

Government of India? Every time the Planning Commission is pointed out as one reason for all the delays.

Shri S. V. Ramaswamy: I am surprised that my esteemed friend, Shri Thirumala Rao, was also a member of the Government, should put this question to me.

Shri Hari Vishnu Kamath (Hoshangabad): Efflux of time. That was some years ago.

Shri S. V. Ramaswamy: But there has been no change. So, I do hope that a decision will be arrived at quickly and the aspirations of the people will be realised.

So far as the Resolution is concerned, it is good that it has been placed before the House, and it is good that members from that area have spoken so strongly about it, but I hope with what I have said the hon. Member, having move it, will withdraw it.

Shri Gopal Datt Mengi (Nominated—Jammu and Kashmir): Mr. Deputy-Speaker, Sir, as the House has seen, all the Members of Parliament from Jammu and Kashmir have spoken in favour of the Resolution. Not only that, one hon. Member from Punjab, belonging to the Hill areas, has also supported this Resolution. I am happy and grateful that the Ministry is taking a sympathetic view on this question. But, at the same time, I am sorry to say that the Ministry is taking such a long time in finalising the project. It should decide as soon as possible whether it is taking the southern or northern alignment because the whole progress, the whole development of Jammu and Kashmir has been stopped as a result of the absence of this railway. Therefore, my submission is, as I have mentioned before in my opening speech, the extension of the railway line from Pathankot to Riasi will usher in a new era of industrialisation, of mineral exploitation and prosperity for the State. As our State progresses,

as prosperity comes there, the employment potential would also increase and, as a consequence of that, thousands of Kashmiri people who now have to go to Punjab and other parts of India in search of employment will find work near their own homes. Therefore I would submit that the Ministry should give its positive and most sympathetic consideration to this Resolution and move in this matter as quickly as possible.

With these words, I beg leave of the House to withdraw the Resolution.

Mr. Deputy-Speaker: Has he the leave of the House to withdraw the Resolution?

Some Hon. Members: Yes.

The Resolution was, by leave, withdrawn.

15.00 hrs.

RESOLUTION RE: PROCLAMATION OF EMERGENCY

Shri Tridib Kumar Chaudhuri (Berhampur): Sir, I beg to move the following Resolution:—

“This House is of opinion that the Proclamation of Emergency declared by the President on the 26th October, 1962 need not be continued any further and hence recommends to the Government to advise the President to revoke the same.”

Sir, there would have been no occasion for me to move this Resolution if the Government had carried out and fulfilled the assurance that was held out by the hon. Home Minister when he wound up the debate on the Preventive Detention (Amendment) Bill which we passed last session. It is just two months back that he gave us this categorical assurance in reply to a question put to him by our hon. friend, Shri Nath Pai, that is, “We want to end the

[Shri Tridib Kumar Chaudhuri]

emergency very soon." These are the exact words that he uttered then. But, unfortunately, the expectations that were aroused by his promise were not fulfilled.

In the mean time there have been certain developments. We have been given intimation of a Bill which would soon be brought forward before this House not only for not abolishing the emergency but making the emergency provisions of the Constitution much more drastic. As you know, Sir, in that part of the Constitution which deals with the emergency provisions, article 359 only provides for the suspension of the enforcement of the rights conferred by Part III of the Constitution in any court of law during the emergency. But some doubt has been expressed by courts whether these rights which cannot be enforced are not really held in abeyance. Therefore the Government is now coming forward with the proposal to do away with those rights altogether so long as the Proclamation of Emergency is in force.

Shri Nambiar (Tiruchirappalli):
With retrospective effect.

Shri Tridib Kumar Chaudhuri:
With the retrospective effect, as my hon. friend just now said.

We have also seen how the other day the hon. Home Minister as well as his esteemed colleague, the hon. Minister without Portfolio, Shri Lal Bahadur Shastri, returned a stony silence to the appeals that were made by no less a person than Shri Hare Krushna Mahatab, a distinguished Member of the Congress Benches, for ending the state of emergency, and similarly to other pleas that were put forward by other esteemed Members from this side of the House. It is clear that the Government does not intend to keep the promise that was held out at that time through the assurance of the hon. Home Minister. Perhaps

the hon. Home Minister was then impelled to hold out that assurance which I have read out just now because he thought that that would persuade the House to put its Stamp of approval on the Preventive Detention Act which he was much concerned to prove as a much milder measure than detention under the Defence of India Rules.

In moving this Resolution I have not been impelled by any intention to minimise the perils that still beset the country although 14 months have passed since the emergency was proclaimed on the morrow of massive Chinese invasion. We all know that the Chinese forces have not entirely left our territory, that they continue to occupy good chunks of our territory even now although they have withdrawn from NEFA after the proclamation of their unilateral ceasefire. I am also not oblivious of the fact that leaving aside China on the other side, with regard to our neighbouring country, Pakistan, as we have just seen in the course of the debate in the Security Council, we are confronted with the conspiracy of Pakistan backed up by certain Western Powers to seize Kashmir if that were possible. All these things are there. But, at the same time, we have to take account of the fact that for 14 months on our northern borders there has been a stalemate and no fighting. When I say that there has been a stalemate, I am supported by the statement of no less a person than Shri Lal Bahadur Shastri, who the other day referring to the question that was raised by Shri Mahatab, said:—

"Shri Mahatab said that the emergency should not become, more or less, normal affair. I agree that there is a stalemate and no progress has been made since the Colombo proposals were put up."

It has already been commented in the press that so far as Shri Shastri

2019 Resolution re: PHALGUNA 2, 1885 (SAKA) Proclamation of 2020
Emergency

was concerned—I hope, he was speaking out the mind of the Government—the Government was not thinking in terms of any resumption of hostilities from our side, at our initiative on that front. That is why he clearly indicated to the House, rather recommended to the House on behalf of the Government, that it should think in terms of a peaceful solution of the whole question.

So far as Pakistan is concerned, although the situation is pretty alarming, we have grown used to a vast part of our territory being under Pak occupation since 1948. From 1948 to 1962 Government did not feel impelled to proclaim a state of emergency before the Chinese invasion took place. That was done only because a new enemy had appeared on our northern frontiers, an enemy whom we had trusted and believed to be a friend, and justifiably then a state of Emergency was declared. But the question which confronts the country now is that 14 months have passed a stalemate has ensued and the Government is now clearly thinking in terms of some peaceful settlement of our dispute with China

Dr. M. S. Aney (Nagpur): If possible.

Shri Tridib Kumar Chaudhuri: Yes, if possible. In that background the question that confronts this Parliament is whether the Emergency provisions of the Constitution that were promulgated by the Proclamation of Emergency should be continued any further. So far as our defence efforts are concerned, there can be no two opinions about the fact that we must continue our efforts and through national defence mobilisation we have to build up our strength. But as Shastriji himself admitted, it takes time. And, Sir, the Emergency provisions are not needed for the steady building up of the strength of the country, economic potential or defence potential of the country. We are all determined to do that. We do not want to resile from the solemn

resolve that we took when we passed the Resolution to drive away the aggressor from our soil. But the events, the development, that have followed since then have changed the background and the time has now come to see whether the Emergency provisions should be continued or not.

What are these Emergency provisions? If you look to the few articles of the Constitution that deal with Emergency, you will find that article 353 provides, as an inevitable consequence, of the Proclamation of Emergency—as one distinguished American jurist, studying our Constitution thoroughly, has remarked:

“It provides for the virtual disappearance of the State Governments and the supersession of the executive power of the States and enables the Union Parliament to make laws conferring powers and duties on Union officials respecting matters not on the Union List.”

Then, article 354 empowers the Union Government to do away with the provisions for distribution of financial resources between the States and the Union. Article 358 automatically provides for the suspension of all kinds of civil liberties and fundamental rights of the citizens guaranteed under article 19, that is, the right to freedom of speech and expression; the right to assemble peaceably and without arms; the right to move freely throughout the territory of India and the right to practise any profession, or to carry on any occupation, trade or business. All these rights automatically go away if the Emergency is proclaimed. Again, there is article 359 which provides for the suspension by Presidential Order of the right to move any court for the enforcement of any or all the fundamental rights conferred by Part III of the Constitution. The question that I want to put before the whole House is, whether for the steady building up of our strength, economically, morally and otherwise, these Emer-

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gency provisions which are intended to serve some pressing need, some unexpected development, some unexpected danger, are necessary even after the passing of 14 months since the actual fighting that was going on on our northern borders stopped. We all know how these Emergency provisions have been embodied eventually in the Defence of India Act, the Defence of India Rules, and what sweeping powers have been given to the executive Government so that the purposes of these Emergency provisions of the Constitution may be fulfilled. To what extent these sweeping powers have enabled the Government to build up the strength of the country, to build up the morale of the country is another matter completely. But I will take up some instances to show how these powers have been abused.

So far as the power of arbitrary detention is concerned under the Defence of India Rules, I do not want to go into the details. This question was agitated before the highest courts of law in the land and the Supreme Court of India by its majority judgment and also by its minority judgment held that these detention laws under D.I.R. were *ultra vires* of the Constitution. But they were helpless because the order had been passed by the President under article 359 of the Constitution removed the right to move courts for the enforcement of these rights. They could not give any remedy. The highest court in the land was not empowered to give any remedy. But the courts also came with an admonition. The majority judgment said:

"The inevitable consequence of this position is that as soon as the order ceases to be operative, the infringement of the rights made either by the legislative enactment or by executive action can perhaps be challenged by a citizen in a court of law, the same may have to be tried on the merits on

the basis that the rights alleged to have been infringed were in operation even during the pendency of the Presidential Order."

As a result of that admonition, the Constitution (Eighteenth) Amendment is coming now which will completely do away with the fundamental rights for the Emergency period with retrospective effect.

Sir, so far as the way in which these powers have been used I may give you some instances. The classic instance is that of the Gold Control Order. The Government in their wisdom took it into their head that they have to prevent smuggling. And if we are to believe the words of the former Finance Minister, it was then initiated—this Gold Control Order—as a bold and courageous social measure. Perhaps, it was, but it must have some relation, some connection with the immediate needs of defence of India and Emergency. Was it very necessary that it should be done under the Defence of India Rules? Now the Government have changed their position. They have seen light and they are now bringing forward an ordinary legislation before the Parliament in the shape of the Gold Control Bill, by which the whole position would be regularised. If that is the position, why utilise the Defence of India Act? For this purpose, why throw so many people, thousands and lakhs of people, into economic wilderness and unemployment and deprive them of the right to move courts for enforcing the right to pursue any profession or avocation for their livelihood.

Then, I come to freedom of press. Of course, as far as the freedom of press is concerned, this Government is very chary, very cautious and very circumspect about coming down heavily on monopoly press. The monopoly press in this country has full freedom to hold up the Government and its Prime Minister to ridicule, to run down its foreign policies

and to run down its economic policies. There is the Press Advisory Council, and there are also other machineries of the Government, such as the Press and Information Department and so on, but the monopoly press is never touched.

