

Pushpaben Janardanrai Mehta, Shrimati
 Raju, Shri V. B.
 Ramaswamy, Shri K. S.
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri M. Srinivasa
 Reddy, Shri Mulka Govinda
 Roshan Lal, Shri
 Saha, Shri Surajnal
 Salig Ram, Dr.
 Samuel, Shri M. H.
 Sangma, Shri E. M.
 Sanjivayya, Shri D.
 Sarojini Krishnarao Babar, Dr. Kumari
 Savnekar, Shri B. S.
 Schamnad, Shri Hamid Ali
 Sen, Dr. Triguna
 Shah, Shri Manubhai
 Shanta Vasisht, Kumari
 Sherklan, Shri
 Shervani, Shri M. R.
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri Bindeshwari Prasad
 Singh, Shri Bhupinder
 Singh, Shri Dalpat
 Singh, Shri Dilkishore Prasad
 Singh, Shri Inder
 Singh, Shri Jogendra
 Singh, Shri Shiv Swaroop
 Singh, Shri Sultan
 Singh, Shri Triloki
 Sinha, Shri Awadheshwar Prasad
 Sinha, Shri Ganga Sharan
 Sinha, Shri Rajendra Pratap
 Sisodia, Shri Swaisingh
 Sukhdev Prasad, Shri
 Tilak, Shri J. S.
 Tiwary, Pt. Bhawaniprasad
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Venigalla Satyanarayana, Shri
 Vero, Shri M.
 Vidyawati Chaturvedi, Shrimati
 Vimal Punjab Deshmukh, Shrimati
 Yadav, Shri Shyam Lal
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

The motion was negatived.

THE MAINTENANCE OF INTERNAL SECURITY BILL, 1971

MR. DEPUTY CHAIRMAN : Mr. Pant.

THE MINISTER OF STATE IN THE

MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT) : Sir, I beg 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.”

The question was proposed.

SHRI BHUPESH GUPTA (West Bengal) : Sir, on a point of order . . . (Interruptions) Sir, my point of order is this. There is a calculated attempt at frustrating free legislation by Parliament. That is contrary to Parliamentary conventions.

The hon. Minister has tried to push into this House a Bill which has been brought in a peculiar manner in that, even when Parliament was about to meet, they promulgated an Ordinance, containing the provisions of this Bill. They did not wait till the Parliament met. It would have been proper on the part of the Government to have brought the Bill without having taken recourse to the Ordinance with a view to forestalling a free and objective deliberation by Members of Parliament. Sir, we have information that the Congress Party, the ruling party, were not sure how the members of the ruling party, how the supporters of the Government would react if a Bill was sought to be introduced. Therefore, what they wanted to do, the Congress Government here, was that they thought that in such a situation it would be better if an Ordinance was issued, and the members of the Congress Party were confronted with the proposition of either owning up or disowning their Government. Now, Sir, this was unfair on the part of the Treasury Benches, to put the average members of the Congress Party in difficulty. Now, Sir, they did not come here with an open mind. They wanted to come with an open mind but they were manacled by the issue of this Ordinance, which really is a bigger issue. Therefore, Sir, that was again wrong as far as we of the Opposition are concerned. Sir, in the past, in 1969 this question came up whether the country should revive or continue the Preventive Detention Act which had been in force for nearly twenty years. Leaders of the Opposition were called, and others also came from the Congress side. A decision was taken that there was no need for such a Bill any how

at the Central level, and hence the Preventive Detention Act was dropped and, as you know, for a year and more it was not on the Statute Book.

SHRI K. C. PANT : Is this a point of order ? Why can't he start speaking on the Bill ?

SHRI BHUPESH GUPTA : The point of order is because you have frustrated all of us and you are committing a fraud on the Constitution. You are not a fraud. You are by no means a fraud. You are a very honest person of Shrimati Indira Gandhi, but one only does not know when you act in the interests of the Birlas. Now I say, Sir,—it is very important—that in the last parliament in the last Lok Sabha—we are a continuing House—the decision was taken that there was no need for the Preventive Detention Act. Also, Sir, the elections were fought without any reference to the necessity of such a law.

MR. DEPUTY CHAIRMAN : The House has already indirectly approved the Proclamation.

SHRI BHUPESH GUPTA : That is a different matter, the Proclamation issued before bringing in the legislation here. That is a different matter ; I am not discussing the Proclamation. Now this is the legislation, and even in making the legislation you have to follow certain norms, and I am pointing out that the norms have not been observed. Sir just before this election took place this issue was not placed before the electorate, and the people were not given a chance to express their opinion on this subject, their opinion on whether that should be revived. That is why I say that was wrong. Secondly in the past the Opposition parties had been consulted over a matter like this but in this particular case, the Opposition Parties and others were not invited to any consultation of this kind. That was a violation of the law.

MR. DEPUTY CHAIRMAN : You have already made all these points yesterday.

SHRI BHUPESH GUPTA : Will you please hear ? You seem to have made up your mind. Therefore norms have not been followed. It is a fraud on the Constitution. Why do I say so ? You will say that the Supreme Court will decide. Yes, it will decide but even before that

we can express our opinion at this stage. It is the Preventive Detention Act. Only the name plate has been changed.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Is he speaking on the Bill ?

SHRI BHUPESH GUPTA : It has been your privilege neither to understand a point of order nor to understand a point of disorder. Will you keep quiet ? So it is a fraud...

MR. DEPUTY CHAIRMAN : If you proceed in this manner we cannot finish...

SHRI BHUPESH GUPTA : Why are they not calling it the Preventive Detention Act ? It is called the Maintenance of Internal Security Bill. Why ? Whose security ? It is therefore clear that the Government is not prepared to own up before the public that it is enacting the Preventive Detention Act.

MR. DEPUTY CHAIRMAN : It is not a point of order.

SHRI BIPINPAL DAS (West Bengal) : How can it be allowed ? It is not a point of order.

SHRI BHUPESH GUPTA : It is a fraud on the Constitution. It is a fraudulent manner of dealing with the Parliament. The Government has no right to deal with the Parliament in a fraudulent manner, in the 420 style. I say that the Government is dealing with the Parliament in the 420 style which is why they have changed the name of Preventive Detention Act and given another name in order to bamboozle the people. I therefore demand that you do not allow him the permission to ask for your leave to move the Motion for consideration of the Bill. It is a fraudulent effort on the part of the Government to cheat the public, to cheat the Parliament and to do something by, as I said, again a fraudulent method. This is the style of political 420, not honest politicians.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, हमारा व्यवस्था का प्रश्न यह है कि क्या कोई सरकार जो अनसाउंड माइंड की हो जाय वह उस समय कोई विधेयक प्रस्तुत कर सकती है ? देखिये, जब श्री पन्त जी हमारे पास आये तो उनका हृदय धड़क रहा था...

SHRI BIPINPAL DAS : The same thing applies to Shri Rajnarain himself.

श्री राजनारायण : हमारे यहां एक कहावत है कि नया मुसलमान ज्यादा अल्ला अल्ला चिल्लाता है। आज वे नये गबरू बने हैं कांग्रेस के और इसलिये वे बहुत ज्यादा चिल्ला रहे हैं। तो मेरा कहना यह है कि जब किसी का अन-साउंड माइंड हो जाय तो चेयर का यह कर्तव्य हो जाता है कि वह उसको उस समय रोके। हमारी आपसे प्रार्थना है कि इस समय आप सदन स्थगित करें और पन्त जी को अवसर प्रदान करें कि वे जा कर देखें कि इस विधेयक में क्या कमियां हैं, क्या खामियां हैं, पन्त जी बहुत घबड़ाये हुये हैं। जब वे बोलते हैं खड़े होकर तो मालूम होता है कि उनका हृदय धड़क रहा है। हमने बड़ी कोशिश की कि मैं उनको सम्हालूं। इसलिये मैं आपसे निवेदन कर रहा हूं कि इस समय आप इस सदन की कार्यवाही को स्थगित करें और सरकार को साउंड माइंड का होने दें और सरकार सोचे कि जो प्वाइंट यहां उठाये गये हैं हमारे प्रस्ताव में, उसके पक्ष और विपक्ष में, उन दोनों का वह मूल्यांकन करे और उसके बाद कल आयें और फिर कल इस पर विचार किया जाय।

SHRI A. P. CHATTERJEE (West Bengal) : I am moving a motion under rule 230...

MR. DEPUTY CHAIRMAN : You cannot move any motion without the permission of the Chair.

SHRI A. P. CHATTERJEE : With the permission of the Chair.

MR. DEPUTY CHAIRMAN : Then, I will not give you permission to move any motion.

SHRI A. P. CHATTERJEE : I shall move it and then only you can say. I have every right and then you decide. I am moving a motion under rule 230 (1) of the Rules of Procedure and Conduct of Business. My motion is this :

That the debate on the motion 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, be adjourned.

This is my motion which I am bringing forward under rule 230 (1) which says that at any time a motion can be made that the debate on the motion be adjourned. I am moving this motion and I request you to put the motion to the House. I have moved it just now. I am moving this motion under rule 230.

SHRI N. K. SHEJWALKAR (Madhya Pradesh) : What is wrong ?

SHRI GODEY MURAHARI (Uttar Pradesh) : I would like to speak on this motion.

SHRI SHEEL BHADRA YAJEE (Bihar) : What was the agreement yesterday ?

SHRI A. P. CHATTERJEE : In moving this motion and recommending it to the House, I will say a few words...

HON. MEMBERS : No. no.

MR. DEPUTY CHAIRMAN : I have already declared that I have not given you my permission.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : There is no question of permis-

MR. DEPUTY CHAIRMAN : No motion can be moved without the permission of the

SHRI SUNDAR SINGH BHANDARI : With the permission of the House it can be moved.

MR. DEPUTY CHAIRMAN : I have not given my permission. I have declined to give permission.

SHRI GODEY MURAHARI : There is no question of permission. He has already moved it.

MR. DEPUTY CHAIRMAN : I decline to put the question before the House.

SHRI GODEY MURAHARI : Under what rule ?

MR. DEPUTY CHAIRMAN: Under the same rule which he has quoted. I am declining to propose the question. The same rule says so.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Mr. Deputy Chairman, may I very humbly ask Mr. Arun Prakash Chatterjee whether I am also equally authorised to move a motion that this House decides to pass this Bill without discussion? If, according to him, no permission of the Chief is necessary, then I move my motion.

SHRI A. P. CHATTERJEE: No, no.

SHRI CHANDRA SHEKHAR: I shall also say that it should be passed in five minutes.

SHRI A. P. CHATTERJEE: It is a dilatory motion.

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, order please.

SHRI CHANDRA SHEKHAR: My point is this. If Mr. Arun Prakash Chatterjee is authorised to move the motion without the permission of the Chair—and he is insisting on it—then I should be allowed...

SHRI A. P. CHATTERJEE: It is a dilatory motion.

SHRI GODEY MURAHARI: You have been saying that you decline to propose the motion. The rule says:-

“(2) If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question.”

Therefore, first of all you will have to decide whether it is an abuse of the rules. That is No. 1. No. 2, you should put the question from the Chair

SHRI BHUPESH GUPTA: After hearing us.

MR. DEPUTY CHAIRMAN: The provisions are very clear. One minute please. As pointed out by Mr. Godey Murahari, the provisions are very clear.

SHRI PITAMBER DAS (Uttar Pradesh): Since it is a matter of procedure, I would like to make a submission.

So far as the question of misuse of the rules is concerned, the head note itself given to this rule is ‘dilatory’. So that a motion even if it is dilatory cannot be ruled out on that ground because this is a dilatory motion. The framers of the rule envisaged this. Knowing full well that the motion would be dilatory, they have made this provision. It is meant only for this purpose.

SHRI BHUPESH GUPTA: I have a submission. First of all I was a little surprised that my friend Shri Chandra Shekhar needlessly raised a point. He brought in the analogy of passing the Bill without discussion and debate. If you do so, the Bill will be unconstitutionally passed and it will be struck down by the Supreme Court. You may try that. Anyhow, you can move it, we have no objection. But passage of the Bill is provided for under the Constitution, reading, amendment, everything is required. That should not be confused with a simple motion which can arise in your Chamber, which can also in certain circumstances be raised on the floor of the House. Here, Sir, on the interpretation of the rule you are the ultimate judge. I agree. What does it say?

