

[Shri A. D. Mani] organised behaviour of the Chinese representatives both at Peking and at Delhi. I would, therefore, very respectfully request the Minister that when the question of Chinese admission comes up, we might take the opportunity of stating our attitude very, clearly.

Madam, we believe that China must be a member of the United Nations, that in the interest of disarmament, China's presence at the United Nations General Assembly is necessary, that before China is admitted to the United Nations, she must conform to certain civilised standards of behaviour. Since there are no signs that the Chinese are prepared to respect civilised standards of behaviour, the Indian Delegation should remain neutral on the question of China's admission to the United Nations. This would be a little diversion from our earlier stand.

I am coming to my last amendment. I will take only two minutes, coming to the question of hydrogen bomb, Madam, the Minister of External Affairs is being pressurized to sign the Non-proliferation Treaty in some sort of an amended form, and Mr. U. S. Jha. has been trying to get a guarantee from the United States and the Soviet Union of a nuclear umbrella. I am afraid, Madam, the United States might link up their food aid with our signing the Non-proliferation Treaty. This is the danger that I expect. But I would say that the non-proliferation treaty should not be signed largely because of the explosion of the hydrogen bomb, the sixth bomb which has been exploded by China within a period of three years after its explosion in 1964. China has emerged as a major nuclear power. We have got 2,000 scientists who have been trained by the Atomic Energy Establishment at Bombay. Let us give our Armed Forces a shot in the arm and ask the scientists to produce an atom bomb,

We also want to explode an atom bomb and become a member of the nuclear club. The nuclear club should not be confined only to the five States. It should include India also.

Madam, it has been said that at all these international conferences or disarmament conferences we should never go naked. At all these conferences, unfortunately, the position of India is that it is thoroughly naked because she does not have the backing, the military power behind it. I feel, therefore, that we must produce an atom bomb to give our scientists and the Armed Forces a shot in the arm and make them feel that this country is alive to its dignity, I hope, therefore, that the Government would not sign the non-proliferation treaty, and it would give instructions to the Atomic Energy Establishment to go ahead with the preparation of an atom bomb.

THE DEPUTY CHAIRMAN: The Minister will reply to the discussion tomorrow. We go on to the next item. Mr. Chordia.

#### SHORT DURATION DISCUSSION UNDER RULE 176 RE HOME MIN- ISTER'S STATEMENT ABOUT EMERGENCY

श्री विमलकुमार मन्नालाल जै चौर-  
ङ्गिया (मध्य प्रदेश) : उपसभापति महोदया,  
कल माननीय गृह मंत्री जी ने संकटकाल की  
स्थिति को बनाये रखने के लिए जो वक्तव्य  
दिया था, उसकी चर्चा करने के लिए मैं  
खड़ा हुआ हूँ। माननीय मंत्री जी ने माचें  
के महीने में घोषणा की थी कि एक  
जुलाई के बाद हम आवश्यक संशोधन करने  
संविधान में, इस कानून को केवल कुछ सामान  
क्षेत्र में ही लागू रखेंगे। लेकिन कल उन्होंने  
अपने वक्तव्य में यह प्रकट किया कि  
हमने संविधान में संशोधन करना चाहते

था, इस बारे में विरोधी सदस्यों से भी बातचीत की, परन्तु वह स्थिति नहीं बन पाई है जिसकी वजह से हम संविधान में संशोधन कर सकें। तो उपसभापति जी, यह बात बिल्कुल स्पष्ट है कि हमारे माननीय मंत्री जी समझते हैं, शासन भी समझता है कि संकटकाल की स्थिति सारे देश के लिए नहीं और इसी वजह से वह संविधान में संशोधन करना चाहते थे। परन्तु जब उनको यह पता लगा कि यदि संविधान में संशोधन का प्रयास किया जायेगा तो हमें दो-तिहाई सदस्यों का समर्थन प्राप्त नहीं होगा और इस तरह से हमारी सरकार असफल हो जायेगी। राष्ट्र के हित के लिए वह समझते हैं कि संविधान में संशोधन हो मगर जब दल का हित सामने आ जाता है तो राष्ट्र का हित परे हो जाता है और दल का हित सामने आ जाता है। इस तरह की जो बात है वह न्यायसंगत मालूम नहीं देती है। अगर आप संविधान में संशोधन प्रस्तुत करते तो एक-तिहाई सदस्य इस मत के थे कि वे समझते हैं कि इस समय हमारा देश संकट की स्थिति में नहीं है। संविधान में संशोधन करने के लिए चूंकि दो-तिहाई मतों की आवश्यकता होती है वह इस कांग्रेस पार्टी को और इस सरकार को प्राप्त करने की क्षमता नहीं है, यदि हमारी सरकार राष्ट्र के हित में संविधान में संशोधन करना आवश्यक समझती है तो उसको प्रस्तुत करना चाहिये था। अगर वह उसमें असफल हो जाती तो उसको इधर आकर बैठ जाना चाहिये था। इस तरह से सरकार को चलने देती। लेकिन उसने राष्ट्र के हित को एक तरफ रखकर, अपने दल को प्रमुखता देकर इस संशोधन को प्रस्तुत नहीं किया। यह बात उचित मालूम नहीं देती है।

उपसभापति जी, यह जो बात कही जाती है कि कुछ हिस्सों में संकट है और कुछ हिस्सों में नहीं है यह बात समझ में नहीं आती है। जब हम भारत को एक

पूरा देश मानते हैं जब उसके एक हिस्से पर कोई संकट आता है कोई आक्रमण होता है, तो वह उसी हिस्से में संकट या आक्रमण नहीं समझा जाता बल्कि सारे देश के लिए वह संकट और आक्रमण समझा जाता है। इस तरह की जो बात कही जाती है कि एक हिस्से में संकट है और दूसरे हिस्से में संकट नहीं है, विचित्र भी मालूम देती है। अगर इस तरह का संकट कन्याकुमारी के किसी व्यक्ति पर आता है तो वह संकट भारत के समस्त व्यक्तियों के लिए समझा जाना चाहिये। अगर आसाम में, नागालैंड में या काश्मीर में किसी प्रकार का संकट है तो वह सारे भारत के लिए संकट है। किसी एक हिस्से तक ही वह संकट सीमित नहीं होना चाहिये। इस तरह की जो बात हमारी सरकार की तरफ से कही जाती है वह ठीक नहीं लगती है। वास्तव में स्थिति यह है कि यह जो संकटकालीन स्थिति है उसकी ज़रूरत इस वक्त नहीं है बल्कि कुछ अज्ञात कारणों से सरकार यह संकटकालीन स्थिति को बनाये रखना चाहती है। अगर देश में इस समय संकटकालीन स्थिति है तो भी सरकार के पास सत्ता होने पर भी पाकिस्तानी और चीनी जासूसी हमारे देश में अच्छी तरह से चल रही है। क्या यह बात सही नहीं है? हमारे देश में तोड़ फोड़ की कार्यवाही अब भी बराबर चल रही है और अपने यहां जो कानून हैं उनके अन्तर्गत इस तरह की कार्यवाहियों को दबाया जा सकता है और उसके लिए कोई विशेष कानून की आवश्यकता नहीं है। मगर हमारी सरकार इस तरह की कार्यवाहियों को दबा नहीं पा रही है और जबदस्ती एक संकटकालीन स्थिति के भूत और हाँवे से जनता को डरा रही है। जब सन् 1962 में संकटकालीन स्थिति पैदा हुई थी तो क्या उस समय विरोधी दल के लोगों ने सरकार को सहयोग नहीं दिया था? मगर वस्तुस्थिति यह है कि आज हमारे देश में संकटकालीन स्थिति

[ श्री त्रिमलकुमार मन्नालालजी चोरड़िया ]

है ही नहीं फिर भी हमारी सरकार उसको बनाये रखना चाहती है। इसलिए मैं निवेदन करता हूँ कि अगर सरकार हृदय से चाहती है तो इस तरह की संकटकालीन स्थिति आज भी नहीं रह सकती है। मगर आज संकट काल की स्थिति है नहीं और इस लिये मैं आग्रहपूर्वक निवेदन करता हूँ कि हमारे यहां पर संकट काल की स्थिति रखने की कोई आवश्यकता नहीं है।

उपसभापति महोदया, यह ठीक वैसी स्थिति होती जा रही है संकटकाल की स्थिति की चर्चा करके, जैसी उस चरवाहे की थी जो जंगल में भेड़ चराने जाता था और आवाज करता था कि भेड़िया आया, भेड़िया आया और जब गांव वाले तैयार हो कर जाते थे तो भेड़िया का कहीं पता नहीं चलता था। इस तरह से लगातार तीन चार बार उसने ऐसा हौआ बताया जैसा कि डी० आई० आर० का हमारी सरकार करती है और वैसा करते से परिणामस्वरूप यह हुआ कि लोग यह समझने लगे कि इस चरवाहे की आदत हो गई है। उसी तरह से हमारी सरकार की भी आदत हो गई है बार-बार संकटकाल संकटकाल के कहते रहने की। तो उसका परिणाम क्या हुआ कि जब सबमुच भेड़िया आया तो उस समय गांव के लोग जा नहीं पाये। उसी तरह से कहीं ऐसा न हो कि हमारे यहां पर संकटकाल की घोषणा करते करते जब हमारे यहां सबमुच संकटकाल की स्थिति आये तब तक हमारे यहां के लोगों की थकान इतनी बढ़ जाय कि वे संकटकाल का मुकाबला करने के लिये तैयार न रहे। इस लिये मैं आग्रह करूंगा कि यह लगातार संकटकाल की बात करने से भी लोगों की भावना है, जो लोगों की संकटकाल के प्रति जागरूकता है, वह

कुंठित हो गई है और उस कुंठा को अधिक बढ़ाने की आवश्यकता नहीं है। इस दृष्टि से अत्यन्त आवश्यक है कि हमें संकटकाल की स्थिति को समाप्त करना चाहिये।

उपसभापति महोदया, यह संकटकाल की स्थिति बाहर से आक्रमण हो, हमारे यहां पर डिस्टर्बेंस हो, उसके लिये ठीक है। मगर इस संकटकाल की स्थिति की आड़ में हमारे छोटे-छोटे व्यापारियों को पकड़ना और यह कहना कि हमने डी० आई० आर० के अन्तर्गत इतने लोगों को पकड़ लिया, यह उचित नहीं मालूम होता है। पकड़ना हो तो बड़े-बड़े अपराधियों को पकड़ा जाय। छोटे-छोटे लोग गुनाह करें तो उनको भी पकड़ा जाय। मगर हमारे यहां जो इन्डियन कमोडिटीज ऐक्ट है उसके अन्तर्गत अगर कोई होर्डिंग करता है या मुताफाबोरी करता है, उसको पकड़ा जा सकता है, उसके लिये संकटकाल की स्थिति की जरूरत नहीं। अभी अभी बंगाल की सरकार ने घोषणा की है कि वह डी० आई० आर० के महत्त इन मुताफाबोरों और होर्डिंग को पकड़ना चाहती है।

(Interruptions) मेरा यह निवेदन है कि इस तरह के कानूनों का सहारा लेने की स्थिति आये तो जो हमारे रोजमर्रा के कानून हैं उनके तहत हम इतनी सख्ती बरतें कि ऐसी स्थिति का निर्माण ही न हो। क्या हम अपने दूसरे कानूनों के अन्तर्गत जो देश में विद्रोह फैलाना चाहते हैं, जो देश में अराजकता पैदा करना चाहते हैं उनके लिये कार्यवाही नहीं कर सकते? इतने दिनों तक हम करते क्या रहे? इतना होने के बावजूद हम कहते हैं कि संकटकाल की स्थिति कुछ हिस्सों में बाकी रहे और कुछ हिस्सों में नहीं रहे, यह न्यायसंगत प्रतीत नहीं होता। ऐसा लगता है कि हमारी सरकार की ऐसी आदत हो गई है कि एक न एक तोहफा हमारे समाज के लोगों के सामने रहे जिसे

