MR. CHAIRMAN: You have raised the question. He is replying to the question. Please listen to he reply.

SHRI MOHAN DHARIA: You are wrong. Your information is absolutely baseless. We would like very much to sustain our experts, as suggested by Mr. Reddy; and as far as the crop and cultivation of tobacco is concerned, we have to study what is the domestic need and what are the exports; and to that extent we can have tobacco growing. Otherwise what is the use? Of course, as suggested by Mr. Bosu, it shall have to be considered whether such tobacco should be used for the manufacture of insecticides and pesticides. Whatever it is, if he gives the proposals, I shall have them examined.

MR. CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

16.47 hrs.

MAINTENANCE OF INTERNAL SECURITY (REPEAL) BILL

MR. CHAIRMAN: We now go on to next item, *viz.* the Maintenance of Internal Security (Repeal) Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL): Sir, I beg to move:

"That the Bill to repeal the Maintenance of Internal Security Act, 1971, be taken into consideration."

Honourable Members are aware that the election manifesto of the Janata Party provides, *inter alia*, that MISA would be repealed. The policy of the Government in this regard was stated in the address of the Acting President to the two Houses of Parliament on 28th March, 1977, in the following words:

"Having regard to the gross abuse to which Maintenance of Internal Security Act has been put during the last two years, a thorough review of the Law will be undertaken with a view to repealing it and examining whether the existing laws need further strengthening to deal with economic offences and security of the country, without denying the right to approach the courts."

Accordingly, the matter was examined and it was felt that if there were no Central laws to provide for preventive detention, difficulties may be experienced in dealing with certain serious situations. However, it was felt that reliable and adequate safeguards should be provided in the law to prevent any misuse. The Code of Criminal Procedure Amendment Bill was introduced in this House on 23rd December, 1977 with these objects in view; but considering the misgivings expressed even in regard to the provisions of said Amendment Bill and the persistent apprehension that powers of preventive detention could be misused, notwithstanding such safegurads, the Government re-considered the matter.

An announcement in this regard was made by the then Home Minister in this House on 23rd March 1978. With the leave of this House, the Code of Criminal Procedure (Amendment) Bill, 1977 was withdrawn on 30th March, 1978; and a Bill to repeal the Maintenance of Internal Security Act was introduced in this House on 19th April, 1978. I earnestly hope that the honourable Members would support the repeal of MISA.

With these words, Sir, I move that the Bill be taken into consideration.

MR. CHAIRMAN: Motion Moved:

"That the Bill to repeal the Maintenance of Internal Security Act, 1971, be taken into consideration."

SHRI EDUARDO FALEIRO (Mormugao): Madam Chairman, I am afraid that the people of this country will not be able to share the enthusiasm of the hon. Minister at this moment. The people of this country will receive the repeal of MISA with mixed feelings, like the hon. Members

of this House. While it is undeniably true that the Maintenance of Internal Security Act does invest the executive with drastic and wide powers, which are liable to be misused, while it is again undeniably true, and unfortunately true, that in quite recent periods of our history, these powers were actually misused against political workers, including Members of this House and Members of the State Legislatures, against lawful labour agitations, lawful and justified other agitations for redressal of rights of the different sections, and the people were suppressed and oppressed by the use and abuse of this Act, it is also true that there are three types or categories of people who come within the ambit of this Act. Apart from people who are alleged to work against the interests of the nation, apart from persons who are alleged to indulge themselves in violent political activity, there is a third category, and a very important category which has been causing a lot of damage to this country for the last several decades, which consists of anti-social elements, people who indulge in committing economic offences, like blackmarketeers, hoarders and smugglers, and this type of individuals constitute a scourge on this country, people who have eaten into the vitals of our economy for several years.

As the Minister has hinted at, though he did not confirm it, the Government find themselves in apredicament after assuming power. Possibly they never thought that they would come to the position which they occupy today. Whatever the reason, they made a promise, which they now consider to be a rash promise, to repeal in to the MISA. But, then, once in charge of the Government, did they not have second thoughts? Did they not try to bring the same law, as drastic as it was before through the backdoor, under the pretence of amendment of the Criminal Procedure Code? I should think that what the Government has done, that is, allowing false prestige to prevail over the real interests of the nation, should not have been done.

Shri Charan Singh, the Home Minister, rather the former Home Minister, said it in so many words in a statement made on the floor of this House a couple of months ago—there was no other solution, or no better solution, or no more accurate solution to the problem with which the country is faced and the Government is faced, namely, curbing economic indiscipline, rather than using Preventive Detention. It is in this context that the Bill was withdrawn. The people of this country do feel that either false prestige has taken the upper hand against the interests of this country, or a very vocal section of the ruling party, which even yesterday defend the fundamental rights of the smugglers and blackmarketeers, which for the last so many years have been insisting on the rights of the smugglers, and even helping them in different forums, both in Parliament and outside, including in the courts of law, those people have been able to pressurize the Government, or they have been able to thwart the bringing in of a legislation which would control these anti-social activities.

I can speak of these economic offenders with personal knowledge because I come from an area where smuggling is rampant, Goa. It is also rampant on the west coast of Maharashtra and Gujarat. We did find that during the period of the emergency—nobody can deny this fact—these smugglers, the economic kings among the economic offenders, were curbed, they were lying low, but you know that after the Janata Party came to power—no one can deny it,—it has been admitted by many Members of the ruling party—there has been a clear recrudescence of smuggling activities, of blackmarketing, a reemergence of those activities and, to my mind, if this Act is going to be repealed, if preventive detention is not going to be resorted

[Shri Eduardo Faleiro]

to curb these anti-social activities, at least Government at this stage, while getting this MISA Repeal Bill passed, should assure this House that stringent legislation will be brought to deal with economic offenders.

In a neighbouring country, death penalty has been provided for economic offenders. I will not go to that extent, but I should think that the prestige that the kings of the smugglers, the great blackmarketeers today enjoy not merely in social life or in certain sections of social life but even in certain sections of political life, must be destroyed. I would suggest that a law should be brought among other things to bar any person convicted of economic offences from holding any public office or any political office. Similarly, stringent legislation may be brought and this Bill should not be passed without an assurance that it is not to protect, to shield, the people who had been destroying and continue to destroy the economy of this country. Government may give an assurance that they will bring at the earliest stringent legislation to deal with all the economic offenders, blackmarketeers, smugglers and hoarders.

MR. CHAIRMAN: Before I call the next speaker, I would like to draw the attention of hon. Members to the fact that two hours have been allotted to this Bill, and so I would request all Members to be as brief as possible.

SHRI SAUGATA ROY (Barrackpore): You had called my name but I was outside. I am now here. I just want to draw your attention to it.

MR. CHAIRMAN: Your attendance has been noted.

