SHRI BHUPESH GUPTA : You are violating the Constitution. I am not going to stop.

MR. DEPUTY CHAIRMAN : Please sit down . . . Please sit down.

SHRI BHUPESH GUPTA : I am not going to stop. You are violating the Constitution. We shall not allow violating of the Rules of the House and arbitrary disposal of the business of the House. Under what Rule . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Please sit down.

SHRI BHUPESH GUPTA : Under what Rule . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : If you want to listen, please sit down.

SHRI NIREN GHOSH : It goes against the dignity of the entire House.

MR. DEPUTY CHAIRMAN : Please sit down.

श्री राजनारायण : श्रीमान, . . .

श्री उपसभापति : जरा एक मिनट ठहरिए । मैं उनकी बात का जवाब दे दूँ ।

श्री राजनारायण : उनकी बात पर मैं भी कुछ कहना चाहूँ, तो वह भी सुन लें ।

श्री उपसभापति : एक मिनट ठहर जाइए ।

श्री राजनारायण : आप कृपा कर के सुन लें तो अच्छा हो ।

श्री उपसभापति : इसके बाद मैं आपको देख लूंगा ।

श्री राजनारायण : देख लूंगा ?

श्री उपसभापति : देख लूंगा नहीं, भाई । आप बैठ तो जाइए ।

MR. DEPUTY CHAIRMAN : That is what I am trying to do. Please be patient. Actually, the charge made by Mr. Bhupesh Gupta that I have been trying to help the Government is most unfair.

SHRI BHUPESH GUPTA : I repeat. . . . (Interruptions) . . . I repeat this charge.

MR. DEPUTY CHAIRMAN : Please sit down. . . . (Interruptions) . . . Let me speak, please.

SHRI BHUPESH GUPTA : I repeat this charge. Unless you stick to, what you call, the ruling, the 'lawless' ruling, you shall be open to the charge that you are helping the Government and I shall be failing in my duty . . .

MR. DEPUTY CHAIRMAN : One minute, please.

SHRI NIRLEN GHOSH : I cannot allow this thing to be passed.

MR. DEPUTY CHAIRMAN : All right. Please sit down. Yesterday, we were discussing the Punjab Budget and the Appropriation Bill. Two hours were prescribed by the Business Advisory Committee. That was the decision of the Business Advisory Committee. Even then I allowed the House to discuss these two matters nearly for six hours. In view of the desire of the Members, instead of two hours, I allowed the discussion to continue for six hours.

AN HON. MEMBER : We appreciated it.

MR. DEPUTY CHAIRMAN : Yesterday also when we wanted to discuss it further, I said, let us adjourn and told the House that we shall sit today and we shall

dispose of the first business, the Punjab Appropriation Bill within half-an hour and later on we will continue with the discussion on this Security Bill. Today, after that I allowed about 45 minutes or an hour for that Bill and we disposed of it.

SHRI CHITTA BASU : That is not the question . . . (Interruptions).

MR. DEPUTY CHAIRMAN : Please sit down. Do not interrupt. After that, I said, let us proceed with that matter. Now, a number of persons were raising points of order. I allowed every one to raise the point of order. I never objected to anyone of them saying that it should not be raised. But the hon Members will bear with me when I say that the points of order that they wanted to raise were being raised with a view to prolonging the discussion on this Bill. What I said is this : If they are really interested in discussing and throwing out the Bill, I have no objection. They can throw out the Bill. But, let them discuss it and vote on it and throw it out. I am not in favour of this side or that side. If I have to speak from my own side . . . (Interruptions) . . . I might have rather different views on this Bill. But, when I am occupying the Chair, I have to be fair to everybody in the House and do not have to take into consideration my own views. I have to be fair not only to this side, but to that side also. If you want to prolong and postpone the consideration unnecessarily after an hour, and even then you want that I should be on your side and give a ruling that you want, that will not be possible, that won't be desirable, and that won't be fair to the House also. So far as your first ruling is concerned. . .

(Interruptions)

SHRI MONORANJAN ROY : You can't rule out the Rules. . .

MR. DEPUTY CHAIRMAN : I am coming to that. . .

SHRI MANORANJAN ROY : We have got every right to raise points of order.

MR. DEPUTY CHAIRMAN : Not to kill time. Points of order should not be raised—that is not the question . . . (Interruption). Please sit down,

[Mr. Deputy Chairman]

Rule 123 has been referred to by Mr. Chitta Basu. It says "... two days notice ...". It does not say, "... two clear days notice ...". The Bill has been laid in this House the day before yesterday ... (Interruptions)

श्री राजनारायण : श्रीमन, मैं आपसे एक निवेदन करना चाहता हूँ कि जितनी सदन की महिमा गिराई गई है, कृपा करके रूलिंग देकर और इस सदन की महिमा को न गिराइये।

श्री उपसभापति : आप बैठ जाइये।

श्री राजनारायण : आप अनर्थ कर रहे हैं।

श्री उपसभापति : आप बैठ जाइये।

SHRI RAJNARAIN : You are talking of two 'clear' days ? You are talking like this ?

क्या आप क्लियर डेज की बात कर रहे हैं। अगर आप न बोले तो आपकी प्रतिष्ठा बची रहेगी। आपसे निवेदन है कि आप आगे न बोले तो अच्छा है और आपकी प्रतिष्ठा भी बची रहेगी।

श्री उपसभापति : आप हमारी प्रतिष्ठा का खयाल न करें। मैं आपको जानता हूँ कि आप कितनी प्रतिष्ठा का खयाल करते हैं।

श्री राजनारायण : हम तो आपकी प्रतिष्ठा के लिए बराबर मरते हैं।

SHRI BHUPESH GUPTA : Which rule you are referring to ?

MR. DEPUTY CHAIRMAN : Rule 123.

SHRI BHUPESH GUPTA : Does the rule say about unclear days ?

(Interruptions)

MR. DEPUTY CHAIRMAN : Please Listen

MR. DEPUTY CHAIRMAN : In the past also, whenever a Bill was laid, in the normal course, it was taken up for discussion on the third day. But instead of that if it was to be taken up on the second day, i.e., the next day, then only a direction by the Chairman was required. Here we must consider that no such direction is required. After the Bill was placed on the Table of the House, discussion could start on the third day.

So far as this question is concerned, this was included in the List of Business for yesterday, and it means that direction by the Chairman has been given ... (Interruptions). The House can consider this Bill, and the Chairman has given permission to the Secretary to include this matter in the List of Business.

Therefore, the point of order raised by Mr. Chatterjee is not valid . . .

(Interruptions)

श्री उपसभापति : श्री राजनारायण जी ने यह सवाल उठाया था कि आर्टिकल 22 जो है वह कहता है कि कोई आदमी डिटेन न किया जाय और किया जाय तो उसको तत्काल कारण बतलाया जाना चाहिये अरेस्ट करने के बारे में और 24 घंटे के अन्दर किसी अदालत या किसी मजिस्ट्रेट के सामने पेश किया जाना चाहिये।

I am not an expert in Hindi as Mr. Shejwalkar might be. In this matter I draw your attention to a sub-article of the same Article 22, which says :

"Nothing in clauses (1) and (2) shall apply—

(a) to any person who for the time being is an enemy alien ; or

(b) to any person who is arrested or detained under any law providing for preventive detention".

This is the provision in the Constitution itself. And the Government is bringing this Bill.

MR. CHAIRMAN : Then Mr. Bhupesh

Gupta also has raised the point that these two matters should not be taken together, the Statutory Resolution and the Bill. If my memory does not fail me, there has never been any occasion when we have not taken both these matters simultaneously.

SHRI N. K. KRISHNAN (Kerala)
By agreement.

MR. DEPUTY CHAIRMAN There was no question of agreement so far as this question is concerned

SHRI BHUPESH GUPTA : We never had in the past the Preventive Detention law promulgated by an Ordinance. This is not like the other cases where the Resolution and the Bill had been taken together. If this had been like the other cases, I would have supported it and I would have taken it up in one minute

MR. DEPUTY CHAIRMAN I am not mentioning about this Preventive Detention Ordinance. I am referring to the Ordinances that have been placed on the Table of the House in the past, and I am referring to the occasions when the Resolutions disapproving the Ordinances and the motions for consideration of the Bills have both been taken up simultaneously. They have never been taken up separately in the past so far as I remember and today it is the same practice or convention that we are following in this case also. So far as the Budget and the Appropriation Bill are concerned, the normal practice is that the Appropriation Bill should not be brought forward until and unless the connected Budget is discussed. Now, if the House agreed that the Punjab Budget and the Punjab Appropriation Bill should be taken up and considered together, then there could be no objection. Actually the Budget is discussed separately and disposed of, and then the Appropriation Bill is taken up separately and discussed and then disposed of. Now in this case the subject-matter of the Bill and the Ordinance that was promulgated, is the same.

SOME HON MEMBERS : No, no.

MR. DEPUTY CHAIRMAN The subject-matter being the same, I do not think there can be any difficulty in taking up both the Resolution and the Bill together.

SHRI BHUPESH GUPTA : I request you to refer this matter to the Rules Committee.

MR. DEPUTY CHAIRMAN If you want to refer such matters to the Rules Committee, I have no objection. You may refer this to the Rules Committee and decide the issue for our future guidance. I have no objection to that at all, because the Rules Committee or this House is completely competent to make any rules or to change any rules for the conduct of business of this House and accordingly this House will be competent, within its own rights and powers, to make new rules to replace the old. I have no objection to that. Now let us proceed with the business.

श्री राजनारायण : श्रीमन्, हम एक निवेदन आपसे करना चाहते हैं। उसको आप जरा धीरज के साथ सुने।

(Interruption)

श्रीमन्, हमारा एक प्रश्न है। मान लीजिये इस सरकार ने राष्ट्रपति जी से एक ऐसा गला घोट्टा अध्यादेश जारी करा दिया जिसमें सारी मानवता कुठित हो रही हो और सदन बैठने वाला हो और हम यह चाहते हो कि राष्ट्रपति के अध्यादेश का निरनुमोदन सदन जल्दी से जल्दी कर दे ताकि ऐसे गला घोट्टा अध्यादेश के द्वारा किसी का गला न घोट्टा जाय और सरकार यह चाहती हो कि हम उस पर विधेयक बाद में लाये, छ हफ्ते या डेढ़ महीने का जितना टाइम है उसके अन्दर सरकार लाना चाहे, तो फिर क्या होगा। यही होगा कि आपकी खिदमत में हम हाजिर होंगे और आपसे कहेंगे कि यह इतना गला घोट्टा अध्यादेश है कि इससे सारी मानवता कुठित हो रही है, इसलिए इसके निरनुमोदनके प्रस्ताव को पहले ले लेना चाहिये और अगर आप यह व्यवस्था दे दें कि नहीं, आर्डिनेंस और बिल दोनों साथ ही लिये जा सकते हैं तो हमारा मकसद कैसे पूरा होगा। जब तक वह आर्डिनेंस है वह कानून का फोर्स रखता है और उसके तहत बराबर सरकार मानवता का गला घोट्टती रहेगी। इसलिए मैं आपसे कहना चाहता हूँ कि आपने जो व्यवस्था अभी दी है वह

[श्री राजनारायण]

व्यवस्था इतनी अमान्य है, इतनी अवैधानिक है, इतनी गैरकानूनी है कि कोई भी सदन का सम्मानित सदस्य जो जागरूक है वह आपकी व्यवस्था से सहमत नहीं होगा। देश में अगर हम चाहते हैं कि साधु सयत व्यवस्था हो तो आप की व्यवस्था को न मानना ही व्यवस्था है। यदि हम आपकी व्यवस्था मान जाय तो हम अव्यवस्थित जीवन बिताने में सलग्न हो जायेंगे। इसलिए बहुत ही नम्रता के साथ, निवेदन के साथ, अनुनय, विनय के साथ मैं आप से आर्गु करूंगा कि आप अपनी व्यवस्था पर पुनर्विचार करें। मैं चाहता हूं और मैंने ऐसे अनेक अवसर देखे हैं कि डिप्टी चेयरमैन या डिप्टी स्पीकर की जो व्यवस्था हुई है उस पर फिर से विचार कराने के लिए स्पीकर के पास भी हम गये हैं और स्पीकर ने सलाह मशविरा कर के डिप्टी चेयरमैन की व्यवस्था को बदल दिया है मैं चाहता हूँ कि आप चेयरमैन साहब से बात कर लें और लोगों से बात कर लें और सदन इस समय एडजर्न हो। इस समय सदन को आप स्थगित करें यह इतना अहम प्रश्न है कि इस पर अगर आपकी जल्दी में इस तरह की व्यवस्था हो जाय इस अध्यादेश को कानून की शकल देने के लिए तो वह हम लोगों का गला बंद कर देगी और फिर हमारे वही लोग जो सख्तामुर के बल पर इस देश में तुषारापात करना चाहते हैं, यह कहेंगे कि यह तो एक कन्वेंशन हो गया। यह डिप्टी चेयरमैन की रूलिंग हो गयी। इसलिए मैं अपने मित्र भूपेश गुप्त के उस कथन से सोलहो आना सहमत हूँ कि जब वह कहते हैं कि डिप्टी चेयरमैन की रूलिंग को न मानना ही आज रूलिंग का आदर करना है। अगर हम गलत रूलिंग को मानेंगे गलत रूलिंग के सामने नतमस्तक हो जायेंगे तो हम रूलिंग का निरादर करेंगे, उसका आदर नहीं करेंगे। इसलिए मैं आप से बार-बार निवेदन कर रहा हूँ, अनुनय विनय कर रहा हूँ कि आप हमारी बात सुनें, आप हमारे

तर्कों का साधु उत्तर दें और उस अध्यादेश को निरनुमोदन करने का हमारा प्रस्ताव इतनी देर तक क्यों नहीं लिया गया, क्योंकि उसे अब लाया गया, इस बीच कितनी गिरपतारिया हुई होंगी, पता नहीं कितने गलत काम हुए होंगे और उस पर आपने कितनी रूलिंग दे दी. . .

श्री उपसभापति : आपका प्वाइंट क्लियर हो गया।

श्री राजनारायण : कहां क्लियर हुआ। क्लियर हुआ तो आप अपनी रूलिंग बदलिये।

श्री उपसभापति : आप बैठिये।

श्री राजनारायण : हमारी दो बातें हैं। मैं चाहता हूँ कि आप गम्भीर बनें और अपनी रूलिंग का ठीक तरीके से अध्ययन करें। दुनिया के देशों में जहां पार्लियामेंटरी प्रैक्टिस है, जहां डेमोक्रेसी चल रही है उनका अध्ययन करें कि किस तरह से वहां चेयर में बैठने वाले व्यवस्था देते हैं। उसको देखें और आपके जो चेयरमैन साहब हैं उनकी भी सलाह ले लें ताकि उनमें और आप में मतभेद न हो। तो आप दो घंटों के लिए सदन को स्थगित करें और चेयरमैन साहब को बुला लें और उनके सामने बैठ कर हम लोग विचार विनिमय कर लें और देखें कि किस तरह से सद् व्यवस्था इस सदन में चल सकती है और अगर आप कहेंगे कि इस रूलिंग को हर आदमी को मानना ही पड़ेगा तो एक बात मैं और कहना चाहूंगा कि आप किसी रूलिंग को देने के पूर्व इस बात को देखें कि . . .

SHRI JAIRAMDAS DAULATRAM (Nominated): On a point of order. I have never understood how once the Chair gives a ruling it becomes a subject of discussion. No discussion on the ruling by the Chair should be permitted.

श्री राजनारायण : यह आप नहीं समझेंगे।

SHRI JAIRAMDAS DAULATRAM :

I would request you and again request you never to allow this precedent to occur, and all such discussion should be ruled out and should be stopped

डा० जैड० ए० अहमद : मैं यह कहता हूँ कि आप इसको सोच ले कि जिस प्रकार आप ने रूलिंग दी इतनी बहस करवाने के बाद उसमें आप ने कहा कि मैं इसको रूल आउट कर देता हूँ। मैं तो पमझता था कि आप कुछ कारण भी देंगे।

श्री अकबर अली खान (आम्र प्रदेश) : आप नहीं थे।

MR. DEPUTY CHAIRMAN : Dr. Ahmad, may I tell you one thing ? Even before I wanted to adjourn the House I told the Members that I wanted to give the reasons of my ruling ; if they wanted to listen for few minutes ; I wanted to give my reasons and then my ruling. I also told them that if they do not want to listen to my reasons I would give my ruling and I would give my reasons immediately after lunch. I said so because I wanted to dispose of the points of order before we rose for lunch. But when Members did not want to listen to me, I said : 'All right, I am giving you my ruling. I will give my reasons afterwards.'

डा० जैड० ए० अहमद : उपाध्यक्ष महोदय, नहीं। देखिये, मैं आपसे इतनी दरखास्त करना चाहता हूँ कि इस बात को आप समझें कि यह इतना कांट्रोवर्सल ईश्यू है और इस पर लोगों की भावनायें हैं।

श्री उपसभापति : ठीक है, कांट्रोवर्सल है तो दो घंटे नहीं दस घंटे बोलें। डिस्कशन करें। You may discuss it. Democracy means decision by discussion. If you do that, I have no objection.

डा० जैड० ए० अहमद : सुन लीजिये। आपको इसका आदर और रिसपेक्ट करना चाहिये था और आपने रूल-आउट कर दिया एकदम से।

MR. DEPUTY CHAIRMAN : The point made by Shri Jairamdas Daulatram is very valid. There should be no discussion after the ruling.

डा० जैड० ए० अहमद : नहीं, नहीं। अगर रूलिंग इस प्रकार की होगी कि जिसमें आप कोई दलील नहीं देंगे तो फिर रूलिंग को नहीं माना जायगा।

MR. DEPUTY CHAIRMAN : But you cannot discuss. You may request the Chair.

डा० जैड० ए० अहमद : अब आप सम्हालिये। मिसअन्डरस्टैंडिंग पैदा कर दी है, आप सम्हालिये इसको।

श्री राजनारायण : श्रीमन्, मैं आदरणीय श्री जैरामदास दौलतराम जी की बड़ी इज्जत करता हूँ और मैं चाहता हूँ कि उनके प्रति हमारा आदर बना रहे लेकिन मैं उनसे केवल इतना ही निवेदन करना चाहता हूँ कि उनकी जवानी गुलाम मुल्क में बीती है और हमारी जवानी आजाद मुल्क में बीती है इसलिए वह हमारे तर्कों को हृदयगम नहीं कर पायेंगे। हम जिनकी जवानी आजाद मुल्क में बीती है वह तो यही तर्क देंगे कि आपकी रूलिंग को नहीं मानेंगे, आपकी रूलिंग को चैलेज करेंगे। तो यह समझ लिया जाना चाहिये कि इनकी जवानी गुलाम मुल्क में बीती है और हमारी जवानी आजाद मुल्क में बीती है।

श्री महावीर त्यागी (उत्तर प्रदेश) : इसमें जवानी का क्या मतलब है।

MR. DEPUTY CHAIRMAN : Mr. Misra.

SHRI S. D. MISRA (Uttar Pradesh) : We have no desire to discuss your ruling. We bow down to your ruling. We do not desire and we do not want to discuss it. What happened this afternoon was, at 2 P.M. we were expecting you to see the wishes of the Opposition. We were insisting on you to give us an adjournment for an hour so that we could meet and discuss. Two things happened. One was,

[Shri S. D. Misra]

you carried on till 1-30 and at 1-30 you suddenly got up and gave the ruling and did not give the reasons. Now you have given the ruling when pressed by the Opposition. That is the unfortunate position that happened

MR. DEPUTY CHAIRMAN Mr Misra, immediately I entered the House Mr. Gupta got up and he did not give me a chance to open my mouth. Before lunch I had said that immediately after lunch I would give my reasons. Mr. Gupta got up immediately.

SHRI S. D. MISRA : This was unfortunate. Then almost all the Members of the Opposition were requesting you to make an adjournment and generally you do not reduce the hour for lunch unless there is consent from all the Members. You suddenly got up and announced at 1.30 and said, 'We are meeting at 2' and then retired to your room. This is some deviation. I can understand the Government being in haste. They want the acceptance of this Bill. O.K. You want and they want that we should also commit as to what time we will be able to give to it. I am sure this is going to happen again at six. I warn you because the Government will again say, 'Let us have a midnight session.' We are not going to agree. Therefore I suggest one thing. Kindly just now adjourn for half an hour only and call the Leaders of the Opposition and the Leader of the House, let us discuss and fix the time-table and there should be a reasonable time allotted to this. We do not want to scuttle this. Every Party has its own view but then we can agree to certain things, I will make another suggestion. Why not call the Leader of the House and the Chief Whip here. What will be the prestige that will be lost and if there is an assurance—I do not know if there will be but that is to be discussed—we will take up this Bill in this session. We have no time limit at all and we can go on till the 30th of this month. But if there is some reasonable time-limit then the Government can straight way accept it. As the opposition is insisting, let the Resolution come first. The Bill can come second. Let there be a discussion by the opposition with the Government along with you, Sir.

MR. DEPUTY CHAIRMAN Do you want to say anything.

SHRI OM MEHTA : No, no.

SHRI RAJ BAHADUR : Sir, I must take this opportunity, with your permission, to assure the Members of the Opposition that we do not want to hustle anything. We are not in any indecent haste. We do not want to do that. The Business Advisory Committee of this House, which has Members of the Opposition represented on it, considered it and formulated a programme. In spite of that, as you very rightly said earlier, you allowed six hours against two hours for the other measure. We, of course, submitted here too, to your ruling and to the desire of the House. I quite see the point that Mr. Misra has made that there should be a time-table. We would certainly like to stick to the hours fixed for the consideration of this measure by the Business Advisory Committee. If Members desire to have a longer discussion, we can sit late and for longer hours today and tomorrow. We would certainly like to give as much time as possible. We have no desire to hustle through. Let them fully consider it.

MR. DEPUTY CHAIRMAN. They want to have a separate discussion. What is your view?

SHRI RAJ BAHADUR If you give us an assurance that we will be able to complete the debate on these measures, this one and that one, by tomorrow evening, any number of hours we are prepared to sit.

SHRI BHUPESH GUPTA : What about a separate discussion?

SHRI RAJ BAHADUR The Chair has given a ruling and I do not want to say anything against it. If the Chair so desires we will do it. We leave it to the Chair to decide it. There should be a time-limit fixed and we should go by that.

