[Shri Bhupesh Gupta.] agree, then in the course of the discussion on the Address we will not mix up this subject with other subjects. You please commit to it.

SHRI SATYA NARAYAN SINHA: The Vice-President's Address is being discussed in this House. Perhaps this is the second or third day. Monday will be the third day. Already the matter is being discussed. All that 1 have submitted is that if the Chair feels that the matter is not sufficiently discussed, certainly she will permit the House to discuss that matter separately. What is the argument over that?

SHRI BHUPESH GUPTA: Why are you putting this responsibility on the Chair?

THE DEPUTY CHAIRMAN: Several Members of the parties in the Opposition did represent that there should be a debate on this subject. I stated that when the Vice-President's Address was being discussed here, this matter would be referred to by several Members. I think the Home Minister also said that if the House was not satisfied with the reply to that discussion, then there would be a day named for special debate. I think that position is very clear now. We will be finishing the debate on the Address on Tuesday evening. After that if it is necessary, we will make room for this debate. I think the Minister of Parliamentary Affairs and the Home Minister as well have no objection to it.

SHRI BHUPESH GUPTA: I agree, Madam. You have got both the Ministers present here. Our notice of the motion is pending with you with regard to Shri Maurya, Shri Dasarath Deb and Shri Biren Du'tta. The Home Minister and the Minister of Parliamentary Affairs are there. Is it not their duty to get these people out to enable them to attend the Budget Session?

THE DEPUTY CHAIRMAN: That is another point.

SHRI BHUPESH GUPTA: They should say something about that.

THE DEPUTY CHAIRMAN: I have said that if there is need to have a special debate, it will be granted to the House.

The House stands adjourned till 2-30 P.M.

The House then adjourned for lunch at five minutes past one of the clock.

The House reassembled after lunch at half-plast tw$_0$ oif clock, THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) in the Chair.

RESOLUTION *RE.* ENDING STATE OP EMERGENCY—*continued*

شری پھارے لال کویل ..مطالب.. :

شری مان جی - میں موریہ کے متعلق کہہ رہا تھا - مجھے اس پر کوئی اعتراض نہیں ہے کہ آپ موریہ کو عمر بھر کی قید کی سزا دے دیں مجھے اس میں کوئی اعتراض نہیں ہے کہ آپ ان پر کوئی جرم لگائیں لیکن جس طرح سے ان کی گرفتاری ہوئی اس پر مجھے اعتراض ہے - میں نے یہاں پر اس دن میں کہا تھا کہ ان کو بلا وارنٹ کے گرفتار کیا گیا حالانکہ جس رول کے ماتحت ... جس رول ۴۱ کے ماتحت ان کو تی - آئی - آر - میں گرفتار دیا گیا تھا اس میں ان کو بلا وارنٹ گرفتار نہیں کر سکتے تھے - مگر ان کو اس

کہاہ میں نے پکالنگ اٹینشن نوٹس دیاہ شارٹ نوٹس کوشچن کیا لیکن کچھ نہیں بتایا گیا - ان کو کنڈیمنڈ پریزنرس سیل میں رکھا گیا ہے - ان لوگوں کے ساتھ میں رکھا گیا ہے جن کو کہ پھانسی کی سزا ملنے والی ہے - ان میں سے ایک آدمی پاگل ہے اور ایک پر ۳۰۲ کا مقدمہ چل رہا ہے - یعنی انڈر ٹرائل - علی گڑھ دور نہیں ہے ۸۰ میل کے فاصلہ پر ہے اور وہاں سے فوراً انفارمیشن آ سکتی ہے لیکن ابھی تک گورنمنٹ کی طرف سے کوئی بیان اثو نہیں کیا گیا ہے - اگر کوئی اسٹیٹمنٹ گورنمنٹ کی طرف سے نہیں ہوتا ہے تو میں یہی سمجھوں گا کہ جو ایلیگیشن ہیں وہ بالکل صحیح ہیں - یہ ہمارے ملک اڈھیکاروں کا سوال ہے یہ سمپرس آف پارلیمنٹ کے اڈھیکاروں کا سوال ہے -

श्री भाऊराव कृष्णराव गायकवाड़ (महाराष्ट्र) : होम मिनिस्टर ने जवाब तो दिया कि हम कोई इंफार्मेशन दे नहीं सकते ।

شری پیارے لال کویل (دہ طالب دہ):

اگر انہوں نے ایسا کہا ہے تو اس کا مطلب ہے کہ وہ وہاں جان بوجھکر اپنی نازیبا حرکت کو چھپانا چاہتے ہیں طرح سے گرفتار کیا گیا اور کن حالات میں گرفتار کیا گیا وہ میں پہلے بتا چکا ہوں - تقریر انہوں نے اپریل میں کی ایف - آئی - آر - ستمبر میں لیٹ ہوا اور اتنے مہینوں کے بعد ان کو گرفتار کیا گیا - اتنے دنوں تک ان کو ہندوستان میں ایک کونہ سے دوسرے کونہ تک بولنے دیا گیا یہی نہیں ان کو امریکہ جانے دیا گیا - وہ ہمارے پنڈت نہرو کے آشیرباد سے وہاں گئے - وہ ان کی صلاح سے گئے ان کی جان کاری میں گئے وہ ہوم منسٹر کی جان کاری میں گئے اور وہاں انہوں نے مختلف اسٹیٹس میں دورہ کیا وہاں سے واپس آنے کے بعد انہوں نے آل انڈیا ریڈیو میں تقریر کی - ایک بار نہیں کی قریب آدھی درجن بار یہاں پر تقریر کی لیکن تب ان کے خلاف کوئی قدم نہیں اٹھایا گیا اور آل آف اے سڈن دسمبر میں ان کو گرفتار کیا گیا - تو یہ دیکھنے کی ضرورت ہے کہ کن حالات میں ان کو گرفتار کیا گیا - کس طرح سے گرفتار کیا گیا اور کس طرح سے اب ان پر مقدمات چلائے جا رہے ہیں - ابھی ان کو نینی جیل سے علی گڑھ جیل میں ٹرانسفر کیا گیا - میں نے اس سدن میں اس بارے میں

کوڈ میں یہ دیا ہوا ہے کہ ۳ سال سے زیادہ سزا والا اگر کوئی مجرم ہے تو بلا وارنٹ گرفتار نہیں کیا جا سکتا۔ مگر یہاں پر موریہ کو پانچ سال تک کی سزا دی جا سکتی ہے اور انہیں بلا وارنٹ گرفتار کیا گیا - تو یہ سب اس قسم کا ناجائز استعمال ایمرجنسی قانون کا نہیں ہونا چاہئے۔ ہمارے دیش کے اندر نارمل لاز ہیں اور انہیں آپ استعمال کر سکتے ہیں - اس کے علاوہ پریونٹیو ڈیٹینشن ایکٹ کے ہونے پر ٹی - آئی - آر - کی کوئی ضرورت نہیں ہے - ہمارے سلودھان کی جو بالہسویں دھارا ہے اس پر بھی ٹی - آئی - آر - کو لاگو کرنے سے کٹھارا گھات ہوتا ہے اور ایک ان ایکول ٹریٹمینٹ ہوتا ہے - جو لوگ پریونٹیو ڈیٹینشن کے ماتحت گرفتار کئے جاتے ہیں ان کا مقدمہ آپ کو ایڈوائزری کونسل میں بھیجنا ہوتا ہے اور گراؤنڈس آف ڈیٹینشن بھی بتانا ہوتا ہے مگر ٹی - آئی - آر - کے اندر جس کو آپ گرفتار کرتے ہیں اس کو کچھ نہیں بتاتے ہیں تو یہ جو ہمارے سلودھان میں ایکول ٹریٹمینٹ کی بات ہے اس کے خلاف ہے - یہ نہیں ہونا چاہئے اور ٹی-آئی-آر-

[شری پیارے لال کوہل ددطالب]

وہ قصوروار ہیں اور جان بوجھ کر ایسا کر رہے ہیں - اگر وہ اسٹیٹمینٹ نہیں دیتے ہیں تو بھی - میں سمجھوں گا -

اب آپ جارج فرنانڈیس کی گرفتاری کو لیجئے - ان کو بھی گرفتار کیا گیا اور ان تو بھی اسی طرح سے پریشان کیا گیا - اس کو جانے دیجئے ہمارے سدن کے سامنیہ سدسیہ سکھ بہاری لال کو کو دھلی لانے کے لئے گرفتار کیا گیا اور اس میں ٹی - آئی - آر - کا استعمال کیا گیا - تو اس طریقہ پر ایمرجنسی قانون کا جو استعمال ہو رہا ہے وہ نہیں ہونا چاہئے - کلکٹری کے اندر آپ کے نارمل لاز ہیں، آپ کا آئی - پی - سی- اتنا ایکزاسیٹو ہے کہ تمام قسم کے جرم جن کے لئے آپ ٹی - آئی - او - کا استعمال کرتے ہیں آئی - پی - سی- میں آ جاتے ہیں - کلاسیز میں نفرت پھیلانے کے لئے آپ کا آئی - پی - سی- کا سیکشن ۱۵۳ - اے موجود ہے اور اس کے اندر ان کے خلاف مقدمہ چلا سکتے تھے، ان کے خلاف کاروائی کر سکتے تھے مگر آپ نے آئی - پی - سی- کا استعمال نہیں کیا اور بلا وارنٹ ان کو گرفتار کیا - کرمینل پروسیجر

واپس لیا جا سکے تو میں نہیں سمجھتا کہ ایمرجنسی کی کیا ضرورت رہ جاتی ہے -

آخیر میں مہاتما گاندھی کے ایک پیراگراف کو آپ کے سامنے پڑھتا ہوں - ایک دو دفعہ میں پہلے بھی پڑھ چکا ہوں - اس کے بعد میں اپنی تقریر کو ختم کروں گا —

"Real Swaraj will come not by acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. In other words, Swaraj should be obtained by educating the masses to a sense of their capacity to regulate and control authority."

مہاتما گاندھی کے الفاظ کے مطابق ہم جو کچھ کر رہے ہیں وہ صحیح کر رہے ہیں اور میں گورنمنٹ سے درخواست کروں گا کہ وہ ہم لوگوں کی سنسیریٹی ہم لوگوں کی آنیسٹی پر بھروسہ کرے اور جو ہم کہتے ہیں اسکی طرف کچھ دھیان دے ہم دیش کے دشمن نہیں ہیں دیش دروھی نہیں ہیں - تھینک یو -

†[श्री प्यारे लाल कंरील 'तालिब' : श्रीमान जी, मैं श्री मौर्य के मुत्ताल्लिक कह रहा था । मुझे इस पर कोई एतराज नहीं है कि आप श्री मौर्य को उम्र भर की कैद की सजा दे दें । मुझे इसमें कोई एतराज नहीं है कि आप उनपर कोई जुर्म लगायें । लेकिन जिस तरह से उनकी गिरफ्तारी हुई उस पर मुझे एतराज है । मैंने यहां पर इस सदन में

†[ ] Hindi transliteration.

کو جتنی جلدی ہو سکے اتنی جلدی ختم کرنے کی ضرورت ہے - اس طرح سے آپ کے اور تمام لاز موجود ہیں جیسے کہ پریویلنٹو ڈیٹینشن ایکٹ تو ہے ہی لیکن کرمینل پروسیجر کوڈ ہے - دی پریویلشن آف سٹیشس میٹنگز ایکٹ ۱۹۱۱ ہے دی اسینشیل کموڈیٹیز ایکٹ ہے، دی لیٹ ایکویزیشن ایکٹ ہے - دی اسوایبل پراپرٹیز ایکٹ ہے اور اس طرح کے پچاسوں سیکڑوں قانون آپ کے دیش کے اندر موجود ہیں جن کے ماتحت آپ کاروائی کر سکتے ہیں -

جب دیش کے اندر ایمرجنسی ہوگی اور ان کی ضرورت ہوگی تو ہم سب آپ کے ساتھ ہیں اور جب کبھی بھی ایمرجنسی کی ضرورت ہوگی تو سب پارٹیاں حکومت کا ساتھ دیں گی اور اپنے دیش کی حفاظت کریں گی مگر اس طرح سے ایمرجنسی کا ناجائز استعمال نہیں ہونا چاہئے - اس وقت کوئی ایسے حالات نہیں ہیں کہ ایمرجنسی کو جاری رکھا جائے اور اس وقت ایمرجنسی کو ختم کرنا چاہئے - خاص طور سے اس وقت جب کہ گورنمنٹ اعلان جنگ کرنے کو بھی تیار نہیں ہے اور کوئی بھی کنسٹرکٹیو پروگرام بنانے کو تیار نہیں ہے - جس سے کہ چین کے حملہ سے جو بیوسی ادھر چلی گئی ہے اسے

[श्री प्यारेलाल कुरील 'तालिब']