“If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question.”

This provision makes it clear that such a motion originates on the floor of the House. Such a motion is not dealt with in Chamber. It is just to be dealt with on an *ad hoc* basis. Therefore, it cannot arise before something has arisen, before the debate has started. It can arise only when the debate is about to start or in the midst of a debate. The debate is about to start and just at that relevant point in this context the motion can be brought in. My friend Mr. A. P. Chatterjee has not acted

[Shri Bhupesh Gupta]

prematurely had he gone to your Chamber to ask for your leave for this thing. It is like christen a baby before it is born. Now that the baby is born he wants it to be christened in a particular way. The only thing for your consideration is whether this is in your opinion—in your opinion, not in their opinion, I hope you are clear; do not look at their side—an abuse of the rules of the Council. What are the rules of the Council?

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, it is rather unfair. The House has decided yesterday that we have to finish it and you yourself agreed, and now you are indulging in this thing.

SHRI BHUPESH GUPTA: Adjournment does not mean adjournment *sine die*. We may adjourn the thing tomorrow also. Please understand it. We are discussing the question.

MR. DEPUTY CHAIRMAN: You please sit down.

SHRI BHUPESH GUPTA: When you adjourn the House at six o'clock, do you adjourn the House for the whole year?

MR. DEPUTY CHAIRMAN: I have understood your point. Please sit down.

SHRI BHUPESH GUPTA: You have not understood. You are not a genius. You will never claim that you are a genius although I would like to call you a genius.

MR. DEPUTY CHAIRMAN: I may not be a genius but I have understood your point.

SHRI BHUPESH GUPTA: You are neither a genius nor a genie.

MR. DEPUTY CHAIRMAN: You are also a genius. I have understood your point.

SHRI PITAMBER DAS: Sir, the point which Mr. Bhupesh Gupta does not understand, how can you understand?

SHRI BHUPESH GUPTA: There is no abuse of the rule.

SHRI CHANDRA SHEKHAR: As you say that Mr. Chatterjee is within his right to move this motion, I would say that there was

some understanding yesterday. In the same way, there is a certain rule in the Rules of Procedure of the House that I can move a closure on the debate tomorrow morning or just after one hour.

SHRI A. P. CHATTERJEE: You can.

SHRI CHANDRA SHEKHAR: That is what I say. Are we going to play this game or are we going to follow the understanding that we arrived at yesterday? That is the point which I want to understand. Mr. Bhupesh Gupta. And I shall like to ask all the leaders of the Opposition: When there was an understanding yesterday, are we going to abide by that understanding or are we going to play this trick? If you play the trick, we can also play the same trick.

SHRI BHUPESH GUPTA: I am not disputing it. But Mr. Chandra Shekhar, you are a reasonable man. I know you will never move for closure.

MR. DEPUTY CHAIRMAN: When we have come to an understanding, we should stick to that understanding.

SHRI S. D. MISRA (Uttar Pradesh): There is nothing that I have to say on these legal and technical matters whether we should adjourn or not, whether it is within my right or your right or their right or the right of the House. I am not going to say anything on that. But one thing is very clear that yesterday we decided that we would sit till the 25th. 6.00 P. M., unless we ourselves again want to extend it by two hours. That is all. Therefore, I shall request Mr. Bhupesh Gupta and other friends here, let us proceed in this matter. And it will not behove us nor them to adjourn. Therefore, all that I would say is. I request the leaders of the Opposition not to adjourn.

MR. DEPUTY CHAIRMAN: Mr. Goray.

SHRI A. P. CHATTERJEE: I will speak, I want to move the motion.

MR. DEPUTY CHAIRMAN: I have called Mr. Goray.

SHRI A. P. CHATTERJEE: I have to speak on this.

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI N. G. GORAY (Maharashtra): Sir, I had no intention of participating in this discussion. But because the hon. Mr. Chandra Shekhar said that he would like to put a question to the Members of the Opposition, I thought that it would be better if I also made my position clear.

Sir, when this debate started, two questions were linked up. The first was about the Ordinance and the other was about the Bill. It was pointed out here that these two questions should not be taken together and this demand was agreed to by the Treasury Benches. Therefore, we started the discussion on the Ordinance and a lot of debate took place and afterwards there was voting. In the voting the results were very clear. The Treasury Benches got 124 and we got 49. Sir, having seen all this, I thought that it was up to the Opposition to take this defeat sportingly. We should say, "All right. We have fought the battle. We have said whatever we have to. We have warned the Government that they should not proceed with this Bill." In spite of all that, it was the pleasure of the House to defeat it by an overwhelming majority.

Sir, as a democrat and as firm believer in the parliamentary system of government, I accept this and therefore, I would plead with my friends here—why cannot you accept this and go ahead with the Bill.

There is another thing. Yesterday when you put this to the House, the whole House agreed that let us extend it by one day. Sir, one day's sitting of the Parliament must be costing Rs. 50,000. I do not know exactly how much. The other day when it was the question of your salary, being raised by Rs. 250 and also the sumptuary allowance by Rs. 250, right from Gandhiji everybody was quoted and it was pointed out that this is such a poor country, we want to establish an egalitarian society, our slogans of *garibi hatao* and what not and what is that you are doing, etc. I also said that you should not raise the salary. Everyday this House means Rs. 50,000. I am taking the modest figure. Therefore, Sir, I

would like to say that till tomorrow evening we have agreed, and it is a solemn promise, that the whole business of the House would be concluded.

Now, Sir, we have gone through this first motion. That was defeated. It does not matter. We will again try to convince the Treasury Benches. We will do our best. But even if we are not able to convince and if we lose that does not matter. That is the way Parliamentary life can be enriched; it can be sustained. Therefore, though I am with the Opposition, and I am going to oppose the Bill, because I am not convinced by all the eloquence and persuasive argument of Shri Pant, I would say to my friends here let us not resort to some sort of tactics of asking for adjournment, this that and the other. Why should we resort to any tactics? We know that the majority is not with us. Let us accept this fact and go ahead with this Bill.

MR. DEPUTY CHAIRMAN: Let us proceed with the discussion now.

SHRI A. P. CHATTERJEE: Mr. Deputy Chairman, Sir, I have to reply...

MR. DEPUTY CHAIRMAN: The motion is very clear...

SHRI A. P. CHATTERJEE: You allowed others to speak.

MR. DEPUTY CHAIRMAN: There is no question of any more discussion because the point is very clear. There is no right to reply. I have got the position very clear. I will appeal to all the Members...

SHRI A. P. CHATTERJEE: I move the motion.

MR. DEPUTY CHAIRMAN: You allow the House to proceed with the business.

SHRI BHUPESH GUPTA: You have to hear me...

MR. DEPUTY CHAIRMAN: This is not good. As pointed out by Mr. Goray, it is not fair also. This is not in consonance with Parliamentary democracy.

SHRI BHUPESH GUPTA : Do not tell me about Parliamentary democracy. I have heard that appeal again and again. Parliamentary democracy here is being made a mockery. First the Ordinance is promulgated and then the Bill is brought. Therefore, do not tell me about Parliamentary democracy. As the hon. Minister has said, we are committed to finish the business by 6 P. M. tomorrow..

MR. DEPUTY CHAIRMAN : He said that he will bring a closure motion at 4 o'clock.

SHRI BHUPESH GUPTA : Then why do you not bridge the closure motion ? Mr. Goray will say that he takes the defeat, that the closure has come. I do not take it as defeat. The fight shall continue.

SHRI N. G. GORAY : I am with you, but this is not the way of fighting.

SHRI BHUPESH GUPTA : It is no use. Does democracy say let them cut our throat and we submit to them ? That kind of democracy we do not believe in.

SHRI AKBAR ALI KHAN : I would appeal to you to please follow Mr. Goray.

SHRI BHUPESH GUPTA : Your appeal I always hear. Then you follow Mr. Goray in opposing the Bill.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, let us take up the business ..

SHRI BHUPESH GUPTA : Sir, the position is very clear. We are not going back on our word. Tomorrow the business of the House shall be conducted up to 6 o'clock. I am disputing that thing.

MR. DEPUTY CHAIRMAN : Since we are not going to sit beyond 6 tomorrow, why not accommodate more Members today ?

SHRI BHUPESH GUPTA : Sir, I will suggest to you not to use more words. You read the proceedings and see how many words you use and how many we use.

MR. DEPUTY CHAIRMAN : Not even one-hundredth of what you use.

SHRI BHUPESH GUPTA : By the Chair words are not to be used. You are even intervening. You do not allow sentences to be completed. I said I agree with you that the business should be finished tomorrow. Mr. Goray said, "Let us take the defeat sportingly". He can take the defeat that way. He is a great man. I am not so great. I do not take it as a defeat, of because a defeat of this kind is a technical defeat.

SHRI AKBAR ALI KHAN : You should abide by the understanding you gave. That is what Mr. Goray said.

SHRI BHUPESH GUPTA : I am standing by that understanding. All I say is, Mr. Arun Prakash Chatterjee has raised a point of order. It merits consideration on the strength of what is written in our Rules. That is what I am saying. Beyond that I am not saying anything. You can adjourn the House for one hour or two hours or even five minutes, as you like.

श्री राजनारायण : श्रीमन्, मैं एक बात समझ नहीं पा रहा हूँ। चन्द्र शेखर जी ने, श्याम धर मिश्र जी ने और नाना साहब ने करीब करीब एक ही बात कही है। थोड़ा शब्दों का फेर है, लेकिन भाव एक ही है। हमने यह कहा कि 25 को 6 बजे तक बिजनेस खत्म हो जायगा और जब कोई बिजनेस ही न रहे किसी टेक्निकल प्वाइंट को ले कर तब हम यह कह रहे हैं कि 6 बजे तक नहीं खत्म करेंगे। हम तो कल 6 बजे तक खत्म करने को वचनबद्ध हैं, लेकिन अगर इसी बीच में हमने कोई ऐसा प्वाइंट उठा दिया जिससे बिजनेस ही न रहे, तो फिर 6 बजे से पहले ही वह खत्म हो जायगा। (व्यवधान) देखिये हल्ला मत कीजिये। इस तरह से काम नहीं चलेगा। (व्यवधान) गाली देने से काम नहीं चलता।

श्री गोडे मुराहरि : जितना हल्ला मचाओगे उतना ही ज्यादा समय लगेगा।

SHRI BHUPESH GUPTA : You did not display impatience in 1970. Now I find you have become a little impatient.

श्री राजनारायण : 230 के तहत श्री ए० पी० चटर्जी ने प्रस्ताव रखा। उसमें यह है :

“(1) किनी प्रस्ताव के किये जाने के बाद किसी समय कोई सदस्य यह प्रस्ताव कर सकेगा कि प्रस्ताव पर वाद-विवाद को स्थगित कर दिया जाये।”

श्री उपसभापति : राजनारायण जी, यह पढ़ने की जरूरत नहीं है। हम सब ने पढ़ लिया है और सब ने सुन लिया है।

श्री राजनारायण : चटर्जी ने कोई ऐसी बात तो कही नहीं जो नियमानुसूल न हो, जो नियम के अन्दर न हो। नियमों के अन्दर उन्होंने एक प्रश्न उठा दिया। अब आप उसको नोट कीजिये।

श्री उपसभापति : वह ठीक है, आप तो बैठिये। मिस्टर चटर्जी।

श्री राजनारायण : जरा सुनिये तो सही।

श्री उपसभापति : उनका प्वाइंट खयाल में आ गया है। आप बैठिये।

श्री राजनारायण : उनके प्वाइंट को क्या मैं इम्प्रूव नहीं कर सकता हूँ? उनके प्वाइंट का परिमार्जन भी तो हम कर सकते हैं।

श्री उपसभापति : उसकी कोई जरूरत नहीं है।

(Interruptions)

श्री राजनारायण : मैं उसी पर आ रहा हूँ, घबड़ाइये मत। मैं चाहता हूँ कि सदन के सम्मानित सदस्य पहले आपका अधिकार समझ लें। आपका अधिकार यह है :

“(2) यदि सभापति की राय हो कि वाद-विवाद के स्थगन का कोई प्रस्ताव राज्य सभा के नियमों का दुरुपयोग है तो

वह उस पर या तो सभापीठ से तुरन्त मत ले सकेगा या प्रस्ताव को प्रस्थापित करने से इन्कार कर सकेगा।”

तो पहला काम आप को यह करना है कि जब आप यह समझें...

