

Administration Report of the Tea Board for the year 1969-70 together with a statement (in English and Hindi) giving reasons for not laying simultaneously the Hindi version of the Report. [Placed in Library. See No. LT-500/71]

NOTIFICATION UNDER THE MYSORE CO-OPERATIVE SOCIETIES ACT, 1959

SHRI JAGANNATH PAHADIA : Sir, I beg to lay on the Table, a copy each of the following Notifications of the Mysore Government under section 130 of the Mysore Co-operative Societies Act, 1959, read with clause (c) (iv) of the Proclamation, dated the 27th March, 1971 issued by the President in relation to the State of Mysore, together with a statement giving reasons for not laying simultaneously the Hindi version of the Notifications:

(i) Notification S. O. No. 13, dated the 19th December, 1970.

(ii) Notification S. O. No. 337, dated the 12th February, 1971.

(iii) Notification S. O. No. 456, dated the 17th February, 1971.

[Placed in Library. See No. LT-515/71 for (i) to (iii)]

NOTIFICATION OF THE MINISTRY OF FINANCE (DEPARTMENT OF REVENUE AND INSURANCE)

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : Sir, I beg to lay on the Table a copy each of the following Notifications (in English and Hindi) of the Ministry of Finance (Department of Revenue and Insurance) :

(i) Notification G.S.R. No. 349, dated the 14th January, 1971, under section 159 of the Customs Act, 1962, together with an Explanatory Memorandum thereon. [Placed in Library. See No. LT-531/71]

(ii) Notification G.S.R. No. 684, dated the 8th May, 1971, together with an Explanatory Memorandum thereon. [Placed in Library. See No. LT-532/71]

(iii) Notification G.S.R. No. 940, dated the 12th June, 1971, publishing the Central Excise (8th Amendment) Rules, 1971, under

section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-530/71]

ANNUAL REPORT (1969-70) OF THE UNIVERSITY GRANTS COMMISSION

SHRIMATI SUSHILA ROHATGI : Sir, on behalf of Prof. D. P. Yadav, I beg to lay on the Table a copy (in English and Hindi) of the Annual Report of the University Grants Commission for the year 1969-70, under section 18 of the University Grants Commission Act, 1956. [Placed in Library. See No. LT-534/71]

ANNUAL REPORT (1969-70) OF THE NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

SHRIMATI SUSHILA ROHATGI : Sir, on behalf of Prof. D. P. Yadav I beg to lay on the Table a copy (in English and Hindi) of the Annual Report of the National Council of Educational Research and Training for the year 1969-70. [Placed in Library. See No. LT-535/71]

[MR. DEPUTY CHAIRMAN in the Chair]

MR. DEPUTY CHAIRMAN : All right. It is lunch time. Mr. Bhupesh Gupta should be feeling hungry, as he was feeling hungry yesterday. So, we adjourn now. The House stands adjourned till 2 p.m.

The House then adjourned for lunch at three minutes past one of the clock.

The House re-assembled after Lunch at two of the Clock. **MR. DEPUTY CHAIRMAN** in the Chair.

RESOLUTION DISAPPROVING THE MAINTENANCE OF INTERNAL SECURITY ORDINANCE, 1971—continued

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you can resume your speech.

SHRI BHUPESH GUPTA (West Bengal) : Mr. Deputy Chairman, I start by inviting your attention to the newspaper report in today's 'Patriot.'

MR. DEPUTY CHAIRMAN : Has it something to do with this subject ?

SHRI BHUPESH GUPTA : It has something to do with this. It is under the caption "Emergency Discussed". The report goes on :

"The legal aspects involved in the possible declaration of emergency in the States and territories of India bordering Bangla Desh are understood to have been considered at an informal meeting of the Prime Minister, Mrs. Indira Gandhi, on Wednesday, with the lawyer Ministers in the Cabinet, Mr. Siddhartha Shankar Ray, Mr. Mohan Kumaramangalam and Mr. H. R. Gokhale. The meeting followed a meeting of the Political Affairs Committee of the Cabinet which heard a report from the Foreign Minister, Sardar Swaran Singh."

We are discussing certain measures here and before we had even concluded discussion we get the report through the Press that the Central Government is considering the proclamation of emergency in the State of West Bengal and other States. May I know whether this is the way to approach a national problem ? First of all what makes the Government think that an emergency is called for in the situation ? We have seen how emergency had been abused in the past. In 1962 when it was proclaimed it continued till the middle of 1968, and under the emergency in those days many leaders including Dr. Ram Manohar Lohia and others and many of us suffered imprisonment and detention without trial. The Constitution gets suspended. Even the right to go to the court on writ petition stands suspended and many other things happen.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : Were you also detained ?

SHRI BHUPESH GUPTA : I was not. Many of my friends were detained. Now you know very well that the bureaucracy comes on the top and corruption grows, and the literature that has come out dealing with the period of emergency, specially 1962-63, written by officials and others would amply show how the emergency powers are liable to be abused, liable to encourage corruption and all kinds of repressive and other measures. It is surprising that when we are on the one hand told that Bangla Desh is a national issue, on the other hand we find the Government party unilaterally discussing the question of emergency amongst some

Ministers and so on. May, I know whether the Government thinks that West Bengal is the zamindary of the Central Government and the other States are just zamindaries and that they will settle this thing in this manner in the so-called Cabinet Committee or Political Affairs Committee and by discussing with the lawyer Ministers and others ? I register my strong protest against this approach to the problem. Before they have decided to do anything you have just heard how Mr. Swaran Singh replied to the question with regard to American intervention on side of Yahya Khan in this House and the same time you find that they are thinking in terms of an emergency ; then there will be the DIR and many other laws and rules. We know what is going to happen. I would urge upon Government to desist from this provocative course and I hope the people will not allow the Government after all that they have got in the emergency between 1962 and 1968 to go ahead with this kind of plan of proclamation of emergency to subvert even the elementary democratic rights and liberties. Emergency means negation of whatever freedom and liberty people have got.

Therefore I would like to clarify the position. Mr. Pant belongs to the Home Ministry, he is Minister of State. He should really tell us what is in their mind and he should not try to treat the Opposition and the other parties also as if they have nothing to say in this matter. If they think that we will take the dictates of the Central Government, that whatever their decision we will bow to it, it is not going to happen. Bangla Desh is indeed a national question for all of us—the question of the struggle of the people there. About the refugee problem the approach should also be national. Every important step should be considered among all the parties who are interested in helping the people of Bangla Desh in their struggle and also in protecting the security of the country against the machinations of American warlords or the subversion by the enemies in West Pakistan. Well, I would like to have...

SHRI NIREN GHOSH (West Bengal) : "There is one interjection. My interjection is this. For two days I raised this question before the House and one Minister at least, Mr. Om Mehta, assured the House that he would bring it to the notice of the Government and that Government would clarify its position, I again raise it.

MR. DEPUTY CHAIRMAN : About what ?

SHRI NIREN GHOSH : The question of emergency. And he promised to do so. So many days have gone by. Should they not take it seriously ? He has said that the Government would clarify it. But nothing would be done, they would go on, pass on. But things are appearing in the press.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : I have brought it to the notice of the Government.

SHRI BHUPESH GUPTA : We are entitled to know whether the report is correct or not.

SHRI CHITTA BASU (West Bengal) : I do not know whether he has conveyed it. It is for the Government to say how the Government's mind is working on this.

SHRI BHUPESH GUPTA : I tell you, I am being practical. Parties in West Bengal might have many differences amongst them. But in so far as the emergency is concerned, protest shall be registered unitedly by all the leftist forces in West Bengal. Take it from me, Sir, it is the feeling of the people. We have the experience of the emergency. You are trying to take advantage of the differences.

SHRI NAWAL KISHORE (Uttar Pradesh) : In that case the Government in West Bengal will fall.

SHRI BHUPESH GUPTA : The Government would not support such a thing. It is quite clear—no sensible man should support the emergency proclamation. Well, what is there now ? Does the refugee problem require an emergency proclamation to solve it ? I should like to know. The refugee problem should be solved by helping the people of Bangla Desh to create such conditions as would enable the refugees to go back to their homeland, and that condition is the final triumph of the freedom struggle of the Bangla Desh people and for that, if any power or support is needed from any party, from any section of the public opinion, it would be undoubtedly, ungrudgingly, be given—I have no doubt about it—but not this kind of approach. Emergency means attack on the working class, attack on the peasantry, attack

on the trade union right, attack on the students and teachers, attack on political opponents and political workers and unbridled corrupt, aggressive, bureaucratic rule. This is what the emergency between 1962 and 1968 has proved and once the emergency is declared, it is never lifted for years. The war with China lasted barely a month, not even a month. But the emergency continued for six years. Never in history emergency has continued in peace time for such a long time in any country claiming to be democratic, as it happened in India between the years 1962 and 1968. Therefore, I utter a note of warning to the Government of India—this cannot be the approach to a problem which is supposed to be a national problem.

MR. DEPUTY CHAIRMAN : Come back to the Bill, please.

SHRI BHUPESH GUPTA : Now, Sir, I am coming to it. You are very right. This Bill is here now. We are not satisfied with this Bill. Emergency powers they want under this Bill. I should like to know how the Government's mind is working. In West Bengal, even now, it has got the Maintenance of Public Order Act which enables detention without trial. In Maharashtra they have got such an Act.

In Rajasthan we have got such an Act. In Mysore we have got such an Act. In Assam such an Act is there. Not satisfied with these Acts, they issued the Proclamation so that the Centre could give direction in regard to detention without trial. Under the Constitution they can compel the State Governments to enforce the provisions of the Central Ordinance. In the Constitution there is a provision that it will be the Centre's power to give direction for the implementation of the Acts of Parliament to the State Governments even if the State Government does not like to apply such an Act. As you know very well, the Essential Commodities Act was asked to be applied to Kerala, and recently also the Maintenance of Essential Supplies Act was sought to be applied, through the Bihar Government, at the time of the Barauni strike of the railway workers. The bureaucrats in Delhi the Government in Delhi can rule over the country, they can do whatever they like in subversion of whatever limited rights that exist with the States. Therefore, we are opposed to this kind of thing.

[Shri Bhupesh Gupta]

Sir, do not think that this is the only measure. Every State Government has got a detention law already. Even though it was not discussed in Parliament, the States, instructed by the Central Government, adopted these measures for their own purposes and it has been going on. Therefore, I say that this Ordinance is something more serious than what it appears to be. It should be opposed and we are opposing it for that reason. Do not think we are not interested in the security of India. We are interested in the security of India as much as any other person. But interest does not mean that we should give unbridled power to the bureaucracy to do whatever they like, to play ducks and drakes with the rights and liberties of our people. On the contrary, the security of the country demands that democratic forces, which strengthen the progressive forces, should be strengthened and arbitrary powers of the police to attack the progressive forces should be reduced. That is what the situation demands. But they are moving in the contrary direction in such matters.

Prime Minister Indira Gandhi said that this is meant for dealing with the spies of the foreign countries. As it is, the provision of the Ordinance mentions maintenance of essential supplies, public order, security of the State and so on, which is very often confused with the security of a particular Ministry or a particular Government and even with the officials in some places.

The provision is supposed to help us. It is supposed to deal with the situation which has arisen in Bangla Desh. But this law now applies to Kerala, Kanya Kumari, Maharashtra and so on, far away from the borders of Bangla Desh, the eastern borders of India. It applies to the whole of the country today. Therefore, this is a plan to have extraordinary powers in the hands of the Central Government in addition to the State Governments having been armed with such powers. Are we to accept such things? Am I to understand that the country cannot be governed without these powers?

Mr. Deputy Chairman, much has been said about Bengal. But mind you, the law is not for Bengal only, it is for the whole of the country except Jammu and Kashmir. What

is happening in Bengal is not good, I agree. I should like to see an end of this kind of thing. Political murders which are taking place are most deplorable and the sooner they are ended the better for all concerned. We would not like any political murder belonging to any party, my party, the Marxist Party or the Congress Party. That should be deplored. Why can we not settle our quarrels in the mass movement in the common struggle, by discussion and debate? Why should there be murders at all, I cannot understand. I think it should be ended. But you cannot end it by this kind of law.

In this connection I must tell you that in June the Government did not pass the detention law for West Bengal.

Now in November they passed it on the ground that it was needed, according to the official version, for dealing with political crimes. Now, may I ask if they have declined as a result of your having these powers during these nine months? On the contrary, they have increased. Therefore, it is proved that these powers by themselves do not solve the problem at all. On the contrary, they sometimes provoke people. That is happening in West Bengal to-day. Political murders and crimes of that type have increased not decreased despite the fact that they have in their possession the power to detain people without trial and certain other powers also. They are even using the Suppression of Terrorist Outrages Act which was passed at the time of Sir John Anderson in 1932 which has never been used since Independence. Even so they have not been able to deal with it. At that time, I asked the Governor of West Bengal, "Will the Inspector-General of Police resign if, for example, he cannot deal with the situation with these powers?" He braggingly said, "Yes, he may." Now, let them resign. Let the Inspector-General of Police and others who have miserably failed, resign. Therefore, the point that I want to make and want the House to consider is whether such powers are needed to deal with a situation of the kind that has arisen in West Bengal. You changed your mind in November last year to revive the Preventive Detention Act in West Bengal, and the result is that murders have grown and other offences of this type have grown. And now even the Chief Minister has to say that the situation has gone completely out of

control. During the entire period of President's rule, the situation deteriorated. Everybody knows it. Therefore, think of some other solution. Think of some other remedy. Political remedies are essential. In this context, Sir, I am very glad that leaders of the left parties in West Bengal—the CPI, CPM, Forward Bloc, RSP and others—are meeting and discussing the problem as to how normalcy could be restored in West Bengal and violence of this type put an end to. I wish them success in their efforts, because after all, unless we put a stop to this political terrorism, murder and violence of this type, it will be ruinous not only for West Bengal but for the entire lot and democratic movement of the country. In all humility I wish that the leaders of the Marxist Party had agreed to attend the conference of representatives of all political parties called by the Chief Minister to discuss this problem. I know they have their grievances. But I think across the table we could have discussed this problem. If there are charges against the Government or any other party, these could have been frankly and freely discussed with a view to finding a solution. In West Bengal, if a solution has to be found, certainly the Marxist Party must be a party to it. And we cannot ignore the Government of the State either. All of them, officials and non-officials, major parties and minor parties, all should combine in a serious and sincere collective effort to put an end to the dismal chapter of political terrorism, political murder, political assassination and other actions of this type.

MR. DEPUTY CHAIRMAN : Please conclude.

SHRI BHUPESH GUPTA : I am finishing. I have to finish because I am bound by my agreement.

So, Sir, I take this opportunity to say these things, to express my reaction to the developments in West Bengal. Efforts are being made. I hope they would be made fully and without reservation. Let us sit and discuss together the problems and find some solution.

Before I sit down, I lodge a strong protest against this use of Ordinance-making power. I think this in itself is a wrong thing for the Government to have done. I have stated yesterday the reason why they have done it.

