

12.18 hrs.

INDIAN IRON AND STEEL COMPANY (ACQUISITION OF SHARES) BILL*

THE MINISTER OF STEEL AND MINES (SHRI CHANDRAJIT YADAV): Sir, I beg to move for leave to introduce a Bill to provide for the acquisition of certain shares of the Indian Iron and Steel Company Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto

MR. SPEAKER: The question is

"That leave be granted to introduce a Bill to provide for the acquisition of certain shares of the Indian Iron and Steel Company Limited with a view to securing the proper management of the affairs of the Company and the continuity and development of the production of goods which are vital to the needs of the country and for matters connected therewith or incidental thereto"

The motion was adopted

SHRI CHANDRAJIT YADAV S r, I introduced** the Bill

12.19½ hrs.

STATEMENT RE. INDIAN IRON AND STEEL COMPANY (ACQUISITION OF SHARES) ORDINANCE, 1976.

THE MINISTER OF STEEL AND MINES (SHRI CHANDRAJIT YADAV): Sir, I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Indian Iron and Steel Company (Acquisition of Shares) Ordinance, 1976

* Published in Gazette of India Extraordinary. Part II, section 2, dated 16-8-76.

** Introduced with the recommendation of the President.

12.20 hrs.

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

AND

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

MR. SPEAKER: We take up further discussion of the following Resolution moved by Shri Somnath Chatterjee on the 12th August 1976, namely:—

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

and further consideration of the following motion moved by Shri K. Brahmananda Reddy on the 12th August, 1976, namely:—

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

The balance time left is 1 hour and 15 minutes. Let the debate go on for an hour. I will call the Minister at about 2.15

THE MINISTER OF HOME AFFAIRS (SHRI K BRAHMANANDA REDDY): Yes

SHRI SOMNATH CHATTERJEE (Burdwan) I will have to reply.

MR. SPEAKER. After that.

श्री परिपूर्णानन्द मैन्यूनी : (दिहरी गढ़वाल) : मैं श्री सोमनाथ चटर्जी के रेजोल्यूशन का विरोध करते हुए गृह मंत्री द्वारा रखे गए संशोधन विधेयक का स्वागत करता हूँ। मैं निवेदन करना चाहता हूँ कि मौसा का ज्यादा सम्बन्ध हमारी एमरजेंसी से है। यह हमारे देश के 60 करोड़ लोगों के हित के लिए काम की गई है। इसलिए

[श्री परिपूर्णाकन्द वैश्वली]

मीसा का जाने जारी रहना इच्छानिष्ट भी आवश्यक है क्योंकि जब तक एमरजेंसी की स्थिति है और देश संकट की स्थिति में से हो कर बूझ रहा है। देश की सारी अवस्था में इसका स्वागत किया है। विदेशों में भी कुछ तत्त्व हैं जोकि हमारे देश की नीतियों का और कार्यक्रमों का विरोध करते रहे हैं। मीसा का विरोध भी उन्होंने किया है। विरोधी पक्ष के वे लोग जो कि मीसा का विरोध कर रहे हैं यह देख नहीं पाए हैं कि बहुत से इकोनोमिक आर्गैजमेंट, स्पयलरज को इनके अन्तर्गत गिरफ्तार किया गया है, ऐसे तत्वों को किया गया है जंकि समाज विरोधी रहे हैं और जब मीसा का विरोध करते हैं तो यह सब साबित करता है कि वे इनका ही समर्थन अप्रत्यक्ष रूप से कर रहे हैं। वे यह देख नहीं पाए हैं कि वे किस बात की दलील पेश कर रहे हैं। मैं उनकी इन बात का समर्थन कर सकता था, उनकी आश्चर्याओं की कद्र कर सकता था अगर वे कहते कि समूक पार्टी के व्यक्ति गिरफ्तार किया गए हैं यद्यपि सही बात यह है कि उनकी गिरफ्तारी के पीछे भी बड़ी कारण मौजूद थे। आप एमरजेंसी से पहले की स्थिति की कल्पना करे, किस प्रकार वे समाज विरोधी तत्वों का साथ देने थे, किस प्रकार देश में अराजकता की स्थिति पैदा करने की कोशिशें उन्होंने की थीं। इन्हीं कारणों की वजह से एमरजेंसी लागू करनी पड़ी थी। मेरा निवेदन है कि दो हजार से अधिक स्मैगलर और इकोनोमिक आर्गैज्ड इन समय जेलों में बन्द हैं। अब इनका विरोध करते समय एक शब्द भी आपके मुंह से इनके बारे में नहीं निकला है और यह आपने नहीं कहा है कि ऐसा करके आपने ठीक किया है।

SHRI SOMNATH CHATTERJEE
This Bill has nothing to do with economic offenders. That Bill is coming up next time tomorrow or the day after. I made it very clear in my speech that this Bill has nothing to do with econo-

mic offenders, smugglers and foreign exchange racketeers. Why does he say that I did not oppose or say anything about it. What is the good of saying this?

श्री परिपूर्णाकन्द वैश्वली : आपको याद होगा कि एमरजेंसी लागू होने से पहले यही इकोनोमिक आर्गैजमेंट अवसलों की शरण में जा कर तय्य तय्य के बहाने करके जेलों से निकल जाते थे। कानून की कमियों का सहारा ले कर वे गिरफ्तार नहीं हो पाते थे। हम इस बात को भी जानते हैं कि बहुत से तत्त्व देश में हैं जोकि राजनीति का बाना पहने हुए हैं किन्तु उन्होंने हमेशा उन समाज विरोधी तत्वों का ही साथ दिया है और देश को कमजोर करने की कोशिश की है। मीसा को लागू करना क्यों अनिवार्य हो गया था। इन में जाना नहीं चाहता हूँ। लेकिन हम देखें कि मीसा लागू होने के बाद जावों में कमी आई है उत्पादन बढ़ा है, हड़तालें बंद करीब करीब समाप्त हो गई हैं। मैं मुश्किल इन बात पर जोर देना चाहता हूँ कि देश में राजनीतिक अस्थिरता पैदा करने की कोशिश की गई थी। उ.को रोकना गया है।

हमारे श्री द्रवेंत गुप्त जी ने बहुत ही सतुलित भाषण दिया है। मैं उसका स्वागत करत हूँ। उन्होंने बहुत सी बातों का विश्लेषण किया है। उन्होंने बहुत ही स्पष्ट शब्दों में कहा है कि इकोनोमिक आर्गैज्ड के खिलाफ और सब्त कार्रवाई की जाती चाहिये थी। तोड़फोड़ करने वाले तत्वों ने कागजों में या भाषणों में तो यह कहा कि उनकी यह मान्यता नहीं है और इन में वे विश्वास नहीं करते हैं लेकिन व्यवहार में जब हम उनके कामों को देखते हैं तो पाते हैं

कि उन्होंने केवल मात्र देश में अराजकता की स्थिति पैदा करने की कोशिश की है।

हैं, वहाँ पर यह भी निवेदन करना चाहता हूँ कि कुछ स्थानों पर, इस में कोई संशय नहीं है कि एम० आई० एस० ए० का दुस्वयोग हुआ है और हमारी नीकरवाही में भी इन का दुस्वयोग करने की कोशिश की है। इन से लोगों में अराजक की भावना पैदा हो सकती है। इसलिये मैं गृह मंत्री जी से कहना चाहता हूँ कि जैसा प्रधान मंत्री जी ने मुख्य मंत्रियों को आदेश दिया था, गृह मंत्रालय की तरफ से राज्यों के अलग-अलग क्षेत्रों को आदेश दिये गये थे कि इन का सबरी से पालन होना चाहिये जो लोग देश की एकता, स्थिरता और देश की उन्नति के हार्थ में बाधक हैं उन के खिलाफ कड़ी से कड़ी कार्यवाही की जानी चाहिये, किन्तु निरपराध व्यक्तियों के खिलाफ कोई कार्यवाही नहीं होनी चाहिये बल्कि आम आदमी को विश्वास होना चाहिये कि एम० आई० एस० ए० जनता के हित के लिये लागू किया गया है।

अब मैं मेरा निवेदन है कि जब तक हमारा देश आर्थिक संकट से गुजर रहा है तब तक एम० आई० एस० ए० कायम रहनी चाहिये, और जब तक एम० आई० एस० ए० लागू रहना चाहिये। आम सोचिये कि अगर एम० आई० एस० ए० उठा दिया जाता, जैसा कि विरोधी दल मांग कर रहे हैं, तो क्या स्थिति पैदा होती? आभात-कावोन स्थिति से पहले जो तत्व सक्रिय थे वह इन समय लगे हुए हैं, बिल्कुल खत्म नहीं हुए, और बड़ी तत्व इनने आगे बढ़ाते कि उनको दबाना आसान न रहता। इसलिये एम० आई० एस० ए० लागू करके गृह मंत्री जी ने देश के साथ अहान उभार किया है। आन्तरिक अर्थिक साहब ने इसका विरोध करते हुए ऐसी बातें कहीं जो अशोभनीय थीं। आम को याद होगा कि इसी सदन में जिन लोगों ने अनुशासनहीनता

का परिचय दिया वही लोग आज जनसंघ की दुहाई दे कर कहते हैं कि हमने जनसंघ की इच्छा की है। मैं नहीं समझता कि इन तरफ की बातें करने वाले लोगों की अनजानता में क्या इमेज होगी और क्या अनजान इन की बातों पर आस्था रखनी होगी?

इन शब्दों के साथ मैं इस कानून की अन्तिम बढ़ाने का स्वागत करता हूँ और मंत्री जी को इस के लिये बधाई देना चाहता हूँ।

SHRI S. M. BANERJEE (Kanpur):
Sir, when this Bill was first introduced in this House I was one of those who, with my hon. friend Somnath Chatterjee, opposed this Bill on certain grounds. The leader of my group, Shri Indrajit Gupta, has made it clear that our stand is: not total opposition to this Bill. That is why we have decided not to vote for or against this Bill. The reason is clear. We do not want the anti-social and anti-national elements who had been arrested under MISA to be released. Our main opposition stems from misuse of power given to various police officers and state authorities under MISA. I shall confine myself to a few cases of defence employees who are behind the bars. The hon. Minister assured us the other day that he would consider those cases. I have already given Shri Om Mehta, his colleague, a total picture of the workers and trade union leaders who extended their wholehearted support during the emergency to the 20 point programme. Unfortunately even such persons are behind the bars. Four employees of the Ordnance factory at Ambarnath near Bombay are behind the bars under MISA for 6-7 months. One of our executive committee members of the All India Defence Employees Federation, M. K. Rahut, who was working in Calcutta, has been put behind the bars because he incurred the displeasure of an army major and protested against misappropriation of

[Shri S. M. Banerjee]

co-operative funds by the army major who was commanding officer; he has been put behind the bars. Nine months have passed and he has not been released. What are the charges against those persons? Two workers of the ordnance factory at Katni, B. P. Sharma and another are similarly suffering. I had talk with the Chief Minister of Madhya Pradesh and he was surprised; he did not know anything about it. I referred the case to the Minister of Defence Production Shri Gadgil and he was kind enough to take up the matter with the state government. I hope he will also have a talk with the Home Ministry.

Even after this, in the clothing factory at Avadi, the General Secretary of our union, Shri V. C. S. Nair, who gave unconditional support to the implementation of the 20 point programme has been put behind the bar. The Security Officer of that particular ordnance factory reported against him and he still owes his allegiance to the DMK and not to anybody else. In the Heavy Vehicles Factory at Avadi, two of our employees, who are among the best artisans, are behind the bars. This House showered praises on the workers of this factory for producing the Vijayanta Tank which made a grave of the Patton tanks, given to Pakistan by the USA. In the ordnance factory at Varangaon in Maharashtra, the General Secretary of our union, Shri V. P. Solari has been arrested on the 11th August under MISA. In the Kanpur IIT, the General Secretary of the Karamchari Sangh, Shri R. K. Tiwari is behind the bar.

I am prepared to sit with the Minister. Let him prove that any of these workers whose names I have mentioned in this House has done anything which is anti-social or anti-national or is against the progressive policies of the Government of India, including the 20 point programme. The

situation is being exploited by the right reactionary forces and by the extremists. They openly say to these workers, "You supported the 20-point programme and you are in jail". They are the General Secretaries of our unions. I request the minister to make a note of these cases. In Bihar, 24 comrades of our party are behind the bars under MISA. In Korba mines also so many employees are behind the bars under MISA. After the emergency was clamped, did we not fight the sinister and right reactionary forces with our back to the wall? Did we not hold the banner high and made their sinister plans inoperative? Is this the reward you are giving us for that? I am not speaking now as an M.P. but as the President of the All India Defence Employees Federation, which rose to the occasion during every external aggression, whether by Pakistan or by China. We gave unconditional support to the Defence Minister and the Prime Minister. I urge on the hon. Home Minister to call for the concerned papers and not to rely on the false and fabricated reports of the local administration. Let him sit with the Defence Minister and sort out these cases. I will be able to prove that all the charges against these workers are fabricated or manipulated. The only fault of these workers is that they are trade union workers and they have worked for the welfare of the workers. The officers are trying to get them arrested because of the past enmity and hatred towards them. When there was an attack against the workers, they fought against it. Is this the reason for putting them behind the bar? I request the hon. minister to ponder over this and not to give a stereotyped reply. Our workers are not afraid to be behind the bars. But it has created an extremely difficult situation for us to work in those particular units when we find that those who supported the government's progressive policies are put behind the bars. I have written to the Prime Minister. I make an appeal to the hon. minister and his

colleague to realise the gravity of the situation. Today the workers are simmering with anger. They know how to fight back but we have advised them not to agitate on this issue. I am sure some day the minister will consider their cases sympathetically and they will be released.

