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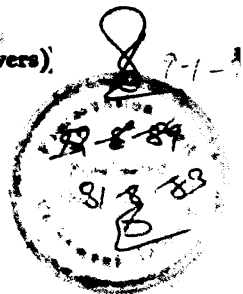
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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

VOLUME VI, 1951



(5th February to 31st March, 1951)

Third Session (Second Part)

of the

PARLIAMENT OF INDIA

1951

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**THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT**

1373

1374

PARLIAMENT OF INDIA

Tuesday, 13th February, 1951

*The House met at a Quarter to
Eleven of the Clock.*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

ADULTERATION OF FOODSTUFFS

*1384. **Shri Raj Kanwar:** Will the Minister of Health be pleased to state:

(a) at what stage the question of Central legislation for regulating the Control of adulteration of foodstuffs on a uniform basis throughout the Country is pending; and

(b) the probable time by which such legislation is likely to be put through?

The Minister of Health (Rajkumari Amrit Kaur): (a) A tentative draft Bill for the prevention of adulteration of foodstuffs is ready and will shortly be circulated to all State Governments for their views.

(b) Every effort will be made to introduce necessary legislation at an early date.

Shri Raj Kanwar: In view of the great urgency and importance of the problem of control of adulteration of foodstuffs, and the fact that adulteration of foodstuffs is being practised more and more daily, what special steps do Government propose to take to ensure the earliest passage of the proposed legislation?

Rajkumari Amrit Kaur: Acts do exist in all the States and the State Governments try to enforce them as far as they can. In order to have uniformity of procedure a draft Bill, as I said, is ready and will be shortly circulated. We shall endeavour to bring it before the House as quickly as possible.

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Shri Raj Kanwar: What is the number of cases of adulteration of foodstuffs brought to trial and which ended in conviction during the past one or two years.

Rajkumari Amrit Kaur: I would like to have notice of that question.

सेठ गोविन्द दास : क्या माननी

मंत्रापीजी को यह बात मालूम है कि जहां तक घी का सम्बन्ध है घी में बनस्पति तेल दिनों दिन ज्यादा मिलता जा रहा है और क्या जो केन्द्रीय सरकार का मत प्रान्तीय सरकारों को जा रहा है उसमें बनस्पति के सम्बन्ध में भी कुछ कहा गया है ?

[**Seth Govind Das:** Is the hon. Minister aware that so far as ghee is concerned its adulteration with *Vanaspati* oil is daily on the increase and does the reference being made by the Central Government to the Provincial Governments contain any mention of *Vanaspati*?]

राजकुमारी अमृत कौर : जी हां, उसमें बनस्पति का ख़ास नाम तो शायद नहीं लिया गया होगा, लेकिन

एक चीज़ पर लागू होगा ।

[**Rajkumari Amrit Kaur:** Yes, Sir. It may not possibly have mentioned *Vanaspati* specifically but, then, this law is going to apply to all things.]

Shri Raj Kanwar: What is the maximum punishment provided in the new legislation for an offence of this kind?

Mr. Speaker: Order, order. He may wait for the legislation.

LEPERS

*1385. **Shri Raj Kanwar:** Will the Minister of Health be pleased to refer to reply to starred question No. 1326 asked on 8th April, 1948 and state:

(a) if the total number of lepers in the country is now available; and

(b) what arrangements other than those given in the reply to the above question have come into existence for the care, treatment, segregation etc. of lepers throughout the country and especially in places where they are found in large numbers?

The Minister of Health (Rajkumari Amrit Kaur): (a) No statistics of leprosy patients based on any systematic survey are available. The number has been estimated to be roughly about 12 lakhs by an expert committee which was appointed recently by the Government of India to advise them on the steps to be taken to establish a Central Leprosy Teaching and Research Institute.

(b) A statement is laid on the Table of the House. [See Appendix XI, annexure No. 22.]

Shri Raj Kanwar: When is the proposal to start a Central Leprosy Research Institute likely to materialise?

Rajkumari Amrit Kaur: As soon as finances are made available to the Health Ministry.

Shri Raj Kanwar: From the statement, a copy of which I have received, it appears that an advisory committee was appointed in November 1948 to consider the question of location of the institution and other allied matters. Although more than two years have since elapsed, even the question of location of the Institute has not yet been settled. May I know what are the reasons for not settling even the question of location.

Rajkumari Amrit Kaur: The Committee recommended that the Leprosy Home already existing in Chingleput should be the Central Institute and the Government of India accepted that proposal. But the Madras Government are not willing to give that Institute to the Central Government unless the Government of India undertake the entire expenditure of the Institute which they are not prepared to do.

Shri Raj Kanwar: What is the estimated cost of the proposed Central Institute?

Rajkumari Amrit Kaur: The Government of India had estimated Rs. 10 lakhs to begin with; but, as I have said, no finances are available for new schemes.

Shri Kesava Rao: May I know, Sir, whether the World Health Organisation is helping us in any way in this direction?

Rajkumari Amrit Kaur: No, Sir. Not at the moment.

Dr. M. V. Gangadhara Siva: May I know how many leper asylums have been started by the missionaries in India: are they subsidised by the Government, if not why not?

Rajkumari Amrit Kaur: As far as I know, the Governments of the various States do help the mission hospitals and clinics for leprosy which exist in the various States.

Shri Tyagi: Is the Government taking any advantage of the census operations that are going on these days in the matter of enumerating the lepers and the disabled in the country?

Rajkumari Amrit Kaur: I am not aware that we are doing so.

Shri A. C. Guha: Can the hon. Minister tell us how the lepers are distributed province-wise? Which province has the largest number?

Rajkumari Amrit Kaur: I could not give you the exact figures; but the largest incidence of leprosy exists in the provinces of Madras, Orissa, C.P. and Bombay.

Shri Alagesan: May I know what progress has been made in the direction of establishment of a Central Leprosy Research Institute?

Rajkumari Amrit Kaur: I have already replied in full to that question.

Prof. Ranga: What do the Government of India propose to do now that the Government of Madras placed their institute at their disposal? Do they not want to start anything of their own at all?

Rajkumari Amrit Kaur: We are doing research in various States. Bombay has taken it up; we are considering doing something in the C.P. also. It is all a question of availability of finance.

INCOME-TAX FROM MERGED STATES

*1386. Shri A. C. Guha: Will the Minister of Finance be pleased to state in how many of the merged States, no Income-tax was previously collected?

The Minister of Finance (Shri C. D. Deshmukh): A statement is laid on the Table. [See Appendix XI, annexure No. 23.]

Shri A. C. Guha: Have Government taken any steps to introduce income-tax in all these States.

Shri C. D. Deshmukh: Yes, Sir. Income-tax was introduced in these States in accordance with the Merged States Taxation Concession Order.

1949, a copy of which was laid on the Table of the House on the 15th December 1949.

Shri A. C. Guha: Have there been any cases of tax-evaders taking shelter in those States before this order was passed and if so how are Government going to tackle those cases?

Shri C. D. Deshmukh: I am not aware of any cases of tax evasion, Sir.

Shri Jhunjhunwala: What is the income-tax policy of Government in regard to such parts of B States which have now been merged in Part C States like Vindhya Pradesh and Himachal Pradesh?

Shri C. D. Deshmukh: This order that I referred to apply to all merged territories, including those which now form part of Part C States.

Shri Munnavalli: What is the amount of income-tax received by the Government since the Income-tax Act came into force in these merged areas, where income-tax was not previously collected?

Mr. Speaker: It is too early to ask for these figures. It was in 1949 that the income-tax was extended to these areas.

Shri Syammandan Sahaya: Are Government aware that some parts of Part A States also have merged in Part C States, e.g., some parts of Uttar Pradesh in Vindhya-Pradesh? What will be the policy of Government with regard to taxation of those portions of Part A States which have now been transferred to Part C areas?

Shri C. D. Deshmukh: I am not in a position to say that now.

Pandit M. B. Bhargava: Are Government aware that some High Courts in Part C States have held that income-tax cannot be levied for the year 1949-50 in these States? In view of this, do Government intend to modify their policy?

Shri C. D. Deshmukh: My attention has not been drawn to any such High Court rulings. I shall enquire and find out if there is any such ruling and examine what action is required.

OFFICERS BROUGHT FROM OTHER STATES

*1387. **Shri A. C. Guha:** (a) Will the Minister of Home Affairs be pleased to state the number of officers in the Government of India brought from different States?

(b) What is the difference of pay between what they are getting here and what they would have got had they been in the State Governments?

(c) How many of them are for more than two years, how many for more than three years and how many for more than five years?

The Minister of Home Affairs (Shri Rajagopalachari): (a) 184.

(b) It is not possible accurately to calculate in each case the difference between the pay any such officer would have drawn under the State Government and the pay he is drawing at present under the Government of India. Assuming that each such officer would, under his State Government have got at least the same pay as the officers immediately junior to him are now getting, a statement is being prepared and will be laid on the Table of the House in due course.

The salary of Secretaries to the Government of India is Rs. 4,000 per mensem for I.C.S. officers less the emergency cut of Rs. 500. All officers now holding such posts under the Government of India, would, if reverted to the State Governments, hold posts of Chief Secretaries, Financial Commissioners, Members of Boards of Revenue, etc., carrying salaries varying between Rs. 3,000 and Rs. 3,750 per mensem.

The salary of Joint Secretaries to the Government of India is Rs. 3,000 per mensem less the emergency cut of Rs. 250. The officers holding such posts would, in their States, be holding posts of Commissioners on a pay of Rs. 3,000 per mensem or Secretaries to the State Governments on Rs. 3,000 per mensem in Bombay, Rs. 2,750 in West Bengal and on their grade pay plus a special pay of Rs. 250 per mensem in most other States.

Deputy Secretaries to the Government of India drawn from the different State Cadres generally get their grade pay in the time-scale plus a special pay of Rs. 400 per mensem. Such officers if serving in a State Government will presumably be in the State Secretariat on their grade pay plus a special pay generally of Rs. 200 per mensem.

The pay of Under Secretaries to the Government of India drawn from the State Cadres is fixed in the scale of Rs. 800 to 1,150. In their own State they would be drawing grade pay in their time-scale plus a special pay in the range of Rs. 100 to 200 per mensem if serving in the State Secretariat.

(c) More than 5 years	62
More than 3 years but less than 5 years	43
Less than 3 years but more than two years	18

Shri A. C. Guha: Are I.C.S. officers included in the number given?

Shri Rajagopalachari: Oh, yes. I have tried to give answers as fully as I possibly could even though the answer thereby got too long.

Shri A. C. Guha: Is it possible to know the number of officers drawn from each Province?

Shri Rajagopalachari: I have a long tabulated list here. It will take some time if I read it. If the hon. Member would enquire of a particular State I shall be able to give the information.

Mr. Speaker: I think the list may be laid on the Table, if there is no objection.

Shri Rajagopalachari: Yes, Sir, I shall place it on the Table.

Shri Kamath: Do the figures show how many officers borne on the Central Cadre have been loaned to the various States, particularly Part B States, during the last three years?

Shri Rajagopalachari: I would like to have notice of such a question.

Shri A. C. Guha: Is there any time limit for these officers who have been taken from the Provinces to stay here and go back to their Provinces?

Shri Rajagopalachari: There is a tenure period of five years. But during the last war due to the necessity of the situation and now, after the transfer of power, due to the fact that we lost a number of officers because they were British or because they went to Pakistan and the enormous increase of work of all kinds, this tenure rule could not be observed. And that is why we have these officers beyond the tenure terms—five years for some officers, four for some and three for some other officers. But the present arrangement with an Indian Central Administrative Cadre outside the State Cadres will give room for making a just arrangement by which there will be a continual rotation and a fair balance of officers with State experience as well as officers belonging to the Central Cadre working here.

Shri Tyagi: Since the Government took over from the British Government may I know whether any officer has been sent back to the State?

Shri Rajagopalachari: I have already stated that the situation created when we took over power and reorganized the Government left to us the alternative of losing the most experienced officers and replacing them by very inexperienced officers. That is the justification for maintaining most of them.

I may not be quite accurate if I said that nobody was sent back. But if the hon. Member wants to have an absolutely correct answer I would like to have notice.

Shri Sidhva: In view of the extension of the tenure period and in view of the economy and retrenchment policy of the Government of India may I know whether the Government intend to send those officers back to the States—as many as they could?

Shri Rajagopalachari: The assumption made as to economy is not correct—with due deference. It is a question of efficiency and not at all of economy. As I have already stated, the problem has been under consideration from 1948 and has resulted in the constitution of the Indian Civil Administrative Central Services Cadre. According to the scheme which has now been accepted a Central Cadre will be constituted in addition to the State Cadres for manning a proportion of the posts under the Centre. The remaining posts will be manned by officers drawn from the State Cadres. The number of officers to be drawn is so fixed that the officers on deputation from the States may be regularly rotated on a strictly tenure basis.

Shri A. C. Guha: Are these officers getting any special pay simply because of their transfer from the Provinces to the Centre?

Shri Rajagopalachari: I have already said that the special pay is given in the case of officers working at the Secretariat headquarters whether it be in the State or at Delhi. The cost of living in a place like Bombay, Calcutta, Madras or Delhi is taken into account and a special pay has been fixed accordingly. It is not a new thing; it is a very old arrangement.

Shri Tyagi: Why are the States not given the benefit of the experience gained by the officers in the Centre?

Mr. Speaker: Order, order. I think we are entering into an argument.

Shri Sarwate: May I know whether the officers who went from Part B States to the Centre went there with the consent of the Government concerned or without their consent?

Shri Rajagopalachari: Very much with their consent. In fact, sometimes, they send officers whom they do not want.

Shri Satish Chandra: From which State has the highest number of officers been drawn?

Shri Rajagopalachari: I said I will place the list on the Table of the

House. That will furnish opportunity for every curious examination.

INTER-RELATIONSHIP OF ECONOMIC, SOCIAL AND POPULATION CHANGES

*1388. Prof. S. N. Mishra: Will the Minister of Home Affairs be pleased to state:

(a) whether arrangements are being made to initiate joint studies by the U.N. and the Government of India on the inter-relationship of economic, social and population changes; and

(b) if so, which areas have been selected for field enquiry?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Yes.

(b) A final decision has not yet been taken.

Prof. S. N. Mishra: May I know what would be the expenditure involved in the scheme and whether any part of it would be met by the United Nations?

Shri Rajagopalachari: The cost, so far as the Government of India have agreed to, is Rs. 82,200 towards the studies. The rest of the expenditure, including the salaries and allowances of the United Nations representative and his secretarial staff will all be borne by the United Nations. The field expenditure is ours. Roughly speaking, that is the analysis.

Prof. S. N. Mishra: May I know whether as part of these arrangements some of the experts from the United Nations recently visited India and if so what progress has been made in this connection?

Shri Rajagopalachari: The representative who has come from the United Nations Organization is Dr. Chandrasekaran, who was Professor of Statistics in Calcutta in the All India Institute of Hygiene and Public Health. He recently arrived in November 1950 and much progress in a matter of this kind cannot be expected. The hon. Member will have to wait a little.

MACHINE TOOL FACTORY

*1389. Prof. S. N. Mishra: Will the Minister of Defence be pleased to state:

(a) whether it is proposed to set up a machine tool factory exclusively for the Ministry of Defence; and

(b) if so, the estimated expenditure involved?

The Deputy Minister of Defence (Major-General Himatsinghji): (a) A new factory is being set up which will, among other things, be capable of

manufacturing machine tools primarily for defence factories.

(b) Does not arise.

Prof. S. N. Mishra: May I know where is this factory to be located?

Major-General Himatsinghji: It is at Ambernath, near Bombay.

Prof. S. N. Mishra: May I know whether this scheme has been undertaken in co-operation with any foreign firm or experts?

Major-General Himatsinghji: This scheme has been formulated in co-operation with a Swiss firm in Zurich, Oerlikons, and a contract has been made with this firm.

Prof. S. N. Mishra: May I know whether plants necessary for the purpose will be made available from the Disposals Department or they are to be imported from outside?

Major-General Himatsinghji: We have been in consultation with the Commerce Department and the Industries Department and every facility is given to us to obtain any machinery which can be used for this purpose.

Shri M. A. Ayyangar: May I know what is the estimated cost of this machine tool factory?

The Minister of Defence (Sardar Baldev Singh): May I, Sir, add for the information of the House that as far as this factory is concerned, no machines are available from disposals. The entire plant has been purchased from Switzerland.

Shri M. A. Ayyangar: What is the estimated cost of this machine tool factory?

Sardar Baldev Singh: I am sorry I have got this information, but it is not considered advisable to give that information on grounds of...

Shri M. A. Ayyangar: In such a case, we have to intervene. The estimated cost cannot be a public secret. After all we have to vote for particular demands. I am not asking what kind of precision tools he is going to manufacture. I am only asking the estimate of cost.

Mr. Speaker: Order, order. Let me hear the hon. Defence Minister.

Sardar Baldev Singh: What I said was that it would not be advisable to give the exact cost, but if the hon. Member is satisfied in having the approximate cost, the approximate cost when we started with this project was over Rs. 5 or 6 crores.

Shri M. A. Ayyangar: In view of the fact that the I. & S. Ministry have started a machine tool factory in Mysore, may I know why it has not been found possible to have a single machine tool factory for all purposes?

Sardar Baldev Singh: The hon. Member will realize that as far as Defence requirements are concerned, the type of tools that are required for the manufacture of arms and ammunition is quite different.

Prof. S. N. Mishra: May I know whether there is any separate machine tool factory for the Defence purposes in Ambernath, and if so, what is the special purpose in starting this factory and not expanding that factory which is already in existence?

Sardar Baldev Singh: The hon. Member will read the reply which has been given by the Deputy Defence Minister. This factory at Ambernath is specially meant to manufacture the requirements of the Ordnance factory.

Shri Gautam: Is the construction of this factory going according to the schedule which was originally planned?

Sardar Baldev Singh: Yes, Sir.

Shri Jhunjunwala: Arising out of the answer that the Defence machinery required is quite different from those required by the Industries Ministry, will the hon. Minister please state whether all such tools and machinery are of different types or only some, and whether these two could not be co-ordinated and worked on an economic basis?

Sardar Baldev Singh: If the tools required for the Ordnance factories are to be manufactured in any other factory, I say, they can be manufactured, but the cost of manufacture will be so high that it will not be economical. Therefore, it has been considered necessary to have a special machine tool factory to manufacture tools for the Ordnance factories.

Shri Tyagi: What are the terms of contract with the Ordnance factory?

Mr. Speaker: Order, order.

Shri T. N. Singh: May I know whether this factory will manufacture only specialized tools for Defence purposes, or will they manufacture in addition to these specialized tools other tools also, so that you get a complete factory?

Sardar Baldev Singh: I have not been able to follow the question of the hon. Member, but this machine tool factory will be manufacturing the special tools required for all the Ordnance factories.

Shri M. A. Ayyangar: Are not Oerlikons the same Engineers for both the machine tool factories to be established under the Industries Ministry and also the Defence Ministry?

Sardar Baldev Singh: I could not say definitely, but I know this that the I. & S. Ministry were also carrying on negotiations with the same firm.

Mr. Speaker: I will go to the next question. *

FELLOWSHIP SCHOLARSHIPS

*1390. **Prof. S. N. Mishra:** Will the Minister of Finance be pleased to state:

(a) whether Australia has offered 50 fellowship scholarships to India for the year 1951; and

(b) if so, the subjects for which they are offered?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) The subjects are:

Civil Aviation ...	3
Hydro-electric projects	4
High voltage transmission systems	2
Mining and Geology	4
Other subjects to be agreed upon between the two Governments	37
TOTAL	50

Prof S. N. Mishra: May I know whether our Government have also agreed to offer any scholarship to Australian students?

Shri C. D. Deshmukh: No such request has been received, although it is implicit in the Commonwealth Technical Co-operation Plan that if experts are available on our side, and if the request is received, then an attempt should be made to meet those requests.

Prof. S. N. Mishra: May I know what would be the valuation of all these fellowships and scholarships?

Shri C. D. Deshmukh: It is not possible to give a valuation of this because the branches in which the training is given differ very widely.

Shri Kamath: Has the White Australia policy in any way infected the Universities and the academies in the country, or are the Indian students going there treated on a footing of complete equality with the Australian students?

Shri C. D. Deshmukh: From such information as I have, Sir, I am confident that our students will be treated on a footing of perfect equality.

Shri Venkataraman: Does the hon. Minister have any information whether the scholar who was sent from India to study Geo-physics in Australia has been asked to organize that Department in that country?

Shri C. D. Deshmukh: I am not aware that a scholar has yet been sent. The offer has lately been received and the various Ministries of the Government of India have been invited to suggest nominees for the 13 places which have been specifically named, and recently a Selection Board has met to choose the candidates for the 37 remaining scholarships.

Mr. Speaker: I think we had better go to the next question.

FIRE IN SADAR BAZAR, DELHI

*1391. **Shri Sidhva:** Will the Minister of Home Affairs be pleased to state:

(a) whether a Committee has been appointed by Government to inquire into the causes of the big fire that broke out in Sadar Bazar, old Delhi recently; and

(b) if so, what is the result of that inquiry?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). No Committee of inquiry was appointed by Government.

Shri Sidhva: May I know whether Government have any information as to the loss sustained in this big fire and what was the reason for that fire?

Shri Rajagopalachari: As I said no Committee was appointed for making enquiry but a Committee was appointed under the Prime Minister's instructions to help the people who were in trouble and who had lost property and

the estimate of the loss is about Rs. 30 lakhs. The Committee sat down immediately and arranged for the rehabilitation of the people for immediate relief as well as long-term relief. At an estimated cost of nearly Rs. 5 lakhs a market has been organized on the site. The ground floor alone cost nearly Rs. 5 lakhs.

Shri Sidhva: What is the decision of Government in that respect? Will they compensate to that extent?

Shri Rajagopalachari: It is not intended that Government compensate for such accidental fires in private people's houses.

Shri Sidhva: May I know how many shops were insured?

Shri Rajagopalachari: I suggest notice should be given if any more information is wanted on the point of private insurance.

Shri Deshbandhu Gupta: May I know what progress has been made with regard to the task of construction of the market which the Prime Minister had entrusted to this Committee?

Shri Rajagopalachari: I think I would not be able to give answers about the present stage of the progress of the work, unless notice is given.

Shri Deshbandhu Gupta: Is it a fact that the Prime Minister had directed this Committee to get this market reconstructed within six months or even lesser time and that although more time has already elapsed not much progress has been made?

Shri Rajagopalachari: It is probable, but as I said a fresh notice may be given and a possible explanation may be available.

Shri Tyagi: You can consult your neighbour and say.

Mr. Speaker: Order, order. The hon. Member should not go on talking in this way.

Lala Achint Ram: How many persons were affected by this fire and how many out of them were refugees?

Shri Rajagopalachari: There were 100 shops there as well as a few residential flats. The persons affected may be judged from that.

Lala Achint Ram: How many were refugees?

Shri Rajagopalachari: I have no information on that point here.

Shri Kamath: Is there any truth in certain Press reports which appeared

at the time that the fire fighting apparatus was not quite efficient and that they took a long time even to collect enough water to put out the fire?

Shri Rajagopalachari: I think the charges are not correct, or are exaggerated. The cause of the fire was accident. Because electric supply failed at about 7-30 P.M., the men in the 100 shops and residential flats had to resort to carbide lamps and candles. The place was full of highly inflammable materials like celluloid, kerosene, etc. They tried to tackle with the fire themselves for some time. But, later, at about 8-15 the fire brigade units were called and they were there at 8-17 P.M. More units were subsequently called from other stations and the fire was brought under control at 1-30 A.M. There has been no record or information that any failure was reported.

INTERNATIONAL COMMISSION ON IRRIGATION AND CANALS

*1392. **Shri Sidhva:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether a branch of the International Commission on Irrigation and Canals has been opened in India?

(b) If so, who are its members?

(c) What are the long and short term projects that this Commission will handle?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) An International Commission on Irrigation and Drainage has been set up with the Central Office of the Commission (not a branch) located in India (New Delhi). The Central Board of Irrigation acts as the National Committee for this Commission.

(b) Eighteen nations namely Algeria, Egypt, Turkey, Switzerland, Brazil, Siam, France, Ceylon, Indonesia, Yugoslavia, Netherlands, Italy, Chile, United Kingdom, Iraq, Israel, Syria and India have joined this Commission as members.

(c) This Commission is not meant to handle any long and short term project as such. Its objectives as laid down in the Constitution are "to stimulate the development and application of the science and technique of irrigation and drainage in the engineering, economic and social aspects." I should like to add, Sir, that the original name "International Commission on Irrigation and Canals" was changed into "International Commission on Irrigation and Drainage" at

the first formal business session of the Commission that was held here on 12th January last.

Shri Sidhva: May I know whether the cost of maintenance of the headquarters office in India will be borne by all these countries who are members proportionately, and if so what will be the cost to India?

Shri Sri Prakasa: The cost will be borne by all the participating countries. The exact figures have not yet been worked out.

Shri Sidhva: May I know whether the staff will be recruited from all the countries or whether any preference will be given to India and may I know what will be the position of India in regard to running the office?

Shri Sri Prakasa: The details have not been worked out. The International Executive Council of the Commission has been constituted and they will be soon looking into the matter.

Shri J. N. Hazarika: May I know whether the Members of the Commission are going to visit the States, particularly parts of Assam affected by the Earthquake for the purpose of inspecting the drainage system there?

Shri Sri Prakasa: I could not say that offhand; but I do hope they will not neglect that very important State.

REHABILITATION FINANCE ADMINISTRATION

*1393. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state the number of displaced persons who have so far been given loans by the Rehabilitation Finance Administration?

The Minister of Finance (Shri C. D. Deshmukh): The total number of persons who have been sanctioned loans upto the 31st December, 1950 is 5396.

Dr. Ram Subhag Singh: May I know the total amount of loan sanctioned?

Shri C. D. Deshmukh: Rs. 5,27,00,000.

Dr. Ram Subhag Singh: May I know whether the loans sanctioned by the Rehabilitation Finance Administration have all been drawn by the borrowers?

Shri C. D. Deshmukh: The amount actually disbursed is two crores, to 2,494 displaced persons.