SHRI BHUPESH GUPTA Our case has been well established. The validity of our demand for a separate discussion has been well established by the statement made by the hon. Minister that he would not come in the way. Therefore, we want it.

MR. DEPUTY CHAIRMAN : He wants a time-limit to be fixed. He wants that these two measures should be finished by tomorrow evening.

(Interruptions)

SHRI S. D. MISRA : Therefore, have a meeting with the leaders of the parties.

THE LEADER OF THE HOUSE (SHRI UMASHANKAR DIKSHIT) : This point has been cleared. Adequate time will be available. We agree to that. Even if we sit together separately, what new points are going to be considered ? The matter has been cleared.

SHRI S. D. MISRA : The Leader of the House has accepted our advice.

MR. DEPUTY CHAIRMAN : He has no objection for a separate discussion, provided you prescribe a certain time-limit and the House is prepared to sit for a longer time, both days, today and tomorrow, six hours each.

SHRI S. D. MISRA : Let me give a constructive suggestion for your kind consideration. Neither the Minister is keen in hustling through this measure—I take him at his word—nor are we unnecessarily trying to oppose this Bill just for the sake of opposition. There must be a time-limit for this, I quite agree. The Government must know and the whole House must know where we stand. You should give us an assurance that we will meet till a particular time, not beyond 6 P.M. today. By extending the time you should not think that we are going to have midnight sessions. No. You can extend the Session by a day more, but we are not prepared for the time being extended to 9 P.M. or 10 P.M. At least that is our stand. For that also you may consult others. I have not consulted the other parties.

SHRI RAJ BAHADUR : Friday is the day for Private Members' Bills.

MR. DEPUTY CHAIRMAN : This Friday is not a Private Members' day.

SHRI BHUPESH GUPTA : We have no Private Members' Bills pending on Friday. You can have a session on Friday.

SHRI RAJ BAHADUR : If 6 P.M. on 25th is the last day on which the resolution would have been discussed and decided and the Bill would have been considered clause by clause and completed. . .

MR. DEPUTY CHAIRMAN : The resolution first. Till tomorrow 2 P.M. ?

SHRI RAJ BAHADUR : It is entirely up to you. I want to say that everything should be finished, both, by 6 P.M. on 25th, that is the whole business.

SHRI BHUPESH GUPTA : Right, the deadline is 25th. Whether we finish ourselves or finish them, something we finish by the 25th.

MR. DEPUTY CHAIRMAN : I think we could have utilised this one hour in a better way.

SHRI UMASHANKAR DIKSHIT : Let us have a clear understanding and commitment. This kind of vague generalisation will not do. Again difficulty will arise.

SHRI BHUPESH GUPTA : Six P.M. Friday. Separate discussion. Let us start with the discussion.

MR. DEPUTY CHAIRMAN : Today we complete the discussion on the resolution.

SHRI BHUPESH GUPTA : How can you complete ?

SOME HON. MEMBERS : No, no.

MR. DEPUTY CHAIRMAN : I will call upon the Minister to reply tomorrow.

SHRI BHUPESH GUPTA : How can you complete discussion today ?

MR. DEPUTY CHAIRMAN : The hon. Members will more or less express the same views. Some Members will speak on the resolution, some Members will speak on the Bill.

SHRI BHUPESH GUPTA : Are we charity boys that we have to sign so many conditions and stipulations ? A gentlemen's

[Shri Bhupesh Gupta]

agreement has been arrived at. By 6 P. M. on Friday we finish something. The Bill may not be finished, but they say Bill. This business goes up to 6 P. M. on Friday. Whether we finish the Bill or not will be determined at 6 P.M. that day.

SHRI RAJ BAHADUR : Both the measures and the entire business of the House that remains must finish by 6 P.M. on the 25th. The apportionment of time between the resolution and the Bill is entirely at your discretion. We shall abide by it.

SHRI BHUPESH GUPTA : You are quite right. In order to finish the business by 6 P.M. that day from your point of view you have accepted this thing. Suppose on Friday morning Bhupesh Gupta is dead. How will you finish the business? Therefore...

(Interruption)

SHRI RAJ BAHADUR : There are Bills about Gujarat and Punjab.

SHRI RAJNARAIN : No, no.

SHRI AKBAR ALI KHAN : If the opposition does not agree to it, then we stick to our programme.

MR. DEPUTY CHAIRMAN : I should say if the House does not agree to consider these two matters I do not think the Government will press for consideration of these matters. It will be in our interests to consider them because the Bills are regarding delegation of powers and there will be Consultative Committees for Punjab and Gujarat and Members of this House will be in a position to guide the policies of those two States. I leave it to the House. If you do not agree, to consider these Bills, we can go without that. If you agree, then we can take them up. But I do not think the Government will be pressing for consideration and passing of these two Bills if the House does not want that.

श्री ना० कृ० शेजवलकर : इन दोनों को भी ले लिया जाय ।

श्री उपसभापति : सवाल यह है कि 6

बजे तक हमारा बिजनेस समाप्त होना चाहिए 25 को ।

SHRI BHUPESH GUPTA : With regard to Gujarat delegation of powers I suggest it involves our right and let us have it passed. Otherwise they will not form the Committee. Let us finish it.

MR. DEPUTY CHAIRMAN : We have agreed to this proposal that we have to complete the business of this House before 6 00 P.M. on Friday, the 25th. Hon. Members are aware that we have got a large number of amendments to this Bill and the discussion on the amendments will also require about two or three hours, if not more. So, it means that from 2.00 to 6 00 P.M. on Friday we will be considering only the amendments. Of course, I do not know whether any Member would have to speak during the Third Reading stage. If they want to speak then we have to allot one hour for the Third Reading. So; it comes to five hours and the whole Friday has gone. We have to complete the First Reading only tomorrow; by six of the clock tomorrow, the First Reading of the Bill as well as the disposal of the Resolution should be completed.

SHRI NIREN GHOSH : The Resolution ?

MR. DEPUTY CHAIRMAN : Disposal of the Resolution as well as the First Reading of the Bill—they will have to be completed tomorrow by six so that clause-by-clause consideration, amendments and the Third Reading can be completed before 6.00 P.M. on Friday.

श्री ना० कृ० शेजवलकर : वही बात आ गई । यह बात पांच मिनट में डिसाइड हो जाती अगर आपने अन्दर बात कर ली होती ।

MR. DEPUTY CHAIRMAN : So, we agree to this programme now ?

SHRI NIREN GHOSH : Sir, I have a point to make. Disposal of the First Reading stage and disposal of the Resolution, these are two separate things. Why do you say that they will be completed ?

MR. DEPUTY CHAIRMAN : I am not saying 'simultaneously'. It will be separately done. But by 6.00 P.M. tomorrow, the Resolution should be disposed of firstly, and then the First Reading of the Bill also—all over by 6.00 P.M. Yes, Mr. Advani.

SHRI BHUPESH GUPTA : So, we proceed with the Resolution. You have taken so much time to understand this thing.

MR. DEPUTY CHAIRMAN : Had you been a little bit reasonable, earlier we could have saved two hours.

SHRI DAHYABHAI V. PATEL (Gujarat) : I told you—a hungry man is an irritable man. If you had given sufficient lunch time, it could have been avoided.

श्री लाल आडवाणी (दिल्ली) : श्रीमन्, मैं आपकी आज्ञा से यह संकल्प उपस्थित करता हूँ :

‘यह सभा राष्ट्रपति द्वारा 7 मई, 1971 को प्रस्थापित आन्तरिक सुरक्षा बनाये रखने का अध्यादेश, 1971 (1971 की संख्या 5) का निरनुमोदन करती है।’

The question was proposed.

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमन्, सदन के सामने जो अभी यह बिल आया है यह बहुत बड़ा विवादास्पद बिल है। इसमें अलग अलग दलों के अलग अलग मत हैं, विचारधाराये हैं। हम समझते हैं कि प्रारम्भ में, इस बिल की भूमिका में और कारणों में जो बातें बताई गई हैं उनको यदि हम देखें तो हम यह पाते हैं :

“In view of the prevailing situation in the country and the developments across the border, there is need for urgent and effective preventive action in the interest of national security.”

यह आपको पहले बतलाया है।

3 P.M. हमारा ऐसा ख्याल है कि इस समय ही नेशनल सेक्योरिटी का ध्यान रखा गया और इसी लिए इस की आवश्यकता

अब पड़ी। इसके पहले क्या कोई नेशनल सेक्योरिटी की आवश्यकता नहीं थी या अपने देश में इस प्रकार के विधान की कोई आवश्यकता नहीं समझी गयी थी या इस समय ऐसी कौन सी बात आ गई कि जिस के कारण इस बिल को उपस्थित करना पड़ा है।

“It is, therefore, considered essential to have powers of preventive detention to deal effectively with threats to the defence of India and to the security of India. . .”

इसमें श्रीमन्, हमारे माननीय मित्रों ने अभी बहुत कुछ बताया। हमारा ऐसा ख्याल है कि इस समय देश में अगर वास्तव में इतरनल सेक्योरिटी का कोई प्रश्न है और बाहर के किसी थ्रेट का कोई प्रश्न है तो वह एक पूर्व की दिशा में ही नहीं है, वह पश्चिम की दिशा में भी है। पूर्व की दिशा में ज्यादा संभावना है तो पश्चिम में काश्मीर में भी इस प्रकार की संभावना होनी चाहिए थी। या संभावना थी तो उस को जानबूझ कर इस बिल में नहीं लाया गया है और मैं श्रीमन् का ध्यान आकर्षित करूंगा कि :

“It extends to the whole of India except the State of Jammu and Kashmir.”

श्रीमन्, पिछले 20 वर्षों से हमारे सदन के सामने कई बार इस प्रकार के प्रश्न आये हैं, कई इस प्रकार की समस्याये आयी हैं कि आंतरिक सुरक्षा की दृष्टि से काश्मीर ज्यादा विवादास्पद रहा और काश्मीर में वह सब घटनायें दोहरायी जाती रही जो कि हमारे देश में नहीं दोहरायी जानी चाहिए थी। तो इस बिल में जो बताया गया कि यह बिल जम्मू और काश्मीर पर लागू नहीं होगा यह अत्यन्त दुर्भाग्यपूर्ण बात है। इसके बाद आगे चल कर इसके कारणों में बताया गया है कि :

“especially from external sources and espionage activities of foreign agents.”

मैं रेजोल्यूशन पर ही कह रहा हूँ। लेकिन संदर्भ में कभी-कभी उस के अंश भी पढ़ने पड़ते हैं। तो

[श्री निरजन वर्मा]

श्रीमन्, इस प्रकार का यह जो बिल लाया गया है उसके सम्बन्ध में मैंने पहले ही अपने कुछ मित्रों के समक्ष यह इच्छा प्रदर्शित की थी कि यह बिल नहीं आना चाहिए और राष्ट्रपति ने इसके अनुरूप जो आर्डिनेंस जारी किया था वह आर्डिनेंस भी अपने स्थान पर सही नहीं था। इस प्रकार का दुर्भाग्यपूर्ण आर्डिनेंस इस समय जब कि हमारे देश में प्रजातंत्र है, हमने प्रजातंत्रीय पद्धतियों को लागू किया है, उसमें ऐसा अध्यादेश आये, इस प्रकार का कानून आये यह हमारे देश को शोभा नहीं देता। हमारे यहां इस प्रकार के भी कानून है और श्रीमन् मैं अपने मन्त्री महोदय का ध्यान आकर्षित करना चाहूंगा कि अभी तक पूरे देश के लिए इस प्रकार का कोई अध्यादेश या कानून नहीं था तो क्या हम कुछ नहीं कर सकते थे? हमारे पास ऐसे बहुत से कानून हैं और उनसे हमने काम चलाया है। उदाहरण के लिए मैं अपने मित्र का ध्यान आकर्षित करूँ धारा 151 की ओर। इसी तरह क्रिमिनल प्रोसीजर कोड की धारा 107, 108, 109 और 110 है। यह धाराएँ ऐसी हैं कि अगर कोई आदमी कोई अनिष्ट काम करना चाहता हो तो उसको रोकने के लिए ये प्रिवेण्टिव धाराएँ हैं। क्या इन धाराओं के अन्तर्गत उनको रोक नहीं जा सकता था? क्या ऐसे लोगों को यह सरकार गिरफ्तार नहीं कर सकती थी। हमने इस प्रकार के केसेज देखे हैं कि 107 से लेकर 110 तक में 117 क्रिमिनल प्रोसीजर कोड के अन्तर्गत मैजिस्ट्रेट एक-एक महीने तक कोई कार्यवाही नहीं करते और उस के पश्चात् वह केसेज बराबर चलते रहते हैं और 6, 6 महीने तक लोग डिटेन्शन में पड़ रहे हैं, जुडिशियल हवालात में नहीं, पुलिस कस्टेडी में पड़ रहे हैं। तो जब इस प्रकार के केसेज होते हैं तो उन धाराओं के रहते हुए आपको इस प्रकार का अध्यादेश लाने की कोई आवश्यकता नहीं थी। श्रीमन्, इस संबंध में अपने योग्य मित्रों का ध्यान एक विशेष तथ्य

की ओर भी आकर्षित करूँगा कि 1919 ई० में जब कि हमारे देश में विदेशी सरकार थी तो जनतंत्र की हत्या करने के लिए उन्होंने भी कानूनों का आश्रय लिया था और उन कानूनों में एक कानून ऐसा भी था जिसका नाम तो दूसरा था लेकिन कमेटी के एक सदस्य की वजह से उसे रौलेट एक्ट कहा जाता था और सरकार ने उस कानून को इस उद्देश्य से बनाया था कि वह यह चाहती थी कि यहां पर कोई क्रांतिकारी भावनाएँ न उभरें और इस देश में स्वराज्य का जो मूवमेंट है उसको किसी प्रकार से रोका जा सके लेकिन रौलेट एक्ट जैसा था उसमें भी इस कानून की अपेक्षा कुछ अच्छाई थी, जैसे कि रौलेट एक्ट से हम इसका मुकाबला करे तो हम इस परिणाम पर पहुँच सकते हैं कि रौलेट एक्ट में कोई व्यक्ति या सरकार का कोई व्यक्ति हाई-कोर्ट के चीफ जस्टिस को सूचना देता था कि यहां पर इस तरह के व्यक्ति हैं और इसके बाद प्रांज्युटर मुकदमा चलाता था, प्रांज्यु-क्युटर जब मुकदमा चलाता था तब उसके बाद एविडेन्स पेश करना पड़ता था, एविडेन्स पेश करने के बाद में अभियुक्त को बुलाया जाता था और अभियुक्त को बुलाये जाने के बाद उसका स्टेटमेंट होता था और तब उसके बाद कोई निर्णय किया जाता था और इस प्रकार का जो सारा प्रोसीजर था वह जुडिशियल कोर्ट में होता था। उस काले कानून का नाम रौलेट एक्ट था। लेकिन इस कानून में हमने जुडिशियरी को बिल्कुल ताक पर रख दिया है, सारी सत्ता जितनी है वह एग्जीक्युटिव के हाथों में सुरक्षित कर दी है। तो हम पूछते हैं कि रौलेट एक्ट से यह कानून और भी गया बीता है या नहीं। अपने कांग्रेस के मित्रों ने, उस समय कांग्रेस के जिनने नेता थे उन सब ने, बिठ्ठल भाई पटेल, सुरेन्द्रनाथ बनर्जी, बी० एन० शर्मा, इन सब लोगों ने और मालवीय जी ने, सब ने, एक मत से रौलेट एक्ट की निन्दा की थी। उस जमाने में, रौलेट एक्ट के दिनों में, हमने इसका घोर विरोध किया था तो आज इस समय जब

कि हम स्वतंत्र देश में रह रहे हैं तब जनता की गतिविधियों पर इस प्रकार कठाराघात करने पर तुल गये हैं और जनता की स्वतंत्रता को खतरे में डालकर सारी सत्ता, कुल एग्जीक्यूटिव पावर, अपने हाथ में रखना चाहती है। हम समझते हैं कि अपने देश में इस प्रकार का कोई काला कानून अभी तक नहीं आया जिस प्रकार का काला कानून अपने देश में यह आया है।

श्रीमन्, मैं रौलेट ऐक्ट की वह दफाये बताना चाहता हूँ जिनके विषय में देश भर में भारी विरोध हुआ था, स्थान-स्थान पर सभाये हुई थी और जब कि कांग्रेस के इन मित्रों में से जो कि आज ट्रेजरी ब्रेचज को सुशोभित कर रहे हैं सम्भवतः इनमें से बहुत से मित्र उस समय नहीं रहे हों...

श्री महावीर त्यागी . इनमें कोई भी नहीं था।

श्री निरजन वर्मा : सम्भवतः श्री दीक्षित थे। उनमें से बहुत से बाद में आये हुए हैं और बात से ऐसे मित्र हो सकते हैं जिन्होंने एक दिन भी स्वतंत्रता की लड़ाई के दिनों में जेल यात्रा नहीं की और सरकार के साथ रहे हों और आज वह हमारे सामने कांग्रेस का चोला पहन कर इस प्रकार के कानून हमारे ऊपर लादने में सहायक हो रहे हैं। तो उस समय इस कानून का नाम था . This Act may be called the Anarchical and Revolutionary Crimes Act, 1919. और इसमें उस कानून की नकल कहा तक हुई है इस नकल को देखिये। इस कानून में बताया गया है :

"If the District Magistrate is satisfied "

सतोष हो जाय अधिकारी के लिये कि यह आदमी कोई अगधिकृत हरकत कर रहा है लेकिन अब सतोष देने के लिए कोई कारण देने की आवश्यकता नहीं है, किसी अदालत में पहुँच

नहीं सकते। उसी तरह से इस रौलेट में भी था :

"If the Governor-General in Council is satisfied "

पहले गवर्नर जनरल इन कौंसिल ने सैटिस्फाई होना चाहिए तब किसी आदमी को पकड़ा जा सकता है। और अब उसके बारे में कलक्टर सैटिस्फाई हो गया, डिस्ट्रिक्ट मजिस्ट्रेट सैटिस्फाई तो गया, या इस प्रकार का डेलीगेशन वर्रके डिप्टी कलेक्टर, डिस्ट्रिक्ट मजिस्ट्रेट्स जो हैं, अगर उन्होंने अपने सहयोगियों को इस प्रकार के अधिकार दे दिये, तो उनके लिए भी छूट है कि वे इस प्रकार के कानून से बराबर दूसरों को पकड़ सकते हैं।

इसके पश्चात्, श्रीमन्, रौलेट ऐक्ट में, जैसा कि मैंने निवेदन किया, एक बोर्ड बनता था और बोर्ड बनने के बाद उसमें विशेषता यह रहती थी कि उसमें हाई कोर्ट के जजेज की स्थिति का ही कोई आदमी रह सकता था। लेकिन जो बिल अभी रखा है और जो अध्यादेश हमारे राष्ट्रपति जी ने प्रस्तुत किया है, उसमें या तो कोई हाई कोर्ट के जज सदस्य या कोई हाई कोर्ट का जज या कोई ऐसा व्यक्ति जिसको यह सम्भावना जाए कि वह उस स्टेटस के है, ऐसे आदमियों का बोर्ड बनेगा, अब श्रीमन्, इन तीनों बातों में अलग-अलग भिन्नताएँ हैं। पहली बात तो यह कि इस बिल के लाने में और अध्यादेश के जारी करने में शासन ने राष्ट्रपति को यह सुझाव क्यों नहीं दिया कि अगर इस प्रकार का कोई काला कानून इस देश में आ रहा है तो चूंकि आपकी सारी जनता का पूरा विश्वास जुद्धशरी पर है, हाई कोर्ट और सुप्रीम कोर्ट पर है, तो फिर इस बोर्ड को कास्टीट्यूट करते समय हाई कोर्ट के वर्तमान जजेज का बोर्ड क्यों नहीं बनाया जाता, या उन्हीं का उल्लेख कर दिया जाता। अगर आपके पास जुद्धशरी की शक्ति कम है तो भूतपूर्व जजों को रख दते। लेकिन दूसरे प्रकार के आदमियों के रखे जाने से हमारे मन में संदेह उत्पन्न होता है कि आप ऐसे व्यक्तियों

[श्री निरजन वर्मा]

को जो आपकी हा-मे हा मिलाते हैं और आपके साथ रहते हैं, उनको अनधिकृत रूप से बोर्ड का मेम्बर बनायेगे और विरोधियों को, जिनको चाहते नहीं हों, कुचलने के लिए उमके हाथ में यह एक तलवार दी जाएगी।

श्रीमन्, प्रजातांत्रिक देशों में और प्रजा-तांत्रिक पद्धतियों में इस प्रकार का काला कानून कही नहीं है।

श्री महावीर त्यागी. आपकी इत्तिला के लिए यह बता दूँ कि रालेड ऐक्ट में यह भी था :—

“In order to ensure that the powers of Government are not exercised without reason the Bill provides for a safeguard in the Constitution of an investigating authority which is to investigate the material upon which orders against any person are framed. This investigating authority is to include one judicial officer and one non-official Indian. Further in order that the interests of any person subject to any order may be adequately protected the Bill provides for the constitution of a visiting committee to see to the welfare of such persons”.

श्री निरजन वर्मा श्रीमन्, इसी प्रकार जैसे आज अध्यादेश के स्थान पर बिल का विरोध हो रहा है, वैसे ही कांग्रेस के बड़े-बड़े महापुरुषों ने इसी प्रकार के बिल का अंग्रेजों के समय में विरोध किया था। और, उसमें मैं कुछ बड़े-बड़े नेताओं के उद्धरण इसलिए पढ़कर सुनाना चाहता हूँ कि जिन भाइयों को इस में यह शका हो कि हमारे देश के प्रजातंत्र के सफलतापूर्वक संचालन के लिए वर्तमान में इस प्रकार के काले कानून की आवश्यकता है, उनके मस्तिष्क में यह बात आनी चाहिये कि आपके पूर्वजों ने इस प्रकार का कानून जब अंग्रेजों के समय में आया था तो कितना डट कर जोरदार विरोध किया था। उनके मस्तिष्क में यह बात बिल्कुल नहीं थी कि आगे चलकर उनके ही उत्तराधिकारियों की सरकार ठीक उस प्रकार

के काले कानूनों का आश्रय लेगी जिन काले कानूनों को वे निंदा की दृष्टि से देखते हुए कदम-कदम पर विरोध कर रहे थे। तो विट्टल-भाई पटेल, जो अपने देश के बड़े भारी नेता रहे हैं, उन्होंने कहा :

“If the political advancement of a country is really very slow and does not keep pace with the times, this sort of crime is bound to raise its head and disturb the peace of the country . . .”

