

Shri Hari Vishnu Kamath: Show it.

Shri Morarji Desai: I have shown it amply. In the Select Committee, what I accommodated, no other person would have accommodated. He also has agreed. Yet, he comes here and because something is not accepted, immediately, he begins to say something. That is a very unfair proposition to my mind. But, I do not mind it. Therefore I remained silent. There is nothing else about it.

Sir, what you said was perfectly correct. But, there is another thing along with it. When these things have to be corrected, sometimes, one may not always notice that it is a correction. Then, if it is not put before the House, immediately it creates a difficult situation. I will be charged with breach of something. Then, it may be considered illegal. All sorts of things might happen. Therefore, it is very difficult to bring all these orders before the House. There is no other reason. There is no question of flouting. When we have accepted everything to be put before the House, all rules and notifications, why should we have any hesitation in doing this? It only creates difficulties for us. That is why we are not accepting it.

Shri Hari Vishnu Kamath: The hon. Minister has been unfair to me and to us here. I never said that he does not respect Parliament because they did not accept an amendment proposed by us. All our arguments, they summarily dismiss. If they do not agree, we cannot complain. They may not agree. But, they must give reasons why they are not accepting.

Mr. Speaker: The question is:

"That clauses 160 and 161 stand part of the Bill."

The motion was adopted.

Clauses 160 and 161 were added to the Bill.

The Schedule was added to the Bill.

Mr. Speaker: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri B. R. Bhagat: I move:

"That the Bill, as reported by the Select Committee, be passed."

Mr. Speaker: The question is:

"That the Bill, as reported by the Select Committee, be passed."

The motion was adopted.

16 hrs.

DEFENCE OF INDIA BILL

The Minister of Law (Shri A. K. Sen): On behalf of the Home Minister, Shri Lal Bahadur Shastri, I beg to move*:

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration."

The principles of the Bill have already been endorsed unanimously, if I may say so with respect, by the adoption of the resolution which was moved by the Prime Minister on the 8th of November, 1962, and by the ratification by this House of the Proclamation of Emergency by the President.

The House will recall that before the House could assemble, the country was faced with a grave crisis when the Chinese launched a large-scale

*Moved with the recommendation of the President.

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invasion of our country and poured thousands of their soldiers across the frontier at NEFA and at Ladakh. The House was, therefore, called even earlier than was scheduled, and before the House was called, several urgent, emergency measures had to be undertaken, including the proclamation of an emergency as also the passing of the Defence of India Ordinance.

It is unnecessary to recount how the emergency has arisen and why it is that the unanimous resolve of the country is there to stand united and to arm Government with all the necessary powers with which alone can we expect a successful termination of the hostilities which have been imposed upon us without our choice and without our wanting it.

This House has already resolved and pledged the entire nation not to relax any effort until victory is won, and if I may say so, Sir, victory can be won, not merely by resolve but by action to make the resolution a reality. One of the most important things that we have to do in carrying into effect that resolve of the nation is to assume all those powers necessary for the Government in every sphere of our national life, not only to increase the armed might of the country but also to increase the industrial and other resources of the nation, to mobilise them and to harness them for this one supreme necessity, namely the defeat of the Chinese soldiers and the Army. The purpose, therefore, is beyond dispute.

What may be of consequence would be the provisions which would certainly be considered by the House now, more particularly, the rules which have been framed already and which have to be framed from time to time. All the rules framed up till now have been laid on the Table of the House and will be laid in due course as and when they are framed.

The most important clause of the Bill is clause 3 which gives the fol-

lowing power to the Central Government, and it reads thus:

"The Central Government may, by notification in the Official Gazette, make such rules as appear to it necessary or expedient for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community."

