

SEYID MUHAMMAD): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950."

The motion was adopted.

DR. V. A. SEYID MUHAMMAD: Sir, I introduce the Bill.

CONTINGENCY FUND OF INDIA (AMENDMENT) BILL*

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI): I beg to move for leave to introduce a Bill further to amend the Contingency Fund of India Act, 1950.

MR. SPEAKER. The question is:

"That leave be granted to introduce a Bill further to amend the Contingency Fund of India Act, 1950."

The motion was adopted.

SHRIMATI SUSHILA ROHATGI. Sir, I introduce the Bill.

12.05 hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE, 1976 AND MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL—contd

MR. SPEAKER. Now, further discussion on the Resolution moved by Shri Somnath Chatterjee on the 12th August, 1976. Time allotted 4 hours, time taken 1 hour and 20 minutes, balance 2 hours and 40 minutes. At what time the Minister will speak?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU-RAMIAH): The Minister may be called at 3 o'clock.

MR. SPEAKER: Shri Hari Singh to continue his speech.

श्री श्री सिंह (शुर्वा): अध्यक्ष महोदय, कल जब इस बिल पर बर्खा हो रही थी, तो विरोधी बल के कुछ वक्ताओं ने कहा कि मीसा के द्वारा नागरिक स्वतंत्रता, व्यक्तिगत आजादी और प्रेस की आजादी छीन ली गई है। जो लोग आज नागरिक स्वतंत्रता और व्यक्तिगत आजादी का नारा लगाते हैं, मैं उनसे पूछना चाहता हूँ कि ऐसा कौन सा शान्तिप्रिय और भलमनसहत के साथ काम करने वाला नागरिक है, ऐसा कौन सा डाक्टर या प्रोफेसर है, जो ईमानदारी के साथ देश और जनता के हित में काम कर रहा था, ऐसा कौन सा व्यापारी है, जो अपना व्यापार ईमानदारी से चला रहा था, ऐसा कौन सा विद्यार्थी है, जो अपने स्कूल या कालेज में डग से पढ़ रहा था और जो टॉड-फोड के काम में नहीं लगा था, जिसको मीसा के अन्तर्गत पकड़ा गया है और जिसकी आजादी छीनी गई है।

अगर निष्पक्ष ढंग से देखा जाये, तो हमका जबाब यह होगा कि जो लोग पकड़े गये हैं, वे सचमुच में टोड-फोड या तस्करी के काम में लगे थे, जो मिलावट कर के देश के नागरिकों के जीवन के साथ खिलवाड़ कर रहे थे, जो लाखों करोड़ों रुपये देश में बाहर भेज रहे थे, जो करो की चोरी कर रहे थे, जो तरह तरह के नारों से लोगों को भड़का रहे थे। मीसा के अन्तर्गत जिन लोगों की आजादी छीनी गई है, ये वे लोग थे, जो विदेशी ताकतों के हाथों में कठपुतली बन कर हिन्दुस्तान में केअस पैदा कर के यहाँ की जम्हूरियत को समाप्त करना चाहते थे।

*Published in Gazette of India Extraordinary, Part II, section 2, dated 13-8-1976

†Introduced with the recommendation of the President.

आज जेलों में वे लोग पकड़े हुए हैं, जो अपने देश की हुकूमत के प्रति बफादार न रह कर दूसरे देशों के हाथों में खेज कर हिन्दुस्तान के हित पर आघात करना चाहते थे।

आज शिकायत की जाती है कि मीसा के द्वारा हिन्दुस्तान के नागरिकों की आजादी छीन ली गई है। आजादी उन लोगों की छीनी गई है, जिन्होंने यह नारा लगाया था : Boycott of schools and colleges and examinations for one year; 'Gherao' of MLAs to force them to resign their membership of the Assembly; social boycott of MLAs.; formation of a parallel assembly; paralysing of work in Government offices; no-tax campaign; boycott of courts; establishments of parallel governments and parallel courts—Janata Sarkars and Janata Adalats; and incitement of Armed Forces, police and government servants.

जिन लोगों ने यहां समानान्तर सरकार और समानान्तर अदालत बनाने का नारा लगाया था, जिन्होंने पुलिस, फौज और सरकारी कर्मचारियों को सरकार के आदेश न मानने और आफिस में काम न करने के लिए उकसाया था, केवल उन्हीं की आजादी मीसा के अन्तर्गत छीन ली गई है।

अध्यक्ष महोदय, मैं आपसे पूछना चाहता हूँ कि यदि आप के हाथ में हुकूमत चलाने का काम, देश की सुरक्षा और ला एण्ड आर्डर कायम रखने का कार्य हो, तो क्या आप ऐसे लोगों को स्वच्छन्दतापूर्वक कार्य करने की इजाजत देंगे, जो हिन्दुस्तान की आजादी को खतरे में डालना चाहते हैं। मैं कहना चाहता हूँ कि जो लोग मीसा में पकड़े गये हैं, वे इसी लायक थे। वे देश में बगावत की आग भड़का रहे थे।

लोग पूछते हैं कि मीसा ने देश को क्या दिया। मैं कहना चाहता हूँ कि उसने देश को एक अनुशासित जीवन दिया। पहले कुछ लोग कहते थे कि आज का विद्यार्थी पढ़ना

नहीं चाहता है, टीचर और प्रोफेसर स्कूलों और कालेजों में क्लासिज नहीं लेना चाहते हैं और वे सब बगावत पर उतारू हैं। मैं विरोधी दल से यह पूछना चाहता हूँ कि आज वही विद्यार्थी, टीचर और प्रोफेसर शान्ति के साथ अपना काम क्यों कर रहे हैं। इसका कारण यह है कि वास्तव में उन लोगों के दिलों में विरोधी दल के नारों के लिए कोई जगह नहीं थी।

अंग्रेजों के राज्य में भी जब देश में सैकड़ों आदमी काले पानी की सजा भुगत रहे थे और अंग्रेजों के अत्याचारों का शिकार हो रहे थे, तो देश की आम जनता और विशेषकर युवा-वर्ग हिन्दुस्तान की आजादी का प्रतीक तिरंगा झंडा लेकर, "बंदेमातरम्" गाता हुआ अंग्रेजों की पुलिस और फौज के सामने अपना सीना तान देता था। हिन्दुस्तान के जो राजनेता यह कहते थे कि हिन्दुस्तान की जनता उनके साथ है, हमने देखा कि मीसा के लागू होने और इमर्जेंसी डिक्लेयर होने पर वे अकेले रह गये और उनके साथ नारे लगाने वाले पता नहीं कहां चले गये। देश के लोग उनके साथ नहीं थे और उन्होंने उनको अपना सहयोग नहीं दिया, क्योंकि वे विदेशी ताकतों के इशारे पर नाच रहे थे और हिन्दुस्तान में पालिटिक्स आफ कैंग्रेस चला रहे थे। मीसा के कारण ही सरकार पूंजीपतियों के घरों से करोड़ों रुपये, हीरे-जवाहरात और मनों के हिसाब से सोना-चांदी निकालने में सफल हुई है। इससे पहले ये लोग कोर्ट की शरण लेते थे और तरह तरह के बहानों से जमानत पर छूट जाते थे। जमानत पर आने के बाद अगर उनका एक लाख रुपया खर्च हुआ तो तस्करी, मिलावट, प्राफिटियरिंग और ब्लैक मार्केटिंग के द्वारा करोड़ों रुपये वे फिर पैदा कर लेते थे। कानून कमजोर पड़ गया था। मीसा ने अदालतों को और कानून को यह ताकत दी कि जो नाजायज तत्व जनता का शोषण करने वाले और मिलावट करके नागरिकों की जिन्दगी के

[श्री हरि सिंह]

साथ खिलवाड़ करने वाले थे उनको बन्द किया जा सके। अगर हिन्दुस्तान में जम्हूरियत को कायम रखना था और प्रजातन्त्र को चलायाना था तो मीसा बहुत आवश्यक हो गया था। जैसे ही एमबेसी और मीसा लागू हुए हिन्दुस्तान के अन्दर हर क्षेत्र में चाहे वह धार्मिक उद्गादन हो, शिक्षा हो, टैक्स वसूलवाची का काम हो या और दूसरे काम हों चारों तरफ तरक्की दिखाई पड़ती है। सरकार की जो योजनाएं बीसों साल से डंडी पड़ी हुई थीं जिनके अन्दर उत्सव के लक्ष्यों की पूर्ति करना मुश्किल हो रहा था उन्हें पूरा कर लिया गया।

पिछले दिनों में यहां जो ट्रेड यूनियनों के लीडर थे उन्होंने नारा लगा दिया और रेल कर्मचारियों को भड़का कर तोड़ फोड़ लूट मार और हिंसा की कार्यवाहियां शुरू करवा दीं। एक कैंपस का वातावरण पैदा कर दिया। जो लायल बर्कर गाड़ी चला रहे थे उनके ऊपर तेजाब फेंक कर उन्हें जला दिया गया। जब ऐसी स्थिति हो तो क्या कोई सरकार चुप बैठ सकती है? कोई सरकार यह कहे कि हम हुकूमत चला रहे हैं और हिन्दुस्तान के अन्दर हर विभाग में ये चीजें घट रही हों तो फिर वह सरकार किस काम की? आखिर सरकार की क्या जिम्मेदारी है? जो सरकार कहती हो कि इन प्रजातन्त्र चनाता है, आखिर प्रजातन्त्र चनाने के लिए देश की रक्षा बहुत जरूरी है। जब देश नहीं रहेगा तो प्रजातन्त्र कहा में अ.ए.गा? ऐसे लोग जो टोटल रेबोल्यूशन की बात कर रहे थे, जो हिन्दुस्तान के अन्दर सम्पूर्ण क्रान्ति का नारा दे रहे थे, वे चाहते क्या थे? और तो और, एक मज्जान थे कोई सेबक मिला साइब, वह यहां से भाग कर चीन चले गए। सरकार के विरुद्ध अहंकार करने के लिए और श्री जय प्रकाश नारायण तथा उनके साथियों ने उनसे सम्पर्क स्थापित किया और इस बात का इन्तजार करने लगे

कि वहों से क्या मुनाफा पड़े है हिन्दुस्तान की सरकार को पलटने के लिए। उनको धाय क्या कहूँगे? क्या ऐसे साथियों को धाय छूट देंगे कि वे आवाज होकर हिन्दुस्तान के अन्दर क्रान्ति का वातावरण पैदा करें और लोगों को लड़काएं। एक तरफ तो यह कहते हैं कि हिन्दुस्तान के लोगों को खोजन नहीं मिलता है, मकान नहीं मिलता है, पहनने को कपड़ा नहीं मिलता है, दूसरी तरफ यही लोग देश के अन्दर तोड़ फोड़ और हिंसा की नीति चला कर चाहते थे कि लोगों को ये चीजें न मिल पाएं। तो यह चीज कैसे चलने दी जा सकती थी? प्रजातन्त्र के अन्दर लोगों की भी बहुत जिम्मेदारी होती है और डिस्प्लिन भी बहुत आवश्यक है। विरोधी दलों के लोग कहते रहते थे कि डेमोक्रेसी छतरे में पड़ गई है लेकिन मैं कहना चाहता हूँ कि डेमोक्रेसी के लिए डिस्प्लिन बहुत आवश्यक है। महात्मा गांधी जो बड़े ही आदर्श पुरुष थे संसार के अन्दर, उन्होंने कहा था —

“A born democrat is a born disciplinarian. Democracy comes naturally to him who is habituated to yield to willing obedience to all laws, human or divine. Let those who are anxious to seize democracy qualify themselves by satisfying first the acid test of democracy—discipline.”

