

11.18 hrs.

STATEMENT RE. MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE, 1975 AND MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) ORDINANCE, 1975

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Maintenance of Internal Security (Amendment) Ordinance, 1975 and the Maintenance of Internal Security (Second Amendment) Ordinance, 1975, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [*Placed in Library. See No. LT-9824/75.*]

11.19 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF PROCLAMATION OF EMERGENCY—contd.

MR. SPEAKER: We shall now resume further discussion of the resolution approving the Proclamation of Emergency.

Shri Jagjivan Ram to continue his reply.

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI JAGJIVAN RAM): I was saying that the House has discussed this motion for more than 14 hours and a large number of members have participated in it. The Prime Minister intervened in the debate yesterday. She made an elaborate speech and covered a much wider spectrum than what was necessary to make it comprehensible by the Members. My task has become very light.

If I were to identify members who have spoken on the motion, there are three categories—those who have supported the motion, those who have

opposed it and those who have extended qualified support. Many of the arguments and objections raised by those who have not thought it wise to extend their support to this motion have been met by the members who have spoken in support of it. So, I would not cover those grounds.

Shri H. M. Patel who is a seasoned administrator does not require any enlightenment from me as to the distinction between prosecution and detention. He will certainly not require in what circumstances prosecutions should be launched and in what circumstances it will be prudent to take recourse to detention.

I would not again cover the grounds which I did while moving this motion as to the situation in the country prevailing at the time when it was thought necessary to have this proclamation. There is no doubt and it has been admitted by members directly and even those who opposed indirectly that all was not well in the country at the time this proclamation was made. Mr. Patel wondered why the country remained so calm, quite even after the proclamation. The reason is not very far to see. The people in India are generally peace loving and peaceful. Those who instigate had not the opportunity to mislead people, mislead the masses and instigate them for indiscipline and disobedience. That is a very simple reason. But the proclamation became necessary, because open incitements were being made by political leaders to the police and the armed forces as also the civilian employees of the Government to take to indiscipline and insubordination. Will Mr. Patel, as a seasoned administrator, advocate that should any Government tolerate such things? I am sure he will consult his conscience and get the direct reply that no Government would afford all this.

I would like to add one sentence that in such a situation when Government is convinced of the obvious thinking and action of some people, it may not be to the best interest of

[Shri Jagjivan Ram]

the country to launch prosecution, because the propaganda which we want to guard against will be continued. In that case, in such a situation, it is better to take recourse to detention than to prosecution and that is what has been done. There is no doubt that when a long rope was given to them to make all sorts of propaganda, all sorts of speeches, incitement to violence and disobedience, they thought that the Government was not likely to take any action. And when sudden and swift action was taken, they were not only taken by surprise but all their plans were frustrated.

About press, I had said something and the Prime Minister has also said. I do not think it is necessary to go into it in any greater detail. Any person will agree that the freedom of press was being misused by a section of the press and was being treated as a licence. They had bidden good bye to all sense of decency and decorum and were indulging in falsehood under the totalitarian theory that if you repeat untruth several times, it may be accepted as truth. That was what was being done. Character assassination was one part of this and this action had become necessary, though I am fully aware that some of the press which were behaving have also suffered to some extent, but not much. So it necessary to curb these things. I may assure the House that the Information and Broadcasting Ministry has worked out detailed guidelines which have been given to all who are in charge of press censorship and all legitimate news will not be censored. There is no doubt that a section of the press has specialised in vulgar abuses. Perhaps they thought that no censorship will deter such class of journalists.

Shri Gopalan made some complaint about the action of the police in Kerala. We have ascertained the facts from the Kerala Government and we would like to give some details about this incident that took place in which

Mr. Gopalan was also involved. He has stated that some of his associates who were arrested with him were beaten up by the police and left on the roadside and that one MLA was stripped naked. We have ascertained the facts from the State Government. Shri A. K. Gopalan, Shri A. P. Kurien, MLA and 9 others were arrested by Ernakulam police at 10.30 A.M. on 9-7-1975 when they had gathered to demonstrate in defiance of the prohibitory orders. While Shri Gopalan and Shri Kurien were detained under MISA the others were produced before the magistrate and got remanded to custody at 9.45 P.M. the same day. It is not true that they were beaten up and left to themselves in the streets. At the time of remand they did not complain before the magistrate about any harassment or ill-treatment by the police. It is relevant to add that Shri Gopalan had earlier also, in a letter dated 12-9-74 to the Prime Minister, made the allegation that Marxist party leaders and party workers were made to stand naked and beaten up on a public road. The allegation was enquired into by the State Government and found baseless. Shri Gopalan was informed of this by my colleague, the Home Minister in a letter dated 6-2-1975. I have nothing more to add to this.