श्री ओम प्रकाश त्यागी (बहराइच) : सभापति महोदया, मैं सरकार को धन्यवाद देता हूं कि उसने भारत के माथे से भारतवर्ष के राजनैतिक इतिहास में जो सब से बड़ा कलंक था उसे आज हटाया है। देरी अवश्य हुई। मैं तो समझता था कि जनता सरकार के तुरन्त बनते ही मीसा हटना चाहिए था लेकिन देरी हुई। उस देरी के कारणों को भी मैं जानता हूं। संसार में सब से बड़ा पाप और अन्याय अगर कोई हो सकता है तो वह मानवीय अधिकारों का हनन है, चाहे वह किसी भी नाम से हो। चाहे वह मीसा के नाम से लाया गया हो, राजतंत्र के नाम से लाया गया हो या डिक्टेटरशिप के नाम से लाया गया हो, मानवीय अधिकारों का जहां भी हनन होता है वह मानवता के लिये कलंक है और उसे किसी को भी स न नहीं करना चाहिए। मानव अधिकारों में भाषण की स्वतंत्रता है, लिखने की स्वतंत्रता है, न्याय प्राप्त करने की स्वतंत्रता है, कार्य करने की स्वतंत्रता है, इस प्रकार के मानव अधिकार हैं। संयुक्त राष्ट्र-संघ में तमाम संसार के देशों ने भी इन मानव अधिकारों को स्वीकार किया कि उन की रक्षा होनी चाहिये। परन्तु यह देश मानवीय अधिकारों का आज से नहीं, अपने जन्मकाल से समर्थक और प्रचारक रहा है और मानवीय अधिकार ही नहीं, नैतिकता की उपज जितनी भी हैं, सभी धर्मों और फिलास्फियों का जन्म इस देश से हुआ है परन्तु दुर्भाग्यवश एक समय ऐसा भी हुआ कि जब स देश में मानव अधिकारों का हनन हुआ। उस के इतिहास को सब जानते हैं। वह काला दिन था और काला इतिहास था जिस दिन की इस मीसा को इस रूप में लाया गया जो कि आज उस का वर्तमान स्वरूप है।

17.00 hrs.

[SHRI N. K. SHEJWALKAR *in the Chair*]

मैं समझता हूं उसका कारण भी एक विशेष था और वह आज के राजनीतिज्ञों के लिए एक चेतावनी है, उनको इस

से सावधान रहने की आवश्यकता है—वह है कुर्सी का मोह । कुर्सी का मोह राजनीतिज्ञों को पागल बना देता है, उन को भले बुरे की पहचान नहीं रह जाती, वे नहीं सोचते हम क्या कर रहे हैं, कुर्सी की रक्षार्थ वह अच्छा बुरा मार्ग सभी कुछ अपनाने के लिए तैयार हो जाते हैं । इलाहाबाद हाईकोर्ट का जजमैंट आया तो उस से भूतपूर्व प्राइम मिनिस्टर की कुर्सी खतरे में पड़ गई थी । बहन इन्दिरा जी को चाहिए था कि वे इमानदारी के साथ कोर्ट के जजमैंट के सामने अपना सिर झुकातीं और त्यागपत्र देकर अलग हो जातीं। ऐसा करने से उन की प्रतिष्ठा कहां से कहां पहुंच जाती लेकिन उन्होंने ऐसा नहीं किया । में तो कहूंगा कि उनको ऐसे सलाहकार मिले हुए थे जिन्होंने उनको त्याग-पत्र न देने के लिए और पक्का बना दिया । एक ओर जयप्रकाश जी का आन्दोलन चल रहा था, जनता में बड़ा तेज विरोध प्रारम्भ हो गया था और दूसरी ओर उन को अपनी कुर्सी की रक्षा करनी थी, ऐसी व्यवस्था में ही इन्दिरा जी को यह मार्ग अपनाना पड़ा, उन्होंने यह पाप किया जिस के फलस्वरूप मीसा के अन्तर्गत लाखों आदमियों को बिना कुसूर बन्दी बना डाला गया । उन के बोलने की स्वतंत्रता, लिखने की स्वतंत्रता और न्याय प्राप्त करने की स्वतंत्रता—सभी कुछ उन से छीन लिया गया । उन को क्यों गिरफ्तार किया गया, यह पूछने का उन को अधिकार नहीं था । मुझे ऐसी भी घटनायें याद हैं कि रात को बारह बजे पुलिस एक व्यक्ति को गिरफ्तार करने के लिए गई और किसी पड़ोसी ने इतना ही पूछ लिया कि क्यों गिरफ्तार कर रहे हैं तो उन से कहा गया कि तुम भी आ जाओ । इस तरह से पुलिस उन को भी साथ ले गई । एक दिन मैं दिल्ली की तीस हजारी कचहरी में गया । दिल्ली के एक प्रोफेसर गिरफ्तार थे जो कि कलकत्ता के एक सज्जन के भाई थे । उन्होंने मुझ से कहा कि आप मेम्बर पार्लमैंट हैं, आप जमानत ले लें । मैंने कहा यह मीसा है लेकिन जमानत लेता हूं और मैं जमानत लेने के लिए गया । वहां जाकर मैं ने देखा कि 17–18 प्रोफेसर खड़े हैं। मैंने उन से पूछा कि आप यहां कैसे आये तो उन्होंने कहा कि हमें भी इस बात का कोई पता नहीं । मैंने एस० पी० पुलिस से पूछा कि इनको कैसे गिरफ्तार कर लिया गया तो उन्होंने कहा कि प्राइवेटली आपको बताता हूं कि आर एस एस दफतर पर रेड किया गया था जहां से एक रजिस्टर मिला जिसमें विद्वान व्यक्तियों के रूप में कुछ नाम लिखे हुए थे जिनमें इन के भी नाम थे । मैंने पूछा क्या कभी इन लोगों ने आर एस एस के लिए जाकर भाषण दिया तो उन्होंने कहा कि नहीं । मैंने पूछा फिर क्यों पकड़ा तो उन्होंने कहा कि इन के नाम लिखे हुए थे इसी लिए पकड़ा गया । इस प्रकार से इतने बड़े बड़े विद्वान वहां पर पकड़ कर लाये गए । तो इस प्रकार की स्थिति देश में पैदा कर दी गई थी । मैं समझता हूं इसी पाप के कारण इन्दिरा जी की गद्दी भी छिन गई ।

इस के साथ साथ मैं सरकार से एक बात और कहना चाहता हूं कि मीसा के अन्तर्गत जो लोग बन्दी बनाए गए, उन के साथ इन्दिरा जी ने अन्याय किया ही लेकिन इसके कारण बहुतों के व्यापार बन्द हो गए, बहुतों की दुकानें बन्द हो गई और बहुत से लोग पब्लिक सैक्टर और प्राइवेट सेक्टर में नौकरियों से निकाल दिए गए, बहुतों के घर डिमालिश कर दिए गए, आप मीसा को हटा रहे हैं लेकिन उन बेचारों के पुनर्वास के लिए आपने क्या किया है ? कई लोगों ने बैंक लोन लिए हुए थे । फाइनैंस मिनिस्टर से मेरी बातचीत हुई है, मने उन्हें बताया है