महात्मा गांधी जो पाठक थे स्वतंत्रता; उन्होंने भी यह कहा है कि अगर नागरिक प्रजातन्त्रता को भांगना चाहते हैं, प्रजातन्त्र में रहना और घूमना चाहते हैं, प्रजातांत्रिक जीवन को अपनाना चाहते हैं तो उनको अनुशासन में रहना होगा और विरोधी दल के लोग कहते थे कि अनुशासन को खत्म कर दो, हमको स्वतंत्रता दे दो, तो आखिर ये दांढरी बातें कैसे चलेंगी? इसलिए मैं कहना चाहता हूँ कि देश के अन्दर मीसा बहुत आवश्यक हो गया था। हमारे विद्यार्थी परिषद् या राष्ट्रीय स्वयंसेवक संघ के लोग कहते थे कि मुस्लिम तो इन्टीरियर किस्म

के नागरिक हैं, वे बकादार नहीं हैं और यहीं नहीं वे चलते चलते शीकुल्लह कास्ट तक भी पहुंचते थे। वे कहते थे कि वर्ण-व्यवस्था ही देश में चलनी चाहिए। वर्ण-व्यवस्था का रूप आपको भालूम है कि हम जिस क्लास से आते हैं उस क्लास के लोग सड़क पर चल ही नहीं सकते थे। जनसंघ ने एक पैरामिलिटरी फोर्स बना ली थी और हिन्दुस्तान के अन्दर खून खराबी करने की तैयारी कर ली थी। उनके यहां यह हालत थी कि रुपया नुस खजिना में दो, उसकी कोई रसीद नहीं मिलेगी, उसका कोई एकाउंटिंग नहीं होगा। सिर्फ सर संघ वालक उस रुपये की गिनती कर सकते थे। कोई आदमी रुपया दे, उसकी कोई गिनती न हो यह क्या है? तो इन्होंने मजबूर कर दिया हमारे देश की सरकार को इस तरह का कदम उठाने के लिए और मैं तो कहना चाहता हूँ कि हम खुशामसीब हैं, खाम तौर से जिस वर्ग से मैं आता हूँ वह वर्ग तो बहुत ही खुशामसीब है कि देश को श्रीमती इंदिरा गांधी जैसा प्राइम मिनिस्टर मिला है जिनकी सूझबूझ, जिन के अमली ज्ञान और हिन्दुस्तान की मुहब्बत ने इस देश को और अजातन्त्र को बचा लिया। आप जानते हैं कि हिन्दुस्तान आज समानता की ओर जा रहा है। आज उनकी हुकूमत और उनके नेतृत्व में यहां के इंसान का प्रतिदिन का वेतन भी बढ़ रहा है और हिन्दुस्तान की आजादी भी बढ़ रही है। हिन्दुस्तान की साख मारी दुनिया के अन्दर बढ़ रही है इसलिए कि हिन्दुस्तान में एक स्टेबल गवर्नमेंट है। आज दूसरे देश के लोग यकीन करते हैं कि हिन्दुस्तान में अन्दर मजबूत सरकार है। आप जानते हैं कि हिन्दुस्तान पहले रेल का इंजन भी कनाडा और अन्य देशों से मंगाता था। लेकिन आज हमारे बनारस में बना हुआ इंजन तजानिया जैसे देशों को जा रहा है।

जब अंग्रेज यहां से गए थे उस समय अखिल ने पार्लियामेंट में बोलते हुए एटली

से कहा था कि अगर हिन्दुस्तान को आजादी दे दी गई तो सिवाय बाटल के पानी के हिन्दुस्तान के लोगों को और कुछ खाने-पीने को नहीं मिलेगा। उसने यह भी कहा था कि हिन्दुस्तान के करोड़ों इंसानों की मौत का पाप भी इसके बाद तुम्हीं को लगेगा। लेकिन कांग्रेस के कुमल नेतृत्व ने अखिल के इस कथन को झुठला दिया। आज सब को यहां भोजन मिलता है, कपड़ा मिलता है और आज हम समानता की ओर बढ़ रहे हैं, इन्क्विटी की ओर जा रहे हैं, लोगों की उमंग और आशा का अंदाज नहीं लगाया जा सकता। यह इसलिए संभव हुआ कि श्रीमती इंदिरा गांधी और कांग्रेस के सबल हाथों में देश के शासक की बागडोर है। विरोधी दलों को चूक सता नहीं मिली है इसलिए ये चिल्ला रहे हैं।

आखिर में मैं यह कहना चाहता हूँ कि यह जो मिसा की अवधि बढ़ाने का प्रश्न उठा यह क्यों उठा? हमारे यहां के कुबेर साहब माननीय सुरेन्द्र पाल सिंह जी बैठे हुए हैं, वे जानते हैं कि मुख्य मंत्री के यहां प्राथम-पत्र गुजरने पर हमारे यहां के एक नेता पैरोल पर छूट कर आए। लेकिन पैरोल पर आने के बाद उन्होंने कितना बड़ा एक क्लेडे-स्टाइन आन्दोलन शुरू कर दिया। उन की जो योजनाएं और धन्धे थे वे सके नहीं। काला घन देने वाले उन के पास पहुंचे और उन्होंने फिर आन्दोलन शुरू कर दिया। तरह तरह की गुप्त किड़ियां और इश्टिहार निकलने लगे। वहाँ से इस तरह के इश्टिहार और आग लगाने वाले लिट्रेचर आज भी देश में बंटते हैं। इसलिए भी मिसा की बढ़ाने की आवश्यकता है।

मैं कहना चाहता हूँ कि मिसा के अन्दर जो लोग पकड़े गए हैं उन में राजनीतिक पुरुष बहुत कम हैं। उन की संख्या गिनती में न के बराबर है। पकड़े कौन गए हैं? स्पन्लस, ब्लेक मार्केटियर्स, मुनाफाखोर,

[श्री हरि सिंह]

जो दूसरे देशों में अपना हिस्सा रखते थे, जिन के यहाँ लाखों रुपये का धोना चाँदी यहाँ हुआ मिला है, ऐसे लोग पकड़े गए हैं। अगर इन को फिर छूट दे दी गई तो आप जानते हैं हिन्दुस्तान के अन्दर जम्हूरियत खतरे में पड़ जायगी। हिन्दुस्तान में जो प्रगति के कदम चले हैं, जो अनुशासन की लहर दौड़ी है उस को फिर क्षति पहुँच जायगी। इसलिए सरकार ने जो यह कदम उठाया है कि मिसा को और मजबूत बनाया जाय और इस की अवधि एक साल के लिए और बढ़ा दी जाए यह बहुत ही मनासिब है। अगर हिन्दुस्तान के अन्दर नगे, सूखे इन्सान को रोटी, कपड़ा और मकान दिलवाना है तो यह बहुत आवश्यक है और जनता इस का बहुत स्वागत करती है। इन शब्दों के साथ मैं इस का समर्थन करता हूँ।

SHRI INDRAJIT GUPTA (Alipore):
Mr. Speaker, Sir, it is agreed on all sides of the House that the Maintenance of Internal Security Act is not an ordinary law; it is an extraordinary law. It is not a normal piece of legislation; it is an abnormal piece of legislation which had been necessitated last year by a certain specific set of circumstances which arose. Since this has been discussed and debated in this House so many times, I do not wish to repeat all those things again.

Sir, I think it is rather unfortunate that a legislation which is such an extraordinary legislation should be brought up here in every session of Parliament for further and further amendment. We should have done with it once for all rather than that every session, Government should come forward, sometimes two or three times in the same session, with further and further amendments. I don't think this is a very happy state of affairs. The present amendment, of course, is brought forward pursuant to the Presidential Ordinance which was promulgated in the inter-session

period on the ground that unless this period is extended further by another 12 months, all the detenus under MISA will have to be released since they cannot be held in detention. Now my party obviously cannot take a position saying that let all these people who are in detention be released. I am quite conscious of the fact and I am quite convinced of the fact that many people who are in detention should not be there. At the same time, I am quite conscious of the fact that in the situation which developed since last year, there are many people, whether they are RSS or Anand Marg people or profiteers, black marketers or speculators or hoarders or other type of people belonging to the proscribed organisations, who obviously cannot certainly be let loose because the situation is not yet normalised;—by "situation," I mean the situation of threat and danger to the country whose fountain-head is not in this country but whose fountain-head is somewhere outside.

So far as the forces, which were trying to bring about destabilisation are concerned, I do not consider them to be anything very much except pigmies. The trouble is that there was a big power and big forces who were trying to inspire them and assist them and bolster them up from outside. I do not wish to go into this in every session, but we can see what is happening again at the Diego Garcia Base which is now being activated. So far we had heard that it was being built and constructed. Now we read reports about its having been activated. Already, it is being used for intervening in various internal affairs of certain African countries and so on.

Two days ago, Mr. Kissinger visited Pakistan and again some sort of negotiations are going on for the transfer or sale of further sophisticated aircrafts which are of an offensive type, fighter aircrafts of the latest type, in defiance of the American assurance that they would supply only defen-

give type of weapons to this region because that is not what the newspaper account now reveals. Whether other Members agree with it or not, we have got our own understanding that last year's developments were there by no means unconnected with the threat which was developed from outside; it has not yet by any means disappeared or receded.

Therefore, my party does not take this stand that everybody should be released immediately. At the same time, as my friend Mr. Banerjee tried to say the other day at the stage of the introduction of this Bill, is there not any obligation on the part of the Government to take the House into confidence when they come forward with a fresh amending Bill, and give some sort of factual review here of how MISA is being implemented? We are told nothing. I raised this last time also in the last session. Should there not be some sort of a general review? This is an extraordinary piece of legislation and not an ordinary one: should we not be told, for example, what is the sort of proportion of the different categories of people who have been held under MISA? There are some who have been held for economic offences like hoarding and black-marketing and so on, though most of them are probably held under the Defence of India Rules and not under MISA; then there are some who are supposed to be Members of certain banned organisation, there are others who may be held on account of some specific acts of violence and sabotage or something like that: should we not be told anything? Are we not to know at all how this thing is being implemented and how many people have been released on the basis of executive reviews which are supposed to be carried out every four months? We don't know anything. When you come to the House, asking for the approval of the House for further extension of the Act or for further amendments to the Act, should the

House not be taken into confidence and given some sort of a review at least of how it is operated? Because, I do feel, and my Party feels, that some dangerous tendencies are also developing and these dangerous tendencies, to my mind, are inherent in any legislation of this kind, unless there is a proper check and unless vigilance is maintained, because tremendous powers are being given under such a piece of legislation to the Executive and to the Bureaucracy which is actually to implement all this in such a big country, in all the States, at all levels. I shall presently show that the last time we amended this Act, i.e. in January this year, the Hon. Minister sitting opposite me had admitted this fact in so many words that there is a possibility of misuse, that there is every chance of misuse and so on. But what I am submitting now is that that was in January and this is August, and during these six months, experience has shown us that the misuse of these powers under MISA is gradually on the increase and not on the decline. And once the position has been taken by Government or the responsible people representing Government before the highest court of this land, once the position has been taken publicly that there is no remedy against *malafide* detention so long as emergency lasts—because it was the position taken in so many words before the Supreme Court that, so long as Emergency lasts, under the MISA as it stands today, there is no remedy even against *malafide* detention, once that position has been made clear, I apprehend—(and experience has borne out the apprehension)—that the tendency towards misuse of MISA powers by the bureaucracy is not declining but increasing.

SHRI N. K. P. SALVE BETUL: For example?

SHRI INDRAJIT GUPTA: There are so many examples: I am coming to that. Of course Mr. Salve will appreciate that, as far as the voting

[Shri Indrajit Gupta]

goes, my Party is in a very difficult position. We cannot vote for this Bill because, as I will show you presently, we cannot vote for this Bill when such large numbers of our people are locked up under MISA. They are my comrades and they are behind bars and will remain behind bars; can I then vote here for extending this Act? I cannot do it; I have something like a conscience also. On the other hand, I cannot vote against this Bill either because, voting against this particular Amendment means, as I understand it, that all the people who have been detained must be released irrespective of anything and must not be held in detention. I cannot support that position also: I am being quite frank. Therefore, when it comes to voting, we will abstain: we will not vote either for or against it. I wanted to make that position clear.

Now, as I said, a dangerous tendency is developing and there is no safeguard, as I see it, against any *malafide* detentions whatsoever. With your permission, if I may quote what the Home Minister said in the House on the 22nd January, this is what he said:

"...it is not correct to say that this absolute power which you think is absolute, which in my opinion is not absolute, is given to all kinds of petty officials; it is only given to the Central Government or to the State Government or to the district magistrate or a police commissioner or an additional magistrate specially empowered. Therefore you would see that we are aware that there is a possibility of this power being non-used or misused. Those of us who are in public life have seen detentions before for much longer times. We know how this can be misused. Therefore it was our particular attempt to see that powers were given to certain types of officers who could not generally be expected to be careless or do any-

thing in a cavalier fashion. It does not mean also that there will not be some cases where they could have been misused. I am not taking any brief for them. On the other hand I should say from the floor of the House that in all such cases where officers in the discharge of duties, for any *malafide* reason or for other reason, try to do certain things which are not justified by circumstances, action will certainly be taken either by the State Government or the Central Government. As you are aware, the Prime Minister in the earliest of her letters written to the Chief Ministers said: please look into this yourself, personally; you must head the committee which reviews detentions; you may take in other members; you may take ministers or other senior officers. She said: those cases must be reviewed and seen by the Chief Ministers personally if possible, or at least by a committee, an impartial committee".

MR. BRAHMANANDA REDDY said all this in January. He also said:

"The detaining authorities take into custody only those persons who are found or who are anticipated to be dangerous to the life of the community"

"It may be that there are certain lapses, it may be that there are certain shortcomings, it may be that there are certain failings, but it is not that I am trying to defend anybody who does it, whether it is an officer or a bureaucrat or any man in high authority who does anything on the ground of *malafide* reasons. Certainly not. Government have no intention of trying to support or defend any *malafide* action."

I think this was quite a categorical assurance given six months ago. Now, let us see some examples of what is going on now. On the 24th June a letter was addressed to the Hon. Home

Minister by Shri Jagannath Sarkar, Secretary of the Bihar State Council of our Party, enclosing a list of 17 important people. Some of them are Members of various District Councils, some are Trade Union leaders, some are Secretaries of local Committees in various Districts like Champaran, Gaya, Bhagalpur, Saharsa, Purnea and so on. Now, Mr. Sarkar had stated in his letter:

"In almost every case, the cause of detention is the displeasure of landlords and local officials because CPI workers are firmly demanding implementation of the 20-point programme, opposing landlord violence, raising the morale of the Harijans, tribals, poor peasants and share-croppers etc."

There are 19 other people, whose names have been supplied many times to the Government, in Madhya Pradesh, including six people from the coal-fields in Chhindwara. These are merely Trade Union people. Then, there are seven people from Haryana including some Members of the Haryana State Council, the General Secretary of the District Youth Federation, the President of the District Kisan Sabha, the General Secretary of the Haryana Youth Federation etc

In Rajasthan, Mr. Darshanlal Koda, a Member of the Ganganagar District Executive of the CPI. In Himachal Pradesh—detained from the beginning of the Emergency—Mr. Anwar Ali Khan, Secretary of the Himachal Pradesh Youth Federation. In Gujarat, two cases of arrests under MISA. In U.P., the District Secretary of Sitapur, of our Party, Mr. Chhotey Lal; many Congress friends know him well, they know what a dedicated person he is, how many times attempts have been made to get him murdered by the local landlords. This person, Mr. Chhotey Lal, was also arrested under MISA. Luckily, the Chief Minister there happens to know very well what is going on in that area, and after some intensive representations to him Mr. Chhotey Lal has recently been released. But the point is, why was he arrested at

all. There is a big Talukdari there; there is the Talukdar of Ramkot, who has been trying all along to see that this man is not only put behind the bars but, if possible, physically exterminated. These are people dangerous to the life of the community! That is the trouble. Anybody who, goes and tries to organize these people—the Harijans, the tribals, the poor landless people, the agricultural labourers, the share-croppers—to say that this is what the 20-point programme means for them and if it is not being implemented, they should organize themselves and try to get it implemented, is dangerous to the life of the community! Do you expect us to support this Bill in a blanket fashion when this kind of thing is going on? We cannot do it.