Dr. Ram Subhag Singh: In view of the fact that less than half of the

amount has been disbursed, may I know why the borrowers could not draw the total amount?

Shri C. D. Deshmukh: A variety of reasons. One is, some time has necessarily to elapse between the date of the sanction and the date on which the applicant can commence drawing the money after executing the necessary security documents and completing the essential formalities. Second, frequently, the guarantors offered by the applicants back out and the borrowers propose other guarantors about whose financial position, fresh enquiries have to be made. Thirdly, where a borrower has some funds of his own, he has to invest these in his business or industry before he can be permitted to draw on the Administration. Fourthly, in most cases, the displaced persons do not, and rightly so, enter into commitments regarding premises, etc., before they are sure of their finances. They start arranging the preliminaries after they receive intimation of the sanction. This takes time. Fifthly, difficulties and delays are experienced by the borrowers in the matter of securing allotment of premises, electricity connection, permits and quota of controlled articles, etc. Sixthly, the Administration insists on payment of the loan in instalments, in most cases, the second instalment being payable after the first has actually been invested in the business or industry. Seventhly, in some cases, the applicants apply after the loan has been sanctioned for a change in some of the conditions of sanction of the loan and thus the actual drawal of the money is delayed. Lastly, in the absence of a reasonable degree of stability in the market prices of various commodities, some persons prefer to watch the trend of the market before venturing upon a new business and do not avail of the loan, rightly.

Dr. Ram Subhag Singh: Is it a fact that displaced persons residing in far-off places like Mysore and Madras, etc., undergo tremendous difficulties in getting their loans disbursed?

Shri C. D. Deshmukh: I am not aware of any special cases of hardship. There may have been some longer delays in those cases than in the case of displaced persons nearer the seat of Administration.

श्री लाल अचिन्त राम : क्या माननीय मंत्री बतलायेंगे कि आर० एफ० ए० ने जो सिफारिश की है कि रिफ्यूजीज से ट्रेड, कामर्स और

बिजनेस के लिए लोन्स की नई दरखास्तों की जायेंगी उस के मुताबिक क्या फैसला किया गया है ?

[**Lala Achint Ram:** Will the hon. Minister be pleased to state what decision has been arrived at in regard to the recommendation made by the R.F.A. that fresh applications be invited from the refugees for loans in connection with trade, commerce and business?]

श्री सी० डी० बेकनूच : यह मुह्त ठहराई गई थी १२ सितम्बर, १९४९। उसके बाद भी कुछ दरखास्तें ली गई हैं मसलन ईस्टर्न पाकिस्तान के सरबायियों से और जो नये देहात और शहर बगैरह बनाये जाते हैं उस के लिये भी कुछ दरखास्तें ली जा रही हैं।

[**Shri C. D. Deshmukh:** The time-limit fixed was the 12th September, 1949. After that too some applications have been entertained as for instance, from the refugees from Eastern Pakistan, and some applications are also being entertained in respect of the new towns and villages that are being built.]

श्री लाल अचिन्त राम जो सिफारिश की आर० एफ० ए० की for inviting fresh applications, what steps have you taken.....

[**Lala Achint Ram:** As to the recommendation made by the R.F.A. for inviting fresh applications, what steps have you taken.....]

Mr. Speaker: What steps has "he" taken; he is addressing the Chair.

Lala Achint Ram: What steps has Government taken?

Shri C. D. Deshmukh: I could not follow the question, Sir?

Lala Achint Ram: The Advisory Committee of the R.F.A. recommended that Government should invite fresh applications for loan in regard to commerce and trade and that recommendation was accepted by the R.F.A., and that has been forwarded to the Government. I want to know what action Government has taken about that recommendation.

Shri C. D. Deshmukh: What I said was that applications have been received after the last date from the classes of people I have mentioned

and presumably that is in accordance with the recommendations made by the Advisory Committee.

Lala Achint Ram: I am asking about the recommendation for inviting fresh applications.

Mr. Speaker: That is what he says.

Shri A. C. Guha: Sir, what is the amount sanctioned and disbursed to the displaced persons of East Bengal?

Shri C. D. Deshmukh: I am sorry I have not got the figures here; I would require notice.

Sardar B. S. Man: May I know, Sir, whether it is a fact that these loans have been invariably granted to shopkeepers or traders or industrialists, and if so whether Government propose to widen the scope of the R.F.A. to include agriculturists, and if not, why not?

Shri C. D. Deshmukh: I think that is limited by the provisions of the legislation.

Shri Sidhva: May I know if the Administration has made a suggestion to Government to reduce the rate of interest from 6 per cent. to 4½ per cent.? If so, have Government considered that proposal?

Shri C. D. Deshmukh: I am not aware of such a suggestion. It is possible it has been made, but it has not yet come up to me for decision.

Shrimati Renuka Ray: The hon. Minister has stated the reasons for the delay in giving the loans. But is he aware of the fact that even after the first instalment of the loan has been given, there is sometimes a great deal of delay in paying the second instalment? And will the hon. Minister find out what are the reasons for this delay?

Shri C. D. Deshmukh: I shall be very glad to enquire into such cases of delay.

Shri A. C. Guha: Is the hon. Minister aware of the fact that the Administration has recently advertised in West Bengal papers that a large sum of money is lying with them and that the applicants could not be traced? If so, what was the time lag between the date of application and the date of the money being ready for disbursement?

Shri C. D. Deshmukh: I have explained the reasons for the delay between the sanction stage and the disbursement stage. So far as the delay between the date of application

and the sanction is concerned, presumably it is related to the various preliminary enquiries which have to be made before a loan is sanctioned.

Sardar Hukam Singh: Sir, did the recommendation of the R.F.A. to include fresh applications from refugees include or cover the cases only of refugees from Eastern Pakistan, or did it include those from Western Pakistan as well; and if it covered the latter cases as well, have any fresh applications been received from these refugees?

Shri C. D. Deshmukh: I can only repeat that applications for loans are still being entertained from the following categories of displaced persons:

(a) those who migrated from Eastern Pakistan after the 12th September 1949 when application lists were generally closed;

(b) displaced industrialists who propose to settle in new townships and in special cases to those settling outside new townships.

Mr. Speaker: The question was whether the recommendation includes the displaced persons from Western Pakistan.

Shri C. D. Deshmukh: The second category does; it is not exclusive.

Mr. Speaker: Well, we go to the next question.

Shri A. C. Guha: Sir, My question has not been answered.

Mr. Speaker: May be, but we are taking too long a time on each question.

PRICE OF GOLD

*1394. **Dr. Ram Subhag Singh:** Will the Minister of Finance be pleased to state the official price of gold in India per ounce in terms of British pound-sterling?

The Minister of Finance (Shri C. D. Deshmukh): The official price of gold in India is Rs. 166'67, equivalent to £12-10-0 sterling per troy ounce of fine gold.

Dr. Ram Subhag Singh: Is it a fact that because of the higher price of gold prevailing in India, attempts are being made to smuggle gold from Britain to this country?

Mr. Speaker: It is a matter for inference and not a matter of getting information. Has the hon. Member any other question?

Dr. Ram Subhag Singh: Has any attempt been made to smuggle gold from Britain to this country?

Mr. Speaker: By whom?

Dr. Ram Subhag Singh: By Indians or Britishers?

Mr. Speaker: I don't think I will allow the question.

सेठ गोविन्द दास: क्या यह बात सत्य है कि जो कीमत मुकर्रर है सोने की उस पर सोना न वर्षों से बेचा जाता है न लिया जाता है ?

[**Seth Govind Das:** Is it a fact that for many years now gold has neither been bought nor sold at the rate fixed for it?]

श्री सी० डी० देशमुख: बिल्कुल सत्य है ।

[**Shri C. D. Deshmukh:** That is perfectly true.]

सेठ गोविन्द दास: इस हालत में क्या माननीय अर्थमंत्री जो यह बतलावेंगे कि इस प्रकार कीमत मुकर्रर करने से क्या लाभ है ?

[**Seth Govind Das:** Under the circumstances will the hon. Minister be pleased to state what is the good of fixing a rate like that?]

श्री सी० डी० देशमुख: यह इन्टरनेशनल मानिटरी फंड ने मुकर्रर किया है । और इस में प्रति रुपया २.८८ ग्रेन स्वर्ण की कीमत निर्णित की गई है ।

[**Shri C. D. Deshmukh:** This rate has been fixed by the International Monetary Fund and it puts the price of gold at 2.88 grains to the rupee.]

सेठ गोविन्द दास: मेरे प्रश्न का कोई उत्तर नहीं मिला ।

[**Seth Govind Das:** My question remains unanswered.]

Pandit M. B. Bhargava: What is the extent of the disparity in the price of gold in the Indian market as compared with that in the U.S.A. and U.K.?

Shri C. D. Deshmukh: The official price is Rs. 62/8/- per tola; in the market prices have been varying between Rs. 112 to Rs. 115 per tola.

Shri Syamaandan Sabaya: Are Government making any attempt to make the actual sale-price of gold

approximate to what is their fixed price? Is there any possibility of doing it?

Shri C. D. Deshmukh: There is no possibility whatsoever of bringing it down in the foreseeable future to that level.

Shri T. N. Singh: May I know what is the prevailing gold rate in the neighbouring countries of Persia and other countries and whether smuggling cases have been reported from those countries?

Shri C. D. Deshmukh: I have not got the exact figures, Sir, but the price is somewhere between their official prices and the Indian price, leaving considerable profit for intending smugglers.

Shri Tyagi: Do the authorities of the International Monetary Fund arrange for us to make purchases of gold from outside at the rates which have been fixed officially?

Shri C. D. Deshmukh: Well, it is not their business to arrange for the purchase of gold by member countries; but if the member countries have the wherewithal to purchase gold, then the International Monetary Fund won't come in the way.

BASIC EDUCATION

*1395. **Pandit M. B. Bhargava:** Will the Minister of Education be pleased to state:

(a) the number of institutions imparting basic education started in Part 'C' states during the years 1948, 1949 and 1950 and the amount of expenditure, recurring and non-recurring, incurred by the Government of India thereon; and

(b) what part of the expenses on basic educational institutions is incurred by the Government of India and what portion by the State Governments?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) A statement is placed on the Table of the House [See Appendix XI, annexure No. 24]

(b) The expenditure on Basic Education in all Part 'C' States is met in full by the Government of India.

Pandit M. B. Bhargava: Sir, this statement shows that basic education institutions exist only in 4 States among the Part C States, i.e. Delhi, Ajmer, Bilaspur and Kutch. What is the plan of the Government with respect to the other Part C States?

Shri Khurshed Lal: As funds are available, they will be extended to the other States also.

Lala Achint Ram: How many institutions are there where training is given to the teachers for this basic education?

Mr. Speaker: This question relates to the number of basic education schools. What the hon. Member asks now is a fresh question.

Shri Bharati: May I know whether the cost is greater or less in these schools than in the ordinary schools? What will be the position in the long run?

Shri Khurshed Lal: In the long run it will be cheaper, just now it is not.

Shri Barrow: What part of the cost of these institutions is met by the sale of the products actually produced in them?

Shri Khurshed Lal: Naturally that will reduce the cost.

STERLING BALANCES

*1396. **Pandit M. B. Bhargava:** (a) Will the Minister of Finance be pleased to state the position of our sterling balances as at the end of December, 1950 and the amount of sterling balances liquidated during the period commencing from April, 1950 upto date and for what specific purpose was the amount utilised?

(b) What was the total cost of imports from and exports to the soft and hard currency areas from 1st September, 1950 upto the end of December, 1950?

(c) What were the dollar earnings made by India, from month to month, during this period and the causes of decrease, if any?

(d) What was the total cost of consumer and capital goods imported, separately from soft and hard currency areas during this period and the percentage of imports of capital goods to the total imports?

The Minister of Finance (Shri C. D. Deshmukh): (a) Our sterling balances which stood at Rs. 858 crores on the 31st March, 1950, declined to Rs. 834 crores at the end of December, 1950. The fall of Rs. 24 crores resulted mainly from India's overall balance of payments deficit on current and capital accounts during this period.

(b) Data is available only for the period up to November, 1950. Imports during September to November, 1950, from the soft and hard currency areas were Rs. 93 crores and Rs. 28 crores, respectively. Exports during the same period were Rs. 115 crores and Rs. 46 crores, for soft and hard currency areas respectively.

(c) Preliminary figures now available show our dollar earnings on current account during the period September, October and November, 1950, as Rs. 15 crores, 13 crores and 21 crores, respectively. The slight fall in the month of October does not represent any special trend and may be due to time lag in accounting adjustments.

(d) The Trade Accounts do not classify imports according to consumer and capital goods, and it is, therefore, not possible to give separate figures of imports of consumer and capital goods. Imports of plant and machinery, which constitute the bulk of capital goods, amounted to about Rs. 4 crores from hard currency areas and Rs. 14 crores from the soft currency areas, respectively, during the period September to November, 1950, representing about 15 per cent. of the total imports.

Shri Tyagi: What is the rate that U.K. is paying to us on account of our sterling balances with them?

Shri C. D. Deshmukh: Half per cent.

Pandit Maitra: Do I take it that the Government of India has not got any agency whatsoever for ascertaining the imports of consumer goods as against capital goods?

Shri C. D. Deshmukh: The difficulty arises out of the customs classification, which dates from many years past. Goods like industrial raw material, raw cotton, mineral oils, metals, semi-manufactured goods and accessories are not capable of being classified either as consumer goods or as capital goods. You want so many more categories in order to classify the imports.

Shri Tyagi: How are our dollar earnings disposed of? Are they deposited in the Bank of England at the same rate of interest?

Shri C. D. Deshmukh: Our dollars are sold to the Bank of England for sterling. Therefore all our dollar earnings are finally reflected in the state of our sterling balance account. They are sold at the official rate agreed by the International Monetary Fund between the various currencies.

Shri Tyagi: I am anxious to know whether when our dollars go into the sterling balance, they pay us the same rate of interest of half per cent. on that deposit also.

Shri C. D. Deshmukh: This rate applies to all our sterling balances. Whichever currencies accrue to us in the first instance are finally turned into sterling. Therefore there is only

one corpus on which the rate of interest is paid and that is the sterling balance.

Prof. Raaga: Are we to understand that the dollars we earn have to be first converted into sterling and then deposited in England or have we got the power to keep them separately and then make use of them whenever we want for our own purposes?

Shri C. D. Deshmukh: That raises the whole issue of the sterling area dollar pool. This arrangement has been in existence now for many years past. We have a right to draw on the central pool for our dollar requirements and during recent years there has never been any occasion when we were stinted for dollars. We have been able to get all the dollars through our sterling balances that we needed for our import programmes.

Mr. Speaker: Next question.

INDUSTRIAL FINANCE CORPORATION

*1397. **Shri Barman:** Will the Minister of Finance be pleased to state the basic industries that were newly established with the help of the Industrial Finance Corporation Fund?

The Minister of Finance (Shri C. D. Deshmukh): Upto the 31st December, 1950, 26 newly established concerns were sanctioned loans by the Corporation aggregating Rs. 5.03 crores. Out of this, Rs. 3.36 crores were sanctioned to 15 basic industrial concerns comprising the following:

- 3 electrical engineering concerns,
- 1 heavy machinery factory,
- 1 machine tools factory,
- 1 heavy chemicals factory,
- 6 cotton and woollen mills,
- 2 cement factories, and
- 1 sugar factory.

Shri Barman: Have the Government any overall plan to distribute the basic industries regionwise?

Shri C. D. Deshmukh: I do not think any such plan is in operation.

Shri Barman: My question was whether there is any plan under contemplation, not in operation at the present moment.

Shri C. D. Deshmukh: What I meant was that from time to time the desirability of having industrial development spread regionwise has been accepted but it has not actually materialised into a plan. It may be that the matter may be taken notice of by the Planning Commission when they make their recommendations.

Pandit Krishna Chandra Sharma: What was the highest sum sanctioned to a single firm?

Shri C. D. Deshmukh: I am sorry I notice of that question.

Dr. M. M. Das: What part of the total capital of the newly established concerns was provided by the Government loans?

Shri C. D. Deshmukh: I am [redacted] cannot give the information.

CIRCUIT BENCH OF HIGH COURT

*1398. **Shri Deshbandhu Gupta:** (a) Will the Minister of Home Affairs be pleased to refer to the reply given to my Starred question No. 243 asked on 22nd November, 1950 and state if the date has now been fixed for the opening of the Circuit Bench of the Punjab High Court in Delhi?

(b) If so, what will be the number of judges who will constitute the Circuit Bench?

The Minister of Home Affairs (Shri Rajagopalachari): (a) No date has yet been fixed for the setting up of the Circuit Court in Delhi.

(b) The point is subject of consultations which it may not be advisable here to discuss, the matter being primarily a concern of the High Court.

Shri Deshbandhu Gupta: May I know whether any progress has been made so far, about the procurement of accommodation?

Shri Rajagopalachari: We have found the building for accommodating the court itself but arrangements have still to be made to find residential accommodation for the judges and the staff.

Shri Deshbandhu Gupta: May I remind the hon. Minister of the promise he had made last time that the Bench would be opened "very soon" and know how soon he hopes the Bench will start functioning?

Shri Rajagopalachari: I have been keeping this in my mind all through but the difficulty of finding the accommodation is not a matter entirely within my competence. I repeat again that it will be done very soon.

FOREIGN SHIPPING COMPANIES (INCOME-TAX)

*1400. **Shri Jhunjhunwala:** (a) Will the Minister of Finance be pleased to refer to the answer given to one of my supplementary questions raised on Starred Question No. 515 on the 30th November, 1950, in which

it was stated that all Foreign Shipping Companies, including British Companies, are assessed to Indian Income-tax and state what is the total revenue (i) accrued; and (ii) realised from such Foreign Companies giving figures for all Foreign Companies and British Companies separately?

(b) What was the maximum and minimum outturn of such revenue during the last three financial years and the profits they made during each of these three years?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). The information is not readily available. It is however being collected and a statement will be laid on the Table of the House in due course.

Shri Jhuajhunwala: Is it a fact that in 1945 the U.K. Government gave an undertaking to all U.K. Shipping and Airway Companies that they would be exempted from the tax and as such all the assesseees when they were asked to file their returns said that they were exempted from the tax?

Shri C. D. Deshmukh: I must have notice of that question.

WRITTEN ANSWERS TO QUESTIONS

FOREIGN AIRWAYS (TAXATION)

*1401. **Shri Jhuajhunwala:** Will the Minister of Finance be pleased to state:

(a) whether the Foreign Airways concerns operating in India are liable to Indian Taxation;

(b) if the answer to part (a) above be in the affirmative, whether there are any such concerns which are exempted from such taxation; and

(c) if the answer to part (b) above be in the affirmative, the names of such concerns and the reasons for exemption?

The Minister of Finance (Shri C. D. Deshmukh): (a) Yes.

(b) No, except one concern which belonged to a Foreign Government. The question whether that concern now belongs to any Government is under enquiry.

(c) A Foreign Government is not liable to be taxed under the present law.

PRIMARY AND SECONDARY SCHOOLS

*1402. **Shri Balmiki:** Will the Minister of Education be pleased to state the number of primary and secondary schools in the Centrally Administered Areas in 1946-47, 1947-48, 1948-49, 1949-50 and 1950-51?

The Deputy Minister of Communications (Shri Khurshed Lal): The number of these schools was 1,010 in 1946-47; 879 in 1947-48; 1,798 in 1948-49 and approximately 4,540 in 1949-50.

Information for the year 1950-51, which will close on 31st March, 1951, is yet to be received.

INDIAN MEDICAL RELIEF MISSION

*1403. **Shri R. Velayudhan:** Will the Minister of Defence be pleased to state:

(a) whether the Indian Medical Relief Mission is still working with the U.N.O. Forces in South Korea; and

(b) whether any of the members of the Mission has been killed or wounded?

The Deputy Minister of Defence (Major-General Himatsinhji): (a) Presumably the hon. Member refers to 60 Indian Field Ambulance. If so, the answer is in the affirmative.

(b) None to date, as far as latest information is available.

INDIAN CITIZENSHIP FOR TIBETANS

*1404. **Shri A. B. Gurung:** Will the Minister of Home Affairs be pleased to state:

(a) whether Tibetans are treated as Foreigners; and

(b) whether Tibetans settled in India can claim Indian citizenship?

The Minister of Home Affairs (Shri Rajagopalachari): (a) Till recently Tibetans were exempted from both passport and visa regulations and from the necessity of registering themselves under the Registration of Foreigners Rules. They are still exempt from passport and visa regulations but are required to register themselves.

(b) Yes, provided they satisfy the conditions laid down in Part II of the Constitution or such future legislation as Parliament may enact.

ELECTRICITY TO DELHI FROM NANGAL

*1405. **Shri Ghule:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that the date of Supply of electricity to Delhi from the Nangal Project has again been revised?

(b) If so, what are the reasons and what is the revised date?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) Yes, according to latest reports received from the Government of the Punjab.

(b) The main reasons necessitating a revision of the date are:

(i) Uncertainty of the supply position of certain equipment and accessories required for the project.

(ii) Unforeseen difficulties and problems involved in locating suitable soil for the foundation of Power House building involving deep excavation.

The supply of electricity from the Nangal Project for Delhi will now be available by April or May 1953. Previously this supply was expected to commence by the middle of 1952.

TRANSMITTERS FOR DELHI

*1406. **Shri P. Y. Deshpande:** (a) Will the Minister of Information and Broadcasting be pleased to state whether it is a fact that three new transmitters of 100 K.W. each are being erected in Delhi?

(b) If so, what are the reasons for concentrating all the three 100 K.W. transmitters in Delhi alone?

The Minister of State for Information and Broadcasting (**Shri Diwakar**): (a) The question as to where the transmitters should be located is under consideration.

(b) Does not arise.

TRANSMITTERS

*1407. **Shri P. Y. Deshpande:** (a) Will the Minister of Information and Broadcasting be pleased to state whether it is a fact that 50 K.W. transmitters are being allowed to rust for the last two years or so at Bombay, Madras and Delhi?

(b) If so, why?

(c) What steps are being taken in the matter?

(d) When will the work of new erection in connection with this machinery be undertaken?

The Minister of State for Information and Broadcasting (**Shri Diwakar**): (a) Five 50 K.W. medium wave transmitters have been kept in storage at Bombay, Madras and Calcutta. There is no transmitter in storage at Delhi. All possible care is being taken of the equipment.

(b) Does not arise.

(c) Does not arise.

(d) When the necessary funds are available.

DEFENCE HEALTH CANTEEN

*1408. **Giani G. S. Musafir:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that certain amount from the Welfare Funds of

Armed Forces Head Quarter Staff, was advanced to the Defence Health Canteen as loan; and

(b) what facilities are being provided from the said fund to the other Defence canteens, recognized by Government?

The Deputy Minister of Defence (**Major-General Himatsinghji**): (a) Yes.

(b) None.

DELIMITATION OF CONSTITUENCIES

*1409. **Shri Kamath:** Will the Minister of Law be pleased to state:

(a) what progress has so far been achieved in each of the States with regard to the delimitation of Constituencies and preparation of electoral rolls;

(b) whether it is a fact that electoral rolls have been ordered to be printed in English, if so, where;

(c) how many claims and objections have been received up to date in each of the States; and

(d) how many of them have so far been disposed of?

The Minister of Law (**Dr. Ambedkar**): (a) With regard to the delimitation of constituencies, the hon. Member's attention is invited to my answer given on the 8th February, 1951 to Starred Question No. 1267 by **Shri Raj Kanwar**. As regards the electoral rolls, the preparation of these rolls has been completed, and the rolls have been published for the purpose of inviting claims and objections, in all States except Punjab. The preliminary publication of the rolls in Punjab will be made early in March, 1951, and the final rolls of all the States are expected to be ready by the end of July, 1951.

(b) Yes. The Election Commission has directed the Government of Bombay to prepare the electoral rolls for the Bombay City in English, as complaints were received by the Commission that the rolls which have been published in Devanagari script were not easily understood by a substantial number of the electors in the City.

(c) and (d). The period for the receipt of claims and objections was over in most of the States only very recently and in some the period is not yet over. No accurate statistics as to claims and objections is accordingly available at present.

ARCHAEOLOGICAL EXPEDITION AT KAUSAMBI

*1410. **Shri Krishnanand Rai:** Will the Minister of Education be pleased to state:

(a) what historical finds have come to light in the archaeological expedi-

tion of the Allahabad University at Kausambhi; and

(b) whether the scarcity of funds is a hindrance in the further progress of the researches at Kausambhi?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) Structural remains, pottery, two hoards of Indo-Parthian coins and a large number of terracotta figurines and beads have been excavated during the last three years. The site that is being excavated this year has proved to be that of a Buddhist establishment, Ghoshitaram, where Buddha is said to have lived.

(b) According to the Director of Excavations' report, more progress could have been made if larger funds were available.

BIRTHS AND DEATHS

*1411. Shri Kishorimohan Tripathi: (a) Will the Minister of Health be pleased to state the rates of births and deaths in India as available from the latest sources?

(b) How do the above figures compare with those of the U.S.A., U.S.S.R. and the U.K.?

(c) How does the rate of child mortality in India compare with that of U.S.S.R.?

The Minister of Health (Rajkumari Amrit Kaur): (a) to (c). A statement is placed on the Table of the House. But in view of two facts, namely, defective registration of births and deaths and possibly a relatively large margin of error in our estimated population, the rates given in the statement cannot be held to be accurate. Nevertheless it will be seen therefrom that India's birth rate, death rate and infant mortality rate are higher than those of the U.S.A. and the U.K. Figures for the U.S.S.R. are not available.

STATEMENT

Comparative rates of births, deaths and infant mortality in India, U.S.A. and the U.K.

Year	Birth	Rate per 1,000	
	India	U. S. A.	U. K.
1947	26.6	25.8	20.8
1948	25.5	24.2	18.1
1949	26.7	24.1	17.0

Year	Death	Rate per 1,000	
	India	U. S. A.	U. K.
1947	19.7	10.1	12.1
1948	17.2	9.9	10.9
1949	16.0	9.7	11.7

Year	Infant mortality Rate per 1,000 live births.	India	U. S. A.	U. K.
1947		145.6	32.2	43.5
1948		130.1	32.0	34.0
1949		123.1	31.0	32.0

The rates in respect of the U. S. S. R. are not available.