I am really sorry to use such expression. If I may say so, if these people are not released, it will hamper the production of these units. Of course, during Emergency they cannot raise their voice. If these workers who have supported the 20-Point Programme and Mrs. Gandhi's progressive policies on certain issues, are not released, Emergency or no Emergency, DIR or no DIR, MISA or no MISA, they will also show their strength. I do not want confrontation at this stage with the Government when we have to do so many things. So, I request the Home Minister to take note of this thing and give proper reply. I am prepared to accept his reply. Let him scrutinise all those cases. If even in one case it is proved that they have done something anti-national or anti-Government, I am prepared to resign. All the charges are false and fabricated and I would request the hon Home Minister to kindly give me a chance to prove that these cases are false and based on past prejudice. He should not go by the report of the ordinary Police. I know they are simply misusing their powers. Today, bureaucracy and Police authorities are hand in glove with each other. These things are done to create hatred for the Prime Minister and her 20-Point Programme. The people are scoffing and laughing at us and ridiculing us by saying, look here you have supported the 20-Point Programme and what is the net result of that. The General Secretary and active workers who have supported the Government under the banner of All India Defence Employees Federation and fought internal and external aggression, are behind the

bars. I have no answer to it. I become speechless.

We support the progressive policies of the Prime Minister, but, supposing, the Defence workers decide to fight, please do not misunderstand them because they will fight in self-defence.

SHRI VASANT SATHE (Akola):
I rise to support the Bill for the extension of the period of MISA because I feel that the discipline that has been brought in the country during last year must continue if this Nation has to make progress on the economic front and if we are really to win the war against poverty because democracy itself without discipline becomes mobocracy and anarchy. That is why our country was sliding into a period of anarchy, a period of lawlessness. I am sure, no person, who wants democracy, parliamentary democracy as well, to continue in this country, would ever support a state of anarchy.

So much was said about democracy. Waxing eloquent some of my friends like Prof. Mavalankar, Shri Shamim and others, say that democracy is in danger. Of all the things, even Mahatma Gandhi's name was invoked to support their argument. I would like to quote what Mahatma Gandhi said about democracy.

"True democracy is not inconsistent with a few persons representing the spirit, the hope and aspirations of those whom they claim to represent. The spirit of democracy cannot be enforced from without but it has to come from within. The spirit of democracy cannot be established in the midst of terrorism whether governmental or popular... In some respects popular terrorism is more antagonistic to the growth of the democratic spirit than the governmental. For the latter strengthens the spirit of democracy, whereas the former kills it.

[Shri Vasant Sathe]

I do not want anybody to give up his convictions or to suppress himself. I do not believe that a healthy and honest difference of opinion will injure our cause. But opportunism, camouflage or patched-up compromises certainly will. If you must dissent, you should take care that your opinions voice your innermost convictions and are not merely intended as a convenience party cry.

The highest form of freedom carries with it the greatest measure of discipline and humility. Freedom of discipline and humility. Freedom that comes from discipline unbridled licence is a sign of vulgarity injurious alike to self and one's neighbours.

In democracy, the individual will is governed and limited by the social will which is the State, which is governed by and for democracy. If every individual takes the law into his own hands, there is no State, it becomes anarchy, i.e. absence of social law or State. That way lies destruction of liberty."

Therefore, Sir, even before Independence Gandhiji laid down the concept of democracy in so categorical a language, as I quoted just now. Hence all those people who think that . . . (Interruptions)—I have quoted from "Yojana" of 26th January 1976, page 37. It is a quotation from Gandhiji—So, as far as MISA is concerned, what does it actually hamper? I am one with those persons, Sir—and you have also stated last time that if there is any abuse or misuse by officials which, you concede, is likely to be there, you would personally look into it; and if it is brought to your notice, you will see to it that this abuse is stopped, or that misuse is stopped. What is the grievance?

The gravamen of the grievance that has been hurled or urged here in this House by the Opposition is that so many officials—police officials and others—are misusing the power under MISA. The Prime Minister the other day stated that she had repeatedly written to the Chief Ministers of the States that they should review these cases, scrutinize them carefully to see that in hard cases, if there are any, people are not detained. Nobody is interested in detaining people merely on suspicion. I can understand that in the earlier part of the imposition of MISA, there might have been cases where police, probably in their enthusiasm, have detained certain persons, being afraid of their activities; but now, over a period of time, we have had enough time to scrutinize the role that these people have played, their past record and what acts they are likely to commit or have committed. Therefore I would also plead, because I myself know of some instances, Sir, that some policy decision has to be taken in the case of old men. I know that old men above 70, suffering from paralysis—just because some years back they were on the record of the police as belonging to certain banned organizations—were taken in now. They are continuing to be in. I also know that as soon as such instances were brought to the notice of our Chief Minister, he immediately passed orders for their release. In the Centre also the hon. Minister must have given directions about such general matters about old people, young boys, sometimes students etc., As far as possible, a strict scrutiny should be made and let there be relaxation.

As the Prime Minister herself has said, she has taken measures to relax the rigours of the emergency, as much as she could. Probably, the detenus which the opposition has in mind are persons who are guilty

of some other offences, like smugglers and racketeers, and not the political detenus. What are we interested in? We are interested mainly in political detenus. If there are instances where the persons who are detained are not guilty of any subversive activities, you can bring them to the notice of the Home Minister.

SHRI SOMNATH CHATTERJEE: Is it a matter of dialogue between the Minister and the detenu?

SHRI VASANT SATHE: I am confident that the attitude of the Government is not to be vindictive, to victimise anybody. But, at the same time, it could not allow anybody to subvert democracy itself, or sabotage democracy, or bring about a state of affairs which will breed indiscipline in the country. That cannot be allowed. We cannot go back to a state of affairs of anarchy, not only this year or next year, but never. Therefore, I strongly support the extension of this Act.

Then as the Prime Minister stated, what is the response of the opposition? They say that they want the emergency to be relaxed. All right, we agree to it. Now all their top leaders are out in the country. Have they in any manner shown that they want the state of discipline in the country to be continued? What is your idea of normalcy?

SHRI SOMNATH CHATTERJEE: What is your idea of normalcy?

SHRI VASANT SATHE: My idea is that discipline should continue. That is the condition for democracy. If MISA is necessary to bring about that discipline, I would say that it should be made a permanent statute. This emergency is *Anushasan Parva*, and it must remain for ever, if democracy is to prevail. Without that, democracy cannot prevail. So, this should be continued, unless you want

this country to be forced to go to a state of affairs that is found in some other countries where there is regimentation.

I would conclude by quoting what the Prime Minister said in her address to the Commonwealth Parliamentary Conference that was held here recently, and these are pertinent remarks:

"The inability to accede to power by democratic means may lead some parties to offer unconstitutional or extra-constitutional challenges."

That was what was happening in this country.

"For any democracy it is imperative to guard against such developments. It then becomes an onerous, if painful, duty to counteract them by constitutional remedies. The responsibility for preserving democracy is not confined to the ruling party. It devolves equally on the parties of the opposition and the people as a whole."

Before pleading for any relaxation, I would plead with the Members of the Opposition to search their hearts and try to play their role so that what you call relaxation may be increased.

I support the Bill.

श्री चन्द्रिका प्रसाद (गिन्या) अध्यक्ष महोदय, मैं श्री सोमनाथ चटर्जी द्वारा प्रस्तुत संकल्प का विरोध करता हूँ और माननीय मंत्री जी द्वारा प्रस्तुत विधेयक का समर्थन करता हूँ। मैं जन-परियों से सीखा: पर भाषण सुन रहा हूँ। हमारे साथियों ने कहा कि इमर्जेंसी से इस देश को मुक्ति मिलेगी और जाने जाने वाला इतिहास जो है उसमें हमारे माननीय मंत्री जी को प्रजातन्त्र का हतारा कहा जायेगा, फासिस्ट कहा जायेगा—इसका हम और विरोध करते हैं। हम अपने साथियों से पूछना चाहते हैं कि इमर्जेंसी से पहले संसद सदस्यों और विधायकों ने

[श्री चन्द्रिका प्रसाद]

रिवाजवर और पिस्तौल दिखा कर इस्तीफा लिया जा रहा था और उनके पीछा जा रहा था क्या वह सब प्रजातन्त्र की रक्षा करने के लिये किया जा रहा था? गुजरात में जितने झगड़े हुए और जितनी दूसरी शर्मनाक बातें हुईं क्या वः सब इस देश की सुरक्षा के लिए की जा रही थीं? इस देश से बाहर और भीतर की प्रतिक्रियावादी ताकतों ने आपस में मिलकर इस देश को गुलाम बनाना चाहा था, वह ताकतें इस देश के को भ्रष्ट के बगैर भूखा मारना चाहती थीं। इस देश में रेलगाड़ियों को चलने नहीं दिया जाता था। क्या यह बातें इस देश की आजादी के लिए की जा रही थी। आगे आने वाला इतिहास बतायेगा कि आजादी हमने ली है और उसकी रक्षा करने की भी हमारी जवाबदेही है और जिसको हमने पूरा किया है।

हमारे साथियों ने यह भी कहा है कि कम्युनिस्ट पार्टी और कांग्रेस के लोगों ने फण्डामेंटल बात नहीं की है, बल्कि अपनी पार्टी की रक्षा—के लिये यह कदम उठाया है—यह बिल्कुल गलत बात है। अगर कम्युनिस्ट पार्टी के लोग और हमारी पार्टी के लोग पकड़े गये हैं तो हमका मतलब है कि हमारी नीकरशाही ने बिल्कुल ठीक काम किया है और ईमानदारी से काम किया है। हम पार्लमेन्ट के मेम्बर हैं, हमारी कास्टीट्यून्सी में जो बातें होती हैं, हमारा अधिकार है हम उनको उठाये। सविधान ने और पार्लमेन्ट ने जो अधिकार दिया है बोलने का और बान कहने का, उसके बाहर हम कोई बान नहीं करते हैं और अपनी बान उठाते हैं अगर वह बातें नहीं कहीं जायेंगी तो फिर और कौन सी फंडामेंटल बातें होंगी। यह बात मेरी सम्मत्त में नहीं आई। जब से हमारे देश में आन्तरिक सुरक्षा अधिनियम लागू हुआ है हमारा देश नये युग की तरफ बढ़ा है, अराजक तत्व और प्रतिक्रियावादी शक्तियों

का उन्मूलन हुआ है तथा देश में काय करने का माहौल बना है। हमारे साथियों को दिखाई नहीं पड़ता कि आज बाढ़ियाँ कैसे चल रही हैं और देश में क्या क्या उपलब्धियाँ हुई हैं। जैसे कि हमारी प्रधान मंत्री से साल किले पर कहा है कि हमारे देश के डाउन-ट्राउन, बैकवर्ड और कमजोर जो वर्ग हैं उनमें आजादी की लहर नहीं आई थी जो खेतहर मजदूर हैं उनको सांस नहीं मिल रही थी उनको राहत पहुंचाने में जो शक्तियाँ रुकावट पैदा करती थीं उनको आन्तरिक सुरक्षा कानून द्वारा रोककर इन वर्गों को आगे बढ़ाया जा सकेगा। हां, यह बात सही है कि कुछ नीकरशाही के लोगों ने इसका बुरा प्रयोग किया है। हमारा कांस्टीट्यून्सी में ही पिछले बीस वर्षों से जो हरिजन बसे थे, म्युनिस्सिपैलिटी के चेयरमैन श्री नुरली मनोहर ने उनको वहा पर बाहर से आने पर बसाया था उनको एनक्रोचमेंट के नाम पर हटा दिया गया जब कि वास्तव में उनका एनक्रोचमेंट नहीं था, उनको बसाया गया था। कलकटर ने सामन्तों के हाथियों को लेकर उनको उखड़वाया। अगर ऑपेडियाँ पसन्द नहीं है तो उनके लिए अल्टर्नेट अरेंजमेंट करके उनको हटाया जाये जैसे कि यहा दिल्ली में किया गया है। आज लोग वहा पर पानी में भीग रहे हैं और धूप में मर रहे हैं। इसी तरह में रूडा में एक धानेदार ने मीसा में हरिजनों को बन्द किया है। पार्लिश करने वालों को बन्द किया गया है। हम नहीं कहते कि नीकरशाही के सभी लोग ऐसे हैं लेकिन अगर वही पर एक ध अधिकारी ऐसे है तो उनको रोक्-थाम के लिए प्रदेसीय या जिला स्तर पर कोई सस्या होनी चाहिए। जो इस तरह की बातें होनी हैं उनको रोक्-थाम हो सके। इस कानून को लागू करने का हमारा मुख्य उद्देश्य यही है कि जो गरीब हैं, पिछड़े वर्ग के हैं, जिनका विकास नहीं हो पा रहा था, जब भी उनके लिये कोई कार्यक्रम

शुरू होता था, उस में घनेको प्रकार की बाधाएँ मिली थीं, अब उन तत्वकों का सम्बन्धमें सही तरीके से हो। यही मुझे निवेदन करना है।

SHRI SHYAM SUNDER MOHA-PATRA (Balasore): Mr. Speaker, Sir, extension of the period of MISA is going to give solace to those persons who want to carry forward the 20-point programme of the Prime Minister. In a country which is faced with on slights from Right Reactionary and Fascist forces, MISA is a boon to us, because it is the iron rod which a ringmaster uses to control a tiger. Government is the ring-master and it is controlling the Fascist and Right Reactionary forces with this rod. In a socialist country where the people think of equality, where the people think of socialism and where the people think of having an egalitarian society, there has also to be control on these forces by means of Government orders.

