SHRI BHUPESH GUPTA: I must, before I speak, congratulate you because you have shown wisdom in this matter and that wisdom helps matters. These are important things. That is how you establish traditions.

THE UNLAWFUL ACTIVITIES (PREVENTION) BILL, 1967—*continued*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Gupta, let us proceed with the Bill.

SHRI BHUPESH GUPTA : We do not grudge a good word for you.

'THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : May I request the hon. Members to proceed expeditiously with the amendment? Clause 8.

SHRI BHUPESH GUPTA : May I request the Chair to live in such wisdom all his life?

Now as far as clause 8 is concerned, let us see what clause 8 says. Mr. Vice-Chairman, they seem to be very cynical people. They will go and search everything and make a list. They have mentioned what they shall not include in the list. You read it. Sub-clause (2) says :

> ". . . make a list of all movable properties (other than wearing-apparel, cooking vessels, beds and beddings, tools of artisans, implements of husbandry, cattle, grain and foodstuffs and such other articles as he considers to be of a trivial nature). . ."

Now everything will be listed. Suppose I wear a big diamond, will it be included? Suppose Dr. Karan Singh comes under the mischief of this provision or the Maharaja of Baroda and his wife are wearing very precious diamonds, will that be included? Now you know what things are going to be included and what are going to be excluded. Everything will be listed. If you have plenty of books, all those books will be listed, because the books do not come under any of these categories. Nehru's Autobiography will be listed. Even Mr. Morarji's autobiography will be listed. There are many other things also, for example, typewriters, chairs and tables, everything will be listed. Only the beds and beddings will not be listed. That shows the attitude of the Government. They want to put this thing in this manner. That does not display small mercies. But that is done and it displays their meanness, the meanness of this Government. The manner in which they have put it displays only their meanness and utter malice. Therefore I do not wish to say very much about it because you can understand it. But what will happen to the apparel business? I think many of these people have an idea of attacking the poorer people, not the rich people. Otherwise they would have made the position clear.

About other things, I would not like to say much. The District Magistrate is given some power. The wording here is 'any police officer not below the rank of sub-Inspector'. Therefore a sub-Inspector shall be the master of this show. What a consolation? Political leaders can be arrested, can be prosecuted and the houses of leading citizens can be watched and searched. This is the mentality of the Government. Therefore the whole thing is entirely wrong and it displays nothing else except the malice and the evil intentions of this Government. Therefore I think the whole thing should be changed.

SHRI VIDYA CHARAN SHUKLA: Mr. Vice-Chairman, clause 8 is a necessary corollary of the previous clauses which have been passed by this hon. House. If the entire clause is read properly, it indicates any such item which is found in a place which is notified by the authority appointed for that purpose from where the unlawful activities are being conducted, and there they have to seize the articles which are found in this connection. It is not a question of seizing books and things like that. Of course if there are such books which are not permissible to be kept by any citizen under the law of the land, they can be seized. Otherwise the authority has discretion to leave out anything like that. Apart from that, to

avoid inconvenience to any person a provision for appeal has also been made. Suppose the enforcement authority commits a mistake, there is a provision for appeal. Within 15 days the appeal must be preferred by the aggrieved person and if there is any wrong action on the part of the District Magistrate, that can be set right. So this particular clause is absolutely necessary and is also a necessary corollary to previous clauses that have been adopted by this hon. House. Therefore we are not in a position to accept any amendment to this clause.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is:

81. "That at page 7, lines 3 to 5, for the words 'may, by notification in the Official Gazette, notify any place which in its opinion is used for the purpose of such unlawful association' the words 'shall make an application, to declare any place which in its opi nion is used for the purpose of un lawful activities, to the Court of the District Judge of local limits in whose jurisdiction the place is situated' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

82. "That at page 7, lines 6 and 7 be deleted."

The *motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

83. "That at pages 7 and 8, lines 8 to 38 and 1 to 17. respectively, be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 *was added to the Bill.*

Clause 9*—Procedure to be followed in the disposal of applications under this Act.*

SHRI NIREN GHOSH : Sir, I move :

84. "That at page 8, for the exist ing clause 9, the following be sub stituted, namely :—

'9. Inquiries under sections 7 and 8 by the Court of a District Judge shall be treated as units subject to all the provisions of the Code of Civil Procedure, 1908 including provisions for appeal, revision and review'."

85. "That at page 8, lines 27-28 for the words 'the decision of the Tribu nal or the Court of the District Judge, as the case may be, shall be final' the words 'appeals against the decisions of the District Judge shall lie to the High Court and against the decisions of the High Court or the Tribunal shall lie to the Supreme Court if pre ferred within a a period of three months from the passing of the im pugned order' be substituted."

SHRI A. P. CHATTERJEE: Sir. I move:

118. "That at page 8, lines 27-28, the words 'and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final' be deleted."

The *questions were proposed.*

SHRI NIREN GHOSH : Mr. Vice-Chairman, in clause 9 they have made it obligatory that no appeal shall lie, neither to the High Court nor to the Supreme Court. Now Mr. B. K. P. Sinha was saying that whatever Act is passed by Parliament, it cannot take away the right of the High Court or the Supreme Court to hear appeals. *(Interruption).* It seems that the Court of the District Judge is the final authority. This is a very serious matter, Sir, and they have made a provision in the Bill that no appeal shall lie when a place is being notified, when the sub-inspectors are being authorised to no so many things which have been provided for. That Court of the District Judge is the final authority. Beyond that there is no appeal. Can anything be worse than this, Sir? You deny the citizens their right of appeal in such serious

[Shri Niren Ghosh]

matters. The entire Opposition is against you. The majority of the people are against you. You are denying the right of appeal to the people. That means there is no natural justice given. The rule of law that they so often boast of is completely denied to them if this provision is retained in this Bill. Everybody knows that this is such a drastic and draconian measure. They are bound to admit it. So my amendment is this that appeals against the decision of the District Judge shall lie to the High Court and appeals against the decision of the tribunal shall lie to the Supreme Court. This should be accepted. What are they afraid of that they do not allow even an appeal to be made? That precisely are uses suspicion, however much they may protest, that here is somehing ulterior beyond this motive. They want to make a cast iron provision so that all sources of natural justice of going to the highest judiciary—and it is their own judiciary —are barred. They should see that this right of appeal is granted. They can easily by a few words amend this provision. They should consider, and this hon. House also should consider, the serious consequences and the country's apprehensions if even the right of appeal is denied to people.

श्री राजनारायण : (उत्तर प्रदेश) : श्रीमन् . . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : क्लाज़ पर बोलना चाहते हैं, कहिये ।

श्री राजनारायण : एक मिनट में खत्म कर दूंगा । मेरा निवेदन यह है कि सरकार जो सबसे बड़ी अदालत है उच्चतम न्यायालय, उसके हक को इस धारण के अनुसार छीनने का उपाय कर रही है । (**अंतर्बाधा**) उच्चतम के माने सबसे ऊंचा, हाइयेस्ट । उच्चतर बीच वाला होता है । उच्च, उच्चतर, उच्चतम ।

श्री सी० डी० पांडे : सुप्रीम कोर्ट क्यों नहीं कहते हो ।

श्री राजनारायण : इसको पढ़ा जायेगा "ऐज़ द केस मे बी शैल बी फाइनल" तो जब यह फाइनल ही हो गया तो फिर इसकी कहां अपील है, कहां कुछ है हम केवल इतना ही रेफरेन्स के लिये कहेंगे कि कि हम लोग जो यहां कानून बनाते हैं, यहां पर भी इसीलिये हमारे यहां चेयर के लिये भी यह अधिकार सन्निहित है कि वह अपनी व्यवस्था पर पुनर्विचार करने के लिये कृपा करे, और अगर चेयर को यह अधिकार न रहता और यह हो जाय कि एक मर्तबा जो व्यवस्था हो गयी सो हो गई तो गज़ब हो जाये । श्रीमन्, मैं निवेदन करना चाहता हूं कि, आज यह सरकार जिस ढंगसे अनलाफुल एक्टिविटी खुद ब खुद कर रही है और उसके मंत्री लोग ... उसके लिये अब यह हो गया है और जो मेरी जानकारी हुई कल की घटना के बारे में कि उस आदमी को छुरा लेकर इसलिये भेजा गया था कि किसी सोशलिस्ट वाले पर अटैक करे... (**अंतर्बाधा**)... मैं जांच करा रहा हूं । श्रीमन्, जब मुझे जानकारी हुई तो मैं पुलिस आफिसर के पास गया । हमको कोई नाम नहीं बता रहे हैं कि किस मंत्री ने दस्तखत किया है । जब इतना गज़ब हो रहा है, छुरा लेकर मंत्री दर्शकों की गैलरी में भेज रहे हैं, कोई आदमी काम करे तो पहले उसे छुरे से घायल कर दो । अनर्थ हो रहा है ।

तो नीरेन घोष का जो इसमें संशोधन है, मैं अदब के साथ अर्ज़ करूंगा आपके ज़रिये सरकार से, कि सरकार उसको माने और अगर एक नाम से चिढ़ है तो अपनी तरफ से संशोधन करके ऐसी गुंजाइश कर ले कि जिससे उच्चतम न्यायालय अपने हक के अन्दर अपील को ला कर फैसला ले सके ।

SHRI A. P. CHATTERJEE : Mr. Vice-Chairman, I want to say a few words about my amendment, No. 118. My amendment is very simple. It says :

> "That at page 8, lines 27-28, the words 'and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final' be deleted."

Of course we have failed so far to get any amendments through because the ruling party seems to be persistent or

insistent in getting this lawless Act passed now but what I am submitting to you is if only good sense will dawn upon them at least now, they should accept this amendment. Now they will have an association declared unlawful and the tribunal will declare something, may be in their favour or may not be in their favour. And they will go to the District Judge and make an application for the purpose of declaring a place also unlawful and the property in the unlawful place will be listed and people will be prevented from using that property. And the decision of the District Judge shall be final. Let it not be final ; let the last vestige of democracy be kept and preserved so that people have an opportunity through proceedings in a higher court of law to challenge the decision of the District Judge as well as the decision of the tribunal. I do not think that if these words are left out, the Government, which wants to have this Bill passed, will at all suffer or the evil purpose of the Bill will be defeated to any extent because, Mr. Vice-Chairman, the purpose of the Bill is to declare an association unlawful. Suppose an association is already declared unlawful; even if we have another proceeding in the shape of an appeal, we are not getting any mandatory injunction or prohibition. It will be merely another proceeding to determine whether the award of the tribunal or the award of the District Judge is correct 01 not. Till that final decision is obtained from some other higher court of law in the land the decision of the tribunal or the District Judge will prevail and as such there will be no danger at all of the so-called purposes of the Bill being defeated because the unlawful association will continue to be an unlawful association in the meantime. So I am not demanding anything much, I am only demanding very little and that very little may be conceded both by the Government and by the Congress Members. Let them decide that these words be deleted so that the award of the tribunal and the award of the District Judge may not be sacrosanct and may not be final for all purposes and may not be final permanently. That is all I am saying.

SHRI VIDYA CHARAN SHUKLA: Vice-Chairman, Sir, the provision in -clause 9 of the Bill is that the decision of the tribunal or of the District Judge as the case may be, shall be final. It does not take away the writ jurisdiction of the High Courts and the Supreme Court and also the jurisdiction of the Supreme Court under article 136 according to which by special leave of the Court any matter can be agitated there including the matters which fall under this particular measure. As such there is no such finality in this particular clause. Therefore it would not be necessary or expedient to accept any amendments. This Bill itself provides for very careful consideration of all matters by the District Judge as also by a sitting Judge of the High Court who will constitute the tribunal. Therefore I do not think it is necessary to accept any of the amendments.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

84. "That at page 8, for the exist ing clause 9, the following be substi tuted, namely :—

'9. Inquiries under sections 7 and 8 by the Court of a District Judge shall be treated as units subject to all the provisions of the Code of Civil Procedure, 1908 including provisions for appeal, revision and review'."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

85. "That at page 8, lines 27-28, for the words 'the decision of the Tribu nal or the Court of the District Judge, as the case may be, shall be final' the words 'appeals against the decisions of the District Judge shall lie to the High Court and against the decisions of the High Court or the Tribunal shall lie to the Supreme Court if pre ferred within a period of three months from the passing of the im pugned order' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

118. "That at page 8, lines 2T-28, the words 'and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is:

"That clause 9 stand part of the Bill."

The motion was adopted. Clause 9 was added to the Bill. Clause 10—*Penalty for being members of cm unlawful association*

SHRI P. K. KUMARAN : Sir, I move :

43. "That at page 8, line 38, for the words 'two years' the words 'six months' be substituted."

(The amendment also stood in the name of Shri Bhupesh Gupta.)

44. "That at page 8, after line 38, the following proviso be inserted, namely:—

'Provided, however, that if the member concerned is able to establish that he had no personal knowledge of the unlawful activity conducted by the association declared unlawful, no action shall be taken against him, and the provisions of this section shall not apply to him'."

(.The amendment also stood in the name of Shri Balachandra Menon.)

SHRI NIREN GHOSH : Sir, I move :

86. "That at page 8, line 31, after the word 'whoever' the word 'intentionally' be inserted.

87. "That at page 8, line 38, for the words 'may extend to two years and shall also be liable to fine' the words 'may extend to three months or with fine not exceeding two hundred rupees' be substituted."

The questions *were proposed.*

SHRI P. K. KUMARAN : My amendment No. 43 seeks to replace the words "two years" by the words "six months" and by my amendment No. 44, I want to add this proviso :

"Provided, however, that if the member concerned is able to establish that he had no personal knowledge of the unlawful activity conducted by the association declared unlawful, no action shall be taken against him, and the provisions of this section shall not apply to him."

In this clause it is provided :—

". . .takes part, or contributes to. or receives or solicits any contribution for the purpose of, any such unlawful association, or in any way assists the operations of any such unlawful association, shall be punishable with imprisonment for a term. . ."

Here, even if it is suspected that he is in any way associated with them—it need not be established—he is liable to imprisonment. There is no remedy provided anywhere in this. My intention is to see that such remedies are provided. Many people have suffered in the past. Rumours are created unnecessarily against innocent people. Rumours are spread. Unnecessarily people are doubted. They are hauled up. questioned and imprisoned. Many people have suffered in the past. Many families have suffered in olden times and now especially the members of the ruling party are apt to become quite hysterical when their authority is going down day by day. As such there is no remedy, unless my amendment is accepted. I, therefore, insist that my amendment should be accepted.

SHRI NIREN GHOSH: My amendment is this. Clause 10 says : "Whoever is and continues to be a member of an association. . ." Then, there is provision for imprisonment up to two years and an additional punishment of fine. Now. I want that after the word 'whoever', the word 'intentionally' should be added. The matter is simple, because there may be officers who may harass innocent persons or there may be persons who do not know that their activities are coming within the scope

of this Bill. So, the Government should establish that they are intentionally doing this. At least they should do this. Otherwise, it cannot be quite arbitrary, for the police authorities to take arbitrary action to wreak vengeance. So. I have said whoever intentionally continues to be a member. That the Government should establish. Unintentionally and unwittingly they may continue to be members. Or, they may not be members, but certain police officers, to whom powers have been delegated, will be harassing and hauling them up before a court and do all these things.

As regards imprisonment. I say that, it is too drastic, *i.e.,* two years and fine. The fine is not specific. It can be Rs. 1,000 or it can be Rs. 10,000 or anything. So, it is very dangerous. One does not know what fine would be imposed on him. So. I have said three months imprisonment or fine not exceeding two hundred rupees. These are simple, modest amendments, in order to avoid harassment to people and I think the House should accept them.

SHRI VIDYA CHARAN SHUKLA : As far as the amendments are concerned, I can confidently state that people, who are members of an association, which is declared illegal, will very definitely know that such an order has been passed by the Government. It is very difficult to believe that they would be members of an association which is declared to be illegal by the Government and will not be aware of such a thing. So, for such things, which are not likely to arise, no such provision need necessarily be made in any Act of Parliament.

Secondly, the punishment that has been provided—I think it is two years— is perfectly justified, particularly because if anybody remains an active member of an association which has been declared to be unlawful by the Government, such a person should be punishable at least by imprisonment up to two years. Therefore, I oppose these amendments.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

43. "That at page 8, line 38, for the words 'two years' the words 'six months' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

44. "That at page 8, after line 38, the following proviso be inserted, namely :—

'Provided, however, that if the member concerned is able to establish that he had no personal knowledge of the unlawful activity conducted by the association declared unlawful, no action shall be taken against him, and the provisions of this section shall not apply to him'."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question *i:* :

86. "That at page 8, line 31, after the word 'whoever' the word 'inten tionally' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

87. "That at page 8, line 28, for the words 'may extend to two years and shall also be liable to fine' the words 'may extend to three months or with fine not exceeding two hundred rupees' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 10 stand part of the Bill "

The motion was adopted.

Clause 10 *was added to the Bill.*

Clause 11—*Penalty for dealing with funds of unlawful association.*

SHRI NIREN GHOSH : Sir, I move:

88. "That at page 9, line 3, after the ward 'otherwise' the word 'intentionally be inserted."

89. "That at page 9, lines 6 to 12, for the words 'three years' or with

[Shri Niren Ghosh]

fine, or with both, and notwithstanding anything contained in the Code of Criminal Procedure. 1898, the court trying such contravention may also impose on the person convicted an additional fine to recover from him the amount of the moneys or credits or the market value of the securities in respect of which the prohibitory order has been contravened or such part thereof as the court may deem fit' the words 'three months or a fine not exceeding one hundred rupees' be substituted."

