

[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?

I do not want, as I said, to go into details. We have taken every aspect into consideration in moving or in preparing this Bill and bringing it before the House. I am only carrying out the undertaking which I gave on the last occasion. The Act was due to expire on the 31st of March—the old Act—and we could have then sought liberty from the House to extend it for 12 or 18 or 24 months or any period. We thought it only fair and respectful to this House—newly elected House—that we should take the House into confidence and seek its consent in enacting it and therefore, the Act was only extended for six months. These six months will expire on the 30th of September. We are going out of our way to occupy the House in the month of July because we do not want to take any action on purely executive authority. The fairer thing will be for the House to have the Bill before it, to consider its provisions and then to give a considered opinion on the merits of the Bill. If the House thinks they should not like to have any Bill at all, that the country is absolutely safe and sound

and there is no danger either from without or from within and preventive detention is not likely to be of any effect, then let it say so. But I take objection to this—that it is something lawless. The Constitution provides for it. It is entered in List I and in the Concurrent List. The Constitution says that it can be framed and what the Constitution recognises as such is something within the law of the land. I do not want to take up any more time on this occasion.

Dr. N. B. Khare (Gwalior): I must say.....

Mr. Speaker: No, no. The hon. Member will resume his seat. He has no right to say anything now.

Mr. Speaker: The question is:

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

The House divided: Ayes. 279: Noes. 84.

Division No. 7]

[9-30 A.M.]

AYES

Abdus Sattar, Shri
Ashal Singh, Seth
Achint Ram, Lala
Achutan, Shri
Agarwal, Prof.
Agarwal, Shri H. L.
Agrawal, Shri M. L.
Akarपुरी, Sardar
Alagesan, Shri
Altekar, Shri
Alva, Shri Joachim
Amrit Kaur, Rajkumari
Anthony, Shri Frank
Asthana, Shri
Ayyangar, Shri M. A.
Azad, Maulana
Badan Singh, Ch.
Balasubramaniam, Shri
Bansal, Shri
Barman, Shri
Barrow, Shri
Barupal, Shri
Basappa, Shri
Bhakta Daraban, Shri
Bhandari, Shri
Bharati, Shri G. S.
Bhargava, Pandit M. B.
Bhatkar, Shri
Bhawanji, Shri
Bheekha Bhai, Shri

Bhonsle, Major-General
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Bornoah, Shri
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Brahmo-Choudhury, Shri
Buragohain, Shri
Chacko, Shri P. T.
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Shri
Chatterjee, Dr. Susttranjan
Chaturvedi, Shri
Chavda, Shri
Chinaria, Shri
Choudhri, Shri M. Shafiq
Dabhi, Shri
Damar, Shri
Das, Dr. M. M.
Das, Shri B. K.
Das, Shri Beli Ram
Das, Shri K. K.
Das, Shri Ram Dhan
Das, Shri Ramananda
Das, Shri S. N.
Das, Shri N. T.
Datar, Shri
Deb, Shri S. C.

Dasi, Shri K. N.
Deshmukh, Shri C. D.
Deshmukh, Shri K. G.
Deshmukh, Dr. P. S.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dubey, Shri R. G.
Dwivedi, Shri D. P.
Ebanazer, Dr.
Elayaperumal, Shri
Fotedar, Pandit
Gadgil, Shri
Gandhi, Shri M. M.
Gandhi, Shri V. B.]
Ghose, Shri S. M. J.
Ghosh, Shri A.
Giri, Shri V. V.
Gopi Ram, Shri
Gounder Shri K. P.
Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badabah
Hari Mohan, Dr.
Heda, Shri
Hem Raj, Shri