कानून के द्वारा किसी प्रकार की क्रांतिया, कोई नई विचारधाराएँ कभी दबती नहीं हैं, मिटती नहीं हैं, वे दूनी ताकत के साथ उमड़ती हैं।

“What is then the remedy ? The remedy, I submit, does not lie in the repressive measures, but I am strongly of the opinion that the remedy lies in the removal of the standing grievances which bring revolutionary crimes into existence”.

यहाँ पर मैं अपने योग्य मित्र से यह निवेदन करना चाहता हूँ कि अगर वास्तव में आप यह समझते हैं कि इस प्रकार के कानून लाने से जो कार्यवाही है वह दब जायेगी तो यह उनका मिथ्या भ्रम है। इस तरह के कानूनों से कार्यवाही दबेगी नहीं बल्कि और अधिक तेजी के साथ आयेगी। उन्हें तो यह चाहिये था कि इस समय जनता में जो असन्तोष है उस असन्तोष को दूर करने का यत्न किया जाय।

जैसे उदाहरण के लिए इन मित्रों ने देश के लिए दो नारे दिये हैं। एक नारा तो यह दिया है कि हम समाजवाद की दिशा में आगे बढ़ रहे हैं। तो मैं यह जानना चाहता हूँ कि अगर वे समाजवाद की दिशा में आगे बढ़ रहे हैं तो फिर इस तरह के काले कानून के लाने की आवश्यकता क्यों पड़ गई।

दूसरा नारा उन्होंने ‘गरीबी हटाओ’ का दिया है। गरीबी हटाओ का नारा तीन महीने तक जिन्दा रहा और चौथे महीने कब्रिस्तान में चला गया और उसकी जगह पर “अमीरी बढ़ाओ”

का नारा आ गया। देश के सामने बजट के रूप में जगह-जगह पर और देश भर में जो प्रदर्शन हुए, इस प्रकार के कानून लाकर, इस प्रकार के अध्यादेश लाकर आप यह कल्पना नहीं कर सकते हैं कि देश को आगे ले जायेंगे और देश में आगे चलकर गान्ति और सुरक्षा हो सकेगी।

इसके बाद दूसरे बड़े नेता . .

श्री नेकी राम गरीबी हटाओ के बारे में तो आपने बतला दिया।

(Interruptions)

श्री निरजन वर्मा : आप जो बात कहते हैं उसको समझाने के लिये हमारे पास शक्ति नहीं है।

इसके पश्चात् श्रीमन्, श्री सुरेन्द्रनाथ बनर्जी रौलेट ऐक्ट के बारे में जो कई बातों में इस अध्यादेश से खराब था और जो वर्तमान अध्यादेश है उससे भी गया बीता है, उसके बारे में उन्होंने कहा है :

"If a right of this kind is taken away by a duly constituted court of law, no one would have the slightest objection. But to place such dangerous and illimitable powers in the hands of the executive authority, deliberating in secret, discussing in secret, deciding in secret, seems to me to be an infraction of personal rights which I almost shudder to contemplate."

यह एक दूसरे नेता ने इस प्रकार के कानून के बारे में कहा। कामनी कुमार चन्दा ने भी रौलेट ऐक्ट के बारे में अपनी राय दी है जो इससे भी अधिक खराब है और जिस चीज के लिए पंजाब में आपके पूर्वजों ने अधिक से अधिक बलिदान किया। इसलिये मैं यह निवेदन करना चाहता हूँ कि आप इस रौलेट ऐक्ट का साथ दे रहे हैं। आपको अपने पूर्वजों की स्मृति को याद करना चाहिये था और आप लोग सबसे पहले व्यक्ति होते जो इस बिल का विरोध करने के लिए खड़े होते।

This Bill admittedly aims at curtailing liberty of the speech . . .

जैसा कि इसमें प्रजातन्त्र की हत्या करने के लिए और उसकी स्वाधीनता के ऊपर कुठाराघात करने के लिए यह बिल लाया गया है।

The right of speech and action and some of the provisions have certainly no precedents in the jurisprudence of any other civilised country.

संसार में कोई देश ऐसा नहीं है जहाँ पर इस तरह का काला कानून हो। जिस प्रकार का काला कानून हमारे देश में आ रहा है। श्रीमन् मैं अपने योग्य मित्र से पूछना चाहता हूँ कि काश्मीर के प्रश्न पर और पूर्वी प्रान्तों के प्रश्न पर आपने यह बान बतलाई कि वहाँ पर जिस प्रकार की इस समय स्थिति है उसकी वजह से हम इस प्रकार का कानून लाने के लिए बाध्यित हुए हैं। मैं आप से पूछना चाहता हूँ कि अभी हमारी प्रधान मंत्री जी काश्मीर गईं और उन्होंने वहाँ पर भाषण दिया कि काश्मीर का मामला हमेशा के लिए सुलभ गया है और उसको कोई चैलेंज नहीं कर सकता है तथा देश के साथ उसका भाग्य जुड़ गया है। लेकिन दूसरे ही दिन मौलवी फारूक ने इसके बारे में कहा कि प्रधान मंत्री की जो बात है वह गलत है क्योंकि काश्मीर का मामला अभी ज्यों का त्यों पड़ा हुआ है। क्या आपके पास कोई कानून नहीं था जिसके द्वारा आप मौलवी फारूक को पकड़ सकते। आपने उन्हें अभी तक नहीं पकड़ा क्योंकि इसमें लिखा हुआ है कि यह कानून काश्मीर पर लागू नहीं होगा।

श्री ओम मंहता : वहाँ पर दूसरा कानून मौजूद है।

श्री निरजन वर्मा : मैं वही निवेदन कर रहा हूँ और कृपा करके दो मिनट सुन लीजिये। कानून पास होते हैं और कानून के द्वारा प्रशासन चलाया जाता है, लेकिन देखा यह जाता है कि किसके हाथ में मजबूत है और किमके कमजोर

[श्री निरंजन वर्मा]

हाथ है। आपके कमजोर हाथ हैं। इस लिये अगर आपके हाथ में यह कानून आ गया और यह कानून बन गया तब भी हमारा विश्वास है कि देशद्रोहियों को इस कानून से कोई भी नुकसान नहीं होगा। उनके ऊपर आप के कानून का हथौड़ा नहीं चलेगा। जो भी इस कानून का भार होगा वह विरोधी पार्टियों को कुचलने के लिये उनके ऊपर पड़ेगा और आप अपनी कुर्सी पर हमेशा जमे रहें इसके लिए इसी का दुरुपयोग होगा। यही कारण है कि आज देश इस प्रकार के कानूनों का विरोध करता है।

हम आपसे पूछते हैं कि कनाडा में ब्रिटेन में और दूसरे स्थानों में देशद्रोहियों के लिए कानून है, लेकिन इन 23 वर्षों के बाद या तो आप कहिये कि आपके यहां देशद्रोही नहीं हैं और अगर आप यह कहते हैं कि आपके यहां भी देशद्रोही है तो सरकार को कौन से विच्छेदने काट खाया था कि आज तक सरकार यहां पर देशद्रोहियों के लिये कानून नहीं बना सकी। सरकार यही बताये कि कौन से विरोधियों ने मना किया था कि देशद्रोहियों के लिए जो कानून बनाया जायगा उसमें हम किसी प्रकार से बाधा डालेंगे।

हम कहते हैं कि इस प्रकार के कानून को लाने की कोई आवश्यकता ही नहीं थी। इसमें लिखा है कि स्टेट के विरुद्ध अगर कोई कार्य होगा तो इसका उपयोग होगा परन्तु हम पूछते हैं कि आपने मास्टर तारा सिंह के बारे में जो सुप्रीम कोर्ट ने रूलिंग दी 124 ए के बारे में उसका अध्ययन आपने नहीं किया। उसमें स्पष्ट बतलाया गया है कि अगर इस प्रकार कोई कार्रवाई की जाती है तो स्टेट के क्या अधिकार है। इसलिए मैं अपने योग्य मंत्रियों से प्रार्थना करूंगा कि 124 ए जो इंडियन पेनल कोड की धारा है उसका वे अध्ययन करें। उस की विद्यमानता में, मिनिमल प्रोसीजर कोड की धारा 107 से 110 तक और 151 की विद्य-

मानता में और इस प्रकार की दूसरी भी बहुत सी कानूनों की धाराएं हैं जिनमें आप किसी भी व्यक्ति को पकड़ सकते हैं। और पकड़ने के बाद आप उसके ऊपर मुकदमा चला सकते हैं। प्रश्न यह है कि यह सरकार मुकदमा चलाने से डरती है। मुकदमा यह सरकार इस लिए नहीं चलाना चाहती कि इस सरकार की जो मशीनरी है वह बहुत निकम्मी है, उसके पास एविडेस भी काफी नहीं इकट्ठा हो पायेगी। यह सरकार स्वयं अपनी मशीनरी को अपने हित के लिए उपयोग करना जानती है, लेकिन राष्ट्र के हित के लिये, समाज के हित के लिए, अपने प्रशासन के मुद्धार के लिए यह सरकार अपनी मशीनरी का उपयोग करना नहीं जानती। यही कारण है कि इस प्रकार के काले कानूनों पर इस सरकार को आश्रित होना पड़ता है।

श्रीमन्, इसके अतिरिक्त अभी जैमा कि मैंने निवेदन किया कि यह कानून के रूप में जो अध्यादेश आ रहा है देश भर में इसके विरुद्ध बहुत अधिक वातावरण बिगड़ने की आशका है। हम समझते हैं कि हमारी ट्रेजरी बेचेज के योग्य मित्र हमारी बात का समुचित उत्तर देंगे। उन्हें इस बात से शक्ति नहीं होना चाहिये कि अगर वह यह समझते हैं कि उनका यह सही कदम है या हमारे यहां पर जो देशद्रोही जिस प्रकार की गतिविधियों में भाग ले रहे हैं और जिनके कारण राष्ट्र का अहित होता है उन को रोकने में विरोधी दल कोई बाधा डालेंगे या अड़गा लगायेंगे। विरोधी दलों का किसी प्रकार से भी ऐसा प्रयास नहीं है लेकिन उनको इस बात की गारंटी देने के लिये तत्पर होना चाहिये कि इस प्रकार के कानून का भार विरोधी दलों पर जिस प्रकार से होता रहा है उसी प्रकार से नहीं होगा। इस बात के लिए हुक्मत जब तक गारंटी नहीं देगी तब तक लोगों के मस्तिष्क और सारी जनता के मस्तिष्क में इस प्रकार की विचार-धाराएं उत्पन्न होती रहेगी।

धारा 3 में पब्लिक आर्डर के बारे में बत-

लाया गया है। मैं अपने योग्य मित्रों का ध्यान इस ओर आकर्षित करना चाहता हूँ कि क्रिमिनल प्रोसीजर कोड में काफी ऐसी व्यवस्था का वर्णन है और बहुत सी धाराएँ उसमें ऐसी हैं जिनसे आप पीस ऐंड आर्डर स्थापित कर सकते हैं। जब यह बात है तब फिर नये कानूनों की, नये अध्यादेशों की और नई धाराओं की कोई आवश्यकता नहीं रहती। उसी प्रकार भेटीनेस आफ सप्लाइज एंड सर्विसेज एशोशियल टु दि कम्युनिटी की अध्यादेश में कोई व्यवस्थात्मक टिप्पणी होनी चाहिये थी कि आप क्यों ऐसा समझते हैं कि एशोशियल सप्लाइज और एशोशियल सर्विसेज से आप का मतलब उन्हीं से है जिनको आप ने समय-समय पर पहले प्रचारित किया है। तो एक टिप्पणी इसमें भी इस प्रकार की जोड़ देते ताकि जनता और कानून के समझने वालों की समझ में यह बात आ जाती कि आप का मतलब यह है। तो इस दृष्टि से यह अध्यादेश भी अधूरा है और अपूर्ण है। इसके साथ ही श्रीमन्, रौलट ऐक्ट ने जुडिशियरी के लिये कुछ मान्यता दी और अगर आप समझते थे कि जुडिशियरी को मान्यता दे दे या बोर्ड को मान्यता दे दे इस अंश पर भी अगर हम देखते हैं कि किसी आदमी को गिरफ्तार किया और उसके बाद उसके ग्राउन्ड आफ डिटेनशन दिये गये और उसके बाद उसका सारा केस बोर्ड के सामने रखा जायेगा। अगर यह होता तो भी इसे स्वीकार किया जा सकता है, लेकिन अगर सरकार अपने कारनामों में इतने नीचे गिर जाय कि पुलिस जमके बारे में साक्ष्य विधान की धारा 28 से 30-32 तक धाराएँ हैं कि वह अविवशनीय है, उनके सामने दिया हुआ कपेशन अविवशनीय होगा, उन सारी बातों को भुलाकर इस सरकार ने यह अधिकार कमिशनर फार पुलिस बम्बई, कलकत्ता, मद्रास और हैदराबाद को दिया इसको देखकर हम समझते हैं कि निश्चित रूप से सरकार अपने वचनों से गिर गई है और सरकार परम्पराओं को तोड़ रही है किला का काम एक्जीक्यूटिव से नहीं करना

चाहिए। वह पक्षपात कर रही है। इस सदन ने बार-बार एक्जीक्यूटिव और जुडिशियरी को अलग करने का यत्न किया, लेकिन फिर पुलिस कमिशनरों के अधिकार में यह बातें दे दी गयीं यह इस देश के लिये, इस देश की जनता के लिए और इस प्रजातंत्र के लिये, तीनों के लिए ही दुर्भाग्यपूर्ण बात है।

श्रीमन्, इसी तरह से उन्होंने यह लिखा है कि:

“When any order is made under this section by an officer mentioned in sub-section (2), he shall forth-with report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government.”

इसका तात्पर्य यह है कि गिरफ्तार व्यक्ति को 12 दिन तक तो हवालात में रहना पड़ेगा। इसके बाद ही उसके प्रकरण पर विचार होगा जब कि हमारे सचिवान की यह राय है कि किसी आदमी को गिरफ्तार करने के 24 घंटे के भीतर उसे मैजिस्ट्रेट के सामने पेश करना चाहिए और उस का तात्पर्य यह है कि किसी को इस तरह से हैरेसमेंट न हो। अगर शासन की कुदृष्टि किसी पर पड़ जाय तो बदला लेने की भावना से वह किसी को फसा सकता है। हमारे शासन की मनोवृत्ति इस प्रकार की हो रही है कि जिस प्रकार इंग्लैंड के राजाओं की हुई थी। उनका हाल सब कॉममून है। वहाँ पर हैबियस कार्पस किन दशाओं में लाया गया और उसके कारण ही एक राजा को फासी पर लटकाया गया था तब कही जा कर प्रजा को वह अधिकार मिला था। वही सारी कहानी क्या यह सरकार भारतवर्ष में भी दोहराना चाहती है? और मैं समझता हूँ कि जिन लोगों को बाहर के देशों में प्रजा के लिए लड़े गये

[श्री निरंजन वर्मा]

संघर्षों और लड़ाइयों में रुचि रही है वे यहां भी इस प्रकार प्रजातंत्र का गला घुटते देखना पसंद नहीं करेंगे और वे भी इस प्रकार प्रजा का गला घोंटे जाने के विरोध में होंगे। इसलिए मैं समझता हूं कि इस प्रकार का कानून नहीं आना चाहिए। इसके अलावा इसको बेलेबिल भी होना चाहिए। इसको काम्नीजेबिल आप रख लें इसमें हमको कोई एतराज नहीं है लेकिन इस प्रकार से किसी को जबरदस्ती रोक लें यह उचित नहीं है। इस प्रकार के आफेंसेज बेलेबिल होने चाहिए। यह कानून एक एक वाक्य में अक्षरा, अस्पष्ट और इतना भ्रामक है कि इस पर बहुत कुछ कहा जा सकता है लेकिन फिर भी हम समझते हैं कि हमारे मित्रों ने जिस अध्यादेश को जारी करने के लिए राष्ट्रपति महोदय को प्रेरित किया वह सर्वांश में निकम्मा है और उसको समाप्त कर दिया जाना चाहिए और उसको समाप्त करने के साथ जो यह बिल आया है उसके लिए भी मेरा निवेदन है कि उस को कानून नहीं बनाया जाना चाहिए, यही मेरी मम्मति है।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : May I point out—I did not want to interrupt Shri Niranjana Verma—that has spoken on the Bill? Right through one after another, he has quoted from the clauses. And this only points to the difficulty in separating the two. I, therefore, just wanted to bring this to the notice of the House, I think other hon. Members will also necessarily speak on the Bill. This is the position.

श्री निरंजन वर्मा : मैं अपने योग्य मित्र को उत्तर दिये देता हूं थोड़े शब्दों में उन्होंने जो कुछ कहा वह है, वास्तव में यह जो बिल है और यह जो अध्यादेश है इन दोनों का सबजेक्ट मैटर एक ही है और एक ही प्रकार से है और उनमें कोई विशेष शब्दों या वाक्यों का भी अन्तर नहीं है। ऐसी कोई बात नहीं है।

श्री के० सी० पन्त : यही तो मैं भी कह रहा हूं। आपके समझ में नहीं आया। यही तो हमारा भी रोना था।

श्री राजनारायण : श्रीमन्, पन्त जी ने जो आपके सामने एक एतराज कहिए या सुभाव कहिये दिया है . . .

श्री के० सी० पन्त : कुछ नहीं है, न सुभाव है और न एतराज है।

श्री राजनारायण : इस समय हम प्रस्ताव में सम्बन्धित हैं, आर्डिनैस, अध्यादेश का निरनुमोदन करने से, तो उसमें क्या बात नहीं है जो कि वर्मा जी ने कही! जब बिल आयेगा तो देखा जायेगा।

श्री उपसभापति : उनका मतलब यही था कि अध्यादेश और बिल एक ही है।

श्री राजनारायण : हम क्या करें, हम बिल का निरनुमोदन तो कर ही नहीं सकते, हम तो अध्यादेश का निरनुमोदन कर रहे हैं। अध्यादेश में वह बातें हैं। अगर अध्यादेश निरनुमोदित हो जाता है तो फिर देखेंगे कि बिल पर कब विचार करते हैं चौथे या पांचवें दिन।

श्री महावीर त्यागी : बिल तो फिर भी आ सकता है।

श्री एस० डी० मिश्र (उत्तर प्रदेश) : श्रीमन्, यह बात सही है, जैसा कि माननीय मंत्री ने कहा कि विधेयक पर और इस प्रस्ताव के ऊपर विचार करने पर कुछ बातें ऐसी आयेगी जो कि बराबर मिली जुली होगी और आर्गुमेंट्स भी बिल्कुल कामन हो सकते हैं, यह अनएवायडेबिल है। यह मैं मानता हूं कि यह है। लेकिन इससे, जैसी कि सदन में चर्चा हुई, जैसी कि सदन में मांग हुई, लोगों को कुछ टाइम मिल जाता है, एक होता है और फिर दूसरा होता है तो परिस्थिति दूसरी होती है।

इसलिए भी दोना बहुत जरूरी था। वह तो हुई बात।

अब यह प्रस्ताव जो आइवाणी जी ने प्रस्तुत किया है और अभी वर्मा जी ने जो सबध में चर्चा की उस पर यह बात है कि सचमुच में यह तो सही है कि 7 मई को यह अध्यादेश आया और यह कुल 17 दिन पहले आया जब कि सदन मिलने वाला था और सदन के मिलने की नोटिस सदस्यों को दे दी गई थी, सदस्यों को सूचना दे दी गई थी कि 24 तारीख को राज्य सभा मिलेगी और इस तारीख को लोक सभा मिलेगी। यह नोटिस माननीय सदस्यों को मिली हुई थी तब 7 मई को इस अध्यादेश को जारी करना कहां तक उचित है, कितना ही जरूरी हो वह तो एक बात है कि उस विषय पर मैं हो सकता है कि सरकार से कुछ अंश तक सहमत होऊ लेकिन जिस तरीके से इन्होंने किया, जिस समय किया, वह सचमुच में निन्दा की बात है। और किस तरह से किया। आज प्रिवेटिव डिटेनशन का कानून है जिसका कि नाम ही आपने बदल दिया—मेनटेनेंस आफ इंटरनल सेक्योरिटी बिल।

श्री राजनारायण : इसको प्रिवेटिव डिटेनशन मत कहिए।

श्री एस० डी० मिश्र : इनका मतलब तो वही है। प्रिवेटिव वर्ड आलरेडी कास्टीट्यूशन में है। वह जवाब देगे—व्हाट इज देयर इन दि नेम—नाम में क्या है, अर्थ वही है। लेकिन बहरहाल इन्होंने ऐसा किया कि इस अध्यादेश को जारी किया केवल 17 दिन पहले। पता नहीं कि 17 दिन पहले कितनी बड़ी इमरजेंसी थी। केवल पाकिस्तान की बात करते हैं कि बार्डर पर चल रहा था तो उसके लिए एक्ट्स आलरेडी है, एसपायनेज एक्ट है, फारेनर्स एक्ट है।

श्री महावीर त्यागी : उसके अनुसार कोई एक्शन तो नहीं लिया।

श्री एस० डी० मिश्र : अभी उस बात पर आता हूं, एक्शन की बात बाद में आयेगी तो उसकी इतनी बड़ी आवश्यकता नहीं थी और अगर आवश्यकता थी तो माननीय मंत्री जी यह बता दें कि 7 मई के बाद आज तक या कल तक जब कि यह जवाब दें तो कितने फारेनर्स या कितने लोगों को इसके अन्दर पकड़ने की जरूरत पड़ी। क्या इमरजेंसी, कौन सी इमरजेंसी पड़ी थी।

और श्रीमन् सब से दुखद बात तो यह है कि जब सरकार कमजोर रहती है तब तो कोई भी साधारण से साधारण कानून पर अपोजीशन के नेताओं से बात करती है, हमेशा यह करती है लेकिन जरा सी ताकत आई, जैसा कि मैसिव मेजारिटी जो इनका बर्ड है, चुनाव में आ गए, ठीक है आ गये...

