

DEMAND NO. 92—CENTRAL ROAD FUND

"That a sum of Rs. 2,69,449 be granted to the President to make good an excess on the grant in respect of Demand No. 92—Central Road Fund for the year ended the 31st day of March, 1964."

DEMAND NO. 93—COMMUNICATIONS
(INCLUDING NATIONAL HIGHWAYS)

"That a sum of Rs. 15,82,479 be granted to the President to make good an excess on the grant in respect of Demand No. 93—Communications (Including National Highways) for the year ended the 31st day of March, 1964."

DEMAND NO. 96—AVIATION

"That a sum of Rs. 48,32,006 be granted to the President to make good an excess on the grant in respect of Demand No. 96—Aviation for the year ended the 31st day of March, 1964."

DEMAND NO. 97—OVERSEAS COMMUNICATIONS SERVICE

"That a sum of Rs. 31,457 be granted to the President to make good an excess on the grant in respect of Demand No. 97—Overseas Communications Service for the year ended the 31st day of March, 1964."

DEMAND NO. 102—PUBLIC WORKS

"That a sum of Rs. 66,66,188 be granted to the President to make good an excess on the grant in respect of Demand No. 102—Public Works for the year ended the 31st day of March, 1964."

DEMAND NO. 124—OTHER CAPITAL OUTLAY OF THE MINISTRY OF FINANCE

"That a sum of Rs. 9,344 be granted to the President to make good

an excess on the grant in respect of Demand No. 124—Other Capital Outlay of the Ministry of Finance for the year ended the 31st day of March, 1964."

DEMAND NO. 139—CAPITAL OUTLAY ON ROADS

"That a sum of Rs. 70,17,185 be granted to the President to make good an excess on the grant in respect of Demand No. 139—Capital Outlay on Roads for the year ended the 31st day of March, 1964."

DEMAND NO. 145—DELHI CAPITAL OUTLAY

"That a sum of Rs. 12,74,701 be granted to the President to make good an excess on the grant in respect of Demand No. 145—Delhi Capital Outlay for the year ended the 31st day of March, 1964."

15.18 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL

The **Ministre of Home Affairs (Shri Y. B. Chavan)**: I beg to move*:

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration."

Shri S. M. Banerjee (Kanpur): Don't justify.

Shri Y. B. Chavan: I am here certainly to justify to the hon. House as to why the further extension of three years of this Bill is required, not only for the purpose of symmetry of the law itself but for the maintenance of law and order and the conditions which are very necessary for the healthy life of a democracy.

Shri Indrajit Gupta (Calcutta South West): Democracy.

*Moved with the recommendation of the President.

Shri Y. B. Chavan: This Act was enacted by this House in 1950 and the genesis of this Act is known. It does not need any repetition from me because the concept of preventive detention has been accepted by the Constitution itself.

Shri U. M. Trivedi (Mandasaur): That is a fundamental right of the Government.

Shri Y. B. Chavan: The concept of preventive detention has been accepted by the Constitution itself because article 22 certainly makes a mention of it and, as a matter of fact, the Act of 1950 is a part of the normal law of the land. Certainly, it was the intention of the Government not to make a permanent law because it was much better that the Government comes before this House from time to time so that this hon. House has the opportunity to see the manner of implementation of this Act and to that extent it is good that the criticism of this hon. House is available for the guidance of the Government. It has become a practically normal practice that we extend this Act from time to time. This Act was again amended in 1963 and this House was pleased to give extension of three years. This period of three years terminates by the end of this year and, therefore, this Bill seeks to extend the period for the Act for a further three years.

Shri S. M. Banerjee: Why not five years? (*Interruptions*)

Shri Y. B. Chavan: Well, if that is the pleasure of the hon. House. But the proposal that Government have made is to continue it only for three years. Before making this proposal for three years we had certainly consulted the different State Governments, and I may inform this House that one State Government did perhaps suggest that we should extend this Act for a further period of five years, but we thought that it was much better that we should extend it only for three years.

Shri J. B. Kripalani (Amroha): which was that Government?

Shri U. M. Trivedi: It must be the West Bengal Government.

Shri Y. B. Chavan: At this stage I do not think that I need make any further detailed observations. But I would only recall that Government had given an assurance in the early part of this year that the DIR would not be resorted to everywhere as was done before but if a certain situation required resort to preventive detention, we should resort to the normal law. Therefore, it is very necessary that we should have this law in existence on the statute-book.

Dr. M. S. Aney (Nagpur): How does it become a normal law?

Shri Y. B. Chavan: It is a normal law....

Shri J. B. Kripalani: Abnormality is normality.

Shri Y. B. Chavan: I say that it is normal law in this sense. A law which was required for the purpose of an emergency to that extent becomes an emergency Act, but a law which was not required merely for the purpose of an emergency is a normal law. I am making this distinction from this point of view.

Shri S. M. Banerjee: Normal law deals with abnormal people.

Shri Y. B. Chavan: That is the criticism from abnormal people. I cannot help it.

It is in that sense that I say that it is a normal law. As I said in the beginning, the concept of preventive detention has been accepted by the Constitution itself and it was not required only for the purpose of meeting emergency conditions but for the normal conditions. Therefore, I am saying that it is a part of the normal law of the land. Other people may have their own views and certainly they are entitled to have their own

views, but I am certainly entitled to put forward my view for the consideration of this House.

Shri Vasudevan Nair (Ambalapuzha): You have brute majority, and so you may have it.

Shri Y. B. Chavan: Government have given the assurance that they would resort to the normal law; looking to the conditions prevailing in the country today, it is a question of assessment of what conditions are like in the country today. One can just have a look at what is happening all around us. One can certainly find that the whole atmosphere in the country is full of violence.

Shri N. Sreekantan Nair (Quilon): What about the Shankaracharyas?

Shri Y. B. Chavan: And one does not know what turn it can take at any time. We find that good people with good intentions start good things but ultimately they find that the thing has turned out into something which they never dreamt of and then they start dissociating themselves from that. That is what we have seen in the course of the last few weeks. So, that gives the basic conditions required for having such a law on the statute-book.

These are really two or three important and basic conditions that I am trying to put before this House. Statistical information has been given already about the implementation of the Act and that will certainly provide some information which is required to see how the Act was implemented in the course of the last three years. I have no hesitation in my mind to recommend the acceptance of this Bill by the House.

Mr. Speaker: Motion moved:

"That the Bill to continue the Preventive Detention Act 1950, for a further period, be taken into consideration."

Shri S. M. Banerjee: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1966."

Shri Vishwa Nath Pandey (Salem-pur): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd December, 1966."

Mr. Speaker: These amendments are now before the House.

Shri Surendranath Dwivedy (Kendrapara): How much time has been allotted for this Bill?

Mr. Speaker: 5 hours have been allotted.

Shri M. B. Masani (Rajkot): I wish on behalf of my Party to oppose the motion that has just been made by the hon. Home Minister.

Despite certain blemishes in our democracy, I think we have justification in this country for feeling that, by and large, we have not done too badly in the context of the neighbourhood in which we live. We are surrounded by dictatorships on our north-west, on our north, on the north-east, and indeed if we cast our eyes over the whole of Asia we may say that relatively we shine, though that is not perhaps a thing very much to be proud of in so backward a region. In fact, I would say that, except for perhaps four or five countries like those of Japan, the Philippines, Malaysia, Ceylon and Israel, we probably have a better record of individual liberty and democratic processes than others. But, of these blemishes that exist, the biggest blot is this Preventive Detention Act, and its continuation makes it a continuing blot.

I am sorry that the new Home Minister should have to start his career by coming forward with such an unfortunate proposal. And judging by his speech, he did not seem to

[Shri M. R. Masani]

have very much heart in it either. He very skilfully said that it was not necessary to go into the background of this measure, and I can understand why he did not want to go into the background because it would not have fitted in with his attempt to mislead the House into believing that this was a normal part of a democracy. It is nothing of the kind. It is an abnormal monstrosity in any democracy.

The background is very clear, and the fact is that his predecessor, Sardar Patel, did not at all agree with what he has just said—that this is a natural and normal part of our constitutional law.

This Bill was brought forward and this Act was put on the statute-book on 25th February, 1950, in the most unusual circumstances and for only one year. I remember the occasion because I was then a Member of the Congress Party and I am happy to say that even then I did not support the Bill.

Shri Siddheshwar Prasad (Nalanda): Is it on record?

Shri M. R. Masani: I am going to read the record presently.

When I spoke on the Bill as a Member of the Congress Party, I opposed it and I said that it was a sad day for this country that what I described as 'a hasty improvisation' should be placed on the statute-book and I pleaded that 'it should be replaced as soon as possible by a more principled, well-conceived and well thought-out measure which does not shirk the issue, which goes to the root of the mischief and which frankly takes its stand from the defence of democracy against totalitarian aggression from within or without'.

At that time, Sardar Patel explained to us that if that Bill was not passed by the same evening, that is,

the evening of the 25th February, three hundred and fifty of the most dangerous Communist detenus would be released by the Calcutta High Court on Monday morning; that, Sir, was on a Friday or a Saturday. And he said in the House that if the House did not give him that measure, then it had to face the consequences of those dangerous people being let loose on the country. And he put before the House a White Paper called *Communist Violence in India*.

In replying to the debate, Sardar Patel was good enough to see my point and accept it. I am quoting his words now. He said:

'As has been pointed out by my friend Mr. Masani, the Bill has been brought in to meet an emergency....

—so, there was nothing normal about it; he pleaded that it was an abnormal measure for an abnormal situation. Then he went on to say:

'It requires to be closely examined whether a better substitute of a more or less permanent nature based on scientific principles can be brought in or not...'

That, Sir, was the pledge given by the Congress Home Minister who admitted that the measure was hasty, improvised and abnormal and agreed to examine whether it could be replaced by a more permanent and a more scientific measure. Unfortunately, despite Sardar Patel's good intentions, this very abnormal measure has now become normal and it is a blot on our democracy and on our Government.

The result has been that this Act has been misused for a variety of purposes which have nothing to do with the purpose of meeting the Communist threat to our democracy, to meet which this Bill was brought and passed by this Parliament.

According to the Statistical Data, for instance, a large number of so-called *goondas* are detained without trial under this Act. Have we come so low that we cannot even deal under the law of the land with a petty little *goonda*, that we cannot place him before a magistrate, and prove his misdeeds and send him to jail, as *goondas* should be sent to jail? Then, again, traders, merchants and peasants are occasionally detained under the Preventive Detention Act for what are called economic offences, what the Act refers to as 'the maintenance of essential supplies and services.' Do we need preventive detention to deal with petty violations of petty laws, violations of the Essential Commodities Act? What are the Acts there for? In other words, things that should be dealt with under the ordinary law of the land, which are so dealt with throughout the free world, are not made into something special. If this is the idea of normality in a democracy coming from a good friend like Shri Chavan, I would be really worried about the future of our democracy.

Even the Rowlatt Act of 1919 was better than this measure that my hon. friend is commending.

Shri J. B. Kripalani: It was never put into effect.

Shri M. E. Masani: True, but it was a measure. That Act said this:

"If the Governor-General is satisfied that in the whole or any part of British India, anarchical or revolutionary movements are being promoted and that the schedule of offences in connection with such movements are prevalent to such an extent that it is expedient in the interest of public safety, he may by notification in the gazette of India make a declaration to that effect".

Very much more restricted and carefully worked out conditions than the ones laid down in the Preventive Detention Act.

In fact, throughout the whole world outside the communist bloc, there was only one country that equalled our infamy in having such a measure on the statute book, and that country was Ghana under its then dictator, Nkrumah. Ghana was the only other country outside the communist bloc of tyranny where such a measure existed on the statute book. And I am glad that, along with the dictator who has been thrown out—we rejoice in it—this Act has also been thrown out from Ghana. Now we have only one country that disgraces itself outside the communist bloc, and that is us.

Shri Kapur Singh (Ludhiana)
India, that is, Bharat.

Shri M. E. Masani: That is why the All India Civil Liberties Council has made this statement:

"India is, we believe, the only democratic country in the world whose fundamental law sanctions detentions without trial in time of peace and in a situation which is not in the nature of an emergency".

Does the hon. Minister still want us to say that we have so degraded ourselves that this becomes normal to us? I, Sir, am not prepared to accept it.

Even during wartime—why during peace only?—a real democracy does not panic like this. We have the very well known example of Britain during World War II. At a time when Britain was being attacked and bombed by the Nazis, the Home Minister, Mr. Herbert Morrison, released Oswald Mosley, the Fascist leader of Britain, from detention on the ground that it was not necessary to keep him in jail, although he was supporting the aggressor against their own country. When this was criticised, Mr. Winston Churchill,—no mealy-mouthed, sloppy man, a man whom even our hon. Minister might emulate for his toughness and grit—said this:

[Shri M. R. Masani]

"The power of the executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him judgment by his Peers for an indefinite period, is in the highest degree odious, and is the foundation of all totalitarian governments, whether nazi or communist. It is only when extreme danger to the State can be pleaded that this power may be temporarily assured by the executive. Even so, its working must be interpreted with the utmost vigilance by a British Parliament".

This was what he said about a Fascist leader in his own country during the war with a Fascist power.

With all this, I hope I have torn to bits the pretence of the hon. Home Minister that this is something normal which he is asking us to do. If there is any real threat to this country from any quarter within this country, let us deal with it frankly and honestly. There are ways of doing it. During the Chinese Communist invasion of this country in 1962, my Party demanded the outlawing and banning of the Communist Party of India, and our demand was supported by the Praja-Socialist Party and the Jan Sangh. In other words, the bulk of the democratic Opposition asked the Government to do the right thing. Why didn't they do it?

Shri Nanda rounded up the Left Communists—was it last year?—on the ground that the Chinese threat to our country made it necessary to round up the Left Communists who had affiliated themselves with the Chinese dictatorship. Has the Chinese threat gone away? When they were released, was it because that that threat had melted away, that this country is no longer threatened by Communist China? (*Interruptions*).

This is not a Government that is really defending democracy. If this Government's hands were clean, with

a record of a consistent, principled anti-totalitarian attitude, I would support it for a principled measure. This Government is not fighting subversion; in the name of subversion, it is only fighting for its own survival, and the Preventive Detention Act is but one more instrument, one of the many instruments which it uses for this unfortunate purpose.

There are countries where actions has been taken in a perfectly democratic manner. For instance, in West Germany, an Article of the Constitution describes what kind of parties should not be allowed to exist. Article 22 of the West German Constitution lays it down:

"Parties which by reason of their aims or their behaviour or their adherence seek to impair or destroy the free democratic basic order or to endanger the existence of the Federal Republic of Germany, are unconstitutional. The Federal Constitutional Court shall decide on the question of unconstitutionality".

When the Germany Communist Party was banned, it went to the courts. The Supreme Court of Germany heard it, and after hearing both sides, declared that it had been properly banned because it was a Fifth Column of the Soviet Dictatorship and was an enemy of democracy. This is what I would call a principled democratic way of dealing with subversion.

In case is said that democratic socialists do not think so, let me tell you that one of the theorists of democratic socialism, Mr. E. F. M. Durbin, who was a member of the Labour Government—he is no longer alive—had written a book which I would commend to the Home Minister—it is in the library. Its title is *The Politics of Democratic Socialism*. There is a whole chapter there where he argues that neither fascist nor communist parties have any right to

exist in a social democracy, because they are enemies of democracy and would destroy it the moment they got a chance. That is the democratic socialist way, and the democratic way, of dealing with subversion, not this way by which patriotic Indians can be locked up,—as indeed they have been. Many patriotic Indians have been locked up under this Act. Dr. Shyama Prasad Mookerjee was one, Master Tara Singh was another. Some of our own colleagues here, Mr. Trivedi, Mr. Nath Pai and Dr. Lohia had the same experience. Then there was the case of Mr. George Fernandez. Many instances can be recalled of patriotic Indians having been locked up under this Act as if they were traitors to our country.

