

Mr. Speaker: This is a matter which can be agitated in West Bengal.

Shri K. K. Basu: Certainly, but our point is that these are refugees who have returned from Orissa and Bihar. So, the Bengal Government themselves are not in a position, possibly, to solve the problem. Therefore, the Rehabilitation Minister had a conference with the adjoining States, to discuss about these problems. Therefore, we think it is quite relevant. At least, let us know what the Central Government are willing to say on this point.

Mr. Speaker: The subject might be relevant for the purpose of rehabilitation inquiry and information, but that should be agitated in a different form, and not in the form of an adjournment motion.

DELHI TRANSPORT SERVICE

Mr. Speaker: The other adjournment motion relates to the

"Failure of the management of the Delhi Transport Service to make available sufficient number of serviceable non-defective vehicles for the conveyance of public resulting in considerable inconvenience to the public."

In the first instance, I think this subject is not important enough to be taken notice of in the form of an adjournment motion. Government are running services at various places, and such incidents are bound to occur. But the more important reason,—or I should say, the other important reason, and not more important reason,—is that this is a subject in the charge of the Delhi State Government.

Shri Nambiar (Mayuram): No. This is a subject coming under the Transport Ministry of the Central Government, and there is something like a near-strike, as is admitted even in the statement of the Government of India.

We want to know whether the public will have the facilities to get some more buses, and whether more buses will be run. What exactly is the position? There is actually a crisis in the city. This subject does come under the Central Government.

Mr. Speaker: Let me be clear on that point. I think the Delhi Road Transport Authority is an autonomous body, in the first instance. I should like to know from the hon. Minister as to whether the statement made that it is under the authority of his Ministry is a correct statement, or it is under the Delhi State Government.

The Deputy Minister of Railways and Transport (Shri Alagesan): What you said is perfectly correct, that this Delhi Transport Service is being run by an autonomous Authority, which has been constituted under an Act of Parliament. The Central Ministry of Transport is not directly managing the Service. Without going into that, I may inform the House that we have already accepted a short notice question on the subject, which we propose to answer tomorrow, and we will be able to place full facts before the House.

Mr. Speaker: I do not think I can give consent to this motion, as I have already stated, on the first ground, and also on the second ground that a short notice question will give information to the hon. Members.

PREVENTIVE DETENTION (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.

Shri K. K. Basu (Diamond Harbour) rose—

Mr. Speaker: The general practice is that leave to introduce is not opposed or objected to. But if at all any hon. Member wishes to oppose it, he shall

not make a long speech, but he may ✓
make a short statement. ✓

Shri K. K. Basu: As you know, it ✓
is generally the practice here not to ✓
oppose at the introduction stage. But as you are aware, when a similar Bill was introduced in the First Session of this Parliament, we opposed its introduction, because we felt that this was a Bill which should be opposed at every stage. We consider the Preventive Detention Act, which unfortunately in our Constitution finds a place side by side with the fundamental rights, as a blot on the Constitution, is now nearly becoming a permanent part of our statute-book.

When that Bill was first introduced in the House in 1950, the then Home Minister Sardar Patel said, the situation in our country is such that it is necessary to have such a law. We do not go into the point whether it merited the enactment of such a law, but we think, possibly the party in power at that time thought it was advisable for the maintenance of their power, and therefore, such a Bill was necessary.

In 1952, when the present Home Minister wanted to introduce a similar Bill for another two years, he cited certain incidents, and he thought that since a new Parliament had come into existence through adult franchise, it may be that after some time, the condition of our country will be such that there will not be any reason for the continuation of this particular law.

We feel that this is a law which can only be enacted at the time of emergencies. Today, the condition of our country is not such that the security of the State is at stake, or some other emergent situation is there, which necessitates the continuation of this Act. From the manner in which this Act has been enforced during the last years when it was in force, we find that this law has been used against those persons who tried to oppose Government's policies. We have not ✓
yet seen to what extent this Preven- ✓
tive Detention Act has been able to curb the anti-social elements. But we have seen how this Act has been used

