

THE
PARLIAMENTARY DEBATES

Dated.....20.11.201

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Wednesday, 9th July, 1952.

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

PRIVILEGES COMMITTEE

**PRESENTATION OF REPORT ON ARREST OF
SHRI V. G. DESHPANDE**

The Minister of Home Affairs and States (Dr. Katju): I beg to present the report of the Committee of Privileges on the question of privilege involved in the arrest of Shri Vishnu Ghanashyam Deshpande, a Member of this House, which was referred to the Committee on the 27th May, 1952.

Dr. S. P. Mookerjee (Calcutta South-East): For the first time we are having a report like this. I would like to know what will be the procedure adopted. Will a date be fixed for discussion of the report, or will any other procedure be adopted?

Mr. Speaker: I will consider the matter, and then let the hon. Member know about it.

ELECTION TO COMMITTEES

**CENTRAL ADVISORY BOARD OF
EDUCATION**

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the Speaker may direct, three members from the House of the People to serve on the Central Advisory Board of Education for a period of three years."

82 PSD.

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the Speaker may direct, three members from the House of the People to serve on the Central Advisory Board of Education for a period of three years."

The motion was adopted.

COURT OF UNIVERSITY OF DELHI

Shri Satya Narayan Sinha: I beg to move:

"That in pursuance of item (xvi) of Clause (1) of Statute 2 of the revised Statutes of the University of Delhi, this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to be members of the Court of the University of Delhi for a period of five years."

Mr. Speaker: The question is:

"That in pursuance of item (xvi) of Clause (1) of Statute 2 of the revised Statutes of the University of Delhi, this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to be members of the Court of the University of Delhi for a period of five years."

The motion was adopted.

Mr. Speaker: I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees:

	Date of Nomination	Date for Election
(1) Central Advisory Board of Education	11-7-1952	15-7-1952
(2) Court of the University of Delhi		

[Mr. Speaker]

The nominations for these Committees will be received in the Parliamentary Notice Office up to 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Deputy Secretary's Room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move for leave to introduce a Bill further to amend the Preventive Detention Act, 1950.

Mr. Speaker: Motion moved:

"That leave be granted to introduce a Bill further to amend the Preventive Detention Act, 1950."

Dr. S. P. Mookerjee (Calcutta South-East): Sir, I rise to oppose the motion under rule 72 of the Rules of Procedure. In doing so, with your leave, I shall make a very brief statement. It is not customary for any Member to oppose the motion asking for leave to introduce a Bill. But in view of the extraordinary nature of the Bill which is now sought to be introduced we deem it our duty to oppose it at this stage, as we shall oppose it at every stage later on.

I do not wish to make a long speech now, because I am not allowed to do so under the rules. But I shall very briefly state the reasons why we oppose the Bill from the very beginning. It has been admitted by all that the principle of detention without trial is inconsistent with and repugnant to the basic principles of democracy. In fact, we have been trying to find out from the laws of various countries whether such an enactment exists in any democratic country, but we do not find it to be so. (*Interruption*). The hon. Minister of Finance will visit Russia next time and give us a first hand report, and we will await that report. (*Interruption*). In any case we are prepared to concede that an emergency may arise, and special circumstances may require in the history of any country, including ours, when such a Bill has to be passed into law. But the question is whether such conditions do exist in India today. And there our emphatic answer is that such conditions do not exist.

Some time must come when the country must be governed according to the rule of law, and this is the most propitious time when Government should have allowed the country to be governed according to the ordinary laws of the land. If it is necessary to amend the existing penal laws for any special purposes, that matter might be considered separately. But any Bill for the purpose of detaining persons without trial which is completely repugnant to democracy should not be proceeded with.

The last point which I would like to stress is that the manner in which the Act has been administered does no credit to Government. This will appear from the observations and judgments, not of politicians, but of Judges of High Courts and the Supreme Court, who have expressed their helplessness in dealing with matters where they felt obvious injustice was done and even where they had a suspicion that Government was acting in a *mala fide* manner. For this reason and for other reasons which we will have the chance to place before the House later on, we oppose the motion at this stage of introduction.

Dr. Katju: Sir, I am really astonished that my hon. friend—I do not know whether he has read the Bill which I have sought leave to introduce—has just risen to oppose the introduction of the Bill, by opposing the motion made by me asking for leave to introduce the Bill. In the Constitution, the Constitution-framers recognised the possibility of having such an Act on the Statute-Book, and have made detailed provisions about preventive detention. I do not want to enter into a controversy at this stage. If leave is granted, and the Bill comes up for consideration, I shall satisfy this House, irrespective of party considerations that the need exists and shall continue to exist for a considerable time. It may be—I speak with great respect—that my hon. friend who has just risen to oppose leave, has been speaking, I do not know, for party considerations; it may be that he himself probably will always act within the law and therefore will never be exposed to the dangers of preventive detention. But there are others who are engaged in activities prejudicial to public safety. There are, for instance, people who still hold arms without a licence, and say that they will continue to hold arms without licence, unless and until something is done by way of a settlement with them. Is that consistent with the prevalence of law here?