

SHRj DAHYABHAI V. PATEL (Gujarat): Again, under sub-section (3) of I
A separate meeting seems to b_e going on there. section 4 of the Act it i_s stated:

SHRI CHITTA BASU: I would like to hav_e, the attention of all the hon. Members, Madam. As I was saying this general apprehension was expressed by all of us. That was the case in the Joint Select Committee stage of th_e Bill also. All th_e questions were raised even in the Joint Select Committe_e stage. And then the hon. Hom_e Minister was pleased to say this. I am her_e referring to page 5 of the evidence. There you will find that Shri Y. B. Chayan has said:

"I may clarify it. The position is that all these facts may not be disclosed in the Notification; but they will not be concealed from th_e Tribunal which is to decide these things."

Before proceed further, Madam, let m_e draw your attention to the Rules that have been framed as to what should be the procedur_e that the Tribunal and the District Judge have to follow in the matter of evidence. In the Unlawful Activities (Prevention) Act, it is stated in section 4 that:

"Where any association has been declared unlawful by a notification issued under sub-section (I.) of section 3, th_e Central Government shall, within thirty days from the date of th_e publication of the notification under th_e said sub-section, refer the notification to the Tribunal for the purpose of adjudicating whether or not th_e is sufficient cause for declaring the association unlawful."

Thus under section 4 of this Act, the Government is required to appoint a Tribunal and that Tribunal is required to find out and adjudge whether a particular organisation is to b_e declared an unlawful organisation and actions are to be taken against them.

"After considering the cause, if any, shown by th_e association or th_e office-bearers or members thereof, the Tribunal shall hold an inquiry in the manner specified in section 9 'and after calling for such further information as it may consider necessary from the Central Government or from any officebearer or member of th_e association, it shall decide whether or not there i_s sufficient cause for declaring th_e association to be unlawful and make, as expeditiously as possible and in any case within a period of six months" etc. etc.

Madam, in sub-rule (2) of rule 3, you will find that the Government is not required to place before the Tribunal or the Judge certain books of accounts or other documents. It says: —

"Notwithstanding anything contained in the Indian Evidence Act, 1872, where any books of account or other documents are claimed by the Central Government to be of a confidential nature, the Tribunal or the Court of the District Judge shall not,—

(a) compel that Government to produce before it such books of account or other documents,"

That means that the Tribunal which is to look into the whole matter, and give its judgment as to whether the grounds shown i_n the Government notification are justified or not, does not get the opportunity to go through. all the facts contained in the books of account and other documents. So, the rights of the Tribunal are being curtailed and under this Rule the Government is not required to place books of account and documents before the Tribunal or the Judge. The sub-rule further states:

"(b) wher_e any such books of account or other documents have

[Shri Chitta Basu]

been produced before it by that Government,—

(i) make such books of account or other documents a part of the records of the proceedings before it, or

(ii) give inspection of, or copy of the whole of, or any extract from, any such books of account or other documents a part of the before it or to any other person."

That means that even the accused party or the organisation concerned Or the accused party, cannot get the records or the accounts or get the actual charges which have been framed against them by the Government. Only the notification containing the grounds is to be shown by the Government for which it seeks the declaration of that organisation as unlawful. But the fact for those grounds the Government is not bound to place before the Tribunal or show them to the accused party. That" means that on the one hand you reduce the powers of the Tribunal and on the other you deny the accused knowledge of the facts on which you want to declare the organisation unlawful. The Tribunal cannot give judgment after going through all the documents which it has to do before giving a decision. As I said, the Government also prevents the accused person or the accused organisation knowledge of the facts on the basis of which the grounds were given in the notification Madam, the Government may give some grounds for which a particular organisation was declared unlawful by it. But the facts behind those grounds are also to be shown to the accused party so that he may be in a better position to explain his position and defend himself whenever he feels it necessary to do so. Therefore, this particular rule goes counter to the principle of natural justice, it goes counter to elementary principles of jurisprudence

ence and it gives no scope to the accused to defend himself.

Again in the proviso to rule 5 it is stated:

"Provided that nothing in this rule shall require the Central Government to disclose any fact to the Tribunal which the Government considers against the public interest to disclose."

That means that the Government may withhold any document in its possession or any evidence which the Government thinks should not be placed before the Tribunal. So the Government can withhold any evidence, any information or any record which it does not like to place before the Tribunal. Therefore I feel that this is wholly arbitrary and the Government seeks to have more power in order to satisfy its political vendetta. It wants to use this power for partisan interests. This type of wide powers should not be given to the Government under these rules.

In this connection I want to point out that these rules go counter even to the assurances given by the Government while Unlawful Activities (prevention) Bill was being considered by the Joint Select Committee In the course of evidence Mr. Chatterjee said:

"The position is that these facts may not be disclosed in the notification but they will not be concealed from the Tribunal which has to decide these things."

Again he says:

"The complete facts will be disclosed to the Court or the Tribunal which is going to take a view of the matter."

Therefore, in his evidence he says nothing will be concealed from the Tribunal, everything will be placed before the Tribunal so that the Tribunal may come to a proper decision.

sion, so that the Tribunal may come to an impartial decision and so that from the Tribunal the accused party may get some redress. But the way or the manner in which the rules have been framed. Madam, you will agree with me, goes counter to the assurances given by the hon. Minister while the Bill was being discussed in its various stages.

Again, Madam, I would like to draw your attention to Rule 3 where it has been said:

"In holding an inquiry under sub-section (3) of section 4 or disposing of any application under sub-section (4) of section 7 or subsection (8) of section 8, the Tribunal or the District Judge, as the case may be, shall, subject to the provisions of sub-rule (2), follow, as far as practicable, the rules of evidence laid down in the Indian Evidence Act, 1872."

That means the Tribunal or the District Judge is not bound to follow the rules of evidence laid down in the Indian Evidence Act, 1872. The Rule says that they shall follow such rules of evidence as far as practicable, not the entire rules as prescribed by the Indian Evidence Act. Why has this discrimination been made? Why will not the Tribunal or the District Judge follow the rules of evidence in toto as prescribed in the Indian Evidence Act? Why has it been said as far as practicable that means they will not follow it as a whole and they may not care to follow the Act? As far as practicable means it may be altogether rejected also. Therefore after discussing these three separate provisions in the rules my conclusion is that the powers which the Government would not get by the Act itself are going to be taken by the Government through these Rules. Therefore this is wholly arbitrary and the whole Act may be misused or arbitrarily used or used for partisan purposes. These Rules deny the accused the elementary opportunity of defending himself. These Rules restrict the right of the Tribu-

nal which the Government proposes to set up and these Rules also go directly against the assurances given by the Home Minister. Therefore I commend that the Rules be modified on the lines suggested by me.

