

(d) It is too early to indicate the probable time by which the final results of these studies will be available.

Multiple Officers Range Scheme

1980. **Shri D. B. Raju:** Will the Minister of Finance be pleased to state:

(a) when the Multiple Officers Range Scheme was implemented in the country under Central Excise Department; and

(b) whether the scheme has resulted in economy in administration in the Hyderabad Collectorate?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The scheme was implemented after April 1958 on various dates in the different ranges.

(b) Yes, generally.

12 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—(Contd.)

Mr. Speaker: May I know how long will the hon. Minister take for his reply?

The Minister of Home Affairs (Shri Nanda): About 45 to 50 minutes.

Mr. Speaker: There is one thing that I want to point out to the House. There are two Short Notice Questions, one Calling Attention Notice, one notice by Shri Daji, and a statement to be made by Dr. Lohia. All this will take some time. If the House agrees, we might take them up at about 4.30 today, and we may straight-way start with the reply of the Home Minister, so that the Division that is likely to take place might be finished by the time Members want to go for lunch.

Some Hon. Members: Yes, Yes.

डा० राम मनोहर लोहिया (फर्रुखाबाद):
मेरे वाला क्या खत्म नहीं कर सकते हैं ?

अध्यक्ष महोदय : यह नहीं हो सकता है ।

Shri Nanda: Mr. Speaker, Sir, the House considered the Bill before it at very great length. The discussion, as it appears to me, has not thrown up any new issue. The attack from various sides on the Opposition Benches converged on three or four points. It was asserted that the framers of the Constitution had erred grievously in providing a place for article 22 in the Constitution.

श्री रामेश्वरानन्द (करनाल) : अध्यक्ष महोदय, मेरी एक प्रार्थना है . . .

अध्यक्ष महोदय : तकरीर चल रही है, प्रार्थना सुनी नहीं जा सकती है ।

श्री रामेश्वरानन्द : प्रार्थना जरा सुन लें ।

अध्यक्ष महोदय : यह नहीं हो सकता है ।

श्री रामेश्वरानन्द : व्यवस्था का प्रश्न है

अध्यक्ष महोदय : कोई व्यवस्था का प्रश्न नहीं हो सकता है । स्पीच हो रही है । इसके बीच में नहीं हो सकता है . . .

श्री रामेश्वरानन्द : मैं प्रार्थना करना चाहता हूँ, उनको सुन लीजिये ।

अध्यक्ष महोदय : उम्रान में नहीं सुनी जा सकती है ।

श्री रामेश्वरानन्द : कब सुनेंगे ? सुनेंगे या नहीं ?

अध्यक्ष महोदय : या पहले खड़ होते या अब फिर इसके बाद ।

श्री रामेश्वरानन्द : मैं नम्र निवेदन करना चाहता हूँ

अध्यक्ष महोदय : आप बैठ जाइये ।

श्री रामेश्वरानन्द : मैं बैठ जाता हूँ, मेरी प्रार्थना आप सुन लें ।

अध्यक्ष महोदय : आप बैठ जाइये, तकरीर के दम्यान में नहीं हो सकता है ।

श्री रामेश्वरानन्द : कब सुनेंगे, बता दीजिये ।

अध्यक्ष महोदय : बता दूंगा ।

श्री बड़े सारधोन: उनको हिन्दी में बताया नहीं गया है और उनकी समझ में नहीं आया ।

अध्यक्ष महोदय : आपका फज्र था और था । समझ सकते थे ।

श्री बड़े : मैं ने भी नहीं सुना । हाऊस में गड़बड़ थी ।

Shri Nanda: One point of attack was the Constitution itself. Then, it was alleged that if this had been provided in the Constitution, actually, the uses to which the Preventive Detention Act has been put are very different from what were envisaged in the Constitution,.... (*Interruptions*).

Mr. Speaker: I cannot understand why talks are going on everywhere. I cannot follow the speech of the Minister.

Shri Nanda: and from whatever was visualised by Sardar Vallabhbhai Patel at the time he brought forward the first piece of legislation on the subject. It is complained that we have been exploiting this legislation for political ends. It is also being stated that the safeguards to which I have referred in my opening, introductory speech were illusory altogether. These are some of the most important points that have been urged. Unnecessarily it was also repeated again and again that while we have got the provisions under the Defence of India Rules, why we need this piece of legislation, and that we could have dispensed with this because of the fact that we have got those other powers in our hand. . shall deal with this question and I

hope to deal with these questions with the utmost frankness and objectivity.

I am also keeping in mind the counsel offered to me very generously by my hon. friend Dr. Lohia that the Home Minister should exercise humility and be humble. I am not quite sure whether my speech sometimes reflects humility or not, but I have nothing else in my heart because I have no reason to be anything else. I also remember what Shri Masani said about something which appeared in some paper—some remarks or some observations about myself as Home Minister, and he said I should not fall for that kind of flattery. I am always very conscious of my deficiencies. There is no such fear at all, but I am sure that Dr. Lohia's expectations would not be that I should not speak out my mind regarding things for which we stand and if there are any wrong utterances certainly I will have to counteract them.

I will first say something about the atmosphere of the debate. Whatever may have been the vigour of the speeches in terms of pitch of voice or the extravagance of language,—some people are very impressed by these things,—I may say very respectfully that most of what has been said had very slender basis in terms of reason and fact. A great deal of rhetoric, denunciation, was there, but these things do not take the place of facts and reality and logic. What I am saying is with a sense of responsibility, because I am straightway going to deal with this and show how it is that it was mostly denunciation. We were told that this was something like a blot and that blot became something black and that black became pitch-black. I do not know any other word which will express their sense of darkness about things. In this respect, the performance of an hon. Member, who is not sitting in the House now—Shri Frank Anthony—on this occasion was something astounding. As I listened to him, I was wondering what had

happened to him. His vocabulary appeared to be very full of invectives and abuse and he was very free with that. He poured scorn and ridicule on all and sundry and in this wide sweep of on slaught he took everything: our Constitution, this law, the Advisory Boards, the Government, the judiciary, the judges, the magistracy the officers, everybody. For him nothing is right in this country, and he alone seems to be the paragon of perfection and embodiment of virtue. That is what it looked like. I thought and I think that this hon. Member is a stranger to the quality of restraint, absolutely. He crossed the limit. I have heard him on other occasions also but I felt that this time there was an absolute lack of sense of proportion in everything that he said. He was very vainglorious about his own ingenuity as an advocate and his knowledge of constitutional law. I do not know much about constitutional law. Whatever he said about the Preventive Detention Act and its working did not encourage in my mind the belief that he knew everything about that. Whatever he said about the working of this Act did not at all correspond with facts.

Let us take the question of the Constitution first. This has been assailed. This article 22 in several forms was discussed at very great length, was examined very closely in the course of the discussions in the Constituent Assembly. Some of the hon. Members who were present there are sitting here now. Those who shared the responsibility for incorporating this provision in the Constitution were not, as some hon. Members mentioned, spoiled by the exercise of power for a number of years. They were fresh from the scene of struggle for freedom. Most of them, the leadership at least, were people who knew very well what the meaning of freedom and liberty is. I do not blame the hon. Member and some others who may not have joined in that struggle, but let them not cast aspersions on those whose patriotism, love for the country and love for free-

dom and liberty could not be questioned. Then there are some others. I need not make any great mention of that phase in our history—1942—let us leave it there.

Shri Hari Vishnu Kamath: (Hoshangabad): Why leave it there? Why fight shy about it?

Shri Nanda: I have mentioned it. Some hon. Members think that because of the provision of preventive detention, there is obliteration of freedom in this country. They forget all the freedoms are there—it is a long list of the freedoms that are enjoyed in this country like freedom of speech, freedom of association, freedom of the Press, freedom of worship and movement. All these things are there. At least I would be grateful to Mr. Masani that he tried to restore the perspective by mentioning this. And, there is this little thing. Even that little, we do not like at all. But what has been urged is that because about 280 persons are detained in a year, therefore, this country is a country of enslaved people. This is the kind of impression that is sought to be created.

Who are those people—majority of them—who are detained? They are people who have taken up violent activities, terrorising their neighbours and others, spies, goondas, people engaging in anti-national activities, those who harbour dacoits, etc; they do not deserve any sympathy. The milk of human kindness flows for these few and not for the thousands, lakhs and millions of people whose liberties are going to be protected from encroachment by these people. Such people do not deserve any sympathy. This is the thing which hon. Members must bear in mind.

I have urged in my speech earlier that this also should not be there, but if the necessity of it is there, we should not take a perverse view of it. I am sorry I must use a strong word. This is the question regarding the Constitution. We are told, we have a brute majority and therefore we carry

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things our own way. When the Constitution was passed, there was practically unanimity regarding that clause.

Shri Hari Vishnu Kamath: No unanimity.

Shri Nanda: Practically, I said practical unanimity. The hon. Member must remember what he said then. I will just have opportunity to say something about what he said. Now he says something which is totally at variance with what he said then. I will quote him presently. The Congress Party might have obtained the majority on some pretext and then misused it. But if it goes back to the people and gets the majority again and again, what do they say? I do not think those who called this Preventive Detention Act as a serious blot had mentioned it in the places where this Act has been used, because in those places, the people know what it has been used for. Nobody will have any sympathy for them and they would not get a single vote on this issue. (Interruptions).

Shri Hari Vishnu Kamath: Remember Goa.

