[श्री योगेन्द्र मकवाना]

गवनमैंट ने जो प्रोग्राम बनाया है उसके मुताबिक मार्च 1982 तक लेबर मिनिस्ट्री का जो टाइम बाउंड प्रोग्राम है उसमें उन लोगों को मार्च 1982 के पहले-पहले उस काम को खत्म करने का ख्याल है ।

कई बातें इसमें ऐसी कही जिसके लिए मुझे सोचना पड़ेगा । कमीशन को ज्यूडीशल राइट्स देने के बारे में । इस देश की ज्यूडीशली तो इंडिपेंडेंट है ।

श्री धनिक लाल मण्डल : स्टचुटरी राइट तो दीजिए ।

श्री योगेन्द्र मकवाना : वह कमीशन खुद ही स्टेचुटरी के तहत बना है । जहां तक वेजेज के बारे में कहा गया कि जहां वेजेज नहीं मिलती वहां दिलाने के लिए कुछ करना चाहिए । इसके लिए गवर्नमेंट के जो अफसर हैं वे ब्लाक लेबल तक जाते हैं ।

श्री धनिक लाल मण्डल : मिनिमम वेजज को इंफोर्स करने के लिए क्या कोई एजेंसी है ?

श्री योगेन्द्र मकवाना : स्टट गवर्नमेंट की मशीनरी है उसको सेंट्रल गवर्नमेंट गाइड करती है और स्टेट मशीनरी इंफोस करती है । लेबर कोर्ट में उसके केसेस चलते हैं ।

जहां तक हरिजनों को नक्सलाइट बनाकर मारने की बात है उसके बारे में जब तक स्टेट गवर्नमेंट की रिपोर्ट नहीं आती मैं कुछ कहना मुनासिब नहीं समझता ।

MR. SPEAKER : Now, the House is adjourned till 14.10.

The Lok Sabha adjourned for Lunch, till ten minutes past Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at thirteen minutes past fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

ELECTION TO COMMITTEE

CENTRAL ADVIBORY BOARD OF ARCHAEOLOGY

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S.B. CHAVAN): I beg to move :

That in persuance of paragarph I of the Government of India, Archaeological Survey of India, Resolution No. 31/1/80-M dated the 24th November, 1980, the members of this House do proceed to elect in such manner as the speaker may direct, two members from among themselves, to serve as members of the Central Advisory Board of Archaeology, subject to the other provisions of the said Resolution."

MR. DEPUTY-SPEAKER : The question is ;

"That in pursuance of paragraph I of the Government of Indian Archaeological Survey of India Resolution No. 31-1-80-M dated the 24th November, 1980, the members of this House do proceed to elect in such manner as the Speaker may direct, two members from among themselves, to serve as members of the Central Advisory, Board of Archaeology, subject to the other provisions of the said Resolution."

The motion was adopted.

NATIONAL SECURITY BILL*

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH) : Sir I beg to move for leave to introduce a Bill to provide for preventive dentention in certain cases and for matters connected therewith.

MR DEPUTY-SPEAKER : Motion moved :

"That leave be granted to introduce a Bill to provide for preventive detention in

* Published in Gazette of India Extraordinary, Part II, Sec. 2, dated 4-12-1980.

certain cases and for matters connected therewith."

I have with me a list of Members who seek to oppose the introduction of this Bill. I will call them one by one. I would very much like that none of them takes too much time.

SHRI G.M. BANATWALLA (Ponnami): Sir, when you are in the chair, I am either the last or the first.

MR. DEPUTY-SPEAKER : Yesterday your party took the maximum time.

SHRI G.M. BANATWALLA : Mr. Deputy-Speaker, Sir, I rise to oppose the motion to introduce this obnoxious National Security Bill. Sir, this Bill is nothing but an attempt to legalise lawlessness. The various provisions of this Bill are draconian in nature and I would not, at this stage, go to analyse them. But, Sir, the Bill is an attempt to strangulate democracy in so far as it is a serious negation of the rule of law.

Mr. Deputy, Speaker, Sir, no civilised country can ever think of detention without even the grounds of detention being made known to the detenu. No civilised country can ever think of detention without trial. It is most unfortunate, that the Government has come forward with a measure which is supposed to be a normal measure. The provisions of the Bill are not only such as can be misused, but they are actually being misused as I am addressing you at this hour. It is not merely a genuine apprehension of the powers under this Bill being misused, but at this very hour, as I address you, the powers are being misused. Even now, what is happening in Moradabad is, there is an indiscriminate use of the powers under this Bill which is still there as an ordinance and a large number of persons are being detained, warrants are pending against others. Therefore, what I am saying is....

(*Interruptions*)

MR. DEPUTY-SPEAKER : I would very much like you to be brief because there are ten Members to speak.

SHRI G. M. BANATAWALA : Mr. Deputy-Speaker, Sir, you will realise that it is the Indian Union Muslim League which I represent here in this House which should have had and today, has, the first chance of opposing the Bill. Many in the Opposition, I am afraid, do not have today the moral right to oppose it because it was in 1978 this House had what is called the Forty-fourth Constitution (Amendment) Bill. And then, many who are in the Opposition today had so amended Article 22 of the Constitution as to give this draconian power to the Government to detain without trial. to detain without the detainee being made known the grounds of detention. Even at that time I rose in this House to oppose the provisions of the Forty-fourth (Amendment) Bill. Even then, the Janata Government in their own wisdom—today they may be repenting it—thought of giving the draconian powers to the Government. Of course, there was one Member among them who had even then opposed it, but then, as I said, we have a very consistent policy, consistently and persistently we have been opposing all this attempt at legalisation of lawlessness, the attempt at strangulation of democracy through the serious negation of the rule of law. I , therefore, with all vehemence at my command. oppose the introduction of this obnoxious measure, the introduction of this measure which is nothing but strangulation of the rule of law and democracy.

SHRI JYOTIRMOY BOSU (DIAMOND HARBOUR): Sir, this is my fourth term in the Lok Sabha and if I am not wrong, it is my 14th year too. We know what this sort of law is. It is a lawless law, it is not a law at all What it means to the people ? People who believe in democracy, people who believe in human rights and civil liberties, what do they feel to do today ? An executive headed by Mrs. Indira Gandhi must have the last say in every matter. This is the intention of the law. Parliament becomes totally irrelevent and this law will be used with impunity to silence the Opposition and dissent, and I tell you, my friends, that you too will not be spared. Mr. Chandrasekhar, one time working Committee Member of the Indian National Congress, was not spared. (*Interruption*) This is not the question. The question is that he belonged to or party and that man was also not spared. Then, Mr. Ram Dhan, who in fact in 1969 had rendered yeomen service when the Congress Party got divided just immediately preceding late lamented Giri's election, was not spared. Then, Mr. Mohan Dharia, who was not only a Minister but also a prominent Congress leader of that region, was not spared. Therefore, many of you will not be spared if you don't toe the line that you will be told to toe.

AN HON. MEMBER : They are prepared for that.

SHRI JYOTIRMOY BOSU : Besides this, the intention is to stop all the movements, the democratic movement for rights, trade union rights, kisan movement, teachers' movement and all movements for asserting their own lawful rights will be silenced.

[Shri Jyotirmoy Bosu]

You have seen what happened to our friend, Shri A.K. Roy, in Dhanbad. And what was the ground given for his arrest ? For his past activities he has been detained now. The word is 'preventive' detention. 'Preventive' detention means you detain a man to prevent him from doing something in future. Here in the note which the District Magistrate wrote, it is stated : 'The detention is for his past activities'. Not only he but Mr. Chatterjee and some others also were detained like that.

Sir, what is happening in Moradabad should act as an eye-opener.

SHRI ARIF MOHAMMAD KHAN (KANPUR) : Sir, I am on a point of order.

SHRI JYOTIRMOY BOSU : Under what rule?

SHRI ARFI MOHAMMAD KHAN : Rule 376. Sir, my knowledge of parliamentary conventions is not very much. I am a new Member. But Sir, I believe that at this stage.....

SHRI JYOTIRMOY BOSU : What is the relevance ?

(*Interruptions*)

MR. DEPUTY-SPEAKER : It is for me to decide. I will decide.

SHRI ARIF MOHAMMAD KHAN : I am saying a different thing. Even under this particular provision rule 384,.....

MR. DEPUTY-SPEAKER : Please let me know which rule has been violated in his speech.

SHRI ARIF MOHAMMAD KHAN : I am referring to rules 379 and 389. I believe whatever Mr. Jyotirmoy Bosu is saying is not in order. At this stage opposition can be made only on the ground of constitutional validity.

MR. DEPUTY-SPEAKER : No, there is no point of order.

SHRI ARIF MOHAMMAD KHAN : He can not go into the merits of the Bill. He can only object to its constitutional validity.

MR. DEPUTY-SPEAKER : There is no point of order.

SHRI JYOTIRMOY BOSU : Yesterday you have heard, the House has heard, a series of charges, not only from the opposition, but from the Treasury Benches also, against the misapplication of this ordinance, how the National Security Ordinonce is being misuse to silence people who want to do justice to those who have suffered in Morodabad and other areas. You have seen how people have been detained.

MR. DEPUTY-SPEAKER : For your information and the information of the House, I am reading out rule 72 :

> "If a motion for leave to introduce a Bill is opposed, the Speaker after permit ting, if he thinks fit, brief statements from the member who opposes the motion and the member woo moved the motion, may, without further debate, put the question:"

It should be a breif statement. Please respect the rule.

SHRI JYOTIRMOY BOSU : This law will always be observed through breaches and not by its compliance. Moradabad is a recent example.

SHRI ARIF MOHAMMAD KHAN : He cannot go beyond legislative competence, he cannot go to Moradabad.

MR. DEPUTY-SPEAKER : I have told him and quoted the rule. He will abide by it.

SHRI JYOTIRMOY BOSU : The law of detention must comply with articles 19, 21 and 22. Now, competence is coming.

SHRI K.P. UNNIKRISHNAN (BADAGARA) : On legislative competence there can be a full discussion.

SHRI JYOTIRMOY BOSU : The law of detention must comply with article 19, 21 and 22. Somebody is saying article 14 also. Let us take the example of the late lamented leader A.K. Gopalan's case in 1950. It was said at that time that the Preventive Detention Act must only comply with article 22, but now it has to comply with articles 19, 21 and 22. It has not complied with them in my judgment.

