

[Secretary]

13.10 hrs.

2. Shri Narayana Kalliyana Krishnan

*The Lok Sabha adjourned for  
lunch till fifteen minutes  
past Fourteen of the Clock*

3. Shri V. B. Raju

4. Shri Triloki Singh

—  
*The Lok Sabha Re-Assembled  
After Lunch at Seventeen  
Minutes Past Fourteen  
of the Clock*

5. Shri Awadheshwar Prasad Sinha

6. Shri Swai Singh Sisodia

7. Shri Mahavir Tyagi.

[SHRI PRAKASH VIR SHASTRI  
in the chair.]

COMMITTEE ON THE WELFARE  
OF SCHEDULED CASTES  
AND SCHEDULED  
TRIBES

SHRI SAMAR GUHA (Contai) : Sir,  
I have a submission to make...*(Interrup-  
tions)*

EIGHTEENTH AND NINETEENTH  
REPORTS

SHRI D. BASUMATARI : I beg to  
present the following Reports of the  
Committee on the Welfare of Scheduled  
Castes and Scheduled Tribes :-

श्री रणधीर सिंह (रोहतक) : चेयरमैन  
साहब, मैं चाहता हूँ कि बैंकाक की एशियन  
गैम्ज में चन्दगीराम श्रीर त्रिन दूसरे ऐथलीट्स ने  
गोल्ड मेडल जीते हैं, इस हाउम की तरफ से  
उनको मुबारकबाद दी जाये, क्योंकि हम सबका  
इसकी बहुत खुशी है।

(1) Eighteenth Report on action taken  
by Government on the recommen-  
dations contained in their Fourth  
Report on the Ministry of Home  
Affairs and Department of Social  
Welfare-Reservations for Schedu-  
led Castes and Scheduled Tribes in  
public services.

(2) Nineteenth Report on Complaints/  
Representations received by the  
Committee on the Welfare of  
Scheduled Castes and Scheduled  
Tribes.

सभापति महोदय : सब माननीय सदस्य  
अपने स्थानों पर बैठ जायें। माननीय सदस्य  
उस बात का ध्यान रखें कि जब दोपहर के  
भोजन के बाद सभा प्रारम्भ हो, तो हम फिर  
से शून्य का घंटा न बनायें। इस सदन में  
विभिन्न प्रश्नों का उठाने की अनुमति देने के  
बारे में नियम बने हुए हैं। अगर माननीय  
सदस्य पश्चिम बंगाल से सम्बन्धित किसी प्रश्न  
को उठाना चाहते हैं, तो वे उसके बारे में वर्त-  
मान बस के दौरान विस्तार के साथ कह सकते  
हैं, क्योंकि यह बस पश्चिम बंगाल से ही  
सम्बन्धित है।

STATUTORY RESOLUTIONS RE:  
WEST BENGAL (PREVENTION  
OF VIOLENT ACTIVITIES)  
ACT, 1970 AND WEST  
BENGAL MAIN-  
TENANCE OF PUB-  
LIC ORDER ACT,  
1970—Contd.

RE: REPORTED STABBING OF  
MRS. PARIMAL GHOSH

MR SPEAKER : Mr Madhok was on  
his legs last time. He may continue after  
junch.

SHRI SAMAR GUHA : The wife of  
a Central Minister has been stabbed. We  
hear that the wife of Shri Parimal Ghosh  
has been stabbed. We want more infor-  
mation from the Minister...*(Interruptions)*  
It is a serious matter. He is our colleague

and he is a Central Minister. We want to know the latest information from the Government.

श्री रणधोर सिंह : बताया जाता है कि श्री परिमल घोष की गैर-हाजिरी में किसी शरूस ने उनके मकान में घुस कर उनके बौनों-बच्चों पर हमला किया है। हम जानना चाहते हैं कि इस बारे में सही पोजीशन क्या है।

सभापति महोदय : माननीय सदस्य श्री परिमल घोष के परिवार पर आक्रमण के बारे में सरकार से सूचना चाहते हैं, निश्चय ही यह बड़ी दुःखद घटना है, जिस पर हम सदन और सरकार को चिन्ता होनी चाहिए। इस घटना को उठाने के बारे में भी कुछ नियम और प्रकार हैं। इस प्रश्न को कालिग एटेंशन या किसी अन्य ढंग से उठाया जा सकता है, ताकि सरकार पूरी तरह तैयार होकर इस बारे में जवाब दे सके।

श्री सम। गुह : मैंने इस बारे में कालिग एटेंशन नोटिस दिया है। कभी कभी कालिग एटेंशन को ग्राम को भी ले लिया जाता है। यह क्लज के मुताबिक है। अगर आप इस का समर्थन करें तो इस को आज शाम को लिया जा सकता है।

सभापति महोदय : अगर आप ने इस बारे में ध्यानाकर्षण-प्रस्ताव दिया है, तो अध्यक्ष महोदय उस पर विचार करेंगे, आप उन से मिल कर परामर्श कर लें।

श्री श्रीम प्रक.श त्यागी (मुरादाबाद) : सभापति महोदय, देश में वंगज की कमी हो रही है, रेल डिपार्टमेंट वंगन नहीं दे रहा है और इस लिए धनबाद में कांथला जमा हो रहा है इस का परिणाम यह है कि फरीदाबाद और अन्य स्थानों में फंक्टरिया बन्द पड़ी हैं और मजदूर बेकार हो गये हैं, मैं चाहता हूँ कि मंत्री महोदय इस बारे में वक्तव्य दें।

सभापति महोदय : माननीय सदस्य को जो कुछ भी कहना है, वह सभापति की अनुमति ले कर कहें।

SHRIMATI ILA PALCHOUDHURI : (Krishnagar) You must give one minute to us to make a statement.

SHRI S. KUNDU (Balasore) : What is your direction regarding the assault on the wife of Shri Parimal Ghosh, who has been stabbed ?

सभापति महोदय : मैंने अभी कहा है कि इन प्रश्नों को उठाने के बारे में जो नियम बने हुए हैं, माननीय सदस्य उनके अनुसार नोटिस दें। अध्यक्ष महोदय उस के बारे में फैसला करेंगे। जहाँ तक इस घटना का सम्बन्ध है, इस के बारे में पश्चिमी बंगाल सम्बन्धी बहस में कहा जा सकता है।

श्री बलराज मधक।

14.22 hours

STATUTORY RESOLUTION RE. WEST BENGAL (PREVENTION OF VIOLENT ACTIVITIES) ACT, 1970 AND WEST BENGAL MAINTENANCE OF PUBLIC ORDER ACT, 1970—Contd.

SHRI BAL RAJ MADHOK (South Delhi) : Mr. Chairman, I was saying the other day that this Government is hunting with the hounds and is running with the hare in Bengal. On the one side it talks of bringing about peace and brings forward these two Acts, which I welcome, on the other, at the same time, it continues to hobnob with these very elements which are at the back of the whole trouble that is going on there. The latest report that we have got about the stabbing of the wife of hon. Minister, Shri Parimal Ghosh, and his son; and also of the stabbing yesterday of four students of Vidyarthi Parishad who were trying to resist the Naxalites who were trying to dislocate the examinations, points to the fact that the situation there, instead of improving, is deteriorating.

[Shri Bal Raj Madhok]

But the question is: How can things be tackled? The Prime Minister herself is very loud in protesting that she is not hobnobbing with the Communists and that she is a nationalist and all that. But the taste of the pudding is in its eating. What kinds of policies and statements is she making and what kinds of things are her colleagues doing?

I have just now before me the cutting of *Aryavarta* from Patna. Shri Bhupesh Gupta, the leader of the C. P. I., went there and threatened Shri Daroga Rai, the Chief Minister, of the Congress (R), that unless he withdrew the police from the villages where it had been sent to prevent the lawless activities of some violent forces, they would withdraw their support from him. To the utter surprise of everybody, the Chief Minister has accepted this demand, has withdrawn the police and has given a free hand to the Naxalites and other violent elements. If this kind of a thing continues, how do you think there can be any improvement in the situation?

Then, what is the Prime Minister herself saying? The other day she addressed a meeting of the so-called convention against communalism. There—I have the report before me—she said that there are not only violent activities of Naxalites but that there are some rightist parties also which are indulging in violent activities. But did not have the courage to name any of them or to give any single instance. This is the way in which she is trying to minimise what is happening in Bengal. With this kind of approach, she cannot be expected to tackle the problem there.

What kind of non-violence does she believe in? It is a pity that she carries the name of Gandhi. Had she carried only the name of Nehru, one would not mind. But she carries the name of Gandhi, the Apostle of Non-violence. And what kind of an apostle of non-violence is she? While she was speaking some people raised some slogans in praise of Dr. Lohia. We know that she is allergic to the name of Dr. Lohia, but that does not mean that they should be beaten up and violent action should be taken against them for that.

With this kind of an approach and outlook, how can you expect that any improvement in the situation in West Bengal can be brought about?

Without going into the details of the situation which is too bad, I would draw your attention to some of the solutions of the problem.

One solution that has been suggested by communist friends is that we should have elections to the Assembly of Bengal and that that will be the penacea for all the ills. My submission is this, I am not against elections; I am not against mid-term elections even for the Lok Sabha. But the Government says that the conditions in Bengal are not ripe for elections to the Assembly there. If there can be mid-term elections for the Lok Sabha, how can you avoid elections for the Assembly of Bengal? When you hold elections to the Bengal Assembly, you must also keep in mind the implications of the situation that has developed in Pakistan.

As things are, in West Bengal too, the demand of that kind of autonomy which has been made by Mujibur Rahman in East Pakistan is rising. My hunch is that if my communist friends go to elections in Bengal, they will raise the same kind of slogans, the same kind of demand for autonomy for Bengal. After that, there will be a demand that whole of Bengal should be separated and made a sovereign State. I would like the Government to seriously consider implications of any such elections and its long-range impact on the country's unity, the country's integrity and the democratic system to which we are committed. Therefore, this solution of going in for elections is no solution at all.

Yet some solution has to be found. If a solution has to be found, then the laws alone are not enough. There should be some machinery to enforce these laws. At the moment the executive head of Bengal Government is the Governor. Do you think that this Governor there is going to enforce these laws there? He is too much committed to communist ideologs. So,

whatever you might do, so long as he is the Governor, these Acts will not be properly enforced and the confidence of the people will not be restored.

It is very essential that if any worthwhile improvement has to be made in the conditions of Bengal, the Governor of Bengal must be immediately removed and somebody who has an administrative experience, who is not committed to communist ideology, as Mr. Dhavan is, has to be sent there as the Governor. It is not a question of removing the Governor alone. The Governor, after all, is the nominee of the Home Ministry. So long as the Government of India is manned by women and men of the type we have here, I do not think the mere removal of the Governor will do. Therefore, it is very important that the Government here must make up its mind as to what it is going to do about Bengal. As things are, so long as this Government is here, I do not think we can improve conditions in Bengal. And the disease of Bengal is spreading to Bihar and other neighbouring provinces. If this country's integrity has to be saved, if the democracy has to be saved, if India is not to go the way of Vietnam or any other country which has been the victim of the communist aggression, then this Government has to be removed from here. The solution of Bengal problem does not lie in Calcutta, it lies here. With this Government here committed to violence, committed to anti-democratic methods, committed to all kinds of disruptive elements, you cannot expect things to improve in Bengal. Therefore, my appeal to this House is, if you want to save Bengal, and Bengal means India, if you want to save India, then we have to throw this Government out . . .

**SHRI S. M. BENERJEE (Kanpur) :**  
 Dissolve Parliament.

**SHRI BAL RAJ MADHOK :** If for that purpose, dissolution is essential, I am not against it. But, I think if the democratic sense, if the patriotic sense, of the hon. Members of this house really asserts itself, this Government can be thrown out even without dissolving Parliament. But

until and unless this Government is removed from here, I do not think, we can have any improvement in the situation in Bengal.

Then, we are told that the youth of Bengal are doing all that. I do not think the youth of Bengal have become proverse in one day. There are certain conditions in which they have been acting. I would like the Government to set up a machinery through which some of the youngmen are properly examined and in that matter cooperation must be taken of the parents, of the teachers and of some psychologists so that we can find out how their mind is working. Simply *danda* will not solve the problem. At the same time, some kind of psychological treatment also is necessary. Some kind of healing balm has to be applied for that purpose. The most important thing to be done is that some kind of cultural revolution has to be brought about there, the cultural revolution of the type which Swami Vivekananda and Sri Aurbindo brought about in Bengal in the early years of the present century. I don't think that Bengal is not prepared to listen to that kind of voice of reason even to-day. But unfortunately, there are few people who can give that kind advice and that kind of guidance and, on the other hand, the nihilistic philosophy of Communists is holding its sway there. The result is that instead of a cultural revolution, we are having an anti-cultural revolution of the Mao Brand. Therefore, this has to be checked and for that purpose it is the duty of all political leaders, those who stand for democracy, those who stand for nationalism to come forward and give a lead. This work cannot be done by the ruling party. This work cannot be done by the Communist Parties.

The youth of West Bengal is sick of the slogan they have been listening all these years. They need some constructive alternative. If some constructive, nationalistic and patriotic alternative is not provided to them, then if they adopt a nihilistic approach, I will not be surprised. In fact this is what is happening. Therefore, we have to wean them away from the nihilistic approach to a constructive approach and some alternative has to be given to them

[Shri Bal Raj Madhok]

and that is a challenge to all the nationalist and democratic parties. If they continue warring with each other and if they fail to create a viable alternative to the Ruling Party and its Communist allies, they too will be as much blamed for the developments there and its implications as the ruling Party. Therefore, the nationalist and democratic forces also must come forward.

Lastly, there is the problem of unemployment. The people in West Bengal have no work and it is well known that an idle mind is a devil's workshop. If they have no work and if they turn to these kind of things, they cannot be blamed too much.

We know that the unemployment position which is already bad has become very much worse because of the influx of millions of refugees. Therefore, it is of the utmost importance that certain other industries and certain other programmes at the State-level as also with the co-operation of industrialists and private entrepreneurs by which work can be provided to the idle hands should be started and this providing of work to them must go on side by side with the type of cultural revolution that I have suggested. With all these and at the same time, if the situation is tackled in a firm way through these laws, I think the situation will improve.

With these observations and reservations, I support the enactment of these two laws.

श्री वेणुकी नन्दन पाटोबिया (जालोर) :  
सभापति महोदय, मंत्री महोदय का जवाब कितने बजे होगा ?

सभापति महोदय : इस के ऊपर चार घंटे का समय नियत है। उस में से 1 घंटा 20 मिनट पहले लिया जा चुका है और 12 मिनट अभी मध्यक जी ने लिया है। मंत्री महोदय आखिर में जवाब देंगे।

श्री सवर गुह (कन्टाई) : हमारी पार्टी और सब के बोन लेने के बाद मिनिस्टर महोदय जवाब देंगे या पहले ?

सभापति महोदय : सब के बोलने के बाद।

श्री रणधीर सिंह (रोहतक) : सभापति महोदय, हाउस के सामने जो रेजोल्युशंस जेरे बहस है उन की मैं पुरे और से मुद्दालिफत करता हूँ ....

श्री स० मो० बंनर्जी : क्यों ?

श्री रणधीर सिंह : इस वास्ते कि बंगाल का मसला सिर्फ बंगाल का मसला नहीं है बल्कि यह सारे देश का मसला है और वहाँ जो आग लगाई गइ है वह कोई छोटी मोटी आग नहीं है, उस के तहत पानिटिक्म है। मैं यह बात मान लेता हूँ कि बंगाल में कुछ अनागमनायमेन्ट भी है कुछ थोड़ी बहुत डेक्लरमेन्ट की बात में भी शिकायत हांगी और साथ साथ कुछ लेन्ड रिफार्म की बात भी है। ठीक है, वह हल होना चाहिए और मैं उन आदमीयों में से हूँ जो उम्र वान हो महसुस करने हैं कि बंगाल के जो कुछ मनायल हैं वह जरूर हल होने चाहिए और ज्यादा में ज्यादा तबजह उधर होना चाहिए। लेकिन उस का मतलब यह नहीं है कि उन ममायल को कुछ पार्टियां ले कर उखालें और देश की युनिटी के साथ, देश की इज्जत के साथ, देश की इंडीपिट के साथ खेले देश के प्रमन के साथ खेले। वह एक ऐसी बीज है कि कोई भी हिन्दुस्तान का हितेषा हिन्दुस्तान से प्यार करने वाला चाहे किसी पार्टी का हो बर्दाशत नहीं करेगा। वहाँ जो हालात हो रहे हैं जहाँ तक नोजवानों की बेरोजगारी का सवाल है, में उन से हमदर्दी है और बेरोजगारी का हल वहाँ निकलना चाहिए, जल्दी से जल्दी निकलना चाहिए चाहे वह बेरोजगारी का हल कलकरी में

हो या देहात में डेबलपमेन्ट के काम कर के हो जिससे उन को घन्चे मिलें, रोजगार मिले, नौकरियां मिल, उस से हो, स्पेशल प्रॉटेशन प्लानिंग कमीशन उधर दे और बंगाल के जो खास मसाले हैं उनके लिए अगर ऐसा किया जाय तो देश का हर भाई इस का समर्थन करेगा। इस में कोई बेइज्जती या कोई गलत काम नहीं कि जहाँ ज्यादा दुख है, जहाँ ज्यादा सिकायत है, अगर लोग उस के लिए चिल्लाते हैं तो हमारी तबज्जह उधर जानी चाहिए। वह हल होने चाहिए। मैं उन भ्रादरियों में से हूँ जो इस का हल चाहते हैं। सोशो-एकानमिक हल होना चाहिए। लेकिन साथ ही साथ मैं यह भी कहूँगा कि वहाँ का मसला इतना लम्बा हो गया है कि सारे देश में उस की जड़ें हो गई हैं। मुश्तलिक स्टेट्स में इस खयाल के भ्रादरों है जिस खयाल के भ्रादरों वहाँ काम करते हैं। यहाँ भी कुछ भाई हैं जो उन की मदद करते हैं और कुछ उन का पुराना करत करते हैं। मेरी 'अपनी पार्टी में भी कुछ भ्रादरों है' जो नीमे और नीमे रूप से उन की मदद करते हैं। खुन कर उन की मुखातिकत नशुं करने हैं, बल्कि नीचे नीचे उन के साथ हमदर्दी भी रखते हैं। जहाँ तक हिन्दुस्तान का सवाल है, चाहे कम्युनिस्ट हो, चाहे कांग्रेसी हो चाहे कांग्रेस (प्रो) हो, चाहे जन संघ हो, चाहे किसी पार्टी के लोग हों, हिन्दुस्तानी पहले हैं, रजनीति पीछे हैं। अगर कोई भ्रादरों नाम लेकर किसी का हिन्दुस्तान की गरीबी दूर करने में बेरोजगारी दूर करने में, गरीबों का स्टैंडर्ड आफ लिविंग बढ़ाने में प्रागे प्राता है तो उस मसले को लिया जाये और कानूनी तरीके से उस को उठाया जाये, लेकिन अगर उस के साथ ही साथ इन मसलों को ले कर वह पाकिस्तान से या चीन से इन्स्पेरेशन ले या हमारे हिन्दुस्तान के साथ कोई खेले तो वह हिन्दुस्तान का सब से बड़ा दुश्मन है। उन में मेरा बैटा क्यों न हो, मैं चाहूँगा कि उस का इत्तज किया जाये।

हमारे नौजवानों को बर्गसाया जा रहा है, और मैं इस बात से काफिर हूँ कि नौजवान तबके पर उदका असर पड़ जाता है, वह तबका गलत हाथों में जा रहा है। यह मैं जरूर कहना चाहूँगा कि यह न सिर्फ कांग्रेस का मसला बल्कि सारी पार्टियों का मसला है। इन में जन संघ भी है, कम्युनिस्ट भी है, कांग्रेस भी है और कांग्रेस (प्रो) भी है, अपने अपने ढंग से सब पार्टियां इकट्ठी हो कर इसका पोलिटिकल रूप निकालें। जो भ्रादरों अपने एक मसले को लेकर वियट-नाम किस्म की लड़ाई यहाँ करके सारे हिन्दुस्तान को छिन भिन्न करना चाहते हैं, पाश पाश करना चाहते हैं और हिन्दुस्तान कटुकड़ करना चाहते हैं, जो चीन और पाकिस्तान के हाथों में खेला चाहते हैं, उन अनासिर का मुकाबला करने के लिए हमारी सारी पार्टियों को एक होना चाहिए। इसमें किसी खास पार्टी का सवाल नहीं है। आज एक स्कूल को छोड़ कर, जो इन लोगों के हाथों में खेला चाहते हैं हिन्दुस्तान की सारी पार्टियां साथ आएँ। मैं तो कहना हूँ कि जो जे० बसु की पार्टी है वह सबसे ज्यादा इन्फ्लुवा की बात करती है, मैं गोपालन की बात भी कहता हूँ, इन सबके लिये यह टेस्ट है कि वह देश को अपना समझते हैं या देश को पाश पाश करना चाहते हैं। उनको आकर साथ मिल कर काम करना चाहिए।

