

The Minister of Home Affairs (Shri Nanda): There is no question of withdrawing anything of what the Prime Minister stated. This had reference to security arrangements. There is certainly some kind of special treatment for security purposes, nothing else.

श्री मधु लिखये : कोई नियम बतलाया नहीं गया है, धीरे धीरे स्वयं कहते हैं कि नियम है नहीं . . .

अध्यक्ष महोदय : नियम नहीं है।

श्री मधु लिखये : नियम बिना कहां काम होता है। प्रधान मंत्री जी ने उस वक्त यह भी कहा था कि दुनिया के बहुसंख्यक देशों में इस तरह की विशेषता प्रधान मंत्री जी को प्राप्त है। क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि ऐसे कौन से बहुसंख्यक देश हैं, क्या उन के नाम हैं क्योंकि श्री हेम बरुआ ने उस वक्त कहा था कि ऐसी बातें केवल विकसित देशों में होती हैं। किसी भी विकसित देश में, पश्चिमी योरुप हो, उत्तरी अमरीका हो या पूर्वी योरुप में हो, इस तरह की बातें नहीं हुआ करती हैं। तो क्या मैं मंत्री महोदय से जान सकता हूँ कि इन बहुसंख्यक देशों के नाम क्या हैं ?

Shri Nanda: When we link it up with the text of that answer which referred to security arrangements, it will be seen that they apply in many countries, specially regarding traffic for which elaborate arrangements are made in the USA, UK and several other countries. There is nothing special in our case.

श्री मधु लिखये : यह मेरा प्रश्न नहीं है। मेरा प्रश्न "बैरी स्पेशल पोलीस" के बारे में है। कौन ऐसे बहुसंख्यक देश हैं, क्या उन के नाम हैं जो कि प्रजातांत्रिक हैं और जिन में प्रधान मंत्री की बैरी स्पेशल पोलीस है।

अध्यक्ष महोदय : उन्होंने कहा कि इस तरह की कोई स्पेशल पोलीस नहीं है। उन्हें अरेजमेंट के लिये ऐसा करना पड़ता है।

श्री सिद्धेश्वर प्रसाद : इस देश में महात्मा गांधी के बाव कई राजनीतिक हत्यायें हो चुकी हैं इसलिये इस देश में जो विशेष राजनीतिक परिस्थिति है उस को ध्यान में रखते हुए क्या गृह मंत्री ने इस की कोई व्यवस्था की है कि राष्ट्र के प्रधान मंत्री जैसे विशेष व्यक्तियों की पूरी रक्षा का प्रबन्ध किया जा सके और विशेष स्थितियों में वे खतरे से बाहर रहें।

श्री मन्वा : इस का मैं जवाब दे चुका हूँ।

Detenus

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*1665. **Shri Harish Chandra Mathur:**
Shri Mohammed Koya:
Shri Braj Bihari Mehrotra:
Shri Vishwa Nath Pandey:

Will the Minister of Home Affairs be pleased to state:

(a) the number of persons who continue to be detained as on the 30th April, 1966 under D.I.R. in the context of (i) relations with China, and (ii) with Pakistan;

(b) the number of persons detained in each State indicating the purpose and category under which detained;

(c) how the cases are reviewed and what say he has in these cases; and

(d) in how many cases he has superseded the decision of the State Governments?

The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla): (a) to (c). A statement is laid on the Table of the House. [Placed in Library. See No. LT-6284/66]. I may add here that

there are 11 detenus detained under the orders of the Central Government, lodged in the Central Delhi Jail. This is in addition to 413 given in the statement.

Shri Harish Chandra Mathur: Will the hon. Home Minister spell out in clear and positive terms the scope and the limited purpose for which he now proposes to retain emergency and use of DIR? May I take it that DIR will never be used to contain political and economic discontent?

The Minister of Home Affairs (Shri Nanda): Taking the last part of the question, DIR is never intended to be used for political purposes. Of course, economic offences and problems were tackled under the Defence of India Rules in special conditions.

Shri Ranga: It was used for political purposes.

Shri Nanda: National purposes not political purposes. That may be the hon. Member's view.

