

RAJYA SABHA

Saturday, the 10th December, 1966/
the 19th Aগ্রহায়ণ, 1888 (Saka)

The House met at eleven of the
clock, THE DEPUTY CHAIRMAN in the
Chair.

STATEMENT RE. STARRED QUES-
TION NO. 331 ANSWERED ON THE
9TH AUGUST, 1966

INDUSTRIAL PROGRAMMES FROM RADIO,
KANPUR

THE DEPUTY MINISTER IN THE
MINISTRY OF INFORMATION AND
BROADCASTING (SHRIMATI NAN-
DINI SATPATHY): Madam, I am
making this statement with reference
to the Starred Question No. 331 which
was answered in the Rajya Sabha on
9th August, 1966. One of the supple-
mentary questions asked by Shri
Arjun Arora was:

"May I know if the advisability
of relaying industrial programmes
from Radio Stations like Kanpur
has been considered by the Gov-
ernment?"

To this, the Minister of Information
and Broadcasting replied as under:

"That means labour programmes
from Kanpur? Well, I do not think
so. Anyway, this is a suggestion for
action. Even if it is vague we shall
consider it."

I am desired by the Minister to place
the correct position before the House.
The Lucknow Station of A.I.R. broad-
casts a daily programme for indus-
trial workers from 6.15 to 6.45 P.M.
and this programme is heard by in-
dustrial workers of Kanpur through a
number of radio sets specially instal-
led at Labour Welfare Centres, indus-
trial establishments, etc. In planning
these programmes, the interests of
labourers are kept in view as they
constitute the main audience of this
programme. A considerable proportion

of the talent for this programme is
drawn from among the industrial wor-
kers of Kanpur.

CALLING ATTENTION TO A MAT- TER OF URGENT PUBLIC IMPOR- TANCE

DEMAND FOR THE LIFTING OF THE EMERGENCY

SHRI BHUPESH GUPTA (West
Bengal): Madam, I call the attention
of the Minister of Home Affairs to
the public demand for the lifting of
the emergency?

THE MINISTER OF HOME
AFFAIRS (SHRI Y. B. CHAVAN):
Madam, the question regarding the
revocation of the proclamation of
Emergency has been thoroughly discus-
sed in this House as well as in the
Lok Sabha on a number of occasions.
The policy of the Government has
been clearly stated in a number of
statements made by my predecessor
in this House. The situation in cer-
tain border areas, to which attention
of the House was drawn in his state-
ment of 5th May, 1966, continues to
be such as to threaten the security
of those areas.

The need for the continuance of the
Proclamation has been kept under
view in the light of external threats
and factors bearing on national secu-
rity. On an over-all assessment of
the situation, no change in the exist-
ing policy of Government is called for
at present.

SHRI BHUPESH GUPTA: We are
surprised by this statement. The
Emergency was proclaimed four years
ago when the Chinese forces entered
the Indian territory, and under the
Constitution the Proclamation said
"on account of the grave external
threat arising out of the aggression..."
and so on. Today we find the Gov-
ernment continues the Emergency all
over the country. The state of emer-
gency exists, whether you believe or
not, by administrative order. It is

[Shri Bhupesh Gupta.]

an entirely different matter. The state of emergency exists all over the country which means that certain provisions of the Constitution stand suspended and certain things cannot be taken to the court of law at present. And the Defence of India Rules also exist. Now I should like to know why the Government in the middle of the year was giving an indication that the Emergency might be lifted. Then why the Government has suddenly decided that no change is called for? Is it not a fact, Madam, that retired Judges and others of High Courts and the Supreme Court and the former Attorney-General of India, Mr. M. C. Setalvad, who was not consulted when the Defence of India Rules were proclaimed when he was the Advocate-General, and many others have demanded that the Emergency must go, that there is no justification for the continuance of the Emergency? Is it not a fact, I should like to know from the hon'ble Minister, that practically all the newspapers in the country without exception, have condemned the continuance of the Emergency irrespective of their political views and other things? Why in such a situation, when all the Opposition parties in the country without exception have demanded the lifting of Emergency, when the jurists, lawyers and others have demanded the lifting of the Emergency, when the newspapers have demanded lifting of the Emergency, when even the Government people had to say that the matter was under consideration, suddenly they continue this Emergency?

Madam Deputy Chairman, I should like to know from the hon'ble Minister whether he has taken into account the coming general elections? It would be scandalous and a shame if the fourth General Elections of our country were to take place under the shadow of the state of emergency.

THE DEPUTY CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: Permit us to say. Today is the last day. Madam, if a state of emergency existed in point of fact, then the general elections could not take place. The fact that we are holding nation-wide general elections shows that the situation is quite normal from the Constitutional point of view, and there is no need for the continuing of the Emergency. The ruling party keeps the Emergency alive in order to intimidate the Opposition in order to enable them to indulge in corruption and other things. (Interruptions.) I should like to know why Mr. Gulzarilal Nanda has gone. Now they are subjecting the whole country to a perpetual state of emergency.

THE DEPUTY CHAIRMAN: Now, let him answer.

SHRI BHUPESH GUPTA: There are many questions I should like to put to Mr. Chavan. He has taken over charge of the Home Ministry and we do expect some change at least in this matter. We feel very strongly about it. We feel insulted and humiliated in this matter. Therefore, I demand that before the General Elections, immediately the Emergency be lifted for the sake of the Constitution, democracy and free and fair election, and the partisan interest of the ruling party . . .

THE DEPUTY CHAIRMAN: That will do. You have taken five minutes.

SHRI BHUPESH GUPTA: . . . should not be allowed to stand above the principles of the Constitution. You must take recourse to the normal provisions of the Constitution. This is arrogant and impudent on the part of the Government to continue this state of emergency.

THE DEPUTY CHAIRMAN: Mr. Mulka Govinda Reddy, have you anything to say, or should the Home Minister reply to all the questions together?

SHRI MULKA GOVINDA REDDY (Mysore): Let the Home Minister

reply when all the questions have come.