Then it has to be reasonable in substantive and procedural content which is not the case.

Detention on the basis of surmise of the executive is always unreasonable, that is what we have known and seen, and everybody will agree with me.

The standard or meaning of reasonableness in 1950 when Gopalan's case came up before the Bombay High Court was far behind, compared to what it should be today. The world has advanced considerably, in the matter of civil liberties and human rights. These two things are receiving far better attention in all the countries today

compared to what it was in 1950. The International Commission of Jurists has said that the Preventive Detention Act in peace-time is inconsistent with the normal rule of law If Gianiji wants abnormal rule of law, if he wants to have the law of the jungle in this country certainly he can come with this sort of Bill and that is what he is after.

Our system is supposed to be based on the rule of law. Here, under this law they can detain a man for three months without the sanction of the Advisory Board. Why three months Gianji ? Why three months ? Even those who are nominees of the Exectuive, those who sit in the Advisory Board, have they forgotton how Chitti Babu was dealt with, done away with, beaten to death, held under MISA.

In a large number of cases the Supreme Court has set aside Advisory Board's approval. The Advisory Board is a pocket edition of the Executive sitting opposite to me with a white turban. Facts and circumstances are so complicated that a lawyer is a must but it is prohibited in this Bill.

This National Security Ordinance Bill is based on unamended Article 22. Article 22 says—

"(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest including the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate."

This is very relevant thing that I am mentioning and they are defying the constituent body of India.

I do not wish to say anything more but I would point out as to what they did and what they said on the Floor of this very House in Fifth Lok Sabha in 1971 and what they did in practice and how they used MISA for thier own political gain and the gain of dynasty or family or coterie. It should act as an eye-opener. From 1975 to 1977 there was emergency under such a piece of legislation and they kept behind the bar 1/2 lakh people of the country. If you go through the Shah Commission Report, your heart will bleed. Now they are attempting the Presidential form of Government and an enactment of Security Act at the same time.

SHRI G. NARSIMHA REDDY (ADILABAD) : I would like to have a clarification. What is the meaning of a brief statement? Is it a brief statement ? As per Rule 72, is it a brief statement?

MR. DEPUTY-SPEAKER : He will complete it. He is going to complete.

SHRI G. NARSIMHA REDDY : He is narrating history from the Fifth Lok Sabha. He cannot open from the Fifth Lok Sabha.

(*Interruptions*)

MR. DEPUTY-SPEAKER : Please complete. There are other speakers too.

(*Interruptions*)

SHRI JYOTIRMOY BOSU : Ultimately the Executive will have to listen what the police says. They will bring a bunch of blank Preventive Detention Order and the Executive will be asked and forced to sign. We have got numerous cases and documentary evidence.

I conclude by saying, let us not forget the argument of late Attorney General Shri Niren De that under such law you do not have the right to live, and you do not forget that we had a Chief Justice, I do not want to name, in the Supreme Court, Shri A.N. Roy. I sam ashamed that he came from West Bengal who upheld such an argument. I oppose this Bill, lock, stock and barrel and I oppose this with all the force at my command.

SHRI CHITTA BASU (Barasat) : I rise to oppose the introduction of this pernicious Bill with all emphasis at my command. I know the limitation under Rule 72. I shall, therefore, be brief.

The major grounds of my opposition to the introduction of the Bill are—it is pernicious, obnoxious and lawless law becuase it aims at conferring draconian power to Executive. It is undemocratic and immoral also. It is an attack on the civil liberties and democratic rights of our people.

The object of the Bill is to provide for preventive detention without trial for an indefinite period of time. Is it not correct ? If you go through the Bill it is detention without trial for three

[Shri Chitta Basu]

months. If you are kind enough to go through provisions of the Bill, you will find that the Bill provides for the detention without trial for an indefinite period of time.

It should be made clear that the political objective of the ruling party is to silence the political opposition, to silence the political dissent, to crush en-bloc the popular and democratic movement run by our people-either the working class or peasants or the students or any democratic section of our people. That is the major object of the Bill. I Think, it is a warning for all of us including you. This is a step towards promulgation of emergency. This is also a step to consolidate the power of an individual and perpetuate the dynastic and dictatorial rule. These are the major grounds of my opposition to the introduction of the Bill.

As has been mentioned, it is in violation of Articles 19, 21 and 22. I want to prove it. Article 22 provides that causes or the grounds of detention ought to be communicated to the detainee. The Bill provides that a person can be arrested.....

MR. DEPUTY-SPEAKER : How do you take it for granted that the Bill will become law? You must oppose the introduction only. Why do you go into the details of the Bill?

SHRI CHITTA BASU : I am on the point that it is in violation of Article 22. Article 22 enjoins that the grounds of detention ought to be communicated. But here the Bill says that the grounds may not be communicated to the detainee. The Bill also aims to provide for fresh detention even after the release. Therefore, it aims at detention of a person for an indefinite period of time.

You know that a writ petition is there before the Supreme Court moved by a Member of this House Shri A.K. Roy and that has also not yet been disposed of by the Supreme Court. The Court has not yet pronounced the Constitutional validity of the Ordinance itself which is being produced here in the shape of a Bill. These are the consititutional grounds on the basis of which I oppose it.

It is a resurrection of the MISA of the emergency days. If you are kind enough to know, original MISA was harsher that the Preventive Detention Act, National Security Act is harsher than the original MISA and practically it is the duplicate copy of the MISA of the emergency period. Therefore, as I have said, it is a step towards promulgation of Emergency and they are preparing the ground for that.

There is another ulterior motive, ulterior objective, as I have mentioned very briefly, to consolidate the personal power of an individual and subvert the Constitution by way of changing the parliamentary Cabinet system of the Government which is the basic core of our Constitution. It is aimed at that.

In this, context, I would implore upon the hon. Members of this House to take a decision as to whether leave is to be given for the introduction of this pernicious, obnoxious, lawless, immoral and anti-people Bill at this stage. I can warn them through you, Sir, that the people outside are not going to take these things lying low. Already, there has been a complete successful *bandh* in West Bengal demanding the withdrawal of this obnoxious Bill. There has been a *bandh* in Bihar. The democratic people all over the country are on the road to protest against this lawless law. I would again implore upon the hon. Members to oppose it here and participate in the movement outside so that this Government's mischievous attitude or mischievous policies can be defeated here and outside.

SHRI NIREN GHOSH (Dum Dum): Mr. Deputy-Sepeaker, Sir, after the promulgation of this ordinance, the country feels that an Emergency has been declared without a formal declartion. This Bill is not only bad in principle and violative of the Constitution but it is a Bill of fascist type in concept and it is a sinster move in the direction of total subversion of democracy. The passing of such a Bill is giving an alibi to the Australian High Commissioner's confidential report to his Government which has came out in the press that there is a danger of military take-over in the long run in this country.

Not only that. It is the notorious MISA, when the Lok Sabha elections were held, the Prime Minister campaigned that if she was elected, if she came to power, no preventive detention law will be enacted. on this score, the Prime Minister has gone back up on her pledge given to the the electorate. How can they have the cheek to come forward with this kind of a law?

In the long history of preventive detention law, there has been only one single interregnum when there was no such law. When Shrimati Indira Gandhi was running a minority Government in 1969, that was allowed to lapse because she could not pass it. Excepting during that period, all through, the ruling party has put the preventive detention law on the statute-book. My own experience shows that the main

purpose is to crush the opposition. We cannot forget what happened in 1975, when in the Congress party itself there was a rebellion, the notorious MISA was utilised to arrest and put under detention a number of members belonging to their own party, including the Secretary of the Congress parliamentary committee. They are also now perhsps afraid that their party may fall apart. So, in order to guard against that, they have brought forward this Bill, not only against the opposition, not only against the democratic movement, not only against the working class movement but against them also.

I say that certain State Governments are already saying that they will never put it into practice, they will never utilise it. If you say that the national security is in danger, then you must give some grounds for it. But there are no grounds, whatsoever, given here. National security can be in danger if there is an external aggression or there is an internal rebellion throughout the country. There is nothing of that sort that we can see now inside the country. So, under that garb, you want to come down with this lawless law, the black law, which you had promised all through you would never enact. Mr. A. K. Roy's and Mr. Chatterjee's cases have proved that this has already been exercised; I am emphasizing this. When you seek leave of the House to introduce such a Bill, there is no question of safeguarding the national security. With your seeking leave for the introduction of this Bill and with the promulgation of this ordinance, national security itself has been in danger. There are protests. Protests, country-wide, are continuing; there will be more and more Protests in side the country. You are creating a situation of instability and insecurity inside the country by your trying to introduce this Bill.

This House has been faced with a *fiat accompli*. When the Session was to be convened shorlty, where was the need to promulgate such an Ordinance? Wherever there are minorities as in Moradabad, wherever there are protests and demands, these powers are being utilised to suppress them.

I want to remind the House that no such law exists in U. K., U. S. A., France or in any civilized country of the world. By introducing this measure, you are proving to the world that India has become uncivilized, it is unfit to govern itself. That is what you are proving to the whole world. I say that this parliament has no right to enact such a law because....

MR. DEPUTY-SPEAKER: But you have the right to oppose!

SHRI NIREN GHOSH:..because the party in power has secured its majority of seats here on the basis of only 42.3 per cent of votes; they are in a minority so far as people are concerned. Let there be a referendum throughout the country and let people's judgment be taken whether they want such a law or not. You are flouting and going against the wishes of the people. The people will reply to you in proper terms. It will not go unchallenged. Your party will not be able to rule. There will be instability and insecurity. There is fear that Emergency has already been declared. We are in the twilight of democracy; darkness is descending on us.

MR. DEPUTY-SPEAKER: Under what Constitutional provision did you want referendum to be taken?

(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Mr. Deputy-Speaker, Sir, I rise to oppose the introduction of this Bill. I oppose because this Bill goes against the basic tenets of democracy, the basic tenets and norms of civilized behaviour. And I am really shocked to see that my frinds on the Treasury Benches, who should have hung their heads in shame, are in jubilation. I can remind them of only one thing. The flesh of animals which is sold in the market is carried to the market by animals themselves. The Congress-I Members who are now shouting and supporting should realise that the days are just a head of them when some of them will feel the pinch of this Draconian law as it happened during the Emergency. (*Interruptions*)

AN HON MEMBER: What about China?