Shri Nanda: There is the question for what purposes this is being used. At least Mr. Masani is consistent in one thing though his past is not consistent with his present. He has been consistent in his hatred for communism. On all those occasions he said that there should be legislation—this legislation and any other legislation—somehow he wants to keep the communists in their place and their place according to him is behind the bars, every one of them. He said, have the Preventive Detention Act, but use it only for the communists exclusively. He has been saying this all along. He said “principled legislation”, which means legislation which has the principle of outlawing the communists. May be that many of the communists now are people for whom one will not have an iota of sympathy, for those who are engaged in anti-national activities and

the pro-Chinese faction. It is not a small faction; it is a very large number.

It had been stated by Sardar Patel in his earlier speeches on these occasions that “we are not against communism as such; we are not against any theory or doctrine, but its manifestations, things which hurt the nation.” At any rate, the hon. Member, Mr. Masani, has admitted the principle. For him, it is only to be applicable to them. But what do those Members say? They say there should be detention of anti-social elements, vested interests, people who profiteer, blackmarket and hoard and hold the community to ransom because they have got resources in their hands. That is another way of looking at it. So, they also believe in preventive detention. So, in all this on-slaught on the Bill, the principle of preventive detention remains intact. Only some people want it to be used against some others and *vice versa* but the principle remains intact. That is what has happened as a result of this discussion.

Shrimati Renu Chakravarty (Barrackpore): But you do not use it against blackmarketeers.

डा० राज मनोहर लोहिया : सरकार विरोधियों को चैन समर्थक कह दिया जाये तब ?

Shri Nanda: Hon. Members will have a little patience with me. I would like to go back to the discussions in the Constituent Assembly when the first Bill came up and quote what everybody who mattered had to say, and Mr. Kamath matters very much. About communism, what Sardar Patel said I have already indicated. He also said:

“Obedience to law should be the fundamental duty of a citizen. When the law is flouted and offences are committed, there is the criminal law which is put into force. But where the very basis of law is sought to be questioned and an

attempt is made to create a state of affairs in which, to borrow the words of the distinguished patriot, the father of our Prime Minister, men would not be men and law would not be law, we feel justified in evoking emergent and extraordinary laws."

About the question of the communists, he said:

"This is a democratic country now and any party that wants to take advantage of democratic institutions or democratic organisations or to come into the Government by democratic methods, is quite free, but it will be an evil day if this Government allows the democratic freedom to go to the polls to people who want to destroy democracy by violence and disruption. We will not do it.

"Take the Communist Party in England. What are they doing? They fought at the polls. They can do so here. Do the British Communists take violence of this nature? Do they remove rails? Do they dislocate communications? Do they set fire to public property? Do they attack the warders in jails and kill them? Do they attack the police?

Then he went on to list a number of other such criminal acts.

He wanted to show that it is against criminal violence used against innocent people. Therefore, he said, I am taking every precaution to guard the liberty of innocent people. This was the purpose.

Then, we have heard about the jurists; about 'experts' constitutional law. There were some most eminent jurists in the country who had a hand in the framing of this law.

Shri Alladi Krishnaswami Ayyar was there. He said:

"Personal liberty has not the same content and meaning as is imposed into it by some of our friends who naturally feel very sen-

sitive about people being detained without proper trial. I trust the House will take into account the various aspects of this question, the future progress of India, the well-being and security of the State, the necessity of maintaining the minimum liberty and the need for co-ordinating social control and personal liberty before coming to a decision."

He justified it in those terms and explained why this was being done. He mentioned it as a necessary evil. This is what the eminent jurist who was mainly responsible for this part of the Constitution had to say:

"The problem necessarily has to be faced because detention has become a necessary evil under the existing conditions of India."

One of the most enthusiastic advocates of liberty further said:

"There are people in this land who are determined to undermine the Constitution and the State, and if we are to flourish and personal property is to be secure, unless this particular evil is removed and the State is invested with sufficient power to guard against that evil there will be no guarantee even for that individual liberty which we all desire."

Shri Tyagi: Then we all agreed.

Shri Nanda: The hon. Member, Shri Tyagi was present. He says: "Then we all agreed." He means to say that they agreed when the case was made out on that basis.

Now I will turn to the hon. Member, Shri Kamath. Before that, I want to quote a few words of Dr. Ambedkar who can never be termed a reactionary, the appellation which has been applied to so many. He said:

"I think it has to be recognised that in the present circumstances of the country, it may be necessary

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for the executive to detain a person who is tampering either with public order as mentioned in the Concurrent List or with the Defence Services of the country. In such a case I do not think that the exigency of the liberty of the individual should be placed above the interests of the State."

It is on that basis that this clause has been included.

The hon. Member, Shri Kamath's was a very balanced and a very cogent approach to the whole problem.

Shri Hari Vishnu Kamath: Is it not of 1950? Was it in the Constituent Assembly or in the Provisional Parliament?

Shri Nanda: Have the constitutional values changed so radically in that period?

Shri Hari Vishnu Kamath: Are you referring to the Constituent Assembly proceedings or the proceedings of the Provisional Parliament?

Shri Nanda: 25th February, 1950 (*Interruption*). This is what he said: the hon. Member will kindly listen to this replaying of his speech:—

"I agree, I entirely accept the hon. Home Minister's dictum that all subversive and dangerous elements in the country must be put in their place."

Shri Hari Vishnu Kamath: I said: "put in their place".

Shri Nanda: Then he continued to say:

"It is not enough that we say so and be done with it. The security of India is a very important consideration. The defence of India is equally important, and more important today. But we cannot ignore the supreme consideration that civil liberties should be preserved and

should not be done away with so long as the preservation of those liberties is not inconsistent with the security of the State, the stability of the State and the safety of the State."

Shri Hari Vishnu Kamath: What is wrong with it?

Shri Tyagi (Dehra Dun): How patriotic he is.

Shri Nanda: He said:

"So long as the security of the State is not jeopardised by the preservation of those civil liberties—that is a fundamental dictum to which I am sure the Government will agree—we should be careful.."

Shri Hari Vishnu Kamath: There is nothing wrong in it.

Shri Nanda: Let not the hon. Member get impatient, because I am saying something which has an immediate bearing. He said:

"...we should be careful to see that adequate safeguards are provided in such a manner that the liberties of the individual are not encroached upon by the executive or suppressed by it at its whim or fancy."

Shri Hari Vishnu Kamath: Sir, I rise to a point of order. I stand by every word and every syllable of what I said on that date. Is there anything in my speech justifying preventive detention? Have I used the word anywhere? He promised to quote from my speech. He is misquoting and misrepresenting me and also misleading the House.

Mr. Speaker: Order, order. On the one side the hon. Member says that he stands by every word that he said and, on the other, he says that the hon. Minister is mis-quoting him.

Shri Hari Vishnu Kamath: No, no; mis-representing and misleading the House.

Mr. Speaker: Order, order. He will kindly stick to every word and keep to his place also.

Shri Hari Vishnu Kamath: I am sorry.....

Mr. Speaker: Order, order. There is no point of order.

Shri Hari Vishnu Kamath: Is a Minister in order to mis-represent and mislead the House? He said I justified the law. I never justified the Preventive Detention Act?

Mr. Speaker: Order, order. If something is said which is a mis-representation, he can bring it to my notice afterwards by a statement. Now he should listen to what is being said.

Shri Nanda: I did not say anything from myself. I only quoted from the records of the Constituent Assembly. I do not know whether there is anything wrong with it. I only want to quote a few more words that he said. He said:

"I do not for a moment say that our Government will deliberately and consciously arrest and detain persons unjustly and unfairly."

Shri Hari Vishnu Kamath: I said it in 1950.

Shri Nanda: He said:

"But when we legislate in this fashion we must provide for certain safeguards, in the absence of which subordinate officers who are endowed with much wisdom may in the excess of their zeal exceed the powers that we seek to confer upon them."

Shri Hari Vishnu Kamath: I referred to the misuse of the power given to it.

Shri Nanda: Then he added:

"May I hope and pray that the powers that we seek to vest in the Central and the State Governments

through this measure will be exercised very fairly, wisely and justly, and sparing too, and that no individual will be in a position to complain that his liberty has been curtailed...."

All these are about the legislation, about the safeguards and about the things which I am saying now. Of course, there can be some kind of a discussion whether the safeguards have been properly exercised or not.

Shri Hari Vishnu Kamath: He must remember the question of Telangana also.

Shrimati Renu Chakravartty: He wants some PSP members....

Shri Hari Vishnu Kamath: You were not here then....

Mr. Speaker: Now both are here and both have to co-exist.

Shri Hari Vishnu Kamath: All of us with Shri Nanda also.

Shri Nanda: I shall now take up another aspect of the question. One after the other, hon. Members raised the question whether this legislation has been used to serve the purposes for which it was enacted. I also, in anticipation, had indicated some measure of agreement with them that this legislation has not been used sufficiently, as it appeared to me, having regard to the magnitude of the evil in this country regarding profiteering, regarding misuse of the resources which the people have in regard to commodities etc., regarding profiteering and hoarding of essential commodities and other matters. I agreed then. But I was referring to this Act then. Later on I have found that under other laws action has been taken. Apart from the Defence of India Rules which have been in force during the last one year, there is the Essential Commodities Act, 1955. Under this measure many cases have been started. According to the latest figures, 1997 cases have been started under the Defence of India Rules against black-marketeters and hoarders. Similarly,

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under the other measure, nearly 1500 cases have been started. Therefore, this Government is able to come forward and say that this aspect has not been ignored. There are powers under other laws which have been used. But I still feel that more has to be done on that account so that the people may be saved from the exploitation on account of which they are suffering now.