SHRI Y. B. CHAVAN: I shall reply to all the questions together.

THE DEPUTY CHAIRMAN: I shall call Mr. Niren Ghosh. He is not here. Mr. Chatterjee. I hope you will not be putting a long question.

SHRI A. P. CHATTERJEE (West Bengal): Madam Deputy Chairman, article 352 of the Constitution was invoked for the purpose of proclamation of Emergency. Of course, as far as the Congress Government is concerned, it is abusing the Constitution right from the day when the Constitution was framed.

THE DEPUTY CHAIRMAN: You are again making a speech. You cannot take five minutes.

SHRI BHUPESH GUPTA: Why not?

THE DEPUTY CHAIRMAN: You must do it in two or three minutes, in 150 words.

SHRI A. P. CHATTERJEE: Without a preface the Minister does not understand the question. After all, the Minister's understanding capacity is a little lower than the general. Therefore, we have to preface our remarks.

THE DEPUTY CHAIRMAN: If you speak too long nothing can be understood.

SHRI AKBAR ALI KHAN (Andhra Pradesh): These are unwarranted remarks, Madam.

SHRI A. P. CHATTERJEE: What I am putting to the Minister is this that the Government took advantage of the provisions of article 352 to declare emergency. Now even according to these provisions Emergency can be declared on three conditions, either war, or external aggression or internal disturbance. (*Interruption.*)

THE DEPUTY CHAIRMAN: Let him put the question.

SHRI A. P. CHATTERJEE: Madam Deputy Chairman, the question of internal disturbances is out of account because on that ground the Emergency was not declared. Emergency was declared on the first two grounds, war or external aggression. Now not even an idiot will say that at present there is either any war or external aggression against India. If that is so, will the hon'ble Minister of Home Affairs say when the Emergency is going to be revoked. If there is neither war nor external aggression there is no purpose in continuing the Emergency. And, therefore, the Emergency should immediately be revoked. Let the hon'ble Minister say when the Emergency is going to be revoked, whether the Emergency is going to be revoked immediately or not. That is my first question.

THE DEPUTY CHAIRMAN: That will do.

SHRI A. P. CHATTERJEE: This is the last day. There is not much business today.

THE DEPUTY CHAIRMAN: Please hurry up.

SHRI A. P. CHATTERJEE: We have been under the emergency since 1962. It is unprecedented. I put another question to the Minister. The emergency has been declared but the sting is in the chain. As soon as emergency was declared, automatically, because of article 359 of the Constitution the Fundamental Rights under article 19 have become suspended. Now because of the emergency we are now deprived of the Fundamental Rights. We are deprived of those essential rights which are enshrined for us in article 19 of the Constitution. For four years we have been kept deprived of those rights. Will the Minister say for how long more we shall be deprived of those constitutional rights of free-

[Shri A. P. Chatterjee.]

dom of speech, freedom of assembly and all these fundamental freedoms without which democracy has no sense and without which democracy has no meaning.

Thirdly, the Government often goes with a big voice that ours is the biggest democracy. If it is the biggest democracy certainly the Minister does not mean that it is the biggest democracy because they have so arranged that the biggest number of people go to the polling booths. It should be the biggest democracy because the democratic rights are secured for us. If it is the biggest democracy, will the Congress Government really justify their boast which they make here as well as abroad by restoring to us the democratic liberties without which we have no democracy whatsoever?

Lastly I know that the Minister will begin to give his peroration on this question that some border countries are arming, that they are strong, etc. Has the Minister got any instance in the history of the world that just because countries on the borders are powerful or strong or are arming their armies, therefore, there should be emergency within the country on the borders of that strong country? Does the Minister expect that until the countries on our border lay down their arms in deference to the wishes of our Home Minister, we should have no democratic rights and the emergency will continue? I think the Minister does not... (*Interruptions.*)

THE DEPUTY CHAIRMAN: Mr. Murahari. I have called Mr. Murahari.

SHRI A. P. CHATTERJEE: This is my last sentence.

THE DEPUTY CHAIRMAN: It is a never ending sentence.

SHRI A. P. CHATTERJEE: What I am putting to the Home Minister is, does the continuance of the emergen-

cy demand upon whether the border countries are strong or not, and whether he is making this ridiculous condition?

SHRI G. MURAHARI (Uttar Pradesh): I would like to know from the Government whether the emergency has been declared as a result of the aggression on our borders by China and Pakistan and, if so, whether it is not a fact that during the last few years the stalemate that exists on our borders is likely to exist for ever and ever? As long as this Government is there, as long as this weak Government exists in this country, this situation on our borders is bound to exist for ever and ever. I would like to know whether the emergency would also exist for ever and ever and whether the Congress Government does not feel secure to rule this country without the emergency provisions? Because the way the emergency is being proclaimed in this country, it looks to us that the Congress Government is unable to rule this country without the emergency being proclaimed.

DR. B. N. ANTANI (Gujarat): As long as the Opposition exists.

SHRI G. MURAHARI: So I would like to know whether the emergency is actually an emergency against the Opposition because whatever the provisions of the emergency that are being used to-day are mostly against the Opposition parties. I would like to know how many have been arrested under the emergency during the last few years for spying or for going to the enemy to join the Armed Forces of the enemy? If that was the case I could have understood it.

SHRI BHUPESH GUPTA: Even the A.I.C.C. Sunil Das was not arrested.

SHRI G. MURAHARI: So I would like the Government to declare categorically whether they are prepared to restore the fundamental liberties of the people in this country by lifting

the emergency? Even in Britain when the war was on Britain took quite some time to enforce an emergency there but I fail to understand why this Government, with no war—and they have not fought any war and when they have to fight, I do not know what they will do—they are continuing this. Therefore I would like to know from the Government whether they are prepared to lift this emergency even now and fight the general elections on an even plane with the other parties.