कहा था कि उन को बिला वारन्ट के गिरफ्तार किया गया हालांकि जिस रूल के मातहत, जिस रूल ४१ के मातहत उनको डी० आई० आर० में गिरफ्तार किया गया था उसमें उन को बिला वारंट गिरफ्तार नहीं कर सकते थे। मगर उनको इस तरह से गिरफ्तार किया गया और किन हालात में गिरफ्तार किया गया वह मैं पहले बता चुका हूं। तकरीर उन्होंने अप्रैल में की, एफ० आई० आर० सितम्बर में लौज हुआ और इतने महीनों के बाद उनको गिरफ्तार किया गया। इतने दिनों तक उनको हिन्दुस्तान में एक कोने से दूसरे कोने तक बोलने दिया गया। यही नहीं, उनको अमरीका जाने दिया गया। वह हमारे पंडित नेहरू के आशीर्वाद से वहां गये। वह उनकी सलाह से गये, उनकी जानकारी में गये; वह होम मिनिस्टर की जानकारी में गये और वहां उन्होंने मुख्तलिफ़ स्टेट्स में दौरा किया। वहां से वापिस आने के बाद उन्होंने आल इंडिया रेडियो में तकरीर की। एक बार नहीं की, करीब आधी दर्जन बार यहां पर तकरीर की। लेकिन तब उनके खिलाफ कोई कदम नहीं उठाया गया और आल आफ ए सडन दिसम्बर में उनको गिरफ्तार किया गया। तो यह देखने की जरूरत है कि किन हालात में उनको गिरफ्तार किया गया, किस तरह से गिरफ्तार किया गया और किस तरह से अब उन पर मुकदमात चलाये जा रहे हैं। अभी उनको नैनी जेल से अलीगढ़ जेल में ट्रांसफर किया गया। मैंने इस सदन में इस बारे में कहा। मैंने कालिंग एटेंशन नोटिस दिया, शार्ट नोटिस क्वेश्चन किया लेकिन कुछ नहीं बताया गया। उन को कन्डमड प्रिजनरस सेल में रखा गया है। उन लोगों के साथ में रखा गया है जिनको कि फांसी की सजा मिलने वाली है। उनमें से एक आदमी पागल है और एक पर ३०२ का मुकदमा चल रहा है। यानी अंडर ट्राइल। अलीगढ़ दूर नहीं है। ८० मील के फासले पर है और वहां से फौरन इन्फार्मेशन आ सकती है। लेकिन अभी तक गवर्नमेंट की तरफ से कोई बयान इस्य नहीं किया गया है। अगर कोई स्टेटमेन्ट गवर्नमेंट की तरफ से नहीं होता है तो मैं यही समझूंगा कि जो एलीगेशन हैं वह बिल्कुल सही हैं। ये हमारे मौलिक अधिकारों का सवाल है। ये मेम्बर्स आफ पार्लियामेंट के अधिकारों का सवाल है।

श्री भाऊराव कृष्णराव गायकवाड (महाराष्ट्र) : होम मिनिस्टर ने जवाब तो दिया कि हम कोई इंफार्मेशन दे नहीं सकते।

श्री प्यार लाल कूरील 'तालिब' : अगर उन्होंने ऐसा कहा तो इसका मतलब है कि वह जानबूझ कर अपनी गैरजिम्मेदार हरकत को छपाना चाहते हैं। वह कसूरवार हैं और जानबझ कर ऐसा कर रहे हैं। अगर वह स्टेटमेंट नहीं देते हैं तो यही मैं समझूंगा।

अब आप जार्ज फर्नेन्डीज की गिरफ्तारी को लीजिये। उनको भी गिरफ्तार किया गया और उनको भी इसी तरह से परेशान किया गया। इस को जाने दीजिये। हमारे सदन के माननीय सदस्य श्री मुकुट बिहारी लाल को गुड़ दिल्ली लाने के लिए गिरफ्तार किया गया और उसमें डी० आई० आर० का इस्तेमाल किया गया। तो इस तरीके पर एमरजेन्सी कानून का जो इस्तेमाल हो रहा है वह नहीं होना चाहिये। कन्ट्री के अंदर आपके नोरमल लॉज हैं। आपका आई० पी० सी० इतना एक्जहोस्टिव है कि तमाम किस्म के जुर्म जिनके लिये आप डी० आई० आर० का इस्तेमाल करते हैं आई० पी० सी० में आ जाते हैं। क्लासेज में नफरत फैलाने के लिये आप का आई० पी० सी० का सेक्शन १५३–ए मौजूद है और उसके अन्दर उनके खिलाफ मुकदमा चला सकते थे, उनके खिलाफ कार्यवाही कर सकते थे मगर आप ने आई० पी० सी० का इस्तेमाल नहीं किया और बिला वारंट उन को गिरफ्तार किया। क्रिमिनल प्रोसीजर कोड में यह दिया हुआ है कि तीन साल से ज्यादा सजा वाला अगर कोई जुर्म है तो बिला

वारंट गिरफ्तार नहीं किया जा सकता । मगर यहां पर श्री मौर्य को पांच साल तक की सजा दी जा सकती है और उन्हें बिना वारंट गिरफ्तार किया गया । तो यह सब इस किस्म का नाजायज इस्तेमाल एमरजेन्सी कानून का नहीं होना चाहिये । हमारे देश के अन्दर नौरमल लॉज हैं और उन्हें आप इस्तेमाल कर सकते हैं । इसके अलावा प्रिवेंटिव डिटेंशन एक्ट के होने पर डी० आई० आर० की कोई जरूरत नहीं है । हमारे संविधान की जो बाईसवीं धारा है उस पर भी डी० आई० आर० को लागू करने से कुठाराघात होता है और एक अनइक्वल ट्रीटमेन्ट होता है । जो लोग प्रिवेंटिव डिटेंशन के मातहत गिरफ्तार किये जाते हैं उनका मुकदमा आपको एडवाइजरी काउंसिल में भेजना होता है और ग्राउंडस आफ डिटेंशन भी बताना होता है । मगर डी० आई० आर० के अन्दर जिस को आप गिरफ्तार करते हैं उसको कुछ नहीं बताते हैं । तो यह जो हमारे संविधान में इक्वल ट्रीटमेन्ट की बात है, उसके खिलाफ है । यह नहीं होना चाहिये और डी० आई० आर० को जितनी जल्दी हो सके उतनी जल्दी खत्म करने की जरूरत है । इस तरह से आपके और तमाम लॉज मौजूद हैं जैसेकि प्रिवेंटिव डिटेंशन एक्ट तो है ही लेकिन क्रिमिनल प्रोसीजर कोड है, दि प्रिवेंशन आफ सिडीशस मीटिंग्स एक्ट, १९११ है, दि एसेनशियल कोमोडिटीज एक्ट है, दी लैन्ड एक्वीजिशन एक्ट है, दी इममूवेबल प्रापर्टीज एक्ट है और इस तरह के पचासों, सैंकड़ों कानून आपके देश के अन्दर मौजूद हैं जिनके मातहत आप कार्यवाही कर सकते हैं ।

जब देश के अन्दर एमरजेन्सी होगी और इसकी जरूरत होगी तो हम सब आपके साथ हैं और जब कभी भी एमरजेन्सी की जरूरत होगी तो सब पार्टियां हकूमत का साथ देंगी और अपने देश की हिफाजत करेंगी । मगर इस तरह से एमरजेन्सी का नाजायज इस्तेमाल नहीं होना चाहिये । इस वक्त कोई ऐसे हालात नहीं हैं कि एमरजेन्सी को जारी रक्खा जाये और इस वक्त एमरजेन्सी को खत्म करना चाहिये । खास तौर से इस वक्त जब कि गवर्नमेंट ऐलाने जंग करने को भी तैयार नहीं है और कोई भी कन्स्ट्रक्टिव प्रोग्राम बनाने को तैयार नहीं है जिससे कि चीन के हमले से जो भूमि उधर चली गई है उसको वापिस लिया जा सके, तो मैं नहीं समझता कि एमरजेन्सी की क्या जरूरत रह जाती है ।

आखिर में महात्मा गांधी के एक पेराग्राफ को आपके सामने पढ़ता हूं । एक दो दफा मैं पहले भी पढ़ चुका हूं । इसके बाद मैं अपनी तकरीर खत्म करूंगा :——

"Real Swaraj will come not by acquisition of authority by a f^w but by the acquisition of the capacity by all to resist authority when it is abused. In other words, I 'hould be obtained by educating the masses to a sense of their capacity to regulate and control authority."

महात्मा गांधी के अल्फाज के मुताबिक हम जो कुछ कर रहे हैं वह सही कर रहे हैं और मैं गवर्नमेंट से दरख्वास्त करूंगा कि वह हम लोगों की सिसियरिटी, हम लोगों की ओनेस्टी पर भरोसा करे और जो हम कहते हैं उसकी तरफ कुछ ध्यान दे । हम देश के दुश्मन नहीं हैं देशद्रोही नहीं हैं । धन्यवाद ।]

DR. GOPAL SINGH (Nominated): Mr. Vice-Chairman, Sir, I rise to oppose whole-heartedly the Resolution brought forward by my esteemed friend and colleague, Shri Bhupesh Gupta.

SHRI BHUPESH GUPTA: "Wholeheartedly oppose" we never say; we say "support whole-heartedly."

DR. GOPAL SlNGH; Before I touch upon the arguments that have been advanced by Shri Bhupesh Gupta, I would first like to dismiss the argument of Shri Vajpayee by his own words uttered very wisely only yesterday during his speech on the President's Address. He said while speaking yesterday during the ; debate: —

> " आज जब कि चीन का संकट नहीं टला है और पाकिस्तान से किसी भी क्षण संघर्ष की आशंका बढ़ रही है नई दिल्ली में यह जो राजनैतिक अव्यवस्था और अविश्वास का वातावरण चल रहा है उसको दूर करना चाहिये । "

Only yesterday Shri Vajpayee was supporting the fact of emergency in this country and was advising the Government and emphasising the need to put more heart into the policies of the Government. But today in this House he stands up to suggest that the State of emergency has ended and that tbe period of emergency should be declared over. Now, with these words from the mouth of Shri Vajpayee himself, I think there is no necessity for me to labour this argument any further that there is no need for the emergency to continue.

Now, I will come to ShrI Bhupesh Gupta's arguments. As everybody knows, Shri Bhupesh Gupta supported the emergency when it was proclaimed in these words on the Sth November, 1962. He said: —

> "No matter what the Government does, no matter how m«ny Communists are put in prison, the Communists, every one of them, the leaders and the rank and file, shall take their place and posts alongside our compatriots in the defence of our motherland and for the protection of the honour and integrity of our country."

Then he went on to suggest how long he was going to support the Government in the continuance of the emergency. He said: —

> "So long as China maintains its present posture, and refuses to see the way of reason, so long as—she persists in the aggression and occupies India's territory, all-out efforts for the defence of the motherland naturally remain the crucially and central task. Defence efforts not only mean the efforts on the frontiers, but also in the rear."

Therefore, for him to suggest this morning that the emergency situation is over, that because there is no fighting going on on the frontiers there is no necessity for the emergency to> continue, js ridiculous in the extreme. Unfortunately, Shri Bhupesh Gupta has pressed into service democratic arguments to kill democracy. Everybody knows that the Communist Party of India, as Communists elsewhere, do not believe in any kind of parliamentary democracy and therefore, for him now to come up in defence of parliamentary . . .

SHRI M. N. GOVINDAN NAIR (Kerala); The question is whether you believe in it.

DR. GOPAL SINGH: I do, certainly I do believe in parliamentary democracy with all my heart. Otherwise I would mot be here; I would be with you if I were to believe in the Communist theory.

SHRI BHUPESH GUPTA: You are a literary man and literary men never indulge in such politics and political attacks.

DR. GOPAL SlNGH: I am a literary person and I am here only by virtue of that. We need parliamentary democracy even for the defence of our literature, social habits, for the defence of our religion, and for all the spiritual values we cherish, we need parliamentary democracy and not the type of Communism that Mr. Bhupesh Gupta preaches.

SHRI BHUPESH GUPTA: Wliich type of Communism do y®u like?

DR. GOPAL SINGH: The type of democratic socialism that the Congress stands for.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : You are losing your time, Dr. Gopal Singh; you proceed.

DR. GOPAL SlNGH: The unfortunate thing is that he has quoted the scriptures and I do not want to say that he is a devial; I would only say that he does not believe in these scriptures, yet he quotes them and speaks in defence of democracy quoting constitutional lawyers, the "Times of India' and the 'Statesman' wliich normally he criticises; he has done so in thi$_s$ very House and it is a sad commentary, I believe, on his own convictions that he should defend democracy with that wholeheartedness with which he does not believe in it. The whole thing is that behind this calculated move on the part of Mr. Bhupesh Gupta there are other reasons, and very valid ones, and I am going to enunciate them presently, reasons which prompt him to ask for the scrapping of the emergency. Two things have happened recently. One is the recommendations of their national campaign committee which met at Hyderabad on February 3, 1964 At this national campaign comm ttee resolutions were passed recommending that from February 20 to Februarj 22 nation-wide hunger strikes in fron-of factories should be launched, or March 7 demonstrations throughou India should be conducted and fron April 6 to April 8 Satyagraha shouli be offered before Parliament. Am following this the future line of actioi will be determined by the council of action that was formed by the national campaign committee meeting at Hyderabad.

Now, another thing which I would like to refer to is the article that has lately appeared in the Chinese communist newspapers, notably the 'Peoples Daily' and the 'Red Flag'. Now in this 30,000-words article which has appeared in the 'Peoples Daily' and the 'Red Flag' the Indian Communist Party also has been rapped along with the Communist Party of the Soviet Union, and this is what the two communist papers the 'Peoples Daily' and the 'Red Flag' have t$_0$ say about the people who control the destinies of the Communist Party of India. It says :

> "The Dange clique actively supported the Nehru Government's huge budget providing for arms expansion."

Mark these words. This is what it says :

> "It sabotaged the great strike by one million people in Bombay against the ruthless taxation policy. Tt i$_s$ continuing its frenzied anti-Chinese activities."

Now, in reply to this in the Communist Weekly, 'New Age' of February 9, Mr. Ramesh Chandra who is the editor of the newspaper says :

> "The Chinese leadership's attack has come at the same time when the national campaign committee was meeting in Hyderabad. The Chinese leadership's attack has come as a mighty peasants' struggle begins in Andhra Pradesh, the precursor of a new round of peasant battles which will sweep the country."

