

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL—Contd.

Mr. Speaker: The House will now proceed with the further consideration of the Preventive Detention Bill.

Along with that there are three other

Shri Sarangadhar Das (Dhenkanal: West Cuttack): Before you call upon the hon. the Home Minister to reply, I wish to make a submission that this Bill is of great importance and it is necessary for the opposition, for various groups and various speakers to express their views and you had in the Business Advisory Committee agreed to that. Unfortunately there are still many speakers and my pleading with the Chair yesterday had no effect.

Therefore, I request you to give us some more time, at least for this day so that there may be ample discussion. We have already signified that we cannot go into the Select Committee and this is the only opportunity to express our views fully. So, I request you to give us more time.

Mr. Speaker: Unfortunately, I do not find myself in agreement with the request made. I could go into the reasons, but perhaps it will be unpleasant to go into full details. So, I will not do that.

The time taken for the discussion of the motion has, to my mind, been sufficient and it is not necessary to take any further time, because I find that there is nothing new to be said so far as the principles or the merits are concerned. The points involved are short. I also carry a feeling that the speeches have been—some of them at least—inordinately long going into many other matters which were not absolutely irrelevant, but which were more or less repetitions. I understood the desire of the hon. Members and, therefore, I appealed yesterday to hon. Members to shorten their speeches. But I found no response to that and the speeches were equally long. Whether it was on this side or the other side, it makes no difference.

Then some further time was granted by reserving the reply of the hon. the Home Minister for today which meant there was an hour's or forty-five minutes' extension—I do not know what time the hon. Minister is going to take today over the reply. So, I do not see how it is possible reasonably to accede to this request. There should be a full debate there is no doubt. A full debate does not mean an opportunity to every Member who desires

to speak and that it should be given even when all possible points and aspects have been fully discussed at length. I do not think, therefore, that I can accept this request on the grounds urged.

Shri Sarangadhar Das: Sir, I regret that we find no other alternative but to walk out in protest.

Mr. Speaker: Yes. I should be sorry if they do so, but it is a matter of their pleasure.

[At this stage the Opposition staged a walk-out.]

Dr. Lanka Sundaram (Visakhapatnam): In the Business Advisory Committee you were good enough to direct that there would be some sort of limitation for the total time allotted for each Bill as well as for each individual speaker on each Bill. I think in your wisdom yesterday you were good enough to ring the bell for my hon. friend Pandit Thakurdas Bhargava. A little more time given here would not be out of place.

Mr. Speaker: The hon. Member will see the difficulty. Yesterday evening the hon. Home Minister was called upon to reply and it is very clear under rule 254 "subject to the provisions of rule 253(3) the reply of the mover of the original motion shall in all cases conclude the debate."

So when he was called upon, all that remains to be done is for him to say whatever he has to say. The debate is concluded. I regret that there should be a walk-out, but I do not think I can satisfy an attitude which still wants time to talk and talk for an inordinate length. I find no new arguments coming here.

The Minister of Home Affairs and States (Dr. Katju): The debate on this Bill had led to a very large volume of oratory and eloquence and when I was trying to summarize the points made, I found that there was really a great identity in the views expressed. One hon. Member has said that the Bill was a stinking Bill from the beginning to the end. Another hon. Member gave a long history of the sufferings undergone under this Act or a similar act which had been in existence from 1941. Another hon. gentleman, a member of the Bar, made big quotations from a large number of judgments and finally this discussion was concluded by a very impassioned speech delivered by one who was two years ago sitting on this side of the House. It will be necessary for me to deal with every one of these points raised, but I should like to say at the

9 A.M.

very beginning that while I am here and we on the Treasury Benches are here to bear the brunt of the oratory of Members opposite, the Governments in the various States are there to bear the brunt of the responsibility for maintaining peace and tranquillity in the land. As I said on the previous occasion, they are unanimous that such an enactment is necessary to enable them to discharge their duty. I am very sorry that the hon. Member who put to me a question yesterday as to the numbers detained from the 1st of March up to date is not here. The suggestion that he wished to convey to the House was that the necessity had all ceased and that it was all quiet in the land. That is really not so. I have got some figures here which I shall lay before the House.

I do want all of us here and people outside to remember the exact position in which we stand today. We have heard quotations from speeches of those whom we venerate and love and speeches made in 1923 and 1924. They are entitled to all reverence, but I do not know how their minds would have worked, had they been living here today to guide us. Please remember that in these 25 years and more the country has gone through a vast revolution. It is not only that the British have gone away, but I may say the whole political and the geographical structure has changed. Indeed the map of India has changed. You have had the country divided. You have had borders where there existed no borders in the past, borders in the Punjab, borders in Rajasthan, borders in Bengal and Assam, but apart from that under one rule—namely, the rule of law, has now come vast portions of India which were called Princely States, three eighths of India in area and a little lesser in population. The States were in substance governed by the British through the Political Department and speaking with some knowledge I can assert that leaving aside some of the bigger states, the conditions there were entirely different and they have now come and joined us. The people who are there are not so very familiar with the democratic conception of life. In Saurashtra, in Rajasthan and in portions of Madhya Bharat the conditions are entirely different and we have to see that unity is preserved and that peace and tranquillity is preserved. That is the first condition.

I entirely agree and as I said it is in consonance with the whole of my past life, that appeals are made to the sovereignty of law and to the necessity of everybody having judicial trial. At

the same time there is this country which after centuries of effort has come under self-rule, but in coming under that self-rule, lots of passions have been aroused, lots of opinions have come into existence; people in different parts of the country are influenced by different sets of opinions, and please remember also that in this country now are living people of all sects, faiths, creeds and religions whom our Constitution has guaranteed perfect security and liberty. Now, expression of opinion has become of very great importance. The opinions should be expressed and ought to be expressed with perfect freedom. That is a right which is guaranteed. But, at the same time, we know the influence these opinions create and what commotion can be excited by the expression of these opinions. One hon. Member speaking on this side of the House said that it was almost the practice for the people who excited commotion to remain behind and lead people on-wards. That is substantially true and I suggest to you, Sir, that it is in the interests of the unity of our land, and the preservation of our land, that nothing should be done to create confusion, to create chaos, and to interfere with the preservation of tranquillity here.

Coming back to the question that was put to me yesterday, I have got the figures which I have collected by telegram. These are the figures of people detained under this Act from 1st March, 1952 up to 19th July 1952.

Assam: 9 people were detained; 3 were released out of the persons detained, in these five months

Bihar: One was detained and he is still in detention.

Bombay: 150 were detained out of whom 135 are described as *goondas*, namely ordinary people who disturb the order and are engaged in all sorts of nefarious activities, not political activities.