NUTRITIVE DIET

*1412. Shri Kishorimohan Tripathi: (a) Will the Minister of Health be pleased to state if any research under the auspices of the Ministry of Health has so far been carried on to fix up an adequately nutritive diet for the Indian citizen?

(b) If so, what have been the results so far and how will the diet cost?

The Minister of Health (Rajkumari Amrit Kaur): (a) The Nutrition Advisory Committee of the Indian Council of Medical Research (formerly Indian Research Fund Association) appointed in 1944 a Sub-Committee to report on the nutritional requirements of our people. The Sub-Committee, after taking into account the dietary habits of the people in different parts of India and the results of researches regarding nutritional requirements, recommended a balanced diet representing the daily requirements of each adult male for the maintenance of good health.

(b) A statement showing the composition of the diet recommended by the Committee referred to above and its approximate cost on the basis of present market rates in Delhi is laid on the Table of the House.

STATEMENT

Details of balanced diet and its approximate cost per day on the basis of present market rates in Delhi,

	Ozs.	Approximate cost on the basis of present market rates in Delhi.			
		Rs.	As.	Ps.	
(1) Cereals	14	0	2	9	
(2) Pulses	3	0	1	3	
(3) Green leafy vegetables	4	0	0	6	
(4) Root vegetables	3	0	0	6	
(5) Other vegetables	3	0	0	9	
(6) Fruits	3	0	1	3	
(7) Milk	10	0	3	9	
(8) Sugar	2	0	1	0	
(9) Vegetable oil, ghee, etc.	2	0	2	6	
(10) Fish and meat	3	0	2	9	
(11) Eggs	1 egg	0	2	6	
TOTAL		1	3	6	

ELECTRICITY FOR AGRICULTURAL PURPOSES

*1413. Giani G. S. Musafir: Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether the Government of India have issued any instructions to the State Governments directing them to give priority to such consumers of electrical energy as require it for agricultural purposes; and

(b) if the answer to part (a) above be in the affirmative, the number of States complying with the instructions?

The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa): (a) No.

(b) Does not arise.

HINDI FOR ARMED FORCES

*1414. Shri Kamath: Will the Minister of Defence be pleased to state:

(a) whether steps have been or are being taken by Government to teach Hindi to non-Hindi-speaking officers and other ranks of the Armed Forces; if so, what; and

(b) if not, the reasons therefor?

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The Deputy Minister of Defence (Major-General Himatsinhji): (a) Yes. The personnel of the Armed Forces are being encouraged to learn Hindi. For this purpose voluntary Hindi classes have been, or are being, started in units and establishments.

(b) Does not arise.

B.C.G. VACCINATIONS

*1415. Shri Kamath: Will the Minister of Health be pleased to state:

(a) the total number of B.C.G. vaccinations with separate figures for various age-groups, that have been carried out in each of the States since the inauguration of the campaign; and

(b) the period of immunity conferred by the vaccination?

The Minister of Health (Rafikumar Amrit Kaur): (a) Up to the 31st December, 1950, 2,795,904 persons were tuberculin tested and 961,371 persons were vaccinated with B.C.G. A statement giving the total number of persons tested and vaccinated in each State is placed on the Table of the House. [See Appendix XI, annexure No. 25]. The majority of the persons vaccinated fall in the age-groups below 20 years. Separate figures for different age-groups are not available at present.

(b) The only practical method of measuring the effect of the vaccination is by making tuberculin tests. From experience, it can be stated that as long as the tuberculin reaction remains positive, the protection obtained by the vaccination will also remain. By repeated tuberculin tests on vaccinated persons at periodical intervals, it is possible to find how long the persons will remain positive reactors after vaccination. This has been done systematically for many years in Europe and it has been found that 6 to 8 years after vaccination more than 90 per cent. of the persons vaccinated will react to tuberculin, if potent vaccine is used.

ANTI-CORRUPTION DRIVE

*1416. Shri Sivaprakasam: (a) Will the Minister of Home Affairs be pleased to state how many cases of Black-marketing were investigated during 1949-50 and 1950-51 in the Centrally

Administered Areas and how many were successfully prosecuted?

(b) How many Government officials were involved in these cases and what disciplinary actions were taken against them?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

CORRUPTION CASES

*1417. Shri Sivaprakasam: (a) Will the Minister of Home Affairs be pleased to state how many corruption cases against Government officers (Gazetted) were investigated in the Centrally Administered Areas in the year 1950-51 and how many were prosecuted?

(b) How many of them were departmentally dealt with and dismissed?

The Minister of Home Affairs (Shri Rajagopalachari): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

DISTRICT COUNCILS IN TRIBAL AREAS

*1418. Shri J. N. Hazarika: Will the Minister of Home Affairs be pleased to state whether the autonomous districts in the Tribal Areas of Assam have

formed their respective District Councils under the provisions of the Sixth Schedule of the Constitution of India?

The Minister of Home Affairs (Shri Rajagopalachari): No.

INVESTIGATION OF ECONOMIC CONDITIONS OF SCHEDULED TRIBES

*1419. Shri P. K. Ramiah: Will the Minister of Home Affairs be pleased to state:

(a) whether the Special Officer appointed under Article 338(1) of the Constitution of India has been given special instructions with regard to the investigation of economic conditions of Scheduled Tribes in the Scheduled Areas in the States specified in Part A and Part B of the First Schedule of the Constitution of India; and

(b) if not, whether Government propose to consider the advisability of giving such instructions to the said Officer to carry on separate investigation in the case of Scheduled Tribes only, without combining the investigation along with Scheduled Castes or with the Scheduled Tribes living outside the Scheduled Areas?

The Minister of Home Affairs (Shri Rajagopalachari): (a) The duties of this officer having been defined in clause (2) of Article 338, no special instructions have been given to him, so far.

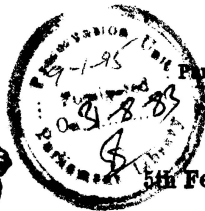
(b) No, but the point suggested will be communicated to him, leaving it to him to frame his own plan of work in accordance with the Article under which he is appointed.

Tuesday, 13th February, 1951

Volume VIII

No. 1-20

M. A. J.



Par. S.2. VIII. 1.51

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Monday

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to

2nd, March, 1951



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PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers

CHAMBER PUBLISHED ON...

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THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT

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PARLIAMENT OF INDIA

Tuesday, 13th February, 1951

*The House met at a Quarter to Eleven
of the Clock.*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

**PREVENTIVE DETENTION (AMEND-
MENT) BILL—contd.**

Shri Syamnandan Sahaya (Bihar): Sir, before we take up the other business of the House, may I make a submission to you with regard to the time for the sittings of Parliament? As it is we sit.....

Mr. Speaker: Order, order. I think this matter was discussed more than once. If there is any desire to have it discussed again I shall be certainly glad to meet such hon. Members, who wish to discuss the matter with me, in my chamber. It would be better that I should understand their difficulties; and they also should try to understand the difficulties not only of the Chair but of all concerned and then try to come to some agreement about the time. We need not take the time of the House now.

The House will now proceed with the further consideration of the following motion:

"That the Bill further to amend the Preventive Detention Act, 1950, be taken into consideration."

There are two amendments, one for circulation moved by Prof. K. T. Shah and the other for reference to Select Committee moved by Mr. Kamath.

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Shrimati Durgabai (Madras): I have great pleasure in supporting this Bill moved by the hon. Minister of Home Affairs. In doing so, I also wish to oppose the two amendments, one moved by Prof. K. T. Shah for circulation for eliciting public opinion, and the other moved by Mr. Kamath for reference to a Select Committee.

I support the Bill for, in my opinion, it marks a great improvement on the previous legislation. That improvement is reflected in two ways: the Bill liberalises some of the provisions of the law for preventive detention, and, secondly, it limits the life-time of that law to only one year. I had thought that the lovers of civil liberties will be too anxious to support this Bill and also help in passing it expeditiously. If only they knew the previous state of affairs, I think they will not allow any more time to be taken in passing this amending Bill. This amending Bill, as I have said, liberalises some of the provisions of the Preventive Detention law. One of the ills cured is that whereas under the previous legislation only a few cases were referred to the Advisory Boards, this Bill seeks to facilitate the reference of all cases to the Advisory Boards and also makes the opinion of the Advisory Boards mandatory.

The Statement of Objects and Reasons explains the necessity for continuing to arm the executive with the power to detain persons. It says that violent activities still continue, though reduced in tempo, and says that the primary reasons which were responsible for the enactment of the parent Act continue to apply to present conditions also. The Statement further says that this measure will enable Government to detain persons for reasons connected with the maintenance of essential supplies and services.

Yesterday, when Mr. Kamath started speaking, I thought he wanted to send this Bill to a Select Committee for obtaining further recommendations. Of course, Mr. Kamath was happy to see that almost all the points which he

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had raised during discussion on the previous amending Bill in August last were practically met in the present amending Bill. At that time Mr. Kamath had raised some questions regarding the powers given to sub-divisional magistrates to detain persons. That section has now been repealed. Hon. Members who spoke yesterday raised several points. Friends like Mr. Kamath, of course, in the end agreed with almost all the provisions in this amending Bill, but said that the Bill should more effectively be applied to black-marketeers and profiteers etc. Other hon. Members like Mr. Naziruddin Ahmad regretted that the liberalisation of the provisions had gone too far and said that we should not have gone so far. There were other hon. Members like Sardar Hukam Singh who supported Prof. Shah's motion and said that the Bill requires more consideration and should therefore be sent for circulation for eliciting public opinion. Then, when I examined the list of amendments I found there were another class of people, like my hon. friend Mr. Frank Anthony, who wanted through their amendments that the provisions of the law should be applicable only to one or two classes of people, that is people who are dangerous to the security of the State, but that the black-marketeers etc., should completely be taken out of the purview of this Bill. All these opinions have been expressed either in speeches or by way of amendments.

In the light of the Statement of Objects and Reasons, we have also to take into consideration the views expressed by the hon. Mover himself when he moved the Bill. He said that the Act would apply only to persons who have made it their creed to work secretly and through violent methods, and that it is not meant to deal with normal, legitimate, political opposition nor with political differences of any kind. Fears were expressed to that effect by friends like Mr. Kamath saying that this Bill might be taken advantage of to deal with such persons, especially with such a class of people with whom the Government of the day might have some political differences. But in the light of the views expressed and the assurance given by the hon. Mover that it is not the intention to take such advantage through this Act, I do not think we, hon. Members, have any justification for entertaining such fears.

The hon. Deputy-Speaker yesterday told the House that he would like to limit the scope of discussion on this Bill to only two points: firstly, whether

there is the need today for continuing to arm the executive with the power to detain persons, and, secondly, what the provisions of the Bill sought to achieve and whether they are an improvement or otherwise over the previous legislation. The Deputy-Speaker said that consideration of the Bill should be confined only to these two points.

I will now deal with the first of these two points, that is whether there is any need to continue to arm the executive with this power. The House is well aware that the main object of the Bill is to enable Government to detain persons in connection with the maintenance of supplies and services. The question is whether there is such a need and I think that more than myself other hon. Members who spoke the other day about corruption, black-marketing, etc., do realise the necessity for enforcing the provisions of this Act more effectively. The other day it was stated in the House that the Act was applied to enable some one hundred black-marketeers to be detained. That was in Bihar. When we read the conditions under which those persons were detained, we find that such conditions exist not only in Bihar but also in other States. It was really shocking to read that a cultivator did not hesitate to declare his food stocks at 21 maunds whereas on search it was found that his stock amounted to 3,100 maunds. Then, another person—a cloth dealer who was a millionaire—concealed his cloth stocks in a shed intended for storing cattle fodder. These are the conditions under which people are exploiting and making profit at the cost of the lives of many people. In spite of whatever the hon. Food Minister says he has been doing, we read every day in the newspapers that the food position is deteriorating. So, we have to make up our minds as to whether we should allow these anti-social elements to go on as they are going on, or whether we should pass this Bill so that they can be dealt with more effectively than hitherto. You cannot say in one breath that they should be dealt with rigorously and in another breath that the Bill should be confined to only two classes of people and the rest must be removed from the purview of this Bill.

Having dealt with black-marketeers, I now come to the other category of people, namely, those who disturb the security of the State and the people. If only some hon. Members who wanted to delay the passing of this Bill, or who suggested that it may be withdrawn or repealed on the ground that it encroaches on the liberty of the individual—if only some of them visit my

parts of the country, i.e. Hyderabad, Andhra Desa etc., they will find that people cannot sleep peacefully. People do not know what will be the fate of their sons and husbands who go out for work. Although the Statement of Objects and Reasons states that these activities have been reduced in tempo, still they do exist as dangerously as before. In order to deal with such a situation, therefore, I think it is necessary to extend the life of this Bill for some more period till these anti-social elements are completely put down and people are enabled to live in peace and security.

I now come to the other point, namely, the improvements effected in this Bill over the provisions of the previous Act. In the previous Act, there were seven classes of preventive detention cases, viz. those connected with the Defence of India; those connected with foreign relations; those connected with the security of India; those connected with the security of the State; those connected with the maintenance of order; those connected with supplies and services and those connected with emigration of foreigners. In all these seven classes of cases, the executive was given the power of detention, but they completely eliminated reference to the Advisory Boards in five classes of cases. This Bill, on the other hand, seeks to extend this reference to the Advisory Boards to all the seven classes of cases. It was also urged that Section 12 has to be repealed. On this, two Judges of the Supreme Court have already expressed divergent views. It is said that power to detain a person for a period longer than three months should not be given. My hon. friend Mr. Kamath also urged this point when he spoke on the last occasion. This suggestion has been accepted and at present, if the executive wants to detain a person for more than three months, it cannot do so without reference to the Advisory Board. The Board's opinion is also made mandatory, that is to say, if it comes to the conclusion that further detention is not necessary, then the man must be set at liberty. This wholesome provision has been made in this Bill in deference to the wishes of hon. Members and also, I think the opinions expressed by the Judges of the Supreme Court. Apart from this, another good point about this Bill is that it provides for a somewhat more prompt disposal of the cases. Hitherto, the position has been that as soon as a man is detained, the order of detention must be sent to the Advisory Board within six weeks of the date of the detention order and the Advisory

Board has to submit its report within ten weeks of the said date. In this connection, I should like to state what actually happens in practice. Those who regularly see detenues coming and arguing their own cases before the Supreme Court are conversant with the present position. Only two weeks ago, some thirty-eight petitions came up before the Supreme Court from Assam and Bengal and I was really surprised and shocked to learn that the executive had not even cared to refer those cases to the Advisory Boards for weeks. In some cases, four months had elapsed and the detenues were not supplied with the grounds of detention, and the supplementary grounds of detention went to the Advisory Boards very much after due time. In this way, the power was abused. The thing was not done properly, and the Chief Justice of the Supreme Court in a recent decision was pleased to state that the grounds of detention communicated to the detenues were so vague that they were not at all capable of being understood and were such as not to enable the detenu to make his representation effectively. He suggested that as far as possible the grounds that were supplied should be sufficiently clear so as to enable the person making a representation to make it effectively. Further, he said that in numerous cases there was obscurity on the part of the detaining authority, which used the minimum number of words so as to keep that vagueness. As far as I know, there is a deliberate attempt on the part of some of the executive officers to maintain this obscurity so as not to help the detenu. No doubt, the Constitution Act gives Government the power not to disclose the grounds in public interest, but at the same time Section 22(5) will be a complete nullity if the grounds are not communicated to the Advisory Board so as to enable it to come to a reasonable conclusion on the question whether the detention is necessary or not. We should see that the powers that we give are not abused by the executive. Directions should be sent to the executive officers to send to the Advisory Board the material connected with the detention order and the grounds of detention immediately the order is made and at any rate, within the time prescribed. While sending such material, they should not resort to this kind of vagueness or obscurity which will defeat the very object of enabling the person detained to make his representation. These are the two things which were made very clear in the judgment of the Chief Justice of the Supreme Court and I think the Government of India should issue instruc-

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tions to the executive in the various States to remember these two points.

I will now come to the other improvement which has been made in this Bill, namely, that the procedure should, as far as possible, be similar to the judicial procedure. That was a point which was made by some hon. Members last time. I think this point has to some extent been met in this amending Bill. Hitherto there were only two members on the Advisory Board: now the number has been increased to three. Not only that, it is also provided in this Bill that where there is difference of opinion among the members of the Board, the majority opinion will prevail. This is somewhat similar to the judicial procedure. But in the amendments tabled, I see that hon. Members wish to further liberalise the procedure followed in this amending Bill by stating that the procedure to be followed by the Advisory Board should be exactly like that of the judicial procedure. But I do not know how far it will be possible and whether the hon. the Home Minister will accept it. The one main point that has been made out is that out of these three members, one who should be the Chairman should be a High Court Judge. It is also felt that the person concerned should have the right to appear before the Board personally, or through his lawyer and make his submissions. This is a right which many hon. Members feel should be given to the detenu.

I have also given notice of an amendment that in clause 10, the Advisory Board should be given the right to call any material that is necessary, if in the opinion of the Board such material should be supplied to them; the Board should also have the right to hear the person concerned. This is similar to the one asked by many hon. Members, that is, the right to be given to the person concerned to have his say in the matter or through his lawyer. I think the right may not be given invariably in every case but if the Advisory Board feels that it is necessary to hear a person, he may be allowed to have his say. So, I think the hon. Minister will consider the desirability of agreeing to the wishes of the Members and that the Members may not press that the person should be given the right to be heard personally or through his lawyer in all cases. (An Hon. Member: Why not?) Of course, if this House is going to give that right I will be happy, but a Parliament which will be constituted as a full, sovereign and representative Parliament is going to come into existence very soon and I think it will enlarge

civil liberties. By that time we hope that there will be no need for such measures.

Some hon. Members have given notice of amendments to the effect that the Board should have its own procedure, a detailed procedure just like that of the Code of Civil Procedure, or of Criminal Procedure to decide these cases. But I am afraid such a procedure will make this Act cumbersome. Another salutary provision of the present Bill is temporary release on parole, either with or without condition. Let us, therefore, allow this Bill to go through immediately and try to bargain for more and more liberties at a later stage. It will be helping the detenus to a great extent, because there have been cases where they have not been referred to Advisory Board. I, therefore, whole-heartedly support this measure and also ask the House to support this measure.

Shri Frank Anthony (Madhya Pradesh): Although I have given notice of an amendment seeking to have this Bill sent to a Select Committee, may I say at the very outset that no one is more uncompromising, severe or ruthless than I am in my attitude towards people who try to subvert society by violence. I feel that any person whatever the label he seeks to work under, who abandons lawful and constitutional methods, for seeking redress or change of Government, such a person places himself outside the pale of civilised society. He forfeits the right to the protection of the ordinary law of the land. I think that it is a very well known axiom that a Government must either govern or get out. And I feel that any weak attitude of compromise, any misguided sense of humanitarianism, or any misconceived sense of democracy is a grave disservice to the stability of the State. I feel that no Government can be too vigilant or too severe in dealing with people who subscribe to violence or subversion.

May I say at the very outset to the hon. the Home Minister that I for one do not remotely question his motives, or the sincerity of his motives. I believe I am right in saying that there is not a single person in this House who ventures to question his motives. I believe that we are all on common ground on this fundamental issue that we are all seeking to preserve to the best of our ability the stability of Government to give to the people an ordered society under which they may progress in an evolutionary manner. I for one do not believe that a person like the Prime Minister would lend

his support to a measure which was even remotely suggestive of *mala fides* I think we can all start with this premise that all of us in this House do not in any way question either the motives or the sincerity of the hon. the Home Minister. But having said that, I feel I must enter a very earnest, if not, a passionate plea for tolerance, for an attitude of understanding on the part of the Home Minister and the Government and the Party that it represents, towards those who may not see eye to eye in respect of the provisions of this Bill. The hon. Home Minister made an assertion that those who are critical of the provisions of this Bill are critical because they are seeking cheap popularity at the expense of intelligence, or because they are Communists or supporters of subversion. I must submit with all respect, with all assertion, that that criticism is not only baseless, but also unfair. It is not necessary for me to remind the hon. Home Minister that.....

Prof. Ranga (Madras): He said that only in reference to the statement he read out.

Shri Frank Anthony: Even in reference to that statement. It is not necessary for me to repeat the democratic axiom. But the Home Minister who is much older, more respected in public life than myself, knows that the very life of democracy consists not only in the right of criticism, but in the existence, in the survival, of people who have the courage of their convictions to criticise the Government or the party, however powerful that party or Government may be. We may be an old nation. But we are still on the threshold of democracy; our people have yet to understand the meaning and pattern of democracy; we have yet to evolve sound democratic traditions, suited to the genius of the Indian people, instead of criticising and pointing a finger of criticism or of scorn at judges, lawyers or leaders which, thank God, this country can still throw up.

[MR. DEPUTY-SPEAKER in the Chair]

I thank God for our independent judiciary, that this country can still throw up judges, it can still throw up lawyers, it can still throw up leaders, men in every walk of life who refuse to surrender their mind or conscience to the Government or the party, however powerful the Government or the party might be. So long as you have human beings in charge of administration, so long as you have human institutions, so long will they be fallible. And so long as you have this fallibility of administration, it becomes the right

of every self-respecting man in this country to preserve democracy. And what does democracy consist of? It consists essentially in preserving human liberties. I feel that it would be a very sorry day for Government, and I think it would be a sorer day for the people of this country, if any party or Government becomes so arrogant, becomes so drunk with power, becomes so intolerant of criticism that it is prepared to dub any critic, however honest or impartial he may be, as a Communist or a subverter. We are all conversant with the axiom that power corrupts and absolute power corrupts absolutely. I venture the opinion that the need to guard against absolutism, the need to guard against intolerance is as great as the need to guard against subversion and violence. We today are apt to fall into the habit that the only evil we face is the evil of Communism the evil of a Leftist police State. I am fully conscious of that evil. But there is an equally great evil of which we are conscious today. It is the evil which can so easily stem not from a Leftist police State but from a Rightist police State. That is an equally great evil today—an evil exemplified in the discredited Government of Chiang Kai Sheik or the present discredited Government of Syngman Rhee. I, regret to say that, if not in this House, at least outside there is this growing intolerance of criticism, however honest, however constructive or however impartial it may be. When I criticise the Government outside the House, some of my friends in an intolerant and in an unthinking way tell me "You criticise the Government because you are an extreme. Rightist, because essentially you are an anti-democrat, because you seek to preserve vested interests". Today, because I may not agree entirely with the provisions of the Bill, I wonder if the same intolerant attitude will lead to the absurd criticism that I am critical because I have suddenly become a Communist or a subverter of Government!

Shri D. D. Pant (Uttar Pradesh): That you can never be.

Shri Frank Anthony: I am glad my friend has accepted that. I hope he will also accept this that the whole concept of preventive detention, of detaining a person without trial in times of peace is utterly repugnant to me—not because I am a Communist, not because I am a subverter, not because I am a Rightist, but merely because I am a lawyer, because I have spent my life defending people and I have been nurtured in this profession. As one of my friends in the back benches said, it is far better that a hundred guilty men should go free than

[Shri Frank Anthony]

that one innocent man should be wrongfully punished or wrongfully detained. I venture to make this opinion that there are very few judges worth their name, very few lawyers worth their name—they may not subscribe to any 'ism' or politics or party—who can subscribe to the provision of preventive detention in times of peace, merely because they have been nurtured in the judicial traditions.

The hon. the Home Minister seemed to be a little indignant at what certain eminent lawyers in Calcutta had said. He referred, I think, to an observation by one of the Judges of our Supreme Court who seemed to imply that any Government which can subscribe to preventive detention in times of peace is not a civilized Government. And I think that in referring to that observation the hon. the Home Minister was a little critical. He was a little displeased, and yet what could that Judge making that observation have been thinking of? Let us analyse it impartially and honestly. He means, inevitably, in judicial and legal terms. And what, Sir, is the supreme test of a civilized society? As a lawyer I have been taught that the supreme test of a civilized society is the test of the observance of the rule of law. In seeking to implement or to introduce or to perpetuate a measure of this description what are we doing? Let us face it honestly. We are seeking deliberately.

The Minister of Home Affairs (Shri Rajagopalachari): I would like to be corrected if I am wrong. I do not remember that I made any observation about any Supreme Court Judge. I think the hon. Member is making some mistake. I did not wish to interrupt him, but I think if he labours the point it might appear that I did make such an observation.

Shri Bharati (Madras): In fact the Home Minister was all praise for such Judges.

Shri Frank Anthony: I am open to correction. I was not in the House that day.

Shri Rajagopalachari: When he was not in the House, is it not fairer that he should not make such an observation?

Shri Frank Anthony: I am the fairest person in the world—that is my own opinion of myself. But here is the cutting from the *Hindustan Times*.

Shri Rajagopalachari: I would not have intervened but for the fact that I think it would be very wrong for any impression to go abroad that I

made any remark or observation on any Supreme Court Judge in that manner.

Shri Frank Anthony: I accept that. But I feel that this correction should be made in the Press Trust of India report.

Shri Sidhva (Madhya Pradesh): Why? We have got our own proceedings. Why should we refer to the press report?

Shri Frank Anthony: I am accepting it. But this is the statement which appeared in the *Hindustan Times* of the 10th February.

Shri Rajagopalachari: But by referring to it the hon. Member has served a very good purpose.

Shri Frank Anthony: This is what the report says:

"One of the Judges of the Supreme Court, who upheld the constitutional validity of that Act, nevertheless said that no country in the world had a law like this, viz. keep people confined without trial in times of peace. In fact, a Government which requires such a law for governing in times of peace is not a civilized Government."

Shri Rajagopalachari: That seems to be an extract from the judgment. But who spoke it? I never referred to it. They are not my words, I am sorry to say. I think there is some mix-up of the pages.

Shri Frank Anthony: This reference was made by the hon. Minister to this observation of a Supreme Court Judge.

Prof. Ranga: But in no disparaging terms. There was no such atmosphere.

Shri Rajagopalachari: Mr. Anthony may take it from me that I made no such remarks.

Mr. Deputy-Speaker: Prima facie it seems to be an extract of the judgment. There are no words of the hon. Minister. The hon. Member may go on.

