

[Shri M. Shafi Kureshi]

bers will be kept in view and I assure the House that the matter is under the constant review of the Government. Whenever there is any difficulty faced by the people, the Government is taking full note of it and is seeing that the people do not face any difficulty.

As to the remark by the other hon. Member that this Act could have been extended earlier to these two districts, I have already explained as to why it could not be extended earlier. Now that the Nagaland Government has made a request for its extension, naturally the Central Government has also agreed to it and has extended it to these two districts.

I have nothing more to say, Sir.

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

"That the Bill be passed." *The motion was adopted.*

THE UNLAWFUL ACTIVITIES (PREVENTION) BILL, 1967

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We now go to the other item, Mr. Chavan, the Home Minister.

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, I have a submission to make.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Let him move.

SHRI BHUPESH GUPTA: I presume that you have called him according to the List of Business, that is to say, he has been called upon to move the Unlawful Activities (Prevention) Bill.

SHRI V. M. CHORDIA (Madhya Pradesh): It is already unlawful.

SHRI BHUPESH GUPTA: Now, I have a submission to you, Mr. Vice-Chairman. You will consider in your wisdom whether it is right for Mr. Chavan, at this stage, in the circumstances prevailing in the country, having regard to various matters, both legal and constitutional, that he should move this Bill in this Council of States.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Bhupesh Gupta, certainly you have every right to speak, But let the motion be moved first.

SHRI BHUPESH GUPTA: I am objecting to his moving the motion I have always . . .

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Sir, I have a point of order to make. There is no business before the House. One item of business has just finished. Before you could call the hon. Home Minister to introduce another item of business, in this vacuum no submission can be made. After the hon. Home Minister has moved his motion, after that Mr. Bhupesh Gupta or any other Member can make his submission. A motion must be before the House before they can say anything. Before the motion has been moved, no submissions can be made.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, it seems the hon. Minister does not have much respect for your intelligence and your experience; otherwise, he would not have said that because you called Mr. Chavan according to the List of Business to mention something. You naturally signified your approval to what I said because you never said "No".

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, no. I drew your attention that it would be better if the Home Minister moved the Bill.

SHRI BHUPESH GUPTA: No, Mr. Vice-Chairman. This concerns a new

point. I say this is a very commonplace thing. The Home Minister moves a Bill and then we make speeches. But here. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): According to which Rule?

SHRI BHUPESH GUPTA: At any point a Member can rise and make his submission to the Chair. You have plenty of discretionary power.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have heard your submission.

SHRI BHUPESH GUPTA: I have not given the reason.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I do not want reasons at this stage.

SHRI BHUPESH GUPTA: Please understand, Mr. Vice-Chairman, unless I come out with the reason at this stage....

SHRI M. RUTHNASWAMY (Madras): Mr. Vice-Chairman, on a point of order. You have called upon the Home Minister to move, and Mr. Bhupesh Gupta is coming between you and the Home Minister, preventing him from moving. He is making the Home Minister disobey the Chair.

SHRI BHUPESH GUPTA: No. Mr. Vice-Chairman . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am standing. When I am standing you must sit down. My point is that as Prof. Ruthnaswamy has drawn my attention, I have asked the Home Minister to move the motion. (Interruption by Shri Bhupesh Gupta.) Listen to me. You are a senior Member. You must respect the Chair. (Shri Bhupesh Gupta stood up.) You sit down. You have no right to stand when I am standing. I will give you the fullest opportunity to speak. Even your preliminary objection I will hear.

SHRI BHUPESH GUPTA: Without prejudice to what we may have to say on the merits of the Bill. That may be quite separate.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Sir. I beg to move:

"That this House concurs in the recommendations of the Lok Sabha . . .

SHRI BHUPESH GUPTA: On a point of order....

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What is your point of order? He has not moved.

SHRI BHUPESH GUPTA: He has said:—

"I beg to move:

That this House concurs in the recommendations of the Lok Sabha..."

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Is there any point of order in that?

SHRI BHUPESH GUPTA: Yes, Kindly hear me. Why are you in a hurry? Mr. Vice-Chairman, the position is this.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Come to the point of order. No position.

SHRI BHUPESH GUPTA: Every point of order is a position.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Point of order?

SHRI BHUPESH GUPTA: Point of order is to be explained, and when a third person takes a little more time, then you will agree. . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Make your point of order.

SHRI BHUPESH GUPTA: My point of order is this that he should not move it at this stage. I will tell you why. Under our Constitution, you refer to ____

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): There is no point of order.

SHRI BHUPESH GUPTA: It is a point of order. We function under the Constitution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): This is no point of order.

SHRI BHUPESH GUPTA: My point is that is a substantial objection regarding the Bill itself.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That I ruled out.

SHRI BHUPESH GUPTA: You have not heard me.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I have heard you.

SHRI BHUPESH GUPTA: You have ruled out something which you have not heard. It is like condemning a man without giving him a chance to explain. It is a question of the competence of Parliament.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is no point of order. Of course, you can question the competence...

I SHRI BHUPESH GUPTA: Mr. Vice-Chairman, we function according to the Constitution. Do not we? I want to point out to you that Constitutional propriety and Constitutional convention demands that the Home Minister defer in this present case the consideration of this Bill till certain other obligations have been met as enjoined by the Constitution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have made your point.

SHRI BHUPESH GUPTA: These are conclusions. Please refer to article 19 of the Constitution and the Seventh

Schedule. This is a legislation which can be covered under Entry 1 of the Seventh Schedule—

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): This is a Concurrent subject, I concede . . .

SHRI VIDYA CHARAN SHUKLA: Sir, it is very unfair. The motion is not before the House so far. Why are you allowing him . . .

(Some Hon. Members stood in their seats)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): All of you please sit down. I am on my feet. Mr. Bhupesh Gupta, you have raised the point about the Constitution and the Concurrent element in it. As I told you, I will give you the fullest opportunity to speak on it after the motion is before the House. Now, regarding this point of order—*(Interruption by Shri Bhupesh Gupta)* please listen to me—I ruled that this is no point of order.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, it is a strange thing. I have not explained the point of order...

[THE DEPUTY CHAIRMAN in the Chair J

You have not survived. Madam Deputy Chairman, he has not survived. I hope I will survive. When you were not present in the House, the Home Minister moved a particular Bill which has been passed by the other House. I got up to make a submission that the competence of Parliament is in question. The Home Minister has not fulfilled certain Constitutional obligation in bringing forward this Bill in this manner in this House. Now, the point that I want to make in this connection is that, as I said, it is in the Concurrent List. The practice is that no legislation on this measure can be brought forward before the House without the consent. . .

SHRI VTDYA CHARAN SHUKLAR
I rise on a point of order.

SHRI BHUPESH GUPTA: You c*n-

SHRI VIDYA CiiAdAN SHUKLA:
Madam. I ixse on a point of order.

THE DJtfui*Y CHAIRMAN: I will g.ve
you lE minutes. Exactly at 4 u'clo-i please
finish.

SHi-U BHUPESH GUPTA: The first poiat
is that—I will carry out your order—here is a
matter that relates to the Concurrent List.
Under the Constitution the question of
competence of the Central Government to
legislate in this matter arises. For a subject in
the Concurrent List, Seventh Schedule of the
Constitution, the normal practice is that the
State Government should be consulted in a
matter like this. In the present case he has not
consulted the State Government.