श्री उपसभापति : यह गोडे मुराहरि जी ने पहले बतला दिया है कि इसके इम्प्लीकेशन क्या हैं। अब फिर आपको उसे दोहराने की कोई जरूरत नहीं है।

श्री राजनारायण : तो सुनिये न।

श्री उपसभापति : उसके सुनने की क्या आवश्यकता है। वह गोडे मुराहरि जी ने पहले बतला दिया है कि उसका मतलब क्या होता है।

(Interruptions)

श्री राजनारायण : तो पहले आप मत लेंगे...

श्री पीताम्बर दास : यह तो बड़ी अजीब बात है कि पहले मत ले लेंगे और फिर... (Interruption)

श्री राजनारायण : नियम आप का कर्तव्य यह बतला रहे है कि आप अगर यह समझ लें कि यह नियम का दुरुपयोग है तो पहले आप को समझना पड़ेगा कि क्या यह दुरुपयोग है। दुरुपयोग समझने के लिये केवल डिस्क्रिप्शन से नहीं आप को पक्ष और विपक्ष की बातें सुननी पड़ेंगी और तब आप अपना निर्णय देंगे कि यह दुरुपयोग है या....

श्री उपसभापति : नहीं, नहीं, पक्ष और विपक्ष के सुनने की जरूरत नहीं है...

(Interruptions)

श्री राजनारायण : तो फिर आप संसदीय प्रथा की दुहाई क्यों देते है ?

श्री उपसभापति : जब प्वाइंट क्लियर होता है तो उसको सुनने की जरूरत नहीं होती है। आप बैठिये।

श्री राजनारायण : मैं दूसरा प्रस्ताव भी रख सकता हूँ। अगर आपको नियमों की जानकारी है और जब मंत्री ने यह कह दिया कि हमारे पास ये आंकड़े नहीं हैं कि इस अध्यादेश की अवधि में अब तक कितने-कितने लोगों की गिरफ्तारियाँ हुई हैं इसी ईश्य को लेकर अगर, आप सही में संसदीय हैं और नियमों को जानते हैं तो केवल इसी बात को लेकर मैं आप से कह सकता हूँ कि इस समय इस विधेयक पर विचार स्थगित हो और जब तक हमें इस बारे में सारी सूचना यहाँ पर लाकर नहीं दी जाती तब तक इस पर विचार नहीं हो सकता। आप लोग जानते कुछ नहीं हैं और हम को सिखाते हैं।

SHRI A. P. CHATTERJEE : I have moved a motion under Rule 230 (1). It is quite clear under sub-rule (2) of Rule 230, you may do either of the two acts provided of course you have formed an opinion that it is an abuse of the Rules of Business. Now certain words have been expressed here like "tactics" and all that. I do not know how those words could have been wisely used by the honourable Members here. If I apply a particular rule of the Rules of Business it cannot be called the use of tactics. I strongly protest against the use of that word "tactics". (*Interruption*) Certainly you can and I leave it to the wise conscience of the honourable Member there. But it cannot be called tactics. It is certainly an application of the rules...

SHRI NAWAL KISHORE (Uttar Pradesh): It is tactics.

SHRI A. P. CHATTERJEE : Only you have to decide, you have to come to an opinion, that it is an abuse of the Rules of the Council...

SHRI NAWAL KISHORE : It is.

SHRI A. P. CHATTERJEE : Now will you kindly allow me? Is it an abuse of the Rules of the Council? On what basis will you say that it is an abuse of the Rules of the Council? You have put to me just now, you have put before the House, that there was an agreement that the matter should be decided before 6 o'clock on 25th. If there was an agreement, that agreement was only up to that. As Mr. Rajnarain has also said and I also emphasise it, the agreement was only to this

effect that the matter should be disposed of before 6 p.m. on 25th. We never agreed to this that we shall see to it that before 6 o'clock on 25th the Bill is passed. We never came to that agreement. We came to this agreement only that the matter should be disposed of before 6 p.m. on 25th. Now, for example, you see what happens if this motion is accepted by the House. The matter is disposed of even before 6 p.m. the day before, that is, before 6 p.m. today. Therefore, it is not correct to say when you suggested that it is a violation of the agreement. That is number one. Number two is this. As a matter of fact what can be called an abuse of the Rules of the Council can only be called an abuse of the Rules of the Council if it can show that it is an application or an attempt to apply it for an ulterior purpose. Now, it cannot be the purpose of a dilatory motion because the motion itself is for dilatory purpose. The motion is merely for adjournment of the debate. So if the purpose of my motion is for adjournment of the debate, that purpose cannot be called an abuse of the Rules of the Council. For you to call it an abuse of the Rules of the Council there must be something else than my desire to adjourn the debate. If that is not available to you, nobody can say that I have got some other purpose than adjournment of the debate. If nobody can say that, then you cannot say that I am moving this motion for the purpose of abusing the Rules of the Council. (*Time-bell rings*) I will finish. I am only making my points.

MR. DEPUTY CHAIRMAN : How much time will you take now?

SHRI A. P. CHATTERJEE : I am trying to say that...

MR. DEPUTY CHAIRMAN : You cannot be allowed to go on indefinitely like that.

SHRI A. P. CHATTERJEE : Mr. Deputy Chairman, I am trying to say what I have to say. I am trying to explain...

MR. DEPUTY CHAIRMAN : How much time do you require? How much time should I give you?

SHRI A. P. CHATTERJEE : Mr. Deputy Chairman...

(*Interruptions*)

MR. DEPUTY CHAIRMAN : You should know how to behave in the House.

SHRI A. P. CHATTERJEE : My third point is this. From the debate on the Resolution that preceded this motion it appeared that the Minister himself was not ready with many facts and figures except that he made a vague, generalized, reply to the many points. For example, it has come to the notice of the House how this Maintenance of Internal Security Bill is imported ; the purposes for which it is sought to be enacted, those facts and figures must be produced before this House ; otherwise, this House is not in a position to consider this Bill...

MR. DEPUTY CHAIRMAN : That would be enough, please, sit down now.

SHRI A. P. CHATTERJEE : Therefore, on these three points... (*Time-bell rings*) Why are you so restive ? You are only suiting to that side. (*Interruption*) I am on my legs according to the rules and I sit... .

MR. DEPUTY CHAIRMAN : You have wasted fifteen minutes.

SHRI A. P. CHATTERJEE : No, I have taken only ten minutes.

MR. DEPUTY CHAIRMAN : You have taken 15 minutes...

(*Interruptions*)

SHRI A. P. CHATTERJEE : I am finishing. I have raised three points. There is no reason or ground for your coming to this opinion that this Motion is abuse of the Rules of the Council.

SHRI S. D. MISRA : Mr. Deputy Chairman, I would like only to say one thing...

SHRI A. P. CHATTERJEE : You are giving him time...

MR. DEPUTY CHAIRMAN : Please sit down. He will not take ten or fifteen minutes.

SHRI S. D. MISRA : I am not opposing Shri Chatterjee. I would like to make one point. Some of us have already spoken. Yesterday when suggestions and counter suggestions

were being made about the time table for this Bill, I made one or two suggestions generally that those who will speak on the Resolution will try to avoid speaking on the Bill...

AN HON. MEMBER : No, no.

SHRI S. D. MISRA : This is general. Of course, some leaders cannot be prevented from speaking on both. I said this only generally. The idea behind this was that the maximum number of members from all sides of the House, especially from the Opposition, should get a chance to speak, either on the Resolution or on the Bill. Now, one stage is over and the Resolution has been disposed of in one way or the other. And the Bill is coming. We have not assured the government that the Bill will be passed. All that we have said was that the Bill should be disposed of, by 6 P.M. tomorrow. There was another implication inside this. The implication is that we will try to keep the maximum number of speakers on this. If we adjourn right now, at least one hour will be lost and tomorrow again the same fight will continue. Therefore, I would appeal to my friends in the Opposition that while they have made their point, they should not insist on the motion for adjournment because we, ourselves, in the Opposition will lose this time.

SHRI GODEY MURAHARI : You put the motion to vote.

MR. DEPUTY CHAIRMAN : As suggested by so many members, it is not necessary that the question should be put before the House because sub-clause (2) is very clear. Therefore, it is not necessary to propose the question. I think the hon. Minister has moved the following Motion :

"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".

There are two amendments. One is by Shri G. A. Appan. He is not present. The other is the Select Committee Motion. Shri Subramania Menon is not present. Is Shri Niren Ghosh moving the Motion ? He is not to speak now. He will only move the Motion.

SHRI NIREN GHOSH (West Bengal) : Sir, I move :

"That the Bill to provide for detention in certain cases for the purpose of maintenance of internal security and matters connected therewith, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of ten Members, viz.,

1. Shri Bhupesh Gupta
2. Dr. Z. A. Ahmad
3. Shri Balachandra Menon
4. Shri S. G. Sardesai
5. Shri N. K. Krishnan
6. Shri M. R. Venkaraman
7. Shri Niren Ghosh
8. Shri A. P. Chatterjee
9. Shri Sasankasekhari Sanyal
10. Shri K. P. Subramania Menon

with instructions to report by the last day of the first week of the Seventy-seventh Session of the Rajya Sabha".

The question was proposed.

MR. DEPUTY CHAIRMAN : Shri Goray.

SHRI N. G. GORAY : Sir, after having listened to the debate on the Ordinance, I wonder if there is any fresh point or fresh ground I can cover. But, Sir, I do feel that there comes a time when one must be ready to stand up and recount. This is one such occasion. Therefore, Sir, though the first motion has been defeated and most probably the same fate will meet the Bill, I do want to say something on this occasion.

Sir, again and again it was pointed out by the Home Minister, while discussing the genesis of this Ordinance as well as of the Bill, that this Bill became necessary because of the particular developments in this country during the last three or four months. Sir, I do not know whether it is true, as was suggested by some of the Members of the Opposition, that the genesis is not as was pointed out by the Home Minister, but the Government wanted to bring some such Bill as early as January of this year. I do not know how far it is true and therefore, Sir, I accept the story of the genesis as it was related here by the Home Minister saying that the

situation in Bangla Desh and the tremendous stress and strain that it has created made it necessary for this Government to come forward with such a Bill. As the Bill could not be immediately brought forward, they had the Ordinance and as soon as Parliament was in session, they have come to us with this Bill.

Sir, if you had listened to what the Home Minister said, there would be no doubt in your mind that the whole question revolves round one single development and that single development is the happenings in Bangla Desh, the tremendous flow of refugees into our country and the consequences that are likely to flow out of this.

Sir, I would like to ask you whether, because of this particular development on our eastern borders, it becomes necessary to come forward with a Bill which covers the entire country. Sir, I listened very patiently to his speech, I read his speech in the Lok Sabha and I must say that even after a very close reading I am not convinced that he has made out a case for such a Bill. Sir, it has been admitted by everybody including the Home Minister that it is a Draconian law. It gives immense powers in the hands of the Government. He has also admitted that these powers might be misused which means that innocent people might be made to suffer. Sir, in the Bill there is no provision so far as the time-limit is concerned.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

SHRI A. D. MANI (Madhya Pradesh) : One year is there.

SHRI N. G. GORAY : One year is there, at a time. But the Government, with all these powers, can increase it.

SHRI A. D. MANI : Yes, you can do it.

