[श्री राजनारायण]

यहां पर प्राइम मिनिस्टर साहब आयेंगे तो यहां पर लॉ एन्ड आर्डर की सिचुएशन सराब हो जावेगी। सेन्ट्रल गवनंमेंट ने स्टेट गवनंमेंट को लिखा है कि प्राइम मिनिस्टर की प्रेस्टीज का सवाल है और अगर गोली भी चलानी पड़े, खून-खराबी भी हुई, कोई ऐसी जरूरत पड़ी तो भी प्राइम मिनिस्टर के कार्यक्रम को सफल बनाया

Unlawful Activities

जपसभाष्यक्ष (श्री महाबीर प्रसाद भागंव): हो चुका राजनारायणजी। आप कह चुके।

श्री राजनाराधणः अगर प्राइम मिनिस्टर को आने देंगे तो मैं बताना चाहुंगा...

(Interruption)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : These are all hypothetical questions.

SHRI ABID ALI: Mr. Vice-Chairman, may I request you not to allow this to go on record because he has said it without your permission?

श्री राजनारायण : अगर वहां पर लोग भून भी दिये जायेंगे तो भुन जायेंगे । (Interruption)

SHRI ABID ALI: It is highly improper.

श्री राजनारायण : इसलिये उस कांकरेन्स को आप पोस्टपोन करवाएं ।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भागंव): राजनारायण जी, आपने सजेशन दे दिया। जो गवनंभेंट को करना होगा करेगी। आप क्रपा करके बैठ जाएये।

Mr. Shukla.

THE UNLAWFUL ACTIVITIES (PREVENTION) BILL. 1967

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Mr. Vice-Chairman, on

behalf of Shri Y. B. Chavan, I beg to move:

"That the Bill to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration.\*\*

Sir, the House knows very well about this measure. It has been pending before this House for some time. It was referred to the Joint Select Committee of both Houses and the Joint Select Committee after hearing various people including the Attorney-General of India made certain vital changes in this legislation. After that those changes the Lok Sabha considered this Bill and also made one or two changes in the Bill and now this matter has come before this hon. House. I do not want to go into the details of the reasons why such a Bill is necessary because there has been a good deal of controversy about it and more or less a national debate on the necessity or otherwise of this enactment. In short I shall just trace the history how it came about and how the Government has brought forth this Bill before Parliament.

In early 1960 there were indications of very severe strain on national integration and national unity. On that the then Prime Minister called the meeting of the National Integration Council in which eminent people from all walks of life in the country were invited and a subcommittee was formed on regional national integration. That sub-committee recommended two main measures to be taken: (i) to amend article 19 of the Constitution, and (ii) about a pledge to be taken by those people who seek election to the various elected offices in the country, to the various Legislatures as well as to the Central Parliament.

Sir, the Government accepted those recommendations, and this hon. Parliament has also accepted the principle underlying those recommendations and agreed to amending article 19 of the Constitution, and out of that amendment this particular Bill has come up.

As the hon. House knows the original shape of this Bill was quite different. But after taking into consideration the various criticisms and various opinions which were expressed in responsible quarters in the country the Government changed the shape of the Bill and,

as I said earlier, after that the Joint Select Committee of both the Houses also made certain changes. Then the Lok Sabha has made certain changes. So after all these stages of consideration the Bill has come before this hon. House for its approval.

Sir, the Bill mainly seeks to make secession or propagation of secession, or idea of secession by an organisation or individual, an offence. That is the main provision. There are also other related provisions. But at this stage I do not want to say much about this. Later on, after the debate has progressed, I will have occasion to say something more. I will only request the hon. Members to consider this matter from the viewpoint of national interest and national integration and not from suspicion or lack of bona fides. They must not assume that this Bill is being brought forward to punish the political opponents of the Congress or of the ruling party. This is not the intention of the Government at all. I want to make it categorically clear that this is not the intention of the Government. About the suspicions that the hon. Members may have I cannot do anything. About those suspicions the best I can do is to assure again and again that the intention of the Government is no to do anything against political parties in the Opposition. It is mainly directed towards maintaining national integration and to check the divisive forces, forces which are bent upon dividing the country or creating disruption in the country. This is the aim of the Government with which the Government have brought forward this Bill, and I am sure this hon. House, while it debates the Bill, will also keep this viewpoint before it and give its general approval to this Bill.

SHRI NIREN GHOSH (West Bengal): On a point of order . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Just a minute. Let the motion be moved

The question was proposed.

SHRI NIREN GHOSH: My point of order is this. This House cannot and should not take into consideration this Bill as it is ultra vires the Constitution. Though the amendment, as the hon. Minister said, seeks to put reasonable restriction, this Bill seeks to

arm the Government with almost fascist powers and complete annulment of the rights and powers and freedom of speech guaranteed in the Constitution. As such it is unconstitutional and *ultra* vires the Constitution and the House should not take it into consideration

श्री गोडे मुराहरि (उत्तर प्रदेश) : श्री नीरेन घोष जी ने जो आब्जेक्शन किया है, मैं भी उसकी ताईद करता हूं। मैं इस बिल का इस लिए विरोध करता हं क्योंकि सरकार के पास जब खुद ही अधिकार है जिनका उपयोग वह कर सकती है तो फिर उनकी प्नरावृत्ति के लिए अगर कोई बिल लाती है तो वह गैर-काननी होगा । अभी हिन्द्स्तान में जो कानून पड़े हुए हैं वे उपयुक्त हैं और मंत्री महोदय जो बिल लाये हैं वह उचित मालुम नहीं देता है। इसलिए सरकार जो बिल लाई है वह अपने को फासिस्टवादी बनाने के लिए और अपने हाथ में अधिकार प्राप्त करने के लिए लाई है। जब उसका इस तरह का मकसद है, तो फिर मेरी समझ में नहीं आता है कि वह किस तरह से किसी पार्टी या किसी आदमी के खिलाफ इस बिल का इस्तेमाल नहीं करेगी?

SHRI ABID ALI (Maharashtra): Is it a point of order, Sir?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Let us not be impatient. Every Member has a right to express his opinion.

SHRI ABID ALI: I am giving a counter point of order.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let him finish first.

SHRI ABID ALI: I am on a counter point of order.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Abid Ali, Will you take your seat? Let him finish his point of order.

श्री गोडे मुशहरि : इसलिए मेरा निवेदन है कि यह जो बिल है वह बिल्कूल गैर-कानुनी है और हमारे संविधान में जो

[श्री गोडे मुराहरि]
हक दिये गये हैं, उनको भी रेस्ट्रिक्ट
करने वाला है और हमारे फन्डामेन्टल
राइटस के खिलाफ जा सकता है। इसलिए मेरा निवेदन है कि इस विल को यहां
पर प्रस्तुत नहीं किया जा सकता है।

SHRI ABID ALI: What I wanted to request you was to let us know under which particular article of the Constitution they are making this statement and standing up to make points of order to oppose the Bill. That is not proper. That is not point of order.

SHRI B. K. P. SINHA (Bihar): Mr. Vice-Chairman, it seems that the knowledge of hon. Members who have raised the point of order their knowledge of the Constitution is out of date by more than four years. The Constitution initially said that no restrictions should be placed in the interest of the sovereignty and integrity of India. This lacuna, which came to the notice of this august Assembly, that is, the Parliament of India in 1963, was sought to be plugged by an amendment. In article 19(4) it is prescribed that restrictions on the freedom of speech and expression could be put in the interest of the sovereignty and integrity of India. That is precisely what this Bill seeks to do. Therefore, there is no point of order.

SHRI A. P. CHATTERJEE (West Bengal): Sir, this Bill is completely out of order for this reason that it is unconstitutional and I raise this point of order in spite of this interpellation of Mr. B. K. P. Sinha.

Sir, may I refer you to article 19(4) of the Constitution? Article 19(4) of the Constitution says this :—

"Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause."

I beg to draw your attention, Mr. Vice-Chairman, to the words "reasonable restrictions". That law is *ah initio* void. Now clause 3(1) of the Bill says:—

"If the Central Government is of opinion that any association is, or

has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful."

Therefore, at least for six months till the Tribunal ultimately adjudicates on the question of the declaration of an association as an unlawful association at least for such period, the opinion of the Central Government that an association is unlawful will prevail, and that opinion is an executive and administrative opinion. And as soon as you say that it is an executive and administrative opinion and as soon as you say that that executive and administrative opinion will hold the field till the tribunal adjudicates on it, well, immediately you have to admit that until the tribunal comes and gives its opinion, for that period at least, this opinion cannot be said to be a reasonable opinion and, therefore, this restriction imposed by section 3(1) of the Bill cannot be said to be a reasonable restriction on the right to form associations. Therefore, so far as sub-section (1) of section 3 is concerned, it is certainly an unreasonable restriction on the right to form associations unless it is said that section 3(1) cannot come into effect until the tribunal adjudicates that an association, if it has been declared by the Central Government to be an unlawful association, should be so declared. Therefore, my point of order specifically is this, that because there is no justiciability of the opinion of the Central Government for some time—because the tribunal cannot immediately adjudicate on it, because there is some time-lag between the declaration of the opinion of the Central Government and the declaration of the opinion by the tribunal set up under a subsequent section of this Bill—therefore, sub-section (1) of section 3. as it immediately restricts the right to form associations, is an unlawful and unreasonable restriction upon the right to form associations. Therefore!, sub-section (1) of section 3 of this Bill is definitely out of order and because that is the substance of this Bill, this Bill is out of order and, therefore, cannot be moved by the hon. Minister for Home Affairs.

श्री राजनारायण : श्रीमन्, यह विधेयक गुद्धतः अर्थय है और अगर मैयता संदिग्य हो . . . (Interruption) यह जो बिल है यह ठीक तरीके से अनकांस्टि- द्युज्ञनल है। जहां अनकांस्टिट्युज्ञनल है
या नहीं इस पर शक व शुबहा हो तो इसके
लिये हमारे संविधान में आर्टिकल 143 है।
आर्टिकल 143 के मुताबिक या तो इस पर
सुप्रीम कोर्ट की ओपिनियन ले ली जाय या
हमारे लिये दूसरा एक रास्ता है कि जब
सदन के इतना बड़े सेक्शन को जबरदस्त
शुबहा हो, शक हो तो अटार्नी जनरल को
भी यहां पर बुलाने का कायदा कानून है।

श्री अजिकशोर प्रसाद सिंह : यहां सुपर अटार्नी जनरल बैठे हैं।

श्री राजनारायण : अब मैं अपने मित्र सिन्हा साहब को सूपर कैबिनेट मान रहा हं और उनके मंह से निकला हुआ शब्द कि सीतलवाड साहब सुपर अटानी जनरल हैं, इसको मानने में कोई हम को हर्ज नहीं है। हम आज ही पहले सीतलवाड साहब की खिदमत में हाजिर हुए ताकि हम उनकी राय जानें। लेकिन काफी वहस मबाहिसा के बाद भी हम उनकी ठीक ठीक राय नहीं जान पाये जो जल्दी में उन्होंने दी। यह बिल्कल सही है कि उनकी राय हम लोगों के सामने आये तो हम को कुछ रोशनी मिलेगी। मगर कायदे कान्न के मताविक इसमें क्या हर्ज है-अगर अभी तक कोई उत्पात नहीं हए और अभी तक कोई हमारे मल्क में झगडे नहीं हो रहे हैं--हम अर्टिकिल 143 वे तहत सुप्रीम कोर्ट की अधिकृत राय ले लें, इसमें क्या हर्ज है कि हम अपने यहां अटानी जनरल को बला कर के उनकी राय सुनें।

हम एक नया पाइन्ट बता रहे हैं। इस कांस्टिट्यूशन का पहला आटिकिल पड़ा जाय। कांस्टिट्यूशन के पहले आटिकिल में यह है: "India, that is Bharat, shall be a Union of States." और स्टेट्स के बारे में सब उन्होंने दे दिया है कि इंडिया की सावरेंटी, इंडिया की सीमा क्या हो। यह सब पहले आटिकिल में है। इसी लिये जो यह बिल आमा हुआ है, यह तो आर्टिकिल 19 के बिल्कुल खिलाफ है क्योंकि आर्टिकिल 19 साफ साफ यह कहता है: "All citizens shall have the right—"

सभी नागरिकों को नीचे लिखे अधिकार हासिल होंगे: "to freedom of speech and expression;" अपने जजबात के इजहार करने और बोलने का हक।

- (ख) शान्तिपूर्वक और निरायुष सम्मेलन का,
  - (ग) संस्था या संघ बनाने का,

कांस्टिट्यशन ने हम को हक दिया है संस्था या संघ बनाने का। तो संस्था या संघ बनाने के हमारे हक को आज इस बिल के जरिये छीना जा रहा है। अगर कोई यह कहे कि नहीं छीना जा रहा है तो मैं यह कहंगा कि वह शुतुरमुर्ग की तरह बालू में अपना सिर गाड़ कर के खड़ा है और यह देख ही नहीं रहा है कि कहां क्या हो रहा है, क्या नहीं हो रहा है।

फिर आगे यह दिया है:

- (घ) भारत राज्य-क्षेत्र में सर्वत्र अवाब संचरण का,
- (ङ) भारत राज्य क्षेत्र के किसी भाग में निवास करने और बस जाने का,
- (च) सम्पत्ति के अर्जन, वारण और व्ययन का, तथा
- (छ) कोई वृत्ति, उपजीविका, व्यापार या कारवार करने का ।

अब हमारे मित्र सिन्हा जी ने जो कहा है, अर्थिकल 19(4) में यह सही है:

"Nothing in sub-clause (c) of **the** said clause shall affect the operation, of any existing law in so far as it imposes, or prevent the State from

## श्री राजनारायणी

making any law imposing, in the interests of the sovereignty and integrity of India, public order or morality, reasonable restrictions on the exercise of the right conferred by the said subclause."

Unlawful Activities

यह कहते हैं कि अगर कोई कानून पहले का रहा हो, जो कि रीजनेबिल रेस्ट्क्शन लगाता हो तो वह रह सकता है । सावरेन्टी को खतरे में डालने वाली कोई बात हो तो उसके लिये भी रीजनेबिल कानन बनाने की सीमा में, दायरा में, उन्होंने सरकार को बांघा है। मैं यह जानना चाहता हं कि इसका मतलब क्या है। में सीतलबाड सहब का ध्यान भी इधर खीचंगा कि जो पहले अटिकिल में भारत की सीमा और इंडिया की परिभाषा हुई है, उस परिभाषा को अगर सरकार खंडित करे तो सरकार पर रीजनेबिल रेस्ट्रिक्शन लगता है कि नहीं और इंडि-विज्ञल पर लगता है कि नहीं, यह कांस्टि-टयशन गवर्नमेंट इटसेल्फ पर बाधित होता है कि नहीं। यह कांस्टिटयशन इंडि-विजञल इटसेल्फ पर बाधित होता है कि नहीं। हमने इस बिल को पढ़ने की कोशिश की है। बिल में इंडिविजअल और गवर्नमेंट में फर्क किया गया है। यह डिस्टिक्शन कहां से आ गया। यह बिल गवर्नमेंट को इस सीमा से अलग करता है कि गवर्नमेंट चाहे तो इस मुल्क की इंटेग्निटी और सावरेन्टी को खत्म करने के लिये लेक्चर दे सकती है, बात कर सकती है, जहां चाहे वहां बोल सकती है, लिख सकती है, पढ सकती है और ऐक्शन में भी ला सकती है।

उनसभाष्यक्ष (श्री महाबीर प्रसाद भागंव): राजनारायण जी, यह संविधान पर वाद-विवाद नहीं है। अपने एक पाइन्ट आफ आईर उठाया, उसको बीफली कहिये।

श्री राजनारायण : श्रीमन्, प.इन्ट अ.फ अ.र्डर अराइज होता है संविधान की तह में। उपसभाष्यक्ष (श्री महाबीर प्रसाद भागव): वह ठीक है, लेकिन जो कहना हो वह

Let me decide the point of order.

बीफली कहिये।

श्री राजनारायण : हम संविधान का हवाला न दें तो हमारा पाइन्ट आफ आईर काफ्र हो जायेगा। इस लिये मैं अदव के साथ आप के जरिये यहा के सम्मानित सदस्यों से और सीतलवाड साहब से जिन की मैं बहुत ही कह करता हूं, इज्जत करता हूं, उनसे यह जानना चाहूंगा कि बिना किसी लगाव के, दिमाग को सफाई के साथ खोलते हुए इस सदन में बता दीजिये कि यह संविधान की जो सीमा है उसका उल्लंधन करता है या नहीं करता है।

दूसरी बात मैं यह कहना च हुंगा कि हमारे मुल्क में इस समय कोई अ.फत नहीं है और अ.फत अ.ती है तो जैसे हमारे पास पहले ताकत थीं, वैसी ताकत अब भी है और उसका मुकाबिला हम कर सकते हैं। यह सही है कि एक जमाने में डी० एम० के वहुत ही हल्ला मचाता था कि द्रविडिस्थान को अलग करेंगे।

SHRI ABID ALI: Sir. is it a point of order? He is at liberty to speak at length later. Why should he now make a speech under the garb of point of order?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He is making his point. If he is not making his point correctly, you can controvert it.

SHRI ABID ALI: My request ta you is to kindly consider...

THE VICE CHAIRMAN (SHRI M. P. BHARGAVA): I do not think he is talking irrelevantly.

श्री राजनारायण : अब अगर कोई बिल इस हाउस में आए तो मैं हाथी जी से अनु-रोध करूंगा कि अ।बिंद अली को कन्ट्रोल करने वाला बिल आना चाहिये क्योंकि अगर मुल्क के हित की चिन्ता से कोई दूर है तो जिस ढंग से वे हमें टोक रहे हैं हमें लगता है कि आबिद अली दूर हैं।

थी राजनार।यण : मंजर है तो उसको सोचे। इस मल्क से अंग्रेजी राज्य हट ने के लिये हमने कुछ किया है, अ विद अली ने कुछ किया हो, कुछ न किया हो इसे कोई नहीं जानता। इस मुल्क की चिन्ता हमको है, आबिद अली को हो नहीं। हमकी रहना इसी मुल्क में है, काम करना इसी मुल्क में है, हम रे लिए न अमरीका में जगह है, न सी० आई० ए० का पैसा है, न रूस में जगह है, न चीन में जगह है। जज सत्र भी अ। गए हैं। मैं च हंग कि 147 की तह में सुप्रीम कोर्ट की ओपी नयन के लिये इसको भेज दिया ज्या इसको आगे बढ़ाने से पहले अटार्नी जनरल को यहां बुल या जाय। बिना अटानीं जनरल की ओपीनियन के इसको अ.गे न बढाया जाय क्यों कि यह विधेयक शद्धतः असंब-धानिक है।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I would like to hear the Government now.

SHRI VIDYA CHARAN SHUKLA: Sir, I would like to say that the Attorney-General of India had come before the Joint Select Committee and he had explained the position. This has all come in the evidence which was tendered before the Select Committee which has been circulated to all the hon. Members. There is no doubt about the constitutionality of this Bill and I do not think any of these points which have been raised are new. They have all been dealt with in the Select Committee itself and they are included in the evidence that has been circulated to the hon. Members.

SHRI P. K. KUMARAN: (Andhra Pradesh): Sir, I might inform you that the Attorney-General was called by the Joint Committee when this was discussed. The Select Committee did not come to any conclusion. He was specifically asked a question as follows:

"There in a democracy, people can certainly ask the Government to do a thing in a particular way. How is it unlawful?"

His reply was:

"I agree. It did not strike me then."

This has been quoted by Mr. P. Ramamurti in his Minute of Dissent. Here certain action on the part of the people is sought to be made unlawful. It is definitely against the Constitution. I, therefore, support the point made here.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I have heard the hon. Members as well as the Government. It is an established convention that the Chair does not decide the question whether a Bill before the House is *ultra vires* or *intra vires* the Constitution. It is for the House to decide itself and late, if anybody feels that the decision has not been correct, it is for him to challenge it before the law courts. Therefore, the Bill will proceed. Mr. Dahyabhai Patel.

श्री राजनारायण : यह किसकी रूलिंग है ?

उपसभाष्यक्ष (श्री महाबीर प्रसाद मार्गव): चेयर की। Just now it is my ruling.

श्री राजनारायण : यह अ.पकी अपनी रुलिंग है या पहले की किसी रुलिंग को आपने सुनाया है ?

SHRI M. M. DHARIA: He is casting aspersions on the Chair. It is unfair.

श्री राजनारायण: आप समझने की तो कोशिश करो। मेरी समझ में यह बात आई कि शायद पहले के किसी प्रिसाइडिंग आफीसर की रूलिंग आपने पढ़ दी।

उपसभाष्यक्ष (श्री महाबीर प्रसाद भागंत): व I can read that also. भी पढ़ सकता हूं।

श्री राजनारायण : इसमें हमने अ।प पर आक्षेप कहां कर दिया ?

उपसभाष्यक्ष (श्री महाबीर प्रसाद भागव): अ.प कृपा करके बैठ छाइए।

# श्री राजनारायण : आप वारिया की कोपडी में कछ अक्ल दीजिए कि वे समझें।

SHRI DAHYABHAI V. PATEL (Gujarat): Mr. Vice-Chairman, Sir, this Bill as it has come to us from the Select Committee has many objectionable features. The objectionable features are far too numerous to make it acceptable to this House even if there may be some features which may be acceptable. {Interruption} My friend points out that, as Prof. Ruthnaswamy has said in his Minute of Dissent, it is like the curate's egg which is good in parts but not good in other parts and an egg which is good in parts only is not palatable: it is completely rotten and it is no good egg. It is a case of a Government that is greedy for power, wants more power and does not know how to use the powers that it has already got. There is the Indian Penal Code; there are other laws; the Preventive Detention Act they have already got. Why do they want such powers again and again? Whether it is the liberty of the citizen, whether it is to regulate trade, whether it is to regulate anything else, this Government's greed for more power seems to overtake it at every stage and that is stifling the life of the citizen and the country is not able to grow or progfess. Therefore, this Bill cannot be supported under any circumstances. The legitimate ordinary right of the citizens to form an association also seems to be curbed by this Bill. Sir, it is the Congress Party's hesitancy, the Congress Party's unwillingness, to see the writing on the wall which is so clear, it is the Congress Party's unwillingness to learn the lessons of history, these things prevent it from understanding the real situation and acting accordingly and when confronted with difficulties it brings forward such ill-advised measures one after another, which only make confusion worse confounded. What are the lessons of history? What have we experienced here in this country? What have we seen in Europe and in Asia? Why don't we apply our mind to that? Sir, this Bill seeks to make preaching of secession illegal. But what has the Communist Party been doing always? The Communist Party has been doing that always. That is the lesson of history. We want to be friendly with many countries. We consider Nasser one of our good friends. But we won't learn the lesson that Nasser has learnt. He is willing to

take the Soviet aid but he has banned the Communist Party in his country. So also has been done by several other countries.

SHRI BALCHANDRA MENON (Kerala): What is it that you want now?

SHRI DAHYABHAI V. PATEL:

want to ask the Government whether they want to bring Communism in this country. Let it say it openly if it wants Communism in this country. If that is not so, why is it not taking the necessary action when it is necessary? Let the Government come out openly and say what its intentions are instead of trying to stifle the life of the citizens in every way. You want to take away our right of reasonable association. What happened in Naxalbari? What was said by Mao about Naxalbari? What was preached in Nepal? What was preached there about the lessons of Naxalbari? Well, some people in the Congress Party, the people that matter in the Congress Party, either do not know it or like an ostrich they bury their heads in the sand and would not lace any realities. We had the unfortunate situation in Calcutta with regard to gheraos. No Central Government worth its name could have allowed such an intolerable situation to go on. It is the fault of the Government that allowed the situation to go on in this manner for weeks and months together. That has resulted in the present chaos. Of course, the chaos always helps the Communist Party to make hay, whenever it comes. That is their theory. That is what they have been taught— to create chaos and disruption and take over. Has not Lenin said that the road to Paris is through Shanghai and Calcutta? They have already got Shanghai; with the help of the Congress Government they are getting Calcutta. Is that not so? That is the question-that this House has to decide, that the Congress Party has to decide. They cannot make up their mind and. therefore, they bring forward such Bills.

श्री राजनारायण : आन ए पाइन्ट आफ इन्फारमेशन । ये सपोर्ट कर रहे हैं या अपोज कर रहे हैं ? उपसमाध्यक्ष (श्री महाबीर प्रसाद मागंव): अ.प फालो की जिए । वे पहले शुरू में कह चुके हैं कि किसी भी हालत में सपोर्ट नहीं किया जा सकता।

श्री राजनारायण: अगर वक्ता के भाषण से कनप्युजन हो ...

Unlawful Activities

उयसभाध्यक्ष (श्री महाबीर प्रसाद भागव)ः अगर आप फालो नहीं करते तो मैं आपको इस्टरेप्ट नहीं करने दूंगा ।

श्री राजनारायण : यहां कोई फालो नहीं कर रहा।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भागव): आप बैठ जःइए ।

SHRI A. P. CHATTERJEE (West Bengal) : Mr. Vice-Chairman, on a point of order. You have certainly allocated time to the Opposition and to the Congress Party for discussion on this Bill. Mr. Dahyabhai, what he says now, seems to be supporting in principle the Bill moved by the Congress. My point is this that the time taken by Mr. Dahyabhai should not be regarded as the time allocated to the Opposition.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Chatterjee, you are wasting the time of the House by making this point. It is for us to decide. Mr. Dahyabhai.

SHRI DAHYABHAI V. PATEL: Mr. Vice-Chairman, the man who represents a two-people party in the House should be given proportionate time. I think anybody who has listened to me can understand.

(Interruption)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): No unfair remarks please.

SHRI DAHYABHAI V. PATEL: Mr. Vice-Chairman, I think you Know that when I want to act I will act without the advice from Mr. Chatterjee or anyone of his way of thinking. I do not take lessons from Mr. Chatterjee. I know the people who were in the freedom struggle and I know the people who were sabotaging the freedom struggle and calling that sabotage people's movement. We have known what their role has been. So I will not take lessons from them.

(Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order please.

SHRI A. P. CHATTERJEE: When, the navy men went on strike in 1946, where were you? You know, Sir,. what happened.

(Prevention) Bill, ml

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Chatterjee, will you please take your seat? You should know that no hon. Member is supposed to speak when the Chair is on its legs.

SHRI A. P. CHATTERJEE: That is

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Now may I request the hon. Members to conduct themselves in a graceful manner and lei the speeches in the debate go on un-interrupted? You will have your chance, Mr. Chatterjee.

SHRI A. P. CHATTERJEE: If he attacks the Communist Party in this fashion he will face interruptions.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You can reply to all this whetv'ur turn comes to speak. You may take down what he says and you can reply to it where it is necessary. But please do not interrupt his speech.

SHRI A. P. CHATTERJEE: Now we do not toe the line of the American people nor are we CIA agents.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, order.

SHRI DAHYABHAI V. PATEL: We know the branches of the commun-nist agents, whether they are of Russia or of China. Whoever they are, we know them.

SHRI A. P. CHATTERJEE: We are communists, not agents of any country.

SHRI DAHYABHAI V. PATEL: And of course it. is well known that the best communists got their training in England, in the British universities. It is very well known that even Karl Marx was in England before he started the revolution. It is very well known where the best communists come from, and my friend seems to have received his training properly from that country.

Sir, before 7 was disturbed I was pointing out that Government have sufficient power under the Preventive-

[Shri V. Dahvabhai V. Patel] Detention Act. and the powers under the Indian Penal Code if they really want to take action and to prevent what they seem to want to prevent. Under this Bill preaching of secession is an offence and it is for the Government to take action when they think it is necessary; it is for them to decide. But 1 cannot be a party to agree to restriction of liberties of the citizen in this manner. What I have been saying again and again is that this Government hesitates to take action when it is necessary, and instead of blaming itself for its fault, it tries to blame the ordinary citizen and tries to impose more curbs on the citizen's rights. Now this will not build democracy. Democracy thrives when the citizen is allowed to grow unfettered with the citizen's right to exercise his liberty, and his liberty may be exercise-ed without encroaching on the similar liberty of other citizens—that type of liberty he is allowed to enjoy. Unfortunately here Government does not seem to make any distinction between the rule of law and individual liberty. When it suits them they say that the situation is getting out of hand and they want emergency powers. We have examples of Government's failure to take action when secession was preached in this country. But why does the Congress Government want more powers when it has failed repeatedly to take action when it was necessary to preserve the integrity of the country? They failed in 1948-49 to preserve or "keep the territory of Kashmir. Similarly they failed when the Chinese aggression came; in fact, they shut their eyes to the Chinese aggression and their building of roads on their borders. And now they have come forward with this Bill and it does not show the proper or honest intentions of the Congress.

DR. B. N. ANTANI (Gujarat): What 'honest intentions'? Capacity of the Congress.

SHRI DAHYABHAI V. PATEL: Well, that is also true. Powers should be given to people who are able to use them judiciously. Powers in the hands of people who do not know how to use them will either lead to hurting or abusing of the power. This country is hurt both by the abuse of power by the Congress, and neglect by the Congress to use the powers that they have, properly. They have already powers under the existing law to take action against preaching of secession and dis-

ruption. But they refuse to take action when it is necessary. Is not creating confusion or creating disruption the theme or doctrine of some parties in India? But they are afraid to take action. Unfortunately it is not palatable to certain friends but 1 cannot but point out that people like Nasser, who are good friends of our Government, they know what to do, and they like Nasser have banned the Communist Party. Yet they are triends of Russia, as we can be also if we want to. They know that allowing the communists to function in the country is going to lead to disruption, is going to lead to disorder. And are we not experiencing that for all these years? But this Government does not know; it cannot make up its mind; it is hesitating Samsayatma Vinasyatt, that is what we have been told long ago, and this Government suffers from this fault. They look for five minutes on this side, for five minutes on that side; they cannot make up their mind. But time does not wait, and in this the country is suffering. It is time for thinking people to make up their minds whether this is the right state of things. Of course, as long as the Congress Party is there in this condition, this drift will continue. But the people of this country have to decide whether they will allow this and how long they will allow this. This ruling Congress Party's habit is greed for power; they ask for more powers. Even when nothing happens with the already existing powers it asks for more powers. They want more powers and yet unfortunately they do not know to use those powers, and, therefore, we have them asking for more and more powers every day. It is because the ruling Congress Party has not acted properly that we have this situation all over. And our borders are insecure still.

### (Interruptions.)

Therefore, it is not possible to support this measure. The powers that Government want under this Bill, they have already. Only they are hesitant, or they do not know how to use them. What power under this Bill is there that they want which is not available already to them if they want to use it properly? They hesitate to use the powers, or they do not know how to use them, and yet they want more powers. It is, therefore, that I want to oppose this, because the person who will have the power should know how to

use it also. It is no use giving more and more powers to a Government that is afraid to act, that is afraid to take action. And the actions that they take are wrong, faulty and misguided. Therefore, Sir, I cannot support the measure that is brought before us.

SHRI P. CHETIA (Assam): Mr. Vice-Chairman, at the very outset I would like to support this Bill which is very necessary in the interests of the security of this country. So far as Assam is concerned, I would like to say that in Assam there are various antinational activities committed by various people there. So far as the Nagas are concerned, the entire position is known to all the hon. Members of the House and as far as the Mizos are concerned, the less said the better. This apart, certain individuals and associations are wanting to resort to some adverse political activity and are demanding secession of certain parts of India. So it is .good that the Government have brought in this piece of legislation now in view of the fact that the Defence of India Rules cannot be continued for a long time. So when the Defence of India Act and Rules are withdrawn it is desirable that the Government should have this Bill. With these words I support this Bill.

SHRI BANKA BEHARY DAS (Orissa): Mr. Vice-Chairman, I stand here to oppose the Bill. In certain respects the Bill is monstrous and draco-nian in character. In this connection I will refer to caluse 3 of the Bill which happens to be the soul of this Bill. Sub clause (1) of clause 3 says:

"If the Central Government is of opinion that any association is, or has become an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful."

And one of the provisos of this clause clearly states that the Central Government can even declare an association to be unlawful without going through the process of the tribunal that has been provided in the subsequent clause and the tribunal comes only either to corborate or reject the contention of the Government. That is why in the very beginning I say that this particular provision in this Bill which gives the Government omnibus power is absolutely draconian in character.

There is another aspect to which want to draw your attention and it is about the discrimination that has been provided in this Bill. If a particular association or an individual commits any unlawful action according to this Bill either by declaring that a certain portion of India should be ceded to some other country or a particular State should be seceded, the association or the individual comes within the mischief of this Bill but there is a provision in the Bill by which the Government is absolutely excluded. If the Government enters into any treaty or convention with any other country, or carries on negotiations, to cede a part of India, then the Government is absolutely immune. The Government has been given this power to do an act which is virtually an unlawful action according to this Bill. Not only that; they need not come before Parliament before entering into any such agreement. They may come before Parliament or take the people into confidence after arriving at some conclusion or at an agreement.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : That is the constitutional position also.

SHRI BANKA BEHARY DAS: If that is the constitutional position and if anybody violates the Constitution there are other provisions there. Here you know what happened in the Berubari case. The Government ceded that area to the Pakistan government and the sentiments of the entire Bengali people were aroused and they took recourse to legal action. Here what I want to point out is if a certain action is virtually tantamount to a betrayal or treachery on the part of a person or an association, then the Government should not be excluded and the Government also should be deemed to have committeed the same crime that an individual or an association has committed, by either declaring or propagating a step which may be virtually disrupting the integrity and sovereignty of this country.

I want to tell you that this Bill is the product of a perverted mind. As other hon. friends have already said, we have the Indian Penal Code and other such Acts in the country including the Preventive Detention Act which you can take recourse to in order to check such disruptive tendencies in the country. Most of the hon. Members here must have participated in the free-

[Shri Banka Behary Das] dom struggle and they must be knowing that there is still a provision to deal with sedition to the Indian Penal Code and the British Government took recourse to that to punish the very persons who are sitting here and to jail. Even though the Defence of India Act is to be withdrawn there is the Preventive Detention Act still on the Statute Book of the country and if the Government in certain circumstances wants to utilise that for a purpose which is very noble they will always have the entire support of the country and they can take recourse to that measure. So when there are already such stringent measures available with them I do not understand why the Government should come forward with this fresh Bill which they call The Unlawful Activities (Prevention) Bill. And it is fantastic and astounding that the Government thinks that this is the only unlawful activity. I cannot understand at all for one minute why this Bill has been called The Unlawful Activities (Prevention) Bill as if this is the only unlawful activity in the opinion of the Government. I would have been happy had covered many other things also because there are various types of offences which will disrupt the country. Is not' espionage such an activity? Does espionage come under this Bill? Is it not a very heinous act? But when you talk only of secession you come under the mischief of this Bill. I am entirely with all in this House and outside who are for the preservation of the security, sovereignty and integrity of this country but I want to tell you that democracy and the sovereignty of a country cannot be protected by punitive action alone. We have already, as I said, so many laws in this country which can come to the rescue of the integrity of this country and can punish very stringently those who try for the disruption of the country. Democracy and integrity or sovereignty of the country can only be preserved by the willing co-operation of the people and by giving them a sense of partnership in the governance of the country, by giving them a share in the sorrows and joys of the country. The job of the Government, the duty of the Government should be to see that the entire country feels that this is their country. That is the only guarantee against any act of disruption that any political parly or association or individual can commit in the country.

Unlawful Activities

#### 12 Noon

That is why I again say that in spite of all those powers that you have under the various statutes. vou are adding to your own powers, to the powers of the Government of the country, just to harass and punish those whom you think might come under the mischief of this Bill. I am very happy that Mr. Kumaran drew the attention of the House to the very argument that took place in the Joint Select Committee. For one thing I want to tell you that the Government has already agreed that Berubari should go to Pakistan. Suppose this Bill would have been passed earlier and somebody proclaims through public meetings and otherwise that Berubari should be ceded to Pakistan, then, he would have come under the mischief of this Bill. So, any action that the Government is going to take is exempted. They are immune, whereas if anybody else is to enlist public opinion in this country for the same purpose, he comes under the mischie this Bill. I detest both the actions, either comes under the mischief of anyone proceeding to create public opinion for separating any portion of Bengal in favour of Pakistan or the action of the Government which comes forward to rubber stamp that public opinion, as provided in this Bill. That is why I want to say here that not only is preaching an absolutely unlawful activity, but also those who come forward after that to support it through negotiation or through any other action. They are also equally treacherous and betray the cause of the country.

(Prevention) Bill. 1%7

Again, I want to inform the House that if you look into the history since the independence of this country, you will find that on various occasions the Government has always been a party to the disintegration of the country.

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

Is it not a fact that 20,000 square miles of Aksai-Chin and other areas were grabbed by China and then the Government of India, under the leadership of Pandit Nehru, allowed it to be grabbed by communist China. Was it not a criminal action? Was it not an unlawful act? Not only that was allowed to be grabbed by China, but a condition was created in this country when the entire population of the country and even this august House was kept

came to know it and raised a I hue and cry in this country. Then only the countrymen could come to know that such a situation, such a tragedy, has taken place. Who is responsible for this disruption of the country? Is it not a fact that after the Chinese aggression a large tract of NEFA and Ladakh is still under the possession of the Chinese? What steps have you taken to recover those areas? Are you taking any positive steps or have you allowed people of this country to know what positive steps you are taking to see that these areas again come back to Indian territory? There also when you commit another. unlawful activity under this provision you get immunity, but when somebody else does the same thing he comes under the mischief of this Bill.

Again 1 want to draw the attention of the House to another serious matter. When I was in Kashmir, only two months back, with some of the Members of Parliament of all the political parties constituting the Lok Sabha and Rajya Sabha, I came to know that about four square miles of Indian territory, under the unit commander of Dras under the commander of Kargil, is now under the control of the Pakistan, Government. Till the Indo-Pakistan war these areas were under the Government of India's control. Up till now the impression of our Army personnel there is that these four square miles always belonged to India, even after the cease-fire line was drawn in 1946. It was under the control of the Government of India, but during the Indo-Pak war the four square miles were conquered by the Pakistan Army. According to the Tashkent Declaration, the Dras area ought to be under the control of the Government of India. Up till now, in spite of the Tashkent Declaration, the Pakistan Government has not returned these four square miles to be under the control of the Government of India. Our Army personnel there are very much perturbed over this matter. I was astonished to hear in this House, in reply to an Unstarred Ouestion that these four square miles are not with us and were never with us. Here I am astonished to say, is it not a criminal action? Is it not action which is tantamount to betrayal of this country, when four square miles, which were ours from the time of the cease-fire have been allowed Jo be under the control of the Pakistanis

in darkness till the time came when | others and the Government of India did not raise its voice even after the Tashkent Declaration ? When the Government has not pleaded their case, is it not an unlawful activity under this Bill? What action has been taken, by the Government of India to recover this area and we are told authoritatively that army pickets are being built up in those four square miles, very near to the Srinagar-Leh road. This is one of the strategic iitelines of this country. That is why 1 say again that not only these facts have been kept secret just to appease the Pakistan Government, or whoever he may be, but up till now no action has been taken to recover those territories. The Pakistanis are building up check posts every day and strengthening their position just to see that our life line is broken.

