

The language and culture of an area have an undoubted importance as they represent a pattern of living which is common in that area. In considering a reorganisation of States, however, there are other important factors which have also to be borne in mind. The first essential consideration is the preservation and strengthening of the unity and security of India. Financial, economic and administrative considerations are almost equally important, not only from the point of view of each State, but for the whole nation. India has embarked upon a great ordered plan for her economic, cultural and moral progress. Changes which interfere with the successful prosecution of such a national plan would be harmful to the national interest.

The Government of India have come to the conclusion that the whole question of the reorganisation of the States of the Indian Union should be carefully examined, objectively and dispassionately, so that the welfare of the people of each constituent unit, as well as of the nation as a whole, is promoted. The Government have accordingly decided to appoint a Commission to conduct such an examination. The Commission will investigate the conditions of the problem, the historical background, the existing situation and the bearing of all important and relevant factors thereon. They will be free to consider any proposal relating to such reorganisation. The Commission will be at liberty to devise their own procedure for their work, for collecting information and for ascertaining public opinion. The Commission will ordinarily hold their sittings in private.

The Commission will make their recommendations to the Government as soon as may be practicable, and not later than the 30th June, 1955.

The Government expect that the Commission would, in the first instance, not go into the details, but make recommendations in regard to the broad principles which should govern the solution of this problem and, if they so choose, the broad lines

on which particular States should be reorganised, and submit interim reports for the consideration of the Government.

The Commission will have a Secretary and such staff and advisers as may be considered necessary.

The Commission will consist of Shri Saiyid Fazl Ali, at present Governor of Orissa, Shri Hriday Nath Kunzru, Member of the Council of States, and Shri Kavalam Madhava Panikkar, at present Ambassador of India in Egypt, of whom Shri Saiyid Fazl Ali shall be the Chairman of the Commission.

MOTION RE. REPORT ON THE  
 WORKING OF THE PREVENTIVE  
 DETENTION ACT—contd.

Shri Frank Anthony: Sir, I am sorry that the Home Minister is not here, because I am afraid that during the course of my speech I shall be constrained to refer to him, perhaps not always in the most gentle terms. I regret that the Home Minister made, by his speech, a bad case worse. I feel that in some respects, and I say this with all respect to the Home Minister, at the same time, he displays an unfortunate capacity, almost a genius, not only for irritating people wantonly, but for gratuitously giving offence by a cavalier and almost a flippant manner to a most serious problem, by either over-simplifying or over-stating the Government's case. Quite frankly, I was rather amazed both at the attitude and language of the Home Minister. The Home Minister gave me the impression of a lawyer who argued his case vehemently and in a partisan manner in order to justify his brief. If the Home Minister had admitted that the Government today was following on the footsteps of the British because of abnormal conditions in this country, if he had admitted that preventive detention without trial in times of peace is something which is repugnant to the fundamental concept of democracy, if he had admitted that this is an evil, but a necessary evil,

[Shri Frank Anthony]

if he had admitted that because it is a necessary evil, every care would be taken to qualify the opportunity of abuse, we may have listened to him with some attention, we may have listened to him even with some respect. But, instead, what were we treated to? We were treated to, I find words difficult to describe it, we were treated to a revolting and demoralising spectacle of the Home Minister speaking for an alleged democratic Government. Not only is he not apologetic for an Act which is a blot on our Constitution, but he extols it in an unqualified way. He extols it in terms of lyrical praise and commendation. The Home Minister expressed his amazement at the moderation of the State Governments. He gave me the picture of a person who regarded our State authorities as people who were handling criminals with almost virginal gentleness. I regarded the Home Minister's assertion as a mischievous and implied encouragement to the States to take action to a greater extent under the Preventive Detention Act.

[MR. DEPUTY-SPEAKER in the Chair]

In his attempts to argue his brief in this partisan way, the Home Minister committed facial contortions. He seemed to combine the roles of Dr. Quack and Father Christmas. Here we have Dr. Katju emulating Dr. Quack and telling us that preventive detention is a sovereign antidote because prevention is always better than cure. Then he assumes the role of Father Christmas and he tells us that by giving preventive detention to this country, we are conferring a boon on the people of this country, that we are saving the people of this country, that we are preventing them from becoming criminals. I am glad that Dr. Katju is coming into the House. I think I am at the end of my personal comments on the Home Minister. Dr. Katju reached the heights of cynical flippancy when he suggested to this House that we may even be persuaded to make this Act a permanent feature of our Constitution. I agree with

Acharya Kripalani that Dr. Katju was formerly a kindly man, but he is a victim of the political degeneration that has taken place in this country.

**Dr. Katju:** Hear, hear. I am trying all along to discover myself from what I hear from others.

**Shri Frank Anthony:** Though he agrees with some acclamation, he is a victim to this dictum of absolute power corrupting absolutely. That is what Dr. Katju has done. He asks us, without the suggestion of a qualm, without the suggestion of a blush of shame, that we should be persuaded into making this Preventive Detention Act, what I regard as a shameful blot on our Constitution, something which helotizes it, a permanent feature of our Constitution.

After this rather monumental piece of perverted advocacy, Dr. Katju goes on to commit further succession of blunders. What did he do? He has a wanton, gratuitous and unworthy fling at the judiciary. Though he took the precaution to preface his remarks with alleged respect and alleged deference to the judiciary, the insinuation, the innuendo was clear and I suggest that it was unworthy. He makes the supercilious condemnation that we should not run after precedents from America, from Brazil, from Holland. Dr. Katju has a reputation for being an eminent lawyer. But, apparently, he has lost touch both with Constitutions and constitutional law. I, at any rate, am not aware of our having drawn precedents from either Brazil or from Holland. But, we have drawn and drawn copiously from the American Constitution. When we were framing our Constitution, when we were raucously proclaiming to the world, our professions of secular democracy, we stridently advertised this fact that we were drawing copiously from this greatest written Constitution of the world and Dr. Katju, keeping pace with the traditions of the administration, chose to pour contempt on these precedents which were acclaimed so raucously by him and the party of the Government that he represents.

Then, Sir, what was Dr. Katju led to believe in? Even as a lawyer, I believe Dr. Katju is speaking with his tongue in his cheek. Let every Congressman ask his conscience, what does he believe in today? I think he believes that preventive detention without trial is something which is utterly repugnant and hateful to the fundamental concept of democracy, that the primary and the most fundamental of fundamental rights is personal liberty, and that detaining a man without trial is something which cuts across this. That is what we were led to believe. I believe and hope that Dr. Katju still believes in it. Yet, Dr. Katju, today, merely because he is on a different Bench, pours contumely on these fundamental concepts which India accepts, because contumely to them has been a copy-book maxim.

**Shri Aigu Rai Shastri** (Azamgarh Distt.—East cum Ballia Distt.—West): I want to know one thing. Is it Dr. Katju who is under consideration or the Preventive Detention Act?

**Shri Frank Anthony:** Dr. Katju at present is inextricably bound up with the Preventive Detention Act.

**Sbri U. M. Trivedi** (Chittor): He is the author of it.

**Shri Frank Anthony:** I am only making my point that Dr. Katju's speech has made a bad case worse.

Now, I shall deal with the report. I am constrained to say that this report is both superficial and perfunctory. In this one page or quarter of a page, we are told in fact, nothing. The Home Ministry has indulged in certain ungrateful, undiscriminating, sweeping generalisations.

I think they are the sweeping generalisations of Dr. Katju. On what does he base his plea for the continuance of the Preventive Detention Act? I shall refer to the main basis of his argument. What does he say? All the State Governments want the Act to be continued; they are unanimous in wanting it, and their

unanimity makes the case for its continuance overwhelming. And yet, let us analyse the unanimity of our States. Actually, in this report, which I feel is completely inadequate, the only break-up that we have received of the figures is in Statement I in respect of the persons detained as on the 30th of September, 1952. And what does an analysis show? Out of 26 States, on the 30th of November, 1952, 11 States did not have a single person preventively detained. How then could the States have achieved or arrived at any real unanimity? The basis for their reasoning, the basis for their allegedly endorsing this unanimously must have varied from State to State. Eleven out of 26 States on the 30th of November, 1952, did not have a single person preventively detained. That is the only analysis we are given and yet we are asked to accept this statement that all the States unanimously and with one accord endorsed the continuance of this Preventive Detention Act. And, Sir, I do not think Members on this side are either convinced or amused by the kind of unanimity that is induced today in the political field. Only the other day, we had rather an amusing example of the kind of unanimity to expect politically. Members of this House were roaring their protests, Members on that side were roaring like lions against the procedure in respect of the Joint Select Committee, and then, when the trainer came back and the whip was cracked, all these roars were not only pitched in minor key, but there was a chorus of purrings and even of frenzied acclaim. As I said, this is the kind of unanimity we in this House have been led to. As soon as the cat is away, the mice play, but when the trainer comes back and the whip is cracked, neither the mice nor the Members remember anything of their views which they expressed two or three days before. That is the kind of unanimity, I have no doubt, that was secured from the different States.

Then, Sir, the Home Minister has referred as another argument to the existing conditions in the country.

[Shri Frank Anthony]

What are the existing conditions in the country that justifying the continuance of this abnormal measure? He has tried to make our flesh creep. He has talked of violence, persons harbouring dacoits. He has talked of all kinds of unmentionable speeches, but this kind of lurid verbal underlining is not going to convince, at any rate, people with judicial minds and with a legal training. In this country—a sub-continent with 360 million people—you will always, even if it is a model State and a model country, get acts of violence; you will always get people harbouring dacoits; you will always get people making the wildest of speeches. What happened in America when America was almost over-run by gangsters? Comparing it with the size of this country, with the size of our population, I say that India today is comparatively in a more stable condition than America was during the gangster regime, and they did not think of enacting a Preventive Detention Act.

**Shri Aigu Rai Shastri:** India is running a very great risk.

**Shri Frank Anthony:** No.

**Shri Aigu Rai Shastri:** It is a fact.

**Shri Frank Anthony:** It is a thing which my friends are manufacturing in order to sell or deaden their conscience.

**Shri Aigu Rai Shastri:** We want to save ourselves.

**Shri Frank Anthony:** Let me analyse the figures so far as we have got them. On the 30th of September, 1952, there were 155 Communists. They represent Communist detenus. They represent the largest single group from any particular political Party. And now, I want to ask—I am sorry that the Leader of the House is not here....

**Shri Aigu Rai Shastri:** The Government is there.

**Shri Frank Anthony:**...what is the policy of the Government. I do not know whether you have a policy.

The other day, somebody remarked rather appropriately that many of Government's policy-makers evolve their policies with their heads in the air, and their feet firmly planted in mid-air. What is your policy? The Home Minister has merely made an innuendo that violence is subscribed to by the Communist Party and that the Act is directed mainly against the Communist Party. Is that correct? If that is correct, why don't you evolve a forthright and more honest policy? Why don't you tell the country deliberately and openly that the Communists, by their policies and activities, are a threat to this country? Why don't you prescribe the Communist Party? Why? Because you are afraid to enunciate an honest and forthright policy, you merely rest your case on innuendoes which are unfair to the Party concerned. You damn the whole country with a lawless measure of this description. Dr. Katju is not a framer of our foreign policy, but he is presumably responsible for internal security. On the one hand, Dr. Katju makes innuendoes suggesting that the Communists represent a menace to the security of this country.

**Mr. Deputy-Speaker:** As far as possible, personal names may be avoided.

**Shri Frank Anthony:** I am only commenting on the hon. Minister's speech.

**Mr. Deputy-Speaker:** The hon. Member is such a good parliamentarian. He can address the Chair.

**Shri Frank Anthony:** While there is this innuendo, if the Communists are, in the opinion of the Home Minister, such a menace to this country, I cannot understand this: why does the Government consort with the Communists? Why does the Government, in the international field, embrace the Communists to its bosom? Spokesmen of the administration, after they have been on a conducted tour of Communist countries, have come here and lyricised Communist achievements. As I say, you have no policy.

On the one hand, you purport to perpetuate this Preventive Detention Act because it is directed against Communists; on the other hand, you hug Communists to your bosom, you consort with the very people, and publicise and advertise Communist achievements in this country.

Then, there is the group of people who harbour dacoits, and there is the largest group of people detained allegedly for violence. But what does this analysis show? I do not know whether the Home Minister will attempt to answer my analysis. My analysis shows just this: that on the 30th of September, 1952—you have got a much smaller number now, but you have not got any analysis here; so I am dealing with the analysis based on a much larger number of detenus—there were 584 detenus. Of that number, 244 were detained allegedly for violence. But a significant feature is this. The largest group of people detained for alleged violence numbered 244; of that 176 is accounted for by the State of Bombay. Here is a State which has proscribed drinking, which has proscribed racing, which has proscribed gambling, which has proscribed even laughing. Here is this State imposing a pattern, or trying to impose a pattern to produce puritans and saints—in the opinion of some of us it is a pattern which would produce puritanical perverts and morons—but here is a State with this pattern of puritanism and saintliness representing two-thirds of the total number of people detained for alleged violence. *(Interruption)*. What is the significance? If the Communists are such a threat, why is it that on the 30th September 1952, there was not a single Communist under detention in the States of Travancore-Cochin and Madras, which are supposed to be strongholds of the Communists? Two-thirds of the violence in the country, according to your figures, are concentrated in what was once the most civilised and the most model State in this country viz. Bombay. It may not be civilised, it may not be a model State since the present

administration has supervised. But I say to the hon. Home Minister, do not use the Preventive Detention Act, in the whole country, because two-thirds of your violently disposed people are in Bombay, the remedy lies with you, have no more inhuman human beings to administer the Bombay State. Then you would not have to show us figures which show that two-thirds of the violence in the whole of this country is now concentrated in what was once the most civilised and the most model State in this country.

3 P.M.

**Shri Gadgil:** Has it ceased to be civilised, because of prohibition? Let us know it.

**Shri Frank Anthony:** Yes, because the essential sobriety and moderation which drinking liquor imposes has been taken away.

**Shri Algu Rai Shastri:** What about the Ten Commandments? I want to know from the hon. Member.

**Shri Frank Anthony:** We are told that there is so much of violence in this country, but analysis shows that it was not in the Communist strongholds—except for Hyderabad, where conditions were unusual—but in your best administered State.

Another argument in the parade of the hon. Home Minister's generalities was this, that the scope of abuse has been reduced to a minimum. My hon. friend who spoke before me made a reference to this. Has it been reduced to a minimum? Is it not that this is an argument which will be rejected out of hand by any lawyer? We know that no detenu can be represented before an Advisory Board. You ask laymen to represent themselves on highly technical matters. We also know this that you have Section 7 (2) of the Preventive Detention Act, as the most dominant provision. What does it say? It says:

“Nothing shall require the detaining authority to disclose what it considers to be against the public interest.”

[Shri Frank Anthony]

Here you gave a blanket sanction to every form of executive abuse, corruption, and sordidness of motive. Your Advisory Boards are reduced to impotence, because of this provision. As the previous speaker has pointed out, you have ousted the jurisdiction of every judicial tribunal in this country. Do not pretend to create the impression that judicial tribunals function completely, for they do not. All that the detaining authority has to do is to use the magic phrase 'public interest' to refuse to disclose it, and in the face of those terms, your Advisory Boards cannot ask for the grounds. Your courts themselves have acknowledged this position, that you have ousted their jurisdiction, and the only satisfaction is the subjective satisfaction of the authority, and they cannot go into the minds. All that the most corrupt, the most incompetent, and the most sordid of your corrupt officials can do is to use the word 'satisfaction', and your Supreme Court's jurisdiction is ousted. And yet we are asked to believe that there is a semblance of judicial authority in these matters. I would have liked the hon. Home Minister, in this report, which I repeat, is absolutely perfunctory, to have told us how many cases went to the Supreme Court, and what percentage of detenus was released. In spite of this, the hon. Home Minister has, in his lurid, and almost irresponsible way, blessed this measure, and I am quite amazed that he has referred to it as a beneficent measure, and has apologetically pleaded extenuating circumstances, and extolled and laid down something which is utterly repugnant and hateful to the traditions of this country.

**Shri Algu Rai Shastri:** Why?

**Shri Frank Anthony:** I am amazed that you are asking why. It displays the consciencelessness which is a menace to this country.

**Pandit Thakur Das Bhargava (Gurgaon):** We including the hon. Mr.

Anthony have all taken oaths of allegiance to the Constitution, and so we are bound by the Constitution. The hon. Member may certainly make criticisms, but he should not say that the law is unconstitutional.

**Shri Algu Rai Shastri:** He is showering abuses on everybody.

**Shri Frank Anthony:** I am not showering abuses, I am only stating facts which, sometimes, are like a nuisance to people who do not like them.

I am going to a much greater authority. I may have opposed, but I am a humble person; I am going to an authority and fountainhead, which was more acceptable. I think with all respect, than all the encomiums of the hon. Home Minister.

**Mr. Deputy-Speaker:** Order, order. This is only a motion under discussion. I have got as many as 29 Members on my list. The hon. Member started at 2.40 P.M., and I rang the bell at 3 P.M. He may kindly bear this in mind. Every hon. Member must have some consideration for time.

**Shri Frank Anthony:** I will finish in five minutes, Sir.

**Dr. Katju:** He is obsessed by the Home Minister, therefore he cannot deal with the subject.

**Shri Frank Anthony:** If the hon. Home Minister has got an obsessing kind of personality, what am I to do then?

Here is the verdict of the Chief Justice of India. The hon. Home Minister has said that it has worked beautifully, it has worked fairly, it is flawless, and that is beneficent. Here is Chief Justice Mr. Patanjali Sastri's verdict on the operation of the Preventive Detention Act. made as recently as in June, 1953. He said:

"Notwithstanding repeated admonitions...."

**Dr. Katju:** May I lend you a pair of spectacles?

**Shri Frank Anthony:** I have not been blinded yet by power.

**Shri Gadgil:** That accounts for many things.

**Shri Frank Anthony:** His verdict was:

"Notwithstanding repeated admonitions by the Court that due care and attention must be bestowed upon matters involving the liberty of the individual, it is distressing to find that such matters are dealt with in a callous and casual manner."

This was in a recent case of Dr. Ram Krishna Bharadwaj.

**Mr. Deputy-Speaker:** What is that reference?

**Shri Frank Anthony:** Dr. Ram Krishna Bharadwaj, *versus* the State of Delhi, on the doorsteps of our beneficent Government. The Chief Justice does not accept the hon. Home Minister's dictum that this is a beneficent measure, that it has bestowed the largest liberty on the people of this country, but goes on to say:

"Preventive detention is a serious invasion of personal liberty, and such meagre"—I would like the hon. Home Minister to note the word 'meagre'—"safeguards as the Constitution has provided against the improper exercise of the power must be jealously watched."

There is the verdict of the Chief Justice of the Supreme Court of India, that in spite of frequent admonitions, there is a callous use of this Act, that it is an invasion of personal liberty, and underlines the meagre safeguards provided in the Constitution.

I would respectfully submit that the Government are doing a disservice to the cause of democracy.

My hon. friend Acharya Kripalani challenged the *bona fides* of the Government. Every lawyer in this country must feel an innate revulsion against a measure of this kind, and I

hope that Dr. Katju in his private moments, will admit this to someone, that there is essentially a revulsion in his conscience against a measure of this kind.

