

Re: Disapproval
of National Security Ordinance
and National Security Bill

12.35 hrs.

STATUTORY RESOLUTION RE. DIS-
APPROVAL OF NATIONAL SECUR-
ITY ORDINANCE AND NATIONAL
SECURITY BILL—contd.

MR. DEPUTY-SPEAKER: The House will now take up further consideration of the National Security Bill. Mr. Chiranji Lal Sharma to continue. You have already taken 19 minutes.

श्री चिरंजी लाल शर्मा (करनाल):
उपाध्यक्ष महोदय, मैं थोड़ा समय ही लूंगा। डिप्टी स्पीकर साहब, मैं कल कह रहा था कि बंगाल के अन्दर जो वाक्यात हुए उसके बारे में एक चिट्ठी आपके सामने मैंने पढ़ी, उस पर काफी शोर शराबा हुआ

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, can he go on making allegations against the State Government without taking any responsibility? Has he got your permission to do so? (Interruptions) Sir, the State Government is being maligned... (Interruptions).

MR. DEPUTY-SPEAKER: He is making his viewpoints. If you have got any objection, you can oppose it when you speak. But he must be allowed to speak. If there is anything unparliamentary or derogatory, I will not allow him. But he is not saying anything unparliamentary or derogatory.

SHRI SOMNATH CHATTERJEE: Sir, yesterday he made some wild allegations against the West Bengal Government. Sir, you should not allow him to speak without any basis. (Interruptions)

MR. DEPUTY-SPEAKER: If there is anything derogatory, he will take the responsibility. If he makes any allegation, he takes the responsibility. (Interruptions)

SHRI CHIRANJI LAL SHARMA: Sir, I am speaking with a sense of responsibility. I have got a letter signed by a person no less than a Cabinet Minister at the Centre. (Interruptions)

SHRI SOMNATH CHATEERJEE: Sir, is this way the House will be conducted? The West Bengal Ministers are not present here to defend themselves. (Interruptions). Sir, here in this House don't allow them to pollute by this kind of activity the federal structure; it is being killed.... (Interruptions)

MR. DEPUTY-SPEAKER: I am permitting him to speak. Nobody can stop him.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Sir, under what rule you are permitting him to speak.....like this....?

(Interruptions)

PROF. MADHU DANDAVATE (Rajapur): Sir, I am raising a point of order.

MR. DEPUTY-SPEAKER: Under what rule?

PROF. MADHU DANDAVATE: Under 376. Sir, my point of order is that while sitting in this House or while sitting in any State Legislature, there is some rule to be followed by an hon. Member while making a speech. I will give an instance. My point of view is that tomorrow if in the Maharashtra State Legislature any aspersions are cast on the Central Government, I am sure that the Speaker of the Legislature Assembly would never permit that and in the past it has happened that whenever reference was made, any derogatory matter with regard to the Central Government, the Speaker pulled up the MLA and said "you cannot refer to that matter". Similarly in this House if any aspersions are cast on any State Government, even of a Congress-I Govern-

[Prof. Madhu Dandavate]

ment in the State, I think it is perfectly out of order and I seek your ruling on this.

SHRI R. L. BHATIA (Amritsar): Sir, sometime back, they were referring to the Bihar Chief Minister and they were referring to the U.P. Government. Now, they are raising protests in so far as the West Bengal Government is concerned. It is a matter of enquiry. Are you prepared to accept an enquiry into this matter?

SHRI SOMNATH CHATTERJEE: Don't make this allegation first.
(Interruptions)

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): In the first instance, the Hon. Member has not made any reference to the Government of West Bengal. The hon. Member has made reference to certain instances that have taken place in West Bengal. We are discussing a Bill which will have application throughout the country and the basis of this Bill is that it is meant to prevent this sort of violence which is taking place. Irrespective of the place where the violence is taking place, incidents of violence is an absolute relevant matter without mentioning which the purposeful to debate on this Bill is absolutely impossible.