SHRI MULKA GOVINDA REDDY: I would like the Minister to say, as the emergency was declared when China attacked India and even though there might be some threat on our borders, whether it is proper for the Government to continue the emergency power in the States where there is no border on the Pakistan side or the Chinese side? During an emergency we are going to have the general elections. May I know whether it has come to his notice in the name of emergency, elections to the local boards have not been held and they have made it a pretext to say that because of the emergency they are not going to hold the elections to local boards and municipalities in the Mysore State. Is it not improper to continue those who were elected 7 years ago as Presidents and members of those bodies? Has it come to the notice of the Government that they are freely making use of this emergency for arresting people who criticise the Government and to keep them in jail and release them only when they promise to vote for the Congress? An incident has happened in the Bangalore Corporation elections. This is how the emergency powers are misused for strengthening the party in power and when we want to face the general elections, is it not proper for the Government to create a climate where the liberties of the people are freely enjoyed without any interference or intimidation from the Government? Is it not proper and fair that if you want to have free and fair elections in the fourth

general elections that a situation should be created wherein the people can exercise their freedom freely and fairly? Therefore we demand that this pernicious emergency should be lifted immediately.

SHRI CHITTA BASU (West Bengal): Before putting the question I would say one sentence. The emergency was declared following the invasion by China upon India and the D.I.R. followed from that. May I know whether the Government can say that the D.I.R. was not used against any political persons who were really supporting the Government in the matter of fighting the foreign aggression? The D.I.R. was meant to be used to curb the anti-national practices by some people. May I know whether the D.I.R. was not used against parties whose patriotism is beyond doubt? May I know whether the Government has made any assessment as regards the misuse of the D.I.R. during the past few years?

As for myself I can show a photostat copy of an order which will clearly show how the D.I.R. has been used against persons not connected with any anti-national activity. Here, Madam, is an order from the Sub-divisional Officer where he says that if a particular cultivator does not pay his arrears of land revenue by a certain date, action will be taken against him under the Defence of India Rules.

AN HON. MEMBER: You can read it out

SHRI CHITTA BASU: I may read it out. It is in Bengali.

THE DEPUTY CHAIRMAN: There is no need to read it out. Mr. Basu, you can give the substance in English. You need not read.

(Interruptions.)

SHRI CHITTA BASU: I am speaking on the subject before the House, Madam. I am saying something specific and precise. The place is in

[Shri Chitta Basu.]

West Bengal, district Cooch Bihar. I will now give the gist of it in English. In this notice it is stated that Shri Mokhanlal Sogan should pay up Rs. 500/- and if he does not pay Rs. 500/- which he had taken as loan from the Government within seven days from the date of the receipt of the notice, action under the D.I.R. will be taken against him.

THE DEPUTY CHAIRMAN: You have said that already.

SHRI CHITTA BASU: Is it not important? Madam, you have allowed so many other Members. Why is it that I am not being allowed to speak? I am speaking on this particular subject and I am stating there has been this particular incident.

AN HON. MEMBER: Yes, it is very important.

SHRI CHITTA BASU: The Defence of India Rules were primarily meant to curb anti-national activities within the State. They are still being continued and I want to know why they are being continued and being used against an ordinary cultivator who could not pay back a loan to the Government? Therefore, my question is this.

SHRI AKBAR ALI KHAN: Mr. Basu, where is the proof or counter-proof for this?

SHRI CHITTA BASU: It is the common knowledge of all of us that the D.I.R. have been misused and abused for party purposes. The fact that they have been misused and abused by the Government for party purposes can be seen from this document.

THE DEPUTY CHAIRMAN: What is your question?

SHRI CHITTA BASU: May I know whether the Government has made any assessment with regard to the misuse and abuse of the D.I.R.

and if there has been any misuse and abuse by any officer of the Government, whether the Government is prepared to punish him or bring him to book? That is my first question. And my second question is . . .

THE DEPUTY CHAIRMAN: That will do.

SHRI CHITTA BASU: I want to know what is the number of those persons who were . . .

THE DEPUTY CHAIRMAN: I do want to appeal to you again not to repeat and thus take the time of the House in this way.

SHRI CHITTA BASU: I am not repeating.

THE DEPUTY CHAIRMAN: Come to your point. In fact you have repeated now what you had said earlier.

SHRI CHITTA BASU: I have only explained in English what is contained in that notice. My second question is this. May I know what is the number of persons in India arrested under the D.I.R., during this period? So far as I know from a foreign magazine, *The New Republic of America*, dated April 2, 1966, it is stated that about 50,000 Indians were arrested under the D.I.R. I want to know whether this is a fact or not.

SHRI BHUPESH GUPTA: According to our calculations it is about 75,000.

SHRI CHITTA BASU: Whether this is a fact or not, I want to know. And my second question is . . .

THE DEPUTY CHAIRMAN: It is your third question.

SHRI CHITTA BASU: It says here:

"It is not well known abroad that India has, in fact, been under a form of martial law ever since October, 1962."

This is published in a foreign magazine. What is the reaction of the Government to it, when that is the image of our country that is being projected outside?

SHRI G. M. MIR (Jammu and Kashmir): What is the name of that magazine?

SHRI ARJUN ARORA (Uttar Pradesh): Name that magazine. Its entry into India will be banned under the D.I.R.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): On a point of order, Madam. If any hon. Member quotes from any foreign magazine he is in duty bound under an obligation to name that magazine and also give out the nationality of that magazine.

SHRI CHITTA BASU: I said it is an American magazine, "The New Republic."

श्री विमलकुमार मन्नालालजी चौरडिया (मध्य प्रदेश) : उपसभापति महोदया, मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि यह संकटकालीन स्थिति 1962 से हमारे यहाँ पर प्रारम्भ की गई और वह भी जब हमारे ऊपर विदेशी आक्रमण हुआ। जहाँ तक आन्तरिक स्थिति का कारण बताया, 1962 के पूर्व जैसी स्थिति थी वैसी स्थिति आज है। यदि अभी भी हमारे शासन के ध्यान में यह हो कि विदेशी आक्रमण का हमको खतरा है तब तो वे घोषित करें। यदि नहीं है, तो 1962 के पूर्व जो स्थिति थी, उसमें हमको संकट कालीन स्थिति घोषित नहीं करनी पड़ी थी, आज किन कारणों से संकट कालीन स्थिति चालू रखे हुए हैं ?