It is to forestall a parliamentary discussion and to present the partymen with a *fait accompli*. I know Mr. Om Mehta has been very active during the last three or four days in canvassing support. He seems to be confident that he will have his way. You may have your way here. But you will not have your way outside. By passing this law, you will be damaging your own claims of progressiveness. After all, we are all opposing it. I am sure many people in the Congress Party are not also happy at the prospect of this law being passed if at all it is passed. So, Sir, I do not wish to say anything more. I think it is our duty, and I would appeal to Congressmen also on the other side of the House that at least they should abstain. Why are they coming here? It is not necessary for them. They do not come here everyday. Why this business of whip? Give them freedom of vote and we shall see what happens. Give them freedom of vote. Why not? You have exercised your free choice elsewhere earlier . .

SHRI OM MEHTA : They are free.

SHRI BHUPESH GUPTA : No, no, you have not agreed. I know Mr. Arjun Arora was not allowed to go to Damascus where he was invited to attend a conference because his one vote is needed here to harass us, to defeat us. Therefore, no freedom is given. I hope, all the same, this House will raise its voice in protest against the behaviour of the Government and I am glad that our House is doing its job well in resisting this lawless law, this black law and we shall continue to fight as long as we can. I do hope the Government would be given a dressing gown over this matter in this House.

SHRI C. A. APPAN (Tamil Nadu) : Mr. Deputy Chairman, it is my painful duty no doubt, I am expected to speak on the Resolution; whether it is painful or happy, that is a different matter. I stand here to support the Statutory Resolution "That this House disapproves the Maintenance of Internal Security Ordinance, 1971 (No. 5 of 1971) promulgated by the President on the 7th May, 1971". This has come into being. We have to discuss this Resolution now in view of the fact that the honourable Minister is going to introduce a Bill "to provide for detention in

[Shri G. A. Appan]

certain cases for the purposes of maintenance of internal security and matters connected therewith, as passed by the Lok Sabha (be taken into consideration). But, Sir, is it a settled fact that this Bill has been passed by the Lok Sabha ? That is under question now. Of course, it was discussed yesterday and there is nothing on this to devote so much time. All the points raised against the fact that this has been passed by the Lok Sabha have been overruled by the Chair. If there is any danger to the internal security, it is a danger to the whole country, and do you mean to say that only members of the Cabinet of the Government of India and the Prime Minister are concerned about it ? If there is any danger to the internal security the whole country will support the Government. Why should the Government come forward with this unnecessary measure, with this unnecessary fear ? I entirely endorse and support the views expressed by my friend, Mr. Bhupesh Gupta, my learned friend; though he has been supporting the Government on many matters, he is opposing the Bill that may be now coming. This is a Government in power. We also have a Government of the DMK in Madras. Naturally, if there is anything here, if we have any fear or danger to the country, do you mean to say that the DMK Government will not come to the rescue of these people ? When there was Chinese aggression and when the DMK was in opposition, it was our revered leader, the late Anna, the great Anna, who gave a clarion call to the nation to fight the Chinese aggression in those days. Do you mean to say that other States also will not support this Government ? If the Government's intention is good, if there is any assurance that the Government will not misuse or abuse the power that is given by Parliament through this enactment, they will definitely support the Government.

Mr. Deputy Chairman, it is really a pity that this is going to be a permanent venture. Why not you restrict at least the detention period to two years, to be renewed every year ? If that could have been accepted by the Treasury Benches, this Resolution would not have come. We have our own fear that the government may misuse the power. Otherwise, there is no need for any Bill of this nature. Do you mean to say that

we do not have Naxalites here ? We have been hearing of their activities in Bengal, Kerala, Gujarat and in other places. The Bangla Desh incident should be an eye-opener for us. First it started in West Bengal. These Naxalites are there in all parts of the country. If this measure is going to be honestly used against Naxalites, anti-social elements and those doing disservice to the nation, it is all right. But who actually are going to be affected ? The ordinary man, the small man and the common man will be suspected and arrested because the police can easily arrest them. Whenever big people are arrested, they will not be beaten and they will not be put in third class in jails. The measure is ultimately going to affect only small men and that is where I come in. One thing is certain. Before promulgating this Ordinance, if the Prime Minister and the President had called all the leaders of the opposition parties and had consulted them, then this statutory Resolution would not have come. Furthermore, it is but meet that there should be in the Bill, that is going to be enacted, provision for heavy penalty and heavy punishment for really guilty people. Again, there is no provision for appeal. There is no provision for safety. Under these circumstances, in view of the invidious circumstances and the clauses that are found in the Bill, the sponsors of the statutory Resolution have combined and moved this resolution.

Sir, power corrupts and absolute power corrupts absolutely. Even without much of power, sometimes many people are being harassed and unnecessarily people are being detained and put in prison without inquiry. I only wish that the government had come forward with this measure after consulting the opposition parties.

I do not know why my memory fails me today. Whatever it is, I support this statutory Resolution and would once again request the government to accept the amendments that are going to be moved. I would request them to rise up to the occasion and accommodate the Opposition also and not to feel intoxicated with the power that has been vested in them by the so-called mandate.

श्री राजनारायण (उत्तर प्रदेश) : उप सभा-
पति जी, मैं अपने प्रस्ताव का समर्थन करने के

लिए खड़ा हुआ हूँ। यह जो अध्यादेश है, आन्तरिक सुरक्षा का अध्यादेश है, मैं चाहता हूँ इसको निरस्त कर दिया जाय, इसलिए मैं इसका निरनुमोदन करता हूँ।

श्रीमन्, बहुत सी तकरीरे हुई हैं, मैं अब उनको पुनः दोहराना नहीं चाहता हूँ। मैं इस अध्यादेश को पूर्णतः जन-आन्दोलन दबाव अध्यादेश मानता हूँ। यह आन्तरिक सुरक्षा का अध्यादेश बराये नाम का है, इसका काम जन-आन्दोलनों को दबाने का है और जनता अपनी भावनाओं को लेकर सरकार के विरोध में जन-तन्त्रात्मक ढंग से उठ न पाये। जब मैं इस अध्यादेश का निरनुमोदन करने के लिए खड़ा होता हूँ, तो हमें लंका की घटना याद आ जाती है। श्रीमती मंडारनायके ने, श्रीमती इन्दिरा नेहरू गांधी के समान ही सत्ता अपने हाथ में ली है। उसने नौजवानों से कहा कि तुमको रोजी देंगे, नौजवानों तुमको चावल देंगे। जब लंका के नौजवान रोजी और चावल के लिए उठे तब उनके ऊपर गोली चलाई गई। श्रीमती इन्दिरा नेहरू गांधी की सरकार लंका सरकार की सहायता के लिए जहाजी बेड़ा भेजती है, हैलीकॉप्टर भेजती है और फौज भेजती है। जब वहाँ के संसद् में इस बात पर आपत्ति उठाई जाती है, तो वहाँ के मंत्री जवाब देते हैं कि जो उन्होंने हैलीकॉप्टर और जहाजी बेड़ा भेजा है, उसी की सुरक्षा के लिए पल्टन भी भेजी है।

जरा देख लिया जाय। जब लंका के जन-प्रिय आन्दोलन को दबाने के लिए इन्दिरा सरकार अपनी पल्टन का प्रयोग करती है, अपने जहाजी बेड़े का प्रयोग करती है, अपने हैलीकॉप्टरों का प्रयोग करती है, तो जब भारतवर्ष में नौजवान उठेंगे, भारतवर्ष के किसान उठेंगे, भारतवर्ष के मजदूर उठेंगे, तो फिर भारत सरकार किस निर्दयता के साथ उनके आन्दोलन को दबायेगी, उनको भूनेगी, वह इस अध्यादेश से साफ मालूम हो जाता है। मैं आज अपने मित्र श्री भूपेश गुप्त से कहना चाहता हूँ कि भाई भूपेश गुप्त तुमने हमारी बात नहीं मानी। अगर तुमने

हमारी उस बात को मान लिया होता और जिस 1967 की लड़ाई में हम लड़े थे, उस समय तुम हमारी सहायता में आकर लड़े होते, इन्दिरा नेहरू के जाल बट्टे और मुलायम मुलम्मे में न फंसे होते, तो आज यह हालत न होती। आज क्या हो रहा है? आज पंत जी बेचारे फंस गये हैं। यह पाप का घड़ा उनके मस्तक पर फटेगा घड़े के रूप में और इसी लिए वे इस तरह का काला विधेयक लाये हैं। यह ब्लैकैस्ट विधेयक है, काले से काला अध्यादेश है।

आज इसके तर्क में यह कहा जा रहा है, शरणार्थियों की समस्या आ गई है, बंगाल में विपदा आ गई है। यह सरकार तो इस ढंग का विधेयक 1969-70 में ही लाना चाहती थी। श्री भूपेश गुप्त ने इस बात को ठीक ही पकड़ा कि यह सरकार इस तरह का विधेयक पहिले ही लाना चाहती थी। मगर उस समय इसकी संख्या केवल 222 थी और आज श्री भूपेश गुप्त की कृपा से 355 हो गई है और इसीलिए आज श्री भूपेश गुप्त की इनको जरूरत नहीं है। जब बंगाल सलाहकार कमेटी की बैठक हो रही थी, तो उस समय भूपेश गुप्त ने कह दिया था कि हरगिज, हरगिज नहीं, इस तरह का बिल नहीं आना चाहिए। तो उस समय श्री चव्हाण साहब दब गये और इस समय श्री चव्हाण साहब को हिम्मत नहीं हुई; क्योंकि श्री चव्हाण साहब समझते थे कि अगर इस तरह का बिल लाया जायेगा तो श्री भूपेश गुप्त रुद्र रूप धारण कर लेंगे तथा संसद् में हमारा साथ नहीं देंगे। आज श्री भूपेश गुप्त चिल्ला रहे हैं और डंके की चोट में कह रहे हैं और इन्दिरा की सरकार उनकी बात को सुनने के लिए तैयार नहीं है। हमने श्री भूपेश गुप्त को बतलाया था कि एक बार इन्दिरा नेहरू के दोस्त ने उनसे कहा था कि तुम कम्युनिस्टों के जाल में फंसते जा रहे हो। तो उन्होंने जवाब दिया कि क्या मूर्ख हो। मैं कम्युनिस्टों के जाल में नहीं फंस रही हूँ, बल्कि उन्हें अपने जाल में फंसा रही हूँ। क्या तुमको मालूम नहीं है कि केरल में मैंने ही कम्युनिस्ट की सरकार को धराशायी कराया। यह इन्दिरा नेहरू गांधी का

[श्री राजनारायण]

जवाब था। केरल में मैंने कम्युनिस्ट पार्टी की सरकार को धराशायी कराया था। यह बात उन्होंने अपने मित्र को बतलाई थी।

श्री शीलभद्र याजी (बिहार) : किससे बातचीत हुई? क्या आप से बातचीत हुई?

श्री राजनारायण : मैं संसदीय प्रथा का अनुगामी हूँ। मैं यह नहीं चाहता कि कोई व्यक्ति हम से कुछ जानकारी करना चाहे तो मैं यह कहूँ कि मैं बैठूँगा नहीं। मैं हमेशा ईल्ड करता हूँ, क्योंकि हमें अपने तर्क पर भरोसा है, अपनी जानकारी और बुद्धि पर भरोसा है। मैं चाहता हूँ कि सरकारी पक्ष के लोग जितने सवाल हम से कर सकें, करें। (Interruptions) तो अब मैं फिर कहना चाहता हूँ कि भाई भूपेश सद्वुद्धि ग्रहण करो, हमारा साथ दो और हमारा साथ दे कर यह जो लगड़ी, लूली और काली सरकार है, इस पर भयंकर प्रहार करने के लिये तैयार हो जाओ; क्योंकि यह सरकार जब तक रहेगी तब तक इस प्रकार अनेकानेक काले काम होते रहेंगे। इस सम्बन्ध में मुझे इतना ही कहना है कि जो लोग आज बंगाल का सवाल उठा कर, स्वाधीन बंगाल देश का सवाल उठा कर इस काले अध्यादेश का समर्थन करना चाहते हैं, वे इसका समर्थन न करें। इस तर्क की पुष्टि में मैंने यह बता दिया कि यह बात तो पहले ही से इनके दिमाग में थी और इनके पास इतना बल नहीं था कि ये ऐसे काले अध्यादेश को ले आते। इनको उसके लिये भूपेश जी की जरूरत थी, लेकिन वे फंसना नहीं चाहते थे। इसलिये उस समय यह इसको नहीं लाये, लेकिन आज ले आये। इसके लिये जितना दोष सरकारी पक्ष का है, उससे कम दोष भूपेश जी का नहीं है। अब मैं नाना साहब को क्या कहूँ; क्योंकि अब वे और हम एक हो गये हैं।

श्री एन० जी० गोरे (महाराष्ट्र) : अच्छा हुआ, बच गये।

श्री राजनारायण : अब मैं जरा एक बात और आपसे कहना चाहता हूँ। एक पुस्तक प्रकाशित हुई थी इन्दिरा कांग्रेस के द्वारा और उसका नाम था “न्यू विंड आफ चेंज”।

SHRI BHUPESH GUPTA : It is very bad English. It should be “Wind of Change.” It is no good English, anyhow.

श्री राजनारायण : तो यह जो नई हवा चली उसके सम्बन्ध में भी मुन लीजिये। ऐसा कहा गया कि एक नई हवा चली है, परिवर्तन होगा और क्या परिवर्तन होगा कि जो लोग पुराने-पुराने सड़े गले हैं कामराज, मोरारजी, निजलि-गप्पा वगैरह, ये सब समाप्त होंगे, खत्म होंगे, इस लिये तुम सब लोग हमारे साथ आओ, हमारे साथ आ कर के हमारे हाथों को मजबूत करो। मैं आज पन्त जी से पूछना चाहता हूँ कि वह परिवर्तन की नई हवा कहाँ गई। क्या उस नई हवा का द्योतक यह काला अध्यादेश है, यह विधेयक है, वही सड़ी गली पुरानी परम्पराएँ हैं। तो संख्यासुर के बल पर कोई काम करना जनतंत्रीय पद्धति के विरुद्ध है। जनतंत्र केवल संख्यासुर के बल पर नहीं चलता है। जनतंत्र एक जीवन-पद्धति है, जनतंत्र एक जीवन प्रणाली है, इसलिये केवल संख्यासुर के बल पर यदि आप कोई ऐसा काला कानून पास करा लेंगे तो वह जनतंत्र का निषेध होगा। इसलिए मैं श्रीमन्, बहुत ही जोर दे कर कहना चाहता हूँ कि जो लोग परिवर्तन की नयी हवा देख कर कुर्सी कांग्रेस से चिपके हुए हैं, उनसे कहना चाहता हूँ कि जरा अपनी किस्मत को, अपनी तकदीर को ठीक समझ लो। श्री मन्भाई शाह से भी मैं कहूँगा, क्योंकि मैं चाहता हूँ कि जो उनकी सद्वुद्धि है उसका सदुपयोग हो। मगर उनकी सद्वुद्धि का सदुपयोग नयी हवा में नहीं होगा। दो चीजों के लिए बजट आयेगा, यह बजट आयेगा, क्या कोई कल्पना कर सकता था कि इससे बेहूदा, गलाघोट और जनता के अहित में जाने वाला कोई बजट आ सकता है। लेकिन वह बजट भी आ गया और यह काला अध्यादेश भी आ गया। इतने पर भी अगर जिसकी आँखें न खुली हों

वह अब खोल ले कि आज जो कुर्सी कांग्रेस के साथ हैं, वह किसी परिवर्तन के लिए नहीं हैं, युगकारी परिवर्तन के लिए नहीं हैं, वह तो यथास्थितिवाद के लिए हैं और पूंजीवाद के लिए हैं। वह तो यथास्थितिवाद और पूंजीवाद की पार्टी है और ऐसी पार्टी ही ऐसे खुरापाती कानून और अध्यादेशों का पुंज बनेगी। हमको बड़ा जनतंत्र सिखाया जाता है और हमारे मित्र श्री राज बहादुर हैं, यह बेचारे फिर मंत्रिमंडल में फंस गये। न मालूम वहां भागे थे, लेकिन उनकी तकदीर खुली नहीं, बल्कि वे फंस गये। मैं उनसे पूछना चाहता हूं कि भाई राजबहादुर जी, दुनिया का कोई जनतंत्र हमें बता सकते हो, जहां इस ढंग का बेहूदा अध्यादेश या कानून हो ?