I will now come to another very important aspect, whether having agreed that under some conditions it is open to the Government to be justified to have the use and exercise of these special powers, the conditions that exist now are still of the same nature that possibly furnished the justification on earlier occasions. Have they got the same abnormal character that the use of this legislation should be continued? That is a question about which I would like to say a few things now. I might immediately first say a word about the phrase 'intermediate stage'. Some fun was made of that. There is an Emergency, but short of this, there may be abnormal conditions and this may be an intermediate stage. Now, if the conditions are not normal, if there are disturbances, if there are those elements, which there are in the country still unfortunately, people whose emotions are roused, exploited, for various purposes, the communal hatred is inflamed and fanned and then there is the question of linguism, regionalism, provincialism, all these various passions and emotions, we have not yet been able to fully integrate the nation on the basis of complete, full, democratic values. These things remaining there, the question for us is: are the conditions now still such that the potentialities of mischief remain? Now, we have to judge in the light of the experience of the last three years. I might say: should we want, if things are not good enough, if people feel that there is not enough security, after having satisfied ourselves that with the normal powers which we

have got, our machinery is being employed and yet it is not able to cope with that,—these special powers? Should we leave things to develop and worsen to the point that we have to declare an Emergency, not because there is foreign aggression or a fear of aggression, but because of internal disturbances of that kind, or, should we, if things are not normal, make use of an intermediate stage where a small exercise of special powers enables us to avoid the deterioration of the situation to an extent that may be undermining the whole basis of democracy? What I am saying is not idle words. The hon. Member Mr. Masani said, "Look at the world and the Asia." There are countries—I do not want to name them—which have achieved Independence and freedom and yet democracy is not there, democracy in the sense in which we understand it. Democracy should not be taken for granted. We can lose it, if we are not careful about it.

Shri Frank Anthony (Nominated—Anglo-Indians): We have lost it. Why not adopt the Communist way? That will be quicker!

Shri Nanda: I will present him the record of what I said about him later on. Therefore, it is very essential that we do not shirk our duty. What the hon. Member said has been characterised as savage and virulent. The savagery of words is not really going to kill any good cause.

Apart from all those things which are mentioned, all those tensions which are created in this country, we have got the problem of poverty, of unemployment, of bringing about equality. This whole idea of classical liberalism is not going to satisfy us. Because we have a vote, equality before law, that is not all. We had an incomplete revolution. That revolution has to be completed. Radical changes have to be brought about in this country in order that the people have all the things that they need and for that purpose, the whole programme of development which must

cause strains is there. The population is increasing fast; scarcities are being caused; while more progress is occurring. Let us see the things in the whole perspective. Things are being produced more than ever before; all the commodities are much more and yet we find that there is all the strain and stress and the scarcity. This problem is there before us. It is not that anyone of them is a cause or a justification. It is the situation as a whole. It is not the case of a few spies or a few goondas or a few of this or that category. It is the scale and the magnitude of the activity. It is also the conditions of society in which these things are coming about. It is all that situation taken together which presents us with this dilemma and it has to be faced. So, if we bring in this legislation, it is having regard to the entire situation that we are facing. And what would be the alternative if we are not able to deal with these things, counteract these tensions and what next emerge out of it? We may become entirely incapable of solving those problems and, therefore, while the full measure or democratic values has to be cherished and enshrined in our legislation, let us not be stampeded into doing things which are going to be worse for the country in every possible way.

Now, I will say one thing more in this context. The question was: is it going to be a permanent legislation?

Shri Frank Anthony: Definitely; no question about it.

Shri Nanda: It is not. The hon. Member may smile about it. I have no intention at all that there should be....

Shri Frank Anthony: Cynical.

Shri Nanda: Yes, cynicism also is a quality which he claims. What we have to face upto is this—that we have this legislation for so many years—this is what is said. Well, we are also contrasted with other countries. Other countries have had long

centuries in which democratic traditions have evolved and they have passed through so many phases, ups and downs, and to compare them with us is not proper when democratic traditions are not settled down here. But I do not want to compare. Let us see things as they are. Let us see what we can do here. I will request the hon. Members one thing. I am making to them a proposition. I would like the Act to go as soon as possible. There is no intention of keeping it in permanently on the statute. It should go even before three years.

Shri Hari Vishnu Kamath: Nothing is permanent in this transitory world.

Shri Nanda: I would be the happiest person if it goes. Now, there are conditions. The hon. Members just see the problem that is before us. As I said, it is a combination of circumstances and situations. It is a total effect, the concentration of tensions, of difficulties of various kinds, communal, this and that and if it is said that the Communists can disrupt it, why can it not be said that those who inflame communal passions are also disturbing and subverting the democracy of the country and why it not be said that those who have got the power of money can also subvert the democracy? Let us take all these things together. My offer is this: I shall look after goondas; I shall look after....

Shri Hari Vishnu Kamath: Sadhus and goondas both.

Shri Nanda: His aversion to sadhus....

Shri Hari Vishnu Kamath: Not aversion; but it is a statement of fact. He is the President of the Sadhu Samaj.

Mr. Speaker: Order, order. There ought not to be any wonder the hon. Home Minister has to look after the sadhus as well as the goondas.

Shri Nanda: They will be very useful for various good purposes in the country. The proposition is this: We will do all that is possible to look after this problem. Will they undertake that parties, political parties, organised groups, will not countenance any agitation which leads upto violence, will not countenance any intimidation, anything which leads to coercion?

Shrimati Renu Chakravartty: You get an assurance from Mr. Masani first. We will also give an assurance.

Shri Nanda: All right, here is something. This Act will be repealed before the three years are out. Let us do something about it. I mean business. There is so much to be dealt with, so much to be faced that the problems of the administration become almost baffling. If we are free from that, if the large parties, responsible parties, organised groups, make it certain and try to work out a technique and a scheme that on their side—agitations may be there, there is nothing to stop that . . .

Shri Hari Vishnu Kamath: It is a constitutional right.

Shri Nanda: Demonstrations may be there, and we have to see that the people are able to express themselves, that their mind is allowed to assert itself, all that may be there. . . .

Shri Hari Vishnu Kamath: Even satyagraha.

Shri Nanda:but there should be no intimidation, no coercion and no violence. If we got that assurance, then I would say—I cannot say about the Government, but I am sure my colleagues will agree with me, and I shall advise my Government—that we should agree to take off this Bill from the statute-book. Therefore, let us work it out on that basis. Here is the onus on them now.

Shrimati Renu Chakravartty: Under which category will capitalist exploitation and intimidation fall?

Shri Nanda: I have answered that already. I have not put them in any different category from the others; they are in the same category. The implication is that the hon. Member Shri M. R. Masani is a protagonist of those people but I do not think he will accept it.

Shri M. R. Masani (Rajkot): So far as my party is concerned, I accept his offer. Our party has never broken any law and will not countenance the breaking of any law. He can have my assurance.

Shri Nanda: The laws about profiteering and all those things are there.

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, उन्होंने आश्वासन चाहा है। मैं आश्वासन दे दूँ—सूजे पता नहीं कि हमारा दल उन के लिए बहुत छोटा सा होगा या बड़ा होगा, परन्तु हमारा आश्वासन पिछले बीसियों बरसों से रहा है कि हम अहिंसात्मक बनवा करेंगे। हम हिंसा नहीं करेंगे, लेकिन बनवा करवा करेंगे। (*Interruptions*) हम ने हिंसा नहीं की है। हिंसा जा हुई है, उधर से हुई है।

Mr. Speaker: Order order. There ought not to be cross-questions and controversies.

Shri Surendranath Dwivedy (Kendrapara): I want to know from the hon. Home Minister whether Government are prepared to give this assurance that they will not indulge in such activities as will encourage violence in this country? We are against violence, and no political party here which is wedded to democracy ever advocates violence or does any action which will lead to violence.

Therefore, it would lead to this. If this Act remains, after all these parties here in this House have pledged that they will not encourage any activities which will lead to violence, will it be

used only against those parties which do not abjure violence? That is the assurance that we want.

Shri Bhagwat Jha Azad (Bhagalpur): There are some politicians who make promises to break them.

Shri Nanda: We shall have means of dealing with others who are acting against the public interest and the interests of the nation; we shall have the means. Let us get rid of this problem first.

Regarding violence, since we are now discussing . . .

Shri Hari Vishnu Kamath: The hon. Minister is shifting his ground now.

Shri Nanda: No, I am not shifting ground. Let me know what the ground is . . .

Shrimati Renu Chakravartty: Shri M. R. Masani may have given his assurance. But what about the goondas that are employed by the employers and that are let loose upon the trade unions?

Shri A. P. Sharma (Buxar): There are certain parties and people who are anti-national and this Act is meant for dealing with them.

Mr. Speaker: Order, order. There are differences of opinion. Therefore, the hon. Minister must be heard first. He had made that offer. The parties can consider it. But that will be a question for settlement afterwards not now. It cannot be decided just now.

Shri Nath Pai (Rajapur): I want to point out one thing. Normally, nobody will accuse Shri Nanda of dramatics. But just now he has made a tremendous dramatic gesture and thrown a challenge that if the leaders of the parties will here and now make a pledge that they will adjure violence in any form, then he will come forward with a proposal and advise his Government that this Act should be

removed from the statute-book. May I ask him this question now? What is logical now is this. He has got the assurance from everyone, beginning with the communists . . .

Shri A. P. Sharma: What about those people who are indulging in anti-national activities? . . .