Then follow particular items in amplification of this general power detailing the subjects in regard to which the Government may be called upon—and has already been called upon—to make rules necessary to meet the emergency, necessary to arm the Government, civil and military authority, to do things without being hampered by the ordinary fetters imposed by a democratic Constitution. As democracy rests on the consent of the people and derives its strength or its day-to-day work from the people themselves and from the voice of the people as reflected in this House of freely elected representatives and as democracy must, therefore, necessarily in normal times undergo voluntarily the limitations of written Constitution, subjects to certain fundamental rights and certain limitations which cannot be crossed or overcome by any authority, so does democracy function as effectively in times of war, because the necessary powers are given by the people themselves through this House to the Government to see that every effort to win the war does not suffer because of authority lacking any necessary power.

It is often said that a totalitarian government is always quick and efficient and a democracy is a weak and inefficient government in times of peace and certainly in times of war. It is not necessary to go into these academic questions. Possibly this enunciation is true because every action of the government in a democracy

has to satisfy the test which all government must satisfy, and therefore, its policies and actions have necessarily to be formulated and then translated into action through forms of procedure which naturally take some time and involve possibly some waste of energy also.

In times of war too, we know that we have to observe all the forms necessary to see that even the emergency powers which the Government claim to exercise are derived properly and have been sanctioned properly, and that even in the exercise of emergency powers, the limits given and prescribed by Parliament are not overstepped. The safeguards, therefore, even in the case of emergency measures like the present one are the safeguards which Parliament would choose to impose while granting these powers. The safeguards would no longer be safeguards of the Constitution, because many of the provisions of Part VIII of the Constitution would be abrogated or suspended. The specified lists of governmental powers and legislative authority under Schedule Seven, Lists I, II and III would be of no consequence because Parliament after the declaration of emergency would be competent to legislate on any sphere of our national life. And this action would not be challenged on the ground that what Parliament has done is within the State sphere, or that something has been done by way of rules and giving them to State functionaries which the State functionaries cannot discharge under the Constitution by reason of the limitations of List 1, 2 or 3. Today, therefore the supreme Constitution under which we shall function, so long as the emergency continues, would be the Constitution which Parliament will formulate in the form of the Defence of India Act and the rules which will be made thereunder. They will now be the sole constitutional limits and safeguards as also formulations under which our governmental authorities in every sphere would work and function.

Shri Ranga: Is the constitution conditioned by this?

Shri A. K. Sen: Not conditioned. The Constitution itself sanctions this. The Constitution provides for emergency powers being given to the Government. The whole of the chapter dealing with emergency provisions, starting from article 352 onwards provide for emergency powers, both legislative and administrative to be exercised irrespective of the normal pattern of the Constitution, or, in other words, the Constitution itself contains the seeds from which grow the emergency powers.

Shri Ranga: This tree!

Shri A. K. Sen: It is not really what you said, the abrogation of the Constitution. Even the emergency powers rest on the Constitution, but, as I said, the limits of governmental authority and functions would now have to be stated with reference to the rules which would be framed under the Defence of India Act and the Defence of India Act read together, and the authorities which would be discharging these emergency powers would be limited by the limits which we prescribed here today, and which the rules will prescribe as and when they are made, and as and when they are endorsed and laid on the Table of the House.

This, therefore, gives really the strength on which our Constitution rests, and for the first time in our history, this will be the greatest test to which our Constitution will be put. It will be tested whether a democracy like ours, a limited government like ours, which normally gives limited authority to its organs, can function effectively and efficiently, and, if I may say so, more effectively and more efficiently than the totalitarian government which we are facing today on our borders.

It is true that the totalitarian government which we are facing has certainly achieved initial successes in the

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border, and possibly those who believe in totalitarian regimes might feel a little elated at the prospect of these initial successes, but history is full of examples where such initial successes have ended in disaster, and history has repeatedly seen the doom of totalitarian regimes and has proclaimed that the only form of government which is permanent is the one which is based on consent, and that a government based on consent is imperishable in peace as in war because the national will on which it rests is imperishable.

