

Volume I



Tuesday
4th August, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

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Members Sworn [Cols. 2—18].

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THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Monday, 4th August, 1952

The House met at a Quarter Past
Eight of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

8-15 A.M.

MOTION FOR ADJOURNMENT

ACCIDENT IN CHAMPION REEFS MINE

Mr. Speaker: Has the hon. Member, Mr. Vittal Rao, given notice to the Minister of Labour?

Shri Vittal Rao (Khammam): I have sent it, Sir.

Mr. Speaker: I think we shall have to wait till the hon. Minister of Labour comes here and then I will take up the matter. Presumably he does not remember that there is no question hour today; that is why, I believe, he is not present just now. We will now proceed with the business before the House.

PAPERS LAID ON THE TABLE

ESTIMATED CAPITAL AND REVENUE RECEIPTS AND EXPENDITURE OF DELHI STATE ELECTRICITY BOARD AND SUPPLEMENTARY STATEMENT FOR 1951

The Minister of Planning and Irrigation and Power (Shri Nanda): I beg to lay on the Table a copy of each of the following statements under sub-sections (3) and (5) of section 61 of the Electricity (Supply) Act, 1948:

- (1) Statement of estimated capital and revenue receipts and expenditure of the Delhi

220 PSD.

State Electricity Board for the years 1951-52 and 1952-53; and

- (ii) Supplementary Statement in respect of the year 1951.

[Placed in Library. See No. P-48/52]

ADMINISTRATION OF EVACUEE PROPERTY (AMENDMENT) BILL

The Minister of Rehabilitation (Shri A. P. Jain): I beg to move for leave to introduce a Bill further to amend the Administration of Evacuee Property Act, 1950.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Administration of Evacuee Property Act, 1950."

The motion was adopted.

Shri A. P. Jain: I introduce the Bill.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

Mr. Speaker: We will now proceed with discussion of the following motion moved by Dr. Katju:

"That the Bill further to amend the Preventive Detention Act 1950, as reported by the Joint Committee be taken into consideration."

Shri Raghobachari (Penukonda): On Saturday evening I was mentioning in connection with this matter that the material disclosed or placed before the House was hardly sufficient to convince and make out a case for the continuance of this obnoxious measure. I was also stating in the same connection that the scope of the Bill was so wide that almost all

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the activities of any individual or citizen could easily be brought under one or other of the clauses of section 3. I was also stating that past experience as well as present experience, related by members in their individual cases showed that there were more cases of abuse or misuse of these powers and hardly any safeguards were provided. Therefore there was great need to examine elaborately safeguards to prevent such wrong use or abuse of these powers.

As regards the first point I wish to add one or two circumstances. It was stressed that the responsibility to maintain order and peace was of the Government, that there were murders being committed here and there and that there were groups of people with their arms not yet surrendered and asking for terms and, therefore, there was need for this legislation. Certainly, so far as Madras is concerned, you know that food control is entirely out of the field and therefore, it cannot be said that the food situation will worsen if such powers are not there. And further of all the places in India the most disturbed was the Telengana area or the Madras portion of it adjoining those parts. There were special police stations and all precautions maintained there. The Madras State Government, as I read from the *Hindu* of the 1st, had issued instructions to close all the police stations in those districts as for the last ten months there prevailed peace and public tranquillity in those parts.

There was no need for these special police stations at all and, therefore, all the police stations have been withdrawn. It will thus be seen that the so-called or much-advertised disturbance in the country or the disturbance of tranquillity is not to be found there at all. And then the past experience, as I said, is—I do not know how the Members on the side of the Congress party have so soon forgotten the experience that everyone of us had at the hands of subordinate officials—the misuse of similar provisions of the then Detention Act. The most unfortunate thing, is that when admittedly there are abuses and misuses, the Government is not found to have taken action against any one individual or against any one officer who has really misused those provisions. In the absence of such satisfying action restoring the confidence of the public, is it not under-

standable that the public are really anxious that safeguards are necessary to prevent such misuse? Government must really be in a position to understand the anxiety of the Opposition Members of this House, on this side who really want safeguards to be introduced. Well to my mind it looks the matter appears to be more deep. The Government has been possessed of a weapon which is very handy; they need not explain to anybody; they can use it and sometimes probably it is more effective and quick, and having been used to the kind of weapon which is handy and effective, they wish to forget, the existence of all the ordinary laws under which all Governments have always maintained peace and security. It is not the peculiar province or privilege, or duty of this particular Government; it is the duty of all Governments throughout the world that they maintain peace and public tranquillity not always by detention orders. Therefore, when that has been their practice with this weapon in use, they would naturally be unwilling to part with that weapon and so they come, and strangely enough, now when the situation is practically calm in the country, they want to have it for a period of 27 months. Therefore, it is a most ununderstandable, and I might say, unreasonable, method of asking this Parliament to authorise them to pass or extend this law.

Then I referred to the absence of any 'confidence action', I mean action which restores public confidence in the shape of disciplinary action against people who have not properly used it, and our experienced friend, Mr. Gade, was suggesting the other day that District Magistrates were people who were very much alive to the political conditions and influences in the country and because of that they knew that there was Opposition and therefore they would use it properly. My submission is, that this is precisely the very reason why safeguards must be provided. It is true, and he has in his experience told us a truth, that officers are mostly, though not guided, influenced, by political considerations, and it is human nature, when a subordinate officer finds a particular Government in power he would stretch a point in favour of the party in power and you know when a party is in power, as it often times happens, in all parts of the country it is supported by many individuals and often times these officers go on stretching points and in this stretching hardly any point is left for the poor man who has to suffer.

That is one element of human psychology which the Government must take note of and must be anxious to come forward to put safeguards and not complain if we ask for safeguards.

As regards the safeguards I only wish to say a few points. The first thing is that we want that the order should not be initiated by officials, that is by the District Magistrate. The matter may be handled by the State Ministers. I should have expected that it is perfectly practicable and very feasible for the Home Minister to have assured the House that he would issue instructions in that behalf. Particularly now when the country is calm such powers must be exercised only by the State Ministers. And if only the State Minister takes the precaution of consulting his legal advisers who are conversant with law the chances of misuse practically entirely disappears. There is no use consulting an Under-Secretary or somebody who is in the office of the Secretariat, but the legal advisers who give them legal opinion would certainly know whether there is justification or not in particular cases, forwarded for their opinion. That is a thing which could easily be done.

Then, I seriously wish to suggest that if my hon. friend feels that law and order cannot be maintained without these or similar extraordinary powers then the proper course for him is to take steps to add a chapter to the Criminal Procedure Code analogous to the security proceedings, which could give him powers for such emergent use. To this suggestion an hon. Member replied by saying, "Then you will come and object saying, 'You have been trying to put a permanent provision in the statute.'" Now, what is the reason for the objection? The reason is that the executive acts and there are no safeguards under this law and that the procedure of ordinary law is not available to the citizen; therefore, you make this part of the permanent statute. Then the matter must go before a court of law which will look into it: There there is legal advice available, full information is available, and if an order is passed nobody has any complaint against the justice of it. Therefore that would be a more realistic way of approaching and managing the situation.

The other thing on which we wish to have a safeguard provided is that the entire material on which a detenu is ordered to be kept behind the bars must be given to him. You know under the provisions it is open to the Government to withhold whatever

information it wants—all the material connected with the detenu must be reported to the officers, but not necessarily given to the detenu. When the detenu has not got all the material it will be difficult for him to defend himself. Therefore, that is another matter on which safeguard should be provided.

As regards legal advice it was stated that it is inconvenient, it offends secrecy, and the Home Minister had his own impression about it and said that lawyers are a nuisance and need not come in here. Apart from personal opinions, the rights of citizens cannot be taken away and Government should at least provide facilities, in administering this branch of law, for legal advice to the detenu to make his representation. There would be hardly any difficulty in that.

The other thing on which provision of a safeguard is asked for is this. As the law now stands the entire material against the detenu may not be made available even to the Advisory Board. No doubt there is a provision that the Board may call for it, but there is no obligation to furnish it. It may be said that it will be a very extraordinary Government which will refuse to send the information called for, but when the law does not lay down an obligation and, in fact, when a subsection provides that Government can withhold some part of the material information it is difficult to expect that the entire information would be made available.

Then there is the question of the statutory obligation of affording some allowances to the people who are taken away from their dependents. That has been asked for but it has not been provided here.

There is also need for frequent and periodical examination of these provisions.

It would have been very helpful if Government had given us figures as to how many cases were sent up to the Advisory Boards, in how many cases Government itself did not confirm or approve, or cancelled the orders issued by their subordinate officers. If some idea of that was given to the House it would have assured the House that Government is really exercising some precaution and care in the matter. But we have not got any figures about that. It is admitted that in about 28 per cent. of the cases the Boards have found that there was no need to detain the persons concerned. In those cases naturally the conclusion to be arrived at would be that the poor man concerned has suffered unnece-

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sarily for those three or four months. What is the compensation, what is the relief provided for him? These are matters in which there is no use simply arguing for or against on high principles or, as somebody said, academically. As practical and realistic men we should see that proper safeguards are provided for against a power which you have seen misused in the past and is being misused in the present, also.

I am not able to understand how the life of a piece of legislation of this kind can be asked to be extended by another twenty-seven months at a stretch. I oppose the continuance of this Act for any period beyond a year, and even that only after having provided for all the necessary safeguards which have been urged above.

Shri K. P. Tripathi (Darrang): I have been listening with interest to the debate on this Bill, and to the points made by the Opposition. The most important point which seems to be in controversy is whether there should be provision to lead evidence and permit cross-examination at any stage. So far as my own State is concerned, I feel that with all the goodwill in the world it would not be possible for us to agree to this proposition. During the last few years we have had to face difficulties in our State, particularly from a political party known as the Revolutionary Communist Party of India. Unfortunately, this Party has taken to terrorist methods. It did not take part in the general elections which were held all over the country recently. It has organised itself all over Assam and particularly in the tribal areas. In the District Shibsagar it organised itself in such a way that it was not possible for the police to arrest any person. In the beginning the police did not seem to be aware of it, but later on it was found that even the loyalty of the police was influenced to such an extent that a warrant of arrest sent out would be known to the Party before it was known to the officers of the Police Department even. The result was that none of the wanted persons could be arrested. In that district, they set up an organisation so vigorous that it became a menace to the whole State. But the Police Department of Assam said that there was no danger and as a matter of fact until the Central C.I.D. said that there was danger, the Assam Police did not seem to know it. Only afterwards, the Assam Government took steps. But they

took steps after shootings and murders had happened, because only then their eyes opened. By this time the spell of terror had been cast so much on the people that they could not come forward and report. There were cases in which the daughters of some persons were taken away for the purpose of indoctrination, and yet the people dare not come forward to report. This was the most unfortunate thing. The result was that the Government could not get any evidence whatsoever. Ultimately, the situation went out of control and the district had to be given over to the Military and when the Military came, there were very unfortunate things—things such as were described by Dr. Jaisoorya as having taken place in Hyderabad. The rule of the Military is always very dangerous. Many atrocities took place, and until the R.C.I.P. leaders were combed out of that place it was not possible for people to move out fearlessly. These girls who had been taken away were so much indoctrinated that they were also made use of for tampering with the loyalty of the police. As an instance of the extent of indoctrination—a few girls were arrested, and when being taken across a fordable river by the soldiers, instead of lifting their skirts only as high as the water demanded, they lifted it too high, and the soldiers winked at them and were surprised. Thus, you will see that when a whole district is under the spell of a party, it is impossible to produce evidence. As a matter of fact, the Assam Government was completely in the dark. Had it not been for the Central C.I.D., they would not have known anything at all until murders took place.

A great attempt at comparison has been made between England and India. I shall tell you the position in Assam. There are parts in Assam where there is no road at all. The other day I calculated the figures and I drew up a map showing 29,000 sq. miles of territory where there were no roads fit for vehicular traffic. I have been to Europe and its different parts and I have found that even in the remotest villages there are roads fit for motor traffic. But in India, particularly in the tribal areas of Assam, there is no road worth the name and the result is that the police does not go there for the whole of the year and actually there is no police there. The only officers who are known in these villages are the village headman and the collector of revenue—not the Collector who is the district magistrate but merely a

contractor who collects revenue for the Government.

Recently during the elections I went to a place where I held meetings. It was a marketplace where the meeting was held. The night before the R.C.P.I. leaders had committed a dacoity there and they had killed a man. The dead body was lying inside the house and the moveables had been removed. On the one side, we were holding the meeting and on the other side the R.C.P.I. people were holding the meeting forbidding people to vote. I enquired about the incident from the revenue contractor. With tears in his eyes, he said, "I cannot tell you. You will go away tomorrow and I will have to live with these people. They are all around us. Do you expect that I should tell you? Do you want me to meet the same fate as the man who is dead?" So, he did not tell me. You can imagine from this what a spell of fear and danger has been cast over the countryside in this part of the country. There is practically no Government there. My hon. friend has agreed to give five days notice or ten days notice. There are parts in Assam where you would require one month or more to travel from one corner to the district headquarter. You will have to walk the distance. In these circumstances, how are you going to protect these people? The point has been made that there is a conflict between the Government and the political parties. After all, when terrorism overtakes a country, as it did in Europe in the last decade of the nineteenth century, such things do happen. In Europe there was a pall of fear lying over the people. In such circumstances, evidence is impossible to obtain and marshall. If you ask a man to come and give evidence, his life will be put in danger. It may be that the culprit is in custody, but his friends outside will kill the man who gives evidence.

Recently, in another district the situation became so bad that it had to be taken over by the police. In large areas the R.C.P.I. had organised guerilla bands. They had forbidden the menfolk to come out of their homes. They had organised the guerillas with womenfolk. In one case, a man had been splitting wood inside his house for 12 days and the whole floor had been damaged. Why? Because he did not dare to come out, and the place was commanded entirely by the R.C.P.I. When the police came, the women alone came forward with country knives, but later they ran away. But they were again re-

organised and the same group was sent to attack the police. The police found that there were many places in which there had been no police at all before. The people had seen none. They were seen going about hunting mice in the countryside. Such is the condition there. When that is so, how are you going to marshall evidence? This party is in complete control. Meetings are addressed with stengun in hand. Recently, when the police carried out an expedition they found that these people had hidden not merely stenguns but also a machine-gun. They were hidden in the corners of the hills. The rifles stolen from the police were also recovered. In one case, when the R.C.P.I. leader was about to be caught, he managed to escape leaving behind girls who were euphemistically called "queens". These are places where even "queens" could be carried about without the police being able to catch. Therefore, if you bring in the question of marshalling evidence it would be impossible for the Government to protect the citizens. The conflict here is one between the terrorists and the people and Government's primary duty is to interfere and afford protection to the people. What Government is there worth its salt that cannot afford protection to its people? The Government must, therefore, afford protection to the people, and the Government has not been able to afford protection to the people.

Much has been said about the evidence machinery. I feel that the evidence machinery is also one of the machineries of justice. What is necessary for the country and its people is justice. Justice is the "Buried temple" of Maeterlink. If the machinery of justice is too much strained, namely, if the evidence machinery is too much strained, then the mode of dispensing through evidence and cross-examination would break down. In that case, the question before society arises: how shall society be afforded protection? There you have the case for preventive detention. My hon. friend Dr. S. P. Mookerjee and others quoted a large number of sections from the I.P.C. and C.P.C. saying that there was protection even against preparation for crime and therefore no necessity arises of preventive detention. I fully agree with him when he says this that whenever there is a case in which evidence is obtainable Government shall have no right to put a man under preventive detention. But when such a case arises in which evidence is unavailable or unobtainable or un-marshallable, then the question

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arises: shall the Government sit mute and afford no protection to society? I say no for then Government would not have performed its duty.

Therefore, in a case where there is the possibility of marshalling evidence and evidence is available, Government or any authority shall have no right whatsoever to put a man under preventive detention. The necessity will arise only when such evidence is unavailable and unmarshallable. I feel that only if we look from this point of view, will we realise the necessity and the justice of preventive detention.

Now, it has been said that this measure is a mechanism directed against the political parties and their opinions. The Opposition has said that if the Government utilise this power against political parties, then in no time it will crumble from office. I fully agree with it. In the history of the world ever since Tamerlane and others who ravaged the earth, it has been seen that force when utilised unjustly brings down the party in power. Therefore, if Congress made the mistake of utilising its power against political opinion, it will crumble into dust. If on the other hand a necessity arose for protecting society and the Government utilised this power therefore and people understood that it was not utilising the power for keeping itself in office, then it shall not crumble. Therefore, I join my voice with the Opposition in saying that the authority shall never utilise this preventive detention for the purpose of keeping themselves in office or suppressing political opinion.

There have been cases I myself know, in which such a thing has been done. It has not been done by the Government, but by individuals, who had for the time being been in authority, and they have suffered for it. People have not pardoned them. Many of them have lost in the last elections because of this. Therefore, I feel that it is a very salutary principle, the principle of spontaneous natural retribution visiting all governments in all ages and times and therefore it is a protection in this way that whenever the political party in power tries to suppress political opinion there is a reaction in public mind which brings it down.

I feel that the political party in power will not utilise this power for the suppression of political opinion. The difference between the democratic countries of the West which have

fully developed economically and a country like India should be borne in mind. I feel that the entire East is in ferment today. The conditions obtaining in countries of the East, India, Burma, Ceylon, Indonesia, etc., should be kept in mind when we think of putting such a piece of legislation on the Statute Book. The other day a point was made that even in war time certain privileges were granted to detenus in England which are not given to detenus in peace time in India. I think there is a fallacy in this argument. The House should realise what kind of cases came before the British courts or British detention authorities. The cases were mostly of conscientious objectors. In India we do not think of keeping any conscientious objectors in detention. There are so many conscientious objectors. In England because there was compulsory recruitment in war-time they had to keep in restraint even conscientious objectors. The population of India is so vast that we do not think of conscription; therefore the question of detaining conscientious objectors does not arise. If there had been terrorism, do you think that the British Government would have been able to utilise these provisions? They would not have been able to do it. Therefore, I feel that a comparison between the conditions obtaining in England and those obtaining in India does not brook comparison. Abstract comparison of England and America with India should not be made.

We are here to legislate for conditions existing in this country. Legislation is not a geometric theorem that it can be extended like a straight line from one country to another. If it were, then there would be no necessity for having so many parliaments in all the democratic countries of the world. It will be enough if there was a democratic parliament in England to extend the legislations passed there all over the world. But such is not the case. Legislators are practical men dealing with practical circumstances obtaining in different countries of the world.

Therefore, we are here to deal with this particular situation. How shall we deal with it? Let us look at the happenings in India. Take, for instance, the abolition of zamindari. It is a liquidation of the feudal order. In other countries of the world, where there has been necessity for liquidation of such feudal order, what has happened? Greatest crimes have been committed; but they were not called crimes. Whole classes had to be liquidated by being put beyond the

pale of law. Now, here, we are doing it through a democratic process. It was expected that because we had provided for compensation, the zamindars would not resist. But unfortunately it was found that the zamindars did resist. They resisted through the courts; when they failed they are resisting outside in the country by organising themselves. The jagirdars also are the bitterest enemies of this reform.

So I say that in a democratic way we are trying to change the order of society. It must not be forgotten that that order which you want to change is bound to resist. The resistance has begun in Saurashtra and other places. It is going to extend itself to Uttar Pradesh, Bihar, Bengal and Madras. Even, in spite of compensation, there will be resistance. Therefore, I say that the State shall have to utilise this power for the purpose of abolition of zamindari. Otherwise the abolition may not be easily possible. Even from the economic point of view there is necessity for this measure.

Take for instance China. The other day we were told that there was one class which had been put beyond the pale of law—that was the bureaucratic capitalists. In the mass trials taking place in China, the masses have the right to decide and no evidence is marshalled or opportunity for cross-examination given. The provision for cross-examination of evidence in such cases is set aside. Therefore to say that this right of cross-examination is inviolable and at all times is not a correct proposition. If by a certain circumstance certain people constitute themselves into a political party bent upon violence, it may become necessary for the Government to utilise such a power. Therefore I have felt continuously all through the discussion that there was some unreality about the arguments advanced, particularly by the Communist Party.

In India the mind of Indians is made of a different stuff. The other day when I was passing through Calcutta I found that there was an altercation between one porter and another man who was coming down from the train and whose luggage the porter was carrying, with regard to the portorage he had to pay. Immediately there was a slap, the slap developed into a big quarrel, and the quarrel developed into a communal and provincial quarrel between Biharis and Bengalis, and some people were killed. Will you ever find such a case in England?

You will never find. Because in our mind it is there, and as soon as you put the poison of communalism into it, it conflagrates and spreads into vast areas. In my district alone when there was a conflict between Hindus and Muslims, the whole population split into two at once and became organised one against the other. When we moved from place to place trying to understand the position, the Hindus would not tell us the facts because they thought that we were Congressmen, and when we went to the Muslim camps they would not tell us the facts because they thought that we were Hindus. So, as soon as such communal tension arises it is impossible to get any evidence. You cannot get any evidence. People do not trust you. And the men who behave so are ordinary men. They have no stake, the quarrel perhaps has happened somewhere for which they are not responsible. But the whole population immediately gets organised on a communal basis. Such a thing is never possible in England or America, except in the Southern States of America where the Negro problem or Ku Klux Klan problem exists. When Dr. Syama Prasad Mookerjee went to my district he was to have addressed a meeting. There was a good *pandal* standing there, but the night before the meeting, it was set on fire. As soon as it was set on fire there was an electric atmosphere and the question of provincialism arose, and it was impossible to bring parties together. The two parties were so much apart that they could not be brought together, and it was impossible to keep order. It was impossible to get any evidence. Wherever in such cases the Preventive Detention Act has not been applied it has not been possible for the Government to bring any case or charge-sheet against anybody at all, either in Bengal or Assam or in other parts of India. Why is it? Because so long as our mind continues to think in terms of communalism, whenever communal poison is secreted the immediate result is the population gets organised on that basis. People who have no idea whatsoever of what has happened organise themselves immediately on that basis.

There was a case in which people went to set fire to a refugee colony. There was no earthly reason why they should have done so. But they did so because they were frenzied, and a frenzied mob knows no law. I tell you the conditions in India are such that they cannot be compared with the conditions in other countries called democratic. We are trying to have democracy. But we have not accepted this parliamentary system of government for all practical purposes.

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We still think in terms of direct action. Now, England has no direct action. England has accepted the parliamentary system for the purpose of progress in that country. But today in India and in Eastern countries we think of direct action. We in India think of direct action, particularly in terms of non-violence taught by Gandhiji. But there are many parties in India who do not think in terms of non-violent direct action, and there are parties in the rest of Asia which do not think in terms of non-violent direct action at all. Therefore, if this parliamentary system of democracy is completely accepted for purposes of progress, what will happen? Individuals outside the Parliament will think that they have a right for taking direct action. And individual conceptions of progress are always of a higher order than the parliamentary conception of progress because parliamentary system of progress is slow affair. Then there will be a clash and conflict between these two methods. Therefore any government in power which is controlled by parliamentary democracy will, because it is slower than the individual conception of progress which is organising the direct action, come into conflict. Take for instance what is happening in the South today on the question of Hindi. A certain gentleman thinks that he must organise a revolt against this and he immediately goes about painting with tar and brush all the Hindi signboards. Now, what will happen? So much of expenditure will have to be incurred by the Government in vain. In no country of the world would this have happened. They would have come and tried to put the demand through Parliament. But in India the conception of direct action is there.

9 A.M.

Mr. Speaker: Order, order. The hon. Member has taken half an hour, and I am receiving constant requests that other Members should be given an opportunity. Today is the last day of this debate. I would like to know what time the hon. Minister would take. About an hour?

The Minister of Home Affairs and States (Dr. Katju): Yes, Sir. May be a little more or less.

Mr. Speaker: I am asking him because I must know the point when I must stop the discussion and call upon him.

Dr. Katju: About 12 o'clock will be all right, Sir.

Mr. Speaker: That means there will be three hours left. Though

what the hon. Member says is really important and thought-provoking, it is not very relevant to the present Bill before the House. He has already made the point that there is a necessity for having some law in which the ordinary canons of evidence cannot apply. That is his point and I think he has made it sufficiently clear. He may now conclude his remarks.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, you may also consider the possibility of there being a division on this.

Mr. Speaker: That will be seen afterwards. I am not interested in curtailing any speech, but the point is if a larger number of Members have to be given an opportunity of speaking, then it is up to every Member just to state his points and not to go on speaking at an inordinate length. That is why I rang the bell twice, but it seems the hon. Member is not coming to a close. But as there is a break already here let him finish now so that we might take up the adjournment motion.

Shri K. P. Tripathi: Sir, I will close straightway. Let me have the luck of an unfinished sentence.

Dr. Katju: Sir, in order to meet the possibility or contingency of a division on this you may, if you think fit, be pleased to call upon me at half past eleven.

Mr. Speaker: I have no objection. Then it curtails the discussion further by half an hour.

MOTION FOR ADJOURNMENT

ACCIDENT IN CHAMPION REEFS MINE

Mr. Speaker: There is an adjournment motion by the hon. Member Mr. Vittal Rao to discuss the accident in the Champion Reefs Mine of Kolar Gold Fields, resulting in the death of one miner and serious injuries to five others due to rockbursts during the night of 1/2 August, 1952. I should first like to know the position from the hon. the Labour Minister.

The Minister of Labour (Shri V. V. Giri): Sir, I owe an unconditional apology to you and the House for being late and not being present at the time when the discussion started here. I may however be allowed to give a short explanation for what it is worth. This notice or letter was communicated to me at 8-10 this morning. Not only that. This letter is dated 4th July, unfortunately by some mistake perhaps. But that has also confused the matter.

I would like to say a word or two about the subject-matter of this motion. These rockbursts are frequently occurring. There is no question about it. The Government of India is in charge of supervision of these mines during the last one year. The other day there was a question in the other House, the Council of States, about these rockbursts and I have stated on behalf of Government that in view of the frequency of these rockbursts the Government have decided on the appointment of a court of enquiry in which the representatives of the workers and the representatives of the employers will be associated.

In the course of two or three weeks the Court of Inquiry is meeting in Mysore. Apart from this the rock-burst occurred a day or two ago when I also read in the press about this. It will take some time before an inquiry can be held in the ordinary course according to the procedure. It may take 2 or 3 days before we get all the facts of the matter. Under these circumstances, since the Court of Inquiry is going into the matter fully, all the hon. Members who are interested in that matter can also go and give evidence and state their views before the Court of Inquiry, and I assure the House that when the report is ready, that will be placed on the Table of the House, if necessary, for discussion.

Shri Vittal Rao: No doubt a Court of Inquiry has been appointed. That is an official inquiry. . . .

Mr. Speaker: I may remind him of one thing. I am only concerned with the advisability of his motion at this stage and not with the merits of the proposition.

Shri Vittal Rao: Sir, the rockbursts have been occurring frequently and there is the danger that it is going to occur every day. These are the deepest mines in the world. Moreover, when recently the hon. Minister of Production visited that place, the workers represented to him that there is a likelihood of closing down the Champion Reef Mine. If the mine is allowed to work, there is the further danger of accidents occurring there. I suggest that at least until the results of the inquiry are made known, the mine may be closed for the present and the workers be paid some unemployment relief.

Mr. Speaker: I am sure this will be taken into consideration and some preventive measures, if possible, will be taken. I do not think that we can profitably discuss this matter any more in the absence of facts. So I do not think I can give consent.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL—contd.

Shri Punnoose (Alleppey): I may assure you that I will speak very briefly. I do not believe that this Bill requires any lengthy speech from me. Almost all the points,—its legal aspects and its history—have been thrashed out, so much so, I will confine myself to a limited sphere. It has been found from the report of the Select Committee that amendments after amendments had been moved by various Members of the Opposition to the Bill. Several attempts have been made to restrict the scope of the Bill, at least to limit the duration of the Bill, at least to give some sort of help to the man who falls a victim to this Act. But on every occasion, these amendments have been defeated consistently by the party in power. It is not surprising that they did it. For example take the speech of any hon. Member from the other side including the hon. Member who spoke last and the speech made by the hon. Prime Minister. You will find that there is a consistent and a uniform note that the Preventive Detention Act has given the blessing of security in this country. The Congress party, consciously or unconsciously from the smallest to the biggest spokesman have taken the stand in this House and they stated that "we are surviving because of the Preventive Detention Act." I can quote from the speeches, but there is no time. The party in power believes that it exists because of this and the safety and security of this country is assured because of this lawless Act, the Preventive Detention Act. Whatever we may say, they know that this Act is very necessary for maintaining law and order and security of the country. Therefore, there is no use of arguing at length upon it with them.

There is another aspect. You will find in all the speeches a certain chorus. The hon. Prime Minister very generously said that there must have been mistakes very frequent mistakes and he admitted all that but he said that fundamentally this law has been employed in a healthy way. That has been their contention in all their speeches. If that is so, if that contention is correct, I am not one of those who is troubled by theoretical definitions of democracy and all that. I fully agree with the hon. Prime Minister when he says that the 19th century concepts of democracy cannot trouble us today. The 20th century has its problems. We are not wedded to that kind of democracy or

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to any type of Government which will not help us to solve our problems. Now in 1952—I am very clear about this—we do not want to follow certain concepts simply because somebody asserts that such and such is the definition of democracy and thereby confine ourselves to those limits. I consider that that is the lookout of legal minds; they will take care of it and it is none of my business. The question is whether this law, barring a few exceptions here and there, has been on the whole employed in a healthy way and in the right way. It is always safer to limit oneself to places spots and to instances which one knows instead of trying to go far and wide.

The other day we had the pleasure of listening to Mr. P. T. Chacko. We are old friends.

An Hon. Member: The hon. Member may speak in the mike. We are not able to listen.

Shri Punnoose: I am sorry. I was saying that we had the pleasure of listening to Mr. P. T. Chacko, my hon. friend from Travancore-Cochin, the other day. His contention on the whole was that in Travancore-Cochin, the Congress Government was able to maintain law and order and to save that part of India from utter chaos because of this Preventive Detention. More than that, he went on citing instances to show that the country was really in peril, that there were riots all over the place and that it was the Detention Act that saved the country. Very well, I want to ask my hon. friend, Mr. Chacko and all friends from Travancore-Cochin a question. What was the dominating factor in 1948, when the Congress Government came into power in Travancore-Cochin? There might have been in the last four years a few instances of the police being attacked or one old man being sacked. I shall refer to them presently. What was the dominating factor. Do you know with what number of seats the party of which Mr. Chacko is a member came into power in 1948? At that time every party including the Communist Party contested the seats with the Congress and except in a small part of Travancore, nowhere else a single seat was lost by the Congress. The whole polls were, so to say, swept by the Congress. Therefore, to say that in 1947 or beginning of 1948, the Congress was standing in danger of being overwhelmed by anti-social forces and that but for the timely use of this illegal this lawless law, the whole country would have been plunged into chaos, does not carry conviction.

The Congress was the leader of the people at that time. The people stood like a rock behind the Congress. I made speeches. Many others made speeches against the Congress. We got a number of votes also. But, in no area could we get a single seat. The Congress came to power as the leader of the people.

It is for you, Sir, it is for the hon. Members of the Congress party, who look to the fortunes of this country much more than to their party interests, to sit up and consider what happened to the Congress within three, four or six months, which made it necessary for them to put their hands on this repressive law. The fact was that in 1948, our people elected the Congress and put them in power with great hopes. But, those who had such hopes were proved to be dupes, with the result that our people, our working classes, our peasantry, our students, who in a manner amounting to surrender had believed in the Congress, began to ask questions, began to show a sense of unrest, hold meetings, conduct demonstrations and then came from the soft arms of the Congress the Public Safety Measures. That is what happened.

In 1948, the Congress came into power. Mr. Chacko was one of the Members who were elected uncontested and I was one of those who were defeated, and miserably defeated at that. In 1948, when they came into power, do you know what they did? I asked Mr. Chacko, my personal friend Mr. Chacko. On the 11th day of their coming into power, the Sun had not set for the twelfth time, on the 11th day, these Congress leaders, with whom we had worked in the past, with this Mr. Chacko and others—with whom we had been in jail and prisons, fought the police and led the battle of the people,—issued warrants of arrest for every one of us. Not one or two but 20 or 30. I would like to place the responsibility for that here. Responsible Congressmen in Travancore have openly, in a quasi-open fashion said, "What could we do? We were asked by the Central Government to arrest, poor boys; we had to arrest". I do not know whether it is their responsibility; but it has been openly said so.

Shri P. T. Chacko (Meenachil): Who said that?