All these cases are there. I do not wish to take up more time on this. Mr. Banerjee, the other day, referred to the cases of certain defence factory workers: all members of the All India Defence Employees Federation, which has been doing such excellent work, such patriotic work from the beginning of the Emergency, which has done excellent work every time our country has been threatened....

SHRI N. K. P. SALVE: Obviously, you are not fully informed. The six men who have been arrested in Chhindwara coal area, happen to belong to my constituency; I know them very well. I wish you speak something about them.

SHRI INDRAJIT GUPTA: I know that. Nearly one thousand people—nine hundred and something—were first arrested, not all under MISA, in Chhindwara area. I know what I am talking. You tell me if it is a case for MISA. This is a public sector mine where, contrary to all norms laid down, the management unilaterally, without any discussion with the Union, wanted to change the entire system of shifts and duty-hours and because the workers protested against that, these people are put under MISA. What kind of industrial relations are going to be developed in the public sector?

SHRI N. K. P. SALVE: You are, obviously, not informed of this.

SHRI INDRAJIT GUPTA: I am not yielding. When he speaks, he can throw light on that and justify all MISA arrest, if he wants....

SHRI N.K.P. SALVE: I was referring to Chhindwara.

SHRI INDRAJIT GUPTA: I would like the Minister to look into these cases also of the Defence employees—four of them in the Ambarnath factory, two in the Katni Ordnance Factory, one in Fort William, Calcutta; I have just received information that, on the 11th of this month, that is, two days ago, Shri V. P. Sonar, General Secretary of the Ordnance Factory Union at Varangaon has been arrested under MISA....

AN HON. MEMBER: Avadi also.

SHRI INDRAJIT GUPTA: Included in these are Avadi, Ambarnath, Katni, Fort William and Varangaon—so many defence factory workers. Always when the question comes up here of defence production, all praises are showered on these people, on the Union and on the Federation, by no less a person than the Defence Minister, and quite correctly. But the officers do not like active trade-unionists. That is the whole trouble. I have been seeing it over so many years; I have been seeing it in the Railways; any person who is an active trade-unionist is not liked by the officers. Surely, a trade-unionist's job is not to keep quiet only. He has to represent the grievances of his members, he has to go and meet the officers and talk to them; sometimes he may be entering into arguments with them, but they do not like it. They think that here is an opportunity now under conditions of Emergency, where such and such persons can be removed from the scene and then they would not have any more trouble. That is what is happening. The landlords think in one way, some employers are thinking in the other

way and I am sure that some public sector managements also think in the same way.

I do not wish to mention names and perhaps some friends on that side would start protesting inside the House at least, outside they may not. I do not say this in a party spirit. I have names also, but I am not going to tell them. I know that in many States Congress people are also being detained under MISA; some may be deservedly so, I do not deny it, but some are also cases of certain rivalries, or factional group quarrels, or likes and dislikes and all that. Some people try to get some other people arrested. This is not a very rare complaint, it is quite a widespread complaint if one knows about it. The Minister always says, and I am sure he will repeat it today also and he said it last time also: Mr. Indrajit Gupta, you are only reading the list of your party people, but then my party people are also being arrested; we arrest them without discrimination, we do not bother about parties. I say that is right, but in the matter of locking up innocent people also, you do not observe any discrimination—there I agree. I think, some hon. Member here last time raised the case of one Shri Udit Narain Sharma in Uttar Pradesh. I do not know what he was doing and how he was dangerous to the life of the community. I know, he wanted a Congress ticket in the last elections; he did not get it and stood as an independent. I know also that he was a Minister three times in Uttar Pradesh in three different Ministries. In Hamirpur why this man of seventy years is locked up under MISA, I do not know. I have a suspicion that it has something to do not so much with his so-called anti-national activities, but with the fact that he is involved in some kind of group quarrels and rivalries. These things should be looked into. There are more people like him.

Then, there is one Shyam Narain Tiwari in Gerakhpur. I do not know

what the police file says about him, but I know about him. Originally, he was in the undivided Communist Party. When the party split, he went with the CPM. Later, he left CPM and joined the Naxalites, and now he has left the Naxalites and has come back to us eventually after making the full circle. I am not hiding anything. He has come back like many people who are coming to your party and whom you take with open arms; gates are wide open to them. All that they have to do is to make a declaration. Shri Shyam Narain Tiwari is locked up under MISA and you may say that in your files, you still mark him as a Naxalite. On the other hand, there are a number of people abroad, who I think, by these standards should have been locked up, but nothing is done to them. They are notorious, big smugglers and such other people. I do not know, if it is right for me to mention names here.

I can give you one example of Shri Jagannath Sarkar's letter to which I have referred earlier. He has pointed out the attitude and he refers to Bihar—towards people belonging to those parties who were last year trying to work up this kind of movement against Government in order to overthrow the Government. I am not just making a comment, but you may see the figures. Congress (O)—arrested 61 under MISA in Bihar; and released, 41. That is good, I do not mind if they are released, but this kind of attitude is not shown in respect of our people. Proportionately, you see the difference. Jan Sangh—arrested 563 and released 145; Socialist Party—arrested 363 and released 219; BLD—arrested 388 and released 186. So far, the attitude of the Government in relation to these parties who were votaries of the total revolution is proportionately softer than it is towards these people who go about doing such regrettable things as trying to organize landless agricultural labourers and Harijans and people of that kind. They can never be forgiven; these people can be forgiven. This is my complaint.

Therefore, I do not wish to take up much more time. All that I wish to say is that these assurances which the Minister gave and which I have quoted, have, by and large, proved to be fruitless. There has been no improvement. On the contrary, there has been a worsening in the situation as far as those forces who are sincerely co-operating with the 20-point Programme and who want to get it implemented down below at the grass-roots level, those people who last year fought against Jayaprakash Narayan's movement four-square risking everything are concerned. This MISA is being used more and more against those very forces. Then what is the purpose of it? What is the whole purpose of this emergency? That is why we cannot support this Bill.

It also proves that that theory of the Minister that because only officials of a certain level have been given the power and that, therefore, there are sufficient safeguards, have not been proved true to my experience. It is not that they are irresponsible officers. Not that, but they have a certain kind of approach and bias. They have a kind of sympathy with certain types of vested interests, particularly, in the countryside. When it is a question of a complaint by a landlord against some Harijans or against the agricultural labour, then many of these officers, not all, their sympathies, the way they have been brought up, the way they think, the kind of outlook they have, instinctively make them sympathetic towards the landlords and not towards the tenants. Therefore, they behave like this. Therefore, the need for a better review. Therefore, I am proposing once again to you: since you go on amending this every time, please bring it once again sometime for amendment and put back and restore in this Act at least that provision which was there for so many years, of that Advisory Board. Why does it upset the Government so much, I do not understand? It is a provision in the legislation for an

[Shri Indrajit Gupta]

Advisory Board, a Board to which all cases of detenus have to be referred within a prescribed time limit, an Advisory Board composed of some eminent Judge or an ex-Judge or somebody and two or three people like that, impartial people, going into those cases and giving their advice to the Government. The Government need not accept their advice. It is not made public. The Government need not accept their advice. It can accept or need not accept. But let the detenus have a feeling at least that possibilities of *mala fide* detention will be reduced by the scrutiny at least of an Advisory Board which has a place inside the statute as it always did. Now you have removed that also. I say experience proves that it is very necessary to have this kind of a provision because every thing else is out. They cannot go to the courts. They have not been supplied with the grounds of detention. All those things we have already done. At least let there be an Advisory Board. What is wrong with it? Heavens will fall? The security will get prejudiced? You cannot prevent Mr. Subramaniaswamy from entering into the Raya Sabha under the very nose of so many guards and policemen, speaking in the House and after raising a point of order going away. I must congratulate him on his boldness. I must say. But this is the kind of security you have get: . . .

SHRI S. A. SHAMIM (Srinagar): Master performance.

SHRI INDRAJIT GUPTA: But I asked Mr. Om Mehta this morning: where are all your wonderful security arrangements? I would like to know. You see everyday I am challenged when I come here in the morning because I do not come in a motor car. If I come in a car, nobody will ask. If you come in a car, perhaps the security man at the gate is more tempted to salute you because you come in a car, but if you do not have a car. . . . (Interruptions) Mr. Ram-sahai Pandey, you do not know because you come in a car. But if you

come either walking or if you come in an autorikshaw, it is very unbecoming for the dignity of an MP and he will stop you everyday and peer at you like this. I do not know why he peers at me. He cannot recognize me. He is an ordinary police constable from Haryana or somewhere. But they cannot prevent a gentleman against whom there is a warrant, whose passport has been impounded, who has spent a year abroad carrying on malicious propaganda against this country and he returns somehow to this country—I do not know when he landed and at which airport he landed and how he got through I do not know—enters here, goes into the House, raises a point of order and goes away. And after he has gone away, Mr. Om Mehta discovers that he was here. This is the kind of security you have. Why all your wrath is vented on these poor MISA detenus—I do not understand. . .

SHRI R S PANDEY (Rajnandgaon): It shows how generous we are.

SHRI S. A. SHAMIM: It shows only how inefficient you are

SHRI INDRAJIT GUPTA: I conclude by saying that the hon. Minister should look into these matters much more seriously and in much more depth than he has done in the past. He is just content to pass some orders and give assurances here which are never honoured. Therefore, this is an unsatisfactory state of affairs where these powers are being mis-used against the forces which are working to support the emergency and the 20-Point Programme. How do you justify that? That is my point. So long as that continues we cannot support this Bill. We are not going to vote against this either, because such a vote would signify everybody's release from jail. That also we are not prepared to countenance at this stage. You have put us in a difficult position as far as voting goes. But as far as our stand goes, we have made our point clear.

SHRI R. K. KHADILKAR (Barasmal): After a long time I am opening my lips. I have been here for 20 years or so and for quite a number of years I have been sitting in the opposition.

I am rather inspired to speak today for one reason. Every year I am going to appeal to him for his consideration. He is going to bring a Bill and we are going to pass it with some criticism. In this country we have a hangover of the past where agitations were continuing, strikes were continuing, students agitations were there. Do you want to bring that state of affairs after one year? This is one thing.

In a case like this, I am going to appeal to the Minister. He must look at it from socio-political angle and not from party angle. We are not going back to the 'soft state', hang-over of the past, liberal past. At the present juncture if you want to make any progress and if you want to implement 20-point programme sincerely and honestly, it is not easy to implement under the present arrangements, unless we have got certain repressive measures at our disposal. I am going to ask the Home Minister whether he or the Government is considering a sort of permanent change where the repressive measure or certain repressive machinery is ready. It is not a question as he put it against you and I. I am looking at it from socio-political angle and national angle.

I must tell you frankly—we are not in a position to go back to the original or former state of affairs. We have entered a new era altogether. In the new era, every year to come back with a Bill, listen to the criticism, their abstention and to keep quiet or to look to some grievances is a ritual. No. You must think of some machinery to remove the fear in the minds of the people. You must convince the House in this regard.

I have been sitting in the Central Hall. Quite a number of people are

satisfied with the present state. They talk in a whispering tone and not openly. Therefore, this atmosphere of fear must go away, must be removed. To remove that we must have a permanent machinery.

It is not a question of liberation. It is a question of removing anti-social element. I am looking at it from this angle. Irrespective of any party we belong to, we should look at it from this angle, otherwise this will give an opportunity to the opposition to attack you and the Government. I must appeal him—this is not a question of a party. I have been working for a number of years in the working class. In the working class there are quite a number of people who are practising economism in the name of the party.

SHRI INDRAJIT GUPTA: You do not change parties.

SHRI R. K. KHADILKAR: I have not changed the party.

I went there in 1962. I made a statement. My job was to write manifesto. Shri Indulal Yagnik also used to write manifesto. For 12 years I was outside the Congress. For 12 years we used to write manifesto to the opposition saying—by sort of creating popular sanction we will be able to throw the Government out. But I have lost that faith. I must tell you frankly. I told this at a meeting in the party that it is time when we think of some sort of removal of social injustice and imparting education. Let us be very frank. I must tell Mr. Indrajit Gupta about this. One of his comrades who was with me in the trade union died. No worker came forward to contribute to his memorial while I came forward with my contribution. We as trade unionists got Rs. 14 lakhs to the union. But even 14 naya paise they were not prepared to contribute to him. This is the position. Since then I told them 'I will not serve you'. I came to the conclusion that mere economism, benefiting this man or removing this man, is a

[Shri R. K. Khadilkar]

different thing. They must be told to do some social work. When there is any natural calamity they must come forward. There was an earthquake near Poona at Koyna. I asked them to give some money, but their response was not good. Therefore, I am telling the Law Minister that it is no use following this ritual of repeating the ordinance.