Again, I want to ask by passing this Bill, how are you going to solve the question, of the Nagas and the Mizos? Everybody knows that the Nagas and Mizos, for the last so many years, are aspiring for an independent State outside the control of the Government of India. We have always tried to negotiate with them and appease them. I am not saying whether negotiation and appearement in this case is bad or good. But are we not carrying on a dialogue for months and vears together with those persons who, according to this Unlawful Activities (Prevention) Bill are traitors to his country? Are we not dealing with the problems as a political problem? Are you dealing with the problems as one where we are out to disrupt the integrity of this country. So, 1 want to know from the Minister, even, if you pass this Bill, how is it going to help you in solving the problem of the Nagas and Mizos and others? Will you not carry on the same negotiations that we were carrying on up till now, till the Nagas and Mizos at least understand that, with some autonomy, they are part and parcel of this country. Once you pass this Bill, what will be the psychological atmosphere? Are you prepared for that? I can understand it if you are dealing with the Nagas and Mizos as if you are dealing with the enemies of the country. That will be consistent, to a certain extent, with the objects of the Bill that you are going to pass. But after passing the Bill the Nagas and Mizos will be carrying on their own struggle. They will try to secede or try to have an, independent country of their own. Are you going to negotiate with

[Shri Banka Behary Das] them or are you going to stop negotiations just after this Bill is passed? That will be the problem that you will be facing the next day. If you carry on negotiations with the Nagas and Mizos, after this Bill is passed, you will be abetting in the same crime which you are going to detest here in this Bill. I want you to make up your mind, before you pass this Bill, what is your attitude towards the Nagas and Mizos. Are you going to treat them as traitors, as betrayers, as those who are for the dis-ruption of this country? If you treat them so, the corollary should follow, the action should follow, the punitive action under this law should follow, and all necessary steps should follow. If you are not prepared for that, as you axe always saying here in this House that you are not prepared for that, you will be carrying on the dialogue till eternity. Then you will be committing another crime under this Bill, though this Bill will give you no provision of carrying on a dialogue with enemies of this country who want to separate from this country, from this homeland. Again I want to emphasize that in those circumstances this Bill would be passed which will leave in its trail so many complex problems, which you will be failing in your duty if you do not solve. That is why I am here to oppose this Bill.

Sir, again I want to tell you that the powers that the Police and the Magistrates in this country enjoy and the Government enjoys under the various provisions of the laws in this country are enough to deal with problems like this. I fail to understand why such a Bill again was brought before this House, and this gives us enough suspicion that this Bill is not going to be utilised for the purpose for which it has been meant. The Minister may say in the end, may give an assurance to us, to the opposition political parties, that it will not be mis-utilised, but I am not going to believe in those assurances that the Minister may give in this House. Was it not a fact that the Home Ministry had brought the Defence of India Act and got it passed without much opposition? The same assurance was given to us, but we know that those assurances have been observed more in the breach than in implementation. I am one of the sufferers also. I know only two years back when I supported the cause of students that a Commission of nquiry should be set up, which ultimately was set up, I was hauled

under the provisions of the Defence of India Act, and the present Advocate General of Orissa along with me was also hauled up two years back. Where was the assurance that the Home Minister gave when die Defence of India Act or the Preventive Detention Act was passed? So, these assurances are only meant to see that they get the cooperation of the opposition to pass it. But the moment the measure is passed the moment they go out of this hall, they forget all those assurances that they gave, and the only assurance that they keep in their mind is how to utilise the provisions of this Bill to see that the Congress remains saddled in power as long as possible. That is why I want to say and emphasize that even if the Minister gives this assurance to us that this will be only utilised for the purpose for which it is meant, I am not going to belive in it, because after all a man can believe a Government once and twice, but once they have betrayed the trust, they betrayed the confidence when the Defence of India Act came. They do not deserve it. You know, Sir, when the Indo-China war came, when the Defence of India Rules were brought, the Government got enormous support not only from their own side but from the opposition also. But what was the consequence? Was it utilised in respect of all those persons against whom it ought to have been utilised? Was it utilised against all those blackmarketers who are responsible for the rising prices in this country and creating a condition in which blackmarket only prevails today? It was hardly used for that purpose, but when the question of political purpose came, when that motive of keeping oneself in power and clinging to power came, then all those draconian measures in the country were utilised against the opposition parties. That is why I oppose this Bill. Though the very purpose of protecting the sovereignty and integrity of this country may be very high, I want to say that protection can be done in this country by the willing co-operation of the people of this country, and the willing co-operation of the people of the country can be sought not by speeches nor by political slogans nor by oassing such monstrous Bills but only by creating a condition in which the people of the country feel that this country is theirs and that they have a share in the sorrows and joys of this country.

With these words, I oppose this Bill.

، بی بعث بڑے مسم سے خلات میں جیسے اس اسٹر دائس چیرین - ماں تک اس بل کا ثلق سع ، اس میں کوئی علک بین سع کہ یہ بل ایک مد اسک استمالی کنو دورشیل سے جال کک آزاری رائے عدد آ ذاری تعریر ادر آ زاری تحریر مواتلق ع يريرانسان كابنيارى فق ادر اس حق پرکسی طربع کی ممر لگا ، پایندی لگا ، جمہورت ادر انسانیت کے امولوں کے خلاف ہے۔ لیکن ا زادی تحریر آزادی گرس ادر آزادی رائے کے ۔ معنی یہ ہیں ہوتکتے ہیں کہ جیں ملک میں یہ نینوب چیزی موجود بی آن تینوب چیزول کو اس مکسک تحریب کے بے اس مکٹ سے ہائے یا دینا بیں چاہتے تھے۔ یس یہ چاہٹا | وسٹرکش کے لئے یا جمہوریت کو معبت میں میزکا نعلق سے میں اس بل کی عابث کرتا ا ہوں اور یہ سمینا ہوں کہ اس بل کے عمل میں آنے سے ایک درکت روک نگے تی ایے وران پر ج اپنی تتریرسے اپی تحریر سے یا ای رائے سے اس مک کے الحن کو فواب کرنا جاہتے ہیں ۔ اور اس ملک کی جمہر رہٹ کو خلاہ ہیں۔

الله واست بين يكن اس مين كم خلاات بي الشرى العدايم و طارق . (عود البنة كشمير):-مے بارے میں سرکاد کیس مشیری افتدار کرنگی ادر سرکار کس ذرائع سے ایسی بایق سوم مريكى وسركا دكواص كته باري بس بنابست سختى سے ادر بنایت العات پر مبنی فریز استمال كرة عامعيد بي مسلم والس بيرين من وُتُمت مِن سليكث كيني كالممبريقا أوراس کمیٹی میں پسے ہی جب مسٹر دفتری گاہی دینے التي من في من أن سه اكب سوال وجها منا اور اس بات کا بچے استہائی انسوس سے کہ وہ ا المجمع المور بر اس سوال كا جاب بين دي موں کر اس الوان کے عمر مغرات کے سامنے اللہ کے لئے استمال کیا جائے۔ جاں تک اس امی ہوال کو اس کے بواب کو رکوں ۔ مرا وكي بنيادي سوال الله اس لما لا سه كر ين اس ملک فی سب سے بڑی ما شرقی موں اور اس مسك مي بيط سوار سره سال سه مير الدم إير يا ي ده اجما يو يا برا يو كي وگ عك و محرف بی اسم عارے عمل پر شک کرتے ہیں

🛚 شری اے –ایم –طارق ] 📑 د 🎨 ہا رے کلام ہر شک کرتے ہی جارے افخ بیم مرشک کرتے ہی تو اسی شک کے ہے سفر س ایں نے سٹر دفتری سے یہ بات ہے چی لئی کہجہ أمل بل كالشيش آبيد يركبنا سع :

> "(f) 'unlawful activity', in relation to an individual or association, means any action taken by such individual er association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise);—"

While referring to this, I asked Mr. Daphthary, who says at page 4 of the evidence of the Joint Select Committee on the Unlawful Activities (Prevention) Bill, 1967:

"SHRI A. M. TARIQ: You say that it is your legal opinion. What will be your opinion as a citizen of India? Secondly, while speaking about clause (f) you said as to who is going to define this honest opinion. Let me explain my own case as I am personally concerned. For instance, Mohammad Abdullah says something about Kashmir and the same thing is said by J. J. Singh, no one takes any action against J. J. Singh but action is taken against Sheikh Mohammad Abdullah. Then, today General Cariappa is in Pakistan and is meeting President Ayub, but if by accident I meet the Pakistan High Commissioner in Delhi who is going to find out whether this is an nonest act of mine or whether it is a dishonest action?

کاکیسی مے سینٹل بیورو آف انویسٹیکسٹور ما

المنسال بمي بي قواس عسم كي المبشى سے شول ركم سركار كياك الذاذه لقائية في با نيتون كي ا بارے میں یہ کیسے المرالیا سے کو ایک خاص اً خرقه کی یا مذہب کی نبیت فراب ہو سنتی ہے یا خلط نیت مرف سلمان کی مو سکتی درسام کی سی ہو سکتی ۔ اس ایوان میں میرے معزز دوست سی وی بازور بعث من وی سے لی . سنما بھیٹے ہیں سکل آیٹ آ نریبل تمبر شری کوبر كا وسے نے يہ سوال الله ياكد على مروع وينووسي من اک شید وال کاسف کو منل کر دیا گیا - اوس کے آ ممّام بمیران نے ان کے بیرونسٹ کا سابق دیا ۔ آ تربیل بی کے دبی صاحب نے ہی دیا سی ۔ ڈی پانشے نے بی رہا میں نے بی دیا کی میں میہ ا سوال دف سکت و ای که بهای در مین بست سے به گناه سنمان مارے گئے ۔ ۔ انگریزی اور مہندی کے بورو کا جنگوا منا ۔ ۔ ایک ساڈیٹی میر تحت جو امن مكت ميں بيا - سازش مديے كر لینٹ تیونسٹ کے نام پر اس ملک سے اس کو تیاہ كي جائے - بدو اغرواد كے نام پر بنوو منب اللہ من يا جانا جاتا مناسكار سے كہ الا سے نام پر اس سکت امن کو فراب کیا جائے | مقامد سے پیش نظر مہارے ملک میں آیا۔ ا میں دست میں یہ بات کمیں گا اس الوان میں

ميزي سي ١٠ أني - في ١ اهد آپ ميري زبان فوراً بندكر ويلك أورس بات كا بالكل فيل بني الله سيرو أي في ميرا سالله دينك. مريك كه بيجيع تيس سال بس بند دستان كى بنگ الله معرف بهمراك: - ببت ببت بير. الدادى من بندوستان كے ستقبل كو سنوار نے س حیوا کیا حصہ رہا ۔ یہ ایک دم خنم ہو جائے گا۔ اع بی کے ۔ بی سنها کو شراف آدی سیمیت میں پرد گرنبیو آ دی شعیت بس بین کل آئپ آری ایک سیاسی سک گراد نمز خلوه می بر جانی بر اس ١٠. مِن اسكى كوئى مغانت سي كوئى گارنتى مني منى كوئي أدى محفوظ عبد مين اس سركار کو یہ واضع کر دینا جا بتا ہوں کہ یہ بل لانے

میں سرکار نے بڑی رنت ی ہے ۔ سرکارسی

اس بات كا المازه كرنا جا مي كركي رياسون

میں اور مرکزی سرکارے سکرمیزیٹ بس کی

الدويش بارفيز كابرا الرعد ووجس فره كي

د برمث كليانا جابس مس آدى ي خلاف

معان جا اي تعوا سكني بي . سركار الور بت

کا دموہ میں کرسکتی بیشونت راؤ عادن ہیں۔ مم ﷺ ، منٹر شکلا سنی کرسکنے کہ جتنے بیکوار الفیج این است کے بھے کے واک ہی

کنتے سی ۔ بی پانڈ سے ہی کتے ہی ہے۔ پی سنہا

يشرى اے والم - الم - الل :- حب استان كا وقت آنا ے و دویتن وَ مل سکتے ہیں مگریں ہوجیتا ہوں سن وال الب بن جسينك كر مارق كى أمرمى فان کی نبت درست ہے ۔ چار پانچ خرور سی ۔ آئی۔ ڈی کی دیورٹ پر ان کی نبیت ان کی کست کست کش انٹریت ماہر جارا جازہ لکا ہے گی۔ يه فرقه برست بي ان كا سامان باردهو تخت ير ركس باكستان ينجا دو . كيونك به مسلمان بين يركوني نس سبتا که محد طارق کو فرب بیج دد ده بی سلمان ملک سے پاکستان می کوں ہیج دو طرب بیج دو ترکی بیج دد دمیا مین اور بی بعث بڑے سنمان سکت ہیں پاکستان ہی کیوں بیج دو ير بات سمج مين شي آئ. اخداستان مجي تاكر وإن خشك ميره كاكر مغيوط مؤكر دالين كاجاتے يكستان بمجن سے كميا مائدہ - بجے اسرے كر بب میرے دوست بی سے ہی ہوسٹے ۔ . . . ده بست برے کہل ہیں۔ ۔ ڈان باؤں ہر دوشیٰ کی البینگ ہے جو نیوں ہر شک ہے نیوں ہر خیعل موگار نیست پر دورت کرے گی آیپ اور

الرما میر کون لائے کا کانگریس لائے گی کون لائے کا کانگریس لائے گی کی کون اللہ کے کا کانگریس لائے گی کی کون پارٹی لائے گئی کون لائے گئی کون لائے گئی کون لائے گئی کون کائے گئی کون کائے گئی کون کائے گئی کون کر سکتی ۔ سرکار اس بات سے الکار سنس کرسکتی کہ مہوم کی ارفیف میں جنے لوگ ہیں وہ سب سکولرہی یا جبحے الدِماغ ہیں ۔ ان میں سے کچھ لوگ فرند پرست بھی ہم سکتے ہیں ۔ ان میں سے کچھ لوگ فرند پرست بھی ہم سکتے ہیں ۔ ان میں سے کچھ لوگ فرند کروڑ لوگ بستے ہیں ۔ ان میں سے کچھ لوگ فرند کروڑ لوگ بستے ہیں ۔ والیس کروڈ سب سے سرکر اس ہیں کی ہا ہے کہونری کا فحصلہ بی سکولر اس ہیں کہی ہے میں ایا سے کہونری کا فحصلہ بی سے رکھ سرم ایڈ سٹولیش میں بھی ہے دیک سے سرسائٹی میں بھی ہے دیک سے سرسائٹی میں بھی ہے دیک سے سرسائٹی میں بھی ہے ۔

ق میں ادب سے در فراست کردں گا
کہ سرکار اس کے بارے ہیں کوئی کیشن بنا
دے۔ چرکچٹ اس کے بارے تحقیق کرے کہ
کس طرح اس کو کرنا ہے۔ آپ وگوں کو
کچٹ آ دمیوں کے رحم رکزم پر رز ڈوائیں۔ الیسا
جوا ہے ہم نے دیکھا ہے کہ لوگوں کی نیت پر
شک کیا جاتا ہے لوگوں کی باقوں پر شک کیا
جاتا ہے اور اس تھک کی بنا پر ان کے سالا

[ شرى اء - ايم - طارق ] ان کے ڈائرکیر آف الوسٹیکش بورو س سی ۔ آئ۔ ڈی ڈیارٹنٹ کے دگ سی یا دلیس آ منسرس میں - دیمنا یہ ے کہ امل میں ایک چیز کو فتم کرتے کرتے کہیں آپ دوسری چیز بیدا ہ کر دیں۔ آپ لوگوں کو السے آ دموں کے رحم كرم پر مذ وال دي جو اس سے سياسى انتلاف ر کھتے ہوں یا اس سے دلو تج لینا جا سے ہولد ترس سرکار سے انتہائی ادب سے درخاست كرون كاكر جبال تك اس كلاز كا تعلق ع جان تک اسوکن وروس یا کھے ہوئے وروس کی بات ے ان کی تشمری کون کرے گا۔ بچے الیا زمان یاد 25 سے جنگ آزادی میں انگریزی زمان میں جب مندوستانی اخباروں کی گرمنت آیک لفظ پر ہوتی لی مس کے درسنی ہو کیتے ہے۔ لینی زباؤں می جاں تک تعلق سے تقریر کا جاں تک تعلق ہے لغظ کا جاں کے تعلق ہے اس کوکس نیٹ سے بولاے اس کرکوں نا ہے گا۔ اس کی کون تستریخ مرے گا . سمارے مزوستان میں مب اردو میں و مع من مندی س وال من و ایک ایک لفظ کے دو دو منی ہو سکتے میں ، اب اس لعظ

کے مجم سی کے بیعے سے کبانے بابت کا

بن کا کام سوائے اس کے کچٹے اس سے

ہوتی ہی سلمانوں کے ساتھ بی ہوتی ہی ۔کنٹیر کا معاسلہ دیکی کیجے ۔ کشیر میں مقو ڈے ہست نسادات یو ئے۔ ان میں اگر بندو مار ہے گئے تو مرکار ک گولی سے مارے کے اور مسلمان مارے سنے قو سرکار کی گولی سے مارے گئے۔ لیکن اس تمام مندوستان میں اس تمام اتنے برے سک س جاں مہا تما کا ندعی کی تعلیم سے جوامر لال کے الرابي الوالكلام تے سائتی ہيں۔ کسي سنحن یں جرائت موتی کہ کتفمیر کی آکٹریت کا سالہ دعی بات کیا ہے . آی روکی کے نام پر اس قدر فوفان آیا ادر کسی نے میم بات جائے کی کو مشش س کی کہ حقیقت کیا ہے ۔ س آو اس بات میں آپ کے ساتھ ہوں اگر متبقت یہ ہے کم بؤی افزاک عملی ہو۔ قد افزا کرنے والوں کو سنرا مونی جا سے تیکن عرف اس لئے کہ سندو لوگ ے مسلمان بڑکا سے ایڈ آکشمیرے ہر سلمان سے مدوستان کے برسلمان سے انتقام سا حاتے الله الله و غلط سمجينا بول بيد ملك س الیسی فضا موجود سی ع تو آب السے السے کلاز رک کر الیے وگوں کے الا مطبوط کرتے ہیں

L26 DEC 1967 انسالوں کی نیٹو ل پر ٹنگ کریں اور فیم شک کا بیاڈ بناکر آگی کھیں نیٹی کی نسبت پر ٹنگ کھی بم بی سرکارک نیت پر شک کر سکتے ہیں۔ سرکارک نبت ہر شک کرنے کا ہم کا فق ہے اور میرے یاس بست سے شوت ہیں۔ ایک بت بڑا بڑت یہ ہے کہ سرکار نے ایک انوائری میشن بنایا ہے۔ مزدد ستان میں بار س کشمر ين راني س پوند س جو شاد جو ال ك يع ميش بنايا يد - جال كك كيش كا تعلق ہے میں نے بی کہا تھا کہ کمیشن بنا ، عاسے لیکن جب ميش كا انتخاب بوا تو مجد كو برا تعجب موا - جاں کے اس کے نان مسلم ممبروں کا تعلق مع مسس ریال کا عام ہم سب نے سنا ہے۔جان مك كرسيس كا تعلق الله الله الله الله الله الله جاں تف سلمانوں کا تعلق سے آیک ایسے آدی کو ممبر بنایا گیا ہے جس میں ہمت سی ہے جس کی کوئی سیاسی بیک گراوائنڈ سی سے ....

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is not right. No personal reference. I would not allow

SHRI A. M. TARIQ: It is not only my own point of view. I am telling you, this is the point of view of any Muslim Member of Parliament in this House. My point of view has got the stand and backing of the majority of Muslims of India. If required, I can produce documents. I say, I have got the right to doubt the action and intention of the Government just as the Government has the right.

[RAJYA SABHA]

ڈھونڈنا ہے۔ مقصد تی یہ ہے کہ میک پیں امن ادر نویتحالی ہو ملک بس متنی توس ہیں ہے وک میں مین طبقے میں ان میں ایک مدمرے کی غرف جذم ٔ ممبت جو اعتماد عِ شک مر یہ بل سمی نامن معد یاکس نامل سیمش ما سیاسی جامت کو ادر الیبی سیاسی ما مت کو میں کو مذہب سے نام پر ان کرنے کا جت شرق ع ج مذہب ے نام پر دبان کا سہارا ہے کر خدا کارت کراتی سے ہو کہی گائے گئے نام پر خدا دات سراتی ہے۔ اس کو بہنڈل ملے۔ اس بل کا خائدہ اس جامت کے ایمذ میں سر ہو ادر جر دوسری تومين بين بلتي بين جو مكك مين رمتي جون ان کے لئے یہ بل کھولوں کا سمرا ہو تے ہوئے تلوار کی معاد نہیے میں اس کے ساتھ ہوں س من کوئی شک س سے کہ تخریبی کاردائوں م ردینے سے بے سک میں بو نا فرنسکار فضامے وس کو مشیک کرنے سے لئے خاص خور بڑ اس

ملک میں ہزدہ مسلمان نسادانت کو ردکنے کے گئے اس سکت بس جمہوریت کو سنوار ہے کے لئے اس بل کا مونا فروری ہے لیکن اس کے سالڈ سالڈ وس ملک میں ما شفر شیر کی ہیں عاص فور ہر

[ شرى اے - ايم - طارق ] : یی موال ہے کہ اس کے بارے میں کون نیعل ک مرے محاصم بھاری نبیت محسی ہے۔ قبال تک أس بات كالملق ع قرد . اع مد السنش رنی موشل البمینشی دلیش س ہیں۔ جس لمبقہ سے میں تعلق سمتا ہوں اس میں ہی الیے سچھ وگ مر تشیخ میں۔

مخنریب . تعیر فداری ادر وفن پرستی ب ممی رکید طبقه کا رکیب مدسب کا میراث نیس ہے۔ یہ سب میں پرابرے مسمانوں میں بی ہر سکتا ہے ہندوڈل یس بی ہر سکتا ہے۔ مسلموں ہیں ہی ہو کھٹا ہے کہن جب آپ کسی کو ایک خاص مسم کا بیدل دے دیتے ہیں اور اس کی بنیاد پر یہ فیصد کرتے ہیں تب بڑی مشکل ہوتی ہے۔ باں شری شیل وار بیٹے ہیں میرد حامب بیٹے ہیں ۔ شری ہ۔ سے۔ پی سنہا بیٹے ہیں یہ وگ ہیں جران جو لیجرائے فعَلُون کو سیمیتے ہیں ، میری ان سے درمواست ہے کہ جب اس بل کے بارے یس ادر الی عدر مر سکشن کی سے بارے میں بلیں توہائی یہ د شتبائی خطراتک سے میں اس کو خطر ناک سيكش سيمتا بون اس ك كي ريمد يبس

مندوستان کی ایک ہو سب سے بڑی ماشزیٹی سے اس کی فرف خال کرنا چاہیے کہیں اس بل کا استمال کرنے والے ان کے خلاف استمال مذکریں - ان الغاظ کے ساتھ میں اس بل ک یوری حمایت کرتا ہوں - شکریہ -

†िश्री ए० एम० तारिक (जम्मू और काश्मीर): मिस्टर वाइस चेयरमेन, जहां तक इस विल का तास्लक है, इसमें कोई शक नहीं है कि यह बिल एक हद तक इन्तहाई कन्ट्रोविशयल है। जहां तक आजादी राय और आजाबी तहरीर और आजादी तकरीर का ताल्लुक है यह हर इंसान का बनियादी हक है और इस हक पर किसी तरह की मोहर लगाना, पाबन्दी लगाना, जम्हरियत और इंसानियत के असुलों के खिलाफ है। लेकिन आजादी तहरीर, आजादी तकरीर और आजादी राय के मायने यह नहीं हो सकते हैं कि जिस मुल्क में यह तीनों चीजें मौजूद हैं, इन तीनों चीजों को इस मुल्क की तखरीब के लिए, इस मुल्क के डिस्टेक्शन के लिये या जम्हरियत को म्सीबत में डालने के लिये इस्तेमाल किया जाए। जहां तक इस चीज का ताल्लुक है मैं इस बिल की हिमायत करता हूं और यह समझता हूं कि इस विल के अमल में आने से एक हद तक रोक लगेगी ऐसे लोगों पर जो अपनी तकरीर से, अपनी तहरीर से या अपनी राय से इस मुल्क के अमन को खराब करना चाहते हैं और इस मुल्क की जम्हरियत को खतरे में डालना चाहते हैं। लेकिन इस में कुछ खतरात भी हैं बहुत बड़े किस्म के खतरात हैं जैसे इसके बारे में सरकार कैसी मशीनरी अस्तियार करेगी और सरकार किन जराय से ऐसी बातें मालम करेगी। सरकार को इस के बारे में निहायत सस्ती से और निहायत इंसाफ पर मबनी तरीके इस्तेमाल करना चाहिये जैसे मिस्टर वाइस चेयरमेन.

जब मैं सिलेक्ट कमेटी का मेम्बर था और इस कमेटी में पहले ही जब मिस्टर दफ्तरी गवाही देने आए थे तो मैं ने उन से एक सवाल पूछा था और इस बात का मुझे इन्तहाई अफसोस है कि वह सही तौर पर इस सवाल का जवाब नहीं दे पाए या देना नहीं चाहते थे। मैं यह चाहता हं कि इस एवान के मेम्बर हजरात के सामने इस सवाल को, इस के जवाब को रखं। मेरा एक बनियादी सवाल था। इस लिहाज से कि मैं इस मुल्क की सब से बड़ी माइ-नोरिटी हं और इस मुल्क में पिछले सोलह सन्तरह साल से मेरे कदम पर चाहे वह अच्छा हो या बुरा हो कुछ लोग शक करते हैं और हमारे अमल पर शक करते हैं। हमारे कलाम पर शक करते हैं, हपारे उठने बैठने पर शक करते हैं, तो इसी शक के पेशेनजर में मैंने मिस्टर दफ्तरी से यह बात पूछी थी कि जब इस विल का सेक्शन एक यह कहता है :--

"(f) 'unlawful activity', in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words either spoken or written, o<sub>r</sub> by signs or by visible representation or otherwise);—"

While referring to this, I asked Mr. Daphthary, who says at page 4 of the evidence of the Joint Select Committee on the Unlawful Activities (Prevention) Bill, 1967:

"SHRI A. M. TARIQ: You say that it is your legal opinion. What will be your opinion as a citizen of India? Secondly, while speaking about clause (f) you said as to who is going to define this honest opinion. Let me explain my own case as I am personally concerned. For instance, Sheikh Mohammad Abdullah says something about Kashmir and the same thing is said by J. J. Singh, no one takes any action against J. J. Singh but action is taken against Sheikh Mohammad Abdullah. Then, today General Cariappa is in Pakistan and is meeting President Ayub, but if by accident I meet the Pakistan High Commissioner in Delhi who is

<sup>† |</sup> Hindi transliteration.

[Shri A. M. Tariq.] going to find out whether this is an honest act of mine or whether it is a dishonest action?"

में यह जानना चाहता था सरकार से कि इस मकासद के पेशेनजर हमारे मल्क में एक किस्म की एजेंसी है सेन्ट्रल ब्युरो आफ इन्बेस्टीवेशन -- दूसरी एजेंसियां भी हैं। तो इस किस्म की एजेंसी से नीयतों का सरकार क्याक्या अन्दाजा लगाएगी। नीयतों के बारे में यह कैसे टहरा लिया है कि एक खास फिरका की या मजहब की नीयत खराब हो सकती है या गलत नीयत सिर्फ मुसलमान की हो सकती है--गैर-मस्लिम की नहीं हो सकती। इस एवान में मेरे मुअजिज दोस्त सी० डी० पाण्डे बैठे हैं, बी० के० पी० सिन्हा बैठे हैं। कल एक आनरेवल मेम्बर श्री खोबरागड़े ने यह सवाल उठाया कि अलीगढ़ युनिव-सिटी में एक शेडलड कास्ट को करल कर दिया गया। हाउस के तमाम मेम्बरान ने उनके प्रोटेस्ट का साथ दिया। आनरेबल बी० के० पी० साहब ने भी दिया, सी० डी० पाण्डे ने भी दिया, मैं ने भी दिया। कल मैं यह सवाल उठा सकता हं कि भागलपर में बहुत से बेगुनाह मुसलमान मारे गए--अंग्रेजी और हिन्दी के बोर्ड का झगडा था-- एक साजिश के तहत जो इस मल्क में है। साजिश यह है कि लेफ्ट कम्यनिस्ट के नाम पर इस मल्क के अमन को तबाह किया जाए। हिन्दू राष्ट्र वाद के नाम पर, हिन्दू मजहब के नाम पर इस मल्क के अमन को खराव किया जाए। जिस वक्त मैं यह बात कहंगा इस एवान में कितने सी० डी० पाण्डे हैं, कितने बी० के० पी० सिन्हा हैं, कितने सप्र हैं जो मेरा साथ देंगे।

कुछ माननीय सदस्य : बहुत बहुत हैं।
श्री ए० एम० तारिक : जब इम्तहान का
वक्त आता है तो दो-तीन तो मिल
सकते हैं मगर मैं पूछना चाहता हूं कितने
लोग ऐसे हैं जो कहेंगे कि तारिक की,
अकबर अली खां की, आबिद अली की

नीयत द हस्त है। चार-पांच हजर कहेंग लेकिन अक्सरियत बाहर हमारा जनाजा निकालेगी। यह फिरकापरस्त हैं, उनका सामान बांघ तस्त पर रखो, पाकिस्तान पहुंचा दो, क्योंकि यह मुसलमान हैं। यह कोई नहीं कहता कि मोहम्मद तारिक को अरब भेज दो वह भी मसलमान मल्क है, पाकिस्तान ही क्यों भेज दो तुर्की भेज दो। दुनिया में और भी बहुत बड़े मुसलमान मुल्क हैं, पाकिस्तान ही क्यों भेज दो। यह बात समझ में नहीं आई। अफगानि-स्तान भेजो ताकि वहां ख़श्क मेवा खाकर मजबत हो कर वापिस आ जाएं। पाकिस्तान भेजने से क्या फायदा। मुझे उम्मीद है कि जब मेरे दोस्त बी० के० पी० बोलेंगे--वह बहत बडे वकील हैं--तो उन बातों पर रोशनी डालेंगे। यह जो नीतियों पर शक है, नीतियों पर फैसला होगा। नीयत पर रिपोर्ट करेगी एक और मेरी सी० आई० डी० और आप मेरी जवान फौरन बंद कर देंगे। आप इस बात का बिल्कुल ख्याल नहीं करेंगे कि पिछले तीन साल में हिन्दस्तान की जंगे-आजादी में हिन्दुस्तान के मुस्तक-बिल को संवारने में मेरा क्या हिस्सा रहा। यह एकदम खत्म हो जाएगा। आज बी० के० पी० सिन्हा को शरीफ आदमी समझते हैं, प्रोग्नेसिव आदमी समझते हैं, लेकिन कल एक आदमी एक सी० आई० डी० की रिपोर्ट पर उनकी नीयत. उनकी सियासी बैकग्राउंड खतरे में पड जाती है । इस बिल में इस की कोई जमानत नहीं, कोई गारंटी नहीं, न ही कोई आदमी महफूज है। मैं इस सरकार को यह वाजे कर देन। चाहता हूं कि यह बिल लाने में सरकार ने बड़ी रिस्क ली है। सरकार को इस बात का अन्दाजा करना चाहिए कि कुछ रियासतों में और मरकजी सरकार के सेकेटेरिएट में कुछ अपोजिशन पार्टीज का बड़ा असर है। वह जिस तरह की रिपोर्ट लिखना चाहें, जिस आदमी के खिलाफ लिखना चाहें लिखवा सकती

हैं। सरकार इस बात का दावा नहीं कर सकती, यशवन्त राव चव्हाण नहीं कर सकते। मिस्टर शक्ला नहीं कर सकते कि जितने सेक्लर वे हैं उतने ही उनके नीचे के लोग हैं उनके डायरेक्टर आफ इन्वेस्टीगेशन ब्यरो हैं या सी० आई० डी० डिपार्टमेंट के लोग हैं या पुलिस आफिसर्स हैं। देखना यह है कि असल में एक चीज को खत्म करते करते कहीं आप दूसरी चीज पैदान कर दें। आप लोगों को ऐसे आदिमियों के रहम व करम पर न डाल दें जो इन से सियासी इस्तलाफ रखते हों, या इन से रिवेंज लेना चाहते हों। तो मैं सरकार से इन्तहाई अदब से दरख्वास्त करूंगा कि जहां तक इस काज का ताल्लुक है जहां तक स्पोकन वर्ड या लिखे हुए वर्ड ्स की बात है उनकी तशरीह कौन करेगा। मुझे ऐसा जमाना याद आता है--जंगे आजादी में, अंग्रेजी जमाने में--जब हिन्दुस्तानी अखबारों की गिरपत एक लफ्ज पर होती थी जिस के दो मायने हो सकते थे। यानी जबानों का जहां तक ताल्लुक है, तकरीर का जहां तक ताल्लुक है लफ्ज का जहां तक ताल्लुक है, उसको किस नीयत से बोला है, उसको कौन नापेगा। इसकी कौन तशरीह करेगा। हमारे हिन्दस्तान में जब उर्द में बोलते हैं, हिन्दी में बोलते हैं तो एक एक लक्ज के दो दो मायने हो सकते हैं। अब इस लफज के सही मायने के पीछे नीयत वया है या नीयत का थर्मामीटर किस के पास है ? धर्मामीटर कौन लगाएगा ? जन संघ लगाएगा या कांग्रेस लगाएगी, कम्युनिस्ट लगाएगी, सोशलिस्ट पार्टी लगाएगी, कौन लगाएगा ? सरकार इस बात से इंकार नहीं कर सकती। सरकार यह दावा नहीं कर सकती कि होम डिपार्टमेंट में जितने लोग हैं वे सब सेक्लर हैं या सही अलदिमाग हैं। उनमें से कुछ लोग फिरकापरस्त भी हो सकते हैं। हिन्दुस्तान में चालीस करोड़ लोग बसते हैं। चालीस करोड़ सब के सब सेकूलर नहीं हैं। किसी एक ने कम्यु-

निलज्म का ठेका नहीं ले रखा है। कम्यु-निलज्म एडिमिनिस्ट्रेशन में भी है, लीडर-शिप में भी है, सोसाइटी में भी है।

तो मैं अदब से दरख्वास्त करूंगा कि सरकार इसके बारे में कोई कमीशन बना दे। जो कुछ इसके बारे में तहकीन करे कि किस तरह इसको करना है। आप लोगों को कुछ आदिमयों के रहम व करम पर न डालें। ऐसा हुआ है हम ने देखा है कि लोगों की नीयत पर शक किया जाता है लोगों की बातों पर शक किया जाता है और इस शक की बिना पर उनके साथ बड़ी ज्यादितयां हुई हैं। हिन्दुओं के साथ भी हुई हैं, मुसलमानों के साथ भी होती हैं। काश्मीर का मामला देख लीजिए। काश्मीर में थोडे बहुत फसादात हुए। उन में अगर हिन्द मारे गए तो सरकार की गोली से मारे गए और मुसलमान मारे गए तो सरकार की गोली से मारे गए। लेकिन इस तमाम हिन्दुस्तान में, इस तमाम इतने बड़े मुल्क में जहां महात्मा गांधी की तालीम है, जवाहरलाल के नाम लेवा हैं, अबल कलाम के साथी हैं, किसी जरायत हुई कि काश्मीर की अकसरियत का साथ दे? बात क्या है? एक लड़की के नाम पर इस कदर तुफान आया और किसी ने सही वात जानने की कोशिश नहीं की कि हकीकत क्या है। मैं तो इस बात में आप के साथ हूं। अगर हकी कत यह है कि लड़की अगवा की गई हो तो अगवा करने वालों को सजा होनी चाहिए लेकिन सिर्फ इस लिए कि हिन्द लड़की है, मुसलमान लड़का है लेहाजा काश्मीर के हर मुसलमान से, हिन्दूस्तान के हर मुसलमान से इन्तकाम लिए जाए मैं इसको गलत समझता हं। जब मल्क में ऐसी फिजा मौजूद नहीं है तो आप ऐसे ऐसे क्लाज रख कर ऐसे लोगों के हाथ मजबूत करते हैं जिन का काम सिवाए इसके कुछ नहीं है कि इन्सानों की

[Prevention] Bill, 1967

श्री ए० एम० तारिक नीयतों पर शक करें और फिर शक का पहाड़ बना कर एक कम्यनिटी की नीयत पर शक करें। हम भी सरकार की नीयत पर शक कर सकते हैं। सरकार की नीयत पर शक करने का हम को हक है और मेरे पास बहुत से सबूत हैं। एक बहुत बड़ा सबत यह है कि सरकार ने एक इन्क्वायरी कमीशन बनाया है। हिन्द्स्तान में बिहार में, काश्मीर में, रांची में, पूना में जो फसाद हुए हैं उनके लिए कमीशन बनाया है। जहांतक कमीशन का ताल्लुक है मैं ने भी कहा था कि कमीशन बनाना चाहिए लेकिन जब कमीशन का इन्तखाब हुआ तो मुझ को बड़ा ताज्जुब हुआ। जहां तक इसके नान-मुस्लिम मेम्बरों का ताल्लुक है जस्टिस दयाल का नाम हम सव ने सुना है। जहां तक किश्चियन का ताल्लक फिलिप आई० सी० एस० हैं, जहां तक मुसलमानों का ताल्लुक है एक ऐसे आदमी को मेम्बर बनाया गया है जिस में हिम्मत नहीं है, जिस की कोई सियासी बैकग्राउंड नहीं है।

Unlawful Activities

VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is not right. No personal reference. I would not allow

SHRI A. M. TARIQ: It is not only my own point of view. I am telling you, this is the point of view of any Muslim Member of Parliament in this House. My point of view has got the stand and backing of the majority of Muslims of India. If required, I can produce documents. I say, I have got the right to doubt the action and intention of the Government just as the Government has the right.