[श्री ओम प्रकाश त्यागी]

कि बैंक लोन रिकवरी के लिए उन के मकान कुर्क हो रहे हैं और उन की जायदादें कुर्क हो रही हैं। आखिर उन्होंने ऐसा कौन सा पाप किया था ? वे सिर्फ मीसा में गिरफ्तार हुए थे। जेल जाने के सर्टिफिकेट के आधार पर आज बहुत से लोग मिनिस्टर बन गये हैं, लेकिन इनके तो घर बरबाद हो गये हैं। इनको अवश्य रिहैबिलिटेट किया जाना चाहिये और इनकी जो कुछ हानि हुई है, उस के लिये उनको कम रेट-आफ़-इन्टरेस्ट पर बैंक लोन दिया जाना चाहिये, ताकि ये लोग अपने आप को रिहैबिलिटेट कर सकें।

पिछले दिनों शाह कमीशन में मीसा बन्दियों और उन के परिवारों के साथ जो ज्यादतियां एमर्जेन्सी के दिनों में हुई थीं, उन की कहानियां सामने आ रही हैं। मैं गृह मंत्री महोदय से पूछना चाहता हूं कि जिन लोगों ने ज्यादतियां की हैं, जिन लोगों ने पाप किया है, उन को दण्ड कैसे दिया जायगा और कब दिया जायगा। इस वक्त जो कुछ हो रहा है, वह तो ड्रामा सा लगता है, जैसे कोई आदमी फिल्म देखने चला जाता है, फिल्म में चोर भी होता है मारधाड़ भी होती है, लेकिन न कोई पिटता है न कोई मरता है, उसी तरह का ड्रामा इस समय भी चल रहा है। इस लिये मैं गृह मंत्री जी से दो अनुरोध करना चाहता हूं—पहला तो यह है कि वे गृह मंत्रालय में एक विशेष सेल स्थापित करें, जो मीसा बंदियों को रिहैबिलिटेट करने तथा उन की कठिनाइयों को दूर करने के लिये कार्य करे। दूसरा अनुरोध यह है कि आप बैंकों को आर्डर दीजिये, कि मीसा बन्दियों को जो लोन दिये गये हैं उन की रिकवरी के बारे में वे फिर से ख्याल करें, उन के साथ ज्यादतियां न करें, तथा विशेष रियायत के साथ उन को लोन दें—ताकि वे लोग शीघ्र से शीघ्र अपने आप को रिहैबिलिटेट कर सकें।

जहां तक ज्यादतियों का सवाल है—मेरा अपना यह मत है कि लोगों को न्याय दिलाने के लिये आप को स्पेशल कोर्ट्स की रचना करनी चाहिये। जिन्होंने ज्यादतियां की हैं, उन के ट्रायल के लिये स्पेशल कोर्ट्स स्थापित कीजिये। ऐसे लोगों की संख्या एक-दो नहीं है, हजारों आदमी हैं जिन को न्याय दिलाने के लिये यदि आपने स्पेशल कोर्ट्स स्थापित नहीं किये तो आप जानते हैं, हमारे यहां ऐसे कोर्ट्स हैं, जिन में बाप मुकदमा दायर करता है और पोते को न्याय मिलता है। वे लोग इन कोर्टों के चक्कर ही काटते रह जायेंगे। पहले उन्होंने मीसा में चक्कर काटे थे और अब इन कोर्टों के चक्कर काटेंगे।

श्री ज्योतिर्मय बसु (डायमण्ड हार्बर): जो लोग मीसा में बन्दी थे, जब वे लोग सरकार के विरुद्ध या एक्जिक्यूटिव के विरुद्ध मुकदमा दायर करेंगे तो उन को बहुत सी कोर्ट स्टाम्प फीस देनी पड़ेगी। हम ने रिक्वेस्ट किया था कि जब वे अपने डेमेज के लिये केस करें तो उन से कोर्ट स्टैम्प फीस नहीं ली जानी चाहिये, लेकिन अभी तक कुछ नहीं हुआ है।

श्री ओम प्रकाश त्यागी: यह ठीक है—उन से कोर्ट स्टैम्प फीस नहीं ली जानी चाहिये उन को कम ब्याज पर लोन दिया जाना चाहिये और स्पेशल कोर्ट स्थापित की जानी चाहिये।

एक बात मैं यह निवेदन करना चाहता हूं, बल्कि एक तरह से चेतावनी भी देना चाहता हूं, कि कांग्रेस (आई) के लोग—स्टीफ़न साहब जरा इस तरफ़ ध्यान दीजिये—कुछ इस प्रकार की चेष्टा कर रहे हैं, जनता के सामने यह साबित करने की कोशिश कर रहे हैं कि एमर्जेन्सी के बिना इस देश में सही शासन नहीं चल सकता है, इस के लिये वे जगह जगह पर हिंसा को प्रोत्साहित

कर रहे हैं। आज कल चारों तरफ़ जो वायलेंस की घटनायें चल रही हैं, चोरी और डकैतियों की घटनायें हो रही हैं—ये सब सुनियोजित हो रही हैं। इस तरह के क्रिमनल्स को काबू में लाने के लिये आप कौन-सा रास्ता अख्तियार करेंगे। क्या यह काम साधारण कानून से हो सकेगा ? मैं चाहता हूं कि आप शीघ्र से शीघ्र कानून में इस तरह का परिवर्तन कीजिये, ताकि इन लोगों को ठीक रास्ते पर लाया जा सके। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं।

SHRI F. H. MOHSIN (Dharwar South): Mr. Chairman, Sir, I support the measure brought forth by the Government to repeal the MISA. The MISA was an Act which gave vast powers to the executive and, therefore, there were instances of misuse also. Some of the politicians might have been affected. That is why they are in the Government today. The MISA was used against those persons who created a law and order situation.

We were arresting those people who were inciting people against the democratically elected Government. It was used against hoarders; it was used against blackmarketeers and it was also used against the smugglers.

Not only that, Sir, the whole world was faced with the problem of inflation. India was the only country which could bring down the prices during the Emergency. Everybody appreciates that even today including Mr. Jyotirmoy Bosu. Today the prices are rising. The inflation was contained during the Emergency. Even all the countries of the world faced inflation. We arrested black-marketeers; we arrested hoarders and so on.

In this vast country, there could be some cases of misuse of power. I do not say that all cases of arrest were justified. The executives with vast powers became corrupt and sometimes they misused the power also. I do not deny that. But there were advantages also. The description that the Janata Party is giving by giving instances of misuse of power during the Emergency, that is not a correct picture. It was used against bad elements; it was used against anti-social elements, hoarders and black-marketeers. India was saved from inflation and from destruction within the country. So, the internal security was required because some people were creating violence inside India, our own Indians.