against those who oppose Govern- ✓
ment's policies. I come from a State ✓
where this Act has been used in ✓
connection with the teachers' strike. ✓
When the teachers were squatting ✓
peacefully in street in protest against ✓
certain policies of Government, they ✓
were arrested at dead of night by the ✓
Government and detained under this ✓
Act. We have also seen in Calcutta ✓
how during the tramway fare enhance- ✓
ment movement, peaceful procession ✓
was stopped by the police and the ✓
persons joining the procession were ✓
arrested, by the use of the powers ✓
which Government have under the ✓
Preventive Detention Act. Ultimately, ✓
on that question, Government appointed ✓
an independent tribunal consisting ✓
of a High Court Judge, who, I should ✓
say, is very much liked by Govern- ✓
ment, because in the case of all the ✓
inquiries, he is asked to preside and ✓
that very judge said that there was ✓
no case for the enhancement of the ✓
tramway fares. But, even then, when ✓
the people of Calcutta wanted to ✓
organise a protest in opposition to ✓
this particular enhancement, the ✓
Government of the State using the ✓
power of this legislation came forward ✓
to gag the opposition and put them ✓
behind prison bars. We have also ✓
seen when the people have been put ✓
behind the bars charges were brought ✓
against them of their participation ✓
in the 1930 national movement or ✓
terrorist movement. Therefore, we ✓
feel that this sovereign Parliament ✓
of India should not allow this legis- ✓
lation to continue in a free atmosphere. ✓
The hon. Minister has not made out ✓
that the condition of our country is ✓
such that this Parliament can give ✓
its approval for the continuance of ✓
this measure and its becoming part ✓
and parcel of the statute-book. ✓
Therefore, we urge upon the Home ✓
Minister to withdraw this Bill. ✓
Whenever we feel that the situation ✓
in the country is such, that our ✓
country is at war with a foreign ✓
country, it is open to the Govern- ✓
ment to come forward with this ✓
Bill. There is enough power in the ✓
ordinary law of the land to haul up ✓
and punish anti-social elements but ✓
there is no justification for a ✓
continuance of a power

[Shri K. K. Basu]

like this, which has always been used to gag the opposition. In a democratic set-up, it is absolutely necessary that the opposition should have every right; and all those persons who do not see eye to eye the policies of the Government should have every right to organise themselves and register their protest in a manner which they think appropriate. If the hon. Home Minister says that they are behaving in a manner which is against law and order and the maintenance of law and order, then there are the laws of the country. Come forward with the charges and let them be tried. In fact, we have seen that under the Preventive Detention Act, one of our esteemed friends, Dr. Syama Prasad Mookerjee, died in detention.

Mr. Speaker: Order, order. The hon. Member is exceeding the proper limits of a short statement for opposing at the introduction stage.

Shri K. K. Basu: I am closing, Sir.

Mr. Speaker: Let him close.

Shri K. K. Basu: Therefore, we feel that we cannot allow the life of this Act to be extended any further. I would request the House not to give its approval to the introduction of this measure. With these words, I oppose the introduction of the Bill.

Shri N. C. Chatterjee (Hooghly): May we add a few words now?

Mr. Speaker: The Opposition has stated its argument.

Shri N. C. Chatterjee: Are we not allowed at this stage to put forward any arguments in opposition to the Bill?

Mr. Speaker: Rule 89 says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question."

The whole idea is that if the Bill is allowed to be introduced, the House gets an opportunity of fully discussing it when the consideration motion comes. So, it is no use, discussing, therefore, at this stage.

The hon. Home Minister may make a statement if he wants.

Dr. Katju: It is a short Bill, Sir, and I never expected that there would be any intervention at this stage. When the time comes I shall take some time to explain the situation before the country and to lay facts and figures.

This Preventive Detention Act has proved an extremely effective measure (*Interruptions*) not because it assisted people put into jail but because of the psychological effect. I am speaking with a full sense of responsibility and I say that it is utterly unfounded, that it is utterly baseless to suggest that this Act has been used in the slightest degree against political opponents for the purpose of preventing political opposition. As a matter of fact, this has been used only for the purpose which Parliament has prescribed in the Act itself, namely, for the purpose of maintaining friendly relations with foreign Powers, maintaining law and order and the prevention of subversive activities. When I come to place before you the facts and figures, you will see that the maintenance of law and order has been the primary concern and it is for that purpose that it has been used most sparingly.

Then there is this suggestion that this is something extraordinary and that it should only come as an emergency power. That proposition, Sir, I am not prepared to accept because preventive detention is provided for in a variety of ways in the Code of Criminal Procedure and also in the Constitution. I therefore beg to move for leave.