श्री सुन्दर सिंह भंडारी (राजस्थान) :

महोदया, अनलाफुल एक्टिविटीज बिल जब मदन में उपस्थित हुआ था उसके सम्बन्ध में यहाँ काफी विरोध था और इसी वजह से वह एक मिलेक्ट कमेटी के सिफुर्द किया गया। मोटे तौर पर किसी संगठन को गैर-कानूनी काम करने से रोकना और इस प्रकार के गैर-कानूनी घोषित किए गए संगठन के लोगों के ऊपर पाबन्दी लगाना इस कानून का उद्देश्य बताया गया था। विशेषकर देश के किसी भूभाग को तोड़ने की जो बात करे, उसके लिए प्रचार करे, उसके सम्बन्ध में किसी से मिले-जुले तो यह उसके ऊपर लागू होगा और मोटे तौर पर देश की एकता और अखंडता की सुरक्षा की भावना इसके अन्दर निहित थी। हमने काफी वाद-विवाद के बाद उस बिल को पास किया है। आज वह देश का एक विधान बन कर खड़ा है, लेकिन मिलेक्ट कमेटी में भी अब उन पर चर्चा हुई तो इस पर भी विचार हुआ कि अपराध को रोकने के लिए, देश को खंडित करने की भावना को रोकने के लिए कदम उठाए जाएं, परन्तु इस प्रकार के कदम उठाने में सरकार को मनमाना करने की गुंजाइश न रहे, इसके सम्बन्ध में न्याय प्राप्त हो इस बात की सावधानी गृह से बरती गई। और मिलेक्ट कमेटी में भी इसी कारण से जो एक बार इन्फॉर्म लगाने के बाद किसी भी समय तक बढ़ाया जा सकता था उसकी अधिकतम मियाद दो वर्ष की रखने की कोशिश की। अगर दो साल के बाद भी उस संगठन को हम आपत्तिजनक संगठन समझते हैं तो नए सिरे से उनके सम्बन्ध में न टीफिकेशन हो, नए सिरे में ट्रिब्यूनल के पास जाय, सारी कार्यवाहियाँ फिर से नए सिरे से करने की व्यवस्था हमने स्वीकार की। इन चीजों को हम सरलता में नहीं ले सकते, इनके सम्बन्ध में हम सरकार को अर्माइन अधिकार नहीं दे सकते और इसीलिए सब चीजों

[श्री मुन्दर सिंह भंडारी]

पर यह तय किया गया कि जो-जो बातें होंगी इंडियन पॉनल कोड, क्रिमिनल प्रोसीजर कोड और इंडियन एंडीजेंस एक्ट, इन सारे कानूनों की तह में सब बात की जायगी, सब प्रकार की जांच होगी। केवल सजा के सम्बन्ध में एक व्यवस्था थी। साधारण कानून में एक सीमा है कि अमक समय की सजा इस अपराध के लिए हो तभी वह कागनीजेबिल बनता है। उसमें हमने छूट दे दी कि अगर उतनी सजा न भी हो तो तब भी वह जुर्म कागनीजेबिल बने। ऐसा कुछ मामलों में अपवाद हमने रखने का प्रयत्न किया था। लेकिन अब ऐसा लगता है कि जो क़त्ल यह सरकार इस कानून के अधीन बनाने जा रही है उनमें जो मंशाएं थीं अनलाफुल एक्टिविटीज के कानून के मुताबिक सरकार के हाथ में सिपुर्दे करने के बाद भी जो हम चाहते थे कि सरकार उन सारी चीजों को कानूनी ढंग पर करे और व्यक्ति को भी अपने बचाव के लिए अबसर मिले, उनके ऊपर कानून से इल्जामात लगे हैं, इन सब बातों को जान कर अपनी सफाई पेश करने का उसको अधिकार प्राप्त होता रहे वह पूरी होती नहीं दिखाई देती। और इसीलिये देश के साधारण नियम के अनुसार हमने व्यवस्थाएँ करने की कोशिश की थी लेकिन इन क़त्ल के अर्थी : सरकार उन सारी व्यवस्थाओं, कानून के सारे दायरों, जो स्वाभाविक रूप से सरकार के लिये होने चाहियें, उनसे इन प्रकार की बचत कर लेना चाहती है जिसमें कि सरकार सब बातों के लिये इंकार कर सकती है। इसीलिये यहां पर "Rules of evidence laid down in the Evidence Act" रखा लेकिन अब यह जोड़ दिया 'as far as practicable'. अब यह एक ऐसी चीज है कि सरकार हर कदम पर, हर बात पर 'It is not practicable.' यह कह कर के अपना बचाव कर सकती है और जो क़त्ल कानून में व्यवस्था रखी कि सारी बातें एंडीजेंस एक्ट के अनुसार ही होंगी उन सारे कानून की मंशा समाप्त कर के एंडीजेंस एक्ट को एक तरफ रख कर अनलाफुल

एक्टिविटीज के अन्तर्गत की जाने वाली सारी कार्यवाहियां सरकार अपनी मर्जी के अनुसार करना चाहती है। मैं समझता हूं कि यह उस कानून की भावना के विपरीत है और क़त्ल बनाते समय कोई ऐसी चीज नहीं होनी चाहिये।

जिन बातों को मेरे मित्र ने उद्धृत किया, मैं उनको दुहराना नहीं चाहता, श्री चित्त बसु ने उस प्रोसीडिंग में से बताया जो कि सिलेक्ट कमेटी की है और सदन में चर्चा करते समय जो मुझे उठाये गये उन सब भावनाओं का हम विचार करें तो यह जो 'as far as practicable' शब्द है इसको इसमें से हटाया जाना चाहिये और कानून में जितनी छूट दी है वही होनी चाहिये। हमने जो व्यवस्थाएँ बनाई हैं उसी हद तक सीमित रह कर चलना है। आगे किसी प्रकार से सदन ने अधिकार नहीं दिया है और अगर क़त्ल बना कर सरकार वह अधिकार लेना चाहती है तो फिर यह उस मंशा के विपरीत होगा और उसके अनुसार उनमें वह अधिकार नहीं मिलना चाहिये।