दूसरी बात यह है कि आन्तरिक स्थिति को सुधारने के लिए क्या हमारे प्रिवेंटिव डिटेन्शन ऐक्ट और डिफेंस आफ इंडिया रूल्स अपर्याप्त हैं ?

तीसरी बात यह है कि जब हमारे ऊपर बाहरी आक्रमण की स्थिति नहीं है और जो हम चाहते नहीं इसके बावजूद यदि कहीं बाहर से आक्रमण का खतरा हुआ—अभी तो संकटकालीन स्थिति घोषित कर रखी है—वह खतरा आएगा, तो कौनसी स्थिति घोषित करने की कल्पना है, यह भी स्पष्ट करने का कष्ट करें।

श्री राजनारायण (उत्तर प्रदेश) : माननीया क्या मैं मंत्री जी से बिनम निवेदन कर सकता हूँ कि वे अपनी न्यायिक बुद्धि का प्रयोग करें और 352 अनुच्छेद का अध्ययन करें —

“यदि राष्ट्रपति का समाधान हो जाये कि गम्भीर आपात विद्यमान है, जिससे कि युद्ध या बाह्य आक्रमण या आभ्यन्तरिक अशान्ति से भारत या उसके राज्य क्षेत्र के किसी भाग की सुरक्षा संकट में है, तो वह उद्घोषणा द्वारा उस आशय की घोषणा कर सकेगा।”

इस अनुच्छेद को पढ़ने के बाद . . .

श्री ए० डी० मणि (मध्य प्रदेश) :
कहाँ से पढ़ रहे हैं ?

श्री राजनारायण : संविधान का अनुच्छेद 352 है। माननीय मंत्री जी इसको मनन करने और अध्ययन करने की कृपा करें और मनन अध्ययन करने के बाद मैं चाहूँगा कि वे इस सदन को स्पष्ट करें कि इस समय क्या कोई बाह्य आक्रमण की स्थिति है, बाह्य आक्रमण से राष्ट्र संकट में है या कोई आभ्यन्तरिक अशान्ति ऐसी है, जिससे कि राष्ट्र संकट में है। एक प्रश्न तो मैं यह जानना चाहता हूँ, जिसका सरकार की ओर से स्पष्ट उत्तर आना चाहिए कि क्या बाह्य आक्रमण की स्थिति से राष्ट्र संकट में है या भीतरी आभ्यन्तरिक अशान्ति से राष्ट्र संकट में है ?

[श्री राजनारायण]

दूसरा प्रश्न, मैं बहुत ही अदब के साथ निवेदन करूंगा, यह है कि क्या सरकार राष्ट्रीय सुरक्षा नियमावली का उपयोग विरोधी पक्ष को दबाने के लिए और उनके लोगों को गिरफ्तार करके जेल में रखने के लिए ही करेगी और जो लोग अब भी गिरफ्तार हैं—जिसके बारे में हमने माननीय मंत्री जी को पत्र भी लिख कर भेजा था—लखनपाल तिहाड़ जेल में बेचारा अब भी बन्द है, सुनते हैं कि तीन महीने के लिए उनकी अवधि और बढ़ा दी गई है, उनके बारे में भी सफाई देगे। मैं सरकार से जानना चाहता हूँ कि जिस तरह से सुरक्षा नियमों के अन्तर्गत गिरफ्तार करके हमें जेल में बन्द किया जाता है, सरकार ने उस अमीचन्द प्यारेलाल के ऊपर मुकदमा क्यों नहीं चलाया, जिसने एस० टी० सी० के एजेंट के रूप में सुरक्षा विभाग को 70 लाख रुपये के रद्दी टायर बेचे और जिनकी जानकारी इस समय के घर मंत्री और उस समय के सुरक्षा मंत्री श्री चव्हाण साहब को भी थी निजी तौर पर कि ये टायर खराब हैं, ये टायर डिफेंस विभाग को नहीं लेने चाहिए, फिर भी वे टायर खरीदे गए, तो उनके ऊपर मुकदमा क्यों नहीं चलाया गया? चौथा सवाल यह है कि . . .

उपसभापति : तीन सवाल ।

श्री राजनारायण : यह तीसरा ही मान लीजिए ।

PANDIT S. S. N. TANKHA (Uttar Pradesh): Madam, on a point of order. The hon. Member is giving wrong information absolutely. The tyres were not . . .

श्री राजनारायण : कोई पाइन्ट आफ आर्डर यहां नहीं उठता । क्या आपने मान लिया है, माननीया ?

उपसभापति : मान नहीं लिया, सुनती हूँ ।

SHRI BHUPESH GUPTA: Madam, on a point of order . . .

(Interruptions)

THE DEPUTY CHAIRMAN: Let him finish his point of order first.

SHRI BHUPESH GUPTA: No, Madam. Giving of right information or wrong information has nothing to do with the procedure of the House and hence there is no point of order.

PANDIT S. S. N. TANKHA: The tyres were not rotten tyres; they were over-sized tyres and they could not be ordinarily used but the same tyres were purchased in large quantities by the U.P. Government and were used by the U.P. Government Roadways.

THE DEPUTY CHAIRMAN: That is all right. Now, Mr. Rajnarain, your third question and the last.