उनके संवैधानिक अधिकारों पर कुठाराघात करने के लिये उसके पास तलवार बराबर बनी रहे और कस्टिट्यूशन के अन्तर्गत जितनी स्वतंत्रता दी गई है उसका पूरा उपयोग लोग कर न सकें। इस लिये मैं पुनः आग्रह करूँगा माननीय गृह मंत्री जी से कि हमारे पास अमजौसी के अलावा जो कानून हैं उनके तहत हमें पूरा अधिकार है और देश में जो वर्तमान स्थिति है उसका हम पूरा मुकाबिला कर सकते हैं अगर उनका सब्ती से पालन किया जाय मगर यह अमजौसी रख करके लोगों के मन में एक भय पैदा करके रखना न्यायसंगत प्रतीत नहीं होता। इसलिये मैं पुनः आग्रह करूँगा कि बिना कुछ देर किये इसको आप वापस ले लीजिये। आगे जब कभी भी राष्ट्र पर संकट की स्थिति आयेगी तो हम पहले होंगे जो आपसे कहेंगे कि कृपा करके आप अमजौसी घोषित कीजिये और राष्ट्र की सुरक्षा के लिये आपको जो कुछ भी चाहिये वह हम आपको देने के लिये तैयार हैं। मगर आज की स्थिति में हम इसका जोरदार शब्दों में विरोध करते हैं और आग्रह करते हैं कि अभी आप इसको समाप्त कीजिये। वैसे आपका अधिकार यूँ ही समाप्त हो गया है। दो-तिहाई हिस्से का आपको समर्थन अब प्राप्त नहीं है और उस आधार पर भी और नैतिक आधार पर भी आपको इस को वापस ले लेना चाहिये, और इसको समाप्त कर देना चाहिये।

श्री शीलभद्र याजी (बिहार): डिप्टी चैयरमैन महोदया, कल जब माननीय गृह मंत्री ने . . . .

THE DEPUTY CHAIRMAN: Please restrict yourself to 5 to 7 minutes.

श्री शीलभद्र याजी : उनका जवाब देना है हम को, जितना वे बोले हैं। समाजवाद में यही होता है।

THE DEPUTY CHAIRMAN: That is all right. Please be brief.

श्री शीलभद्र याजी : जब उन्होंने कल घोषणा की कि संकटकालीन व्यवस्था रहनी चाहिये तो मैं दिल से बहुत प्रसन्न हुआ। मैं समझता था कि जन संघ के लोग देशभक्त होते हैं जो पीकिंगपंथी लोग हैं उनकी बात को छोड़ दीजिये, लेकिन जन संघ को मैं ऐसा नहीं समझता था जैसी की चौरडिया जी ने अभी तकरीर की। हमारे हिन्दुस्तान का पूर्वी जो हिस्सा है उसकी वास्तविक हालत क्या है, उसका उनको पता नहीं है। मैं हर महीने मनीपुर जाता हूँ, नागालैंड जाता हूँ, नेफा जाता हूँ, आसाम जाता हूँ, जो हमारे देश के पूर्वी क्षेत्र में पड़ते हैं और मुझे वहाँ की वास्तविक स्थिति का पता है। आज वहाँ सशस्त्र लड़ाई हो रही है और पाकिस्तान के एजेंट और चीन के एजेंट पता नहीं वहाँ क्या क्या कार्यवाही कर रहे हैं।

(Interruptions)

आज ऐसी स्थिति हमारे हिन्दुस्तान की है। यह हमारी सरकार की गलती हुई कि जय प्रकाश नारायण जी के चलते और कुछ लोगों के चलते उसने माऊ सबडिवीजन में, उदखल सबडिवीजन में और तामिल लौंग सबडिवीजन में बिना मनीपुर की सरकार के पूछे सीज फायर मान लिया और सीज फायर होने के बाद से वहाँ सशस्त्र लड़ाई हो रही है। वहाँ हमारे सिपाही मारे जा रहे हैं, उनकी पिनल कोटें चल रही है, उनकी गवर्नमेंट चल रही है और वे इम्फाल तक पहुँच गये हैं। आज वहाँ 7/10 भाग में विद्रोही लोग छाये हुये हैं जो चीनियों से मदद ले रहे हैं और जिनकी पाकिस्तान में ट्रेनिंग हो रही है। इसी तरह से देखिये कि नागालैंड में क्या हो रहा है, रेनवे लाइनों में क्या हो रहा है, मिजो लोग क्या कर रहे हैं। इसके साथ साथ साउथ की बात आई कि द्रविड़ मुन्नेत्र कड़गम ने कहा है कि अगर उनको चावल पर सब्जीड़ी

[श्री शीलमद्र याजी]

केन्द्र सरकार नहीं देगी तो वे फिर पहले की तरह नारे लगायेंगे, तो वहां भी हिन्दुस्तान से अलग होने की कोशिश होती है। मास्टर तारा सिंह भी कभी कभी अलग होने की आवाज़ बुलन्द करते हैं। तो सारे देश में आज इस तरह की परिस्थिति है। इस पर हंसने की जरूरत नहीं है, गंभीरता से विचार करने की जरूरत है। चीनी लोग हमारे मुल्क में जितना कब्जा किये हुये हैं उससे जब तक वे नहीं हटते और इसी तरह से पाकिस्तानी जितना काश्मीर में कब्जा किये हुये हैं उससे जब तक वे नहीं हटते हैं तब तक यह संकटकालीन व्यवस्था रहनी चाहिये। जब तक उनके एजेंट यहां बैठे हुये हैं तब तक हम को सतर्क रहने की जरूरत है। आज उनका काम शुरू हो गया है ज्योति बासु जी जो बंगाल के डिप्टी चीफ मिनिस्टर बने हैं, उनकी पार्टी आज क्या कर रही है। उनकी गुरिल्ला ट्रेनिंग हो रही है और नक्सलवाड़ी से उनका काम शुरू हुआ है। वे सरकार में भी रहेंगे और उलटने की भी कोशिश करेंगे। वे मौके की प्रतीक्षा कर रहे हैं कि ये चीनी और पाकिस्तानी कहां मिलेंगे। सब जगह काली लीला जिसको कहते हैं, उसको वे आज कर रहे हैं। ये देशभक्ति से दूर रह करके मुल्क को बेचने के लिये इस मुल्क में पचेन लामा बनने के लिये तैयार हैं। लेकिन इनको मौका नहीं मिलता है इस लिये चौरङ्गिया जी से, जन संघ से स्वतंत्र पार्टी से पी० एस० पी० से एस० एस० पी० से मैं यह कहता हूँ कि सब वर्तमान स्थिति पर विचार करें। कांग्रेस तो देशभक्त पार्टी है ही। जो राइट कम्युनिस्ट हैं वे भी कभी कभी लेफ्ट कम्युनिस्टों की वजह से मिसगैड्डे हो जाते हैं। इस लिये उनसे हमें कोई उम्मीद नहीं है। वे केवल लम्बी तकरीरें करेंगे। वे इस लिये इस को हटाना चाहते हैं ताकि देश में जो विरोधी लोग हैं उनका संगठन कर के वे

यहां भी विप्लवनाम की स्थिति पैदा कर सकें। इसी लिये हम सरकार से गुजारिश करेंगे और खास कर गृह मंत्री जी से गुजारिश करेंगे, जो बहुत ही मजबूत आदमी हैं कि ये लोग चाहे जितनी चिल्ल-पों मचायें, लेकिन जब तक देश में पाकिस्तान के हमले का खतरा है, चीन के हमले का खतरा है, तब तक वे इसको न हटावें।

आज गृह मंत्री जी मानें चाहे न मानें लेकिन मैं यह कह देना चाहता हूँ कि समूचे मनीपुर में ऐसी परिस्थिति पैदा हो गई है कि आज उस भाग में आप की सरकार नहीं है, वहां आप की कोंट नहीं चलती है। तो जब तक आप उपद्रवी लोगों को पीटते नहीं हैं और सीज़ फायर के नाम पर जो वे कर रहे हैं उसको आप रोकते नहीं हैं, तब तक आप को डील नहीं देनी चाहिये। आज चीनियों और पाकिस्तानियों के एजेंट कन्याकुमारी से ले कर काश्मीर तक फैले हुये हैं, उन पर निगरानी रखने के लिये और उनको दबाने के लिये देशभक्त लोगों से हमारी गुजारिश है कि वे इस संकटकालीन स्थिति को कायम रखने में सहायता दें। जब तक हम एक एक इंच अपनी जमीन चीनियों और पाकिस्तानियों से ले नहीं लेते हैं, और जो विद्रोही मित्रों और नागा लोग हैं उनको दबा कर के हम अपने साथ नहीं ले आते हैं तब तक हम को इस देश में संकटकालीन व्यवस्था रखनी चाहिये।

मैडम डिप्टी चेयरमैन महोदया, मैं गुजारिश करता हूँ मेम्बरों से कि वे जाकर देखें वहां की परिस्थिति, वहां हम ज्वालामुखी पर बैठे हुए हैं, इस पर हमें ठंडे दिल से विचार करने की जरूरत है। मैं अपने साथी नीरेन घोष से कहूंगा कि जिस तरह से चीनी लोग देशभक्त हैं, माओ का ड्रामा करते हैं, वैसे ही तुम भी देशभक्त बनो, पुराने जमाने के महाराणा प्रताप आदि को याद करके देशभक्त बनो और सरकार जो इमरजेंसी को देश की सुरक्षा में रखना चाहती है, उसके जरिए

विद्रोहियों को दबाना चाहती है, उसमें हर तरह से सहयोग करो। इन शब्दों के साथ मैं शाबासी देता हूँ अपने गृह मंत्री जी को जिन्होंने तय किया है कि जब तक देश में खतरा है चीनियों का, तब तक इमरजेंसी रहनी चाहिए। अगर ये लोग नहीं भी मानते फिर भी देश की हिफाजत आपको करनी है, इसलिए इसको रखिए।

एक बात मुझे और कहनी है। हमारे साथी ने कहा कि चूंकि कांग्रेस डर गई है, दो-तिहाई वोट नहीं मिलेंगे, इसलिए रख रहे हैं। यह गलत धारणा है।

श्री विमल कुमार भन्नालल्लर्जः चौर-  
डिया : झूठ थोड़े ही है। पेश कर दो, हाथ कंगन को आरसी क्या।

श्री शीलभद्र याजी : मैं समझता हूँ कि पार्लियामेंट के साढ़े सात सौ सदस्यों में से दो-तिहाई कम से कम ऐसे ज़रूर हैं जो देशभक्त हैं, जो इसे पास करेंगे। इन शब्दों के साथ मैं चाहता हूँ कि संकटकालीन स्थिति रहे।

श्री नीरेन घोष (पश्चिमी बंगाल) :  
मैंडम, इनको संकटकालीन स्थिति में रांची में रखा जाय।

SHRI BHUPESH GUPTA (West Bengal): Madam, the matter is too serious to indulge in either charlatanism of the type to which we have been treated just now or in frivolity. I hope Mr. Chavan is conscious of the step that he has taken or is about to take as per his statement made in this House yesterday.