इसी के साथ साथ इसमें सबकलाज 3 (2) में, "Books of account or other documents". ये सब रख कर इन प्रकार की स्वीपिंग पावर्स सरकार ले लेना चाहती है। कानून में जब है तो उन डाक्यूमेंट बताने में उसको क्या कठिनाई है, books of account के लिये क्या कठिनाई है लेकिन इन सब के लिये हम अपने अधिकार अगर सुरक्षित कर लें कि कुछ भी बताने की ज़रूरत नहीं होगी। अनलाफुल एक्टिविटीज के अन्तर्गत उसके ऊपर कार्यवाही करने के लिये हमारे पास क्या प्रमाण है, उसको सारी चीजें जफ्त करने के लिये, कुर्क करने के लिये, सारे हिताब-किताब के ऊपर अपना अधिकार जमाने के लिये हमारे पास क्या कारण है। इसीलिये सरकार को एक संशोधन स्वीकार करना पड़ा। वहीं उसके खाने पीने के बर्तन और उसकी रोजमर्रा की ज़रूरतों की चीजों पर भी सरकार हाथ न डाल दे

इसलिये स्पेसिफिकली सेलेक्ट कमेटी में एक संशोधन स्वीकार कर के इस बात की व्यवस्था की गई थी कि जो अनलाफुल एसोसियेशन का भेम्बर है उसके पास कई चीजें रहती हैं लेकिन इन सब चीजों को कुर्क करते समय कहां तो हमें लाइन खींचनी चाहिये कि एसोसियेशन में काम आने वाली कौन सी चीजें हैं और कौन सी नहीं हैं और हमने वहां पर एक लाइन खींचने की कोशिश की थी कि कम से कम इन चीजों पर तो कोई हाथ नहीं डालना चाहिये। मैं समझता हूँ कि वही भावना इस सारे विधेयक में है और सरकार को यह अधिकार नहीं मिलना चाहिये कि कोई भी डाकूमंट चाहे तो ले ले और सरकार को कम्पेल नहीं किया जा सके कि वह उसका कारण बताये।

(Time bell rings.)

तीसरी बात यह है कि नोटिफिकेशन की सर्विस करने की जो कुछ भी व्यवस्थायें हैं उसमें भी "All or any of the modes" रख कर सरकार चाहे तो इन सब व्यवस्थाओं को समाप्त कर सकती है। इसमें आल इंडिया रेडियो है, नोटिफिकेशन को चस्प्रा करने की चीज है। मगर इन छोटी सी चीजों में भी सरकार अपने हाथ में यह अधिकार लेना चाहती है कि नोटिफिकेशन की सर्विस की जानकारी उस आदमी को मिले, इसमें भी सरकार अपनी असमर्थता सिद्ध कर के, यह जानकारी प्रापर क्वार्टर्स तक पहुंची या नहीं पहुंची उसकी सफाई का जो मौका मिलता है और इस तरह की जो व्यवस्थायें कानून में दी हुई हैं उससे भी अपनी बचत करना चाहती है। यह सब मेरी समझ में नहीं आता। फिर तो यह इंटेणंस में जाने वाली बात है। बाकी चीजों के लिये तो समझ में आने वाली बात है कि आपके पास कोई कारण हो सकता है लेकिन प्रोसीजरल बातों में भी आप सारे अधिकार अपने हाथ में लेना चाहते हैं और किन कारणों से एसोसियेशन को अनलाफुल घोषित करने का फ़ैसला किया उसकी पब्लिसिटी के लिये कानूनी दृष्टि से जो जानकारी देने की व्यवस्थायें हैं उसमें भी आप बचत करना

चाहते हैं कि नहीं बतायें। इसमें तो पब्लिक इंटररेस्ट या कोई भी ऐसी चीज का आधार नहीं ले सकते। फिर तो साफ तौर पर कहना पड़ेगा कि आप जल्दबाजी में, मनमाने तौर पर, बिना व्यक्तियों को पूरी जानकारी दिये बिना, ऐसा कदम उठाना चाहते हैं जिसका बचाव करने के लिये भी वह तैयार नहीं हो सके।

(Time bell rings.)

अब इसमें आखिरी क्लोज़ रह गया है। आप इसमें भी प्राविजो के द्वारा पब्लिक इंटररेस्ट के आधार पर ट्राइब्युनल के सामने इसको डिसक्लोज़ करने से बचना चाहते हैं। ट्राइब्युनल के सामने तो पब्लिक इंटररेस्ट नहीं होना चाहिये। आखिर आप किसी को मुजरिम करार दे रहे हैं, इसमें पांच पांच वर्ष की सजा देने का इन्तजाम है, किसी व्यक्ति को आप जेलखाने भेज रहे हैं और उसको इस बात का पता भी न चले कि उसके ऊपर आपने क्या इलजाम लगाया है। केवल पब्लिक इंटररेस्ट में उसको बताना आवश्यक नहीं है इस आधार पर आप इन सब चीजों से उसको अंधेरे में रखें। अंधेरे में किसी को सजा दी जाय, अंधेरे में किसी को एसोसियेशन बनाने के अधिकार से वंचित किया जाय, उस एसोसियेशन को गैर-कानूनी घोषित किया जाय, यह एक प्रजातन्त्रीय देश की भावना के विपरीत है जहां व्यक्ति को अपना काम करने और संगठन बनाने का पूर्ण रूप से अधिकार है। उसको हमने यह मूल अधिकारों में से एक अधिकार दिया है, तो कम से कम उसके सम्बन्ध में उठाये जाने वाला कदम अदालत में, ट्राइब्युनल में, उसके सामने, तो आना चाहिये और पब्लिक इंटररेस्ट के आधार पर कोई भी चीज छिपाई नहीं जानी चाहिये। यह तो साधारण नियम है और सरकार ने जिस मंशा से कानून पास किया उसमें उस मंशा को हमने स्वीकार किया है, सदन ने स्वीकार किया है। उस पर न जाते हुए मेरा निवेदन है कि रूल्स से उन अधिकारों में भी जो सरकार बचत करना चाहती है उसका

[श्री सुन्दर सिंह भंडारी]

हम कभी समर्थन नहीं कर सकते। इन रूलस को उस कानून की मंशा के अनुसार ही बना कर लागू करना चाहिये। यही मेरा निवेदन है।