Here, I have in my hands a wonderful instance of curbing of freedom of press for furthering the defence efforts of the country. In distant Tripura, there was a small paper published by some political workers with not much of capital resources to back them up. This paper in its letters-to-the-editor column published a letter which quoted from the speech of the then chairman of the Territorial Council of Tripura, who now happens to be the Chief Minister. The writer had quoted from the proceedings of the Territorial Council. That gentleman whose speech was quoted was reported to have said:

"All the tribal people in Tripura are the agents to the Communist Party . . .".

Here was a letter to the editor in this small paper, just asking whether this was not fomenting or provoking communal disorder and communal excitement. Subsequently, of course, this gentleman who was the chairman of the Territorial Council has become the Chief Minister. But even before he became the Chief Minister, the Chief Commissioner of Tripura came out with an order under the Defence of India Rules in the following terms:

WHEREAS I am satisfied that in the issue of the *Tripura Katha*, dated the 13th January, 1963, the Janasiksha Co-operative Printing Works, Ltd., Agartala, have printed and published under the caption *Ihe Ki Ugra Sampradavik O Prarochanamulak Pra-char Nay?* In the portion titled '*Chithi Patra*' a prejudicial report intended or likely to promote feelings of enmity and hatred

between different classes of persons;

AND WHEREAS, the said Janasirsha Co-operative Printing Works, Ltd., Agartala have been used for the purpose of printing and publishing aforesaid prejudicial report;

NOW, in exercise of the powers conferred by sub-rule (1) (f) of Rule 45 of the Defence of India Rules, 1962, I hereby direct the said Janasiksha Co-operative Printing Works, Ltd., Agartala, to deposit . . .".

This was how the defence of India was being furthered by suppressing the expression of opinion by a very small and poor journal. And we in Delhi know how the big monopoly press holds up Government to ridicule with impunity day in and day out, and even the hon. Prime Minister, in spite of all his power and prestige could not silence them, although the entire armoury of the Defence of India Rules has been there.

Let us not think that Government do not have the fullest powers necessary. But we have seen how during these fourteen months, they have been chary of employing the powers under the Defence of India Act and the rules thereunder, to hold the price-line. They have been reluctant to use these powers against the hoarders and profiteers.

Only yesterday, we heard the hon. Finance Minister saying in this House that because he had no power, he could not trace the vast sums of unaccounted money which were circulating in the country. And he said also that he did not even know the amount which was actually circulating. And he added that this money arose out of tax evasions. But he does not remember, and his Government does not remember, and the most powerful man sitting over there does not remember, that there is such an enactment called the Defence of India Act and the rules thereunder, by

[Shri Tridib Kumar Chaudhuri] enforcing which he can stop these things and his Government can stop these things.

Shri Nambiar: But he fights none.

Shri Tridib Kumar Chaudhuri: I hope he will not fight my resolution but accept it.

Shri Harish Chandra Mathur: (Jalore): Do not forget the 'man-eaters'.

Shri Tridib Kumar Chaudhuri: I have to refer again to my hon. friend Shri Mahatab's reference to the emergency. He reminded Government that people should not be acclimatised to emergency. But I would like to look at it from the opposite angle. It is not so much the people who are getting acclimatised to the emergency, but it is the officialdom, the people who wield these powers, the officers, or the officer class, or the bureaucracy, or the top officer class, who are getting acclimatised to these things to their emergency powers, and there lies the danger.

We are passing through very grim times. One hon. Member reminded us only two months back in connection with the Preventive Detention Act that India was the only country where the flame of democracy was held high. As a Marxist, I have many things to find fault with in the sort of democracy that is operating here. But, even then, I would appeal to all sections of the House not to perpetuate these powers in the hands of the bureaucracy. We have known, and many Members of this House also know how these vast powers and sweeping powers are being utilised. Even now, I would submit that we should review the whole position and recommend to Government unanimously that they should advise the President for revocation of the proclamation of emergency, so that we can build up our strength through normal rules and normal constitutional procedures.

Mr. Deputy-Speaker: Resolution moved:

"This House is of opinion that the Proclamation of Emergency declared by the President on the 26th October, 1962 need not be continued any further and hence recommends to the Government to advise the President to revoke the same."

The time allotted for this resolution is 1½ hours.

Shri Bade (Khargone): The time may be extended because 1½ hours are too short for the discussion of this resolution.

Shri N. C. Chatterjee (Burdwan): It is a very important resolution. Therefore, time may be extended.

Mr. Deputy-Speaker: The report of the Committee on Private Members' Bills and Resolutions regarding time allotment was adopted by the House only this afternoon.

Shri Ranga (Chittoor): That is true. But, still, the Chair has the power to extend the time by an hour. We made that allocation in the committee under your chairmanship. . .

Mr. Deputy-Speaker: Then, a regular motion may be moved for extending the time.

Shri Ranga: I beg to move:

"That the time allotted for this resolution be extended by one hour."

Shri Warrior (Trichur): I support the motion.

Mr. Deputy-Speaker: The question is:

"That the time allotted for this resolution be extended by one hour."

The motion was adopted.

Mr. Deputy-Speaker: So, the time is extended by one hour.

From the Opposition alone, there are about eight Members who want

to speak. So, they may take eight to ten minutes each.

An Hon. Member: Is the House going to sit one hour more?

Mr. Deputy-Speaker: I said that the time had been extended by one hour more. The House will not sit one hour more.

We shall have 2½ hours for this resolution, including the time taken already by the hon. Mover.

Shri Harish Chandra Mathur: Do I take it that the House will not continue to sit after 5 p.m.?

Mr. Deputy-Speaker: Yes.

Shri Harish Chandra Mathur: Then, you will be cutting out the other resolutions which would otherwise have come up.

Mr. Deputy-Speaker: That is the intention of the House.

Shri Sinhansan Singh: I think they will come up on the next day.

Shri Harish Chandra Mathur: No, I think there has to be a fresh ballot.
15.28 hrs.

[**Shri Thirumala Rao** in the Chair.]

Shri Warrior: I rise to support the resolution brought forward by my hon. friend Shri Tridib Kumar Chaudhuri.

The other day, the hon. Home Minister, in the course of his reply to the debate on the Vice-President's Address had emphatically pronounced that there was more reason now for keeping the emergency than before because there were more things of an emergent nature.

Of course, he did not clarify the position. It might be he has the premonition of new troubles in Kashmir or from East Pakistan in his mind. It is quite possible, because the whole debate itself centred more or less on that pivot. I do not want to minimise the gravity of that problem which is facing us, which had been facing us,

and which will face us for some time more. But should that be brought forward as a justification to continue this emergency. When actually, the Chinese army invaded our country and Government brought forward this measure, even the Communist Opposition supported the Government knowing full well that the Government by this is armed with something which would hit the supporters themselves. And we had it. As soon as some of us went back to our places after passing this measure, supporting it, not opposing—if we had opposed it, we would have had that gratification at least that we had opposed it, still the majority passed it and hence we have to suffer it; that is the tragedy of the whole thing—as soon as we landed back at our places, we were arrested. Even now, two hon. Members of this House from Tripura, Shri Dasaratha Deb and Shri Dinen Bhattacharya are in detention under this measure. The former had been continuously a Member here for three times. Against him the ruling party had put up the most influential, most powerful person in that place and he never got elected. That representative is languishing in a prison in Bihar for the last 14 months. Tripura has thus no representative in this democratic set-up. It is just like a Kishkind where Rama cannot land, at the same time where Sugriva cannot go.

There are 8 MLAs of the Opposition, elected members in Tripura, who are also in prison, under the emergency. There is no opposition there in Tripura in their Council. What is the result? The result is that the Government party can do anything without any opposition.

This sort of democracy won't work. The elected Opposition there, real representatives of the people, are muzzled, kept under prison. The voice of the people whom they represent is also silenced. That is how this democracy is functioning.

[Shri Warrior]

They had to undertake a fast to get normal, decent treatment in the Bihar jails.

An Hon. Member: Bihar?

Shri Warrior: Shri Dasaratha Deb and Shri Dinen Bhattacharya were not kept in their own places; they were transferred to Bihar, to the climate of which they are not acclimatised, and kept there without the usual facilities given even to blackmarketeers and hoarders, whom the Government were compelled to arrest at times. That is the sort of thing going on.

There are also such people in Maharashtra. You can arrest anybody. You have only to say that they are communists, or that they have been assisting the Chinese. I do not know how many people indirectly have helped in this country those black-marketeers and hoarders who, in particular, had been more instrumental than anybody else in demolishing and destroying the morale of the people, their strength to stand up against aggression not only from the Chinese but also from Pakistan.

Look at any Government Department, any Government undertaking or office. If the Home Minister is able to go through any of them, he will see more seething discontent against this Government.

It is with this apparatus that this Government is going to protect this country! That is the result of this emergency proclamation.

I am one with Government for the emergency proclamation; I am one with them in protecting this country. I am agreeable to whatever machinery they want, whatever powers they want, whatever resources they want—not only I but my party also. But this is not, the way to go about it.

Shri Peter Alvares is sitting here. He was also arrested under the DIR. Ordinarily they may say so many things about democracy. But the fact of facts, the fact of the case, is that we are in a police state.

Shri Nath Pai (Rajpur): Ah!

Shri Warrior: Many will say 'ah'. But the fact is that. I am a representative, as any other hon. Member in this House, of 7—8 lakh people. But my conduct and character depend upon the silly certificate of an ordinary constable!

If I cease to be a Member of Parliament tomorrow and ask for a passport, an ordinary constable will say: 'Look here, that chap spits fire in the morning and evening. Do not give him passport.' My respectability, my public status, my former membership of Parliament—everything gone with the winds.

That is the essence of the police state. A police state does not mean that the policeman will always sit on my shoulders. That I won't allow. It is not in that physical sense. It is true physically when they keep me inside a lock-up. I have had that enough under the British and under the Congress. But it is the policeman's word that counts. Against the word of a representative of 8 lakh people, it is the word of the ordinary police constable that prevails. Under such a State, this emergency is just like a boil on a hump. Usually, the camel has a big hump, but when a boil also comes on the hump, it will be a hump upon hump. In a police state the emergency is just like that. Ordinarily itself, we cannot move.

Mr. Chairman: Can the hon. Member enlighten the House what was the procedure when his Party was in power in the State of Kerala?

Shri Nambiar: I can say that. No preventive arrest, not a single case.

Mr. Chairman: I wanted some information from the hon. Member.

Shri Warrior: I will give it. (*Interruptions*).

Shri Swell (Assam-Autonomous Districts): Can the Chair be partisan?

Shri Warrior: In the debate on Kerala which took place here, you would recollect what Pantji said. He said that if the Communist Government in Kerala had used the Detention Act, they would have avoided shooting down people—he said some such thing.

Shri Nath Pai: You only shot.

Shri Warrior: Against our orders, your police shot.

Shri Nath Pai: Our police?