At the very beginning I would point out to him that he has been wholly unfair to the country, unfair to the Parliament and unfair to the States of the Indian Union. On the 18th March, 1967, he gave a solemn assurance on the floor of this House that as from 1st July the emergency would be revoked. In fact the matter was hanging fire for a long time

and it was expected that at least after the general elections, the Government would take the much delayed step and revoke the emergency and scrap it altogether. I say this thing because in the last general elections, all the parties except the Congress Party included the demand for revocation of the emergency as one of the main items of their electoral platform and manifesto and today it is necessary to remember that 60 per cent, of the votes these parties received and the Congress lost its majority in 8 States and as I speak here today, out of 50 crores of Indians, 30 crores of people, whose fundamental rights, along with those of others, would stand suspended, live in the States under the non-Congress Governments. In the past whenever we demanded the lifting of the emergency, the Congress Government here and the Home Minister used to come forward and tell us that the State Governments had not agreed to the lifting of the emergency. This gave once an occasion to the 'Statesman' to write an editorial on the 18th February, 1965, as follows:

"To expect the Chief Ministers and the Union Home Minister voluntarily to give up the arbitrary unquestioned and unquestionable authority they wield under the Emergency would be like expecting a conclave of cardinals to make a collective declaration of atheism or a convention of tycoons to renounce the profit motive."

That was said by the 'Statesman' in reply to the statement made here by the Home Minister that the State Chief Ministers had not agreed. Today the State Chief Ministers are not even consulted. There are 8 Chief Ministers, not belonging to the Congress Party and not one of them has been consulted as to whether the emergency should remain or not. Therefore 'heads we win, tails you lose'—that is the idea. When they have the Chief Ministers at their command, beck and call, they are consulted with a view to confronting the Parliament with the declaration that the State

LShri Bhupesh Gupta.]

Chief Ministers do not want the revocation of the Emergency. When the States, by the will of the people and as a result of the massive, magnificent verdict of the people, have gone out of their hands and non-Congress Governments have come into as many as 8 States, they are completely ignored. Yet in these very States the citizens will live to-day under different types of Government with their fundamental rights suspended as a result of the decree issued by Mr. Chavan here. What else could be a greater insult and affront to the non-Congress Governments in the States of India? What else could be a greater violation of the autonomy of the States? What else could be a greater outrage on every known principle of federal concept of our Constitution or whatever is there? Therefore, I think that aspect of it should be borne in mind.

I do hope, I earnestly hope that the non-Congress State Chief Ministers will fully accept this challenge and do whatever in their power on the floor of the Legislatures and otherwise within their competence to make it known to the Centre that they are not the only dispensers of the destinies of the people who live in the States.

Let me come to the other aspect of the matter. But interestingly enough here I would start on this point by inviting the attention to an editorial which has appeared in the 'Hindustan Times' of to-day—no means a paper very favourably disposed towards us—and what does it say? Editorially it is called 'A widening gap':

"The consequential decision to continue with the present countrywide promulgation of the emergency is indefensible."

Then it concludes:

"The truth is that reliance on the emergency has become a crutch without which the Government finds itself inconvenienced in dealing with problems of security **and**

law and order. In this sense, the longer it postpones the decision to dispense with it, the more its dependence on it grows."

This is what the 'Hindustan Times' said. I have got other editorials from leading papers, all supporters of the Congress, which I need not read here. It is not at all surprising that the 'Hindustan Times' should have spoken thus. Last year, at the beginning of the year, 34 citizens of this country including Mr. Mehr Chand Mahajan, former Chief Justice of India, Mr. S. R. Das, former Chief Justice of India, Mr. B. P. Sinha, former Chief Justice of India and a whole number of former High Court Judges and also Dr. Radha Binod Pal, who was a former Judge of the International Tribunal for War Criminals and National Professor of Jurisprudence, made a statement asking the Government to revoke the emergency and this is what they said:

"What moves us to this action is the solicitude for the fundamental rights of the citizens, many of which have stood suspended during the emergency and for the fair name of our democracy which stands tarnished in the eyes of the world by the adopting of methods characteristic of a Police State."

Then finally in the penultimate paragraph they said:

"As citizens of India we appeal to you to give your deep and anxious consideration to this vital matter and restore to this democracy its true structure by making it possible for the citizen to exercise his basic right." Even today after a year has passed since this statement was made and after the results of the elections, we have here this Government which says 'We shall continue the emergency'. Where are we living? Are we living in a parliamentary democratic set-up. Or, are we living in an authoritarian, arbitrary regime, where the Home Minister is the law of the land, is the supreme-most and

whatever he says just passes? His yesterday's statement was most shocking, shocking because it shows complete indifference to the provisions of our Constitution. In the scheme of our Constitution it does not provide for emergency for any situation. The only power available to the Government is in article 352 "Proclamation of Emergency". More emergency is not enough to justify Proclamation of Emergency. Such a "grave emergency" as can warrant the Proclamation of Emergency could be seen here, and it is, according to the scheme of the Constitution, only when the security of India or of any part of the territory thereof is threatened by war or external aggression or internal disturbance.

Madam, Deputy Chairman, it is not accidental that those who formulated the Constitution used advisedly the words "grave emergency". Well, it is not any emergency. The Constitution does not provide for Proclamation of Emergency or for its continuance for meeting any extraordinary or difficult situation. For this there are other provisions in the Constitution; there are many other laws. The Constitution provides for emergency only in certain situations as specified explicitly in article 352 of the Constitution. Now they say there is emergency for the Mizo situation. They say there is emergency for the food situation. They say there is emergency in so many things, and what is more, they say they would like to have emergency, in some parts of the country but not in other parts of the country. What an atrocious understanding of our Constitution in the ruling circle. Well, either it is emergency or it is not emergency. Mr. Chordia was quite right when he made that point that you cannot have a concept of emergency which exists on the frontiers, -which does not exist inside and that such a situation is not a state of emergency. That is the concept.

Now Mr. Chavan, one day, invited the Opposition leaders to a very interesting meeting. The meeting, I

tell you how light-heartedly they called. We received the invitation Dr. Ram Subhag Singh,, "Would you kindly come and have tea with us ' Mr. Chavan was also present, .ally, who would like to avoid the lea especially when it comes from Congress Minister? Well, we went there to have tea. There we found Mr. Chavan sitting with his secretary, Mr. L. P. Singh. He was also there. I do not want to deny. Then he wanted our opinion. Not one Opposition Member supported his proposal for amending the Constitution with a view to retaining emergency in certain parts of the country and doing away with it in other parts of the country, and he knew that he would not be in a position to get the Constitution amended. Those days are gone. When he realised that the Opposition was not for amending the Constitution, now the line was revenge against the Opposition. "You opposition people do not accept my suggestion for amending the Constitution in order to enable me to retain . emergency in some parts of the coun-an arbitrary manner. All right. Let me fight it out with you." Therefore, a spirit of revenge, a spirit of vendetta is being shown. Madam Deputy Chairman, day in and day out v,e are told that we should co-operate, that they want our co-operation. And when the entire Opposition gave this advice, this advice was not only flouted with disdain and contempt, but we are told emergency now will continue as long as they want. This is how they have treated our advice with contempt. I would not like to say very much but I think you will bear with us a little. We feel very strongly about it. Well, we have fought against this hideous emergency all these years. We have defeated them—it was a moral victory for us. —on the floor of Parliament, and elsewhere we have wrested power from them in eight States of India. Victims of emergency and of the D.I.R. today are ruling in most of the States, in Bihar, Kerala, Bengal, Madras, etc., Chief Ministers, Deputy Chief Ministers, Finance Ministers and others



[Shri Bhupesh Gupta.] "have been the victims of emergency. Even though this Government does not show any respect for public feelings, Madam Deputy Chairman, I appeal to you again. If Mr. Chavan has any respect, or his Government has any respect for decencies of public life, I would appeal to him and he should listen to us. Emergency should be revoked here and now, Mr. Setalvad and all others have spoken. Madam Deputy Chairman, there is not a single paper in the country which supports continuance of the emergency. There is not a decent man in our public life, irrespective of differences of opinion on other matters, who does not want revocation of the emergency here and now. I think this is arbitrary decision on the part of the Government arising from the many awkward situations it had landed itself in by its actions. Today it cannot intimidate and threaten people except when being armed by emergency powers. I think it is moral degradation of the worst type. If the Government was really functioning in a democratic set-up, it cannot act arbitrarily like this. It is a shame to our parliamentary institutions. It is an insult to our electorate. It is an insult to our Constitution in this matter through violation of the constitutional principles. They are double-talkers. They say one thing, do another thing. Madam Deputy Chairman, we are up against such a Government which, in its very ideas and actions, has shown, in recent years, even over this matter, that it does not care two hoots for the rule of law, for fundamental rights or for the Constitution which it is bound, under its oath of office, to defend and protect. I need not say anything more. I do hope 'my countrymen will take the challenge, and I do hope that, in the fight against this atrocious step of the Congress Government, the non-Congress Governments shall be leading in the struggle. I do appeal to them: I do appeal to them, in the name of all that we have fought for, with a very anguished heart, that unless these Chief Ministers of the

non-Congress Governments and these non-Congress Governments come forward against it, well, we shall be failing in our duty. I hope that the struggle shall be carried now in the other Assemblies and other forums and in the mass movement.

Thank you.

श्री चन्द्र शेखर (उत्तर प्रदेश) : महोदया, माननीय भूपेश गुप्त के भावुकतापूर्ण भाषण का मुझे दुःख है ; मेरे ऊपर कोई प्रभाव नहीं पड़ा ।

श्री प्रकाश नारायण सप्रू (उत्तर प्रदेश) : मेरे ऊपर तो पड़ा ।

श्री चन्द्र शेखर : आप पर तो पहले ही से पड़ा हुआ है । मैं यह मानता हूँ । जैसा माननीय श्री भूपेश गुप्ता ने कहा है, अगर संकटकालीन स्थिति है तो सारे देश के लिये है, देश के किसी एक भाग के लिये नहीं हो सकती, अगर संकटकालीन स्थिति मित्रों की पहाड़ियों में है, अगर संकटकालीन स्थिति नागालैण्ड में है, अगर संकटकालीन स्थिति नक्सलवाड़ी में है तो वह संकटकालीन स्थिति भारत के एक एक नागरिक के लिये है, एक एक प्रदेश के लिये है, एक एक नगर और एक एक गाँव के लिये है । मार्च में जब माननीय गृह मंत्री ने अश्वामन दिया था कि पहली जुलाई से यह संकटकालीन स्थिति समाप्त कर दी जायेगी तो उसकी पृष्ठभूमि में क्या था ? उसकी पृष्ठभूमि में यह था कि सारे विरोधी दल के लोगों ने, हम लोगों ने यह भी समझा था कि देश की स्थिति कुछ सामान्य होगी, विरोधी दल के लोगों ने भी कहा था और हमने भी कहा था कि संकटकालीन स्थिति किसी राष्ट्र में बनी रहे यह किसी के लिये शोभा और प्रसन्नता की बात तो नहीं हो सकती, एक

बड़ी बेदना की, कष्ट की बात होती है कि देश के किसी भी एक हिस्से में संकट-कालीन स्थिति बनी रहे, एक कष्ट की बात होती है कि कहीं पर हमारे फौज के लोगों को, पुलिस के लोगों को अपने ही नागरिकों से या विदेश के दूसरे नागरिकों से लड़ना पड़े क्योंकि भारत और भारत की सरकार हमेशा मानवीय मूल्यों को बढ़ावा देना चाहती है, उन्हें प्रतिष्ठापित करना चाहती है। कोई मनुष्य मनुष्य से लड़े यह तो हम नहीं चाहते लेकिन राष्ट्र की सुरक्षा के लिये, देश की हिफाजत के लिये यदि आवश्यकता पड़ जाती है तो कोई सरकार अपने कर्तव्य से विमुख नहीं हो सकती। इसलिये मैं ऐसा मानता हूँ कि सारे देश के ऊपर संकटकालीन स्थिति है लेकिन हमने उस समय कहा था, इसका वायदा किया गया था कि संकटकालीन स्थिति से जो शक्ति जो अधिकार सरकार को मिले हैं वे अधिकार उपयोग में नहीं लाये जायेंगे और केवल उन्हीं हिस्सों में उपयोग में लाये जायेंगे जहाँ पर हमको किसी विशेष परिस्थिति का सामना करना पड़ता है। क्या मैं किसी भी विरोधी दल के मित्र से यह जान सकता हूँ कि कहीं पर सरकार ने संकटकालीन अधिकारों का दुरुपयोग किया है? आज ही प्रातःकाल मैं एक बहुत ही माननीय उत्तरदायी नेता के भाषण का जिक्र कर रहा था जिसमें उन्होंने प्रेस प्रतिनिधियों के सामने कहा कि अगर विरोधी दल के लोगों ने पुलिस के आन्दोलन का साथ दिया होता तो यह शासन बदल गया होता और अगर शासन नहीं बदला होता तो दिल्ली की सड़कों पर बहुत से नेताओं की लाशें दिखाई देती। यह सार्वजनिक...

