

तो बांग्ला देश की परिस्थिति भिन्न होती ।

18.29 hrs.

[MR. DEPUTY SPEAKER in the Chair]

हमें बूक मिये । लेकिन अभी भी जो देर हुई है उस को अपने पक्ष में बदला जा सकता है । विरह के जनमत के जावरण का मैं विरोधी नहीं हूँ, वह काम चलता रहे, अगर नई दिल्ली का विभाग साफ होना चाहिए । बंगला देश और बंगला देश से आने वाले विस्थापितों की तकदीर का फैसला वाशिंगटन में, लन्दन में, वान में या मास्को में नहीं होगा, नई दिल्ली में होगा और अगर नई दिल्ली साहम के साथ निर्णय करती है तो नया इतिहास लिखा जा सकता है । आज हमें देखना है कि सरकार नया इतिहास बनाने की शक्ति रखती है या नहीं ।

18.30 hrs.

**MAINTENANCE OF INTERNAL SECURITY BILL—Contd**

MR. DEPUTY-SPEAKER : Now we may resume discussion on the Maintenance of Internal Security Bill.

SHRI S. M. BANERJEE (Kanpur) : Sir, time should be extended for the discussion of this resolution on Bangla Desh,

MR. DEPUTY-SPEAKER : Naturally, it is inconclusive. Naturally, it will be resumed the next day.

**Clause 12—(Action upon the Report of Advisory Board)**

MR. DEPUTY-SPEAKER : We were on Clause 12. There is an amendment by Shri Frank Anthony. But he is not here. So, it is not moved. I will put Clause 12 to the vote of the House. The question is :

"That Clause 12 stand part of the Bill."

*The motion was adopted.*

*Clause 12 was added to the Bill.*

**Clause 13—(Maximum period of detention)**

MR. DEPUTY-SPEAKER : We go to Clause 13. There is an amendment by Mr. Kalyanasundaram. Is he moving it ?

SHRI M. KALYANASUDARAM (Tiruchirapalli) : Yes I am moving.

I beg to move :

Page 5, line 23,—

*for "twelve months" substitute "six months" (17)*

My amendment says that the period will be 'six months' instead of 'twelve months' as is provided in the Bill. The Home Minister had got all that he wanted in the way in which he wanted it. He has got powers to put anybody in jail without trial for any reason on the basis of a report submitted by a head constable. Anybody can be kept for any number of months. The Advisory Board will be only a mockery. Now at least let him consider whether it is possible to limit the period of detention to 6 months. This Bill provides maximum detention of 12 months. I am submitting that it can be reduced to 6 months. If this law is necessary for detention without trial, at least limit the period, instead of 12 months, to 6 months. So, my amendment seeks to restrict the period of the maximum detention to 6 months.

There can be no objection to this. Let me see whether his democratic conscience allows him to accept it.

जी अटल बिहारी वाजपेयी (ग्वालियर) : वैसे तो छः महीने का समय भी अधिक है । लेकिन मुझे शक है कि पन्त जी उसे स्वीकार करने के लिए तैयार होंगे । मैं उनको एक बात स्मरण दिलाया चाहता हूँ । जो व्यक्ति नजर-बन्दी के बाद छोड़ा जाता है उसको फिर भी

[श्री अटल बिहारी वाजपेयी]

पकड़ा जा सकता है उसी वक्त। इसलिए छः महीने के इस संशोधन को मानने में आपत्ति नहीं होनी चाहिए। मैं तो चाहूँगा कि तीन महीने से अधिक आप प्रथम चरण में नजरबन्दी की अवधि न रखें। लेकिन यहां साल भर रख दी गई है। ऐसा मान कर चला जा रहा है कि भारत के नागरिकों को नजरबन्द किया जाए और नागरिक स्वाधीनता का हनन हो। मैं देखना चाहता हूँ...

श्री राम सहाय पांडे (राजनन्द गाँव) : बड़े दुख की बात है।

श्री अटल बिहारी वाजपेयी : पांडे जी को दुख नहीं हो रहा है।

मैं चाहता हूँ कि पन्त जी इस पर विचार करें और इस संशोधन को मान लें।

श्री एस० एम० बनर्जी : यह जो संशोधन रखा गया है इसका मैं समर्थन करता हूँ। पन्त जी से मैं निवेदन करता हूँ कि अगर इस अवधि को एक साल के बजाय छः महीने कर दिया जाए तो पन्त जी को कोई आपत्ति नहीं होनी चाहिए। अगर किसी को डिटेन किया जाए मामूली शक व श्वहे पर, किसी पुलिस के कांस्टेबल की रिपोर्ट पर, तो छः महीने के बाद तो उसके साथ इन्साफ होना ही चाहिए। मैं निवेदन करूँगा कि कोई एमेंडमेंट न मानने की कसम ही अगर उन्होंने नहीं खा रखी है तो इस मामूली से संशोधन को वह स्वीकार कर लें और अगर वह इसको मान लेते हैं तो थोड़ी बहुत अच्छी बात यह होगी।

SHRI JYOTIRMOY BOSU (Diamond Harbour) : This idea of detention is so very deep-rooted in the mind of the Government. It is always applied against political opponents. Please see Clause 14. Then, you will see what it means. It says :

The revocation or expiry of a detention order shall not bar the making of a

fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the Central Government or a State Government or an officer, as the case may be, is satisfied that such an order should be made.

So, this has come out very clearly there. The Government must show some consideration. They want to call themselves a democratic Government interested in the ways of civilised thinking.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : The period has not been introduced by us as 12 months in this Bill only for the first, time, but in the Preventive Detention Act, 1953, the maximum period of detention was fixed at 12 months.

SHRI M. KALYANASUNDARAM : Are we still in 1950 ?

SHRI K. C. PANT : We are continuing with that 12 month-period. It does not mean necessarily that every detenu must be detained for 12 months. That is not the meaning. The maximum period is 12 months. Shri Dinen Bhattacharyya earlier in one of his many interpellations said that there was no maximum period at all, and that this could go on for any length of time.

SHRI M. KALYANASUNDARAM : Let him read this along with clause 14 (2), and he will see that there is no limit.

SHRI JYOTIRMOY BOSU : We know that it is a lawless law, and it is a law of the jungle, but still we must point this out.

SHRI K. C. PANT : It is left to the appropriate Government to decide on the merits of each case the period up to which a person should be kept in detention, subject to the maximum period of 12 months. That is the purpose. I do hope that there will not be many opportunities for this kind of thing which is being suggested, namely that a man is released and again immediately he is taken back into prison. I hope that there will not be many such occasions...

SHRI HAMENDRA SINGH BANERA (Bhilwara) : It happened during my elections.

SHRI K. C. PANT : It depends on that person as well. It is not entirely for the Government, but it is for those who come within the mischief of this Bill also to behave in a manner that the mischief of this Bill is not attracted.

MR. DEPUTY-SPEAKER : I shall now put amendment No. 17 to the vote of the House.

The question is :

"Page 5, line 23, for "twelve months" substitute "six months," (17)

Let the Lobby be cleared.

*The Lok Sabha divided :*

Division No. 10] AYES • [18.43 hrs.

Balathandayutham, Shri

Banera, Shri Hamendra Singh

Banerjee, Shri S. M.

Bhattacharyya, Shri Dinen

Bhattacharyya, Shri Jagadish

Bhattacharyya, Shri S. P.

Bosu, Shri Jyotirmoy

Brahman, Shri Rattanlal

Chandra Shekhar Singh, Shri

Das, Shri R. P.

Deb, Shri Dasaratha

Dhandapani, Shri

Dhote, Shri Jambuwant

Dutta, Shri Biren

Ghosh, Shrimati Bibha

Guha, Shri Samar

Gupta, Shri Indrajit

Halder, Shri Madhuryya

Halder, Shri Krishna

Hazra, Shri Manoranjan

Joarder, Shri Dinesh

Kalyanasundaram, Shri M.

Krishnan, Shri M. K.

Lalji Bhai, Shri

Manoharan, Shri K.

Modak, Shri B. K.

Mody, Shri Piloo

Mukherjee, Shri Samar

Mukherjee, Shri Saroj

Muruganatham, Shri S. A.

Rao, Shri M. Satyanarayan

Reddy, Shri B. N.

Reddy, Shri Eswara

Roy, Dr. Saradish

Saha, Shri A. K.

Sen, Shri Robin

Sezhiyan, Shri

Subravelu, Shri

Swatantra, Shri Teja Singh

Ulaganambi, Shri R. P.