SHRI N. G. GORAY : Therefore, I say and it is admitted that so far as this Bill is concerned, it is a Draconian Bill and it takes away a big slice of the civil liberties that are being enjoyed by the citizens of this country. I wanted a convincing reply from the Home Minister as to whether such a Bill was necessary. He has not been able to convince us. At least he has not been able to convince me that throughout the country an emergency has come into being which makes it impossible to govern

this country or to maintain law and order in this country without these special powers.

SHRI A. D. MANI : In the eastern region you cannot maintain law and order.

SHRI N. G. GORAY : Again, Sir, what Mr. Mani has just now said really supports my point. My point is that so far as the regions, where law and order is challenged, are concerned, they can be identified. What are these reasons? West Bengal, Meghalaya, Assam, Tripura and perhaps a part of Bihar? He said that the shadow is lengthening over Bihar. But, Sir, what about other States? There is Madhya Pradesh, there is Gujrat, there is Maharashtra, there is Mysore, there is Andhra Pradesh, there is Tamil Nadu. I am not suggesting that these are the paragons of law and order. But I do want to maintain that nothing can be described as emergent has arisen there. There, you find, the people are going about their business, industries are running, and there is no question of law and order, so far as the villagers are concerned, which would be able to support the argument of the Home Minister that an emergency has arisen throughout the land. It is only confined to a particular region in this country. And from the exchange that has taken place between Shri Chitra Basu and Shri Chakravarty you can find who is at the root of it. The parties also can be identified that these are the parties which are trying to create persistently over a long period of time such conditions that the Central Government feels that nothing short of a prevention detention will be able to re-establish law and order. So the reason is identified and the parties are identified. Then, Sir, I would like to ask the Home Minister: Why is it that he is creating a suspicion about all of us? We are not there to disturb law and order. But that does not mean that we will not be going to the people, agitating and organizing them and ventilating their just grievances. There are enough parties in this country who are wedded to these methods. They have made it a creed and they have declared it from the house-tops that they believe in Parliamentary methods. When so much assurance is there, why is it necessary for the Government to assume such wide powers which, according to their own admission, would be misused?

Sir, I have a suspicion, and I think it is my duty to express it, and this suspicion is strengthened after this massive vote cast by the common people in favour of the Government. Sir,

if such a massive vote is there the Government must act with confidence. But this particular Bill betrays a feeling of panic. If throughout the country you have got such a massive vote, then you should see that you can deal with the situation, emergent situation, the situation that cause anxiety, causes strain and stress, with confidence, resorting to the law of the land and without asking for more powers, and without trying to push through an emergency Bill. Therefore, Sir, as I said, I have a suspicion that the Government is really afraid because of the slogan "garibi hatao" and because of their promise to the people that if they return them to power they will create a new society in this country which will be egalitarian, in which the gap between the rich and the poor will be narrowed and in which everybody will get a fair deal. Is the Home Minister afraid that because this appeal to the people, which the people have taken seriously, the people themselves may start demanding the fulfilment, there may be an explosion of expectations, and because there will be an explosion of expectations it is very necessary to prepare themselves in order to meet the urgency whenever it arises? Sir, if the whole argument is based on this, then the Bangla Desh development has not created chasm; it has not created disintegration. On the contrary, what has happened in Bangla Desh has created, I suppose, an unprecedented homogeneity in the outlook of this country, and the people are united in supporting the Bangla Desh. There is not a single voice of dissension. If at all there is a voice, it is marginal. It is a marginal voice. And, therefore, Sir, I again fail to understand when you have got such a massive vote in the recent election, when you have such a massive support after whatever has happened in Bangla Desh, why do you come with this sort of emergency Bill and show to the world that there are emergent forces in this country which we may not be able to control by ordinary law? This is, Sir, denying something which we are witnessing before our very eyes. Now, Sir, you have been in the House; every time, when anything that concerns Bangla Desh is discussed, what do you see? All parties unite in saying that we should support Bangla Desh. All parties unite in saying that the refugees who are coming should be helped. All parties unite in saying that they should go back and we should create such conditions where they will have the courage to go back. Is there a single voice of dissension? Then, what are you afraid of? Therefore, I would beg of the Home Minister; I know it is too late, and

[Shri N. G. Goray]

when they have got the assurance that the Bill will be passed with a majority, they are not likely to withdraw it. But let him try to understand the spirit of what I am saying. I am saying that this country, without any exception, whatever the party loyalties may be, whatever the religious affinities may be, whatever the linguistic differences may be, whatever the tension between the Centre and the States may be, right from Kanyakumari to Kashmir, is behind you so far as the Bangla Desh question is concerned. Then, why do you come forward with a Bill whose genesis, on your own admission, is what has happened in Bangla Desh? Sir, he has not pointed out to anything else except this that the Bangla Desh refugees are coming, that along with the refugees spies may be coming, that there may be tensions, this, that, etc. Sir, so far as the last three or four months are concerned, there has been an unprecedented unanimity in support of the Government. We started that Resolution, a rare thing, a Resolution unanimously passed by both the Houses of Parliament supporting the cause of Bangla Desh and supporting the Government. In spite of it this Bill comes here and the Home Minister bases his entire argument on this single issue of Bangla Desh. Sir, do you think that there is some rationale behind it? Do you think that it is a convincing argument? It is not. Then, he should say that "we have not been able to deal with the situation in West Bengal." And he should not try to join it up with what is happening in Bangla Desh. The real fact is—and he referred to that—the question of security in West Bengal of the 22,000 railway wagons lying idle there, the theft on the tracks, so many things stolen, pilferage, etc., etc. Now, are these the things that you should try to deal with under a special emergency enactment? These are things that will happen. And if you are sure that these are the people behind all that, I would like to put a straight question to the hon. Minister: Why don't you ban the parties which, you think, are responsible for this sort of things? Why do you tar everybody with the same brush? Why do you create the suspicion in the minds of the people that some other people or some other parties also may do something and we shall have to deal with them? Therefore, Sir, I am saying that this sort of emergency Bill gives the entire power in the hands of the Government, and though I admit that they have got the majority, Sir, it will take a long time to convince me that the party,

which is in power just now, will not misuse this power. Sir, you must have seen that all the new developments that have taken place, have benefited a particular sector of society. Are they not misusing their wealth there? Because they have wealth they are misusing it. Now, if you give so much power to them, right down to the District Magistrate, he is bound to misuse it, because the District Magistrate is not a free agent. He is guided by the local boss there—and I do not want to name the party to which the local boss belongs. Therefore, Sir, I would like to very humbly suggest that this Bill will leave so much power in the hands of the Government that it is likely to be misused. And if it comes to be misused the Bill will defeat the purpose for which you have brought it before Parliament, and then mass discontent against you will become greater. I can tell you, Sir, even now, without meaning any harm to the democratic traditions, to the parliamentary system, to the values which we cherish, that because you have not been able to control prices, because you have not been able to take steps in the direction of an egalitarian society, there are going to be mass movements in this country. Whether one party does it or the other party does it does not matter. But there are going to be mass demonstrations, there are going to be trade union actions, there are going to be demands for wage rise, there are going to be hartals—there are going to be such mass actions throughout the country—not because the people want to harm the fabric of our nation but because they want to maintain themselves. Within the wages that you are giving them just now they find it difficult to make both ends meet. Therefore, they are going to ask, they are going to act and then if this particular Bill, this particular enactment is used to suppress these movements, then it will be defeating your own purpose because this discontent will breed more discontent and the discontent that is created by what has happened in West Bengal may join hands with the internal discontent and there will be a conflagration. Therefore, after such a massive mandate from the people the first thing you should not have done is to come forward with this Bill. What an irony that a Government which has been installed by the common consent of the people and which always says that it has a massive mandate makes use of this mandate in such a way that the first thing they can think of is this emergency Bill. Why did they not endeavour to take steps to create an egalitarian society? Then it would not have been neces-

sary to bring this measure at all. Perhaps the very fact that the Government comes forward with this Bill means that so far as the socio-economic transformation is concerned, they do not want to move forward.

Sir, I do not know, it is always difficult to join issue with a man like Mr. Pant : he is so persuasive and so soft-spoken. At the same time, Sir, I feel that the Government has made the correct choice that when it is trying to push forward such a Bill it has brought forward a man who is so soft-spoken and it appears to be a policy of mailed fist in a velvet glove. And I can say that if this is what they wanted they could not have thought of softer velvet. He said : "It is my misfortune that I have to pilot this Bill." I really sympathise with him. It is going to be his misfortune because this country is seething with discontent. But the discontent is not necessarily against the interests of the country. The people are asking for something ; it is not to weaken this nation. They are asking for their own improvement ; they are asking you to fulfil your own promises ; they are asking you to use the immense power that you have so that their conditions get ameliorated. This is the real thing and this Bangla Desh thing is something that will come and that will go.

If there is any sabotage, if there are any spies, I have no doubt in my mind that the ordinary people—the common people, the men and women of this country—will support the Government in dealing with those spies. What happened here, on this border, in 1965 when some of the Pakistanis came here ? In Punjab the common people arrested the spies even before the law-men knew about them and finished them, dealt with them. This is the sort of confidence and faith that you must have in the common man if you are talking of dealing with spies, for taking care of spies. Then you need not have this emergency Bill at all.

Sir, I have tried to understand Mr. Pant ; I have tried to understand his argument. But I am sorry to say that I still remain unconvinced and, therefore, I consider it my duty to oppose this Bill.

SHRI A. D. MA VI : I suggest that we may sit for one hour longer. Quite a number of us want to speak on the various clauses and we want to suggest amendments and we would like to have an opportunity to speak also.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Is it the pleasure of the House ?

(No hon. Member dissented)

We can sit for one hour more. We are sitting till seven.

DR. K. NAGAPPA ALVA (Mysore) : I rise to speak on the Maintenance of Internal Security Bill, 1971. This is an important Bill and it has got a special significance also at this juncture in the history of our country, I may even say, in the history of the world. In the last few years and particularly during the last two years we have been framing charges against this Government that the administration is not firm, the administration is inefficient and particularly violence is increasing and there is nothing like law and order position or peace or security in this country and for this we were the people and there were others also who were charging this Government for not putting down violence with the firmness that it required. So if we consider all the aspects of this peace and security in this country, there is near emergency and that has increased all the more and the seriousness of the situation has increased because of the Bangla Desh problem and also the refugee problem. We had aggression by China in 1962. We had war by Pakistan in 1965 and the two great Prime Ministers, Pandit Jawaharlal Nehru and Lal Bahadur Shastri, by their organising capacity and with the strength of the people who supported them, won those wars but now in the changed circumstances to-day I feel and I feel strongly that this action of Pakistan in Bangla Desh is a war on Bangla Desh and it is an aggression on India and an aggression of the worst type. It is a conspiracy, it is an organised effort to see that India gets confused with greater and greater problems and India always cannot think of security or freedom itself. I say the freedom of India is in danger and because of that, I must say that this Bill has got not only ordinary importance and significance but it has become a historical necessity. Added to that this has got special significance, it has got socio-economic political significance also because if we think of the man-days lost in this country—millions and millions of days—it is because of the violence that is prevailing, it is because of the atrocities committed and it is because of the Government's failure in its duty to curb this violence to have an administration of efficiency