By perpetuating a measure of this kind, the Government is succeeding in doing one thing and one thing only. The Government today is equating the party to the country and that is the tragedy. You are thinking in terms of eternal authority of one individual party. But we know that if democracy is allowed to function, one party cannot remain in the saddle eternally. And that is where you are bringing, the Government is bringing, democracy both into disrepute and contempt. What do people say today? They say that while the Government profess democracy on the one hand, they are murdering it on the other. They say that the Communists are murdering democracy. But then they do not profess and practise democracy; they do it brazenly and openly. That is why you are bringing, as I said, democracy into contempt.

And may I end on this last note? My fear is that by perpetuating this kind of thing, by trying to create the illusion that it is not a hateful or repugnant thing, you are degrading, you are deadening the conscience of the people of this country. And when you succeed in doing that, you will have not given a...

**Mr. Deputy-Speaker:** The hon. Member should address the Chair. I find so much of heat generated. That can be cooled down only by addressing the Chair.

**Shri Frank Anthony:** I am sorry, Sir. This is a fit subject for heat.

**Shri Gadgil:** He is refreshing some of his adjectives.

**Shri Frank Anthony:** That is my fear—that the conscience of this country, the democratic conscience of this country, is being deadened. I only hope, for the sake of democracy in this country, that this measure, and above all, the way in which it has been sought to be supported by the

[Shri Frank Anthony]  
Home Minister, will appropriately  
outrage the conscience of the country.

श्री श्री० इक्ष्वाकु (गुना) :

उप सभापति जी, भारत के गृह मंत्री डा० काटजू ने कल जब यह प्रस्ताव रखा कि बायद प्रिवेन्टिव डिटेन्शन ऐक्ट चिरंतन काल के लिये भारत के विधान में सम्मिलित होगा तब मैं समझता हूँ कि भारत में सभी वृद्धिमान लोगों को बड़ा धक्का लगा। मैं समझता हूँ कि एक क्षण के लिये भी तत्त्व-दृष्टि से प्रिवेन्टिव डिटेन्शन ऐक्ट किसी भी सुसंस्कृत देश के लिये एक बड़ा भारी कलंक है। भारत के संविधान में बड़ी गम्भीरता से हमने जनता को कई मौलिक अधिकार प्रदान किये हैं।

What are the fundamental rights we have granted to the citizens of this country?

इस देश के नागरिकों को आपने कौन से मौलिक अधिकार दिये हैं ?

One of the fundamental rights is the right to be detained preventively.

आपने हमको एक बड़ा अधिकार प्रदान किया है कि बिना अभियोग के कंठ में रहने का अधिकार भारत के नागरिकों को है। मैं समझता हूँ कि यह अधिकार सभी प्रत्यक्ष में आता है जब कि देश का अस्तित्व खतरे में होता है। हम समझ सकते हैं कि ऐसे समय में चार महीने के लिये, छः महीने के लिये या एक साल के लिये हमारी स्वातंत्र्य की कल्पना को दबा कर आप लोगों को कंठ कर सकते हैं। लेकिन धंगरेजों से सीखे हुए यह धंगरेजों के बेले उन से भी बड़ कर बड़े हो गये। इंग्लैंड में इस प्रकार का कानून लगा था, हिन्दुस्तान में भी यह कानून चल रहा था। लेकिन हमारे स्वतंत्र भारत की सरकार आने के पश्चात् सन् १९४७ और १९४८ में इस तरह की स्थिति हो गई कि इस को लगाया गया, फिर इसको दो साल

के लिये और बढ़ाया गया लेकिन १९५२ में हमारे गृह मंत्री काँचुरंत और ताकत इतनी बढ़ गई है कि प्रजातंत्र के इस सदन में आ कर के वह कह सकते हैं कि चिरंतन काल के लिये हम आज किसी आदमी को उठा कर बिना अभियोग लगाये जेल में रख सकते हैं। कहने को तो बड़ी बड़ी बातें कहाँ गईं कि गुंडे हैं, डाके डाल रहे हैं, ब्लैक मार्केटर हैं, बड़ा खतरा पैदा हो गया है, लेकिन यह बहाना रख कर आप हमारे सामने आये हैं। डा० काटजू ने बताया कि मोरेना और मिड में बड़े बड़े डाकू घूम रहे हैं। मैं गृह मंत्री से पूछना चाहता हूँ कि मिड और मोरेना में आपने कितने लोगों को प्रिवेन्टिव डिटेन्शन में गिरफ्तार किया है। मेरी इन्फार्मेशन है कि आपने वहाँ एक को भी कंठ नहीं किया। यह गुंडे कौन हैं, देश के लिये खतरा कौन बन रहे हैं ? उन का नाम आपने दिया नहीं है। मैं उनका नाम पूछना चाहता हूँ कि भारत की स्वतंत्रता को खतरा किससे था? आप के इशारों पर प्रान्तों में बहुत सी बातें कही गईं। पहले तो उनको बोला था स्वर्गवासी डा० श्यामा प्रसाद मुखर्जी, भारत सरकार के भूतपूर्व मंत्री, दूसरे थे डा० खरे, इसी कांग्रेस के एक प्रान्त के प्रधान मंत्री, वायसराय की एग्जिक्यूटिव कौंसिल के एक मेम्बर और आज पार्लियामेंट के सदस्य, तीसरे थे श्रीयुत निर्मल चन्द्र चटर्जी, कलकत्ता हाईकोर्ट के भूतपूर्व न्यायाधीश इन तीनों से इस प्रकार के लोगों को कंठ करने के लिये यह कानून आपने बनाया है पक्षपात; हर एक दल की दृष्टि से पूरी इन्फार्मेशन आपने नहीं दी है। आई० एन० टी० यू० सी०, सी० पी० आई०, एस० बी० सी०, एस० पी० आई, और ऐसे ही कई नाम मेरे पास हैं। डिक्शनरी के जो अल्फाबेट्स हैं मैं समझता हूँ कि सभी उठा कर रख दिये गये हैं। मैं ती समझा कि बायद अल्फाबेट्स

की कोई कान्फेंस हो रही है। लेकिन पूरा विस्फेपण करने के बाद मैंने देखा है कि कैद किये हुये भ्रादरियों में से ४६ तो हिन्दू महासभा के हैं, २० जन संघ के हैं, ४ रामराज्य परिषद् के हैं, कुल मिला कर ७३ हुये दूसरी जगह के लिये लिख दिया है कि हिन्दू महासभा, जनसंघ और राम राज्य परिषद् के खिलाफ हुये कुल ५५। इस तरह से कुल ९१४ में से हिन्दू महासभा एंड ऐलाइड धार्मोनाइजेशन के मिला कर १२८ लोगों को उन्होंने कान्फेंस के लिये कैद किया है। राष्ट्र को सुरक्षा के लिये एक वर्ष में ८ भ्रादरियों को कैद किये हैं। मैंने कम्युनिस्ट क्षेत्रों से कैद किये गये लोगों का भी रहस्योद्घाटन करने का प्रयत्न किया है उस के फिगर्स यह हैं : कम्युनिस्ट एंड ऐलाइड धार्मोनाइजेशन के १०४, सोशलिस्ट और फार्वर्ड ब्लाक मिला कर १३, मुस्लिम लीग के ४, कर्नाटक की जो परिषद् थी उस के १०, खेदूत संघ के २। ऐसे लोग जो कि राजनैतिक दल के हैं लेकिन जिम्मा सरकार को पतानहीं कि यह किस दल के हैं २३८, जिन लोगों का किसी राजनैतिक दल से सम्बन्ध नहीं था उस प्रकार के ४१५। इस तरह से कुल मिला कर ९१४ लोगों को उन्होंने कैद किया है।

धामे चल कर यहां यह कहा जाता है कि यह लोग देश के शत्रु हैं। लेकिन ब्लैक मार्केटिंग करने वाले जो लोग हैं उन में से कितनों को आपने कैद किया है? सौराष्ट्र और राजस्थान की बात यहां कही गई। लेकिन सौराष्ट्र और राजस्थान से मैं पूछता हूँ कि सब मिला कर कितने ब्लैक मार्केटर्स को आपने कैद किया है? पूरे फिगर्स देखने के पश्चात् मैं देखता हूँ कि २८ से ज्यादा ब्लैक मार्केटर्स को इस सरकार ने कैद नहीं किया है। मैं जानता हूँ कि देश भर में २८ से ज्यादा ब्लैक मार्केटर्स आपको मिल सकते

थे। लेकिन यह सरकार ही चल ही रही है ब्लैक मार्केटर्स के बल पर। पच्छीस पच्छीस लाख रुपये सरकार को सुगर के कारखानेदारों से चुनाव मड़ने के लिये मिलते हैं। जो लोग समाज के सच्चे शत्रु हैं उन को गिरफ्तार करने की ताकत तो उन में भी नहीं।

धामे चल कर मैं धामे से यह पूछना चाहता हूँ कि किस प्रकार से इस प्रिवेन्टिव डिटेन्शन का काम चलता रहा? आज इस सदन में मुझे इस बात का अभिमान प्राप्त है कि पार्लियामेंट के अन्दर पिछले दो वर्षों में सबसे ज्यादा प्रिवेन्टिव डिटेन्शन की सजा सुगतने वाला मैं हूँ। एक वर्ष के अन्दर दो बार मुझे प्रिवेन्टिव डिटेन्शन ऐक्ट में जेल जाना पड़ा और आज मैं इस सदन में पूछना चाहता हूँ कि आखिर मुझे किस कारण से जेल जाना पड़ा। मैं अपनी बात बतलाना चाहता हूँ। सुप्रीम कोर्ट में मेरा केस गया था और सुप्रीम कोर्ट ने यह निर्णय दिया कि यह ठीक बात नहीं है और मुझे छोड़ दिया जाना चाहिये। दूसरी दफा भी . . . . .

श्री अल्लू राम शास्त्री : उपाध्यक्ष महोदय, मैं एक बात धामे से जानना चाहता हूँ। अभी मेरे मित्र ने कहा कि सुगर मार्केटर्स से २५ लाख रुपये इस पार्टी को चुनाव फण्ड के लिये मिल जाते हैं और इस कारण उस ने किसी को जेल नहीं भेजा। मैं जानना चाहता हूँ कि क्या इस बात का कोई सबूत उनके पास है कि कांग्रेस पार्टी को रुपये मिला है?

श्री गार्डियन : वह प्रमाण देने की जरूरत नहीं समझते हैं।

श्री श्री० श्री० बेजापडे : मैं खुद इन्कार नहीं करता प्रमाण बताने से। मैं धामेको बताना चाहता हूँ कि कम मुझ से एक सुगर

[श्री बी० जी० देशपांडे]

के कारखानेदार मिले। अगर मैं उनका नाम आपको बतला दूंगा तो आप पता लगने पर उस को ही प्रिवेन्टिव डिटेन्शन में पकड़ लेंगे। इसलिये मैं नाम नहीं बतलाना चाहता। लेकिन मेरे पास सैटिस्फैक्टरी प्रमाण मौजूद हैं।

**Shri Gadgil:** On a point of order, Sir, if a person knows that a particular man has committed a crime, and when the person happens to be a responsible man, namely, a Member of Parliament, is he not bound to disclose the name?

**Shri U. M. Trivedi:** Is giving contributions a crime?

श्री बी० जी० देशपांडे : मैं समझता हूँ कि कांग्रेस को चन्दा देना क्राइम है जो गार्डियल साहब ने कहा क्राइम करने वालों के नाम के बारे में तो मैं साभसता हूँ कि इसकी आवश्यकता नहीं। लेकिन मेरी समझ में यह बात जरूर है कि कांग्रेस को चन्दा दिया गया है, लेकिन इन्डियन पैनल कोड में यह कोई गुनाह नहीं समझा गया। इसी के कारण . . .

**Mr. Deputy-Speaker:** I would like hon. Members, as far as possible, in dealing with such subjects to proceed on the merits and not cast aspersions of corruption with respect to any party, the Congress Party or the Communist Party. We are not going into an investigation whether these charges are true or false. The man who has come might say so on various grounds. Therefore, unless the hon. Member is prepared to give information or place any facts before the House with respect to such serious charges, so that they may be verified by the other side, I would not like him to cast aspersions on the character or conduct of other parties in this House.

श्री एन० बी० शर्मा : मैं यह पूछना चाहता हूँ कि एक गुप्त बात की हवा तो उड़

सकती है पर उसका प्रमाण क्या मिल सकता है ?

**Mr. Deputy-Speaker:** Whatever *hawa* comes in, it must be suppressed.

**Shri S. S. More (Sholapur):** Sir, we are at a disadvantage. The Congress Party, because it happens to be in power can say anything about the opposition parties and even preventively detain us. We cannot however, say anything ourselves about the Congress. Our declarations are not supposed to be confidential before the Advisory Board and we are asked to substantiate our criticism.

**Mr. Deputy-Speaker:** Hon. Members must wait. If they have got their difficulties, they must wait to strengthen their party and capture the Government. I cannot allow this. Merely because there is an Act and the Government is entitled to follow a procedure, each hon. Member cannot come before the House and level all kinds of charges. Let them strengthen themselves by an Act of Parliament; let them do so. The minority cannot exercise the right of heaping abuses on the other party on the floor of the House. I cannot allow it here.

श्री बी० जी० देशपांडे : उस समापति महोदय, यदि मैं इसका सबूत ले आऊँ तो क्या मैं यह चार्ज ला सकता हूँ यदि उस समापति महोदय आज्ञा दे दें तो मैं प्रिविलेज कमेटी के सामने इसका सबूत लाकर इस चार्ज को लाने के लिये तैयार हूँ। जो आरोप मैंने किया था उस का सबूत मैं ला सकता हूँ। मैं तो डॉ० काटजू साहब के सामने इस बात को साबित करना चाहता हूँ। मेरा इरादा तो आपको यह बतलाने का था कि जिनको आपने कैद किया है वह राष्ट्र की रक्षा के लिये घातक नहीं हैं। इस लिस्ट में २८ से ज्यादा ब्लैक मार्केटियर्स नहीं हैं। हमारे दिल में यह डर था कि जो विरोधी दल हैं

उनको बचाने के लिये, उनको कुचसन के लिये इस कानून का उपयोग होगा, इस हमारे भय का पूरा समाधान हो गया है। जिस प्रकार से आपने एक वर्ष में अपने अधिकारियों के द्वारा इस प्रिवेंटिव डिटेन्शन ऐक्ट पर काम कराया है उस को देख कर मुझे वह पूर्ण विश्वास हो गया है कि हमारा भय सही था।

तो मैं यह बता रहा था कि पहली बफा जब मुझे कैद किया गया तो मुझे सुप्रीम कोर्ट ने छोड़ दिया। दूसरी बार मैं फिर छोड़ दिया गया। पर सरकार की इच्छा नहीं थी। इस लिये अभी मैं कोर्ट से चल कर अपने घर भी नहीं पहुंचा था कि मेरे दरवाजे पर एक सी० आई० डी० का आदमी मेरे से मिला और उस ने मुझे बतलाया कि तुमको कैद किया जाता है क्योंकि तुम्हारे खिलाफ गवर्नमेंट का रिट है क्योंकि तुम उस प्रस्ताव का विरोध करना चाहते हो जो कि आन्दोलन को बन्द करने के लिये किया जाने वाला है। तो इस प्रकार से लोगों को कैद किया जाता है।

मैं आपको एक और बात बतलाना चाहता हूँ कि किस प्रकार से आपने लोगों को कैद किया है। इसमें मुस्लिम लीग का एक आदमी है और एक जर्मियत इस्लाम का आदमी है। इन दो व्यक्तियों को कैद किया गया है। मुस्लिम लीग वाले के बारे में यह कहा गया कि वह इस बात की कोशिश कर रहा था कि आसाम का कुछ हिस्सा पाकिस्तान में चला जाय। मैं ने इलेक्शन ट्राइबुनल का निर्णय पढ़ा है कि एक कांग्रेस के सदस्य ने यह पत्रक निकाला था कि कांग्रेस में मेरा बखन है और अगर मैं चुन कर आता हूँ तो मैं इस हिस्से को पाकिस्तान में भेज दूंगा। उसका कुछ नहीं क या गया हम जानते हैं कि अगले में

कान्फेंस क्यों हुई। जब अमरीका और पाकिस्तान का समझौता हो रहा था ठीक उसी समय भारत के मूसलमान एक जगह एक कान्फेंस में इकट्ठे होते हैं और इस्ताम सतरे में है का नारा उठाते हैं। यह किस उद्देश्य से हो रहा था। हमारे हौम मिनिस्टर साहब को इसका पता होना चाहिये था। उनको पता नहीं कि देश में कौन पंचमांगी हैं पर वह श्री श्यामा प्रसाद मुखर्जी, श्री चटर्जी और डा० सरे को कैद करते हैं जो कि हमारे देश के महान नेता हैं और जिनका सहयोग कांग्रेस ने इस देश का शासन प्राप्त करने के लिये लिया था। हम बताना चाहते हैं कि आज देश में जो पंचमांगी हैं उनके खिलाफ कुछ भी नहीं किया जाता है। मैं तो समझता हूँ कि कम्युनिस्ट जो कि हिन्दुओं के खिलाफ कोशिश करते हैं उनके लिये भी इसका उतना उपयोग नहीं हो रहा है। इसलिये मेरा निवेदन है कि यदि आप प्रजातंत्र चाहते हैं और देश को सुरक्षा चाहते हैं तो आपको इस ऐक्ट को एक बरस तो क्या एक मिनट के लिये भी नहीं रखना चाहिये। यही मेरी मान्यता है।

**Dr. Jaisoorya (Medak):** Mr. Deputy-Speaker, Sir, for the last 20 days I have thrown my friends into consternation by saying that I have begun to appreciate the extraordinary great service the Home Minister has been doing to the country. I propose, Sir, and I have told the Home Minister once before, that he should get a salute of 21 guns (*Interruption*) with live bullets and all those guns should be aimed straight at him.

**Shri M. P. Mishra (Monghyr North-West):** Why not a Stalin Peace Prize?

**Dr. Jaisoorya:** Sir, I heard yesterday speeches about how we have departed from the great tenets that Mahatmaji

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taught us. Krishna Menon has put it very nicely. He said the revolutionaries of yesterday are the administrators of today and the administrators of today are the reactionaries of tomorrow. Unfortunately, that tomorrow has already arrived.

Here the hon. Home Minister says that he will consult all the State Governments, collect their opinion and other statistics and submit and circulate a sort of report to the Members of both the Houses and so on. We will, first of all, ascertain the views of the State Governments. I do believe that you must have a Preventive Detention Act because, if you do not have that, these States which are in a bad state will become worse States. Right down from the South, Travancore-Cochin, the residuary State of Madras—whatever remains—Andhra, Hyderabad, Rajasthan, PEPUSU, the Punjab all over, are rotten States.

**An Hon. Member:** Himachal Pradesh.

**Dr. Jaisoorya:** Very soon it may happen—that danger—that Dr. Katju may have to hold six babies from PEPUSU right down to Travancore-Cochin, and, therefore, if you do not have some such law to protect the Government, then you cannot visualise what might happen. I am not here to speak about the other States—let them look after themselves—but I am only trying to draw some inferences from the fine bland speech of the Home Minister and what I see in actual practice in Hyderabad. Of course, he gets the information secondhand, that is, through the Government of Hyderabad. I get my information first-hand, from the very sources that supply information to his Government in Hyderabad. I get the same information free. There is something funny about it. I see here in the report that out of 126 persons who were in detention on 30th September 1952, 112 are Communists—now the classification is beautiful—53 indulging in violence, 22 preaching violence, 35 bad characters, 14 Mulki agitators and 2 Communal agitators. Now, on the question of bad charac-

ters, if my hon. friend will only come today with me to Hyderabad, I will show him such bad characters as are very hard to expect or find and they are leading very respectable lives.