यही सवाल है कि इस के बारे में कौन फैसला करेगा कि हमारी नीयत कैसी है। जहां तक इस बात का ताल्लक है। फिजो, नागा, बैड एलीमेंट्स, एन्टी सोशल एलीमेंट्स देश में हैं। जिस तबके से मैं ताल्ल्क रखता हं उस में भी ऐस कुछ लोग हो सकते हैं। तखरीब, तहमीर, गदारी और वतनपरस्ती यह किसी एक

तबके का, एक मजहब का मेरास नहीं है। यह सब में बराबर है मुसलमानों में भी हो सकता है, हिन्दुओं में भी हो सकता है, सिखों में भी हो सकता है लेकिन जब आप किसी को एक खास किस्म का हैंडल देते हैं और उसकी बनियाद पर यह फैसला करते हैं तब बड़ी मुश्किल होती है। सीतलबाड बैठे हैं, सप्र साहब बैठे हैं, श्री बी० कें पी० सिन्हा बैठे हैं, ये लोग हैं जो इन छोटे छोटे नुकतों को समझते हैं। मेरी उन से दरस्वास्त है कि जब इस बिल के बारे में और खास तौर पर सेक्शन एफ के बारे में बोलें तो बताएं। यह इन्तहाई खतरनाक है, मैं इसको खतरनाक सैक्शन समझता हं। इसकी कोई रेमेडी हमें ढंढना है। मकसद तो यह है कि मुल्क में अमन और खशहाली हो, मुल्क में जितनी कौमें हैं, जितने लोग हैं, जितने तबके हैं इन में एक दूसरे की तरफ जजबा मोहब्बत हो, एतमाद हो, न कि यह बिल किसी खास हिस्से या किसी खास सेक्शन या सियासी जमायत को और ऐसी सियासी जमायत को जिस को मजहब के नाम पर नाज करने का बहत शौक है जो मजहब के नाम पर जबान का सहार। ले कर फसादात कराती है, जो कभी गाय के नाम पर फसादात कराती है उसको हैंडल मिले। इस बिल का फायदा उस जमायत के हाथ में न हो और जो दूसरी कौमें हैं, मिल्लतें हैं, जो मुल्क में रहती हों, उनके लिए यह बिल फुलों का सेहरा होते हुए तलवार की धार न बने। मैं इसके साथ हुं। इस में कोई शक नहीं है कि तखरीबी कार्रवाइयों को रोकने के लिए जो नाखुशगवार फिजा उसको ठीक करने के लिए खास तौर पर इस मुल्क में हिन्द् मुसलमान फसादात को रोकने के लिए, इस मुल्क में जम्हरियत को संवारने के लिए इस विल का होना जरूरी है लेकिन इस के साथ साथ इस मुलक में माइनारिटीज भी हैं लास तौर पर हिन्दुस्तान की एक जो सब से बड़ी माइनारिटी है इस की तरफ खयाल

करना चाहिए। कहीं इस बिल का इस्तेमाल करने वाले इन के खिलाफ इस्तेमाल न करें। इन अलफाज के साथ मैं इस बिल की पूरी हिमायत करता हूं। शुक्रिया।]

श्री व्रजिकशोर प्रसाद सिंह : पूरी हिमायत की ।

श्री राजनारायण : श्रीमन् जव इस विधेयक पर चर्चा हो तो जरा दिल और दिमाग खोल कर हो, भावुकता में न हो और जिद में न हो, तब तो यहां के डिसकशन का कूछ अर्थ है बर्ना अगर गवर्नमेंट बजिद हो और यह मान कर आई हो कि चाहे हमारे सामने कितने ही तर्क पेश हों हमको तो जाना है उसी रास्ते से तो फिर इस हाउस का बक्त क्यों खराब किया जाय। शुक्ल जी चूप है इसलिये मैं समझता हूं कि वह इसके लिये तैयार हैं कि अगर उनके सामने तर्क आयेंगे तो वह कुछ तब्दील होंगे।

हम पहले दो बात को ले रहे हैं। श्रीमन्, जरा घ्यान से सुना जाय। जब तक मैं बोलूं उस समय तक आप अपने पास किसी को जाने के लिये मुमानियत कर दें। जल्दी करिये।

यहां पर इस बिल को लाने की जरूरत क्यों है। अभी एक दो तकरीरें जो हुई उनमें हमको यही बताया गया कि कम्य-निस्ट पार्टी कुछ उपद्रव कर रही है। शक्ल जी हैं तो नये मगर तवारीख को जानते होंगे। सन् 1942 ई० और अंग्रेजी साम्प्रा-ज्यवाद की पूरी ताकत। पहले कम्यनिस्ट पार्टी कहती थी कि लड़ाई जो है वह साम्प्राज्य-वादी है, जब तक कि हिटलर और स्तालिन की दोस्ती थी जब तक लड़ाई साम्प्राज्य-वादी थी। हम कम्यनिस्ट पार्टी के साथ में रहते थे, साथ साथ हम पढ़े थे, मगर जहां लंदन से तोप का मुंह फिर गया मास्को की ओर तहां वही साम्प्राज्यवादी लड़ाई पीपुल्स बार, जन-युद्ध में बदल गई और यह हल्ला होने लगा कि जन-युद्ध

है। जन-युद्ध अखबार भी उसी समय से निकला है, उससे पहले नहीं था। काशी विश्वविद्यालय, मैं बहुत ही सफाई से आपको कहना चाहुंगा...

श्री शीलभद्र याजी (विहार) : विधेयक पर बोलिये ।

श्री राजनारायण: ... वह कम्युनिस्टों का गढ़ था। सुनिये शीलभद्र जी, जरा अक्ल से, अक्ल को साफ कर के, ठीक कर के-वह ठीक हो नहीं सकती। काशी विश्व-विद्यालय कम्युनिस्टों का गढ़ था, विल्कुल गढ था, और सारा स्ट्डेंट तवका कम्यु-निस्टों के हाथ में था, यही एक प्लैटफार्म था कम्यनिस्ट पार्टी के ख्यालात को इजहार करने का, लेकिन सारा का सारा स्टडेंट तबका, चार छ: अंगुली में गिने हये लोगों को छोड़ कर, उसने कम्युनिस्ट पार्टी का साथ छोड दिया। तवारीख से अांख न मंदी जाय। और मैं आपको बताऊं कि उस लडाई में केवल एक स्टेशन बच गया था, मुगलसराय, जिसको हम उड़ाने जा रहे थे, हमारे पास तमाम तैयारियां थीं, नौका पर गंगा के बीच में पहुंचते हैं तो पुलिस आती है, पुलिस की खबर देने वाला कम्यनिस्ट पार्टी का मेम्बर था गोपालदास । हम लोग पकड़ लिये गये। जनता लड रही थी, तार लाइन, रेलवे लाइन जला रही थी, मुगलसराय से मिर्जापुर के बीच की सारी लाइन को हमने ध्वस्त कर दिया, कोई रेलवे लाइन या प्लैट फार्म या स्टेशन बचा नहीं था, कोई एक रेल चल नहीं रही थी। क्या कर लिया कम्यनिस्ट पार्टी ने । इसका कोई उत्तर शक्ल जी के पास है, चव्हाण जी के पास है।

श्री जजकिशोर प्रसाद सिंह : मैं बतला इं।

**थी राजनारायण**ः कुछ नहीं है ।

श्री बजिकशोर प्रसाद सिंह : अंग्रेजी हुकूमत को कुछ बक्त के लिये कुछ बल दे दिया।

श्री राजनारायण: कोई बल नहीं दिया । देखा जाय, अंग्रेजी हक्मत भी गई और आज तक उसी पाप का फल कम्यनिस्ट पार्टी भोग रही है। मैं डंके की चोट पर कहना चाहंगा कि अगर 1942 ई० में कम्युनिस्ट पार्टी ने यह गलती न की होती तो आज कम्युनिस्ट पार्टी का मुकाविला इस मुल्क में और कोई नहीं कर सकता था। मैं चाहंगा कि कम्यनिस्ट दोस्त भी जो हैं वह भी इस बात को मानें। हम भी एक साप्ताहिक, बीकली, जेल से निकालते थे जिसमें हमने मार्केस को कोट किया ' था और बताया था कि कम्युनिस्ट पार्टी मार्क स के उल्टे चल रही है, मार्क स ने कई जगहों पर लिखा है कि जहां कहीं इम्पी-रियलिज्म हो और उपनिवेश, कालोनी, में आजादी की लडाई लडने वाली कोई जमात हो तो कम्युनिस्ट पार्टी का प्रीग्राम उसके पैरेलल नहीं हो सकता, कम्यनिस्ट पार्टी को हमेशा मिल कर उसके प्रोग्राम को रिवोल्यशनाइज करना चाहिये, उसके प्रोग्राम को क्रान्तिकारी बनाना चाहिये न कि उसके उस्टे चल कर उसको और उल्टा करना चाहिये। मुझे खुशी है कि 1936 ई० में कम्यनिस्ट पार्टी ने अपनी राय बदली और 1936 ई० में वह कांग्रेस में शामिल हुई, कांग्रेस सोशलिस्ट पार्टी में शामिल हुई, फिर बाद में आ कर के वही रशिया का मामला बिगड़ा ...

Unlawful Activities

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भी शीलमद्र याजी : आप कम्यनिस्ट पार्टी की तवारीख बता रहे हैं या विधेयक पर बोल रहे हैं?

श्री राजनारायण : मैं इसी विधेयक पर बोल रहा हं, समझने की अक्ल अपनी खोपडी में लाइये।

थी शीलभद्र याजी : विषेयक में कम्य-निस्ट पार्टी का कोई जिन्न नहीं है।

श्री राजनारायण : वह आप पर भी लाग होगा कम्यनिस्ट पर ही नहीं, जरा सुन लीजिये। 'मुरख हृदय न चेत, जो ग्रु होय विरंच सम'। यह तुलसीदास ने कहा है, मुरख को कभी कोई चेता ही नहीं सकता, वृद्धि विभ्रम, भ्रांति में न विचरण करें शीलभद्र जी, में तो सदन को, सदर को, समझाने के लिये दूसरे ढंग से, दूसरी तरह की जबान में बोल रहा हं क्योंकि हमारी बात जनाब सदर नहीं समझ पाये यह संसदीय प्रया नहीं है, सदर को हर एक की बात समझनी चाहिये। तो जनाव सदर, मैं आपके जरिये सदन से अर्ज करना चाहता हं कि बात कहीं हो और उसको लगाया कहीं जाय यह ठीक नहीं। देश की, मुल्क की जनता उस समय गांधी जी के नेतत्व में यकीन करती थी, मुल्क की जनता मल्क की आजादी की ख्वाहिशगार थी, इसलिये मुल्क की जनता ने कम्युनिस्टों को भी अलग किया और अंग्रेजी साम्प्राज्यवाद को भी अलग किया।

[Prevention] Bill, 1967

जनावे सदर, मैं आपके जरिये जनाव आबिद अली साहब को बताना चाहता हं, इनके एक दोस्त हैं हमारे जिले के, आप जानते होंगे, मैं जिनकी बड़ी इज्जल करता हं-श्री श्रीप्रकाश जी, उन्होंने कहा कि महक सौ साल के लिये पीछे चला गया, तमाम खम्मे उजह गये, तमाम पटरियां टट गईं...

श्री जीतभद्र याजी: आप विषेयक पर बोलिये, ऊलजलुल न बोलिये।

श्री राजनारायण : तो श्रीमन, उस जमाने की ओर जरा नजर डाली जाय। उस समय के कितनों को जानता हं मगर नाम नहीं लेना चाहता हूं जो अपने को गांधी जी का नाम लेकर हकमत में बनाए हए हैं। जो उस आंदोलन के मुखालिफ थे उन्होंने हमारे रास्ते में पग पग पर अडचनें डाली थीं यह कह कर कि हम लोगों ने मुल्क में यह तमाम खुराफात मचा कर अंग्रेजों को ताकत देदी कि उसने जनता को कुचल दिया। मगर, श्रीमन, आपको यकीन होगा कि ज्योंही हम लोग तीन, साढे तीन साल बाद जेल से छुटे तो...

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जैसे ज्येष्ठ की दोपहरी में दुवझलस जाती है मगर तनिक बरसात के पानी की बुंदें गिरती हैं तो दूब लहलहा जाती है उसी तरह जनता का दिल व दिमाग लहलहाया। बिहार में पुलिस विद्रोह हुआ , बम्बई में सेना विद्रोह हुआ, सभी जगह विद्रोह को दवाया गया। किसने दव।या? कांग्रेस की वही ताकत जो हक्मत की बागडोर में है उसने दवाया। अगर जनता का समर्थन उसको हासिल था इसलिये जनता का सम-र्थन हासिल रखते हुए उस समय यह विद्रोह नहीं हो पाया। फिर भी मैं आपके जरिये इस सदन के सम्भानित सदस्यों और मुख्य रूप से शीलभद्र याजी से कहना चाहता हं, क्योंकि नेताजी सुभाषचंद्र बोस के साथ कुछ उनकी जिन्दगी कटी है और इतनी ही जिंदगी के लिये उनके प्रति हमारे दिल में इज्जत है, कांग्रेस के साथ जितनी जिन्दगी उनकी बीत रही है, उतनी नफरत उनके लिये बढ़ती जा रही है। तो मैं यह कहना चाहंगा, देखा जाय कि धीरे धीरे इस मुल्क को सहारा गया। हमको आजादी थी, हम अपने जज्बात का इजहार कर सकते थे। जब यहां पर किप्स आया तो किप्स के प्रस्ताव को किसने माना? क्या किप्स का प्रस्ताव मल्क की एकता के लिये काम करने वाला था. क्या किप्स का प्रस्ताव 1942 की जनकांति जिनके दिल से उभर-कर आई उनके दिलों का आदर और इज्जत करने वाला था। श्रीमन्, अप इस बात को जानेंगे वह तो गांधी थे वरना ऋिप्स का प्रस्ताव लोग मान चके थे, पहले ही गांधी जी ने कहा 'It is a post dated cheque.' हमको ऐसा चेक नहीं चाहिये, हमको ऐसा चेक चाहिये जिसको भुना कर हम अपने मुल्क की गरीबी और बेकारी को दूर करें। वरना पं० जवाहरलाल, मौलाना अबल कलाम

आजाद, सरदार वल्लभभाई पटेल किप्स के मसविदे को कब्ल कर च्केथे।

मैं आपके जरिये आबिद अली साहब को बता देना चाहता हं कि इस मल्क की इज्जत उस समय दुनिया में कितनी ऊंची हुई जब मीलाना अबल कलाम आजाद कांग्रेस की सदर की हैसियत से अपनी जवान में बात किये और जब उनके इन्टर-प्रेटर, उनके ट्रान्सलेटर, भाषान्तर करने वाले जवाहरलाल बने थे। उस समय कांग्रेस की इज्जत थी, मुल्क की इज्जत थी। जो लोग अंग्रेजी और मल्क की जवान में फर्क करना चाहते हैं वे मीलाना अवल कलाम आजाद की उस नजीर से सबक लें। हम तो मदमस्त हो गये थे, यह हमारा सदर है, यह कहता है मादरी जवान में बोलता हं, जवाहरलाल जी उसका टान्स-लेशन करते थे।

श्री आविद अली : ट्रान्सलेशन मादरी जवान में करते थे ?

श्री राजनारायण : आविद अली क्या उसको भूल गये। मैं आपके जरिये बताना चाहता हं, उन्हीं लोगों ने इस मुल्क के दो ट्कड़े किये हिन्द्स्तान के। वह तारिक बोल कर चला गया, नाच कर। हम तो चाहते थे इस समय हमारा मित्र, जिनकी में इज्जत करता हं, सीतलवाद साहब यहां रहते तो उनको पता चलता कि संवि-धान क्या है, कानून क्या है, आईन कैसे बनता है और किस जज्बे का इजहार अमल रूप में, यह कान्स्टिट्यशन है। श्रीमन, एक हिन्दस्तान को दो टकडों में कर दिया गया। "सारे जहां से अच्छा हिन्दोस्तां हमारा, हम बलबलें हैं इसकी यह गलिस्तां हमारा" यह जो शायरी है किस की है यह शायरी? शीलभद्र याजी की नहीं है इकबाल की है। हमारे मित्र यहां नहीं हैं, भंडारी जी, और भी पीछें देखता हूं तो नहीं हैं। पता नहीं कहां गायव हैं। कितना अहम विधेयक जो इन्सान की

[श्री राजनारायण]

जिन्दगी से ताल्लुक रखता हो, उस विघे-यक पर चर्चा हो और एक जिम्मेदार पार्टी जो अपने को जिम्मेदार समझती हो, उसके सम्मानित सदस्य यहां से गायब हों, यह भी एक सोचने की चीज है। इसके बारे में बाद में आऊंगा।

وائس چیر صین (شری اکبر علی ارس چیر صین (شری اکبر علی خان ): محبوری ظاهر کر کے گئے – †[उपसभाध्यक्ष (श्री अकबर अली खान): मजबरी जाहिर करके गये।]

श्री राजनारायण : हम इस लिए कह रहे हैं कि वह आज हमें मात्भूमि की रक्षा की सबक पढ़ा रहे हैं, वह आज हमें देश की सुरक्षा का सबक पढ़ा रहे हैं, जो खुद अपने गुनाहों से इस मुल्क को जहन्म में ले जाने के लिए गुनहगार हैं। आज कांग्रेस पार्टी और कांग्रेस की हक्मत हमको मुल्क की सरक्षा की बात बताती है तो मुझे हंसी आती है। इस मुल्क को अगर जहन्तुम में जाने का रास्ता दिया है तो कांग्रेस के राज ने दिया है, कांग्रेस के नेताओं ने दिया है। श्रीमन, बंटवारा हो गया, मुल्क बंट गया, साढे 7 लाख जानें गईं, राष्ट्रपिता महात्मा गांधी की हत्या हो गई। मैं पूछना चाहुंगा उन लोगों से जो हमको सबक पढ़ाने के लिये आज इस विधेयक को लाए हैं: क्या राष्ट्रपिता महात्मा गांची की हत्या में कांग्रेस के नेताओं का हाथ नहीं है, क्या कांग्रेस के नेताओं ने जिस तरह से इस मुल्क को जबा किया, जिस तरह से इस राष्ट्र को जेबा किया, वह जेबा गांधी जी की हत्या का जिम्मेदार नहीं है ? गांघी जी की हत्या का जिम्मेदार है। (Interruption) आपके जरिये बताना चाहता हूं कि गांधी जी की हत्या इन्हीं वजुहात से हुई है। हमने तो 20 जनवरी 1948 को श्रीमन, जब गांधी जी को मारने वाला पहला बम फटा जब 21 तारीख को अखबारों में खबर आई, तब डा० लोहिया वह इन्सान

अला था जिसने कहा कि बापू जी की जिंदगी पर खतरा है, उनकी हिफाजत होनी चाहिये। लेकिन गृह विभाग के नेता भी और घर विभाग ने कहा कि डॉक्टर लोहिया अपनी पार्टी के प्रचार के लिए यह बात बोलते हैं, कोई खतरा नहीं है, 30 सिपाही सादे वेश में पहरा देने के लिये तैनात किये गये हैं। इस घर विभाग ने कहा, अखबारों में बयान दिया कि सिपाही सादे वेश में गांधी जी के पहरेदार के रूप में रखे हैं।

श्रीमन्, आप जानते होंगे गांधी जी का आखिरी वसीयतनामा वही है: कांग्रेस को तोड़ दो। आज जो लोग कांग्रेस में हैं जज समू साहब भी इसको अच्छी तरह से जानते होंगे कि गांधी जी ने अपनी जिंदगी का आखिरी वसीयतनामा लिखा कि कांग्रेस को तोड़ दो, अब इसकी कोई उपयोगिता नहीं है, जरूरत नहीं है, लोग अपने कार्यक्रम के मुताबिक अपनी अपनी पार्टी बनायें और...

श्री प्रकाश नारायन सप्नू (उत्तर प्रदेश) : आपने मेरे लिये क्या कहा, मैंने सुना नहीं।

श्री राजनारायण : हमने कहा जज समू साहव हमारी बात की ताईद करेंगे। तो मैं यह कहना चाहता हूं कि खुदा के लिये आज कांग्रेस की सरकार हमको राष्ट्रवादिता का सबक न दे, इस मुल्क की हिफाजत करने का सबक न दे। इस मुल्क की हिफाजत करने का सबक न दे। इस मुल्क की हिफाजत करनी है, इस मुल्क में कोमियत लानी है तो कांग्रेस को खत्म करके ही किया जा सकता है। इसलिये मैं चाहूंगा तारिक हमारी बात को समझे...

شرى اے - ايم - طارق : طارق : طارق نهيں مستر طارق کهو -

†[श्री ए० एम० तारिक : तारिक नहीं, मिस्टर तारिक कहो ।]

श्री राजनारायण : मिस्टर तारिक, आदरणीय तारिक, भाई तारिक, बंधु तारिक ।

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श्रीमन्, यहां एक पार्टी है जिसका नाम है जन संघ। जो यहां मंत्री बने हुए हैं, कोई यह बता दे कि जन संघ का बनाया हुआ घोषणापत्र, जन संघ का कार्यक्रम पढ़े हैं? तो फिर मुल्क की हिफाजत क्या करेंगे, कर ही नहीं सकते हैं। एक वाक्य जन संघ के 1957 के घोषणा पत्र का, जो परिवधित रूप में अब है, उसको मैं आपके जरिये सुनाना चाहता हूं:

हिन्दू के अतिरिक्त सभी जनों को भारतीय संस्कृति से भुक्त करके उनका राष्ट्रीय भावापन करें। क्या आपने सन् 1962 का जन संघ का घोषणापत्र पढ़ा? 1962-1966 का घोषणा पत्र पढ़ा, जिस बुनियाद में यह पार्टी खड़ी है? हिन्दू के अतिरिक्त सभी जनों को भारतीय संस्कृति से भुक्त करके उनका राष्ट्रीय भावापन करें। आज अपने मुल्क में हिन्दुओं के अलावा कोई राष्ट्रीय नहीं है।

एक माननीय सदस्य: अब यह घोषणा-पत्र बदल दिया गया है।

श्री राजनारायण : जो बदल गया है, मैं उसकी तरफ आ रहा हं। जो गैर हिन्दू हैं, सिख हैं, ईसाई हैं, बुद्ध लोग हैं, जैन लोग हैं, मुसलमान लोग हैं, पहले उनको भारतीय संस्कृति से भावापन करें, पहले अन्दर भारतीय संस्कृति भरो, तब जाकर उनके अन्दर राष्ट्रीय भावना आ सकती है, तब जाकर उनमें कोमियत के जजबात का इजहार हो सकता है। साथ ही साथ एक दल है जो कहता है कि हिन्दू के अतिरिक्त कोई दूसरा यहां पर जो है वह राष्ट्रवादी नहीं है। मुझे मालुम नहीं कि घर विभाग कादिमाग जन संघ केइस वाक्य की ओर गया या नहीं। अगर नहीं गया तो इस सरकार को रहने का कोई हक नहीं है। सरकार को सेकेटेरिएट बिना पढ़े और विना समझे जो रपट दे देता है, उसी की बनियाद पर यह सरकार आज चलती है और उसी की बुनियाद पर सरकार आज इस तरह का विधेयक ला रही है।

श्री शीलभद्र याजी : अपको शर्म आनी चाहिये कि आप जन संघ से भी मिले हुए हैं।

श्री राजनारायण : इस मुल्क को जो सरकार जहन्नुम में ले जा रही है उससे बचाने के लिए हम जन संघ, कम्युनिस्ट, रिपब्लिकन, पी० एस० पी०, आर० एस० पी० और सभी पार्टियों से समझौता करने के लिए तैयार हैं क्योंकि सब से बड़ी गन्दी पार्टी जो है वह कांग्रेस पार्टी है क्योंकि वह आज अधिनायकशाही हो गई है।

श्री कृष्णकान्त (हरियाणा) : क्या जनसंघ का घोषणा पत्र भूल गये ?

श्री राजनारायण : अधिनायकशाही क्या है। 20 साल तक इस कांग्रेस पार्टी का अधिनायक सत्ता शासन पर रहा है। इन 20 सालों में सरकार ने क्या क्या किया। यह हमारा कांस्टीट्युशन है । इस कांस्टीटयशन को पढ़ा जाय। 'इंडिया दैट इज भारत'। 15 अगस्त, 1947 को जो नक्शा अंग्रेजों ने हमको दिया था क्या आज हम उस नक्ते को रखते हैं ? अगर नहीं रखते हैं तो मूल्क के साथ गद्दारी किस ने की है? अगर नहीं रखते हैं, तो देशद्रोही कौन है ? किस की ऐक्टिविटीज अनलॉफुल हैं, उसी की कैद किया जाना चाहिये । अगर कोई इन्साफ करना चाहिये, अगर कहीं अदालत हो, ता उसमें आज कांग्रेस सरकार दोषी पाई जायेगी। जो इन चीजों के लिए मुलजिम है उसको जनता जनार्दन के सामने सख्त से सख्त सजा दी जानी चाहिये। श्रीमन्, आर्टिकिल 1 में जो हमारे देश की सीमा का वर्णन है। श्रीमन, मैं इस सरकार से पूछना चाहता हं कि 15 अगस्त, 1947 को मेकमोहन रेखा किस की सीमा में थी? सरकार को यह हक कैसे हासिल हो गया है कि वह मेकमोहन रेखा जो हमारी सीमा रेखा थी उसको बदल दे। जो जानकार आदमी है, जो मेकमोहन रेखा को जानता है, वह यह मानता है कि [RAJYA SABHA]

[श्रा राजनारायण]

यह भारत तिब्बत सीमा रेखा थी। आज अगर मैकमोहन रेखा कांग्रेस के कुकर्मों से भारत चीन की सीमा रेखा बन जाती है. तो वह सरकार किस तरह से इस बिल के द्वारा इस मुल्क की हिफाजत करेंगे। यह सरकार कहती है कि हम इस विल के जरिये कम्यनिस्टों से देश की हिफाजत करेंगे । तो मैं यह पूछना चाहता हं कि कम्युनिस्टों ने किस प्रस्ताव के जरिये तिब्बत में चीन के कब्जे को कबल किया है। हमें इस तरह का कोई रिजोल्युशन बतलाया जाये। चीन की माऊ सेना आई और उसने सारे तिब्बत भिम को अपने कब्जे में कर लिया और हमारी सरकार कहने लगी कि हम तो जनतंत्रवादी हैं. हम प्रसारवादी नहीं हैं। तिब्बत पर हजारों साल पहले भी चीन का कब्जा था। इस तरह की बात हमारे प्रथम प्रधान मंत्री श्री जवाहरलाल नेहरू ने तिब्बत के संबंध में कही थीं। हमारे श्री राजेन्द्र प्रसाद जी ने कहा था कि भारत सरकार ने गलती की कि तिब्बत पर चीन का कब्जा कबल कर लिया। श्री राजेन्द्र प्रसाद ने यह भी कहा था कि मुल्क को इस चीज के पश्चाताप के लिए तिब्बत को आजाद कराना होगा। इस पर तीन दिन बाद श्री नेहरू जी ने कहा था कि जो लोग तिब्बत को आजाद कराने की बात कहते हैं वे बेहदे और मर्ख हैं क्योंकि तिब्बत पर हजारों साल पहले से चीन का कब्जा था। तो मैं यह कहना चाहता हं कि जो सरकार यह कहती है कि चीन का तिब्बत पर हजारों साल पहले से ही कब्जा था, क्या वह कभी इस मल्क की सुरक्षा कर सकती है, कभी इस मल्क की इन्टैंग्रिटी' और सावरेन्टी' की हिफाजत कर सकती है। यह सरकार हरगिज कभी नहीं कर सकती है। टेजरी बेंचेज के लोग कभी इस घोके में न रहें, कभी इस म्गालते में न पड़ें। आज यह सरकार एक साजिश करके इस विधेयक को यहां पर लाई है और कहती है कि हम देश की जनता को बचाना चाहते हैं।

श्रामन्, जा लाग पुराना तवाराल के जानकर हैं, वे जानते होंगे कि कैलाश और मानसरोवर, ये हमारे थे। एक भारत के राजा ने कैलाश और मानसरोवर को तिब्बत को दहेज के रूप में दे दिया था। फिर भी हमारा मानसरोवर और कैलाश में जाना रुका नहीं था। वह कैलाश जो शंकर भगवान की समुराल है, कीड़ा-स्थल है, वह कैलाश हमारे से अब चला गया है। अब यह सरकार हमको सबक देती है कि सावरेन्टी हमारे खतरे में है, भारत की प्रभुसत्ता खतरे में है। श्री शुक्ल जी को में क्या कहूं, वे वेमतलब हमारे सामने आ जाते हैं। हमारे सामने श्री चौहान जी अते, श्रीमती इन्दिरा नेहरू गांधी. . .

وائس چیر مین (شر اکبر علی خان ): آپ بل پر بولئے پرسللتی پر نه آئیے –

†[उपसभाध्यक्ष (श्री अकबर अर्ला खान)ः आप बिल पर बोलिए, पर्सनेलिटी पर न आइए ।]

श्री राजनारायण : आप बात ठीक कह रहे हैं। तो मैं कह रहा था कि हमारे कैलाश और मानसरोवर भी गये। हमारी जो सरकार है वह हरिगज, हरिगज मुल्क के साथ वफादार नहीं होगी, जो यह कहती है कि तिब्बत तो हजारों साल पहले से ही चीन के कब्जे में था।

श्रीमन्, इस मौके पर हमने पं० जवाहर-लाल नेहरू को एक पंत्र लिखा था और उस खत में मैने अपील की थी कि तिब्बत कभी भी चीन के कब्जे में नहीं था। नजीर है कि कभी तिब्बत ने चीन पर हमला किया और कभी चीन ने तिब्बत पर हमला किया। नजीर है कि तिब्बत के राजा ने चीन के राजा की लड़की के साथ शादी की थी और इन नजीरों को अपनी नगर से ओझल मत करो। हम इस मौके पर कुमार सम्भव का उदाहरण पेश करते हैं। कालिदास महा-

<sup>†[ ]</sup> Hindi transliteration.

मारत है बड़े कवि हैं। कालिदास ने कुमाराम्भव के पहले क्लोक में हिमालय की स्तृति हो है। जो लोग जानकार है वे जानते होंगे। शायद हमारे सिंहा साहब भी जानते होंगे :

Unlawful Ajiu.tes

अन्त्यत्तरस्यां दिशि देवतात्मा । हिम लयो नाम नग घराज ॥ पुर्वापरी तोयनिष्ठी वगाह्या । स्थितः पथिव्या इव मानदंडः ॥"

श्रीतत् कालिदास ने लिखा कुमारसम्भव के पहले श्लोक में, है, हिमालय देवतातुल्य पर्वतों के राजा, भारतवर्ष के उत्तर पूर्व दिशा में फैलाकर, समुद्र का अवग हन कर र े ै, मैं नतमस्तक हूं। मत्स्य पुर ण है वह रेलिवैन्ट हैं और जो लोग इसको इरैलिवैन्ट समझते हैं वे लोग मुल्क हे साथ वफादारी को इरैलिवैन्ट कहते हैं। तो श्रीमन, मै अर्ज करना चाहता हं कि मत्स्य पुराण में यह लिवा हवा है:

अहीन अरणम्नित्यं अहीन जनसेवितम् । अहीन पश्यति गिरि, अीनरत्नसम्पदा ।।"

है, नेहरू जी मत्स्य पुरण में हिमालय की चर्चा है। हिमालय, तुम अीन हो, त कतवर हो, कुबत वाले हो। तुम्ह रे साय वही रह सकता है जो त कतवर हो। तुम्हारी और वी देख सकता है जो ताकतवर हो क्षोर जो रत्न सम्पदा से भरा पड़ा हो। कायर, नपंसक और हिजड़ा हिम लय की हिफाजत नहीं कर सकता है। श्रीमन, 1 P. M.

हमने जयशंकर प्रसाद का उदाहरण दिया। वाराणनी के कवि हृदय सम्प्राट जयशंकर प्रसाद ने कहा है:

हिमातय के आंगन में उसे प्रथम किरणों का दे उपहार.

कव ने फिर अभिनन्दन किया और पहनाया ीरकहर।

जगे हम, लगे जगने विश्व . . . . .

क लिड़ स कहते हैं कि हिमालय का आंगन 3-7 R S./68

है भारतवर्ष । सम्यता यहीं पनपीं, सम्यता यहां पैदा हुई और यहीं से हमने विश्व को रोशनी दिया, प्रकाश दिया । वह आज हमारा हिमालय राक्षसी चीनियों के पैरों के तले रौंदा गया। किस के जरिये रौंदा गया। इस कांग्रेसी हक्मत के जरिये रौंदा गया जिसने नेवता दिया चीन को । मैं आपको नजीर देकर के बतला सकता है। श्रीमन, मैं आपा जरिये अदब के साथ कहना चाहंगा कि तिब्बत की बात मत करना। मुल्क की वफादारी की बात मत करना अगर हम को मौका मिले और कुछ समय दे दें जनाबे सदर तो मैं साबित कर के रहंगा कि लेफ्ट कम्युनिस्ट मौजूदा कांग्रेस की हक्मत से ज्यादा वफादार हैं . . . .

SHRI NIREN GHOSH (West Bengal) Now it is time for lunch.

VICE-CHAIRMAN AKBAR ALI KHAN) : We are not adjourning for lunch.

SHRI A. M. TARIQ: You can go for lunch.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : We are sitting right through.

SHRI SHEEL BHADRA YAJEE : Is there any time-limit for speeches?

VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Just now there is none, but I sure the Members will use their discretion and be brief in their speeches.

SHRI A. P. CHATTERJEE : I am just rising on a point of order and my point of order is that, after all, the Members of Parliament cannot be ordered to go through the debates every day without lunch,

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You were not here, but the . , .

SHRI A. P. CHATTERJEE: Suppose I were not here, even then . . .

SHRI NIREN GHOSH: It was not decided that we should sit through lunch time today.

SHRI A. P. CHATTERJEE: It may be said, Mr. Vice-Chairman, "You may go for lunch." But why should I be i deprived of the benefit of hearing the •; weet reasoning voices of the Members

in the Congress Benches if they at all can reason'! Therefore it is not quite fair that some of us who will be going to lunch will be deprived of the opportunity of hearing other Members speak on a very important matter such as this; it is a very important Bill. Now, therefore, I appeal to you, Mr. Vice-Chairman, that heavens will not fall if a recess of at least one hour is given to us. Let this recess of one hour be given to us. Let us come refreshed after lunch and then hear others speak. Now it is not a question of saying, "you go for lunch; we will go on speaking." If I am not present to hear others speak because of my leaving the House to take my lunch, I shall be missing others speeches during my absence, and unless I know the points which the other side make 1 shall not be able to reply to those points. Therefore, Mr. Vice-Chairman, I am appealing to you, we here are all appealing to you that you will not force us-you will excuse my using the termyou will not compel us to sit through the lunch time only for purposes of passing a Bill on which the Attorney-General even has a doubt. If I have a chance, I will read from the evidence; it will be seen that even Mr. Daphtary, the Attorney-General, has doubt on the reasonableness of this Bill. Now why Bhould this Bill be passed so hastily and why should we be compelled to sit through lunch time? Therefore, Mr. Vice-Chairman, what I am saying is: let us have a break now; let us again meet at 2 or 2.30 and let us go on with the Bill that way. We want to hear all sides speaking on this Bill and we want to make our points after hearing others

SHRI BANKA BEHARY DAS: If it is not one and a half hours it can be about one hour at least, up to 2 P.M.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Chat-terjee, 1 am sorry you were not here then, but you know that there were many friends on both sides who were very much inconvenienced because we had to extend the session. Now my point is that you must also give some consideration to those persons who have their other programmes, who all the same want to participate in this debate as early as possible and then leave. In view of that . .

SHRI P. K. KUMARAN: The Bill can be taken up in the next session.

SHRI A. P. CHATTERJEE: Yes, it can be continued in the next session.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) That we have decided. Mr. Kumaran. The decision was that this Bill will be taken up in this session and on that understanding this session was extended. Now let us not go back on this.

## श्री राजनारायण : एक मिनट सुन लीजिए, रूलिंग मत दीजिये। रूलिंग देने के पहले हम को सुन लीजिये।

VICE-CHAIRMAN AKBAR ALI KHAN): My request is that in view of the fact that the session is extended on the basis of the fact that this Bill will be taken up, and as there are other Members who have to attend to other work, so I would appeal—I am not giving my decision—I would appeal to you all, I would request you to let the debate go right through without any lunch time intervening. You very well know; Mr. Rajnarain, I never asked you to stop although you spoke for thirty-five minutes. So my request is: let us all try to speak and speak with relevance and in the briefest time possible, so that we may be able to finish this Bill today. And in order to accommodate all the desiring participants let us sit through lunch time also and also sit after 5 P.M. so that we may finish this Bill.

SHRI B. D. KHOBARAGADE (Maharashtra): Let it be for one hour only beyond 5 P.M.

श्री राजनारायण: यह चेयर की रूलिंग नहीं है। इसमें आपकी बात इतनी सही है कि इस बिल को पास करने के लिये हम लोग आये। चव्हाण साहब कहीं हों तो उनको आप गवाही में बुला लें। उन्होंने मुझे रोक कर के यह कहा था कि राज-नारायण जी, हम एक चीज तमसे कह रहे हैं पहली बार कि जो हफ्ता आगे वाला आ रहा है उसमें इस विधेयक को पास करा दो। हिमने कहा कि सब लोग राजी हो जायेंगे तो हम भी राजी हो जायेंगे। सब लोग राजी हो गये तो हम भी राजी हो गये। एकाडिंग ट् चव्हाण साहब ऐंड माई टाक शुक्रवार तक इस विषेयक को पास करने का मामला तय हुआ था। अब अगर आप कहें कि लंच में बैठो, दस बजे रात तक बैठो तो यह बिल्कुल नामुमकिन है। हुजूर, गरीबपरवर, मैं आपसे अर्ज यह कर रहा हूं कि इसके लिये हम लोगों को लंच में मत बैठाइये और न पांच बजे के बाद बैठाइये। अगर एक दो दिन इसमें और लग जायं तो कोई बात नहीं है। (Interruptions.)

सब से बड़ी मुसीवत हमारी यह है कि हमारी आल इंडिया कांफ्रेंस हो रही है और हमने आज भी अपने चेयरमैन से कहा है कि इस विधेयक के बाद मैं सीवा यहां से आऊंगा। इसलिये आप हमारी विनती को, हमारी अर्जी को मानें और सही बुनि- बाद पर मानें।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is why, Mr. Rajnarain, we want to relieve you as early as possible. That is the point.

† श्री ए० एम० तारिक : मेरी भी एक अर्ज सुन लीजिए। अगर आप का मकसद यह है कि बिल को आज ही खत्म होना है तब तो लन्च का कोई सवाल पैदा नहीं होता और हम लन्च के हक में नहीं हैं लेकिन अगर बिल को कल पर जाना है तो मेरी आप से दरस्वास्त है कि पांच बजे के बाद हम को न बिठाया जाए क्यों कि पांच बजे के बाद हम को बड़ी तकलीफ होती है। (Interruptions) मैं यह अर्ज कर रहा हूं कि रोज रोज यह बात होती है और यह आखिरी हफ्ता इस लिए हम लोग वक्त पर जाना चाहते हैं और तैयारी करना चाहते हैं। अगर यह मकसद है कि आज ही बिल को खत्म करना है तो हम आप के साथ हैं और अगर किसी वजह से ऐसा नहीं है क्यों कि अभी 17 स्पीकर बाकी हैं तो एक घंटे का लन्च हो जाए।

SHRI P. N. SAPRU: May I say, Mr. Vice-Chairman, that the Bill is of farreaching importance and it should not be hurried through? I appreciate the position of the Government but they must appreciate our position also. We have a duty to perform to our conscience and we have a duty to perform to the country,—and country is greater than party—and I would say that, if necessary, we should sit tomorrow, but break for lunch now. You are yourself feeling a little old and please have mercy, therefore, with your class. Let us have a break for half an hour or so, so that we may be able to have our lunch.