[Dr. K. Nagappa Alva]

and without corruption. While all these charges were framed by the Opposition and the people of this country, the Government came with the excuse that they have no powers but considering all these aspects, if we want socialism, if we want eradication of poverty in this country, I must say that eradication of poverty is impossible without creating peace and security in this country. That kind of position is not there now. In the changed circumstances, again, what is the real position today in our country? When I say this I am saying it thinking of God and this country. Our fight has been, particularly during the last two years, to save democracy and India. I feel that to save democracy and to save India it is necessary that the Government must be authorised and should be given all the strength they need. They must be strengthened. It is better that we give them a chance with this power. At this juncture I must also say what our fears are today. There is fear, no doubt, all over and particularly among the political parties that this Government will use this power or misuse this power to curb the political forces or political elements which are against them. There are reasons for that. Painfully I must submit that during the last two years particularly the main job of the party in power was to divide, disrupt and destroy the other political parties and that attempt has been going on. There should be a limit to all this. Democracy can thrive only if strong opposition parties are built up in this country. That kind of opposition must be built up. At the same time it is very necessary that people who are out to wreck the Constitution of our country must also be put down. Those who are responsible today for encouraging the anti-social elements, the anti-national elements, the smugglers, blackmarketeers and hoarders are a menace to this country. It is a menace. I must say once again that there is want of firmness on the part of the Government to deal with them because of politics. I was pained to hear just two days back one of the Ministers saying, while specific charges were being made against them, that they are encouraging defections and they are encouraging toppling of Government, it was after all a political game. This toppling game is a menace. It should stop. What is this game? What is this politics? Mahatma Gandhi has said, politics bereft of religion is a death trap. Are you taking us to the death trap in this country? Now, politics in this country

is a game. Let there be that game. All right, we are prepared to face you, we are prepared to fight you, but please see that the game is played thinking that there is God above us and the people and democracy are there. I must tell you that they cannot be fooled for all time by slogans and all sorts of things. You must create an atmosphere in this country, so that by the enforcement of these laws you maintain peace. The basis of democracy is discipline and the rule of law. That is not there in this country in any field of human endeavour. If the question is now whether we should support this Bill as a party, I have got my own fears, whether you will enforce this Bill properly and correctly, without discrimination. The way you have conducted yourself so far we are not satisfied at all. But now the position has changed completely and we have to fight the aggressors and this has become a menacing problem and we are given the opportunity. There are two amendments from our party, one amendment requesting that the Bill may be sent to a Select Committee. But somehow, though it is correct, I feel it may delay matters. At the same time the other amendment is to have this Bill only for two years. That is my amendment. I say with all the sincerity and humility that I command that this Bill should not be on the Statute Book for ever. I am sure things will improve if you act correctly and firmly, and because of that I am appealing to you that the limit of the Bill may be two years. At the same time I must also understand the difficulties of the government. I am requesting you, I am appealing to the Government that solemn promise and assurance are necessary that this Act will be reviewed once a year, and that must be placed before this august House. That kind of assurance is necessary.

Sir, somehow it looks during the discussion in Parliament, Lok Sabha particularly, that the emphasis of meeting the situation is on punishing the foreign nationals. The emphasis is more there, but I say it must be the other way. If we are weak today, there is no unity in our country, all sorts of people have been encouraged and today there are people, as I said before, who are out to wreck the Constitution. There are people who are here in this country who act as agents of foreign nationals. There are people with divided loyalty and who owe extra-territorial allegiance. Are they to be tolerated any more in this country particularly at this juncture? Add to that the menace of these smugglers and adulterators, hoarders and

profiteers in this country who have brought disgrace : not only disgrace, they have created problems. I say such people and those people with divided loyalty and those anti-social and anti-national elements must be put down first with all ruthlessness. That is very necessary if the administration is to be efficient and good. Now, Sir, in this Bill you are saying that there will be Advisory Boards. But about these Boards my fear is that they should not be Boards of your choice only just to encourage people or help some people. I am saying that better people should be there. Committed persons or committed officials should not be there, and that is necessary because there is a kind of fear among the political parties also.

So, this Bill is a necessity at this juncture. I must say that it is a God-sent opportunity for the Prime Minister and the Government under the leadership of the Prime Minister, Shrimati Indira Gandhi, to be true to this country and also true to democracy and true to the world and to see that there is unity in this country, that there is strength in this country and that that inherent strength is growing. I must painfully submit to this august House that during the last few years spiritual progress has been hampered in this country because of the violence and politics of some parties. Now it is time for us to rise above petty things and tell the world.

There are many things to say about this Government, their failures, their faults and their lapses. But I must also at the same time say and appreciate what has been done. One thing that I appreciated most was the banning of overflight through our country of Pakistani aircraft from West Pakistan to East Pakistan. That was God-sent.

Sir, I must say about the Minister who is piloting the Bill—a very good son of a great father—that I have found that things have improved to a considerable extent after I took charge. Now, it is for him to see that he gives a proper assurance to this House, sees that there is no discrimination in the implementation or the enforcement of this Act, sees that there is no more of violence and there are no traitors in this country and that there is no discrimination whatsoever. Sir, I would once again ask him to give that assurance. That assurance is very, very necessary. And Swami Vivekananda has said : “Arise, awake and stop not until the goal is reached”. The goal for us is this country is that we must build up democracy

in this country, we must safeguard our frontiers and our freedom must be preserved. And for that, once again my appeal to this Government is, act, act, act in the living present. I must say also that something good has been done by this Government for gathering world public opinion in our favour. But what has happened all the while is that the venomous propaganda and publicity of Pakistan has been to condemn us before the world. Now, things are gaining ground. And only if we speak the truth and act with strength, the other countries of the world will appreciate our action. That is why it is necessary that this Government must do everything possible to clear the doubts among the people.

Finally, Sir, I want to say one word and that has been a complaint and a charge against this Government, the misuse of the Government of the radio. This mass communication medium, which is for educating and enlightening the people of this country about progress and development and for political awakening, has been misused. Let it be used now to awaken them to their sense of duty, to build up this country to be great and strong and also to see that anti-social and anti-national elements are weeded out of this country and shown their place. Thank you Sir.

6 P. M.

श्री शीलभद्र याजी : माननीय वाइस चेयरमैन महोदय, एक सच्चे राष्ट्रवादी, और देशभक्त होने के नाते मैं इस विधेयक की तारीफ करता हूँ।

श्री राजनारायण : कौन बोल रहा है ? समाजवादी शीलभद्र या प्रतिक्रियावादी ?

श्री शीलभद्र याजी : मैं आपको समझाऊंगा, आपको देशभक्ति भी समझाऊंगा, कुछ मातृ-भक्ति भी और कुछ समाजवाद भी सिखलाऊंगा। माननीय वाइस चेयरमैन साहब, मैं क्यों इस विधेयक की तारीफ कर रहा हूँ जबकि हमारे गृह मंत्री जी ने साफ साफ ऐलान कर दिया कि किसानों का जो आंदोलन है, मजदूरों के जो आंदोलन हैं, राजनीतिक पार्टियों के जो आंदोलन हैं उनके लिए इस विधेयक का इस्तेमाल नहीं किया जायगा। लेकिन पार्टी चलाने के साथ-साथ जो लोग हिंसा करते हैं, जो दिन दहाड़े

[श्री शीलभद्र याजी]

हेमंत बाबू की हत्या करते हैं डेमोक्रेसी के नाम पर तो ऐसे लोगों पर यह जरूर लागू होगा। चोर की दाढ़ी में तिनका। जो लोग इस तरह की हरकतें करते हैं उन पर यह लागू होगा। आप समूचे पूर्वी जोन में चले जायें सब जगह दीवारों पर लिखा हुआ है माओ हमारा चेयरमैन है। इस तरह के तत्त्व हिन्दुस्तान में आज चारों ओर से आ रहे हैं। वह साफ साफ माओ के एजेंट्स हैं जिनको हम नक्सलपंथी कहते हैं और कुछ छिपे हुए दूसरी पार्टियों के लोग भी हैं जो कहने पर तो चिल्लाने लगेंगे इसलिए मैं उनके बारे में अभी कुछ नहीं कहना चाहता। यह पूर्वी जोन हमारा इलाका है और वहां में हर महीने जाता हूं और मैं तो सारा दोष इस सरकार का देखता हूं। यह सरकार इतनी कमजोर है, इसकी इतनी लचर पालिसी है कि ऐसी मिसाल आपको दुनिया में कम ही मिलेगी। सेना बनी हुई है नागालैंड में, उनकी पैरलल गवर्नमेंट बनी हुई है, उनकी सेना परेड करती है और हमारी सेना देखती है। हमारे ब्रिज उड़ रहे हैं और हमारी सेना देखती है।

श्री राजनारायण : सेना को गिरफ्तार करिये इस ऐक्ट में।

श्री शीलभद्र याजी : तो मैं कह रहा हूं कि इसीलिए मैं इनको भी कोस रहा हूं। ऐसे तत्त्वों को नेफा में रोका जाना चाहिए। बमडौला का फाल हुआ। किस तरह से वहाँ आर्मी आ गयी। उनके एजेंट वहाँ फैले हुए थे और शादी करके चार, पांच वर्ष से वहाँ ठहरे हुए थे। और इसी लिए वहाँ इजी वाक ओवर हो गया।

श्री राजनारायण : प्वाइंट आफ आर्डर ? मैं यह कह रहा हूं कि मैं सोलहों आना सहमत हूं श्री याजी जी से। इसमें व्यवस्था कीजिए। क्या आप ऐसे भाषण की हां इजाजत देंगे ? जैसे कि कौल भागा था ...

उपसभाध्यक्ष (श्री अकबर अली खान) : आपका प्वाइंट आफ आर्डर क्या है ?

श्री राजनारायण : श्री शीलभद्र याजी कह रहे हैं कि जो हमारी सेना के जवान और सेना के लोग वहां भागते हैं और जैसे दुश्मन को वे इजीली प्रवेश करा देते हैं, वाहरी शत्रुओं को, तो ऐसे लोगों पर यह ऐक्ट लागू हो। अगर यह उन पर लागू हो तो यह ऐक्ट सार्थक हो सकता है। मैं श्री याजी जी से यह जानना चाहता हूं कि जो कौल वहां से भागा था और जिसने चीन की सेना को वहां प्रवेश करा दिया अपनी गद्दारी से ऐसे कौल को गिरफ्तार करोगे या उसको किसी दूसरी कंपनी में लगा दोगे ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : This is no point of order.

श्री शीलभद्र याजी : मैं जवाब देता हूं। माननीय वाइसचेयरमैन महोदय, इसको कहने की जरूरत नहीं थी लेकिन जब कौल साहब की किताब पर डिसकशन हुआ तो उन्होंने कहा था। कौल साहब विजिटर्स गैलरी में बैठे हुये थे। अनटोल्ड स्टोरी सब कह दी लेकिन पंडित जवाहर लाल नेहरू ने कहा था कि पेट में दर्द हो गया तो ब्रह्मपुत्र में पानी था डूब कर मर क्यों नहीं गये। तो कौल साहब ने इसको कहा नहीं।

श्री राजनारायण : वही पंडित जवाहरलाल नेहरू ने डा० तेजा के यहां उसको रखवा दिया।

श्री शीलभद्र याजी : आपको पंडित जवाहर लाल नेहरू और इन्दिरा जी सिर पर बराबर सवार हैं।

श्री राजनारायण : हमारे सिर पर नहीं सवार हैं, तुम्हारी पार्टी पर सवार हैं।

उपसभाध्यक्ष (श्री अकबर अली खान) : याजी जी, आप हमें एंड्रेस कीजिये।

श्री शीलभद्र याजी : माननीय वाइस चेयरमैन महोदय, तो मैं कह रहा था कि सिर्फ पूर्वी जोन का ही सवाल नहीं है। हमारे मित्र श्री गोरे ने कहा कि पूर्वी जोन की बात है। मेरा कहना है कि देखिये आज पश्चिमी बंगाल में क्या हो

रहा है। हमारे फारवर्ड ब्लाक के कार्यकर्ता मारे जा रहे हैं दिन-दहाड़े। हमारे एक कार्यकर्ता श्री नारायण थे उनको दिन-दहाड़े मार दिया, मर्डर कर दिया आज सुबह में। तो बंगला देश हो गया इसलिए यह लाया जा रहा है ऐसी बात नहीं है। मेरा कहना है कि हमारी सरकार कमजोर है और हमने नागालैंड का हवाला दिया। हमने कहा कि मीजो में क्या हुआ? आज मीजो में क्या हो रहा है।

उपसभाध्यक्ष (श्री अकबर अली खान) : याजी जी, आप बिल पर बोलिये। और कई मेम्बर्स बोलने वाले हैं।