Mr. Speaker: Order, order. When one hon. Member is on his legs, another hon. Member cannot stand up and speak.

Shri Nath Pai: In view of the fact that the assurance has been given by all the leaders of all the parties, may I ask where he finds the necessity of continuing with the passing of the Act? He wanted an assurance, and he has got it. Why does he not withdraw the Bill right now?

Shri Hari Vishnu Kamath: Withdraw it.

Shri Nath Pai: He should withdraw it right now.

Shri Tyagi: The goonda parties are not represented in the House. (*Interruptions*).

Shri A. P. Sharma rose—

Mr. Speaker: Order, order. The hon. Member might resume his seat.

Shri Nath Pai: The assurance has come already.

Mr. Speaker: So far as I could understand it, he did not give any guarantee or make an offer in this form that just now, if this guarantee or assurance is given, he will not proceed with the Bill before the House. Am I right?

Shri Nanda: You are right, Sir.

Mr. Speaker: This offer was also an argument to get his Bill passed first.

Shri Nath Pai: As usual, you have shielded him.

Shri Bada: If that is the attitude of the Prime Minister and the Home Minister, then we have no objection.

Shri Nanda: You have always been fair. But you may kindly allow me to qualify it. I shall have to qualify that, not what I said but what you have said. It is not an argument that I have advanced. I never build my case in this way. But I do not want that on the spur of the moment somebody should stand up and give this assurance. Let my hon. friends go to their parties first, and ask them. Let them go and have the sanction of the party and then give this assurance, and not immediately, this moment, in this manner.

Shri Surendranath Dwivedy: You can have the assurance here and now. There is no sanction needed for this. The party stands for it. What is the sanction needed for this assurance? We say that we stand by it. The party also adheres to it. We have followed it all these year. So, there is no sanction necessary. (*Interruptions*).

Shri Nanda: I shall proceed to deal with the point that I was dealing with.

Mr. Speaker: Order, order. There ought not to be any excitement on this.

Shri Nambiar (Tiruchirapalli): Yesterday, this was what I spoke, and this is on record. I am reading from the debates:

Shri Tyagi: Violence only.

Shri Nambiar: Never violent. The communist Party has made it very clear repeatedly that it does not stand for violence."

Shri A. P. Sharma: That is only in language and not in practice.

Shri Bhagwat Jha Azad: There are some politicians who make promises to break them.

Shri Nambiar: What else do my hon. friends want? Here is the assurance

given in this House in the course of my speech.

Shrimati Vimla Devi (Eluru): What more do hon. Members want?

Mr. Speaker: Order, order. The hon. Home Minister has said that what I had observed was not what he intended. But he must give me that much latitude that it was only in a lighter mood that I was saying that. He should not have taken it so seriously. I was only appealing to hon. Members that that question was not to be decided just now and immediately. It is not as if they should stand up now and say that they do not stand for violence, and, therefore, immediately, the hon. Minister would withdraw the Bill. That is not the position. So, there should not be any more controversy on this.

Shri Nath Pai: There is no controversy. But he asked us for an assurance and we gave it. He said that we must speak with the authority of the parties. It is quite obvious that the authority is there.

Mr. Speaker: The hon. Minister desires that let this Bill be passed first, and then the parties might behave in a proper manner, and he would watch for some time and then come forward to remove it from the statute-book.

Shri Surendranath Dwivedy: Now, he is exposed.

Shrimati Renu Chakravartty: We have abjured violence except that if Government attack us in a certain situation we have to use violence in self-defence. That is the only situation where that will have to be used in self-defence.

Shri H. P. Chatterjee (Nabadwip): I belong to no party. I represent a constituency. If I am not a second class citizen here than I must submit something; in my constituency lots of innocent men have been imprisoned because of this Act. Something absolutely wrong is going on there. That is what I say. What about that? What you have observed in a lighter

mood is correct namely that Government want to have the powers. But I may point out that their men are not innocent; their men are doing havoc in my constituency, and I would repeat that.

श्री रामसेवक यादव (बाराबंकी) :

अध्यक्ष महोदय, एक निवेदन है।

अध्यक्ष महोदय : मैं इस को और नहीं चलने देना चाहता।

Shri Nanda: I shall proceed to deal with the situation as it is now.

श्री रामेश्वरानन्द : अध्यक्ष महोदय, जरा मेरी बात मुन लीजिये, क्योंकि और कई माननीय सदस्य बोले हैं, किन्तु कोई भाषा वाला नहीं बोला है। निवेदन यह है कि मंत्री महोदय के इस पीने घंटे के भाषण से यह स्पष्ट हो गया है कि जो जरायमपेशा लोग हैं, या और कोई ऐसे लोग हैं, उन के लिए बहुत से कानून हैं। कल से जो कानून सदन के सामने है, वह केवल राजनीतिक पार्टियों के लिए ही बनाया जा रहा है, ताकि कोई कुछ कर न सके। इस का और कोई प्रयोजन प्रतीत नहीं होता है। इस तरह के कानूनों से कुछ होने वाला नहीं है। अंग्रेज भी ऐसे कानून बनाया करते थे और अंग्रेजों को हम ने निकाल कर सात समुद्र पार कर दिया। यह सरकार तो कुछ दिनों की बच्ची है।

अध्यक्ष महोदय : स्वामी जी को किसी ने यह सब कुछ तर्जुमा करके बताया है या वह खुद सारी बात को समझे है? क्या सारी अंग्रेजी की पूरी पूरी बात स्वामी समझते हैं?

Shri Nanda: I do not disbelieve them, but I have reasons for assuming this attitude: let us see how things unfold, because although there is the profession from this side and that side that they do not believe in violence at all, even now I have got reports which show that all things are happening. I have reports of yesterday and today. If this is going to be continued in this manner, if this is the kind of faith in non-violence that

is there, then it is something which is not really 100 per cent.

I have got today reports. The hon. lady Member said something about *gherao*.

An Hon. Member: What is it?

Shri Nanda: She knows what it is. If she thinks that it is compatible with this kind of resolve that they will abjure violence, then our concepts differ.

What happens in a *gherao*? There is a demand from the workers.

Shri Dinen Bhattacharya (Serampore): It is not violence.

Shri Nanda: I will explain what it is. Only a month ago a manager had been beaten to death after a *gherao*. (*Interruptions*).

Some Hon. Members: That is not correct.

डा० राम मनोहर लोहिया : प्र. रासाना नमक सत्याग्रह के बारे में बता दीजिये, जहाँ पर धेरा हुआ था।

Mr. Speaker: I would appeal to Members to see that there is no violence here. I am rather feeling apprehensive about it (*Interruptions*). As I said earlier, this is the beauty of democracy, that we listen to speeches and observations and views that are opposite to one's own. Let us maintain that atmosphere.

डा० राम मनोहर लोहिया : प्र. रासाना नमक सत्याग्रह के बारे में भी बता दीजिये, जहाँ पर धेरा हुआ था।

Shri Nanda: The workers may have a legitimate demand. They may have a good grievance. There are in this country—I am not now dealing with labour policy—all kinds of arrangements and agencies created. There is conciliation, there is adjudication. All these measures are available for redress of grievances. Yet if they use

this method, what is the inference? 2,000 persons surround a small office where there is an officer sitting and tell him not to come out till he has agreed to some demands. Some officers because of that intimidation have had to agree, to sign something. After that, if the officer goes back on that, he runs the risk of his life. This happens. If this can happen, naturally it is inconsistent with any profession of abjuration of violence.

Shrimati Renu Chakravartty: The normal law of the land is absolutely sufficient to deal with such things. Why should you have this Act for that?

Shri Umanath (Pudukkottai): Peasants have been murdered in interior villages. Have you applied the Act to the murderers?

Shri Nanda: Apart from the fact that Shri Masani's party may not be doing it, because he has no labour following, others have been doing it.

Therefore, I am only just saying this: let us come out and discuss it among ourselves instead of saying something in a moment of high excitement. Let us sit down and deal with the matter.

Shri Hari Vishnu Kamath: Is he going to call an all-parties conference?

Shri Nanda: Someone pointed out that this is meant for political purposes. As I said in the very beginning, let anybody show from the whole record of the last three years, that is after the passing of the Act on the previous occasion, any single case, a single case.

Shri H. P. Chatterjee: There are many cases.

Shri Nanda: I challenge that.

Shri H. P. Chatterjee: Persons have been imprisoned in my constituency. I supported this Act. But in my constituency, people have been imprisoned.

Mr. Speaker: He should resume his seat.

Shri Nanda: As regards political parties . . .

Shri H. P. Chatterjee: What about this? They belong to no party.

Shri Nanda: There are half a dozen members of political parties in the whole of this period who have been proceeded against under this Act. It was not because they were members of particular political parties, but because there were other qualifications also.

Shri Hari Vishnu Kamath: Qualifications?

Shri Nanda: This is a very important stage of my argument. If once we clear the deck of this political bogey, that we are not using it for political ends, not for entrenching ourselves . . .

Shri H. P. Chatterjee: You are using it.

Shri Nanda: Once we clear ourselves from that, it becomes a question whether the *goondas* should be dealt with in one way or another, whether the persons who harbour dacoits should be dealt with in this way or that. Then it becomes a question of give and take. Then we can see what has to be done, whether the safeguards are not enough for them, and whether whatever has been provided in our legislation is sufficient or not.

श्री सरजू पाण्डेय (रसड़ा) : मुझे एक सवाल पूछ लेने दीजिये . . .

