

15.421/2 hrs.

**PROTECTION OF CIVIL RIGHTS  
(AMENDMENT) BILL \***

[Translation]

**SHRI MOHAN SINGH (Deoria):** I beg to move for leave to introduce a Bill further to amend the Protection of Civil Rights Act, 1955.

[English]

**MR. DEPUTY SPEAKER:** The question is:

"That leave be granted to introduce a Bill further to amend the Protection of Civil Rights Act, 1955."

*The motion was adopted.*

[Translation]

**SHRI MOHAN SINGH:** I introduce the Bill.

**CONSTITUTION (AMENDMENT) BILL**

(Amendment of Article 356) — Contd.

By Shri Sudhir Giri

**MR. DEPUTY SPEAKER:** The House shall now take up further consideration of the motion by Shri Sudhir Giri. Shri Sudhir Giri will continue his speech now and he has already taken nine minutes.

**SHRI SUDHIR GIRI (Contd.):** Mr. Deputy Speaker, Sir, at the outset, I seek your indulgence for giving me some time.

The provisions under Article 356 of the Constitution are very controversial in nature. The implementation of these provisions has generated much heat, anguish and grievances in the country. A section of the people

does get elated when the invocation of Article 356 is made. Simultaneously, Another section of the people does express deep resentment over promulgation of emergency. It is, therefore, clear that the intention of the founding fathers of our Constitution has been interpreted differently to suit to the interests of the different sections of the people.

We strongly and sincerely feel that the intentions of the makers of the Constitution have not been properly translated into action. Mostly the Congress Party has abused the provisions. This has been so, because the present generation of the people belonging to the Congress Party are not equipped with as much democratic values as their predecessor's did have during the freedom struggle. However, let us come to the main question.

We are aware of the peculiar conditions of our country. Our country is of sub-continental dimensions with immense diversities, socio-economic disparities and multitudinous people having divided loyalties. So, the threat to the unity and integrity of the nation and to the stability of the polity cannot be ruled out off-hand. It was not beyond perception of the founding fathers of our Constitution that certain grave emergencies might arise sometime and somewhere in the country. And in such emergent situation, the Union must have overriding powers to control and direct the administration of the whole country most quickly and effectively. The Centre must see that the country is not disintegrated and its unity and integrity is preserved.

In order to enable the Centre to discharge this most important duty, the Constitution vests it with the extraordinary powers to deal with certain emergency cases.

As provided in the Constitution, there may arise three types of phenomena calling for the invocation of proclamation, the national emergency, emergency due to the