**Shri S. S. More:** Because they have joined the Congress.

**Dr. Jaisoorya:** He is not so ignorant. He has got accurate information and he should know that I have got the same information, but he cannot give the information, whereas I have the right to bring it here. Now, the point is this. It is a question of interpretation and evaluation. Is a corrupt officer or a corrupt Minister not a source of danger to the State? Is he not?

**Dr. N. B. Khare:** Yes.

**Dr. Jaisoorya:** Yes, and to my utter surprise, there was recently a verdict which almost amounted to this: it was a slight case of murder and a slight case of serious embezzlement—and that is the Central Parliamentary Board (Congress Party) Resolution, and people laughed at it, and they say "What is this?" You have lowered the prestige and brought the State into jeopardy by running your own prestige in every street, in every lane...

**Mr. Deputy-Speaker:** The hon. Member is going beyond the scope of this subject.

**Dr. Jaisoorya:** I am talking of preventive detention, Sir.

**Mr. Deputy-Speaker:** Many things can be brought in on any Bill. He said that there are other black-guards in the world and they are not yet caught. So, the Penal Code has got to be repealed. I will not allow such arguments. Further, hon. Members should not cast aspersions on Ministers there and their conduct cannot be taken up here. I am sure no-confidence motion etc. can be brought against them there.

**Dr. Jaisoorya:** Yesterday, I heard him say that this was meant for goondas. I looked through the list supplied here. Tremendous statistics

are given—one goonda in Madhya Pradesh, and then there are 11 harbourers of criminals, but goondas are two. He said there is an Advisory Board, there is the High Court and then the Supreme Court. There is something funny. It may be that Hyderabad is a very reactionary place—maybe the officials there have not understood democracy. In Hyderabad, on 30th September 1952, the Advisory Board did not release anybody, the High Court released 4, the Supreme Court ordered the release of 38. In other words, the Supreme Court have had to come to the rescue of these detenus who have been given all the justice in Hyderabad by the Advisory Board and the High Court. Here, I have got another statistics where you will find something very funny. After 30th September 1952, there were very few arrests under the Preventive Detention Act. If I remember it, there is a secret circular by Mr. H. V. R. Iengar, chapter 22 of which says that Governments must be very careful in framing the charges under which detention could be made. In September 1952, 21 were arrested and one of the grounds given was that he was a friend of Dr. Jaisooriya.

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

**Shri Gadgil:** A very good ground.

**Dr. Jaisooriya:** Sir, I have got a book presented to me in which it is written "to my esteemed and dear friend, Dr. Jaisooriya from Kailas Nath Katju". Why not take him under the Preventive Detention Act? I can tell you one thing and that is that nobody can say that he is a habitual liar. He meant it when he said it.

**Shri Gadgil:** He must be regretting it.

**Dr. Jaisooriya:** In spite of all these warnings, out of five grounds, more than half of them were not good and all the four grounds in this case were so extraordinarily stupid that within a few days, those men had to be released by the Supreme Court. There-

fore, the whole instrument or the machinery may be good, but then you must have a very very fool-proof high-quality Board. What is the guarantee that you have got such a high-class machinery?

Then, I want to show the fallacy—I am not going into the question whether it is moral or immoral—that I see here. Expediency means everything to Government. The only thing that hurts me very much is that for the purpose of expediency, various arguments were adduced yesterday. Leon Blum says—

"No government can remain stable in an unstable society and an unstable world".

You must create a stable society—not a danda, not by the Preventive Detention Act. But by reorganising the whole socio-economic structure of the country. That is the way to look at it.

Secondly, yesterday I was hurt very much—I don't know what has happened to him—but I must say that because of a single bad example, we cannot say that jurisprudence is bad or that medicine is bad, as Henry Clay says—

"It would not be thought as very just or wise to arraign the honourable profession of law and physique just because the one produces the petty-fogger and the other the quack.

"The arts of power and its minions are the same in all countries and ages. It marks its victim, denounces it and excites the public odium and public hatred to conceal its own abuses and encroachments."

If you have got a strong Government, if you have got confidence in the people, the people themselves will beat them up.

**Shri Aju Bai Shastri:** Will you permit that?

**Dr. Jaisooriya:** People will listen, when they are in trouble. You remove those troubles. I now want to

[Dr. Jaisoorya]

quote Harold Ikes who recently said. "I am opposed to Governments by cronies." Therefore, Sir, there is no argument in merely saying that something might happen. There is plenty of argument today, and most of these things can be handled by common law. Ah, if there is going to be danger to India, we shall be with you.

**An Hon. Member:** To whom?

**Dr. Jaisoorya:** It may be danger to India, not to your parties.

**Shri M. P. Mishra:** Who will be with the country? Is it Dr. Jaisoorya?

**Dr. Jaisoorya:** The people. The people will tell you that. This kind of cynical attitude is what always hurts me. You have got the powers. Yes, carry on, but do not justify your action by cynical movements and words.

**Shri Gadgil:** Mr. Chairman, since this motion provides an opportunity for the review of the position in relation to the administration of the Preventive Detention Act that was passed by this Honourable House last year, it is necessary that we must concentrate our attention on two points: one, whether, during this period, the Act has been administered with care and reasonableness, and secondly, whether Government has made out a case for the continuance of this Act for another period of one year.

Now, so far as the first question is concerned, although I was not present here yesterday, I have had the opportunity of reading the speech of the Home Minister. He has shown by statistics that the number of detenus has gone down to 117 on the 30th September, 1953, which works out to one man for every 30 lakhs of the people.

**Dr. Katju:** 31st October.

**Dr. N. B. Khare:** Homeopathic pills are very powerful.

**Shri Gadgil:** Now, the machinery established, that is, the Advisory Board, the power to review cases

from time to time, references to the High Courts and the Supreme Court, have worked, according to my humble opinion, to a satisfactory extent. No instances, as they were quoted last time when the main Act was under discussion, have been referred to where there has been abuse of the provisions of this Act. A case or two and quotations from the judgments of the Chief Justice were referred to. It only shows that in spite of great vigilance on the part of the Government, the Advisory Board, the High Courts and the Supreme Courts, yet, there are cases of 175 people, the justification for the detention of whom is beyond reasonable shadow of doubt. That is great testimony that the Act had been properly administered.

The second question that I posed for this honourable House to consider was whether Government had made out a case for the continuance of this Act. We are all agreed that on theoretical grounds, preventive detention is not very welcome. Nobody wants it, and least of all, those who belong to the great organization, the Congress, which has worked throughout the last 70 years for individual freedom, for liberty and fraternity and so on. We really do not like it, but circumstances have placed this party in a position of governing this country and the responsibility of maintaining law and order not only today but creating conditions in which law and order will be maintained in future is on their shoulders. If you hold a man responsible, it is necessary that you must arm him with adequate and effective power.

**Shri S. S. More:** What about the Britishers?

**Shri Gadgil:** If you ask any body of persons to be responsible for the governance of such a vast country in which there are so many parties with so much variety of temperament, then, you must arm that Government with adequate and effective power. Such powers are absolutely necessary under two circumstances, one, where there is a clearly established emergency, and

the other, where undoubtedly it is a period of transition where, when the country is going from one state of affairs to a new order, the transition should be as smooth and as little accompanied by disturbances as possible.

Here, for the first time, in this great country, a democratic constitution has been adopted and mere adoption on paper of a democratic constitution or raising of democratic institutions do not necessarily mean that a real democratic temper, real democratic attitude or real democratic approaches are available in the population at large. We have been accustomed to certain political institutions and we still, so to say, indulge in those habits which are not exactly conducive to the proper functioning of democratic institutions. Not that we will not do it, but at least a period of ten to fifteen years—at least one generation—will have to go through this when they will necessarily develop those habits, political and social, which will mean that every question will be considered dispassionately and nobody will take to lawlessness or civil disobedience merely because he has been, somehow or other, badly treated by a Government officer or, for the matter of that, by Government. Where the Constitution provides that—whether you want to change any particular law or any provisions of any law, or, for the matter of that, the Constitution itself, the provisions as regards amendability of the Constitution are so easy and little complicated in our Constitution that by cultivating public opinion in the course of three or four years, you can have the opportunity of securing the majority at the general election, come back to power and amend the Constitution in any way you like. The democratic habit is that whether you are in the opposition or in the Government, to whatever party you belong, there is a fundamental agreement on what you call fundamental categories in the Constitution: that if you are defeated in the general election, you go about preaching against the Government but never preaching against the law. It is a democratic duty cast on every citizen in a democratic country

that he will uphold the dignity and the prestige of law, that he will consider law to be the supreme and the sovereign authority in the State. It is, therefore, not justifiable even for any individual to go about preaching civil disobedience on a large scale. If it is a matter of conscience, I am prepared, as has been well said by Professor Laski, that if it is a matter of conscience, he can declare his faith and quietly and cheerfully suffer the consequences of that act. But in no circumstances he has even a moral right, much less legal or constitutional, to preach on a mass scale and endanger the very existence of the State or go against the fundamental guarantees to which every section of the House and every section of the population is a party.

Now, the point is, have the Government proved to the satisfaction of the House that there are circumstances which justify the continuance of this measure?

**Babu Ramnarayan Singh:** No.

**Shri Gadgil:** That is a question of opinion yet to be decided. The point is that in a transitional period Government must be armed with some such power so that they can secure the transition in a smooth manner.

Now look at our country. So many Members of this House have complained about the spirit of indiscipline of the students. I am not advocating that this Act should be used against them. But in most of the cases in which student disturbances have taken place in this vast country, accusations have been made that there are goondas behind them, that there are parties, that there are people who want to take advantage of the situation and make the State a cockpit, so to say, with a view to bringing its stability and security into danger.

Very recently questions were asked in this very House about what happened at Aligarh. What happened at Aligarh is significant no doubt from this point of view. But I may very respectfully bring to the attention of

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the hon. Home Minister what is happening in many other centres. It is a significant thing and no Government charged with the responsibility of maintaining law and order and the security of the State can be neglectful of those things which are happening at Allgarh and other places. Do you want this Act to continue in the context of these things, or do you want the Government to be deprived of that power, so that when a critical moment or crisis comes, Government will be left without the necessary weapon in their legal armoury. A provision of this character is as important as guns or ammunition, or any other means of defence.

So far as the internal security of the country is concerned, I am most anxious that hon. members of the opposition should not consider this question merely as a matter of party politics. They know what is happening in the country. They know that there are elements which are determined to take advantage when the critical moment comes and sabotage whatever efforts we make to maintain and defend our hard-won freedom.

Then the third factor which I want to bring to the notice of this hon. House is this. Just look at what is happening in the world. Is tension mounting up, or is it going down? Then just consider what is happening in the States which are so close to our frontiers, how they are behaving, what sort of things they are after. In the light of all that if a situation which we do not want to develop develops, do you want to leave this Government at the tender mercy of the ordinary law? I think it will be foolishness not to allow the Government the use of this particular Act in critical times like this.

Reference was made that there are no goondas—that there is only one in detention in Madhya Pradesh and one in Bombay. I want to assure my hon. friends here that it is the complaint of the Government of Bombay that ordinary laws are insufficient and inadequate to deal with goondas and this

Preventive Detention Act has not come to their help at all. I may bring to your notice, Mr. Chairman—and I have ascertained these facts from the Government of Bombay—that the goondas who have been externed from Bombay, about 300, have made Poona their home. And you can just imagine how crime is mounting up. There are already local varieties of goondas. In the course of the last six months ten murders have taken place in open day light,...

**Dr. N. B. Khare:** Are local people helping the goondas?

**Shri Gadgil:**...in public places, in theatres, in cinema halls and not one culprit has been traced. When I asked the police authorities only a few days ago as to how in the course of the last six or seven months things have deteriorated, they told me that they have initiated proceedings under the Criminal Procedure Code and one hundred and eighty cases are pending before the courts for the last two years and people have become distrustful of the police and have taken the law into their hands. Probably they are the people who are responsible for these ten odd murders.

**Shri Gidwani (Thana):** Who is responsible for that state of affairs?

**Shri Gadgil:** I am glad my esteemed friend Dr. Choithram has asked that question. I will give an answer to that.

Sir, I had discussions with the Home Minister and Chief Minister of Bombay only yesterday over this and I have his authority to say that when the Government of Bombay wrote letters to the various courts for a return of figures as to how many cases are pending and how long, the High Court of Bombay came down on the Government of Bombay and said this is interference with the judicial administration in the State.

**Some Hon. Members:** Quite right.

**Shri Gadgil:** If you who are supposed to be responsible citizens of this

country approve of this, I can only say that the future of this country cannot be bright. No progress is possible unless there is peace and order in the country.

**Shri Alagu Rai Shastri:** Quite so.

**Shri Gadgil:** The magistrates are now no longer under the control of the executive, because Congress stood for separation of judiciary from the executive and this has been achieved for the first time in full measure in Bombay, this is the result. Now, how is the executive to see that justice is done quickly and the culprits booked, convicted and sentenced to punishment they deserve if the judiciary acts in this manner and the High Court takes an attitude of this kind? It is a matter of great regret, Sir.

**Shri U. M. Trivedi:** Is this all relevant, Sir?

**Shri Gadgil:** It is certainly relevant.

**Mr. Chairman:** What is the difficulty? How is it not relevant.

**Shri Gadgil:** I am surprised that my friend Mr. Trivedi should accuse me of irrelevancy.

**Shri U. M. Trivedi:** We are discussing the Preventive Detention Act. How is he relevant in criticising a High Court for doing something?

**Mr. Chairman:** The hon. member is making out a case as to how the ordinary law is not adequate. It is quite relevant.

**Shri Gadgil:** An argument was advanced from the other side that the ordinary law of the land should be resorted to. I was only trying to meet that point that in order to book the goondas the ordinary law has been found to be ineffective and insufficient: that is the relevancy. If my esteemed friend, who I understand is a Barrister-at-Law, cannot understand the relevancy so much the worse for his clients.

Now, Sir, the point is that Government has made out a case for the continuance of this particular Act. I am

equally, if not more, anxious as any hon. member from the other side that no man should be arrested without reasonable cause, and that the liberty of a person is a sacred right, though not an absolute right. What I would urge upon the hon. House is to allow the Government to continue this measure and be careful about the abuses of this power wherever they occur. This task should not be left to the High Courts or Advisory Boards alone. You can have your vigilance committees and bring cases of abuse to Government's notice and I have not the slightest doubt that the authorities concerned will certainly look into them.

I, therefore, submit, Sir, that in view of what is happening and what we see in the international world, in the neighbouring States and in our own country, it will be an act of folly not to support the Government in this particular measure.

4 P.M.

**Dr. N. B. Khare:** Sir, yesterday we discussed in this House salt, and today quite appropriately we are discussing P.D., Preventive Detention. P.D. is really the salt on which the Government lives and thrives. It may be salt to the Government, but this P.D. is T.B. or tubercular bacillus for the civil liberties and fundamental rights of the sovereign people of India. Therefore there is no doubt that this is an evil. Not only is it an evil, but it is an insult and contempt of the sovereign people of India if this Act is continued. I am therefore rising here to oppose the continuance of this Act which is an evil. Sir, if I mistake not, Burke has said that all that is necessary for the triumph of evil is that good men do nothing. I hold that I am a good man, and if I do not do anything at all to combat this evil I shall be failing in my duty. That is the only reason why I have risen today to oppose the proposition before the House.

Having said that, I do not want to go into the fundamental principles of jurisprudence and all that, because these things have been referred to in

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minute detail by the blind Communist Member who spoke a little while ago and who in his maiden speech has shed a lot of light on the matter. It was an illuminating speech.

I won't repeat those arguments at all. I will content myself by mentioning the facts. I am quite certain in my mind that this Act has been passed by this Government with the express intention of oppressing and suppressing political opponents. There is no use hiding this fact from anybody.

**Pandit K. C. Sharma (Meerut Distt.—South):** Are goondas political opponents?

**Dr. N. B. Khare:** Ask yourself.

**Shri S. S. More:** What about Dr. Syamaprasad?

**Pandit K. C. Sharma:** He was not detained.

**Dr. N. B. Khare:** Then, Sir, they have not only put the Act to abuse but they have also mis-used the Act and used it for purposes for which it was never meant and for which it can never be used. I will quote the judgment which was delivered by the Supreme Court on the 29th September, 1953, in which they have said that scurrilous attacks on the heads of judiciary are not a sufficient or proper ground for preventive detention. That is the judgment. No doubt this party was detained because he was alleged to have made some scurrilous attack on the head of a judiciary. Now, Sir, I ask: if this Act is used in this fashion is it not mis-use? It is mis-use. If people are to be detained under this Act for scurrilous attacks on heads of judiciary, what about the disdainful references in the House today and yesterday by the Home Minister about the highest functionaries in the judiciary? If anybody is to be detained, you ought to be detained. Who will detain you? After all, power is power. And you realise that and abuse it.

This Act was again used in another case as came out in the judgment passed by the Calcutta High Court on

the 1st October, 1953, in which the Act was used against people who were suspected of smuggling goods to Tibet. Is it a proper use of this Act?

Then it is used endlessly in political cases; also in municipal elections, elections for the municipal presidentship. A person who wanted to contest against the Congress nominee was preventively detained. This is abuse and not proper use at all.

In Madhya Bharat from where I come as a Member, I know that at Mandsoor the Congress sustained a crushing defeat thrice. And on account of that when Shri Brajesh the President of our Association in Madhya Bharat went for a lecturing tour he was detained. He was just released a few days ago because Mr. Chatterjee, our President went to the Madhya Bharat High Court, to argue his habeas corpus petition and, perhaps anticipating the judgment of the High Court, the Madhya Bharat Government released him sneakingly and quietly. My friend Mr. Gadgil told us that reasonable care is shown in the use of the Act. Are these the evidence of reasonable care, or otherwise?

We have been told that the State Governments want the continuance of this Act and they have used this Act with great moderation. I am not surprised to hear this from the Home Minister. After all, the State Governments are chips of the same block and I have yet to come across a mother who does not extol the beauties of her daughters.

Then, Sir, my friend Mr. Gadgil said that the Government are responsible and they are responsible for maintaining law and order, not only now but for all future time. Who has given that contract to them for the future? Suppose they do not exist in the future? It is absurd. To what absurd lengths can arguments go! If they cannot maintain law and order responsibly within the ambit of the present ordinary law of the land, they ought to quit. They are not competent to rule this country.

One single answer which refutes the whole case of the Government, about their dread and danger to law and order, is this that two years ago, or a little more or less, a general election of an astronomical magnitude was held in this country as never before. As you know, Sir, in elections people's tempers are frayed and excited. But on Government's own testimony the whole thing passed peacefully throughout the length and breadth of the country? Is more evidence required for the attitude of the people? That is a sufficient answer to the argument about law and order.

Aligarh has been referred to by my friend Mr. Gadgil. I am glad that wisdom has dawned upon Congressmen also about possible danger in the future from that quarter. I am surprised that people of our category who carry on propaganda to draw the attention of the Government towards the greatest danger to the safety of this country—we have no other intention—could be kept in prison for any length of time but as regards people who are prospective fifth columnists nothing is done. What happened in Aligarh was long long ago but nothing so far has been done. Not that I want that this Act should continue. But I want to point out how Government uses this Act with discrimination between party and party and people and people.

