

[Shri P. C. Sethi]

reduction in the cost of plant and equipment of Rs. 95 million, apart from further consequential reductions in engineering, service facilities, custom duty, etc. They have given sound techno-economic reasons for not accepting some of the other important proposals. In addition they have pointed out that acceptance of other proposals would involve not only the redesigning of those particular units but also the redesigning of the entire general layout and utilities. This they anticipate, would result in delay of about one year in the establishment of the first stage. Bokaro Steel will also be liable to pay substantial redesigning charges for any modifications desired, which the Soviet agencies have not agreed to in terms of the Memorandum of Acceptance.

The Soviet reply has assured us that they will continue to examine the possibilities of further reducing the capital cost of the plant during the course of the detailed engineering of the project.

In view of these considerations, Government have decided to accept the final recommendations of the Soviet Designers and Consultants.

13.58 hrs.

**PREVENTIVE DETENTION (CONTINUANCE) BILL\***

**Mr. Speaker:** Mr. Hathi.

**The Deputy Minister in the Ministry of Home Affairs (Shri Vidya Charan Shukla):** I beg to move for leave to introduce a Bill to continue the Preventive Detention Act, 1950, for a further period.

**Shri S. M. Banerjee (Kanpur):** On a point of order. In the order paper it is indicated that Mr. Gulzarilal Nanda will move.

**Mr. Speaker:** That has been corrected in my copy.

**Shri S. M. Banerjee:** That has not been circulated.

**Mr. Speaker:** That may not have been circulated. But any Minister can come and move. . .

**Shri S. M. Banerjee:** He can move on his behalf. Here in the order paper it is written. . .

**Mr. Speaker:** That will not make any material difference. I have received notices from a few members that they oppose the introduction of the Bill. Mr. Yashpal Singh's notice is the first; it was received yesterday. One member can say a few words.

Mr. Yashpal Singh.

**Shri S. M. Banerjee:** You should allow every one.

**Mr. Speaker:** Not every one.

**Shri S. M. Banerjee:** It is a very important Bill, Sir.

**Mr. Speaker:** Mr. Yashpal Singh.

**श्री यशपाल सिंह (कैराना):** अध्यक्ष महोदय, मैं आपके द्वारा सदन की सेवा में यह निवेदन करना चाहता हूँ कि जिस वक्त सन् 1950 में यह कानून पास हुआ था, उस वक्त हमारी पार्लियामेंट एडल्ट फ्रेंचाइज की बेसिस पर नहीं आई थी, बालिग मताधिकार जिस वक्त नहीं था, अंग्रेजों का शासन जिस तरह से चल रहा था, उसी तरह की सरकार थी, उस वक्त यह काला कानून बनाया गया था। लेकिन आज जब कि डेमोक्रेसी है, हर एक बादशाह है और इस देश के पचास करोड़ इन्सान अपने देश के मालिक हैं, इस वक्त कहीं भी एमरजेंसी दिखाई नहीं देती है। ताशकन्द में हम लिख आये कि पाकिस्तान के खिलाफ कार्यवाही

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नहीं करेंगे, चीन के लिये कहते हैं कि हम उससे अपनी जमीन की डिमाण्ड नहीं करेंगे, ऐसी हालत में जब कि देश में कोई एमरजेन्सी नहीं है, इस काले कानून को जो कि एडल्ट फ्रेंकाइज को बेसिस पर नहीं बना है, जारी रखना उचित नहीं है। इसलिये मैं निवेदन करूँगा कि इस काले कानून को फौरन खत्म किया जाय।

14 hrs.

**Shri A. K. Gopalan (Kasergod):** For the last 16 years this Preventive Detention Act has been there. Every time it was introduced it was said that it would be only for one year or three years; like that, it has been going on for the last 16 years. Why not make it a permanent statute? Here we are passing this Bill and are giving the authority to the Executive. They are the people who have to decide this, and we know what kind of people are there. We have even understood that it will be given to the Home Secretary. They cook up certain charges. Under the Preventive Detention Act and also under the D.I.R., we are the persons who have been suffering because so many things have been cooked up and anybody can be detained. . . .

**Mr. Speaker:** That will be an argument when the Bill is considered.

**Shri A. K. Gopalan:** I say that it is not necessary that this Bill should be there. There is the D.I.R. and there are other measures by which any undesirable action can be prevented. Even when all these things are there, as it has happened, Government is not able to prevent anything. This Bill is not necessary. I oppose it.