आज पाकिस्तान में एलेक्शन होने के बाद एक दूसरा एलिमेंट भी उभरने वाला है। चूँकि हमारे मसले हल नहीं हो रहे हैं इसलिए शायद इन हालात को बंगाल के कुछ नौजवान दूसरा रुख भी दें। हमें यह चीज भी देखनी है कि इस किस्म के अनासिर पाकिस्तान में भी मौजूद हैं और हिन्दुस्तान में भी मौजूद हो सकते हैं जो इस नारे को ले कर एक और किस्म की शकल दें और बंगाल में व हिन्दुस्तान के दूसरे हिस्सों में जो सेजनिस्ट या हिन्दुस्तान से

[श्री रणधीर सिंह]

अलग होने वाली ताकतें हैं वह कहीं न पैदा हो जायें।

मैं इस बात को खास तौर पर कहूंगा कि यह अकेले गवर्नमेंट का मसला नहीं है। यह पॉलिटिकल मसला है और सारी पार्टियों का मसला है। अगर उनमें हिन्दुस्तान और भारत माता का खून है तो सारी पार्टियों को यह देखना है कि वह खामखवाह धिकयतें करना न शुरू कर दें कांग्रेस की। यह एक पार्टी के बस का सवाल नहीं है। यहाँ अकेले फौज या पुलिस से मुकाबला करके भी कुछ नहीं होगा क्योंकि अकेले फौज और पुलिस के मुकाबला करने से काम नहीं चलता है। वहाँ इस किस्म की हालत पैदा हो गई है कि नौजवानों का दिमाग बदलना होगा। और यह तभी होगा जिस तरह से नागालैंड में हुआ। एक एक आदमी के कोआपरेशन से, पुलिस के कोआपरेशन से, वहाँ की जनता के कोआपरेशन से इस तरह के लोगों को समझाया हुआ गया और वह मामला दबा दिया गया उसी तरह से यह जरूरी है कि वहाँ पर एक क्लचरल रिवोल्यूशन लाया जाये और सारी पार्टियाँ उसमें हिस्सेदार बनें। यह नहीं कि चौबीस घंटे इन्दिरा गांधी को गाली देना शुरू कर दिया जाये। हमें इसमें राजनीति नहीं लानी है। अगर कोई इसमें राजनीति लाना चाहता है तो उसका दिख काला है और वह कोई और बात करना चाहता है। आज तो सारे मुल्क को मुतहद्दा करने की जहरत है।

मैं; सभापति महोदय, आपकी माफ़त कहना चाहूंगा कि जहाँ भी उन लोगों के झुंडे हों जिनकी बजह से पाकिस्तानी और चीनी नुमांश का खुमार नौजवानों में आता है, उनको तोड़ना जरूरी है। मैं ने देखा है कि कई यूनीवर्सिटियों के प्रोफेसर और स्टूडेंट्स भी इस तरह की ट्रेनिंग के लिए बंगाल भेजे जाते हैं।

मुझे इसका जानी तजुर्बा है। मैं कहना चाहूंगा कि जो एक्ट बनाया गया जा रहा है उसकी तहत कोई भी आदमी बरूशा न जाये, चाहे कोई कितना बड़ा आदमी क्यों न हो, चाहे वह किसी पार्लियामेंट के मेम्बर का बेटा हो चाहे किसी बजौर का बेटा हो, चाहे वह अपीजीशन के नेता का लड़का हो चाहे वजौरे-आजम का लड़का हो, अगर वह इस किस्म का काम करता है जिससे देश को हानि होनी है तो उसको राउंड अप कर के जेल में डाला जाये। अगर देश खत्म होगा तो यह सारी राजनीति कहां जायेगी? मैं गवर्नमेंट से कहना चाहूंगा कि इस तरह के आदमियों को राउंड-अप करना चाहिए। चाहे वह बंगाल के बारे में हो चाहे कहीं और के बारे में, अगर अहिंसा के तरीके से या नसीहत देने से मामला हाथ में नहीं आता तो आप तो पुलिस की बटेनियन की बात करते हैं, अगर फौज के हवाले आपको करना पड़े वहाँ को तो इसमें कौन सी अर्म की बात है? अगर हिन्दुस्तान छिन्न-होगा तो किस वास्ते आप की फौज और पुलिस है? आप फौज को दे दीजिए। इसमें कोई पार्लिटिकम की बात नहीं है। आखिर वहाँ पर पुनिम और फौज गई ही क्यों है? जब पानी सिर के ऊपर चला जायेगा, देश के खतरे में पड़ने की बात हो जायेगी और वक्त के ऊपर आप कुछ नहीं करेंगे तो आप अपने फर्ज में कोताही करेंगे और मुल्क के साथ गद्दारी करेंगे। मैं गवर्नमेंट से कहना चाहूंगा कि जहाँ हालात ऐसे संगीन हो जायें, खराब हो जायें, पानी सिर के ऊपर चला जाये वहाँ न सिर्फ पुलिस जाये बल्कि फौज भेजी जाये और वह हालात को ठीक करे।

आखीर में मैं यह कह कर खत्म करता हूँ कि इस मामले में कोई प्रेसस्टेज का सवाल नहीं बनना है। हमें देखना है कि अगर कोई आदमी एक या दो महीने में वहाँ पर पूरे तौर से अमन

न कायम कर दे, जो एडवाइजर है या ऐडमिनि-  
 स्ट्रेशन है वह दो महीने में बंगाल में नार्मलसी  
 न ला पाये, आप उनको टाइम वाउंड प्रोग्राम  
 दे दे, लेकिन अगर वह ऐसा न कर पाये और  
 पूरे तौर पर ला ऐण्ड आर्डर न ला पाये—50  
 परसेंट, 30 परसेंट, 20 परसेंट भी न ला पाये,  
 और हावत इतनी खराब हो जाये कि मर्ज बढ़ता  
 जाए ज्यों ज्यों दवा की जाए, तो आप उस ऐड-  
 मिनिस्ट्रेशन को नोटिस दे दे और दूसरे लोगों  
 को बुलाकर उनको टाइम वाउंड प्रोग्राम दे दे  
 कि इतने बक्त में नार्मलसी लाओ नहीं तो  
 तुम्हारा बिस्तर गोल कर दिया जायेगा। उस  
 गवर्नमेंट को बदल दो, ऐडवाइजर को भी बदल  
 दो और दूसरे लोगों को लाकर उन को भी कहो  
 कि दो महीने के अन्दर नार्मलसी लाओ नहीं तो  
 तुम्हारा भी बिस्तर गोल कर दिया जायेगा।  
 जब आप इस तरह के इस्टिक मेथड्स इस्तेमाल  
 करेंगे तभी कुछ हो सकेगा नहीं तो नहीं। आज  
 मैं इसलिए यह कह रहा हूँ कि बंगाल में एक  
 भाग लग गई है। कहीं बंगाल में सुलग कर  
 यह हिन्दुस्तान के दूसरे हिस्सों को नुकसान न  
 पहुंचाये। यह एक बड़ा भारी मसला है जो कि  
 फौजी तौर पर शुरू किया गया है। बाहर से  
 पैसा आ रहा है बाहर से हथियार भी मिलते हैं  
 और हिन्दुस्तान पूरी तरह से उस जंगवन्दी को  
 लपेट में आ रहा है। माफ करना,

न समझोगे तो मिट जाओगे हिन्दुस्तान बाबो,  
 तुम्हारी दास्तां तक भी न होगी दास्तानों में।

यह मौका है, अगर आप को हावत पर काबू  
 पाना है तो जहाँ से बीमारी निकलती है वहीं  
 उसको खत्म कर दें। जब आप ऐसा करेंगे तो  
 हिन्दुस्तान का फायदा होगा, कीम का फायदा  
 और हमारा फायदा होगा।

SHRIMATI SUCHETA KRIPALANI  
 (Gonda) : Mr. Chairman, Sir, I have  
 listened with great attention to the

speeches of the two Movers of the  
 Resolutions.

They made very serious allegations  
 against the Police. They were very indig-  
 nant, very wrathful and very excited.  
 Naturally, we share some of their senti-  
 ments.

Sir, a Report has been circulated,  
 supposedly from an Association of Demo-  
 cratic Lawyers of West Bengal, which  
 gives a long list of the atrocities commit-  
 ted by the Police. If even a portion of  
 what is reported is correct, it is certainly  
 a serious matter and the Government  
 should check this, because, Sir, however  
 much we may want to arm the Govern-  
 ment with powers to crush violence, at  
 the same time, the Police must take care  
 and act without any sense of vindictive-  
 ness or any sense of revenge. I know,  
 policing is a difficult task, I admit that.  
 But then, Government also should take  
 care to see that as far as possible the  
 Police should try to use the least amount  
 of violence.

Sir, I share their indignation. One  
 gentleman was very indignant when he  
 talked of cases of molestation of women,  
 murder and other atrocities.

I share their indignation, and most of  
 us share it.

They demanded that to put an end to  
 all this zulum and all these atrocities, the  
 best way was to withdraw the two Acts  
 which had been recently passed, namely  
 the West Bengal (Maintenance of Public  
 Order) Act and the West Bengal (Preven-  
 tion of Violent Activities) Act. I would  
 like to ask one thing here. Did the vio-  
 lence in Bengal start after the passing of  
 these two Acts, or was the violence there  
 already? Were these two Acts passed too  
 early or were they passed rather too late?  
 Some attempt should have been made by  
 Government to control the violence at its  
 inception before this plant of violence  
 became a huge tree which throttled all of  
 us.



[Shrimati Sucheta Kripalani]

What is the history of this recent violence in West Bengal? I would particularly like to draw your attention to the fact that how much the CPM struggled to maintain the Home portfolio, and Shri Jyoti Basu succeeded in retaining the Home portfolio. I would say that that constituted the focal point of the present law and order situation in West Bengal.

The second death-knell on the law and order situation was when the offenders of Naxalbari who had committed murders, arson and loot and all such offences, and who after much pressure on the Government, were arrested and put in jail, were later on released. When all those cases were withdrawn and all these offenders were released, naturally that gave a fillip to lawlessness.

Then, what have we seen? During the UF Government's regime, lawlessness was completely let loose. They ushered in an era of personal violence and personal vendetta; it was the bully who ruled, and the bully could do anything, and there was nobody to check it. What was the position of the Government there? The Minister saw to it that the Government did not function. Ordinary norms of administration were not followed; the police was not allowed to do anything. The police stood immobile and not only was violence perpetrated but violence was openly preached every day; in papers, in their own organs, the *Deshbrata*, *Liberator* etc., they said 'These are the methods of killing. So-and-so we have killed, and so-and-so more we want to kill, and these papers were allowed to be printed and published without any let or hindrance. There was so much lawlessness that the Chief Minister was beaten up in his secretariat by the staff. What more reflection do you want to see on the law and order situation?

Again, what happened in the rural areas? In the name of distribution, and in the name of class warfare, violence was let loose. Were only the jotedars attacked? Poor farmers who did not support the CPM were the victims of the attack by

the CPM workers. I would like to remind you of the day when Shri Ajoy Mukerjee in desperation said that 'I am presiding over a barbarous administration', and he had to go on a hunger-strike. While he was fasting, a widow from Burdwan, who was a peasant woman said how she had been beaten and humiliated by the Communist Party workers because she would not give in to them and she would not part with the little land that was there with her; she was not a *jotedar*; she was a small peasant. There are innumerable cases where small peasants were harassed because they would not come to terms with them, and they would not submit to them. As Shri Ajoy Mukerjee himself has said, the cottage industry in Bengal was one of illegal manufacture of bombs and gums. I would lay the blame for this at the door of the Central Government also. There was also arms smuggling into India. They came through Pakistan and China in quantities. Security of the border is the task of Government of India. They were producing bombs and lethal weapons in huge quantities, large quantities of materials for manufacturing bombs were found. How did it happen? Both the Governments are at fault, the Central Government as well as the State Government.

Then, what was happening in the field of education? It was impossible for any educational institution to function. Complete chaos was prevailing. Universities could not carry on their work. Schools and colleges could not carry on their work. Examinations had to be postponed, and teachers were beaten up and insulted. Libraries were burnt. Even a place like the Presidency College, which was the best college in Bengal and of which we are most proud, because our most eminent students had studied there, was affected. The police was attacked; libraries and laboratories were burnt and all kinds of violence was committed there. This is what happened.

The other day Shri Jyotirmoy Basu brought here a picture of Lenin with some scratches and holes in it. Our

culture says that we must respect all great men, to whatever country they may belong. But what has happened in Bengal? The educational institutions are being attacked. Why? It is a systematic and planned attack because they want to destroy bourgeois oriented education and uproot it from the base. They want to destroy the leaders of the "bourgeois-society" whom we all respect. They have desecrated the pictures and statues of all the great men. I do not need to name them. If they had confined this to the statues and pictures of political leaders, one could understand it, is. But it was not the statue and picture of Mahatma Gandhi alone that had been sullied. They have not spared the statue of Vidyasagar. What had he done? Every Bengali reveres him. Similarly, the picture of Rama Krishna Paramahansa. The whole of India reveres him. So is the case with Swami Vivekananda.

The pictures or statues of all these leaders had been sullied. Their sinister game is to uproot this so-called bourgeois society and bourgeois education. As we know, Rabindranath Tagore has also not been spared.

The hon. Members were waxing eloquent about the murder of students. Certainly, it is deplorable. No student, no child, no woman should be murdered. But when similar heinous offences were committed in Burdwan in Malai Sain's house, nobody came to protect them. One young student was killed. Nobody was there to protect him. When one of his companions—I forget his name; he was a meritorious student getting scholarship—was murdered, nobody came to protect him. When another boy, who was also a meritorious student, was going to tender evidence before the court, he was killed. None of these people who are shedding tears now were there to shed tears for these victims of violence. They had also mothers. There was no one to shed tears along with Malai Sain's mother. On the other hand, what happened that the blood of her dead sons was collected and the mother was incited with it? This is how lawlessness has been fostered by certain

people who are now crying against lawlessness.

The Home Minister who slept and refused to give protection to people when they cried for protection has himself asked for protection. When the people asked for protection, the police did not come to give it. He saw to it that they did not. Now he has asked for protection saying 'I cannot move about without a guard'. I would like to ask from these members how many of them are going about Calcutta without a guard.

It is they who have created this situation. They are directly responsible for creating this situation where lawlessness is rampant whereby these drastic steps have become necessary. We do not like these steps; we do not like the police being given extraordinary powers because violence is a dangerous weapon. Violence has an inevitable law of return. If you sow poison, you will reap a poisonous fruit.

Every violent revolution swallows its own children. Who are these Naxalites? They are youngsters belonging to the cadre of the CPI(M). They were nurtured and trained in violence. We now see the inevitable result, the CPI (M) and CPI are killing workers of each other. We have seen several cases of inter-party clashes where workers are murdered. The attack on Shrimati Parul Bose, the wife of a CPI worker, was by a member an instance of this. Many other such cases are happening every day.

What was the wrong that these extreme left party's committed? Even if they believed in violence, they should not have attacked the police. They started a systematic campaign of violence against the police. More than 300 policemen have been injured and about 30-40 of them have been killed. Everyday as we open the papers, we read news of some policemen having been killed. Even today there is a report that 2 policemen were killed, and so many murders are committed.

[Shrimati Suchata Kripalani]

Who are the policemen? They are poor people. They will have natural sympathy with those parties who work for the poor. We have seen that in every revolution, the police or the army have helped to bring about a change of power. Wherever the leaders succeeded in enlisting the support of the police or army, that revolution had succeeded.

In the French Revolution it was the palace guards who came to their aid. In the Russian Revolution it was the soldiers returning from the First World War, frustrated, defeated, feeling very upset, who helped. In China, Chiang Kai-shek's soldiers helped Mao and his party. With the help of the police they could have brought about a violent revolution, but they have created enemies of the police. The poor police people would have gone over to them very easily, but by attacking them they have lost a very good opportunity, because however much they can smuggle arms, this individual terrorism ultimately will be suppressed by police violence. After all, the police can bring greater instruments of violence, greater instruments of destruction into operation. The police is organised to deal with violence and the police deals with violence. The police is not non-violent, the police does not belong to Vinobaji's cadre. They do not swear by non-violence. Ultimately behind the police stands the Government's might, and ultimately behind the Government's might stands the might of the army. So, it is not possible to fight the police by these methods of terrorism.

What is the tradition of the Indian police? The Indian police has not been nurtured in the tradition of being in the service of the people. They are nurtured in a difference school. They are rather trigger happy. If you create a situation where they have to use violence, naturally you let loose such forces that you may not be able to control later.

What is to be done in the present situation? There is no question of blaming this person or that person. The situation

in Bengal is a national problem, it is not a problem of Bengal alone. With the withdrawal of the Act improve the situation? If it improves the situation, we are all with these friends and we shall ask for the withdrawal of the Act, but that will not solve the problem. What is the primary responsibility of the Government? The primary responsibility of the Government is to maintain law and order, the primary responsibility of the Government is to give protection to the people. If the Government fails in these two primary things, then the Government need not be there at all.

This situation came into existence in Bengal due to the failure of the State Government and also due to the failure of the Central Government. We were crying hoarse in this House and we were telling the Government that Bengal was not outside their pale or purview and that they should not allow the situation to deteriorate further, but they did not stir their little finger. Now there is a dilemma before the Central Government. If they curb the police, the police will non-co-operate and will not work and so lawlessness will continue. If they do not curb the police, their friends with whose help they are carrying on, will no longer help them. Therefore, they are in a great dilemma and it is this dilemma which has prevented them from taking action earlier. Because of this dilemma all these valuable months have been wasted and such a situation has now arisen.

15 Hrs.

What is to be done now? First of all the Government has to be carried on properly. The moment we see that these laws are not needed, we shall ask for their withdrawal but at the same time I would beg of the Government to see that the police does not act with an attitude of vengeance, with an attitude of vindictiveness. Let them bear some more beatings, it does not matter, but let them use the least amount of violence. Nonetheless the situation is so bad that firmness has to be used. At the same time I would appeal

to all those parties which believe in violence to adjure violence now. Unless they adjure violence now, the situation will be as we will not be able to control it, because we have seen that individual terrorism has only reaped a bad, poisonous harvest for us. They are reaping the whirlwind now. If they adjure violence, if they take to democratic methods, to non-violent methods, they can win over the people, turn the mind of the young in Bengal. They can create a situation where things can be brought under control, because in a democracy we do not believe in bringing about a revolution by the breaking of heads. We are not asking them to give up their cause. Let them work for their cause but work non-violently and bring about a revolution, not by breaking heads but by counting of heads.

A political party can afford to neglect moral considerations but no political party can afford to neglect intelligent and rational considerations. Today's intelligent and rational consideration says that all of us should get together and ensure that the atmosphere of violence is cleansed, that we should cooperate with the Government to see that violence is removed from Bengal.

With these words, I submit that the time has not yet come to withdraw these Acts.

SHRI S. K. TAPURIAH (Pali) : Sir normally we would not have supported Acts such as these, but the situation in Bengal is not normal. According to the movers of the resolutions themselves, there is violence, lawlessness, murders are being committed right and left. Nobody likes to take medicine or undergo surgery normally. But a time comes when to stem the rot from spreading further, we have to come down with a heavy hand. That is why the need for these Acts has arisen. I would not say that it is shameful to have brought this Act, but I would say it is a matter of shame that even after 8 months of President's rule there, the necessity for such an Act should remain. This reflects nothing but the utter failure

of the administration there to control the situation and maintain law and order. Therefore, is it not high time to overhaul the administration ?

For that, I firmly believe that it has to be started from the top, i.e. by removal of the Governor who, by his own admission is incapable of carrying out his administrative duties. I am referring to the speech made by Mr. Dhawan in the National Development Council sometime back, a few months back, where he said something to this effect I do not remember the exact words : "God has been kind to me. Without any experience of the bar, I was made a Judge. Without any diplomatic experience, I was made a High Commissioner. Without any administrative experience, I have been made a Governor." This admission of his incapability is perhaps the only good thing to his credit. When he has admitted his incapability, why should the Government be so keen to continue him there ? Why should they make it a prestige issue ? Is it only because some opposition parties wanted his removal ? I am reminded of what our ancient sages said :

“सर्वनाशो समुत्पन्ने अर्थम त्यजन्ति पण्डिताः”

"When confronted with the loss of all, wise men give up life." Would the Government prefer to lose the whole of Bengal rather than remove one gentleman from there ? This is the question Government should answer.

With these two Acts, though nothing tangible has appeared there yet, a very dim ray of hope and security has come into the people there. They see some hope of regaining their freedom of movement once again. Mr. Jyotirmoy Basu was not correct when he said, the mass wrath of the people displayed in the bandh organised on 8th December was against the imposition of these Acts. He knows quite well that this bandh exhibited nothing of this kind. Bandhs in West Bengal have lost all political meaning in recent months; because these are impositions pure

[Shri S. K. Tapuriah]

and simple nothing but decisions taken by certain political leaders and imposed upon a community paralysed by fear. It is not that people wanted to stay at home and did not want to go to work. If they stayed at home, it was because of the situation of terror which prevailed there. While the salaried people who participate in strikes and bandhs continue to get their salary, it is the poor wage-earners who are deprived of the opportunity to work and earn their daily wage who suffer the most.