SHRI SATYASADHAN CHAKRABORTY: Do not talk of China now. I am talking about your Hell here.

May I tell the hon. Home Minister that the rights and liberties we enjoy in India are not the gifts of Congress but are the outcome of the anti-imperialist struggle; hundreds of people die because they fought against the British rule to establish their basic human rights in our country. It is a matter of shame that after independence you have failed to rule the counrry without any such laws; either you require the Defence of India Rules or you require Preventive Detention. And it is a mockery of democracy when you do it in the name of democracy.

I must emphasize one point. Now, what are the arguments behind it ? In this very House you have said that you enjoy the confidence of the people.

You are here with two-third majority and you have enough laws in your hand Tell me what on earth has prompted you

[Shri S. S. Chakraborty]

to bring this Bill when you are powerful. You say that you do not care at all for the opposition; sometimes you say that the Opposition is negligible. If people are behing your leader and if your leader is so powerful, why do you require this Draconian and irresponsible law? I can tell you one thing. There is some truth in the saying 'Power corrupts and absolute power corrupts absolutely'. On Whom are you bestowing this irresponsible power? On the police and the bureaucrats. From Delhi, you would not be able to know what is happening. This irresponsible type of government will lead to utter corruption, and inefficiency and, I can tell you ultimately to your decay. In the coming days you will find it.

With this warning Mr. Deputy-Speaker, I oppose this Bill with all the power at my command, and when the Home Ministry seeks leave of the House to introduce it, I would request the House to say 'No' —with capital 'N' and Capital 'O'.

SHRI HARIKESH BAHADUR (Gorakhpur): Sir, I oppose the introduction of this black Bill because it is a Draconian Bill, it is an obnoxious Bill, it is a wild Bill. I want to say that Government has brought forward this Bill only to demonstrate the curelty, brutality and ruthlessness of some politicians of the ruling party; they want to demonstrate their brutality which they had done during the days of Emergency. They had committed crime on the people of this country, and again they want to commit crimes. Today they are laughing and are trying to defend this Bill, not knowing what will be its consequences. I want to warn this House and through this Hous the nation that the Government is going to acquire some power and that power will ultimately destroy the whole democracy, the whole democratic frame. I know there is some element of brutality in the minds of the ruling elite of the ruling party which they want to demonstrate. That is why they have brought forward this Bill; that is why they want to pass this law.

They want to give enormous powers to the police. We know how police have demonstrated their cruetly on several persons by blinding them in Bihar. Do you want to give this power to them so that this should happen again, so that many people should be killed ? There should not be any opportunity to explain the reasons. These are the basic motives behind your intention which you want to demonstrate through this Bill.

I want to say that this Governmrnt is actually interested only in suppressing the freedom of the people, the freedom of the press and the freedom of the individual. That is why they have brought forward this Bill; that is why they want to enact this law.

I would like to ask the hon. Home Minister as to what were the reasons for the arrest of Mr. A. K. Roy, why was he arrested ? Now he has been released because the charges levelled against him were absolutely incorrect, false and mischievous. That is why, the High Court held that his arrest should be denounced and he should be released. He was ultimately released.

Actually this Bill has been brought to suppress thier political opponents. This is their motive. They do not want that democracy should function here; they do not went that anybody should speak for the citizens. That is why they have brought this Bill.

I oppose the introduction of this Bill and I want such type of Bills must be destroyed—lock, stock and barrel and I tear it and throw it out.

श्री रामावतार शास्त्री (पटना) : राष्ट्रीय सुरक्षा विधेयक जो यहां पेश किया गया है, इसका मैं संविधान की धारा 22 के आधार पर जोरदार विरोध करने के लिए खड़ा हुआ हूं। यह विधेयक जनतंत्र पर करारी चोट करने वाला है। यह विधेयक संविधान की मूलभूत भावनाओं का उल्लंघन करने वाला है, यह विधेयक जंगली विधेयक है, यह विधेयक वहशी लोगों द्वारा बनाया हुआ विधेयक है, यह विधेयक काला विधेयक है। संविधान निर्माता जहां कहीं भी हो, उनकी आत्मा आपके इस काले कारनामे को देख कर रोती होगी। उन्होंने इस बात की अपेक्षा नहीं की थी कि जनतंत्र में जनतंत्र का नाम लेने वाले लोग जनतंत्र की इस प्रकार हत्या करेंगे :—

MR. DEPUTY SPEAKER: Mr. Shastri, do you believe in 'Atma' ?

SHRI RAMAVATAR SHASTRI: Please let me develop my point.

MR. DEPUTY-SPEAKER : Do you believe in it ?

SHRI CHANDRAJIT YADAV (Azamgarh) : It is an idiom.

SHRI RAMAVATAR SHASTRI : Whether I believe or not, it is according to you. You believe in Atma.

इस विधेयक को हम राष्ट्रीय सुरक्षा विधेयक कहने के लिए तैयार नहीं है । यह है भी नहीं। यह विधेयक इंदिरा सुरक्षा विधेयक है । इंदिरा गांधी की सुरक्षा करने के लिए है । अब उनके पांव थरथरा रहे हैं, उनके हाथ कांप रहे हैं, हिम्मत घबरा रही है, इसलिए ऐसे जंगली जन-विरोधी कानून का सहारा लेकर हिन्दुस्तान के जनतंत्र पर वह चोट करने के लिए आगे आ रहे है । यह है इसका मतलब । इसका गलत इस्तेमाल बराबर हुआ है, आगे भी होगा । यह नहीं कहा जा सकता कि आपकी मंशा शुद्ध है । इसको हम देख भी चुके हैं । अभी हमारे माननीय सदस्य श्री ए० के० राय को आप जेल में रख चुके हैं । एक एम०एल० ए० अभी भी जेल में बन्द हैं । अगर खलास हो गए हैं तो जनता ने चोट मारी थी और जगन्नाथ मिश्र को जेल का फाटक खोलना पड़ा था । बड़ा शानदार बिहार बन्द हुआ है अभी । मैं जवाबदेही के साथ कहना चाहता हूं । कि इस बन्द को असफल बनाने के लिए आप राष्ट्रीय सुरक्षा कानून के अन्तर्गत कुछ विरोधी दलों के नेताओं को जेल में डालने वाले थे । लेकिन आपकी हिम्मत नहीं पड़ी । जन उभार को देख कर आपको पीछे जाना पड़ा ।

यह जा कानून आप बना रहे हैं इसका हिन्दुस्तान के तमाम लोग विरोध कर रहे हैं । संगठित मजदूर आन्दोलन, केवल कांग्रेस की चापलूसी करने वाले मजदूर नेताओं को छोड़ कर बाकी सब इसका विरोध कर रहे हैं । कांग्रेस के पीछे चलने वाले मजदूर भी इसका विरोध कर रहे हैं । आगे देखिये क्या-क्या होने वाला है ।

इस तरह के विधेयकों का गलत इस्तेमाल होता रहा है । मैं 1948 की एक घटना का जिक्र करके समाप्त करना चाहता हूं । उस समय बिहार के मुख्य मंत्री डा० श्री कृष्ण सिंह थे और हिन्दुस्तान के प्रधान मंत्री पंडित जवाहरलाल नेहरू थे । उस समय मुझे 1948 से 1950 तक बिहार सिक्योरिटी मेन्टीनेन्स एक्ट में जेल में रखा गया था । ग्राउन्ड क्या दिया गया था, कारण क्या बताये गये थे, मैं वही सुनाना चाहता हूं । इसी से समझ लीजिये कि आपकी सरकार की मंशा क्या है । क्या कहा गया है —

A former student of Kasi Vidya Pith and an editor of the newspaper *'Jansakthi'* and a Member of the C.P.I. were externed from Banaras.

15 hrs.

मैं बनारस में, 1941 में वहां से निकाला गया था, तो यह क्या ग्राउन्ड हो सकता है, और इसी ग्राउन्ड पर मुझे 2 साल जेल में रखा गया । तो हम समझ सकते हैं कि इसका गलत इस्तेमाल आप कैसे करेंगे ।

अगर आपकी हिम्मत है तो ** ** को जेलखाने में डालो जिनके आदेश से भागलपुर के कैदियों को अन्धा बनाया गया । उन्होंने पुलिस वालों की मीटिंग करके पुलिस-वालों से कहा कि तुम जिस तरह भी चाहो क्राइम को रोको, पुलिस वालों ने वैसा ही किया । (**व्यवधान**) इसके गुनाहगार हैं ** **। (**व्यवधान**)

He should be arrested and sent to Jail.

इन शब्दों के साथ मैं इस बिल का विरोध करता हूं । (**व्यवधान**)

MR. DEPUTY-SPEAKER: I shall go through the proceedings to see if he has spoken anything derogatory or unparliamentary.

SHRI JAGDISH TYTLER (Delhi Sadar): He said the ** ** should be sent to the jail.

MR. DEPUTY-SPEAKER: I shall go through the proceedings. If I find anything wrong, I will take proper action. I shall assure the House on this (*Interruptions*) Please sit down. Shri A. K. Roy. You stick to your point. I know you will always be brief.

SHRI ARIF MOHAMMAD KHAN: In the meantime the whole thing will be known to the press.

**Expunged as ordered by the Chair.

MR. DEPUTY-SPEAKER : Mr. Khan, there is a procedure. Without our seeing, it will not go to the press. Without our permission it will not go to the press.

SHRI ARIF MOHAMMAD KHAN : Sir, he is castigating.

SHRI RAMAVATAR SHASTRI : If you read the newspaper of Bihar, you know what are the writings ? (*Interruptions*)

MR. DEPUTY-SPEAKER : We will take care of it. Mr. A. K. Roy. (*Interruptions*) What is it, Shastri Ji. You are a very senior Member. Please sit down. I have called Shri A. K. Roy.

SHRI A. K. ROY : Mr. Deputy-Speaker, Sir, kindly stop talking with the Members and listen to me.

MR. DEPUTY-SPEAKER : Make a request to Shri Shastri also. He is a very old friend.