My second point is that article 19 of the
Constitution guarantees certain fundamental
rights. He is trying to introduce a legislation
under the cover of certain things which are a
blot on the Constitution, Part III. Under
article 19 of the Constitution it is
objectionable because now currently
Parliament is discussing whether we can
change the fundamental rights.

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Therefore, in this situation, without consulting
the non-Congress Governments in the States,
he has brought forward a measure on the
Concurrent List which is a fraud on the
Constitution and which certainly goes against
the conventions and federal principles which
we are supposed to uphold. The second point
is that he is trying to circumvent the
fundamental rights chapter of the
Constitution... (Interruption)

THE DEPUTY CHAIRMAN: That will
do.

SHRIMATI C. AMMANNA RAJA
(Andhra Pradesh): Madam, . . .

(Interruption) SHRI BHUPESH GUPTA:
You don't get up now. How do you get up?

Just because you are a lady.... (Interruption)

THE DEPUTY CHAIRMAN: Please take
your seat, Mr. Gupta.

SHRI BHUPESH GUPTA: Therefore, I say
that in view of these two things, he cannot ask
us to consider this, Madam. We are the
Council of States, the guardians of the rights
and authorities of the States. The Home
Minister is flouting the rights and authorities
of the States. Therefore, this is a very serious
matter... (Interruption) The Council of States
is being made a mockery. The purpose for
which the Council of States was created is
being defeated by the Home Minister by
methods of bringing in a legislation which
contradicts the States' autonomy on the one
hand and the fundamental rights on the other.
And I do not know, what the lady is talking
about. (Interruption)

THE DEPUTY CHAIRMAN: Order,
order. The Minister in charge.

श्री राजनारायण (उत्तर प्रदेश) :
मैडम, मेरा प्वाइन्ट आफ आर्डर सुन लिया
जाय ।

THE DEPUTY CHAIRMAN: I have
heard Shri Bhupesh Gupta's point of
order at length....

श्री राजनारायण : आपने भूपेश गुप्त
को सुना लेकिन राजनारायण को नहीं सुना ।

उपसभापति : मगर जब बिजनेस ही
नहीं है हाउस में. . . .

श्री राजनारायण : हमारा प्वाइन्ट दूसरा
है, सुना जाय ।

उपसभापति : बिजनेस ही नहीं
है ।

श्री राजनारायण : मैं आपसे जो रिक्वेस्ट
कर रहा हूँ सुना जाय ।

SHRI VIDYA CHARAN SHUKLA:
I want to know what is the business
before the House. What is going on?...

श्री राजनारायण : मैडम, मुझे कह तो
लेने दीजिए ।

THE DEPUTY CHAIRMAN: I am
giving you only one minute.

श्री राजनारायण : आज का जो हमारा कार्यक्रम है उसमें लिखा हुआ है :

"Shri Y. B. Chavan to move the following Motion—...."

SHRI OM MEHTA (Jammu and Kashmir): The Bill has not been moved yet.

श्री राजनारायण : यहाँ तो मैं रिक्वेस्ट कर रहा हूँ । आप कृपा करके श्री चव्हाण को इस तरह का रिजोल्यूशन मूव करने का अधिकार न दें । सुप्रीम कोर्ट ने फैसला दिया है कि कांस्टीट्यूशनल अमेंडमेंट पार्लियामेंट नहीं कर सकता । जो प्रस्ताव श्री चव्हाण पेश कर रहे हैं वह कांस्टीट्यूशन अमेंडमेंट से संबंधित है । स्टेटमेंट आफ आब्जेक्त्स एंड रीजन्स देखा जाय ।

उपसभापति : अभी तो मिनिस्टर साहब ने शुरुआत भी नहीं की

SHRI R. T. PARTHASARATHY (Madras): This seems to be Bhupesh-Rajnarain Sabha instead of Rajya Sabha. That is my respectful submission. . . .

श्री राजनारायण : देखिये, यह अनावश्यक गुस्सा कर रहे हैं । ट्रेजरी बैंक के लोग ज़रा सभ्यता से बात करें

THE DEPUTY CHAIRMAN: The position is very clear. There is nothing before the House.

SHRI R. T. PARTHASARATHY: The two Members, Mr. Bhupesh Gupta and Mr. Rajanarain dominate the whole business

श्री राजनारायण : आपने एक मिनट जो समय दिया वह भी ले लिया ।

उपसभापति : मगर मैं कहती हूँ प्रस्ताव पेश नहीं किया, इसके लिये मैं

(Interruption)

श्री राजनारायण : क्या इस सदन में ऐसा प्रस्ताव आएगा जो क्लियरली सुप्रीम कोर्ट के फैसले के विरुद्ध हो ।

THE DEPUTY CHAIRMAN: I rule it out. There is no point of order.

श्री राजनारायण : आपकी व्यवस्था क्या है ? मद्रम आपको व्यवस्था होनी चाहिये ।

THE DEPUTY CHAIRMAN: The Minister in charge, Mr. Chavan.

SHRI Y. B. CHAVAN: Madam, Deputy Chairman, Sir, I beg to move:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

1. Shri Abid Ali
2. Shri Surjit Singh Atwal
3. Shri Sundar Singh Bhandari
4. Shri Babubhai M. Chinai
5. Shri Chandra Shekhar
6. Shri Surendra Mohan Ghose
7. Shri Dayaldas Kurre
8. Shri Balachandra Menon
9. Shri R. T. Parthasarathy
10. Shrimati C. Ammannaraja
11. Shri M. Ruthnaswamy
12. Shri Niranjana Singh
13. Shri A. M. Tariq."

SHRI BHUPESH GUPTA: Madam,, on a point of order. I submit, Madam,, that the list be circulated because we have to reflect over the names. Certain outrageous names are there, it seems. We have to reflect upon them. We have to give amendments. . . .

SHRI R. T. PARTHASARATHY: What do you mean by that word?

SHRI BHUPESH GUPTA: Outrageous, whatever it is. Go and consult the dictionary

SHRI R. T. PARTHASARATHY: Who is an outrageous man? . . . (Interruption)

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Madam, I rise on a point of order. When an hon. Member says about a list, which involves Members of this House, that it is an outrageous list, it is a reflection on the Members of the House and I beg of that Member to withdraw that word. If he does not, it should be expunged.

SHRI BHUPESH GUPTA: There are certain outrageous names. "Outrageous" means outrageous politically . . . (Interruption)

SHRI R. T. PARTHASARATHY: How does he say it?

SHRI BHUPESH GUPTA: I say because I believe it. (Interruption)

SHRI R. T. PARTHASARATHY: How do you say that?

SHRI BHUPESH GUPTA: Well, I say it. . . (Interruption) Don't shout. So, Madam Deputy Chairman, I submit that the list be circulated. It is outrageous to me. I feel I am outraged. Therefore, it is outrageous. I have been outraged, not you. You are incapable of being outraged. . . (Interruption).

THE DEPUTY CHAIRMAN: Order, order. I do not want this excitement on either side. The Minister has given a list of names and no Member's name here should be outrageous to any other Member . . .

SHRI BHUPESH GUPTA: I feel outraged. What can you do?

THE DEPUTY CHAIRMAN: No name is outrageous. (Interruption)

SHRI BHUPESH GUPTA: For example, if I say "it is advantageous to me", what does it mean? It means that I draw advantage out of it. Here I feel outraged by the names. Therefore, the list is outrageous. Some names are outrageous. Shall I name them? . . . (Interruption)

THE DEPUTY CHAIRMAN: Please be brief . . .

SHRI BHUPESH GUPTA: Get the names circulated.