And I am sure that how ever much our friends here may say, those people who lose their daily wages have definitely not liked these bandhs.

I can understand the anguish of the two movers of these Resolutions, and in particular of Shri Jyotirmoy Basu. What they have unleashed, what the CPM have unleashed is recolling on them. They are being isolated. These friends here the other day lamented the murder of their comrades. Were these friends not so eager on the first day of the session to condemn the Government for the attack on Shrimati Parul Ghosh? But where were these leaders when her husband was motivating a few months back, only last year, when the UF Government was in power, the unleashing of continuous violence in Cossipore and other areas? At that time they did not say anything. Day before yesterday Shri K. G. Boss is reported to have stated in Calcutta how their party people are the biggest sufferers because of the reckless murders taking place in Calcutta. If so, how it is that our friends want to be soft to the Naxalities? If they are the worst victims of violence, if they are the people who apprehend police reaction, if they are the people who apprehend the police will hurt them, why it is that they have done nothing to bring the Naxalites to order, expose them and create a political situation to bring about peace and non-violence in West Bengal again?

May I pause here to ask the CPM. What is it they want—peace or violence? Have they now during this discussion, or

earlier on, or will they now, spell out their programme and how the situation can be restored in West Bengal?

SHRI JYOTIRMOY BASU (Diamond Harbour): Society without exploitation.

SHRI S. K. TAPURIAH: What is obtaining in West Bengal is not a simple problem—there is the problem of lawlessness, violence and terror. I would even concede that these Acts by themselves cannot solve the problems that West Bengal face today. The problems of West Bengal are manifold. In fact, West Bengal has been stuck in a vicious circle of unemployment and law and order situation.

Unemployment leads to frustration and respect for law and order is lost. From the other side, when there is lack of law and order, it leads to reduction in employment potential and larger the number of unemployed people the bigger the frustration and bigger the challenge to the peaceful existence of the citizens at large. May be there are some parties who want this situation to continue. There are some parties in our country which can thrive only when the situation is not easy. They can thrive only when there is violence, when there is frustration among the people. So, for their own benefit, for their own continuance, for their own existence they may, as they have tried, create a situation which leads to frustration among the people.

Besides the question of hand-made bombs that we have been hearing about, West Bengal is challenged with another explosion, the explosion of unemployed. As I said, it is a vicious circle which is chasing each other. It is seen from the figures given to us that nearly 15 per cent of the registered unemployment in this country comes from West Bengal. It has also been stated that during the last three years, from 1967 onwards, when the first UF Government was installed, the situation in Bengal was created in such a way that the number of registered unemployed has gone up from 1957 in the following manner; undergraduates by 69 per cent, graduates by

67 per cent, graduate engineers by 92 per cent and medical graduates by 164 per cent.

If this is the way unemployment has grown, I am not surprised at the situation that has taken place.

What we should try to do is to create a situation where more employment is created, where people are given avenues to utilise their time, energy and activities in a better way. I agree with my other friends who say that unless law and order situation is created these things cannot be done. But somewhere we have to break it. The Government has to come down with a firm hand, by stricter Acts, better legislation and better administration, so that, though in the beginning there may be difficulties of law and order, new jobs are found.

Then, what has happened to the development programme that has been sanctioned by this Parliament for West Bengal? Why is that not being implemented? Whatever little beginning can be made to find employment is not being done by this Government.

I would very hurriedly give my analysis of why I see the situation deteriorating further in the coming years. Besides whatever the political reasons that may be there, the three reasons which, according to me, gave West Bengal a predominant position in the industrial map of India are its ports, jute and tea. These were the three things that put Bengal on top of the industrial map of India. But the way things are going, I see the future bleak. There is no dreading of the port and the bigger ships cannot come any where near Calcutta. So, the port outlook for the future is bad. With the competition of Pakistan and the replacement of jute by synthetic fibres abroad, our overseas market in jute is going to be bad; probably, in five years' time our jute goods exports will come to a big zero. The third major factor which made Bengal big is tea and

here too because of fierce competition from abroad, we are losing our markets. With these three things gone, I do not see a very good future for Bengal. Therefore the political parties have to sit down together to create a situation where we can immediately bring about something to improve the situation.

I would ultimately say and hope that good sense among the political parties will prevail to bring about the welfare of the people, that they will sit down and make programmes for cooperation among each other to bring about normalcy within the State and to restore to West Bengal peace and quite in the sense of security which it needs primarily to lead it to its welfare and improvement.

SHRI R. D. BHANDARE (Bombay Central): Mr. Chairman whatever is happening in Bengal is bound to shock the conscience of every Indian but what surprised me most were the speeches made here by the two Movers of the Resolutions. I have also heard the speeches from the other side of the House. Had they taken up this question purely from the national point of view and had they not made it a party point, I would have certainly thought that they were giving very serious thought to what is happening in Bengal.

Let us go to the genesis of the trouble that has been going on in Bengal. When the Front Government came to power, the CP (M) adopted a very peculiar *modus operandi* in order that the law and order situations may become worse and the people are so frightened as to give up their legal, constitution and democratic methods. That was first *modus operandi* adopted by them. They went to the extent of terrorising their Chief Minister. I have never heard and in no country it might have been heard a Chief Minister saying that he was presiding over a barbarous government. This is really shocking because the CP (M) tried its best to have the political power concentrated in its own hands.

[Shri R. D. Bhandare]

Therefore the then Home Minister who was also the Deputy Chief Minister of West Bengal at the time used all his weapons of offence and defence in order to create a chaotic situation in Bengal.

Now in this House, when these two Hon. Members who have moved these two motions cry hoarse over the disturbances that have been taking place in Bengal, I want to ask them a very pertinent question as to why is it that they did not adopt reformist measures when they were in power, why is it that they did not enforce the land reforms policy or try to ease the unemployment problem when the C. P. M. was in power or was all in all so far as that Government was concerned. Instead of doing that, they let loose the *gonda* element which they could have easily controlled. They, in fact, started during their regime the centres of study so that these centres of study for the youngsters would teach them to break law and order; create atrocities on the masses, so that the whole of Bengal could be held to ransom and terrorised. When they went out of power, they adopted a different strategy, a different *modus operandi*. Finding that the Central Government was ruling; that the President's Rule was there, they started attacking the police which is the arm of law and order itself. They have adopted this *modus operandi* of attacking police and paralysing the administration.

This is really surprising in the sense that when they come here and speak against these two Acts which have been passed saying that the Prevention of Violent Activities Act be repealed in toto and that the West Bengal Maintenance of Public Order Act should also be repealed in toto, they should cry hoarse at the happenings in Bengal. They accuse other parties, the police, the Central Government, forgetting in toto that they were responsible for the creation of the chaotic conditions and the situation in Bengal. (*Interruption*) Leave aside the question of 23 years. When you had been in power at least for some breathing time

I want to know what concrete steps had the C.P.M. Government taken to improve the situation. Instead of adopting measure to improve the situation, they started the centres or the cells where the youngsters were taught to create more problems with the help of the Government and the police.

It is surprising that the then Home Minister who is the party leader of the C.P.M. started recruiting those persons from his party cadre so that they could be at the centres power of from where they could operate to destroy the very fabric of the society itself. The Naxalites is a problem created by themselves. Now when they find that the Naxalites have gone beyond their power and they have become very strong...

SHRI JYOTIRMOY BASU : Shiva Sena.

SHRI R. D. BHANDARE : We have been able to control Shiva Sena, not Mr. Jyotirmoy Basu.

SHRI JYOTIRMOY BASU : But we have not been able to control you.

SHRI R. D. BHANDARE : He is more concerned with what is happening in other States rather than in his own State because he wants to divert the attention of the whole House and the masses of the Indian people so that they can carry on their nefarious activities to bring about chaos in West Bengal. My appeal to this country is that Bengal ought to be a sufficient warning to those...

SHRI JYOTIRMOY BASU : You don't have a party cadre.

SHRI R. D. BHANDARE : ...Who consider themselves to be democratic-minded, who have the interests of the country at heart and who would like that there should be constitutional government in this country. It is a sufficient warning. It may be easy for the Parties in the Opposition to criticise the Centre. But at

the same time, in fact we must never forget that it is a warning to us all. We should never condone or support them, come what may. They should be isolated. Unless they are isolated, I don't think they will come to their senses or realise what they are doing. The Indian masses as such are against the Communist ideology. (*Interruptions*)

AN HON. MEMBER : Where are you living ?

SHRI R. D. BHANDARE : You see how they are laughing and how they are enjoying when I say that the Indian masses have more loyalty to the country and to democracy than this loyalty to China or to any other country.

SHRIMATI SHARDA MUKERJEE (Ratnagiri) : Then, why do you support them ?

SHRI R. D. BHANDARE : I will ask her not to use the language which lies in the mouth of these two friends of mine.

I am also asking the Central Government that if there is the slightest possible feeling that the Governor is also responsible to some extent in not bringing about law and order, then the Governor must be transferred from that State. It is our responsibility. It is not the responsibility of only of Bengal people to have law and order in West Bengal. Our own Governor must be recalled if there is the slightest doubt amongst the Policemen or the administration there that the Governor, as the Head of the State, is helping the CPM and preserving...

SHRI GANESH GHOSH (Calcutta South) : Naxalites.

SHRI R. D. BHANDARE : ...and helping the Naxalites and not bringing out and maintaining and preserving law and order.

With these words, I support the demand made by my friend, Mr. Randhir Singh,

that the Governor must be recalled and these two Acts must be kept as they are and the government must day by day become strong so that law and order can be preserved in Bengal.

MR. CHAIRMAN : Mr. Krishnan-not here.

Mr. Hiren Mukherjee.

SHRI H. N. MUKERJEE (Calcutta-North-East) : My opposition to the Acts placed on the Table of the House is total and irrevocable.

AN HON. MEMBER : and unqualified.

SHRI H. N. MUKERJEE : Mr. Chairman, in the early hours of the Prime Minister's birthday last month, joining hands with the Syndicate and the Sangh and Swatantra and sundry others, with little or no footing in West Bengal politics, the Prime Minister got the West Bengal Consultative Committee to approve the atrocious legislation before us and she chose to give the people of West Bengal a grim and gruesome birthday present. Her Government is not content, it seems, with the revival, which was made effective from September 1970, of a 1930 Act, the Terrorists Outrages Act which was good enough for the British. So, she has come forward with an amalgam of detention without trial and draconian powers for trigger-happy Policemen whose ugly face on the rampage we are seeing a little too often in West Bengal.

I recall the days of the first Parliament when there was a battle royal over the aftermath of Telangana and over the Preventive Detention Act which had been brought forth. I recall how in those days, the Home Minister, Dr. Katju would refer somewhat shamefacedly to the fact that his eminent predecessor, Shri Rajago palachari, had said in the pre-Parliament how he had to spend "sleepless nights" because preventive detention was an odious sort of legislation. I find to-day the Treasury Benches empty. Not one Cabinet Minister is present. That whole block which marks the major support of the government shows the appearance that



[Shri H. N. Mukerjee]

is before us. It shows the way the wind is blowing so far as this Government is concerned...*(Interruptions)* And I feel, Sir, that this shows that Government has made up its mind to have a declaration of war on the people of West Bengal. But, let not my friend, Mr. Bhandare, be in peace, because the problems of West Bengal are the same suffocating problems which are germinating even in Maharashtra and elsewhere and when they would come to the surface when they do a little later then the position would be a great deal worse than what it is in West Bengal.

Sir, the ostensible plea has been that West Bengal is a turbulent area and the Naxalites are committing excesses and, therefore, let West Bengal have the peace of the grave and the security of the prison cell. I have no expectations of statesmanship from this Government. But have they really decided and are determined to say good-bye to statesmanship of every sort? Sir, when the line between hunger and anger gets blurred and obliterated not only in West Bengal, my dear Mr. Bhandare, but everywhere in this country, when the line between hunger and anger gets obliterated, when continued privation and the most fearful frustration leads to nearly demented desperation, the remedy thought of is intensive repression. That is the definition of present-day statesmanship as far as this Government is concerned.

**SHRI GANESH GHOSHI :** Shame, shame.

**SHRI H. N. MUKERJEE :** This, if I may say so, is political bankruptcy. This is abdication of moral responsibility to a sorely tried people. This is self-defeating recourse to weapons of repression which has been shown by experience to be banal and blunted. Instead of conciliating the frustrated sections of our own countrymen in West Bengal, the Government is trying to brow-beat them. If it goes on at this rate, sooner rather than later, it will be the Government's funeral.

Why is it that the Government brought

up this matter now? Because the harvesting is to take place in December and January. Unlike last year when organized peasants wrested nearly 1 million bighas of land, the jotedars this year must have their fill. And, therefore, already incidents are taking place in the countryside. I have here a partial list of some 15 incidents which have taken place in 7 districts—24 Parghanas, Midnapore, Bankura, Birbhum and West Minajpur—including certain incidents in Gopiballabhpur in Midnapur district on the 29th of November where two Adivasis including a woman were killed by Police firing. I have this list which I cannot read out fully, but it has been, I understand, already given to the Prime Minister, which shows how in the countryside in order to make sure that the jotedars get hold of the land and not the peasants who last year got a million bighas, utilised for their own purpose. It is for that reason, Sir, that this kind of thing is happening. It is for this reason that supporters of my party, of the CPM, and members of the different joint organisations of the Left that have been set up, are getting involved in reprisal by the Police. This is why a Member of the State Committee of our Party in Bankura, Udaybhanu Ghosh, was manhandled by the Police, because they were demoralised by the tremendous success of the West Bengal *bandh* on the 8th of December. I cannot go into these instances in detail, but they are gruesome enough. I have a few others, about which I have my personal evidence to give, and I shall go forward now to present them to you.

I would like to tell my friend Shri Pant he is the only Minister present who can lend his ears to whatever we may have to say—that there is a suspicion and more than a suspicion that the Police in West Bengal had been fomenting violence in order to provide circumstantial justification for the acts of murder, arson and clashes, and whether we wanted them or not, they had to continue in order to enable the Government to increase its armoury of repression.

And I say this because, about 10 days

ago, with some of my colleagues in this House, Mr. Krishna Menon, Mr. Badruduja, Mr. Bakar Ali Mirza, Mr. Basu and several others, I went to some areas in Calcutta and near about, and we got evidence directly given by people in regard to certain things which are absolutely atrocious.

We went to an Improvement Trust building in Beliaghata in Calcutta where 556 families are staying and they told us how, on the night of 19th of November, hundreds of policemen, in a very large number of vehicles, trucks and vans, and all sorts of things, came there and broke into almost every one of their flats and took away a number of young people; and out of that lot of young people, four had their hands tied behind their backs and shot, in the view of certain people who came and gave evidence before us. I have got here photographs of the area where this enormity took place. This is a matter which has got to be gone into and I am telling you what I saw. We were told how four youngmen were brought, their hands tied behind their back, put up against the wall and shot dead, one of them said *Naxalbari Lal Salam* when he faced death.

I have nothing but great respect for the young people who do not fight shy of giving their own blood. You and I Sir, may shrink at the sight of blood, particularly at the sight of our own blood. But it is necessary that we have in our country some people, some young people, who do not shrink at the sight of blood. It happened in the CIT building, people being badgered in midnight, so many young people gragged out, and four of them killed by bullets. That kind of thing as something that should be looked into.

We went to another place in North Calcutta, where some of the most respectable people you could think of live, like solicitors, ex-Government officials of high calibre, etc. They told us how a young man was dragged on suspicion that he had stabbed a policeman. He was dragged out of suspicion from a very respectable residence and taken to the the policeman's

house, and he was made to rub his nose against the ground, and then shot in cold blood. There have been many instances like that.

We went to another place, Nimta near Calcutta. We were given evidence by all kinds of people that one man was picked up by Policemen and was shot. I cannot go into the details of what happened in other cases. Not in one single instance that we tried to examine was a post-mortem report available. This is the kind of thing that goes on in our country.

If you disregard what I say,—many of my friends would disregard what I say,—I would quote to you, Sir, the Economic and Political Weekly of Bombay of the 5th December, 1970—a highly reputable journal—and I am quoting a few sentences.

It says :

“While the official and establishment news media have been doling out stunning statistics of inter-party and political violence, they have scrupulously avoided any mention of unconventional police methods or actions, except for an odd reference to complaints from residents near some police stations that they cannot sleep at night because of horrible cries of agony coming from the police lock-up. Local periodicals, have however, all this time been publishing reports of inhuman tortures of prisoners, like forcing scalding water down the throat, pressing a red hot iron on the back and pushing a stick into the rectum—to mention only a few methods.

Curfew, raids by battalions of Central Reserve Police on entire localities, the rounding up of people irrespective of age, profession and social position, indignities heaped on men and women and point-blank shooting for the mere crime of writing slogans on the wall have long ago become the normal routine of life in

[Sri H. N. Mukerjee]

Calcutta and its sprawling suburbs. Emboldened by the generally passive acquiescence of the people, the guardians of 'law and order' moved a few steps further. The Commissioner of Police (known to be a diligent student of military strategy) publicly announced the formation of plain clothes anti-guerilla squads and the West Bengal Government proclaimed the suspension for three months of the provision for routine administrative inquiry into every case of police firing."

It goes on also to refer to the Barasat massacre where 11 young dead bodies were found strewn over the place.

It says, after some description which I have not the time to quote, ;

"These positive pointers, coupled with the fact that the dead bodies were easily carried past the recently set up octroi checkpoints by the liquidators, lead towards one conclusion only. Unless the judicial inquiry instituted by the Government of India or the police investigations under the Criminal Procedure Code can furnish an altogether different account of the gruesome murders, the *prima facie* case against the police cannot be shaken."

This is what the *Economic and Political Weekly* says.

I know that very near my residence there is a lawyer whose son was arrested one day and taken away and he never came back, and a young man of the same name was killed. He went to the courts, he went to the thana, and he could not get his son's whereabouts. He went to the court, and in the court-house, the police said that another young man of the same name was dead in police custody. But this young man's whereabouts nobody knows. This is a lawyer who lives about two furlongs from where I live in Calcutta, who comes and tells me this and gives me a copy of the statement on the case; the case is reported, but the son does not come

back; he is not there in any thana or hospital, and nowhere is he to be found and he has gone, and he has gone out of the picture. This kind of thing is going on all the time in West Bengal.

This is an attack on the people, not just a section of it. It is not just on the CPM people or the Naxalites only; the attack is an attack on the entire people. Atrocities inside jail and hunger-strikes inside jail had taken place, and the parents have been taken in a deputation led by one of our friends, Shri Bhupesh Gupta, a Member of the Rajya Sabha, who went on a deputation to Shri Dhavan; all their parents went together because of the hunger-strike inside the jail.

What we need is a three-fold policy which has to be simultaneously pursued. We have to try and to dissuade the ultra-leftists like the Naxalites from their suicidal path. At the same time, the police terrorism and reprisal have got to end forthwith, and at the same time, public opinion has to assert itself and put an end to inter-party violence and political murder and all the rest of it. This is a point of time when I would like to say in this House that it is a pity that when the right reactionaries appear to try to combine, our CPM friends are thinking only of their own party as the centre of 'the universe'. With some of their top leaders themselves having police protection, their wholesale condemnation of Naxalites and also of former UF allies is no help but a hindrance to the solution of today's problems. We have to combine to see that political murders stop and that an atmosphere of dialogue with the ultra-left elements is created. I would tell them, in all humility; "I beseech thee in the bowels of Christ, think for a moment that you might be wrong". Let us try if we can, and come together. If the left comes together, the right reactionaries today would be no where in the picture.

I say this because this is a point of time when we are told by unmistakable evidence that organisations like the CIA

are distorting and degrading our political life, infiltrating even into the Communist movement and its ultra-left segment. I have this report here by a former sarvodaya worker who worked in the USIS—a copy of which he has also given to the Prime Minister—which shows how the CIA is working. We have to make sure that *agents provocateurs* inside the Left movement do not bring about the kind of disruption which gets highlighted, which gives an opportunity, a plea, an excuse, to people who want a different kind of set-up in this country.

The two Acts which are here are a most terrible combination. The PD Act is not against hoarders and black-marketeers. Stealthily a deletion has been made of the sole redeeming feature of the earlier Act. No action against anti-social elements is being taken. Action is being taken against ideology. The Act talks about "subversive acts," "Subversive act" is being defined as something which endangers "public safety and tranquillity." Immunity is given to the police for wrong-doing in terms that are not even used in martial law legislation. Even in the clash of arms, the laws are not silent, but here the law is muffled.

Then we have to remember that the Bengal *bandh* had shown, and the effulgent emergence of people's power in East Pakistan has also shown, how people's power can never be vanquished by martial law, and what have you, in the armoury of repression. If the handwriting is there on the wall and you cannot read it, it would be your own funeral.