Then my friend the leader of the Praja Socialist Party, Acharya Kripalani—we were fellow Congressmen for a long time—said that he was speaking with feeling and greatest love for the organisation which he has left, with pangs in his heart. Sir, I am also an old Congressman. But let me tell you frankly that I have no pangs. I will sooner go to hell than be in the Congress.

**Shri S. S. More:** You will find the Congress people there too.

**Dr. N. B. Khare:** He was speaking about his love for the Congress. I am not a hypocrite. I would say that I am reciprocating the same feelings which the opposite side has for me. If they have hatred for me I have hatred

for them. If they have love for me I have love for them.

ये यथा मां प्रपद्यन्त तांस्तथैव भजाम्यहम्

That is my motto.

Therefore, I will again plead before the Government: The time has now come. Now don't any longer play Dr. Jekyll and Hyde. When you were agitating against this Act in the British days you were Dr. Jekyll. Now, when you are the administrators of this country, you have disguised yourself into Mr. Hyde. Don't play hide and seek. Come out. Be straight to the people and look after their grievances. They will follow you and you will have no occasion to continue this Act.

**Mr. Chairman:** Shri Deshpande. Not in the House.

Several Hon. Members rose—

**Shri Kanavade Patil** (Ahmednagar North): May I speak, Sir.

**Mr. Chairman:** What is this? I do not understand this signing. The hon. Member is not being called. Dr. Krishnaswami.

**Dr. Krishnaswami** (Kancheepuram): Yesterday, when the hon. friend the Home Minister moved this motion I could not help feeling that he was dealing with a very serious subject in a most light-hearted and flippant mood. My hon. friend threatened further to consider the possibility of having the Preventive Detention Act as a permanent measure on the statute book. I then thought, Mr. Chairman, that this suggestion was made in a spirit of levity. But, after having listened to my hon. friend Mr. Gadgil, from Maharashtra, I suspect that a sinister plot is being laid. My hon. friend from Maharashtra with a show of reason pointed out that there was need for a Preventive Detention Act not for one year but for what he chose felicitously to term the transitional period. Now, the transitional period cannot obviously be for one year or two years, or three years, but may extend to 10 or 15 years, or even a generation. We are to have a continuation of the Pre-

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ventive Detention Act not for one year,  
but for our lifetime.

It is one of the ironies of our public life that a measure like preventive detention should be justified with great gusto and the Home Minister who is after all accountable to the people should speak of it as a beneficent measure, should lecture to us on our duties and preach to us on the essentially human values of life which we are alleged to have forgotten. Never has it fallen to the lot of this house to witness such a departure from the customary modes of address and department! One would have expected, when such a measure was being introduced, a measure which is calculated to infringe the liberty of the citizen, that the Home Minister, occupying a pivotal position in the country, would have been more hesitant, and would have been more self-effacing. I am echoing the feelings of the vast majority of Members on this side of the House when I say that the people to whom we are ultimately accountable, and whom we have pledged ourselves to serve, will deem it a signal misfortune if this House passes the motion sponsored by the Home Minister.

What are three grounds on which he wants this Act to be extended? Firstly it appears that the State Governments have urged unanimously the continuance of the Act in the existing conditions; secondly, his personal examination has led him to the conclusion that this Act should be continued and thirdly, that the limitations on individual liberty are not serious and that in practice, the Advisory Boards have worked properly. What are the existing conditions? No one knows what they are and we are wrongly asked to assume that they are serious. Serious indeed! The Home Minister has not taken us into his confidence. He has not given us anything like a portrayal of the existing conditions in our country. Are these conditions so serious that they require the employment of this Act? Did we have a shadow of a reasoned statement as to why we should go in for this Act?

Assuming that the Act should be continued whether the ambit of the pre-judicial acts defined in section 3(1) should be narrowed, was not even considered by our wise Home Minister. Since when has it become customary, may I ask for Parliament to assume that the subjective satisfaction of the Executive is a substitute for an objective statement of reasons that lead the Government to plead for further restrictions on individual liberty? We know what Preventive Detention means. This detention without trial is a most serious affair. In fact, whenever detention cases have come up before courts of law they have unanimously held that sufficiency of grounds cannot be enquired into by them because it falls within the province of the Executive. The subjective estimate can be made by the Executive and not by courts of law. But, with equal validity it has been pointed out by our courts of law. Mr. Chairman, that these subjective considerations would be reviewed by Parliament and that the Executive would be compelled in a democracy to take Parliament into its confidence and furnish the representatives with an objective estimate of the conditions. It is no argument to suggest that the State Governments are unanimously satisfied that the Preventive Detention Act should be continued, in the existing conditions. We ought to surely know, Parliament is entitled to know what the conditions are, why this Act should be continued and what is the particularly serious situation that is facing our country. My hon. friend laughs at us whenever we raise these questions. But, surely, there is a public to which we, at any rate, consider ourselves to be accountable. We cannot afford to adopt that flippant attitude which he adopts on this question. The Supreme Court has held in many cases, and the Chief Justice of the Supreme Court in particular has not been tired of repeating it, that this Act provides only meagre constitutional safeguards for the citizen and as such, the courts of law should construe such safeguards as liberally as possible in favour of the individual. I was surprised, Mr.

Chairman, to hear my hon. friend the Home Minister's remark that when there are five grounds one of which is vague the Supreme Court has necessarily released the individual and set him free. What is there wrong about it? If the courts of law cannot go into the sufficiency of the grounds, why should they not go into the vagueness of these grounds? I cannot understand my hon. friend's anger with courts of law which have released many detenus on the footing of grounds being vague. In fact, in those cases where the detenus have been released, it stands to reason that the detaining authorities have exercised their functions improperly. Let us remember that, in the case of detention without trial, we are detaining a citizen on the basis of mere suspicion. That suspicion may not be well founded after all. The Home Minister pointed out that in many cases individuals were released *suo motu* by the Government. What does this show? It only proves that after a while, they came to the conclusion that many of these individuals who had been detained were detained without reason.

What is the position of a detenu? My hon. friend waxed eloquent over the fact of an Advisory Board which is going into all cases of detention. They do go into these matters. But, the detenu is handicapped by the absence of a lawyer to argue his case before an Advisory Board. The Advisory Board is not a judicial body. All that it suggests is that on the basis of the information that has been laid before it, it thinks it worth while to confirm or rescind the order of detention. Let us look at this question from a slightly humane point of view. The detenu is handicapped for more reasons than one. He cannot, for instance, prove to the satisfaction of any court of law that he has been detained on *mala fide* grounds. The Home Minister has, in his report, said that if any unjustifiable grounds could be adduced before the court by the detenu he would be released at once. But, I would like to point out that in all such cases as have come up before the Supreme Court, the

Supreme Court has not been in a position to judge what the limits of the doctrine of *mala fides* are. It has been pointed out by the high authority that it is next to impossible to prove *mala fides* against the Government.

Even if technically it is open to the detenu to challenge the validity of the order of detention as *mala fide*, in actual practice it is an impossible burden for him to discharge. The foundation of *mala fides* or a collateral purpose is the untruth or the falsity of the grounds mentioned. Without the detenu showing that they are untrue no Court will ever countenance a suggestion of *mala fides*. Then, to establish the untruth or falsity of the grounds or particulars, the detenu must have the right or power to require Government to produce documents or other information within the knowledge of the Government. Here it is that the Government can claim always exemption or privilege under Section 22(6) or under Section 7(2) of the Preventive Detention Act. What is the result of such claiming of privilege? The result is that the detenu is asked to do the impossible, to show that the Government order has been passed for a different purpose. This is all the more a serious encroachment on our liberties because, as it has been pointed out by the Supreme Court on many an occasion, it is not for them to go into the sufficiency of grounds of detention; it is only for them to go into the vagueness of the grounds of detention. And mere insufficiency can never lead to a *mala fide* inference. I think the time has arrived when the Home Minister should take us more into his confidence and tell us whether it is not appropriate that the categories of prejudicial acts should not be curtailed considerably. Assuming for a moment --and I do not grant that assumption-- that there is a necessity for the continuance of the Preventive Detention Act, what justification is there for your having such a wide ambit of prejudicial acts in Section 3(1), especially when, in many cases, the detenus have to face serious disadvantages, particularly in cases of *mala fide* detention. Remember after all Governments are

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human. Governments also have been wicked. Governments also have been vindictive. And it is extremely difficult, in many cases, to establish the *malafides* intention of Government. It we only could narrow the scope of offences which are included in Section 3(1), then, undoubtedly, there would be some safeguard for the subjects. One understands what the security of a State is, but one does not understand why for the maintenance of law and order a man should be detained in prison, without trial.

My hon. friend from Maharashtra pointed out that the Chief Justice of Bombay took exception to the request that had been made by the Chief Minister of Bombay to a Magistrate. I say it was quite right. You had no business to write directly to a Magistrate. You had only a right to bring to the notice of the Chief Justice, who is after all responsible for the administration of justice, as to the number of cases that are pending. It only shows—I speak with considerable restraint—the utter lack of appreciation which certain men in high authority have of the essential distinction between those who are responsible for the administration of justice and those who are responsible for the enactment of laws. To suggest, for instance, as my hon. friend the Home Minister said yesterday, that, in order to control dacoits or goondas, we need a Preventive Detention Act, is, I think, to indulge in what I would call a very, light-hearted type of reasoning. You do not want...

**Dr. Katju:** Would you give me a serious-hearted way of describing it. It is becoming very cheap now to say "light-hearted", "flippant" and all that. I take very strong exception to all this. You have no argument excepting adjectives like this. Give me a serious-hearted description so that I may copy it in future.

**Dr. Krishnaswami:** I am sorry that my hon. friend has lost his temper.

**Dr. Katju:** I have not lost it. My temper is with me quite all right.

**Dr. Krishnaswami:** It is not my intention to wound him. I am echoing the feelings of hon. Members of this house when I say that in introducing this measure he was not acting in a spirit of gravity in suggesting that this is a measure which could be put permanently on the Statute Book, that this is a proper measure in the existing conditions of our country.

**Dr. Katju:** There is an Amendment to that effect.

**Dr. Krishnaswami:** I attempted, Mr. Chairman, to follow his exposition. I wanted to know what the "existing conditions" were. He did not throw any light on what the existing conditions are. One fine morning, the hon. Home Minister goes over to Hyderabad and says that most Judges acquit those who are guilty. On another occasion, he tells us that he is going to modify the law relating to the Penal Code and the Criminal Procedure Code. And on a third occasion when he is introducing a Resolution pertaining to the continuance of the Preventive Detention Act, he tells us that this certainly is a good substitute for many of our laws because it at any rate, prevents people from committing harm. One wonders whether the time may not arrive when he would come to us on some other occasion and pompously exclaim: "I shall have the Indian Penal Code altogether abrogated and have the Preventive Detention Act put on the statute book so that we may live safely under its wise dispensation". Government is fast being made ridiculous. It may be from a consideration of all the facts—and he has facts in his possession than I cannot possibly have—the Home Minister has arrived at the conclusion that the Preventive Detention Act should be continued. But surely he ought to take us into his confidence. It is no use suggesting to us that all the State Governments are unanimously supporting this idea of the Preventive Detention Act being continued. Supporting on what basis? Because, we should obviously know—this House, at any rate, should know—on what basis you want the Preventive

Detention Act to be continued. I suggest, Sir, that in spite of all that has been said by the proponents in favour of continuance of the Preventive Detention Act, Parliament would be stultifying itself by voting for the continuance of this Act, and I make a personal appeal to all my friends in the Congress to rise above party, to think wisely, to think clearly, and to think in terms of the interests of the country which we are all pledged to serve.

The Deputy Minister of Home Affairs (Shri Datar): Mr. Chairman, Sir, we had a very interesting discussion...

Dr. Lanka Sundaram (Visakhapatnam): Why are you sad about it?

Shri Datar:...on various aspects of the Motion but I am not sure whether all the discussion that we had since this morning and yesterday evening also, was relevant to the purpose—to the restricted purpose—that this Motion has in view.

You are aware, Sir, that last year we passed an amending Act according to which the present Act has to continue till 31st December, 1954. Then, certain doubts were expressed that the Act might not be used properly, or that certain conditions might arise under which there may be no need for the active use of this Act. When these considerations were placed before the Government, they thought that it would be fair to the House to have an opportunity of reviewing the whole position after one year's working of the Act was over. And it is in accordance with that assurance that we are having a debate since yesterday. We are not here considering the fundamentals of the Act. They have been considered thrice—once in 1950, once in 1951, and again in 1952. And on all those three occasions this Parliament as also its predecessor have accepted the fundamental principles of the Preventive Detention Act, not because we are fond of the Preventive Detention Act, but because in the present realistic conditions we require an Act of this very kind.

You are also aware, Sir, that in the very Constitution which has given us various rights—the right of liberty and other rights—there is a provision for Parliament passing a Preventive Detention Act if it considered it necessary. It is very unfortunate that on account of these conditions, on account of certain abnormal conditions then obtaining, the then Home Minister, Sardar Patel, had to come before this House and to get the Preventive Detention Act passed. That was not because Sardar Vallabhbhai Patel or the Government of India did not care for public liberties, but because they wanted that freedom must be secured, and that it must be protected against all anti-social elements. Unfortunately after the transfer of power, and the achievement of freedom, we have to take note of the fact that there were, and there have been certain anti-social elements, and that it is the duty of Government at all costs, to govern in the sense that all such elements have to be properly kept under control. If democracy has to rise in India, as it is bound to rise in India, if the republican Constitution has to be successful, then unfortunately we require certain safeguards. Otherwise, the very foundations of democracy will have been entirely swept away. It is only for these reasons, and not with any flip-pant desire to make a wrong use of such Acts, that Government have most regretfully come to the conclusion that we require to protect the country against the misuse of power, and disturbance of public tranquillity and law and order, and that for some time, during the transitional period, we do require an Act of this nature.

Here, I might point out, and you will agree with me, that this Act has been one of the major factors that have been responsible for keeping law and order in the country. I would request hon. Members to visit Hyderabad, Saurashtra and PEPHU, and other parts of the country, where the conditions were far from satisfactory, in order to appreciate the fact that it is only the proper use—I might say, modest use—of this Act, that has been responsible for keeping all disorderly

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elements in check, and thus nursing the stripling of democracy, that has been planted in India.

**Shri Ragbavala** (Ongole): God save democracy!

**Shri Datar:** Now, two questions arise, so far as the present debate is concerned. One is whether the further continuance of this Act is necessary, and the other is whether the Act has been properly used or not. Very choice epithets have been used from the armoury of the Opposition, and we have been told that this is a blot on law, this is a lawless law, and so on. I am not going to deal with that aspect of the case now. I am only pointing out the main issues in this debate, firstly whether there has been a flagrant abuse or misuse of this Act, and secondly whether at present, there is a need for the further continuance of the Act as such—because the Act is already there on the statutebook, whether it should continue to be there or not—for possible use, if and when conditions arise. That is what you and I have to understand very clearly.

One point which is very material to the consideration of this House, but which has been lost sight of by hon. Members of the Opposition, is that it is not as if the Act is there on the statutebook, for a constant use. The very presence of the Act on the statutebook will serve as a sufficient restraining force, and that is what we have been finding throughout the country. One hon. Member contended that there are 11 States, which have not made use of this Act at all. That is a matter which is really creditable to them, but these 11 States amongst others, have informed us of their unanimous opinion that we must have this Act on the statutebook for use, if and when necessary. Therefore, the question that we have to consider is whether the presence of this Act on the statutebook is necessary, in the sense, that if and when an occasion arises, the State Governments should be entitled to use it, and not otherwise. Or, are you in favour of the view that this

Act should be treated from today as a dead letter? If you do the latter, it is an invitation to all the lawless elements to come forward and worsen the situation that has been improved by great efforts during the last three or four years. That is the direct question which has to be understood. All the State Governments would agree that they did make use of this Act only to the extent that it was necessary. Last time, there was criticism that the Act might not be used properly. I would only like to point out one statement in the report circulated to hon. Members, viz. Statement No. VI on pages 20 and 21 of the report. That statement gives out the broad figures, and shows that during this year, we had as many as 1115 releases in all. The Advisory Boards have ordered the release of 224 persons. The question was raised as to whether there ought to be or there ought not to have been an appeal or whether there should have been an Advisory Board. The Advisory Board was instituted, advisedly, the object being that unlike an ordinary judicial tribunal, which would deal with only judicial matters, the Advisory Board would be in a better position to know the difficulties of Government, and to see whether law and order, which is the responsibility of the State Governments, has been properly kept; or whether there is likely to be any infringement or violation of it by the particular detenu concerned. Therefore this House has very wisely evolved the institution of Advisory Boards, which know what law is, because the Chairman of this body is a high court judge. So, so far as the enforcement of the law and the judicial part of it are concerned, the rights of the detenu are perfectly safe in his hands. Secondly, the Advisory Boards will also know the difficulties of the executive and advise properly. Out of 1515 cases placed before them they ordered the release of only 224 persons. You will also note, that they upheld the order of detention in 465 cases. In respect of the others, so far as the High Courts were concerned, they released only a very small number.

ber, viz. 64, while the Supreme Court has released 92.

**Shri S. S. More:** How many petitions were filed?

**Shri Datar:** That number can be found out from these numbers. The point that I am making is this. So far as the grounds of detention are concerned, in a small number of cases only, the Advisory Boards have directed the release of the detenus. So far as the democratic intentions of this Government are concerned, they have made it clear that the advice of these Advisory Boards is always to be accepted. They are not Advisory Boards in the sense that their advice may or may not be accepted. Government have always accepted their advice, and you will also agree that only to a very small extent, the Advisory Boards have felt it necessary to direct the release of the detenus, while in a large number of cases, they have upheld the detentions.

I am trying to show from all this, that all the State Governments have been using this Act very sparingly. What the hon. Home Minister stated has not been properly understood. He said he was wondering at the moderation with which the provisions of the Act were used. He said so not in the sense that the Act should be made use of in a larger number of cases, but that against the background of extremely bad acts, acts inciting one to violence and the commission of various offences, the provisions of this Act had been used so sparingly and moderately.

So that is the way in which this particular point has been referred to.

Then, secondly, Sir, another point also may be noted, as to whether the period of detention was at any time excessive. It is only in a very small number of cases that the period is very long. In all other cases, the period has been shortened as soon as Government found that the condition was perfectly proper and that the man's liberty should no longer be interfered with. That is a factor also to be

taken into account. So if this is noted, then you will agree, Sir, that these orders were passed only when necessary. The various State Governments themselves on their initiative have passed a very small number of orders. It is the district officers who are responsible for law and order in those districts. They passed orders. The State Governments and the Ministers scrutinised these orders and in a large number of cases, these orders have been set aside, and in no case has the period of detention been excessive or more than what the situation required.

The next point that was made out was that power was used against a small number of black-marketeers. So far as these black-marketeers are concerned, they are a modern creation, a very bad diseased creation. And so far as our armoury of laws is concerned, we have got a number of Control Acts and we try to control the activities of those persons against whom we can prove the commission of offences and against them—the actual perpetrators of crime or offences under these control laws—ordinary use of law is made. They are hauled up before courts of law, they are prosecuted and in a large number of cases convicted. But behind these actual perpetrators of crime, there are elements, there are persons who are instigators who inflame the people to the commission of either such offences or the commission of violence. It is these persons, Sir, who cannot be brought before the law at all. It is these persons against whom in a court of law, bound as we are by the technical rules of the law of evidence as also the Criminal Procedure Code, you cannot prove whether they have actually committed an offence or whether they have abetted the commission of a particular offence. It is only for such inflamers or instigators that we require the use of the Preventive Detention Act.