श्री ब्रह्मानन्द पांडे : आपको दुख है।

श्री एस० डी० मिश्र : नहीं, हमें नहीं है। दुख है क्योंकि वह, पडा जी, फ्लोर क्रास करके उधर चले गये हैं। हमें तो दुख है, पडा जी तो दूसरे दल में थे, कूद कर उधर अड्डे में चले गए। (Interruption) मेहरबानी करके इंटरप्ट न करें, मुझे सुनें।

तो मैं यह कह रहा था इस सम्बन्ध में, 7 मई को यह हो सकता था—इतना यह विधेयक महत्वपूर्ण है, जीवन और मरण का सवाल है, कास्टीट्यूशन में एक अपवाद के रूप में अधिकार सरकार को दिया गया इमरजेंसी के समय, तो इन्टर्नल सेक्योरिटी को बहुत बड़ा डेन्जर हुआ और यह कानून बना कर लागू किया सरकार ने, 7 मई को आपने—एकदम से, जैसे नशे में चूर होते हैं आप ताकत से नशे में चूर हो गए, एक भी अपोजीशन वाले को कन्सल्ट नहीं किया, हम लोगों पर तो आपकी निगाह खराब है, हमसे न भी पूछा लेकिन यहाँ तो जिनसे चोली और दामन का साथ है जो कम से कम एक दो दलों से तो रहा है—कम्युनिस्ट पार्टी से

[श्री एस० डी० मिश्र]

रहा है, डी०एम०के० से हो रहा है—अब थोड़ा बिछड़ाव हो रहा है, उन सब को कन्सल्ट नहीं किया .

श्री ओम मेहता : हम आपके साथ जा रहे हैं ।

श्री एस० डी० मिश्र : हमारे साथ जा रहे हैं, यह नहीं मालूम, मेरा पॉइन्ट यह है कि इतने नशे में चूर आप हो गए कि उनको तक नहीं बुलाया । एक समय था, पिछले साल तक, और हमने वह भी दयनीय कहानी देखी कि कोई भी बात हुई तो भूपेश गुप्त चैम्बर में बैठे हुए हैं—कम से कम भूपेश गुप्त, कोई और नाम न लू जो हो. . .

श्री राजनारायण ले लीजिए ।

श्री एस० डी० मिश्र : अब नहीं । राजनारायण न उस समय थे न अब हैं । भगवान जाने आगे होंगे कि नहीं ।

श्री ओम मेहता हमारे लिए तो हैं ।

श्री एस० डी० मिश्र : अच्छा है, आप उन से साथ हो जाइए । तो श्रीमन्, मैं यह कह रहा था कि किसी विरोधी दल में कोई चर्चा तक नहीं हुई । और चर्चा क्यों जरूरी थी ? ऐसा विषम बिल आप लाए हैं जिसमें कि बड़ा मतभेद है, अपोजिशन में मतभेद है और अगर मैं कहूँ, आपका बिल न चले तो कांग्रेस (आर) में बहुत मतभेद है ।

श्री ओम मेहता : नहीं, कोई मतभेद नहीं है कांग्रेस (आर) में ।

श्री एस० डी० मिश्र ओम मेहता जी जरा उनकी पार्टी के जो मेम्बर हैं लोक सभा में, श्री नहट्टा, उनकी लोक सभा में दी गई स्पीच पढ़ ले । मैंने पढ़ लिया, इसलिए कहता हूँ । मेरी स्पीच कम बिटर होगी । उन की स्पीच

पढ़ ले, वह अभी कांग्रेस (आर) के हैं । उनकी स्पीच लोक सभा में और बिटर हुई है । उनकी स्पीच को आप देखिए कि किस तरह से उन्होंने इसका विरोध किया । अब वह बात दूसरी है कि कुछ लोग वहाँ हैं कांग्रेस (आर) में कम्युनिस्ट विचारधारा के । वह बात दूसरी है, उस से हमारा मतभेद उनके साथ रहना है और वह एक मुख्य कारण था कि कांग्रेस का स्प्लिट हुआ । लेकिन खास तौर से जब इतनी मामूल्ह मैजोरिटी के साथ गवर्नेट आई है, जब इसको अपने बहुमत में शक नहीं है, तब तो कम से कम यह चाहिए था कि विरोधी दलों से बात करती । बात यही तक नहीं करते कि यह बिल जो ला रहे हैं यह मेटेनेन्स आफ इन्टर्नल सेक्योरिटी के लिए जरूरी है बल्कि एक एक बलाज पर बात करते । आज मैं साफ कहना चाहता हूँ, कम से कम हमारी पार्टी की नीति यह है कि ऐसे कानून हो सकते हैं जरूरी हो आज की दशा में । ऐसे कानून जब कि ऐसी पार्टी है जो कि संविधान को तोड़ना चाहती है, जो कि नक्सलइट्स को लाना चाहती है, जरूरी हो सकते हैं, फिर भी इस बात की जरूरत थी कि जो दफाये एक, दो, तीन, चार, दस आप लाए हैं, उन पर कम से कम विचार हुआ होता । मेरे मन में आता है कि मैं इस बिल का समर्थन करूँ लेकिन जब बिल के अध्यादेश को देखता हूँ, एक एक बलाज को देखता हूँ, तो लगता है कि न करूँ । आज स्थिति यह होती है जिसको कहते हैं—बिटवोन द डेविल एण्ड द डीप सी । आज अगर सरकार इस अध्यादेश के बिल का समर्थन चाहती थी तो उसका फर्ज था कि अपोजिशन को इसमें अपने साथ लेती, एक एक प्राविजन में साथ होता और पिछला इतिहास बताती कि किस तरह से हमने इसका उपयोग किया है किस तरह से उपयोग सही हुआ है । हम शायद कहते कि सेन्ट्रल ऐक्ट की जरूरत नहीं है, हम शायद यह कहते कि सब स्टेट्स में यह नियम लागू है, केवल 3 राज्यों में यह नियम लागू नहीं है, वह

हे गुजरात, पंजाब और आसाम। गुजरात और पंजाब में आज रेजीडेंट कूल है और आप वहां पर फौरन ला सकते थे और इसका वहां पर प्रोवलेमेशन कर सकते थे। आपकी आसाम में मैजोरिटी है, अगर इस कानून को वहां पर ला सकते थे।

एक माननीय सदस्य : वहां पर फखरुद्दीन जी है।

श्री एस० ई० मिश्र : यहां पर किसी के नाम लेने की जरूरत नहीं है। आप इस कानून को वहां पर फौरन ला सकते थे और बिना सेंट्रल ऐक्ट लाएं शायद आपकी मन्शा पूरी हो जाती। मगर आप यह तर्क देंगे कि हमको यूनीफार्मिटी चाहिये। इस तर्क में पन्त जी गूढ़ व्यक्ति है। वह क्या तर्क देंगे। वे तर्क देंगे कि हमें सब जगह पर यूनीफार्मिटी चाहिये। मैं यह पूछना चाहता हू कि इस कन्ट्री के अन्दर कहा कहा यूनीफार्मिटी लायेगे। वे कहते हैं कि हम प्लान में यूनीफार्मिटी लाना चाहते हैं, एडमिनिस्ट्रेशन और सां कन्ट्री के ला में यूनीफार्मिटी लाना चाहते हैं। लेकिन मैं यह निवेदन करना चाहता हू कि हमारा एक बड़ा देश है और उस में तरह तरह की विचारधाराये हैं तो फिर यूनीफार्मिटी लाने की क्या जरूरत है। तो हम लोग इस पर विचार करते। बहुत सी बातें ऐसी हैं जिसके बारे में हम उस समय माननीय पन्त जी से पूछने, मन्त्री जी से पूछते, प्रधान मन्त्री साहिब से पूछते कि इसके अन्दर जो आपने 1969 तक लागू किया है, क्या कोई पोलिटिकल बर्रर पकड़ा गया? क्या कुछ अपोजीशन के लोग केवल इसलिए पकड़े गए कि वे आप से आई टु आई नहीं देखते थे। क्या आप हमें आश्वासन दे सकते हैं कि इस बिल में कौन सी धाराओं को हटायेगे और कौनसी धाराओं को बढ़ावेगे?

आपने देश के अन्दर एक नया नारा 'गरीबी हटाओ' का दिया है, अगर आप गरीबी नहीं

हटा सके 6 महीने के अन्दर और उसके बाद हमने इसके खिलाफ आन्दोलन किया तो क्या उसके लिए आप हमें नहीं पकड़ेंगे? हम इसके लिए चर्चा करते, इसमें प्राविजन करवाते, लेकिन आपने इसके बारे में कोई मौका नहीं दिया। आपने यह किया 'छोड़ो या ले लो।' लीव इट और हैव इट। डू और डाई। इस तरह से आपने एक बिल लाकर रख दिया। आपने यह भी अधिकार नहीं दिया कि इसके बारे में हर साल चर्चा हो। स्वर्गीय सरदार पटेल के जमाने में जब प्रिवेन्टिव डिटेन्शन ऐक्ट था तो हर साल पार्लियामेंट में आकर उसकी सैक्शन ली जाती थी। आपको शायद यह बात भी याद नहीं है, लेकिन जो यह बिल है उसकी कम से कम अपने जमाने तक तो सीमित रखते, चार साल तक करते, तीन साल तक करते, दो साल तक करते और हर दो साल के बाद पार्लियामेंट के सामने रिव्यू होता, चर्चा होती कि क्या इसका दुरुपयोग हुआ है और क्या इस का उपयोग हुआ है। कौन नागरिक इस देश में ऐसा होगा जो यह चाहेगा कि इस देश की इन्टरल सिक्योरिटी खतरे में हो, कौन नागरिक ऐसा होगा जो यह चाहेगा कि जो पाकिस्तानी स्पाईज हैं, जो विदेशी स्पाईज हैं, वे हमारे यहां जासूसी का काम करें। लेकिन मैं आपसे पूछना चाहता हू कि आपने कितने लोगो को पकड़ा है जबकि आपके पास जगह जगह स्टेट्स में ऐक्ट्स हैं?

आप यह भी बतलाइये कि आपने इस ऐक्ट का दुरुपयोग तो नहीं किया? मुझे तो अपने प्रदेश के बारे में याद है उस समय काफी हन्ला गुल्ला हुआ था और यह कुछ वर्षों की बात है। श्री शिव्वन लाल सक्सेना जो हमारे लोक सभा के सदस्य हैं, उन्हें गोरखपुर में इस कानून के तहत गिरफ्तार कर लिया गया था जबकि वहां पर शूगर फैक्टरी में स्ट्राइक हुई थी। उन्होंने उसमें भाग लिया और वे पकड़े लिए गए। आप इसको उपयोग कहेंगे या

[श्री एस० डी० मिश्र]

दुरुपयोग कहेंगे। मुझे वह भी याद है जब हैदराबाद में एन०जी०ओज० की स्ट्राइक हुई थी तो उस समय ब्रह्मानन्द रेड्डी की सरकार ने वहाँ के कर्मचारियों को पकड़ लिया था। अगर हम से पूछा गया होता तो हम इस विधेयक बनाने के पहिले जो प्रिसिपल्स हैं उनको स्वीकार करते। इस सम्बन्ध में पार्लियामेंट में एश्योरेसेज होने चाहिये थे। हमें मिनिस्ट्रो के जवानी एश्योरेसेज नहीं चाहिए क्योंकि उनके जवानी एश्योरेसेज कितने दिन रहेंगे। आज वे मिनिस्टर हैं तो कल नहीं है। मिनिस्टर तो ऐसा लगता है कि हर सीजन में मिनिस्टर बदलने वाले हैं। आज मिनिस्ट्रो के कोरे आश्वासन से काम नहीं चलेगा जब तक कि वे आश्वासन स्टैंड्यूट बुक में नहीं आ जाते हैं। तो हमारी शिकायत यह है कि पोलिटिकल वर्क्स, ट्रेड यूनियन लीडर्स और पोलिटिकल पार्टिज के साथ केवल मतभेद होने के कारण आप इसका दुरुपयोग नहीं कर सकते हैं। हो सकता है कि आप इसका दुरुपयोग करें। "आप" शब्द का जब मैं इस्तेमाल करता हूँ तो श्री पन्त जी और दीक्षित जी के लिए नहीं करता हूँ। आप कहाँ आते हैं इसमें। आपने तो अपने अधिकार अब एडीशनल मजिस्ट्रेट तक को दे दिये हैं। डिस्ट्रिक्ट मजिस्ट्रेट की एडवाइजरी कमेटी होगी और उसमें जज भी होंगे। आप जानते हैं आजकल जज के क्या क्वालिफिकेशन्स हैं।

10 ईयर्स एक्सपीरिएंस वाले अगर वकील लोग हैं तो वे जज हो सकते हैं। किसी की बेइज्जती करने का हमारा मतलब नहीं है। लेकिन आज इस कट्टी में इतने ब्रीफेल्स लायर्स मौजूद हैं जो कि बीस-बीस वर्ष कालात करके बैठे हैं। किसी को अगर पोलिटिकल मोटिवेशन में एडवाइजरी कमेटी में डाल दिया गया तो लायर्स की एक पार्टी नहीं है, उनकी भी पार्टियाँ हैं। वे कांग्रेस (आर) में हैं, इसमें हैं, उसमें हैं। जैसा आज कारपोरेशन्स में हो रहा है, पब्लिक

सेक्टर अडरटेकिंग्स जो बन रही हैं, उनमें हमको शिकायत नहीं है। शिकायत यह है कि कारपोरेशन्स बनती हैं कांग्रेस (आर) को फीड करने के लिये, हारे हुये लोगों को फीड करने के लिए, इनफिशिएंट व्युरोक्ट्स को फीड करने के लिये। तो अगर इस तरह की बात उसमें आई और इसी तरह से कमेटी बनी और इसमें उन्हीं लोगों को रखा गया जो कि जज हो सकते हैं और जज हो सकने की क्वालिफिकेशन केवल 10 वर्ष की कालात है तो इस कट्टी में काफी लोग हैं, कुछ नहीं हजारों आदमी ऐसे हैं जो यह क्वालिफिकेशन रखते हैं। अगर हम से सलाह ली गई होती तो हम शायद सलाह भी देते कि नहीं, इसमें रिटायर्ड जजेज को रख दो, इसमें कुछ ऐसे लोगों को रख दो जो इस काम को कर चुके हैं। लेकिन आपने बात नहीं सुनी। आपका तो यह तरीका ही नहीं था। आज हम कहते हैं चूँकि हमारे दिल में चिन्ता है, हम चाहते हैं कि इस तरह के सिक्वोरिटी विल्स कुछ न कुछ देश में होने चाहिये। लेकिन इसके तरीके के साथ हम बिल्कुल सहमत नहीं हैं। आप तो पर्मानेंटली इसको स्टैंड्यूट बुक पर रख देना चाहते हैं। आप देखिये कि एक जमाना था जब 1950 में इस तरह का एक बिल पटेल साहब लाये थे तो साल भर के लिये लाये थे। आप कम से कम इतना ही कहते कि हम हर साल इसको रीव्यू करेंगे, आप कहते कि दो वर्ष तक के लिये चाहिये। आपने सिलेक्ट कमेटी में भी इसको नहीं भेजा। तो आप अपनी मेजारिटी का दुरुपयोग मेहरबानी करके इस तरह से न करें, इस देश का उपहास न करें। मेजारिटी किसी की आती है तो चली भी जाती है। आपकी भी चली जा सकती है। हो सकता है और भी मिले। भगवान करे मिले। न मिले यह दूसरी बात है, यह जनता पर मुनहसिर है। लेकिन मैं यह समझता हूँ कि आप जिस तरह से अध्यादेश लाये वह एक अच्छी बात नहीं थी क्योंकि आपने उस पर हमको विचार करने का मौका नहीं दिया। आपको अधिकार देते

हमको डर लगता है, बहुत डर लगता है। किसी सरकार को अधिकार देने में हमको आपत्ति नहीं होनी चाहिये। खस कर हमारी पार्टी का यह रुख है कि इस तरह के अधिकार आपको मिलने चाहिये। लेकिन आपने बंगाल में देखा कि वहाँ यह कानून तो था, आपकी सरकार थी, प्रेसिडेंट रूल था, आपने क्या करामात करके वहाँ दिखाया। वहाँ रोज मर्डर्स होते हैं, लेकिन आपने उसका उपयोग नहीं किया। बल्कि लोग कहते हैं कि प्रेसिडेंट्स रूल में वहाँ ज्यादा मर्डर्स हुये। हम लोगों को आप काफिडेस में लेते लेकिन आपने यह भी नहीं किया।

आपको अधिकार दिये गये थे आल इंडिया रेडियो के। आपने एक कमेटी बनाई और उस कमेटी ने यह रिक्मेडेशन की कि ए० आई० आर० और टेलीविजन का एक कारपोरेशन हो। उधर मैं ज्यादा नहीं जानूँगा कि किस प्रकार का दुरुपयोग आप उसका कर रहे हैं। लोग कहते हैं कि यह श्रीमती गांधी की विक्टरी नहीं है, यह तो रेडियो की विक्टरी है। हम करते हैं तो आप हमें ही प्रतिक्रियावादी बतलाते हैं। क्या प्रगतिशीलता की निशानी है और क्या प्रतिक्रियावादी की निशानी है। मनु भाई शाह जी यहाँ थे तो प्रतिक्रियावादी थी और अब आप के साथ बैठ गये तो प्रगतिशील हो गये। आप देखिये कि आप की डेफिनीशन क्या है।

(Interruption)

श्री ए० जी० कुलकर्णी (महाराष्ट्र) : नखरे क्यों करते हो आ जाओ न इधर।

(Interruption)

श्री एस० डी० मिश्र श्रीमन्, अखबारों में मैंने देखा था कुछ हफ्ते पहले की बात है बदरहुजा, जो 75 वर्ष के है वह पकड़े गये। मैं उनकी सफाई नहीं कर रहा हूँ, लेकिन मैं एक दूसरी बात कह रहा हूँ कि आप देखें कि कितना डिस्क्रिमिनेशनरी गज आफ पावर्स है। मुझे मालूम हुआ कि प्रिवेटिव डिटेशन के अंदर उन

को पकड़ लिया गया और मुझे यह भी मालूम हुआ है कि जिस रिपोर्ट के आधार पर यह पकड़े गये हैं उस रिपोर्ट में कांग्रेस (आर) के एक वर्तमान मिनिस्टर भी शामिल है। उस रिपोर्ट के अन्दर उनका भी नाम है, लेकिन वह पकड़े गये। जिस डाकूमेंट के आधार पर श्री बदरहुजा पकड़े गये हैं उस डाकूमेंट में वेस्ट बंगाल की कांग्रेस (आर) के एक मिनिस्टर का नाम भी है और वह नहीं पकड़े गये। क्या यह बान सही है? हो सकता है कि मेरी इत्तला गलत हो। हमारे पत जी बतलायेंगे कि यह बात सही है या नहीं और फिर मैं उनको यह सलाह देता हूँ कि आप जम्मू काश्मीर को बगमें अलग क्यों किये हुये हैं? जवाब में हमारे पत जी कहेंगे कि कास्टीट्यूशन की धारा 9 इसको अप्लीकेबिल नहीं होने देती, तो आप रद्दी कानून लाने के लिए तो हाउस में ले आते हैं हम लोगों को, आप प्रिवेटिव डिटेशन का कानून बनवा ने के लिए है जिसका इतना विरोध हो रहा है, लेकिन जिसमें जनता की मांग है कि तमाम जम्मू और काश्मीर में वही सारे कानून हों कि जो हमारे देश में लागू है तो वह आप नापसंद करते हैं और उसके लिए कोई कानून लाना नहीं चाहते, क्यों? तो मेरा निवेदन यह है कि विरोधी दलों से उसकी तमाम बातों पर छानबीन करें और सारी बातें कर लें, कुछ डिसएग्रीमेंट हो जाय तो ऐसा बिल लाया भी जा सकता है, लेकिन यहाँ तो कोई एग्रीमेंट ही नहीं है। अब हमारे सामने आप्शन क्या है कि या तो हम इसको सपोर्ट करें या बिल्कुल विरोध करें।

एक माननीय सदस्य सपोर्ट करने की इच्छा हो रही है।

श्री एस० डी० मिश्र मेरा मन आपके पास नहीं, मेरे पास है। मन में होता है कि इटरनल सेक्योरिटी की बात है, फारेनर्स की बात है, इस्पाइनेज की बात है, इसको सपोर्ट करें, लेकिन जब बिल के प्राविजन्स देखते हैं, उसमें एक तरफा बातें देखते हैं

[श्री एस० डी० मिश्र]

तो ऐसा लगता है कि आपने इसमें बिलकुल नालायकी की है। आप अपने फर्ज से च्युत हुए हैं, आप अपनी जिम्मेदारियों से च्युत हुए हैं, आप अपनी जिम्मेदारी को निभाये नहीं है।

SHRI A. G. KULKARNI : Why create bitterness ?

SHRI S. D. MISRA : I am expressing my opinion फिर हम लोग शायद अध्यादेश लाने के पहले आप लोगों को सलाह देने कि हाउस होने वाला है, आप उसमें बिल लाइये। आपने देखा होगा कि 20 वर्ष से यह सरकार चल रही है और सेलेक्ट कमेटी में किसी बिल की हो, आपका प्वाइंट आफ व्यू स्वीकार हो ही जाता है। आपको सेलेक्ट कमेटी के सामने बिल लाने की बात नहीं सूझी थी। यह एक बहुत गंभीर सवाल है और जहां तक इन्टरनल सिक्योरिटी का सवाल है, उसमें हम आपके साथ हैं, लेकिन मेहरवानी करके तमाम उन बातों की जितनी आपसे हमने चर्चा की है, उन पर आप चिन्तन करें कि आप किधर जाना चाहते हैं। आप डेमोक्रेसी में डिक्टेटोरियल एटीट्यूड नहीं ला सकते। आपका एटीट्यूड यह है कि आप कहें जाय डेमोक्रेट और काम करें डिक्टेटर के। अगर डेमोक्रेसी में भी यही बात रही कि आप जो चाहे करें तो सही बात यह है कि आप सदन को भग कर दीजिये और 365 वहां के और 100 वहां के सारा काम करें और बीच में इवाल्वमेंट होने दे तमाम विरोधी दलों का। और हमने अपनी पार्टी का एटीट्यूड आपके सामने रखा। इस प्रस्ताव के सम्बन्ध में मुझे केवल इतना ही कहना है कि जो यह प्रस्ताव आया है वह ठीक होते हुये भी हम उसका समर्थन शायद न कर सकें, लेकिन मुझे दुःख है कि जो प्रस्ताव जिस तरह से पन्त जी लाये हैं और जो अध्यादेश लाये हैं, उसका समर्थन हम उसी प्रकार नहीं कर सकते।

MR. DEPUTY CHAIRMAN : I have to inform Members that I have got a very long list of the intending speakers with me. . .