अध्यक्ष महोदय : वह यील्ड नहीं कर रहे हैं । आप बैठ जाइये ।

श्री सरजू पाण्डेय : मैं गवर्नमेंट से यह जानना चाहता था ।

अध्यक्ष महोदय : आर्डर, आर्डर । जब एक मेम्बर खड़ा हुआ है और वह यील्ड नहीं कर रहा है तो दूसरे मेम्बर को जिद्द करके नहीं बोलना चाहिये ।

Shri Nanda: I have dealt with this part and come to the position of the working of the legislation in terms of the provisions of the law. I have heard from hon. Members several complaints about the working of this Act. I think much of that criticism possibly was not well-based. I have got some facts before me which will possibly be of interest to hon. Members, to Shri Anthony also. I have here a report of the judicial scrutiny of cases in respect of detention under this Act. Whatever is allowed, I am going to say. It says that action can be challenged in High Courts and the Supreme Court on any of the following grounds: failure to comply with the statutory provisions, procedural irregularities in the passing of orders or in the communication on grounds of *mala fides*. Actually what has been the number of cases challenged in High Courts? 70. Number of cases where High Courts gave decisions setting aside the detention orders—16. Number of cases brought before the Supreme Court—7. Number of cases where the orders were set aside—3. The reasons for setting aside were that the grounds of detention were vague, irrelevant, non-existent, thus handicapping the chance of effective representation by the detenu; delay between the dates of the different acts of the detenu and the date of the detention order is far too long to justify an inference of the need for preventive detention.

It was said: 'It does not matter. You have got some kind of notion; you fancy something, that something has been done by a person, and shove him into jail'. The thing has to be shown. It is not a single act; there has to be a series of acts which alone can constitute adequate ground for this purpose. There are the reasons given; there is nothing in the grounds to indicate that his activities are so dangerous as to require the remedy of preventive detention; the mere fact that a person is a habitual off-

ender and commits several crimes is not a valid ground of detention. Some of the reasons for which the Supreme Court has set aside the detentions are these: the detenu was served with a detention order and grounds of detention in a language he did not understand. This point was made here; by, I think, Shri Trivedi. I think this is a weakness in the procedure which I would like to rectify immediately. That is, the detenu should be given the grounds in the language he can understand so that he knows how to answer them. Then orders of detention served on persons when they were already in police custody for particular offences are illegal.

Shri Frank Anthony said that this one year means nothing at all, because you can keep a person in jail indefinitely for the whole of his life, even though he has done nothing more. I have great respect for him for nothing else but for his knowledge of law.

13 hrs.

Shri Frank Anthony: Will the Home Minister tell me two things? Cannot the order be made year by year, a year at a time? I will give you references to Supreme Court cases in five minutes in the Lobby. The second point is this. Excepting for highly technical points—I have struck them too—vague grounds, etc., have they specified that demonstrably false reasons can be looked into by any court? Can they go into the truth or falsity of the grounds?

Shri Nanda: The point the hon. Member makes does not apply to year to year; it applies to the whole basis of the orders. After having been detained for one year, can he be detained for the same thing at the end of it? A fresh order has to be passed.

Shri Frank Anthony: He has not answered my point. If the fresh order is made on specific grounds but demonstrably false grounds, how can the courts assess their falsity?

Shri Nanda: He is shifting the ground.... (Interruptions.)

Shri Frank Anthony: I have not shifted ground.

Shri Nanda: Let us first know that this is preventive detention. A person is removed from the scene in order that he may not be able to do mischief. If it is to be proved in a court of law, the preventive detention measure will not be necessary. We do not go to a court to prove it; we have made safeguards. I read out the grounds. Legal assistance is available to the detenu for the purpose of making his representation.

Shri Frank Anthony: Not before the advisory board.

Shri Nanda: Hon. Member spoke something derogatory about the advisory board. The Chairmen are retired judges of High Courts.

Shri Frank Anthony: So what?

Shri Nanda: So what? Then only he should be everywhere in order to do justice. The detenu makes his representation. Only in a half a dozen cases those grounds were not fully indicated and withheld from the detenu. But it is necessary to give these grounds to the advisory committee. The advisory committee calls for any other information. It has done so on many occasions. Maximum safeguards are provided so that there is no arbitrary exercise of the powers of the executive.

I am sorry that I am taking a little more time than I thought I would. Hon. Member asked me about the number of cases under the DOI rules. 1269 people were detained under those rules but today their number has come down to 382. 96 persons were ordered to be released by the advisory boards. Hon. Member used choice epithets about the advisory boards—they are impotent, this and that.

Shri Frank Anthony: I do not make them impotent; you have made them impotent.

Shri Nanda: I do not know where he got that idea. In 488 cases detention was upheld; 137 were released from detention by the Government *suo motu*; 16 were released by the High Courts. Three were released by the Supreme Court. So, these advisory boards do perform their duties; they do not leave things at the mercy of the executive.... (Interruptions.) The number of persons assisted by lawyers or friends for drafting reports—290. 371 appeared personally before the advisory board. The number is 36 of persons in whose cases information was called for by the advisory boards from any other person. These few figures graphically show how the mechanism is working.

I hope, Sir, that conditions will soon be created and all will co-operate and collaborate in creating those conditions so that this could be dispensed with as soon as possible.

Shri Harj Vishnu Kamath: On a point of clarification. When I put the question earlier, he said he would answer later. May I read out my question from the script, the question I put when he began his speech, earlier, during the First reading stage. I asked him whether with a view to facilitate fruitful discussion the Minister could give us information as to in how many countries where the system of parliamentary democracy prevails the law of preventive detention obtains today. He said he would give it later but he has not given it so far.

Mr. Speaker: He referred to it and said he could not give it.

Shri Nath Pai: When he sought the introduction of the Bill, I sought to raise a point and he assured me that he would perhaps try to reply that point. The question which I

raised at that time was; why inspite of ample and vast powers with which the Government is armed under the Defence of India Act, he thinks it necessary to bring this Bill? Is he contemplating to withdraw the emergency and so he is afraid that he will be deprived of those powers? If the emergency is to continue where is the need for this?

श्री रामेश्वरानन्द : अध्यक्ष महोदय, आज लगभग चार मास से गोपाल पेपर मिल्स, यमुनानगर का झगड़ा चल रहा है . . .

अध्यक्ष महोदय : गोपाल पेपर मिल के झगड़े का इस से मतलब नहीं है ।

श्री रामेश्वरानन्द : मेरी प्रार्थना मुन चीजिये ।

अध्यक्ष महोदय : मैं आप की प्रार्थना नहीं मुन सकता । जो तकरीर नन्दा जी ने की है अगर आप उस पर कोई सवाल करना चाहते हैं तो कर सकते हैं ।

श्री रामेश्वरानन्द : मेरी प्रार्थना यह है कि जैसा आपने मुझ से कहा था कि आप मुझे श्री नन्दा के वोलने के पश्चात् समय देंगे . . .

अध्यक्ष महोदय : आप बैठ जाइये । पहले इसे खत्म हो जाने दीजिये ।

श्री रामेश्वरानन्द : मैं कहना चाहता हूँ कि इस प्रकार के जो काले कानून पेश किये जाते हैं उन को आप पास तो कर लेंगे । हम अंग्रजों के समय में उस सरकार का कोई विधेयक

अध्यक्ष महोदय : अब तकरीर नहीं हो सकती ।

श्री यशपाल सिंह (कैराना) : मेरी अर्ज यह है कि भारत माता की पेशानी पर पराजय का कलंक दिया हुआ इस सरकार का है और उस कमजोरी के ऊपर पर्दा डालने के लिये वह इस कानून को लाई है । जब तक चीन से

३८ हजार मुरब्बा मील वापस न ले लिये जायें तब तक

अध्यक्ष महोदय : यह क्या सवाल है । मैं चाहता हूँ कि जो जिम्मेदार पाटियाँ हैं वह तो कुछ ख्याल करें । कुछ रूल्स, क्वायब नियम किसी चीज का तो ख्याल होना चाहिये । इस में माननीय सदस्य ने सवाल क्या किया है ।

श्री यशपाल सिंह : इस कमजोरी को कोई बतलायेगा तो उस को सरकार बन्द कर देगी ।

अध्यक्ष महोदय : अपनी बात को आप दूसरी चीज उठा कर कह रहे हैं ।

श्री यशपाल सिंह : जो उसे जाहिर करेगा उसे बन्द कर दिया जायेगा ।

श्री सरजू पाण्डेय : अभी माननीय मंत्री जी ने आश्वासन दिया है कि इस बिल का मिसयूज नहीं होगा । उन्होंने फरमाया कि ऐडवायजरी बोर्ड के सम्बन्ध में प्राविजन है कि डेटेन्यू वकील रख सकता है । लेकिन मैं समझता हूँ कि ला में ऐसा कोई प्राविजन नहीं है ।

श्री फ्रैंक एन्थनी : नहीं, नहीं रख सकता है ।

अध्यक्ष महोदय : आप ने गलत समझा । उन्होंने कहा है कि रिप्रेजेंटेशन ड्राफ्ट करने के लिये वकील की मदद ले सकता है ।

श्री सरजू पाण्डेय : मेरा पूछना यह है कि अगर कोई कांस्टेबिल किसी आदमी की स्पीच को गलत रिकार्ड कर लेता है और उसके आधार पर उस आदमी के खिलाफ कार्रवाई की जाती, और उस आदमी को अपनी सफाई देने का मौका नहीं मिलता । उसका प्रोटेक्शन कैसे किया जा सकता है ?

