

केवल यह कि क्या होता है? संकटों को दूर करने के लिए हमें सतत सतत सतत से, नौ नौ सतत से जेल में पड़े हुए हैं और उन को सब सजा होती है तो एक हफ्ते की। यह क्या सजा है इस कानून का? हम तरह का सजा नहीं होना चाहिये। यह हमारा सार्वभौमिक सत्ता प्राप्त जो सदन है इस के बजाये हुए कानून की खिला न उड़े, मेरा इतना ही निवेदन है। मेरा विश्वास है कि सरकार इस कानून को सख्ती से लागू करेगी और इस में जो प्रावधान किये गये हैं उन का पालन होगा।

गरीबों की मदद करने के लिये तरह तरह को स्कیم बनाने की बात ध्यान बोलते हैं, वे केवल किसानों में न रहें बरकर में भी धाने। इसको भी बीस सूत्री कार्यक्रम की तरह "माला अपो, कुछ करो नहीं" ऐसा न हो बल्कि कुछ करो, ऐसा होना चाहिये। इन सबों के साथ में अपना निवेदन समाप्त करता हूँ।

MR. CHAIRMAN: Does the Minister want to say anything in reply?

DR. V. A. SEYID MUHAMMAD:
No, Sir

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

16.41 hrs.

STATUTORY RESOLUTION RE: DIS-APPROVAL OF MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE AND MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL.

SHRI SOMNATH CHATTERJEE
(Burdwan): Sir, I beg to move:

"This House disapproves of the Maintenance of Internal Security

(Amendment) Ordinance, 1976
(Ordinance No. 5 of 1976) promulgated by the President on the 16th June, 1976."

Since the proclamation of emergency on 25th June 1975 the second emergency a parallel proclamation of emergency—in every session of this House, a Bill is brought to replace an ordinance issued during the inter-session period for further amendments to MISA, making it more draconian, oppressive and uncivilised. Today MISA has become the all-pervading law in this country, although protestations are made to the contrary. I would like to know from the Government whether like poverty MISA has become our permanent fate, that the citizens of this country ought to realise that it has come to stay with them to be used by the authorities against people in all walks of life. We have known of a different law for the blackmarketers, foreign exchange racketeers, hoarders, etc. although I am against preventive detention on principle, that is a separate law. But so far as MISA is concerned, it is really meant for application, and it is being applied today, quite liberally still even after the expiry of more than a year after the proclamation of emergency, against political opponents, trade unionists, workers, peasants, students, etc. Members of Parliament have not been immune from it.

I am sure no genuine believer of civil liberties can be happy with a law like preventive detention law. When it was incorporated in our Constitution, which is the organic law of the country, the founding fathers were at pains at least to make it clear that the preventive detention law should be made in cases of extreme urgency when the very fabric of the country will be at stake. That hope was belied and from 1950 onwards we have had a preventive detention law. But at least on appearance, these were temporary laws, extended from time to time, until they lapsed in 1969 for reasons which are known to the people

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of the country because that could not have been passed through this House. But in 1971, when this government came to power, with all sorts of promises to the people like removing poverty etc., one of the first measures brought by this government was to enact a permanent statute which was so long not there. Then it was in the shape of the Maintenance of Internal Security Act that is MISA, which, as I once said earlier in this House, has become the most hated word in this country. It has now become the normal weapon in the hands of the executive, in the hands of the administration of the country, to be utilized to bring about the so-called discipline among the people of the country in every walk of life, to instil a fear in the minds of the citizens of the country. This is the real object, and you have by and large succeeded in doing that. Today people outside are afraid to talk, afraid to write anything, afraid even to whisper anything. They are not allowed even to hold meetings etc. This is the fear psychosis which has been created in this country by the application of a law like this. The way this law is becoming more and more rigorous. I would like to know from this Government whether the principles of civil liberty have become an anathema for them. Do they or do they not believe in civil liberty? I am asking this question, because they have made this a permanent statute.

I know the object of this Bill is to extend the period of detention of certain classes of MISA detenus. But you will appreciate that the net of this Bill is being extended wider and wider. When MISA was enacted in 1971, it followed by and large the pattern no doubt of the previous Preventive Detention Act with little more rigorous provision. But at least one thing the people were able to do. They could go to a court of law, though on a very limited ground. They could file a habeas corpus petition. It is not as if in each and every case the habeas

corpus petition was successful. I gave statistics, on the basis of Government reports, to show that only in 15 per cent of the cases the applications succeeded. This could be done only on the limited ground, namely, that the reason of ground given for detention had no relationship with the objects of the Act, what you call in legal parlance 'reasonable nexus' with the objects of the statute. That is to say, if you want to detain somebody for public order, you cannot do it for some other reason, in the garb of public order. The scope was very limited, because the courts cannot go into the merits of the case, the courts could not go into whether the allegations made in the statement were correct or not. So, it was a very limited relief.

When this new emergency came, the entire situation changed. When the old emergency was in force, when we were fighting a foreign aggressor and the country was behind you, do not forget it that we had unanimously supported you. When the earlier emergency was promulgated at the time when the country was threatened by foreign aggression, the then hon. Speaker, who is now a Minister of the Government, said "I am proud to be the Speaker of this House, which has shown so much unanimity in the hour of crisis."

But what is the position under the new emergency? We all know the real purport and real intent of this and how it is being utilized. The first serious change that you have brought about is by making a provision in the MISA that if you say that the detention is necessary for the purpose of emergency, you do not have to give him the grounds, that is to say, he would not know why he is arrested, whether it is for public order, or for acting against the country's interests, or for interfering with the supplies and services essential to the community, or for being in league with a foreign power. Not only would he not know the grounds of detention, but he would not be given an opportunity to make any

representation against it to anybody. His case would not go to the Advisory Board. I would request the hon. Minister to tell us in all sincerity in how many cases the Advisory Board released the detenus. Not more than five per cent of the cases. Therefore, even for five per cent of the cases you would not allow them to go to the Advisory Boards, you would not give them an opportunity for representation, you will not tell them the grounds. There will be no opportunity for the person concerned to say that he has not done this thing, because he does not know what he is supposed to have done.

This was the law you made and when the matter came up before the House on 22nd January, 1976, I believe, Mr. Brahmananda Reddy piloting the Bill said "Well, why are you worrying so much? This special provision of section 16A relating to emergency detention is only for 12 months."

Then I moved a Private Member's Bill for amending the Defence of India Act, because, what is the fate of a person detained even before the amendment of the Defence of India Act? He shall remain in detention until the emergency is over. When the emergency will be over nobody knows. Do you give any inkling of that to us, to the people of the country, that the emergency will come to an end on such and such date? Therefore, a detenu who is in jail, to whom even the grounds have been given and whose case has been rejected by the Advisory Board, will remain in preventive detention without trial, without any opportunity of showing cause that he is not guilty. He shall remain in detention until the emergency declared in 1971 is over. ¶¶

That was amended further to make it until the new emergency of 1975 comes to an end. This is what we call life sentence. Even a condemned prisoner knows how long he will be in jail but a MISA detenu does not know how long he will be in jail.

So far as the 16A detenus are concerned—if I may use that expression because that is a special type of detention which has been formulated, and the fertility of the brain in this respect is unimaginable on the side of the Government—this emergency detention was contemplated and the House was solemnly told that the maximum period was only 12 months.

Then Mr. Mohsin gave a reply to the debate on my Bill. He said that section 16A, was only for 12 months. I was trying to controvert him only on 8th April, 1976, solemnly on behalf of the Government it was stated that the emergency detentions were only for 12 months, and therefore there was no reason to put a ceiling of 12 months as I was proposing to do through my Bill.