Shri Punnoose: I am going to tell that. A question was put in the Congress Committee to the then President of the Congress, to the

Chief Minister, Mr. Pattom Thanu Pillai, why these Communists were arrested. Mr. Thanu Pillai, a simple man at that, got up and began to say, "Central Government". Then, a more legal-minded man the Law Minister to whom reference was made by Kumari Annie Mascarene, stopped him. The news came in the papers. Then, Congressmen—it would not be fair on my part to divulge their names—ex-Chief Ministers and others—if Mr. Chacko wants, I shall give the names—said that they were compelled to arrest by the Central Government.

Months passed by. Some of us were arrested. I went underground. Yes, U.G. the meaning of which our learned Home Minister has been able to decipher very easily. I was not basking in Moscow; I was not walking in the streets of Peking. I was in my own country, in my own place, among my own men, protected by my people, fed by my people, and saved by my people from the dirty hands of the Congress police. Is it a shame? I consider it a honour, to be fed by my own people, kept up by my people and saved by my own people. We were arrested under the Travancore Defence Act at that time. Some months passed by. Then, the new Congress representative body passed a law called the Public Safety Act. Our comrades were handed over from the Travancore Defence Act to the Public Security Act. After some time came the blessings of the Preventive Detention Act and we were handed over to the Preventive Detention Act. In 1950, or at the beginning of 1950, a *habeas corpus* petition was filed in the High Court. For full ten months, the *habeas corpus* petition slept in the High Court files. It was then taken to the Supreme Court and it was found that all our comrades, all of them, were detained illegally and they were all released. This is the case.

In the meanwhile, arrests under the Preventive Detention Act was not the only thing that they did. It would appear that a few people would be taken and kept under preventive detention. Not at all. Hundreds, thousands have been taken and kept in lock-up. You go to any police station; at that time you will find a few. If it is seriously asked, why is he here, the reply is clear: preventive detention. If it is not noticed by anybody, you keep them there for a few days and let them off. That is a type of stealing. If it is not found out, it is serious. If it is found out, it is just a joke after all: one gentleman picking something from another gentleman's person. In the same way, this Preventive Deten-

tion Act was employed to arrest people *en masse* and keep them in lock-up. This sort of thing has been going on.

I ask Mr. Chacko, my hon. friend Mr. Chacko—both of us have known lock-ups and jails and we have tasted it together—can you stand up and say that the character of our lock-ups has changed, the character of the police has changed? Can you say, and for that matter, can any hon. Member in this House stand up and say, that a respectable man can go to a police station and be put there in the lock-up and then come back with the faith that he will not lose his prestige and self-respect? One cannot. At least, that is the position there.

After the great day which Mr. Chacko characterised as the day of responsible Government, there happened several things. An Engineer,—I may tell you, he is not a Communist, not even related to any Communist, I am sure—went to a police station in Alwaye. He wanted to know something about the Police Inspector. The policeman on duty, was displeased by the way in which the Engineer put some questions, and do you know what happened? This Engineer is a friend of the police Inspector. When the police Inspector came back, the Engineer remained in the lock-up beaten. What can be done? The respectable man was not a Communist nor a Congressman; he was a man of the old type and would not say that he was beaten. He just put it into his pocket and went away.

In another case, an old respectable man, whom my hon. friend Mr. Chacko also respects, by name Mani—he has got some status in Malabar; he was an old man—went there and on his way back to his home, he came to a culvert of some such place and was sitting there taking rest. Then, such a great man like the Inspector of police passed that way. This undemocratic man, Mani, was not prepared to recognise the crystallised form of law and order the Inspector, passing that way and did not stand up. Do you know what happened? This Mani was taken into the police station in the evening. It was not Mani that was taken out of the station, but Mani's dead body that was taken out of police station. He was not a Communist, I am sure. That happened to him.

There is another place called Perur, near the Town where my hon. friend Mr. Chacko is the boss of the Congress. That is a place where policemen used to go and bathe. One day they went there. There was some dispute with a villager. The result

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was that at dead of night, a whole reserve party went to the place, entered into every house, beat up everybody they found including a priest who had a long beard—they took him by the beard and pushed him to the ground—and now some sort of enquiry is going on. This thing happened more than one year ago, just a year back. Still the enquiry is going on.

Shri C. R. Iyyunni (Trichur): May I know, Sir, whether the Sub-Inspector is being prosecuted by the Government?

Mr. Speaker: Let there be no cross-talk between the two.

Shri Punnoose: My present object is to show that the character of our Police Stations and our Police has not changed. To the other point, if necessary, I will come.

Mr. Chacko was yesterday saying that a Sub-Inspector who went to enquire into a case was killed and that the assassins then paraded through the village with their bloody hands and all that. I can go into the details of every incident, every case that he placed here, but lack of time prevents me from doing that. This one case I will take, just for two or three minutes.

It is a place called Suranad, an out of the way village. In Travancore-Cochin, the agricultural workers generally come from the depressed classes, the so-called Scheduled classes. But here at Suranad they come from high-caste Hindus also, meaning thereby that the general economic standard of the people is so low. There is land and that land is concentrated in the hands of a few landlords. That is not a common phenomenon in Travancore-Cochin. We have got small landholders in plenty. There was in that area another source of living to the poor. You know the agricultural worker in India is suffering from chronic unemployment. During that period these agricultural workers used to catch fish from the waters of small streams there, used to sell them and make a living, a poor living, of course. For years, from time immemorial they were doing that. But in that year,—I do not exactly know the year and I do not want to be incorrect.....

Kumari Annie Mascarene (Trivandrum): 1950.

Shri Punnoose: In 1950, the Congress Government auctioned these waters, and it was auctioned for

Rs. 21/-, you please understand. Petitions were sent that it should not be auctioned as it was their only source of existence. But it was auctioned and the contract was taken by a relative of a leading Congressman whose name I do not want to say because I also respect that man. It was taken in the name of another poor man, and things were going on like that. But, though this contract was given, the poor villagers of that area continued to catch fish from the waters. Then, a petition was sent to the Inspector of the locality saying: "My contract is not respected. Fish is being caught illegally. It should be stopped". All these prayers were made, and at last, as a last clause it was said: "This bold campaign of fish-catching is planned and manoeuvred and led by the accursed Communist Party." That was the last sentence in it. I talk with personal responsibility. I may be making mistakes, but hon. Members may take it from me that I will never tell lies here. (*Interruption*). I do not want to be so bold as that, but a certain amount of accuracy makes me more correct—that is what I think.

Then this petition was given. That is the type of thing. Whenever in Travancore-Cochin—it may be happening in other parts of India also nowadays—a man wants to file a complaint, somehow this Communist is also brought in so that the Police may be brought against them at the earliest. In that place.....

Shri Namdhari (Fazilka-Sirsa): On a point of order, Sir. The hon. Member is addressing this corner and not the Chair.

Mr. Speaker: He may address the Chair.

Shri Punnoose: I was pointing to Travancore-Cochin.

This was also added there that the Communists were in that. I was at that time and for a long time as a matter of fact, the Secretary of the Communist Party there. Till the moment that this happened, I assure you, Mr. Speaker, and through you, this hon. House, our Party did not have what we call even one cell in that village or one party member. It was an absolute shock to me that morning when it came in the papers, when I heard from the lips of people, that the Police Inspector and three Constables were killed in Suranad. What I want to say is that this allegation that the Communist Party was giving the lead to catch the fish was wrong. It was just put in to invoke the help of the Police.

This petition was given, and a few rupees—I talk on personal responsibility—a small amount of money, something lower than Rs. 100/- was spent on the Police Station, propitiating these guardians of law and order. That evening the police Inspector and a few Policemen went there, arrested 12 young men from that place, took them to the Police Station kept them in that station and they were beaten black and blue, beaten from top to toe, and they were reduced to pulp so to say. I tell this because I have seen those men, I have talked to them and have known their experience. Believe me when I say I have talked to the policemen who were at that time in the police Station on that day. They have told me what happened. These men were then released, let on bail. They went to their village. Naturally there was resentment, and two days after, a batch of Police—not one, but a batch of Police, ten or twelve—went again to the village, the Inspector giving the lead. They went to the house of the respectable gentleman about whom I made a hint a little while ago, had dinner with all its necessary concomitant's, and at night they went out again to see whether law and order was being kept perfectly during the night. By this time, the presence of the police in the village had collected a lot of people in that place. They were afraid, in fact. They were resentful, in fact, and they were in a mood to resist the police if they did anything more. They were there, the beaten-up people, their relations, their kith and kin collected together, when the police Inspector and the party went to the spot. At dead of night, the Police and its previous victims met each other and there was a big fight.

Mr. Chacko was saying that parts of the body were cut up and that processions were being taken out in the village. I read the newspapers the most anti-Communist papers at that time, but there was no mention of this procession. It was said that a portion of a thigh was cut out. I challenge my hon. friend Mr. Chacko to contradict this, after looking into the evidences. Many of these accused were arrested within a period of 48 hours; because their act was so uncalculated, they were arrested. They had wounds on their body, not due to any clashes with the police, but because they wounded each other. It happened at dead of night, and certainly the Police Inspector was killed. And here I should be certainly honest to myself. If I were asked whether the police should have been attacked at that moment, I would not have advised them to attack the police, and

certainly I feel sorry for the family of that police Inspector. However I will not be honest to myself if I say that my sympathies are not with the people who have clashed with the police, but with the police.

There was a ring in the speeches made by some hon. Members that on the continents of Europe and America, the people are all angels, while here in India, devils are going about like this. But I can tell you that the European masses are more militant than the Indian people. If in any European country, a policeman attacked the people like this, I am sure, sulphuric acid would have been thrown against them, if not even acid bombs, which I myself tried to use some time back. If the two alternatives are given, surrendering oneself before this violence, and police atrocities, and the other to fight back against these police atrocities, I shall stand by the people who want to do so.

Then with regard to the lady worker Mary, I asked Mr. Chacko about it, and he told me that what he had stated the other day had been said inadvertently, without any deliberation and without any sting. I want it to be known to the hon. Members of this House, because she is a lady about whom many people have a high opinion; many have great respect for her, and she is the model of Indian womanhood. She was arrested, and Mr. Chacko contended that she did not make any depositions before the magistrate. I asked Mary herself after she was released as to whether she did not make any depositions. She said that she made attempts to make depositions, but the magistrate refused to take them. I take the responsibility for this statement of mine, and if it is challenged, I shall take Mary herself into this Parliament House and will make her speak to the hon. Members about it. Let us leave this matter now, for the present.

Then in the year 1948, all of us were arrested. Warrants were issued against us, and under those warrants we were kept under detention till 1952 when we had to be released by the Supreme Court. A few weeks passed by, and the elections were coming nearer. And we called together an election convention, not an election convention of the Communist party because it was technically speaking an illegal body at that time, but an election convention of individual communists. Then I drafted a letter from the underground to the Chief Minister that we proposed to hold a conference like this, a convention of the individual communists as different from the Communist Party convention. The

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Government kept quiet over it. But the moment the Communists and the sympathisers of the Communist party gathered together in a particular place for the convention, the police came down upon them, and again put them behind the bars. A case was again registered, but they were released on bail. So they were detained again. And that detention continued till the elections were over. These are all facts and yesterday I asked Mr. Chacko whether there were any detenus in our State at the time of the elections. At that time, Mr. T. V. Thomas, the present leader of the United Front of Leftists in my State Assembly, Mr. R. Sugathan, Comrade Gouri and K. T. Jacob, Kottayam Basi and others were in jail. Several others were also there, but these detenus were all candidates for the election, and I may tell you that all of them won in the elections, barring Mr. K. T. Jacob, even in the very town from which Mr. Chacko is coming. The others were given a shattering defeat by one of the Communist detenus. What has happened to him? Dr. Katju, the hon. Home Minister is here; he will say that he will have nothing to do with him, as long as he is connected with this 'u.g.' but I am connected with this 'u.g.' in this free India, and the people of my constituency have said, "Well, Punnoose, you are all right, we like you, we love you, and so we shall send you to the Parliament." And so I was sent up to the Parliament of the three defeated candidates, there was also a Congress candidate who was very influential, and also an old friend of mine. But all the three including this Congress candidate were defeated.

May I have two or three minutes more?

Mr. Speaker: I have no objection, but the hon. Member himself said that he will keep up to the time-limit.

Shri Syamnandan Sahaya (Mujafarpur Central): We have heard many things about above-ground, let us hear some thing of underground also.

Shri Punnoose: All the three other candidates lost in the elections, but the U.G. fellow won. What does it mean? Then there was the case of Mr. Govindan Nair who was arrested and detained, but he jumped over the walls of the prison and escaped. But in the elections, what happened? Seventy per cent. of the total number of votes polled came to him. If these votes have any significance, it means that our people do not approve of preventive detention, and this security that

is supposed to come from this preventive detention and other similar laws, because they feel that this is a security which cannot be relied upon. It is not the security of which the hon. the Prime Minister of India should be proud. It is not a security about which hon. Members should shout in praise. Let us work for that security which as Mr. Chacko has said the other day comes from a person's inner mind; let us work for that security where the worker can feel secure, the peasant can feel secure, and the middle-classes and the N.G.Os. can feel secure, where the toiling masses will find their place of security. It is only from that security will rise a noble India in whose borders, this law need not be there.

Shri M. A. Ayyangar (Tirupati): The House has heard with very great patience the charges and counter-charges relating to incidents which almost made the blood curdle in our veins. We tried as far as possible in the Select Committee to bleach this so-called 'Black Act' thrice, and what remains of blackness still is only a shade of the black acts that are perpetrated outside. I cannot say that there is anything inherently black in the so-called 'Black Act'. I wanted to convince myself and I was about to be convinced, that there was no longer the need for this so-called Black Act.

An Hon. Member: Inaudible. Please move nearer the mike.

Shri M. A. Ayyangar: Now I shall be taking the position of the leader of the Communist Party, I really wanted to know how my children who are sufficiently aged ought to be brought up in the new atmosphere, to share the responsibility of the freedom. Whether the credit for that goes to us or not, whether that is admitted or not, we in our age took a heavy part in sending out the Britishers and in restoring the freedom of our country.

That is the inheritance which we are passing to our younger generation. If they are going to maintain it and if they do maintain it, what will be the net result of their undertaking and their maintenance? The plans for the masses, of goodness or convenience, would they be dissolved in the amount of terror that is struck into the minds of the masses in this country by these young men? That is an honest doubt which has arisen in my mind, and I am trying, as far as possible, to dissolve that doubt and see to it that the young friends who are going to take charge of this country for its betterment really apply themselves to the betterment of

the conditions of the masses. I do agree with them that enough has not been done and is yet to be done so far as the economic life of our country is concerned. We have just started on the path. There are differences of opinion as to how the approach has to be made. In some countries individual private enterprise is allowed and of whatever earnings are made by them a very large portion is taken off for the purpose of distribution by way of social services to the rest of the community. There is another experiment going on, and it is a vast experiment, in two big chunks of Mother Earth,—where the means of production are taken charge of by the State directly and distribution in their own way is going on. The question is, in the long run which of these is going to give the greatest amount of benefit to the masses? In between we have started our own experiment, a middle course, a course where private enterprise is not absolutely tabooed but to a large extent all the means of production are in the hands of the Central Government. This is an experiment we are entitled to go on with. All that the Congress Government wants from the hands of the inheritors of this freedom for which the elders have shed their life-blood in this country, is a peaceful period of five years within which they try to make this country flow with milk and honey. If that is not possible, by all means remove them. The elder people have not been made *Chiranjeevis* in this country, their days are numbered, and the sun is likely to set on them. Those persons that started the freedom struggle in 1920 were not old, 60 or 70 years old. We also were not born 60 or 70 years old from the wombs of our mothers. We were also young. When Gandhiji appealed to the youth of the country, we were all young and we threw ourselves lock, stock and barrel, irrespective of the consequences, into the freedom struggle. At that time we did not know that this freedom would come and that the Britishers would walk away handing over the reins of Government in our hands. We did not know when the struggle would end and we thought possibly we would all have to die in jails with all those hardships we had undergone. My young friends who are narrating incidents and the difficulties they had undergone in jails, these are not new to us, we also suffered a longer number of years. The Leader of this House is a prince of detenus amongst us. Can anyone in this country claim to have been for twelve long years in jail not under our own Government but under a foreign Government? And while he was in jail he lost his wife. He refused to come out even at that time to have a look at his dying wife unless as an

ordinary convict he was released and he was absolutely set free. He denied himself even the pleasure of having a last look at his wife. From such a leader, from his hands why should we expect any 'Black Act'? Even if he is forced to have these shreds of a 'Black Act', let us have an introspection into what is in the other side also. Let us look into our own conduct and see to it that we do not set ourselves upon the wrong path. If he is wrong, let us tell him and correct him. On the other hand, if we are wrong let us correct ourselves. That is the attitude which I expect from my young friends. It is not a pleasure to ask after freedom has been won for extending the period of the Act by two more years. Every one of us knows it is an unnatural law, it is not necessary. But I honestly am convinced that the necessity for it exists. (*Interruption*).

I am so sorry that a man who eats mutton does come with the entrails round the neck. Here I find Prof. Hirendranath Mukerjee—I do not know whether he is a Professor of Biology or Professor of Jurisprudence—he comes here and says: "The black marketeer is not arrested by the Government. Therefore I must take the law into my own hands. I must shoot him". Yes, an individual, like Prof. Mukerjee, without any law, without any evidence, except what he comes to know, must have the right to shoot! But the Government, if it comes to know that a particular person, X, Y or Z, has gone underground and is trying to dissolve the Government by violence, that man ought to be tried in a court of law in public by a set of jurors, assessors and so on. Is this a law, is this a right which any Government will give to any individual? Ultimately, in any Government, whether it is a democratic Government or a dictatorship, I ask Prof. Mukerjee to tell me whether any right of this type will be allowed to an individual? I ask him if it is open for an individual to redress grievances by taking the law into his own hands, however much he may like to do it? He can only appeal to the law and to the Government for redress. Still he prides himself in the cult of violence. That is rather disappointing. He is a Professor. I do not know what the students will learn under him. I may tell you, Sir, but for the fact that even now there is no change of heart in these young friends here and outside. I and some hon. friends would not have been a party to this Act the continuance of it for a longer term, particu-

[Shri M. A. Ayyangar]

larly those friends who from these Benches say that such Acts ought not to be on the Statute-book. I understand reliably—subject to correction—from one of my friends who was also present at the Aligarh University recently that Prof. Mukerjee went there and said to the students, "You friends, you are not treated properly in this country, Muslims". This is not the way to get on in this country. In this country we are trying to consolidate this nation. Those of this country who said they belonged to a different race, they cut both the hands of Mother India.

Rightly or wrongly we have come into power. I wish one day—we are passing away—the younger men, younger sons, must take charge of Mother India: Mother India will not also disappear along with us to *Vaikuntam* or heaven or hell. We will leave this earth behind for them. If they take charge not by force of arms, then once the majority takes a decision the minority cannot go on burrowing, they must obey what the majority passes. We have been voted to power here. We are here for a short period of five years and within that period, why do they go about trying to undo what we have done? We have earned it to our credit. We have earned democratic freedom in this country. Now, this cult of violence is unnatural to our country. We have fought for the freedom of our country. During all this struggle from 1920 onwards I have not come across a single case where a European as such was murdered by any of our people. Possibly there may have been a stray case which has not come to my notice. We have not done it in the heat of our passion when most of us were taken away from our hearths and homes, taken 500 or 600 miles away, and wherever we went and we wanted to agitate, we openly said that we stood for this. then took the flag and underwent all the trouble and turmoil. The cult of violence ought not to be allowed to spread in this country. Is it for this that Lord Buddha was born in this country? Is it for this that Mahatma Gandhi was born in this country? This foolish method of idolising violence ought to go.

In 1941 some of our young friends who were then belonging to the Communist Party were with us in the Trichinopoly Jail. Brahmins in South India are all absolute vegetarians. Some of my young friends, Brahmins, began to eat mutton because they thought if they did not eat meat, they

would not get used to violence. They must get accustomed to violence!

One of my friends who recently returned from Czechoslovakia—he belonged to the Embassy there—said there was an association, age-long association for propagating vegetarianism, for converting people into the vegetarian cult. That was taboo and the association was liquidated because it produces a kind of spiritualism which makes people soft. If we adopt then this cult we must go back many years below evolution and then become all barbarous animals. Is that our culture? What is good for Russia or China may be good for those countries. Let us here evolve our own creed. We have obtained results by it. This has brought us victory even against a foreign Government—non-violence, by which we stand. Why should not my young friends the Communists by non-violence try to influence our people towards a co-operative commonwealth or whatever they want so far as economic life is concerned? It is still open to them. But if they go about preaching violence let them take the consequences. They must suffer if they preach violence either for redress of individual grievances or for the overthrow of the State. If they want to establish a dictatorship of the proletariat, or to establish communism, they have a right to do so and by all means let them do so, but if that propaganda is based on violence and it is said so,—you know, Sir, as a lawyer that that by itself makes an assembly an unlawful assembly and for that alone any Member is liable to be prosecuted or arrested. That we have not done—we have been charitable. We have allowed these people to go about saying that democracy is not fit for this country, dictatorship alone is suited. If the masses are with you by all means do that. But in addition to saying that you want to say that if the masses are not with you you will terrorise them, the police inspector will be murdered. I say, "Halt, do not do that". And if you want to do so and carry arms as you are doing in Nalgonda in Hyderabad, without surrendering them. (An Hon. Member: It is against organised State violence.) Yes, let it be clear in our minds. This kind of bamboozling even on the floor of Parliament will not do. Today any Government stands for collective violence as opposed to individual violence. It is certainly so. We have got a right in the interest of the community to do so. Every Government is based on violence. We, as far as possible, are trying to avoid that kind of violence, but we will not allow—no Government, whether of the brown pattern or of the white pattern, will allow

any individual to take the law in his own hands. And for that I believe that this Detention Act is necessary not only for two years but for two hundred years. Let us be frank about it. (*Interruption.*) Hon. Members will show a little patience. What I would say is this. This state of affairs pains me, it pains every one of us. We want to establish a democracy and we want to establish peaceful life. We will do so whether our young friends like it or not. They are prematurely anxious to establish leadership in this country. But let them not do so by killing. Did we kill a single individual? Whatever suffering was offered was taken by me in a spirit of service and renunciation so that I may convert the other people. But these young friends want to kill their fathers. That is the difficulty. They want to kill the persons who have brought wisdom and freedom for this country. This will not do. So long as they do not abjure this violence..... (*Interruption.*) It is all wrong. It is said that it is due to police excesses. I do not say that every policeman is good, but if there are police excesses there is sufficient argument for the Government to take action, it must be impelled to take action. But does that justify the murder of policemen? I have heard the explanation given by Mr. Punnoose. It only confirms me and confirms every honest thinker in the belief that these people are trying to show off whatever has been done by saying with a false pride that so many excesses have been committed and therefore, the people voluntarily came forward. I ask whoever has read the history of this country: Did our people however great troubles they had been put to rise in rebellion? (*An Hon. Member: 1857.*) 1857—that is long past.

Mr. Speaker: The hon. Deputy-Speaker will kindly address the Chair. His voice will reach the benches behind him. Further, if he engages himself in answering the questions, he may perhaps, on account of the time-limit, not be able to make out his points.

Shri M. A. Ayyangar: Yes, Sir, I have been too long in the Chair, I am not accustomed to it.

All that I say is this. Openly our friends have the hardihood of saying, "Yes, the cult of violence must spread from day to day". On the other side, it is our responsibility, as persons who have been responsible for establishing freedom in this country, to maintain law and order at any cost. So, it does not matter if a few friends have to be inside the jail. We are not killing them, they will be kept out of harm's way. Some Members showed their hands

and feet saying, "This hand was broken in jail". We also have been in jail. Obey discipline in jail. If you never obey any of the jail rules how is the jail to be administered? We also were in jail and we opposed that Government much more than these young men who were all outside the jails at the time and supported that Government. (*Interruption.*) I am sufficiently aged to speak the truth not only here but to speak it outside also. We were in the Amraoti jail. What was the placard outside the Amraoti jail? "These people are in league with the enemy, Japan. They are sending them messages. Keep them permanently here." Such were the placards or the notices that were issued on behalf of various associations. 10 A.M.

Dr. Rama Rao (Kakinada): We agitated for your release.

Shri Raghavaiah (Ongole): rose—

Mr. Speaker: Order, order. That way we cannot carry on discussion. Hon. Members must cultivate the quality of patience. They have had their chance of speaking; let him have his chance. He is giving his own views on the matter. We must cultivate the habit of hearing the other side patiently. Otherwise no discussion is possible.

Shri M. A. Ayyangar: Well, why was I put in jail during the war and why were our friends outside? (*Interruption.*)

Mr. Speaker: Order, order. I shall be compelled to name the Members who are standing every now and then and interrupting. That way we cannot carry on the discussion. (*Interruption.*) Whatever it may be he is offering his own experiences and he must be heard and heard without interference.

Shri M. A. Ayyangar: It is unfortunate that while the youngest of our race ought also to have taken part in the freedom struggle, they not only kept out but actually, according to our light and our understanding, were eulogising their helping some other person. Let us forget it—I really wanted to forget it, but today forgetting it will lead us into absolute peril because still they place their faith in violence. It is like my young friend carrying a pistol in his pocket all along and embracing me and the moment I am taken unawares shooting me. I only ask him, "Either avoid your pistol, gentleman, or avoid me altogether", but he will neither avoid the pistol nor avoid coming in my way and he would like to cling to me and then wait for an opportunity to shoot me. Is this reason, I say, in the name of democracy? My democracy is of a different pattern from theirs. England and America also have

[Shri M. A. Ayyangar]

democracy but there the masses are able to take care of themselves. Our masses here are not alive to their responsibilities. They are afraid of the policeman, and much more of the communist. The father is afraid of the communist son. You do not know what is happening in this country. So much of literature is being freely distributed. Marxist books you can get in any number for half a rupee each. I do not know how many of our young men, if they read them, understand their marginal utility or their materialistic history and revolution. I tried to read *Das Capital*. I was not able to make head or tail out of it. But all our friends who have not a degree have become Doctors of Marx and Lenin. They are all misguided. I heard the story of an old lady who attended a sermon. After hearing it for one hour she was asked what was the sermon about and she said, "That blessed word Mesopotamia". Likewise, my friends say, "Marx". What is there in Marx? I wanted to hear it on the floor of the House, I was waiting for it whenever any economic matter came up in the House. There was a seal on their lips. On economic issues there is no need for dictatorship. Even according to them dictatorship is only for achieving economic equality. By all means, but let us know how you will adopt that economic freedom, what institutions you will introduce, what are your suggestions. We have passed many Acts regarding economic matters, but during those discussions their lips were sealed. They have only learnt political slogans like "the dictatorship of the proletariat", Lenin, Marx etc. That is no good. What is it that our friends know outside these slogans? This kind of misguidedness will lead them to repent later. I am quite sure about it.

Many young men there are who spoil their lives. It may be that some friend of yours who was your companion in the fourth standard may come to you today and say, "I did not care for the words of my father. Today, I am a schoolmaster. Kindly recommend me for an increment of one rupee or two rupees." He had the same opportunity as you had. You are adorning this Chair and he is rotting as schoolmaster still. Many of our young friends will rue their present occupation later.

The blessed name of Pandit Motilal Nehru has been brought here and extracts were read by my hon. friend whose eloquence, unfortunately, has been more wasted than usefully spent in his regard. He referred to Pandit Motilal Nehru. I stand by every word that he quoted. But he did it out of

the context and out of the relevant circumstances. What did Pandit Motilal Nehru say? He said, "My hands are clean. My cards are open. Whenever I launch *satyagraha* I give you notice in advance. There is nothing underhand. I am not going to kill anybody. I am not going to shed a single drop of blood." You remember, Sir, that Lala Lajpat Roy protested against the visit of Lord Simon. He was hit on the chest and killed and India lost one of her greatest men in this country. We people were prepared to suffer and sacrifice. That is why Pandit Motilal Nehru said, "My methods are open. I act openly. Why do you have this underhand law? Use it for underground gentlemen, and not for us. We never adopted underground tactics. Why do you impose this law on us?" To use that for the present occasion,—well, I do not know how to describe it. I ask you to come into the open. If you have courage, preach your creed openly and come out with your arms openly and be arrested by all means, and succumb to it. If that is the way of your conversion, I have no quarrel. But you go underground. We do want an underground Act for underground people. What is the harm in it? An underground set of people require an underground Act. What is the good of quoting democracy? Our citizens are not able to stand on their own legs, and this Act is necessary to protect them.

I have heard with some impatience the remarks made by some other friends. I have got regard for my young friends. I know the risk I have undergone. They are also free to undergo similar risks. Are they prepared to sacrifice? Through their sacrifice, let the country prosper. But they are not prepared to take risks. People who sit in arm-chairs and merely try to exploit the sacrifices of others will never do any good to this country. Let these young friends follow our ancient methods. Let them follow the non-violent and honest way and at a later date they may have a chance of assuming power. But I am surprised at so many arm-chair politicians here—a retired High Court Judge, another editor of a paper and so on. Have they shed a single drop of sweat in the cause of the country? They sit in the arm-chair.

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Whether Ravana rules or Rama rules, they do not care. They have got themselves to themselves. These are the gentlemen who talk to us from the pulpit. They preach to us and ask us to do this and that. All for what? So that there may be chaos and they may

enjoy? Communists are under the impression that they will one day become the Government and the lawyer friends of their party think that they may become the Law Minister and the Advocate-General, irrespective of age. I do not wish to go into personal matters, but this is the way in which they think. They do not realise the situation in the country, because they have not earned this property. Therefore, they do not know the worth of this property and the value of maintaining it. Here is a Maharajahdiraja. He has lost his kingdom but he wants his title. Still, he is the "defender of the civil liberties". I am referring to the Maharaja of Patna. The man loses his all and yet he wants to call himself Maharaja. Why do you want this title? I am really surprised at this mentality. Take these jagirdars. I have very great regard for them. With one stroke of the pen we have achieved a revolution in this country. Such a revolution has not taken place in any other country in the world. All the Maharajas have allowed themselves to be liquidated. All glory to them. But unfortunately some of them are trying to come back and by force of arms are trying to take back their old territory. Are we to help them?

When allegations are made against Mr. Gopalan, of terrorism my hon. friend Dr. S. P. Mookerjee says, "Ask him." Why should I ask him? You are an elder. Do you take the trouble to look into those facts? Are you able to say, "This is wrong." If he takes a wrong step, do you advise him to avoid it? That is the attitude which I expect, but unfortunately all his knowledge, all his eloquence, all his experience goes on this side, because these friends are sitting here and they cannot unfortunately sit on the other side. Therefore, all my hon. friend's eloquence is used only for these other purposes. (*An Hon. Member*: You are also on the same side of the House.) I am here by force of circumstances.

Now, as regards my hon. friend Shri Sarangdhar Das and other friends of the Socialist Party, they have done things in their own way. Do you know what they did in 1948? In Calcutta they tried to start a strike to stop the water supply, electric supply, tram cars and every other thing which was so essential to the life of a civilised community. They wanted all of it to be brought to a standstill. They were defeated there. Straight they came to Delhi. You do not know perhaps what they did or what they had behind their backs. They started the D. T. S. strike. Unfortunately, their attempt was foiled. They tried to stop the Electric Supply Corporation from functioning. Again,

they failed. From here they then ran to Bombay, and started organising the strike of cloth mills, etc. I ask you: should strikes be used for the purpose of bringing about political revolution in this country? Honest trade unionism will never be suppressed in this country. We are in favour of trade unionism. We want that the workers should get into their own and that their legitimate grievances must be redressed and that there should be collective bargaining. We have passed so many wholesome measures which no other Government before had done. But in the name and cloak of trade unionism my hon. friend Dr. Lanka Sundaram goes to Vizagapatam and tries to set the dockyard people against the authorities and urges them to do this and not to do that merely to put political pressure, so that he may become the king of this country or the Prime Minister of India. I will not allow him to do so. Am I wrong, Sir? So far we have seen that this cloak of trade unionism has been used for the purpose of overthrowing this Government by apparently lawful means. If my hon. friend Dr. Mookerjee had continued as the Minister of Industries who can imagine that he would allow this course of action to be followed? Unfortunately, he differed on a separate issue. Even with regard to that issue, I may say something. I am a Hindu. That does not mean that I am a Hindu first and something else next. I am all simultaneously an Indian. I have no compartments in my life. I feel that life is one whole and indivisible. If I can speak here on the floor of the House with truth, according to the oath of allegiance I have taken, that is enough. My friends here have subscribed to the same oath. They have sworn in the name of democracy. We stand by democracy. They say they also do, but they preach to their younger brothers to cry for dictatorship. Outside what is the good of this? Why can you not tell them, "this Government has a guaranteed life of another five years. We shall wait for five years." If after the five years, you find that this Government has failed or that this experiment in democracy has failed, then shout from the house-tops, "A new experiment is necessary." Why are you impatient and go on fomenting strikes and lock-outs?