Therefore, we oppose the continuation of this nefarious piece of legislation. It is bad for two separate reasons. It is bad because it is dishonest and devious pretence of fighting one evil while actually helping the Government to remain in office. It endangers the liberty of every patriotic Indian just because some people may be guilty.

Secondly, it is a very bad precedent. When Sardar Patel said to me, 'All right. We shall replace it after a little while', he meant it. But gradually the poison entered this party in Government; gradually the habit-forming drug was being administered. They lost the use of their own legs. They could not stand on their own legs any more because they had got the crutches of preventive detention. They are now so enfeebled that even a strong and bold man like the new Home Minister feels he cannot do without these wretched crutches like a lame man who hobbles along.

I do make this appeal: throw those crutches away, stand on your own legs. Those who can work for democracy, those who believe in democracy, will stand together to defend the country from internal or external aggression.

A very great man, Benjamin Franklin, used some words of which I am reminded, which I would like to quote before I conclude. He said many years ago, a long time ago:

"They that give up essential liberty to obtain temporary safety deserve neither liberty nor, safety"....

Shri Indrajit Gupta: Just a few days ago, when the hon. new Home Minister took office, he was reported—I am quoting the paper, the respectable paper which, I am sure, Shri Masani, also approves of, *The Statesman* . . .

Shri M. R. Masani: I do not.

Shri Indrajit Gupta: His former patrons have a hand in this paper.

Shri M. R. Masani: It is no friend of ours. It is full of infiltrators.

Shri Indrajit Gupta: He was reported to have said that 'action in a crisis of law and order should be proper, prompt' and that 'the offenders should be dealt with under the law of the land and not under the emergency regulations'. *The Statesman* then goes on to say:

"One of the main faults of Mr. Nanda was that he was a sheep in wolf's clothing".

I sincerely hope that the new Home Minister will not turn, to be a wolf in sheep's clothing. (*Interruption*). He has tried to make out that this is not in any sense an emergency regulation, but is part of the normal law of the land. I have no time to quote for his benefit; all the statements which have been made by his predecessors in this House everytime it became necessary for the Government to come forward for approval to extend the life of this PD Act. Each time the assurance has been given and the atmosphere has been sought to be created at that time that this is not in any sense meant to be a permanent statute or that it will remain

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for ever, for all time, to come, on the Statute-Book.

I found from consulting the records that both the late Pandit Govind Vallabh Pant and Shri Nanda made it clear repeatedly that this was only an emergency measure meant to deal with an emergent situation, as Shri Masani has correctly pointed out. And last time, in December, 1963, when this House was again asked to give its consent to an extension for a period of three years, Shri Nanda said that 'not only did he not consider it to be in the nature of a permanent statute for all time but he said it can be repealed even before these three years are out'. So, at any rate, continuously this effort was made to show that this is something in the nature of a temporary legislation. And yet, now we find that once again the same permission is being sought for another period of three years and because of the brute majority which the ruling party enjoys in this House, they know that they can secure that extension.

An hon. Member: Only for the time being.

Shri Indrajit Gupta: During the years when the Defence of India Rules were being allowed full play before the assurance which was recently given that the DIR would not be used or its use would be limited in most parts of the country, with the exception of a few border areas, during these years this Act remained on the Statute-Book, but it was held in reserve. It was held in reserve precisely with this motive that when sooner or later the day came when it would no longer be possible to justify the use of the Defence of India Rules, then again this weapon would be brought out from the reserve armoury of the Government and would be used to fill the gap which all this time, since 1962, had been filled by the Defence of India Rules.

This is in any sense nothing but a very blatant substitute for the De-

fence of India Rules whose use is now been limited, very greatly limited, because the very changing situation has compelled the Government, the force of public opinion forced the Government, to agree to that limitation, but not content with that, they have brought forward this legislation, this discredited, lawless law from its own armoury so that the gap which is sought to be created by limitation of the DIR is now filled by this Preventive Detention Act.

Shri Nanda, speaking in this House last time, on the 17th and 18th December, 1963, had said. "Who are the people involved? They are spies, persons who have been detained because they harbour dacoits, and they are persons who inflame the communal passions. He pinpointed these three categories of people. Of course, he left it to the imagination of the House and the country that all other people whom the Government disliked would be dealt with at that time under the Defence of India Act and the PD Act was an innocent measure meant only, of course, against these three categories whom he specified.

Shri Nanda went on to admit—he made a very interesting admission—and I would like to remind the hon. Minister of Shri Nanda's speech—that in a sense even the PD Act was not being used adequately against persons who by virtue of their hold over resources and commodities are able to use it for purposes contrary to the interests of society. Of course, the people who have a hold over resources and commodities—by that, he meant obviously those people who indulge in profiteering, blackmarketing or hoarding of essential commodities and so on. It is on record that Shri Nanda made this admission, though he made it very haltingly and very belatedly, under pressure from many Members of this House, that he did not consider

that adequate action had been taken against that particular category, and gave an assurance that in future it would be done.

Now, this is a statement, statistical data, which has been laid before us only this morning. I have been through it very hurriedly; it again shows the same old pattern; it shows at page 3 that between the period from 1st October, 1965 and 30th September, 1966, this year, the overwhelming majority of people detained under this PD Act have been detained actually under clause 3(I) (a) (ii) which means "on grounds of security of the State and maintenance of public order." 676 people are in detention on the 30th September, 1966 under this particular section of the Act. Here, the activities for which these people have been detained are not specified in details except for two broad categories, which are also very interesting. One category refers to violent activities and another one is referred to as goondaism. Of course, this metaphysical difference or distinction which is made here had better be explained by the Government, because, as Shri Masani pointed out, what is meant by goondaism is the normal activity of a professional goonda. We do not know why the PD Act should be used in this case and not the normal law of the land. By violent activities—we know this omnibus clause, this omnibus phrase, which is used to describe all those people who are arrested and are detained in connection with the big mass movements on popular issues; the agitations which are at present sweeping this country from end to end, whether they be on the issue of food or on the issue of high prices or on the issue of a steel plant in Andhra Pradesh or any such other issue, or even the agitation that has taken place the other day, on the issue of the ban on cow-slaughter. It was a mass movement, whether one agrees with it or not. I do not agree with it at all, but masses of people were brought and they participated in that movement.

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An hon. Member: It is not used.

Shri Indrajit Gupta: It is not used. I am just going to show that, though I am against Preventive Detention under any circumstances, because there are enough weapons in the armoury of the Government under the normal law of the land, even then I will show that even within the provisions of this Act, how do the Government practise this discrimination. Apparently they do not mind a particular type of violence. It is only another type of violence to which they object. All this moral talk about violence and non-violence is just a lot of humbug. It is only a particular type of violence which seems to excite them and worry them. Sardar Vallabhbhai Patel, when he first brought forward this Bill for the first time in 1950, spoke about sleepless nights which it caused him, to think that they were going to enact, incorporate this principle of detention without trial. Unfortunately now, sleepless nights are being caused to these gentlemen on the opposite side not by any considerations of this Bill; sleepless nights are being caused by the fact that millions of people all over the country are revolting against their policies. And huge agitations and struggles are taking place and they cannot be suppressed; it has been proved that they cannot be suppressed even by the most ruthless use of police violence by shooting down people or imprisoning them. But why do they make this distinction on the basis of their own principle?

There is the talk about people who foment communal violence. So many times in the past, Shri Nanda talked about it here. "When there are people here preaching communal violence, should we not have such a weapon in our hands to deal with them"? I leave it to this House to judge who is preaching the communal violence. We have recently seen examples of it. But the PD Act was not used. I am not saying that the PD Act should have been used. But why

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is it used in other cases and not used here? People were arrested under the law of the land in this country; the relevant sections of the Criminal Procedure Code were used against them. The PD Act was not used.

In my own constituency,—last week, the hon. Home Minister surely knows it—in a localised pocket, a very unfortunate communal riot took place, where at least several hundred homes of people belonging to the minority community have been burnt and looted and land pillaged. But I know; I went round that place for four days, day and night in that area. Some arrests were made, quite a large number, but a lot of people who are certainly not very desirable people and were pursuing these activities even in broad daylight were certainly not arrested under the PD Act. The P.D. Act was not called into play against them. What is the principle on which they proceed, I cannot follow.

We find under the broad heading "Violent activities" 676 people have been detained of whom the majority are in Bihar, U.P. and West Bengal. They have all been arrested in connection with the recent agitation about food and high prices. There is a column here which says "political affiliations, if known, of the persons detained". Every time studiously this column is left blank, so that no clue is available whether these people are not goondas or professional criminals, but people participating in these mass movements which are actually the creation of the ruling party. So long as they continue on this present path of allowing the food crisis to grow from bad to worse so long as they allow the profiteers and hoarders to create this agony of high prices, so long as they persist in this policy which led to devaluation and which has created a worse economic situation and all this havoc in the country, how can they prevent these mass movements? They have allowed the

police to commit excesses even within the precincts of educational institutions. They themselves have created this Frankenstein monster, which they are shouting about now. They do not wish to say what the political affiliations of the detenus are, because by labelling them as people guilty of violent activities, they want people to believe that they are also some sort of goondas or criminals. Why not fill up this column also? Then it would be clear that these are people with certain political views and affiliations, against whom action has been taken by the Government to suppress these popular demonstrations.

The number of people under detention under clause 3(1)(a)(iii) which refers to "maintenance of supplies and services", i.e. where action is contemplated against profiteers, hoarders and that kind of people who, Nandaji admitted were not proceeded against sufficiently, is miserably small. Just 50 or 60 people have been detained under this head over the whole country. We find that no action worth talking about is taken. So, even within the framework of their own protestations and their own aims and objectives of the Act as declared by them, they practise a certain discrimination, which is evidently political in motive. It has political aims behind it. Therefore, it is quite clear that despite all the provisions which exist under the Cr. P.C., they are bent upon keeping this really emergent type of legislation on the anvil for the simple purpose of suppressing popular movements, which they know are growing in intensity from day to day.

There is the economic crisis which, I think every thinking person on the ministerial benches would admit privately, if not publicly, is the root cause of all the popular discontent and disaffection which is growing in the country. Do they really think it can be put down by virtue of measures like the P.D. Act? It cannot be put

down. They are incapable and unwilling to tackle the basic causes. They are not capable of going to the root of the problem because that would mean giving up their present policies and taking to an entirely new set of policies which would be in the interests of the people, but not in the interests of the handful of exploiters, who are allowed to profit entirely from this economy. If the masses find that their conditions of living go on deteriorating while those 70 or 75 monopoly houses listed in the Monopoly Enquiry Commissions Report go on prospering from day to day, if the share of the national income and national wealth which is being created by the labour of millions which falls to the lot of the common man goes on shrinking and if the distribution of wealth becomes more and more inequitable, how can they prevent these huge mass movements and resistance to these policies? It cannot be prevented.

This Act has been fostered on this House and on this country, not once but 5 or 6 times in the name of temporary extension, all the time pretending that it is not to be a permanent measure. But each time we find they come forward to keep it permanent in their armoury, now all the more so, because public opinion and international opinion will not tolerate any further the use of the DIR in the way it has been used since 1962. Therefore, the P.D. Act is their last hope in order to fill the gap and they go on using it without the fear of having to appear before any court and prove any charges for convicting any person.

Mr. Masani quoted a lot of instances from so many countries which are democratic, according to his choice. Even in the USA, I read in the papers that referring to the anti-Vietnam war demonstrations which are taking place there, somebody asked a spokesman of the State Department, "Can't you take any firmer measures to deal with these dissentors?" as he called them. The spokesman replied, "Yes, of course

we can. If we were to declare a state of emergency, as we are permitted to do under our Constitution, we can take firmer measures. But we do not want to do that because it would have profound political repercussions here and abroad." Even in the USA, where they are in the middle of a full-scale aggressive war against an Asian country employing lakhs of regular military personnel, they hesitate ten times before resorting to any such thing as an emergency measure like that in order to suppress a dissenting opinion. But in our country they do not seem to bother at all.

As more and more the interests of the ruling party get identified with the interests of certain big moneybags in our country, in order to suppress the mass revolt against the policies of exploitation and profiteering, it is inevitable that the ruling party, in order to serve the interests of these big moneybags, will have to resort to this kind of lawless law. Even in the new nominations which are being done by the ruling party for tickets for Lok Sabha, we find it. People like Harish Mahindra of Bombay have been given nomination. I do not know when he became a Congressman, I am told he is the Treasurer of the Bombay PCC. Should not this Act be used—not against Mahindra, I mean—but against people who jeopardise the security of the country by swindling foreign exchange? Should not this Act have been used to stop Mr. Teja of Jayanti Shipping from leaving the country? When the Transport Ministry wanted to take action against him, the Home Ministry said, "We have no evidence on the basis of which we can stop him." So, he was not stopped and now he cannot be brought back. What evidence have you against these thousands of people who have been detained?

Bird and Company has swindled the country of so much of foreign exchange and cases are going on against the company. I am told the present Chairman of that company, Mr. Pran Prasad, is being offered a Congress

[Shri Indrajit Gupta]

ticket for Lok Sabha from Dhanbad constituency. If this is the way they proceed, how can they rule except with the P.D. Act, because the people would not tolerate this rule any further?

Sir, on behalf of our party, we oppose this Bill lock, stock and barrel. We consider it to be a total disgrace and I am sorry the new Home Minister should follow in the same tradition of his predecessors.

16.00 hrs.

Shri Khadilkar (Khed): Sir, with some hesitation, but under compelling circumstances, I rise here to support the measure that has come before the House. (Interruptions). Shri Masani started his speech with a preliminary observation. He said when we look at the scene, the only country which has survived after freedom and maintained its democratic structure is perhaps India. He asked: where is the threat? Those of us who are honest and loyal to this House and the democratic structure, they will have to find out where the threat lies, from what quarter it has been posed. To my mind, today we are passing through a very serious situation. The major threat is the threat to democracy and, unwittingly or with a devilish design, the opposition parties are ganging up together in order to strengthen the reaction in this country. What do we find today? Shri Masani is not prepared to support Left Communists outside, but he is prepared to come to some electoral understanding or adjustment with all parties, including Left Communists. That is rank opportunism on the part of the opposition parties which, after 17 or 18 years of independence, has kept them outside the mainstream of national life, which is represented by the Congress Party, and, therefore, they are getting frustrated and a last attempt is being made to create a situation in which perhaps democracy may flounder. Those of us who are in the House,

whether we agree on economic programmes or not—there might be differences—whether we agree on other social measures and foreign policy or not—there might be differences—our fundamental loyalty, I expect, must be to democracy which has been nurtured for the last 18 years.

If it is in danger, what have we to do? Are we to leave it in the hands of people who find even a cause like the ban on cow slaughter a good weapon to beat the Government with? The Swatantra Party have got an independent economic programme. I have no quarrel with that. But I was surprised to find that one of the planks of their election manifesto is a ban on cow slaughter. This was simply laid down as a guiding principle by the Constituent Assembly, if I mistake not, and it was laid down in the context of the economic situation. It has no religious bearing. But now even the Swatantra Party is prepared to take up this banner, along with the sadhus, some of whom naked too, and they stand together and say "down with democracy". This is the slogan.

An hon. Member: That is not the slogan.