SHRI A. K. GOPALAN (Palghat): On a point of personal explanation. Sir I want to know one thing You said, you got the information from the Kerala Government where the Chief Minister is not present now. Did you get this information from the Home Minister who earlier gave the orders of beating? Have you got this information from him? This is what I want to know.

Sir, when we speak of a Government, we do not make a distinction between the ministers and ministers. This is what we have received from the Kerala Government.

SHRI A. K. GOPALAN: Sir, there is a difference. Government of Kerala means State Ministers and other

ministers in Government. In Kerala, the Chief Minister has gone to Moscow. So, the Chief Minister who is now in charge is the Home Minister. So, I only want to know whether it is from the Home Minister who gave this order of beating me.

SHRI JAGJIVAN RAM: As I have said, I have nothing more to add. Shri Joshi took pains to explain that R.S.S. was a purely cultural organisation.

Sir, the House is aware of the activities and the conduct of the R.S.S. In recent times, the Bhartiya Jan Sangh and Shri Jayaprakash Narayan have come very close to each other as the Jan Sangh requires a leader of the all-India statute and, obviously, Shri Jayaprakash Narayan too requires a political party which has some cadre in the country. I will not say anything about the R.S.S. I shall just read the certificate that Shri Jayaprakash Narayan gave to R.S.S. on two occasions. (*Interruptions.* will not draw any inference. I will leave it to the Members of the House to draw an inference. Soon after Gandhiji's assassination, early in 1948 Shri Jayaprakash Narayan had strongly denounced the R.S.S. and appealed to the youth to stamp out the poison of communalism from the country. I quote:

"RSS organisation is like an iceberg, a part of it is visible and a greater part of it is invisible."

SHRI JOSHI did not like to reveal. I further quote:

"It is a secret or semi-secret organisation, certainly not a cultural organisation".

I will repeat 'certainly not a cultural organisation'.

"I am sure there are other less known groups spreading the same kind of poison. It is like stocking of dry powder in the community, and when a match is struck, there is an explosion."

More recently, in 1968 (December 28 and 29), addressing the Second National Convention against communalism, Shri Jayaprakash Narayan made this observation regarding the R.S.S.

"When, following Gandhiji's murder the Sangh was under a shadow, there were many protestations made about this being entirely a cultural organisation but, apparently, emboldened by the timidity of the secular forces, it has thrown its veil away and has emerged as the real power behind, and controller of the Bhartiya Jansangh."

I repeat 'and has emerged as the real power behind, and controller of, the Bhartiya Jansangh'.

"Secular protestations to the Jansangh will never be taken seriously unless it cuts the bonds that tie it so firmly to the R.S.S. machine. Nor can the R.S.S. be treated as a cultural organisation as long as it remains the mentor and effective manipulator of a political party".

No comment is required on this.

श्री जगन्नाथ राव जोशी : (शाजपुर) :
आप हमा । पूरा भाषण पढ़ते तो पता चलता मैंने यह कहा था कि जय प्रकाश जो हमारे खिलाफ थे , मोरारजी भाई भी हमारे खिलाफ थे किन्तु जब नजदीक आये तब उनको पता चला क्या चीज है ।

श्री जगजीवन राम : जोशीजी, किसी मौके पर पूरे भाषण को आप सदन के समाने पेश कर दें जिये तो उममें किसी को एतराज नहीं होगा ।

Sir, as I have said, I have not much to say. The country has appreciated the swift action taken by the Prime Minister, and there is no doubt that it has been welcomed in the country and outside. The situation that was developing has been contained. The danger that was likely to emerge has been curbed. This has been the effect of the proclamation.

