

Now, the question is :

"That clauses 2, 3 and 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2, 3, and 1, the Enacting Formula and the Title were added to the Bill.

SHRI F. M. MOHSIN : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

12.58 hrs.

KERALA LEGISLATIVE ASSEMBLY
 (EXTENSION OF DURATION)
 AMENDMENT BILL

THE DEPUTY MINISTER IN THE
 MINISTRY OF LAW, JUSTICE AND
 COMPANY AFFAIRS (SHRI BEDA-
 BRATA BARUA) : I beg to move :

"That the Bill to provide for the extension of the duration of the Legislative Assembly of the State of Kerala and to amend the Kerala Legislative Assembly (Extension of Duration) Act, 1975, as passed by Rajya Sabha, be taken into consideration."

12.50 hrs.

[MR. DEPUTY SPEAKER in the Chair]

When the duration of the Kerala Legislative Assembly was extended for a period of six months by the Kerala Legislative Assembly (Extension of Duration) Act, 1975, the two proclamations issued by the President on the 3rd December, 1971 and the 25th June, 1975 were in operation. The General Elections to

the House of the People as well as to the Legislative Assembly of Tamil Nadu were due to be held in February-March, 1976. The situation has changed since then. The duration of the House of the People has been extended for a period of one year. The Legislative Assembly of Tamil Nadu has been dissolved and the State has come under President's Rule. Besides, the two Proclamations referred to earlier continue to be in operation. In all these circumstances, it is considered not feasible to hold general election to the Legislative Assembly of Kerala before the expiry of its present term, namely, the 21st April, 1976. It is accordingly proposed that the duration of the Legislative Assembly of Kerala be extended for a further period of six months from the 22nd April, 1976. The Bill seeks to achieve this purpose.

I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved :

"That the Bill to provide for the extension of the duration of the Legislative Assembly of the State of Kerala and to amend the Kerala Legislative Assembly (Extension of Duration) Act, 1975, as passed by Rajya Sabha, be taken into consideration."

SHRI A. K. GOPALAN (Palghat) : I have just now heard the reasons for extending the term of the Kerala Legislative Assembly. And that was that the Tamil Nadu Legislative Assembly was dissolved, so, naturally, the Kerala Legislative Assembly also must be extended. Tamil Nadu legislature was dissolved. That itself was the end of democracy. So, they did one foolish thing. This had already been discussed here. I do not want to go into the details. Could they not wait for one month and have the election in order to see the will

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of the people? They did not do it. They dissolved it. The hon. Minister has just now replied that we have information. When did they have information. When did they have information? Did they get the information two years back or did they get it some days back?

13 hrs.

They say about the law and order situation. For one month, was Government not able to see that the law and order was preserved? Could the Central Government not do that? So, Tamil Nadu legislature was dissolved. Because the Tamil Nadu Assembly was dissolved, Kerala Assembly may be extended; this is what they say. Is it a reasonable thing? Is it logic?

One thing was done which was also not correct. This is not the first time that the term of the Kerala Assembly is extended. It is extended and extended again. According to the information it will be extended because there is emergency and emergency will be extended. This is the second extension. The second extension will be over in October. Emergency will not be over in October and again they will come for a third term. Who knows emergency will not be extended from March onwards! If this is the idea, why do you have legislature—State legislature and Parliament? Why do you not have elections? Democracy means the desire of the people. You must at least fix up time, then go to the people and ask them whether you want the same Government or whether you want a change. It is the people who have to decide. You extended once for six months. You are extending it for the second time for six months. You are saying that it will have to be extended if there is emergency.

Emergency will not be over by the end of October. When this second term will be over, I say this is failing in democracy. Democracy means, when you are elected for five years or six years or whatever the term is, you go to the people and ask them whether you are satisfied with the performance of the Government. You had six months' extension; now for another six months it is going to be extended. For another six months it will have to be extended because emergency is there. If emergency is extended, Parliament is extended for another one year, and Kerala Assembly will have the same fate. This is what is happening. I am not strong enough to use strong words because I am weak in health. I oppose this Bill and my demand is immediate election may be held for the Kerala legislature. The leaders of the ruling party including the Prime Minister have been broadcasting to the whole world that democracy is being attacked by the opposition parties and that it was in order to save democracy that emergency was proclaimed. Freedom of speech and press has been abrogated. The terms of the Parliament and the State legislatures including that of Kerala were extended.