Viswanathan, Shri G.

Yadav, Shri G. P.

## NOES

Ambesh, Shri  
 Asgar Hussain, Shri  
 Austin, Dr. Henry  
 Azad, Shri Bhagwat Jha  
 Aziz Imam, Shri  
 Babunath Singh, Shri  
 Bahuguna, Shri H. N.  
 Banamali Babu, Shri  
 Barman, Shri R. N.  
 Basappa, Shri K.  
 Bhandare, Shri R. D.  
 Bhuvarahan, Shri  
 Buta Singh, Shri  
 Chandre Gowda, Shri  
 Chaudhary, Shri Nitiraj Singh  
 Chawla, Shri A. N.  
 Chhotey Lal, Shri  
 Choudhury, Shri Moinul Haque  
 Dalbir Singh, Shri  
 Darbara Singh, Shri  
 Das, Shri Dharnidhar  
 Daschowdhury, Shri B. K.  
 Deo, Shri S. N. Singh  
 Deshmukh, Shri K. G.  
 Dhamenkar, Shri  
 Dixit, Shri G. C.  
 Dumada, Shri L. K.

Dwivedi, Shri Nageshwar  
 Ganesh, Shri K. R.  
 Gavit, Shri T. H.  
 Genda Singh, Shri  
 Ghosh, Shri P. K.  
 Gill, Shri Mohinder Singh  
 Gohain, Shri C. C.  
 Gokhale, Shri H. R.  
 Gotkhinde, Shri  
 Gopal, Shri K.  
 Gounder, Shri T. N. T.  
 Gowda, Shri Pampan  
 Hansda, Shri Subodh  
 Hashim, Shri M. M.  
 Ishaque, Shri A. K. M.  
 Jadeja, Shri  
 Jagjiwan Ram, Shri  
 Jamilurrahman, Shri Md.  
 Jha, Shri Chiranjib  
 Kadam, Shri Dattajirao  
 Kadam, Shri J. G.  
 Kahandole, Shri Z. M.  
 Kale, Shri  
 Kamala Prasad, Shri  
 Kambh, Shri T. D.  
 Kamla Kumari, Kumari  
 Kasture, Shri A. S.  
 Kavde, Shri B. R.

Kedar Nath Singh, Shri	Ram Prakash, Shri
Kotoki, Shri Liladhar	Ram Swarup, Shri
Kotreshatti, Shri A. K.	Ramji Ram, Shri
Kulkarni, Shri Raja	Rao, Shrimati B. Radhabai A.
Kumaramangalam, Shri Mohan	Rao, Shri Jaganath
Kureel, Shri B. N.	Rao, Shri Rajagopala
Lutfal Haque, Shri	Raut, Shri Bhoia
Maharaj Singh, Shri	Reddy, Shri M. Ram Gopal
Majbi, Shri Gajadhar	Richhariya, Dr. Govind Das
Mehta, Dr. Mahipatray	Rohatgi, Shrimati Sushila
Mirdha, Shri Nathu Ram	Roy, Shri Bishwanath
Mishra, Shri Bibhuti	Samanta, Shri S. C.
Mishra, Shri G. S.	Sankata Prasad, Dr.
Mishra, Shri Jagannath	Sarkar, Shri S. K.
Mohammad Tahir, Shri	Satish Chandra, Shri
Nimbelkar, Shri	Satpathy, Shri Devendra
Oraon, Shri Kartik	Sayajirao, Shri
Oraon, Shri Tuna	Shankaranand, Shri B.
Oza, Shri Ghanshyam	Sharma, Shri A. P.
Pandey, Shri K. C.	Sharma, Dr. H. P.
Pandey, Shri R. S.	Sharma, Shri N. K.
Pant, Shri K. C.	Shastri, Shri Shivpujan
Parashar, Shri Narain Chand	Shenoy, Shri P. R.
Paribasathy, Shri	Shinde, Shri Annasaheb P.
Patil, Shri T. A.	Shiva Chandika, Shri
Pradhani, Shri K.	Shukta, Shri B. R.
Raghu Ramaiah, Shri	Sinha, Shri Dharam Bir
Raj Bahadur, Shri	

Sokhi, Shri Swaran Singh

Stephen, Shri C. M.

Surendra Pal Singh, Shri

Suryanarayana, Shri K.

Swamy, Shri Sidrameshwar

Tayyab Hussain Khan, Shri

Tiwary, Shri K. N.

Vekaria, Shri

Verma, Shri Balgovind

Vikal, Shri R. C.

Yadav, Shri Karan Singh

Yadav, Shri N. P.

Yadav, Shri R. P.

Yadava, Shri D. P.

MR. DEPUTY SPEAKER : The result\* of the division is :

*Ayes 42 ; Noes 124.*

*The motion was negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 13 stand part of the Bill."

*The motion was adopted.*

*Clause 13 was added to the Bill.*

**Clauses 14 and 15**

MR. DEPUTY-SPEAKER : There are no amendments to clauses 14 and 15. I shall put them together to vote.

SHRI M. KALYANASUNDARAM : I want to speak.

MR. DEPUTY-SPEAKER : No.

SHRI M. KALYANASUNDARAM : Then we shall insist on division.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 14 stand part of the Bill."

*The Lok Sabha divided :*

Division No. 11]      **AYES**      [18 46 hrs.

Afzalpurkar, Shri Dharamrao

Ambesh, Shri

Asgar Hussain, Shri

Austin, Dr. Henry

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Banamali Babu, Shri

Barman, Shri R. N.

Barua, Shri Bedabrata

Basappa, Shri K.

Basumatari, Shri D.

Bhandare, Shri R. D.

Bhivarahan, Shri

\*The following members also recorded their votes :

*Ayes :* Dr. Hviraj Mehta, Prof. S. L. Sakseena, Sarvaswari Somsath Chatterjee, Gadadhar Saha and Bhisla Manjhi ;

*Noes :* Sarvaswari Ram Bhagat Paswan, S. L. Paje, N. N. Pandey and Mulki Raj Saikh ;

Buta Singh, Shri	Hansda, Shri Subodh
Chandre Gowda, Shri	Ishaque, Shri A. K. M.
Chaudhary, Shri Nitiraj Singh	Jadeja, Shri
Chawla, Shri A. N.	Jaggiwan Ram, Shri
Chhotey Lal, Shri	Jamilurrahman, Shri Md.
Choudhury, Shri Moinul Haque	Jha, Shri Chiranjib
Dalbir Singh, Shri	Joshi, Shri Popatlal
Darbara Singh, Shri	Kadam, Shri Dattajirao
Das, Shri Dharnidhar	Kadam, Shri J. G.
Daschowdhury, Shri B. K.	Kahandole, Shri Z. M.
Deo, Shri S. N. Singh	Kale, Shri
Desamukh, Shri K. G.	Kamala Prasad, Shri
Dhamankar, Shri	Kamble, Shri T. D.
Dixit, Shri G. C.	Kamla Kumari, Kumar
Dumada, Shri L. K.	Kasture, Shri A. S.
Dwivedi, Shri Nageshwar	Kavde, Shri B. R.
Ganesh, Shri K. R.	Kedar Nath Singh, Shri
Gavit, Shri T. H.	Kotoki, Shri Liladhar
Genda Singh, Shri	Kotrashatti, Shri A. K.
Ghosh, Shri P. K.	Kulkarni, Shri Raja
Gill, Shri Mohinder Singh	Kumaramangalam, Shri Mohan
Gohain, Shri C. C.	Kureel, Shri B. N.
Gokhale, Shri H. R.	Lutfal Haque, Shri
Gotkhinde, Shri	Maharaj Singh, Shri
Gopal, Shri K.	Majhi, Shri Gajadhar
Gounder, Shri T. N. T.	Mehta, Dr. Jivraj
Gowda, Shri Pampan	Mehta, Dr. Mahipatray
	Mirdha, Shri Nathu Ram