It is all identical.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Therefore, you need not say much.

SHRI NIREN GHOSH : It says here, if any person on whom a prohibitory order has been served under sub-section (1) of section 7 in respect of any moneys, securities or credits pays, delivers, transfers or otherwise deals. This 'otherwise' is amicably and beautifully vague. I want to do away with it. I say that the Government should accept the word "intentionally" deals in any manner whatsoever. Just now the Minister was saying that if he continues to be a member of an unlawful association, he must be doing things intentionally. He may not know that he is a member of an unlawful association. We have to guard against that contingency. Suppose you have declared an association to be unlawful. Whatever be the legalities, formalities, this and that may be, they do not know it. That Is why we should delete the word "otherwise". You should prove that intentionally, knowingly, deliberately, he was contributing. Then, It stands to reason that you can take some action. Otherwise, whatever you are saying there is no justification. You have said nothing in rubuttal of the arguments that I had advanced on the previous clause.

Then, similar arguments here also. I say three months imprisonment or fine not exceeding Rs. 100 be substituted.

The questions were proposed.

SHRI VIDYA CHARAN SHUKLA: The same arguments have been advanced by the hon. Member and I can only give the same replies to him. I oppose the amendments.

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

88. "That at page 9, line 3, after the word "otherwise" the word "inten tionally" be inserted.

The *motion was negatived.*

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

89. "That at page 9, lines 6 to 12, for the words 'three years, or with fine, or with both, and notwithstand ing anything contained in the Code of Criminal Procedure, 1898, the court trying such contravention may also impose on the person convicted an additional fine to recover from him the amount of the moneys or credits or the market value of the securities in respect of which the prohibitory order has been contravened or such part thereof as the court may deem fit' the words 'three months or a fine not exceeding one hundred rupees' be substituted."

The *motion was negatived.*

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

"That clause 11 stand part of the Bill."

The *motion was adopted.*

Clause 11 *toas added to the Bill.*

Clause 12—*Penalty for contravention of an order made in respect of a notified place.*

SHRI P. K. KUMARAN : Sir. I move:

46. "That at page 9, line 16, for the words 'one year' the words 'three months' be substituted."

48. "That at page 9, line 20, for the words 'one year' the words 'three months' be substituted."

SHRI NIREN GHOSH : Sir, I move :

90. "That at page 9, line 13, after the word 'whoever' the word 'inten tionally' be inserted."

91. "That at page 9, lines 15 to 16, for the words 'punishable with imprisonment for a term which may-extend to one year, and shall also be liable to fine' the words 'punishable with imprisonment for a term which may extend to one month or shall be liable to fine not exceeding fifty rupees' be substituted."

92. "That at page 9, lines 20-21, for the words 'term which may extend to one year, and shall also be liable to fine' the words 'term which may extend to one month or shall be liable to fine not exceeding fifty rupees' be substituted."

The questions were proposed.

SHRI P. K. KUMARAN: My amendments Nos. 46 and 48 seek to replace the words "one year" by three months. Here the intention is to sentence him to imprisonment for one year. I consider it very excessive and a short punishment of three months will be sufficient. After all the whole thing proceeds on the subjective satisfaction of some authority and after that to put people in jail for one year is excessive and severe.

SHRI NIREN GHOSH: Here they can harass any person. I would only repeat that the word "intentionally" should be inserted. I do not wish to advance any new argument on that score. They have imposed a punishment on whoever uses any article in contravention of a prohibitory order. Suppose they have made a list of the notified press or some flimsy articles. They do not know even that it is prohibited. They can give him rigorous imprisonment and additionally fine is also imposed.

Similarly, whoever makes entry into the notified place. Anybody coming here may not know that it is a notified place. Either one step inside becomes an **entry** or two steps inside. He would stand behind the boundary and talk to a person. These are matters of real harassment. I have said that any punishment should be light. For these two things I have said the punishment should be either one month or fine not exceeding Rs. 50. As regards entry also to one month or shall be liable to a fine not exceeding Rs. 50.

SHRI VIDYA CHARAN SHUKLA: From sub-clause (2) of clause 12 it would be appearent, it says clearly:

"whoever knowingly and wilfully is in, or effects or attempts to effect entry into, a notified place" **etc.**

Here It is not a person who enters a notified place without intention that would come under the mischief of this clause. It is only a person who wilfully does so will be affected by this clause. So, I do not think the amendments are called for or could be accepted.

As far as the amendment to reduce the punishment is concerned. I do not think it is proper to reduce the punishment because these were considered in the Select Committee and they have been found reasonable. So I oppose the amendments.

THE VICE-CHAIRMAN (SHRI M. F. BHARGAVA) : The question is :

46. "That at page 9, line 16, for the words 'one year' the words 'three months' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Th$_e$ question Is :

48. "That at page 9, line 20, for the words 'one year' the words 'three months' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

90. "That at page 9, line 13, after the word 'whoever' the word 'inten tionally' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Th$_e$ question is :

91. "That at page 9, lines 15 to 16, for the words 'punishable with impri sonment for a term which may extend

[The Vice-Chairman] to one year, and shall also be liable to fine, the words 'punishable with imprisonment for a term which may extend to one month or shall be liable to fine not exceeding fifty rupees' be substituted."

The *motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

92."That at page 9, lines 20-21, for the words 'term which may extend to one year, and shall also be liable to fine' the words 'term which may extend to one month or shall be liable to fine not exceeding fifty rupees' be substituted."

The motion *was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 *was added to the Bill.*

Clause 13—*Punishment for unlawful activities*

SHRI BHUPESH GUPTA: Sir, I move :

51. "That at page 9, line 32, for the words 'five years' the words 'nine months' be substituted."

SHRI P. K. KUMARAN : Sir. I move :

53. "That at page 9, line 32, for the words 'five years' the words 'six months' be substituted."

SHRI NIREN GHOSH : Sir, I move :

93. "That at page 9, line 22, after the words 'whoever' the word 'intentionally' be inserted."

94. "That at page 9. lines 26-27. for the words 'may extend to seven years, and shall also be liable to fine' the words 'may extend to three months or shall be liable to fine not exceeding two hundred rupees' be substituted."

95. "That at ptige 9, line 28, after the words 'whoever' the word 'intentionally' be inserted."

96. "That at page 9, lines 32-33, for the words 'extend to five years, or with fine, or with both' the words 'extend to three months or shall be liable to fine not exceeding two hundred rupees' be substituted."

97. "That at page 9, lines 37-38 after the words 'by the Government of India' the words 'and nothing shall be an offence for any group of persons to either advocate, abet or assist for concluding any treaty, agreement, or convention or negotiations' be inserted."

The questions were proposed.

SHRI P. K. KUMARAN: Sub-clause (2) of this clause says :

"Whoever, in any way, assists any unlawful activity of any association, declared unlawful under section 3". etc. etc.

According to this Bill unlawful activity means even discussion about cession or secession or any discussion or any doubt regarding whether NEFA belongs to India or China, or anything connected with, for example, Nagaland . . . *(Interruption)* any academic discussion entered into by students of political science regarding the territory of India will become a crime under this Act. So, for such innocent discussions or such other things, to send them to jail for five years is to proposterous, too cruel and obnoxious. I therefore press that my amendment should be accepted.

SHRI NIREN GHOSH : Here is one of the most serious clauses. It is this : "Whoever takes part in or commits, or advocates, abets, advises or incites" etc. These are the words. Not only takes part in or commits but even if he advocates, abets, advises or incites, them what is done? He is liable to a sentence extending to seven years and also an additional fine of an unspecified amount. This is a clause that transgresses all limits of justice because if even one is thought to advise, then for seven years he goes to jail. If they take it into their head that he has incited semebody to commit some unlawful activity, under this Bill whatever that definition is there, the net is so

wide that it can mean anything, then he too is sentenced to seven years of imprisonment. And whoever—that also is there. They have deliberately avoided the words "intentionally or deliberately". I have seen several legal procedures and processes, and there it is stated if so and so has deliberately committed this crime etc. Suppose he had done it knowingly, fully consciously, that is one thing. Sometimes one commits a crime even accidentally according to the law passed by Parliament. All along they are not prepared to accept any argument whatsoever that if a person or if-anybody deliberately commits a crime, then he should be punished. Everywhere they write "whoever does", "whoever advises". One does not know, he may advise or may not advise, may not do anything, but he is supposed to advise and for that seven years. So, I think this clause exceeds the laws prevailing in Hitler's Germany even. So I would like to say that this should be annulled and substituted by another that in no case it should be a sentence extending to more than three months. You give him a chance. If he is really convicted and found guilty, after three months he comes out, he may mend his ways. Or you can fine Rs. 200. That would meet the ends 6f justice even according to this. But they are not doing it. They are going in for seven years' imprisonment. Even the Britishers who wished to send us to Andamans for commission of an act under section 302 IPC—after ten or twelve years they came back, but here for advice it is seven years. What a draconlan measure it is. That is one thing.

Then in another amendment of mine I say :

> "That at page 9, lines 37-38 after the words 'by the Government of India' the words 'and nothing shall be an offence for any group of persons to either advocate, abet or assist for concluding any treaty, agreement, or convention or negotiations' be inserted."

Why do I say this? He himself has said that for the interests of the country if anybody proposes that the Govern-

5—8 R. S./68

ment should enter into negotiations and settle something, it is not barred. But it is virtually barred. We want to make it sure that that much freedom is there. So. after the words 'by the Government of India', I want to insert the words 'and nothing shall be an offence for any group of persons to either advocate, abet or assist for concluding any treaty, agreement, or convention or negotiations'. If this is barred, then genuine suspicion is there that the freedom of expression will be threatened. Everything will be left to the ultimate judgment and wisdom of a group of persons in the Government. As the 50 crores will have no say in the matter. This is a position which is intolerable and nothing remains about vital matters affecting the interests of the country. Even on that score, the ordinary citizens will be debarred from having any advocacy whatsoever. And who knows? These 52 persons who con* stitute the Government—sometimes it is 60. 65 or 70 with the retinue of Deputy Ministers and all that—they do not count, but only the Cabinet counts. Sometimes it happens that it is an internal affair of five men. As for example, in the case of chucking out or dismissing the Governments, Ave men, not even the full Cabinet, decided upon things and have unsettled the country..

SHRI G. MURAHARI : One of them is a woman.

SHRI NIREN GHOSH: One of them is a woman. There it will give out the decision, that commitee of two or three, it will decide all questions affecting the most vital interests of our country in which our millions of persons, ordinary citizens, political parties and Members of Parliament even are involved, and they will not have any say whatsoever. That is why I would urge upon this House to accept my amendment No. 97.

SHRI BHUPESH GUPTA: This is the executioner's axe. I make It absolutely clear. The number is unlucky, the law is unlucky and the result will also be unlucky. I may tell you. Now, that only exposes the mentality and the evil intentions of this Government in passing this measure. Therefore the whole thing should go. But anyhow, let me

[Shri Bhupesh Gupta.] expose them because I am getting up to expose the Government, not *to* appeal to them.

First of all—'Whoever—(a) takes part in or commits,'—now, anyone can be made liable under this Act if the Government thinks that he is taking part in it. Who is deciding in what manner he is taking part? It is a very wide definition. Therefore, as you know, many people are liable to be prosecuted, persecuted, under this particular provision, 'or commits' is, of course, there. Now (b) says, 'advocates' abets, advises or incites the commission of,', 'advocates'—let us examine what that word is. Suppose I say something in the interests of good neighbourly relations between two countries on the question of border adjustment. It may well be regarded as an advocacy by me of an unlawful activity under the provisions of this Bill. Take for example the case of Berubari. When Pandit Jawaharlal Nehru said that something should be done, such statements would come within the mischief of this Act, if it is provided in the manner in which it has been done here. Or for that matter, suppose some newspaper says something that it should be done that this is one way of doing things, it may well be interpreted as an advocacy of an offence of this kind and hence it will be liable to criminal prosecution under the provisions of this Bill. It is a very wide term.

Then, 'abets'—in what manner? In what manner does the abetment come? There is no definition here. So, it is again liable to be more widely and sweepingiy interpreted in order to prosecute a large number of people. Once you fix up the guilt on somebody else, then you can hunt his relatives and friends on the ground that they are abetting and bring them under the operation of this draconic law. This is there.

Then, 'advises'. Suppose I write to the Prime Minister a letter saying that I think that you should discuss with Pakistan or with China on such a basis for some kind of a final settlement of these things. Suppose there is an implied suggestion that the border adjustment should be made on the basis of give and take. Only the 'give' part will be taken exception to, the 'take' part will not come In. If I say take this and giv$_e$ that, only the 'take' part will be excluded, the 'give' part will come in. Suppose I am writing a letter to the Prime Minister of the country or the Minister of External Affairs for that matter. That letter may b$_e$ a cause for action. Suppose these people leak out this letter and it is published in the newspapers. Not only am I liable but also the newspaper will be liable for having advocated something through me or for using what I have written to them. Therefore, this kind of thing is there. Yet, there may be such occasions. Even when th$_e$ whole of West Bengal was opposed on the question of Berubari, . . . your Government felt that some kind of adjustment should take place over the question of Berubari which legally belonged to India and that it should be given to Pakistan, and Nehru made that statement. In the face of opposition from the entire people of West Bengal, rightly or wrongly, you made it. Now, if I were to make such statements over such occasions, I would come under the mischief of this provision because they will say that I am advocating the cession of the territory, that I am abetting those people who want to take that territory, that I am advocating it, and I will be liable under this Act. I know that here in Parliament I am protected perhaps by the privilege of the House. But suppose an editor of a paper wrote something or suppose a public man give an advice, should it be brought under the mischief of this Act in order to give him seven years of imprisonment? Is it any rule of law? Or are we being driven into the law of the jungle? I should like to know. Even in America which is anti-Communist, as you know, even there, suppose some Americans say give away the 49th State, Alaska, or something like that, they are not commiting an offence. People are not making such things an offence there. Suppose in England somebody says that some British Crown possessions should be given up or given to those people who are demanding them, they are not bothered about it. These things are politically met. But here everything is

brought under this measure. Therefore, here is an attempt to gag you, to silence the voice of reason, to silence discussion and debate over matters like this in the country, to intimidate people. Now, for example, if suppose Sheikh Abdulla comes out. Well, I will bring again and again that issue because there is something up in their minds because they are passing this measure immediately with Sheikh Abdulla in mind and others also. Suppose I write a letter to the Prime Minister : Madam Prime Minister, I think that you should discuss the question of settlement with Pakistan on the basis of the cease-fire line being the border between India and Pakistan. Now, that letter is an advice to the Prime Minister ; even a suggestion can be treated as an advice, and I will be liable under this Act. The Prime Minister may not prosecute me—that is a different matter—but I am committing, according to this law, an offence. Now, suppose I write to the Congress Secretary and the Congress Secretary passes it on to the Home Minister or to the Congress President, Mr. Nijalin-gappa saying that as the ruling party, you should do this thing. Suppose Mr. Nijalingappa passes the letter on to the Home Minister or for that matter to some people in authority in Delhi or other place, I am liable to prosecution, for having advised the leader of the ruling party to seek a solution of a problem in a particular manner. This is what you are going to do. I do not know what has become of this bankrupt Government. This bankruptcy is complete. I know. But even so, even 4 P.M. in public life, Mr. Vice-Chairman, bankrupts also sometime display commonsense. It is not as if bankrupts are all deviod of commonsense. But here they are doing it. Here they are not only provoking, they are provoking everybody there. This measure is a provocation to all people who may take to the wrong path. This measure is a provocation to them. This measure is disgracing our country before the eyes of the world. What the people in the democratic countries will think of us? They will think that here in India they have attained their independence, they have got a republican Constitution, they have got Parliament. Though they have fundamental rights and a written Constitution guaranteeing those rights, yet they are trying, by an enactment of Parliament, to silence a dissenting voice, silence a divergent voice in this manner. This does not bring credit to the country.

Now I think every action of the Government today is defaming our country in the eyes of the world. I do not know how many will be prosecuted under this measure. It depends on the Government and I know this Government how they are going to behave. We have seen this Government in operation. But internationally we are being disgraced.

Mr. Vice-Chairman, I think sometimes we should be concerned about the world public opinion also. Have you got such measures in France? Have you got such measures in Italy? Have you got such measures In the United States of America or in any of the dominions under the British Crown? You have not such measures there. Do you think that only good people live there and good people do not live here? Do you think that only bad people live in this country and not in those countries? Therefore, we are placing ourselves in another category, a separate category by itself. It is no wonder that today India's image has fallen, not on foreign policies alone, but even on these matters of Parliamentary democracy. Nobody now talks about the so-called largest democracy in Asia and so on. People disdain this kind of thing. Here they know from experience how the Government is trying to vulgarise the parliamentary institution in this way.

Mr. Vice-Chairman, this is a serious matter. The provision is for seven years' imprisonment. A person killing a man usually gets seven years unless it is shown that it is absolutely a premeditated murder, culpable homicide not amounting to murder sometimes attracts imprisonment for five years. But here it is seven years' imprisonment. What has become of this Government? Why can they not think in terms other than or imprisonment, punishment, illegalisation, prosecution of those who dissent with them.

[Shri Bhupesh Gupta.] Because they have no moral courage ; they do not rely on the goodwill of the people, on the sound commonsense and patriotism of the people. They have no moral courage to fight the disruption and secessionist propaganda. They are passing this kind of thing in order to meet a political situation or a political proposition by this kind of draconic and oppresive measures.