SHRI B. K. P. SINHA: I do not know what the private arrangement was between the Home Minister and Mr. Rajnarain. This extension by a day, as you have rightly pointed out, has upset the programme of many Members. Personally speaking I would not mind having a compromise and the compromise would be we finish in any case this Bill tomorrow at the latest but I am not prepared to go on sitting here till Friday as suggested by the hon. Member. Let them consider our inconvenience also. Therefore either we finish

t[ ] Hindi transliteration.

[Shri B. K. P. Sinha] it today or at the latest tomorrow, but let us not go beyond tomorrow in any case.

SHRI M. P. BHARGAVA (Uttar Pradesh): May I request the House to sit through the lunch hour, Let us debate till 5 o'clock and whatever progress we make till 5 o'clock it is there. So why should we waste time in rising for lunch and thus lose one hour? Let us sit through the lunch hour and at 5 o'clock we can adjourn.

SHRI ABID ALI: We don't adjourn; we will consider at five o'clock what to do

SHRI NIREN GHOSH: Some break we require and may I tell the Vice-Chairman that there was no such arrangement at all with the Leader of the House that we will sit through the lunch hour? Why do you then suddenly announce this?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have heard all. As I explained to you, the more time we have, the greater the number of speakers. And especially when we are hearing such a learned and interesting speech from Shri Rajnarain a break for lunch will not be right; the continuity will be affected. Still, I am in the hands of the House. Shall we continue through the lunch hour?

SEVERAL HON. MEMBERS: Yes.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Then we will continue. We will have the pleasure of hearing Shri Rajnarain.

SHRI NIREN GHOSH: How is it the pleasure of the House? You take a vote then.

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

SHRI NIREN GHOSH: Then why do you proceed in this manner?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): If necessary after 5.00 we will not sit if it is the intention of the House. That we will decide then but let us continue now.

SHRI NIREN GHOSH: How?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I request you to co-operate with me.

SHRI NIREN GHOSH: I wou implore you not to cut out the lun< hour.

भी राजनारायण: एसा लगता है कि आज लंच होगा यह सोच कर ये लोग आज बिना खाना खाए चले आए हैं, इसलिए एडजनं कर दीजिए।

SHRI ABID ALI: I want to remind you that last week Mr. Niren Ghosh very vehemently asserted here when adjourning for the evening dinner. He assured us openly here and it was on that basis that we had half an hour break for dinner on that day. At that time he said. 'Let us meet early next week.' And he assured us on behalf of the Opposition that it will be seen that on Tuesday—the record is there—this will be completed. He should be honest to his promise.

SHRI NIREN GHOSH: You look through the proceedings again.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I do not want to go into all these arguments. I would appeal to you to help and co-operate with me.

SHRI NIREN GHOSH: Let us have lunch, that is my appeal to you.

SHRI B. D. KHOBARAGADE : Let us adjourn for 45 minutes.

सरदार रघबोर सिह पजहनारी(पजाब): वाइस चेयरमेन साहब, बात यह है कि पिछली दफा यह फैसला हुआ था कि आज इस बिल को खत्म करना है। माननीय दोस्त, जो अपोजीशन के हैं, ये जनता के गम में इतना घुले जा रहे हैं कि इनको लंच की जरूरत नहीं है। ये फरमाते हैं कि फाईडे तक इसको चलाना चाहिए। कितना रुपया इस पर खर्च होगा इस बिल के लिए यह माननीय सदस्यों को मालुम होना चाहिये। अगर ये चाहते हैं कि इस रुपए को किसी तरह बचाया जाय और जनता के ऊपर ज्यादा बोझा न पड़े तो हमें इसमें कोई एतराज नहीं, दो बजे तक लंच कर दें, लेकिन इस बिल को आज रात तक बैठ कर, सारी रात सैशन चले, पास कर देना चाहिये। (Interruptions.) टी॰ ए॰

डो॰ ए॰ का सवाल हो तो अलग बात है, वरना इस बिल को आज शाम तक पास कर देना चाहिये।

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIA-MENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL) My submission is that last week when we decided to have a Tuesday sitting it was "agreed by all of us that we will finish this Bill today and for no other reason but for this basic reason. For instance, we are being unfair to those friends of ours who have to go and attend their All India conferences. The Jana Sangh friends are away. They are attending their conference. Mr. Bhupesh Gupta is not here; he is away attending a conference. Mr. Mulka Govinda Reddy is not here— PSP friends. Some others also have gone. When they went we had given them almost an implicit assurance that this sitting is only for Tuesday and after that we wiU finish the session. Therefore my submission to you is that it will be very unfair to the friends who are absent that in their absence we try to prolong the session. Secondly you will kindly recall that last week when we discussed other things and when we took up the West Bengal situation it was on the explicit understanding that we would take it up that day and then finish this Bill. Therefore I suggest that it is neither fair to those who are absent nor fair to those who are sitting here because most of us have our own commitments, political and therewise, and we have to go. Therefore let us slightly stretch our physical resources today and finish this Bill today. That is my submission.

SHRI P. K. KUMARAN: Let us be very fair to ourselves; let us adjourn the House *sine die* now.

श्री राजनारायण : गुजराल साहव बोलगए।

उपसभाष्यक्ष (भी अकबर अली खान) : अब आप अपनी तकरीर फरमाइए।

श्री राजनारायण : इस बारे में मेरे बोलने की कोई जरूरत नहीं है। में केवल इतना कहना चाहता हूं कि मुजराल साहब सारी जिम्मेदारी अपने ऊपर ले रहे हैं। मेरी आदत गलतबयानी करने की नहीं है, हम मर जाना पसन्द करेंगे, झूठ बोलना पसन्द नहीं करेंगे। चव्हाण साहब को बुलाया जाय, चव्हाण साहब ने कहा था (Interruption) गुजराल साहब बार-बार कह रहे हैं कि उनको किसी ने अंडरस्टेंडिंग दी कि हम ट्यूजडे को खत्म कर देंगे, हम कहते हैं कि यह अंडरस्टेंडिंग किसी ने नहीं दी।

SHRI ABID ALI: The three-hour discussion on West Bengal was permitted on the understanding that this Bill will be taken up and finished today.

श्री राजनारायण : अगर गुजराल साहब यह समझते हैं कि उनकी जानकारी सही है तो मैं आपके जरिए उनसे फिर अपील करूंगा कि चव्हाण साहब से पुछ-वाया जाये ।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I quite appreciate what you say but I do not see any contradiction between what you say and what Mr. Gujral has said. Any how let us try and see if we can finish. If we cannot then we will see. Now please continue and finish your speech.

श्री राजनारायण: देखिए, जिस बदमजगी को बचाने के लिए ये दिन बढ़े उसको फिर पैदा करने की कृपा कुछ लोग न करें। इतने लोगों के बोलने पर बंधन लगा कर जल्दी में किसी तरह इस विधेयक को पास करवाना अच्छा नहीं है। जज सप्रू का सजेशन बड़ा अच्छा था। जज सप्रू रहते हैं तो हम बोलें।

श्री प्रकाश नारायन सप्रः मैं खाना खाने जारहाहं।

श्री राजनारायण: तो आप हमारे भाषण को सुनने के बाद खाइएगा।

श्री प्रकाश नारायन सम् : मैं आपके भाषण को सुनना चाहता था।

श्री राजनारायण : मैं आपसे यह अर्ज कर रहा था कि आखिरी वान्य मेरा यही Unlawful Activities

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था कि लेफ्ट कम्युनिस्ट कांग्रेस से कम ही गहार साबित होंगे मुल्क के लिए। इसलिये हमने लेफ्ट कम्युनिस्ट और दूसरे अन्य विरोधी दलों के साथ मिल कर के कांग्रेस को हटाने का उपचार किया। हम चाहते हैं कि यह रिकार्ड में रहे।

श्रीमन, आखिर देखा जाय कि इस विधेयक को लाने की जरूरत क्यों ! इसका मकसद तो यही है कि हमारी प्रभुसत्ता खंडित न हो, इसका मतलब तो यही है कि हमारा कोई ट्कडा हमसे अलग न हो लेकिन क्या इसका यह मतलब है कि कांग्रेस जो चाहे बांट दे और हम उसके बारे में कुछ बोल भी न पायें, अगर यह मतलब है तो यह विधेयक जरूरी है लेकिन अगर यह मतलब है कि मुल्क की हिफाजत हो, मुल्क की सीमाओं की हिफाजत होतो इस विधेयक की कोई जरूरत नहीं है, बिना इस विघेयक के अपने मुल्क की हिफा-जत हमारी मुल्क की शानदार जनता कर सकती है, कर रही है, अगर इस गवर्नमेंट के दिमाग की जनता होती, अगर इस गवनं मेंट की तरह नालायक हमारी सेना होती तो हमारा मुल्क कब का कब चला गया होता लेकिन अगर यह बचा है तो मल्क की जनता की ताकत से . . .

श्री आबिद अली: कब कहां चला गया होता ।

भी राजनारायण : जहन्म को चला गया होता ।

श्रीमन, मैं आपके जरिये घर मंत्री से जानना चाहता हं कि अनलाफल एक्टी-विटीज को रोकने के लिये यह विघेयक आ रहा है तो क्या हमारे पास कानून नहीं है। अनलाफुल एक्टीविटी को रोकने के लिये अंग्रेजों ने इतने कानन बना रखे थे जिस पर यह सरकार टिकी हुई है। क्या सी० आर० पी० सी० नहीं है? कितने बड़े बड़े कानून उसमें है जिसके मताबिक पूरी

की पूरी एकावट आती है। लेकिन चोर-बाजार, ब्लैकमार्केटीयर्स इस देश में फले हैं, फले हैं कांग्रेस के राज्य में या नहीं इसकी पूरी हिस्ट्री की जानकारी सदन को है या नहीं। क्या हमारे कानुनों में ब्लैकमार्केटीयर्स को पकड़ने की गंजाइश है, ताकत है, शक्ति है या नहीं ? लेकिन अगर इरादा है तो ताकत है और इरादा नहीं तो नहीं हैं। श्रीमन, हमारे एक बड़े नजदीकी हैं, मैं एक मिनट में उनका किस्सा सुनाता हं, उनके घर में जितने जवान थे उन सब के पास राइफल का लाइसेंस था, सीबे ग्रैंड ट्ंक रोड पर उनका एकदम आलीशान बना हुआ मकान है, रात को वहां डाकु गये और वह ट्कड़े ट्कड़े कर के उनका दरवाजा चीर रहे थे और जितने भाई थे वे सब बन्दुक ले कर छत पर पहुंच गये लेकिन बन्दूक छोड़ने की हिम्मत किसी को नहीं हुई, सब जाग रहे थे लेकिन सब के जागते हुये भी डाक उनका माल असबाब ले कर चले गये। बाद में, मुझे याद है कि वहां के पुलिस सूपरिटेंडेंट कैंप्टन स्लोन थे। तो **स्लोन** ने कहा कि हमने तुमको बन्दूक क्यों दी, तुमने बंदुक क्यों नहीं दागी, तुम्हारे सारे लाइसेंस कैन्सल। तो अगर सही तरीके से इस देश की जनता, संसद के सदस्य सोचें, काम करें, तो वह आज इस सरकार को कहें, उसकी भत्सैना करें, निन्दा करें कि तुमको इतने अधिकार दे रखा है, तुमको इस इस तरह के खराफाती कानून दे रखें हैं, इतने अधिकार लेरखा है अपने पास लिकन मुल्क की हिफाजत के लिये उनका सही इस्तेमाल कभी नहीं किया। केवल कानुन बनाने से हिफाजत होती है। इन कानुनों का इस्तेमाल कब हो, कैसे हो, इस पर सारी चीजें मुनहसिर करती हैं। कानून बना कर के खाली जनता से जपनी निजी दुश्मनी साधने के लिये लोगों को जेल के सीखचों के अन्दर बन्द कर देना यह मुल्क की हिफाजत नहीं है। मुल्क की ष्टिफाजत के लिये दिल दूसरा होता है

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दिमाग दूसरा होता है, उसका कार-नामा दूसरा होता है। क्या अपने कारनामों में एक बार भी सरकार इधर चल रही है, यह मैं आपके जरिये सरकार से पूछना चाहता हं। हमारे मित्र श्री शक्ला जी इस ओर, हमारी ओर, पीठ कर के चले जा रहे हैं। मैं उनको बताना चाहता हं कि जरावह 'कंफ्यशियस' को पढें। चीन का दार्शनिक कंपयुशियस था। एक मर्तबा वह जेल का वजीर बन गया, श्रीमन । वह जेल में गया अपने कैदियों को देखने तो जब जेल में जा कर कैदियों को देखता है तो देखता है कि सब अपढ हैं, चीयड़ों में लिपटे हुये गरीब मजलूम हैं तो उसने आ कर के सूपरिन्टेंडेंट से कहा कि देखो उनको जेल में रखने की कोई जरूरत नहीं है, उनके लिये चाहिये कपड़ा, उनके लिये चाहिये खाना, इनको चाहिये तालीम, यह इनमें मुघार लायेगा, जेल में बन्द कर के इनकी जिन्दगी सुधारी नहीं जा सकती और उसने सब को एक कलम से रिहा कर दिया, यह आर्डर कंफ्युशियस ने लिखा। इसलिये मैं कहना चाहता हं कि हे घर मंत्री महोदय, मुल्क की सीना की हिफाजत यह काला विधेयक नहीं कर सकता, मल्क की सीमा की हिफाजत करेगी देश की जनता, जनता को खाना दो, उसका पेट भरो. कपड़ा दो. मकान दो. तालीम दो, तब जा कर हमारे मुल्क की हिफाजत होगी वर्ना इस तरह के विवेयक आते रहेंगे जाते रहेंगे और मल्क अपनी दुर्दशा की राह पर चलता चला जायेगा।

श्रीमन्, मैं अभी इलाहाबाद से आ रहा हं। यह पूरा का पूरा पुलिन्दा हमारे पास है । अनलाफुल एक्टीविटी को क्या इस तरह चक करेंगे। हमारे मित्र, राज्य सभा के एक सम्मानित सदस्य जो इलाहाबाद से आते हैं, क्या नाम है उनका, वह जो ईसाई हैं. जो माइनारिटी कम्युनिटी के हैं, वहां बैठते हैं, श्री गिलबर्ट, तो गिलबर्ट साहब हमारे

साथ आये। यह तमाम फोटो जरा देख लिया जाय। सारे फोटो को देखा जाय। इस सदन के कांग्रेस के सदस्य हैं श्री एम० आर० शेरवानी, तो श्री एम० आर० शेरवानी 23 तारीख को ढाई सौ आदिमियों को अपने हाथ में पिस्टल ले कर सीड करते हुये जाते हैं और जिस यूनियन से हमारा ताल्लक है, अरोड़ा साहब का ताल्ल्क है उसके इफ्तर के तमाम दरवाओं को ढाई बजे तोड़ देते हैं, दरवाजा तोड़ डालते हैं, तमाम शीशे तोड़ डालते हैं, तमाम चाय की प्यालियां तोड डालते हैं। कल मैं वहां जांच करने गया तो देखता हं कि तमाम उजडा हुआ दपतर पड़ा हुआ है। क्यों? इसलिये कि श्री एम० आर० शेरवानी कांग्रेस के नेता है, राज्य सभा के सदस्य हैं, पैसे बाले हैं, गरीबों के खुन का शोषण कर के उन्होंने अपनी तिजोरियों को बढाया, उनकी इतनी हिम्मत? अनला-फल एक्टीविटी को रोकने की बात करते हैं! कांग्रेस की सरकार का जिस दिन केन्द्र में पतन होगा उस दिन यह रुकेगी वर्ना यह कांग्रेस के लोग आज देश के अन्दर वायलेंस को, हिंसा को बढ़ा रहे हैं। श्रीमन्, इसलिये आज हम एक चेतावनी देना चाहते हैं। गांघी जी के उस वाक्य को मत भूलो, उसको हमेशा के लिये अपने रास्ते को ठीक करने के लिये याद करो कि तलवार के बल पर टिकी हुई अंग्रेजी हुकुमत को बदलना जरूरी है और अगर देश चाहता है तलवार उठाना तो उसे हमारा आशी-र्वाद प्राप्त है। कल हमने इलाहाबाद में पत्रकारों से कहा कि आज कांग्रेस हिसा का वातावरण पदा कर रही है, हमको डर है कि कांग्रेस जो खुद जनता की छाती पर तलवार के बल पर टिकना चाहती है कहीं जनता इस सरकार को उलटने के लिये तलवार न उठाये। क्या हो रहा है पश्चिमी बंगाल में ?

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भी शीलमद्र याजी: आप घमकी दे रहे हैं।

श्री राजनारायण: चुप रहो। हम तो अरेस्ट होने के लिये हर समय तैयार हैं, हमारा कदम हर समय जेल में रहता है, क्या ऐसी ऐसी चपरगट्ट की बातें करते हो 1

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तो मेरा कहना है, श्रीमन्, आज इस सदन से, मैं चाहता हं कि सदन की दीवारों से, यहां के रेशे रेशे से, कण कण से, यह हवा निकले, यह आवाज निकले और लोगों के कानों में यह आवाज फैला दे कि सरकार जनतंत्र का गला घोंट कर, जनतंत्र को दफना कर, संविधान की हत्या कर के, जो सरकार, आज चाहती है देश की जनता पर लदना उसको हटाने के लिये जनता जो भी कर डाले ठीक है, 'ड आर डाई' गांघी जी ने अंग्रेजों को हटाने के लिये एक संदेश दिया था, 'डु आर डाई' तो आज देश की भूखी जनता, आज देश की वह जनता जिसका ट्टा हुआ है मन उसके मन को जोड़ने के लिये मैं कहना चाहता हं कि अपने मन को न तोड़ो, जरूरत हो तो इस सरकार को तोड डालो। साथ साथ. हमारा रास्ता जनतंत्री है, हमारा रास्ता जम्हरियत का है, डेमोकेटिक है, हम नहीं चाहते कि मुल्क में हिंसा का वातावरण हो, हम नहीं चाहते कि इस मुल्क की जनता इसके लिये मजबर की जाय तलवार उठाने के लिये, इसलिए मैं चेतावनी देना चाहता हं कि सरकार को समय रहते समझ ला दी जाय। श्रीमन, इलाहाबाद के जनेश्वर मिश्र यवा जन सभा, आल इंडिया समाज-वाद, के जनरल सेकेटरी हैं, वकालत पास हैं, बड़े शानदार और जिदादिल नवयुवक हैं, न मालुम कितनी बार इसी दिल्ली में पुलिस के डंडे खा चके हैं। दिल्ली जेल से निकलता है और खबर आती है हमारे पास कि गिरफ्तार करके दूसरी जगह भेज दिया जाता है। रिक्शा पर वह जा रहा है, कहीं से खबर आती है, इंदिरा जी आने वाली हैं, पूलिस पकड़ लेती है। 2 वज कर 5 मिनट पर जेल ले गये हैं, 2 बजे तक दरोगा जेल में बैठा हुआ है, उसने कहा वह शराब पिये था, यह शराब पीकर झगडा कर रहा था जनेश्वर मिश्र जैसा नेता। मुझे खुशी है, तीन बार जेल के डाक्टर ने जाकर उनकी परीक्षा की और अंत में सुपरिन्टेंडेंड पुलिस फोन करता है कि उनके ऊपर जो इल्जाम लगाया गया है वह गलत है। अब हमारे ऊपर पुलिस शराब पीने का आरोप लगाए और इस तरह से गिरफ्तार कर ले, जो सरकार मशीन-गन से गोली से हमको भन दे, अगर इस सरकार को हटाने के लिये जो कुछ भी करना हो ...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : This is for unlawful activity.

श्री राजनारायण: यह तो अन्लाफल एक्टिबटी सरकार की है। इस अनुलाफल एक्टिविटी को कर्ब करने के लिये कन्ट्रोल करने के लिए मैं चाहता हूं कि कोई विधेयक यहां पर प्रस्तत हो। इस विधेयक से अनुलाफल एक्टिविटी नहीं रुकेगी क्योंकि यह सरकार खद अनुलाफुल है।

श्रीमन्, गांधी जी का नाम लिया जाता है। गांघी जी ने क्या कहा था, कानून का डर खत्म करो, जनतंत्र कानन के जंगल में नहीं फंसे। गांधी जी ने कहा है कि अगर मल्क की तरक्की करनी है तो सब फाइलों को जला डालो। क्या यह कानुन का पोथा, अंग्रेजी राज जितने कानन के पोथों में देश की जनता की जम्हरी ताकत की बांघे हुए था, उससे ज्यादा कानुनी पोथों में जनता के राज को आज बांघ रहा है। फिर भी अपने को जनतंत्रीय कहते हुए उनको शर्म नहीं आती, जनतंत्र का नाम और शांति और अहिंसा का नाम लेते लेते। श्रीमन, जनतंत्र क्या है ? जनता का हक्म। तो जनता कौन है-विद्याचरण शुक्ल, जनता कौन है---यशवन्तराव चव्हाण, जनता कौन है-श्रीमती इन्दिरा गांधी ? क्या ये आज कानून की निगाह में भी जनता के

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प्रतिनिधि कहे जा सकते हैं। यह जनता खुद व खुद इस समय नहीं हैं। आज जनता इनुडाइरेक्टली, टेढे तरीके से, अपने प्रतिनिधियों द्वारा शासित हो रही है। अगर हम अपनी परम्परा को छोड़ दें तो "गवनेमेंट आफ द पीपल, गवनेमेंट बाई द गवर्नमेंट फौर द पीपूल' यानी जनता की, जनता के दवारा और जनता के लिये जो सरकार होनी चाहिये, तो जनता के जरिये चुनाव हो जाने के बाद भी अगर सरकार जनता के लिये न हो, केवल विद्याचरण और श्रीमती इन्दिरा नेहरू गांधी ही रह जाय, तो क्या श्रीमन, आप इस देश की सरकार को जम्हरियत की सरकार कहेंगे। मैं समझता हं कि आप जैसा बढ़िया इन्सान कभी नहीं कहेगा। फिर भी यह कहते हैं कि हम जनतंत्रीय हैं । हरगिज नहीं हैं । यह सरकार जम्हरियत की हिफाजत नहीं कर सकती क्योंकि इस सरकार के पास जम्हरियत का अ, ब,स नहीं है।

وائس چيرمين (شري اکبر علي خان ) : راج نوائن جي ايک گهلته لے لیا ہے آپ نے -

†[उपसमाध्यक्ष(थी अकबर अली खान): राजनारायणजी एक घंटा ले लिया है आपने ।

श्री राजनारायण : आज जहां जम्हरियत और संविधान की वात कही जाती है वहां एक बात फन्डामेन्टल कहना चाहता हं जम्हरियत के बारे में। जो अक्सरियत हो वह माइनारिटी को अक्सरियत बदलने के लिये कोई रोकटोक न करे. उसको न तो उन तमाम सहलियतों से भरे जिससे अल्पमत-माइनारिटी अपने को अक्सरियत-बहुमत में बदल सके...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Through discussion, persuasion.

t[ ] Hindi transliteration.

श्री राजनारायण : आप तो अमेन्डमेन्ट पर बोलने तक का मौका नहीं देते। यह जम्हरियत है क्या ? जम्हरियत के कलेजे पर छरी भोंकने वाले आज जम्हरियत का नाम ले रहे हो। अच्छा, ठीक है हम जल्दी कर रहे हैं। मैं एक सवाल आपके जरिये पूछना चाहता हूं। यह इंग्लैंड क्या है ? इंग्लैन्ड में पालियामेन्टरी सिस्टम है. इंग्लैन्ड में डमोक्सी है। क्या कोई एक नजीर है कि इंग्लैंन्ड की कम्य्निस्ट पार्टी कभी गैर-काननी करार दी गई है ? बोलो ।

SHRI SHEEL BHADRA YAJEE: He has started with his argument that the Communist Party has been mentioned. But where in this Bill is it provided like

श्री राजनारायण : इसलिये इस विधेयक के समर्थन में श्री डाह याभाई पटेल बोले और श्री डाह्याभाई ने कम्युनिस्टों का जिक्र किया और उन्होंने यह कहा कि यह विधेयक इस इस तरीके से आना जरूरी है। इसलिये में कहना चाहता हूं कि कम्युनिस्टों का हौवा खडा करके इस काल विधेयक को मत लादो, इसको वापस ले लो।

श्रीमन्, नजीर है कि अमरीका ने इल्लीगल तो करार नहीं दिया मगर कभी कुछ एक्टिविटीज को कर्टेल करने की गुंजायश रखी । मगर सुप्रीम कोर्ट आफ् अमेरिका ने उसको गैर-कानुनी कर।र दिया । लडाई के जमाने में भी कोई महिकल से डिटेन्शन में लाया जा सकता है। फिर भी हमको यह सबक दे रहे हैं जम्हरियत का, जनतंत्र का। जनतंत्र जीवन की एक प्रणाली है, जीवन का एक तरीका है, जनतंत्र एक आदत है, जनतंत्र एक दर्शन है क्योंकि जनतंत्र जनतंत्र मुंह से शब्द उच्चारण करने से नहीं आता, उसका एक माडल है, उसका एक तरीका है, जिसको शायद इस जन्म में शीलभद्र समझेगा नहीं, पुनर्जन्म में वह यकीन नहीं करता।

# श्री राजनारायणी

श्रीमन्, जहां तक राष्ट्र की मजबती का प्रश्न है, मैं बताना चाहता हूं कि राष्ट्र की मजबूती जनता है। अगर जनता कमजोर है शीलभद्र जी, और केवल कानन की तिकडम से सरकार ने ताकत अपने हाथ में ले ली तो वह रसातल में जा कर रहेगा। विदेशी हमले से उस मुल्क की हिफाजत कभी नहीं हुई है जिस मल्क की जनता कमजोर रही है। इसलिये सबसे पहले इस मुलक की हिफाजत करनी है तो जनता को सबल करो, जनता को मजबत करो; चंद चपरगट्ट अःफिसरों को, चंद इन्डियन सिविल सर्विस वालों को या एडमिनिस्टेटिव सर्विस वालों को लकर चाहो कि देश की सुरक्षा संभव है तो असंभव है। इसलिये मैं चाहता हं कि देश की जनता को मजबूत करने के लिये देश की जनता की गरीबी और बेक रीपन को दूर किया जाय, उनके पिछडेपन को दूर किया जाय और पिछड़ेपन को दूर करने के लिये क्या तरीका है? मल्क की आजादी अमरीका के हाथ में गिरवी रसना, अपनी खेती को विल्कूल बर्बाद करना, उद्योग धंधे चीपट कर देना, क्या यह देश की सुरक्षा है ? हरिंगज नहीं। श्रीमन्, यहां 7 नवम्बर 1966 को दिल्ली में ही क्या पुलिस विद्रोह नहीं हुआ ? सारा कानुन यहां पर था, यह सही है। ज्यादा ताकत और मिलिटरी के बल पर यहां के पुलिस विद्रोह को दबा दिया गया। अगर पुलिस के अंदर विद्रोह की भावना मुलगी है तो वह अग्नि और प्रज्वलित होगी, अगर उनका हक नहीं दिया जाएगा या उनके साथ कायदे का सलक नहीं किया जायेगा, हमें डर है कि एक न एक दिन विस्फोट हो जायगा। इसलिए ताकत से अरमानों को दबाकर, जजबातों को दबाकर और कुचलकर, अगर तान शाही मनोविन से काम करोगे तो जम्हरियत नहीं चलेगी।

इसलिए में अदब के साथ आपके

जरिए हुकूमत से अर्ज करूंगा कि हुकूमत अपने देश की जनता की जकरत को पूरा करे:

"Freedom is the recognition of necessity, from the realm of necessity to-the realm of freedom."

फी किस को कहते हैं? जो इन्सान अपनी जरूरत को पूरा करे तब उसके बारे में समझा जाना चाहिये कि वह फी और आजाद है। जो इन्सान अपनी मजबूरियों में जकड़ा रहता हो, दूसरी बातों में फंसा रहता हो, उसकी आजाद नहीं कहा जा सकता है। वही आजाद कहा जा सकता है जो आजादी के साथ अपने दिमाग से काम करता है।

وانس چير مين (شرى اکبر على خان ): اب آپ ختم کيجگ قريب ايک گينڌ، هوتا ه

†[उपसमाध्यक्ष (श्री अकबर अली खान)ः अव आप खत्म कीजिए, करीब एक घंटा होता है।]

श्री शीलभद्र याजी: बिल पर तो बोल नहीं रहे हैं, इधर-उधर की बात कड़ रहे हैं।

श्री राजनारायण: आप हमको रोकिये मत क्योंकि इससे हमारा प्वाइन्ट छूट जाता है।

رائس: جير مين ( شرى اکبر على خان ) : يه تو فرصت ريد ينگ هـ – 

| বিদ্যালয় কি কাৰ্য কলী ছান |

†[जनसमाध्यक्ष (श्री अकबर अली खान): यह तो फर्स्ट रीडिंग है।]

श्री राजनारायण : अब मैं काश्मीर के बारे में आ रहा हूं। यह सरकार कहती है कि हम काश्मीर की हिफाजत करेंगे। लेकिन मैं कहना चाहता हूं कि यह सरकार काश्मीर की हिफाजत नहीं कर सकती है। क्यों नहीं कर सकती है? मैं इस बात को आपके सामने बतलाना चाहता हूं। मैं

<sup>† 1</sup> Hindi transliteration.

इस बात को इस सदन में पहले भी कह चुका हूं और आपकी जानकारी के लिए फिर दोहराना चाहता हं। एक बार जिन्ना साहब काश्मीर गये थे। जिल्ला साहब को सुनने के लिए 59 हजार जनता आई हुई थी और जब जिल्ला साहब ने गांधी जी के बारे में कुछ अपशब्द लफ्ज कहे तो उसने जिल्ला साहब को सुनने से इन्कार कर दिया। जिल्ला साहब को वहां से भागना पड़ा और अपनी जान बचानी पड़ी। नौबत यहां तक आ गई थी कि पुलिस को जिल्ला साहब को घेरे में ले जाकर काश्मीर की सीमा के वाहर पहुंचाना पड़ा। उसी काश्मीर की जनता ने सन् 1953 में, 1958 में, 1965 में सरकार का साथ दिया और हर तरह की कुरवानी की। लिकन अब ज्यों ज्यों दिन बीतते जा रहे हैं त्यों त्यों वहां की जनता इस सरकार से नाराज होती चली जा रही है। वहां की जनता भारत सरकार के रवैये से बहुत रंज है और भारत की प्रभुसत्ताको खतरा पदाहो गया है। क्यों ? चाहे शीलभद्र याजी हमें डन्डे के जोर से जेल में ठूंस दें लेकिन वे हमारे जजबात को नहीं रोक सकते हैं और न स्यालातों पर किसी तरह की पावन्दी लगा सकते हैं। इसलिए मैं कहना चाहता हं कि गालिब का एक शेर है जो इस प्रकार है:

"जमाना आयेगा जब आप को समझेंगे सब गालिब,

अभी तो आप खुद कहते हैं, खुद तनहा समझते हैं।"

तो मैं कहना चाहता हूं कि हमारे सामने वासे दोस्त क्या समझेंगे क्योंकि उन्होंने तवारीख पढ़ी नहीं है। अगर उन्होंने तवारीख पढ़ी होती तो शायद इस तरह के भव्द न निकाले होते। इसलिए मैं सरकारी पक्ष से पूछना चाहता हूं और वह जवाब दे कि जो काश्मीर की जनता हमारे साथ थी, जिसने इमारे सब मुवमेंट्स में साथ

दिया, जो अंग्रेजी राज्य को खत्म करने पर तुली हुई थी, आज ज्यों ज्यों दिन बीतते जा रहे हैं त्यों त्यों वह हमसे क्यों दूर होती जा रही है। कारण क्या है? विना कारण वह दूर नहीं हो रही है। पहला कारण यह है कि बस्शी साहब के जमाने में जितना गल्ला वहां पर सस्ता था उससे डेढ गना सस्ता गल्ला आजकम की सरकार के मातहत विक रहा है और उसी हिसाब से वहां की जनता को भी रुपया दिया जा रहा है, लेकिन फिर भी काक्मीर आप से दूर होता जा रहा है। क्यों ? यह इसलिए कि सरकार ने कोई जम्हरी रास्ता अस्तियार नहीं किया है और सरकार ने वहां के लोगों के दिल को छने की कोशिश नहीं की है। सरकार ने वहां पर कुछ गल्ला और रुपया पैसा जनता में बांट दिया है, तो क्या इस तरह से वहां की जनता का दिल खरीदा जा सकता है। यह बात नामुमिकन है। जापने शेख अब्दल्ला को गिरफ्तार कर रखा है और जैसे ही वह छुटते हैं उनका हीरो की तरह स्वागत किया जायेगा। इसलिए मैं कहना चाहता हं कि इस तरह का जो विघेयक लाया गया है उससे समस्या का हल होने वाला नहीं है। हमने एक बार नहीं हुजारों बार कहा कि श्रीमती इन्दिरा गांधी जी को यहां पर ब्लाइये। मैं पुरानी बातों को फिर से दोहराना नहीं चाहता हं।

(Interruptions.)

श्री शीलभद्र याजी: कव तक बोलते रहोगे इस तरह से ?

श्री राजनारायण : मैं माननीय सदस्यों से साग्रहपूर्वक निवेदन करना चाहता हं कि वे गम्भीरता से इस विवेयक पर विचार इस विधेयक को भावकता में और जजबात के साथ पास नहीं करना चाहिये क्योंकि चौहान साहब इस विधेयक को लाये हैं। हमको इस बात पर अच्छी

श्री राजनारायण] तरह से सोचना चाहिये कि इस विधेयक से देश का क्या लाभ होने जा रहा है। इस-लिए मैं सब सम्मानित सदस्यों से कहना चाहता हं कि वे इस वारे में सोचें, सोचें। आपके पश्चिमी बंगाल के गवर्नर ने वहां के मुख्य मंत्री श्री अजय मुखर्जी को वरखास्त कर दिया और घोष सरकार को बिठला दिया। तो मैं पूछना चाहता हं कि यह क्या हो रहा है। श्रीमन, मैं यह पूछना चाहता हं कि इस तरह की जो बात हो रही है वह क्या हो रही है। हमारे प्रधान मंत्री को हैलीकाप्टर से पश्चिमी बंगाल में उतरना पड़ा, तो इस सरकार को इस बारे में शर्म नहीं आती है, लज्जा नहीं आती है। इस सरकार को तो इस्तीफा

दे देना चाहिये।

श्री शीलभद्र याजी : टांय टांय मत करिये । श्री राजनारायण : आखिर हमारे शीलभद्र जी चाहते क्या हैं। अब मैं बगैर जवाब दिये ही अपना भाषण जारी रखंगा। मैं इस सरकार से पूछना चाहता हं कि ताशकंद घोषणा का क्या हुआ। चीनियों ने, बाराहोटी में जो हमारा मनसर गांव पर कब्जा कर लिया उसका क्या हुआ। हमारे उत्तरी पूर्वी आंचल में सरकार का द्राग्रह क्या कहता है। हम अपने उत्तरी पूर्वी भाग को उर्वशीयम् कहते हैं जबकि श्री शीलभद्र याजी उसको नेफा कहते हैं। चीन भी कहता है कि जब भारतीय और हिंदस्तानी नाम इस प्रदेश का नहीं है, तो इस समय जब अंग्रेजों ने इस प्रदेश को हम से छीन लिया था तथा अपने कड़जे में कर लिया था, हम इस-लिये इस प्रदेश को अपने कब्जे में करना चाहते हैं। अगर हम उसका नाम उर्वशीयम रखते हें तब ही हम अपनी मातुभूमि की सुरक्षा कर सकते हैं। नेफा नाम रखकर हम इस प्रदेश की सुरक्षा नहीं कर सकते हैं। इसलिए जो भूमिका है, उसको में आपकी खिदमत में पेषा करना चाहता हं।

अब मैं इस विधेयक के एक एक हिस्से के बारे में आता हूं।

श्री एम॰ एम॰ धारिया (महाराष्ट्र) : क्या कोई टाइम लिमिट नहीं है ?

श्री राजनारायण : टाइम लिमिट नहीं है। हम अक्ल के अनुसार टाइम लिमिट कर लेंगे। हम अपनी बात कोई रिपीट नहीं कर रहे हैं और वेयर हमारे साथ कोई पक्षपात नहीं कर रहा है क्योंकि हम प्वाइंट पर बोल रहे हैं।

SHRI M. P. BHARGAVA : Vice-Chairman, may I tell Mr. Rajnarain that there is a time-limit? Eight hours have been allotted by the Business Advisory Committee. Out of the eight hours, tour hours are for the Opposition. Out of those four hours, his party cannot get more than one hour.

श्री राजनारायण : एडवाजरी कमेटी ने जो फैसला किया था वह सब हवा में उड गया है क्योंकि यह आज जो कार्यवाही हो रही है वह नये इंतजाम के मुताबिक हो रही है। इस बिल के लिए जो समय था वह आज के लिए नहीं था।

VICE-CHAIRMAN AKBAR ALI KHAN) : I think the decision of the Business Advisory Committee allotting time to this Bill is ten hours and accordingly we will proceed. Now, Mr. Rajnarain, as you have already spoken for more than an hour, I request you to finish within ten minutes.

SHRI NIREN GHOSH: No, no. He needs two hours more.

श्री राजनारायण : मैं आप से यह अर्ज करना चाहता हं कि जो संसदीय प्रथा के अजानकार हैं, इन लोगों से हमारा पिड छड़ा दीजिये।

(Interruptions.)

श्री एम० एम० धारिया : आपकी रूलिंग चलती है हाउस को चलाने के लिए। मगर मैं पूछना चाहता हूं कि श्री राजनारायण जी के लिए भी कोई नियम है?

श्री राजनारायण : अधिकार आपका ही चलेगा ।

(Interruptions.)

श्री एम० एम० घारियाः में चेयर से पूछ रहा हूं।

(Interruptions.)

श्री राजनारायण : आप की चेयर से यह पूछना कि आपका अधिकार चलेगा या नहीं चलेगा, यह कंटेम्प्ट आफ चेयर है।

(Interruptions.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He is wanting to finish. No interruption, please. Mr. Rajnarain it is now ten minutes to two and I would request you to finish before 2 o'clock. 1 would appeal to the other Members not to interrupt.

श्री राजनारायण : श्रीमन्, आप लोगों को रोकिये . . .

SHRI NIREN GHOSH: You chuck him out and then you chuck us, and then one by one get us chucked out through your Marshal.