Mishra, Shri Bihuti	Rohatgi, Shrimati Sushila
Mishra, Shri G. S.	Roy, Shri Bishwanath
Mishra, Shri Jagannath	Samanta, Shri S. C.
Mohammad Tahir, Shri	Senkata Prasad, Dr.
Nimbalkar, Shri	Sarkar, Shri S. K.
Oraon, Shri Kartik	Satish Chandra, Shri
Oraon, Shri Tuna	Satpathy, Shri Devendra
Oza, Shri Ghanshyam	Savant, Shri Shankarao
Pandey, Shri K. C.	Sayajirao, Shri
Pandey, Shri N. N.	Shambhu Nath, Shri
Pandey, Shri R. S.	Shankaranand, Shri B.
Pant, Shri K. C.	Sharma, Shri A. P.
Parashar, Shri Narain Chand	Sharma, Dr. H. P.
Parthasarathy, Shri	Sharma, Shri N. K.
Paswan, Shri Ram Bhagat	Shastri, Shri Shivpujan
Patil, Shri, T. A.	Shenoy, Shri P. R.
Peje, Shri S. L.	Shinde, Shri Annasaheb P.
Pradhani, Shri K.	Shiva Chandika, Shri
Raghu Ramaiah, Shri	Shukla, Shri B. R.
Raj Bahadur, Shri	Siddheshwar Prasad, Shri
Ram Swarup, Shri	Sinha, Shri Dharam Bir
Ramji Ram, Shri	Sokhi, Shri Swaran Singh
Rao, Shrimati B. Radhabai A.	Surendra Pai Singh, Shri
Rao, Shri Jaganath	Suryanarayana, Shri K.
Rao, Shri Rajagopala	Swamy, Shri Sidramabhar
Raut, Shri Bhole	Tayyab Hussain Khan, Shri
Reddy, Shri M. Ram Gopal	Tiwary, Shri R. N.
Richhariya, Dr. Govind Das	Vekaria, Shri



Verma, Shri Balgovind

Kalyanasundaram, Shri M.

Vikal, Shri R. C.

Krishnan, Shri M. K.

Yadav, Shri Karan Singh

Lalji Bhai, Shri

Yadav, Shri N. P.

Manjhi, Shri Bhola

Yadav, Shri R. P.

Manoharan, Shri K.

Yadava, Shri D. P.

Modak, Shri B. K.

## NOES

Mody, Shri Pилоo.

Balathandayutham, Shri

Mukherjee, Shri Samar

Benerjee, Shri S. M.

Mukherjee, Shri Saroj

Bhattacharyya, Shri Dinen

Muruganatham, Shri S. A.

Bhattacharyya, Shri Jagadish

Rao, Shri M. Satyanarayan

Bhattacharyya, Shri S. P.

Reddy, Shri B. N.

Bosu, Shri Jyotirmoy

Reddy, Shri Esvara

Brahman, Shri Rattanlal

Roy, Dr. Saradish

Chandra Shekhar Singh, Shri

Saha, Shri A. K.

Chatterjee, Shri Sonnath

Saha, Shri Gadadhar

Das, Shri R. P.

Saksena, Prof. S. L.

Deb, Shri Dasaratha

Sen, Shri Robin

Dhandapani, Shri

Sezhiyan, Shri

Dhote, Shri Jambuwant

Stephen, Shri C. M.

Dutta, Shri Biren

Subravelu, Shri

Ghoah, Shrimati Bibha

Swatantra, Shri Teja Singh

Guha, Shri Samar

Viswanathan, Shri G.

Gupta, Shri Indrajit

Yadav, Shri G. P.

Halder, Shri Madhuryya

MR. DEPUTY-SPEAKER : The result\*  
of the division is :

Halder, Shri Krishna

*Ayes 132 ; Noes 45.*

Hazra, Shri Manoranjan

*The motion was adopted.*

Joarder, Shri Dinesh

\* The following members also recorded their votes :—

*Ayes* : Sarvashri Mulki Raj Saini and M. M. Hashim ;*Noes* : Shri Atal Bihari Vajpayee.

*Clause 14 was added to the Bill*

MR. DEPUTY-SPEAKER : The question is :

"That clause 15 stand part of the Bill."

*The motion was adopted.*

*Clause 15 was added to the Bill.**Clause 16 (Protection of Action Taken  
under the Ordinance)*

MR. DEPUTY-SPEAKER : We take up clause 16. Is Mr. Bibbuti Mishra moving his amendment ? No. The question is :

"That clause 16 stand part of the Bill."

*The Lok Sabha divided :*

Division No. 12]      AYES      [18 58 hrs.

Afzalpurkar, Shri Dharamrao

Ambesh, Shri

Asgar Hussain, Shri

Austin, Dr. Henry

Azad, Shri Bhagwat Jha

Aziz Imam, Shri

Babunath Singh, Shri

Bahuguna, Shri H. N.

Banarnali Babu, Shri

Barman, Shri R. N.

Berua, Shri Bedabrata

Besappa, Shri K.

Bhagmatari, Shri D.

Bhandare, Shri R. D.

Bhuvanrao, Shri

Buta Singh, Shri

Chandre Gowda, Shri

Chaudhary, Shri Nitiraj Singh

Chawla, Shri A. N.

Chhotey Lal, Shri

Choudhury, Shri Moinul Haque

Dalbir Singh, Shri

Derbars Singh, Shri

Daschowdhury, Shri B. K.

Deo, Shri S. N. Singh

Deshmukh, Shri K. G.

Dhamankar, Shri

Dharia, Shri Mohan

Dixit, Shri G. C.

Dumada, Shri L. K.

Dwivedi, Shri Nageshwar

Ganesh, Shri K. R.

Gavit, Shri T. H.

Genda Singh, Shri

Ghosh, Shri P. K.

Gill, Shri Mohinder Singh

Gohain, Shri C. C.

Gokhale, Shri H. R.

Gotkhinde, Shri

Gopal, Shri K.

Gounder, Shri T. N. T.

Gowda, Shri Patappa

Hanada, Shri Subodh

Ishaque, Shri A. K. M.

Jadeja, Shri

Jamilurrahman, Shri Md.

Jha, Shri Chiranjib

Joshj, Shri Popatlal

Kadam, Shri Dattajirao

Kahandole, Shri Z. M.

Kale, Shri

Kamala Prasad, Shri

Kamble, Shri T. D.

Kamla Kumari, Kumari

Kasture, Shri A. S.

Kavde, Shri B. R.

Kedar Nath Singh, Shri

Kotoki, Shri Liladhar

Kotrashatti, Shri A. K.

Kulkarni, Shri Raja

Kumaramangalam, Shri Mohan

Kureel, Shri B. N.

Lutfal Haque, Shri

Maharaj Singh, Shri

Majhi, Shri Gajadhar

Mehta, Dr. Jivraj

Mehta, Dr. Mahipatray

Mirdha, Shri Nathu R

Mishra, Shri Bibhuti

Mishra, Shri G. S.

Mishra, Shri Jagannath

Mohammad Tahir, Shri

Nimbalkar, Shri

Oraon, Shri Kartik

Oraon, Shri Tuna

Oza, Shri Ghanshyam

Pandey, Shri K. C.

Pandey, Shri N. N.

Pandey, Shri R. S.

Pant, Shri K. C.

Parashar, Shri Narain Chand

Partap Singh, Shri

Parthasarathy, Shri

Paswan, Shri Ram Bhagat

Patil, Shri T. A.

Pradhani, Shri K.

Raghu Ramaiah, Shri

Raj Bahadur, Shri

Ram Swarup, Shri

Ramji Ram, Shri

Rao, Shrimati B. Radhabai A.

Rao, Shri Jagannath

Rao, Shri Rajagopala

Raut, Shri Bholu

Reddy, Shri M. Ram Gopal

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roy, Shri Bishwanath  
 Saini, Shri Mulki Raj  
 Samanta, Shri S. C.  
 Sankata Prasad, Dr.  
 Sarkar, Shri S. K.  
 Satish Chandra, Shri  
 Satpathy, Shri Devendra  
 Savant, Shri Shankarrao  
 Sayajirao, Shri  
 Shambhu Nath, Shri  
 Shankaranand, Shri B.  
 Sharma, Shri A. P.  
 Sharma, Dr. H. P.  
 Sharma, Shri N. K.  
 Shastri, Shri Shivpujan  
 Shenoy, Shri P. R.  
 Shinde, Shri Annasaheb P.  
 Shiva Chandika, Shri  
 Shukla, Shri B. R.  
 Siddheshwar Prasad, Shri.  
 Sinha, Shri Dharam Bir  
 Sokhi, Shri Swaran Singh  
 Surendra Pal Singh, Shri  
 Suryanarayana, Shri K.  
 Swamy, Shri Sidrameshwar  
 Tayyab Hussain Khan, Shri  
 Tewari, Shri Shankar  
 Tiwary, Shri B.

Vekaria, Shri  
 Verma, Shri Balgovind  
 Yadav, Shri Karan Singh  
 Yadav, Shri N. P.  
 Yadav, Shri R. P.  
 Yadava, Shri D. P.