We have enjoyed unlimited democracy during the last 25 years. Students, teachers, lawyers, businessmen and everybody else thought that each was enjoying his liberty to a vast extent in this period of restraint. This period of one year may have been an era of restraint or may have been an era of discipline, but we have to discipline every type of person who is interested in sabotaging our sense of discipline. In this year of discipline, prices have been controlled and inflation has been controlled through disciplinary and educative measures. Big business has been controlled to the extent that they have now agreed to the dictates of Government. Smuggling has been checked to a very large extent and smugglers who are operating from Kuwait and certain Arab countries are so much restrained in their activities and so much frustrated that they think that they are probably doomed. During my tour of the Arab countries, various people, especially

in Kuwait, told me that the Emergency in India has curbed to a large extent the movements of the smugglers in these Arab countries. Then, bad characters also, have been hauled up. In the streets of Delhi it was impossible for women to move about after 10 o'clock in the night, but it is now safe. A Police officer told me that two years ago it was so difficult for the people to move about in the streets, but it is now calm because bad characters have been hauled up. But, at the same time, I must give a cautious warning to the Administration. Our Prime Minister had told the Inspector-General of Police to tell the Chief Secretaries and other officials that the MISA should not be used recklessly. Yet, as the Hon. Minister had said, in certain cases, instead of the MISA being used against persons who are anti-national, who are anti social and who want to curb our democracy, it is being used for personal vendetta against certain persons. I have seen this in my State of Orissa and I pointed this out last time also; he is aware of it. But, of course, there has been caution from the Prime Minister to the Chief Ministers that this MISA should be used only against persons who are against the implementation of the 20-point programme and who are against the four-point programme and the five-point programme of Sanjay Gandhi and who are against the democratic spirit that has been unleashed by the Government during this period of Emergency.

The manipulation of foreign exchange by smugglers has been curbed to a large extent by the MISA, and because of the COFEPOSA Act there are more than a thousand people behind the prison bars today, who had tried to smuggle out our money into other countries.

Sir, there has been pressure on the Government from various sources that persons who are in jail should be released. Persons who are in England, persons who are in the United States,

[Shri Shyam Sunder Mohapatra]

persons who are in Canada, Germany... ..

MR. SPEAKER: The House stands adjourned to meet again at 2.00 p.m. The Lok Sabha adjourned for Lunch till Fourteen of the Clock).

The Lok Sabha reassembled after Lunch at Three Minutes past Fourteen of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

STATUTORY RESOLUTION RE. DIS-APPROVAL OF THE MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) ORDINANCE, 1976 AND MAINTENANCE OF INTERNAL SECURITY (SECOND AMENDMENT) BILL—Contd.

SHRI SHYAM SUNDER MOHAPATRA Mr. Deputy Speaker, Sir, while concluding my speech on this MISA, I would like to refer to a directive which was issued by the Hon. Minister Shri Om Mehta on behalf of the Home Ministry to all the State Governments, to use the MISA against black-marketeers, racketeers and economic offenders. This directive was issued on the 18th of July 1976 and it was appreciated by a very large section of the people. We know that there are political opponents; there are parties which believe in aggressive Leftist designs; there are Parties which believe in communalism and there are Parties which intend to subvert our economic rights; but the most dangerous element in our country today is a section of the people which is indulging in economic racketeering. They want to subvert our economic standing. The MISA should be used mainly against those people.

Now, Mr. D. N. Tiwari, the Chief Minister of Uttar Pradesh, said a few weeks ago that he would like to use the MISA against those who are corrupt. There are officers in our bureaucracy—IAS officers, IPS officers, Engineers etc.—who are very corrupt. During the last 27 years, a section of

the bureaucracy enriched themselves through the contractors and it is they who had helped the smugglers and economic offenders. The Income Tax officials and Engineers have been hands-in, gloves with the contractors who have absolutely reduced our economic standing. The MISA should be used against these officers. I congratulate Mr. Tiwari for having spoken frankly.

Many years before Independence, Pt. Jawaharlal Nehru said that we should hang economic offenders from the nearest lamp-post. If the law does not permit that and we cannot hang them, we can at least send them to the prison houses under the MISA. If that is done, a large section of our people will be very much happy.

While concluding, I will make another fervent appeal to the Home Minister. There are many persons suffering under MISA; there are helpless and poor people who have been sent to prison mainly because of personal vendetta of certain police officers, and their families are in a ruinous condition. The Kerala Government have decided to give between Rs 50 and 150 to them. Their children have not made any mistake; their wives have not made any mistake; it is the husbands who may have done any mistake. Therefore, while congratulating the Kerala Government, I would request that the Home Ministry which has the power to review cases, may undertake a review and if they feel in their discretion that there are cases where help is necessary, they may, by using their discretion, by their benevolent consideration, try to help such families.

I support this move by the hon. Home Minister and I hope that the MISA will be utilised in the best possible manner against the economic offenders and against those who want to subvert our economy and jeopardise our progress and the implementation of the 20-point programme of our esteemed Prime Minister.

MR. DEPUTY-SPEAKER: By an earlier decision, the Home Minister is to reply at 2.15 p.m. There are ten minutes; at the most, I can accommodate two more Members if they agree to abide by an allotment of five minutes each.

Dr. Kailas

DR. KAILAS (Bombay South): Mr. Deputy-Speaker, Sir, I rise to support the motion moved by the Home Minister for extending the period of arrest under MISA and oppose the Resolution moved by Shri Somnath Chatterjee. This motion has been brought forward by the Home Minister because the situation is still grave, and before any suggestion of Mr. Somnath Chatterjee is taken care of, we must take care of our country first and think for the benefit of teeming millions, who were suffering so much before Emergency and MISA were applied.

Mr. Somnath Chatterjee spoke in a very angry mood because the plan of his Party to use violent and extra-Constitutional means came to an end and, perhaps, because this Group has been dislodged from their efforts to create chaos and anarchy in the country. Mr. Somnath Chatterjee is right, as a member of the Opposition Party, in moving the Resolution for which I have no grievance, but he must understand the larger implications of the MISA on the country and the achievements that have come in the last twelve months during the operation of Emergency and MISA and then press for his resolution.

I think, Mr. Indrajit Gupta and his Party have decided to remain neutral when voting takes place; he has explained why he has taken this attitude. But may I request him to oppose when voting takes place on the Resolution of Mr. Somnath Chatterjee? I agree with Shri Indrajit Gupta that those persons who have been honest, labour unionists or party workers should not have been arrested. But can he stand guarantee that those

labour leaders would not instigate the workers to produce less in factories or create chaos in the factories and that his party men would not teach violent agitations to the landless labour or the persons affected by the recent measures against money-lenders or on anything which is shown in the 20-point programme which, Mr. Indrajit Gupta and his Party has already said, they are supporting. 'Supporting' does not mean that you create chaos in the places where they are working in the name of 20-point programme and teach the people to take to violent means for redress under the 20-point programme. The Govt. can not afford to take risk in law and order question.

I think, the Home Minister will agree that there have been *malafide* arrests by over-enthusiastic officers or by certain officers just to take revenge for some old, personal grievances. I would suggest that the Advisory Committee, under the chairmanship of Chief Minister, may get the cases of those who have been recommended by MPs be examined by an independent and impartial officer without believing in the police reports which have been concocted and then decide the cases. Secondly, all those cases which have been recommended by the Chief Minister or the State Government for release, as mentioned by Mr. Salve and also by myself, should be considered by the Home Ministry at the Centre and they should see that they are released.

I would say that *suo motu* all cases of school and university teachers, doctors, engineers and intellectuals be examined afresh. If they give an undertaking in writing that they have nothing to do with any violent agitation and that they would behave like an honest and good citizen, they must be released, or released on parole so that they can establish what they have given in writing.

Before I conclude, I would ask a few questions to the Home Minister. Will you have a better review com-

[Dr. Kailas]

mittee? Today, though the Chief Minister sits as Chairman of the review Committee, he has perhaps to depend on the police records and I am sorry to say that our cry, our letters after letters have fallen on deaf ears. Certain innocent persons have been kept in custody beyond a period of 8-12 months just on suspicion and the entire family has been ruined. I am talking of those boys, teachers and professors whose families have been badly affected. It is not only the person who has been arrested suffers but his family, his wife and his other relations are also getting affected economically. Politically also it is going against this Government for nothing. Will the Home Minister agree to give us a break-up of arrests in the different States in the categories, not of smugglers, hoarders or black-marketers, but students, teachers and such political leaders who perhaps did not belong to any banned organization? I am sure, the Home Minister will be good enough to do this. He has always given due consideration to the representations which I have sent to him. On my representation to him, one person has been brought out on parole and another person has been released, because he was convinced that the Shiv Sena people were responsible for creating trouble and not these people. Before I sit down, I would give two names, one is Dr. Prashant Kumar and the other is Shri Sheth of Delhi University. They are innocent people and have been harassed unnecessarily. Their cases may kindly be looked into.

MR. DEPUTY-SPEAKER: Why bring in names? You can write those names to the Home Minister.

DR. KAILAS: With these words, I support the Bill and oppose the Resolution of Shri Somnath Chatterjee.

SHRI B. V. NAIK (Kanara): Mr. Deputy-Speaker, Sir, since I have waited throughout the whole of Friday and since the Home Minister is

here and I am the last speaker, I would request you to be kind enough to give me a few more minutes.

MR. DEPUTY-SPEAKER: We are nearing 14-15 already; you may take five minutes and finish.

SHRI B. V. NAIK: The other day, I was hearing Shri R. K. Khadilkar and he said that there was a lot of nervousness even in the Central Hall. I do not think that the gossip must be taken that seriously. But as a solution to put MISA permanently on the Statute Book of this country, that would not be in fairness to our Constitution. I do hope that we do look forward to a day when MISA which was described as a sort of corrective or restorative for the national health and discipline is vacated. It does not appear but we must be in a position to see that the *status quo ante* on the eve of the imposition of the MISA does not come once again.

The acid test would be of the effectiveness of the MISA like the medicine administered to a patient as to how well he has recovered, not that he has been continuously hospitalised. But, for that, I think now is the time during the period of emergency when all the peace-loving, progressive parties of our country will have to unite to forge a united front at a time when this destructive element has either gone underground or has been locked behind the bars, as to how to face the reaction when the MISA is lifted.

Therefore, with due deference and due agreement to my lack of knowledge about the individual Communists who have been put behind the bars, I would suggest that the suggestion of the CPI leader, Mr. Indrajit Gupta with regard to those Communists and CPI Members who have been detained in order at a future date to forge a common united front against the resurrection of the activities in the post-emergency period, should be considered most sympathetically.

Unfortunately, during this period of Emergency what has grown is not constitutionalism. (Interruptions).

MR. DEPUTY SPEAKER: You have a very limited time. Please do not get diverted.

SHRI B. V. Naik: In respect of the MISA period and the Emergency period, what we have witnessed is more and more of statism and less and less is the evidence of constitutionalism. Statism looks like constitutionalism and adamant to discipline. But there has been a rise of statism. The hon. Minister who has been very sober and far away from the description of that French-cut hon. friend of ours, Mr. Shamim who only looks more like Adolf Hitler than Mr. Brahmaananda Reddy.

I hope, will examine from the political angle as to in how many States the Chief Ministers I would not mention the names the Chief Executives of your Government have been able to rely more and more, not on the popularly elected representatives, not on the elected Congress Parties or their own ruling Parties, but more and more on the State apparatus, viz., the Magistracy and the Police Officers in identifying the people who have to be dealt with by and large.