It is, therefore, of the utmost importance that this House, as it will be arming the Government with multifarious activities in which we have to engage now, from the purely military to the purely domestic facets of our national life, should do so as a sovereign body. Parliament will not only formulate policies during the emergency but it will also prescribe the procedures and the forms which the governmental authority must necessarily observe in winning the victory for us. But it must nevertheless be emphasised that one supreme objective will underline all our efforts while we pass this law here and that is the supreme will of the nation, to win the war and to defeat the Chinese invader. Let us not forget that supreme objective even for a moment. That is why the hon. Members will see that we have made the objective very simple and we have said: "whereas only a proclamation has been made for the emergency and it is expedient. . ." That hardly expresses the the supreme objective which must underlie not only this measure but also every rule that will be framed under it and that is the supreme objective of victory. Whatever powers will be granted, whatever powers will be appropriated and whatever measures will be taken by and under the provisions of this Act would be done only for the purpose of achieving that supreme objective. I have no doubt that this House will endorse this mea-

sure as unanimously as it had done the earlier resolutions moved by the Prime Minister on the 8th of November.

As I said there may be only different points of view with regard to the particular provisions and that too will be only for the purpose of seeing which provision would be most suitable for the speedy termination of the war with which we are engaged today as also for the defeat of the Chinese. This is our only objective today. There any difference in our points of view would be only from that stand. As I said the most important provision is clause 3 detailing the steps in regard to which the Government may make rules by notification in the official Gazette. The type of rules which would have to be made would already be clear from the rules which have been made and placed on the Table of the House. We have provided for penalties for contravention by anyone of these rules which would be framed. We made certain necessary changes in certain laws such as the Indian Official Secrets Act, etc. to bring it in line with the Defence of India Act as also the Payment of Wages Act, the Motor Vehicles Act, and so on. We have also provided for the setting up of civil defence services which would be of utmost importance for the purpose of building up our civil defence to ward off any attacks that may be made on the civilian population because when the war comes across the Himalayas it will not be confined only to the military units fighting but it will cover the entire nation. Then we have provided for the setting up of special tribunal consisting of judicial officers in chapter IV and we have given jurisdiction to these tribunals to try such cases as may occur for contravention of rules made under clause 3, or for trial of offences which are punishable with death or imprisonment for life or for a term exceeding seven years. We have also provided for appeal in certain cases as a matter of course where the sentence passed is

one of death or one of imprisonment extending to ten years. We shall have occasion to move an amendment to that effect for the purpose of bringing the term of imprisonment from 10 to five years and provide a right of appeal automatically with regard to that also.

Then we have provided compulsory employment of persons for national service not only for military but also for civilian purposes so that the technical persons and other persons necessary for civilian work for production in industries and so on might be mobilised for the purpose of increasing our war production.

Then we have provided for speedy requisition and acquisition of property, because the normal law is more dilatory and would not satisfy the necessity of quick action in times of war.

This is the pattern of the Bill which I have the honour and the privilege to place before the House at a time when the nation faces the greatest peril in our history after Independence. Let the House pass it in the same spirit of solidarity and unity which has marked not only its deliberations here but also the action of the entire nation ever since it has been threatened.

With these words, I move.

Mr. Speaker: Motion moved:

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration."

We have seven hours for this. We might divide the time—what time should be given to the general discussion and what time for clauses. The clauses would be of greater importance here. Almost all Members or most of them—165 of them—took

part in the earlier discussion and most of those points would be repeated perhaps. I will give time for any group or others who want to speak. I am not asking them to shorten their speeches.

Shri A. C. Guha: Five hours for general discussion.

Mr. Speaker: Then there would be very little left for the clauses which would perhaps require greater scrutiny.

Shri Ranga: We would like to have an extension thereafter.

Mr. Speaker: Four hours for general discussion.

Shri Ranga: It may embarrass everybody.

Mr. Speaker: If it is desired that five hours should be allotted, I have no objection. Five hours for general discussion, and then we will see.