THE DEPUTY CHAIRMAN: Now the Minister in charge.

SHRI Y. B. CHAVAN: Madam Deputy Chairman, I have read out the names. He can take it from the record. Or may I read them again?

SHRI BHUPESH GUPTA: Don't read the first one. It is horrid to me. . .

SHRI Y. B. CHAVAN: That name is Abid Ali.

SHRI BHUPESH GUPTA: All right. You can understand my subjective feelings.

SHRI Y. B. CHAVAN: Madam Deputy Chairman, this is a Bill which we consider to be very important and vital in the national interest. Before I touch some of the points which hon. Member . . .

SHRI BHUPESH GUPTA: Who told you it is of vital national interest? Which nation? . . .

SHRI Y. B. CHAVAN: Oh, your nation, you mean the other nation outside India?

SHRI BHUPESH GUPTA: The nine non-Congress States from where you have been ousted . . .

SHRI Y. B. CHAVAN: I am talking about dear India . . .

SHRI BHUPESH GUPTA: Have the majority of the States told you this? Nation does not live in the kitchen garden.

SHRI Y. B. CHAVAN: I should like to say with respect that the hon. Member, Mr. Bhupesh Gupta, either does not understand the Constitution, or he misreads it I do not know. What can I do about it? I will explain, . . .

SHRI BHUPESH GUPTA: On a point of personal explanation. He has accused me of ignorance—"either I do not understand the Constitution" which means that he has accused me of ignorance and being an illiterate man, or "I am -misreading it", which

[Shri Bhupesh Gupta.]

means he accuses me of malice. In either case, I am liable to give personal explanation.

THE DEPUTY CHAIRMAN: Please take your seat.

SHRI Y. B. CHAVAN: Madam, first of all, he has misread it in the sense that he says that I am receiving the authority for moving this Bill from the Concurrent List, which is a very wrong thing. That is why I said that either he cannot understand or he is misreading. What can I do about it? I will first of all give you the history of why it was felt necessary to have this. Secondly, I will briefly indicate the outlines of this Bill. I think it is an accepted fact that the centrifugal forces in this country are trying to assert themselves over the last few years. It was not only the view of this Government or it was not the view of the Party to which I belong. It was a recognition given by the country as a whole. In 1961 Pandit Jawaharlal Nehru, as the Prime Minister of this country, convened a National Integration Conference to which representatives of political parties were invited, not only the political leaders were invited but also some important leaders of public thought, some academicians, some university men, etc. were also invited to that Conference. That Conference accepted one thing that it is necessary to think and think very deeply and think very seriously how to meet the challenges of the disintegrating force which are trying to secede and which are trying to assert themselves in this country. As a result of the deliberations of that Conference two Committees were appointed. One Committee was appointed to go into the problem of communalism. The Committee on Regionalism was presided over by a very eminent Indian, a jurist. Shri C. P. Ramaswamy Aiyar. As the Chief Minister of another State I had the privilege of serving on that Committee. That Committee went round the country and met and discussed

the problem of regionalism and the divisible forces that were spreading at that time in the country and they made a recommendation to the Government that the time had come when we should amend article 19 of the Constitution restricting the fundamental rights of associations, speech etc. to maintain the sovereignty and integrity of India

SHRI BHUPESH GUPTA: Where is the report?

SHRI Y. B. CHAVAN: As a result of this recommendation—I am sorry Shri Gupta is suffering from short 'memory'—in 1963 article 19 of the Constitution was amended and this proposition was accepted—"if it is necessary to restrict these Fundamental Rights under article 19 to maintain the sovereignty and integrity of the country". It was accepted and passed by both the Houses.

SHRI BHUPESH GUPTA: Secession question.

SHRI Y. B. CHAVAN: This Bill proceeds from that point further. The States have given this authority. Where it is a question of sovereignty of this country and the integrity of this country, it is only this Parliament which is authorised to pass a legislation. No part of a country can pass a legislation for the maintenance of sovereignty and integrity of this country. It is the prerogative of this Parliament to pass this law. So the basic proposals which were the basis of the amendment of the Constitution, which amended article 19 of the Constitution.

SHRI BHUPESH GUPTA: Deliberately he is misleading the House. Is it?

SHRI Y. B. CHAVAN: This particular piece of legislation proposes to do exactly what was permitted by the amendment of that article of the Constitution.

SHRI BHUPESH GUPTA: No.

SHRI Y. B. CHAVAN: Yes. He can go on saying 'no' and I say 'yes'.

SHRI AKBAR ALI KHAN (Andhra Pradesh): He has come after 10 days.

SHRI BHUPESH GUPTA: You have a majority . . .

SHRI Y. B. CHAVAN: If I have a majority, I cannot help it.

SHRI BHUPESH GUPTA: I know that.

SHRI Y. B. CHAVAN: I just mentioned the genesis of this Bill.

SHRI BHUPESH GUPTA: It is perversion .

SHRI Y. B. CHAVAN: Can anybody with his hand on his conscience, say that this House is convinced that there are no centrifugal forces which pose a threat to the national sovereignty and integrity? Then this Bill is not necessary at all. I am prepared to accept the proposition but can anybody say with his hand on his conscience, if he has a national conscience of course, provided he has got that conscience, say that? So what is the scheme of the Bill? The scheme is this, if I can read from the Bill—I hope he has read this Bill—...

SHRI BHUPESH GUPTA: Have you read it? I thought Mr. L. P. Singh drafted it.

SHRI Y. B. CHAVAN: I have studied it very carefully and I am prepared to explain to him wherever he has any genuine doubts but how can I help people who have not got doubts, who are convinced that nothing should be allowed to be done to protect the national integrity? How can I help them? *(Interruptions)* Of course the second clause is the most important clause which defines the most important term of this Bill, particularly the unlawful activity. It is not merely an expression of thought, it is not a mere expression of an academic view that it is trying to penalise, it is not even a mere . . . *(Interruptions)* If you see the definition—it is a very carefully drafted Bill—it says:

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

Some action is necessary to attract the operation of this Act. It further says:

"(i) which is intended, or supports any claim, to bring about on any ground whatsoever the cession of a part of the territory of India or the secession of a part of the territory of India from the Union or which incites any individual or group of individuals to bring about such cession or secession;

(ii) which disclaims or questions the sovereignty of India in respect of any part of the territory of India;

(iii) which disrupts or is intended to disrupt the integrity of India."

May I ask what is objectionable in this? ;

SHRI BHUPESH GUPTA: What did you do in Berubari?

SHRI Y. B. CHAVAN: Does this Parliament or does any hon. Member want that any individual or group of individuals who want to disrupt the integrity of India, who want the secession of certain territories from India to go unchallenged or to go unpunished? If he wants it, then he can oppose this Bill.

SHRI BHUPESH GUPTA: Indian integrity is not so brittle as you think.

SHRI Y. B. CHAVAN: Of course not. I am glad that you realise it.

SHRI BHUPESH GUPTA: But I have an idea that so long as you are there it is very difficult.

SHRI Y. B. CHAVAN: Try to remove us.

SHRI BHUPESH GUPTA: We are trying our best. Even Rajmata is trying.

SHRI Y. B. CHAVAN: I am not here as a concession from you. You are certainly entitled to throw me out. I will not have any quarrel with you at all. If you, by democratic methods, can do that, I will come and congratulate you but you have no decency of accepting things as they are. Accept me as I a'm. I am a part of the Government which is put in power by the people of India.

SHRI BHUPESH GUPTA: I do accept you as the Home Minister.