**Mr. Speaker:** Mr. Banerjee might also take two minutes.

**Shri S. M. Banerjee:** I oppose this Bill. There are so many penal sections under the I.P.C. and the Cr. P. C. We know that all those sections are used to crush the people's movement in the country. I know how the Preventive Detention Act was indis-

criminate'y used, how it was used against the political workers, whether in Uttar Pradesh or any other Pradesh. I oppose the introduction of the Bill and I would request you to ask the hon. Minister, the Mover of this Bill, to withdraw it. There are enough sections in the other Acts in this country, by which undesirable people and anti-social people can be detained in jail. So, I oppose this and I would request this House to reject it at the introduction stage.

**Shri Ranga (Chittoor):** We also oppose this Bill. Till now it has been a temporary one. I do not see any reason why it should be extended now on the eve of the elections. Are Government prepared to give us an assurance that this Act is not going to be enforced until after the elections are over? I do not think that such an assurance would be forthcoming from them. Therefore, lest it should be used for political purposes during the elections and during the period pending the elections, we are not in favour of extending this measure.

**Mr. Speaker:** Now, Shri Nambiar.

**An hon. Member:** He is also an aggrieved party.

**Mr. Speaker:** I should have allowed only one Member from each party. I had allowed Shri A. K. Gopalan because he has said that the members of his party were victims of this measure.

**Shri Nambiar (Tiruchirapalli):** I oppose the introduction of this Bill not only because I am a victim but because hundreds and even thousands of people in this country have been the poor victims of this lawless law. This law was brought in, in 1950 as an appendage to the other laws that were there; it has in its operation done so much havoc that people have had to suffer. Added to this, the Defence of India Rules also come in. Government have not yet withdrawn the application of DIR totally. They have only stated that they are not going to implement them or use them in certain

[Shri Nambiar]

States, but they would enforce them only in certain border States. That draconian law is already hanging. Over and above this, they are now seeking to continue this law which has been on the statute-book for sixteen years, for another three years. I submit that this is too much. I would submit that there is no justification for the continuation of this, and the sooner it is repealed, the better it is for the country and for all of us.

**श्री किशन पटनायक (सम्बलपुर) :**

अध्यक्ष महोदय, मैं इस कानून का विरोध करते हुए सरकार को सलाह दूंगा कि अभी तक इस कानून के अन्तर्गत जितनी गिरफ्तारियां हुई हैं, उनमें बारे में जूडिशियल जांच होनी चाहिये कि इसका कहां तक सही इस्तेमाल हुआ है और हमें आशा है कि ऐसी कोई जांच अवश्य होगी तो उसमें यही निकलेगा कि इस कानून के अन्तर्गत जितनी गिरफ्तारियां होती हैं, वे सब आबिद्वेगी होती हैं, और कोई खास वजह उनके पीछे नहीं होती है। इसलिये इसको अभी इन्ट्रीड्यूस न करके पहले जांच करवा लें, उसके बाद इसको लें।

**Shri Vasudevan Nair (Ambalapuruzha):** We have always considered this Act to be a black Act, and we are totally opposed to the extension of this Act. I am really concerned because what is happening in this country, especially in the ruling party, is that an opinion is being built up that the Opposition should be dealt with with an iron hand. In this particular background, I am concerned that such a law will be used politically against the political Opposition in such a very arbitrary manner. So, we oppose the introduction of this Bill.

**श्री उ० म० त्रिवेदी (मन्सूर) :**

अध्यक्ष महोदय, 1952 से इस बिल पर चर्चा बार-बार होती चली आ रही है।

**श्री हरि विष्णु कामत (होशंगाबाद)**

1950 से।

**श्री उ० म० त्रिवेदी :** 1950 में मैं नहीं था। हमेशा गवर्नमेंट ने यही कहा कि इसको तब तक रखेंगे जब तक हम को मालूम पड़ेगा कि इसकी आवश्यकता है। सन् 1950 में जब यह बिल लाया गया था, तब सरदार वल्लभ भाई पटेल की यही स्पीच थी, यही स्पीच सन् 1952 में की गई, जब जब उसको एक्सटेण्ड किया गया, तब तब यही बात कही गई और इसको बार-बार एक्सटेण्ड करते चले जा रहे हैं। 16 माल इसको हो गये हैं, और बराबर बढ़ाते चले जा रहे हैं। जब संविधान बना तो उसकी दफा 22 के अनुसार लोगों को फण्डामेंटल राइट्स दिये गये, फण्डामेंटल राइट्स जो दिये जाते हैं, वे सिटिजन्र्य को दिये जाते हैं, देश के बाशिन्दों को ये अधिकार दिये गये। लेकिन हमारी गवर्नमेंट के ये जो समझदार लोग बैठे हुए हैं वे चाहते हैं कि हम अपनी रिपब्लिक के फण्डामेंटल राइट्स को अपने कंट्रोल में नन्द कर दें और उसी के लिये यह सब कुछ हो रहा है। 16 साल तक सरकार उनके राइट्स पर अपना अधिकार एक्सरसाइज कर चुकी है, अब मैं चाहता हूँ कि उनको कम से कम अपने राइट्स को इस्तेमाल करने की छुट्टी दी जानी चाहिये।