Shri Khadilkar: In the final analysis, it means "down with democracy". This democracy is based on certain idea of secularism. If that is attacked, what happens to secularism? Because, this democracy is based on the basic principle of secularism. Do you want to give it up? That is one question.

There is another important factor. We never wanted to take to violent methods to bring about a social change. During the last 18 years the Congress Party and leadership tried to bring about a social transformation in a peaceful manner. Old order had changed and new attitudes had developed. In such a situation, with the minimum of force at their command

they have carried on the government of this country. Shri Masani referred to the Defence of India Rules. They are no more; though they are on paper, they are not in use. In the Communist countries, when they had to control the society, which is in a stage of transformation from day to day, they had used more repressive measures than we had ever thought of in this country. So, it does not lie in the mouths of the Communists, whether of the Right brand or Left brand to come and say "Oh, you have taken this measure because you are now cowed down to reaction".

I do realise, and I hope the Government also realises, that it is not simply a law and order problem in the normal sense of the term. No Home Minister, however powerful, can sustain democracy unless the economic policies of the country are in tune with the social objective, in keeping with the social objective. I must confess after a little self-introspection that it is not simply a law and order problem. Behind it there is a deep crisis. It is not a simple superficial thing; it is a crisis of confidence. It is a deep economic crisis that is engulfing this country, and the Western Powers today are more interested in creating an atmosphere of violence in order to destroy democracy in this country and usher in a regime of reaction, as they have done in three States in the African continent and recently, in spite of all the talk of the Communist, in Indonesia. Are we to fall a prey to the Western designs? This is the major problem before this country.

I presume in the opposition there are some parties, like the PSP, Communists both Right and Left, who do not, at least at the present moment, believe in bringing about social change by violent means. But the other parties certain perversions sitting in opposition, led by Dr. Lohia and others, what do they preach? They say in the name of Gandhi "Oh, anarchy is better than the present Congress regime". Are we going to

fall a prey to this slogan, I would like to ask the Communists. They have a philosophy and they have a mass organisation. I have no quarrels with them. In the case of the Swatantra Party, while I do not agree with their philosophy in the least, still they have a coherent approach to politics. But that party led by Dr. Lohia, and in a subtle and surreptitious manner supported by the Jan Sangh, that is the main danger to this country, to this democracy, as we find today. Let me be very frank. In the Hindi-speaking region of India, at the present juncture a certain disruption is taking place at all levels—at the student level, at the economic level, at the working class level, at the level of the poorer sections of the society.

I do realise that Government have not succeeded to the extent it ought to have. With some resolve, determination and courage it ought to have taken some measures which would have stopped this rot, the economic rot. Then the violence could have been curbed by the Home Minister. If you are to say that violence can be curbed only by a big danda, you are mistaken; nobody believes it, either on this side or that side. Those who have faith in democracy will not advocate or adumbrate such a doctrine.

Shri J. B. Kripalani: This Act itself is a danda.

Shri Khadiolkar: It is not a *ruprup*. If it were a danda, it would have rusted. A country of 500 million souls leading a democratic life, whatever the drawbacks, whatever the weaknesses, working within the democratic framework, with freedoms guaranteed at all levels, kept it rusting in their armoury. It was not used at all, or sparingly used.

My appeal to the Government is this. It is a threat to democracy. It is not a threat from outside but from inside to the democracy which we have nurtured and for which we fought when we fought for freedom.

[Shri Khadilkar]

16.10 hrs.

Are we going to allow elements, which are indulging in violence, with all types of slogans and co-operating in a most opportunist manner in order to defeat those who are sitting on this side in the seats of power? Have they any faith in democracy? Does it lie in their mouth to say, "You are using these repressive weapons against us"? I say, this Government must take courage and use these repressive measures with greater effectiveness at the proper time and in proper quarters.

I cannot understand, in this land the Head of State or some high dignitary going and touching the feet of Shankaracharya who is ready now to launch an agitation all over the country saying "Protect the cow; the cow is in danger".

Dr. M. S. Aney: What is wrong there?

Shri Khadilkar: I say, it is absolutely and totally wrong. I do not agree with you.....(Interruption). It is absolutely wrong.

श्री बड़े (खारगीन) : शंकराचार्य वायलैस प्रीच नहीं कर रहे हैं। मैं आपका कहना चाहता हूँ कि वे वायलैस कमी प्रांच नहीं कर रहे हैं, वे सिर्फ काऊ-स्ट्राटर बन्द करने की बात करते हैं।

Shri Khadilkar: I have not said that.

Mr. Speaker: He has not said that.

Shri Bade: He should not attack a man who is not here in the House. He said like this.

Shri Khadilkar: I have not said this. See the records. Sit down. Nonsense.

Shri U. M. Trivedi: There is no question of nonsense.

Mr. Speaker: I have asked all to sit down.

Shri Khadilkar: I am sorry.

Shri J. B. Kripalani: Sir, big people in the Congress went to have a *darshan* of that Shankaracharya and for having *prasadam*. What is he talking? The biggest people in the land belonging to the Congress Party went. What is wrong with it?

Shri Khadilkar: Those who had seen the demonstration and the happenings on the 7th, led by the naked sadhus, should realise what damage they have done to the Indian image abroad. Do they realise it?

श्री रामसेवक य.वव (बारबकी) :
मेसूर के झगड़े में कांग्रेसियों ने कितना नुकसान किया है, वह भी आपको याद है ?

श्री बड़े : पांच-पांच स्टेशन जला दिये, आन्ध्र प्रदेश में।

Shri Khadilkar: They have done the greatest damage to the Indian image which has been tarnished in the international world. What picture have they presented, our naked sadhus?

Shri U. M. Trivedi: Should that picture be judged by America and the U.K. or by us? Do not judge yourself by western opinion.

Shri Khadilkar: Therefore, those people who now come forward and say, "Do not take more powers as they are there and do not continue this measure because it might be used against us", ought to pause and ponder.

As I said, I am not looking at it from a party angle at all; I look at it from an angle which believes that the progress of this country, if at all we want any social advance today, is linked with the democracy that we have nurtured. If by violent means, by opportunist alliances or by any other method someone tries to undermine the secularism of this land, tries to undermine democracy, create an atmosphere of violence in this

country and build up tension round about student grievances with a view to presenting a picture as if the Congress has declared a war on students, this distortion purposely made of the Indian scene nobody in this country will tolerate and they will have to face the consequences. I am not afraid of it. Let them preach it on the election platform. Whatever they want to do, let them decide once and for all that such an act, whether committed by this section or by that section, will be condemned.

The Communist Party has not condemned this firing on this procession, but they have not condemned it totally because they feel that the masses are there. Is the Communist Party like that old French revolutionary—Robespierre, if I mistake not—who, when he was standing on the rampart with the rebels around him, said, "I am your leader; I will follow you"? Do they want to follow any agitation because the people gather there; or, do they want to lead the people?

I entirely agree that these powers must be used against the anti-social elements. They must be used to regenerate our economy and to preserve a certain pattern that we have built up. There is no doubt about it. If they are not used for that, it is a mistake. But they must use them against the communal elements who are a danger to democracy. The Government should not hesitate. My feeling is that at this juncture they must summon great courage—the courage of conviction and the courage of character; the courage for their action—and use this power to suppress violence wherever it erupts and to suppress anti-social activities and give full support and strength to the democracy that we have nurtured during the last 18 years which is the legacy of the Nehru era. If we fail and falter, history will never forgive us.

श्री राम सहाय पण्डेय (गता) :
अध्यक्ष जी, आज से 2500 वर्ष पूर्व महर्षि

चाणक्य ने अपने जनपदों की आन्तरिक सुरक्षा की प्रक्रिया पर भाष्य करते हुए कहा था कि शासन को चाहिये कि जनपदों की आन्तरिक सुरक्षा के लिये शालीनता और नम्रता के साथ व्यवहार करे, लेकिन यदि ऐसे असामाजिक तत्व आन्तरिक सुरक्षा के मार्ग में आते हों और जनपदों के नागरिकों के मन में इस प्रकार की भावना उत्पन्न होती हो कि उनका जीवन असुरक्षित है, तो शासन को राज्य-दण्ड अपने हाथ में लेकर स्थिति का मुकाबला करना चाहिये।

उसी सन्दर्भ में विधान निर्माण करते समय इस पी० डी० एक्ट का प्रावधान किया गया, कि हो सकता है ऐसा समय आ जाय जब आन्तरिक सुरक्षा खतरों में पड़ जाय। आज की स्थिति में और आज के सन्दर्भ में आप देखें तो जहाँ आपने विधान में वाणी स्वातन्त्र्य, व्यवहार और लिखने पढ़ने की स्वतन्त्रता दी है, आज उनका नितान्त दुष्प्रयोग हो रहा है। हमें किसी प्रकार की प्रसन्नता नहीं है कि हम पी० डी० एक्ट को लागू रखें या डिफेन्स आफ इण्डिया क्लब का सहारा लें। हम चाहते हैं कि एक ऐसा दिन आये कि हमें इस प्रकार के प्रावधान उपस्थित करने का अवसर ही न आये। क्या विरोधी दलों के नेता अपने दलों की ओर से यह आश्वासन सदन को दे सकते हैं और बराबर जनसाधारण को सदन के माध्यम से यह आश्वासन दे सकते हैं कि हम शालीन हैं, नम्र हैं, हम आस्थापूर्ण हैं, हम प्रजातन्त्र में आस्था रखते हैं और उनकी जड़ डामगाये नहीं ऐसा हम प्रयत्न करेंगे।

तीन संस्थायें इस देश में ऐसी हैं, जिनका विधायक प्रजातन्त्र में कितना है, यह स्वयं जनसाधारण अपने विवेक की मूला पर रख कर तोले। एन सीआ इन्स्टीट्यूट कम्युनिस्ट दल है जो सारे संसार में रक्त क्रान्ति में विश्वास करता है, जिनकी कोई भौगोलिक सीमा नहीं है, साम्राज्य का विस्तार करना

[श्री राम सहाय पाण्डेय]

चाहते हैं और उमी पद्धति और प्रणाली में विश्वास करने वाले लोग इस देश में हैं। साधुवाद देना चाहिये इस सरकार को कि वे अभी भी स्वतन्त्र हैं, जो चाहते हैं, सो करते हैं। हम उनको दूर से देखते हैं, जब देखते हैं कि बहुत आगे बढ़ रहे हैं, और अब हमारी आन्तरिक सुरक्षा खतर में है, तब हम उन के साथ साधारण सत्ती का व्यवहार करते हैं, और वह भी सत्ती का नहीं। उसके बावजूद भी हम एकट में उनको अवसर मिलता है कि कोई आक्रामकता में अपना बचाव कर सकते हैं। जिस प्रजातन्त्र का सहारा लेकर रक्त क्रान्ति की वे बात करते हैं, वे इस बात को भूल गये कि यदि वे स्वयं चाइना में होते और इस प्रकार की तोंड़ फोड़ की नीति में अपने को सम्मिलित करते, तो उन के साथ वहाँ पर क्या व्यवहार होता। हम तो जेल में रख कर भी उनको अच्छा खाने-पाने को दे कर उनकी सुरक्षा करते हैं, लेकिन जिस प्रकार से कि वे पुनों को तोंड़ कर इस प्रजातन्त्र को खतरों में डालते हैं, चीन को निमन्त्रण देते हैं, यदि चीन में रह कर चीन के विरुद्ध किसी दूसरे राष्ट्र को इस प्रकार का निमन्त्रण दें, तो उन के साथ क्या व्यवहार होगा, इस का निर्णय वे स्वयं करें।

एक दूसरा दल है जो फासिस्ट और रियन्टेड है, घृणा पैदा करना, विद्रोह पैदा करना, तोंड़-फोड़ का निमन्त्रण देना और एक ऐसा वातावरण पैदा करना, जिसमें घृणा पैदा हो।

चीन संस्थायें हैं प्रजातन्त्र की। एक संस्था है जिसका प्रतिनिधित्व करता है राष्ट्रपति। राष्ट्रपति पर भी लांछन लगाये जाते हैं, ताकि वह संस्था कलंकित हो, दूसरी संस्था वह है जिसके अधिष्ठाता आप हैं, इस प्रजातन्त्र का जो सर्वोच्च सदन है जिसकी प्रक्रिया का संचालन आप करते हैं, उसमें आप पर नाना प्रकार के लांछन लगाये जाते हैं, इसलिए कि यह संस्था भी लांछित हो। तीसरी संस्था है प्रधान मंत्री की, जो बहुमत

में चुने हुए दल का प्रतिनिधित्व करते हैं शासन का संचालन और शासन के उत्तरदायित्व का निर्वाह करते हैं। उनके ऊपर भी लांछन लगाये जाते हैं। यह वह दल है जो घृणा पैदा करता है और घृणा पैदा करने के बाद सेस आफ डिस्टास्ट देश में पैदा करना चाहता है, और उसके लिये माध्यम नाया है राष्ट्रपति को, इस सदन को और प्रधान मंत्री को, इस प्रकार की संस्थाओं के ऊपर लांछन लगाया जाये ताकि जन साधारण यह समझे कि ओ हो, कितने भ्रष्ट लोग हैं। अभी आज सुबह श्री मनुभाई शाहं ने चैलेन्ज किया कि वह उन आरोपों का खंडन करते हैं। जो आरोप लगाये जाते हैं, जो घृणा पैदा करने की प्रक्रिया है, घृणा पैदा करने का जो वातावरण है, जिसके बाद फिर रक्त क्रान्ति की बात कही जाती है, घेरा डालो की बात कही जाती है, हड़ताल करने की बात कही जाती है और सशस्त्र क्रान्ति का आह्वान किया जाता है, वह क्या है।

दूसरे दल की बात मैं क्या कहूँ जो हमारे विश्वास, हमारी आस्थाओं का जो धार्मिक हैं, सहारा लेकर, गायों का नाम ले कर, उसकी पूंछ पकड़ कर वंतरणी पार करना चाहता है। गाय मेरी भी माता है। गाय की हत्या बन्द हो, काऊ स्लाटर न हो, यह मैं भी चाहता हूँ। मैं इस सदन में यह घोषणा करता हूँ कि मैं इस विश्वास का हूँ कि गाय को न भारा जाये, उसका संरक्षण हो। लेकिन उस दल में चुनाव के ठीक पहले यह जो भक्ति आ गई कि एक जूलूस निकला वह साधू, वह वस्त्रहीन साधू, जिनको देखते ही हम नतमस्तक होते हैं वह आये, उनका पार्लियामेन्ट स्ट्रीट पर ताण्डव नृत्य हुआ, त्रिशूल लेकर नृत्य हुआ, फिर भी आप कहते हैं कि यह प्रिवेन्टिव डिटेनशन ऐक्ट न लागू किया जाये। छोड़ दिया जाये। चाणक्य ने एक बात और कही यी कि स्वतन्त्रता की

रक्षा के लिये यदि इतनी स्वतन्त्रता दे दी जायेगी कि हर व्यक्ति स्वतन्त्र हो जाये, तो स्वतन्त्रता नहीं रह सकती है। स्वतन्त्रता के पीछे एक मर्यादा हो, स्वतन्त्रता के पीछे एक प्रतिष्ठा हो और उस प्रतिष्ठा और मर्यादा के सन्दर्भ में जन-जन की गण-गण की जान-माल की और सार्वजनिक सम्पत्ति की सुरक्षा का भाव हो।