श्री गोडे मुराहरि (उत्तर प्रदेश) : झूठ है, झूठ बोलते हैं।

श्री चन्द्र शेखर : माननीय उपसभापति महोदया, मैं यह कहना चाहूँगा झूठ बोलने

की आदत कुछ खास लोगों की है; मेरे कहने से उन पर कोई असर नहीं पड़ता है।

श्री गोडे मुराहरि : आप जानबूझ कर झूठ बोल रहे हैं जब कि उसी नेता ने सही चीज़ आपको अवगत करा दी। फिर भी आप झूठ बोल रहे हैं।

श्री चन्द्र शेखर : उपसभापति महोदया, मैं उनकी बातों को कोई महत्व नहीं देता।

SHRI ARJUN ARORA (Uttar Pradesh): Madam, on a point of order. The word "jhoot" that the hon. Member has just now used is unparliamentary, because in English the equivalent word is "lie" which is unparliamentary. So the Hindi word "jhoot" is unparliamentary.

SHRI BHUPESH GUPTA: No; it is not. In English it means "untruth".

THE DEPUTY CHAIRMAN: Order, order. You go on.

श्री चन्द्र शेखर : अच्छा अनुरूप है तो मैं इसका जबाब देता हूँ। मैं माननीय मुराहरि जी की बातों को महत्व नहीं देता क्योंकि उनको एक राजनैतिक बीमारी है लोहिया की, जिसमें झूठ और सच में कोई अंतर नहीं माना जाता है। दिमाग कुछ ऐसा बन जाता है जिसमें झूठ सच और सच झूठ दिखाई पड़ता है। वैसे वे अपने में भले आदमी हैं।

(Time bell rings)

अखिर मेरे लिये कितने मिनट हैं? मैं आपसे कहना चाहता हूँ कि एक तो ऐसे लोगों को यह अधिकार मिला हुआ है जो सरासर असत्य का प्रचार करते हैं, सारी संसदीय परम्पराओं को मिटाना चाहते हैं, ऐसे लोग जो राष्ट्रद्रोही हैं, जो सारी संसदीय प्रणाली को समाप्त करना चाहते हैं, उनको भी मौलिक अधिकार इस प्रशासन

[श्री चन्द्र शेखर]

में दे रखे हैं। माननीय गुप्त जी को बड़ी बात कहने को मिल गई है, कहीं पर विरोधी सरकारें मिल गई हैं, बंगाल में मिला हुआ है। लेकिन कल हमारे मित्र मुराहरि अपने एक साथी की खून की लाश को ले कर रो रहे थे कि सरकार ने कुछ नहीं किया, नक्सलवाड़ी में कुछ नहीं किया, प्रजा-सोशलिस्ट पार्टी के दफ्तर को हमने लूटा था। क्यों आए वह गृह मंत्री, भारत सरकार के पास कहने के लिये क्योंकि वहाँ अराजकता की स्थिति है। मैं जानता चाहता हूँ श्री भूपेश गुप्त से, आप जाइये, कम्युनिस्ट पार्टी के मित्रों से पूछिये—उत्तर प्रदेश में हमारे जन संघ के मित्र क्या कर रहे हैं? रो नहीं रहे हो क्या? यह विरोधी दलों की एकता है। विरोधी दलों की एकता केवल भावुकता की है, कांग्रेस के विरुद्ध विद्रोह की भावना है। मैं मानता हूँ कि विद्रोह की भावना है। लेकिन याद रखिये माननीय चौरड़िया साहब, कांग्रेस के साथ विद्रोह कीजिये मगर राष्ट्र के साथ विद्रोह न कीजिये। आप संविधान में संशोधन नहीं करना चाहते थे, संविधान में संशोधन करने को हम तैयार थे कि सारे देश में आपातकालीन संकट की स्थिति न रहते हुये कुछ हिस्सों में रहे। विधान निर्माताओं ने कहा कि संकटकालीन स्थिति रहे तो सारे देश में रहे। आपने कहा कि किसी खास हिस्सों में हो—आप उसके लिये तैयार नहीं हैं तो हमें कोई एतराज नहीं है क्योंकि जनता को, लोगों को जोर जोर से चिल्ला कर कह देने से सरकार का जो उत्तरदायित्व है उसका हम निर्वाह न करें, तो यह असम्भव है। माननीय चौरड़िया जी ने कहा : क्या कर रही है सरकार? कैसे चीन के जासूस पाकिस्तान के जासूस सक्रिय हैं, उनको क्यों नहीं रोका पाते? अभी उनके नेता माननीय मुन्दर सिंह भंडारी ने आज प्रातः काल कहा कि बाह्य संकट आसन्न है। सारी

सीमाओं पर मैं उनके वाक्य को उद्धृत कर रहा हूँ। जन संघ के नेता प्रातः काल कहते हैं कि हमारी सारी सीमाओं पर बाह्य संकट आसन्न है और उनके एक नेता माननीय विमलकुमार चौरड़िया कहते हैं कि संकट देश के ऊपर नहीं है। (Time bell rings) हमको खत्म करने दीजिये।

THE DEPUTY CHAIRMAN: Please wind up now.

श्री चन्द्र शेखर : इस लिये महोदया, मैं केवल एक ही बात कहना चाहूंगा कि देश के अंदर जो ये प्रवृत्तियाँ बढ़ रही हैं यह केवल एक आघ घटना नहीं है, चाहे नक्सलवाड़ी हो, चाहे मीजो हिल हो, चाहे नागालैंड में चीन और पाकिस्तान की दिलचस्पी हो। आज पीकिंग रडियो ने कहा है अखबारों में कहा गया है कि नक्सलवाड़ी की घटनाएं देश में एक नये जीवन को, नई शक्ति को पैदा कर रही हैं। माननीय भूपेश गुप्त संसदीय परम्परा का उदाहरण दे रहे हैं। हमसे यह पूछते हैं कि हम अखिरकार कहाँ रहते हैं। पालिया-मेंटरी डिमोक्रेसी अगर नहीं होती तो आप यह सवाल नहीं पूछते, आपके मित्र नीरेन घोष जी आपको कमी का समाप्त कर दिये होते। लेकिन यह संसदीय प्रणाली है, संसदीय परम्परा है, भारतीय संविधान में आपको अधिकार दिए हुये हैं और उसी संविधान के अंतर्गत यह संकटकालीन स्थिति बनी हुई है। यह स्थिति तब तक बनी रहेगी जब तक राष्ट्रविरोधी मनोवृत्ति का अंत नहीं हो जाता है।

SHRI R. S. KHANDEKAR (Madhya Pradesh): Madam, Deputy Chairman, this emergency was clamped on this country when China made aggression on us. A long time has elapsed after the imposition of the emergency'. It is conceded that there is

no immediate danger at present from any quarter. But the Government, we find, has chosen to continue the emergency. When the hon. Home Minister announced his decision to lift the emergency high hopes were raised and the people were jubilant. But unfortunately he has come with the statement now that he wants to continue this emergency. There is strong opposition to it from the ranks of the Opposition and I also strongly oppose the move of the hon. Home Minister to continue this emergency.

It is true that there are some sensitive areas in our country, particularly on the borders, where the conditions are far from normal. But I would like to ask the hon. Minister what they were doing all these five years when the emergency was there. These border problems are not anything new. When the British were here they also had to face similar problems. Of course, they had not faced any invasion by foreign powers, but there were tribal unrests and there was a lot of troubles going on in the borders. But they managed with whatever laws they had to control and to deal with the situation. Even now my submission is that the Government of India has all the necessary powers, that it is fully armed with the local laws and they have sufficient laws by which it can control these sensitive areas. There is no necessity for continuing this emergency. If I may say so, the Government of India has become complacent by having this emergency and a sort of vested interest has been created so that its efficiency has gone down. They cannot work. They cannot administer this country without the help of this emergency. They cannot administer the country with the present laws. These existing laws are formidable if they are applied with force and efficiency. But my complaint is that they are not being used properly. The Government is very much accustomed to bringing in new legislations every now and then and hardly any effective implementation of the existing laws takes place. Therefore, I feel that

there is no necessity to continue this emergency. If the Government wanted to control these sensitive areas they could very well have done it with their present laws. The Government has itself conceded that there is no emergency except in certain border areas. There is quiet and though there are certain sensitive areas there is comparatively tranquillity.

Actually the Government wanted the Opposition to agree to an amendment of the Constitution so as to continue the emergency only for the border areas. But looking to the constitutional provision it is impossible to declare an emergency only in certain parts of the country. You cannot keep the emergency only in certain parts. The country is a whole entity and if there is emergency for a part of the country that means that there is emergency for the whole country. Therefore the Opposition rightly did not accept the suggestion that the emergency should be continued in certain parts of the country. Now the easy course for the hon. Minister would have been to lift the emergency entirely. I concede that there are trouble spots because we always ask questions about them. We are also conscious of the Naga problem, of the Mizo problem, of the Kashmir situation and all that but my submission is that the continuation of the emergency is not the solution for these troubles. The solution lies in the effective implementation of the laws which are already there on the Statute Book. If the Government were to apply them efficiently and with determination they can solve all these problems.

After the election the picture of the country has entirely changed as has been pointed out by many here. The ruling party at the Centre has been completely wiped out in a majority of the States where there are non-Congress Governments now. And this is not a matter which concerns only the ruling party at the Centre;

L&hri K. S. Khandekar]

this is a matter which concerns all the people of this country. Where there are non-Congress Governments they represent the majority section of the population of the country and before taking this decision the Centre should have consulted those Governments and those representatives of the people and then come to a conclusion as to whether there is really any necessity for the continuation of the emergency or not. All the political parties, barring perhaps the Congress, went to the polls with the promise that if they came into power that emergency would be removed and naturally the people's wishes must be respected now, especially when the large majority of people in the country have voted for that promise contained in the election manifesto. Therefore, it would have been right on the part of the Home Minister before coming to this decision to continue the emergency to have consulted the State Governments and the people's representatives there. If they had agreed this decision could have been taken. As it is, this is a unilateral decision and I think it is a very wrong decision. I, therefore, oppose this decision.

Thank you.

SHRI JAIRAMDAS DAULATRAM (Nominated): Madam Deputy Chairman. I had until yesterday no intention to speak on this question but certain issues have been raised and I feel it my duty to state my views briefly. It is not possible to deal with all the aspects of this question and possibly something that I may say might displease and irritate some hon. friends but I do hope that they will bear with me and there will be no interruptions as there have been no interruptions in the case of some of the speeches from the Opposition.