श्री रेवती कांत सिंह : माननीया, जिस समय अनलाफुल एक्टिविटीज (प्रिवेंशन) बिल पर इस सदन में बहस हो रही थी उस समय करीब-करीब इस तरफ से तमाम बयानों ने एक स्वर से यह कहा था कि बहुत सम्भावना है कि इस बिल में, इस कानून में, जो व्यवस्थाएँ की जा रही हैं उनका सरकार दुरुपयोग करेगी। और ऐसा हमने पुराने अनुभवों के आधार पर कहा था। आपको याद होगा, जब डिफेंस आफ इंडिया रूलस इस देश में लागू थे और उनका जिस तरह से दुरुपयोग हुआ, मैं अधिक डिटेल में नहीं जाना चाहता, लेकिन 1965 में बिहार में डिफेंस आफ इंडिया रूलस का इतना ज्यादा दुरुपयोग किया गया था कि उसका एक मखौल बन गया। आपको जान कर ताज्जुब होगा कि जहाँ उस कानून में यह व्यवस्था थी कि जिला मजिस्ट्रेट से नीचे का कोई अफसर वारंट नहीं इश्यू कर सकता है, वहाँ उसका वारंट एस० डी० ओ० तक ने इश्यू किया था। वहीं कहीं पर पुलिस के सब-इंस्पेक्टर ने भी डी० आई० आर० के वारंट इश्यू किये थे, जो हाई कोर्ट में रद्द हुए थे। माननीया, डी० आई० आर० में भी सरकार को यह अधिकार मिला हुआ था कि यदि वह किसी आदमी को गिरफ्तार करेगी इसके रूल 30 के मुताबिक, तो सरकार कारण बताने के लिये मजबूर नहीं है। किसी अदालत में, हाई कोर्ट में, सुप्रीम कोर्ट में वह कारण नहीं बता सकती है, और उस अधिकार का इतना ज्यादा दुरुपयोग किया गया कि सारे देश में एक मखौल हो गया। जिस समय यह कानून यहाँ पास हो रहा था, हमने यह कहा था कि सरकार को यह जो अधिकार दिया जा रहा है कि किसी भी संस्था को वह अनलाफुल घोषित कर सकती है, गैर-कानूनी

घोषित कर सकती है उसका यह दुरुपयोग करेगी। हमने यह आशंका व्यक्त की थी कि यह सरकार, जैसा उस समय सरकार की ओर से कहा गया था कि जिस समय हम नोटिफिकेशन जारी करेंगे, उस समय हम उस नोटिफिकेशन में ग्राउंड नहीं बतायेंगे, लेकिन जब ट्राइब्यूनल में मामला जायेगा तो ट्राइब्यूनल के सामने सारे कागजात रखेंगे, सारे ग्राउंड्स रखेंगे, जैसा कि माननीय सदस्य चित्त बसु ने और भंडारी जी ने काफी डिटेल में बतलाया, लेकिन मुझ को ताज्जुब होता है कि जब यह रूल बने, जब गजट नोटिफिकेशन हुआ रूल का, उस रूप में अगर रूल 3, 4 और 5 को रद्दने दिया जाता है तो सरकार को इतने ज्यादा अधिकार मिल जाते हैं जिसको अंग्रेजी में आरबिट्रेरी पावर्स कह सकते हैं, जिसको निश्चित रूप में सरकार की नौकर-शाही दुरुपयोग करेगी। सरकार के मंत्रिमंडलों के इशारे पर, प्रतिपक्षियों और विरोधियों को दवाने के लिये उन नियमों का दुरुपयोग होगा। कोई तुक नहीं है कि किसी के ऊपर आप कोई इल्जाम लगायें और जिस आधार पर आप इल्जाम लगा रहे हैं, यदि वह आधार भी उसको न बतलाया जाय, तो वह कैसे अपना डिफेंस करेगा, अपना फँस बचाव करेगा? साधारण और स्वाभाविक न्याय का तकाजा है कि अगर हम किसी के ऊपर अभियोग लगाते हैं तो उसको उस अभियोग का आधार बतलाते हैं कि इस आधार पर, इस ग्राउंड पर हम अभियोग लगाते हैं। लेकिन इनमें जो नियम 3 की बात है उसमें जो 'as far as practicable' कह कर जो कुछ भी आप उसको देना चाह रहे थे उसको भी आपने ले लिया तो इसका मतलब यह हुआ कि इन दो शब्दों के चलते आपने एक हाथ से दिया और दूसरे हाथ से वापस ले लिया।

इसी तरह से नियम 312 में कहा गया है कि सरकार अगर समझेगी कि उन कागजात को ट्राइब्यूनल के सामने नहीं रखना है तो

ट्राइब्यूनल सरकार को बाध्य नहीं कर सकता है कि उन कागजों को रखे जिनके आधार पर उसने किसी संस्था को गैर-कानूनी घोषित किया * । इसी तरह के नियम 4 बहुत साधारण नियम हैं, जिसमें गैर-कानूनी घोषित व्यक्ति या संस्थाओं को सूचित करने के लिये आपको जो उपाय करना होंगे, वे होंगे रेडियो से घोषणा करना, इशितहार से घोषणा करना, इशितहार छाप कर घोषणा करना आदि और इसमें यह भी है कि सरकार उन सभी कार्य-वाहियों को करेगी या उनमें से किसी एक कार्यवाही को करेगी । माननीया, देहातों में हम लोग देखते हैं कि मुकदमा लड़ने वाले लोग 'वालावाली' समन तामील कराया करते हैं । वालावाली समन का मतलब होता है, जो एक्यूज्ड है सचमुच में उसको समन मिलता नहीं है लेकिन गवाही, शहादत सब बना देते हैं, कि समन तामील हो गया, घर पहुँचा दिया गया है । तो सरकार इस कानून का उसी ढंग से पालन करेगी और बिना प्रीपर इन्फारमेशन दिये हुए, और एक्यूज्ड को बिना प्रीपर इन्फारमेशन दिये हुए किसी भी संस्था को गैर-कानूनी घोषित कर देगी और कहेगी कि हमने एक कदम उठा दिया । कई कदम जो इसमें लिखे हैं उनमें से किसी एक के मताधिक कहा जायेगा कि सूचना दे दी गई है चाहे उसको सूचना मिले या नहीं मिले ।