My hon. friend Dr. S. P. Mookerjee says, "Why did you not run in advance and arrest the goondas in Rajasthan and Saurashtra?" Assuming that Dr. Mookerjee is taking sides, and there is a report that he is taking sides on communal matters, is it easy for anybody to arrest a heavy gentleman like him? Absolutely not. Of course, I am also heavy. Do you mean to say that

[Shri M. A. Ayyangar] the Bengal Premier will have the courage to arrest him? (Dr. S. P. Mookerjee: Why not). To say "Why not?" is easy. If he were in the seat of power and I were there, he would easily authorise a policeman to arrest me, but I know he will not do it, because he is so fond of me. But in his case, it is not easy. We must be realistic. I know that my hon. friends are very anxious that this country must progress from strength to strength. I know how Dr. S. P. Mookerjee went as the leader of the delegation or as the representative on behalf of India to the ECAFE Conference in Ootacamund three or four years ago and did wonderfully well. We had expected large concessions from America, but we were disappointed. He is a bold fighter. Unfortunately, he disagreed on some point. After all, we should remember that at that time we were at the edge of a precipice. We did not know the position. Perhaps he knew something from the inside. Outside, we thought he was getting on well. There was tension between Pakistan and India and at any time there might have been a flare-up. Dr. Mookerjee may have thought, "Pakistan is a small country, I am a huge giant. I will crush it." But we know the experience in Korea. It is a small country. The moment the fight started and bombing took place, the two power blocks entered the arena. Are we to enact a similar thing with Pakistan? After three years of world war, we had 62 lakhs of refugees in addition to famine in Rayalaseema and other places in the country. Nobody was safe. I belong to a religious centre where marriages are celebrated every year. The husband and wife get into a train. They want to go to Bezwada, but in between they go to heavens. This was in 1948. My hon. friend Mr. Punnoose was embracing Mr. Chacko and told him "you and I were friends, why was I arrested and you were left out?" Because, in 1948 Gandhiji was murdered, the R. S. S. was there, there was no safety for any person to come to Delhi otherwise than by air. In Sullurpet, fifty miles from Madras, two carriages capsized and 98 persons died. Are they not our own kith and kin, of our own blood? Do we not weep over it or can anybody exult over it saying "I was responsible for so many murders, whoever did it." (Interruption). Did the devil do it? There must have been human beings.

Shri Nambiar (Mayuram): The engine was a rotten one.

Shri M. A. Ayyangar: Yes, and it went into every compartment and destroyed all the people! It is something like saying that nature did it, or saying

that people have to die after a hundred years; therefore what is the harm if they died? That is a philosophy into which I cannot enter here. In 1948 this was the situation from end to end in the country. It was not only in the South Indian Railway. It was there in the Eastern Bengal Railway and other places. Go into those details of 1948. Then the Prime Minister said, he pointed out as early as in February 1949 what the activities of this party were. The strike, as the Prime Minister pointed out in the Constituent Assembly on the 28th February 1949, had nothing to do with improving the conditions of the workers or with the normal activities of trade unions and the like. It deliberately sought "to create famine conditions by paralysing the railway system.....the object being to create a general background of chaos, a breakdown of the administration and mass uprisings.....The permanent way was to be damaged! The Locomotives were interfered with, and general sabotage of vital installations, telephones, telegraphs and power stations was aimed at." This is what he said, contemporaneously, after those happenings and not for the purpose of the Preventive Detention Act. This was after the murder by some foolish communalist of Mahatma Gandhi. These things were done not by our friends, we all are hon. men (many of them were in detention). Otherwise many things might have happened perhaps. But other people were alert who cut telegraph wires and other things. And their plea was "You taught us these things". A man who was recruited to the army just at the close of the war, never expected the war would close, but he had learnt to shoot. So he goes to his mother and says "Mother, I have learnt to shoot, therefore show me your chest." I ask my friends, am I to show my breast? Is it for this that we all went to jails, that the leader of our party and all of us went through all the turmoil and suffering? It is to hand over the country to you in good condition. If we do not make this land flow with milk and honey and grow in prosperity in five years, take charge of it. The people are there. You have succeeded in some places. I do not deny. The mirasdars of Tanjore did not vote for my friend Santhanam because they were all up against a report that if a person possessed hundred or two hundred acres of land, it would be split up and twenty-five acres would be given to one person. They were the people who voted for my friends the Communists. It is the landlords who voted for the Communists. All reactionaries voted for them. In this House the Opposition consists of groups of men. Is there a common thread? They are wondering at our discipline here.

They want to have discipline. Sometimes even morality is a curse. There is a Telegu proverb that for settling disputes in a bazar the prostitute is the biggest guide. I am sorry, I am not casting any aspersions against womanhood. There are, and there have been persons who have no common thread, no common ideology and the one common purpose was to defeat the Congress. In Godavari in the delta area the farmers had plenty of stocks of grain. They wanted to sell them at high prices. But the Congress was not for removing control. If Rajaji had come on the scene earlier perhaps things would have been different. (Interruption). It is easy to challenge. I also succeeded in my part of the country. Why do they want that Dr. Katju should stand in Shri Nambiar's place? All right. Go to Dr. Katju's place and measure your strength.

Shri Nambiar: We are prepared.

Shri M. A. Ayyangar: This kind of cheap notoriety and bravado spirit is absolutely useless. Wait for five years.

Under these circumstances I say there is absolute necessity for continuing this measure. One or two things we have done. We are aware that this Act ought to go on for some time. Some of the suggestions are that it may be applied to particular areas. Apply it to those areas which have not given a good account or have given a bad account of themselves. On the face of it there is an emergency which has to be got over. Then extend it to the rest of the area where it might be necessary. It is enough if you do it by notification, you need not come before the Parliament every time. Leave it to the good sense of the Government and let it be done.

We have taken one remarkable step in the Select Committee and that is this. Hitherto, once a man is put into lock-up he could be kept on endlessly in the jail for the antecedent acts by serving him with fresh detention orders and his sin will never be washed. We have put a stop to this and have provided that all the acts on the grounds of which a detention order has been passed must be taken to have been wiped off within one year. Normally within one year it cannot be wiped out. But they are our children, the children of our own land and we must get on with them. So there cannot be perpetual incarceration. That is the improvement we have made. So this is no longer a Detention Act. It is a helping and blessing Act, so far as they are concerned. I honestly feel

that it is not intended to kill them but to keep their health and preserve them.

Then so far as the Advisory Board is concerned we have said that the presiding officer must be a judge, whether in active service or an ex-Judge. Do you mean to say that any one of us has got less regard for Mr. N. C. Chatterjee who is an ex-Judge. Why should they be against ex-Judges? (An Hon. Member: They are being made Governors.) Some have got the good fortune to be made Governors! Where there is a feeling that some more provisions may be made, some of them may be done. But on the whole let us wait patiently. This will not be abused. I also want that a circular may be sent by the Home Minister to all the Departments that the power that is given in the hands of the Magistrate ought not to be abused and that any excesses will be severely dealt with by him. It will not be easy to make a provision in the Act. The provision in the Act in the negative way is already there. But I want him to do it in the positive way also that wherever it comes to his notice and wherever the Board makes a criticism that an officer has recklessly acted and wanted to put any man in jail, that must be corrected. That will infuse confidence in the public mind. I do not say that the Preventive Detention Act alone will cure all our ills. Many other things have to be done. But this is one of the things that has also to be done. Therefore, on the whole the balance of convenience is in favour of keeping it for a short time, and meanwhile use it sparingly and without excess. That is the advice I would give to the Government. I support the motion for consideration.

Shri T. K. Chaudhuri (Berhampore): I was all this time listening with interest and with a certain amount of amusement to the speech that was just delivered here by our respected Deputy-Speaker. I was wondering that there was so little effort even on his part to understand properly our objection to this Bill. I do not speak here as a Communist. I am not a member of that party. But I am also one of those believers in Marx, Engels and Lenin in this country who were not outside the jails during war time. We opposed the imperialist war and were kept under detention during the entire war-period and long thereafter. I can say with a certain amount of confidence that I know what the effects of the working of this Act are likely to be. I have been a victim of this Act under the British rule. I have been in continuous detention for nearly 16 years with a break of two years in between and I

[Shri T. K. Chaudhuri]

know what prolonged preventive detention means. Many of the hon. gentlemen sitting opposite have also been in detention. Some of them with brief spells in jails from time to time have no idea what continuous detention means and I am afraid that even with those changes which have been effected by the Select Committee, there is hardly any improvement and hardly any guarantee that there will not be any continued detention, although there is that clause providing that fresh reasons should be adduced after every 12 months. Probably hon. Members on the Select Committee have no idea of how the police system in this country works. I say this with all difference and taking full cognizance of the fact that our own men preside over the police ministry both in the Centre and in the provinces now-a-days. As the hon. Deputy-Speaker said just now, we are supposed to have achieved our freedom non-violently; that means that we took over the entire system of British administration as it was and that part of the British system of administration which has been least touched by the process is the police system. I know that the same intelligence branch officers, watchers and informers who were put out for shadowing us in our states till yesterday when the Britishers were there, are still 'dogging' our steps. Much has been made of certain parties, not believing in the cult of non-violence, but parties, groups and organizations have been from the very beginning classed as subversive without their ever being provided any chance to prove what they believe in or do not. I might mention here that I saw with my own eyes that a circular was issued by the State Government of West Bengal some time ago, classifying

[Mr. DEPUTY-SPEAKER in the Chair.]

certain leftist parties and groups as subversive. Not only the Communists were there in that list, but the group to which I belong, the R. S. P. was there, the Forward Block was there and numerous other parties were classed arbitrarily as subversive. That was a secret circular, circularized in every Government Department that every such party opposed to the Congress, particularly parties of the left were to be kept under strict surveillance. It is not a question of the Communist Party alone. Every party which dared to differ from the Congress and which was in the black list during the British days are classed as subversive and they are put under surveillance. I know from my personal experience, though I do claim that I have not been engag-

ed in any subversive act during the last 5 years since the time when the Congress has been in power, I know as certainly as the Sun rises in the East that when I go back to Bengal, when I enter Asansol, the same well-known faces will greet me and from there the surveillance will begin and they would begin to 'dog' my steps. Our letters are opened. The secrecy of private correspondence is never respected. Even in the British days there was a certain amount of respect, or at least they were shame-faced about it. When they intercepted our letters, when they obtained photostatic copies of our letters, they took care to see to it that they were delivered the same day. Nowadays our letters are opened and then sent back to us torn and pasted in a clumsy way, posted in a distant post office and they reach us 7 or 8 days later. That is the experience not only of one party, but every party which has been opposed to the Congress.

Much has been said in this House by some hon. Members sitting opposite, while speaking in support of the Bill about the recent incidents in Calcutta. I am connected with one of those parties which took active part in organizing the Calcutta demonstrations. It is correct that in Calcutta it was not a demonstration of hunger marchers. We could easily have organized demonstrations of thousands of hunger marchers; we could have rallied the starving villagers from roundabout Calcutta, but we did not do that. We took the other course, the proper Gandhian course, the non-violent course which is above board, a course which was commended so very strongly here by our Deputy-Speaker. We gave proper notice to the Government. We said that unless something was done about the food situation, the seriousness of which we have not been able to impress upon the Government so far, there would be no other course left open to us but to resort to open violation of law. That course at least was taught to the nation by Mahatma Gandhi. Then hon. Member from the other side—I think most probably it was my hon. friend, Mr. Gadgil who takes his lessons in politics from 'Homa' of the Hindustan Standard, and who learns nothing from real facts of life and forgets nothing—said that 'Homa' in his inimitable way had pointed out that the hunger marchers did not loot the food shops or the *rasaquinla* shops; they only looted the *pan* and *beedi* shops and they were not hunger marchers and from certain newspaper photographs which he had seen, Mr Gadgil also wanted to prove they were very healthy well-fed *goondas*, out for trouble,

instigated by persons, who were underground, to engage in this sort of activities and that for this reason it was very necessary that the Preventive Detention Bill should be put on the Statute-book. I do not want to dilate much on what followed after that civil disobedience movement in Calcutta. But, the fact remains that in that move, there was no support from the communist party at least, and that in that move even true believers in non-violence, men like Dr. Prafulla Chandra Ghosh and Suresh Chandra Banerjee participated. They had no other alternative, no other go; they found that unless they created a situation like this, it was impossible to draw the attention of the Government to the critical food situation, to the tragic famine situation that was developing in Bengal. I do not want to go into what followed. Certain talks are now going on between the Government and the organisers of the movement. But, Sir, do these incidents really justify the continuation of the Preventive Detention Act? I ask the Government seriously, do these incidents justify the continuation of this pernicious Act, even for two years to come?

Then, reference was made by one hon. gentleman from Assam to the activities of the Revolutionary Communist Party. About that, he mentioned only certain incidents which occurred in 1948-49. No proper enquiry has yet taken place as to what happened there. The hon. gentleman informed us that even the Assam Government did not know at a certain stage what the situation there was. Then, certain districts were given over to the military. I have got the papers with me and I am also in close touch with those leaders of the Revolutionary Communist Party who really want to participate in the democratic constitutional movement of the day. Their attitude towards the elections has been totally misinterpreted here. They did not want to participate in the elections simply because of the fact that they were unable to do so as most of their leaders and active workers were behind the jail. Recently, from behind the jails, they wanted to make a statement to clarify their position, and the programme which they wanted to follow. But, the blessed Intelligence department of Bengal have even withheld that statement. Mr. Bhupesh Gupta, a Member of the Council of States, wanted to interview those Members of the Revolutionary Communist party in this connection who were still in detention in Bengal jails. But, the permission was peremptorily refused. Certain members of that party even contacted me. They did not dare to come out in the streets

because although they have done nothing, they were afraid that they would be put under arrest. They requested me to take up their case and ask the Government as to what they have done. Although no incident has occurred during the last 2 or 3 years for which any blame could be laid at their doors, they are still detained without trial or hunted by the police. The way the intelligence branch works, the way the secret police works, and the way the vested interests of the intelligence department has grown, do not allow them to relax this law. The police chiefs therefore go on advising the Government that this Bill must be there on the statute book, so that the activities of the Intelligence department may continue uninterrupted. It is because of this danger, because of the fact that the Government has made so little efforts to change, to reform, to overhaul the secret police system that we are afraid of this Bill. I would not have minded, if it were a political police capable of exercising some political discretion. But what we have today is nothing but the mercenary police force of the British.

Much has been made of the Advisory boards. But, what about the persons who advise the magistrates that such and such people should be put under arrest? Although I was not detained during these years, many of my friends have been arrested. I may tell the hon. House here that every party in Bengal which has been opposed to the Government, had some of their prominent members arrested every now and then. It is absolutely impossible to move about and take recourse to what is called the democratic way of pointing out things, at least in Bengal. In Bengal, the Intelligence branch has been ruling for the last three decades and it is still ruling there. I can cite many instances, hundreds of instances where men were put under arrest, simply because they were suspected of belonging to this party or that party. The hon. Home Minister has said that this Act is against individuals, but not against parties.

But how do you safeguard the democratic liberties of individuals who are also members of certain parties and when these parties are secretly black-listed as subversive parties and organisations, and when people suspected of being their sympathisers, being their members, being their active helpers, are put in jail on no evidence at all. After some people were arrested, if we went to see the District Magistrate, he pleaded his helplessness. If there is an I. B. report against anybody, the District Magistrate will not dare to interfere. In certain cases, I went even to

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the Chief Secretary and the Home Secretary of the Government. They pleaded their absolute helplessness. Only in rare cases when we could take the matter to the Ministerial level and could get the Ministers to intervene, could we secure release. But what about ordinary cases, cases in which hundreds of ordinary people are the victims. We cannot do that in every case. The Hon. Dr. Mookerjee mentioned one case which he took to Sardar Patel, but that cannot be done in every case. Therefore, so long as this uninterrupted, uninhibited rule of the secret Police obtains—the rule of the mercenary Police who sold their country to the British for a mess of pottage and a few shillings—and so long as the same Police continue even today under the Congress regime—we shall be unconditionally opposed to this Act.

People on the other side do not have the least idea of the dangerous weapon they are putting in the hands of their Police. I would not have minded personally if we had a political Police, if we had a party Police. At least we could have expected a certain amount of Political intelligence and discrimination. But this mercenary Police which is always eager to carry favour with the powers that be,—and now that the Congress is in power,—they will swoop on every man who makes a speech against the Congress. So long the law is there on the Statute Book, the reports of the Secret Police will continue to come in. The reports will go to the District Police chief. The District Police chief will in his turn forward it to the Magistrate, and the Magistrate will then pass the order of detention. This was the system under the British, and it continues to be the system even today, and so long as it continues to be the system, my party is committed to oppose this Bill root and branch.

Shri Joachim Alva (Kanara): I was not to take part in this debate either for or against the Bill. I crave the indulgence of the House to mention an episode which has compelled me to take part in the debate. I shall do it in the latter part of my speech.

The hon. Minister has mentioned about detention. Detention we know is a very hard thing. Who has not suffered detention? You, Sir, when you made your speech mentioned about the Leader of the House, that he was the prince of detenus and suffered for a life-long time. No one in his senses would support detention in any shape

or form except under the most abnormal circumstances. Who does not remember the days of detention, or those days inside prison walls, when one's life was cut as-under, when you perhaps were cut off from your wife and dearest ones. In days gone by, during and after the Dandi march the jails were littered with "C" class prisoners, those prisoners who have been the main strength and foundation of our nationalist movement. They did not get enough to eat, not a loaf of bread nor butter. No milk or rice or tea. Bajri, jowar and boiled vegetables were their lot. These are details of detention which we have not forgotten. If then this Parliament, dominated it may be by the Congress party Members, puts its hand to this kind of fresh legislation, it will do it with a grave heart, a grave sense of responsibility and clean conscience.

The fathers of our Constitution, the framers of our Constitution were men who had not seen the dawn just when they were inside the jail walls. They saw the flash of the dawn before freedom was obtained. And they divided the Constitution in two parts: in peace time preventive detention; under abnormal circumstances, Section 352 of the Constitution by which the President shall declare any emergency. Even then, the latter for a limited period, with limited extraordinary powers, to carry on the governance of the country. It was intended by the fathers of the Constitution that there shall be preventive detention, but that the liberty of no subject shall be imperilled in any shape or form except when it was necessary under Section 22 of the Constitution. If such was the intention of the fathers of our Constitution, why should we tamper with it within four or five years?

Russia has taken 30 years to react the millennium; in fact, she has not yet reached the millennium. We have great sympathy for the great things they have done there. We admire the great achievements of Russia whose followers are in this House. We admit, we are far, far from the millennium. Russia built an ivory tower around her to guard herself against invaders and intruders so that her security may be protected. It is written in Section 12 of the Constitution of U.S.S.R. (1936):

"The citizens of the U.S.S.R. are ensured inviolability of their person. No one may be subject to arrest except by decision of a Court or the sanction of a Procurator."

I do not want to find faults with other countries as we are on the friendliest

terms, with all nations. But we do want to know one thing. My hon. friend Shri Hiren Mukerjee recited the tale of horrors of detention. I was reminded of a fact: how many people in the so-called Iron-curtain countries and beyond do come out once they go into detention? How many do come out alive to tell the tale of detention? There are no statistics perhaps available. I find no fault. I am one of the most frank and sincerest admirers of many things achieved in Russia and China. But I would like to ask the simple question: how many have come back alive to tell the tale either across the borders of the Iron-curtain or even in their own land? Whereas here, Mr. Hiren Mukherjee and Mr. Gopalan who might have been under detention for ten years have lived long enough to tell the tale of detention, to run down the Government, to tell all kinds of things about detention. Now, this is the real and psychological difference between detention in the Iron-curtain countries and in countries where there is a democratic way of life. Dr. S. P. Mookherjee quoted something about America. There are other things there—their acts of ex-communication, their investigations, the Senatorial Committees conducting investigations. The way that a man can be black-listed in America and put out of the pale of law and society, the way Prof. Owen Lattimore was recently almost put out of the borders of the U.S.A. by the State Department—these acts of the Senatorial Committee, are more dangerous and more harmful than even detention.

As I said, no one is enamoured of jail life. We will not have even our worst enemy in jail. One period of my three months' imprisonment when I was transferred from the "B" class and put in "C" class, was the worst period of my life. Each time I looked out of the window I suffered the worst sort of mental torture for I saw old companions next door whom I could not reach. I would even say that even if a man be given all the privileges and powers that he enjoyed outside, his wife and children allowed to live with him, even if he has his bank account and may draw money from it—the very idea of detention in jail is suffocating. It chills the heart, it kills the mind, and no creative work can progress inside the jail, though sometimes they may be able to write something. The fathers of our Constitution devised that we shall have a Constitution under which in peace time we shall have preventive detention and in an emergency period they meant to apply section 352 of the Constitution. What happened to series of Railway accidents

with fatalities. As if by a magic wand, they have stopped all of a sudden. Who was responsible for them. Right now there is no sabotage. My hon. friend Mr. Nambiar in his enthusiasm said that new engines have come. We on this side of the House were worried and distressed that day in and day out, accidents on railways took place. As you said, Sir, in your good and brilliant speech, they simply vanished. Why? We have no right to destroy life or property. We have the right to pass it on to our successors. There comes the psychological trouble about means and ends. Our means are distinct. We want non-violent means. Let them not think of winning the end by any kind of means. In 1942, even in the 'Quit India Movement' when certain things came to light, even Mahatma Gandhi was distressed about them. You, Sir, in your speech have said in what way we have liquidated our zamindars. They have all vanished, and the princes are sitting with us today like the commoners, though they are fond and enamoured of their titles. This newly born Indian freedom has been extended to the Indian states also, wherein the former pomp and glory of these rulers has been liquidated, and today we want to go on, with the barest minimum restrictions on the ordinary citizen. That cannot be achieved in a single day. America took 100 years to build herself. She built the iron wall of the Monroe doctrine that they will not interfere in any part of the world, and it was after 100 years that she was able to build herself into a strong power. Although today we do not like all her activities, we do not like some of her activities on this side of the East, the use of the germ warfare, the use of the napalám bomb in Indo-China, yet we should remember that she took 100 years to build herself. Russia did not reach the millennium even after forty years. She had to fight with her back to the wall during the early days when invaders threatened her security. Here we have had hardly five or ten years. Give us at least 10 years' trial, so that what the fathers of our Constitution have given to us, the patrimony of the security of the country, could be passed on to our descendants. We have taken over a going machine from the British. The British machine was in going order. We took over their model of law and order, and although rivers of blood flowed down the banks of the rivers in the Punjab, we today have a stable Government. There is more freedom and liberty in our country than anywhere else. You can have anything on paper. Although our journalism is at its worst, with yellow journals, although these papers may blacken the name of the Prime Minister and his Government in

[Shri Joachim Alva]

its worst form, yet not one paper has been touched despite the amendment to the Constitution a year ago. Here in this country the Press has still more freedom than the Press in any other country. Here we can say anything about our Prime Minister, our President or even about the King who is associated with the Commonwealth and still get away scotfree. May I ask what kind of freedom and liberty of speech of the individual or of the Press reigns in other countries? I shall not name those countries, because I am an admirer and friend of those countries. Although I am a member of the Congress party, belonging to the party which is in power, I am frank enough to say that the great achievements of the U.S.S.R. and China are many, and the whole world will be influenced by them. We, in India, shall not also be left uninfluenced by their achievements. But here is an intrinsic matter, the liberty of the individual with which we cannot tinker. We have to hand it over to our children and grand-children. We can say that this Parliament has perhaps the greatest number in the whole world—there is no Parliament of this type in any other country of the world. Even in the House of Commons, there are only one or two Communist members but more Labourites—but here we have got Communists, Terrorists, and all kinds of people. We are proud of this House elected by universal adult franchise, wherein we have got persons of all colours, and all kinds of personalities. Let us carry on in the spirit of democracy. If my hon. friends on the opposite side of the House are going to come over to this side and rule, and eventually they will come—let them come adopting all fair means, and not any full means; let them adopt their own programme for doing so, let them have a method which will be first-class and genuine from the political point of view. Let them not resort to means by which brother will be divided against brother, and one man's hands will be raised against another. Let them not soak their hands in blood, but let them adopt all means which are fair, towards achieving their ends.

Then I shall take up the aspect of legal assistance to detenus. May I plead with the hon. Home Minister that he should have been more liberal on this point of view? Even in England, it may be noted, in the Regulation 18 of 1939 which was a war-time emergency measure, the detenu was given the right to call witnesses and to engage a solicitor. Our detenus are mostly political prisoners and they have a right to speak to their lawyers. Even when I ceased to be a lawyer, I consulted lawyers when involved in cases.

After seven years at the Bar I gave up the Bar for journalism. I had one or two cases every year, but never did I handle a case myself. I always sought the assistance of a lawyer. Once I had to go to the Full Bench of the Bombay High Court in connection with an editorial of mine, when leading lawyers were kind enough to offer free service to me, and I am still grateful to them. I, however, handed over that case to my wife and said, we will swim or hang together. We won our case in the Full Bench. I would humbly appeal to the hon. Home Minister that even as in England wherein a detenu is allowed to have a lawyer, here also the detenu may be allowed to have a lawyer. The lawyer may not be allowed to cross-examine witnesses, or the detenu may not be allowed to call witnesses for his defence; but at least he must be allowed the chance of having legal advice. After all there are some unlettered and illiterate persons, who are psychologically tormented, and who are not mentally alert. They surely would like to have the assistance of lawyers to prepare their cases. May I as a member of the Congress party humbly plead with the hon. Home Minister to grant this maximum concession to the detenus? But let not one thing be forgotten; let not the lawyers be cantankerous; let them not delay the proceedings or indulge in dilatory motions, and let them not resort to all the vices of their profession, but let them render every help to the detenus in preparing their cases.

11 A.M.

I said, that I was taking part in the debate for one important reason, which I shall state now. I have finished with the legal aspect of the defence of a detenu, and even with the point of detention itself. And now may I crave the indulgence of the House for mentioning an episode which happened only last Sunday. We had a debate in the Aligarh University Union, last Saturday and Sunday. The resolution before them was that the Congress has fulfilled all its promises made during the election-time. It was no doubt a hard resolution to contend with, because the Congress Government has had no chance as yet to fulfil their promises, as they have hardly been six months in office. And yet we had a debate on that resolution. My hon. friends Dr. S. P. Mookerjee, Mr. Gopalan and several others including myself were invited.

Dr. S. P. Mookerjee (Calcutta South-East): I could not come.

Shri Joachim Alva: Yes, we regretted your absence.

I spoke there about the glories or rather about the virtues and privileges of our secular state, and the ideals which we have enthroned in our Constitution. I also said that we have got security in our state, and that there is no other state in the world which has got these ideals of a secular state, held aloft, that we have had these ideals here not only on paper, but they are actually practised, due to the magnanimity of the majority of the people in this country. After my speech, I found the effect of what I had stated on the minds of the students of that University. I quoted them the number of the elected candidates among the Muslims and Christians and Parsis and told them that they had been elected because of the kindness and tolerance of the electors. Then my hon. friend Mr. Hiren Mukerjee came up, and said what he repeated here the other day on the floor of this House. I must frankly say that first I admired him for his power of oratory, character and patriotism, but a great deal of that admiration was washed off when I heard him speak to the Muslim students of Aligarh. This is what he told them, I am quoting here from memory, and I hope I am fairly correct :

"How far are you, Indian Muslims, happy in this land? Have you not got your injustices? Have you not had your safeguards thrown away to the winds? Has not your Urdu been thrown underground and Hindi enthroned although they talk of a secular state? What about Sanskrit, the mother of our languages, being enthroned, and Urdu being thrown out....."

After my hon. friend Mr. Mukerjee had finished, I knew the game was up. The mischief had been wrought, the result was that we would get hardly even 15 votes. After the effect of the speech created by my hon. friend Mr. Mukerjee, the resolution was thrown out by over 300 votes. My hon. friend Shri Mahtab who spoke after Shri Mukerji with many good points could not wash away the ill effects of Shri Mukerji's speech.

Shri H. N. Mukerjee: On a point of personal explanation, Sir. As regards the speech which my hon. friend is referring to, I may tell the House that I spoke extempore, but a record of it perhaps has been made by those who were reporting the proceedings of that meeting. If the record of what I had said is made available to this House, it would be seen exactly what was the tenor of my address. I remember having said to that predominantly Muslim audience, more or less to the following

effect, and I am prepared to say it anywhere again:

"Are we in a position, are we non-Muslims, in a position to lay our hands on our hearts and say that the Indian Muslim today really and truly feels very happy; I refer you to the Kashmir case. Why are the Kashmiri people insisting that it is only because of the Prime Minister of India that they are reconciling themselves to staying in India."

I said many things about our "secularism" and other subjects, which I fear are being misinterpreted by my hon. friend.

Shri Joachim Alva: I had quoted exactly the exact words repeated by my hon. friend.

All that I say is that the Communist party has a programme of its own, drawn up in the highest political plan, by which they mean to resort to practices and manoeuvres by which they can set one community against another, by which the foundations of our state may be rocking again as they did at the time of partition. We shall not allow these things to happen. If they do things like that, I do want that such people should be detained. I say frankly that the people who imperil the security of the state, who set one community against another, who divide one brother against another, and who rock the foundations of our secular state, should be the persons to be detained under the preventive detention measure, more than anybody else, and taken before the bar of justice. This is all that I have to say about this. I hope that what they say at one place they will not repeat in another place. That was brought out by the great example during the last war, when they said that they were the greatest supporters of partition on the ground that the minorities should be satisfied. But now after freedom is won they resort to the practice of saying one thing at one place and another at another place. I sorted to, that this should not have been done, or that should have been done. I say, Sir, let us beware and take note of it before the mischief gets fully perpetrated. Let us be warned about this danger. It is our duty as Congressmen to go into our constituencies, and tell the people that a political consciousness of this kind is a great danger for the future of India, and also for that of the minorities in India in their own interests if doctrines are propagated by which the safety of our State is imperilled.