श्री शीलभद्र याजी : मैं जस्टीफिकेशन दे रहा हूँ। हम राजनारायण जी को इंटरप्ट करते हैं तो उनको भी इंटरप्ट करने का अधिकार है। मैं यह कह रहा था कि आज नेफा में चले जाये, आज आसाम में चले जायें, मणिपुर में चले जायें, नागालैंड में चले जायें, त्रिपुरा में चले जायें, पश्चिमी बंगाल में चले जायें, बिहार में चले जायें और जरा साउथ में चले जायें तो देखेंगे कि ऐसी शक्तियां सब जगह हैं, ऐसी पार्टियां हैं, बाजाबता पार्टियां हैं

श्री सूरज प्रसाद (बिहार) : यह सब तो स्पाई है।

श्री शीलभद्र याजी : यह स्पाई का वर्क नहीं है। जो देश को खतरा है, देश की सुरक्षा को खतरा है वह यह है कि इस तरह की पार्टियां हैं। आजादी की लड़ाई हम लोग लड़े, राजनारायण जी की पार्टी भी हमारे साथ थी, वह भी कांग्रेस में थी लेकिन उस आजादी की लड़ाई में ये लोग झंडे में आग लगाते थे और 1942 के आन्दोलन में उसकी मुखालिफन करते थे और नेता जी को तोजो का कुत्ता कहते थे। तो ऐसे लोगों को डेमोक्रेसी की बात कहने का क्या अधिकार है। कहते हैं कि डेमोक्रेसी की हत्या हो रही है। डेमोक्रेसी के हत्यारे तो वह लोग हैं जो कि दिन-दहाड़े आज लोगों को मार रहे हैं, काट रहे हैं और इस तरह की बातें कर रहे हैं। आज बंगला

देश का आन्दोलन हो गया इसलिए स्पाई आ गये, साठ लाख में से एक लाख यह निकलेंगे या पचास हजार निकलेंगे ऐसी बात नहीं है, बल्कि यह है कि आप पश्चिमी बंगाल में चले जाइये बिहार में चले जाइये, कोई दीवाल बाकी नहीं है जहां कि यह नहीं लिखा है कि माओ हमारे चेयरमैन है। लानत की बात है, शर्म की बात है जो लोग कहते हैं, जो पार्टी कहती है, कि माओ हमारे चेयरमैन हैं और आज जिसके लिये नक्सलपन्थी...

श्री राजनारायण : यह जवाहरलाल नेहरू ने कहलवाया—हिन्दी चीनी भाई भाई।

श्री शीलभद्र याजी : इसमें हम भी गुनहगार हैं। तो मैंने नागालैंड का हवाला दिया लेकिन आज सारे देश में यह लोग हैं। आजादी की लड़ाई में हम लोगों ने मुसीबत उठाई, इधर के लोग भी और उधर के कुछ लोग भी, हम लोग कई कई बार जेल गये, तरह तरह की मुसीबत उठाई, 26 हजार लोग हमारी आजाद फौज के नेतृत्व में शहीद हुये लेकिन फिर भी इन लोगों की तरफ से हमारी आजादी पर खतरा हो जाय यह बड़ी चिन्ता की बात है। तब मैंने कहा, यह सरकार बड़ी सुस्त है। पावर तो दिया गया, आर्डिनेन्स भी निकल गया—कितनों को पकड़ा? चीन ने अभी कितने हजार स्क्वायर माइल जमीन पर कब्जा किया हुआ है, पाकिस्तान ने कितना कब्जा किया हुआ है। जब तक आप वह कब्जा की हुई जमीन वापस नहीं लेंगे तब तक लड़ाई की स्थिति है। दोनों देशों के एजेन्ट यहां पर बैठे हुए हैं, दोनों के एजेन्टों को दबाने के लिए जो देशभक्त होगा वह इस बिल का समर्थन करेगा। हमको सबसे ज्यादा अफसोस आता है जनसधियों पर, जो कहते हैं हम देशभक्त हैं; मैं मानता हूँ देशभक्त है, मगर रिएक्शनरी भी हैं। यह बात सही है। लेकिन उनकी शिकायत है हमारा आदमी भी उसमें पकड़ लिया जाता है। तो कभी जौ के साथ घुन भी तो पिस जाता है। अगर देश की आजादी की रक्षा में दो चार आदमी जेल में हमारे आपके चले भी जाएं तो रोते क्यों है?

श्री निरंजन वर्मा (मध्य प्रदेश) : याजी जी रामायण की चौपाई है—विद्यमान रिपु जाहि रण, कायर करहि प्रलाप ।

श्री शीलभद्र याजी : आप चटर्जी के फेर में पड़ गए, चटर्जी आपको दुरुस्त कर देगा, भूपेश गुप्त आपको दुरुस्त कर देगा । इसलिए मैं देश-भक्ति का पाठ पढ़ाता हूँ—देश की आजादी की रक्षा की खातिर दो, चार आदमी आप भी, हम भी जेल चले जाए कोई हर्ज नहीं, आप सहन कीजिए, डिमोक्रेसी के नाम पर सहन कीजिए । तो देश में जो इस तरह के एलीमेन्ट्स हैं, उनको पकड़ने के लिए एक वर्ष तक की सजा रखी है, उनको तो लम्बे समय तक सजा देनी चाहिए । लेकिन जैसा कि और सदस्यों ने कहा, डा० अल्वा ने कहा और मैं भी कहता हूँ, यह विधेयक बहुत कमजोर है, क्योंकि सरकार भूपेश गुप्त का मुंह देखती है, राजनारायण का भी मुंह देखती है—ये जब घड़ियाल के आंसू बहाने लगते हैं तो सरकार घबड़ा जाती है, और सरकार की तरफ से आश्वासन मिलने शुरू हो जाते हैं और पन्त जी की स्पीच में माधुर्य आ जाता है । जो सरकार देश की रक्षा के प्रश्न पर मधुरता से चलेगी वह आजादी की रक्षा कैसे कर सकेगी ? अभी 17 हजार वर्गमील हमारा क्षेत्र चीन के हवाले है, काश्मीर का हिस्सा पाकिस्तान के हाथ में है, लड़ाई की स्थिति अभी जारी है, दोनों देशों के एजेंट सारे हिन्दुस्तान में हैं और इस तरह के भी तत्त्व हैं जो हिन्दुस्तान से जाकर वहां लड़ाई की ट्रेनिंग ले रहे हैं—नागालैन्ड के जाते हैं, मीजो के जाते हैं, मणिपुर के जाते हैं, जो चीन और पाकिस्तान जाते हैं और बाजाबता आते जाते रहते हैं । इस तरह के तत्त्व को पकड़ने की जरूरत है ।

अभी बंगला देश की बात आई । बंगला देश की परिस्थिति जरूर ऐसी हो गई है कि लोग कहते हैं सरकार ने कुछ नहीं किया । पालिया-मेन्ट भी यह कहती है । तो सरकार कहती है कि हम उनके लिए कुछ कर रहे हैं । यदि पालिया-

मेन्ट के दोनों सदनों के लोग इसी तरह से जागरूक रहेंगे तो वह दिन दूर नहीं जब उसका भी फैसला हो जाएगा । उसी के पूर्वाभास में यह विधेयक लाया जा रहा है और इसलिए जो देशभक्त हैं, पैट्रियट हैं, समाजवादी हैं वह आंख मूंद कर इस विधेयक को पास करें, अगर देश को और देश की आजादी को बचाना चाहते हैं । जो चाओ-माओ के साथ चलना चाहते हैं, पाकिस्तान के साथ चलना चाहते हैं उनका विरोध हम खुलेआम करेंगे । सीधी बात है कि जो देशभक्त है वह इसका समर्थन करे । इसलिए इस विधेयक का लाना निहायत जरूरी है और मैं सरकार से एक शिकायत करूंगा कि वह नरमी से पेश आ रही है । इस तरह के जो तत्त्व हमारे हिन्दुस्तान में हैं जो माओ-चाओ को निमत्तण देते हैं, वह दीवारों पर लिख रहे हैं सारे हिन्दुस्तान में कि माओ हमारे चेयरमैन है । (Interruptions) आपसे नहीं कह रहा हूँ, क्यों चोर की दाढ़ी में तिनका कर रहे हैं । इसी चीज से हमें भी शक होने लगता है भूपेश गुप्त पर और उन पर । तो जो इस तरह के तत्त्व हैं उनको दबाने के लिए और जो देश की आजादी है उसको बचाने के लिए यह जरूरी है । इसके साथ ही यदि बंगला देश के स्वतंत्रता आन्दोलन को विजयी बनाना है—और विजय होगी, एक दो महीने में आप देखेंगे—तो नगाड़ा बजाने के पहले हमको हथियार चाहिए और इसके लिए हम समझते हैं सदन के सभी लोग हर तरह का सपोर्ट देंगे । और सभी तरह का सपोर्ट दीजिये, आंख मूंद कर दीजिये और इस विधेयक का विरोध न कीजिये । आप इस बिल का समर्थन करके देशभक्ति में अपना नाम लिखाइये और इसलिए मैं यह निवेदन करना चाहता हूँ कि आप इसका विरोध न करें और गद्दारों में अपना नाम न लिखायें । दूसरे खराब शब्द न लिखाकर इस समय सरकार के हाथ मजबूत कीजिये और इस वक्त देश में जो तत्त्व मौजूद हैं, उनका दमन करने के लिए इस बिल का समर्थन कीजिये जो कि बहुत ही जरूरी है ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ । जय हिन्द, जय बंगला देश ।

SHRI BHUPESH GUPTA : On a point of order. The hon Member spoke on a very nasty Bill and he ended his speech with the slogan JAI HIND. He has thereby defiled this great slogan. He should not have done it. He should not have associated this great slogan with this nasty Bill

SHRI M. R. VENKATARAMAN (Tamil Nadu) : Mr. Vice-Chairman, first of all I want to register my very strong protest and condemnation of the Bill which is now being brought forward by the government. This attempt to bring forward such a Bill was there even last year, but we all remember that due to the opposition which such a Bill evoked that idea was given up. But now the hated Preventive Detention Act—that Act which provided for the detention of people without trial, that Act which can even deny such a person put in jail without trial the services of an Advocate—with a new name called the Maintenance of Internal Security Act, is being foisted on the country. This is the first big prize which, with its tremendous majority the new government has got after the mid-term elections; it is offering to the country in the place of promises of a different kind which were made by them at the time of the mid-term elections. What was then promised was socialism and what was promised was a good deal for the common man. But what has come about is this Preventive Detention Act. After the new government is formed, this is one of the important enactments which it has brought forward. Now, in one way I am not surprised, because what the Government is doing is of a piece with what it is doing generally in other aspects, in other matters, as well. What I mean to say is that this Act is part and parcel of a particular policy which the Government is pursuing. Like some of my friends like Mr. Goray or Mr. Bhupesh Gupta, who when they talked, were able to say by way of appeal to the government that they are doing a very wicked thing, that they should not do it, that they are not doing democratic things; and that they should rather give up. I am not in a position to say all that. I know my Congress friends, the ruling Congress friends and I know my friends on the Treasury Benches much better than that. They are able people, they know what they are doing and they are following a deliberate policy and it is not an accident that they are bringing forward this Act. This has to be so. In this country, the Congress Party widely advertised

its policy as socialism, but in practice it fails to do what socialism scientifically demands. I do not ask for socialism of my conception or somebody else's conception or anything like that.