Shri Frank Anthony: I am glad that it has given to the hon. the Home Minister an opportunity to elucidate and clarify the position. On reading that report I felt.....

Mr. Deputy-Speaker: What is the object of referring and then labouring that point when the hon. Minister has definitely said more than once that he never meant any aspersions against the hon. Judges of the Supreme Court.

The hon. Member need not labour this point.

Shri Frank Anthony: I am now under-lining that as a purely academic point.

Mr. Deputy-Speaker: It is known to all that nobody ought to make aspersions on any learned Judge.

Shri Frank Anthony: (Interruption). Am I to be allowed to continue my speech? Some of my friends are so intolerant that they will not allow me to argue my point.

Prof. Ranga: There is no question of intolerance. We were taking exception to the hon. Member hinting that the hon. Home Minister had made some sort of disparaging statement against Judges. That is all. We are not intolerant of whatever he wants to say. In fact we have been very patient indeed and he is welcome to go on speaking for hours, if he wants to.

Shri Rajagopalachari: In the present state of things, it is very bad; it is likely to lead to wrong results.

Shri Frank Anthony: I would not press that point. I merely emphasize and what I was wanting to say was that I was not trying to import even remotely any unseemly controversy between the executive and the judiciary, because I feel, that we cannot do any better, not only humble people like myself but exalted people like the hon. Home Minister and his exalted colleagues of Government, than to do everything possible to engender respect for our Judiciary and the more all of us including the Government and the Home Minister are judiciary-conscious, the more will the country be run on democratic lines. What I was trying to make is this. Let us recognize this fact, that in making this law, we are definitely reducing ourselves to an uncivilized status. I have just said this and you may question it as a layman. I will not even attempt to have the presumption of a lawyer, but as I said the supreme and the acid test of a civilized society is its regard for the supremacy of law. When we implement a measure of this kind, we supersede the supremacy of the law; we deliberately, avowedly oust the jurisdiction of the law courts; we deliberately, we avowedly oust the jurisdiction of the Supreme Court. My hon. friend Shri-mati Durgabai has referred to a judgment of the Supreme Court but I felt it was not properly distinguished because the grounds made known to those Assamese detenus when they were released were too vague and they were released because the provisions which give absolutely unfettered dis-

cretion to the executive in clause (6) of article 22 did not apply. In that case why did the Chief Justice release the detenus? Because as was observed, I think, by Justice Patanjali Shastri, the executive authority did not take the plea that the disclosure of the ground of their detention was against the public interest, implying that if the executive had merely taken this plea, however utterly baseless it may have been, that the disclosure of the grounds of detention was against public interest, there would be no disclosure however vague the grounds could have been and the Chief Justice would not have intervened. I want to make an appeal to hon. Members in this House to understand this. I am a sufficient realist to appreciate this fact and although my friends will not allow people to argue... (Interruption.). This is extremely unfortunate.

Shri Rajagopalachari: May I appeal to the hon. Member not to take things so sensitively? We should be able to carry on in the midst of the greatest amount of interruption in Parliament.

Shri Frank Anthony: I am doing that, Sir, but that is the unfortunate position of any one who seeks to be independent like myself.

As I say I am a sufficient realist to appreciate this fact that although conditions in the country do not amount to a grave emergency, they are not normal and I hope my friends will applaud me when I say this that because I realize the conditions are not normal, I am prepared to assert that we must have a Preventive Detention Act, but when I say that, I say it consciously, deliberately, realizing that that means that we must voluntarily accept a derogation of our status as a civilized society, a deliberate undermining of our status as a civilized society, in order to prevent the much greater evil of the country being plunged into chaos. I am prepared for the country to take a partial uncivilized status in order to prevent the much greater evil of the country becoming completely uncivilized, a much greater evil of civil rights, of human liberty suffering total collapse and a collapse for all time. That is what I would ask my friends to try and appreciate; that in giving our blessings to this measure, do not let us assume a pose, real or imagined, of righteous indignation. This Act is a lawless Act. Let us recognize that. This law, as I say, cuts across all our provisions with regard to Fundamental Rights, of provisions with regard to the solemnity and the sacredness of civil liberty and human rights. It cuts directly across that. It makes the common law sterile. My hon. friend is laughing.....

Mr. Deputy-Speaker: The hon. Member's speech is so interesting that Prof. Ranga is inclined to laugh.

Shri Rajagopalachari: I wish I was interrupted in this manner.

Shri Sarangdhar Das (Orissa): May I point out that because of the interruption from that side, the hon. Member is not audible to us? Hon. Members' time is being wasted.

Shri Frank Anthony: I have been in the House sufficiently long not to resent interruptions. I am now laughing both at my friends, and with them.

Shri Sidhva: When the last Preventive Detention Act was passed, you were also there and you know the circumstances.

Shri Frank Anthony: I am now beginning to feel like a person who has been detained without trial.

Mr. Deputy-Speaker: There are many hon. Members who are anxious to speak and therefore, the less the number of interruptions, the greater the chance of others having an opportunity to speak.

Shri Frank Anthony: All I was trying to emphasize was this. Let us get on to common ground in this. I say that we must have a Preventive Detention Act but in giving our blessings to that Act, let us be honest enough to admit that we are deliberately superseding the rule of law and that both Government and Parliament are taking on to that extent, an uncivilized aspect... (Interruption.) Let us assume that, because I say we have got to face realities, I have asked for a reference of this measure to the Select Committee. I have made it abundantly clear that I am not for one moment questioning the motives of the hon. Home Minister or of Government. I believe that we are all sincere in evolving a measure directed to preventing the subversion of the administration, directed to prevent the people from doing anything against the security of the State, but, so far as the country is concerned, whatever motives we may really have, however saintly those motives may be, however high-souled our approach may be, how will Government be judged in the country? After all it is an axiom of law that a person is presumed to intend the natural consequences of his own act and we are undoubtedly investing the executive with unfettered discretion; however much we may not desire it, we are making this Bill an instrument of executive oppression and even of

executive terror. Then, we will be guilty at the bar of public opinion, not because we will not be able to plead that our motives were saintly or high-souled, but because they were the consequences of the deliberate act which we have undertaken in this House.

I can envisage a position where the disclosure of the grounds of detention may not be in the public interest; I can give certain examples. But, let us also look at the other side of the picture. Can the discretion which we seek to invest in the executive, be abused? Allow me to give an example and I hope my friends will allow me to give that example completely without interrupting.

Under this Act, a District Magistrate is deliberately giving a strong example—who has lust for his neighbour's wife,—he is carrying on liaison with his neighbour's wife—can he lock up his neighbour on the pretext that the disclosure of the grounds of detention are not desirable in the public interest, can he keep him locked up? Let me complete the illustration. As I was discussing the provisions of this Bill with some lawyer friends from Madras, I gave this very example, thinking that it was a very logically extreme example in order to emphasise the tremendous abuse to which these provisions could be put. One of them, an eminent lawyer, remarked, "You think yours is only an extreme logical farfetched illustration; let me tell you that in the State of Madras, a District Magistrate has done precisely this and he has invoked the provisions of the Preventive Detention Act on the pretext that public interests do not require a statement of the grounds for locking up his neighbour."

Shri Rajagopalachari: On behalf of the District Magistrates of the State of Madras, I protest. Has this been found to be true by any court? I would ask the hon. Member to refer to his own axiom that we should not condemn people without trial. Has this accusation been proved in any manner anywhere?

Shri Bharati: Has this been brought to the notice of the Government?

Shri Joachim Alva (Bombay): Where was the eminent lawyer friend of Mr. Anthony then? Why did he not report that to the Home Minister of Madras State?

Shri Rajagopalachari: I have not received any such complaint; my prode-

cessor had not received any such complaint. The newspapers have not published any such complaint. Much less has it been found to be correct. It is very wrong therefore for Mr. Anthony to make that allegation against a class of people. After all, the District Magistrates of Madras will, every one of them, feel that they are charged with such a thing.

Mr. Deputy-Speaker: Probably, he has got some evidence; let us wait and hear.

Shri Frank Anthony: I must, with all due respect, protest against the protest—we are now getting into the habit of protesting against protests—of the hon. Home Minister. I do not think that I was wrong at all. I for one have known parliamentary conventions and I do not think I was wrong in referring to what I was told.

An unctuous, pointless question was put to me by a Member of this House, as to why this matter has not been brought to the notice of the Government. It is a question which is pointless to the extent of being utterly fantastic and absurd.....

Shri Rajagopalachari: If he will.....

Shri Frank Anthony: Let me finish; I am not giving way.

Shri Rajagopalachari: If he will permit me, I should try to clear the matter. As long as the hon. Member was proceeding with a hypothetical example, I had not the slightest right to object and I did not intend to object. But, when he proceeded to make a specific allegation that a certain District Magistrate did what is probably one of the most unworthy acts that an officer can do, I protested. No hon. Member has any right to take for granted that an offence has been committed by anybody, much less by a responsible officer.

Shri Frank Anthony: rose—

Mr. Deputy-Speaker: Order, order. The hon. Member will kindly resume his seat. Let there be no heat or passion. I expect any hon. Member who makes serious allegations against an officer, particularly one of the classes of officers who are sought to be clothed with power under the Preventive Detention Bill, will have something to go by. I was waiting to see if the hon. Member was able to support it by some judgment of a High Court where the order of the District Magistrate had been superseded. In the meanwhile questions have been

put. I am still waiting to see what the hon. Member has to say. If he is not able to support his allegation, I would reserve the remarks that I have to make regarding the allegations that have been made. I will wait and watch. Let there be no cross-talks.

Shri Frank Anthony: May I say.....

Mr. Deputy-Speaker: Has the hon. Member anything to support.....

Shri Frank Anthony: Let me complete, Sir. If the Chair does not wish me to continue, I withdraw, Sir.

Mr. Deputy-Speaker: If this allegation is founded on fact, if there is anything to support this allegation, naturally, the Members of the House are anxious to know that. When such serious allegations are made, Members are anxious to know what the foundation for such allegation is. I would request the hon. Member to make that ground clear before he proceeds with anything.

Shri Frank Anthony: All the information that I have, I have already relayed to the House. I said that when I mentioned this to some leading lawyer friends from Madras, they said that this actually happened. I have not made an allegation about a particular District Magistrate. It was said that a District Magistrate had actually done this. (Interruptions.)

Mr. Deputy-Speaker: Order, order. I will not allow such aspersions to be made against any officer however high or however low he might be. It is improper for an hon. Member of this House to make such an aspersion merely on the strength of some report made by a lawyer however leading he might be.

Shri Rajagopalachari: I go further; he may make a hypothetical case; nobody will object to that.

Mr. Deputy-Speaker: I cannot allow such things to be repeated on the floor of this House. We are seriously considering the effect of a particular Bill. Reference to judgments of High Courts, and reference to any other proceedings where such orders of the executive authority have been set aside, extracts from those judgments or orders, etc. are certainly relevant. There is no good referring to any whispers of some men, who had not the courage to come into the open, into the ears of hon. Members. Such things ought not to be said on the floor of the House. It is not yet too late. I hope the hon. Member will make amends for what he has said.

Several Hon. Members: Yes.

Prof. Ranga: That portion should be expunged.

Shri Frank Anthony: I am quite capable of making amends without any promptings from my hon. friends. If it is your ruling, Sir, that that illustration represents an aspersion on a class of officers, then I withdraw that. But, for the purpose of, as the hon. Home Minister said, illustration, I want to ask, can this example that I have cited, occur, in an unfettered manner under this Preventive Detention Bill? As I said, absurd questions have been put to me: If this actually happened, why should not this be exposed? Why should not somebody adduce evidence of this before a judicial tribunal? We do not know. When a person asks such question, he does not know what he is talking about. In terms of this Preventive Detention Bill, as soon as a District Magistrate says that it is in the public interests to detain a person and therefore the grounds of detention shall not be disclosed, I say, even if he wants to rob that man of his property, he enjoys the completest protection and nobody can go behind that one sentence of his: "In the public interest, I refuse to disclose the grounds of detention." How can we, when we are clothing them with such absurd and unfettered discretion, go before a forum and ask, "Why don't you investigate the grounds of detention?" When we ourselves are completely ousting all jurisdiction of the court, how can anybody or any lawyer in this country go to the court and ask them to investigate into the grounds of detention? Let us be consistent.

Shri Nathwani (Saurashtra): It can be challenged on the grounds of *mala fides*.

Mr. Deputy-Speaker: Is the hon. Member unable to quote any other illustration than this one?

Shri Frank Anthony: I quoted this illustration because I know that some of us tend to be self-righteous and indulge in self-deception and delude ourselves unwittingly that this is a matter of a great deal of indignation. I will make this request. If we are so indignant at the illustration, do not let us be indignant at the illustration, do not let us be indignant at the consequences of the Preventive Detention Bill; let us direct our indignation against the Act which enables such consequences to emanate. Let our indignation be directed to the root of

the trouble. I am sorry, Sir, if I have spoken with heat.

I do appreciate this fact that if these powers are entrusted to authorities at the Centre, we may be fairly certain that they will not be abused. The hon. the Home Minister was rather indignant at me that I should make an allegation against a class of people. I am going to make allegations against a much higher class of people. If we are honest, what do we see around us? Can anyone with even a semblance of honesty, with any regard for honesty, say that in every State all the Ministers are of irreproachable character, that he is a person completely above question and above suspicion? Do we not see every day in the papers that in many States, many Ministers are not only not above reproach, but that they are little, malicious, dishonest men who will revel in the opportunity given to them by this Act, to get even at their political rivals and against their honest critics? What is the use of stimulating righteous indignation because I say a District Magistrate may do so? I say even Ministers will do it; Ministers perhaps have already done so in certain States.

I have no particular axe to grind. My hon. friend Shrimati Durgabai says: "Let us bargain for greater liberty". I say you cannot bargain for liberty. Where liberty is concerned you cannot bargain, you cannot compromise with the fundamentals of liberty. Today one party thinks it is the maker of the law, that it is the oracle of law. Tomorrow another party may come up and may use these same powers, men who have raised howls of execration against this very Act which you are seeking to perpetuate. I have made it quite clear that I am in favour of preventive detention. I am prepared even to go to this reasonable extent of withdrawing my amendments, but on certain grounds. Unfortunately I will not be here tomorrow to move my amendments, or the day after. But I presume that the hon. Home Minister and myself are on common ground on this one fact. I want this Act to be applied ruthlessly against people whose activities are directed against the security of the State, who are committing subversion, and who are committed to the principle of secret violence. I want this Act to be applied against them, and there we are on common ground. I believe we are on common ground. Then, you may ask, what am I asking for? What am I seeking? I am seeking only this

much. I am seeking to modify and qualify the provisions of this Bill so that the objects of the hon. the Home Minister will be completely met, and at the same time we will not allow any opportunity for abuse. I want to eliminate and to neutralise all opportunity for abuse. If we give unfettered discretion, there is the chance of abuse. And the only brake against abuse by the executive is the Advisory Board. I congratulate the hon. the Home Minister on liberalising the provisions of the Bill, in that every case will now have to go before the Advisory Board. But the Advisory Board would be rendered *functus officio* unless we have the *sine qua non*, that it must have the right sort of men on it. It is not sufficient to have people there who are qualified to be judges of High Courts. With due respect to the profession, I may say there are many briefless lawyers who are qualified to be judges, having had ten years at the bar. Some lackey of a dishonest Minister can become a member of the Advisory Board and the Board will be rendered completely useless. Therefore, I say these Advisory Boards must consist of, first, a serving Judge, second a person who is an ex-Judge. Let there be people who have been nurtured and trained in the judicial way of thinking, in the judicial attitude, and let them be put on these Advisory Boards.

My second request is that all the grounds of detention shall be made known to the Advisory Board. And my third is that the detenu shall have the right to appear in person with or through his lawyer, before the Board. That is but elementary democracy. And my last amendment and recommendation is this: This Bill, I feel should be directed only against persons who commit acts against the security of the State. Its extension to the essential services and even its extension to black-marketeers is, I feel, not defensible from the point of legal precedents. We have ample legal precedents from other democracies where they have preventive detention directed only against acts which constitute a danger to the security of the State. And that danger must be clear and present, not an imagined or imaginary danger. Anything that constitutes a clear and present danger forms the subject matter of the Preventive Detention Act. Shrimati Durgabai accuses people like me of inconsistency, and says, "On the one hand you inveigh against black-marketeers and on the other you do not want this Act to be applied against them." I say, certainly we cannot apply this Act against them.

Shrimati Durgabai: Why not?

Shri Frank Anthony: Why? I have anticipated the question and was about to give the answer. You may, as was done in Turkey, prescribe death sentence to the black-marketeer; and I will give you my unqualified support; but the person must be tried first. We cannot supersede the ordinary law. Sentence the black-marketeer to death and you will have my blessings. But I see real danger in its extension to the essential services. I know more than the hon. the Home Minister, and even more than the Railway Minister, how the railway administration works. We are seeking now to extend the provisions of this Act to essential services. I am not casting any aspersion; I know it is a fact. The Divisional Superintendent, because he does not like the appearance of a particular guard since he stands up too much for his rights, will abuse this right of preventive detention in order to lock him up, he can use it in order to lock up some unoffending guard. I say it is not only a fear, but it will be an absolute certainty. I am not against the.....

Shri Venkataraman (Madras): Because the hon. Member says he knows so much about the administration of the railways, may I know whether there has been any case of any railway employee being detained under the Preventive Detention Act, in 1950?

Shri Frank Anthony: Quite frankly no case has come to my notice. But give this power to some of our officials, to petty-minded little people particularly and they will abuse it to suppress men from seeking to exercise even their normal rights as servants of the State, as railwaymen.

I am sorry if I spoke with great heat. I apologise to the House and I apologise to the hon. the Home Minister. Let me assure him that I am as anxious as he is to bring the Preventive Detention Act against those whose activities are directed against the security of the State, but let it be used only against those who seek to undermine the security of the State. But after that we must scrutinise the provisions of the Bill to see that no discretion is given to the executive which may be abused.

Dr. S. P. Mookerjee (West Bengal): While rising to speak on this matter, I would like to approach the problem from the point of view of one who was a member of the Government when the original Bill was passed into law about a year ago, conversant as I

[Dr. S. P. Mookerjee]

then was with all the circumstances which led the Government to bring forward such a drastic measure before the House, and also as one who during the last ten months have had ample opportunity of coming into contact with various points of view, not only in my own province, but in the whole country, especially with regard to the working of this Act.

There might have been reasons for Mr. Anthony for speaking in the strain that he did. In fact while listening to him, at certain moments I was reminded of Mark Antony addressing an assembly. In any case, this is not a matter which we can take in a light-hearted manner. Indeed, the hon. the Home Minister himself started his speech by saying that he moved his motion with a very heavy heart. None likes any provision for the detention of citizens without trial, and especially, the hon. Members of this House, many of whom were subjected during their active political career to detention without trial, and I know of many outside also who suffered during the old regime in this fashion. In fact people outside—not those people who want to create mischief—many people outside who are supporters of a strong policy to be pursued by Government get bewildered at the fact that the very people who were sufferers in the hands of a regime which resorted to detention without trial and the very people who opposed such measures ruthlessly and relentlessly should now find it necessary to enact a measure of this description. Which Indian can forget the agitation that convulsed this vast country of ours from one end to another when the Rowlatt Bill was on the anvil? Who can forget that the great tragedy at Jallianwala Bagh was one of the consequences of the nation-wide protest which was launched by Gandhiji against the principle of detention without trial?

At the same time, we have to realise, if we find that there are in the country today elements which are acting in a manner which goes against the vital interests of the people and the nation as a whole, then we have to consider what restrictive measures we should adopt for the purpose of tackling them. It has been stated in the course of the debate for the last two days that Sardar Patel, when he introduced the Bill, was also not happy about it at all. In fact, I remember the pathetic way in which he mentioned the fact that for several nights he had no sleep, because he

could not reconcile himself to the position of a Home Minister, who was compelled to bring such a drastic measure before Parliament for approval. And he gave the assurance that although there were reasons—which have been repeated and I do not wish to repeat them—why a hurried measure had then to be placed before Parliament, he would see to it that a well considered Bill was placed before Parliament as soon as possible. Much as we may criticise Government, let us have the frankness to admit that the amending Bill makes very important changes—changes for the better. 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. The Home Minister in his reply to the debate will no doubt make this point clear. In fact it will be desirable from every point of view.....

Shri Rajagopalachari: Every case of detention will go before the Board.

Dr. S. P. Mookerjee: 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, 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.

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.

Mr. Deputy-Speaker: The hon. Member may continue his speech after Lunch.

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

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

[MR. DEPUTY-SPEAKER in the Chair]

Dr. S. P. Mookerjee: I do not propose to take much of the time of the

House in dealing with the general principles which govern the consideration of such measures as the present one, but I would like to say a few words on this point because a number of speakers seem to suggest that a change has come into the administrative structure of this country by reason of the removal of the British power, and, therefore, although people could oppose the enactment of such measures during the previous regime, similar objections should not be taken now—the representatives of the people being in charge of the affairs of the Government today.

That is the line of thought, the line of argument in the minds of a number of responsible people. I do not think that that is a correct approach to the problem. No doubt the hand that struck us when we were a subject nation was a white one, but if certain things were intrinsically bad in those days, they do not become good or even tolerable because the perpetrators of the same acts may be either brown or black. Further, if we look at the happenings in other countries which have been the home of liberty and freedom, especially I would mention England and America,—there have been no foreign Powers ruling over the destinies of those countries—yet, how reluctant the people of those countries and the representatives of the peoples in their Parliaments and legislatures have consistently been to vest the executive with arbitrary powers, especially with regard to detention without trial. As you know, Sir, in England during the war there was a suspension of all those rights and privileges like the *habeas corpus*, the petition of right, and as a distinguished British judge who was regarded as one of the champions of individual liberty remarked, war was a thing which cannot be carried on according to the principles of the Magna Carta. The justification was that during a period of emergency, such as undoubtedly the war was, there should be a complete suspension of those great privileges which were the birth right, so to say, of the citizens in the United Kingdom. But here again, a very important proviso was added that wherever the powers of detention had to be exercised they had to be exercised only by the Home Minister himself—the Home Secretary—and by none other, and it was he, as the House is aware, who was very often called upon to justify cases of detention where public controversy was roused. There also was the provision for advisory committees, and the Home Secretary on various occasions announced his readiness to place all available

materials before the advisory committee and even allowed the person detained to appear before the advisory committee and place his viewpoint there. In America also, Sir, as you know in times of emergency detention without trial has been resorted to but a distinction has been made by a large number of distinguished Judges of the Supreme Court and also the spokesmen of American public opinion that the detention must be a preventive one and not a punitive one. In fact, as one Judge gave an illustration, supposing there are some people who want to do sabotage and want to do away with the railway lines, you cannot wait until you move a court of law,—you can go and put the man under arrest, under detention, and then as soon as possible place the matter before a third party. Here the principle of reference to a third party is a very important one because what after all do we propose to do in cases such as we are discussing here? The prosecutor, the accuser and the judge are to be rolled into one like the fiddler, the physician and the buffoon all rolled into one, and therefore the demand has been made in those free countries that a third party must come in and decide—it may not be a court of law if the circumstances are of an abnormal nature, but yet a third party must come in and decide whether the executive has acted properly or not. In fact, as one British authority observed in a case, if X says that he thinks Y is suffering from a broken ankle, it will not do merely for X so to assert, but Z must come and say that actually the ankle is broken. Therefore, it is not for the executive merely to say that somebody has gone wrong, but whether the man has gone wrong or not must be gone into by an independent body.

The hon. Home Minister in his opening speech referred to a certain document which has been circulated, signed by a number of individuals. There are certain remarks made in that document about the fallibility or otherwise of Parliament, but I shall leave that point for the time being. But even if you look at that document, who are the signatories? In fact, I could not follow when the hon. Minister was speaking about the identity of all the names, but the fact remains that some of the persons who signed it are not Communists, they are not supporters of any violence, and there are some also who may not have taken any active part in politics. It is people like that that have signed it. There are some, of course, who are associated with Communist associations.....

Shri J. R. Kapoor (Uttar Pradesh): Ignorant of politics.

Dr. S. P. Mookerjee: Well, the hon. Member seems to be an all-wise man, but I would not say that the persons who signed that document are all ignorant men because at least one of them, I know, happens to be a distinguished lawyer on whose advice Government themselves have acted in many matters, including those concerning liberty and freedom.

Shri J. R. Kapoor: I had only paraphrased what the hon. Member had described them to be.

Dr. S. P. Mookerjee: In any case, we have to ask ourselves: Why is it that these gentlemen are so apprehensive of the continuance of a measure like this? As I said at the beginning, we do not want to hold this discussion in an atmosphere of abuse. It is a very serious matter. The Constitution provides that Parliament may enact a law which may do away with judicial trials. Preventive detention is provided for under the Constitution and Government have come forward today with a Bill for the purpose of continuing the existing Act. We have therefore to penetrate into the minds of our critics and our opponents as well and find out what motives impelled them to oppose such a measure, and what are their fears. The Home Minister, I know, is a born democrat. He has faced many storms in life—not only faced, but weathered them too. But he made, if I may say so, a slip the other day when he doubted the intelligence of the common man. That is the way in which not democrats but dictators usually express their doubts, and it is rather remarkable how the same line of argument has been followed by many upholders of totalitarianism and dictatorship—I know Shri Rajagopalachari would not like to live in their company—and some of them have been washed away by world events during the last few years. If I may read one or two lines from the book which I have in my hands, it gives us an idea as to how we have to proceed with caution when we deal with a measure of this description interfering with the personal liberty of the citizens of our new-born Republic. This is a book entitled *Law and Order* by C. K. Allen, who is not a Communist writer but a Professor of Jurisprudence in the University of Oxford and who is well known for the way in which he has dealt with questions relating to law and jurisprudence.

Shri Rajagopalachari: Quite unnecessary.

Dr. S. P. Mookerjee: It is quite unnecessary, since the Home Minister accepts the principle.