The Prime Minister occasionally tries to sound radical, but she has yet to convince people that she wishes genuinely to take the first steps towards a conscious policy of bringing about a socialist society.

I would like to conclude by reference to certain general observations with your permission. What is our envisagement of the Indian Revolution? Is it freedom

slowly broadening down from commission report to commission report? Or is it the advance of toiling and deprived people, the divesting of vested interests, the organisation and functioning, difficult in all conscience, of a society of equal opportunity? Is it to be denied that all over the under-developed world, in our own country also, there is a stirring among the youth for what they call "an equal humanity or an equal annihilation?" This is the voice perhaps of desperation, but can it be stilled by bullets or by bayonets? It is not a fact that many in positions of authority just do not realise that, whether we like it or not, a country has to pay the price of revolution? There has to be death before there is resurrection. The excruciating excesses of misdirected zeal that we find these days have to be curbed and channelled into creative endeavour, not by counter-violence exercised by traditionally callous instruments of authority, but by an imaginative amalgam of wisdom and strength.

We are hearing about the dissolution of the House. Maybe the House would be dissolved. I do not mind. But even if this is my last speech in Parliament, I would like very much to say that I am reminded of the Biblical parable of the watchmen on the tower. The king comes out and asks: "Watchman, what of the night?" and the watchman replies: "The night is very dark, Sir."

Could we not come together, those who really represent the decent and advancing trends of Indian life, could we not come together so that the watchman could say of the Indian sky that the dawn is breaking and all the darkness and gloom that is represented by this kind of legislation and the problems this kind of legislation ostensibly tries to solve are dispelled?

15.24 hrs.

सभापति महोदय : श्री शिवचन्द्र झा से मैं कहना चाहता हूँ कि उनकी पार्टी के दो घादमी बोल रहे हैं, और समय बहुत कम है, इसलिये वह अपने सुझाव दे कर ही समाप्त करें।

श्री शिवचन्द्र झा (मधुबनी) : सभापति महोदय, मैं इन दोनों ऐक्टों की पुरजोर मुखा-  
 लिफत करता हूँ और पूरी ताकत के साथ  
 करता हूँ। जो हमारा पी डी ऐक्ट है उसके  
 मुताल्लिक यह रेजोल्यूशन है। मैं उसके मूवर्स  
 में से भी हूँ इसलिये और इन ऐक्टों की मुखा-  
 लिफत करता हूँ।

हम लोगों ने देखा कि आजाद हिन्दुस्तान  
 में भी इस तरह का ऐक्ट बनाया गया। आपको  
 याद होगा कि जब अंग्रेजों के जमाने में रोलट  
 ऐक्ट बना था तब उसकी कितनी मुखालिफत  
 हिन्दुस्तान में हुई थी। मेरे पास रोलट ऐक्ट  
 है। उस रोलट ऐक्ट की मुखालिफत सुरेन्द्रनाथ  
 बनर्जी, श्रीनिवास शास्त्री और एम० मुहम्मद  
 शफी आदि तत्कालीन नेताओं ने की थी। जिस  
 ऐक्ट के खिलाफ हिन्दुस्तान ने आवाज उठाई  
 थी और आन्दोलन किया था, जो भाषा उसकी  
 थी, मोटे तौर पर वही भाषा इस वर्तमान ऐक्ट  
 की है। हमारे लिए यह न केवल दुख की,  
 बल्कि शर्म की बात है कि आजाद हिन्दुस्तान में  
 इस तरह का कानून बनाया गया है।

बुनियादी बात यह है कि सरकार के पास  
 अब भी ऐसे कानून है, सरकार की मशीनरी के  
 पास अब भी इतनी ताकत है कि वह हिंसा की  
 घटनाओं और इस तरह की खुराफात को दबा  
 सके। जहां तक पुलिस का सम्बन्ध है, अगर हम  
 बंगाल, बिहार, उत्तर प्रदेश और हरियाणा में  
 उसके रवैये को देखें, तो हम इस नतीजे पर  
 पहुंचते हैं कि या तो स्वयं हिंसा को इनसाइट  
 करती है या अपनी कोनाइबेंस से हिंसात्मक  
 घटनायें करवाती है। माननीय सदस्य, श्री  
 रणधीर सिंह, का मकान जला दिया गया और  
 वहां की पुलिस टुक टुक ताकती रही। इस  
 समय भी पुलिस के पास इतने अधिकार हैं कि  
 वह इस प्रकार की खुराफात को रोक सकती है।

मैं समझता हूँ कि जनतन्त्र का हमारा जो  
 आदर्श है, उसको खत्म करने के लिए सरकार  
 यह पहला कदम उठा रही है। यह तो प्रिल्यूड  
 दू दि गैररिग स्टार्म खूमिग लाजं भ्रान दि  
 इंडियन होराइजन है। यह तो एक भूमिका है,  
 एक स्टेपिंग स्टोन है, जिसके जरिये यह सरकार  
 हिन्दुस्तान में एक फाशिस्ट वातावरण पैदा करना  
 चाहती है।

आप जानते हैं कि आषादी की लड़ाई के  
 दौरान अंग्रेजों द्वारा जलियांवाला बाग में  
 हत्याकांड हुआ था। आज इन दोनों ऐक्ट्स द्वारा  
 सारे बंगाल को जलियांवाला बाग बनाया जा  
 रहा है, बंगाल को घेर कर गोली का निशाना  
 बनाया जा रहा है। लेकिन बंगाल इस को  
 बर्दाश्त नहीं करेगा। हमें अंग्रेजी जमाने के नारे  
 याद हैं : "बम्बई से आई आवाज - घर घर से  
 आई आवाज, अंग्रेजी राज का हो नाश।" इसी  
 तरह बंगाल के जरे जरे से यह आवाज आयेगी  
 "राष्ट्रपति शासन खत्म हो, राष्ट्रपति शासन  
 का अन्त हो।" बंगाल का बच्चा बच्चा इन  
 दोनों कानूनों की मुखालिफत करेगा और सरकार  
 को इन कानूनों को वापिस लेने के लिए मजबूर  
 करेगा।

पार्लियामेंट के सदस्यों का जो दल हाल ही  
 में बंगाल की स्थिति का अध्ययन करने के लिए  
 गया था, उगमें श्री हीरेन मुर्जी, श्री कृष्ण  
 मेनन थे और मैं भी था। बेलियाघाट और  
 बेलघूरिया में जो घटनायें हुईं, उनको देख कर  
 हमें यह साफ मालूम हो गया कि पुलिस की  
 तरफ से आर्गनाइज्ड टेरर और हिंसा की जा  
 रही है। टेरर हिन्दुस्तान में हो या यूरोप में,  
 उसके लिए दो बातों की जरूरत होती है : एक  
 आर्गनाइजेशन और दूसरी, कानूनशासक। हमने  
 इस हाइपाथेसिस की सत्यता मालूम करने की  
 कोशिश की कि बंगाल में एम्टी-सोशल एलिमेंट्स

हिंसा करते हैं, या करवाते हैं। हमें यह मालूम नहीं पड़ा कि एंटी-सोशल एलिमेंट्स, ये घटनायें करवा रहे हैं उनके द्वारा छुटपुट घटनायें हो सकती हैं। लेकिन इनके पीछे उनकी कोई धार्मनाइजेशन नहीं है और न ही उनका कोई नेतृत्व है।

दूसरा हाइपाथेसिस यह है कि ये हिंसात्मक घटनायें नक्सलाइट्स द्वारा की जा रही हैं। उनके अपने सैद्धान्तिक विचार हो सकते हैं, लेकिन जहां हम लोग घूमें, वहां हमें उनका कोई ओवरप्राउंड संगठन नजर नहीं आया। हो सकता है कि उनका थोड़ा बहुत कुछ धार्मनाइजेशन हो, लेकिन उनकी तरफ से कोई धार्मनाइज्ड वायलेंस चलती है, ऐसी बात नहीं है।

इस में यह स्पष्ट हो जाता है कि बंगाल में जो वायलेंस हो रही है, खासकर राष्ट्रपति शासन के मातहत, उसको पुलिस करती है या करवाती है। उसके पास धार्मनाइजेशन है, उसके साथ साथ पैसा भी है और थोड़ा बहुत नेतृत्व भी है। सारी वायलेंस का वही रोजर-बायर है। "डेमोक्रेसी इन प्रमरीका" के लेखक फ्रेंच थिकर, एलेक्संडी० टाकवोविल, ने कहा है कि पुलिस विंग एक फाशिस्ट विंग है, लेकिन प्रमरीका में पुलिस विंग को डेमोक्रेटाइज करने का प्रयास किया गया है। अगर एक जनशक्ति समाज में पुलिस को डेमोक्रेटाइज किया जायेगा, तभी वह सही मानों में जनतन्त्र बन पायेगा। यह सरकार पुलिस की वर्तमान क्षमताओं को रोकने के बजाये उसके हाथ में यह और पावर दे रही है कि वह सारे बंगाल को घेर कर उसको गोली का निशाना बना सके। इससे तो पुलिस की शक्ति निरंकुश हो जायेगी। पुलिस को वायलेंस और धर्याचार के सम्बन्ध में मेरे पास बहुत से इन्स्टैंस हैं, जिनको मैं

सदन-पटल पर रख सकता हूँ। बंगाल में हर जगह पुलिस की तरफ से ही वायलेंस हुई है।

सरकार की तरफ से कहा गया है कि यह प्रिवेंशन आफ वायलेंट एक्टिविटीज एक्ट खतरनाक धाडियांलोजी प्रापेगट करने वालों के विरुद्ध कार्यवाही करने के लिए लाया गया है। मैं यह पूछना चाहता हूँ कि क्या हमारी धाडियांलोजी प्रपेजों के लिए खतरनाक नहीं थी। मुझे याद है कि पंडित जवाहरलाल नेहरू ने प्रहमदनगर जेल से बाहर आने के बाद कहा था कि 1942 में जो कुछ हुआ, वह तो एक रिहर्सल था, अब हम असली ड्रामा खेचने जा रहे हैं। उनको यह बात सुन कर हम सब लोग बहुत खुश हुए थे। मैं इस सरकार से यह जानना चाहता हूँ कि उसको यह कहने का क्या हक है कि उसके ही विचार ठीक हैं। जस्टिस ह्यूम ने कहा था कि हम किसी भी विचार को दबा नहीं सकते हैं, जब तक कि यह साबित न हो जाये कि वे विचार स्टेट को एक्सटर्मिनेट करने के लिए हैं। अगर इस सरकार के पास यह सुझाव है कि प्रमुक्त विचार बंगाल की स्टेट को नेस्तोनाबूद करने के लिए है तब वह उनको दबा सकती है, अन्यथा नहीं। स्वयं मेरे पास सिलेक्टड चर्च आफ माओत्से-तुंग की चार बाल्यूम्स हैं। मेरी हमेशा यह कोशिश रहती है कि मैं विभिन्न प्रकार के विचारों का अध्ययन करूँ। हम विचारों का जवाब विचारों से दें। हम गोली से विचारों का जवाब नहीं दे सकते हैं। अगर हम विचारों का जवाब गोली से देंगे, तो एक बवंडर खड़ा हो जायेगा। मुझे पूरा विश्वास है कि अगर बंगाल को अलियावाला बाग बनाने की कोशिश की जायेगी तो बंगाल और उसके नौजवान पुलिसवालों और इस एक्ट को चलाने वालों को उचित जवाब देंगे।

इन शब्दों के साथ मैं इन कानूनों की मुखातिकत करता हूँ।

SHRI KRISHNA KUMAR CHATTERJI (Howrah) : I rise to totally oppose the resolutions before the House. Shri Jyotirmoy Basu is a good friend of mine, I admit, but I have to administer a very bitter pill to him, that for a political purpose he has brought this resolution.

The other resolution about public security has been moved by a friend whom I respect very much, Shri Ganesh Ghosh, a fellow-sufferer in the days of British brutality. Adversity makes strange bed fellows.

On the first day I found the name of Shri Kanwar Lal Gupta, the Jana Sangh stalwart, also printed against this statutory resolution, and I was astonished. I congratulate Shri Gupta that he subsequently thought that he should withdraw his name.

Then, I find that the CPI stalwarts and the CPM stalwarts have combined to move this resolution. I find also that we started the discussion this evening with receiving the stunning news of the stabbing of the wife and son of our Minister of State, Shri Parimal Ghosh. According to today's newspapers, in my own district, there have been two constables murdered and three injured in Calcutta. I come from Howrah District. Unfortunately so, I am quoting from a news item in a leading Calcutta newspaper. It gives the following interesting details while describing how pipeguns, stenguns, and other lethal weapons have been discovered and how many bombs and other things were discovered and recovered. It says like this :

"These figures bear out the ex-Chief Minister's assertion that the most, and perhaps the only successful cottage industry in West Bengal in the last year or so has been the manufacture of bombs and other "country" weapons. Quite a lot of unauthorised bombs must still be concealed in Calcutta and the neighbourhood. The whole province is now an arsenal bristling with all sorts of lethal weapons; and the

Marxists and Naxalites saw to it that everyone was taught the cult of violence as the easiest and most direct method of gaining their objectives. Representative assemblies were cast aside, and all arguments, political and otherwise, were straightway carried to the streets. In brief, Calcutta has lived under the perpetual shadow of mob rule."

This is from a well-known newspaper.

I am quoting from another newspaper one Director of the Netaji Subhash Institute for Social Studies. He is a scholar and what he says reads like this : I should like my friend Shri Jyotirmoy Basu to listen to me.

"If extraordinary efforts are not made, then the civil administration will collapse and the stage will be set for an insurgency. There is already an atmosphere of civil war in some parts of West Bengal. The partial break-down of the administration, lack of faith in it, and a general feeling of insecurity, and fear open up the possibility of the determination of a group of people to impose their will upon the majority. This atmosphere was created during the UF Government, and the CPM was mainly responsible for it. Now the Naxalites are taking the fullest advantage of the situation....."

I shall then refer to what appeared in another newspaper; that is very interesting. "Shri Sundarayya, General Secretary of the Marxist Communist Party, has said, that a "very big battle" would be waged in West Bengal, in the coming fortnight between the peasants and landlords," reports PTI. (*Interruption*). This is of course quoted by a newspaper in West Bengal.

Another newspaper says "Forward Block for bloody revolution, says Ashoke Ghosh", who is the West Bengal Forward Bloc Secretary. He says that "socialism cannot be achieved through parliamentary

democracy, and as such, Forward Bloc strongly believes that there is no other means except a bloody revolution to change the present system of the capitalist society."

Sir, it was Herr Hitler, the Nazi dictator, who declared to the world that a falsehood repeatedly uttered would appear to be true. Perhaps, my friend Shri Jyotirmoy Basu is following that example; that an untruth, repeated several times might appear to be true. So, I would advise him to realise one thing. If he can assure me that if all these parties, the CPI, CPM, SSP and the Forward Bloc could announce publicly that they abjure violence, then we can all meet the challenge of the Naxalites and stop all those things in a day. I am absolutely certain of it. Therefore, let them all come forward and abjure violence publicly. And then I assure you peace will be restored in West Bengal, and a mid-term election or an election as quickly as possible will be given to it.

Shri Jyotirmoy Basu frequently attacks our Prime Minister. He says that our Prime Minister is a reactionary in the garb of a revolutionary. And in these vile attacks, he is followed by the Jan Sangh leader, Shri Madhok. I can assure them that in spite of these foul and vile attacks, our great Prime Minister will survive..... (*Interruption*)..... I am using this word purposely and it is not done in a flattering mood.—

AN HON. MEMBER : You will get ticket for the next election.

SHRI KRISHNA KUMAR CHATTERJI : I do not care for the tickets. I may leave the Lok Sabha earlier. The question is this. What I am saying is, this great Prime Minister will survive all these vile attacks, and I can assure this House that this Prime Minister will create history in India. We want to bring a peaceful social revolution in the country. We are following Mahatma Gandhi's path. I can assure you, I am not saying it in a flattering mood. I do not want to lose the co-operation of the other parties. I want the

co-operation of all the parties. The CPI, CPM and other parties are all our friends and we respect them. Even with the Naxalite philosophy we have no quarrel, but the methods followed by them are wrong. They have been infiltrated by CIA agents and other anti-social elements. You cannot judge Naxalites by these acts of violence.

16.00 hrs.

There should be absolute peace and law and order in West Bengal, Otherwise the entire West Bengal will be annihilated. Some people there may take up the lead given by East Pakistan and demand separation. We do not want West Bengal to be separated from India. The country is sitting on a volcano and it may erupt at any moment.....

MR. CHAIRMAN : His time is up.

SHRI KRISHNA KUMAR CHATTERJI : I will finish with a quotation from Mahatma Gandhi.

SHRI S. M. BANERJEE : You cannot quote him ; he is not a Member of the House.

SHRI KRISHNA KUMAR CHATTERJI : You may have some kind of allergy towards Mahatma Gandhi but we respect him. We know how acute the problems of unemployment and poverty are in West Bengal. The refugees are living under subhuman conditions. I am prepared to die if need be, for the sake of the unemployed youth. This is what Mahatma Gandhi says :

"If the masses want to enjoy independence, they have first to learn the secret of observing voluntary discipline. Otherwise discipline would have to be imposed upon them by the powers that be. That would not be independence but its negation."

"Civilization, in the real sense of the term, consists not in the multiplication, but in the deliberate and



[Shri Krishna Kumar Chatterji]

voluntary restriction of wants. This alone promotes real happiness and contentment, and increases the capacity for service".

Is it the proposition of the CPM that when the policemen will be killed, they will meet with non-violence? These political parties have openly admitted that they are indulging in anti-social activities. I appeal to them to come and join us and take to the path of non-violence. We are with you if you do that.

Mahatma Gandhi said :

"Non-violence is the law of the human race and is infinitely greater than and superior to brute force. I make bold to say that in this age of the atom bomb unadulterated non-violence is the only force that can confound all the tricks put together of violence."

With these words, I thank you for your indulgence.

SHRI SAMAR GUHA (Contai): Sir, the people of West Bengal almost develop a sense of bitter hatred against the Naxalites and Marxist extremists due to the atrocities committed on all sections of the people. But unfortunately, recently the police excesses have created a sense of confusion and also agitation in the minds of the people of West Bengal. It is on record in this House that I warned this Government not once but several times that the policy of shoot-at-sight and punitive measures will not solve the problem. It will only aggravate it and will serve the very objective and purpose of the extremist elements. The promulgation of curfew, mass arrests, mass harassment and all these types of mass repressive measures have created a sense of revulsion in the minds of the people of West Bengal. I have many reports with me where the police have committed serious excesses, but they cannot be compared with the excesses committed by the Naxalites and the Marxist. I am not talking in the air,

These are the reports that have been collected by a few friends of mine, mostly students. If we make a comparison between the excesses committed by the police and the excesses committed by the Naxalites and the Marxists then I know in which side the brutality weighs. But I only want to ask one question. Who has let these satanic forces loose in West Bengal to create West Bengal a jungle of the brutes, as a result of which the mentality of the brutes has developed in the minds of the police also? Who demoralised and unarmed the police to such an extent that they are now committing the excesses? Sir, you will remember I warned this Government that giving 3,000 revolvers to the police and by saying that no inquiry will be made if the police shoot people the situation will be aggravated. In spite of my warning, I should say that unfortunately it is the foolish policy of the Central Government that has tilted the balance on the other side.

In this House the West Bengal situation has been discussed on several occasions, but not in depth and dimension the crisis demands. In the news-papers, and also in this House, the happenings of killings, murder, loot, arson etc. have been interpreted as if these are all criminal happenings, as if West Bengal has turned into a gigantic rendezvous of the habitual criminals, as if West Bengal has turned into a dancing den of the political devils. That is not a fact. This is the symptom of a deep political malady, and this is the malady of the conflict of two ideological trends. It is the conflict, it is the external symptom of the conflict of the democratic ballot versus insurrectionary bullet. If you put it in philosophical terms in political philosophy it is the struggle between the democratic means of establishing Indian socialism and the insurrectionary violent means of establishing totalitarian Communism. This is the basic political conflict that is going on.

Many of my Marxist or Communist friends think that I am a bitter anti-Marxist or anti-Communist. I am neither an anti-Marxist nor an anti-Communist; nor am I a Communist or a Marxist. I hope my colleagues will understand the meaning of

this. During the days of my detention I struggled hard to be a Marxist or a Communist because in those days, in the thirties and the first part of forties, Marxism was another synonym of progressivism in West Bengal, at least in the politics of West Bengal. Dialectic materialism is the cardinal principle of Marxism I would say as a student of science.

**SHRI PILOO MODY (Godhra) :** He is a failure as a Marxist.

**SHRI DHIRESWAR KALITA (Gauhati) :** Sir, on a point of order. The House is discussing the repeal of the West Bengal (Prevention of Violent Activities) Act and the West Bengal Maintenance of Public Order Act. He is not relevant at all.

He is discussing historical material. He is not at all speaking on the subject matter. Kindly draw his attention to it.

**SHRI SAMAR GUHA :** I have said, if you want to analyse the crisis of West Bengal, you have to analyse the crisis of political conflicts and of ideology in West Bengal.