Mr. Vice-Chairman, I may remind you what has happened in the country? They took a kind of hostile and aggressive attitude in regard to the D.M.K. when the D.M.K. put out their demand for separation and so on. What has happened? Now did you suppress the D.M.K. body? You could not do that. On the contrary, your attitude towards the D.M.K. at that time only strengthened the D.M.K. I fully support the strength of the D.M.K. I am not opposed to it. But I am telling you that yesterday Mr. Annadurai. I met him in the plane and I told him that this measure had been thought of in terms of them when they were talking about certain things. The Home Ministry then thought of passing a Bill. Now, I told him, they have given up this slogan and he is the Chief Minister. Still they are passing this measure in Parliament to prosecute others. I mentioned this fact to him. Now they say that in 1957—or 1958 they would have mentioned the D.M.K. here. Everybody knows that in order to intimidate the D.M.K. . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : May I tell vou that you have taken 15 minutes?

SHRI BHUPESH GUPTA : Does not matter. I will take some more time.

They brought this measure. They conceived this measure. You must know the history of this measure. Today they are talking about the Mizos and the Naga hostiles and so many other things. Originally it was thought of only in the context of the D.M.K. demand. Instead of meeting that demand politically and asking them to give up that demand, they were thinking of dealing with the D.M.K. in this particular manner. From this side, Mr. Vice-Chairman, you know i that we opposed the D.M.K. demand; I the country opposed it. And, as a result, our D.M.K. friends also, because of their wisdom, because of the mutual discussion and other things, they have given up that demand and they are today not only a major party and they are a ruling party in a State. They are in charge of a State Government and are in its exclusive control. Why? If we could persuade the D.M.K. party and the D.M.K. could persuade itself to give up the separationist demand, why do you not think that others can be persuaded; others can be won over? Why do you think that we cannot draw our moral strength by our reason, by the validity of our case and argument, prevailing upon those who may be thinking in different ways? That is not their approach. Their approach is, "Attack them", "Dissenting voice has got to be suppressed". That is their line. That shows the Government Is playing with fire, Mr. Vice-Chairman. But that is not the thing. They will not only prosecute them, they will prosecute others also. And that is why sweeping provisions as are made here. I do not know how many people will be persecuted. It is for the Home Ministry to decide as to who should be attacked when. And we know how they are abusing the Preventive Detention Act. We know how they misused the D.I.R. and the emergency powers. Do you think, after all that experience, we can ever believe that they are going to be meticulous and careful in using this draconic measure with which they are arming themselves?

Mr. Vice-Chairman, our country is being driven step by step in the direction of despotism in the guise of the Constitution. The form is Constitutional. The form is parliamentary. There was pretence to the rule of law. That is also now gone. Today under these slogans they are trying to establish a *de facto,* despotic rule, a *de facto* authoritarian regime, when the Home Ministry, when the executive organ of the State because the supreme arbiter of the destinies of this great nation. Hence I say this particular provision should be opposed tooth and nail.

It is a horrid provision. It is a provision which makes us think of France of Spain and Ayub Khan of Pakistan.

Even Ayub Khan has not got this thing. I should like to know whether Pakistan has got this kind of measure with such a provision where there is no pretence to democracy even.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : There are two other Members.

SHRI BHUPESH GUPTA : You have provided five years, seven years sentence. On their whims they can prosecute people and send them to prison from five to seven years. And we are practically silent. That is to say, everybody must held in line with the thinking of the power that be. On certain related questions nobody has a right to think otherwise and make a different suggestion, even if the suggestions might be good to the country. Today he will be always under the axe. The sword of Democles will be always hanging over his head silencing his reason, silencing his voice, silencing his freedom of expression thereby paving the way for those despots who today are taking the country in the direction of a clearly authoritarian and despotic rule.

SHRI BANKA BEHARY DAS: Mr. Vice-Chairman, Sir, I think you permit me to move the amendments which I gave notice of today.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Yes. Be brief, please.

SHRI BANKA BEHARY DAS: Sir, I move :

119. "That at page 9, lines 34 to 38 be deleted."

120. "That at page 9, after line 38, the following proviso be inserted, namely:—

Provided that the Government of India should seek the approval of the Parliament by a resolution before they enter into any negotiation for a treaty, agreement or convention with any other Government for adjustment of boundary of the country'." This is an important clause after clause 3.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You carry on with your speech.

SHRI BANKA BEHARY DAS : My amendment seeks to delete this subclause 3 of clause 13 and also to add another provision.

Sir, I take strong exception to the present provision because there is a discrimination between individual and a State because we know that if any person or any association takes part in, or commits any action which can be called as unlawful activity under this Bill, then he will be punished from five to seven years. But a State Government can do it as they have done it. Here they want to give exemption to the State. I am prepared to give some exemption to the State according to the amenmdent which I have moved in which I have said that before they enter into any negotiation with any foreign country for the adjustment of the boundary they will have first to come to Parliament. Because according to the present Constitution or the procedure, the Government can have a secret deal with a foreign country for adjustment of territories and surrender of territories and then only they would *come* to Parliament and take the Parliament and the countrymen into confidence to pass it. It absolutely happens like that. They betray the country and then they come to the Parliament so that Parliament helps them.

SHRI AKBAR ALI KHAN : But in no country there is such a provision. Government has the fullest authority. Ultimately approval can be got. . .

SHRI BANKA BEHARY DAS: I said that just in explanation because I am going to pose a problem before the Government. What happens after this Bill is passed? The Problem of Kashmir was dealt with by my hon. friend, Shri Bhupesh Gupta, in a diiferent way. I view it from a different angle. You know we are giving more and more freedom to Sheikh Abdullah. We have also released Mirza Afzal Beg. And the Plebiscite Front has also started functioning in Kashmir. You should also know that Mr. Beg, in mosques and other places, has advocated what he wants. He wants that the Kashmiri people should have the right of self-determination. Now what will happen after you pass this Bill? Here on the

[Shri Banka Behary Das.]

one hand you are giving them more freedom. I am not going to say whether this giving of more freedom is good or bad. I am not going into that. I am only going to pose a problem before you which you will be confronted with from tomorrow. Now once you allow more freedom to Sheikh Abdullah and give freedom to the Plebiscite Front to advocate the cause of self-determination, what happens? That means by allowing them to preach self-determination, you are going to concede in theory that they can carry on the very unlawful activity which this Bill seeks to prohibit. Now if you want to be very honest to yourself, then the natural consequence will be that instead of giving them more freedom, you will have to restrict their freedom again and send them to jail and resort to internment or externment; and you have to declare the Plebiscite Front as unlawful. This is what you are going to be confronted with after passing this Bill. I would very much like the process that we have started already to take its own course before you come with a measure like this. Otherwise you will be misunderstood and you will be confronted with a situation which it would be impossible for you to deal with. I referred to the Mizos and the Nagas yesterday. The Minister said it is a hypothetical question. I do not know how it is hypethetical. A hypothetical question is on$_e$ which can be dealt with in future and which is not occurring just now. You know that the Kashmir problem is already there. Now I want to ask my hon. friends in the Congress Party one thing. I know that some of the Congress friends here in the Rajya Sabha and also in the Lok Sabha have supported and given their signatures to the appeal to the Government in which stated that Sheikh Abdullah should b$_e$ released. Now I want to request all those hon. Members of the Congress Party, whether in the Rajya Sabha or in the Lok Sabha, to decide their attitude towards this Bill. Are they going to support this Bill? If they support this Bill, then the corollary will be that Sheikh Abdullah should not be released but should be kept in jail and that Mirza Afzal Beg should not have that much of freedom which he is now having. He has come and talked to the different party leaders including the leader of my party. I know that but I am not going to divulge the nature of the talks that took place. But I am definitely of the opinion that Sheikh Abdullah, Mr. Beg and also the Plebiscite Front have not changed their views in any way. They still held the view that to solve the problem of Kashmir, the people there must be given the right of self-determination. Now what I want to plead with you is this. They may be given the right of self-determination. That is .a different question They may be released or they may be in jail. But you must follow a consistent action after passing this Bill. And what will be your consistent action? Now supposing, after this Bill is passed, Sheikh Abdullah meets the Press or addresses public meetings and advocates the right of self-determination. Or the Plebiscite Front also goes to the people with the same declaration that the Kashmir question should be solved by giving the people the power of self-determination. Now what is the power of self-determination? The power of self-determination means giving them power also to announce from public platforms and through writing that they can also secede from India. So this is the contradictory position you are going to be faced with the moment you pass this Bill. What will be your attitude then? What will be the attitude of those Congressmen in the Lok Sabha as well as in the Rajya Sabha who have lent their support to the appeal for the release of Sheikh Abdullah? That is why I am again telling the Minister here that it is not a hypothetical question. Perhaps he does not know the meaning of "hypothetical". Otherwise he would not have replied like that. Before you pass this Bill, you must convince not only the Opposition here but those Congressmen also who are for the release of Sheikh Abdullah and giving more freedom to Mr. Beg and aLso the Plebiscite Front as to what will be your course of action after you pass this Bill. On the one hand, you are giving them more freedom to them. On the other, you come here to pass this Bill and tell us that you are going to check unlawful

activities. The result will be that you will have to send them back to jail again and the murky situation in Kashmir will definitely become murkier for you. Now you may not deal with the Front organisation. But definitely all these rebel Nagas and Mizos are carrying on unlawful activities. The movement you pass this Bill, what will be your attitude? It is not a hypothetical question. You are carrying on negotiations with them. You have said here in this House that you are carrying on negotiations with them. What will be the position of the Government of India after this Bill is passed? Can you have negotiations with the rebel Nagas who are carrying on unlawful activities according to this Bill? Can yau carry on a dialogue with the Mizos who are carrying on unlawful activities? The position will become very difficult for them and also for the Government. So I *say* that even at the last moment you can save yourself. Don't say this is a hypothetical question. The problem of Mizos and Nagas is the ones which will be confronting us and we know to what extent we have suffered financially and in other respects. You are not going to deal with the D.M.K. problem in Madras. That problem is over. The only problem is the problem of Mizos and Nagas. And if you pass this Bill, you will make the already complex problem more complex and you will never be able to extricate yourself from it later.

Now I want to come to the last argument. You know this Bill is being debated for the last two days. Some of our friends are always raising the question of Naxalbari and Left Communists. You know that we are very much against the Naxalbari incidents and we do not want the Naxalbari situation to develope in this country. But I want to ask my friends here. Are you going to check the Naxalbari situation by this Bill? Have the Naxalbari people ever said anywhere that they want to secede from India? Nowhere have they said so. I think you must credit the Naxalbari people with some intelligence. Even if they owe loyalty to Mao Tse-tung and China, they are not going to demand that a part of India should be ceded to China. So if you want to raise this question of Naxalbari and Left Communists only to pass this Bill, I would say that you are still swimming in the moonshine and you will never achieve your purpose, because the Naxalbari problem should be dealt with in a different way. So that is why—because clause 13 is a very important clause in the Bill—I wanted to draw the attention of the Government of India to the problems that are hovering over the entire country and over this Asian mainland. I want that these problems should be dealt with in a very responsible way. But the moment you pass this Bill, you are not going to deal with these problems in a responsible way. You are going to make the problem more complicated. That is why I again appeal to the hon. Members at the last moment that as long as these two problems are there, unless you make up your mind as to how you will deal with those problems, unless the entire Congress Party is united behind one solution as regards Kashmir, Nagas and Mizos, you should not complicate matters by passing such a nasty Bill here which will create more problems in this country.

The questions were proposed.

श्री गोडे मुराहरि : यह जो क्लाज 13 है यह मेरे ख्याल में इस बिल का सबसे महत्वपूर्ण क्लाज है और अगर हम इसको पास करते हैं तो इसका मतलब यह हो जायेगा कि कोई आदमी, जो दिमाग रखता हो, जो सोचने के काबिल हो, उसको हम नजरबन्द करें क्योंकि अगर इस प्राविजन के अन्तर्गत अगर हम कोई ऐक्शन लेंगे तो कुछ ऐसे आदमियों को भी हमको गिरफ़्तार करना पड़ेगा जो आज सरकार और ट्रेजरी बेंच में बैठे हैं और साथ साथ कुछ ऐसे लोग जैसे श्री जयप्रकाश नारायण हैं—जयप्रकाश नारायण कुछ दिन पहले काश्मीर के बारे में और चीन के बारे में भी कुछ अपनी राय व्यक्त किये थे—इस बिल के अंतर्गत उनको नजरबन्द किया जायेगा। अगर सरकार इस बिल पर अपने उद्देश्य के साथ काम करेगी तो फिर हिन्दुस्तान में किस तरह का जनतंत्र चलेगा आप सोच सकते हैं।

[श्री गोडे मुराहरि]

इसमें यह कहा गया है कि अगर कोई एडवाइस, इन्साइट और अबेट करेगा तो उसको सजा मिलेगी । तो मैं यह पूछना चाहता हूं कि इसका मतलब क्या हुआ और इसको कौन निकालेगा । यानी जो सरकारी अफसर हैं वे इसका मतलब अलग अलग तरह से निकालेंगे और जो सब इंसपेक्टर है वह भी अलग अलग मतलब निकाल सकता है और जो लोग इन्साइट, अबेट या एडवाइस का काम करेंगे उनको वे बंद कर सकते हैं । तो मैं कहना चाहता हूं कि यह सरकार जिस तरह से यह बिल लाई है वह हमारे जनतंत्र के लिये एक मजाक है । मैं तो इस सारे बिल का ही विरोधी हूं, लेकिन जब यह क्लाज पास हो जाता है तो सारी दुनिया वाले हम पर हसेंगे, हमारे जनतंत्र के ऊपर हसेंगे कि हम कोई स्वस्थ परंपरा देश के अंदर पैदा नहीं कर रहे हैं । जब इस तरह के बिल इस देश में लाये जा रहे हैं जिसमें जनता को सात साल की सजा दी जा सकती है, तो यह जनतंत्र के लिए कोई अच्छी बात नहीं है ।

हम यह जानते हैं कि चीन और पाकिस्तान के संबंध में कुछ लोगों की राय हो सकती है । लेकिन मैं यह कहना चाहता हूं कि हिन्दुस्तान के कई नेताओं ने अपने भाषणों में देश की भूमि देने की बात कही है । जैसे हमारे स्वर्गीय पंडित जवाहर लाल नेहरू ने देश के कुछ हिस्से देने के बारे में राय व्यक्त की थी । तो वे इस बिल के द्वारा जेल के अन्दर रख दिये जा सकते थे अगर चार साल पहले यह बिल पास हो गया होता । श्री जयप्रकाश नारायण और शास्त्री जी ने ताशकंद और देश के दूसरे हिस्सों के बारे में जो राय व्यक्त की, उसके मुताबिक भी वे इस बिल के मातहत जेल में जा सकते थे । तो मैं चाहूंगा कि इसमें इंडिविजुअल या कोई एशोसिएशन और सरकार में कोई फर्क नहीं होना चाहिये । इस संबंध में क्यों फर्क किया जाय क्योंकि सरकार के अन्दर ऐसे मंत्री हैं जो देश के खिलाफ कार्यवाही करते हैं और जिन्हें इस बिल के मातहत सजा मिलनी चाहिये । जो मंत्री सरकार की तरफ से देश के किसी हिस्से को देने की बात करता है उसको भी जेल में डाल दिया जाना चाहिये । अगर हम इस तरह का बिल पास कर रहे हैं तो कोई भी व्यक्ति को सोचने तथा अपनी राय देने का अधिकार नहीं रह जायेगा और सरकार को पूरा अधिकार रहेगा कि हमारा कुछ हिस्सा चीन को चला जाय, पाकिस्तान को चला जाय । इतना हिस्सा हमारे देश का हस्तगत हो जाय, इस तरह की जो बात होगी, वह सही नहीं होगी । यह बात केवल पाकिस्तान और चीन के लिये ही नहीं है बल्कि मिजो, नागा और काश्मीर के संबंध में भी यह बात कही जा सकती है । मैं जानता हूं कि यह बिल पास हो जाने से काश्मीर का मसला हल नहीं होनेवाला है और इस बिल के पास होने से वह मामला गम्भीर हो सकता है । क्योंकि अगर सरकार शेख अब्दुल्ला को रिहा करती है तो उस बिल के अन्तर्गत वह उसको फिर से नजरबंद कर सकती है अगर उन्होंने अपने ख्यालात नहीं बदले । इससे काश्मीर का मसला हल होने वाला नहीं है । वहां पर किस तरह से सरकार चलेगी, वहां पर क्या-क्या गड़बड़ होने वाली है, इस सारी चीज की जिम्मेदारी इस सरकार पर होगी क्योंकि कि एक तरफ तो यह बिल पास करके अपनी आंख बंद कर रही है और दूसरी तरफ शेख अब्दुल्ला ने अपने विचार बदले या नहीं, यह मैं नहीं कह सकता हूं ।

यहां पर कुछ मंत्री लोग भी हैं जो नागा लोगों के साथ मिलते हैं, बातचीत करते हैं और छिपे हुये ढंग से उनके साथ गुफ्तगू करते हैं । हमारे कई मिनिस्टर लोग हैं जिन्होंने बातचीत की है और इस तरह के जितने भी मिनिस्टर हैं उन्हें भी सजा मिलनी चाहिये । इसलिये चेयरमैन साहब, मैं सोचता हूं कि यह सारी चीज और क्लाज 12 जो है, वह बिल्कुल एक मजाक है और देश में जनतंत्र का गला घोटने वाला है । मैं चाहूंगा कि इस बिल को पास न किया जाय ।

SHRI ABID ALI: Sir, the hon. Members of the other side who have just spoken know in their heart of hearts

that what they were speaking was far from reality. I have gone through the Bill. I was in the Select Committee. We discussed all these things in detail and there is absolutely nothing harmful in the Bill and particularly in this clause that anyone can be prosecuted for holding an opinion. But certainly this Bill will take care of those people who have been agitating against Indian interests and for creating chaotic conditions. Secondly, about Sheikh Abdullah, how long can he be kept under these conditions, under these terms? He should be released. He might have changed his opinion. But in case he does anything which is against the national interests, I am sure the Government will take cognisance of it. By and large, the Kashmiri people are Arm on this issue ; it is a settled fact and Kashmir is going nowhere. Of course there are some people in this country who think that some parts should go to China. Similarly there are some people in Kashmir also but those people who are opposing know very well that it is not going to happen that wav. Sir, it is said that if anybody says "Settle Kashmir issue with Pakistan or settle with China" that person will be arrested. Why? Why should that be so? I say "Settle with China on the terms that they go away." If that is done. I will congratulate them. There is nothing wrong there. *(Interruption.)* Settlement cannot be by conceding any part of our country. I say DMK is an organisation which has roots in this country. It is as good an organisation as any other democratic organisation and the way they have behaved after they came to power is really admirable, as compared with what they were doing before.