Now, let me proceed to the next point. I have dealt with this general aspect for this obvious reason that occasions may arise when special laws may have to be formulated. We stand for a rule of law. That is the essence of our Constitution. Those of our critics who come and say that we have abrogated the rule of law have not read our Constitution. No doubt, we have made provisions in our Constitution which give ample powers to Parliament to enact special legislation whenever there is an emergency. A suggestion was made by one of our friends that it will be much better for us to proceed under the emergency provisions rather than pass a special measure like this. I join issue there. If you declare a state of emergency even for a restricted area, it means that the provisions of the Constitution are completely suspended barring the functioning of the High Court. I would certainly be reluctant to resort to such a provision unless there is a real emergency either in the whole country or in any part of it. This Bill is of a limited character. It does not extend to any particular area or to all persons residing therein. It only affects certain classes of offences and of individuals.

Bearing these observations in mind, may I turn for a moment to Section 3 of the existing Act and ask the Home Minister if he has satisfied himself—he says in his note that he has considered the matter very carefully—may I request him to state whether he has satisfied himself as to the need for continuing all these classes of offences mentioned in Section 3? I may just draw the attention of the House to the comprehensive character of clause (a). It includes, "acting in any manner prejudicial to the defence of India; the relations of India with foreign powers, or the security of India, or the security of the State, or the maintenance of public order, or the maintenance of supplies and services essential to the community" and then there is a sub-clause with regard to a foreigner whom we may desire to evict from India. If we look at this Section, it is an all-embracing one. The reason which was given by Sardar Patel when he introduced the Bill last year was that in view of the possible interpretation to be made by the courts after the promulgation of the new Constitution, it was desirable that such a sweeping provision should be made, so that there may not be any difficulty created by reason of persons being released from jail due to judicial deci-

sions. That was the argument a year ago. But what has happened during the last twelve months? It should have been expected that Government would have come before the House with fuller details as to how many persons have been detained under Section 3 and for which part of Section 3; in how many cases was there reference made to the Advisory Board; where there was no reference made to the Advisory Board, was any procedure followed by Government afterwards for consideration of those cases and lastly how many had to be released under orders of the court? If we could have obtained such definite information with regard to the working of the Act, then and then alone would it have been possible for us to decide whether Government is justified in keeping Section 3 as it was in the original Act.

Now, the provision is of a sweeping character—the words are: “if Government is satisfied that X is acting in any manner prejudicial to the relations of India with foreign powers”—if you utter some words about some foreign country, they may amount to a prejudicial act. For instance, take the speech which the hon. the Prime Minister delivered yesterday relating to Kashmir and which we all liked as an expression of clear and emphatic opinion on behalf of Government. If an outsider speaks in that strain, it certainly affects our relationship with Pakistan and it is of a prejudicial nature. Then take “maintenance of public order”. Even the author of the Hindu Code may thus be regarded as doing something which affects public order, since there is so much opposition in the country.

Shrimati Durgabai: Not the author of Hindu Code but those who act against and obstruct the social progress of this country should be brought under this Bill.

Dr. S. P. Mookerjee: I am not saying this in a tone of hilarity, because we know that there have been applications of this clause in a manner which was not at all justifiable. We heard a number of illustrations yesterday from our friend Prof. Shibbanlal Saksena.

Pandit Thakur Das Bhargava: They are all justifiable cases: the offences should be prevented whoever commits them.

Shri Tyagi (Uttar Pradesh): Whatever be the nature of the offence?

Dr. S. P. Mookerjee: My hon. friend Pandit Thakurdas Bhargava says that they are all justifiable cases, because the offences have to be prevented before they are committed.

Pandit Thakur Das Bhargava: So far as the law and order is concerned, the section says that the provision could be used preventively. Even if a good man does something which may redound to his credit, but at the same time lead to a breach of law and order, I think this law would apply.

Dr. S. P. Mookerjee: Fortunately or unfortunately we cannot transform this into a Supreme Court for the time-being; so we cannot argue the case here.

But let us seriously ask ourselves what is it that this Act wants to do? If, as Pandit Bhargava says, anyone is apprehended to be committing some maintenance of public order, then you act which may interfere with the maintenance of public order, then you can go and detain him, (An Hon. Member: He can be convicted)—then, obviously, you can arrest anybody. But that is certainly not the purpose for which the Act was framed. If a man commits an offence, prosecute him under the existing law and put him for trial before a court. No one suggests that if a good man commits a bad act, he should not be prosecuted or proceeded against. Whether a man is good or bad does not matter in the least. But the whole point is if a man commits an offence, or attempts to commit an offence, or abets in the commitment of an offence, then the ordinary law is there and he will have to go and face his trial before a court of law. That is what we understand to be the rights given to us under the Constitution—what any citizens may be entitled to in any civilised country. But here what you are saying is this, that you want us to arm you with a special law in order to prevent certain persons from doing certain acts which may be against the interests of the society. Now obviously the danger comes in here. How will you know what a man is going to do unless he does some overt act, or unless he makes some preparation? If you say that you can enter into his mind, then you will have to enter into the realm of psychology—normal or abnormal,—and it would be impossible for you to function as a Government which can be entrusted with the lives and liberties of its citizens. Has it not been found unsafe to proceed on the uncorroborated evidence of spies and informers? Now that is the reason why in every civilised country the demand has been made that if a man is to be arrested, he must be put before a court of law which will consider the evidence given against such individual and come to such decision as is right and proper according to the law. If you feel that your present laws are defective and offences are being committed in the country which cannot be

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covered under the existing laws, then you amend the substantive laws. We can consider that matter separately. If you feel that new offences are being committed in this country for which no provision in the law exists today, by all means add to the provisions of the Indian Penal Code or of the Criminal Procedure Code, or proceed in whatever way you like. But you have no right to expand your executive jurisdiction by arresting individuals and keeping them detained without trial simply because you say you apprehend that they may commit some offence which comes under the wide provisions of section 3 of the Act.

What is the nature of the apprehension in the minds of the people? The Act has been working for the last one year. People today are suspicious and some hold the view definitely that the provisions of the Act are being unjustly applied. That is the fear. And some evidence towards that direction was placed before the House yesterday by two speakers, Prof. Shibbanlal Saksena and Sardar Hukam Singh. Take the cases which were placed before the House by Sardar Hukam Singh. There was some black flag demonstration when Sardar Baldev Singh visited some place. Sardar Baldev Singh is an estimable friend of ours. We do not want either black flag or red flag should be shown at him when he goes to any place in the Punjab or elsewhere.

Shri J. R. Kapoor: At least one does not want it openly.

Dr. S. P. Mookerjee: How can you proceed under the Preventive Detention Act and put such persons in jail, because they were making preparation for presenting some black flags to a Minister?

बाबू रामनारायण सिंह : वह तो चर्म ही है।

[Babu Ramnarayan Singh (Bihar): That is the duty.]

Dr. S. P. Mookerjee: The jurisdiction of the courts has been taken away by the operation of this Act. As you know, Sir, the Supreme Court has held that barring one section of the Preventive Detention Act, which has since been removed, the rest of the Act is not *ultra vires*. At the same time it would be interesting to know how many hundreds of people have been released by the Supreme Court and by the High Courts of India in different States, because they felt that the provisions of this Preventive Detention Act were not fulfilled? We would like to know from the Home Minister what steps were taken in respect of such cases, against persons who were res-

possible for initiating such detention. Obviously, the matter proceeded on the report of somebody. Were those persons dealt with administratively, who, according to the judgment of the Supreme Court or of the High Courts were responsible for the unlawful arrest of citizens of India? We would like to know it from the hon. the Home Minister because there is none in this House and there are few outside who would accuse the Minister here of any deliberate plan to get hold of any individual or groups of individuals for political vendetta. At the same time if the law has been violated and people have been arrested and detained, according to the judgement of the highest tribunal in the land, unlawfully even under the existing rigorous provisions of the Act, what is the answer which Government can give?

A list of cases was read out by my hon. friend Mr. Kamath. I have got with me two judgments, one of the Supreme Court and the other of the Punjab High Court, dealing with some cases of detention. Of course, in both these cases the Supreme Court did not hold that the detention was illegal, because it had to act under the provisions of the Act.

[MR SPEAKER in the Chair]

The Home Minister said on the opening day that the Bill was really intended for those persons, parties or groups which were wedded to secrecy, to violence and to trickery and wanted to seize power by these methods. Here I would like to make my own point of view clear. While I do claim that no restriction should be imposed on individuals or on parties or groups who carry on their normal activities, political or economic, and by this means alone can democracy exist and expand in India, yet I do feel that the best interests of the country require that there should not be any organisation in the country which is wedded to violence or which wants to attain its objectives through violent methods. That is a point on which public opinion has to be educated, and that is the responsibility not of Government alone but of all responsible people.

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Shri D. D. Pant: Is not a Government the biggest organisation in a country wedded to violence?

Mr. Speaker: Order, order. I do not propose to encourage these questions and cross-questions. I propose to take serious notice of Members intervening and putting questions while an hon. Member is speaking. I have so often said that when a question is put it

tends to break the link of the speaker's argument and unnecessarily to prolong our proceedings. A question is put and the speaker turns round and begins to answer the question. That is not the proper way of carrying on a debate.

Dr. S. P. Mookerjee: I think that is a proposition which can be laid down in the larger interests of our motherland. It is very often difficult to appreciate what exactly is the policy of a party and for that purpose information may not be readily available either before the Government or before the people. But if Government takes this stand that it will stamp out all activities of a subversive nature which aim at working secretly, trying to seize power by such methods—if that is the policy of the Government—then, even that policy must be followed consistently.

Which is the political party today, in the opinion of Government, which follows that line of action? The Home Minister referred specially to the Communists. If there is evidence that the Communists, not as individuals but as a party, are wedded to this line of action, then why not ban the Communist Party for the whole of India? What stands in the way of Government from doing so? Because, then you will not only be serving the interests of the country as a whole but you will also be serving many people who through ignorance may support the Communist Party. If you declare that you have this evidence—as indeed publications issued by Government from time to time so indicated,—and if you still believe that they are pursuing a line of policy which debars them from the privileges to which the Constitution entitles ordinary citizens, then an effective decision should be taken and a call should be sent to all sections of people to stand by Government. But you do not follow such a policy. On the other hand you applaud also, many a time, the methods they pursue elsewhere—they may be good, they may be bad, I am not dealing with them—but you do applaud the grand manner in which the Great Revolution has taken place in China. That has not taken place on the lines which Government want to protect under the Preventive Detention Act. People just took the law into their own hands and did it. You cannot go on applauding these great events which are happening in different parts of the world and at the same time say you are going to crush this, that and the other point of view in your own country.

I have my doubts, specially after seeing the operation of this Act in the 311 P. S. D.

last twelve months, as to how far the very object which Government have in view will be achieved by a measure of this description. Such a measure is at best a temporary one. It has been accepted as such in every country the Government of which felt compelled to promulgate such drastic laws; for the time being Government want power to keep people under detention so that Government may proceed in other directions as well. Today we have got to look at this measure from two points of view. One is, has it worked,—how has it been applied during the last twelve months? The second is, will it work in future?

So far as the first point is concerned, about ten or twelve thousand people were detained, I believe, during 1950. How has that affected the general atmosphere in the country? The Home Minister knows better than many people how the detention of an innocent man affects not only that individual but his family, his friends, relations and also the public which is near him. That was our experience when the Detention Acts were operated during the British regime. In fact it drove the entire movement underground. The methods of terrorism which were adopted in India in my opinion were largely due to this short-sighted, arbitrary and ruthless policy of repression which was pursued by the British Government in those days. They did not deal with the actual disease, they were anxious to deal with the external symptoms only. Here also shall we not ask ourselves this question? Many of these men who are Communists today, I daresay, are known to many Members of this House, as I also claim to know a number of them, brilliant men, men educated, men who have suffered in the country's cause, men who were companions-in-arms with those who may be in position of power today. What has happened to them? Why is it that they have run amuck? I would like to know from the Home Minister when he deals with a measure of this description as to what is the constructive policy of Government (a) to reach the minds of the people today who are dubbed as the great disturbers of India's peace and prosperity, (b) to deal with those vital problems the failure to solve which today is breeding Communism in the country. You cannot kill Communism merely by any Preventive Detention Act. You cannot step chaos in the country by the Preventive Detention Act. What is the reason for these rumblings today? Why are people so dissatisfied? Why is it that people who swore by those who are in power today, whom they acknowledged as their leaders, based not on force but on affection—why is

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it that their position in the country is being challenged? It is not a question of views or counter-views. It is not a question that Government alone has failed. We have all failed. We as Members of Parliament have as much responsibility in this matter as Government have. Why is it today that we are unable to control the minds of the people who are moving towards the direction of chaos or disturbance? Of course, the main answer must relate to the economic situation and mis-government. Until and unless we are in a position to solve the economic problems of the country, at any rate, unless we are able to make the people realize that we are on the right path, there is no possibility of our tackling the situation by Preventive Detention Acts. How many people are you going to arrest? Ten thousands you have arrested, you may double that number, you may make it four times, you may make it ten times and your jails will not also accommodate more than double the number that you have arrested today. Is that how India is going to be governed? Is that the message that the Home Minister brings before the House and the country today? There may be some persons amongst the Communist Party who are tied to foreign countries, who feel wrongly according to us, rightly according to them, that that way lies the salvation of India. We do not share that view. We do not share this opinion in any manner whatsoever, that India's destiny will lie in making herself a tool either in the hands of one bloc or the other bloc. India has been India, will be India in future also, and we will have to develop our own philosophy and our own approach towards the solution of the big problems which we as a free country have to face today, but for that, you will have to give the people an inspiring message and slogan. As one of the most distinguished elder statesman of India today, I would specially ask Shri Rajaji to consider this aspect of the matter, to give a new hope to the people, so that they may come away from the evil clutches of those who want to lead this country astray and also give some indication of the right path towards the solution of those great economic problems which are threatening the very stability of the country. Forcible suppression of views or persistent failure to redress wrongs will gravely worsen the situation. I have seen how the Preventive Detention Act has operated in the case of people, who are in ordinary villages, illiterate men, affected by your procurement policy. The hon. Home Minister said in his speech, that today there are people in the country who

want to exploit the food situation. Do not think of the exploiters alone. How are you exploiting the situation which has arisen in the country? Why are you creating a situation such as others may exploit. I was moving in some areas a few weeks ago where procurement was taking place, procurement of rice and grains at certain fixed rates. Those rates were considered unfair by the local people, who are poles asunder from Communists and Communism, but who wanted to lead decent lives as free citizens of India. They thought that they could not possibly give up their grains at the price at which they are asked to give or the quantity which they were asked to give. They are protesting. They are holding on to something which they consider sacred, because on that depended their very existence. Their pleas go unheeded. May be there are some people who were actuated by political moves, but what is the result? You go and arrest some people under the Preventive Detention Act. Does this solve any problem? It accentuates it, because the people living in that locality immediately become anti-Government and they become an easier prey to Communist preachings because those who wanted to create troubles now came forward and said: "Look at this, this is your fate and you should stand up to it."

We should not forget the cardinal fact that today for some reason or other the country is suffering from very deep frustration. I do not mind the difficulties of particular problems, however enormous they may be, for they do arise in the lives of nations; but when people generally feel that they are unable to come out of the existing condition of things and that there is no solution, then comes the danger signal. People come and carry on the agitation that nothing can be worse than the present state of affairs. and men become desperate and reckless. It is that situation which today pervades—I shall not say in all parts of India,—but there are ominous signs of such development of feelings of acute discontent, not necessarily entertained by people who are Communists or anti-Government but somehow they feel distressed and oppressed by the way in which things have been moving in this country due to inefficiency and failures of Government. What is your solution to this cardinal problem on which the peace and prosperity of India will depend. Not certainly the Preventive Detention Act. That is one aspect. The other aspect which as I said is an examination of the working of the Act for the last one year.

I have here the judgment of the Supreme Court in the case of Shri Ashtosh Labiri, who was detained under the Preventive Detention Act by the Delhi authorities in April last. Here the Supreme Court could not interfere but the judgment of the Supreme Court leaves rather a bad taste in one's mouth. This gentleman was arrested when he came here in March 1950 and then the grounds were handed over to him. One of the grounds mentioned there was that his activities in West Bengal have been of an undesirable nature. But mind, you Sir, he was not arrested under the orders of the West Bengal Government. He was arrested under the orders of the Delhi Authorities. The Supreme Court went into the matter and the grounds were these: "You came to Delhi on 27th March 1950 and held a Press Conference in which you gave a highly exaggerated and communal version of happenings in East Bengal." Now the proceedings of that Press Conference were banned by Government and so nothing was published in any newspaper. That was the first ground. Then, "It is understood that soon after the Press Conference your activities have continued to be of a nature inciting communal passions. It has also come to notice that your activities during your stay in West Bengal have also been of a communal nature. Your activities in the present atmosphere of Delhi where communal riots took place in March 1950 as a result of the intemperate statements made in the public meeting (He was not present there) are really to create hatred between the different communities, which will lead to disturbance of public peace and order."

These were the grounds on which he was arrested. Then, the Court considers the matter and I do not propose to read the whole judgment but the relevant portions. The Court was asked by the petitioner to hold that his detention was *mala fide*, that there were no reasons for his detention and he was being detained on account of his political opinions. As you know, there are other people who came to Delhi and who were externed, but this gentleman was specially selected by the Delhi Administration to be kept under detention. There are provisions in the Criminal Procedure Code which could be invoked for the purpose of removing those gentlemen from Delhi. As a matter of fact, persons who were expected to take a leading part in the same meeting were externed from Delhi. The judgment says:

"It is somewhat difficult to see why a different treatment was meted out to the petitioner and he

was consigned to detention in jail for an indefinite period of time. There could be no better proof of *mala fides* on the part of the executive authorities than a use of the extra-ordinary provisions contained in the Act for purposes for which ordinary law is quite sufficient. Though I am unable to hold definitely that there is want of good faith on the part of the authorities, the case is certainly not free from suspicion. I can only hope that the authorities will take care to see that no instances occur which might savour of injustice or oppression through misuse of those extra-ordinary powers which Parliament has vested in the executive in the interests of the State itself."

A similar judgment was also delivered by some other Judges in the same case.

The story is not complete. The judgment was delivered on 19th May 1950. In spite of the observations made by the Supreme Court that they could not hold that Government acted *mala fide*—it is an extremely difficult matter actually to say that Government acted in a *mala fide* manner and the onus lies very heavily on the person who makes such an assertion—no step was taken to release this gentleman until some time in July, that is, two months after the judgment of the Supreme Court. Meanwhile, early in July, this gentleman filed another petition before the Supreme Court enclosing a letter from the West Bengal Premier's Secretary stating that the West Bengal Government has nothing to do with his detention, and that it never recommended any such step being taken. In the grounds which I have read out, there was a clear statement that one of the reasons why he was being detained was his activities in West Bengal. When this petition was filed in the Supreme Court,...

Shri J. R. Kappoor: Not its effects?

Dr. S. P. Mookerjee: ...enclosing a copy of the letter from the Secretary to the Chief Minister of West Bengal, after a few days, he was released by the Government of India. This is one case. I have got a number of cases and I do not wish to take the time of the House.

As you know, Sir, the Punjab High Court released a number of people. The Bombay High Court released Mr. Bhopatkar, Mr. Ketkar and others. The High Court of Bombay asked the Advocate General: what are the grounds for which these men are detained except that they are members of the

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Hindu Mahasabha; for this purpose you cannot detain them. Because no grounds could be given although for months they were kept under detention under this Act, the High Court ordered their release. Even today in Delhi, there are three persons detained in Delhi, Prof. Ram Singh, Balraj Khanna and Ramnath Kalia who were arrested on 23rd August 1950. The grounds which were given to them are as follows:

"In pursuance of Section 7 of the Preventive Detention Act, you are hereby informed that the grounds on which the detention order dated August 22, 1950, has been made against you are that your speeches generally in the past and particularly on the 13th and 15th August 1950 at public meetings in Delhi have been such as to excite disaffection between Hindus, and Muslims and thereby prejudice the maintenance of public order in Delhi and that in order to prevent you from making such speeches it is necessary to make the said order."

The ground is that these three gentlemen made two speeches on two days which were considered as objectionable from the communal point of view, and that is the reason why they are detained under this Act. If they have made speeches which offend some provisions of the law, they have to be arrested on such a charge and put before a court of law. When the matter went to the High Court, the High Court said that it was unable to interfere under the existing law because some grounds have been given which the authorities considered to be adequate. Therefore, they said that they were not able to help. They are still rotting in Delhi;—seven months have gone—on a charge of having made two speeches in Delhi for which Government dare not put them before a court of law for trial. It is not a question of any State Government; you, here, in Delhi have proceeded under the provisions of the Preventive Detention Act in this arbitrary manner.

I do not, as I said, wish to multiply these instances. The other day, the Supreme Court—four days ago—released about twenty detenus from Assam and the remarks which the Judges of the Supreme Court made amply repay a perusal. They have been asking the Advocate General, "Give us the grounds why you have detained these men; even if you cannot give us the grounds, at least say that there are grounds which you will not

disclose in the public interest and then the four corners of the law could be satisfied; but, if you cannot say anything, obviously, we have to release them". Is this the manner in which either the Home Minister himself or Parliament here will desire that the liberties of the citizen should be played with?

Therefore, I come back to the speech which the hon. Home Minister made. The Home Minister said that he would like these provisions to be applied to those persons or to those groups of individuals or parties who were wedded to violence, trickery, secret attempt at seizure of power. If you really say that that is your requirement, I would beg of the hon. Home Minister to amend section 3 and make it impossible for any executive officer to play havoc with the liberty of the people.....

Shri Tyagi: In what way?

Dr. S. P. Mookerjee: ... to arrest whomsoever they desire to arrest and for whatever reason. Let Government make up its mind as to what powers Government wants. Obviously, Government must have some materials before it which would entitle Government to ask for such executive authority against particular cases, and then you can concentrate on those cases. If after that you feel that there are some offences which are being committed in the present set-up of the country which are not governed by the existing Penal Code or the Criminal Procedure Code, you come forward with specific proposals for amending those laws and adding more offences. This dangerous pastime of arresting people and keeping them without trial must not be pursued and if it has to be pursued, it should be pursued only in the national interests, as a temporary measure, and meanwhile other remedies for the purpose of solving the basic problems have to be pursued.

A question was raised about essential supplies and services. I know that there is a genuine demand not only from many Members of this House, but outside also, that those who commit offences of that character, no matter what their position in life may be, are dangerous persons and have to be properly dealt with. That is one aspect of the matter. But let us not make a confusion about the desirability of giving heavy punishment to the black-marketers and to others who may be interfering with the present position of supplies and services with regard to essential commodities. Let us not confuse that with the principal question which is the subject matter of our dis-

cussion today: What are the circumstances under which Parliament can delegate to the executive authority the power to arrest and keep people without trial. If blackmarketeers and others come within the framework of this Bill, naturally they will have to suffer the consequences. But you cannot follow a policy of black-mailing even with regard to the so-called blackmarketeers. That also is a dangerous past-time. You catch hold of some people and say that they are blackmarketeers and therefore you throw them into prison. Somebody has to say specifically whether one is a blackmarketeer or not. You do not want to imprison innocent individuals. So long as you want to proceed under these special provisions, you have to proceed with extreme caution.

It has been said that we cannot tolerate offences against the State. Well, the State sometimes becomes a very illusive and undefinable term. As somebody has said, it has neither a body you can kick at nor a soul you can damn; at the same time, in the name of the State, you can claim to do many things. We have to make a distinction between the Government which is functioning as a party Government and also the interests of the community or the nation at large. The question was raised that an Act of this nature may operate very heavily and harshly especially during election times. Now, that is an aspect of the matter which also should be considered very carefully. If you have the power to detain anybody you like, even if they go before the Advisory Board and put up their point of view, at least few months will elapse before any remedy can be sought for, and then obviously you can create a state of affairs which may not be considered desirable by anybody.

Therefore, I shall conclude by suggesting to the hon. the Home Minister that in the first place, let him place all the materials before Parliament and tell us what classes of people he would like to proceed against. I do not for a moment minimise the existence of groups and organisations which want to proceed on violent methods. To-day, hon. Members must have read in the papers that a strike has been declared in the Calcutta docks. I do not know whether the hon. the Home Minister is aware that only a fortnight ago the workers of that dock had been handed over to a union which is controlled by the Communists. What is the policy of Government? That is very difficult for us to understand. Government knew of the dangers; Government held a conference in Calcutta about a fortnight ago, there was a general feeling

that this recognition should not be given, that nothing should be done which may encourage the hands of those who want to create trouble in the Calcutta docks. That is a nerve centre; you can paralyse the administration not only of West Bengal but also of the whole of India. But recognition was given at the end and a strike has followed soon thereafter. And here to-day you pass the Preventive Detention Bill. Why not say against whom you want to proceed? If that is once settled you should come out with the whole story. Let the country know: say that the Communists as an organisation are following a dangerous campaign and they have to be crushed. Give the people and the country the call and tell them that you do not want to touch innocent people. Say that you want to keep these dangerous people outside the sphere of influence until the situation improves. Let us hear your clear-cut policy and goal. Let the people know that. But this sort of wishy-washy way of doing things saying something to-day and doing something else to-morrow, saying that the ideology followed in certain parts of the world has served certain noble purposes, confuses people to a considerable extent. Say that India is suffering from a real danger from the Communist Party of India, in whatever form they may be functioning; and if you have the materials, come out with such a statement and the materials and place them before the House and the country and the country will judge. It has also been declared that many who were Communists now want to abjure the path of violence and want to function as a constitutional body. If that is so, then do not try to follow a method which will again get everybody mixed up on the same platform. If people to-day want to change, let them. After all who are these Communists? They are as much Indians as we are. They might be misguided. If you can turn them to the right path, do so by your constructive policy. But let Government come forward with a clear-cut policy based not on fear, not on imagination, not on hatred, but on facts and figures. That is my first appeal.

My second suggestion is to amend section 3. I accept the definition given by the hon. the Home Minister in his speech, and let it be embodied as a provision in section 3, that only in those cases will this Preventive Detention Act operate.

Then with regard to other matters we need not discuss them here in detail today. But I would like to add that these Advisory Boards should consist, not of those who are prospective judges,

[Dr. S. P. Mookerjee]

not those whom the hon. the Home Minister may be thinking of promoting as judges, but they should be either judges or ex-judges. And let these Boards look into the whole matter. Do not keep back anything from these Advisory Boards. That point has not been quite clear from the draft as we have it before us. Whatever material you have, place it before the Advisory Board and give a chance to the poor man, the accused, so that he may come and place his point of view before the Board.