One criticism which has particularly made me speak on this question is it was said that the Government have committed a breach of faith because having announced that they will lift

the emergency on a certain date they have now extended that date. I believe that all Governments have to deal with live politics; all Governments have to deal with changing situations and there is nothing wrong in a Government, in a changed situation or as a result of fresh thinking, coming to a decision different from what it might have arrived at some time previously. We have plenty of examples of it in the case of all nations, whether it is the United States to the right or the Soviet Union to the left. We know what these countries in their own interests did on various occasions, and decisions and actions of theirs have affected us. We have seen with regard to the United States and also sometimes about the Soviet Union that there have been changes in the attitudes and policies of these nations with regard to Pakistan and India. At Tashkent after the Indo-Pakistan war, pressure on us by Soviet Union was naturally motivated by a desire to weaken the influence of China over Pakistan and they interfered actively to help to lead to a change in the events, which was from their point of view, desirable. So also in internal politics the Soviet Union and the United States, in fact all the countries, are adjusting their actions to the situation of the day. I do not think there is a greater exemplar of ethical conduct in public affairs than Gandhiji and Gandhiji changed his detailed line of action from week to week according to the situation as it developed and I believe . . .

SHRI BHUPESH GUPTA: I am very sorry that Gandhiji has been reduced to the level of Mr. L. P. Singh.

SHRI JAIRAMDAS DAULATRAM; I would request my hon. friend not to interrupt. Whatever it may be, he will not agree. I feel that the Government of the day, whatever its majority in the country—even if there is another Government in the country, whatever its majority, it is the Government of the day—has the

duty to deal with a situation as it develops and the Government would only miserably fail in its duty if it does not deal with the situation differently when it changes or if it does not think afresh as to what it should do. 'As a matter of fact if some of the Opposition parties—I cannot say all—had been in power today and were faced with exactly a similar situation. I do not know whether they also would not have taken the same line of action which the Government is doing today. After all Governments have to deal with live politics shaped by live human beings; they have to deal with situations changed by the attitudes and postures of millions of human beings and it is impossible for a Government to say that because they said this in March they would stand by that in August, September or October. Circumstances might necessitate a different action in October. It all depends on how things develop.

And here it is desirable to understand that the border situation is linked up with the entire Indian situation. Let us not be under any delusion. The movements in the border areas are nothing but the advance operations of some of our neighbouring countries who do not mean well to us. There are big things ahead in these areas. I am a student of the situation in the eastern region and I have examined it very closely and kept myself in touch with it up to today and I would like to give a friendly warning to all these who have any misgivings on this question that the situation in the eastern frontier is dangerous not only for the people there but dangerous for the whole country. After all, if there are any operations to be conducted in the eastern region, they can only be conducted from here. The railway system in India must function properly; the aerodromes must function properly; the communications system must function properly; many other economic factors must function properly; the industries must function properly before any-

thing can be done on the eastern frontier. Therefore, all this is a link-, ed-up question and let us not look upon it purely from a party point of view. For God's sake or for anybody else's sake let us look upon it as an Indian situation. We cannot say that West Bengal is bound with West Bengal people and not with India. After all, India is something. If West Bengal is for West Bengal people, if Madras for Madras people if Gujrat is for Gujarat people, if Maharashtra is for Maharashtra people, if U.P. is for U.P. people, what is left of India? After all, India has to be taken care of and whatever may be the Government of the day, it has a duty and it will commit a breach of faith with the country if it does not take all the steps that are in its view necessary.

Now there can be a question of misuse of powers. Whenever extraordinary powers are given we must take steps to see that they are not wrongly used and it is there that the Opposition can have something to say and it is there that the Government have also something to do, to see that all misuse is curbed rapidly and smoothly and if those steps are taken there should be no danger to the country, whatever may be the views of any party.

SHRI AKBAR ALI KHAN (Andhra Pradesh): But there has been no contention that it was misused.

SHRI M. M. DHARIA (Maharashtra) : Madam Deputy Chairman. I am one of the persons who were of the view that the emergency in the country should be lifted as early as possible, at least in a restricted manner. During the last three months the developments that have taken place in our country have changed the situation altogether. Even though the political map of the country was changed in the months of February and March, I was of opinion that the emergency should be lifted.

SHRI BHUPESH GUPTA: Even |  
now.

SHRI M. M. DHARIA: But during the past three months we see that China and Pakistan have come closer together with sinister motives. We could see that Nagaland, Mizo Hills and areas like Naxalbari have been creating a ground for further troubles. There are parties who believe in democracy in our country, but there are some parties like the Communist party, the Left Communist party in this country which only believes in democracy to make a farce of it and they want to have their sinister motives . . .

SHRI BHUPESH GUPTA: It is directed against the parties. I like it. I hope the West Bengal and Kerala Governments will note it.

SHRI M. M. DHARIA: There are parties like the Left Communist party which want to exploit the democratic conditions for their ulterior and sinister motives. If they are trying on those lines and if they are preparing on those lines, is it not the duty of the Government to see that this country is properly defended? I am really astonished when I see here such hon. Members who draw their inspiration from Moscow, where there is no democracy, where there is no political Opposition Party, where freedom of expression is not allowed, where no other newspapers can function, where they have not got such people who can get up in Parliament and voice their views. We have political democracy in this country. In order to see that the political democracy is protected, if such measures are necessary, I am here to stand by the hon. Home Minister and I have no doubt that the whole country also will stand by the hon. Home Minister. The party which has secured less than four per cent votes should not speak on behalf of the whole country. The Congress might have secured only 40 per cent, but I have no doubt that the patriots of this country . . .

SHRI BHUPESH GUPTA: Sixty per cent.

SHRI M. M. DHARIA: No. Only four per cent. You have no right to speak on behalf of the 60 per cent. I can speak on behalf of forty per cent, but you cannot speak for all of them. You are strange bed-fellows unfortunately. We know how it functions, without anything in common. Is there any faith . . .

SHRI BHUPESH GUPTA: You are angry because you did not become a Minister of State. Why are you angry?

SHRI M. M. DHARIA: Thank you very much.

SHRI CHANDRA SHEKHAR: At least he will become a Minister, but not a traitor to the country.

*(Interruptions)*

\* SHRI NIREN GHOSH: You are also in tune with it?

SHRI CHANDRA SHEKHAR: He will be a State Minister, but not a traitor to the country.

THE DEPUTY CHAIRMAN: Please do not interrupt.

SHRI CHANDRA SHEKHAR: They also should not interrupt. We have been hearing them patiently. It is not proper that they should interrupt.

SHRI M. M. DHARIA: Madam Deputy Chairman, the hon. Home Minister when he made the statement, has made it categorically clear that all possible restraints will be exercised when the emergency powers are to be exercised. He has given that assurance to the country and I have no doubt that that assurance will be definitely observed; because this is the Party which has complete faith in democracy and complete faith in the integrity and sovereignty of the country. I do not want to make a long speech, but I would like to appeal to all the citizens in this

citizens in this country as Mr. Bhupesh Gupta has done. That great danger is visible today. When the borders of this country are in unsafe conditions, when the whole sovereignty and democracy is in danger there is no alternative to having these powers. It is absolutely necessary that the Central Government should have these powers and if this is the motive with which the Central Government has come forward, I think all the parties who believe in nationalism, all those who are patriotic, should stand by the Government. Thank you very much.

श्री गोडे मुराहरि : मैडम छिप्टी चैयरमैन, जिस ड्रंग से कांग्रेस ने बीस साल तक गद्दी पर बैठने का मजा चख लिया और अब जब जाने की बारी आई तो तरह तरह की तिकड़म करके किसी तरह से गद्दी पर बैठे रहने की साजिश कर रही है, उसी तरह से जिस इमर्जेंसी को इन्होंने लागू किया उसका भी मजा खाने के बाद आज इस सरकार की इस इमर्जेंसी को खत्म करने की कोई मनोवृत्ति नहीं बनती है, क्योंकि एक बार जब सारे अधिकार किसी के हाथ में आ जाते हैं तो उसका उन अधिकारों को छोड़ने का दिल नहीं करता है। यह तो साफ है कि जो इमर्जेंसी नवम्बर 1962 में इस सरकार ने प्रोक्लेम की थी, वह कुछ ऐसी स्थिति में की थी कि उस वक्त एक लड़ाई की परिस्थिति पैदा हो गई थी। चीन की सेना हमारी सीमा में घुस आई थी और उस अवस्था में इन्होंने इमर्जेंसी डिक्लेयर की थी। 25 दिन के बाद वह इमर्जेंसी खत्म हो जानी चाहिये थी, लेकिन उस वक्त वह खत्म नहीं हुई और वह भी गलती थी। फिर जब पाकिस्तान ने हमारे ऊपर हमला किया उस वक्त अगर ये फिर इमर्जेंसी लागू करते तो वह ठीक बात होती। लेकिन 1962 से लेकर आज तक उस इमर्जेंसी को कायम रखना कहां तक उचित है, यह समझ में नहीं आता है। फिर 18

मार्च 1967 को इनकी बुद्धि में कुछ परिवर्तन दिखा और हम लोगों को मालूम हुआ कि शायद कांग्रेस सरकार अब अपना जो सर्वाधिकार है उसको छोड़ने के लिये तैयार हो रही है और जुलाई में उसको खत्म करेगी। लेकिन आज आकर के हमारे गृह मंत्री जी यह ध्यान देते हैं कि परिस्थिति उलट गई इमर्जेंसी की, इस लिये हम इसको अभी कायम रखेंगे। मुझे समझ में नहीं आता है कि जो परिस्थिति 18 मार्च, 1967 को थी हिन्दुस्तान में उससे कौन सी गई गुजरी परिस्थिति आज हमारे सामने है। क्या उस वक्त नागाओं का विद्रोह नहीं था। क्या उस वक्त मिजो लोगों का विद्रोह नहीं था, क्या उस वक्त चीन के आक्रमण का खतरा नहीं था, क्या उस वक्त पाकिस्तान का खतरा नहीं था, कौन से नये खतरे हमारे सामने आ गये हैं जिन से इस इमर्जेंसी की जरूरत पड़ गई, यह मेरी समझ में नहीं आता है।

श्री अकबर अजी खान : ऐसा नहीं था।

श्री गोडे मुराहरि : ऐसा क्या, जब आप से पूछा जायगा तब आप का यही जवाब होगा कि ऐसा नहीं था लेकिन मैं कहना चाहता हूँ कि चीन के आक्रमण के पहले भी ऐसी स्थिति हिन्दुस्तान में थी, लेकिन उस वक्त आपने इमर्जेंसी लागू नहीं की थी। चीन के आक्रमण के बाद ऐसा आसर था जिस वक्त इमर्जेंसी लागू हो गई, लेकिन उसको निकालने में आज आप के दिल में इतनी अड़चन हो रहे हैं। एक बार जो अधिकार किसी के हाथ में आ जाते हैं वह उनको फिर छोड़ना नहीं चाहता है। इसके अतिरिक्त और कोई बात नहीं है। बाकी सब दिमाग की बातें हैं क्योंकि जो परिस्थिति आज हिन्दुस्तान में है वह पहले भी रह चुकी है, मिजो विद्रोह भी रहा है, नागा विद्रोह भी रहा है और जो चीन पाकिस्तान का मामला है वह भी कई साल से रहा है और कुछ साल तक अभी रहेगा, उसमें कोई तब्दीली होने वाली नहीं है। लेकिन



[श्री गोडे मुराहरि]