A time has come when we should remember that India should progress socially and economically. It cannot remain a soft State or in a static condition. It will have to have some teeth in it. If he thinks it is necessary, then, he must have some permanent machinery. You can take in other people, ask them to come forward and discuss it and make it permanent. But you should make this effort

I want to say here that a time has come when we cannot go back to the soft State idea. If you want to do this, you will have to keep on the statute-book a measure that will put an end to blackmarketing or smuggling or other anti-social elements whether the persons concerned belong to this party or that party. I do not like the whispering idea. I do not like it. I must support it or oppose it, because, it is my temperament. I am giving you support from this angle only

श्री राम भगत पासवान (रोसेरा) :

अध्यक्ष महोदय, माननीय गृह मंत्री जी हम सदन में जो मीसा अमेन्डमेन्ट बिल लाये हैं उसका समर्थन करता हूँ।

MR SPEAKER: Please continue after lunch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at three minutes past Fourteen of the Clock.

[Mr. Deputy-Speaker in the Chair]

STATUTORY RESOLUTION RE. DISAPPROVAL OF MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE, 1976.

MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL—contd.

श्री राम भगत पासवान : उपाध्यक्ष महोदय, किसी भी देश की प्रगति और सुरक्षा के लिये, वहाँ का ला एण्ड ऑर्डर मजबूत होना बहुत जरूरी है। जब से हमारे देश की आजादी मिली, देश की जो प्रगति हुई, उस के मार्ग में इन उपद्रवकारी तत्वों ने समय समय पर अनेकों बाधाये उपस्थित कीं, कभी साम्प्रदायिकता के नाम पर, कभी जात-पात के नाम पर, कभी किसानों को उभार कर और कभी छात्रों को उभार कर इन्होंने देश में भ्रष्टाचार का वातावरण पैदा करने की कोशिश की, लेकिन उस के बावजूद भी जब ये सफल नहीं हुए और इन्होंने देखा कि प्रजातन्त्रात्मक ढंग में प्रधान मंत्री जी का जो कार्यक्रम है, उस को दबाना सम्भव नहीं है तो इन्होंने छात्रों का, जो हमारे देश के भविष्य हैं, उन छात्र शक्ति का उपयोग किया।

उपाध्यक्ष महोदय, जहाँ तक बिहार का सम्बन्ध है—हमारे यहाँ छात्रों की जो प्रतिभा लुप्त हुई है—उन की पूति होना बहुत ही असम्भव है।

श्री जय प्रकाश नारायण अपने को सर्वोदयवादी कहते हैं लेकिन गांधी जी के शब्दों में 'सर्वोदय' का अर्थ है, गांव गांव में जा कर गरीबों के दुःखों को देखना और गरीबों की गरीबी को दूर करना।

जय प्रकाश नारायण जी ने बहुत बड़े नारे दिये लेकिन उन के नारों में लैड सीनिंग की कहीं चर्चा नहीं थी, जात-पात, जो हिन्दुस्तान का एक बहुत भयंकर रोग है, उस की

[श्री राम शयत राखवान]

कोई चर्चा नहीं थी, न्यूनतम मजदूरी की चर्चा नहीं थी। उन का नारा यही था कि बिछारियों समाज को उभारो, जहां एसेम्बली चल रही है, उस को बंध करो और जहां नहीं है, वहां कायम करो, फौज को भडकाओ तथा कम-चारियों को भडकाओ। इस तरीके से देश में एक बहुत खतरनाक वातावरण उपस्थित होने जा रहा था। प्रधान मंत्री जी ने ऐसे समय में बहुत ही सूक्ष्म दृष्टि में इस प्रजातन्त्र को बचा लिया।

उपाध्यक्ष जी, अभी हमारे सम्मुख बहुत से विकास के कार्यक्रम हैं। लैंड रीजलिंग का प्रश्न है। हम भारत में सामाजिक समा नता लाने जा रहे हैं, गरीबों को भूमि देने जा रहे हैं, उन के रहने के लिए आवास की व्यवस्था करने जा रहे हैं और वे बड़े बड़े पूजीपति जो इन का शोषण करते थे और जो अपने अत्याचारों से गरीबों को आज तक ऊपर नहीं उठने देते थे। उन लोगों के ऊपर भी अभी हाल में इस मीसा का इस्तेमाल किया गया है और उन लोगों को भी मीजा के अन्तर्गत ले लिया जाता है जो गरीबों को जमान के लिए भार देते थे। इस तरह से जो शोषण वे करते थे, उन में कुछ कमो हुई है।

अभी हम को अपने आर्थिक ढांचे को सुदृढ़ करना है। अभी कुछ साल पहले जो आर्थिक ढांचा ये प्रोफीटियर, ये बैंक मार्केटियर्स, ये हारडर्म उद्योग-पुद्योग किये हुए थे जिस से समाज में बहुत अशान्ति फैल गई थी, उन को इस मीजा के अन्तर्गत बन्द किया हुआ है। पिछले साल की और आज की समाज की हालत को हम देखें, तो पता चलेगा कि किस तरीके से यह जो इमर्जेंसी है, एक क्लैसिफिकेड हो रहा है। इसलिए मेरा ऐसा क्वाल है कि अभी अगर इन लोगों को छोड़ा गया, तो वे फिर बही उपद्रव करना शुरू कर देंगे और इस से आर्थिक सन्तुलन बिगड़ सकता है और हमारा जो प्रगति है, उस प्रगति

के मार्ग में बाधा उपास्थित हो सकती है। दूसरे देशों में जो देशद्वोही होते हैं, जो देश के प्रति कुठाराघात करते हैं, विश्वासघात करते हैं, उन पर कड़ी से कड़ी कार्यवाही की जाती है लेकिन हमारा देश महात्मा गांधी का देश है, गीतम बुद्ध का देश है, महावीर का देश है और पंडित जवाहर लाल नेहरू का देश है, इसलिए यहां उतनी कड़ी से कड़ी सजा तो नहीं है लेकिन यह भीजा एक ऐसा यत्न है, जिस यत्न के द्वारा वैसे फासिस्ट तत्वों और उपद्रव-कारियों के खिलाफ कड़ी सजा तो नहीं देते लेकिन उन पर यह प्रतिबन्ध लगाते हैं और उस के सहारे हम विचार कर सकते हैं और समाजवाद के मार्ग में जो रोड़ा है, उस रोड़े को हम हटा सकते हैं इसलिए मैं इस मीजा बिल का हृदय से समर्थन करता हूँ।

यह मीजा का बिल जो मंत्री महोदय लाए हैं, इसको कोई राजनीतिक दृष्टिकोण से नहीं लाए हैं। इस को मंत्री महोदय सामाजिक और आर्थिक दृष्टिकोण से लाए हैं ताकि समाज के अन्दर शान्ति का बत-वरण रहे।

उपाध्यक्ष महोदय, मैं यह कहना चाहता हूँ कि देश के अन्दर जो खूनमय और खूनी क्रांति ये लोग ला दिये थे, देश के अन्दर जो देश के रक्षक हैं, उनको जान लेने की इन्होंने प्लान बना ली थी, जिस के कारण हमारे स्व० ललित ना रायण मिश्र, भक्तपूर्व रेल मंत्री की हत्या की गई। जहां हत्या की गई, उस स्टेशन पर मैं भी उन दिन था और जो बम फेंका गया था, वह मुझे भी लगा था। उस से हमारा एक पाव खराब हो गया और हमारे दो साथी मारे गये और एक संसद सदस्य भी मारा गया। इस तरह से लोगों का जीवन बहुत खतरों में पड़ गया था। इसलिए सभी को पहचानते हुए, हमारी प्रधान मंत्री जो देश के अन्दर एमर्जेंसी लायी है उसका प्रभाव देश के विभिन्न वर्गों पर और विभिन्न स्थानों पर पड़ रहा है। इसको हम सब लोग जानते

हैं। इसीलिए सामाजिक दृष्टिकोण और
सांख्यिक दृष्टिकोण देशवा देस की एक प्रगत
की सुरक्षा की दृष्टि से जो यह मोसा बिल
जाया गया है इसका मैं समर्थन करता हूँ।

SHRI N. K. P. SALVE (Betul): I rise to give my unreserved and unqualified support to this legislative measure. I beg to submit that I did not have the slightest intention of participating in this debate, but I was provoked by the comments of some of the opposition members who, I find, are at the moment absent from the House and, therefore, decided to make a somewhat impromptu speech.

Not very detailed, long and elaborate elucidation is needed or required to establish the self-evident reality that this particular legislation and other legislations which have been patterned after this legislation, the Maintenance of Internal Security Act, have in fact been the most significant, the most important and the most effective instruments in reshaping the entire political, social and economic landscape of our country in the period after the proclamation of the Emergency in June 1975. This is one legislative measure which is of very far-reaching importance, which vests power in the executive to detain citizens of its own volition and such detention is not justifiable. The powers, undoubtedly, are very wide, very devastating. Therefore, I have not slightest doubt, not the slightest hesitation in conceding that such powers can also be most dangerous where citizens can be divested of their freedom, of their liberties without any remedy in a court of law, entirely at the option, at the volition, of the executive.

In a legislative measure of this nature one has to concede that very grave dangers of gross abuse are undoubtedly implicit. The powers are capable of being used devastatingly for annihilation of the entire political

opposition. It can stifle, it can smother all those who are inconvenient to the state; in fact, it is so devastating that if the powers under this legislation are used arbitrarily, capriciously and according to the private whim and humour of the Home Ministry, then may be we will bid goodbye to all democratic norms and usher in despotism totalitarianism. To that extent, I am willing to concede that this particular enactment and other enactments fashioned after this legislative measure are apt to be extremely dangerous.

But the question that needs to be examined and evaluated by anyone who wants to make not a subjective but an objective evaluation of this enactment is whether civil liberties and the freedom of the individuals have been brought to an end in a capricious manner with a view to bringing about an end of political opposition or whether the powers under this legislation have been used for the avowed purpose of bringing about greater political, social and economic stability. Everyday we are hearing of opposition leaders being released—day in and day out. Surely, if the intent and purpose of the Home Ministry were to bring about a total end to all political opposition in this country, Shri Brahmananda Reddy, under the leadership of Shrimati Gandhi, would not be bent on a spree of releasing all those who have been found, by all sections in this House, guilty of indulging in extremely undesirable and anti-national political activities only a year ago. Even in the matter of constitutional amendments, you are aware that the Prime Minister has insisted that there has to be a national debate and that the matter has to be talked over with opposition members. These are all indications of one thing and one reality: India is an inveterate democracy we have been a democracy; we are a democracy and we shall remain a democracy. My respectful submission therefore is that those Members in the Opposition who had been

casting doubts on account of the wide powers taken in this legislation by the executive have not been very fair. I conceded in the beginning that the powers taken were very wide and if abused were capable of very devastating and dangerous use. That by itself does not justify the criticism levelled. Such wide powers must be juxtaposed with actual exercise of such powers. For what purpose and objective have they been actually used? Until the proclamation of emergency we had a very permissive and very liberal democracy. The question for us now is whether we want such a permissive and liberal democracy or a more regulated or stringent democracy. I have talked to certain supposedly intellectuals, pseudo intellectuals,—I am absolutely an average person,—but these intellectuals apprehend that there is no such thing as regulated democracy or stringent democracy. This is a false notion. As a common man in this country, I think regulated democracy is one where along with civil liberties and basic rights which are guaranteed by the Constitution, there must be solemn obligations attached to those rights and the violation of those solemn obligations can only be at the peril of being divested of those liberties. If you are not going to meet the obligations which are attached to liberties you cannot enjoy the liberties and that individual must be divested of those liberties. This legislative measure empowers the government to divest such an individual of those rights if duties are disregarded. We have had a very liberal and permissive democracy for long which might have had its own dubious merits and political virtuosity. But the question that needs to be considered is whether such a permissive and liberal democracy is suited to our country which is so deeply immersed at the moment in carrying on a struggle for economic emancipation. Liberal, permissive democracy does not conduce unfortunately to discipline; it does not conduce to hard work or dedication to one's country

and one's community. It has prevented the country from building up national character. It needs to be properly moulded. We do want democracy. The question is: what is to be the nature of that democracy? This is the biggest question before the nation today, when we are discussing Swaran Singh panel report. That is the basic issue and I think that was forgotten by the Members of the Opposition.

They have been paying encomium to the government for bringing about a rapid pace of economic growth. We have a much better balance of payments position today, a much better distribution system. Our agricultural and industrial production had never been better than what it is today. We have achieved one of the greatest miracles of economic unknown in any country, anywhere in the world of bringing about a negative rate of inflation. How has all this happened? Has all this fallen from heaven? What part this legislative measure had played in these achievements and other legislative measures which had been patterned after this legislation? They have brought about discipline in the country, particularly economic discipline in the country. It is not possible that on the one hand you applaud the government—I am talking with reference to the speech of the Leader of the Communist Party—who paid encomium for the magnificent achievement of the government consequent upon the various measures taken as a result of the proclamation of the emergency—and at the same time he said: "we are not going to vote for this legislative measure. Why? Because some of our party members had been arrested under MISA." It is a most astounding proposition to be formulated. Our party members also have been arrested. Nobody is immune. The objective approach requires only one thing. Whether or not this sort of legislative measure has catered to the larger weal and welfare of the general masses of the country. If it has done so, Shri

[Shri N. K. P. Salve]

Brahmananda Reddy shall have the highest support of this House for getting extension of this legislative measure.

We were bothered earlier by events and developments in our country which had caused the most pernicious, deleterious and harmful effects specially on that section of society which is very vulnerable, under-privileged and less privileged. The havoc was created by the greedy avarice of the hoarders, racketeers and profiteers and the whole situation worsened on account of irresponsible militant trade unionism and power crazy and senile politicians. This has been brought under control and to no unsubstantial degree as a result of the powers taken under this legislation.