If these changes are made by the hon. the Home Minister on the lines of the speech which he himself has delivered, then at any rate, there will be less possibility of its mis-application. Of course, none would be happier than the hon. Members here, and I am not excluding the hon. Members of the Treasury Benches, to see the day when India can be governed without any Preventive Detention Act.

Shri M. A. Ayyangar (Madras): I am one who shares the view along with my friends here that extreme laws like this ought not to be passed or used in ordinary times. The question, however, is whether the extraordinary circumstances under which the late Sardar Patel, the predecessor in office of the present hon. Minister of Home Affairs introduced his Bill did not justify it. And even if there were extraordinary circumstances then, we have to consider the question whether they have now ceased to exist, and whether these powers are now necessary or not. Now, we are apt to have short memories in this connection. Sir, have you heard in any country, the Father of the Nation being murdered? I want to put that question to my hon. friend to my left. Persons in authority talk of violent reactionaries and terrorists; but when they are outside office, these are milk and honey for them. The difficulties and responsibilities of office are felt when they are in office. Outside, as laymen, they forget that it is the onerous responsibility of those in office to preserve law and order of the entire community and for the sake of the community to keep erring miscreants in detention for some time. Now, I ask every hon. Member here whether there is a precedent of the Father of the Nation being murdered in cold blood?

An Hon. Member: Lincoln.

Shri M. A. Ayyangar: Yes, 150 years have passed since then and if hon. Members want to follow those methods, the example of those who acted in those days, then certainly this Bill is out of order. If the majority here are of that

opinion then there is absolutely no necessity for such a measure as we now have before us.

But what I submit is this. We started under perilous circumstances. To-day it may be that the Communists are the only persons who are still giving trouble, that theirs is the only force against law and order, who are wedded to disorder. But at the time we acquired independence on the 15th of August, 1947, there were many forces, the R.S.S. and even sometimes the Hindu Mahasabha here and there, and these powers were intended for them also. But thanks to the iron hand of the late Sardar Patel, all these troubles have disappeared. But for these powers with which we have clothed the hon. the Minister and Government, my hon. friend to my left would not have been able to control the situation. We have also been told that there is the Communist menace here and ere long, I am sure Government will be able to get rid of that menace once and for all. Let us not forget that in Hyderabad eight out of 16 or 18 districts are in the hands of Communists or terrorists. Communism as such is not tabooed by Government but the violent methods which are adopted by the Communists or other sections of the community to force their will upon the rest of the community, when democratic methods of persuasion are open to them. There may be secret societies. For instance the Masonic Institute is a secret society: they do not publish their proceedings. But the Communists get underground and their creed is violence and they want to create terror so that the State might be bent down to their will. I ask my hon. friend, Prof. Shah, who is not in his seat, who laid too much emphasis upon the words "secret association", whether a secret association which is coupled with violent tactics or methods does not become a dangerous association. He forgot that the hon. Minister said that it was not merely a secret association but that secrecy was intended as a cloak for covering up their terrorist methods and practices. I ask hon. Members to lay their hands on their hearts and say whether we are yet out of danger. I say not at all. Communism in so far as it preaches an economic way of life may be practised here and there. I have no quarrel with that. But if a set of people who are misguided and take the law into their own hands and try to force a system of dictatorship by violence, I am up against them.

We are all parties to the Constitution. We as a people gave unto ourselves a democratic form of Republic. Do you

want dictatorship in this country? If any person wants to impose a dictatorship upon this country by violent means and not by persuasion, would you not take some steps against it? I am presently coming to the argument that the ordinary law of the land is enough for the purpose. I assure hon. Members that if the ordinary law is enough it would be absolutely unnecessary to proceed with this legislation. I have been practising law for a number of years and I say that the ordinary law of the land is not enough for the purpose. There is section 153 of Cr. P. C. which gives power of detention of a person to prevent an offence for a period of 15 days and no more. Within that period a charge-sheet must be filed; if not, he is let out. We are enacting this law to keep men in prison not for 15 days but for 12 months. It is only an extension of that principle. In some cases it may not be possible to make a charge-sheet within the period of 15 days.

I have got facts and figures to show how many cases of sabotage have occurred on the railways during the last one year. Sometime ago it was impossible for anybody to get into a train. It was more easy to get into an aeroplane, for if you fall once for all you are dead. With respect to train travel every hour and minute of the day you have to be in suspense. Particularly in my part of the country 92 persons died in one single tragedy. During 1950-51 no railway escaped—the E.I., O.T., B.N., M. & S.M. and E.P. Railways. There is no harm in capsizing a goods train, for goods will not die but men will.

Some people got up and asked how do you know or what evidence have you got that the removal or lifting of the rails was done by the terrorists or Communists. The rails of their own accord do not jump off the track; somebody has to remove them. It is not the case of goods trains but express and mail trains. I know of a case where a husband and wife who got married in Tiruchendur got into the train on their way to Bezwada for their honeymoon. But they were taken away on their way to the other world.

An Hon. Member: Both of them?

Shri M. A. Ayyangar: Yes, both. It is not a matter for laughter. Hon. friends in this House in their enthusiasm seem to have forgotten all this. Thanks to our hon. friends Mr. Gopalswami Ayyangar and Mr. Santhanam for having made travel much safer today. Questions were put to them on the floor of this House as to why these

tragedies occurred, what steps they were taking, why were fish plates removed, have they any device to protect them, whether they have invented any signals when a train is running in the dead of the night to give advance intimation of such removal. With their alacrity and self-confidence the hon. Ministers have made this a thing of the past. I hope no terrorists will take advantage of this and start it all over again.

I have got a list of the number of persons killed. There are the cases of the Punjab-Kumaon Express, the Calcutta Mail, the Bombay Mail, the Punjab Express and others. As against this there is one case of the Toofan Express which is a combined goods and passenger train. In every case a choice of the train has been made by these gentlemen.....

An Hon. Member: Not gentlemen by any means.

Shri M. A. Ayyangar: I am sorry they have to be called gentlemen, because they have our support: our heart melts in favour of these people, and they say that liberty ought not to be denied to those people.

Liberty is a misconceived notion. Is it not the law of the jungle for the tiger to devour the lamb or the deer? In nature there is nothing like liberty. Liberty is a product of civilisation and inhibition. If I am a bachelor and I marry and begin to wave a sword in my house, it has to be put in its sheath when a child is on the scene. To that extent my liberty is restricted. My right is the prevention of the waving of a sword or a stick in the hands of my friend. To that extent, therefore, liberty is a product of civilisation and inhibition. Liberty of an individual is the prevention of similar exercise of liberty on the part of other persons. Some people have become insane and are running amuck: they have taken to terrorist methods. Should they or should they not be prevented? Let us answer that question. Let us not parade that liberty is the law of nature. There is no liberty in nature by itself. The big fish eat the small fish. Both in the political and economic fields liberty is the product of inhibition. A man exploits others in the economic field. Likewise a man wants to grab political power by terrorist or violent methods. We want to put him down, whether he is Communist, Socialist, R.S.S. or Hindu Mahasabhaite or even a Congressman. Some Congressmen may run amuck. If they do so the arm of the law is long enough to reach them.

To quote the figures of the casualties in the railway tragedies, the number of

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persons killed was 157, grievously hurt was 106, minor injuries 370 and the total was 476. The approximate cost of damage to engines, rolling-stock, etc. was Rs. 8,25,000. I am not worried about the loss of materials but about the precious lives lost in an ordinary means of transport, which is unheard of. Are we hopeful that this danger has disappeared? So far as Communist activities are concerned they still exist in eight districts of Hyderabad. Therefore I am thoroughly satisfied that it is necessary to clothe the Government with the extraordinary powers. There is a precedent in the Criminal Procedure Code though only 15 days detention is allowed. So far as recourse to the ordinary law is concerned you will see the criminal courts have no jurisdiction in the matter. Let us see things in the proper perspective. The hon. Minister himself cannot arrest an individual. It is the District Magistrate who has to arrest. I agree that this power has to be exercised with great care and caution. As soon as the District Magistrate arrests a man under the orders of the Central or Provincial Government he has to report immediately to the proper Minister in the State Government or the Secretary in charge. Naturally he is expected to look into the case and he can immediately order the man's release if he is not satisfied that there were sufficient grounds for his arrest. That is one thing. If we do not believe in our own Ministers, of course it is open to us to change over and send them out. Anyhow here Government has to send a report to the Advisory Committee and without its sanction nothing can be done. The second point is that even the Minister has to report immediately the grounds for detention, along with the explanation of the accused, to the Board which consists of persons who are competent to be Judges. Here and there Judges may not be available, but if it is said that prospective Judges must not be appointed, then likewise superannuated Judges are prospective Judges and must not be appointed. So far as tribunals are concerned, superannuated Judges also will be hanging about the house of the Home Minister for re-appointment. Well, then the only person available is a sitting judge and if you appoint a sitting Judge for the Board, the sitting Judge's place will be taken by a prospective Judge. And so the vicious circle continues on and on. Therefore, I say that any person who is competent to be a Judge is sufficient for our purpose. There may be two or five thousand detenus and you do not choose a particular kind of Judge who will just send them to gallows at the instance of Government—that is too much to think of.

Anyhow, Government will do well to take into consideration this aspect of the matter. In appointing to the Board they will choose proper men, men in whom we have confidence, men who have already established a reputation. Because it is necessary for Government to have its hands clean.

No abuse of the power that is granted under an exceptional law should be permitted. This law that is passed for exceptional circumstances ought to be used sparingly and with very great care and caution. Instead of merely accepting any charge-sheet or any order of detention made by the sub-divisional magistrate or district magistrate, the Minister must examine each one of these cases. I am sure the hon. Minister will give us that assurance. Whether he gives that assurance or not, this is what I hope will be followed by the several State Governments who may order or confirm detention. As regards the choice of the Judges or members of the Boards, sufficient care will be taken to see that they are ex-Judges or persons of reputation. As regards giving of grounds, some grounds can be withheld from the accused. Some grounds may be refused to be given in the interest of public safety. But in placing these grounds for detention before the Advisory Board, I would appeal to the hon. Minister that all the grounds, even including those that have been withheld from the detenu, ought to be placed before the Advisory Board. My own reading is that all the grounds, including those withheld from the detenu, have to be placed before the Board. But as the language is sufficiently broad not to necessitate this, I would like that the hon. Minister must remove that doubt so that the persons who judge the case may have a comprehensive view of the grounds on which the arrest or detention has been ordered. In addition, I would appeal to the hon. Minister to accept one or two amendments that have been tabled, so that though power may not be given to a detenu to come and appear before the Board and engage his counsel, it must be open to the members of the Board to call for such further information as they may think it necessary, and also, if necessary, send for the accused or the detenu with a view to give him an opportunity for further explanation if an explanation is necessary in addition to what he has already given. To that extent I hope these judges who are above-board and who are men of integrity would certainly deal justice as between man and man and would not be merely carried away by the suspicions of the executive.

Then there is the question of parole. It is a thing which every detenu values.

We also had our own time and we liked to be on parole for a month. This lacuna was allowed to exist by oversight when the original Act was passed.

The other important thing is that some provision must be made for the maintenance of the family of the detenu. I do not know if there is a provision to that effect in the original Act, but I do not find it here. If it is not already there, some provision is necessary either by provision in the Bill itself or by departmental administrative orders.

Shrimati Durgabai: Provision for maintenance is already there, I suppose.

Shri M. A. Ayyangar: I am glad that maintenance is being given.

Then, if these Boards are converted into courts where people can be cross-examined, then there is no need for detention at all. True, this power may be abused but let us consider the point. I know in Nallagonda and other villages if a *ryot* honestly comes and informs, "Those two people raided our village yesterday", the next morning, whether the communists are arrested or not, this man's head is off his neck. That being so, nobody is able to come forward on account of the fear that is inflicted in people's minds. Whole villages are terrorised in this manner. These people have not confined themselves to Hyderabad alone—they have come to Kurnool, one of the districts in Madras. It is said that a tiger is at large round about Delhi. Does any hon. Member want that that tiger should not be detained but freedom and liberty given to it? For heaven's sake let them not give freedom and liberty to these erring miscreants who in the name of some ideology want to destroy.

Two of my hon. friends, both erst-while barristers, have referred to the language about the circumstances and conditions under which a man can be detained. My friend, Mr. Anthony, referred to a man walking away with his neighbour's wife. Well, we cannot provide for every individual case. We cannot say this shall not apply to a case where a man casts his eyes upon a neighbour's wife. Can we say so? The language is only general. Have we not got a provision for the offence of murder in the Penal Code? You cannot have a definition which is absolutely fool-proof. There may be an alternative of seven years' imprisonment or of transportation. Well, in some cases the imprisonment is awarded, in some others transportation is given. Therefore, to some extent you must leave it to the discretion of the judges.

Dr. Syama Prasad Mookerjee referred to security. Under what circumstances? How will you define it? True, in a case where a man comes from Bengal and is arrested here, I agree with Dr. Mookerjee. But supposing his intention is to fan the trouble, say between Hindus and Muslims, then only a small match stick is necessary to set so much of cotton on fire. This gentleman comes here, as though there are no agitators here in Delhi, he comes all the way from Bengal. Yes, it is very easy to advise after the event. Well, he comes all the way and has no purpose. He holds a Press conference. Why cannot he confine his activities to Bengal? There are a number of newspapers in Bengal also. Then, he can speak in Bengali—he need not speak in Hindi. He comes all the way, holds a Press conference and disgorges so much information. Well, these people say, "Well, my man, take some rest in the Red Fort."

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My friend asks why we extorted him. I say this man is a scorpion whether here or there, so let us keep him here. I am not generally pooh-poohing anybody, but there are such persons. Do we not know that even a drop of vinegar put in a pot of milk can curdle the milk? Similarly, one man will set the whole country on fire. You do not know what atrocities these people are committing. Here is a publication by the Government of India entitled Communist violence in India. You may say that these allegations are one-sided, but I would refer you to newspaper cuttings. These Communists have started different kinds of tactics. They split themselves into the Ranade Group and the Joshi Group. Joshi comes along and says, "We have abjured violence. I have been the follower of Mahatma Gandhi even before he was born!" He says, *Ahimsa paramo dharmaha*. That is what they say openly. Next morning, they issue a communique to their comrades saying, "Do not be fooled by what I say. What you ought to do is to take away the head of Dr. S. P. Mookerjee". He and I do not belong to the same Congress Party. Shall I keep quiet and let him have all the benefit for himself? It is the duty of this Government, if it wants to discharge its responsibilities, to take effective steps. Otherwise, this is what I would say, "Kindly go away". So, these Communists have apparently given up violence, but they know what they want. They want to establish their Government at Hyderabad, having it as the seat of their Government. Then they want to extend their sway right up to Cape

[Shri M. A. Ayyangar]

Comerin and if there is any trouble in Calcutta, they want to take advantage of it and let it spread gradually elsewhere and thus engulf the whole country. I am afraid I should agree with Dr. S. P. Mookerjee that some of us in our enthusiasm blow hot and cold. We visit the film, *China is released*. What do we find there? Every thing is red. Red is the colour of blood. You go there and worship the God of blood and then come here and say *Om Shanti Shanti Shanti*. How is any young man who sees that scene going to prevent himself from seeing blood once again? Therefore, when Members of Government speak, let them be clear about this. The ordinary man may not have an exceedingly clever intellect, but he will be able to see the difference between ideology and practice. It may be that to the ordinary man practice and ideology are not so separated as for some Members of the Government. He thinks that ideology must be followed up in practice and therefore when he returns as a soldier he has nobody to shoot and he asks his mother to come along so that he can shoot. Likewise, we go on. Though we do not know our neighbours, we ought to be in good company with our neighbours. When we address our neighbours we say that what they have done is good for their country, but we advise our young men not to carry all those methods into our country. Nevertheless, our young men think that this is an ideology which must flow from the north and from the east so that this country may also become red. Therefore, for some time at least, so long as these powers are with us, let no such mistakes be committed by any Member of Government or by any responsible man in this House. Let them not embrace the red ideology with one hand and try to offer blessings with the other hand and say, *Om Shanti Shanti Shanti*. You cannot do so. I am talking of practical politics. Personally, I am not enamoured of this ideology, because I am aged. No child becomes a Communist; no old man becomes a Communist; no very rich man becomes a Communist. Only those people who are have-nots— young students from college who are about to give up studies or who have given them up—those are the persons who are easily led away, on account of emotion. The vista of life is dark for them. The question of unemployment has not yet been tackled in our country. It is rather difficult. They do not know that this question of unemployment has been there with us for generations. We never wanted the previous Government not to es-

tablish factories, but they themselves did not do so. As soon as the Congress Government came into office, there arose the refugee problem on one side. On the other side, there was perennial want of rain in the south. There was famine in the north and floods. There was trouble in Hyderabad. These people forget all these things and they think, "We ought to get rid of this Government because we have no food." I ask you: did the R.S.S. give trouble on account of want of food? Even there, our diagnosis was wrong. Merely because there is hunger and starvation everybody does not begin to rot. I was the Chairman of the Criminal Tribes Enquiry Committee. I went to Pathankot. I thought that being in the North West, with snow-clad mountains near by, everybody would be fair. But I found that all those criminal tribes were dark. But just by their side there were beautiful children just looking on. I enquired who these children were. I was told that they were all Harijan children. But I was surprised to see that they were all very fair looking. Now, these Harijan people cannot be said to have better means of employment than those criminal tribes. Possibly, these criminal tribes on account of their courage could do anything they like and they may be better employed than the Harijans. Harijans are honest. They do not go out and commit dacoity. They are equally poor. They do not have two square meals a day. Why I refer to this is that mere poverty does not drive a man to dishonourable methods. Side by side, look at this picture and that picture. Persons who are trained to be criminal tribes have become criminal tribes, because even when a man has sufficient food he finds it more easy and attractive to steal, whereas the other man would never stretch out his hand even for alms, but he would work with the sweat of his brow. Therefore, to say that all these young men must become Communists merely because they may not have *iddlies* and *dosais* for *chota hazri* is quite wrong. These young men want a new kind of life. They suffer from a premature desire to become leaders. We were in jail and these young men were also in jail with us in Trichinopoly and other places. We used to be afraid of them, because they always showed their fists and they had regular drill and so on. At that time, our Home Minister started the national movement. He was the first to follow Gandhiji, and even before he came to India from South Africa, he had great adoration for Gandhiji's princ-

ples. Many a veteran in our country has come to the top because he was in the forefront of the freedom struggle. Our young men have had no such emotional period. They were not born so early. Dr. S. P. Mookerjee says that we must give them some constructive programme. Now, let us examine this. After the war is over, the soldiers who are trained for war come back. Because they are used to shooting, shall we say to them, "Shoot your mother and brother"? The unfortunate question is: what is it that we can do now? What is the way to catch their imagination? We can only tell them, "My dear young men, there is so much hunger, poverty and starvation in the villages. Go and settle down there. Do constructive work there. There are *panchayats* everywhere. Go and help them."

Now, so far as Communists are concerned, for three or four days I have read all the main books on Communism in preparation for my speech. What is that they have achieved? The blood bath. They have got rid of feudalism through that blood bath. We have also got rid of feudalism without shedding a single drop of blood. Five hundred and sixty odd States have been consolidated. I am proud of the manner in which we have managed our affairs. In the history of the entire world, can you show me a similar example? Not only have we got rid of feudalism, but we have even abolished the Rajas, Maharajas and now the zamindars in U.P., Bihar Madras and other places are being got rid of in a much shorter time than elsewhere.

Shri Syamnandan Sahaya: Very soon.

Shri M. A. Ayyangar: Each man, when his property is taken away, struggles for some time and therefore the zamindars are also struggling for some time more. That does not mean that we are not proceeding with our programme. So far as industrialisation is concerned, with one breath we say that black marketeers must be punished. But with another breath, we say, "Bhai, he is a good man. Tackle him only when you find sufficient evidence." One gentleman had 10,000 tons of coal. He put that coal away in his court yard. It was not only black market but black market in black stuff. Then, there is the Income-Tax Investigation Commission. It is composed of Judges to whom you cannot attribute any motive. They are eminent Judges. How much have they been able to unearth? They have written to us asking for more powers.

No wrong can be attributed to them. Under these circumstances, we should spare no effort to deal with people who disturb the society.

The young detenus do not want anything more than power. If they are obnoxious to society, because they want to wrench power by improper means, the other people who corner all food and make innocent millions starve are an equal menace to society and should not be placed on a different footing. How are these people better than the so called communists? They are as dangerous to society as the others.

The hon. Minister of Industry wanted special powers to regulate essential supplies. In addition to that we gave him power to see that these regulations were implemented. I have a list of about hundred persons who have been detained under the sections of this Act. Therefore, it is not as if any law is perfect. This law, is no doubt an extraordinary law. It will be in existence only for one year. We hope that with the cooperation of all, especially of the officers who, we trust, will behave properly, there may not be any occasion to extend its period any further. That is all the assurance that the hon. Minister can give. If, however, he says that on account of the various speeches this Act will lapse at the end of one year, we are here to extend it, if necessary. We have to be watching the course of events from time to time. If it is a question of balancing the liberty of the individual with the liberty of the State, in the best interests of the community as a whole, I would vote for the liberty of the State. If I am wrong, I am wrong with many others who are in the wrong.

Shri D. D. Pant: I rise to oppose the amendment moved by Mr. Kamath that the Bill should be referred to a Select Committee, because that will only cause delay. If the Bill is to be passed it should be passed at once; otherwise a Bill of this nature should not have been introduced at all.

[MR. DEPUTY-SPEAKER in the Chair]

Last year, unfortunately, this Bill was passed on All-Fools' Day and I should have thought that on the next first of April, Government would give a decent burial to it. The main reason for it is this: It is not that we do not trust our leaders. If the hon. Shri Rajagopalachari, or Shri Jawaharlal Nehru or any other of our leaders themselves were to investigate

the cases and detain persons, I am even prepared to give them summary powers to shoot mischief mongers. For instance, if the hon. Shri Rajagopalachari wanted power to shoot those who are inciting communal trouble or creating bad blood between this country and Pakistan, I am prepared to arm him with whatever power he wants, provided of course he would personally handle them. But in this case he depends on his administrative machinery to find out the mischief-makers and my respectful submission is that the present administrative machinery is not a proper machinery to be trusted with these powers.

It is a machinery that was devised by the British for a police state and with the aid of this machinery we want to run a welfare State. That is my sole objection to this measure. This Act will be abused by the administrative machinery and black-marketeers who indulge in unlawful activities will go unscathed on account of the influence they are able to bring to bear on the police, while the brunt of it will fall on the poor man. At any rate, that has been my experience in my own district. I have known ordinary vendors of newspapers who were selling these progressive or 'leftist' newspapers in the bazaars and eking out an existence being locked up, while people responsible for the murder of twenty-four Muslims in one village going unscathed. That is because the set-up of the present administrative machinery is not meant for a welfare State. Under these circumstances, Government should try to set an example, like the one set by Mahatma Gandhi: Let us ourselves accept the bed of thorns. Plato said: "That Government is the best which governs the least" and Gandhiji used to say that that Government is best which does not govern at all. The function of the Government is to serve and not govern which was the old conception. If we go about the villages and show to the people that the holding of power, that being in the Government is not a pleasure, but a great trouble to us, people will not try to subvert the State and nobody will try to take the responsibility of running the Government. People who have got the real spirit of service will remain in the Government; nobody else will try to get hold of the Government because it will not be a bed of roses. Those who like Gandhiji are born by nature to suffer for the suffering humanity will remain in the Government.

Speaker after speaker has reiterated that this Bill is aimed at the communist movement. May I ask the hon. the Home Minister whether he thinks that he can eradicate communism in this manner? Could you by merely pressing a boil cure that boil? You have to eradicate the causes of that boil. Why does communism thrive? On the one hand you have given freedom to the black-marketeers to rob the country as much as they like; on the other hand you are suppressing the liberty of those people who raise their voice against these black-marketeers. My submission is that communism is only one of the symptoms. In fact, a great author has recently described it as a policeman of nature: When we are ourselves unable to arrest the robbers and the thieves, then nature sends the remedy in the form of communism and communists come forward to arrest them. Once these people who rob the community are eradicated, communism will go. My submission to the Home Minister is that communism is not a disease; it is only a symptom like fever. Fever is not a disease; but if there is a malady in the body of a man, then nature sends it as a reaction to sustain the life of that man. Let us not try to rub ice on the body of a man who is suffering from fever, but try to eradicate the germs which have caused the fever.

As has been said such Acts do not exist in any other civilised country of the world. If instead of bringing forward such a Bill the hon. the Home Minister agrees to exercise these powers himself and not leave them to the police, we will not have the slightest reluctance to give him all the power he wants.

I, therefore, respectfully beg of the Home Minister not to press with this Bill, but to withdraw it. If, however, he presses with it, Parliament, I feel, should reject it.

Mr. Deputy-Speaker: Babu Ramnarayan Singh.

I want hon. Members to be as short and as sweet as possible.

Shri D. D. Pant: As I have been.

बाबू रामनारायण सिंह : समापति महोदय, मैं आप को बहुत बहुत धन्यवाद

देता हूँ कि आप ने मुझे इस विषयक पर, इस बिल पर, बोलने का अवसर दिया। मेरे जैसे सदस्य की हालत अजब होती है। बात यह है कि मैं देखता हूँ कि गवर्नमेंट की तरफ से यह बिल लाया गया है और गवर्नमेंट में जवाहरलाल जी, हमारे राजा जी और किदवाई साहब ऐसे ऐसे पुराने साथी, पुराने देश भक्त, ऐसे ऐसे बड़े धुरन्धर देश भक्त इस काम में लगे हुए हैं और उन की तरफ से यह बिल आया है। एक तरफ तो हम यह देखते हैं और दूसरी तरफ यह देखते हैं कि सारे देश में क्या हो रहा है और जो बिल लाया गया है उस पर सोचते हैं तो वही हालत हो जाती है जैसा कि तुलसीदास जी ने कहा है "भई गति सांप छुछूंदर केरी"। सभापति जी, कथा ऐसी है कि छुछूंदर एक जीवधारी है, उस की शकल सूत चूहे की तरह होती है। सांप भूल से उस को पकड़ लेता है लेकिन पकड़ने के बाद मालूम होता है कि यह छुछूंदर है और चूहा नहीं है और छुछूंदर के पकड़ने के बाद होना क्या है कि अगर छुछूंदर को निगल जाता है तो सांप का पेट फट जायेगा और वह मर जायेगा और अगर अब छोड़ देता है तो सांप भ्रंशा हो जाता है। इसी तरह की "भई गति सांप छुछूंदर केरी" हालत हमारी है। आज हमारे सामने, जिन्होंने इस सरकार के जन्म देने में काम किया, सारे जीवन का प्रति क्षण देश के उद्धार करने में लगाया, आता क्या है, प्रिवेन्टिव डिटेन्शन बिल (Preventive Detention Bill).