The Janata Party gave a promise to the people that MISA will be repealed. After 1 1/2 years, they are bringing the legislation for repeal. That only means that they also thought that MISA was useful for them. Sir, I may mention here that Madhya Pradesh had mini MISA; UP had also mini MISA. Why did the Central Government allow it? Even the Central Government also wanted it. Mr. Charan Singh also wanted it. Mr. Charan Singh said in his statement that he wanted to arrest Mrs. Gandhi under MISA. Even Mr. Rabi Roy says this. Mr. Mohan Dharia also once said that he wanted to invoke MISA to bring down the prices. What does it show? It shows that they were also allured by the provisions of MISA and they have brought forward this legislation today because there is a demand from the public, because there is a pressure from the public. This is a temporary legislation. But they wanted to bring it in the criminal procedure code so that it would become a permanent feature.

They went a step further. All the provisions of MISA are a temporary Act. It is not a substantial law.

SHRI SOMNATH CHATTERJEE (Jadavpur): It was in the Ninth Schedule.

SHRI F. H. MOHSIN: What of that?

SHRI C. M. STEPHEN: It was all the same temporary.

SHRI F. H. MOHSIN: The Janata Government was so much attracted with the provisions of the MISA that they wanted to make it a permanent

[Shri F. H. MOHSIN]

law. Perhaps, they have understood the pulses of the people. Due to the pressure of the public, now they are bringing this measure after one and a half years. They introduced it here in the month of April this year. They came to power in March, 1977. After one year and one month, they introduced this in the Lok Sabha. This only shows that they are not sincere in bringing this legislation; they have brought this in a half-hearted way. I thank them for having brought it. But let them not say what the previous Government did. Let them ask the people as to what the previous Government had done. If they face the election today, then they will know. (*Interruptions*) Provisions are there in the Indian Penal Code and in the Criminal Procedure Code. They have enough powers to curb hoarding, blackmarketing and smuggling. But they are not doing it because they have been financed for their election campaign by the black-marketeers, hoarders and smugglers. That is why we see that smuggling is again rampant, black-marketing is going on, hoarding is going on and prices are rising, and they are only a silent spectator to this. In 'India Today', there is an interview with Haji Mastan. He says that smuggling has increased very much and that, with the connivance of government officials, smuggling is going on. What does it show. It shows that the Government is incapable of controlling all these elements and bringing down prices. I would only make this appeal. We all support the repeal of this because even if those powers are there, they cannot use them properly. We know that they would misuse them. They do not know how to apply the provisions of law. (*Interruptions*) Think of the situation in those days when people were arrested. The politicians were not arrested for nothing. They created a law and order situation. They incited the people. That is why they were arrested.

AN HON. MEMBER: Please say whether you want this or not.

SHRI F. H. MOHSIN: It is good that they are repealing the MISA. But let them arrest the price rise, let them contain the smugglers, let them contain the hoarders and black-marketeers. Then only the people would be happy. Merely repealing the MISA will not do. They should, by applying all other measures, contain and curb these anti-social elements.

श्री कंवर लाल गुप्त (दिल्ली सदर): मैंने अपने भूतपूर्व गृह मंत्री का भाषण सुना। मैं कह सकता हूं कि वह कन्फयूजिंग और इगनारेंस से भरा हुआ भाषण था और ऐसा भ्रम पूर्ण भाषण मैंने पहले कभी नहीं सुना है (**व्यवधान**)। मुझे पता नहीं वह मिनिस्टर आफ स्टट थे। शायद डिप्टी मिनिस्टर रहे हों। एक बात उन्होंने कही कि बहुत से कानून हैं आई० पी० सी० है, सी० आर० पी० सी० है, उसकी बहुत सी धारायें हैं तो फिर मीसा की जरूरत क्या है? अगर यही सवाल मैं उन से पूछूं तो इसका जवाब उन के पास क्या है? दूसरा सवाल मैं उन से यह करना चाहता हूं कि आपने सवा लाख लोगों को जेल में बन्द क्यों कर दिया था बिना उनको बतायें हुए कि उन्होंने आपको क्या तकलीफ दी, उनका गुनाह क्या था। अगर किसी ने कोई गड़बड़ की थी तो क्या तब आप के पास आई० पी० सी० या सी० आर० पी० सी० नहीं था, उन के प्रावधान नहीं थे? उन में तो कोई बदल हमने नहीं किया है। आप बताएं क्यों आपने हमें बन्द किया था। मुझे दुख, आश्चर्य और शर्म भी महसूस हुई इस बात को सुनकर कि आज भी देश में ऐसे लोग हैं जो कहते हैं कि एमरजेंसी ठीक थी, जो कहते हैं कि कुछ अफसरों ने गलतियां कर दी होंगी लेकिन उसकी उपलब्धियां बहुत अधिक हैं,

अगर किसी का गला भी काट दिया जाये, हजारों लोगों को कत्ल भी कर दिया जाए तब भी उसकी कुछ उपलब्धियां तो हो ही सकती हैं। लेकिन मैं पूछना चाहता हूं कि क्या यह प्रजातंत्र था? मैं कहूंगा कि 18 महीने तक एक फासिस्ट राज्य देश में कायम रहा था। ऐसा हिन्दुस्तान की हिस्ट्री में कभी नहीं हुआ।

आपने कहा कि 15 महीने के बाद जनता पार्टी के लोगों के प्रशर में आकर इस मीसा को रिपील करने का फैसला किया है। अगर हमने लोगों की आवाज की कद्र की है तो क्या यह अच्छी बात है या बुरी बात है? हमारे लिए तो अच्छी बात है। गौरव की बात है। जनता की इच्छाओं का हमने आदर किया है। हमारी जनता पार्टी है। जनता जो चाहेगी वही सरकार करेगी। यह प्रजातंत्र है। एक आदमी का राज नहीं है। एक आदमी का नाम भी इस पार्टी के साथ नहीं लगा हुआ है। एक आदमी का हुक्म भी नहीं चलता है। यह डमोक्रेसी की पार्टी नहीं है। इस पार्टी में लोग दिमाग से सोचते हैं। ऐसा नहीं है कि ब्रीफ़ वहां से ले आए और इस के बाद यहां रिकार्ड चला दिया। यह इस तरह की पार्टी नहीं है।