NOES

Balathandayutham, Shri  
 Banera, Shri Hamendra Singh  
 Banerjee, Shri S. M.  
 Bhattacharyya, Shri Diaen  
 Bhattacharyya, Shri Jagadish  
 Bhattacharyya, Shri S. P.  
 Bosu, Shri Jyotirmoy  
 Chandra Shekhar Singh, Shri  
 Chatterjee, Shri Somnath  
 Chauhan, Shri Bharat Singh  
 Das, Shri R. P.  
 Deb, Shri Dasaratha  
 Dhandapani, Shri  
 Dhote, Shri Jambuwant  
 Dutta, Shri Biren  
 Ghosh, Shrimati Bibha  
 Guha, Shri Samar  
 Gupta, Shri Indrajit  
 Halder, Shri Madhuryya  
 Halder, Shri Krishna  
 Hazra, Shri Manomajumdar

Ila, Shri Bhogendra  
 Joarder, Shri Dinesh  
 Kalyanasundaram, Shri M.  
 Krishana, Shri M. K.  
 Lalji Bhai, Shri  
 Manjhi, Shri Bbola  
 Manoharan, Shri K.  
 Modak, Shri B. K.  
 Mody, Shri Piloo  
 Mukherjee, Shri Samar  
 Mukherjee, Shri Saroj  
 Muruganatham, Shri S. A.  
 Narendra Singh, H. H. Maharaja  
 Rao, Shri M. Satyanarayan  
 Reddy, Shri B. N.  
 Reddy, Shri Eswara  
 Roy, Dr. Saradish  
 Saha, Shri A. K.  
 Saha, Shri Gadadhar  
 Saksena, Prof. S. L.  
 Sambhali, Shri Ishaq  
 Sen, Shri Robin  
 Sezhiyan, Shri  
 Stephan, Shri C. M.  
 Subravelu, Shri

Swatantra, Shri Taja Singh  
 Ulaganambi, Shri R. P.  
 Vajpayee, Shri Atal Bihari  
 Verma, Shri Phool Chand  
 Viswanathan, Shri G.  
 Yadav, Shri G. P.

MR. DEPUTY SPEAKER : The result\* of the division is:

*Ayes* 131 ; *Noes* 52.

*The motion was adopted.*

*Clause 16 was added to the Bill*

MR DEPUTY SPEAKER : Now, I come to the point of order. The point of order that was raised was whether a discussion can take place on a clause even when there is no amendment. That is the point of order. We are following rules ; we are following certain conventions in this House. (*Interruption*) Order, please. You will be satisfied when you hear me out. We are also following certain conventions. So far, the convention in the House is that when there is an amendment, there is a discussion, and when there is no amendment the clause is put to the House. Even so, having regard to the very strong feeling that the hon. Members have on this side of the House today, I shall permit some discussion.

SHRI S. M. BANERJEE : Not today, Sir. I rise to a point of order. We do not want any mercy from the Chair. It is our right. There may not be any amendment to any clause. But if a particular clause is absolutely injurious and if it is beyond any amendment, if we cannot move any amendment, even then, we have a right to

\* The following members also recorded their votes :—

*Ayes* : Sarvashri Dharnidhar Das, S. L. Peje, R. C. Vikal, J. G. Kadam and M. M. Hashim ;

*Noes* : Shri Rattaniai Brahman

[Shri S. M. Banerjee] speak on it. Of course, we in our wisdom should move that it should be deleted. But even otherwise, supposing we feel that the whole clause is bad, then we can speak on it irrespective of any amendment. Sir, more democratic forces are coming into Parliament and we should build up more democratic traditions and conventions instead of sticking to a rule. *(Interruption)*

MR. DEPUTY-SPEAKER : Order, order. Let me reply to Mr. Banerjee's point of order. I am grateful to Mr. Banerjee for bringing this to my notice, but I would also have expected that Members who take so much interest, who feel so strongly against a particular clause, should also have taken the trouble of moving an amendment. *(Interruption)* I am only saying that they could have tabled an amendment when they were opposed to something. In any case, I have said this was only a convention, and now I will agree to a discussion of the rest of the clauses, even if there is no amendment, if you want. That should be sufficient.

SHRI M. KALYANASUNDARAM : You are indirectly criticising us for failure to give an amendment.

MR. DEPUTY-SPEAKER : I am not criticising. *(Interruption)*

SHRI M. KALYANASUNDARAM : For instance, take clause 16. It is a very vital clause. We are opposed to that clause as a whole, but no amendment will be admitted if we move for the deletion of the whole clause. It is a single-clause provision. I have been in the legislature for more than 15 years, and I know. The practice is to oppose the clause as a whole and speak on it. You must allow us to speak. Members have a right to oppose any single-clause provision, and it is the inherent right of the Members, and the Chair has no right to take that right away.

MR. DEPUTY-SPEAKER : I am not taking away any right...*(Interruption)*

Let us take clause 17.

*Clause 17 (Duration of Detention in Certain Cases of Foreigners)*

MR. DEPUTY-SPEAKER : There are no amendments by Shri Frank Anthony.

He is absent. If nobody has anything to say I shall put the clause to the House. Yes; I am putting clause 17 to the vote of the House. The question is:

"That clause 17 stand part of the Bill."

*The motion was adopted.*

*Clause 17 was added to the Bill.*

19.00 hrs.

*Clause 18 (Repeal and Saving)*

MR. DEPUTY-SPEAKER : There are no amendments to clause 18. If nobody wants to speak on it, I will put it.

SHRI ATAL BIHARI VAJPAYEE : support the clause.

MR. DEPUTY-SPEAKER : The question is :

"That clause 18 stand part of the Bill."

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clause 1 (Short Title and Extent)*

SHRI ATAL BIHARI VAJPAYEE : beg to move :

Page 1, lines 5 and 6,—

*omit* "except the State of Jammu and Kashmir" (36)

SHRI PILOO MODY : I beg to move :

Page 1,—

*for* lines 5 and 6, *substitute*—

"(2) It will be applicable only to specific areas for specific periods of time, where in the opinion of Parliament Law and Order is in jeopardy, and the Government makes out a convincing case that the lack of these powers will inhibit the preservation of Public Order."  
(62)

**SHRI PILOO MODY :** Sir, in the course of my earlier speech, I quoted the reasons why such blanket powers cannot be enjoyed by any democratic Government anywhere in the world. The minister made a personal request to me saying, "You come and listen to my speech and if you are convinced, vote for the Bill." I have listened to his speech with all the concentration I could muster, but the one point on which I could not be convinced was that he kept describing the conditions only in West Bengal. His entire speech was an attempt to paint a rather gruesome picture of what was happening in West Bengal, with an occasional incident described in Punjab or Bihar. He said, because of this picture, we need to arm the Government of India with this power. But these conditions do not exist in Bangalore or Bombay or Madras or in Godhra. In large tracts of this country, covering millions and millions of people these conditions do not exist. Then, why does he want the power of life and death over these people? I want to question his motives, because these are emergency powers. He wants to catch spies and saboteurs. But over vast tracts of this country, no spies or saboteurs exist.

He already has those powers in West Bengal. But has the incidence of crime gone down there? No. He says, after you give me this power, everything will be fine in West Bengal. I doubt his protestation, because on more than one occasion, even at the risk of repetition, they say, law and order has become a socio-economic problem. Does this Act solve the socio-economic problem? It does not. I believe him and want to co-operate with him. This amendment of mine meets his point as well as my point. He tells me that he has certain difficulties about imposing this only in certain limited areas. I think that these technicalities and the limited difficulties that he has is a small price to pay for the civil liberties of hundreds of millions of people. Therefore, I strongly urge him once again, and I wish the gracious Prime Minister was also here so that I could have appealed to her heart, or at least to her femininity, if nothing else, an appeal which in a very genuine sense meets their requirements and also meets our requirements. It cannot meet the requirements of some of my friends

over there, but they have to contend with this Government in which I am not concerned. But it does meet with the requirements of a large majority of people. Therefore, I urge him, even at this late hour..... I thought at 7 O'Clock he would be in a better frame of mind than at 4 O'Clock in the afternoon when the sun is high on the horizon—I appeal to him in this twilight hour, may be his twilight also as a Minister, not as a man, I appeal to him to accept this amendment which is offered in a spirit of genuine co-operation and not as opposition. Please accept this amendment and you will satisfy yourself as well as something like 500 million people of this country.