Now, this is what the Communists would do in the very near future and it is on account of this that they want the emergency to go so that they can have their play as they wish and drag this country into . . .

SHRI BHUPESH GUPTA: You should teli that we do repudiate that false article of the Chinese paper.

DR. GOPAL SINGH; But you have also suggested that you are doing what the Chinese wanted you to do, only in a different way.

SHRI BHUPESH GUPTA; It is a false article.

DR. GOPAL SINGH: Now the 'Red Flag' article further says:

> "As their renegade features are revealed, Dange & Co., meet increasing opposition from the broad rank and file of the Communist Party of India. They are now struggling to rehabilitate the party's glorious and militant revolutionary tradition."

Now it is in order to i le the party's "glorious and militant revolu tionary tradition" 1 emergency is asked to be scrapped by Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA; Now the Chinese are attacking us, or you are attacking us?

DR. GOPAL SINGH: The Chinese are attacking you on the ground that you are not doing exactly what tne Chinese want you to do while you are pleading that you are doing in your own way what they want you to do but not in the way that they want you to do; you are doing it in your own way.

SHRI BHUPESH GUPTA: Your literature is not of that type, I believe, things that you write, allowing this sort of interpretation.

DR. GOPAL SlNGH; The interpretation is given by Mr. Ramesh Chan-dera, editor of the 'New Age'. I have read the whole article and gathered the most important pieces out of this article . . .

SHRI A. M. TARIQ; Pieces of Mr. h Chandera?

DR. GOPAL SINGH: . . . pub-I lished in the 'New Age' of February 9 . . .

SHRI A. M. TARIQ: His pieces.

DR. GOPAL SINGH: ... and found that this is at the back of his mind. Mr. Bhupesh Gupta has moved his Resolution to scrap the emergency because he does not want that the emergency powers should be used against his party. He very well knows that the emergency powers taken by the Government have been used very scrupulously, and he has himself, this morning, complimented the Government for having released most of his colleagues from jail. There are only about 15 persons in Maharashtra who are il

SHRI BHUPESH GUPTA: Still 29 in Tripura out of a little over 50 including 8 M.L.As. and 2 M.Ps.

DR. GOPAL SINGH: Whether they are 15 or 50 does not'detract from my . . .

SHRI BHUPESH GUPTA: Detenus alone, and they are 29 in a little place like Tripura.

DE. GOPAL SINGH: Whether they are 15 or 50 does not detract from my argument. My argument is that the emergency powers taken by the Government have been so scrupulously used that even Mr. Bhupesh Gupta had to pay compliments to the Gov-ment for having released them.

SHRI BHUPESH GUPTA; I never paid compliments; don't say this thing. I say this Government should be ...

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Mr. Bhupesh Gupta, you ar© taking away the hon. Member's time by too many interruptions. Dr. Gopal Singh did not interrupt you.

SHRI BHUPESH GUPTA; Then why say I have complimented them? Do

to them for keeping our people fourteen months hi jail, colleagues i; Ramamurti and others.

DR. GOPAL SINGH: He does not pay compliments openly; he only does so covertly, by implication, and the compliments emanate from his suggestion that the Government have used these powers so scrupulously as to leave only about 50 of his colleagues in jail.

SHRI BHUPESH GUPTA: Just a correction; I never said it. I said one thousand people were arrested. And now they have come to the conclusion . . .*{Interruptions)* Everi this cussed Government has come to the conclusion that nine hundred could be released. Still you are retaining 51 as hostages.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : You have the right of reply, Mr. Bhupesh Gupta. It is very unfair on your part to go on interrupting him.

SHRI BHUPESH GUPTA: No, Sir; I have got a right to go on interrupting him for this reason. Parliamentary rules say that he cannot put words into my mouth which I did not utter. He can say anything he likes, things of his own.

DR. GOPAL SlNGH: You have the right of reply and you ran rebut these things. I have oni" suggested that even if the Governmen[1] has still kept 51 persons under detention they have released more than 900 detenus during the last one year.

SHRI BHUPESH GUPTA: After one year.

Du. GOPAL SlNGH: As such it is clear that the Government has not used these emergency powers for its own benefit or to stabilise its own position. It has kept in jail only such people who are a danger to the State.

SHRI BHUPESH GUPTA: Fifty-one communists.

DR. GOPAL SINGH: I would now cite an instance from the performance oi the Communist Ministry in Kerala when they were in power only for a brief period of ten months. Only during the last Session, the Home Minister. Shri Nandaji gave figures in this very House. He said, "In Kerala, where the Communists ruled for a brief period, between June 12 and July 31, in the year of grace 1958, they arrested 1$ lakh people. There was firing by the police six times killing 15 persons and injuring many more. There were 71 lathi charges and IOO cane charges." Now, with this record which the Communist Government in Kerala had, it does not lie in the mouth of Mr. Bhupesh Gupta to stand up and say that because hiv 51 colleagues are still in prison, therefore the emergency powers should b« scrapped. (Interruptions). Nothing that can be used against you you will ever listen to. The truth of the matter is that a situation existed at the time of the proclamation and the emergency that arose then continues even today. In fact, the conditions have in a way deteriorated. In the first place our relationship with Pakistan has deteriorated to this extent that Mr. Bhutto, the Foreign Minister of Pakistan, thundered in the United Nations Security Council that if no settlement to their own advantage could be brought about very soon it would not be possible for them to control the forces that were unleashed by them about fourteen years ago.

With this thunder from Mr. Bhutto and with the talk of Jehad going on in the Pakistan press, with all that we have seen happening in East Pakistan and with the flow of refugees into our country, the communal situation that has developed as a result of what happened in East Pakistan, and with the active propaganda carried on by the Chinee Governmen^, especially by Mr. Chou En-lai in Africa and Asia, against thisi country, and by their coming to political and trade arrangements with France and Belgium and with Britain . . .

SHRI NIREN GHOSH: What has all that got to do with emergency?

DR. GOPAL SINGH: It has got very much to do with emergency.

SHRI BHUPESH GUPTA: Except the Punjab Government.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Let him proceed. He has only one or two minutes.

DR. GOPAL SINGH: I$_n$ the face of all this, to suggest that the emergency has passed and that there is no necessity for its continuance is to advance a ridiculous argument. The situation, in fact, today is that we need to be more vigilant on our borders, both the Chinese borders and the Pakistan borders. There is need to build up the psychology of the people that the Government is actively pursuing the -.aims which were in their mind before they took over emergency powers.

Sir, some of the leaders of the Opposition, especially Babu Ganga Sharan Sinha, remarked yesterday that some of the P.S.P. leaders, who were arrested under the Defence of India Rules, should have been arrested under some other Act. Similarly, our esteemed friend, Mr. Kureel, put up the case of Mr. Maurya, an esteemed Member of the other House. The thing is whether they were arrested under the Defence of India Rules or any other rules does not justify the scrapping of the emergency. If one or two persons are arrested and put behind the prison bars because they have incited people to violence or because they have chosen to demonstrate before the people their heroism in breaking the laws which they themselves have here in Parliament framed, then I think it only justifies the continuance of the emergency rather than the scrapping of it.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : You have to conclude now, Dr. Gopal Singh.

DR. GOPAL SlNGH: One minute. If it is the intention of the leaders of th© Opposition t$_Q$ galvanise the Government into further action, and if it is the intention of the leaders of the Opposition to ask the Government for more than what they are doing, then, of course, I welcome this suggestion and this prodding because every Government, whatever its colour and how-soever good its intentions, needs prodding at times.

And, therefore, I welcome the suggestion that Mr. Gurupada Swamy made this morning in the House that while the emergency should continue, it should not be used against our political opponents and that more and more efforts should be made to galvanise the defence effort. This, of course, nobody would object to. But to suggest that the conditions have so changed, or the conditions are so nor-mal, that the emergency should go is, I think, extremely dangerous and should not be acceded to. Thank you.

SHRI A. D. MANI: Mr. Vice-Chairman, I rise to give my very qualified support to the Resolution moved by my hon. friend, Mr. Bhupesh Gupta. When I say that I would give qualified support, I mean that I would like the emergency to continue in the border areas of India. My own suggestion to the Government would be that the emergency should be restricted to one hundred miles from the border, and that in the rest of India the Defence of India Act should stand nullified and that the emergency should be repealed. When I made this suggestion last year, there was a good deal of amusement in this House. I had said that the emergency should be restricted only to the border areas. Later I found that no less a person than Mr. Motilal setalvad, the Attorney-General, publicly supported that point of view, and he has come to the conclusion that the emergency should now be restricted only to the border areas of the country.

Sir, I would like to draw your attention to article 352 of the Constitution. Under that article there is no obligation on the part of the Government

to declare emergency in the entire territory of India. The article says | very clearly that "where the President is satisfied that a grave emergency exists, whether by war or external aggression, in any Dart of the territory", it does not necessarily mean that the emergency should be confined to the whole country and not to any part thereof. . . .

DIWAN CHAMAN LALL: The emergency may be in any part of the country.

SHRI A. D. MANI: ... It is open to the Government, under article 352, to issue an order saying that the emergency is in existence in such and such part of India and there would be no objection against such an emergency order not being declared in the rest of India.

Sir, my submission to the House is that the emergency and the Defence of India Act can be justified only by the continuance of a state of war between China and India.

SHRI P. N. SAPRU: What about Pakistan?

SHRI A. D. MANI: I would come to Pakistan. 1 would like to say iiat both in regard to Pakistan and Ciina there is no state of war at present. The country of Pakistan is represented in Delhi by its Embassy. The cou ltry of China is represented by its Embassy. Our officials attend receptions at the Chinese Embassy on ceremonial occasions. Sir, with the state of war existing I could understand the Government coming forward and saying that the emergency should be proclaimed and should be retained all over India.

Sir, I would recall to this House what the hon. the Law Minister, Mr. Sen, while speaking in the other House in support of the Defence of India Bill, had stated on November 21, 1962. He said:

"But it must nevertheless be emphasised that one supreme objective wiii underline all our efforts while we pass this law here and that is the supreme will of the nation, to win the war and to defeat the Chinese invader. Let us not forget that supreme objective even for a moment."

This hardly expresses ,ne supreme objective which *must,* underline not only this measure out also every rule that we frame here, that is, the supreme objective of victory. Sir, I would like to ask the House, I would like to ask the members of the Government Whether they are are keeping that objective before themselves to which the hon. Mr. Sen made a reference in the other House. What has happened to it? Both the Government and the country have been conditioned to accept the humiliating surrender contained in the Colombo Proposals. There is no state of war between India and China at present.

My hon. friend, Mr. Sapru asked me whether the state of war exists with Pakistan. Pakistan has been continuing . . •

SHRI P. N. SAPRU: It might lead to a war.

SHRI A. D. MANI: . . .its belligerent attitude towards India for the past fifteen years. It is not a state of war. It has been a state of very strained relationship with our neighbour.

Sir, it is not fair for the Government to continue the emergency legislation particularly when the need for that emergency has passed. I can quite understand the Home Minister coming and saying that in the N.E.F.A,. in the border areas, there is need for some special regulation to maintain peace and tranquility and to see that espionage activities are not tolerated. Even then I would not like the Defence of India Act to be enforced there. I would like a modified form of the Defence of India Rules to restrict the liberties of individuals in

[Shri A. D. Mani] that area. I would like to say this that in the Defence of India Act a serious inread has been made into the fundamental rights of the citizens by not permitting the provisions of article 32 of the Constitution in operation as long as emergency is enforced.

3 P.M.

The Supreme Court has held and a reference has been made to this matter by my hon. friend, Shri Bhupesh Gupta, that Article 22 stands and so also the Fundamental Rights and that as soon as the emergency is lifted, it will be open to any citizen who feels that his liberty has been unnecessarily taken away by the Government during the period of the emergency to go to a court of law to vindicate his position and to claim damages, if necessary, from the Government.

SHRI BHUPESH GUPTA: We shall be entitled to Rs. 50 lakhs as a minimum.

SHRI A. D. MANI: My second ground for asking for relaxation of the condition of emergency is that in the various States of India, the Defence of India Act and the Defence of India Rules have not been administered in the manner in which the Parliament wanted them to administer. I have myself brought to the notice of the Home Minister the extraordinary case of misuse of the Defence of India Rules in Maharashtra. In the city of Nagpur, a newspaper published on one occasion that a police constable who had asked for leave from attending a parade felt fatigued, fell down and died subsequently. He was taken to the hospital and he died subsequently. Immediately the Government proceeded against the newspaper and the editor under the Defence of India Rules. The man was produced before the Court and a bail of Rs. 5,000 was demanded from the person concerned for just publishing a news item which was true and which the police did not deny. I have brought the matter to the notice of the Home Minister at a meeting of the Home Affairs Consultative Committee. I ' believe the Home Minister took im-med'ate action but so immediate was the action that he '.ook that the Government of Maharashtra persisted with the prosecution in the city oi[1] Nagpur for weeks after the Home Minister said . . . .

SHRI B. D. KHOBARAGADE: (Maharashtra): For months after . . .

SHRI A. D. MANI: For months together. It was only after a number of us went and spoke to the people concerned in Nagpur that the case was finally withdrawn. I think in the case of a large number of people who have been detained under the Defence of India Act, local prejudices, State prejudices, political exigencies—all these have played a part ....

SHRI BHUPESH GUPTA: Personal grounds.

SHRI A. D. MANI: ... in sending persons to jail. I know of one case where an M.L.A. was detained, where a person who contested in the Vidhan Sabha election was detained in prison just because he had filed an election petition against the Congress candidate. I do not therefore see any need for the Government exercising these extraordinary powers under the Defence of India Rules for purposes not connected with the security of India or defence against external aggression.