As I was saying, dialectic materialism is the cardinal principle of Communism. As a student of science I was going through the latest concept of physical reality as expounded by Einstein that the ultimate concept of reality is the dual concept of electromagnetic and gravitational fields, which baffles definition of science and which baffles the comprehension by human undertaking. Daltonian materialism infused with Hegelian dialectic, a hybrid of dialectic materialism, never appealed to me as a student of science.

There was a time and faith that Communism was the highest call of freedom. It gave the call of a propertyless, classless, religionless, familyless and stateless society. That was the objective of Communism. But Marx and Lenin prescribed that the withering away of the state would be its main objective. After 50 years of experience in the Communist countries when

I came to realise that at no time and in no stage of human history a state become so satanic and totalitarin that it makes its people slaves of its power, I came to realise that Communism was not a call for human freedom but Communism was a call for totalitarian human slavery and for dehumanizing civilisation. That is why I could not persuade myself to become a Communist.

If my health permitted, today I would not have been in this House but I would have been in West Bengal. Today what is happening in West Bengal is a conflict between the democratic concept of Indian socialism and the totalitarian and insurrectionary method of bringing about Communism in West Bengal.

With this background I come to the subject. I have heard the Devil citing many scriptures. I want to ask one straight question. Is it not a fact that Jyoti Basu, the Home Minister of the United Front Government, supported the Preventive Detention Act? It is on record. Shri Chavan said so on the floor of the House. Is it not a fact that till the last day of the Preventive Detention Act, the United Front Government and Jyoti Basu did not release the prisoners until the day the Act lapsed when 3,500 preventive detenus were released? If they felt that Preventive Detention Act was so inhuman, why did they not withdraw it when they were there in power and why did they arrest those people? Where was their human conscience then?

I ask shri Jyotirmoy Basu. Is not Shri Jyoti Basu, the Home Minister wherever he is going and wherever he is living, surrounded by CRP, police and others? Is not Hare Krushna Konar, the Minister, wherever he goes, surrounded by the CRP taking the guard of the Government? And these people have the conscience to say "It is just to save my own skin that I have to take the help of the police", and then quote scriptures for the others!

My congratulations to the wife of Mr. Charu Mazumdar, the top-most Naxalite

[Shri Sumer Guha]

that lady who violating the dictation of her husband took her son to the examination hall and protected him. My congratulations to the wife of Mr. Sushital Roy Chaudhury, another top-most Naxalite leader, who took her son in a high spirit of mother-hood and protect her son till the examination was over. My congratulations go to Mr. Ajoy Mukerjee and Mr. P. C. Sen, Mr. Vijya Singh Nahar, Mr. Nishat Nath Kundu and Mr. Pratap Chandra Chandur and the members of the Praja Socialist Party and the Samyukt Socialist Party and some other members coming from the common people who formed the citizens' committees and defied the threats of the extremists. They have shown the path as to how to save West Bengal from the microscopic minority of the terrorists.

The Education Minister made a bold statement that 95 per cent of the examinations were held peacefully. It is not the credit of the police; it is not the credit of the Government; it is not the credit of the citizens' committees who, ignoring the atrocities, bombs, daggers, sten guns, bran guns, etc. of the Naxalites and the Marxists, held hundreds of the meetings in Calcutta and in West Bengal. That has aroused the spirit of resistance. That has created a sense of confidence amongst the masses. In every school, they have formed volunteers and they have guarded examination halls. It is as a result of that that the examinations have been held peacefully.

The Naxalites are not the real danger because the Naxalites have no mass bases amongst the labour, amongst the workers and amongst the middle-class intelligentsia. Only a handful of fanatics are their recruits. If the Naxalites form a part of the grand strategy of giving them guerilla training, of any contemplated Mao's aggression against India, then the Naxalites will be dangerous. Otherwise, these Naxalites will soon burn themselves out, out of frustration, disillusion and dissensions amongst themselves. Those signs are very clear in West Bengal.

I ask a pointed question of the Marxist friends who are talking of democracy and taking advantage of the Constitution: If you believe in democracy, if you believe in constitutional methods, why have you infiltrated into the police? Why have you formed a counter organisation of the police called the Paschim Banga Karamchari Sangh with 300 policemen who were chucked out in 1964 as a result of the illegal strike.

I charge Mr. Jyoti Basu that he has done a dangerous thing which no Minister will do. He took from the D. I. G., Intelligence Branch, a list of the names of persons functioning inside each political party who were working as Government agents. As a result of that, the Intelligence Service in West Bengal has been completely demoralised. It is they who raised an army of 1,10,000 people; it is they who raised the slogan of "Yanan and Vietnam", the slogan of liberation. It is they who are creating all this trouble. It is they who are responsible for creating the psychosis of violence and for creating insurrectionary ideology in politics.

The basic point is that if these people who believe in democracy, who believe in nationalism and who believe in socialism, take West Bengal as a separate problem from the rest of India, and if the nationalists, democrats and socialists can combine and make West Bengal a special case and then join hands not for election equation but as the citizen committees which they have formed, to launch a three-pronged attack on the problem.

No. 1. A mass campaign of all nationalist, democratic and socialist patriotic elements as has been already started by the Citizens Committee under the leadership of Shri Ajoy Mukerji. The main thing we have to do to-day is to expose them, isolate them and combat them and to restore confidence in the minds of the people and to develop a spirit of restraint and isolate this militant minority from the society.

No. 2 : To tackle the socio-economic problems. Yesterday, I told in the Consultative Committee the Prime Minister, 'If you live in the slums of Calcutta for seven days, you would have developed the tendency to become a Naxalite.' Sir, to-day every fourth man in Calcutta is living in the den of the slums. The refugee middle-class intelligentsia, having the finest aesthetic sense, cultural outlook, heritage of patriotism and suffering sacrifices, who have come from East Bengal live a life of dungeon in these slums. When the conflict of aesthetic sense and their life of hunger, and misery and starvation, this conflict creates a psychosis of violence, creates a psychology of sadism and if you go and make a survey, you will find that these extremist Parties get 80% of their recruits from the slums areas and from among the frustrated youth of refugees. Therefore, you have to tackle this problem adequately.

Sir, I support preventive detention mainly for two reasons. One reason is that these habitual criminals take shelters among the Marxists and among the Marxists and among the Naxalites and 80% of these crimes are being committed by these habitual criminals who have to be put under detention as early as possible. There is another point. I know that there are a number of Naxalite young men who are now feeling frustrated, disillusioned and they want to get out of their trap. They form a suicide squad and whenever anybody wants to quit the suicide squad, then immediately he is shot down by his comrades. Those young men should be given shelter under the preventive detention law.

I want to warn to the Government that these habitual criminals and the political elements should be treated differentially. These political elements should get good food, all facilities, reading material, allowances and be given human treatment so that they can rediscover themselves to come out as patriots so that they may not be treated on par with the criminals,

Lastly, I urge upon the Prime Minister to go to Calcutta, declare a 'Save Bengal Day'. I ask all Members of Parliament who believe in nationalism, socialism and democracy to go to Calcutta and give a massive call. You will see millions and millions of people come out on that day, have parade, have processions and appeal to them to abjure violence and rouse the spirit of resistance against the extremists. Then only we will, by this mass agitation, mass awakening, be able to tackle this menace.

Sir, I give the last word of Swami Vivekanand : "Awake, stop not till the goal of democracy, nationalism and socialism is achieved in West Bengal by combining all these socialist and patriotic forces."

Thank you, Sir.

श्री रघुवीर सिंह शास्त्री (बागपत) : सभा-पति महोदय, पश्चिम बंगाल की मार-काट और खून-खचूर की भी इस सदन में चर्चा होती है तो उसके साथ ही धाम तौर से यह कहा जाता है कि वहाँ की जो बुरी घाषिक स्थिति है, वहाँ की जो बेरोजगारी है, वहाँ जो पूँजी-पतियों का शोषण है उसके कारण यह सब हो रहा है। मैं समझता हूँ इतमें बहुत थोड़े लोगों को ही मतभेद होगा। वहाँ जो स्थिति है उसके विषय में मतभेद की बहुत कम गुंजायश है। परन्तु साथ ही साथ मैं यह भी पूछना चाहता हूँ क्या इस गरीब देश में और जगह भुखमरी नहीं है, और जगह गरीबी नहीं है, इस देश में बहुत से हिस्से हैं जहाँ बंगाल से भी ज्यादा खराब हालत है।

16.25 hrs.

[SHRI VASUDEVAN NAIR in The Chair]

परन्तु सवाल केवल एक ही है, और वह

[श्री रघुवीर सिंह शास्त्री]

यह है कि क्या यह जो आर्थिक स्थिति का सुधार है या जिस सामाजिक ढाँचे को या पोषण-पूरक ढाँचे को बदलने का उपाय कोई वैधानिक उपाय है, कांस्टिट्यूशनल मेथड है या कि हिंसा का ही उपाय है। प्रश्न इतना ही है। मैं समझता हूँ कि इस हाऊस के प्रत्येक मेम्बर को कम से कम यह विश्वास है, और उसको विश्वास के साथ इसको कहना चाहिये, कि देश में जब तक कोई संवैधानिक सरकार है, जब तक देश में कोई संवैधानिक पार्टी है, तब तक कोई भी सुधार हो, कोई भी परिवर्तन हो, वह संवैधानिक तरीके से होना चाहिये, कांस्टिट्यूशनल तरीके से होना चाहिये।

मैं पूछना चाहता हूँ कि अगर यह सब कुछ आर्थिक स्थिति के कारण ही है, बेरोजगारी के कारण ही है, तो ईश्वरचन्द्र विद्यासागर, महात्मा गांधी, स्वामी विवेकानन्द और रवीन्द्रनाथ टैगोर के चित्रों को दूषित करने, उन्हें फाड़ने और तोड़ने का उससे क्या सम्बन्ध है? क्या इस आर्थिक स्थिति के लिये वही लोग जिम्मेदार थे? क्या उन लोगों का अपराध है? इस समस्या को बनाने में उनकी जिम्मेदारी है? इसमें तो लगता है कि इन बातों के पीछे कोई और भावना है, कोई और प्रेरणा है, कोई और कार्यक्रम है।

जब बंगाल में सिंहा शुरू हुई उस समय वहाँ एक सरकार थी और उस सरकार को कहा जा सकता है कि वह संवैधानिक सरकार थी, इसमें कोई सन्देह नहीं। उस समय वहाँ मार-काट होती थी। जब हाऊस में उसकी चर्चा होती थी तो हमारे कुछ मित्र उस समय उस मार-काट का पक्ष लेते थे और उसे युक्तियुक्त ठहराते थे। आज जब वह मार-काट चल रही है तो केवल इतना फर्क है कि संयुक्त मोर्चे की सरकार के चलते हुए यह समझा जाता था कि जिन लोगों को मारा जा रहा है, काटा जा रहा है,

वह मारने और काटने योग्य हैं। उनकी नीति के अनुरूप, उनकी भावना के अनुरूप जिन लोगों को मारा जाना चाहिए वह मारे जायें और पुलिस मूक दर्शक बनकर देखती रहे, यह संयुक्त मोर्चे की सरकार के समय की स्थिति थी।

हमें मालूम है कि सेन बन्धुओं का कत्ल हुआ। सेन बन्धुओं के कत्ल के लिये 500—700 आदमियों की भीड़ घर से नारे लगाती हुई गई कि आज उनका खून लेंगे। मजिस्ट्रेट भी मौजूद था, पुलिस भी मौजूद थी। मैं कहना चाहता हूँ कि अगर उस समय उस माता को कम से कम यह छूट दी गई होती कि बोलो, तुमको जमीन चाहिये या तुम्हारे बेटों के प्राण चाहिये। मैं समझता हूँ कि वह माता भरे हुए हृदय से यह छूट स्वीकार करती कि मेरे दोनों बेटों को मुझे दे दो चाहे मेरी जमीन छीन लो। आपके पास जो जमीन है जमींदारों से वह आप ले सकते हैं, शोपकों से उनकी जमीन छीन सकते हैं, आप सीलिंग लगा सकते हैं, आप भूमि कानून का सुधार कर सकते हैं, पूंजीपतियों की व्यवस्था कर सकते हैं, आप कारखानों को भी ले सकते हैं, आपके पास सारे मार्ग खुले हुए हैं, लेकिन आप करना नहीं चाहते। आप चाहते हैं कि उनको मार दिया जाये, उनको काट दिया जाये, घेराव किया जाये। जब वहाँ आपकी सरकार नहीं रही, संयुक्त मोर्चे के घटकों की सरकार नहीं रही, जब आज और लोगों को भी मारा जाने लगा तब आपको परेशानी क्यों?

मैं कहना चाहता हूँ कि बार-बार चर्चा की जाती है पुलिस की। मैं समझता हूँ कि जब पुलिस ज्यादा करे तब उसकी निन्दा होनी चाहिये, इसमें सन्देह नहीं। लेकिन मैं पूछना चाहता हूँ कि जहाँ हम लोगों के खून पर तिलमिला उठते हैं, औरों की हत्या पर जहाँ परेशान हो जाते हैं, जब पुलिस के गरीब आदमी मारे जाते हैं तब क्या वह गरीब नहीं हैं, वह मजदूर नहीं हैं? अगर पुलिस का कोई बड़ा अधिकारी

मारा जाये, डी० आई० जी० पर हाथ उठाया जाये आई० जी० पर हाथ उठाया जाये, कमिश्नर पर हाथ उठाया जाये तब शायद आप कोई दलील दे सकते हैं, कोई प्ली ले सकते हैं कि उनकी यह नीति है और लोगों ने उनको मारा, वह नीति के लिये जिम्मेदार हैं, वह इस कार्रवाई के लिये जिम्मेदार हैं, लेकिन छोटे-छोटे पुलिस के गरीब निपाही जो बेचारे थोड़ी-थोड़ी तम्बवाहें पाने हैं, वह गरीब घरों से घाने हैं, जिनके घरों पर थोड़ा रोजगार नहीं है। वह मामूली रोजगार करने के लिये पुलिस में भग्नी हाते हैं, और दह छुरे से मारे जाते हैं धनों से मारे जाते हैं। हम यह जिक्र करते हैं कि पुलिस वाले ज्यादाती करते हैं, लेकिन हम लोग क्यों उन गरीब लोगों के लिये आपू नहीं बहाते? क्या वह भारत माना के बेटे नहीं हैं, क्या वह किसी मां बाप के बेटे नहीं हैं, मां बाप के कलेजों के टुकड़े नहीं हैं, क्या उन को मां बाप के पेट से जन्म नहीं मिला है? क्या वह मां बाप अपने बेटों का खून होते देख कर आंसू नहीं बहाते?

मैं समझता हूँ कि जो कुछ कहा जाता है उसके पीछे कोई न कोई राजनीतिक भावना रहनी है और विशेष उद्देश्य रहता है। यह चिन्ता की बात है। इसलिये मेरा कहना यह है कि घाट महीनों से वहाँ राष्ट्रपति रूल चल रहा है। यह ठीक है कि पहले भी हिंसा होती थी, मार काट होती थी, अब भी हो रही है और यह भी स्वीकार करना चाहिये घाट महीने चलते-चलते इस प्रशासन ने भी यह साबित कर दिया है कि वह भी लोगों की जान माल की हिफाजत करने में असफल रहा है। यह मानने में हमें कोई संकोच नहीं होना चाहिये। जब लोग यह पूछते हैं कि क्यों जी, आपके गवर्नर बैठे हैं, आपके ऐडवाइजर बैठे हैं, आपके प्रशासक बैठे हैं तब क्यों ऐसा हो रहा है? आपको गवर्नर

को बुलाना चाहिये। मैं इस गवर्नमेंट से पूछना चाहता हूँ कि जब इस हाऊस में शायद ही कोई वर्ग ऐसा होगा, शायद ही कोई पार्टी ऐसे हो, जो न कहती हो कि गवर्नर को वापस बुलाना चाहिये, तब आपको क्या दिक्कत है? आप उनको क्यों वापस नहीं बुलाना चाहते? केवल इसलिये कि कुछ कारण हैं जिनसे आप नहीं बुलाना चाहते। जब सारे हाऊस की डिमाण्ड है तब आप क्यों नहीं बुलाना चाहते? जो प्रादमी घाट महीने असफलता का सर्टिफिकेट ले चुका है उसको वहाँ भेजे जाने पर सारी पार्टियों में कोई मतभेद नहीं है, भले घोर क्रिसा बात में उनमें मतभेद हो, तब आप क्यों उसको वापस नहीं बुलाना चाहते?

आज बहुत से भाई कह रहे हैं कि यह जो कानून बनाया जा रहा है उसको हटाया जाये, मैं उनके खिलाफ हूँ। मैं कहना चाहता हूँ कि कानून रहना चाहिये, बल्कि अगर इस हिंसा का मुकाबला करने के लिये और सख्त कानून बनाने की जरूरत पड़े तो वह भी बनना चाहिये क्योंकि सिंहा का मुकाबला हिंसा करेगी, गोली का मुकाबला गोली करेगी। अगर इसका मुकाबला ठीक से करना है तो वह उद्देश्य और दुहाई देकर नहीं हो सकता। अहिंसा से हिंसा, मार-काट और खून-खच्चर का मुकाबला नहीं हो सकता। वहाँ के दीन-हीन, गरीब, निरीह लोगों के जान माल की रक्षा का प्राशशासन देने के लिये प्रावश्यक है कि शक्ति का मुकाबला शक्ति से करने का प्राशशासन वहाँ की जनता को मिले। इस लिये अगर कानून की रक्षा के लिये एक सख्त कानून की जरूरत है तो सरकार को सख्त कानून बनाना चाहिये। सरकार और राज्य का मतलब है कि अगर प्रासामाजिक तत्त्व और तरीके से न बचाया जा सके तो उनको शक्ति से बचाया जाये। सरकार का यह मतलब नहीं है कि हमने साधन और प्रादमियों को वहाँ भेज दिया और

[श्री रघुवीर सिंह शास्त्री]

वह उपदेश देकर अपना फर्ज खत्म कर दे वहाँ पर। इसलिये अगर सरकार चलनी है तो सरकार की तरह से चलनी चाहिये।

मैं एक और छोटी-सी बात कहना चाहता हूँ। जो कुछ बंगाल में हो रहा है उसके बारे में हमने कई दफे पूछा कि सरकार ने कभी सोचा कि इसके लिये रुपया कहां से आ रहा है, है हथियार कहां से आ रहे हैं। वहाँ पर लाखों बमबन रहे हैं? कौन से संगठन इसको चला रहे हैं क्या कभी सरकार ने इसकी तहकीकात की? चार-चार घाने में बम बनते हैं। गाजर और मूली से भी सस्ते बिकते हैं। यह जो शंकायें हैं इनका गवर्नमेंट ने आज तक कोई जवाब नहीं दिया। लोगों को शंकायें हैं कि इनके पीछे विदेशी हाथ हैं, विदेशी रुपया है, विदेशी षडयंत्र है। दूसरी जगहों पर जो हो रहा है, वियटनाम में जो हो रहा है, कम्बोडिया में जो हो रहा है, जो लाओस में हो रहा है, वही खेल यहां खेला जा रहा है। इस तरह से इस देश के नवयुवकों के साथ, नवयुवतियों के साथ होली खेली जा रही है। यदि आप चाहते हैं कि यहां वियटनाम न बन पाये, यदि आप चाहते हैं कि इस देश के, बंगाल के नर-नारियों और युवक-युवतियों में इसका प्रचार न हो और वहां सब लोग शान्ति और धमन से रहें तो आपको इसका कारण ढूंढना पड़ेगा और देखना होगा कि कहीं विदेशी शक्तियाँ तो यहां पर गुरीला वार नहीं पैदा करना चाहतीं। अगर यह चलता रहा तो आप देखेंगे कि जो खिलौने राज्य प्राप्त बना रहे हैं, सरकार अपनी नीति के कारण तीन-तीन और चार-चार लाख की स्टेट बना रही है जो कि एक दफे के भटके में खत्म हो जायेगी; उनका बड़ा बुरा प्रभाव पड़ने वाला है। वहाँ पर यह काम शुरू हो जायेंगे। बिहार में यह चीजें चल रही हैं, यू. पी. में मेरे जिले के मुरादनगर में

कम्युनिस्टों ने हथियार लेकर लोगों पर हमला किया कि तुमको मार देंगे। इसलिए यह बीमारी फैल रही है। यह बीमारी सारे देश में फैले इससे पहले आपको कारगर इलाज करना चाहिये और हमारे देश की जनता को कारगर इलाज करना चाहिये। ऐसा कानून बनना चाहिये कि हिंसा का मुकाबला हिंसा से हो और शक्ति का मुकाबला शक्ति से हो।

SHRI N. K. P. SALVE (Betul) : Mr. Chairman, Sir, in this debate, considerable emphasis has been laid on the alarming and dangerous situation which has developed in West Bengal, the situation of lawlessness and the reign of terror and violence in this land of noble traditions. As it happens, this land of Paramahansas and Vivekanandas is no longer worried about their gospel; it does not want to sing the song of Tagore, nor read the literature of Bankim Chandra. Instead, it is, at the moment, embroiled in soaking the great land with the blood of innocent human beings.