As soon as the 12 months have elapsed, they issue an ordinance. The usual mode of ordinance is there. You have got the power to issue a proclamation of emergency, and nobody can challenge it. The doors of the courts are closed by reason of an amendment of the Constitution. If you continue the emergency, I cannot compel you to withdraw it. If you keep me in jail, I cannot go anywhere. A Presidential proclamation has been made for emergency, and a Presidential Notification has been made under article 359 (1) which means, as you know, that during the proclamation of the emergency Government can issue a notification under article 359 saying that no citizen of India will be entitled to exercise his fundamental rights or the fundamental rights which are mentioned in the notification. Government in its own wisdom have said that the fundamental rights under articles 14, 19, 21 and 22 cannot be exercised but the right to property under article 31 can be exercised. That means, the right to equality cannot be exercised. I cannot exercise the seven fundamental freedoms given in article 19. I cannot say that you shall not keep me in jail without the authority of law, without a pro-

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per trial. I cannot request the Government to produce me before a magistrate within 24 hours. All these laws and all these provisions of the Constitution have been kept in cold storage till such time as they decide to withdraw this Notification. Therefore, the citizen has no remedy.

Seven different High Courts in India said, "We want to go into the merits, we want to see whether there was really any worthwhile ground for detention; if there is any, we shall keep them detained; otherwise, we shall consider."

As soon as Mr. Kuldeep Nayar was released by the judgment of the Delhi High Court, overnight, another law came, section 16A(9) came, namely, any material for detention will be deemed to be in public interest and, therefore, cannot be disclosed.

The Supreme Court has said in a recent judgment delivered on 28th April, 1976—which I call the darkest day in the history of Indian judiciary and for the citizens of this country. It is a majority view; it says:

"In view of the Presidential Order dated 27th June, 1975, no person has any locus standi to move any writ petition under article 226 before a High Court for *habeas corpus* or any other writ or order or direction to challenge the legality of an order of detention on the ground that the order is not under or in compliance with the Act. "

Even if I am able to show that such a detention is not contemplated under the Act, I have no right to go to the court.

... or is illegal

Even if I am able to show that it is an illegal order of detention, I cannot challenge it.

...or is vitiated by mala fides"

Even if I am able to show that an order has been made *mala fide*, the High Courts will not grant me leave.

... or is vitiated by *mala fide*, actual or legal.

What we call malice in fact and malice in law.

"...or is based on extraneous considerations."

This is the law of the land under article 141 of the Constitution. It is the darkest day in the history of the Indian judiciary. I say this with all respect to the learned judges. This has been the end of any vestige of civil liberty in this country. When you have the Presidential Notification and the declaration of emergency, there is no remedy.

I was trying to find out from this Government whether they have any faith or belief in civil liberties or not. Can you not govern this country by the ordinary laws of the land? You are talking of the gains of Emergency. For industrial production, you are using the MISA; against somebody not paying the bus fare, you are using the MISA; against dishonest traders, you are using the MISA; against an ordinary peasant, against a trade union worker, you are using the MISA. Is it not being used indiscriminately? How many illustrations do you want?

17 hrs.

What about the government employees? The trade union employees, the association leaders, have been picked and chosen for the purpose of detention and dismissal. The *modus operandi* is very simple. First, they are detained under MISA, under 16A; no grounds need be given. As soon as they are detained under the MISA, they have to be kept under suspension under the Service Rules; which-

ever government employee is taken in custody and remains in custody for 48 hours, he has to be suspended immediately. So, he is suspended immediately, followed by an order under article 311(2)(c) of the Constitution which says that the President or the Governor can dismiss a government employee without holding any inquiry if he is satisfied that, in the interest of the security of the State, it is not expedient to hold an inquiry. Therefore, the process is complete for dismissing a government employee. He would have to be given ordinarily an opportunity to show cause. Detention followed by no chance of release, followed by suspension and followed by removal—In every walk of life this is happening and when we go to the courts, they say, 'This is not justiciable. This is the position with regard to the MISA. Hon. Minister, I know, said many times, 'Well, there may be an abuse. Bring it to our notice. We shall look into it.' But who will look into it? Those very persons who have issued these illegal orders, those very persons who are supposed to have reviewed them, those very persons who want them to be in jail and those very persons who have to review the orders! A wonderful mechanism you have developed! Therefore, although this Bill is only for extending the period of 12 months to 24 months, with regard to 16A detentions or emergency detentions, although I cannot say that an assurance was given here, an impression was given to the House, 'Please pass and support this measure because it is only for 12 months.' Now from 12 months to 24 months and when will it be 36 months or 48 months? Nobody knows. Now this emergency and you are saying that it has fulfilled its purpose. Although it might have been for internal disturbances, it has gone to everything, the industrial production, agricultural production, family planning and what not. Now, even Family Planning authorities might be under MISA. Probab-

ly some of them are. I find some government employees have been detained under the MISA. I am not speaking for government employees as such that they should not be detained under the MISA. The question is this. All these detentions are under Section 16A, namely, nobody is given the grounds or told the reasons for his detention. Therefore, from a Sub-Inspector, Inspector onwards, may be downwards even because I have heard of cases of Sub-Inspectors going about with signed detention orders with names not yet filled in. I have said that earlier in the House. So, it is from a constable onwards to the Home Minister. I do not know how many detention orders the Home Minister scrutinises and passes himself. Assuming that he does and also I believe that Mr. Brahmananda Reddy personally may be having an open mind and tries to do things as dispassionately as possible, is he passing all the detention orders throughout the country himself?

17.03 hrs.

[SHRI BHAGWAT JHA AZAD in the Chair.]

You have given such widest powers to these Inspectors, to these Sub-Inspectors, to these SDPOs, SPs and what not.

Therefore, today, the civil liberties of this country have become a matter of—I do not know what to say—just charity and patronage by the Government. It is not my fundamental right and natural right that I would not be deprived of my liberty without the due process of law for which this country fought for and attained independence. This is the position in this country.

Therefore, our objection is fundamental. You treat it so lightly. Let us know once for all. At least please say what are the requirements you

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want to be fulfilled before you go on taking recourse to this law. Is 16A also going to be an ordinary law of this country? One of the very eminent criminal lawyers of this country, Mr. Ajit Dutta—Mr. Das Munsi knows him—once said that the use of MISA and giving the MISA powers to the Police authorities has meant that they have forgotten to carry out the ordinary normal criminal investigation work because even in murder cases, instead of proceeding and making an investigation and trying to frame charges against the accused, they are putting him under the MISA. No investigation is necessary. No report has to be submitted. They get rid of the most important part of the Police work, namely, investigation and apprehension of the accused and proving the charges against him before a court of law. The Police does not have to do that. Only they have to just get them and put them behind the bar. Those who can pay get released or get not apprehended. In other cases, those who cannot manage and those against whom political decisions are there, are put inside. That is the point. For every reason MISA is being applied. Today we do not know anything because such questions are not admitted. We don't know how many MISA detenus are there. Do not think that I am attributing any personal motive to anybody. If I feel that Mr. Brahma-nanda Reddy is looking into the matter or Mr. Mohsin or the Prime Minister or even our Chief Minister is personally looking into the matter, I am prepared to accept it, of course, with certain reservations, because, there are political reasons and political pressures which are operating. But even then, speaking for myself, I am prepared to say, yes, Mr. Siddhartha Shankar Ray or Mr. Brahma-nanda Reddy will not do things just out of spite. But to whom are you giving these powers? Will they use these powers properly? A person may not have a legal right to

get into a train if he has not got the money. He is a poor man and he does not have the money to buy the ticket. He is detained under MISA. A bus passenger is detained under the MISA. It is happening to anybody and everybody. My only request to the hon. Minister is this: Please tell us what are the standards of behaviour which you want before you stop taking recourse to MISA. You say everything is normal. You say that you have achieved substantial gains,—unthought of, undreamt of gains,—under this emergency. You say, the country is peaceful. You say there is no agitation. You don't allow other parties to hold meetings. You say everything is good. You say that agricultural and industrial production has increased and that the mandays lost is almost nil. What sort of good behaviour you want to get, before you stop using these laws and the detenus are released? MPs and others are there in jail for more than 12 months and they continue to be in jail. Do you want to say that while they are in jail they have continued with such activities or they are to continue there unless they surrender in writing? Does it depend upon your subjective feeling? These are the things which agitate our minds.