Regarding the use of Defence of India Rules and the emergency provisions, I may remind the hon. Member that some time back a statement was made that DIR was intended to be used from that point of view for only national security purposes, sparingly for that also and for no other purpose. After that, a further development has occurred, and I have stated already that it is now confined to the requirements of defence and national security in certain limited areas where problems of security have arisen in an acute form.

Shri Ranga: What are they?

Shri Nanda: The hon. Member knows those places.

Shri Ranga: Kerala you brought in last time.

Shri Nanda: Kerala was before that statement, not after that statement. Therefore, that purpose is a very limited purpose, and as I said, we are going to further examine, in consultation with the leaders also, as

to the scope and the extent and the manner in which we are going to proceed with this matter. The purpose of national security must be considered to be supreme, over-riding. Nothing is going to be allowed to be done which will in any way undermine or impair it.

Shri Harish Chandra Mathur: While fully appreciating that there is no dispute about its being used for national security purposes, may I ask what steps the hon. Home Minister proposes to take to ensure that there is no abuse of the DIR powers even for the limited purpose in the limited areas in which he wants to make use of it? From his statement it appears that he has no power whatsoever. He has got an enactment passed here, but the DIR has been passed on to other quarters. May I know what steps he proposes to take to ensure that there is no abuse of power? I have not got any case where I can say that there has been abuse, but certain very important cases were brought to our notice, particularly by Mr. Madhu Limaye, a case of gross abuse. So, may I know how the hon. Home Minister proposes to see that there is no abuse, and will he be able to assure the proper use of it?

Shri Nanda: I would not say that no case of abuse has occurred. Earlier also I conveyed to the House that I was not quite sure absolutely that no such thing had occurred, but the kind of thing which was brought up in the House by the hon. Member Mr. Limaye shows how much exaggeration takes place. In this case, it was not only a question of exaggeration simply, it was an absolutely unfounded statement, and it has attracted attention. The hon. Member said something about what occurred in Maharashtra some-where, and an allegation was made that the detention of some person had something to do with the marriage of the Home Minister's son.

Shri Hanu Barua: It came out in the papers also.

Shri Nanda: This is absolutely false. I have got all the statements and the facts about it. For example, I have also got a letter from the Chief Minister and also there is a letter from that lady herself. The position is that this matter was brought up in the Legislature of Maharashtra, and then a Member who had moved a cut motion, a Member belonging to the SSP, after getting the relevant details from the Government felt convinced and he withdrew the cut motion. There can be nothing more palpable. The matter was discussed there and the cut motion had to be withdrawn when the facts were made known. There is no truth at all in whatever has been said.

Shri Harish Chandra Mathur: While the hon. Home Minister explained this case, he forgot the first part of it, as to how he ensures that there is no abuse and whether he wants to retain some power in his hands or not.

Shri Nanda: Because the whole of abuse arises from things which are stated here....

Shri Harish Chandra Mathur: That part I appreciate.

Shri Nanda: I had already in the earlier statement pointed out that the use of these powers, the exercise of these powers at lower levels by instructions from here has been stopped. Nobody except at the level of the Government is going to do that, and even further safeguards are being thought of.

श्री बच्च बिहारी मेहरोत्रा : डी० आई० धार० में जो लोग पकड़े गए हैं अधिकतर वह लोग छोड़ दिए गए हैं लेकिन जो लोग नहीं छोड़े गए हैं क्या उन के केसेज को रिव्यू करने का विचार गवर्नमेंट कर रही है ?

श्री नन्दा : जो इस किस्म के केसेज थे जिनके बारे में चर्चा थी वह तो सब छोड़ ही दिये गये हैं। कुछ जो बाकी हैं वह या तो उन इलाकों में हैं जहाँ जरूरत है और

या इस किस्म के केसेज हैं स्पाईज वर्ग रह के जिसके बारे में प्रभी छोड़ने का ब्याल नहीं है।

श्री विश्वनाथ पाण्डेय : जैसा कि मंत्री महोदय ने अपने वक्तव्य में लिखा है कि :

"as persons were detained at various times in the context of the prevailing situation which was compound of several factors—internal and external".