A large number of people, according to my limited observation, who ought to be inside under the MISA, are yet outside and it is a considerable number, I must admit, because their detentions are particularly based on Police records, law and order records and not on political intelligence gathered from the local people and representatives of the people and the confidants of the governing party and the Ministers. If a considerable number of people who ought to be outside are also inside. I think the hon. Minister, when he extends the period of this legislation, will give due consideration regarding this review. The recommendation in regard to broad-basing these review committees is welcome by and large. The treatment of the MISA detenus, as some of them have come out, is ac-

tually very very glorious and they are very happy about the treatment they have been given and we have no complaints about it.

I hope the Minister gives due consideration to the few points I have raised.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Mr. Deputy Speaker, of the hon. members and I would like to express my grateful thanks to all those who participated in the discussions on this amending Bill. I must particularly thank the members on my side for their very valued support and also Shri Sharma, former BJS Member, now independent and Shri Indrajit Gupta who has also given support to the Bill though he was made some observations with regard to the detention of some of his party workers.

Shri Somnath Chatterjee, while moving the Resolution of disapproval has tried to tell this House what is the conception of democracy, natural law, natural justice, civil liberties, etc. It is not my purpose now to enter into any controversy or even a discussion with regard to his, if I may say so eloquence on those subjects. But I wish to say this—as the Prime Minister is also reported to have said at one place all rights flow only from duties. Just now, an hour or so ago, my friend Shri Sathe was quoting from Mahatma Gandhi's observations on democracy. They are very relevant in this context if my friend Shri Somnath Chatterjee can again and also change his mind about those concepts.

SHRI SOMNATH CHATTERJEE: I shall be relying on them

SHRI K. BRAHMANANDA REDDY: I will be happy.

However, I feel that we on this side of the House or many sides of the House have a better appreciation or in fact a better comprehension of what democracy is or what civil liberties have to be. In this context,

[Shri K. Brahmanand Reddy] possibly, if I may take some liberty, that corner in this House is at a disadvantage to speak about democracies, civil liberties, etc.

As has been repeatedly said by many civil liberties do not contemplate incitement to violence, civil liberties do not contemplate the kind of most offensive speech that have been made from that corner of the House in the Parliament or to disrupt economy or to disrupt the life of the entire community. Everybody will have to understand that ones liberty should have respect for the liberty of the other and in my opinion there are few rights which have no corresponding obligations. I do not wish to elaborate on this point because it is a beaten track. Honourable friends know about it and my friend Shri Somnath Chatterjee also knows very well about it.

I would like also to quote from a purported statement said to have been made by the Prime Minister a few days ago—

“The purpose of the proposed constitutional changes was to ensure that the protections afforded in the name of civil liberties were not misused to frustrate and overturn the very existence of Constitutional democracy and secondly, to facilitate social change and secure it from the power of vested interests to manipulate the catches and springs of law.”

This has been recently reported and I wish to quote that the information of hon. Members

Now, unfortunately, in this country a strange sort of culture has developed for the last few years. Whenever trenchant criticism is made about Government or Government's functioning by the court or whenever the court makes any observations about such things, some members of the opposition, particularly in the CPM party, get up here, quote them and say, here you see the independence of judiciary, democracy is serv-

ing in India only because of this type of independence of judiciary and so on. I do not want to enter into any controversy on that subject. But I am only referring to that strange culture which has come into this country, namely, that whenever a person criticises the Government, he is independent and whenever anybody supports the Government he is under the heels of the Government. This sort of conception has to undergo a great change. Any government will, of course, have to be criticised for its wrong doings. Certainly, I am not against dissent as I said before. Even today I am not against dissent. But dissent must be sincere and purposeful. It must help the Government in correcting its mistakes. I wish to draw Mr. Somnath Chatterjee's attention to that particular aspect.

MISA is a permanent Act passed by this House, as you could be aware, in 1971. MISA now has two concepts: one is that one passed in 1971, namely, where a person who has committed some mischief and things like that, can be detained. But in that case he will have to be, within a period of 7 or 10 days etc. given his grounds, why he is detained and then there is the process of the advisory board which is generally presided over by a high court judge. They look into the matter and make a commendation to Government which recommendation is generally accepted by the State Government or Central Government. Now, because of the special situation that had developed when this country was sought to be involved in a sort of chaos and disorder, 16A was brought in. I think 16A provision has been discussed threadbare in this House many times. Even now, the situation that had made Sec. 16A necessary has been discussed. Many hon. Members not only cited instances but they generally deal with the situation that was existing prior to June, 1975. They said what sort of situation we then had, how economy was disrupted, how colleges were not allowed to

function, how universities were not allowed to function, how incitement to violence was taking place, and all sorts of most offensive criticisms were being made not only here but even outside and a sort of disaffection was sought to be created against Government and the confidence of the people in their own future was being shaken. All these things were mentioned previously in this House and I do not want to go into that again. Therefore, this 16A was brought in to control and meet that situation. It was felt then that if the Government did not do something to meet that situation, probably, Government would have been accused of having abdicated its responsibility to intervene, and that was why, in this country, even as early as in June 1975, we published a booklet on 'why Emergency was declared'. It was said that no government worth the name could allow itself to keep mum when things were going in that chaotic fashion.

Section 16A was felt necessary by this House and after full discussion, and with the support of my hon. friends from the Opposite as also from the Members of the CPI that we passed that legislation. Now the question is limited—I am not going into it because as I said, this House had the opportunities to discuss not once, but twice or thrice how Section 16A is to meet that particular situation. I need not now go into it. This amendment is to extend the time mentioned in the original Section 16A from 12 months to 24 months. We will have to see the justification for this extension and not for the original 16A which is already there and which has been discussed already and approved after discussing it not once but twice or thrice.

Therefore, this House will now have to make a proper and practical assessment of the situation in this country. There need not be any doubt as to the gains that have accrued to the nation on account of the emergency. Discipline has been crea-

ted because of the emergency. I need not go into it. Because of this, confidence has been created in the entire community; in field of activity, we see hopeful signs. Our economy is improving and there is discipline in all walks of life. Everything is functioning as in normal times. Therefore, let the gains be preserved for the benefit of the nation; there may be no doubt about that. I do not think that Shri Chatterjee will question that. What I am trying to submit to this House is that the discipline which has brought about these gains to the society must remain a permanent feature of our life. That is my point.

The emergency has not brought in these gains; it has brought in the discipline by which benefit has accrued to the nation. This cannot be questioned by any Member to whichever party he may belong what we find is that these gains are the resultants of the discipline in society self imposed discipline—and because of this discipline certain gains have resulted for the benefit of the community and we say that that discipline must become a part of life and a way of our life. This is what we want. I do not want to be taunted by Shri Shamim—luckily he is not here now—but he may ask: Do you mean to say that one can gain only in emergency? Do you mean to say that if the gains are to be ensured permanently, the emergency must be ensured permanently? That is not the idea.

The idea is that the discipline which has come about because of emergency must be a permanent feature of our society if we are to serve as a great nation—in the comity of nations. Now, we will have to see whether a sudden reversal or a sudden revocation would be helpful to the nation or whether a resurrection of the licence which this community was enjoying prior to June 1975 would be helpful. You will have to make an assessment of the situation and come to the conclusion as to whether it

[Shri K. Brahmananda Reddy]

will be helpful to the nation or not. I feel that for the present it would be premature to indicate any date as to the revocation of emergency. It does not mean that the detentions etc. are not under review. It does not mean that policy also is not under constant review. But I think that the present situation should not lead to a complacent attitude or into thinking that everything is quiet. What may be quiet at the surface need not be quiet underneath. There can be grouping or re-grouping of forces also. Therefore, it becomes necessary for you to be wary.

In this connection I wish to plead—as Mr. Indrajit Gupta has pleaded—that there are forces even outside which have not taken kindly to your national interest and, therefore, you have to be on your watch. I need not elaborate it further, and I would submit for the consideration of this House that in view of these factors—though the situation should be under constant review, though some rigours can be relaxed—I feel that revocation of emergency without going into other aspects of the situation and to get near-complacency that everything is quiet would not be in the interests of the nation.

Sir, one friend had remarked that there is a fear-psychosis. Sir, as you are aware, one of the main objects of any penal law is to inculcate fear, not in the law-abiding citizens but in those who intend to be law-breakers or do something against the community in an illegal way. Therefore, to say every now and then that you are creating fear-psychosis and without this fear-psychosis you cannot manage is not a very strong argument. For instance, Mr. Indrajit Gupta has rightly said that he is supporting this amending Bill with the observation....

SHRI INDRAJIT GUPTA (Ahipore): I think you did not pay much attention to what I said.

SHRI K. BRAHMANANDA REDDY: You said that you are not opposing it.

SHRI INDRAJIT GUPTA: Mr. Deputy Speaker, Sir, I said that we are not in a position to support this Bill because of the gross misuse of power which is going on and I gave so many instances.

SHRI K BRAHMANANDA REDDY: I do not think I have misunderstood you. I am only trying to analyse you.

SHRI INDRAJIT GUPTA: Better analyse Mr. Khadilkar. He gave you some advice.

SHRI K BRAHMANANDA REDDY: You have stated that you see the danger in outright release of people ..

SHRI INDRAJIT GUPTA: Yes.

SHRI K BRAHMANANDA REDDY: You have also said that there are other foreign forces at work.

SHRI INDRAJIT GUPTA: True.

SHRI K BRAHMANANDA REDDY: which are more dangerous than the local forces.

SHRI INDRAJIT GUPTA: That is my opinion.

SHRI K BRAHMANANDA REDDY: I do not think there is much difference of opinion. There can be some, but not much—it is marginal. That means that with the spirit of the extension of this Amendment Bill you agree. You only say that because my CPI workers are in jail ..

SHRI INDRAJIT GUPTA: You are distorting what I said. I did not want to embarrass you by giving the names of other people including people of your own party.

SHRI K BRAHMANANDA REDDY: No, no. I am only trying to submit...

SHRI SOMNATH CHATTERJEE:
Your understanding plus analysis—
both are wrong.

SHRI K. BRAHMANANDA REDDY: My analysis is wrong? That is how I have understood you. I still presume I am right.

The point is this. It may not be very correct for Shri Indrajit Gupta to say that what all you pleaded for regarding releases should be accepted by Government. I think if you take a position like that, it would be difficult for me to accept. But if you take a position 'Yes, we certainly bring to your notice about the alleged misuse of MISA' and if we look into them, consult the State Governments and check up with other information that we may have at our disposal and then come to some conclusion *bona fide* 'Yes, these people can be released, these people it may not be safe to release', then you should have faith in our sincerity. I am not trying to say—I said it even last time which you have quoted already—that there cannot be any instance of misuse anywhere in this country. I have not taken a position like that. I am not taking that position even today. There could have been, but I was trying to come to some figures and also show how we have been trying to dilute the rigour of it, how we have been trying to make it less rigorous, how we have been trying to consult State Governments and to release friends also.

Shri Indrajit Gupta asked, last time and this time also, 'Why don't you tell us about the number of people and all that?'. I do not want to give you the exact number, but I wish to tell you this: roughly speaking, only two people for a lakh of population are under detention today.

SHRI B. V. NAIK: 1200 or 1100?

SHRI K. BRAHMANANDA REDDY: I am not going to say that,

whether it is that or not. I am only saying that roughly speaking...

SHRI SOMNATH CHATTERJEE:
How many under 16A?

SHRI K. BRAHMANANDA REDDY: I am concerned with 16A. I am also trying to tell you that about a third of these belong to banned organisations, and roughly a third belong to the category of anti-social elements and economic offenders—smugglers, hoarders, blackmarketeers etc.

SHRI INDRAJIT GUPTA: Either under the Defence of India Act or under COFEPOSA?

SHRI K. BRAHMANANDA REDDY: COFEPOSA is with regard to smuggling from foreign countries, violation of the Foreign Exchange Regulations. However, MISA applies in regard to smuggling of controlled commodities from one State to another, from one area to another. Therefore, you will kindly see the result: whether an hon. House like this generally can come to the conclusion that there has been wide misuse. If in a country of over 600 million, hardly such number as I have said—you calculate it—if they are in detention, nobody can with justification say that there has been large scale misuse of MISA or wide arrests. I also know that clandestine literature may be going on, trying to mislead people, that lakhs of people are in jail. Therefore, I wish to disabuse the minds of Members in this House, if they had any wrong impression.

SHRI S. M. BANERJEE: Suppose we bring to your notice cases where no political party was involved, cases of trade union workers? I am happy that Mr. Gadgil is sitting here, he actually went to the extent of asking the Chief Minister of Maharashtra about some cases of such people.

[Shri S. M. Banerjee]

You should scrutinise the cases of defence employees who are detained. If they were a real danger to the security of the country, you may take action; otherwise you should release them.