मैं कहना चाहता हूँ कि जो यह सब दल है, चाहे वह चाइना अरियेन्टेड हों चाहे सम्प्रदाय-वादी हों, चाहे वह घृणा पैदा करके सशस्त्र क्रान्ति की बात करते हों, वह इन सब बातों का परित्याग करके यह आश्वसन दें कि अब मनुष्य के संस्कार और सभ्यता का यह स्तर आ चुका है कि बूलेट से नहीं बल्लट से हम सरकार में परिवर्तन करेंगे, तो वह कितना अच्छा योग होगा। वह यह घोषणा करें कि हम किसी भी ऐसी चीज का सहारा नहीं लेंगे, हम आस्था और विश्वास के साथ प्रजातन्त्र का पोषण करेंगे, हम वह वातावरण देश में पैदा करेंगे। अगर यह सरकार दायित्व निर्वाह में फेल होती है तो दूसरी सरकार आये, उसका स्वागत होगा। मैंने कब कहा है कि कांग्रेस का शाश्वत राज्य रहे। राज्य की बात नहीं है, कांग्रेस सेवा करती है। कांग्रेस ने जनमत से बहुमत की सरकार का निर्माण किया है। यदि यहाँ जनमत कांग्रेस सरकार के विरुद्ध हो और इस परम्परा और इस प्रणाली के माध्यम से दूसरे आये तो उनका स्वागत है। लेकिन एक बात मत भूलो। मान लो अपनी सरकार आप ने बना ली तो यह जो तॉड-फॉड की प्रक्रिया है, यह जो तोड़-फोड़ का आह्वान है, उनता के मन में जो यह व्यथा पैदा करना है, क्रोध है, हिंसा की भावना है, यह आप को बड़ा भारी पड़ेगा। किसी भी सरकार को भारी पड़ेगा जो इसके स्थान पर बैठेगी। मैं समझता हूँ कि एक सब से बड़ा सिद्धान्त प्रजातन्त्र का यह है कि हम ऐसा कोई कार्य न करें जिससे प्रजातन्त्र का रूप, प्रजातन्त्र का स्तर या

उसके प्रति जो आस्था है, उसकी जो प्रणालियाँ हैं, प्रक्रियायें हैं वह डगमगा जायें। वह दिन आये जब विरोधी दल वाले यहाँ बैठें। हमें कोई ऐतराज नहीं है, हमें कोई शिकायत भी नहीं है। लेकिन इसके लिये आप को जनमत तैयार करना पड़ेगा।

एक दल है यहाँ पर, अर्थात् पी० एस० पी० वाले, मैं आप से कहता हूँ कि जब उनका भाषण होता है तब वह बिटरेस्ट क्रिटिसिज्म करते हैं, लेकिन जब हम सुनते हैं ऐसा लगता है कि वह है जो हमारी आत्मा को ऐसी स्थिति में लाता है कि हम आत्म निरीक्षण करें। दादा कृणालानी जब बोलते हैं तब क्या वह किसी प्रकार छोड़ते हैं। कितनी आलोचना करते हैं, लेकिन ऐसा लगता है कि हमें बड़ा प्रकाश मिल रहा है, वह हमारी बुद्धिमत्ताओं को बतला रहे हैं। जो प्रजातन्त्र का आधार है उसको वह सफल बनाने का प्रयत्न कर रहे हैं। यह नहीं कि बैठ जाओ प्रधान मंत्री, बैठ जाओ मंत्री, वह दिन आ गया है जब खून कर दिया जायेगा। क्या यह भाषा है, यह शालीनता है, यह नम्रता है, यह प्रजातन्त्र पर विश्वास है।

एक माननीय सदस्य : यह किसका भाषण है।

श्री राम सहाय पाण्डेय : उनको सब जानते हैं। यह श्री रामसेवक यादव के मिल लोग हैं जो कहते हैं कि खून करो, यह कहते हैं कि खून कर दिया जायेगा। बड़े आये खून करने वाले। खून क्या ऐसे ही हो जायेगा . . . (ध्वजबान) . . .

श्री रामसेवक यादव : तुम जनता का खून करते रहो, लोगों की जान लो।

श्री राम सहाय पाण्डेय : यह कहते हैं कि बस, अब समय आ गया है कृष्णव क्रान्ति का, नूट लो, तॉड दो, बमें प्रांग ट्रेन जला दो, सार्वजनिक सम्पत्ति नष्ट कर दो। सार्वजनिक सम्पत्ति नष्ट करना महापाप है, अपराध है।

[श्री राम सहाय पाण्डेय]

एक व्यक्ति ट्रेन में बैठ कर किसी निदिष्ट स्थान को जाना चाहता है। उसे नहीं मालूम कि किसी ऐसे दल के लोग भी हैं जो फिशप्लेट बगैरह उड़ा देते हैं। परिणाम यह होता है कि घर जाने के बजाय वह स्वर्गलोक चला जाता है। 100 या 150 आदमी इस तरह की दुर्वटना में मारे जाते हैं तो यह सार्वजनिक हत्या है। यदि कोई एक व्यक्ति की हत्या करता है तो 302 में उसे प्राण दण्ड दिया जाता है। . . . (व्यवधान) . . . इस सार्वजनिक हत्या का आरोप और प्रभियोग मैं सार्वजनिक रूप से ऐसे दलों पर लगाता हूँ जिनका विश्वास प्रजातन्त्र पर नहीं है। इस प्रकार की सार्वजनिक हत्या के पाप का निर्णय कौन करेगा। इस पाप का निराकरण ईश्वर करेगा, लेकिन ईश्वर के बाद जब तक राजदंड भी चल्हाण के पास है तब तक वह इस पकड़ान्त्र का पता लगायें। ऐसे दलों का पता लगायें। पता लगायें क्या, पता लग चुका होगा। चल्हाण साहब, यह समझ लेना, जानते हैं कि शासन कैसे किया जाता है। वह चाणक्य के इस वाक्य से भी परिचित हैं जब राजदंड लिया जाता है तब सार्वजनिक हित में, सार्वजनिक संरक्षण के लिये, सीमाओं के संरक्षण के लिये। सीमा के संरक्षण के लिये इस नरशादूल ने अपनी शक्ति का परिचय दिया है, उसका साधुवाद है। आन्तरिक सुरक्षा ने अब फिर आह्वान दिया है। हमारी कामना है कि वह उसमें सफल हों।

मैं प्रिवेन्टिव डिटेन एक्ट का समर्थन करते हुए कहना चाहता हूँ कि प्रजातन्त्र में सर्वतन्त्र और सब में विश्वास ही शासन करने का आधार होता है। आओ मिल कर इस धृगा, इस खूनी क्रान्ति, आरोप, झूठे, मिथ्या, प्रगल्भ प्रचार के विषय में विश्वास छोड़ दें, प्रजातन्त्र की शाश्वत प्रणाली पर विश्वास करें और एक ऐसा वातावरण तैयार करें कि अगर कभी कांग्रेस पराजित

भी हो तो एक शासन इस देश में स्थायी रूप से चले। लेकिन भगवान वह दिन कभी नहीं लायेगा यह भी हमें विश्वास है। आप लोग कभी नहीं आ सकते।

इन शब्दों के साथ मैं इस प्रिवेन्टिव डिटेन एक्ट के एकस्टेंशन का समर्थन करता हूँ।

श्री उ० मू० त्रिवेदी : सभ,पति महोदय, मेरे पूर्व वक्ता ने श्रीर उनसे भी पूर्व वक्ता के अपनी मूर्खता का परिचय दिया। इसलिये मैं मूर्खता का जवाब नहीं देना चाहता हूँ।

अब हमें देखना यह है कि यह प्रिवेन्टिव डिटेन एक्ट प्रजातन्त्र में लागू होना चाहिये, चलना चाहिये या नहीं चलना चाहिये। कोई आदमी किसी को गाली दे, पाकिस्तान हम को जब देखो तब गाली देता है, अरबूब खाँ हम को गाली देते हैं, तो क्या हम भी गाली दें। हम गाली नहीं देंगे।

“ददतु ददतु गालिर्गालिमन्तो भवन्तः :
तयमपि तदभावात् गालीदाने षसमर्थः।
जगति विदितमेवद दीयते विद्यमानम्
न हि शशांकविषाणं कोऽपि कस्मैददात्री।”

मेरे पास गाली देने को है नहीं हम चाहें तो भी गाली नहीं दे सकते। तुम्हारे पास गाली भरी हुई है, तुम पेट भर कर देदो।

अध्यक्ष महोदय : एक बात मैं जरूर कहूंगा कि दूसरे को मूर्ख कहना गाली देने से कम नहीं है। मन्बर साहबान को इसका भी ध्यान रखना चाहिये और दूसरे मन्बर साहबान को इस तरह से नहीं बहना चाहिये। आप जैसे दानिशमन्द आदमी को ऐसे नहीं कहना चाहिये। आप सब्क से सन्न भाषा का प्रयोग कर सकते हैं लेकिन यह तो आप न कहें।

श्री उ० भू० त्रिबेदी : जो प्रादमी दूसरे के भाव को जाने बिना और विचार लगाये बिना सिर्फ भाव के प्रभाव में आकर दूसरों को गाली दे दे तो उसे क्या उपनाम दिया जाये, यह मेरी समझ में नहीं आया था, इसलिए मैं ने यह घुष्टता की।

मैं पूछना चाहता हूँ कि कहां पर श्री पाण्डेय ने पढ़ा है कि फलां फलां जगह जहां प्रजातन्त्र है इस तरह का कानून बना हुआ है कि किसी भी प्रादमी को न्यायालय के सामने बिना पेश किये हुए जेल में बन्द किया जा सकता है? हमारे चट्टाण साहब बवालत भी जानते हैं। उन्होंने भी गड़बड़ी करके यह कह दिया कि आर्टिकल 22 हमारा एक अधिकार है। जहां तक फंडामेंटल राइट्स का सम्बन्ध है वे तो देशवासियों के वारते हैं। फंडामेंटल राइट्स गवर्नमेंट के लिए नहीं होते हैं। लेकिन जब से आर्टिकल 22 बना है तबसे हमारी गवर्नमेंट यह समझ कर बैठी हुई है कि ये फंडामेंटल राइट्स हमारे राइट्स हैं और हमें अधिकार है कि जिस किसी को चाहें जेल में बन्द कर दें।

16.32 hrs.

[SRI P. VENKATASUBBIAH in the Chair]

यह कानून यहाँ 1952 में बनने लगा था। तब भी हमने इस कानून का विरोध किया था। उसका नतीजा क्या हुआ है, इसके कुछ दृष्टान्त मैं आपको बतलाना चाहता हूँ। 1953 में मेरे दल के 54 प्रादमियों को पकड़ कर बन्द इसलिए कर दिया गया कि हम यह मांग कर रहे थे कि जम्भू काश्मीर भारत का एक अभिन्न अंग है और उसकी हम से न छुड़ाया जाए। इसके सिवा हमारी और कोई मांग नहीं थी कि एक देश, एक प्रजात, एक निशान हो। लेकिन इस काले कानून की करामात आप देखें। यह बहुत ही विचित्र

कानून है। जलियानवाला बाग जिस कानून के वास्ते बना था उस कानून से भी परे यह कानून चला गया है। श्री पाण्डेय अगर भाषण जायें तो मैं उनको यह बात सुनाना चाहता हूँ। यह जो किस्सा है यह मैं उनको सुनाना चाहता हूँ। मैं चाहता हूँ कि कान खोल कर वह इसको सुन लें। हमारे यहाँ जस्टिस मेहरचन्द महाजन, चीफ जस्टिस हुआ करते थे। उनका सगा भतीजा पठानकोट का रहने वाला था। उसको पकड़ कर जेल में बन्द कर दिया गया। उस पर यह इन्जाम लगाया गया—यह लिखा हुआ है—कि तुमने फलां फलां दिन फलां फलां गांव में पठानकोट में प्रादमियों को एकत्र करके यह कहा कि सब अपनी बन्दूकें लायें, सब अपनी पिस्तौलें लायें, सब अपनी तलवारें लायें और हम इनसे कांग्रेसियों को मारेंगे। किस्सा यह बनाया गया कि यह बात उसने सायंकाल के सात बजे पठानकोट में कही। जब उसके मुकदमे की सुनवाई यहाँ पर हुई तो उसने इलजाम से इन्कार किया और उसने कहा कि मैं तो सात तारीख को वहाँ था ही नहीं, मैं तो उस वक्त सात बजे शाम को जिस तारीख को ये बात बता रहे हैं, अपने सगे चाचा जो चीफ जस्टिस हैं इंडिया के श्री मेहर चन्द महाजन उनके साथ बैठा हुआ था मिटो रोड में और एक प्रादमी के साथ दावत खा रहा था। अमूमन सुप्रीम कोर्ट फंक्शन में नहीं जाती है। लेकिन उस दिन सुप्रीम कोर्ट ने यह सवाल पूछा मि० पोरस मेहता से जो सरकार की तरफ से हाजिर हुए थे कि क्या आप इतका भी कोई जवाब दे सकते हैं तो श्री पोरस मेहता की आँखें शर्म से नीचे झुक गईं। इसका नतीजा यह हुआ कि उनको छोड़ दिया गया। अब यह पाण्डेय जी भग जायें क्योंकि इनको सत्य पसन्द नहीं है।

दूसरा एक किस्सा मैं आपको सुनाता हूँ। यह कहा गया कि यह प्रादमी गुरदासपुर में हाजिर था और उसने लेखर दिया, प्रादमी

[श्री उ० मू० त्रिवेदी]

झकट्टे हुए लेकिन जब पता लगाया गया तो पता चला कि जो तारीख बताई जा रही है उस तारीख को वह इन्दौर के अन्दर एक बैंक में चैक तुड़ा रहा था और वहाँ पर उस की उपस्थिति मौजूद है। ऐसे झूठे झूठे इल्जाम लगा कर, पुलिस के कहने पर लोगों को जेलों में बन्द कर दिया जाता है इस कानून के अन्दर। मैं पूछना चाहता हूँ कि इंसफ कहाँ है? इंसफ क्या है?

एक और किस्सा आप सुनें। 53 मुकदमे थे और इन 53 मुकदमों में एक भी सत्यता पर आधारित नहीं था। हमारे बड़े भारी वकील, प्रख्यात वकील, नामी वकील श्री एन० मी० चटर्जी को पकड़ कर एक बार बन्द कर दिया गया और झूठ बोला गया कि इनको रिमांड ग्रॉंट किया है।। कोई रिमांड ग्रॉन्ट नहीं हुआ था.....

श्री काशी राम गुप्त (भलवर): हमारे ही चटर्जी साहब?

श्री उ० मू० त्रिवेदी: जी हाँ। जब पूछा गया कि कहाँ रिमांड है तो वहाँ पर ए० डी० एम० डिल्लों नाम के एक व्यक्ति थे। उन्होंने घोर से अपनी जेब में से कागज निकाला और कहा कि यह रिमांड है। जस्टिस गुलाम हुसैन ने कहा...

Shri N. C. Chatterjee (Burdwan):
But it was not accepted as genuine.

श्री उ० मू० त्रिवेदी: कि मैं उर्व पढ़ा हुआ हूँ, मुझे इनको पढ़ने दो। उन्होंने उसे पढ़ा और कहा कि भाई यह तुम्हारे हाथ का लिखा हुआ नहीं है, यह तो पुलिस वाले ने लिखा है और तुम्हें इस बात की शर्म आनी चाहिये कि तुम रिमांड आर्डर उस पर दस्तखत करते हो जो कि पुलिस वाले का लिखा हुआ होता है।

इन पुलिस वालों के कहने पर आप इतने अच्छे अच्छे पार्लियमेंट के मेम्बरों को जेलों में घन्द करते हो, उनको पकड़ने की कोशिश करते हो। यह कानून बुरा है। इसमें आदमी को सुनवाई नहीं हो सकती है, आप उसको ऐसा करने के लिए कोई रास्ता नहीं बता सकते हैं

You cannot punish a man without giving him a hearing.