श्री राजनारायण : माननीया, सुनिये । मैं बहुत ही शुक्रगुजार हूँ तन्हा साहब का, चूंकि उन्होंने कुछ रोशनी डाल दी । तो मेरी जो जानकारी है उसकी भी थोड़ी सत्यता जान लें ।

उपसभापति : उसके ऊपर बोलने की जरूरत नहीं है ।

श्री राजनारायण : कैरों साहब के पास जब वह रद्दी टायर गया, तो उन्होंने सेंट्रल गवर्नमेन्ट को लिखा कि डिफेंस विभाग उस टायर को नहीं खरीदे, तब भी डिफेंस विभाग में खरीदे गये । चव्हाण साहब को एक व्यक्ति ने खुद जाकर कहा कि डिफेंस विभाग गलत टायर को खरीद रहा है । चव्हाण साहब को पूरी जानकारी थी । उन्होंने शायद कुछ ऐक्शन लिया हो न लिया हो । उसके बावजूद वे टायर खरीदे गये । तो मैं कहना चाहूंगा, चकि उन्होंने सवाल उठा दिया कि श्री वाई० बी० चव्हाण क्यों नहीं गिरफ्तार किये गये, जिन्होंने डिफेंस के लिये रद्दी टायर लेकर हमारी सुरक्षा को कमजोर किया ।

तीसरा सवाल यह है कि इन्डियन वूलन मिल फेडरेशन ने 2 करोड़ रु० का माल खरीदा। हमने इस सदन में कहा था कि वह माल अभी तक पड़ा था। जब इस सदन में सवाल उठाया तो 7 तारीख को 12 लाख रु० का माल फिर दूसरे लोगों को दिया गया। तो उनके ऊपर डिफेंस आफ इन्डिया रूल क्यों नहीं कायम हुआ? कामर्स मिनिस्ट्री के ऊपर डिफेंस आफ इन्डिया रूल कायम होना चाहिए था। इसी तरह से बिड़ला की जितनी फर्म्स हैं, जो हिन्दुस्तान मोटर कम्पनी है, उसकी जांच हो रही है, तो उनके ऊपर क्यों नहीं गिरफ्तारी वारंट जारी की जाती, दूसरे लोगों के ऊपर क्यों नहीं गिरफ्तारी वारंट जारी की जाती, जिनके मामले पेन्डिंग हैं। खाली विरोधी पक्ष को दबाने के लिए इस डिफेंस आफ इन्डिया रूल का इस्तेमाल सरकार कर रही है, इसलिये मैं विनम्रता के साथ निवेदन कर रहा हूँ कि सरकार इसको वापस ले। आज इसका कोई औचित्य नहीं रह गया है।

SHRI M. N. GOVINDAN NAIR (Kerala): Madam, everybody has pointed out . . .

SHRI BHUPESH GUPTA: This is a national demonstration.

SHRI M. N. GOVINDAN NAIR: . . . that the emergency has been misused and it has been pointed out that more than 50,000 people were arrested in the name of emergency during all these years. All the papers in the country have condemned the emergency and wanted its withdrawal. Every jurist in the country wanted it to be removed. Even the High Courts and the Supreme Court have come out with remarks indirectly hinting that the emergency should be withdrawn. If all these will not force the hands of the Government . . .

SHRI G. MURAHARI: They are shameless.

SHRI M. N. GOVINDAN NAIR: . . . to lift the emergency what is left in the hands of the people in a democracy to force the hands of the Government to lift the emergency so that the Fundamental Rights of the people may be restored?

DR. B. N. ANTANI: I expected the statement of the hon. Home Minister to be more explanatory and convincing than it is. The only ground he has mentioned is the condition on a part of the border of the vast country of India. In view of this fact does the Government consider it honest and democratic to continue this emergency still?

(Several hon. Members stood up)

THE DEPUTY CHAIRMAN: Mr. Pande.

SHRI BHUPESH GUPTA: There are many on this side, Madam.

SHRI CHANDRA SHEKHAR: We should also get a chance.

SHRI BHUPESH GUPTA: The P.S.P. is here.

THE DEPUTY CHAIRMAN: I have called all the names. Yes, Mr. Pande.

SHRI C. D. PANDE (Uttar Pradesh): Madam Deputy Chairman, last year about eight months back we all in this House felt that the time had come when the emergency should be lifted, and our former Home Minister promised that he will do so. There was also some sort of an atmosphere in the country that there was no room for the emergency but the House knows fully well . . .

THE DEPUTY CHAIRMAN: Now you are not to answer.

SHRI C. D. PANDE: I am giving the background of this question.

SHRI BHUPESH GUPTA: No background.

SHRI C. D. PANDE: The background is that soon after we decided to lift the emergency, or at least to modify its application, there was an upsurge of sabotage and subversion.

SOME HON. MEMBERS: Question.

SHRI C. D. PANDE: Those who question should know what has happened in the last three months in the country. How many trains have been burnt? How many buses have been burnt? How much railway property has been destroyed? They must know that Mizos are being trained by Pakistan, that the Nagas are being trained by other unfriendly Powers. In view of such a situation may I ask the Home Minister, especially in view of subversion by the fifth columns and by the agents of foreign Powers, whether he will take steps—and not take a complacent view of things—to tighten the machinery and put down subversion with strong hands?

(Interruptions.)

THE DEPUTY CHAIRMAN: I have given the Opposition full time. Now, Mr. Akbar Ali Khan.

SHRI AKBAR ALI KHAN: Let us take an objective view of the situation. So far as the demand for the lifting of the emergency from the Opposition groups is concerned, I assure them that this side also desires the lifting of the emergency, but . . .

SHRI BHUPESH GUPTA: No but; nothing more.

SOME HON. MEMBERS: No. no. Nothing more.

(Interruptions.)

SHRI BHUPESH GUPTA: On a point of order, Madam. The parliamentary rule is this that when Members make statements they do that on their own responsibility and they do not permit themselves to be subjected to subsequent intimidation. After what he has said he cannot say anything more, because the pre-emption will be . . . (Interrup-

tions) . . . that he has been over-awed subsequently by the members of his party.

SHRI AKBAR ALI KHAN: I said in the beginning that we should take an objective view. That is what we feel but we should be honest to ourselves. Can anybody on either side of the House say that the threat of aggression by the two countries has completely been eliminated?

SHRI BHUPESH GUPTA: Tashkent spirit.

SHRI AKBAR ALI KHAN: We cannot say that. Let us face the facts. Can you say . . .

SHRI G. MURAHARI: But where . . .

SHRI AKBAR ALI KHAN: I am not yielding.