The hon. Member has referred to Pakistan, Ayub, France, U.S.A., U.K. and almost every country but he has not referred to Russia or China. He is very careful there because he knows where the difficulty is. Therefore I would rea.uest the hon. Minister not to consider these arguments to which we are accustomed. These phrases and abusive terms are always used in an attempt to bully this side. My complaint against the Government is that they are not taking action against those who hold anti-national views, those who are acting against the interests of the country, those who are taking Mao's portrait and saying "Mao Zindahbad ; here is the liberator who is coming to liberate the villages on the border". They are not taking any action against such people. Where is the question of taking action against those who are innocent people? So, they are simply making a hue and cry to prolong the arguments and prolong the passing of the Bill. I am sure that will not cut ice on this side.

SHRI VIDYA CHARAN SHUKLA : Sir, it is rather unfortunate that Members of the Opposition mostly based their arguments on doubts and suspicions and on the wrong understanding of the provisions of the Bill. Sir, it has been clarified during the discussion in the Select Committee—the hon. Member, Mr. Abid AH has mentioned that it was made clear there— and also it was made clear here in my speech yesterday that academic discussions or expression of anv doubts will not come within the ambit of the definition of 'unlawful activities'. It is only the action which is taken in the direction of secession of a part of our country which can be constituted as unlawful activity, nothing else. So, all their arguments have been based on doubts and suspicions that this thing will happen and that thing will happen and Mr. Jaya Prakash Narain will go to jail or this man will go to iail. These are all the product of their lack of understanding of what is being discussed here. It is not the intention of this Bill, which is before the hon. House, to prohibit any intellectual discussions or academic discussions about these matters. Even if a person entertains any doubts about such matters, it is not going to come within the ambit of the definition of 'unlawful activities'.

Sir, the hon. Member, Mr. Banka Behary Das. mentioned rather an important point which I think should be clarified here. That was regarding the treaties or the implementation of the treaties. Now I am sure he remembers the interpretation of the Supreme Court with regard to article 253 of the Con-

[Shri Vidya Charan Shukla.]

stitution. The Supreme Court held that even if the Government enters into a treaty to secede a part of India to some other country, an Act of Parliament is necessary to give it a formal shape. Just on the treaty it could not be done. The sanction of the Union Parliament would be necessary to do so. So the amendment that he has put forward or the spirit of his argument that the Government should not have the right to do any such thing is already there and the Government have accepted this position. The Supreme Court has interpreted the article of the Constitution in a manner . . .

SHRI BANKA BEHARY DAS: Before carrying on we must pass a resolution. That is my intention ; not that after carrying on the negotiations when it comes to the final shape of a treaty you come with a resolution asking us to accept that position. That is not what I want. Even before you start negotiations for any adjustment of territory with any foreign country even in the interests of the country, the sanction of Parliament ought to be obtained first.

SHRI VIDYA CHARAN SHUKLA". This has been provided for in sub-cause (3) of clause 13. Some other points have been raised by Mr. Bhupesh Gupta. As usual he repeated first of his arguments and I do not think I should waste the time of the house in repeating my arguments in reply to the points that he has put forward.

The hon. Mr. Banka Behary Das asked: What will happen to Sheikh Abdullah, what will happen to the Mizos, what will happen to the Nagas? As he knows there is no negotiation being carried on with the Mizos and the Government's intention is not to open any negotiations with the Mizo hostiles but I may make a general statement here that anybody who contravenes the provisions of this Bill which is going to become an Act as soon as this hon. House passes, will become liable under this Act and action, as permissible under the Act will have to be taken. How can the Government discriminate between person and person? There is no such provision in this Bill which will give power to Government to discriminate between person and person. In the judgment of the Government if any person is found to be acting in contravention of this Act action as prescribed in the Act will have to be taken. There is a provision here which will enable a sitting Judge of the High Court to find out whether the action, which the Government has taken or about which notice has been given by Government, is just or unjust. That is also there. So there is no question of putting ourselves in any wrong place. We are quite clear in our mind that anybody who pleads for or advocates or abets or advises or incites commission of any unlawful activity—cession or secession of any part of the country—must be punished. There is no question of any hesitation in our mind about this and I do not think any member of the Congress Party will plead for making an exception for anybody howsoever illustrious he may be. This is the position as far as this particular clause is concerned.

Mr. Gaure Murahari asked who will interpret the action of any person and judge whether it is lawful or unlawful. I do not think he has taken the trouble of reading this Bill. It is clearly laid down that the tribunal consisting a sitting Judge of a High Court will find out whether the action of a person—the advocacy or abetting or incitement or whatever is done by him—really comes within the mischief of this Act or not, It is not the Government which is going to interpret the actions of the individuals or associations. Even if the Government does so in an emergency the tribunal will have to confirm it. It is the tribunal which will confirm the action of the Government and only then the action will take a final shape. That is why I say there is no force in the arguments of the hon. Members and therefore I am not in a position to accept any of the amendments.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

51. "That at page 9. line 32, for the words 'five years' the words 'nine months' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

53. "That at page 9, line 32, for the words 'Ave years' the words 'six months' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

93. "That at page 9, line 22, after the word 'whoever' the word 'inten tionally' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

94. "That at page 9, lines 26-27, for the words 'may extend to seven years, and shall also be liable to fine' the words 'may extend to three months or shall be liable to fine not exceed ing two hundred rupees' be substitu ted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

95. "That at page 9, line 28, after the word 'whoever' the word 'inten tionally' be inserted."

The motion *was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

96. "That at page 9, lines 32-33, for the words 'extend to Ave years, or with fine, or with both' the words 'ex tend to three months or shall be liable to fine not exceeding two hundred rupees' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

97. "That at page 9, lines 37-38, after the words 'by the Government of India' the words 'and nothing shall be an offence for any group of per sons to either advocate, abet or assist for concluding any treaty, agreement. or convention or negotiations' be in serted."

The motion urns negatived.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

119. "That at page 9, lines 34 to 38 be deleted."

The *motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

120. "That at page 9, after line 38, the following proviso be inserted, namely:—

'Provided that the Government of India should seek the approval of the Parliament by a resolution before they enter into any negotiation for a treaty, agreement or con-vention with any other Government for adjustment of boundary of the country'." *The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 13 stand part of the Bill."

The *motion was adopted.*

Clause 13 *was added to the Bill.*

Clause 14 *was added to the Bill.*

Clause 15—*Continuance of Association*

SHRI BHUPESH GUPTA: Sir, I move:

55. "That at page 10, line 6, for the words 'shall not' the word 'shall' be substituted.

56. "That at page 10, lines 7 to 10, the words 'or change of name but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof be deleted."

Here in this clause 15, I seek the deletion of the words "or change of name but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof".

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair] Also I want the words "shall not" in line 6 to be substituted by the word "shall", that is to say. an association shall be deemed to have ceased to exist

[Shri Bhupesh Gupta.]

by reason of any formal act of its dissolution. This is what I want Otherwise, even if an organisation decides to dissolve itself the Government can pursue that organisation under the provision as it is. I do not want that state of affairs. If an organisation declares that it has ceased to exist it should be taken that it has ceased to exist and it should not come under the mischief of this law under any plea. The other amendment is really consequential; it seeks to delete the later portion of the present provision. This is a simple amendment. Here again I want to make it very clear. If an organisation is illegal or is found to be objectionable under the provisions of this Bill, if the organisation declares that it has ceased it exist, the Government should accept that position and leave the matter at that. It should not go on hunting. What does it mean? It means an invitation to drive the organisation underground. Therefore I say that this amendment should be considered by the hon. Members of the other side not sitting in the Treasury Benches.

The questions *were* proposed.

SHRI NIREN GHOSH : This clause as it stands encourages, abets and advises the Government to go in for witch-hunting even when the organisation has ceased to exist and to harass and to wreak vengeance. So Mr. Bhupesh Gupta's amendments should be accepted by the hon. House.

SHRI P. K. KUMARAN: Mr. Vice-Chairman. I support these amendments. This means that even after the dissolution of an organisation the members of that organisation, their relatives, sons and children, and their friends will be pursued mercilessly by the Government and they may not be permitted to utilise the property in the premises. This also means that one has no right of changing his opinion. This goes against the very grain of Fundamental Rights. Even if a person honestly changes his opinion he is still suspected. An organisation is declared unlawful but they can change their opinion ; they can divert their activities. They may give up political activity and take up trade union activity or they mav give up trade union activity and take up cultural activities. But nothing of that kind is permissible under the provision as it is here. This is a very dangerous clause which will be used by the ordinary C.I.D.s, C.B.I, people and others who watch the activities of the organisations for the Government to penalise the members of such organisations, their relatives and friends. I. therefore, want that these amendments should be accepted.

SHRIMATI TARA RAMCHANDRA SATHE: Sir, I want to oppose these amendments. If an organisation indulges in unlawful activities the Government will declare it as illegal or an unlawful association. If the proposed amendments are accepted it will mean that even though the association is found to be unlawful if it merely changes its name it will c-:--ape liability under this measure. The organisation may be a widespread one with many members and it may be spread out in various parts of the country and the various members may be still engaged in unlawful activities and a mere formal act of dissolution or change of name should not mean that it ceases to exist altogether. As long as the Government is able to find out that it has nothing to do with unlawful activities, it can be continued, but unless and until it is proved I do not think that it should continue. So, I support this clause and oppose the amendment.

SHRI VIDYA CHARAN SHUKLA : If a simple reading is made of clause 15. it will be apparent that no amendment to it is admissible. This provision has been inserted mainly with a view to preventing the circumvention of the law by changing the name, etc. It says :—

"An association shall not be deemed to have ceased to exist by reason only of any formal act of its dissolution or change of name hut shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof." So. it is clear that if any association indulging in unlawful activities changes

its name, it will not escape the provisions of this Bill. Only if they drop that unlawful activity, they can probably save themselves from the operation of this Bill. Therefore, it is not possible for me to accept the amendments.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

55. "That at page 10, line 6, for the words 'shall not' the word 'shall' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

56. "That at page 10. lines 7 to 10, the words 'or change of name but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof be de leted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 *was added to the Bill.*

Clause 16—*Bar of jurisdiction*

SHRI P. K. KUMARAN : Sir, I move:

57. "That at page 10, line 15, after the words 'any court' the words 'except a High Court' be inserted."

SHRI NIREN GHOSH : Sir, I move :

98. "That at page 10, line 15. for the words 'or by way of the words 'except by way of be substituted."

The questions were proposed.

SHRI P. K. KUMARAN: Nobody can question the act of the Government or their representatives and no court can grant any injunction. My point is. why not at least authorise the High Court to do it? There should be some place where the people who are harassed, who are subjected to the provisions of the Bill here could- go and seek remedy. Even that is denied. It is a very reasonable demand and I hope the House will accept it.

श्री गोडे मुराहरि : मैडम, मैं इस अमेंडमेंट का समर्थन करता हूं । एक तो आप इस तरह की पावर सरकार को दे रहे हैं, साथ साथ उसकी अपील की भी जगह नहीं रखेंगे तो बहुत अनर्थ होगा । कम से कम हाई कोर्ट में अपील करने का प्राविज़न जरूर रखें ।

SHRI NIREN GHOSH : It is a miscellaneous provision. They have in all such provisions denied the right of appeal. Again, they have added some clauses as an afterthought, if there is any loophole in the iron curtain, let us plug it. So, no appeal. As in other provisions, it is there even in this Bill. That betrays the outlook and attitude of vindictiveness of the Government the police character and the Fascist character of the Government. So, I have said except by way of appeal or revision, no suit would lie against the decision of a court. By way of revision or appeal, there should lie an appeal and it is the normal process. So, they are choking off all normal legai processes. Even the so-called rule of law they are choking and stifling it. You. Sir, with your legal acumen think of it. At this moment you just forget that you belong to the Congress Party. You are sitting in the Chair.

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

SHRI NIREN GHOSH: Just forget and see to what low depths they havs sunk.

SHRI VIDYA CHARAN SHUKLA : In relation to the earlier amendments, I have already explained the position regarding the writ jurisdiction of the Supreme Court and the High Court and

LShri Vidya Charan Shukla.]

the power of appeal provided for, especially to the Supreme Court. I do not think it is necessary for rr.e to go into the matter again. The amendments are uncalled for and I do not accept them.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

57. "That at page 10, line 15, after the words 'any court' the words 'ex cept a High Court' be inserted."

The *motion was negatived.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

98. "That at page 10, line 15, for the words 'or by way of the words 'except by way of be substituted."

The *motion was negatived.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That clause 16 stand part of the Bill."

The *motion was adopted.*

Clause 16 *was added to the Bill.*

Clause 17—*Prosecution for offences under this Act*

SHRI P. K. KUMARAN : Sir, I move :

58. "That at page 10, line 19, after the words 'No Court' the words 'ex cept a High Court' be inserted."

SHRI G. MURAHARI: This clause should go completely.

SHRI P. K. KUMARAN: I want 1hat no court except a High Court shall take cognizance of any offence under this Bill. I press that my amendment be accepted.

The *question was proposed.*

SHRI VIDYA CHARAN SHUKLA: The amendment s not acceptable to me.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

58. "That at page 10, line 19, after the words 'No court' the words 'except a High Court' be inserted."

The motion *was negatived.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is : "That clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 *was added to the Bill.*

Clause 18—*Protection of action taken in good faith.*

SHRI BHUPESH GUPTA: Sir, I move :

59. "That at page 10, line 23, for the words 'No suit' the words 'A suit' be substituted."

60. "That at page 10, line 28, for the words 'No suit' the words 'A suit' be substituted."

My amendment is, I cut out 'No', *i.e.,* a suit shall lie in respect of any loss or damage caused. Similarly, in the other provision, in line 28, I cut out 'No'. They are afraid of legal proceedings. If I am aggrieved, certainly I will go to a court and have the right 1o sue and test their order in a court of law, seek remedies, relief, etc., against loss or damage that I may have suffered. Why should they try to take away that right? Why are they so afraid of facing a court of law? Now, the entire scheme of the Bill is to negate the best principles of the rule of law. The executive will have power to do whatever they like. The citizen will not have the power to challenge such action even in a court of law, though he may suffer materially or otherwise. Now, that is understandable in a quasi-Fascist or dictatorship regime. Why should it be the arrangement we cannot understand, except that the Congress Party now is giving up very rapidly all pretences to rule of law or democracy or whatever it is. Here the Central Government is made absolutely immune. You will say the tribunal is there. Well, the tribunal is there but a tribunal is not a court of law. It comes into the picture when the order is made declaring an organisation illegal and doing certain other things. Suppose I have suffered as a result of that order. The order is some-thing causing damage to me or causing loss to me. I should be in position to go to a court of law and ask for remedy

and ask for injunction that such order be not executed. Why should I not be given this opportunity, I cannot understand.

Anyhow these are my suggestions.

The questions *were proposed.*

श्री गोडे मुराहरि : महोदय, अभी अभी मंत्री महोदय ने यह निवेदन किया था कि हम लोगों को जुडीशियरी में कुछ कांफिडेंस होना चाहिये तो मैं उसी को दोहराना चाहूंगा। एक तरफ आप इस तरह का पावर्स ले लेते हैं और साथ साथ जुडीशियरी तक पहुंचने की भी इजाजत नहीं देते, "नो शूट शैल लाई" कर के एक प्राविजन यहां लगा देते हैं, ताकि सरकार अगर गलत काम करेगी तो भी उसके खिलाफ कहीं जाने की गुंजाइश नहीं है। कोई एक आदमी के ट्रिब्यूनल ने कुछ सनक की वजह से कोई गलत फैसला दे दिया तो कोई अपील किसी कोर्ट में नहीं कर पायेंगे, यह कहां का इंसाफ है, कैसा रूल आफ ला है, मैं जानना चाहूंगा, क्योंकि यह तो मान्य बात है कि किसी के साथ कोई इंजस्टिस होती है तो वह हाई कोर्ट में जाय या सुप्रीम कोर्ट में जाय। उसमें कौन सी दिक्कत सरकार को होगी, यह मैं जानना चाहूंगा।

SHRI VIDYA CHARAN SHUKLA: The amendment moved by Shri Bhupesh Gupta will take away the usual clause that we put in all Bills. If he gets angry, if I call his arguments absurd, what words can I use when he moves amendments like this? Now this is a provision for persons to take action in accordance with the Act that this Parliament passes. This Parliament allows the officers of Government to take certain action, and only this clause permits them to take that action and gives the necessary protection. How can you go against the intention of Parliament? The Act of Parliament is such which allows them to do it and asks them to do it.