SHRI A. K. ROY (Dhanbad) : Mr. Deputy-Speaker, Sir, fortunately or unfortunately, I symbolise the undesirability of the Bill.

Sir, I was arrested while sitting in my office by a large force which took me to jail before giving me any ground. I do not know still on what ground I was arrested. Without giving any ground, I was released after two days.

Later on, I read through the newspapers that the Chief Minister had expressed an opinion that there was no valid ground for my detention. (*Interruptions*) That means, this Bill, this Act, has got its provisions, scope, for bein misused so that it can be acknowledged or admitted by the Chief Minister himself.

So, Sir, this august House should not pass any Bill or act which even keeps the biggest or highest political executive of a province in the dock.

Sir, at the introduction stage I agree with you that only the legislative competence or constitutional infirmity should be dealt with but this is only the technical way of seeing things. The legislative desirability and the constitutional justification also should be dealt and that is why the periphery and core of this Bill are getting mixed up.

Sir, I oppose the introduction of this Bill because it violates the extra-ordinary provision which was put in the Constitution. It violates in spirit Article 22 of the Constitution which has given scope with so many safeguards in some exceptional case to put some restrictions on the citizens. I oppose this Bill because it misuses the provision of Article 123 which has given under certain circumstances power to promulgate ordinance. It has even tarnished the image of the President taking advantage of that particular provision that the President's satisfaction is subjective one. It is not justiceable. President's satisfaction may not be justiceable but it does not mean it is arbitrary. President just cannot issue an ordinance or just cannot detain a man in an arbitrary way.

Sir, in the Constituent Assembly Dr. Ambedkar said that ordinance is bad and detaining anybody under ordinance is even worse. You will be surprised to know in the Constituent Assembly somehow it was suspected that the ordinance may be used in forcing detention of a person without grounds and that it may become a regular feature afterwards. At that time there was one hon'ble Member Mr. Pocker Sahib and he introduced an amendment to the capacity and capability to promulgate an ordinance It reads:

> "Provided that such ordinance shall not deprive any citizen of his right to personal liberty except on conviction after trial by a competent court of law."

Though that amendment was rejected yet Dr. Ambedkar assured the House that the power of making ordinances will not be misused.

Sir, this Act is nothing but resurrection of that black Rowlett Act of 1918 and when in the Constituent Assembly debate went on Article 22—which was Article 15A then—one Member after another stood up and said that this provision which we are keeping in the Constitution may be misutilised later on. Then also the assurance came.

Sir, I would like to quote one or two sentences what Pandit Thakur Das Bhargava said :

> "Where is the guarantee that the House or the provincial legislation will not enact a law like that of Rowlett Act, 1918."

This is what we are seeing today. Sir, I want to oppose the introduction of this Bill not only on ethical and moral grounds but also on the ground that the same thing is pending before the Supreme Court and the Supreme Court is discussing the total National Security Act. It is being discussed in the Supreme Court. At least this House should wait. I know

legally they may not wait in view of the interpretation given by 'Shakdher & Kaul' that concurrently it may go. But, Sir, when the same thing is being heard in the Supreme Court it cannot and should not go concurrently here. Suppose we pass this Bill and the Supreme Court declares that the whole NSO is unconstitutional then we will only be landing ourselves in a big constitutional mess in this entire House. So, from that point of view also, this entire thing should be stayed at least for the time being. Another thing is this: you know that Clause 3 of Schedule 7 brings 'public order' in the concurrent list. These gentlemen are always misusing this particular provision. Today you have seen that many of the State Governments belonging to the Congress-I are reluctant to use NSO. They say, we will not use it because it creates complications. So, Sir, this legislation will complicate further the entire Centre-State relations. It will create another dissension; it will create another tension in our entire federal set-up. So, in view of all these reasons, I oppose the introduction of this Bill.

SHRI R. K. MHALGI (Thane) : Sir, I stand to firmly oppose the introduction of this Bill.

Detention without trial is an infringement of liberty of an individual which is one of the most cherished vaules of mankind. It is one of the pillars of free and democratic society.

This Bill itself is Draconian in its nature and its indiscriminate application would let hell sloose on people. It is the revival of the most abused and black MISA in a new deceptive name. It reminds us of the Rowlett Act of the Foreign British rule.

Amnesty International, the Human Rights Organisation is totally against the Preventive Detention Laws. An ex-judge of the Supreme Court, Shri Krishna Aiyar, a few days back, said in Chandigarh. I quote:

> "The past experience has shown that by and large all preventive trials are aimed at aubusing power. If the police and the public are a little vigilant there would be no need for this Ordinance."

This is a desparate act of a desparate Government. The foreign papers also reacted very sharply to state that this is a piece of repressive measure of the Government of India. The hon. Member Shri A. K. Roy, a sitting MP and a political leader had been detained under the NSO despite repeated assurances that it would not be used against political opponents.

Lastly, Sir, the ordinary law of the land confers on the State ample powers to prevent and avert a threat to public order, by the immediate arrest of an offender. At this crucial, initial stage, the power of arrest is as wide as that under the Preventive Detention Law. Arrest can be made on mere 'reasonable suspicion' The provisions under Section 11 of the Criminal Procedure Code are quite adequate and quite clear also. Any Police officer may without any order from the magistrate and without the warrent, arrest any person who is concerned in a cognisable offence, or against whom the reasonable complaint has been made or a credible information has been received or reasonable suspicion exists of his having been so concerned.

A Preventive Detention Law in no way adds to its powers. But the ordinary law requires prosecution and proof.

Why are the Government afraid of implementing the provisions of ordinary law? Sir, if the Government insists on getting this Bill passed it has to face a stiff opposition at every inch of its passage.

SHRI CHANDRAJIT YADAV: I oppose the Bill on the ground of Constitutionality and on political and moral basis. Sir, if you take the trouble of reading the first two or three sentences, of the Statement of Objects and Reasons, given by the Home Minister you will get a clear picture and the idea behind the objective of this Bill. In the first two sentences, you see this:

> "In the prevailing situation of communal disharmony, social tensions, extremist activities, industrial unrest, industrial unrest and increasing tendency on the part of various interested parties to engineer agitation on different issues, it was considered necessary that the law and order situation in the country is tackled in a most determined and effective way."

Sir, this is the objective becausethe Government today feels that it has failed to control communal situation in the country through normal law. The Government also has a fear that it cannot prevent the socialtensions. Social tensions are growing in this country. There is no denying the fact that more than 30% of our population is living below the poverty line and the number of people below this line isincreasing every day. With the increase of unprecedented rise in prices, with the increasing inflationary situation in the country it has become diffcult and almost impossible for the poor people, the middle-class people and even the upper middle-class people to live a decent and reasonably good life.

[Shri Chandraj't Yadav]

The Government understands this because it has failed on the economic front, it has failed to control the communal situation in this country and there is also a fear that the working class will be resent ng, more and more resentment will grow in the working class because anti-workers repressive measures are adopted by so many industrial houses, monopoly houses in this country and their exploitation is also increasing day by day. Therefore, the main reason is that as the Government itself has admitted, there is a failure on the social and economic front.

Now, the Government wants to take the power in its hand for the detention of the people. I will not be mistaken if I again quote the case of Mr. A. K. Roy, an hon. M: nber of this House who was detained. When we say that there is a misuse of powers by the bureaucaracy, there is a misuse of powers by the executive, here is a living examlpe of that, that an hon. Member of this House was detained without any ground. After two days he was released. I can understand that the political leaders must have intervened for his release and one of the reasons for his release was also that it was still an Ordinance wihic was yet to come before Parliament for making an Act. If an hon. Member of this House is detained then there will be an uproar in the Parliament. So it was a parliamentary pressure on the Government and the Chief Minister concerned. I do not konw whether the Prime Minister has also to intervence in this. Why this hon. Member was detained when the Parliament is yet to consider this Bill ? This will be improper. I am not saying that the political leaders will go amuck. I am not saying that. But the Police, the executive and the bureaucracy in this couuntry have to be condemned for this. Even the Prime Minister has expressed her shock, her painful shock at the way the Bihar policy behaved in blindng the innocent people, the young people coming from the poor families, backward families, harijans and tribal people. Therefore, there is every ground for this kind of fear in the minds of the people. I would say that the Government should realise the fear-psych osis that has gripped the people and they should learn to do it through a democratic process. Why should we have this Bill when we have already normal law to take care of these people ? Why should we go in for this kind of unprecedented preventive detention measure ? Why should the people be detained without trial ? The Government syas that there will be 3 Members on the Advisory Committee. The Chairman may have been a judge. But the other two members, if they are qualified to be a Judge, they can be members. It means that any person having practised for 7 years or 8 years would be put on the Advisory Board. I fear that the Government intends to use this Act against the political opponents. The Government wants to silence the genuine criticism, slicence the dissenting voice in the country. It will not be good even for the ruling party and will be certainly against democratic traditions.

MR. DEPTUY-SPEAKER : You say that the Government has to be very careful in bringing this Bill. But you were in the Government.

SHRI CHANDRA JIT YADAV : I am saying this on the basis of my experience. Any person who has been in the Government will admit this that in spite of our best intentions, if we keep this sword in the hands of monkeys, monkeys will definity misuse it. This danger will be there until and unless we have an enlightened bureaucracy and an enlightened administration and an enlightened police. What has been our experience in this country with such legislations ? Our experience for the last so many years has been that the people have been detained on one pretext or the other ; Shri A.K. Gopalan, an hon. Member of this House, was detained and ultimately the Supreme Court had to intervene and only then he was released. Today, the fear is that this legislation is going to beused against the political opponents, against those people who will do even reasonable criticism if the Government, whether they belong to the press, political parties or the intellectual community. It may even be used against a person, not belonging to any political party, but who is really interested in the progress of the country and maintenance of harmony and good relationship in the society, but if he is critical

On the grounds of morality, on the political ground as also on the constitutional ground, it is not a decent law. The Government may appoint people with political motivations, who have not been the judges of the High Court. I am not challenging the constitutional right of the Government; unfortunately, the Indian Constitution does make a provision under Article 22 that there can be preventive detention provisions, but in a very unusual situation ; when there is a danger to the national security, when a person is doing espionage against the interest of the nation etc. But, here, no person would be safe, because it can be said : because of your speeches you are creating social tension and, therefor e you have to be put behind the bar without being tried in the proper court. They can say : You are a person creating unrest in the working class, and, therefore

you are put behind the bar. If the working class is pushed against the wall, if their repression takes place, if the industrial houses in this country continue to exploit them, and if the workers resort to trade union activities and get agitated, it can also be said that they are creating social tension or industrial trouble. Even the students and intellectual community are agitating. It can also be said that they are creating social tension or disturbing public order. This legislation can, therefore, be misused in such cases also.