Shri Ranga (Chittoor): Mr. Speaker, Sir, as the hon. Law Minister has said, it is a very comprehensive Bill under which Government is to be entrusted with the powers which are calculated to make it more powerful, more effective and more competent than a totalitarian Government. These are sweeping powers which are sought to be given to the Government. Since we are all unanimous in our anxiety to strengthen our national resistance and the national will to throw away the aggressors and regain every inch of our sacred soil that has been desecrated by the Chinese communist government, it is natural for us to be willing to clothe the Government with as much power as can be considered to be necessary by the competent authorities. But, at the same time, we cannot also be blind to the fact that when we are giving such sweeping powers which ordinarily are being enjoyed by a totalitarian government, which when conferred upon this Government make this Government itself come to enjoy totalitarian powers and in that we install

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it in a totalitarian position, one has to be extremely careful and circumspect indeed in agreeing to this Bill.

We have to agree to this Bill just because we are anxious to enable the nation to achieve success and victory in this war that has been thrust upon us. But this is also the occasion, Sir, when we have to examine whether we have a Government in our country and governments in the States which can really be expected to play fair with individuals, groups of individuals and various institutions of people in their efforts to live as law abiding citizens and also in their efforts to help the nation to achieve success in this war. These are the two objectives. We have to live as free citizens, we have also to discharge our duties towards the nation in its effort to achieve victory in this war.

I have been studying this Bill and, earlier, the Ordinance itself with very great care. I have gone over it several times, and I find that I have to give my general consent to the framework of this legislation. And, I do so with a heavy heart. It is a great sacrifice that we are called upon to make—all our civil liberties and all the fundamental rights that are enshrined in our Constitution and also all that goes to help our people to enjoy and to live as human beings.

I am not able, Sir, to say to myself that I have a Government which can be expected, not only momentarily but throughout this emergency, to show as much respect, as much consideration for the rights of citizens as well as ordinary persons in our country as the people are now expected to bestow all this authority on the Government. In other countries, where there are these parliamentary or representative institutions, the Opposition in their legislatures is much stronger than ours, more powerful, and, for that reason, more effective, and the Government of the day also

has been found to have been much more considerate towards not only the people at large and each individual therein, but also towards the representations that are made from time to time, when their legislatures are in session and also on other occasions, by their opposition parties. I am not able to say to myself that we have in our country that kind of an Opposition or that kind of a responsible government which is equally responsive to public opinion and to the attitudes of the Opposition. We know only too well that in a crisis like this as my hon. friend, the Law Minister has stated, and previously the Prime Minister, we have to bend all our resources to achieve one and only one national objective, and that is victory. But in the process of our efforts to achieve that objective of victory, we should also be extremely careful to see that the freedoms and fundamental rights of the people, their institutions, social, economic and political, do not come to be smothered, and they are able to stand on their own feet, to exercise their spirit of self-reliance and self-respect, and to continue not only to exist and live but also to come to be effective citizens, full-fledged citizens so that once victory is won they would be able to function as full-fledged citizens with all the experience of this war in a manner which would assure this country not only the continuation of parliamentary institutions but also the enjoyment of a fully representative government. I am not able to say myself that situated as we are, the present government here and the governments in the States can be trusted to help our citizen to achieve that desired objective, and that is why I speak with a heavy heart, because we have no other go but to depend upon this government, so long as this government is backed by the heavy majority, and the ruling party is willing to give us only this government and no better.

It can easily be asked: why not we have a better government and so on,

but, then, the minorities cannot possibly have a better government by themselves. It is the privilege of the majority party to assure the country and provide the country with that kind of government which it is necessary to have. If we are to learn anything from the experience of other democratic countries, it is for the majority party to assure the country, from time to time a government which would be responsible as well as responsive to public opinion, the personnel of which, the chieftainship of which may come to be changed by them from time to time, but, nevertheless, it is their primary responsibility to assure the country of such a government.