SHRI Y. B. CHAVAN: Thank you very much.

SHRI BHUPESH GUPTA: But this is the type of Home Minister we should not have.

SHRI Y. B. CHAVAN: The point is, what we are trying to penalise is this activity which is, really speaking, a basic challenge to the very concept of this nation. I am convinced that there are forces—we have reason to believe—which are working in their own way, which will ultimately pose a threat to the integrity of this country and the sovereignty of this country. There are some people in some parts of the country, who are not merely organising, who are not merely expressing a view but they are making an organised effort to see that a certain part of the country secedes from India.

SHRI D. L. SEN GUPTA (West Bengal): Why do you not name them?

SHRI Y. B. CHAVAN: Why do you not have some patience? For example, a group of people in the Mizo District are organising these things. Have you any objection to that? Do you want to support them in the Mizo district? They wanted me to name something and now they do not say anything.

SHRI BHUPESH GUPTA: For that you do not need drastic changes in the Constitution of India.

SHRI Y. B. CHAVAN: I tell you as a democrat that I would hate to bring such a Bill and even after having this Bill passed, I wish that this Act remains a dead letter. We should have it. Certainly when difficulties come in the life of the nation, we cannot start searching for instruments and medicines to deal with them.

SHRI BHUPESH GUPTA: Mr. Gul-zarilal Nanda has shown you the way to use the Defence of India Rules and this has landed you into this position. You are following that practice.

SHRI Y. B. CHAVAN: Therefore, we have to take care. It should not be left to the sweet will of the executive to decide something finally. Naturally the executive has to take the initiative in deciding a matter, in initiating things. Therefore, we have provided in the very next clause that:

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

And further it is also provided that it has to be confirmed by the Tribunal.

SHRI BHUPESH GUPTA: But what is this Tribunal? It is your creation.

THE DEPUTY CHAIRMAN: Why can't you allow him to continue, Mr. Gupta?

SHRI BHUPESH GUPTA: He is arguing in a very wrong way.

SHRI Y. B. CHAVAN: If only Mr. Bhupesh Gupta were eligible I would have appointed him as a High Court Judge. But unfortunately he is not.

SHRI BHUPESH GUPTA: You will appoint me as High Court Judge?

SHRI Y. B. CHAVAN: There is here the provision for a Tribunal.

SHRI BHUPESH GUPTA: But the Tribunal will be appointed by the Home Minister.

SHRI Y. B. CHAVAN: You wanted to understand the scheme of things. First understand and then criticise.

SHRI BHUPESH GUPTA: I have studied it again and again.

SHRI Y. B. CHAVAN: I am sorry then that you have done it from the wrong point of view, with a closed mind. The Bill provides that there will be a Tribunal whose Chairman will be a person who is or has been a Judge of a High Court. Now, it is my intention and I have mentioned it in the other House also, to propose an amendment to this and I will certainly move that amendment in the Select Committee, that the Chairman of this Tribunal should be a sitting Judge of a High Court. Now, have you got no faith in the judiciary? If a sitting Judge is there then . . .

SHRI BHUPESH GUPTA: It is not a question of having a High Court Judge. In the whole scheme of this Bill the judicial processes open to a Judge, for example, the process of examination and cross-examination, of verification of documents, none of these things would be available to the Tribunal. It will get your order or declaration and then on that basis it will have to decide.

SHRI Y. B. CHAVAN: Now you are in a constructive mood. I am glad my hon. friend is in a constructive mood. I can assure him that all such suggestions will certainly be examined by the Select Committee. Be constructive. I have an open mind, not a closed mind like the hon. Member.

SHRI BHUPESH GUPTA: Is it not a personal reflection?

SHRI Y. B. CHAVAN: The point is this. A certain notification is issued which goes before the Tribunal. The Tribunal either confirms it or rejects it. If it rejects it, then the matter ends there. If it confirms it, then for

two years the notification stands confirmed. Then there is the provision which automatically gives power to the Central Government to extend that provision for a period of one year. After this period of three years it is my intention to move an amendment that Government will have to go back to the Tribunal to get confirmation of that notification.

SHRI BHUPESH GUPTA: Since he has so many intentions, would it not be better to defer this measure and let us have an idea of the amendments he intends to make?

THE DEPUTY CHAIRMAN: You may give your suggestions.

SHRI BHUPESH GUPTA: Let him defer it.

SHRI Y. B. CHAVAN: The suggestion of the hon. Member is that we should defer this matter. But then we have to deal with a situation that faces us. Our country has the rule of law and if we function in a rule of law then naturally we will have the powers under a law when a national emergency has to be dealt with, when there is danger to national integrity and there is a challenge to our sovereignty. At such a time he wants to defer the thing till that trouble is on us. The troubles are even now there. We are to face them. It is not something imaginary that we are talking of. The difficulties are there even today. He wanted some specific example and I have given him an example. Therefore this Bill from that point of view is very necessary. If there are any suggestions hon. Members can make their suggestions during this discussion and they will certainly be examined. They can be made during the discussion in the Select Committee also. I was very keen on getting this Bill passed straightway. But then recognising the feeling in the other House and also the feeling in this House I felt that such a Bill should certainly be examined by hon. Members in a Select Committee and examined from all points of view. There-

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lore, I accepted the suggestion to have it examined by a Select Committee and I do hope this hon. House will also accept this motion.

The question was proposed.

SHRI BHUFESH GUPTA: Madam Deputy Chairman, it was not my intention to speak, but . . .

AN HON. MEMBER: How much time do we have for this Bill, Madam?

THE DEPUTY CHAIRMAN: The time allotted for this Bill is 2 hours. So Mr. Gupta will take fifteen minutes.

SHRI BHUPESH GUPTA: Ten minutes will not do, Madam. In the other House, I read it, they had one day or even more for this Bill. Therefore in this House, you will consider it. Anyhow, first of all I would like to say that Mr. Chavan is our Home Minister here and am accepting it because I cannot reject him. That is the position. He has made a very provocative speech and as usual his words are mild but actually what he said is dangerous. The entire approach as far as his speech is concerned is one of a very low type of demagoguery. I say a very low type of demagoguery because he has brought in questions of national integrity and other things. But these problems were there when the Constitution was being framed by the members of the Constituent Assembly some years ago. Even then these problems were there. At that time nobody thought that a measure of this type would be needed for our country. The fundamental rights certainly gave certain rights of association, expression and so on. They are there in article 19 of our Constitution. Now he is trying to make out from what is happening in Mizo areas that this is necessary. Well, the Naga problem arose much earlier. For several years it has been with us. For over a decade we have lived with the Naga problem. At that time nobody thought some ten years back that in order to deal with the Naga

problem—and they certainly had slogans which were not very good, they were indeed had—we never thought that we should have a legislation of this kind. If they had, they should have brought forward such a measure some ten years ago. At that time nobody thought that in order to meet the Naga situation we should pass a legislation which runs counter not only to the spirit but, if I may say so, to the very letter of our Constitution as well. This is my second point.