SHRI RAMAVATAR SHASTRI
(Patna): No, no.

SHRI N. K. P. SALVE: It is the comments of your colleague which have provoked me to speak. There was a time when I was in Gujarat during the elections one person made most irresponsible statements, and was considered a hero. Today it is rumoured he has been arrested after a long chase, having remained underground for several years. He was connected with organising strikes recklessly. He had openly said, "Only we have to stop the wheels of the trains and the Government will be overthrown", he organised the abortive Railway strike. Such a person was considered to be a great hero once upon a time. Today he is considered a traitor by the country. Today it does not behove the Communist party which supported that sort of strike to disown the very man with whom they were working yesterday. Your (Communist Party's) *bona fides* will be accepted only when you support us; otherwise not.

SHRI RAMAVATAR SHASTRI: We have always supported the right cause.

SHRI N. K. P. SALVE: The crucial point for which I wanted to intervene in this debate was this. A reference was made to the arrests of some workers in Chhindwara colliery, which falls in my constituency. A thousand people working in those collieries were arrested. Barring 5 or 6 persons, all of them have been released. They were not members of the communist trade union, but very unfortunately, the very leaders—who did magnificent work when the collieries were being run by private owners and who are today under detention,—have completely forgot the changed situation today in the collieries. They are nationalised collieries where each worker gets 4 to 5 times the remuneration he was getting previously. They, thousand men, wanted to sit at the colliery and not allow the colliery to function at a time when the country needed coal. The coal position was not as easy then as it is today. They said, "we will make the working of the collieries impossible." When we arrest our own people under MISA for this sort illegal, high handed and disorderly behaviour and we are told to leave your partymen out because they are followers of Mr. Indirajit Gupta or Mr. Ramavatar Shastri? (Interruptions).

There are possibilities of abuses. I know one case of abuse in my own constituency in Betul district. A person who was in the Congress, later joined the Jan Sangh due to some differences with local Congress leaders. Then he resigned from Jan Sangh of his own volition and after release on parole is working all out for the 20 point programme implementation. For his release we are moving heaven and earth. Even the Chief Minister told the Home Minister "He wants this man to be released on his responsibility." But the Home Ministry is not helping us. There is this sort of abuse, but perhaps we have to be a little patient us; otherwise not.

With these words, I give my full support to Shri Brahma-nanda Reddy, who is piloting the Bill.

MR. DEPUTY-SPEAKER: In order to afford a little more time to the Members, it was suggested that I might call the Minister one minute before we take Private Members' Business. Even so, I have about 15 Members in the list. Even if I give each one five minutes, I will not be able to accommodate everybody.

SHRI P. K. DEO (Kalahandi): Sir, I am prepared to give my time to Shri Shamim.

SHRI S. A. SHAMIN (Srinagar): Mr. Deputy-Speaker, I have been listening

MR. DEPUTY-SPEAKER: I have not called him yet. All right, let him take five minutes.

SHRI S. A. SHAMIM: That is really an exercise in discipline.

Mr. Deputy-Speaker, Sir, I have been listening to the speeches made by the members of the ruling party. They are on the most expected lines. I am not surprised, I am not amazed. But the dialogue between the Communist Party members and the ruling party members is rather an interesting one, and it has provoked me to say a few words.

The question is fundamental. Unfortunately, both the ruling party members and the Communist Party leaders have ignored the fundamental question, and they have started talking about the parties. In a nutshell, Shri Indrajit Gupta, had no objection, apparently no objection, to the Bill being passed, but for one reason, and that one reason is that his party members are also arrested. I heard him, and the only point which Shri Indrajit Gupta made was this—we will not

oppose this Bill, because we do not want others to be released, we will not support it, because our own party members are involved.

SHRI N. K. P. SALVE: Yes, that was his theme.

SHRI S. A. SHAMIM: Now, this will be a sort of painful experience for my Communist friends here, for one they accept the right of the Government to pass a Bill like MISA, they cannot have it both ways, they will have to suffer all the inherent consequences which will follow. Therefore, a better position would be, and that is the position which I am going to take, that in this country it is not a question of Communist Party members not being arrested, or the Congress Members saying that even Congress members have been arrested and trying to justify the law, a better, sensible and reasonable position would be that in this country nobody should be arrested without any legal justification. When you accept that principle, and insist on that principle, then you will have no cause of complaint that your party members have been arrested, or the other party members have not been arrested. Shri Indrajit Gupta even once did not say that "along with my party members, all those members belonging to the ruling party, who have been arrested because they have not followed a certain party line, they should also be released".

Freedom, as they call it, is indivisible. It cannot be divided between Communist Party members, Ruling Congress Members and Congress (O) members. Either you have freedom or you do not have freedom.

Shri Salve talked about the opposition and also about regulated democracy. He would be surprised to know that he is not the first one who is using this expression. If he studies the history of dictatorship, not Indian because this is an experimental dictatorship, if he studies the history of dictatorship in the rest of the world, he will be pleasantly surprised to find that these are exactly the words used

[Shri S. A. Shamim]

by Hitler and Mussolini. To begin with, they started regulating the country, regulating the democracy. But, unfortunately, that is always a beginning. And people like Communists, who first support the regulatory measures thinking that they will be the only beneficiaries, ultimately end by being in prisons.

Now, many times the opposition parties and the members of the opposition parties have been referred to. Mr. Deputy-Speaker, I honestly feel that this phantom opposition has been created by the ruling party for its own convenience. Where is the opposition party? I do not know what is their geographical position or their topography. Where is the opposition in the country? You could not have a more ideal situation—350 Members in Parliament, of practically all the States under the control of the Central Government, belonging to the Congress Party. Can you conceive of a more ideal situation for running a democracy? In other countries the opposition and the Government are almost equally divided, with a few more Members on the side of the Government, but in this country you have an ideal situation in that the Congress Party has not only an absolute majority, but a two-thirds majority, the majority required for amending the Constitution, for doing whatever they want to do.

On what particular day did the situation in the country start deteriorating? It is said that before the emergency everything had gone to dogs. From which date, I would like to ask, because 1971 gave the biggest mandate to the Prime Minister, Shrimati Indira Gandhi. In 1972 there was Bangla Desh and the elections followed. On what exact date did the situation start deteriorating? Was it in 1973? If so, emergency could have been declared in 1973. Was it in 1974? No till 1974 our Ambassadors and Members of Parliament were going round and saying that we were the world's greatest democracy, we

were proud that we had free democracy. Things started deteriorating according to your point of view—I will not argue on that point—in 1975, not in January, not in February, not in March, not in April, not even on 1st April, All Fools Day, not in May, things started getting bad in the first week of June. I may not be mathematically correct, but I think that it was in the second week of June. Everything seems to have gone topsy-turvy on a particular date in that week, but Members here are forgetting that before that this country had 27 years of independence, that all of us including Members of the ruling party, and in fact most of them, used to say that everything in this country was perfectly all right. On this particular day something went wrong, I will not go into it.

Talking of MISA, I heard one Member reciting poetry, saying that Indians were being respected, that India had a place of honour in the world only because we have a stable Government and that we have a stable Government only because we have MISA. So, the only source of prestige for India is its stability which is the outcome of MISA. If stability is the only condition for a country being respected in the world, there have been many other stable countries. Hitler's Germany was the most stable country. Who could have a more stable Government than Franco had in Spain? Stability at what price? A country where any individual, whether belonging to the Congress Party or the Communist Party, can be arrested without even being given the reasons for his detention, is not one which can be proud of its freedom and independence.

The other day Members were excited and agitated that Indians in South Africa were not getting better treatment, that Indians living in

Britain were not getting fair treatment. Very good, we are justified in getting agitated, but I think we must be equally agitated if Indians in India are not getting fair treatment.

One point more and that is, that if you want to have a free country, if you want to have an independent country, if you want to have a country where the individual's freedom is respected, you should not have these arbitrary laws like the one which is being extended every year. Mr. Khandilkar said: don't bring an amendment every year, place it permanently on the statute-book without any amendment. This is the thinking! Mr. Brahmananda Reddy accepts that there have been lapses, and there are going to be lapses. He is right. That is why we should not give such powers in the hands of petty officials. Mr. Brahmananda Reddy may or may not be a gentleman. We believe he is, that we can trust him with this law, but there are people who doubt even that, but even Mr. Brahmananda Reddy cannot trust a district magistrate, and Mr. Brahmananda Reddy does know that district magistrates are being dictated to by people who have political leanings. That is had enough, but people who have no political leanings, who have no political thinking, hoodlums have been dictating to district magistrates, and in a country where people are illiterate, where State power means a lot, anybody who is known to wield power can dictate to district magistrates and petty officials. What is important is not whether Communist Party members have been arrested or not, whether Congress Party members have been arrested or not. We must conceive of a country where not even a smuggler is arrested or convicted without a trial. You conceded that law in the case of smugglers. That was the first concession you gave. I will narrate only one instance. Mr. Ram Dhan....

MR. DEPUTY-SPEAKER: Please try to conclude.

SHRI S. A. SHAMIM: Heavens will not fall if you allow me some more time, Sir. If there were Opposition Members here, they would have taken one hour and forty minutes....

MR. DEPUTY-SPEAKER: No. We are racing against time.

SHRI S. A. SHAMIM: Mr. Ram Dhan, who is under arrest under MISA, belongs to the Congress Party; he was an Executive Member and Secretary of the Congress Parliamentary Party....

MR. DEPUTY-SPEAKER: These are individual cases.

SHRI S. A. SHAMIM: All those cases which Mr. Indrajit Gupta was discussing were not collective cases; there have been names like Sukhnarain, Daljit Narain and so on.

MR. DEPUTY-SPEAKER: I do not know.

SHRI S. A. SHAMIM: What I am trying to say is this. You conceded the right to the Government to arrest anybody in the case of smugglers, and one of the persons who had voted for that law initially was Mr. Ram Dhan, not knowing that he himself will be a victim of this arbitrary law. Therefore, what we protest against is not in respect of one or the other Member, but we protest against arbitrary powers being given to the Government. Mr. Brahmananda Reddy is being praised today. I want to warn him that history is not going to be static; one day India will be free of Emergency and a history book will be written, and there will be a chapter devoted to Mr. Brahmananda Reddy, the murderer of democracy, a fascist, who promulgated a law and piloted an Amendment to it every year.

श्री चन्म शैलानी (हजारत) : उपाध्यक्ष जी, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। मैं माननीय गृह मंत्री जी को बधायी देना चाहता हूँ कि उन्होंने यहाँ इस विधेयक को लाकर अपनी समझदारी, बुद्धिमत्ता, साहस और दूरदर्शिता का परिचय दिया है। मैं आपके अध्यक्ष से इस सदन का छयाल घोड़ी देर के लिए 26 जून, 1975 से पहले की कुछ घटनाओं की ओर ले जाना चाहता हूँ। यद्यपि इस विषय में मुझमें पहले के बक्ताओं ने काफी रोशनी डाली है फिर भी मैं कहे बगैर नहीं रह सकता कि 26 जून, 1975 से पहले इस देश में जो घटनाएँ हो रही थी, देश में जो माहौल था, जो वातावरण था उससे इस देश का जन-जीवन दुभंग हो गया था तथा इस देश का वानावरण दूषित हो गया था। लोग कहने लगे थे कि इस देश में न तो कोई अनुशासन है और न कोई सरकार है। इस तरह का माहौल काफी दिनों से चल रहा था। आज मैं कहने में कोई सकोच नहीं कर सकता कि आजादी के 28 साल के बाद भी इस देश में 40 प्रतिशत जनता ऐसी है जो गरीबी की रेखा से नीचे का जीवन व्यतीत करती है। मेरे कहने का तात्पर्य यह है कि जो गरीब हैं, जो शोषित हैं, जो सर्वहारा हैं वह कितने सतोषी जीव हैं और उनके मन में कितना धैर्य है। आज जो अपने को श्रीमर कहते हैं, जो विदेशों के दैसे पर चलते हैं, जो सी० आई० ए० की दलाली करते हैं उनका सतोष और धैर्य कितना छोटा है उस पर मैं प्रकाश डालना चाहता हूँ। मैं समझता हूँ कि यह बात किसी से छिपी हुई नहीं है कि जयप्रकाश नारायण के नेतृत्व में तिन लोगों ने सम्पूर्ण क्रांति का नारा दिया, जो लोग उनके आन्दोलन में शरीक हुए उनका गरीबी और मजदूरों से कोई ताल्लुक नहाना था। वे बड़े-बड़े उद्योग-पतियों, बड़े-बड़े जमींदारों या रियास्तों के मालिकों के लोग थे जिन्होंने 28 साल की आजादी के बाद इस देश में सब कुछ पाया। वे लोग हजारपति से लखपति और लखपति

से करोड़पति और धरपति बने। उन्हीं लोगों ने इस देश की सरकार को, श्रीमती इन्दिरा गांधी जो इस देश की लोकप्रिय महान् प्रधान मंत्री हैं उन के नेतृत्व की खुली चुनौती दी। लेकिन फिर भी 1952 से लेकर 1974 तक जितने चुनाव हुए उन सब में उन को मात हानी पड़ी। आप को यह जान कर ताज्जुब होगा कि 1952 में लेकर, जब से स्वतन्त्र भारत का पहला चुनाव हुआ तब से लेकर आज तक पूरे हिन्दुस्तान की तयारीख में ऐसा कोई उदाहरण नहीं है कि जिस में कांग्रेस के लोगों ने अपोजीशन के नेताओं की मीटिंग को डिस्टर्ब किया हो

उपाध्यक्ष महोदय, आप कुछ तो इन्माफ कीजिये, कोई-फोई तो आधा घण्टे बोलें हैं, आप मुझे पांच मिनट भी नहीं देना चाहते हैं।