श्रीमती मणिबेन पटेल (कैरा दक्षिण) :
अध्यक्ष जी, जब डाक्टर श्यामा प्रसाद जी इस बिल पर बोल रहे थे तो मुझे ऐसा लग रहा था कि अगर कोई इस कानून को लाने के लिये जिम्मेदार है तो वह खुद ही है। वह आज अपोजीशन (opposition) में है, इस लिये ऐसा बोलते हैं, पर जब यह कानून बना था उस समय वह खुद ही चिन्तित थे और सब से ज्यादा तो वह ही आतुर थे कि देश में ऐसी परिस्थिति आ गई है कि इस को संभालने के लिये कोई न कोई रास्ता निकालना चाहिये। उन्होंने मोती लाल जी की स्पीच कोट (quote) की और उस दिन को याद किया जब कि यहां सरकारी बेंच पर बम पड़ा था। मुझे मालूम नहीं वह उस वक्त कहाँ थे। मैं तो उस दिन यहां थी और उस दिन ऊपर गैलरी में बैठी थी। और परदे के पीछे क्या चलता था वह भी मुझे मालूम है और जब वाइसराय ने यह ऐक्ट सरटीफाई (certify) किया तब जिन के हाथ में शासन था वह लोग सब खुश हुए, क्योंकि उन लोगों को तो हम को कुचलना था, अपनी सत्ता यहां कायम रखनी थी। हम को इस कानून को पास करने में खूशी थोड़े होती है? हम को तो दुःख होता है और वह इस लिये कि हम ने जो इतने साल तक कष्ट सहे तो इस लिये कि अपने देश को मुक्त करें इस लिये नहीं कि हम ऐसा कानून पास करें। लेकिन आज देश में ऐसी हालत है और हमारे अपने लोग ऐसे उल्टे रास्ते पर चल रहे हैं कि हमारे पास और कोई रास्ता नहीं है।

यहां सिविल लिबर्टी (civil liberty) की बड़ी बड़ी बातें कही जाती हैं लेकिन जिन के ऊपर शासन की जिम्मेदारी होती है उन को सोचना पड़ता है और अगर एक आदमी की भी सिविल लिबर्टी जोखिम में होती है तो उस के लिये उन को रास्ता

निकालना पड़ना है। अगर कोई लोग तार और टेलीफोन को खत्म करना चाहें, रेल की पटरियों को उखाड़ना चाहें, बड़े बड़े शहरों के अन्दर ड्रेनेज (drainage) और नलों के साथ खेलना चाहें और बड़े बड़े शहरों को खतरे में डालना चाहें, और ऐसा प्रोग्राम करना चाहें, तो क्या उन लोगों को लिबर्टी देनी चाहिये? अगर ऐसी बातों का पता चले तो ऐसे लोगों को इस कानून के नीचे कुछ समय तक रखना अच्छा होगा। तो जो शासन चलाने वाले हैं उन को तो सोचना पड़ता है और सोचने का उन का धर्म और कर्तव्य है कि अगर ऐसा प्रसंग आवे तो उस वक्त क्या करना चाहिये। यहां इस बात का वर्णन किया गया है कि डिटेंशन (detention) में क्या क्या तकलीफें होती हैं। कुछ ने अपने ऊपर क्या बीता है और कुछ ने जो दोस्तों के ऊपर बीता है वह बतलाया है। इन बातों की यहां क्या ज़रूरत है क्योंकि जो आज मिनिस्ट्री में हैं उन में से तीन को छोड़ कर और सब को तो इसका थोड़ा बहुत अनुभव हो चुका है। और जेल में रहने से, डिटेंशन में रहने से, चाहे उस के शरीर को कितना ही मुख क्यों न दिया जाये, तो भी मन के ऊपर जो हकाबट रहती है उस से परेशानी तो होती ही है। किन्तु जो शासन चलाता है और जिस के हाथों में अपने देश के करोड़ों लोगों की जिम्मेदारी है, उस को तो यह चीज सोचने की है कि जो थोड़े से लोग उल्टे रास्ते पर चल रहे हैं उन को किसी तरह से समझाया जाये, और अगर वह न मानें तो उन के साथ क्या किया जाय।

कुछ लोगों ने कहा कि इस में वकील तो देना चाहिये क्योंकि जो भी कानून बनाया जाता है उस में वकील की सहायता दी जाती है। जब हमारा विधान बना उस समय हमारे देश के बड़े बड़े दिमाग वाले वकील

भी जमा हुए थे, लेकिन आज हम देखते हैं कि वही लोग जिन्होंने विधान बनाया था, सुप्रीम कोर्ट में इस विधान का एक वकील एक अर्थ करता है और दूसरा वकील दूसरा अर्थ करता है। तो इस में क्या है? इस कानून में सीधी सादी बात है। जिस को डिटेन किया जाता है वह एडवाइजरी बोर्ड (Advisory Board) के सामने खुद बुलाया जाता है और अपनी बात कह सकता है। उस को कहा जायेगा कि भाई तुम्हारे ऊपर इस इस चीज की शंका है, यह यह चीज तुम कर चुके हो और यह यह चीज तुम ने की है, और यह करने का तुम्हारा प्लान है। यह सुन कर वह बतायेगा कि मैं ने यह किया है या नहीं, मेरा क्या करने का विचार था या नहीं था। मुंह पर सीधी सीधी बात होती है।। जब मनुष्य से यह बात पूछी जाती है और वह जवाब देता है तो समझ लिया जा सकता है कि यह कितना झूठ बोलता है और कितना सच बोलता है। और जो यह रास्ता निकाला गया है इस का कारण भी है। अगर वकीलों को बीच में डालेंगे तो जितनी जल्दी न्याय देने का इरादा है वह सब मिट जायेगा क्योंकि, वकील तो एक के बाद एक किताब निकालेंगे, कानून निकालेंगे, एक दूसरे के सामने बहस करेंगे और उस में बहुत समय लग जायेगा। जो कानून पेश किया जा रहा है उस के मुताबिक जो आदमी पकड़ा जायेगा वह तो खुद सब जानता होगा, सरकार से तो खुद ज्यादा ही जानता होगा, कि उस के दिल में क्या प्लान (plan) है, वह क्या करना चाहेगा और क्या कर चुका है। इस लिये मैं तो पूरा मानती हूँ कि वकील को तो इस में रखना ही नहीं चाहिये। हम जानते हैं, हमारा यह अनुभव है कि आज हमारी अदालतों में जो जज हैं उन को ऐग्जीक्यूटिव (executive) से कोई सम्बन्ध नहीं है। वह तो अपने न्यायासन पर बैठ

कर न्याय करते रहते हैं। उन को इस से कोई सम्बन्ध नहीं कि उस का परिणाम क्या होता है। वह तो जो कैसे उन के सामने आता है उस का न्याय करने से मतलब रखते हैं। इस एडवाइजरी बोर्ड में एक जज को रखा गया है। तो फिर डरने की क्या बात है ?

इधर हैदराबाद और तिलंगाना का बहुत नाम लिया गया है।

एक मौके पर एक भाई ने जो आफिसर तेलंगाना में रखा गया था और वहां काम किया, उस का वहां पर जिक्र किया गया। वह आफिसर अपनी जान खतरे में डाल कर कितना जोखिम उठा कर काम कर रहा था ? मुझे आज भी याद है कि सन् १९५० में जब हम को हैदराबाद जाने का मौका हुआ और वहां पर हमन अपनी आंखों से देखा एक कमरा भरा हुआ देशी बमों, स्टेन गन, ब्रेन गन (Bren gun) और मशीन गन तक से जो कम्युनिस्ट से तेलंगाना में मिले थे। कम्युनिस्ट भाई इस तरह शस्त्रों को धारण किये हुए गरीब तेलंगाना की जनता पर जुल्म कर रहे थे, वह दुखदायी दृश्य आज भी हमारी आंखों के सामने बिल्कुल ताजा मौजूद है। उन दिनों किस प्रकार यह लोग तेलंगाना के जंगलों में जा कर और कैम्प बना कर इन शस्त्रों की ट्रेनिंग देते थे और प्रैक्टिस (practice) करते थे। अब इन लोगों का यह कहना कि हम को सरकार फलां चीज दे, तभी हम इन शस्त्रों को देंगे, यह आप का क्या आर्गुमेंट है। आखिर अगर आप वाकई यह समझते हैं कि तेलंगाना के लोग आप से मोहब्बत करते हैं और उन को आप का प्रोग्राम और पालिसी पसन्द आ गई है, तो फिर आप को इन हथियारों की क्या जरूरत है? अगर सचमुच आप ने वहां की जनता का दिल जीत लिया है और वह आप के पीछे

[श्रीमती मणिबेन पटेल]

है, तो फिर आप को इन शस्त्रों की क्या आवश्यकता है? हमारे सब के सामने महात्मा गांधी का ज्वलन्त उदाहरण है कि किस प्रकार उन्होंने बिना किसी हथियार व सेना के शान्तिमय असहयोग के रास्ते से इतने बड़े अंग्रेजी शासन को इस देश से खत्म कर दिया, बिना एक लकड़ी की सहायता लिये उन्होंने इतने बड़े और शक्तिशाली साम्राज्य को उलट दिया, वह रास्ता शान्ति और अहिंसा का आप के लिये आज भी खुला पड़ा है, और आज तो डेमोक्रेसी (democracy) का युग है, आप के ही भाई लोग वोट प्राप्त कर के शासन कार्य चला रहे हैं, आप क्यों नहीं प्रेम से जनता का दिल जीतने का प्रयत्न करते और कांग्रेस को सत्ता से उतारने की कोशिश करते, आप जनता के वोट प्राप्त कर के कांग्रेस गवर्नमेंट को हटा सकते हैं, और खुद शासन भार संभाल सकते हैं। जब आप यह घोषणा करते फिरते हो कि हम कम्युनिस्टों ने अब वायलंस (violence) का मार्ग छोड़ दिया है, तब आप को इन शस्त्रों वगैरह के रखने की क्या जरूरत है और जब आप के दिल में सचमुच देश के प्रति वफादारी की भावना है, तो फिर चाहे इस से भी कड़ा कानून क्यों न बनाया जाय, आप को उस से डरना नहीं चाहिये। और फिर यह कोई नया कानून नहीं है, यह कानून पिछले दो तीन वर्षों से चालू है और इस कानून के रहते हुए आप लोग यहां मौजूद हैं, इस कानून के रहते हुए भी आप आज चाहें सो भाषण करते रहते हैं, आप के भाषण में क्या चीज नहीं होती? सब जानते हैं कि आप किस तरह अपना प्रचार कार्य करते हैं, और जब आप व्याख्यान देते हो या और एक्शन (action) लेते हो तब क्या आप सोचते हो कि हम इस कानून की ज़द म तो नहीं आते हैं? मेरा अभिप्राय

यह है कि जब आप कानून के रहते हुए इस तरह प्रचार कर सकते हो और भाषण इत्यादि दे सकते हो, तो यह बात सिद्ध करती है कि कानून ऐसा कोई जुल्म नहीं है जैसा कि उसे बतलाने की कोशिश की जा रही है। अभी जो मेरे एक कम्युनिस्ट भाई न जेल में किस तरह जुल्म किया जाता है सुनाया, किस तरह पुलिस जुल्म करती है और लोगों को मारती पीटती है, एक भाई ने बतलाया कि पुलिस ने उस का हाथ तोड़ डाला, यह ठीक है कि आप जेल गये हो, लेकिन जेल हम भी गये हैं और हम ने भी विदेशी शासन काल के समय में पुलिस और जेल की सक्तियों और दिक्रतों को बरदाश्त किया है और हमें उस का काफ़ी अनुभव है। लेकिन मैं आप से पूछती हूँ कि आप ने जेल में जा कर क्या अपने तरीके को बदला, आप को इस बात की शिकायत रहती है कि जेल म हम को बाहर सोने नहीं दिया जाता, और हम को बहुत जल्दी बैरकों में बन्द कर दिया जाता है, लेकिन आप ही बतलाइये, क्या किया जाये। आप का तो तरीका जेल म जा कर भी जेल के कानून रखने का, पालन करने का नहीं है, वहां भी आप आये दिन गड़बड़ी करते रहते हैं, जेल नियमों का उल्लंघन करके हो सके तो भाग जाने का रहता ह, अब जिन लोगों का यह पेशा हो, उन के साथ अगर जेल में कानून के मुताबिक सक्ती की जाय, तो उस में कौन सी अनुचित बात है और मैं पूछती हूँ कि सक्ती क्यों न उन के साथ की जाये। मैं ने तो होम मिनिस्टर को कहा भी कि जब हम सब लोग चाहें कांग्रेस पक्ष के हों, या विरोधी पक्षों के, सब लोग पांच साल के लिये इलेक्ट (elect) हो कर आये हैं, और इन पांच सालों में हमारा सब का उद्देश्य इस देश की ग़रीबी को दूर करना ह, और दश की उन्नति करना है, जब हम इस के लिये प्रयत्नशील ह, तो

फिर इस क़ानून को आप चार वर्ष के लिये क्यों नहीं लागू करते हो, दो वर्ष के बाद अगर ज़रूरत समझी जाये तो हाउस इस विषय पर फिर बहस और विचार कर सकता है, जब आप देश के प्रति वफ़ादारी और सेवा की भावना रखते ह, तो फिर आपका यह होहल्ला और शोरगुल और गड़बड़ी करना समझ में नहीं आता है। अगर सचमुच आप देश का विकास करने में हिस्सा लेना चाहते हैं तो फिर चाहे इस से भी कड़ा क़ानून क्यों न बनाया जाय, उस में आप को क्या हर्ज़ है? हां अगर आप के दिल के अन्दर कोई दूसरी बात है और आप देश के हित को ख़तरे में डालना चाहते हैं तब आपको अवश्य इस क़ानून से डरना चाहिये, अगर आप के दिल में देश में कोई गड़बड़ी करने को बात हो, तब तो ऐसे लोगों को अवश्य इस क़ानून से ख़तरा महसूस करना चाहिये और इस से डरना चाहिये। परन्तु जो ऐसा नहीं करना चाहते उन को इस क़ानून से बिल्कुल डरने की ज़रूरत नहीं है।

यहां महात्मा जी का नाम ले कर और उन को कोट करने की कोशिश की गई, मैं सिर्फ़ इतना कहना चाहता हूं कि जब महात्मा जी को कोई कोट करना चाहे, तो उस को सही तौर से कोट करना चाहिये, सन् १९४६ में जब यहां पर विदेशी शासन था तब महात्मा जी ने यह लिखा था कि अन्न के बारे में आप को इस तरह से ग़रीब लोगों को बहकाना नहीं चाहिये। अन्न की जितनी quantity हो उस में साल भर चलाने में मदद करना चाहिये। आज जो लोग यह बात बड़े गर्व से कहते हैं कि कलकत्ता में हम ने हंगर मार्च (hunger march) आरगनाइज़ (organise) कराया, पबलिक के इतने बड़े डिमास्ट्रेशन्स (demonstrations) किये, मैं पूछती हूं कि सन् १९४३

में जब बंगाल में कलकत्ता से हज़ारों लाखों भूख से मर रहे थे कांग्रेस तो उस समय जेल में बन्द पड़ी थी, लेकिन आज के यह डिमांस-ट्रेशन कराने वाले उस वक़्त कहां थे, उस समय क्यों नहीं इन्होंने ने हंगर मार्च आरगनाइज़ कराया, आज आप ने यह हंगर मार्च इस लिये नहीं कराये कि कोई वहां भूख से मर रहा है या खाने को नहीं मिल रहा है, बल्कि आप ने यह प्रदर्शन इसलिये आरगनाइज़ कराये कि सेंट्रल गवर्नमेंट के एक मिनिस्टर ने वहां पर फूड सप्लाय (food supply) के लिये जो वायदा किया था वह पूरी तौर से इम्प्लीमेंट (implement) नहीं हुआ था। पबलिक को अनुचित कामों के लिये उकसाया जाता है और हंगर मार्च आरगनाइज़ किये जाते ह, पबलिक द्वारा अन्न के गोदामों को लुटवाने की कोशिश की जा रही है। मैं पूछना चाहती हूं कि इस को क्या आप नान वायलेंस (non-violence) कह सकते हैं। और सरकार द्वारा अगर ऐसे लोगों को पकड़ने और उन्हें उचित दंड देने की व्यवस्था की जाये तो उस में किसी को क्यों कोई ऐतराज़ होना चाहिये, सरकार और कर ही क्या सकती है। यह तो हम भी चाहते हैं कि सरकार के पास जो अन्न भरा पड़ा है, जो स्टॉक जमा है वह आवश्यकता पड़ने पर सब को देने की व्यवस्था हो, माकूल इन्तज़ाम हो, लेकिन इस का अर्थ यह नहीं हो सकता कि जनता खुद अपने हाथ में इन्तज़ाम ले ले और एक गड़बड़ी पैदा कर दे और लूट मार करने लगे और अगर आप जान बूझ कर इस तरह के कार्य करते हैं तो फिर आप को उस का परिणाम भी भुगतने के लिये तैयार रहना चाहिये। जब आप वायलेंस की राह चलते हो तो आप को उस के परिणाम भी भोगने के लिये तैयार रहना चाहिये। और सामना करने में आप पर जो बीते उस के लिए शिकायत नहीं होनी चाहिये।

[श्रीमती मणिबेन पटेल]

एक यह भी बहुत बड़ा हल्ला मचाया है कि कम से कम और कुछ नहीं तो जो डिटन किया जाये उस के कुटुम्ब के लिये कुछ न कुछ इन्तजाम होना चाहिये। क्यों ? जो स्टेट के रास्ते में होना चाहता है, जिस देश के साथ मुहब्बत होनी चाहिये उस देश में इस तरह के काम करता है, उसके लिये ? जब आप हज़ारों की जान खतरे में डालना चाहते हैं, और वायलेंस से इस शासन को उठा देना चाहते हैं तो फिर आप ने अपने कुटुम्ब का भी पूर्ण इन्तजाम किया ही होगा। आप के कुटुम्ब के लिये टैक्स पेयर (tax payer) का पैसा देना चाहिये ऐसा कहने का क्या मतलब ? आप कहते हैं कि "हमको सेलेक्ट कमेटी में कुछ करने नहीं दिया गया, आप का कुछ माना नहीं।" आप लोग हम को कन्विन्स (convince) नहीं कर सके कुछ बता नहीं सके। इस लिये हम ने कोई चीज नहीं मानी। जिस चीज में आप कन्विन्स कर सके उस को हम ने किया। कन्विन्स नहीं कर सके, इस लिये नहीं मानने पर ऐसा कहना कि हम तो सेलेक्ट कमेटी में निश्चित मत से गये थे, इस से क्या फ़ायदा ?

यहां पर सदस्यों ने जितने विशेषण अंग्रेज़ी भाषा में थे उन सबों को इस ऐक्ट के वास्ते कहा। ब्लैक से ले कर जितने विशेषण हो सके वह यहां लाये गये। लेकिन इस से हमारे मत का परिवर्तन नहीं हो सकता। हां आप दलील दे कर के कुछ बतायें तो हमारी तरफ़ से विचार करने की कोशिश भी हो। परन्तु अगर आप का मतलब खाली प्रचार से है तो जरूर वह विशेषण कुछ उपयोग के हैं। बाकी इस तरह से दिल का परिवर्तन नहीं हो सकता है। और बात तो बहुत सीधी सादी है, जब आप स्टेट के विरुद्ध कुछ करना चाहते हैं स्टेट की उठा देना चाहते हैं, तो उस का परिणाम भी भुगतने को तैयार

रहना चाहिये। इस देश में रह कर जिस परदेस से आप को मुहब्बत है और जिस देश का नाम यहां बार-बार लिया जाता है, उस की तारीफ़ की जाती है, वहां के कई ग्रुप्स (groups) और ऐलिमेंट्स (elements) ने जैसा किया है वैसा आप शुरू कर दें तो आप की आवश्यकता भी बची नहीं है, और उन के साथ कुछ भी करना ज्यादाती नहीं है। वह हम जानते हैं लेकिन जहां तक आप वायलेंस नहीं करते, वायलेंस तक नहीं जाते, तब तक आप जो चाहें कह सकते हैं। और जो चाहें कर सकते हैं। पर बात तो यह है कि पेट्रोल पड़ा है, पास में दियासलाई और उस से खेलना चाहते हैं और कहते हैं कि "हमारी सिविल लिबर्टी है।" आप इतने लोग यहां बैठे हैं, इसे क्या कहते हो ? जो लोग दियासलाई ले कर पेट्रोल के साथ इस तरह से खेलना चाहते हैं उन को अगर डिटन न किया जाये तो क्या किया जाय ? इस लिये मेरा तो पक्का मानना यह है कि जो यह क़ानून बन रहा है उस में बिल्कुल ढिलाई नहीं करनी चाहिये। डा० श्यामा प्रसाद मुखर्जी ने हमारे प्राइम मिनिस्टर की जो भलमनसाहत है उस को और जो उन का भला स्वभाव है उस को अपील कर के उन का दिल हिलाने की कोशिश की है। अच्छी बात है। वह भी मिनिस्ट्री में रहे हैं इस लिये उन के नमं स्वभाव को भी जान गये हैं उन के कड़े स्वभाव को भी जान गये हैं। मेरी तो यह विनती है कि जब क़ानून बनाना है तो अच्छा क़ानून बनाओ। ठीक क़ानून बनाओ। बदनामी लेने से क्या फ़ायदा। जब बदनामी लेनी ही है तो शासन तो ऐसा रखो, क़ानून तो ऐसा बनाओ कि जिस से अपने देश की लाभ हो। आप गाली भी लोगों की खाते रहें और क़ानून भी ऐसा निकम्मा बने जिस से देश को लाभ न हो, तो आप के क़ानून बनाने से क्या फ़ायदा ? इस लिये मेरी तो विनती यह है

कि आप इस में ज़रा भी डीलापन न होने दें।

यहां अमरीका और इंग्लैंड का बार बार नाम लिया गया। परन्तु इंग्लैंड या अमरीका में जो सरकार के विरोधी लोग हैं वह वायलेंस करते हैं? हिंसा करते हैं, किसी को जान से मार देते हैं? वहां भी जब लेबर पार्टी की हकूमत थी तो जो कंजर्वेटिव (Conservative) सामने थे, आज जब कंजर्वेटिव की हकूमत है तो लेबर पार्टी सामने है, वह देश में भी, और अपनी कांस्टीटुएँसी (Constituency) में भी, अपने मत का प्रचार करते हैं, पार्लियामेंट में भी करते हैं, परन्तु जहां तक मुझे जानकारी है न मैं ने कहीं सुना न पढ़ा कि वह लोग किसी की जान लेने की कोशिश करते हैं। किसी को मार देने की कोशिश करते हैं। जब हमारे यहां ब्रिटिश शासन था तब भगत सिंह ने जो किया उस के लिये हम लोगों के दिल में यह बात उठी कि उस ने हिम्मत का काम किया है अपने देश के लिये। महात्मा जी जैसे अहिंसा को मानने वाले और कांग्रेस ने भी उस की जान बचाने की कोशिश की क्योंकि दुनिया में यह चलता आया रास्ता है; कि अगर परदेशी शासन हो तो उस का सामना हिंसा से करना और उस को उठा देना। महात्मा जी ने एक और रास्ता बताया कि अहिंसा से भी परदेशी शासन को उठाया जा सकता है। परन्तु क्या कोई भी सच्चा भारत-वासी गौडसे ने जो किया उस के बारे में ज़रा भी गौरव ले सकता है उस के लिये हमारे दिल में सदा के लिये दुःख और शर्म ही रहेगी कि हमारे देश में ऐसा एक इन्सान निकला जिस ने दुनिया में जो सब से श्रेष्ठ पुरुष था उस की जान लेने की सोची। नहीं तो आज हमारे देश की शकल कुछ और ही होती।

यहां पर बार बार कराची रेजोल्यूशन का नाम लिया गया है कि "हम भी फ्यूडल 220 PSD.

सिस्टम (Feudal System) निकालना चाहते हैं, हम आप के साथ उस में शरीक हैं।" कराची रेजोल्यूशन में क्या लिखा है?

हां उस में लिखा है कि ज़मींदारी उठा देनी चाहिये। लेकिन मैं पूछती हूँ कि इस लिये क्या ज़मींदार को मार देना चाहिये। वहां ऐसा नहीं है। वहां तो कम्पेंसेशन (compensation) की बात लिखी है और इसी लिये हमारी सरकार को इस में इतनी देर हो रही है। हमारी सरकार ने तो बताया है कि जिस प्रकार से राजाओं के दिल का परिवर्तन कर के उन के पास से एक बूंद भी खून का बिना बहाये राज्य ले लिया और उन की हमदर्दी भी रख ली इसी तरह से हो सके तो सब जगह ज़मींदारी भी उठाना चाहते हैं और न हो सके तो क्रानून का रास्ता है, परन्तु जो रास्ता आप बताते हैं, जिस तरह से तेलंगाना में करने की कोशिश की है वह रास्ता हम नहीं ले सकते। मुझे आज भी याद है कि तेलंगाना से जो बेचारे ज़मींदार भागते थे वह हमारे पास आते थे और डरते डरते कहते थे कि हम पर जुल्म हो रहा है, हम को बचाओ।

इस लिये मेरा तो आप से यही कहना है कि इस क़ानून के पास करने में बिल्कुल झिझकना या डरना नहीं चाहिये। यह कहना कि आप की रिपोर्ट पुलिस की रिपोर्ट है, सी० आई० डी० की रिपोर्ट है, इस से क्या होता है क्या जब तक डाक्टर श्यामा प्रसाद मिनिस्ट्री में थे तब तक वह पुलिस की रिपोर्ट ठीक थी, वह रिपोर्ट सी० आई० डी० की ठीक थी और आज ठीक नहीं है? आखिर वह अपने ही तो लोग हैं, अपने ही किसी न किसी के मित्र हैं, रिश्तेदार हैं। उन को इस चीज़ में क्या रस कि ग़लत खबर आप के खिलाफ़ दें। वह लोग जानते हैं कि अगर एक ग़लती की जायेगी तो उस का हिसाब लिया जायेगा और मैं तो जानकारी के साथ कह सकती हूँ कि कोई ऐसी चीज़ होती है तो नुस्खे इस के

[श्रीमती मनिबन पटेल]

बारें खबर की जाती है और मिनिस्टर खुद पता लगायें कि ऐसा क्यों किया जाता है। इस के जानने के लिये हमेशा मिनिस्टर और मिनिस्ट्री इन्तज़ार में रहती हैं।

कहते हैं कि हमारे यही लोग हैं जो विदेशी शासन में थे और वही आज पुलिस वाले हैं। इस लिये हमें कबूल नहीं हो सकते। तो क्या आप लोग यह सोचते हैं कि जब कभी आप लोगों के पास सत्ता आयेगी तो आप यह जितने सरकारी कर्मचारी हैं, पुलिस वाले हैं और जो लोग लश्कर में हैं उन को खत्म कर डालेंगे, या उन सब को मार डालेंगे या निकाल देंगे? उन से ही आप को काम लेना पड़ेगा। बात यह है कि वह वफ़ादारी से काम करते और सही काम करते हैं। यहां बहस करते कर श्री मुखर्जी ने बहुत से राजाओं के नाम लिये, भावनगर का नाम लिया, हिम्मत सिंह जी का नाम लिया, दिलीप सिंह जी का नाम लिया और जाम साहब का नाम लिया। तो क्या आप का कहना यह है कि राजाओं में भी जो वफ़ादार हैं, जो अच्छे हैं उन का उपयोग न किया जाय? आप जा कर मद्रास में देखिये जहां भावनगर के महाराजा पांच वर्ष तक गवर्नर रहे। क्या आप अपने दिल पर हाथ रख कर कह सकते हैं कि वहां कोई स्त्री या पुरुष है जो भावनगर के महाराज के या महारानी के खिलाफ एक शब्द भी कहता हो? उन्होंने ठीक तरह से काम किया था। तो क्या आप का मंशा है कि उन को मार डालना चाहिये? ऐसा हमारा मंशा नहीं है। यह चीज तो हमारे सामने है कि मत देने के लिये तो आप उन का प्रयोग करते हैं। दिल में एक बात रखें और मुंह से दूसरी बात कहें यह हम नहीं करते। हमारे देश में जो वफ़ादार लोग हैं और यदि आप के दिल में भी परिवर्तन हो तो आप को भी इस क़ानून से कोई ख़तरा नहीं है

परन्तु यदि किसी के दिल में चोरी हो और हिंसा करने का विचार हो तो फिर चाहे वह कांग्रेस वाला हो या और कोई हो यह क़ानून सब पर लागू होगा और मेरी विनती है कि उस क़ानून को ज़रा भी ढीला करने की कोशिश न कीजिये।

Shri T. K. Chaudhuri: I did not want to interrupt the respected lady Member when she was speaking. If I understood her aright she asked, where were we who are conducting the food movement in Calcutta today in 1943: I may state that I myself was in jail. So far as Dr. Profulla Chandra Ghose, Dr. Suresh Banerji, Shri H. Basu M.L.A., are concerned it is well known where they were. The other prominent leaders who are conducting the food movement, everyone of them was in jail at that time.

Shrimati Maniben Patel: I was referring to him. I was referring to Mr. Hiren Mukerji who made mention of that some days ago.

Mr. Deputy-Speaker: I propose calling the hon. Minister at twelve o'clock.

Shri Chattopadhyaya (Vijayavada): Sir, I shall take very few minutes.

I have the disadvantage of being called upon to speak at almost the tail end of this tremendous debate that has been going on for some days past. The thunder has been stolen out of my mouth; but the lightning of my spirit remains intact. I get up to speak, not because I want just to make another speech, but to express without any equivocation my hatred, my antagonism, towards this hideous Bill that is about to be passed into an Act.

Shri Nambiar: Hear, hear.

Shri Chattopadhyaya: This is no time for laughter, Mr. Deputy-Speaker and no time for poetry. One has to speak sometimes in plain, bald prose. This Bill has affected so many of us intellectuals that we feel it. (Some Hon. Members: No, no) Yes, you say 'No' here, but outside in the lobby you say 'yes'.

Mr. Deputy-Speaker, I hold that in peace-time when such a Bill is about to become an Act, it is an Act of cowardice; this is a tyrant's Act and it is the result of a sub-conscious dread on the part of Government of the people whom they have betrayed, whom they have left starving and whom they

have left in conditions which make it imperative for them to curb their voice and they do not want their voice heard. (An Hon. Member: Which you have betrayed.) I am an independent. I belong to humanity. I do not belong to any 'ism' or party, so that that interruption does not at all suit this occasion.

It has been reiterated, that this is not to be an Act which is aimed at any particular party and yet the trend of so many speeches from the other side has shown most distinctly that it is aimed against the Communist Party. (An Hon. Member: Terrorist.)or Terrorist, but a party all the same and yet you say it is going to be aimed at anti-social elements.

With regard to the anti-social elements, I may say that our experience in the past has shown that this Preventive Detention Act has not been aimed so much at anti-social elements as against parties which were inconvenient. Now in America for the anti-social elements they have not got a Preventive Detention Act. I would like to compare the anti-social elements of America with the anti-social elements which are supposed to exist in India. The previous speaker said there is no violence in America. I should like to give you a few figures drawn from the American Federal Bureau Information reports.

One murder is committed in America every 44 minutes; one major robbery every nine minutes; one assault every minute and a half; one burglary every minute and a quarter—in short a major crime is committed every 18 seconds.

* Now you do not mean to suggest, that the general penal laws in our country have weakened or broken down to such an extent that we have to have recourse to such a fantastically brutal Act as this by a brute majority as a mark of antagonism against the human minority? I venture to suggest that there are not so many frank, honest, democratic crimes committed in this country as in America.

The Preventive Detention Act drew itself out in twelve months in 1950 to another twelve months in 1951 and now the hon. the Home Minister wants to draw it out for another twenty-seven months. It almost seems to me that this Preventive Detention Act is like the Home Minister's chewing gum, which he wants to draw to longer lengths. I can assure the hon. the Home Minister that recent researches have proved that chewing gum is bad for the teeth, however smooth and shiny.

I would also like to suggest that it is not merely the body that you are wanting to put behind bars. The hon. the Railway Minister by his order wants to put an end to tendentious literature—whatever he might mean by that. By tendentious literature he frankly means Russian literature—honest, good journals which do not have obscene advertisements, which contain high class articles, journals like the Soviet Literature, like the "New Times". (Some Hon. Members: No, no). Yes, you read them with a bias. This interruption shows that they are really getting restless and worried. They call it tendentious literature. They want us to have a detention of the mind, the mind must be preventively detained. You do not want us to have that chance of being able to read the literature or the thought of the world. Why are you afraid of it? You already put our mind behind the bars and as a consequence, a logical corollary, you now want to put our bodies also behind the bars, the bodies of those who dare to think honestly, who dare to face with courage the fact that the people are being submerged, that the people are going under, that the people have been tyrannized. (Some Hon. Members: No, no). Yes, yes. (An Hon. Member: What about the Soviet and China?) I would not like to prolong my speech unduly. I believe the Home Minister is itching to speak.

Now, in spite of these protestations that we have heard that it is not going to be used against any party, I may tell you, Mr. Deputy-Speaker, that we are not convinced about it. Nothing has been done in the past to show us that we can be convinced about it. You quote in season and out of season: it is so many votes which have sent you to Parliament here. All the greater reason why you should hold those votes as sacred and see that the people are respected, that the people win your confidence. The other day the hon. the Prime Minister said: When I saw the masses at work—I saw the masses, it was not those few who throw bombs at tramcars, millions come to see me—and I saw how disciplined they were. If you see the masses disciplined, why do you not depend upon them to see that they smash all the anti-social, anti-life elements in the country? It is quite easy. (An Hon. Member: The time is coming for that). Why have the Preventive Detention Act if you have the confidence of the people? The Prime Minister got his votes. I know he got his votes from the people because the people still believe that if he was given a chance for another five years, an extension of lease of life, he would be able to put across his welfare

[Shri Chattopadhyaya]

schemes, the welfare State schemes. But at the rate it has been going on I can assure the Prime Minister that it may not be at all a welfare State but a State that bids farewell to the confidence of the people. It is obvious that the people today are hating bitterly this measure. In a very friendly way I challenge this unfriendly Act. I challenge that if a secret ballot were taken amongst the Members you will get results which will make your eyes open. (Some Hon. Members: No, no). Yes, yes, in the lobbies. What is this terrible delirium tremens that the Home Minister is having, of red elephants, green tigers and yellow chimpanzees? Delirium tremens comes, only as a result of intoxication. And intoxication of power is the worst intoxicant existing in this world.

Then there is this myth of always saying that the Communists possess arms. I would like to draw the attention of the House that only two weeks ago one Bhadra Dev, President of the Nalgonda Town Congress Committee was arrested and rifles, ammunition, pistols and grenades were found in his possession. Has he been detained under the Preventive Detention Act? No. He has been given all the chances of a normal trial in courts. Why this invidious distinction, I ask. I want the Home Minister to answer this. You find this invidious distinction made at every turn.

Then I come to the reference, the light-hearted reference that the Home Minister made to the two crores of starving people in Bengal. It was really not worthy of the Home Minister to have referred to them in such a light-hearted way. If he is not starved, he should at least have respect for the sadness and sorrow of the starving. He said that he went to Murshidabad. He saw this, that, and everything. But alas, he did not see that part within his being which made it possible for him to come out with such vulgar hilarity. I am very sad to have to say all this because.....

Mr. Deputy-Speaker: I think there must be a limit to this kind of accusations against one another. There are other kinds of expressions equally forcible which might have been used by the hon. Member instead of saying 'unworthy', 'vulgar hilarity' and so on. Such expressions may be avoided.