यह बिल ऐसा है, कि जिस की वजह से जलियांवाला बाग का काण्ड हुआ। जलियांवाला बाग का काण्ड क्यों हुआ, क्योंकि उसमें यह भी एक प्राबिजन था। हमारे बहुत समझदार विधि मंत्री यहां पर बैठे हुए हैं, वे इसको समझते हैं, कम से कम अपने हाथों से वे ऐसे काले कानून को यहां पर न लायें तो बहुत अच्छी बात होगी। मैं चाहता हूँ कि आज वह हिम्मत कर के कह दें कि आज इस बात की जरूरत नहीं है।

**Shri Hari Vishnu Kamath:** It is an incomprehensible anomaly that this measure flows from article 22 of the Constitution which is included in the Chapter on Fundamental Rights, as if the right to be detained without trial

is a fundamental right of an Indian citizen. It is a stain on our escutcheon, on the article itself. This Act has been a black Act for the last so many years, nearly sixteen years now, and it has been said every time that it will be temporary and it would be there only for two or three years, right from Sardar Vallabhbhai Patel up to Shri Vidya Charan Shukla; that, Sir, is the chronological sequence, from Sardar Vallabhbhai Patel to Shri Vidya Charan Shukla. I do not know who will pilot it later on, but they will again say that it is a temporary measure for the next two years. It is unfortunate that Government have not been able to show any improvement in the law and order situation; on the other hand, it is worsening now, in spite of all the measures that they are arming themselves with.

I oppose the introduction of this measure.

**Shri Sezhiyan (Perambalur):** On behalf of my party, I oppose the introduction of this Bill which seeks to give a further extension of a temporary nature to the parent Act. For the past sixteen years, they have been asking for a temporary extension on a permanent basis. This is not only a black law but it is a blot on our democracy and it makes a mockery of democracy and the functioning of democracy itself. Such a black law should not be allowed to be introduced, and no extension of time should be allowed for such a black law.

**Dr. M. S. Aney (Nagpur):** This law was brought in as an emergency measure and it was first intended to be continued only for a certain time. Government never knows when the emergency began and when it is going to end. We do not see what the thing is which is called emergency in this country. Unless Government gives us a convincing proof that there was an emergency in this country when the Bill was first introduced and that emergency continues even today, it is useless to come forward here with a Bill of this nature.

For these reasons, I oppose the introduction of this Bill.

**Shri Nambiar:** The oldest Member is opposing this

**Some hon. Members:** The senior-most Member is opposing it.

**Shri Vidya Charan Shukla:** Shri Yashpal Singh was pleased to say that this Bill had never been brought before Parliament which had been elected on adult franchise. As hon. Members are aware, this Bill had been passed by the Lok Sabha several times, and this Bill has, therefore, been brought before this Parliament.

Shri A. K. Gopalan made a suggestion: 'Why have this Bill only as a temporary measure? Why not make it a permanent measure?' We shall consider that also.

**Shri A. K. Gopalan:** As long as they remain they will have to make it permanent. Otherwise, they cannot rule.

**Shri Vidya Charan Shukla:** Shri S. M. Banerjee expressed the fair that the measure might be used against political opponents. I would submit that there is a history behind this measure. This measure has been on the statute-book for the last sixteen years, and hon. Members know that every case under this Act is open to judicial scrutiny by an advisory committee which is presided over by a High Court Judge. He goes through every case, and by and large, the action of Government has been upheld by these advisory committees.

**Shri A. K. Gopalan:** The judicial committee has said that it is useless.

**Shri Vadya Charan Shukla:** For the last sixteen years, there has been no occasion to use this measure against political opponents or against political parties. There has been no such occasion...