Hembrom, Shri	Mishra, Shri Bibbuti	Sahu, Shri Rameshwar
Ibrahim, Shri	Mishra, Shri L. N.	Sakhare, Shri
Islamuddin, Shri M.	Mishra, Shri Lokenath	Samanta, Shri S. C.
Iyyani, Shri E.	Mishra, Shri M. P.	Sauganna, Shri
Iyyanni, Shri C. R.	Mishra, Shri S. N.	Saukarapandian, Shri
Jagjivan Ram, Shri	Misra, Pandit Lingaraj	Sarmah, Shri
Jain, Shri A. P.	Misra, Shri B. N.	Satish Chandra, Shri
Jajware, Shri	Misra, Shri S. P.	Satyawadi, Dr.
Jangde, Shri	Morarka, Shri	Sen, Shri P. G.
Jasani, Shri	More, Shri K. L.	Sen, Shrimati Sushama
Jatav-vir, Shri	Muchaki Kosa, Shri	Seawal, Shri A. R.
Jayashri, Shrimati	Mudaliar, Shri C. R.	Shahnawaz Khan, Shri
Jena, Shri K. C.	Musafir, Giani G. S.	Sharma, Pandit Balkrishna
Jena, Shri Niranjan	Muthukrishnan, Shri	Sharma, Pandit K. C.
Jethan, Shri	Nair, Shri C. K.	Sharma, Prof. D. C.
Jha, Shri Bhagwat	Namdhari, Shri	Sharma, Shri K. R.
Joshi, Shri Jethalal	Narasimhan, Shri C. R.	Sharma, Shri R. C.
Joshi, Shri Liladhar	Naskar, Shri P. S.	Shastri, Pandit A. R.
Joshi, Shri M. D.	Natawadkar, Shri	Shastri, Shri H. N.
Joshi, Shrimati Subhadra	Natesan, Shri	Shivananjappa, Shri
Kakkan, Shri	Nathwani, Shri N. P.	Shobha Ram, Shri
Kale, Shrimati A.	Nehru, Shri Jawaharlal	Sidhananjappa, Shri
Kamungo, Shri	Nehru, Shrimati Uma	Singh, Shri Babunath
Karmarkar, Shri	Neswi, Shri	singh, Shri H. P.
Kasliwal, Shri	Nevatia, Shri	Singh, Shri L. J.
Katham, Shri	Nijalingappa, Shri	Singh, Shri M. N.
Katju, Dr.	Pannalal, Shri	Singh, Shri T. N.
Kausik, Shri	Pant, Shri D. D.	Sinha, Dr. S.
Kazmi, Shri	Parikh, Shri S. G.	Sinha, Shri Anrudha
Keshavalengar, Shri	Parmar, Shri R. B.	Sinha, Shri C. N. P.
Khan, Shri S. A.	Pataskar, Shri	Sinha, Shri Jhulan
Khedkar, Shri G. B.	Patel, Shri B. K.	Sinha, Shri N. P.
Khongmen, Shrimati	Patel, Shrimati Maniben	Sinha, Shri Satya Narayan
Khuda Baksh, Shri M.	Pateria, Shri	Sinha, Shri Satyendra Narayan
Kirolikar, Shri	Patil, Bhanu Saheb	Snatak, Shri
Kolay, Shri	Patil, Shri S. K.	Sodhia, Shri K. C.
Krishna Chandra, Shri	Patil, Shri Shankargaude	Somana, Shri N.
Krishnamachari, Shri T. T.	Prabhakar, Shri N.	Somani, Shri G. D.
Krishnappa, Shri M. V.	Prasad, Shri H. S.	Subrahmanyam, Shri T.
Kureel, Shri B. N.	Radha Raman, Shri	Suriya Prasad, Shri
Lal, Shri B. S.	Raghubir Sahai, Shri	Swaminadhan, Shrimati Annam
Laljanji, Shri	Raghubir Singh, Ch.	Syed Ahmed, Shri
Laskar, Prof.	Raghuramiah, Shri	Syed Mahmud, Dr.
Lingam, Shri N. M.	Raj Bahadur, Shri	Tandon, Shri
Madiah Gowda, Shri J.	Ram Dass, Shri	Tek Chand, Shri
Mahodaya, Shri	Ram Saran, Prof.	Telikar, Shri
Mahtab, Shri	Ram Subhag Singh, Dr.	Tewari, Sardar H. B. S.
Majhi, Shri B. C.	Ranbir Singh, Ch.	Thimmalah, Shri
Majithia, Sardar	Rane, Shri	Thomas, Shri A. M.
Malaviya, Shri K. D.	Ranjit Singh, Shri	Tivari, Shri V. N.
Malliah, Shri U. S.	Rao, Diwan Raghavendra	Tiwari, Shri R. S.
Malvia, Shri B. N.	Rao, Shri B. Shiva	Tripathi, Shri K. P.
Malviya, Pandit C. N.	Rao, Shri Seshagiri	Tulsidas, Shri
Malviya, Shri Motilal	Raut, Shri Bhole	Tyagi, Shri
Mandal, Dr. P.	Reddy, Shri H. S.	Uikey, Shri
Masquodi, Maulana	Roy, Dr. Satyaban	Upadhyay, Shri Shiva Dayal
Maquriya Din, Shri	Roy, Shri Patiram	Upadhyaya, Shri S. D.
Mathew, Prof.	Rup Narain, Shri	Vaishnav, Shri H. G.
Mehta, Shri A. L.	Sahaya, Shri Syamandan	Vaishya, Shri M. B.
Mehta, Shri Balwant Sinha	Sahu, Shri Bhagabati	Varma, Shri B. B.
Mehta, Shri B. G.		