Madhya Pradesh: 2; still in detention.

Madras: 8 were detained, out of whom 7 have been released; two were blackmarketers among the persons detained.

Punjab: 27 were detained, out of whom 23 were blackmarketers. 8 have been released. The persons released include 6 black-marketers; 17 are still in detention.

U. P.: 5 detained; 3 released.

West Bengal: 34 were detained out of whom 27 were black-marketers and 6 were members of the RCPI.

[Dr. Katju]

Hyderabad: 82 were detained; 32 were released; in addition 16 have been temporarily released up till 29th September, 1952.

In P.E.P.S.U., where hon. Members must have noticed in the papers that there is confusion going on in the countryside, 423 have been detained, and 93 have been released. The Chief Minister has assured me that all these persons detained are reported to be harbourers of dacoits. In Rajasthan, where the law and order situation has been very difficult owing to dacoits and dacoities, 38 were detained and 18 were released. In Saurashtra, 112 have been detained and 50 released. That concludes the list. In Ajmer, 4 were detained and 3 have been released. In the Part C States, Delhi is the one where some people were detained and were released afterwards. The grand total of persons detained is 531 out of whom 165 have been released.

Shri Sivamurthi Swami (Kushtagi): May I ask, Sir.....

Mr. Speaker: Order, order; let the hon. Minister proceed.

Dr. Katju: By this question, the hon. Member wanted to make out as if there was nothing happening and therefore, the Detention Act need not be passed. I said in my opening speech that we have nothing to do with the propagation of opinion, that we have nothing to do with parties as such. This Act is meant exclusively for the purpose of people who incite violence and are found to be engaging in violent activities. That is the object of the Bill before you, and I hope that, having regard to the prevailing conditions, having regard to the conditions inside the country and outside the country, the House would agree with me that there is need for a Bill like this.

I was just reading this morning in the newspapers the speeches delivered in some of the State legislatures, where Budget discussions are going on, on the Grant for the Police department. Everywhere emphasis was laid by the State Ministers on the delicacy of the situation. Even in some States where Zamindaris have been abolished, it is said that there was likelihood of agrarian trouble. All this requires that we should nip the trouble in the bud. It is no use waiting for things to ripen and then dispersing unlawful assemblies and taking coercive measures and sending to prison large numbers of people. It is a matter of some importance. We had quotations from the observations of British Judges,

100 years old and 150 years old. Many other things were said in praise of liberty and of the virtues of judicial trials. I respectfully suggest once again, even at the risk of repetition, that all these things are to be viewed in the context of the conditions prevailing in that particular country. Whenever we talk in this context of democratic countries, we have got only two countries in mind, and not a third country. We have been brought up in the traditions of the British Isles. It is really important that the British people, while they were living in England, every one of them, Conservatives, Liberals, Tories, Labour, pleaded greatly for the virtues of democratic liberties and for the necessity of judicial trials and open trials. Their opinion may have changed when they came out of England. But, the conditions prevailing there are entirely different from the conditions prevailing in India. Look at the size of the country; a small one. Look at the population; a coherent one. Look at the elements in the country. I said on one occasion that we are supposed to be consisting of many religions. We have got people of different faiths. It was said in a newspaper on one occasion that there was no security for minorities professing a particular religion. The noteworthy thing is this. In the western countries, you have got people, all of them profess one religion. They may be protestants; they may be catholics; they may be Christians of different sects; but they are all Christians. I do not think that in the western countries or in Asia you have got a single country of such enormous population, of such enormous size and enormous numbers, where you have people living together as neighbours, professing different faiths and different creeds.

Here, the necessity for caution, even in the expression of opinion, is enormous. I do not want to go into details. It is not necessary, but reference was made to an episode in Delhi. Everybody knows what happened. It is not necessary for me to divide or apportion the blame. But please remember what happened on the 26th of May. No reference was made to that by the hon. Members who spoke upon it on the other side. On the 26th of May in the morning when there was a judicial proceeding in the Law Court, there was a great hubbub, great commotion, great excitement in the Court compound. People were manhandled, those who had nothing to do with the case, visitors, litigants; caps were snatched, seized, burnt, and then, after

the Judge had decided the case, and passed orders, these people went out into the streets of Delhi and there other crimes were committed. People were again manhandled. In Chandni Chowk there was a similar spectacle, and in tramcars men were pulled out, and very many were severely hurt—I believe eleven were hurt, two were very seriously injured, and one man succumbed to his injuries. Even the Chief Minister of the State was manhandled and assaulted. All that, but not a word was said about that. What led to it? It is not a question of a marriage between A and B, but there was expression of opinion, there were people exciting them, and we have got the population in Delhi, and they took to it. Now, that very evening, the District Magistrate thought that in the interests of tranquillity and peace he should restrain meetings. He stopped meetings. A meeting was held in one of the halls, I think, called the Diwan Hall. Then, loudspeakers were fixed outside and there was a big meeting. About 4,000 people were in the hall, and thousands outside the hall, and speeches were delivered.

I do not want to go into the matter, because I have received reports of those speeches, and today it so happens that I have presented to the House the report of the Committee of Privileges and I would beg hon. Members at their leisure to read passages at Pages 48 and 49, and note the type of speeches that were delivered there. It is stated here that the audience was fairly excited. It was admitted. I am referring to a statement made by our colleague, Mr. Deshpande, and he gives you a gist—not a gist, but one of the points which he emphasized in that speech. Read it, read it at your leisure—and remember the surroundings, the context, and the feelings prevailing in Delhi. In population, Delhi has grown enormously, and people have come here from outside. They have come here from West Punjab—great sufferers, great sufferers in body, in mind, and to them these people said, I suggest that the action taken sounds to us stringent. I quite recognise that it was exceptional, but it may very well be that on the 27th and on the 28th of May there might have been a conflagration in Delhi. It is an extraordinary population here. We have got about 12 lakhs of people living here. So, what is to be done? The authorities who are charged with the administration, have to shoulder the responsibility.

I am very sorry, I was really very sorry to hear something said about the District Magistrate. This officer has

been here for four years, long before I came here, and the hon. Members who have been Members here in the Constituent Assembly for the last four years would realise the conditions through which Delhi had passed from 1947 or 1948 downwards. And I can say from even personal knowledge that this officer had done exceedingly well in shouldering this responsibility, in keeping the tranquillity here. I do not think a single meeting had been lathi-charged here, and yet people come here and attack some one who is unable to defend himself.

Now, look at Calcutta. I am sorry that the hon. Member who spoke last with such profound eloquence and made so many personal attacks on me is not here. But what is happening in Calcutta?