With respect to the point Shri Dandavate raised, if the opposition agrees that nothing that concerns a State Government, or happenings in the State should be discussed here, if we come to that arrangement, we are agreeable to that. Let them not mention about U.P., let them not mention about Bihar or Andhra Pradesh; but let them not try and emphasise that West Bengal and Kerala are a species apart, nothing about them, everything about the others—that cannot operate here....
(Interruptions)

The hon. Member, Shri Sharma, is perfectly within his right; he is not making any aspersions on the West Bengal Government.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Mr. Deputy-Speaker, Sir, I

would not expect you to tell us immediately whether it had been the practice in this House or not, but I can assure you that many of your predecessors and hon. Speaker since 1967, I have been watching, have been against maligning a State Government on the floor of this House because there is none on their behalf to defend them. (Interruptions). Shri Stephen, or for that matter, anybody belonging to his party can make a speech maligning my party; we shall oppose it, but that is not all. I ask Shri Stephen with all humility, how is it that they ran away from the bye-elections in West Bengal if that Government was making a mass of the whole thing. It is because they would have to go lock, stock and barrel from there... (Interruptions)

SHRI SOMNATH CHATTERJEE: And their party President made such baseless allegations to the Chief Election Commission... (Interruptions).

SHRI CHIRANJI LAL SHARMA: I would like to know that if atrocities are perpetrated in a particular State and if excesses are committed, whether the Members of this august House have a right to raise that point or not. I am not talking of the State Government. If something happens in a particular part of the country, I am within my rights to raise my voice here... (Interruptions)

MR. DEPUTY-SPEAKER: Why are you afraid of his mentioning these incidents? You reply to him when you speak.

It is in order. Any incident can be mentioned in this House, provided it is not derogatory or unparliamentary.

PROF. MADHU DANDAVATE: I did not object to referring to happenings in different States. What I said was that no aspersions can be cast on any State Government in any matter.

MR. DEPUTY-SPEAKER: Mr. Sharma has himself said that he is not saying anything against the State Government... (Interruptions).

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Will he take the responsibility of proving these facts?

SHRI CHIRANJI LAL SHARMA: Certainly.

MR. DEPUTY-SPEAKER: He has already said that.

SHRI SATYASADHAN CHAKRABORTY: We take the responsibility of proving that what he is saying is far from truth.

SHRI CHIRANJI LAL SHARMA: I know the consequences, I have thirty years standing in the Bar. (*Interruptions*).

MR. DEPUTY-SPEAKER: You must be tolerant of the criticism, and you return it. Why are you afraid and perturbed? Yes, You continue. (*Interruptions*). No, no. This Sort of thing will not help anybody

SHRI SATYASADHAN CHAKRABORTY: If you allow this thing, we can bring charges against Mr. Ghani Khan Chaudhuri.

MR. DEPUTY-SPEAKER: Mr. Sharma, you can speak now. You continue. One indiscipline is being treated by another indiscipline.

श्री चिरंजी लाल शर्मा : डिप्टी स्पीकर महोदय, मैं नहीं समझता मेरे मोअ्रज्जिज दोस्तों को क्यों इस बात पर एतराज है ? मैं जब यह अर्ज कर रहा हूँ इस सदन में तो जिम्मेदारी के साथ कह रहा हूँ । मैं उन लोगों के नाम, उनकी वल्लिदयत, उनकी पैरेन्टेज, उनकी सकूनत, उनके गांव और जिलों के नाम बता रहा हूँ । जो चार आदमी क्लाइन्ड होकर आए हैं I have a photograph in my possession of those unfortunate persons

अगर यह झूठ है तो मैं इस सदन में इसकी इंकवायरी की अपील करता (व्यवधान)

MR. DEPUTY-SPEAKER: I make it very clear. In the discussion or in any such meeting in this House, if any Hon. Member thinks that he can stall the discussion or prevent the speech against the right of Hon. Member to speak, I shall not allow it. I will have to be hard with it. Nothing. I will allow everybody to speak. If you think that you can control the House, I will not allow it. Nobody should interrupt. You speak out when you have a chance. You cannot obstruct the deliberations like this. You must all guide me.