SHRI BHUPESH GUPTA : One clarification. The intention is here. But the question is how Parliament spells it out. I am trying precisely to spell it out in this way. In this case I am making my intention known by my amendment that I do not propose to come in the way of those who after having been aggrieved want to go to the court of law. Let them go to the court of law. You reveal your intention which I do not share. I want you to accept my intention.

SHRI VIDYA CHARAN SHUKLA: We want to give protection to those persons who act in pursuance of the Act passed by Parliament. This is the sole purpose of this particular clause. I do not think I am called upon to accept this amendment.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

59. "That at page 10, line 23, for the words 'No suit' the words 'A suit' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

60. "That at page 10, line 28, for the words 'No suit' the words 'A suit' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That clause 18 stand part of the Bill."

The *motion was adopted.*

Clause 18 *was added to the Bill.*

Clause 19—*Power to delegate.*

SHRI BHUPESH GUPTA: Sir, I move :

61. "That at page 11, lines 2 to 8, the words 'and the State Government may, with the previous approval of the Central Government, by order in writing direct that any power which has been directed to be exercised by it shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exer cised by any person subordinate to the State Government as may be spe cified therein* be deleted."

SHRI NIREN GHOSH : Sir, I move:

99. "That at page 11, line 8, after the words 'be specified therein' the words 'who shall not be less than the rank of a Chief Secretary', be inserted."

The questions were proposed.

SHRI NIREN GHOSH: They have delegated powers to the State Government, and the State Government may delegate that power to any subordinate officer. My amendment proposes that if such a delegation is made by the State Government, it must be one who shall not be less than the Chief Secretary in rank. Only the Chief Secretary of the State Government should be empowered to deal with such cases. If power is delegated under this Act to the State Government and the State Government decides to delegate it to any subordinate officer, it must not be below Chief Secretary, because in such an important, controversial, bitterly opposed measure, a measure that is opposed by the majority of the people of the country, by all newspaper and many Members of the Congress Benches would also admit in private that it should not have come on the Statute Book, such a measure should be placed in the hands of responsible persons so that at least some mature consideration can be given, and not just any subordinate officer specified therein. So, I want to make it clear that only the Chief Secretary should be empowered, and no person less than the rank of Chief Secretary should be empowered to deal with it.

SHRI BHUPESH GUPTA : Mine is to that effect but I am more brief in this because I want a full stop after "State Government"; that is, ". . . as may be specified in the notification, be exercised also by any State Government", and the rest I want to delete. It is simpler also. Why I do not like the power to be delegated is, first of all how the scheme of delegation works you kindly note it. It says : ". . . the State Government may with the previous approval of the Central Government"—their approval will be taken.

SHRI A. P. CHATTERJEE: If it is State Government merely, does Mr. Bhupesh Gupta think or feel that Mr. Dharma Vira of West Bengal will be more responsible than a sub-inspector of police?

SHRI BHUPESH GUPTA: I do not think so at all. They are all scoundrels. I do not think so at all. That is not the point. As you know, they have a scheme, but I have also a scheme, I want to expose them. Here it says : "... the State Government may, with the previous approval of the Central Government, by order in writing", etc. etc., "be exercised by any person subordinate to the State Government". The State Government has it; in addition to that Mr. Dharma Vira has it; they are giving it; after that all other people will be given, whoever they like. It may be anybody, it does not specify anything here, as long as they are subordinate to the State Government. It means power will be given to all these people; that is to say, many people will be armed with the powers under this Bill in order to be on the rampage against the people's rights, citizens' rights and fundamental rights. We need not bother about it at all. This approval will be given as a matter of routine. We know that the Central Government will operate this measure really through the State Government. For instance, the Kerala State Government are not going to behave like that merely because they have such an order. Do you mean to say that you pass an order to the Kerala Government and they are going to oblige you just because you tell them to do? They may not do so. What are you going to do? I do not know what they are going to do. The idea is preposterous. Again I say it is a question of making everyone a little despot in his own sphere. Gestapos will be created ; storm troopers will be created ; witch-hunters will be created; at all levels right from the Central Government in the Secretariat down to the thana level they can create under this Bill such people who will be running amuck among the people in order to suppress their rights and liberties and anyhow intimidate them. I say this again they inherit from the British.

Mr. Vice-Chairman, I for one would not entrust this Government with any

power. The only thing I shall entrust them with is a certificate to leave this Government and nothing else. The sooner they go the better. Why should I give them power? Having as-3 Pitsumed power, they want to give it to others. We have seen how \ they exercise these powers even when j the law is not there. We have • seen how they misuse the power ; when they instruct from Delhi, the '• I.Gs. and various people in West i Bengal and various other States to deal ; with things over the head of the Chief j Minister, over the head of the Govern- j ment in the State. You can understand j what they are going to do by this. They are trying to take the people, the State Governments and others, in a system of political tyranny, in a system of con- > stant intimidation, in a system of per- j petual encroachment on the rights and j liberties of the people, and that is why ■ the entire outfit is sought to be armed, j This is what the Home Ministry is do- ! ing. Not a single clause in this Bill j shows a little sensitiveness about the citizen's honour, his sense of self-respect, his concern for rights and liberties, his concern for the fundamental rights given under the Constitution. Everywhere there is an attempt to concentrate more and more power in their hands. In our economic life, we are having the monopolists concentrating economic power in their hands; in our political life we are having these gentlemen and their pet bureaucrats concentrating oppressive and draconic powers in their hands.

SHRI VIDYA CHARAN SHUKLA: Sir, unfortunately, Mr. Bhupesh Gupta is not reading this clause properly. It is not proposed to give or delegate all the powers to the State Government. It clearly says that powers under clauses 7 or 8 which are very restrictive powers, they would be delegated. There are several other clauses, but only the powers under the two clauses are sought to be delegated and that too, the State Governments can delegate only with previous approval.

SHRI BHUPESH GUPTA : The power is to stab, not to kill.

6—8 R.S./68

SHRI VIDYA CHARAN SHUKLA: As a responsible Member he should present the entire case and try to convince and not say, by reading clause partially, as if the entire power under this Bill is sought to be delegated to the State Governments and the various authorities thereof. Therefore I am unable to accept any of **the** amendments.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

81. "**That af page 11,** lines 2 to 8, the words 'and the State Government may, with the previous approval of the Central Government, by order in writing direct that any power which has been directed to be exercised by it shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by any person subordinate to the State Government as may be specified therein' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

99. "That at page 11, line 8, after the words 'be specified therein' the words 'who shall not be less than the rank of a Chief Secretary' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question Is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 *was added to the Bill.*

Clause 20 *was added to* the *Bill.*

Clause 21—*Power to make rules.*

SHRI BHUPESH GUPTA: Sir, I move:

63. "That at page 11, after line 14, the following proviso be inserted, namely:—

'Provided that all such rules shall have to be approved by both the Houses of Parliament before they come into force'."

SHRI BHUPESH GUPTA : What have I done here? Here hon, Members are sitting. Mr. Pande, you have not read the clause. I have never seen Mr. Pande, in his life, carrying any paper.

SHRI C. D. PANDE: What is the use of any paper?

SHRI BHUPESH GUPTA: I do not know why he is so divorced from papers. Have you got anything? If you have that in your hands you must have found out this thing—

> "Provided that all such rules shall have to be approved by both the Houses of Parliament before they come into force."

Now, they are assuming rule-making powers. Now, the rules will be laid on the Table of the House. We know the fun. They are laid on a mass scale and they are forgotten. Sometimes they may be debated upon. But over such a matter, we are not prepared to give the rule-making power to the Government without being seized of their proposals, of the rules, without having considered the rules that are supposed to be enforced. Therefore, the rule-making power should be the power really of Parliament, not after the event, but before the event; that is to say, before the rules come into force. Why do I say so? I say so because otherwise the executive will be doing it. In short, the Secretaries, or the Deputy Secretaries or the Under Secretaries on the advice of the Inspector-General of'Police or some such people will be formulating the rule. We do not like such a position to come into force. It is not the Ministers even. We have got our Ministers who eat out of the hands of the Secretaries. However they may shine here on the Treasury Benches, everybody knows that most of them suffer from an inferiority complex when it comes to the big officers and that most of them eat out of their hands. Things are handed out to them and in the morning they generally read them, not at night. That is how they behave. The rule-making power you are giving to the bureaucracy. The Minister will be a cover ; the Minister is responsible for this. We want it to be done before. Therefore, every rule, before it comes into force, should be discussed in the House. Why are you afraid of Parliament? If you think that you are protecting a noble cause, the integrity and the sovereignty of the country, let Parliament come into the picture and consider whether the rules that you are making under a law which is already bad enough are warranted or whether you are not trying to misuse the power, whether you are not guided in this matter, even under this law, by further evil intentions and evil motives, whether with a view to persecuting some people you are not adopting such rules. This matter should be considered. This Parliament is being gradually made into a mockery. Mockery—that is how it happens. Under the cover of Parliament, the bureaucracy and the executive concentrate enormously increasing powers in their hands and the moment this process starts and gathers momentum, what goes under is the principles of parliamentary democracy, is the sovereignty of Parliament, and the sovereignty or the right of Parliament becomes a kind of facade and cover for anti-democratic concentration of power in the hands of the executives which is really not responsible, in point of fact, to this Parliament. Therefore, I say that you shall have this arrangement. You are exercising Sweeping powers already under the express provisions of the law when it comes into force and you are having an enabling power in order to make rules. If that is so, that should be subjected to the scrutiny of Parliament, the examination of Parliament, before the rules are framed. We know what happened. I am always speaking from experience. The Defence of India Act was passed and it gave sweeping powers to the Government to make rules under the Defence of India Act from time to time and so on. And we know what they did, what kind of rules they made under that Act. And of course, the rules were laid on the Table of the House. But we did not have any remedy against this kind of encroachment on the rights and liberties of the people. They were making rules right and left without caring for what happened to the rule of law, what happened to the

citizen, what happened to the decency of our public life. Nothing of the kind they bothered about. Now the same thing they are asking today, the rulemaking power in order to stabilise their power. Then we find that the rules are the executive's creation. And even the parent law from which the rules are supposed to grow are put in the shade and it becomes more and more administration by rules and regulations. Even without the legislation of this kind, you are going to do it.

Therefore, Mr. Vice-Chairman, I suggest that this should be accepted by the hon. Members. I am telling this thing always to our Congress friends there. But you see how dutifully the Congressmen are sitting there with not a word of reason. They are here only to raise their hands. And Mr. Hathi has seen to it that they are mobilised in good number so that by a snap vote we do not defeat them. Now the army is here, this army of, shall we say, Dur-yodhana.

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

SHRI BHUPESH GUPTA: Not "Thank you". Thank them. This is what has happened. The entire body of men there—I have regard for many of them sitting there. Outside some of them are decent and honourable men—their conscience is being killed. *{Interruption by Shri* Sheet *Bhadra Yajee).* As far as you are concerned, you are excluded. I exclude you from that category.

Now, Mr. Vice-Chairman, I am surprised to think how some of these honourable men—certainly, some of them are honourable men—have been made conscienceless, thoughtless, unable to move as if somebody is pressing the button and they are moving this. What are you doing to your party men? You are killing their conscience. You are killing their good sense and you can understand what kind of measure will this be. They should have the right to look into the rules before they are passed. You should demand it. It is not for me to demand. You have the majority there. You can consider them 7—8 R.S./68

and pass them and ignore us, if you like. As far as you are concerned you do not do anything, I know. They are not doing it. Why? If you have majority in Parliament, in the Rajya Sabha, why not make it possible for the House to look into the rules before they come into force? This is not a very tall demand to make of the Government and the Government normally should accept it. But this Government which is interested only in concentrating power in the hands of its pet officials and executive, *in* disregard of the rights and privileges of the Members of the House including Members on their side, would obviously not listen to the argument of reason. All the same I say that this should find acceptance among the private Members sitting on that side.

The question was proposed.

SHRI VIDYA CHARAN SHUKLA : I am sorry to say that either Mr. Bhupesh Gupta is trying to mislead the House or he does not know all the powers this House has. He has himself mentioned that the rules which are made under the Acts or the Bills that are passed in this House are laid before this House and any Member who cares to read or knows what the powers of this House are can raise a discussion in this House.

SHRI BHUPESH GUPTA: We want them to be discussed before they come into force.

SHRI VIDYA CHARAN SHUKLA : They can be always discussed. They can be always changed by this honourable House. There is also a Committee of this House which is known as the Committee on Subordinate Legislation. That Committee also goes into all that.

SHRI BHUPESH GUPTA: Now you are misleading.

SHRI VIDYA CHARAN SHUKLA: And they can all do it. If he wants to hide his inactivity and wants to unnecessarily spoil this law. . .

SHRI BHUPESH GUPTA: Mr. Vice-Chairman. I want a clarification. You make a rule. . .

SOME HON. MEMBERS : No, no.

SHRI VIDYA CHARAN SHUKLA : I am not yielding. That is why I am saying that the amendment that Mr. Bhupesh Gupta has brought on this particular clause is superfluous, unnecessary and should be rejected by the House.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

63. "That at page 11, after line 14, the following be inserted, namely:— 'Provided that all such rules shall have to be approved by both the Houses of Parliament before they come into force'."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 *was added to the Bill.*

Clause 1

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Are you serious about this amendment?

SHRI BHUPESH GUPTA : Yes, I want the title of the Bill to be changed. Therefore, 1 move:

2. "That at page 1, line 5. for the word 'Unlawful' the words 'Anti-Congress Rule' be substituted'."

Now I have to make a speech.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Would you not speak on the Third Reading?

SHRI BHUPESH GUPTA : This is entrance to the Third Reading.

SHRI SHEEL BHADRA YAJEE : He has had enough time.

SHRI BHUPESH GUPTA : It is not a question of enough time. I do not take time at your dictation, Mr. Yajee. Who are you to say that I have taken enough time? I have taken the time allowed under the Rules. *(Interruptions).* You control charlatanism in your bench. Some buffoons are sitting there, not all. They should be controlled.

SHRI SHEEL BHADRA YAJEE : You are a first class buffoon of the first water. And Niren is the second buffoon.

SHRI NIREN GHOSH: Look here. How a buffoon is speaking?

SHRI SHEEL BHADRA YAJEE: We are not anti-national. We are patriots.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I made an observation about Mr. Sheel Bhadra Yajee. Do you need more confirmation than what he himself has given?

SHRI SHEEL BHADRA YAJEE : You are a buffoon.

SHRI BHUPESH GUPTA: With the permission of the honourable buffoon might I proceed? Here I say that it is an Anti-Congress Activities (Prevention) Bill. Call a spade a spade. I say be honest at least. After having done all this thing, be honest to yourself. You are passing this measure to protect the Congress rule, to protect its position, to suppress others, suppress some and intimidate others. You are taking the sword in your hand to brandish it against all and sundry whenever you feel they have got to be intimidated. Mr. Vice-Chairman, today the time has come for drawing a distinction between the Republic, the State on the one hand and the Congress Government on the other. If it were a question of the security of our Republic and the security of the State of India, the Republic of India, certainly all of us shall be jealous of preserving the integrity of the country and the sovereignty of the country ; no question about it. We do not require such measures. The country today, if it survives and grows, it will grow not berause of this kind of draconic, idiotic measures that you are passing, but it will grow because of the patriotism and good sense of our people, because of the loyalty of our people, because of the fundamental tenets of

Republican ideas and democracy. That is why I say you do not need such a Bill. But if it were a question of the Congress regime, if it were a question of this Government, it is our bounden duty today to not only subvert this Government but to do it as soon as possible, as once Pt. Motilal Nehru said in some connection under the British that to subvert the Government was his duty. Today we want to overthrow this Government by activities permissible under the Constitution, permissible in accordance with our fundamental rights and rule of law which justifies activities in so far as they are directed against this kind of thing for elimination of this Government from power.

Now instead of trying to say what you want to do, you are taking cover under the Unlawful Activities (Prevention) Bill. What do you mean by this kind of description? We know what you mean by unlawful activities. You interpret the Constitution and law as you like. You are playing ducks and drakes with the sacred articles of the Constitution which make our Constitution look having some bad provisions in some respects. But even with the salutary good articles, with their limited powers, with their limited authority for the people you are playing with them all the time. Am I to understand that this measure is not going to be misused by vou? Mr. Vice-Chairman, as he himself said, this Bill was conceived in 1960. When these gentlemen were challenged in this House by the D.M.K., instead of going and facing the D.M.K. agitation in a proper, political way, these people, on the advice of the bureaucrats, were thinking of a measure of this kind and they conceived the idea of the so-called unlawful activities Bill.

It originated with the idea of protecting the Congress, not protecting the country, against the D.M.K. agitation, against the D.M.K. party. The idea was to suppress the D.M.K. But now today others are being within the range of the Congress attack. Therefore, I say the title should certainly be changed.