Now, what do we find in our country? There have been suggestions made, not only by several of us of the opposition side but also by some of the members of the ruling party in this House, as well as in the other House, that we need a more broad-based government, we need a government which would be more representative, a government which would be more effective, efficient and powerful, government which would be more representative of the nation than what we have today. If these are the opinions that have been expressed in regard to the Government here at the Centre, one can easily imagine how much more necessary indeed it is for a similar change to be made at the State levels (*Interruptions*) Even then, my hon. friends need not feel very much because it is their privilege whether they would give that kind of a better government or not; it is not for us. Therefore, they will have enough time for themselves to give consideration to the suggestions made not only by myself but also by various others from their own ranks, and then to satisfy themselves that they are giving to the country what the country expects of them.

Now one thing I know. When we give away all these powers we are

doing it not only on our own behalf but also on behalf of crores and crores of people who are behind them as well as behind us, who have voted for them as well as for us. Once all these powers are taken, we will have to see whether the Governments which have to exercise them would be competent, powerful, efficient, responsible and decent enough in their own turn to respect the wishes, the needs and the aspirations of the ordinary masses. Government is too powerful when compared to an individual, even when compared to a party, the various institutions and the people of which it consists. Whenever there is a conflict between the Government and these institutions, on the one side, and the institutions and the individuals on the other, it has always happened in history that the Government scores and the individual suffers, however big and noble he may be.

Shri Harish Chandra Mathur (Jalore): It has already happened.

Shri Ranga: It has happened in our country already. Therefore it is very necessary for us to see that we not only pass this legislation but that we also have a Government good enough to use these powers and not get itself intoxicated and corrupted. Power corrupts, as everyone knows, not only an individual but also a government. That is why Parliamentarians have been trying to safeguard the interests of the individual as against the Government. In all the countries every effort has been made by all the great philosophers as well as by political thinkers to restrict and limit the powers of the Government.

The fathers of our Constitution had foreseen the possibility of such an emergency.

Shri A. K. Sen: The hon. Member attracts the ladies more.

Mr. Speaker: If the hon. Member continues to address me, there would be less trouble.

Shri Ranga: Whom have I been addressing then, Sir? I have not been looking at anybody. I thought, I heard a delightful voice and I wanted to have the pleasure of having a look at the cuckoo.

An Hon. Member: He should talk something serious.

Shri Hari Vishnu Kamath. It is not for him to teach.

Shri Ranga: My hon. friend has achieved, I suppose, in some measure his objective of interrupting me and helping me lose a bit of the chain of my own thought, but then I can only congratulate him on it.

I can say that all over the world wherever there were political philosophers, thinkers and administrators who have really cared more for democracy and the rights of the masses than for the powers of the Government, they have always insisted that the Government should be given as little power as possible and the citizens should be enabled to enjoy as much freedom as possible. Therefore the area of freedom that has to be vouchsafed to individuals has got to be extended from time to time in a sedulous manner and it should be the sacred duty of Parliaments as well as Governments to promote that objective. But, yet, the founders of our Constitution had visualised the possibility of such an emergency as this and therefore they have given the power to Parliament in the Constitution itself to make such laws as this. But, when they were thinking of such a contingency, when they were giving that particular power to this Parliament, as my hon. friend had said the seeds for this power, (for this tree of tremendous power) to this Government were already sown or built in in the Constitution. It is true. But, when the tree rises, what sort of purpose does this tree serve? Does it grow only for its own benefit or does it grow in order to give shelter and protection and share for all the people who try to take shelter

under its extending branches and bows. That is where we have to pay special attention to the manner in which Governments come to be constituted anywhere and more particularly in our country. I cannot say to myself that we have that kind of a Government which could be expected to exercise these powers with that much of care and caution and circumspection as one would like. But, yet, one is obliged to give this power. What has one to do? That is my predicament. That is why we have thought it fit to make certain suggestions by way of amendments and I hope my hon. friend the Law Minister (and his colleague the Home Minister if and when he comes back— I hope he will come back in time)— would be willing to give proper consideration to the amendments that we have suggested and see that they would meet some of our fears and objections more than half-way.