Shri Warrior: Because the P.S.P. and the Congress were so influential there. We had been at the helm of affairs, but actually the police were under the Congress and the P.S.P. That is always the case (*Interruptions*).

When the question of the rights of the workers come, then at once like a hunted ghost the emergency comes. But when the question of actually dealing with the anti-national, anti-social elements come, the emergency closes its eyes. I know that the Government had caught hold of a few people here and there who were doing big mischief. But that was because it was unavoidable. Government had been forced to do it. But that did not deter those people. They are laughing in their sleeves now—black-marketeers and profiteers. With all this small action, they know this is only a smokescreen to conceal the real direction in which the Government is moving.

The Government actually did not use the emergency powers given to

them in the proper way to protect the nation, to protect the interests of the people and the interests of the working class. Even now the emergency is used like that. Not only is it undemocratic, not only has it not been used to protect the country against foreign invaders, but actually it has become an impression of suppressing the legitimate rights, privileges and interests of our people. Hence it is high time, it is highly necessary that it be ended. When the Government wants it in an emergent moment that the country has to face, immediately, without a second thought this august House, with all the parties inside it, will be at the beck and call of the Government to support a proclamation of this sort and help the Government, but other wise we cannot but support this resolution of Shri Tridib Kumar Chaudhuri.

Shri Alvares (Panjim): One a point of information, I would like to inform the House that I have not yet had the privilege of being arrested under the Defence of India Act.

Shri Warrior: I said subject to correction.

Shri Nambiar: He should have pointed the hand at me. It is the wrong side, that is all.

Mr. Chairman: Shri Narasimha Reddy.

Mr. Harish Chandra Marthur: Let it be one from the side and one from that side.

Mr. Chairman: I am trying to accommodate all sides. I do not want to upset the order already arranged by the Deputy-Speaker. Apart from that, I am trying to exercise my discretion in a way that will balance the debate.

Shri Harish Chandra Marthur: That is all that I want. Let there be an answer to these points.

Mr. Chairman: I should like to draw the attention of hon. Members to the severe time-limit. Not more than ten minutes can be allowed.

Shri Sheo Narain (Bansi): You have said the Deputy-Speaker has given you a list. We should know whether our names are there or not.

Mr. Chairman: I have taken the House into confidence, but I am not bound to disclose everything to you.

Shri Narasimha Reddy (Rajampet): I am at one with the Mover of this resolution that the emergency should come to an immediate end.

This resolution has not come a day too soon. Already the emergency has been used to strengthen the ruling party to curb opposition, to imprison inconvenient Members of Parliament and Members of the Assembly, and to make unabashed inroads into the domain of individual freedom which is the cornerstone of parliamentary democracy.

This emergency and the Defence of India Act were considered necessary to prevent the sabotaging of the war efforts, to curb those elements which had extra-territorial loyalties and which were simply waiting for the Chinese to take possession of the soil to give the reins of Government into their hands, they vainly tried to do for these long years. In short, this emergency was considered necessary to bring under check such elements and to eliminate all those people who were considered to be working against the safety and integrity of the country.

But, instead of that, what do we see? We see that these elements are flourishing and multiplying themselves like beehives all along the Himalayan frontier; they are flourishing unchecked, with absolute immunity to their freedom. To me it appears as though they are more or less treated like the adopted sons of the Government.

My friends the Communists have been vociferous and almost tumultuous in their opposition to this emergency. I believe their opposition is only lip-deep, for, what have they to fear about this emergency? The emergency is being used for curbing political parties whom the Communists consider as their potential enemies. Have not the Communists helped the Congress in all the by-elections after the emergency? After the emergency, the Communists and the Congress people became strange bed-fellows overnight. What the Communist younger brother says today, the Congress elder brother does tomorrow. The Communists wanted land ceilings, it is done; the Communists wanted tenancy legislation of their own brand, it is done; the Communists wanted nationalisation of the Life Insurance Corporation, it is done; the Communists want nationalisation of banks, and as sure as the Sun rising in the east, it will be done.

Shri Nambiar: All good things must be done.

Shri Narasimha Reddy: The Communists were dissatisfied with some of the elements in the Cabinet whom they considered were not in tune with their ideology, and the heads of three Ministers rolled on the floor.

Shri Nambiar: No heads rolled.

Mr. Chairman: What about the emergency?

Shri Narasimha Reddy: I am speaking about the emergency.

The Communists wanted the Constitution (Seventeenth) Amendment Bill for the complete elimination and extermination of the ryots, and the Seventeenth Amendment Bill appears in all its glory red, lurid halo, and it is going to give the death knell to this civilization of ours which has endured during the centuries. So, the Communist cry against this emergency is only intended to be a propaganda stunt during the elections, so that they might shine before the people as great defenders of the people's rights.

But the common people are deeply exorcised at this dangerous situation of our country. They know that these Chinese devils, if allowed unchecked, would be the despoilers of our homes, our lives, our culture, and our civilisation, and they are prepared to do their utmost to sacrifice their utmost, in order to repel the invader, as was quite evident when the emergency was first announced. But instead of seeing an enraged, infuriated nation re occupying the territories that have been invaded by the Chinese, we see the spectacle of a Government nervous and shaking, unable to make up its mind, waiting for every fashionable breeze of mediation to come to their rescue, in short, preferring an inglorious peace to the perilous vindication of honour. Now that it is not done, I feel that this emergency is being pursued only for the purpose of serving a political party and more or less, of liquidating the opposition.

We consider that the emergency should be immediately ended. Unless tangible and determined steps are taken by the Government to enter the soil which was invaded by the Chinese, there is no excuse for the Government to continue this emergency. I would suggest to the Government to suspend this emergency in areas other than the Himalayan borders immediately. Failure to do so would be a sacrilege to the memory of those heroes and patriots of our country who fought and died so that a free India may emerge with liberty of speech and freedom of action—a model to all nations which stand for individual freedom and for the dignity of the human spirit.

Shri Harish Chandra Mathur: Mr. Chairman, if you will permit the boiling eloquence of the first two speakers to settle down and if you permit the grain to be separated from the chaff, you will find that not one single argument has been advanced against the continuance of emergency. They have only said that

no positive and effective use was made of the emergency provisions; that big shots were allowed to go, that the prices are going up without any effective counter steps and so on. Their only complaint was that these provisions are not being effectively used. My friend from the Communist Party said that there was, on the other hand, abuse of power for political purposes. There was not one single argument to say against emergency provision in the present context; it was not made use of or abused.

Shri Nambiar: It is a wrong reading of the earlier speeches.

Shri Harish Chandra Mathur: Let us understand the entire position. Is the present situation of Pak-Peking axis against the security of this country more dangerous or not? Are the hon. Members sitting in the Opposition prepared to vouchsafe, their hands in their heart, that the country is safe, that Pakistan and China have no designs against us? I would join with those hon. Members if they say that Government must make judicious and effective use of the emergency powers which this Parliament has unanimously placed in their hands and that there should be no ineffective use or abuse of those powers. So, the present Resolution has no legs to stand.

Only two days ago, hon. Members one after another, waxed eloquent that it was Pakistan which engineered all sorts of mischief and the holocaust in East Bengal with a view to create trouble in Calcutta and emotional and communal upsurges in Kashmir, that all over the country there is a widespread net of saboteurs and that the country should be vigilant and alert. If there could be a danger to the country, it was not when China had launched hot aggression against this country as everybody was then alert and no warning was necessary but it is now

[Shri Harish Chandra Mathur]

when the dubious and most dangerous insidious peace offensive has been launched by China. From that patriotic instinct I would ask the hon. Members to approach this question. We are with them if they say that there should be no abuse of emergency powers. In fact we have ourselves never missed an opportunity to point this out to Government when it has gone astray. It is not only to their interest; it is to our own interest; we have greater stakes than the Opposition; it is our right of self preservation and we would always take that attitude and never hesitate to tell the Government where they are going wrong. I wish that no wrong climate is created in this country that emergency is being perpetuated simply because of political reasons or that the Government want to take advantage of it.

Now, much has been said about bureaucracy. I do not know what other agency we should have for effective implementation of the provisions. Bureaucracy or civil administration is only an instrument of the Government to give effect to the provisions of the laws. If we have not got a good bureaucracy, it is not only for the emergency purposes but for all the purposes. That is why I have been trying for the last seven years to suggest measures and means to improve the working of the bureaucracy. There again I am one with my hon. friends. But we must see that bureaucracy is always expanding in any democracy, in any welfare State. You can take UK or USA or any other country, democratic welfare State, bureaucracy has got to function and got to expand. In that context, there is all the more necessity for administrative reforms for providing ways and means to improve upon procedures. Let us not, therefore, confuse the issues and let us understand why we want these pro-

visions and where we have to improve upon them.

Shri N. C. Chatterjee: Sir, when India was under foreign domination and when the British imperialists were exploiting India's manpower for their own purposes, even then, during the worst period of emergency, they did not block access to courts to citizens who had been detained.

Mr. Chairman: I may inform the hon. Member that most of us who were detained had no access to courts for a long time.

Shri N. C. Chatterjee: May I remind you, Sir, that I had the privilege for the first time to appear in the Federal Court, which was next to this Chamber, on behalf of a number of persons who were convicted under Ordinance 2 which was the challenge of the British power to Gandhiji's 'quit India' movement. You know that criminal courts were set up and special procedures were adopted, without any trial by jury, without any appeal. All these practically reversed the due process of law. Even then, the British Chief Justice of the Calcutta High Court and other judges declared Ordinance II as illegal and issued an order of *habeas corpus*, writ, in favour of the prisoners and they were released. The Federal Court also did that. The Federal Court declared Ordinance II to be illegal, and ordered the detenus, the prisoners, to be set at liberty. I am ashamed to say that in free and democratic India we have deprived the Indian citizens, under the plea of emergency, to have access to courts of law and no court today is competent in India to issue a writ of *habeas corpus*. We have reduced the fundamental rights to a

mockery. We have denied the basic human rights to our citizens.

16.00 hrs.

It was our great glory and pride when we in India conferred on ourselves the fundamental freedoms, the basic human rights on our citizens, and we did not want to make them mere pious platitudes; we gave them fundamental rights and we gave them remedial rights. You know that article 32 has been a remedial right. Mr. Justice Shastri pointed out in the great case. *Organiser and Crossroads case*—delivering a unanimous judgment in the Supreme Court of India—"here we have made a remedial right and it is a guaranteed right. Therefore, we have made article 32 a fundamental right." What has happened today? You know, and some hon. friends also know, I had the privilege to appear for a number of detenus in different courts including the Supreme Court of India. Especially I had the privilege to fight not merely for Communists detenus but for detenus belonging to other parties, the Socialist party and other parties. You know what the highest court in India has said. The highest court in India has declared that these Defence of India Rules which have been enacted in the name of emergency are thoroughly unconstitutional. I was in that case. You can take it from me that this is all borne out by the records, and I am not saying anything which is not correct. The Attorney-General of India was asked by the Chief Justice, "Before you sit down, you answer the contention raised by Mr. Setalvad and Mr. Chatterjee: are these Defence of India Rules unconstitutional and repugnant to articles 14, 19, 21 and 22 of the Constitution." The Attorney-General of India had to concede that these are unconstitutional. These were in violation of the fundamental rights guaranteed. Still, the Supreme Court of India could not do anything because of the President's proclamation of emergency. The right that the Indian

citizen had even under the British imperial regime has now been denied. Therefore, this rule of law has been frustrated.