Shri Chattopadhyaya: Sir, they wanted verse. I have one here

His one ambitious intention

Is the vile Preventive Detention

By which he fondly dreams that
he can put the people down.

But let this poetry remind him

That while he may have arms behind
him,

The human arms of the millions
which crown

Can also uncrown.

An Hon. Member: It is not good poetry.

Shri Chattopadhyaya: It is not good poetry because it is not about flowers, sunset or the clouds.

Before I close I should like to say something. Unfortunately the Prime Minister is not here. I am glad he has come. I want to address through you, Mr. Deputy-Speaker, the by-gone friend Pandit Jawaharlal Nehru who still sits, I am sure, in this House being the Prime Minister of India. I should like to appeal to him from my heart, and from the heart of the millions I am sure this appeal would come, he who has such imagination, such sensitivity, the sensitivity of an artist—I always thought he had it, and having such a wonderful capacity, for these many years we have loved and respected him—he who has this sensitivity to understand the people and their needs, I appeal to him to try and see his way to give six months to the people, six months only. To the Prime Minister I make this appeal. Give them six months and see whether they respond to this generous gesture of yours. You will find that the whole of India will come behind you and help you in your Five Year plan. You will find that they will feel the confidence again in you, the confidence that they are losing rapidly. And you will find perhaps that your Five Year plan might work within four years or even three and a half or three years. But if you have this Bill passed into an Act, I may tell you and I am sure that every man in the street will agree with me (*An Hon. Member:* No, no). You are not a man in the street, you are men in comfort. I am sure that every man in the street agrees with me when I say that if you do not see that they are given a 'six months' chance to work out the programme of India along with you all, you will find that instead of their thinking of you all as the Ministers of the treasury benches they might think of you all as the sinisters of the treachery benches.

Dr. Kaṅju: Mr. Deputy-Speaker, we have had a very prolonged debate. The Prime Minister styled it as 'somewhat unreal, an academic debate'. You

would forgive me if I say that he overlooked one part of it. If you were to analyse all the speeches which have been delivered from benches opposite and if you eliminate from them the wild denunciations of the Home Minister and the wild songs of praise of the guardians of liberty, then very little will be left. I am rather new to this House and new to Delhi, but I confess that I did not expect it. It came as a surprise to me. Every single epithet that could possibly be conceived of was used and I was put up as a sort of a monster who had done something unimaginable and inconceivable. My hon. friend from Calcutta whose oratory we so much admire in one flight spoke of me as an individual who had learnt nothing, who had forgotten everything and who had made a mess of everything. I thought to myself that this was a very vivid language and I tried to analyse it. If I had learnt nothing, there was no question of forgetting anything. If I had learnt nothing, forgotten everything, I could not possibly make a mess of anything. Then I thought to myself to which particular individual or human being this vivid description could possibly be applied and the only human being that I could think of, in all humility was an innocent child, innocent completely and pure of heart, pure of mind and with no vile thought against any individual. I hope the House will bear with me for a few minutes when I deal about personalities. I am not a politician; I am plain speaking man and the one complaint against me that has been made is that I am rather fond of an under-statement of my case and I am also given sometimes to calling a spade a spade. If you are a politician, then you change sides. You trim your sails just as the wind may blow and you may forget for the time being one fundamental principle of the collective responsibility of the Cabinet.

Hon. friends over there—I fully sympathize with them—somebody showed arms and somebody spoke of all the sufferings you have in detention. All that description touched my heart and touched the hearts of every one sitting on this side. We have suffered. We have parted from dying wives, from children and for months and months, we have not received a single letter. In 1942 for 8 months, I had not received a single letter. I had no interview. Therefore I sympathize and I tell you I was deeply cut by what was said by the hon. Member from Calcutta when he spoke about the Murshidabad affair. I never expected it. I thought I was doing some good; the people were lodged in jails, they were not receiving any visits from anybody outside. I am not quite sure even

how many ministers had visited them. Possibly there must have been and when I expressed a desire, the superintendents and jailers tried to dissuade me from going, because they thought that I might be insulted, and that some harm may come to me. Some superintendents said that they had not the courage to go into those barracks, but I said: I am not taking any pride, but that is my duty. I must go and see the conditions in which they were living.

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I had passed through those conditions. My friends have passed through those conditions and I thought I might try to bring some comfort to them. When I entered the jail, I was not received with open arms. It was after ten minutes that they talked to me.

My complaint is this. When that picture was being painted of that monster, it did not refer to what I spoke. I said to everyone of them: for this detention of yours, I am not responsible. That is a matter for the ministers to decide. I could not do so. I said to them: I wish you were all out. You settle with the ministers. I have just come to find out how you are living. What can I do to assist you? Inasmuch as complaints had been made in the Joint Select Committee, that the conditions were very severe, that there were no interviews, and no letters, I thought it right that I should tell the House of what I had seen with my own eyes in Bengal.

It was from that point of view I stated that; it was not a question of cutting any jokes. My hon. friend from Calcutta said that I had ceased to be a human being. He said.....

Dr. S. P. Mookerjee: I did not say so.

Dr. Katju: I will not go into any details or be diverted. But I was deeply distressed, I told you honestly what I had seen. In the Select Committee a reference was made that allowances should be raised, radios should be given and that there should be newspapers. I told you of what the conditions were in Bengal. I forgot to tell you something more. I now recollect that the Government of Bengal—it has nothing to do with me—also gave a monthly allowance of Rs. 40 together with Rs. 3 and I said in passing that comparing conditions of people who live outside and the conditions of people inside, purely from the physical point of view, it could not be said that the circumstances of physical living were difficult. That was the point that I made. I went everywhere. I met Mr. Muzaffar Ahmed, an old friend. I talked to many people. There were

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two young men. They wanted to read for the B.A. or the M.A. Examination. I asked: What can I do for you? They replied: We want some books. They gave me a list and from the Governor's discretionary fund, I sent them books worth Rs. 300. There is a poet Member here and just consider this: can this flesh and blood stand all this vilification and all this distortion of facts? There must be something. You call my conduct as being unworthy of a minister. I do not know the language which my hon. friend from Calcutta used but I stress his 'gestures'. I do not want to have a discussion on this, Sir. It has had a very bitter effect upon me. I never expected this. I tried to serve the people of Bengal while I was there for three years to the best of my ability.

Dr. S. P. Mookerjee: Certainly.

Dr. Katju: Here this is the return that I am getting.

Dr. S. P. Mookerjee: I think I should say just one thing, Sir. Knowing Dr. Katju, as we do, we hold him in affection. The people of Bengal do that. But, there was this misunderstanding. What he has done for the detenus, every one in Bengal knows. But, we felt pained when he said that the conditions there were so good, it was like a liberty hall and one even would like to exchange places. It was not quite the proper way in which he should have put the question. It might have been an absolute misunderstanding. There is no question that Dr. Katju did a lot as a Governor when he was there, and he made himself popular amongst all classes of people. There is not the least doubt about that.

Dr. Katju: I leave it there. I am much obliged to my learned friend. Every single word that I said was in that context, namely, what we most of us here, most of the hon. Members, have suffered. I am not talking of those who have never been inside. Some of the people here have been locked up in jail 15 hours a day, no interview, no letters. I may tell you, when I went to jail, I thought to myself and analysed what were the causes of controversy. Cigarettes: I said I will not smoke, I am not a smoker; interviews: I said I shall never ask for that; letters: I said I shall never write a letter. Therefore, I got on well. This is what we have suffered. When I said liberty hall, go there and see what I meant. Very well, I shall leave the point there.

I come back to the question of collective responsibility. Complaints have been made of something done in 1951. Complaints have been made of what happened in 1946, 47, 48, 49 and 50. I speak without rancour. These Treasury Benches are collectively responsible for anything that is done. The Prime Minister is here, if anything goes against my conscience it is not fair to me that I should stay off. Afterwards to single out something and put it out as the late lamented Sardar Patel or anybody else did is not fair. We must take the responsibility on ourselves. All that happened in 1946 to 1950 was the joint responsibility of my hon. friend.

In 1950, the Preventive Detention Act was passed, I understand, in four hours, a most stringent Act. In 1951, it was amended. At that time, my hon. friend was not there; in 1950 he was there and I submit that it is not proper to divest himself of responsibility on that ground. I shall come to that point later.

The hon. Prime Minister has very much lightened my task because he has given the background of the Act. His speech is more important because everybody had made a direct appeal to him, and they have appealed to his magnanimity, to his sensitiveness. Leave me aside. We are in the midst of a social revolution. It is not only a question of war. It is a social revolution going on before our very eyes. Every morning, when I wake up, two or three telegrams are handed over to me, sometimes by name, sometimes by office. Everywhere there is complaint of some kind of lawlessness. Yesterday I received a telegram from Patiala. I am not singling out any party; I am only telling what the telegram was: "Communists are terrorising villages; spreading; life unsafe; hear you are coming; we seek interview with you." May be, all wrong; this is the telegram. We are receiving reports that named gentlemen are going about both in the Punjab and PEPFU. Mind you they are not very gentle folk. The people in PEPFU and the Punjab, Sardar saheb well knows, they have got arms and they know how to wield arms on the slightest provocation or excitement. The teaching is, "Mark out what was done in Telangana; follow that; in every village there should be guerillas—I may tell the House, armed guerillas—; have your way; if you are stopped or checked, then comes the sweeping of the masses to which my another hon. friend from Calcutta, referred, shoot them."

In UP, a great social revolution has taken place. Zamindaris have been abolished. Of course, it is all very good and my heart is in that. We are all agreed on that. But, it is a big province. About 7 lakh people, I will not commit myself to any figure, have been dispossessed. They have got to be provided for. They have got no means. That is a very fertile soil for sowing all sorts of seeds. We have got people here who are everything to everybody. Go to Aligarh and preach that Urdu should be the language of UP; go to Banaras and preach that Hindi should be the language of UP. Just see, a fit soil for sowing and irrigating whatever you like, in the best way. I read the other day that a number of cultivators went to a village in the UP for the purpose of burning all the bonds, money bonds, promissory notes which were in the possession of the zamindars. The zamindars are sometimes money-lenders also. They wanted to burn all that. The zamindars protested; there were riots; there was shooting; two were killed; the whole village was burnt.

I only tell you this. The Prime Minister counted those disruptive forces. We are undergoing a silent social revolution. I have learnt whatever I have learnt and my stay-by are two books—I will not name them—and what I learnt at the feet of Gandhiji. That is my sustenance in life. We have been quoted here extracts from books.—I forgot the name, Atkins or somebody,—about the demerits or viciousness of detention without trial, and all that. I should like to quote a passage before you, I do not agree with it, because in these matters to the Opposition British doctrines appeal very much and we have got constant quotations from them. A book was sent to me by an hon. Member whom I have learnt to hold in high esteem. He called all the Ministers of Home Affairs throughout the world as cousins. He has sent it on to me so that I may know what a cousin of mine says.

So I read it; simply because this cousin is a Britisher, a Member of the Labour Party, brought up in the British tradition of the love of liberty, in the democratic tradition of life, natural justice and Law Courts. I should like to read with your permission, Sir, just three or four lines. I am not agreeing with it. This was, of course, during war time, 1940, but he says:

"The hon. Member made a speech today with classic liberalism—I use the word not with a capital letter, but in the ordinary philosophic sense—which main-

tains that there must be this and there must be that and the other right. To maintain them in all circumstances will not be feasible. If he tries to run a social revolution....."

I ask the hon. Members to consider this:

"If he tries to run a social revolution in that way, he will lose it. When will my hon. friend learn from the lesson of Germany? What is the lesson of Nazi Germany? It is that the Republican politicians of that time were too soft, not that they were too hard in applying to what was a revolutionary situation classical liberal doctrines and so on. I beg the House not to forget it. I particularly beg my hon. friend not to forget it.

The German Government of that time respected very fully the principles which are now urged upon me."

—my cousin, there, in 1940:

"and the result was that Herr Hitler was dealt with under a very gentle law. He was put into prison under very gentle circumstances. He also was not treated as a criminal person. He was given rights of access and other persons were given the right of access to him. He was allowed to do almost as he liked. In a few months he was out."

I shall, however, not read the next sentence or two. It shocked me when I read it.

Several Hon. Members: Please read it.

Dr. Katju:

"In a few months he was out. If I was running the German Government at that time....."

the Republican Government in 1932/36 or earlier—

"that man would never have got out. He would never have survived. He was an enemy of the State, and he ought to have been shot."

I do not agree with that at all. But this is the opinion of a Britisher. When you quote Mr. Atkins and Mr. Herbert Morrison.....

Dr. S. P. Mookerjee: But that was in 1940, during war time.

Dr. Katju: I agree entirely, but he was referring to peace-time after 1926 when Hitler was building up. I only

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[Dr. Katju]

read this. As I said, I do not subscribe to these opinions, but look at the diversion. This is an important feature. You cannot run social revolutions with kid gloves.

I do not want to take your time or the time of the House because I want to finish as quickly as I can. We have been blamed. "Here is a brute majority", and a very constructive minority, most anxious to help, most anxious to improve, most anxious to examine every detail, and we have just simply brought a heavy steamroller over them. Now, if that is the attitude, does the House forget 9th of July when something was done which had never been done in the history of Parliament, viz., when I asked for leave to introduce the Bill, then the hon. Member from Calcutta rose and he said that they were opposed to it root and branch and they would not allow it to be introduced. They would have a division. We divided, and in that division were included all the hon. Members who are now anxious to improve the Bill. Is that the attitude? I am not talking now of the hon. Members opposite, but about this side of the House, because I understand their mentality, but the other mentality I cannot understand. My hon. friend from Madras who sent me this book, voted on that motion in that lobby. Also my hon. friend here, my hon. friend there; the learned ex-Judge—I do not find him here—he voted. What does that indicate? What is that attitude of mind which says we will not even allow this Bill to be introduced, we are so opposed to it—and I respectfully suggest, not in any spirit of controversy, that that has been the attitude guiding my hon. friends right through this from the 9th of July to the 4th of August, these three or four weeks.

Please remember one thing more, when we are told that nothing has been accepted, that all constructive suggestions have been over-ruled. This Bill, or rather Act, was enacted in 1950. It was amended last year. I have got the reports. The discussions lasted six days. Every single possible provision was examined, amendments were moved; we knew what were the different suggestions. My predecessor, our much-respected, beloved Rajaji, accepted many. I did not know of this but his speech says that the credit for the Bill that he was moving goes to Sardar Patel because he had drafted it, and Rajaji moved it. Rajaji accepted certain amendments. So there was nothing new. When we wanted to draft the present Bill, we had before our mind every single point of view that

had been discussed on the floor of this House in 1951. We took our decision, right or wrong, but nothing was overlooked and there were many improvements made.

May I just read here—please look at the attitude; as I said it is my misfortune. I said on the last occasion—my hon. friend was not here, he had to go home because of a domestic anxiety—this is 1951—my hon. friend said:

"Much as we may criticise the Government, let us have the frankness to admit that the amending Bill makes very important changes—changes for the better."

This was in 1951. Everybody will agree that this is a little better. It was not so bad as to be utterly cut out from consideration. I remind the House of the quotations which we had from the hon. leader to whom we owe much; all of us owe much to him: I personally owe very much to him. Those quotations were, I imagine ever present in his mind at that time in 1951 when he delivered the speech, not to have all Judges on the Advisory Board, but there might even be three men from the streets.

He said:

"The Advisory Board will now be able to deal with all cases. It is not quite clear whether cases of persons who have been detained for less than three months will also be covered under this clause."

Rajaji said they would be. Then my hon. friend continued:

"I am glad that all cases including cases of persons who may be detained for a period of less than three months will also come under the purview of the Advisory Board. Let us not ignore the importance of this provision."

Continuing, Dr. Mookerjee said:

"Let us not ignore the importance of this provision, because under the Constitution itself it is not essential for Government to place cases of persons who are detained for a period of less than three months before the Advisory Board at all, and if the Home Minister proposes to include their cases also, it is no doubt a change for the better."

The Advisory Board was somewhat good before, but now it is not worth anything.

Then, he said:

"We also note with pleasure the provision for release on parole, because we know that there have been a large number of cases where such persons have suffered, since there was no such provision in the past. I congratulate Government on the changes they have made."

Now all these congratulations are not there.....

Dr. S. P. Mookerjee: I am prepared to congratulate Government again, if the other amendments are accepted.

Dr. Katju: I leave it to the House. In the brilliant oration which was delivered by my hon. friend on Saturday last.....

Dr. S. P. Mookerjee: On a point of personal explanation, Sir. May I just correct my hon. friend on one point? If the hon. Home Minister reads my first speech made in that connection last year, he would find that the attitude which I then took is the same that I take now also, namely that Government must make out a case and say why it is necessary for the Bill to be continued, and if it is to be continued, then sufficient safeguards should be provided for. We were fighting inch by inch, and got some concession from Government. If even today the hon. the Home Minister is prepared to accept some of our suggestions, we will congratulate him now.

Dr. Katju: I am reading now only your previous speech. (*Interruption.*) I will not be interrupted, Sir, because I have taken a vow not to be diverted. Then there is another important matter relating to judges being members of the Board; as to whether they should be retired judges, prospective judges, or sitting judges. When we were in the Select Committee, I was under the impression that the suggestion that the Chairman may be a retired judge or a sitting judge had been accepted unanimously, but when the minute of dissent came I found that it was not so.

This is what Dr. Mookerjee stated last year on this matter:

"I would like to add that these Advisory Boards should consist, not of those who are prospective judges, not those whom the hon. the Home Minister may be thinking of promoting as judges, but they should be either judges or ex-judges."

In 1951, in the month of February, ex-judges were good, and the Advisory

Board was a body which could be trusted and which meant something. But those judges have now fallen from that position, in disgrace.

I said in the Select Committee that our Advisory Boards consisting of judges of the High Court, retired judges, sitting District and Sessions Judges, retired District and Sessions judges etc. were thoroughly competent bodies, and they were dealing with the cases properly. I submitted before the Committee a statement which went to show that in 28 per cent. of 4400 cases, that came up, the Boards have expressed a view refusing to confirm the order of detention, with the result that the detenus were released. In 72 per cent. of the cases, the orders were confirmed. I was reading the book which my hon. friend had sent me, where I came across what a cousin of mine had stated about the Advisory Boards.

Shri Syamnandan Sahaya: Who is this new cousin of yours? We do not know him at all.

Dr. Katju: Mr. Herbert Morrison, the Secretary of State for Home Affairs in England in the year 1940, a staunch labour leader who began his life from the coal-mines or some such place, steeped in the British traditions of democratic liberty, democratic rule and democratic institutions. "The Advisory Boards in England are supposed to be perfect. They have the assistance of barristers, advocates, they can call evidence as they like... I do not know how I came across this passage, but there is a question and an answer. Mr. Stokes asked the Home Secretary for figures, as to how many were in detention, and how many have been released by the Advisory Boards. Mr. Morrison said:

"The figures are, out of 1238 cases, 315 have been released, and this includes some cases where release has been authorised without a hearing by the Advisory Board, namely that the Government themselves did it; and 341 were still under examination."

I say with all confidence, that our advisory boards have not done badly at all. They consist of experienced judges and experienced advocates. The material is placed before them. And the Act says that it is not only the material which the Government may send before them, but the Advisory Boards are entitled to send for any information which they may require from the person concerned or from government, and they have done this.

[Dr. Katju]

Then my hon. friends said, what about legal assistance, the right to appear, to examine, to cross-examine and all that sort of thing? They said that otherwise the detenus would not be able to prove their cases. And here is this illuminating statement made by my hon. friend Mr. Morrison:

"This is freedom, because I venture to say that no advocate would allow himself to accept this brief of going before an Advisory Board which is sitting and examining the case in camera. There is no evidence act, no examination, no cross-examination, so the advocate will be completely out of his elements."

I do not know what my hon. friends on the other side have said about me. Probably all lawyers on that side have said that I had become a degenerate lawyer cursing the very profession to which I had belonged. But this is the picture that Mr. Morrison paints. Where the Boards think fit, lawyers are allowed.

"After having read a considerable number of cases, I would say that on the average if these Committees have any bias at all,—this is true of our Advisory Boards,—and I am not accusing them of any bias, it is rather in favour of the detained person than against him". If you go to any State Government, this is exactly what they would say. That is the atmosphere of these Committees. Many persons have testified, many detenus have testified to me "that to act on the assumption"—this is rather important—"that the detained person must need a skilled advocate because"—I do not say that this is assumed, but it rather lies behind the argument—"he has an advocate against him, as would be the case in an ordinary court of law, is wrong. While he has nobody against him, he has a fair-minded Committee which is objectively trying to examine and in my own experience, if it has any bias at all, it is rather in favour of the detained person".

Then there is this other consideration, namely, if you allow a lawyer to him, then the State Government would say: "We want a lawyer ourselves". Then you will have a prosecuting counsel, you will have a defending counsel and the whole atmosphere of the court. I said in passing.....

Dr. S. P. Mookerjee: Whose quotation is that?

Dr. Katju: Herbert Morrison, my cousin. All along I am reading from him.

Dr. S. P. Mookerjee: What happened to the cousin at the end?

Dr. Katju: He carried on the war. He was a Minister. I may tell you my experience—it may be illuminating and the House may find it rather interesting—of being engaged by a detenu in prison. This is a story of many years ago. One morning I received a letter from the District Magistrate of Allahabad that so and so, a prisoner who had come from Lahore for a certain particular purpose—I am referring to the case of Chandrasekhar Azad who was killed in an encounter with the police in Alfred Park—had asked for a legal interview with me. The interview had been granted and the time fixed. Now, I did not know who this gentleman was. So I made some enquiries in my home and I was told that he was an associate of Bhagat Singh. So I just went there—no question of fee and all that. He was in the lock-up, guarded; there were four cells and there was a policeman walking up and down. The jailor took me in and the policeman stood aside. I had never seen him before. After the exchange of usual courtesies, I asked, "What can I do for you". He said, "Dr. Saheb, the position is this. I have been here for 8 or 10 days. I was feeling very lonely. I had just one day come to your house and enquired as to whether a friend was staying with you and you said in such and such room. So I thought to myself that I was a complete stranger here and I would like to have a little talk with you." I said, "What can I do". He said, "Nothing. I am taking care of myself". Then I said, "You want a pair of shoes, any shirts, clothes?". He replied, "Nothing. But I should like to ask you for a little help". I asked what it was. He said, "This policeman, this warder, is a very fine man and he is very helpful. He has promised to help me. There is just outside this 'hawalat' a motor-station and I have arranged with so and so and he gave the name of a person whom I knew. You kindly tell him that at 3 o'clock this man would be standing near the petrol pump. I should like a letter from him on some matters which he knows. Will you please just convey this information to him so that the letter may come to me". That is the legal advice I was asked to give! I suggest o you, Sir, in all seriousness that in these cases I am not talking of one or two here or there, there is no dearth of.....

Shri B. S. Murthy (Eluru): On a point of order in this. There is no Azad is now dead and gone. Is the hon. Minister justified in referring to personalities who are no more and are not present here to defend themselves?

Mr. Deputy-Speaker: There is no point of order in this. There is no accusation against Chandrasekhar Azad.

Dr. S. P. Mookerjee: Very serious accusation.

Dr. Katju: Now, I was saying that in my experience there was really no dearth of talent to draw up a representation. Lawyers may go there—I am not talking of the friend who, unfortunately, is not present here—they are engaged through attorneys, agents and solicitors. But the lawyers are their friends. Some of them might be asked to do what I was asked to do, an unknown friend, just to carry messages. I may say here that it is a matter of allowing interviews to detenus, to give them facilities. I am not quite sure what the rules are on this matter, the rules relating to interviews. I shall suggest to the State Governments—because it is a matter for them—that if they see no objection, they might allow an interview to a detenu, so that he might have assistance in drawing up his representation. That is a minor matter.

The next thing is this. I had better conclude this matter now. There was great objection taken to District Magistrates and the Additional District Magistrates. Now, this is rather curious. In the Bill as it was presented by Sardar Patel, the persons authorised to issue detention orders were District Magistrates, Additional District Magistrates and Sub-divisional Magistrates. The next year, in 1951, the Sub-divisional Magistrate was eliminated and Rajaji was the recipient of great congratulations from everybody. No one said that District Magistrates should not be there. In these discussions during the last three or four days and on the last occasion it was said: "Well, District Magistrate! He is a sort of embodiment of corruption, thirsting for power. He is going to issue orders to lock everybody up. Freedom would be endangered". So I made an enquiry from Bengal—because time was very short—"Will you please let me know how many orders of detention were issued in 1951 and in the six months of 1952 by the State Government of its own accord and how many by the District Magistrates". The telegram that I have received is this: that in every

single political case the order is issued by the State Government itself. And the figures that were given were—120 in 1951. Every single order was issued by the State Government, and the District Magistrates issued orders in cases of emergency probably not against members of political parties, but against hoarders, profiteers and other anti-social elements. I was informed that they had issued 20 orders. 120 were by the State Government itself—that is what the Prime Minister also indicated. That is the actual position. That is so far as West Bengal is concerned. In the past six months the figures are: 54 by the State Government itself and 24 by the District Magistrates. In Madras, I was informed that 12 orders were issued and all by the State Government. So let us, as I have said many times, have a sense of proportion about this matter. I do not want to decry my officers. I imagine that every District Magistrate these days (with legislatures and newspapers and interpellations), whenever he has got the slightest opportunity of consulting the State Government; probably rings up the Chief Secretary and asks: "This is the matter. Will you please send me instructions?"

Dr. S. P. Mookerjee: As was done in Deshpande's case.

Dr. Katju: It is only in cases of emergency that the District Magistrate acts on his own, and this is proved by the figures—120 and 20. In the whole of 1951, there were only 20 cases. Now, I therefore say in 1951 no one raised any protest.....

Shri K. K. Basu (Diamond Harbour): On a point of information, Sir. Can the hon. Minister give us the new figures? Those are relevant.

Mr. Deputy-Speaker: Order, order. Except a point of order nothing can be raised, unless the hon. Member gives way

Dr. Katju: Now, I submit in the first instance, that these officers are all responsible officers. Their action can be corrected at once—within twelve days—within shorter time even. And on the existing practice in West Bengal and Madras—I am not quite sure about Bombay where there are *goondas*—the position is that the State Government, generally, is itself taking action.

Then we come to another matter. Some hon. friends there wanted us to emasculate the Act. The lady Member whom we all love and hold in great respect—she is a well-known

[Dr. Katju]

figure throughout the whole of India—said, "If you have an Act, have an Act. If you want to govern, govern. If you want to face difficulties, try to face them". But here they say, "Emasculate the Act and only retain provisions regarding security of the State and defence and nothing else. Cut out reference to public order, cut out reference to anti-social activities and to essential supplies." What remains? Condition of war? I have already dealt with it, the Prime Minister has dealt with it. The country is in a state of social revolution. But the point that I like to make is this. If it was the intention that these powers should be exercised only in these limited cases in wartime, then the Constitution may as well have said that. You find in the Constitution expressly stated that preventive detention legislation may be enacted for purposes of maintaining public order, for purposes of maintaining essential supplies and services. That presupposes that the Constitution thought that it was desirable under the existing situation in India. It was peace time. Sir, everyone has said, the whole argument is this: "Let us have an emergency". Emergency will come when there is war, aggression or attack and then you may deal with the fifth columnists and everybody else. Go and have the Constitution amended. The very fact that the provision is there discloses that Parliament, or the Constituent Assembly, in their wisdom, thought that in India, having regard to a variety of circumstances, it was desirable to have the Preventive Detention Act, in spite of the Criminal Procedure Code and the Penal Code, in respect of public order, anti-social activities and relations with foreign powers.

I will not go any further into that matter. I have already dealt with legal representatives. I want to make it quite clear—I made it so on the last occasion—that the examination before the Advisory Board is in no sense a judicial trial, for the very simple reason that there is no opportunity to anybody to summon witnesses, to examine them or to cross-examine them. And if it were the command of the House that there should be this judicial trial, then I respectfully suggest I would tear up the Bill at once. (An Hon. Member: Please do it.) Because then you can go before a magistrate, you can make it public. You may disagree with the theory of it—that is a different matter. It was said, "brute majority" and "Joint Select Committee did not consi-

der anything". I may say that it was a matter which was gone into at great length in 1951 in the House and the House did not agree to it. When we drafted this Bill so far as our capacity is concerned we also went into it and we thought that it was not desirable.

That brings me to a small point which I may touch upon. The Act as it is says that the Advisory Board may consider the case on the basis of the materials placed before it, but now it will always give an opportunity to the detenu to come before them and they may also send for further information that they may like to have from the appropriate Government. I am personally of opinion that that would enable or should enable the Advisory Board to ask the appropriate Government to procure a statement for their consideration from the individual and send it to them. It may even permit the Advisory Board to ask the Government to produce the individual before them. My own personal opinion is that the language is so wide. But if you want it should be cleared up that they may send for any statement and they may send for the person but please remember that he is not going to be a witness—he is at their discretion to be examined if they want it. That is exceedingly important. Somebody said: "Supposing the Government does not comply, what will happen"? I can tell you what I could do if I were a member of the Advisory Board and if my requisition is not complied with. Then and there, straightaway, without considering any matter I would say that I refuse to confirm the order and order his release; because they do not give an appealable judgment they do not give reasons and their reasons, if any, are not made public. Every Government is bound to take care to comply with every possible requisition of the Advisory Board so that its record before the Board should be clean and there should be no trial.

Two other points were raised which were very important, and one was about the duration of two years. I want to repeat as to why we deliberately placed the words "two years" there. I would ask the House, without impertinence, to consider what it actually means. Sardar Patel carried through the whole Bill within four hours. Rajaji,—my hon. friend described him as born democrat.....

Dr. S. P. Mookerjee: I like you better.

Dr. Katju: You do not say so—that is my misfortune. Every single act of

Bill

yours, speech of yours indicates utter dislike of me. Now, Rajaji was able to push it through in five or six days. Today I was counting the time taken on this. One big division on the motion for introduction, then five days on the motion for reference to Select Committee, and when I addressed the House—I am rather lucky today. I see the Opposition Benches inhabited—on the last occasion I was told they were just standing in the lobbies—they were not here, they came in exactly as I finished. Well, three days in the Joint Select Committee took about 12 hours, and we are in the fourth or fifth day of consideration of the Committee's report. Then another three days for the passage of the Bill and four days in the Council of States. Altogether it will take you about twenty or twenty-five days of Parliamentary time and each minute costs about Rs. 80. Therefore, we said we shall have it for two years and we gave the benefit of it, the positive benefit, namely that no one shall be detained for more than a year. I thought it was really a cross between two things, two things crossed with each other. But I am perfectly prepared to make an offer. Someone said and there are many amendments to that effect: "Reduce it to one year because we want to consider it again". The offer is this. The Government shall and will consider continuously whether the situation is changing or not changing or deteriorating or improving, but, let us say, in the month of November, 1953, Government will formally consider the matter whether they would keep the Bill in operation or make it a dead letter or even bring a new Bill to repeal it. And if they come to the conclusion that they have got to keep it alive and keep it in force then they will give ample opportunity by an official resolution to this House and in the other House to consider that resolution and to express their opinion. The discussion will be completed in one day here and one day there and all Members of every Party will be able to express their opinion as to the situation then existing. We have discussed at length during these three years the principles of the Bill, the democratic traditions, the horrors of detention without trial. The only point will be: Is there a case for keeping the Act in continuance? If the Government come to the conclusion that they must keep it going, they will submit the matter to the House and give the hon. Members an opportunity of expressing their opinion. There may be a discussion for one day here and another day in the other place and you will

have done with it. You will get this opportunity and this is what you want. I do not want this long-drawn-out process of every single amendment from these hundreds which have been tabled to be repeated nor these walk-ins and walk-outs. I suggest this is the fairest offer that I can make on behalf of Government. I am not saying it should be a Government resolution. You can always move a non-official resolution. Any Member of the Opposition is welcome to ask the Leader for time to discuss any matter. You can ask him even after three months. That is the right of the Opposition. After one year's consideration by Government of the whole situation in the most formal manner in consultation with the State Governments, we shall approach the House in this form, so that the House may have an opportunity of expressing its opinion on this point. That brings me to the last point, and after mentioning it I will conclude.