यह तो कभी हो नहीं सकता है। यह आपके वास्ते हो सकता है लेकिन प्रजातंत्र के वास्ते कभी नहीं हो सकता है और न कभी प्रजातंत्र में यह होना चाहिये। ऐसा लगता है कि हमारे दोस्त पाण्डेय जी की सरकार के पाँव हिल गए हैं, उनकी पार्टी का सिंहासन डोल गया है और वह नीचे गिरने वाली है, उसकी टांगों में जोर नहीं रहा है। अगर ऐसी बात है तो भी उनको यह अधिकार प्राप्त नहीं करना चाहिये।

हमारे यहाँ गुजराती में एक कहावत है घोला कवां गधेड़ा डाह्यां। यानी जो आदमी गधे रखता है उस गधे रखने वाले से जो गधा होता है ज्यादा भबल रखता है। ऐसी बात हुआ करती है...

श्री राम सहाय पाण्डेय: तमे डायो घो?

श्री उ० मू० त्रिवेदी: मैं चतुर हो सकता हूँ, बोल सकता हूँ लेकिन मैं गधा तो नहीं हूँ।

श्री राम सहाय पाण्डेय: गधा बड़ा सज्जन होता है।

श्री उ० मू० त्रिवेदी: आप दुर्जन हैं ऐसा मैंने कभी नहीं कहा है।

अगर आप यह कानून बनाते हैं तो इस कानून के वास्ते आपको नींव डालनी पड़ेगी। आपने नींव डालने का निश्चय किया है?

आपने जो आंकड़े हमें दिये हैं वे सही हैं ऐसा मैं नहीं मानता हूँ। क्यों नहीं मानता हूँ इसका कारण मैं आपको बताऊंगा। अगर ये आंकड़े सही हैं तो सिर्फ वैंस्ट बंगाल में 238 आदमी पकड़े गए हैं। क्यों पकड़े गए हैं? वहाँ पर यह मूषिकल है कि वहाँ मनमानी चलती है, मनमानी चीजें होती हैं। वहाँ आदमी को फोरेन गोली से मार दिया जाता है, लूटें होती हैं, गाड़ियां नहीं चल सकती हैं। वहाँ सब चीजें होती हैं। वैंस्ट बंगाल की मिताएण आप पेश न करें। दूसरे प्रान्तों को भी आप देखें। और आपने ऐसा किया जो आपको पता चलेगा कि गुजरात में बांच आदमी पकड़े गए हैं, मध्य प्रदेश में चार, पश्चिम बंगाल में सिर्फ दस। ऐसी हालत में हिन्दुस्तान भर के लिए जिसकी जनसंख्या 43 करोड़ है, आठ दस आदमियों के लिये आप कानून बनावें, शर्म की बात है। आपको शर्म आनी चाहिये। मैं आपको वहना हूँ डूब मरना चाहिये। जो रिपोर्ट आपने पेश की है उसके आधार पर आप कानून नहीं बना सकते हैं, आपको कोई आवश्यकता नहीं है कि आप इस कानून को बनावें।

श्री काशी राम गुप्त : सूखा पड़ गया है, पानी डूबने के लिए नहीं है।

श्री उ० मू० त्रिवेदी : ये तड़प कर मरजायेंगे, चूल्नु भर पानी में डूँगे। इस कानून को बनाने के वास्ते गवर्नमेंट को नीब झालनी चाहिये। डिफेंस आफ इंडिया रूलज अब भी कायम हैं। डिफेंस आफ इंडिया रूलज में आपने श्री गोपालन, श्री नम्बियार को पकड़ा दिया था, बहुत से एम० पी० को पकड़ लिया था। डिफेंस आफ इंडिया रूलज आपने सांगू कर दिये इसलिए कि उनका समावेश इसमें आपने नहीं किया है। आपको इतना नहीं कि आपके पास केवल कानून थे। मैं मानता हूँ कि जब मुल्क पर आपका प्रा जाए, सड़ाई ठिड़ गई हो, एमरजेंसी हो तब आवश्यकता हो सकती है कि आप इस तरह के

कानून को बनावें। इस वकत बिना विफ्त-काल के आप एक ऐसा कानून बनाना चाहते हैं जो किसी प्रकार से भी काले कानून से कम नहीं है। काले कानून की व्याख्या में यह कानून आए बिना नहीं रह सकता है।

माननीय सदस्य, श्री खाडिलकर, विद्वान आदमी हैं, पढ़े-लिखे हैं, प्रोफेसर हैं और लम्बी चीड़ी बातें करते हैं, लेकिन उन्होंने इस कानून के पक्ष में जो बहस की है, जो तर्क दिये हैं, वे समझ में नहीं आते हैं। ऐसी बहस से काम नहीं चल सकता है। बहस वह होनी चाहिए, जो तर्क पर पूरी उतर सके, जो तर्क-संयत और युक्तियुक्त हो।

श्री काशी राम गुप्त : वह अपनी धन्तरात्मा से नहीं बोल रहे थे ?

श्री उ० मू० त्रिवेदी : उनकी बहस में न कोई युक्ति थी और न कोई तर्क था। सत्तारूढ़ दल और सरकार को यह कानून लाने से पहले अपने पुराने इतिहास का अध्ययन करना चाहिए था। आखिर जलियांवाला बाग का हत्याकांड क्यों हुआ था?— एक काले कानून का विरोध करने के कारण।

18 नवम्बर को मैंने अपनी स्पीच में कहा था— अगर श्री पाण्डेय ने उसको कान बोलकर नहीं सुना, तो उसमें मेरा कुसूर नहीं है— कि हमने तो बिलेट से सत्तारूढ़ दल को हराने का निश्चय किया है, बिलेट से नहीं। लेकिन सरकार ने जगह जगह पर हमारे खिलाफ बिलेट का प्रयोग किया है— इन्दौर में किया, ग्वालियर में किया, भोलवाड़ा में किया, उज्जैन में किया। उसने कोई जगह ऐसी नहीं छोड़ी, जहाँ उसने बिलेट का प्रयोग न किया हो।

श्री बड़े : बस्तर में भी किया।

श्री उ० मू० त्रिवेदी : बस्तर में तो उसने केवल गोली नहीं चलाई, हत्याकांड किया।

श्री रामसेवक यादव : बांदा में भी किया।

बी उ० नू० त्रिबेबी : मैं कहना चाहता हूँ कि जो दूसरों पर परस्पर फेंकना चाहे, उसको शीशे के घर में नहीं बैठना चाहिए। अगर सरकार ने सच्चाई और ईमानदारी से काम, किया होता, सही नीति पर अमल किया होता, तो वह यह कहने की हिम्मत कर सकती थी कि जो कुछ वह कर रही है, वह सही है। मैं लगातार पिछले तीन सालों से देखता आ रहा हूँ कि इस देश की ला एंड आर्डर की स्थिति बिगड़ती जा रही है। मैंने बार-बार कहा है कि इस देश में ला एंड आर्डर है ही नहीं। यह सरकार इस देश में ला एंड आर्डर को बनाए रखने में बिल्कुल असमर्थ रही है, यह साफ़ दिखाई दे रहा है। यह बताने के लिए कि वह ला एंड आर्डर को बनाए रखना चाहती है, वह निर्दोष व्यक्तियों को जेल में बन्द कर रही है। इस तरह से ला एंड आर्डर स्थापित नहीं हो सकता है।

मैं आपको उदाहरण देना चाहता हूँ कि वारमगाम स्टेशन पर लाइसेंस कुली को तो सामान नहीं उठाने दिया जाता है और अन-लाइसेंस कुली मारपीट करके और घाँस देकर सामान उठाता है और पुलिस वाले कुछ नहीं करते हैं। पुलिस वाले अजमेर से 1-अप, 2-डाउन, 3-अप और 4-डाउन पर बारह बारह सीट लेकर चलते हैं, जबकि सिर्फ़ दो सीट्स रिजर्व्ड हैं। किसी टी० टी० आई० की ताकत नहीं है कि वह उम डिब्बे में घुस सके। अगर वह घुस जाये, तो उसको जूते पड़ते हैं, हथकड़ी पड़ती है। सरकार टी० टी० आई० की मदद पर पहुंचने की ताकत नहीं रखती है, जो कि एक सरकारी अफ़सर है। रेलवे मिनिस्टर इस बारे में कुछ नहीं कर पाते हैं। आज ला के रक्षक कानून के अक्षक हो गए हैं। जब यह सरकार अपने आदमियों पर कोई अंकुश नहीं रख सकती है, तो वह दूसरों पर क्या अंकुश रखेगी? अगर सरकार ने पहले अपने घर की ख़बर ले उसको ठीक करदे, तो उसको यह कानून बनाने की आवश्यकता नहीं होगी।

अन्त में मैं यह कहना चाहता हूँ कि यह कानून हमारे लिए एक शर्म की बात है, सारे भारतवर्ष के लिए एक शर्म की बात है, यह सरकार इस कानून को बना रही है, उसके लिए शर्म की बात है। उसको ऐसा काला कानून नहीं बनाना चाहिए कि दुनियां यह कहे कि उसको बग़ैर ट्रायल, बग़ैर हीयरिंग, सिर्फ़ अन्देशे पर किसी भी आदमी को बन्द रखने की ताकत की ज़रूरत पड़ रही है।

"This Government is creating a police state in this country, which is most deprecable. I oppose this Bill.

Shri J. B. Kripalani: Mr. Chairman, it is a very sad occasion. It is really a pity that Congressmen should wax-eloquent in support of this extraordinary measure, which was passed in Sardar Vallabhbhai's days and was passed for one year, and a brave man said that he had to pass many sleepless nights over it. That this Act is against all democracy and is reminiscent of a totalitarian regime, it is difficult to deny. Is there any need for such an extraordinary Act which destroys our democracy?

Our Indian penal code was made in the 19th century. In it all sorts of crimes, real and fanciful, are enumerated, because it was made by a foreign government and the punishment provided for even small crimes is too heavy for a modern democracy to tolerate. We have not changed this code which is out of date and unscientific. It provides for every conceivable occasion. In addition, that we should require an extraordinary legislation under which the courts of law cannot even question the authorities private judgment is not helping democracy but is rather hindering it.

Here there was some trouble on the 7th of this month. If proper precautions had been taken, that trouble

would not have arisen. A few days after, some trouble was expected from the students. Proper measures were taken and there was no trouble. I do not understand why Dr Lohia was arrested because if proper measures could be taken, and were taken, then there was no need for putting in jail Dr. Lohia and some other MPs. And under what section have they put Dr. Lohia in jail? Not under the Defence of India Act, not under the Preventive Detention Act. Such a preacher of violence, as my hon. friend, Shri Khadilkar made him out to be, such an avatar of violence who creates violence even in this House, at least excites violence in the minds of Congressmen, he could be dealt with under the ordinary law; he was not dealt with under any extraordinary law.

What was the section? It was section 107 of the Penal Code. I was also once imprisoned in the days of the British under this section. I enquired what this section was. They said 'You have no ostensible means of livelihood'. Other people have been arrested under this Section. Under the Indian Penal Code you can also fire on the mob and you usually do it. How has the law prevented you? Under our Penal Code they could open private correspondence. I have here a letter addressed to my wife, from Hong Kong, and I would want you to examine this letter.

Shri N. C. Chatterjee: Is that addressed to her as Chief Minister?

Shri J. B. Kripalani: It is not addressed to her as Chief Minister. And here is a stamp over it of the post office, and over that is a gum tape. How the gum tape could go over the stamp is something which the Government alone can explain. Shri Nanda, of very unhappy memory, told us that our letters are not censored. Here is a letter written to the Chief Minister and over it is written my name, and it has been

opened and it has been clumsily closed. I want this to be examined by you. (Interruption).

Mr. Chairman: Order, order. He can carry on with his speech. Let there be no interruption.

Shri J. B. Kripalani: This is no interruption. But I want this to be examined by you carefully. This is a letter addressed to the Chief Minister of Uttar Pradesh. It was sent from Hong Kong and my name is written over it. Did the police think that the Chief Minister of one of the biggest States was carrying on correspondence with some foreign power inimical to India? I would like, if the CID has such an evidence, they may not make it public; they may show it to me so that I may know what I am to do with such a wife. I may have to divorce her, though in my old age there is no possibility of my getting another wife!

Sir, these things can be done: that even a Chief Minister of a big State is suspect, and they can do under the ordinary law. Whom have you arrested? Shri Masani gave the names of his colleagues here who were arrested under the PD Act. I know a young lady has been arrested under the DIR. She was a companion of Gandhiji; she was a companion of Jawaharlal Nehru; she was in charge of the Kasturba Fund. She was its Secretary. And what is the charge against her? That her activities are inimical to the country; they are against the security and safety of the country. Now, I can certify that this lady is as patriotic as anyone of us here, whether in the Congress or in the Opposition. Her only fault has been.... (Interruption). I am talking of Mridula Sarabhai.

Shri Heda (Nizamabad): Very doubtful.

Shri J. B. Kripalani: Doubtful to you because you are new to the Congress party.

Shri Heda: I know her equally well.

Shri J. B. Kripalani: She is the discipline now of Acharya Vinoba, and at his instance she is in the non-violent army, the Shanti Sena. Her only fault was that she exposed the corruption that has existed in the successive governments of Kashmir. It may be that her fault was that what she wrote was quoted by Pakistan. But I say some of our speeches are quoted in Pakistan; some of the speeches made in the British Parliament, by Members of the Opposition and Members of the ruling party there were quoted by Hitler. That cannot blind us to the fact that we have to expose the corruption that exists here.

I cannot understand what the Government gains by passing this law again and again. I have spoken of it on every occasion, and I thought that at least now they would not have the courage to bring it before us. But they seem to be away. Does not matter; let them bring it. But I say there has been no greater rioting in India these days than that between Maharashtra and Mysore. Whoever is responsible for it, the Chief Minister and the Congressmen—if you have to use this Defence of India Act, use it against the Chief Minister of Mysore; use it against the Chief Minister of Maharashtra. Who was responsible for this very disastrous agitation that has been raised in Andhra Pradesh? I say the Chief Minister of Andhra Pradesh, and I make bold to say that a Minister at the Centre; if you have to use this Act, I say use it honestly; use it impartially; use it against your people. Those who are carrying on the Government give us long lectures. I can say and I know it: that even the student agitation is supported by Congressmen, financed by Congressmen. If you do these things, then you cannot throw it in the face of the Opposition that they are creating trouble. You are the source of the greatest trouble; the Congressmen are the source of the greatest trouble that

afflict this country, be it violence or otherwise. I cannot help using strong words. But first clear your own house; be united. See that you do not create conditions in which violence prospers and you have every authority in the Indian Penal Code; you do not need this. You want to use it against goondas, against the blackmarketers. Cannot the law of the land deal with these people? Why are you degrading democracy, why are you degrading yourselves? You must remember the Rowlatt Act. It was never used. Yet it was the Rowlatt Act that began our fight for freedom. Why do we forget our ideals, when we are in power? Why can't we look a little inside ourselves? That Congressman who told me that he knows Mridula Sarabhai—she was my student—he cannot know her more. I know; I say that with all the confidence I possess; that she is a patriotic woman and 12 months have passed and yet she is confined to her house. If you want her activities to be stopped you can do it in many other ways.

17.00 hrs.

An hon. Member: She wants the release of Sheikh Abdullah.