Therefore, I submit, the emergency has done you good. But whether it has done the country any good, it is for the future historians to judge and to write. People continue to rot in jail without trial and even the minimum jurisprudential system available in any civilised system of Government is not available here. Why should a citizen be deprived of his liberty? Even if the prosecution does not have to discharge the onus of proof at least the accused should get an opportunity of proving that he is innocent. That opportunity is not there. Regarding the application of this law against political parties, we know this very well.

So far as Presidential notification under Art. 359(1) is concerned it is

not being withdrawn. Even if you keep people under detention under MISA why don't you allow the accused to go to court? Courts are not enamoured of citizens' rights these days. I said this while speaking on the Judges Remuneration Bill. Some of the Judges have a feeling that some people can do no wrong. I say this on the floor of the House with all sense of responsibility.

Sir, therefore, the position is this. Why are you afraid of the courts? Is it because the Courts are given complete—blanket power? No. Fortunately, there are always some honourable exceptions and even in the all-pervading gloom, some judges are still able to rise to that occasion. I do not say that. I have always many times said that I do not subscribe to the view that whatever Government does is wrong. I do not subscribe to that view. The Government may do wrong in one case out of ten. Then what about that one person? He will have no remedy and he will have to go or write to Shri Reddy who will send it to the Inspector and the Inspector will send a report and from that channel it will go to higher-up. And, Mr. Reddy will write back and say that the case has been reviewed and his detention is justified.

The whole thing has become a mockery. Therefore, so long as 35B (1) is there, *habeas corpus* petition is out of one's reach. There is still a provision for the arrest. If a person under MISA detention is released and, if according to government, he is misusing his freedom, then immediately, on the same ground, without disclosing it, he can be re-arrested. What happens? After 12 months period expires, what is the position? I know that Mr. Nurul Huda has written to me by sending a copy of the order. He is in Assam Jail—Nowgong Jail—he had been detained there and by issuing another order, he was brought out of the jail and that formal

ceremony is gone through but after he is brought to the jail gate, by another order, he is taken back. In that case, the grounds are given.

I appeared before the Assam High court on his application. Please believe me that the hon. Chief Justice sitting in a Division Bench, asked the Advocate General of Assam how he supported this illegal detention. The Advocate General said 'My Lord, his application is not maintainable'.

Because of the Supreme Court's decision, although his detention is otherwise illegal, the Chief Justice has confirmed that he cannot give any order because the *habeas corpus* petitions are not maintainable even if the detention is illegal. This is the case. You do not play with the people's rights. You may say that their number is very minima—we do not know please tell us in how many cases, you have applied Section 16A of MISA? We do not know it.

We would like to know in how many cases you have reviewed and on review you have released them. Then only I can know that Government is so keen about it; they are really objectively applying the law and not subjectively and on review, if it is proved that since there is no case for further detention, so and so has been released. Tell us and tell the people of the country about this. You do not take the people of the country into confidence and you do not even take Parliament into confidence. Those who do not subscribe to particular views, you treat them as second-class citizen or anti-nationals and un-patriotic.

Sir, I refuse to subscribe to this view. This is the attitude that has been taken. Can I not honestly believe that the country's progress lies in a different direction?

In the case of whosoever does not agree or whosoever is acting *mala fide*,

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if he is a traitor to the country—because this is your approach—and if you have evidence and if you want to take action against him—take action against him. In the ordinary law, there is a provision in the Indian Penal Code—a move strict provision—for treason and you may prove it. But, you cannot prove it; still you want to keep the people deprived of their rights without any opportunity being given to them.

Therefore, Sir, the emergency detention under section 16A—the justification for which was that it was only for a limited period as was held out. I am not using the word actually, but that was the impression given—was intended to be for not more than one year. More than one year has elapsed—about 15 months have now elapsed—may be fourteen months at least—what is now the objective situation which you want in this country under which you can release them? Is there any assurance that this will not go upto 36 months? Is there any assurance that this will not go upto 48 months?

I therefore submit—I will take just half a minute more before I sit down—what Mr. Justice Bhagwati said in the fagu show case—in the last case—he had expressed great unhappiness over the way in which the MISA was being applied.

He has said:

“We must remember that it is a constitution we are expounding—a constitution which gives us a democratic republican form of government and which recognised the right of personal liberty as the most prized possession of an individual. Shall we not then lean in favour of freedom and liberty when we find that it can be done without any violence to the language of the constitutional provision? Shall we not respond freely and fearlessly to the intention of the founding fathers and interpret the constitutional provision in the broad and liberal spirit

in which they conceived it, instead of adopting a rather mechanical and literal construction which defeats their intention?

The power to detain without trial is itself a drastic power justified only in the interest of public security and order. It is tolerated in a free society as a necessary evil. But the power to detain a person for life without trial is something unthinkable in a democracy governed by the rule of law. It is a draconic power subversive of freedom and liberty and can have no place in our constitutional arrangement. To grant such a power would be to destroy the democratic way of life, to annihilate one of the most cherished values of a free society and to vest in the State authoritarian power which is the anti-thesis of the rule of law. It would rob the fundamental guarantee of personal liberty of all meaning and content and reduce it to a more husk.”

Now, he has changed his views but what he has said in the minority judgement will be more cherished in future. Therefore, with all humility, sincerity, seriousness and whatever emphasis we have, we oppose this Bill on principle because it goes beyond the implied representation made by the Government. Therefore, Sir, I say let the hon. Minister at least tell us when and where he will stop whether civil liberties will continue to be your bug bear....

SHRI DINEN BHATTACHARYYA
(Serampore): Sir, I may be allowed the right to reply on his behalf.

MR. CHAIRMAN: Under the rules only the Member who has moved has the right of reply and nobody else. You can speak all right but not reply on his behalf.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANAND REDDY): Sir, I beg to move:

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

MR. CHAIRMAN: Motion moved:

"This House disapproves of the Maintenance of Internal Security (Amendment) Ordinance, 1976 (Ordinance No. 5 of 1976) promulgated by the President on the 16th June, 1976."

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

Shri R. S. Pandey may speak.