**Shri S. S. More:** So you are circumventing the Evidence Act?

**Shri Datar:** I am not circumventing the Evidence Act at all.

[Shri Datar]

Then, Sir, a point was made out that in Bombay, this Act was being used against a very large number of persons. The moment the Preventive Detention Act was passed, all the former Security Acts or Acts under which the various States or provinces could have recourse to detention without trial, all of them, were scrapped, and it is only under the Preventive Detention Act that the State Governments can act. And you will agree with me, Sir, that even the Bombay Government which had had unfortunately to make use of this Act, have used this Act only against criminals, against goondas and against the instigators of either violence or of other criminal acts. You will thus find that even in Bombay also, the number is not so large as we understand.

Then, Sir, it was contended that this Act was being used against those who carried on certain kinds of agitation, namely, agitation against sales tax, agitation in favour of kisan movements etc. The position is not like this. So far as ordinary or constitutional or non-violent agitation is concerned, whatever may be the views and whatever party may be at the back of it, Government have not taken action at all.

**An Hon. Member:** Question.

**Shri Datar:**...except where the agitators have been guilty of inflammatory speeches or acts which are likely to lead to violence. Now in all these cases, what has now been done or what is now the fashion everywhere is to call every action—or to mis-call every action—as a Satyagraha. Gandhiji always stated that Satyagraha was a weapon which was dependent upon truth and non-violence and in which there was no scope either for untruth or for exploitation. Now, after Gandhiji has gone to our great misfortune, Satyagraha has always been misinterpreted. (Interruption) and we read now of Satyagraha for this kind of agitation and that kind of agitation. (Interruption.)

**Mr. Chairman:** Order, order.

**Shri Datar:** Government have taken action only at a time when the ordinary limits of legitimacy of these activities had been passed and not otherwise. When there was constitutional non-violent agitation, Government took no notice of it and the agitation was allowed to go on, as it was. But when it was found that the agitation was being carried on by persons from behind and in a way which was harmful to the interests of the nation, in a way which was far from non-violent, then naturally, in the interests of the safety of the country, in the interests of the maintenance of law and order, Government had to take action. I know certain cases, Sir, where persons had been either hauled up for goondaism or had been convicted for goondaism. All these persons came round one fine morning, they entered certain agitation and they became or they wanted to become, good patriots. They started action and Government had to haul up these persons and detain them. I might tell you, Sir, that the detention of such goondas who called themselves patriots has had a very salutary effect. In Bombay also, Government had to take such action and the taking of such action had an extremely good effect and all the evil effects have been completely brought under check.

Therefore, if you approach this Act in the way I have pointed out—the various circumstances, Sir—you will agree that what Government desire is to allow the Act to remain on the statute-book. The hon. Home Minister has never stated that the State Governments should be instigated to use the Act in as wide a way as possible. That is far from his intention or from the Government's intention. What we desire and what the State Governments have asked for is that the Act should remain on the statute-book. It would have a very good deterring or restraining influence and then, if at all any disorders are likely to break out or other things are likely to happen, then only, reluctantly, but necessarily, there will be recourse to this Act. And we are satisfied—as you

must also have been satisfied—that the Act has been used extremely sparingly and therefore, there would be no question of the Act being allowed to be misused. What we are doing now is to review the position, and in the light of what I have stated, I am sure you will consider all these points dispassionately.

The question of the future of this Act after 31st December 1954 is not now before us at all and therefore, what some friends stated, by assuming so many things and then building cases or attacks against the Government, all that is entirely unwarranted. For the limited purpose that we have, you will kindly review what has been done; you will kindly also review what has not been done in the sense that a large number of persons have not been detained. You will agree, Sir, that the use of this Act has been extremely fair and only where necessary and that the Act will be used properly, and therefore we should pass this Motion by holding that this Act should be allowed to remain on the statute-book till 31st December 1954.

**Shrimati Reau Chakravartty (Basirhat):** Mr. Chairman, Sir, I have heard with very great interest the last speech. It is about the stripling of democracy that he has spoken and I find that that stripling of democracy, during the last few years, has been responsible for firing 1982 rounds of ammunition, for 3,784 people killed, for 10,000 people injured and 50,000 citizens jailed. That is the stripling of democracy we have to deal with.

But, coming nearer home, Sir, within the scope of the Bill, we find that whilst Dr. Katju has been at pains to tell us with what great moderation he has been using the Preventive Detention Act, he has said that the Judges have been forced to give the benefit of doubt (arising out of some clerical error as he might call it) to the anti-social elements. In all, we have a very few number of people under Preventive Detention. But, I think, because the number of people who are coming under preventive detention is decreasing, therefore I find that the number

of people who have been shot dead in my province has increased. In 1952, there was 1, but in 1953, there were at least 21. I suppose this is a new form of moderation which we are to see in the future.

**An Hon. Member:** How many were killed by you ?

**Shrimati Reau Chakravartty:** I do not know how many have been killed by me. If you have statistics before you, you can give them. At least I can give you my figures.

Sir, I would also like to point out that not only is Preventive Detention sought to be canalised into different methods, we also find not only in Malabar but also in other parts that people are being harassed under various pretexts and a large number of cases have been brought forward. These cases are cases of harassment. That is quite clear by the fact that after being detained for some time, they had to be released because the necessary evidence was not forthcoming. That, we have seen again and again.

In West Bengal, Dr. Katju has talked about the tram movement. What was it against? Was it against the security of the State? Was it going to overthrow the Congress Government in power? Or was it against the taking away of 20 lakhs of rupees by British capitalists by the one pice increase in tramway fares? Sir, what the people were fighting was against the exploitation by the taking away of 20 lakhs of rupees by the British capitalists. It is just there that the Congress Government came and helped them to crush that movement. There was a general strike; there was complete peace up to the moment of the general strike. If any one gave a provocation, it was the West Bengal Congress Secretary, who said, 'We will come out on the streets; my volunteers will come out on the streets and they will break down the general strike'. After that, who marched the Army across the streets of Calcutta? Was it the ordinary people or was it the Government? Who was preaching "ahimsa" and who was breaching violence, Sir? Eleven

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rounds were fired. I remember a young boy who died. I have seen the mother of the boy; she is a widow; she lost her only son. He was standing on the roadside. I saw the wife of the school teacher who was shot dead. He was not a communist; but he died because you let the Police vandalism run riot in Calcutta. Is that "ahimsa", Sir?

Mr. Chairman: We are not here considering this question. We are considering preventive detention. We are only considering such cases as relate to preventive detention. Certainly, it is not proper to speak of the riots and all that and bring that within the scope of the Motion. That is not right.

Shrimati Renu Chakravartty: I am not talking about the riots, Sir; they took place 5 or 6 years ago.

Mr. Chairman: This question of shooting down a boy etc. has nothing to do with the preventive detention.

Shrimati Renu Chakravartty: I do not know if you are going to limit it to such an extent. We are considering today whether circumstances exist for keeping the Preventive Detention Act in force.

Mr. Chairman: The Preventive Detention Act has nothing to do with the riots and how they are quelled. They are done under the general provisions of the law.

Shrimati Renu Chakravartty: Sir, of course, if you limit it down to that point, I will certainly come to that point and show that the continuance of this Act is not necessary.

Sir, I would also like to endorse what Acharya Kripalani said, that we are prepared on our side to abide by it law and order. After all, we do not want bullets on our chests; if the Government controls itself, if it does not give way to violence, certainly nobody else will do so. And, it is no use talking about violence and putting people in detention by bringing charges of violence against them.

Sir, I will give specific cases of detention which have taken place in Bengal.

I have before me certain charge-sheets. In these charge-sheets you sprinkle a few words about "violence" and "secret meetings" and on that you build a mountain of falsehoods. I will come to the case of Mohammed Ilyas. There were five charge-sheets against him which are before me. I will give the specific charges that were before them. The charges were:

"On 23rd May, 1953, through your speech at Begari Bazar in Domjur you tried to spread disaffection among the Muslims.

You were behind the sit down strike of 3,000 workers at Guest Keen Williams in protest against the retrenchment notice on 6 workers.

You were present at the closed door meeting of the Calcutta District C.P. on 21st June, 1953, from 2 to 4 P.M. The Secretaries of local committees and other leading workers were present. It was decided at this meeting that in connection with the resistance to increment of tram fare movement, a strong movement must be developed through picketing of trams and tram gunties.

As a member of Howrah Committee for Resistance of Tram Fare Increment Committee, you took a leading part in organising the strike at Port Engineering Works and Shalimar Works Ltd. and as a result of this the workers of Port Engineering came out on strike on 15th July.

The authorities of Shalimar Paint Works of village Nazirganj of P.S. Sarkrall, Howrah, refused to give the keys of the Union office to the workers. In protest the workers decided on a sit down strike on 31st July 1953. You gave leadership to this action."

Sir, I will show that in each one of these cases it is the British Companies that are involved whom the Government goes out to support. This is one

example which I would like to bring before the House of the way in which preventive detention is being used in order to put people behind the bars so that British capitalism may escape scot-free.

I will give you, Sir, other charge sheets. There is a case of Shri Biswanath Mukherjee. In that it is said:

"On 29th September, 1953, you addressed a meeting at the Calcutta Maidan field under the banner of the West Bengal Kisan Sabha and the Communist Party. In this meeting you demanded a decrease in the price of rice and an increment in the quota of ration. And, you called upon the people to build a strong movement in order to force Government to concede this demand."

Sir, is this a crime? This is the crime for which he was put behind the bars and kept there almost to the last possible day that is allowed under the law and the fantastic nature of the charges were borne out by the fact that the Advisory Committee, on the very morning they were produced, allowed them to go scot-free. Even the Advisory Committee, which has such limited powers, were forced to grant immediate release to them.

Then there was the case of Inderjit Gupta. The charge against him was:

"On 16th September 1953, as Secretary of Bengal Mazdoor Union, you demanded puja bonus and asked them to surround the offices of the Indian Jute Mill Association on 26th September 1953."

5 P.M.

Sir, here I would like to ask, was there one example of violence in these cases. Sir, it was a food movement that took place. There was no iota of violence. There could have been violence when one lakh of people were there and there were only a handful of policemen. There could have been violence if they wanted it. In spite of all this, we find that these people were

kept behind the prison bars and it was only on the last day possible that they were produced before the Advisory Committee and they were allowed to be set free. There was not one single piece of evidence that could be produced so that they could be put behind the bars. Sir, the hon. Minister, who spoke before me, said that there have been many instances of violence. Sir, I shall give you a few more examples where there have not been actually any violence—there are hundreds of such examples, but I cannot bring them all here within the limited time at my disposal. Now let me bring before you another type of case—it is the case of those who have been detained under the Akhand Karnataka Rajya Nirman Parishad agitation. They are not at all Communists—far from Communists. What has the Supreme Court got to say in this matter? The allegation in this case was that the petitioners addressed a public meeting on 23rd July 1953 at Hubli and urged the starting of 'satyagraha' on 9th August 1953. We have heard the hon. Minister's big exhortations on 'satyagraha'—what type of 'satyagraha' is allowed according to him and 'satyagraha' that is not allowed. We are not followers of Mahatma Gandhi and therefore, I am not able to accept all the interpretations which the hon. Minister has given, but this is what the hon. Judge said:

"The mere fact that a meeting was addressed asking that 'satyagraha' be started is in itself innocuous."

There was no talk of violence and no talk of satyagraha. Violence is bad, satyagraha is bad, but what is good, I would like to know, except being on the Treasury Benches? In this case, the argument of the State was that Chinnayaswami urged the audience to start satyagraha like 1942. This is what the learned Judge said that it is argued that:

"It is well known that there was considerable violence in 1942. Accordingly, this ground means that he urged violence and disorder."

[Shrimati Renu Chakravartty]

The Judge says in reply:

"In our opinion that cannot follow from what was said. Many things occurred in 1942, some good, some bad and it is too vague to say that because a man urges an audience to start Satyagraha "as in 1942" he thereby says that the Satyagraha should take a violent form...."

There are cases after cases I could give you about these "violent" movements as the Government describe—they say: "You attended a meeting where a resolution was put and it was discussed and because of that discussion, there might have been disorders, and therefore, you could be put behind the bars!" This is preventive detention gone wild, if I may say so.

Then, again, there is one other case of Shri Ramnath Mallappa Belwadi of Salvagi, District Bijapur. He was actually the Managing Editor of 'Navsakti' and he was a respected man. He was the owner of the Press "Kannada Navsakti Weekly". What is the charge against him? It is this—

"You have joined the movement for the unification of Karnatak and that in pursuance of the movement by you, some breaches of the law are likely to occur. This is clear from the following particulars of your activity:—

(a) that you are an active member of Akhand Karnatak Rajya Nirmana Parishad;

(b) that you are reputed to be a violent criminal and you are organising a gang for commission of offences."

Sir, I don't think I need go further into it. It is quite clear as to what exactly is the intention of the Government, and I am grateful to the hon. Minister for saying that the people know 'who is who' and 'what is what' and what is the main intention of Government for putting the people

behind the bars—to crush the people's movement. Therefore, I would like to ask—is it a crime to ask for cheap food? Is it a crime to organise demonstrations and speak at meetings for developing a movement, which is not banned? Is it a crime to organise strikes against the oppressive British firms in India? If that is not, then I say that there is absolutely no justification for the Preventive Detention Act and I strongly object to it being in existence any longer.

Sbri G. H. Deshpande (Nasik--Central): Mr. Chairman, Sir, I rise to support the motion placed before the House by the hon. Home Minister, and I do so because I think that in the real interest of democracy, it is absolutely necessary to have this Act on the statute book for some time more. I was very much amused to listen to the speeches that came from the Communist benches. They were very eloquent on democracy and it was really very amusing to listen to the Communists talking on democracy and civil liberty. Yesterday, opposition against this Bill was started by one very respected individual in this country. I have a very high regard for him. He has served the country and the Congress organisation very ably. What did he say yesterday in a very bitter and sarcastic speech lasting nearly for an hour? He was attacking the Congress organisation; he was attacking the Congress Party in the House. In the speech that was delivered by the leader of the Praja Socialist Party, it was mentioned that in this country there is no genuine democracy and genuine rights. When he started his speech, he said "You Congressmen, you fought for civil liberty and democracy". We fought a battle of freedom along with him. In the fight with us, we all won the freedom and then we parted company and he left us. He had a right to do so and he did so. What has he done? He was at liberty to move about from one end of the country to the other in order to abuse us to his heart's content. He did that

and nobody prevented him from doing that. That the hon. Member was freely allowed to indulge in his tirade against the Government disproves his allegation that there is no democracy in our country. Take another instance. Stalin and Trotsky were friends. They worked out the Russian revolution successfully. They were colleagues when the revolution came to an end and for some time they worked together as colleagues, but when they parted company, what happened to Trotsky? May I ask, Sir, through you the hon. Members of the Communist Party—is there a single opponent of Stalin who differed from him, that has survived Stalin? The opponents of the Czar survived the Czar, but the opponents of Stalin have not survived Stalin. There was not a single opponent of Stalin who dared to differ from him and to oppose him inside Russia or outside. Show any one such person who has survived Stalin. That is the civil liberty that is experienced in a communist country. We are here accustomed to listen to very eloquent speeches from the Communist benches. The revered leader Acharya Kripalani comes here and says: "I never saw your face when I was in the Congress" as if there were no individuals worth the salt in the Congress after he left the Congress! The Congress has even now enough vitality to attract new workers. They are coming and they will continue to come.

**Shri Gidwan:** Rajas and Maharajas and Zamindars and Jagirdars have joined the Congress since then.

**Mr. Chairman:** The hon. Member is making his speech, but the effect of it will not be appreciated if you take it in a laughing or derisive mood. We should listen to it seriously.

**Shri G. H. Deshpande:** It is the totalitarian mind which likes to criticise others but which refuses to be criticised. Only people of democratic attitude can bear criticism and we know the Communist mind. Acharya Kripalani really ought not to have any

grievance against the Congress. We have not curtailed his liberty in any way. How has this Act worked? Has it come in the way of any legitimate agitation? I want this Act to continue because I want that movements which are undemocratic should be effectively checked. There are men in this country who take pride in indulging in violence. There are men here in this country who want to burn tram-cars, who want to derail trains, who want to destroy communications. Are these patriotic acts? Are these men patriots? To me, they are not patriots. I say not only these things are highly unpatriotic but only enemies of this country can indulge in such acts. We want effectively to check these movements.

The hon. Member of the communist party had the boldness to tell us of what happened in Calcutta. He said it was a non-violent movement; it was a peaceful movement; it was an economic movement. Sir, we know that they burnt the tram-cars. Sir, we are told that people gathered in the streets and they were angry with the police. But it is strange that they had with them ready-made acid bulbs. There were friends to oblige them with ready-made stocks of acid bulbs. There were friends there to oblige them with the technique of burning tram-cars. There were friends there to oblige them give them training in this technique of destroying means of communications. Were these acts spontaneous? Yet, these are described as spontaneous acts! We know how it came about. Without any provocation, it was done. It was pre-planned. All that was done in U.P. was also pre-planned. And those who have not raised a word against this—can they be said to be patriots? Those who want to indulge in these activities cannot be tolerated. We do not want to take any lessons of democracy and civil liberty from people who have a soft corner for those who act in this manner. There are still elements of this sort and they are held in check only on account of this Act. And that is why, Sir, I want to say that after all we are all lovers of democracy. In

[Shri G. H. Deshpande:]

England, there is democracy; in America, there is democracy; there is no Act of this type there, I do realize that. But there is much difference between the conditions prevailing in England and America and the conditions prevailing in India. No tram-cars were burnt in London. Democracy is deep-rooted there. And is there a single instance in England wherein people take to violence, wherein people take to sabotage, wherein people wanted to derail trains, wanted to burn the tram-cars? Has it happened in America? There is the opposition party there. Nobody grumbles about the opposition to the Government. Do oppose Government, by all means. We have provided you with a Constitution. We have won that right for the Indian people as a whole and we want that right to be enjoyed from generation to generation. Let people enjoy that liberty. If you win over the people under this Constitution, it does not matter. And, if we lose the power, and they succeed, we will not grudge that Government. We will co-operate to the best of our abilities, as far as we can, according to our principles. We are true democrats. We are not afraid. We want opportunity for the people and liberty and right for the people. We want people to use that liberty and that right. If you deprive us of office by constitutional means, well, we will say: that is the fruit of our labour which we won with so much sacrifice. So, we are not afraid of losing any power. What we are afraid of is that democracy may be done away with and dictatorship may be established. Those gentlemen on whose lips the words "civil liberty" and "Democracy" are dancing for all the 24 hours have no love for civil liberty at all. In the name of civil liberty, in the name of democracy, they want to attack democracy. They want to attack civil liberty; they want to take power in their own hands and they want to establish dictatorship in this country.