SHRI A. G. KULKARNI : But they are not here.

MR. DEPUTY CHAIRMAN : Of course, we have decided that we have to complete both the measures by 6 P.M. on Friday. There is no doubt about that. If we stick to the schedule then we have to cut the list and we will not be in a position to allow some hon'ble Members to speak. So if the House agrees we can sit for one extra hour today so that we can accommodate some other Members. . .

SOME HON'BLE MEMBERS No, no.

SHRI A. G. KULKARNI : You call out the names of the Members who are not present and strike them out. We can sit only up to tomorrow. We cannot sit upto Friday or Saturday.

SHRI N. G. GORAY (Maharashtra) : May I suggest one thing ? The arguments against this Ordinance and against this Bill will be the same. So let the parties decide. Let hon'ble Members speak either on this or that.

MR. DEPUTY CHAIRMAN : Parties are speaking on the Bill as well as on the Resolution.

SHRI S. D. MISRA : The same speakers may not be repeated. We agree with Mr. Goray that the same speakers should be avoided on the two. At least our party will stick to that.

SHRI K. C. PANT : Unfortunately the Minister has to be the same.

SHRI BALACHANDRA MENON (Kerala) : Sir, I am a very unhappy man today. I never expected that I would have to be with friends with whose politics I never agree. Even then adversity makes strange bed-fellows. Today we are together because we know what is in store for us. I want to make it very clear that this Ordinance is the worst that you can ever dream of, and it is unfortunate that you should have persuaded the President to

bring an Ordinance when the Rajya Sabha was going to meet again. Before the Rajya Sabha could have met, seventeen days before that you brought the Ordinance and, unfortunately, by a President who was a trade unionist, who worked along with us. It is a very unfortunate thing that you should have made him do this very bad act, a very unfortunate act.

As one who had been several times jailed from the British period onwards, I do not believe you even if you were to say that this is not going to be against political workers. It is going to be against political workers, there is no other way. This is intended only for them. After such a massive victory that you had. . .

SHRI K. P. SUBRAMANIAM MENON : Only they say.

SHRI BALACHANDRA MENON : This is a fact you cannot deny. After the victory that you had and the awakening that the people had, was there any necessity for this? I do not think our politically awakened masses would allow any disruptive activities. Wherever there is awakening, disruptive activities cannot take place.

This country has for the first time awakened to a new consciousness. It is at this time that you are trying to disrupt the unity of the masses down below, disrupt the unity of the democratic forces that would have helped you to go forward and build up a new big democratic frontier. You have failed. Why should you have failed you have to analyse.

You have been speaking about a certain democratic programme. People were prepared to wait for you. People will again wait for you, but you have failed to inspire them you are now afraid of them.

Therefore, you are turning
4 P.M. against them. You want to frighten them. You want to disrupt them. That is the very class character of this Government, and it will be like that. It promises, but when the masses move it gets frightened. The bourgeois never forgets his class. And that is how you will react. We know it. Therefore, I want to explain why I am opposing it. I am opposing it because it is against our democracy. I am opposing it because it weakens our democracy. I am opposing it because the

masses who are awakened will be beaten up by you and our democracy will become again a sham democracy. The peace that you want to maintain in this country will be the peace of the grave. I do not want it. I want healthy democratic traditions to come up.

SHRI K. C. PANT : Is he opposing the Resolution?

SHRI BALACHANDRA MENON : Please hear me. I am opposing the Ordinance. I am disapproving it. That is what I am saying. Unfortunately he cannot understand. He still thinks that just because he is there, this Act or this Ordinance will help him.

SHRI MAHAVIR TYAGI : You will be arrested as soon as you go out.

SHRI BALACHANDRA MENON : My erstwhile friends, very many of them, were with me in the mass movement against the British Government when we were fighting for independence. Some of them with me even inside the party. Though you have changed your place, I can tell you, you cannot in any way frighten the people whom we have all helped to get awakened. The people have understood their rights now. You have not won. It is the people who have won. You do not know that. I would like to quote a famous Sanskrit sloka : *nimitha matra bhava sayya sachi*. What are you? You are nothing. If Madame Indira Gandhi thinks that she is changing the whole society, she is not. The people are doing it. They are trying to make you the instrument. And if you fail, you will go and another instrument will come. You forget that. You have not understood what you are. You have not understood the democratic masses. And you want to threaten them.

Last year you thought of such a Bill. But you didn't dare to bring. You had to depend on us at that time. That is a fact. You had to withdraw it. Now just because you have got the mandate, or you seem to think you have got the mandate, as my friend says, you think you can turn round. No, it will not be allowed. Sir, in 1940, when I first went to jail I was with some of my Congress friends inside the jail. Mr. Pant was telling the House the other day that it would not be used against the demo-

[Shri Balachandra Menon]

cratic masses or their leaders or the people. I was there in jail along with Pattabhi Sitaramiah, with Kamaraj Nadar, with Madhava Menon, who afterwards became the Home Minister ; I was with them.

SHRI A. P. CHATTERJEE : That is why you have been spoiled.

SHRI BALACHANDRA MENON: After that, when the working class began asking for higher dearness allowance which they never had during the British period, when the strikes started, Madhava Menon who was the Home Minister detained me along with others. I was in jail for two years under British rule and then again I was detained immediately by the very room-mate of mine.

SHRI CHITTA BASU : Jail-mate.

SHRI BALACHANDRA MENON : Jail-mate and room-mate ; we were in the same room in the jail. And he was my friend ; he knew me. So even if Mr. Pant were to tell me that it is not directed against the people who are leading the mass movement, how can I believe him ? A much closer friend had behaved that way when he was in power.

SHRI K. C. PANT : How well did he know you ?

SHRI BALACHANDRA MENON : He knows me from my boyhood days. We had been together in jail for two years. It was not just coming and going as we do here. It was something more than that.

SHRI BHUPESH GUPTA : Just one interruption. In this connection I am reminded of the story. One day Mr. G. B. Pant, his father, told me, "Bhupesh Gupta, I am thinking of renovating the Tihar Central Jail and building a modern jail." I said, "Do it, we shall all support you because we shall never be in it. Therefore, you are quite right about the jail expansion and renovation. You are quite right, you will be there and we will not be there."

SHRI BALACHANDRA MENON : So, whenever there was difficulty in the Government from 1942 or so till 1954—they

never had a strong Government in Madhya Pradesh for a long period—and whenever they felt weak, the first people to be attacked were we because there would be some working class action somewhere. So we will be attacked. I can tell you, during such period when the then Labour Minister—I shall not mention his name—wanted that the blackmarketeers in Madras should be curbed—and Shri Annamalai Chettiar, Shri Alagappa Chettiar, Shri Murugappa Chettiar, all these great people were caught redhanded for blackmarketing—we were the people to go inside the jail and not they. When the NGOs moved into action, Mr. M. R. Venkataraman and I were the people to be detained and nobody else. And there was another time when we were inside the jail and my detention warrant had expired and when I managed to escape from the jail as my detention warrant had expired, my friend declared me as an absconder with a price on my head. Of course, there were people who gave me shelter. Apart from the working class there were people among the Congress men also who gave me shelter : ex-Ministers, prominent Congress leaders did it because they did not expect. . . (Interruption) You have a split mind even now. I know that many of you feel that this is wrong. You know it. You have been feeling it. The Minister orders the arrest the ex-Minister gives me shelter. This has been so, it will be so, because you know you are doing a wrong thing. You know all the charge sheets contain the charges of murder, arson, looting, etc. I was never convicted for any offence. Every time this bit of paper will contain the same thing which was handed down by the British. . .

SHRI CHITTA BASU : Cyclostyled paper.

SHRI BALACHANDRA MENON : Yes, a cyclostyled paper, a huge document. Such documents will be there about many of you too. I do not know how many of you had such charge sheets there. Some friends have them. I know their past. Many of those people are now your Ministers. But unfortunately the District Magistrate will not go through your papers, but mine, Mr. Panda and his son. This old bureaucrat who gets old papers goes through them the danger is there, he orders arrest on the basis of the papers before him because that is their method. You have not changed a

bit. The same old fellows are there. The same old papers are there. The same old files are there. You will arrest those people against whom all those things are written and kept in the file. . .

SHRI CHITTA BASU : Only names are to be included.

SHRI BAIACHANDRA MENON : Even names are there except of those who have crossed over ; their names will not be there. Now I want to say one thing. You say this is going to safeguard the country from the political disturbances that are taking place. How many Naxalities have you been able to find ? Where are they ? Who are they ? They might be in your house ; it might be your brother or your son or it may be anyone among your family because none of us knows what the young boys think these days. We will not know anything about them. You cannot do anything about people whom you do not know. They have no history sheet. This legislation cannot get at those people. Then why bring it ? You are bringing it to see that those people whom you know—and who discuss with you, we are not out of bounds as they are—are not left free ; you are trying to get at us, you are trying to attack us for political reasons.

So, what is it now ? This Ordinance has peculiar clauses. If it is defence of India, I have no objection. But there is another one "relations of India with foreign powers." Yes, there are foreign powers which are unnecessarily interfering with us. We do not approve of what they do. Speaking about relations, I will say that our relationship with the Commonwealth will have to be broken. Government will say that it should not be done. We feel it should be done. I have a right to educate the masses the way I like. The Jan Sangh people have a right to educate the masses the way they like. Others who are against Soviet Union have a right to go and educate the masses in their own way. Therefore, the relations of this country with others must be decided by the people. I feel that we should be closer to the socialist world. They think in the opposite way. Who are you to tell us what should be the relations of India with foreign powers and that too with an arrest warrant ? Now, my right to educate the people is taken away. My right as a Member of Parliament and a political leader is taken

away, because I have no right, under this measure, to go and tell the people that our relationship with the Commonwealth is wrong or our collaboration with Americans is wrong. I have got a right to say that, but you will not allow me to educate the masses on those lines. Who are you, I would like to know to deny me my right. What right have you, I would like to know. If it is for the security of the State, I accept it. Maintenance of public order ?

SHRI CHITTA BASU : What is that ?

SHRI BALACHANDRA MENON : I do not know what is that. Public order will be maintained by the people, by the masses. The Naxalites who escaped from jail in Kerala were caught by the people from the forests and handed over to the Police. It is the people who will do it. Your legislation cannot do it.

AN HON. MEMBER : They allow them to escape from the jail.

MR. DEPUTY CHAIRMAN : Please conclude now.

SHRI BALACHANDRA MENON : I must have five minutes more. Then the third is 'maintenance of supplies and services essential to the community'. That simply means that no worker should put up his demand. We know what it means. Even a beedi factory is essential for the community. Now it has turned out to be so. Electricity workers, transport workers and others should not put up their demands. It is a very simple way of handling labour disputes. Then there is no need for trade union legislation and all those labour courts. They can very well have this Bill and nothing more than that.

Then, who is to decide ? The District Magistrate will decide whether I should be arrested or not. The Police Commissioner will decide whether I should be arrested or not. That is all. If you have the courage, take us into confidence. I suggest that the advisory committee should consist of representatives of political parties in Parliament and Assemblies. In that case, it will be much better. At least some semblance of democracy will be there. If you are prepared to accept that amount of democracy, accept this. Allow all of us who are

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members of the various political parties to constitute ourselves as advisory committees. We are also responsible to the people. We are also elected by the people and therefore we are the best advisers and not any ex-Judge. I know what an ex-Judge will do. He will look to you for getting some extension in some committee or commission of which he may be the Chairman. We know what judiciary is. It will be much better if political leaders constitute the advisory committees. That will be safer. I am sure you will not accept it because you are speaking from a position of strength—strength that you got out of the election and you won the election because of promises that you will bring forward land legislation and other progressive measures which will benefit the people.

These are the things which you have promised and on that basis you have come. But, you know what happened in Ceylon? Promises, Gentlemen, will be a danger. You can do only small things, it does not matter but do things honestly. None of us here is against our people. You think we are against our people; you think we are against the maintenance of public law and order; You are only one among us and together we have to preserve the democratic framework of the country, you should have consulted us and the political parties should have told you what you should do. We want the security of our borders. We do not want the country to be handed over to the Naxalites and we do not want the country to be handed over to the Chinese.

MR. DEPUTY CHAIRMAN : Please conclude.

SHRI BALACHANDRA MENON : All these things are there. But the real people, the people who believe in socialist change, the real people who want socialism, are there and you do not want to get their help and you allow the bureaucrats to decide what will be the future of this country. Sir, this will not be allowed; this will be stopped. Every field, every factory will answer this black Act formed after this ordinance. That is all I want to say.

MR. DEPUTY CHAIRMAN : Mr. Chatterjee.

SHRI A. P. CHATTERJEE (West Bengal) : Sir, we are speaking without the benefit of any enlightenment from that quarter. But, I think we cannot have any enlightenment. Perhaps that is the centre of obscurantism.

MR. DEPUTY CHAIRMAN : Enlightenment is there.

SHRI A. P. CHATTERJEE : You cannot expect it. That is the centre of obscurantism. Perhaps darkness emanates from there, Sir. Anyway, what hellish darkness could emanate from there, that also we are prevented from getting.

SHRI BHUPESH GUPTA : Sir, on a point of order. The point he has made is very relevant. In any fair debate, it stands to reason that both the sides speak. Now that side is deliberately boycotting the debate.

SHRI OM MEHTA : We are not boycotting. Mr. Manubhai Shah is there.

SHRI BHUPESH GUPTA : Therefore, I would like to hear many of you.

MR. DEPUTY CHAIRMAN : All right. They do not want to boycott. They want to provide more time to your members.

SHRI BHUPESH GUPTA : The Congress Party should be grateful to us, because due to our efforts the House has been extended by one day and they are getting Rs. 51/- which they would not have otherwise got. Yet, they will be voting with the Government against us. May I suggest, Sir, that their additional earning of Rs. 51/- should be made over to the Bangla Desh Fund?

SHRI A. P. CHATTERJEE : We shall certainly take our time. But, we want the socialists also, the neo-socialists first, and then the...

SHRIMATI PURABI MUKHOPADHYAYA : The pseudo-socialists.

SHRI A. P. CHATTERJEE : 'Pseudo-' and 'neo-' are only for you.

Sir, I think the greatest slap that has been given by Mrs. Indira Gandhi's socialist

government on the face of socialism is this Ordinance about which we are discussing through this Resolution. We never knew, Sir, that by manipulation of votes, manipulation of rolls and also by deceiving the people—which is the last I say, but which is not the least—by deceiving the people by slogans of socialism, by false slogans and by promise of socialism, after getting 350 seats in the Lok Sabha, the insult that they have done, the insult that they have shown to the people of India would be this. In spite of those 350 seats that they secured by deceiving the people, they still could not wait for either the Lok Sabha to begin or for the Rajya Sabha to begin, but on the 7th May, 1971 they had the Ordinance promulgated, they had the Ordinance promulgated through the Press. I think, Sir, that was a great insult to parliamentary democracy. Sir, we are Communist and we are, according to our ideology. Marxists and as far as parliamentary democracy is concerned, we know what it is.

But, then, Sir, they who swear by Parliamentary democracy, they who swear in the name of Democracy, have said before the electorate that they would not bring socialism, but they would bring Democratic socialism. That's what they have said before the electorate and they have deceived the electorate. . .

SHRI K. C. PANT : May I know what your views on Parliamentary Democracy are ?

SHRI A. P. CHATTERJEE : That will come by and by. But then, Sir, they who talk in the name of democratic socialism, have now come with this Ordinance on 7th May, without waiting for Parliament to meet. And that is the value they give to Democracy.

Mr. Pant asked me as to what is my view on Parliamentary Democracy. That perhaps is not much relevant here. I want to say that the people of India will be knowing by and by, and certainly will be learning very soon, as to what your views on Parliamentary democracy are. You swear by Parliamentary democracy, but you bring this Ordinance without waiting even for 14 days when the Parliament was to meet. This is the value, this is the respect that you are giving to Parliamentary democracy.

What was the urgency, Sir, for this Ordinance which the President promulgated ? Mr. V. V. Giri, Mr. Menon said, was a trade union leader. That is a different question. A trade unionist of today may be a reactionary tomorrow. So I am looking to the past of Mr. V. V. Giri. But I will certainly look to the deeds that he has committed, the black deed he has committed, for which he has been prompted by the socialist Government of Mrs. Gandhi. I would put this question to the Government: What was the urgency of the Ordinance ? Was it that the balance of the Government in West Bengal was hanging on a thin edge, and they wanted to arrest one of us ? Mr. Gulam Yazdani was arrested and that is how they wanted to reduce the balance in our favour and increase the balance in their favour. These are the two persons who have been arrested : Mr. Gulam Yazdani and Mr. Sayeed Badrudja. They have been arrested under this Maintenance of Internal Security Ordinance. Was that the intention of this Maintenance of Internal Security Ordinance ? They say that they will not arrest or detain political persons. Wasn't Mr. Yazdani and MLA, a political person, an ex-Minister of the Government of West Bengal, a member of the Cabinet in the United Front during 1969 ? Why did you not have the courage to put him to trial if you had got any documents against him ? You didn't, because you know this black act will be used in blackmailing you. You wanted to blackmail the people of India. You wanted to blackmail the political leaders. And that is why you have brought this Bill.

Sir, they have been saying that they want to adopt socialist methods. Well, we have heard the torrent of oratory, torrent of rhetoric yesterday of Mrs. Rohatgi. But then she spoke with a Convent school accent and she read her lesson very well. Her speech was written by somebody, which she repeated with a convent school accept. I am going to ask a question: Is this the fulfilment of the promises that you made to the people of India while you went to them during the mid-term election ? What did you promise them ? . . .

SHRI K. C. PANT : Peace and stability.

SHRI A. P. CHATTERJEE : No, no. You said, "Gharibi hatao". And what is

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this Maintenance of Internal Security Bill ? You said, "Gharibi hatao". And you imposed Rs. 220 crores of additional taxes on the consumer goods, and have Rs. 240 crores of deficit, which means a further increase in the prices of goods and a further decrease in the value of money. That's what you have done, and this is the way you are acting. You have brought this Ordinance on Internal Security.

Sir, as Lenin said, "Parliamentarism does not eliminate class oppression but lays bare the innate character even of the most democratic bourgeois republics as organs of class oppression"

Sir, when Lenin said this, he did not castigate democracy as such, but when he said this, he said this that parliamentary democracy is always a facade, is always a pretence, is always a method, is always a means for perpetuation of class oppression, a means for perpetuation of oppression by the bourgeoisie and the rich. And this is what we are seeing here, Sir. We are seeing in the name of parliamentary democracy, an Ordinance without reference to Parliament an Ordinance promulgated for the purpose of detaining persons without trial. What for? Mr. Pant was saying 'law and order'. Your Mr. Ajoy Mukherjee, your stooge the Chief Minister of West Bengal, has he not said yesterday in an interview to the press correspondents that law and order has gone beyond control? Has he not said that or has not the Congress in power there said that? You cannot maintain law and order because it is you who are supporting the *goondas* and the anti-socials there- Dr. D. P. Chattopadhyaya looks very innocent, looks very philosophical--of course he is not here--but Sir, in Burdwan, it was he who was to address the meeting, a democratically convened meeting, and he was to address the meeting with Shri Priyadas Munshi, another great Member of Parliament whom, I hear, Mrs. Indira Gandhi likes and, well, likes almost to the point of obsession. This is what I hear that Mrs. Indira Gandhi likes, to the point of obsession, Mr. Priyadas Munshi. (Interruptions) I would not use other words. I am always parliamentary in the use of my words. I never use unparliamentary words. Now, this Mr. Priyadas Munshi and this Dr. D. P. Chattopadaya, they were going to address a meeting in Burdwan. Suddenly

the news came that in Ahladpur Village a particular had been detained. On this, the meeting was stopped. The meeting was only for the purpose of punishing the villagers of Ahladpur. That is why the meeting was called. That is why truck-loads of *goondas* had been brought there and they led by the infamous *goonda*, Mr. Nabakumar Sain, went to the village of Ahladpur and burnt a hundred houses Sir, in the face of the District Magistrate, in the presence of the District Magistrate, in the presence of the police officers there, as everyone knew, Mr. Nabakumar Sain, before he went to the village there, told the police, "I am going there", and he further said, "Don't come now, Come a little later after I have finished the work." This is what has appeared in the 'Statesman'; it is not my report. And they went and burnt a hundred houses in that village. Have the Government taken any steps to arrest the criminals under this Ordinance, the criminals who went to that village and burnt a hundred houses ?

SHRIMATI PURABI MUKHOPADHYAY: How can they ? Two of them have been killed.

SHRI A. P. CHATTERJEE : No, no, if you go to kill anybody, naturally, four of them will be killed but one of you also will be killed. (Interruptions) Sir, six villagers were killed by the firearms used by Mr. Nabakumar Sain and other *goondas*. It is true that two of them were killed, but then Sir, I want to ask this of Mr. Pant. Will Mr. Pant be honest and will he say out of those persons, out of those truck-loads of *goondas*, who went to burn the village of Ahladpur, how many of them were arrested under this Maintenance of Internal Security Ordinance ?--the Ordinance has been in force. But you have arrested Mr. Chulam Yazdani, an ex-Minister, because he was a Member United Front Government in West Bengal. You cannot tolerate the name of 'the United Front Government'. You cannot tolerate the name of Jyoti Basu and you cannot tolerate the CP(M), and CP(M) is an allergy to you.

What can you do ? You will only continue; you cannot help. You will go down but we shall go up ; we cannot help. A spectre is haunting--as Karl marx said in 1848--the spectre of communism. You cannot help it; I cannot help it; communism will be there. Hitler could not destroy it;

Mussolini could not destroy it; nor can Mrs. Gandhi, with her mixture of socialist phrase, and gangster methods—however you may combine, however you may mix up—cannot kill communism, cannot kill our party. I can say that, though your goondas are killing four or five of us every day.