नियम 5 में कहा गया है कि कोई भी रेफरेंस ट्राइब्यूनल को होगा तो उसके सामने नोटिफिकेशन की कापी दी जायेगी, उसके साथ साथ और दूसरे कागजात दिये जायेंगे लेकिन उसमें एक प्राविजो लगा दिया गया है कि अगर सरकार पब्लिक इन्टरेस्ट में समझे कि देना वाजिब नहीं है तो सरकार नहीं देगी । यह जो पब्लिक इन्टरेस्ट शब्द है माननीया, उसकी आज तक कहीं परिभाषा नहीं है और हर बात को सरकार पब्लिक इन्टरेस्ट में छिपा लेती है ।

माननीया, यह जो नियम बनाये गये हैं, अगर यह नियम अपने इस रूप में रहता है तो

इस बात में कोई शक नहीं है, इस बात में कोई शक नहीं है कि उनका दुरुपयोग होगा । और न ही दुरुपयोग हुआ, माननीया, अगर हम बहस के लिये मान भी लें कि दुरुपयोग नहीं होगा, सरकार का इन्टेंशन बहुत सीधा सादा है, तो भी कानून के रूप में यह नियम रहेगा तो कोई भी देखेगा तो वह यह समझेगा कि उस देश में जनतंत्र आखिर है या नहीं, इस देश में नागरिकों को नागरिक अधिकार है या नहीं, क्योंकि फंडामेंटल राइट्स का कर्टेलमेन्ट होता है । कानून के मुताबिक यह कानून हर दृष्टि से संविधान के विरुद्ध पड़ता है, इसलिये मैं चाहूँगा कि यह जो गैर जनतांत्रिक कायदे बनाये गये हैं, नियम बनाये गये हैं, जिससे सरकार के हाथ में बेजुमार ताकत मिलने वाली है, और मिली हुई है, जिसके जरिये वह किसी भी दल को, किसी भी ट्रेड यूनियन को, किसी भी मजदूर संस्था को, गैर-कानूनी घोषित कर सकती है और बिना ग्राउन्ड दिखाये, बिना ग्राउन्ड बतलाये, ट्राइब्यूनल के सामने वह अपनी बचत कर सकती है और कह सकती है कि हमने मान लिया है गैर-कानूनी, इसलिये गैर-कानूनी इसको मान लिया जाय । तो इसका नतीजा यह होगा कि देश में नागरिकों के अधिकार का हनन होगा और इस तरह से नागरिकों के अधिकारों का हनन रोजबरोज होता रहा तो मैं समझता हूँ, शायद वह दिन दूर नहीं है जब कि इस देश के नागरिक ऐसी सरकार के खिलाफ अभी तो जनतांत्रिक तरीके से लड़ रहे हैं लेकिन सरकार ठोक-ठोक कर उनको गुस्सा दे रही है कि तुम अजनतांत्रिक तरीके छोड़ कर दूसरे तरीके भी अपनाओ । मैं पुनः अपील करता हूँ माननीय घर मंत्री से कि चित्त बसु के इस मोशन का विरोध न करें, इसको मान लें और सदन से मैं अपील करता हूँ कि इस मोशन को स्वीकृत किया जाय । इन शब्दों के साथ मैं पुनः इस प्रस्ताव को ताईद करता हूँ ।

SHRI M. R. VENKATA RAMAN
(Madras): Government will be well
advised to accept the amendment

[Shri M. R. Venkataraman]

moved by Mr. Chitta Basu. I want to say that the whole thing is in such a way that it cannot stand the test of a writ petition either in the High Court or in the Supreme Court. It is so much against natural justice, so much in excess of the rule-making powers and it is trying to negate the Act itself and it is assuming under the rules powers which the statute does not confer. It is fantastic. For instance, the first amendment given under rule 3 is that "as far as possible, the provisions of the Indian Evidence Act will 'be applied' should go. It means that if it is not possible, they will not be applied and if it is, it will be done arbitrarily. Just extend it to some other enactment. As far as possible, the man will be punished under the Indian Penal Code. What can be done? As far as possible, the trial will conform to the procedure; as far as possible, the criminal trial will be under the Criminal Procedure Code. This is merely an excuse to simply throw overboard all laws of evidence and do anything arbitrarily.

Similarly, take the other amendment also saying that the Judge is not obliged to disclose anything. No Government can be compelled by the Judge. Then why call him a Judge? Call him an officer of the Government. That is better.

SHRI SUNDAR SINGH BHANDARI: Formerly, they wanted an officer. Later on it was changed into a Judge.

SHRI M. R. VENKATARAMAN: The Act itself was passed in the teeth of opposition from all the opposition parties. I understood—then I was not here—that something by way of mitigation in procedure at least would be done, as pointed out when Mr. Chitta Basu addressed the House. But it is just the contrary which is being done by the rules. In fact, you want to do something just like under the Defence of India Rules to get over all the hurdles, to be able to be free

from all the constitutional restrictions. And as if by a sleight of hand, here is an Act passed and rules framed thereunder, and these rules begin to do things which even the Constitution does not empower any law-making body to do in this country.

I think the Government will be well advised not to have these rules. It is a negation of democracy and the Act itself is an unusual Act. The Act itself takes away the normal rights of trial, etc. And when you work out the rules for the application of the Act, in practice you take away even that thing which was contested and to some extent watered down or improved by the Opposition point and that is completely negated by the rule-making power. I do not know—somebody who is probably very angry with the House or who does not think that it is useful to confer procedural, trial and evidence rights to the accused must have done it. It is going to bring more discredit to the Government quite apart from the things which will do that obviously to it in this country. It is going to do that.

I hope that these amendments of Mr. Chitta Basu will be accepted.

SHRI BHUPESH GUPTA (West Bengal): Madam, I am very grateful to my friend, Mr. Chitta Basu, for having tabled this, for having brought this motion before the House. What the Government could not get passed through the original Act, they are now trying to get done through the back door, shall we say, under the cover or guise of rule-making. This is a piece of legislative pick-pocketing, pure and simple. They thought that Parliament would be more or less unawares, we shall do this thing, notify it in the Gazette and have it done. But I am very glad that we have a policeman here to catch the pickpocket.

Presently, well, we are discussing this matter. Now, I do not know the legal implications of it, in strict legal terms, what the Supreme Court or

the High Court is going to say from the point of view of natural justice, rule of law, fundamental rights and the right of the accused to have natural justice and so on. Then, let us wait for it. But as far as they are concerned, they are not in the least bothered about it as to what the Supreme Court or the High Court may say. I am told that a gentleman called Mr. Gill was here and was sitting with Sardar Swaran Singh. He has said that he is going to criticise the High Court in the Punjab Assembly. He came here and in the Central Hall, I am told, he announced it. It is the mentality of the regime. And you will be surprised how the Government behaved when the Punjab High Court gave the judgment on this Appropriation Bill. Mr. Gill "made a statement, I would fight against it. This is not how a Chief Minister is supposed to speak. I may speak; others may speak but a Chief Minister does not speak in that language. But then his political literacy is in great doubt.