Mr. Speaker: I may inform the hon. Minister that I received a note from him. He had left last night because of the illness of his mother.

Dr. Katju: I am very sorry, Sir. But look at Calcutta. Hunger marches. Quite right. The Assembly is sitting there. This Parliament is sitting here. There are hon. Members from Bengal. There are 238 Members in the Bengal Legislature. You can agitate on every question, regarding food, but the whole point is "We must be allowed to march, and march to the Assembly buildings, and there raise, well, disorderly conditions." The Police says you must not do that. The Commissioner of Police issued the order. The order is being openly defied. Day after day it is being openly defied. What is happening? I have not got the papers here. The people assemble. The Police goes there and disperses the crowd. Brickbats are thrown. Boiling water is thrown. Crackers are thrown. Bombs are thrown. These are admitted facts.

My hon. friends said, "Go into the genesis of the matter, read into the minds of the people". But what is to be done with the minds of the people? One report that I read was that a tramcar was set on fire. It was going to be burnt. It so happened that a mobile Police squad arrived there, and it stopped the trouble. Now, those are the conditions.

And here is a city consisting of about 5 million people, excitable people, lovable people—they are there—and mostly students, young people. And people go and excite them. Now, what is the advice that the hon. Members opposite would give to us? Should this be allowed to continue and the orders withdrawn, and the Assembly should

[Dr. Katju]

not be allowed to continue its deliberations with due safety? The submission that I make is that the Preventive Detention Bill is not intended—it is a great mistake to suppose that it is intended for the suppression of any political opinion. Some of the speakers yesterday said: "Oh, it is for the suppression of political parties, for the suppression of the Hindu Mahasabha or the Ganatantra Parishad of Orissa and all sorts of people". That is an absolutely baseless and groundless charge, because if there was the slightest indication of that, very likely many people who are here would not have come here at all. I do not want to cover the same ground over and over again, but the very fact of the people who are now under detention would go to show that there is no desire whatsoever to interfere with the propagation of opinion. Even on that point opinions may differ. I am very sorry, that the hon. Member from Calcutta is not here owing to some private reason. Otherwise I should have liked to read out to you some passages from the speech which he delivered on the 13th February 1951 in this House. But I do not want to take up the time of the House.....

Some Hon. Members: Please read them out. It will take only two minutes.

Dr. Katju: The first passage that I have in mind is rather remarkable. My hon. friend read yesterday a quotation from the speech of our revered leader Pandit Motilal Nehru. I think in this House excepting his children and very likely my hon. friend Mr. Purushottamas Tandon also, I had the good fortune of knowing him most and of sitting with him at his feet for the longest time. One of the greatest things that impressed me about Pandit Motilal Nehru was his sense of realism. He was the author of that famous dictum about consistency. He was also the author of another dictum that if there is a diseased limb, amputate it. It is very unfair for us to quote sentences from our revered leader uttered 30 years ago; I do not know what they would have done in the conditions of today. But so far as the hon. Member's speech is concerned—I am referring to the hon. Member from Calcutta—he said something about the Advisory Board in regard to which Pandit Motilal Nehru had said earlier that it would not satisfy him even if there were three angels rather than three High Court Judges. But this is what Dr. Mookerjee—I do not know whom he represented then—said as he then was:

"Much as we may criticise Government, let us have the frankness to admit that the amending Bill makes very important changes—changes for the better. The Advisory Board will now be able to deal with all cases. It is not quite clear whether cases of persons who have been detained for less than three months will also be covered under this clause. The Home Minister in his reply to the debate will no doubt make this point clear. In fact it will be desirable from every point of view."

The then Home Minister then said: 'Every case of detention will go before the Board.' Then Dr. Mookerjee continued:

"I am glad that all cases including the cases of persons who may be detained for a period of less than three months will also come under the purview of the Advisory Board. Let us not ignore the importance of this provision, because under the Constitution itself it is not essential for Government to place cases of persons who are detained for a period of less than three months before the Advisory Board at all and if the Home Minister proposes to include their cases also, it is no doubt a change for the better."

But now the Advisory Board is a thing not worth looking at, and it is so much of rubbish.

Then Dr. Mookerjee added:

"We also note with pleasure the provision for release on parole, because we know that there have been a large number of cases where such persons have suffered, since there was no such provision in the past. I congratulate Government on the changes they have made."

Of course, it was the good luck of Shri Rajaji, whom my hon. friend called a great democrat, and it is now my misfortune—when Rajaji is not here, and I am occupying his place, and I do not know whether I am a democrat or a reactionary or a progressive—that I get all the abuses, while Rajaji got all those flowers, bouquets and garlands.

As I said it will take a long time to read out the other passages, and it is no good repeating it in his absence. We are sorry that he is not here today in the House.

With regard to the speech of Mr. Frank Anthony who preceded him then—who condemned the Bill root and branch, this is what Dr. Mookerjee has said:

"I would like to approach the problem from the point of view of one who was a member of the Government when the original Bill was passed into law about a year ago, conversant as I then was with all the circumstances which led the Government to bring forward such a drastic measure before the House, and also as one who during the last ten months have had ample opportunity of coming into contact with various points of view, not only in my own province, but in the whole country, especially with regard to the working of this Act."

What these last ten months were can be easily known—he resigned in April 1950, and this speech was delivered in February 1951.

The only new condition that has come into existence in his association on those benches with L's of other parties. Then continuing, Dr. Mookerjee has said:

"There might have been reasons for Mr. Anthony for speaking in the strain that he did. In fact, while listening to him at certain moments I was reminded of Mark Anthony addressing an assembly. In any case, this is not a matter which we can take in a light-hearted manner. Indeed the Hon. the Home Minister himself started his speech by saying that he moved his motion with a very heavy heart. None likes any provision for the detention of citizens without trial, and especially the hon. Members of this House, many of whom were subjected during their active political career to detention without trial, and I know of many outside also who suffered during the old regime in this fashion."

This speaker of February 1951 while congratulating the Government on the improvements in the Bill gave them another advice also. He said that the Bill was soft towards the Communists, who had not abjured their policy of violence, and therefore it was no use dealing with individuals under the Preventive Detention Act. He said 'Damn the whole party under the Criminal Law (Amendment) Act. Which is the political party today which in the opinion of Government follows that line of action. If the

Communists, not as individuals, but as a party are wedded to this line of action, then why not ban the Communist party of India.' He said then that there is no harm in banning the whole communist party. He also said "The moment the party is banned, you seize its funds, dissolve the party compulsorily." If I remember aright, if that is done, every member of that party becomes liable for imprisonment for a period of three years, and every office-bearer for the same period or for a longer period.