MR. DEPUTY SPEAKER Order, please I do not know I have already drawn the attention of the House to the fact that I will call the Minister before the Private Members' business is taken up and that I have a number of speakers before me I am only trying to regulate the debate

श्री चन्म शैलानी मैं निवेदन कर रहा था कि हिन्दुस्तान की नवारीख में पूरे इतिहास में एक भी ऐसी मीटिंग का हवाला नहीं दिया जा सकता, जिम को कांग्रेस के लोगों ने डिस्टर्ब किया हो, लेकिन जब इन विरोधी पक्ष के लोगों का सबर टूट गया और इन्होंने देखा कि ये इस तरह से काययाब नहीं हो सकते तो इन्होंने कांग्रेस की मीटिंग को डिस्टर्ब करना शुरू कर दिया, इतना ही नहीं हमारे नेताओं का चरित्र-हानन विश्वास, उन पर अनेकों प्रकार की कीबड़ उछाली गई। हमारी प्रभाव सत्री जी की मीटिंगों में तरह-तरह की चकबटें डाली गई, उन को धम-

कामिती करने का प्रस्ताव किया गया, वहा डेले
 जेनरल कमेटी के है। यह इस बात का सुबूत
 है कि कम से अधिक शक्ति से सत्ता पर
 कीबिज नहीं ही पंजे, उन का उत्साह विर
 गया, वे देश सोचने के दि ब्रह्मनिद्रा तरीके
 से, मोट की लफोई में ही हम जिन्दगी भर
 संरक्षक नहीं भी सकते—उब उन्होंने इस
 तरह के हथकण्डे बनवाने शुरू कर दिये।
 उन्होंने सम्पूर्ण क्रांति का नारा दिया। ये
 टाई पहनने वाले लोग, सूट-बूट पहनने वाले
 लोग, कोठियों में रहने वाले लोग, कारों में
 चलने वाले लोग, सम्पूर्ण क्रांति का रोग
 बलापने लगे, आन्दोलन शुरू कर दिया। मैं
 भाप के माध्यम से अपने देश की जनता को
 बतला देना चाहता हूँ—28 सप्ताहों की राजादी
 के बाद राज की मसीब जनता को, सर्वहारा
 मजदूर और किसानों की सुबह से लेकर शाम
 तक पंजीना बहाने के बाद, दिन भर मरबालो
 में काम करने के बाद दो बकत की रोटी भी
 नहीं मिल पा रही है—यह नंगा और भूखा
 इन्सान, यह सर्वहारा इन्सान जिस बकत
 बयावत करने के लिये आन्दोलन करने के
 लिये उठ उभा होगा, तो इन महलों में रहने
 वालों की नींद हराम हो जाएगी, ये लोग
 जो आज क्रांति की बात करते हैं—एक भी
 जिन्दा कबर नहीं कायेंगे....

सभ्य विष्कुल नहीं है, मैं सिर्फ इतना
 ही कहना चाहता हूँ—इन कानून में मियाद
 बढ़ाने का जो प्रोबवान हमारे यह मंत्री जो
 ने रखा है, यह बहुत ही सराहनीय है और
 इस के लिये वे बधाई के पात्र है। इसके द्वारा
 जो लोग हडताल कर रहे थे, आन्दोलन
 करा रहे थे जो सम्बोलीय कर रहे थे, तस्करी
 कर रहे थे, कत्ले आम कर रहे थे—ऐसे
 लोगों-को काबू में रखने के लिये इस कानून
 की शक्ति बहुत जरूरत थी। जैसे एक हाथी
 जब काबू से बाहर हो जाता है तो उस के

लिये संकुल होता है, उसी तरह से इन
 लोगों को काबू में रखने के लिये यह
 संकुल है।

इन शब्दों के साथ मैं इस विषयक का
 समापन करता हूँ।

SHRI S. R. DAMANI (Sholapur): I
 have very carefully listened to the
 speeches from the friends sitting on
 the opposite. . .

SHRI DINEN BHATTACHARYYA:
 (Serampore): You were not there.
 Most of the time you were absent.

SHRI S. R. DAMANI. The main
 theme of their speeches is not the
 advantages and the gains the coun-
 try has got on account of the impos-
 ing of the MISA but they have cited
 certain instances of their own Party
 or other Parties and have expressed
 fears that if it is extended for a
 further period of 12 months, certain
 members of their Party and their
 activities will be curbed. That is one
 point I learnt from their speeches. .

SHRI S. A. SHAMIM. Now you
 can sit down.

SHRI S. R. DAMANI: Now, the
 main dissenting point made by them
 is the allegation that there has been
 an excessive use or abuse or misuse
 of the powers given to the bureau-
 cracy under this legislation. But,
 according to me, the powers, though
 wide, have been used very judicious-
 ly, not arbitrarily (*Interruptions*)
 Interested persons can think what-
 ever they want. It has been used
 against government officials, it has
 been used against industrialists, it
 has been used against food adultera-
 tors and it has been used against poli-
 ticians who are working against the

[Shri S. R. Damani]

interests of the country. We know how the future of the country looked bleak at that time and how things have improved since the imposition of emergency. Whether we appreciate these or not these have been appreciated by outsiders. In this connection I would like to give the remarks made by the U.K. Trade Minister, Mr. Edmund Dell. He is reported to have said as follows:

"He could not comment on India's internal matters but he congratulated India for the remarkable economic progress made in recent months Referring to the Chief Guest's remarks about the growth of Indian technology and its export through joint ventures abroad, Mr. Dell said Britain certainly needed that Indian technology which had brought inflation to negative six per cent in two years"

So, he desired to know from us how we have achieved this thing They were wondering how it has been possible for us to control inflation. These are facts which are given here. I can give you many instances where foreign dignitaries have praised India for the achievements during the emergency I would like to tell you about the progress which we have made.

Our industrial production which was stagnant for the last 5 years on account of various reasons had increased by 6 per cent last year. This year it is 12 per cent. The idle capacity of public sector units are being utilised fully The public sector units are making a profit of Rs. 400 crores this year for the first time It is not a small achievement If you allowed things to remain where they were, would it have been possible to achieve

these things? No. These are all positive gains. In respect of train services, their punctuality and efficiency have improved. 90 per cent of the trains are running according to the time-schedule. The Railways were in the red some years ago. The Railway was a losing concern some years ago. By raising the fares and freights they were trying to meet both the ends. But this year there will be a surplus for the first time and they will meet their requirements.

Regarding power projects, their capacity utilisation was only 35 per cent some years ago. Now it has gone up to 60 per cent.

Our agricultural production has gone up because of power availability for irrigation. These are the gains which the country has made and the public at large have been benefitted. Prices have gone down and inflation has been checked My friend, Shri Shamim, who spoke very loudly against this Bill was allowed to speak formerly and do propoganda as he liked. That has been checked because of this Bill. (Interruptions) And therefore he is opposing this Bill.

श्री राम रतन शर्मा (बाँदा) : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करता हूँ। समर्थन इसलिये नहीं करता कि इस बीच मेरे रेले समय से चलने लगी या कुछ सरकारी विभागों में कामकाज जल्दी निपटने लगा। मेरे समर्थन के पीछे आर्थिक और सामाजिक कारण हैं।

SHRI S. A. SHAMIM: Sir, you have given him seven minutes considering that he is in Jan Sangh.

MR DEPUTY-SPEAKER: I do not know. I am going by the paper in front of me. His name is still written against Jansangh and seven minutes are written against his name.

श्री राम रतन शर्मा : उपाध्यक्ष महोदय, मैं यह बात स्पष्ट कर देना चाहता हूँ कि लोक सभा सचिवालय के रेकार्ड में कहीं गड़बड़ी प्रचलित है क्योंकि मैंने जनसंघ से त्याग-पत्र साल भर पहले दिया है, इसको मैं सदन में भी अनाउन्स कर चुका हूँ। लेकिन जब समाचार की रिपोर्टिंग देखी तो उस में भी मुझ को जनसंघ मेंबर कर के लिखा गया है।

श्री० श्रीलाल (बम्बई दक्षिण) : स्पीकर को लिख कर दिया है क्या ?

श्री राम रतन शर्मा : साल भर पहले लिख कर दिया था।

SHRI S. A. SHAMIM: Sir, he is an independent Member. How can you give him seven minutes?

MR. DEPUTY-SPEAKER: Mr. Shamim, you won't listen to anybody. Will you cooperate? Don't talk from your seat and at the top of your voice I do not think officially that has been taken note of. No such letter has been received.

श्री राम रतन शर्मा : तो मैं कह रहा था कि आर्थिक और सामाजिक कारणों की वजह से हम विधेयक का समर्थन कर रहा हूँ। आर्थिक और सामाजिक कारण क्या है इस के बारे में हम तरफ से भी और उम तरफ से भी सदस्यों ने काफी प्रकाश डाला है। मैं अपने जिले की स्थिति बताता हूँ कि इमरजेंसी के पहले हरिजनों को पट्टे दे दिये जाते थे लेकिन एक इंच भूमि पर भी कब्जा नहीं मिलता था। उन को दूसरी राहने पट्टेवाने का प्रयत्न सरकार की तरफ से किया जाता था लेकिन उन का कोई फायदा उन को नहीं होता था। लेकिन आज उन हरिजनों को पट्टे मिले हैं और जमीन पर उन को कब्जा मिला है और वह खेत जोत रहे हैं।

साल भर की यह उपलब्धि कोई साधारण उपलब्धि नहीं है। निश्चित रूप से असाधारण उपलब्धि है और वह हर क्षेत्र में हुई है। एक निवेदन और कर देना चाहता हूँ कि जिले के अधिकाारीगण और खास तौर से छोटे मोटे पुलिस अधिकाारी भी अपने निजी स्वार्थ के लिये इस का प्रयोग करते हैं।

मैं मंत्री महोदय से निवेदन करूंगा कि इस और ध्यान रखें। इसके साथ ही मैं इस बिल का समर्थन करता हूँ।

श्री पी० गंगा रेड्डी (प्रादिलाबाद) : जनाब सदर मोहतरिम, मीसा 1971 में पास किया गया था। हमारे दस्तूर में इस बात की गुंजाइश है कि गैर-सामूली हालात में, जबकि मुल्क में अमने-अमाम्मा और यकजहियत को बरकरार रखने के लिये प्रीवेंटिव डिस्टेंशन का सहारा लिया जा सकता है, इस बिल के बारे में मेरे कई फ्राइल दोस्तों ने कहा है कि यह बिल बुनियादी हकूक और सिविल लिबर्टीज के खिलाफ है और इसकी मंयादी तोसीअ हकबजानिब नहीं है। इस सिलसिले में बारहा यह तोहमत लगाई गई है कि इस कानून के मातहत कई बेकसूर लोगों को गिरफ्तार किया गया है। मैं अर्ज करना चाहता हूँ कि हंगामी हालात का निफाज इसलिये किया गया था कि कुछ मुखालिफ पार्टी के लीडरों का काम सिर्फ मुल्क में इन्तशार फ़ैलाना, मुल्क की मईशत को मुनहदिन करना, बाकायदा तौर पर हकूमत के काम को न चलने देना और पुलिस और मसल्लह अफवाज को बगावत के लिये उकसाना रह गया था। इस सूरत में अगर उनके खिलाफ मीसा का इस्तेमाल न किया जाता तो क्या उनको भारत रत्न का एजाज पेश किया जाता? असल में मुल्क की सालमियत और मफ़ाद के लिये ऐसे लोगों को बहुत पहले ही मीसा में बन्द कर देना चाहिये था। इनमें बहुत से अच्छे लोग भी थे, लेकिन 1971 के इन्केशन के बाद महज अफ़सुखगी, नाउम्मीदी और

[श्री श्री. बंस रेड्डी]

प्रदेशों को बचाने से उन्होंने ऐसी कार्य-
कमियाँ करने शुरू कर दी थीं, जिन से पूरक
की आवश्यकता और जम्हूरियत को खतरा
पैदा हो गया था। जैसा कि मैंने प्रश्नी कहा
है, इन सब लोगों के खिलाफ कार्यवाही
करने में काफी देर कर दी गई।

इसमें कभी दो रायें नहीं हो सकतीं
कि हंगामी हालात के निफाज और मुभाषी
प्रोग्राम को जारी करने के बाद कोम में
खुद-एतमादी के जजबे को फरोसा मिला
है, सारे देश में एक नई हिम्मत आई है,
और देश तेजी से आगे बढ़ रहा है। हम सब
देख रहे हैं कि हर मैदान में नुमायां तरक्की
हुई हैं। ज़रई, सनअती और दूसरी
सब चीजों की कीमतों में काफी कमी हुई है।
इसके अलावा एं एंड आर्डर की हालत में
भी काफी सुधार हुआ।

श्री श्री. नाथ चटर्जी ने कहा है कि
सेक्शन 16(ए) के मुताबिक गिरफ्तारी की
वज्रहात नहीं बताई जाती है। वह एक वकील
है और उनको मालूम होना चाहिये कि जब
पब्लिक इन्ट्रेस्ट की बात हो, उसी मूरत में
गिरफ्तारी की वज्रहात नहीं बताई जाती
है।

जहां तक इस इलजाम का ताल्लुक
है कि मोसा का गलत इस्तेमाल होता है, इस
बारे में न सिर्फ़ कंसल्टेंटिव कमेटी में, बल्कि
पब्लिक स्पीचेज में भी प्राइम मिनिस्टर और
होम मिनिस्टर ने बोलना कहा है कि इसका
इस्तेमाल बहुत ही एक्टिवीत और गौरो-बीस
के बाद किया जायेगा। उन्होंने यह भी कहा
है कि अगर कोई गलती बताई जायेगी,
तो उसको औरने इस्तेमाल को जायेगी। इसके
बावजूद बारबार मुल्क का इस्तेमाल करना