श्री राजनारायण : श्रीमन, मैं आपसे यह अर्ज कर रहा था कि आखिर जब यह हमारा अ। ईन बना तो इस आईन के बनाने वालों के दिमाग में कोई नक्शा रहा होगा कि मुल्क के अन्दर जम्हरियत कैसे चले, मुल्क के नागरिकों के क्याहक हों। उस नक्शे को सामने रखते हये इस संविधान के बनाने वालों ने इस संविधान को बनाया और कोई आज मुझ से यहां पर कहे कि जब यह संविधान 1950 में बना उस वक्त से ज्यादा देशभक्त लोग आज पैदाहो गये हैं जो नये नये मंत्रिमंडल के अन्दर 🖔 यह हम मानने के लिये तैयार नहीं हैं। इस निये मैं आपसे अर्ज करूंगा कि जो राइट आप फीडम हमारे संविधान के आर्टिकिल 19 में है उसको सदन के सम्मानित सदस्य ध्यान से पढ़ें । हमारे सिन्हा साहब ने इसके चौथे क्लाज की ओर हमारा ध्यान खींचा है और यह बताया है कि 1963 में यह अमेंडमेंट हुआ। 1963 में अमेंडमेंट क्यों हुआ। क्योंकि 1962 में 20 अक्तूबर

को चीन का हमला हुआ था, फिर 15, 16 नवम्बर की रात में हुआ था और 1965 की पहली सितम्बर को हुआ था। अब यह तो नहीं है कि 1965 में रीजनेबिल रेस्टिक्शन का चौथा क्लाज नहीं था। मगर पाकिस्तान की फौज छम्ब जीरियां में आ गई, पैटन टैकों को लेकर के आ गई और उसने हमला बोल दिया। दिन तक सरकार सोई रही, उसके कान पर जंनहीं रेंगी। जब अखनुर जाने को हुआ और पूरा रास्ता का मीर का साफ होने को हुआ तब यह हुआ कि पलटन भेजो, नहीं तो ऐसे भी गये और वैसे भी गये। दोनों तरह से सरकार ने देखा कि हमारा जीना मश्किल हो जायगा, आखिर पलटन भेज कर के ही देख लो, शायद रह जाय। अगर अखन्र कट जाता तो यह सरकार रहती नहीं।

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इस मौके पर बोलते हुये मैं यह बताना चाहता हं कि यह सरकार कितनी जालिम है, कितनी बदतमीज है। श्रीमन्, वह हमारा एक शेर, जिस का नाम अब्दूल हमीद था, उसने तीन पैटन टैंकों को तोड़ा है और चौथे को तोड़ते समय वह शहीद हुआ है। वह गाजीपुर से आता है। घामपूर उसके गांव का नाम है। एक ही दर्जी का बेटा था। 72 साल उसके बाप की उम्र है और उसके परिवार में सात जाठ आदमी हैं। मैं वहां गया, तमाम गांव सभा जटी और सभापति के सभापतित्व में सभा हुई । हमारी सलाह से उस गांव का नाम रख दिया गया हमीद धाम । धाम कहते हैं पित्र जगह को, तीर्थ की जगह को । तो उस गांव के नाम "धामपूर" से "धाम" ले लिया और "अब्दल हमीद" से ले लिया"हमीद"। क्या हिन्दू और मुसल-मानों की संस्कृति का समावेश हुआ "हमीद घाम" में । बाकायदा उसके पोस्टर छापे गये, नोटिस बंट गई। मगर संदल गवर्नमेंट में इंदिरा गांधी जी का दरवाजा खटका और उसका नाम हो गया हमीदपर।

## श्री राजनारायण

Unlawful Activities

राज्य सरकार का उत्तर हमारे पास आया है कि केंद्रीय सरकार के हस्तक्षेप से उसका ता व्यादि धाम न हो कर के हमीदपूर रखा जा रहा है। में इसको प्रोटेस्ट करता हं और कहना चाहता हं कि सरकार इस बिल की अनलाफल ऐक्टिविटी पर अनलाफल ऐक्शन बे रही है क्योंकि वहां की जनता, वहां की गांव सभा,वहां के लोग उस गांव का नाम रखे हैं हमीद धाम. जो इतना अच्छा नाम और खोज कर के निकाला गया है, मगर चंकि उसमें सोशलिस्ट पार्टी का नाम आया है, डा॰ लोहिया का नाम आया है, इसलिये उसका नाम हमीद धाम नहीं रहा, उस गांव का नाम हमीदपुर रहा ।

एक माननीय सदस्य : इसमें अनलाफल क्या हआ ?

श्री राजनारायण : अनलाफुल है क्योंकि जब इन्दिरा जी वहां जायंगी तो लोग उनको काले झंडे दिखायेंगे और कहेंगे कि उसका नाम हमीद वाम है, हमीदपुर नहीं है। फिर नक्शे फाड़े जायेंगे क्योंकि गांव भर में हमीद धाम लिखा हुआ है। इस तरह अनलाफल कार्रवाई सरकार खुद कर रही

अब मैं आपसे अर्ज करूंगा कि 3 तारीख को वाराणसी में क्या होगा जब श्रीमती इन्दिरा गांधी बहां जायेगी । वहां पर विद्यार्थी कहते हैं कि इन्दिरा जी न आयें, वहां पर प्रोफेसर कहते हैं कि इन्दिरा जी न आयें, बह्वां पर सब लोग कहते हैं कि इन्दिराजी न आयें। लेकिन इन्दिरा जो कहती हैं कि हम जरूर आयेंगी। तो फिर वहां क्या होगा। बहां पर कानन ट्टेगा कि नहीं। वहां पर काला झंडा दिखाया जायगा कि नहीं। लोग यह कहेंगे कि नहीं कि इन्दिरा रानी यहां मे भागो। फिर गोली चलेगी कि नहीं।

अब इस विधेयक में तीन बड़ी बड़ी अ-संगतियां हैं। एक असंगति यह है कि यह कहता है कि हम असोसिएशन को प्रतिबन्धित करेंगे. लेकिन यह सरकार को प्रतिबन्धित

नहीं करेगा । इसी के साथ साथ गवर्नमेंट को जो रीजन बताने होंगे कि किसी संस्था को हम गैरकानुनी करार कर रहे हैं तो उसके रीजन न्या हैं, उसके लिये इस बिल में पूरा हुक ले लिया है गवर्नमेंट ने कि गवर्नमेंट अगर चाहे तो कोई भी वजह न बताये और बिल्कुल गैर-कानुनी डिक्लेयर करदे। क्या यह जम्हरियत का हक है। इससे वड़ा हक किसी तानाशाह ने कभी लिया है। आज हिटलर भी परेशान होता होगा, मसोलनी भी परेशान होता होगा, चर्चिल भी हंसता होगा कि भारत की कांग्रेस सरकार जो जनता की आजादी को महफ्ज करने के लिये बनाई गई है, वह क्या कर रही है। हमारे ही रास्ते पर चल रही है। हिटलर कहता होगा कि वाह री इन्दिर। गांधी, तुम हमारे रास्ते को अख्तियार कर रही हो। मसोलनी कहता होगा कि तम हमारा रास्ता आस्तियार कर रही हो । स्टैलिन भी हंसता होगा, यह भी मैं कह दूं। तो मैं च।हंगा कि क्लाज 3(2), जो कि गवर्नमेंट को रीजन विदहेल्ड करने की पावर दे रहा है. इसको निकालने के बाद ही इस विधेयक को कबल किया जाय और इसके रहते हये इस विघेयक को हरिंगज नहीं कब्ल किया जाय।

इसके साथ ही यह जो दिब्यनल बनाने की बात है, एक जज का ही ट्रिब्युनल क्यों बने। सप्रीम कोर्ट के बड़े बड़े जजेज हैं, उनमें से ले कर के कम से कम तीन आदिमियों का टिब्यनल बनता क्यों कि सरकार एक आदमी के होने पर उसको प्रभावित कर सकती है। तो इस विधेयक में बड़ी बड़ी खामियां है और उन खामियों के होते हुये हम इस विधेयक को मानने के लिये हरगिज हरगिज नहीं तैयार हैं। यह विधेयक संविधान के सिद्धान्तो को अपने अन्दर ठीक तरीके से समावेश नहीं कर रहा है। इस लिये श्रीमन, में आपके जरिये सदन के सम्मानित सदस्यों से यह अर्ज कहंगा कि वे इस विधेयक को हर्गिज हर्गिज पास न करें। इस विधेयक को कानन की शक्ल में न आने दें और पूरी शक्ति के साथ इस विधेयक को वापस करने के लिये

इस सरकार को मजबर करें तब जाकर के सही माने में जनतंत्र बच सकता है। आज अनावश्यक ढंग से कम्यनिस्टों और दूसरे लोगों के बारे में बहुत सी बातें कही जाती हैं। हमने तेलंगाना भी देखा, हमने काश्मीर स्वतंत्र हो, यह नारा भी देखा, हमने दक्षिण उत्तर अलग हो, यह नारा भी देखा, सब नारे अपने आप खत्म हो गये क्योंकि जनता सजग है। इसलिये राजकीय एकता के नाम पर, राष्ट्रीय प्रभसत्ता के नाम पर, सीमा के नाम पर यह काला विधेयक स्वतः एक घट्या है।

**Uulawjul Activities** 

इस काले विघेयक के आने से हमारे देश की जनता में जो क्षोभ पैदा होगा उससे आगाह करने के लिए हम चाहते हैं कि सदन से सम्मानित सदस्य अपनी पार्टी की परिवि से ऊपर उठ कर, पार्टी के डिक्टेशन, पार्टी के आदेशों, उनके व्हिप्स को तोड़ कर हमारा साथ दें ताकि यह काला विषेयक हमारे यहां काननों की लड़ी में न रह पाए और हमारा देश कलंकित न हो। गांधी का मुल्क आजादी के 20 बरस बाद भी ऐसा काला विवेयक नाए जो जम्हूरियत को बिल्कुल करल कर देता है, संविधान की हत्या कर देता है, नागरिक अधिकारों को छीन लेता है, संस्थाओं के बनाने और बिगाड़ने का जो हमको अधिकार है उसको अपने हाथ में ले लेता है यह बहुत ही दुख की बात है। ऐसे काले विघेयक को पास न करें, यही, आपके जरिए, सदन के सम्मानित सदस्यों में मेरा आग्रह, विनती और आरज् है।

श्री शीलभद्र याजी : माननीय वाइस चेयरमेन साहब, मैं इस विषयक का तहे दिल से स्वागत करता हं और समर्थन करता

श्री राजनारायण : श्रीमन, कैसे मालुम तहेदिल से ? दिल कहां है ?

उपसभाष्यक्ष (श्री अकबर अली खान): यह अपने से पहले पुछिए ।

श्री राजनारायण : हम तो जानते हैं। उनके दिल है तो हमें दिखाएं।

श्री शीलमद्र याजी : श्रीमन्, जो इस विधेयक की मुखालिफत करते हैं मैं समझता हं कि वे देशभक्त नहीं हैं। इस बिल में यह लिखा हुआ है कि जो देश के किसी भाग को भारत से पृथक करना चाहते है, उन्हीं पर यह विघेयक लागु होगा ।

SHRI BALACHANDRA MENON: What business has he to say that we are not patriots and all that?

श्री शीलनद्र याजी : चोर की दाढ़ी में तिनका । मैंने कम्युनिस्ट पोर्टी का नाम नहीं लिया, लेकिन चोर की दाढ़ी में तिनका।

SHRI BALACHANDRA MENON: Our party is much better than yours. Don't say that. How can he say that we are unpatriotic?

(Interruption)

श्री शीलभद्र याजी: में आपका नाम नहीं लेता, लेकिन जरूरत पड़ेगी तो लंगा। यह तो राजनारायण का, डाहचाभाई का किएशन है।

श्री राजनारायण: क्या है ?

श्री शीलमद्र याजी : डाहचाभाई और राजनारायण का इस विघेयक से कोई मतलब नहीं। रामायण, महाभारत की स्टोरी में एक घन्टा ले लिया । कम्युनिस्ट पार्टी, 1942 की लड़ाई, मानसरोवर क्या क्या बोल गए। मैं तो इस विघेयक पर बोलना चाहता हं। हमारे एक सदस्य ने कहा . . .

श्री गोडे मुराहरि (उत्तर प्रदेश) : आप कभी विषय पर बोले हैं ?

श्री शीलभद्र याजी : मैं हमेशा विषय पर बोलता हूं। मैं आज आपको देशभक्त बनाऊंगा, आप देशमन्ति के मार्ग से पथभण्ट हो रहे हैं। (Interruptions.) जब मैं देखता हं कि एक देशभक्त इस विषेयक का विरोध करता है तो मझे शक मालूम पड़ता है कि हिन्दुस्तान में कैसे-कैसे लोग हो रहे हैं, क्या वाहते हैं। अभी एक सदस्य वे कहा कि एटानीं जनरल ने कहा कि यह विषेयक

# [श्री शीलभद्र याजी]

अनकांस्टीट्यूशनल है, असंवैधानिक है। ज्वाइन्ट सेलेक्ट कमेटी की मीटिंग में दफ्तरी साहब ने जो जल्फाज कहे वे आप सुन ले। एक सदस्य शंकरानन्द जी हैं, उन्होंने कहा—

"You say the Bill is perfectly Constitutional . . .

दक्तरी साहब फरमाते हैं---

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"Not 'perfectly' Constitutional, I say it is Constitutional."

तो सदस्य महोदय ने जो यह कहा कि एटार्नी जनरल ने कह दिया कि अवैधानिक है सो यह गलत बात है।

राजनारायण जी ने यह जिक किया कि
अभी देश में बहुत से कानून बने हैं जिनके
मातहत लोगों को दबाया जा सकता है,
लेकिन वे कहीं बताएं कि किसी कानून में कोई
ऐसी बारा है जिसके मुताबिक हिन्दुस्तान
के एक भाग को एकदम खुदमुख्तार बनाना,
उसको अलग कर देना, उसके लिए प्रचार
करना इन बातों के लिए कार्यवाही की जा
सके। जो मौजूदा कानून हैं उनमें कहीं व्यवस्था
नहीं है। डाह्याभाई जी ने कम्युनिस्ट पार्टी
का नाम लिया। किसी पार्टी को दबाने
के लिए यह विघेयक नहीं लाया गया है।
जो कानूनी पार्टियां हैं उन पर किसी तरह का
प्रतिबन्ध लगाने की बात नहीं है।

आज मुल्क की हालत क्या है। ये लोग क्यूमंड्क हैं। क्यमंड्क आप समझते होंगें कुएं में जो मेंडक रहता है उसको पता नहीं होता कि दुनिया कितनी बड़ी है। आप नागलैंड चले जाइए, वहां का दृश्य देखिए, क्या हो रहा है। उनका आर्गेनाइजेशन है, सेना बनी हुई है, परेड करती है और हमारी आर्मी चुपचाप देखती है। मिजो में चले जाइए। आज सम्चे ईस्टर्न जोन में यही हाल है। मिजपुर में चले जाइए, उखकल सबडिवीजन में चले जाइए, तामेल लैंग सबडिवीजन में चले जाइए, माओ सबडिवीजन में चले जाइए, माओ सबडिवीजन में चले जाइए, माओ सबडिवीजन

संस्थाएं बनी हुई हैं, आर्मी बनी हुई है जो हमारी सेना को तंग करती है। हमारी गवर्नमेंट आफ इंडिया ने अपने देश में सीज-फायर कर रखा है। राजनारायण कहते हैं कि यह सरकार डिक्टेटर हो गई है, मैं कहता हूं कि हमारी सरकार की वीक-नीड पालिसी है। इतनी वीक-नीड पालिसी वाली सरकार, इतनी कमजोर सरकार दुनिया में कहीं नहीं है, जहां देश के एक हिस्से को अलग करने की कोई बात करे, उसे संस्था बनाने तथा सेना बनाने का अधिकार है।

श्री राजनारायण : जो सीमा की सुरज्ञा न कर सके।

श्री शीलभद्र याजी : उसको भी इजाजत है, उसके ऊपर भी सरकार कोई एकान नहीं लेती । मरहूम मर गए, उनका नाम मास्टर तारासिंह है ।

श्री नेकीराम : राजनारायण जी जवाब नहीं सुन रहे, बाहर जा रहे हैं।

श्री शीलभद्र याजी : हिम्मत नहीं है । (Interruption.) आपको देशभक्त बना-ऊंगा । मरहूम मर गए मास्टर तारा सिंह, लेकिन इसी देश में उन्होंने कहा कि यदि सिलिस्तान सरकार नहीं देती— 'We shall have it with the help of Pakistan' अभी चुनाव लड़ने के लिए द्रविड मुन्नेत्र कड़गम ने कहा कि तमिलनाड को देश से अलग नहीं करेंगे, मगर राजाजी, जिन्होंने 14 हजार आदिमियों को जेल भिजवाया था हिन्दी पढ़ने के सिलिसले में आज वह कहते हैं—

'If Hindi is thrust upon South India Tamilnad will recede.'

Jfig- f aft ^r amr- ^? ^ f ^ ^

अमरीका का डाथ था, बिटेन का हाथ था, मिशनरीज का हाथ था और वदकिस्मती यह है कि जिनसे हमारी दश्यनी है-पाकिस्तान से-वह भी उनको मिलिटरी ट्रेनिंग देता है। खासकर ईस्टर्न जोन में, मणिपुर में, नागालैंड में, असम के भभाग में ऐसी परिस्थिति पैदा हो गई है कि खलेशाम संस्था बना कर बगावत ही नहीं कर रहे हैं, सेना बना रहे हैं, उसकी मिलिटरी ट्रेनिंग हो रही है, ग्रिल्ला बैंड्स वन रहे हैं, बिजों को उड़ा रहे हैं, लेकिन हमारी सरकार के पास कोई इलाज नहीं है कि मौजूदा कान्न में कोई कार्यवाही करके उनको इल्लीगल, गैरकान्नी घोषित कर दे। इस तरह की परिस्थिति आज हिन्द्स्तान में है और इसलिए इस विधेयक की बहत पहले से आवश्यकता थी, यह बहत लेट आ रहा है। अभी हमारे साथी राजनारायण जी ने कहा कि इस सरकार ने यह करा दिया, वह करा दिया, देश का विभाजन करा दिया, प्रानी बात कही । मैं नेताजी का एक साथी होने के नाते कह सकता है कि देश का विभाजन खराव हुआ, हम लोगों ने भी इसकी मुखालिफत की, लेकिन राजनारायण जी को यह कहना शोभा नहीं देता। जब कांग्रेस के अन्दर फारवर्ड ब्लाक और सोशलिस्ट पार्टी के लोग थे तो उनकी पार्टी जनखा बन गई, न्युट्ल, न औरत न मर्द । देश का विभाजन हो रहा था। पंडित जी ने भी कहा कि मुखालिफत करो, लेकिन डा० लोहिया रहे तटस्थ । तो मैं कहता हं कि उनको दोषारोपण करने का अधिकार नहीं है। सिर्फ हम जो आल इंडिया कांग्रेस कमेटी में 34 लोग थे, फारवर्ड ब्लाक के लोग थे, हम लोगों ने देश के डिबीजन का विरोध किया और जिस दिन देश आजाद हुआ तो हम लोगों ने शोक दिवस मनाया । जो आदमी देश के विभाजन के समय जनसे वने, राजना ।यण जी से मैं कहना चाहता हं, जिन्होंने इस जघन्य कर्म को किया, क्योंकि जो मीन रहता है, तदस्थ रहता है, 'मीन सम्मति लक्षणम्' जो मौन रहते हैं उनकी भी सम्मति होती है, तो वह भी गुनहगार 4-7 R.S./68

Unlawful Activities

है। जो देश का विभाजन हुआ वह अच्छा नहीं हुआ लेकिन देश के विभाजन के बाद जितना देश बचा रह गया है उसको तो रखना है। किसी पार्टी का इसमें जिक नहीं है। यदि इस तरह के तत्त्व, इस तरह के एलिमेंट हैं जो कि हिन्दुस्तान के हिस्से को अलग करना चाहते हैं, उसको दूर बाहर ले जाना चाहते हैं, वह अगर इस तरह की बात करें तो उन पर कार्यवाही होगी । इसमें यह तो नहीं है कि सरकार को हटा दो, यह कर दो, वह कर दो, यह न कह सकें। हर एक पोलिटिकल पार्टी को यह अधिकार है। विधेयक में साफ साफ लिखा हुआ है कि जो इस तरह की हरकत करेगा कि देश के भाग को हिन्द्स्तान से बाहर ले जाना चाहेगा, उसकी बात करेगा, उसको प्यक् करने की, उसको हटाने की बात करेगा, उस पर इस विधेयक का कानून लागू होगा । यह कोई पोलिटिकल पार्टी पर नहीं, किसी पर नहीं है। थी डाह्माभाई का एक भाषण हो गया और जाते जाते राजनारायण जी भी उसी विशा में चले गये।

(Prevention) Bill, 1967

श्री राजनारायण : क्यों, क्या हुआ।

श्री शीलमद्र याजी: यहां किसी ,पार्टी का नाम नहीं लिया है, कोई हो, राइट हो, लेपट हो, जन संघ हो या कोई हो, किसी पार्टी का इसमें जिक्र नहीं है।

भी राजनारायण : एक कहावत है, 'खांसी आवे भिनसहरा मुंह धोवे शाम को।' अक्ल बहत देर में आती है।

श्री शीलनद्र याजी : आप तो यहां से चले गये थे, मैंने तो वाइस चेयरमैन साहब से कहा कि मौजदा जितने कानन है, किमनल लॉ हैं, एमेंण्डमेन्ट ऐक्ट हैं जितने अमेडमेंट हये हैं, किसी में यह व्यवस्था नहीं है कि जो इस देश के एक भाग को, एक इंच या दो इंच के हिस्से को भी, हिन्दस्तान के बाहर ले जाने की बात कहे, उसके लिये जो कोशिश की जाय, उस पर एक्शन लिया

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[श्री गीलभद्र याजी]
जा सके। कोई इस तरह की अभी व्यवस्था
नहीं है। दफ्तरी साहब ने जो कहा उसको
पढ़िये, सारा प्रोसीडिंग में मौजूद है, उन्होंने
कहा कि डिफेस आफ इंडिया रूल्स में भी
नहीं है, आप कोई एक्शन ले नहीं सकते
हैं। मैं राजनारायण जी से कहता हूं कि
आज हम आपको देशभक्त बनायेंगे। मैं
आपको देशभक्त समझता था लेकिन मैं
अब देशभक्ती से आपका नाम काट रहा हं।

## श्री राजनारायण: क्या कहा?

श्री जीतनद्र याजो : मैं ऐसा समझता हं कि यदि आप विरोध करते हैं तो आपका नाम देशभिकत से काट दंगा, आपको भी देशद्रोही के नाम में लिखंगा। अपने देश की आजादी की मुखालिफत करना चाहते हैं, देश के ट्कड़े कराना चाहते हैं। मैं समझता था कि स्वतंत्र पार्टी रिएक्शनरी तो है, दकिया-न्सी तो है लेकिन देशभक्त जरूर है, जन संघ को भी मैं समझता था कि यह रिए-वशनरी है, कम्युनल है, साम्प्रदायिक है लेकिन देशभवत है, लेकिन यह बेलगाम की एस० एस० पी० कसे यह हो गई पता ही नहीं चलता कि लेफ्ट कम्यनिस्ट के साथ मिल कर इस तरह की बात करें। उनको तो कम से कम इस चीज में गवर्न मेंट को सपोर्ट करना चाहिये था। हो सकता है कि एस० एस०पी० की हकमत केन्द्र में हो जाय। तो राज-नारायण जी से मैं कहना चाहता हं कि मैं ने तो यह जिक्क किया, आप चले गये थे, इस देश में ऐसी संस्थाएं हैं, नागालैंड में हैं, मनीपुर में हैं, मिजो में हैं, संस्थाएं ही नहीं बना कर रखी हैं बल्कि सेनाएं बना कर रखी हैं, सेना के इतने लोग परेड करते हैं और हमारे लोग देखते हैं। हमने तो अपनी सरकार की भी शिकायत की। हम सरकार की शिकायत कर रहे थे कि ऐसे तत्त्व हैं जो भाषा के नाम पर धमकी देते हैं कि देश के ट्रकड़ कर देंगे, इस हाउस में हमने वडी बडी स्पीचें सुनी हैं मकीब

देने की कि यह कर देंगे, वह कर देंगे, देश डिसरप्ट हो जायगा, यह हो जायगा, वह हो जायगा। तो अगर राजनारायण जी भी ऐसा बोलेगे तो उन पर भी लागू होगा और कोई और बहन जी ऐसा बोलेंगी तो उन पर भी लागू होगा, मिजोज पर भी होगा, होस्टाइल नाग,ज पर भी होगा, और लोगों पर भी होगा। इसलिये मैं कहता हूं कि जब ऐसा करना नहीं है तो डरने की जरूरत नहीं है, मुखालिफत क्यों कर रहे हैं। इसी-लिये मैं कह रहा था कि चोर की दाढ़ी में तिनका।

श्री राजनारायण : अनावश्यक विल है।

श्री शीलभद्र याजी : राजनारायण जी भी क्या वह क्कर्म करने जारहे हैं। क्यों डर रहे हैं ? डाह्याभाई क्यों डर रहे हैं ? और कोई भाई या बहन क्यों डर रहे हैं। इसकी कोई गंजाइश नहीं है कि राजनीतिए पार्टी पर यह प्रतिबन्ध लगाया जायगा या किसी और पर लगाया जायगा लेकिन जो देश की एकता को भंग करेगा, देश के किसी भूभाग को लेकर ब्रिटेन के इशारे पर या चीन के इशारे पर अलग करना चाहेगा उस पर लगेगा। राजनारायण जी, सनने की कोशिश करें। आप देशभक्त नहीं हैं अगर विरोध करते हैं। मैं भी सरकार को कहता हं कि इस सरकार की कमजोर नीति है। मैं सरकार का अन्धभक्त नहीं हूं, मैं इसकी कमजोरी को कहता हूं लेकिन मेरी समझ में आपका दिमाग जो है वह खराब हो गया है, जब आप ऐसे बिल की मखालिफत कर रहे हैं। तो में ऐसा समझता हं कोई देशभक्त हिन्द्स्तान का ऐसा नहीं करेगा। पार्टी को भूलिये । आपकी पार्टी पर कुछ कार्यवाही नहीं होने वाली है लेकिन अगर स्वतंत्र हिन्द्स्तान की कोई ऐसी पार्टी है जो कि इस तरह का काम करे, वह पार्टी मेरे ख्याल में है तो उस पर कभी यह लाग् हो सकता है, अगर वह ऐसा नहीं करेंगे तो नहीं होगा। इसलिये ऐसे जो तत्व हिन्द- स्तान में मौजद हैं उनके लिये यह है। हमारी सरकार से शिकायत है कि इस विधेयक को पहले नहीं लाये. देरी क्यों हुई. . .

श्रीमती सरला भदौरिया(उत्तर प्रदेश): इस विधेयक को लाने पर क्या यह कांग्रेस मेम्बर पर लाग होगा जो कि इस तरह की बात करते हैं. . .

श्री शीलमद्र याजी: आप सुनिये। उसी पर लागू होगा जो कि इस तरह की बात करेंगे, कांग्रेस पर कैसे लागु होगा, कांग्रेस तो कभी ऐसा कुछ कहा नहीं कि बिहार के उस भूभाग को नेपाल में मिला कर हिन्दू-स्तान से अलग करना चाहिये, अगर ऐसा कहेंगे तो कांग्रेस के प्रतिनिधि पर भी लाग होगा, शीलभद्र याजी परभी लाग होगा, वह भी इसकी दफा के अन्दर जेल जायगे. आप अगर ऐसा प्रचार करेंगी तो आप को भी जाना पडेगा, सब को जाना पडेगा। जरा सूनने की कोशिश कीजिये।

श्री राजनारायण: इनका समय हो गया।

श्री शोलनद्र याजी : श्रीमन, आपने उनको एक घंटे से ज्यादा समय दिया मुझे भी इतना दीजिये, मझे इनको ठीक तरह से देशभन्त बनाना है, आजादी की लडाई में साथ रहे हैं, उनकी बृद्धि भ्रष्ट हो गई है, बृद्धि विश्वम हो गया है, इसलिये अपने साथी को देशभक्ति के रास्ते पर, समाज-वाद के रास्ते पर ला कर रखना चाहता हं। हमारा काम सद्पदेश देना है, वह माने न मानें, अगर देशभिवत का नाम लेंगे तो मानगे नहीं तो नहीं मानेंगे।

मैं यह कह रहा था कि आज देश में कई भागों में उस तरह की संस्थायें हैं।

श्री राजनारायण : श्रीमन, आप नको बैठाइये, हम जज साहब को सुनें।

श्री शीलभद्र याजी: आप क्या चेयर पर है। आपको दुख बहुत हो रहा है, जो सत्य होता है

वह कड्आ होता है, अप्रिय होता है, सत्य का घंट कडवा लग रहा है इसलिये कभी चले जाते हैं, कभी आ जाते हैं, सुनते नहीं हैं और अब कहते हैं कि इनको बैठा दीजिये। मैंने कभी कहा कि इनको बैठा दीजिये, में ने कभी इनको बैठने को नहीं कहा, लेकिन हमारा बोलना इनको कड्वा लग रहा है, कोई आर्ग्मेंट नहीं हुआ ो रंज हो कर कल इलाहाबाद में भाषण दे दिया कि जनता सशस्त्र कान्ति करेगी और यहां भी भाषण दे दिया। भाषण दो कि इस सरकार को बदलो, यह इनका काम है, यह करो लेकिन जो इस देश की एक इंच जमीन को अलग करने के लिये कहे चाहे वह राजनारायण जी हों, डाह्या-भाई पटेल हों. याजी हों, यह बहन जी हों, या कामरेड चटर्जी हों, या कामरेड नीरेन घोष हों, यहा भंडारी जी हों, कोई हो, कोई पोलिटिकल पार्टी या सियासी पार्टी हो या इंडिविजअल व्यक्ति हो जो कि राजा जी की तरह या मास्टर तारासिंह की तरह बोलता हो, जैसा कि मास्टर तारासिंह बोलते थे, ऐसे आदमियों को इस कानून के अन्तर्गत, इसके सेक्शन में लाकर के सजा देनी चाहिये, जल भेजना चाहिये। में तो कहंगा कि सजा कम है, इन लोगों को पागलखाने में बन्द कर देना चाहिये, इसके बाद इनके ऊपर केस चलाये। जो देश की एकता को तोड़ना चाहे उनकी तो जेल में आराम रहता है, उनको तो पागल-खाने में ले जाना चाहिये, कोई पागल ही देश की एकता को तोडना चाहता है। इसलिये मेरी सरकार से शिकायत है. राजनारायण जी से शिकायत नहीं है, वह तो पथ फ्राप्ट हो गये हैं इसलिये उन्होंने इसका विरोध किया है और जो श्री डाह्या-भाई पटेल हैं वह तो एकदम पथान्नण्ट हैं, मैं तो समझताथा कि सिर्फ उन लोगों का रिएक्शन री प्रोग्राम है लेकिन अब हम इस बात को चैलेंज करते हैं क्योंकि कोई भारतीय सही मानों में जो देण की एकता को खंडित

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allocated to your party you have only thirty minutes.

SHRI A. P. CHATTERJEE (West Bengal): I will try to keep myself within bounds.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Also you should have Mr. Niren Ghosh in your mind.

SHRI A. P. CHATTERJEE: If I overstep the bounds a little, then naturally I hope you will not mind it.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI): You are a lawyer and you must be able to speak to the point.

SHRI A. P. CHATTERJEE: Mr. Vice-Chairman, Sir, I am rather surprised at the harangue—if I may say so with respect to Mr. Sheel Bhadra Yajee—the harangue on the question of patriotism and nationalism and all that. Now, Mr. Vice-Chairman, Sir, I want to make it clear that I am not going to go with a ticket of patriotism purchased or bought or got on grace from Mr. Yajee. (Interruptions.) As far as my patriotism is concerned, well that is not of a brand which he will dictate. (Interruptions). It is a brand, well, of which he does not know anything, and he talks about the words patriotism and nationalism in his ranting fashion, if I may say so, well, without knowing perhaps the meaning and sense of it. So, if he had confined himself merely to the question of the legislation, then perhaps he would have been less amusing than he was when he began to talk about patriotism. -Well, he took it upon himself to teach things of which, if I am a little aware of his, well, abilities, etc., of which he has very little. Now, apart from what Mr. Yajee has said, well, I think that should not bother us and that should not stop us at all on the way. Actually, he tried to be a little funny, if I may say so. So, leaving fun and humour to him let this House treat this legislation with a little amount of seriousness.

Now really where are we going by means of such legislations? Mr. Yajee and other Members of the Congress Benches have talked about Nagas, Mizos, hostiles and all that, but may I ask here on the floor of this very House we once discussed the question of the infiltration of the CIA agents into the military, into the civil service, even into

[श्री शीलभद्र याजी]

करना चाहते हैं, एक खंडित आजादी को लाना चाहते हैं, इसका विरोध करते हैं, वह पैटियाट नहीं है, देशभक्त नहीं है, नेशन-लिस्ट नहीं है और उसका समर्थन नहीं किया जाना चाहिये। इस विधेयक का मत-किसी एक पार्टी पर कुठाराघात करना नहीं है, इसका मतलब यह है कि उस तत्व पर निगरानी रखे जो हिन्द्रस्तान के विरुद्ध लाजिश कर रहे हैं चाहे वह अमरीका के, चाहे ब्रिटेन के या और कहीं के एजन्ट हों। अभी भी हिन्दुस्तान में एक अलग क्रिश्चियन स्टेट बनाने की बात हो रही है, समचा नागालैन्ड, मनीपूर, असम आदि जो इलाके हैं इनको अलग करके। उसमें अमरीका का रूपया वर्बाद हो रहा है, ब्रिटेन का रुपया बर्बाद हो रहा है और उसमें मिशनरी लोग शामिल हैं। बदिकस्मती से पाकिस्तान और चंकि चीन से हमारी दोस्ती नहीं है तो चीन भी उनके साथ है और उन तत्वों को गरिल्ला ट्रेनिंग दे रहा है। यह एक बड़ी खतरे की घंटी है। ये जो लोग टांय-टांय करते हैं इनको करने दें, अब इस सरकार को नेतना चाहिये और हमारी थर्मिपग मेजारिटी की सरकार है और हमारी सरकार को चाहिये कि कम से यह अच्छा काम करे जो इस तरह का विधेयक बनाकर वह लाई है। कम्यु-निस्ट पार्टी को और एस० एस० पी० को चाहिये कि इसको समर्थन देकर सरकार के हाथ मजबत करें और ऐसे तत्व जो देश की एकता को खंडित करना चाहते हैं, डिसरप्ट करना चाहते हैं उनको पकड़ पकड़ कर लम्बी सजा देनी चाहिये। मैं तो सरकार से फिर कहुंगा कि इसमें एक कदम और आगे बढ़ना चाहिये ौर ऐसे ऐसे लोगों को पागलखाने में भेजना चाहिये।

इन णब्दों के साथ मैं अपना भाषण समाप्त करता हं। जय हिंद।

**THE** VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Chatterjee may speak now. According to the time

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the Ministry. That was on the basis of some disclosures by one John Smitlu That was a discussion we had on the floor of this House. Now what was the attitude of the Home Ministry to the demand for a probe, to the demand for an enquiry that we made, all sections of the House made? Now the Ministry was very unhelpful, very un-cooperative and the Home Ministry was not willing to start an enquiry though, well, to take the cue from the Congress Members, they were talking about the Naga hos-tiles, though the Smith disclosures exactly referred to the millions of dollars that are flowing into India, especially among the Naga hostiles. I do not know whether John Smith was right or wrong. We said he may be wrong, he may have said incorrect things. But when such an important disclosure was made by a person, who was admitted to be a CIA person even by the Americans, why was not any probe or enquiry made?

Unlawful Activities

Mr. Vice-Chairman, therefore, as 1 say, this Bill is a mala fide Bill. This Bill does not want to stop really unlawful activities, the unlawful activities of the foreign agents, the unlawful activities of the foreign spies. If the Government was at any time serious about them, then the Government would have woken up when the question of the foreign spies and foreign agents was again and again raised.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): This has already been replied to, Mr. Chatterjee. This was fully discussed and it has been replied to.

SHR1 A. P. CHATTERJEE: Mr. Vice-Chairman, let me go on in my own way. I am saying that this Bill is a mala fide Bill. This Bill is supposed to be a Bill in order to stop unlawful activities, but Mr. Vice-Chairman . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Regarding the integrity . . .

SHRI A. P. CHATTERJEE: Now one of the unlawful activities according to the definition is this, something said or done to bring about the cession of a part of the territory of India or the secession of a part of the territory of India. This is one of the unlawful activities defined in this clause. Now what I am saying is absolutely relevant, if I may say so with respect to you, Vice-Chairman.

Now the CIA agent's disclosures are this that American dollars are flowing into certain areas in order that those areas may secede from India. That was a disclosure made by John Smith, a self-confessed spy-no doubt about it. But still he was a spy; he is admitted to be a spy and he made certain disclosures. Now the Government, the Central Government, this Government, that is bringing this Bill, instead of making any probe into such allegations, is sitting tight over it, sitting tight over the allegations even though the allegations are so serious as that the spying agents have infiltrated into the military.

SHRI SHEEL BHADRA YAJEE: It should help the Government in all these things if armed with these powers.

SHRI A. P. CHATTERJEE: As I said, the spying agents have infiltrated into the military, have infiltrated into the different border areas, have infiltrated into the civil service. Mr. Yajee says that this Bill will help—I do not know. I had given some credit to Mr. Yajee's intelligence and brain, but I am getting a little doubtful about it.

SHRI SHEEL BHADRA YAJEE: You will have always doubt.

SHRI A. P. CHATTERJEE: I never knew that the spies in the military or the spies in the civil service or the spies in the Ministry would speak out that they want the secession of any part from the territory of India. Spies are spies because they are secret. Spies are spies because they act secretly. As the Bill goes, "by words, either spoken or written, or by signs or by visible representation", the spies do not say so to Mr. Yajee. They will not come forward to Mr. Yajee and say, "Well, Mr. Yajee, I am speaking; I want a part of India to go away from another part of India." Spies are spies, because they work secretly, and there is the military, mind you. Are you making the military an unlawful association also according to this Bill? Because, according to the disclosures by John Smith, top notches in the military are also in the pay of the CIA. Now this Bill certainly does not mean that the military will be an unlawful association.

The point is this, Mr. Vice-Chairman, Sir, that the Government is not serious. The Government is not at all serious in bringing to book or in disclosing the real traitors of the country, persons who

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[Shri A. P. Chatterjee.] are committing treason in the services, in the military, in the different administrative departments and administrative sections of the country. Without doing that the Government is bringing this Bill and yet we are to say according to Mr. Yajee . . .

SHRI SHEEL BHADRA YAJEE: On a point of information. Does he suggest that Mr. Smith was a spy or is he not going to accept that also?

SHRI A. P. CHATTERJEE: I do not know what Mr. Yajee says. He himself has said that he was a spy. It need not be said by me and the Americans have also said that he was a spy.

SHRI C. D. PANDE (Uttar Pradesh): Therefore, he is not worth believing.