It has been asked why we should make it applicable to the entire India and why we could not make it piecemeal. To be quite frank, I got that position examined. The difficulty is that I am forgetting my law and getting rather afraid of constitutional lawyers. It is said that the position will not be completely constitutional for this reason that this is in the concurrent list and either you pass an Act here in which case it will shut out the State Governments, or if you do not pass any Act or decline to pass one, or you do pass an Act and then leave it to the Central Government to apply it as it chooses to certain parts of India, say, Saurashtra or Rajasthan or whichever one may be affected, so that you can make it a dead letter so far as the other parts of India are concerned, then the Act will have to contain a sort of a clause saying that the Central Government is hereby authorised to extend the law to any portion of India it chooses. In that case, the constitutional difficulty is this. Under the concurrent list, both parties can enact. The Central Government can enact and the State Legislatures can enact. Every State Government wants the Preventive Detention Act, whether rightly or wrongly and they might say, "You have passed this law. You have extended it only to Saurashtra and Rajasthan. You have not extended it to us. Apart from the validity of the Act, we are free and we shall go ahead." If their Assembly is not sitting, they will pass an Ordinance. There is nothing to prevent them because Parliament has not enacted

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any Act so far as they are concerned. That is the difficulty.

Dr. S. P. Mookerjee: May I point out that if we really want to deal with this matter properly, we can deal with it later on. What will happen is that if a particular State Government wants to pass such a law, it will certainly refer the matter to the Central Government. If it wants to do it entirely on its own, then the responsibility will be that of the State Government. We can make some adjustment.

Dr. Katju: As I said, it is in the concurrent list and both the parties are equally authorised to enact and so, why should we take the odium here of extending this Act to one area and not extending it to another? I know the propaganda value of this discussion and it is meant for outside. Why should we continue it? We are most anxious that the Preventive Detention legislation should be on a uniform basis and that it should be as fair and proper as possible and that it may bind every State. Otherwise, each State will act on its own. Apart from this constitutional difficulty, which impresses me greatly, there are many administrative difficulties. Somebody may run away into another State. What is to be done then? You know, we used to have a similar thing in U.P. You commit dacoity here and then run into Dholpur. You cannot get caught. Similarly, you may now commit a dacoity in Rajasthan and then run away to Ajmer. These are all jurisdictional matters.

I think that I have practically covered the whole compass. I only want to touch last of all on one other matter. There is a section which says that the Government, i.e., the State Government may make rules about maintenance, discipline and all that. Every State Government has done it. Some State Governments may be liberal; some may be illiberal. This is a matter which I should like to leave to their discretion. If you think so, I am prepared to advise them to be as liberal as possible. I know that in difficult and really genuine and needy cases, even family allowances are given. I have visited many jails and I have seen under-trials and people under conviction. On such occasions, my heart went out to the under-trials. They had been there for eight months. So the question of family allowances in such cases may be considered.

I hope I have not tired the House and I submit that the motion for

consideration of the Bill, as reported by the Joint Committee, may be passed.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Preventive Detention Act, 1950, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: The House will now adjourn for Lunch.

The House then adjourned for Lunch till Half Past Three of the Clock.

The House re-assembled after Lunch at Half Past Three of the Clock.

[MR. SPEAKER in the Chair]

Mr. Speaker: The House will now proceed with the clause by clause consideration of the Preventive Detention Bill.

Clause 2.—(Amendment of section 1)

Shri K. K. Basu: I beg to move:

In page 1, lines 6 to 8, for "In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act)" substitute:

"In sub-section (2) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act), for the words 'the whole of India' the words 'the whole or part of India as may be notified' shall be substituted and in sub-section (3)".

In moving this amendment I only wish to emphasise one point. In the course of the discussion we had during the last few days it has not been proved by the hon. the Mover of the Bill that there are conditions in whole of India which warrant the continuance of this measure. We fully agree that if such conditions exist, it is necessary to have recourse to such legislation. The facts that were produced by the hon. the Home Minister only show that in parts of India, especially in the Western Saurashtra, there are conditions which may warrant the continuance of this measure. In other parts of India when the Preventive Detention Act was passed for the first time in 1950, a situation might have existed which necessitated recourse to such repressive legislation. But there is no denying the fact that the situation there has completely changed and during the past three or four months there has not been any incident to warrant the continuance of such measure.

From my own experience I can speak of Bengal. The figures given by the Home Minister show that there are 55 or 60 detenues in Bengal and they belong to the RCPI, whom the hon. the Home Minister or the Prime Minister mentioned as still believing in violence. Immediately thereafter one of the leaders of that party issued a statement saying that they do not believe in violence. I do not want to go into the merits of the question and examine whether the RCPI is a violent organisation or not. A couple of years back they might have done certain violent acts which might broadly be called anti-social. But during the last one year or so, there has not been one single incident in the whole of West Bengal to warrant their being dubbed anti-social.

Therefore, I say that even if you have such legislation it should not be extended to the whole of India. It should be left to Government to extend it to that part of the country where the necessity for this measure is felt. I move this amendment, so that Government may, if the necessity arose, take the aid of this measure in that part of the country where anti-social elements operate. Conditions have to be created in our country by which Government may have the support of the people. It is for the people to fight the anti-social elements. The hon. the Prime Minister gave an example of what happened in Calcutta during his visit. I do not wish to take much time of the House. I only appeal to the hon. the Home Minister to accept my amendment.

Mr. Speaker: Amendment moved:

In page 1, lines 6 to 8, for "In sub-section (3) of section 1 of the Preventive Detention Act, 1950, (hereinafter referred to as the principal Act)" substitute: "In sub-section (2) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act) for the words 'the whole of India' the words 'the whole or part of India as may be notified' shall be substituted and in sub-section (3)".

Dr. S. P. Mookerjee rose—

Mr. Speaker: Let us have the reaction of the hon. the Home Minister.

// **Dr. S. P. Mookerjee:** The Home Minister himself mentioned about this in the concluding portion of his speech. He pointed out some difficulties.

This matter was touched upon by the Home Minister in his reply this morning. You will remember, Sir, that this was one of the suggestions which the

Opposition had made that instead of making the Act applicable to the whole of India under the provisions of the law, we may have a provision to the effect that it may apply either to the whole of India or in such parts thereof as the Government may decide.

Now the Home Minister today very kindly agreed that this was capable of being considered by Government, but there were two difficulties. He pointed out one was constitutional and the other was administrative. He rightly pointed out that 'preventive detention' fell within the concurrent list and if a particular State Government thought it necessary to pass legislation, then complications might arise. It may be that a State Legislature may pass a Preventive Detention Act different from the Central Act. You may recall, Sir, one of the objects of passing a Central piece of legislation was to have some uniformity on a matter of such great importance to the people as also to the Government. The other difficulty pointed out was of an administrative nature. Now I cannot lay my hands immediately on those Acts where similar provisions exist. But I do recollect—you may also perhaps recollect—that this very House has passed a number of legislative enactments where power has been reserved to the Government to apply the provisions either to the whole of the country or in parts thereof.

Let me take the constitutional difficulty envisaged by the Home Minister first because that is more important. What will happen? If a particular State Government considers that this should be applied to that particular State, then I take it that that Government will bring the matter to the notice of the Central Government, and it is very likely that the Central Government will be convinced that there is a case where this Act should be applied to that particular State. Then of course there is no constitutional difficulty, and immediately by notification the Government of India declares that the Act will be applied to that particular State where the State Government or the State Legislature desires that it should be extended. Suppose a sort of minor crisis arises where the Central Government feels that the Act should not be applied to that particular State, then under the Constitution it is open to the State Government to place the matter before the State Legislature and get a Bill passed through that body. I do not think, Sir, that that position is likely to arise in the near future, not during the next five years because, barring one particular State, all the other States are controlled by one central political organisation. And it is very unlikely

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that if a case is made out for the application of the law to a particular area, the Central Government will object to it. But suppose that does happen. Let me even assume that it does happen that the Central Government and the State Government do not agree. Then what does it mean exactly? Suppose on the evidence placed before the Central Government, the Central Government feels that the situation arising in a particular area is not of so serious a nature as to require the passing of such an emergency legislation. Suppose that extreme possibility does arise. Then the State Government will introduce a Bill in the State Legislature, and justify it there. Whatever the State Legislature wants will ultimately be done.

The object of a provision like this is two-fold. First of all we recognize the fact, which has been admitted in the speeches delivered by the Prime Minister and the Home Minister that the situation in the country has improved and that there is no occasion today for the application of an Act like this to the whole country. It is common ground that today that emergency does not exist as it existed, say, in 1950. Now, if we pass a provision like this, it will produce a very good psychological effect on the whole country that Government is proceeding realistically, that Government is prepared to allow the country to be governed according to the normal laws, but only in those areas where the occasion really demands. Government will enforce the provisions of this exceptional measure. We will gain that immediately.

Secondly, I would like these matters to be discussed in the State Legislatures also. The Home Minister said this morning that only discussions on the floor of this House give an all-India publicity. But although you have of course allowed us to refer to a number of cases from different parts of the country, strictly speaking the Central Government is not responsible for all the cases of detention which have taken place in the whole country. It is the State Governments and the Central Government has no jurisdiction over them. But now, according to the proposed amendment every case will be reported to the Central Government. In the past the Home Ministry here had no occasion to know what was happening in the entire country. If this is accepted and if there are occasional discussions in the State Legislature, public opinion in that particular area will also be focussed on this important issue. There will be some sort of division of responsibility. And the Legis-

lature there, the different parties who are represented in the Legislature, will be able to put forward their viewpoint. The State Government will then take the responsibility for making out a case and for justifying the incorporation of such a legislation.

I am not thinking, as the hon. Mover pointed out—he referred to Bengal—I am not thinking of any particular province at all. I am thinking of it purely from the point of view of the whole of India. Now, this is a point which I would appeal to the Home Minister that he might favourably consider. It will not lead to any constitutional difficulty. It will not lead to any administrative difficulty. The sword of Damocles will be there, hanging. If it has to fall on anybody, it will fall automatically, immediately.

Of course there will be some check on the arbitrary extension of an emergency or extraordinary legislation of this type throughout the length and breadth of the country. If the amendment is accepted it will certainly be accepting one of the important points which have been made out by the Opposition. I hope the Home Minister will see his way to accept it, either in this form or in some other form which he may suggest for the consideration of the House.

Sardar Hukam Singh (Kapurthala Bhatinda): Sir, I have an amendment (No. 68). Though it is to clause 1 it is on similar lines.

Mr. Speaker: He may speak on this amendment. He need not move it, unless he is keen.

Sardar Hukam Singh: It is in different words. Perhaps this might be acceptable.

An Hon. Member: It applies to clause 1.

Mr. Speaker: There is no harm in taking it up at this stage. The substance is the same. It is a matter of form more or less.

Dr. Katju: I am in your hands, Sir.

Mr. Speaker: What is the difference between this and the other one? It is practically the same so far as the substance goes.

Sardar Hukam Singh: The substance is the same, Sir, but the words are different. Then I may be allowed to speak.

Mr. Speaker: That is what I was suggesting to the hon. Member.

Bill.

An Hon. Member: Is he not moving it?

Mr. Speaker: He is not moving it. It is covered by the other amendment, and it will not be moved even when clause 1 comes up after this.

Sardar Hukam Singh: I have to make a few observations so far as the amendment before the House is concerned. During the debate that we have been listening to for the last few days, again and again instances were given of Saurashtra, of Hyderabad, or at the most of Rajasthan and it was pointed out that there are conditions prevailing in certain areas that were not normal and that require some abnormal measure to be adopted. My submission is that if there are certain conditions in one part of the country, that is no justification for applying the measure to the other end also and making it applicable to the whole country. If we really think that it is an extraordinary measure, if, as was mentioned when it was first introduced in 1950 and then again in 1951, that these provisions were emergency provisions and would be kept on the statute book only as long as there was necessity, then there is a reason that where there is no necessity just at present—and we have been told this much also that there are areas where there are no detenus just at present—then we should, as has been urged by Dr. Mookerjee, create an atmosphere where people can feel that the country or at least those parts are ruled by normal measures. If this amendment is accepted I endorse what Dr. Mookerjee has said that a psychological effect would be produced not only in this country but outside as well and it would be a proof that really it is an emergency measure and not a part of our normal laws.

This morning when winding up the debate the Home Minister said that he has received a certain telegram from PEPSU to the effect that there was some lawlessness there. That is no reason for extending it to PEPSU. This ground could only be urged if we were enacting this law for the first time and it did not exist previously. The law is there. The Preventive Detention Act is in the hands of the PEPSU Government or the Punjab Government and if it could be effective in those matters which had happened recently, they could have been checked and this means that it has proved ineffective so far as those acts were concerned and even now it would not help us in curbing such lawlessness or such matters or such acts. Therefore, this argument cannot be advanced that a telegram has been received that there has been cases of some

lawlessness in one part or the other. Murders and dacoities would continue in spite of this Act. This is no ground and then we have to see whether we can resort to normal laws at any time or not. What I find is that when this Bill was introduced for the first time, it was clearly stated then and those words I have referred to twice here in this House. The late Sardar Patel said when he brought this Bill that he could not sleep for two nights. Then again in 1951 when we were asked to extend it for another year, there was certainly an expression of regret. It was a matter of regret that the Home Minister had to come up to this House for an extension by one year. Therefore, they envisaged and thought that as soon as the conditions were normal, there would be no necessity of continuing this law. Now we find that the conditions have improved to a great extent. It is high time that we must restrict it to the areas where we think it is certainly needed most and not apply it to the whole of India. This is what I have to say.

Shri M. S. Gurupadaswamy (Mysore): I have amendment No. 39 in List 3 standing in my name.

Mr. Speaker: It refers to the date. That is a different one. Each amendment shall be taken one after another.

Dr. Katiju: Mr. Speaker, I said this morning that we have considered this matter very carefully and taken legal advice upon it. I do not want to enter into a legal argument and this is not the proper forum for doing so. But hon. Members interested will refer to Part III of the Constitution which deals with legislative powers of the Union and of the States in the different places. It seems to me exceedingly doubtful whether it would not be open to any State Government to legislate in the ordinary manner or even by ordinance if their legislature is not sitting, in the concurrent field, if any particular parliamentary legislation is not in operation at the time. The suggestion underlying this amendment is that you make the act applicable to specified areas or to a specified State and then leave it to the Central Government to extend it to such States as they may think fit. That is to say Parliament instead of exercising its wisdom in the matter and saying regarding which State it will or will not legislate, will leave the matter to the discretion of the Central Government. It may be argued that for the time being, there would be no act, no parliamentary statute in operation in that particular State to which the legislation does not apply and the State legislature may intervene at any time. I shall be quite frank to the

[Dr. Katju]

House, because it is not our desire to make an Act. I should be most happy and the Government would be most happy to get rid of it as quickly as may be possible, but there are many difficulties. Before we took this Bill in hand, we consulted every single State and every State expressed the view that in their opinion the continuance of this Preventive Detention Act for a further period was essential. It seems to me that having regard to the fact that this is in the concurrent field, it would be almost a breach of faith for me on the spot to say that I am going to inculcate this, that and the other, by way of legislation. Then the other administrative difficulty is this, namely in some States at the present time by the grace of God, there is no person in detention. In other States while they have taken no action in recent months, there are some people in detention and the result would be that if the Act is not made applicable to those States, then on the 1st of October that particular individual—it may be 1 or it may be 5—would be entitled to be released. It may be that from the State's point of view, that particular individual—be he a Communist or a communalist or anti-social man or Congressman, it does not matter who he is—may be a dangerous man and they will say: 'Here we are'. 'He is going out and without consulting us'. Nobody can do that and for that person they may go on and legislate. Thirdly the administrative difficulty is one which is felt even now. I have received complaints from various neighbouring States, particularly Rajasthan, Madhya Bharat and Ajmer. I will give the House an instance. There are the Aravalli Hills near about Ajmer. When I went to Ajmer they said: Look at our law and order position. People come here, commit dacoity and then cross into the hide-outs in the Aravalli Hills and go into Rajasthan. The same complaint is received from Rajasthan that people after committing offences get into Madhya Bharat and the adjoining States. Therefore if you have this Act in force in one State and not in force in another State and if people are so minded, they may commit some sort of an undesirable act, and pass into another State in order to defeat the law.

There are many administrative difficulties, and many constitutional difficulties, and I do not want to take any action which may put the States into a difficult position. I am prepared to make this statement if it suits the House.

I am prepared to say this, that we pass this Act as it is and then I shall

address every State which says: we are practically free and we do not stand in need of this Act. I shall write to them and say that "before you bring this Act into operation and take action under this Act, please consult the Central Government either by telegram or by writing a letter and then we shall give you advice." If they make out some sort of a case then we will say: Go ahead; otherwise let this position continue. Please do not proceed with the Act without giving us previous notice. As my hon. friend reminded the House we have inserted a section which says that information should be given to us of any action taken. There is the statutory obligation on the part of the State Government to send us the necessary information and on the top of it is the old section 13 which authorizes the Central Government to release the detenu at once. Therefore these two sections will, I am sure, make all State Governments take action or seek the co-operation of the Central Government and if the wish is expressed on our part that we should very much like to have previous notice of what they are going to do, then the object will be served. That is as far as I can go at the present moment, because it is not entirely my responsibility. The Prime Minister said and I also said that the responsibility for maintaining peace and tranquillity in the land is really the responsibility of the State authorities. I do not think I shall be playing the game with them, having brought this Act—this Act has been in force now for two years and it is in force today—to say on the sour of the moment, well, I exclude States A, B, C, D and E and let those States go into a State of quandary. I do hope that this assurance that I have given will satisfy many Members, and will achieve the end that they have in view. It will not become part of the Act; but for all practical purposes, I may assure the House that we will see to it that in the areas where the conditions are absolutely normal, we shall address each State and ask them to indicate their views and then let them go on. That is how, I take it, the matter stands. I may tell you again, the constitutional difficulties are very great.

Dr. S. P. Mookerjee: May I point out, Sir, that what the Home Minister has said just now is not sufficient—he says he may write to the State Governments in future and if there is no occasion at all to apply the Act in any particular area, that may be secured by correspondence. What we are suggesting is, that if the language is that the Act will apply to the whole of India or any part

thereof, then the Government of India may, to start with, apply it to the whole of India, if essential. That however leaves the door open to the Government to decide later on after consultation with the State Governments, as the Home Minister explained, to withdraw it from certain areas. The public will know that it is not the intention of the Government to apply the law to the whole of India always.

As regards constitutional difficulties, may I draw the attention of the hon. Home Minister to article 254. There is no possibility of any inconsistency arising between this Act and any similar Act passed by a State legislature. Article 254 lays down:

"(1) If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void."

Of course, clause (2) relates to something which may be in existence at the present moment. In that case, with the approval of the President, this inconsistency may be allowed to continue. If the State legislature does pass another piece of legislation, automatically, the Central law will become the law even for that State if there is any provision repugnant to the Central law.

If the Government wants to adopt the very point of view which the Home Minister expressed there will be no harm in accepting my suggestion. It can be applied to the whole of India at Government's will. We will know that the Government will consider the possibility of withdrawing the Act from certain States at a later stage.

Dr. Katju: I have not been able to follow the legal implications. My knowledge of law has become rusty. The constitutional subtleties are so great that I am almost frightened.

4 P.M.

Dr. S. P. Mookerjee: I have brought here three Acts of Parliament where similar provisions have been enacted. They have not created any constitutional complications.

Mr. Speaker: Do they refer to subjects in the Concurrent List?

Dr. Katju: Look at this judgment—I am not saying with intense respect—in Mr. Gopalan's case. It covers 334 pages; perhaps it is the longest; I think it is unprecedented in legal history in any part of the world. Perhaps, the Supreme Court in the United States may have a longer judgment. The whole point is this. This Parliament does not enact any law, it enacts a sort of model by-laws. Then, we say that today it does not apply to the State of Madhya Bharat, where I come from. Then, we say we give power to the Central Government to extend this law to Madhya Bharat whenever it chooses to do so. The Madhya Bharat Government may very well say, that the law itself is repugnant to the spirit of the Constitution. Either Parliament should legislate today or it does not. My learned friend referred to article 254 and said, it would be repugnant. Repugnant to what? Was it intended when the Concurrent List was prepared that it would be open to Parliament not to legislate, but so to say, legislate in advance in order to tie the hands of the State legislatures and make them powerless. It is a very difficult proposition. I am not arguing in favour or against; I am not putting forward any opinion, because, I think lawyers will have to study everything. The provision is that if it is repugnant to any law for the time being in force, then, the State Government cannot legislate, their Act will be void and they will have to seek the permission of the President. It demands that there must be some law in force. Can you say that there is any law in force which says, nothing doing today, but the Central Government is authorised to extend the legislation? The assurance that I gave to the House today, I think, serves their purpose. It is not a part of the Act, but it will go as part of the Parliamentary proceedings that immediately the Act is passed, the Government of India shall address all the State Governments and tell some of them: "Having regard to your history here, you have a clean record; it seems you do not need the Act; therefore, please in future do not take any action under the Preventive Detention Act before you have consulted us; let us know why you think that the situation has changed". That is what they want. This assurance given or the floor of the House, I think, should serve all practical purposes. For instance, I will give the instance of the State of Coorg, with which I have fallen in love a small, tiny State, well administered, very prosperous, nil, nil. I shall ask the Coorg Government that

[Dr. Katju]

before they take any action under the Act in future, they should let us know and seek our advice. The same is applicable to Madhya Bharat, because I find that Madhya Bharat has also nil, nil. I am proud of that fact. I shall write to that Government as soon as the Act is passed, "Please let us know before you start operation". I hope a situation will never develop to that extent. But, the House will know and everybody will know that in Madhya Bharat, the Central Government will have to be consulted. The law is there; but there will be no operation upon it without the consultation of the Central Government. That is what it comes to.

Shri R. K. Chaudhury (Gauhati): May I say a word, Sir? It seems to me to be agreed that the Centre should have some power to stay the hands of the Provincial Governments whenever they should either remain idle and not take action under the Preventive Detention Act or take action only when warranted by circumstances to do so. If that is the view of the hon. Home Minister, I submit that we should take straightforward action and accept the amendment which has been proposed. I do not believe that there will be any legal sanction behind what the wish of the Home Minister is.

Suppose a Provincial Government does not heed the advice of the Central Government, there is nothing in the Act to interfere with the Provincial Government. It may end in a pious wish afterwards. Supposing in PEPSU they do not want to take any action under the Preventive Detention Act, then, though the Central Government may desire that action should be taken under the Preventive Detention Act, their desire will not be carried out. So it may result in great mischief to that Province, and the mischief committed there may affect also the other neighbouring States. Therefore the most straightforward course would be either to apply the law to the whole of India, or to keep a provision by which the Act may be enforced in some Provinces and may not be enforced in some other Provinces.

After all, to my mind, the whole question is whether there is a necessity or not for such an Act as the Preventive Detention Act. Our leader the Prime Minister has said after knowing all the facts that such a provision is absolutely necessary in the interests of India. I wonder why my hon. friend **Dr. Mookerjee**, the one-time colleague of the hon. Prime Minister, and the

other Members of the Opposition who at one time or other belonged to the Congress organisation, who had at one time or other accepted the leadership of the Prime Minister, should now be so suspicious about him. Why should they not accept this simple statement which is made by the hon. Prime Minister who has the opportunity of knowing all the facts, who has the opportunity of knowing more than any other Member of this House. Why should they not credit him in this point of view which he is making, that it is absolutely necessary for the interests of India to have this Preventive Detention Act. Why should they not believe him in this point of view? Why should not **Dr. Mookerjee** and the other Members of the Opposition believe this?

Dr. S. P. Mookerjee: I am doing something more. I am leaving it to the Prime Minister to decide whether it will be applied to the whole of India or parts of India.

Shri R. K. Chaudhury: I am in entire agreement with that **Dr. Mookerjee** has said.

If it is necessary in the interests of the whole country that only certain provinces should be subject to this Act, the straightforward course ought to be taken, and the law ought to be made applicable in this way. It should be extended. But the whole question is whether in the interests of India it is absolutely necessary to have a provision of this nature.

What I say is this: **Dr. Mookerjee** does not know the inside events which are taking place among certain groups of people in India. My hon. friends, the other members of the Opposition are not fully conversant with these facts. There is a gulf of difference between those Members who have come to this House to work out the Constitution although they belong to the Opposition, and the Members who are sitting here, the so-called followers of the persons who call themselves Communists or anything else. There is a gulf of difference between their ways of thinking. Otherwise, these gentlemen would not have come to work this Constitution in this manner. We all welcome them.

I do not know if I am correct. I heard the number of Communists in jails in India is comparatively very small. We can fully assume that the hon. Members of the Communist Party in Parliament are willing to work the Constitution by what they are doing now. Whatever my friends may think, I welcome their presence in this House.

and in the way in which they are working, the Constitution, the worst side of Communism will disappear from the country. Given a certain opportunity, they will also work in a way that Communism is removed from the country.

Mr. Speaker: Order, order. The hon. Member is going into the general question now. The general debate is over, and we are restricted only to the scope of this particular amendment.

Shri B. K. Chaudhuri: I come to this particular question. I look at it from this particular point of view. I consider it immaterial in one sense to have this amendment. After all, this is a weapon in the armoury of the Government as the hon. Prime Minister has said. If we all work in such a manner as to make this weapon a rusty one, as to make it entirely disused, then, it does not matter whether for a few months the Act remains in force throughout India or it is merely applied to some parts of India.

After all, another argument which was put forward seems to be very convincing to me. If it is extended to one Province today, the other Provinces might take it amiss. Why should it be particularly made applicable to Assam and not the rest of India? After all, if a certain thing which is objectionable from the point of view of the Preventive Detention Act takes place in a particular Province, the neighbouring Province will gradually be affected. Therefore, I submit that it should be safer if you make it applicable for the present throughout India. We should not have it only in certain parts and exclude certain parts from its operation. Let us consider the question with a clean slate. Let this be applicable throughout the country. Let there be a challenge from the Opposition Members of this House that they will make this weapon a rusty weapon, that they will not give an opportunity for the act to be operative, that they will work the Constitution in such a way that it shall not be necessary for the Government to have recourse to this legislation at all. This is the attitude we all should adopt.

Dr. P. S. Deshmukh (Amravati East): I want to say only a few words so far as this amendment is concerned.

I was surprised that Dr. Mookerjee was not satisfied even after what the hon. Home Minister had said. After all, his test of the desirability of applying the Preventive Detention Act to any State is a demand from that State. And he has mentioned no other test. He has not mentioned that the Central Government should be convinced that there

is a situation demanding the application of the Preventive Detention Act. The whole test that he has suggested is that if a State Government thinks that its application is necessary, then the Central Government will issue a notification and apply it. Now, the hon. Home Minister has already said that every State Government has asked for it. After having been satisfied that every State Government wants the application of this Preventive Detention Act, I do not see why it should be necessary to accept the amendment or to change the provisions of the Bill in any way because the demand is there, and there is no likelihood of its being changed in about a week or two when the Central Government will probably send another circular and ask whether they desire the application of this Act. So I think that there is no need for his insistence now or for his trying to argue the constitutional position. It is true—that was one of the arguments used by the hon. Home Minister. But I think he also wants to rely upon the practicalities of the situation and the direct needs and interpretation of the Constitution. It is not simply as if there were according to his view, an insurmountable constitutional difficulty only, and as if that alone was the argument against it. Besides that ground he has said that the acceptance of the amendment would lead to practical difficulties.

Then, secondly, so far as the applicability of this Act is concerned, from the very beginning such amendments had been proposed. From the first time that this Act was brought before this Parliament or its predecessor, these amendments had been pressed, and every time it had been held by the House that it was desirable to make the provisions applicable to the whole of India.

Then, the great objective which this present Bill has before it, viz., uniformity will also not be secured.

One argument which was advanced by more than one Member, especially by my friend Sardar Hukam Singh, was about the psychological change in attitude of the people that the acceptance of this amendment will bring about. Now, if there is no application of the Act as it exists today, and it is admitted that it is in a much more rigorous form today than it would be after this Bill is passed, if the State Governments have not used the provisions of this Act for several months or at the present moment, and if that non-application of the Act has not produced any psychological effect. I do not see, merely by saying that this Act

[Dr. P. S. Deshmukh]

does not now apply for a few months or a few weeks to a particular area, what psychological effect it would produce.

The psychological effect depends on the attitude of the mind, and I am afraid I must characterise this amendment as also the insistence of Dr. Syama Prasad Mookerjee in the same way, as unreasonable. This is so because they feel that there is no need for the whole Act and are therefore against it. It is for this reason that they are insisting on the amendment. I feel that there is practically no advantage to be gained by accepting their demand. I would therefore very strongly oppose it. I do not know what my hon. friend Shri Rohini Kumar Chaudhury meant. It seemed that he was very clear in his own mind, and could not come to any conclusion till he sat down. He probably had some sympathy for the amendment on the one hand, and on the other he had some sympathy for the hon. Home Minister also. I do not, therefore, think that his observations have led to any greater light being thrown on clearing the position. I for one think that there is no necessity for this amendment, because my hon. friend Dr. Mookerjee's purpose is amply served not only by keeping the clause as it stands, but also by the very liberal and generous assurance given whole-heartedly and sincerely by the hon. Home Minister. I think this assurance should suffice. Therefore I hope the amendment will not be accepted.

Mr. Speaker: I feel that there has been sufficient discussion. There are so many other amendments on which I believe the hon. Members would like to devote more attention perhaps. I do not mind even one single amendment going on for two days; but, in view of the time limit, in this particular case, I would just invite the attention of the hon. Members to the fact that they should reserve more time for their other amendments, because the impression of the whole debate on my mind has been that, so far as the substance goes, there does not seem to be any practical difference between the Government and the Opposition; the only question is one of procedure, as to how we should proceed to get the substance that all of us unitedly want here. There are some legal difficulties as pointed out, there are some practical solutions as pointed out, and unless it is a case where one of the parties has absolutely no confidence in the words or undertakings given here. I personally feel that, there is not much scope for a discussion. I quite understand the in-

sistence that hon. Members are eager to speak on the Bill.

Shri H. N. Mukerjee (Calcutta North-East): The amendment in regard to clause 2 refers also to clause 1 and is fairly comprehensive, and so I would request that a little more discussion might be permitted.

Sardar Hukam Singh: The amendment is in regard to clause 2 of the present Bill, and to sub-section (2) of section 1 of the principal act.

Mr. Speaker: The hon. Members will see that the amendment is to clause 2 of the present Bill, and to sub-section 2 of section 1 of the parent Act. I have not placed before the House clause 1 of the present Bill, but only clause 2 which refers to the time-limit for the operation of the Act. But hon. Members want to define the territorial limits also, which is relevant to sub-section 2 of section 1 of the principal Act. Section 1 of the principal Act has two parts in it, one refers to the geographical jurisdiction within which the Act will be in force, while the other refers to the time limit. The particular amendment under discussion relates to the geographical jurisdiction. After we dispose this of, we can take up the time-limit factor, and the amendments in relation to that. That is why I was saying that, practically it appears to me that there has been sufficient discussion. However, my opinion is not final on this question, nor am I competent to decide one way or the other; if the hon. Members want a discussion, I have no objection.

Shri M. S. Gurupadaswamy: With regard to limiting this Bill to certain parts of the country, I want to make a suggestion. There are two or three categories of subjects covered under this Act. The first refers to cases which relate to foreign affairs, foreign relations etc., which come under the question of the security of India and its defence; the second one relates to law and order, and the third to the maintenance of essential supplies to the community.

The questions of the security of the country and the conduct of international relations naturally come under the Central Government, because they relate to the entire nation. So I suggest that the Act may operate in so far as these subjects are concerned to the entire nation. But with regard to other matters relating to the maintenance of law and order and the maintenance of supplies essential to the community, they came as State subjects...

Mr. Speaker: Order, order. I am afraid the hon. Member is going into

some other field of discussion. This amendment refers to the geographical limits of the Act, and arguments may be advanced only in relation to that aspect, and the hon. Member need not go into other matters now. The proper place for a discussion on the subject as to what cases this Act should cover would be, when we come to clause 3 or 4 of the present Bill, or section 3 of the original Act. Only then it will be a proper discussion, and not at this stage.

Shri M. S. Gurupadaswamy: I am only saying that certain portions of the Act should be limited to certain parts of India only.

Mr. Speaker: The hon. Member does not seem to realise that the Act cannot be limited in this manner by amending this section. It cannot be said now that a particular section or sub-section of the principal Act will apply only to such cases or only until such time etc. The question now is whether the Act, as a whole, applies to the whole of India or whether it should apply to part of India only. The hon. Member is bringing in some other matter on which he is entitled to speak, but not at this juncture. I find that there are amendments tabled to that effect also, and when we come to a discussion of those amendments, the hon. Member may discuss the issue.

Shri H. N. Mukerjee: I do not propose to take more time than is absolutely necessary. But I think it is important at least to appreciate one point which has emerged out of the discussion, particularly as far as the speeches of the hon. Home Minister and the hon. Prime Minister are concerned. We have found that both the hon. Home Minister and the hon. Prime Minister have said over and over again that there is a very definitely discernible improvement in the position in the country, and as a matter of fact, the hon. Prime Minister, on the day after the *coup d'état* in Egypt, said that our country enjoys comparatively speaking a kind of stability which should be the envy of many other countries. And even after we had asked the hon. Home Minister to bring forward evidence to show that there was justification for the continuation of preventive detention measures, he could not refer to any very concrete instances, apart from what was happening in places like Saurashtra and Rajasthan, and even today he has talked about the geographical contiguity of certain provinces from one of which the miscreants might rush off into the other.