Shri Nambiar (Mayuram): Is there any emergency?

Mr. Speaker: There is no question of the Preventive Detention Act, 1950.
any further argument on this point.
The question is:

"That leave be granted to introduce a Bill further to amend The Lok Sabha divided: Ayes 146; Noes 36."

Division No. 3]

11-45 A.M.

AYES

Achal Singh, Seth	Karmarkar, Shri	Ram Subhag, Singh, Dr
Achuthan, Shri	Katiu, Dr.	Ramanand Shastri, Swami
Ajit Singh, Shri	Keshavaiengar, Shri	Rao, Shri
Alagesan, Shri	Keskar, Dr.	Rao, Diwan Raghavendra
Baldev Singh, Sardar	Khongmen, Shrimati	Saigal, Sardar A. S.
Berman, Shri	Khuda Baksh, Shri M.	Saksena, Shri Mohanlal
Basappa, Shri	Kirolikar, Shri	Sarmanta, Shri S. C.
Bhagat, Shri B. R.	Krishna, Shri M. R.	Sanganna, Shri
Bhakt Darshan, Shri	Krishnamachari, Shri T. T.	Satyawadi, Dr.
Bhonsale, Shri J. K.	Krishnappa, Shri M. V.	Sen, Shri P. G.
Bogawat, Shri	Kureel, Shri P. L.	Sen, Shrimati Sushaina
Bose, Shri P. C.	Lal, Shri R. S.	Sewal, Shri A. R.
Brajeshwar Prasad, Shri	Lallanji, Shri	Shahnawaz Khan, Shri
Chanda, Shri Anil K.	Lingam, Shri N. M.	Sharma, Pandit Balkrishna
Chandrasekhar, Shrimati	Lotan, Ram, Shri	Sharma, Shri R. C.
Chaudhary, Shri G. L.	Madiah Gowda, Shri	Siddananiappa, Shri
Chettiar, Shri Nagappa	Majithia, Sardar	Singh, Shri H. P.
Dabhi, Shri	Malviya, Shri B. N.	Singh, Shri M. N.
Das, Shri B. K.	Malviya, Pandit C. N.	Singh, Shri T. N.
Das, Shri K. K.	Malviya, Shri Motilal	Singhal, Shri S. C.
Das, Shri N. T.	Matthen, Shri	Sinha, Shri Anirudha
Das, Shri Ram Dhani	Mehta, Shri B. G.	Sinha, Shri Jhulan
Datar, Shri	Mishra, Shri S. N.	Sinha, Shri K. P.
Deb, Shri S. C.	Mishra, Shri L. N.	Sinha, Shri Satya Narayan
Desai, Shri K. K.	Mishra, Shri B. N.	Sinha, Shri Satyendra Narayan
Desai, Shri K. N.	Misra, Shri R. D.	Sinha, Shrimati Tarkeshwari
Dezhmukh, Shri C. D.	Mohd. Akbar, Sofi	Sinhasan Singh, Shri
Dholakia, Shri	Mohiddin, Shri	Siva, Dr. Gangadhara
Dhulekar, Shri	Nanda, Shri	Sodhia, Shri K. C.
Dhruya, Shri	Narasimhan, Shri C. R.	Somana, Shri N.
Dube, Shri Mulchand	Natawadkar, Shri	Subrahmanyam, Shri T.
Duley, Shri K. G.	Nehru, Shri Jawaharlal	Suresh Chandra, Dr.
Dwivedi, Shri D. P.	Nehru Shrimati Uma	Swaminadhan, Shrimati Atma
Dwivedi, Shri M. L.	Palchoudhury, Shrimati Ilk	Syed Mahmud, Dr.
Echaran, I.	Pant, Shri D. D.	Telikar, Shri
Gandhi, Shri Peroze	Parikh, Shri S. G.	Thimmaiah, Shri
Ganpati Ram, Shri	Patakar, Shri	Thomas, Shri A. M.
Giri, Shri V. V.	Patel, Shri B. K.	Thomas, Shri A. V.
Gohain, Shri	Patel, Shrimati Maniben	Tiwari, Pandit B. L.
Govind Das, Seth	Pateria, Shri	Tiwari, Shri R. S.
Gupta, Shri Badshah	Pawar, Shri V. P.	Tiwary, Pandit D. N.
Hem Raj, Shri	Prabhakar, Shri Naval	Ujkey, Shri
Ibrahim, Shri	Rachiah, Shri N.	Upasanyay, Shri Shiva Dayal
Jain, Shri A. P.	Radha Raman, Shri	Upadhyay, Shri S. D.
Jayashri, Shrimati	Raghubir Singh, Ch.	Vaishya, Shri M. B.
Jogendra Singh, Sardar	Raghuramiah, Shri	Varma, Shri B. B.
Joshi, Shri Jethalal	Rahman, Shri M. H.	Venkataraman, Shri
Joshi, Shrimati Subhadra	Ram Dass, Shri	Vishwanath Prasad Shri
Kanna, Shri	Ram Saran, Shri	