SHRI CHIRANJI LAL SHARMA: Sir, unfortunately I am not allowed to proceed further.

MR. DEPUTY-SPEAKER: You continue.

श्री चिरंजी लाल शर्मा : डिप्टी स्पीकर महोदय, कल मेरे मोअ्रज्जिज दोस्त श्री सोमनाथ चटर्जी ने फर्माया था कि यह कानून हम वैस्ट बंगाल, केराला में या जहां भी सी० पी० एम० की हुकूमतें हैं वहां नहीं चलने देंगे । यहां पर इस सदन में कल आपकी तकरीर हुई है । अगर हम यह कहें कि कलकत्ता में या बंगाल में बंगाल की सरकार जो कानून बनाएगी, हम लोगों को तरगीब देंगे इस चीज की कि वे उनके हुकम को न मानें तो क्या आपको यह चीज पसन्द आयेगी ?

डिप्टी स्पीकर साहब, आपको याद होगा कि जब मोरारजी भाई प्रधान मंत्री बने थे तो उन्होंने तकरीर की थी कि हमने लोगों को निर्भय बना दिया, फीयरलैस बना दिया लेकिन निर्भय और फीयरलैस कौन बने ? गुण्डे, बदमाश, चोर-डाकू, ब्लैक-मार्केटीयर्स, होर्ड्स निर्भय हो गए लेकिन शरीफ आदमी को वही

[श्री चिरंजी लाल शर्मा]

डर रहा । मुझे माफ करेंगे, राज-पाट हाथ जोड़ने से नहीं चलता है, राजपाट डण्डे से चलता है । डण्डे से मेरा मतलब यह नहीं है कि डण्डा इस्तेमाल किया जाए (व्यवधान) डण्डे से मेरा मतलब यह है कि प्रजा को एहसास होना चाहिए कि कोई राजपाट है, कोई कानून है । अगर ट्रैफिक का सिपाही चौराहे पर खड़ा है और कोई रैश गाड़ी चला रहा है, उसे कोई डर नहीं है कि सिपाही उसका चालान कर देगा तो फिर राजपाट का कोई मतलब नहीं है । डण्डे से मेरा मतलब यह नहीं है कि डण्डे से लोगों को पीटा जाए । (व्यवधान)

आज अखबार में पंजाब के साबिक मुख्य मंत्री श्री बादल का बयान आया है जिसमें उन्होंने कहा है कि अगर 35 रुपए क्वीटल गन्ने का दाम नहीं दिया गया तो हम शुगर मिल्स चलने नहीं देंगे । इसका मतलब यह है कि उधर तो शुगर मिल्स बन्द करायें और उधर इस सदन में आवाज उठायें, श्री ज्योतिर्मय बसु, की चीनी नहीं मिल रही है, और चीनी का भाव 13-14 रुपया किलो हो गया है । (व्यवधान)

उपाध्यक्ष महोदय, बुखार में कुनीन दी जाती है, कुनीन वसे बड़ी कड़वी और जहरीली भी मालूम होती है, मगर उसका असर दूर तक हो । है ? प्रीवेंशन-इज-बेटर-डैन-क्योर—बजाए इसके आपका मतलब यह है कि ब्लक मार्केटियर्स को होरडर्स को छुट्टी दे दी जाए, जसे कि जनता राज में दी गई थी कि "बेटा—खाओ, कमाओ और लूटो, मीज करो और हमें भी खिलाओ" । जरूरियात चीजों की कीमतें आसमान को छूने लगी