The third point I would urge before the Government is that in 'our country the roots of democracy have not gone too deep in our soil. We are experimenting with the parliamentary institutions and we have done so with remarkable success for the past fifteen years. An emergency legislation always breeds a narrow spirit of intolerance and we do not want our State Governments and the Central Government to be conditioned in an atmosphere of emergency 'of the kind which often prevails in the State of Indonesia and other parts of South East Asia. We would therefore like the Government to return to normalcy. If there is any question of waging war against the Chinese, the country will be pre-

pared to support emergency legislation in the form of an ordinance and this House as well as the other House will give its ready consent to such emergency legislation.

I would like to say here that one of tihe tests which is generally applied to decide whether a state of emerg mcy exists is whether elections and by-elections are held, which is one very firm test to find out whether condi tions of normalcy have returned to this eountry. The Election Conmis-sion held many by-elections----------*(Inter ruption.)* The other is the continuance of corruption without any check in tihe various States which is also go ing 'on. That is another test of emer gency which seems to have weighed very heavily on the minds of the Gov ernment but the Election Commission held many by-election$_s$ in abeyance as soon as the emergency was declared but now elections are being held with out let or hindrance all over the country and both the parties are allowed to state their points of view in the elections. When elections are allowed to be held, when the press is allowed to say what it likes . . .

DR. GOPAL SINGH: That shows the maturity of the authorities.

SHRI A. D. MANI: . . . why should there be on the Statute Book a legislation which has been misused in particular cases by the State Government?

I am going to the other point that I wanted to make when I was interrupted, namely, that we must show to the whole of Asia—and this is our responsibility—we must show to the whole of Asia that we would not rely on repressive legislation to control this country. Normal conditions have returned and there is no point, therefore, in continuing the emergency or the Defence of India Act over a good part of it excepting as I said, within one hundred miles of corridor which I would like to suggest between the border and the area where the Defence of India Rules and the emergency should function.

Finally, I should like to say that if the Government of India had used the Defence of India Act for purposes of the economic consolidation of our country . . .

SHRI ARJUN ARORA: Will the hon. Member make it clear whether the territory will run from land frontier or also from the sea frontier?

SHRI A. D. MANI: Where our supposed enemies axe situated. Burma is not our enemy. It will not be on the Bay of Bengal. Neitner Egypt nor any country of Africa is an enemy. It will not be operative in the Arabian Ocean area. It will be on the borders of Pakistan, on the borders of China that I want the emergency to be maintained.

SHRI N. M. LINGAM (Madras): What about the Chinese submarines in the Indian Ocean?

SHRI A. D. MANI; I am very glad that my friend, Shri Lingam, has asked me this question. His own Minister, the Defence Minister, stated the day before yesterday on the floor of the House that there are no sub marines in the Indian Ocean and that, he has not heard of any submarines.

SHRI ARJUN ARORA: Are you satisfied with that statement?

SHRI A. D. MANI: Whether I an, satisfied or not will be revealed when the Budget comes up and I will produce material on the subject.

DIWAN CHAMAN LALL: Is there not any danger of the Chinese submarines coming into the Indian waters? Does my hon. friend give us a guarantee that there will never be any Chinest submarines in the Indian waters?

SHRI A. D. MANI: The hon. Member knowg that the Government of

[Shri A. D. Mani, j

India has taken the aid of the Seventh Fleet. I make that statement here that the Seventh Fleet is on the Indian Ocean area with the consent of the Indian Government and so long as the Seventh Fleet is there, we need not be afraid of the Chinese submarine*.

SHRI ARJUN ARORA: Unfortunately for you, you are not the spokesman of the Government of India.

SHRI A. D. MANI: I would like to say further that the border areas perhaps require some special measure of safety and if necessary, the Government of India can bring forward an amendment repealing a good part of the Defence of India Act and retaining that portion of the Defence of India Act which is necessary for the maintenance of the safety in the border areas.

I mention one point and that is, if the Government had used the powers under the Defence of India Act for economic consolidation, they could have come and said: This is still emergency, it ia an economic emergency, we want to mobilise the resources of the nation'. They have not done so. TheTe has been a shortfall in the agricultural production. The States are run by the Congress Party. They have not been able to enforce those powers under the Defence of India Rules on their own State Governments on accounts of their party difficulties. The Defence of India Act and the Rules have been enforced against their political opponents and it is very unfair to keep any person without trial and without eiving him an opportunity of stating his case as he could have done under the Preventive Detention Act under Article 22 before a Court. I therefore foel and I am sure th? hon. Home Minister fs a democrat by tradition.

SHRI BHTJPESH GUPTA: Say something about the 18th Amendment.

SHRI A. D. MANI; I have got so many amendments. I have already said that the Eighteenth Amendment is also there. I said that the Home Minister is a democrat and I do hope that now that nearly two years have passed since the emergency was declared, the Government of India will see it fit to come forward and rescind the emergency as far as a good part of India is concerned and if it comes forward with a Bi.ll to protect the safety of the border areas, this House will agree to give all the support that that measure deserves provided that measure retains the provisions of the Preventive Detention Act in regard to the liberty of the individuals who may be arrested under that measure.

SHRI LOKANATH MISRA: Mr. Vice-Chairman, when fourteen months back this august House and the other one vested the Government with the emergency powsrs, they had expected from this Government, not a policy of appeasement but strong measures to wipe out the scar of humiliation. On the contrary, it has been a policy of platitudes and appeasement. I would, in this connection, narrate a story that I read about twenty-five years back, a story which has something to do with the declaration of this emergency. There was a cowboy who took his herd of cattle to graze near the jungle. To find out whether i he could get aid if at any time he was attacked by a tiger, he used to shout out for help. Twice he did it and twice he got people rushing repeatedly from the nearby villages. But when he shouted the third time there was no help coming, but actually he got an attack f'om a tiger and the tiger ate him up. At the present time w" "-e continuing this er"or. gency without a sense of emergency in the people. That is why I narrated this story, ff we mak* the people too much acclimatised, to'o much used to this emergency, without themselve? having any possible sens» of emergency, then that is a w»ry bad thing for the nation and for the Government, because . .

SHRI M. P. BHARGAVA (Uttar Pradesh) : Mr. Vice-Chairman, on a point of clarification. May I ask my hon. friend, Shri Lokanath Misra, whether Ihe fear of the tiger has altogether .$one?

SHRI LOKANATH MISRA: The fear of the tiger certainly is there even now, but it seems the ruling party has got out of that fear. The people .should feel that the danger is there. I will come later on to show how the ruling party behaves. You don't worry about it now. It is coming up. When the people think that there is justification for the emergency, the ruling party forgets about it. While it should have bsen the duty of the ruling party to make the people believe that still the emergency continues, from the behaviour cf the ruling party it appears that they are not very much afraid of the sit lation that is on our border. Well, [will come to that.

Firstly, as has been stated here, normalcy has come in as is apparent from the action of the Government because these by-elections are being held normally. Wherever there are vacancies these by-elections are being held normally. Secondly— our communist friends may not agree in that view—those of the pro-Chinese 'obby for whom these emergency powers were mainly meant, have been released during the tenure cf the present Home Minister. Thirdly, all legislations which are controversial, shouM not be brought in during the period of emergency. But they are being brought in. So the verv actions of the Government, the behaviour of the Government, have made the peop'e believe that the Government do not believe in anv emergency. The Seventeenth Amendment to the Constitution, the Bi[1]! pronosing tbat amendment, is a controversial Bill and it is being onoos-d bv the Swatantra Partv a* we[1]! ps bv the Jan San oh. And the Swatantra PaHv JS definite[1]v the second larffpsf nartv -now. next only to the Congress Party.

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So naturally in the country a very great section of the people is ag[a]i[nst] this legislation. All the same this is being brought in during the period of emergency and thereby they are giving the impression to the people that they are taking undue advantage of the extra powers that they have.

During the emergency our leaders talked from house-tops about austerity.

AN. HON. MEMBER; Travelling allowance of Rs. 5,000|-.

SHRI LOKANATH MISRA: That has already been said. I will say something that has not been said. We had the privilege of having the Congress session in our State of Orissa, at the State capital, Bhubaneswar. If anybody would have observed the way money was lavishly $_{S}p_{en}t$ there, he would have taken it for granted that it was . . .

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : It only shows you are a hospitable people.

SHRI LOKANATH MISRA: If w'e had spent it from our own pockets, I would not have minded it. That was not the way it was spent. Those contractors spent it and that great *tamasha* was staged by the contractors along with the ruling party, during the emergency. During the emergency what we need most is to make the State Governments believe that there is this emergency. But for arranging the Bhubaneswar session of the Congress the entire State Government machinery was probab'y geared up to . . .

SHRI BHUPESH GUPTA: And the contractors most hospitable to the Ministers!

SHRI LOKANATH MISRA: The who'e State machinery was geared up to arrange that sess'on of the Congress, for the Congress, for the ruling party. As 'many as 7,000 bulbs were

[Shri Lokanath Misra.]

burnt and 5,000 tube lights were burnt at the pandal. But all that does not seem to have given any light to the ruling party. If that had given them light, they would have seen that the time has come when the emergency should go. Thank you.

SHRI N. SRI RAMA REDDY (Mysore) : Mr. Vice-Chairman, the Resolution of my esteemed friend, Shri Bhupesh Gupta, reads in this way. For the benefit of hon. Members I would like to read it out, because it has caused a lot of confusion in my own mind.

> "This House is of opinion that having regard to the improved situation in the country the state of emergency should now be ended."

I would like the House to kindly mark the words: "having regard to the improved situation in the country". He speaks as if it was the internal situation in the country that was mainly responsible for the declaration of emergency in this eountry. Here is a misleading Resolution. It is highly misleading. I do not know why it is so. It cannot be that a very competent and able person like Shri Bhupesh Gupta was not able to see the reasons for the emergency. Even if he knew them, maybe he did not want to state them specifically in so many words. He wants this Resolution in this way so that innocent people may say: What is the immediate provocation in the country for the emergency? Certainly within the country there is no immediate provocation for an emergency of this kind. Secondly, my hon. friend would like to appear to be right. This is my reading of the situation. Otherwise he would have made it clear. Of course, in his speech he made it clear. What did he say in his speech? There it was different. The emergency cannot be thought of except in the context of the Chinese attack in NEFA and Ladakh. If he was thinking of the emergencv arising out of NEFA and Ladakh, if he thinks that they are the reasons which were responsible for the declaration of emergency, I ask him: Do those reasons exist any the less today? Aggression has not been vacated. I do not know which of these two reasons is his reason. I do. not know whether he wants to hide the real reason behind it and wants to appear before the ordinary public that he is right in his Resolution. Which of these two reasons is responsible for this Resolution, I cannot say.

Anyway, he has come out with this Resolution. He satisfies himself with the argument that the unilateral cease-fire has come to stay for fifteen months and that there is no immediate threat, no further threat from China; that the cease-fire is consolidated. These were some of his own words. Though I cannot quote them verbatim I would like to repeat them for the benefit of my hon. friend and ask hirn whether he believes thes<e things. Since the situation has improved from the point of view of deployment of forces there is no more need for emergency. That is what he argued out in his brilliant speech. What he consi-dares to be brilliant. Therefore.

SHRI BHUPESH GUPTA: I do not consider it to be brilliant at all.

SHRI N. SRI RAMA REDDY: It is very difficult for us to understand the intentions of the mover of this Resolution; it is impossible for us to make out what exactly he means. He thinks that there is no more threat so far as India is concerned, threat of external aggression. He has completely forgotten that a very large portion of our territory in Ladakh is under the occupation of the Chinese; Bara Hoti is hanging fire and even in NEFA our forces are not able to go right up tc-the McMahon line. Longju and Thagla Ridge are still in dispute and are under the occupation of the Chinese. He forgets all these and perhaps thinks that all problems with regard to the Chinese recent attack of India . . .

SHRI LOKANATH MISRA: YOU want to continue the emergency for writing letters to the Chinese Prime Minister.

SHRI N. SRI RAMA REDDY: It is not merely writing letters; it is something more than that. Anyway, this is the fallacy behind this Reso ution. Let me make it absolutely clear that there has been absolutely no improvement in the situation created by the Chinese attack on our soil. There is absolutely no improvement. If anything, the situation today is worse. This is what should be understood clearly. Having said this much, let me see what is the stand that the Opposition takes. We do not know whether the Opposition speaks with 'one voice, with one mind or with different minds. Mr. Vajpayee wants the emergency to continue in partial areas and Mr. Mani also wants that way. Mr. Gurupada Swamy was complaining that the emergency measures ha\e not been ruthlessly enforced as they ought to have been enforced. Someone is complaining that the measures have not been ruthlessly enforced while somebody else is complaining that individual liberty is curtailed. Ii the interests of the State which is the fountain source of law and will—as it is stated in the North Block of the Secretariat—it is neeessary that for the sake of the State, for the sake of sovereignty, fo$_r$ the sake of keeping the integrity of our soil intact we have to curtail and we have to agree to the curtailment to a certain extent of our liberties. This is not fcr all time to come; liberty is not going to be taken away for all time and democracy is not going to be suppressed.