[Shri Jagjivan Ram]

Apprehensions have been expressed that there may be misuse of these powers by the Government. One point has been made that this has been used against political leaders. There is no denying the fact and it has to be used where it is found that political workers and leaders were not functioning as political leaders and workers in a democracy but functioning in a manner which was undemocratic and un-constitutional. And then it became necessary to contain them also and they have been contained. Some apprehensions were expressed about their health. I may assure the House that proper care is being taken of their health. Regular medical checks are being made and especially about Jaya Prakash Narayan and Morarji Bhai I have to inform the House that they are in normal health.

It has been stated that misuse may be made by Government officials and other authorities of these powers. State Governments have been informed that these powers should be used very cautiously so that misuse of these powers could be avoided. As I have said from the reports that we are setting from all over the country—and as hon. Members might also be getting—this has created a sense of confidence in the people. The authority of the Government which was sought to be weakened has been stabilised. As I have said—I will repeat again—Government has to function with a prestige that is necessary for it and any effort to undermine that prestige of the Government has to be met. Now prestige of the Government has been restored and in the country-side and everywhere people are feeling that they are safe.

SHRI K. S. CHAVDA: They feel panicky.

SHRI JAGJIVAN RAM: Well some motivated persons have become panicky and they are bound to be. Therefore, Sir, as I have said I have not much to say. It has been welcomed in the House.

SHRI DINEN BHATTACHARYYA
(Serampore): By your men.

SHRI JAGJIVAN RAM: Not only by my men but by friends sitting on the Opposition as well. If you had cared to listen, as I have said, several Opposition parties have supported it and even those who have given their qualified support have welcomed the economic programmes announced by the Prime Minister. They have extended their support for the implementation of the economic programme. They have advanced this condition that if the economic programme is implemented, they will welcome this Proclamation as a whole. There is no doubt that for the implementation of this economic programme, the co-operation of all the political parties is required. If they will extend it, we will welcome that. But, we will go ahead with the implementation of this programme ourselves.

The restoration of a situation in which this Proclamation will become infructuous, as the Prime Minister has said, will depend on the Opposition parties. Let us hope that they will conduct themselves in such a way and also advise the people whom they claim to be their followers to conduct in such a way that the Proclamation, though it may remain on the statute, will become infructuous.

With these words, I commend the Resolution to the House.

MR. SPEAKER: The question is:

“That this House approves the Proclamation of Emergency made by the President on the 25th June, 1975, under clause (1) of Article 352 of the Constitution as also the Order of the President dated 29th June 1975, made in exercise of powers conferred by sub-clause (b) of clause (4) of Article 352 of the Constitution, as applied to the State of Jammu and Kashmir, applying the said Proclamation to the State of Jammu and Kashmir.”

The Lok Sabha divided:

Division No. 4

11.50 hrs.

AYES

Aga, Shri Syed Ahmed
 Agrawal, Shri Shrikrishna
 Ahirwar, Shri Nathu Ram
 Alagesan, Shri O. V.
 Anand Singh, Shri
 Ankineedu, Shri Maganti
 Ansari, Shri Ziaur Rahman
 Appalanaidu, Shri
 Arvind Netam, Shri
 Austin, Dr. Henry
 Awdhesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Aziz Imam, Shri
 Babunath Singh, Shri
 Bajpai, Shri Vidya Dhar
 Balakrishnaiah, Shri T.
 Banamali Babu, Shri
 Banerjee, Shri S. M.
 Banerji, Shrimati Mukul
 Barman, Shri R. N.
 Barua, Shri Bedabrata
 Barupal, Shri Panna Lal
 Basappa, Shri K.
 Basumatari, Shri D.
 Besra, Shri S. C.
 Bhagat, Shri B. R.
 Bhagat, Shri H. K. L.
 Bhargava, Shri Basheshwar Nath
 Bhatia, Shri Raghunandan Lal
 Bhattacharyya, Shri Chapalendu
 Bheeshmadev, Shri M.
 Bhuvarahan, Shri G.
 Bist, Shri Narendra Singh
 Brahmanandji, Shri Swami
 Brij Raj Singh-Kotah, Shri
 Buta Singh, Shri
 Chakleshwar Singh, Shri
 Chandra Gowda, Shri D. B.
 Chandra Shekhar Singh, Shri
 Chandrakar, Shri Chandulal