एक माननीय सदस्य : मम्मी की पार्टी है।

श्री कंवर लाल गुप्त : वह मेरे बुजुर्ग हैं। मैं ऐसा शब्द नहीं कहना चाहता हूं। जो कुछ भी आपने किया है वह इतिहास के अक्षरों में लिख दिया गया है। आप कहते हैं कि एग्जेग्रेट किया जाता है। मैं खुद भुगत चुका हूं। मैं इस मामले में आपको पंच बनाने के लिए तैयार हूं। आपने तुर्कमान गेट में जो किया है वह इसका साक्षी है। उस के बारे में आपने एक बयान दिया था। लेकिन मैं कहना चाहता हूं कि आप वहां जा कर लोगों से पूछें। वे अब भी भूल नहीं सके हैं। आप आज भी वहां घुस नहीं सकते हैं। जो कुछ भी आपने कहा है कि वहां हुआ है वह इसका सौवां हिस्सा भी नहीं है जो वास्तव में वहां आपने किया है। जनता ने आपको बता ही दिया है कि इस तरह की कार-गुजारियों के क्या नतीजे होते हैं। जो कसर है वह बाद में पूरी हो जाएगी।

रिपील तो आपने कर ही दिया मीसा को और ठीक ही आपने किया। यह एक हिस्सा है। इसका दूसरा हिस्सा भी है। जनता पार्टी ने वादा किया था कि जब हम हकूमत में आएंगे तो मीसा जैसे काले कानूनों को हम खत्म करेंगे। उसको आप खत्म कर रहे हैं जिसके लिये मैं आपको बधाई देता हूं। लेकिन दूसरा सवाल मैं आपके सामने रखना चाहता हूं। ला एंड आर्डर की स्थिति दिल्ली में ही नहीं है, वहीं नहीं है जहां जनता पार्टी की सरकारें हैं लेकिन वहां भी है जहां कांग्रेस की सरकार है या कम्युनिस्ट पार्टी की सरकार है या किसी और पार्टी की सरकार है। आप इनकार नहीं कर सकते हैं कि ला एण्ड आर्डर की सिचुएशन बिगड़ रही है। स्टैटिसटिक्स मैं देना नहीं चाहता हूं। दोनों तरह से ये दिए जा सकते हैं। हमारे राष्ट्रपति तक ने चेतावनी दी हैं कि ला ऐंड आर्डर देश को बिगड़ रहा है। स्टूडैंट्स में अनरैस्ट है। लेबर प्राब्लैम है। मारामारी हो रही हैं। मैं पूछना चाहता हूं कि उसका आपने क्या इलाज सोचा है? यह ठीक बात है कि आपने धारा 19 में हर किसी को मौलिक अधिकार वापिस दे दिया है। यह जनता पार्टी का कमिटमैंट था और है।

And that commitment is total. I agree. But what about those citizens who are peaceful? What about those citizens who want individual liberty and who want to live peacefully? What have you done for them? What

[श्री कंवर लाल गुप्त]

are the measures that this Government wants to take.

यह सवाल है । यह सवाल किसी पार्टी का नहीं है । मैं कभी नहीं सजेस्ट करता कि लोगों को मूल अधिकार न दिये जायें । चाहे माननीय स्टीफन हों, डी० एम० के० के लोग हों या अन्ना डी० एम० के० के लोग हों इन सब को अपनी बात कहने का पूरा अधिकार है, शांतिपूर्ण प्रदर्शन करने का, मीटिंग करने पर जनता पार्टी कोई पाबन्दी नहीं लगाना चाहती । लेकिन जो ऐन्टीसोशल ऐलीमैंट है, जैसा आपने स्वयं कहा कि इकोनामिक औफ़ेंडर्स हैं, स्मगलर्स हैं, उस के लिये आपने क्या इंतजाम किया है ? आज छुरा मार कर के एक लड़की का जेवर उतारा और उसकी मार दिया, अगले दिन जब वह आदमी अदालत में जाता है तो उसकी जमानत हो जाती है । म सदन के सामने प्रौबलम पोज़ कर रहा हूं, इस के लिये सदन क्या कर रहा है ? यह हम सब का सवाल है, किसी पार्टी का सवाल नहीं है । आज कोई लड़की सुरक्षा से नहीं चल सकती चाहे वह कलकत्ता हो, दिल्ली हो, कर्नाटक हो या हैदराबाद हो । मेरे पास आंकड़े हैं जिनसे साफ है कि आज सब जगह पर ला एण्ड आर्डर की प्रौबलम हैं ।

SHRI SOMNATH CHATTERJEE: You come to Calcutta any time; this is not the position there.

SHRI KANWAR LAL GUPTA: All right, let me exclude Calcutta. But it is a fact that in all the States whether run by the Janata Government or by the Congress or Cong. (I), the law and order problem is there....

श्री के० एस० चावड़ा (पाटन): मिसाल के लिये गुजरात में ऐसा नहीं है ।

श्री कंवर लाल गुप्त : गुजरात में नहीं होगा, या दो, चार जगह नहीं होगा, लेकिन I want to make a suggestion. Let there be a referendum in the country as a whole and I am sure, eighty percent of the people will say that they want proper safeguards for individual liberty. They may not like preventive detention, they may not like MISA, but certainly they want certain measures to be taken for safeguarding their individual liberty. They want to ask from this Parliament, not only the Janata Government, but the whole Parliament, what they have done for them. I attended a meeting three days ago where three-four hundred ladies were present. They asked me: "You are a Member of Parliament, and a very vocal Member of Parliament. Some people with dress used to come during Emergency and take away our husbands, brothers and sisters, now they come without dress, snatch our ornaments, kill people or stab people. What have you done? Have you raised your voice?" I am raising it now.... (*Interruptions*). It is not a party question. I am posing a problem before this Parliament. What have we done for the young boys and girls who want to lead a peaceful life?

हमने यह कहा कि हम मीसा खत्म करेंगे । लेकिन हम ने यह भी कहा है कि जो लोग शांति से रहना चाहते हैं उनकी पर्सनल लिबर्टी की भी गारन्टी है । अगर ऐसा है तो उसकी रक्षा कौन करेगा ? उस की रक्षा सरकार करेगी, पुलिस करेगी, आर्मी करेगी । मेरा कहना यह है कि उस सम्बन्ध में हम ने क्या किया यह मंत्री जी बतायें ? आगे क्या करने वाले हैं यह भी बता दें । यह जो मैं सरदार पटेल को कोट कर रहा हूं, यह आपको मालूम है कि हमारे फंडामेंटल राइटस हैं, आर्टिकल 19 और 22 हैं, लेकिन वह फंडामेंटल राइट्स एब्सोल्यूट नहीं हैं, उस में रीजनेबल रैस्ट्रिक्शन लगा सकते हैं और वह लगाकर हमें कोई ऐसा

कानून लाना चाहिये, मैं पोलिटिकल लोगों के लिये नहीं कहता, ट्रेड यनियन के लोगों के लिये नहीं कहता, लेकिन जो इकनामिक ग्रीवेंसेज हैं, अन-सोशल और अन-डिजायरेबल एलीमेंटस है, उनका इलाज होना चाहिये। सरदार पटेल ने यह कहा, मैं मोतीलाल नेहरू को कोट करता हूं :

"When law is flouted and offences are committed, ordinarily, there is the criminal law which is put into force. But, when the very basis of law is sought to be undermined and attempts are made to create a state of affairs in which, to borrow the words of Shri Motilal Nehru, 'Man would not be man and law would not be law', we feel justified in invoking emergent and extra-ordinary law."