**Shri S. M. Banerjee:** I rise on a point of order. This is factually incorrect.

**Shri Vidya Charan Shukla:** I refuse to yield the floor.

**Mr. Speaker:** Shri S. M. Banerjee should resume his seat, if the Deputy Minister is not yielding.

**Shri Vidya Charan Shukla:** There has been no such complaint from any political quarters about this.

**Shri S. M. Banerjee:** It is a wrong statement.

**Shri Vidya Charan Shukla:** Again, I want to give this assurance to the House that this measure has never been used against political parties on the eve of elections. Three general elections have been held when this Act has been on the statute-book, and these elections have been free, fair and impartial. There is no reason to doubt that again the coming elections

also will be completely free, fair and impartial and this Act is not going to be used in any unrealistic or unreasonable manner against any political parties or political opponents.

**Mr. Speaker:** The question is:

**Shri S. M. Banerjee:** Kindly hear me. He has made a statement which is very wrong. On 12th July, 4 leading members of political parties, the Left Communist Party, the Republican Party and the Communist Party of India were all detained in U.P. So his statement is factually incorrect.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to continue the Preventive Detention Act, 1950, for a further period'.

*The Lok Sabha divided:*

**Division No. 5 ]**

**AYES**

**[14.22hrs.**

Achal Singh, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Babunath Singh, Shri  
Bajaj, Shri Kamalnayan  
Bakliwal, Shri  
Bal Krishna a Singh, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Barkataki, Shrimati Renuka  
Barupal, Shri P.L.  
Baswant, Shri  
Bears, Shri  
Bhanja Deo, Shri L.N.  
Bhanu Prakash Singh, Shri  
Bhattacharyya, Shri C.K.  
Bis, Shri J.B.S.  
Brajeshwar Prasad, Shri  
Chanda, Shrimati Jyotana  
Chaudhuri, Shri D. S.  
Chavan, Shri D. R.  
Daljit Singh, Shri  
Das, Dr. M. M.  
Das Shri N.T.  
Dass, Shri C.  
Deahmukh, Shri B. D.  
Deahmukh, Shri Shrivaji Rao S.  
Deahmukh, Shrimati Vimala  
Dey, Shri S.K.  
Dighe, Shri  
Dixit, Shri G.N.  
Dwivedi, Shri M. L.  
Eknagarwal, Shri  
Gahmari, Shri

Gajraj Singh, Rao, Shri  
Gandhi, Shri V. B.  
Ghosh, Shri Atulya  
Ghosh, Shri N.R.  
Heda, Shri  
Hem Raj, Shri  
Jadhav, Shri M.L.  
Jagivan Ram, Shri  
Jamunadevi, Shrimati  
Jedhe, Shri  
Jha, Shri Yogendra  
Joshi, Shri A.C.  
Jyotishi, Shri J.P.  
Kedaria, Shri C. M.  
Kindar Lal, Shri  
Kotoki, Shri Liladhar  
Krishna, Shri M.R.  
Kureel, Shri B.N.  
Lalit Sen, Shri  
Laskar, Shri N. R.  
Mahida, Shri Narendra Singh  
Malaichami, Shri M.  
Malaviya, Shri K. D.  
Mallick, Shri Rama Chandra  
Manan, Shri  
Mandal, Shri J.  
Mantri, Shri D.D.  
Marandi, Shri  
Masuriya Din, Shri  
Mathur, Shri Harish Chandra  
Mehdi, Shri S.A.  
Mehrotra, Shri Braj Bihari  
Mehta, Shri Jashvant

Melkote, Dr.  
Mengi, Shri Gopal Datt  
Minimata, Shrimati  
Mishra, Shri Bibhuti  
Misra, Shri Shyam Dhar  
More, Shri K. L.  
Mukerjee, Shrimati Sharda  
Murti, Shri M. S.  
Muthiah, Shri  
Naik, Shri D. J.  
Naskar, Shri P. S.  
Niranjan Lal, Shri  
Paliwal, Shri  
Pande, Shri K. N.  
Pandey, Shri R. S.  
Panna Lal, Shri  
Pant, Shri K. C.  
Parashar, Shri  
Patil, Shri D. S.  
Patil, Shri M. B.  
Patil, Shri S. B.  
Patil, Shri S. K.  
Pattabhi Raman, Shri C. I.  
Prabhakar, Shri Naval  
Pratap Singh, Shri  
Rajaram, Shri  
Rajdeo Singh, Shri  
Raju, Shri D. B.  
Ram, Shri T.  
Ram Sewak, Shri  
Ramdhani Das, Shri  
Rane, Shri  
Ranga Rao, Shri