Chandrappan, Shri C. K.
 Chandrashekharappa Veerabasappa,
 Shri T. V.
 Chandrika Prasad, Shri
 Chaturvedi, Shri Rohan Lal
 Chaudhari, Shri Amarsinh
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri Yeshwantrao
 Chellachami, Shri A. M.
 Chhotey Lal, Shri
 Chhatten Lal, Shri
 Chikkalingaiah, Shri K.
 Choudhury, Shri Moimul Haque
 Daga, Shri M. C.
 Dalbir Singh, Shri
 Dalip Singh, Shri
 Damani, Shri S. R.
 Darbara Singh, Shri
 Das, Shri Anadi Charan
 Das, Shri Dharnidhar
 Dasappa, Shri Tujsidas
 Daschowdhury, Shri B. K.
 Deo, Shri S. N. Singh
 Desai, Shri D. D.
 Deshmukh, Shri K. G.
 Deshmukh, Shri Shivaji Rao S.
 Dhamankar, Shri
 Dharamgaj Singh, Shri
 Dhusia, Shri Anant Prasad
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dixit, Shri Jagdish Chandra
 Doda, Shri Hiralal
 Dube, Shri J. P.
 Dumada, Shri L. K.
 Dwivedi, Shri Nageshwar
 Engti, Shri Biren
 Gaekwad, Shri Fatesinghrao
 Ganesh, Shri K. R.
 Ganga Devi, Shrimati
 Gangadeb, Shri P.
 Garcha, Shri Devinder Singh
 Gautam, Shri C. D.

Gavit, Shri T. H.
 Ghosh, Shri R. K.
 Gill, Shri Mohinder Singh
 Giri, Shri V. Shanker
 Godara, Shri Mani Ram
 Godfrey, Shrimati M.
 Gogoi, Shri Tarun
 Gokhale, Shri H. R.
 Gomango, Shri Giridhar
 Gopal, Shri K.
 Goswami, Shri Dinesh Chandra
 Gotkhinde, Shri Annasaheb
 Gowda, Shri Pampan
 Gupta, Shri Indrajit
 Hansda, Shri Subodh
 Hanumanthaiya, Shri K.
 Hari Singh, Shri
 Hashim, Shri M. M.
 Ishaque, Shri A. K. M.
 Ismail Hossain Khan, Shri
 Jadeja, Shri D. P.
 Jagjivan Ram, Shri
 Jamilurrahman, Shri Md.
 Janardhanan, Shri C.
 Jeyalakshmi, Shrimati V.
 Jha, Shri Bhogendra
 Jha, Shri Ch ranjib
 Jhunjhunwala, Shri Bishwanath
 Jitendra Prasad, Shri
 Joshi, Shri Popatlal M.
 Joshi, Shrimati Subhadra
 Kadam, Shri Dattajirao
 Kadam, Shri J G.
 Kadannappalli, Shri Ramachandran
 Kader, Shri S. A.
 Kahandole, Shri Z. M.
 Kailas, Dr.
 Kakodkar, Shri Pursuhottam
 Kakoti, Shri Robia
 Kale, Shri
 Kamakshaiyah, Shri D.
 Kamala Prasad, Shri
 Kamble, Shri N. S.
 Kamble, Shri T. D.

Kamla Kumari, Kumari
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kavde, Shri B. R.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kinder Lal, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Kotrashetti, Shri A. K.
 Koya, Shri C. H. Mohamed
 Krishnan, Shrimati Parvathi
 Krishnappa, Shri M. V.
 Kulkarni, Shri Raja
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakkappa, Shri K.
 Lakshminarayanan, Shri M. R.
 Lambodar Baliyar, Shri
 Laskar, Shri Nihar
 Lutfal Haque, Shri
 Mahajan, Shri Vikram
 Mahajan, Shri Y. S.
 Maharaj Singh, Shri
 Mahishi, Dr. Sarojini
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mallanna, Shri K.
 Mallikarjun, Shri
 Mandal, Shri Jagdish Narain
 Mandal, Shri Yamuna Prasad
 Manhar, Shri Bhagatram
 Manjhi, Shri Bhola
 Manoharan, Shri K.
 Maurya, Shri B. P.
 Mehta, Dr. Jivraj
 Mehta, Dr. Mahipatray
 Melkote, Dr. G. S.
 Mirdha, Shri Nathu Ram
 Mishra, Shri G. S.