Mr. Setalvad, in a recent article which he has contributed to the magazine issued by the Bar Association of India called *Indian Advocate*, has said: "It is not a flagrant violation of the rule of law that our country believed to be functioning under a democratic Government should deliberately put and keep on the statute book and enforce laws impairing the personal liberty of the citizen admittedly inconsistent with the provisions of the Constitution?" I am pleading for the rule of law. I am pleading for the vindication of fundamental rights and fundamental human liberties. I am saying that you are exploiting the emergency for political and party purposes. I can prove it.

I was fighting an election two months back in the district of Burdwan. You will be amazed to know that in the month of January—in the earlier part of that month—an announcement was made that the leader of the opposition and other detenus would be released. It might be that they were thought to be dangerous to the safety and security of India. But at least the Government of the country realised that there was no necessity for detaining them under the Defence of India Rules. Therefore, they declared that they would be released. But the election was on the 22nd January, and you will be amazed to know that they were just released 36 hours before the actual polling took place. What was the necessity of keeping them in detention? Why was the leader of the opposition kept there in detention when the Government had announced that they would be released? I am obliged to three Members of Parliament, of this House, Shri Chaudhuri, Dr. Lohia and Professor Mukerjee, who had gone to my constituency and did their bit for me. But why was

[Shri N. C. Chatterjee]

the leader of the opposition kept in detention, and why were two members of the West Bengal legislature kept in detention? They were released just 24 or 36 hours before the actual polling.

Shri Tyagi (Dehra Dun): Were you supported by the Communists?

Shri N. C. Chatterjee: By all, by every party, by all democratic forces and progressive forces. (*Interruption*). What I am telling you is, this is perversion. They are utilising this emergency for party purposes, for political purposes. This just does not behove a democratic Government.

We have deliberately placed these fundamental rights on a high pedestal; we are bringing them down now and we are making them pious platitudes. Therefore, I am saying that if the rule of law is itself reduced to nullity, it will be a disgrace to India. We have taken our oath under the Constitution of India. What is the good of taking the oath and ultimately making a mockery of it? The Chief Justice of India, Mr. Justice Gajendragadkar—he was not then the Chief Justice—delivered the majority judgment in the Defence of India Rules case and clearly pointed out that this was unconstitutional. I have got the judgment; he has said that this is unconstitutional and the rights which have been infringed when this emergency is in operation under the Presidential order have got to be vindicated later on. If any act of indemnity is passed we have got to carefully scrutinise it. What are you doing to do? The Vice-President's address shows you are trying to amend the Constitution in order to perpetuate and legalise this illegality. Legalise what? Not merely the ordinary violation of the law, but legalise a blatant violation of the Constitution itself.

The Supreme Court points out the danger ahead. Mr. Justice Subba Rao had pointed out that three courses are open; amend section 491 of the

Code or pass a law consistent with the fundamental rights or you can do either. But now what are they going to do? You are amending the Constitution for the purpose of legalising the conscious and deliberate violation of the Constitution and the guarantees given in our charter. I submit, therefore, that there is absolutely no necessity for making a continued mockery of the rule of law in this country, for denying this basic human right. What is the good of having the Supreme Court of India, what is the good of having article 32 of the Constitution, and what is the good of the Supreme Court of India saying that consciously and deliberately the makers of our Constitution gave to every citizen of India the right of direct access to the Supreme Court for the purpose of vindication of the fundamental rights including liberty of speech, freedom of expression, freedom of movement and also personal liberty? Now, you do not allow the man to go to the courts, and even when you allow him to go to the court, the court says, "I am absolutely impotent to give you a writ, either *Habeas Corpus* or *Quo Warranto*, nor give an order although it is illegal." I am submitting that this is a serious matter which brings disgrace to us. This is a serious matter which reflects on the Government and on the Parliament. Therefore, it is in India's interests, it is in the interests of the Government itself, in the interests of democracy—and the interests of democracy will be furthered—if we stop this emergency.

When the Chinese aggression came, the whole of India was united, and there was a spontaneous emotional upsurge and an integration which was spontaneous and automatic. Where is that now?

Shri Ranga (Chittoor): Destroyed.

Shri N. C. Chatterjee: They have destroyed it. We actually heard the other day one hon. Member saying that the President Mr. Ma_o has declared that the Indian army is invisible in

peace and the Indian army is invisible in war! What are they doing? You are only talking. The talking machine can go on without any emergency, without any such legislation, and without denying the basic human rights of the people.

Therefore, for the vindication of the rule of law, for actually enforcing the basic guarantees which are provided in the Constitution, for upholding the sanctity of our organic law, I humbly submit that this emergency should be ended.

Shri Kappen (Muvattupuzha): Mr. Chairman, Sir, I rise to oppose the resolution not because I speak from this side of the House, not because I want the declaration of emergency to continue indefinitely, but because we may not have a wrong sense of security and a feeling of complacency, without understanding and appreciating what is taking place around us, both inside and outside the country. I have been very carefully listening to the speeches made here by the opposition, advancing reasons for withdrawing this declaration of emergency. I was really surprised to hear such an eminent person like Mr. Chatterjee comparing the present time to the British times. He was complaining about the declaration of emergency. He will kindly understand that the declaration was made by the will of the people, because this Parliament approved that idea. So, there is absolutely no comparison between what is taking place now and what had happened in British India.

As pointed out by Mr. Mathur, really this is the blackest hour in the history of this nation. If we view the things and happenings internationally and internally, we will find that we are facing a peril greater than at the time of the Chinese aggression. We are facing a triple challenge. There is the challenge of the Chinese. As pointed out by the Vice-President in

his gracious Address, that the Chinese army concentration has increased on the northern border. At the same time, we hardly escaped a resolution against us in the Security Council. Even the countries of Africa and Asia have not understood our position correctly and an eminent person speaking about what has happened in this country has said, addressing the Indian Council of World Affairs at New Delhi, that the reports published in the African and Asian Press regarding the happenings in Calcutta were fantastic. How did this happen? It is because of the insidious propaganda of Pakistan, supported and abetted by the West. So, we are facing a triple challenge of Pakistani hatred, Chinese expansionism and Western pressure tactics to bring India into submission on the Kashmir question. How are we going to face this triple challenge

Any amount of bravado is not going to save us. There are people who have said, why not go and recover the territory from the Chinese? What do they know of modern warfare, I ask. Is it child's play? It is easy to say, go and fight; but what will be the condition of this country if you go and provoke a war now? Let us be practical men. Let us face facts. There is no purpose in having any amount of bravado; that is not going to save us. However much we may feel sympathetic towards the poor persecuted minorities in Pakistan, do you think we can do anything effective to help them now in the present context? We must understand our position correctly. That is why Shastriji has pointed out, "Do you want war? Say it then. Or, do you want peace?" That is the crucial question we have to consider.

If you want really to face the triple challenge, as I have pointed out, there is only one way for this nation and that is for this nation to stand united as one man, forgetting our differences of party, religion, community and language. What is it that we obtain in the country now? Just think of what one enthusiast of the DMK party said

[Shri Kappen]
in Madras. He talked of self-immolation so that the imposition of Hindi may be opposed. What happened in this House? Have we forgotten so soon the scenes created by the Hindi protagonists even in this House? Was it not only day before yesterday that Shri Prakash Vir Shastri said.....

श्री बडे : यहां भी इमरजेंसी लागू कर दोजिए ।

Shri Kappen: I could not follow what he said.

Shri Bade: Is he speaking of the emergency or about discipline in the House?

Shri Kappen: Was it not day before yesterday that Shri Prakash Vir Shastri pointed out that Communists and communalists have joined hands in disrupting the country? I do not know; he has said it. Even the Communist Party will have to admit that there is a section in the Communist Party who are pro-Peking in their attitude.

Shri Nambiar: There is no such section.

Shri Kappen: The rumblings of the differences between you people have been reported in the Press and they are reverberating in our ears. Think of what happened in Kerala when the Communists were in power there. What did they do? There was no police. They were demoralised by the Communist Party. It was the Communist cells which were ruling the State. The Communists were the police and the magistracy. That is what happened there.

Therefore, as I pointed out, there is now only one way for the country—to stand united. Are we having that atmosphere in the country? Look at every part of the country. The Opposition has been complaining about what happened in Nagaland. They have been complaining about what the hostile Nagas have done. They have been complaining about various other things, that have happened in the country to show that there is disrupt-

tion brewing in the country. In the circumstances, I ask, will it be wise for us to withdraw this declaration of emergency? Are we having peace inside the country or outside?

Shri Nambiar: No peace.

Shri Kappen: Sir, I do not want to take any more of your time. I only want to say that I heard Shri Chaudhury and I think all the arguments that he advanced are in favour of continuing the emergency. He spoke of the Chinese aggression and he also spoke of the Pakistani army equipped with American equipments standing there in Kashmir on the borders of India. He has also pointed out that we are passing through a very difficult situation. And, this is the situation when the emergency must continue.

Shri Nambiar: The presence of emergency for 14 months has not created any change now.

Mr. Chairman: Shri Nath Pai.

Some hon. Members rose—

Mr. Chairman: Order, order. You must allow me to do my business.

Shri Bade: I think the Deputy-Speaker has made out a list of speakers.

Mr. Chairman: You will have your chance. But I should like to remind hon. Members that the time limit is not more than ten minutes. I may also say that if they are brief, to the point and not repetitive, we can accommodate more hon. Members.

Shri Tyagi: Sir, we are proceeding on high traditions of Parliament.

Shri Nath Pai: Mr Chairman, I think the fact that this very important matter has been brought before this House in the form of a private resolution should not detract the importance of the matter which the House is being called upon to debate today. I think the onus of proving, of establishing a

case for continuing the emergency in this country lies squarely on the shoulders of the Union Government and particularly on the shoulders of the Home Minister. An emergency is an abnormal state of affairs. As Shri Chatterjee has tried to establish, the Government has assumed powers of an extraordinary nature very unusual in a democracy and not known to our Constitution. Some of the powers are of such dimensions that they run contrary to the spirit of some of the fundamental freedoms. I do not want to go into the legal aspect of the matter; this has been considered by no less an authority than the Attorney-General of India and almost by the entire Bench of the Supreme Court, which pleaded its helplessness in enforcing these freedoms. Now it is on the Government to establish that there is a justification for the assumption of such powers which are extraordinary. I repeat, in a democracy and not very much in the spirit of the Constitution of this country.