I am submitting this, Look at, for example, the Jorabagon police station. There is a great man there, called Shiv Mangal Singh. He is the officer in charge of the police station there. And what has he done? When he was there, four important persons have been killed—Hemanta Kumar Basu, Ajit Kumar Biswas, Mr. Justice K. L. Roy and Nepal Roy, and another Mr. Ghosh also—Amrit Bazaar engineer or technician. This is an area, this is a police station where these things are happening under the person who is in charge of the police station who is the instigator; I said it on the floor of the House. The officer in charge of the Jorabagon Police station is in league with the goondas, he is thick in league with the goondas and he is causing these things to be done. He caused the murder of Hemanta Basu because he thought that by causing that to be done he will be blacking out the name of the CPM. And, Sir, it is from the police headquarters—the Lal Bazaar headquarters—that the slogan went out, that Hemanta Basu and Ajit Biswas were murdered by the CPM, but ultimately it has come out that it was not so. This officer in charge of Jorabagon . . .

MR. DEPUTY-CHAIRMAN: You cannot bring in the name of the officer because he is not here to defend himself. Moreover, he belongs to the State Government and not the Central Government.

(Interruptions)

SHRI A. P. CHATTERJEE. The point is this: In this area as I have said, against that gentleman there is a case pending, of murdering two of our sympathisers.

SHRI BIPINPAL DAS (Assam): I want to ask this question. . .

SHRI BRAHMANANDA PANDA: They do not belong to any party, Are you defending Ram Chatterjee?

SHRI BIPINPAL DAS. I want to know this information from Mr Chatterjee: Was that officer appointed or promoted by Jyoti Basu during his regime?

SHRI A. P. CHATTERJEE: Sir, Shiv Mangal Singh was never there. Against that person a murder case is pending on record. In spite of that the man who is responsible for the lapses of law and order in that area, a man against whom there is a murder case pending in a court in Calcutta, that person is still being maintained as an officer in charge of that police station. Is that the way you maintain the law and order situation there?

SHRI NIREN GHOSH, I offer a piece of information to Mr. Panda and Mr. Bipinlal Das. Warrants have been issued ultimately against seven persons for having committed the murder of Hemanta Basu. One of them is Kanti Dutta, he is a goonda who has been for years kept by Prafulla Kanti Ghosh, the Chief Whip of the West Bengal Congress Legislature Party—Congress(R).

SHRI A. P. CHATTERJEE: I am saying that this Congress (R) Government, this ruling Congress Government is harbouring, is nursing goondas in their midst and they are trying to boost up their power with the goondas and other anti-social elements and now they come forward with this Bill to maintain the internal security of India. That is the tragedy of it. And the tragedy, of course, is not something which you cannot understand because under a bourgeois administration, under a bourgeois social system appearance is everything. The appearance always conceals the reality. Actually they do not want to safeguard the internal security by this Bill. That is merely the appearance.

What is the reality? The reality is this that they want to create a situation in the country by harbouring and nursing the anti-social elements so that internal security may be jeopardised and the internal security may mean only that the fascist hoodlums will have their way but the democratic forces may not raise their heads. That is the reason why this Ordinance was passed. That is the reason why they could not wait for the Parliament to meet before they thought of enacting this Bill. There is a history behind this. I wanted to show only this, as

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Lenin said : 'It lays bare the heinous character of the so-called Parliament of bourgeois or the so-called bourgeois Republic as organs of class repression. What happened in 1950 ? In 1950 as soon as the Constitution was promulgated, we found the Preventive Detention Act. Sardar Patel passed sleepless nights and passed it. What is the Constitution ? Have you ever seen any Constitution in India where under the Chapter on Fundamental Rights there is a constitutional liability for preventive detention ? But this is a Constitution which is glorified also by the Treasury Benches as if this is a most democratic Constitution. If they have any sense of democracy, if they have any sense of decency, they should come forward to take away this fundamental liability for preventive detention which is there in Part III—the Chapter on Fundamental Rights. Since 1950 what they have done is, they have again and again brought this law of Preventive Detention. This Act itself was there for 15 years. Then in 1962 they got a kick in the pants at the borders. Why ? It was not because of us, because we were not running the Government, but because of their ineptitude, inefficiency and because their military collapsed, their administration collapsed. They did not know how to fight. They got a kick in the pants. What did they do ? As is often said, when a person is shoe-beaten by his boss somewhere, he comes to the house and beats his son. What did they do ? They got a kick in the pants and after the Chinese forces withdraw from India, they started this emergency. The Defence of India Rules came and for 4 or 5 years they ruled under constitutional dictatorship, a term used by Mr. Setalvad. That law was imposed on us for 5 years and under that the same Congress regime, the same bourgeois regime which is now ruling the country, ruled. Thereafter you know what happened in Bengal. In Bengal they have revived from the Statute Book the Suppression of Terrorists Outrages Act which was an Act enacted by Mr. Anderson and under that Act the Police can enter any home, break into any home and arrest a person, can keep in detention without producing him before a magistrate for more than 24 hours and in that way it is creating a terror, a tension and an atmosphere of horror in the city of Calcutta and in the country-side. The Prevention of

Violent Activities Act was passed by the President, not even by the Parliament, not even by the elected Legislature. It was a President's Act,—This Prevention of Violent Activities Act under which people in Bengal are being detained without trial. This is the record of democracy of this Government and they mouth democracy and phrases of democracy. I cannot strike shame in their hearts. It is impossible, because they are shameless people. If they were not shameless people, when speaking so much about democracy, the first measure they bring before the Parliament is the Maintenance of Internal Security Ordinance for the purpose of supporting the Bill also, which is the first socialist measure they are bringing hereafter seeking the verdict of the people in the mid-term elections. They are shameless. I cannot strike shame in them but history will not forgive this and I may say this spark can kindle a prairie fire also. You may say that we are a spark in Bengal and Kerala but that will kindle a prairie fire and in that fire the entire lot of you, the entire lot of the debauched politicians who debauch themselves in the name of the so-called socialism by their fascism, hoodlumism and gangsterism will perish.

SHRIMATI PURABI MUKHOPADHYAY : Mr. Deputy-Chairman, Sir, I rise to support this Bill. I stand corrected that I am not speaking on the Bill but on the Resolution and I oppose the Resolution.

SHRI NIREN GHOSH : Mrs. Purabi Mukhopadhyay is supporting the Opposition.

SHRIMATI PURABI MUKHOPADHYAY : We do not feel happy when we have to make a legislation like this, but the conditions that have been created largely by the friends opposite, their well-planned and thought-out stream of violent activities in the country make it necessary for us to pass a legislation like this. Sir, Mr. A. P. Chatterjee very eloquently spoke against the Bill and in favour of the Resolution. Mr. A. P. Chatterjee should remember that the country from which they derive their inspiration and Mr. Bhupesh Gupta should remember that the country from which they derive their inspiration believes in liquidation. What we are doing is we are only detaining them for a specific period. We are not physically liquidating them as they do in their own countries from which they derive their inspiration.

SHRI BHUPESH GUPTA : On a point of order. I draw my inspiration from India. Does India believe in liquidation ?

SHRIMATI PURABI MUKHOPADHYAY : Mr. Bhupesh Gupta belongs to the CPI which is following up till now the policies adopted by the Russian Government and the Russian parties.

SHRI MAHAVIR TYAGI : She deserves to be detained because she is talking about our foreign relations.

SHRI BHUPESH GUPTA : I can understand this kind of speech from our friend, Shrimati Purabi Mukhopadhyay.

SHRIMATI PURABI MUKHOPADHYAY : Certainly try to remember the question of liquidation in those countries.

SHRI BHUPESH GUPTA : You are in a state of disillusionment. . .

SHRIMATI PURABI MUKHOPADHYAY : You will kindly allow me to speak.

SHRI BHUPESH GUPTA : Kindly spare me also. Listening to her I was just thinking if Mr. Atulya Ghosh had been admitted to the Congress Party, but I find he is not here.

SHRIMATI PURABI MUKHOPADHYAY : Why they have learnt from other countries they are now implementing in our country also. Day in and day out they are physically liquidating the members who do not belong to their party. Look at the inter-party clashes. Look at the number of murders that have been committed daily by the CPM itself and the party which is hand in glove with them. He was discussing the Burdwan case of the Sain family. Only the other day, I think only yesterday they had occasion to speak about these Burdwan murders. I also come from West Bengal and I also know what happened. This Sain family murder is known throughout the country, who committed the murders in the Sain family. . .

(Interruptions)

SHRI SALIL KUMAR GANGULY : (West Bengal) : On a point of order. The matter is *sub judice* and it should not be discussed here.

MR. DEPUTY CHAIRMAN : There should be no reference to a matter which is *sub judice*.

SHRI K. C. PANT : May I point out that it is Mr. Chatterjee who made the reference ? She is merely referring to that. That is not *sub judice*.

SHRI A. P. CHATTERJEE : As far as the raid on Allhadpur village is concerned that is not *sub judice*.

SHRIMATI PURABI MUKHOPADHYAY : Do you know the case of Naba Kumar Sain ? You should remember that Naba Kumar Sain is the brother of Pranab Kumar Sain and Malai Sain who were brutally murdered by the CPM workers.

SHRI A. P. CHATTERJEE : Then I have to say things also and then, Sir, you will have to allow me.

MR. DEPUTY CHAIRMAN : I have already said that *sub judice* cases should not be referred to.

SHRIMATI PURABI MUKHOPADHYAY : I will not go into details if these are *sub judice* cases, but it has been proved. . .

SHRI A. P. CHATTERJEE : Why did you say brutally murdered ?

SHRIMATI PURABI MUKHOPADHYAY : They were brutally murdered. Everybody knows that. Not only that, a Court of Inquiry was being held in the Burdwan town. The main witness, Shri Gunamani Roy was murdered in the open court compound.

SHRI A. P. CHATTERJEE : Who murdered ?

SHRIMATI PURABI MUKHOPADHYAY : I do not want to tell you who murdered because their faces will tell you. These are the reasons for which the workers of Burdwan, . . .

SHRI A. P. CHATTERJEE : If you compare the faces, don't you think you will know ?

SHRIMATI PURABI MUKHOPADHYAY : Your face can conceal murder. Mr. Deputy Chairman, in Burdwan Naba Kumar, the brother of Malai and Pranab went to Allhadpur when he came to know that their own colleagues were prevented from coming and joining the meeting and were locked inside, to which Mr. Chatterjee referred just now. *(Interruptions)*. Please let me speak. Otherwise you will not be allowed to speak. Don't interrupt me. When these persons Priya Ranjan Das Munshi, Dr. Debiprasad Chattopadhyay and Shri Chandrajit Yadav were addressing a meeting at Burdwan, news came that our boys were prevented and they were taken inside some huts with the intention to be killed. Naba Kumar Sain went there to save those boys from being killed. They were prevented. . . *(Interruption)*. Let the House know the facts.

MR. DEPUTY CHAIRMAN : You should also give a patient hearing to the hon. Member.

SHRI K. C. PANT : May I point out that Shri Chatterjee referred to our party and many people in the most provocative terms ? He practically abused and yet we heard him in absolute silence. Is it fair that when she is making her statement she should be constantly interrupted in this manner ?

MR. DEPUTY CHAIRMAN : She has heard your speech patiently and you should hear her speech patiently.

SHRIMATI PURABI MUKHOPADHYAY : Naba Kumar Sain along with ten other friends went to the village Allhadpur on foot. They cannot carry a huge quantity of kerosene or petrol to burn houses. They were prevented on the road from entering the village by some of the villagers belonging to the Kisan Sabha of the CPM.

श्री राजनारायण : मेरा प्वाइंट ग्राफ आर्डर है। आप कृपा करके श्रीमती पूरबी मुखर्जी से कहिए कि जब वह बोलती है तो

यूँ यूँ हाथ को करती हैं, जिसमें हमारे कान में भड्ड-भड्ड की आवाज आती है, यानी बोलते समय टेबल को बजाना अशिष्ट व्यवहार माना गया है संसदीय प्रथा में।

SHRIMATI PURABI MUKHOPADHYAY : Thank you. I will not do that.

Mr. Deputy Chairman, these boys were prevented by the members of the Kisan Sabha belonging to the CPM Party. They were dragged inside the House. Naba Kumar Sain was killed by the members of the Kisan Sabha and the boys who accompanied him were prevented from reaching the village, and in the meanwhile the two boys had already been murdered. Mr. Chatterjee should be ashamed of the behaviour of these people. I do not hold any brief for murderers, whoever they may be, to whichever party they may belong. Our party leaders in my State had invited all the opposition leaders—members belonging to the CPM Party also—to come to a conference to find out ways and means of abjuring violence. . . *(Interruptions)*. Mr. Jyoti Basu refused to attend it. Why did he refuse to attend that conference which we had convened to find out ways and means of abjuring violence ? Sir, I condemn violence from whichever side it may come. I will never encourage murder against murder. Mr. Chatterjee's party's action only proves the necessity of an Act like this.

He was telling us about Mr. Gulam Yazdani. . . *(Interruptions)*.

MR. DEPUTY CHAIRMAN : Please do not interrupt please.

SHRIMATI PURABI MUKHOPADHYAY : When the CPM Party has spread violence of this magnitude, we have no other alternative but to fight violence, we have to take strong measures. Sir, I do not think that by enacting this law we are nullifying or restricting individual liberty. I think we are only ensuring individual liberty. I have every freedom to go about. But I cannot go about in the streets of Calcutta due to the goondalism which is being perpetuated in my State and elsewhere in the country. I am an individual. Under the Constitution, I enjoy the liberty and the fundamental right of freedom of movement,

But I cannot do it. By a legislation of this type we are only guaranteeing that kind of freedom because then nobody will be able to hold up the progress of our fundamental right or liberty. Sir, we have brought forward this Bill with certain safeguards. I think those safeguards are enough to see that the individual liberty is not curbed. Mr. Gulam Yazdani's name has been mentioned. Mr. Chatterjee was very eloquent about Mr. Yazdani because of his background that he was a Minister. Sir, Ram Chatterjee, the most well-known goonda in my State was made a Minister in the UF Government. If they accept goondas as Cabinet Ministers, they accept Pakistani spies as Cabinet Ministers we cannot help taking action. . .

(Interruptions)

Mr. Deputy-Chairman, he spoke about Mr. Gulam Yazdani who happens to be an ex-Minister of the UF Cabinet. There is no doubt about it.

SHRI A. P. CHATTERJEE : Mr. Vijay Singh Nahar, the Deputy Chief Minister, is a gangster himself. (Interruption). If Mr. Yazdani was a Minister of the UF Cabinet, it does not give him extra privileges. If he happens to be a spy of the Pakistan Wing he has to be detained. That power should exist. It is only this country. . .

SHRI A.P. CHATTERJEE : Mr. Jainul Abadin and also Mr. Zia-ul Haq are spies. I tell it on the floor of the House.

SHRI K. C. PANT : On a point of order. This debate is becoming a very acrimonious debate. Names of the persons who are not here are being freely used. I request everybody not to use these names because names are being used so freely. The word "gangster" was used for the Deputy Chief Minister of a State. May I ask you whether this is Parliamentary ?

MR. DEPUTY-CHAIRMAN : It is not fair to refer to persons who are not present in the House to defend themselves. I would, therefore, request everybody not to refer to the persons who are not here.

SHRIMATI PURABI MUKHOPADHYAY : Mr Deputy-Chairman, I am sorry that I mentioned names here. Names

were mentioned by Mr. A. P. Chatterjee. Naturally I had also to mention some. I am not in the habit of naming persons and having an acrimonious debate. If the charge levelled by Shri A. P. Chatterjee is not refuted from the floor of the House the impression will go round that whatever Mr. A. P. Chatterjee says is gospel truth. So I had to do that.

Mr. Deputy Chairman, Sir, when I come back to this Bill I find that there are safeguards here which will ensure its proper application because the Bill provides that the name alongwith all the relevant papers of the person who has been detained should be forwarded to the State Government within 12 days and the State Government will forward it to the Central Government. With all these checks and balances, I think no district magistrate will ever dare hauling a person wrongfully.

Mr. Deputy Chairman, Sir, my friends opposite seem to be very much afraid because they think that the noose may come down on their neck. If they commit some wrongs with the full knowledge that they are doing something which will be a breach of privilege, which will go contrary to the interest of the country, they will no more be allowed to go scotfree.

Mr. Deputy Chairman, if communalism of the Muslims is a dangerous thing, communalism of the Hindus is a more dangerous thing Hindus being the majority community.

SHRI NIREN GHOSH : That is why you are hugging the Muslim League.

SHRIMATI PURABI MUKHOPADHYAY : If you go through the monthly magazine "Mother India" you will see how they are maligning Sheikh Mujibur Rahman. Not only they are maligning, they are raising communal passions in the country. Can you take any action against such publications now ? There are hoarders of food and other essential commodities. There are blackmarketeers who prevent the easy flow of foodstuffs and essential commodities. Will you not take action against them ? These are the reasons why we have to have this kind of legislation.

Sir, there are preventive laws. Of course, there are. There are existing laws,

[Shrimati Purabi Mukhopadhyay]

Of course, there are All the preventive laws are not applicable to all parts of the country We may have State laws but by this Act we are bringing the whole country under its jurisdiction except the State of Jammu and Kashmir because Jammu and Kashmir under the Constitution of India List I and II do not come under the category of this Constitutional provision They have a separate Act under their own Constitution Otherwise the scope of this Bill will be throughout the country What has started in West Bengal will soon spread all over the country We want to save India Remember, Sir, the eye disease, Conjunctivitis, that started in West Bengal has now spread throughout the country. We want to remove that kind of disease from the body politic of India by a legislation of this nature Mr A P Chatterjee and Mr Bhupesh Gupta should remember that when they speak of Bangla Desh, they advocate strong action against Pakistan and they try to bring down the name of Indira Gandhi saying that she is not bold enough to take strong action against the Pakistan Government and the military junta there Now, when we are arming our Government with all kinds of power to face every kind of emergency, why do they grudge it ? We will never use it against our opponents because our opponents do not count at all. See the scene in the Lok Sabha. What do you see there ? Only a few persons sitting on the Opposition (Interruptions) Why should we be afraid of the Opposition parties and apply a legislation like this on our opponents ? So, we do not have any intention to apply this kind of legislation against the political parties unless and until they are found to be doing something which is against the interest of the country which endangers the internal security of India or which endangers the internal rights and privileges If they do that, let them be warned that we will not hesitate to take action against such persons. But only to put down the Opposition we will not apply it because they do not count at all

Sir, before I resume my seat, I will say something about West Bengal The conditions that have been created there by the CPM have made it impossible for any

elected Government to function there effectively and successfully In the conditions prevailing in my State now, though we are in power, we cannot have a straight administration because of the large-scale infiltration of the CPM people in the administration Day in and day out, our Ministers' orders are being flouted by their stooges They were calling Ajoy Kumar Mukherjee a stooge because he did not oblige them, the members of the CPM If he was their Chief Minister, he would have been the most patriotic Chief Minister

(Interruptions)

MR DEPUTY CHAIRMAN : Order, please.

SHRI PITAMBER DAS Sir, with your permission, I want to say one thing. With all my differences with whatever she is saying, I admire the way she is boldly facing all these interruptions I think we must none patiently hear her so that we may enjoy her speech.

SHRI BHUPESH GUPTA Therefore, you understand that a Bengali woman also knows how to be aggressive.

SHRI PITAMBER DAS We should hear her patiently

SHRI ARJUN ARORA · You should be chivalrous, Mr Bhupesh Gupta

MR. DEPUTY CHAIRMAN · Mrs. Mukherjee, you have to conclude now

SHRIMATI PURABI MUKHOPADHYAY I will only take another two minutes Sir, I was telling you about the conditions prevailing now in West Bengal West Bengal being a border State it is in a very strategic position with China, with Pakistan, on our borders (Interruptions) China has an easy road and you know it In 1962 you tried to help them So, Sir, in our State we want this kind of an enactment to be there so that we can take recourse to it if any person is found to be working against the interests of the country, whoever he or she is, whichever party he or she may belong to, however powerful and in-

fluent he or she may be. In all the cases we cannot haul up that person in an open court because in espionage or in a relationship with a foreign country if a person is found to be working against the interests of our country, if we have to substantiate those things in an open court of law, then nothing can be secret, everything has to be placed before the judges in an open court and our foreign enemies can come to know about the people whom we have hauled up, about the things which we have come in our possession. So there should be some secrecy about it. But by this secrecy we do not mean to deny that person who is kept under detention his own defence before the advisory board. What we have prevented is from going to an open court. There are certain checks and balances. There is so much authority in the advisory board. Our friends should not suspect that the power will be misused or that innocent people will be hauled up. When emergency conditions prevail in the country, emergency powers have to be vested with the Government. The Government has to be armed with stringent measures to see that the interests of our country are not jeopardized in any way by anybody in any manner. I was talking to you about the coalition administration in West Bengal. If you go to West Bengal you will find the CPM everyday is opposing our Government. Of course, it is the function of the Opposition party to oppose. But there are ways and means of opposition. They are hitting the people behind their backs. They are killing the people everywhere. When you want to take action, no citizen will come forward to give evidence in a court of law or before any judicial authority or before any police officer even if they see a murder being committed before their own eyes. They are terrorized. . .

SHRI A. P. CHATTERJEE : You have no right to belong to West Bengal. You are creating murderers. You are causing murders to be committed.

SHRIMATI PURABI MUKHOPADHYAY : Only the other day we fought three elections in West Bengal. What did we see in the elections ? The candidates could not approach the electorate. They were prevented from approaching the electorate. I understand Mr. A. P. Chatterjee speaking about parliamentary practices. In

the theory of the Communist Party they do not believe in parliamentary practices parliamentary ways of life. They have accepted parliamentary ways of life only in India because in some States they have reaped the harvest. So they have thought it is an easy method for coming into power, through parliamentary method, through adult franchise. So, they have taken advantage of ballot boxes and franchise though essentially they do not believe in Parliamentary Practice.

SHRI A. P. CHATTERJEE : Sir, whatever compliments Mr. Pitamber Das gave to her, his comments no longer hold good. He should immediately withdraw his comments.

SHRIMATI PURABI MUKHOPADHYAY : Even then they are stalling elections. Our candidates were not allowed to go to the voters. The voters were not allowed to be approached by the candidates or in some place they could not go to the polling stations. Only their own party agents are allowed to go to the polling stations for watching. *(Interruptions)* If any unlawful thing takes place there, the officers have no right to object.