In view of this, I would appeal to the hon. Home Minister to kindly reconsider the introduction of this Bill and agree to withdraw. The National Security Ordinance was issued on the 22nd September, 1980, and during these last six-seven weeks, we have seen how this Ordinance has already been misused. I am not quoting the cases, but a list has been submitted to the hon. Minister regarding Moradabad innocent people, who had nothing to do with the riots but who have been detained under this Ordinance. Some workers have been detained, some other people have been detained. Already, the misuse of the Ordinance is in sight. And after it is replaced by an Act, it is going to be put to much bigger misuse. I would, therefore, request the Home Minister to reconsider the introduction of the Bill.

If the Home Minister is really interested in tackling the situation today, if there is a danger to the national security, let him call a meeting of leaders of all the opposition parties and let them consider this question and find out a solution. Have they not called meetings for certain issues and have we not extended our cooperation on the Assam and other issues ? We did extend our cooperation. But a Bill of this kind, a Bill which is against the fundamental rights of the citizens of India, which has every potentiality of being misused, has to be opposed. I am, therefore, opposing the introduction of this Bill.

SHRI K. P. UNNIKRISHNAN (Badagara : Mr. Deputy-Speaker, Sir, the first year of Mrs. Indira Gandhi in office for the second term is about to end now and I do not know why my very good and esteemed friend, gentle and amiable Home Minister, should have been chosen to present this new Government package of black laws on the eve of New Year to the people of India.

MR. DEPUTY-SPEAKER : Because he is the Home Minister.

SHRI K. P. UNNIKRISHNAN : Probably, it is a harbinger of things to come. Many of my friends have just now, a little while ago, described here the consequences of this draconian measure.

I consider this as an assault on our constitutional democracy, on our concept of rule of law and our right to dissent which are the basic postulates for which not only we, in this House have fought, but the entire national liberation struggle under Mahatma Gandhi, the Indian National Congress under Jawaharlal Nehru and Sardar Vallabhbhai Patel and Subhash Chandra Bose, has consistently fought this trend during the national struggle. Jawaharlal Nehru had gone on record in the All India Civil Liberties Conference as saying that "People who bring such laws shall go under by the tidal waves of dissent that it would generate", and I am sure the fate of this Government cannot be different. So, Sir, the essence and spirit and the form and spirit of our Constitution, of basic civil liberties, of basic right to dissent, the need for rule of law and all the constitutional essence on which we have founded this Republic, have been assaulted and have been ignored by the Home Minister by bringing forward this Bill. It violates not merely Article 22 but the entire spirit and form of Indian Constitution and that is why I stand here to oppose the introduction of this Bill.

We have had recent experiences whether this is in Moradabad or in Bhagalpur or elsewhere. We have experience in this House of distinguished members who have been taken in one day and sent out the other, against which there have been comments in this House, and this can only lead to executive excesses and to arm the Police. I do not want particularly to blame the Police in a particular area or otherwise, but the point is that if you arm them with such powers, if you arm the executive with such powers, they are bound to be misused and the casualty shall be and will always be the people's right to liberty and, I do not want such a thing to happen in this country and, that is why I stand here to oppose the Bill.

Before I conclude, I want to remind him again, I have to repeat to my dear friend, when the Akali Government in Punjab after 1977 carried on tortures and excesses against some of his friends, some of my colleagues, I stood in this House to oppose it. Not merely to oppose, I was the first one to oppose it and I want on their behalf to the Janata Party Chairman Mr. Chandra Shekhar to demand.

I had also consistently opposed when the 44th Amendment came here that if you permit such laws like Preventive Detentions to be enacted, that shall be a sad day for our Republic and that is why

[Shri K.P. Unni krishnan]

I stand here again to oppose the introduction of this Bill.

श्री धनिक लाल मण्डल (झंझारपुर) : महोदय, मैं इस बिल का पूरे ज़ोर से, पूरी ताकत से, पूरी ईमानदारी से, सम्पूर्ण रूप से विरोध करने के लिये खड़ा हुआ हूं । मैं इस बिल का विरोध संविधान, जनतन्त्र के मूल्यों और हयूमन राइट्स, सिविल लिबर्टीज़ के आधार पर करने के लिये खड़ा हुआ हूं । जैसा कि सभी माननीय सदस्यों ने, जिन्होंने इसका विरोध किया है, कहा है कि इस के पीछे जो मंशा है, वह ताकत को एक हाथ में केन्द्रित करने की है जो जनतान्त्रिक मूल्यों के विरुद्ध है । इस के पीछे मंशा है—संविधान को उलट-पुलट देने की, जिसको अंग्रेज़ी में "सबवर्शन" कहते हैं । एक परिवार के शासन को स्थापित कर देना इस का उद्देश्य है । मैं आप लोगों के लिये कह रहा हूं, ज़रा कान खोल कर सुन लीजिये, आप इस देश में जो भी इंस्टीच्यूशन्ज हैं, उन सबको समाप्त करते हुए चले जा रहे हैं, इसमें आपका भी कोई कल्याण नहीं है । जो वर्तमान कांग्रेस है, उसके सम्बन्ध में हम लोगों का मत है कि उसने जनतन्त्र को छोड़ दिया है । एक आदमी पर आप निर्भर हैं और उसके इशारे पर चलते हैं, यह हम लोगों को मालूम है लेकिन आगे आने वाली सन्तान के लिए भी आप देख लीजिए । आप भी होशियार हो जाइए अभी से ।

श्री राम प्यारे पनिका (रोबर्टसगंज) : आप भी चौधरी चरण सिंह के सहारे चलते हैं ।

श्रीमती कृष्णा साही (बेगूसराय) : आप जनतंत्र की बात कहते हैं । हम लोगों को बिहार में गुण्डा एक्ट में जेल भेजा गया था । . . . (**व्यवधान**) . . .

MR. DEPUTY--SPEAKER : He was then the Home Minister. Now, he is not a Home Minister. Now, he would not do it.

श्री राम प्यारे पनिका: इन के ही राज्य में मध्य प्रदेश में हमें मीसा में जेल में बन्द किया था और कैसी कैसी तकलीफें दी थीं ।

श्री धनिक लाल मंडल : श्रीमन्, मैं माननीय सदस्य को बताना चाहता हूं कि मैंने मीसा को खत्म ही नहीं किया बल्कि जितने भी इस तरह के कानून स्टेटयूट बुक में थे, उन सभी को समाप्त किया था । . . (**व्यवधान**) इस तरह के जितने भी कानून आप के समय में स्टेट्यूट बुक पर लाए गये थे, उन सभी को समाप्त किया था, आप जरा इतिहास उठा कर देख लीजिए । यदि आज हमारे कुछ माननीय सदस्य जो सरकारी पक्ष में बैठे हैं, यह कहते हैं कि उनको गुण्डा एक्ट में भेजा गया था, तो मैं इस के लिए जिम्मेदार नहीं हूं क्योंकि ला एण्ड आर्डर स्टेट का सबजेक्ट है । इन को बिहार में भेजा गया होगा लेकिन मैंने नहीं भेजा । मैंने तो उन तमाम कानूनों को स्टेट्यूट बुक से हटा दिया था ।

पूर्ति और पुनर्वास मंत्रालय में राज्य मंत्री (श्री भागवत झा आजाद) : आप ने जेल में नहीं भेजा लेकिन आप के श्री कर्पूरी ठाकुर ने भिजवाया और आप उस वक्त उसके लिए ताली बजा रहे थे । . . . (**व्यवधान**) . . .

श्री धनिक लाल मंडल : महोदय, यह कानून इस देश में जो जनतंत्रीय व्यवस्था है, उसको खत्म कर देगा, पारिवारिक राज्य बना देगा, सिविल सर्विसेज को निकम्मा बना देगा, पुलिस को अत्याचारी बना देगा और पूरी व्यवस्था को तहस-नहस कर देने वाला यह कानून है । इसलिए इस कानून का हम लोग विरोध करते हैं ।

श्री राम विलास पासवान (हाजीपुर): उपाध्यक्ष महोदय, मैं इस का विरोध करता हूं और इसका विरोध इस आधार पर करता हूं कि यह जनता विरोधी विधेयक है । आजाद साहब यहां पर बैठे हुए हैं और बिहार में जो

घटना हुई, उसको जानते होंगे । इस पक्ष की सरकार हो या उस पक्ष की सरकार हो, इस तरह का विधेयक नहीं लाना चाहिए । आप जानते हैं कि जब आपने इमर्जेन्सी लगाई थी, तो उसी समय आप की सरकार जानी थी और ज्यों ही आप इसे लागू करेंगे, आपकी यह सरकार जानी है । अब अगर आप यह चाहते हैं कि आप की सरकार जाए, तो निश्चित रूप से इस को लागू कर दीजिए ।

एक माननीय सदस्य : आप क्या चाहते हैं ?