My third point is this. He says that Parliament is there to legislate on this subject. Well, I agree that the sovereignty of Parliament is there. But you are in fact undermining the very sovereignty of Parliament and playing with the Constitution whenever it is convenient for the ruling party to do so. Now the Parliament is there to look after the Constitution. Parliament need not pass a measure of this kind simply because the other side has a majority. And what kind of a majority do they have? Suppose this had come as * Constitution amendment Bill, would they be in a position to pass it? Do they have the requisite majority to pass such a Constitution amendment Bill in this House? They would not. They get defeated even in snap votes. They can never get it passed as an amendment of the Constitution for the simple reason that they do not have the requisite majority. Therefore they have this contrivance here of passing a kind of seemingly ordinary legislation which, in fact strikes at the very foundation of the Constitution of our country and certainly at the fundamental principles, because here they do not require a two-thirds majority of those in the House for passing a measure of this type. All that they need is a simple majority. Therefore, they have devised this method and brought it in this form. Actually the whole scheme of this Bill is a conspiracy which is directed against the very basic principle on which the rule of law is estab-

lished or founded and on which even our Constitution with all its limitations happens to be founded. Therefore, Madam Deputy Chairman, why this kind of jugglery which they are indulging in? Who are they to speak for the nation? After all you know very well that ours is a country which has in own constitutional set-up where there are seventeen regular States in the Indian Union. Out of these seventeen States in nine you do not have any power at all. Parties other than the Congress are in power in those States. Do I understand that those States have agreed to a proposition of this kind? Am I to take it that they are any the less interested in the integrity of the country than the Central Government or anybody for that matter in this House? Therefore here is an attempt on the part of the Congress Government to circumvent certain Constitutional obligations, namely, the need for consultation with the States. They want to do it on their own because they know they won't get their support. When they are falling nobody knows. They are counting the days. Well, the days are not very far I hope. Therefore they have taken up this legislation. Normally, Madam Deputy Chairman, even if Parliament has jurisdiction to pass such things under the Concurrent List, the custom is, the practice is, the usage is, the convention is that the State Governments are consulted over such matters. It is not written in our Constitution in so many words but over so many years we have developed certain healthy conventions that when a law of this kind, which will be applied by the State Governments under the jurisdiction of the States and which although passed by the Centre directly concerns the States very much, the States are consulted. But here the States are not consulted simply because they know that the majority of the States will be against this measure and their claim to speak in the name of the nation would be thoroughly exploded.

SHRI B. K. P. SINHA (Bihar): May I put one query? I would like to

know which are the nine or ten States which are being ruled by the amalgam of parties which desire that secession should be preached? If there is one let us be enlightened.

SHRI BHUPESH GUPTA: Well, if you do not know which States are ruled by parties other than the Congress, I sympathise with you because of your colossal ignorance in this matter. You are a totalitarian I am told and therefore you are under no evil influence I suppose.

Now, we have got a Federal Government.

SHRI B. K. P. SINHA: No; it is not; it is a Union.

SHRI BHUPESH GUPTA: It is not a rigid unitary Government. You can say, like many other things, it is a cross between a unitary Government and a federal Government. Even in such a situation it is necessary to consult the States. In the United States when the racial riots took place you know how a special problem arose with regard to Federal army being sent to the areas of trouble and how they were scrupulous about the federal ideas and the federal principle even when the situation eminently demanded intervention on the part of the Federal Government. Now, they have not done it. But here Mr. Chavan is a law unto himself. Even he is not the author of this. It was done when Mr. Gulzarilal Nanda, that celebrated Home Minister, was in office and it was done at the instance of certain officials. We know very well. Then it was thrown into cold storage. Now Mr. Chavan comes and he has swallowed everything. He is eminently fitted into the Home Ministry; he accepts everything. I do not know; I thought when he came from Maharashtra he was a fighter and with the same independent spirit and with the same independent ideas he would be looking at things but no. Now I find that he is a prisoner in the hands of the officials. Everybody knows that. In Delhi Mr. Chavan the

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great fighter of Maharashtra has become a miserable prisoner in the hands of Mr. L. P. Singh and other Secretaries of his Ministry because he thinks he cannot do without them and the Secretary knows certain weakness of his. Now, Madam Deputy Chairman, this Bill, as I said, was put in the cold storage. At the election time they kept it a secret; they did not bother about that. After the elections, even though they have got such a trouncing and beating in the elections, they are bringing this. Before they are out they want to get this thing passed. I think this is not fair. You should take the electoral mandate a little seriously. The Opposition parties may have differences among themselves but we have certain common opposition also and this is one measure which we all oppose. The entire Opposition who between them represent 60 per cent and more of the electorate and who represent at the Government level in the States a greater number—9 out of the 17 States in India are with us—signify our opposition in a collective and strident voice against this measure; yet the Home Minister of India has the impudence and arrogance to say that he will have his own way. Are you functioning in a spirit of democracy? No; you are functioning in an authoritarian spirit simply because somehow or other you cling on to your majority here. We know how you are holding on to it. Therefore I say this is extremely unfair, unfair to the nation, unfair to the Constitution, unfair to the spirit which should guide parliamentary democracy and unfair certainly to the Opposition in the extreme. That is what I say.

Now he said, 'Oh, this is nothing; the Central Government is the sole authority.' The people who sit in the South Block or the North Block—I do not know in which Block these people sit—are the authority. This sort of facade will not do. The Central Government will decide and declare some people or some associa-

tion illegal and that is law. And it will go to the tribunal which under the existing scheme of the Bill will, have no power, except to look at the papers placed before it by the Central Government and then pronounce judgment. We know the best of the Judges with the best of intentions cannot give a proper and objective verdict when a one-sided version is before him. The aggrieved party or those who are likely to be attracted by the measure will not be in a position to make representations, or contest the evidence given by the other party which wants to declare a party or an association illegal or prosecute people under this measure. Therefore this is very wrong. This is an authoritarian measure. You will say, don't: the people want integrity of our country? Everybody wants integrity of our country. The integrity of the country is being preserved despite the Congress. The integrity of the country is being cherished by the nation as a whole because the people love their country. Rely on that instead of trying to point a pistol at them and tell them at pistol point, 'You accept what I say or else be shot'. This is not the way of democracy. This is not the way of parliamentary life. It is a slur on the nation; to say that the people are creating such a situation that the integrity of our country is threatened is to defame our country before the world and that is the impression you are creating today. If some people somewhere say something, it does not mean that you should pass an overall drastic legislation of this kind altering the letter and spirit of the Constitution, going beyond the limits of the rule of law, arrogating to yourself certain functions not envisaged by parliamentary institutions. Therefore I say this is entirely wrong.

You see Chapter II of the Bill about declaration of an association as unlawful and what is said in clause 3 here. I need not now go into all those details because all this will be discussed when it goes to the Select Committee. We are opposed to Select

Bill and our participation in the Select Committee is to oppose it in principle as well as in its specific provisions. It says here:

"If the Central Government is of opinion that any association is, or has become, an unlawful association, it may by notification in the Official Gazette, declare such association to be unlawful. Every such notification shall specify the grounds on which it is issued and such other particulars as the . . .