श्री शीलभद्र याजी : बंगाल में पाकिस्तान को देखो। वहां बोने कि याहिया खां बंद कर देगा। इस प्रकार की बातें कहने देगा आप को ?

श्री राजनारायण : देखिये आप, यह हमारे समय में न काटा जाय। मैं ऐसा समझता हूं कि भाई शीलभद्र याजी जी अपना कान बंद कर लिये हैं। मैं कह रहा हूं दुनिया का कोई जनतंत्र और याजी जी समझ रहे हैं, कहते हैं याहिया खां। याहिया खां जनतंत्र है या याहिया खां फौजी शासन है ? याहिया खां जनतंत्र नहीं है और हमारे राजबहादुर जी बड़े प्रसन्न हो गये शीलभद्र याजी की बात को सुन कर।

श्री उपसभापति : ठीक है, आप बिल पर आ जाय।

श्री राजनारायण : आज राजबहादुर जी क्लीमेंसो बनना चाहता हैं। क्लीमेंसो कहा करता था ; वह कहा करता था : Let us support the worst man of the party because he will be always guided by the best mind of the party. वह कहा करता था कि हमारे साथ का जो रट्टी आदमी हो उसको सपोर्ट करना चाहिए।

उसे बना दो पदाधिकारी। जो लोग दिमाग वाले हैं वह उनसे गाइड होगा। तो चूंकि शीलभद्र याजी उनकी पार्टी में सबसे बर्स्ट हैं, इसलिए राजबहादुर जी उनकी बात पर बहुत प्रसन्न हो गये। मुबारक हो राजबहादुर जी आप को धन्यवाद है, शीलभद्र जी को। तो मैं यह कहना चाहता हूं कि ब्रिटेन में इस समय कोई प्रिवेंटिव डिटेंशन है ? पंत जी याद करें तो डिफेंस आप रेल्म ऐक्ट, 1939 का था ब्रिटेन में, युद्ध समाप्त हुआ और वह भी समाप्त हो गया। अमरीका में जो सिक्योरिटी ऐक्ट था ऐंटी सबवरसिव ऐक्ट उसको अमरीका में सुप्रीम कोर्ट ने वायड करार दे दिया। कम्प्युनिस्ट एक्टिविटीज को रोकने के लिए वह ऐंटी सबवरसिव ऐक्ट था, उसको भी वहां वायड करार दे दिया गया, तो मैं यह कहना चाहता हूं कि पूंजीवादी राष्ट्र है अमरीका, इंग्लैंड भी आज पूंजीवादी है और इन मुल्कों में डेमोक्रेसी है, हालांकि वह डेमोक्रेसी पाशियल है, केवल पोलिटिकल डेमोक्रेसी है, आर्थिक जनतंत्र नहीं है, मगर राजनीतिक जनतंत्र रख कर भी आज अमरीका और ब्रिटेन किसी भी प्रकार का प्रिवेंटिव डिटेंशन नहीं रखे हुए है। मगर भारत की सरकार जो अपने को कहती है कि हम समाजवादी हैं, जो अपने को कहती हैं कि हम जनतंत्री हैं...

श्री शीलभद्र याजी : आप उसके एजेंट बने हुए हैं ? आपको पता है कि पाकिस्तान के एजेंट यहां बैठे हुए हैं ?

श्री राजनारायण : मैं यह कहना चाहता हूं कि समाजवाद का अर्थ समझ लो। समाजवाद में आर्थिक और राजनीतिक जनतंत्र दोनों आते हैं और ब्रिटेन और अमरीका दोनों में राजनीतिक जनतंत्र है, आर्थिक जनतंत्र नहीं है। फिर भी ब्रिटेन और अमरीका जैसे अधूरे जनतंत्र में भी किसी को बिना मुकदमा चलाये हुए आज गिरफ्तार करके जेल में बन्द करने की व्यवस्था नहीं है। मैं हैरत में पड़ा हुआ हूं कि वह मुल्क जो गांधी जी का नाम ले, जो अपने प्राचीन गौरव पर घमंड करे, जो अपने प्राचीन ऋषि मुनियों के

[श्री राजनारायण]

गीत गाये वह इस प्रकार का बेहूदा अध्यादेश जारी करे और उस अध्यादेश के समर्थन में हम क्या करें ? हमारे राज्य के जो मुख्य मंत्री थे और जिस राज्य का मैं पहले विरोधी नेता था, उस राज्य उत्तर प्रदेश के आदरणीय श्री गोविन्द बल्लभ पन्त के आदरणीय सुपुत्र श्री के० सी० पन्त है। श्री के० सी० पन्त किस विडम्बना में फंसे गये हैं। मैं बहुत ही परेशान हूँ।

श्रीमन्, मैं कुछ और तथ्यों को लाना चाहता हूँ। यह जो आन्तरिक सुरक्षा का अध्यादेश है, क्या यह थिम्मा रेड्डी पर लागू होगा ? पब्लिक एकाउंट्स कमेटी की रपट पढ़िये उनके बारे में, वह आज भी आंध्र में मंत्री बने हुये हैं, इनके भ्रष्टाचार की कालिमा को खोल कर रख दिया गया है। इन पर क्यों नहीं लागू होता ? इन पर लागू होगा। यह जो प्रिवेंटिव डिटेंशन या आन्तरिक सुरक्षा अध्यादेश है, यह श्री कमलापति त्रिपाठी पर लागू होगा, जिन्होंने सिचाई मंत्री रहते हुये अपने बेटे को कम्पनी बनवा कर के करीब 4 करोड़ का ठेका दिया और जिसका मामला हमने विधान सभा में उठाया और जिसका मामला यहां इलेक्शन कमिशन तक आया और इलेक्शन कमिशन को सारी चीजों की सफाई दी।

श्री शीलभद्र याजी : यह सब वापस कराइये। इससे क्या सम्बन्ध है।

श्री उमाशंकर दीक्षित (उत्तर प्रदेश) : इस प्रकार के जो व्यक्तिगत आरोप आप लगा रहे हैं, इसका प्रिवेंटिव डिटेंशन से कोई सम्बन्ध नहीं है और ऐसा विषय और ऐसी निराधार बातें कहते हैं, वह कहां तक अशोभनीय बात है, इसको माननीय सदस्य को स्वयं सोचना चाहिये और श्रीमान आपको भी इस पर विचार करना चाहिये।

श्री उपसभापति : राजनारायण जी, जो अध्यादेश है या जो इंटरनल सिक्योरिटी बिल है, उसके बारे में आप बोलिये।

संसदीय कार्य, तथा नौबहन और परिवहन मंत्री (श्री राज बहादुर) : उनके पास कहने को कुछ और है ही नहीं रेलिवेंट।

श्री राजनारायण : मैं बहुत ही अदब के साथ आपके द्वारा कहना चाहता हूँ कि हमारी बात हमसे उम्र में काफी अधिक श्री दीक्षित जी को अशोभनीय लगती है, मैं चाहता हूँ श्री दीक्षित जी केवल बात को अशोभनीय मत समझें काम को भी अशोभनीय समझें।

श्री उपसभापति : ठीक है, अध्यादेश पर बोलिये।

श्री राजनारायण : वह काम कितना अशोभनीय है, एक मंत्री अपने बेटे को ठेका दे।

सरदार रघुबीर सिंह पंजहजारी (पंजाब) : यह कहाँ यहां आता है।

श्री राजनारायण : यह आन्तरिक सुरक्षा इसी से खतरे में पड़ रही है।

श्री उपसभापति : ठीक है, अध्यादेश पर बोलिये।

श्री राजनारायण : अध्यादेश पग ही बोल रहा हूँ। बाहर कहां गया। बंगाल की सारी सही घटना यहां आ गई तब तो छाती पर सांप नहीं लोटा। मीठा-मीठा हप्प कड़ुआ-कड़ुआ थू। कोई बात आने लगी तो हल्ला मचाने लगे। काहे को यह हल्ला है ? मैं आज दावे के साथ कहता हूँ कि मैं इस सदन की सदस्यता को छोड़ दूँ, अगर हमारे लगाये गये आरोपों को कोई झूठा साबित कर दे, असत्य साबित कर दे। जो अशोभनीय कहते हैं, वह स्वतः स्वयं अशोभनीय कृत्यों में फंसे हुये हैं। मैं यह समझ नहीं पा रहा हूँ।...

श्री शीलभद्र याजी : समझ क्यों नहीं पा रहे हैं।

श्री राजनारायण : ...आन्तरिक सुरक्षा किसके द्वारा खतरे में पड़ी हुई है, आन्तरिक सुरक्षा

किसकी वजह से खतरे में पड़ी हुई है। आज आन्तरिक सुरक्षा खतरे में पड़ी हुई है उनके जरिये जिनके जरिये इस देश में बेकारी बढ़ रही है, जिनके जरिये इस देश में महंगाई बढ़ रही है, जिनके जरिये इस देश में गरीबी बढ़ रही है, जिनके जरिये इस देश में वेश्यावृत्ति बढ़ रही है, जिनके जरिये इस देश में रिक्शा चालकों की तादाद बढ़ रही है।

श्री राज बहादुर : मैं एक निवेदन करना चाहता हूँ, उन्हें चुनौती देता हूँ, हर पार्टी सारी पार्टी यहां नहीं है, उसका कोई जस्टीफिकेशन भी नहीं है, लेकिन मैं कहना चाहता हूँ कि अगर इनको साहस है, तो इस प्रकार के आरोप बाहर लगावें। ...

श्री राजनारायण : अवश्य, अवश्य स्वीकार।

श्री राज बहादुर : ... लेकिन यहां रेलिडेंट बात करें।

श्री राजनारायण : मैं श्री राज बहादुर जी की बात को स्वीकार करता हूँ। ...

श्री उपसभापति : आपका समय हो गया है।

श्री राजनारायण : ... उनके चेलेंज को स्वीकार करता हूँ। आज ही बाहर इसी सदन से निकल करके जितने लोग होंगे सबके सामने इन्हीं बातों की पुनरावृत्ति कर दूंगा।

श्री कल्याण चन्द (उत्तर प्रदेश) : पब्लिक मीटिंग में कहिये, सखनऊ में कहिये, अगर आपकी हिम्मत है तो।

श्री उपसभापति : राजनारायण जी, आपका [टाइम हो गया अभी]।

श्री राजनारायण : श्रीमन्, देखिये, मैं कुछ कानून भी पढ़ता हूँ।

श्री शीलभद्र याजी : कानून से तुम्हारा क्या मतलब है।

श्री राजनारायण : आप इस बात को देख लें। आल इंडिया रिपोर्ट का जो इंडेक्स है जो मई महीने में आ जाना चाहिये वह अभी तक नहीं आया है। जो हमारे मित्र वकील होंगे वह जानते होंगे। आल इंडिया रिपोर्ट का इंडेक्स क्यों नहीं आया ? आज जब हमने कोशिश की जानने की तो हमें बताया गया कि जुलाई में छपने जा सकता है, जाना तो चाहिये मई में। क्यों ? क्यों नहीं ? कागज नहीं मिला। क्यों कागज नहीं मिला ? क्योंकि थापर की कम्पनी ने कहा कि प्रत्येक बेल पर हमको 1,000 रु० अतिरिक्त दो, तब हम कागज देंगे और इतनी सफाई से कहा— उनके लोग बताते हैं—कि जो हमने चुनाव में कुर्सी कांग्रेस के चन्दा दिया वह 1000 रु० बेल पर दिया। आल इंडिया रिपोर्टर के इंडेक्स में, आप समझते हैं किस तरह मुकदमों की रूलिंग दी होती है। किस तरह मुकदमों में रूलिंग हुई है उसकी जानकारी हमारे बहुत से वकील देंगे। इसलिए मैं कहना चाहता हूँ, हमारी आन्तरिक सुरक्षा कौन खतरे में डालता है ? हमारी आन्तरिक सुरक्षा भारत सरकार खतरे में डालती है।

श्री उपसभापति : समाप्त कीजिए, राजनारायण जी।

श्री राजनारायण : आप हमको इस तरह से राजनारायण जी न कहो। जितना भूपेश गुप्त जी बोले हैं, उससे 20 मिनट ज्यादा बोलूंगा। वह कल 35 मिनट से ऊपर बोले हैं और आज 20 मिनट बोले हैं।

श्री उपसभापति : आपको 7 मिनट में खत्म करना होगा।

श्री राजनारायण : करना है तो कर देंगे। यह आर्डिनेन्स के निरनुमोदन प्रस्ताव पर बोलने के लिए खड़े हुए हैं, इसलिए जो भी मुसीबत उठानी होगी, झेल लेंगे।

श्री शीलभद्र याजी : चेयर को ओबे कीजिए।

श्री राजनारायण : चेयर की मैं बड़ी इज्जत करता हूं। चेयर की ही इज्जत से परेशानी होती है।

इसलिए मैं यह कहना चाहता हूँ, हम भावुकता में न आएँ, सीधे-सीधे तरीके से, ईमानदारी के साथ इस अध्यादेश की वारीकी पर विचार करें। कल, श्रीमन्, आपने एक व्यवस्था दी, मैं चाहता था, मैं पुनः उस व्यवस्था पर बोलूँ, मगर चूँकि आपने एक व्यवस्था दे दी तो अगर हमको जाना होगा तो हम सुप्रीम कोर्ट में जाएंगे और देख लेंगे। चाहे कोई कानून की दूसरी बातें माने न माने, मगर मैं इसको फिर कह रहा हूँ कि यह अध्यादेश बिलकुल अवैध है, अध्यादेश अगर अवैध है तो जो विधेयक आ रहा है वह भी अवैध है। यह प्रिवेन्टिव डिटेन्शन के नाम से नहीं, यह आंतरिक सुरक्षा के नाम से है। अच्छा, प्रिवेन्टिव डिटेन्शन अगर नहीं है, एमरजेन्सी अगर नहीं है, तो हमको करणों को शीघ्रातिशीघ्र बतलाना ही होगा। 24 घंटे के पहले बतलाना ही होगा और जब पहले मजिस्ट्रेट के सामने प्रोड्यूस हूँगा तो उस समय हमको गिरफ्तारी के कारणों की जानकारी होनी चाहिए। इसलिए जो कल आपने पढ़ दिया, क्या उसमें डिटेन्शन है? मैं पूछना चाहता हूँ, क्या 107 (डी) नहीं है, क्या 109 (डी) नहीं है, क्या 117 नहीं है? 117 इस कानून से ज्यादा शक्तिशाली है, 160 इस कानून से ज्यादा शक्तिशाली है, 109 इस कानून से ज्यादा शक्तिशाली है। 109 में साल भर तक आप बिना हिलेडुले रहेंगे, कहीं जा नहीं सकते और ...167