There is no harm in that! There is harm in this Bill which still tries to make further improvements on the improvements urged by Dr. Mukerjee and co. last year. So far as the hearing before the Advisory Board is concerned, there is a right of representation, not only in writing but verbally. There is a specific limitation put on the period of detention—cannot exceed twelve months from the date of the order confirming the detention. And most of all, there is the specific provision that within 15 days an order passed by any officer must come up to the Government itself for its approval. Some hon. Members said that the Ministers must apply their mind to each individual case. I entirely agree. That is what they do. That is what they are called upon to do. Please remember here that the officers who are entitled to pass these orders in times of emergency are not 'half-penny-twopenny' officers. They are not Inspectors of Police or Deputy Superintendents of Police. They are District Magistrates, District Magistrates wielding large powers over, sometimes, millions. In the U.P. there are districts with a population of 3 millions. I believe everywhere in Bengal it is so. The District of Midnapur probably has got a very large population. It is only that officer who can take action. And I really could not follow much of the speeches delivered because it has become customary, in season and out of season, to say everything harsh against the police, to say everything harsh against our own officers. I could understand this mentality when there was a conflict of loyalty, when aliens were the masters and we were all sufferers and we were agitating for our freedom. But there is no conflict of loyalty now. These very officers, these policemen, they may be your relations, my relations, nephews, flowers of our own Universities and to say that everyone of them is corrupt and, apart from corruption, is prepared to lock everybody up is, I submit, to put the case too high. I do not like this mentality.

[Dr. Katju]

Then you come to another aspect of the case—quotations from Judges. Now I speak here with some confidence and also with some responsibility. Judges are the guardians of our liberties, interpreters of our Constitution and our laws and the courts are really our bulwarks. But at the same time it has been said repeatedly that Judges may be trusted as the interpreters of the law, but their advice on high questions of policy is not equally valuable. As expounders of policy, they are not really very useful. The Judges lead—ought to lead—a sort of a very detached life. They ought to live in a detached atmosphere, above all parties, because they may be called upon any day—they are called upon everyday—to mete out justice between man and man, between citizen and citizen and between citizen and the State. So they have nothing to do with matters of policy. They have everything to do with the interpretation of the law.

Now, the passages which were quoted were denunciations. In the law courts my friends who are lawyers here know it very well there is a phrase called *obiter dictum* which means 'irrelevant observation'. I do not know the literal meaning of this latin phrase, but the meaning is 'irrelevant observation'.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): 'Words said'.

Dr. Katju: The result is that every Judge of eminence condemns on the part of his brother judges indulging in *obiter dicta*. They are sometimes like chickens coming home to roost. In Calcutta I was told by one learned Judge they sometimes found themselves in great difficulties. Superior Courts, Superior Judges, each delivering his own judgment, each indulging in an *obiter dictum* of his own and it is cited by counsel. What is to be done? Therefore, the admonition has been for the last 300 years on the part of most eminent Judges: Confine yourself to the facts of the case, confine yourself to the point in issue and give your judgment on that point at issue. But here under your watchful care, Sir, Members indulge in irrelevant observations and speeches. As for learned Judges there is no Speaker there and there is the judgment. You are your own master, you write it out and there it is. I have no doubt the sentences are there. If I had sufficient time, sufficient energy and sufficient capacity, I could gather together lots of other observations to the contrary. Therefore he has this general assertion—detention without trial is a damn-

able thing. I agree—in ordinary circumstances it should never be attempted.

Then you come to the history of many cases. Now I should like to make one point. My hon. friend, Mr. Gopalan, a man who has suffered much—all of us have suffered a great deal—he gave you a long history of the grounds of detention. Now I really do not know what were these Acts because the first Act which was enunciated here was in 1950. Then they were the provincial lists. It may be that the District Magistrates or the officers there may have made mistakes. It may be that they thought it was absolutely essential for the information of the Advisory Board to give a sort of life history of the detenu, something like what you find in "Who's Who" and might set it out, how he began his life etc. Unnecessary, but there it is. But that was all done. Now we have our sympathy. If I may indulge in a little biographical note, when I was taken to trial in 1940 in the individual civil disobedience movement, the charge against me was that I had given a notice that I intended to speak ten days later at a particular meeting. I might never have gone there, I might have changed my mind. So the District Magistrate came along to try. I said, "I do not propose to take part in the proceedings". But the lawyer's instinct was straining and I actually said to him, "You will please observe for yourself whether there has been any offence committed at all". He did not listen. He said, "Offence proved". Giving of a notice is sufficient; and he convicted me. After 11 months, another person took up the point in the Allahabad High Court and previously in the Lahore High Court and they said, giving of a notice that you might make a speech ten days later is neither preparation nor an attempt—nothing. You might not go.

Pandit A. R. Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): Was that proper for him?

Dr. Katju: The point that I am raising is this. Mistakes are committed. You cannot condemn an Act or the principles underlying an Act or the policy underlying an Act by referring to miscarriages of justice. If miscarriages of justice were not in existence, you need not have a High Court at all. You need not have a Supreme Court at all. I was there for many years. I am sorry one of the leaders of the bar is not present. Probably in every appeal that he

opens before the Bench of the Supreme Court he begins by saying, "My Lords, there has been a great miscarriage of justice in this case." Open trial, two learned Judges—and he sometimes wins, sometimes loses. I am not condemning open trials—I want open trials—but open trials mean the Sessions Judge acquits the man in a case where he is charged with murder, on appeal the High Court says; "No good. The Sessions Judge was all wrong. We convict and we sentence the accused to death" or *vice versa*. Therefore, you do not condemn the Criminal Procedure Code, you do not condemn the Penal Code by giving a long list of miscarriages, nor do you condemn even the poor Sub-Judge or the Sessions Judge by saying that so many appeals have been allowed against him. Those things are to be considered on a separate footing. I am mentioning this fact because in most of the speeches it was all a series of, "this thing was done, that thing was done". It left me absolutely cold because so far as I am concerned, as I have said, for 40 years I have been doing nothing but crying against miscarriages of justice in courts of law.

Then comes from Mr. Chatterjee: "Home Minister should do it". This sanctity, this devotion, particular affection for the Home Minister I really cannot understand. In a Government somebody is in charge of the particular Department—call him a Home Minister, call him a Police Minister, call him the Chief Minister, whatever it is—and the plea is that the man who is dealing with that portfolio will have to deal with the order. That comes really of our attachment to the English traditions because my learned friend read the Preventive Detention Act in England wherein it is the Secretary of State for Home Affairs, called the Home Secretary, who deals with it, and he said, "Therefore you get the Home Secretary repeated here."