श्री राम सहाय पांडे (राजनदगांव) :
सभापति जी, गृह मंत्री श्री ब्रह्मानन्द रेड्डी ने सदन से एक वर्ष की अवधि प्रीर मागी है, मैं उसका समर्थन करता हूँ। एक वर्ष गुजर गया और जो अनुभव हमारे सामने आये, जो लाभ देश को हुआ, जो अनुशासन देश को मिला, समग्र समाज में जो ऐतना का भाव पैदा हुआ, दायित्व के प्रति हम जाग्रत हुए और वे असांभाविक तत्व, एन्टीमोशन एलीमिनेट्स, जो हमको लिक्विडेट कर रहे थे—धीरे धीरे, समाज में एक तरह का घुन लग गया था—व्हीक मार्केटिंग, स्मगलिंग, कारेन एक्सचेंज की लूट करने वाले, धांवर इनवायर्सिंग और अडर इनवायर्सिंग करने वाले, बले आम अपने घर में लगे हुए थे। जहाजों के जहाज स्मगलिंग गुब्बारे के आ रहे थे। ऐसा अनुभव हो रहा था जैसे उनके मन में किसी भी प्रकार का कोई भय नहीं है, यह भावना नहीं है कि इस देश में कोई सरकार भी है या उनका कुछ राष्ट्रीय दायित्व भी है। हमारा कारेन एक्सचेंज लिक्विडेट हो रहा था। असांभाविक तत्व हमारी इकोनॉमिक लाइफ को, हमारे धार्मिक जीवन को खोखला करते आ रहे थे। दूसरी तरफ राजनीतिक दृष्टि से आप देखें तो आपको पता चलेगा

कि हिंसा का वातावरण देश में पैदा कर दिया गया था। जनता यह कहने लग गई थी कि इस देश में कोई सरकार नाम की चीज नहीं है और भ्रमर है तो वह अपने उत्तरदायित्व को सामान्य रूप से सभसने में असमर्थ है। उसका जो दायित्व है कि वह सुरक्षा लोगों को प्रदान करे उसको वह पूरा नहीं कर रही है। इस प्रकार के सोचन सरकार पर लगने लग गए थे। एक एक्स-प्लोसिव एटमॉस्फीयर तैयार कर दिया गया था। मैं पूछना चाहता हूँ इसी संदर्भ में क्या यह सही नहीं है कि आनन्द मार्ग के लोगों ने एक बड़बुदब रचा था और यह तय किया था कि जितने इस देश में टाप लीडर हैं खाम तौर से कांग्रेस पार्टी के उनको लिक्विडेट किया जाए। मैं इसका प्रिसाइड और कंटेन्गिबल आंसर गृह मंत्री जी के चाहता हूँ। अगर इस बात का सरकार को पता चल गया था तो मैं पूछना चाहता हूँ कि क्या सरकार को अपनी आंखें बन्द रखनी चाहिये थी और राष्ट्र के नेताओं को इस प्रकार से लिक्विडेट होने देना चाहिये था। जब श्रीमती इन्दिरा गांधी इलाहाबाद गई थीं और वहां जैसा प्रदर्शन हुआ उस में क्या हुआ? अटक हुआ और हिंसा का एक ऐसा वातावरण पैदा कर दिया गया था कि भ्रमर सरकार ज.मृत न होती और उसने सुरक्षात्मक कदम न उठाए होने का पता नहीं क्या हो गया होता। हमारी बिलविट प्राइम मिनिस्टर को पता नहीं क्या हो गया होता? आप बताएं कि श्री ए० एन० रे के साथ क्या हुआ है? क्या हुआ है श्री ललित नारायण जी के साथ जो कि सभापति महोदय आपके प्रान्त से आए थे? उस प्रान्त ने एक बड़ा अच्छा व्यक्ति और नेता खो दिया। इस प्रकार के उपायों को हवा देने वाले, ध.य देने वाले बड़े भूदानी, बड़े समाजसेवी बड़े अपरिग्रही, बड़े प्रहिसावावी नेता थे जिन्होंने कभी राजनीति को गम्भीरता से नहीं लिया अपने जीवन में। कही मुंह पर पट्टी लगा कर वे जन्म निकाल रहे थे और

[श्री राम सहाय पांडे]

कहीं असेम्बली और विधान सभा के चुने हुए लोगों के सिर बुझवा करके उनके पसूस उनको गली पर सवार करके निकलवा रहे थे। नौजवानों में एक भाकेश, एक बुणा और तिरस्कार की भावना पैदा कर रहे थे। उन्होंने मासूम नौजवानों की भावनाओं से खेलना शुरू किया, उनको एक्सप्लायट करना शुरू किया और ऐसा वातावरण देश में निर्मित कर दिया जिससे पता चलता था कि अब तो इस देश में कुछ इसी प्रकार का वातावरण चलेगा।

समापति महोदय, आपको याद होगा कि प्राइम मिनिस्टर ने जो जो बातें और जो जो बातें श्री जय प्रकाश जी ने रखी थी उन पर सम्भीरतापूर्वक विचार करने के लिए उनको बातचीत के लिए टेबल पर निमंत्रित किया था। इसके जवाब में उन्होंने कहा था कि मैं जाने के लिए तैयार हूँ लेकिन आप बिहार की विधान सभा को पहले भंग कर दें। यह काल सा लज्जिक था, कौन सा तर्क था ? इसमें तो बुणा की भावना थी, ईर्ष्या द्वेष की बात थी। देश में इस प्रकार का वातावरण बनाया जा रहा था ऐसा एकसत्रोसिव एटमासफीयर क्रियंट बना जा रहा था जिससे एक प्रकार का ज्वालामुखी भड़क उठे ताकि जो हमारा दायित्व है उसका निर्वाह हम न कर सकें और देश को हम सम्भाल न सकें। बिरोधी दल के लोग क्या चाहते थे ? उन्होंने प्रदर्शन किए विराव किए। 25 तारीख को रामलीला मैदान में तय किया गया कि सेक्रेटरीएट का बरौब किया जाए। प्रधान मंत्री के घर में उनका बरौब किया जा.ए, उन्हें हाउस एरेंट कर दिया जाए। अब क्या इस प्रकार होने दिया जाना चाहिये था ? इसका कोई औचित्य था ? क्या इस प्रकार से सरकार चल सकती है ? सार्वजनिक दायित्व का निर्वाह वह इस प्रकार से कर सकती है ?

आपने देखा होगा कि परिषदी वेजों के लोग हल पर आरोप लगाते हैं कि हमने

लोकतंत्र को तिरापीत दे रखा है। कोई-स-हब कहते हैं कि जो हमने 1947 में पाया था उसको हमने खो दिया है। जो अब लोग हमें वहाँ कहते हैं, इस प्रकार का आरोपणा करवा रहे हैं जैसे हमारी सड़कों पर टैंक चल रहे हों। लेकिन आप भूल गये कि हमारी डेनोक्रेसी में प्रधान मंत्री ने एक ऐसा ज्वलन्त उदाहरण रखा था। जो सम्भवतः किसी देश में नहीं हुआ, और वह यह कि गुजरात में हर भीठिय में उन पर पत्थर फेंके जा रहे थे, फिर भी प्रधान मंत्री ने कुछ नहीं कहा। क्या किसी राष्ट्र के प्रधानमंत्री की समा में पत्थर फेंके जाय इस बात की धाशा सम्भ्रता देती है ? उस समय बैस्टर्न कन्ट्रीज वालों ने नहीं देखा हमारी प्रधान मंत्री ने उस समय भी पत्थर फेंकने वालों की कोई धालोचना नहीं की। और यद्यपि वातावरण दूषित था, लेकिन पत्थर फेंके जा रहे थे, टेलीविजन दिखाये जा रहे थे बाहर कि हमारी प्रधान मंत्री पर पत्थर फेंके जा रहे हैं। तब किसी ने उसको अनुचित नहीं कहा। क्या कहीं ऐसा हुआ किसी देश में कि प्रेसिडेंट या प्रधानमंत्री के इलेक्शन कम्पेन के समय पत्थर फेंके जाते हों। मैं कहता हूँ कि लोकतन्त्र का इस से अधिक ज्वलन्त उदाहरण हो नहीं सकता, स्वतन्त्रता और सिविल लिबर्टी का इससे ज्यादा ज्वलन्त उदाहरण नहीं हो सकता कि जो चाहे बैसा बर्ताव करे। ऐसा प्रदर्शन सत्तार में किसी राष्ट्र में नहीं होने दिया गया जैसा श्रीमती इन्दिरा गांधी के लोकतन्त्र के नाम पर यहाँ होने दिया। यद्यपि ऐसा नहीं होने देना चाहिये था। हम जब चुनाव में अपना मैनीफेस्टो लेकर जाते हैं तो लोग फूल भी फेंकते हैं, पत्थर भी फेंकते हैं, और बुगिया ने उस को देखा। लेकिन उस की भी कोई सीमा होती है। वह सीमा भी लाच गये तब चारों तरफ से हमारे ऊपर जनता का यह आरोप होने लगा कि श्रीमती इन्दिरा गांधी इतनी उदार क्यों हैं, इतनी सरल क्यों हैं, क्या अपने दायित्व का निर्वाह करना नहीं जानती ? तब यह निर्णय देना पड़ा।