NOES

Amjad Ali, Shri
Barrow, Shri
Basu, Shri K. K.
Bhawani Singh, Shri
Biren Dutt, Shri
Boovaraghasamy, Shri
Chatterjea, Shri Tushar
Chatterjee, Shri N. C.
Chowdhury, Shri N. B.
Dasaratha Deb, Shri
Deogam, Shri
Gadlingans Gowd, Shri

Gan Malludora, Shri
GiJwani, Shri
Girdhari Bhoi, Shri
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Jena, Shri Lakshmidhar
Kamal Singh, Shri
Krishnaswami, Dr.
Majhi, Shri Chaitan
More, Shri S. S.
Muniswamy, Shri
Naidu, Shri N. R.

Nambiar, Shri
Nayar, Shri V. P.
Pandey, Dr. Natabar
Raghavachari, Shri
Ramasami, Shri M. D.
Rao, Shri Mohana
Reddi, Shri Ramachandra
Reddy, Shri R. N.
Singh, Shri G. S.
Subrahmanyam, Shri K.
Veeraswamy, Shri
Waghmare, Shri

✓ The motion was adopted.

✓ Dr. Katju: I introduce the Bill.

ADMISSIBILITY OF AMENDMENTS

Mr. Speaker: The House will now resume further consideration of the Coffee Market Expansion (Amendment) Bill, 1954. Of the 5 hours allotted to this Bill, 37 minutes have been availed of yesterday and 4 hours 23 minutes still remain. This will mean that this Bill will be disposed of by about 4-30 p.m. Thereafter, the next Bill on the agenda, viz., the Rubber (Production and Marketing) Amendment Bill, will be taken up, for which, as the House is aware, 3 hours have been allotted.

12 Noon

I may invite the attention of Members to the nature of some of the amendments which have been tabled, as I find that some of them are outside the scope of the Bill, particularly the amendment proposed by the hon. Minister of Commerce and Industry. The amendment which he has tabled for the addition of a new clause—20A—to the Bill, seeks to amend section 45 of the principal Act which is not sought to be amended either in the original Bill as introduced in the House or by the Select Committee in their report. Therefore, I do not think it is competent for him to move that amendment which is outside the scope of the Bill. The only remedy is, if he thinks fit, to bring a separate piece of legislation to amend that particular section. I invited the attention of the House to this because I find that, even in regard to the Criminal Procedure Code,

a very large number of amendments—I have not counted the number—they may come to over 300—are beyond the scope of the present Bill now before the House. Of course, there, the hon. Home Minister has not tabled any such amendment.

Shri Sadhan Gupta (Calcutta—South-East): A ruling may be given.

Mr. Speaker: I shall give it when the occasion arises, when the Bill is taken up,—not at this stage.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I would like to apologise to the House for having tabled that amendment, but the House will understand the purpose behind the amendment. It is to regularise the procedure in conformity with the needs of the Constitution, namely, to empower the Auditor-General to inspect the accounts. But since you have ruled that it should be done by a separate Bill, we should certainly bring a separate Bill for that purpose. So, I would like to offer my apologies for having taken up the time of the House by tabling that amendment.

Mr. Speaker: I am now only concerned with the admissibility of the amendment and not with its merits. I only said that it is out of order and not that the amendment is not a desirable one. It may be very desirable, but the procedure was not correct. That was the only point which I wanted to mention.

Now, I would like to refer also to the Criminal Procedure Code, because