SHRI A. P. CHATTERJEE: Whether he is worth believing or not, we are not going to take it from any representative of the American lobby because we know the Americans or the American lobby will try to shield their own staff. We are not going to accept things on trust from the agents or representatives of the American interests in India. The point is this. Here were startling disclosures. Here were things on which, if the Government had any self-respect, if the Government had the interests of the country at heart, any Government worth the name should have set up a Parliamentary Committee of Enquiry or any Committee of Enquiry but what do we find here? Everybody tried to whitewash; everybody tried to shield; everybody tried to say that it is nothing, that it may be wrong, that it may be false. It may be wrong; it may be true also, who knows, and from the way in which the Central Government officials behaving I think there seems to be some truth in it because the lady is protesting too much that he is a spy and therefore should not be believed. Why is this undue emphas'S that the spy may always be speaking only the untruth even though he says he was a spy but he has turned a new leaf in his career? Even if it is so, why should these things be so emphatically said that what Mr. Smith has said is not correct? Therefore I say that the lady is protesting too much and that only shows that this Government is not serious in protecting the interests of the country, but is serious only in protecting the interests of those countries on whose behalf these

spies are on the rampage throughout the territory of India. And then they bring this Bill. And Mr. Vice-Chairman, what is this Bill about? This is to prevent unlawful activities they say. But it is quite clear. Some of the members of the Congress benches have said: "Why are you shouting? The cap may not fit you; you may not be doing any unlawful activity; your organisation may not be an unlawful organisation. So why should you be afraid?" Mr. Vice-Chairman, there are reasons to be afraid. I say there are reasons to be afraid because I know here on the floor of this House— why I? Everyone knows—when the Preventive Detention Act and the Defence of India Rules were before this House and also before the Lok Sabha, it was said with a solemn voice that these legislations will be used against black-marketeers, against anti-social elements, against those who do mischief to the interests of the country. But what have we found? We have found that the Preventive Detention Act and the Defence of India Rules have been used by the Government against political parties, against parties whom they do not like, against parties whom they want to kill, against parties whom they want to crush. That is the history of the implementation of these legislations. The implementation of these legislations like the Preventive Detention Act and the Defence of India Rules will prove to the hilt that whatever the protestations of the Government, whenever they bring such legislations, these legislations are always used for the purpose of crushing, for the purpose of putting into difficulties—why putting into difficulties, for the purpose of destroying so to say—the different political parties. *{Time bell rings}*. Mr. Vice-Chairman, I have a long way to go

VICE-CHAIRMAN AKBAR ALI KHAN) : You have taken twenty minutes. Altogether your party has thirty minutes.

SHRI A. P. CHATTERJEE: I will take some more time. It is an important Bill. Excuse me. Thirty minutes is too short a time.

Now, even the Attorney-General who\* was invited to give evidence before the Select Committee has had to admit that this is a Bill which is giving to the-Government drastic powers. May I read this portion of the evidence of the Attorney-General? The Attorney-General says: that the powers\_given to the Government under the Bill are drastic

powers. Not merely that; Mr. P. Rama-muni put a pointed and clear question to him. The

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"Under this Bill itselt the Government may do that and if I ask the Government to act in that particular way which is provided for and which is not unlawful and if I mobilise the people of this country for that purpose, then you will say 'You are inciting people. It is not merely an expression of opinion. Therefore you are liable to be punished under this law.' How is it a reasonable restriction when I something? If the Government is prohibited from ceding anything, then I can understand your saying 'You cannot do that' but the Government is empowered with those

powers ......But the Government in certain circumstances is authorised to do certain things. Therefore in a democracy people can certainly ask the Government to do a thing in a particular way. How is it unlawful?

To this pointed and clear question Mr. C. K. Daphtary said:

"I agree. It did not strike me there."

Now, Mr. Sheel Bhadra Yajee said that Mr. Daphtary at some other place has said that this is constitutional. Now, Mr. Daphtary had to take a great trouble before he said that this is constitutional, but I am coming to that question a little later. Whether it is constitutional or un-consmutional, that itself has been settled by Mr. DaphtaryV answers themselves but apart from that Mr. Daphtary himself has said that there is a great anomaly in the legislation itself in that it empowers the Government to do a particular thing but it deprives the people of their democratic rights to persuade the Government to do a particular thing. The Government can do a thing and therefore the corollary is that the people also can persuade the Government to do that thing, if doing that thing is not illegal on the part of the Government. That is the fundamental concept of democracy. If that is so, how can you prevent the people or prevent associations from building up an opinion in the country so that the Government may be persuaded to do a particular thing? And Mr. Daphtary says that it did not strike him there. That anomaly has been admitted, that anomaly has been admitted to be existing in the Bill by the Attorney-General himself.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now, you must finish.

SHRI A. P. CHATTERJEE: No, I am not finishing. 1 will take some more time. What is this? Some people take one hour; some take 50 minutes; some take 40 minutes and I am not given sufficient time. I do not understand this.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Time is allotted according to the strength of the party.

SHRI A. P. CHATTERJEE: Mr. Vice-Chairman I respectfully submit to you this. As far as this Bill is concerned, most of the Opposition members are outside. As a matter of fact if all the Opposition members were here you would have allotted more time for the discussion. Moreover it is quite clear that this Bill is going to stand over for tomorrow.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): In any case you will have to finish now.

SHRI C. D. PANDE: This is an important point, not only today, but for all time to come. Once time is allotted, it is divided fifty: fifty between the Congress Party and the rest. This small Chinese Communist Party takes such a long time. Is he taking Mr. Niren Ghosh's time also? Will not Mr. Niren Ghosh also speak?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You are taking Mr. Niren Ghosh's time also. You have to sit in five minutes

SHRI A. P. CHATTERJEE: I will try to keep within bounds.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now, five minutes. Otherwise, you are depriving Mr. Niren Ghosh.

SHRI NIREN GHOSH: No deputy for me.

SHRI C. D. PANDE: The leader of the Chinese Communist Party has come. Now, Mr. Chatterjee has taken longer period than your Party is allowed.

SHRI NIREN GHOSH: Please, Mr. Pande, be seated.

SHRI A. P. CHATTERJEE: Mr. Pande's interruptions should not be counted against my time. Now, Mr. Vice-

Chairman, whether it is constitutional or not, as far as that is concerned, I am

I not going to be legalistic. Whether it is.

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[Shri A. P. Chatterjee.]

constitutional or not will be ultimately decided perhaps elsewhere, but look here what Mr. Daphtary himself has said. Mr. Daphtary has had to make certain assumptions in order to come to the conclusion that the Bill is not unconstitutional. He has said this. The words "an act or by words, either spoken or written, or by signs or by visible representation or otherwise" according to Mr. Daphtary, clearly mean words which incite to something done actively to bring about a particular result. The Bill does not say that. The words "incite to something done actively" do not appear here, but that is the interpretation of Mr. Daphtary. Now, you cannot bring in some words in a statute which are not there, but Mr. Daphtary has had to bring these words "incite to something done actively" in order to come to the conclusion that the Bill is constitutional. Mr. Daphtary had to make certain assumptions. His assumptions are not based upon the words in the statute. These assumptions, according to him, are based upon the goodwill and the good sense of the Government.

Unlawful Activities

I am again referring to another portion. He had sajd this in answer to Mr. S. M. Banerjee's point that there are already wide powers in the hands of the Government, which they have been misusing, and thereafter in answer to Mr. Ramamurti...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That you read just now.

SHRI A. P. CHATTERJEE: This is another. I never repeat what I say. That may be the vice of other members, but that is not my vice. Mr. Ramamurti said

"Mr. Attorney-General, in substance what you say is that the Government is bound to act honestly."

On that basis, he said that it is consti-.utl. Then, he said:—

"Therefore, if we give any wide powers to the Government, it does not matter. In substance it comes to that."

Mr. Daphtary said that powers, when they are given, will be exercised honestly. Of course, those are the words put into his mouth, *viz.*, powers though widely given will be exercised honestly. Now, if that is the position which Mr. Daphtary took in his evidence before the Joint Select Committee, he made too

many assumptions. He said that the powers are wide no doubt, but we hope that the powers will be exercised honestly by the Government. Not merely that. He said that so far as associations are concerned, perhaps the political associations will not be singled out. That is also another assumption made by Mr. Daphtary. On these assumptions the Altorney-General said that this Bill is constitutional. As tar as we are concerned, we cannot act on these assumptions, because we have seen the action of several legislations of this kind and they have proved to us that whenever these powers are taken by Government, those powers have consistently been abused by the Government.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Thank you. I have given you more than half an hour.

SHRI A. P. CHATTERJEE: Another five minutes.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, no. I have given you half an hour. You must have consideration for others also. I have been considerate to you, you must understand.

SHRI A. P. CHATTERJEE: I will be considerate to you, to borrow your words, after five minutes. Only five minutes. Now, Sir, there is another very ominous thing in this legislation and it is this. Government is trying to whitewash this Bill by saying: "Well, you look here that it is no more my subjective satisfaction. After all it has to go before a Tribunal and the Tribunal will ultimately judge it." It is also true that except in certain circumstances of emergency—several emergencies will arise every now and then—but apart from these things on the part of the Government, I am not going into that . Suppose conceding for argument's sake Government is not dishonest and the Government places it before the Tribunal, tven then look at clause 4 of this Bill. Now, it says. The Government declares it to be an unlawful association and it is I who should prove that mine is not an unlawful association. The onus has been completely shifted on the aggrieved party, the person who has been affected. This is in tune with the Fascist laws that the guilty person, the person who is adjudged to be guilty, has to prove that he is not guilty. If there is any innocence as far as this Bill is concerned, if there are any bona fides as far as this Bill is concerned, then the Government

will have to depend upon itself, will have the duty to prove before the Tribunal, that it is an unlawful association. They have to prove it unlawful for this reason or that for this offence or that. The Government has not done that. The Government has shifted the onus to the association itself to prove that it is not unlawful. Not merely that. Clause 4 nowhere says, there is no provision in the Bill where it has been said that the Evidence Act will be followed. and every evidence will be placed before the Tribunal, even though it is not admissible. I have never known of a Tribunal to whom such Draconian power is given, a Tribunal before whom anything can be placed. Will the Tribunal at all have any escape from declaring an association as unlawful if the Government places all kinds of materials, without trying to prove them according to the Evidence Act? Not merely that. Again, here is clause 4 in which we find the association not only will have to prove it is not guilfy but there are certain grounds which will not be placed even before the Tribunal.

Under section 3 it is said that the notification may say that on this ground or on that ground the association will be declared unlawful, but according to that clause itself it is said that if they think fit that it is not a proper ground to be disclosed, that ground will not be disclosed in the notification. That will be the position. They can just plead that they will not produce this ground before the tribunal because they do not think *it* in the public interest, in the interest of the country, to disclose it. Therefore, 1 find that you can declare it on subjective satisfaction to be unlawful and not place the ground before the tribunal. But then before the tribunal the Government does not justify its action; it is I who have to justify. The Evidence Act does not apply. Any and every evidence can be placed before the tribunal. The grounds may be withheld from the tribunal. Therefore, this legislation is a mala fide legislation in order to declare without proof, without evidence, unlawful associations which are not io the liking of the Central Government. If they had really the interests of the country at heart, they could have proceeded in other ways. But that they have proceeded in this way shows that the Government do not mean any business except to strike at the root of democracy by outlawing organisations which are not suitable for them.

Thank you.

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh): Mr. Vice-Chairman, 1 rise to support this Bill, and in doing so I wish to make a few observations. Ordinarily 1 would not have supported a Bill of this kind nor do I believe that the Government would have brought forward such a Bill. But I am sorry to say that the conditions now prevalent in the country are such that they necessitated the bringing forward of this Bill. Mr. Vice-Chairman, our Constitution gave us a federal Union with a unitary bias. Our Constitution-makers envisaged that there wi!l be fissiparous tendencies in the country, and to avoid any contingency of the disruption of this country, they probably made our Constitution a strong federal Union vesting residuary powers in the Centre. It is no doubt true that we have developed our nationality to a certain extent. It is also true that when Pakistan and China attacked us, we demonstrated a remarkable sense of national purpose and national unity. Still I see that there are so many tendencies working towards disruption of our Indian integrity. In order to prevent these tendencies taking shape . . .

SHRI NIREN GHOSH: What tendencies?

SHRI SHEEL BHADRA YAJEE: Search you<sub>r</sub> heart.

SHRI K. P. MALLIKARJUNUDU: I think Mr. Niren Ghosh must have known it better than myself, what those tendencies are, what those trends that are eating into the vitals of our national unity are.

Mr. Vice-Chairman, under those circumstances it is but right that the Government should bring forward a measure of this kind. Now we see everywhere violence stalking the land.

AN HON. MEMBER: It is your creation.

SHRI K. P. MALLIKARJUNUDU: It may be anybody's creation, but the fact remains that there is violence all over the country. If there is violence, if there is organised disobedience of law and order.

SHRI NIREN GHOSH: Is this Bill for that or for cession or secession?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You carry on with your speech,

### SHRI K. P. MALLIKARJUNUDU:

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If there is violence and disorder, there cannot be security in the country. Unless there is security in the country, there cannot be unity. In my opinion security is the precondition of unity and integrity. If anything is done to undermine security, naturally it shows that our unity will be disrupted. So, by this kind of logic you will see that unless secure conditions are maintained, un- I less security is preserved, our unity cannot be maintained. It will be undermined and destroyed. So, even the Constitutionmakers in article 19 mentioned security in the beginning and in the amendment of 1963 they included sovereignty and integrity. So, these three things go together: security, unity and sovereignty and integrity. They go together. They are indivisible: they cannot be separated in my opinion. So, having regard to those forces operating in the country in a very very widespread manner, there is every danger of the disruption of our integrity and unity. Therefore, I would say that this Bill is called for under the present circumstances, though normally such a Bill is not called for.

SHRI A. P. CHATTERJEE: You admit that this Bin is abnormal.

SHRI K. P. MALLIKARJUNUDU: In the absence of the conditions now prevailing the Bill is not justified, I agree. Abnormal conditions are now prevalent and these conditions are responsible for this Bill.

SHRI P. K. KUMARAN: Conditions are normal. The Government is abnormal.

### SHRI K. P. MALLIKARJUNUDU:

It is stated that there are other provisions of laws which can meet the situation. 1 submit in my humble opinion there is no provision of law to deal with such offences. Of course some of my friends, I do not know whether it was Shri Dahyabhai Patel or someone else, said that the ordinary law under the Penal Code is sufficient to meet the situation. Even taking Chapter VI of the Indian Penal Code which deals with offences against a State, there is no provision to deal with a situation like this. It is meant to deal with offences regarding waging of war and any offences against, the Government established by law, but there is no

provision to deal with an offence which is to be dealt with by means of this Act.

SHRI NIREN GHOSH: Who are the offenders '.'

SHRI K. P. MALLIKARJUNUDU: For example, somebody preached disunity. Then, there is a provision under the law. Apart from this I challenge anybody to show any provision of law under the Penal Code or any other law to meet a situation like this. When a person preaches disruption of unity or he says anything against the sovereignty of India, I should say there is no provision under the existing law to meet the situation. Hence the Bill is called for. If you agree with me, if you concede that the conditions are such that ihere is a danger to the unity and integrity of India, then there will be a provision made by law, and this Bill gives that provision. That is my contention.

Then of course this Bill mainly is for two offences. One is unlawful activity. If unlawful activity is committed by anybody, it is made punishable under this Bill. This unlawful activity has been defined in clause 3. As already stated, there is no existing provision of law to punish people who commit unlawful activities. That is one thing.

The second thing is that the membership of an unlawful association also under particular circumstances is made punishable. An unlawful association as such is not made punishable, but an unlawful association when it is declared by the Government and is confirmed by the Tribunal as such, it becomes an offence; membership of that association becomes punishable. Until then it cannot be an offence. So, this unlawful association has also to be confirmed by a Tribunal consisting of a High Court Judge. So, there is every guarantee that this provision cannot be misused by the Government because it has to be decided by the Tribunal and confirmed by it. So, there is sufficient guarantee against any abuse

(Time Bell rings.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There are some more members.

AN HON. MEMBER: You should! allow him. Sir.

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VICE-CHAIRMAN THE (SHRI AKBAR ALI KHAN): I am allowing

SHRI K. P. MALLIKARJUNUDU: Two minutes more, Sir.

I find two deficiencies in the Bill which I would like to point out. One is that the decision of the Tribunal is not made final. There is no finality attached to the decision of the Tribunal. Of course, it is possible to argue under clause 16 which says . ". . . no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power. . ." It only restricts the power, of course, the power of the court in not granting an injunction. Suppose a suit for declaration is filed that this Act or a particular decision of the Tribunal is void. It does not prevent such a suit being filed in a court of law. You are making such a provision. I would like the Government to see that the decisions of the Tribunal are made final. Of course, they can be contested in a High Court or in the Supreme Court on the ground of constitutional law. But ordinarily a decision ought to have been made final and in the absence of any provision to that effect, I am afraid that the decision of the Tribunal may be subject-matter of a suit in a court of law. The finality which attaches in clause 9 only relates to procedural matters.

Then, Sir, of course, the proviso to clause 3 is just an extraordinary provision, namely, the Government may declare an association to be unlawful with immediate effect without reference to the Tribunal. There, I see certain difficulties. Suppose the Government makes a declaration with immediate effect. The Tribunal ultimately sets aside that decision. Meanwhile, certain things happen and certain persons might have been injured by the actions of the Government. There should have been some provision to compensate for any loss or injury sustained by them when the Tribunal sets aside the declaration. I would like the Government to remember those two points and see what can be done in the

With these remarks, I support the Bill.

SHRI BALACHANDRA MENON: Mr. Vice-Chairman, out of the 39 people who are Members of the Select Committee, 12 have opposed this Bill and have given their Notes of Dissent, All the other political parties have expressed their voice of dissent and have given their opinions. From that it will be clear that apart from those who support the Government and who are members of the ruling party, others have objected to

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair

Why is it so? I shall explain it later.

In man's progress for a better social order, there have been various milestones just like the Magna Carta, the Bill of Rights, the Declaration of Rights and also the famous Right of Self-determination. Those have been at various stages various landmarks. During the earlier period in England, during the Magna Carta period, the middle class wanted to get certain small concessions from the King. Those they got. They were not for the entire people. It took two centuries for the British people to get the rights that today they are enjoying. The Chartists' Movement had to get those rights for them. It was only later that the people got them. When Rousseau and Voltaire and others spoke about equality, fraternity and liberty, they meant them only as rights for the growth of the bourgeois and nothing more than that because in the French Constitution of that period, the right of organisation was not allowed. Then later, the descendents of the Pilgrim Fathers who went to America, they certainly got the Bill of Rights. Those rights were also for the individuals. But today in the 20th century, things have changed and our Constitution-makers really saw the new changes and therefore brought in certain great rights and in these rights we see that the right of organisation is given a much greater preference than anything else. For example, you will see that the right to freedom, freedom of speech, freedom to assemble peacefully and without arms and freedom to form associations or unions have been given priority over other rights. The right to organise has been considered to be much more sacred than others. We must understand the difference between the 16th and the 17th centuries and the 20th century, and then we will understand the importance given to the right of organisation. That is why it has been given a great place in *the* Constitution. Along with that, there are also the Directive Principles to which

[Shri Balachandra Menon.J we have added, "promote international peace and security; maintain just and honourable relations between nations; foster respect for international law . . .; encourage settlement of international disputes by arbitration." These are new things. This is clearly one of the achievements of our Constitution. Most of the other Constitutions do not mention these things. What does this Bill seek to do? This Bill refuses to understand that we are in the twentieth century. You have now attacked the very right of organisa-

Sir, we must realise that our country is a multilingual, multinational country. Of course, some of you might laugh when this is stated. Some of you may not understand its importance. But the Congress in its early days understood its importance when it spoke about linguistic States. It understood this and States were created, and these States were considered to be separate States. On the basis of language, on the basis of a certain psychological make-up, certain contiguity of territory, the people in these areas were considered to be separate nationalities. When we understand that there are different nationalities in our country, we must be in a position to adjust and settle differences so that all the people get equal rights. If anything is threatened there is bound to be difficulty. Of course, the bourgeois tries to draw the map of India on its own concept in its own image. It would like to have the map drawn in such a way as to suit its exploitation. I am not surprised that Mr. Dahyabhai Patel is horror-struck when we speak about the rights of nationalities and all that. One can understand that because his very concept is an outmoded concept. His understanding of the monopolist bourgeois is that of exploitation of the entire people. They do not see the difference. The differences are there and the unity is there. And unless we accept that there are differences in our country, there are various linguistic people and different nationalities in our country, we will never be able to understand why there are agitations which are only signs of growth and for equal treatment.

Sir, there is an imbalance, when once certain nationalities or certain sections try to assert their rights at the expense of others. As a member of the Select Committee I have given my note of dissent. Sir, T am one of those who feel that

the unity of this country must be preserved at any cost. I am one of those who believe that we should fight all disruptionist tendencies. Let it not be the impression on anybody, including Sheel Bhadra Yajee that the Communists here are out to disrupt.

(Prevention) Bill, 1967

SHRI SHEEL BHADRA YAJEE: I never mentioned like that.

SHRI BALACHANDRA MENON: Perhaps he does not know much about us. If he does not know I am helpless. There is no communist international. Let him understand that. Our Communist Party is a national paity which is proletarian in content and national in outlook. The first thing that you have to understand is this. In England, in France, in Italy, in India, everywhere the parties have different programmes. Everywhere it suits the national situation and it is on that basis that it works. This is the first thing that you have to understand. There is no Communist Party which takes orders from anybody, from Russia or from China or any one else. The Indian Communist Parties, whether it is the Communist Party (Marxists) or the Indian Communist Party, have accepted that we can bring about social transformation through parliamentary methods and democratic mass movement. This is what we have done. We have passed our resolution to that effect and this is what every one of you must know. The Party in France, the Party in Italy, all these people today speak about only such structural changes to bring about the required transformation in the social order. This is a new concept. This is a concept which every healthy nationalist can and should understand. If he does not understand he will be only playing into the hands of those who want to disrupt the country. If you do not understand that it means you are playing into the hands of Mr. Dahyabhai Patel. If you do not understand that you will be playing into the hands of imperialists and you will never be able to unify the country and you will be only helping in the disruption of the country.

Now. Sir, why is that I am opposed to this Bill? Of course, the Attorney-General stated that the Bill is a permissible legislation. He said the fundamental rights are there. But along with the fundamental rights the proviso gives vou the right to bring such a legislation. He is clear about that.

course, the proviso gives that right. But then the proviso also will have to be very carefully read into. What does it say? It says, "Nothing prevents the Government". The Government will have to convince the people, it will have to convince the Legislature that the situation is abnormal and therefore they have brought forward the Bill. At the time the Bill was introduced and speeches were made, there was no case made out to the effect that there was an abnormal situation in our country. I agree that in 1961 or so when the Nationa' Integration Committee suggested such a Bill, at least one big political party then had demanded that ihere should be an independent Tamilnad. But they have given it up and its leader is now the Chief Minister today working the Constitution of So, Sir, it is very clear that an abnormal situation is not there.

Unlawful Activities

Then there is the, question of Nagas. Why do you raise it now. It was there even earlier. There is nothing new in it. And, therefore, there is no case for saying that there is abnormal situation and in justification you are bringing such a plea.

Some people suggested the question of Naxalbari. I think in a big country like ours, which is as big as a continent, there might be at times an agrarian unrest. Can that be magnified to suggest that there is justification for such a Bill? And the Marxist Party took action against those leaders who were responsible for certain violent activities. So every responsible political party in India, be they the Communist Party, both the parties, be they the Praja Socialist Party or be that any other party, they all stand for the unity and integrity of India and there is no need, therefore, for you to bring such a legislation. Is there any party which suggests such a thing, I want to know. You cannot just imagine that there will come up a party. The D.M.K. has refused, the Communist Party has refused to have anything to do with the division of our country or the disruption of our country. The Communist Party (Marxist) does not accept the demand for division. There is not a single party which stands for this demand and yet you bring forward such a legislation. That is what you have to look. You have mishandled the situation.

On the question of the Nagas, you have not been able to solve that problem. You have not been able to solve the Naxalbari problem.

{Prevention} Bill, 1967

SHRI SHEEL BHADRA YAJEE: Do you suggest that the hostile Nagas should be allowed to continue their activities?

SHRI BALACHANDRA MENON: 1 will come to that. We never said that the hostile Nagas should have their The Prime Minister own separate State. and the Government of India are discussing with the Nagas. It is quite correct also. I am not against that. I am one of those who feel that what the Government does is correct in this case.

That is the difference between you and me. I am one of those who believe that for peace, for our security and for the settlement of the border problem give and take is necessary and it will have to Government. I am not against it. But most of you are against it. These are questions which require a political solution. They are questions where you will have to discuss with their leaders. Understand their difficulties and try to sit together because justifiably the tribes there think that no justice has been done to them. And it is for the majority to convince them, to tell them there will be ample security for them. We will even go out of the way and do the maximum. There is nothing wrong in that. It is a question of satisfying them. It is a question of convincing them. And whatever be the method that we adopt, we will try our best to bring them together so that we have a united and strong India where all nationalities, where all backward sections will have a proper say and will be able to assert themselves and develop. So, Sir, as I was saying, this Bill, when it was introduced, did not give us a picture of such a chaotic condition in the country as to force the Government to bring forward such a drastic piece of legislation. There is nothing like that and Mr. Chavan also, when he introduced the Bill, did not give us any such picture. So I say that the State is prevented from bringing forward such a Bill as long as you have not made out a case that the situation is abnormal. Now we will have to find out whether the restrictions are reasonable. restrictive regulation and the permissible ground should be rational. restriction imposed should not be arbitrary or excessive. Is it arbitrary? Is it excessive? Is it

## [Shri Balachandra Menon.]

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rational? That is what we have to find out. My own feeling is that it is abnormal because as was already pointed out, even the Attorney-General .could not definitely say that the restrictions are reasonable. He was asked if the Government can come to an agreement on certain issues with either Pakistan or with China or with anybody and even cede certain territories there, should it not be the right of a political party to go about and campaign and demand that it should be done or not done in such and such a way? If the Government has got the right, have not the people the same right? The Attorney-General said that we have no right to carry on an agitation for that. Certainly in a democracy, an opinion can be given and when it goes to the people, there is an agitation on that. That is also democratic. The people will have to be moved into that and the people will have to assert and say "The Government should do this" or "The Government should not do this." That is people's right. Do you want to have the peace of the grave in our country or do you want the holy anger against those people who will not allow such rights to the people? I do not want the peace of the grave. If ever you think that by this drastic legislation, you will be able to compel the parties and tell them that they cannot agitate for this or that, then I can tell you that you are mistaken; you are not correct. Tt will not be accepted by the people. People are the ultimate masters. If the Government's action can be justified on a certain question like secession of some territory, in the interests of peace, not anything else, in the interests of the solidarity of this country, then the people must also have as much right. They must have the right to support or oppose such

#### SHRI C. TJ. PANDE: Of seceding?

SHRI BALACHANDRA MENON: I mav tell you about Vidura vakya. At the expense of an individual the village must be saved. For the sake of the country a village can be sacrificed and the country saved. But when my conscience suffers, then even the country is nothing. That is what Vidura said. You please realise the importance of this. In the name of the country you cannot do wrong things. With regard to adjustments which may have to be made between countries boundaries my regarding

feeling is that if Government can do a thing, then the people have the right to tell the Government "You shall not do it." The people have the right to say "This thing can be adjusted this way so that peace and security can be there.'

SHRI C. D. PANDE: Adjustment means by 'secession of a certain part of the country'? What does he mean by "adjustment'?

SHRI BALACHANDRA MENON: For getting certain parts or giving up certain parts.

SHRI C. D. PANDE: I have seen a paper from his State which says that Kerala will secede from India like a disgusted wife from her husband asking for divorce. This is the thesis of your party.

SHRI BALACHANDRA MENON: It is not my party. My party does not stand for secession. Adjustments in the interest of security can or have to be made between neighbouring countries.

SHRI C. D. PANDE : What is that adjustment V

SHRI BALACHANDRA MENON: It is what you have done, what the Government has done in the case of Berubari and other places. They have done it. I am speaking only about that. So let it not be understood that 1 am speaking for secession. I am saying that we have got the right to do what the Government does and to carry on a campaign against the Government if it goes wrong.

Now here is the question which was put to the Attorney-General: "The Government in certain circumstances is authorised to do certain things. Therefore, in a democracy, people can certainly ask the Government to do a thing in a particular way. How is it unlawful The Attorney-General says "I agree. It didn't strike \*me there." So the people have got that right and he agrees. He says "It did not strike me there.".

SHRI SHEEL BHADRA YAJEE: To commit theft also?

SHRI BALACHANDRA MENON: There is no theft here. So let it not be understood that I am pleading for any secession. I am only speaking for settlement of issues and in that settle-

ment ot issues, 1 have got the right to go ana campaign and tell my people that this is how it should be settled. I have got that right. Now at a time when the need is not there, you are bringing forward this Bill. You speak about Pakistan. You know that after the Tashkent Declaration, there has been a bit of change and Pakistan is not today in a position to take its old stand. A super-power is also dragged into it. You also know fully well that Pakistan is not to-day what it was before the invasion in 1965. You should realise that. Then the question of China comes. Is there a threat now? You know what is happening in China. You are all students of world events. You know what a big agitation is going on theie in the name of Cultural They have yet to settle Revolution. their own problems. So there is no danger from that quarter also. When there is no such danger, when the international situation is something very favourable to us and when in the national situation, there is no question of any party demanding any secession now, why do you bring forward such a Bill? I do not understand. There is no necessity. Therefore, I am sure this Bill has absolutely no place.

Now about fundamental rights, the Attorney-General says that the Supreme Court itself has been taking various positions. So what does it all boil down to? The Attorney-General feels that it the Constitution was looked upon very strictly, the restrictions imposed in this Bill cannot be construed as reasonable. But he says: "Then again came a period when the fundamental rights were put up firmly and everything was properly tested. Perhaps we are again coming to a period when they will not be looked at as seriously as they used to be." So he thinks it cannot be looked upon as seriously as before; that is, the fundamental rights which were looked upon as very serious things, cannot be looked upon as seriously as before. Well, it is not an opinion that we want. As it is, it really infringes on the fundamental rights. It is only an assumption and we cannot accept such an assumption.

Now, as I said, the restrictive regulation and the permissible ground should have been rational. It is not so. The limitations should not be excessive or arbitrary. Hence the word "reasonable" has been used.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You have taken already 25 minutes. You should try to finish in another four or five minutes.

SHRI BALACHANDRA MENON: Now, you may also see the objections raised. Mr. Prakash Vir Shastri has said, "No country has, after gaining independence, ceded so much of territory voluntarily as India has done." Then he says "The Bill throws overboard the traditional juristic principles that a person may be penalised only for his personal guilt and not for guilt by association." Thirdly, about the Tribunal, he says that it should consist of three judges at least. Then Mr. Madhu Limaye puts it like this

"The Government's refusal to accept my amendment seeking to authorise the citizen to prosecute government agents/authority reveals the Government's real intentions in this regard."

He also wants a full Bench of a High Court. Then the Swatantra Party spokesmen are also not satisfied with this measure. Then, Sir, it says:

"If the Central Government is of opinion that any association is, or has become, an unlawful association . . .

This is a subjective attitude of the Government and nothing more than that. Then it is said:

"No such notification shall have effect until the Tribunal has by an order made under section 4, confirmed the declaration made therein . . ."

So the Government decides the matter. It can be taken to the Tribunal for a period of six months. If the Tribunal does not give any decision, the Government's decision stands. The Government need not even disclose why it thought necessary to declare such an association unlawful. Then for a period of 2 years an organisation can be declared uniawful. This is something which cuts at the very root of the organisation. Even trade unions will certainly come under that. I would say that if it is guestion of six months—after six months it should before the Tribunal to review the entire matter and decide. The provision to declare an association illegal for a period of two years should be removed.

[Shri Balachandra Menon.]

Then, Sir, I am definitely opposed to the various powers given to the Government officials here. They can search, they can prohibit anybody from entering a house and they can ask "From where did you get the money and how did you get that money?" Of course, certain people may not be in a position to tell them how they got the money and all that. Certainly some people agree with certain policies of the Communist Party or some other party and they give money to it. The onus of proof is thrown on the accused. When an association is declared illegal, it is for them to prove their bona fides. The onus should be on the Government or the prosecution. That they are not doing. The ordinary law wants you to do that but you are not prepared to accept that position. There are of course various prominent Congressmen who contribute money to us. Do you want that we should expose

SHRI ARJUN ARORA: You must come out with their names.

SHRI BALACHANDRA MENON: I can tell you. We have and had got the maximum amount of money from Congress leaders and others. Politically they may not agree fully with us but even those who may not agree fully can and do help. We do not want the bureaucracy to know these things. That is why we object to it.

SHRI B.K.P. SINHA: Till 1942 your statement is correct. After 1942 what happened?

SHRI BALACHANDRA MENON: I do not know where my,friend was in 1942, whether in jail or outside. At least I can tell you that from 1939 onwards, when the War broke out, I was in.

SHRI C. D. PANDE: You were not fighting the people's war.

SHRI BALACHANDRA MENON: The people's war ended in people's victory which you refuse to see. Fifty-three countries have become independent after the great War against Facism. When Facism was defeated, thanks to the national liberation movements in those countries and thanks to the international situation, more than 53 countries became free. Whether the Communist Party of India should have taken the stand it took at that time is another question. But the understanding of the world situation was correct.

Pandit Jawaharlal Nehru wrote and spoke how defeat of facism would mean success for democracy. Now I know some of our friends are very much worried about what we did in 1942.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): My worry is the time.

SHRI BALACHANDRA MENON: Yes, Sir. Even when it came to the State people's struggle, I can say our attack was launched against the biggest of the reactionary feudal Princes the Nizam. So too in Travancore when Sir C. P. Ramaswamy wanted to have an independent State. All these national movements were there and we helped the unification of India, which perhaps you do not remember. You only want to give it a slant. The Maharaja of Travancore was dethroned; the position of Hyderabad was so weak that it had to agree to accession with India. Thus you will see that all through we helped the unity of the country by our fight against the feudal princes. You are conveniently forgetting all these things. You are now trying to disrupt the country; you are trying to strengthen the hands of the imperialists and reactionaries by bringing forward Bills which will end in banning the certain Opposition Parties which are for the independence, unity and freedom of the country.

SHRI PALAT KUNHI KOYA (Kerala): Mr. Vice-Chairman, Sir, I thank you for the opportunity afforded to me to participate in the debate on this Bill, the Unlawful Activities (Prevention) Bill, 1967. Sir, I am not a pandit in constitutional affairs to go deep into minute things. Still I will just express some of my views about this.

The first objection that was raised by several Members of the Opposition was that the Bill was against the provisions of the Constitution. The Attorney-General had given evidence before the Joint Committee appointed to consider the Bill. He had expressed in very clear terms that after the amendment of article 19 which allowed reasonable restrictions in respect of the safeguarding of sovereignty the provisions of the Bill were very satisfactory and could not be said to be unconstitutional. He had taken exception to certain provisions and subsequently these provisions were amended.

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Sir, it has also been stated that there was absolutely no need for a measure or this type. (Interruptiom). So I can tell you that such measures and such enactments are good for all Governments. That much I can safely say. When we hear from the Opposition about the atrocities committed by the police and the Government and all thai, where the Congress Governments are in power, we think that it is the monopoly of the Congress Government alone to use the police and the Army in these matters. But very few of us have come to understand what has taken place in my State Kerala. Unfortunately or fortunately I am the only-Member from Kerala now in this Rajya Sabha, belonging to my party.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): What about Shrimati Gopidas?

SHRI PALAT KUNH1 KOYA: Because she is not here at present I said

SHRI P. K. KUMARAN: That much representation also will be finishing.

SHRi PALAT KUNHI KOYA: It will be finishing and coming again. That is a different matter. I want to revive it there, That is what I am for, and we are liere for that. It is evident thai you people are to finish and we have to make it again, restart it. So it is an ordinary thing which is going on there and that is what I am going to talk to you about now, tell you what has been taking place in Kerala. Last time when we heard from Mr. Bhupesh Gupta about the atrocities committed in Calcutt; we heard that there was beating of students and beating of professors, and all the other things which took place in Bengal. What has happened in Kerala? I ask my friends who have come from Kerala here, who are in power there. Last time, two months back, there was the student trouble there. There was some misunderstanding between the students and the transport authorities. They had made some demands but they were not conceded. So they struck work and they began to have some demands like that. How they were treated, the papers will tell you. They were beaten.

(Interruptions) 5-7R.S./68

1 do not think my lime will be so much as will enable me also to reply to interruptions.

Now as I said, the students were beaten black and blue. The professors were beaten. They entered the colleges also and beat them there. It was not the Congress Government; it was done under the aegis of the Communist Government. Though it has a seven-party strength, though it is a seven-party I call it a seven plywood-party stuck together.

{Interruptions}

When the student trouble was there, was not the Left Communist Party taking part in that? Instead of engaging the police, they went a step further. fhey engaged their own students to counteract the other students who made their demands. They even hired the goondas and had them beat the students up. It is a fact. These are the facts taking place but nobody else is here to tell you these things. We keep quiet there. And if we begin to expose ihese things and start an agitation, they will say that it is to throw away this Government as we had done before. That is the trouble. Now we see that the people are suffering there. They say they have no food, they have no rice, when we see that the Centre is giving them as far as possible the rice that they could manage to give to Kerala. But they don't say anything about the wheat they are supplied with. The Communist Party says only about the rice which is given, not the wheat, perhaps because they are ashamed to have the wheat which is got under P.L. 480. So these things are going on. The people are not satisfied. These people came to power when we were giving twelve ounces of wheat and rice, and they said, "We will give you sixteen ounces of rice." In this way i hey got more votes and they got on the saddle and they are in power now. Now in our place nobody is satisfied but they are not uttering anything. And what things are going on there, I will just give you some information. I get letters from my place. This is a letter from the Janakeeya Raksha Samiti and it says:

"In continuation of our letter dated the 19th December 1967, we are enclosing herewith for your information copies of some important Press reports appearing in the 'Malayala

[Shri Palat Kunhi Koya.]

Manorama' of the 21st December 1967, details of which are summarised below:

Mao worship commenced: In front of the Marxist Communist Pariy Office at Karivellur, the Marxists exhibited a large size photo of Mao decorated with red papers and banners. Candles were kept burned around the Mao photo and thus the Marxist Communist worshipped Mao in public.'

SHRI P. K. KUMARAN: Mao was one of the greatest men of the present day world.

SHRI C. D. PANDE: That is your opinion. Karl Marx was bigger than any such person. I wonder it should come from the mouth of a Right Communist like Mr. Kumaran

SHRI P. K. KUMARAN: Do I deny that George Washington was a great Lenin was a great man. Likewise Mao was a great man. I am a Hindu but yet is there any objection if I praise Christ? Churchill was a great man too.