Shri J. B. Kripalani: Even Shri Jayaprakash Narayan wants it. Even Rajaji wants it. That is no crime. You can even say, she should not go to Kashmir. But to confine a young lady like her to her house for more than a year is not proper. This is not how things are done.

I would request the new Home Minister to take into consideration these things. I know he has introduced the Bill and I know it will be passed. You swallowed the compliments that were given to you by Mr. Masani, but you resent the remarks he afterwards made. Yes, we have got such a democracy that I can say what I like and you do not cut my throat. But remember, now-a-days there is no dictatorship but that of a party. Chinese dictatorship

is that of the Chinese communist party. Russian dictatorship is that of the Russian communist party. Here with your steamroller majority you have a dictatorship by which you can pass such lawless laws.

Mr. Chairman: Shri Bakar Ali Mirza.

Shri J. B. Kripalani: Sir, may I request you to examine that letter?

Mr. Chairman: It will be examined by the Speaker.

Shri J. B. Kripalani: You also may examine it.

Shri Bakar Ali Mirza (Warrangal): Sir, I am glad the Minister has circulated this statistical information. I find from it that there are only about 600 and odd people under detention under this Act. Of these, quite a number of them are detained for 1 or 2 months and some were even for 2 days. The people who are detained are mostly for violent activities or goondalism. There are some sections like 3(1) (a) (i) and 3 (1) (b) under which hardly anybody is detained.

There is another feature. All the States are not represented. I am not talking of the representation of the Schedule Castes and Schedule Tribes? It is mostly in Bihar, M.P., Rajasthan, U.P., West Bengal and a few in Gujarat. This shows that the malady is not countrywide, but localised and therefore it can be treated locally. The very fact that very few are detained and the fact that they can be dealt with under the ordinary law of the land, as pointed out by other speakers, itself is a justification to abolish this Act. If there is curtailment of liberty anywhere, it must be resisted stoutly. This Act is a curtailment of individual liberty of the people. I go further. Even if it can be demonstrated that it is fool-proof and there is need for an Act like that, while accepting it, we must do that with a great deal of distress. There cannot be any enthusiasm, as some members

showed about this. If reason alone drives our emotion, that would be a very sad day, because after all, reason is not the ultimate in our life.

Sardar Patel has been mentioned. I would like to remind Mr. Masani that it was Rajaji who in spite of his age, piloted this Bill for 7 days and even gave dinner parties to see the Bill through. Mr Masani is very prompt in quoting Rajaji time and again, but he conveniently forgets him on this occasion.

In the last 15 years, periodically this Act has been extended. It has not had a single day's holiday. That is a very serious thing. I refuse to believe that all these 15 years the conditions were such that all the time an Act like this was required. There were periods of calm and peace when a man like Mr. Nehru could sway the people, order them, guide them and control the situation. Even then there was not a day when this Act was not in force. The administrators are getting used to this instrument. They do not want to leave this instrument out of their hands, because it is a convenient instrument. On the other side, we, the people of India are getting habituated to this as a sort of normal thing. That is a serious matter. Speaking on the President's Address, I made some remarks about this Act. I was not surprised when the Prime Minister ignored it because it came from a back-bencher like me. But I was surprised that no member of the opposition chose to refer to this Act at that time. Only when this Bill is brought before the House, when it is election year, they get vehement about it. We, the people of India, are getting habituated to this particular measure. There lies the real danger.

At the same time, I recognise the present position is difficult. The atmosphere of violence in the country has to be checked. Strong and unpleasant measures may be necessary. I grant that without hesitation. There

[Shri Bakar Ali Mirza]

is the difficult food situation which creates troubles and an atmosphere of violent in the country. The question of high prices also tends to act in the same way. So, there is need for an instrument which can be affective, quick to handle and can yield results quickly. That being the case, I would like to give the Home Minister this power for some time. Let the extension be for one year, upto the end of the financial year till March, 1968. The things which are there today may not be there tomorrow. The food situation might ease. The price situation might change for the better. Election fever will be out. Congressmen will be cleaning their new brooms and that opposition might be licking their wounds.

An hon. Member: It may be worse.

Shri Bakar Ali Mirza: May be worse; quite possible; the possibility is always there.

If this is extended only for one year, the new Government can take a decision afresh and that, I think, should satisfy our Home Minister. Because, the present situation also will take some time; it will spill over even after the election. Sir, since you have rung the bell, it is difficult to deal with all the points which I wanted to make. I again plead with the Home Minister to accept my amendment, which is that it should be extended up to March 1968.

श्री रामसोबक यादव : सभापति महोदय, माननीय श्री चव्हाण ने जो मौजूदा विधेयक प्रस्तुत किया है इस से पता चलता है कि व्यक्तियों के बदलाव से किसी बदलाव की आशा नहीं करनी चाहिये। क्योंकि सन 1950 से अब तक जैसे जैसे और जब जब इस विधेयक की प्रवधि पूरी होती थी वैसे वैसे जो भी गृह-मंत्री रहा वह इस को प्राण बँदने के लिये सदन में

विधेयक प्रस्तुत करता रहा है, और वही भी चव्हाण भी कर रहे हैं।

यह कितना गन्दा विधेयक है। मैं इस का केवल विरोध ही नहीं करता हूँ बल्कि मैं चाहता हूँ कि माननीय गृह-मंत्री भी सच्चाई को समझें और इस तरह के विधेयक को वापस ले।

अभी माननीय श्री राम सहाय पाण्डेय ने और माननीय श्री खाडिलकर ने भी जनतन्त्र पर एक अच्छा खरसा भाषण दिया। जनतन्त्र के आत्मा भी होती है, उस के ढांचा ही नहीं होता है। आज हिन्दुस्तान संसार का सब से मरीब और असमानतम देश है। इतनी असमानता शायद दुनिया के किसी पूँजीवादी देश में भी नहीं होगी, समाजवादी देश में तो मिलेगी ही नहीं। जब इतनी घोर असमानता है तब पांच साल पर केवल चुनाव की नौटंकी कर के जनतन्त्र की दुहाई देने की बात मेरी समझ में नहीं आती है। मालूम नहीं वह जनतन्त्र का अर्थ भी समझते हैं या नहीं, या फिर जान बूझ कर दुनिया को धोखा देते हैं और देश को धोखा देते हैं। आज देश में जनतन्त्र नहीं है। जनतन्त्र की आत्मा है समता। आज वह समता देश में गायब है। जब तक जनता में समानता नहीं होगी तब तक जनतन्त्र का कोई अर्थ है नहीं। आज तो केवल धनतन्त्र चल रहा है इस देश में। इस लिये अच्छा ही वह जनतन्त्र का अर्थ समझें।

जिस तरह से माननीय खाडिलकर डा० लोहिया का हमेशा नाम लेते रहते हैं उस से मालूम होता है कि शायद वह डा० लोहिया का नाम ले कर श्रीमती इन्दिरा गांधी को खुश करना चाहते हैं। जो इस सरकार का सब से जबदस्त और शाश्वत विरोधी है उस की नुक़्ता खीनी करने से शायद उस का टिकट पत्रका हो जायेगा। यह तो मैं समझ सकता हूँ। लेकिन साथ

साथ उन्होंने धर्मनिरपेक्षता और कानून तथा व्यवस्था दोनों की बात की। मैं बतलाना चाहता हूँ इस सदन को और सभापति महोदय, आप का भी ध्यान आकर्षित करना चाहता हूँ कि इस कांग्रेस ने सन् 1945 में जिस को वह साम्प्रदायिक जमात कहती थी उस मुसलिम लीग के साथ समझौता किया, इसी तरह से जब केरल में आम चुनाव में वह अपनी सरकार नहीं बना सकी तब मुसलिम लीग जैसी साम्प्रदायिक जमात के साथ उस ने समझौता किया और गद्दी पर बनी रही। साथ ही साथ प्रगतिशील श्री खाडिलकर यह बात भूल जाते हैं कि गद्दी पर बने रहने के लिये उड़ीसा में जो उस समय गणतन्त्र परिपक्व थी, जो कि राजाओं की सब से बड़ी जमात थी, उससे भी समझौता किया। इसी तरह से वह दूसरी दलों पर हिंसा का लांछन लगाती है।

मैं साफ कहना चाहता हूँ कि संयुक्त समाजवादी दल हिंसा में विश्वास नहीं करता है। उस का विश्वास है जनतन्त्र में, समाजवाद में और अहिंसा में। वह लोग इस के अर्थ तो समझा करे। अगर वह अहिंसा का अर्थ समझते तो आज श्री खाडिलकर में हिंमत होनी चाहिये थी कि वह सबसे पहले इस कांग्रेस सरकार को कांडम करते, उस की नुकता चीनी करते, क्योंकि स्वतंत्र भारत में जितनी बार गोली चली, जितने लोगों की जानें गई हैं शायद उतनी अंग्रेजों के पूरे राज्य काल में नहीं चलीं। इसी तरह बांदा कांड है, बस्तर कांड है, लखनऊ है, दिल्ली है, और और जगहों में गोली चली और लोगों की जानें ली गईं। गांधी की और अहिंसा की बात करे, यह कांग्रेस को शोभा नहीं देता। गोली चलाओ, पूँजी-पतियों को बढ़ाओ और बात करो समाजवाद की, चर्खा की, अहिंसा की। जरा अपने गरेबान में मुँह डाल कर देखो तो पता चल जायेगा कि असलियत क्या है। आज वह हिंसा और अहिंसा की बात करते हैं।

मगर मैं कहना चाहता हूँ कि जनतन्त्र में विरोधी दल को यह अधिकार है कि वह सभायें करे, प्रदर्शन करे, सत्याग्रह करे। वह नालायक सन्तान हीमी जो अपनी माँ के पेट में लात मारे। सत्याग्रह की गोद से जन्मी यह सरकार सत्याग्रह को बुरा बतलाती है, लेकिन जब केरल में कम्युनिस्टों की सरकार होती है तो उस को गैरकानूनी ढंग से बदलने के लिये सत्याग्रह करती है। उस सरकार को उलटने का प्रयास करती है। लेकिन जब आज सत्याग्रह होता है जब हम चाहते हैं कि हम शान्तिमय ढंग से अपनी बात लोक सभा को बतलाये, यहां की सरकार को बतलाये, विद्यार्थियों का प्रदर्शन होता है, तब माननीय गृह-मंत्री जी, श्री चव्हाण दफा 144 लगा कर के विद्यार्थियों के शान्तिमय मार्च पर पाबन्दी लगाते हैं। हर बात के लिये तर्क दिया जाता है 7 नवम्बर की घटना का। मान लीजिये कि चुनाव के दौरान कहीं ऐसा हो, और हुआ है उत्तर प्रदेश में चुनाव के दौरान में कि हत्याएँ हो गई हैं, तब गोली चली है। लेकिन इस वजह से क्या आम चुनाव बन्द हो जायेंगे। भीड़ उस दिन वायालेंड हो गई थी तब आप ने उस को दबाया। लेकिन जब उस के बाद वह शान्तिपूर्ण प्रदर्शन करने वाले थे तब आप ने तरीका बदल दिया। आप ने यह तरीका अपनाया कि 25,000 पुलिस का इन्तजाम किया और उन को आप ने जगह जगह लगाया। यहां तक हुआ है कि बसों की तलाशी ली गई, गाड़ियों की तलाशी ली गई, कितना लोगों को परेशान किया गया, शायद मंत्री महोदय को इस की जानकारी नहीं। लेकिन फिर भी मैं कहता हूँ कि वह यह कर सकते थे, लेकिन दफा 144 लगा कर शान्तिमय प्रदर्शनों पर पाबन्दी लगाया, मैं नहीं जानता जनतन्त्र में कहा तक जायज है। इस के ऊपर मंत्री महोदय को ध्यान देना चाहिये।

इसी तरह से यह बात कही गई कि संयुक्त सोशलिस्ट पार्टी हिंसा चाहती है।

[श्री रामसेवक यादव]

लेकिन मैं कहना चाहता हूँ कि जब से बम्बई और गुजरात का झगड़ा हुआ तब शुरू से कौन लड़ा कि बम्बई और गुजरात अलग अलग रहे, संयुक्त सोशलिस्ट पार्टी नहीं लड़ी कि फर्ला जगह बम्बई में रहे या गुजरात में रहे, महाराष्ट्र में रहे, या मसूर में रहें। आखिर इस देश में ही तो रहेगा। कौन सा हिंसा, किस राज्य में रहे इस को लेकर भकान जलाये जाते हैं, रेलवे की सम्पत्ति नष्ट की जाती है, लेकिन जब संयुक्त सोशलिस्ट पार्टी रोटी का सवाल उठाती है, अनाज का सवाल उठाती है वह सही समाजवाद का सवाल उठाती है तब आप की तयारी चढ़ जाती है और वह कहीं पर 107 और 117 लागू करती है कहीं पर डी० आई० आर० लागू करती है। डा० लोहिया को वह डी० आई० आर० में रख चुकी है। गांधवां इस्पात कारखाना आन्ध्र में रहे या कहा रहे इस की लड़ाई हो रही है। यहाँ से संजीव रेड्डी लड़ रहे हैं वहाँ से ब्रह्मानन्द रेड्डी लड़ रहे हैं। वह कौन सा हिंसा और अहिंसा का सिद्धान्त है। आज यह देश में फूट का वातावरण पैदा कर रहा है, देश की समस्या हल नहीं कर रहा है, बुनियाद पक्की नहीं हो रही है। आप विरोधी दल को कहते हैं कि वह हिंसात्मक है, कानून को अपने हाथ में लेना चाहते हैं। मैं श्री चह्माण साहब से बतलाना चाहता हूँ कि चुनाव तो हर पांच साल पर होते हैं। 1952 का चुनाव हुआ, 1957 का चुनाव हुआ, 1962 का चुनाव हुआ। विरोधी दलों ने भी चुनाव में हिंसा लिया लेकिन इतनी गढ़बड़ कभी नहीं हुई थी। इस समय देश में अज्ञानि है, भूख है, अकाल है, बढ़ती हुई मंहगाई है, सूखा है विद्यार्थियों की समस्या है, असमानता की समस्या मुंह बाये खड़ी है। किसी समस्या पर सरकार की दृष्टि नहीं है। इस समस्या की जड़ को देखना नहीं चाहते हैं और इस का दोष दिया जाता है विरोधी दल पर आज यह स्थिति है देश में

कि लोग भूखों मर रहे हैं। उनको तस्वीरें निकलती हैं अखबारों में। असल में यह है अज्ञानि की जड़ में। मैं पूछना चाहता हूँ कि पुलिस के सिपाहियों में जो असन्तोष है वह कौन एस० एस० पी० का भड़काया हुआ है।