बाहर के देशों की सेनाओं के आक्रमण का मुकाबला तो हमारे जवान कर सकते हैं, धीर किया। पाँच बार आक्रमण का मुकाबला हमारे जवानों ने किया। एक उदाहरण हमारे देश में है, इसी सदन में बड़े जोर के साथ, बड़ी उमंग के साथ सारे लोगों ने खड़े हो कर प्रधान मंत्री को स्ट्रेडिंग घोषणन दिया था जब उन्होंने बांगला देश के बारे में निर्णय लिया था और कहा था कि वह दुर्गा की भवतार है। वही लोग आज यह कहते हैं कि वह डिक्टेटर बन गई है। डिक्टेटर क्या बन गई है? स्वयं प्रधान मंत्री ने कहा कि जो अधिकार इंग्लैंड के प्रधान मंत्री के हैं, अमरीका के प्रेसीडेंट के हैं, फ्रांस के प्रेसीडेंट के हैं, उन में बहुत कम अधिकार उनके पास हैं। और आज भी लोक सभा, है आज भी हम है, प्रशासन है। लेकिन एक निर्णय जो किया गया वह ऐतिहासिक निर्णय था कि हम देश को बरबाद नहीं होने देंगे। जो भी देश की आर्थिक लाइफ को बरबाद करने वाले हैं, चाहे स्मगलर्स हों, चाहे फारेन ऐक्सचेंज और इन्कम टैक्स की चोरी करने वाले हों, चाहे पोलिटिकल लाइफ को खराब करने वाले हों, हमारी जो लोकतंत्र की प्रतिभा भी उस को धराशायी करने वाले लोगों को बर्बाद नहीं कर सकते। यह कौन सा निर्णय है? यह एक ऐतिहासिक निर्णय है, और आज देश के लोग आप को साधुवाद देते हैं, कृतज्ञता ज्ञापन करते हैं क्यों कि आप ने देश को बचा लिया।

दाने दाने के लिये हम परेशान हो गये, कौन नहीं इस बात को जानता है कि होर्ड्स के खिलाफ जब आवाज उठायी तो विरोधी दल की तरफ से मधु लिमये जी कास स्टेशन लाते थे। और तरह तरह की बातें यहां कही जाती थीं। मैं पूछता हूँ कि वह बात कोशशी थी जो गुजरात में लोग भूखे मर रहे थे और अनाज से भरे बैग्स पंजाब में खड़े थे, ऐसे समय रेलवे हड़ताल का आह्वान बिना थका और स्ट्राइक कराई गई। यह

क्या था? देश में इन्टरनेल सिक्युरिटी को बनाये रखने के लिए सरकार ने इस सदन में एक विधेयक पारित कराया और उस के अनुसार शरारती तत्वों को उठा कर जेल में बन्द कर दिया उन में से एक माठव अंडरग्राउंड हो गये और पुलिस के बचने के लिए उन्होंने दाढ़ी रख ली। अगर उन में कनबिक्शन था, तो वह साहस के साथ कहते कि हम ने जो किया, ठीक किया।

उन्होंने वह काम किया, जिसे अंग्रेजी में हिटिंग बिलो दि बेल्ट कहते हैं। जब देश कमजोरी की स्थिति में था, जब अनाज की पंदावार कम हुई थी और देश के लोगों को खिलाने की समस्या सरकार के सामने थी, जब सरकार अपनी गाड़ी कमाई की बिदेसी मुद्रा दे कर इन्टरनेशनल मार्केट से अनाज ला रही थी, ताकि कोई भूखों न मरे, जब हम लोग समाजवाद की रचना में लगे हुए, के ताकि सीमायटी के लास्ट मैन, समाज के सब से नीचे के व्यक्ति, के प्रति हमारा कमिटेमेंट पूरा हो और सर्वहारा समाज की दशा में कुछ सुधार हो, तो उस समय हमारे मार्ग में न जाने कितने रोड़े अटकाये गये। किसानों से कहा गया कि सरकार उन को प्रोक्युरमेंट प्राइस कम दे रही है। वे लोग शहरों में कहते थे कि अनाज के भाव बढ़ रहे हैं।

वे लोग जमाखोरों से चन्दा लेते थे और स्मगलरों के साथ उन की सांठ-गांठ थी—जाज फरनेंडीज की खास तौर से सांठ-गांठ थी। वह रात को उन लोगों से मिलते थे और पैसा ले कर आते थे। इकानॉमिक अंपराधियों के साथ उन की सांठ-गांठ थी, लेकिन “उल्टा चोर कोतवाल को डांटे” की कहावत को अरिताप्य करते हुए वह हम पर यह जाज लगाते थे कि हम उन लोगों से मिले हुए हैं। खैर, यह तो समय ने सिद्ध कर दिया है कि हम उन लोगों से मिले हुए थे या नहीं। आज स्मगलिंग करीब करीब बन्द हो गई है। मीठा के साथ रहते हुए सरकार

[श्रीराम लहाय पंडे]

ने इकोनॉमिक एजेंडर्स को एक बौद्ध धोर दिया। समापति महोदय, आप बड़े विद्वान हैं। आप जानते हैं कि अगर भय की बात न होती, तो क्या बिना टैक्स दिये छिपा कर बन रखने वालों से यह 1500 करोड़ रुपया इकट्ठा होता। जब श्री महाश्रीर स्वामी फिनास मिनिस्टर थे, तो एस्टेविटी के नाम पर वह बस में सफर करते थे। उन्होंने कहा कि जो लोग छपना छिपा हुआ बन बाहर निकालेंगे, उन को इनकम टैक्स के मामले में कनसेशन दिया जायेगा। वह झोली फेंका कर बूमते रहे, लेकिन सिर्फ 200 करोड़ रुपया बसूल हो सका।

मैं निवेदन करना चाहता हू कि किसी भी तंत्र को सफलतापूर्वक संचालित करने के लिए नियंत्रण का होना बहुत आवश्यक है, उस के बिना तंत्र ढीला हो जायेगा और उस पर से विश्वास हट जायेगा। लोकतंत्र की बात कही जाती है। मान लीजिए, हम अपने बच्चों से कहे कि हमारे घर में लोकतंत्र है, अगर किसी को स्कूल जाना हो, तो जाये, वर्ना न जाये और अगर किसी को पढ़ना हो, तो पढ़े, वर्ना न पढ़े तो इस का परिणाम यह होगा कि कोई बच्चा स्कूल नहीं जायेगा और न पढ़ेगा। इस का कारण यह है कि ह्यूमेन नेचर में एसकेपिज्म का एक तत्व विद्यमान है। धावमी यह नहीं सोचता है कि उस का भविष्य क्या होगा। इस लिए जो व्यक्ति भविष्य का भी ध्यान रखता है, वह बच्चों को खिलाता भी है और चांटा भी रखीव करता है, किसी पड़ोसी द्वारा शिकायत किये जाने पर वह उन को डांटता भी है और फिर प्यार भी करता है, वह उन की पढ़ाई का ध्यान भी रखता है और उन का परीक्षा-फल भी देखता है। यह तंत्र पर नियंत्रण रखने की बात नहीं है, तो और क्या है? इसी तरह प्रधान मंत्री जी ने परिष्कार का अभिधावन होने के तारे,