They further claim that the timely and effective steps adopted by them have restored democracy, brought discipline in social life and thus paved the way for all-round advance of the nation. They say brought peace. I do not know what kind of peace this is, it is only peace of the grave, if I may say so. Anyway, they say that it has brought peace.

Kerala under emergency has clearly shown who is attacking democracy. The manner in which the MISA, the Press Censorship, the various provisions of the law concerning prohibition of public meetings etc. are being used in Kerala clearly shows that the victims of the Government's attack

are primarily and above all the Left and Democratic parties including my party, the working class, the peasants and other democratic mass organisations.

The largest contingent of the MISA detenus in the State belong to or sympathisers of my party numbering no less than 110. On September 28, they were arrested under MISA. There are about 600 persons arrested under DIR. The bulk of them were arrested in the night of September 28, at the very time when there were negotiations going on between the Kerala Congress and the Congress. In order to threaten them these arrests under MISA had taken place. One leader of Kerala Congress told me this that he had been hauled up by a Minister and he was told: You have only two ways; either you join us or you go to jail. These were the kinds of threats they indulged in. They wanted to threaten the Kerala Congress; they thought it should be afraid, that is why they were arrested. They threatened the Muslim League also. They wanted the Muslim League also to leave the opposition and join the Congress. All honour to the leaders of the Muslim League because they did not yield to this threat. Therefore they are still continuing in jail as MISA detenus. Together with them and together with the members and sympathisers of my party there are near about 30 socialists, thus making a total of 150 MISA detenus belonging to the three opposition parties which are represented in the State Legislature, 10 out of them being members of the State legislature itself.

The six months of the extended term of the present legislature which is just expiring has been a period of unprecedented suppression of the Left and Democratic parties and of the fighting organisations of the working people. It is a complete refutation of the claim made by the Prime Minister and other leaders that emergency is being used against the right reac-

tionary and monopoly forces. It, on the other hand, shows that the emergency is used to help the monopolist and landlord forces and their political allies to suppress the common people, they are fighting mass organisations and political parties which are fighting for them. The Parliament is now going a further extension of life to such a Government.

Sir, while opposing this Bill, I demand that immediate election should be held with full freedom for the opposition parties and the Press to criticise not only the ruling party in Kerala but the ruling party at the Centre as well. The other day, the hon. Minister—he is not present here now—made a challenge and said that if there is an election to-day in Kerala, the Congress will get the majority. I also make another challenge that if all the freedom is given and the restrictions are removed, the Opposition Party will get the majority and not the Congress. If the election is held to-day—not under these conditions but under the conditions of removing all restrictions and other things—I say that the Opposition Party will get a majority and, if they don't, I say that I will resign my membership from Parliament.

So, this challenge of saying that the Congress will get the majority—this challenge by a Minister—is not at all understandable. To-day, under emergency, under the threat of arrests and other things, the freedom of speech and of fundamental rights is taken away. You may not know what is the mind of the people; what is the attitude of the people. Everybody is discontented not only with the present regime in Kerala but also with the Government in the Centre. Everybody is discontented there—the peasants, the workers and all sections of people are discontented. So, do not make a challenge. See that you allow the election and then see whether the Congress will win or the Opposition

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Party will win there. If the Opposition Party wins then allow them or, if the Congress wins, then let them again rule; there is no harm. The question here is this—you have extended for one term and you have extended it for another term and there is a possibility of extending it till the emergency is lapsed. This is not correct. Then you have dictatorship; why do you call it democracy? You see that the Government that is there in the Centre and in the States now today will continue for ever and there is no election at all. Democracy should not be a farce. It has got some meaning at least though not fully. Democracy must be respected and that must be implemented.