While it is necessary that the situation has to be duly considered in this House, it is equally necessary that we should with some objectivity consider the enactments which the president has now made to take care of the situation.

The West Bengal (Prevention of Violent Activities) Act has been under very great fire. Shri H. N. Mukerjee, who with his fluent speech almost hypnotised us by what he had to say, criticised this enactment as draconian; he called it a barbarous law. I really wish he had cited some of the provisions of this enactment to show that it is these particular sections which he considers to be barbarous and to be violative of the cardinal principles of natural justice, instead of contenting himself merely by stating that this an enactment under which people are likely to be detained without a trial, trial as contemplated under the criminal jurisprudence of the land. But

it will be wholly erroneous for anyone to assume that there is no provision for appeal. There is an appeal to a quasi-judicial body, an advisory board which will have to function in consonance with the principles of natural justice. (*Interruptions*). One may disagree. I am not going to be unduly invective as some of my hon. friends have been. At least, let them kindly understand the other viewpoint also.

If they think that it is not proper, then they can have their own view in the matter.

May we see now some of the salient features and the broad scheme of the Act? I shall take a little time to deal with this matter, because very little has been said in the House towards that aspect.

The law contemplates detention of anti-social elements. They have been described as Naxalites in the statement of objects and reasons of the enactment. The law contemplates the detention of Naxalites, extremist people, people holding extremist views and anti-social elements, persons whose acts threaten the security of the State or the maintenance of public order. This detention is contemplated, circumventing the onerous and cumbersome requirement of criminal jurisprudence as I have stated already.

Sections 2 (a) to (c) of this enactment clearly provides the various circumstances in which an act will be held to constitute either threat to the security of the State or threat to the maintenance of the public order. Most of these acts are extremely heinous offences already under the existing criminal law of the land. This enactment has added a few more. Especially, I would like to draw your attention to section 2 (c) which contemplates and which provides that causing insult to the Indian National Flag or to any other object of public veneration, whether by mutilating, damaging, burning, defiling or destroying or otherwise, or instigating any person to do so, shall constitute violation or threat to the security of the State as contemplated

in the Act, and a person could be detained for that.

Next aspect of this enactment which is of considerable importance is this who are the authorities who are entitled to pass this order of detention? It is true that the State Government are entitled to make an order of detention, and it may be that some apprehensions are there, and to some extent they may be justified, that a particular Party Government is there in a particular State, at the moment the Central Government is in charge of that State, and it may be politically motivated in passing the detention order, and to that extent, it might create an apprehension of misuse of powers for political reasons. But the law also contemplates and provides that such detention order shall be made by the district magistrate, by the additional district magistrate, and in the presidency town of Calcutta by the commissioner of police. These are judicial authorities. And if they were to make an order under this Act, they are also the very authorities who are entitled to make similar orders under different laws under the criminal jurisprudence of the country.

Then, the grounds of detention have to be given, which grounds have to be communicated within a reasonable time of the detention. The time-limit is five days. Where the order is passed by a district magistrate or a presidency magistrate, the order has to be approved by the Government in 12 days time. These very grounds of detention thereafter have to go for scrutiny to an advisory board. The constitution and the role of this advisory board is of the utmost importance and this advisory board is the lynchpin of the administration machinery enactment. I submit that this is the highest authority under this law which is going to determine whether a particular detention is valid or not. The advisory board shall comprise three persons who are either the judges or who have been judges in the past or are qualified to be judges. To such an entirely independent body shall be submitted the grounds for detention and this body after hearing the detenu, if he has any grievance against the detention order,



[Shri N. K. P. Salve]

and after the advisory board has satisfied itself *suo motu* as to the validity of the grounds for detention and only on being satisfied that various reasons enumerated in the law constitute a jeopardy or threat by the detenu to public peace and to security of the State will the detention order be upheld. If the board were to advise Government 'No, the grounds do not justify the detention', the Government is under an obligation to immediately release the detenu.

Where then is the Draconian law as alleged? Is it not commensurate with the principles of natural justice. Is not the cardinal principle of appeal to the aggrieved person observed in this law? It is only cutting short the onerous and cumbersome procedure involved in the ordinary course because of the special circumstances which have arisen in West Bengal with which this law is supposed to deal. The highest authority, therefore, is the advisory board and so long as this board consisting of three eminent persons is going to be an independent body and it is going to go into every order of detention challenged, why is there any apprehension in the minds of my hon. friend that the administration of this law will unleash terror by the police, it will let loose vengeance? I think it is wholly unfounded, wholly unjustified.

SHRI JYOTIRMOY BASU : It is already there.

SHRI N. K. P. SALVE : He should not indulge in such cheap jibes; he should listen seriously to arguments.

SHRI JYOTIRMOY BASU : He is not being fair to me. He is one thousand miles away from the scene. Let him keep that in mind while making such observations.

SHRI N. K. P. SALVE : I may be one thousand miles away. But the whole world is an extremely small place today. If Shri Basu is contending that others are living in a vacuum in India in regard to what is

happening in West Bengal and it is only those people who represent West Bengal here or who live in West Bengal can know and assess the situation in true perspective, then I will only say that this is very unfortunate attitude to adopt. At any rate, so long as law is commensurate with the principles of natural justice, there would be nothing wrong in the enactment.

There is nothing to justify the very strong adjectives used by Prof. Mukerjee. He always used such adjectives; they are always strong. He never believes in adopting middle-way course. We cannot have any objection to his using very strong adjectives, but sometimes they are grossly exaggerated. There is not merely pretence or the trappings of judicial independence vested in the advisory board, but the advisory board itself is the supreme authority, if it is the supreme arbiter, to determine the validity or otherwise of every detention order. The other aspect of the matter is this. If this enactment were not made, I have no doubt in my mind the way Bengal is going it will take a very heavy toll—it is already taking a heavy toll—of innocent human lives. It is also taking a toll of those cardinal Indian values, which values have protected us with honour and dignity in the midst of perilous and precarious past. It is for that purpose, under the most emergent situation, under disconcerting circumstances which are most extraordinary that this enactment has been made by the President and nothing wrong can be found with it, if you are honestly worried about Bengal.

Personally, I would say that wherever there is question of the liberty of the citizen being endangered in a democratic polity, it has to be zealously guarded. In that respect we have nothing to learn from our communist friends. We are the people who always fought for safeguarding democratic rights of the citizen. But situations do arise when democratic rights or the rights granted to citizens, have to be curtailed, and if they are not so curtailed today in respect of West Bengal, we run the peril of losing that very democracy in our country *Via* Bengal.

SHRI KRISHNA MENON (Midnapur) : Mr, Chairman, fifty years ago, in these very precincts, I believe in this Chamber, the stalwarts of Indian nationalism were rising to resist the Rowlatt Bill. This is a repetition. The difference is that at one time those who were sponsoring the legislation were the avowed representatives of the police State, and today, they were only marching under the conditions of a police State in part of the country. The provisions of that the Rowlatt Act have been incorporated in the criminal law of our country, and we are living under it and so it looks as though the Rowlatt legislation is comparatively metamorphosed in this texture compared to what it is today.

I am totally opposed to these two Acts before Parliament, not because it makes any difference, but there are times when one has to identify oneself to the point of view. I am not going into the details of these Acts, but they provide on the one hand for preventive detention and the other for the use of powers without the restraints that are the usually available in a society governed by the rule of law. Preventive detention, like preventive war, is an authoritarian exercise; that is to say, the person is detained not because he has done something, not because he is proved to have done something, not because he has acted or is about to act or is likely to act, but some body else feels that he is going to act. That is to say the subjective state of mind of an individual who in the normal circumstances is subject to the process of investigation in a court that is no longer available. And so, by preventive detention, you deprive the people of the liberties guaranteed under our Constitution. Unfortunately, the Constitution also provides the passing of laws of this kind though law itself is not the Constitution.

Preventive detention is to be decided upon by whom? Either in this session or in the next session, I think it is coming before this House—the Criminal Law (Amendment) Bill—for revision of the Criminal law in this country. Its main purpose, as is said, is the separation of the judiciary from the executive: that is to

say, it is generally regarded from the time of the founding of the Indian National Congress that the oneness of the executive and the judiciary—the same people facing one way in the judiciary and then facing the other way in the executive—has been responsible for the deprivation of the liberties and the amenities of the people of this country. And so, after 23 years of Independence, we are at last, thanks to the Law Commission, introducing a legislation to separate the judiciary from the executive.

When you turn round and look into these Acts, what do you find? You find that in the Presidency town of Calcutta—leave all the others out—the Commissioner of Police shall have the right to haul up anybody and put him in prison. Is this separation of the judiciary from the executive? That is to say, you place in the hands of a person who is not bound by the legal limitations of any kind, the right to deprive people of their liberties. I think one could go into these Bills clause by clause and show how far they violate not the provisions of the Constitution, because it so happens that our constitution having been promulgated in conditions where provision has been made against these matters has provided for everything; that is to say, the Government which is not a Government, we have this Parliament, which is not Parliament, and we have the capacity to turn on to one executive person who has more powers than the most autocratic President in the world. The difference between 50 years ago and today—one of them—seems to be this. That is, when the Rowlatt Bill was being discussed, there was what then passed for a legislature, not necessarily a Parliament of this kind, but today, this measure is decided in the solemn conclave of a thing called Consultative Committee which is not amenable to public debate; it comes here in the way of mere opposition by amendments moved. There is no passage of this legislation through any processes where the collective mind of this Parliament can be applied. Then it goes on to provide the machinery.

Having detained them, what do you do? First of all, let me say, there is no

[Shri Krishna Menon]

charge. No one needs to be shown what he is guilty of. Five days after, you give the police enough time to think out what they have to say. In other words, you allow the law to treat the man first and answer the question afterwards. The whole of these provisions of putting people in prison and framing a charge five days afterwards, throws a light on this Act. That is to say, you give a wide time, five days, to think out what should be said, and after that, you take 30 days to do something else. These are provisions for deprivation, wrong things done in this way.

It is a sheer violation of the principles of natural justice and the Charter of Human Rights, for which this country so eloquently proclaimed its support in the United Nations. For a long time, students and other people have been taught that we are living under a rule of law. I do not want to make a mistake. We shall still live under a rule of law under this, but a lawless law. That is all that is there to it. All that will remain to protect the citizen from the unrestricted inroads of the executive will be what is called the writ of *habeas corpus*, which usually takes in this country about three months before it resolves itself. It was originally intended to produce the person before the judge and the matter disposed of quickly. But that does not happen.

It also violates the principle of article 20 of the Constitution by depriving legal aid to the people who are placed under imprisonment. Lawyers, there are good and bad ones and on the whole they may be a nuisance. But that is the safeguard against the imposition of absolute will and distortionist methods of procedure. When you deprive a man of the right to defend himself, you are placing him outside the rule of law. It is not because there is no violence in Bengal. There is violence in Bengal and there is violence in a great many other parts of the country. But of course, we hear more about the violence in Bengal. The question is, whether this law will do any thing to create conditions there which

are normal, whether it will prevent violence and other things we are hearing about or whether it will promote more of them. There is no doubt that public opinion in Bengal is certainly not in favour of this Act. When the Rowlatt Act was before Parliament, the whole of the country went on hartal at that time. Now when this Act is before us, the greater part of Bengal does it. It makes no difference that a few people speak in Parliament in support of it. This vast amount of public opinion arraigned against it ought to be taken note of those who support the legislation or who are very concerned about the deteriorating state of conditions there are entitled to ask: What is the answer? But the answer cannot be one of putting down violence by greater violence. I say with great respect to you, Mr. Chairman, that violence is violence, whether committed by the police or by the people. Violence by the State is a violence in which the parties are not evenly matched. I think it is time instead of this, we define the position of the police in a State under the rule of law. The police at no time has the right to punish. But in our country, the police do the punishing. They draw out that very mild weapon called *lathi* and crack somebody's skull. If somebody runs away, they chase him and inflict punishment on him. I say, a policeman, even if he catches a murderer, has no right to inflict punishment. That is for the judge to do. From that, we have now come to a position, on account of the arming of the executive with this kind of power, where he can by a subjective state of mind say, "I suspect this fellow to do something". As I said, I will not go into the details of the Act. I will just deal with one of the conditions of subversive action, i.e. propagation of an ideology. This looks dangerously like Tanaka's dangerous thoughts. In Japan just before the war, the Tanaka school of thought said, "Dangerous thoughts should be tried" and repudiated the famous doctrine that thoughts of men are not triable. Therefore, we have this idea of punishing opinion, repudiating the doctrine, "I do not agree with what the man says, but I will defend to the last his right to say so". That goes away when you have this idea of punishing ideologies—

ideologies not to be decided not by students, not by expositionists of ideology, but by persons who enforce the law with a big stick.

If it went before a tribunal or something in which you have faith, it is a different matter. But we are told that all this is safeguarded by the fact that three wise men who are judges or who have the stature of judges can look into it. With great respect to the judiciary, I say that a judge who sits on a tribunal in private reminds us of the Stuart times and the Star Chamber. The practice of the dispensation of justice is that it is done in public. Even today in spite of the enormous time wasted, a judge reads out his judgement in public; it is in very exceptional circumstances that trials are held in secret. The three wisemen who will form part of the tribunal must be persons who flout or throw away this idea that justice has to be done, not only should be done but must seem to be done. That is the essence of justice; that is to say, that justice should not only be done but other men must believe that it is being done; it is not enough to say that all these things are to be considered by a secret tribunal of three persons who had to be convinced one way or another. What happens if these three do not agree; we do not know; they may be divided, two to one, or one and a half to one and half whatever it is.

Another aspect of this is that it disregards the provisions and principles of our Constitution; it provides for what the Americans call the disregard of the doctrine of double jeopardy: a man is punished and is put into prison and is released after 12 months; then again you can catch him. The British were very good at this. I want to think back all the fifty years. Soon after the passing of the Rowlett Bills came an agitation in this country. It drew to the ranks of the Opposition not only those persons who were pronounced nationalists at the time but other large sections of the country until it erupted into a very great mass

protest and violence and ultimately to the abdication of the police State.

There is a third aspect—the creation of statutory offences. There was a judge in South Africa who said: When an African gets out of his house, he has committed a crime because they have created so many statutory offences with the result that whatever he does, he is doing a wrong thing. I am not saying that there are no statutory offences on our status at the present time but the creation of statutory offences of this kind means that things that are normally done when this law is not present, or things which are even now done in other parts of the country have become offences under this law. The creation of statutory offences proclamation of a state of mind that is totalitarian and is an index of the police State. It really means: I am the Law. If that state of affairs is there, Parliament may be decorative; parliament ceases; it becomes a decoration; the small group called the Consultative Committee adorns or clothes the authorities or the Government of the day with power to take any action. It is not necessarily confined to the President or the Governor or the Prime Minister or the Police Commissioner. When you arm the people in the Government, power corrupts; absolute power corrupts absolutely. That is true today as it ever was. We are already having a foretaste of this law in West Bengal. Today the fact that the Naxalites are committing havoc of one kind or another and there is inter-party fighting and civil war inside the parties, whatever it may be, these are all true; but the question is whether you can undo one wrong by doing another wrong; two wrong never make a right. I am not speaking today as if I am for soft-peddling action against Naxalites or whatever it is. But what action has to be taken, has to be considered on economic, political and social terms and also by the organisation of public opinion which will make it impossible for those who do these things there. The idea of using more force, breaking more heads and putting more people into prison—this is not going to get you anywhere. I am not speaking as though I am a member of the

[Shri Krishna Menon]

commission which investigated into anything; but I say that when there is *prime facie* evidence of police brutality and police excesses or use of force indiscriminately then there is a case for enquiry. I think the fact that the Home Minister told this House the other day, without any enquiry, without proper information without ascertaining the other side, that there was no reason, to think that the police were doing anything, that under-wrote police violence to start with. The second factor is that the Police Commissioner, the Governor and others, for two or three days now, have been saying that the police should not use more force than is necessary—a very wholesome law. But why do they have to say it? Because it is being used. I saw two or three places in Calcutta. The police went into the quarters of people, to a block of houses where 5000 or 6000 people lived in Ballyghat. When did they go? Not in the day or in the evening or even at midnight but at 3 O'clock in the morning, forcing open those houses, kicking those houses open without regard for the fact whether they were being occupied by men or women or children and dragging the people out. I saw so many people who were witnesses to this. This action went on till 5 a.m. and then these people were bundled into vehicles dragged along the streets and taken to the other side of the canal where three or four of them were shot and the others were taken to the police lockup. There have been cases in Bengal (one is enough for me) where individuals—whether they are naxalites or communists or congressmen makes no difference to me; even congressmen have a right to live and therefore it is no matter who they are—were beaten in the lockup and suffered injuries and even death in this lockup.

17 hrs.

Finally—I am concluding, Mr. Chairman—it is rather important to remember what happens to the post-mortem reports in these cases. It is true that when a person is killed either by gunshot wounds or by being beaten to death and so on, some sort of a post-mortem is still carried on after the body is taken to the hospital.

No one has perhaps seen the post-mortem reports except the person who made it. The law provides that no information need be given to the people who are concerned. It is again another sid of the Star Chamber legislation. These post-mortem reports are never handed over to the relations. The dead body cannot do anything but the dead body is never handed over to the womenfolk or whoever asks for it. In one case we were told by the Chairman of the municipality—not by one of the agitators—that the police told them; we shall not allow this dead body to go into that place—I forget the name; there was a big air field for military aircraft there. When the municipal chairman told me so, I interceded with them because I am not one of those people and I asked them: why are you not allowing the dead body to be taken. They said: these orders are from above. The position today is that the people are treated this way even in their death. I say all this not in order to create a sense of terror—I have heard more of this—but only to emphasise this point: Investment of such powers in the police has already created a situation where they think they are the masters and there is no law of any kind. This will be a blot on our statute book. This would be followed, not by the subsiding of violence but by greater efforts to break the law as such. Already there is enough legislation. We are invited to a meeting. By the time we get there somebody will say: the meeting is not being held here because 144 has been declared. These laws are there; they are enough to turn anybody away from any place. Imprisonment may take place; no charges are stated; no investigation is done; there is no law of any kind. I do not understand why there should be four or five pages. There could be one clause which is sufficient: that the police commissioner or the Governor, whoever is the appointed person can do whatever he likes. That would have been good legislation. I therefore say that the best thing to do is to realise—I hope the Government will see the wisdom of it—that even (I say even) a bad elected Government is any time better than non-elected Government. There has been no instance in history where the use of force

of this kind, whether it be in any of the Latin American States or the United States itself or in any country in the world where the use of violence has led to the suppression of violence. Violence has led to more violence. Here are gentlemen who are ethically, emotionally, religiously and historically given to the propagation of non-violence. But violence is violence whether it be by people who pike a child to death or by others. I went to a fellow lawyer's house. A young boy was pulled out by twenty policemen and beaten to death.

MR. CHAIRMAN : He should conclude now. I cannot give him any more time.

SHRI KRISHNA MENON : I will conclude with only one quotation of Lord Atkins, the well-known judge, who said :

"It is the proscription, the arrest of suspects at the will of men in power vested with a plenary discretion. The power to issue regulations meant thus to warrant a passage from proof to suspicion and from the sphere of action to the sphere of the motive, or the mind."

That is to say, you travel from evidence to mere suspicion and from suspicion to detention and imprisonment.

SHRI K. NARAYANA RAO (Bobbili) : Mr. Chairman, the rationale and the necessity for the legislative measures have been explained by the hon. Minister. I have a lot of respect for those who state that this is not a police State and the State should not act as a police State. Basically, it is true. In the evolution of the functions of the State, the State has passed from the police State to the welfare state. But one should not forget that the primary function of every State is to maintain law and order. Without the proper maintenance of law and order any amount of progressive measures would be absolutely useless. Therefore, when we think in terms of a welfare state, our

basic commitment, our basic duty is towards the maintenance of law and order.

Though the deployment of police force is an evil, it is a necessary evil. What is the necessity for the State to deploy the police force? When the social structure and the stability of the State is threatened, then the State is compelled to deploy the police, however unpleasant it may be. In using that force it may be that here and now some cases of excesses might arise. But in a grave situation like this, when the ordinary life of common man is so much paralysed and threatened, when he is not in a position even to move from his residence to his office, when he is not able to move out from his residence to purchase sundry articles, is it not the duty of the State to come forward to see that the anti-social elements have been curbed? On the other hand, it is my grievance that we have allowed this deteriorating state of affairs to go on for a long time. In fact, stern action should have been taken against the anti-social elements earlier so that they could not do what they liked. But we were very hesitant in the initial stage to bring about the Preventive Detention Act. In the entire history of India if there was any time when the passing of the Preventive Detention Act was most warranted, it is the present one. But, unfortunately, because of certain susceptibilities towards the preventive legislation we have been touchy. As Shri Salve has correctly pointed out, this is detention with a deterrent, with built-in safeguards. Let us not forget that our judicial system is based on the integrity and fairness of the judges. This particular preventive measure is very much diluted as compared to what we used to have earlier. The other one is a very innocuous legislation relating to the maintenance of public order to which no one can take exception.