And so on it goes. It is all procedural. Here it is • a subjective test and the test is whether the Central Government is satisfied or not. Who are you to be entrusted with this responsibility? Who are you to sit in judgment upon the nation? Because you are a party which has been rejected in the majority of the States. You have certainly got a majority responsibility? Who are you to sit here, a body of men calling themselves Council of Ministers lacking in moral and political authority, do they want to take upon themselves this task of judging whether somebody else to their view should be declared legal or illegal? This is asking for too much. Even in British Parliament such powers are not given. There are many other countries in the world and many things are happening there but nobody comes there off and on with legislations of this kind. We know in England there was a movement some time when the people even talked of separation of Wales from the rest of England but nobody there thought of a measure of this kind. These are political questions to be politically met and politically solved. We think we are strong enough. Despite our differences our public opinion is assertive, vigilant, constructive and forceful enough to prevent any kind of action which would lead to the disintegration of this great country. For that we need not have this kind of petty mean-minded horrible legislation which is an insult to our great nation, which is a blot on our Constitution and¹ which only shows the arrogance, lack

of imagination and utter bankruptcy of those who propose such a measure. Therefore, I say it is entirely wrong, Mr. Chavan, well, perhaps would never understand. The Home Minister understands his mistakes only after he is overthrown. That is my experience. You see Mr. Gulzarilal Nanda. He is forming all kinds of associations inviting all kinds of people. All of you are being invited. The great Gulzarilal Nanda, the mighty figure, stood here day after day, shouting, haranguing, lecturing and he threatened all kinds of things. Today he has been thrown into oblivion seeking some limelight by forming association, by doing some little things here and by making a little speech there, I am not saying that Mr. Chavan is going to meet the same fate. His is playing for high stakes. Everybody knows it, but why a measure of this kind I should like to know from him. Therefore I say that it is an objectionable measure in every way.

Now, there is the Tribunal. I know the Congress Party men. They will support the Minister, although they may be thinking of defections. That is a different matter. But here on the floor of this House, so long as they do not defect, they at least pretend that they are loyal, forgetting that at night. Again, you read the provision relating to the Tribunal. It is a facade, it is a face-lift presented in a particular manner. The provision does not invest itself with any principles of judicial examination of the proposition before it. It is conceived as a kind of rubber stamp to hoodwink the masses. Of course the Judges will be embarrassed. Therefore, that is a very wrong thing. Madam Deputy Chairman, any kind of act can be declared as harmful to the territorial integrity of the country and all that. You will find that the definition is very wide. It is not as if somebody is acting. Symbols and very many other things are provided here, which may make one laugh. Therefore, the entire scheme of things

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is preposterous. The more one thinks, the more one feels shocked, shocked not because the Congress is passing this measure, because the Congress is habituated to this kind of thing, but shocked because we are behaving as if our Constitution does not protect our integrity, as if it is absolutely useless unless certain legislations are there in order to bolster it up. It is an entirely wrong approach. I say 'that this measure is going to be utilis-ed for persecution, for intimidation, for harassment of the Opposition and other people with whom the Congress cannot agree. We know how they treated the DMK. Even after the DMK had given up its secessionist slogan, the Congress did not treat the DMK properly. In fact, this measure was conceived at that time in the context of the DMK, but the DMK has changed. They have given it up. They have ousted the Congress. The DMK, which was sought to be curbed by this measure earlier, is today ruling Madras and your Kamaraj and others have been ousted from Madras. Does it not offer you any lesson that whom you suspected in the past as having acted against the territorial integrity or other things in the country, in them the people are placing more and more confidence because you hide corrupt things.

THE DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: Finally, ^before I sit down, I wish "you had given me a little more time. All I can say is we condemn this measure, we condemn it with all our strength. We know that this measure would not be passed by the people of India nor would it be passed by all the State Legislatures, the majority of them at least, if you had referred it to them. The Congress Party, using their majority here would get it passed, a measure which they in their heart of hearts know is anti-democratic, anti-people, malicious, and in its scheme and posture highly aggressive against

democracy. That is why I oppose it f must tell you frankly, Mr. Chavan, since he has been in the Home Ministry, is passing measure after measure which does not respect democracy. It shows greater respect for democracy in their very falsification. He has come forward with two measures, which have been passed, in the face of the entire Opposition of the country, representing the over-whelming majority of the people. This is most objectionable. I wanted to raise many legal points, constitutional and other points. I do maintain that this measure has got to be resisted.

As far as the Joint Select Committee Members are concerned, see how they have selected them. I have some suggestions regarding the names. Now, the first name is lilr. Abid Ali. What a democrat? You see~ in order to improve the Bill they have chosen Mr. Abid Ali as the first man. It is something like passing a judicial legislation or a code or rule of law by a Committee consisting, shall we say, of Goebbels or Goering. I atn not saying that he is capable of that, but the name itself shows that they do not think of others here. They do not believe in men like Mr. Sapru and others. You have put Mr. Abid Ali as the first name. I do not know why his name has been put .

SHRI M. N. KAUL (Nominated): It is alphabetical.

SHRI BHUPESH GUPTA: Alphabetical. There are other people. For example, you have the name of Mr. Awadheshwar Prasad Sinha coming under 'A'. It is not 'A'. It is something more than that. Well, other names have been given. We shall see what we can, but I think the names also should be considered in regard to the Joint Select Committee, if you want to improve the measure from a democratic angle. It is impossible to improve it, but then people like Mr. Abid Ali should not be there.

I again say that Mr. Chavan is riding a high horse. Mr. Chavan, I think, wants to make it known to the country that he is a very strong man and, therefore, he is presenting one measure of this kind after another, because the weakneed people in the Congress Party are thirsting for what they call a strong man forgetting democracy. Strength and democracy must go together. Mr. Chavan is strong for autocracy, for bureaucracy, for oppression, for flouting the will of the people for disrespecting and insulting the Opposition. The country does not want such Ministers, when the country has made a parting of the way from the Congress regime. That has already come about. I think Mr. Chavan is entirely wrong. He is taking the country's political system and constitutional principles to ruin for the sake of bolstering up bureaucracy maybe his personal ego and certainly the tottering, rotten Congress regime which lacks in moral strength, which lacks in courage, which lacks in faith in the people and which lacks in all that is decent and human in our society. Thank you.

श्री बी० एन० मंडल (बिहार) :

उपसभापति महोदया, अभी जो बिल इस हाउस में पेश हुआ है मैं उसका विरोध करता हूँ। हम लोगों ने इतिहास में यह भी देखा है कि किस तरह जनतन्त्र को जनतांत्रिक रास्ते से खत्म किया जा सकता है, इस बात को हम लोग यूरोप में हिटलर के समय में देख चुके हैं। मुझे मालूम पड़ता है कि हिन्दुस्तान की स्थिति जैसे जैसे बद से बदतर होती जा रही है उसी सिलसिले में कांग्रेस की सरकार धीरे धीरे जनतन्त्र को जनतांत्रिक रास्ते, जनतांत्रिक तरीके से खत्म करती जा रही है। आज जो बिल हम लोगों के सामने आया हुआ है उस बिल के सिलसिले में हम लोग देखते हैं कि जो हिन्दुस्तान का संविधान है और जिस तरीके से संविधान को अमल में लाना चाहिये उस सारे तरीके को तोड़ कर आज यह विधेयक लाया गया है।

हाल ही में सुप्रीम कोर्ट ने जो फैसला दिया है उस फैसले में कहा गया है कि जो फंडामेंटल राइट्स कांस्टीट्यूशन के अन्दर में दिये हुए हैं उनमें कोई तब्दीली नहीं आ सकती है, उसका कोई अमेंडमेंट नहीं आ सकता है। लेकिन आज जो बिल लाया गया है उस बिल के जरिये उन्ही फंडामेंटल राइट को दूसरे अप्रत्यक्ष तरीके से तब्दीली करने की कोशिश की जा रही है, इसलिए मैं समझता हूँ कि अप्रत्यक्ष तरीके से कांग्रेस की सरकार उसी संविधान के नाम पर उन्ही संविधान को खत्म कर रही है। ऐसे रास्ते को यह सरकार अपना रही है।