SHRI K. BRAHMANANDA REDDY: I have taken your point; I will come to you. I also wish to say that about thirty per cent of the people have been released and about ten per cent of the people are already on parole. I am giving broad hints so that you may appreciate whether there could be any large scale misuse. I am not going into particular instances here and there, there may be cases which may have to be gone into and I have said that if instances are brought to my notice, I shall go into them. As I have said, in this House, at the earliest opportunity after the Ordinance regarding section 16A on 29th June 1975, the Prime Minister had written a strong letter to the Chief Ministers; without quoting from it; I should say, it is to this effect; we have recently enacted the Maintenance of Internal Security Act by an Ordinance; this amendment gives wide powers to the state governments to detain persons without giving them any grounds for their detention and their cases need not be sent to the central advisory board; I am sure you will agree that this power ought to be exercised very sparing and with the greatest of care; according to the provision in the amending ordinance when the detention is made by orders of an officer it has to be approved by the state government within a fortnight of detention; there are also provisions for periodical reconsideration of the detention orders; having regard to the nature of the powers granted. It is essential that the highest authority in the state should approve the detention and I would therefore request you to personally look into all cases that come under the amending Ordinance and all detentions thereunder should only be made if they are

approved by you or if necessary by a ministerial committee appointed by you.

SHRI INDRAJIT GUPTA: 'You' means who?

SHRI K. BRAHMANANDA REDDY: Chief Ministers; the letter was addressed by the Prime Minister to the Chief Ministers.

SHRI SOMNATH CHATTERJEE: Has it been followed?

SHRI K. BRAHMANANDA REDDY: Yes, of course; if it has not been followed how do you think that thirty per cent had been released?

SHRI S. M. BANERJEE: Has it been followed only thirty per cent—only thirty per cent of that letter?

SHRI K. BRAHMANANDA REDDY: Do you mean to say that everybody who has been taken in should be released? I think it is a proposition at which you are yourself laughing. This letter has been followed up by several guidelines issued by the Home Secretary on how this has to be done. Therefore, I am only trying to convince this House that all possible precautions right from the head of the country are being taken to see that misuse if any is kept to the absolute minimum. Even in July 1976 the Prime Minister had written another letter regarding police excesses, etc. wherein she had brought in detention and requested the Chief Ministers to kindly bestow personal attention in the matter.

SHRI S. M. BANERJEE: When will you write? You also write a letter.

SHRI K. BRAHMANANDA REDDY: No, no; do not take it formally; I should request the hon. Member that it is not intended to be that formal; it is intended to be observed

by the Chief Ministers. Other precautions also have been taken with regard to interviews, the correspondence they can undertake with their relatives or lawyers etc. and particularly with regard to their health. With regard to health, instructions had been issued by the Home Secretary to see that particular care is taken about the health of the detenus who are Members of Parliament, Members of State Legislatures and other important people. I have previously in this House quoted the letter written by Mr. Samar Guha and if you do not mind, I would like to read it again.

SHRI INDRAJIT GUPTA: Is that the only letter you have got?

SHRI K. BRAHMANANDA REDDY: It says:

"I had been in British jails, in Pakistani jails in Dacca and Congress jails on innumerable occasions and I do not remember to have received better treatment from the members of the jail staff including the doctors than I have been receiving from the staff of the jail and the doctor."

Shri Jayaprakash Narayan is reported to have said:

"As far as food or living arrangements are concerned, everything was satisfactory. Everyone was very courteous. I had a good room in the hospital like any other hospital room. In a personal sense, everyone from the Director to the Deputy Commissioner treated me well. Some special arrangements were also made for leaders like Shri Morarji Desai, Shri A. B. Vajpayee, Shri Chandrashekar etc."

SHRI S. M. BANERJEE: I would like to remain throughout my life in jail if the conditions were like these!

SHRI K. BRAHMANANDA REDDY: In spite of the fact that under-tails about the amenities provided for prisoners because it is a State subject and every State has its own regulations. But generally speaking, with regard to health, living conditions, diet, interviews, letter-writing etc. they have been taken care of.

SHRI INDRAJIT GUPTA: You are not compelled to take the advice of the Advisory Board. But let them have a look at these cases and review them. What is your objection to that? You are not explaining that at all.

SHRI K. BRAHMANANDA REDDY: In spite of the facts that under the judgment of the Supreme Court, the detenus cannot have recourse to courts on the questions whether the detention orders are legal or illegal, *mala fide* or *bona fide*, even so, many representations have been received at State levels and Central level also and each one of them has been examined. I can say that those representations that have been made either by the detenus or on their behalf by Members of Parliament or Members of State Legislatures or others have been gone into, the State Governments and other agencies have been consulted and then action has been taken.

The other day Shri Indrajit Gupta was referring to so many cases. In order to save the time of the House, I can write to him a detailed letter regarding each person, what steps have been taken, how it has been done in consultation with the State Government and how some people have been released. My purpose in suggesting this is not consume much time of the House.

Shri Chandeshwar Singh of Saran and Lal Jha of Madhubani were not arrested. Shri Harijan Jha and Shri Gulab Thakur of Madhubani were released. Cases instituted against Shri Uma Kant Singh, Shri Ram Manohar Chaudhri, Shri Kedar

[Shri K. Brahma-nanda Reddy]

Sharma, Shri Zainul Abedin, Shri Jalandhar Das, Shri Baidya Nath Rai and Shri Chandra Mohan Singh relate to the period prior to the declaration of Emergency and are, therefore, continuing. Shri Akhileshwar Singh and Shri Shiv Kumar Tewari, who were detained under MISA, were released from detention. Cases against Shri Bhuvan Das, Shri Navijan Mian, Shri Jaimuddin Ansari, Shri Asgar Ali, Shri Ismail Mian and Shri Bhola Singh have been withdrawn. I have written to Shri Bhupesh Gupta on this

So far as Shri Anwar Ali Khan is concerned, he has been released on parole.

SHRI C. K. CHANDRAPPAN (Tellicherry): Shri Anwar was never released from jail. He has been taken back.

SHRI K. BRAHMANANDA REDDY: Naturally.

SHRI C. K. CHANDRAPPAN: Many persons, including those belonging to RSS, were released and only Shri Anwar Ali Khan was not released.

SHRI K. BRAHMANANDA REDDY: When the period of parole was over, naturally he was taken back.

Shri Hoda, a leader of the Student Federation of India, who had participated in agitations in his case the State Government after review proposed to release him on parole to enable him to prosecute his studies. We sent our approval five days ago and he will be released so that he can continue his studies.

So far as Shri R. K. Tewari is concerned that case has been gone into by the State Government, and the State Government is not inclined to release him for very many valid reasons.

Therefore, what I wish to submit is that every representation that is made by the hon. Members is being looked into with sincerity by the State Governments concerned.

SHRI VASANT SATHE: With this reply, I hope Shri Indrajit Gupta would be satisfied.

SHRI K. BRAHMANANDA REDDY: With regard to this Bill, I suppose he is as sincere as all of us are; but he only wanted to enter an apology for not voting with us this time.

Shri Udit Narayan Sharma has been released on parole.

SHRI INDRAJIT GUPTA: Parole does not mean release.

SHRI K. BRAHMANANDA REDDY: Parole means a lot.

SHRI INDRAJIT GUPTA: It is generally done on grounds of ill health. He is an old man of 70. Why not release him?

SHRI K. BRAHMANANDA REDDY: Why do you put such direct questions? What you have said before has been taken note of, and he has been released on parole. It may be that he might be released later. If you compel me to answer a direct question on the floor of the House, it becomes a little embarrassing.

15.00 hrs.

With regard to the other allegations made by Mr. Somnath Chatterjee regarding the dismissal of Central Government servants, it is not as if it is done off-hand just like that. Whenever action has to be taken, there is a Secretaries Committee, in which so many Secretaries sit together, to decide the case on merits whether it is a case fit to be dismissed under article 311 (2) (c) of the Constitution or not. It is not a

if the Minister takes a decision A strong Secretaries Committee goes into it, goes into all the reasons, and sees whether there is any justification or not, and then only it ultimately goes to the Minister for his approval.

SHRI SOMNATH CHATTERJEE
Why are those reasons not disclosed?

SHRI K BRAHMANANDA REDDY
You are going on the beaten track. You cannot get over it

SHRI SOMNATH CHATTERJEE
Why don't you order an enquiry?

SHRI K BRAHMANANDA REDDY
I am only submitting that dismissing a Government servant under article 311 is not due to the whim or fancy or imagination of a certain individual. I am only saying that the entire case is gone into by a Secretaries Committee where several Secretaries sit they analyse the case, they look into the case they see the justification or otherwise, and then only come to a conclusion Therefore it is not arbitrary or whimsical

SHRI SAMAR MUKHERJEE Those who have been dismissed are either Secretaries or Presidents of unions So the conclusion is clear that it is only to smash the unions of the employees that they have been dismissed and put under MISA

SHRI K BRAHMANANDA REDDY
It may be a pure accident that they happen to be office bearers of trade unions

SHRI SAMAR MUKHERJEE
MISA is used to suppress the trade unions

SHRI K BRAHMANANDA REDDY
Is it his idea that inactive people, people who do not take part in politics, should be dismissed?

SHRI SAMAR MUKHERJEE. Be honest and clearly announce that you will not allow any trade unions.

SHRI K BRAHMANANDA REDDY:
If you mean to say that because of some trade union activity or because they are representing a trade union or an association they are dismissed, I do not agree

SHRI SAMAR MUKHERJEE That is why they are dismissed

SHRI K. LAKKAPPA (Tumkur)
There are still people in Karnataka in the non-nationalised banks who belong to the RSS Why is not MISA being applied against them on a large scale since they are sabotaging the whole economic system?

SHRI K BRAHMANANDA REDDY
Even that matter has been gone into and a few have been removed from service I do not know how many, I only wish to say that even your allegation has been gone into Whether on the basis of your allegation or that of somebody else, it has been gone into and some have been asked to quit service In the case of others the allegations were found to be baseless

Therefore, it is very difficult to accept the advice of Shri Indrajit Gupta that the Advisory Board should be re activated under section 16A, or to accept the suggestion of my valued friend, Dr Kailas to have a review committee There cannot be a bigger review committee than under the aegis of the Chief Minister himself After all, he is the man responsible for the administration of the State. All these committees are headed by the Chief Minister And that certainly does not prevent political leaders, hon Members of the House, from trying to carry conviction to the Chief Minister in any particular case Therefore, I am not able to accept the advice of Shri Indrajit Gupta or of Dr Kailas. That this has been under constant review can be seen from the facts I have mentioned, from the persons under detention under section 16A, from the number of persons who have been released and from the number of paroles that have been given I have got the details here as to how

[Shri K. Brahmananda Reddy]

many MLAs, MPs, etc. have been released, and I wish to say that even big leaders like Shri Jayaprakash Narayan....

SHRI VASANT SATHE: Have you laid down certain criteria or guidelines that may assist the State Governments?

SHRI K. BRAHMANANDA REDDY: We have already given the guidelines. There can be a difference of opinion as to the assessment of a particular individual or appreciation of the activities of a particular individual. Therefore, my submission to you is this. You need not ask for a review committee. A Committee is already there, presided over by the Chief Minister, and with some Ministerial colleagues, etc., and some officers; certainly it is up to the political leaders to carry conviction to the Chief Minister. If necessary, if you think so, you can also try to tell me under what circumstances a thing has come about and how it has been misused in any particular case, and it will be my job to consult the State Government and go into the question and then if I find that there is no sufficient justification, certainly I will advise the State Government to revoke the order.

Therefore, my submission to the House is that this Bill may be agreed to by this hon. House.

MR. DEPUTY-SPEAKER: Before I ask Mr. Somnath Chatterjee to reply to the debate, I would like the Home Minister to clarify a particular position. Are the Members of Parliament, sitting in this House today, inhibited in any way in the normal discharge of their duties by MISA—in moving about in their constituencies, meeting their constituents, hearing their grievances, explaining the position to them and trying to find solutions to the problems? Do they have to take prior permission of the Deputy Commissioner or the Deputy Collector even when they avoid call-

ing public meetings as such and they are particular in advising the people to eschew demonstrations? I think, this is a very vital question affecting the Members of this House, and I would like the Home Minister to clarify the position.

SHRI K. NARAYANA RAO (Bobilli): Is it an academic question?

MR. DEPUTY-SPEAKER: It is not an academic question. It affects everybody.

SHRI K. NARAYANA RAO: Has any specific grievance been brought in this regard?

SHRI K. BRAHMANANDA REDDY: A general question has been put by you. Obviously, every Member of this House or every citizen has the opportunity and the right....

MR. DEPUTY-SPEAKER: I am talking of the Members of this House.

SHRI K. BRAHMANANDA REDDY: The Members of this House are free to exercise their normal duties....

AN HON. MEMBER: Have complaints come to you?

MR. DEPUTY-SPEAKER: Yes, there have been complaints. That is why, I have asked. I am the custodian of the rights of the Members of this House, and when these complaints come to me, the least I can do is to seek clarification from the Government....

SHRI K. BRAHMANANDA REDDY: Without fear of contradiction, I can tell you and the House through you, Sir, that there can be no obstruction to any Member of the House doing his normal duties. But if, in a certain area, a public meeting is to be held or some other function is to be held, there are local rules....

MR. DEPUTY-SPEAKER: I am not talking of public meetings. Even when they do not call for public

meetings, do they have to take prior permission of the Deputy Commissioner or the Deputy Collector?