श्री राम विलास पासवान : मैं तो नहीं चाहता कि आपकी सरकार जाए और इसलिए कहता हूं कि इसको लागू मत कीजिए ।

बिहार की एक घटना है । बिहार में एक साधू को इमर्जेन्सी में पकड़ कर जेल में बन्द कर दिया और उसके बाद जब वह मामला कोर्ट में आया, तो डांटते हुए सेशन जज ने पूछा :

"ओ नादान सिपाही, इन्हें क्यों पकड़ लाये,
ये तो हैं मंदिर के पुजारी,

सहमते हुए सिपाही ने कहा,
हुजूर इसे सज़ा देना है लाजमी,
सड़क पर नारायण, नारायण कह रहा था
हो सकता है जे० पी० का आदमी" ।।

जे० पी० से मतलब श्री जयप्रकाश नारायण से था

इसलिए मैं आपसे कहता हूं कि आप सब लोग एक नहीं है । अब कांग्रेस पार्टी एक नहीं रह गई है, भीतर में दरार पड़ गई है । इसलिए आज सब लोग समझ रहे हैं, स्टेटस से दिल्ली तक । इसलिए मैं आपसे कहुंगा कि आप बहुमत से इसे पारित कर दीजिए, लेकिन पारित करने के बाद हम से भी ज्यादा आपको भुगतना पड़ेगा इस बात को नोट कर लीजिए । इसलिए मैं आपसे आग्रह करूंगा कि इस बिल का, चाहे इस पक्ष के लोग हों या उस पक्ष के लोग हों, यदि मंत्री महोदय इस पर पुनर्विचार कर के पेश नहीं करते तो सबों को इसका विरोध करना चाहिए ।

PROF. MADHU DANDAVATE (RAJAPUR) : I do not want to repeat the arguments that the other Members have made. I would like to put forward only two points to oppose the introduction of this Bill. If you go through clauses 8(i) and 8(ii), you find that they neutralise each other and that is the greatest danger. We are repeatedly told that there is enough safety valve in this Bill in clause 8(i) which says : "When a person is detained in pursuance of a detention order, the authority making the order shall as soon as may be but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made." In clause 8(ii) it is said : "Nothing in sub section 8(i)"— that is what I referrred to just now—" . . . shall require the authority to disclose the facts which it considers to be against public interest to disclose". 8 (ii) nullifies what has been said in 8(i).

I want to make it clear that I have no illusion about your intentions and motives and I say so on the basis of our past experience. In the Fifth Lok Sabha I was one of those persons who had raised this question and said that if MISA was adopted, it was likely to be used against political workers. On that occasion no less a person than the Prime Minister Indira Gandhi gave an assurance, a solemn assurance to the House that MISA would not be used against political workers and social workers. But as the tragedy would have it under the very same government more than one lakh people were detained during the Emergency. Some of us filed writ petitions in Bangalore and other High Courts and ultimately the matter went to the Supreme Court. The Attorney General was asked a question by Justice Khanna: Suppose some detenue who is detained under MISA is killed by the jail authorities would his relations be allowed to appear before the court and ask for a juridicial remedy, to which the Attorney General replied : Sir, no ; that right is also lost. That establishes the malafide intentions of this Government. To such a government we are not prepared to give such draconian powers because they are bound to misuse them and the liberties of the people will be destroyed and on that ground I oppose the introduction of this Bill.

गृह मंत्री (श्री जैल सिंह) : उपाध्यक्ष जी, सारे मेम्बर साहेबान ने इंट्रोडक्शन पर ही इतनी लम्बी तकरीर की, हालांकि सिर्फ इसके आब्जेक्ट पर दो-दो शब्द कह के वे कह सकते थे कि हम विरुद्ध हैं । लेकिन आप बड़े दयायु हैं और आपकी मेहरबानी भी है, आप कंट्रोल भी खूब करते हैं । आपने बड़ी कृपा करके उनको समय दे दिया और काफी बहस हो चुकी है। लेकिन अब मेरी यह प्रार्थना है कि जब क्लाज बाई क्लाज कंसिड्रेशन आए तो आप मैम्बर्ज का ध्यान रखें कि कहीं वे यही बातें रिपीट न करते रहें ?

श्री राम विलास पासवान : जवाब भी वही न दीजियेगा।

श्री जैल सिंह : आपने सब कुछ कह लिया, अब तो आप शन्ति से सुनें । एक राय से इख्तलाफ रखना या दूसरी राय रखना कोई दुश्मनी या नफरत की बात नहीं होती । आपने जोर जोर से अपनी बात कह ली है, अब आप सुनिये भी ।

जो बातें कही गई हैं उन पर मैं संक्षेप में ही प्रार्थना करूंगा । एक बड़ी बात जो हर एक मेम्बर ने कही है वह यह थी कि यह बिल संवैधानिक नहीं है, कांस्टीट्यूशनल नहीं है । बसु जी ने आर्टिकल 22 का हवाला भी दिया लेकिन 22(2) तक ही वह पढ़ते रहे और आगे (3) पर आ कर खामोश हो गए । मैं चाहता था कि वह आगे (3) भी पढ़ लेते । उस में यह लिखा हुआ है :

"Article 22(3) Nothing in clauses (1) and (2) shall apply—

(a) to any person who for the time being is an enemy alien ; or

(b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless —"

सारा मैं पढ़ना नहीं चाहता । जब पूरी बहस होगी उस वक्त मैं देखूगा कि क्या क्या चीज सामने आती है और उसे देख कर जवाब दूंगा ।

यह कहा गया है कि विधान निर्माताओं ने इस विधान को डैमोक्रेटिक बनाया है। इस विधान की हम ने तो दो बार कसम खाई है और आप सब मैम्बर्ज ने एक एक बार ही यहां कसम खाई है । हम इस विधान के मुताबिक चलते हैं । इसके खिलाफ कोई भी बात करेंगे तो हम गुनाहागार होंगे । विधान बनाने वाले उस वक्त के ला मिनिस्टर डा० बी० आर० अम्बेदकर ने इसी क्लाज पर जब बहस हो रही थी तो कहा था :

'In the present circumstances of the country it may be necessarv for the executive to detain a person who is tampering with public order as mentioned in the Concurrent List or the Defence Services of the country. In such a case I do not think that the exigency of liberty of the individual should be placed above the interests of the State.'

(व्यवधान) आप तकरीबन बारह आनरेबल मैम्बर बोले हैं । इस तरफ से कोई नहीं बोला । मैं अकेला ही बात कर रहा हूं । अब अकेले की बात सुनने में भी घबराहट क्यों होती है **(व्यवधान)** । मंडल जी आप घबराए नहीं । आपको बिल्कुल चिन्ता नहीं करनी चाहिये । मेरे आपके साथ दो रिश्ते हैं—एक तो यू बिलांग टू बैकवर्ड क्लास, आई बिलांग टू बकवर्ड क्लास, दूसरा यह है कि आप होम मिनिस्ट्री में मिनिस्टर आफ स्टेट रहे मकवाना जी की तरह, लेकिन खुदा की कुदरत कि हम होम मिनिस्टर हो गये ।

प्रो० मधु दंडवते : खुदा की नहीं प्राइम मिनिस्टर की ।

श्री जैल सिंह : तीसरे मैं यह भी समझता हूं कि आप बड़ी गलत जगह पर फंसे हुए हैं, मुझे इस बात की भी हमदर्दी है।

आज जब हमारे श्री बनातवाला जी ने शुरु किया, मुझे ऐसा लगा कि वह अपनी खुदकुशी कर रहे हैं, आत्मघात कर रहे हैं या सुसाइड कर रहे हैं। कल की तकरीर में उन्होंने बड़े जोरदार शब्दों में कहा कि लोग बहशयाना हो गये हैं, बेगुनाहों को मार दिया गया है, तबाह कर दिया गया है। हमारी माइनौरिटी के बारे में उन्होंने और क्या क्या नहीं कहा। जब हम यत्न करने लगे हैं कि आपकी रक्षा हो जाये, आपका प्रोटेक्शन हो जाये, देश की सलामती रहे, तो आप इस बिल का विरोध कर रहे हैं। खैर, मेरा ख्याल है कि बिल की जब आखिरी रीडिंग होगी तो बनातवाला जी हमारे साथ हो जायेंगे।

श्री ज्योतिर्मय बसु ने और एक हमारे श्री चित्ता बसु, दोनों बसु ने हवाला दिया कि ऐसा बिल अमरीका में नहीं, इंग्लैंड में नहीं।

एक माननीय सदस्य : श्री नीरेन घोष ने कहा।

श्री जैल सिंह : किसी ने कहा हो, लेकिन उनका नाम प्रोग्रेसिव और फार्वर्ड ग्रुपों में गिना जाता है यानी जो कम्युनिस्ट माइन्डेड हो या कम्युनिस्ट हो। उन्होंने किसी भी सोशलिस्ट मुल्क का नाम नहीं लिया कि वहां ऐसा बिल नहीं है। दुनियां में बहुत से मुल्क हैं।

अब आपको यहां बैठकर यह बातें करनी अच्छी लगती हैं, मुंह में राम, बगल में छुरी। आप हमको तो उपदेश देते हो कि हिन्दुस्तान में समाजवाद आना चाहिये, फिरकेदारी को खत्म करना है। जो गद्दारों का खून है, सरमायेदारों का खून है, कभी पवित्र नहीं हो सकता है। पवित्र नहीं हो सकता, इनको वोट का हक भी नहीं होना चाहिये (**व्यवधान**)

श्री जगपाल सिंह : सारे गरीब लोगों को गिरफ्तार किया गया था। (**व्यवधान**)

श्री जैल सिंह : डिप्टी स्पीकर साहब, अगर आपके पास वक्त है तो इनको और दे दो, लेकिन इनको कहो कि सब्र से सुनें। अगर मैं गलत बात कहूंगा तो वह मैं वापिस ले लूगा।

एक माननीय सदस्य : यह वापिस लीजिये।

श्री जैल सिंह : क्योंकि हमारा इरादा गलत बात कहने का नहीं, मैं तो यही समझता हू। कल श्री जेठमलानी जी ने अपनी तकरीर में कहा था—

"एक पिता, एक उसके हम बारिक,
तू मेरा गुरहारि।"

उनको एक शब्द और भी याद होगा भक्त कबीर का—

"सन्ता मानो दूतां जानों, यह मेरी कोतवाली।"

यह मेरी कोतवाली जो है, इसका महत्त्व है कि अमन, शांति, शरीफ संत महापुरुषों की पूजा करना और बदमाशों को सजा देना।

अब जब तक मैं एक-एक थाने में ऐसी शक्ति उनको नहीं दूंगा कि वह शरीफ आदमी की इज्जत बचा सकें, अमन-पसन्द शहरियों को प्रोटेक्शन दे सकें, माइनौरिटी को बचा सकें, हरिजनों और वीकर सेक्शन को बचा सकें और बदमाशों व गुंडों को दबा सकें तब तक निशाना पूरा नहीं होगा।

श्री इन्द्रजीत गुप्त (बसिरहाट) : श्री ए० के० राय को क्यों पकड़ा ?