सरदार रघुबीर सिंह पंजहजारी : इसमें सिर्फ राजनारायण जी आ सकते हैं और कोई नहीं आ सकता।

श्री राजनारायण : इसमें हम तो जरूर ही आ जाएंगे, अगर हम अच्छा काम करेंगे और कभी सरदार साहब की भी इस तरह की हिम्मत पड़ी तो वह भी आ सकते हैं। लाल बहादुर शास्त्री जी भी आ गए थे। इन्दिरा जी को तो

सौभाग्य ही नहीं हुआ देश की स्वतंत्रता में काम करने का, वह कैसे जा सकेंगी।

मैं कहना चाहता हूँ अगर उस नुकतेनजर से देखा जाए तो यह कानून, अध्यादेश अपने आप में अवैध है। मगर चूँकि आपने व्यवस्था दे दी, मैं उस पर ज्यादा कहना नहीं चाहूँगा। मैं उस पर केवल इतना ही कहना चाहूँगा कि यह अध्यादेश अवैध तो है ही, यह मामूली अध्यादेश नहीं है, यह मौलिक आधारों पर कुठाराघात है, व्यक्तिगत स्वतंत्रता पर कुठाराघात है। और मैं श्री के० सी० पन्त जी से कहना चाहता हूँ कि ये कभी-कभी गांधी जी का भी नाम ले लेते हैं। गांधी जी का नाम लेकर चलने वाले लोग इस तरह के काले अध्यादेश को जारी करें और हमारी व्यक्तिगत स्वतंत्रता का अपहरण करें, वह गांधी जी के नाम लेने के हकदार नहीं। हमने बड़ी मेहनत से आज गांधी जी की कुछ बातों को प्रस्तुत करने के लिए छांटा है। देखिए 31 जुलाई, 1943 को गांधी जी ने कहा है कि : मेरा मत है कि जेलखाने होने ही नहीं चाहिए, सब सुधार-गृह होने चाहिए, इसी तरह से सजा की मुद्दत भी नहीं होनी चाहिए, जब कैदी सुधार जाए और प्रमाण-पत्र प्राप्त कर ले तभी छूट जाए। यह 31 जुलाई, 1943 को गांधी जी ने कहा था। यह उस समय की बात है, 1942 की बात है जब क्रान्ति प्रज्वलित हुई थी और राजनीति के दूध मुंह वच्चे इधर उधर भाग रहे थे। ये लोग जेलों में वहां के सुप्रिंटेंडेंट से मिल कर वहां बैठ गये थे। उन्होंने कही भी अंग्रेजों की चुनौती को स्वीकार नहीं किया। ये माला पहिन कर जेल जाने वाले देश के लिए कुरबानी क्या होती है, उसकी कीमत क्या जाने।

अब आप देखिये गांधी जी ने क्या कहा था। 10 फरवरी, 1943 को गांधी जी ने कहा था कि मेरी मांग यह है कि कानून में अहिंसक विरोध का स्थान होना चाहिये। आजकल की सरकार व्यवस्थित हिंसा का दूसरा नाम है। क्या श्री पंत गांधी जी के शब्दों में अपनी सरकार को व्यवस्थित हिंसाई कहेंगे; क्योंकि गांधी जी ने

कहा है कि अहिंसक प्रतिरोध की जगह होनी चाहिये। हम अहिंसक प्रतिरोध की बात कहते हैं, शान्तिपूर्ण होकर प्रतिरोध की बात कहते हैं। हम कहते हैं कि मंहंगाई दूर करो, हम कहते हैं हमको रोटी दो, हम कहते हैं हमको कपड़ा दो हम कहते हैं हमको खाना दो, तो तुम इसके बदले में गोनी चलाने की व्यवस्था कर रहे हो, तुम लोगों को पकड़ कर जेल में बन्द करने की व्यवस्था कर रहे हो। अजीब तूफाने बदतमीजी है।

श्री उपसभापति : अब आपका समय समाप्त हो गया है।

श्री राजनारायण : आप बीच में रोकेंगे तो फिर खत्म कैसे होगा।

श्री उपसभापति : आधा घन्टा हो गया है और अब आप समाप्त कीजिये।

श्री राजनारायण : 10 मिनट और ठहरिये फिर हम खत्म कर देंगे। (Interruptions) मैं आपके द्वारा कुछ मित्रों से कहना चाहता हूं, जो बहुत तिलमिला जाते हैं, बुरे कर्मों के नाम सुन कर वे अपने पापों को प्रकट करने से दबते क्यों हैं, डरते क्यों हैं। उनको डर है कि चाहे हम कुछ कर डालें, कुछ अच्छी बात कहें। तो आज अगर आप चाहते हैं कि समस्या में सुधार हो तो समस्या को सुधारने के लिए वाणी और कर्म में तारतम्य बिठलाता पड़ेगा। अगर वाणी और कर्म में तारतम्य नहीं बैठेगा, उल्टा करते चले गये और न साधुता का प्रयोग करो, तो ऐसे लोग छदम माने जाते हैं और जिसको बुद्धि में और आचरण में भेद होता है।

मैं देख रहा हू कि ये सत्ताधारी दल के जो लोग बैठे हैं, वे फूले नहीं समा रहे हैं कि हाथ में सरकार आ गई है और लट्टू बने हुए हैं। उनको समय बतला देगा। मैं चाहता हूं कि उनकी दुर्गति न हो और वे यह न समझे कि हम अच्छे-अच्छे काम कर रहे हैं और उसी के लिए यहां पर आये हैं। आज हमारे देश में जो जनतंत्रीय प्रथा है, वह जनतंत्रीय प्रथा कुंठित हो रही है और उस कुंठित होने वाली जनतंत्रीय प्रथा को हम

बचाना चाहते हैं। इसलिए हम चाहते हैं कि मनुष्य की जो अपनी आजादी है, शहरी आजादी है, वह हर तरह से महफूज रहे। अगर शहरी आजादी पर किसी तरह का खतरा होता है, व्यक्तिगत स्वतंत्रता पर आंच आती है, तो जो जनतंत्र के प्रेमी होंगे, उन्हें तिलमिला जाना चाहिये।

हमारे भाई मनुभाई शाह हमें समझाते हैं कि इस बिल को पास हो जाने दो; क्योंकि हालत ऐसी है कि वह सम्भल नहीं पायेगी। मैं उनसे पूछना चाहता हूं कि क्या इस अध्यादेश को जारी करने से हालत सुधर जायेगी? यह अध्यादेश जारी है, मगर शरणार्थियों की समस्या बढ़ती ही जा रही है। मैं उनसे यह कह देना चाहता हूं कि अगर शरणार्थियों की तादाद बढ़ती गई तो फिर बंगाल की स्थिति किसी के काबू में नहीं रहेगी। फिर बिहार की स्थिति भी किसी के काबू में नहीं रहेगी और न उत्तर प्रदेश की स्थिति किसी के काबू में रहेगी। ये शरणार्थी हल्ला बोल कर धनिकों के घर में प्रवेश करेंगे, उनके घरों में बैठेंगे और उनसे रोटी कपड़े की मांग करेंगे। ये लोग घरों में सोयेंगे और जो घर के मालिक हैं उनको घसीट कर बाहर करेंगे। वह दिन दूर नहीं दीक्षित महाराज "लम्बा टीका मधुर वाणी, दगावाज की यही निशानी"। मैं कहना चाहता हूं कि वह दिन आने वाला है, जब दिल्ली के झुग्गी झोपड़ी वाले दीक्षित के घर में प्रवेश करेंगे और कहेंगे, ऐ दीक्षित, तुमने इतने सालों तक हमारा खून चूसा है, निकलो बाहर, हम तुम्हारी गोली की बौछार को अब बरदास्त नहीं कर सकते हैं। तुमने जनता की आशाओं पर तुषारापात किया है, जनता की छाती पर मूंग दला है और अपनी तिकड़म तथा साजिश से ताकत अपने हाथ में ले ली है और आज बड़े जनतंत्री प्रेमी बन गये हो। अगर जनता ने

3 P. M.

तुम्हारा साथ दिया, अगर जनता है तो यह काला अध्यादेश क्यों। गांधी जी ने बतलाया है कि स्वराज्य के माने क्या हैं? गांधी जी ने यह कहा है कि स्वराज्य के माने केवल यह नहीं है कि

[श्री राजनारायण]

गोरों की जगह काले बैठ जाय। अन्याय का मुकाबिला करने की ताकत हर इंसान में कुछ दर्जे तक होती है। स्वराज्य तभी होगा जब कि हम अन्याय का मुकाबिला करें। तो आज जो हमारे यहां है वह स्वराज्य नहीं है। इसलिये मैं हर नुक्ते नजर से, हर दृष्टि से चाहे सामाजिक हो, चाहे आर्थिक हो, चाहे राजनैतिक हो, इस अध्यादेश का विरोधी हूं। इस अध्यादेश को राष्ट्रपति महोदय ने जिस धड़ल्ले से दस्तखत कर के इस सरकार की सलाह पर निकाल दिया मैं उसका घोर विरोधी हूं। मैं यह नहीं चाहता कि हमारी शहरी आजादी इस अध्यादेश के जरिये कुचली जाय, कत्ल की जाय। यह जनतंत्र की हत्या है, यह नागरिक स्वतंत्रता की हत्या है, यह व्यक्तिगत स्वतंत्रता की हत्या है। इसलिये जो हत्यारे इस अध्यादेश को कानून बनाना चाहते हैं, वे जनतंत्र के दुश्मन हैं, वे समाज के शत्रु हैं। वास्तव में वे बेहूदे टैंक्स लगा कर और जनता का खून चूस कर अपनी तनख्वाह बढ़ाना चाहते हैं, अपना भत्ता बढ़ाना चाहते हैं और इसी लिये उनको ऐसे अध्यादेशों का सहारा लेना पड़ रहा है। जब बैंक से 60 लाख रुपया निकल गया तब आपका प्रिवेंटिव डिटेंशन ऐक्ट कहां था। क्या आपके पास और कोई कानून नहीं है? शर्म नहीं आती है कि 60 लाख रुपया बैंक से निकल गया और आपके कानून धरे के धरे रह गये। तुमको चुल्लू भर पानी में डूब मरना चाहिये। 60 लाख रुपया बैंक से बिना एकाउंट के निकल जाय और सरकार बैठी रहे। तो ऐसी सरकार को ऐसा काला अध्यादेश जारी करने का क्या अधिकार है? जिस सरकार के लोग अपने पुत्रों को, अपने रिश्तेदारों को, अपने मामा, फूफा आदि को लाइसेंस दें, परमिट दे, ठेके दें, वही लोग अगर हमारे नागरिक अधिकारों को छीनना चाहें तो देश में उससे आगे लग जायगी। मैं राज बहादुर जी को चुनौती देता हूं कि वे हमारे घर पर आयें और देखें तब उनको मालूम होगा कि हमारी क्या हालत है। 1948 और 1950 से लेकर अब तक हमारी सम्पत्ति आधी

या चौथाई रह गयी है। लेकिन इन्दिरा जी के घर में जा कर अगर वे देखें तो मालूम होगा कि उनकी सम्पत्ति कितनी बढ़ गयी है। मैं यह जानना चाहता हूं कि उन्होंने ऐसी कौन सी कमायी की जिससे उनके पास इतनी संपत्ति जमा हो गयी? करोड़पतियों से पूंजी लेकर चुनाव अभियान चलाना क्या यही जनतंत्र है? इसलिए श्रीमन्, मैं आपसे कहना चाहूंगा कि इस अध्यादेश का निरनुमोदन होना चाहिए। मैं अपने उन मित्रों से भी कहना चाहता हूं, जो स्वयं कभी सरकारी कुर्सियों पर रहे हैं और इस प्रकार के अध्यादेश जारी किये हैं, प्रिवेंटिव डिटेंशन बिल जारी किये हैं कि अब वे विरोध में हैं और वे यह समझें कि विरोध के माने क्या हैं। सरकारी पक्ष और विरोध-पक्ष में गुणात्मक अन्तर होता है और इसी लिए विरोधी पक्ष सरकारी पक्ष की बातों का खण्डन करता है। ऐसे अध्यादेश को आप जनतंत्र और समाजवाद की कसौटी पर खरा उतारोगे? यह जनतंत्र और समाजवाद का निषेध है। यह अध्यादेश तानाशाही है, डिक्टेटरशिप है और उससे ज्यादा अधिकार सरकार अपने हाथ में लेना चाहती है, इसलिए सद्बुद्धि वाले सोचो? यह हमारे मित्र बाहर लाबी में मिलेंगे तो कहेंगे कि राजनारायण जी, हम भी आपके ही विचार के हैं, मगर यह व्हिप निकल गया ...

कई माननीय सदस्य : नहीं-नहीं, यह गलत है, यह गलत है।

श्री राजनारायण : मैं ऐसे लोगों को जवाब देना नहीं चाहता जो दूसरों की कृपा पर रहते हों। मैं चाहता हूं कि इस समय अर्जुन अरोड़ा जी यहां बैठें हैं। और कोई अपनी कायरता को भले ही छिपाये, लेकिन मैं समझता हूं कि अर्जुन अरोड़ा जी कभी अपनी कायरता को नहीं छिपायेंगे और वह हिम्मत के साथ कहेंगे कि मैं इस अध्यादेश का विरोध करता हूं। इस विधेयक का विरोध करता हूं। हमारे साथी कृष्ण कान्त हैं। बड़े मियां तो बड़े मियां छोटे मियां सुभान अल्ला। और हमारे एक मित्र हैं जो हमारी पार्टी में पहले थे। वह हैं श्री विपिनपाल दास जी। कल से मैं

देख रहा हूँ कि बड़े एक्टिव हैं, सजनी मैं हूँ राज-कुमारी। वह भी राजकुमारियों में एक राजकुमारी बनना चाहते हैं। बड़े जोर से चिल्लाते हैं कि मैं इस अध्यादेश का समर्थक हूँ। अपने दिमाग को बेच कर तुम अध्यादेश का समर्थन करते हो? अपनी समाजवादी बुद्धि को गिरवी रख कर तुम इस अध्यादेश का समर्थन करते हो? अपनी जनतंत्रीय बुद्धि को बेच कर तुम इस अध्यादेश का समर्थन करते हो? तुम समाजवादी हो? तुम जनतंत्री हो? इसलिए समाजवाद और जनतंत्र का नाम लेने वाला, सावधान। शब्दों से मत डरना। शब्दों में समाजवाद नहीं है। बाहर चले जाना, वोट मत करना। वोट के समय बाहर चले जाना। व्हिप डै तो वोट देने के लिए यहाँ क्यों बैठोगे। इन शब्दों के साथ मैं इस काले अध्यादेश, इस नालायक अध्यादेश, इस जनतंत्र की हत्या करने वाले अध्यादेश, समाजवाद के हत्यारे अध्यादेश का विरोध करता हूँ और इस की निन्दा करता हूँ और इसके निरनुमोदन के प्रस्ताव का, आडवाणी साहब के प्रस्ताव का समर्थन करता हूँ।

SHRI CHITTA BASU : Sir, I rise to support the Resolution moved by my friend, Mr. Advani. While supporting the motion moved by my hon'ble friend, I like to draw your attention to the statement giving reasons for the immediate legislation of the Maintenance of Internal Security Ordinance, 1971 in which the hon'ble Minister has been kind enough to give broadly two reasons for bringing forward this kind of Ordinance.