Sir, socialism is a science. Just as today, when the earth has been proved to be round and if somebody goes on saying that it is flat, he will be just laughed at, he will be discarded and his calculations will go wrong, much the same way, in respect of socialism, if it is to take place, there is a science about it and it has to be brought into implementation by some careful, graded but vital and unavoidable steps and once you don't do that, then the talk of socialism becomes merely socialism on paper. Then, what do you do? Social science tells us, modern social science tells us, that in the absence of socialism there will be no vacuum, but there will be capitalism, there will be feudalism and there will be the earlier stages or the vestiges of the earlier stages of society. In a country like ours with the big backlog of backwardness which the long British rule left us, we had almost to pull ourselves by the bootstraps and develop in a modern way and in such a country like ours, we think that there is no other way except capitalism. Whether we think so or not, our practice now is no other way but capitalism. We call it sometimes mixed economy or we call it sometimes public sector and private sector combined together with the administration of the Government. I dare say that there are many friends in the Congress Party, even in the Congress Party, who honestly believe that by the strengthening of the public sector the private sector will gradually get weakened and then eventually the way to socialism will be opened up. It is quite likely that they think like that. But, then, today 25 years have after all given us some facts of economics, which have grown. At any rate, in this little speech I have to make now I cannot go into a detailed discussion of all the economic changes that have taken place during the last 20 years. I will only say that it is more or less accepted that some big capitalists have grown. I am not here to apportion blame on this person or that. I am stating certain hard facts. Some big monopolists have grown. Some big feudals continue to exist. Some others joined hands with capitalists. Foreign capital, far from getting out of the country, is quite safe, and it is being invited. I can tell you that our present Industrial Development

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Minister is also credited with saying that foreign capital is welcome; the climate for investment is quite good in our country for foreign capital. Therefore, in our country what has happened is that with the best will in the world, it has served capitalism which is being built up. And it is not the mistake of my friends in the Government of today or the leaders of today. This is a twenty year process which has taken place. We were under the British capitalist rule. We want to go to another system, more suitable to our country, to our poverty-stricken country. But we have still not moved out of our old moorings, howsoever much we may talk of socialism, democracy, progress and all that. On the other hand, in the last 20 years our capitalist class has been able to get the best out of the political power which we got from foreign rule.

Let us help to do three things. We have to concentrate on three things if we are serious about building democracy and socialism in this country. What are those three things?

Firstly, foreign capital has got to be curbed. Foreign capital has got to be taken over. If you think seriously about the world problems, you will find that compared to the poverty-stricken lot of our 55 to 60 crores of people, a handful of foreigners still are trying to exploit our country, and a party to that exploitation also are some of the big monopolists here. This is certainly impermissible. It is not a question of whether you like me for saying it or not like it. But I have to say a hard fact. If my country is to prosper—I want my country to prosper—I will put it this way. I want my Indian capitalism at least to do for my country what the British capitalism has done for Britain and what the American capitalism has done for America, to build their countries even as big capitalist countries. Are they doing it? No.

Quite a lot of patriotism, love of country, etc., is being preached to people like me and the common people. But then in the last 20 years what we have actually found is that capitalism has been sought to be built. And how could it be built? This is not the 19th century which is the heyday of capitalism. This is the 20th century when half the world has already gone communist and socialism

has demonstrated itself as a better system in some big countries of the world at least. And now you want to build capitalism?

I am not a person who is dogmatic. I am not dogmatic about saying, for instance, that capitalism is not good in any condition, in any place, at any time. No. If it can succeed in our country, I will be the last person to raise my voice against it. But has it succeeded? It has not succeeded. And it cannot succeed at a time when the big capitalist powers are facing a crisis. There cannot be a bigger capitalist power in the world today than America; I hope you will all agree.

And what is the position today? After nearly seven or eight years of war in Vietnam, after the Negro problem, and after the industrial crisis, I see there, they are unable to sell their goods. They are facing a crisis of a serious nature. But two weeks ago, the Newsweek, an American magazine, has come out with a statement that the Chinese offer to buy planes in huge numbers is now being welcomed by the big aeroplane manufacturers in America. (*Inter-ruptions*) Nobody else would buy them either. They don't mind now talking to and trading with a communist country like China. Now all talk against China and no trade with China—everything goes overboard. Now, a country like America itself is in the doldrums. And you know what is happening to Britain. Once upon a time, when I was a boy, I was taught that the sun never sets in the British Empire. Those days are gone. Today Britain has to wait as a supplicant for entry into the European Common Market. The other capitalist countries of Europe are in a position today to dictate whether she can be allowed to become a member of the European Common Market or not. Now my whole point is that capitalism had a period of growth and dominance. If we had attained our independence long back, perhaps we would have become a very big capitalist power now. Now, at a time when capitalism is decadent and is facing a crisis, when its growing stage is all over and when, on the other hand, socialism and communism have taken place in many countries of the world, you want to build capitalism. And you won't succeed. That is why I say that there is a contradiction between the talk and the practice of our Congress leaders and of our Congress Government. They must see that we are about fifty-five crores of people

and we are not a small country and that if in our poor country there begins a revolution, the revolutions in Russia and China will pale into insignificance. Such a change may take place in this country. Today the great majority of our fifty-five crores of people are poverty-stricken, and something has got to be done to end that poverty. But it cannot be done in the capitalist way. But unfortunately facts are facts. We have to face the poverty of our people and the people are pressing for its removal. When the elections come, you make some promises to them. You have to tell them something at the time of elections and you say, "We will give you socialism." You tell them that you will bring about socialism because you have to get their votes. But in practice you want to build capitalism. Scientifically socialism means public ownership of the means of production, not your waist-coat or my fountain-pen. It is the mills and factories which produce the articles or commodities of mass consumption.

SHRI R. T. PARTHASARATHY (Tamil Nadu) : It is the Preventive Detention Bill which is before the House. How far is the economic crisis in America or elsewhere relevant to the Bill under discussion ? Will the hon. Member please explain ?

SHRI M. R. VENKATARAMAN : I am coming to it in the rest of my speech. Now I am wondering whether my friends are really serious about finding a way out for our country. I am not attributing any motives to you that you want to corner me or interrupt my speech. It is my duty not only to criticise Government but also to tell you that because of the method of building capitalism in practice, monopoly capital in the private sector is growing and the poor people do not stand to benefit by it.

You talk of socialism on the one side. Then naturally, what may be called double-talk comes or at least the accusation of double-talk comes. The Congress to-day is faced with a real dilemma. It has to feed the people. It has to give employment to the people. It has to build the economy further on the one hand and on the other, it is unwilling to give up the capitalist way and it is unwilling to think in a new way. I said that three things are important so far as my party's assessment is concerned. They are, foreign capital, big feudals

and Indian monopolists. You need not touch the middle capital or the middle land holders or the rich peasants but without touching the foreign capital or monopoly capital or the big feudals in a firm and definite unhesitating way you cannot improve matters. It is not that the Congress Party is not talking about these. It is not that the Congress Committees are not discussing these but when it comes to actual practice it is drifting in the old way. If you do these things, then you can feed the people of India, and you can give them work. You cannot build Tatas, Birlas and the big monopolies or some 75 big families as they say nor can you go on collaborating with foreign capital and invite foreign capitalists saying 'India is a very good climate for your investment, you can get big dividends in India'. At the same time this talk of socialism becomes merely something which fools the people. The people are taken in. When they wake up, they will wake up with great anger. That is all that I can say.

You talk of socialism but you talk of it a little less now. In the interim Budget Mr. Chavan was asked why the word 'socialism' was not found and he was frank and forthright. He said 'Somehow it did not strike'. It is not an accident, friends, that Mr. Jagjivan Ram our Defence Minister for instance says—who was the President of the Congress till now—that it may take 50 years for socialism to come. That Party that is ruling the country, the Congress Party the Party which is coming forward with this Bill, is itself not clear that it is in a position to implement socialism to-day. That is why I say that unless foreign capital is controlled you cannot improve matters. I see no step towards that. Foreign collaboration must stop. Other countries also have taken help from foreign countries but not under the terms in which we are taking. About abolishing feudalism, there is so much of hesitation to touch them. So unless that is done there can be no question of regally giving lands to the poor peasants. All sorts of jugglery and manipulations and adjustments may be thought of but those days are gone. There are no textbooks to go by. We are a very big country, we are a country with several countries almost inside it, several provinces and linguistic regions, taking many languages distinct from each other, each not by a few hundreds but by a few crores of people. This is also the wonder that is India, the splendour that is India and

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at the same time the diversity that is India. Out of this diversity unity has to be built and the bulk of the people are poor and for this without a thorough-going different policy, such as a policy of controlling foreign capital, monopoly capital and abolishing of feudalism, there is no question of socialism coming up near. These you are not able to do. The people are getting discontented and disgruntled. They are going to hold you to your promise in the last mid-term elections. In your own discussions you quite often say : 'If we do not do something, the people will not leave us easily'.

You still continue in the old way. On the other hand, these old policies begin to affect the people. The people begin to resist those policies. Then you think in terms of somehow finding a way of economically satisfying them, which, according to me, can be done only in the socialist way democratically, but in the old capitalist way. That does not solve the problem. It aggravates the problem. The result is people resist it. Then, willy-nilly you go into the habit of thinking that it has to be stopped. Repression is resorted to. To control the people you put a stopper on them. Who are the strikers? Which is the political party which is asking the people always to go on strike and oppose the Government? Then, you want to link production with wage. You think of a wage freeze. You think of reducing things. Just now I come from a place where they are reducing the number of medical students. You will reduce the students. Unemployment is growing. Educated unemployment is also growing. Nobody today is in a position to say that the next generation will live in this country with a sense of security. That is why...

SHRI K. C. PANT : Amongst doctors there is no unemployment.

SHRI M. R. VENKATARAMAN : Mr. Pant, I did not hear you.

SHRI K. C. PANT : You mentioned doctors. To the best of my knowledge there is no unemployment among doctors.

SHRI M. R. VENKATARAMAN : I do not know that.

SHRI MONORANJAN ROY (West Bengal): Among doctors there is under-employment. It may be that all the doctors may not be unemployed.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : If the doctors are all employed and if they are occupied, then I must say that the health of the country is going down.

SHRIMATI PURABI MUKHOPADHAYAY (West Bengal) : There is no question of unemployment among doctors. The only thing is they do not want to go to the rural areas.

SHRI M. R. VENKATARAMAN : Mr. Pant will bear with me that if things go on like this—I may be wrong—there will be unemployment, if you have followed me.

SHRI K. C. PANT : I have been very closely following the trend of your argument but I did not want to interrupt you.

SHRI M. R. VENKATARAMAN : It is all right. What I am saying is this. There was unemployment among the illiterate fifteen years ago. There was unemployment among the SSLCs ten years ago. There has been unemployment among the graduates for the last five years. There is unemployment among engineers in the last two or three years. Unemployment among doctors you say is not there, but it will be there. It will come, because things are not done in such a way as to absorb all of them. You do not hold the price-line. You do not have a continuous and increasing form of unemployment relief. Take, for instance, what is your crash programme of unemployment relief? They think that the sum of Rs. 50 crores is enough. How much will it come to? Mr. Sheel Bhadra Yajee, it will come to Rs. 4 lakhs. There is a Tamil proverb which says this. (*Interruption*). I do not hear you.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We have to finish at seven o'clock. Let him finish it.

SHRI M. R. VENKATARAMAN : It is time for me. If you put asafetida in the sea, it will not change the saltish nature of the sea water. There is a Tamil proverb for that. Like that, with this unemployment relief, do you think that you are changing the face of India? Whom are you trying to bluff? How

long will the people put up with it? They will fight. You know it. Our leaders and the Government leaders know that the people will fight and they are preparing the way as to how these fights can be controlled. This Bill is one such thing being forged to keep the people down.

Therefore, it is going to be used. I am not at all taken in by the theory about Bangla Desh, this, that and what not. My point is this that the Congress policy continues to be the same; from the first P. D. Act which was enacted in 1950, Mr. Vice-Chairman, year after year the P. D. Act has been renewed. Only last year it did not get passed because there was opposition and resistance to it, and they were not sure of seeing it through. This year it has come again and this is Congress democracy. This is a country which cannot be ruled with elected Legislatures and Parliament. Rajya Sabha, Lok Sabha, adult franchise, the claim to be the biggest democracy in Asia, etc., all that on the one side, but on the other side Congress wants to rule the country with the P. D. Act.

(Interruptions)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have spoken for half an hour.

SHRI M. R. VENKATARAMAN: I have not finished. I will continue. Now I will quickly cover the ground, but let not my friends interrupt. Now I wanted only to make this point that Congress democracy could not rule our country for the last 25 years....

(Interruptions)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Order, please. No interruptions will be allowed.