एक प्रजातंत्र के तारे, पापुनर बोट से चुने हुए नेता के नारी देश के हित को धृष्टि में रखते हुए उन लोगों के खिलाफ कार्यवाही को, जो इकोनॉमिक लाइफ को खोजला कर रहे थे, जो स्मगलिंग और चोर-बाजारी में इनवाल्ड थे, जो फोवर-इनवायसिंग और घडर इनवायसिंग करते थे, तो हमारे देश के पोलिटिकल ड्रावे को उद्देय कर रहे थे।

इस लोक सभा में क्या नहीं कहा जाता था? हम पार्लियामेंट के मेम्बर ऐसा जहूर उगसते थे, एक दूसरे पर इस तरह से धासेप और लाछन, आरोप और प्रत्यारोप लगाते थे कि बाहर के लोग देख सुन कर कहते थे कि ये लोग तो मछली बाजार का सा व्यवहार करते हैं।

कभी जब स्कूलों से आए हुए बच्चे इन गुरीब में बैठे हुए होते थे तो वे कहते थे कि तेरा लगता है कि इस देश में कोई ईमान-दारी नहीं है। अक्षयण पर धाकधण होते थे जैसे कोई अण्डा घावमी ही नहीं है। अण्डा दायित्वपूर्ण व्यवहार करने वाला मजाज ही नहीं है। ऐसा डीला भाषला पंदा कर दिया जाता था भावनाओं और विचारों के द्वारा। जो जिसके पास अन्न था, भावण से लेकर लाठी, बस से लेकर उकसाने तक सबका इस्तेमाल किया गया। सब स्वतंत्र थे। कहते थे सब क्या है? क्या बताए ऐसी घुटन पंदा हो गई थी? लोग कहते हैं कि सब घुटन हूँ। सब तो इस बच गए और देश बच गया। देश के चारों ओर की बात बाद में बताऊंगा। जब देश में ऐसे इकोनॉमिक एजेंडर्स बन्द हो गए और पोलिटिकल कॉन्सिपैसी करने वाले लोग जो सहाय, डिसा और हत्या में विश्वास करते थे, उनकी भी जरा प्रेम से सेवा कर दी गई तो क्या हुआ? देश में कोई सुधार हुआ है,

भववान की दवा से बंध और खेती पाती भी झण्डी हो गई, बोड़े भाव भी कम हो गए और सभी बीस रोज पहले भाव जब बढ़ने शुरू हो गए तिल और ज्वकर के तो पंडित ब्रह्मानन्द जी ने एक डांट लगाई, कहा कि ठहर जाओ। सब धरबरा गए। पंडित का जो काम करे वह पंडित और ब्रह्मानन्द जी तो ब्रह्म हैं और ब्रह्मानन्द हैं, उनकी एक डांट के बाद भाव फिर नीचे आ गए।

यै समयता हूं कि शासन तन्त्र को चलाना होगा तो डंडे से चलाना होगा, ऐसा मैं नहीं कहता हूं लेकिन मैं यह जरूर कहूंगा कि जैसे एक ने शिकायत की कि रास्ते में एक सांप भिलता है, वह काटता है और कई लोगों को उसने काटा है तो एक महात्मा जो पढ़े, वह सांप को मसझाने लगे तो काटना बुरा होता है, बाहिमा और सभ्यता का समय है, प्राचुरिक समय में लोग तुम्हें बदनाम करेंगे, उसने काटना बन्द कर दिया, लोगों को पता सब क्या कि इसने काटना बन्द कर दिया है तो लोगों ने उसके न काटने की प्रवृत्ति का लाभ उठाया, उसके साथ मजाक करने लगे और डेढे पत्थर उठा कर उसको मारने लगे, बेचारा जखमी हो गया और बाहिमा, बाहिमा करने लगा। महात्मा जी फिर पढ़े, उसने कहा कि आपने हमें यह क्या समझा दिया, हम पहले काटते थे तो बचे हुए थे और जब ने बाहिमा धारण की तब से वेच लें हमारी क्या हासत हो गई है। हम नहीं चाहते ब्रह्मानन्द जो किसी को काटे, डंडे से काम लें। लेकिन उस महात्मा ने जो कहा वह तुन कीजिये। उन्होंने कहा कि सांपनाथ मैंने यह कहा था कि काटो नहीं, यह तो नहीं कहा था कि फुफकारो भी नहीं। तो काटिये नहीं, डंडा न चलाइये लेकिन अपने स्वाम पर फुफकारिये जरूर जिसमें ये अस्वभाविक तत्व जो बोधक कर रहे थे, चिन्होंने हमारे जीवन के साथ बिलबाड शुरू कर दी थी, कानून और व्यवस्था की

ऐसी की तैयारी कर दी थी, पैसा किसी भी प्रकार से एकत्र करना शुरू कर दिया था, खाड़ी के बल पर जो हमारे सामाजिक जीवन से—

श्री जी० एम० तिवारी (गोपालगंज) : लोगों को अगर यह मान्य हो जाएगी कि ये काटेंगे नहीं, केवल फुफकारेंगे तो लोग अपना रवैया तो नहीं बदलेंगे।

सभापति महोदय : ये क्या सांप हैं ?

श्री राम सहाय बांडे : यह जो मीसा घाया हमने जीवन सन्तुलित हुआ, जो डग-मगानी नाव थी वह अपने साहित्य पर पहुंची, उद्देश्यों के दर्शन हुए, चेतना सन्तुलित हुई और अपने दायित्व के मार्ग पर हम आगे बढ़े। कल और आज के जवान में कितना अन्तर है ? कल का जवान जय प्रकाश के साथ था तो कितना गुमराह था, आज का जवान संजय गांधी के साथ है तो कितने रचनात्मक काम करने में लगा हुआ है। हमने उस दिन अधिवेशन देखा। जनाक प्रेजीडेंट मारे देश के घाए हुए थे। क्या उत्साह था, क्या उमंग थी, क्या चेतना थी, क्या कर्तव्य बोध था और आगे बढ़ने की क्या धृष्टि हुई भावना थी ? कितना अनुशासन था ? इससे यह अनुभव होता है कि समाज बड़ी है लेकिन नेतृत्व ने बातावरण में कितना परिवर्तन लाकर दिखा दिया है। नेतृत्व अगर ठीक नहीं है तो देश टूट जायेगा। नेतृत्व अगर सबल है, अच्छा है तो देश आगे बढ़ेगा। वेद के उस कबन की तरह से चरैवेति, चरैवेति, हम आगे बढ़ने चले जायेंगे और अपने उद्देश्य की पूर्ति कर सकेंगे।

हम जानते हैं कि मीसा का कहीं कहीं दुरुपयोग हुआ है। ब्रह्मानन्द जी ने बड़ी शांतिता के साथ कहा है कि यदि उनकी

[श्री राम सहाय पांडे]