SHRI K. BRAHMANANDA REDDY:
No, Sir. There are certain local rules or regulations either for a meeting or using a mike or for collecting a gathering inside a hall; permission has to be taken. It is only with regard to that. Otherwise a Member is free to pursue his activities without hindrances by anybody.

SHRI SOMNATH CHATTERJEE
(Burdwan): At least on one point I find almost near unanimity on both sections of the House, that MISA has been misused. Instances of such misuse have been given by almost all the hon. Members on either side who have spoken against my motion or in support of the Bill. The Minister himself does not deny that there has been misuse of MISA. Only he says, 'We are trying to go into those cases of misuse of MISA and are trying to rectify it.'

My main submission has been on principle, that you have enacted a law which is being misused, admittedly misused. Even if 30 per cent of the people who have been detained under MISA have been put behind the bars by reason of misuse of this draconian law, this sweeping law, there must be something basically wrong either in the law or in the application of it.

Now, what is the corrective? The corrective is to go to the hon. Minister on bended knees and wait for his blessings, which blessings he can only give on the basis of the report that will come all along the channel. And who will initiate this report? The very persons who have issued these illegal detentions. Therefore, the whole process has become a mockery of review. Therefore, instead of having a minimal right to get rid of an illegal or a *mala fide* detention order, I have to go and ask for

mercy. This is the approach of this Government. That is why I wanted to ask them.—I ask them and I want to know whether you have any faith or belief in the principles of civil liberty. Nobody has said nor does that the Constitution of this country provides certain rights and civil liberties which are absolute. The Constitution itself provides constraints on civil liberties and the exercise of rights of freedom. Therefore, these are the normal laws. The 1971 MISA, even without a Proclamation, the second Proclamation and a Notification under Art 359(1) of the Constitution preventing people from approaching courts to exercise their fundamental rights, even before the issue of that Presidential Proclamation, was upheld by the Supreme Court as a valid piece of legislation. And under the old MISA before 16A was introduced, at least a situation had come about, namely, that there was no fixed period of detention and the hon. Minister has not been able to refute me. When I say that only 15 per cent of the detenus even under the liberal MISA had been able to get released by orders of courts, 85 per cent remain in jail and for an indefinite period. There are detenus now who were detained prior to this Emergency and whose detention was continued for 2 years or 3 years, if not more. Are they not entitled to know when they will be released? A person who has been prosecuted for an offence under the Indian Penal Code, and found guilty and sentenced to imprisonment, knows how long he will be in jail, but not a citizen of this country who has got the favour of this Government to be detained under the MISA. This is the fundamental approach.

All things are said nowadays, in the name of discipline. Everything is sought to be justified. Who wants indiscipline as such?...

SHRI VASANT SATHE: Normal laws do not provide for an abnormal situation... *— 1 —*

SHRI SOMNATH CHATTERJEE:
I shall come to that. Who wants in-
discipline as such?

SHRI VASANT SATHE: You do.

SHRI SOMNATH CHATTERJEE:
The hon. Minister used to say, gains of emergency. Today he made a slight departure and said gains of discipline. He said emergency has brought about discipline. This is according to your own thinking only. You have not taken into account the views of the people of the country at all. Their voices have been throttled. They can't express their views. I ask the Minister one thing: Can you not enforce discipline without MISA? You say you have got so much support of the people and all that. Can you not enforce discipline in the country without the application of MISA? While I moved the Motion for the disapproval of the ordinance, I asked one question which the Minister has tried to avoid. I asked him whether without MISA you can govern or you cannot. He has not replied to that. Now we find that 12000 people are under the provision 16-A of the MISA, the emergency detention. Shall I tell you in how many cases the power of emergency detention is being misused? On 25th June, 1975 a member of this House Mr. Nurul Huda was detained not under section 16-A. It was not there. He was given the grounds of detention. One of the grounds was this that he had supported the cause of the Assam University Teachers. The other was that he had demanded the release of the teachers of the Assam University. That was against a Member of Parliament. The matter went to Assam High Court. The Chief Justice asked the Advocate-General of Assam, how do you support this illegal detention? The answer was that this *habeas corpus* application was not maintainable and the matter was pending before the Supreme Court. The Chief Justice said: We shall withhold the judgment until

the Supreme Court decides. The Supreme Court decided the matter. You know and I know and everybody knows how it was decided to our cost. Previously he was detained with grounds. Now what has happened? He is detained under 16-A, Emergency detention. A Member of Parliament who has not been free for the last 13 months for alleged activities not meeting with the favour of the Government, is now again detained under the emergency provisions. This is the way detention orders are being made. This is the way you are allowing Members to discharge their duties and functions. So, let them not talk about these things that everything is done only to bring about discipline.

If there are divisive forces, if there are forces trying to incite people to violence, then I want to ask you one thing—you had this twelve month period in which you had kept them inside the jail. Was that sufficient or not?

If you had released those persons, at least some of them, 30 per cent of them, you would have taken great pride to say that you had released thirty per cent of them; what more can you show to establish your *bona fides*? The Home Minister gets the credit which he is asking for.

Therefore this 30 per cent of the detentions is not justified. With regard to the 70 per cent, can you not look into their cases, review their cases and bring them before a Review Committee? Why don't you believe your Members of Parliament and even form a Parliamentary Committee or appoint an ex-judge of the High Court? Why not? Why do you, in these cases, say that only the Chief Minister can decide rightly and nobody else can decide that rightly?

SHRI K. BRAHMANANDA REDDY:
I am very sorry when Mr. Chatterjee says that in 30 per cent of the cases

who were released, the detentions are not justified. I have never said that. I said that their further detention was not justified. (*Interruptions*).

SHRI SOMNATH CHATTERJEE.
The hon. Minister has not tried to follow me. Their detention is no longer justified. Therefore, one year has been sufficient for them. With regard to the 70 per cent of the people who have been inhibited in their freedom, their freedom is estranged, their free movement has been curbed; their cases have, therefore, been decided. Are they decided on other considerations? And are those considerations primarily political?

For what purposes, the MISA is being used? Is it being used purely for the purpose of emergency? Then, the trade unionists are being detained; even your partymen have been detained. The other day, an M.L.A. of West Bengal has been detained for corruption charges. This is according to what we found on the newspapers. We have to rely on newspapers but we have no other source of information. If a member of the ruling party is guilty of some activities which are wrongful, why don't you haul him before the Court of Law? I do not want him to be detained under MISA. If he had done anything, if he is a corrupt man, then he should be publicly exposed. Therefore, my submission before the House was this. Today, the MISA is being used for any person. The justification for 16A under MISA was there and that was detention for 13 months. That was because of the emergency when you would have recourse to using it. Nobody could say that it was not a draconian piece of legislation. The whole approach is to justify this draconian piece of legislation. And nobody can say it—at least, I hope, that there is no person who will say that this is a good piece of legislation except in the context

of what you say. That context according to you will never change. How many illustrations shall I give you?

So far as Tripura is concerned, the Tripura M.L.As had been detained only to defeat the No-Confidence Motion from being passed. The Opposition M.L.As including the Congress M.L.As had been detained. The leader of the Opposition in the Tripura Assembly had been detained along with his other colleagues and they have been transhipped to Vellore where there is no contact and nobody including their relatives can go there and even see them. The greatest difficulty is that if a communication is sent to them in Vellore, that is to be sent back to Agartala to be censored by the local police-censor authorities in Agartala—and if that is cleared in Agartala, then it will go back to Vellore.

They were arrested before the Emergency, their detention is continuing in emergency. The usual new orders of detention have been issued.

So far as the trade unions are concerned, in the HMT 87 Union leaders have been detained under MISA and one has been released now. They pick and choose only the leader of the unions for an obvious purpose, namely, to crush the trade unions who are not to their liking or who do not bolster up their own unions.

Then, Sir, in so far as Electronics Factory is concerned, the same situation has happened. The recognised trade union leaders have been detained under MISA though there was perfect harmony between the trade unions and the management and there had been no problem and the work had been going on undisturbed. Nobody can say that the work is hampered there. Some persons have been detained for about three years. Now the workers in the tea plantations in Darjeeling have been detained and

{Shri Somnath Chatterjee}

brought to Dum Dum jail. They are so poor that their relatives cannot afford the train journey to Calcutta for the purpose of meeting them. Even Shri Samar Mukherjee who wanted to have an interview with them was refused the permission because only their relations are permitted to go and see the detenus.

This is the way you are falking conditions have changed. The same is the position in Ghaziabad also. A number of trade-union leaders have been detained under MISA. The other instance have been given by Mr. Indrajit Gupta. Instances have been given by my hon. friends from that side also. They were not speaking for us. Mr. S. M. Banerjee has given a host of illustrations as to how MISA is being abused and misused. It is being used against trade-unionists and political opponents. You say that you have not made any distinction between your own partymen, and the opposition partymen. I do not want even your partymen to be detained under MISA. This should not be done. If you have the courage and got any material against them why not haul them up in the court of law? Let them be publicly exposed as to how they are dangerous to the society.

In the Chittaranjan Locomotive Works seventeen trade unionists have been detained. Sir, four representatives of the All India Loco Running Staff Union came on deputation to see Shri Mohd. Shafi Qureshi, the Minister of State in the Ministry of Railways with a prior appointment and when they came here, instead of granting them an interview, they were put behind the bars. Sir, in the North East-Frontier Railway many trade-union leaders have been arrested. The other day I gave illustrations of State Government and Central Government employees. The hon. Minister replied about 311 matters but he has not said why all of them have been kept under MISA. At least the West Bengal Government has done one good thing. So far as

State Government leaders are concerned, after they were dismissed they were detained under MISA, followed by suspension and dismissal, and after the process was completed at least the State Government employees were released but not the Central Government employees in Calcutta, who have not yet received the blessings of the Central Govt. I am told in Kerala the state Government has recommended the release but it has not got the blessings of the Central Government. The President of the All India State Government Employees Federation has been detained under MISA. The students of Jawahar Lal Nehru university are being detained under MISA. Therefore, the net has been thrown wider and wider. We do not find any logical basis for the use of MISA. You talk about right reactionaries and foreign elements percolating here but why do you pick and chose people against whom you cannot establish these charges?

Mr. Deputy Speaker, Sir, the advisory board released only five to six per cent of the detenus. Even those who are released by court are not released by the advisory board. There is no independent review. There is no opportunity to make representation. The grounds are not given. Nobody knows how long it will continue as the hon. Minister has remained silent on this aspect.

SHRI VASANT SATHE: Mr. Chatterjee regarding those who wanted to subvert the Constitution itself, surely you would not say that they can claim protection under that Constitution and law.

SHRI SOMNATH CHATTERJEE: I have personal respect for Mr. Sathe. I want to know whether a person who tries to subvert the Constitution can only be dealt with under MISA. Is this the law of the land?

SHRI VASANT SATHE: There are abnormal circumstances and, as such, there has to be abnormal treatment.

SHRI SOMNATH CHATTERJEE: You say it is abnormal and you say you have got the support of so many. Normalcy and abnormality will be decided by the number of the people on that side. There is no doubt about that. The only justification, merit, of this Bill is the number on that side, the Treasury Bench.

SHRI VASANT SATHE: Do you want to say that the anarchy that was prevailing was a normal circumstance?
 15.31 hrs.

[SHRI BHAGWAT JHA AZAD in the Chair]

SHRI SOMNATH CHATTERJEE: The hon. Minister said that I have been praising the independence of the judiciary, that I am enamoured of it, but suddenly today I find that the judiciary is not so independent, that it has been curtailed. If the hon. Minister had taken a little trouble to go through my speech—obviously he was not listening to me with care at least, and he had not taken the trouble of going through my speech either—he would have found that my charge against this judiciary—I have said it repeatedly—is that this judiciary has failed the people, and most of the judges in this country today believe, at least they try to show, that some authorities in this country can do no wrong. That is my charge. I have made this charge and I have repeated it.

SHRI VASANT SATHE: Taking advantage of the privilege of the House.

SHRI SOMNATH CHATTERJEE: People are losing faith in the Judiciary. That is one of the misfortunes of this country.

SHRI VASANT SATHE: When it suits your convenience, you are waxing eloquent on the independence of the judiciary, when it does not suit your convenience, you impute motives to the judiciary also, including the Supreme Court.

SHRI SOMNATH CHATTERJEE: I believe I am making some point. The

position is this. I said even the limited opportunities which the citizens of this country have to take recourse to law, with all the limitations, with all the infirmities, in the system, no longer exist. At least give them that limited opportunity. When I was quoting Mr. Justice Bhagavati, I was quoting the minority judgment. I said that. But at least I think one reasonable man in this country had said something, a responsible citizen said certain reasonable things. I was reading it out to you for the purpose of your consideration. That did not mean that I was saying that this is the judgment of the court, therefore you must follow it. These are points the hon. Home Minister has made which, I believe, were not justified so far as the debate that has taken place is concerned.