There are, Sir, agents of foreign powers also in this country, whose undesirable activities are checked by this

Act. They are controlled only by this Act, and that is why, Sir, I want to say that the time has not come to withdraw this Act, taking into consideration the circumstances as they are and not how they ought to be. After all, in politics, we have often to take to the second best course. It is not an Act of our liking. We would like to have a day when we could rule without this sort of an Act. We are longing for that day. That day, I hope, is not far off. The people are becoming wiser and wiser. A greater sense of responsibility is shown by the general public, and there is no sympathy, there is less and less sympathy, for acts of violence. I hope these acts of violence will be done away with. Our poverty is there: we have to remove it. We have a plan of our own for that. We want peace and security. Unless there is peace and tranquillity in the country, the economic conditions of the nation cannot be improved. For pursuing our efforts towards the betterment of the economic condition of the masses, we want peace and tranquillity in the country. We want, Sir, that democracy should be deep-rooted in this land. So, when this democracy is in its infancy, we cannot tolerate enemies of democracy. I would like to tell the hon. Home Minister and the Government of India that, largely speaking, the entire masses are with us and they want this Act to be continued. They are tired, bitterly tired, of these acts of violence. Travelling has become risky, and on account of violence, the lives of innocent people are endangered. There is no safety in travelling in railways, because the revolutionaries take into their hot heads according to their whim or evil plan, to derail the trains and bring about mass murders. This is the condition to which an end ought to be put and ought to be put as early as possible. So, people are with us. It is not that we are away from the people. We are mixing with the people. We have got our fingers on the pulse of the people. There is a cry from the people: "put a halt to these acts of

violence as effectively as you can". The entire masses are behind the Government. I raise my voice to say that it is absolutely necessary to continue this Act for the purpose for which it has been passed. Sir, I have done.

**Shri U. M. Trivedi:** Mr. Chairman, the Motion that is before us will have to be studied very dispassionately without putting any heat into it. Many speeches have been made, running down the measure, and from the speech of the Deputy Home Minister and of the last speaker, the hon. Mr. Deshpande, it is very clear that nobody likes this measure. The Government only wants to justify that we should continue this measure till the time that has been allotted to it in the Act itself elapses, which provision was amended last year. We have, therefore, in the light of these things, to find out whether the necessity that was felt by Parliament last year to continue this Act still exists, or whether we were honest enough in the application of this law as laid down by Parliament. The opening words of the hon. Home Minister, I would say, were rather faulty or perfunctory and untruthful. I accuse him of an untruthful statement because of this: that the hon. Home Minister used the word as a lawyer.....

**Shri Datar:** Can a Member say that another Member is untruthful? That is what he has attributed to the Home Minister. 'Untruthful' is an unparliamentary word, Sir.

**Shri U. M. Trivedi:** I am sorry, I did not think that the Deputy Home Minister would unnecessarily twist things.

**Mr. Chairman:** The only point is, whether the hon. Member used the word 'untruthful'.

**Shri U. M. Trivedi:** I only said that the statement of the hon. Home Minister was untruthful. I have not said that the hon. Home Minister was untruthful.

**Mr. Chairman:** The hon. Member has been in the House for long, and he could have used some other word. I would, therefore, request him to withdraw this word and to use some other word.

**Shri U. M. Trivedi:** I have no mind to accuse the hon. Home Minister of untruthfulness. What I meant to say was that his statement was incorrect. The whole difficulty is this. I would not have used a strong epithet but for the fact that during the course of his statement, I wanted from the hon. Home Minister to know whether he meant to say that reliable evidence was available to him or whether reliable evidence was available to the State Governments at the time of passing the orders and he had emphatically affirmed it. I have got a statement prepared by me—in respect of 36 detenus—who were with me in the Ambala Jail. I have got the names of those detenus and I can lay the statement on the Table of the House. Out of the 36 detenus, 32 moved the Supreme Court and four of the detenus moved the High Court of the Punjab. Of these 36, 35 were ordered to be released by the orders of the courts. In that one case, the Supreme Court arrived at the decision that the language used was quite within the bounds of law and the language could show that the grounds that had been given were not vague and were not indefinite. Therefore, that co-detenu was not released. But what was the history of that detenu? The whole allegation against him was false, false from beginning to end. There was not a single statement of truth in the whole allegation. This method of detaining persons was later on followed up by making a false statement; and the only thing that was done was that the date, place and the occurrence were fictitiously mentioned. There was no truth in it. Therefore, I say that it was not a reliable evidence on which such things were made out. I say further, Sir, that I have got the detention orders of all these 36 persons. If you want to see them, I can hand over the

[Shri U. M. Trivedi]

papers to you. In all those cases you will be surprised to find irrelevant allegations made in the grounds for detention. Here is an allegation made in the detention order of a person:

"That in the beginning of April, you wrote to the Chief Minister, Punjab, urging him to release the B. J. (Bharatiya Jan Sangh) detenus before the municipal elections."

Is that a ground for detention—writing to the Chief Minister to release some people?

In another case the ground of detention that was given was:

"That on 1st January 1953 at Ludhiana you, during your talk with the local R.S.S. workers stated that the Praja Parishad cause was just and gave out that they deserved the support of the R.S.S. in the country."

Is that a wrong thing? What was wrong in the statement of this person that he should be put behind bars?

The grounds for detention of a very learned man, a professor are:

"That you delivered a speech in the Provincial Bharatiya Jan Sangh conference held at Jullundur City on 9th October 1952 and severely criticised Abdullah Government for suppression of the Praja Parishad organisation:

That on 28th December 1952, you addressed a camp of R.S.S. workers at Taran Taran where you upheld the justness of the demands of the Jammu and Kashmir Praja Parishad and condemned the Government of India for its policy in that regard;

That on 15th January 1953, you presided at a public meeting held at Jullundur City to protest against the Hiranagar firing on Praja Parishad workers."

Are these grounds of detention? It is these things which have ridiculed

the application of the law. I can make a present of these to you. You can go through them and you will find that in not even a single one of the 36 cases the grounds of detention are relevant or based on reliable source of information.

I would in this connection also like to give the case of one Lala Lajpat Rai who was detained on grounds which showed that he was present at certain places where he could not be present. When he was signing cheques, when he was conducting cases, when he was giving evidence in Bombay and Indore. It was alleged that he was at a particular place in Jullundur and Ludhiana. What more unreliable evidence could be before you. I am sure the Home Minister would have been presented with some notes and briefed. But I would request him not to trust everything that comes before him.

I shall give a glaring instance of how the Preventive Detention Act is abused. I have received a letter from a Member of the Legislative Assembly, Shri Nihir Kabi of Seraikela, Bihar. This is the translation of a letter addressed to him by one Shri Rudra Prasanna Sarangi an undertrial prisoner in Chaibasa Jail, in Bihar. After having verified the truth of these allegations, I am reading this letter to show what happens in detention. The purpose of detention will be now clear to you.

"Nihir Babu,

On 9th November 1953 the Assistant Deputy Commissioner came to see me in the Jail Gate and I had the shock of seeing a naked picture of the meanness and fraud of the Bihar Government. He showed me a leaflet with a tiger print, published by the People's Revolutionary Party calling for a revolution in Singhbhum. I know not if you have got that paper. If you have, you must have read it. Showing me the leaflet he said that if I give in writing that the Raja of Seraikola,

Miahr Kabi and P. K. Hand had written it, he would withdraw all the cases pending against me. What a vile attempt indeed!"

I am not going to read the whole letter. Is it for this purpose that you utilise this Preventive Detention Act?

I do not want to cite my case, because I know that all the allegations that were made against me were false. I challenged the Chief Secretary and I wanted to prosecute him for perjury. But wiser counsels prevailed and we did not like to degrade him to that extent.

Again, I say that you are not well posted with facts. The hon. the Home Minister made out a case that all the States were unanimous in expressing the necessity for the continuance of this measure. At the same time may I remind the hon. the Deputy Home Minister that it is admitted by Government itself that eleven States have not at all utilised this measure. How can one express an opinion upon a measure of which he has no knowledge, about which he has developed no experience? What is it? Is it only his master's voice that they are repeating, or is it an honest statement of opinion? I say, Sir, it is all manœuvring. You, may have your justification for it—I do not deny that. But you contradict yourself in your statement.

At page 3 of your report the abbreviations of every conceivable political and non-political party are given—R.C.P.I., C.P.I., F.B., R.S.P.I., H.M.S. (Hindu Maha Sabha) etc. It is indicated how many people belonging to these organisations have been put behind bars under the Preventive Detention Act. But what surprises me is this. There is no mention of the names of the Congress and the Muslim League. These are the two organisations which ruined the country, which divided the country into two parts, calling each other communal. But these two organisations are out of the picture. Before partition the Muslim League was very vehement in running down the Congress Party as communal

minded and full of Hindus. The Congress on their part were very vehement in running down the Muslim League as the most communal organisation. I do not accuse the Congress of any communalism, though I definitely say that the Muslim League is a communal body. But you people, the Congress and the Muslim League after having seized power have kept out your name from these reports and white-washed everything. Therefore Congressmen are not to be arrested; Muslim Leaguers are not to be arrested. The Muslim League can put Khan Abdul Ghaffar Khan under preventive detention. The Congress can put all its opponents, including Dr. Syama Prasad Mukerjee behind bars and get him killed in Kashmir. It is these things which must shame you. You must have a proper perspective before you before you proceed further in this direction, of depriving people of their liberty, which you cannot do except in the ordinary process of law.

One more observation, Sir, and I have done. I am very much surprised by the irrelevant remarks made by some learned advocates who day in and day out say that all people except themselves talk irrelevantly. These are the persons who absolutely have no idea of what this Part III of the Constitution lays down. Part III, of the Constitution, Article 22 merely lays down a particular right. The sub-clauses under it are not the right; they are merely safeguards. You forget that. You think that Article 22 gives you a right to have Preventive Detention Act. The main theme of the Article is that a man is not to be arrested without proper process of law and he has got certain safeguards provided for him. Don't think that simply because preventive detention is mentioned there you have been given the right to have that power. Even if you have it, don't try to justify it on the ground that these are times when it is necessary to have this law. Times are quite normal. Our laws are very wide and there is absolutely no necessity for this preventive detention.

[Shri U. M. Trivedi]

The hon. the Home Minister said that very recently he visited Morena in Madhya Bharat, where he said that people are being abducted. I say not only abducted but people are being killed there. Fourteen people were killed in Madhya Bharat at one place in Morena. Are you able to stop that? Are you able to catch hold of dishonest people, *badmashes*, rogues? No. You can only catch honest and respectable people who come into Parliament and cannot hide themselves, and put them behind bars. You do not apply this Act against goondas, *badmashes*, criminals. You post six constables and C.I.D. men at my doors or at the doors of Mr. Deshpande, Mr. Chatterjee or Dr. Khare. You do not utilise these twentyfour persons to catch thieves, rogues, black-marketers. Why don't you utilise these efficient people for catching such persons? Why do you follow in the footsteps of the British and take away the liberty of the people, the liberty of the people which you are proclaiming from the housetops. If democracy is to flourish in this country wipe out this measure from the statute book. Then only your name will be fair.

Shri Datar: Sir, on a point of correction. There have been Muslim League members who were detained in West Bengal and Assam. The hon. Member is entirely wrong in saying that Muslim League people were not arrested. He will kindly see pages 5 and 9.

श्रीमती बन्धिन पटेल (करा—दक्षिण) :  
चेयरमैन साहब, कल शाम से मैं इस रिजोल्यूशन पर बहस सुन रही हूँ। दुःख की बात तो यह है कि जो लोग प्रायः सरकार के विरोध पक्ष में बैठे हैं वे जो बोलते हैं और स्पीच करते हैं, उससे यही भास पड़ता है कि वे ऐसा मानते हैं कि जो प्रायः सत्ता पर है उनको सरकार के खिलाफ़ में है उन सब के लिये दिस में कोई प्रकार की फीनिंग नहीं है, इस तरह से सारी बहस हो रही है। भाषार्थी जी ने जो कल अपनी बहस की तो उनका जो

अपना हमेशा का तरीका है, कटाक्ष में बोलने का, उस ढंग से काफी सरकार के खिलाफ़ और कांग्रेस के खिलाफ़ अपना रोष व्यक्त किया। मैं भ्रष्टी तरह से कई सालों से उनको जानती हूँ और अगर वह हमारी तरफ़ होते तो इतने ही जोर से वह इस रिजोल्यूशन का ताईद करते। और अगर उनको होम मिनिस्टर बनने का मौका मिलता तो इससे भी ज्यादा कड़ा ऐक्ट वह लाते। परन्तु आज उनको वह मौका नहीं मिला है इसलिये यह रोष व्यक्त करते हैं।

बहुत हड़तालें हमने भी चलाई हैं, बहुत से जुलूस हमने भी निकाले हैं और बम्बई जैसे बड़े शहर में बारह बारह घंटे तक जुलूस बँटा रहा है, और कई बार एक बार नहीं, परन्तु एक कंकर तक नहीं गिरा है, न किसी प्रकार की कोई हिंसा हुई है। अगर आपको भी जुलूस निकालने हैं, हड़ताल करनी हैं, तो इतनी व्यवस्था रखनी चाहिये कि जो आदमी ऐसे हैं जिनको इस से कोई निश्चय नहीं है, वे बंबारे इन्वीजेंट आदमी उसमें क्यों मारे जायें, क्यों उनको बीच में गौली खानी पड़े। हमारी बहन ने बंगाल के कलकत्ते की एक, दो, तीन मिसालें दीं। मिसाल देने से क्या फ़ायदा? आपने इस तरह से क्यों ड्रामा की हड़ताल की? हड़ताल करना हो तो करो, लेकिन इतना इन्तजाम हो, इतनी पावर हो, ताकत हो, लोगों पर आपका इतना प्रभाव हो और इस तरह पूरा इन्तजाम हो कि ड्रामा में कोई न बैठे तो करो हड़ताल। हमने बारदोली में जंग किया था, तब सरकार के एक भी कर्मचारी की पाव भर भी दूष चाहिये या तो हमारी इजाजत और नहीं मिल सकता था, इतना इन्तजाम था। आप भी इतना इन्तजाम करो तब हड़ताल करो, जुलूस निकालो।

दुःख की बात तो यह है कि कई जिम्मेदार लोगों को कुछ ऐसी बात है कि दूर से

बिनगारी लगा देना और पीछे कहना कि यह पुलिस ने सब किया और इसमें बेचारे वाले आदमी मारे जाते हैं। क्या आप यह चाहते हैं कि जब तक ट्राम जलाई जाय, रेल की पट्टी उखाड़ी जाय, टेलीफोन के तार काटे जायें, तार आफिस जलाया जाय, सरकारी मकान जलाये जायें, या कोई रास्ते पर जाते हों तो उन पर एमिड बम फेंके जायें, या बैंक नूटी जाय, तब तक सरकार बैठी रहे और वह चीज हो जाने के बाद उस के सबूत को इकट्ठा करे तभी लोगों को पकड़ा जाय ? अगर मेरे से पहले जो भाई बोले, उन्होंने शिकायत की कि इतने आदमी मारे गये और सरकार ने क्या किया। अगर खबर सरकार को मिलती तो वह आदमी क्यों छोड़े जाते, क्या वह ऐसा चाहते हैं कि कोई गरीब आदमी गुंडे से मारा जाय, कोई भी आदमी डेकाइट से मारा जाय। आपने नहीं देखा कि सौराष्ट्र में कितने दिनों तक भूपत के दोस्त को नहीं पकड़ सके। लेकिन जब पकड़ा गया तब कानून को कौन सी क्रम लगाई। उसके क्रम सगाने के लिये नहीं ठहरे थे, उस को पकड़ कर तुरन्त डिटेन्शन में ले लिया।

इस ऐक्ट के नीचे इतने कम आदमी पकड़े गये और इसका इतना कम उपयोग किया गया कि यह बड़ी बताता है कि जो हम चाहते हैं कि बहुत संभाल कर इस ऐक्ट का उपयोग किया जाये। बात तो यह है कि क्यों आप यह चीज मूल जाते हैं कि आज मध्यस्थ सरकार में या अलग अलग स्टेटो में, राज्यों में, जो आज राज्य का शासन करते हैं, जो प्रधान मंडल हैं, उन सब में अधिकतर लोग ऐसे हैं कि जिन्होंने काफी साल का समय डिटेन्शन ऐक्ट में बिताया है। उन लोगों ने उस समय की कठिनाइयाँ भोगी हैं। आप जो जेल में जो जाते हैं उनके लिये वह कठिनाइयाँ हैं भी नहीं। आज तो कितने

ही रिफार्म जेल में हो गये हैं। परन्तु इतने पर भी जेल में आदमी को मन की जो परेशानी होती है उसका हमें पूरा स्यास है। और जो आज शासन करते हैं उन को भी पूरा स्यास है। वे सब जेल के जीवन से निकले हुए हैं। ऐसा मानना कि आज वह सत्ता पर आये इसलिये उनको बिल्कुल भूल गये यह बिल्कुल गलत है। यह दुःख की बात है कि हमें इसका उपयोग करना पड़ा पर जिम्मेवारी लेने पर करना पड़ता है। आप कोई एजीटेशन करते हैं तो उसकी पहले पूरी जिम्मेवारी समझ कर करना चाहिये। काफी इन्तजाम कर सकते हैं तो फिर एजीटेशन करना चाहिये।

एक भाई ने सेल्स टैक्स का उदाहरण दिया। आपको मालूम है कि बम्बई में सेल्स टैक्स का एजीटेशन चलता गया था। वह चलाने वाले भी बाद में पछताये कि यह क्यों चलता था, क्योंकि एजीटेशन चलने पर वह सब दूसरे लोगों के हाथ में चला गया और उनके हाथ से सब बात निकल गई। दूसरे लोग उसका फायदा उठाने लग गये जिनका उससे कोई मतलब भी नहीं था। सब जगह गड़बड़ होने लगी। तो क्या आप वह चाहते हैं कि सेल्स टैक्स के एजीटेशन के पीछे शहरों में कितनी भी गड़बड़ हो, कितनी भी अव्यवस्था हो, तो भी सरकार देखती रहे। एजीटेशन करने का भी तरीका होता है। रिप्रिजेंटेशन करो, आप को मीटिंग करनी हो तो करो, जुलूस निकालना हो तो निकालो, पर इस सब की आपको जिम्मेवारी लेनी चाहिये, व्यवस्था सब बात की आपके हाथ में होनी चाहिये, इतना काबू लोगों पर आपका होना चाहिये कि कोई बाहस कराना भी चाहे तो भी नहीं कर सके। हम भी जब सरकार अपनी नहीं थी हम सब लड़े, काफी जुलूस निकाले। हमने देखा कि सरकार उसमें बाहस करना चाहती थी,

## [श्रीमती मधुबेन पटेल]

फिर भी हमारा इतना इन्तज़ाम हुआ करता था कि वाइलेंस नहीं हो सकता था। और आज तो आपको समझना चाहिये कि कोई भी अधिकारी, पुलिस इस तरह से वाइलेंस नहीं करा सकता है। सब अधिकारी और पुलिस वाले जानते हैं कि सरकार लोगों की सरकार है और ऐसा कुछ किया जायेगा तो उस का उस से पूरा हिसाब लिया जायेगा और उस को सरकार में रहने की जगह नहीं रहेगी। आप लोग जो सिविल लिबरटीज की बात कहते हैं तो उस का इस तरह के ऐंजी-टेशन से कोई सम्बन्ध नहीं है। अगर आप गरीब इन्तरेस्ट लोगों को सजाना चाहें, उनको मुश्किल में डालना चाहें और परेशान करना चाहें और आप दूर से देखना चाहें तो कोई भी सरकार ऐसा नहीं कर सकती है कि चुप बैठे रहे। जो व्यवस्था करता है उस पर ज़ाबदारी रहती है। बात यह है कि आज जो होम मिनिस्टर हैं उनका एक बोलने का एक तरीका है। वह स्वभाव से ही लुश मिजाज में रहते हैं। इस तरह से आप लोग जो विरोधी पक्ष में हैं, धमिक्कत घटक करते हैं, क्या यह ठीक बात है? आप क्या ऐसा चाहते हैं कि वे बड़ा लम्बा बूढ़ करके रोते रोते आपके सामने ऐकट रखें? उनके दिल में भी लोगों और जनता के प्रति उतनी ही मुहब्बत और जगह है, जितने का आप शाना करते हैं और अगर आप शान्ति से क़ानून से रहें, तो चाहे इससे भी कड़ा क़ानून क्यों न हो, आपको उससे डर नहीं होना चाहिये, इस क़ानून से तो उन्हीं को डरना चाहिये जो अनलाफुल काम करते हैं। जो आवबी लीवे रास्ते पर चल कर रहना चाहता है, क़त्तारी से रहना चाहता है, जो हिंसा नहीं करना चाहता, उसको इस क़ानून से कुछ नहीं होता है, परन्तु बसब बात यह है कि आप क़ानून को इतक