The emergency was created to meet a very special type of circumstance with which we were confronted. The whole idea in providing, in arming, the Government with the emergency was to enable it to meet the Chinese challenge to throw out the Chinese aggression. Then an unfortunate and unforeseen thing happened. Within a few days of the Government's assumption of the powers under the emergency, the Chinese imposed on this country a unilateral armistice, ceasefire. The whole idea of Parliament and the country in giving extraordinary powers to this Government was that we continue to fight the Chinese, that we continue to take steps to throw them out from the territory which they have occupied. The powers were never meant to be given to a Government which was to acquiesce in the humiliation of a unilaterally imposed armistice on this country. The moment you surrender your right to throw them out, the justification, if there was any, ended at that very moment. The emergency was to be

used as a sword, as an instrument to push the enemy out.

I have said on another occasion in Parliament—pardon my repeating it—that what was meant to be a sword in the hands of the Indian people, this emergency, degenerated in the palsied hands of this administration into a broom in no time. The emergency powers were given without a dissenting voice. The emergency powers were conferred on this Government without a single dissenting voice being raised from any quarter, either in this House or in this vast country. The whole idea was that we create the necessary unity, build up the morale, build up the economy and the military strength to face the challenge across the Himalayas. In any of these aspects, has the Government been able to use the powers which we conferred on them for the purposes for which the powers were given to them? Can Shri Mathur, can Shri Tyagi or any honest Congressman say that this Government has served any of those purposes by using the emergency powers? Was the emergency created only to get rid of some unwanted elements? We have enough powers under the provisions of the Penal Code to deal with them.

Shri Harish Chandra Mathur: Let us urge upon the Government to use the powers for the purposes for which we have given them to the Government.

Shri Nath Pai: I am coming to that. May I plead with them, let us be honest; the matter is too serious. They have made such a thorough mess of the whole thing. If any proof for the gross ineptitude and incompetence of the present regime is needed, we should look to the thorough mess they have made of the emergency. The emergency is not a legal conception only. It was not only to be in paper. It was meant to be the stance and posture of 440 million Indians. It has gone; it has disappeared totally; we can see that. There was to be this posture of determination, of discipline of dedication.

[Shri Nath Pai]

Look at Kerala. Is this the party that can lead this country? What is happening there? Shri Chacko has his hands on whose throat? On Shri Sankar's throat. They are never saying for the time being let us forget our petty, sordid squabbles for the crumbs of power and look to the Himalayas. No. For every single piece of power, for every crump of power, they are out to have their hands on the throats of people of their own party.

We feel distressed; we feel pained. The whole nation is in agony to see this mockery. Never were so many powers given by so many to so few. Never was there such colossal waste of so many powers. In my own State, from which comes the Defence Minister of the country, what did we see? We are known to be geniuses and for two Maharashtrians there will be three political parties. But, overnight everything was forgotten and the whole State responded; and this is what happened in every part of the country; but not one single meeting of the All Party Defence Committee has been called—not one single meeting, though 88 members representing every section of the community voluntarily joined it. Today we see that we have sunk to the coarse vulgarity of people who will misappropriate the Defence Fund—from the soaring idealism of the old pensioner who gave up his entire pension of Rs. 7 which was his only means of livelihood, from the woman giving up the gold piece from her mangala sutra, to the sordid business of misappropriating money given by widows. This is the kind of position to which we are reduced. I would like to ask him: Did you succeed in combating blackmarketing?

An Hon. Member: No.

Shri Nath Pai: Did you succeed in stopping profiteering?

An Hon. Member: No.

Shri Nath Pai: Only yesterday his colleague, Shri Swaran Singh, in reply to Dr. Lohia's question, said that the

prices of wheat have soared like anything. They gave an allowance of Rs. 2/- to the Government employees to fight the rising, soaring prices of essential commodities. Within five days of that prices went up even further wiping away what little benefit this dearness allowance had granted. Had profiteering been stopped? Had blackmarketing been stopped? Had we created that military potential which was to be built up using these mighty powers? Had the economy been strengthened? Had a new morale been built up? We are, as said, a confused people. We are a demoralised people. And on whose shoulders rests the responsibility? Let us not make a legal plea: We gave you all that you wanted. I would like Shri Nanda and his advisers to tell us which country—not even in Britain during the war did Mr. Churchill have the powers which we willingly surrendered to this Government—had such powers. Had they used one-tenth of them? My complaint, like theirs, is not that they had been abused, which has been bad enough. My basic complaint is that these mighty powers given to create a new India, an India which will be able to stand up to Mao of China, have been fully wasted in the hands of this present Government and it is this that he will have to answer.

Before I conclude may I say one thing? I do not know where we are drifting to. The kind of explanation given only yesterday by the spokesman of the Ministry of External Affairs will not satisfy anybody. We are afraid, in the light of our experience, whereas there is this posture of militancy towards China, whereas brave words are being used and the barrage of notes is being maintained to mislead the public which is determined to maintain the honour of this country once again this Government behind the back of Parliament and the country is going the slippery path of opening the shady door of negotiations with the Chinese. What is the meaning, we want to know. There is no justification. The moment Shri Shastri used these phrases that we cannot

allow a stalemate to be frozen completely that negotiations should take place—unexceptional general principles—but if they have an application to the position with regard to the Chinese we need to be told where is then the justification of the continuance of the emergency. If all that we need to do is to abandon the posture which Parliament unanimously took on the Resolution of the 14th November, if we are going to tear it or if it is only going to be put in the pigeon-holes of the Ministry of External Affairs then there is no justification for demanding these extraordinary powers.

We want to know categorically from the Union Home Minister as to how he justifies the continued enjoyment of these powers. I am still refusing to use the words "Scrap the emergency" because my Party had the courage of saying, "Have these powers; we will give you more powers to defend this country". But now I am asking him the other way. Justify your demand for these powers and tell us where you are taking this country today. May I say that once again this country must not be misled by telling them that there is nothing wrong in talks. I am alarmed because of the statement of general Ne Win who, after seeing the hon. Prime Minister of this country, within eight days has issued a statement from Rangoon saying that negotiations should be opened on the basis of the Colombo proposals. We were never happy about the Colombo proposals. That involved a compromise; but we were told that the Colombo proposals are only a basis to talk with the Chinese to regain every inch of our territory. I hope that the clarification is true and we are not being misled; but then the doubt comes because of another disclosure: There is General Ne Win's statement; there is Shri Shastri's statement; added to this is Mrs. Bandaranaike's disclosure that she was assured by the hon. Prime Minister that the Indian Army will not move to the MacMahon Line. In the

light of this how can you justify that you need powers? The powers are to be enjoyed by those who want to fight and not by those who want to talk to the Chinese.

श्री बड़े : समापति महोदय, श्री त्रिदिव कुमार चौधरी ने यह जो इमरजेंसी को समाप्त करने का प्रस्ताव रखा है उसका मैं समर्थन करता हूँ। मैं उनके प्रस्ताव का समर्थन इस वास्ते करता हूँ कि चौदह नवम्बर को हाउस के सामने प्रस्ताव आया था जिसे कि पूरे हाउस ने सर्व सम्मति से पास किया था कि भारत की एक, एक इंच जमीन पर से चीनी आक्रमणकारियों को खदेड़े बिना हम भारतवासी चैन नहीं लेंगे। भारत पर हुए उस चीनी आक्रमण का सामना करने और उनको भारत से खदेड़ने के इस संकल्प के पीछे जिसे कि इस हाउस ने युनैनीमसली पास किया था, पूरा देश उस रेजोल्यूशन के पीछे था। इसी गरज से जब प्रेसीडेंट महोदय ने देश में इमरजेंसी डिक्लेयर की थी तो किसी ने उस पर ऐतराज नहीं किया था क्योंकि पूरा देश सरकार और हाउस की इस भावना के साथ था कि चीनी आक्रमणकारियों को भारत की चप्पा, चप्पा भूमि से खदेड़ कर ही दम लिया जाये। लेकिन अब इमरजेंसी कहाँ है? अलबत्ता पिछली २६ जनवरी जिस सादे ढंग से मनाई गई उससे जरूर पता लगता था कि देश में इमरजेंसी की स्थिति है लेकिन अब की साल की २६ जनवरी जिस तरह धूमधाम से मनाई गई, मैं समझता हूँ कि उससे तो ऐसा प्रतीत होता है कि यहां देश में जैसे कोई इमरजेंसी है ही नहीं। आप किसी भी प्रदेश में देखिये इमरजेंसी जसी कोई बात वहां पर दिखाई नहीं देती है। यहां दिल्ली में तो मैं देखता हूँ कि इमरजेंसी है ही नहीं।

16:30 hrs.

[MR. DEPUTY SPEAKER in the Chair]:

व्यापारियों की ब्लैक मार्केटिंग हो रही है, परन्तु उन को रोकने के लिए भी कोई इमरजेंसी नहीं है और उनके खिलाफ कोई

[श्री बड़े]

एक्शन नहीं लिया गया है। आज देश में कीमतें बढ़ती जा रही हैं, लेकिन उन को रोकने के लिए इमर्जेंसी पावर्ज का उपयोग नहीं किया गया है।

माननीय सदस्य, श्री माथर, ने यह आर्युमेंट दिया कि अगर कीमतें बढ़ रही हैं और प्राफिटियरिंग हो रहा है, तो उनको रोकने के लिए इमर्जेंसी चाहिए। मैं यह पूछना चाहता हूँ कि पिछले चौदह महीने से इस देश में इमर्जेंसी है, किन्तु इस अवधि में सरकार ने इस बारे में कोई एक्शन क्यों नहीं लिया है। क्या सरकार केवल इमर्जेंसी के रहते हुए और डिफेंस आफ इंडिया एक्ट के अधीन ही एक्शन ले सकती है? जब इमर्जेंसी नहीं थी, तब भी हमारे यहां राइस कंट्रोल एक्ट के अन्तर्गत २६ केसिज चल रहे थे। केवल इमर्जेंसी के द्वारा ही एक्शन लिया जा सकता है और ब्लैक-मार्केटिंग तथा प्राफिटियरिंग करने वालों के खिलाफ केसिज चलाए जा सकते हैं, ऐसा नहीं है। इमर्जेंसी का उपयोग जिस तरह सरकार को करना चाहिए था, वह उसने नहीं किया।

कांग्रेस के एक माननीय सदस्य ने अभी कहा कि हमारे देश के सामने ट्रिपल चैलेंज है—एक चैलेंज पाकिस्तान की तरफ से है एक चाइना की तरफ से है और एक वेस्टर्न पावर्ज की तरफ से है। मैं कहना चाहता हूँ कि अगर हमारे देश के सामने ट्रिपल चैलेंज है, तो सरकार लड़ाई करे। लेकिन सरकार लड़ाई करने के लिए तैयार नहीं है। प्रधान मंत्री ने हज़ार बक्का कहा है कि हम लड़ाई नहीं करेंगे। अगर सरकार लड़ाई नहीं करना चाहती है, तो क्या वह केवल हम को दखाने के लिए ही इमर्जेंसी को बनाए रखना चाहती है? पिछले ज़माने में युद्धों के दौरान कायर हाथी अपनी ही सेना को अपने पैरों तले कुचल दिया करता था। उसी प्रकार यह सरकार इमर्जेंसी का उपयोग देश के शत्रुओं का मक्काबला करने के लिए न करके अपने ही आदमियों को दबाने के लिए कर रही है।