आज देश में दोहरी शिक्षा चलती है। एक तरफ तो अमीरों के बड़े बड़े स्कूल हैं, पब्लिक स्कूल हैं, दूसरी तरफ दजों चार के स्कूल हैं और सारा मामला चौपट हो रहा है। इसी तरह से अमीर लड़कों के लिये पढ़ने की सुविधा है और गरीब बच्चों के पढ़ने पर पाबन्दी है। इसी तरह से शिक्षकों का आन्दोलन चल रहा है। शिक्षकों को मामूली वेतन मिलता है और पब्लिक स्कूलों के जो अध्यापक होते हैं उन का हर महीने मंटी मोटी तन्खवाहें मिलती हैं। यह तमाम चीजें असन्तोष की जड़ में हैं। जब तक इस असन्तोष को दूर नहीं किया जायेगा तब तक जनता कानून और व्यवस्था को नहीं रख सकेगी। हो सकता है आप प्रिवेन्टिव डिटेन्शन ऐक्ट से साल दो साल के लिये इस को दबा ले लेकिन इस समस्या का समाधान नहीं कर पायेंगे! हो सकता है जो प्रदर्शन 18 तारीख को होने वाला था उस को अंतक से दबा ले, उस जूलूस को दबा दें थोड़े समय तक लेकिन इस में जो असन्तोष का कारण है वह दूर नहीं होगा। वह असन्तोष इस से बढ़ता जायेगा। और बढ़ते बढ़ते वह असन्तोष सारे देश को खतरे में डालेगा और जो मौजूदा स्थिति है आज भूख, गरीबी और मंहगाई की उस को बिना दूर किये हुए मैं चाहूँगा कि इस समस्या को केवल प्रशासनिक समस्या मान कर के हल करने की कोशिश न करें। क्या हुआ विद्यार्थियों के मामले में? विश्वविद्यालयों के उपकुलपति नहीं, शिक्षा के विशेषज्ञ नहीं, सब से पहले आई० जी० को बुलाया जाता है। इस का साफ मतलब होता है सरकार के

दिभाग में है कि यह प्रशासनिक समस्या है। लेकिन मैं साफ कहना चाहता हूँ कि आज जो घोर असन्तोष देश में व्याप्त है भूख, भ्रकाल, सूखा और मंहगाई के कारण उस को रहते हुए आप कानून और व्यवस्था को कायम नहीं रख सकते। मैं दो नमूने कानून और व्यवस्था के बताना चाहता हूँ और मैं चाहूँगा कि माननीय गृह मंत्री जरा सुन लें उन नमूनों को। ताजीरात हिन्द जिस में कोई भी जुर्म हो नहीं सकता मामूली से मामूली जिस की सजा देने के लिए व्यवस्था उस में न हो और जब वह मौजूद हो तो माननीय चट्टाण साहब को क्या जरूरत पड़ी है कि प्रिवेंटिव डिटेंशन ऐक्ट जैसे काले कानूनों की जन्दगी बढ़ाने के लिये इस सदन में आये। मैं चाहता हूँ चट्टाण साहब जरा सुन लें; वह भी क्लीक रहे हैं, मैं भी रहा हूँ। धारा 107, 117 और 151-जाब्ता फौजदारी की हैं। 151 जाब्ता फौजदारी का अर्थ है कि पुलिस को बिना वारंट किसी भी आदमी को गिरफ्तार करने का अधिकार है शर्त यह है कि शांति भंग का इतना जबर्दस्त अन्देशा हो कि बिना उस व्यक्ति को गिरफ्तार किये शांति भंग को रोकना न जा सकता हो।

Shri N. C. Chatterjee: Definite knowledge that a man has design to commit a cognisable offence. That is the argument that was put forward by Shri Trivedi and that was accepted.

श्री रामसेवक यादव: 151 है कि विदा-उट वारंट पुलिस को अरेस्ट करने का अधिकार है।

श्री ड० मू० त्रिवेदी: नहीं, ऐसा नहीं है।

श्री रामसेवक यादव: तो क्या होता है सभापति जी, कि देहात की 13 मील दूर की मीटिंग कर के किसानों और विद्यार्थियों की मैं आता हूँ, बस मैं बैठता हूँ और बैठ कर के दिल्ली के लिये रवाना होता हूँ। लेकिन हमारे

खिलाफ आज क्या होता है कि जहाँ बस पर कोई मीटिंग नहीं हुई, उस स्थान पर मैं ने मीटिंग की और विद्यार्थियों को भड़काया। सत्यमेव जयते। आप की सरकार है, जरा संभालिए। उस के साथ इतना असत्य और साथ साथ पुलिस के इस तरह के आरोप, मैं तो यह कहूँगा कि चट्टाण साहब यह आप की हुकूमत नहीं है, यह तो बिल्कुल साफ अधिकारियों का राज है, इन 19-20 सालों में इन्हीं अधिकारियों का राज यह रहा है। क्या होता है आज कि झूठ बयानी कर के हमको जेल में रखा जाता है। एक नमूना कानून और व्यवस्था का मैं ने बताया। दूसरा बताता हूँ। माननीय डाक्टर लोहिया, राजनारायण, बागड़ी और गोड़े मुरहरि, यह जेल में हैं। इन में क्या गया कि 25-25 हजार की दो किता जमानत दीजिए। अब बताइये क्या जरूरत है इस काले कानून की जब आप के इतने बढ़िया अफसर मौजूद हैं कि जो न्याय और प्रत्याय में कोई फर्क नहीं सम्भते, उन के जरिये जब इस तरह की चीज हो सकती है तो क्या जरूरत है प्रिवेंटिव डिटेंशन ऐक्ट की? और आज का मैं किस्सा बताता हूँ। उन की जमानत दाखिल करने के लिए मौर्य साहब और काशोराम गुप्ता जी गए। अपनी कार जमानत में दी। तो मैजिस्ट्रेट कहता है कि पहले पुलिस से तस्वीक करायेंगे। एम० पी० जमानत देता है, कार सामने खड़ी है और मैजिस्ट्रेट कहता है कि पुलिस से तस्वीक करायेंगे। जब इस तरह के मैजिस्ट्रेट हों तो मैं बिल्कुल साफ कहूँगा कि यह पुलिस मैजिस्ट्रेट्स हैं और कुछ नहीं हैं। यह आप की हिस्ट्री है और मैं चाहता हूँ कि जो मौजूदा हालत है, चट्टाण साहब, उस पर ध्यान दें। मैं आशा करता था कि आप से कुछ नयी चीजें मिलेंगी। लेकिन मुझे निराशा हुई। मैं आप से निवेदन करूँगा कि कानून और व्यवस्था रह नहीं गई है। कानून और व्यवस्था का संबंध होता है सत्य के साथ और सत्य बिल्कुल भिन्न गया है और अगर आप सत्य को साथ आघार नहीं बनायेंगे तो यह कानून व्यवस्था चल नहीं

[श्री रामसेवक यादव]

सकती है। जिन भाननीय सदस्यों को आप ने 18 नवम्बर के सिलसिले में गिरफ्तार किया क्योंकि विद्यार्थियों का आन्दोलन होने वाला था, 18 नवम्बर बीत गया। तो चूँकि उसमें एक कारण यह दिया हुआ है, तो उसके बावजूद भी संसद् के भाननीय सदस्यों को जेल में रखा जाय और इस सदन के काम काज से बाँचित किया जाय, इस से ज्यादा जनतंत्र का और क्या गलाघोट होगा? वता नहीं भाननीय खाडिलकर और राम सहाय पाण्डेय किम जनतंत्र और सम्प्रदायवाद की बात करने हैं, अपने गरेबा में मुँह डाल कर देख लें।

इन शब्दों के साथ मैं निवेदन करूँगा उन लोगों को आप अविश्वस्य छोड़ें और कम से कम इस काले कानून की आप सहारा न दें। कम से कम शुरुआत तो करें कि दूसरे गृह-मंत्रियों में और आप में यह अन्तर है। और अगर आप उसी पिटी पिटायी लाइन पर चलते रहेंगे तो फिर व्यक्तियों में कोई फर्क नहीं रहेगा।

Shri Sham Lal Saraf (Jammu and Kashmir): Mr. Chairman, I do not like the existence of this law on the statute book, but before I lend my support to this law, I would like to place certain things before a kind friend, the hon. Minister of Home affairs. I know him very well for many years and I know how he has run the administration first as a Minister then as a Chief Minister and then when he came here to take over the Defence portfolio. I have followed very meticulously how wonderfully well he has organised the entire Defence portfolio in our country when it was almost in jeopardy in 1962. I make bold to say that,

17.26 hrs.

[SHRI SONAVANA in the Chair]

It will be very necessary to analyse the situation as it obtains within the country today. Keeping that in view

I feel strongly that the existence of this law is necessary and will be necessary. Can we deny that there are elements in the country today looking to somebody else, some other power, outside the country for inspiration, guidance and what-not, while carrying out their behests or whatever secret instructions that they may be getting? Things have come to light not once but a number of times even in the past, and when such acts are committed, it will always warrant that a law like this should be on the statute book.

My hon. friend, Shri Yadav, was speaking just now. I absolutely agree with him when he analysed the situation in the country today. What are the problems that we face in the country today? Well, there is drought there is hunger; there is unemployment, but—and that is a very big 'but'—there are elements which are out to exploit that situation and those who are very much away from practical politics, particularly those who are working in the fields, like the students and the kisans. There are elements—I would not say parties; to my mind, I cannot say, till such parties have been identified and have come in such away before the people's eye—there are elements and individuals, who may belong to different parties, who certainly had indulged in such activities and have brought this violence and the air of violence on the surface.

I had gone to Kashmir for three or four days on that very day when the students' march was supposed to be demonstrated in the streets of Delhi, our capital. On the 7th November I had myself witnessed the unfortunate incidents that took place. I quite agree with Acharya Kripalani when he said that if that day also precautionary measures would have been taken, I think, unfortunate happenings of that day would not have been witnessed in Delhi, which was very very unfortunate day.

I am very sorry that my hon. friend Shri Khalidkar mentioned the name of Jagadguru Shaktaracharya. I personally bow before Shankaracharya. I do not know how Shri Khalidkar got Shri Shankaracharya mixed up with the acts of violence on that day. But one thing is certain and it requires the hon. Minister to pay his attention to. Sadhus, even naked sadhus, who had come here, had come with all sincerity; it is only that some people exploited them. Have you seen who are those people, who are those elements, who are those individuals? That is to be seen. I am very much associated with a number of muttes and sadhus and I may tell you and, through your, the hon. Minister that Nagas and sadhus are not at all responsible.

About two months back when this thing was simmering in a different way I was invited to two meetings and I was asked to speak in Baratoti. There was a big gathering and some sadhus were also there. I was asked and I agreed that cow slaughter should be stopped but I said that this voice should not be raised by one section or by one community or by people who follow one religion; this voice should come from the people as a whole particularly, I said, the minority communities. I particularly mentioned Muslims, and Christians. I said, "I come from a place, particularly my province of my State, where 90 per cent is the Muslim population. There, cow-slaughter is banned for hundred years. The Muslims meticulously follow that. They have never committed any such thing." Keeping that in view, I would very respectfully submit that they must stop talking in that manner. Certainly, there were anti-social elements. Some leaders were exploiting such elements. They should be taken to task and they should be brought to book.

I want to bring to the notice of the Home Minister one thing. I came from Kashmir just this afternoon. I wanted to take part in this discussion today. There is one thing which I

want to tell him. I say, these are very serious things.

An hon. Member: He is listening.

Shri Sham Lal Saraf: I would request the hon. Minister to pay his attention to this. I came from Kashmir just to day. I have all praise for the ex-Defence Minister for what he has done with regard to defence of this country. I am very happy to say how the things have improved. In spite of all that, the civil administration in my State failed then, particularly at the time of the Pakistani aggression last year. The civil administration has failed in my State. Most respectfully, I submit that I am a humble Congress worker and a volunteer for the last 42 years. In the later days, when Mr. Jinah's influence and the Muslim League's influence became greater and greater, even then we could get with us the Muslim majority in my State. The movement gathered momentum under the name of the National Conference and to this day the entire Party is as loyal as anybody to the country's cause or to the cause fought with by the Congress in the State and outside the State.

Today, there are certain things happening in my State. One thing I must assure the hon. Home Minister that we are as patriotic Indians, as patriotic Congressmen, as Gandhian Congressmen, as anybody else. But there are certain things which I want to mention. Firstly, one of my comrades, Shri Habibulla 'Jawan,' who fought Jinah's mentality, who fought with raiders and Pakistani elements, is inside jail under the Preventive Detention Act. Then, Shri Maulvi Ali Shah who fought single-handed with raiders in his area is today in jail. I could give many more instances.

The most important thing is that the elections are taking place. I have never made this a secret. I have confided with all my Congressmen and told them that by wrongly follow-

[Shri Sham Lal Saraf]

ing certain policies in that State by our Central leadership, the things are going in jeopardy politically. I want them to open their eyes.

There is the National Conference of which I hapened to be the Chairman when this was being revitalised. Mr. Basappa who is here was an observer. We have to continue to function as the National Conference. But we are loyal to the Congress as anybody else. Today, those people who are in power there in the State are not come out anywhere. But my comrades and colleagues can go anywhere and move in any place. What do they preach? What do they do? I have to talk to the hon. Minister on a number of things. There is not much time at my disposal. I must say one thing. Please allow us to function there as any other political party. We are vehemently against their doings, against their actions and a against their acts of commissions or omissions, which have led the entire country into difficulties.

I would very respectfully submit that we are loyal to this great Party—we have been in the past—today and in the future. Please allow us to function there as Indian citizens, as any other political party, who have fought with the country's enemies in the past and are there to fight the same way. I would urge upon the hon. Minister to kindly look into these things. He has done well as the ex-Defence Minister. Honestly, I am an admiror of Mr. Chavan. The day he took over as the Home Minister, it invoked sympathy for him. I would also make a request to the Opposition. Let us lend our helping hand to him and support him and see that his policies become successful. Certainly, I am very sure that he will look into our grievances. If correct policies are to be framed, he will certainly frame those policies with all his courage and determination and he will take this country in the right direction.

With these words, I support the continuance of the Preventive Detention Act.

Shri G. N. Dixit (Etawah): Mr. Chairman, Sir, before I speak on the Bill, I feel it necessary to meet some extraneous but important comments or complaints made by Acharya Kripalani. With all the respect for Acharya Kripalani, I think, on account of his age and affection for his wife, he has injured her cause. Any grievance of the Chief Minister should have been communicated to the Home Minister or to the Prime Minister. It was not a personality of the Chief Minister, of Mrs. Sucheta Kripalani, which was in a difficulty. She had the right to approach directly the Home Minister or the Prime Minister.

The second point which he raised was about Mirdula Sarabhai. I think he was misinformed. All qualifications of Mirdula Sarabhai are correct but they are not the reasons for what she has done. For five years, I was the counsel of the Government of India in the Kashmir Conspiracy case and I had to deal with Mirdula Sarabhai and Mirdula Sarabhai was the principle defender of Sheikh Abdullah. Even now if Sheikh Abdullah is released, you can take Mirdula Sarabhai outside—Sheikh Abdullah and Mirula Sarabhai are "twins"—and both will say the same thing. Her most important task at the moment is to see that Sheikh Abdullah's cause is vindicated.

Mr. Chairman: The hon. Member should avoid making reference to the persons who are not here.

Shri G. N. Dixit: The reference was made by Acharya Kripalani and I am meeting his points.

Sheikh Abdullah stands for an independent Kashmir. Therefore, unless the Government of India agrees to the stand of an independent Kashmir, you have to deal with Mirdula

Sarabhai on that score. Therefore, the observations of Acharya Kripalani in that regard are misplaced.

So far as this Bill is concerned, my hon. friend Shri Trivedi who is an eminent lawyer said there is no question of fundamental rights involved as mentioned in article 22. I have gone through this article. Article 22 clearly envisages a Prevention Detention Act and lays down the conditions one after the other in a number of clauses and points out what the provisions in such an Act shall be. This means that you cannot now say that this provision in the Constitution is undemocratic or that the Preventive Detention Act is undemocratic. This argument does not therefore, hold good and cannot be made in this House in view of the constitutional provision.

But there is one argument which is all right. An argument has been advanced by Shri Indrajit Gupta and also Shri M. R. Masani and they have asked whether abnormal conditions exist today which necessitate the extension of this Act. Shri Indrajit Gupta has pointed out that this Act has been extended from time to time. Why? Even today you will see that it is sought to be extended only for a term of three years and that is the provision in clause 2 of the Bill. If the conditions would have been all right, if the law and order position in this country would have been okay, if foreign invasion threat would have gone, then there would have been no necessity for this Preventive Detention Act, and no Member in this House would have supported the extension of the Act and indeed I am confident that Government could not have brought forward this Bill for the extension of the Act. But what is the position today?