हिन्दुस्तान को अगर जनताविक ढंग से चलाना है और रूल आफ ला और कांस्टिट्यूशन के मुताबिक चलाना है और अगर दुनिया में हमारी डेमोक्रेसी का मजाक नहीं बनाना है तो इस इमर्जेंसी को अभी उठाया जाय और तब सरकार की बुद्धि का सच्चा परिचय मिलेगा।

मैं बहुत अदब के साथ कहूंगा कि हमारे गृह मंत्री साहब कितनी भी दलीलें दें लेकिन अगर वे आज इमर्जेंसी हिन्दुस्तान में कायम रखते हैं तो तमाम दुनिया की नजरों में, जो डेमोक्रेटिक नेशंस है उनकी नजरों में वे एक मजाक बनेंगे और इसके अलावा वे कुछ बन नहीं सकते। ब्रिटेन में जब वर्ल्ड वार शुरू हुई थी तो वहां नौ महीने तक कोई इमर्जेंसी नहीं लागू हुई थी। यहां तो 23 दिन की चीन के साथ छुटपुट लड़ाई हुई और उसी में इमर्जेंसी लागू कर दी गई। ठीक है, मैं मानता हूँ कि उस वक़्त ऐसी स्थिति थी कि इसकी ज़रूरत पड़ती, लेकिन आज भी उसको जारी रखने का क्या मतलब है। मुझ को ऐसा लगता है कि शायद इनके दिमाग में कोई ऐसा पेच है कि आज हिन्दुस्तान में सब जगह कांग्रेस की सरकार नहीं रही है, गैर कांग्रेसी सरकारें बन गई हैं और इस इमर्जेंसी के रहते ये चाहते हैं कि इनके पास ऐसे अधिकार रहें कि अगर कभी ये चाहें तो उनके खिलाफ इस्तेमाल कर सकें। इस लिये ये सारे अधिकार अपने हाथ में रखना चाहते हैं और इमर्जेंसी को अभी खत्म नहीं करते हैं। अगर आप इमर्जेंसी खत्म नहीं करते हैं और आप चाहे जितनी दलीलें दें कि हम इसको हिन्दुस्तान में इस्तेमाल नहीं कर रहे हैं, हम इसको बार्डर्स में ही इस्तेमाल करेंगे, तब भी इसमें कोई सफाई नहीं हो सकती है क्योंकि इमर्जेंसी को आप को टोटेलिटो में देखना चाहिये

और उसकी जो अहमियत है उसको आप को अपने दिमाग में रखना चाहिये। अगर इमर्जेंसी की अहमियत को आप सोचते हैं कि इमर्जेंसी कैसी स्थिति में किसी देश में लागू की जाती है तो आज हिन्दुस्तान में इमर्जेंसी लागू कर के हमें दुनिया के सामने मजाक नहीं बनना चाहिये।

साथ में मैं यह कहूंगा कि इस इमर्जेंसी को आप लागू रखना चाहेंगे तो यह गैर-कानूनी, अनकांस्टिट्यूशनल होगा क्योंकि जब आप फंडामेंटल राइट्स को दबाना चाहते हैं और हिन्दुस्तान में आधी से ज्यादा ऐसी सरकारें हैं जो आपकी बात नहीं मानेंगी तो आपको लाजिमी तौर से हिन्दुस्तान की राय लेनी चाहिए, जितनी भी स्टेट्स हैं सबकी राय लेनी चाहिए, जहां पर कांग्रेस की हुकूमत नहीं है उनकी भी राय लेनी चाहिए, नहीं तो मैं कहूंगा कि जो आठ स्टेट्स हैं, जहां गैर कांग्रेसी सरकारें हैं, वे यूनी-लेटरली डिक्लेयर कर सकती हैं कि हम इमर्जेंसी को नहीं मानते, उन्हें असलियत में ऐसा डिक्लेयर करना चाहिए और वे करेंगी भी। इस तरह से चलाने से नहीं बनेगा। जब तक हिन्दुस्तान के लोग इमर्जेंसी नहीं मानते, हिन्दुस्तान की सरकारें नहीं मानतीं, तब तक आप की इमर्जेंसी का क्या मतलब है? यह स्पष्ट चीज है कि आज की इमर्जेंसी कांग्रेसी सरकार की इमर्जेंसी है, कांग्रेस सरकार संकट में है और उसको बचाने के लिए इमर्जेंसी का एक नाटक खेला जा रहा है।

SHRI DAHYABHAI V. PATEL: (Gujarat): Madam Deputy Chairman, it is a matter of great regret that the Government of India should decide upon a course which can only be styled as a breach of faith with the opposition parties. In March, 1967, a meeting of all Opposition was called and they were assured that

the emergency would not be continued. What has happened since then that the Government wants the emergency to be continued as they want to? If Government feels that the borders have been threatened, they must take the Opposition into confidence.

Mr. Chavan has been the Defence Minister of this country for some time. He knows, when aggression came, how the late Shri Lai Bahadur, mobilised opinion, secured the cooperation of all opposition parties, and if I mistake not, today it is the anniversary of the pledge that Mr. Chavan took, I hope he has not forgotten it. On the 22nd or 23rd June 1962 Mr. Chavan took the pledge that he would not go back home until he vacated the aggression. Where is that vacation? Is Mr. Chavan taking the decision to take power in his hands to vacate aggression? Let him say so.

SHRI G. MURAHARI: He is making aggression on fundamental rights.

SHRI DAHYABHAI V. PATEL: Of course instead of going home to Bombay he has come from Defence to Home. Has this made the difference? We cannot be a party to this attack on our fundamental rights. Every person of legal knowledge, every person of eminence in this country has condemned this continuance of emergency or the use of emergency powers in this country.

Madam, when it suits us we take the example of democratic countries. When it suits us, we want to wind up democracy. Let the Government be honest and tell us what they want to do. We know how democracy is upheld in the country that is called the mother of democracies. On some rare occasion there was anything like erosion of fundamental rights, similarly in America they had perhaps for a very short period to use the emergency power. There is no reason for us to use this power here, unless of course we want to give up

our fundamental democratic concept that we say we have enshrined in our Constitution.

I have another reason for denying such emergency powers to the Government. This Government has tried to take power, has been always greedy of power. May I say that its record of the use of power cannot bear any type of scrutiny? Have not Ministers used the powers that they have got under the emergency, under the Gold Control, and so on, for personal vendetta against people? Have not the hearths and homes of people been broken up under the name of this sort of emergency?

May I remind you that when I submitted the memorandum to the President against Mr. T. T. Krishnamachari, the Company Law Department went to all my friends in Bombay and asked their officers: "What has Dahyabhai Patel got to do with it? We have come on behalf of the Company Law Department. We want to examine the books." This is the type of administration we have in this country. If Mr. Chavan or anybody in this Government is able to assure us that the powers that we give are only for the defence of the country and will not be used for any other purpose, perhaps we may consider the matter. But the record of so many years of this Government does not convince anybody that this Government will want to use this power for this purpose. Therefore, Madam, we oppose giving any more powers under this pretext to Government. Let the Government change its attitude, change its concept and take the Opposition into confidence. We really they think that an emergency has come, there is a way of dealing with this. Every body in this House and in this country will stand up for this country, I know. In every country there are some black sheep; perhaps there may be some in this country also; there is no reason to believe that there are too many in the country. But there is no reason

[Shri Dahyabhai V. Patel] to give such blanket powers to this Government which has not got a good record of using so much absolute power. Therefore, I oppose it.

SHRI B. D. KHOBARAGADE (Maharashtra): Madam Deputy Chairman, I do not agree with the policy of the Government. An assurance was given in this House on the 20th March that the emergency would be withdrawn on the 1st of July. But I am sorry to mention that the statement that the Home Minister made yesterday has belied all our hopes of withdrawal of the emergency. Some of the Members speaking from the other side, Mr. Daulatram, Mr. Dharia and Mr. Chandra Shekhar, have tried to justify the policy of the Government on the ground that there has been some change in the circumstances during the past three months. They have not narrated what kind of change there has been in this country or the circumstances in this country. The problems that we are facing today, the problems of Nagaland or Mizos, were in existence even before the 20th March. Regarding the problem of Naxalbari, of course, there were disturbances, and the question of law and order was involved. But the situation is within control today. Apart from that, Madam, we have experienced in this country similar situations even before, and even now we do. When the legitimate grievances of the people are not redressed in a democratic manner, there is no other alternative for the people except to resort to direct action. Whether the problems are of the labour class or whether the problems are of the downtrodden people, if they are not solved in time, they have to resort to direct action. If they are not solved in time, naturally a situation like Naxalbari or a situation like that of 'gheraos' in Calcutta would always arise. That would not give any pretext to the Government to continue the emergency in this country.

So far as the question of aggression is concerned from China side or from Pakistan side, there is no imminent danger of aggression from any of those two countries. Had there been imminent danger of aggression, then I would have been one to support the Government that the emergency should continue for some time more. Madam, I would like to draw the attention of the House that even before 1962 when emergency was proclaimed, the situation was dangerous in this country for five or six years prior to 1962. The Chinese people had started their aggression on this country since 1956. Their activities were increased after 1959. In spite of all these skirmishes on our border, in spite of all the activities from China on the borderline, we did not take any steps to impose emergency in the country from 1956 to 1962. Only when there was massive aggression from China on our territory emergency was imposed on this land. What is the position today? Can anybody say that there is an imminent danger of any aggression from China or Pakistan? On the contrary, I may say that there is some kind of easing of the situation so far as Pakistan is concerned. (Interruptions). I would like to draw the attention of the hon. Members to the statement of the Foreign Minister, Pirzada, in the Pakistan National Assembly that Pakistan had announced a cut in the defence expenditure in 1967-68 to create an atmosphere of peace and good-will so that the country could begin meaningful deliberations with India on all outstanding disputes including Kashmir. This is what he has said three or four days back.

SHRI M. M. DHARIA: With your permission, Madam, may I bring to the notice of the hon. Member that four days ago the Home Minister of Pakistan in their National Assembly has said that he is not prepared to withdraw the emergency that exists in Pakistan today?

SHRI B. D. KHOBARAGADE: Pakistan is not a democracy, they do not believe in democracy.

SHRI CHANDRA SHEKHAR: You are not believing ....

SHRI B. D. KHOBARAGADE: We believe in democratic ideals. What I mean to say is this . . .

SHRI CHANDRA SHEKHAR: But you are quoting Mr. Pirzada . . .

SHRI B. D. KHOBARAGADE: Madam, so far not even one single person in Pakistan had said that they would have deliberations with India. It is only just now that in the Pakistan National Assembly a few of them have said that they should have friendly relations with India. It definitely shows that there is some kind of rethinking in some people in Pakistan who want to have, to cultivate, friendly relations with this country. (*Interruptions*). If there is a kind of change in their thinking, then let us also reciprocate it and let us try to have closer relations as far as possible with them. At least we can say this much that there is no imminent danger from China or from Pakistan. If there is any imminent danger from these two countries, I can tell the Government that the people of this country will always rise as one man; everybody will be with the Government and they will sacrifice their lives, their blood, everything, in upholding the honour, integrity and independence of this country. Previously on two occasions, once in 1962 when China pre-perated a brutal aggression on our land and then in 1965 when Pakistan committed aggression on our land, on these two occasions, the whole nation rose up; they stood behind the Government and they exhibited their solidarity. Under no condition or circumstance will we tolerate external aggression. Therefore, in view of the circumstances now, there is no necessity, no justification, to continue the emergency. I am opposing this emergency because

it militates against democratic ideals, the fundamental rights which are enshrined in the Constitution, which are sacrosanct, and they should be upheld under any circumstances.