In this connection I recall the manner in which the Ruling Congress Party has sought to suppress the democratic opposition in Kerala. No less a person than the Prime Minister herself, as the Congress President, resorted to the method of organising a non-constitutional agitation against the first Communist Party Government in Kerala called 'Liberation Struggle' in 1959 when there was a majority Government to go into details of all these by the Prime Minister herself. And then that Government was removed. In other words, what she did in Kerala about 16 years ago is precisely what she is now doing in the whole country. The Congress Party had so much of confidence in her capacity to influence the people and it had ordered a mid-term election. It has now lost that confidence.

It is clear again that when in 1964 another mid-term election was to be held, the Central Government arrested the leading members of my party, several of whom had to file their nominations from the jail. Despite all this repression, my party came here as the biggest single party. But, since a majority of our M.L.A.s were in jail, the Governor reported that nobody was in a position to form a Gov-

ernment there. Therefore, the President's Rule was established. This is what happened then. I do not now want to go into details of all these things. I say that elections have got to be held. It is not correct not to hold election there by extending the term of the legislature by giving some reasons. It must be held now.

Then I come to some other point which I want to point out in this discussion there are certain things that are happening in Kerala to-day.

Now, Sir, I would like to say a few words about the police in Kerala. The police in Kerala is of a different type. I do not know about the police in other parts of the country but in Kerala when a man is arrested and put in the lock-up, he is beaten and on the next day he is found to be dead. In this connection I would like to give a few recent examples. On 30-1-1976 at five of the clock Bakkaal police Sub-Inspector and other policemen brutally beat one Kannan, about 23 years old, son of Cocnu Appu when he was coming from Kotikulam bazar. Due to this brutal beating he died as soon as he reached his residence.

On 5-2-1976 one Goapalan a goldsmith was arrested at Pauuaur. The next day local people came to know that the said Gopalan had died. The police did not allow the relatives to see the dead body and took the dead body to the Medical College hospital. Nothing was heard after that.

Last month one Mr. Parmeshwar Pillai, a veterinary surgeon was arrested and taken to the lock-up. Next day he was found dead in the lock-up. The story given by the police in the case of Mr. Pillai is that he hanged himself in the lock-up but where is the scope for hanging inside the lock-up. There are so many other instances like that.

The next thing I would like to point out is that the ruling party is trying

to capture those cooperative societies where the Opposition has its hold. There are so many instances to prove this fact. Where the term of the co-operative society is over they say in the name of law and order elections cannot be held and an administrative body is formed where the Opposition members are not put. I will give an example as to how they want to capture the cooperative societies. To capture the Cannanore Cooperative Spinning Mill the police have arrested its chairman, Shri T. Kunhanandan Nair, an advocate. He was arrested on the day the General Body meeting of the Spinning Mill was going to be held. This is a clear misuse of MISA. This was done with the purpose that the election might go in favour of the ruling party. These things are done to capture the cooperative societies where the Opposition parties are there. There was one Neelakandan, Secretary of the Kalyasseri Morara Service Cooperative Bank who mis-appropriated Rs. 2 lakhs. There was an enquiry which revealed that Mr Neelakandan had misappropriated the amount. A false case was made against the other members of that cooperative society. A false case was foisted on them. They were arrested and now a case is going on. It goes on like this. Whenever a co-operative election is to be held, they either prevent it saying 'You cannot have it because there will be law and order trouble between opposition parties' or they see that the prominent leaders who would get elected are arrested under MISA. A fine example is that of Kunhanandan Nair who was an Advocate and Director of the Cannanore Spinning Mills.

Another thing. Since the formation of the Kerala Dinesh Beedi Co-operative society seven years back, primary Societies and the Director Board had not been formed. The same Direct Board nominated by the Government when it was started is still continuing. All demand for election has not been accepted by the Government. It is

learnt that the Government is thinking of nominating the same Director and reconstituting the Direct Board. Demand for equal representation to all parties in the Direct Board has also been rejected. These are some of the points that I wanted to bring forward while opposing this Bill.