Modi, Shri Shrikishan
 Mohammad Tahir, Shri
 Mohammad Yusuf, Shri
 Mohan Swarup, Shri
 Muhammed Khuda Bukhsh, Shri
 Munsii, Shri Priya Ranjan Das
 Murmu, Shri Yogesh Chandra
 Murthy, Shri B. S.
 Muruganantham, Shri S. A.
 Nahata, Shri Amrit
 Naik, Shri B. V.
 Nanda, Shri G. L.
 Negi, Shri Pratap Singh
 Nimbalkar, Shri
 Oraon, Shri Kartik
 Oraon, Shri Tuna
 Pahadia, Shri Jagannath
 Painuh, Shri Paripoornanand
 Pajanor, Shri Aravinda Bala
 Palodkar, Shri Manikrao
 Pandey, Shri Damodar
 Pandey, Shri Krishna Chandra
 Pandey, Shri Narsingh Narain
 Pandey, Shri R. S.
 Pandey, Shri Sarjoo
 Pandey, Shri Sudhakar
 Pandey, Shri Tarkeshwar
 Pandit, Shri S. T.
 Panigrahi, Shri Chintamani
 Pant, Shri K. C.
 Paokai Haokip, Shri
 Parashar, Prof. Narain Chand
 Parikh, Shri Rasiklal
 Parthasarathy, Shri P.
 Paswan, Shri Ram Bhagat
 Patel, Shri Arvind M.
 Patel, Shri Natwarlal
 Patel, Shri Prabhudas
 Patel, Shri R. R.
 Patil, Shri Anantrao
 Patil, Shri C. A.
 Patil, Shri E. V. Vikhe
 Patil, Shri Krishnarao
 Patil, Shri S. B.

Patil, Shri T. A.
 Patnaik, Shri Banamali
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Pradhan, Shri Dhan Shah
 Pradhani, Shri K.
 Purty, Shri M. S.
 Qureshi, Shri Mohd. Shafi
 Raghu Ramaiah, Shri K.
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Rajdeo Singh, Shri
 Ram Dayal, Shri
 Ram Prakash, Shri
 Ram Sewak, Ch.
 Ram Singh Bhai, Shri
 Ram Surat Prasad, Shri
 Ram Swarup, Shri
 Ramji Ram, Shri
 Ramshekhar Prasad Singh, Shri
 Ranabahadur Singh, Shri
 Rao, Shrimati B Radhabai A.
 Rao, Shri J. Rameshwar
 Rao, Shri Jagannath
 Rao, Shri K Narayana
 Rao, Shri M. S. Sanjeevi
 Rao, Shri M. Satyanarayan
 Rao, Shri Nageswara
 Rao, Shri P. Ankineedu Prasada
 Rao, Shri Pattabhi Rama
 Rao, Shri Rajagopala
 Rao, Dr. V. K. R Varadaraja
 Rathia, Shri Umed Singh
 Raut, Shri Bhola
 Ravi, Shri Vayalar
 Ray, Shrimati Maya
 Reddi, Shri P. Antony
 Reddy, Shri K. Ramakrishna
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Bayapa
 Reddy, Shri P. Ganga,
 Reddy, Shri P. Narasimha
 Reddy, Shri P. V.
 Reddy, Shri Sidram