This is the whole situation. I have endeavoured to deal with many points. I have taken, I am afraid, a lot of time but the Bill is sound in principle, it is well tried out. Circumstances have not changed though emphasis may have shifted. As I said, I do not want to go into great detail but all of us here read the newspapers and we know what is happening on our borders—in Assam, Nepal, Tibet, Pakistan. Then you have got Korea, and the fear which the Prime Minister has emphasised over and over again, which grips the world. We have to guard against that. Secondly, we have to guard against commotion inside and that commotion, I suggest to you res-

pectfully, may arise due to many circumstances. Objection was taken to my phrase—I thought it was a pleasant phrase and a very harmless phrase—union of hearts between different groups. Is that union of hearts of the different parties who have now walked out indicative of denunciation of a particular obnoxious feature of this Bill or of the great love and affection for the principle of liberty, or is that union of hearts induced by one single circumstance and no other, that is a bitter dislike for this Government, a bitter dislike for the Congress Party? This is a make-shift—it is not a question of any deep abiding love. What has the Communist Party here or anywhere to do with the democratic conceptions of liberty as we understand it? What have other friends got to do with decontrol? As I said, our Constitution provides for a careful watch over the question of essential supplies. That has got to be watched. Therefore you have this thing: Preservation of peace and prevention of commotion. There are many disturbing features. We had a discussion here some time back for many days over the linguistic provinces. What disturbed me sometimes was the disregard of the essential necessity for preservation of unity over our own considerations. You may propagate your opinions, but then there must be no suggestion of incitement to violence about it. All these things are still there. If there has been a reduction in numbers, I respectfully suggest to you over again that that is indicative of the most careful use of the provisions. It is no good saying, "The Bill is on the statute-book and therefore we do not know what may happen or what may not." The Opposition ought to show that it is such a Bill that it is bound to be misused when it is placed on the statute-book. Nothing of the kind. The necessity exists and therefore I respectfully suggest that it should be taken into consideration.

I do not know what the procedure would be about the Select Committee. I was under the impression that when a Bill goes to a Select Committee it goes on the clear understanding that the principle in general is accepted and in the Committee we set out to thrash out the minor differences. When we were drafting this Bill—I would like to take the House into confidence—it was not as if we picked out four sections for amendment. We carefully examined the whole Act from beginning to end and we picked out the most important points where there was necessity for improvement and that improvement we have already effected. The rest of the sections as I see them

[Dr. Katju]

are all of minor importance, are procedural. If any hon. Member were to tell me, even though he may not be a Member of the Select Committee, that he should have this point considered, I should be most happy to do so. In such procedural matters whether you give that direction to the Committee or not it can always be done. But the basic condition is that we do not want the Select Committee to be made the arena for a bitter struggle as to the principle of the Bill. That is the vital point. I have no objection to the Select Committee considering this, that or the other point. As I said, I am prepared to treat the whole House as a Select Committee so far as sending of suggestions is concerned and you may take it from me that I shall be most happy to improve the Bill in every way but the other sections do not really need further consideration. If you think they do, if you think that they are matters of importance, I should like to make it clear. In the Act as it stands, the Act which was piloted by my revered leader, Rajaji, whom Dr. Mookerjee addressed as a great democrat, the right of written representation alone has been given to the detenu. There is no right of personal representation. In this Bill, we have given the right of personal representation. But I am not prepared to go to the length of giving a right of personal representation coupled with lawyers. I am a member of the lawyer fraternity myself. Every State Government is opposed to it, and I am myself opposed to it. There are many matters which require very close consideration and they are matters of urgency and secrecy. The Advisory Board is composed of people of understanding. Let the detenu go before them. Let him make representations. Let him ask the members of the Advisory Board to look further into the matter. The Advisory Board can send for any information and it will have that information. But converting the Advisory Board into a judicial body as some of the amendments suggest, with lawyers, examination, cross-examination, appearance of witnesses and so on, would completely change the Bill. That was not allowed in the English Act. Apart from this, you may suggest what you like, but this is the vital thing.

Before I sit down, there is one thing of a personal nature which I should like to refer to. Here again, I am sorry that Dr. Mookerjee is not here. He repeatedly said that I had given some sort of undertaking in February that the whole Bill would be before

the House. He read out one or two sentences. When you make a desultory speech running into many minutes, there may be a sentence or two here and there which may not be clear, but this is what I said:

“Within two or three months the new Parliament will be meeting and Government, after taking into consideration the existing position, and if they think fit, may ask the new Parliament to extend the life of the Act for a further period or to modify it.”

That was the undertaking given and I suggest that I have carried it out to the very letter. I repeated over and over again that it would be open to Parliament to discuss the question fully. Of course, you may say that you do not want to extend this Act at all and if you have sufficient strength the Act will fall, but I myself said that we shall take this into consideration and shall ask the Parliament to extend the life of this Act for a further period or to modify it. We have tried to modify it for the purpose of bringing about various improvements and to charge me with failure to fulfil, or with going back upon, my undertakings is really not fair to me.

Lastly, my learned friend did the honour of quoting me. I do not know wherefrom he did. It was a beautiful sentence when he read it out and I felt rather proud of myself. But I have completely forgotten it. It may have been quoted from somewhere, or it may have been my own language.

An Hon. Member: It may be from a preface to a book.

Dr. Katju: But I am not ashamed of it. I do not know under what circumstances I said it, but today in 1952 we in this India with 36 crores of people are living our own life, and are managing our own affairs, and this huge India has come, I believe for the first time in the history of this great country, under the peoples' own rule. We are composed of people with different ways of life and different outlooks. There are people in Rajasthan who have been living under feudal conditions for seven hundred years. I am not referring to the Rajah there. It is their whole outlook on life, which has now changed. Then you have the people in the tribal areas, the Assam people, the Orissa people and so on, each one living under different conditions. I do not blame the rulers. I
10 A.M.

wish God would grant that they may become genuine democrats. Therefore, I say that merely for the sake of platitudes and slogans we should not jeopardise the very existence and unity of the country. We must see to it that the plant of freedom which is so young grows into a mighty tree without any difficulty. Finally, let us not lose the sense of proportion. Let us not lose the sense of numbers. That is all that I have to say and I move that the Bill be taken into consideration.

So far as the motion for Select Committee is concerned, of course it will be accepted.

श्री शिवमूर्ति स्वामी : हैदराबाद के लिये आपने जो नम्बर बताया है उस में ब्लैक मार्केटर्स कितने हैं और दूसरे लोग कितने हैं, खास कर तैलंगाना का नम्बर क्या आप को मालूम है ?