I say this is not the situation. I am not defending emergency. I do not feel that there is any need for emergency.

लेकिन मेरा कहना यह है कि कोई ऐसा स्ट्रिन्जेंट मेजर लाना चाहिये जो इस तरह के अन-डिजायरेबल एलीमेंट के लिये काम करे और जब तक आप इस अन-डिजायरेबल एलीमेंट को कब नहीं करेंगे, देश में शांति पैदा नहीं हो सकती।

I am not pleadingy for MISA.

सभापति महोदय : गुप्ता जी आपने 10 मिनट ले लिये हैं।

श्री कंवर लाल गुप्त : सभापति महोदय, अभी हमारे पुराने गृह-मंत्री ने कहा कि वह मीसा लाये। उनको यह मालूम ही नहीं है कि जो मीसा वह लाये थे, उसको हमने कोर्ट में आर्ग्यू किया था। कोई बड़ा लायर तैयार नहीं था उस समय, मैं कोई बड़ा लायर नहीं हूं लेकिन मैं खड़ा हुआ और मैंने खुद आर्ग्यू किया। और कोई लायर खड़ा भी किया गया, तो उसे भी मीसा में बन्द कर दिया गया। वहां पर ग्राउन्ड आफ डिटेंशन नहीं दिये जाते थे, वहां एडवाइजरी कमेटी नहीं थी वहां यह नहीं बताते थे कि क्या होगा या नहीं होगा। वहां तो राइट आफ लाइफ भी न था। कंडीशन आफ डिटेंशन को भी चेलैन्ज नहीं किया जा सकता था, ऐसा ला बनाया था जो शायद हिटलर ने भी एमर्जेंसी की पावर लेकर शायद ही बनाया हो, वह भी इतना खराब नहीं था जितना कि वह बनाया गया था।

अगर हमारे पुराने मंत्री को 2 दिन उस ला के अंडर रखा जाये, मैं नहीं चाहता कि वह उसके अंडर रहे, तो उनको पता लग जाएगा कि क्या हालत उस समय थी।

श्री एफ० एच० मोहिसिन : मैंने तो उस समय बिहार जेल में आपको देखा था।

श्री कंवर लाल गुप्त : आप चलिये, मेरे तो वारन्ट अभी भी इश्यूड हैं, आप भी साथ चलें तो अच्छा होगा।

मेरा मंत्री महोदय से यह कहना है कि जैसा हमारे प्रधान मंत्री जी ने कहा था कि वह चीफ मिनिस्टर्स की कान्फ्रेंस बुलायेंगे और उसमें उनके सामने ला एण्ड आर्डर का प्राबलम रखेंगे, यह कोई किसी पार्टी का सवाल नहीं है, शायद हितेन्द्र देसाई जी ने यह सुझाव दिया था और उस पर प्रधान मंत्री जी ने वायदा किया था कि वह चीफ मिनिस्टर्स की कान्फ्रेंस बुलाकर उसमें कोई रास्ता निकालेंगे। एक सब पार्टीज का कंसेंसस होना चाहिए जिससे एक मजबूत लैजिस्लेशन सामने आ सके और उसमें अन-डिजायरेबल एलीमेंट और अन-सोशल एलीमेंट को कर्ब करने की काफी ताकत हो।

[श्री कंवर लाल गुप्त]

सभापति महोदय, वायोलैंस एक बहुत बड़ा थ्रैट है कन्ट्री के डैवलपमैंट और डैमोक्रेसी के लिये। अगर इस देश को डैवलप करना है, शांति रखनी है, आगे बढ़ना है तो सिक्योरिटी आफ लाईफ और प्रोपर्टी रहनी चाहिए।

इसलिये मैं यह मानता हूं कि यह सब कुछ होने के बाद भी आपको शांतिप्रिय लोगों को सेफगार्ड देना चाहिए और उसके लिये मैं चाहता हूं कि आप ऐसा कानून लायें। यह एक कानून आप लाये, उसका मैं स्वागत करता हूं और मैं यह मांग करता हूं कि चीफ मिनिस्टर्स की कांफ्रेंस बुलाकर, उनसे सलाह मश्विरा करें, कान्सैन्सस डैवलप करें और ऐसा कानून डैवलप करें जिसमें सख्ती से काम हो सके। ऐसा न हो कि कोई आज ही जेल गया और आज ही उसकी बेल हो गई। ऐसा कानून होना चाहिए जिसके मातहत सख्ती से काम हो सके, लोगों को शांति मिले और लोग कहें कि इस पार्लियामैंट ने एक राय होकर लोगों की सही मायने में सेवा की है। यही कहकर मैं आपका धन्यवाद करता हूं।

SHRI SOMNATH CHATTERJEE (Jadavpur): When I was hearing the effusions of our former Deputy Minister of Home Affairs, Mr. Mohsin in support of MISA....

SHRI F. H. MOHSIN: Please do not misquote me. I have supported the repeal measure.

SHRI SOMNATH CHATTERJEE:... and trying to justify that in view of the situation supposedly prevailing at that time, MISA had been properly used.... (*Interruptions*) it struck me that there are some people who have not got even the minimum sense of shame, and they have the effrontery to-day after the clear verdict of the people of this country to come before this House and deliver speeches like that which is nothing but an insult to the people of this country.

I was also sorry to hear Shri Kanwar Lal Gupta trying to mix the question of law and order in this country with this MSA Repeal Bill because that was the excuse that was given at that time that to meet law and order situation, MISA was necessary. But experience has been, and you have yourself been a victim Mr. Gupta, that MISA was not utilized for any law and order situation but it was the biggest engine of oppression against the political opposition in this country in diverse spheres, labour, teachers, students, and everywhere. Comprehensively it was used for stifling democratic movements and against people in the democratic movements.

I am sure Shri Mohsin was trembling in his shoes during the emergency because he might have been himself a victim of MISA as many of his colleagues in the Congress party were. We must to-day congratulate not the Janata Government as such but the people of this country that they have been able to regain their freedom from the clutches of a savage, uncivilised and brutal law after they have unceremoniously consigned a dictatorial regime to the dustbin of history. This has been the most draconian law in this country. It has become synonymous with evil, with evil in the body politic of this country and it had proved to be the biggest weapon in the armoury of a power hungry administration whose only parallel was the infamous dictator in Germany. There is no other parallel. We have found that since the independence the Congress Government. In this country had always had the Preventive Detention Law. The Preventive Detention Law, as compared to MISA, was a civilized law. The doors of the courts were open. There were advisory committees. There were grounds of detention which had to be given and our experience has been that it had not been used as widely as it had been used under MISA.