Before I proceed further in this matter, I would like to draw th<; attention of the hon. House to the situation that exists today, and the situation that existed about the 26,h of October, 1962, when this emergency was declared. China and India were friends from times immemorial. We never thought, young India never thought, independent India never thought that the borders vis-a-vis China should be a very guarded and protected affair. It was never thought so. The friendship with China was» taken for granted. It was so for thousands and thousands of years and. it continued to be so even after this present Peoples' Republic of China came into being. We cultivated assiduously their friendship and we were the first to recognise the Peoples' Republit of China. We gave all the respect and consideration due to a great neighbour and we sponsored the cause of China in the United Nations. We expected a similar response from China. We never thought that the Chinese were perfidious and deceitful. If this is a mistake, I am sorry I cannot help it but anyway, this is what happened. They cam$_e$ to power in 1949 and within a year of their coming into power, in 1950, there was aggression against Tibet. Our Prime Minister wanted to interfere but he was snubbed and he was told that it was no business of his to interfere. Between 1950 and 1954, all sorts of attacks were made on India. Very perfidiously they were preparing and they were premeditating to attack India and occupy the Indian soil. Some sort of agreement was entered into with China, when the Prime Minister of China came to our country in 1956, with regard to Tibet. There were cries of "Hindi Chini Bhai Bhai" from housetops. The Panchsheel agreement was entered into guaranteeing the sovereignty of each State. **All** that was done but soon after Mr. Chou En-lai returned to his country, he made an attack on India and started building the Aksai Chin road and then, year after year, day after day. night after night, advances were made into our territory and our territory **was** occupied. This is a matter of history and we have got to take that into consideration.

Having seen how China was misbehaving with us, We also prepared ourselves and ultimately towards the close of 1960 or so our posts were ar-

[Shri N. Sri Rama Reddy.]

rayed against those of China in Ladakh. We also started building up what are called military posts and we stood face to face with the military posts of china and without an attack it was impossible for the Chinese forces to proceed any further. Another international event of grave importance took place then; a grave crisis developed round about Cuba and the Carri-bean Sea and this deceitful neighbour of ours, great though he was, took advantage of the world situation, the world crisis that was developing and attacked us on September 8, 1962 He committed unabashed aggression on us. This i$_s$ the story of Chinese aggression in India and tha subsequent events are very well known to you and so I need not repeat them. In those circumstances, somewhere about the 26th October, 1962 the emergency was declared. It was unavoidable and we took a pledge. All the Members belonging to the opposition and their leaders were party to the great pledge that we took in this Parliament, in this House and in the other House. The pledge was:

> "With hope and faith, this House affirms the firm resolve of the Indian people to drive out the aggressor from the sacred soil of Tndia, however long and hard the struglle may be."

SHIU B. D. KHOBARAGADE: But, what has got that to do with this Resolution?

SHRI N. SRI RAMA REDDY: In order to put this pledge into practice, it was necessary, absolutely necessary, that conditions within India should be created in such a way that the Government was enabled in every respect to carry on this strengthening process with regard to defence, civil defence, production and in other ways. It was necessary that the community's life should be prepared for the strengthening of internal defence as well as to face external aggression. With this view the emergency was declared, not with a view to curtailing the liberties of the individuals. That was not at all the intention. The intention was to prepare the country thoroughly knowing, as we did, that China was a mighty enemy. Unless efforts of such a character were made, it would not be possible to defeat the enemy and drive him out. In this connection, I would like to remind my hon. friend, Mr. Bhupesh Gupta, . . .

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : Mr. Sri Rama Reddy, your time is up.

SHRI N. SRI RAMA REDDY: Just a minute or two more, Sir.

SHRI BHUPESH GUPTA: And I do not need any reminding.

SHRI N. SRI RAMA REDDY: Sir, on 8th December 1962, Mr. Bhupesh Gupta made this statement in this House:

> "Again finally I assure the House that whatever pain you have caused us by the arrrests of our colleagues and comrades, whatever may be in store for us in the days that lie ahead, however repressive the posture of the Government may be in certain quarters, however misguided the Government may be in taking certain misguided actions against us, we have charted our course ... —

Please note the words "we have charted our course"—

> "... and we shall proceed to advance along this thing, the course of national defence, the course of national unity for the purpose, the course of regaining the honour of the country, the course of making our territorial integrity secure, inviolable and invincible. Even if you throw us away, push us aside, I tell you on behalf of my party, here again in all solemnity, as we close this chapter of the Defence of India Bill, we shall time and again seek place alongside you at this hour of crisis."

Is he seeking place alongside as here when we are striving to strengthen the defence of the country and to throw out the aggressor from the country? He is wanting the emergency to be lifted immediately; for what purpose? Even according to his own statement there are just 51 people in prison today; not even one in a crores. Do you still call this abushe of emergency powers? You must have complained that emergency measures have not been rigorously enforced with a view to increasing production all round, in every factory, in every field and in every office. That should have been the spirit that should hav; been shown by the hon. Member. Instead, he comes here with the plea that the emergency must be lifted.

THE VICE-CHAIRMAN (SHRI M GOVINDA REDDY) ; You have to conclude now.

SHRI N. SRI RAMA REDDY: I seem to be having no time. I am rather confused because I had prepared so much and I have not been able to **sty** til that I wanted to say.

SHRI BHUPESH GUPTA: Can I help you with a little clarity?

SHRI N. SRI RAMA REDDY: Finally Sir, the emergency is there and it gives legal sanction for unity and direction of action at all levels of the life of the community to meet the situation. There is streamlining of the entire purpose of administration and legislation for strengthening and achieving the objective. Tht-suppression of fundamental rights is only a minor part of the entire job. The fact of the matter is, China is a very very dangerous country. It is not only known to India but it is known to the entire world. They have great ambitions; they have ambitions of restoring the former Chinese empire. Thev have an eye on the Indonesian oil; they have an eye on Thailand's rice; they have an eye on India's independence, they have an eye for domination. Thev do not believe in peaceful co-existence as you and I do, Mr. Bhupesh Gupta. They believe that war is a weapon for the establishment of a Communist State in the world where China—not even Russia—would be the biggest Communist State ruling the entire world. That is the ambition of China, the wicked ambition of China. It has got to be ended and for ending this wicked ambition of China, if an emergency is declared he should not grudge; we should not grudge and the entire country should be behind the Home Minister and the Government of India in seeing to it that the aggression is vacated from every inch of the soil. It might take time: it may take a hundred years and if it n neeessary we shall even curtail our indepedence, our fundamental rights, our civil liberties, anything that is necessary for getting rid of the aggression for which you and I have taken a pledge in this House.

Thank you very much.

SHRI B. D. KHOBARAGADE: Mr. Vice-Chairman, Sir, I support the Resolution moved by Mr. Bhupesh Gupta because in my opinion the circumstances which warranted the declaration of emergency in this country no longer exist. Sir, I would like to recall the situation when the emergency was declared.. At that time China had perpetrated naked aggression on our country and within the course of a few days had seized thousands of miles of Indian territory. After that when e clarion call was given to the country to rally behind the Government and to fight against the Chinese aggression the whole nation rose as one man and supported the Government in its resolve to remove the aggressor from our sacred soil. Many Members have quoted from the proceedings of thi* House and just now Mr. Sri Rama Reddy quoted Mr. Bhupesh Gupta also. It only proves that all the Members of this House, whether they belonged to the party in power or whether they belonged to the Opposition, supported the Government and they were behind the Government pledging their full support saying

[Shri B. D. Khobaragade.] that they would definitely make every effort to remove the Chinese aggressors from the sacred soil. After that within a few days' time the Chinese forces on their own accord withdrew. I do not want to go into the reasons why the Chinese withdrew at that moment.

Then the Colombo proposals were formulated to solve the border dispute between India and China and since then we have been experiencing a stalemate. On the one hand there is no further aggression from China and on the other our Government is not taking any steps to remove the Chinese forces from our sacred land. So there is the stalemate. Even one year after China has categorically stated that she does not want to ac cept the Colombo proposals we do not want to give up the Colombo propo sals. We are still hankering after the Col'ombo proposals. Sir, I would like to remind the House here about our attitude towards Pakistan. There were talks between India and Pakis tan at ministerial level. Sardar Swaran Singh and Mr. Bhutto met at different places and tried to evelove a formula to solve the Kashmir dispute and during those discussions and nego tiations the Government of India made certain concessions to Pakistan hoping that there will be some sort of a compromise between India and Pakistan but when these talks did not prove fruitful, immediately afterwards the Prime Minister declared that what ever concessions were given to Pakis tan stood immediately withdrawn. I do. not understand why a similar policy should not be adopted towards China. If China does not accept the Colombo proposals, why should we hanker, after the Colombo proposals and why should we not declare that we are no longer bound by the Colom bo proposals.

Sir, because of these circumstances, because there is no further aggression from China and because our Government is not taking any effetive steps to remove the Chinese forces from our sacred land, the people in the country find that there is no emergency at all. Of course, the members belonging to the party in power have tried to single out the Communist Party in this respect but they must realise that this time it is no only the Communist Party which is demanding the ending of the emergency. At its annual convention held at Bangalore the Swatantra Party also has demanded that the emergency should be ended. While speaking on the motion regarding President's Address Mr. Ganga Sharan Sinha also said that there is no emergency ana that the emergency rules and regulations were being misused to harass members of the Opposition parties and he quoted the instance of Mr. Chandra Shekhar, who is an hon. Member of this House. The Republican Party also had its convention held in Ahmedabad in January this year. It has demanded that the emergency should be ended. Mr. Vajpayee also has, while speaking on behalf of the Jan Sangh, said that there are no circumstances which warrant the continuance of the emergency in this country.

DR. GOPAL SINGH: Yesterday he said something different.

SHM B. D. KHOBARAGADE: Therefore, all the political parties, except the Congress are demanding that the emergency should be ended. And what about some important leaders from the Congress Party? Dr. Hare-krushna Mahatab, who is a prominent leader of the Congress, has said yesterday in Lok Sabha that the circumstances for an emergency do not exist in this country. Dr. Mahatab said: —

"Many others have said, many statesmen have said that any emergency should not be continued for a long time. If it has to be cotinued, then there must be some visible signs of the existense of the emergency and there must be some preparations to show the existence of that emergency. What we do should be visible, *so* that the population will

know that there is an emergency and something is being done."

Dr. Harekrushna Mahatab also is of opinion that no signs are visible in this country of an emergency and dc> we find that really there are any signs of emergency?

Some hon. Members have mentioned the bye-elections. Leave aside the bye-elections. What about the struggle for power in the Congress Party itself? Go to any State and what do we find? Go to U.P. What happened during the last one year? We have seen the struggle between Chandra Bhan Gupta and the other dissident groups. The same thing we have experienced in Punjab. I_n Andhra Mr. Sanjiva Reddy is out of the Cabinet now. In Keraia there is no end to the struggle. Formerly it was between Mr. Sankar and I think it was Mr. Nair. Now, it is between Mr. Sankar and Mr. Chacko. That is still going on. The same thing is there in Orissa. Ultimately because of these circumstances, the Congress Party had to take resort to the Kamraj Plan and remove some people from power. Shri Morarji Desai, Shri S. K. Patil and all those people were removed not because their services were not wanted by the Congress Party but because the leader of the Party wanted that they should be out of the Cabinet.

SHRI BHUPESH GUPTA: Mr. Chacko has declared on a stay-in-strike.

SHRI B. D. KHOBARAGADE: It only indicates that there is a relentless struggle for power within the Congress Party. Shri Balvantray Mehta is in power in Gujarat. Dr. Jivaraj Mehta had to be removed and there were all kinds of manoeuvres. This is the state of affairs in India. Does it indicate that there is really any emergency in this country? In my opinion, there does not exist any emergency. We have seen it at Bhubaneshwar— there an hon. Member has mentioned it—where you have seen the elections . . -

SHRI N. SRI RAMA REDDY: And drinks also.

SHRI B. D. KHOBARAGADE: My friend need not say anything about it. Crores of rupees collected from the contractors, who are exploiting the labour, were spent at Bhubaneshwar. You need not say anything about the drinking habit

SHRI BHUPESH GUPTA: You spoiled our Prime Minister's health.

SHRI B. D. KHOBARAGADE: When I say that there should be an end of the emergency I do not mean that we should slacken our efforts to strengthen our defences. One the contrary we should be prepared even after the end of the emergency. We will devote our full energy. We will devote our life so that the defences of the Country are strengthened. Nobody should be under illusion that only under an emergency we can strengthen our defences. That is not the position. Even after the end of the emergency, all the people in this country will strive to see that the defences of this country are strengthened. That is what we have been demanding and to that end we will strive and work.

It has been mentioned by some hon. Members that there is still the apprehension of threat by China and Pakistan also. No doubt nobody can deny it that there is the threat from China, but at the moment there is no actual further aggression. One year back there was actual aggression. Everybody was afraid that China might again commit further aggression in spite of her withdrawal. Everybody was expecting that and. therefore, every citizen was fully prepared to meet any such eventuality. But during the last fifteen months China has not dared to attack us again. Now, what was the position before the 20th October, 1962 when China perpetrated this aggression? Ever since independence this country has been experiencing and expecting threats from Pakistan. Since 1955-56 China has been committing aggression. Before we declared the emergency in thi_s country China had occupied about 16,000

[Shri B. D. Khobaragade.] square miles of this country. Even then there was no necessity to declare an emergency in this country. Our Government declared the emergency only when there was a continued threat of aggression, when there was massive aggression from China. Then only the Government declared the emergency.