Richhariya, Dr. Govind (Das
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Rudra Pratap Singh, Shri
 Sadhu Ram, Shri
 Saini, Shri Mulki Raj
 Sait, Shri Ebrahim Sulaiman
 Samanta, Shri S. C.
 Sambhali, Shri Ishaque
 Sanghi, Shri N. K.
 Sangliana, Shri
 Sankata Prasad, Dr.
 Sant Bux Singh, Shri
 Sathe, Shri Vasant
 Satpathy, Shri Devendra
 Satyanarayana, Shri B.
 Savitri Shyam, Shrimati
 Sayeed, Shri P. M.
 Sen, Dr. Ranen
 Sethi, Shri Arjun
 Shafee, Shri A.
 Shafquat Jung, Shri
 Shahnawaz Khan, Shri
 Shailani, Shri Chandra
 Shankar Dayal Singh, Shri
 Shankar Dev, Shri
 Shankaranand, Shri B.
 Sharma, Dr. H. P.
 Sharma, Shri Madhoram
 Sharma, Shri Nawal Kishore
 Sharma, Shri R. N.
 Sharma, Dr. Shanker Dayal
 Shashi Bhushan, Shri
 Shastri, Shri Biswanarayan
 Shastri, Shri Ramavatar
 Shetty, Shri K. K.
 Shinde, Shri Annasaheb P.
 Shivnath Singh, Shri
 Shukla, Shri B. R.
 Shukla, Shri Vidya Charan
 Siddayya, Shri S. M.
 Siddheshwar Prasad, Prof.
 Singh Shri Vishwanath Pratap

Sinha, Shri Dharam Bir
 Sinha, Shri R. K.
 Sohan Lal, Shri T.
 Sokhi, Sardar Swaran Singh
 Stephen, Shri C. M.
 Subramaniam, Shri C.
 Sudarsanam, Shri M.
 Sunder Lal, Shri
 Suryanarayana, Shri K.
 Swaminathan, Shri R. V.
 Swamy, Shri Sidrameshwar
 Swaran Singh, Shri
 Tarodekar, Shri V. B.
 Tayyab Hussain, Shri
 Tewari, Shri Shankar
 Thakre, Shri S. B.
 Thakur, Shri Krishnarao
 Tiwari, Shri Chandra Bhal Mani
 Tiwari, Shri R. G.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Tulsiram, Shri V.
 Uikey, Shri M. G.
 Vekaria, Shri
 Venkatswamy, Shri G.
 Verma, Shri Balgovind
 Vidyalankar, Shri Amarnath
 Vijay Pal Singh, Shri
 Vikal, Shri Ram Chandra
 Virbhadra Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Chandrajit
 Yadav, Shri D. P.
 Yadav, Shri Karan Singh
 Yadav, Shri R. P.
 Zulfiquar Ali Khan, Shri
 NOES
 Agarwal, Shri Virendra
 Bade, Shri R. V.
 Banera, Shri Hamendra Singh
 Berwa, Shri Onkar Lal
 Bhattacharyya, Shri Dinen

Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P.
 Chatterjee, Shri Somnath
 Chaudhary, Shri Ishwar
 Chaudhuri, Shri Tridib
 Chavda, Shri K. S.
 Chowhan, Shri Bharat Singh
 Das, Shri R. P.
 Deb, Shri Dasaratha
 Deiveekan, Shri
 Deo, Shri P. K.
 Dharia, Shri Mohan
 Durairasu, Shri A.
 George, Shri Varkey
 Gopalan, Shri A. K.
 Goswami, Shrimati Bibha Ghosh
 Haldar, Shri Madhuryya
 Halder, Shri Krishna Chandra
 Hazra, Shri Manoranjan
 Horo, Shri N. E.
 Joarder, Shri Dinesh
 Joshi, Shri Jagannathrao
 Kalingarayar, Shri Mohanraj
 Kiruttinan, Shri Tha
 Krishnan, Shri M. K.
 Lakshmanan, Shri T. S.
 Lakshmikanthamma, Shrimati T.
 Mavalankar, Shri P. G.
 Mayavan, Shri V.
 Mehta, Shri P. M.
 Modak, Shri Bijoy
 Mohammad Ismail, Shri
 Mukherjee, Shri Samar
 Mukherjee, Shri Saroj
 Nayak, Shri Baksi
 Parmar, Shri Bhaljibhai
 Patel, Shri H. M.
 Patel, Kumari Maniben
 Patel, Shri Nanubhai N.
 Pillai, Shri R. Balakrishna
 Ram Deo Singh, Shri
 Ramkanwar, Shri
 Reddy, Shri B. N.