तो मैं यह जानना चाहता हूँ कि प्रान्तीय सरकार या केन्द्रीय सरकार ने ऐसे नजरबन्दों को जिनको सरकार ने छोड़ दिया है, क्या उन लोगों से आश्वासन लिया है कि पुनः इस तरीके की हरकत वह नहीं करेंगे ?

श्री नन्दा : उनसे आश्वासन लेने का कोई फायदा भी नहीं है। वह तो जब कुछ करगे तो देख लिया जायेगा।

Dr. Ranen Sen: In spite of the fact that in this House more than once the Home Minister and the Prime Minister have stated about the restricted use of DIR and the release of detenus, though with that statement we do not agree, may I know how till now the two Members of Parliament from Tripura, Shri Dasaratha Deb and Shri Biren Dutta, and the leader of the Tripura Assembly, Shri Bipin Chakravarti, are still detained under DIR, and what steps are being taken to release them?

Shri Nanda: The hon. Member perhaps knows that Tripura is something like a border area.

Shri Bhagwat Jha Azad: While appreciating what he has said and clearing this particular point, still is it not a fact that there are still instances where the misuse of DIR has been there? For instance a student leader of Kashmir has been arrested because he said that appreciative reference to Chinese leaders should be removed from the books. I want to know

what steps the Home Minister will take to see that henceforth DIR is not used especially by wretched SIS to suppress innocent persons?

Shri Nanda: I have already said that not all SIS are wretched.

Shri Bhagwat Jha Asad: I only know the wretched once who have put honest men into jail, in Bihar, I am ashamed.

Shri Nanda: I do not make any secret of my own feeling that abuse has occurred, though in a number of cases which came to the courts, the decision against the Government were mostly on the basis of certain technical flaws in the procedures etc., but there were actual cases of misuse also. As I have already assured the House the new direction that has been given will make the kind of thing which the hon. Member has in mind impossible.

Shri Sham Lal Saraf: What about the particular instance that the hon. Member has brought to his notice, the student leader of Kashmir? Firstly he had restored to hunger strike. Why? Because he protested that so much was written in favour of China in the textbook on Kashmir.

Mr. Speaker: Does he know anything about this particular case?

Shri Nanda: I will collect the details.

Shri H. N. Mukerjee: Tripura is without representation in this House on account of the fact that the two Members of Parliament from there are still detained and the Home Minister tells us that Tripura is a border State. There are many other border States. West Bengal also is a border State to a certain extent and Assam and Rajasthan are also border States. Do I take it that the release of detenus under DIR is a policy adopted by the Government hypocritically in order that Government may be enabled at its sweet will to requisition the idea of some State being

a border State and to keep some people in jail in a manner which does appear to be discriminatory? Only yesterday you told the House that Mr. Biren Dutta has gone back to jail, which has disconcerted us greatly.

Shri Nanda: I appreciate the hon. Member's feeling and anxiety in the matter. I am not thinking of all border States. I am thinking of a very few where there is a problem. Even there, the hon. Member will remember I said that we are going to consider in a critical way and assess the need regarding those areas. May be that something more even in that direction may be done.

Shri Surendranath Dwivedy: In the White Paper circulated to the House in regard to the detention of left communists under the DIR, it was stated that because of their particular attitude in the Indo-China conflict they considered security risks and so they were detained. Now that their release has taken place in large numbers, is the Government convinced or has found any change in their attitude towards the India-China problem and the Government no longer considers them security risks?

Shri Nanda: Our approach depends on two factors—the internal situation, the external situation and the size of the threat from a particular source. I hope that some day they will change. I am not at all sure that there has been any particular healthy change for the better.

Shri Nath Pal: That question had two parts. Does the Home Minister believe that the danger has mitigated from those quarters or has the attitude of those people who were arrested changed? We have not got the answer.

Shri Dinesh Bhattacharya: They were arrested on false allegations.

Mr. Speaker: He says that he does not think there has been any change.

Shri Surendranath Dwivedy: Then the detention was not proper!