हटवाना चाहते हैं कि अगर क़ानून न रहे, तो आप पीछे रेल की पट्टी उखाड़ सकें, ट्राम जला सकें और मनमानी शोर बख़ेड़ा कर सकें आप यह सब ग़लत काम कर सकें, उनकी बख़ह से सरकार परेशान हो और उस समय सरकार के पास आपको चक करने के लिये उपयुक्त क़ानून न हो। हमने जिस मेहनत से और कष्ट से इस देश के लिये स्वतंत्रता प्राप्त की है, हम नहीं चाहते कि आप इस तरह की अव्यवस्था देश में फैला सकें जिससे हमारी आज़ादी खतरे में पड़ जाये, हमने जो आज़ादी पाई है, वह हम तरह से खोने के लिये नहीं पाई है। मैं मानती हूँ कि अपनी आज़ादी को ठीक प्रकार से सुरक्षित रखने के लिये और उस की फाउण्डेशन को मज़बूत करने के लिये जितने भी क़ानून बनाने पड़ें, सरकार को बनाने चाहिये और आज तो जनता हमारे पीछे है, यह तो चुनावों ने साबित कर दिया है, लेकिन जैसा कि आप दावा करते हैं कि जनता हमारे साथ नहीं है, तो आपके लिये रास्ता खुला हुआ है, पांच साल के बाद फिर चुनाव होंगे और आपका दावा अगर सही साबित होता है, तो आप हमारी जगह लीजिये। आज भी उपनिर्वाचन होने हैं और जहाँ जनता हम से रंज होती है, वहाँ आप लोग चुन कर आ जाते हैं और जहाँ हम से रंज नहीं होती, वहाँ हम लोग घाते हैं। इसलिये मेरा आप से कहना यह है कि महबब बोलने से या गुस्सा करने से काम नहीं होता और मेरा तो सरकार से इतना ही कहना है कि ये लोग चाहे जितना भी गुस्सा करें और कुछ भी क्यों न करें, उससे सरकार को अपने मार्ग से विचलित नहीं होना चाहिये और शासन की अपनी जिम्मेदारी बोधवता से निभानी चाहिये और वेफ में बराबरता न फैलने देनी चाहिये।

इस बिल के विरोध में यहां एक यह भी दलील दी गई थी कि अन्न के फूड ऐंजीटेशन के मिलमिले में क्यों लोगों को इस के अन्दर पकड़ा जाता है? मैं आप से पूछना चाहती हूँ कि क्या फूड ऐंजीटेशन करके आप लोगों को अन्न देना चाहते हैं, या उसके पीछे आपकी सरकारी अनाज के गोदाम लूटने की मंशा रहती है? कलकत्ते में जब लाखों प्रादमी भूख से मर गये थे, तब आप लोग कहाँ थे? हम लोग तो उस समय जेल में थे, आपने तब क्यों नहीं कुछ किया, तब तो आप बैठे रहे और हमें पकड़वाने में आपने सरकार की मदद की। लोगों को काफ़ी और अच्छा अन्न दिलाने के लिये अन्न जरूरी हो तो आप जरूर ऐंजीटेशन करे, लेकिन अनाज के गोदामों और दुकानों को लूटने और जलाने से तो लोगों को अन्न नहीं मिलेगा। अगर आप वाकई चाहते हैं कि लोगों को पर्याप्त और अच्छा अन्न मिले तो आप खेत में जायें और पंदावार बढ़ाने की कोशिश करें और जहाँ एक मन उगता है, वहाँ दस मन पैदा हो ऐसा कीजिये। आप क्या यह चाहते हैं कि मिल के मैनेजर को घेरा जाय या बोमालर में डाला जाय, सरकार को इसका पता लगे कि ऐसा उनके करने का इरादा है, उस पर भी सरकार चुप चाप देखती रहे और उनको ऐसा करने से रोके नहीं? सरकार का धर्म होता है कि ऐसे लोगों को चेक करे और इस लिये यह कानून जरूरी हो जाता है। इस बात से यह मतलब नहीं निकालना चाहिये कि जो शासन सम्भालते हैं अथवा मिनिस्टर्स हैं, उनके हृदय नहीं है, आखिर वे भी तो जनता के प्रतिनिधि हैं और जनता ने उन्हें यहां भेजा है और हम देखते हैं कि जैसे ही स्थिति ठीक हो जाती है पकड़े गये लोगों को छोड़ दिया जाता है और इस लिये मैं कहती हूँ कि यह जो कानून का हिसाब हमको दिया गया है, वह

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बताता है कि उसका उपयोग ठीक किया गया है और इसको न्यूट बुक पर कायम रहना चाहिये। अगर स्टेटों में इसका उपयोग नहीं किया गया, यह चीज यह बताती है कि सरकार जहाँ अपने को निरुपय पाती है, जहाँ और कोई हसाज नहीं है, वहीं वह इस कानून का इस्तेमाल करती है, और जहाँ इसके बिना काम चल सकता है, वहाँ इसको अमल में नहीं लाती।

यहां बतलाया गया कि बम्बई में एक ही गुंडा इस कानून के मातहत पकड़ा गया, अगर ज्यादा गुंडे नहीं पकड़े गये, तो यह तो अच्छी बात है, इसमें मेरी समझ में नहीं आता बुरी क्या बात है? गुंडे जहाँ जहाँ जब कभी कोई गड़बड़ होती है, निकल आते हैं, जब तक शान्ति होती है, तब तक वह लोग कुछ नहीं करते और गड़बड़ फैलते ही गुंडों की बन आती है और गुंडों का राज हो जाता है। गड़बड़ को रोकने के लिये यह कानून रखा है और इस हेतु से जो इसको जारी रखने के लिये प्रस्ताव रखा गया है, उस की मैं तारीफ़ करती हूँ।

**Sbri Raghavachari (Penukonda):**  
Mr. Chairman, I do not wish to take much of the time of the House. All the arguments have been advanced, for and against. I only wish to say one thing. We are expected to take a decision now on a review, re-examination, of the present state of affairs and the way in which this Act has been used so far. Therefore, the only relevant thing is, is it necessary that in the present circumstances, this Act must be continued. That is the only relevant point for consideration. I expect the Members of this House to be in the position of judges, to take all the materials on record and then come to the conclusion whether in their judgment, it should be continued or not.

Member after Member has advanced arguments calling one party or the

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other names referring to their previous conduct and then saying, don't value what these people are saying. That is a very wrong way of approaching this problem. The principal question is that the Government which wants to continue this legislation must satisfy the House, that in the existing state of affairs, there is need for its continuance. Then, the question would be whether keeping this law on the statute book has improved the situation or it has not at all improved; and thirdly, the tall claims now made that it is not misused or abused, is it or is it not true?

I shall take the last point first. Most of us have the experience of how the Detention Act was applied against most of us in those black days. We have not forgotten all our experiences of the police constable, Sub-Inspector, the Deputy-superintendent and the Superintendent fabricating almost against everybody reasons which were unreal. Have all these people changed their colour, mentality and experiences? In fact, even today, these Acts are being used and abused in the same way. I should think that the people have not changed from what they were in olden days. That is the first point that the Government has to take into consideration.

I wish to raise another point. The strongest argument urged was that all the States have asked for it. It is the responsibility of the State Governments to preserve law and order. I would have liked that every State, when it asked for the continuance of the Act, should have placed the matter before their Assemblies and adopted a resolution that there is need for its continuance. That would have been of value. Who is the State that has asked? Somebody in charge of law and order. He would naturally say, let us have this weapon; it is a very fine weapon; with this we can get hold of anybody like Brahmastra, we can use this without being called upon to establish the guilt or otherwise of the person proceeded against. Therefore, when you

say that the States have asked for it, I for one feel that there is no force in that argument, because the representatives of the people in the Assemblies, if approached, would have brought to bear their personal experiences of how the Act was being administered in their States, and then decided one way or the other.

Then you say that not all the States have made use of this legislation. Why should these 11 States ask for its continuance? It is most surprising. You say that in all parts of the country, the situation has improved; Peace has come; there is not so much disorder. Should this make you say that it is essential or not essential to continue the operation of the Act?

Friends here go about saying, we have secured Independence for this country. It is a very tall claim. Most of us also have worked. I don't wish to claim that I was responsible for getting Independence. It is the whole country; the whole population supported the fight for independence. If somebody should get up and say, I have brought it and therefore I shall destroy it, I would say, it is not good business; we will prevent you from destroying the Independence or the rights for which we have all fought. Not only you, all of us have fought; the whole country has fought. It is this kind of argument, unbalanced and prejudiced, and these people calling others by names, that have brought disgrace to the administration or rather, have contributed largely for the loss of confidence on the part of the public in the Government and for their taking less and less interest in the administration.

Therefore, I would only say the argument advanced does not satisfy at all. I feel there is no need really for the continuance of such a treacherous or a tremendously dangerous weapon in the hands of people who would be very anxious to use it on every occasion. Therefore, there is absolutely no need for it.

**Mr. Chairman:** Now there are only 40 minutes left. Many Members are still anxious to speak. I would request all the hon. Members whom I call now to take five to eight minutes.

**Shri Sarangadhar Das (Dhenkanal—West Cuttack):** Mr. Chairman, I had no intention to speak on this after Acharya Kripalani had taken quite a considerable length of time in presenting our case.

Only this afternoon I have heard two speakers, my friend Shri Deshpande and the lady Member who spoke just now, Miss Maniben Patel, both of whom stated that as far as this measure is concerned—the Preventive Detention Act—the whole country is behind the Government. I want to correct that statement.

I wish the Government to go back to the last General Election. A month before the election, the Communists who had been detained for two years, three years, four years, were released to fight the elections. Now, I must qualify my statement by saying that I hold no brief for the Communists. But the fact is they were released and their appeal to the people was: "This Government has detained us for three years and has released us now to take your vote and go to the Assembly or to the Parliament. If you do not give us the vote, we will be again put behind prison bars". And I know of two cases, one in Calcutta, and one in my own constituency in Orissa, where the Communist Members were supported by the electorate for this reason only that they do not like this detention. The common people do not like that anyone should be detained in jail without trial. I just wanted to correct this statement of the hon. Members. From my experience I say this, and I hope the Minister will reply to this, whether it is a fact or not. The man in Calcutta is Shri Ranen Sen, a Member of the West Bengal Assembly, and the man in Orissa is Shri Balshrab Patnaik who is a Member of the Orissa Assembly.

**Shri J. R. Mehta (Jodhpur):** Mr. Chairman, Sir, I do not think I will take much of the valuable time of the House by dilating at very great length on the principles involved in this measure. I personally am opposed to the measure, but what we are directly concerned with now is to see how the Act has been administered in practice. Much has been said on this aspect of the question on both sides of the House, and I will simply say that I am one of those who believe that the Act has not been properly administered. It has not been administered with due circumspection and restraint.

While I complain that this Government has failed to administer the Act with due circumspection and restraint, what worries me all the more is that the attitude of the Government in the matter is just a symptom of a deep-seated and more or less all-pervading malady which seems to have seized this Government. I refer to the malady, Sir, of using force or violence on the slightest pretext and as a panacea for all ills. In one word, Sir, my worry is that our Government is getting more repression-minded, and more and more violence-minded from day to day. Recourse to lathi-charges, recourse to Section 144, tear-gas raids and even firing—all these abnormal, and may I say, ugly manifestations of Governmental brute force seem to be becoming too frequent and almost a normal feature of the administration of this unhappy land called free India. It cannot but make every patriotic Indian feel sad that there should be firings on persons engaged in anti-Sales Tax campaigns or anti-Municipal Tax campaigns and even on hunger demonstrators and students. I am aware that I will be told there is another side to the picture and that there is widespread violence and indiscipline among the people. Well, Sir, the Indian people, I maintain, are the most docile, peaceful, non-violent and law-abiding people in the world. Have you ever paused to consider why such a proverbially peaceful and law-abiding people should be taking more and more to violence

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and indiscipline? Have you ever paused to consider how far this may be due, on the one hand, to frustration and despair, born of your irresponsiveness in spite of your tall claims of being a popular Government, and, on the other hand, due to your own violence, your own policy of repression? I have nothing but the severest condemnation for this spirit of violence or indiscipline wherever it is to be found. Their manifestation among the student community in particular I regard as simply tragic, most disgraceful and utterly intolerable. But the question which I wish in all humility to pose before the hon. Members of this House, and particularly the Government is: cannot the Government be a little more responsive, and at the same time, cannot it do with a little less violence? I am concerned here, Sir, more with the latter part of the question than with the former. I implore you with all the earnestness that I can command to consider this latter part seriously—more seriously than this blessed Preventive Detention Act. It will be worth your while. Please ask yourself the question in all solemnity: is all this violence which you are using against your own people, becoming of a national Government which claims to be popular and to enjoy the confidence of the people? Ask yourself solemnly: should you lathi-charge and tear-gas and shoot people so frequently, if at all—those people who reposed confidence in you? Is that the way you should behave with people who have given you confidence? Mahatma Gandhi—that great saviour of India, by whom most of us swear in season and out of season, taught us to eschew violence even against our foreign rulers whom he dubbed as a Satanic Government. Even that Satanic Government he claimed to win by Satyagraha and self-suffering. I put it to you, in all humility: can you not use that matchless weapon of non-violence in order, to win over your own people; invite suffering on yourself rather than inflict on your own countrymen, your own kith and kin, misguided though they may

be? Why could you not have the courage to go among the students and start a fast in their midst with the object of bringing them to their senses, instead of ruthlessly lathi-charging and even shooting them—including those who would dare resort to fasting in order to convert you? I dare say if any one among our leaders had had the imagination, the courage and the sincerity to do so when the student trouble broke out in Lucknow recently, the entire atmosphere throughout India would have changed overnight, and public opinion and conscience would have been pricked and the student community would have easily come to their senses. Did not the great Mahatma do so, when he saw no other way of bringing round his erring countrymen? Not only would Government have saved themselves in that case, from the stigma of shooting their own children, but they would have come out with doubled prestige, and would have succeeded in creating an atmosphere in which goodwill and understanding would have come to prevail.

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I am not used to sermonizing, nor do I wish to use harsh words. I really want you to appreciate that what I have submitted is the sincerest outpouring of an agonised soul. I wish you to share the agony with me, and to try to find a remedy for this. It makes me extremely sad, that there is too much of violence, and it is up to us all, if we are to realise the India of our dreams and be worthy of her culture and tradition, to benefit from the lessons which Mahatma Gandhi has given us, and to devise ways and means whereby this atmosphere of violence in the country, both on the part of Government and on the part of the people can be done away with. Both the Government and the people are becoming more and more violence-minded. It has become a vicious circle. Somebody has to break this circle, and I implore the Government to take the initiative in the matter.

**Shri Raghbir Sabal** (Etah Distt.—North East cum Budaun Distt.—East): Mr. Chairman, Sir, I will try to be very brief, but I will try to speak on the point. I have listened very carefully to almost every speech that has been delivered since yesterday on this subject, but I am sorry to say that most of the learned speakers have gone off the point, if I may be permitted to say so. In my humble opinion, the only two points that were for this hon. House to consider are whether this Act, which we are going to consider today has been abused and whether there is a case for its extension up to 31st December 1954. All other arguments with regard to liberty, jurisprudence, democracy etc. were entirely irrelevant. They had all been argued when the original measure was brought forward some time back before the House, and were thoroughly considered.

Now, everybody knows that facts are stronger than fiction. Let us face the facts as they are. From the report that has been placed before this House by the hon. Home Minister, it would appear that at the end of September 1952, there were 584 detenus under detention, and during the period from 30th September 1952 to 30th September 1953, 931 more were put under detention. So during the current year, the total number of these two categories of detenus was 1,515. Out of this the total number of releases was 1,115, leaving as many as 400 detenus under detention, on 30th September 1953. But as was pointed out by the hon. Home Minister, from 30th September 1953, to 31st October 1953, a good many of the detenus were released.

And on that particular date, only 117 were kept in custody. I suppose from 31st October 1953 up to today many more detenus would have been released. Now, Sir, taking the vastness of this country, taking the various kinds of people living in this country, harmful and turbulent, is it a preposterous number that is yet in detention? It is a very small number; it is

a very trifling number. We have to see who these detenus were and who they are. From this report it appears that only bad characters were put under detention—those who were dacoits, those who were communal agitators and those who were associated with other kinds of violent activities.

**Shri Sarangadhar Das:** How about the hundreds released by the High Courts and the Supreme Court?

**Shri Raghbir Sahal:** I submit, Sir, that no responsible person in this country would show his sympathy towards these bad characters, communal agitators or those who are bent upon disturbing the peace of the country. I think no sane man will do it. But we have to see also whether in the name of bad characters, good people may not have been arrested, and I think every hon. Member would be entitled to look into the matter, whether the Act has been abused. From the facts that have been stated in this report, we find that as many as 224 persons were released by Advisory Boards, 738 persons were released by Governments *sun motu*, 64 persons were released by the High Courts and 92 persons were released by the Supreme Court. Now, an argument has been advanced: if so many persons were released, why were they arrested at all? Now, even if these persons had been brought before courts and if evidence had been produced against them and if they had been convicted, they might have gone to the appellate court and they might have satisfied the appellate court and so many discharges or acquittals might have taken place from the appellate court. So it is no argument that the Act has been abused. Rather it is an argument that all these bodies, the State Governments, the Advisory Boards, the High Courts and the Supreme Court, have discharged their functions honestly. The Government was not at all vindictive.

Now, Sir, with regard to the need that the Act should be extended upto

[Shri Raghbir Sahai]

1954, we will have to take into consideration as to who are in charge of maintaining law and order? Not we people. Not our friends who are sitting over there. We do not impute any dishonesty to their motives. Neither we admit that we are supporting this because we are pledged to support every good, bad and indifferent thing of the Government. But we are convinced that it is in the fitness of things that this Act should be extended. People who are in charge of maintaining law and order are the State Governments and the State Governments say that they are in support of this Act and it should be extended up to the specified date. So until and unless we find that the State Governments have dishonestly come to that conclusion, we cannot differ from their view. If this Act had been abused, then there must have been a row in the provincial Assemblies. They would have agitated this matter and they would have passed Resolutions. No State Assembly has passed any such resolution nor has any been moved even by a private Member. So, so long as the Constitution casts this duty of maintaining law and order on State Governments, we have to rely upon their testimony and upon their judgment, and we have to strengthen their hands.