Roy, Dr. Saradish
 Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Saksena, Prof. S. L.
 Sen, Shri Robin
 Sequeira, Shri Erasmo de
 Shastri, Shri Shiv Kumar
 Singh, Shri D. N.
 Subravelu, Shri
 Ulaganambi, Shri R. P.
 Vekaria, Shri

MR. SPEAKER: The result* of the division is:

Ayes: 336, Noes: 59

The motion was adopted.

SHRI TRIDIB CHAUDHURI (Berhampur): Mr. Speaker, on behalf of the majority of the Opposition parties, I want to make a statement with your permission.

It is after a great deal of deliberation that we in the Opposition parties, excluding of course the CPI and also some Independent members decided to attend and participate in the present session of Parliament. Our reluctance arose from the fact (1) of the press censorship but even more so from (2) the resolution standing in the name of Shri Raghu Ramaiah, the Minister of Parliamentary Affairs, asking the House to suspend all rules relating to questions, Calling Attention and any other business initiated by Private members. We could not but take note of the fact that apart from Government's business, Parliament has to perform other duties also, such as debate on Government policy and exercise of effective supervision over executive action in various ways. Only by putting a question or giving a Calling Attention notice or initiating a

*The following Members also recorded their votes:—

AYES: Sarvashri Genda Singh, Jharkhande Raj and M. Kathamuthu.

NOES: Sarvashri Surendra Mohanty and S. A. Shamim.

[Shri Tridib Chaudhuri]

debate can a member focus the attention of the House and through it of the country, to matters of public importance. That is why constitutional authorities have held that the right to put questions and the question hour are among the most vital rights of an ordinary member. If all these were to be abandoned unceremoniously, we would really be acquiescing in something that cuts at the very root of the role of Parliament in its time-honoured functions. Nevertheless it was felt that perhaps the proceedings in this session of Parliament will be conducted in a normal manner and that speeches made on the floor of the House will be allowed to be reported freely and faithfully in spite of press censorship.

To our dismay, we find that the reporting on the AIR of yesterday's proceedings in the House is such that it can only mislead. It mentioned only the names of the participants whereas Shri Jagjivan Ram's speech was reported fairly fully and highlighted.

SHRI S. A. SHAMIM (Srinagar):
As a paid advertisement.

SHRI TRIDIB CHAUDHURI: This morning's newspapers' reporting of the proceedings is also on the same lines. We cannot but protest most emphatically against such unfair reporting of the proceedings which tells the country the Government's point of view in regard to the emergency without indicating what the Opposition has to say on the floor of the House on this very vital subject.

It is clear that this has been done in accordance with the instructions issued to the Press and the AIR by the Chief Censor on the 20th of July under the heading "Guidance for covering of Parliamentary proceedings." It is not indicated in these instructions that the speeches of members of Parliament participating in the debate shall not be published in any manner or form though their names and party affilia-

tions may be mentioned, were issued with or without the approval of the Speaker.

We have, therefore, been compelled to ask ourselves the question whether continued participation in the further business before Parliament on these terms would serve any useful purpose. The decision to amend the Constitution to make the proclamation of emergency non-justiciable makes the consideration of the question more urgent and immediate. It is evident that Government, having already denied the entire people of the country the basic fundamental rights, is now determined to ride roughshod over the rights of the Members of Parliament.

Taking all relevant facts into consideration and bearing in mind in particular the fact that leading members of Parliament have been incarcerated, we are satisfied now that no useful purpose will be served by our taking part in the further proceedings of this session of Parliament, for it is clearly in no position to discharge the function of a free and democratic Parliament.

MR. SPEAKER: So far as our House debates are concerned, they are fully reported in our own records.

11.55 hrs.

Shri Tridib Chaudhuri and some other hon. members then left the House.

11.55 hrs.

CONSTITUTION (THIRTY-NINTH AMENDMENT) BILL

MR. SPEAKER: We shall now take up item No. 17, motion on the Constitution (Amendment) Bill to be moved by the hon. Law Minister. You know the procedures for that. It has to be passed by two-thirds majority and also by more than half of the total Members present and voting. Should we fix sometime for voting on it?