श्री राम सहाय पाण्डेय : श्रीमन्, भारत सुरक्षा कानून के अन्तर्गत बम्बई में एक महिला की गिरफ्तारी का उदाहरण देते हुए माननीय सदस्य श्री मधु निमये ने महाराष्ट्र के गृह मंत्री पर आरोप लगाये। उस के बाद गृह मंत्री ने स्पष्ट वक्तव्य में कहा है कि उस की जांच हुई और यह पाया गया कि वह आरोप कतई असत्य है तो मैं जानना चाहता हूँ कि क्या कोई ऐसी आचार संहिता प्रस्तुत की जायेगी कि जो सदस्य या व्यक्ति यहाँ नहीं हैं अपने घ्राप को डिफेंड करने के लिए, उन के प्रति गम्भीर आरोप लगाये जाय और जोकि असत्य सिद्ध हों तो उससे जो उन की मानहानि होती है तो उस संबंध में क्या आचार संहिता सरकार बनाने के वास्ते तैयार है ?

श्री नन्दा : मैं इस का जवाब नहीं दे सकता, यह तो हाउस या स्पीकर साहब ही कह सकते हैं।

Shri Hem Barua: May I know if it is not a fact that some persons detained under the DIR during the Indo-Pakistan conflict simply because they belonged to a particular community had to be released after reviewing their cases, for nothing could be established against them? The Home Minister said just now that there was no political motive behind it. May I draw his attention to the fact that two members of my party, simply because they were Muslims and they were going to be powerful candidates against the Congress Party in the next elections, were detained in jail in Assam and they had to be released after reviewing their cases because nothing could be cited against them.....

Mr. Speaker: He has asked the question whether two members of his party were detained and on review they were found to be innocent and they had to be released. What more does he want?

Shri Hem Barua: The operative part of the question is this, May I

know whether the Government are going to pay any compensation to those people whom they have humiliated like this.

Shri Nanda: He is jumping to compensation as if some wrong had been committed. I have already said that there may be cases where there might have been hasty use and enough precautions might not have been taken. This did occur in that type of cases because suddenly when we were faced with an emergency, as a matter of abundant caution, they took certain people in and later on, quickly after review, they were sent out. That was the stage where the nations needs were of that kind. Actually there were cases where after detention, after a quick review, a number of them were released.

Shri Ranga: In view of the Home Minister's own admission that in a number of cases there was abuse on the part of local authorities right to the State level, what steps is he taking beyond sending instructions from here, to ensure that the Home Ministry at the Centre has reserved for itself the right and also exercise that right to review the cases as and when their attention is drawn to abuse of these powers by the State Governments and to order their release?

Shri Nanda: This aspect is under consideration.

Shri Umanath: When the Government decides on releasing detenus, I find that in the name of review, they are not released in one batch, but in different batches. For example, myself and Mr. Nambiar were released on 2nd and Mr. Ramamurthy was released two days afterwards. I would like to know whether that review means that within 2 days the Chinese threat was reduced or the law and order situation had improved or whether I can take it that in the name of review—a fraud—the State Governments were allowed to decide on releases according to the political

needs of the Congress Party in the respective States.

Shri Nanda: How would the political needs of the Congress be served by releasing this gentleman a little earlier than the others?

Shri Umanath: They why not release them as a whole? Why in batches?

Mr. Speaker: Review has to take place. Some cases would be reviewed today, some tomorrow and so on.

Shri P. Venkatasubbalah: Has the attention of the Minister been drawn to the statement made by some left communist leaders soon after their release advocating direct talks and dialogue between India and China, disregarding the Colombo proposals? If so, what is the reaction of the Government in allowing these people to be set free?

Shri Nanda: The only thing is they should have no direct talks themselves!

Shri S. M. Banerjee: Is it a fact that just to justify the misdeeds of some officials of the State Governments or Central Government and to protect their interests, Government is likely to amend the Constitution bringing in a clause indemnifying those gross acts of commission or omission?

Mr. Speaker: He made that statement the other day.

Shri Nanda: There is no question of misdeeds.

Shri S. M. Banerjee: I am referring to section 35A. That is going to be the last nail on their coffin.

Shrimati Savitri Nigam: As you are aware, Sir..

Mr. Speaker: What I am aware of, she need not ask; she should ask what she does not know and what she wants to know from the minister.

Shrimati Savitri Nigam: You are aware of the instances which have been quoted here.

Shri Kapur Singh: This is not the first time the hon. lady member has shown her awareness of your awareness!