The hon. Minister has made it clear that it is immature to indicate the date of the revocation of the emergency... (Interruptions).

SHRI K. BRAHAMANANDA REDDY: Premature.

SHRI SOMNATH CHATTERJEE: I stand corrected. I thought so, but after all, this is emergency. It is premature to indicate the date of revocation of the emergency. Therefore, we do not know when the emergency will come to an end. We have not been given any assurance whether this 24-month period is going to be the maximum limit. That will be decided later by you. When 23 months and 29 days are over, you will promulgate another Ordinance. This is the position.

You say there may be a grouping or regrouping of forces: therefore, it must continue. My submission is that so far as the justification which is sought to be given for the continuance of this law is concerned, there is no valid justification except that it is being used as a weapon, a political weapon, by the ruling party. Some of the hon. members said certain significant things. Mr. Salve, one of the

[Shri Somnath Chatterjee]

leading members of the ruling party, has said this:

"Not a very detailed, long and elaborate elucidation is needed or required to establish the self evident reality that this particular 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 in the period after the proclamation of the Emergency".

Therefore, MISA is being used for shaping or reshaping the political, social and economic landscape in this country. This is the justification given by Mr. Salve. He is very happy about it. This is being used to bring about political changes in this country, economic changes in this country. We should have kept COFEPOSA separate I said specifically that it does not come into the consideration of this Bill. But many hon. members have, if I may say so, brought it in. Thereby the issue has been clouded.

So far as MISA is concerned, this is the approach, you say openly that emergency and MISA are to be used for this purpose. The emergency of June, 1975, was issued for the purpose of meeting a situation which, according to the government, had developed, there was apprehension of internal disturbances in this country. How does economics come in there? How does political change come in there? You declared emergency because of the apprehension of internal disturbances. Emergency has brought about according to you some things unthought of unconsidered you never thought that such gains would be there. Very good. Those gains are there. Discipline is there. Once there is discipline according to you, MISA must be a permanent feature? Hon. Members must remember that MISA is now not only

a permanent statute. What have you done? You have done much more. You have brought it under the 9th schedule of the Constitution. Therefore, even after the emergent situation goes, nobody can challenge that law, including 16A, Does it meet with the approval of Mr. Sathe? He said that abnormal situation requires abnormal law; when emergency goes it should be normal situation. But abnormal law will be continued?

SHRI VASANT SATHE: It will apply to abnormal persons.

SHRI SOMNATH CHATTERJEE: Why do you want protection under the 9th schedule? Because you know that even the juniormost lawyer can get rid of it if he goes to any appropriate Court of law; it is palpably against the Constitution. Shri Painuli said that one of the greatest advantages of emergency and MISA was stability in the country but he himself said that bureaucracy had misused it and in some cases it was acting as a terror. Shri Banerjee supported the use of MISA against right reactionaries who were detained under MISA but his grievance was that those who supported to twenty point programme had themselves been victims under MISA. Shri Sathe gave a quotation from Gandhi. I have no quarrel with that. He said that there should not be anarchy. Anarchy is against ordered society and I have never advocated anarchy. If I say: do not go on extending MISA or 16A at least, am I saying that there must be anarchy? With all the popular support which they are claiming for themselves, with all the power under the sun and with all the authority under the sun, with people's right to go to the courts having been taken away, you cannot deal with them! But Mr. Sathe was kind enough to bring to our notice that even a paralysed old man was detained

under MISA and it required an eminent M.P. like Mr. Sathe's interference and entreaties with the Chief Minister to get him released. He said that only for one thing, sabotage, people should be detained under MISA. Who will decide that? Sub-inspector of police until the matter is brought to the notice of the Home Minister who will again refer the matter to the sub-inspector for a report? Shri Chandrika Prasad says that emergency has brought us good, trains are running in time. For running of trains in time, we must have MISA and emergency! He said that because of MISA we are reaching the goals of democracy. Therefore, this country can be a true democracy only if we have MISA! That is the approach! Shri Mohapatra says that it is a great boon, it is like an iron rod with which to beat, an iron rod in the hands of the ring master of circus like that.

SHRI K BRAHMANANDA REDDY
Time and again the hon. Member has been saying that all our Members had said that this was only because of MISA and because of emergency, they have said only a fact, they have mentioned the fact that emergency had given discipline, discipline had come and many other gains have come. None of them have said that unless you continue the emergency and 16A the gains will not be there, nobody has said that.

SHRI SOMNATH CHATTERJEE
Shri Mohapatra was saying that it had come as a great boon, prices have come down, educational institutions are working, people go about in Delhi with a greater sense of security.

I ask him in all humility, is MISA essential for this? Should we not expect a state of affairs when every body can move through out India with the fullest sense of security without MISA? Can we not expect such a system of government? In defence of MISA why are you bringing all these things? Another hon. member opposed my motion but said, there are *malis fide*

arrests and concocted police reports. These are the experiences of hon. members on the other side. I am not surprised because this is the true position prevailing in this country. For the first time, the hon. minister has given some figures. If my arithmetic is not hopeless, about 12000 people were detained under section 16A. Out of them 30 per cent have been released and another 10 per cent are on parole. That means nearly 8,000 still remain in prison.

AN HON. MEMBER It also includes about 1500 economic offenders.

SHRI SOMNATH CHATTERJEE I am excluding them. Even then about 4000 to 5000 still remain.

SHRI K BRAHMANANDA REDDY You need not confuse others. You can make your own calculation.

SHRI SOMNATH CHATTERJEE
Probably you did not want to say it to disclose the figure but it has come out! You can say that out of a population of more than 60 crores only a microscopic minority are in jail—only 2 in a lakh. But without keeping these persons in jail without telling them what they are guilty of and without giving them an opportunity to represent without bringing them before the advisory board, without giving them at least a chance to file a *habeas corpus* petition, can't you preserve the gains of the emergency? If you give them this minimum opportunity without any certainty of release, will all the gains of emergency be lost and will discipline come to an end? You say that the Chief Ministers themselves are looking into these cases. I would like to read what the Prime Minister of this country has said—it has appeared in the *Times of India* yesterday dated 15th August.

'The orders were not given by the Prime Minister in such matters, which were mostly dealt with at the state level. Orders were given not even by the Chief Ministers. It was left to the concerned persons. If it has something to do with econo-

[Shri Somnath Chatterjee] mic matters, then it will go through the ministry in charge. Most of the political problems will come before the Home Ministry."

"This is not that kind of a system where one person is giving all the orders."

Mrs. Gandhi said that generally speaking, there was not any kind of illtreatment as such. Her instructions were that political persons and party leaders in detention should be treated well.

"Not once, but continuously I have repeated that the Chief Ministers must take a personal interest and also see whoever can be released should be released. We do not want to detain people," she said.

The Prime Minister has to write repeatedly to the Chief Ministers and her experience as the head of this Government is that the Chief Ministers do not always pass these orders. Therefore, who is responsible for passing the order? In the case of economic offences, it comes to the Ministry concerned. So, only in the case of smugglers, profiteers, etc., it will get the initial prior clearance of the Ministry. Otherwise, it does not require prior clearance of the Ministry.

Therefore, Sir, as I said in my speech, I am prepared to accept it that some of these hon. Ministers, the Prime Minister, the Home Minister and the Chief Ministers are taking decisions themselves under this law. But the question is, who is taking the decision initially to arrest them. You are not taking decisions but you have given powers to district magistrate. He relies on the report of the Inspector or the Sub-Inspector of the local thana. On the basis of such reports, persons are arrested. This is the way in which this draconian law has been applied. This is such a drastic law that it should not be extended beyond 12 months. Therefore, so far as the Bill is con-

cerned, I submit that hon. Minister has failed to make out any case on merit except in numbers here, in the Treasury Bench in support of this Bill or against my Motion. I say with all humility that when there is almost near unanimous complaint about this law, please do not take to liberal use of this law. The way this law is being used, it is shaking the people's faith in democracy.

With these words, I support my Motion.

THE CHAIRMAN: The question is:

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

The motion was negatived.

MR. CHAIRMAN: Now, the question is:

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

The motion was adopted.

Clause 2

(Amendment of Act 26 of 1971)

MR. CHAIRMAN: Now, clause by clause consideration. Clause 2. There is an amendment by Shri Somnath Chatterjee and Shri Dinen Bhattacharya, Shri Dinen Bhattacharya is not here.

SHRI SOMNATH CHATTERJEE: I beg to move:

Page 1, line 9, —

for "twenty-four"

substitute "fifteen" (1)

MR. CHAIRMAN: The question is:

Page 1, line 9, —

for "twenty-four"
substitute "fifteen"

The motion was negatived.

MR. CHAIRMAN: The question is:

"That clause 2 stands part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause A—(Repeal and Saving)

MR. CHAIRMAN: Now, clause 4.

SHRI B. V. NAIK (Kanara): I beg to move:

Page 1, line 18, —

after "action taken" insert
"in good faith" (3)

I have also given another amendment. I think, it has been lost on the road.

There is one point with regard to this "good faith" which I have the good fortune to possess. It was in regard to reformation of some of the political detenues. Now, is there any possibility of evolving a code or a statement or an acceptance of principle or something to be signed? By what way and by what point of time do we come to the conclusion that there has been a change of heart? What are the objective considerations?

In view of the fact that the hon. Minister has already quoted from some of the letters, I may say that some of the prisoners who have written, have done so definitely in good cheer, very good cheer; but they have a feeling. Here is one quotation which says:

"I feel I will not be able to communicate with you for quite some time—may be 2-3 years—that I would not want I should have saved for a conversation."

He is a personal friend of ours, and a Member of Parliament. 2 or 3 years is a fairly long period of time. Therefore, I want to know if some of the political detenues can be considered to have had a change of heart on the basis of a key document—if the hon. Minister can take care of this suggestion.

AN HON. MEMBER: Is there any thermometer in the House?

SHRI B. V. NAIK: The second point which I was trying to make out was that by a law, we have extended the period of this Parliament upto March 1977. We hope that these detenues will be empowered to sign some statement. Will you kindly devise a statement by which it is possible to know that they have changed their heart, or that they have not changed their heart? This is my positive contribution.

SHRI K. BRAHMANANDA REDDY: Nothing prevents any Member from changing. Nothing prevents them from writing it at any time. Insertion of "in good faith", Sir, would lead to unnecessary litigation.

SHRI B. V. NAIK: I am afraid I have not been understood at all, in spite of my best intentions.

MR. CHAIRMAN: Mr. Naik, there is no provision, after the Minister has replied, for you to reply to him. Now the question is: would you like to withdraw your amendment?

SHRI B. V. NAIK: I am withdrawing my amendment.

MR. CHAIRMAN: Has he the permission of the House to withdraw the amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 3 was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

MR. CHAIRMAN The question is:

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

The motion was adopted.

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

Now the Minister

SHRI K. BRAHMANANDA REDDY:
I beg to move

"That the Bill be passed"

MR CHAIRMAN Motion moved

"that the Bill be passed"

Now Shri Ramavatar Shastri

श्री रामवतार शास्त्री (पटना)
सभापति जी, इस सशोधन विधेयक यानी भ्रान्तरिक सुरक्षा (सशोधन) विधेयक, के बारे में हमारे दल की जो नीति है उसका स्पष्टीकरण हमारे दल के नेता ने अपने भाषण में कर दिया है। मंत्री जी ने जो जवाब दिया है मैं उसी को ध्यान में रख कर कुछ बातें आप के सामने पेश करना चाहता हूँ।

यह बार बार हम लोग की तरफ से कहा गया है कि आप की पुलिस के लोग और अधिकारी सौजा का दुरुपयोग पूरे हिन्दुस्तान में कर रहे हैं और कम्युनिस्ट पार्टी के लोगो को और जो जनवादी भ्रान्दालन में विश्वास रखते हैं ऐसे लोगो को, ट्रेड यूनियन कार्यकर्ताओं को जेलों में आज से नहीं बल्कि एक साल से बन्द रखा जा रहा है। इस सम्बन्ध में बिहार के बारे में हमारे नेता ने कुछ नाम भी आप के सामने पेश किये हैं।

बिहार की जेलों में लक्ष्मण शो दर्जन कम्युनिस्ट पार्टी के कार्यकर्ता बन्द हैं। इस बारे में आपने स्वीकार किया है। दूसरे सदन के माननीय सदस्य श्री भूपेक्ष गुप्त ने आपको इसके बारे में लिखा है और मैंने भी आपको लिखा है और मैं आपसे मिला भी हूँ। जब मैंने इसका आपसे जिक्र किया तो आपको बड़ा आश्चर्य हुआ कि कम्युनिस्ट पार्टी के कार्यकर्ता भी जेलों में बन्द हैं। सबसे बत आपने बिहार सरकार को लिखा भी है। लेकिन दस नारीड का जब मैंने आपसे कहा —

"I have brought to your notice about what happened in Bihar"

आपने जवाब दिया—

"Why do you presume that we have kept quiet? We have consulted the State Government, and the State Government feel differently"