SHRI G. MURAHARI: . . . are you fighting the Chinese? Where are you fighting Pakistan? Where are you fighting at all?

SHRI AKBAR ALI KHAN: It is not a question of actual war; it is a question of the danger of war. Let us understand it.

Then there is the other thing, Madam. Can you say honestly that during the last six months there have not been subversive activities, there have not been violent activities? It is on account of these that I want to ask the Home Minister whether he is satisfied that the position on the borders and the internal situation in the country are such that he would recommend that the emergency should be lifted. That is what I want to know from him.

THE DEPUTY CHAIRMAN: Minister. (Interruptions) Order, order. I have called the Minister.

SHRI A. P. CHATTERJEE: On a point of order . . .

THE DEPUTY CHAIRMAN: No point of order. I have called the Home Minister. What is the point of order?

SHRI A. P. CHATTERJEE: My point of order is this. When the emergency was declared only on grounds of war or external aggression, it is absolutely out of order . . .

THE DEPUTY CHAIRMAN: There is no point of order.

SHRI A. P. CHATTERJEE: . . .
. . . to refer to any internal situation, subversion or sabotage, etc.

SHRI CHANDRA SHEKHAR: Do you think we should also adopt the same method?

(Interruptions.)

THE DEPUTY CHAIRMAN: Mr. Chatterjee, please take your seat.

SHRI CHANDRA SHEKHAR. May I know the method by which we can catch your eye?

THE DEPUTY CHAIRMAN: You can.

SHRI CHANDRA SHEKHAR: From the very beginning you are not allowing me to ask a single question.

THE DEPUTY CHAIRMAN: I am on my legs. Please take your seat first. There is a Calling Attention Notice and we know the procedure relating to the Calling Attention Notice. I have called all the names on the Calling Attention Notice. Everyone has asked a question. After that the Chair has discretion to choose the Members on this side and that side. I have done that also. If on a point of procedure you do not understand, I want to call the Home Minister and hear his views now. Home Minister.

SHRI CHANDRA SHEKHAR: We have also certain privileges on this side, you must know.

SHRI Y. B. CHAVAN: Madam, Deputy Chairman, a large number of Members . . .

SHRI BHUPESH GUPTA: Remember cow slaughter and Mr. Nanda.

SHRI Y. B. CHAVAN: Madam, a large number of Members have put their questions. As a matter of fact, they have explained their point of view without knowing some of the facts of the matter. The Proclamation of Emergency, as it was announced on the 26th October, is in these terms:—

"In exercise of the powers conferred by clause (1) of article 352 of the Constitution, I, the President of India . . . by this Proclamation declare that a grave Emergency exists whereby the security of India is threatened by external aggression . . ."

I entirely agree that this question of the continuance of the Proclamation of Emergency solely and exclusively depends upon the degree of threat of external aggression. I have no doubt about that. It has nothing to do with internal things. I concede that. There are no two opinions about it.

SHRI A. P. CHATTERJEE: Thank you.

SHRI Y. B. CHAVAN: Now, once we concede that position, then the continuance of the Proclamation depends upon an assessment of the threat from external aggression. The entire issue depends upon it. I do not want to confuse the issues. But what is your assessment of external aggression or the threat of external aggression?

SHRI A. P. CHATTERJEE: That is not in the Constitution. You cannot put words into the Constitution.

SHRI Y. B. CHAVAN: Now, you have said everything. Why do you not listen to me. You must see whether it is . . .

(Interruptions.)

THE DEPUTY CHAIRMAN: Order, order. I want the Home Minister to be heard without interruptions, just as he heard you without any interruption.

SHRI Y. B. CHAVAN: You are, really speaking, very conscious of the fact, very persistent about the rights of democracy and the right of democracy depends upon your patience—to hear the other point of view. Why are you impatient? Please listen. If you do not accept my point of view, you are free to have your own views on it. It is not merely the threat whereby the security of India is threatened by external aggression.

SHRI BHUPESH GUPTA: The fact of aggression.

SHRI Y. B. CHAVAN: You can make your arguments later on, but do not forget that aggression on certain territories of India still continues.

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order.

SHRI C. D. PANDE: China is still there.

SHRI Y. B. CHAVAN: I am mentioning both the facts, i.e., the threat of aggression and the fact of aggression. Both are there.

SHRI RAJNARAIN: I want to know whether foreign aggression is still continuing.

SHRI BHUPESH GUPTA: Mr. Chavan is quite right, but . . .

THE DEPUTY CHAIRMAN: Please listen to him. Just listen to his whole answer.

SHRI Y. B. CHAVAN: These are the basic things about it. Now, naturally I do agree with it. Impatience about these matters is understandable. The anxiety and the con-

cern of the Members of this hon. House for the removal of the Proclamation of Emergency is also understandable. I share that feeling, because of the love of the liberty of the people. I have no doubt about that. Certainly a time may reach when the Government will have to think very seriously about the removal or lifting of the Emergency.

SHRI BHUPESH GUPTA: Your Prime Minister said it in June.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI P. S. NASKAR): Why is this running commentary?

श्री राजनारायण : माननीया, होम मिनिस्टर साहब ने कहा है कि . . .

it is a matter between the Home Minister and the Prime Minister.

(Interruptions)

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Madam, I want to know whether you are presiding or some Members of the Opposition are presiding over the deliberations.

SHRI BHUPESH GUPTA: You are presiding.

श्री राजनारायण : माननीया, प्राइम मिनिस्टर ने कहा था कि अब बाहर खतरा नहीं है और अब घर मंत्री जी कह रहे हैं कि एग्जेशन इज स्टिल कन्टीन्यूइंग, तो हम कम की बात सच माने ?

SHRI Y. B. CHAVAN: I am not yielding.

THE DEPUTY CHAIRMAN: He is not yielding.

SHRI Y. B. CHAVAN: I am in possession of the floor of the House at the present moment.

SHRI BHUPESH GUPTA: You are in possession of the whole country. We want to possess you.