I forgot to mention one thing. Here are two photos taken at Kayur which show that houses are destroyed and crops are also destroyed. Kindly see these photos.

SHRI C. K. CHANDRAPPAN (Tellicherry): I support this Bill wholeheartedly. I am rather amused to hear the speech made by Shri A. K. Gopalan, leader of the CPI (Marxist). What he has said amounts to this that in Kerala today there is a sort of concentration camp created by the United Front Government and the people are suffering.

SHRI A. K. GOPALAN: Not the whole of Kerala, but in Cannanore district.

SHRI C. K. CHANDRAPPAN: I am elected from there. He has come from there I am elected from Cannanore district and it is his native place, about which I will say something presently. I want to make one thing very clear, that I do not want to use any strong words against the respected leader of the Marxist Party, but I may use strong words against the Marxist Party, because what he did not say speaks more eloquently than what he did say in the House. In Kerala today, if you go and ask the people what is their reaction about the present Government and its rule for the last more than five years, I am very sure that even the enemies will admit that this Government had provided political stability. Our State was unfortunate in that it had never had a stable government until 1969. No government had the fortune to remain in power for five years for which they were elected. Today in Kerala

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there is a government which could remain five years and then, because of the present emergency, it could remain longer.

I do not want to indulge in an argument with my friends of the Marxist Party in regard to their approach to the problem of this emergency and in regard to their doubt how long the emergency will continue.

SHRI S. A. SHAMIM (Srinagar): You are not sure yourself.

SHRI C. K. CHANDRAPPAN: I am surer than you are. In Kerala this Government had done certain things about which the Marxist Leader was absolutely silent. We have experience of all kinds of government in Kerala—Congress government, Congress socialist party government, Congress-Muslim League and others government, government of the United Communist Party of which Shri Gopalan was the leader and united front led by Shri Gopalan's party. Today we have the experience of the united front in which Congress, CPI, Muslim League and other parties are there. I am sorry to say that Shri Gopalan's party which was elected with such a massive majority to that House in 1967 failed so miserably in fulfilling the promises made to the people of that state. There was a united front of his party, our party and other left parties and they promised to the people many things in the election manifesto. When he speaks of a democratic constitution, let me ask one thing of him: who spoke in London that we were in power in Kerala to subvert the constitution? It was not a congressman but Mr. B. T. Ranadive, a politbureau member of that party and he said: we are in power in Kerala, not to fulfil the promises made to the people but, to subvert the constitution from within. They can take credit for that. That was not the purpose for which people elected them. The Congress

Party was reduced to a mere 9 member party in the Kerala legislature; there was no opposition. Namboodiripad, the leader of the marxist party in Kerala assembly was in a much enviable position there than Mrs. Indira Gandhi in this Parliament. What happened? Not a single action was taken in favour of the people; they forgot the people who supported them and that is why that united front came to a disgraceful end.

SHRI A. K. GOPALAN: There was joint responsibility.

SHRI C. K. CHANDRAPPAN: That was not joint responsibility.

SHRI M. K. KRISHNAN (Pou-nari): Who passed the land reform laws? Our Party.

SHRI C. K. CHANDRAPPAN: He was a Minister in that united front.

SHRI SAMAR MUKHERJEE (Howrah): The percentage of votes increased though the number of seat got reduced.

SHRI C. K. CHANDRAPPAN: I am coming to all those points. Is it a democratic practice to disturb me like this? I was listening so patiently to Shri Gopalan. What I am saying is that they were deeply involved in corruption cases and they were thrown out of their office, not by any kind of undemocratic agitation but by a vote of no confidence, in the House. As political tactics, they brought forward the land reforms at the nick of the moment, just before they were removed from power and the land reform Bill was passed with our support. Then the outgoing Marxist leader, Namboodiripad, said: the law had been adopted by the legislature; who will implement it if we are not in power? They were removed and it is implemented. It is being implemented in a creditable manner in Kerala today. The loopholes which were there in the

Land Reforms Act have been removed by bringing forward many amendments. Whatever the criticism, I am not saying that the Kerala Government had implemented the Land Reforms a hundred per cent, but I am telling that the Kerala Government is the one Government which will be ahead of any other State Government in the country in implementing the Land Reforms. I do not think so. He while comrade Gopalan will deny it. I don't think so. He cannot. I will remind an unpleasant thing to Mr. Gopalan. The Communist movement in Kerala from its very inception, told the people: "when we come to power—Mr. Gopalan in his native place in Malabar, said—we will nationalise the private forests in Malabar, lakhs of hectares of land. They were sleeping over it. Now this Government nationalised them without paying a single pie as compensation. Is it not a fact?"