MISA had been in use since 1971. We want to remind ourselves that in

1971 when the great leader of Shri Mohsin had promised to the credulous people of this country that she will remove poverty of the people if she happens to come to power, the first thing she removed was not the poverty of the people but their right to freedom in this country and that was her gift to the people of this country You ought to appreciate that the only State in India that had rejected in 1971 the Congress Party and Indira Gandhi was my State of West Bengal and that is why she selected that State and the people of West Bengal as the special targets and victims of the MISA Detention Law. At that time under the leadership of whom I call a non-person Shri Sidharth Shankar Ray acting under the benign leadership of Shrimati Indira Gandhi had grossly misused MISA. The largest number of MISA detenus was in West Bengal under Shri Sidharth Shankar Ray we topped the list in MISA detentions That was their great performance and it was with the object of stopping all political activities of the Opposition parties and with the object of stifling all democratic movements, Shrimati Indira Gandhi knew that she had not been able to hoodwink the people of West Bengal. Therefore, she wanted to teach them a lesson. That is why a terror regime and semi-fascist regime had been let loose. Repression had been let loose in West Bengal. Those have all become part of the history of this country. Their first experiment for the rigging of elections took olace in West Bengal and unfortunately they succeeded at that time. At that time we had not been able to impress on the people of other States in this country about what had really happened. But now people admit it; people have later on realised what had really happened. Even Shri Jayaprakash Narainji had to say: 'Yes, now I admit that there was no freedom in West Bengal under the Congress'. Sir, this was the purpose for which MISA was conceived. It was utilised not for meeting any so-called law and order situation, not for dealing with economic offences in this country, but, only against the political opponents and against the democratic movements.

Now we are reminded of these things. In 1971, when we had been opposing the introduction and passing of this MISA legislation in this House, the then Minister of State for Home Affairs (Shri K. C. Pant) was giving a solemn assurance on the floor of this House that that law will never be used against political opponents. But now what has happened? That assurance has been kept only in its flagrant violation and shameless breach. On that day, I remember, I had the privilege of participating in that debate at that time. I said this when I found that the Congress members on this side were thumping their desks and trying to give great support to their Leader for enacting the MISA legislation. I said then: 'Do not laugh today; you may be one of the victims one day.' Sir, I do not claim to be a prophet, but I find, I was not wrong in what I said on that day. Now it has become a part of the history of this country. Even the dissidents in the Congress party were the victims of this MISA law.

Sir, did MISA help the people of this country to get out of the rut of poverty? No.

Did MISA help the people to secure employment? No.

Did MISA helr the Government to annihilate the economic offenders in this country? No.

Did MISA help the people of this country to march forward towards greater advance and progress? No.

What has happened? This law was kept in the hands of a power hungry dictatorial regime, not to help the people, but only to annihilite their political opponents and democratic movements in this country. That is why the people of West Bengal have been against this law from the very beginning. We have fought against this law

[Shri Somnath Chatterjee]

relentlessly and we have come out successful against a law like this. That is why we are happy that the Janata Party has got out of its initial hesitation and has now decided to repeal this law. We opposed the Government when they tried to bring it in the Criminal Procedure Code. Sir, we are happy that the democratic elements in their party itself had come forward and asserted themselves to do away with this blasphemous legislation in this country.

Sir, I welcome this Repeal Bill. In view of the experience of the people of this country, it is dangerous to have any provision of this type in the Constitution. We should see to it that such kind of a law should never be imposed in future. Sir, nobody knows what will be the sort of administration which we shall have in this country. Unless the left and democratic forces come to power in this country, we shall always be under the danger of having laws like these, being introduced in this country. *An hon. Member: Then there will be no law.* I request my hon. friends to consider the experience which the people of this country had recently. Please see to it that these authoritarian forces are not allowed to re-group themselves and come to power again. You should see to it that nobody has the opportunity ever to arrogate to himself such powers in future. We want deletion of Art. 22(4) from the Constitution of this country. And I would request my hon. friends to very seriously consider that.

Always we are told—even, I believe, Shri Patnaik reminds us—about the law and order situation. What has MISA got anything to do with that? Therefore, you have to have a commitment to this; you have to have a commitment to civil liberty and personal liberty. The law does not provide for any charge sheet; the law does not provide for any opportunity to rebut the charge-sheet which is not proved by the administration or the prosecution. Is this the law of a civilised country or is it a law of the jungle? That is the issue which has to be decided.

Therefore, if that impression is still retained in the minds of my Janata Party friends, then you will also meet with the same fate as Mr. Mohsin has met with. What happened in Shah Commission is very important.

MR. CHAIRMAN: Mr. Chatterjee, your time is very limited.

SHRI SOMNATH CHATTERJEE: The Shah Commission report ought to be an eye-opener if there is anybody who requires any further disclosure. The Shah Commission Report has said what we had been saying in this very House even before the report of the Shah Commission had come that cyclostyled orders of detention had been given to the police sub-inspectors and constables duly signed by the detaining authority with blanks to be filled in later on. Now, that has been proved in the Shah Commission. That was not a solitary incident.

This has happened in numerous cases. We had seen the cyclostyled forms of detention being used against the detenues in different areas. We have seen that. We have also seen how even this minimum protection which was provided in the previous MISA 1971 was taken away under the garb of MISA Amendment. The result was that the Supreme Court of this country had to hold and came to a decision that in this country the people had no right to live even.

Sir, this is the state of affairs which has come about. Look at their ingenuity as to how to make the draconian law more and more repressive? That requires an evil brain. Otherwise you cannot think of it. They took away the minimum protection by this law providing for unlimited duration of detention—no charge-sheet, no accountability, no grounds, no right even to make a representation and no Advisory Committee. *(Interruptions)*

Judicial review came at last. We have seen that even the judicial review, when it was permitted, was successful only in fifteen per cent cases. I had said that in this House. Even that right was taken away. What happened? The Supreme Court had expressed its helplessness; the High Courts in India had expressed their helplessness. Grounds of detention could not be scrutinised.

MR. CHAIRMAN: You have to finish now.

SHRI SOMNATH CHATTERJEE: The grounds of detention could not be scrutinised to see if they were true or false. So long as that was relevant, the High Courts could not go into the matter. That was the only protection. But, how was this comprehensive law used during emergency? An employee of the High Court of Calcutta was detained. He was the Secretary of the High Court Employees' Union of which I have the honour to be the President. He was an employee of the Chief justice of Calcutta High Court. He was detained under MISA by an order of the Central Government. He was suspended from service and was dismissed from service by an order of the Governor who had no jurisdiction over him. Our High Court could not do anything; our Chief Justice could not do anything. I had to go to the Court for getting him released. This was the position—no grounds of detention were given. So I had to go to the Court against this dismissal order by the Government. What happened to the MISA detention orders issued to the leaders of the Central Government and State Government Employees' Union? They were all detained under MISA; they were suspended from Government service. Because they were suspended under MISA they were dismissed from service without any enquiry whatsoever. This was the order of the day. Now, the people of this country have expressed themselves against such a dictatorial and repressive and fascist regime. So, my appeal to my ruling party friends to-day is this. Please do not think of introducing, for the restoration of the law and order situation, a draconian law like this. My friend Shri Kanwarlal Gupta, I am very sorry to say so, tried to mix up the question of law and order situation with this. This is the impression which is sought to be created by those people who wanted to have such draconian powers.