**श्री अटल बिहारी वाजपेयी :** उपाध्यक्ष जी, मेरा संशोधन यह माँग करता है कि इस कानून को मारे देश पर थोपना है तो जम्मू काश्मीर को हम दुर्भाग्य से बंचित नहीं रखना चाहिए। भारत की सुरक्षा के लिए यह कानून बनाया जा रहा है। विदेशी जासूसों को शिकंसे में कसने के लिए यह हथियार गढ़ा जा रहा है। लेकिन जिन प्रदेश में हम देश की सुरक्षा के लिए सब से अधिक खतरा है और जहाँ हर महीने विदेशी जासूसों के बक बकनापूर किए जाते हैं, यह बात अलग है कि उनमें से कितने अदालतों में पेश किए जाते हैं, कितनी को सजा दी जाती है, यह पता नहीं लगता है, लेकिन वे खबरें आती रहती हैं कि वहाँ जासूसों के बक पकड़े गए हैं, तो मैं पूछना चाहता हूँ कि जम्मू काश्मीर को क्यों छोड़ा गया है? अगर मंत्री महोदय का उत्तर यह है कि वहाँ पहले से ही कानून है और शायद इससे कड़ा कानून है तो अनेक राज्य ऐसे हैं जिन्होंने कानून बना रखा है और अनेक राज्यों में कानून होते हुए भी केन्द्रीय स्तर पर कानून बनाया जा रहा है, तो कोई कारण नहीं है कि जम्मू काश्मीर को इससे अलग रखा जाए।

मंत्री महोदय दूसरा तर्क यह दे सकते हैं कि इस तरह का कानून जम्मू काश्मीर पर थोप करने के लिए हमें वहाँ की विधान सभा की स्वीकृति चाहिए। मैं पूछना चाहता हूँ कि वहाँ

[श्री अटल बिहारी वाजपेयी]

की विधान सभा की स्वीकृति प्राप्त करने में क्या कठिनाई थी। अगर सरकार पहले से प्रयत्न करती तो वहाँ की विधान सभा की स्वीकृति प्राप्त की जा सकती थी। अगर आप मातात्मक एकता की चर्चा करते हैं तो हर कानून में जम्मू काश्मीर के लिए अलग व्यवस्था हो, यह हम नहीं चाहते हैं। हम दावा करते हैं कि भारत के एक भाग के रूप में जम्मू काश्मीर विकसित हो रहा है और यह दावा ठीक भी है। अगर हम दिमागी दीवार तोड़ना चाहते हैं तो कानूनों में ऐसा लिखना बन्द होना चाहिए, जिस में यह कहा जाए कि कानून शेष भारत पर लागू होना किन्तु जम्मू काश्मीर पर लागू नहीं होगा।

**SHRI K. C. PANT:** Sir, I had explained at some length why we cannot extend this particular Bill, this particular measure, to the State of Jammu and Kashmir. I do not want to repeat all that I have said earlier.

**SHRI ATAL BIHARI VAJPAYEE:** Say something new.

**SHRI K. C. PANT:** If something new had been said about it, I would also have replied something new about it. But actually he has repeated my arguments.

**SHRI ATAL BIHARI VAJPAYEE:** Countered your arguments.

**SHRI K. C. PANT:** I had referred to their Constitution.

**SHRI S. M. BANERJEE:** What is your answer to the arguments advanced by P. M. ?

**SHRI K. C. PANT:** Coming to my friend, Shri Pilloo Mody, I am grateful to him for wishing that my twilight has not come as an individual. I also wish him a very long life. But there are twilights and twilights and in one respect he may have reached his twilight. I wonder if it was not over-ambitious on his part to seek to appeal to the femininity of the Prime Minister.

The need for the legislation has been explained by me earlier and I do not want to repeat all that. We will be both repeating ourselves by making the same speech. But there are certain points which my hon. friend, Shri Mody, has raised which deserve an answer. The first is as to why if some of the States have this legislation, the Centre also wants to legislate in this field. Firstly, the States cannot legislate in the interest of Defence of India or the security of India; that Parliament alone can do. Therefore, even if all the States have their own laws in this field, it will not enable Parliament or the Central Government to act in the interest of the Defence of India or the security of India. In this, that is the important and primary consideration, particularly at this stage.

Secondly, the Centre cannot act under the State laws. The State Governments can act under their laws, but the centre can only operate under a law passed by this Parliament. Therefore, even if all the State Governments had their laws, the Centre cannot operate in the particular area that I mentioned.

The second important point is that a State like Bihar or Punjab does not have a Preventive Detention Act. My hon. friend said that Bengal has such a measure on its statute book. Yes, Bengal does; but Bihar does not, Punjab does not and some other States do not. Today the situation in Bihar is well known to him. The shadow that we have seen over Bengal, the shadow of violence, is spreading to some extent in Bihar also. I am sure, the House is not unaware of this. In Punjab also we have seen instances of this. I have given instances earlier of Punjab also.

**SHRI PILLOO MODY:** What inhibits you from slapping it on to Punjab, Bihar and Bengal ?

**SHRI K. C. PANT:** Now a State may want a piece of legislation like this, but it is not always possible in the political situation in the country today, considering the political compulsions under which political parties act, that even when a State may want this law, they can pass it. It may not be able to pass it in its own Legislature for factors



which I need not go into now. Is the Centre in such a situation, knowing that such a measure is needed in the State, to sit back helplessly ?

Again, he says that some States are more affected by this than others. I do not deny that. The situation in West Bengal is not the same as in Madras and Kerala. The situation is different in each State but I thought, his whole point was that we took too long in taking action in Bengal. We have had this debate so many times in the House and it has been flung in our face again and again that we do not wake up in time ; we do not take action in time ; we allow things to grow and reach a point where we cannot then nip the thing in the bud and it grows out of hand. Now here in this situation we want to see to it that this charge cannot be flung in our face. Now that we have seen in certain areas that this tendency of violence of this kind has developed, which we have mentioned and discussed in this House, we should not wait till it has spread all over the country and then think of having a preventive detention measure. So, it is now that we take action in this field.

SHRI PILOO MODY : Timely action for the maintenance of law and order and timely action for preventive detention are two different worlds.

SHRI K. C. PANT : The two different worlds are both important in their own areas.

SHRI PILOO MODY : One in a democratic system and the other outside it

SHRI K. C. PANT : He is again provoking me to quote Rajaji which I will not do because he got angry yesterday.

SHRI PILOO MODY : He is becoming a good student of Rajaji.

SHRI K. C. PANT : At least I am a good student than his partymen. Even his party is not studying him.

SHRI PILOO MODY : What inhibits you from passing the law for specific area, in Bihar and Punjab, since you happened

to mention them, and also in West Bengal. Why can't you pass this law only for these geographical areas ?

SHRI K. C. PANT : I am not a legal expert. Even in the matter of Emergency, the Constitution does not empower us, as far as my knowledge goes. We cannot declare an Emergency for a State.

SHRI PILOO MODY : Why not ?

SHRI K. C. PANT : Because if the Centre declares an Emergency, it will be for the whole country. It cannot be for a State. You can study the constitutional position. This is to the best of my knowledge. The Law Minister is here and you can ask him.

SHRI PILOO MODY : He is not a Law Minister ; he is a politician.

SHRI K. C. PANT : These are practical difficulties. In all seriousness, I wanted to reply to his question. Now, after he has listened to me, he may change his mind. I assume an open-mindedness on his part which will now be on the test and we shall see whether, after hearing me, he has an open mind in the matter or not.

MR. DEPUTY-SPEAKER : I now put first the amendment moved by Shri Atal Bihari Vajpayee.

*Amendment No. 36 was put and negatived*

MR. DEPUTY-SPEAKER : Then I put Amendment moved by Shri Piloo Mody.

*Amendment No. 62 was put and negatived*

MR. DEPUTY-SPEAKER : The question is :

"That clause 1 stand part of the Bill."

*The motion was adopted*

*Clause 1 was added to the Bill*

*The Enacting Formula and the Title were added to the Bill*

**SHRI K. C. PANT :** I beg to move :  
 "That the Bill, as amended, be passed."

**SOME HON. MEMBERS rose—**

**SHRI BHOGENDRA JHA (Jainagar) :** May I make a submission? We have now come to the end of it. Here, the hon. Minister, Shri K. C. Pant, has stated the objects and reasons of the Bill. I would again appeal to him as to whether he thinks it expedient even at this stage that in consonance with the entire objects and reasons given by him here, he will consider that it will not apply to the movements of workers, peasants, students and employees. I hope, he will accept it and make up his mind even at this stage.