Sir, in that note it is said :

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

I think I will not be incorrect when I presume that by the term "the developments across the border" the Government had in mind the recent development in Bangla Desh which means the national liberation movement now sweeping the Bangla Desh area. Sir, if that is the real intention of the Government for bringing forward this kind of Ordinance, I would urge upon this august House to really note the

actual developments which have taken place in Bangla Desh. What are the requirements in the Bangla Desh crisis today? The requirements of the Bangla Desh crisis today are to mobilise the opinion in the international community and unify the people of our country so that we are in a position to stand by the valiant fighters for freedom across the border so that the national prestige and honour of our country can be further enhanced, so that the security and integrity of our country can be further protected.

And if this is the requirement of the situation arising out of the crisis in Bangla Desh to-day, then my humble question to my friends sitting opposite is : Does that situation require the Preventive Detention Act? Does it not require the resolution, the determination of the people of India to recognise the independent sovereign republic of Bangla Desh? Does it not require that our Government should come forward in a larger and bigger way to provide them military and other kinds of help so that the Pak'stani army in Bangla Desh can be vacated? For that, we require unity and more unity among the people of our country. For that there is no need of a Preventive Detention Act which merely divides the people, which merely weakens the democratic and progressive forces of our country. And if there is a weakening of the democratic and progressive forces of this country, it would lead to a weakening of the movement in Bangla Desh. Therefore, Sir, it is really a matter of shame that this shameless Government, if I can say that, has taken the alibi of happenings in Bangla Desh. We should have shown greater respect, we should have shown greater realisation of the problem there and come forward with a measure which might have helped them in the matter of realising their dream of independence. Instead of doing that, your Ordinance has weakened this movement in the country.

Sir, it is said that the situation in Bangla Desh poses the problem of spies and infiltrators from Pakistan. I do not disagree on the necessity of preventing the entry of infiltrators from the other side of the border. But what does that require? It requires eternal vigilance of the freedom fighters there; it requires the vigilance of our people here. It requires further unity of the people here. It requires unification of the progressive forces there and of the

[Shri Chitta Basu]

progressive and democratic forces here. (*Interruption*) Therefore, if we are really interested in preventing infiltration, in curbing the activities of spies, this Preventive Detention law is not necessary at all. There are other laws in the country. And it is my strong conviction that merely by this kind of legislation or any other legislation, you cannot plug the loopholes of espionage. For that, the unity of the people, the determination of the people—is the only guarantee. And your Ordinance has really disrupted, undermined the unity and determination of the people of this country.

Then, Sir, it is said that this Ordinance was necessary or is still necessary to-day because the Government feels that there might be some dark forces in the country working for inflaming communal passion within our country, taking advantage of the situation now prevailing in the border districts of some of our States. Sir, on this question the Government, if I am not wrong, has already issued administrative instructions to the various State Governments as to what should be done with regard to curbing the communal forces in the country which may take advantage of the situation. Furthermore, I learn from newspaper reports that the Government is also prepared to come forward with a legislative measure even in the current session of Parliament providing for stringent measures to curb communal forces and also for speedier trial of the offenders in communal offences.

Therefore, I am not going to accept their argument. This preventive detention law is not meant for curbing communal forces, is not meant for preventing infiltrators, is not meant for preventing espionage activities in the country. Therefore, what are the actual reasons what is the real objective of the Government? I am coming to it later on. It has also been mentioned that a certain situation has developed in West Bengal and that for the situation developing in West Bengal this kind of a preventive law is necessary. I do not like to go into the details of the situation prevailing in West Bengal today. But it is admitted on all hands that the situation there is not so satisfactory. It is worsening with every passing day.

SHRI A. P. CHATTERJEE (West Bengal) : It has gone beyond control as stated by Mr. Ajoy Mukherji.

SHRI CHITTA BASU : And it has gone beyond control as admitted by the Chief Minister of West Bengal and I do not dispute that fact. It is admitted on all hands and the entire House would agree with me that the situation has gone beyond control in West Bengal. The reality is that the cult of violence, individual murder, individual killing, terror, have been imported into politics. Who is responsible for this kind of situation? I do not like to mention... (*Time-bell rings*.)

SHRI A. D. MANI (Madhya Pradesh) : You allow him some more time, Sir.

SHRI CHITTA BASU : Sir, what is this? You have allowed Mr. Bhupesh Gupta to speak for fortyfive minutes. You have allowed Mr. Rajnarain more than forty minutes. If you ring the bell, all right, I shall not speak.

MR. DEPUTY CHAIRMAN : Does the honourable Minister want to intervene?

SHRI CHITTA BASU : On a point of order, Sir. You cannot discriminate amongst Members. Why have you allowed those two Members to speak for a longer time than was permitted by the rules?

MR. DEPUTY CHAIRMAN : Because of their party strength.

SHRI CHITTA BASU : Two Members spoke from the Communist Party. Mr. Balachandra Menon spoke for more than fifteen minutes and Mr. Bhupesh Gupta spoke for more than forty minutes. What is the time allotted for the Communist Party?

SHRI A. D. MANI : On a point of order, Sir. Mr. Chitta Basu was speaking relevantly. Many people have spoken irrelevantly on the Bill and you have allowed them more time. So please give Mr. Chitta Basu ten minutes.

MR. DEPUTY CHAIRMAN : We had to put this Resolution to vote at about 3 o'clock. The Minister had also to intervene. But...

SHRI CHITTA BASU : What is the time allotted to each Member of the House?

MR. DEPUTY CHAIRMAN : If you want I can give you three minutes more and you can finish your speech.

SHRI CHITTA BASU : Now, Sir, the reality is one of a political question. The violence there, individual violence, individual killing, or whatever you might be interested to call it, has got some political roots in it. And it has to be solved from a political point of view. I hope and I believe that the entire House will agree with me that it is time for the whole country and all of us here to make a solemn declaration that every political party abjures individual violence, individual killing, in the matter of politics. As a matter of fact, we should fight amongst ourselves on the question of ideology, on the question of deficiencies, in the mass movement and from that point of view only that situation can be met, not by a preventive detention measure. As a matter of fact, this kind of preventive detention power was allowed to the Government of West Bengal during Presidential regime there. It was called the PD Act. More than 400 political murders have taken place. Neither under the Presidential regime nor under the regime of the present Government have any offenders been so far booked. Although the Government had this power—the PD Act—they could not apprehend anybody, they could not prevent political murders from taking place. I say the offenders who committed murders were important personalities of West Bengal, political leaders of different parties. But the Government could not apprehend them. Therefore, merely by an enactment of legislation of this nature or of an Ordinance of this character, you cannot meet the political situation prevailing in West Bengal today. For that some other thing is necessary and that thing is political solution of the problem. For arriving at a political solution, all the political parties of West Bengal should abjure publicly violence in politics. They should refrain from taking recourse to individual killing, terror and violence against compatriots and other political parties. I hope our friends belonging to CPM would respond to this call of the nation and this call of the people because this kind of violence committed against any political worker is nothing but helping or strengthening....

SHRI A. P. CHATTERJEE : As far as violence is concerned, 263 CPM members have been killed since the President's rule. What have you got to say on this ?

SHRI CHITTA BASU : What about the non CPM member who have been killed ?

(Interruptions)

SHRI A. P. CHATTERJEE : 263 CPM members have been killed from March 1970 upto date. Here is the list.

SHRI CHITTA BASU : That is your statement.

SHRI A. P. CHATTERJEE : You are to speak on the Resolution. Why do you provoke others ?

SHRI CHITTA BASU : Is my question inconvenient to you...

(Interruptions)

MR. DEPUTY CHAIRMAN : Please conclude now. Order, order.

SHRI CHITTA BASU : It is an inconvenient question and that is why he does not like that....

(Interruption)

MR. DEPUTY CHAIRMAN : Order, order.

SHRI CHITTA BASU : I am sorry. I had to say that. Before concluding, I want to say that Bangla Desh issue or West Bengal situation is not responsible for bringing forward this kind of black Ordinance. The main objective of this measure is to smother democratic mass movement in the country. When you go into the various clauses of this measure you will know how the democratic mass movement of the country can be smothered. I do not like to go into the clauses now. I will mention those things when I speak on the Bill itself. But even on principle, the Ordinance deserves to be thrown out by this august House because it dispenses not only with the judicial machinery but the whole concept of the rule of law. It negatives the very principle of our Constitution and it violates the principles of natural justice and many other things. Therefore even from the point of view of morality and jurisprudence, this kind of preventive detention is contrary to the basic ideals and principles which we have all been cherishing. Therefore, I oppose the Ordinance and strongly support the Resolution which has been moved for seeking disapproval of the Ordinance.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): Sir, I have listened with great attention to all the speeches that have been made. I am grateful to Members belonging to different sections of the House for supporting this measure. I am grateful to the others who have supported the principles underlying the measures.

I am also grateful to those who have brought their critical faculties to bear on the measure.

AN HON. MEMBER: Is the Minister speaking now on the Bill?

MR. DEPUTY CHAIRMAN: He is intervening.

SHRI K. C. PANT: Ordinance is also a measure. I never said 'Bill'. Sir, it is not a matter of pleasure for us to bring forward a legislation or a measure designed to restrict the freedom and liberty of even some citizens even while we accept that these citizens may be misguided. Even so, it is not a pleasure. But, sometimes, in the governance of a country, we face a situation where such measures become inevitable. The medicine is bitter, but it cannot be escaped. And it is in that spirit that we have brought this measure forward.

Sir, there were references in this House to the Rowlatt Act and there were references to the black Acts of the British days. Sir, I need hardly remind the House that it was Sardar Patel who, in 1950, brought forward the Preventive Detention Act and got it passed. I need hardly remind the House and Shri Jawaharlal Nehru was the Prime Minister at that time. Sir these were the architects who, along with Gandhiji of India's freedom, working under Gandhiji's leadership, had wrought a non-violent miracle which brought about the freedom of this country. They had seen all these acts on action. They disapproved of them. Yet, when freedom was won and when it seemed to them that the freedom, the hard-won freedom, was in peril, or the values which they wanted to establish in this country were in danger or the social fabric which they wanted to weave in this country was about to be torn to pieces, then in order to preserve freedom and in order to preserve the values for which they had won the freedom, they thought

it fit to bring forward the Preventive Detention measure. Therefore, those who have fought for freedom certainly felt for freedom and they certainly would not have brought forward this measure except for the preservation of the freedom and the other values including the values of individual liberty and they did this in accordance with the Constitution and there is nothing illegal about it. Article 22 of the Constitution gives the Government the power to bring forward such legislative measures.

SHRI MAHAVIR TYAGI: Which Article?

SHRI K. C. PANT: Beg your pardon?

SHRI MAHAVIR TYAGI: Which Article?

AN HON. MEMBER: It is about emergency.

SHRI K. C. PANT: I am afraid Article 22 is in the Fundamental Rights Chapter and it has nothing to do with emergency and I think emergency is in Article 352—I am not quite sure and it has nothing to do with this. In fact, if Mr. Chitta Basu goes into the constitutional provisions, surely he will realise—I will come to this aspect later—that we have strictly adhered to the provisions of the Constitution in that particular Article.

Sir, many Members have explained at great length the need for this Ordinance and I do not want to repeat what they have said. I would only like to mention that, when objection is taken to our bringing forward this Ordinance on the 7th of May, there is no special significance about that particular date. It could have been the 5th, it could have been the 8th. But the relevant point is what the situation was that had developed in the country at that time. After the third week of March, what was the kind of emergency that had developed in Bangla Desh and what was the situation that, as a consequence of it, had developed in our country? This is the relevant point and the 7th May happened to be the date when the Ordinance was promulgated.

Sir, in fact, I can understand the criticism, if it had come from any quarter, as to why we

were waiting till the 7th to bring forward this. I can understand this, because the Government could have been asked, "If the situation was developing from the end of March, why did you not bring forward this measure earlier?" and I would have appreciated it.

SHRI BHUPESH GUPTA : You had drawn up this Ordinance in January and long before the Bangla Desh developments came. To attribute it to 'Bangla Desh' is an afterthought. I have material in my possession to show that the Ordinance was planned even before the elections ..

SHRI K. C. PANT : I did not interrupt anyone...

SHRI BHUPESH GUPTA : How can you interrupt ?

SHRI K. C. PANT : Shri Bhupesh Gupta made such gracious references to me personally in the course of his speech, and it is always a source of perennial wonder to me how a man here so full of grace and charm can also be so difficult at times...

AN HON. MEMBER : Because he leaks out official secrets.

SHRI K. C. PANT : Sir, the national problem, the national crisis, the national emergency that has been created by the influx of lakhs upon lakhs of refugees is not a party problem. It is not a problem that concerns only Members on this side of the House. Seldom in history has such a large influx taken place in such a short period of time. I would remind the House that even after 1947—if you look up the figures—in the western part of the country, I think, the total number of refugees that came in 1948 was below 50 lakhs. And in the east it was below four or five lakhs. For years, 4 or 5 lakhs kept coming in per year. The maximum that came in one year was about 5 lakhs. And now 60 lakhs have come. Does it not pose a law and order problem ? Does this not involve elaborate screening ? Is it not possible that Pakistani spies are coming in with these refugees ? Can anyone deny these facts ? Can any one deny that this places an intolerable burden on the Administration ? Can any one deny that this poses a danger to the fabric of not only the eastern part of the country, but of the whole country ? Can any one deny that

it means a thorough check along the borders, and along with this the law and order problem and other problems that are connected with such a large influx are raised ? Now, these are points of fact. These are national issues which concern not only the peace and wellbeing of the Indian people, not only the peace of the sub-continent, but I would submit that these contain elements which will upset the peace of the entire Asian Continent. Therefore, Sir, it is not a light matter. And, whether Shri Bhupesh Gupta likes it or not, this poses a problem which he and I have to share. Sir, this is a tremendous problem.

Similarly, there may be the infiltration of foreign armed personnel. Sir, is it suggested by any one here that if we have intruders across the borders, about which we are greatly exercised, then we should not have the weapon to detain these persons who enter into our territory ? We must have these measures, and therefore, Sir...

SHRI GODEY MURAHARI (Uttar Pradesh) : You already have enough.

SHRI K. C. PANT : I will come to that also. I will also be coming to the Foreigners Act.

Sir, besides this, are there espionage activities going on within our country. I will not go into these matters. But I will leave it for the House to judge from a very broad plane, keeping in mind the national interests and the historical prospects, because this is not a debate in which I want to secure debating points by raising one point here and another point there. This is a matter which has to be considered on the national plane by all of us.

Sir, the threat to internal peace and a threat to communal harmony are there for us all to see. And it is the bounden duty of all of us in this House to see that internal peace and communal harmony are maintained and are not allowed to spark off. Somebody said in the House yesterday that after a spark there will be prairie fire. This is the kind of situation. We have to see to it that the spark is snuffed out before it develops into a prairie fire. Therefore, we have to view these matters in their proper perspective.

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There are, I know, even in eastern India today some persons who are out to create trouble. They raise the question of Bengalis and non-Bengalis among the refugees; they raise the question of Hindus and Muslims among the refugees. There are questions raised of Assamese and Bengalis raised in eastern India. In Meghalaya they raise the question of tribals and Bengali refugees who are coming in. Is the House not aware of this aspect? Are these not danger signals which we should heed? And, Sir, to heed these danger signals we must have the powers to take action when we find that the danger is growing.