डिफेंटली को जरा मार्क किया जाय। वहा आपके मुख्य मंत्री कहते हैं कि यह हमारा कसूर नहीं है, यह तो भारत सरकार ने रख छोडा है। हमारे नेता ने उन से बात की है कि बीस सूत्री कार्यक्रम के लिए लड़ने वालो, जमीन के लिए लड़ने वालो, मजदूरों की जायज मांगो के लिए लड़ने वालो को आपने क्यों जेलों में रखा है तो इस पर वह यह जवाब देने हैं। आपका जवाब है कि उनकी घोषिनियन डिफेंट है। अब आपकी बात मानी जाय या उनकी बात मानी जाय? इसका फेसला आपको करना है और इसका जवाब आपको देना है।

आपने अभी कहा कि श्री इन्द्रजीत गुप्त ने नाम पेश किये जिनमे से दो-चार नाम भी आपने सुनाये कि इन लोगो को छोड दिया गया है। मेरे पास बिहार के 17 नाम हैं जिनमे से एक आदमी को भी नहीं छोडा

गया है। श्री भोलादूटी, उड़ीसा सीमेंट लिमिटेड, थिरीबुक मिनरल्स माईंस लोटापहार के 17-7-75 से डिटेन्शन में हैं। श्री हरिनारायण पाण्डेय, फारबिसगंज 3-9-75 से डिटेन्शन में हैं। श्री पूर्णन्दु मजूमदार, जनरल सेक्रेटरी, युनाइटेड वर्कर्स मिनरल्स यूनियन, ए० आई० टी० यू० सी० 23-9-75 से हैं। इस तरह से ये तमाम लोग महीनों से नजरबन्द हैं। आपने कहा कि 33 फीसदी या 30 फीसदी को आपने जेलों से रिहा कर दिया है। आपने बहुतों को रिहा किया लेकिन बिहार में हमारे दल के एक को भी नहीं किया। मुझे आश्चर्य है कि इन तीस प्रतिशत रिहा होने वाले जोगों में क्या कम्युनिस्टों की कोई संख्या नहीं हो सकती? फिर भी आप कहते हैं कि हमने लोगों को छोड़ा है। यह तो आपकी बिहार के बारे में नीति है जहां हमने श्रीर आने मिल कर बहुत शानदार काम किये हैं। हमने श्रीर आपने मिल कर अन्तर्राष्ट्रीय फासिस्ट विरोधी सम्मेलन किया श्रीर भी बहुत से सवालियों पर मिल कर काम कर रहे हैं। बिहार में अब आपके नेताओं की नीति है कि किसी दूसरे के साथ मिल कर काम नहीं करो। यह गलत बात है। मैं कहना चाहता हू कि इस तरह से जो आप कर रहे हैं वह ठीक नहीं है।

आज हमारे दूसरे सदन के, राज्य सभा के नेता श्री योगेन्द्र शर्मा जी ने मुझे बताया कि दस दिन पहले यू० पी० में, उत्तर प्रदेश के एम० एल० ए० श्री फजलुर रहमान जो कि बहराइच जिले के रहने वाले हैं और कम्युनिस्ट पार्टी के लीडर हैं, को भीसा के अन्तर्गत जेल में डाला गया। वह दस दिन पहले की बात है। पता नहीं आपको इसकी खबर हुआ नहीं। इस तरीके से आपकी पुलिस, आपकी मेजिस्ट्रेसी और राज्य सरकारें भीसा का मिसयूज कर रही हैं। वे लोग इसका गलत इस्तेमाल कर रहे हैं और आप

इससे इंकार करते हैं। पहले तो आप कहते भी थे कि इसके दुसपयोग को रोक जायगा लेकिन आश्चर्य है कि आज आपने इसके बारे में कुछ भी नहीं कहा। पता नहीं आपने इस सवाल पर मौन ब्रत क्यों धारण किया? आने वाले दिनों में किसानों के आन्दोलन होंगे। वे बीस सूत्री कार्यक्रम को पूरा करने के लिये आन्दोलन करेंगे। जमीन के लिए लड़ाई होगी। बन्धुघा मजदूरों के लिए लड़ाई होगी। मजदूरों की मजदूरी पर लड़ाई होगी और मजदूरों के सभी प्रश्नों पर लड़ाई होगी, आन्दोलन होंगे। तो क्या आप उनको जेलों में बन्द कीजिएगा? आपकी गलत नीतियों की आलोचना होगी, आपकी फूटपरस्त नीतियों के खिनाफ बात होगी। तब आप कहेंगे कि इनको जरा बन्द कर दो भीसा में, शास्त्री जी को भी वहां रख दो। इस तरह से भीसा का, भारत मुरझा कानून का कितना दुसपयोग होता है इसको आप समझते हैं। भीसा के अन्दर किसी को बन्द करना होता है तो इसका अधिकार आने डिस्ट्रिक्ट मैजिस्ट्रेट का दे रखा है। लेकिन वे लांग नीचे के अधिकारियों के कहने पर दस्तखत मार देते हैं और लांग डिटेन हो जाते हैं। डी आई धार में तो उसकी भी भी जरूरत नहीं है। पुलिस को किसी के बदला लेना होता है, किसी को नंग करना होता है, किसी को बूस लेनी होती है तो उसको डी० आई० धार० में पकड़ लेती है, जेल में डाल देती है। इसका बाद में एक दो बातें कह कर मैं खत्म करता हूँ। सदन में हमारी पार्टी के नेता, संसदीय दल के मंत्री श्री योगेन्द्र झा को जब वह हरियाणा में बीस सूत्री कार्यक्रम के समर्थन में पदयात्रा पर गए थे और एक गांव में वह मीटिंग कर रहे थे, वह सिखों का गांव था वहां उन्हें श्रीर उनके साथ हमारे दल के पांच अन्य प्राधमियों को डी आई धार में निरफ्तार कर लिया गया। श्री योगेन्द्र झा को तो जेल में नहीं ले गए लेकिन

[श्री रामावतार शास्त्री]

बाकियों की जेल में डाल दिया गया और वे आज भी जेल में हैं और आरोप उन पर यह लगाया गया कि वे मीटिंग कर के मांग कर रहे थे कि आर एस एस पर से पाबन्दी हटाओ और इसके लिए वे आन्दोलन की धमकी दे रहे थे और कह रहे थे कि अगर हम पर पाबन्दी नहीं हटाई गई तो हम जन आन्दोलन करेंगे। यह आरोप पत्र इस सदन में माननीय सदस्य श्री भोगेन्द्र झा और हमारे पांच साथियों को दिया गया।

16 00 hrs.

दूसरा उदाहरण आप सुन लीजिये। हमारे यहाँ बिहार में विधान परिषद के सदस्य श्री राज कुमार पुर्व जोकि बड़े सम्मानित और सक्रिय विधान परिषद के सदस्य हैं और बरमों तक एम एल ए भी रह चुके हैं उनके विरुद्ध बेनी पट्टी (मधुबनी) के दारोगा ने वारंट इशू किया डी आई आर के मातहत और कहा कि इन्होंने जलूस निकाला जिम में इंदिरा गांधी मुर्दाबाद, बीम सूची कार्यक्रम मुर्दाबाद, कांग्रेस मुर्दाबाद जैसे नारे लगाए। इस आरोप पत्र के आधार पर उन पर मुकदमा चलाया गया। आपके ही दल के 63 विधान परिषद के सदस्यों ने लिख कर माग की है और इन पर कानिग एट्रेशन नोटिस भी विधान परिषद में दिया जिसका जवाब सरकार नहीं दे सकी कि उनको रिहा किया जाए ये आरोप बिल्कुल गनना हैं, बेबुनियाद हैं। पुलिस को जब कभी अपने विरोधियों में बदला लेने का मौका मिलना है तो वह इस मौके का फायदा उठाने से नहीं चूकती है। इन की आड़ में पुलिस बहुत ज्यादा जुल्म कर रही है। आपकी चाहिये कि आप मीसा नं: तम्रा डी० आई० आर० के दुहनयोग को रोके, आप पुलिस के कान पकडे, उससे साथ सबी से पेश आए, जो सम्पूर्ण क्रान्तिकारी थे, जो हमारी व्यवस्था को छिन्न विभक्त कर देना चाहते थे, उन्हे खिलाफ मीसा का इस्तेमाल हो, इनके खिलाफ

मीसा का इस्तेमाल हो। जो आपके साथ बिना कर बीस सूची कार्यक्रम को कार्यान्वित करना चाहते हैं, जयवातिक आन्दोलन को प्रबल कर देना चाहते हैं, फ्रिक्वापस्सों के खिलाफ लड़ना चाहते हैं उनको आप जेल में न डालें। चाकड़ी बाजार में जिन की खोंपड़िया, मकान उजाड़े जा रहे हैं उस रीति के खिलाफ हम लड़ेगे और आप हम को डी आई आर और मीसा में बालेंगे तो वह उचित नहीं होगा। इससे जनता में आशंका-भारे में परिवर्तन पैदा होगा, जनतंत्र से उसकी आस्था उठेगी। इससे जो प्रतिपक्षी और फासिस्ट तत्व हमारे देश में हैं और मन्त्री कार्यालयों में लगे हुए हैं आप उनका हाथ मजबूत करेंगे। आप पुलिस को असीम अधिकार न दें। पुलिस पर लगाम कस कर लगाए और उस न हमारा समर्थन आपने साथ बराबर होता। पर अच्छे काम में हम आपकी समर्थन देंगे। गला कामों में हम कभी भी समर्थन आपका नहीं कर सकते हैं, फिर चाहे हमें आप हजार बार मीसा में बन्द करे, हम उमका विरोध करने रहेंगे। इतना ही मुझे निवेदन करना था।

SHRI K. BRAHMANANDA REDDY
 I have heard him. There is no provision for detention under DISR; but there can be a rests under Defence or Security...

श्री रामावतार शास्त्री : मैं ने तो आप को डिस्टेंडी ही किया है लोग एम० आई० एस० ए० के अन्दर जेल गये हैं और 1 साल से ज्यादा हो गया है। इसके बारे में आप ने कुछ नहीं कहा।

You have not said anything about them. I gave you the letter personally on 2nd July, and you expressed your surprise why I was not talking to the Chief Minister. I told you that our leaders had met the Chief Minister and they were told that it was for the Central Government to release them. You have not said anything about these

persons. You have read the names of other persons. What about these persons? Please let me know. I have written to you a letter, and I have the right to get a reply from you.

SHRI K BRAHMANANDA REDDY
I shall look into it.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted

16.07 hrs.

PRESIDENT'S PENSION (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to move.*

"That the Bill further to amend the President's Pension Act, 1951, be taken into consideration."

This is a very simple Bill. The existing provisions of the President's Pension Act, 1951, *inter alia*, provide for medical attendance and treatment, free of charge, to a retired President. But such facilities are not available to the spouse of a retired President or the spouse of a President who dies while holding office as such. Keeping in view the dignity of the high office of the President, it is proposed to extend the said facilities to the spouse of a President in both cases.

This is a very simple Bill and I commend it for the acceptance of the House.

16.08 hrs.

[SHRI P. PARYHASARATHY in the Chair]
MR. CHAIRMAN Motion moved:

"That the Bill further to amend the President's Pension Act, 1951, be taken into consideration."

Sardar Swarn Singh Sokhi.

सरदार स्वर्ण सिंह सोखी (जमशेदपुर)

चेयरमैन साहब, मैं इस बिल का तहेदिल से स्वागत करता हूँ और इस पर कुछ सुझाव देना चाहता हूँ, उम्मीद है मिनिस्टर साहब उन का ख्याल करेंगे। प्रेसीडेंट पेंशन ऐक्ट 1951 में बना था और 15,000 रु० सालाना पेंशन प्रेसीडेंट की बाकी जिन्दगी के लिये रखी गई थी, तथा 12,000 रु० सालाना सेक्रेटेरियल स्टाफ के लिये था। आज उन ऐक्ट को बन 25 साल हो गये हैं लेकिन वह पेंशन उतनी की उतनी ही है। जब यह बिल आया तो मैं समझा कि शायद प्रेसीडेंट की पेंशन बढ़ाने जा रहे हैं। जब आज सारी चीजों का दाम बढ़ गये तो प्रेसीडेंट की पेंशन भी बढ़ानी चाहिये। उस वक्त तो 15,000 रु० सालाना आज कल 2,400 रु० सालाना के बराबर हैं। प्रेसीडेंट के रिटायर होने के बाद जो उन के खर्चे बड़े हुए होते हैं उन को कट डालना बड़ा मुश्किल होता है। इसलिये इतने बड़े ग्रॉफिम को ध्यान में रखते हुए उन की पेंशन मेरी राय में कम से कम 25,000 रु० सालाना होनी चाहिये, और इसी तरह से सेक्रेटेरियल स्टाफ का खर्चा भी बढ़ाना चाहिये क्योंकि हम नहीं चाहते कि हमारा कोई ऐसा समय आये जब पैसा न होने की वजह से रिटायर्ड प्रेसीडेंट को को

*Moved with the recommendation of the President.