But here you see, what they are doing. They are actually negating the Evidence Act, firstly, in the name of rule-making. Secondly, they are abusing the Tribunals which will come into existence and even the Tribunals of their creation will not have the right to ask for certain documents. And in fact, the Government would not be called upon to explain. Why is the Government not submitting the documents to the Tribunal? All that they are to say is that the document is of a confidential nature and hence, they would not like to place it before the Tribunal. I do not know why they treat the Tribunal in this manner and cripple it. First of all, circumventing the normal judicial process and circumventing the normal law courts, they created a Tribunal with executive officers. Then, as Mr. Bhandari pointed out, under pressure from Members of Parliament they agreed to have a Judge. Having got a Judge there, they are asking the

Judge to function as if the Judge is an Under Secretary of the Home Ministry. You see, this is the attitude of the Government towards the judiciary of this country. You have got a Judge to sit on the Tribunal. And Judges have certain standards and norms. They are expected to behave in a particular manner; indeed, they should behave in that manner. But now, not with the sanction of Parliament, not by direct legislation by Parliament but by making rules, you are telling the Judges who may be in the Tribunal that they would have no right to ask for documents, they would have no right to consult the Evidence Act or pursue the normal rules of evidence under the statute law of the land, under a particular Act, the Evidence Act here. This is treating the Constitution with contempt and the fundamental rights with utter disdain; this is treating the rights of the citizens cynically and with the utmost callousness; this is treating the Tribunal, again, with an air of overlordship as if the Tribunal is a kind of an appendage of the Home Ministry or the executive. Then it amounts to treating the Judge who shall be sitting in the Tribunal as » sort of again, appendage or, as I said, as some one in the nature of an Under Secretary of the Home Ministry. This is the dispensation of this legislation. Now, here you see, the organisations will be prosecuted, their fundamental rights will be taken away. They can be declared illegal. But the Tribunal will not be able to compel the Government to place before it the very material documents on which the Government may have taken the decision. For example, "shall not compel the Government to produce before it such books of account or other documents" Now, books of account we can understand in its strictest term. But 'other documents' means any document. It is a sweeping definition: ' . . . such books of account or other documents,' Therefore, everything which is not a book of account will also come under this

[Shri Bhupesh Gupta]

direction in favour of the Home Ministry and the following under this Rule.

Then it says:—

"(b) where any such books of account or other documents have been produced before it by that Government,—

(i) make such books of account or other documents a part of the records of the proceedings before it, or

(ii) give inspection of, or copy of the whole of, or any extract from any such books of account or other documents to any party before it or to any other person."

They will not feature at all. What does it mean? On the basis of a forged document a party may be declared illegal and the Tribunal shall not have the right even to ask for a simple inspection. They cannot have a look at the document whether it is forged or genuine. Suppose the Government, Madam Deputy Chairman, calls for a certain document or certain leaflets or pamphlets or things like that, or a speech, and then on the basis of that the Government asks the Tribunal to declare the party illegal or to take some action, then the Tribunal would not be in a position to ask for the full text of the impugned speech or the impugned document. This is their idea of the rule of law, leave alone other things. That is to say, the best way would be for them to tell that whichever organisation Mr. Chavan and his bureaucratic raj in the Home Ministry think should be declared illegal shall be declared illegal. And since this is the order of the Home Ministry the Tribunal shall carry it out. Therefore Mr. Chavan is Tribunal, Mr. Chavan is law, Mr. Chavan is the Evidence Act, Mr. Chavan is the Judge, Mr. Chavan is the accuser, Mr. Chavan is an Advocate and Mr. Chavan is the executor, everything in one. What a farce?

SHRI DAHAYABHAI V. PATEL: They are democrats.

SHRI BHUPESH GUPTA: My friend believes that they were democrats. I can understand a Hitler, a Mussolin or an Ayub Khan making such a thing, but they pretend to be democrats. They tell the world that they are the largest democracy. What a show of democracy? I do not know if there can be a bigger hoax in this world. Therefore, it is a great hoax. These gentlemen at present collectively, individually, are playing the greatest hoax on the country when they say that they believe in democracy • • • (.Interruption).

THE DEPUTY CHAIRMAN: Please wind up.

SHRI BHUPESH GUPTA: . . . Let me have the last fling.

THE DEPUTY CHAIRMAN: You have spoken as much as the mover has spoken.

SHRI AKBAR ALI KHAN (Andhra Pradesh): He is not speaking on merits. He wants to have a fling on the Congress and the Government.

SHRI BHUPESH GUPTA: As far as my friend, Mr. Akbar Ali Khan, is concerned ... :

THE DEPUTY CHAIRMAN: Please wind up.

SHRI BHUPESH GUPTA: he never supports us on this thing. Mr. Sapru used to do that. And Mr. Akbar Ali Khan with all that support as a very loyal Member to the Ministers and the Treasury Benches secured not more than 42 votes . . .

THE DEPUTY CHAIRMAN: Mr. Gupta; please come to the point. Now you wind up.

SHRI BHUPESH GUPTA: . . . All I say is it is a positive point I

am very sorry for him. I do not know-but there is a sort of clash between the two things, greater the support, lesser the votes for my friend . . .

PANDIT S. S. N. TANKHA: Mr. Bhupesh Gupta, I am surprised that you are giving a personal fling.

SHRI BHUPESH GUPTA: It is not personal. Was it election or a marriage party? It was not a marriage party. It was a public affair. You publicised it. You called pressmen to tell the world which is your lobby and which is somebody else's lobby. You held that meetings before the election, during the election and after the election. And he says it is a private matter . . .

THE DEPUTY CHAIRMAN: Mr. Gupta.

SHRI BHUPESH GUPTA . . . Madam Deputy Chirman, I do not wish to say very much except that it should be opposed tooth and nail. This shows the mentality of the Government there. -They have disregarded the entire Opposition. In spite of our differences we all opposed this Unlawful Activities (Prevention) Bill. But they disregarded the representatives of the 60 per cent, of the electorate . . .

THE DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: . . . Now having got the Bill passed surreptitiously they are trying to indulge in what I call legislative pickpocketing.