SHRI SAMAR MUKHERJEE: How many months did it take?

SHRI INDRAJIT GUTA (Alipore): How many years you wasted earlier?

SHRI C. K. CHANDRAPPAN: I have conceived that we were one month late, but we did it. Nobody will believe it. In Kerala they were in power for more than two years and they had no time to do it. But in nine months we had done it. All that they could not do in 36 months, we had done in 9 months. Are we late? Perhaps Mr. Gopalan would find that this period of 9 months is too late. But in nine months we did it.

Now, coming to other points, this United Front Government in Kerala had done many other things about which I think Marxist Party will not have any complaint. It had taken over lands from big landlords without paying any compensation and given them to co-operative societies and landless poor. It had taken the excess land which were cornered by Kannan De-

van Estates. This was a British plantation. It has always been the slogan of the Communist Party that this will not be allowed. But they forgot that we have done it and so many other things have also been done in Kerala. Today, apart from providing political stability to that State, providing a good administration, providing a better future to the people of the State and giving them hope, I think this Government has succeeded. Not fully, may be, but to a great extent. Now, Mr. Gopalan in his discussion brought so many local problems. I also know about it. I do not want to narrate all those things. But one thing. He made a challenge. Without casting any aspersions to comrade Gopalan, I would like to tell him that these kinds of challenges have no meaning. He said: "If you face elections, you will be routed."

SHRI A. K. GOPALAN: I said that Dr. Seyid Muhammad the other day made a challenge saying that if there is an election..... It was in reply to that. He said "you face the election we will win, otherwise we will resign. (Interruptions)

SHRI C. K. CHANDRAPPAN: Won't get excited. All were out including Mr. Gopalan in 1971. I was elected, fortunately or unfortunately, from the place from which Mr. Gopalan comes.

SHRI SAMAR MUKHERJEE: That is because of your betrayal.

SHRI C. K. CHANDRAPPAN: And Mr. A. K. Gopalan had to change his constituency because there was an alliance at that time. What does it mean? The prestige of that Government is not affected. It means that the people of the State have given their confidence to this Government. Shri Gopalan knows it. It may look very nice here to throw such a challenge, but it may not at all be good in Kerala. Nobody will take it seriously.

SHRI A. K. GOPALAN: If they have done so many good things, why should they be afraid of elections? I am only saying, "Don't extend it. Let us have elections." If elections are held, we can find out whether, what I say is correct or what my friend says is correct.

SHRI C. K. CHANDRAPPAN: This was the kind of democracy we were experiencing under their rule. Why this isolation? The Marxist Party, with quite a good mass base in Kerala, is completely isolated today from every other section. Why? A former Minister of Kerala is now the Marxist M.P. from Palghat, a district where sand is eroding under their feet and they have no hope about the future. (Interruptions). In Kerala, the Idukki project was inaugurated when they were in power. It is the pride of hydel projects in the country. At that time, one of the Ministers, Mr. Imbichi Bawa, who was formerly a member of this House also, said, "Let Idukki go to the Arabian Sea; we do not care. We will not allow it to work." It was delayed and it was the present government which commissioned the project. Now, let him be reported in Kerala. He is taking so much pride that Idukki generator is not working. (Interruption). I would like to tell him, it is working. Don't worry. It is working and it will continue to work. You cannot stop it! Sir so many such things happened under their rule. There was corruption to the core, irresponsibility towards the people and opportunism—that was their banner. This was how they ruled and that is why they are isolated now.