नोटिस में कोई ऐसा कस जाया जायेगा तो उस पर वे विचार करेंगे। हम अधिकारपूर्वक कहते हैं कि हम दो चार केसेड उनकी नोटिस में लाये तो उन्होंने बड़ी उदारता के साथ काम किया। मैं समझता हूँ कि ऐसी कोई भी मंशा सरकार की नहीं है, न ब्रह्मानन्द जी की है और न प्रधान मंत्री जी की है और न ही हमारे तंत्र की ऐसी मंशा है कि ऐसे लोगों को जो इन्वाल्ड नहीं हैं डायरेक्टली उनको पकड़ा जाये। जो भी पकड़े गए उनके केसेड को देखा गया, स्कोपिंग की गई और अगर वे थोड़े बहुत ही इन्वाल्ड थे तो उनको छोड़ दिया गया। इस प्रकार बहुतों को छोड़ दिया गया है। बहा के सकलेषा जी और यहा के लक्ष्मीनारायण पांडे जी, दोनों गए हैं। कल जेल पर बहस हो रही थी, कहा गया कि जेल में रिफार्म होना चाहिए। ऐसा रिफार्म हुआ है कि लोग बड़े मोटे होकर आए हैं। खा खा कर मोटे हो गए हैं। हमारे क्षेत्र के एक शास्त्री जी थे उनके नौ गलौरे लाल हो गए, खा खा कर तकड़े हो गए। हमने पूछा शास्त्री जी, आपको क्या मिलता था वहा पर तो कहने लगे दूध, टोस्ट, बी और बढिया भोजन। (स्वबवाह) आपने अपने दायित्व के निर्वाह में यह भी चाहा है कि देश को बचाने के लिए जिन लोगों को बन्द किया गया उनकी गतिविधि में अन्तर आये, उनका हृदय परिवर्तन हो और वे शान्ति के माध्यम निवाम करे। वह शान्ति के साथ गो इसी प्रकार रह सकते थे। यदि कहीं हम अनता को झटका देते तो उनकी क्या दशा होनी? हमने कहा थोड़े दिन शान्ति के माध्यम रहिये। मैंने शास्त्री जी से पूछा कि आपके मन में कोई अन्तर आया तो वे बोले हमने तो अनुभव किया, जेल में 9 महीने रहने के बाद, कि हमको कोई कष्ट नहीं हुआ लेकिन हमारा अन्तरात्मा कहीं भी कि हृदय गलत रास्ते पर वे। यह बात उन्होंने

कही। इस प्रकार जिन लोगों की सेहत बम रही है, जिनकी विचार करने का मौका मिला है, एक स्थान पर रह कर जिनको आत्मदर्शन और आत्मचिन्तन करने का मौका मिला है वे जब बाहर निकलेंगे उनमें धावे से ज्यादा मायब ऐसे मौक होंगे जिनको अनुभव होगा कि श्रीमती इन्दिरा गांधी ने जो कुछ किया वह बिल्कुल ठीक किया। इसमें एक साल का एक्सटेंशन नहीं, जितने सालों का एक्सटेंशन चाहिए वह माप ले लीजिए। हम ब्रह्मानन्द जी को चिन्ता को जानते हैं, उनके हृदय को जानते हैं, प्रधान मंत्री जी के हृदय को जानते हैं, उनके मन में किसी प्रकार की कटुता नहीं है। इस देश की उन्नति और प्रगति के लिए आज भी वे विरोधी दलों के साथ हाथ मिलाने को तत्पर हैं। हम नेतृत्व की सफलता की कामना करते हैं। इसकी एक वर्ष की अवधि बड़ा दी जाये, इसका मैं समर्थन करता हूँ।

SHRI P. G. MAVALANKAR
(Ahmedabad): Mr. Chairman, Sir, at the outset I must express my gratitude to you for calling me at this stage of the debate. I must also at the outset apologise to the hon. Home Minister for my inability to be present tomorrow when perhaps he replies. Normally, I should remain in the House when the Minister replies, but I am constrained to go back to my place by air tomorrow morning because of serious illness and accidents of some of the members of my family.

Let me say very candidly that I am not able to relish the buoyant and enthusiastic manner in which some of my Congress friends are supporting this extension of MISA. I am only referring to those who have spoken today or earlier on this subject. I do not think this is an occasion to show any enthusiasm or joy and talk in a very lighthearted manner about the thousands of our own countrymen

who have been incarcerated for more than a year. They, may be totally misguided according to the Government, but to talk in terms of such derision and jokes about them is not very befitting to our dignity and honour. I hope you will pardon my saying so. The real point is this: the Government action of MISA extension is a further commentary on the tragedies of the political situation and public life in our country. Now, on the one hand, Government says that everything is getting normal, and on the other hand Government says that everything is still very abnormal and, therefore, they want all these Draconian laws and powers! If you say that everything is getting normal, then you must, inevitably, not only release the prisoners but come back to democratic rails, as the Prime Minister has often been saying; there should be some kind of normalcy in terms of the tenets of the Rule of Law. You cannot say that everything is getting normal and at the same time also say that there is need for further extension because there is still Emergency, there are still anti-social elements at large, etc. You cannot have this contradiction going on all the time. Then you must effectively say, "So far, we have failed, and as long as we have not succeeded, we will continue". I can understand that argument theoretically. But to say that you are succeeding, and at the same time to go on increasing, the arbitrary powers, does not sound logical nor does it appeal to morality or justice.

The second aspect of the matter is that this MISA is dreaded, not so much because of the internment in jail, but because of the uncertainty that is hanging on every one who is detained. I can understand if you detain me and tell me for what you have detained me. But if I do not know for what I have been detained—

even when I am an honest, sincere man, and as patriotic as anybody else in this country or in this House, no matter to which party or no-party I belong—what am I to do? What am I to do except to speculate as to what must be the democratic, decent, civilized, right, proper, non-violent behaviour and attitude which will earn me the prize of being called a law-abiding citizen? A law-abiding citizen is not necessarily one who obeys all laws of Government. A law-abiding citizen as Socrates and Mahatma Gandhi and several other immortals have said, is one who obeys all good laws, all just laws and fervently disobeys all unjust laws, all bad laws, and accepts all the consequences, including death, as Socrates did, and as Mahatma Gandhi did, though on different footings. Because of the secular outlook, to which many of us subscribe too, of Gandhiji, a mad man did away with the life of the Father of our nation. Well then, as I was saying, there is this uncertainty, accompanied by the absence of knowledge on the part of any one of us, detenus or otherwise, as to the reasons for detention and as to what has happened for extending this MISA and extending the jail term to so many people. We should know what is their fault, so that we can at least tell them or try to correct them or guide them. If Government do not tell us their fault but keep on saying vaguely that they are anti-social elements, anti-democratic elements, etc., then at least for me it is something very difficult to digest.

Thirdly, I want to ask this in all humility, in all seriousness, with all sincerity. Should there be no justice involved in all that we may be doing? If you want to deal, and deal effectively, with an emergent situation of any kind, as my friend, Mr. R. S. Pandey exerted himself more than what his health would permit to argue, important and even Draconian measures may become necessary. Yes, important and

[Shri Somnath Chatterjee]

even Draconian measures are necessary to curb evil, but not to curb dissent; to curb disorder but not to curb orderly expression of opinion; to curb violence, but not to control a legitimate non-violent dissent, a civilized way of expressing an opinion which may be in line with yours or may not be in line with yours. Similarly because it is not in line with yours, does it automatically become violent? Does it automatically become indecent or an uncivilized way of expression? I am raising these fundamental issues and am making an appeal to the Prime Minister, as well as to my esteemed friend, the Home Minister, and his colleagues, who have said that, ultimately, they have the interests of the country at large. They might have also the interests of their party at heart. That interest is there. It is no use saying, 'No, no,' as some Congress friends seem to be shouting. You have vested interests of remaining in power. I might say this in all humility and with all assertion because I do not belong to any Party and I have no dream of joining this office or that office or becoming this Minister or that Minister, but I do want to say something and act in the interests of the nation, in the interests of the Rule of Law, in the interests of our great motherland with an ancient past and a bright future. Therefore, I appeal to you and request you to ponder once again on this point when you have this MISA and now when you extend it further, is it not lack of justice? Is it not lack of natural rights? Is it not an absence of any appeal which is so dangerous and bad? If you extend the MISA but allow no appeal, extend the MISA but recognise no natural justice, extend the MISA but accept no natural rights, then it is the end of everything. It is not only the end of everything, but it is the end of our own survival, because survival and civilisation, to my mind, are equated. If I cannot survive as a civilised man, I do not think I want to survive. But if I want to survive

as a civilised man, then I must see to it that I must oppose those aspects of the policy and practice of any government, no matter what Party it belongs to, which I consider as very wrong and bad.