मुल्क मुभाषित करने में मुभाषित करने का
है, परना इसमें इसकी कोई मुनासब नहीं है।

इसमें भी उन्हें कहे गए कि एक और
कंसल्टेंटिव कमेटी में होम मिनिस्टर साहब
ने एक बड़े कंडेकर सुझाया था जिसमें चीफ
सेक्रेटरी की यह हिदायत की गई थी कि
मोसा को इस्तेमाल पुलिस या कलैक्टर
पर न छोड़ा जाये, बल्कि बहुत आसा सैतह
पर और काफी गौरोबीस के बाद किया जाये।
इसके बावजूद इस तरह की तीहरीत संगाना
मुनासब नहीं है।

जहां तक रिब्यू का ताल्लुक है, हर स्टेट
में वहां के चीफ मिनिस्टर बक्तन-फवक्तन
रिब्यू करते हैं और अब तक सैकड़ों लोगों को
छोड़ दिया गया है। वह बात किसी से
पोशीदा नहीं है।

मैं प्राइम मिनिस्टर साहब और होम
मिनिस्टर साहब को तहदिल से मुबारिकबाद
बेना चाहता हूँ और कहना चाहता हूँ कि अगर
वह ऐसे इकदामात में करते, तो मुल्क
जम्हूरियत को ही नहीं बल्कि मुल्क के वज्रद
के लिये भी खतरा पैदा हो जाता।

श्री. नाथ चटर्जी को मैं यह बताना चाहता
हूँ कि तारीख में यह नहीं लिखा जायेगा कि
जम्हूरियत का खून श्री. बहमानन्द रेड्डी ने
किया, बल्कि तारीख तो यह कहेगी कि उन्होंने
मुल्क को तबाही में बजा लिया। तारीख
और बक्त जब इस बात की गवाही देंगे, उस
बक्त मैं उन से पूछूंगा कि कौन सही है।

मैं सिर्फ़ एक ज़ेर एंड एर बक्त कहेगा :—

मुझे जियो हुजारां साह, साल के थिन
ही बचाने हैं।

15 hrs.

SHRI JAGANNATH RAO (Chatrapur): Mr. Deputy-Speaker, I have been listening to the debate since yesterday. The main thrust of the Opposition argument is two-fold. One is that the Home Minister said in January last when he brought this measure, this MISA amendment is meant for twelve months. The second objection is that MISA is likely to be misused and abused. These are the two main planks of the Opposition argument.

When the Home Minister brought forward this legislation in January—we also took part in that debate—his idea was that this measure would be made applicable for a short period. The intention of the Government was that a measure of this type which was an extraordinary measure meant to meet an extraordinary situation should be shortlived. He thought so. But the conditions as now exist have forced him to come forward with a plea for extension of the measure for another twelve months. If he had brought in a Bill for three years, the objection would then have been: 'Why have you brought it for three years? Do you want to make the law permanent?' The objection of the Opposition would have been there either way. Therefore, that is not a serious objection.

We have to go back to the circumstances that necessitated the proclamation of the emergency and the enactment of this law. If those conditions continue to exist, and according to him they do, there is every necessity for the continuance of MISA for another twelve months. Government are reviewing the situation and if the situation improves and normalcy is restored, certainly there is no need either for the emergency or for the continuance of MISA.

SHRI M. RAM GOPAL REDDY (Nizamabad): If the Opposition becomes sensible.

SHRI JAGANNATH RAO: The second argument is that it is likely to be misused. Misuse is likely to be there. I do not say it is not likely to be there. There are cases of misuse. Some Opposition Members pointed out some and some other members on this side also did so. But that is no reason to say that the enactment should not be on the statute book. The Home Minister assured us last time that the cases will be gone into and reviewed at the State level, at the Chief Minister's level and also at the Central level, at his level. He is taking personal care to see that no injustice is done. If any particular case is brought to his notice, he assured us, he would certainly look into the matter.

The argument advanced by Shri Shamim now is that everything is very peaceful and normal in the country. He was taking pride that ours is the biggest democracy in the world. But how did the situation arise? It is within his knowledge. Nobody can forget how the situation developed in June 1975, how some of the Opposition party leaders wanted to utilise that situation of political and economic turmoil in the country for their own selfish ends. They wanted to denounce that situation and create chaos and anarchy in the country. Government then took timely action. I congratulate the Prime Minister on seeing that emergency was proclaimed. Those conditions still continue, because some members say that people talk in whispers, they are not bold enough to talk openly. What does it show? It shows that discipline has not become a way of life.

SHRI S. A. SHAMIM: It shows a fear psychosis.

SHRI JAGANNATH RAO: Old habits die hard. Unless discipline becomes a way of life, no one can be sure that the situation has become normal; it is only temporary, on the surface..

[Shri Jagannath Rao]

Therefore, the situation is as explosive as it was in June 1975 and there is every need for the emergency to continue and also for MISA to continue.

I do not want to waste your time. You have given me five minutes..

SHRI S. A. SHAMIM: You have, already wasted.

SHRI JAGANNATH RAO: No. If everybody has wasted it, I have, but for a good purpose.

My submission is: let us not view it from this angle that this MISA is an extraordinary measure. The Home Minister himself said last time that it is an extraordinary measure meant to meet an extraordinary situation. Since that situation still continues, this enactment is necessary for another twelve months which he has asked for. If normalcy is restored, certainly there will be no need to continue it. As I said last time, the ball is now in the court of the Opposition. Let them see that normalcy is restored and violence eschewed and discipline becomes part of the life of every citizen to whatever walk of life he may belong so that democracy is secure and it can move ahead. Our economy has taken a good turn; economic growth is very high. Let us see that what we have achieved is further consolidated so that we can march ahead further.

SHRI K. SURYANARAYANA (Eluru). I rise to support this Bill. While doing so, I also want to make some suggestions.

Everybody knows that this MISA is being used against those who disobey Government, who do unlawful acts. I want to bring to the notice of the Government one thing. Everybody says that if there is any act committed against Government, he is sent to jail without any inquiry or scrutiny. But they are being given all the faci-

lities lest there be any trouble in the jail.

This MISA is also intended to prevent blackmarketing and tax evasion.

Today during the question hour, they have given the names of 63 firms whose premises were searched and lakhs of rupees of unaccounted money was found. Has any action been taken against any of them under MISA so far? I have also seen press reports the other day that income-tax on nearly Rs. 994 crores had been evaded. The political parties in the opposition create trouble because of their opposition to the policies of the government. But the other people whom I have cited also evade taxes. Have they been arrested? Shri Indrajit Gupta says that because the members of his party were being arrested, they would not be supporting this Bill. Our people are also being arrested. One hon. Member mentioned that West Bengal Congress leader was arrested. The Prime Minister has said several times and she has written to the Chief Ministers also not to use MISA against ordinary people, law abiding people. I want to know from the government what action they had taken under MISA against the 63 firms and income-tax evaders who had evaded tax on Rs. 994 crores.

श्री राजदेव सिंह (जौनपुर) :
उपाध्यक्ष महोदय, मैं इस मिसा अमेंडमेंट बिल का समर्थन करने और विरोध पक्ष की तरफ से जो स्टैच्यूटरी रेजोल्यूशन है उस का विरोध करने के लिये खड़ा हुआ हूँ। इस संदर्भ में मैं यह कहना चाहता हूँ कि आखिर इस की जरूरत क्या पड़ी कि मिसा के भीतर लोगों को गिरफ्तार किया गया? हमारे देश में दो दर्जन से ज्यादा पोलिटिकल पार्टियाँ हैं। बराबर एलेक्शन में ये लोग लड़ने चले आए लेकिन मूल्य यह होता है कि बार बार एलेक्शन में लड़ने के बाद और हारने के बाद ये इस नतीजे पर पहुँचे कि एलेक्शन से हारा मंशा कभी पूरी नहीं हो सकी। इसलिए उन्होंने इसका रास्ता अवगत कर दिया। मैं

बड़े गौर से विरोध पक्ष के लोगों की बातों को सुन रहा था। कुछ हज़ार लोग जेल चले गए लेकिन उस से 60 करोड़ लोगों को राहत मिली है। आज रेलगाड़ियों में जगह मिलती है, बिना टिकट चलने वालों की परेशान नहीं रहती है। गाड़ियां स्टेशनों पर ठीक टाइम पर पहुँचती हैं। सड़कों पर बसों को फूँकना बन्द है। स्कूल कालेजों और यूनिवर्सिटियों में लड़कों का पढ़ना जारी है, ठीक समय से इम्तहान हो रहे हैं। पहले इम्तहान होने में रुकावट डाली जाती थी। वे जो दर्जेन भर विरोधी पार्टियां हमारे देश में हैं थोड़ा इन को खुद सोचना चाहिए कि क्या यह डेमोक्रेसी के लिए अच्छा है? जहाँ दर्जेन पार्टियां हों, वह तो पार्टियां न के बराबर हैं, नहीं तो हालत ढावाँडोल हो जाती, इन्हें खुद कुछ क्लियरिफिकेशन करनी चाहिए कि सब मिला कर के दो एक पार्टियां कायदे की बनावें और वह बराबर के स्तर की हों, तब तो ठीक है। कांग्रेस ही हमेशा पावर में रहे यह कांग्रेस पार्टी भी नहीं चाहती है।

कहने का मतलब है कि जो 13 महीने का एमर्जेन्सी का पीरियड आया, सभी लोगों ने इम पर चर्चा की, कुछ हज़ार लोगों को जेल में बन्द करने के बाद देश बहुत आगे बढ़ा है, तो सोदा तो बहुत रुस्ता है। थोड़े से लोगों को जेल में बन्द करने के बाद साल भर के भीतर या 13 महीने के भीतर जितनी प्रगति देश ने की, जितनी चीन्मूची तरक्की देश में हुई उतनी दस साल में भी इम के पहले नहीं की थी। यह मिसा का अर्मेन्डिंग बिल एक माल के लिए है, दो साल के लिए भी होता तब भी हम इसको सपोर्ट करते क्योंकि देश इस से बन रहा है, बिगड नहीं रहा है। विरोधी पार्टियों वाले तो समझने हैं कि हम कुर्सी पर नहीं हैं तो दूसरे को भी न बैठने दें, देश में आग लगा दें और यही हालत देश में उस समय थी जब एमर्जेन्सी डिक्लेयर की गई

थी। अगर यही हालत रहने दी जाती तो आज हमारे देश में क्या होता यह सोच कर बड़ी घर्षित होती है और बड़ा ब्लूमी पिचर सामने आता है। प्रधान मंत्री ने सच ब्रूस से बाम ले कर उस स्थिति को हमारे सामने आने से बचा दिया। और आज जो स्थिति है उसके लिए पहले जहाँ दूसरे देशों के अखबार, वहाँ के बड़े बड़े लोग, कंजर्वेटिव लोग शिकायते करते थे और कहते थे कि यहाँ से डिमोक्रेसी खत्म हो गई, आज वही लोग हमारे देश के अचीवमेन्ट्स की तारीफ करते हैं। आज वे लोग कह रहे हैं कि हिन्दुस्तान की एकोनामिक स्ट्रेंथ स्टैबल हुई है, उसमें नजबूती आई है, पिछले 13 महीनों में यहाँ पर परिवर्तन आया है। आज वहाँ के व्यापारी इस देश में आ रहे हैं, वे सोच रहे हैं, बातें कर रहे हैं कि इस देश में अपना रुपया और इण्डस्ट्री लगायें। इस प्रकार से यह एक बहुत बड़ी देन है। कुछ राजनीतियों को जेल में बन्द करने से अगर इतना बड़ा गेन किया जा सकता है तो मैं समझता हूँ जब तक यह देश पूरी तरह से डेवलप न हो जाये तब तक यही हालत जारी रहनी चाहिए।

इन शब्दों के साथ मैं इस अर्मेन्डिंग बिल का समर्थन करता हूँ और विरोध पक्ष की ओर से जो प्रस्ताव रखा गया है उसका विरोध करता हूँ।

SHRI M. RAM GOPAL REDDY
(Nizamabad): Sir, I refute the allegations of the Opposition that the MISA is meant for political purposes and I also refute their allegations that this MISA is really a weapon in the hands of the Government to put down the lawless ness in the country. It is certainly a weapon in the hands of the Government to abolish the inequalities in this country. It is a weapon in the hands of the Government to improve the economic conditions of the poor

[Shri M. Ram Gopal Reddy]

and weaker sections in the country. It is a weapon in the hands of the Government to put all hoarders and the law-breaker into jail. It is not introduced in this country for any pleasure and it is not going to be extended a day more than it is required.

Sir, the history of the Opposition—of course minus the opposition party of the CPI—is a sorrowful one. I want to narrate what these Opposition parties have been doing in this country from the day we attained independence. First, the main aim of the CPI(M) people—in those days they were part of the CPI—was to destroy this country and to destroy the industry and kill all the professors and all the intellectuals. That was the aim of that party. The sole aim of the D.M.K. party was to erase the Hindi script anywhere written on the mile-stone. The sole aim of the SSP, the PSP and the Socialist Party was to erase the English script written on the mile-stone. This is their story. The MISA and the Emergency are introduced in this country to stop lawlessness and if lawlessness had been allowed to continue, the economy of the country would have been disrupted by now. During the short period of the introduction of MISA and the Emergency, there has been a lot of improvement in this country. They say that it should not be extended for another 12 months. But I want to say that it will rightly be withdrawn tomorrow itself if the Opposition behaves in a sensible and responsible manner. Of course, this is a democratic country one party wins and the other party loses. But the losing party should allow the majority party to continue their administration for five years and not that from the day they were defeated, they start doing all these things. They have indulged in verbal violence in the Parliament and physical violence outside. That is why they have been shown the right way by introducing the MISA and the Emergency.