डा० काटजू : जब मैंने अपनी पहली तकरीर की थी उस वक़्त ब्लैक मार्केटर्स का टोटल ९३ था। मुझे बड़ा ताज़ुब हुआ जब अखबारों में कुल नम्बर ९३१ निकला। मुझे मालूम नहीं किसने उस में १ और बढ़ा दिया। यह नम्बर ९३ था। अब पहली मार्च से ले कर आज तक जो लोग पकड़े गये हैं वह इन ९३ में शामिल नहीं हैं। जो इतला मेरे पास आई है उस के मुताबिक २७ तो बंगाल में है, २ महाशय हैं मद्रास में जहां अब डिक्ट्रोल हो गया है। २३ आदमी पंजाब में हैं, इनके अलावा १०, ५ इधर उधर हों तो मैं कह नहीं सकता। हैदराबाद की तफ़सील नहीं दी हुई है।

श्री शिवमूर्ति स्वामी : अगर तैलंगाना और दूसरे जिलों के बारे में मालूम हो तो बतला दीजिये।

डा० काटजू : हैदराबाद की तफ़सील नहीं है, यह जरूर आया है कि ८२ डेटेन्स हैं जिन में से ३१ छूट गये और १६ को पॅरोल पर छोड़ा गया है।

Shri Pocker Saheb (Malappuram): Section 7(2) of the parent Act provides that nothing in sub-section (1) of that section shall require the authorities to disclose facts which they consider to be against the public interest to disclose. An objection was raised to that and I want to know what the Home Minister has got to say about it. It is a matter of great importance, namely, that the detenu is not to be furnished with certain facts relating to the grounds of detention when the Government feels that it is against the public interest to disclose those facts. This is tantamount to saying that a man may be detained but he will not be provided with the grounds of detention. What have the Government got to say in regard to this point?

Dr. Katju: Under the Act, the grounds of detention have to be shown.

Mr. Speaker: The point is that there is a provision which says that, in case the Government feel that the information cannot be disclosed in the public interest, Government will not be bound to give that information. What has the Home Minister got to say about that point?

Dr. Katju: I imagine, that such cases must be very rare and probably it refers to one single item from out of a large charge sheet. This is a matter which we can go into in the Select Committee.

Shri Jawaharlal Nehru: I am not going to address the House for any length of time. I shall speak for just a minute or two and that too because some reference was made to me by the hon. Member who spoke last yesterday. Something in the nature of an appeal was made to me and I think that I should say a few words to clear up the position of the Government. In fact, my hon. colleague, the Minister for Home Affairs has already stated the position quite clearly. The suggestion, or the appeal, made by the hon. Member opposite last evening was in relation to the work of the Select Committee and what the Select Committee may or may not do. So far as my colleague the Home Minister and I are concerned, we want the Select Committee to go thoroughly into this Bill and to consider every section or any section in the Bill. We do not want to put any limit to their consideration and we shall gladly consider every possible suggestion made in the Select Committee.

Shri V. G. Deshpande (Guna): Our voting will be influenced by the fact whether the hon. the Home Minister

[Shri V. G. Deshpande]

accepts the amendment of Sardar Hukam Singh or not. We would, therefore, like to know whether he accepts it.

Mr. Speaker: The point is this. Sardar Hukam Singh's amendment says: "with instructions to report..... after considering all amendments even to those sections of the Act of 1950 which are not sought to be amended by the present Bill." Is that agreeable to Government or not, that is the question.

Shri Jawaharlal Nehru: As far as the wording of Sardar Hukam Singh's amendment is concerned—I speak from memory—I do not think it is acceptable. But we are prepared to allow the Select Committee to consider any section of this Bill with a view to amending it.

Mr. Speaker: What the hon. the Prime Minister means is any section of the present Bill which is going to be referred to the Select Committee and not any section of the parent Act?

Shri Jawaharlal Nehru: If any section of the parent Act in that connection comes up, it will be considered—certainly.

Mr. Speaker: So, I assume that this is not going to be incorporated in the motion for the Joint Select Committee.

The position is, therefore, clear that Government are not prepared to incorporate in the instructions to the Select Committee, the question of amending any section of the Act, but they are prepared to consider amendments which are relevant and do affect the present Bill. Only to that extent.....

Shri S. S. More (Sholapur): Is it any concession, Sir?

Mr. Speaker: I have already given my ruling; and whatever might be the position of Government my ruling stands.

Shri R. K. Chaudhury (Gauhati): If the motion of my hon. friend Sardar Hukam Singh is negatived, then the intention of the hon. the Leader of the House will not be carried out.

Mr. Speaker: That is a matter for argument which I am not going into at this stage. I believe I have made it clear in my ruling, that the scope of the amendments will have to be considered with reference to the nature of this Bill. I have said that and it depends upon the nature of the amendments that come in.....

Shri S. S. More: Does the statement of the Prime Minister mean that?

Mr. Speaker: I cannot interpret that; that is a matter of his intention.

Shri A. K. Gopalan (Cannanore): Sir, our difficulty is this. Yesterday, Dr S. P. Mookerjee, speaking on our behalf said that in order to enable us to serve on the Select Committee we would like to know whether Government accepts the position that we could go into the original Act, discuss it and propose amendments to its provisions, if necessary. So, before agreeing to serve on the Select Committee, we would naturally like to know whether Government accept the principle of our going into the original Act and suggesting amendments.

You have already given your ruling. But our difficulty is that Government have not accepted that; nor have they clearly said that they will allow amendments to the original Act. There is difference between saying any amendment that comes we will discuss and saying that you have got the right to discuss the provisions of the original Act. We want a clear assurance about it before we consent to be on the Select Committee.

Sardar Hukam Singh (Kapurthala-Bhatinda): Sir, your ruling is very clear and we submit to it. But you have not ruled out the possibility of the competence of the House to give such and such instructions and if Government's attitude is that they are prepared to consider all amendments to other sections as well, there should be no difficulty in accepting my amendment.

Pandit Jawaharlal Nehru: I made myself, I hope, quite clear. Government's attitude is that accepting the principle of the Bill, the whole Bill can be looked into, if necessary.

Shri S. S. More: The Act, not the Bill.

Shri Jawaharlal Nehru: Any section of the parent Act can be looked into. But, of course, there is no point in looking into the parent Act for saying we want neither. In that case there is no point in going to the Select Committee. Otherwise, every section of the parent Act also can be looked into, varied or changed.

Shri N. C. Chatterjee (Hooghly): May I point out one thing? Sardar Hukam Singh's amendment is nothing beyond that. The Select Committee will be authorised to consider all

amendments, even to those sections of the Act which were not sought to be amended by the present Bill. All that we want to know is: will the Prime Minister make the position clear that it will be competent for the Select Committee to look into other sections which have not been dealt with in this Bill.