Madam, we have seen that in the past the emergency provisions have been misused and abused to suppress the democratic movement of the Opposition parties while they tried to ventilate the grievances of the people. Even during the past few months, these provisions have been used for that purpose and there is no guarantee that they will not be again used for suppressing the democratic movement of the Opposition parties. Therefore, I oppose the continuation of this emergency.

SHRI CHITTA BASU (West Bengal): Madam Deputy Chairman, I join my other hon. friends in the Opposition in expressing my resentment against the announcement made by the hon. Home Minister yesterday.

Madam, the emergency was declared in the year 1962 when there was an external aggression from a foreign country. And in the wake of that proclamation of emergency, we have witnessed how the Defence of India Rules, a concomitant of the emergency, were freely abused for partisan purposes. I have on previous occasions in this House made it known to this Government that the DIR was used freely even to suppress the democratic, legal and legitimate trade union movements. Also on certain other occasions I had produced certain documents and have shown in this House that an ordinary cultivator of a village was threatened to be punished under the provisions of the DIR, not for any fault of doing espionage work or any anti-national activity, but only because, as the Government said, he could not pay the Government loan in due time. So many instances I can cite to show how the DIR, how the emergency, was misused and

[Shri Chitta Basu.]

abused and used for partisan purposes. I know a number of persons belonging to the minority community of this country of ours who were harassed, who were arrested, though there were no definite charges against them for espionage or for anti-national activities. I am convinced that in certain cases they were arrested and harassed because they could not oblige the Congress people by paying a certain amount of money. This was the result, this was the practice, this was the experience that we had of the promulgation of the emergency during the last few years.

Now, it is said that there are certain changes after the announcement made by the hon. Home Minister in March last when he expressed his intention to lift the emergency from 1st July, May I ask the Home Minister: Was there not then a large chunk of our territory under the occupation of the Chinese? Was not then Pakistan belligerent as it is today? Was not then China belligerent as we find her now? Then, what was the reason that he declared to lift the emergency with effect from the 1st of July.

Madam, many friends from the opposite side have raised the question of Naxalbari. This House has had the occasion to discuss it. The Government of West Bengal is seized of the problem. The persons who are running the Government there are no less responsible than anybody of you adorning the Treasury Benches. Do you suggest that they are not patriots? Do you suggest that the West Bengal Cabinet as such is not as much interested as you are to defend the borders of the country and to maintain law and order? Do you mean to suggest that you have no faith in the Cabinet of West Bengal because there have been certain things in Naxalbari? Therefore, there is no valid reason for withdrawing the assurances which you have given, some months ago.

On the other hand, I am most reluctant to say that in the past the Government misused and abused it for their own partisan interests, this emergency provision; they are also willing to maintain it. They do not want that the democratic rights and liberties of the people should be enjoyed; they do not want that our citizens should enjoy the fundamental rights as are enshrined in the Constitution. Madam, in the present-day context of the world, every country, every nation, might have some sort of abnormal conditions and no country can be free from certain disturbances or abnormalities. Madam, this belligerent position of China and Pakistan is not a temporary feature; it may continue for a few more years. So am I to assume that they will continue this emergency provision and rob the people of their democratic and fundamental rights for years to come. Is it the way to ensure political freedom? Is it the way to ensure democracy and the fundamental rights? Is this not the way of autocracy? Is this not the way of dictatorship or military dictatorship? Is this not the way to subvert parliamentary democracy?

Therefore, under these circumstances, I feel that the emergency provision should be withdrawn as assured by the hon. Home Minister. As Parliament is constituted today, if the question of any amendment of the Constitution comes up, the Government cannot claim that the amendment can be passed because the present Parliament is not the Parliament that it was a few months ago. Now there will be no two-thirds majority in Parliament to strengthen the hands of the Government to amend the Constitution. Does it mean that there will be Permanent emergency in the country and does it mean that Parliamentary democracy will be finished here and now? That is the question he has to reply.

SHRI NIREN GHOSH: Madam, now Mr. Chavan's statement has

posed a very big question mark about the survival of democracy in India. That is the question now posed before Parliament and the country. We have heard the speeches of some governors to hear which even the Britishers would have hung their heads in shame. We have also heard the speeches of some socialists and our Home Minister. I do not forget that he was a follower of Mr. M. N. Roy and he had some learning of or dabbling with Marxism-Leninism.

SHRI BHUPESH GUPTA: I asked some Maharashtrian as to what is Mr. Chavan. He said Mr. Chavan is Chavan.

SHRI KRISHAN KANT (Haryana): He is neither a Russian nor a Chinese.

SHRI NIREN GHOSH: Madam, I beg to submit that the continuation of emergency is a rape of the Constitution and a violation of the entire spirit of the Constitution. They speak of border incidents or something like that. Even in the British days, is it not a fact that almost every year the Britishers used to lead expeditions to the Afridi territory? For that no proclamation of emergency was required.

Madam, emergency is understood in a different context, in a different way all over the world. But perhaps the servants of the big bourgeoisie here understand it only in a different way from the ordinary context.

Now it is bandied about that emergency cannot be lifted because Sheikh Abdullah cannot be released. Even if you want to release him you will release him some time after October. So the emergency has got to be continued. Now one of the purposes is to keep one person in detention, a person who has been kept in detention already for eleven years without trial.

Madam, the Congress Government talk of democracy. But they launch

an unbridled attack on the autonomy and the rights of the States. What remains of the federal Constitution then if this Government, with a slender majority, snatch away the rights, the autonomy of the States with a mere declaration that the emergency is to continue. What remains of the Constitution and the federal character of the States? So these grave issues are at stake. Therefore, one must not think in a petty manner.

They are using arguments because they have to use arguments. My hon. friends, Mr. Chandra Shekhar and Mr. Dharia, have got to support Mr. Chavan. Therefore, they have got to rise up and say whatever comes to them. They say all sorts of things.

SHRI CHANDRA SHEKHAR: We are supporting Mr. Chavan and you are supporting China.

SHRI NIREN GHOSH: I concede, Mr. Chandra Shekhar, there is emergency. What is that emergency. The emergency is that the Congress has lost power in eight States, the Congress vote has been heavily eroded. It has now a minority of 40 per cent, votes or thereabout. And they are getting more and more isolated. If the ruling clique is getting more and more isolated from the people, of course, I agree there is emergency and a danger for the ruling circles. I concede that. There is emergency for them for which reason you may argue for its continuation.

I concede there is another emergency. This Government which we call as the faithful servants of the monopolists and the vested interest have unleashed, in collusion with them, an all-out attack against the people and the workers throughout the country. It is quite natural if no remedial measures are taken by the Government when thousands and thousands are rendered unemployed, when factories are closed and a reign of anarchy has been unleashed by

[Shri Niren Ghosh.] employers. When nothing has been done, the working class cannot be expected to take it lying down. So this is your emergency. For that you require emergency provisions.

Now, they cite Naxalbari as a plea for the continuance of emergency. That way they can pick up any reason, any incident, anywhere in any thana or anywhere in the country to say that emergency exists. By giving this argument, they have made a complete farce of all the arguments. I would only say that the emergency provisions in the Constitution should be struck off. The mother of Parliament from which they draw inspiration, there, as regards the Parliamentary practice, there is no provision in the Constitution for emergency. Yet that country has survived many crises and is going on strong. So I say this provision should be struck off.

They talk of the people. Shall I suggest let them put the question to a referendum? Let them say whether the people of India want continuation of the emergency or not. Would they take this elementary democratic step because emergency is proclaimed when the gravest possible crisis overtakes a country. If that is so, would they take the verdict of the people? They have not got the courage to do that. I would only say that let the President of India, lift it because it is his Proclamation. He is there to uphold the federal structure, to uphold the rights enshrined in the Constitution since the Constitution is being violated. Since there is this Constitutional dictatorship it is the duty of the President to take courage in both hands and to revoke the Proclamation of the emergency.

THE DEPUTY CHAIRMAN: Please wind up.

SHRI NIREN GHOSH: Now whether democracy will live or not, that is the question posed before the

country and its answer will be given by the people in course of time whether they will allow them to run amuck in this manner.

THE DEPUTY CHAIRMAN: Mr. Chordia. Just one minute.

श्री विमलकुमार मन्नालालजी चौरङ्गिया :  
उपसभापति जी, मुझे केवल एक ही निवेदन करना है और वह यह है कि जब माननीय श्री चन्द्रशेखर जी अपना भाषण दे रहे थे तो उन्होंने यह कहा कि जनसंघ के नेता तो कहते हैं कि देश में संकट है और हम कहते हैं कि संकट नहीं है। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि हमारे पुराने भाषणों की प्रतियों को देख लिया जाय तो उन्हें पता चलेगा कि हम बार बार इस बात का आग्रह करते आ रहे हैं कि हमारे देश की सीमाओं पर सेनाओं का जमाव हो रहा है। लेकिन मुझे निवेदन यह करना है कि जब ऐसी स्थिति है और हमारी सरकार कहती है कि देश में संकट है तो फिर वह सैनिकों में क्यों कमी कर रही है और सेना के खर्च में कमी क्यों कर रही है? अगर वह देश में संकट को मानती है तो उसे हमारे आग्रह को मान लेना चाहिए कि अणु बम जल्द से जल्द बनाया जाय और चीन से संबंध तोड़े। अगर आज इस तरह का निर्णय ले लिया जाता है कि हमारे देश पर जो आक्रमण हुआ था, जो अतिक्रमण हुआ था, उसको हटाने के लिये हम तैयार हैं, तो हम बराबर संकटकालीन घोषणा को करने के लिए तैयार हैं। जब हम संकट की बात करते हैं तो आप उसको नहीं मानते हैं और जब संकट की बात नहीं करते हैं तो आप कहते हैं कि संकट है। तो इस तरह की बात करने से कोई फायदा नहीं होगा।

THE MINISTER OF HOME AFFAIRS  
(SHRI Y. B. CHAVAN): Madam Deputy Chairman, Sir, I have heard the speeches of the hon. Members . . .

SHRI BHUPESH GUPTA: Do not call Madam and Sir, both. Say either Madam or Sir. That is the trouble with emergency.

THE DEPUTY CHAIRMAN: Now listen.

SHRI Y. B. CHAVAN: The speeches that I have heard have tried to emphasise only one or two aspects, and I would like to correct the facts if I can correct them for the use of some of the hon. Members.

Madam, let me begin by saying that we are in no way less in our passion for the protection of the fundamental rights in this country. And, Madam, I can say that it was with hesitation in my mind that I came forward to make this statement because no one likes to continue the Emergency with any sense of pleasure. It was the sense of duty, really speaking, that compelled me to come before this hon. House to make the statement. Madam, those who are holding offices of responsibility have to weigh the pros and cons by making an assessment of the situation in the country very carefully and it is only after such assessment that we decided to make this statement. Madam, every hon. Member made a reference to the statement that I made in March this year. Most of them have forgotten what statement I made. I would like to read that statement which I made in this hon. House on the 20th March, 1967. This is the statement I made:

»«The Proclamation of Emergency which was made in the wake of Chinese aggression has been reviewed. In actual practice, Government have already restricted the exercise of Emergency powers to certain areas only. It is their intention to seek necessary Constitutional authority to terminate, with effect from 1st July, 1967, the state of Emergency in all parts of the country except where abnormal conditions still persist."

S05 RSD—10.

Madam, we never said even then that abnormal conditions did not persist in some parts of the country. Those parts were the border areas of the country. Therefore, it is not for the first time that we say that abnormal conditions exist in certain parts of the country. Even then abnormal conditions existed in certain parts of the country and our intention then was to take necessary Constitutional authority by amending the Constitution to continue the Emergency in those areas where the abnormal conditions existed. It was not a declaration of complete withdrawal of Emergency from all areas of the country. Certainly, Madam, this situation has to be reviewed from time to time. Even when I am saying that we propose to continue this Emergency, we do not say that we are going to continue it indefinitely . . .