Therefore, when I say that there is somewhat change in the circumstances and in the situation what I mean is this. On the 20th October 1962 there was massive aggression and there was a continuous threat of aggression. Today there might be some threat of aggression, but there is no actual aggression. There is no sign of aggression also. When there is any aggression, whether it be from Pakistan or whether it be from China, we will not lag behind. We will rally behind the Government, behind our Prime Minister, as every party in this country, as every citizen of this country had done one year back. We will be definitely with you. If there is any further aggression from China or Pakistan, the Government can declare an emergency. In these things we will be behind the Government. Alternatively, if the Government gives an assurance to the country that it will march forward in the Himalayas in order to drive out the Chinese forces out of Indian territory, it does not matter if you continue the emergency. Again, we are prepared to suffer for our county's sake. We are prepared to give up our fundamental rights if you are prepared to take action against the Chinese aggressor and if you tare determined to drive away the Chinese forces. Then, we will be behind you. But there are no signs of Chinese aggression and the Government does not want to take any steps against the Chinese forces. It does not want to drive them out. On the contrary, they want to impose the emergency provisions on this country. Our democracy in this country is not fully developed, is not fully grown up. It is essential that we should develop democratic traditions and, therefore, in no circumstances should the fundamental rights be abrogated. The Supreme Court has declared that the Defence of India Act is illegal and *ultra vires* the Constitution. The only thing they have said is that during the emergency the citizens shall have no right to get their wrongs redressed. They cannot come before the judicial tribunals, before the High Court or the Supreme Court. But the Supreme Court has definitely said that the Defence of India Act and Rules are ultra *vires* the Constitution. In that case it becomes most undemocratic. We will be having on our Statute Book an unconstitutional law and that statute will continue to be on the Statute Book as long as the emergency exists in the country.

Therefore, I say that the emergency should be ended as early as possible because the emergency is being utilised to suppress the activities of the opposition parties. Mr. Ganga Sharan Sinha has quoted some instances yesterday. Mr. Mani has just now quoted one instance.

SHRI N. SRI RAMA REDDY: It is a country of 45 crores of people.

SHRI B. D. KHOBARAGADE: So what? You go on suppressing the opposition parties. Newspapers, political workers, political parties; all are being arrested and harassed under the Defence of India Act and Rules. Even Members of Parliament are not spared.

SHRI N. SRI RAMA REDDY: Why should they be spared if they come under that?

SHRI B. D. KHOBARAGADE; If they belong to the office or group of the party in power, they are not arrested, but if they belong to an 'opposition party, they are arrested under the Defence of India Rules. If an opposition leader opposes a Congress worker or leader then he will be put under detention under the Defence of India Rules. It does not do any c-edit to the Congress. Mr. Maurya has been arrested under the Defence of India Rules. He is being treated in such a *1* way that he has been made to live

with condemned prisoners who are guilty of murder. Mr. Atre, Editor of "Mahratta" was arrested under the Defence of India Rules. One editDr of "Nav Bharat" from Nagpur has been arrested under the Defence of !India Rules for having published a news item against a police inspector.

Therefore, I would in the end only submit that during the past few months we have experienced that the Defence of India Rules have been utilised not to strengthen the defence forces of the country but to suppress the activities of the opposition parties. Therefore, I would urge that thi; Defence of India Act and Rules should not be in force in the country and I demand that the emergency should be ended immediately.

SHRI PATIL PUTTAPPA (Mysore): Sir, I rise to oppose the Resolution moved by my hon. friend, Shri Bhupesh Gupta. He told us that he was speaking more in sorrow than in anger, but I found that he was speaking more in anger than in sorrow. A man who is in anger cannot reason properly and rhetoric is no reason. Shri Bhupesh Gupta, a master rhetorician as he is marshalled facts in such a way as to confound his audience.

AN. HON. MEMBER: No, ne. He failed.

SHRI PATIL PUTTAPPA: Shri Bhupesh Gupta quoted chapter and verse for his defence. Usually a man who has got a very weak case will quote many authorities. Shri Bhupesh Gupta quoted the Attorney-General, Mr. Daphtary, Mr. Setalvad, an I also some editorials from the "Statesman" and the "Times of India". He also quoted Mr. Jennings, but all his arguments have failed to carry conviction with the House.

SHRI BHUPESH GUPTA: Becaus* you have been kidnapped ty Mr Nanda.

SHRI PATIL PUTTAPPA: Wo hav< got to look at this problem of emergency from the larger context of the security and integrity of this nation The Chinese threat is a continuini threat. The emergency was declared because the Chinese threat was threatening the very integrity of this nation. No man can argue that because the Chinese are now in a dormant state on our border the threat has minimised. Added to the Chinese threat we have the Pakistani threat. Hand in glove both are threatening the integrity of our State. It would have been better if my hon. friend, Mr. Bhupesh Gupta, had called on the Government to be more vigilant, to be more strict in regard to the emergency measures. Then he could have been more in tune with the sentiments he expressed here over a year ago, but unforuantely, he wants this emergency to be lifted. I do not know for what purpose. Most of us know that there has been a wide difference of opinion in the Communist Party ovr this issue.

SHRI BHUPESH GUPTA: Which issue?

SHRI PATH., PUTTAPPA: A large chunk of the Communist Party is in favour of the Chinese, and I did not want that Mr. Bhupesh Gupta should align himself with that section of the Communist Party.

SHRI BHUPESH GUPTA: No section of the Communist Party is against the defence of the country, the defence of the territorial integrity of the country.

SHRI PATIL PUTTAPPA: Although he may deny it, it is there, it is there, it is there.

SHRI BHUPESH GUPTA: Uttering it three times does not prove it.

SHRI PATIL PUTTAPPA: By denying my arguments you are not going to substantiate the truth. The truth is that there is a large section in the Communist Party which is for the Chinese lobby. We must look at this problem from a larger context, the context of defending the integrity of this nation.

My hon. friends. Mr. Mani and Mr. Vajpayee, argued that the emergency should be localised to certain areas. Mr. Mani advocated that this should be localised to the border areas and Mr. Vajpayee named a few States, l West Bengal, Assam, Manipur, Tri-

[Shri Patel Puttappa.] pura, Jammu and Kashmir and Punjab. *I* do not know how an emergency could persist in a part of the country and not persist in the rest of the country. If a man is sick, the whole person is sick, not a particular part is sick.

AN. HON. MEMBER; Headache.

SHRI PATIL PUTTAPPA: Yes, it is headache. The headache still persists. It is on the other side qf the Treasury Benches. We want this headache to be removed and this nation to be restored to its health.

Mr. Bhupesh Gupta quoted that even the Americans are not apprehensive about the Chinese threat. We do not want arguments from across the seas. We know how our freedom is threatened. We do not require some authority to be quoted against our freedom. We know where our shoe pinches. We want to maintain the integrity of this nation. If we argue that there is no emergency in the country, it is not only a few who are watching us but it is the whole world that is watching us and much more so our enemies across the borders, the Chinese and the Pakistanis. We must be aware of that fact. Moreover we have to galvanise the country to greater action. If we look at this problem from a very narrow angle in a light-hearted manner, people would think that our leaders represented by this august Parliament have betrayed them. Government is not doing anything that was not approved by this House. It was on the approval of this House that Government has continued this emergency and is going to continue it. This House has approved and is going to approve this measure because the threat continues. As long as it is there we are going to support the Government on this issue.

I am very much depressed to note that some of my hon. friends on the other side painted a very 4 P.M. pessimistic picture cf this country. Thev say that it is given to us that we should go to the pools to galvanise them to greater action. This, it seems to me, is another way of looking at things, as something which could be likened to some sort of irrespnsibilty. We have got to be more responsive to the problems facing this country. We cannot treat this subject of emergency in a light-hearted manner.

[THE DEPUTY CHAIRMAN in the Chair]

We should be more vigilant and more responsible in our utterances. I want this House to be broad-minded and look at this issue not from a narrow point of view. Shri Bhupesh Gupta wanted us not to introduce any narrowness into this problem but he himself took us through the narrow path blocking all avenues of escape. He wanted us to believe that there was no emergency; he wanted us to believe that the emergency powers were being utilised against a particular section of the community. I say with all the emphasis at my command that if the liberty of a few individuals is going to be curtailed so that the large majority may enjoy that liberty, I am for curtailing that liberty. In our country hardly a few people have been detained for certain actions for which they are answerable. The fact that a few people have been detained does not warrant our demanding from the Government that these emergency measures be lifted. We want this to continue so that we can prepare the country to face greater challenges.

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My hon. friend, Shri Khobaragade, brought into the debate the point that China had not accepted the Colombo proposals and so, there was no point in India continuing to insist on those proposals and that we should go back upon them. I humbly tell him that it might be quite easy for us to say so, but a man who is true to his salt will not go back on his word. India wants to be a gentleman that it is; it wants to continue to be so. Whether China accepts the Colombo proposals or not, we want to srtand by them to demons-

trate to the world that we are honourable gentlemen and we want to stand by our word. India has got to fulfil a mission, that of carrying the message of peace. Without making their nation strong enough to defend itself, how can Indians carry the conviction of peace to other people? It was some American President—I do not remember his name; maybe it may be Mr. Theodore Roosevelt, I am not exactly sure—told his people to be very soft but at the same to carry a big st ck. We want to be a big power, not to be aggressors like the Chinese, but to maintain our own self-respect anj to carry conviction to other people that we are a power to be reckoned w th, that we can stand by other weaker nations in moments of trouble.

The emergency is there. Shri Bhu-pesh Gupta, in his Resolution, as was pointed out by Shri Sri Rama Reddy, has said that "having regard to he improved situation in the country the state of emergency should now be ended." The emergency wa$_s$ not proclaimed because something was disturbed in the country, there were no such disturbances: but something of our integrity was threatened. Only then was the emergency declared. That emergency has got to continue because the Chinese threat is a living threat, it has not subsided and it is there. China has dreams of world conquest. They say that they are ihe only civilised people and that the rest of the world are just slaves. Tbey want to go and conquer the rest of the world. As long as that Chinese menace ls there, we have got to be vigilant, more vigilant, even to the extent of foregoing some of our funca-mental rights. But now nothing of that sort has happened. Everything is going on smoothly except for a few individuals being detained in jail. That is not a reason for the counlry to lift the emergency. We have got to make the people aware that greater preparations are required to face the enemy. Now, those who are conversant with the situation, those who are students of history, those who are reading newspapers, particularly newspapers from Pakistan, might be aware that the Pakistani leaders and the feudal lords there have been preaching jehad, about carrying the holy war into the soil of India. Those who are conversant with the events in the neighbouring countries would never advocate the lifting of the emergency. They are not the real friends of the country who want the emergency to be lifted. Those are the real friends who want this emergency to continue because this threat is not only from China but also from Pakistan. You know, the threat from Pakistan is a very delicate issue because our nation is a plural nation composed of people belonging to various faiths. It is a very delicate issue. If this emergency is lifted, I do not know what is going to happen, who is going to safeguard the rights and . . .

SHRI SHEEL BHADRA YAJEE: The mover of the Resolution is absent. When the Minister is absent, he complaints; but now I find that the mover of the Resolution is himself absent.

SHRI P. RAMAMURTI (Madras): He will come back.

SHRI PATIL PUTTAPPA: Our nation is a plural nation composed of people of various faiths. If unfortunately some conflagration takes place at the instance of Pakistan, I do not know what is going to happen in this country if this emergency is not there. To safeguard not only our borders but also to safeguard the lives, liberty and property of the people of the various faiths, this emergency ought to continue in this country. Instead of giving this qualified support, we must give this measure full-throated support.

I am very glad to note that my hon. friend on the other side, Shri Gurupada Swamy, was keenly aware of the desirability of continuing the emergency measure, although he was a little hit critical that the Government was not doing adequate enough to strengthen the defences of the country or take some measures like that. It is

[Shri Patil Puttappa.]

for the Government to seriously consider these various suggestions and to galvanise the country. The emergency powers have been given to the Government to make the people more aware that the threat is real, and as long as it is there, th* people mutt be in preparedness.

With these few words, I give my full support that these emergency measures must be continued as long as this threat from China and the new threat from Pakistan persist.

SHRIMATI K. BHAKATHI (Kerala): Madam Deputy Chairman, it is only natural that my hon. friend, Shri Bhu-pesh Gupta, should clamour, argue and agitate to lft the state of emergency now. One can understand the depth of feelings of a sincere and genuine friend like Shri Bhupesh Gupta, when his closest associates and comrades are the biggest casualty in this emergency. But I am sure, Madarn, that he himself will admit, if party interests do not intervene that it is neither for fun, nor for pleasure or pastime that the Chinese wing of the Communist Party of India is detained today. Of course everyone of us knows that on the part of the Government it was a painful necessity, compelled by the safety of the nation, that they had to be detained. Madam, one cannot afford to indulge in the luxury of allowing the partisans of China in this country today to go on merrily when China commits open aggression against us. I am sure that if it were Mr. Bhupesh Gupta who was at the helm of affairs in a similar situation, he would have placed the partisans of his enemies before the firing squad without any compunction; he would not have hesitated for a moment to do so. But here we on this side of the House believe that the utmost we should do at this juncture is to preventively detain those who have proved to be traitors to the nation; to detain them so as to prevent their traitorous activities Just for the moment.

Then, Madam, apart from that, there are other compelling reasons too not to lift the state of emergency at present. Can it be said that the emergency has ceased now though Mr. Bhupesh Gupta feels that there is no great emergency at present though Mr. Mani feels that it should be restricted to the border alone? And for Mr. Lokanath Misra the Chinese menace is simply a 'tiger scare.' He forgets. Madam, conveniently, that the dragon is still on the lurk. China still occupies our territory and she is flirting with Pakistan purely because of the latter's 'Indo phobia'. In fact China and Pakistan have become partners in their hatred and enmity to India In other words, the 'crusading Stalinists of China' and the quarrelling fanatics of Pakistan have joined hands in friendship to hit us and attack us, as they have done before.

Then, apart from this new development, we find the state of tension and emergency in several parts of the country, brought about and perpetuated by Pakistan; the state of tension caused by the aggressive communalism of the Pakistan rulers has created a crisis in East Pakistan with its natural repercussions in West Bengal. In Assam the Pakistani Muslims are trespassing and causing tension. Perharjs an army of 5,000 volunteers are waiting right now to march into Kashmir —it was reported in the foreign Press; perhaps may be on the wake of the debate in the Security Council anticipating the speech of the British representative.