On the whole we have got an impression from the spokesmen of the Government here that in our country we have a kind of stability, and the kind of crime and danger which it is the intention of the Preventive Detention Act to counter, that danger has been minimised in recent years and in recent months. At the same time, the hon. Home Minister has told us that the State Governments have unanimously recommended the prolongation of the Preventive Detention Act. And that really puts us in a position where we have discovered that the State Governments are really more royalist than the king, and that they are perhaps more likely to behave in a manner which is very much more hostile to the interests of the liberty of the citizen. It is necessary to have some amount of safeguard. I do not say that the Central Government is going to act as a paragon of virtue as far as the interests of the citizen are concerned, but at the same time we find that the Central Government shows a very much more lively realisation of the state of things actually existing.

I cannot understand how, in the face of what the Home Minister has said and what the Prime Minister has said, from time to time we get a report from all the State administrations that they require a prolongation of the Preventive Detention Act. I therefore, feel that there is among the State Governments certain administrations which are, as I have said before, more royalist than the king and therefore, I want that the Central Government should have the last say in the matter. It is a really and truly important matter. If we cannot stop the passage of the Preventive Detention Act, at any rate we can leave it to the good sense of the Central Government in which we can have at least some more faith than in the good sense of the State Governments as far as we in this House are concerned. We have found this dichotomy, we have found this contradiction between the attitude of the Union and the State Governments and that is why we want to leave it to the Central Government's discretion to decide whether to apply this Act to one area of India or more than one area of India or to the entire territory of the Indian Union. That is why I support the amendment which has been placed before the House.

Shri Satya Narayan Sinha: I beg to move:

"That the question be now put."

Mr. Speaker: I do not know whether it will be within my legitimate functions, but I felt a bit confused about

[Mr. Speaker]

this. From what the hon. Mr. Mukerjee said, I think the constitutional difficulty pointed out by the hon. Home Minister would arise if the amendment is accepted. I thought he wanted the Central Government to have the initiative. The Home Minister's contention is that under the constitutional position, if this is not made applicable to the whole of India, it is possible that those parts to which it is not made applicable will proceed on their own without the concurrence or consent of the Central Government. That is how I understood the position.

Shri S. S. More (Sholapur): They will be able to proceed regarding certain items.

Mr. Speaker: I do not want to discuss the matter. I was just listening to him and wondering whether he was speaking in support of the amendment or in support of the position stated by the hon. Home Minister; and when he ended with supporting the amendment I thought it my duty just to clarify the situation as I have understood it. But the House need not go by my understanding. After all, I may have committed a mistake in understanding it.

Dr. S. P. Mookerjee: You asked a question of me, Sir, which apparently I could not then answer as I had not seen the Acts. It was whether any of these Acts related to the Concurrent List. I find, Sir, there is one such Act, the Act regulating the import, manufacture, distribution and sale of drugs. It is in the Concurrent List No. 19, applying to both the States and the Centre. Here the provision is that

the Act shall come into force at once, but chapter III shall take effect only from such date as the Central Government may by notification in the Official Gazette appoint, and chapter IV shall take effect in a particular province only from such date as may be specified by the notification. It has not led to any constitutional difficulty.

Mr. Speaker: Whatever it may be, the closure is moved now. The question is:

"That the question be now put."

The motion was adopted.

Mr. Speaker: I will put the amendment to the vote of the House. I have not been able quite to follow the wording of the amendment. It requires some alteration, but, however, it does not matter.

Shri K. K. Basu: If the principle is accepted.....

Mr. Speaker: The question is:

In page 1, lines 6 to 8, for "In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act)" substitute:

"In sub-section (2) of section 1 of the Preventive Detention Act, 1950 (hereinafter referred to as the principal Act), for the words 'the whole of India' the words 'the whole or part of India 'as may be notified' shall be substituted and in sub-section (3)".

The House divided: Ayes, 53; Noes, 211.

Division No. 12]

AYES

[4-38 P.M.]

Achalu, Shri
Anjai Ali, Jonab
Banerjee, Shri
Basu, Shri K. K.
Biren Dutt, Shri
Buchikotalah, Shri
Chatterjee, Shri Tushar
Chawthor, Shri T. K.
Cowdary, Shri C. R.
Chowdhury, Shri N. B.
Das, Shri B. C.
Das, Shri Saranadhar
Dasarath Deb, Shri
De gan, Shri
Gom Malludora, Shri
Girdhari Bhol, Shri
Gopalan, Shri A. K.
Gurdaswamy, Shri
Hukam Singh, Shri

Kelappan, Shri
Kharjekar, Shri
Manjalagiri, Shri
Masarene, Kumari Anthe
Misara, Pandit S.C.
Misser, Shri V.
Mookerjee, Dr. S. P.
Mukerjee, Shri H. N.
More, Shri S. S.
Nambiar, Shri
Narasimham, Shri S. V. L.
Nayar, Shri V. P.
Pandey, Dr. Natabar
Raghavalah, Shri
Ram Narayan Singh, Babu
Randaman Singh, Shri
Rao, Dr. Rama
Rao, Shri Gopala
Rao, Shri K. S.
Rao, Shri P. E.

Rao, Shri Mohana
Rao, Shri Vittal
Reddi, Shri Madhao
Reddi, Shri Ramachandra
Reddy, Shri Eswara
Rihang Keshing, Shri
Shah, Shrimati Kamlendu Miti
Shakuntala, Shrimati
Singh, Shri B. N.
Subrahmanyan, Shri K.
Sundarm, Dr. Lanka
Swami, Shri Sivamurthi
Swamy, Shri N. R. M.
Trivedi, Shri U. M.
Veeraswami, Shri
Velayudhan, Shri
Verma, Shri Ramji
Waghmare, Shri

NOES

- Abdu Sattar, Shri
 Achuthan, Shri
 Agrawal, Shri M. L.
 Akarpuri, Sardar
 Alagesan, Shri
 Altekar, Shri
 Alva, Shri Joachim
 Ansari, Dr.
 Asthana, Shri
 Ayyangar, Shri M.A.
 Azad, Maulana
 Badan Singh, Ch.
 Balasubramaniam, Shri
 Balkrishnan, Shri
 Barman, Shri
 Basappa, Shri
 Bhandari, Shri
 Bhargava, Pandit M.B.
 Bhargava, Pandit Thakur Das
 Bhatt, Shri C.S.
 Bheekha Bhai, Shri
 Bhoosli, Major-General
 Birbal Singh, Shri
 Bogawat, Shri
 Borooah, Shri
 Bose, Shri P.C.
 Brohano-Choudhury, Shri
 Buragohain, Shri
 Chanda, Shri Anil K.
 Chandrasekhar, Shrimati
 Charak, Shri
 Chatterjee, Dr. Susilranjan
 Chaturvedi, Shri
 Chaudhury, Shri G.L.
 Chaudhury, Shri R.K.
 Chavda, Shri
 Chaudhri, Shri M. Shafiq
 Damodaran, Shri J.B.
 Das, Dr. M. M.
 Das, Shri B. K.
 Das, Shri Beli Ram
 Das, Shri Ram Dhan
 Das, Shri Ramananda
 Das, Shri S. N.
 Das, Shri N.T.
 Deb, Shri S.C.
 Desai, Shri K. N.
 Deshmukh, Dr. P.S.
 Deshpande, Shri G.H.
 Dhurandhar, Shri
 Dube, Shri Mulehand
 Dube, Shri U.S.
 Dutt, Shri A.K.
 Dwivedi, Shri D.P.
 Dwivedi, Shri M.L.
 Ebanezer, Dr.
 Elayaperumal, Shri
 Fotedar, Pandit
 Gandhi, Shri Ferose
 Gandhi, Shri M.M.
 Gandhi, Shri V. D.
 Ganpati Ram, Shri
 Ghose, Shri S. M.
 Ghulam Qader, Shri
 Giri, Shri V.V.
 Gounder, Shri K. P.
 Gounder, Shri K.S.
 Guha, Shri A.C.
 Hari Mohan, Dr.
 Hoda, Shri
 Hyder Hussain, Ch.
 Ibrahim, Shri
 Islamuddin, Shri M.
 Iyyani, Shri E.
 Iyyanni, Shri C.R.
 Jagjivan Ram, Shri
 Jain, Shri A.P.
 Jajwale, Shri
 Jange, Shri
 Jasani, Shri
 Jayashri, Shrimati
 Jothan, Shri
 Jha, Shri Bhagwat
 Joshi, Shri Jethalal
 Joshi, Shri Krishnacharya
 Joshi, Shri Laldhar
 Joshi, Shri M.D.
 Joshi, Shri N. L.
 Joshi, Shrimati Subhadra
 Jwala Prasad, Shri
 Kajrolkar, Shri
 Kakkhan, Shri
 Kale, Shrimati A.
 Karmarkar, Shri
 Katham, Shri
 Katju, Dr.
 Keshavalengar, Shri
 Khan, Shri S.A.
 Khedkar, Shri G.D.
 Khongmen, Shrimati
 Khuda Baksh, Shri M.
 Kirolikar, Shri
 Kolay, Shri
 Kureel, Shri B.N.
 Lallanji, Shri
 Lakshmayya, Shri
 Laskar, Prof.
 Madlal Gowda, Shri
 Mahodays, Shri
 Majhi, Shri R.C.
 Majithia, Sardar
 Malaviya, Shri K.D.
 Mallah, Shri U.S.
 Malvia, Shri B.N.
 Malviya, Pandit C.N.
 Mandal, Dr. P.
 Masuodi, Maulana
 Mathew, Prof.
 Mehta, Shri Balwant Sinha
 Mishra, Shri Bibhuti
 Mishra, Shri L. N.
 Mishra, Shri M. P.
 Mishra, Pandit Liagaraj
 Misro Shri B.N.
 Mohiuddin, Shri
 Morarka, Shri
 More, Shri K.L.
 Muthukrishnan, Shri
 Naskar, Shri P.S.
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Uma
 Pant, Shri D.D.
 Parmar, Shri R.B.
 Pataskar, Shri
 Patel, Shri B.K.
 Patel, Shri Rajeshwar
 Patel, Shrimati Maniben
 Pawar, Shri V. P.
 Pillai, Shri Thanu
 Pocker Sahib, Shri
 Prabhakar, Shri N.
 Prasad, Shri H.S.
 Rachtah, Shri N.
 Radha Raman, Shri
 Raghubir Sahai, Shri
 Raghubir Singh, Ch.
 Raghunath Singh, Shri
 Raj Bahadur, Shri
 Ram Das, Shri
 Ramanand Shastri, Shri
 Ramaswamy, Shri T.
 Ranbir Singh, Ch.
 Rane, Shri
 Rao, Shri B. Shiva
 Reddy, Shri H.S.
 Reddy, Shri Janardhana
 Roy, Shri B.N.
 Rup Narain, Shri
 Sahu, Shri Rameshwar
 Saigal, Sardar A.S.
 Samanta, Shri S.C.
 Sanganana, Shri
 Sarmah, Shri
 Satish Chandra, Shri
 Satyawadi, Dr.
 Sen, Shri P.G.
 Shah Nawaz Khan, Shri
 Sharma, Shri K.N.
 Shivanaojappa, Shri
 Shooha Ram, Shri
 Siddhananjappa, Shri
 Singh, Shri D.N.
 Singh, Shri Babunath
 Singh, Shri H.P.
 Singh Shri, L.J.
 Singh, Shri M.N.
 Singh, Shri T. N.
 Singhal, Shri S.C.
 Sinha, Dr. S.
 Sinha, Shri A.P.
 Sinha, Shri Anirudha
 Sinha, Shri B.P.
 Sinha, Shri Jhulan
 Sinha, Shri S.

Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinhaan Singh, Shri
Sodhia, Shri K.C.
Somana, Shri N.
Subrahmanyam, Shri T.
guresh Chandra, Dr.
Swaminadhan, Shrimati Amma
Syed Ahmad, Shri

Telkikar, Shri
Tewari, Sardar K.B.S.
Thimmalah, Shri
Tiwari, Pandit B.L.
Tiwari, Shri R.B.
Tiwari, Pandit D.N.
Tripathi, Shri K.P.
Tulsidas, Shri
Upadaya, Shri M.D.

Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri S.D.
Vaishya, Shri M.B.
Varma Shri B.B.
Varma Shri R.R.
Venkataraman, Shri
Vijaya Lakshmi Shrinati
Vyas, Shri Badheia'
Zaidi, Col.

The motion was negatived.

Mr. Speaker: There are certain further amendments which relate to the period up to which the Act may continue to be in force. I think it would be better to take up all these amendments together so that the discussion may be common—there is not much to be said differently in support of each, some say 1st October next year, some say 31st April next year, some say 15th April, and so on.

Now, Shri V. G. Deshpande, Shri C. Madhao Reddi—both are absent. Shri Tushar Chatterjea.

Shri Tushar Chatterjea (Serampore): I beg to move:

In page 1, line 9, for "31st day of December, 1952" substitute "2nd day of October, 1952"

I want to speak on it, Sir.

Mr. Speaker: He may do so later, but I may express a doubt as to whether this amendment is in order—it practically is a negative of the present Amending Bill.

Shri K. K. Basu: It opens the door for bargaining, Sir.

Mr. Speaker: Order, order. I do not want to enter into that discussion now. Let us assume it is in order. Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "2nd day of October, 1952".

Then Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Gurgaon): I am not moving, Sir.

Shri M. S. Gurupadaswamy: I am moving my amendment, Sir.

I beg to move:

In page 1, line 9, for "31st day of December, 1954" substitute "31st day of August, 1953".

Mr. Speaker: Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "31st day of December, 1954" substitute "31st day of August, 1953".

Shri K. K. Basu: I beg to move:

In page 1, line 9, for "31st day of December, 1954" substitute "31st day of March, 1953".

Mr. Speaker: Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "30th day of March, 1953".

Shri Kelappan (Ponnani): I beg to move:

In page 1, line 9, for "31st day of December, 1954" substitute "30th day of April, 1953".

Mr. Speaker: Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "30th day of March, 1953".

Shri N. B. Chowdhury (Ghatal): I beg to move:

In page 1, line 9, for "31st day of December, 1954" substitute "25th day of January, 1953".

Mr. Speaker: Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "25th day of January, 1953".

Shri Raghavalah: I beg to move:

In page 1, line 9, for "31st day of December, 1954" substitute "1st day of April, 1953".

Mr. Speaker: Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "1st day of April 1953".

Sardar-Hukam Singh: I beg to move:

In page 1, line 9, for "31st day of December, 1954" substitute "1st day of October, 1953".

Mr. Speaker: Amendment moved:

In page 1, line 9, for "31st day of December, 1954" substitute "1st day of October, 1953".

Dr. Rama Rao: I desire to move No. 2 of the latest typed list No. 2

Mr. Speaker: This last amendment is covered by Mr. N. B. Chowdhury's amendment. It need not be moved.

These are all the amendments. The discussion will now proceed.

Shri Tushar Chatterjee: My contention is that this Act is not only unjustified but it is unnecessary. It involves an abuse of power.

[MR. DEPUTY-SPEAKER in the Chair]

The Home Minister has not been able to give facts to justify its extension for another period. Even in the Prime Minister's statement, there was no indication of the abnormality of the situation. Rather, he said it was better than in other countries. From my personal experience, I can say that the Preventive Detention Act is a gross abuse of power. I have suffered a lot. It is the rule of the Intelligence Branch that obtains. An extension of this Act means a violation of the principle of democracy and unnecessary harassment of innocent persons. It is meant only to crush the Opposition. That is a negation of democracy. Therefore, if any extension is desired of this pernicious Act, it may be just for one day more. That is why I have said in my amendment that it should be extended to the 2nd October 1952.

Shri M. S. Gurupadaswamy: The House is aware that the Preventive Detention Act was moved and passed in Parliament for the first time when the country was passing through a grave crisis. There were disturbances all over India. There was a great danger to the maintenance of law and order. Since the relations between India and Pakistan

were then in a state of flux it was necessary to have some sort of an extraordinary measure to keep the bad elements in check. Moreover the country had just then emerged from slavery and various anti-social elements including some professional mischief-makers took advantage of the situation to create trouble throughout the length and breadth of the country. Even though the country was passing through such a crisis and there was every reason to lengthen the life of the Act, it was felt by the previous Parliament that the Act should not be extended too long and that there should be a limitation of the period, because too much extension might injure the very cause for which this Act was enacted. So a shorter time-limit was fixed. Of course, it was extended from time to time, because they felt that such extension was necessary. Even when such extensions were made the period of operation of the measure was very short.

5 P.M.

Now, everybody is aware that the country has passed successfully through that crisis and there is greater calm and tranquillity in the land. There is greater stability in society. The Government is also secure; it is stronger today than it ever was. When such is the situation today, there is no necessity to anticipate, or any reason to anticipate any disturbance, or dislocation of peace in the country after one or two years. This anticipation is too unreasonable and illogical and it will, I feel thwart the very purpose of this measure, that is the protection of Indian democracy from anti-social elements.

So, I feel that a time-limit should be set for this Act and that time-limit should be as short as possible: hence I have put a time-limit of one year in my amendment. This is a very reasonable period.

Parliament has got two responsibilities. One is to see whether the anti-social elements have been kept in check; the other is whether this extraordinary piece of legislation is exercised properly by the executive. So, to discharge these two responsibilities it is always necessary that Parliament should have power to review this piece of legislation from time to time. If this Parliament is given that opportunity, it will enable the Members to appreciate the work of the Government and also make suggestions if there are any. In case there is no necessity to continue the Act, the House may also discuss the whole question and say that this Act is not necessary.

[Shri M. S. Gurupadaswamy]

In the course of his speech this morning the hon. the Home Minister suggested that a resolution may be brought forward for discussion and the Members may express their opinion on that resolution. But in my opinion a resolution would not give sufficient scope for discussion. It would not give sufficient opportunity for the various sections of the House to express their opinion and we would not be able to review satisfactorily the activities of the executive on the one hand and the situation of the country on the other. These are grave responsibilities which Parliament cannot surrender.

The hon. the Home Minister has been saying from time to time that we are taking too much time over this measure. I wish to submit to him that this is an important measure; this is a measure which encroaches upon certain liberties of the individual. This is a measure which tries to curb the fundamental rights of the people in a way. So when such an important measure is to be discussed naturally ample opportunity should be afforded to both Houses. By bringing a resolution it is not possible to discuss these matters in detail.

This Parliament is the watch-dog of the nation. It should keep a vigilant eye over the executive and over the entire nation and it has to protect the rights of the nation on the one hand and the rights of the individuals who are a part of the nation. When such is the responsibility of the Parliament, it is not wise to abridge the fundamental right of the Parliament itself by suggesting that a resolution may be brought forward. It is encroaching upon the liberty of the Parliament itself. This is an invasion of the sovereignty of Parliament. So, we cannot swallow that argument of the Home Minister. From time to time we must be given ample opportunity to review this piece of legislation.

Even during a period of crisis, Sardar Patel and Rajaji agreed to a small time limit for the operation of this measure. Now when we have successfully got over those critical periods, the hon. the Home Minister says that there should be a longer time limit. It is not at all warranted. There is comparative peace and calm in the country. In Mysore—to which State I have the honour to belong—during these four or five years there have been only two cases of detention under the Preventive Detention Act. For all practical purposes, the Act is a dead letter. There is comparative calm and peace. The same thing is obtaining in other parts of

the country. When such is the case where is the necessity for anticipating that there would be trouble for the next twenty-seven months?

By putting a greater time-limit, you will be keeping the country in a state of crisis for a longer time. You will be creating a sort of bad psychology, a psychology that the country is in a critical state, that the country is not stable and that it is not at peace. You are creating a belief in the ordinary man that conditions are deteriorating.

Mr. Deputy-Speaker: May I remind the hon. Member that all these matters have been discussed. Not that I want these matters ought not to be discussed again on each amendment. But a time-limit may be observed voluntarily so that we may get through other amendments. There are a number of other important amendments.

Shri M. S. Gurupadaswamy: The time-limit fixed for this Bill is too long; I am, therefore, inclined to take a longer time.

Mr. Deputy-Speaker: On the 6th there will be 'Guillotine' with respect to all the amendments. The hon. Member may talk it out—I have no objection.

Shri M. S. Gurupadaswamy: So, I suggest to the hon. Minister that the time-limit fixed in the Bill is unnecessarily long and should be cut down to one year.

Another point I wish to make is that you must acknowledge the right of Parliament to discuss this matter over and over again, because this is a fundamental and important matter. It is important both to the nation as well as to individuals who are a part of the nation. I appeal to the hon. the Home Minister not to stand on prestige; not to stand on his past utterances. I want him to accept this amendment and react to the reasonable views of the Opposition.

Shri N. B. Chowdhury: My amendment says that instead of 31st December 1954 the life of the Act should be extended up to 25th January 1953. I have put the date 25th January with a specific purpose. We all oppose the Bill in principle, but since it is going to be passed we want to limit its life. I want to limit it up to the 25th day of January, 1953 because the 26th of January is the Republic Day. On the 26th of January, 1950 India was declared to be a kind of Republic and almost three years of this sort of Republican rule will be completed by the 25th of January, 1953, so that on the 26th of January 1953 the Congressmen would not have to say that they have

this undesirable Act before them. At least for this purpose I submit the date should not be extended beyond the 25th of January, 1953.

Another purpose is that this sort of Act puts the Opposition to a difficulty. We have been told that the Opposition should function democratically, that the Opposition parties may go on preaching their ideals—whether Communism, Socialism or any other 'ism'—and that there is no difficulty in preaching them democratically and peacefully. But we feel that when there is slandering and false charges etc. against us by Congress leaders, there is no action taken on them. I speak from experience. When we go on doing normal political activities, preaching the ideals of Communism and comparing that ideal with other ideals and the results of that ideal with any other ideal, then action is taken against us. So this is the difficulty on account of which the democratic functioning of the Opposition parties would not be possible, at least speaking from past experience. So that sort of activity that may be conducted by the Congress leaders may not be possible for the Opposition parties to conduct. I want to move among the people. I want to move from place to place, I want to organise meetings. When people are in difficulties, when they suffer from want of food or some other difficulties, when there is undue taxation, we want to organise protests, processions, demonstrations. But whenever we mobilise any such thing we shall be put to trouble and there would be this Preventive Detention Act. Therefore, so long as this Preventive Detention Act is on the statute book it will be very difficult for the Opposition parties to function successfully. Even normal political life would be impossible for them. So this Act should not be extended beyond six months from now. 25th of January 1953 is a date which is about six months from now.

So I move this amendment and I hope that there will not be any difficulty in extending the life of this Act only for six months more and not further.

There is also another reason. We know that in some parts of the country there are agitations and demonstrations due to shortage of food and famine. In January there would be harvesting. So this food difficulty may be removed to some extent, at least in certain areas, and the prices will fall down. At least one of the reasons for which people hold meetings and processions and cry for food and conduct hunger marches and come to express

their grievances before the authorities, might be removed because in January there would be harvesting in most parts of the country, the prices of food may come down to some extent, and you may not have to take recourse to this sort of lathi-charging or tear-gassing the people who cry for food.

So I want that this Act should not be extended for the present beyond the 25th of January 1953. Then the matter may be reviewed and if it is considered necessary by the Government at that time, the matter may be thought over again. With these words, I move.

Shri V. P. Nayar (Chirayinkil). I support amendment No. 12 moved by my hon. friend Mr. Tushar Chatterjee. The extension of powers to suppress the civil liberties of people in this country, on the alleged existence of an explosive situation here and there, has to be stopped. The situation in the country does not justify the continuance of this treacherous, barbarous Act for twenty-seven long long months. There is absolutely no justification for the continuance of this Act for this very long period.

I shall submit to you, Sir, certain figures to show how hollow is this argument, putting forth the case of Bhupat Singh and telling us that there is an incidence of crime in Rajasthan and what all this really amounts to. I will take you to a passage in Howard Whitman, a noted anti-Communist American writer who says in his book "Terror in the Streets", published in 1951. "In an area"—I wish the hon. the Home Minister will kindly hear these figures.

"In an area 1.8 per cent. of the total area of Washington D.C. a total of 15 murders, 271 robberies, 848 burglaries and 1,366 aggravated assaults were committed in the year 1949".

Dr. Katju: Which State is that?

Shri V. P. Nayar: The United States of America. And then he tells us that "Juvenile delinquency in the United States of America hauled up 2 million boys and girls below 18 years for offences ranging from Assaults to Murder".

Dr. Katju: Is my hon. friend suggesting that there should be a Preventive Detention Act in U.S.A. also?

Mr. Deputy-Speaker: What is passing in my mind is a different thing, not this point of order. To go again and again, in connection with every clause, into the principle of the Bill

[Mr. Deputy-Speaker]

and bring up that argument for saying why it should not be extended beyond one day, beyond one hour is a thing which I cannot understand. We have accepted the principle of the Bill. If there are any peculiar advantages why it ought not to be extended beyond one day, such matters may be pointed out. This amendment ought not to have been allowed. But it is carefully and legally worded. Otherwise it would be a negative amendment. The previous Act expires on 1st October. It has been cleverly put as 2nd of October. On that ground hon. Members cannot take the time of the House and repeat once again that there is no justification for this Act. The hon. Member read various figures. They may be very interesting extracts. We are not concerned with them at present. He should explain why it ought to be extended only by twenty-four hours.

Shri V. P. Nayar: Actually, I had given notice of an amendment in which I had given some more months' grace, undeserved though. But unfortunately I was not here when the amendment was taken up. So I am supporting this amendment which has been moved.

Mr. Deputy-Speaker: There are other amendments which he can support, if he likes. The point is what should be the period, and why it ought not to be so much.

Shri V. P. Nayar: I am not finding fault with President Truman or the United States Congress as to why they do not have a preventive detention law there. But this bogey of Bhupat Singh, this talk of incidence of crime in Rajasthan and other places this repeated echoing about explosive situations, may at best...

Mr. Deputy-Speaker: I have no objection to the hon. Member calling it a 'bogey'. But the main point we are considering now is the period and amendments relating to the period, why the period that is envisaged in the Bill ought not to be accepted. If it is a question of throwing it out, an amendment is not necessary. The principle of the Bill has been accepted that there is an emergency and therefore a need for this measure, though there is no emergency declared by the President. That has been accepted by the House. They want it for two years. Accepting the principle of the Bill, it is open for hon. Members to say that it should only be for six months or three months and so on and to advance arguments for the same. But any argument beyond that and going once again into the whole question of the need for the Bill as a

whole, I think, will be repeating it a thousand times over.

Shri V. P. Nayar: You very well know that the majority is so big that...

Mr. Deputy-Speaker: All that has been said. No Parliamentary Government can go on. Can there be a Parliamentary Government with a minority in this House. Shall he be called the Prime Minister of India?

Shri V. P. Nayar: What I was submitting is that there is no need to continue this treacherous law for 27 months. In that connection I was pointing out that in America there is not only a crime wave, but there is a crime-empire or a crime underworld, where dacoits reign supreme. There they commit 15 or 20 times more murders than Bhupat Singh. Murderers and dacoits like Frank Erikson, Ralph Capone, Joe Adonis, Tony Accardo and Phil Castel and all the rest of them have hundreds of murders to their credit but always escaping by "top level support" as admitted. In spite of all these crimes, America does not resort to preventive detention.

Mr. Deputy-Speaker: I may be misunderstood if I ask the hon. Member not to continue his speech, but the hon. Member does not understand the point. The point is simply this. In America so many thousands of murders are going on. When elephants are being washed by a gnat, like mosquitos one or two murders are committed here. Therefore this country must put up with it. That is all against the Bill but I ask why restrict the period to 24 hours or 27 days.

Shri V. P. Nayar: I am only submitting this that the events in India do not justify the continuance of this Act for 27 months. With your permission I may quote Pandit Jawaharlal Nehru who wrote some time back that he was surprised how Englishmen at home were worried by a gnat but in India could swallow a camel without turning a hair. I cannot see how this Congress which has opposed such black Acts tooth and nail some time before, are now coming forward and saying that we must pass this Act. This Congress which was worried by a gnat before 1947 is now swallowing the Himalayas without turning a hair. I submit that in the interests of the country, this law should not be continued even for one day. The sooner we end this barbarous law, the better it is for our country Sir.

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Shri U. M. Trivedi (Chittor): I would not have spoken on this amendment to limit this Bill to only one year, but when as a Member of Parliament you said that we must keep this Act for 200 years, I was rather puzzled to see how your mind was working. Now I find that we have no hopes of limiting it for 27 months or one year. That is the reason why I stand up here to speak before you. (* *)

The position in our country is that all the time we have been narrating that such and such harrowing tales have taken place and it is for that reason we want to have this Preventive Detention Act and for that reason, we have to see that the same conditions will continue for another 27 months to come. At least in my province—I belong to Madhya Bharat—we have been saved from all these things, except that the Congress volunteers harassed us, they terrorized us: there was a reign of terror virtually in the whole of Madhya Bharat and in particular in Bhanpura Rampura and Monasa in Mandasaur district. The Congress volunteers threatened us by saying: If you do not do this or that, if you do not vote like this, you would be put behind the bars. The deprivations of the Congress volunteers have gone to such an extent that even the President of the Tehsil Congress Committee of Jawad, was put behind bars, during the election days. This young boy whom everybody considered to be very fair was put behind bars under the Preventive Detention Act because he was a likely candidate to stand against another man of the Congress party. I should say that up to the 24th December 1951 we had many detentions in Madhya Bharat. It is just possible that it is true that there are no detenus at present in Madhya Bharat, but it does not mean that the Act has not been applied. It has been applied to put anybody and everybody under detention if they showed courage and stood up against the Congress volunteers. I admit that there are some good men in the Congress, all are not bad. I know them personally and I have been with the Congress for a number of years. There are still a good many Congressmen, but the bad men among them are not known to those in authority and are sitting here. The moment it was decided that I an ordinary lawyer practising there should stand against the member from Mandasaur the hon. Home Minister, immediately my principal workers were clapped behind

****Expunged as ordered by the Chair**

the bars and they remained there for 14 days without any notice or any ground being supplied to me and I was made to run from one end to the other. I had to keep running 80 miles between Geroth and Mandasaur where means of communication are small and ultimately with great difficulty those workers were released. I am only indicating all this to say that though very unsatisfactory conditions may exist in certain places, it is not necessary to have this law. But then we cannot imagine what the conditions would be like after 27 months to have this law for such a length of time. If there is a change of heart, the Opposition will react favourably because human nature is such. Action and reaction are equal and opposite. If you do not want to trust the people, they will not trust you, but if you trust them then there are people who are certainly civilized and they will react to it and they are not going to remain reactionary, as you imagine them to be. In these circumstances, I do not think that it is essential and necessary to go on with this Act and have it for a further period of 27 months. We had been told of what happened in Saurashtra and about Bhupat. This Act may be applied to the people of Saurashtra. I do not hold any brief for the people there. I do not know the conditions there. Saurashtra is the only one province in the whole of India where outlawry has been eulogized like anything. Well known author and poet like Shree Meghani has written about many outlaws that Kathiawar has produced of whom Bhupat was only one.

From the year 1564, we have had a series of outlaws, most famous, or notorious, we may call them. At least they have existed there and Bhupat is one of them. Probably, we may not have any more; we cannot say. But, that cannot be the ground for continuing this Act even in the province of Saurashtra. Those who know about Saurashtra know, and I repeat it, that that is the only peculiar province in India where outlawry has been so much eulogized. It is very strange that notwithstanding that background, we have been told that Bhupat has committed such and such crimes. I had very recently a letter, I shall produce it, from one who was prepared to swear, that Bhupat was serving as a havildar and drove trucks and police cars during the Junagadh campaign days, helping the Government. I do not know how it strikes you: Mr. Arjun Ghela wrote that to me. I do not know how far it is

[Shri U. M. Trivedi] true; I do not know whether it was correct or not. For the sake of one outlaw who is one among a chain of outlaws, there cannot be any justification for suggesting that this Act must be applied. The same is the story in Rajasthan also. I remember three cases very recently of Members of the Legislative Assembly who were arrested and were then let off by the order of the High Court on *habeas corpus* application which were filed. In one case, one Member of Parliament from Rupnagar, was arrested on a report being made that he lent some of his cartridges to be used by some outlaw. It was a very strange story. Ultimately, it turned out to be entirely false and baseless. The same was the case with the jagirdar of Mandara and Khinersa. I do not hold any brief for the jagirdars. Bring them to book; put them behind the bars; try them by all means; hang them if they have done anything. I hold no brief for the Communist party also. If there are certain people who are underground who want to commit crimes, proceed against them by all means. But, this is an obnoxious law, which is a denial of justice, which we said we are not going to deny to the worst criminals in our country. We should not perpetuate that for any period longer than what the Home Minister has expressed it proper to keep. It has been suggested, by him, and very rightly suggested in his speech, that it is likely that he may agree to have a resolution before Parliament on this question on the expiry of one year. I humbly submit, why not put it in the Act itself. What wrong will result if you just put down in the Act itself and not reserve it for the Home Minister to move a resolution? Where is the necessity for a resolution? What provision of law is there that we must have a resolution? Are we putting it in the law itself that this must be extended by a resolution passed by this House? If we make such a provision in the Act itself, there would be something to say about it. If we make no provision in the law, how can we then pass a resolution? What sanction is there to suggest that such a resolution would be brought forward?