SHRI VIDYA CHARAN SHUKLA: Madam Deputy Chairman, the hon'ble Member who spoke just before me has read many more things than is merited in these rules. May I remind him that during the discussions in the Joint Select Committee it was mentioned that 'all the rules that would be framed would be in accordance with the spirit of the Act and that no rules made under any Act which would go beyond the ambit of the Act itself

can be valid. These are the two things which will clarify this matter to him. The rules that have been made are strictly within the ambit of the Act that has been approved by this House. I claim that when we approved of these rules we took particular care to see that none of these rules go beyond the Act which has been passed by this honourable House.

Now, Madam, if we go amendment by amendment, I would try to convince the hon'ble Members—although I do not know whether they are open to any conviction or they are interested in just a political fling that, they want to have by calling us a dictatorship. But I would do my duty—how with regard to all the principles of democracy we have tried to make these rules as least restrictive as possible.

If the hon'ble Members remember the original Act, as it was originally introduced, they will remember . . .

SHRI DAHYABHAI V. PATEL: How was it passed?

SHRI VIDYA CHARAN SHUKLA: ... I have told that I am giving the scheme of the Act as it was originally contemplated. But when it went to the Joint Select Committee of the two Houses we had discussions there, and then we amended the Bill in accordance with the wishes of the Joint Committee, and then that particular Bill was adopted by both the Houses, and after that, in accordance with the provisions of the Act, as passed by both the Houses, we have brought forward these rules.

Now, Madam, the first amendment relates to sub-rule (1) of rule 3. Here it is a question of the Evidence Act. Now when we discuss this matter, Madam, we must remember what we are dealing with, the nature of the things that will be dealt with by the Tribunal. The Tribunal which will be constituted by a sitting Judge of the

[Shri Vidya Charan Shukla] High Court would be holding an enquiry into the political activity or other unlawful activities of the organisation such as the National Mizo Front which has been declared an unlawful organisation, or any such identical organisation. The intention of the Government is not to circumvent the provisions of the Evidence Act. I can assure the hon'ble House that we will do our best to see that the provisions of the Evidence Act are followed while we go before the Tribunals . . .

SHRI BHUPESH GUPTA: What do you mean by "we" ?

SHRI VIDYA CHARAN SHUKLA: Government.

SHRI BHUPESH GUPTA: "Government" is a big term.

SHRI VIDYA CHARAN SHUKLA: . . . But in case there is any such material with the Government the disclosure of which will endanger the national security, for that purpose we have got this saving clause there. But it is not our intention—I want to make it again clear—to circumvent the provisions of the Evidence Act. We intend to follow it as far as possible.

SHRI BHUPESH GUPTA: National security is understood by you as Congress security.

SHRI VIDYA CHARAN SHUKLA: That is your idea of national security. It is not my idea. We are nationalists and our idea of national security is national security and nothing else. We have no party considerations in this matter.

SHRI SUNDAR SINGH BHANDARI: This clause is not about documents. It is about the procedure in the Evidence Act.

SHRI VIDYA CHARAN SHUKLA: In the Evidence Act there are certain procedures and if we follow them and if certain documents come to public

light, then it will endanger national security . . .

SHRI BHUPESH GUPTA: I am reminded of Chamberlain's: "collective security." When he said "collective security", he meant "security to collect".

SHRI VIDYA CHARAN SHUKLA: If I do not yield to the hon. Member, he calls me arrogant. So I have decided to sit down whenever he gets up so that I am not open to that charge of being arrogant. Madam, I have explained and I have already given an assurance that we will follow the provisions of the Evidence Act as far as possible and only for this limited contingency of not being required to disclose a document or evidence which would endanger national security, we have kept this thing and there is no intention on the part of the Government to ride roughshod over the normal provisions of law.

SHRI SUNDAR SINGH BHANDARI: Where do you want to draw the line between "as far as possible" and "not possible"?

SHRI VIDYA CHARAN SHUKLA: That has to be left to the discretion of the Government elected by the people. *(Interruption)* It is not possible for me to stand here and draw a line like that. Madam, as regards the second amendment . . .

SHRI M. R. VENKATA RAMAN: "As far as possible" is a point of difficulty. For instance, you do not say "Jump across the well as far as possible, half the well or three-fourths of the well." Still the man goes down. Either you do not go near the well or you climb over it. So there is no such thing as "as far as possible" in certain cases. There is no such thing in the application of the Evidence Act also.

SHRI VIDYA CHARAN SHUKLA: We will use the Evidence Act practi-

cally every time. But if it is necessary not to use it or when the provisions of the Evidence Act come into conflict with the national interests, then only the Government will not use it. This is my assurance.

SHRI SUNDAR SINGH BHANDARI:
This is not convincing.

SHRI VIDYA CHARAN SHUKLA: I am sure if you consider this matter from a non-political angle, you will be convinced. But my misfortune is that the hon. Members look to this rule and this law with a great deal of suspicion. This is evident by the way they hurl allegations and use epithets against the Government. Madam, we have tried out best to convince them that there is no political motivation as far as the Government is concerned. Our only intention is to safeguard national unity and keep the integrity of the nation intact. This is our only aim. This is our only intention.

The second amendment that the hon. Member has suggested is omission of, sub-rule (2) of rule (3). Here, this is a question of claiming privilege for a document which is claimed to be of a secret nature. Now this is an unexceptionable principle; whenever the Government finds that there is a particular document, for example, a report of the Intelligence Bureau or some such document which cannot be disclosed for public scrutiny and if the Government did not have the power to withhold such documents from the tribunal, it will really create a very bad and illogical situation. To avoid that illogical situation, this particular rule has been framed that certain documents which are secret in nature, which are never made public because that will have repercussions far beyond that particular document, need not be disclosed. For instance, we may have certain reports about foreign involvement of certain organisations or certain individuals. And if those reports are made public, not only the organisations but even our sources and our contacts will be thrown to public light and no responsible Government would do a thing

like that and make its intelligence sources or contacts known by throwing their intelligence reports to public gaze

SHRI SUNDAR SINGH BHANDARI:
Will you frame your case only on those reports? You will have no other documents?

SHRI VIDYA CHARAN SHUKLA: I am not saying that it will be based only on these reports.

SHRI K. CHANDRASEKHARAN: The hon. Minister just stated that such intelligence documents cannot be put before public gaze. Without going into that controversial aspect, may I ask the hon. Minister; Particularly when the tribunal is manned by such a high personage as a High Court Judge, what is the harm or what is the difficulty in producing such intelligence documents at least before the High Court judge for the purpose of scrutiny by the High Court judge?