Apart from that, there is also the danger of this power being utilised through the Government, but in a partisan manner. I do not mean to say that they are doing it today. I do not wish to say that now although in regard to the administration or enforcement of so many other laws and in the ordinary run of administration also I have enough and more evidence to prove that partisan use of governmental powers is being made in an un-ashamed manner in many a place in this country by many a governmental authority. So far as this particular Bill is concerned, I I want you to sympathise with me when I say that we are giving so much power here that one shudders as to how this power is likely to be used against oneself and one's own people in areas, in various institutions, parties and so on.

Only the day before yesterday I think, my attention was drawn to a circular issued by the topmost office of the ruling party. It came to be reproduced in the daily papers also. According to that circular every one in this country—that is the essence

of it—every one in this country should hail Pandit Jawaharlal Nehru as the one and only leader and any one who tries to say anything against him, who does anything at all which can be looked upon by the ruling party as not being respectful enough, helpful enough and prayerful enough towards that leader—presently I will come to say what I have to say about the leader himself; that is a different matter—about that leader, that person has got to be treated as a traitor.

Some Hon. Member: Shame, shame.

Shri Ranga: They have even gone beyond.... (*Interruption*).

Shri Bhagwat Jha Azad: That is being quoted out of context.

Shri Ranga: I will tell you....

Shri Bhagwat Jha Azad: If any person challenges our stand on the border and says things which are against the interests of the nation and draw the Prime Minister in a bad way, he is a traitor. He is quoting out of context. That is shameful.

Shri Ranga:...it gives the names of the Swatantra Party and the Jan Sangh as being interested in discrediting Pandit Nehru and therefore they should be treated as traitors. Here is the extract, Sir. This extract, I hope, is not torn out of context. Campaign against Government: they have themselves said:

"A campaign against the Government.

Circular 23/OD-7/57/17491.—It is longer than even what you find in Government—

A campaign against the Government is carried on by some interested parties particularly the Jan Sangh and the Swatantra Party and sometimes even the Prime Minister is attacked. It is wrong to permit opposition parties to take advantage of the emergency for throwing mud against the Congress. Extensive tours

must be undertaken by prominent leaders, especially by the office-bearers of the Congress Committee."

Some Hon. Members: Shame, shame. (*Interruptions*).

Mr. Speaker: Shall we have something substantial or only shame on both sides?

Shri Ranga: Then it further reads:

"Meetings big and small throughout all the districts should be held. Positive stand against the criticism about the Prime Minister should be taken. It must be emphasised that those who criticise him are traitors."

Sir this is the attitude of the ruling party, and it is from the ruling party that we have this Government. And we are asked to entrust all these powers to this ruling party and to this Government. How can anybody be expected to believe that these powers are likely to be used by this Government here as well as by the State Governments in a responsible and responsive manner, in a respectful and decent manner, in a manner which will redound to the credit of our Constitution? How can we expect them to use these powers properly? And these are sweeping powers. They can get into a house; they can search; they can take anything they like; they can place anything they like also there; they can take charge of buildings and destroy properties; they can take charge of plants and other properties also. They can also take hold of a person and impinge upon his freedom, his ordinary personal freedom, and put him in jail, and for any number of years too. Then, even when we come to the ordinary procedure, we find that it is so difficult indeed for any ordinary individual to appeal against their judgments, their decisions, their punishments and their activities. All these powers are now asked for to be given to this Govern-

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ment, and this is the Government which belongs to this ruling party which has got this attitude. And what is the Swatantra Party, Sir? Who has founded it? Many of my hon. friends on the other side, I suppose, were not born when Rajaji joined the Congress. That was about sixty-three years ago. He has founded it.