It is a sad thing today for a reputed leader like Shri A. K. Gopalan to say what he said about a cooperative society. Lakhs of rupees of the members of that cooperative society have been mismanaged and misappropriated by the people who were running it. He said somebody had misappropriated and he mentioned the name.

SHRI A. K. GOPALAN: I have got a copy of the report of the enquiry committee which was appointed to go into it. It clearly says that Mr. Neelakantan has done it. Here is the record. I will read it, because things are being misrepresented.

MR. DEPUTY-SPEAKER: No. You have made your point and you are only interrupting.

SHRI A. K. GOPALAN: I am intervening because certain things have been said which are not true at all.

MR. DEPUTY-SPEAKER: You have made the point.

SHRI C. K. CHANDRAPPAN: It is a clear case of corruption by the Marxist Party people. They have forced the officials of the Cooperative to prepare false documents. There is a case going on against them. But, here he is coming as an aggrieved party. I did not expect such type of arguments from a respected member like AKG.

SHRI A. K. GOPALAN: I want to say that this was enquired into by the Registrar of Cooperative Societies. I have got a copy with me. I want to lay it on the Table of the House.

SHRI C. K. CHANDRAPPAN: I do not want to infuriate him further. I will leave that subject here.

I am very happy that Kerala there is political stability today. There are many welfare measures which are being taken up by the Government. It is an extremely popular Government. It has implemented land reform and progressive measures like minimum wages of agricultural workers. This Government enjoys the confidence of the people. Because of Emergency, the time has to be extended. I welcome this Bill and I hope that my friends who are so much agitated, will face the electorate

this to be on the record, I want to lay it on the Table.

SHRI A. K. GOPALAN: I want this to be on the record, I want to lay it on the Table.

MR. DEPUTY-SPEAKER: There is a specific procedure for laying the paper on the Table. If you are very keen, you can hand over the paper to me or to the Table Office. But that will not be treated as laid until the Speaker has given specific permission to do that.

SHRI A. K. GOPALAN: I hand it over*.

SHRI BEDABRATA BARUA: I thank Mr. Gopalan and Mr. Chandrappan for contributing to this debate and raising several points in regard to the local conditions of Kerala. Although they are strictly not relevant to the matter...

MR. DEPUTY-SPEAKER: They are relevant otherwise I would not have allowed. These are the grounds on which Mr. Gopalan opposed it and these are the grounds on which Mr. Chandrappan supported it.

SHRI BEDABRATA BARUA: I do not want to challenge your authority to admit them. Since you have given the ruling, I will consider them and will try to reply as much as it lies within my power.

First of all, I would like to make it clear and that is why I thought that they were not strictly connected with this matter which is there. This has not been done as Mr. Gopalan, a respected Member, has said to murder democracy or to do any such thing. India has got a democratic Constitution, one of the most democratic constitutions in the world; and it is under the provisions of this Constitution, that this action has been taken. This has been provided in the Articles of the Constitution. Article 172 of the Constitution says that when a procla-

mation of Emergency is in operation, Parliament may extend the life of the State legislature as also that of the House of the People. So, this has been done; and we have come to this august House for the extension of the life of the Kerala Assembly. Although the Constitution provides for extension by one year at a time, we have to take every factor into consideration. Government wanted to be cautious and democratic in its approach; and so, the extension was made only for six months, thinking that there may be elections to Lok Sabha. But since the life of the Lok Sabha has also now been extended, it was felt that the life of the Kerala Assembly should be extended by another six months; as such this further extension by another six months has been made, so that we may be able to study the situation; and have elections to the Kerala Assembly immediately, if the proclamation of emergency were to be withdrawn during this period I would make it very clear that all this has never been done in order to prevent the working of the democratic system. The hon. Members in this House know that this emergency was enforced in order to prevent the breakdown of the system of democracy and also to prevent a chaotic situation taking hold of the country. Tamil Nadu, again, is a matter of a different kind. Tamil Nadu Assembly was dissolved, because of different reasons. It has no relationship with the situation in Kerala. In Tamil Nadu, there were a number of allegations made. In fact, long long ago. Long before the Emergency, a number of allegations had been made against the Government there, including those on political matters like attempts to encourage the secessionist forces and all that. So, after considering it over a very long time and after giving them a long time—in fact the life of the Tamil Nadu Assembly was coming to an end by that time—Government had taken a decision to dissolve the

*The Speaker, subsequently, not having accorded the necessary permission, the document was not treated as laid on the Table.