श्री रामसेवक यादव : माननीय मंत्री महोदय ने कहा कि अगर राजनीतिक दल यह आश्वासन दे दें कि वे हिंसा का प्रयोग नहीं करेंगे तो वह इस तरह के कानून को समाप्त कर सकते हैं। क्या यह बात उठाते हुए उन्होंने अपनी सरकार से आश्वासन ले लिया है कि वह इसे समाप्त कर देगी ?

अध्यक्ष महोदय : यह तो उन के दरम्यान की बात है।

श्री बड्डे : अभी मंत्री महोदय ने कहा कि यदि विरोधी पार्टीज यह आश्वासन दे दें कि वे वायलेंस नहीं करेंगी तो वह इस कानून को समाप्त कर सकते हैं। मैं पूछना चाहता हूँ कि कोई वायलेंस न होते हुए भी अजमेर में और कुछ अन्य प्रदेशों में पुलिस ने कांग्रेस शासन को खुश करने के लिए कुछ लोगों को गिरफ्तार कर लिया और ६ महीने तक कस्टडी में रखने के बाद भी उनको यह कह कर छोड़ दिया कि उन पर मुकदमा साबित नहीं होता, इसके बारे में उनको क्या कहना है। अगर हम जन संघ वाले आश्वासन दे दें कि वायलेंस नहीं किया जाएगा तो क्या सरकार आश्वासन दे सकती है कि हम लोगों के खिलाफ ऐसी कार्रवाई नहीं की जाएगी ?

श्री ज० ब० सिंह० (घोसी) : मैं यह जानना चाहता हूँ कि जिनको आप जिले से निकाल देते हैं उनके प्रोटेक्शन के लिए क्या प्रावोजन है। वह वहाँ अपील करे इसके लिए क्या प्रावोजन है ?

Shri Frank Anthony : May I just put one question? I had pointed out that under the Habeas Corpus Act of 1879, 300 years ago in Britain, a counsel could appear before the Advisory Council. Let us assume that the members of the Advisory Board are all honourable men. What is the object, at least....

Mr. Speaker : We have got just one or two clauses; the question is to extend the period of the Bill. We cannot go into all those details now.

Shri Frank Anthony : Of course, everything in the garden is fair. The question is, what is the objection to a lawyer to appear, as was done 300 years ago in Britain, before the Advisory Board?

डा० राम मनोहर लोहिया : संविधान की धारा २२ की उपधारा ४, ५, ६, ७ के आधारे पर यह नजरबन्दी कानून बनाया गया है, अगर उसको स्थायी बना दिया जाता है तो क्या उसकी धारा २२ की उपधारा १ और २ से संघर्ष नहीं हो जाता ?

श्री अ० प्र० शर्मा : कुछ पार्टियां और लोग बार बार आश्वासन देने के बावजूद राष्ट्र विरोधी काम करते हैं। क्या उन से भी मशविरा लिया जाएगा ?

Shri Nambiar : Even yesterday, it was pointed out whether the hon. Minister will give an assurance that this Act will not be used against workers who are on strike for legitimate reasons and are peaceful, without resorting to any sort of violence.

Shri Nanda : I shall deal with these points quickly. The first was about the legislative competence of Parliament. The hon. Member Dr. Lohia referred to it. This legislation has settled down over a period of years. References have been made to high courts and the Supreme Court. The law is very clear on that subject. I do not think he need worry about that.

डा० राम मनोहर लोहिया : शायद उन्होंने मेरा सवाल समझा नहीं है। आप उनको मेरा सवाल समझा दीजिए। मेरा सवाल यह है कि धारा २२ की जो उप धाराएं नजरबन्दी कानून को बनाने की इजाजत देती हैं उनके आधारे पर यह कानून बनाया गया है। लेकिन अगर इसको स्थायी कर दिया जाता है तो क्या २२वीं धारा की उप धारा १ और २ खत नहीं हो जायेंगी ?

प्रश्न महोदय : यह लीगल क्वेस्चन है, यह नहीं पूछा जा सकता ।

Shri Nanda: I cannot go into all those details. But I do not think the hon. Member's apprehension is well-founded.

Now, about the question raised by Shri Nath Pai, if he had been here in the House when I explained the Bill to begin with, he would have got the answer. The answer was very clear. Before the emergency was declared, there was a situation which, according to us, called for the exercise of the provisions of this Act. We want to end the emergency very soon, and since the question of normal situation is not there, according to us, there is this provision. Secondly, as I pointed out, there are safeguards in the Preventive Detention Act. All these things—the grounds, the Advisory Boards—are not there in the Defence of India Rules. There

are a number of people whom one has to catch hold of, which will then justify the use of the Preventive Detention Act, with the safeguards and not the more severe legislation.

Then there was the question as to what happened in Ajmer. I cannot answer it immediately. Externment is a matter for the States. It is not part of the Preventive Detention Act. I do not know whether any other question was raised.

Shri Nambiar: The question of trade unions.

Mr. Speaker: That is all. I do not allow any other question.

The question is:

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

The Lok Sabha divided:

Mr. Speaker: Any corrections to be made? One to be added to 'Ayes' and one to be added to 'Noes'.

Division No. 13]

[13.18 hrs.

AYES

Achal Singh, Shri	Chaturvedi, Shri S. N.	Gupta, Shri Shiv Charan
Achuthan, Shri	Chaudhuri, Shri Sachindra	Hajarnavis, Shri
Alva, Shri A. S.	Chaudhuri, Shrimati Kamala	Hanumanthaiya, Shri
Aney, Dr. M. S.	Chavda, Shrimati	Harvani, Shri Anwar
Anjanappa, Shri	Chettiar, Shri Ramanathan	Hazarika, Shri J. N.
Azad, Shri Bhagwat Jha	Chuni Lal, Shri	Heda, Shri
Babunath Singh, Shri	Dafle, Shri	Hem Raj, Shri
Bajaj, Shri Kamalnayan	Daljit Singh, Shri	Himatsingka, Shri
Bakliwal, Shri	Das, Dr. M. M.	Iqbal Singh, Shri
Bal Krishna Singh, Shri	Das, Shri B. K.	Jadhav, Shri Tulshidas
Barkataki, Shrimati Renuka	Das, Shri Sudhansu	Jamir, Shri S. G.
Barupal, Shri P. L.	Dass, Shri G.	Jamunadevi, Shrimati
Basappa, Shri	Deshmukh, Dr. P. S.	Jedhe, Shri
Basumatari, Shri	Deshmukh, Shri B. D.	Jena, Shri
Baswant, Shri	Deshmukh, Shri Shivaji Rao S. ¶	Joshi, Shri A. C.
Besra, Shri	Dhuleshwar Meena, Shri	Joshi, Shrimati Subhadra
Bhagat, Shri B. R.	Dighe, Shri	Jyotishi, Shri J. P.
Bhakt Darshan, Shri	Dwivedi, Shri M. L.	Kabir, Shri Humayun
Bhatkar, Shri	Elayaderumal, Shri	Kappen, Shri
Bhattacharyya, Shri C. K.	Ering, Shri D.	Karuthiraman, Shri
Bist, Shri J.B.S.	Gaekwad, Shri Fateh Sinhray	Kayal, Shri P. N.
Borooh, Shri P. C.	Gahmari, Shri	Kedaria, Shri C. M.
Brajeshwar Prasad, Shri	Gajraj Singh Rao, Shri	Khadilkar, Shri
Brij Raj Singh-Kotah, Shri	Gandhi, Shri V. B.	Khan, Dr. P. N.
Chanda, Shrimati Jyotana	Ganga Devi, Shrimati	Khanna, Shri Mehr Chand
Chandak, Shri	Goni, Shri Abdul Ghani	Kindar Lal, Shri
Chandrasekhar, Shrimati	Govind Das, Dr.	Kisan Veer, Shri
Chattar Singh, Shri		Kotoki, Shri Liladhar
		Kovaiji, Shri H. V.

Kripa Shankar Shri
 Krishna, Shri M. R.
 Kureel, Shri B. N.
 Lakshminanthamma, Shrimati
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati
 Lonikar, Shri
 Mahadeva Prasad, Dr.
 Mahtab, Shri
 Mahishi, Dr. Sarojini
 Malaichami, Shri
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Mandal, Dr. P.
 Mandal, Shri Yamuna Prasad
 Mantri, Shri
 Marandi, Shri
 Maruthiah, Shri
 Masuriya Din, Shri
 Matcharaju, Shri
 Mathur, Shri Harish Chandra
 Mehrotra, Shri Braj Bibari
 Mishra, Shri Bibhuti
 Mishra, Shri M. P.
 Misra, Shri Shyam Dhar
 Mohanty, Shri G.
 Mohiuddin, Shri
 Morarka, Shri
 More, Shri K. L.
 Mukerjee, Shrimati Sharda
 Munzri, Shri David
 Murti, Shri M. S.
 Muthiah, Shri
 Naidu, Shri V. G.
 Nallakoya, Shri
 Nanda, Shri
 Naskar, Shri P. S.
 Nayar, Dr. Sushila
 Nehru, Shri Jawaharlal
 Nigam, Shrimati Savitri
 Niranjana Lal, Shri
 Oza, Shri
 Paliwal, Shri
 Pandey, Shri R. S.
 Panna Lal, Shri
 Pant, Shri K. C.
 Patel, Shri Chhotubhai
 Patel, Shri Man Singh P.
 Patel, Shri P. R.