सभापति जी इसी भवन में जब कांग्रेस का राज्य था, आप की जगह पर दूसरे लोग सभापति का काम करते

थे तो हम में से बहुत से लोग उस समय बहस करने वालों में होते थे, मैं भी एक था। तो जैसा मिस्टर ऐन्थोनी ने आज कहा है उस के लिये मैं ऐन्थोनी साहब को बधाई देता हूँ, उन्होंने ऐसी सुन्दर स्पीच दी है। यह मैं दुःख के साथ कहता हूँ कि मैं देखता हूँ कि यहां हाउस में कभी कभी बहुत जोर से हंसी उठती है, हंसी हो जाती है और लोग हंस पड़ते हैं। लेकिन यहां इस देश में आज जो कुछ हो रहा है उस पर कौन देश भक्त होगा जो हृदय से रो नहीं रहा है। इन्होंने कहा था, और यह बात सही है, कि ऐसे कानून, ऐसे नियम, जब अंग्रेज बनाना चाहते थे तो हम लोग कहते थे कि कोई सम्य सरकार ऐसे कानून नहीं बना सकती। आज हम, कांग्रेस वाले, वही कानून बना रहे हैं। तो क्या आज मेरे मुँह है, हमारी सरकार के मुँह है यह कहने के लिए कि यह सम्य सरकार है? हम लोगों को सोचना है, हम को इस पर विचार करना है कि आज कम्युनिज्म (Communism) और दूसरे इज्म (Isms) हमारे देश में जो आ रहे हैं और बढ़ रहे हैं वह कैसे हैं। सभापति जी, माफ कीजिये, आप जब बोल रहे थे तो मुझे कुछ हंसी आ रही थी और दुःख भी हो रहा था। आप जितनी बात बोले तो मैं बूझ रहा था कि क्या अनस्तशयनम आर्यंगर भी हमारे ही हैं या एक वकील की तरह बोल रहे हैं। आप कहां तक हृदय से बोल रहे थे मुझे इस में शक हो रहा था।

सभापतिजी, मैं सरकार से कहता हूँ, आज यह हमारी सरकार कही जाती है, कि आप तो कहते हैं कि हैदराबाद में ८ जिलों में कम्युनिज्म फैल गया है।

बाबू रामनारायण सिंह]

वह दिन दूर नहीं है आप, हम, राजाजी, सब कोई चेतिये, सोचिये, विचार करिये और कोई रास्ता निकालिये, नहीं तो यह जानिये कि सारा देश कम्युनिस्ट हो जायेगा और आठ जिले ही कम्युनिस्ट नहीं रहेंगे।

मि० डिप्टी-स्पीकर : दवा क्या है ?

बाबू रामनारायण सिंह : हां बताता हूं कि दवा क्या है। इस के लिये आप को धन्यवाद है, मैं तो खुद ही बतला देता लेकिन आप के पूछने पर तो ज़रूर ही बताऊंगा। तो यह होने जा रहा है कि सारा देश कम्युनिस्ट हो जायेगा। पहले तो यह बात है कि आप को सोचना होगा कि इस देश में कम्युनिज्म कैसे फैल रहा है। क्या आप नहीं जानते, जबाहर लालजी नहीं जानते, राजाजी नहीं जानते, कि सारे देश में असन्तोष की अग्नि भमक रही है। सारे देश में और हर व्यक्ति के हृदय में असन्तोष है। और, सम्भाषित महोदय, मुझे तो डर है कि कहीं मैं भी कम्युनिस्ट हो जाऊं तो कोई ताज्जुब नहीं। आज मैं सारे देश में असन्तोष देख रहा हूं। अभी मैं आ रहा हूं चितौड़गढ़ से, राजपूताने में मैं गया था। वहां मैं ने सुना कि भुलमरी के कारण दो मोर्चों में आम तौर पर लूट हो गयी। आप कंट्रोल (control) रखे हुए हैं। कंट्रोल से देश में शायद किसी को लाभ नहीं पहुंचता। सवाय पुलिसमैन (Policeman) के। और यह बात पंतजी ने बहुत अच्छी कही कि यह जो बिल लागू होगा ब्लैक मारकेटियर (Black marketeer) के लिए तो वह ब्लैक मारकेटियर तो लाख दो लाख दे देगा पुलिस वाले को और वह पकड़ा नहीं जायेगा। मैं तो अपने की बघाई दूंगा, आपकी बघाई दूंगा,

सरकार को बघाई दूंगा, जिस दिन कि ब्लैक मारकेटियर सब कोई इस में पकड़ लिये जावेंगे। लेकिन पकड़ेगा कौन सब से बड़ा ब्लैक मारकेटियर तो वही है जो उन को उत्साहित करा कर ब्लैक मारकेटिंग कराता है। मैं इसका उपाय बताऊंगा और उपाय बता कर तब बैठूंगा। लेकिन पहले तो यह सोचना है कि यह कम्युनिज्म पैदा कैसे हुआ। यह सारे देश में जो असन्तोष है वह इस का कारण है। और असन्तोष आया कहां से ?

श्री क्रिदवाई : बिहार से।

बाबू रामनारायण सिंह : बिहार से भी आया है और यू० पी० से भी और क्रिदवाई साहब जहां सेन्ट्रल गवर्नमेंट (Central Government) में काम कर रहे हैं वहां से भी आया है। चारों तरफ से आ रहा है। तो अब उपाय की बात करता हूं कि उपाय क्या होगा। लेकिन उसका नुस्खा तैयार करने से पहले सोचना होगा कि रोग कैसे हुआ। तो यह तो मैं ने कहा कि असन्तोष की अग्नि सारे देश में भमक रही है। इस असन्तोष के पहले क्या हुआ ? असन्तोष के पहले यह हुआ कि चाहे वह प्रान्तीय सरकारें हों या केन्द्रीय सरकार हो, उन का जो काम हुआ वह बेठंगा है। जब आज राजाजी कहते हैं कि कम्युनिज्म का प्रचार न हो तो मैं पूछता हूं कि इन्होंने कितना काम किया है और इन के आने से पहले कितना काम किया गया है कि कर्प्शन (corruption) बन्द हो। मैं कहता हूं कि कितना काम बनी हो रहा है इस में न्याय का तो कहीं नाम नहीं है। इसी अन्याय के कारण असन्तोष फैला हुआ है।

अब उपाय की बात कहता हूँ । उस के पहले आप लोगों को यह तो पता लग जाये कि क्या कुछ लोग यहाँ मॉस्को (Moscow) ट्रेनिंग (training) के लिये भेजे गये थे और वह यहाँ प्रचार करते हैं? उन लोगों को तो आप पकड़ कर के जो कुछ आप चाहें लीजिये, या उन को बाहर ही भेज दीजिये तो अच्छा है । मैं अपने देश में कम्युनिज्म नहीं चाहता ।

श्री किबबाई : क्यों ?

बाबू रामनारायण सिंह : उस की बजह भी मैं कह दूंगा । अगर्चे उन के सिद्धान्त अनुसार मैं चाहता हूँ कि हमारे देश में समता आये, सब कोई सुखी हों, यह सब तो मैं चाहता हूँ, लेकिन उन का जो हिंसा वाला तरीका है वह मैं नहीं चाहता ।

श्री सिधवा : उसी के लिए तो यह ऐक्ट है ।

बाबू रामनारायण सिंह : नहीं साहब, यह तो ऐक्ट क्या क्या है यह मैं जानता हूँ । तो मैं कह रहा था कि मैं अपने देश में कम्युनिज्म नहीं चाहता । जिस तरह से आप के देश में यह फैल रहा है तो उस में बाहर से आने वाले लोग कारण नहीं हैं, यहीं के लोग हैं । और इस सम्बन्ध में मैं संक्षेप में कहता हूँ कि यह जो गवर्नमेंट आफ इंडिया (Government of India) है और जो प्रान्तीय सरकारें बनी हैं यही इस का कारण हैं । They are the preachers कम्युनिज्म का प्रचार करने वाले यही लोग प्रीचर (preachers) हैं । और कम्युनिज्म पैदा करने के लिए They are the breeders of

communism में तो यह चार्ज लाता हूँ ।

यह जो हम लोग कभी कभी कह देते हैं कि कांग्रेस की सरकार है और हमारे कांग्रेस के आदमी सरकारी काम कर रहे हैं तो आप राजाजी से ही पूछिये कि कम से कम यह १२ घंटे काम करते होंगे तो उस में कौं घंटे कांग्रेस लाइन पर सोचते हैं । १२ घंटे के अन्दर कौं कांग्रेस के आदमियों से बात करते हैं । १२ घंटे के अन्दर गांधीजी के सिद्धान्त, अहिंसा, समता, इस के बारे में कितनी देर सोचते हैं । और साहब मैं तो समझता हूँ कि इन के सामने न कांग्रेस का ध्येय है, न कांग्रेस की नीति है, न पालिसी (Policy) है, बल्कि इन के सामने तो वही ब्यूरोक्रेसी (Bureaucracy) है । जिन के जरिये वह भी जेल में भेजे गये थे, मैं भी भेजा गया था । वही ब्यूरोक्रेसी आज उन के सामने रात दिन मौजूद है और वह जैसा कहती है वह उस के मुताबिक करते हैं । तो क्या ऐसी सरकार को कांग्रेस सरकार कहा जाये ? कांग्रेस सरकार के मानी तो यह होने चाहियें कि वह गांधी जी के सिद्धान्त पर चलने वाली हो और कांग्रेस के आदमी सब काम करने वाले हों, तो उसे मैं कांग्रेस सरकार कह सकता था ।

और जैसा उपसभापति महोदय, आप ने उपाय के बारे में कहा, तो मेरा कहना यह है कि यह बिल तो आप वापस लीजिये अगर आप को संसार में अपने को सम्य कहलाना है । हां, अगर असम्य कहलाना है तो दूसरी बात है । क्या इस हमारे देश में जितनी सरकारें होंगी, सारी की

[बाबू रामनारायण सिंह]

सारी असम्य हो कर रहेंगी । अगर असम्य हो कर, शैतान हो कर रहना है तो जो चाहे कीजिये, लेकिन अगर सम्य कहलाना है तो बिल को वापिस लीजिये ।

आज क्या हाल है, यह असन्तोष जो फैला हुआ है, इस को आप भी जानते हैं और जितने लोग सरकार बने हुए हैं वह भी जानते हैं । आज जो सरकार में हैं, चाहे प्रान्तीय या केन्द्रीय मंत्री जब बाहर निकलते हैं तो उन के साथ पुलिस का पहरा होता है । भला बतलाइये, पहले जब हमारे राजा जी या जवाहरलाल जी चलते थे, तो उन के पीछे जनता की भीड़ चलती थी, और उनकी पूजा होती थी । लेकिन अब इन लोगों को डर है कि अगर इन लोगों के साथ गार्ड (guard) नहीं रहता, तो उन की रक्षा नहीं हो सकेगी और वह मारे जायेंगे ।

श्री त्यागी : डर नहीं है, शोक के लिए गार्ड रखते हैं ।

बाबू रामनारायण सिंह : मैं तो कहता हूँ कि चाहे शोक के लिए हो या डर के कारण हो । मैं तो चाहता हूँ कि जैसे यह लोग बिना गार्ड के चलते थे, वैसे चलें । अगर मारे जायेंगे, तो मारे जायें, इन के बिना हिन्दुस्तान का काम हर्ज नहीं होगा । आप लोग हंसते हैं, लेकिन यह हंसी की बात नहीं है, मुझे तो इलाई बाती है कि आज हमारी क्या हालत हो गई है ।

मि० डिप्टी-स्पीकर : आप बोलते हैं कि उन को बलिदान देना चाहिये ।

बाबू रामनारायण सिंह : मैं नहीं चाहता कि यह बलिदान हों, लेकिन अगर पुलिस की रक्षा के बिना यह बलिदान हो जायें, तो हो जायें, बलिदान हो जाना इन का धर्म है । ऐसे जीवन की जरूरत नहीं, कि अगर वह चलें तो उन के साथ पुलिस चले, गार्ड चले । तो साहब यह तो सब आप को छोड़ना होगा, और जितना अंग्रेजों का रंगडंग है, वह सब आप को छोड़ना होगा । और जैसे पहले हमारे राजा जी चलते थे, वैसे चलें । मैं सिर्फ राजा जी के ही लिए नहीं कह रहा हूँ, सारे देश में जितने मंत्री कहलाते हैं, सरकार कहलाते हैं, उन सब क लिए मैं यह कह रहा हूँ और यह जो अंग्रेजों का नया रंगडंग हमारे बीच में आ गया है, उस को छोड़ें, और समाज के साथ पिल जायें ।

श्री किडवाई : पिल जायें ?

बाबू रामनारायण सिंह : अगर वह भाषा नहीं जानते, तो मैं सिखा दूंगा । तो यह लोग समाज के साथ काम करें । घर घर घूमें, लोग क्या कह रहे हैं, उस को सुनें । प्राचीन काल में भी हमारे यहां ऐसा होता था, राजा और मंत्री लोग भेष बदल कर आम लोगों के बीच में जाते थे, और आम लोग क्या कहते हैं उस को सुनते थे और उसी के मुताबिक अपनी नीति निर्धारित करते थे । आज भला अंग्रेजों की तरह आप लोग मंत्री बने हैं, सरकार बने हुए हैं, तो क्या वह देश के लिए नवाब बन कर बैठे हैं ।

दूसरी बात जो मुझे कहनी है वह यह है कि अगर आप चाहते हैं कि कम्युनिज्म हमारे मुल्क में न आये और

अगर आप चाहते हैं कि कम्युनिज्म खतम हो जाय, तो उस का उपाय यह है कि राजा जी और जितने मंत्री हैं सब का वेतन पांच सौ रुपये कर दिया जाये और जितने सरकारी अफसर हैं, उन छोड़ों का वेतन भी पांच सौ कर दिया जाये और जो अफसर पांच सौ में राजी न हों, उन सब को निकाल बाहर किया जाये। साथ ही साथ पार्लियामेंट के मेम्बरों का भी एलाउन्स (allowance) घटा दिया जाये, सब का एक सा हो, जितना उन्हें मिले, हमें भी मिले। और जैसे मैंने आप छोड़ों से पहले भी कहा था, देश में रुपया इस समय पानी की तरह बह रहा है, इस वक़्त मेरा दिल चाहता है कि इस सरकार के हाथ में एक पैसा न दिया जाये, और न इस को कोई अधिकार मिले और न एक पैसा मिले, ऐसा मेरा दिल चाहता है। तो आप आज पांच सौ वेतन लीजिये। उस समय जब राजा जी और किदवाई साहब करांची कांग्रेस में यह कहते थे कि पांच सौ रुपये से अधिक वेतन न लेना चाहिये, तो आज उन का देश के सामने और दुनिया के सामने क्या मुह है। मैं तो कहता हूँ कि पांच सौ से अधिक वेतन पाने वाले को डूब मरना चाहिये। मेरा यह सब कहने का मतलब यह है कि आज सरकार का जो खर्च है, उस को कम कर दिया जाये एकदम कांग्रेस के सिद्धान्त के मुताबिक। और सब सरकारी अफसरों का भी वेतन कम कर देना चाहिये और जहाँ जहाँ अधिक हों सरकारी खर्चा कम किया जाये। मैं तो कहता हूँ कि इस तरह की घोषणा अगर आज की जाये तो कल से कम्युनिज्म घटने लगेगा और दो चार दिन में बिल्कुल मर जायेगा। अच्छा यह तो खर्च करने की बात हुई। और जैसा मैंने पहले कहा

था आज डिटेन्शन (detention) का बिल पास करते आइये। आज पास करो और कानून का पहाड़ बनाओ। उस को लागू करने के लिये प्लन मर्ती करो। लेकिन उस से कम्युनिज्म (Communism) दबने का नहीं है, यह खानी हुई बात है। आज मैं आप को इस का उपाय बतला रहा हूँ। वेतन तो इस तरह से कम कर दीजिये। उस के बाद मैं एक बात कहता हूँ आप छोड़ों से। आज तीन वर्ष हो गये हैं हमारी सरकार को बने हुए। अगर इस बात का सारे देश में प्रचार रहता कि जितनी प्राविन्शल सरकारें (Provincial Governments) ह और केन्द्रीय सरकार है, या जितने मंत्री हैं वह पूरे ईमानदार हैं और ये लोग देश का दुःख दूर करने के लिये कोशिश कर रहे हैं तो मैं कहता हूँ समापति जी कि हमारा यश फैलेगा और आज हमारे देश की परिस्थिति बदल सकती है। लेकिन केन्द्रीय सरकार के बारे में तो मैं नहीं कहूँगा, कारण यहाँ की तो गड़बड़ बातें कमी कमी सुनने में आती हैं लेकिन प्रान्त में तो, मैं अधिक नहीं कहूँगा, तमाम बात आप जानते हैं, वहाँ तो कहीं कहीं मालूम होता है कि लूट हो रही है। प्रांतीय मिनिस्ट्रों का नाम मैं नहीं लेना चाहता हूँ, लेकिन लूट हो रही है, कई जगहों का हाल मैं जानता हूँ। वहाँ तो यहाँ तक होता है कि अगर आप किसी मिनिस्टर के कहने के अनुसार उस की पार्टी में न हों तो आप को जेल भेज देंगे और वहाँ जब कौल कर लिया जायेगा कि अब तुम्हारा पार्टी में रहेंगे, वस जेल से छोड़ दिये जायें। मेरे पास नहीं है, मैं उन के बिना नहीं बोलता।

श्री स्वामी : ऐसा कौन सी प्राविन्सेज में हो रहा है साहब ?

बाबू रामनारायण सिंह : आप का इतना दिमाग होना चाहिये कि अनुमान कर लें। सभापति जी, जितने इस तरह के मिनिस्टर हैं उन का पता लगाइये शीघ्र ही पता लग जाएगा, उस में देर नहीं होगी। उन सब मिनिस्ट्रों को जेल भेज दीजिये। यह प्रिवेन्टिव बिल (Preventive Bill) नहीं, बल्कि ऐसा बिल पास कीजिये कि जिस किसी मंत्री के बारे में कुछ गड़बड़ सुना जाये उस को जेल भेजिये। प्रान्तीय सरकार और केन्द्रीय सरकार में विल्कुल जिन के बारे में शक शुबहा न हो ऐसे आदमी मंत्रिमंडल बनायें जिस में सारे देश में हल्ला हो जाये कि ऐसे ईमानदार मंत्री वने हैं और यही काम करेंगे। मैं कहता हूँ कि ईमानदारी के साथ काम हो तो लोगों के बीच में विश्वास पैदा होगा। सभापतिजी, आपको बहुत फिक्र थी कि हैदराबाद के आठ जिलों में कम्युनिज्म फैल रहा है। वहां सरकार की तरफ से उपदेशक भेजे जायें और अच्छा हो कि आप ही उपदेशकों के नेता हों। लोगों के बीच में आप प्रचार करें। लोगों को इतना प्रसन्न करें कि जहां कम्युनिज्म का नाम वे सुनें तो डर न जायें। यहां तक कि जहां वे कम्यूनिस्ट का नाम सुनें वे स्वयं उन लोगों को सजा दें। आपको कोई काम न करना पड़े।

श्री क्रिश्चार्ड : वायोलेंस (Violence) ?

बाबू राम नारायणसिंह : आप वायो-लेन्स के सरदार बन कर वायोलेंस की बात करते हैं? जनता को इतना खुश किया जाये, जनता को इतना सुखी किया जाय, जनता में इतना विश्वास पैदा किया जाये कि वह समझे कि सरकार हमारी है,

सरकार हमारे लिये काम कर रही है। तो इस तरह से अगर जनता में विश्वास पैदा कर दें फिर और जो पहले कहा है उस तरह से खर्च कम हो, वेतन कम हो, तो काम चल सकता है। कर्प्शन (Corruption) तो दूर करना ही पड़ेगा, सारे मिनिस्ट्रों को इन्साफ करना ही पड़ेगा। अगर यह सब करते हैं और यही जरिया है, तो कम्युनिज्म दूर हो सकता है। राजाजी, शायद आप जानते होंगे कि आप के लिये मेरे दिल में कितनी भक्ति है, मैं तो जानता ही हूँ, लेकिन मैं कहता हूँ कि प्रान्तीय सरकार और केन्द्रीय सरकार जितने कार्य कर रही हैं, विल पास करना और जो कुछ भी आप कर रहे हैं, उस के जरिये कम्युनिज्म को निमंत्रण दे रहे हैं। आप की नीति झगड़े को देश में फैला रही है और वह आयेंगे और आप के रोके नहीं रुकेंगे मगर जो उपाय मैं बतलाता हूँ उस को करने को तैयार नहीं हैं तो। नहीं तो कम्युनिज्म आज खत्म होता है हमारे देश से। लेकिन खर्च कम हो, मंत्रियों का वेतन कम हो। एक रोज मैं यहां बोल रहा था। पांच सौ रुपया वेतन के बारे में तो हमारे ठाकुर दास भागव जी ने कहा था कि कैसे चलेगा पांच सौ में। मैंने जवाब दिया था कि पांच सौ में इस के लिये सारा देश गुरु है। देश में कितने हैं हजार में, लाख में जिन की माहवार आमदनी पांच सौ की है वह कैसे चल रहे हैं। आज आप कहते हैं कि कैसे चलेगा? राजा जी जब जेल में थे तो कैसे चलता था, मैं भी जब जेल में था तो कैसे चलता था। यह सब कहने की बात है। खर्च कम कीजिये, ईमानदारी के साथ काम कीजिये और जहां गड़बड़ मंत्री हों या और सरकारी आदमी हों, उनको कत्ल कीजिये। तभी कम्युनिज्म बन्द होगा, इस बिल से ही बन्द होने का नहीं है।

समापतिजी, आप ने कहा था कि आप कानून जानते हैं, आप ने यह भी कहा था कि देश में जितने कानून हैं उस के अरिये खराब लोगों के साथ उचित व्यवहार नहीं हो सकता है। हम को दो बार सजा हुई थी १०८ दफा में। १०८ दफा में तो बहुत आदमी पकड़े जा सकते हैं। उस के बाद क्रिमिनल प्रोसीजर कोड (Criminal Procedure Code) में जो १०७ दफा है वह क्या है। उस में भी बहुत से आदमी पकड़े जा सकते हैं। यह भी ठीक है कि आप ने ऐडवाइजरी बोर्ड (Advisory Board) बनाया। लेकिन मुझे आज खुशी के साथ कहना पड़ता है, आनन्द से कहना पड़ता है कि मैं आनन्द से फूल उठता हूँ जब सुनता हूँ कि हाईकोर्ट (High Court) ने ऐसा फैसला सुप्रीम कोर्ट (Supreme Court) ने ऐसा फैसला दिया। एक दिन इस हाउस (House) में एक मंत्री ने कहा था कि यहां की एग्जीक्यूटिव (Executive) और जुडीशियरी (Judiciary) में कशाकशी नहीं बल्कि युद्ध हो रहा है। इसी जगह पर कहा था। मेरे मित्र कहते हैं गाडगिल साहब ने कहा था। मैं तो कहता हूँ कि हमारा देश गौरवान्वित है कि हमारी यहां की जुडीशियरी ऐसी है। आज भले ही यह सरकार कहे कि युद्ध हो रहा है परन्तु इस सरकार की रक्षा करने वाली भी जुडीशियरी है। अगर आज जुडीशियल डिपार्टमेंट (Judicial Department) न होता तो कोई तार्जुब नहीं कि यह सरकार लापता हो गई होती। तो साहब बोर्ड के सामने हम लोग भी गये थे, आप भी गये होंगे। बोर्ड क्या है ? मैं बहुत धन्यवाद देता हूँ मुखर्जी साहब को, उन्होंने कहा कि बोर्ड के मेम्बर कैसे हों। जो जज होने वाले हों सो न हों। उन का मतलब यह था कि जिन को सरकार से कुछ

पाने का लालच है ऐसे आदमियों को बोर्ड का मेम्बर न बनाइये। उनको अनुभव था और उन्होंने बड़ा अच्छा कहा। इसलिये मैं उनको धन्यवाद देता हूँ। हमारे देश में ईमानदारों की कमी नहीं है लेकिन यह इधर उधर फैले हुए हैं। कुछ जुडीशियल डिपार्टमेंट में हैं, लेकिन एग्जीक्यूटिव में तो नाम निशान को भी नहीं है। तो बोर्ड के सामने मैं भी गया था, आप भी गये थे, और लोग भी गये होंगे और उन से बात की थी।

Mr. Deputy-Speaker: That was under the previous Government.