SHRI A. P. CHATTERJEE : Those persons, who are creating communal disturbances and communal riots, how many such persons have you arrested under this Ordinance? Will you kindly give the figures?

SHRI K. C. PANT : Sir, reference has been made in this House to Naxalite violence, and concern has been expressed in this House on various occasions over the violence and lawlessness on the part of the Naxalites and other anti-social elements operating with them in different parts of the country. Sir, reference was made to this during this debate also. Sir, I do not want to repeat all that has been said, nor do I want to repeat what has been said fifteen times in this House, but I would like my hon. friends to appreciate this problem because I have felt this problem, and it has been my unfortunate lot to have come in the Home Ministry at a time when, day after day, I have received the news of gruesome murders, of depredations, of deliberate insult to national heroes and national symbols. It has been my lot to receive telegrams conveying the news that bombs have been thrown at educational institutions, that professors have been killed, that judges have been killed, that political figures have been killed, that people like Hemanta Basu who have given their whole lives for the country for a political cause have been killed in cold blood, butchered and murdered, merely because they wanted to abide by certain principles in which they believed—that was their only fault. It has been my lot to receive reports about all these things. So, Sir, how can I be indifferent to these acts of violence? Therefore, Sir, I would like the House to appreciate this that during the period between April 1970 and May 1971 there have

been nearly 4,500 such incidents of violence. To name only two States—I am not going to name West Bengal because the House is familiar with the situation in West Bengal.

SHRI A. P. CHATTERJEE : It is your creation in West Bengal.

(Interruptions)

MR. DEPUTY CHAIRMAN : Don't interrupt, please.

SHRI K. C. PANT : Sir, it is very difficult to keep this debate at the level at which I wanted it to be. I do not want to get involved in any debating points; I can meet those debating points. Just now Mr. Chitta Basu challenged Mr. A. P. Chatterjee. I can say all that but deliberately I do not want to say all that on this occasion because I want to keep the debate free from these exchanges so that we can concentrate on the basic issues, because I consider this debate to be a very important one, a debate of vital importance to the future of this country, a debate which will determine the course of events for years to come. Now, Sir, in Bihar there have been over 250 such incidents including fifty murders, and in Punjab there have been nearly fifty incidents including twenty-eight murders. So, these are incidents in other States where there is no such law. Sir, I do not want to go into the other aspects but there was one thing which Shri Babubhai Chinai also mentioned and to which I would like to refer briefly, and that is the position on the railways in the eastern sector. Railways are being held up sometimes and looted. Traction wires are being stolen. Engine parts and components are being stolen. Sir, there seems to be a scheme behind all these things, and at a time when the refugees are coming in, and when the States on the border want us to disperse the refugees, the communication system is being brought to a halt. Is this a light matter? Is this not a matter which everybody in this House must consider with all seriousness? Therefore Sir, we should not underrate the seriousness of the situation which is before us.

Gandhiji's name was mentioned by Rajnarainji. Gandhiji had enthroned non-violence in this country. He had performed a miracle by using the weapon of non-violence against an imperialist power. But, Sir, today there are

elements in this country who want to glamorise violence, who want to make violence a part of our lives. So, it is no use just repeating Gandhiji's name. We have to act in such a manner that we can tackle those elements which are undoing all that he did in this country upsetting the cult of non-violence which he enthroned in this country. Sir, there was a reference to the other legal weapons that are available to us. What are these legal weapons? Arrest and prosecution for substantive offences under article 22—that section of article 22 which was read out by Rajnarainji. He did not read out the preventive part but he read out the other part. But that is not preventive; it can take care of a crime after it is committed. You can prosecute a man, you can arrest him.

SHRI RAJNARAIN : No, no. There is 107, 117...

SHRI K. C. PANT : I am coming to that. Sir, what is 107 or 117? A man can be detained; if he gives a bond he is released. In this kind of a situation is the giving of a bond a sufficient answer? We must understand. Then there is the Foreigners Act.

SHRI RAJNARAIN : It is not always.

SHRI K. C. PANT : There is the Foreigners Act. What are the provisions of the Foreigners Act? Restriction of movement or orders of deportation. Now, in this kind of a situation, by deporting a foreigner can you take care of the situation on the border where lakhs of people are coming in? If you deport a man here he comes in from some other route. If you do not have the right to take him out of circulation how can you ensure the security of the country if you feel that he threatens security? These are serious questions to which the House must apply itself. I would submit, with all respect, that the important thing is not to wait until serious offences are committed, not to wait until the situation has taken a serious form when it becomes very difficult to control but to take preventive action, to tackle the problem before it becomes too big for us to tackle. And that is why this is very timely and that is why we have brought it forward today. It is no use letting the damage be done and then trying to repair the damage; we should try to prevent the damage being done. And so, in a situation of emergency of

the kind we face today, the country's ability to take a continuing preventive action is one of the guarantees against all possible sources of mischief—be it external or internal. It may not be enough but at least it is a weapon that is necessary.

Sir, the situation is disturbing and one does not know how it will develop. I do not want to say more. The situation is there for everybody to see. This morning itself the House was greatly exercised over the supply of...

(Interruptions)

MR. DEPUTY CHAIRMAN : Order please.

SHRI K. C. PANT : ... arms from the United States to Pakistan. Now all these things are facts; they provide the background against which this measure has to be considered.

Another argument was raised just now that when there was a Prevention of Violent Activities Act in West Bengal which was already available why it was necessary to bring this forward. I would like to point out and I would like the House in all seriousness to consider that there are many border States? Where there is no such Act. Which are those other sensitive border states? There is Assam. In Assam—which is taking a big brunt of the present situation—there is no such Act. Punjab and Gujarat are the other border States—States along a border which you all know even now is an uncertain border. Skirmishes are taking place in the east. But, after all, this is another part of the border in the west. No legal sanctions are available in these States. In two other States—Bihar and U.P.—no such legal sanctions are available. And in Bihar—Members from Bihar will bear me out—the shadow of violence in Bengal is gradually creeping over Bihar. Is this a fact that is lost to the House? Are we not aware of it? And yet there is no such Act in Bihar, and what are we to do about it? A State can legislate, can bring forward preventive legislation—some States have done it—but it cannot do so in the interests of the defence of India or the security of India; only the Centre can do that. And at a moment when the defence of India and the security of India are the prime considerations of all sections of this House and

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indeed of the country; are we to deny this country preventive action under these two very basic threats, under these two grounds which will protect this country against the dangers that lie ahead? This is the most compelling argument in favour of the P. D. Act. Therefore I hope that all sections of the House will agree with me that there is sufficient justification and that there is need both for the Ordinance and the Bill.

HON. MEMBERS : No.

SHRI A. P. CHATTERJEE : Not all sections, only the reactionary sections.

SHRI K. C. PANT : The debate itself, I am glad to say, has revealed that large sections of this House are supporting this measure.

HON. MEMBERS : No.

SHRI K. C. PANT : Those who did not support it for political reasons will now support it for national reasons. That is my hope.

SHRI BHUPESH GUPTA : The debate has revealed that you are impervious to reasoning.

SHRI K. C. PANT : Then there was a question as to whether there should be Central legislation. I have already said that the defence of India, the security of India are two vital considerations for which we need this particular measure and the second thing is, it has been our experience that the States who need it, like Bihar now, they cannot sometimes legislate for political reasons, reasons of political compulsions, pulls and pressures inside the State. They need such preventive measures but they cannot do anything about it. They cannot bring the measure on the Statute Book. In such instances, are we to watch helplessly and allow the States to manage as best as they can and not do anything else to help them? The Parliament cannot take that view. If the danger is real, the Parliament must come to their help and must give them the wherewithal to defend peace and security and the integrity of the country as the liberty of the citizen...

SHRI A. P. CHATTERJEE : Why do you not add the word 'socialism' also?

SHRI K. C. PANT : Mr. Chatterjee is interrupting me repeatedly. When I refer to murder and violence, I do not necessarily refer to him or his Party.

SHRI A. P. CHATTERJEE : How can you? You are the arch murderer. Your Congressmen are causing the murders every day. You are the arch murderer.

SHRI K. C. PANT : I need hardly mention that in 1969—when this measure was about to lapse, I think all the States were asked whether they wanted it to continue and I would inform the House that in 1969 many States were not Congress States, that means they did not have Congress Governments. There were many United Fronts and all the States in the country suggested that this Act was needed and it should be continued.

HON. MEMBERS : No.

SHRI K. C. PANT : It is a question of fact. Only Kerala said that it should be applied to essential services.

SHRI A. P. CHATTERJEE : The United Front of Bengal opposed it.

SHRI K. C. PANT : I would like to correct Mr. Chatterjee. The U. F. Government first agreed. In fact they suggested that it should be continued. Later on, for political reasons, they changed their mind. That is a different matter, because these are facts. My friends opposite who were once a part of the Congress Party, I would like to remind them with all respect that in 1969 the Congress Party was one. From 1950 to 1969 we worked together and all those 19 years the P. D. Act was on the Statute Book. Therefore they know better than anybody else the compulsions and threats. Many of them are patriots, most of them I would say, all of them.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, order.

SHRI K. C. PANT : Sir, the fact that there are political differences between them and us today does not mean that I do not regard them as patriots. I do regard them as patriots and I do think that if the interests of

the country are put before them those interests will come foremost. Even about the other sections of this House I think that ultimately they will come round to this point of view keeping the nation's interests in mind.

SHRI BHUPESH GUPTA : Is it a speech or soliciting of votes ?

SHRI NIREN GHOSH : Does he preach when he talks in the name of the country and the national interests ?

SHRI K. C. PANT : There was some reference to the possibility of misuse. I do not rule that out. Wherever human judgment comes into play the possibility of misuse is there, but we can take the maximum precautions. I would like to mention the safeguards that we have built into this Bill, but before that I would like to narrate a small story. Gandhiji was asked once : You are leading this non-violent movement. How do you know that it will not get violent ultimately ? He replied : When a man digs a well, he does not dig it in order that his neighbour will fall into it. He digs it so that he will give him water out of it. Therefore, the objective is clear. The possibility of misuse is there, but the possibility of misuse cannot paralyse us into an action in a matter like this.

SHRI A. P. CHATTERJEE : You are digging your grave.

DR. K. MATHEW KURIAN (Kerala) : You are digging the grave of democracy.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, order

SHRI K. C. PANT : When my hon. friend manages to get out of the obsession of violence, he goes to the ultimate end. He can think of nothing else. What is the nature of the safeguards built into this Bill ? The Constitution requires three basic safeguards against arbitrary detention. I would appeal to Mr. Rajnarain to read that. Article 22 (5) lays down that the grounds on which the order of detention has been made shall be communicated to the person. The Supreme Court have interpreted this provision to mean that the grounds furnished to the detenu should be relevant and not vague. Article 22 (6) says that nothing in

clause (5) shall require the authority making any such order to disclose facts which such authority considers to be against the public interest to disclose. This exemption is not applicable to all facts. Such exemption cannot be an excuse for communicating merely vague or irrelevant grounds. In any case, the exemption is only regarding the disclosure of facts to the detenu, but the relevant facts should be disclosed to the Advisory Board. Article 22 (5) also says that the detenu shall be afforded the earliest opportunity of making a representation against the order detaining him. In respect of...

श्री राजनारायण : श्रीमन्, हम जानते हैं कि वह सुप्रीम कोर्ट की गन्ती है।

श्री के० सी० पन्त : आपने इस सबका फायदा उठाया।

श्री राजनारायण : सुप्रीम कोर्ट ने अन्डर प्रेशर किया है। क्या बात करते हो। डा० लोहिया का केस...

(Interruptions)

SHRI K. C. PANT : How far is it proper even in the heat of the debate to cast a slur on the Supreme Court in this manner ?

श्री राजनारायण : सुप्रीम कोर्ट के सामने मैं कह चुका हूँ कि डा० लोहिया के केस में जो फैसला सुप्रीम कोर्ट का था वह हमारे केस में सुप्रीम कोर्ट ने बदल दिया।

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

SHRI K. C. PANT : The point has been made, why so much power to the subordinate officers ? I want you to listen to this carefully. In respect of orders made by officers subordinate to the Government, the State Government is required to consider the representation made by the detenu before the State Government confirms any order of detention. Naturally if it does not confirm, then the man is set free. Further the Advisory Board is also required to consider the representation made by the detenu before they express any opinion on any order of detention.

[Shri K. C. Pant]

The Advisory Board shall consist of three persons who are, or have been, or are qualified to be appointed as Judges of a High Court. The Bill provides for this. If they refer to article 22, they will find exactly the same phraseology.

SHRI RAJNARAIN : No, no.

SHRI K. C. PANT : There was some fear expressed that briefless lawyers may be appointed to these Advisory Boards. I can understand such fears, but their names are published in the Gazette. They are public documents. Everybody knows about them. Has a single instance come to anyone's notice that a briefless lawyer has been appointed ? Has it been brought to the notice of the Government that such a thing has taken place ?

SHRI S. D. MISRA : (Uttar Pradesh) Large-scale misuse of Government power was never there before, and now the Government with political motivation may misuse.

SHRI K. C. PANT : I am dealing with this limited point. If anybody is appointed whom any Member of the House thinks should not be appointed, he can bring it to the notice of the Government. I think we can trust the judgment of the Government that they would also want to do the right thing by the citizen. No State Government would like to act arbitrarily in this manner, and I do not think we should say things lightly on the floor of the House which would offend even the State Governments. All these three safeguards contained in article 22 have been fully built in the provisions of the Ordinance as well as the Bill. Over and above these a further safeguard is there that a report containing all relevant facts about the detention shall be made to the Central Government, and what is more important is that the Central Government can itself modify or revoke an order of detention made by the State Government or any officer subordinate thereto. We have also kept this power so that if misuse is made and it comes to our notice we can correct it.

Shri Misra yesterday laid emphasis on periodical review of the working of this law by Parliament. I can understand his anxiety in this regard. We see no objection to the

principle underlying his suggestion and shall consider how best this can be done in the prevailing circumstances.

Shri Appan wanted an assurance that this would not be misused. I have just mentioned that the Central Government also has the power to revoke. The Central Government will get reports and I may tell Shri Appan that in the other House we accepted an amendment which requires the State Government to inform us within seven days after they have approved of detention of any person, so that we can look into it if there are any complaints. I can also assure him that anyone functioning in accordance with the law of the land, whether he is engaged in a labour movement or a kisan movement or other legitimate political activity, has nothing to fear from this measure.

DR. Z. A. AHMAD : (Uttar Pradesh) That is not the point...

SHRI BHUPESH GUPTA : Suppose there is a strike and you declare it illegal. Do you mean to say...

SHRI K. C. PANT : I would request both Shri Bhupesh Gupta and Shri Ahmad not to be influenced too much by their experiences in the pre-Khrushchev days. Everything has changed after Khrushchev.

DR. Z. A. AHMAD : Do you recognise the fact that it is not you who is going to decide ? It is the District Magistrates who are going to decide.

SHRI BHUPESH GUPTA : I know how they misuse.