Moreover, Sir,—and this will be my last point—we must not be oblivious towards what developments are taking place in the country from time to time. I will not go into greater detail, as many points have been discussed by hon. Members on this side and on the other side, but I would just refer to two things.

Look at the Lucknow agitation that was started by the students. Now, from all reliable testimony and from all responsible quarters, it has been established that behind those students were anti-social elements. Those elements plundered government property, destroyed government property, burnt

post offices, burnt telephone exchanges and so many other things.

Shri Gidwani: But, when all this happened, was the Act in force or not?

Shri Raghbir Sahai: So, behind the student movement we had the anti-social elements. Who in his saner moments would say that this kind of anti-social elements should not be touched? If such a thing has taken place in Lucknow, it can take place in Bombay, it can take place in Calcutta, it can take place in Baroda, and at so many other places. So, it behoves the Government to have this Act in its hands.

[MR. DEPUTY-SPEAKER in the Chair]

Another point, Sir. Recently some questions were put in this House with regard to the Allgarh Convention. The matter was adverted to by hon. Mr. Gadgil; and was referred to by other hon. Members also. That is not a matter to be ignored. We have to see that troublous times are ahead. We have to take all possible precautions. Communalists may appear in this garb or that garb. We have to place a statute like this in the armoury of Government so that if perchance anything untoward takes place, its provisions could be enforced.

Sir, I think the hon. Home Minister has made out a case for the extension of this Act and, if we take into consideration the opinion of all the States we are irresistibly drawn to the conclusion that this Act should be extended.

श्री शिबपति स्वामी (कुप्टी) :  
उपाध्यक्ष महोदय, दो दिन से हम बहस सुन रहे हैं। लेकिन दुःख इस बात का है कि जो श्री दलील डिटेनशन ऐक्ट को जागे बढ़ाने के लिये गवर्नमेंट ने पेश की है वह बिल्कुल नैबुनियाद है। यह नैबुनियाद सिर्फ उन के

ही ख्याल से मालूम होता है, उन्होंने जो स्टेट-मेंट नम्बर ६ में बताया है कि २२४ आदिभियों का छुटकारा एंडवाइजरी बोर्ड से हुआ है, यह खुद इस बात की दलील है कि बोर्ड के सामने जो भी वजूहात उन्होंने रखे वे बुनियाद थे। हमारी गवर्नमेंट को यह याद रखना चाहिये कि इन्साफ एक बड़ी चीज होती है। इन्साफ का बुनियादी उसूल यही है कि एक हजार गुनहवार छूट जायें तो भी कोई परवाह नहीं होनी चाहिये। लेकिन एक बेगुनाह को किसी तरह से भी सजा नहीं होनी चाहिये। इस उसूल की बिना पर ही इन्साफ चलता है। मेरे पास वक्त नहीं है कि मैं आम उसूलों पर बात करूं। लेकिन मैं जिस कास्टीट्यूटेंसी से आता हूँ या मैं अपनी जिस पार्टी के लोगों के साथ काम करता हूँ, अखंड कर्नाटक निर्माण करने के बारे में वह अहिंसात्मक दृष्टि से अपने मूवमेंट को चालू करना चाहती थी। अपने नेता, ऐक्स रेवेन्यू मिनिस्टर श्री कारंत की अध्यक्षता में वह अपना मूवमेंट चालू करना चाहती थी। मुल्क में जितने भी प्रोग्रेसिव मूवमेंट्स होते हैं, उन की दृष्टि से मैं अब भी इस ख्याल का हूँ और समझता हूँ कि लिम्बिस्टिक स्टेट्स का फार्मेशन भी एक प्रोग्रेसिव मूवमेंट है। हमारी जो एक्शन कमेटी फार्म की गई, उस के तक्रारीवन २० लोगों को इसी डिटेंशन ऐन्ट के मातहत पकड़ा गया। बम्बई की स्टेट गवर्नमेंट ने मैं यहां साफ कहना चाहता हूँ कि पार्टी के मकसद को हासिल करने के वास्ते और कर्नाटक के पापुलर मूवमेंट को दर्शन के वास्ते यह स्टैप लिया और गिरफ्तारियां अमल में लायीं। हुबली के ब्राई एलेक्शन में मैं आप को बताना चाहता हूँ कि तमाम विरोधी पार्टियां कम्युनिस्ट, सोशलिस्ट आदि ने कर्नाटक के ईश्यू पर आपस में एक एलायन्स कर लिया और तमाम पार्टीज ने अपना एक उम्मीदवार कांग्रेस पार्टी के खिलाफ

उस बाई एलेक्शन में खड़ा किया। और दोनों तरफ से खूब जनता में अपने अपने उम्मीदवारों के पक्ष में प्रचार किया जाने लगा और इस इलेक्शन में तमाम विरोधी पार्टीज ने मिल कर कांग्रेस के उम्मीदवार का मुकाबला करना शुरू किया, तब कांग्रेस के नेताओं में खलबली मची और उन के इशारे से वहां के डिस्ट्रिक्ट मजिस्ट्रेट ने न सिर्फ एक आघ को बल्कि बीसों को पकड़ लिया। यहां मैं एक बात बिल्कुल साफ कर देना चाहता हूँ कि हमारा अखंड कर्नाटक स्टेट मूवमेंट थोरली पीसफुल है और यह बात निश्चित है कि अहिंसात्मक तरीके से अगर हमें कर्नाटक स्टेट मिलती है, तो ठीक है, लेकिन अगर वह हिंसात्मक तरीके से मिलती है, तो हम न कभी उस को लेने को तैयार थे और न आज तैयार हैं और मुझे यह कहते हुए अफसोस होता है कि इस उसूल पर चलने वाली उस हमारी एक्शन कमेटी के तमाम नेताओं को अपना मकसद हासिल करने के लिये पकड़ लिया। इन का जब मामला सुप्रीम कोर्ट गया, तो गुप्रीम कोर्ट ने अपन जजमेंट में यह कहा :

“Accordingly, it is said that the election was said to be held on the 30th August, and these arrests were made some 20 days earlier.”

यह सुप्रीम कोर्ट का जजमेंट है। अपन जजमेंट में सुप्रीम कोर्ट ने तमाम मेम्बरो को छोड़ते हुए साफ तौर पर यह निर्णय दिया है कि उन का दृष्टिकोण हिंसात्मक नहीं था और सुप्रीम कोर्ट कहता है :

“The mere fact that a meeting was addressed asking that ‘satyagraha’ be started is in itself innocuous. It can be made relevant when tacked to the second allegation, namely, the Action Committee on 26th July 1953, and at

## [श्री शिव मूर्ति स्वामी]

that meeting the petitioner—petitioner No. 292, of 1953, Itagi, proposed certain measures some of which advocated violence. But so far as the petitioners in these cases are concerned, there is no allegation that they advocated or associated themselves in any way with Itagi. The affidavit of these petitioners states that actually the Action Committee rejected Itagi's proposals and this allegation is not denied in the counter-affidavit on behalf of the State. Accordingly, it is evident that the Action Committee so far from advocating or countenancing violence was against it, absolutely."

यह अजमेंट की नकल है जो मैं ने अभी आप को पढ़कर सुनाई। भेरे पास समय नहीं है नहीं तो मैं आप को बतलाता कि आप ने इस ऐक्ट को इस्तेमाल करते वक़्त क्या क्या प्राउन्ड्स डेटेनयूज़ को दी है। मैं सिर्फ़ एक प्राउन्ड यहाँ पर देना चाहता हूँ :

"That you took an active part in 'Akhanda Karnatak Rajya Nirmana Parishad'."

यह भी क्या कोई डिटेन के लिये जस्ट प्राउन्ड हो सकती है? क्या हम लोग अपनी पोलिटिकल आइडोलॉजी के लिये लड़ नहीं सकते, क्या हम उस के लिये जनता में संगठन अथवा प्रचार नहीं कर सकते, क्या जनता को उस के लिये तैयार करना पाप है? क्या जनता की सम्मिलित शक्ति से और लोगों का खून पसीना यहाँ कर जो आजादी हासिल की है, और जिस हृदराबाद को हम ने रजाकारों के चंगुल से छुड़ा कर आजाद किया है, आज हम जब आजाद हो गये हैं तो अपने उद्देश्य यानी अखंड कर्नाटक राज्य के लिये शान्तिमय लड़ाई नहीं कर सकते? मैं समझता हूँ कि जिस तरह से आप हिन्दुस्तान को आजाद कराने के लिये लड़ाई लड़े, उसी

तरह इस के लिये लड़ना और प्रचार करना हमारा बुनियादी हक़ है। क्या अखंड कर्नाटक राज्य निर्माण के लिये आन्दोलन करना कोई गुनाह है और क्या यह भी डिटेन के लिये कोई प्राउन्ड हो सकता है। लिगिस्टिक कमीशन के बारे में खुद प्राइम मिनिस्टर ने बयान दिया है और बतलाया है कि यह इस प्रोबलम पर सोच विचार कर रहे हैं और यह बंडर एग्जामिनेशन है। लेकिन मैं उन से कहना चाहता हूँ कि हमें इस तरह के एग्जामिनेशन की जरूरत नहीं है, काफी देर हो चुकी है और पब्लिक में उस की बीघ से बीघ बनाये जाने के लिये प्रचार करना क्या कोई गुनाह हो सकता है? मैं पूछना चाहता हूँ कि आपने जो यह इशारा किया था कि यह ऐक्ट गुंडों और कम्युनिस्टों की गलत कार्यवाही रोकने के लिये इस्तेमाल किया गया है, तो क्या वे लोग जो इस कर्नाटक राज्य के निर्माण के लिये आन्दोलन कर रहे थे, क्या वे इसी बिना पर पकड़े गये थे? श्री महादेवप्पा, मुन्नगोड, चन्नप्पावाली और शान्ति नाथ इंगले जो कांग्रेस में थे वे चूँकि इस आन्दोलन के समर्थक थे और चूँकि वह आप के शब्दों में ओवर नाइट पेटरीयट्स बन गये थे, इसी लिये आप ने उन को डिटेन कर लिया। क्या यह वाक्य नहीं है कि सन् ४२ के आन्दोलन के समय यहीं चन्नप्पावाली और शान्ति नाथ इंगले कर्नाटक के लीडर माने जाते थे और आन्दोलन चलाने के सम्बन्ध में उन को सीक्रेटस कुंलर और इंस्ट्रक्शनन्स दिये जाते थे और उन में रेलों की पट्टी उखाड़ना और स्टेशनों का जलापना आदि के प्रोग्राम होते थे। वह इस आन्दोलन के सम्बन्ध में पकड़े जाते हैं और डिटेन किये जाते हैं और फिर जब पुनः महादेवप्पा मुन्नगोड का डिटेन हुआ तो उस वक़्त भी फ़ेश प्राउन्ड्स फार फ़ेश डिटेन बन कर थी और वह

वाउन्ड्स भी बिल्कुल वेग वी गई और मैं कहना चाहता हूँ कि बम्बई में इस तरह से सरकार द्वारा इस कानून को एम्बूड किया गया। अखंड कर्नाटक निर्माण के लिये हम प्रयत्नशील हैं और इस मकसद को हासिल किये बिना हम चैन से बैठने वाले नहीं हैं, इस अपनी पॉलिटिकल आइडोलॉजी को प्रीच करना क्या कोई गुनाह है, यह तो हमारा बुनियादी हक है। यहां मैं यह बात साफ़ कर देना चाहता हूँ कि हमारा मकसद हिन्दुस्तान की युनिटी को कायम रखना है, लेकिन साथ ही अपने इस सिद्धान्त को लिये हुए कि भाषावार प्रान्तों का निर्माण हो और कांग्रेस इस सिद्धान्त को मान चुकी है, सिर्फ़ उस को अमल में लाने में देर कर रही है। हम चाहते हैं कि राज्यों का पुनर्गठन भाषा-वार आधार पर तुरन्त किया जाय और बाई इलेक्शन से साबित हो, गया कि जनता अखंड कर्नाटक राज्य की मांग के पीछे है, गवर्नमेंट ने जो हमारे साथी थे, ऐक्शन कमेटी के नेता, उन को डिटेन कर लिया, जनता ने महसूस किया कि यह अन्याय हो रहा है और वहां पर तमाम विरोधी पार्टीज ने मिल कर जो उम्मीदवार खड़ा किया था वह कांग्रेसी उम्मीदवार के मुकाबले तकरीबन तीन हजार से भी ज्यादा वोटों से कामयाब हो गया और आप के इन डिटेन्शन आर्डर से एक तो पब्लिक में असन्तोष फैलता है, दूसरे जो भी सज़ा मुगत कर जेल से बाहर आते हैं, वह लीडर बन जाते हैं और जनता की हम्दर्दी उन के साथ हो जाती है। इसलिये आप को इस पूरे ऐक्ट पर गम्भीरता पूरक सोचना होगा और इस को रिवाइज करना होगा और जैसे भी हो आप को इसे एक ज़ुबिशत दायरे में लाना होगा, क्योंकि जब तक आप इंसाफ़ नहीं करेंगे, तब तक कोई भी गवर्नमेंट कितनी भी वह पज़बूत और लोकप्रिय क्यों न रही हो, ज्यादा दिन तक कायम नहीं रह

तकती, क्योंकि पब्लिक अन्याय का साथ नहीं दे सकती। ईसा न खाने के बग़ैर रह सकेगा, पानी के बग़ैर रह सकेगा, लेकिन गवर्नमेंट खिन्दा नहीं रह सकती "इंसाफ़ रहे वरीर"। इसलिये हम इंसाफ़ मांगते हैं और हम हर आइडोलॉजी को प्रीच करने की आषादी चाहते हैं। मैं चाहता हूँ कि जो अभी भी अखंड कर्नाटक राज्य निर्माण परिषद् के लोग डिटेन्शन में हैं, उन के केस पर आप विचार करें, नहीं तो सुप्रीम कोर्ट में जैसा मैंने पहले आप को बतलाया, उन के बारे में भी उसी प्रकार से निर्णय दे दिया जायगा। बस मुझे इतना हो कहना था, मैं बहुत ही शुक्रगुजार हूँ कि आप ने मुझे इस अवसर पर बोलने का मौक़ा दिया। मैं इस ऐक्ट को आइन्दा जारी रखने का विरोध करते हुए अपना भाषण समाप्त करता हूँ।

Mr. Deputy-Speaker: Shri Kaaliwal.

Shri Kaaliwal (Kotah-Jhalawar): Thank you very much, Mr. Deputy-Speaker, because I thought I would never get a chance.

Some Hon. Members: It is 6-30.

Mr. Deputy-Speaker: I will stop with this if hon. Members don't wish to continue. If they want to speak I am prepared to sit any length of time.

Shri Kaaliwal: I am constrained to intervene in the debate, Mr. Deputy-Speaker, only because certain allegations have been made on the floor of the House regarding my State. Those allegations, I submit, are altogether wrong. One speaker on this side who spoke about half an hour back spoke in a language which was the language of slogans and shibboleths. He said that the Government of Rajasthan was indulging in violence and all sorts of things. I want to contradict him. He did not say anything at all about the dacoit menace in his constituency. He should have been grateful, for it was in his constituency that the dacoit

[Shri Kasliwal]

menace was greatest in Rajasthan. But he has not said a word about the dacoit menace which was prevailing in his constituency and which the Government of Rajasthan has tried to liquidate by all possible means.

Another hon. Member, Shri Sadhan Gupta, who comes from Bengal spoke about Saurashtra. And he said that thirty-one people had been arrested in Saurashtra in connection with the anti-sales tax campaign. But he did not say at all that all those thirty-one people were indulging in violent activities. He did not mention at all that in Saurashtra sixty-six persons were arrested for harbouring dacoits. He did not mention at all that sixty-seven persons were arrested in PEPSU for harbouring dacoits. He did not say at all that a large number of people were detained in Rajasthan for harbouring dacoits. If this Act had not been given to these three Governments I am sure that the great menace of dacoits which has been continuing in these three States for the last three or four years could never have been quelled. I would like to remind the House that last time when the debate took place on the Preventive Detention Act, the late lamented Dr. Syama Prasad Mookerjee himself said that if the dacoit menace was prevalent in Saurashtra, in Rajasthan, in PEPSU and in Madhya Bharat he would have no objection to the continuance of the Detention Act in these four territories. I want to remind the House that so far as that particular matter is concerned the Opposition people have forgotten it. Today the dacoit menace in Rajasthan has been quelled, has been practically destroyed. How? Not only because the Government of Rajasthan has taken adequate steps under the Preventive Detention Act but also because of other measures. You know, Sir, how Bhupat who was a great menace in Saurashtra escaped to Pakistan through Rajasthan. Because there are elements in Rajasthan who have been harbouring dacoits all the time. The dacoits bring booty and give the booty to those

villagers. They act like Robin Hoods and the villagers give shelter to those dacoits. Now, because some of those villagers were detained under this Act those dacoits no longer get any shelter whatsoever, and you will see today that practically the dacoit menace is over. Now the dacoits are themselves coming forward and surrendering themselves to Government and asking for pardon. How has all this happened? Because the Preventive Detention Act has been used. And I want to state before the House that the Preventive Detention Act, so far as Rajasthan is concerned, has never been mis-used or abused.

Acharya Kripalani gave an example yesterday about Jodhpur which happens to be my home town. He said that thirteen members of the public were arrested for agitation against the municipal tax. I wish Acharya Kripalani were here because I wanted to tell him that he could have verified his facts before he made this allegation. Although I quite agree that the agitation related to the question of municipal tax, what did the agitators do? What did the ring-leaders do? They destroyed, they smashed all the lamp posts in that city. The lamp posts in Jaipur were amongst the most beautiful in the whole of India and they were competing successfully with the most beautiful cities in the world. Not a single post was left. It is these people who did all these things. Who are responsible for the destruction of this public property? These people were arrested and the agitation subsided. They thought that something was going to happen and feared that more may be arrested and detained. Then there was no more destruction of public property. I wish Acharya Kripalani had been here because I wanted him to hear all this.

Shri M. S. Gurupadaswamy (Mysore): I am here.

Shri Kasliwal: I do not want to take the time of the House. I only wanted

to say all these things. The allegations which have been made so far as this State is concerned, are false.

There is another point raised by some Members regarding the continuance of this Act. So far as Rajasthan is concerned, I submit that this particular Act must continue in this State for some time. Regarding other points, my hon. friends Shri Gadgil and Shri Raghbir Sahai have stated the reasons for the continuance of the Act and I do not propose to say anything more.

**Mr. Deputy-Speaker:** The hon. Minister.

**Dr. Katju:** Would you kindly give some time 10 or 20 minutes, tomorrow because it is already half past six, Sir?

**Mr. Deputy-Speaker:** The hon. Minister may start now and continue tomorrow.

**Dr. Katju:** Mr. Deputy-Speaker, I have heard the various speeches with

great interest. There have been very eloquent speeches, some of them rather misplaced. But, I must say one thing. I waited and expected a more constructive approach, and a more helpful attitude rather than this destructive attitude.—I do not mean any offence,—a re-hash of what I heard last year, for days and days.

**Shri K. K. Basu (Diamond Harbour):** You continue the same thing.

**Dr. Katju:** I will continue the same thing. What has to be done?

**Shri K. K. Basu:** You change your attitude and we also shall try to change our attitude.

**Dr. Katju:** I shall try....

**Mr. Deputy-Speaker:** The hon. Minister may continue tomorrow. The House now stands adjourned till 1-30 tomorrow.

*The House then adjourned till Half Past One of the Clock on Wednesday, the 23rd December, 1953.*