**SHRI JYOTIRMOY BOSU :** Mr. Deputy-Speaker, Sir, in West Bengal, we are living in a big prison. But those outside have illusions about the Government and, to them, I say, that it will be crystal clear that this Government is taking the country to a neo-fascist State. I can say that today it is meant for us but tomorrow it will come to others, in other States. So, let them not think that it is not going to touch them in future. This is being done solely with the object of furthering the party cause of the ruling party.

We have seen, in 1965, how 8000 Muslims were detained and how their families were ruined and their hearths and homes were ruined. I want to tell them that it is strange they have forgotten that the P.D. Acts and all the similar type of black Acts have ruined them.

This time we have come with a much bigger force here. If they misuse it again and bring those black Acts which are fascist in character, they are only digging their own grave.

Thank You.

**SHRI INDRAJIT GUPTA (Alipore) :** Mr. Deputy Speaker, Sir, I think this debate has shown that history will provide few examples of a ruling Party so cynically disregarding the assurances and the promises it made only recently to the people of this country and the mandate that the

people gave to it, so soon after coming to power.

This Preventive Detention legislation, whatever name it may go by, is nothing new in this country. For the last 20 years we have tasted it. We have full experience of it and, therefore, when we are opposing it and making concrete criticisms of the way in which it is applied and used, we are not talking in the air. Many people sitting on this side of the House, they know of it and they have first-hand experience. We have been victims of it. We know what it means. Mr. Pant should not forget although he is probably for the first time as a Minister having to pilot this odious and obnoxious principle of preventive detention in the form of a statute, please remember the murky history of this thing and don't try to make a virtue out of it.

Sardar Vallabhbhai Patel only brought this up for the first time in 1950 or 1951 in an attempt to circumvent the judiciary. Who does not remember it? Hundreds of people, detainees were lying in the prison under various types of local and State laws and the High Court at Calcutta was on the verge of releasing all of them because it found that there were no grounds, valid grounds for their detention and then Sardar Vallabhbhai Patel came before this House and said that he spent sleepless nights and he was haunted by a nightmare that the prison gates were going to be opened and all these terrible detainees are going to be let loose upon the world and, therefore, to forestall that somehow and to circumvent the judiciary which was about to give a judgement in the Calcutta High Court, this Act was brought for the first time and rushed through the Parliament. Don't we remember it?

Then, Sir, to-day, in order to score a debating point over Mr. Pilloo Mogy, the Minister wants to walk in the footsteps of Rajaji. Only three months ago you have gone to the polls and fought against the grand alliance one of whose main architects is the same Rajaji. I do not know what was grand about it and what was grand about Rajaji that you are to-day swearing by him and saying that this is a great thing he did and, therefore, 'we

are proud to do it again'. An amazing logic :

Please go and explain it to the voters who have voted for you three months ago. *(Interruptions)* Let us see what principle is behind it. In the latter half of 1969 when this Government had lost its majority in this House and it was time to extend the validity of this Act which was expiring and they came forward with a proposal to extend it, all the Opposition Parties were against it and they knew they could not pass it here because we would have opposed it. They did not have the majority. What did they do ? They dropped it altogether. *(Interruptions)* Why did you not make that an issue when you went to the Elections ? When you went to the voters and said, "We cannot abolish the princely purses because we could not pass it. Therefore, we are appealing to you 'Give us the mandate'", why didn't you go and tell the voters that we could not pass the Preventive Detention because. *(Interruptions)*. What was the mandate given to you by the voters ? To come back and enact Preventive Detention law ? In spite of that what did the Government do ? Because they could not pass it here, they egged on a number of State Governments to enact their own State legislations. Madhya Pradesh, Rajasthan, Uttar Pradesh, Assam—all these States were prodded and egged on to pass their own State legislations because they were not able for the time being to do it here because they were in a minority...

SHRI A. P. SHARMA (Buxar) : Then what ?

SHRI INDRAJIT GUPTA : And then, Sir, as soon President's rule came in West Bengal, then, once again using their powers under President's Rule, they brought in that Prevention of Violent Activities Act and promulgated it. I don't know. There seem to be very many new members on that side who seem to be blissfully ignorant of the fact that there is a full fledged Preventive Detention Act in Bangal since March 1970. They don't seem to be aware of it.

You are going to have two Acts for Preventive Detention, to solve the problems of West Bengal. Don't make us laugh ;

you are not able to do anything ; you are not tackling the real problem at all, because, some Police Commissioner, I. G. of Police are some Home Secretary, or some bureaucrat sitting in Writers Building, came and told you : Unless we are armed with more powers of Preventive Detention, We cannot control the law and order situation, that is why you did it. Therefore, the Consultative Committee of West Bengal, during the period of the President's rule was faced with this very thing and we fought bitterly against it there. We warned them. We said, this is not going to solve the problem. But they said : No, this is the panacea, the magic-wand, which would bring about peace and law and order in West Bengal and they forced this through. And now you can see the result of what is happening today.

Mr. Pant will probably argue that if this Bill had not been passed at that time the situation would have been worse. This is one philosophical way of arguing anything which you can never counter, because it is all in the realm of what-might-have-beens, conjectures, and all sorts of things like that.

The Minister said when he was winding up the General Discussion that but for this Prevention of Violent Activities Act, people would not have gone to the polls in West Bengal. He wants me to believe that millions and millions of voters who came out to exercise their franchise in West Bengal were only able to do it because some thousand people had been locked up under the Preventive Detention Act. He is only casting a slur on them, on the democratic consciousness of the people of West Bengal. Everybody was like a gloomy prophet saying, there won't be any election, people are too much frightened, they won't come out to vote because bombs are bursting on all sides etc. But the people defied everybody and came out in their thousands to vote. Was it because of this miserable, bitter legislation which was there ?

Therefore, I say, the whole thing has got a murky background and the reason why they have brought forward this ordinance last month is very simple. The ruling party,—at least the Members of the Government,—knew that those assurances and promises they gave during the election time are not going to be fulfilled by them, and

[Shri Inderjit Gupta]

cannot be fulfilled,—assurances like fight against unemployment, curbing high prices, and the resolve that they would take bold measures against monopolist and big landlords and princes, and all that. They knew that they are not going to be serious about it. And, this massive majority that they got is now also blissfully going along on that path. That is why the Presidential Address to the joint Houses never contained a single word against the monopolists. That is why the Budget that has come is of a type we have seen, where the big business has been left scot-free.

They say : we have done a very progressive thing in taking over the management of General Insurance Companies, and saddling us with Rs. 38 lakhs every month, to be paid as compensation for taking over the management. And it is because they know that prices are going to go up because of these policies— even Members who spoke from that side on the Budget expressed their justified apprehension that this Budget is going to cause an allround rise in prices,— it is because they know what it will lead to and they know there is going to be agitation, discontent, strikes, demands for wages and higher D.A.,—that they have brought this forward. You cannot escape it. There have been demands by the peasantry and landless peasants and agricultural labourers for quick distribution of surplus lands and waste lands and Government fallow lands. They were committed to such demands but are not taking any steps to implement them. Because of that, they know that they need this weapon in their armoury.

All this Bangla Desh affair has come as a hardy excuse. That is all. The events that I described of 1967-70 took place long before anything had happened in Bangla Desh. All these arguments now about spies coming in and Pakistani agent coming in, and this and that is an after-thought. At that time there was none of these things. At the second half of 1969, why did they want to extend the term? Was there any Bangla Desh affair going on? No. In 1970, why did they bring Prevention of Violent Activities Act? Was there any Bangla Desh trouble at that time? Nothing. All this is now used as convenient excuses, as a package

deal. They now come forward and say : The country is facing this great crisis, spies are going to come, espionage is taking place, etc. This is all convenient after-thoughts. The whole motive behind this Black Act is to arm themselves to suppress the movement of the people which is inevitable, being made inevitable, because of the pro-capitalist policies that they are out to follow. They know that there will be big struggles and democratic movements, and in order to crush them and to behead those movements and to us it, against the workers and peasants and other democratic movements, they have armed themselves with this Bill.

Therefore, we are completely opposed to it. This is not a Bill which can be amended, however much my friends may try. This is not a Bill which can be amended, and we are totally against this Bill, and, therefore, I want to express my party's total opposition to it.

PROF. S. L. SAKSENA (Maharajganj) : I am opposed to the Bill lock, stock and barrel. It is not from today that I am opposed to it. From the very day that this principle was introduced in the Constitution 22 years back, I have opposed this. I had the misfortune to be detained under the Defence of India Rules in 1940.