Apart from the threat of China and Pakistan, and our relations with them not being cordial and good, the law and order position in this country is at the lowest point. Every citizen in this country feels that the

first problem to be tackled is the problem of law and order. Let every citizen in this country feel that this person and property is safe. This is the fundamental right of every citizen in this country. All those anti-social and anti-national elements which endanger the person and property of the citizen have to be put down with a strong hand. Unless Government can ensure this, they have no right to exist, and democracy cannot exist in this country. Today, democracy is in danger. The choice is between democracy and lawlessness and danger to person and property of citizens.

In the Opposition, there are two categories of people; one consists of those who are not nationalists in any meaning of the term; they take their leadership from China; all the time their mind is agitated for China, a country with which we are in the worst terms possible; their doctrines they borrow from there, always declaring avowedly that they are friendly with China. I quite understand them; but there is no reason why such people should be tolerated in a democracy. I want to know from my hon. friends where else in the world have such people who have been avowedly proclaiming that they are opposed to the aspirations of nationalism of this country been tolerated.

The other category consists of those who are really democrats but they are like that Kalidasa before his marriage with Vidyottama; he was sitting on the branch of a tree but cutting the root of the same branch. In the same way these friends talk about democracy but they are creating conditions in which democracy will fall down. I want these Kalidasas also to study, think, pause and consider like that Kalidasa and see that they act wisely and support the cause of nationalism and democracy in this country.

In my submission, the only way to control the situation is this. After

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all, the person and property of the citizen in this country and the maintenance of democracy are more important than the person or the wishes of a few politicians in this country. I may assure you from what contacts with people I have had and with the knowledge of people that I have that one can say that what Shri Y.B. Chavan did to stop the agitation here on the 18th instant has made him a hero. I think he is a very lucky man. The day there was the announcement that he was going to be the Defence Minister, the war stopped on the Chinese border; the day he took over the Defence portfolio the war stopped. Similarly, after he took over the home portfolio, you will find that in spite of all the bravades all over the country, law and order was maintained on the 18th. I say that this is just the beginning of the signs of improvement. Today, there is a sincere feeling in the country, and this you can see if you go and talk anywhere, that in spite of my few friends opposite, the citizen in this country feels happy. The citizens want to live peacefully and carry on their avocations peacefully. Therefore, the choice is whether you allow the tall-talkers a few politicians, a hundred of them at the most or 200 of them at the most, to have their way or allow the 48 crores of people of this country to live happily and peacefully in this country. This is the choice and the choice is made. The Congress is determined with the leadership of the present Home Minister to keep law and order with a strong hand in this country.

My hon. friend had rightly said that all over the world this was the only country where democracy was still subsisting. Everywhere, we find that the tables have been turned; take, for instance, Indonesia. My hon. friends from the Communist Party can talk freely in this Parliament. But where is the communist party in Indonesia which has very fine relations with China? It is only in this country where a communist having associations with China has

got freedom and permission to talk in the manner in which he talks in this House or outside. I say that the day we weaken this Preventive Detention Act on account of the appeals from my hon. friends opposite or on account of our own democratic feelings, we shall find lawlessness coming to the fore once again. I think we did make a trial in this regard but our hope in that trial has been belied. Only a strong-handed action against all elements whose faith lies out of the borders of this country, only a firm hand against such elements or people who are sitting on the branch and cutting the same branch and only a firm policy is needed.

Shri Siddheshwar Prasad: They are all fools.

Shri G. N. Dixit: I am sorry; those Members of the Opposition are all wise people and I have every hope that they will pause and think and then change their positions.

My hon. friend Shri Ram Sewak Yadav had said that the *danda* should not be used. I would like to point out that the *danda* will be used only against the law-breakers. This Parliament has passed laws to deal with such persons, and those laws shall be strictly enforced in this country, not against any citizen but against the law-breakers; the law-abiding citizen shall be protected and that is the duty of every government. Government's first duty is to defend the borders of the country, and to defend the security of the country; the second function of Government is to maintain law and order so that the citizen can live with peace in this country and their duty is in the economic field.

With these words, I support the Bill fully.

Shri N. C. Chatterjee: This is a subject in respect of which we need not indulge in personalities or in any long harangue and cast reflections.

After the Home Minister, Shri Nanda was slaughtered as a result of the anti-cow-slaughter movement, we thought that the new Home Minister Shri Y. B. Chavan would turn over a new leaf. I am one of those who honestly feel that the periodical sponsoring of this kind of extraordinary lawless law is nothing but a slander on our self-rule. It is a condemnation of India's capacity for self-government.

I remember the debate when the Home Minister, Sardar Patel—blessed be his memory—introduced this Bill. How did he start? Not in the cavalier way in which the present Home Minister is now talking. He started by saying "I have passed three sleepless nights". Why did he pass sleepless nights? Because this measure was really a negation of the great ideals for which the Congress stood and fought and for which India stood and fought and for which the whole country was struggling. We were fighting the British not on racial grounds. We were fighting them for a great ideal. Deshbandhu Chittaranjan Das stated in one of his great speeches:

"I am demanding independence. But I know that independence is only a means to amend".

What is the end? The end is self-realisation, self-fulfilment, self-development. We want to develop, fulfil our national self. That is why we started in the preamble of our Constitution by saying that we constitute ourselves into a sovereign democratic Republic and that we want to establish justice, social, political and economic. Is this justice? To get held of a man by mere executive fiat, on the subjective satisfaction of a police officer or a magistrate and condemn him to prison without trial, without formulation of charges, without giving the man a dog-chance of defending himself?

I have spent my whole life in law. The cardinal principle of jurisprudence

in any civilised country which believes in the rule of law is Audi alteram partem—do not condemn any man unheard. That is the essence of democracy. That is the essence of the rule of law. That is what we wanted to establish in this country.

I remember when the great Netaji Subhas Chandra Bose was spirited away under a lawless law like this, Shri Sarat Chandra Bose, leader of my Bar—he was one of the great lawyers that India produced—wrote a book called *Lawless law*. I read from that in this House when Dr. Katju was sponsoring a Bill like this. He made a pretence of being shocked, I am sorry to say, when he said: "Mr. N. C. Chatterjee is talking of a lawless law. How could law be lawless?" It is lawless because it goes against the cardinal principles of jurisprudence. You do not make a law simply because you introduce a Bill and get it passed by the requisite majority in this House and get it confirmed by the other House.

We have got the Supreme Court. I have been there from the 26th January, 1950, after I retired from the Bench. I got the Supreme Court strike down many laws. The Speaker is not in the Chair now. If he had been, he would have remembered one great occasion. He came to me. He was then a Member of the Opposition. He took me to the Punjab High Court in connection with Master Tara Singh's case. Masterji said, what is this kind of law? He was going to be kept in jail for years together. I was going there to argue his case. Naturally as Mr. Setalvad, the Attorney General, was against me, I had a very difficult task. I fought and pleaded that this kind of law should be struck down as illegal, unconstitutional, as *ultra vires* the Constitution of India. I had to argue that case before two ICS Judges, one an Englishman and another an Indian. One was Weston C. J. and another Khosla J. who became Chief Justice later. Both of

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them heard me at great length and both of them delivered a judgment striking down the law as illegal and unconstitutional. Therefore, the Constitution was amended just to put in the words 'public order'.

But even then, we have made a conscious departure. I am very proud of it; I represented India at the First Commonwealth Law Conference. I stood in the Westminister hall in the British Houses of Parliament building and said, 'Representing India, I want to declare that we have not merely given ourselves a very noble and liberal Constitution, but we have made a conscious departure from every other Constitution in the world. We have given our citizens basic human rights and guaranteed them as fundamental rights'. We have made another departure from the American Constitution. We have permitted any citizen from Kashmir to Kanyakumari who feels aggrieved to come to the Supreme Court under article 32 and ask for a writ of *habeas corpus*, *mandamus certiorari* challenging any infringement of the fundamental rights.

These fundamental rights are today in jeopardy. What did Sardar Patel say? He said: 'I passed three sleepless nights. I am approaching this Parliament with a guilty conscience. I give you my word of honour that I will not keep it a day beyond the emergency which requires it'. Where is that conscience today?

I am not saying this because I am in the Opposition. Absolute power corrupts absolutely. The trouble is that they have got a sledge-hammer majority and therefore, they are going on in this manner.

What is the emergency now, that you should demand its continuance? Is the country under the emergency when Sardar Patel wanted this? Then 50 lakhs of people had been uprooted from West Pakistan and they were coming in; there were 60 lakhs of people uprooted from East Bengal and

were coming over to India. There was bloodshed and anarchy. Therefore, this kind of law was necessary for a certain purpose, specially to deal with spies from other countries. Now that condition is not there. What is the necessity today? Year after year this Bill has been extended and their conscience has become duller. It is no longer working. It has become duller and duller and it is no longer working.

I am pleading that this brings disgrace to India and her image goes down in the eyes of all countries. All African countries expecting one or two have abolished this law. But this kind of legislation is being perpetuated here.

Take the events which happened recently. After Nandaji's exit, Shri Chavan came. He took some strong steps to deal with the students' movement. I am not going into the question whether the students had any justification or not, whether the situation was properly handled or not. I was a member of the committee which heard the students. I believe they had some grievances. They were not properly treated on all points. Whatever it is, Shri Chavan successfully countered that thing and successfully kept peace and order in this country. To some extent, India's prestige was restored by the firm action taken. Did he resort to the Preventive Detention Act? Did he have recourse to Emergency regulations? Did he use the Defence of India Act? Tell me—I am putting this question to the hon. Home Minister—why the ordinary law is not good enough to him? Tell me why? The British had brought in the Rowlatt Act. I remember Dr. Shyama Prasad Mookerjee rising to the heights of parliamentary eloquence and addressing Pandit Jawaharlal Nehru, said 'Remember the great speech of your great father, the speech of Pandit Motilal Nehru'. Motilal Nehru said then 'I will never reconcile myself to this kind of Preventive Detention Act'. Why? He

said: I do not want three angles to try me. I do not want three British Judges or any Judges. Give me three honest men from the street to try me and give me a chance to defend myself. If they then hold me guilty, hang me by the nearest lamp post. I will be quite happy. But I rebel against this idea of detention without trial'.

My learned friend, for whom I have respect, Shri Dixit, quoted the Constitution. That was a hopeless argument of Shri Chavan too, that our Constitution wants this legislation. The Constitution does not want anything of the kind. The Constitution says in article 22(4) that if you have any law of preventive detention, then certain safeguards must be there. That does not mean that you shall have law of preventive detention.

I want to point out that when this argument was made by Dr. Katju in a very forcible manner that article 22(4) recognised that there shall be preventive detention law I remember it; I was in the House at that time. The best reply was not given by me, but by Shri Asoka Mehta. He has now run away; anyhow he was then with us here sitting by my side. He said:

"The Constitution envisages situations in which such a piece of legislation may become necessary. But we should remember that it permitted, it did not commend".

18.00 hrs.

I am reading an extract from his speech in the debates., when Dr. Katju was sponsoring a Bill like this extending the life of this Act. Then Shri Mehta pointed out that while the Constitution permitted it, it did not commend it. It never said, 'You shall never this kind of law'. The only justification may be that the hon. Minister might say how ordinary law has broken down and is not giving him an opportunity to deal with elements which he wants to curb.

I maintain that the ordinary law is quite enough in this country for the purpose. The British ruled without any Rowlatt Act, without any Preventive Detention Act.

Mr. Chairman: Hon. Member may complete by 6 O'clock?

Shri N. C. Chatterjee: I will finish in a few minutes. Therefore, I am submitting that there is nothing in the point that it is a constitutional mandate. There is no such ~~mandate~~ in the Constitution.

Secondly, I should not bring in personal reference, but I will tell the hon Minister, and you will agree with me, I am quite sure. He will believe me and the House will believe me when I say that article 22(4) as a safeguard is an absolute farce. Many of you and many of us were detained under the Preventive Detention Act when we were struggling for freedom under British rule. I am one of the few Members of Parliament who had the honour of being subjected to the Preventive Detention Act in independent India. I have no grievances on that score. What I am pointing out is that the only safeguard is the Advisory Board in article 22(4). I tell you it is an absolute farce. In a number of cases, I have seen from my experience, some judge sitting along with two or three members of the Advisory Board; the detenu is brought in and he gets a hearing. Then he walks out. The Police Officer comes in and he states some facts and charges, behind the back of the detenu, to the Judge or the Board. This is against the elementary canons of civilised jurisprudence. That man is never told what is the charge. That man has not the foggiest notion what that police officer said behind his back and he is condemned by the Advisory Board. You know what the Advisory Board means: one judge of a high court and some other people, one district judge or somebody picked by the Executive. Whatever it is, the whole procedure is wrong. I assure

[Shri N. C. Chatterjee]

you and the House that article 22(4) is an idle safeguard; it is no safeguard; the fundamental rights are in great jeopardy; there is no use flaunting that article especially to those who had the privilege of being preventively detained.

One thing more I want to say. We have the fundamental rights of freedom of speech; the fundamental right of freedom of the press; the fundamental right of freedom of locomotion, but it is absolutely—what shall I say—ridiculous, it is a mockery to say that we have a fundamental right to be preventively detained. There is no fundamental right of preventive detention. That is the change brought against us, and that is why we get a bad name in some countries. Therefore, I am asking that this Bill should not be brought forward. You can have some kind of legislation at any time if really the country needs it.

18.04 hrs.

IMPORT OF COPRA*

Shri Vasudevan Nair (Ambalazhuzha): Mr. Chairman, Sir, I wanted to raise this half-hour discussion in order to pinpoint the feelings and anxiety of a large number, running into a few millions, of cultivators in many States in India, I am glad that this topic was taken over by the Ministry of Food and Agriculture from the Commerce Ministry, and I am all the more happy to have here Shri Govinda Menon because he knows the problem very closely.

On the 4th November, I asked a question of the hon. Minister of Commerce whether the Government is envisaging a liberalised import of copra and coconut oil into India worth Rs. 6 crores in 1966-67. The reply

was that they are going to do that. Then, we wanted to know whether this import would have any impact on the price of coconut indigenously produced. The Government wanted to convince me and others that as a result of this import the price of indigenous coconut will not go down. The answer runs like this:

"The import of copra, palm oil and tallow is expected to have a stabilising effect on the prices of copra which had been rising. No undue fall in the prices of the copra produced in the country need be feared as the import is marginal and the price difference between imported and indigenous copra has narrowed down considerably due to devaluation."

The Government felt that the price of copra and coconut indigenously produced had been steadily rising these years. It is a fact that the price was going up. As a matter of fact, the coconut cultivators were feeling relieved that after many years of slump in the price of coconut, there was a slight rise in price which made the coconut cultivation economic, and also a useful and profitable cultivation.

Why we are interested in this matter is this: I am sure you know about it, because Kerala is a land of coconuts. There may not be a single family, I dare say, in my State which is not interested in the prosperity of this coconut cultivation. In every compound you will have a few trees. If you go into the statistics, you will find that 65 per cent of the land cultivated with coconut in the whole of India is in Kerala State alone. The rural economy really revolves round this money crop as far as Kerala is concerned. I am glad to find that many States also are coming up, including your own State, Maharashtra. As a matter of fact, seven to eight States are in the picture to-

*Half-An-Hour Discussion.