Madam, in all that has happened in Kashmir recently regarding the theft of the holy relic, we can trace the hand of Pakistan. In the South we And the D.M.K.'s threats. Does my friend. Mr. Bhupesh Gupta in the Oppsition, believe that this is the most appropriate time to lift the state of emergency? All these separately constitute a state of emergency, and if they be taken together, no one can belittle the seriousness of the situation. I don't think, Madam, that any sane Government can lift

the state of emergency at this juncture, even to oblige my good friend, Mr. Bhupesh Gupta, who is not here and who might have been prompted by good intentions.

Thank you, Madam. I oppose this Resolution.

SHRI P. RAMAMURTI: Madam Deputy Chairman, I am afraid we are allowing passions to come in the way of considering this Resolution. There are two separate questions which you have to consider separately. One is the question of preparing the country for defence. The other is the declaration of the emergency. These are entirely two different things, two different aspects of the question. Now •under the Constitution, when an emergency is declared by the President, when a Proclamation of Emergency is declared under article 352, three different things flow from it. One is under article 353 and it says:

> "(a) Notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is t'o be exercised;"

Now I dare say that during tb; last fifteen months of the existence of this emergency no directive whatsoever has been given by the Central Government any worth the name; there may be one or two small instances, but no directive worth the name has been given by the Central Governmen . .

SHRI M. N. GOVIND AN NAIR: So many directives to settle their quarrels.

SHRI P. RAMAMURTI: . . . using the emergency powers, to the State Governments. The second is that there is the power of Parliament to make laws with regard even to those things are listed in List II, that is ,the State List; Parliament also can make laws in regard to those things. But no single legislation has been enacted in this regard. The third thing is that article 19 of the Constitution regarding Fundamental Rights stands suspended. Similarly, the right to go to cou.t, when the Fundamental Rights are infringed or abridged, has been totally abrogated. These are the specific things which we are considering now. The question, therefore, is whether it is necessary now to cont nue the abridgement of these rights. Fifteen months have shown that the Cent al Government has not exercised any power whatsoever under article 353 or under article 354. Even at the height *at* hostilities no power was exercised under article 353 or unde- article 3^3. Therefo *e. we are considering the legal question; we are not considering some other question. Unfortunately here passions are allowed to rule. Therefore I am drawing the attention of the House to these real implications of what the legal declaration of emergency in this country means.

Now, I would like to take up the other question. People were talking about Mr. Bhupesh Gupta saying that a different situation exists today. I would like to draw the attention of the House to the circumstances in which the emergency was declared on the 24th of October, 1962, if I remember aright. Now we have a dispute with China over our borders; we have dispute with Pakistan over our borders. It is not as if the dispute with China over our borders started on the 24th October. 1962. We had our dispute with China over our borders long before October 24, 1962, even from 1959 onwards, when it came into the ooen; even from that time we had the dis-out with China over our borders. Nonetheless that did not mean that we had to proclaim a state of emergency and abridge certa'n fundamental rights. Actually, when some time in th$_e$ month of October, 1962 the Chinese forces crossed the Mc-Mahon Line, it was onlv then that it was found necessary to declare a state of emergency and pass certain laws I r°fer to the Defence of India Rn1°s. Now do we contend that the situation

[Shri P. Ramamurti.]

today is what it was on the day the emergency was actually declared? Absolutely not. That state of affairs is over.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Why not?

SHRI P. RAMAMURTI: Because on the 24th of October the McMahon Line had been crossed. No longer is it tbe case. It is not the contention of the Government that today the Chinese forces are on this side of the McMahon Line; nor is it the contention of the Government that today the Chinese forces are even farther than where they were on September 8, 1959. That position ino longer exists. Yet, our dispute with China still continues.

SHRI SANTOSH KUMAR BASU: What about Ladakh?

SHRI P. RAMAMURTI: Even there the position is that the Chinese forces are not where they were on the 24th October, 1962. We have the statement of the Prime Minister to that effect. Therefore, the situation today is not what it was before the declaration of emergency. The situation is not what it was either on the date of the declaration of the emergency or subseauent to that. That is the simple auestion. That is what Comrade Bhu-pesh Gupta has drawn the particular attention of the House to by stating that today the situation is very much improved. It is no longer what it was on the date when the declaration of emergency was actually made. That is the position. Yet, the dispute with Ch'na continues. And according to the Prime Minister the dispute would continue for ten years, for fifteen years. Then should we say, simply because there is dispute with another country over our borders that this country has got to be permanently in a state of emergenev? The disoute might continue indefinitely. We do not know how this will be settled.

SHRI SANTOSH KUMAR BASU: May I just put one question to my esteemed friend, Mr. Ramamurti? Does he think that it is just a dispute and actually no aggression?

SHRI P. RAMAMURTI: Well, the Chinese have occupied the territory which belongs to us, but they claim that it is theirs. When two countries claim the same border, it is a dispute. ; That is tlie question with regard to J Pakistan also. If there is no dispute why should the Government of India refer the whole question to arbitration? Why should the Prime Minister of India refer to the whole question to arbitration when there is no dispute whatsoever? *(Interruption)* I am not yielding.

SHRI SANTOSH KUMAR BASU: My friend has not answered my question.

SHRI P. RAMAMURTI: When, for example, there is no dispute regarding our border with Pakistan, why should our Prime Minister offer to refer the whole question for arbitration by the Hague Court or by any other person? Therefore the very fact that our Prime Minister is prepared to refer the question to arbitration is the clearest proof that at least there is a dispute. A dispute arises when the other people do not accept our contention. That is unfortunately the position. *(Interruptions)* I am not yielding. I have got very little time at my disposal. Therefore, Sir, is it neeessary today to continue a state, of emergency? Yes, we have to prepare our country for any contignecy. We have to prepare our country for defence. But is it necessary to have this thing? But how are you preparing the country? That ig the question. Does anybody in the street believe that the ruling party really believe that there is emergency? If there were an emergency, would you really behave in the way in which you are behaving with regard to various things, with regard to fighting over power, indulging in inner party

quarrels that are taking place? Would you behave in that way if you really believe that there is a state of emergency?

DR. GOPAL SlNGH: Are there no quarrels in your party?

SHRI P. RAMAMURTI; But we do not ask for a state of eme-gency. Any party may have quarels but they do not ask for a state of emergency 10 be declared.

DR. GOPAL SINGH: I_n your regime there is a permanent state of emergency; it never ends.

SHRI P. RAMAMURTI: We are now not talking of the state of affairs in the Communist Party. When we come to power we will discuss that. We are mw discussing the conditions when you are in power. Therefore let us not try to distract the attention of the House from reality. The reality is that the Congress Party is in power, that the Congress Party is ruling the country and under this disnensation certain things are taking place. And we have this Constitution. You can say since the Communist Partv is there, we do not have a Constitution. That is a different matter. We are not concerned with that. We are not concerned with the Congress brand of democracy.

SHRI PATTL PUTTAPPA: You are not concerned about democracy itself.

SHRI P. RAMAMURTI: We are not concerned with the Congress b-and of democracy and monocracy. We know how to win elections. You need not bother about that, Let us now come to what we are discussing now. Therefore Sir, when it comes to the question of prearing the country for defence, I would certainly have esrnected that the Government wo-ild galvanise the entire peoole bv taking cfrtnin economic measures even during this period of emergency. Even with regard to a simple thing like holding the price line the Congress Go-ernment would not lift a little finger. And mv friend. Dr. Gopal Singh, was talking about the great agitations that are taking place. Yes, these agitations will continue. These agitations will continue for the simple reason that they are directed not against the Government but against a particular policy of the Government which bolsters up the big monopolist, which bolsters up the speculators in this country. They demand of the Government to bring down the prices. They demand of the Government to take certain active and effective steps against the speculators and hoarders who are today really against mobilising the entire people in the defence of this country. Am I to believe that you will be able to mobilise the people by allowing the hoarders and speculators to get away with the run away prices and the Government doing nothing about it? And Dr. Gopal Singh was talking eloquently about the need of emergency because of these things. I will only repeat what Pandit Jawaharlal Nehru, I remember, in 1929, when he presided over the Youth Congress in the Punjab had said. I will only quote him and remind Dr. Gopal Singh of that. He said that there were people who thought that it was the leaders who were putting up the people against the British Government. No. He said that ultimately it is hunger and poverty that would drive the people to a revolt. That is what Pandit Jawaharlal Nehru said in 1929. Similarly, today also, if these policies continue, if these policies of bolstering up the big business continues if these policies of at tacking the ordinary rights of the people continue if even the elementary steps that are neeessary for holding the price line are not taken, then emergencv or n'o emergency, Defence > of India ' Rules or no Defence of India Rules, these ag'tatioms will continue and nothing can prevent them. We know how the Defence of Tndia Rules have been used. For examnle in Bombav 'on the 21st October 1963 . . .

SHRI PATTL PUTTAPPA: The how. Member is introducing passion into the' debate.

SHRI P. RAMAMURTI: I am not. Thank you very much. In August 1963, when the Bombay workers demanded that index figures prepared by the Government actually helped the employers to cheat the workers, when they demanded that, the Bombay Government refused to accept the demand. Then, when they went on a strike, the Government used the Defence of India Rules and threw ■more than a thousand people in jail. But that did not prevent a strike. And on the morrow of the strike the Bombay Government had to accept the appointment of the Lakrawala Commission. And today that Commission has actually found out that the workers were all along cheated. Why ■could the Government not have done it before? Similarly, for example, we know what happened in the Marmagoa harbour also. When the workers demanded the same conditions that are given to the workers in Bombay and "Madras and Calcutta, nothing happened. The employers would not even negotiate. But later on when they threatened to go on strike, the Defence of India Rules were used against them. But despite the use of the Defence of India Rules when they went on strike, ultimately the Government had to come to terms and they accepted the correctness of their demand.

SHRI PATIL PUTTAPPA: So you believe in that.

SHRI P. RAMAMURTI- If the Government refuses to accept this elementary demand, if the Government refused to accept the elementary rights of the workers and if it goes on helping the emp[1] overs to loot the workers, then certsinlv all people will not keep cmiet. Therefore, let us not delude ourselves. Bv means of this declaration of emergency vou will not be able to suppress the worker. You will not be able to do that. You may succeed in putting a few of us in iail. That does not matter. Our remaining out or be'ng put in jail does not master. All thot I sav is H dops not credit to you whatsoever. T+ ^oes no credit to the Government p'thpr. This is the reality of the situation.

Now, Sir, somebody said about the pro-Peking wing in the Communist Party. I wish I had the time to answer that. Unfortunately, I have not got the time. I was one of those paopie who were kept inside the jail. I even now challenge the Government to produce any evidence whatsoever, even a shred of evidence against me. There may be all sorts of reports. Given an opportunity I wiH defend. I do not want even to go to a court of law. You refuse to give me an opportunity even to place my case before the tribunal which is appointed by you, a board which is appointed by you. You cannot simply declare that we are people who are pro-Peking, In my National Council, certainly I moved a resolution. But have I not got the elementary right to suggest come measures inside my own party? What is all this? Should I say always what the Government says? Is it not open to me to make some suggestion in order to meet a particular situation that has happened in this country?

Therefore, to say that simply because I moved an alternative resolution inside the National Council of my Party, to the resolution that was moved by somebody else, therefore, t am pro-Chinese is not correct. Unfortunately, I have not got time to quote the resolution. If I had time I would even read the whole resolution "here. That does not show that there is anything pro-Peking about it. All that it said was that we were interested in seeing that some line was found to solve the extreme difficulties and the grave situation that the country is faced with.

Therefore, let us not now bandy words at each other. This does not help. To-day, therefore, when we see the unseemly fight—take for example over Kashmir, which is a border State or a State which is the bone of contention—is the Communist Party responsible for the present state of affairs that is there? Are we responsible for the fact that Bakshi Ghulam Muhammad had been ruling there all

these years and the entire people hav$_e$ turned against him? Are we responsible for that? Has the proclamation of a state of emergency helped you to prevent the people from riling against Bakshi Ghulam Muhammad? Absolutely not.

Therefore, let us not now try to delude ourselves by continuing the state of emergency when it does not exist, when to-day nobody in this country believes, including the members of the ruling party, that the same situation exists. The continuation of the state of emergency will be a blot on Parliament, will b$ a blot on the Government itself. Therefore, I w >uld ask them, I would request them to realise the situation and to mend their ways and to come gracefully to withdraw this emergency so that we can all unite together for doing something far greater.

DR. SHRIMATI SEETA PARMANAND: Madam, I am thankful for this opportunity you have given me to say a few words on this Resolution. The reason for my opposing this Resolution is that the very language of the Resolution is not convincing. The Resolution **says:**

"In the opinion of this House, having regard to the improved situition in the country, the state of emergency should now be ended." I would like to ask in what way the condition had deteriorated for which the emergency was declared or in what way it has improved that it shouM be lifted. Now, I feel that the real objection is not convincing. They have really worded the Resolution with some reservations. They should have come out in the Resolution itself that the Defence of Indis Act should be repealed because of VErious things that have followed as a result. Certainly the examples were :*iven by no less a person than Shri Ganga Sharan Sinha that peop^ were apprehended under the powers given for bringing gur from one State ts the other. Certainly the officers who misused the various clauses of these powers should be proceeded against

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but the real trouble is so much legislation—I may say with due deference—is passed within a year that the poor officers have no time to study ali the sections of the different Acts and that is why sometimes such a thing happens but that is a different question and different remedies can be found out for that.