SHRI BHUPESH GUPTA: It amounts to that.

SHRI Y. B. CHAVAN: That is what I am trying to explain. If you again read the statement I made yesterday, it says:

"In the interests of national security and defence, it is, therefore, necessary to continue the Proclamation of Emergency during the ensuing months when because of physical conditions, there is a greater threat of external aggression."

Madam, I would like to make it clear that our view is that we would like to review the conditions by the end of this year . . .

SHRI BHUPESH GUPTA: There you are—"end of this year."

SHRI Y. B. CHAVAN: By the end of this year—maybe in November. maybe in December.

SHRI BHUPESH GUPTA: Therefore, you see, it will mean six years, seven years . . .



SHRI Y. B. CHAVAN: You are only looking at it in terms of condemning this thing. My responsibility is to look at the situation as it exists in the country and proceed further. I wish I were in his position just to get up and say "There is no danger, no emergency conditions." I wish I were in such a position . . .

SHRI BHUPESH GUPTA: If you read the Proclamation by the President which was issued on the 26th of October 1962, the reason was only one—a grave emergency had arisen because of external aggression. Are you modifying that Proclamation? Then bring another Proclamation.

SHRI Y. B. CHAVAN: This is a matter of debate further, of what is the Constitutional interpretation . . .

SHRI BHUPESH GUPTA: No.

SHRI Y. B. CHAVAN: It is not a question of merely legal niceties being debated like this. It is a question of facing certain realities of life as they exist in the country today. Now, Madam, whenever the question of Nagas is discussed in this House, whenever the conditions created by the D.M.K. are discussed in this House whenever we discuss the Chinese problem in this House, some of the Members—particularly I am referring to the Jana Sangh Party—say "There are terrible conditions in the country and how are we going to face them?" But when we say that these conditions are there and we want to meet those conditions with a little more power in our hands, they say "There are no difficulties, no dangers."

श्री विमलकुमार मन्नालालजी चौरङ्गिया :  
वही शिकायत हमारी आपसे है।

श्री वाई० बी० चव्हाण : हमारी भी  
वही शिकायत आपसे है।

श्री विमलकुमार मन्नालालजी चौरङ्गिया :  
तो इसका हल हो जाय और इसका संकट-

कालीन मानकर एमरेशन को बैकट करने के लिए  
तैयार हो जाइये।

SHRI BHUPESH GUPTA: The question we are discussing is the continuance of a particular Proclamation which was made in October 1962 under the Constitutional provision of Article 352, and it gave only one reason, *i.e.* external aggression. Well, if that is so, then that Emergency cannot be continued by referring to the Nagas, Naxalbari, Mizos and all that.

SHRI Y. B. CHAVAN: What I am saying is I am not merely referring to the internal troubles in Nagaland, Mizo Hills and other areas. What I am saying is that there is external interference in these parts of the country and conscious attempts of subversion are made in these parts of the country by the external forces. This is what I am mentioning . . .

SHRI BHUPESH GUPTA:  
No. . . .

SHRI Y. B. CHAVAN: Still my argument is, I would again read that part of the statement . . .

SHRI BHUPESH GUPTA: I beg of you to read Article 352.

SHRI Y. B. CHAVAN: I have read it. I can read it again. Again what I am saying is 'please read my statement. . . .

SHRI BHUPESH GUPTA: You are a great man, Mr. Chavan, but greater is the President of India . . .\*

SHRI Y. B. CHAVAN: I said in my statement:

"In the interests of national security and defence, it is, therefore, necessary to continue the Proclamation of Emergency during the ensuing months when, because of physical conditions, there is a greater threat of external aggression."

I am not seeking powers for internal troubles. We are quite capable of facing them not only with ordinary laws but with political ideas. I am not very much afraid of them, what you are doing in Bengal or what somebody else is doing somewhere else.... (Interruption) It is not the internal political conditions that matter. It is only to deal with the trouble of subversion by Pakistanis in Nagaland, in Mizo Hills and in other parts of the country. The way the Chinese are looking at the troubles, if something happens in Naxalbari, if something happens in Mizo Hills or in Nagaland, they would say "Here is the people's liberation movement on." Every minute they are watching it and trying to encourage these things. We cannot forget these things. With the responsibility that we are holding, it will be criminal on our part to forget these things and say "Well, let us lift the Emergency, there are no troubles." Madam, it would not be honest on my part . . .

SHRI BHUPESH GUPTA: Mr. Chavan, Pakistan committed aggression in 1948 and you know up to 1962 we did not have any Emergency. Yet we were dealing with it. I have got from Jammu and Kashmir State a whole series of laws to deal with the situation there. They do not have any Emergency, nor do they need it. There are existing laws to deal with the situation as it arises ...

SHRI Y. B. CHAVAN: I have got that point examined carefully. For example, in the Mizo Hills, where there is the danger of external aggression, how do I deal with this Mizo trouble without the Emergency powers? Here is a party, MNF, which is a rebellious party, which is rising in armed revolt against the Government here in this country. Without these Emergency powers, I cannot deal with that party. I cannot outlaw that party. I cannot do that, I wish you will realise my real difficulties. If you merely get up and say: "With all the powers that are in your hands, you can deal with it," I cannot do that.

If the Emergency is withdrawn, I am completely ineffective against the Naga rebels tomorrow . . .

SHRI NIREN GHOSH: You withdraw the Emergency . . .

(Interruption)

SHRI BHUPESH GUPTA: We suggested to you at that meeting "let us consider ordinary laws." But you wanted amendment of the Constitution.

SHRI Y. B. CHAVAN: Well, I am coming with an ordinary law. I hope you will support me in that.

SHRI BHUPESH GUPTA: Well, I don't know.

SHRI Y. B. CHAVAN: See, there you are not sure: When we want Emergency powers, they would point out that the ordinary laws are sufficient. But when I am coming with an ordinary law . . .

SHRI BHUPESH GUPTA: Lift the Emergency and discuss with the Opposition. Reasonable laws should be passed. I am not opposing it—if there is arson, if somebody kills somebody . . .

SHRI Y. B. CHAVAN: I do not want you to bargain with me and I am not bargaining with you. When you say "Depend upon the ordinary laws," and when we come forward with a reasonable ordinary law, you are opposing it.

7 P.M.

SHRI BHUPESH GUPTA: I will give you tomorrow. I have got a list of laws which exist in Jammu and Kashmir.

SHRI Y. B. CHAVAN: I do not want you to take the trouble. I have enough assistance to give me the information. Thank you very much for the offer. If I need I will ask you to do that but my point is, we are not coming with any light heartedness. We have given this problem a very serious consideration and this

idea or allegation that it is a breach of promise is wrong. The promise was for a constitutional amendment. We have said that if we want to continue the emergency in those parts of the country where abnormal conditions still persist—that was the word we used in March 1967 and when our assessment is this, that those dangerous conditions do exist, the danger of external aggression still persists—it would be my duty to come forward and make a request to this hon. House to support me in continuing the emergency. This is exactly why I have come. It is not a question of emotion. It is a question of cool, calculated assessment of the situation and our assessment is . . .

SHRI BHUPESH GUPTA: We have no part to play or the Chief Ministers?

SHRI Y. B. CHAVAN: Certainly, tainly play.

SHRI AKBAR ALI KHAN: Unfortunately your assessment is wrong.

SHRI Y. B. CHAVAN: When we came last time with the advice of the Chief Ministers, you said 'you need not consult them'. When we come to-day with our own assessment, you say 'Why do you not consult the Chief Ministers?'. It is a very interesting way. Even last time when the Chief Ministers thought otherwise, we on our own part decided one thing that we would only use these extraordinary powers in only the "border areas. What is the position to-day? Again I will refer him back to the last paragraph of my statement in which we have said in the last two sentences as follows:

"We are advised that in the absence of specific constitutional sanction, it would not be permissible to continue the emergency formally only in certain areas. We are, however, of the definite view that except to the extent demonstrably

necessary for the purposes of meeting the situation in the border areas, the emergency powers should not be exercised in the rest of the country. We also propose to advise all the State Governments accordingly."

We stand by that commitment.

SHRI BHUPESH GUPTA: When Mr. Nanda made a statement, it was not respected. I brought many cases from Assam.

SHRI Y. B. CHAVAN: I am making this promise again and I would like you to take me seriously as far as this promise is concerned. I am making this statement very seriously and I would like you to take me seriously and certainly you hold me responsible for the statement and it any wrong things are done, certainly I am here answerable to this hon. House.

SHRI R. S. KHANDEKAR: I draw your attention that in spite of the promise, at the time of the students' agitation, the student leaders in Madhya Pradesh were arrested under this.

SHRI BHUPESH GUPTA: Our Left Communist Party Members were demanding dehoarding and they were arrested under the D.I.R.

SHRI Y. B. CHAVAN: I am making this statement. I will certainly again ask the State Governments to take this assurance very seriously and it was for that very purpose that I wanted to seek the co-operation of the Members of the Opposition to amend the Constitution for that purpose. I must say that Mr. Gupta was wrong in facts. He said that we just called them without any notice. It is not true.

SHRI BHUPESH GUPTA: I did not say that. I said that I got an invitation for tea where you would be present. I saw you with Mr. L. P. Singh and the moment I saw Mr. L. P. Singh, I felt something . . .

SHRI Y. B. CHAVAN: I do not know you were so susceptible. Next time I will call you, I will keep Mr. L. P. Singh out of it. I did not know that you were so susceptible to him.

SHRI BHUPESH GUPTA: I am not.

SHRI Y. B. CHAVAN: The point is, two meetings took place. The first meeting took place and I explained the proposed amendments and naturally Members said: 'It is difficult to follow the amendments, the way you are saying them. It is much better that you put them in writing and prepare a note and the proposed amendments should be circulated to the Leaders of the Opposition'. So we prepared a note, incorporating all the proposed amendments, etc. and circulated the note and nearly after 10 or 12 days, we met to discuss them. Naturally, they said: "We are not agreeable". Mr. Gupta said: 'It is no use, discussing this matter. We are fundamentally opposed to it.' I could understand it.

SHRI BHUPESH GUPTA: I said: 'Are you prepared to put your statement that you are making subject to the two-thirds majority in the Lok Sabha?' Are you ready now?

SHRI Y. B. CHAVAN: He wanted me to give some guarantees and assurances which are not constitutional. How could I accept those things? So my main point is this. Let us come back to the original position. Even tonnes of my arguments are not going to convince him nor his

tonnes of arguments are going to change my view of the present situation, I have no doubt about it.

SHRI BHUPESH GUPTA: I have no doubt about that.

SHRI Y. B. CHAVAN: The point is, we are not going back on our words. Our words were then that abnormal conditions existed in certain parts of the country and we wanted to continue the emergency operations only in those parts of the country and therefore we wanted constitutional authority for that and for that purpose we wanted to amend the Constitution and we wanted the support of those hon. friends which they refused. Even then, what is the assessment of the present situation? If the present assessment of the situation is that the danger still exists in those parts of the country, we had no other alternative but to come forward here and make a statement that the continuance of the emergency is necessary. Madam, I still hold this view.

SHRI BHUPESH GUPTA: Madam, I would ask . . .

THE DEPUTY CHAIRMAN: We have had enough. The House stand adjourned till 11 A.M. tomorrow.

The House then adjourned at seven minutes past seven 1 the clock, till eleven of the clock on Saturday, the 24th June, 1967.