Shri R. K. Chaudhury: The position of Government is quite clear. In these circumstances, I would appeal to my hon. friend Sardar Hukam Singh to withdraw his amendment. In that case he will be quite free to discuss the whole thing.

Shri A. K. Gopalan: If our agreeing to the Select Committee motion means that we accept the principle of the Bill, that is preventive detention without trial, as far as my group is concerned, I want to make it perfectly clear that we do not accept it. The very introduction of this Bill was opposed by us, which means that we do not accept the principle of detention without trial. Whether the amendment is passed or not, is another question. But if our agreeing to serve on the Select Committee would be taken to imply that we are agreeable to the principle of preventive detention and that we want only some amendments to be made, it must be made clear that we cannot be there in the Select Committee.

Several Hon. Members rose—

Mr. Speaker: Let us not have arguments now.

Pandit A. R. Shastri rose—

Mr. Speaker: Hon. Members will leave something to the Chair. It is no use getting up and advancing arguments over the same question again and again.

Now the position is, so far as my knowledge of parliamentary practice and legislative business goes, once the House—I am not speaking of individual Members—accepts motion for reference of a Bill to Select Committee, it accepts the principle on which the Bill is framed. There is no question of any mental reservations about it. Individual Members may have their reservations. That disposes of the first point. I need not go into details. Members may act with mental reservations in regard to its acceptance or otherwise. I am speaking with reference to the decision of the House, whatever may be the interpretation people may put on it. As regards the other point, I do not know whether I understand the hon. Prime Minister correctly. If he is prepared to con-

sider amendments to all sections in the Select Committee—other sections of the parent Act also which are not touched by this Bill, then I think, the giving of an instruction of that type by the House will be necessary, so that no question of any complication may arise at a later stage of the consideration of the Bill and a point of order may not be raised that the Select Committee has done something beyond the original scope of the Bill.

Dr. P. S. Deshmukh (Amravati East): Since essentially it is my motion, I am prepared to accept the suggestion made by the hon. Prime Minister, which will amount to 'instructions' not in precise words which have been submitted by Sardar Hukam Singh but in the words which the Prime Minister has uttered here. If my motion is amended in the way suggested, I think it will amount to instructions to the extent to which the hon. Prime Minister has agreed.

Mr. Speaker: What I would like to do is to have the position made clear. I do not want to leave it to any statements expressed in the House. After all, if questions are raised, I do not think I should know what has been said informally or formally in this House. I shall have to go by the wording of the motion which this House has adopted. That is why it is important.....

Dr. P. S. Deshmukh: You may accept the suggestions made by me about the amendment to my motion.

Mr. Speaker: Let us have the position clear.

Shri Jawaharlal Nehru: I have made myself perfectly clear. I have nothing to add. I do not think that any amendment to Dr. Deshmukh's motion is necessary but you, Sir, suggested taking the sense of the House about this matter whether they can go into any sections of the parent Act not covered by the present Bill. The Government is perfectly satisfied that they can go. You can take the sense of the House in regard to this matter and the sense of the House may be reported.

Mr. Speaker: Is the House perfectly agreeable to this?

Shri Gadgil (Poona Central): If the Select Committee is to go not only into the principles underlying this particular Bill but the principles underlying the original act, then we will be going beyond the scope and if any amendment is passed, there will be the necessity of republishing and going over the thing absolutely again and again.

Mr. Speaker: The principles are not at all objected to. What is desired is that sections which are not touched by this Bill may also be amended, and not that the principle of the Bill should be reconsidered. That is not the point. If the House is clear on that point, then I think I should err on the safe side in incorporating this particular instruction in the Joint Select Committee motion of Dr. P. S. Deshmukh. The wording may be settled: "With instructions to report after considering all amendments even to those sections of the Act of 1950 which are not sought to be amended by the Bill of 1952." I am incorporating these words in the amendment of the Joint Select Committee. I take it that with the incorporation of these words, perhaps some further consultations might be necessary about the personnel of the Select Committee.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Yes, Sir.

Mr. Speaker: The better course will be just to pass it over for half an hour or an hour and take some other work.

Shri Satya Narayan Sinha: That would be all right.

Mr. Speaker: In the meanwhile, I shall dispose of one of the amendments, namely, the amendment for circulation and I believe that with this adoption Sardar Hukam Singh does not press his amendment.

Sardar Hukam Singh: I need not object. If Government is particular that its own Members' amendment should be passed, I am not particular in having mine.

Mr. Speaker: The difference is that his motion is for a Joint Select Committee. Then I take it that he wishes to withdraw his amendment.

Sardar Hukam Singh: Yes, Sir.

Mr. Speaker: I will put first the amendment for circulation. Then Sardar Hukam Singh will withdraw his amendment and then we shall keep this subject for deliberation as to the settlement of the personnel and then we will put it to vote taking into consideration the personnel that is fixed up.

Dr. Lanka Sundaram: Mr. Speaker, the mover is apparently not willing to press the motion.

Shri M. S. Gurupadaswamy (Mysore): I am, Sir. I press it.

Mr. Speaker: It seems there is a difference in understanding.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th October, 1952."

The House divided
Ayes, 68; Noes, 312

AYES

Division No. 11]

[10.25 A.M.]

Achalu, Shri
Amjad Ali, Jonab
Anandchand, Shri
Anthony, Shri Frank
Barrow, Shri
Basu, Shri K. K.
Bhavani Singh, Shri
Biren Dutt, Shri
Buchhikotah, Shri
Chatterjee, Shri Tushar
Chattopadhyaya, Shri
Chaudhuri Shri T. K.
Chowdary, Shri C. R.
Chowdhury, Shri N. B.
Damodaran, Shri N. P.
Das, Shri B. C.
Das, Shri Sarangadhar
Dasaratha Deb, Shri
Deoram, Shri
Gam Malludora, Shri
Girdhari Bhol, Shri
Gopalan, Shri A. K.
Gurupadaswamy, Shri

Jaisooriya, Dr.
Kamal Singh, Shri
Kelappan, Shri
Khare, Dr. N. B.
Krishna, Shri M. R.
Majhi, Shri Chaitan
Mangalagiri, Shri
Menon, Shri Damodara
Mishra, Pandit S. C.
Misser, Shri V.
Mukerjee, Shri H. N.
More, Shri S. S.
Mushar, Shri
Naidu, Shri N. R.
Nayar, Shri V. P.
Pandey, Dr. Natabar
Punnoose, Shri
Raghabachari, Shri
Raghavaiah, Shri
Rajabhol, Shri
Rama Narayan Singh, Babu
Randsman Singh, Shri
Ranjit Singh, Shri