Shri Menon has said that the definition of subversive activities included the holding of a certain ideology. Nowhere in the Act that particular aspect has been mentioned. Subversive activity,

[Shri K. Narayana Rao]

only means threatening the security of the State. There is no penalising or preventively detaining of any person holding such opinion. Specially in a country like India, which is wedded to democracy and freedom, punishing a person for holding an ideology is the last thing to suspect. India is not committed to such an approach. The fact that in this House people holding extreme ideas, even extra-territorial elements, have been allowed to function and represent public opinion shows that.

As to the other point to which attention has been focussed by Shri Menon, it is not peculiar. Even in international law, under the United Nations Charter it is not only use of force that has been prohibited but even the threat of force has been prohibited. When the Security Council finds that the security of one of the member-states is going to be threatened, it is authorised to take immediate action to see that the aggressor does not proceed further. It is one of the situations where the United Nations forces have actually been situated in the Sinai Peninsula to see that war between the UAR and Israel does not break out. So, how could a state be helpless and allow anti-national activity? How can the state allow a person to be killed, knowing fully well that a particular person will be killed? The state may punish that man later on but how can it give licence that a particular man should be killed? Therefore, that is the necessity, that is the reason, that is the rationale why a preventive measure is absolutely necessary. Life lost can never be regained. It is in that particular context of the situation that it has been provided for.

With these words, I welcome these Acts and I hope the House will support them.

MR. CHAIRMAN : We are hard pressed for time and so many hon. Members are requesting me to accommodate them. But already, I think, we have taken one hour more than the time

allotted which was four hours.

SHRI JYOTIRMOY BASU : The suggestion was that it should be eight hours instead of four hours.

MR. CHAIRMAN : The suggestion might have been for eight hours but the Business Advisory Committee decided for four hours. I think we have already taken five hours or more. We wanted at least to complete participation of all Members except the hon. Minister by six O'Clock today. We wanted to give precedence to Member from West Bengal as far as we could. Now some Members are asking me to accommodate them because they have gone to West Bengal in a delegation.

SHRI JYOTIRMOY BASU : Shri Bakar Ali Mirza has also been to West Bengal.

MR. CHAIRMAN : Several Members who had gone have already spoken. I will try to accommodate them but I cannot make any promise, because the time is very little and there are still some Members from West Bengal who have to be accommodated. Some parties are there still to be accommodated. So, I would request Members to be as brief as possible.

SHRI BAKAR ALI MIRZA (Secunderabad) : Members from Bengal had a chance in the Consultative Committee.

SHRI BADRUDDUJA (Murshidabad) : Mr. Chairman, if human memories are very short, memories of our friends of the Treasury Benches, of powers that be in the land, seem to be very much shorter, or they would have hesitated thrice before bringing forward these draconian measures, these atrocious pieces of legislation before this House. I have bitter experience, both before and after independence, of the abuse of these draconian measures. I have myself been a victim of the PD Act twice and of the Defence of India Rules once. We

have seen from our bitter experience that the PD Act, instead of being used against smugglers, blackmarketers, hoarders and other anti-social elements, has more often than not been used against members of the minority community and political opponents of the ruling party.

Sir, I am not confining myself to the Muslims alone. They have had no quarter during these 23 long years, no recognition and no appreciation. They have been allowed to be butchered and massacred in cold blood in violation of the spirit and letter of the Constitution. I will not rake up that unpleasant past. Muslims during these years have been consigned to the limbo of oblivion.

In 1964, Mr. Chairman a reign of terror was created in West Bengal leading on to serious developments in Calcutta, Rourkela, Jamshedpur and other places which stand as a lurid commentary on the inefficiency, complacency and, should I say, conspiracy of the police administration with the forces of darkness and destruction let loose upon the land to uproot and destroy the Muslim minority.

Then, in 1964, on fantastic charges, the members of the Communist Party (Marxist) in Kerala were also thrown behind the prison bars. But the people thereof gave a clear verdict against the Congress, against the draconian measures used by the Congress Government during the mid-term elections.

During Indo-Pak conflict in 1965, I myself with 1146 other member of the minority community, 90 per cent of whom were supporters of this Government and some of whom contributed so magnanimously to the war funds were so detained. Out of 1147, who were thrown behind the prison bars on fantastic, baseless and malicious charges framed by the administration, about 300 were Pakistanis. Unfortunately or fortunately we were all huddled together with Pakistanis themselves to hatch up a plan of conspiracy. If they had any

courage, if the administration had any courage, they could have brought us before the court of law.

Mr. Salve was waxing eloquence over the Advisory Committee formed under this Act. I have experience of the Advisory Committee which consists of three persons, one ex-judge of the High Court, one District Judge and a prominent lawyer, I know how it works. No counsel is allowed to appear before the Advisory Committee or to cross-examine any witnesses produced by the Government. Only the person arrested has to plead his case. These three persons sit in camera and come to a decision which is binding to the Government. I myself had to appear before the judges. One of the charges against me was that sending military information to a foreign Government. I told the Chairman of the Advisory Committee that the charge was so fantastic, so baseless, so unfounded, that it carried its own refutation and I was not to refute it.

But, Sir, I am not concerned with this at the present moment. But I have been an independent member for the last 29 long years, from December, 1941 to December, 1970. I am, therefore, capable of talking an objective assessment of the entire situation and of the draconian measures, the controversial Act which are before the House.

With the best of terms with the C.P.M. in the United Front Government, to the formation of which I contributed in my humble way, I had the slightest hesitation to condemn certain excesses committed by the C.P.M. during the United Front regime. I also never hesitated to join issue with some of my best friends, Prof. Hiren Mukerjee, and Mrs. Renu Chakravartty of the C.P.I. who stood by us in the hour or his greatest need, when the land-grab movement, was launched by them, because I felt that the land-grab movement had no constitutional, no moral and no legal sanction behind it.



[Shri Badradduja]

I had no hesitation either to go all out against the Privy purses Bill because I was convinced that it was in flagrant violation of solemn pledges and wanton disregard of the bilateral agreement entered into between the ruling princes and the Government of India.

Sir, I have in season and out of season condemned the excesses committed on the police officers. I told the Governor in West Bengal the other day that we had genuine sympathies for the constables and other police officers killed by unscrupulous anti-social elements and that their lives were as precious as our own. I also told the Governor "if we condemn the violence on the police officers by anti-social elements we condemn still more the violence of the police on the citizens of the State."

Before the promulgation of the Ordinance which was going to be passed into law, the Commissioner of Police, Calcutta, declared, P. D. Act or no P. D. Act, the police officers must shoot the antisocial elements at sight. These blanket powers were given to him even before the promulgation of the Ordinance. Sir, you will be surprised to learn that all judicial, extra-judicial and quasi-judicial and even executive inquiries have been suspended for three months.

Sir, I was a Member of the Parliamentary Delegation which went to Beliaghata, Champukur, Belgoria (Nimta) and other places.

I had been to a place in Beliaghata where there is the C.I.T. building, to which Mr. Menon has just referred. 30 or 40 truck loads of police officers surrounded the entire building. They knocked at every flat and at about 3 A. M. in the small hours of the morning, they dragged out 49 young men who were placed in a Police vans. They were mercilessly beaten and tortured with every refinement of cruelty and barbarous savagery. Before their release on the 21st of November, four of them, including

Ashok Bose, were isolated from the rest, placed in a separate van and dragged out of the van at dawn and shot down dead. The mother of the boy—Nanisha at Nimta appeared before us and broke down while giving evidence. She has been almost demented after the death of her son.

The Chakra brothers in Belgoria (one of whom was serving in the police and the other in NVP) were shot down dead before the eyes of their mother. This was a cold-blooded murder. The Deputy Commissioner of Police, Davi Roy, shot them dead.

You are trying to arm the police with powers under these Draconian legislations. They have already got extraordinary powers. Mr. Chairman; one degrading measure after another, one Draconian piece of legislation after another, repressions, upon repressions, tyrannies upon tyrannies, tortures upon tortures have led people to one and only one end. It led Ireland to Sinn Feinism. It led Russia, China and the whole of Eastern Europe to Communism. It led India and other Asiatic and African countries of the world to emancipation from the foreign yoke, it is bound to lead West Bengal to emancipation from the impact of these Draconian measures to fuller and richer life. The people of West Bengal will rise in revolt against this tyranny exercised in name of democracy and democratic decencies. This, Sir, is not the solution. Violence cannot solve violence. This is not the way.

You have already lost so much. You have lost Bengal. You have lost Bihar. You have lost U. P. You have lost Orissa. You have lost Punjab. You have been losing all along the line. You are going to lose so many States, unless you behave well, unless you withdraw these Draconian measures and thus inspire confidence in the minds of the people.

Sir, the other day the redoubtable Finance Minister Shri Y. B. Chavan was waxing eloquent assuming a pontifical air

and asking us all to read "the signs on the wall."

We can assure him that we read the signs on the wall when Hitler with his mighty forces was crushed out of existence.

We read the signs on the wall when Mussolini was butchered by his own people.

We read the signs on the wall when the mighty British Empire was liquidated.

We read the signs on the wall also in 1967, when the Congress was thrown out from 9 different States in India; 60% of voters voting against the Congress.

Sir, we have seen mighty Hitler going down, Mussolini going down. We heard of Napoleon pining away in Miseries in the Isles of St. Helena;

The mills of God, Chairman, grind slowly, but they grind exceedingly small; sooner perhaps than you and I can conceive of this Congress administration, Mr. Chairman, with its accumulated sins of commission and omission, with its broken pledges and spurious assurances, with its tyrannies and tortures, will topple down from the height, never to raise its head again.

But, Sir, there is yet hope if the Prime Minister even now can rise to the occasion arrest the drift and withdraw the Draconian measures, thus inspiring confidence in the public mind in the West Bengal.

Today there is rumour about mid-term elections.

We are not afraid; she has got everything to lose; so has lost so many States already.

In the year 1964, I appealed to her father, then Prime Minister, Pandit Jawharlal Nehru when the whole of Eastern India

had been in the grip of communal frenzies and passions, to rise the occasion, take courage in both hands, set his foot down upon the dark and ominous forces that had raised their head and go down to history as faithful mariner steering his ship across the raging waves of discontent and despair to a safe and hospitable shore, but before his ship could reach that hospitable shore, he himself reached that distant shore from which no traveller returns. May I appeal to the distinguished daughter of that Prime Minister today to exercise her judgement, use above party considerations and partisan spirit, have charity of outlook, mental catholicity, broad vision and imagination, and an objective assessment of the problems before us? If she does not arrest the drift and withdraw these cases, she will live in history as.....

SHRI JYOTIRMOY BASU : Stop the prosecutions.

SHRI BADRUDDUJA : Let her stop the prosecutions and release those people who are unnecessarily harassed and tortured by the police. The British Government could not save the empire by the torture. This Government can not also save Bengal by tortures. I can tell you here and now that I am somewhat partial to this administration at the Centre, not because I belong to the Congress, not because I have ever been a member of the Congress, but because I feel that the alternative to the Congress administration at the Centre is chaos. I emphasised it even in 1967. I am not saying so about the state administrations. She may lose many States. But at the Centre, I do not find any prospect of any alternative government. It is, therefore, her responsibility to consolidate her position and inspire confidence in the public mind, share their sufferings and miseries, their misfortunes, their trials and ordeals of life. Let her not give any encouragement to the drastic measures, let her not empower the police with special powers to commit greater and greater violence which will change the sympathies of the people of West Bengal all the more.

MR. CHAIRMAN : We are to take up the half-an hour discussion at 5.30 p.m.

[Shri Badradduja]

But I think Shri Shrichand Goyal is absent. So, we can take that half an hour also for this discussion.

श्री मधु लिमये (मुंबई) : सभापति महोदय इस कानून के समर्थन में यहाँ पर जो भाषण हुए हैं, मुझे सन्देह है कि उन माननीय सदस्यों ने इन कानूनों को अच्छी तरह से पढ़ा है या नहीं। अगर उन्होंने इन कानूनों को अच्छी तरह पढ़ा होता, तो मेरा ख्याल है कि जिन लोगों का राष्ट्रीय मन्दोलन से सम्बन्ध रहा है, उन में से कोई भी व्यक्ति इस सदन में इन कानूनों का समर्थन करने के लिए खड़ा नहीं होगा। इस कानून में ऐसी ऐसी बातें हैं कि अगर इसको बदला नहीं गया, तो पश्चिमी बंगाल में जनता को प्राजादियाँ समाप्त हो जायेंगी।

मिसाल के तौर पर प्रायः सार्वजनिक शान्ति सम्बन्धी कानून की धारा 8 को देख लीजिए, जिसमें कहा गया है :

"No person shall do any act with intent to injuriously effect, whether by impairing the efficiency or impeding the working of anything or in any other manner....."

हम को समझाया जाय कि इस का नवसल-बाद से क्या सम्बन्ध है। अभी महाराष्ट्र में हड़ताल हुई। जिस में सरकारी यातायात के साधनों का प्रावागमन बन्द हो गया। अगर इस तरह की कोई हड़ताल बंगाल में होती है, तो इस कानून के तहत वह जुर्म है।

जो तोड़-फोड़ के काम बताए गये हैं, धारा 9 के तहत उन के लिये कितनी सजा रखी गई है ?

"If any person commits any subversive act, he shall be punishable with imprisonment for a term which may extend to ten years, or with fine, or with both."

क्या माननीय सदस्य इस तरह के कानूनों का समर्थन करना चाहते हैं ? फर्ज कीजिए कि दूध ले जाने वाली सरकारी गाड़ी का ड्राईवर हड़ताल करता है या ट्यूटो मनाता है, तो क्या माननीय सदस्य उन को दस साल की सजा देंगे ? अगर सरकार और कुछ माननीय सदस्यों को इस तरह का कानून पास करना है, तो वे करें, लेकिन जहाँ तक मेरे जैसे व्यक्ति का मवाल है, मैं यहाँ भाषण-स्वतंत्रता के हक में आवाज उठाना चाहता हूँ।

इसी कानून की धारा 13 में कहा गया है :

"Any police officer may use such force as may be necessary in order to stop the commission of the offence of looting or raiding within his view."

मेरे एक मित्र ने कलकत्ता की एक घटना के बारे में मुझे सूचना भेजी है। उस के घर के बगल में कुछ नवसलवादी युवक माफ्रो-स्से-तुंग की तस्वीर पेंट कर रहे थे। मेरे मित्र ने अपने टैरस से देखा कि पुलिस वालों ने उनको गोली से उड़ा दिया। रेल मंत्री, श्री गुलजारी लाल नन्दा, स्वयं कहते हैं कि मुगलमराय याँड में एक दिन में पंद्रह लाख रुपये की चोरी होती है इस का मतलब है कि एक साल में तकरीबन 45 करोड़ रुपये की चोरी होती है। उत्र के लिये इस सरकार ने यहाँ पर कभी कोई कानून नहीं रखा।

श्री रणधीर सिंह : वह चोरी अब बन्द हो गई है।

श्री मधु लिमये : बेकार बात करते हैं। हावड़ा और जमालपुर वगैरह में इस तरह की चोरी बड़े जोंगों से चल रही है। अगर मंत्री महोदय चाहें, तो मेरे साथ चलकर देख लें। सरकारी अधिकारियों की सहमति से जमालपुर

वर्कशाप से सरकारी तांबा और पीतल निकाला जाता है, एक कारखाने में उसको मेल्ट किया जाता है और उसका नया आकार बना कर बाहर बेच दिया जाता है। मैं वह कारखाना दिखाने के लिये तैयार हूँ।

इस तरह की चोरी और लूट रोज होती है, लेकिन इन बातों को लेकर सरकार का खून नहीं उबलता है। अगर जो छोड़े से युवक गलत रास्ते पर जा रहे हैं, उन को दवाने के नाम पर वह पुलिस वालों के हाथ में डतने अधिकार देने जा रही है।

धारा 15 में कहा गया है :-

"Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any police officer may, without an order from a Magistrate and without a warrant, arrest any person who is reasonably suspected of having committed any offence under this Act".

इस की क्या जरूरत है? क्रिमिनल प्रोसीजर कोड का दफा 151 किस लिए है? कोई व्यक्ति कोई कामनीजेबल आर्गंस कर रहा है, अगर इस तरह की इत्तिला और जानकारी पुलिस वालों को हो, तो क्या पुलिस वाले उस को पकड़ सकते हैं या नहीं? क्रिमिनल प्रोसीजर कोड की दफा 151 के रहते हुए सरकार यह नई धारा क्यों लाई है? (व्यवधान) कुछ भ्रदालतों के ऐसे निर्णय आये हैं कि सरकार दफा 151 का दुरुपयोग नहीं कर सकती है, यही सरकार की तर्कीफ है। इसी लिए सरकार यह नया कानून ले कर आई है, जबकि केवल इतनी जानकारी होने पर कि कोई व्यक्ति कामनीजबल आर्गेंस करने जा रहा है, पुलिस को उस को गिरफ्तार करने का अधिकार है। लेकिन इस बारे में न्यायालयों

के निर्णय हैं और यह सरकार उन निर्णयों के शायरे में काम नहीं करना चाहती है।

मगपति महोदय, अब मैं थोड़ा दूसरे कानून के बारे में दो चार शब्द कहूंगा। अब प्रिवेंटिव डीटेंशन ऐक्ट है। मेरी यह सकम्में में नहीं आता है कि आप सिद्धांत और विचारधारा के प्रसार पर रोक लगाना चाहते हैं और उसमें आप ने खूबी यह की है :-

"corrosive substances, swords, spears, daggers, bows and arrows ;"

का लेकर विचारधारा का प्रचार नहीं कर सकता।

"either spoken or written, or by signs or by visible representations"

यानी किच रों को आप ने मिला दिया इस के साथ। लाठी का कोई गलत प्रयोग करता है, हथियार का गलत इस्तेमाल करता है तो उस के लिए इंडियन पीनल कोड के अनुसार आप उस को सजा दे सकते हैं। लेकिन इस धारा का स्पष्ट मतलब है कि आप किसी भी व्यक्ति के बारे में कह सकते हैं कि यह सिद्धांतों का और विचारधाराओं का प्रचार करते समय इस का प्रयोग कर रहा था और आप उस को जेल में बन्द कर सकते हैं। इस की क्या जरूरत थी? .....(व्यवधान)..... आप इस का पड़ लीजिएगा और सल्वे साहब भी वकील हैं :

"using, or instigating any person by words, either spoken or written or by signs or by visible representations or otherwise, to use, any lethal weapon—

(i) to promote or propagate any cause or ideology,"

सिद्धांत और विचारधारा के प्रसार के बारे में मेरी आपत्ति है। हथियारों के प्रयोग के

[श्री मधु लिमये]

ऊपर अगर आप रोक लगाना चाहते हैं तो वह वत दूमरी है। लेकिन इन शब्दों को आप ने इस में क्यों जोड़ा ? मैं एक ही बात की ओर ध्यान न दिलाना चाहता हूँ। आप इस कानून के खंड 12 को देख लीजिए और खंड 11 (4) को देख लीजिए। 11 (4) में कहा गया है कि किसी वकील की मदद जो नजरबन्द हैं वह नहीं ले सकता। वकील की मदद लेने में या ऐडवाइजरी बोर्ड के सामने वकील के जरिए अपनी बात रखने में आपको क्या आपत्ति है ? इस तरह का संरक्षण भी आप नहीं देना चाहते। आप ने अलग से इस खंड को रख कर वकील देने के अधिकार को भी छीन लिया है और 12 महीने तक आप जेल दे सकते हैं। यह बहुत खतरनाक कानून है और इन कानूनों को इस सदन को अपनी मान्यता नहीं देनी चाहिए।  
.....(व्यवधान).....

SHRI N. K. P. SALVE : The Act only mentions the use of lethal weapons to promote or propagate any cause or ideology which has the effect of adversely affecting the security of the State or overthrowing the Government. Only this is prohibited. It is not as if the use of lethal weapons for mainly ideology unrelated to these two objectives is prohibited.