बाबू रामनारायण सिंह : जी हां। तो इस काम में तो प्रीवियस गवर्नमेंट (Previous Government) और यह गवर्नमेंट दोनों एक ही चीज हैं, यह तो जान लीजिये। जब इस गवर्नमेंट ने यह बिल पेश किया है तो यह बोर्ड क्या करेगी। उस के बारे में मुखर्जी साहब ने कहा है और मुझे भी मालूम होता है कि वह क्या करेंगे। वह तो दलबन्दी वाला कोई मिनिस्टर, चाहे होम मिनिस्टर (Home Minister) हो चाहे कोई और मिनिस्टर हो, वह अपने दलवालों में से किसी को रखेगा और उस को खुब मालूम रहेगा कि यह फलां दल का है और उसी के मूताबिक बोर्ड फैसला करेगा। इस बोर्ड से कोई लाभ होने को नहीं है। हां जैसा मुखर्जी साहब ने कहा था कि जो रिटायर्ड जज (Retired Judges) लोग हों, जो किसी पार्टी में नहीं हैं और जो किसी फिक्काबन्दी में कभी नहीं रहे, ऐसे लोगों का बोर्ड बनाइये तो उचित होगा। परन्तु मैं तो यह भी नहीं चाहता। मैं तो कहता हूँ कि इसे वापस ले लीजिये और मैंने जो उपाय बतलाया था और जैसा कहा था आप उपदेशक भेजिये ताकि वह लोगों में प्रचार करें, आप उनके नेता बनें। अगर आप कहियेगा तो मैं भी साथ

[बाबू रामनारायण सिंह]

बलूमा और उन आठ जिलों को दुस्त कर लेंगे। यह बहुत मुश्किल नहीं है। लेकिन जिस तरह आप कार्रवाई कर रहे हैं, यहां जो राजा जी और हमारी सरकार जिस तरह कार्य कर रही है उस सम्बन्ध में कौन उन के पास जाता है और कुछ कहता है। आप क्या जानते हैं। हम लोग जिस जगह जाते हैं, अगर रेल में जाते हैं तो आप लोगों की शिकायतें सुनते सुनते हमारी देह छिली जाती है। जहां जहां जाते हैं वहां सरकार की शिकायत सुनते हैं। हमें तो ताज्जुब है कि यह सरकार कैसे टिकी हुई है। मैं तो कहता हूं कि आज आप को कोई उपाय सोचना पड़ेगा। अब तक सरकार एक चीज थी और जनता दूसरी चीज थी, लेकिन अब जनता और सरकार को आपस में एकदम खिलत-मिलत हो कर एक हो जाना चाहिये और राजा जी जैसे पहले हम लोगों के साथ मिलते थे वैसे हो जायें और जनता के साथ बात करें। मैं कहूंगा कि इस का यही उपाय है। आप सरकार का नाम भी बदल दीजिये। सरकार के माने शैतानी हुकूमत के सिवा और कुछ नहीं हो सकते। जब सरकार नाम को ही हटा दीजिये। अगर देश के प्रबन्ध को करने के लिये कोई समाज हो तो उस का नाम सेवक मंडल रखना चाहिये और मन्त्री को सेवक मंत्री कहना चाहिये। जैसे आप कम्युनिज्म को दूर करना चाहते हैं वैसे ही इस सरकार शब्द को भी दूर कीजिये। सरकार के माने शासक के हो जाते हैं। पर अब तो ऐसा शासन नहीं चलेगा।

श्री अ० आर० कपूर : सेवक मंडल का सुझाव बहुत अच्छा है।

बाबू रामनारायण सिंह : यही सब उपाय हैं। जिस तरह आप काम कर रहे हैं उस से तो हुकूमत बदनाम हो रही है।

कल एक भाई ने कहा था कि दुनिया में हिन्दुस्तान की मर्यादा बहुत बढ़ रही है। अरे भाई, दुनिया में तो हिन्दुस्तान की मर्यादा बढ़ गई है, लेकिन हमारे घर में क्या हो रहा है। सारे हिन्दुस्तान में घर घर में असंतोष है। तो आप लोग जो दुनिया में हिन्दुस्तान की प्रतिष्ठा चाहते हैं यह बड़ी खुशी की बात है, लेकिन प्रतिष्ठा होनी चाहिये आप के हर एक के हृदय में। आप की यह स्वाहिस होनी चाहिये कि देश में हर एक आदमी खुश रहे। हमारे देश में राम राज्य की बात आती है। मैं ने कहा कि आप लोगों की शिकायतें सुनते सुनते मुझे बड़ा दुःख होता है, पर जब तक आप लोग बने हुए हैं मैं आप को धर्मानुकूल चलने को कहता हूं। हमारे देश में कैसे राज्य हुआ करता था। एक बार एक घोड़ी ने टीका टिप्पणी की रामचन्द्र जी के कार्य की

Mr. Deputy-Speaker: What is the need for all this?

बाबू रामनारायण सिंह : वैसे ही शासन बनना चाहिये तब कम्युनिज्म नहीं होगा। ऐसी सरकार होनी चाहिये, समा-पति महोदय।

Mr. Deputy-Speaker: Hon. Member has already referred that if Ram Raj is established there would not be any Communism. What is the use of repeating it?

बाबू रामनारायण सिंह : मैं आप को और जरा बता दूं। वह इस तरह से है कि एक घोड़ी राज्य में

मिस्टर डिप्टी-स्पीकर : सब जानते हैं महाराज।

बाबू रामनारायण सिंह : तो रामचन्द्र जी ने अपनी स्त्री को बनवास दिया। पर हमारे मंत्रियों की लोग रात दिन

बुराई करते हैं पर वह गद्दी नहीं छोड़ रहे हैं। हमारे देश में तो नज़ीर है। उस को ले कर के अगर आप काम करें और देश की सेवा करना आरम्भ करें तो कम्युनिज़्म नष्ट हो जायेगा। लेकिन जो कार्य आप कर रहे हैं उस से ऐसा नहीं होगा। तो इस बिल से कुछ होने वाला नहीं है। इस वास्ते में हृदय से कहता हूँ कि राजाजी आप इस बिल को वापस कीजिये और खत्म कीजिये और चलिये देश में उस तरह काम कीजिये जैसा कि मैं ने उपाय बतलाया है, जिस में देश सुख हो और आप का नाम बरकरार रहे।

(English translation of the above speech)

Babu Ramnarayan Singh: Sir, I thank you very much for allowing me an opportunity to speak on this Bill. A member like myself is placed in a queer predicament. Now, I find that this Bill has been sponsored by the Government, by a Government composed of such old comrades, old and ardent patriots as Jawahar Lalji, our Rajaji and Kidwai Sahib and it is they who have brought forth this Bill. On the one hand we observe this position and, on the other, we see what is happening in the country. When we contemplate the Bill that has been brought forward we feel like being in the situation described by Tulsi Dasji as the case of the snake and the mole. The tradition goes like this. The mole is an animal resembling the rat. The snake catches hold of it by mistake. Subsequently he discovers it is not a rat but a mole. Now, if he were to swallow it his belly would burst and he would die and if he were to release it he would become blind. We find ourselves in a similar predicament. We, who have worked for the coming into being of this Government and have devoted every moment of our lives to the service of our country, are today faced with the Preventive Detention Bill.

Sir, there was a time when the British ruled and a person other than you occupied the Chair in this House. Many of us—I among them—used to take part in the Debates in those days. I congratulate Mr. Anthony on the

very fine speech he has delivered today. I am pained to have to observe that sometimes there is a loud laughter in this House. Something or the other tickles the Members and they burst into laughter. But, is there any patriotic man who is not shedding tears at the sort of things that are happening in this country today? Mr. Anthony has remarked, and correctly, that whenever the Britishers wanted to frame such laws and such rules and regulations we used to say that no civilised Government would ever do such a thing. Today, we, of the Congress, are out to frame just the same kind of laws. Have we then the cheek—has our Government the cheek—today to claim that ours is a civilised Government? We have to consider how is it that Communism and such other isms are making inroads into our country today and are gaining ground. Sir, you will excuse me, but as you were speaking I was being tickled a bit and was also feeling grieved. Every time you spoke I was asking myself, 'Is Ananthasayanam Ayyangar our own or is he speaking like an advocate?' I was feeling a suspicion as to how far you were speaking from the depth of your heart.

Sir, we are told by the Government—today it is known as our Government—that Communism has spread in eight districts of Hyderabad. I say, let us all, including Rajaji, think and consider and find a way out, for otherwise it will not be these eight districts alone but the whole of this country that will be turning Communist.

Mr. Deputy-Speaker: What is the remedy?

Babu Ramnarayan Singh: Yes, I am going to tell you the remedy. I thank you for that. I was going to tell it by myself but now that you have asked me to do so I must. Now, it looks like that the whole country must turn Communist. In the first instance, you must consider how is it that Communism is spreading in this country. Is it that you do not know, Jawahar Lalji does not know, Rajaji does not know, that there is a seething discontent in the country? Discontent pervades the whole country and fills every breast. I have even a lurking fear that I too may not turn Communist; it should not be surprising. Today I find the whole country in the grip of discontent. I am just returning from Chittorgarh in Rajputana which I had been visiting. There I came to hear that there

[Babu Ramnarayan Singh]

had been general loot in two villages on account of starvation. You are persisting in the maintenance of controls. These controls are possibly causing no good to anybody in the country barring the policeman. Pantji has well said that if this Bill were to be made applicable to the black-marketeer he would just pay one or two lakhs of rupees to the police officer and escape arrest. I should felicitate myself, I should felicitate you, I should felicitate the Government on their achievement if and when all the black-marketeers are arrested under this law. But, who is going to arrest them? The biggest black-marketeer is he who encourages them to indulge in black-marketing. I am going to tell you the remedy and would not resume my seat until I shall have done that. We must, however, consider, in the first instance, what is the origin of this Communism. It is the prevailing discontent which is the cause of it. And, whence does this discontent proceed?

The Minister of Communications (Shri Kidwai): From Bihar.

Babu Ramnarayan Singh: It has proceeded from Bihar as also from U.P.—and also from the Central Government where Mr. Kidwai has his field of work. It is proceeding from all directions. Now I come to the remedy—the remedy we might adopt. Before, however, we proceed to prescribe the treatment we must consider how the disease was caused. I have stated already that the fire of discontent is raging in the whole length and breadth of the country, but what were the precursors of this discontent? The whole conduct of the Government, be it the Central Government or the State Governments, before the upsurge of this discontent, has been lacking in method. Today when Rajaji demands that there should be no propagation of Communism I should like to ask what action has been taken by him, and by others before him, to put a stop to corruption. I would say there is not a particle of justice in whatever programmes are afoot at present. And, it is due to this very injustice that the discontent prevails.

Now I come to the remedy. You should find out first of all whether some people were sent out from here to Moscow for training and that they are now doing propaganda here. You may arrest such people and do what you like with them. It would be even better to send them away somewhere. I do not want Communism to spread in my country.

Shri Kidwai: Why?

Babu Ramnarayan Singh: I will tell you why. Although I like their doctrines, viz., that there should be equality in the country, that everybody should be happy,—all that I approve—I do not like their violent methods.

Shri Sidhva: That is exactly what this Act provides against.

Babu Ramnarayan Singh: No, Sir. I know what this Act aims at. Now, I was telling you that I do not want Communism in my country. The way it is spreading in your country it is not because of outside elements but due to your own people. Very briefly I should say that the Government of India and the State Governments are themselves the cause of it. They are the preachers of Communism. They are the breeders of Communism. This is the charge I wish to lay against them.

We sometimes happen to remark. 'Oh, it is a Congress Government and our men of the Congress are running the administration!' But just ask Rajaji, who must be putting in at least twelve hours of work daily, for how many of these hours does he think on Congress lines, for how many hours out of these twelve does he talk to men of the Congress, for how many hours out of these twelve does he contemplate the Gandhian doctrines of *Ahimsa* and Equality. On the other hand, I feel that they have before them neither the Congress ideal, nor the Congress creed, nor its policy but that they are guided by bureaucracy alone—the same bureaucracy which once caused him to be imprisoned, which had me put behind the bars. That very bureaucracy dances attendance on him day and night and as it dictates so he acts. Should such a Government, then, be called a Congress Government? A Congress Government would mean a Government pursuing the ideals of Gandhiji and manned wholly by Congressmen. Only then could I have called it a Congress Government.

And since, Mr. Deputy-Speaker, you asked about the remedy, I would say that this Bill must be withdrawn if we want ourselves to be known to the world as a civilised people. If, however, we prefer to be branded as uncivilised it is a different matter. Is each successive Government of our country going to behave in an uncivilised manner? If you choose to play the brute and the devil, then do as

you please, but if you want to be called civilised then you must withdraw this Bill.

What is the position today. The discontent that prevails is known to you and all those who style themselves as the Government are also aware of it. When those who constitute the Government today, whether they be Ministers at the Centre or of the State Governments, go out somewhere they are attended by police guards. Just consider. Formerly whenever our Rajaji and Jawahar Lalji used to stir out they were followed by crowds of people, they were adored. But now they are afraid that if they are not accompanied by a guard they would be unprotected and might be killed.

Shri Tyagi: They are not afraid; they have the guard because they like to have it.

Babu Ramnarayan Singh: Whether it be out of fondness or fear it is one and the same thing. I should like them to go about without a guard as they used to. If they would be killed let them be killed; India could carry on without them. You laugh but it is not a matter for laughing about for I feel like crying when I think what a plight we have been reduced to.

Mr. Deputy-Speaker: You mean to say they should sacrifice their lives?

Babu Ramnarayan Singh: I do not want them to sacrifice their lives but if for want of police protection they come to sacrifice their lives let them incur that risk for sacrifice is a part of their creed. The kind of life that needs police protection every time one stirs out is not worthwhile. So, all this you must discard, and you must also discard all these ways of the Britishers. Let our Rajaji go about in the same way as he used to before I do not say this about Rajaji alone but about all those in this country who are styled as Ministers, who are called the Government I am saying this for the benefit of all of them. Let them discard those novel ways of the Britishers that they have come to assume and let them merge themselves with the society.

Shri Kidwai: Get crushed?

Babu Ramnarayan Singh: If he does not know the language I would teach him. Let these people work in collaboration with the society. Let them go from house to house and hear what people say. That used to be done here in the old days. The king

and his ministers used to put on a disguise and go about among the common people. They would listen to what the common folks talked about and would mould their policies accordingly. Now that you have replaced the Britishers as ministers and as Government it does not behave you to act like Nabobs.

Another suggestion that I have to give you is this. If you want to ward off Communism from this country and if you also want to put an end to Communism the remedy is that Rajaji and all other ministers should be given a salary of Rs. five hundred each. Similarly all Government officers should be given a maximum salary of Rs. five hundred each—and those of them who refuse to accept five hundred should be shown the door. At the same time the allowances of Members of the Parliament should also be reduced, so that there might be a uniform rate of payment and we might also get as much as they receive. And, as I said once before, this country's funds are at present being spent wastefully and extravagantly. If I had my way I would not trust this Government with a single penny. They should neither be invested with authority nor provided with funds. Such is my wish. You should now accept a salary of five hundred. When Rajaji and Mr. Kidwai declared at the Karachi Session of the Congress that nobody should have a salary exceeding five hundred rupees with what cheek do they face the world today? I would even say that the man drawing a salary of more than five hundred should go and drown himself (for shame). What I mean by all this is that in accordance with the Congress creed the present expenditure of the Government must be cut down drastically. The salaries of all officers of the Government should also be reduced and similarly Government expenditure, wherever it is found to be excessive, must also be cut down. I am of the opinion that if such a declaration were to be made today Communism would start dying tomorrow and would be dead as stone in a few days' time. This is all about the expenditure. Now, as I have said already, you may pass the Detention Bill. The Government may pass the law and make a mountain of it and even recruit a platoon for its enforcement. But it is a well-known fact that Communism cannot be suppressed in this way. I am suggesting today a means for its suppression. First of all reduce the salaries, and thereafter I proposed to make another suggestion. Three years have passed

[Babu Ramnarayan Singh]

since the present Government had come into power. Had there been a continuous publicity throughout the country to the effect that our Governments both at the Centre and in the States as also all our Ministers are quite honest and that they are doing their best to alleviate the sufferings of our countrymen, then, Sir, I maintain our prestige would have gone high and the situation in the country could have been altered for the better. I would say nothing about the Central Government for the very reason that its muddles come to our notice only on very rare occasions. But as for the provinces, I will make out a brief reference because we are quite in the know of the whole situation. There a *loot* seems to be going on at places. I do not want to name here the Ministers concerned, but *loot* is certainly going on and I am personally aware of the happenings at some of those places. There it has extended to such an absurdity that one may run the risk of being imprisoned for not joining a particular party of some Minister in defiance of his wishes, but will be let off the moment he promises to continue to remain with his party. I have with me some specific instances and I do not speak without facts.

Shri Tvaqt: In which States is this happening, Sir?

Babu Ramnarayan Singh: You are expected to have sufficient intelligence to guess it. Sir, it will take not much time to find out the Minister of this type. I commend that all of them should be sent to prison. The House should not be content merely with this Preventive Detention Bill. They should, rather, pass a Bill which may empower them to send any Minister with suspected demeanours straightaway to prison. Only such Ministers should be taken in the Cabinets both of the Provincial and the Central Governments who should be above all suspicions. This will inspire confidence throughout the country with regards their honesty and capacity to carry out the task entrusted to them. I maintain that honesty of purpose as evinced in the actual execution of the work is bound to inspire confidence in our people. Sir, a good deal of anxiety has been expressed about the expansion of Communism in the eight districts of Hyderabad. I suggest, Sir, that a band of preachers be sent to that State on behalf of the Government and they should be under your direct personal leadership. You should undertake to preach among the people and so please them that they begin to have no dread

of the very name of Communism and even to punish the Communists themselves wherever they come to know of them, thus leaving no work to be done by the Government.

Shri Kidwai: Violence?

Babu Ramnarayan Singh: You talk of violence while being at the head of all violence yourself? You should endeavour to please and bring about the well being of the public and, thereby, win their confidence to an extent as to make them feel that the Government belongs to them and that all its doings are aimed at their welfare. If the Government succeeds in winning their confidence and if, as suggested by me before, expenditure and salaries are reduced, it will become possible to carry on with the work. We will have to root out all corruption and all our Ministers will have to justice to the tasks allotted to them. If they all proceed in this way, and that being the only way out of the impasse, only then the Communism can be suppressed. Rajaji, he knows well that I hold him in a very high esteem. Any way I am aware of it, but I wish to tell him that the actions of all our State Governments and those of the Central Government which include the passing of this Bill, are indirectly an invitation to Communism which is sure to come because of the policy which is creating and promoting conflict in the country, and in case my advice is not heeded then, in spite of all our efforts we will not be able to stop it. If on the other hand, the Government is prepared to accept my suggestions, then even today there shall be no trace of Communism left in this country. The necessary condition is that the expenditure and salaries of the Ministers be reduced. On another occasion when I was speaking here about the Ministers' salaries being fixed at Rs. 500/-, Pandit Thakur Das Bhargava had remarked that it will be difficult to pull on in Rs. 500/-. My reply was that the country as a whole can serve as an example for such a mode of living. How many persons in a thousand or in a lac are there in this country whose income is Rs. 500/- per mensem and how is it that they can manage to make both ends meet? Today we doubt about the feasibility of this idea. How Rajaji and I were able to null on while in prison? All such pleas are baseless. Reduce the expenditure, work honestly and shoot down all corrupt Ministers and other officials. Only then it will be possible to suppress Communism in this country. We must not hope to suppress it merely by passing this Bill.

Sir, you had observed that you knew the law and that the various legislations operating in this country were hardly adequate to meet out proper treatment to the undesirable and unsocial persons or elements in this country. I were twice convicted under section 108. Any number of persons can be arrested under that section. It can also be done under section 107 of the Criminal Procedure Code. It is true again that it is proposed to set up an Advisory Board. My pleasure, however, knows no bounds when I read the various decisions given by our High Courts and the Supreme Court. Once one of our hon. Ministers had remarked here that in the Centre there was going on not a tug of war but a war itself between the Executive and the Judiciary. My friend tells me that Shri Gadgil had made that remark. My submission is that our country may well feel proud of her judiciary. Today this Government may term it as a 'War', yet this very Judiciary is the real protector of this Government itself. Had it been non-existent today, nobody would have felt surprised to find the present Government as extinct. I also had appeared before such a Board just as you might have. What is this Board? I wholeheartedly congratulate Dr. Mookerjee for his reference to the type of members we should have on this Board. He has expressed himself to be against the idea of appointing those who are expected to be promoted as judges, meaning thereby that such persons who have some hopes of promotions etc. from the Government should not work on this Board. He had experience at his back and his suggestion is very commendable I, therefore, congratulate him. There is no dearth of honest persons in this country, but they are just scattered all over this land. Some of them are working in the Judicial Department, but so far as the Executive is concerned, their number is nil. I had also appeared before that Board and had talks with them as may have been the case with you or with others.

Mr. Deputy-Speaker: That was under the previous Government.

Babu Ramnarayan Singh: Yes, Sir. We should realize the identical character of the previous regime and the present Government so far this issue is concerned. What will be the functions of this Board in the light of this Bill sponsored by the present Government? Dr. Mookerjee has touched this point and its possible functions strike my imagination also.

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Whether the appointing authority is the Minister of Home Affairs or any other Minister, such persons from his own party will be appointed who shall be in no doubt as to the party leanings of the Minister concerned and, the decisions of the Board, thus, will invariably be prejudiced in favour of the aforementioned Ministers' party. No useful purpose will be served by this Board. For this reason, as suggested by Dr. Mookerjee, it will be proper if the Board consists of only those retired judges who neither have or had any party affiliation throughout. But personally I am not in favour of this idea even. My plea is that the Bill itself should be withdrawn and that the remedy suggested by me should be adopted and some preachers be detailed to preach amongst the people. You should yourself assume the leadership of such preachers. Personally, should you so desire, I am prepared to accompany you and we shall see to it that order is restored in those eight districts. It is not an uphill task. But keeping in view the way Rajaji and our Government are tackling this issue, nobody can muster enough courage to go to them and plead with them. You do not seem to be adequately aware of the situation. Whether it has been in a railway compartment or anywhere else, we have constantly been hearing complaints about the Government and that makes us feel smitten. Everywhere we hear complaints against the Government. What is most surprising is how this Government is still continuing. I maintain that you will have to think of some other remedy at this juncture. So far there has existed a vast cleavage between the Government and the masses, but it is the call of the hour that the Government and the people remain no more separate and become one without further loss of time. Rajaji should mix up with us as he used to do previously and he should establish frequent contacts with the public. I regard this to be the only remedy. The very name *Sircar*, should go for it can mean nothing but the 'devil's rule'. The very word *Sircar* should be done away with and any society or organisation entrusted with the administration of the country should be styled as *Sevak Mandal*, i.e. 'Society of the Servants' and each Minister should be known as the 'Servant Minister'. Just as we are anxious to suppress Communism, similarly we should do away with the word *Sircar*. *Sircar* means the Ruler, but the word 'Ruler' will simply not work now.

Shri J. R. Kapoor: The suggestion about the *Sewak Mandala* is very commendable indeed.

Babu Ramnarayan Singh: So these are the possible remedies. The way in which the administration is being carried on has only defamed the Government.

Yesterday, one hon. brother had observed that prestige of India is going up in the eyes of the world. Well, Sir, it may be true that it is rising high in the eyes of the world, but what is the state of affairs within our own country? There is discontentment in every home in India. It is all very well that we wish to see the prestige of India rising in the eyes of the world, but everyone from us should establish it first in our own minds. We should have a longing that everyone of our countrymen feels contented and happy. We often utter the word *Ram Rajya* in this country. I have submitted before that we feel much unhappy to hear so frequent complaints made against the Government, but now that we are elevated to these high offices, I plead with you to follow the course of righteousness. Let us remember the way this country used to be ruled in the days gone by. Once a washerman happened to comment on the actions of Shri Ram Chandra.....

Mr. Deputy-Speaker: What is the need for all this?

Babu Ramnarayan Singh: The need is that we should have once again a similar type of administration here in this country. Communism will then have no quarters here. Sir, we should have that type of Government.

Mr. Deputy-Speaker: Hon. Member has already referred that if *Ram Raj* is established there would not be any Communism. What is the use of repeating it?

Babu Ramnarayan Singh: I may tell you something more. It is such that in the *Dhobi Raj*.....

Mr. Deputy-Speaker: All of us know it sir.

Babu Ramnarayan Singh: Shri Ram Chandra had then sent his wife in exile. People are censuring our Ministers day in and day out, yet they are clinging to Ministerial gaddis. Our country is rich in traditions. If only we follow them and start serving the country in their light, then no trace of Communism will be left in this country. But the way we are proceeding at present, will not achieve the desired results.

This Bill, therefore, will fail to serve any useful purpose. For this reason I quite sincerely suggest to Rajaji to withdraw this Bill and finish with it. We should conduct the work of the Nation in the way I have commended and try the remedies as suggested by me so that the country may become prosperous.

Shri Rathnaswamy (Madras): Sir, I am thankful to you for giving me this opportunity to speak on this Bill.

Shri T. Husain (Bihar): Sir, there are only two more minutes.

Mr. Deputy-Speaker: The hon. Member will finish in two minutes.

Shri Rathnaswamy: It is indeed a great pleasure to me to support this Bill so ably and convincingly moved by the hon. the Home Minister. I was considerably amused when I heard some of the arguments advanced by some of the hon. Members here like Mr. Kamath and Mr. Anthony. I am only sorry these hon. Members had not taken into consideration the practical realities of the situation. Let me tell them that India is passing through very critical times and that she is passing through a very critical stage in her history and we have to be cautious, in view of the present internal and international forces that are at play. We cannot afford to be careless or lax in our efforts to retain and maintain the freedom that we acquired from the British, after a strenuous struggle and after sacrificing hundreds, nay, thousands of precious lives at the altar of the motherland for the achievement of freedom. Therefore, I say it becomes incumbent on our Government to come out with a measure of the kind we have now before us.

In the course of your speech you referred to certain atrocious activities of the Communists in Andhra Desa and some parts of Madras. My only fear is that the provisions contained in this Bill might go against certain innocent souls. I happen to know certain such cases in the State of Madras. The Communists are very able and cunning and are well-organised. They know full well how to thrust the blame on others, though they themselves perpetrate them. In certain parts of Madras, I was told stories of serious crimes, of atrocities and of the nefarious and notorious activities of the Communists. They saddened me very much. And I was told that certain innocent people were the vic-

tims of the heinous crimes committed by the Communists. Therefore my only anxiety is that Government in the application of the provisions of the Bill should take adequate precaution to see that poor innocent people are not victimised for the heinous crimes committed by the Communists.

Mr. Deputy-Speaker: Is the hon.

Member likely to finish in another five minutes?

Shri Rathnaswamy: No, Sir, I would take longer.

The House then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 14th February, 1951.