Shrimati Savitri Nigam: Most of the charges which have been brought to the notice of the Home Minister have proved to be baseless and futile. A lot of misunderstanding has been created because of these baseless cases. May I know what would be the difficulty if all the cases of those people who are arrested in the States are brought within one week for review by the Home Ministry so that this type of misgivings may not be created and the political parties may not exploit such things. I would also like to know whether the Home Minister is going to review the case which has been brought to his notice now by Shri Saraf and other hon. Members and which is agitating the minds of the Congress Members?

Shri Nanda: Sir, the hon. lady Member said about your awareness. At least she knew I was not aware of that.

Mr. Speaker: Nor am I. She presumes that I am aware.

Shri Nanda: At least she knew I was not aware of any such misuse on the scale which the hon. lady Member's words might lead to an inference to be drawn from them. There are occasional cases and they are dealt with as I have pointed out.....

Shrimati Savitri Nigam: About this particular case.....

Shri Nanda: We will look into that.

Some hon. Members rose—

Mr. Speaker: We will go to the next question.

जी प्रकाशवीर काल्की : अध्यक्ष महोदय,
ऐसी क्या कमी हम लोगों में था गई है कि

पन्द्रह पन्द्रह दफा खड़ा होने पर भी प्राप की वृष्टि हम पर नहीं पड़ती? जो माननीय सदस्य झगड़ा करते हैं, उन को धक्कर मिल जाता है।

अध्यक्ष महोदय : मैं हर एक सवाल पर हर एक माननीय सदस्य को कैसे बुला सकता हूँ?

श्री प्रकाशबीर शास्त्री : यह सही है, लेकिन यह तरीका तो ठीक नहीं है।

Incident in B. H. U. Campus

*1606. **Shri Hari Vishnu Kamath:** Will the Minister of Education be pleased to refer to his statement made in the House on the 21st February, 1966 in response to a Calling Attention Notice regarding the Banaras Hindu University Campus incidents and state:

(a) whether his attention has been drawn to the statement made by the Chief Minister of Uttar Pradesh, with regard to his disclosure of the contents of the letter he had written to her on the subjects of the tribunal of inquiry; and

(b) if so, his reaction thereto?

The Minister of Education (Shri M. C. Chagla): (a) No authentic report about the statement made by the Chief Minister of Uttar Pradesh on the subject has so far been received.

(b) Does not arise.

Shri Hari Vishnu Kamath: The Minister, Sir, said on that occasion, on the 21st February—I am reading from the printed debates:

"I have written to her that there is not much point in appointing a tribunal which does not inspire confidence and that no useful purpose would be served by the tribunal appointed by her if it starts with the handicap that a large section of public opinion is opposed to it."

Now, Sir, does the Minister, as a spokesman of the Government, not in his individual capacity, apply this principle uniformly to all States, to all cases and he does not propose to have double standards one for the Chief Minister of Uttar Pradesh, and another for the Chief Minister of Madhya Pradesh in respect of the recent Bastar Commission of Inquiry, and is it not the Government's view that what is sauce for the goose of Uttar Pradesh is sauce for the gander of Madhya Pradesh as well?

Shri M. C. Chagla: I treat goose and gander alike. The principle I enunciated when I made that statement is correct; a principle which should apply to all cases.

Shri Hari Vishnu Kamath: Now, Sir, if I heard the Minister aright, he said "no authentic report has been received" of what the Chief Minister said. Before I put the question, I would like to know whether any kind of report has been received. What does he mean by "authentic report"?

Mr. Speaker: That is a good question.

Shri Hari Vishnu Kamath: No, Sir; the question will come after the information is supplied.

Mr. Speaker: He asked whether any report has been received. That is a question in itself.

Shri Hari Vishnu Kamath: No, Sir. Then I will put my second question. I do not want to waste my chance on this because he will again say that no authentic report has been received.

Shri M. C. Chagla: If I may be permitted, Sir, I would like to give the House all the information that I have. In this case, as soon as we received the notice of the question we wrote to the Government of Uttar Pradesh to supply the authentic copy of the statement of the Chief Minister. After two telegraphic reminders the State Government informed this