PROF. MADHU DANDAVATE : Why was Jayaprakash Narayan detained under MISA ?

श्री जैन सिंह : माननीय सदस्य मीसा की बात करते हैं । थोड़े दिन हुए कि किसी मेम्बर ने मुझे कहा था कि आप को याद रखना चाहिए कि आप सरदार पटेल की कुर्सी पर बैठे हैं । मैंने याद रखा है कि पहली बार सरदार पटेल ने ही यह बिल यहां पर पेश किया। जब इस बिल पर विचार होगा, तो मैं बताऊंगा कि सरदार पटेल ने क्या कहा था, डा० श्याम प्रसाद मुकर्जी ने क्या कहा था, पंडित जवाहरलाल नेहरू ने क्या कहा था और आपोजीशन ने क्या कहा था । (**व्यवधान**) मैं अपने आप को सरदार पटेल के साथ कम्पेयर नहीं करता हूं । लेकिन हर एक समझदार आदमी का फर्ज है कि उसके पास जो भी ड्यूटी हो, उसको वह पूरा करे । अगर वह चपरासी बने, तो वह चपरासी बन कर दिखाये और अगर मिनिस्टर बने तो मिनिस्टर बन कर दिखाये—उसके पास जो भी पोर्टफोलियो हो, वह उसके काम को निहायत अच्छी तरह से करे । माननीय सदस्य एक आपोजीशन ग्रुप के लीडर हैं । वह हमें कई बातें दिल से नहीं कहना चाहते हैं, लेकिन उन्हें कहनी पड़ती हैं ।

श्री ज्योतिर्मय बसु ने एक कागज लहराया और कहा कि यह शाह कमीशन की रिपोर्ट है । एक दूसरे मेम्बर ने कहा कि इस बिल को लाने से इस सरकार का पतन हो जायेगा । (**व्यवधान**) फिर तो इन लोगों को खुश होना चाहिए, क्योंकि वे तो हमारा पतन चाहते ही हैं । (**व्यवधान**)

श्री ज्योतिर्मय बसु ने शाह कमीशन की बात कही । सब जानते हैं कि शाह कमीशन क्या था और किस वक्त बनाया गया था । उसकी प्रोसीडिंग्ज लाउड-स्पीकर पर सुनाई जाती थी । उस वक्त क्या नहीं किया गया ? लेकिन माननीय सदस्य ने साथ ही कह दिया कि यह कानून एक व्यक्ति और एक परिवार को ताकत देने के लिए बनाया जा रहा है । (**व्यवधान**) माननीय सदस्य इस तरह से क्यों उठते हैं ? क्या सीटों पर कांटे लगे हुए हैं ? एक शाह कमीशन नहीं, उस जैसे कई और कमीशन भी बने । हमें उन कमीशनों के सामने ले जाया गया । हमारी गिरफ्तारियां भी की गईं । वह सरकार भी यह बिल लाना चाहती थी । पेश होने के बाद भी पास नहीं करवा सकी क्योंकि उस की पार्टी में ताकत नहीं थी, कोहेशन नहीं था । लेकिन यह वक्त की जरूरत है । मैं आप से कहना चाहता हूं कि यह काला बिल नहीं है । This is a very bright Bill. यह बिल देश की तरक्की के रास्ते खोलने वाला है । यह बिल हिन्दुस्तान की आजादी की रखवाली करने वाला है। यह बिल हिन्दुस्तान की एकता की गारंटी है ।.... (**व्यवधान**) ..... ये लोग बैठे-बैठे बोले जा रहे हैं । इसी वक्त एक्सरसाइज हो जायगी। आप जीतते हैं या हारते हैं पता चल जायगा । यह बिल इस देश की रक्षा के लिए, डेमोक्रेसी की रक्षा के लिए और लोगों को इंसाफ दिलाने के लिए हम लाए हैं । अगर यह बिल आज नहीं लाते तो आने वाला जमाना हमें कमजोर भी कहेगा और बेसमझ भी कहेगा क्योंकि मैं जानता हूं, तिहास बताएगा कि इस बिल का आना क्यों जरूरी था । जो आज मुल्क में हालात हैं, जिस तरफ मुल्क जा रहा है, जिस तरह बदमाश, गुंडे और मिसक्रिएंट

एलीमेंट्स इस देश की एफिश्येंसी को हर जगह तोड़ना चाहते हैं, हर जगह जाति पांत का झगड़ा पैदा करना चाहते हैं, देश से अलग होने के नारे लगते हैं, इन सारी बातों को रोकने के लिए यह बिल निहायत जरूरी है ।

मैं समझता हूं कि ज्योतिर्मय बसु को तो विरोध करना ही था । वह कर लेते, लेकिन इस बात का प्रमाण शाह कमीशन से दिया, जिस शाह कमीशन की धज्जियां उड़ गई हैं, उसकी रिपोर्ट को हिन्दुस्तान की जनता ने गन्दे नाले में फेंक दिया है । आप कहते हैं एक व्यक्ति. . . (व्यवधान) रामावतार जी, नाम कैसा है, अवतार भी हैं और राम भी हैं और मुझे मालूम है कि आप ने कुर्बानी भी की है, तो सब कहां चला गया ? आप प्रेम से सुनिए । एक व्यक्ति, एक परिवार का जिक्र करते हैं । मैं कहता हूं कि आप के बस की क्या बात रह गई ? एक व्यक्ति को हिन्दुस्तान के लोगों ने ताकत दी है, आप नहीं छीन सकते । वह ताकत उन के हाथ में जनता ने दी है और अब यह बिल जो पहले आर्डिनेन्स की शक्ल में लागू हो चुका है, इसके लागू होने के बाद इंदिरा गांधी जी के उम्मीदवार तीन मुख्य मंत्री हमारे एलेक्शन लड़े हैं और मुखालिफों की जमानत जब्त करा कर आए हैं जब कि सब ने मिल कर एक एक कैंडीडेट खड़े किए थे । कोई यह तो कह सकता है कि उस ने उस की मदद न की हो लेकिन हमारे कैंडीडेट की किसी अपोजीशन ने मदद नहीं की । उस के बावजूद तमाम पार्टियों ने एक एक कैंडीडेट खड़ा कर के आजमा कर के देख लिया, हम जीत कर के आए हैं और यह आर्डिनेन्स उस वक्त लागू था । आप कहते हैं जनता हमारे खिलाफ है . . . (व्यवधान)

SHRI NIREN GHOSH : Refer it to referendum. Let there be a referendum and let us see the results. We are throwing open a challenge.

श्री जेल सिंह : आप सदन में बैठने वाली पार्टियों के नेता हैं, आप को क्यों घबड़ाहट होती है । मैं जानता हूं मेरी बातों से आप को कविन्स नहीं होना है और आप की बातों से हम नहीं कविन्स होने वाले हैं । वह तो एक मन बना कर बैठे हैं । बातें सुनानी हैं, सुना लेंगे, प्रेस गैलरी वाले सुन लेंगे, हम सुन लेंगे । लेकिन इस से कोई फर्क नहीं पड़ने वाला है । आप सुनाईये । जितने जितने परसेंटेज के साथ आप यहां बैठे हैं, उतने उतने परसेंटेज आप लोगों की नुमाइन्दगी करते हैं ।

16.00 hrs.

हमारे आनरेबल मेम्बर दंडवते जी ने कहा कि मीसा का उपयोग क्यों किया जायेगा, कैसे किया जायेगा, हम सरकार के इरादों को जानते हैं, पहले भी हमारे साथ वायदा किया गया था लेकिन फिर मीसा में हमको जेल में जाना पड़ा, यह बिल पोलिटिकल पार्टीज के खिलाफ आ रहा है, सरकार के गन्दे इरादे को हम जानते हैं—यहां तक वे कह गए । खैर, यह उनकी मर्जी है, मेरा खयाल था प्रोफेसर कहेंगे सब कुछ लेकिन मीठी बात कहेंगे । खैर, मैं सख्ती से कोई जवाब देना नहीं चाहता । दंडवते जी और दूसरे दोस्तों को डर है कि इस बिल के मातहत उनको जेल में भेज दिया जायेगा लेकिन हम यह गलती नहीं करेंगे ।

PROF. MADHU DANDAVATE : I did not believe the previous Home Minister and I do not believe the present Home Minister that he will not send us to jail.

श्री जेल सिंह : डिप्टी स्पीकर साहब, दण्डवते जी मेरा आदर कर सकते हैं, मैं उनका आदर कर सकता हूं लेकिन मैं उनके रहमो करम से होम मिनिस्टर नहीं हूं । (व्यवधान) मैंने

[श्री जैल सिंह]

यह इसलिए कहा कि हमने पिछली बार जेलों में रखकर आप लोगों की बहुत खिदमत की, बहुत मुद्दत तक खिदमत करनी पड़ी और उस खिदमत से, जो जेलों में बैठे थे वे जनता को प्यारे हो गए और हम कुछ पीछे हट गए इसलिए हम वह गल्ती क्यों करेंगे ? लेकिन इसका मतलब यह भी नहीं है कि पोलिटिकल पार्टी का कोई मेम्बर है तो उसको लाइसेन्स मिल गया कि लूट भी ले और एडल्ट्रेशन भी कर ले—यह नहीं होगा । जब यह बात आ जाए तो फिर जरा बचकर रहना । (व्यवधान)

SHRI SATYASADHAN CHAKRABORTY : If you are serious about what you are telling, that you will fight black-marketeers and all that, then you must take action against your own party people who may then be liquidated.