[Shri Bedabrata Barua]

Assembly. In Kerala, as Mr Chandrappan, an hon. Member has said, Government has given a very stable administration to Kerala; and it has been doing very well. And in the present situation when the Emergency is in operation—and the Prime Minister and the Government have made it very clear as to why this Emergency had to be proclaimed and why it is still in operation—these fascist and anti-democratic forces have to be kept at bay and have to be fought relentlessly, so that this country might have a really democratic system. Therefore, in all humility I would say that the allegations made by Mr. Gopalan are not true. I have already said that it is not that the left and democratic parties were being affected by this emergency. It is not a fact. The whole attempt and thrust of the emergency was against the smugglers and the anti-social elements, as also against those fascist and anti-democratic forces who were trying to create chaos. (Interruptions). I am saying that all those forces which were involved with the anti-democratic and fascist forces—knowingly or unknowingly had to be disciplined; and that is why the Government had taken certain measures; and they were temporary measures—in fact, the Government had made it very clear. The hon. Member, Mr. Gopalan had said that his party could win the elections. I am not—and the Government is not—in the habit of making undue claims. At the same time, it is known very well that even the enemies of the country, the worst critics of this country and a number of papers belonging to the monopoly Press in the world to-day have at least conceded—with all the criticism, unjust and unfair criticism that they have made against the Government of India and against the declaration of the Emergency—that in the present situation, the people in India were very happy about the Emergency, they were happy that the smugglers had gone, they were happy that the black-marketeer was not able to do a lot of

profiteering and that everybody was working. They have also admitted. I have no doubt. I need not quote the foreign Press. I can say from personal experience and from the reports from the working classes, that the latter are very happy: Because, the inflation has been halted. Previously, every morning we were seeing the rise in prices.

MR. DEPUTY-SPEAKER: If there is anything called irrelevancy, it is this in relation to this Bill. We are not talking of the emergency. I am not contesting his statements; they may be correct. But let him talk about Kerala, about this particular Bill.

SHRI BEDABRATA BARUA: I was trying to come to Kerala. I was discussing Kerala. Because, the points that were raised were all on emergency. The hon. Member, Shri Gopalan, said everything in the context of the emergency.

MR. DEPUTY-SPEAKER: When Shri Gopalan spoke, he referred only to Kerala and the things that happened in Kerala. I do not think that he said anything about the emergency. He only wanted to have the elections. Shri Chandrappan also, when he talked, met the point made by Shri Gopalan, and he referred to the conditions that he thought prevailed in Kerala. He did not talk about the emergency. I am pointing this out to you, because you started by saying that certain things were irrelevant.

SHRI BEDABRATA BARUA: Shri Gopalan said that the decision we took on Tamil Nadu was a foolish decision and added that we were murdering democracy. I was not speaking about the 20-point programme or anything like that.

Therefore, I would not like to deal with them in detail, because the points raised by Shri Gopalan have been, I think, adequately replied to by Shri Chandrappan.

MR. DEPUTY-SPEAKER: He has made your job much easier.

SHRI BEDABRATA BARUA: He has done my job, in that sense.

I would not like to bring in, on behalf of the Government of India, every particular aspect. The extension that is proposed to be given is not because of these reasons, but because of the major political reason that we have stated.

We have always felt that these allegations have been falsely made. Government have received these allegations and they have gone into the allegations. I can assure the hon. Member that the Government have been always very conscious about any excesses committed by anybody. There is a local government, which has a very high prestige in Kerala even today. Even when there was no emergency, it survived by a majority of one vote, because that Government and its leaders have got that type of prestige.