Fourthly, I want to say very briefly that decent and non-violent expression of opinion can never be punished in any democracy. You may have 99 persons on the one side and you may have only one man on the other side. But even if that one man is, according to you, wrong, as long as he is not violent and as long as he is not indecent and uncivilised, he has a right to say what he wants to say, especially because he happens to be in the minority of one against 99 who are pitted against him.

Now, Sir, several Congress Members have been referring to recent years' happenings in Gujarat. I should, however, ask one very simple question, very briefly and in all earnestness. My friends, so many of them on the Congress Benches, are asking me privately and in informed discussions and they are also raising this point on the floor of this august House when they say, 'What about Gujarat? What about the Navnirman movement?' I say, and I have said it repeatedly, that I was one of those very few who publicly dissociated himself from the Navnirman movement even before it became violent and I also told the student leaders that I was ever committed to Democracy and non-violence. I do not want to name any of them here and for that matter, I do not want to name anybody who cannot defend himself here. But I want to ask this question to my Congress friends and the Central Government. In regard to all those student leaders of the Navnirman movement, several of whom were violent and destructive, what have you done Mr. Home Minister? You and your Party absorbed them as members of the Congress Party in Gujarat. Are you not ashamed of it? Are you not ashamed of this fact that

only in 1974 and 1975 and even now in 1976 when you are saying that these students and agitators are violent and bad, that you are now publicly arranging celebrations and programmes and platform meetings in Ahmedabad and other parts of Gujarat to publicly welcome them into the fold of your Party ... (Interruptions) You claim that they have come into congress fold in hundreds and thousands. Let me say that especially, all their leaders, of most of them, have been absorbed as Members of the Congress Party.

सभापति महोदय : प्रोफेसर साहब,
किसी को, जो गिर पड़ा है, क्या उठने
का अधिकार नहीं है ?

SHRI P. G. MAVALANKAR: I am not arguing. I am only saying that even in 1974, you might remember and later in 1975 and 1976, many Congress leaders had publicly said that these violent elements are not to be given any footing, but now when they all in a bondwagon joined your party they certainly have become good and sacred! When they were outside the Congress, they were not sacred. Mr. Chimanbhai Patel—I must give only one name though I do not think his or any other name needs to be referred to here, and certainly not by me—when he was the Chief Minister and the popular agitation was against him to remove him from office, and when that was ultimately done, later on what happened? We saw that he and his associates have joined or were about to join the Congress Party in Gujarat. Not only that, KIMLOP, the Party founded by him and which now is dissolved, you have had to depend on the members of that KIMLOP in the Gujarat Assembly to topple the Morcha Government. Whether the Morcha Government remains or does

not remain, it is a matter for them and the country and for our destiny. That is not my point. My point is that you have had to depend upon those very elements whom you are decrying and describing as violent in your speeches on the floor of the House.

In the remaining few minutes, I would very briefly say about the abuse and misuse of FISA. I appeal to the Home Minister. Please look into this very carefully, and very very carefully, because I find increasing evidence of bureaucratic bossing and political vendetta let loose at large by arresting all kinds of people. I find that not only in Gujarat—I can speak with a greater knowledge of Gujarat—but I am sure all over the country, all sorts of people are being arrested, and hundreds of students, teachers, professionals and political workers are being arrested on the ground of sheer political revenge, and even some quite innocent teachers, professors and students doing Ph.D. have also been arrested. What is their fault? Just because they said that the emergency was not right? If anybody feels that he is right let him say it. In so doing has he spoken anything indecent? Has he destroyed any property? Has he become violent? No. Then why did you do it? Therefore, Sir, I appeal by telling the Home Minister and requesting him and through him the entire Government, let us make a distinction between unsocial elements, criminal elements on one side, and honest political dissenters and those who differ from the establishment on the other. Unless you make such a distinction between the two, you will make inevitably the criminals more politically oriented and the politicals more desperate. That will not lead to any peace and dialogue. That will not lead to any harmony. It may be 1976 or 1977 or it may be even 1987, if you go on doing like this, India will go down. That is the danger; that is the difficulty. Now, whether this party goes

[Shri P. G. Mavalankar]

down or whether that opposition goes down, whether this man dies or that man is in jail etc., are all comparatively minor issues. The most important fundamental issue is whether by what you do and I do, and by what we do together in this House, through this Parliament, august as it is, India, our Motherland, will go forward or get backward.

Therefore, I conclude by saying this. MISA has actually become a terror. It is dreaded by everybody including you and me. Let us be honest about it. We all dread it because of various things, which I told you right now. If we dread it and fear it, may I understand whether this fear is only on the part of the people? People are today afraid of Government, that is of MISA, all over the country. But Government also are afraid of opinion that is truth! Why is there the Press Censorship? While I cannot see any justification of press censorship, and the press gallery here remaining almost vacant, what harm is done if an honest opinion, different from the opinion of the establishment, goes to the Press? If it is a wrong opinion, why are you afraid? But, unfortunately, we the heirs of Mahatma Gandhi, have all fallen to this low level of being afraid of each other—people afraid of government, government afraid of opinion, and in the end, Gandhiji's Supreme lesson 'Be Fearless' seems to be evaporating very rapidly.

So, Sir, it is with these sad thoughts that I conclude, and I am bound to

express my strong and most sincere opposition to this extension of MISA for a further period of one year.

श्री हरी सिंह (जुज्जा) : माननीय समापति जी, मदन में एम०आई०एम०ए० के लिए एक साल का वक्त मांगा गया है जो बहुत ही मूनामिब है। यह बिल जिम पर चर्चा हो रही है आखिर इसका प्रश्न क्यों उठा? श्री माननीय मावलंकर जी कह रहे थे कि यह एम०आई०एम०ए० टैरर है। लेकिन यह टैरर उनके लिए है जो देश में गोस्वत नहीं करते थे जो नोडफोड करने भारत में हुकूमत करना चाहते थे, जो हिमा में खेन रहे थे, जिन्होंने बाजारों को, राष्ट्रीय सम्पत्ति को, दफ्तरों को आग लगाई और देश को नष्ट करने का इरादा बना लिया था, ऐसे लोगों के लिए यह टैरर है। अगर ऐसे लोगों के लिए टैरर नहीं हुआ तो देश में कोई हुकूमत नहीं चल सकती। अगर देश में कोई तन्त्र कायम रखना है, भारत के नागरिकों की स्वतन्त्रता को रखना है तो किसी न किसी शकल में दंड होना चाहिये जो भारतीय राजनीति में एक संज्ञा है जिमके माने हैं कि लोगों को न्याय मिलना चाहिये। आज विरोधी दल के लोग लिबर्टी की दुहाई देते हैं। मैं पूछता हूँ कि लिबर्टी कांग्रेस पार्टी ने छीनी या विरोधी दल के उन लोगों ने छीनी जो हमारे बड़े बड़े नेताओं को पत्थर मार करके, चप्पल मार करके, उन की मानहानि करके लोगों की स्वतन्त्रता को खतरे में डाल रहे थे? अगर ऐसी स्वतन्त्रता की दुहाई विरोधी दल के लोग देते हैं और कहते हैं कि हमारी लिबर्टी छीन रहे हैं तो मैं कहना चाहता हूँ कि ऐसी लिबर्टी को, जिसमें विरोधी दल के लोग नाजायज फायदा उठावें, उस को छीन लेना चाहिये।

समापति महोदय : अब आप कल बोझियेगा।