थीं—यह है जनता पार्टी की देन । हमारे राज में जो इटें 115 रुपए प्रति हजार बिकती थीं उसको इन्होंने ढाई सौ—तीन सौ ६० हजार तक बिकवाया । . . (व्यवधान) जब विरोधी दल के भाई तकरीर करते हैं तब हम बिल्कुल खामोश रहते हैं, लेकिन जब हम बोलना शुरू करते हैं, यह प्रेक्टिस बन गई है, तब फौरन इंटरप्शन करना शुरू कर देंगे—मेरे ख्याल में यह अच्छी बात नहीं है ।

यह जो बिल आपके सामने आया है इसका विरोध ये क्यों करते हैं, हमारे इरादे नापाक नहीं हैं । जैसा मैंने कल कहा था, उपाध्यक्ष महोदय, एक चीज मैं आपसे पूछना चाहता हूं कि इस नेशनल सेक्योरिटी बिल का खूब ताकत से विरोध किया जा रहा है, लेकिन स्पेशल कोर्ट्स बिल जनता पार्टी अपने राज में लाई—वह क्या था, वह कानून क्या था, खास अदालतें क्यों बनाई गई थीं ? खास नेताओं के लिए, खास लोगों के लिए, कांग्रेसियों के लिए वे बनाई गई थीं । लेकिन हम अगर देश के अन्दर अमन कायम रखना चाहते हैं, देश के अन्दर बढ़ती हुई महंगाई को रोकना चाहते हैं, देश के अन्दर अमन चन बहाल रखना चाहते हैं, इसके लिए हम यह कानून लाए हैं । बजाए इसके कि आप हमें सहयोग दें आप इसका विरोध करते हैं ।

MR. DEPUTY-SPEAKER: Please conclude.

श्री विरोधी जाल शर्मा: उपाध्यक्ष महोदय, मेरे दिमागी समुद्र में बहुत स्थानात और जजबात है और आप बार-बार मुझे हुकम दे रहे हैं कि मैं कन्क्लूड करूं, तो मुझे कन्क्लूड करना पड़ेगा, लेकिन मैं एक चीज कहना चाहता हूँ। विरोधी दल के नारे तो क्या, जमीन की ताकत तो क्या, समुद्र के तूफान और आसमान की बिजलियाँ भी हमारे रास्ते में हायल नहीं हो सकतीं। इंदिरा जी समाजवाद लायेंगी और जो कानून को हाथ में लेने की कोशिश करेगा, मुल्क के निजाम को दरहम-बरहम करने के लिए, यह कानून उस पर लागू होगा, परन्तु शरीफ आदमियों पर नहीं। अन्त में मैं एक शेर पढ़कर खत्म करना चाहता हूँ:

बे खौफ़े-खतर जो बढ़ता है, मंजिल को वही पा लेता है। अन्जाम से घबराने वाले, क्या जलव-ए-जानां देखेंगे।

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): Mr. Deputy Speaker, Sir: It was a very interesting and very entertaining sight—viz. the fretting and fuming that was coming from the Opposition benches. As the old saying goes, I feel like saying, "The lady is protesting too much". I refer this only to hold the mirror to their face, and to show them their face in relation to the concept of preventive detention. All our arguments will be just the arguments which the leaders of the Opposition gave in the past; and if I do that, my job will be done.

The Janata Party, as everybody knows, went to the polls in 1977 with a definite commitment that they will remove preventive detention from the Statute, from the Constitution and everywhere. Let us see how they implemented this commitment. The first thing is that there was the MISA; a one-line Act was enough to cancel that MISA. But they did not bring that Bill. Month after month they waited. MISA was on the Statute Book. They brought in the Cr. P. C. amending Bill on the

23rd November 1977. After that, along with that, they said, MISA will be removed. Mr. Vajpayee was saying that they had withdrawn it because of the pressure and all that. It is like somebody saying somebody attempting to commit a rape and the woman was raising a noise and the people coming up and the man ran away saying that he did not commit a rape. He was saying as if it was his credit.