SHRI MADHU LIMAYE : वह तो मैं जानता हूँ, बरना तो यह आ का ऐक्ट गैर कानूनी ही हो जाता, सुप्रीम कोर्ट के जरिए इस को खत्म करवा दिया जाता, वह तो बालाक प्रा. ने की है।

समापति महोदय, इस का अब इलाज क्या है ? प्रोफेसर हीरेन्द्र मुखर्जी ने वाइविल की बात की और कहा कि रात अंधेरी है। लेकिन उजाला आए कैसे ? क्योंकि इन कानूनों को बनाने में श्रीमती इंदिरा गांधी हमारे कुछ मित्रों का सहयोग लेगी और उन के खिलाफ

कानून बनाने में प्रोफेसर हीरेन्द्र मुखर्जी का सहयोग लेगी। इंडियन पीनल कोड अमेडमेंट बिल आया था। हम ने विरोध किया तो मेहरवानी कर के आप लोगों से और प्रोफेसर हीरेन्द्र मुखर्जी साहब से मेरी यह प्रार्थना है कि आप श्रीमती इंदिरा गांधी के और श्री कृष्ण चन्द्र जी पंत के जाल में न आयें। आप लोग तो विचित्र है और आप महा हैं। आप कभी मीनिंगफुल डायलाग बलराज मधोक के साथ चलाएंगे और कांसेन्सस बना लेंगे और कभी आप का मीनिंगफुल डायलाग हीरेन्द्र मुखर्जी और सुरेन्द्र नाथ द्विवेदी के साथ चलता है और उनके खिलाफ कानून बनता है। तो रह जाते हैं हमारे जैसे लोग जो आप के साथ किसी भी हालत में मीनिंगफुल या अनमनिंगफुल डायलाग बगैर नहीं चाहते हैं। तो अगर चहते हैं कि उजाला आर तो बलराज मधोक, गोवि प्रभू साहब और हीरेन्द्र मुखर्जी साहब अपनी अपनी भूमिका के बारे में पुनर्विचार करें, तभी जाकर कुछ बात बन सकती है।

SHRI TRIDIB KUMAR CHAUDHURI (Berhampore) : We are running against time and I do not want to take more time than would be necessary. My opposition to this Bill is not only on the basis of constitutional provisions and principles of civil liberty. It is based on very practical considerations from the point of view of the security of the average citizen. With all the seriousness that I can command, I have already written to the Government ; I have written to the Prime Minister. I am saying so again on the floor of the House : the police in West Bengal have been permitted—I do not know whether they have written permission or they have taken permission themselves—to go on a shooting spree. Today it is the kanoon, the police kanoon. But even when we were considering this measure in the Consultative Committee, the P.D. Bill was not then enacted almost the same day the police commissioner of Calcutta was boasting to newsmen : "preventive detention or no

preventive detention we are going to shoot."

And how did they start shooting ? I shall cite one witness no CPM member, no Naxalite, not even a PSP or SSP man but Mr. Ajit Bhattacharya, a journalist who is a conservative by conviction. His lights are different from mine ; I do not agree with him in politics but I respect his objectivity. He went to Calcutta to study the phenomenon of violence in Calcutta and Naxalites in West Bengal. He summarised his conclusions in three signed serialised articles in the *Hindustan Times*. On 17 November he wrote :

"The police are now deliberately taking the offensive against suspected Naxalites- Plain clothesmen.....".

Mark well, Sir, "plainclothesmen", not uniformed men ; one does not know who is a plainclothesman, who is a police stooge and who is a police informer or anti-social element recruited from the ranks of wagon breakers and pressed into service to shoot down political opponents. I have given the names of forty persons killed and till now there has been no enquiry. Mr. Ajit Bhattacharya is no leftist. He writes :

"Plainclothesmen armed with revolvers enter and search the houses of Naxalite localities and shoot to kill if they encounter resistance. This phase of the operation was barely ten days old when I visited Calcutta last week. Already 21 persons have been killed."

Within ten days, the so-called plainclothes people who are none else than goondas pressed into service by the police went with revolvers and within these ten days they killed 21 persons.

He Says :

"This phase of the operation was barely ten days old, when I visited

Calcutta last week. Already 21 persons had been killed. The police had lost one dead and 10 injured. Rifles are generally not used. It is a close-range combat within houses or narrow lanes ... Police use revolvers...

In view of the decision not to order an official enquiry into each firing (it is distasteful but necessary in the circumstances)."

It is so in the opinion of Mr. Bhattacharya.

"The number may never be known. The newspapers usually do not provide more than the terse information that 'a reported Naxalite or a Satiah aged 16 was' shot in an encounter with the police."

This was published in the *Hindustan Times*, under the signature of Mr. Bhattacharya.

Now, I will again have occasion to cite to you the opinion of Mr. Bhattacharya about the things that need to be done in West Bengal. There is no gain in saying the fact that violence has erupted in rather big way in West Bengal. But whatever violence has erupted there, I must be understood that this is not only an Indian phenomenon. I hope our Government, at least some Member of the Government, read American newspapers, about the urban guerilla operation, a phenomenon which is appearing in a big way in every American city. Has the American Government, of whom there are many admirers on that side of the House, ever resorted to any preventive detention measure ? Have they resorted to any measures like the Maintenance of Public Order Act ?

SHRI LOBO PRABHU : They shoot; they deal with mad dogs.

SHRI TRIDIB KUMAR CHAUDHURI: There are other mad dogs who will also

[ Shri Tridib Kumar Chaudhuri ]

be shot in due course. I do not want to enter into useless arguments with Mr. Lobo Prabhu. But the fact is this. Many Members have referred to this fact. May I ask the Government : have you given the police blanket powers to shoot anybody they like, and if not, why then with case of the four young men who were killed before the eyes of 500 families living in Beliaghata, CIT Building in the early hours of the 19th no enquiry has been held so far ? Why no post-mortem report has been obtained ? The names are known. Ashok Bose was one of them a popular young man there. He held Naxalite views. The police arrested him. They put him into the prison van. They tied his hands, and four of them—he and three other young men they picked up from the prison van and took them to a corner and shot them. Is this the way that you are going to permit the police to act ? The Police Commissioner says that 'preventive detention or no preventive detention, we are going to shoot.' If that be the order of the day, I only say God help West Bengal and the people of West Bengal and God also help this Government.

I said that I would again cite Ajit Bhattacharya. Why ? Because he is not one of my persuasion ; he is not of the leftist or communist or the socialist persuasion. Everybody knows what his politics is. Many Members here have also emphasised the fact or underscored the fact that very far-reaching constructive measures of social reconstruction, political reconstruction, economic reconstruction, which have been long over due must be undertaken in West Bengal, if you want to contain these acts of violence and to cure them.

But what have you done ? I am no enemy of Shri Dhavan or the President's administration that is operating there, that you have put there. But here is one gentleman, who is an objective journalist who says this about the President's administration in West Bengal :

"It was evident that President's rule had brought no relief to the average

citizen. The State and civil administration was as inefficient as ever.

Neither the Governor nor his advisers had impressed the public. Mr. Dhavan spoke less frequently in public, but the political partiality he had shown earlier remained a subject of bitter comment. One adviser had just emerged from a long spell in hospital ; another was still hospitalised and expected to remain on sick leave for several weeks."

He has since retired.

"Only the Chief Adviser seemed to be taking his work seriously.

The only qualification that West Bengal's present rulers had in common was that all were either superannuated or on the verge of becoming so."

You have put the destinies of the whole State in the hands of these people. This will not do. You should provide younger men, more efficient men with constructive imagination and undertake some constructive work which inspires confidence in the people ; then alone you will be able to contain this violence. Otherwise, the violence that you let loose will provoke counter violence, and if that happens God help us.

श्री का० ना० तिवारी (बेतिया) : सभापति महोदय, हमारे बड़े घनिष्ठ मित्र जब अभी बोल रहे थे तो मैं उनके भाषण को बड़े ध्यान से सुन रहा था । दो बातों के ऊपर ज्यादा जोर दिया गया है—पी०डी० एक्ट नहीं होना चाहिए और पुलिस जो जुल्म करती है, बायलेंस करती है, वह नहीं होना चाहिये । हम लोग हर तरह से बायलेंस के खिलाफ हैं—चाहे पुलिस करे या कोई पोलिटिकल पार्टी करे । पुलिस के खिलाफ तो जितने बक्ता बोले सब ने कहा, लेकिन घाब जो

सालों से वहाँ हालत चली आ रही है, मच्छनों लूटने, धान लूटने से लेकर घाज मर्डस तक की स्थिति आ गई है—इसको निन्दा किगो ने नहीं की। एक भ्रादमी ने भी इस बात की निन्दा नहीं की कि स्कूलों में जाकर बच्चों को मार देना, उनकी शिक्षा को रोक देना, उनकी परीक्षायें न होने देना बुरा है। बहुत से सी० पी० एम० के भ्रादमी मारे गये, लेकिन इन लोगों ने अपनी पार्टी-मैन की रक्षा के लिए भी नक्सलाइट मूवमेंट की निन्दा नहीं की।

श्री ओ उम दिन डा० रनेन सेन बोल रहे थे, वह कम्युनिस्ट पार्टी की बंगाल शाखा के सैक्रेटरी हैं, उन्होंने जिस तरह का खाका उस दिन खींचा, जो फँकटम उन्होंने दिये कि किस तरह से सी० पी० एम० के वक्त से लेकर, उनकी रिजीम में ये सारी बातें बढ़ी, उससे ज्यादा खाका मैं नहीं खींच सकता। इस समय मैं केवल दो तीन सवाल पूछ कर ही अपना भाषण समाप्त करना चाहता हूँ। ठीक है पी० डी० एकट नहीं होना चाहिए, यह भी ठीक है कि पुलिस को गोली नहीं चलाना चाहिए—अगर इसको मान लिया जाय, तो फिर होना क्या चाहिए, इसको कैसे रोकना चाहिए.....

श्री मधु लिमए : इण्डियन पीनल कोड है, क्रिमिनल प्रोसीजर कोड है।

श्री क० ना० तिवारी : ये जितने एकट हैं, ये ये उस वक्त भी थे। अगर दुनिया के इतिहास को देखा जाय, यदि ये घटनायें रूस में घटतीं, ये घटनायें चीन में घटतीं, ये घटनायें अगर चंकोस्लोवाकिया या पोलैंड में घटतीं, तो वहाँ क्या करते वहाँ किस तरह से इनका मुकाबला होता ? घाज जितने सी० पी० आई० (एम०) के लोग यहाँ बातें कर रहे हैं या अपने आपको सोशलिस्ट कहने वाले लोग जो प्रागूमेन्ट्स दे रहे हैं, मैं पूछना चाहता हूँ कि अगर किसी सोशलिस्ट स्टेट

में इस तरह की घटनाएँ घटें, तो वहाँ किस तरह से उसका मुकाबला किया जायेगा।

केरल में देख लीजिए। ये वनर्जी साहब नये सोशलिस्ट बने हैं, पहले इन्डेपेन्डेंट थे, अब सोशलिस्ट हो गए हैं। कभी सोशलिस्ट कभी इन्डेपेन्डेंट। ये कह रहे हैं.....

श्री स० मो० बनर्जी : लेकिन कांग्रेसी नहीं बनूँगा। (व्यवधान)

श्री क० ना० तिवारी : सीभाग्य की बात है कि आप कांग्रेसमैन नहीं बने।

.....(व्यवधान) खैर मैं इस बहस में नहीं जाना चाहता। मैं यह कहना चाहता हूँ कि केरल की सरकार नक्सलाइट्स के साथ किस तरह से निपट रही है ? वहाँ जो भूमि ग्रान्दोलन हुआ तो कम्युनिस्ट गवर्नमेंट किस तरह से निपटी उस लैंड मूवमेंट को कंट्रोल करने में तो जब अपने हाथ में सरकार आ जाये यानी अगर कभी सेन्ट्रल गवर्नमेंट या कोई प्राबिंशियल गवर्नमेंट आपके हाथ में आवे तो फिर आप कैसे निपटियेगा ? जो लोग यह चाहते हैं कि पी० डी० एकट न हो और पुलिस कुछ न बोले तो मैं पूछना चाहता हूँ श्री गणेश घोष से जो कि हमारे बुजुर्ग हैं, रेवोल्यूशनरी पार्टी के नेता हैं—उस रोज भी मैं ने उनसे सवाल पूछा था और घाज फिर पूछना चाहता हूँ कि इस चीज से निपटने के लिए और और इस चीज को रोकने के लिए आपके पास कौन सा रास्ता है ? इस बारे में आपके कौन से कांस्ट्रक्टिव सजेशन्स हैं। इस सरकार के लिए ? लेकिन उनके पास कोई कांस्ट्रक्टिव सुझाव नहीं है, वे सिर्फ एकोनामिक कन्डीशन्स की बातें ही करते हैं। मैं पूछना चाहता हूँ कि विद्यासागर स्टैंचू का धड़ जो है उसको तोड़ देने से क्या पेट भर जाता है ? क्या यह भी एकोनामिक मूवमेंट है ? (व्यवधान) कहा जाता है कि किसने किया, उसका पता ही नहीं। (व्यवधान).... मैं कहता हूँ कि आप लोग होंगे या कोई दूसरा होगा लेकिन विद्यासागर कालेज से लड़के को खींच कर



[श्री० क० ना० तिवारी]

उसको छुरा मार दिया गया लेकिन उसकी यहाँ पर कोई भी चर्चा नहीं करता है। इसलिए मैं निवेदन करना चाहता हूँ कि बहुत से लोगों ने प्रौर एणघोरमिह जी ने जो कहा कि इसका कारण एकोनामिक कन्डीशण है लेकिन मैं कहता हूँ कि गरीबी तो सारे देश में है, हो सकता है कि वहाँ पर कुछ ज्यादा हो। क्या केरल में कम गरीबी है? क्या वहाँ के लोग कम पढ़े लिखे हैं? क्या वहाँ पर कम अनएम्पलायमेंट है? फिर वहाँ पर इस तरह की घटना क्यों नहीं घटती है? (व्यवधान) इस पैमाने पर वहाँ नहीं है। वहाँ की सरकार दवाने की कोशिश करती है।

मैं आपसे एक बात निवेदन करना चाहता हूँ कि अगर यह एकोनामिक इश्यु होता तो फिर वहाँ इतनी सारी इन्डस्ट्रीज कैसे बढ़ हो गईं? दुर्गापुर जो कि पब्लिक सेक्टर में है वहाँ पर इस तरह से स्ट्राइकस क्यों चलती हैं? क्या इस तरह से वहाँ पर नुकसान नहीं होता है। इसलिए मैं कहना चाहता हूँ कि यह प्योरली पोलिटिकल मूवमेंट है और यहाँ पर जितने व्याख्यान हुए उनका मैंने एक ही मतलब निकाला है प्रौर यह यह है कि पुलिस को पूरी तरह से डिमार्शल-इज कर दो जिसमें कि अभी यहाँ पर जो थोड़ा बहुत प्रामनो-ग्रमान रह भी गया है वह भी खत्म हो जाये, खतरे में पड़ जाए। जहाँ तक पुलिस की बात है, अगर पुलिस थोड़ा जादती करती है तो हम भी उसके ठीक उसी तरह से अगेन्स्ट हैं जैसे कि प्रौर लोग हैं। लेकिन मैं गवर्नमेंट से यह भी डिमांड करना चाहता हूँ कि नक्सलाइट मूवमेंट या जो भी संस्थाएँ इन कामों को सपोर्ट करती हैं उन सभी संस्थाओं को गैर-कानूनी घोषित कर देना चाहिए। क्योंकि अगर यह नहीं होता है तो फिर सिविल वार या गुरल्ला वार इन दोनों से इस देश को कोई नहीं बचा पायेगा।

मैं इस गवर्नमेंट को चार्ज करता हूँ कि

सबसे ज्यादा अगर इस गवर्नमेंट ने किसी चीज को नेग्लेक्ट किया है शुरू से लेकर अबतक तो वह है बंगाल का ला एण्ड ग्राइंडर। इसके लिए अगर कोई दोषी है तो वह है सेन्ट्रल गवर्नमेंट। वहाँ पर जब सारी घटनाएँ घट रही थीं और यह सदन जब इनके ऊपर दबाव डाल रहा था तब ये समझते थे कि मामूली घटना घट रही है। डाके पास फोरसाइट नहीं थी इसीलिए यं इस जान में प्राकर पड़ गए हैं जिससे इनका निकलना बड़ा ही मुश्किल है। इसलिए जहाँ तक गो० डी० ऐक्ट का सवाल है, मैं समझता हूँ जितने देशमक्त हैं जितने डिमोक्रैटिक विचार के लोग हैं, उन्हीं को उसका समर्थन करना चाहिए। साथ ही यहाँ पर एकोनामिक अराबिफिकेटमेंट करने की भी बात है। पुलिस का जो रवैया है, अगर यह सही है जैसा कि कहा जाता है तो उसपर भी कन्ट्रोल होना चाहिए। लेकिन साथ ही साथ सी० पी० आई० सी० पी० (एम०) प्रौर त्रिदेव चौधरी जो यहाँ पर बैठे हैं, इन्होंने कभी नहीं कहा कि हमारे इतने पार्टी के लोग मारे गए हैं, उनको पार्टी के लोग मारे गये हैं, एस० एम० पी० प्रौर पी० एम० पी० के लोग भी मारे गए हैं तो इन्हीं इकोनामिक फेक्टर कहा है। यह तो बिलकुल पोलिटिकल मूवमेंट है कि हम रूँ प्रौर बाकी सारों को खत्म कर दें। यह राजनीतिक चाल है। पब्लिक से ये डरते हैं, उसके सामने जाने नहीं क्योंकि अगर वहाँ बोले तो उनके ऊपर भी छुरा चल जाये। तो वहाँ से डरकर ये पार्लमेंट में बोलते हैं ताकि ये सुरक्षित रहें। (व्यवधान) मैं पूछता हूँ कि हूपारे स्टेट मिनिस्टर श्री परिमल घोष हैं, उनके बच्चे को, उनकी औरत को उनके घर में घुस करके छुरा मारा तो उन्होंने क्या किया था? लेकिन किसी ने एक बार भी यहाँ पर इस बात को नहीं कहा। शुरू में बनर्जी साहू या किसी और ने यहाँ पर उसको उठाया था लेकिन यहाँ पर किसी ने भी अपनी स्पीच में इस बात को नहीं कहा। हमारे एक्च मिनिस्टर, श्री कृष्ण मेनन जो हैं उनका इतिहास तो सभी

को मालूम ही है कि जब एक मर्तबा मिनिस्टर रहे तो यहां पर चाइना को लाकर के बिठा दिया और अब इनकी सपोर्ट से यहां पर आये हैं तो फिर किसी दूसरे को लाकर बिठा सकते हैं ।  
(व्यवधान)

श्री बलराज मधोक (दक्षिणी दिल्ली): वे तो आपकी प्राइम मिनिस्टर के खास एडवाइजर हैं ।

श्री क० ना० तिवारी : मैं इस बात को नहीं मानता ।

इसलिए मैं यह निवेदन करना चाहता हूँ सारी डेमोक्रेटिक फोर्सों से कि वे अपने कांस्ट्रिक्टिव मुभाव दें जिससे कि वहाँ की हालत, बंगाल की हालत मुधरे और हर तरह की वाय-लेन्स, चाहे वह पुलिस की हो या पोलिटिकल पार्टीज की, बन्द की जाये ।

MR. CHAIRMAN : At six O'Clock the House has to take up the discussion on drug prices. I will ask the indulgence of the House, I have to give some time to Shrimati Sharda Mukerjee because some time is due to her party.

SHRI BAKAR ALI MIRZA : And to me.

SHRI LOBO PRABHU (Udipi) : Tomorrow.

SHRI KANWAR LAL GUPTA : Tomorrow, not today, because this discussion is not ending today. Let us discuss drugs.

MR. CHAIRMAN : Drugs will be discussed.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : Just now. You ask her to speak tomorrow and not today.

SHRI BAL RAJ MADHOK : She can speak tomorrow. Time is fixed for the discussion on drugs.

SHRI BAKAR ALI MIRZA : May I have my chance also tomorrow?

MR. CHAIRMAN : I do not know. As a matter of fact, according to the time table that is here these is some time left for the Congress (O). That is why I wanted to give her that time. For no other party time is left.

SHRI BAKAR ALI MIRZA : Is time to be distributed like privy purses ?

MR. CHAIRMAN : I will give that opportunity to her tomorrow and then the hon. Minister will reply because the House does not wish that discussion to be continue now.

We shall now take up the Discussion on the prices of Drugs and Medicines.

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18.04 hrs.

DISCUSSION RE: PRICES OF DRUGS AND MEDICINES

[SHRI K.N. TIWARY in the Chair]

श्री कंवरलाल गुप्त (दिल्ली सदर) : सभापति जी, हर एक स्वतन्त्र देश में हर एक नागरिक का यह मौलिक अधिकार है कि उसे बीमारी के समय दवायें ठीक दाम पर और ठीक मौके पर मिलें लेकिन दुख की बात है कि यह सरकार इस उद्देश्य को पूरा करने में पूरी तरह से असफल रही है। मैंने कहा था कि पिछले सात सालों में दवाओं के दाम 40 प्रतिशत बढ़ गए हैं; मन्त्री महोदय ने उस दिन जो बयान दिया उसमें वे कहते हैं कि 5 परसेन्ट से लेकर 25 परसेन्ट तक ही केवल बढ़े हैं। मैं दो तीन उदाहरण देता हूँ जिनसे स्पष्ट हो जायगा कि दवाओं के दाम केवल 40 परसेन्ट ही नहीं बढ़े हैं बल्कि कई चीजों में तो तीन और चार गुने तक भी बढ़ गए हैं। मुझे याद है कि आई एम एच जो कि टी बी के लिए एक ड्रग है, सात साल पहले उसकी एक हजार