The polling agents will be killed if they object and that is how they come to power. . . *(Interruptions)*. Is it a popular way ? If their Party is so much popular, why do not they have faith in the people ? Why do not they believe in the inherent goodness of the people and earn the people's goodwill ? Why don't they think that people will voluntarily send them back to power ? Why do they adopt this method of terrorisation ? That kind of terrorisation can return them to power only in one election. . .

(Interruptions).

MR. DEPUTY CHAIRMAN : Please conclude now.

SHRIMATI PURABI MUKHOPADHYAY : Therefore, I feel that this kind of stringent legislation should be there in the hands of the government. I support the Bill and oppose the Statutory Resolution that has been moved by the members of the Opposition. Whatever may be the threat or whatever may be the charges from the Opposition, we will not be deterred from our determination to pass this Bill which is

[Shrimati Purabi Mukhopadhyay]

necessary to safeguard the interests, security and freedom of the country and the people. Thank you.

SHRI A. P. CHATTERJEE : Sir, she wants a glass of water.

SHRI NIREN GHOSH : Sir, I am not speaking. I only want to say that even after such speeches, she has not been made a Minister. Somebody else has stolen it from her. . .

(Interruptions).

SHRIMATI PURABI MUKHOPADHYAY : I do not want to be a Minister. . . (Interruptions). I am satisfied if my Party colleague has got it. . .

(Interruptions).

SHRI K. C. PANT : Shri Chatterjee is clean bowled. He should take it with grace.

SHRI BABUBHAI M. CHINAI (Maharashtra) : Mr. Deputy Chairman, I rise to oppose the Resolution and to say a few words explaining why I oppose this Resolution and why at the same time I am going to support the Bill.

Sir, my previous speaker who, with all her force pleaded for the Bill, deserves all the congratulations of the House for the standing against all the odium of the Opposition. I would only beseech that we should be a little sober and reasonable in our argument so that they may create a good impact. It is, after all, the job of the Opposition to provoke the Speaker and it is the Speaker who has to keep the balance so that he or she can spell out his or her views.

Mr. Deputy Chairman, the reason why I am opposing this Motion is that I do feel that in the country today, the situation is such that we require some sort of stringent Bill which is before us. There is a slight difference between my approach and the approach of the Government and that is this. I would like to beseech my friend Pantji and the party in power, even at this stage, to think over my suggestion calmly, if it is acceptable to them. And that is this : Even though the Bill is a necessity according to me, there are certain provisions

which require a little study and going through and therefore, if Pantji and my friends on the opposite side could kindly reconsider, before it comes up for voting tomorrow, to refer it to a Select Committee, I shall be happy. But, supposing, for some reason, they do not consider my request, if they do not concede it, I must make it clear that I will whole-heartedly support this Bill.

Whatever may be the stand of the different political parties, a stand that is dictated by politics, I feel, that reason and national interest demand the passing of the Maintenance of Internal Security Bill by this august House as the Lok Sabha has already done. Even as nothing is dearer to me than the cause of individual liberty and human freedom, I am convinced that if democracy is to survive and thrive, there is need to place reasonable restraints on those indulging in unlawful, criminal and violent activities.

The Preventive Detention Act, when it was first brought before the country in 1950, the Telengana situation was bad. But, today the situation is much worse. There is threat to our way of life and sovereignty from across the borders. Apart from the troubles from our eastern borders, I am told that Kashmir has once again become a hot bed and the situation might turn to be worse in the next few days. Even when the P.D. Act was due to expire in 1969, I was of the view that the life of the Act should be extended. That was the opinion of many of the State Governments also and all those who believed in the democratic way of life. I feel that the present measure is necessary in the interest of public order, security and maintenance of civil supplies.

Sir, we are living in bad times. The borders have become sensitive. Everyday we are hearing about infiltration by the spies from the neighbouring countries with a view to creating disturbances within our own borders. In fact, our commitment to the displaced persons has brought within its trail a number of undesirable consequences. In fact, I can say that the urgency of the Bill today has to be judged in the context of Bangla Desh affairs. We are committed to support Bangla Desh. There are a few elements and forces in our country which do not like the present character of our political system, democratic set-up,

and want to replace it by a system of their own liking by hook or by crook. The Government has every right to take steps to contain such elements.

Sir, although the Naxalite menace has reduced in recent days, it is not altogether extinct. We hear almost every day political murders committed in various parts of the country and particularly in West Bengal. We have been given to understand that in one district, Birbhum alone, as many as 220 private licensed guns have been seized by the Naxalites. In Burdwan, most of the land-owners were compelled to give up their guns to the extremists. The present lull in the Naxalite activities is due to the fact that the Coalition Government consisting of the Congress and the other Democratic Forces has succeeded in forming the Government in West Bengal and there is no support to the extremist elements, as happened earlier when the UF Government was in the saddle. There have also been records of a Minister of the UF Government passing on secrets to Pakistan. These are certainly very alarming.

SHRI NIREN GHOSH : Where is the record ? . . . (Interruptions) . . . Where is the record ?

SHRI BABUBHAI M. CHINAI : It is with the Government. It is not for you to ask. There have also been records of a Minister of the U.F. Government passing on secrets to Pakistan. These are certainly very alarming. It is not clear how much damage has been done so far by such activities. It will be known only in course of time.

Also, the Home Minister has hinted at the possibility of a national emergency in the near future. This everyone can understand in the context of the happenings taking place on our borders in the East and the reluctance of world community to see the situation. I, therefore, strongly support clause 3 of the Bill. This clause regulates also the movement of foreigners and their continued presence in India and provides for expulsion. District Magistrates and Commissioners of Police are sought to be empowered in the interest of security of State and the maintenance of public order and essential services. I am aware that

entrusting such powers to District Magistrates has drawn a good lot of criticism. I am sure the Government would frame rules in such a manner that the powers are not misused and proper supervision is maintained over the work of the District Magistrates and Commissioners.

I am glad that clause 8 provides that when any person is detained, the Authority shall ordinarily communicate to him within five days the grounds on which the order has been made. Of course, in exceptional cases, the time can be extended to 15 days. These are all provisions on which we can take very little objections. All that we can say is that the Government should be vigilant and see that the delegated powers are administered with caution and not misused.

References have been made regarding the Fundamental Rights and the right of citizens to go to courts for issue of writs of *Habeas corpus*. This Bill, as I understand, has not taken the right of the High Court to issue writ of *Habeas corpus*. If the writ does not succeed, it does not mean that the Bill is questionable. It is necessary to see that the Bill is not defective and that is all we can say about it. It should not be forgotten that if in the interest of maintaining the freedom of the millions, it is necessary to restrain the activities of a few, it should be done. Otherwise, the freedom of the entire Sub-Continent might be in danger.

There has been a mention of the growing violence and lawlessness in Railways. You may be aware from newspaper reports recently that coal is being stocked at pit-heads in alarming proportions. There have been thefts of rail traction and spare parts and components of engines. Running trains have been stopped and looted. Many of the coal-mines have retrenched labour and they say that they cannot help it. For similar reason, many of the factories in the coal belt are facing the threat of closure. This is an unhappy situation which is being brought about by anti-social activities and it should be curbed in time with a strong hand. Otherwise, it will spread to other areas and much more serious situation might develop when it will be difficult to control.

I am aware that Preventive Detention

[SHRI Babubhai M Chinai]

is not the panacea for all ills. It cannot be a substitute for our efforts on the social and economic front. What is needed today is public involvement in the renunciation of the politics of violence and a commitment to Democratic principles and practices. It is not the question whether one believed in violence or not, but whether one is prepared to ensure that these liberal values can be protected and preserved. There is no use talking of personal liberty in the abstract sense of the term. It is necessary that freedoms enshrined in our Constitution have to be protected and therefore certain reasonable restrictions are unavoidable. It is in this light that I support the various provisions of the Bill. But I would be happy if the hon. Minister and the friends opposite would like to examine this Bill in the Select Committee in detail.

SHRI BHUPESH GUPTA : Sir, I am wondering whether he has joined them or they have joined.

SHRI BABUBHAI M. CHINAI : I have not joined them, I am physically here, you can see.

श्री श्याम लाल यादव (उत्तर प्रदेश) .
उपाध्यक्ष महोदय, मुझे बड़ी प्रसन्नता है कि आज भारत सरकार ने इतने विलम्ब से इस अध्यादेश को निकाला है। (इटरप्शन) मैं यह कह रहा था कि आप स्वयं इस प्रकार के काम कराने में सहायक हैं। दुनाव आप उनके साथ लड़े और देश के दो प्रदेशों में आप उनके साथ सरकार चला रहे हैं। एक में आपके मुख्य मन्त्री हैं और एक में उनके मुख्य मन्त्री हैं फिर भी आप इसको अपोज करे यह बात समझ में नहीं आ रही है। आपकी तो एक ही मशा रहती है कि जैसे भी सरकार में घुस सकते हों, घुसे, लेकिन अपने तोड़ फोड़ के आंदोलन को आगे बढ़ाये और उसे मजबूत करते रहे। और देश में ऐसी परिस्थिति पैदा कर दे कि जिससे आगे चल कर देश का जो संविधान है, देश में जो जनतंत्र है वह नष्ट हो जाय। मान्यवर, मैं आपके जरिए निवेदन करना चाहता हूँ कि कम्युनिस्ट पार्टी दुनिया में

जो जमहूरियत की और जनतंत्र की अलबरदार बनती है, रात दिन उसके गीत गाया करती है, उसके ही राज्य में, उसके अपने देश चीन और रूस में क्या जनतंत्र है? या वहां पर किसी को अधिकार है वहां की सरकार के किसी मामले में कोई उसकी निन्दा कर सके और अगर कोई अनजाना व्यक्ति यह करता है तो उसको जेल में रखने की जरूरत नहीं, ये लोग सीधे उसको मौत के घाट उतार देते हैं। आपने अपने नेताओं को जिनका कभी देश जय-जय कार किया करता था जिनके नाम के गीत आप लोग कभी गाते थे, उनको आपन मौत के घाट उतारा और मुझे खुशी है कि आप इतनी देर से इस बात को समझे। श्रीमती पूर्वी मुखोपाध्याय चली गयीं, मैं देखता हूँ कि आज उनके दिमाग में कुछ सफाई आई, उनकी आंखें खुली और उन्होंने देखा कि किस तरह से बंगाल में इन वामपंथी दलों ने मिल कर नक्सलाइटवादी तत्वों को उभारा और अशान्ति को पैदा किया। इतनी देर बाद उनकी समझ में आया लेकिन मैं यह कहना चाहता हूँ कि आज भी मान्यवर, शासना-रूढ़ दल किन्हीं प्रदेशों में अपने दल को शासना-रूढ़ रखने के लिए इस मोह में पड़ा हुआ है, इस भ्रम में पड़ा हुआ है और कम्युनिस्ट पार्टी के बल पर, जो संगठित है, उसको लकड़ी समझ कर उसके बल पर अपनी ढहती हुई मडैया को खड़ा करना चाहता है। यह धोखा होगा और यह धोखा उन्हें को नहीं होगा, यह इस देश में जनतंत्र को समाप्त कर देगा। 1969 में भी पी० डी० ऐक्ट खत्म हो रहा था तो सरकार इस को इस लिए पास नहीं करा सकी, इसको पुनर्जीवित नहीं करा सकी कि उस समय कम्युनिस्ट पार्टी के बल पर यह सरकार चलती थी। वैसा करना आप के लिए सम्भव नहीं था। आज आप उसको लाये तो मैं समझता हूँ कि जिस रूप में यह आईडेंस निकलना चाहिये था यह उस रूप में नहीं आया। आप ने इसको बहुत कमजोर कर दिया है और शायद इसके अन्तर्गत बहुत मजबूती के साथ आप जिस तरह में देश का शासन चलाना चाहते हैं वह नहीं

चला सकेगे। आज भी आप के दिल में मालूम होता है कि आप कम्युनिस्ट पार्टी से प्रभावित है जिसके कारण इतनी लचीली धाराये इसमें रखी है। मान्यवर, गृह मंत्री इस बात को बतलायेगे कि पी० डी० ऐक्ट जो पिछले जमाने में देश में चल रहा था ..

SHRI BHUPESH GUPTA : Though according to you the Bill is against the Communist Party

श्री श्याम लाल यादव : आप जो विचार प्रकट कर रहे हैं वह उस विचारधारा के खिलाफ है। कम्युनिस्ट पार्टी से इससे क्या मतलब ?

SHRI BHUPESH GUPTA : Why are you bringing in the Communist Party here ?

श्री श्याम लाल यादव : आज अगर दो, चार ऐसे व्यक्ति देश के अन्दर हो या सौ, दा सौ आदमी जनतंत्र को खतरा पैदा करना चाहते हों और अपने हाथ में एक ताकत लेकर जनतंत्र को खत्म करना चाहते हों तो उनको दबाने के लिए अगर सरकार अधिकार लेना चाहती है और उस अधिकार को आप देने को तैयार न हो तो मैं समझता हूँ कि इस तरह की भावना को पुनर्जीवित करना देश में जनतंत्र को कमजोर करना है। आप वह मार्ग प्रशस्त करना चाहते हैं जिससे इस देश में तानाशाही हुकूमन बन सके जिससे इस देश में आपकी कल्पना की हुकूमत बन जाय और जिसके बल पर इस देश का जनतंत्र समाप्त हो जाय। मान्यवर, मैं कहना चाहता हूँ कि सरकार को मालूम होगा कि कनाडा में भी कुछ थोड़े से तत्व जो पैदा हुए थे वे जिस तरह कनाडा ऐसे जातिव्यतिक्रम देश, मुसम्पन्न देश, धनी देश और पूर्ण रूप से विकसित देश में अवस्था फैलाने की कोशिश कर रहे थे, मान्यवर, वहाँ उस देश की जनतांत्रिक सरकार ने 18वीं शताब्दी के उस कानून को पुनर्जीवित किया जो एक ऐसा ही कानून था। उस 18वीं शताब्दी में जनतंत्र कहां था लेकिन उसने किया और उसके लिए प्रयत्न किया। किसी भी देश की

सरकार यदि यह कहती है कि कुछ थोड़े से व्यक्तियों को अधिकार दे दो कि सारे देश के व्यक्तियों के अधिकारों को ये समाप्त कर दें तो यह बात नहीं चल सकती और उन थोड़े से लोगों को दबाना ही पड़ेगा, उनको सजा देनी ही पड़ेगी ताकि समूचा देश शान्ति के साथ प्रगति कर सके। इसलिए मान्यवर, मैं इतना ही कहना चाहता हूँ कि यह जो निरनुमोदन का प्रस्ताव हमारे जनसंघ के साथी ने रखा, मैं समझता हूँ कि उनकी भावनाये शायद इस बात से प्रेरित है कि सरकार जो कुछ कर रही है हमें उसका विरोध करना चाहिए। यहाँ वह हमेशा कानून और व्यवस्था की प्रगति की चर्चा करते हैं और आज वह वामपंथी दलों के सहयोग से इस तरह की बातें कर रहे हैं। यह मुनासिब नहीं है। वैसे वह विरोधी दल में बैठें या सरकार में रहें, लेकिन आज देश में उनको भी बहुत सी सरकारों में रहने का मौका मिला है और वह रिकार्ड को देखेंगे तो पायेंगे कि उन प्रदेशों की सरकारों ने भी जिनमें वे थे 1969 में इस बात की सिफारिश की थी कि पी० डी० ऐक्ट को पुनर्जीवित किया जाय। उत्तर प्रदेश की सरकार, राजस्थान, मध्य प्रदेश की सरकार, हरियाणा की सरकार और बिहार की सरकार, सभी ने सिफारिश की थी, जिसमें आप पार्टनर थे। तो इस तरह से आपको अपनी नीति को बदलना मैं समझता हूँ कि उचित नहीं है।

श्री निरंजन वर्मा : हम किसी बात के गुण दोष के आधार पर विचार करते हैं। पार्टी का चश्मा लगाकर विचार नहीं करते हैं।

श्री श्याम लाल यादव : चश्मा तो हम और आप दोनों लगाये हुये हैं। तो मान्यवर, मैं यह निवेदन करना चाहता हूँ कि यह प्रश्न देश की सुरक्षा का है। जो परिस्थिति थी उसमें देश में जो आतंरिक अव्यवस्था फैल रही थी उसको रोकने के लिए यह एक साधन मात्र है। माननीय सदस्यों की तरफ से एतराज किया गया

[श्री श्याम लाल यादव]

कि कई प्रदेशों में इस तरह की व्यवस्था कानून की है और तीन प्रदेशों को छोड़ कर एक प्रकार से सारे देश में है। लेकिन यह एक ऐसा कानून है जो व्यक्ति के अधिकार को समाप्त करता है, उस पर अकुश लगाता है। ऐसा कानून सारे देश के लिए एक सा होना चाहिए, एक सी व्यवस्था सारे देश में होनी चाहिये। तो इस प्रकार विभिन्न प्रदेशों में कई प्रकार की सरकारें होगी और उसमें कई प्रकार की पार्टियों की सरकारें हो सकती हैं और उसमें व्यक्ति के अधिकारों का हनन हो सकता है। सारे देश में एक कानून होने से सारे देश में एक सी व्यवस्था हो सकती है। इसलिए मैं समझता हूँ कि इस प्रकार के अधिकार सरकार के पाम होने चाहिये और मैं समझता हूँ कि जो भी सरकार होगी वह निरकुशता के साथ इस अध्यादेश का उपयोग विरोधी दल के लोगों को परेशान करने के लिए नहीं करेगी या जो साधारण जन जीवन है चाहे वह श्रमिक क्षेत्र में हो या राजनीतिक क्षेत्र में हो या अन्य पार्टियाँ अपने आंदोलनों को चलाने के लिए, अपने स्वर्ण बढ़ाने के लिए देश की जनता के सामने कोई कार्यक्रम रखती हैं और उसमें अगर इस अध्यादेश या अधिनियम का दुरुपयोग किया जाता है तो मैं समझता हूँ कि वह अनुचित होगा और उसका सारा देश विरोध करेगा और ऐसी सरकार नहीं चल सकती। इस लिये मेरा निवेदन है कि इस आर्डिनेंस में जो व्यवस्था थी और अधिनियम में जो रखा गया है उसमें मैं समझता हूँ कि दो बातों की तरफ विचार होना बहुत जरूरी है। एक बात तो यह है कि इसको काश्मीर में नहीं लागू किया गया। मैं समझता हूँ कि काश्मीर में ही सारे देश की अपेक्षा इसकी सर्वाधिक आवश्यकता थी। दूसरी बात मैं यह कहना चाहता हूँ कि जो एडवाइजरी बोर्ड आपने बनाया है वह ठीक नहीं है। प्रदेश की सरकारों को आपने अधिकार दिया कि वह एक जज, सर्विसिंग जज हो या जो जज बनने की क्वालिफिकेशन रखते हों, उनको रखें और दो

अन्य व्यक्तियों को रखें। मेरा विचार यह है कि प्रदेशों में जैसी सरकारें बन रही हैं वह ऐसे व्यक्तियों की नियुक्ति कर देगी जो जज नहीं होंगे या जो जज होने की योग्यता रखते होंगे उनको या दस वर्ष के एडवोकेट को रख देगी और दो व्यक्ति जो रखे जा सकने हैं उनमें एक जी-क्यूटिव अधिकारी या पोलिटिकल आदमी रखे जा सकते हैं। अभी केरल की सरकार ने एक इक्वायरी बैठाई और उसमें उन्होंने अपनी पार्टी के समर्थक श्री ए०एन० मुल्ला को इक्वायरी का हेड बना दिया। मैं समझता हूँ कि यह उचित नहीं था। वह पोलिटिकल लीडर हो चुके थे। जज होते हुये भी कम्युनिस्ट पार्टी के वे समर्थक थे। ऐसे व्यक्तियों को कोई सरकार अगर इक्वायरी का हेड बना दे तो देश की जनता की आस्था उस इक्वायरी में नहीं रहती। इस लिए एडवाइजरी बोर्ड में सर्विंग जज को होना चाहिए। सारे देश में यह विचारधारा बहुत बलवती ही चुकी है कि जो रिटायर्ड जज हैं उनको किसी पद पर न रखा जाय। यह प्रलोभन होता है जो सर्विंग जजों को कि जो रिटायर होने के नजदीक पहुँच जाते हैं कि अगर वे सरकार को खुश रख सकें तो उनको रिटायर होने के बाद लाभ का कोई पद मिल सकता है। इस लिए मेरा निवेदन है कि बिल में जो एडवाइजरी बोर्ड की व्यवस्था है उसमें तीन आदमी सर्विंग जज होने चाहिए, चाहे वे हाईकोर्ट के हों या सुप्रीमकोर्ट के ताकि उस व्यक्ति को विश्वास हो सके कि वे जज निष्पक्ष फैसला करेंगे। और एक दूसरी बात जो आर्डिनेंस में कभी की दिखाई देती है और वह प्राविजन बिल में भी रखा गया है कि इस एडवाइजरी बोर्ड के सामने कोई वकील नहीं जा सकता। ऐसे लोगों को डिटैन किया जा सकता है कि जो अनपढ़ हों, या मामूली पढ़े लिखे हों, कायदे कानून की टेक्निकैलिटीज को न जानते हों और सविधान में अधिकार दिया हुआ है हर मुलजिम को अपना वकील रखने का। वह अधिकार होना चाहिये कि वह वकील रख सकता है या स्वयं

अपनी बात कह सकता है।

(वसय की घंटी)

एक चीज मैं समझता हूँ कि इसमें कमी है, उसकी व्यवस्था नहीं की गई है, इसलिए नियमों में इस तरह की व्यवस्था आवश्यक है कि कोर्ट का अधिकार बार्ड होना चाहिए कि इस तरह डिटेन किये हुये प्रादमियों के सिलसिले में कोई हाई कोर्ट या जूडीशियल कोर्ट कोई पेटीशन की हीयरिंग नहीं कर सकता। अगर यह बार्ड नहीं करते तो यह सारी व्यवस्था जो आर्डिनेंस में और बिल में की है वह सब बेकार हो जायेगी, हर आदमी हाई कोर्ट में जायेगा और रिट फाइल करके रिट के जरिये सारे मसले पर विचार करा सकता है।

इन शब्दों के साथ मैं समझता हूँ कि निर-नुमोदन का प्रस्ताव अस्वीकार होना चाहिये।

श्री उपसभापति : राजनारायण जी, आप प्रस्ताव पर बोलेंगे या बिल पर बोलेंगे !