Mr. Vice-Chairman, why do I say that it is anti-Congress rule? Today they are trying to look as if the security of the Congress and the security of the Republic are inter changeable terms. They are not interchangeable. In fact, a situation has arisen today when the security of the Republic of India is endangered if this Congress rule is not ousted. They law provides for sovereignty, integrity, etc. It is they who are undermining and disgracing our sovereignty by their policies of surrender to the Americans. It is they who are proving a danger to the security and honour of the country and, certainly, the sovereign honour of the country. And, therefore, if any law is needed, the law should be directed against the Congress rule. But here they are now trying to suppress this. Therefore, I say it is entirely wrong. That is why I have suggested this title "Anti-Congress Rule Activities Prevention Bill." The country should know what they are up to. They are hypocrites. They do not have the moral courage to say what they want to do. And what they I do, they do not say. Certainly when they come to the legislature, they prove angels of democracy. But outside they behave as storm-troopers, usurpers and tyrants. This paradox in public life has got to be ended by exposure of these people. Now look at the treasury benches. How decent they are! But go to Calcutta and other places and you will see how tyrannical they are, how they are behaving with their police and administrators, how conspiratorial they are, how senseless they are and without any moral scruples. Now they are trying to convince us by this title that they are passing this measure in order to stop unlawful activities. But they are the arbiters to decide what is an unlawful activity. They have made provisions in the Bill so that anything can be declared as unlawful activity under one protext or another. The entire Opposition is opposing this measure. Well, I will come to that at the third reading. Therefore, Mr. Vice-Chairman, I recommend that if the Congress Members have any moral courage and honour to stand up to truth, if they believe in truth at all, then they should have the courage to

[Shri Bhupesh Gupta] accept the title I have suggested—I am not asking you at this stage to change what you have passed, you have passed everything—to tell the nation what you have passed. At least show this much of courage. That is why I am commending to the House this title. I think it is an apposite title a title that suits very well. The title is also in accordance with the teachings of Mahatma Gandhi that "If truth is not a casualty . . ." *(Interruption).* After all he taught you to be truthful and you are the people who do not care for truth. Therefore, I have suggested this title for you. It is a gesture for you. I have done it for you. Accept this title. I hope other hon. Members will speak on this.

The question was proposed.

SHRI NIREN GHOSH : Mr. Vice-Chairman, I support this most appropriate title. I tell you, this Bill seeks to wipe out anti-Congress activities and the opposition parties. Now, Sir, I will tell you that there was once an emperor. He sat with a map spread out before him. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Let us not at this stage go into stories of emperors.

SHRI NIREN GHOSH : Let me finish. Then he looked at the map and asked "What is this town"? And the Minister said it was such and such town. **The** emperor did not like it. He said "I wipe it out". So he thought that that town or princepality had been wiped off the map. Similarly they are trying to wipe out the Opposition parties. *(Interruption).* You are trying to give oxygen to a dead thing. The Congress will not live. In Kurukshetra a vast army appeared. Now you see a dead army, dead for all practical purposes. As the saying goes, history has destined us that we should just finish this dead force, mak$_e$ a kind of surgical operation and cut it out from the body politic. So I support this most appropriate title.

श्री गोडे मुराहरि : वाइस-चेयरमैन साहब, मैं श्री भूपेश गुप्त के अमेंडमेंट का पूरा समर्थन करता हूं और मैं उनका बहुत आभारी हूं कि उन्होंने यह अमेंडमेंट दिया क्योंकि जिस ढंग से बिल पास होगा और जो उसके अन्दर प्राविजन्स हैं उनको देखते हुए इसे अनलाफुल एक्टिविटीज (प्रिवेंशन) बिल कहना गुनाह होगा । किसी ला के साथ ताल्लुक यह बिल नहीं रखता है, किसी के लिये लीगल रेमेडी इस बिल में नहीं है, इस लिये इस कांग्रेस सरकार के लिये ला की कोई बात करना गुनाह होगा । ऐसी हालत में मैं चाहूंगा कि इस बिल का नाम "ऐंटी-कांग्रेस रूल ऐक्टिविटीज (प्रिवेंशन) बिल, 1967" रखा जाय क्योंकि इससे जो असलियत है उसका सही निरूपण होगा और यह नाम मैं पसन्द करूंगा । एक तरफ सरकार इमर्जेंसी को खत्म करने की बात करती है और दूसरी तरफ एक बिल हमारे सामने रख कर के इमर्जेंसी को हमेशा के लिये लागू करने की साजिश करती है । कांग्रेस ने अपनी सत्ता को इमर्जेंसी के जरिये, इस बिल के जरिये हमेशा के लिये यहां पर लागू रखने की एक साजिश की है । इस लिये इसका नाम "ऐंटी कांग्रेस रूल ऐक्टिविटीज (प्रिवेंशन) बिल, 1967" होना चाहिये ।

SHRI A. P. CHATTERJEE: Sir, I support this amendment. This amendment is really very expressive. The entire spirit of the Bill is to kill and crush the Opposition parties. And why do they want to kill and crush the Opposition parties? The reason is very simple. They want to keep the Congress rule alive. They want to kill the parties which are going against the Congress in the different parts of the country and the parties which are ringing the death tunes, so to say, of the Congress party in the different States. Therefore, in whatever language in whatever garb, in whatever dress, these different provisions are made, and however good the words spoken by the hon. Minister in respect of these different provisions of the Bill may be, one spirit comes out, one tone comes out from the entire Bill. And what is that tone? That tone is that

all the parties except the ruling Congress Party must be decimated, killed and crushed, in order that the Congress may flourish and prosper, and in order that the millions of this country may continue to suffer for more years under the Congress rule. Therefore, Mr. Vice-Chairman, this title which Mr. Bhupesh Gupta's amendment is trying to give to the Bill is the appropriate caption for this Bill. If they want to pass this Bill, let them pass this Bill under its true colours. Therefore, Mr. Vice-Chairman, I am supporting this amendment, not only that, I will say that this amendment should be put to division.

SHRI VIDYA CHARAN SHUKLA: Sir, may I say that this amendment which has been proposed by Mr. Bhupesh Gupta is more or less an insult to the House because the House has adopted the definition of unlawful activities and the House has passed all the clauses of this Bill which clearly indicate and which clearly support the title. . .

SHRI BHUPESH GUPTA : On a point of order. How does he say that? It is precisely because this House has passed the clauses, I am giving this appropriate title.

SHRI VIDYA CHARAN SHUKLA : He has no patience *to* hear anybody else. I am only saying that the clauses of this Bill have been adopted by this House and these clauses clearly support the title of the Bill. And if Mr. Bhupesh Gupta thinks that by bringing in such funny amendments, he can make political propaganda, he is entitled to his pleasure. But to all of us here, to the majority of the Members of this House, this amendment seems to be very funny and a very light-hearted thing.

Sir. another thing I must say here is that only those people who are afraid of the provisions of this Bill are making most of the noise here. I will only tell them that they need not be afraid of this Bill which is before the House because if they are loyal citizens of this country and if they do not want to subvert the loyalty of other citizens of this country, they need not be afraid of this Bill. The provisions of this Bill have nothing to do with the loyal citizens of this country and loyal citizens of this country do not have to worry about this Bill. I would, therefore, say that this House must reject this amendment of Mr. Bhupesh Gupta.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is :

2. "That at page 1, line 5, for the word 'Unlawful' the words 'Anti-Congress Rule' be substituted."

The *House divided.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : **The** result of the Division is as follows:—

Ayes—8 ; Noes—66.

AYES—8

Chatterjee, Shri A. P. Das, Shri Banka Behary. Ghosh, Shri Niren Gupta, Shri Bhupesh Kumaran, Shri P. K. Murahari, Shri G. Sinha, Shri Rewati Kant Somasundaram. Shri G. P.

NOES—66

Abdul Shakoor, Moulana Abid Ali, Shri Amla, Shri Tirath Ram Ammanna Raja, Shrimati C. Anandan, Shri T. V. Bhargava, Shri M. P. Bhatt, Shri Nand Kishore Chavda, Shri K. S. Devaki Gopidas, Shrimati Dikshit, Shri Umashankar Ghose, Shri Surendra Mohan Gilbert. Shri A. C. Gujral, Shri I. K. Hathi, Shri Jaisukhlal

Jairamdas Daulatram, Shri
Kathju, Shri P. N.
Khaitan, Shri R. P.
Kothari, Prof. Shantilal
Koya, Shri Palat Kunhi
Krishna Kant, Shri
Kurre. Shri Dayaldas
Mahanti, Shri B. K.
Mallikarjunudu, Shri K. P.
Mangladevi Talwar, Dr. (Mrs.)
Mehta, Shri Om
Mishra, Shri S. N.
Mitra, Shri P. C.
Mohammad, Chaudhary A.
Momin, Shri G. H. Valimohmed
Nandini Satpathy, Shrimati
Neki Ram, Shri
Pande, Shri C. D.
Panjhazari, Sardar Raghbir Singh
Patra. Shri N.
Pattanayak, Shri B. C.
Pillai, Shri J. Sivashanmugam
Pushpaben Janardanrai Mehta, Shrimati
Ramaswamy, Shri K. S.
Ramaul, Shri Shiva Nand
Reddy, Shri N. Narotham
Sadiq Ali, Shri
Sahai. Shri Ram
Salig Ram, Dr.
Sanjivayya, Shri D.
Sapru. Shri P. N.
Sen, Dr. Triguna
Shah, Shri M. C.
Sherkhan, Shri
Shukla. Shri Chakrapani
Shyam Kumari Khan, Shrimati
Singh, Shri J. K. P. N.
Singh, Shri Santokh
Sinha. Shri Awadheshwar Prasad
Sinha. Shri B. K. P.
Tankha, Pandit S. S. N.
Tapase. Shri G. D.
Tara Ramchandra Sathe, Shrimati
Tiwary, Pt. Bhawaniprasad
Tripathi, Shri H. V. Untoo, Shri Gulam Nabi Upadhyaya, Shri S. D. Vaishampayen, Shri S. K. Varma, Shri C. L. Vidyawati Chaturvedi, Shrimati. Vimal Punjab Deshmukh, Shrimati Yajee, Shri Sheel Bhadra

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is: "That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 *was added to the Bill.*

The Enacting Formula and the Title were added to the Bill.

SHRI VIDYA CHARAN SHUKLA: Sir, I move:

"That the Bill be passed."

The question was proposed.

[THE DEPUTY CHAIRMAN in the Chair]

SHRI ABID ALI: Madam, as against 8 hours allotted by the Business Advisory Committee we have taken more than 13 hours for the discussion of this Bill. Therefore, Madam, I move:

"That the question be now put."

SHRI BHUPESH GUPTA: No, no. The third reading has not yet started. You cannot move a closure motion like that when the third reading has not yet started. *(Interruptions)* I would like to ask Mr. Hathi whether it is his intention to shut out the third reading.

SHRI JAISUKHLAL HATHI: Madam, we had decided that we shall be able to finish this Bill by 5 o'clock today. *(Interruptions.)* But looking to the amendments that have been moved and the long speeches that have been made, I think we have taken more than enough time. So I will leave it to the House to decide.

(Interruptions)

SHRI NIREN GHOSH: Madam, he has misled the House.

SHRI BHUPESH GUPTA: The third reading is most important. They can *say* anything they like after it has started. You cannot put a question when the debate has not yet started.

SHRI ABID ALI: Once a motion is moved it has to be put to vote.

(Interruptions)

SHRI B. K. P. SINHA: Madam, I make an alternative suggestion. I am making an alternative suggestion in order to accommodate the hon. Members of the Opposition and others also. The third reading of the Bill should not exceed one hour and no speech should exceed ten minutes.

SHRI BHUPESH GUPTA: No, no.

(Interruptions)

THE DEPUTY CHAIRMAN: By way of compromise I will put the question at 6 o'clock.

SHRI BHUPESH GUPTA: No. (Interruptions) Why should we be shut out like this? Madam Deputy Chairman, this is a very serious thing. We can say that many of our party people have got conferences and other things.

(Interruptions)

THE DEPUTY CHAIRMAN: All right, I will put it at 6-30. Now let us proceed.

(Interruptions)

SHRI ABID ALI: If they agree, I can withdraw my motion.

THE DEPUTY CHAIRMAN: I am giving you time up to 6-30.

(Interruptions)

SHRI BHUPESH GUPTA: We have heard it; let us see.

(Interruptions)

THE DEPUTY CHAIRMAN; All right. He says he has heard it.

SHRI BHUPESH GUPTA: The Deputy Chairman has said something and we have listened to it.

(Interruptions)

THE DEPUTY CHAIRMAN: I have suggested to them that the time will be up to 6-30. At 6-30 we shall put the gillotine. *(Interruptions)* Order, order. Now please sit down. Let this mood not continue. We have conducted the whole discussion so well. Now I shall put the gillotine at 6-30. *(Interruption)* They have accepted the suggestion.

SHRI BHUPESH GUPTA: What is that suggestion? Madam, why are you pressing that point again and again? Madam Deputy Chairman, . . .

SHRI C. D. PANDE: Madam, let it be made clear that if people are allowed on that side to speak equal opportunity should be given to us also otherwise it becomes very embarrassing. We sit here and they go on speaking and saying all sorts of things as if we have nothing to say. The debate must be balanced.

(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, why don't you begin the third reading?

SHRI BHUPESH GUPTA: Madam Deputy Chairman, we have here witnessed another example of the intolerance and arrogance of the ruling party when they wanted to stifle our voices and prevent us from even speaking at the third reading stage of the Bill. This shows the mentality with which they are passing this Bill.

Now, making certain general submissions on the way I will pass on to this repugnant measure which militates against our conscience and which has no place in a system which claims to be democratic and pretends to be under the rule of law. This measure has been conceived with a view to persecuting and intimidating the opponents of the ruling party. That is why they have brought in all this rigmarole about sovereignty and integrity of the country. Everybody knows that all of us are under oath of allegiance to the Constitution when we are sworn in as Members of Parliament. Everybody knows that the country's political life is proceeding under the basic tenets of the

[Shri Bhupesh Gupta.]

Constitution for the time being. Nobody has said that there should be secession of territories or there should be abandonment of the sovereign rights of this nation. Why then is this measure being brought in? Madam Deputy Chairman, many years ago the trouble started in the Naga Hills and hostile action started. Even at that time Pandit Jawaharlal Nehru and others, for all their repressive measures, never thought a Bill of this kind would be needed to deal with the situation. The Nagas on the contrary were opposed for negotiations. We had cease-fire with the Nagas so that the negotiations could go on. There was no need at all at that time felt in any quarter that a measure of this kind would be needed. It came only in 1960 but that was long before the trouble with China started. Please remember that. This certainly was not brought forward at that time to deal with that situation with China; in fact no such situation existed at that time with China when this was brought forward in its present form. Neither was it done in connection with the Indo-Pakistan dispute because that dispute has been there ever since 1948, in fact since the partition and nobody thought even for once that a measure of this kind was needed. It was only in 1960 in the face of the D.M.K. agitation for separation that some people thought of bringing a measure of this kind to intimidate and terrorise the D.M.K. instead of meeting their political agitation with political action for meeting their legitimate grievances. The hon. Minister in replying to the debate—I was not present here—I find, has himself admitted that the Bill was conceived in a particular form in the year 1960. Therefore it clearly shows that all these arguments about Pakistan and China are more afterthought. The Bill was conceived at a time when these two issues did not dominate the scene; one did not exist in the form in which it exists today and another had not come into the picture at all in the context of the deliberations or the preparation of this measure. Today they are passing it. Why? They are passing it because they want to intimidate the people. They want to take more and more powers. They know the emergency cannot last long in the face of public opposition to it. For four to five years they have ruled this country under the emergency although the need for the emergency was gone clearly by the middle of 1963. We are entering now 1968 and the emergency still exists. And we have seen how they have used the emergency powers. Now they are obliged to lift the emergency at some future date. That is why they are arming themselves with this Bill—in order that some of the provisions of the Defence of India Rules could be incorporated into the law of the land passed by Parliament. What else is greater shame? We are supposed to give up the emergency powers and the Defence of India Rules on the one hand while on the other solemnly in this Parliament these people came forward and ask Parliament to enact a legislation which incorporates some of the vicious provisions of the Defence of India Rules. That only shows the duplicity of mind of the Congress rulers; that only shows they do not propose to live down the past; they want to live with the Defence of India Rules and hence they are doing this.

Madam Deputy Chairman, we are told that they are not going to use this thing and we are being asked to accept their intentions. Who is going to accept their intentions, I should like to know. We of the Opposition have been functioning here for 15 years. Many assurances have been given by the Government time and again over crucial legislations of this kind. Every time the assurance has been given only to be violated, only to be shattered in practice. Don't we know that solemn assurances were given in 1952 when the Preventive Detention Act was passed and those assurances were given by a greater man than many of them—all of them in fact put together—namely, Jawaharlal Nehru, and have not those assurances been broken year after year? We were told in 1952 that the Preventive Detention Act would continue for three years but we have that Preventive Detention Act for a quarter of a century now. Am I then to accept the assurances of these people? Therefore I say that as far as the assurances part

is concerned the less said about it the better.