It is true that the honest Home Minister may keep his word; but we know we are all mortals. We do not know whether we will be here or we will not be.

Dr. Katju: We will not be here.

Shri U. M. Trivedi: I may go away before you go. But, what I say is this. Let it be written in the statute that by a resolution that we may pass

hereafter, any date not later than 31st October 1953, this Act may be extended. If that is done, that would satisfy many of us and so many of us will not have much to say about it.

Mr. Deputy-Speaker: Yes, Mr. Mishra.

Shri N. P. Nathwani (Sorath): May I intervene at this stage, Sir? The last speaker, my hon. friend Mr. Trivedi referred to Saurashtra.

Mr. Deputy-Speaker: I have called the hon. Member. I thought one of the Members on the Treasury Benches would intervene.

Pandit S. C. Mishra: (Monghyr North-East): Mr. Deputy-Speaker,

Some Hon. Members: English, please

Some Hon. Members English, please.

Pandit S. C. Mishra: Your ruling, Sir.

Mr. Deputy-Speaker: The hon. Member can take his seat because he is not able to decide.

Pandit S. C. Mishra: I am obliged to you, Sir. I have taken note of the wish of my friends here and I shall try to adjust next time. Because I do not know English, I shall speak sometimes in English. I hope the same will be done by my friends who do not know Hindi. They should try to speak in Hindi. They should give us, who know very little of English, a chance to speak sometimes in English. That is the way in which we can learn both the languages.

Mr. Deputy-Speaker, I do not know whether you have seen people outside in the streets, sometimes in the villages, and even perhaps here, who, though they look very robust and quite healthy, you will find them, wearing a lot of clothes. Even in summer days, they are closing their ears and their noses, and everything else and hiding themselves in clothes and walking like this with folded hands. If you ask him why he is so walking, he will say, "I am so weak; if the western wind or the eastern wind blows, I catch cold and then I begin to cough and so on". Well, I have come across such persons; I do not know whether you have come across such persons. I have been such very sturdy people in my part of the country, maybe, you might have come across such persons in your part of the country also, where the season is always quite hot. I have seen people keeping themselves always *in camera* saying, 'If I take

a bath, I catch cold'. Always they bathe in hot water or they only take a turkish bath closed in their rooms. My opinion is that rather the Congress Party has somehow got that very disease. They are quite healthy people, I know. The last elections have also demonstrated that. I hoped that after the new confidence that is being placed by the people in that party, they will show certain signs of a little more healthiness. Perhaps, the Home Minister is getting old. Some Hon. Members: No, no). What I say is, the whole party is not old.

An Hon. Member: He is new and young.

Pandit S. C. Mishra: Then, it is only neurotism. What else is that?

I say that the party is young; the Congress Party has not grown very old. It does not quiver at every wind. How is it that they cannot do away with all these clothes. I say one thing. To me the only man who seems to behave here in the same way... (An Hon. Member: See our hon. friend here.) yes, the only persons who in that way rightly follows the Congress Party is my hon. friend Dr. Krishnaswami. You know all these summer months he has been coming with that warm clothing. Not only that. When some people prevailed upon him somehow to put that coat off for a few days, do you know what happened? He actually believed,—quite a young and healthy man— and two days later told me.....

Mr. Deputy-Speaker: Order, order.

Pandit S. C. Mishra: I am going to say what I want to say.

Mr. Deputy-Speaker: Order, order. It is very often embarrassing to refer to the dress or appearance of features of any hon. Member here. The hon. Member is so eloquent and he can find a number of other similes instead of drawing on this.

Pandit S. C. Mishra: Just for an example.

Mr. Deputy-Speaker: It is not right.

Pandit S. C. Mishra: Just for an example, Sir. What was his experience? What did he later on say?

He actually told us. I know what happened. He said, "If I remove my coat, I heavily perspire."

Dr. Kattu: What has, it got to do with the Bill?

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Mr. Deputy-Speaker: He says the Preventive Detention Act is an unnecessary covering for the Congress Party.

Pandit S. C. Mishra: They have become neurotic. There are still some abnormal people in the country, and I believe that the Congress Party is also becoming abnormal. What is the way by which such neurotics can be cured of these supposed diseases? The only thing, to do is somehow their coats must be pulled and they must be thrown into the street, and demonstrate that they will not die without these coats. If you want to cure a man who never goes to take a dip in the river, some day somebody must take him to the river and give him a bath there.

You know, Sir, certain people accuse me of being very much hand in gives with the Congress Party. What can I do? I have been with them so long. And I say that this morning when I was hearing your speech, you asked for five years' time. I have no objection to the Congress Party taking five or ten years time. But what will happen to the people of our country? India has been a backward country for a long time. While the whole world is progressing—a backward nation can only catch up with the rest of the world if it runs with extraordinary speed. And you want five years more for experimenting, and the country will lag behind, it will fall still further behind. Somebody must give a push to this Congress Party, and say: "This is not necessary. You have become neurotics. The whole country is behind you. You do not require the Preventive Detention Act." But the question is how and who will do it? I know only two persons or personalities who can do this.

Mr. Deputy-Speaker: The amendment relates to the period within which the push has to be given, not the person.

Pandit S. C. Mishra: I say if neurotics are to be cured, some day a push has to be given. Now, if you agree with me that this phobia that has come over the Congress Party should be cured somehow, then, seriously we have to think of some day when this must be done so that they will become normal and healthy people. That is the reason why I am suggesting a time-limit.

I am now standing to support some of the time-limits. That is why I made those arguments in support of this.

[Pandit S. C. Mishra]

I was saying who can do this. Of course, any physician can give you advice, that it is not at all necessary to wear trousers in the month of April, or that it is not necessary to close yourself up in a room. A neurotic will perhaps never take that advice. He will always shudder. The physician can give them advice, and I am giving them only advice. Perhaps the leader of the Party will have to fix a time-limit, saying "on such and such a date I will go out into the streets of Delhi in the month of April without these coats, having thrown off this Preventive Detention Act." Now, Sardar Patel of revered memory fixed one year. Then again one year, and now this time it is 27 months. So they will never do without it. In this way, the feeling will grow that they can never do without the Detention Act, and they will become weaker and weaker, more and more neurotic. Therefore, I say they should put a time-limit, and I was saying either the leader of the Party or the combined will of the Party itself can lift the Party out of this fear. Otherwise what will happen?

If you do not take the physician's advice, then the guardian will have to come. And what will the guardian do? They will not advance arguments. They will say "this boy is not acting according to the advice" and they will give you a push and throw you on the streets.

I have not been seeing the Finance Minister in his seat for some days now. I believe he has gone over to Egypt. He is missing. You may deny it. He has gone to see King Farouk, Mr. Farouk.

Mr. Deputy-Speaker: I am afraid the hon. Member is straying away too far.

Pandit S. C. Mishra: No, Sir. I am only on the time-limit. I will only take five minutes and say what time will best suit for going into the streets without these warm coats.

Shri Bhagwat Jha (Purnea cum Santal Parganas): Take care of yourself first.

Mr. Deputy-Speaker: He need not refer to the Finance Minister's absence.

Pandit S. C. Mishra: I said about the guardian, the people coming up. Then, he is the man who has told us to remain in the wilderness. For how many years I do not know. Therefore, I have a premonition that he

must have gone to consult King Farouk. "How many days did that terrible word which begins with the letter "R", give you notice of?" He must be arguing, that the wretched word which begins with another "R", "the Revolution couldn't have come without fixing some time!" And it was he who suggested that it cannot be coming here.

Till now the Act has been extended for one year. Now, was it right—We all expected that if it was to be extended at all, it will be for six months. I hope you will agree with me that if you have the intention to throw away these unnecessary garments, then you will have to do away with some of that, and I thought this time perhaps the Congress Party will propose six months. That will be quite reasonable. Before you abolish it finally, you take six months, perhaps three months, and then let it go. The Act is to expire on the 1st October, and after six months, it comes exactly to the 1st of April. I am not a Jofishi, but I say it will suit that Party quite well. The 1st of April will be the most auspicious day. Even if you declare it this day "let this Act go on till 1st of April", everybody will be happy.

Dr. P. S. Deshmukh: Hearing my friend speak I am feeling, as if today is the 1st of April.

Pandit S. C. Mishra: I am very much obliged. He has caught that thing. I remember one story.

Mr. Deputy-Speaker: Is it necessary for the hon. Member to go on with it?

Pandit S. C. Mishra: Near my place, there is a village called Baro. It is said whoever passes through that village, somehow is touched by the air of that place, and becomes one of them. Once a great man of my province was passing through that station. When he was nearing that station, he suddenly cried "Quick, quick, close the windows", then the orderly asked "Why?" He replied: "I do not want the breeze from that station to touch my body". But the orderly replied: "It has already touched". In the same way, the 1st of April has already touched my hon. friend, I am sure.

Dr. P. S. Deshmukh: It seems my remarks have gone home.

Pandit S. C. Mishra: If the time-limit is to be extended. I say, six months is a good period, whether the last date falls on the 1st of April or on the 31st of March. If the life of the principal Act is extended by only

six months, the people of India and also the world at large would understand that the Government are on the way of abolishing the Act, but when they seek to extend the life to two years, everybody will think that they are going to make it a permanent Act. I cannot give advice to them as their guardian, because their guardians are elsewhere—the people. But they can certainly benefit by the advice of some friends as well.

Sardar Hukam Singh: My amendment seeks to extend the Act till the 1st of October 1953. I find that there has been some departure in the approach to this Bill, and that there is some change of attitude on the part of the Government, and therefore it is that we find that the extension has been asked for 27 months instead of for one year, as was the procedure adopted from 1950 onwards. In the first instance, when the Act was extended, we were told that it was an emergency measure, and so only one year's life was asked for. It might be argued that one year might be asked for because that Act was a drastic one as it then stood. It was on that ground that it was promised that the parliament will have the opportunity of reviewing it after one year. The second time it was taken up in February 1951, it was made clear by Rajaji that because it was an abnormal Act, he wanted to extend it only for one year. Rajaji said at that time:

"It was clearly stated that my asking you to give your assent to certain amendments is certainly an infringement of what may be called the normal Criminal Procedure Code. Who can be less happy when introducing a measure for placing people in surveillance or detention without going through the formalities of criminal trial?"

He meant it in all seriousness, and he felt it, and also expressed regret over the measure that he was moving for the consideration of the House. He said that one year was sufficient, because it was certainly not a normal one. With Sardar Patel as with Rajaji, I think it was considered by each one of them that the Parliament should have an opportunity of reviewing the whole situation as to how the Act was working how the abuses were committed, and so on. The conditions that were prevailing in the country also had to be brought before the Parliament before any extension could be given to the Act. But as I

said earlier, this time a departure is being made. The abnormality of the Act is not felt now as it was done on the previous two occasions.

It has been said that we will have a resolution after a year to extend the life of the Act by one more year. Mr. Gadgil suggested one of the two alternatives—either we could pass it for the period suggested in the Bill, but add a proviso that it may be extended by another year provided a resolution is passed by the Parliament to that effect; or we could pass it for a year now, but add a proviso that if a resolution is passed, it may be extended for another year. Some of my friends have expressed satisfaction. And one of them has said that if that resolution is put down in the Bill in so many words, he will be fully satisfied. But I find that there is some difference in that resolution coming up and the Bill coming up before the Parliament for discussion or review next year. If the resolution alone is to be passed, it would mean that that Act would be extended by another year without any amendments to the original Act. But we have all along been liberalising the provisions of the Bill every time that it has come before the Parliament. And that was the intention also of having the life as one year. Every time the conditions improve, and as we get healthier we find that we can liberalise these provisions. That was also the object in the minds of the framers of this Bill. But if the resolution is passed next year, then we will have no opportunity to review the Act or to make amendments to it, we would either be passing the resolution or throwing it out, and there would be no chance to liberalise the provisions of the Act. From the speech of the hon. Home Minister I find that he was of the opinion that he had now come to a standard, where he can call this Bill a model one. Perhaps he thinks that there is no further scope for liberalising it. I must humbly submit that his opinion is not correct. (*Interruption*). My hon. friend Dr. Deshmukh has also begun to think like Government Members, for the last few days, I do not know why?

An Hon. Member: He might go up.

Sardar Hukam Singh: I would welcome it if it fructifies. I was also suspecting it for some time, and I would be glad if it happens.

The reasons given are that it would take a considerable time of the House. Just today we have been told that we have taken about 20 to

[Sardar Hukam Singh]

25 days for this Bill. I am afraid certainly that if so much time is spent, we are wasting the money of the tax-payer, but I suggest that the time can be restricted next year, when we may spend less number of days over it than now. But there is also the necessity that we have to carry on the Parliament according to the necessity of the system. We cannot say that we can bypass it, because it would involve an expenditure. If it is a necessary evil, we have to go through this procedure. We are not concerned merely with deciding by votes what decision we have to take; it is not only the Parliament which will have to be convinced but we will have to educate the public outside. If we stick to the principle that ignorance of law is not an excuse, then, side by side we have to educate the masses outside on really what is law, what are its effects, how it works, whether it admits of any improvement or not. In 1951 we made certain improvements on which even my hon. friend Dr. Syama Prasad Mookerjee congratulated the Home Minister. Certainly that was an occasion for congratulation, because an advance was really made when it was said that every case would go before the Advisory Board, whose decision was binding on the Government. That was an advance on which the Home Minister had to be congratulated. This time also we have made certain improvements with a view to liberalising the provisions of the Act; for instance, one of the good amendments that we have made is that no fresh detention would be made unless fresh facts are there which then form the basis for such detention.

6 P.M.

That is a good amendment. We are proud of it. We can congratulate our Home Minister, but to come to this view that we have now reached a stage where this Bill can be called a 'model' measure, that I cannot agree with. Still there are provisions which ought to be liberalised. There are amendments which I think the Home Minister should accept. If this term is extended to 27 months, the opportunity that we have after a year to review it would be excluded and would be barred. That would not be a happy augury and the reasons given are not convincing so far as I can make out. Therefore, so far as the sovereignty of the Parliament is concerned, so far as the necessity of a review by this Parliament is concerned and so far as the intentions of the previous Home Ministers can be, I

should say, seen by the statements that they had made, it is necessary that it should not be extended beyond one year and the measure is such that its life should be restricted. We should revert to normalcy as soon as we possibly can.

Mr. Deputy-Speaker: Is it necessary to pursue this matter?

Shri Raghavaiah: Sir, I wish to speak on my amendment.

Mr. Deputy-Speaker: All these have been discussed. It is for hon. Members on the other side to decide as to whether they are going to spend all the time on a particular amendment or not.

Dr. S. P. Mookerjee: The Home Minister might perhaps just explain what he proposes to do. He indicated in his speech in the morning that he was prepared to consider these matters and his proposal was that a resolution would be placed before the House at the end of the first year and every opportunity would be given to consider the matter. We would like to know what exactly is his proposal whether it would be incorporated in the Bill or whether it would be just a verbal assurance on the floor of this House. (*Interruption*) I find Dr. Deshmukh is now always speaking on behalf of the Government. Let us give a chance to the Home Minister to say.

Dr. P. S. Deshmukh: I have understood very clearly what the hon. Minister said in the morning.

Mr. Deputy-Speaker: Let the hon. Minister have his say.

Dr. P. S. Deshmukh: I cannot be blamed for understanding better.

Shri Raghavaiah: Even if such an assurance is given by the hon. Minister, in the light of that, also, just by way of reference, a few words can be said with regard to the amendment that has been moved by me.

Mr. Deputy-Speaker: I will call upon the hon. Minister now. (*Interruption*). He has already said what he had had to say. Still if hon. Members want to have more speeches, I will go on allowing every hon. Member to speak until the House itself asks me to put the motion to the vote of the House or someone moves for closure. That is the rule I am going to adopt and I leave it entirely to the good sense of the House to devote all their attention upon a single clause and apply the guillotine at 6 o'clock or 6.30 or.....

Shri Raghavaiah: May I just suggest that you may fix a minimum time-limit of ten minutes or so, so that the list of speakers who have given amendments may be exhausted?

Mr. Deputy-Speaker: The hon. Member may go on.

Shri Raghavaiah: Mr. Deputy-Speaker, this Bill having been thrashed out for the last few days, I do not intend to speak at length either on the principle or on the amendment that I have given notice of. Suffice it to say for the present that from the speeches delivered by hon. Members on the other side, there does not exist such a turbulent atmosphere, such an explosive situation as to demand the extension of this nefarious Act to a period of 27 months. Speeches delivered by the Member's on the other side, one contradicting the other, have gone sufficiently to prove that there does not exist such an explosive situation as there existed a few years back. In view of this, I do not understand why the hon. Minister demands an extension of the life of this Act for a period of 27 months. I have moved an amendment to the effect that the House can accept a reasonable period of six months extension of life for this Bill so that the entire people of our country, the different sections of our people, the peasants, the workers, the industrialists may go into the nature of how this piece of legislation has been implemented. And with the sum-total of the views that will be collected after this period of six months, the hon. Minister and this House also will be in an advantageous position to review the situation and to bring in a motion for the extension of this piece of legislation if it becomes necessary. From the speeches delivered by the hon. Minister and some of the Members on the other side, I find that this piece of legislation is intended because there do exist certain talukdars there do exist certain Communist troubles, there do exist certain troubles due to communal activity, due to black-marketeers and such other anti-social elements in this country. I must emphatically say that if at all there is unrest in this country it is definitely because of the lunatic schemes of the Governments in the Centre and in the provinces. I may here cite an example in show how evidence is flooding into the Secretariat of a certain State Government which has decontrolled foodgrains. Recently in Madras State, Congress paper like the *Andhra Patrika* of July 15 and the *Andhra Prabha* of July 23 in their editorials clearly said that evidence was flooding into the

from all corners of the province explaining that there was a gradual increase in the price of foodgrains after decontrol. The Premier of that province to win the cheap sympathy of the ignorant and innocent masses and then to manoeuvre for the next election for which he is likely to contest, because he had not contested this time.

Mr. Deputy-Speaker: Hon. Members are aware that the provincial Governments are not before us and Ministers of the provinces are not before us to defend themselves. There is no good attributing any statement say, the prices have increased etc. to so and so. They can say: "This is what the fact is". More than that it is not necessary either to praise or abuse any particular Minister of any State.

Shri Raghavaiah: With due respect to you, Sir, I would only make one point clear, that if at all there are any conditions that go to create unrest in this country, they are, because of the unintelligent and lunatic schemes that have been embarked upon by the Central and State Governments to win the cheap and airy popularity of the ignorant and innocent masses of our country. It is because of this that there exists such an atmosphere in our country. You have already embarked upon such schemes that go to organise food famine among the peasants and workers in our country, that go to make certain human beings represent the grievances of the starving millions. If you create such a situation, that situation is certainly going to be used by humane hearts to represent the grievances of their co-starving millions and they come and represent their grievances to you. If a hunger march is started, you apply the provisions of the Preventive Detention Act and that finishes the whole thing. So what I suggest to the hon. Minister is that you have already created an explosive situation, through your own schemes, and you want to create a situation, also anticipating that certain people will just make use of that situation to represent their co-people's grievances and then win their sympathy for having responded to their needs at an opportune time. You are afraid that they will become popular, that they will be with the people and the people will be with them and in order to prevent this happening, you are bringing this Act before the House.

That is how I take this piece of legislation the life of which is being asked to be extended for such a long time as twenty-seven months.

[Shri Raghavaiah]

Certain other factors have been stated to which I need not refer here because Members from both sides have challenged and counterchallenged them. Dr. Mookerjee demanded of the hon. Home Minister some piece of evidence to show that this notorious piece of legislation does deserve such an extension of life of twenty-seven months, but there was not a single piece of evidence given by the Members on the other side, and even if there was some apparent evidence it was broken down by this side. One Member said, "There are taluqdars", another said, "Taluqdars have already been fought out", yet another said, "A social revolution is going on, hence why should you uphold the cause of Bhoopat? We want this legislation for such people". Well, if there are a few stray human beings here and there like Bhoopat they can be liquidated.

The Government have already demanded the use of the Air Force, the Navy and the Army. Legislation like that has been passed. Whole elephants of legislation like that have been passed what of this mosquito of the Preventive Detention Act? You can pass it in a few minutes. As the verse says, when big elephant like legislations have been swept away what of small mosquitoes like this? The hon. Minister said that this is one of the plain-sailing Bills. What I want to suggest is this. The hon. Minister I suppose, possesses any amount of balanced understanding of the realities and the seriousness of the situation in the country. In view of that I only suggest to him that it is unwise, unjust and really inhuman to demand such a long period of extension as twenty-seven months for this piece of legislation. After all, we are not gods, we are not omnipotent and omniscient. There are thirty-five crores of people in the country, let them all see how this measure is going to be implemented. Let me give one or two instances which are historical in the way they have been handled. Two hundred ladies of Kattur in Kistna District, for the mere sin of.....

Mr. Deputy-Speaker: Order, order. I will not allow this hundredth repetition of this kind. We are not going into the general discussion of the entire Bill. We have spent so many days on that. Hon. Members must have a sense of proportion. I will not allow him to repeat reference to that incident again and again.

Shri Raghavaiah: I have to refer to it, Sir, again because.....

Mr. Deputy-Speaker: Order, order. There is no meaning in saying again and again on the floor of the House "200 women....." this and that.

Shri Raghavaiah: If that is your ruling, Sir, I shall not speak further.

Mr. Deputy-Speaker: It has been stated *ad nauseum*—one or two references are all right.

Shri Raghavaiah: Only one reference, Sir. I hope the hon. Deputy-Speaker will take into account the seriousness of the situation and allow me to refer to this one incident.

Mr. Deputy-Speaker: No, no. On a prior occasion, the hon. Member will remember, reference was made to this incident and Dr. Jaisoorya said thousands and so on, and this hon. Member himself referred to a personal incident. Various such incidents have already been referred to. But there does not seem to be any necessity to refer to them again and again on the floor here, except unnecessarily to mar the situation.

Shri Raghavaiah: I want to refer to it, Sir, because the Andhra Provincial Congress leader himself has condemned it. If I am not allowed to refer to it it will be curtailing the liberty of speech, Mr. Deputy-Speaker.

Mr. Deputy-Speaker: I am sorry but that need not be said against me. I am not curtailing his right of speech as he says. As a matter of fact, though there was a suggestion that the hon. Minister may be called upon to speak I allowed the hon. Member to speak. I will allow him any amount of liberty—I have no objection. I will ing, sit till 1 o'clock, then break up, come again at 9 or so tomorrow morning, sit till 1 o'clock, then break up. So I have the least objection to allow him to speak. I have two ears, one on this side, one on the other. All that I am saying for the consideration of the hon. Member is that this particular incident has been referred to so often and that it need not be repeated.

Shri Raghavaiah: With all respect to the Chair I would only say that since this incident has received the condemnation of the Congress leaders of the entire Andhra Province I would only like to refer to it for a minute.

Mr. Deputy-Speaker: It has been referred to too often. I am not going to allow repetition.

Shri Raghavaiah: I know if that were to go into the records, Government will be ashamed of it and the entire world will pour shame on the Government. That is why you are refusing to allow me to refer to it.

Mr. Deputy-Speaker: Order, order. Now, Dr. Syama Prasad Mookerjee.

Dr. S. P. Mookerjee: Sir, may I say just a few words emphasising the importance of this amendment? I am not saying which particular date should be accepted, but the proposal contained in the Bill that the Act will continue for twenty-seven months is open to very serious objection and I would have expected that Government would, in this matter at any rate, make some gesture and accept the contention of the Opposition. It seems Government is sure of its majority and however much the Opposition may press a particular point which may otherwise be desirable, it will not produce any effect on the majority of the House. Of course, that is a matter for the Government to decide.

Now, I would have expected some explanation for this demand. When Sardar Patel first introduced the Bill it was for one year. I need not go into the details of the speech which he had delivered. In 1951 the then Home Minister brought forward the second Bill and he specifically laid down that it would last for one year. You, Sir, on that day happened to be the last speaker when, in 1951, the Bill as amended was passed into law, and this is how you ended:

"The hon. Home Minister appealed to the House and through it to the country that conditions may so develop that it may not be necessary to continue the life of this Act any longer. We on our part hope and pray....."

—you prayed even on that day, Sir,—

".....that such conditions may calm down, that it may not be necessary to retain it on the statute book even for a year".

Now, let us look at it seriously. Then, when that year expired the Home Minister came to this House in February, 1952 and there in the speeches which he delivered he said repeatedly that Government had no desire to continue the Bill unless it was absolutely necessary and he asked for an extension for a period of six months in that speech he even added that it may be that after watching events during this period of six months

Government may itself decide to drop the Bill or amend it or modify it. Then he further added that the new Parliament would be given full opportunity and all the facts would be placed before it and he would abide by the decision of the Parliament. When this particular clause was added, namely, that it would continue for twenty-seven months, what were the poor and flimsy grounds that the Home Minister put forward on the first day that he moved the motion? Let us recall them, because he has given up the old ground and referred to some other ground today. The ground was the climatic condition of Delhi. He said he had it extended till December because he did not want it to expire at a time when Members would find it difficult to assemble in August-September and go on discussing it. So, he said "Let us have it till December 1954".

Dr. Katju: On a point of information. What I said was that if the two year period were to expire on the 1st October 1954, then the House would have to meet in August or September. So, it was thought that instead of 1st October 1954 we might make it till the 1st of January 1955 or the 31st of December 1954 so that the House may consider it comfortable after the expiry of the two year period. I did not say, however, within twelve months.

Dr. S. P. Mookerjee: Now, what is it that the Home Minister has said today? He said that to ask the House to consider the matter again after one year will be a waste of time and a waste of money. I ask him seriously whether it will be really a waste of time to give the Parliament of India a chance to consider how an Act of this description which is obviously of an exceptional nature has operated during the previous year? Is it not necessary? Even in England or other countries where such laws were passed, they were not placed on the statute book for a very long period. They deliberately put those laws into operation for a year or so and gave a full chance to the Members—and not only the Members but the country at large—to express their opinion on the manner in which the Act had been operated.

Now, what is it that has come out in the discussion during the last few days? Allegations have been made that the provisions of this law have been very seriously abused. The Home Minister did not make any admission. He did say however that in some cases there might have been some abuses but that he had no per-

[Dr. S. P. Mookerjee]

sonal knowledge. But the Prime Minister said that there were abuses and that he was prepared to concede it in a large number of cases. His attitude was, "Let us consider how we can prevent the recurrence of such abuses in future." Supposing you bring this matter up for discussion by resolution—and this is the alternative that has been suggested—what would that mean? Of course, whether you do it by amending the Bill or you do it by passing a resolution is a different matter, and I am not referring to it just now, but if you bring it by way of a resolution, according to the Home Minister it would save time. He said, "One day here and one day in the other House and in two days it will be over". But then, it will not give the chance to the House or to the Government to propose amendments. The Home Minister said that he has brought forward a model measure. I do not think, with all respect to him, that any Home Minister in any part of the world has succeeded in preparing a model repressive law. It is not humanly possible, but amendments and improvements can be effected and as we have seen, this has been one of the remarkable features for which credit can be taken by the Government. The Home Minister said this morning that I had congratulated Shri Rajagopalachari and I did not congratulate him. I am prepared to congratulate him for every offer that he makes. In fact, he misunderstood me and quoted something. I do not wish to re-quote my speeches made in 1951. But the attitude which I took then is exactly the same that I am taking today. As you remember, I opposed the Bill on the very ground which I advanced this year. I said, "If there is an emergency, by all means point out what the emergency is and we will support you. But you have not given any facts and you are asking for the continuance of the Act." When the House decided that the Bill should be continued I did not cooperate. If it was a crime, I am guilty of it. We went on making our comments on all amendments and whenever Government made a gesture or whenever Government was prepared to make some alterations we did say that we welcomed such proposals. That showed our *bona fides*. If we go on opposing consistently, then the Home Minister says, "Look at this senseless Opposition." And if we make constructive suggestions or if we appreciate something which has been done by Government, he turns round and says, "Now, look at this contradictory attitude of the Opposition." What is

it that you want us to do? Do you want us to oppose senselessly, or do you want us to oppose in a responsible manner, or do you want us not to oppose at all? Perhaps, the last is the most desirable thing. In any case even today what I am saying is this. Let us look at the matter from a practical point of view. This is an extraordinary measure. Let the Home Minister accept the position. Let the Congress Party accept it. I was moved when I saw the Home Minister speaking this morning. As an individual, no one can say that he is a bad man. None can say so. But as Home Minister he has the misfortune to carry through this House a measure of this undesirable character and he has done it bravely. He may have made remarks and comments which we on this side may not have liked, but then the Home Minister also did realise the gravity of the matter from his own experience and the experience of so many of his colleagues. He repeated the sufferings through which they passed. That was the right spirit. It is nothing on which we need gloat. Let us not think that we are doing something very grand. It is an emergency measure which the Government is placing before this House and we on this side feel that there is no occasion for an emergency. However, now that the House has accepted it, the question is how to mitigate the hardship, how to make the people feel that our Government and our Parliament are anxious to return to normalcy as soon as possible. If you fix the period at one year, provide in the Bill accordingly. I am not suggesting that you should have it up to the 2nd October 1952. That of course would be senseless. It would carry no meaning. Therefore, make it for one year and at the end of that year, come before the House again with an amending Bill. Sir, you know the procedure that would be adopted. It would be a very short Bill which would just demand the continuance of an expiring Bill and there would be very limited scope for amendments of all the sections, unless you want to raise a general discussion or suggest omission of particular clauses. But in any case it will give the Government an opportunity to place before the House the experiences of the past year. They could tell the House how many detentions there had been; how the Advisory Boards functioned and so on. You have now given some powers to the Advisory Board and effected one very important change,

for which I congratulate the Home Minister, namely, that in the grounds for detention he will not include past acts. The grounds must relate to events which happened after the last detention order expired. That is a big change. Thus, the inexhaustible lists of grounds which Mr. Gopalan read out would be a matter of past history and research. Such things will not happen in future. You are allowing the detenu to appear before the Advisory Board, if it so chooses. Now, the fundamental objection which we raised was that you act in the first instance on the un-corroborated evidence of accomplices, police spies and informers. That remains. That is an inherent defect in the Act. But the Home Minister asked this morning, "If you omit that, then this ceases to be a Preventive Detention Act. You then indirectly want the man to be tried in a court according to the normal law." This, he is not prepared to allow.

My point is that we would like to see how this law operates in the course of one year. It may be that the Home Minister may himself feel like us. In any case, what harm is there, or what objection is there, unless there is a desire on the part of Government that this Act should become the normal feature of Indian law. If that is the desire of the Government in their heart of hearts, of course it would be a different matter. You are slowly poisoning the country. You have given them doses. These started being given for the last fifteen years and we saw them being given in 1947 and now the process is continuing for another two and a half years. I do not want that the country should sink into that degeneration. We must keep always and constantly before our mind's eye that this is an extraordinary measure, that this is a temporary measure, and

the sooner it is taken out of the statute book the better it is for the Government and for the people. In order to keep that feeling alive I feel that the Government can easily accept this amendment without in any way curbing their special powers. Government may suggest that the period may be one year or that it may be up to the 31st December 1953. If you want that the next discussion should take place during the pleasant cold weather, then make it up to the 31st December 1953. But do not extend it till the 31st December 1954 for which no reasons have been advanced or no grounds have been produced before the House. I hope, the hon. Home Minister will think over the matter tonight and give us some draft tomorrow which we can consider and accept without further discussion.

Mr. Deputy-Speaker: Does the hon. Home Minister want to reply now?

Dr. S. P. Mookerjee: Let him think over the matter tonight.

Mr. Deputy-Speaker: Tomorrow is 'Raksha Bandhan' and I have received some suggestions about the hours of sitting. Last year we met in the afternoon, but now we have got a rigid time-table fixing so many hours for this Preventive Detention Bill. But instead of meeting at 8-15 in the morning we shall meet at 10-15, go on till 1 P.M., re-assemble at 2-30 P.M. and sit till 7 P.M. So, the House stands adjourned till 10-15 A.M. tomorrow.

The House then adjourned III Quarter Past Ten of the Clock on Tuesday, the 5th August 1952.