(Interruptions)

SHRI C. D. PANDE: But never should our country imbibe Mao's thoughts.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Pande and Mr. Kumaran, we are not discussing great men

SHRI PALAT KUNHI KOYA: Now to con'inue to quote from that letter I referred to

"Kerala will secede from Centre.",-Embichi Bava:-While speaking in Plenum of the Palghat District Marxist Communist Party at Alathur, Sri Embichi Bava, Minis'er for Transport, Government of Kerala, has pointed out that Kerala will secede from the Centre as a disgusted wife would do in divorcing her husband.

Now these are things going on. You cannot close all the eyes of all the people always. These things are taking place in my State. So I think all the weapons necessary to keep the country in order must be there. That is why I support thk Bill. Another thing ; it is ordinarily to be seen that, when we

place the traps to catch the rodents, the cats and rodents are afraid of them, but not the man when we lay down such legislations for him to abide by. We the law-abiding citizens are not in the least frightened by any law or anything, if it is only meant for the lawbreakers. It is only they who have to have fears about it. Now, whenever we bring such things as the present Bill, it is found that our friends on the other side, especially the Communist Party is worried very much about it, and they bring into play our Constitution and other things. After all, do they care for our Constitution? We know what they are; we know what they were but, unfortunately, 1 am very much worried that there are others from among our friends on the other side who still believe this Communist Party. For my part I make no difference between the Right Communist Party and the Left Communist Party, but comparatively speaking I have regard for the Left Communist Party; they are better than the Right, because the Right Communists function without any back bone, because they, knowingly or unknowingly, fall into the trap or the snare spread by the Left Communists in India. But I am worried about the other parties who claim so much about their country, I do not know how they are trapped in the snare of the Communists. It is perhaps because of some sort of hatred or something against the ruling party, the Congress, that they have blindly fallen into the snare of the Communist Party. And God alone must save us if things are going on like that. The communists may not believe in God, but I do believe in God, and as the Home Minister said the other day, I believe in God and pray for the good of the country-I am not a communist.

(Prevention) BUI, 1967

So these things are going on. When the country is passing through such a situation we must be prepared for all eventualities; whatever laws are needed, we must pass. Naturally they will attack it; they won't allow it go easily, we know. But we vote for it here. Fortunately, this is the way. Whatever we bring, you are against it and you will oppose it. And whatever you say, we will oppose it. That is why the Opposition and the Treasury Benches are here. But one thing; there are people in this country who do not belong to any party and they want freedom of speech, freedom of thought, and they want securi'v, and it is for

the Government to see that the right of such people is in the safe hands of the Government.

Unlawful Activities

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THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is lime to wind up.

SHRI PALAT KUNHI KOYA: So I am supporting this Bill. I have brought out what is going on in my State. I had given notice of half-an-hour discussion, but I did not hear about it, and now I am placing before this House things which are going on there. Unfortunately, I cannot say and I am the last person to say that they are to be pulled out or thrown out of power, as we had done before. We will give them a long rope. Let them govern and let us see the result of their misgovernment or misgovernance during the next elections. We will wait for it.

SHRI GULAM NABI UNTOO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, there are Bills which represent the aspirations of the people and which lay down laws for our advancement economically, politically or socially and there are Bills which we need just to safeguard and protect the entire State, the integrity and sovereignty of the country. This Bill clearly belongs to the latter category and I do not understand why there should be any difference of opinion or there should be two opinions about the consideration acceptance of this Bill. The Bill is so lucid and so precise that it is clear that no person will come within the mischief of the provisions of this Bill unless he supports the claims of foreign counlries on the territory of India or unless he supports secession of a part of the territory of India. Sir, one who questions the territorial integrity of the country or one who claims that a particular part of the country belongs to another country cannot seek redress under the Constitution and plead that it is his fundamental right. The Chapter Fundamental Rights deals with such rights which are inherent in the citizen because he is the citizen of India and the Constitution guarantees him certain rights but the Constitution does not say that any citizen can question the territorial integrity of the State. If some argue that the fundamental right includes the right to question the sovereignty or the territorial integrity of the country, then it is misinterpreting the constitutional

rights guaranteed to the citizen. Sir, sovereignty is supreme to all individuals, all associations, all parties and all citizens and therefore it is the prime duty of all of us, whether inside the legislature or outside, to see that this sovereignty is maintained and preserved at all costs, at all times. As we all know, we have the emergency prevailing in the country and it is not a happy situation that it should con-linue to prevail but the fact is that we have to admit certain reality, certain facts which prevail in the country, namely, the situation on our borders. And in these circumstances if some individuals question the territorial integrity or if some associations indulge in such prejudicial acts by which the sovereignty is either threatened or such persons have to be dealt with. For that purpose we can-no; fall back upon the Penal Code as was pointed out by some Members because we cannot see any provision in the Penal Code that can enable the State to lake action against such persons and associations. Jt has been argued that the Penal Code is there, that we have enough laws already and therefore it is not necessary to enact this legislation. But when we peruse sections 121 10 124A of the Penal Code it is quite clear that that Chapter in the Penal Code confines itself mainly to two offences only, that is, waging ;amst the State and sedition. This ilar offence of questioning the ignty or integrity of the State is noi covered by any law so far enacted by Parliament. When we have such elements in the country like Mizos or Nagas or some people even in Kashmir, it was naturally the duly of the Government to bring the necessary legislation so that on the one hand we may be pble to lift the emergency and relieve the entire country over which ir was hanging like a sword and on the other hand we may be able to **II** h these individuals, associations and other elements which indulge in such prejudicial activities against the State so that the rest of the people who are peaceful and law-abiding should not suffer because of the prevalence of the emergency. So it is very necessary that such a Bill should be passed so that the Government can take action against such elements who question the sovereignty of the State.

The Defence of India Rules and the Preventive Detention Act are compared with the present Bill. If one

[Shri Gulam Nabi Untoo.]

were to look at them one will be fully satisfied with the bona fides and intentions of the Home Ministry that the Home Ministry is very keen to see that no citizen, individual or association is detained or banned unheard and untried and that is why they have rightly introduced a provision providing for a tribunal. If one looks up this provision he will be satisfied to see that the persons who will sit and judge will be of the calibre and stature of High Court Judges. Therefore the apprehension voiced by the Opposition has no place. When a person is asked to show cause why he should not be dealt with under this law he will have enough opportunity to plead not guilty, he will have opportunity to show to the tribunal that his act cannot be considered an offence under this Act. When an association is to be declared unlawful the Government will publish a notification and serve the notice on the association which is indulging in prejudicial acti-vilies and then it will be given wide circulation and it cannot become final unless the tribunal is satisfied that the grounds shown in the notification are sufficient to charge them guilty.

Now, the hon. Home Minister, Mr. Chavan, is not here. Recently we have been told that in the State of Kashmir, there have been agitations and movements. I wish that his visit and the visits of other senior leaders would take place often, so as to see on the spot the position inside as also outside our State. On the whole, the people have grievances which are entirely economical and those elements which are under the influence of Pakistan exploit the genuine grievances of the people and it is time that we paid attention to the industrial development of the State, so that people's aspirations can be properly motivated and put on a constructive track. As for the apprehension shown by Mr. Menon, he was very keen to show his bona fides and his party's bona fides. We are of opinion and everyone of us must agree that whenever there is any question about the integrity of the State, there can be no two opinions and no party, whether the Communist Marxists or party, other should have any apprehension. If they have any apprehension that the Government will misuse it, they have the experience of the Government as far as the Defence of India Rules are concerned, how restrained, how cogent, how reasonable . . .

SHRI B. D. KHOBARAGADE: It was misused.

SHRI GULAM NABI UNTOO: . . . they were in exercising the powers.

One submission with regard to the Bill that I may make is that clause 5 says :—

"The Central Government may, by notification in the Official Gazette, constitute, as and when necessary, a tribunal to be known as the "Unlawful Activities (Prevention) Tribunal' consisting of one person, to be appointed by the Central Government:

Provided that no person shall be so appointed unless he is a Judge of a High Court "

I wish to submit that when Government has gone to this extent and is keen that a tribunal should be appointed, so that no person goes unheard and every person has an opportunity to plead not guilty and prove his bona fide before the tribunal, it would have been better and fairer if the appointment of a High Court Judge as a tribunal could have been made by the Chief Justice of India, instead of by the Central Government. In that case the concept of the separation of the judiciary from the executive could have been fully maintained. Therefore, I submit that as far as the appointment is concerned, the power should be vested in the Chief Justice, so that any doubts and suspicions in the minds of the Opposition or any other individual will not be there. Therefore, I support this Bill.

SHRI G. P. SOMASUNDARAM (Madras): Sir. I am grateful to you for giving me an opportunity to say a few words on the Unlawful Activities (Prevention) Bill. The hon. Home Minister, while introducing the Bill, has pointed out that the Bill is necessary for the preservation of democracy, sovereignty and integrity of the country, but to my mind it appears that the Bill is the negation of each one of the above. This Bill, instead of strengthening democracy, will create misgivings in the country. The introduction of the Bill clearly indicates that the ruling Congress, whose faith and popularity were shattered to pieces during the last election, has lost faith in the people. This appears to be a tit for tat between the Congress and the people. If you analyse

human history, particularly of rulers, you will come across many rulers arming themselves with more powers when they start losing the confidence of the people and they become weak. Similarly, the ruling Congress, which is fast winding up its ruling business, has resorted to these methods. Let me remind you that each one of political parties in this country is as responsible as the Congress. The monopoly of rule by the Congress has ended in February, 1967 and almost all the political parties in this country have taken over the regions of power in one State or the other. I request the Government not to lose faith in the people and other political parties.

Even for the preservation of the sovereignty and integrity of the country, such a Bill as this is not necessary. We witnessed only a few years ago that we arc one to uphold the sovereignty when there was a threat from outside. I do not think that such a thing could be achieved by the passage of a Bill like this, I hope the passage of this Bill will end the national emergency. The hon. Home Minister pointed out that the powers sought under the Bill were extraordinary and these would be used only in extraordinary circumstances and not otherwise. He is an extraordinary man and we have got faith in him, but if ordinary people occupy his chair, what is the guarantee that the Bill will not be misused? What is the guarantee that the Bill will not be used against the ruling parties in the States?

SHRI P. N. SAPRU: Mr. Vice-Chairman, I cannot truthfully say that I am happy with this Bill. I find that this Bill is of the worst character and it gives powers to the executive which are far too sweeping and I doubt whether they can be justified as reasonable restrictions under article 19 of the Constitution. Now, I may just point but that an 'unlawful activity' has been defined in far too sweeping words. It will not be permissible for any person, to suggest, howsoever wellintentioned he may be, a solution of a problem which involves the cession of territory. It will not be possible, for example, to suggest that the cease-fire line shall be the partition line or the dividing line between India and Pakistan. It will not be possible to suggest, taking world view of the situation, that it is desirable that India and China should live together in harmony and that there may be some adjustments

in regard to the McMahon Line or there may be some adjustments in regard to Ladakh, Longju, etc. I do not want the right of selfdetermination to be given to every State here, but let us not be ridiculous about these matters. There are people in Scotland who talk in terms of Scottish independence. The fact of the matter is that the commercial, the industrial wealth of England is centred in Scotland, and yet they talk not only in terms of Scottish Home Rule but they talk in terms of Scottish independence. People just laugh at it, and nobody takes notice of that talk. I wiuild like therefore the Government of this country to create a climate in which it will become possible for people to laugh at any suggestion that a particular part of the country should secede from it. I would like people to develop a sense of humour in regard to these matters and until this is done, I do not think we shall be able to solve the problem of Indian unity by legislation howsoever drastic. howsoever draconian in character ibey may be. I think the words in which unlawful activity is defined are far two sweeping in character. I have read the minutes of Mr. Prakash Vi, Shastri and Shri Madhu Limaye with the respect which they deserve, and I find myself in agreement with the line they have taken in regard to this matter.

Then you want to collectively punish people. I can understand individual punishment, but J cannot understand this collective punishment. Unlawful association means "any association which has far its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, Or of which the members undertake such activity". That is what it says. So far as the constitution of the Tribunal is concerned. I do not think that much can be said against the constitution of the Tribunal. It will have a High Court Judge as its Chairman. But 1 would like to emphasize that the High Court Judge selected should be a Judge nominated by the Chief Justice of India and not nominated by the Home Ministry without reference to the Chief Justice of India. I would like judicial independence in this matter to be respected. I would not like Judges to be dragged into the vortex of politics.

Then I would like to say that as this is going to be a Tribunal, we have got two provisions of the Constitution which we ought to remember. They are articles 226 and 227. This Tribunal will

[Shri P. N. Sapru.] function therefore under the superintendence of the High Court, and this Tribunal will be subject to the writ jurisdiction of the High Court notwithstanding the fact that there will be a High Court Judge as Chairman of this Tribunal. Further, we have got a right of special appeal to the Supreme Court, and I take it that that right which is a constitutional right cannot be taken away by this Bill.

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So far as the necessity for this Bill is concerned, that has not been made out. Our law has got many provisions which can cover all unlawful activities. There is no dearth of repressive legislation so far as our Penal Code and our Criminal Procedure Code are concerned.

Before I conclude, Sir, 1 would like just to say that 1 was reading the other day a beautiful passage—which I cannot lay my hands upon now from President Kennedy's speeches. He said: It is important that Government should have powers but it is quite so important that the power of dissent should also reside in the people.

I would also like to quote a passage from a speech which I made. It was my second speech in the Council of State in 1934 and I quoted then in opposing the Criminal Law (Amendment) Bill Mr. Asquith. This is what Mr. Asquith said in opposing the Irish Reprisal Bill: "It is of importance that the executive should stamp out murder and terrorism, but in the performance of that task the means are always, if not quite as important as the end". I would say that we are developing a mentality in our country in which we attach little importance to means, we attach importance only to the end. 1 am not a Communist, but I have no Communist-phobia. 1 am just a radical who accepts socialist ideas within the framework of a democratic society. But I want to be intellectually honest and I want to be fail to my Communist friends and I want to be fair to my friends of the Jan Sangh and other political parties also. We cannot assume that we alone have the monopoly of wisdom and partiotism in the country. That is the danger we must avoid.

SHRI A. K. A. ABDUL SAMAD (Madras): Mr. Vice-Chairman, I remember the year 1963 when article 19 of the Constitution was amended to stop talk of secession from the Indian Union.

The Dravida Munnetra Kazhagam which stood for separation also amended its constitution by dropping the demand for a separate State.

(Prevention) Bill, 1967

AN HON. MEMBER: Did they do it?

SHRI A. K. A. ABDUL SAMAD You are so ignorant. They dropped it four years ago, take it from me. It became a more popular and fully democratic party functioning within the Indian Union for the uplift and the benefit of the entire country.

As a result of the 16th amendment of the Constitution any talk of secession has been banned by the Constitution. It is a different thing that even in countries like Russia the Constitution provides for secession. It does not mean that I am pleading for secession in our country also. Far from it. What I want to drive home here is that once the Constitution has stopped any talk of secession, why do we need the present legislation.

One thing over which we must seriously ponder is as to why at all there are talks of separatism from the Union in various parts of our country. I think the laws which we pass are mainly instrumental to drive people in this direction. Take the case of the Language Bill which we have recently passed. As I said earlier, the slogan which was not heard in the Tamilnad for the past four years has now started, and from which quarter? Not from the D. M. K., not from politicians, not from any anti-social elements, but from the patriotic student community which stood as a rock for the honour and integrity of the country in 1962 in the face of the Chinese aggression and again in 1965 during the Pakistani agression. Our students are no politicians and they are out for no personal gains. Unfortunately, however, their emotions have been roused by this Bill, by this ill-advised legislation, dealing with the emotional question of language. Where was the difficulty for the Central Government to allow the *status quo ante* as provided in the Constitution to continue for another 20 years. Another amendment of the Constitution allowing the continuation of English for official use at the Union revel would have been sufficient and disturbed nobody either from the North or from the South. This would not have prevented the Hindi

States from conducting their business at the State level in Hindi. Unfortunately, our Government is never properly advised and they have a special knack of doing the wrong things at the wrong moments. So we have these troubles.

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I want to ask the Home Minister whether all the leaders and students from South India who are now saying that the language Bill has sown the seeds of separatism and disintegration of the country are likely to be booked under this Unlawful Activities (Prevention) legislation ? In this agitation, the Congress President, Mr. Kamaraj, also is there. Probably, the Home Minister will be properly advised to book him first as soon as this legislation is passed. For heaven's sake, be properly advised, withdraw this Bill or at least suitably amend it so that the fair name of our democratic institutions is not married before the eyes of the world.

Let us take the question of appeal. Our judicial system which has a fair name up till now will be tarred before the eyes of the world, if we do not provide for appeal in the present legislation. I do not agree with the Home Minister's argument that the Tribunal which will be constituted to hear cases is to be treated as an appellate court. When Government once frames charges against a particular association, no opportunity is to be given to the party in question to reply to those charges or to refend themselves under well-defined judicial system. The personnel of the society will be booked straightway. They will have the hearing only before the Tribunal and hence the Tribunal cannot be adjudged before an appellate court. Therefore we have 10 provide in this Bill fo<sub>r</sub> the right to appeal.

Then there is the well-known saying that one is not guilty unless he is proved to be one in a court of law. In this Bill you are putting the cart before'the horse by straightway treating the person or the society guilty and putting the burden of disproving on him or the society. When the Government has to frame the charges on the basis of certain information, the burden of proof lies on the Government and not on the society concerned. There has to be a suitable amendment in this regard also.

Many hon. Members in this House and in the other House have expressed apprehension about the proper functioning of the Tribunal. The Tribunal, according to me, should consist of three

Judges as I understand it was conceived in the original draft. Moreover, the Members should be sitting Judges and not retired Judges. This thing is not going to burden our High Courts, as under the Unlawful Activities (Prevention) Bill, there are not going to be many cases. I am sure the Home Minister would agree to the enlargement oi the membership of the Tribunal.

Thank you.

SHRIMATI TARA RAMCHANDRA SATHE (Maharashtra) : Mr. Vice-Chairman, Sir, the situation in the country is becoming more and more disturbing and difficult to deal with and all of us and the Government are concerned over it and hence the Home Minister has placed this Bill before us which I welcome and support.

Sir. as early as 1884-85, it was Panditha Rama Bai from Maharashtra who pleaded that Hindi should be the link language and the national language and the Devanagari should be the script for the integration of the country. Her soul must have been happy when Hindi got the place as a link language or the official language in the Constitution of India. But I am afraid now her soul must have been disturbed to see that the very language issue has created disturbances in many places in the country, especially in the South and there is  $\blacksquare i$  great controversy now as far as this language issue is concerned.

Sir, link language or national language and linguistic provinces were demands for a long lime and when these have come into force, we have distorted then. So, I feel that we have got a tendency to distort even good things, whatever was done. For example, free dom of speech, freedom of expression, link language, linguistic provinces, all such measures were to strengthen the national economy and the welfare of our country. But now we see that these measures are being utilised to dis integrate the country and to disrupt the social and economic set-up of our coun try. I do not understand why we distort such things. For example, to take the language issue in Maharashtra, we learn in our schools Hindi as the compul sory subject and English also as a compulsory subject. Then after some years, we b another language, the second language, may be Pali, Ardha Magadhi, Sanskrit, German, French,

[Shrimati Tara Ramchandra Sathe.] likewise. So, I feel that if honestly efforts are made, there is nothing bad in it. And everybody should learn them. But

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we always have a tendency, as I have said, to distort all these things. And then, when there are such disturbances the Government must take such steps to see that such conditions do not prevail in the country. Now, as you see, in Kerala, in Calcutta, in Madras and other places there are so many disorders going on. One of the hon. Members from Kerala wanted to quote some letter. Here is one letter from the Janakiya Rnksha Samithi; and the "Mathru Bhumi" dated the 25th November, 1967 says that Shri A. K. Gopalan, M. P. himself has admitted the raising of Red Guards in Kerala.

Similarly, the same Samithi sent another letter saying that the Samithi is receiving frequent reports about the worsening position of law and order in such and such district, and to add to that, they also say that since then the workers have been constituting themselves into unlawful assemblies and have been illegally obstructing the employees from entering into the mill premises. Such are the things which are going on there. Also, we know what is going on in Madras. An hon. Member opposite has said something about it. All of us know. Even we know what has

that there is some string behind it. We put several beads in one string; the beads may be of different types. But the string is one. Likewise, the disturbances may be of various types. The type may be different in Madras, it may be different in Calcutta, in Naxalbari or in Banaras or anywhere in the country. there is some underlying principle

behind it which is very disturbing and for

I feel

been happening in Calcutta. And

which ... SHRI B. D. KHOBARAGADE: What is the difference?

SHRIMATI TARA RAMCHANDRA SATHE: Everybody knows it.

SHRI C. D. PANDE: Rebellion.

SHRIMATI TARA RAMCHANDRA SATHE: We will have to find out.

(Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Order, order.

SHRIMATI TARA RAMCHANDRA SATHE: Such things must not take place. Another thing is that there are so many acts now which are going on.

For example, in the Lok Sabha and in the Rajya Sabha, some papers, some circulars, some pamphlets were thrown inside the House. And all of us know also that some wanted to say that those people should not be put in jail and like that.

श्री गोडे मुराहरि: यह इस बिल पर बोल रही है या किसी और बिल पर बोल

SHRIMATI TARA RAMCHANDRA SATHE: ^fj- cpr ^r T\$ g- | Such thing which are unlawful are there and we should not encourage such things because there are so many such acts-that was what I was saying—in Calcutta and in Naxalbari. Everything comes under this. There is the separatist tendency in Madras. May be. Calcutta is paving the ground; by all these things, somebody wants to pave the ground by which somebody else will be coming in; it will be easier for some enemy to come in. And this is the very basis of all these, which I want to emphasise. The causes may be many; they may be even small acts. But the disturbances are there and somebody is there behind these; there is no doubt about it. It may be money, or people or workers or anybody, everybody knows about it.

SHRI B. D. KHOBARAGADE What about disturbances in U.P. ? Who is behind them?

## SHRIMATI TARA RAMCHANDRA

SATHE: Because of these tendencies this Bill is a necessity. We see buses being burnt, trams and trains being burnt. All sorts of disturbances are being created. The ordinary citizen is tired of all these things and he wants some safeguards from the Government. He wants some protection.

Now some Members plead for fundamental rights. But the fundamental rights are not given in order to hinder the fundamental rights of others. Rights always go with obligations. Just as in a family every member has got some obligations towards the family, so also in the country every citizen has got some obligation. Fundamental rights cannot go alone. Along with the rights, we have got to discharge certain obligations. Unless and until that is done, the Government will not be able to run smoothly and we will not have peace of mind. The public at large want such peaceful living.

There are so many objections raised. They say this is to terrorise people and the people have no faith in the Government. It is not that. Again and again I want to say that because the people want peaceful life, that is why such Bills and such Acts are very necessary in the country.

Unlawful Activities

Sir, democracy is in danger. When we see these gheraos and bundhs we are left in no doubt that democracy is in danger and the Government must take some measures to stop all these things, and the peasants and the workers, all oi us must help the Government in order to carry out the business in the country.

Sir, I remember an old mythological story of the churning of the sea. Fourteen Ratnas came out in the process. The virulent poison also came out. Sir, when we want to have this experiment of democracy it is bound to be that so many law-breakers, so many varieties of people will have to be faced like the virulent poison out of the churning. But it was Lord Siva who took that poison and the Devas were able to have the nectar, the Amrit.

## "न भोजिरे भोमभिषेण भीतिम्"

It is stated that we should not be afraid of all these things; we will have to face them. Therefore, we must try our best and support the Government. I am not saying that the Government will always belong to a certain party. There may be different parties just as in the States. Every party will have to face the situation. If we feel that the integrity of the country must be maintained then such laws are quite a necessity.

Sir, in the end I come to the reference made by many hon. Members to the Attorney-General's opinion. It is said that it is not unconstitutional. It is all right. It is quite possible that this power can be misused by some persons and some good persons may also come into difficulty. I think the Government should be very careful while implementing this law.

With these words I thank you for giving me this opportunity to speak.

SHRI B. D. KHOBARAGADE: Mr. Vice-Chairman, Sir, I rise to oppose this Bill because in my opinion the present

Bill curtails the fundamental rights guaranteed by the Constitution. Sir, almost all the Opposition parties in this House have opposed this Bill. I remember some days ago the Swatantra Party was demanding that the Communist Party be completely banned in this country. But even the Swatantra Party has opposed this Bill. It indicates that the present measure that we are considering in this House is undemocratic and, therefore, every person who cherishes the high ideals of democracy will oppose this Bill.

It was mentioned in the Statement of Objects and Reasons that this Bill was being brought before this House in pursuance of the suggestions of the National Integration Committee. So far as I remember the National Integration Committee had made recommendations about three or four years back when there was a threat from the Southern States that they would secede from this country because they had certain grievances. Perhaps when China had attacked our country and there was a danger that our country might be disintegrated and in view of the agitation in the South, it was recommended that such a measure should be adopted by Parliament. But now, after four years, there is no necessity at all to bring before this House such measures. Can the hon. Minister say that the same circumstances are existing today? In my opinion such circumstances do not exist at all.

Apart from that, there might be certain anti-social elements. Shrimati Sathe has referred to those anti-social elements in the country which are carrying out gheraos and bunds in this country. I would like to ask the hon'ble Member, Shrimati Sathe, and the hon'ble Minister whether such activities could not be checked by the ordinary law of the land. The Indian Penal Code is there. The Preventive Detention Act is there. These could be utilised to curb these criminal activities or even the secessionist activities. Therefore, Sir, I feel that there is no necessity at all to bring this measure before this House.

Sir, the Bill wants to impose unreasonable restrictions. Actually, if we want to make democracy strong and successful in this country, it is essential that the citizens in this country should enjoy the rights of freedom of opinion and freedom of association. They should

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be entitled to enjoy that freedom and until and unless there is freedom of association, they will not be in a position to enjoy the democratic rights and privileges. Democracy will not be successful in this country.

Sir, very wide powers have been given by this Bill. If we refer to clauses, 4, 5, 6, 15 and 16, we find that they give very wide powers for search of premises and for declaring any associations unlawful. These measures are despotic in nature. And, therefore, no person who wants democracy to flourish in this country will ever support this Bill.

Even a mere mention or a mere argument about the secession can be used for hauling up an individual under this Act. Some time back it was said that to maintain cordial relations with Pakistan it was essential that the Kashmir question should be settled amicably. Some parties had advocated that to come to a settlement with Pakistan. it could be essential to have some partition of Kashmir, some territory being given to Pakistan and some being retained in India. In that way we could have an amicable settlement and we could have cordial relation with Pakistan. But now in future no organisation. political or other wise, can advocate that cause. In the past, at least some people were advocating that cause for the sake of friendship with Pakistan. But if this Bill is passed, in future nobody would be in a position to advocate that cause. If any association wants to do it, it will not be in a position to do so. Sir, suppose in the larger interests of the country, tomorrow it becomes essential to have some kind of adjustment with Pakistan or with any other country, it will be necessary that public opinion will have to be created in favour of such a settlement. And if we have to create public opinion in the country, then it becomes essential that every individual should have the right to express his views and from an association of like-minded people who can advocate that cause and further that cause. But by this Bill, the individuals and associations will be deprived of that right.

Now, I may refer to another provision in the Act. There is a provision about Tribunal. That Tribunal, according to this Bill, will be consisting of only one person. Sir, I would like to suggest that if at all this Bill is to be

enacted into law, then there should be a provision for a Tribunal consisting of three judges. They may be High Court judges or may be Supreme Court judges. It does not matter. But there should be at least three judges. We know that one judge will not perhaps be in a position to decide questions impartially or objectively. He may be swayed by certain impressions that he might have or certain opinions or certain prejudices that he might have in his mind. But if there are three judges, then we can say that there will be some sort of justice. We know how Maharashtra had to suffer. It was agreed to refer the question of the border dispute between Maharashtra, Mysore and Kerala to Justice Mahajan. And we see how Justice Mahajan has blundered in his report. Of course, Justice Mahajan is dead and I would not like to say anything about him...

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Are we discussing the Mahajan Commission Report here?

### SHRI B. D. KHOBARAGADE: No,

Sir. What I am saying is that if we have only one judge in the Tribunal then the report or the findings of that judge, may not be objective. Perhaps he may have some prejudice, perhaps he may have certain whims. And, therefore, he may not arrive alt correct conclusions. But if you have three judges, the views of each and every judge will be balanced. If one judge goes wrong, the other two judges can be right. There is collective wisdom and there is collective responsibility. Therefore, it is essential to have a Tribunal of three judges. Then if we have a Tribunal, it should have the status of a High Court and there should be provision for appeal to the Supreme Court. The judgment of the Tribunal should not be made final.

Sir, I would like to refer to the basic problems in this country. If you just want to pass such Bills, I do not think you are going to create an atmosphere which will be conducive to the unity and integrity of the country. More legislation is not enough. As has been pointed out by Justice Sapru, you have to create conditions, you have to create circumstances which will enable you to create such an atmosphere which would be conducive to the fostering of the unity and integrity of this country. Sir, the other day it was not an Opposition Member but a Congress Member

Shrimati Yashoda Reddy, who said that perhaps this Hindi language controversy might be the beginning of the end of the unity and integrity of this country. Now why should she say so? Just now one Member referred to the statement of Mr. Kamaraj, the President of the Congress, the ruling party, to-day. He also issued a statement

AN HON. MEMBER: He should be arrested.

SHRI B. D. KHOBARAGADE: Why should he be compelled to issue such a statement? So we have to take into consideration the feelings and emoiions of the people living in this country. We have to create circumstances in which they can lead an honourable life.

1 had referred last week to two ghastly incidents. One student was murdered in Aligarh. Why? Because of his brilliance, he was appointed Monitor and Captain of the Class. The caste Hindus did not like that idea, that a person coming from the downtrodden community should go over their heads and become their captain. Therefore, they murdered him. In the other incident in Rewa, three persons were killed because they had grown their moustaches upwards and not downwards. I had given a Calling Attention Notice on that 10 days back. But still the hon. Minister has not made any statement in the House. Sir, I want to ask. Are we second class citizens in this country? Are we not citizens of this country enjoying equal rights and privileges? And tomorrow if a feeling comes in the minds of those people that "We are treated as second class citizens even though we are citizens of this country and so we should have a separate State of our own where we can lead an honourable life", will they be wrong? We have to see how it happens. Well, I have been to America and I have talked to the Negro leaders. Nobody was for a separate State for the Negroes about two years back. But to-day we find that there is an agitation in America for a separate State for the Negroes. Why are all these Negroes agitating now for a homeland of their own where they can be masters of their own fate? Supposing tomorrow the same situation prevails in this country and if the Scheduled Castes say "We do not want to live in slavery, we do not want to lead a life of second class citizens; we want to be masters of

own fate; we want to live with honour and dignity, etc' and if they demand a separate State nobody would blame them, nobody should blame them. Therefore, Sir, mere passing of these legislations is not enough. You have to take steps to see that if any discontent is prevailing anywhere, that is removed immediately. If there is any apprehension in the minds of the people that their legitimate grievances are not being solved, then they will be nourishing in their minds feelings which would be detrimental to the unity and integrity of this country. Therefore, whether it is the language problem or the communal problem, this aspect should be taken into consideration. Now. Mr. Tariq this morning referred to certain injustice done to the Muslims in Kashmir. It was a Congress Member who referred to some injustice done to Muslims. If such feelings are fostered in the minds of the Muslims, the minorities, the non-Hindi speaking people, the Nagas or the Mizos, then it will not be possible for us even with a hundred Acts like this to maintain the unity and integrity of this country. If you want to maintain the unity and integrity of this country, you have to take into consideration the views of the minorities, whether they are linguistic minorities or religious minorities or communal minorities and to redress their grievances. Until and unless that is done, Sir, no Act will solve the problem of unity and integrity of this country.

(Prevention) Bill, 1967

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I have still got the names of eight hon. Members with me. But the Opposition has already taken over four hours. The allotted time to them was four hours for all the three readings. Therefore, I am now calling upon the Minister, Mr. Shukla.

SHRI G. MURAHARI: No, Sir, he can reply tomorrow.

SHRI P. K. KUMARAN: The Minister can reply tomorrow. ..

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Please take your seats. I will explain the position. Hon. Members have to restrain themselves. The House knows that one hon. Member took one hour and 29 minutes when the time allowed to him was only 30 minutes. Therefore, the other Members will have to suffer. I have no alternative but to call the Minister now.

SHRI G. MURAHARI: No, Sir,...

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Give me any valid argument. I am amenable to reason.

SHRI CHITTA BASU (West Bengal) If one hon. Member takes one-and-a-half hours, another hon. Member should not suffer for it.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): What can be done? I might say that the ruling party has taken only 90 minutes when they were entitled to an equal time.

श्री गोड मुराहिर: उनका भी समय दी जिए और यह बिल कल तक चलने दीजिए।

उपसभाध्यक्ष (श्री महावीर प्रसाद भागव) : कल तो चलेगाही। कल सेकेन्ड और थर्ड रीडिंग होगी।

## {Interruptions}

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Khobara-gade, you have had your say. Out of eight hours I am allotting as many as six hours for the first reading. I am only keeping two hours for the second and third reading. There are 102 amendments, as the hon. Members know. Therefore it cannot go on indefinitely. Therefore the Minister has to be called now and we will go on with the second and third reading tomorrow.

(Interruptions)

SHRI NIREN GHOSH: The Minister can reply tomorrow.

SHRI P. K. KUMARAN: Let those who have to express their views get a chance to speak. The Minister can reply tomorrow. We will be able to finish the Bill tomorrow by 4.30.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I am prepared to that if the House is prepared to accommodate me. In that case the House can sit for half an hour more. I will call all the three remaining Members who can take 10 minutes each. Then the Minister will reply.

(Interruptions)

SHRI NIREN GHOSH: Mr. Vice-Chairman, as you know, this is a most important Bill but you seem to be hastening through.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Niren Ghosh, what I object to is the Members not restraining themselves. One hour and twenty-nine minutes on the Opposition time was taken by one hon. Member. It has to be adjusted somehow. If the hon. Members had behaved themselves, everybody would have been accommodated. So, what is to be done? After all eight hours were allotted by the Business Advisory Committee. We have consumed six hours. Now do you expect that the second and third reading will conclude in two hours? So we have to extend the time. (Interruption). I am absolutely open but some workable formula has to be found

SHRI NIREN GHOSH: Now, Sir, the question is that we do not know how the Business Advisory Committee allotted eight hours. As a matter of fact we have differences with the Government that it should be held over for the next Session but the Government is insisting that it must be passed. So the House had to be extended. Now naturally this Bill would have taken three days in the normal course, at least three days are necessary for such a measure. So 8 hours obviously cannot do

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We are sitting tomorrow and two days of six hours each makes 12 hours.

SHRI NIREN GHOSH: So, unless something is done about it, we will be put in a very embarrassing position.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Then sit for half an hour

SHRI NIREN GHOSH: Some may take 20 minutes, some may take half an hour. Of course, we are in your hands.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I am in your hands but some solution has to be found. It is not proper that, one hon. Member takes one hour and twenty-nine minutes in place of 30 minutes. Tell me any workable solution and I will accept it.

SHRI NIREN GHOSH: I will request you that all the names be called and proper amount of time be given. We know that if the House will sit tomorrow, this Bill will be passed. That

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is why I suggest that all the Members whose names are still pending may be called. That is what 1 strongly feel. Of course, the Chair has the last word to say.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The Chair will not do anything. It all depends upon the House. Does the House want to continue the debate any further?

SOME HON. MEMBERS: No, no.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Now I call the Minister.

SHRI VIDYA CHARAN SHUKLA: Mr. Vice-Chairman, Sir, ...

श्री गोडे भुराहरि: तो फिर मतलब हुआ सदन छोडकर जाना पहेगा।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I am absolutely in the hands of the House.

श्रीराजनारायण जरा देखा जाय अगर इस हाउस के हैन्ड में आ जायं तो यह..

(श्री महाबीर प्रसाद उपस माध्यक्ष भागव) : देखिये राजनारायणजी . . .

श्री राजनारायण : आपने वरावर इस मान्यता को माना है कि अपोजिशन के राइट को आप...

उपसमाध्यक्ष (श्री महाबीर प्रसाद भागव): आप बैठिए। अपोजिशन के राइट को मैने बिलकूल सेफगाई किया है। पूरे चार घंटे का उनका टाइम अलाटेड है, मैने फर्स्ट रीडिंग में उनको चार घंटा दिया है, जो कुछ भी दिक्कत हुई है वह एक माननीय सदस्य की वजह से हुई है जिन्होंने अपोजिशन का ज्यादा टाइम अपने वास्ते ले लिया। अगर आगे के लिये यह तय हो जाय कि माननीय सदस्य अपने ऊपर नियंत्रण रखेंगे और जो जिस बिल का समय है वह उतना ही समय लेंगे तो मैं हाऊस से अपील करूंगा कि आधा घंटा बैठ कर माननीय सदस्यों को सूनें।

श्री राजन रायण: श्रीमन, देखा जाये जन संघ कतई नहीं बोला। डाह्याभाई अपने समय का एक तिहाई बोल । तो हमने . . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भागंव ): अ।पके लिये और भी ज्यादा समय रहा कि जन संघ नहीं बोला।

SHRI P. K. KUMARAN : Sir, Mr. Chitta Basu has to present a definite point of view. The Minister can reply tomorrow morning and we can finish the Bill by tomorrow evening.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): What I would like to suggest for the consideration of the House is that I will hear Mr. Chitta Basu, then I will call the Minister to go on with his speech and he will finish his speech tomorrow and we will continue with the amendments. Mr. Chitta Basu. Ten minutes only.

SHRI NIREN GHOSH: How can that be, Sir? Won't we be allowed?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Your Party's time is over.

SHRI NIREN GHOSH: I have heard vour argument but we want to know whether the rest of the Members will be allowed to speak or not, those whose names are already there.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): There was a specific suggestion about Mr. Chitta Basu, (Interruptions). The House has decided that it does not want to hear further. If you have any other suggestions to make, you can do that.

SHRI NIREN GHOSH: Sir, I have suggested to you that the rest of the names be called.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The House is not agreeable. What can I do?

श्री राजनारायण: हाऊस का क्या मतलब है। हाऊस का मतलब कांग्रेस पार्टी?

उपसभाध्यक्ष (श्री महाबीर प्रसाद मार्गव): श्री राजनारायण तथा अन्य सदस्यगण, आप लोग स्वयं नियमों के बड़े जाता है. मझको बताने की जरूरत नहीं है .....

## [The Vice-Chairman.]

The House is the master of its own procedure. It is not prepared to hear anybody further. Therefore I will call on the Minister.

SHRI VIDYA CHARAN SHUKLA: Mr. Vice-Chairman... *{Interruptions}.* Sir, I have been called four times. It is very unfair to me.

### (Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You people have no one mind. (Interruptions). You can j say anything. If it is reasonable, I can even request the House to agree.