SHRI KANWAR LAL GUPTA: I want to seek a clarification. He said that I have tried to mix up the law and order situation with this. So far as MISA is concerned I have clearly said that I am for its repeal completely. Our commitment is total. But for the law and order problem, we should find a solution.

SHRI SOMNATH CHATTERJEE: So, Sir, I strongly support this Bill and I am happy that even after fifteen months the Government has come out with this Bill. Let us also resolve today that as far as the people of this country are concerned these fascist, reactionary and authoritarian forces should not come back to power again. We should also see that no future administration in this country can arrogate to itself powers like MISA. This we can achieve only if we do away with Article 22(4) of the Constitution.

SHRI SAUGATA ROY (Barrackpore): Sir, I rise to support this Bill brought forward by the Home Minister. I agree that the MISA, Repeal Bill is a welcome measure. All I have to say is that this Bill could have been brought forward with a little better grace. It is almost one year and five months since the Janata Party has come to power and one of the principal planks of their election manifesto was to repeal the Preventive Detention Act. It has taken them seventeen months to come forward with a Bill which consists of only five lines—it speaks highly of their administrative efficiency.

Then Sir, I have also to remind the Treasury Benches of the still worse grace as in the meantime Mr. Charan Singh had come to this Parliament

[Shri Saugata Roy]

with a Criminal Procedure Code. Amendment Bill which was an attempt to introduce Preventive Detention through the back-door. It was only through the spirited opposition of Members of Parliament on this side and a large number of Members of the Janata Party that the Government withdrew it. I only wished that since you have brought forward this Bill you could have done it with a little better grace.

Mr. Chairman, when I speak in support of this Bill today, I speak with a sense of remorse because what happened in nineteen months of Emergency is a matter of shame to all Indians that such things could happen in our country—a country which boasts of the traditions of Jawahar Lal Nehru, Mahatma Gandhi and of our great Independence struggle. Sir, the elections of 1977 have taught these people one lesson that no Government in this country should consider itself to be wiser than the people of the country. No government should arrogate to itself powers which could be used to suppress the people. If any government thinks that it is the best judge of what is good for the people then the people ultimately decide that they are the ultimate judge and people will throw them out. So, when I see echos in the Janata party benches of intentions to have some sort of preventive detention law I am reminded of the fact that when this MISA was originally brought it was true that it was brought only for a short time and it was promised it will not be misused but once Government has draconian power it is bound to misuse it. That is why I want to say today that let us say good-bye to the chapter of MISA and Emergency and never a situation in this country should arise in which such draconian laws could be used against the people of this country, against the political opponents and for that purpose, I support Mr. Somnath Chatterji's contention that there should be a constitutional guarantee that such bills can never be brought in the country. What has happened in the past? In the Constitution Amendment Bill that you have introduced in Parliament, the Janata Government has not had the courage to do away with the provisions of the Internal Emergency—Article 352 altogether. You did not have the courage to do so because after coming to power. you think "well let us keep some powers." From time to time, I hear that there is a thinking of mini-MISA in Madhya Pradesh. In Kashmir somebody is thinking of having preventive detention law. I am surprised to read in the newspapers that even the West Bengal Government is considering a preventive law to control anti-social elements. (*Interruptions*). I wish it is not correct. I wish it is not true (*Interruptions*). So, all I want to say is that no Government should do it in future (*Interruptions*). Last thing I want to say is that in this country in 1977 people had given their verdict against MISA. That is quite clear. But one must understand the sentiments of Mr. Kanwarlal Gupta when he says that some sort of law is required. Why in this country new tendencies of authoritarianism are developing? They are developing because of the utter incapacity of those in the ruling party benches to govern this country. When the country is faced with so many problems all you have to do here is to mind your *kissa kursi ka* and you are treating this country as your family matter. The headlines in the newspapers do not talk with regard to the unemployment in the country. The headlines of the newspaper today are that the Prime Minister met the former Home Minister and were closeted together for an hour.

AN HON. MEMBER: What was the result?

SHRI SAUGATA ROY: Is this the way that the people in charge of the country should do like this.

SHRI KANWAR LAL GUPTA: Is this the solution of the problem that I posed before you?

SHRI SAUGATA ROY: Why is it coming? Because it has been proved

that you are utterly incapable of ruling. Mrs. Gandhi says today "I am chosen to rule it". She has the arrogance to say so because the people are fed up with your incapacity to govern and some people have started saying that the emergency was better not because that they think that emergency was better but because they find....

SHRI KANWAR LAL GUPTA: May be your judgement or Mrs. Gandhi's judgement. But I can say she will never come back to rule. It should be made clear here. (*Interruptions*)

SHRI SAUGATA ROY: It should be a shame to you that you have given such a handle. That is because you are more busy in your internicine quarrels. (*Interruptions*)

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): Mr. Roy is a young parliamentarian. As far as Janata party is concerned, I would tell you that it does not propose to rule but only propose to serve.

SHRI SAUGATA ROY: There is another platitude from the Minister of Steel and Mines who had spent more time in bridging the gaps between the Janata Government leaders than looking after the steel plants of the country. (*Interruptions*)

MR. CHAIRMAN: Please conclude.

SHRI SAUGATA ROY: Sir, in the end, I would say that while we must say good-bye to all preventive detention laws, while we must ensure in this country that civil liberties are never taken away, while we must ensure in this country that no authoritarian regime can take power, at the same time I want the Government have the responsibility to rule. You have spoken eloquent about freedom. But what have you done in Bailadilla and Pant Nagar and Agra? There were brutal killings and firings..... (*Interruptions*) And the firing in Agra have surpassed anything that happened during the Emergency. (*Interruptions*)

SHRI VASANT SATHE (Akola): In Bailadilla, Bhilai and everywhere what you did was service to people....by shooting. That is your idea of service.

18.00 hrs.

SHRI BIJU PATNAIK: Only royalty 'rules', not others.. (*Interruptions*)

MR. CHAIRMAN: I am on my legs. Please resume your seat. Will you conclude now?

SHRI SAUGATA ROY: I shall continue tomorrow.

MR. CHAIRMAN: Then the House stands adjourned.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, July 19, 1978/Asadha 28, 1900 (Saka)

PMRND—1508 LS—Job I—19-8-78—880.