Now they say it is to safeguard sovereignty and torritorial integrity. What do they mean by sovereignty? Who has denned sovereignty? Madam Deputy Chairman, we have our own conception of sovereignty; they have their conception of sovereignty. For them it is not an insult to sovereignty or violation of our sovereign rights when the»y on American dictation devalue the Indian rupee as they did in 1966. That is not an infringement of sovereignty for them but the moment we say something, they think it is a violation of sovereignty, it is an offence against sovereignty. Now what about territorial integrity? Territorial integrity is something which should not be viewed in that manner. We live in a changing world and in this changing world it may be necessary sometimes to seek adjustments on certain minor border matters. Every civilised country does it. On the continent, in fact the map of Europe has been drawn up by successive stages of territorial and other adjustments mutually agreed to by neighbouring countries. Look at the map of Europe today. It was not what it was, say, two or three centuries ago. Some adjustments have taken place and it was not always by war. We do not support such adjustments by force. International law provides for mutual agreement in order to make adjustments of territories so that two neighbours can live in peace. That can never be ruled out in a civilised society or a civil society. Today they are passing this measure in order even to prevent this kind of moves or suggestions in that respect. That is their idea. Madam Deputy Chairman, I remember in 1958 or 1959 Pandit Jawaharlal Nehru speaking in the Ram Lila maidan as a Congress leader suggested that there should be a settlement between India and Pakistan on the basis of the cease-fire line in Kashmir. Well, it meant that he was ready at that time to give up, should Pakistan agree to a settlement, some of the territory which is ours and which is under Pakistan occupation. We considered that to be our territory and rightly it was a part of India. Was it wrong at that time under this Act? If this Act were there at that time and if he had spoken as Congress President or in any other capacity, even as Prime Minister, in that manner under a measure of this kind he would have been liable to prosecution under clause 13 of this Bill for having advocated cession of territory. Pandit Jawaharlal Nehru again defied public opinion in West Bengal said in order to have some settlement with Pakistan in regard to certain West Bengal territory, that Berubari which belonged to the people of our country should be given away by way of a border adjustment and the matter went to the court. Was he then committing a crime? Was it an unlawful activity? If it was not an unlawful activity in 1957, if it was not an unlawful activity when he spoke about territorial adjustments in this manner, why should it be regarded as unlawful activity if some people or some organisation makes certain suggestions for mutual territorial adjustments in order to promote good neighbourly relations? Adjustment means that you take and you give also. That is how adjustment comes. Under this Bill we can ask for any territory from China or Pakistan or Nepal or any other country, but we cannot say, in order to take diplomatic and other political initiative, that certain steps should be taken for adjustment by way of giving also. We cannot say that. We have to be silent. Therefore, it would look as if we are assuming an attitude of absolute rigidity in such matters. Not only that. We are going to persecute people who may have divergent points of view. These are vital, sacred questions when we talk about the territorial integrity or the sovereignty of the country. We do not talk in party terms. We talk in terms of the fundamental interests of the nation more enduring than any political party, more enduring certainly than the ruling Party. Now, suppose we say some wrong things. It should be politically met. Why should there be repressive measures? In a civilised society such things are not done. In political life when certain wrong suggestions come, you meet them by political argument. You defeat such things in the course of debate and discussion. If

[Shri Bhupesh Gupta.] somebody takes to arson or violent activities to put across any idea, however laudable that idea may be, you may perhaps think of suppressing them, but for the mere presentation of an idea here our friend, Mr. Shukla, said a shocking thing. I was not present, but I read his speech, which says: —

> "The Bill mainly seeks to make secession or propagation of secession, or idea of secession by an organisation or individual, an offence."

Why do you object to an idea? Idea is something in my head. I may not do anything. Suppose I have an idea and I disclose that idea here on the floor of the House. Am I liable according to the Bill? According to what he said, I am liable. Now, he said academic discussions will not be prosecuted. No. It is a stupid utterance, if I may say so. On such matters people do not discuss as if in a seminar or in a quiet room. In political life such discussions take place. Where is one to draw the line as to which discussion is academic and which is not. Suppose some constitutional persons say that he is making an academic suggestion. Suppose some of your opponents in the Opposition say the same thing. You will say that he is advocating secession. It is for the Tribunal and the Government to decide what is academic or not. Anyhow, if I am in an academic speech entitled to express an idea, why should I be silent and why should you shut me out from expressing such ideas elsewhere outside, what you consider to be academic within the framework of the discussion. This measure, therefore, is conceived with the utterest malice, lack of faith in the people, lack of faith in your cause, lack of faith in the justice that you seek to promote and in the sovereignty of the nation. We are in a position to defend the sovereignty and integrity of the nation, not by this kind of thing.

It is not accidental that the entire Opposition, despite our political differences, is opposed to this measure. Mr. Dahyabhai Patel would like my head on a charger, would like to see the Communist Party declared illegal here and now and all the communists slain right before the eyes of this party and the Government. Yet, Mr. Dahyabhai Patel had to oppose measure. Therefore, you must understand that it only represents universal opposition on the side of the Opposition, as a whole, irrespective of their political beliefs. Every Opposition party feels, whatever their other views may be, that this measure is directed against it. Is that the way? As I said before, I say it again now. I could not speak in the First Reading stage. The views and opinions of the new non-Congress Ministries were not taken. When the measure was brought forward they had consulted perhaps earlier the Congress Chief Ministers, but meanwhile the fourth general election has changed the political picture and the political map in the constitutional set-up of the country. May I know whether Mr. Namboodiripad, Mr. Annadurai, Mr. Gurnam Singh, Mr. Ajoy Mukherjee, Mr. Charan Singh, Mr. Mahamaya Prasad Sinha, Rao Blrendra Singh or the Maharaja of Patna, who is the Chief Minister of Orissa, has been consulted. No, they were not consulted. Therefore, they arrogate to themselves the task of deciding what constitutes the sovereignty or constitutes the integrity or not. Do I understand that these seven or eight Chief Ministers in the country are not concerned with the sovereignty and territorial integrity of the country, that they are disqualified even for consultations by the Government. Now, therefore, you will see that it is a one-party measure. The entire Opposition is-ignored. Their entreaties have been brushed aside. We have fought this measure in the other House. We are fighting it in this House. We have counselled with the Government, in the Select Committee and outside every where. Please for goodness' sake, do not proceed with this measure. We have been treated with the utterest contempt by them. We have been treated with disdain. We do not count for anything before them, even though the Opposition Parties today represent sixty per cent of the electorate in the country. Even though they are still controlling some of the State Governments and even though the majority of them were being controlled by them until the other

day, they have lost in the majority of the States in India. Therefore, it shows the mentality of the Government. I say this with a heavy heart, with anger and agony because I know how they are going to use it. These people cannot be trusted with this measure and this measure is being passed with a view to arming the bureaucracy, with a view to arming the police and we know what the police are. We have been in the government in Bengal for nine months or so. We know what they have made of the police. The police have been taught to defy even the Chief Minister and Ministers when they do not belong to the Congress Party. Police have been trained to beat up former Ministers within twenty-four hours or twelve hours of their resignation or illegal dismissal. The police has been taught to hit Mr. Ajoy Mukherjee on the head. It would have taken place, but for some officer who stopped it. The police have been taught to beat up communist and other Ministers. Such police are being given power. Therefore, you must understand why they are doing it. I say the Congress Government today has lost all its moral stake. It has no moral stamina whatsoever It has gone despotic in the head and it is running berserk in our public life. It does tantamount to holding on to power by circumventing the normal laws and the normal processes of the Constitution, by circumventing the principles either of democracy or the rule of law. Hence it is the Congress Government have decided in their last days, in their decline and decandence that as far as their last days are concerned, they should try to rule by repression, rule by intimidation, rule by terrorism, by resorting to certain illegal and unconstitutional measures. Rule by such black laws as the P.D. Act is there. The Defence of India Rules and the States Acts are there. There is also a proposal for bringing forward the so-called Industrial Security Force Bill. That is another thing in their armoury. They may bring it up any time. Now, therefore, I say that we have to oppose this measure.

THE DEPUTY CHAIRMAN: Please finish.

SHRI BHUPESH GUPTA: You are asking me to stop. I do not want to speak very much. I can speak overnight on this subject because there is so much to say against so evil a measure. I tell you, before I sit down, that Shrimati Indira Gandhi, as the Prime Minister of the country, is showing up before the world as one who is dictatorial in her mentality, as one who is presiding over the liquidation of the Indian Constitution and democracy, as one tyrannical and oppressive. You will proceed to adopt counter-revolutionary measures more than adopt the provisions of the Constitution. Mr. Chavan, Mrs. Indira Gandhi and Mr. Morarji Desai have made a trio who are spelling ruin to the country. They have composed their quarrels. Division of labour has taken place, as you know. Now, they have decided to go ahead with this measure, which their fathers, forefathers, even under the Congress rule, would have perhaps hesitated to bring forward. That kind of nonchalance is there in this measure. Therefore, here we are up against a government which is reactionary, which is anti-people, which is anti-democratic, which has done havoc to democracy and it will be ruining the institution of democracy. Hon. Members there do not have the courage to speak. If you have courage, speak against this measure. You think that you need not give us your help. They do not even consult you. Sometimes they listen to us. because we can pressurise them, but they never listen to you. You are treated as the wheels of a chariot. The hewers of wood and drawers 6P.M. of water of the Congress leadership and High Command—I know with what disdain and contempt they are treated by the Treasury Benches— sometimes those people come and tell us : "Mr. Bhupesh Gupta, you opposition people write to the Government, they do not listen to us." Why don't you go to the Congress Leaders? It is no use going to the Congress leaders, they do not listen to them. Shame, shame. (Interruption.) A shameless Government is producing this shameless measure. Another black *Act* they are adding to the catalogue of | their black laws in order to finish and [ruin democracy, degrade public life.

[Shri **Bhupesh Gupta.]**

run amuck in our public life and launch all-round tyranny against the political opponents of the ruling party. That measure has therefore got to be condemned and opposed by all right-thinking people.

SHRI ABID ALI (Maharashtra): Madam, I am to submit that the whole premise of the hon. Member is wrong. Here is a nationalist Government, Congress Government, believing in democracy, and the gentlemen opposite mentioned Shri Dahyabhai Patel. But his complaint is that this Government is not sufficiently active with regard to the espionage activities and anti-national activities of the Communist Party, and he wanted that appropriate action should be taken in that direction. What I am submitting is that we want our democracy to be preserved and we want it to grow and become strong and prevail. But there is a section who wants that some parts should go to Pakistan; another section wants that some parts should go to China; some others want that some other foreign power should come and prevail.

My complaint against the Government is that still it has not been able to realise the seriousness of the situation in the country and act accordingly. I do not know to what extent our Government will be able to handle a given situation where so many forces are very much active to sabotage all that this country and its democracy stand for. Here is a newspaper heading: "Kerala Minister praises Mao ki Defence Forces Exhibition". Here is a letter from an organisation in Kerala in which are represented all the non-Communist parties. They have passed a resolution saying that Communists are organising violent activities and training their volunteers for using dangerous weapons including hand grenades and all that.

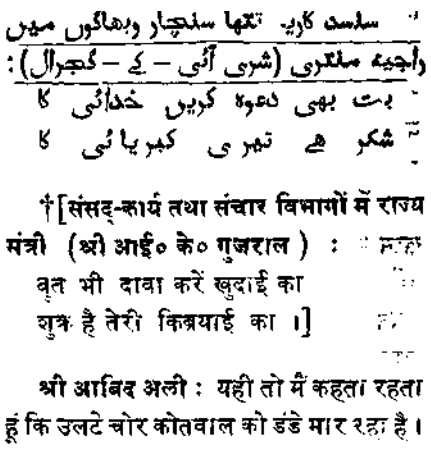
SHRI BHUPESH GUPTA: No, no . . .

SHRI ABID ALI: He should listen. What sort of democratic spirit it is? Is it an exhibition of democratic mentality of the hon. Member here that he would like everybody to listen calmly **when** he speaks and he would not allow anybody to speak and not even follow your orders.

SHRI BHUPESH GUPTA: They are preaching about counter-revolution You know who they are.

SHRI ABID ALI: They are being trained to use hand grenades on some counter-revolutionary people. The question is straight: Do we stand for the vote or stand for the sword? That has to be decided in the mind of the Government, of the Ministers. They have • to deal with people who do not believe ! in the vote. They only believe in using I this sort of democracy, telling this Government that it is going wrong, that it is not democratic, but all the time using the facilities they have been given under this democratic method to kill democracy, to kill it completely. Where is the meeting point? I can understand Shri Dahyabhai Patel, I can understand even Jan Sangh, the P.S.P., but not the Communist Party. I do not know when this Government will be able to understand that this Communist Party is just out to break, just to destroy everything in this country and to flourish and bring others, outsiders to rule here. We have fought for making our country independent, not for somebody else to come and rule here. This fundamental thing has to be realised by Government. He has been telling of some events chronologically but what I would tell him is not of today but even in 1930 when the whole of Bombay was demonstrating, "we want to attain freedom or die", a handful of Communists wanted to break our meeting. Even Gandhiji was called as the agent of imperialism; Jawaharlal Nehru was called as the dog of imperialists; Subhas Chandra Bose was called as the dog of Tojo. What did they do in 1942? What did they do earlier? When did they exhibit by any action of theirs that they belonged to this country? All that they have done during all those fifty years of their existence has been that they have always acted to the detrimental interests of this country at the dictates of foreign powers. This fact has to be admitted. It is not a question of what law we are enacting. So much violence

is being committed under the auspices of the Communist Party. So many people and organisations are financing them. So many organisations are helping them. All that this Government knows. I must remind my friends in the Ministry: please remember that Congress has a glorious record; all that it has done will go in golden letters in the history of this country, but the way they have been behaving these few years will be a black mark for them, will be a very bad black mark for them because of the pressure these Communists are bringing on the Government through their speeches and various activities. What happened in Bengal? What happened in Kerala? A large number of Communists are being put in the police force, are being put in the Government administration. What about the Congress Ministries? My complaint is we are so much democratic, so much wedded to democracy and to its principles that we will leave it to the Public Service Commission or some other officer, and not even a Congressman peon could we help to get service in Government although we have been abused for doing this and that. So much abuse we got but we never did anything. I wish this Government and Ministers could have done something of the kind to deserve abuses. But no. What have the Communist done? A large number of their supporters have been put in the police. What will be the fate of this country tomorrow? I do not mind Mr. Annadurai putting a large number of the D.M.K. people in the Government and, as I said earlier, they have their roots in this country, they are genuine Indians, nobody can deny that. But these Communist people must be kept apart. Madam, my submission is that these matters have to be looked at from the point of view of (a) persons who are not Indians, not democratic, acting under the guidance and direction of people of outside countries, no roots in India, and (b) persons who belong to this country, who are loyalists, who are patriots, who have fought for the attainment of independence, who are fighting to maintain that, to make it strong and achieve all that for which we worked so hard. Those are two distinct compartments. Fire and water cannot go together. Either water has to remain or fire has to remain. Whichever is more will finish the other. Madam, I am emphasising this particular aspect because I doubt very much as to what extent these powers which are being given to the Government under this particular enactment will give them the authority to deal with persons who are sabotaging nationalist activities which India needs, and are trying to finish off its economy. When the Communist came to power in West Bengal, 400 factories were closed and 1,30.000 workers were rendered unemployed. If they had continued, God only could have saved us. They are thinking persistently that the Chinese Army is coming to liberate them on the border. That is their sin, that is what they are doing. Here they come and teach us democracy. That is what has to be taken care of, not be deceived by their shouting of these phrases to which we are accustomed. Not one substantial argument they are able to make except saying about the tryanny of the Congress, bad activity, undemocratic activity and so on. They are trying to teach us about democracy, are talking about it, but never remembering what is happening in Russia and China. Go there . . .



†[संसद्-कार्य तथा संचार विभागों में राज्य मंत्री (श्री आई० के० गुजराल) :

वक्त भी दावा करें खुदाई का
शुक्र है तेरी किबरयाई का ।]

श्री आबिद अली : यही तो मैं कहता रहता हूं कि उलटे चोर कोतवाल को डंडे मार रहा है ।

SHRI BHUPESH GUPTA: You tell your Prime Minister . . .

(Interruptions) t[]

Hindi transliteration.

SHRI ABID ALI: Tell my complainl to the Prime Minister about these people who are talking about democracy and coming under some umbrella, to please understand them properly, to please check them properly and to please make them inactive so that they do not harm the interests of the country any more, and not to be deceived by these sorts of phrases and arguments.