Shri Bhagwat Jha Azad: The nation has come of age now. Wisdom is not the monopoly of age. Age does not necessarily give knowledge and wisdom.

Shri Ranga: I have not said that patriotism is the monopoly of the Swatantra Party.

Mr. Speaker: There is one thing that I might be allowed to say. I have allowed the hon. Member to read that circular which he referred to as having been issued by the Congress Party, because he wanted to connect it with the statement that the Government has been chosen out of that party, and the attitude of the Congress Party is such that he feels apprehensive of giving these powers to Government. But now if he begins to praise or to say that such is the Swatantra Party, then, there would be, of course, criticism against that high personality also. And then I would be placing myself in difficulty. Therefore, I would request the hon. Member not to mention the great qualities that he has, though I believe he has many; but he would be exposing his leader to criticism also thereby. So, why should he go to that extent? Shri Ranga has the advantage that he can criticise here the Government or the Prime Minister or any Minister. But why should he bring in Shri Rajagopalachari here to be criticised also, because when he says something in his favour, then others might say something against him also?

An Hon. Member: Then you will not allow us because he is not present here to defend himself.

Shri Ranga: I hope that there would not be anyone here who would like to make any disparaging remarks about my leader who till the other day was your leader as well as everybody else's leader, and who was hailed as everybody's leader.

Anyhow, after having said something about my leader, I would now like to say something about the Prime Minister. I am not criticising him. . .

Shri Sheo Narain (Bansi): On a point of order, Sir. . . .

Shri Ranga: I am not criticising him. If my hon. friends are so touchy and they think that perhaps their idol of the Prime Minister is so brittle, I cannot help them.

Shri Sheo Narain: I am rising to a point of order, Sir.

Mr. Speaker: Shri Ranga may resume his seat. I must hear the point of order.

श्री शिवनारायण (बांसी) : ग्रान ए प्वायंट ऑफ ऑर्डर, सर । सदन के समने डिफेंस ऑफ इंडिया बिल रखा गया है । इस वक्त उस पर बहस होनी चाहिये, न कि राजाजी या किसी पार्टी की तारीफ़ करनी चाहिए । जब इतने बड़े प्रोफेसर इस हाउस में बोल रहे हैं, तो उनसे उम्मीद की जाती है कि वह उस विषय पर बोलें, जो कि सदन के सामने है ।

Mr. Speaker: He cannot make a speech now.

Shri Ranga: We know that my hon. friend, the Prime Minister, has great respect and great love for civil liberties. He has been a great champion of civil liberties all over the world and also in our own country. Therefore, I do not have any fears that he is likely to misuse these powers by himself.

Shri Shankaraiya: On a point of order. My hon. friend has referred

to certain names. When we will have to speak later, we will have to make certain observations and since those persons are not here, what we say will be ruled out as out of order.

Mr. Speaker: I have stopped him from referring to that name already. He can refer to the Prime Minister. I cannot stop him there.

Shri Ranga: If my hon. friends are so sensitive that they are not prepared to accept a compliment to their Prime Minister from one who had been one of their own top people till the other day until I parted ways with them, I am only sorry for them.

The point is that we cannot expect that in every State there will be a leader like Shri Jawaharlal Nehru to restrain the impatience of the local Ministers to use these powers in a power-drunk manner. Since we cannot have such an advantage in every State, necessarily we have got to ask the ruling party what steps they would like to take to ensure that at the State level as well as here whenever these powers come to be used, they would provide this country such a leadership as would demonstrate in their activities and also through their faith, their love of civil liberties consistently with our responsibilities towards the nation in its effort to achieve victory at this stage. That is what my hon. friends of the ruling party have to consider. I would like them to give this consideration in a dispassionate manner, in a non-partisan manner. Surely, it must be possible for them to do so because I have had some experience of the working of their party in the past, and they would be capable of doing it, as they have displaced it on several other occasions. I trust they would do it even on this occasion.