When therefore this principle of preventive detention was being introduced in the Constitution 22 years back in 1949, my whole being revolted against the proposal. I went to Pandit Jawaharlal Nehru and told him that he had been the greatest fighter for civil liberties all his life. How could he tolerate preventive detention being provided for in the Constitution. Then I went to Pandit Pant, I went to Sardar Patel, I went to Dr. Ambedkar, and told them 'What are you doing? You were most vociferous in condemning detention without trial. But now, you are introducing the principle of preventive detention in the Constitution. What face shall we show to our electorate. But except Dr. Ambedkar, they all said 'Boy, you do not know; times have changed; then, we were under a foreign power and under a foreign government. Now, we are trying to protect our newly won freedom. I could not be convinced. This was what I had stated in the Constituent Assembly on that day. I shall read out a few lines from

page 1376 of The Constituent Assembly Debates dated the 16th September, 1949 :

"So far as the present draft is concerned, Dr. Ambedkar has himself confessed that the magistracy will not be under the High Court. I am glad for the frankness with which he admitted in regard to 15A that he wanted 'due process of law' but he has not been able to get what he wanted. Similarly, he has confessed that he wanted the judiciary to be entirely under the High Court, but he has not been able to have it. He is giving us some compromise against his wishes for satisfying the Home Ministry. I realise the difficulty, but as we are making the Constitution for the future generations, we should at least have it on record that we are not in agreement with the views of the Home Ministry, whether it be at the Centre or in the Provinces. Articles 15 and 15A are a complete denial of liberty of person. They are the darkest part of the Constitution."

This was what Dr. Ambedkar had stated.

SHRI K. N. TIWARY (Bettiah) : Is it a regular debate that we are having or is it the third reading stage ?

MR. DEPUTY-SPEAKER : I would request Members of the ruling party to be a little more considerate and a little more generous. They know their strength and they know that they can get this Bill passed. What is the harm in giving the Opposition a little more time to express themselves ?

PROF. S. L. SAKSENA : This was what Dr. Ambedkar had said. I am quoting from page 1497 of the Constituent Assembly Debates dated the 15th September, 1949

"Sir, the House will recall that when at a previous session of this Assembly we were discussing article 15, there was a great deal of controversy on the issue as to whether the words, 'due process' should be there in place of the words which now find a place in article 15. It was ultimately accepted that instead of the words 'due process' the words should be 'according to procedure established by law'. I know that a large part of the

House including myself were greatly dissatisfied with the wording of article 15".

AN HDN MEMBER : Kindly read also what Sardar Patel said.

PROF. S. L. SAKSENA : I had been to Sardar Patel and he said that he was sorry but we had to protect our newly won freedom, and, therefore, we should not worry. But I was not satisfied with that assurance. I had expected that after we had been without this Act for a year and a quarter, when surely the heavens had not fallen, they would not commit the blunder of bringing forward this Bill again, especially when they have got such a massive majority and in any emergency they can get it passed in no time. So, why should they bring such a black Bill and put it on the statute-book ?

Therefore, I would request the Minister to withdraw this Bill. I know he will not do it. But my regret is that his father is not here. If he were here, he would not have brought such a draconian Bill before this House which is much worse than its previous version.

I have suffered under this preventive detention Bill twice. Sardar Patel when he brought this Bill made it very clear that this was meant only for saboteurs and spies. But I was detained under this legislation in connection with strike in a sugar factory in Gorakhpur. The growers were ill-treated. One police sub-inspector beat a canegrower without any fault. This infuriated all the canegrowers. They could not tolerate what the police had done to one of them. So they refused to supply cane to the factory unless the police sub-inspector came and apologised. For seven days the strike went on. I was leading the strike. Then I was arrested and detained for 11 months. Afterwards, the Supreme Court released me. This is the way the Act had been used. This is how it will be used again. It is going to be used against whomsoever the ruling party does not like. So I would request the Government not to blacken the statute book with this legislation.

MR. DEPUTY-SPEAKER : There are still a large number of members who would

[Mr. Deputy-Speaker]

like to speak. So I would request them to be as brief as possible.

SHRI K. MANOHARAN (Madras North) : I have listened to the able defence put up by Shri Pant justifying this draconian measure which is now allowed to enter the statute book of this country. I consider this a cobra allowed to enter the democratic garden. As I said, it is a draconian measure ; it is an Act immoral. I would request the Minister to consider certain aspects that have already been brought to his notice for his consideration.

I have been watching him speak. I have got the highest regard for Shri Pant because he is a young, dynamic person taking a really keen interest and applying his mind to problems he deals with, and he is a successful Minister. I wish him well. But in this case, his approach and his reply has been always negative. For example, take the speech of Shri Krishna Menon. I did not hear his reply to it, but I read from newspapers the reply Shri Pant gave. He said that Shri Menon had expressed his own dissatisfaction and opposition to the Bill but that while he was Defence Minister, this Bill was piloted and then as Minister he did not have any objection. He further said that during his tenure as Minister, an extension of the Act was sought and even then he did not resign. I say this is a negative approach. Our experience has been that whenever a Minister comes out of the Cabinet, he speaks the truth. I will not be surprised if after coming out of the Cabinet, Shri Pant also does the same. He will also then oppose this Bill. So let us not shirk responsibility and bypass the whole issue.

This is definitely a Bill which will not help the image of the present ruling party. After the elections, the ruling party has got a nimbus around its head, a cloud of glory, a halo. But I am doubtful whether this glory can be maintained and the image can be protected. I am sure it is going to be denigrated. I am sure the halo, the nimbus, around the personality of the Prime Minister would disappear.

So I would request the Minister to consider one aspect. I know you cannot withdraw the Bill, because it is now beyond that stage. If we ask him to withdraw it, I know the futility of that request. You are not going to withdraw, but one thing I can request you is this. Use it very sparingly and do not abuse it for political purposes, and try to behave like good political boys in the country.

SHRI SAMAR GUHA (Contg.) : I was surprised to find that the ruling party has failed even to gauge the depth of feeling of the opposition. It has not entered their mind as to what it is that has brought all the opposition parties, with radically divergent views on political and other matters, together to vehemently oppose this Bill. The massive victory in the last elections has gone to their head so much and developed a sense of absolutism, and the brute majority has made them brutally impervious to the apprehensions of the opposition. They cannot understand why parties with diametrically opposite views have combined to fight this Bill tooth and nail. If the sense of power had not gone so deep into their minds, they would have applied their minds to understand the cause of the apprehension.

Much has been said about West Bengal. Even after the passing of the Prevention of Violent Activities Act, can you say the situation has improved in West Bengal? Has it not become worse? Is it not a fact that dozens of persons have been killed? With your additional legal power, were you able to bring about peace there? You could not. Therefore, there should have been a different approach in dealing with the problems of West Bengal.

I have another serious apprehension. As I said when I opposed the Bill, they are using the name of Bangla Desh, the situation in the border. If any positive action was to be taken to deal with the problem of Bangla Desh, as it happened in 1962 and 1965, this House would not have taken even an hour to pass such a law, if it was meant for the defence of our national security. But if this Bill is passed into an Act I am afraid that many legitimate grievan-

oes of the Bangla Dosh refugees will go unheeded. You may not be able to give them food or shelter, and those who defend their rights on humanitarian grounds will be gagged. Therefore, I want to record my opposition and the opposition of my party to this black Bill.

SHRI M. SATYANARAYAN RAO (Karimnagar) : I am really surprised to see that the Congress Members are very jubilant to pass this law. I want to remind them that they are not going to rule this country for ever. At the most they may rule for five years, and I request them to realise that if any other party comes to power what the fate of this country is going to be. They are going on the wrong path.

MR. DEPUTY-SPEAKER : You have made your point.

SHRI M. SATYANARAYAN RAO : Why are you not allowing me to speak ?

MR. DEPUTY-SPEAKER : I am only appealing to you.

SHRI M. SATYANARAYAN RAO : I am the only speaker on behalf of my party. Yesterday also you did not allow me. I am sorry. I stage a walk out in protest against this. What is this ? This is too much on your part. This is a very important occasion. I protest. This is not good. I am sorry for this. I strongly protest against this. Why are you not allowing me to speak ? You did not give me a chance. I must have my say. You suspend me if you want. I am not going to tolerate this. This is very arbitrary.