Naturally, Government would like very much that this should not be misused? This should be taken in line with the general policy that, for the time being, there would not be any elections, there could not be any elections, in order to implement the policies of the Government, not only in Kerala but also in the rest of India.

I again thank the hon. Members who have participated in this debate and I hope that they will pass it un-animously.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the extension of the duration of the Legislative Assembly of the State of Kerala and to amend the Kerala Legislative Assembly (Extension of Duration) Act, 1975, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We take up the clause by clause consideration.

The question is:

"That clause 2, clause 1, the Enacting Formula and the Title stand part of the Bill"

The motion was adopted.

Clause 2, clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI BEDABRATA BARUA: I beg to move:

"That the Bill be passed"

MR. DEPUTY-SPEAKER: Motion moved.

"That the Bill be passed"

SHRI A. K. GOPALAN: I want to say that my main point was: why not election, why extension? That has not been replied to.

MR. DEPUTY-SPEAKER: He has replied. He says conditions there are not favourable.

SHRI A. K. GOPALAN: He said there is stable Government there, and therefore no election is necessary. Then, there should be no election for Parliament also. Because for a long time, from 1952 onwards there has been a stable Government here, there should not have been any election. Stable Government is not a qualification for extending it.

Shri Chandrappan says that the Government there is good and that the people in Kerala will say that it is good. In that case, I say have elections, why do you want extension then? If the people give their verdict, I will also keep quite, I will also not say anything because the people have given a verdict. It is the people, not myself and Shri Chandrappan, who have to say that it is good or bad. So, leave it to the people. Let us not quarrel in Parliament.

[Shri A. K. Gopalan]

So, what I say is: have an election. Not to have an election is not good. First you extended for six months and now there is another extension of six months. This is not good. It shows that they are afraid of going to the people. So, have an election.

SHRI BEDABRATA BARUA: Our party is not afraid of elections. We have only said that there should be an extension because of the emergency. The reason why extension is necessary is that there is an emergency in operation. That has been discussed in the House and the Government has explained its position in regard to the emergency as to why it was necessary to have it. The whole country has appreciated the reasons why this emergency had to be proclaimed and how the emergency has benefited the peaceful life of a developing people.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

13.58 hrs.

FOREIGN CONTRIBUTION (REGULATION) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): Sir, Hon. Members may kindly recall that the Government introduced in this House on the 24th December, 1973, a Bill entitled Foreign Contribution (Regulation) Bill, 1973, whose essential object is to regulate the acceptance and utilisation of foreign contribution or hospitality by organisations as well as individuals in our country. Excepting the provisions of the Foreign Exchange Regulation Act, there are no restrictions at present

regarding transmission of foreign money into India. Recipients of foreign money are not obliged under the existing law to render accounts for the utilisation of foreign money secured by them, nor are they prohibited from receiving such money in any specified situation. Being aware of the scope for foreign agencies to influence organisations or individuals in the country through such financial aid and keeping in view the need to regulate the acceptance and utilisation of foreign contribution or hospitality for ensuring that our Parliamentary institutions, political institutions, academic and other voluntary organisations as well as individuals function in a manner consistent with the values of a sovereign democratic republic, Government had brought up this Bill.

This was referred to a Joint Committee of both the Houses by a motion adopted in the Rajya Sabha on the 19th February, 1974, and by a concurring motion in the Lok Sabha on the 25th March, 1974. The Joint Committee under the Chairmanship of Shri Manubai Shah presented its report along with the Bill as amended by the Committee to this House on the 6th January, 1976.

14 hrs.

The bill envisages three kinds of restrictions of a prohibitory or regulatory nature. One is total prohibition of acceptance of foreign contribution or hospitality, the second is acceptance with prior permission of the Central Government and the third is a legal obligation to send intimation and render accounts to the Central Government after receipt of foreign contribution. Recipients of foreign contribution are accordingly grouped into three categories. The first category covers organisations and individuals who may be deemed as a sensitive and important category in our national life like candidates for elections, Government servants, Members of Legislatures, Political parties and their office-bearers, Correspondents, Colu-