जब कांग्रेस वर्कर्स भुवनेश्वर से वापस इन्दौर आए, तो उन्होंने कहा कि भुवनेश्वर में हमने इमर्जेंसी देख ली है—वह इमर्जेंसी थी या एक्स्ट्रेमेन्स था, यह समझ में नहीं आता। जब चाइना हमारा दरवाज़ा खटखटा रहा है, तो भुवनेश्वर में कांग्रेस अधिवेशन के अवसर पर या २६ जनवरी के दिन इतना खर्च क्यों किया जाता है? साधारण जनता तो कह रही है कि हम पिसे जा रहे हैं, लेकिन इमर्जेंसी के होते हुए भी सरकार की ओर से इतनी एक्स्ट्रेमेन्स की जा रही है।

हमने देखा है कि इमर्जेंसी की पावर्ज का उपयोग आपोजीशन के खिलाफ होता है। रीवा में चार जनसंघियों को डिफेंस आफ इण्डिया एक्ट के अधीन पकड़ लिया गया। इमर्जेंसी के अधीन कोर्ट के दरवाज़े भी हमारे लिए बन्द कर दिये गए हैं और हम हैबियस कॉर्पस के अन्तर्गत कोर्ट में नहीं जा सकते हैं। इस देश में इमर्जेंसी लागू करते समय यह कहा गया था कि चाइना ने हमारे देश पर आक्रमण किया है और उसका मुक्काबला करने के लिए ये पावर्जली जा रही हैं। सरकार की ओर से यह आश्वासन भी दिया गया था कि हम अपनी एक एक इंच भूमि से चाइना को खदेड़ देंगे। वह आश्वासन कहां चला गया? क्या वह आश्वासन खत्म हो गया है? पंडित जी ने कहा था कि यह लड़ाई बीस तीस साल तक चल सकती है। तो क्या इसका अर्थ यह है कि यह इमर्जेंसी भी बीस तीस साल तक चलती रहेगी? जब पिछले चौदह महीने में ब्लैक मार्केटिंग करने वालों और प्राफिटियरिंग के खिलाफ तथा गोल्ड वाहर निकालने के लिए इमर्जेंसी पावर्ज का उपयोग नहीं किया गया, तो फिर इस इमर्जेंसी को क्यों कायम रखा जा रहा है?

जहां तक चाइना से खतरे का सम्बन्ध है, वास्तव में चाइना का डर सरकार को नहीं है। यह सरकार चाइना को अपनी भूमि से खदेड़ देने के लिए कुछ नहीं कर रही है। उसने कह दिया है कि हम मैकमोहन रेखा तक

जाने के लिए तैयार नहीं हैं। वह चाइना के विरुद्ध लड़ाई नहीं करना चाहती है। वह तो चाइना के आक्रमण की बोगी और हौवा बना कर इमर्जेंसी को कायम रखना चाहती है। अगर यह सरकार इमर्जेंसी का ठीक उपयोग नहीं कर सकती है और उस की ऐसा करने की इच्छा नहीं है और अगर वह विरोधी पार्टियों को दबाने के लिए और कांग्रेस पार्टी को सबल बनाने के लिए इमर्जेंसी का उपयोग करती है, तो यह ठीक नहीं है।

पहले ब्रिटिश गवर्नमेंट क्रिकेट मैचिङ का आयोजन किया करती थी और हमारे देश के लोगों का ध्यान क्रिकेट मैचिङ की तरफ लग जाता था। उसी तरह कांग्रेस पार्टी ने कामराज प्लान का नारा लगाया और हिन्दुस्तान के लोगों का सारा ध्यान और बातों से हट कर केवल कामराज प्लान पर लग गया है। हर एक मिनिस्टर के यहां यह डिस्कशन हो रहा है कि अगर हम कल को चले जायेंगे, तो यह बंगला भी चला जायेगा और फिर हमारा क्या बनेगा और अगर मुख्य मंत्री को रोज़ नमस्कार करते रहो, तो कामराज प्लान हम पर लागू नहीं होगा। आज कांग्रेस पार्टी की इस नीति के कारण देश के सब लोगों और सब अखबारों में केवल कामराज प्लान की ही चर्चा है और चाइना के एटैक की तरफ किसी का ध्यान नहीं है।

इतने महीनों के बाद हमारी पार्टी के लोग इस नतीजे पर पहुँचे हैं कि अगर इमर्जेंसी की ज़रूरत नहीं है, तो इसको खत्म करना चाहिए। पार्लियामेंट ने जो शस्त्र इस सरकार को दिया है, अगर वह उसका उपयोग नहीं करती है, तो उसे उस शस्त्र को रख देना चाहिए। पिछले दिनों माननीय सदस्य, श्री महताब, ने कहा कि इमर्जेंसी तो वार में बिक्लेयर की जाती है और जब हमारे देश में वार है नहीं, तो क्या यह सरकार इमर्जेंसी को परमानेंट करने वाली है। जब सीज़र पर बूटस ने आक्रमण किया, तो उसने कहा,

“यू टू बूटस” और अपने शस्त्र डाल दिये। जब कांग्रेस के एक मेम्बर—श्री महताब जैसे मेम्बर—ने इमर्जेंसी के बारे में यह बात कही है, तो सरकार को भी “यू टू महताब” कह कर पार्लियामेंट के द्वारा दिया गया यह शस्त्र डाल देना चाहिए और इमर्जेंसी खत्म कर देनी चाहिए।

जहां तक कम्युनिस्टों का सम्बन्ध है, अगर सरकार को कम्युनिस्टों का डर है और वह समझती है कि वे प्रो-चाइनीज़ हैं, तो इमर्जेंसी की पावर्ज का उपयोग करके उसको एकदम उन लोगों को पकड़ कर बन्द कर देना चाहिए। लेकिन सरकार ऐसा भी नहीं करती है। अगर सरकार समझती है कि हमारे देश में प्रो-पाकिस्तान और कम्युनल लोग मौजूद हैं, तो इमर्जेंसी पावर्ज का उपयोग करके उन को भी बन्द कर देना चाहिए। देश में यह कदम उठा कर सरकार को चाइना को अपनी धरती से खदेड़ देना चाहिए। अगर सरकार चाइना को खदेड़ कर अपनी एक एक इंच भूमि वापस नहीं लेती है, तो फिर इमर्जेंसी की कोई आवश्यकता नहीं है और उसको खत्म कर देना चाहिए।

आज तो हम देखते हैं कि देश भर में इमर्जेंसी को लेकर मज़ाक हो रहा है। अगर कोई बच्चा बिल्कुल कमज़ोर पैदा होता है और उसका वेट कम होता है, तो उसके बारे में कहा जाता है कि चूँकि इमर्जेंसी है, इस लिए वह कमज़ोर है और उसका वेट कम हो गया है। अगर हम बाज़ार में जाकर कोई बात पूछते हैं, तो हम को कहा जाता है कि इस वक्त इमर्जेंसी है, यह बात मत करो।

सत्तारूढ़ दल में जो झगड़े चल रहे हैं, उन को भी खत्म नहीं किया गया है। उन झगड़ों को तुरन्त खत्म करके कांग्रेस पार्टी को देश में सुव्यवस्था कायम करनी चाहिए। आखिर इमर्जेंसी दो, चार, पाँच साल तक नहीं कायम रखी जा सकती है।

[श्री बड़े]

इन शब्दों के साथ मैं इस रेजोल्यूशन को सपोर्ट करता हूँ और शासन से अनुरोध करता हूँ कि इमर्जेंसी को खत्म कर देना चाहिए।

श्री स्याही उपाध्यक्ष महोदय, जो भाव इस तरफ से प्रकट किए गए हैं, मैं उन के साथ पूरी तरह से सहमत हूँ। माननीय सदस्य, श्री नाथपाई, की तरह मैं यह भी अनुभव करता हूँ—सब की तरफ से अनुभव करता हूँ—कि इमर्जेंसी का पूरा मुनासिब इस्तेमाल नहीं हो सका है। लेकिन उस की वजह से इमर्जेंसी खत्म कर दी जाये, इस से मुझे इतिफाक नहीं है, क्योंकि इस सभ को यह समझ लेना चाहिये कि किस परिस्थिति में इमर्जेंसी का प्रस्ताव पास किया गया था और आज क्या परिस्थिति है।

उस वक्त बाइना ने हम पर आक्रमण किया था और हमारे सामने एक भयंकर परिस्थिति थी। पर उस से भी भयंकर परिस्थिति यह है कि यद्यपि पाकिस्तान ने हम पर आक्रमण तो नहीं किया है, लेकिन उस ने हमारे लाखों धादमियों को उन के घरों से उठा कर बाहर निकाल दिया है और वहाँ पर कत्ले आम कर दिया है और वे लोग यहाँ भा रहे हैं। आखिर इस समस्या को हम इमर्जेंसी के सिवा कैसे हल कर सकेंगे। पाकिस्तान की नीयत क्या है, हम को यह समझ लेना चाहिये। मेरा विश्वास है कि काश्मीर के किनारे पर, ह्यारी हदों पर, पाकिस्तान ने अपनी फौजों का जमाव बहुत ज्यादा कर दिया है, पाकिस्तान ने भाकुपाइड काश्मीर में—हमारे उस हिस्से में, जो कि उस के कब्जे में है और जिस को हम ने वापस लेना है—अपना इन्तजाम कर रखा है और वहाँ पर हथियार तकसीम कर रखे हैं। आज चीन और पाकिस्तान में बातचीत चल रही है। क्या इतने समझदार सदस्यों की यह पार्लियामेंट यह नहीं समझ सकती है कि क्या सामने था रहा

है? यह साफ दीख रहा है कि हिन्दुस्तान पर एक बहुत बड़ी मुसीबत आने वाली है। मेरे ख्याल में ऐसे वक्त में इमर्जेंसी को खत्म करना देशभक्ति के विचारों के खिलाफ होगा। इस की इजाजत नहीं दी जानी चाहिए।

जिस वक्त इमर्जेंसी का प्रस्ताव पास हो रहा था, तो सारे देश की तरफ से सारे हाउस ने भारत माता की सेवा के लिए न्याग और तपस्या की शपथ ली थी। उस समय प्राइम मिनिस्टर और शास्त्री जी ने यह विश्वास दिलाया था कि इस इमर्जेंसी का नाजायज इस्तेमाल नहीं होगा। यदि आज उस का नाजायज इस्तेमाल हुआ है, तो उस को रोकने का फर्ज अकेली अपोजीशन का ही नहीं है, हमारा भी फर्ज है। हम ने भी अपने ऊपर यह जिम्मेदारी ली थी कि अगर इमर्जेंसी का नाजायज इस्तेमाल किया जायेगा, यदि उस को मिस्रूज किया जायेगा, तो हम भी उस को रोकेंगे। इस पार्लियामेंट का यह कर्तव्य है कि वह देखे कि देश की तरफ से जो पावर मिली है, उस का मुनासिब इस्तेमाल हो और जो ज्यादाती हुई है, उस को रोका जाए।