श्री जैल सिंह : डिप्टी स्पीकर साहब, मुझे रामावतार जी का भाषण सुनने के बाद बड़ा आश्चर्य हुआ । रामावतार जी इतना गुस्से से और इतना जोर से बोलते रहे जिसकी उनको कतई जरूरत नहीं थी । खैर बिल को इन्ट्रोडयूस करने के लिए तो कहना ही है और आपसे भी यह जरूर कहना है कि आपको जो कुछ कहना था वह कह लिया, अब अपने मन में गुस्सा न रखें । जो होना है वह हो जायेगा, रुकेगा नहीं । (व्यवधान)

मि० घोष ने कहा कि यह बिल सेना द्वारा प्रशासन लाने के लिए बनाया जा रहा है । अगर सेना का प्रशासन ही करना है तो फिर हम यह बिल क्यों लायें ? एक तरफ तो आप डरते हैं कि हमको जेल में डाल देंगे । आपको जेल में डाल देंगे तो फिर हमसे राज कौन छीनेगा । हम नहीं डालते लेकिन यह दलील कुछ बनती नहीं है ।

दूसरे, मुझे यह अफसोस हुआ कि उन्होंने, एक एम्बेसडर ने जो रिपोर्ट दी है, उसके हक में बात कही । देश के लिए, वतन के लिए पार्टी कुर्बान की जा सकती है लेकिन आपको तो पार्टी भी कुर्बान नहीं करनी थी फिर भी आपने उन विदेशियों की, जो हिन्दुस्तान का मुंह काला करना चाहते थे, उनकी हिमायत कर दी ।

SHRI K.P. UNNIKRISHANAN : Sir, he is making an important insinuatory statement against a diplomat. I hope this is the Government's position.

(*Interruptions*)

श्री जैल सिंह : श्री उन्नी कृष्णन और श्री चन्द्रजीत यादव जी मेरे दोनों बड़े प्यारे मित्र हैं और यह नौजवान लड़का बड़ा होशियार है, दिलेरी से काम करता है ।

MR. DEPUTY-SPEAKER : Who is not your close friend ? Please tell me.

SHRI ZAIL SINGH : All are my personal friends.

लेकिन कुछ दोस्ती में फर्क होता है । कुछ दोस्ती ऐसी होती है :

तसव्वर में उनसे मुलाकात हो गई,

नजर को खबर तक न हुई और बात हो गई और कुछ दोस्ती ऐसी होती है :

नजर ही नजर में बात हो गई
रहे दोनों खामोश और बात हो गई ।

यह दोस्ती-दोस्ती में फर्क होता है । श्री ज्योतिर्मय बसु से दोस्ती है, श्री मधु दण्डवते से दोस्ती है, लेकिन हमने काम इकट्ठे नहीं किया है । इनके साथ हमने काम किया है, इकट्ठे रहे और इमरजेंसी के जमाने में भी हम इकटठे रहे । जब इन लोगों ने एतराज किया कि हमको जेल में रखा, उस वक्त मैं चीफ मिनिस्टर था और श्री चन्द्रजीत यादव जी आप यहां मिनिस्टर थे और हम इकटठे रहे । श्री उन्नी कृष्णन और श्री चन्द्रजीत यादव जी दो पार्टियों में बैठे हैं, बैठे, काम करें, हमको खुशी होगी . . .

एक माननीय सदस्य : इधर आने के लिये कहें ।

श्री जैल सिंह : इधर आने के लिए नहीं कहेंगे, यह पार्लियामेंट का कायदा नहीं है । हमको यह नहीं कहना चाहिए, यह तो भोला पासवान ही कह सकता है कि उधर आ जाओ, हम नहीं कह सकते हैं । जो कोई जाने के लिए तैयार नहीं है, आवाजें मारने से थोड़े ही आता है । अब आयेगा तो कशिश होगी, मोहब्बत होगी तो खुद आयेगा । लेकिन मैं इतना जरूर कहना चाहता हूं . . .

श्री राम विलास पासवान : मेरा नाम भोला पासवान नहीं है ।

श्री जैल सिंह : मैं तो एक पासवान वहां देखता हूं और एक पासवान यहां देखता हूं, इसलिए आपका पहला नाम क्या है, वह याद नहीं रहता । एक काली दाढ़ी वाला पासवान है, एक बग्गी दाढ़ी वाला पासवान है । पासवान जी अब मैं इन मित्रों के लिए कुछ नहीं कहता, लेकिन मैं तुम्हें कहता हूं, दुनिया में 95 परसेंट वर्किंग क्लास है और पांच परसेंट सरमाएदार हैं, निठल्ले हैं, खाली हैं, वे डैमोक्रेसी को एक्सप्लायट करके राज करते रहते हैं । ग़रीब आदमियों को इकट्ठा नहीं होने देते हैं । पासवान जैसे आदमी का वह स्थान नहीं है । मैं आवाज नहीं मारता हूं, बुलाता नहीं हूं । एक चीज़ याद रखिए, मेरी एक बात नोट कर लें :

हर चीज़ नहीं मरकज पर एक रोज़
इधर एक रोज़ उधर ।

दुश्मन को न देख नफरत से, शायद
वह मोहब्बत कर बैठे ।

आप तो विरोधी हैं, दुश्मन नहीं हैं । मेरे मन में आपके लिए कुछ नहीं है । मगर सिर्फ मुझे इतना ही कहना है, श्री उन्नीकृष्णन और श्री यादव जी से कि हमने कोई नयी बात नहीं की, सिर्फ इस का नाम ही नया है, बाकी तकरीबन वहीं चीजें हैं ।

SHRI RAVINDRA VERMA (Bombay North) : It is a very clean confession.

श्री जैल सिंह : कन्फैशन, आप क्या समझते हैं, हमने कोई गुनाह किया है ? कोई गुनाह नहीं किया है । जो कुछ किया दुरुस्त किया, मुल्क के हित के लिए किया है ।

SHRI RAVINDRA VERMA : It is good you have said it.

श्री जैल सिंह : आपको बहादुरी दिखानी चाहिए । वतन की इज्जत, वतन की एकता और वतन की स्वतन्त्रता जब गुण्डों के कारण खतरे में पड़ जाए, ग़रीब लोग अपनी जान व माल की फिक्र करते हुए, तरसते हुए घूमते फिरें—ऐसे वक्त में मजबूती के साथ संभालना हिम्मत की बात होती है । मैं यह कहना चाहता हूं–आज टैम्पोरेरिली सस्ती शोहरत हासिल करने के लिये भले ही आप इसकी मुखालिफ़त करें लेकिन दिल से आप भी इसकी जरूरत को महसूस करते हैं । आज वे लोग ही इस को बुरा कहेंगे जो प्रैक्टिकली कभी स्वीपर से जा कर नहीं मिले, झोंपडी वाले से जाकर नहीं मिले, उससे नहीं मिले जो मशीन चलाता है, कारखाना चलाता है जिसके कपड़े काले हो गये हैं, जो मज़दूर से, खेतों में काम करने वाले से, क्लर्क से, स्टूडेन्टस से, गरीब आदमियों से नहीं मिले । आपने उनकी आवाज़ को नहीं सुना है । आज मैं आप को कहना चाहता हूं—आप के पास खामोश लोगों की बातों को सुनने के लिये भी कान होने चाहियें । मैं उन खामोश लोगों की बातें सुन कर यह कह रहा हूं कि यह बिल हिन्दुस्तान की जनता की आवाज़ है और उनके कहने पर ही यहां आ रहा है ।

अब कांस्टीचूशनली, आईनी तौर पर, इखिलाकी तौर पर, आपकी तसल्ली कैसे हो ?

[श्री जैल सिंह]

रामावतार जी, आप जरा मेरी बात को ध्यान से सुनिये। आप ने कहा कि यह बिल "इन्दिरा सुरक्षा" बिल है। अगर आप की यह बात मान भी लूं तो भी यह बात है कि यह बिल इण्डिया का रखवाला बिल है, क्योंकि इण्डिया ने इन्दिरा को चुना है, आप को क्यों नहीं चुन दिया ? क्या किसी ने कोई कसर उनके खिलाफ छोड़ी थी ? ट्रेडीशनल कांग्रेस भी हमारे खिलाफ थी, फिर भी जनता हमारे साथ रही। रामावतार जी मेम्बरों को याद दिलाते हैं —आगे-आगे देखिये, होता है क्या। आप ठीक ही कहते हैं —अब आप सब भाइयों को बतलाइये कि आगे आगे क्या होता है।...

श्री रामावतार शास्त्री : यह तो आप के दल वालों के लिये कहा था।

श्री जैल सिंह : मेरे एक दोस्त ने हमदर्दी जाहिर करते हुए कहा—होम मिनिस्टर साहब, यह काला बिल आपको पेश नहीं करना चाहिये थे। अब पेश कर ही दिया है, तो वापस ले लेना चाहिये। मैं उस हमदर्दी का मशकूर हूं, लेकिन आज उनको कहता हूं कि यह बिल एक दिन हिस्ट्री का हिस्सा बनेगा, एतिहासिक बनेगा और आज इस बिल की जिन लोगों ने मुखालिफत की है, उनको शर्मिन्दगी उठानी पड़ेगी... (व्यवधान)

अब इस पर कुछ ज्यादा कहने की जरूरत नहीं है। मेरे आनरेबिल दोस्तों ने जो बातें कहनी थीं, वे कह ली हैं और मैंने भी अपनी बातें आप के सामने रख दी हैं। मैं आशा करता हूं कि अब वे अपने विरोध को वापस ले लेंगे और इस बिल के इन्ट्रोड्यूस होने के रास्ते में कोई रुकावट नहीं बनेंगे।

SHRI CHANDRAJIT YADAV : I am saying that this Ordinance has already been misused. We have every reason to fear that if passed this Act will be largely misused. We requested the Home Minister to withdraw. If he does not withdraw, then to record our protest we walk out.

[*Shri Chandrajit Yadav and some other hon. Members then left the House*]

SHRI SAMAR MUKHERJEE: (Howrah): We had been jailed. More than 1½ lakh people had been kept under detention under MISA Act. We have a bitter experience. That is why we know why this Bill is being brought and against whom it will be applied. It is quite evident. The world moves in a dialectical process. This Bill will quicken the process of history. You are helping the entire people to unite against you as during emergency. We are walking out in protest.

[*Shri Samar Mukherjee then left the House*]

(*Interruptions*)

MR. DEPUTY SPEAKER : Order, please.

(*Interruptions*)**

MR. DEPUTY-SPEAKER : All these things will not go on record. Order, please.

Now, the question is :

"That leave be granted to introduce a Bill to provide for preventive detention in certain cases and for matters connected therewith."

The motion was adopted

SHRI ZAIL SINGH : Sir, I introduce the Bill.

STATEMENT *RE* NATIONAL SECURITY ORDINANCE

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH) : Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the National Security Ordinance, 1980.

[*Pleased in Library See* No. LT-1502/80]

**Not recorded