SHRI P. S. NASKAR: No House can be run like that.

SHRI Y. B. CHAVAN: We are certainly anxious about the particular position and the Government, therefore, is reviewing the position from time to time. Early in June 1963 they reviewed the position. In December 1963 they reviewed the position. In 1964 they reviewed the position. The fourth review took place at the end of the Indo-Pakistan conflict, i.e., after the Tashkent Declaration.

SHRI BHUPESH GUPTA: A mountain in labour producing a mouse.

SHRI Y. B. CHAVAN: We are aware that a very serious view has been taken by eminent jurists in this country. We shall certainly take notice of what the Supreme Court has had to say on this matter. On the basis of that the Home Minister, my predecessor, made a statement in February 1966 enumerating the steps they wanted to take. He again made a statement on the 5th May, 1966 on the floor of this House whereby, it is a known thing, we said that the Defence of India Rules should be made applicable only to certain border areas such as Assam, including NEFA, Manipur, Nagaland, etc . . .

SHRI BHUPESH GUPTA: How many have you arrested in connection with the food agitation?

SHRI Y. B. CHAVAN: Naturally the Defence of India Rules would be necessary for other purposes which are strictly connected with defence in the rest of the country. This question was also examined whether the proclamation of emergency can be made partly applicable to those areas, but the view was—that appears to be the correct view—that the emergency is an indivisible proposition. When an emergency on the basis of threat to the national security exists, it cannot merely be made applicable to only one part of the country. Even if there is a threat to only a very minutest part of the country, the entire country will have to be mobilised for the purpose. Therefore, emergency is a concept.

This matter was examined constitutionally by the law experts and they gave this view. Therefore, for all practical purposes these Defence of India Rules for the purposes of preventive detention etc. can be made applicable only to certain areas. This is certainly a result of the review that was undertaken at the end of the Indo-Pakistan conflict, and after taking into consideration the serious views that were expressed by eminent jurists, like the hon. Member, Shri M. C. Setalvad . . .

SHRI BHUPESH GUPTA: But the greatest jurist in this country has been derided.

SHRI Y. B. CHAVAN: The present position is the Defence of India Rules are not resorted to for the purposes of preventive detention in the rest of the country. This is absolutely clear.

SHRI BHUPESH GUPTA: In Assam people were arrested. In the food movement 86 members of our Party were arrested.

SHRI Y. B. CHAVAN: In the rest of the country certain persons are kept under preventive detention under the Defence of India Rules who are directly concerned with espionage activities.

SHRI BHUPESH GUPTA: You did not use the D.I.R. against Sunil Das in the case of espionage activity in the A. I. C. C.

SHRI Y. B. CHAVAN: The point is that we have not taken any inflexible attitude about it or any doctrinaire attitude. It depends upon the degree of threat, and naturally we are equally concerned about the liberties of the people in this country.

The hon. Member made the suggestion that we are trying to keep this for the purpose of the general election. I made a statement the other day on the floor of the House that

[Shri Y. B. Chavan.]

we want to have a completely free atmosphere for the general elections.

SHRI BHUPESH GUPTA: Lift the emergency then. Without lifting the emergency we will never accept it.

SHRI Y. B. CHAVAN: The main question is what is our assessment of the threat from external aggression. That really speaking is the main criterion. I have no doubt in my mind and I cannot honestly tell this House or the country that the threat does not exist from the combined forces of China and Pakistan.

SHRI BHUPESH GUPTA: The Constitution says that threat must be of a particular type, and Mr. Setalvad can tell you that any threat does not justify emergency.

SHRI Y. B. CHAVAN: If the Government were to accept this interpretation, this very interpretation of the hon. Member, Shri Bhupesh Gupta, I do not know what the country will come to.

SHRI BHUPESH GUPTA: Are you ready? I am prepared to leave the affairs in the hands of Mr. Setalvad. Are you ready for arbitration? He is not a partisan man. You are trying to hide behind emergency.

SHRI Y. B. CHAVAN: Government does leave its governing to arbitration.

SHRI BHUPESH GUPTA: Government lives by emergency powers and lives by absolute power.

SHRI Y. B. CHAVAN: The real point is, if I may say so, the hon. Member and those people who think like him really speaking do not consider that China is a threat to this country. That is the main danger.

SHRI BHUPESH GUPTA: The A. I. C. C. Office should be arrested under the D.I.R. It does not lie in their mouth to tell about threat. Why are you not arresting Sunil Das?

श्री राजनारायण : अब इस देश के लिये चीन से ज्यादा खतरा कांग्रेस सरकार से हो गया है; क्योंकि कांग्रेस सरकार ने चीन को बुलाया।

SHRI Y. B. CHAVAN: Therefore, I would like to give hon. Members the information about certain figures. I would like to give that information.

श्री राजनारायण : चव्हाण साहब, आप यह बताइये कि सीतलवाड साहब को आप पंच मानने को तैयार हैं।

माननीय सदस्य : आप बैठ जाइये, बैठ जाइये।

श्री राजनारायण : हल्ला मत करिये। माननीया, मेरा कर्तव्य यही है कि मैं सवाल पूछूं, फिर ये क्यों हल्ला मचाते हैं, आप इनको रोकिये। यह हमारा संविधानिक अधिकार है, संसदीय प्रथा के आधार पर।

THE DEPUTY CHAIRMAN: Order, order.

श्री राजनारायण : मैं यह पूछ रहा हूं कि आप सीतलवाड साहब को पंच मानेंगे, डिफेंस आफ इंडिया रूल्स कायम रहे या नहीं रहे, इमरजेंसी के बारे में, सीतलवाड साहब को पंच मानने को तैयार हैं। यह गवर्नमेंट के नामिनेटेड मेम्बर हैं।

SHRI Y. B. CHAVAN: I am putting all the facts.

SHRI BHUPESH GUPTA: You brought him in.

SHRI RAJNARAIN: Give me an answer "yes" or "no".