हाँ एक शिकायत ठीक है। आज भी वही इनाग्रेशन चल रहे हैं, फाउन्डेशन स्टोन रखे जा रहे हैं, वही तमाशे चल रहे हैं। इस तरह से लड़ाई का इन्तजाम नहीं चल सकता है। इमर्जेंसी में यह नहीं हो सकता है। ये चीजें बन्द होनी चाहिये। माननीय सदस्य, श्री नाथपाई ने ठीक कहा है कि जब तक हमारे देश का बच्चा बच्चा यह अनुभव न करे कि इस वक्त इमर्जेंसी है और हम सब को देशभक्तों की तरह अपना फर्ज पूरा करना है, तब तक यह इमर्जेंसी नकारा है।

जाड़े के मौसम में धादमी को जाड़ा लगना चाहिये? इमर्जेंसी है तो लोगों के दिलों पर एमरजेंसी का असर पड़ना चाहिये। आपने उस को भुलाने की कोशिश की है। लोगों को याद नहीं रहा कि हमें लड़ना है।

आप पहाड़ों के किनारों पर चले जायें और वहाँ पर देखें कि क्या उन पहाड़ी लोगों के संगठन बने हैं? बार बार तकाजे किए हैं कि पहाड़ी गावों में जो लोग रहते हैं उन के संगठन आप बनायें। लेकिन यह नहीं हुआ है। उन को नहीं बताया गया है कि उन्हें अपनी द्विफ़ाजत के लिए तथा देश रक्षा के लिए खड़ा होना है। अगर यह चीज हुई है तो मुझ को तो मालूम नहीं है। यह चीज जाहिर तो नहीं हुई है। यह एमरजेंसी का मौसम है, इस का लोगों को पता नहीं है। आप ने इस में क्या काम किये हैं, इस का भी लोगों को पता नहीं है। हमें पता नहीं है। मैं आप से यह नहीं चाहता हूँ कि हमें आप कोई सीक्रेट बता दें। लेकिन कम से कम आप को हिन्दुस्तान की जनता को यह तो बतलाना चाहिये कि कुछ तैयारी हो रही है। आप शिथिल पड़ गए हैं, आप ने अपनी तैयारी में शिथिलता ला दी है। मुझे डर है कि कल को अगर हमें दुश्मन का मुकाबला करना पड़ गया और हमें कुछ रिवासिस देखनी पड़ गई तो बहुत सख्त नुकता-चीनी हमारी होगी। अगर अब की बार कहीं भी जरा सी हमारी हार हुई इतना मौका मिलने के बाद, इतना समय मिलने के बाद भी, इतना रुपया आप को देने के बाद भी, इतना अधिक टैक्स लगाने की इजाजत देने के बाद भी, इतनी जायें कुर्बान करने के बाद भी अगर कोई छटका लगा तो वह गलती फौज की नहीं बल्कि आप की होगी। इस चैलेंज को आप लिख लीजिये।

मैं चाहता हूँ कि अगर इस एमरजेंसी का नाजायज इस्तेमाल होता है तो अपोजीशन उस चीज को हमें बताये और इस मामले में हम अपोजीशन का साथ देंगे। हम वादा कर चुके हैं कि इस का नाजायज इस्तेमाल नहीं होगा। जो उस के अन्दर लापरवाही हो रही है, उस को अगर आप नहीं सुधारेंगे तो आप की एमरजेंसी बेकार हो जायेगी।

हमारे नाथपाई जी ने कहा था कि यूनियन-नेटवर्क सीज कायर को मान लेना हमारी डिम्बछ

है। मैं इस से सहमत नहीं हूँ। अगर हमें तैयारी करने का मौका मिला है और यदि दुनिया को तथा पार्लियामेंट के एक एक माननीय सदस्य को विश्वास है कि जो प्रतिज्ञा हम ने ली थी, जो शपथ हम ने ली थी कि एक एक इंच भूमि अपनी हम वापिस लेंगे और उस को वापिस लेने के लिए हम पर्याप्त तैयारी कर रहे हैं, तो कोई भी किसी तरह की शिकायत नहीं कर सकता है और न कोई शिकायत करने का मौका हो सकता है। आप देर कर दीजिए, लेकिन भूमि जरूर ले लें। मेरे खयाल में श्री लाल बहादुर शास्त्री के और प्रधान मंत्री के बयानों से जिन का हमारे नाथपाई जी ने जिक्र किया है हर देशभक्त महसूस करेगा कि बहुत से लोग खबरा गये हैं। मेरा खयाल है कि उनके बयानों के मामले वे नहीं हैं जो लोग लगा रहे हैं। मैं समझता हूँ कि वह शपथ जो हाउस के अन्दर ली गई थी कि एक एक इंच भूमि हम अपनी वापिस ले लेंगे, वह अभी भी कायम है। बातचीत करने का जो ढंग है जो रास्ता है अगर वह निकलता है तो वह उन्हीं शर्तों पर निकल सकता है जो शर्तें हम ने तय की हैं और जो यहां बताई गई थीं। अपनी जमीन को देने के लिए बातचीत करने कोई नहीं जा रहा है। अगर हमारी जमीन हमें इस तरह से नहीं मिलती है तो कोई और रास्ता हमें खूँटना पड़ेगा। यह कहना कि हम पीसफुल नेशन हैं, ठीक है। लेकिन इसका यह मतलब नहीं है कि हम लोग फौज की तैयारी कम कर रहे हैं। फौजी तैयारी करना तथा एमरजेंसी को बनाये रखना इस बात का सबूत है कि अगर हमें जमीन वापिस नहीं मिलती है तो उसको लेने के लिए हम लड़ेंगे, आर्मेड लेंगे। अगर डिफेंस से नहीं मिलती है तो हमें आर्मेड लेने की तैयारी करनी चाहिये। आपका डिफेंसिव फेल हो जायेगा अगर दुश्मन को और हमारे पड़ोसी को मालूम होगा कि हम आर्मेड कभी भी नहीं ले सकते हैं। जब जरूरत पड़ेगी आपने देह की रक्षा के

[श्री त्यागी]

लिए तो सरहद पर ही नहीं पैकिंग पर भी बम बरसाने के लिए हमें तैयार रहना होगा, जहां उनके हवाई अड्डे हैं वहां पर हमें बम बरसाने पड़ेंगे, तब मुकाबला होगा। लड़ाई यह नहीं होती है कि जब आप हमारे घर आयेंगे तब लड़ेंगे। जब तक दुश्मन हमारी भूमि को खाली न कर दे, हम चैन नहीं लेंगे। लेकिन जो भावना है, जो देश के जज्बात हैं इनकी मेहरबानी करके तर्जमानी कीजिये और हिन्दुस्तान के लोगों में तथा पहाड़ों में जो लोग रहते हैं, सीमाओं पर जो लोग रहते हैं, उनके अन्दर जोश पैदा कीजिये, उनका संगठन कीजिये। गवर्नमेंट के कारनामों के फ्रैम्पलेट निकाल देने से या इस तरह की दूसरी कागजी कार्रवाइयां कर देने से एमरजेंसी साबित नहीं हो सकती है। लेकिन मैं यह कहे बगैर नहीं रह सकता कि एमरजेंसी का रहना बहुत जरूरी है।

मुझे पूरा विश्वास है कि पाकिस्तान तैयारी कर रहा है, चीन साजिश कर रहा है। अंग्रेज ने भी हमें आंख दिखाई है। जो उनका पुराना ढाब था वह फिर ताजा हो गया है। वे हिन्दुस्तान आजाद करने के साथ साथ रियासतों को आजाद कर गये थे और कह गये थे कि अगर वे यूनियन में शामिल नहीं होती हैं तो अपनी फेडरेशन बना सकती हैं। वे यह भी कर गये थे कि अगर वे रियासतें फेडरेशन नहीं बनाती हैं और हिन्दुस्तान की यूनियन उन के कामों में दखल देती है तो वे उनकी मदद करेंगे। इस तरह के इंतजाम जितने थे अंग्रेज कर गये थे ताकि उनको फिर बुलाया जा सके उस में उनको नाकामयाबी मिली। उनको गम है कि काश्मीर क्यों शामिल हो गया, वह तो शुरू से ही पाकिस्तान के साथ था। हम अब घोषे में नहीं हैं। हम जान गये हैं कि अंग्रेज अब इधर उधर अपने ढाब पेंच लगाने लगा है। इसके कारण एमरजेंसी और अधिक् हो गई है। हाउस को अनुभव करना चाहिये कि हिन्दुस्तान खतरे में है।

मैं गवर्नमेंट से अपील करता हूं कि सरकार लोगों को बता दे कि खतरा बना हुआ है और लोग एमरजेंसी का फायदा उठा कर भारत की रक्षा के लिए तैयारी करें।

डा० राम मनोहर लोहिया (फर्रुखाबाद):

अध्यक्ष महोदय, मैं इस संकट कानून को फौरन खत्म करने के लिए श्री चौधरी को अपना समर्थन देना चाहता हूं। इस सम्बन्ध में श्री माथुर और श्री त्यागी ने कई तरह के खतरे गिनाये हैं। मैं एक प्रश्न इन महानुभावों से पूछना चाहता हूं। अक्टूबर, १९६२ के बाद जो खतरा पड़ा हुआ है और जिस के कारण से संकट कानून बना उसका थाड़ा ध्यान रखें। जो साधारण तौर पर खतरे सरकार के सामने रहे हैं, वे सन् १९५० में भी थे, १९५५ में भी थे, १९६० में भी थे, उनका यहां हवाला क्यों वे देते हैं। जिस तरह के खतरे उनकी तरफ से गिनाये गये हैं, उन से साफ जाहिर हो जाता है कि सरकारी पार्टी के समर्थक लोग इस संकट कानून को हमेशा के लिए रखना चाहते हैं। यह संकट कानून अक्टूबर, १९६२ के खतरे के लिए बना था, विदेशी हमले का मुकाबला करने के लिए बना था, चीनी हमले का मुकाबला करने के लिए बना था। उस सम्बन्ध में मैं आपके सामने एक प्रश्न खाली रखना चाहता हूं। संकट कानून किस के लिए बना था? विदेशी के खिलाफ देश की रक्षा करने के लिए या देश के खिलाफ, जनता के खिलाफ सरकार की रक्षा करने के लिए? विदेशी के खिलाफ देश की रक्षा करने के लिए संकट कानून को मैं समझ सकता हूं। लेकिन यह कानून तो अभी साफ तौर से सरकार के समर्थन के लिए, सरकार को बचाये रखने के लिए और जनता के खिलाफ इस्तेमाल करने के लिए है। इस सम्बन्ध में मैं सिर्फ शास्त्री जी के भाषण की तरफ आपका ध्यान दिखाना चाहता हूं। उनके भाषण के बाद तो एक मिनट के लिए भी यह संकट कानून नहीं रहना चाहिये। उन्होंने अपने भाषण में कहा है कि शान्ति और युद्ध इन दोनों के लिए अब आपके