SHRI K. C. PANT : I have great respect for Dr. Ahmad. He stood up just now. Dr. Ahmad never interrupts me. I respect him. I would like to reply to him. I pointed out that the District Magistrate does not have the final say in the matter. The District Magistrate can detain a man. After that he has to give him the grounds. He has to communicate the grounds to him within a specified period. Then the detenu, if he likes, can take legal help. If somebody cannot read and write, he can call a lawyer. The only restriction is that he cannot appear before the Advisory Board.

DR. Z. A. AHMAD : You are arming the bureaucrats with tremendous powers, with great powers. You cannot give an assurance on their behalf. Your Secretaries and other bureaucrats will look into it and they will put the file before you and you will say 'yes'. The point is you are arming the lower bureaucracy with tremendous powers. That is the crux of the matter.

4 P. M.

SHRI K. C. PANT : We are also bringing in the Advisory Board which is a body which will be manned by people who...

SHRI BHUPESH GUPTA : The Advisory Board will be useless. Many of the people who have been on the Advisory Boards have told us that there is no point in this kind of thing, we cannot do anything.

SHRI S. D. MISRA : My interruption will help the Minister. Yesterday I have also said that. I met a person who is now a Member of the Lok Sabha, Mr. Shibanal Saxena. He was arrested under the Preventive Detention Act a few years ago in a strike at Gorakhpur in a sugar mill. Is it a fact or not ?

SHRI K. C. PANT : I do not know whether he is referring to the detention of Shri Shibanal Saxena possibly in 1953. And if that is so, I do not remember whether he protested against it. We were both in the same party.

SHRI S. D. MISRA : I am not raising the party question.

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, please. He has to conclude.

SHRI A. P. CHATTERJEE : Even if he has committed a murder, will you say...

SHRI K. C. PANT : Sir, I do not want to take more time of the House. I would like to say to those who have asked...

श्री राजनारायण : श्रीमन्, पन्त जी एक बात बतायें।

श्री उपसभापति : आप बैठिये अभी।

श्री राजनारायण : एक बात मैं पन्त जी से जानना चाहता हूँ। उन्होंने प्रि-खुश्चेव डे कैसे कह दिया। प्रि-खुश्चेव डे के माने क्या? क्या जवाहरलाल डे?

श्री अकबर अली खान (आंध्र प्रदेश) : आपके लिये नहीं कहा।

SHRI K. C. PANT : ... those who have said that this is not the panacea for all ills, I agree with it. Socio-economic measures have to be taken, other measures have to be taken. I do not want to suggest that this is the only thing. But I have given the reasons why it has become necessary, and I feel that considering those reasons and considering the far-reaching implications and the situation in which we find ourselves, if we take a wrong step, if we allow danger to grow in the country, if we allow danger to suppress us, then it may be too late. And therefore at this juncture, which is a vital juncture and a turning point in the history of the country, I do not think that this House will engage itself in academic concepts of liberty but will face the hard realities, the hard options that are before us, and will opt in favour of the preservation of the freedom, the integrity, the unity and the security of this country.

SHRI NIREN GHOSH : A Sermon on the Mount to cover up the crimes and sins of the Government.

MR. DEPUTY CHAIRMAN : Mr. Advani.

श्री लाल आडवाणी (दिल्ली) : उपाध्यक्ष महोदय, मैं उन सभी पक्षों का और सदस्यों का आभारी हूँ जिन्होंने कि मेरे प्रस्ताव का समर्थन किया है। मैं आशा करता था कि वहस के दौरान जो मुद्दे उठाये गये उनका कुछ स्पष्ट उत्तर मन्त्री महोदय की ओर से प्राप्त होगा। मैं बड़े ध्यान से पन्त जी का भाषण अभी सुन रहा था और मैं यह सोचता था कि इस रेजोल्यूशन के साथ जो सम्बन्धित प्रमुख विषय है कि आर्डिनैंस की आवश्यकता क्यों पड़ी इसका कोई स्पष्टीकरण वह दे पायेंगे। मुझे स्मरण है कि आरम्भ में ही श्री श्याम धर मिश्र ने उनसे यह सवाल पूछा था कि इस आर्डिनैंस के जारी किये

[श्री लाल आडवाणी]

जाने के बाद कितने लोगों को इस आर्डिनेंस के अन्तर्गत गिरफ्तार किया गया, कहां कहां पर इसकी आवश्यकता पड़ी। इसकी जब वह जानकारी देंगे तब समझ में आयेगा कि संसद् के अधिवेशन के लिये रुकने के बजाय आर्डिनेंस जारी करना क्यों जरूरी था। मेरी शिकायत यह है कि आज आर्डिनेंस मेकिंग, आर्डिनेंस प्रोमलगेशन सरकार के लिये लेजिस्लेशन का एक शार्ट-कट बन गया है। चाहे जब वह आर्डिनेंस का सहारा लेकर कानून बनाते हैं, इस तरह की प्रवृत्ति अन्पार्लियामेन्टरी और अन्डिमो-क्रेटिक है। यह मैं अपनी ओर से बात नहीं कर रहा हूं, मैं समझता हूं आज के इस प्रसंग में जब हम रिजोल्यूशन को पृथक् रूप से डिसकस कर रहे हैं, तो हम एक सही परम्परा डाल कर इस विषय पर विचार करें कि क्या आर्डिनेंस जारी करना जरूरी था। 1950 की बात है, जब पहली बार हमारी प्रथम लोक सभा के अध्यक्ष श्री मावलंकर ने इस प्रश्न को उठाया था और स्पीकर होते हुए उन्होंने इस बात को अनुभव किया था कि सरकार की यह प्रवृत्ति निन्दनीय है और स्वयं उन्होंने अपनी ओर से चिट्ठी लिखी जो साधारणतया कोई स्वीकार नहीं करता, जब तक कोई बड़ी बात नहीं हो जाए। स्पीकर सरकारी कामों में हस्तक्षेप नहीं करता। लेकिन जब उन्होंने देखा, सरकार आए दिन आर्डिनेंस इश्यू करती है, तो उन्होंने मिनिस्टर आफ पार्लियामेन्टरी अफेयर्स को एक चिट्ठी लिखी जिसको मैं आज इस सदन के सामने रखना चाहूंगा। यह पत्र नवम्बर 25, 1950 का लिखा हुआ है जिसमें लोक सभा के अध्यक्ष श्री मावलंकर ने कहा है :

"The procedure of the promulgation of Ordinances is inherently undemocratic. Whether an Ordinance is justifiable or not...."

He says even if it is justifiable.

"....the issue of a large number of Ordinances has psychologically a bad effect.

The people carry an impression that the Government is carried on by Ordinances. The House carries the sense of being ignored and, the Central Secretariat perhaps gets into the habit of slackness which necessitates Ordinances, and an impression is created that it is desired to commit the House to a particular legislation as the House has no alternative but to put its seal on matters that have been legislated upon by Ordinances. Such a state of things is not conducive to the development of the best Parliamentary traditions."

उपसभापति महोदय, मुझे विश्वास है कि आज अगर यही बिल लेकर सरकार आती तो इस सदन में उस तरफ बैठे हुए अधिकांश सदस्य उन्हीं को बिल वापस लेने के लिए मजबूर करते या इस बिल के अन्दर तरसीम करके इसके रूप को बदल देते। लेकिन आज जब आर्डिनेंस ला चुकी है सरकार, तो मैं उनकी मजबूरी जान सकता हूं क्योंकि जब लावी में अलग से लोग मिलते हैं तो कहते हैं हम दिल से तो इसका समर्थन नहीं करते हैं लेकिन क्या करें मजबूर हैं क्योंकि अगर आर्डिनेंस गिर गया, पास न हुआ, तो सरकार को रिजाइन करना पड़ेगा। हम रेजिगनेशन नहीं चाहते हैं इसलिए मजबूरन बचाने की कोशिश कर रहे हैं। मुझे संदेह है बचा सकेंगे कि नहीं बचा सकेंगे लेकिन आर्डिनेंस की पीछे जो गलत भूमिका है वह मावलंकर जी के इस उद्धरण से स्पष्ट हो जाती है। मैं आशा करता था कि पंत जी इस बात का स्पष्टीकरण देंगे कि उन्होंने आर्डिनेंस के रूप में क्यों लिया, बिल तो आज आया है, बिल के बारे में हो सकता है इस तरफ बैठे हुए लोग भी बोलें—बहुत अच्छी बात है—लेकिन जहां तक आर्डिनेंस और आर्डिनेंस की आवश्यकता की बात है, मैं समझता हूं, बहुत कम लोग इससे सहमत होंगे। पिछले दिनों में आर्डिनेंस जारी करने की प्रवृत्ति बढ़ी है—पिछले तीन सालों में 29 या 30 आर्डिनेंस इश्यू किए गए हैं और इसी साल में जबकि आधा वर्ष भी नहीं बीता है, जून का महीना समाप्त नहीं हुआ है, यह नवां आर्डिनेंस है जो सरकार इश्यू कर रही है। तो मेरी समझ में नहीं आता, क्यों यह आर्डिनेंस "फेट एकम्प्ली" करने के लिए एक

कानून की शकल में संसद की मोहर लगाने के लिए सरकार आई है? यह प्रवृत्ति निन्दनीय है, और यही सबसे पहला कारण है कि मैंने यह प्रस्ताव प्रस्तुत किया है। जहाँ तक इस अध्यादेश के कन्टेन्ट का नवाल है, अभी अपने भाषण में प्रमुख रूप से श्री पन्त ने कहा कि विगत दो, तीन महीनों में, विशेषकर मार्च के महीने के बाद जो परिस्थिति उत्पन्न हुई है बंगला देश के सम्बन्ध में, उसी कारण यह आर्डिनेंस लाना पड़ा और इसके साथ जो तर्क-वितर्क दिए उनका केन्द्रबिन्दु बंगला देश था। मैं समझता हूँ, इससे अधिक हिपोक्रैटिक आम्प्लेमेंट और कोई नहीं हो सकता। वस्तुस्थिति यह है, जिसका उल्लेख सदन के सदस्यों ने किया है, कि यह जो बिल लाया गया है वह पिछले साल लाना चाहते थे और पिछले साल ला नहीं सके इसके कारण उनकी अपनी माइनारिटी गवर्नमेंट थी। इसलिए वह बिल को पास करवाने के लिए नहीं ला सके और उन्होंने बिल को वापस ले लिया। इस प्रकार वस्तुतः इस बिल का बंगला देश की परिस्थिति से कोई सम्बन्ध नहीं है। क्योंकि बंगला देश की स्थिति उत्पन्न हो गई इसलिए एक बहाना मिल गया और इसी बहाने के कारण ये 'फारेनर' शब्द का प्रयोग कर रहे हैं। उन्होंने अपने स्टेटमेंट आफ आब्जेक्शंस एण्ड रीजन्स में भी यही बात कही है और जो बिल प्रस्तुत किया गया है उसमें भी कहा है।

"It is, therefore, considered essential to have powers of preventive detention to deal effectively with threats to the defence of India and to the security of India, especially from external sources and espionage activities of foreign agents."

केन्द्रबिन्दु यह है। जब उनसे कहा गया कि हमारे पास फारेनर ऐक्ट है तो उनका जवाब सुनकर मैं हैरान हो गया। पंत जी कहने लगे कि जो फारेनर ऐक्ट है वह किसी फारेनर को रिपोर्ट नहीं कर सकता है, उसको बन्दी नहीं बना सकता है। यह उनका जवाब था। मेरे

सामने फारेनर ऐक्ट है। फारेनर ऐक्ट 1946 का है उसकी धारा 3 (2) को पढ़कर मैं सुनाना चाहता हूँ। वैसे तो जो धारा 3 है उसकी प्रमुख रूप से वही भाषा है जो इस बिल की है।

"The Central Government may by order make provision either generally or with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigners, for prohibiting, regulating or restricting the entry of foreigners into India or their departure therefrom or their presence or continued presence therein."

"In particular and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigners shall be arrested and detained or confined."

यह क्लियर प्राविजन है और वह प्राविजन ऐसा है जो इस बात से और इस बिल की धारा से बहुत आगे जाता है। यह जो बिल हमारे सामने लाया गया है, उस बिल में इतना कहा गया है।

उपसभापति जी, इस आन्तरिक सुरक्षा बिल में फारेनर के लिए कहा गया है :

"If he acts in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India . . ." etc., etc.

"...if it is necessary so to do, make an order directing that such person be detained."

अर्थात् इस बिल के अन्तर्गत तो उल्टा है। इस फारेनर ऐक्ट में जितने अधिकार दिये गये हैं वे ज्यादा हैं, जहाँ तक फारेनर का सम्बन्ध है, लेकिन इस बिल में कम अधिकार दिये गये हैं।

जहाँ तक विदेशियों का सवाल है, मेरा कहना यह है कि इस बिल इज इर्रिलिवेंट। यह बिल एक बहाना मात्र है फारेनर का नाम लेने के लिए, इस बिल को प्रस्तुत करने के लिए और इस बिल को पारित करने के लिए एक बहाना मात्र

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है। बंगला देश की समस्या और पाकिस्तान को भेजे गये जहाज का इस बिल के साथ कोई सम्बन्ध नहीं है। आश्चर्य की बात तो यह है कि पंत जी ने कहा कि पाकिस्तान को जो जहाज भेजे गये हैं उसको देखकर इस बिल का पारित किया जाना आवश्यक है। उसका इस बिल से क्या सम्बन्ध है, मैं नहीं समझ सकता हूँ। इस वक्त तो हमारे समझ में इतना ही आया है कि हमारे विदेश मन्त्री जी, सरदार स्वर्ण सिंह जी, एक विदेश यात्रा पर गये और वहाँ से बहुत कुछ प्राप्त करके, कमाई करके और बहुत सहायता लेकर आये हैं। वे क्या सहायता प्राप्त करके लाये हैं? दो जहाज लाये हैं, आर्म्स के जहाज लाये हैं, हथियारों के जहाज लाये हैं पाकिस्तान के लिये और यही उनकी उपलब्धी है।

मेरा निवेदन इतना ही है कि जहाँ तक इस बिल का सम्बन्ध है, इस बिल के उद्देश्य में जो बतलाया गया है, उस उद्देश्य से इसका कोई सम्बन्ध नहीं है। हमको आश्चर्य हो रहा है कि कल हमारे श्री भूपेश गुप्त जब बोल रहे थे तो उस समय पंत जी ने उनको टोका और कहा कि आप श्री निरंजन वर्मा जी का समर्थन क्यों कर रहे हैं? यह एक आश्चर्य की बात ही है, लेकिन हमारी यह एक निश्चित धारणा है कि आज इस देश में कानूनों की कमी नहीं है। देश के अन्दर कानून कई प्रकार के हैं और सरकार जहाँ पर उनको लागू करना चाहती है, लागू कर लेती है। वह अपने तरीके से कानूनों को लागू करती है और इसमें उसको किसी तरह का संकोच नहीं होता है। लेकिन कानूनों की कमी न होते हुए भी आज नये नये कानून लाये जा रहे हैं। ये नये कानून वास्तव में अपराधों को रोकने के लिए नहीं लाये जा रहे हैं क्योंकि अपराधों को रोकने के लिए पहिले से ही कितने कानून मौजूद हैं। वास्तव में जो कानून लाया गया है वह राजनीतिक विरोधियों को दवाने के लिए ही लाया गया है। मेरा सीधा चार्ज है कि इस बिल का कोई उद्देश्य नहीं है सिवाय इसके कि जो पोलिटिकल ओपोनेन्ट्स हैं, जो राजनीतिक