श्री वाई० बी० चव्हाण : हम अपनी अक्ल से चलेंगे, किसी दूसरे की अक्ल से नहीं चलेंगे।

श्री राजनारायण : अगर आप हमारी अक्ल से चलते, तो देश की यह हालत नहीं होती।

SHRI BHUPESH GUPTA: Exhibitionist arrogance.

SHRI Y. B. CHAVAN: I certainly respect all eminent people but in this matter we will go by our own decision.

SHRI BHUPESH GUPTA: Consulting astrologers?

SHRI Y. B. CHAVAN: I am giving certain information. In Andhra Pradesh there is only one person under detention under the Defence of India Rules who is concerned with pro-Pakistan espionage activity. In Gujarat four persons for the same purpose.

श्री राजनारायण : उसका नाम भी बता दीजिए ।

श्री बाई० बी० चव्हाण : नाम नहीं बताऊंगा ।

उपसभापति : नाम बताने की जरूरत नहीं है ।

श्री राजनारायण : वह कोई कांग्रेसी होगा ।

SHRI Y. B. CHAVAN: In Punjab there are 25 people who are detained on the same ground.

SHRI BHUPESH GUPTA: Is Shri Atulya Ghosh in the list? I would like to know that.

SHRI Y. B. CHAVAN: Haryana 3. In Delhi only one case. In Assam there are about 492 persons detailed under the Defence of India Rules of which 473 are immigrant people—armed revolt. Jammu and Kashmir 149 people. In Manipur there are 4. NEFA 1. Central Government detention, there are about 12.

SHRI BHUPESH GUPTA: What about West Bengal?

SHRI Y. B. CHAVAN: Regarding West Bengal, possibly under Central Government detention there may be some people.

SHRI BHUPESH GUPTA: I would like to know why Shri Atulya Ghosh is not in the West Bengal list.

SHRI AWADHESHWAR PRASAD SINHA: On a point of order. The name of Shri Atulya Ghosh should be expunged. He is an hon. Member of the other House.

SHRI BHUPESH GUPTA: Not at all. It is not unparliamentary . . .

THE DEPUTY CHAIRMAN: You take your seat.

SHRI BHUPESH GUPTA: I want to know that.

SHRI Y. B. CHAVAN: The Defence of India Rules are only made applicable to certain areas and to persons who are directly connected with or have something to do with the defence of India and the national security of this country. My point is, we are quite flexible in this matter. From time to time, it is not only now but from time to time, we have considered this matter, re-examined this matter and reviewed this matter, and if we come to the conclusion that the threat of external aggression has decreased or become less . . .

SHRI BHUPESH GUPTA: We means the syndicate?

SHRI Y. B. CHAVAN: Government.

SHRI BHUPESH GUPTA: Have you got a Government here?

SHRI Y. B. CHAVAN: You are talking with whom? We are the Government here.

SHRI BHUPESH GUPTA: Mr. S. K. Patil does not like you.

THE DEPUTY CHAIRMAN: Please take your seat.

SHRI Y. B. CHAVAN: If we were not the Government, you will not be talking to us. The proclamation of emergency is continuing because the threat from external aggression con-

tinues. It has nothing to do with internal conditions. We want to keep a completely free atmosphere for the general elections. We want to keep completely free the atmosphere for the elections and I guarantee that we will take all steps to see that the free atmosphere continues . . . (*Interruptions*).

12 Noon.

THE DEPUTY CHAIRMAN: No more. Papers to be laid on the Table. (*Interruptions*). We have spent one hour on this. Please take your seat. Mr. Manubhai Shah.

SHRI BHUPESH GUPTA: No. The Prime Minister gave an assurance. Why is that assurance not being followed? It is because Mr. L. P. Singh . . . (*Interruptions*)

PAPERS LAID ON THE TABLE

THE EXPORT OF CASHEW KERNELS (QUALITY CONTROL AND INSPECTION) SECOND AMENDMENT RULES, 1966

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI M. SHAFI QURESHI): Madam, I beg to lay on the Table, under sub-section (3) of section 17 of the Export (Quality Control and Inspection) Act, 1963, a copy of the Ministry of Commerce Notification S. O. No. 3603, dated the 26th November, 1966, publishing the Export of Cashew Kernels (Quality Control and Inspection) Second Amendment Rules, 1966. [Placed in Library. See No. LT-7529/66.]

MINISTRY OF FINANCE (DEPARTMENT OF REVENUE AND INSURANCE) NOTIFICATION

SHRI M. SHAFI QURESHI: Madam, I beg to lay on the Table, on behalf of Mr. Bali Ram Bhagat, under section 159 of the Customs Act, 1962, a

copy of the Ministry of Finance (Department of Revenue and Insurance) Notification G.S.R. No. 1842, dated the 3rd December, 1966. [Placed in Library. See No. LT-7530/66.]

GOVERNMENT OF KERALA NOTIFICATION

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION (SHRI S. D. MISRA): Madam, I beg to lay on the Table under sub-section (3) of section 7 of the Kerala Government Land Assignment Act, 1960, a copy of Notification S.R.O. No. 424/66, dated the 26th October, 1966, issued by the Government of Kerala. [Placed in Library. See No. LT-7531/66.]

NOTIFICATION UNDER THE ESSENTIAL COMMODITIES ACT, 1955

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION (SHRI ANNASAHIB SHINDE): Madam, I beg to lay on the Table, a copy of the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) Notification G.S.R. No. 1807/Ess. Com./Sugar, dated the 22nd November, 1966, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-7520/66.]

GOVERNMENT OF KERALA NOTIFICATION

SHRI ANNASAHIB SHINDE: Sir, I also beg to lay on the Table, a copy each of six Notifications, under sub-section (3) of section 130 of the Kerala Panchayats Act, 1960, issued by the Government of Kerala. [Placed in Library. See No. LT-7532/66.]

THE CARDAMOM (THIRD AMENDMENT) RULES, 1966

SHRI M. SHAFI QURESHI: Madam, I beg to lay on the Table, under sub-section (3) of section 33 of the Cardamom Act, 1965, a copy of the