से कोई भी कसौटी ठोस यथार्थवादी नहीं रह जायेगी, अपनी इच्छा के ऊपर चलेंगे। श्री त्यागी चाहे जितनी सिफारिश करें लेकिन एक वाक्य था श्री शास्त्री का कि युद्ध बचाया जाये। फिर उसके बदले की तस्वीर के दूसरे अंग की तरफ भी ध्यान दिया जाये। वह शान्ति के समर्थन के लिए जुमला था और ठीक इसके एक मिनट के बाद जुमला था कि हम लोग पलटनी दृष्टि से मज़बूत हों ताकि अगर कहीं कोई ऐसा मौका आये तो हम अपनी सरहदों पर उन से लड़ाई करें, हम उन से मैदान में लड़ें और उनका सफलतापूर्वक सामना करें। ये थीं दो चीजें जो उन्होंने एक मिनट के अन्दर अन्दर कहीं, एक युद्ध की बात और एक शान्ति की बात और बिना किसी कसौटी के। ये बातें यह साफ बताती हैं कि इस सरकार का मन इस वक्त दुविधा में पड़ गया है। वह शान्ति और युद्ध की बात मन मौजी ङंग से बिना किसी ठोस कारण के कर रही है।

मैं एक और तर्क बता देता हूँ। श्री त्यागी ने स्वयं ही उसको उपस्थित किया था। उन्होंने टोका था श्री शास्त्री को कि आखिर अपनी भूमि के सौदे को चुका करके आप चीन के साथ समझौता करेंगे? तब मैं आपको याद दिलाऊँ श्री शास्त्री ने ठीक तरह से जैसा मंत्री महोदय को जवाब देना चाहिये था नहीं दिया। उन्होंने कहा था कि अपने गौरव और राष्ट्रीय सम्मान पर हम आंच नहीं आने देंगे। लेकिन उन्होंने भूमि का एक हर्फ उस वक्त इस्तेमाल नहीं किया...

श्री त्यागी : सुन नहीं सके थे।

डा० राम मनोहर लोहिया : सुन नहीं सके? आप सब के मुसाहिब हैं, आप सब की तारीफ करेंगे।

त्यागी जी ध्यान दीजिए। एक आदमी जब विदेश नीति पर बोल रहा हो और जो प्रधान मंत्री की अगह बोल रहा हो उससे

जब एक सीधा सा सवाल पूछा जाता है कि क्या चीन से समझौता करोगे हिन्दुस्तान की जमीन, भूमि को चुका करके और वह जवाब देता है कि अहम गौरव और सम्मान का सौदा नहीं चुकायेंगे तो इसका क्या मतलब होता है। इसका मतलब होता है कि गौरव और सम्मान का जो मन में आए अर्थ लगा लो। साफ उत्तर होना चाहिये था कि हम भारत भूमि का सौदा चुका करके किसी हालत में समझौता नहीं करेंगे। मैं साफ तौर से कहना चाहता हूँ कि श्री त्यागी जैसे कांग्रेस में जरूर देशभक्त होंगे। कभी कभी तो मुझे लगता है कि शायद उनके साथ मेरा दिल ज्यादा है बनिस्बत खुद इस विरोधी दल के कुछ लोगों के। लेकिन मैं क्या करूँ? आखिर उस देशभक्ति का कुछ परिचय भी मिलना चाहिये, कहीं जा कर कोई नतीजा भी निकलना चाहिये। मैंने अभी जो बात कही है उस पर वह और उन जैसे लोग गौर करें.....

श्री त्यागी : अपनी पार्टी में लाना चाहते हैं मुझे?

डा० राम मनोहर लोहिया : मेरी पार्टी में न आओ तो न सही लेकिन हिन्दुस्तान की पार्टी में तो आ जाओ, भाई।

इस वक्त एक तीसरी बात और खड़ी हो गई है। रूस का रुख हिन्दुस्तान के प्रति कुछ ठंडा पड़ता चला जा रहा है। मैं इस सम्बन्ध में ज्यादा नहीं कहना चाहता। खाली इतना। इस लिये कि सरकार को डर लग चुका है और सरकार चीन के साथ समझौते के लिये पेशकदमी कर चुकी है, और भी जरूरी हो जाता है कि यह संकटकालीन कानून खत्म किया जाय। ऐसा मौका आने वाला है जब कि सरकार हिन्दुस्तान की भूमि के ऊपर सौदा करेगी और तब हमारे जैसे लोगों को हिन्दुस्तान की भूमि की रक्षा के लिये कुछ न कुछ कदम उठाना पड़ेगा और उस वक्त यह संकटकालीन कानून मेरे जैसे लोगों के खिलाफ इस्तेमाल होगा, जैसा

[डा० राम मनोहर लोहिया]

कि अब तक हुआ है। क्या त्यागी जी नहीं जानते हैं कि इस कानून के रहते हुए कितनों के अधिकार छीने गए हैं, हमारे जैसे लोगों के, जो कभी कम्युनिस्ट रहे नहीं। हमारे अखबारों पर अभी भी मुकदमे चलाये जा रहे हैं, साप्ताहिक चौखम्भा के ऊपर, हमारे कफ़ील अहमद कफ़ी अभी भी जेल में बन्द हैं, यहां हमारा एक सदस्य है जिस पर इस कानून के मुताबिक मुकदमा चलाया जा रहा है, किशन पटनायक। इस तरह से अधिकार छीने गये और जो जनता का इस्तेमाल होना चाहिये था इस संकट काल में मजबूत बना कर, जनता को ताकतवर बना कर, वह बिलकुल नहीं हुआ। कहां हुआ करता है। किसी छोटे भी मामले में तो अधिकार जनता के छीन लेते हो, लेकिन अभी भी जो बड़े लोग हैं, शासक हैं, बड़ा वर्ग है, उन को कभी जनता के स्तर पर ला कर त्याग की बराबरी पर पहुंचाया। जब कभी देश के सामने खतरा होता है तो त्याग की बराबरी का प्रयोग कर के सारी जनता को उभारा जाता है।

मैं एक मिनट में अपनी बात खत्म किए देता हूँ। अगर, जैसा कि हम में से कई लोगों ने कहा था, इस संकटकालीन कानून के बनते ही देश के समाज के अन्दर सड़ांध के जो बहुत से बीज मौजूद हैं उन बीजों को निकाल फेंकने की कोशिश की गई होती, जैसे कि जाति प्रथा है, जिस ने हमें तोड़ कर रक्खा, जिस का नतीजा यह हुआ कि देश में विदेशी हमले के बाद खाली ५० लाख या १ करोड़ लोगों का जी भड़का, बाकी साढ़े ४३ करोड़ आदिमियों के मन में कोई खास ज्योति नहीं जगी, या आप जाति प्रथा के खिलाफ कोई बढ़िया कदम उठाते और सब लोगों को मिला कर जो पुरानी आदतें हैं, पुराने संस्कार हैं उन सब को मिटाते और पुरानी चोजों को समाप्त करते, तब हम कहते कि हां, संकटकालीन कानून का कुछ मतलब होता है। लेकिन यह सब भुंख नहीं हुआ है। अक्सर

से ले कर अब तक बिल्कुल यह साबित हुआ है कि यह कानून देश की रक्षा के लिये, विदेशों के खिलाफ, नहीं है, यह कानून सरकार की रक्षा के लिये, जनता के खिलाफ है।

ऐसी सूरत में मैं चाहता हूँ कि यह कानून फौरन खत्म किया जाये।

Mr. Deputy-Speaker: The hon. Home Minister.

An Hon. Member: You extended the time.... (Interruptions.)

Mr. Deputy-Speaker: We are in the extended time.

The Minister of Home Affairs (Shri Nanda): Sir, this debate whatever has been said in the course of the debate by many Members of this House, has been for me a source of, not of any annoyance but....

Shri Tyagi: of encouragement?

Shri Nanda: Yes, it may be encouragement; in spite of the things which have been said and which may appear as if hon. Members wanted to scrap the Proclamation of Emergency yet the underlying current is very different so far as most hon. Members are concerned. I appreciate it. I tried to comprehend the inner purpose and the inner feeling. The basic attitude is patriotic, it is for the purpose of strengthening this nation and not for doing any harm to the big cause of nation's survival, nation's integrity. I understand it, I welcome very much and feel deeply gratified. I recall to my mind; my mind runs back to the hour to that day when here the House with complete unanimity welcomed the proclamation and extraordinary powers were placed in the hands of the Government to deal with the state of emergency to strengthen the defence of the nation and prepare the people to face the aggression that had arisen. At the same time, in the country too, people rose as one man. There was such a wave of enthusiasm;

the whole atmosphere of the country was charged with a new spirit and we look back on that with pride and with hope. That is really the spring of our strength, the strength which we need in order not only to face this big problem which looms large before us, but the threat which is posed,—but also the other problems which are at the moment creating in some circles a sense of discouragement, almost bordering on despair, to use the words of an hon. Member—I am in great friendship with him, and they were sincere words, not simply said in a spirit of accusation. I hope that we will try to recapture that spirit and try to bring back that great wave of enthusiasm into this country, because after all, the purpose is common. Does anyone ever think that this country, in its efforts to face the enemy should in anyway be weakened? Nobody does that. I accept that position. Therefore, the purpose is common. So, let us address ourselves to the content of the resolution and the issues that have arisen in that spirit.

A number of questions have been thrown up and they should be answered. Many issues have emerged, and we have to face them. I would like to deal with the matters again in that spirit, a spirit of common determination to ensure that the object of the declaration of the emergency is fulfilled as rapidly as possible, and let us try to consider the problems and the issues which have therefore come before us and which are looming large before us.

Firstly, I believe this is common ground—and I am saying it on behalf of the Government—namely, the ex-

ceedingly far-reaching, almost sweeping powers, which this Parliament placed in the hands of the Government, were not intended for any ordinary purpose. Mention was made of the sword versus the broom. Certainly if there is no high purpose to be served, then surely the Government would not have been invested with those powers, and it should try to divest itself of those powers. I am absolutely clear about it. If there is no crying before us, why should we have these powers. That is common ground. If the various provisions, namely, the Defence of India Act and the Rules are not needed, and if they are staying on there in the statute-book and if we are having those powers and if we are only using them for certain ordinary purposes which could still be dealt with under the ordinary law, there is no need for the emergency to be there. I accept that and I would be prepared to be judged by that test: if actually we have come down to that position that the main or the real intent of the proclamation is not being served, not being pursued—and that is the first thing—and secondly that there is no such need. But these two things are very important.

Deputy-Speaker: The hon. Minister may continue on the next day.

17.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, February 24, 1964/Phalgunā 5, 1885 (Saka).