But unfortunately, we do not know for how long this emergency is likely to continue.

Shri Raghunath Singh: As long as the Chinese aggression on our land lasts, it will continue.

Shri Ranga: My hon. friend is battling with the air, with imagined enemies of his.

We only know that the Prime Minister has already warned us that it is likely to take a long time. During this long period of time, we are not expected to have elections. Already bye-elections have been more or less suspended and we do not know whether we would have another general election in this emergency. It is all problematical. Therefore, for sometime to come, we do not know for how long, our present leadership in governmental circles will have to continue to be there, in order to provide a major portion, a major element, in our national leadership, and so, the responsibility of the ruling party comes to be all the more onerous, and I sincerely hope the ruling party will give some thought to all these suggestions that are being made in the press and the platform and from various political parties including some of their own important people in the different States and also in different circles, that there is need, as I have earlier said, for a more broadbased leadership in governmental circles, in various institutions that are associated with the Government at the State level as well as at the national level.

Then I come to some very important articles regarding agriculture and industry, sub-articles (23) and (25) of article (2) of clause 3. I find that Government seeks

"the control of trade or industry for the purpose of regulating or increasing the supply of, and the obtaining of information with regard to articles or things of any description whatsoever which may be used in connection with the conduct of military operations or civil defence or for maintaining supplies and services essential to the life of the community;"

and also

"the control of agriculture (including the cultivation of agricul-

tural land and crops to be raised therein) for the purpose of increasing the production and supply of foodgrains and other essential agricultural products."

Earlier sub-article (10g) refers to ensuring the safety of

"mines, oil-fields, factories or industrial or commercial undertakings generally, or any mine, oil-field, factory or industrial or commercial undertaking in particular."

They will have power not to control all these things, but also over their demolition, destruction, rendering them useless etc.

We have given relevant amendments in regard to these things, and we will go into them in detail when we consider the amendments.

I wish to sound a warning that on the pretext under the guise, and indeed because of this particular emergency, I do not want the Government to do anything to endanger the economic freedom and economic independence that our peasants today enjoy through their self-employment and their small holdings. I do not want the small holders in this country, and there are tens of crores of them, in any way to be harassed and be suppressed or even subverted. In State after State in the recent past legislation has been passed in order to increase the land revenue. It is an offence against the peasant. In some places it has been raised by 100 per cent, too.

I wish to make a suggestion, and I appeal to the Government, that just as they do not expect the workers or peasants or any other people to go on strike or satyagraha and thus take an offensive against the Government in this national emergency, so also the Government should not take this kind of offensive against peasants and impose upon them these additional burdens.

Similarly, I do not want the industrialists, small and big, medium and others engaged in cottage industries, to be branded in a reckless manner as profiteers, blackmarketeers and so on without any proper reason at all, but on the other hand, I want the Government to try and appreciate this emergency, win their co-operation, induce them to give maximum possible co-operation, and in that way maximise the totality of co-operation with the Government that would be forthcoming voluntarily without any coercion, from different sections of the people.

It is by the manner in which the Government deals with our masses in a friendly, in a co-operative and in a commonwealth manner, not as merely the wielder of authority, that Government would be able to maximise this co-operation from the people, which is absolutely necessary to ensure the success of our national struggle against communist China.

Shri D. C. Sharma: Mr. Speaker, Sir, I have always held Prof. Ranga in great esteem but this afternoon my esteem has gone much beyond what I had given before. I think he deserves my highest esteem today.

Mr. Speaker: He may express it tomorrow.

17 hours.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, with your permission I rise to announce a slight change in the order of Government Business for the 22nd and 23rd of November. The House will take up the Pondicherry (Administration) Bill, 1962 and the Indian Tariff (Amendment) Bill, 1962 as the first items on the 22nd of November, to be followed by further consideration of the Defence of India Bill and other Government business as already set down in the Order Paper.