Patel, Shri Rajeshwar
 Patil, Shri D. S.
 Patil, Shri S. B.
 Patnaik, Shri B. C.
 Pillai, Shri Nataraja
 Prabhakar, Shri Naval
 Pratap Singh, Shri
 Puri, Shri D. D.
 Raghunath Singh, Shri
 Raghuramaiah, Shri
 Rai, Shrimati Sahodrabai
 Raj Bahadur, Shri
 Raja, Shri C. R.
 Rajdeo Singh, Shri
 Raju, Dr. D. S.
 Raju, Shri D. B.
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Ramaswamy, Shri S. V.
 Ramdhani Das, Shri
 Ranajai Singh, Shri
 Rane, Shri
 Rao, Dr. K. L.
 Rao, Shri Jaganatha
 Rao, Shri Krishnamoorthy
 Rao, Shri Muthyal
 Rao, Shri Rajagopala
 Rao, Shri Ramapathi
 Rattan Lal, Shri
 Raut, Shri Bhola
 Rawandale, Shri
 Reddi, Dr. B. Gopala
 Reddiar, Shri
 Reddy, Shri K. C.
 Reddy, Shri Ramakrishna
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Sahu, Shri Rameshwar
 Saigal, Shri A. S.
 Saraf, Shri Sham Lal
 Satyabhama Devi, Shrimati
 Sen, Shri A. K.
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Shakuntala Devi, Shrimati
 Sham Nath, Shri
 Shankaraiya, Shri
 Sharma, Shri A. P.
 Sharma, Shri D. C.
 Sharma, Shri K. C.

Shastri, Shri Ramanand
 Sheo Narain, Shri
 Shinde, Shri
 Shree Narayan Das, Shri
 Shrimali, Dr. K. L.
 Siddananjappa, Shri
 Siddiqah, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri D. N.
 Singh, Shri R. P.
 Singha, Shri G. K.
 Sinha, Shri B. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Ramdulari
 Sinha, Shrimati Tarakeshwari
 Sinhasan Singh, Shri
 Sivapragassam, Shri K.
 Sonavane, Shri
 Soundaram Ramachandran, Shri-
 mati
 Srinivasan, Dr. P.
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Surendra Pal Singh, Shri
 Swamy, Shri M. P.
 Swaran Singh, Shri
 Thengondar, Shri
 Thevar, Shri V.
 Thimmaiah, Shri
 Thomas, Shri A. M.
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tombi, Shri
 Tripathi, Shri Krishna Deo
 Tyagi, Shri
 Upadhyaya, Shri Shiva Dutt
 Vaishya, Shri M. B.
 Valvi, Shri
 Varma, Shri M. L.
 Varma, Shri Ravindra
 Veerappa, Shri
 Venkatasubbaiah, Shri P.
 Verma, Shri Balgovind
 Verma, Shri K. K.
 Vidyalankar, Shri A. N.
 Virbhadra Singh, Shri
 Vyas, Shri Radhialal
 Wadiwa, Shri
 Wasnik, Shri Balkrishna
 Yadav, Shri N. P.
 Yadav, Shri Ram Harkh
 Yadava, Shri B. P.

NOES

Anthony, Shri Frank
 Bade, Shri
 Barrow, Shri
 Basant Kunwari, Shrimati
 Berwa, Shri Onkar Lal
 Bhattacharya, Shri Dinen
 Bhawani, Shri Lakshmu

Bheel, Shri P. H.
 Brij Raj Singh, Shri
 Buta Singh, Shri
 Chakravarty, Shrimati Renu
 Chatterjee, Shri H. P.
 Chaudhary, Shri Y. S.
 Daji, Shri

Dwivedy, Shri Surendranath
 Elias, Shri Mohammad
 Gopalan, Shri A. K.
 Gulshan, Shri
 Gupta, Shri Kashi Ram
 Himmatsinghi, Shri
 Imbichibava, Shri

Jha, Shri Yogendra	Masani, Shri M. R.	Roy, Dr. Saradish
Kachhavaia, Shri	Mate, Shri	Sen, Dr. Ranen
Kakkar, Shri Gauri Shanker	Mehta, Shri Jashvant	Shashank Manjari, Shrimati
Kamath, Shri Hari Vishnu	Murmu, Shri Sarkar	Shastri, Shri Prakash Vir
Kandappan, Shri S.	Muzaffar Husain, Shri	Singh, Shri J. B.
Kapur Singh, Shri	Nair, Shri Vasudevan	Singh, Shri Y. D.
Kar, Shri Prabhat	Nambiar, Shri	Singha, Shri Y. N.
Kesar Lal, Shri	Nath Pai, Shri	Sivasankaran, Shri
Krishnapal Singh, Shri	Pandey, Shri Sarjoo	Swamy, Shri M. N.
Kumeran, Shri M. K.	Paradhi, Shri	Umanath, Shri
Kunhan, Shri P.	Pattnayak, Shri Kishen	Utitya, Shri
Laxmi Daas, Shri	Pottakkatt, Shri	Venkaiash, Shri Kolla
Lohia, Dr. Ram Manohar	Raghavan, Shri A. V.	Vimla Devi, Shrimati
Mahato, Shri Bhajahari	Rajaram, Shri	Vishram Prasad, Shri
Mandal, Shri B. N.	Ramabadrn, Shri	Warior, Shri
Manoharan, Shri	Rameshwaranand, Shri	Yadav, Shri Ram Sewak
	Reddy, Shri Eswara	Yajnik, Shri
	Reddy, Shri Narasimha	Yashpal Singh, Shri

Mr. Speaker: The result of the division is Ayes have 239, Noes 73.

Ayes 239; Noes 73.

The motion was adopted.

Some Hon. Members: Shame!

Mr. Speaker: Clause-by-clause consideration. There is an amendment to clause 2 by Shri Ram Sewak Yadav seeking to extend the Act by one day. That is ruled out as frivolous. There is another amendment by Shri Dinen Bhattacharya seeking to extend it by 3 days. That is also ruled out as frivolous. There is amendment No. 6 by Shri Kamath. He wants to repeal the Act. That is a negative amendment.

Shri Hari Vishnu Kamath. Kindly see rule 80, Sir, which sets out the grounds on which an amendment can be deemed to be inadmissible. That is the only rule which sets out the grounds. May I read it?

Mr. Speaker: I have got it before me.

Shri Hari Vishnu Kamath: Some Members would like to hear it. It says:

"The following conditions shall govern the admissibility of amend-

ments to clauses or schedules of a Bill:

- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be inconsistent with any previous decision of the House on the same question...."

There is no decision of the House on the same question.

Mr. Speaker: The first condition applies. It says, the amendment shall be within the scope of the Bill. The Bill seeks to extend the Act and the hon. Member wants to repeal it. It is not within the scope.

Shri Hari Vishnu Kamath He himself said in his reply that he would withdraw the Bill. It is only to help him in the task.

Mr. Speaker: I am here to help him.

Shri Hari Vishnu Kamath: You have helped him, but I want to give a little more help than you have done.

Mr. Speaker: That amendment also is ruled out. There are no amendments to clause 2.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Speaker: Clause 1. When clause 2 is passed, amendment No. 5 of Shri Kamath who want to repeal it becomes redundant and out of place. That is ruled out. Similarly the amendment to the long title also is ruled out.

The question is:

"That clause 1, the Enacting Formula and the Tittle stand part of the Bill".

The motion was adopted.

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

Shri Nanda: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is..

Some Hon. Members: Shame, shame!

Mr. Speaker: Is it for me?

Some Hon. Members: No, Sir; it is for the Government.

Mr. Speaker: The question is:

"That the Bill be passed".

The Lok Sabha divided.

Mr. Speaker: Any errors to be corrected? स्वामी जी क्या कहना चाहते थे ?

श्री रामेश्वरानन्द : गोपाल पेपर मिल यमुनानगर के बारे में मुझे आप से अभी कुछ कहना है। दूसरे मेरा "नहीं" का वोट जो कि मशीन में आया नहीं था। लेकिन अब तो वह ठीक हो गया है।

Division No. 14]

[13.23 hrs.

AYES

Dehal, Singh
Achuthan, Shri
Alva, Shri A.S.
Aney, Dr. M. S.
Anjanappa, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bajaj, Shri Kamalnayan
Bakliwal, Shri
Bal Krishna Singh, Shri
Berkatki, Shrimati Renuka
BeruPal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Baswant, Shri
Batra, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bhatkar, Shri
Bhattacharyya, Shri C. K.
Bhat, Shri J. B. S.
Borooah, Shri P. C.
Brajeshwar Prasad, Shri

Brij Raj Singh Kotah, Shri
Chanda, Shrimati Jyotana
Chandak, Shri
Chandrasekhar, Shrimati
Chattar Singh, Shri
Chaturvedi, Shri S. N.
Chaudhuri, Shri Sachindra
Chaudhuri, Shrimati Kamla
Chavda, Shrimati
Chettiar, Shri Ramanathan
Chuni Lal, Shri
Dafle, Shri
Daljit Singh, Shri
Das, Dr. M. M.
Das, Shri B. K.
Das, Shri Sudbanou
Dass, Shri C.
Deshmukh, Dr. P. S.
Deshmukh, Shri B. D.
Deshmukh, Shri Shivaaji Rao S.
Dhuleshwar Meena, Shri
Dighe, Shri

Dwivedi, Shri M. L.
Elayaperumal, Shri
Gackwad, Shri Patchainburo
Gahmari, Shri
Gajraj Singh Rao, Shri
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Goni, Shri Abdul Ghani
Govind Das, Dr.
Gupte, Shri Shiv Charan
Hajarnavis, Shri
Hanumanthaiya, Shri
Harvani, Shri Ansar
Hazarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Himatsingka, Shri
Iqbal Singh, Shri
Jadhav, Shri Tulshidas
Jamir, Shri S. G.
Jamunadevi, Shrimati