Ranjit Singh, Shri  
 Rao, Shri Jaganatha  
 Rao, Dr. K. L.  
 Rao, Shri Krishnamoorthy  
 Rao, Shri Ramaspathi  
 Rao, Shri Thirumala  
 Raut, Shri Bhola  
 Ray, Shrimati Renuka  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Sahu, Shri Rameshwar  
 Saraf, Shri Sham Lal  
 Sarma, Shri A. T.  
 Satyabhama Devi, Shrimati  
 Scindia, Shrimati Vijaya Raje  
 Sen, Shri P. G.  
 Shah, Shri Manabendra  
 Shah, Shrimati Jayaben  
 Shakuntala Devi, Shrimati  
 Sham Nath, Shri  
 Shankaraiya, Shri

Sharma, Shri D. C.  
 Sharma, Shri K. C.  
 Shastri, Shri Ramanand  
 Sheo Narain, Shri  
 Shinde, Shri  
 Shree Narayan Das, Shri  
 Shukla, Shri Vidya Charan  
 Shyamkumari Devi Shrimati  
 Siddananiappa, Shri  
 Siddiah, Shri  
 Sidheshwar Prasad, Shri  
 Singh, Shri D. N.  
 Singh, Shri K. K.  
 Singh, Shri S. T.  
 Singha, Shri G. K.  
 Sinha, Shrimati Tarakeshwari  
 Sinhasan Singh, Shri  
 Sivappraghassan, Shri Ku.  
 Sonavane, Shri  
 Subramanyam, Shri T.  
 Sumat Prasad, Shri  
 Sunder Lal, Shri

Surya Prasad, Shri  
 Swamy, Shri M. P.  
 Tahir, Shri Mohammad  
 Thomas, Shri A. M.  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Tiwary, Shri R. S.  
 Tripathi, Shri Krishna Deo  
 Tula Ram, Shri  
 Tyagi, Shri  
 Ulkey, Shri  
 Upachaysya, Shri Shiva Dutt  
 Valahya, Shri M. B.  
 Varma, Shri Ravindra  
 Veerabasappa, Shri  
 Venkatasubhalah, Shri P.  
 Vidyalkar, Shri A. N.  
 Vyas, Shri Radhelal  
 Wadiwa, Shri  
 Yadab, Shri N. P.  
 Yadava, Shri B. P.

### NOES

Alvares, Shri  
 Aney, Dr. M. S.  
 Banerjee, Shri S. M.  
 Bhattacharya, Shri Dinen  
 Biren Dutta, Shri  
 Dasaratha Deb, Shri

Gopalan, Shri A. K.  
 Gounder, Shri Muthu  
 Kamath, Shri Hari Viahnua  
 Khyba, Shri Mohammed  
 Nair, Shri Vasudevan  
 Nambiar, Shri

Patel, Shri Rajeshwar  
 Pattnayak, Shri Kishen  
 Ranga, Shri  
 Seahyan, Shri  
 Trivedi, Shri U. M.  
 Yashpal Singh, Shri

**Shri Rajaram** (Krishnagiri): Mine is 'No.' It has come out wrongly.

**Shri Muhammad Ismail** (Manjiri): My vote is also for 'Noes'.

**Mr. Speaker:** Both would be noted.

The result of the division is: Ayes 165; Noes 18.

The Ayes have it; the Ayes have it. Leave is granted.

*The motion was adopted.*

**Shri Vidya Charan Shukla:** I introduce the Bill.

14.18 hrs.

### RE. BREACH OF PRIVILEGE

**Mr. Speaker:** I had received notice of a breach of privilege from Shri

K. D. Malaviya. I had said I would take it up at 3.30 p.m. and then we would take up non-official business. But now Shri Malaviya may very briefly say what he has to.

**Shri K. D. Malaviya** (Basti): Sir, yesterday I gave notice of my intention to raise a question of breach of privilege against *The Hindustan Times*, its editor and publisher for having committed the contempt of this House and its Speaker and infringed my privilege by publishing in its edition of 9th November (that is, yesterday) on front page in col. 4 defamatory remarks against me which were ordered to be expunged by you, Sir.

I seek your consent under rule 222 to raise this question. Shall I read the extract?

**Mr. Speaker:** No, not necessary. I agree the presumption is that when