दूसरी बात, जिस मतलब से यह बिल लाया गया है उसमें कहा गया है देश की स्वतंत्रता देश की एकता को कायम रखने के लिये हम यह बिल ला रहे हैं। लेकिन देश की एकता आज किसके जरिये खत्म हो रही है? आज अगर कोई कानून बनना चाहिये तो यह बनना चाहिये कि इस देश की केन्द्रीय सरकार में जो मिनिस्टर रहे हैं और जिन मिनिस्टर्स के जरिये इस देश की स्वतन्त्रता को संकट आया और इस देश की जमीन चली गई, उनके बारे में इन्क्वायरी होनी चाहिये और उन लोगों को कठघरे में रख कर सजा देनी चाहिये। हमने देखा वर्मा के साथ मनीपुर का एक भाग पंडित जवाहरलाल नेहरू ने वहाँ के प्रधान मंत्री के साथ मिल कर किस तरह दोस्ती में दे दिया, उसी तरह पाकिस्तान के साथ जो बातचीत हुई उसमें बेरुबाड़ी पाकिस्तान को दे दिया गया। जो हिन्दुस्तान की सीमा है वह दिनों दिन सिकुड़ती जा रही है। क्या ऐसे मिनिस्टर जिनके रहते हुए ये सारी बातें हुई हैं, क्या वे लोग सजा के भागी नहीं हैं, क्या उन पर इन्क्वायरी नहीं होनी चाहिये, क्या उनको इस बात की सजा नहीं होनी चाहिये? लेकिन इसके बदले आज जो बिल लाया गया है उसके जरिये ऐसे लोगों को सजा देने की कोशिश की जायेगी जो लोग उन बातों को उठायेगे। वे लोग जेल में रखे जा सकते

[श्री बी० एन० मंडल]

हैं, उनको सजा देने के इरादे से यह बिल है, इसलिये मैं इस बिल का विरोध करता हूँ और मैं चाहता हूँ कि हमारे गृह-मंत्री इस बिल को वापस लें। आज देश की स्वतन्त्रता को कायम रखने के लिये, देश की एकता को कायम रखने के लिये यह जरूरी नहीं है कि कानून बना कर ही रखा जा सकता है। देश में एकता रखने के लिये जो वातावरण कायम करना पड़ेगा उस वातावरण को कायम रखने का सजा देना रास्ता नहीं है बल्कि उसका रास्ता यह है कि देश में ऐसा काम किया जाय जिस काम के जरिये इस देश की एकता हो और जनता महसूस करे कि हिन्दुस्तान मेरा है, इससे हमारी रक्षा है और इसकी हमें रक्षा करनी है, इसको कायम रखना हमारे अस्तित्व के लिये जरूरी है—ऐसा एक एक आदमी महसूस करे, इस तरह का इंतजाम और इस तरह का कानून होना चाहिये, लेकिन आज जो कानून बन रहा है, जो सरकार की कार्यवाहियां हो रही हैं उनके जरिये आज देश के अन्दर विद्रोह की भावना फैलती है और आदमी चाहता है कि हम द्वाविड़िस्तान बनाएं, बिहार का आदिवासी चाहता है शाइखंड बनाना, नगालैंड अपना अलग क्षेत्र बनाने की कोशिश करता है। इस तरह आज हिन्दुस्तान के लोग जो जहां है हर जगह तंग होकर, पक्षपात से बदइंतजामी से, घूसखोरी से और बड़े बड़े जो सेठ साहूकार हैं उनकी दोस्ती मंत्री के साथ होने की वजह से, तबाह होकर चाहता है कि किसी तरह से सरकार से विद्रोह करे। इस सिलसिले में आंदोलन होते हैं और उस आंदोलन के सिलसिले में लोग अलग होने की कोशिश कर रहे हैं। इसलिये कानून लाना इसका कोई रास्ता नहीं है, उसका रास्ता है अच्छा इंतजाम। अच्छे इंतजाम के लिये जो भी ये कहें उसको करने के लिये हम तैयार हैं। जिस समय इन्टीग्रेशन की कमेटी हुई थी, जिस कमेटी का ये जिक्र करते हैं और जिस कमेटी की रिक्मण्डेशन पर इन्होंने एक बार अमल किया है और दूसरी बार अमल करने चले हैं, उस

साथ भी इनको कहा गया था कि जो आपका इंतजाम चल रहा है उस इंतजाम के जरिये हिन्दुस्तान की स्वतन्त्रता नहीं रह सकेगी और हिन्दुस्तान की एकता कायम नहीं हो सकेगी। लेकिन उस दिन के बाद से आज तक जो इनका इंतजाम चला है वह गलत तरीके का इंतजाम चला है। यह जो ट्रिब्यूनल कायम करना चाहते हैं उसका मोटिव क्या है, क्या उसमें सारे अधिकार सेंट्रल गवर्नमेंट अपने हाथ में ले लेगी। चेयरमैन की क्या क्वालिफिकेशन होगी, कौन होगा, ये सारी बातें इन्होंने अपने ऊपर ले ली हैं। इनका विश्वास आज देश के न्यायालय पर से उठ गया है, आज जो न्यायालय है और जो कानून की व्यवस्थाएं हैं उनके रहते वे काम नहीं चला सकते हैं। फिर क्या कारण है जो इस तरह का बिल ला रहे हैं? जो सीधा रास्ता है उस रास्ते से नहीं जाना चाहते हैं, वह टेढ़े रास्ते से अपने पोलिटिकल दुश्मन को साधने के लिये या उसके ऊपर जबरदस्ती करने के लिये यह बिल ला रहे हैं, इसलिये मैं इस बिल का विरोध करता हूँ।

श्री शीलभद्र याजी (बिहार) : माननीय उपसभापति महोदया, मैं इस बिल का समर्थन करता हूँ। इस पर कामरेड भूपेश गुप्त ने जो दलीलें पेश कीं और मंडल जी ने जो बातें कहीं उनको धुनकर बहुत आश्चर्य हुआ और भालूम हुआ ये लोग कूप मंडूक हैं, ये लोग जिस तरह से कुएं में फाग बंटे रहते हैं, उसी तरह से इनको पता नहीं है कि देश में ही क्या रहा है। इन्होंने वर्णन किया पोलिटिकल पार्टीज का लेकिन इन्हें मालूम नहीं चाहे नागालैंड का निर्माण हो, शाइखंड हो, या और कोई बात हो, यहां पर भाषावार प्रान्तों के निर्माण के लिये कोई मुमानियत नहीं है। लेकिन बात असली क्या है, यह देखने के लिये मीजो हिल्स और नागालैंड चले जाय वहां जो कुछ हो रहा है उसको देखकर मैं तो यहां तक कहूंगा कि मैं अपनी सरकार की मजबूत करता हूँ कि वहां ग्रीक से मरणा