*The hon. Member tore off some paper and then left the House.*

श्री हेमन्त सिंह बनेरा (भीलवाड़ा) : उपाध्यक्ष महोदय, अब जब कि इस बिल पर विचार समाप्त होने जा रहा है, हम सत्तारूढ़ दल के सदस्यों के चेहरों पर हमी की लहर देख रहे हैं। पूरी आपोजीशन ने युनाइटेड होकर इस बिल का घोर विरोध किया है। जब देश आजाद हुआ, तो युवा पीढ़ी की आशा थी कि हम लोग लोकतंत्र के आधार पर स्वतंत्रता में

अपने विचार प्रकट कर सकेंगे और इस देश को एक प्रगतिशील राष्ट्र बना सकेंगे।

मैं आप के सामने एक उदाहरण पेश करना चाहता हूँ कि किस प्रकार लोक सभा के मध्यावधि चुनाव के दौरान मेरे चुनाव क्षेत्र में इस ला का दुरुपयोग किया गया। हमारे एक समर्थक को इस एक्ट के अन्तर्गत गैरेस्ट कर लिया गया, लेकिन जब उसने सत्तारूढ़ दल की तरफ हाथ बढ़ाया, तो उस को रिहा कर दिया गया।

हमें आशका है कि इस ला का दुरुपयोग होगा और इसलिए मैं इसका विरोध करता हूँ यह ठीक है कि सत्तारूढ़ दल अपने बहुमत के बल पर यहाँ जीत जायेगा और हम हार जायेंगे। लेकिन मैं सत्तारूढ़ दल को चुनौती देना चाहता हूँ कि हम बाहर देश में इसका विरोध करेंगे और उममें हमारी जीत होगी।

SHRI PILOO MODY : All I would like to do is to point out to this House and to this Government how by introducing this Bill and getting it passed, they have converted that magnificent massive mandate into a miserable minority. Because you have people representing 43 per cent of the electorate putting through this Bill against the massive opposition of 57 per cent of the people of this country. We do represent 57 per cent of the people and they represent only 43 per cent. That is how the magnificent massive mandate is turned into a miserable minority. It is the tragedy of our electoral system and that is why I say : so much for their "yem-yem."

श्री शशि मूवज (दक्षिण दिल्ली) : उपाध्यक्ष महोदय, इस बिल को पास करने में हमें कोई गर्व नहीं है। मैं मंत्री महोदय से सिर्फ यह प्रार्थना करना चाहता हूँ कि इस कानून को मजदूर और किसान आन्दोलन के खिलाफ इस्तेमाल न किया जाये। ये जो राजा महाराजा और बड़े बड़े मानोबलिस्ट्स हैं, उनके खिलाफ तो मुझे ही ज्यादा से ज्यादा आन्दोलन करना

[ श्री कृष्ण प्रणय ]

पड़ता है। हमारी पार्टी को प्रजातंत्र और समाजवाद पर आस्था है और इस लिए मुझे आशा है कि इस कानून को मजदूर और किसान आन्दोलन के खिलाफ हस्तमाल नहीं होगा—अगर सम्प्रदायवादियों के खिलाफ हो, तो मुझे कोई एतराज नहीं है।

**SHRI K. C. PANT :** A certain amount of mutual grace, a certain amount of mutual respect and a certain amount of acceptance of each other's point of view and at least not doubting each other's motive must inform the deliberations of this House if we are to function smoothly. Even at this late stage, I realise that everybody is tired and tempers are frayed; but I would beg of my friends opposite, since they have raised some points, to give me a few minutes to reply to them.

The first thing is that Shri Bhogendra Jha raised the point that this measure should not be used against workers, farmers and students. I appreciate the sentiment and I appreciate the spirit. I do not know whether I may add it to the Statement of Objects and Reasons at this stage. But as I said even earlier—because I do not know how it can be done without an amendment and so on—I can assure him and my friend Shri Shaahi Bhushan, that this Bill is not being put forward to suppress any legitimate movement of workers or farmers or students.

**SHRI BHOGENDRA JHA :** You are not saying it seriously. Bring in an amendment if you are serious (*Interruption*).

**SHRI K. C. PANT :** I am very serious, and I am saying it in all seriousness. It is a matter of record. (*Interruption*) My friend Shri Bhogendra Jha knows that an amendment to the objects and reasons, even if it is possible, does not form part of the law. It forms part of the record. I have already said so. So, it is as good as putting it there.

**SHRI M. KALYANASUNDARAM :** Why do you want to play this political game? (*Interruption*)

**SHRI K. C. PANT :** Mr. Kalyanasundaram, you will appreciate the point that the courts also will not be guided by the Statement of Objects and Reasons. Therefore, my records. (*Interruption*)

**SHRI BHOGENDRA JHA :** If you want to assure us, then move an amendment. You are not serious.

**SHRI K. C. PANT :** What I have said is said in all sincerity and seriousness. Now, my hon. friend, Shri Manoharan, asked me a direct question. He asked, will you use it sparingly and not use it for political purposes? Again, I would like to say that certainly it shall be our endeavour to use this very sparingly and not for political purposes. I have made the point earlier also. (*Interruption*)

**SHRI DINLN BHATTACHARYYA** (Serampore) : At the time of passing the PD Act also, you said the same thing. But you had victimised thousands of workers. (*Interruption*)

**SHRI K. C. PANT :** Why not you give me a patient hearing? It will help both of us if you give me a patient hearing and you will be able to understand our approach to the problem. I have listened to you all. You have to listen to only one infliction from me. Just think of my lot.

My hon. friend Shri Manoharan asked me these questions, and I am prepared to reply to them, and again, in a spirit of sincerity. But naturally all political parties must also abjure violence, the ways of violence. They must abjure any thought of undermining our democratic structure and must abide by the rules of the game, within the framework of the Constitution which guides our actions. This is also essential. It cannot be one-sided. Therefore, if under the guise of political activity, someone seeks to act in manner which is prejudicial to the unity of this country, to the sovereignty of this country, to the safety of his country, prejudicial to the communal harmony, which is prejudicial to the freedoms what we all want to preserve, prejudicial to the democratic structure which we all want to preserve, then, I am afraid in these circumstances, the clauses here may come into play. But



for that, the blame must rest squarely on those who seek to use those methods against our established values and the values that we cherish. This, I must make clear.

Mr. Indrajit Gupta said, "You have the people's mandate" and he twitted us for bringing forth this measure. May I remind the House that in our election manifesto, along with other things, we have said :

"The Congress, therefore, appeals to the people to return its candidates to the Lok Sabha and give it a clear mandate .. (2) to put down the forces of violence and disorder so that all our citizens can live in peace and harmony "

So, this is as much our mandate as the other things he mentioned. It is in pursuance of this promise to our people that we seek to take whatever measures are necessary in the situation that prevails today to preserve the unity and integrity and the basic institutions of the country. The situation in the country is extraordinary. We are living in troubled times. It is my duty to point out that many of the border States do not have such laws. There is an impression created by Mr. Mody that all those States have this law. There is no such law in Assam, Nagaland, Bihar, UP, Himachal Pradesh, Punjab and Gujarat. The border is hotting up. The whole country is anxious about it. These border States do not have this law. Is this the time to quibble over small things or is this the time to realise that if tomorrow the need for such law can arise, we must be prepared for it? It is in that spirit, in the spirit of preserving the freedom and sovereignty of this country and the peace of this country that I appeal to this House to pass this measure. We know, there are elements in the country which want to destroy this unity and this freedom and which want to disrupt the fabric of our

society. It is against them that such measures are necessary. But for that, these measures would not be necessary. Therefore, I hope, even though it is late, my friends in the opposition, realising the gravity of the situation, will give it cool thought and support the measure.

श्री अटल बिहारी वाजपेयी : हम अपना विरोध प्रकट करते हैं, हम मतदान में भाग नहीं लेगे। हम इस को धिक्कारते हैं, हम बाहर जा रहे हैं। (Interruptions)

MR. DEPUTY-SPEAKER : The question is :

"That the Bill, as amended, be passed."

Those in favour will say 'Aye'.

SOME HON. MEMBERS : Aye.

MR. DEPUTY-SPEAKER : Those against will say 'No.'

I think the Ayes have it. The Ayes have it. The Bill, as amended, is passed. (Interruptions)

*The motion was adopted.*

*Shri Atal Bihari Vajpayee and some other hon. Members left the House.*

MR. DEPUTY-SPEAKER : The House stands adjourned till Eleven of the Clock on Monday.

20.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, June 21, 1971 (Jyaishta 31, 1893 (Saka)*