Now I will quote what the Home Minister of the Janata Party said on 23-12-1977. It says, "The country expects rightly that law and order will be maintained. Government has a moral obligation to fulfil this expectation, for, the maintenance of law and order is the primary responsibility of the State and in fact the basis *raison d'etre* of its existence. The House is aware of the complexity and the nature of the problems of security and public order with which the country is faced and I need not dwell now upon the recent acts of sabotage and terrorist threats, the proneness to violence of certain sections and the divisive forces that are always seeking free rein to undermine the polity. The administration seeks legal sanctions from this House in coping with these problems and denying it these sanctions, would be handicapping it sorely against forces that, in any case, have only contempt for law, society, indeed human life itself". This is the speech of the Home Minister which he made on behalf of the Janata Party in this House. Now, they defended it completely. What was the Criminal Procedure Amendment Bill? You just compare the Criminal Procedure Amendment Bill with the MISA. The MISA minus section 16(a) is the Criminal Procedure Amendment Bill. The Bill that we are discussing, except one or two minor clauses, it practically the same verbatim the same. They wanted to incorporate the MISA into the criminal procedure code. It is exactly the same Bill that we are discussing. They defended it at that stage so valiantly as this. My friend Shri Vajpayee said that the Congress I

[Shri C. M. Stephen]

opposed that and they must stand by the Opposition. I must put the records straight. Our position was absolutely clear, our position was you will have to redeem your election commitment and you cannot bring it into the permanent law of this country. This is what I said at that time speaking for the party.

Now, this government, before it went to the elections, in their election manifesto, had made a very definite commitment. The commitment was to take immediate steps to annul the MISA. After that one year went by. The President in his Address earlier, last year, had made a commitment that there will be no preventive detention except with the provision for judicial review. Now that we have got is the introduction of this Bill. What the original Detention Act was we converted it into a permanent Act and you put it as a part of the Criminal Procedure Code, the most permanent statute for this country. The question I am raising is this, there is a dichotomy in thinking which is very clear. The administration, the Government, the authorities that are, the power that be, what is their attitude to the commitment made in the election manifesto? This is the question we raised." It is on these bases that we opposed this making it a permanent part of permanent statute on the one side and challenging them to redeem to the commitment that they made not on the merit of it.

Let it be made very clear. The other member who spoke Mr. O. V. Alagasan, he also took exactly the same stand. Therefore, their position was that preventive detention was absolutely necessary if the law and order had got to be maintained. Then they withdraw this Bill in 1978, but still MISA continued; in March 1978, they withdraw the Bill, but the MISA

continued. The MISA was withdrawn only in August 1978. They came to power in 1977. They waited for full 20 months to withdraw the MISA. They were holding that MISA, holding it to their heart. They were very sorry to part with it. This was their attitude to Preventive Detention and to MISA.

MR. DEPUTY SPEAKER: Mr. Stephen, will you take some more time?

SHRI C. M. STEPHEN: Yes, Sir.

MR. DEPUTY-SPEAKER: We will continue tomorrow.

SHRI SOMNATH CHATTERJEE: Renewed vigour.

SHRI C. M. STEPHEN: Reduced Vigour?

MR. DEPUTY-SPEAKER: The House now stands adjourned till 2 P. M.

13.00 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the clock

(The Lok Sabha re-assembled after Lunch at Seven Minutes past Fourteen of the Clock)

[MR. DEPUTY-SPEAKER in the Chair]

MOTION RE. REMUNERATIVE PRICES TO FARMERS FOR AGRICULTURAL PRODUCE

SHRI CHITTA BASU (Barasat): I beg to move :

"That this House is of the opinion that the support prices announced by the Agricultural Prices Commission in respect of sugar-cane, jute, cotton, wheat and other foodgrains, and other agricultural produce, are not just and remunerative in view of the escalation of the cost of production and urges upon the Government to reject the recommendations of the APC and take necessary steps to ensure for farmers the remunerative prices of their produce without further delay."