SHRI M. R. VENKATARAMAN: Let me finish quickly. I wanted merely to say that this is the general thing they have been doing. It is not as though it is suddenly coming this year. From 1950 this P. D. Act has been with us. Last year it was not there. Now it has come. Therefore, I say it is due to a certain policy which we are following and it is not just an accident.

The second point is, what is the emergency? Is there any emergency for such an Act? Because there are so many other laws. There is

a Parliament. There is a Government in the Centre and in the States. Yet why this unusual, extraordinary law? If it came to a question of emergency, there are special provisions in the Constitution for such a thing. Is there any such necessity? My humble submission is that there is no such necessity or anything like that. This citing of Bangla Desh I am not prepared to accept. This Bangla Desh business has been made a mess of this Government. On the Bangla Desh issue all parties supported this Government. All parties wanted the recognition of the Bangla Desh Government. All parties wanted arms to be given, help to be given, and on that the policy of the Government has been bankrupt, and today Bangla Desh is posed before us as the issue which makes this necessary. Mr. Goray has made this point and I do not want to elaborate this further.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Thank you.

SHRI M. R. VENKATARAMAN: I have not finished.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Venkataraman, you would be cutting short the time of your friend, Mr. Niren Ghosh.

SHRI M. R. VENKATARAMAN: If you rely on the people, with the help of the people these things can be tackled. There is the Foreigners Act, there is the IPC, there is the Criminal Procedure Code. There are all kinds of enactments which can themselves be suitably amended to deal with this thing. This Act is not necessary at all.

So, my point has been mainly that you have taken no action at all for price control or unemployment relief or other things. And the problems are growing, not ending, you do not know what to do. In spite of the 325 member majority the Government feels that it is sitting on a volcano. Yes, it is sitting on a volcano. I can quite understand the intensity with which Mr. Pant today said that the telegrams that he received for so many days upset him. Yes, ours is a very big country; our problems are complicated. Therefore my point is, the method of using such an Act thinking that you can save the country is not what should be done.

[Shri M. R. Venkataraman]

Lastly, I would say this. I do not want to talk in the abstract, I want to talk from past experience. May I know how these enactments were themselves used? For instance, in 1949 it was used against Mr. K. Ramani who till the other day was a Member of the Lok Sabha. Do you know one of the grounds on which he was put in prison? It was that he instigated the peasantry to demand an official measure to measure the paddy. What the landlords were using was half a measure. For that he was detained. You know that in Kerala on the eve of a no-confidence motion, the leader of the Opposition was under this very Act put in prison. You know that in 1965 when the emergency was declared, there were a whole series of arrests of leaders and all that, affecting the opposition parties. So, my point is, however much Mr. Pant or anybody else on behalf of the Government may say that it will not be abused or misused—they say, though, that there was really some misuse—I say that generally there has been so much misuse that I am anxious to warn this House right now about it. For instance, even in 1964, most of us were put in prison saying that we were having Chinese sentiments. I want to say that we are second to none so far as defending our country and supporting the measures of the Government for the defence of our country are concerned, and we passed a Resolution to that effect in 1962. That is well-known to the Government. At the same time, what did we say? We said that while we would be with the rest of the country in defending the country, we must have a political settlement. And we were made fun of, derided, called traitors, put in prison. Now, this Maxwell book has come. Many of you may have read it. Today at least will the Government be gracious enough to offer an apology to the Communist (Marxist) Party or the people of this country because some great wrong and injury were done to us? The point is, however much you may say that this is not going to be used against political parties, this is going to be used against them. This is our unfortunate experience. I have myself spent eleven years of my life in prison, five to six years under the British regime and four to five years under the Congress rule. That is why I am saying all this with a sense of responsibility. I want Mr. Pant to know how it can be misused even in small things. Mr. Sanyal, a Rajya Sabha Member from Bengal, belongs to my party. He is also a leading Advocate. Only the other day when Syed Badrudduja

and somebody else were arrested, he wanted to interview them as a lawyer and also as a Rajya Sabha Member. The Superintendent of Jail asked him to come. When he came the Home Secretary of the Bengal Government telephoned and said that the interview should not be granted. However, he promised to write a letter to the Government. Uptil now nothing has been done. Even a Member of Parliament from Rajya Sabha cannot go and see a detainee. Lawyers cannot go and meet him. Therefore, once a free hand is given at a time when there is no emergency....

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Now please wind up.

SHRI MAHAVIR TYAGI : You will be more comfortable in prison.

SHRI M. R. VENKATARAMAN : Yes.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Now I will call Mr. Mani.

SHRI M. R. VENKATARAMAN : I am finishing. Please give me one minute. If I have nothing more, you can depend upon me, I will sit down. There are many points which I wanted to dwell upon but there is no time. I will take them up some other time. Mr. Tyagi is also very angry with me. The point is this. Unless there is a change in the policies of the Government, this sort of measures are not going to bring relief or are going to change the situation. On the other hand, people will resist this measure. I have my apprehension, why, almost a certainty, that this Act is going to be primarily used against a party like mine.

SHRI P. C. MITRA : (Bihar) : Certainly.

SHRI M. R. VENKATARAMAN : Yes, I know but not for the reasons you begin to describe to the people. (*Time-bell rings.*) Two minutes, Mr. Vice-Chairman. I have finished. The mid-term elections have shown that in Bengal, in Tripura, in Kerala, where our party is considered to be a force among the people of the State, we can stand up to the challenge of the New Congress. You wanted us to get out of your way. But you were unable to do so.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please.

SHRI M. R. VENKATARAMAN : You have everything to be afraid of our party. Even

so many were put in the prison. Even today in Bengal hundreds of our party men are kept in jail under this Ordinance, I can understand your anger against us. (*Interruption by Shri Sriman Prafulla Goswami*). Will you sit down? It is my turn today. It will be your party tomorrow and other democratic parties next. I am glad to see so many parties joining hands with the New Congress in the mid-term elections are opposing the measure today. (*Timbell rings*) Therefore, I should say pass this measure here with a majority now. It has already been passed by the Lok Sabha. But the people would not accept it. The people will unite and fight it and see that this Act is repealed. There is no doubt about that.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Mani.

SHRI M. R. VENKATARAMAN : Just five minutes. Tomorrow we are also foregoing lunch hour.

7 P.M.

SHRI A. D. MANI : Mr. Vice-Chairman Sir, I rise to give limited and qualified support to this Bill. I share the misgivings expressed by many Members on this side of the House that circumstances have arisen which should have compelled the Government to put this kind of legislation on the statute book. I would like to say that there is sufficient case for enacting this legislation in view of the fact that many of the State Governments which are responsible to their State legislatures have asked for the enactment of this preventive detention measure except the State of Kerala. I would like to mention here that the leftist Editor of the *Times of India*, Mr. Sham Lal, writing on the 21st June, said, referring to C.P.M. and West Bengal :

"But other political parties in West Bengal, many of which form part of the ruling coalition to-day, have also been resorting to similar tactics", i.e. the C.P.M. tactics. "In any case sneaky attacks by political extremists on policemen on duty have increased in intensity and scale since the exist of the U. F. ministry and things have come to such a pass that both the police associations in the State are now stridently demanding better security measures for members of the force and their families'."

Sir, it is unfortunate....

SHRI M. R. VENKATARAMAN : All over India it is happening.

SHRI A. D. MANI : Unfortunately, there is a lot of discontent among the policemen. They have been allowed to form associations in Delhi. A good deal of restiveness is seen in the police force which is expected to maintain law and order. There is coal shortage in Delhi and we are informed that the shortage is on account of interruption of supplies, on account of the failure of the railway wagons to move in time. These are very exceptional conditions.

SHRI SRIMAN PRAFULLA GOSWAMI (Assam) : Sir, let him continue tomorrow.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : No interruptions, please. He would not take more than five minutes.

SHRI A. D. MANI : No, no, ten minutes. So, these are very exceptional conditions. Now coming to the Bill, in regard to certain clauses I have certain reservations which I shall mention to the House, and I am sure the hon. Minister of State who inherits a very liberal tradition from his revered father will bear it in mind that this is an exceptional legislation which must be subjected to searching scrutiny. A suggestion was made in the other House that there should be a parliamentary committee to go into the working of this Act. I am not satisfied only with a parliamentary committee because Members of Parliament are not omniscient persons. They are very fallible. And many of us are not legally well qualified. So, I would like the Minister of State to give us an assurance that they will consider the suggestion of setting up a committee of Members of Parliament and jurists to review the Act every year. They must have access to all the papers on the basis of which persons have been detained. I would like to mention that the International Commission of Jurists in Geneva go into the cases....

SHRI MAHAVIR TYAGI : They are secret documents.

SHRI A. D. MANI : If you are putting three lawyers on the Advisory Board, do you think that you are not placing them before jurists? I am not impressed with the argument of Mr. Tyagi.

The other point is that there is a fear that lawyers who are in need of practice may be appointed on those Advisory Boards. Under clause 9 of the Bill, the Central Government

[Shri A. D. Mani]

will constitute these Boards. I would like the Minister of State to deny himself the pleasure of constituting these Boards on his own initiative. A list should be called from the High Court of qualified persons who are fit to sit on the Advisory Boards. We do not want any Tom, Dick and Harry to sit on the Advisory Boards. We do not want a man who stands in line for Public Prosecution or for membership of the Rajya Sabha or the Lok Sabha to be a member of the Board. It must be a person who will command the confidence of the judiciary. And I would like, therefore, to suggest that the honourable Minister, even though he has got full powers under Clause 9 of the Bill to constitute the Board himself, should ask the nominations to be made by the High Court.

The other point I would like to make is that the Bill makes no provision whatever for the payment of compensation to persons who are detained under this Bill. I may remind the House that when Mr. Sarat Chandra Bose was detained under Regulation 3 of 1918 a sum of Rs. 1,500 was paid to him per month and all his insurance policies were paid by the British Government of the day. I would like the honourable Minister to come forward with a statement that if a person is detained a handsome allowance on the basis of his earnings will be given to the members of his family and that if he has taken up any insurance policy the Government will pay the premium of the policy. It is unfair to put the man in jail and prevent him from earning money and satisfying the needs of his family or satisfying the needs of the insurance companies.

The next point I would like to make is—and this is an important point—that this Bill debars lawyers from appearing before the Boards. Now, the honourable Minister said in the other House that these Boards would really look after the interests of the detainees, they are really appointed to look after the detainees. The right of cross-examination is not allowed under this Bill. If it is a semi-judicial procedure, I as a detainee must have the right to cross-examine the police officer who submits a malicious report about me, and very often police officers submit such reports either to satisfy themselves or on the basis of wrong information given to them by informers. I would like the right of

cross-examination to be given to the detainees. This is now prohibited under the Bill.

The final point I would like to make is that in regard to clause 7 absconding persons may incur the penalty of their property being confiscated. It is atrocious for a democratic republic to have such a clause in the statute. Nobody's property should be taken away because he has gone underground. This was what the British Government did in the old days. And there is no difference whatever between the present Government and the British Government if a person who is wanted by the police, who has not committed any offence and who does not surrender himself to the police, loses his property. I would like the honourable Minister to issue a circular to all the State Governments that whatever might be the provisions of this Bill, this particular Clause 7 should not be acted upon. I would like to mention, therefore, ...

AN HON. MEMBER : Why do you mention it ?

SHRI A. D. MANI : I want to mention it because it is a very relevant point, eight million refugees have come and the majority of them are members of the minority community. We do not know how many persons have come from the other side who are not genuine refugees but who have come here for purposes of espionage. You may say the Official Secrets Act is there, the Foreigners Act is there. If some of our documents are stolen there will be furore and hullabaloo in Parliament. The Government must have the powers to deal with this emergency situation. It is on that ground that I suggest this because the Bengal situation has completely transformed, everything that we knew before the mid-term election. Therefore, I feel that all these clauses should be liberally interpreted as far as Indian nationals are concerned because we do not want them to feel that they are living under a raj which essentially is not quite different from what the Britishers were in those days.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The House stands adjourned till 11 A. M. tomorrow.

The House then adjourned at ten minutes past seven of the clock till eleven of the clock on Friday, the 25th June, 1971.