SHRI VIDYA CHARAN SHUKLA: The hon. Member should know that any document produced before the tribunal becomes a public document. When a document goes before the tribunal, it does not remain secret. This is a common point in law which the hon. Member must understand. Madam, because of this reason, it is not possible for us to accept the second amendment also.

Madam, the third amendment which has been moved by the hon. Member is regarding the omission of words "all or any of" in rule 4. Here, one of the hon. Members who spoke in this debate said that we want to abolish the modes of serving the notice on the organisation to be declared unlawful. It is not a question of abolishing these modes. It is only a question of specifying further modes of service, if necessary. Certain modes of service have been specified in the Act. Now this rule only empowers the Government to specify further modes of service; in case the modes of service specified in the Act are found to be

[Shri Vidya Charan Shukla] ineffective, these further modes can be evolved by the Government. This is our limited purpose and this is not in contradiction with the Act which has been passed. This kind of power is already provided in section (3) subsection (4) of the Unlawful Activities Act.

The fourth amendment, Madam, that has been suggested by the hon. Member, Shri Chitta Basu is regarding the proviso that Government may not disclose any facts to the tribunal which it considers to be against the public interest to disclose. Now this is more or less on the same footing as the earlier amendment and I have already given my arguments as to why the Government is unable to accept any such restriction on their right not to disclose information or documents or any such paper which is against the public interest to disclose. Madam, because of all this, I am sorry we are not able to accept any of these amendments. I wish it was possible to accept one or two amendments which would have mollified the feelings of hon. Members. But unfortunately, the nature of the amendments is such that the very purpose of the Act will be defeated if we accept them . . .

SHRI BHUPESH GUPTA: What is this "mollifying"? This is how you accept amendments?

THE DEPUTY CHAIRMAN: Have you finished, Mr. Shukla?

SHRI VIDYA CHARAN SHUKLA: Yes, Madam. I would request the House to reject these amendments.

SHRI CHITTA BASU: Madam, I have listened to the arguments given by the hon. Minister against the amendments which I have proposed. In the first place, I want to draw your attention to the fact that the Act itself puts some restriction on the fundamental rights of the citizens of the country. But it could be enacted only because the consideration was

whether these restrictions were reasonable or not. As a matter of fact, Mr. C. K. Daphtary said that this Act put some restriction on the fundamental rights of the people. But, according to him, it is a reasonable restriction. He says, "This is supposed to be, and I believe it is, a reasonable restriction." Madam, even if it is accepted that the Act puts some reasonable restriction on the fundamental rights of the people, the rules which the Government propose to frame are not reasonable, according to me.

AN HON. MEMBER: They are fetters.

SHRI CHITTA BASU: Yes, they are fetters. They have crossed the limits of reasonable restrictions. Therefore, the arguments that he has advanced cannot satisfy any member in this House. Again, Madam, he has given an assurance that the Evidence law will be followed. Madam, assurance is not law. He simply says that an assurance is being given that the Evidence Act will be followed. On the basis of this assurance, I think no rules can be framed. Again, Madam, I want to say that the very purpose of the Government is to take away the fundamental rights of the people. The purpose of the Government is to suppress certain organisations which the Government does not like because of certain political objectives those particular organisations may follow. In spite of this, they say that they respect democracy in this country; there is no semblance of democracy in this country. Therefore I do not find any reason for withdrawing my amendments and I feel that in the interest of democracy and in the interest of Fundamental Rights this amendment should be accepted and democracy should be ensured even to a limited extent.

THE DEPUTY CHAIRMAN: The question is:

"That this House resolves that in pursuance of sub-section (3) Of

section 21 of the Unlawful Activities (Prevention) Act, 1967, the following modifications be made in the Unlawful Activities (Prevention) Rules, 1968, published in the Gazette of India by the Ministry of Home Affairs Notification S.O. No. 481, dated the 5th February, 1968 and laid on the Table of the Rajya Sabha on the 28th February, 1968, namely: —

(i) in sub-rule (1) of rule 3, the words 'as far as practicable' be omitted;

(ii) sub-rule (2) of rule 3 be omitted;

(hi) in rule 4, the words 'all or any of be omitted;

(iv) the proviso to rule 5 be omitted.

This House recommends to the Lok Sabha that the Lok Sabha do concur in this resolution."

(After taking a count)

Ayes ----- 24

Noes 42

The motion was adopted.

STATEMENT *RE* RECENT INCIDENTS AT BHUJ

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Madam, the State Government of Gujarat had been requested to furnish the facts regarding the incidents reported to have taken place on 8th May at Bhuj. The State Government have informed us that they are making enquiries into the allegations and that a report will be furnished in due course. The Government are awaiting the report.

श्री राजनारायण (उत्तर प्रदेश) :
यही स्टेटमेंट है जिनके लिये हम तीन घंटे से
बैठे हैं।

SHRI VIDYA CHARAN SHCJCLA: Madam, I would like to add that we asked for a report several days back and it is unfortunate that the report has not yet come; we were waiting for it. In fact I delayed the making of this statement in the hope that the report will arrive but unfortunately the report has not yet come and in the absence of the report, I cannot say anything.

SHRI LOKANATH MISRA (Orissa): Madam, in every State the Government of India's Home Ministry has an officer; he is of the rank of S.P. and he belongs to some special agency or something. Has the hon. Home Minister asked through his own Ministry's man in Gujarat as to the veracity, of the statements made on the floor of the House by the Members of the Opposition? If not, why was that agency not taken into confidence and used for obtaining this information, if that was so necessary to be made available before the Rajya Sabha adjourned? Has he used it or has he not used it? Has he only depended upon the information to be furnished by the State Government?

SHRI VIDYA CHARAN SHUKLA: Madam, our practice is that in all such cases We go by the reports of the State Governments. Any other information that may be available is not relevant. That is why I am *sorry* and I feel really bad that I am not able to give any information to the hon. House. I wish I had the information from the State Government. When we sent the wireless message to them, we requested them to 'end it latest by the forenoon of the 12th and we received a wireless message from them yesterday that they are sending the report. But unfortunately the report has not yet come.

श्री सुन्दर सिंह भंडारी (राजस्थान) :
मैंने जिस दिन सत्याग्रह हुआ था उस दिन भी
कुछ तथ्यों की तरफ आपका ध्यान आकर्षित
किया था। लोगों को घूप में बिठाये रखा