विरोधी हैं उनको कुचलना और उनको दवाना। हमारे श्याम धर मिश्र जी शिबन लाल सक्सेना जी का उल्लेख कर रहे थे। मैं समझता हूँ कि इस सदन में कई ऐसे सदस्य हैं जिनको स्वयं ऐसा सौभाग्य प्राप्त हुआ है। उस समय श्याम धर जी सरकारी पक्ष में थे, इसलिये शायद उनको शिबन लाल सक्सेना जी का उल्लेख करना पड़ा। लेकिन हमारे भारतीय जनसंघ के संस्थापक डा० श्यामा प्रसाद मुखर्जी से लेकर इधर बैठे हुये बहुत सारे राजनैतिक कार्यकर्ताओं को प्रिवेंटिव डिटेंशन कानून में बन्दी बनाया गया है। पंत जी कितना भी आश्वासन दें, पंत जी कितना भी कहें कि इसका दुरुपयोग नहीं होगा, लेकिन मैं कहता हूँ कि अधिकांश केसेज में इसका दुरुपयोग ही होगा।

(Interruptions)

श्री महेश्वर नाथ कौल (नाम निर्देशित) : उन्होंने माना है कि हो सकता है।

श्री लाल आडवाणी : हम इस ओर बैठे हुए मित्रों से भी प्रार्थना करेंगे कि आज सरकारी पक्ष जो है वह उनको अपना प्रबल विरोधी नहीं समझता है। वह तो वास्तव में हमको विरोधी समझता है।

श्री एस० डी० मिश्र : ऐसे मुगालते में मत रहिए।

श्री लाल आडवाणी : हां आप भी मुगालते में मत रहिए। आप अपनी कोशिश कर रहे हैं आप अपना परिश्रम कर रहे हैं और अगर आपके परिश्रम के परिणामस्वरूप कांग्रेस और भी सशक्त दल बन गया तो मैं आपको विश्वास दिलाता हूँ कि यह प्रिवेंटिव डिटेंशन लाया यह मेन्टिनेंस आफ सेक्योरिटी ऐक्ट श्री मोरारजी देसाई, श्री श्याम धर मिश्र और श्री गुरुपाद स्वामी के खिलाफ प्रयोग में आयेगा। तो आप फिर मत करिये शौर गलतफहमी में मत रहिए।

(Interruptions) पंत जी ने पण्डित जवाहर लाल नेहरू जी की दुहाई दी और उन्होंने कहा कि पण्डित जी ने भले ही रौलट ऐक्ट या कुछ पुराने

काले कानूनों का जा अंग्रेजों के समय में पास हुए थे विरोध किया हो लेकिन उन्हीं के शासन काल में प्रिवेंटिव डिटेन्शन ऐक्ट पास हुआ था। यह सही बात है और यह दुर्भाग्य की भी बात है कि सत्ता पर जो बैठता है सरकारी कुर्सी पर जो बैठता है उस कुर्सी का असर उसकी जनतंत्रीय मनोवृत्ति पर पड़ ही जाता है। डा० श्यामा प्रसाद मुखर्जी ने जब प्रिवेंटिव डिटेन्शन ऐक्ट पर लोक सभा में वक्तव्य दिया था तो पं० जवाहर लाल नेहरू के स्वयं के वाक्य दोहराये थे। 1936 में पंडित जी ने यह कहा था :

“A Government that has to rely on the Criminal Law (Amendment) Act and similar laws that ban hundreds of organisations keeping persons in prison without trial is a Government that has ceased to have even a shadow of justification for its existence.”

यह पंडित जी के वाक्य है। उन्होंने 1936 में यह कहा था और डा० श्यामा प्रसाद मुखर्जी ने उनको कहा कि अगर इससे आपका विवेक जाग्रत न होता हो तो मैं पं० मोती लाल नेहरू का स्मरण दिलाता हूँ। उन्होंने 1929 में कहा था जब इस प्रकार का बिल अंग्रेज लाये थे :

“If a name has to be given by me to this Bill I am disposed to call it ‘Slavery of India Bill’.”

भारत को पराधीन करने वाला यह बिल, गुलाम बनाने वाला यह बिल है और आज भी अगर हमारी आजादी के 23, 24 साल बाद हमारे हिन्दुस्तान की स्थिति ऐसी है कि हम सामान्य कानूनों के द्वारा अपराधों को नहीं रोक सकते और हम बार बार इस प्रकार के शार्ट कट मेजर्स निकालते हैं, कभी अन-लाफुल ऐक्ट बनाते हैं, कभी मेंटिनेंस आफ सेक्योरिटी ऐक्ट बनाते हैं तो इसका अन्त कभी नहीं होगा। आप चार महीने के बाद दूसरा कानून लायेंगे और कहेंगे कि पहले वाला कानून अपर्याप्त था और मुझे लगता है कि— There is something radically wrong somewhere with the manner of Governors.

हमारे काम करने के तरीके में कुछ गलती है या तो हमारी डेमोक्रेसी में आस्था कमजोर है, जनतंत्र में, लोकतंत्र में विश्वास कमजोर है और इस कमजोरी के कारण हम मौके बे-मौके इस प्रकार के शर्ट कट निकालते हैं। पंत जी ने बड़ी चिन्ता व्यक्त की देश की सुरक्षा के लिए, देश के डिफेंस के लिए। मैं विश्वास दिलाता हूँ कि जहाँ तक हमारा दल है, वह उतना ही चिन्तित है और शायद उनसे भी ज्यादा चिन्तित है। हम जानते हैं कि देश की प्रतिरक्षा होनी चाहिए, देश में आंतरिक सुरक्षा कायम रहनी चाहिए। और इसी कारण कभी-कभी जब राष्ट्र विरोधी तत्त्व सिर उठाते हैं तो हम आपसे मांग करते हैं कि उन राष्ट्र विरोधी तत्त्वों का सामना करने के लिए एक कम्प्रीहेंसिव ला आफ ट्रीजन एन्ड एस्पियेज होना चाहिए और ऐसे तत्त्वों को क्षमा नहीं करना चाहिए। हम चाहते हैं कि जितने स्पाईज हों, जितने जासूस हों, जितने गुप्तचर हों जो राष्ट्र के खिलाफ काम करते हैं वह भले ही किसी पार्टी में हों, पार्टी की जरा भी चिन्ता न कर उनको फांसी पर लटका दिया जाय। उस काम में हम आपको नहीं रोकेंगे।

श्री डाह्याभाई बी० पटेल (गुजरात) : कैबिनेट में हो तब भी ?

श्री लाल आडवाणी : हाँ, उनकी हम परवाह नहीं करेंगे। तो आज इस प्रकार के तत्त्वों को आप एक तरफ बढ़ावा देते हैं, संरक्षण देते हैं, आगे बढ़ाते हैं मौके बे-मौके, आज प्रसंग नहीं है इसलिए उसका उल्लेख इस समय मैं नहीं करूंगा, लेकिन जब वोट लेने का सवाल आता है तो आप उनसे वोट भी लेते हैं, लेकिन उसके बाद अपना पोलिटिकल मोटिव पूरा करने के लिए इस प्रकार के कानून भी लाते हैं। भूपेश गुप्त और श्री ए० पी० चटर्जी पर कार्यवाही करने का मौका आयेगा तो आप इसका सहयोग लेंगे लेकिन जहाँ वास्तव में राष्ट्र विरोधी तत्त्वों की कार्यवाही होती है वहाँ आप इसको लगायेंगे

[श्री लाल आडवाणी]

नहीं, काम में नहीं लायेंगे। तो मैं आपसे प्रार्थना करता हूँ कि आप इस बिल को वापस ले लें।

(Interruptions) हमारे मन्त्री जो बिल लाने वाले है विचार करने के लिए। अगर वे शुरू में ही घोषणा कर दें कि हम बिल नहीं ला रहे हैं तो बहस नहीं होगी। आज अगर किसी बात की कमी है तो कानून की कमी नहीं है। आखिर हमारे पास आफिशियल सीक्रेट ऐक्ट है, अन-नाफुल एक्टिविटीज ऐक्ट है, फारेनर्स ऐक्ट है, क्रिमिनल प्रोसीजर कोड और इंडियन पीनल कोड की कई धारियाँ हैं जिनके अन्तर्गत इन अवांछनीय कार्य-वाहियों को रोका जा सकता है। आज अगर कहीं पर कमी है तो वह इस सरकार में है। इसके कदम उठाने में कमी है। आज कानून की कमी कही नहीं है। This government lacks guts to do a thing when the situation arises. There is no lack of laws.

इसलिए मैं आपसे प्रार्थना करता हूँ और सदन से प्रार्थना करता हूँ कि वह इस प्रस्ताव को पारित करे।

SHRI MAHAVIR TYAGI (Uttar Pradesh): Before voting, I want to seek an information from the hon. Minister.

क्या आनरेबल मिनिस्टर साहब यह बताने की कृपा करेंगे क्योंकि यह रेजोल्यूशन आर्डिनेंस पर है, बिल पर नहीं है, और हमको अपना मन बनाना है कि इसको सपोर्ट करना है या नहीं करना है, उसके पहले मैं यह चाहता हूँ कि यह बात साफ कर दी जाय कि जिस तारीख से यह आर्डिनेंस निकला उस वक्त से आज तक इस आर्डिनेंस का गवर्नमेंट ने कितना फायदा उठाया? कितने आदमी आफिशियल्स वगैरह अरेस्ट हुए, इसके स्टैटिस्टिक्स हमको दिये जायें ताकि हम समझ सकें कि आर्डिनेंस वाकई ठीक है।

SHRI K. C. PANT: Somebody else also asked me this question earlier. I do not have the information with me....(Interruption). I will also tell them the difference the Lok

Sabha debate has made in this matter. In the Lok Sabha we accepted an amendment which would make it obligatory on the State Government to inform us within seven days of approval of detention. We will in future be informed so that any time when Tyagji or anybody else wants this information, we will be in a position to give this information. Just now we do not have it.

SHRI MAHAVIR TYAGI: Not a single case during the last two months?

SHRI K. C. PANT: I can easily think of Shri Baddruduja and six or seven others who were arrested on suspicion. These are known to Tyagji and others. I do not want to say anything more...

SHRI PITAMBER DAS (Uttar Pradesh): One swallow does not make a summer.

MR. DEPUTY CHAIRMAN: The question is:

"That this House disapproves the Maintenance of Internal Security Ordinance, 1971 (No. 5 of 1971) promulgated by the President on the 7th May, 1971."

The House divided

MR. DEPUTY CHAIRMAN:

Ayes .. 49

Noes .. 124

AYES—49

Advani, Shri Lal K.
Ahmad, Dr. Z. A.
Angre, Shri S. C.
Barbora, Shri Golap
Basu, Shri Chitta
Bhadram, Shri M. V.
Bhandari, Shri Sundar Singh
Chatterjee, Shri A. P.
Choudhury, Shri Suhrid Mullick
Deo, Shri Bira Kesari
Dosharan, Shri Vijay Bhushan
Ganguly, Shri Salil Kumar
Ghosh, Shri Niren
Goray, Shri N. G.
Gupta, Shri Bhupesh
Jain, Shri Rattan Lal

Krishnan, Shri N. K.
 Kumaran, Shri S.
 Mahavir, Dr. Bhai
 Mandal, Shri B. N.
 Mariswamy, Shri S. S.
 Mathew Kurian, Dr. K.
 Mathur, Shri Jagdish Prasad
 Menon, Shri Balachandra
 Menon, Shri K. P. Subramania
 Mishra, Shri Lokanath
 Murahari, Shri Godey
 Nair, Shri G. Gopinathan
 Panda, Shri K. C.
 Patel, Shri Dahyabhai V.
 Patel, Shri Devdatt Kumar Kikabhai
 Patel, Shri Sundar Mani
 Titamber Das, Shri
 Prasad, Shri Bhola
 Prem Manohar, Shri
 Rajnarain, Shri
 Roy, Shri Kalyan
 Roy, Shri Monoranjan
 Ruthnaswamy, Shri M.
 Sanyal, Shri Sasankasekhar
 Sardesai, Shri S. G.
 Shejwalkar, Shri N. K.
 Singh, Shri Sitaram
 Singh, Raja Shankar Pratap
 Suraj Prasad, Shri
 Tohra, Sardar Gu charan Singh
 Varma, Shri Man Singh
 Varma, Shri Niraajan
 Venkataraman, Shri M. R.

NOES—124

Ahmed, Shri Syed
 Alva, Shri Joachini
 Alva, Dr. K. Nagappa
 Amla, Shri Tirath Ram
 Anandam, Shri M
 Anandan, Shri T. V.
 Ansari Shri Abdul Qaiyum
 Ansari, Shri Hayatullah
 Arora, Shri Arjun
 Arya, Shri Kumbha Ram
 Bachchan, Dr. H. R.
 Baharul Islam, Shri
 Bhatt, Shri Nand Kishore
 Bindumati Devi, Shrimati
 Bobdey, Shri S. B
 Chandra Shekhar, Shri
 Chattopadhyaya, Dr. Debiprasad
 Chaudhary, Shri Ganeshi Lal
 Chaudhari, Shri N. P.

Das, Shri Balram
 Das, Shri Bipinpal
 Dass, Shri Manabir
 Desai, Shri Suresh J.
 Deshmukh, Shri T. C.
 Dikshit, Shri Umashankar
 Gadgil, Shri Vithal Narhar
 Gautam, Shri Mohan Lal
 Goswami, Shri Sriman Pratulla
 Cujral, Shri I. K.
 Hasan, Prof. Saiyid Nurul
 Jain, Shri A. P.
 Jain, Shri Dharam Chand
 Jairamdas Daulatram, Shri
 Joshi, Shri Umashanker
 Kalyan Chand, Shri
 Kaul, Shri B. K.
 Kaul, Shri M. N.
 Kemparaj, Shri B. T.
 Khaitan, Shri R. P.
 Khan, Shri Akbar Ali
 Khan, Prof. Rasheeduddin
 Kollur, Shri M. L.
 Krishan Kant, Shri
 Kulkarni, Shri A. G.
 Kulkarni, Shri B. T.
 Madani, Shri M. Asad
 Mahida, Shri U. N.
 Mangladevi Talwar, Dr. (Mrs.)
 Mani, Shri A. D.
 Maragatham Chandrasekhar, Shrimati
 Mehta, Shri Om
 Mirdha, Shri Ram Niwas
 Mishra, Shri L. N.
 Misra, Shri S. D.
 Mitra, Shri P. C.
 Mohammad, Chaudhary A.
 Mohamod Usman, Shri
 Mohideen, Shri S. A. Khaja
 Mukherjee, Shri Pranab Kumar
 Musafir, Shri Gurumukh Singh
 Nagpute, Shri V. T.
 Nandini Satpathy, Shrimati
 Narayan, Shri M. D.
 Narayani Devi Manaklal Varma, Shrimati
 Nawal Kishore, Shri
 Neki Ram, Shri
 Panda, Shri Brahmananda
 Panj hazari, Sardar Raghbir Singh
 Parthasarathy, Shri R. T.
 Patil, Shri G. R.
 Patil, Shri P. S.
 Poddar, Shri R. K.
 Pratibha Singh, Shrimati
 Punnaiah, Shri Kota
 Purabi Mukhopadhyay, Shrimati
 Purakayastha, Shri Mahitosh

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.
 Sungma, 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