I would ask the Opposition how the emergency has ended. If anything, you might have also read in the papers that the emergency has increased because on the northern border, on the McMahon Line or beyond that in Tibet, certain important people made the observation that movement of thousands of Chinese in civilian clothes who are supposed to be, perhaps really, military personnel, were observed and who knows, why they have been brought and kept ready there. All these things connot be broadcast but how this has come from a certain important person that should be considered. Besides, this emergency may have gone underground. I do not say that it has ended. It has gone underground. The state of emergency has gone underground and once it goes underground it will be difficult for the Government to tackle the situation should the situation again arise. We know how Pakistan has handed over territory from Azad Kashmir about 20,000 sq. miles, again to China. What was the reason for that? If anything, China's intention is to threaten us on two sides and, therefore, has the emergency ended?

As I said, the Resolution has been worded not very clearly because it i* worded without conviction and with mental reservations because the person who has brought it is Mr. Bhupesh Gupta. I do not think he himself is convinced intellectually that the situation has ended. When the situation of emergency in the country arises, it is not only on the border. After all in order to keep the country fully prepared on not only the border but to reach supplies and other things,

[Dr. Shrimati Seeta Parmanand.] all the States have to be kept sale. The passage of supplies, the passage of troops and other thingg have to be taken from different States. I am replying to the argument made by Mr. Mani that perhaps certain areas on the border should be kept under this Act. I do not agree. As it is, many people are surprised that the Government of our country—a country which was dependent on the British people for years together and which had enjoyed more or less the fruits of peace—had not continued to be in a state of preparedness, not only as far as the army is concerned but as far as the civilian population is concerned. We had various citizen's councils and various committees—eight kinds and so on— and we were supposed to get garments and give money etc. As far as money is concerned, perhaps with the present state of affairs, the Government need not have pressed the people, but barring enlisting people in the N.C.C and increasing the number of Home Guards, the preparation of the citizens for any emergency has discontinued and that is why it makes the people fee[1], and that is at the back of this Resolution, that the emergency has ended. If the Government had conti-nusd these preparations, and~ every three or four months revived their rallies and training camps, etc. the nation would always have remained prepared.

Take a small nation like France for instance; why do they make it compulsory to have military training for every man who comes of age? It is not because they expeet Germany to attack them every year but because any time the situation mayHarise and ths man-power being less, they did not want that the population should feel nervous and they should all be prepared to go to the front at a moment's notice. I do not want to take the time of the House as I saw a lot of people going to the Chair asking for time.

Tn short. I feel two or three things are necessary. It was mentioned about lavish expenses on marriages, lavish expenses on State-fraded cars which are purchased for Rs. 97,000 in which the employers go. I agree with my friend, Mr. Ramamurti, about the trouble that the workers have,. about the high prices which come through other things. But these are two different questions—the holding of the price-line, reducing the prices etc. and keeping the country ever-prepared. In these days of quick warfare a country could be finished, after a declaration of war, within a short time if the situation is favourable. The movement of various dignitaries of foreign countries in order to increase the sphere of influence in Asia and Africa, these should be enough warnings. The threats are given by Pakistan that immediately Mr. Chou En-lai comes 'on a tour of Pakistan, they would go on jehad. A war in Kashmir will have its repercussions in other areas of the country. I feel therefore that the Government should again alert its various committees and councils which were to keep the country in alertness so that at a moment's notice or with a few day's notice, they will be able to keep calm and order among the civil population without the use of the military or without the use of any other armed forces. And the Government should take care, consistent with the desire for a socialist pattern of society —that is at the bottom of the whole thing—to curb lavish expenditure and keep a ceiling on marriage expenditure. We see how marriages are going on with 20 sarees each costing Rs. 400]- being given to the bride. That has become a custom, not as dowry but as a willing present. The Government should hold the price line and thev should see that at least the poor workers and also his family get rations at a reasonable price. Not the worker only but his family also should get it because the worker may have a family of eight or ten members and if he alone gets it then it will not be much of a relief. If these measures are taken then I think there will be general satisfaction.

I again endorse the statement that the state of emergency has not only not ended, but it has become a double-headed monster, almost a hydra-headed monster. Tt has only gone underground and that is why perhaps it is not visible so much. Thank you.

THE DEPUTY CHAIRMAN: Mr. Sapru.

SHRI SHEEL BHADRA YAJEE : The mover of the Resolution is not listening to the debate.

THE DEPUTY CHAIRMAN : H£ was here just now; he will come bacc

SHRI P. N. SAPRU : Madam Deputy Chairman, I want to say something on the phraseology of Mr. Bhupesh Gupta's resolution. Mr. Gupta admits that there was a state of emergency and he also says that the situation has improved. Even if We accept the Resolution as it is, it does not mean, according to Mr. Bhupesh Gupta, that the emergency has ended. What he says is that there has been an improvement in the situation and that improvement calls for a review of the entire situation regarding this emergency legislation I should nave expected that Mr. Gupta would have something to say about the Defence of India Act. It is the Defence of India Act which appears to need some change in a liberal diredion. I will not specify the direction* In which it should be liberalised. I would, however, indicate that some of the sections of that Act relating to personal liberty need to be liberalised. They need to be liberalised to the extent that the Preventive Detention Act as passed in this House can be considered to be a necessary measure.

It cannot be said, Madam Deputy Chairman, that the powers with which the executive has been vested have been misused. They have not teen used for purposes of furthering the interests of the party in power. They have not been used to stifle opposition. There may have been mistakes here and there, but by and large the powers hive been used with restraint and moderation. It cannot also be denied that we have, unfortunately, in this country, a pro-China lobby. I am not one of those who are horrified by the word "Communism". I am not one of those who think we must have no negotiations with China at all. We have the Colombo proposals and we have given our whole hearted support to the Colombo proposals as a basis for talks between us and the Chinese representatives. It is for China to make up her mind on the question as to whether she would like to continue her aggression—because she is in possession of territory which we legitimately regard as ours and to that extent it is an aggressive country—or whether she will negotiate with us. She cannot negotiate when she starts flirting with Pakistan. What I feel determines my attitude is the situation as it is developing in Pakistan during the last few weeks. I feel gravely perturbed at what has happened in East Pakistan. I feel greatly perturbed at what has happened in the Security Council and at the most irresponsible statements which President Ayub Khan has been making. I say it with a serious sense of responsibility that he has been using language which encourages murder, assassination and terrorism. Without any proof, without any evidence in support of these allegations he has made himself responsible for the statement that the Haz-ratbal incident was the work of the Hindu community, as if no Muslim could have done it, it could be either a Hindu or a Buddhist or a Christian who couid have done it. The largest minority population in Kashmir is that of the Hindus and therefore, practically he has openly said that it must have been the work of the Hindus. To that extent he must be held responsible for all that has happened in East Bengal, for all that has happened in West Bengal. It is most amazing that the British representative—and the British are very ffmd n* talking «*tbical lan-

[Shri P. N. Sapru.]

guage—should not have cared to remind President Ayub Khan's representative, Mr. Bhutto, that it is neeessary for diplomats and statesmen to use language which is not calculated to stir up racial or communal feelings. He has done so and it is this Pakistan business which makes me worried and which makes me think that perhaps the time has not come when we can say that the emergency is completely over. The situation is one which requires to be reviewed constantly. I am sure that liberalj-minded as Nandaji undoubtedly is, Gandhian as he undoubtedly is in his approach to all questions, good-hearted and fair-minded as he is in approaching all questions, I am quite sure that Nandaji will be constantly reviewing the situation. The situation is a fluctuating one and he will not allow the emergency legislation to continue for a day longer than is necessary. I think that he feels that the emergency legislation at the moment' is neeessary and he cannot be blamed for thinking that it is necessary. He is responsible for running the internal affairs of the whole sub-continent and he cannot be blamed for thinking that there is an emergency which needs some special legislation to deal with it. But it is the essence of an emergency that it is not of a permanent character. An emergency cannot be a permanent emergency. That we have to remember, and I am quite certain that Nandaji remembers it very well and he will not continue this emergency proclamation a day longer than is necessary. But apart from the question of emergency there is the question of the Defence of India Act. And as I said, there is a case for liberalising, particularly in matters of preventive detention, the provisions of the Defence of India Act. We all have great respect for the individual. That is what separates us from totalitarian countries. We cannot imitate the totalitarian countries in their ways and therefore it is that I would plead with him to consider in a careful manner what changes, if any, ere necessary to liberalise the provisions regarding preventive detention in tlie Act which is a corollary of the Proclamation of Emergency. So far as the larger question of the emergency is concerned, well, there is the complicating factor, as I have just pointed out, that in addition to China we have to think of Pakistan also. We hope tot this emergency will not be a continuing emergency and it may be possible for us to arrive at some sort of a solution with the Government of China on th$_e$ basis of the Colombo proposals because there can be no surrender on our part of fundamentals and that after the settlement our relations with China may improve. It is necessary for us to be sane and moderate in the attitudes that we take up.

Thank you very much for the opportunity that you have given to me of speaking on this Resolution and with thes$_e$ words I would like to indicate that for the reasons which I have given I cannot support the Resolution of Mr. Bhupesh Gupta in its present form.

SHRI MOHAN LAL SAKSENA (Nominated); Madam Deputy Chairman, at the fag end of the day I would not like to say much about the Resolution before the House. I wish Mr. Bhupesh Gupta had read the speech that he had made at the time when the Resolution on emergency was passed and the President's action was approved.

SHRI BHUPESH GUPTA: Won't you come to the front so that I can hear you?

SHRI MOHAN LAL SAKSENA: Madam, I was saying that I wish that Mr. Bhupesh Gupta had read his own speech which he had delivered on the solemn occasion when the Proclamation of Emergency was approved. I know he talks so much and so

often that it is not ea*y for him to remember even what he said during the last session. 1 do not want to remind him of his concluding words which have already been read out here but I would like to tell him that he had said that the emergency will remain so long as China maintained its present posture, so long as sr. e did not see the way of reason and sc long as she persisted in aggression and occupied India's territory.

DR. SHRIMATI SEETA PARMANAND: That was a written speech. So he cannot remember.

SHRI BHUPESH GUPTA: I remember what I said.

SHRI MOHAN LAL SAKSENA: Anyway I have got this here and I can pass it on to you. Now, I would like to know, has China changed its posture?

SHRI BHUPESH GUPTA: I said that China should get back beyond the 8th September line.

SHRI MOHAN LAL SAKSENA: I have got his own works here.

Madam, I submit that China has not changed her posture, has not seen the way of reason and is still an aggressor. My friend. Mr. Ramamurti, said that it is a dispute. I would like him to commit himself. What does he think? Does he believe or does he not believe that China is in occupation of Indian territory? That is whal I want him to commit himself to. He says that the emergency has to be raised because the emergency is not there. It may be that we are not satisfied with the performance of the Government. I know Mr. Nanda himself has pined for re-capturing the spirit that was displayed on the occas'on when the emergency was nroclaimed. I know the Government has not been able to make full use of the opportunity that came its way but that does not mean that the emergency does not exist. The sens? of emergency may have deadened. Th« party in pew er may not be realms ng its full responsibility at ibis critical juncture but nevertheless the emergency remains. And it has become graver; because there is not on y China which is prepared to sacrifice half 01 its population to dominate over Asia it not over tha whole world, bu ther, is also Pakistan which is prepared to cut its own nose to spite India and when the two have entered into an unholy combination against India the emergency has become still graver.

With our border extending to thousands of miles—between China and India it is 2300 miles and between India and Pakistan it is several thousand miles—tlie danger is always there. In Tibet as you know they have built up a stronghold and with all their military preparations there it is just like some robber sitting on your roof, who can descend on you any time. If the Government is not doing what it should, then it is up to us to press it to do tlie needful. It was suggested over there that as Prime Minister has stated that because Pakistan has not come to some agreement with us at the Ministers' meeting therefore the concessions had been withdrawn, similarly since China has not. accepted the Colombo proposals we should withdraw our acceptance and we must now do something to get back our territory. I agree with that but who is to decide when we are in a position strong enough to get back our territory? The Prime Minister has never said that he agreed to the occupation of the territory by China. He has only said that he accepts the Colombo proposals During all this time the Government may have failed to act in a manner in keeping with the emergency; but the argument given by them is not logical. They ask. if the emergency is there, why do you hold by-elections? If the by-elections were not held, the party in power would have been accused of utilising the emergency for keeping up its major-

[Shri Mohan Lal Saksena.]

ity. So if th© by-elections are held then the fact is used as an argument for lifting the emergency. Because a number of Communists have been released in different States—though a small number of them still remain in detention—Mr. Bhupesh Gupta comes forward saying that there is no need for the emergency but I would Mke *to* remind him of his own . . . (Interruptions) I have no time. As I said, the sense of emergency may hav© deadened and we must remind the Government to take necessary measures. There might have been misuse or abuse of the provisions of the Defence of India Act but that does not mean that there is no emergency. If there has been any such abuse we must press them to...

SHRI BHUPESH GUPTA: The greatest emergency in the country today is Mr. Nehru's illness which has caused confusion in the Congress Party.

THE DEPUTY CHAIRMAN: Please sit down, Mr. Gupta.

SHRI BHUPESH GUPTA: The party is confused; the leadership is confused.

SHRI MOHAN LAL SAKSENA: About the Prime Minister's illness, the House will remember that while speaking on this emergency I had submitted that the Prime Minister should conserve his energy and time and I have been pressing for it over and over again.

SHRI BHUPESH GUPTA: But you do not need Defence of India Rules for it. You need a good doctor and a better Congress Party.

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you have had your say.

SHRI MOHAN LAL SAKSENA: So I was saying . . .

THE DEPUTY CHAIRMAN: It is 5 o'clock now. You may continue later. The House stands adjourned :11 11-00 A.M. on Monday.

The House then adjourned at five of the clock, till eleven of the clock on Monday, the 17th February, 1964.

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