श्री गोडे मुराहरि : माननीया, बिल के क्लाज वगैरह तो पास कर लिये और मुझे मालूम है कि बिल भी पास हो जायेगा । लेकिन एक तरफ सरकार यहां आ कर के यह कहती है कि हम इमर्जेंसी को खत्म करना चाहते हैं और दूसरी तरफ इमर्जेंसी को खत्म करने के पहले एक इस तरह का बिल हमारे सामने ले आती है । असल में सरकार के दिमाग में एक चोर घुसा हुआ है और इसलिये जो इमर्जेंसी की पावर्स थीं जिनके अंतर्गत सत्ता के सर्वाधिकार उसको मिले हुये हैं उनको वह छोड़ना नहीं चाहती । इसलिये जब चारों तरफ से इमर्जेंसी को खत्म करने की मांग हुई तो सरकार के दिमाग में यह आया कि जो एक बार हमने एक बिल सोचा था डी० एम० के० को खत्म करने के लिये उसी बिल को क्यों न ले आयें और उसके परिणामस्वरूप यह बिल हमारे सामने लाया गया है । मुझे मालूम है कि यह बिल यहां पास होने के बाद यह घोषणा की जायेगी कि हमने इमर्जेंसी को खत्म कर दिया, लेकिन उसके कोई माने नहीं होंगे । असल में दुनिया को धोका देने के लिये सदन को धोका देने के लिये और जनता को धोका देने के लिये यह एक ऐसा बिल हमारे सामने ला कर के एक ऐलान भी होगा कि हमने इमर्जेंसी को खत्म कर दिया है ।

असल में आप यह देखिये कि इस बिल की मंशा क्या है । एक तरफ तो कहते हैं कि अनलाफुल एक्टिविटीज को खत्म करने के लिये हम यह बिल लाये हैं और दूसरी तरफ जो खुद काम करते हैं वह सब अनलाफुल है । पिछले बीस साल में कांग्रेस सरकार के चलते जो भी काम हुआ है वह सारे का सारा अनलाफुल है । कोई भी ऐसा काम कांग्रेस सरकार ने नहीं किया जो कानूनी हो और जो हिन्दोस्तान की जनता के हित में हो । आप कहते हैं कि इस बिल के अन्तर्गत हम ऐसे लोगों को अन्दर करेंगे जो हिन्दुस्तान की प्रभुसत्ता के खिलाफ कोई कार्रवाई करे, या बोले, या भाषण दें । मैं जानना चाहूंगा कि जिस सरकार ने हिन्दोस्तान का कई हजार वर्ग मील इलाका चीन को हस्तगत किया हो या जिस सरकार ने हिन्दोस्तान के कई हिस्सों को पाकिस्तान के कब्जे में रख रखा हो और जो सरकार और लोगों से भी हिन्दोस्तान की प्रभुसत्ता को खत्म करने के लिये बातचीत कर रही हो, वह सरकार हमारे सामने आ कर के ऐसा बिल पास करायें और हमसे कहे कि इसको पास करो यह क्या हंसी की बात नहीं होगी । असल में अगर कोई गुनहगार इस देश में है तो वह कांग्रेस सरकार है और कांग्रेस सरकार के जो प्रधान मंत्री यहां बने हैं उन सब को अन्दर करना चाहिये क्योंकि हिन्दोस्तान की प्रभुसत्ता के खिलाफ, हिन्दोस्तान की सावरेन्टी के खिलाफ उन्होंने अभी तक कार्रवाई की है । मैं जानना चाहूंगा कि जब तिब्बत के बारे में प्रश्न उठा था तो पंडित जवाहर लाल नेहरू ने जो करतूत की थी इस देश में उसका क्या होगा और उसके परिणामस्वरूप जो चीन का अभी आक्रमण हो रहा है उसका कौन जिम्मेदार है । मैं यह पूछना चाहूंगा कि आज जो हजारों वर्गमील इलाका चीन को हस्तगत किया गया है वह किस के रहते किया गया है और वह किस सरकार के चलते इस देश में हुआ है । उसके बारे में कई साल से कोई कार्रवाई भी न हो और यहां पर चुप बैठ कर के इस तरह का बिल सरकार पास कराती रहे और हमारे सामने यह कहे कि हम अनलाफुल ऐक्टिवीटीज को खत्म करने के लिये इस तरह का बिल लाये हैं तो इसके लिये कौन जिम्मेदार है । असल में

हिन्दोस्तान में अगर कोई जिम्मेदार है हिन्दोस्तान को खंडित करने के लिये, हिन्दोस्तान को बांटने के लिये, हिन्दोस्तान के कई इलाकों को दूसरी सरकारों को हस्तगत करने के लिये तो यह कांग्रेस सरकार है और इस सरकार के खिलाफ कोई इस तरह का बिल लागू होना चाहिये और इस सरकार को असल में अन्दर करना चाहिये ।

असल में मैं यह कहूंगा कि जो बिल हमारे सामने आया है उसका कारण यह है कि एक चोर इनके दिमाग में है और उसी के फलस्वरूप यह आया है । हिन्दोस्तान में कांग्रेस की सरकार कई सूबों में खत्म हो गई है । इस लिये वहां पर अपनी प्रभुसत्ता को फिर से कायम करने के लिये और अपने राजनैतिक विरोधियों को खत्म करने के लिये यह बिल यहां पर लाया गया है ।

श्री शीलभद्र याजी : ऐसा कहते हुये आप को शर्म नहीं आती है ?

श्री गोडे मुराहरि : आप चुप रहिये । मैंने आप जैसे लोगों को बहुत देखा है । अगर आप बोलेंगे तो आप की असलियत भी यहां खुल जायेगी । सुभाषचन्द्र बोस का नाम लेने वाले यहां पर आ करके बात करें और उसी पार्टी में बैठें जिसने हिन्दोस्तान के साथ गद्दारी की है और जिसने हिन्दोस्तान के कई हिस्सों को दूसरों को दे दिया है, तो ऐसे मेम्बरों को शर्म आनी चाहिये ।

हिन्दुस्तान में अनलाफुल ऐक्टिविटीज के बारे में हमने आबिद अली साहब का भाषण सुना । उनका भाषण क्या है ! सिफ कम्युनिस्टों के खिलाफ था । हम जानना चाहेंगे कि जब चीन ने आक्रमण किया था तो कौन से ऐसे कम्युनिस्ट ने जो वहां पर जा कर के चीन का स्वागत किये थे । यही सरकार जो हिन्दोस्तान की राष्ट्रीयता का नाम लेती है इसी ने जा करके चीन के साथ कोलम्बो प्रस्ताव और कोलम्बो प्रोपोजल्स को मंजूर कर के और बैठ कर के बात भी की थी । इसलिये मैं जानना चाहूंगा कि जब आप अनलाफुल ऐक्टिविटीज की बात करते हैं, जब आप हिन्दोस्तान की प्रभुसत्ता की बात करते हैं तो फिर आपने उसके लिये अभी तक क्या किया है । एक तरफ तो आप खुद देश को बेचते हैं और दूसरी तरफ दुनियां तो गुमराह करने के लिये कम्युनिस्टों के खिलाफ भाषण देते हैं । तो इस तरह का भाषण दे देने से या इस तरह का इल्जाम लगा देने से कोई काम नहीं बनता है । असल कसौटी यह है कि आप के कार्य से क्या नतीजा निकला है । अगर नतीजा देखा जाय तो बीस साल में हिन्दोस्तान का खंडन, हिन्दोस्तान की प्रभुसत्ता का नुकसान, यही कांग्रेस का रिकार्ड रहा है । इसलिये मैं जानना चाहूंगा कि आप अनलाफुल ऐक्टिविटीज (प्रिवेंशन) बिल ला कर के क्या कर रहे हैं । इससे तो आप सिर्फ अपने अधिकारों को बढ़ाना चाहते हैं । जो इमर्जेंसी की पावर्स थीं उनको दूसरा पैजामा पहना कर के आप कायम रखना चाहते हैं ।

मैंने एक एक प्राविजन इस बिल का पढ़ा है और मैं जानता हूं कि इसके एक एक प्राविजन में सर्वाधिकार की बू निकलती है, फैसिज्म की बू निकलती है । अगर किसी देश में फैसिज्म आया तो इसी तरीके से आया कि पहले कुछ अधिकार हस्तगत करो, फिर बाद में वहां कोई सिचुएशन आ गई तो कुछ और अधिकार हस्तगत करो और चलते चलते इतने अधिकार सरकार के अन्दर हस्तगत करते जाओ कि फिर पार्लियामेंट के कोई माने नहीं रह जायेंगे, जनतंत्र के कोई माने नहीं रह जायेंगे । इसलिये मैं चाहूंगा कि सरकार जो जनतंत्र की बात करती है उसको पहले दो तीन बार सोच करके इस तरह का बिल हमारे सामने लाना चाहिये । या तो आप साफ कहिये कि आपका जनतंत्र हिन्दोस्तान में चलाने का इरादा नहीं है और फिर सब मामला साफ हो जायेगा और जिसको जो रास्ता

[श्री गोडे मुराहरी]

अख्तियार करना होगा, वह वह रास्ता अख्तियार करेगा। मैंने कोई ऐसा जनतंत्रीय देश नहीं देखा जिस देश में इस तरह का बिल आया हो। अमेरिका में भी कम्युनिस्ट पार्टी को बैन करने के लिये अनअमेरिकन ऐक्टिविटीज़ बिल पास हुआ लेकिन उसके प्राविज़न्स से इसका कोई मुकाबिला नहीं हो सकता। इंग्लैंड या किसी दूसरे स्वस्थ जनतंत्रीय देश में इस तरह का बिल नहीं आया है। लेकिन हिन्दोस्तान की सत्ता में जो बैठे हुए हैं उनको डर है, उनको हिन्दोस्तान की जनता से डर है, इसलिये वे पहले से ही अपने लिये इस तरह का अधिकार हस्तगत कर लेना चाहते हैं। तो मैं इस बिल का सख्त विरोध करते हुये यही कहना चाहूंगा कि अगर इस बिल को पास किया तो कई मसले आपके सामने आयेंगे। कल शेख अब्दुल्ला का मसला आएगा, उनको इस बिल के अन्दर अरेस्ट करके फिर अन्दर करोगे तो काश्मीर में विद्रोह खड़ा होगा। बिल पास करोगे और साथ साथ मिनिस्टर भेज कर नागा लोगों से बातचीत करोगे। उस मिनिस्टर को भी अरेस्ट करना चाहिय। आप डबुल स्टैंडर्ड्स नहीं रख सकते। एक तरफ तो मिनिस्टर लोग चाहे जैसी अनलाफुल ऐक्टिविटीज़ करते रहें और हिन्दोस्तान की प्रभुसत्ता को खत्म करते रहें, दूसरी तरफ कोई भला आदमी जो आपके विचार से सहमत न हो इंस्पेक्टर के जरिये इस बिल को उसके खिलाफ इस्तेमाल करके उसको अन्दर करो। इसलिये इस ढंग का बिल यहां पर पास होना शर्म की बात है, पार्लियामेंट के लिये, हमारे जनतंत्र के लिये और हमारे देश के लिये। मैं समझता हूं कि जहां तक कांग्रेस की सरकार है उसको तो कोई शर्म नहीं रह गई है।

SHRI NIREN GHOSH: Madam Deputy Chairman, as far as this Bill is concerned this is a lawless law. For them it is an unlawful law and for them it is a dead letter. Now what was constitutional dictatorship has now become naked and open dictatorship enshrined in the statute. That is what it has come to. I am not surprised if there is foreign inspiration behind them particularly when Mr. L. P. Singh is the Home Minister . . .

THE DEPUTY CHAIRMAN; He is not a Minister.

SHRI BHUPESH GUPTA: He is more than a Minister. He is more powerful than the Minister himself.

SHRI NIREN GHOSH: . . . and he is supposed to have connections with the C.I.A. and foreigners. Naturally I am not surprised that under foreign inspiration such a measure was drawn up.

Madam, now I think that an age has come to an end, the age that began on 15-8-47. Then Mother India was politically free but these Congress rulers have chosen to divide it . . . (Interruption by Shri Abid *AIL)* I do not yield to buffoons. Now in 1947 Mother India was politically free. But now in the year of grace 1967 they have placed a crown of thorns on the head of the Mother, thorns of the Preventive Detention Act, the Defence of India Act, the Emergency and all these things, and everybody knows that this Bill is partly to suppress political opposition. Even Mr. B. K. P. Sinha uttered that this Bill, in his opinion, is to suppress political opposition to the Congress.

SHRI ABID ALI: It is in opposition to the traitors.

SHRI NIREN GHOSH: I would go a step further and say that the Government is becoming more and more anti-India, more and more anti-national and more and more unpatriotic because they are selling the national honour, sovereignty and independence of the country to the U.S. imperialists. So in order to screen their anti-national and unpatriotic character they have brought forward this Bill. I wonder whether Mr. Kosygin should visit India after this. I think the Prime Minister of the Soviet Union should not visit India after such a Bill has been put on the statute Book.

SHRI ABID ALI: What are you talking?

SHRI SHEEL BHADRA YAJEE: You are propagating.

SHRI NIREN GHOSH: The Bill reminds one of the Rowlett Act, Regulation 3 of 1818 under which Subhash Chandra Bose was kept in detention in Mandalay.

THE DEPUTY CHAIRMAN: Now wind up.

SHRI NIREN GHOSH: I am trying to wind up, Madam. I have not spoken in the First Reading, you know.

Now it is said that unless this Bill is passed, Sheikh Abdullah cannot be released. It is said that the Emergency cannot be lifted and Sheikh Abdullah cannot be released. That is the immediate cause. They are afraid that, perhaps, in the first instance, they might think to impose restrictions upon Sheikh Abdullah. In fact, it is said openly that unless this Bill is passed, Sheikh Abdullah cannot be released and emergency cannot be lifted. So it is they who have created the problem of Kashmir.

SHRI ABID ALI: All imaginary.

SHRI NIREN GHOSH; It is they who created the Naga problem. It is they who created the Mizo problem. It is they who are disintegrating India, and now in order to screen all their anti-national activities, anti-Indian acts, because by becoming anti-Indian and anti-national they are getting isolated from the people of India—naturally, nobody would like anti-Indian people to be there—they ai*e bringing forward this measure.

THE DEPUTY ^CHAIRMAN: That will do.

SHRI NIREN GfflOSH: This minority Government with » the help of people who are in a mincxrity is opposing the people and are passing this Bill in the face of opposition. I That is known to everybody. The clbpposition together constitutes 60 per cent, of the electorate. Therefore, it is a minority Government. It is a neLgation of democracy that with the backing of a minority in the country they are passing a Bill ia the teeth of opposition.

THE DEPUTY CHAIRMAN: That will do.

SHRI NIREN GHOSH: They are on the road to fascism, on the road to police raj, on the road to completely surrendering the national honour, prestige, sovereignty, territorial integrity and all that to the foreign imperialist.

THE DEPUTY CHAIRMAN: That will do. No more.

SHRI NIREN GHOSH: The people will denounce this Government as a traitor government, traitor to the country . . . *(Interruption)* traitor to the country, traitor to India and hand in glove with imperialism.

THE DEPUTY CHAIRMAN: Do you want to speak, Mr. Banka Behary Das?

SHRI BANKA BEHARY DAS: I will speak for only one minute. I am not going to repeat. I intend to oppose the Bill because it ill-serves the purpose for which it is meant and the problem of India, including the Mizo and the Kashmir problems, will be complicated if this Bill is passed. So I oppose this Bill.

THE DEPUTY CHAIRMAN: Minister.

SHRI BHUPESH GUPTA: We oppose this Bill. We do not want to listen to him. We walk out.

SHRI NIREN GHOSH; Down with this traitor Government; down with this Congress Government; down with this anti-Indian Government. Down with this imperialist Government . . .

(At this stage some Hon. Members from the Opposition left the House)

SHRI VIDYA CHARAN SHUKLA: The hon. Members of the Opposition need not shout slogans. They can go out if they so like.

Madam, the hon. Members belonging to the Opposition have not unfortu- I nately "applied their mind to this Bill

[Shri Vidya Charan Shukla.] which is before this honourable House. They have only used this occasion to indulge in political propaganda for their own parties. I am very sorry that they have not made any contribution towards the deliberations in this House as far as the provisions of this Bill are concerned. They have only expressed their doubts, fears and their anxiety about the various provisions.

There may be one or two exceptions like Mr. Banka Behary Das who really made some contribution towards the consideration of this Bill in the House.

I wanted to say something. Unfortunately Mr. Bhupesh Gupta is not here. It is quite logical that today the Opposition parties are opposing this Bill and also Pakistan is opposing this Bill. Pakistan and the Opposition parties are opposing and condemning this Bill in the same voice, in the same language. This is a strange thing as far as this country is concerned. We can understand how it has come about like that. I would leave it to the judgment of the House the significance of this opposition here.

While I introduced the Bill, Madam, and while winding up the debate on the First Reading, I was at pains to explain the provisions of this Bill. So I would not take the time of the House in doing that again. But I will again repeat that nobody, who does not intend to indulge in unlawful activities, that is, to plead and work for secession or cession of parts of our country to other countries, or to make parts of our country as independent nations, those who do not work for it, those who do not plead for it need not be afraid of it. This Bill is not going to operate against anybody else except those people who do activities of this kind. I need not say that these are the reprehensible activities and any citizen who advocates such things, abets such things or indulges in such unlawful activities is bound to be punished under the provisions of this Bill. And those people, whether they are in the Opposition parties or they are in private life or in the Government party, who do not indulge in these activities, need not be afraid of this Bill. I would like in conelusion to say that this particular Bill is not also a permanent measure. It has been indicated in the other House, and I want to repeat it, that only as long as the. abnormal conditions per- , sist, only as long as there are forces which work to divide the country, only till that time we will have to keep this Bill on the statute book of our country. When the normal conditions are there and there is no threat to the integrity of our country, then such a Bill would , not be necessary. As I pointed out yesterday, Madam, none of the speakers from the Opposition pointed out or could prove that in the present conditions there is no threat to the integrity of the country. The threat to the integrity of the country is conceded by everybody. They only prescribe other things. They blame this party or that. But still it is also conceded by the Opposition parties that as long as these divisive forces are there, such a Bill would be necessary. Therefore, I would appeal to the House to accept this Bill unanimously. Thank you.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE DEPUTY CHAIRMAN: Mrs. Chaturvedi, you have got something to say?

ENQUIRY RE CALLING ATTENTION NOTICE

PROPOSED STRIKE BY CLASS IV STAFF OF WILLINGDON HOSPITAL

श्रीमती विद्यावती चतुर्वेदी (मध्य प्रदेश) : मैडम, मैंने एक ध्यानाकर्षण प्रस्ताव का नोटिस दिया था कि विलिंगडन हास्पिटल के कर्मचारियों की यूनियन की तरफ से हड़ताल का नोटिस दिया हुआ है । वहां पर जो चतुर्थ श्रेणी के कर्मचारी हैं उनको बहुत असुविधा है । उन्होंने 8 तारीख को हड़ताल का नोटिस दिया है । अगर वह हड़ताल करते हैं तो मरीजों के ऊपर इससे कितनी मुश्किल आ सकती है, कितनी परेशानी हो सकती है । उस पर मैंने नोटिस दिया था लेकिन उस पर अभी तक