श्री राजनारायण : हम तो कल बोलेंगे प्रस्ताव पर।

श्री उपसभापति : सिर्फ प्रस्ताव पर बोलियेगा।

श्री राजनारायण : अभी हम कोई कमिटीमेंट नहीं करने जा रहे हैं। हम कल प्रस्ताव पर बोलेंगे।

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : I shall speak on the Resolution today and tomorrow also.

MR. DEPUTY CHAIRMAN : No, no. You said you want to speak on the Resolution.

SHRI BHUPESH GUPTA : They are separate discussions.

MR. DEPUTY CHAIRMAN : You complete your speech on the Resolution today.

SHRI BHUPESH GUPTA : Again, I shall not speak on the Resolution. That I can tell you. Now, Sir, we are discussing the Resolution. It is for the disapproval of the Ordinance. We have heard three interesting speeches, one from my friend, Mr. Babubhai Chinai, who has raised his right hand along with his white cap, another from Shrimati Purabi Mukhopadhyay, who, having delivered her speech, has delivered herself out of the House, and the third one is from my friend belonging to the BKD, the party of the greatest democrat living on this planet, Mr. Charan Singh. Well, what to say of these speeches. After all, Shrimati Purabi Mukhopadhyay opposed preventive detention last year in June in the Consultative Committee along with us which was why such a measure could not be passed when West Bengal was under President's Rule. Now, today she has changed her view because Mr. Om Mehta has been very exacting in this matter.

SHRI OM MEHTA : No. no.

SHRI BHUPESH GUPTA : As far as my friend, Mr. Babubhai Chinai, is concerned, he will not be true to his salt unless he speaks in support of detention without trial. After all he is an industrialist. He runs a whole number of industries. Where industries are run workers have got to be suppressed, intimidated, terrorised and sometimes put under detention without trial with a view to suppressing their trade union activities, so that the monopolists can fatten themselves on the exploited wealth of the nation and of the working people. So, he would support it. It is not surprising. What was a little interesting in this episode is that my Congress friends started applauding him. At the time of the election, from what they told the nation we have come to think that the syndicate, big business and monopolists have gone away, that they have driven them out of the party, that they have nothing in common with them. Such was the strain of the speeches made by the Prime Minister and by Mr. Chavan, if you recall their election speeches. Today within a matter of four months or less than four months. Mr.

[Shri Bhupesh Gupta]

Babubhai Chinai is supporting them and they are acclaiming and applauding Mr. Babubhai Chinai.

SHRI BABUBHAI M. CHINAI : Mr. Deputy Chairman, it is not a crime to support a good thing which the Government is doing. I always view things in a balanced way and I do not have a one-track mind like Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Mr. Babubhai Chinai need not be upset.

SHRI BABUBHAI M. CHINAI : I am not upset at all. When you mentioned my name, it is my duty to say that. Do not mention my name and I will not get up to say anything.

SHRI BHUPESH GUPTA : I am not accusing Mr. Babubhai Chinai of inconsistency. Big money is very consistent in its anti-working class, anti-people and undemocratic stand. You are very consistent.

SHRI K. C. PANT : How far is Mr. Bhupesh Gupta consistent when he is supporting Mr. Niranjana Verma ?

SHRI BHUPESH GUPTA : I am pointing out to them about their double-talk. We shall deal with it later. You try this trick in West Bengal and we shall see.

On the one hand they go to the electorate with all kinds of promises. We have heard many speeches by the Congress leaders, and some of them had been reported in the newspapers, major ones. Did you ever hear or read any report about a speech by any leader of the ruling party that he or she was soliciting support or seeking support for a preventive detention measure of this kind ? There was not a word uttered in the course of the election by any Congress leader in the country that the nation would require a preventive detention law of this kind. Why was it so ? Do I take it that they did not understand the situation in March and only after having got a majority in the other House they had come to realise that situation ? Are they stupid or knaves or are

they hypocrites ? I want to know. In the election manifesto which cannot be unwritten because it is written once and for all, is there any reference to the need for the preventive detention law ? On the contrary many things are said in support of expansion of democracy add many nice words are uttered, by way of demagoguery of course but all the same said in the election manifesto, in which there was not the remotest suggestion that there should be a preventive detention law of this kind. Well then, why this law now after the election is over ? The Prime Minister went to make a nationwide broadcast on the 27th of December last year when she spoke on the dissolution of the 4th Lok Sabha. Was there any reference to the necessity for a preventive detention law or some such thing ? Therefore, it is quite clear that having got the majority somehow or other they are now trying to turn back on the people ; they are now going to flout their own pledges, the spirit of them, and the letter of the pledges is also being flouted by the Government.

In 1969 there was a meeting in November after the split of the Congress when Shrimati Yashoda Reddy, now sitting there, come over to this side and was sitting here in protest against the behaviour of the Congress rulers, when they were on this side in full force, the Syndicate aspiring to be the ruling party or some such thing, at that time they had lost their majority. (Interruption) They had lost their majority in the other House ; 222 of them were there. The Prime Minister called a meeting of leaders of parties and produced an agenda for the Lok Sabha and the Rajya Sabha. There was a little item, renewal of the Preventive Detention Act. We told Mr. Chavan "You are not going to have it. Why is this in the list ?" Mr. Chavan said "No, no, we do not want to discuss it now ; other things let us discuss". It was dropped, as you know very well. Then the Congress was in a majority. We wrested something from the Congress at that time when they became a minority something, and it was the lapse of the Preventive Detention Act after twenty years. It was a gain by the people. We utilised the situation in order to force this Government to drop the Preventive Detention Act, and even in 1970 middle June in Bengal they could not get it passed. Now they have got a majority and one of the first things they did, in fact the first Ordinance they issued was the

Ordinance after the election to renew the Preventive Detention law or re-enforce what had been denied by the old Parliament before. That was the treachery committed by them, a political treachery committed on the nation, a fraud on the nation. I do not know how other Governments behave, but in our democracy they talk about democracy now and as far as socialism is concerned I never believe they can ever build socialism.

In fact, socialism has become a fashionable talk for them just as cosmetics are used by some ugly people in order to cover up their ugliness and look beautiful. Therefore, talk of socialism—leave that out. The capitalist class in power can never be expected to take to socialism. We never expect it. It goes to the credit of the working classes of India, to the traditional working class movement, that they even forced the capitalist class to utter phrases about socialism in order to get respectability. But that is beside the point. We expected them at least to implement their election pledges; we expected them not to run counter to the pledges.

Consultation was not made. Shrimati Indira Gandhi at her first meeting after the election called all the Opposition leaders, told them that on all controversial matters she would like to consult the Opposition leaders as in the past before the election. We were asked not to take it that she would disregard the Opposition simply because she had got the majority, a big majority, now in the Lok Sabha. Mr. Atal Behari Vajpayee was the person who said, "No, we do not think of such a thing. Anyhow, it is gracious on your part to have said that." But now this measure has been brought before us. Was there any consultation? Nothing of the kind. The Ordinance was issued. Was there consultation? Nothing of the kind. Whenever they are in trouble they consult us in order to mitigate the opposition in the Opposition Benches. Whenever such controversial matters come which our capitalists and monopolists like Mr. Babubhai Chinai need whom our BKD friends supported in UP. . .

SHRI SHYAM LAL YADAV : No.

SHRI BHUPESH GUPTA : . . . then there is no consultation. No consultation

at all. It is arbitrary action, because, you know, in the Lok Sabha the Prime Minister and her party can get things passed. But I should like one question to be put. Prime Minister Shrimati Indira Gandhi certainly has an individual image amongst certain sections of the people. I believe the members of the Congress Party, too, have an image individually and collectively. With what face would Mr. Krishan Kant go to his audience in Haryana and explain that he has supported this Bill? With what face Mr. Chandra Shekhar go to the people of UP to explain as to why he has supported this measure? With what face many friends sitting there including my friend, Mr. Goswami, who is certainly very anti-American would go to the Assamese People to explain that they have supported this Bill? These Congress Members who have an image. . . (*Interruptions*). You have a very lovely face. . . With what face, with what image, can they do it? It seems that image-building has now become an interesting job. And having built it up, you can utilise the image to deceive the people, to please some of the reactionaries, to please some of the big bureaucrats and destroy the image of the rank and file of the Congress Members, MPs and MLAs. Do these people not have an image? I have seen how many of these Congress Members sitting there campaigned in the election with sincerity, with hope, that something great will be done. It is they who built up the image of Shrimati Indira Gandhi or of the Congress when the elections took place. These are the men who went into the battlefield to popularise the ideas of social progress, to speak against the capitalists, the princes, the landlords and foreign and Indian capitalists. But today we find that this whole lot of them is driven to a position when under the whip of the party they have to support this lawless law. This black measure is the destruction of the image of the Congress rank and file. It is destruction, it is character assassination of those men in the Congress Party who bore the brunt of the election. I would like to ask them to protect their own image. I shall try to help them. . .

AN HON. MEMBER : Thank you.

SHRI BHUPESH GUPTA : I shall try, I will protect your image. Today you are in the Rajya Sabha. And you, perhaps,

[Shri Bhupesh Gupta]

think that some of you will get elected through your Assemblies next year or a year later. You think you are safe. All that you need is the favour of the Government party here. Many of you have an image. I know people look forward to you do good things. My quarrel is not with the Members who are sitting there. My quarrel is with the Government. My quarrel is with the bureaucrats. My quarrel is with the leadership of the Government in principle.

Sir, the President had been asked to promulgate an Ordinance knowing full well that Parliament was going to sit. Could they not wait till Parliament was in session? Why was the Ordinance issued? If the nation could be held together all these months without a preventive law of this kind, why was this Ordinance so hurriedly promulgated? It was done to present the Congress Party Members with the *fait accompli*. That is what we are doing. Otherwise there was no reason for the Ordinance at all. Anyhow, Parliament was going to meet and they could have waited for a few days. They wanted to put the Congress Members in a situation where it would become a question of prestige, when they either support the Prime Minister or they oppose her and discredit the Prime Minister. Naturally, the Prime Minister calculated that the Congress followers of hers would not like to embarrass her and that willy nilly they would be driven to supporting this measure. That is what is happening. This is a wonderful strategy. I know I cannot expect them here to raise the banner of rebellion and to oppose this measure and support our Resolution. But, certainly, let me address the conscience of my friends here, let them put their hand on their heart and ask themselves whether at the time of the election any one of them was thinking in terms of the revival of the Preventive Detention law. If they are believers in God, let them take the name of Allah as the case may be and tell the House that they were thinking in those terms. Nobody told the people that they were so thinking. It is absolutely an after-thought. As far as the Government is concerned, well, the majority has been secured and they thought let them go ahead and the Ordinance was issued. Why? Ordinance, not for nationalisation, not for attacking the Princes, not for attacking the monopolists, not for

nationalising the foreign oil interests, or not for similar other things. The Ordinance was issued to curb the civil liberties and democratic rights of the people.

Sir, we know a certain deep thinking is needed about the situation. Before the election the Congress never suffered on account of lack of majority in so far as the progressive measures were concerned. Every time the Congress Government wanted to do something progressive it received abundant support from our side in this House as well as in the other House. And very often they got 325 votes in the other House in support of progressive measures. Therefore, for progressive measures you do not need majority. That majority was always there. It was a national majority in the sense that all progressive parties supported progressive measures. Therefore, it is quite clear that they needed majority, it seems, in order to pass the Preventive Detention Act which could not be passed in the Fourth Lok Sabha. Such a law could never have been passed in the earlier Lok Sabha, we would have prevented the enactment of such a measure. But today they are in a position to do so. The world will infer from that the Congress regime is interested in its majority, not so much for taking measures against monopolists, against landlords, against other exploiters but to shame the country, shame the mandate and shall Parliament, above all.

This is the lesson people will draw. We are talking about Bangla Desh. Yes, we want the Bangla Desh cause to triumph. There is no dispute about it. But do you need the Preventive Detention Act for it?

SHRI SHEEL BHADRA VAJEE : Yes.

SHRI BHUPESH GUPTA : Do you need the Preventive Detention Act in Cape Comorin to win the battle of Bangla Desh? Do you need the Preventive Detention Act in the deserts of Rajputana or in Maharashtra in order to win the battle of Bangla Desh? Certainly you do not need it. Yet you are proposing an all-embracing measure for the whole country today. Why? Because you want to attack others. You have the Maintenance of Essential Services Act. When the Barauni Railway workers went on a strike because the Government would not carry out its own commitment with regard

to the project allowance, the Essential Services Act was invoked and action was taken against them. When the Government employees went on strike in Kerala, the Essential Services Act was invoked and the Kerala Government was asked to prosecute the Government employees for having participated in the one-day token strike of 1968. Therefore, the aim is to attack the democratic movement. Now we are told, the Prime Minister will give an assurance, Pantji will give an assurance, Mirdhaji will give an assurance and we have to be satisfied. May be my friend, Mr. Akbar Ali Khan, will be satisfied because he gets satisfied by looking at the faces on the treasury benches. But we will not be satisfied. Here in this House Jawaharlal Nehru gave assurances in 1952 that the Preventive Detention Act would not be used against political parties or political opponents. Which one of them here now is bigger than Jawaharlal Nehru? Which is one of them is taken more seriously than Jawaharlal Nehru? Whose words carry more weight than those of Jawaharlal Nehru? If his assurances proved all false, could not be implemented or were not implemented, and, in fact, were ignored, how do I take it that the assurance of his daughter, if it is given, will be implemented.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, please.

SHRI BHUPESH GUPTA : Here my young friend, Mr. K. C. Pant sits, and not only sits, but is also piloting this Bill. I am surprised that Shrimati Indira Gandhi is not here. She should have heard a few things from us. You see, the Prime Minister and Home Minister of the country ignoring us in this matter. Govind Ballabh Pant came once to get the Preventive Detention Act renewed. At that time, perhaps my friend, K. C. Pant, was in the high school or in the college. He was a very young man at that time. His father was very affectionate and he himself was very good. K. C. Pant was very good. Whenever I went to Pantji, I found him an excellent person, a very loving son to a loving father and also equally good to the guests of the father. Having fought Govind Ballabh Pant, to-day it has fallen to me to fight K. C. Pant. It is a tragedy that nothing has changed since then as far as the Preventive Detention Law is concerned. Is the

Preventive Detention Act your inheritance from your father?

6 P.M.

No, I am sure he agrees. But somehow or other he has become a tool. I am sure the son should be worthier than the father in some respects. That is how civilisation grows. If every son were like the father in every respect, then civilisation would not have advanced. . . (Time bell rings) I will continue tomorrow. I will finish tomorrow.

MR. DEPUTY CHAIRMAN : You said you would not like to speak on the Resolution. . .

SHRI BHUPESH GUPTA : The second speech I will not make.

MR. DEPUTY CHAIRMAN : Please conclude within three or four minutes now.

SHRI BHUPESH GUPTA : No, no. I will not be able to do it. Now I cannot do it.

MR. DEPUTY CHAIRMAN : I would like to know whether honourable Members will like him to finish his speech within three or four minutes.

SHRI BHUPESH GUPTA : It hurts me to enter into a fish market to bargain for time.

SHRI AKBAR ALI KHAN : Sir, you give him five minutes and let him finish his speech now.

SHRI BHUPESH GUPTA : No, no. I will speak only tomorrow, and I assure you tomorrow I shall obey whenever you say, "Bhupesh, you have to finish now." I will finish it immediately, I will obey you tomorrow. Whatever time you give me tomorrow. . .

MR. DEPUTY CHAIRMAN : Five minutes

SHRI BHUPESH GUPTA : I am agreed. Fortunately you will not be in the Chair. But anyway I am agreed, I shall obey you.

SHRI PITAMBER DAS (Uttar Pradesh): But this agreement will not stand with the Chairman, Mr. Pathak.

MR. DEPUTY CHAIRMAN : It applies to whoever is in the Chair, whether it is the Chairman, the Deputy Chairman or the Vice-Chairman.

SHRI BHUPESH GUPTA : It is a contract between you and me. Do not go back on your word. Whenever you say, "Bhupesh, you must finish now," I will finish.

MR. DEPUTY CHAIRMAN : When you say it is a contract between "you and me", "you" means the person occupying the Chair. The agreement is between the Chair and Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : If Mr. Pathak says "I am carrying out the instruction of Mr. B. D. Khobragade" I will sit down. It is all right. Now you adjourn till tomorrow.

SHRI OM MEHTA : No, no. Let him finish today.

SHRI A. P. CHATTERJEE : No. It is 6 O'clock now. Let him continue tomorrow.

MR. DEPUTY CHAIRMAN : We have agreed that we have to complete our business before 6 P.M. the day after tomorrow. . .

SHRI A. P. CHATTERJEE : We shall defeat the Bill by that time.

MR. DEPUTY CHAIRMAN : It is all right. I have no objection at all and I would be happy if the decision is taken earlier. . .

SHRI BHUPESH GUPTA : What is it you will be happy of ?

MR. DEPUTY CHAIRMAN : He said "we shall defeat the Bill by that time". To that I only said I will be happy if the decision is taken earlier, that is, as early as possible. Even if the decision is taken tomorrow I will be the happiest person.

SHRI BHUPESH GUPTA : What is it ? You will be happy if the Bill is defeated tomorrow ?

MR. DEPUTY CHAIRMAN : I will be happy if the decision is taken even tomorrow.

SHRI RAJNARAIN : No, no.

MR. DEPUTY CHAIRMAN : There are two other Bills and the honourable Members said that they would like. . .

SOME HON. MEMBERS : No, no.

(Interruptions)

MR. DEPUTY CHAIRMAN : As I said in the morning, it is in the interest of Members themselves to get these two Bills passed because there will be some advisory committees for Mysore and Gujarat, and therefore, we will have to finish this discussion before 4 P.M. on Friday so that we can discuss the two Bills in the remaining two hours, that is, from 4 P.M. to 6 P.M. Thus we can complete the whole business on Friday.

SHRI BHUPESH GUPTA : You now seem to be a great editor of your rulings. You gave a ruling and you now start editing it. All that we have decided is this business in today's Order Paper will be completed by 6 O'clock on Friday.

MR. DEPUTY CHAIRMAN : What about the two Bills ?

SHRI BHUPESH GUPTA : We shall see about them. They too will be passed.

MR. DEPUTY CHAIRMAN : How ? Well, if honourable Members say that they will pass the two Bills without any discussion, I have no objection in that case. I have no objection if you do not have any discussion on those two Bills.

SHRI AKBAR ALI KHAN : The whole business that is there on the Order Paper.

MR. DEPUTY CHAIRMAN : All right. Now before we adjourn there is only one statement to be made by the Railway Minister.

श्री राजनारायण : श्रीमन्, राष्ट्रपति की निन्दा का जो प्रस्ताव था, यहां भाषण वाले सवाल पर वह कब आयेगा।

श्री ओम् मेहता : वह नेक्स्ट सेशन में अब लायेंगे। वह राष्ट्रपति की निन्दा नहीं थी, राजनारायण जी की निन्दा थी।

श्री राजनारायण : हम इसी के लिए तो रुके थे।

STATEMENT BY MINISTER RE SIDE-COLLISION OF TRAINS

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : Sir, I lay a statement on the Table of the House regarding side-collision between train No. 48 Dn. Bombay-Varanasi Express and a shunting engine at Varanasi Station of the Northern Railway on 22.6.1971 and I do so with great sorrow

AN HON. MEMBER : What was that ?

MR. DEPUTY CHAIRMAN : He has laid a statement on the Table of the House regarding some accident which occurred at Varanasi yesterday.

श्री राजनारायण (उत्तर प्रदेश) : कैसे हुआ एक्सीडेंट ? इस पर चर्चा होगी।

श्री उपसभापति : उन्होंने इसका स्टेटमेंट टेबल पर रख दिया है।

श्री राजनारायण : तो मैं सवाल पूछना चाहता हूँ।

श्री उपसभापति : तो पढ़ लीजिए स्टेटमेंट।

श्री राजनारायण : उसके बाद हमारा सवाल होगा।

श्री उपसभापति : आप सवाल कर लीजिएगा।

श्री राजनारायण : कायदे से चलना नहीं चाहते हो। इस समय बनारस में जो रेल दुर्घटना हुई है, उसमें तीन आदमी मर गए। मन्त्री महोदय ने स्टेटमेंट रख दिया। मैं जानना चाहता हूँ, एक्सीडेंट कैसे हुआ। मैं इस बारे में मन्त्री जी से ज्यादा जानता हूँ। आप कायदे से चलना चाहते हैं या बेकायदे ?

श्री उपसभापति : फिर पूछिए जो पूछना चाहते हैं।

श्री पीताम्बर दास (उत्तर प्रदेश) : मैं यह पूछना चाहता हूँ...

श्री राजनारायण : मगर यह दुर्घटना कैसे हुई ?

श्री उपसभापति : एक मिनट ठहरिए।

श्री पीताम्बर दास : यह जो स्टेटमेंट अभी रखा है और जिसके बारे में आप कहते हैं पढ़ लीजिएगा, हम पढ़ तो लेंगे, लेकिन उसके ऊपर प्रश्न कब पूछ सकेंगे, उसको भी बता दीजिए।

श्री उपसभापति : वह पूछ रहे हैं राजनारायण जी।

श्री लाल आडवाणी (दिल्ली) : उपसभापति महोदय, बिना किसी नोटिस के इस तरह शाम को कोई पेपर टेबल पर रखे नहीं जाते। अगर मन्त्री महोदय को इस प्रकार की आवश्यकता अनुभव हुई कि कोई वक्तव्य किया जाए कि कोई असाधारण घटना घटित हुई, तो उन्हें वक्तव्य मौखिक करना चाहिये, सभा पटल पर रखना मात्र नहीं चाहिये। लेईन्ग आन द टेबल आफ द हाउस, यह एक प्रकार की फार्मैलिटी है, जिससे सदन को वक्तव्य के सार के बारे में पता नहीं चलता। राजनारायण जी को पता है, वहां कोई घटना हुई है, लेकिन बाकी लोगों को कैसे पता चलेगा। यदि वक्तव्य इतना महत्वपूर्ण था, तो मन्त्री महोदय को मौखिक बताना चाहिए था।