#### (Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The House should know that I have so many names still with me: Mr. Niren Ghosh, Mr. Gaure Murahari, Mr. Mandal, Mr. Chitta Basu, Mr. Jagat Narain, Mr. C. D. Pande, Mr. Dayaldas Kurre, Kumari Shanta Vasisht and Mr. N. R. Muniswamy. If I hear everybody, I hear everybody, but if you come to some sort of an agreement, I am prepared to abide by it. But it is entirely for you to decide. And I have asked the House; they are not prepared to sit for a great length of time, the Opposition themselves were not prepared to sit beyond 5 P.M. NOW this is a peculiar situation.

SHRI BANKA BEHARY DAS: I may just give a suggestion which I think may help in the matter. Because there are two other groups which have not spoken on this Bill, I would request that Mr. Jagat Narain and Mr. Chitta Basu, who represent two definite political trends in this country, must be asked to speak.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): What about others?

SHRI BANKA BEHARY DAS: I can request other Members. Mr. Gaure Murahari is agreeable now, and I will request Mr. Niren Ghosh also to speak on some other occasion.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): With this compromise suggestion I hope all Opposition will agree with me that two distinct groups should be allowed. Is the House prepared that these two friends and one friend from this side, the three friends,

speak, and then I call upon the Minister? Let us agree to ten minutes each. Now Mr. Chitta Basu.

SHRI CHITTA BASU: Mr. Vice-Chairman, Sir, I rise to oppose this Bill because this Bill is ill-advised, ill-conceived and totally unwarranted.

During this long debate I was trying to discover in the body of the Bill itself and in the debates whether there is any virtue whatsoever in the Bill. But I regret to admit that neither from the speeches of anybody representing the Congress, nor from the speech of the hon. Minister who introduced this Bill, was there an iota of justifiability for this Draconian measure.

I want to approach this Bill from two distinct approaches, one from the constitutional point of view, another from the political point of view. From the constitutional point of view it has been made abundantly clear by many who have taken part in this debate that the most fundamental of the fundamental rights has been trampled upon, and even the Attorney-General himself had also different view regarding the constitutionality of the Bill. Of course, Mr. Vice-Chairman, you had been kind enough to make the observation that the constitutionality of the Bill may be also tested elsewhere, other than this House. Therefore I do not like to devote much of my time to the constitutionality of the Bill, but it is quite apparent to anyone that the Bill has been an abridgement of the most fundamental of the Fundamental Rights enshrined in our Constitution.

Again, from the point of view of the political situation prevailing in the country, at the outset, Mr. Vice-Chairman, I want to draw your attention to the patent fact that the hon. Minister, or anybody speaking on behalf of the Congress did not, or could not—if I am permitted to say—come out openly with arguments, with statements of facts, to prove that the situation is such as warranted such a Draconian measure. Some hon. Member opposite has referred to the question of the Nagas, has referred to the question of the Mizos and referred to the question of certain disturbing features that are now prevailing in the different parts of the country. But even if I am ready to give credence to those disturbing features prevailing in certain parts of the country, I will have to ask the hon. Minister

why he is not coming out openly to justify this Bill from that point of view. Sir, shall I be wrong if I ask if it is not the accepted principles of the Government of India, with regard those disturbing features, that the solution should be found not from the military point of view, not from the point of view of repression, but from the point of view of finding political solutions to the problem? Is it not a fact—which the House knows—that there has been a separate Government of the Naga hostiles, that they have been raising an army of their own and waging war against the Government of India? But in spite of that fact the Government of India has not stopped the dialogue with those hostile Naga rebels; they are contemplating to have fresh talks also. Therefore I say that, when the Government of India contemplates to settle all such burning problems from the political point of view, why has the Government of India come out with such a Draconian measure, which will do no service but will unnecessarily create confusion, unnecessarily create such a situation which will not help in the fostering of emotional integration of our country? Even if I refer to the question of Kashmir, it is quite known to all of us that there are forces at work there, which do not accept the irrevocable accession of Kashmir to India. When such is the case, when the Government of India is still adopting the attitude to persuade them to come to the negotiating table, is trying again to start the dialogue with the Naga rebels and the Mizo rebels by persuading them to join the dialogue with a view to arriving at a political solution to this problem, what has prompted the Government to come out with such a Draconian measure which will ultimately lead not to emotional integration, but to disintegration if I am permitted to say so? Therefore, there is no iustifiability either from the point of view of constitutionality, or from the point of view of the political situation, or political exigencies now prevailing in the country. It will unnecessarily create certain confusion, unnecessarily create misgivings and ultimately create hurdles in the matter of having emotional integration of our country, which is most needed in the country today. Therefore I say that the Bill is ill-advised and ill-conceived, and also it is unwarranted. Again, Sir, you will agree that if any party has to be charged with the offence of cession of any part of our country, it is the

Congress Party and it is the Congress Government which has to be charged as the first criminal, because they have given away part of our country, which is Berubari. Do you know, Sir, that thousands of people, who are citizens of India, are going to be made citizens of another country, another foreign and hostile country just by a stroke of the pen? For the past few years and even today the people of that part of Berubari, are waging struggle to see that that part of the country is not handed over to Pakistan. While the people of Berubari are fighting against cession, the Government can be openly charged for ceding a part of our country to a hostile foreign country. Again, if we refer to Haji Pir, was it not part of our country and have you not given away that part of the country to a foreign country Therefore who is to be blamed for that? It is not the Opposition parties. It is not any group of persons, nor any association, but it is the Congress Party, it is the Congress Government as such which is to be held responsible for the cession of part of our country. Again in this Bill itself it is to be found that any such action taken by the Government of India shall not constitute an unlawful activity. I do not know why this type of double standards are being encouraged, and being indulged in. Therefore there is no moral justification for this **Bill** whatsoever, if I may be permitted to say so.

Coming to the Bill itself, it will be quite clear from even a cursory glance of the provisions that the fundamental principles of jurisprudence have not even been incorporated in it. The Central Government arbitrarily or *suo motu*, on their own, can declare an association as an unlawful association and after declaring it they will refer it to the tribunal but the onus of proving lies not with the Government but with the association which is being charged with the offence.

Again, in the present context of things when good relations between the States and the Centre are most urgently required, I want to know from the hon. Minister whether the opinions of the State Governments were sought because it is to be found from the Bill that it is the State Government and the State Government officials who will be called upon ...

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is time to wind up now.

SHRI CHITTA BASU: ... to implement this Act. May I know from the hon. Minister, when such a Draconian law is going to be implemented by the State Governments particularly in these parts of the country in the eastern sector, whether he has consulted them and sought their consent for the enactment of such a measure from these State Governments, particularly Assam, West Bengal, Orissa and other States, because ultimately even according to the provisions of this Bill it is the State Governments which will be required to implement the provisions of this Bill?

Unlawful Activities

In the end I again express my resentment and say that this is not a judicious piece of legislation, this is wholly unwarranted, there is no justification for it and therefore the Government will do well to see that the Bill is withdrawn. Thereby they will serve the cause of integrity, sovereignty and emotional integration of the country in a better way than by the passage of this Bill which if passed will cause irreparable harm to the unity, sovereignty and emotional integration of the country. Therefore I say that this Bill should be withdrawn.

श्री दयाल दास करें (मध्य प्रदेश) : उपसभाष्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिये खड़ा हुआ है। कुछ कहने के पूर्व मैं इस वात दो शब्द कहना चाहता हं कि हमारे पूर्व वक्ता विद्वान श्री सप्रसाहब ने यह कहा कि देश में शासन को एक ऐसावात:-वरण बनाना चाहिये कि जिस से इस की जो गडबडियां अनलाफल ऐक्टिविटीज होती हैं वे अपने अप दब जायं और इस तरह से कार्यं करने वालों के प्रति हमें एक ऐसा प्रभाव पैदा करना चाहिये जिस से लोग उनको घणा की दिष्ट से देखें। सँद्धांतिक दृष्टि से यह बड़ा ही अच्छ। है और हमें इसका अनुकरण करना चाहिये । इस सिद्धांत का अनुकरण करके माननीय भृतपूर्व होम मिनिस्टर श्री नन्दा जी ने इस सिद्धान्त का अवलंबन लिया और उन्होंने एक साधु समाज की रचना की । उसके परिणामस्वरूप हुआ यह कि वही साधु समाज जो एक सुन्दर वातावरण

देश में पैदा करने जा रहा था, जिस सिद्धान्त को लें कर कें उसका निर्माण हुआ था, उसने देश की पालिय मेंट के सामने एक नया प्रदर्शन किया गोरक्षा के सिद्धान्त को ले कर के और वह बातावरण जो हमारे भूतपूर्व गृह मंत्री देश में बनाना चाहते थे, वह सफलीभूत नहीं हुआ। यह केवल सैद्धांतिक दृष्टि से किया गया था।

दूसरी बात मैं इस विषय में यह कहना चाहता हूं कि शासन के हाथ बड़े लम्बे होते हैं और ऐसे लम्बे हाथों में मजबूती भी होती है। उस मजबूती को पूरा करने के लिये उसको एक आशा भी होती है, एक अपेक्षा भी होती है कि देश के नागरिक उसे मजबूत बनाने के लिये सित्रय कदम उठायें, पूणं सहयोग दें। इस आधार पर आज हम देखते हैं कि यह विधेयक हमारे सामने विचार थं आया है। उसके पिछे भी एक उद्देश्य है कि शासन मजबूत हो, शासन की प्रमुसना, राष्ट्र की प्रमुसना, देश की अखंडता कायम रहे। इस सिद्धांत को ले कर के यह विधेयक हमारे सामने आया हुआ है।

हमने देखा कि जिस तरह से पौराणिक काल में, ऐतिहासिक काल में भारत सब भौगोलिक दृष्टि से सुरक्षित था, प्रगतिकील यग में हम नहीं देखते कि भौगोलिक दृष्टि से भारतवर्ष सुरक्षित है। पहले हम समझते थे कि उत्तरी हिस्से में हिमालय अपनी ऊंची चोटी लिये खड़ा हुआ है, दक्षिण में समुद्र है। लेकिन आज वे हमारी सुरक्षा देः साधन नहीं हैं। हम देखते हैं कि पिछली लड़ाई में जब कि चीन ने हमारे ऊपर चढाई की, हिमालय की ऊंचाई कुछ नहीं कर सकी। अज हम सब तरफ से शत्रुओं से घिरे हये हैं। हमने यह देखा कि हमारे पूर्व में पूर्वी पाकिस्तान है, उत्तर में चीन है जिन से हमारे राजनैतिक सम्बन्ध अच्छे नहीं है। हम देखते हैं कि पाकिस्तान से भी हमारे सम्बन्ध अच्छे नहीं हैं। हमारे देश देः

नागरिक, चाहे हम उनको संस्थागत कहें, चाहे व्यक्तिगत कहें, वे चोरी छिपे इन स्थानों में जाते हैं और वहां अपनी शक्ति संचय करते हैं। उसका उदारहण भूमिगत नागा हैं, मिजो एरिया के लोग हैं, नेफा एरिया के लोग हैं जो लुक-छिप कर चीन में भी जाते हैं और पाकिस्तान में भी जाते हैं। अन्य देशों में जो हमारी सीमा पर हैं वहां जा कर के वे अपनी शक्ति संचय करते हैं, सशस्त्र होते हैं और देश के विरुद्ध वे एक ऐसा वातावरण तैयार कर रहे हैं जिस से हमारी अखंडता और राष्ट्रीयता भंग होती जा रही है।

जाज अप देखेंगे कि पिछले जाम चुनाव के बाद देश की राजनैतिक स्थिति में एक परिवर्तन आया और उस परिवर्तन में जहां सारे देश में कांग्रेस का शासन था उसमें आधे से अधिक हिस्से में आम चनाव के बाद गैर कांग्रेसी जासन स्वापित हुये और उसका परिणाम यह हुआ कि हमने देखा कि वंगाल में नक्सलवाडी की घटना हमारे सामने एक ज्वलंत उदाहरण है। वहां पर नक्सलवाडी में किसी भी नागरिक की जान व माल की रक्षा का कोई साधन नहीं है। सरकार का यह कर्तव्य है कि उसकी रक्षा करे। प्रांतीय शासन में जो कम्यनिस्ट शासन वहां पर था उसने वहां पर उनकी जान व माल की रक्षा की कोई व्यवस्था नहीं की । वही स्थित हमने केरल में पाई। केरल में खाद्य समस्या को ले कर के बड़े बड़े अड़गे लगे. उपद्रव कराये गये, कहा गया कि केरल निवासी चावल खाने के आदी हैं, रोटी नहीं खा सकते और उसको एक विषय बनाया गया। फिर हमने देखा कि राजभाषा समस्या हमारे सामने आई। हमने इसके विषय में पिछले वक्त यह देखा कि मद्रास में इस तरह की लहर अई कि उन्होंने देश की अखंडता को तोड़ने का प्रयास किया। अभी हमने देखा कि जब राजभाषा विघेयक

दोनों सदनों के सामने विचारार्थ आया तो उत्तर में भी इस तरह की लहर आई और यह लहर यहां तक आई कि सरकारी सम्पन्ति, राष्ट्रीय सम्पन्ति, चाहे रेलगाहियां हों, मोटर हों, बसें हों, पोस्ट आफिसेज हों, न्यायालय हो. जितनी चीजें हैं उन सब को नष्टभ्रष्ट करने की एक नीति निकाली गई। और उसका माध्यम बनाया गया विद्यार्थी वर्ग और विद्यार्थी वर्ग को उसके लिये प्रोत्साहन दिया गया । समाचार पत्रों में मैंने पढ़ा था कि एक विश्वविद्यालय के दस हजार विद्यार्थियों के सामने हमारे इस सदन के माननीय सदस्य श्री राजनारायण जी ने संबोधन किया कि अंग्रेजी हम पर लादी जा रही है, हिन्दी जो अधिक भाग के लोगों की भाषा है वह हमसे अलग की जा रही है। इस प्रकार के जो तत्व आज देश में काम कर रहे हैं, उनको देखते हुये वर्तमान जासन का यह कर्तव्य हो जाता है कि वह ऐसी एक व्यवस्था करे कि जिस से चाहे वह व्यक्ति हो, चाहे वह निकाय हो, चाहे वह कोई संस्था हो, यदि इस प्रकार की लोडफोड की नीतियां बना कर के वह देश की अखंडता, राष्ट्र की एकता, राष्ट का प्रेम भंग करने का प्रयास करता है तो उसके लिये सख्त से सख्त कदम उठाया जाय। इस दृष्टिकोण से यह विधेयक हमारे सामने आया है। हमने देखा कि दोनों सदनों में पहले प्रस्तृत हजा, उस पर विचार हजा और उसके बाद दोनों सदनों के कुछ चने हए सदस्यों को लेकर एक प्रवर समिति का निर्माण हुआ और उसके सामने भी यह अनलाफल एक्टिविटीज प्रिवेंशन विल आया। प्रवर समिति के सामने यह प्रवन आया कि सचमुच में यह विघेयक कानुनी तौर पर सही है या नहीं। इस बात की ठीक-ठीक जांच करने के लिए उन्होंने एटानीं जनरल की राय लेने की राय दी। एटानीं जनरल को प्रवर समिति के सामने बलाया गया और उन्होंने इस प्रश्न पर कि कांस्टी-टयजनली यह विधेयक सही है या न हीं

[श्री दयाल दास कुरें] जो राय दी उसको मैं दो शब्दों में पढ़कर मुनाना चाहता हं:—

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"The Attorney-General was requested by the Committee to express his opinion on the vires of the **Bill** and also on the question whether the restrictions proposed to be imposed by the Bill on the fundamental rights of speech and expression, assembly and to form association or unions were reasonable. The Attorney-General was of the opinion that the proposed legislation comes clearly within the ambit of clauses. (2) to (4) of Article 19 of the Constitution..."

उपसभाष्यक्ष महोदय, उसके बाद उन्होंने इसकी लीगेलिटी के उपर भी पूछा कि जो देश के नागरिकों के मूल अधिकार है उनका भी हनन हुआ है या नहीं। उस पर भी एटार्नी जनरल ने अपने विचार व्यक्त किए हैं कि नागरिकों के जो मूल अधिकार हैं उनका किसी प्रकार से हनन नहीं हुआ है। तो मैं कहूंगा कि कानूनी दृष्टि से यह अनलाफुल एक्टिविटीज प्रिवेंशन बिल उपयुक्त है और इसमें ऐसी कोई स्कावट नहीं आई है।

इसमें एक न्यायाधिकरण के बनाने की बात कही गई है जिसमें हाई कोर्ट के जज और दो उनके समकक्ष व्यक्ति लिए जायें। आज बार बार उसके सम्बन्ध में चर्चा उठ रही है। कौन सी ऐसी बात हो गई है कि यह जो न्यायाधिकरण बनना है उसमें कोई खराब बात है। आज हाई कोर्ट के सामने बहुत अधिक मामले हैं, हम सारे विषयों को उनके सामने पेश नहीं कर सकते। इसलिए प्रत्येक केस को इस न्यायाधिकरण के सामने प्रस्तुत करने का जो केन्द्रीय ज्ञासन ने निर्णय किया है मैं समझता हं कि सब विधि वह उपयक्त निर्णय है और हमें उसकी सराहना करनी चाहिये। इन सब बातों को दिष्ट में रखते हुए मैं इस विषेयक का समर्थन करता है।

श्री जगत नारायण (हरियाणा) : वाइस वयरमैन महोदय, मैं आपका आभारी हं कि आपने मझे समय दिया। मैं इस विधेयक के खिलाफ हं। क्यों खिलाफ हं? उसके दो कारण हैं। पहला कारण यह है कि हमारे पास इंडियन पीनल कोड है, डिटेंशन एक्ट है और कई ऐसे एक्ट हैं जिनके जरिए से सरकार जो भी काम करना चाहे कर सकती है। आप पूछेंगे कैसे। आप उस वक्त ए० आई० सी० सी० के परमानेन्ट सेकेटरी थे। आपको याद होगा कि मास्टर तारा सिंह ने--उस समय सरदार पटेल होम मिनिस्टर थे--यह नारा लगाया था कि पंजाब को अलहदा होने का हक होना चाहिए, उन्होंने एक बड़ा भाड़ी जलस निकालना था दिल्ली में, पार्लियामेंट के आगे मेमोरेंडम पेश करना था, मगर सरदार पटेल ने रास्ते में उनको पकड लिया। इसी तरह जब हमारे राष्ट्रपिता पर हमला किया गया और उनकी मृत्यू हो गई तो आर० एस० एस० पर प्रतिबन्ध लगा दिया गया था। उस समय यह कोई बिल नहीं आया था, अनलाफल एक्टि-विटीज प्रिवेंशन का विल नहीं था। इसी तरह कम्युनिस्टों पर भी प्रतिबन्ध लगा था। इसलिए यह कहना कि इस बिल की निहायत जरूरत है कुछ पार्टियों को अनलाफुल करार देने के लिए क्योंकि वे हिन्द्स्तान से अलहदगी का प्रचार करती हैं, बिलकुल गलत है। मैं समझता हूं कि उनके पास इतने कानन हैं कि जो चाहे कर लें। दूसरा कारण मैं यह समझता हं कि आज सरकार पटेल का जमाना नहीं है, न होम मिनिस्टर उस समय के हैं, न मजब्त हमारे नेता हैं। हमारे नीरेन घोप, कुमारन साहब और र जन रायण जी यों ही घवडा रहे हैं, इनमें यह हिम्मत नहीं है कि किसी पार्टी को अनलाफल करार दें। इसलिए घबडाने की बात नहीं है, इसे इस्तेमाल नहीं होना है, यह ऐसे का ऐसा पड़ा रहेगा। यह इस्ते-माल होगा चन्द आदिमयों के खिलाफ। असली चीज तो, वाइस चेयरमैन साहब, यहाँहै कि 'आपको भी--जैसे हम लोगों को

**Unlawful** Activities

मिला करते हैं- पाकिस्तान की तरफ से भेजे हुए लेटर मिला करते होंगे। जो पाकिस्तानी रेडियो पर आता है वही पालिया-मेंट मेम्बर्स को भेजते हैं, दूसरे डिगनीटरीज को भेजते हैं। पाकिस्तान का सिफारतखाना यहां बैठा हआ है जो यहां पर प्रचार कर रहा है, जो काश्मीर के लोगों को अलहदा करना चाहता है, अलहदगी का प्रोपेगेंडा करता है। उनकी चिटिठयां रोज एम० पीज० को आती हैं, एम० एल० एज० को आती हैं। हमारी सरकार बैठी है, कुछ एक्शन नहीं ले रही है। मैं समझता हं कि जो विधेयक पास हो रहा है उसके मताबिक खास तौर पर एक्शन लें पाकिस्तान के सिफारतखाने पर कि वह क्यों इस तरह का प्रचार कर रहा है। मैं अखबारनवीस हं। चीन से टाइप की हुई या छपी हुई चिद्रियां हमें मिलती हैं जो हिन्दस्तान के खिलाफ होती है, हिन्दुस्तान से अलहदा होने की बातें उसमें लिखी होती हैं, हम लोग उसे नहीं छापते लेकिन दिल में दूख होता है, उनको रही की टोकरी में फेंक देते हैं, हैरान जरूर होते हैं कि हमारी सरकार को पता नहीं। आज वागी नाग ओं से बात होती है। ये नागा चलते हैं, कलकना पहुंचते ही उनका लीडर बयान देता है कि हप जा रहे हैं लेकिन हम हिन्दस्तान से अलग रहना चाहते हैं, मगर हमारी प्रधान मंत्री बात करती हैं और फिरट्स हो जाती हैं। ट्स किससे करते हैं? ट्स दो दूब्मनों में होती है। यह नागालैंड हमारा हिस्सा है, हमारे देश का हिस्सा है, उससे इस कैसी? दो-चार बागी उठे, दिल्ली भागे आए और वयान भी दे दिया कि हम हिन्दुस्तान से बाहर रहना चाहते हैं, लेकिन हमारी प्रधान मंत्री उनसे ट्रस करती है। अगर सरकार की ओर से कोई आनेस्ट टिब्यनल कायम किया जाय प्रिवी कौंसिल जैसा जिसमें तीन जज हों, उसके सामने यह सारे मामले लाए जायं तो वह कहेगा कि यह सरकार दोषी है, इसके खिलाफ मकदमा

चलाना चाहिए, इसके खिलाफ एक्शन लेना चाहिए। काश्मीर में क्या हो रहा है। पाकिस्तान जिल्दाबाद के नारे लगते हैं, अयुव के नारे लगते हैं लेकिन वहां पर जो दल हैं उन पर आप बन्दिश नहीं लगा सकते और आप नहीं लगायेंगे। मैं बड़े अदब से यह कहना चाहता है कि इस सरकार को यह गुनाह बेलज्जत नहीं करना चाहिए था क्योंकि उसे इस विधेयक को इस्तेमाल नहीं करना है। इस्तेमाल करने का सवाल आएगा तो हमारे जैसे लोगों के खिलाफ जो अखबारनबीस हैं कि तुमने यह खबर क्यों छाप दी यह खबर हिन्दुस्तान के खिलाफ है, इसलिए हम तुम्हारे खिलाफ एक्शन लेंगे।

## [THE VICE-CHAIRMAN (SHRI P. K. KUMARAN) in the Chair.]

कल ही हमारे यहां के पूराने मेम्बर सरदार कपूर सिंह ने पंजाब में एक पार्टी की और उस पार्टी में एलान किया कि हम हिन्दुस्तान से अलग होना चाहते हैं, पंजाबी सुबे को हिन्दुस्तान से अलहदा करना चाहते हैं। क्या हिम्मत है हमारी सरकार में कि वह उनके खिलाफ एक्शन ले? चाहे यह विघेयक पास हो जाय, मैं कह सकता हं, डंके की चोट पर कह सकता हं कि इस सरकार में यह हिम्मत नहीं है कि एक्शन ले किसी के खिलाफ।

इसलिये मैं, बाइस चेयरमैन महोदय, होम मिनिस्टर से बड़े अदब से दरस्य स्त करूंगा कि वह क्यों गनाह बेलज्जत वाला विल ला रहे हैं, उनके पास सारा इंडियन पीनल कोड पडा है, उनके पत्स डिटेंशन एक्ट पड़ा हुआ है, उनके पास और कई एक्ट पड़े हुये हैं, उसके जरिये काम चलायें अगर काम चलाना जरूरी हो और अगर वह यह महसुस करें कि फलां पार्टी हिन्दुस्तान से अलहदगी का प्रचार कर रही है।

वाइस चेयरमैन साहब, मैने पिछले दिनों अखबार में पढ़ा है, यह चार पांच दिन की बात है, हिन्दी भाषा के मृतल्लिक ही एक

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अ टिकल छपा है, अगर होम मिनिस्टर कहेंगे तो मैं उनको वह आर्टिकल पेश कर दंगा, दिल्ली के रोजाना अखबार में एक आर्टिकल है, जिसमें छपा है कि जो नैकर साहब हैं उन्होंने क्या किया, एक भाई ने कहा कि डी । एम । के । ने कह दिया कि हम आईन को मानते हैं लेकिन नैकर साहब जिन्होंने यह सारा मुबमेंट चलाया वह तो आईन को नहीं मानते, वह श्री कामराज के साथ पेंगें बढ़ा रहे हैं और कामराज उनके साथ पेंगें बढ़ा रहे हैं- मेरे किसी भाई ने ठीक कहा कि क्या आप कामराज पर मकदमा चलायेंगे -तो जब सरकार को मालुम हो कि नैकर साहब के यह विचार हैं, वह आईन को जलाते हैं, जब सरकार यह महसूस करे कि वे मद्रास का एक अलग देश वनाना चाहते, हैं और उसके साथ आल इंडिया कांग्रेस वेः प्रेसिडेंट श्री कामराज है, वह अपनी पार्टी को इस तरह रिहैबिल-टेट कर सकें या अपने को रिहैबिलिटेट कर लें, जब सरकार यह महसूस करे तो क्या सरकार को उनको पकड़ने और उन पर मकदमा चलाने की हिम्मत है, यह हिम्मत क्या सरकार करेगी ? इसलिए वाइस चेयरमैन साहब, में बड़े अदब से अपने होम मिनिस्टर को कहंगा कि इस विश्वेयक को वापस ले लें, इसकी कोई जरूरत नहीं है, इसको आप यों ही ला रहे हैं, यो ही सरकार बदनामी उठा रही है, क्योंकि आपके पास इंडियन पीनल कोड और दूसरे बहत से एक्ट हैं जिससे कि अगर हिन्दस्तान के कुछ लोग ऐसा करते हैं, हिन्दुस्तान के खिलाफ बात करते हैं तो उनके जरिये उन पर एक्शन लीजिये। मगर एक बात याद रिखये कि जब तक दिल्ली में चीन का और पाकि-स्तान का शिफारतखाना है तब तक कुछ नहीं होगा। जिस ढंग से वे काम कर रहे हैं, जिस ढंग से लिट्रेचर बंट रहा है, जिस ढंग से उन्होंने आदमी खरीदे हये हैं, पाकिस्तान वालों ने एक हजार आदमी खरीदे हये हैं जो कि सारे हिन्द्स्तान में प्रचार करते हैं,

हिन्दुस्तान में पाकिस्तानी लिट्टेचर बंटता है और इतनी चीजें बंटती है कि उनको पढ़ कर आदमी की तबियत हैरान और परेशान हो जाती है, और चीन का जो मैटीरियल वंटती है उसको भी कभी आप पहें, वहा भी आपकी नजर से गजरा होगा, वह सब हमारे हिन्दस्तान के खिलाफ होता है, वह सब छपता है और बंटता है, तो अगर इसके खिलाफ एक्शन नहीं ले सकते तो फिर इस विल को बनाने का क्या फायदा है। इस बिल को क्यों बना रहे हैं।

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.]

इनके खिलाफ एक्शन लेनी चाहिये या आपके खिलाफ एक्शन लेना चाहिये क्योंकि आपने हिन्दस्तान के कुछ इलाकेजात को अभी लढाई के बाद भी पाकिस्तान के सुपूर्व कर दिया, चीन के स्पूर्व कर दिया। जैसा कि श्री बांकाविहारी दास न कहा कि चार मील का ट्कड़ा है वह आपने सुपूर्व कर दिया है पाकिस्तान के हाथों में, चीन के हाथों में भी सुपर्द कर दिया है। तो मैं समझता हं कि जब आप देश की सुरक्षा नहीं करते हैं, नहीं कर सकते हैं तो फिर इससे क्या फायदा है। जब यह इलाका चीन के कब्जे में किया तो पंडित जवाहर लाल नेहरू ने कहा कि वहां कुछ उगता ही नहीं है, कुछ पैदा ही नहीं होता है, तो क्यों इतनी फिक्र करते हैं उस इलाके का जो कि लद्दाख के ऊपर है।

(Time bell rings.)

इसलिये मैं बड़े अदब से अर्ज करूंगा कि आप इस बिल को बापस ले लें, इस बिल को पेश न करें, क्यों गनाह बेलज्जत वाली बात करते हैं। आप इसको अभी वापस ले लें तो बहुत अच्छा करेंगे।

श्री बांक बिहारी दास : तो फिर कल बैठना भी नहीं होगा।

श्री जगत नारायण: जी हां, अभी वापस कर लें तो फिर कल आपका दैठना

# भी जरूरी नहीं होगा। बहुत बहुत अपका शुक्रिया।

SHRI VIDYA CHARAN SHUKLA: Mr. Vice-Chairman, an interesting feature of this debate in the First Reading has been that while most of the Members have not denied that forces are working in the country for the vivisection and division of the country, they have tried to blame the Congress and various other parties for doing it. From our side, from the Congress side, from the Treasury Benches, speakers have said that the various opposition parties are responsible for the present condition when there are various forces working for the vivisection and division of the country, whereas from the opposition ranks they have blamed not only the ruling party but also various other opposition parties like the Left Communists and others. The central point that we have to see in this that the need for this Bill exists, and this has been acknowledged by most of the Members who spoke in the debate in this House as well as in the other House. There may be differences on the question as to who is responsible for such a situation. They are entitled to hold the opinion that the Congress is responsible, which I do not think is right, I think it is absolutely wrong to say things like that, but still they are entitled to their views: and people in the opposition side can hold other views. But this factor has struck me most that almost everybody, except probably one Member, has said that there is the need for some such thing when things have gone to such an extent that everybody has agreed that the conditions in the country are such where this kind of division or disintegration is possible. Because of this we thought that we must acquire certain powers specifically to deal with certain situations like this. When this power is being acquired, another criticism that has come about is that the Government already has a lot of power under the I.P.C. and the Cr. P.C. and the Preventive Detention Act, but none of the hon. Members has taken the trouble to specifically point out which are the provisions in which law or which Act which can really suffice for the purpose for which this Bill has been brought before this hon. House. I may mention, Sir, that this question was also discussed in the Joint Select Committee and various Members who have given notes of dissent have not pointed out any specific Act or law under which the powers that

are sought to be acquired under this Act would be superfluous.

So, I would request the House to consider that it is very easy to say things in a general way, but when we come to brasstacks and come to find what are the powers available to Government to deal with contingencies which are visualised, then we come to the conclusion that at present we do not have these powers which we seek to acquire through this enactment. Here also certain Members have mentioned that these are very drastic powers. Naturally when drastic ills have to be remedied, drastic powers have to be acquired. I would not deny that this does not confer drastic powers on the Government. It does. But the question is whether such drastic powers are required in relation to the present conditions or not. In our opinion such drastic measures are required today, at least such drastic powers are required in our hands today so that if any such conditions come about and such action has to be taken, we should be able to take such action under a law which is passed by this hon. Parliament.

Government is often blamed for inactivity. Sir, conditions can arise in the future when an action of this kind which is visualised in this Bill may be necessary, but at that particular time we may not have the powers and I do not think any hon. Member of this House would support Government taking action without having any legal power to do so. So this is also a thing that must be considered that this is a provision which is being made for future contingencies looking into the present situation which points towards such contingencies in the future.

Another thing that has been said is about the position, of review\* One hon. Member was saying—I think it was Mr. Khobaragade—that it is not sufficient to have one Judge to review. Well, this is very strange that even the hon. Members belonging to the opposition parties who keep on asking for judicial inquiries by Judges of the High Court are now coming round to say that even a sitting Judge of the High Court is not sufficient to inspire their confidence in Government's action. If the Government's action which will be taken under the provisions of this Act is scrutinised or from time to time reviewed by a Tribunal which is presided over by a sitting Judge of a High Court, if this kind of thing will not give the necessary confidence to the opposition parties that €105

[Shri Vidya Charan Shukla.]

these powers will not be misused, will not be used against the opposition parties, it is very very difficult to convince them. If this kind of unreasonable attitude is taken, it is very difficult to get any unanimity any time.

One Member said that there should be three Judges instead of one. May be Mr. Bhupesh Gupta and his party may agree to three Judges reviewing it, but Mr. Niren Ghosh may ask for five; but even then they may say they will not agree to what the Judge says because their attitude to the judiciary has been expressed by their leaders from Kerala and West Bengal. They have themselves said what they think about the present judicial system and the judiciary in the country. So, 1 think it is futile to try to convince the hon. Members belonging to those parties who have very scant regard to our judicial system or to our judicial officers. I do not think one Judge or three Judges or five Judges will make any difference as far as they are concerned.

About the constitutional validity of this enactment various opinions have been expressed. The hon. Mr. Chatterjee and some other Members quoted some passages from the evidence which was tendered by the Attorney General before the Joint Select Committee. As the House very well knows, the Attorney General held that the provisions of this Bill are not in contravention of the Constitutional provisions and, as you very rightly held, Sir, he said that even if it weie so, it is for the courts to pronounce on that point. But as far as we are concerned, as far as the Government is concerned, according to the best legal advice available to us, we think that none of the provisions of this Bill are in contravention of or contrary to the provisions of the Constitution and I do not think any of the hon. Members should harbour any doubts about the constitutional validity of this measure.

Sir, another thing which has struck me during this general debate is that the various parties and the individuals who opposed it opposed it for quite different reasons, very often contradictory to each other and quite often cancelling each other. If I had time, I could counter these arguments given by Mr. Jagat Narain and other Members who spoke. But it is not what Mr. Dahyabhai Patel objected to; it was something which Mr. Chitta Basu would not object to or Mr.

Banka Behary Das would object to. But it appears that even they did not regard that this Bill is something which is being brought in a vacuum. That is to say, all these Members whom I have mentioned, they have said that there are conditions in the country which are very disturbing. But as I have said earlier, they said that the Congress has brought them about. If there are difference of opinion between various Opposition parties...

(Prevention) Sill, 1967

SHRI BANKA BEHARY DAS : Some of the territories have been conceded to some other country because of their own mistakes

SHRI VIDYA CHARAN SHUKLA: I do not think I am required to go into all this. The present situation, as it obtains in the country, that we have to take into consideration. And I do not think that even Mr. Banka Behary Das with his hand on his heart can say that conditions do not exist in our country which require such an enactment.

Now, the other point that was made...

SHRI BANKA BEHARY DAS: Already laws are there.

SHRI VIDYA CHARAN SHUKLA : I would be very happy if hon. Members point out to me during the...

SHRI BANKA BEHARY DAS: You have the Preventive Detention Act whose scope also can extend to this because that will be in the Statute Book for a long time to come. You have the Indian Penal Code; you have the criminal conspiracy under section 320. All those can be brought and such persons can he tackled.

SHRI VIDYA CHARAN SHUKLA : Well, Sir, I have already made an offer to hon. Members that during the Second Reading, Members belonging to those parties can point out the specific provisions of the Preventive Detention Act: they can point out the specific provisions of other penal Acts and tell us that those are the provisions which can easily replace and serve the same purpose which the provisions of this Bill will serve and we shall definitely apply our minds to them. So far as things stand today, after deliberations in the Joint Select Committee, after the debate in the other House and the debate here, we have not been able to spot out a single instance. It no use making such general servations that the Preventive observations Detention Act, the Criminal Procedure

Code, this Act or that Act will serve the purpose as this. I would expect learned Members like Mr. Banka Behary Das to come out with specific provisions and show the specific clauses which will be able to replace the clauses that we want to enact under this Bill tion; any individual who also declares and then we shall be able to debate over this that he wants to be independent, he matter in a useful manner.

Unlawful Activities

Sir, I do not think that I should go into many persons with whom you are conducting of the other points that have been raised by the various Mambers at this lets have B. Sir, I do not think that I should go into many persons with whom you are conducting of the other points that have been raised by the conducting this distribution. various Members at this late hour. But I can touch. .

SHRI BANKA BEHARY DAS: One reply I want. What will happen to the Naga and you pass this, what will be the position Mizo problems after this Bill is passed about the Nagas? because once this Bill is passed, they become virtually unlawful associations. Or you can say, have already said that after we pass this, 'individuals committing unlawful actions' this matter will be brought. This question What will be the position of the Government? does not arise at present unless this is Will they carry on negotiations with such an passed. unlawful body or group of persons? Will they

And a cease to do it? Or will they compromise their position and violate this and conduct the dialogue with them? I want a categorical answer

not prepared to answer any hypothetical question. . .

hypothetical.

SHRI VIDYA CHARAN SHUKLA: Why don't you let me complete? I am coming to all that. I am saying that I will not give a specific answer to any hypothetical question. But I will give the views. The hon. House knows that there are no negotiations being conducted with Mizo National Front which has been declared an illegal body. As far as the Underground Nagas are concerned, they have no such body which has been declared this. illegal by the Government, Sir...

(Interruptions)

SHRI BANKA BEHARY DAS: The laws says, 'either an association or persons'.

SHRI SHEEL BHADRA YAJEE: Our Army was there.

SHRI YELLA REDDY (Andhra Pradesh): Under what provisions was the Naga Party banned?

(Interruptions)

SHRI BANKA BEHARY DAS: Sir, according to clause 13, the wording is:

"Whoever—

(a) takes part in or commits, or >

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(0) advocates, aoets, aavises or incites the commission of,

any unlawful activity, ..."

So, it is not a question of an associacommits the same offence as a group of

SHRI VIDYA CHARAN SHUKLA: After you pass it...

SHRI BANKA BEHARY DAS: After

SHRI VIDYA CHARAN SHUKLA : I

And another hon. Member asked under what provision we have declared the Mizo National Front as an illegal body. We have declared it illegal under the Defence of SHRI VIDYA CHARAN SHUKLA: I am the position. The House knows that Government's intention is not to continue the state of emergency indefinitely in SHRI BANKA BEHARY DAS: It is not this country. We do not want the Defence of India Act and the Defence of India Rules to continue indefinitely in our country and that is why we want to take certain essential powers in our hands to maintain national integrity here and to punish any such force or individuals or parties who challenge the national integrity. With this view, we have brought this Bill before this honourable House and I except and hope and request that all Members should accept

#### VICE-CHAIRMAN M. P. BHARGAVA): The question is:

"That the Bill to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration.'

The motion was adopted.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We shall take up the clause-by-clause consideration of the Bill tomorrow.

The House stands adjourned till 11.00 A.M. tomorrow.

> The House then adjourned at forty-eight minutes past five of the clock till eleven of the clock on Wednesday, the 27th December, 1967.