MR. DEPUTY-SPEAKER: Mr. Dinen Bhattacharyya, if you promise me that you will not take more than five minutes....

SHRI DINEN BHATTACHARYYA: This is a matter which is very important. You must realise that many people are in jail and you are telling me that I should finish in five minutes. What is this? It is better not to speak on this. Mr. Somnath Chatterjee moved this resolution....

MR. DEPUTY-SPEAKER: Order please. I am mentioning to you the constraints of time and nothing else.

SHRI DINEN BHATTACHARYYA: What about the sad plight of the detenus whose detention you are going to extend under your chairmanship?

MR. DEPUTY-SPEAKER: I am concerned with the constraints of time at the moment.

SHRI B. V. NAIK (Kanara): The time can be extended. This is a rare opportunity to appraise the performance and advise the government.

MR. DEPUTY-SPEAKER: We have already exceeded the time allotted. The time has been extended twice. First it was announced that the minister would reply at 3. Later on, on the request of the minister of Parliamentary affairs we agreed that the minister may be called one minute before the private members' business is taken up. That means, we have extended the time twice. If you want to have more time, it is up to the House to decide.

SHRI S. M. BANERJEE (Kanpore): We want extension of time because the Act itself is being extended.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Since there is a desire on the part of both sides for more time you may extend the time by one hour. The general discussion can continue up to 3.30 today and also on Monday from 12 to 1. The Minister may be called at 2 o'clock on Monday

MR. DEPUTY-SPEAKER: If that is the desire of the House, we can accept it.

श्री रामचन्द्र बिकल (बागपत) : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। हमारे विरोधी दलों की तरफ से इस के विरोध में जो तर्क दिए गए हैं, मैं उन से मिल्फ इतना ही निवेदन करना चाहता हूँ कि एक वर्ष के इस कार्यकाल में जो परिणाम निकले हैं, जो जनभावना पैदा हुई—मैं उस को संक्षेप में, आप के सामने रखना चाहता हूँ। मैं जहाँ-कहीं भी जाता हूँ—इस सवाल को जनता से पूछता हूँ, हर जगह मुझे एक ही जवाब मिलता है—यह कार्यवाही बहुत पहले हो जाती तो और ज्यादा अच्छा होता। हर जगह जनता यह कहती है कि इस तरह की कार्यवाही की देश में बहुत पहले में शुरू थी, यदि वह हाल में पहले से होती तो देश को कुछ और ज्यादा तरकी होती, देश का आर्थिक विकास होता, देश में अन्न होता। एक दूसरा सवाल जो मैं अपनी जनता से पूछता हूँ—मेरी कास्टी-युएम्बी में एक स्वाग बोकाड़ा है, वह मेरे साथ नीचे की भी मौजूद है—बहा मैंने पूछा कि यह हालत कब तक चलनी चाहिए, तो एक बुजुर्ग

ने बड़े ही कर कड़ा—कम से कम जब तक वे जीवित हैं, तब तक तो रहनी ही चाहिए। पीछे से भी होनी चाहिए और आगे भी हम की जरूरत है। यह जनभावना आज इस के बारे में हमारे देश की जनता में है।

यह ठीक है कि हमारे विरोधी दलों के लोगों को इस के बारे में कुछ गिकायतें हैं। जैसे हमारे श्रीमती साहब कह रहे थे कि अचानक यह सुझ कैसे आ गई। मैं उनसे निवेदन करना चाहता हूँ कि यह अचानक नहीं आई है, बल्कि यह हमारी प्रधान मंत्री जी की दूरदर्शिता, सहन-शक्ति और देशभक्ति है कि इतने दिनों तक उन्होंने इन चीजों को सहन किया, यह बात हमारे विरोधी दलों के नेताओं की भी मालूम है। परसों हमारे मावलंकर जी बोल रहे थे—लेकिन वे भूल गये इस बात को कि जब गुजरात के चुनाव हो रहे थे, तो प्रधान मंत्री की सभाओं में किम तरह गड़बड़ होती थी। काश, वे उस चीज को जनतन्त्र से जोड़ लेते, तो मैं समझता हूँ कि वे इन बातों को न कहते। प्रधान मंत्री जी की सभाओं को जहाँ न होने दिया जाए, जहाँ स्कूलों को न चलने दिया जाए, जहाँ बच्चों को खराब काम करने के लिए उकसाया जाए, जब इस तरह की अति हो जाए, तो उस अति के बाद इलाज होना बहुत जरूरी होता है।

उपाध्यक्ष महोदय, यह बहुत जरूरी है कि आत्मानुशासन हो लेकिन जब देश की जनता में यह नहीं होता है तो कुछ छोड़े से बंद से और कानून से अनुशासन लाना ही पड़ता है।

[श्री रामचन्द्र बिकल]

हमारे देश में ही यह चीज नहीं हुई है बल्कि दूसरे देशों में ऐसा हुआ है। मुझे अभी अभी सिमापुर जाने का सीभाव्य प्राप्त हुआ है। वहाँ के लोगों से स्वयं मुझे बताया कि हमारे यहाँ जलते हुए सिग्रेट को सड़क पर डालने पर 500 डालर जुर्माना होता है। पहले हमारी भ्रातृ खराब थी लेकिन दंड की व्यवस्था ने हमारी भ्रातृ में परिवर्तन ला दिया और अब हम जलता हुआ सिग्रेट सड़क पर नहीं डालते हैं।

दूसरी बात यह है कि हमारे देश का पुराना इतिहास यह बताता है कि स्वेच्छा पर मनुष्य या समाज कभी चल नहीं सका। कोई न कोई दंड की प्रक्रिया समाज में रही है चाहे वह कानून की रही हो या कोई और रही हो। हमारे गांव में भी अपराध करने वालों को दंड देने की व्यवस्था थी और दंड समाज भी देना था। अगर कोई अपराध करता था, तो उस को बिरादरी से निकाल देने थे या हुक्का-पानी बन्द कर देने थे और कभी कभी नंगे पैर गंगा स्नान करवाने थे। इस तरह से समाज में दंड की व्यवस्था रही है और व्यवस्था कायम रखने के लिए या तो समाज दंड देता था या फिर कानून द्वारा अनुशासन बनाए रखने की जरूरत होती थी। आज भी दंड की जरूरत है और यह हो सकता है कि गलती से कोई भले लोग भी इस की जद में आ गए हों। उस के लिए मैं गृह मंत्री जी से कहना चाहूंगा कि उस की जांच होना चाहिए लेकिन उन लोगों के लिए दंड की व्यवस्था रहनी चाहिए जो समाज

को अस्तव्यस्त करते थे, जो शासन को चलाने नहीं देते थे और देश की प्रकृति में बाधक थे। इस चीज का सारा समाज स्वागत कर रहा है, हम स्वागत कर रहे हैं और सारे देश की जनता स्वागत कर रही है। मैं गृह मंत्री जी से यह जरूर कहूंगा कि अगर कोई लोकल पार्टी बाजी के कारण या सरकारी सब्सिडी के लोग व्यक्तिगत कारणों से कहीं किसी व्यक्ति को गलत ढंग से जेल में रखे हुए हैं, तो जिले के लेवल पर इस की जांच करवा लें। यह बिल्कुल सही है कि इस इमर्जेंसी की वजह से और कानून की वजह से देश में भ्रमण भ्रया है और हमारे देश की आर्थिक स्थिति सुधरी है और सामाजिक स्थिति भी अच्छी हुई है। इससे राजनीतिक स्थिरता देश में आई है। विरोधी दल के लोग चाहे इस का विरोध करें और हमारा विरोध करने वाले देश भी चाहे इन कदमों का विरोध करें लेकिन सर्वत्र इन कदमों का स्वागत किया जा रहा है और प्रधान मंत्री जी की दूरदर्शिता का, उन की देशभक्ति का और उन के द्वारा उठाए गए इन कदमों का सर्वत्र स्वागत हुआ है।

इन शब्दों के साथ मैं गृह मंत्री जी को ऐसा विधेयक लाने के लिए बधाई देना हूँ और आशा करता हूँ कि एक वर्ष का जो समय बढ़ाया गया है वह सही है और विरोधी दलों के लोगों को भी यह समझ कर कि जनता इसका स्वागत कर रही है, इस का स्वागत करना चाहिए।

SHRI DINEN BHATTACHARYYA (Serampore): I was rather pained and felt very unhappy after seeing the attitude both of the Government side as well as of the Chair.

MR. DEPUTY-SPEAKER: Why?

SHRI DINEN BHATTACHARYYA: Because the matter is not so simple as you are thinking. You may laugh over it. But, does it not pain us to see Shri Jyotirmoy Bosu who has been languishing in the jail since 25th June, 1975 without any reason? You are giving further extension to this Bill for one year. During this period, you will not know for what reason you will be behind the bars. Ordinary labourers, ordinary peasants and landless labourers have been put behind the bars under MISA. This is not our paper, this is Blitz which says so. One landless labourer who was protesting against some action of the JLRO was beaten in the presence of the Police by the landlords and thereafter he was detained under MISA. This thing has been made public by Blitz in a very recent issue.

You are saying that you will look into the cases of misuse. But my point is that in the original Act which you passed—kindly look at Section 3, sub-section (4) — it is mentioned:

“When any order is made or approved by the State Government under this Section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government have a bearing on the necessity for the order.”

May I know what are the actual reports from the different State Governments? Over and above this, I know that in many cases, the State Government recommended the release of some government employees, but

that the Centre stood in the way. I know that in some cases, representation was given to Mr. Brahmananda Reddy, by no less a person than Mr. EMS Namboodiripad. He came here from Kerala, along with Mr. Samar Mukherjee. He met the Home Minister and placed the cases before him. But the latter pleaded that he could not do anything. In the case of West Bengal, I know that in respect of some Central government employees, the State Government says that they have no objection to release them and that they are waiting for the order from the Centre; but they are still—Mr. Bipin Ghose and others — rotting in jail. So, my point is that the misuse has become the rule of law. If you don't pay bribe to the police officer, he will threaten you, saying that you will be taken to the police station and arrested under MISA. If you don't hoist the tri-colour flag, you will be put in jail under MISA. This is going on. Recently I was in Kanpur and I saw that this was going on. Every body says: “Either you pay subscription to the Congress fund and hoist the tri-colour or face the consequences.” I saw it and I can establish it. (*Inter-ruption*) Misuse is the rule of law now. (*Interruption*) So, don't take the plea that only to check some acts of sabotage and anti-social activities you are taking recourse this law and that you want extension for that purpose. This will be a crime on your part. You must be truthful and make a clear statement that henceforth this Government cannot run without this draconian law. What is this law? It says that you will be arrested, but you will not know for what offence you are being detained—not for one day, not for one month not for one year but for years together. What is the guarantee, as Mr. Sornath Chatterjee had aptly put it that after 24 months Government will not ask for another extension of time, Mr. Swell?

AN HON. MEMBER: You should not call him Mr. Swell. He is in the chair.

SHRI S. A. SHAMIM: He has not seemed to be Mr. Swell.

SHRI DINEN BHATTACHARYA: I will ask again: "Where is the end?" The next point I want to make with your permission, Sir, is that even during the British days, we were in jail. I do not know how many of the Congresses were there in the British jails but at that time, there was a rule that a detenu will be treated in such-and-such a manner. If they are the earning members of the family their families used to get family allowance. Now all these have been stopped. Recently a memorandum has been sent by the inmates of the Tihar Jail, which says there is no family allowance no guarantee for minimum amount of food which is necessary for a human being, no facilities for meeting the relatives regularly and no clothing. This is the memorandum which they have submitted to the Governor. I hope he has received a copy of it. No action has been taken on that.

I know three or four cases where the detenus have died because there was no treatment inside the jail. There is the famous case of Bhai Bharati in Rajasthan. There are similar cases in Assam and other States. The minimum treatment should be guaranteed to the detenus. Though there is a provision, they are not acting on that provision. Under section 6 you have to make a rule. You will say that the State Governments have to do it. But ultimately, it is your Act. You have to guarantee the minimum conditions, decent living conditions inside the jail and medical treatment, family allowance and other allowances which they were enjoying ever during the British days. So, I would request the Minister to look into it.

With these words, I emphatically oppose the proposed Bill. I say that it is nothing but giving a bluff to the people to say it is the end. It is not the end. They will again come with another extension, nobody knows how long.

MR. DEPUTY-SPEAKER: As agreed, we will have another one hour for the Members on Monday, or whenever this is taken up. Now we take up Private Members' Business.

15.33 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FIFTH REPORT

SHRI RAJDEO SINGH (Jaunpur): I beg to move:

"That this House do agree with the Sixty-fifth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 12th August 1976."

MR. DEPUTY-SPEAKER: The question is

"That this House do agree with the Sixty-fifth Report of the Committee on Private Members' Bills and Resolutions Presented to the House on the 12th August, 1976."

The motion was adopted.

15.33 hrs.

CONSTITUTION (AMENDMENT) BILL—contd

(Amendment of article 75) by Shri Bibhuti Mishra

MR. DEPUTY-SPEAKER: We now take up further consideration of the Bill to amend the Constitution by Shri Bibhuti Mishra. Two hours were allotted. One hour was taken and one hour is the balance. Shri Hari Singh was on his legs on the last occasion. He may continue his speech.