Vartak, Shri
Venkataswami, Shri
Vidyalankar, Shri

Vijaya Lakshmi, Shrimati
Vishwanath Prasad, Shri
Vyaa, Shri Radhokal

Wilson, Shri J. H.
Wodeyar, Shri
Waidi, Col.

NOES

Achalu, Shri
Ajit Singh, Shri
Amin, Dr.
Amjad Ali, Jonab
Bahadur Singh, Shri
Banerjee, Shri
Basu, Shri K. K.
Biren Dutt, Shri
Buchhikotalah, Shri
Chatterjee, Shri N. C.
Chatterjee, Shri Tushar
Chattopadhyaya, Shri
Chowdhary, Shri C. R.
Chowdhury, Shri N. R.
Damodaran, Shri N. P.
Das, Shri B. C.
Das, Shri Saranadhar
Dasaratha Deb, Shri
Deo, Shri R. N. S.
Deogam, Shri
Deshpande, Shri V. G.
Gam Malletoke, Shri
Girdhari Bibal, Shri
Gopalan, Shri A. K.
Gurupadaswamy, Shri
Hukam Singh, Shri
Jaipal Singh, Shri
Jaiscoorya, Dr.

Jaswant Raj, Shri
Jena, Shri Lakshmid
Jwala Prasad, Shri
Kachroyar, Shri
Kamal Singh, Shri
Kelappan, Shri
Khare, Dr. N. B.
Krishnaswami, Dr.
Lal Singh, Sardar
Mahata, Shri B.
Majhi, Shri Chaitan
Menon, Shri Damodara
Mishra, Pandit S. C.
Misir, Shri V.
Mookerjee, Dr. S. P.
Mukerjee, Shri H. N.
More, Shri S. S.
Munswamy, Shri
Murthy, Shri R. S.
Mushar, Shri
Naidu, Shri N. B.
Nambiar, Shri
Nanadas, Shri
Nathan, Shri H. E.
Nesamony, Shri
Punnoose, Shri
Raghabechari, Shri
Raghavaiah, Shri

Ramnaraya Singh, Babu
Randaman Singh, Shri
Rao, Dr. Rama
Rao, Shri Gopala
Rao, Shri K. S.
Rao, Shri P. B.
Rao, Shri Vittal
Reddi, Shri Ramachandra
Reddy, Shri Bewara
Rishang Keshing, Shri
Saha, Shri Meghnad
Shah, Shrimati Kamelendu Mati
Shakuntala, Shrimati
Sharma, Shri Nand Lal
Shastri, Shri R. D.
Singh, Shri G. S.
Singh, Shri B. N.
Soren, Shri
Subrahmanyam, Shri K.
Sundaram, Dr. Lanka
Swami, Shri Sivamurthi
Swamy, Shri N. E. M.
Trivedi, Shri U. M.
Vallatharas, Shri
Veeraswami, Shri
Velayuthan, Shri
Verma, Shri Ramji
Waghmare, Shri

The motion was adopted.

Dr. Katju: I introduce the Bill.

CONSTITUTION (SECOND AMENDMENT) BILL

Shri H. N. Mukerjee (Calcutta North-East): Sir, yesterday I was making prefatory observations while commending my amendment which seeks to circulate the Bill in order to elicit opinion thereon by the 1st day of November 1952. I feel that a constitutional amendment is a matter about which we should try to secure the maximum possible public opinion and then decide in which way the Constitution ought to be amended. I feel that the heavens will not fall if there is some delay in finding out how exactly we are going to delimit our constituencies for whatever elections

might ensue in the future. I know that there are certain provisions in the Constitution which require to be changed, because we do have census enumerations from time to time. The population of our country changes and therefore if there are provisions in the Constitution which cannot possibly be observed in view of the change in the population structure of our country, then surely certain alterations are called for. I do not therefore object to the amendment as such but I do object and very strongly object to the manner in which the amendment has been sought to be made and the kind of thing which is now intended to be done by means of this amendment.