(Continuance) Bill

Jedhe, Shri	Nayar, Dr. Sushila	Shankaraiya, Shri
Jena, Shri	Nehru, Shri Jawaharlal	Sharma, Shri A. P.
Joshi, Shri A. C.	Nigam, Shrimati Savitri	Sharma, Shri D. C.
Joshi, Shrimati Subhadra	Niranjan Lal, Shri	Sharma, Shri K. C.
Jyotishi, Shri J. P.	Oza, Shri	Shastri, Shri Ramanand
Kabir, Shri Humayun	Paliwal, Shri	Sheo Narain, Shri
Kanungo, Shri	Pandey, Shri R. S.	Shinde, Shri
Karuthiruman, Shri	Panna Lal, Shri	Shree Narayan Das, Shri
Kayal, Shri P. N.	Pant, Shri K. C.	Shrimali, Dr. K. L.
Kedaria, Shri C. M.	Patel, Shri Chhotubhai	Siddananjappa, Shri
Khadilkar, Shri,	Patel, Shri Man Singh P.	Siddiah, Shri
Khan, Dr. P. N.	Patel, Shri P. R.	Sidheshwar Prasad, Shri
Khanna, Shri Mehr Chand	Patel, Shri Rajeshwar	Singh, Shri D. N.
Kindar Lal, Shri	Patil, Shri D. S.	Singh, Shri R. P.
Kisan Veer, Shri	Patil, Shri S. B.	Singha, Shri G. K.
Kotoki, Shri Liladhar	Patnaik, Shri B. C.	Sinha, Shri B. P.
Kovjalgi Shri, H. V.	Pillai, Shri Natraja	Sinha, Shri Satya Narayan
Kripa Shankar, Shri	Prabhakar, Shri Naval	Sinha, Shrimati Ramdulari
Krishna, Shri M. R.	Pratap Singh, Shri	Sinha, Shrimati Tarkeshwari
Kureel, Shri B. N.	Puri, Shri D. D.	Sinhasan Singh, Shri
Lakshmikanthamma, Shrimati	Raghunath Singh, Shri	SivaPragasam, Shri K.
Lalit Sen, Shri	Raghuramaiah, Shri	Sonavane, Shri
Laskar, Shri N. R.	Rai, Shrimati Sahodrabai	Soundaram Ramachandran, Shrimati
Laxmi Bai, Shrimati	Raj Bahadur, Shri	Srinivasan, Dr. P.
Lonikar, Shri	Raja, Shri C. R.	Subramaniam, Shri C.
Mahadeva Prasad, Dr.	Rajdeo Singh, Shri	Subramanyam, Shri T.
Mahtab, Shri	Raju, Dr. D. S.	Sumat Prasad, Shri
Mahishi, Dr. Sarojini	Raju, Shri D. B.	Surendra Pal Singh, Shri
Malaichami, Shri	Ram Sewak, Shri	Swamy, Shri M. P.
Malaviya, Shri K. D.	Ram Subhag Singh, Dr.	Swaran Singh, Shri
Malhotra, Shri Inder J.	Ram Swarup, Shri	Thengondar, Shri
Mandal, Dr. P.	Ramaswamy, Shri S. V.	Thevar, Shri V.
Mandal, Shri Yamuna Prasad	Ramdhani Das, Shri	Thunnaiah, Shri
Mantri, Shri	Rananjai Singh, Shri	Thomas, Shri A. M.
Maruthiah, Shri	Rane, Shri	Tiwari, Shri D. N.
Masuriya Din, Shri	Rao, Dr. K. L.	Tiwari, Shri K. N.
Matcharaju, Shri	Rao, Shri Jaganatha	Tiwari, Shri R. S.
Mathur, Shri Harish Chandra	Rao, Shri Krishnamoorthy	Tombi, Shri
Mehrotra, Shri Braj Bibari	Rao, Shri Muthyal	Tripathi, Shri Krishna Deo
Mishra, Shri Bibhuti	Rao, Shri Rajagopala	Tyagi, Shri
Mishra, Shri M. P.	Rao, Shri Ramapathi	Upadhyaya, Shri Shiva: Dut
Misra, Shri Shyam Dhar	Rattan Lal, Shri	Vaishya, Shri M. B.
Mohanty, Shri G.	Raut, Shri Bhola	Valvi, Shri
Mohiuddin, Shri	Reddi, Dr. B. Gopala	Varma, Shri M. L.
Morarka, Shri	Reddiar, Shri	Varma, Shri Ravindra
More, Shri K. L.	Reddy, Shri K. C.	Veerappa, Shri
Mukerjee, Shrimati Sharda	Reddy, Shri Ramakrishna	Venkatasubbajah, Shri P.
Munzni, Shri David	Roy, Shri Bishwanath	Verma, Shri Balgovind
Murti, Shri M. S.	Sadhu Ram, Shri	Verma, Shri K. K.
Muthiah, Shri	Saha, Dr. S. K.	Vidyalankar, Shri A. N.
Naidu, Shri V. G.	Sahu, Shri Rameshwar	Virbhadra Singh, Shri
Nallakoya, Shri	Saigal, Shri A. S.	Vyas, Shri Radhelal
Nanda, Shri	Saraf, Shri Sham Lal	Wadiwa, Shri
Naskar, Shri P. S.	Satyabhama Devi, Shrimati	Wasnik, Shri Balkrishna
	Sen, Shri A. K.	Yadab, Shri N. P.
	Sen, Shri P. G.	Yadav, Shri Ram Harkh
	Shah, Shri Manabendra	Yadava, Shri B.P.
	Shakuntala Devi, Shrimati	
	Sham Nath, Shri	

NOES

Bade, Shri	Kapur Singh, Shri	Rajaram, Shri
Basant Kunwari, Shrimati	Kar, Shri Prabhat	Ramabadran, Shri
Berwa, Shri Onkar Lal	Kesar Lal, Shri	Rameshwaranand, Shri
Bhattacharya, Shri Dinen	Krishnapal Singh, Shri	Reddy, Shri Eswara
Bhawani, Shri Lakhmu	Kumaran, Shri M. K.	Reddy, Shri Narasimha
Bheel, Shri P. H.	Kunhan, Shri P.	Roy, Dr. Saradish
Brij Raj Singh, Shri	Laxmi Dass, Shri	Sen, Dr. Ranen
Buta Singh, Shri	Lohia, Dr. Ram Manohar	Shashank Manjari, Shrimati
Chakravarty, Shrimati Rena	Mahato, Shri Bhajahari	Shastri, Shri Prakash Vir
Chatterjee, Shri H. P.	Mandal, Shri B. N.	Singh, Shri J. B.
Chaudhary, Shri Y. S.	Masani, Shri M. R.	Singh, Shri Y. D.
Daji, Shri	Mate, Shri	Singha, Shri Y. N.
Dwivedy, Shri Surendranath	Mehta, Shri Jashvant	Swamy, Shri M. N.
Elias, Shri Mohammad	Murmu, Shri Sarkar	Umanath, Shri
Gopalan, Shri A. K.	Muzaffar Husain, Shri	Utiya, Shri
Gulshan, Shri	Nair, Shri Vasudevan	Venkaiah, Shri Kolla
Gupta, Shri Kashi Ram	Nambiar, Shri	Vimla Devi, Shrimati
Himmatsinhji, Shri	Nath Pai, Shri	Vishram Prasad, Shri
Imbichbava, Shri	Pandey, Shri Sarjoo	Warior, Shri
ha, Shri Yogendra	Paradhi, Shri	Yadav, Shri Ram Sewak
Ka-hhavaiya, Shri	Pattnayak, Shri Kishen	Yajnik, Shri
Kakkar, Shri Gauri Shanker	Pottakkatt, Shri	Yashpal Singh, Shri
Kemath, Shri Hari Vishnu	Raghavan, Shri A. V.	

Mr. Speaker: The result of the division is Ayes have 236 and Noes 68. Ayes have it.

Ayes 236; Noes 68.

The motion was adopted.

Shri A. K. Gopalan (Kasergod): In protest against the passing of this obnoxious measure, we walk out.

Shri A. K. Gopalan and some other hon. Members then left the House.

Shri Surendranath Dwivedy: This is a black Bill on the statute-book and it is anti-democratic. We cannot be a party to this. We, therefore, walk out.

Shri Surendranath Dwivedy and some other hon. Members then left the House.

श्री बड़े : इस कानून को पास करने से प्रजातंत्र की हत्या हो रही है इस वास्ते जनसंघ ग्रुप की ओर से विरोधस्वरूप मैं सदन से वाकआउट करता हूँ ।

Shri Bade and some other hon. Members then left the House.

Shri Yajnik (Ahmedabad): We also walk out in protest.

Shri Yajnik and some other hon. Members then left the House.

श्री रामसेवक यादव : यह कानून जनतंत्र विरोधी और जनमत विरोधी है । विरोधियों को दबाने का यह एक साधन है । इस तरह का बेशर्मी का कानून पास कर के यह बहुमत का दुरुपयोग करते हैं और मैं इस के विरोधस्वरूप सदन का त्याग करता हूँ ।

Shri Ram Sewak Yadav and some other hon. Members then left the House.

अध्यक्ष महोदय : कोई मੈम्बर बाधा नहीं डालेगा । हमें बाकी कायवाही करने दी जाय ।