नहीं होती और सरकार बमजोर नीति दिखलाती है। नेशनल इन्टीग्रेशन कमेटी के निर्णय के बाद यह बिल लाने में इतनी देर हुई जिसका नतीजा क्या हुआ कि नागालैण्ड में उनकी आरमी बनती है, उनको बाध्यता परेड होती है, दो तिहाई मनीपुर उनके पास चला गया, होस्टाइल नागाज को जगह यह सब काम क्या हो रहा है? हमारी नरम नीति का परिणाम है कि अभी तक इन लोगों को लिक्विडेट नहीं किया, सेना चाहती तो कब के उनका दमन कर देती लेकिन आज परिस्थिति ऐसी है कि हम होम मिनिस्टर से कहते हैं कि वह बीरता दिखलाएं। मैं समझता हूँ चत्तान साहब बहादुरी दिखलाना चाहते हैं लेकिन देश की परिस्थिति कुछ दूसरी है। क्यों नहीं नंदा जी इस विधेयक को पहले ही ले आए और जो कुछ नागालैण्ड में हो रहा है, मनीपुर और मीजो हिंसा में हो रहा है उस पर कुछ रोक लग गई होती। जहाँ तक देशभक्ति का सवाल है नोरेन घोष को छोड़ दीजिए, कामरेड गुप्ता को छोड़ दीजिए जो किसी और के इशारे पर देश को बेचने के लिए तैयार रहते हैं, मगर हमको एम०एम० पी० पर तरस आता है जो अपने को पैट्रिआटिक कहते हैं, जनसंघ भी बड़ा पैट्रिआटिज्म का नाम लेता है वे दबी जबान में ही सही, क्यों नहीं इस विधेयक का समर्थन करते हैं। मास्टर तारा सिंह की धमकी होती है कभी कभी सिखिस्तान बनेगा पाकिस्तान को मदद से या किसी न किसी तरह से। यह ठीक है डो०एम०के० पार्टी ने कहा हम हिन्दुस्तान से अलग होने के नारे को छोड़ देते हैं लेकिन जब चावल सबसिडाइज्ड रेट पर नहीं मिलेगा तो फिर वही राग अलापना शुरू कर देंगे। इसके साथ कामरेड भूपेश गुप्त को अभी भी जनता के नाम पर उनकी वकालत करनी पड़ रही है।

श्री भूपेश गुप्त : कामरेड के० बी० सहाय को पुछिये।

श्री शीलभद्र याजी : देशभक्त बनने की कोशिश कीजिए। इनलिये कहता हूँ कि आज उनके काउंटर पार्ट ने नक्सलवाड़ी में अपना विघटन-कार्य शुरू कर दिया, तब तीन चार महीने में ही भूपेश गुप्त और उनकी पार्टी को ऐसी मार लगेगी कि जो उनकी भाजिशें हो रही थी तीन महीने में पश्चिमी बंगाल को भारत से पृथक रिपब्लिक डिक्लेयर करने वाले हैं, उन देशद्रोही तत्वों को हटा देना पड़ेगा। इनके लिये यह बिल लाजमी बिल है लेकिन बहुत लैट हो गया, हर एक देशभक्त का फर्ज है कि इसको कसौटी समझे कि कौन देश भक्त है कौन देश के साथ रहना चाहता है, देश की एकता रखना चाहता है, इस देश की सुरक्षा चाहता है, उसको एक स्वर से इस बिल का समर्थन करना पड़ेगा। मैं आर्गुमेंट आप को दूंगा। सर्वप्रथम मैं यह कहता हूँ कि सरकार की नरमी को वजह से कुछ ऐसी परिस्थिति का निर्माण होता है। श्री भूपेश गुप्त ने डिमोक्रेसी का हवाला दिया मगर कामरेड भूपेश गुप्त के हाथ में डिमोक्रेसी को हत्या सबसे पहले होगी जबकि उनकी सरकार बने। वह इस दृष्टि से है कि वह डिमोक्रेटिक सोशलिज्म में विश्वास नहीं करते हैं। डिक्टेटरशिप के बगैर समाजवाद होगा। जो यह सिद्धान्त वे मानते हैं वह असली कम्युनिस्ट नहीं होते जो डिक्टेटरशिप में विश्वास नहीं करते। तो उनकी बात जाने दीजिए, उनके लिये तो बगैर डंडा के काम नहीं होगा।

तो मैं इस बिल का समर्थन करता हूँ और चत्तान साहब से दरखास्त करता हूँ कि इस विधेयक को डिफ्री की तरह समझकर काम करें और जो डिफ्री का विरोध करेंगे वे रूत के साइबेरिया की तरह कैम्प में 6 P.M. जायेंगे, या कहीं और वहाँ भेजे जायेंगे। और उनसे यह कहा जायेगा कि यह माउ साहब के कैम्प की तरह है, आप वहाँ जाइये। इसलिए आप से जो दरखास्त की जा रही है वह यह है कि आपको आज देश की परिस्थिति को देखना चाहिये।

[श्री शीत भद्र याजी]

मैं आपको बहुत समझाऊंगा और इसी वजह से देशभक्ति का लोचन दे रहा हूँ। आज सबसे जरूरी बात यह है कि ऐसे ऐसे लोग, जो पढ़े-लिखे हैं और थोड़ा भ्रष्टाचार जो तो समझदार आदमी हैं और हम यह सोच रहे थे कि जब वे योरुप से अभी ताजा होकर लौटे हैं तो अच्छी बात बोलेंगे, लेकिन उन्होंने इस विधेयक पर गाजी निकालना शुरू कर दिया और पार्लियामेंट में इस तरह के शब्द बोलें जो उन्हें नहीं बोलने चाहिये थे। तबिय यह जरूरी है कि उन्हें इस बात को समझाया जाय कि आज देश को क्या परिस्थिति है। सबसे पहले मैं उन्हें नागलैण्ड ले जाऊंगा।

SHRI M. N. KAUL: Madam, it is 5.00.

THE DEPUTY CHAIRMAN: Let him finish.

AN HON. MEMBER: Let him continue the next day.

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF ANSWER TO STARRED QUESTION NO. 261 RE MONEY COLLECTED BY THE CEMENT INDUSTRY

THE DEPUTY CHAIRMAN: Half-an-hour discussion. Mr. Mathur.

SHRI HARISH CHANDRA MATHUR (Rajasthan): Madam Deputy Chairman, the discussion which arises out of this question had a deep bearing on two major issues in public life with which we all feel deeply concerned.

[THE VICE-CHAIRMAN (Shri Akbar Ali Khan) in the Chair]

Mr. Vice-Chairman, "it has to be viewed in a certain background and what we are considering today is how, firstly, political life at the top is to function, whether we can keep corruption away from those who are in political authority at the highest level,

and, secondly, the role which the private sector has to play, the corrupting influence which the Private sector has in the present circumstances and how it comes into play, what is the position, role and responsibilities which we are going to assign to the private sector.

We have accepted a mixed economy—and advisedly so—in the circumstances in which we live. And in this mixed economy if the private sector is to play a dignified role, is to occupy a place of honour, is to be respected and is to continue, then it will have to behave and it will have to give an account of itself. Let us examine this particular issue which throws a fund of light on our political life and on the functioning of the private sector.

j When cement decontrol was first ordered, Mr. Vice-Chairman, we raised serious objections in both the Houses because we visualised certain difficulties. My fundamental objection was that you are giving a rise of Rs. 13 per tonne to the cement manufacturer; of course, 50 per cent of which was to go to the public undertakings was to be at a particular concessional rate. But the poor man, the agriculturist and the citizen was to pay Rs. 13 per tonne more to the cement manufacturers. What for? So that the cement industry might have additional Rs. 25 crores amassed during the next Five Year Plan. And to this might be added another Rs. 70 crores to Rs. 80 crores to be advanced by some of our financing institutions—again, public money—so that the industry might expand. Now, if this is the nature of the socialistic pattern which we could put forward, I do not know how anybody sitting on this side will be able to defend it. You collect Rs. 25 crores from the poor consumer, put it into the pockets of those industrialists, you give them additionally Rs. 70 crores to Rs. 80 crores from your financing institution s; they enlarge it and it becomes their personal property. That is how we had visualised. But still we swallowed