Rao, Dr. Rama
Rao, Shri Gopala
Rao, Shri K. S.
Rao, Shri P. R.
Rao, Shri Mohana
Rao, Shri Seshagiri
Rao, Shri Vittal
Reddi, Shri B. Y.
Reddi, Shri Madhao
Reddi, Shri Fawara
Reddy, Shri R. N.
Risharg Kelshing, Shri
Shastri, Shri Bhagwan Dutt
Singh, Shri C. Sharan
Singh, Shri G. S.
Singh, Shri R. N.
Subrahmanyam, Shri K.
Sundaram, Dr. Lanka.
Vallatharas, Shri
Velayudhan, Shri
Verma, Shri Ramji
Waghmare, Shri

NOES

Abdullahal, Mulla	Das, Shri B. K.	Jhunjhunwala, Shri
Abdus Sattar, Shri	Das, Shri Beli Ram	Joshi, Shri Jethalal
Achal Singh, Seth	Das, Shri K. K.	Joshi, Shri Liladhar
Achint Ram, Lala	Das, Shri Ram Dhani	Joshi, Shri M. D.
Achuthan, Shri	Das, Shri Ramananda	Joshi, Shri N. L.
Agarwal, Prof.	Das, Shri S. N.	Joshi, Shrimati Subhadra
Agarwal, Shri H. L.	Das, Shri N. T.	Jwala Prashad, Shri
Agarwal, Shri M. L.	Datar, Shri	Kajrolkar Shri
Alagesan, Shri	Deb, Shri S. C.	Kakkan, Shri
Aitkar, Shri	Desai, Shri K. N.	Kanungo, Shri
Amin, Dr.	Deshmukh, Shri C. D.	Karmarkar, Shri
Amrit Kaur, Rajkumari	Deshmukh, Shri K. G.	Kashliwall, Shri
Ausari, Dr.	Deshmukh, Dr. P. S.	Katham, Shri
Asthana, Shri	Deshpande, Shri G. H.	Katju, Dr.
Ayyangar, Shri M. A.	Dhulekar, Shri	Kaushik, Shri
Azad, Maulana	Dhusiya, Shri	Keshavalegar, Shri
Badan Singh, Ch.	Digambar Singh, Shri	Keskar, Dr.
Balasubramaniam, Shri	Doraswamy, Shri	Khan, Shri S. A.
Balkrishnan, Shri	Dube, Shri Mulchand	Khedkar, Shri G. B.
Balmiki, Shri	Dube, Shri U. S.	Khongmen, Shrimati
Bansal, Shri	Dubey, Shri R. G.	Khuda Baksh, Shri M.
Barman, Shri	Dutt, Shri A. K.	Kolav, Shri
Barupal, Shri	Dutta, Shri S. K.	Krishna Chandra, Shri
Basappa, Shri	Dwivedi, Shri D. P.	Krishnamachari, Shri T. I.
Basu, Shri A. K.	Dwivedi, Shri M. I.	Kureel, Shri B. N.
Bhagat, Shri B. R.	Elayaperumal, Shri	Kureel, Shri P. L.
Bhakta Darshan, Shri	Fotedar, Pandit	Lal, Shri R. S.
Bharati, Shri G. S.	Gadgil, Shri	Lallanjil, Shri
Bhartiya, Shri S. R.	Gandhi, Shri Feroze	Laskar, Prof.
Bhargava, Pandit M. B.	Gandhi, Shri M. M.	Lingam, Shri N. M.
Bhargava, Pandit Thakur Das	Gandhi, Shri V. B.	Lotan Ram, Shri
Bhatkar, Shri	Ganpati Ram, Shri	Madiah Gowda, Shri
Bhatt, Shri C. S.	Garg, Shri R. P.	Mahapatra, Shri
Bheekha Bhal, Shri	Gautam, Shri C. D.	Mahtab, Shri
Bhousle, Major-General	Ghose, Shri S. M.	Maitra, Pandit I. K.
Birbal Singh, Shri	Ghulam Qader, Shri	Majhi, Shri R. C.
Bozawat, Shri	Giri, Shri V. V.	Majithia, Sardar
Borooh, Shri	Gopi Ram, Shri	Malaviya, Shri K. D.
Bose, Shri P. C.	Gounder, Shri K. P.	Malliah, Shri U. S.
Brajeshwar Prasad, Shri	Gounder, Shri K. S.	Malviya, Shri B. N.
Brahmo-Choudhry, Shri	Guha, Shri A. C.	Malviya, Pandit C. N.
Burazohain, Shri	Gupta, Shri Padshah	Malviya, Shri Motilal
Chacko, Shri P. T.	Hari Mohan, Dr.	Masoodi, Maulana
Chandak, Shri Anil K.	Hazarika, Shri J. N.	Masuriya Din, Shri
Chandak, Shri	Hem Raj, Shri	Mathew, Prof.
Chandrasekhar, Shrimati	Hembrom, Shri	Mathuram, Dr.
Charak, Shri	Ibrahim, Shri	Matthen, Shri
Chatterjee, Dr. Sushilranjan	Islamuddin, Shri M.	Maydeo, Shrimati
Chaturvedi, Shri	Iyyani, Shri E.	Mehta, Shri Balwant Sinha
Chaudhury, Shri G. L.	Iyyuni, Shri C. R.	Mishra, Shri Bibhuti
Chaudhury, Shri R. K.	Jajjivan Ram, Shri	Mishra, Shri L. N.
Chevda, Shri	Jain, Shri A. P.	Misra, Shri Lokenath
Chettiar, Shri T. S. A.	Jain, Shri N. S.	Mishra, Shri M. P.
Chinaria, Shri	Jajware, Shri	Mishra, Shri S. N.
Chaudhri, Shri M. Shaffee	Jangde, Shri	Misra, Pandit Lingaraj
Dabhi, Shri	Jasani, Shri	Misra, Shri R. D.
Damar, Shri	Jayashri, Shrimati	Misra, Shri S. P.
Damodaran, Shri G. R.	Jena, Shri K. C.	Mohd. Akbar, Soff
Das, Dr. M. M.	Jena, Shri Niranjan	Mohiuddin Jethan Shri
Das, Shri B.	Jethan, Shri	Morarka, Shri
	Jha, Shri Bhagwat	More, Shri K. L.

Mudallar, Shri C. R.
 Muthukrishnan, Shri
 Nair, Shri C. K.
 Narasimhan, Shri C. B.
 Naskar, Shri P. S.
 Natwarkar, Shri
 Nathwani, Shri N. P.
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Uma
 Nesamony, Shri
 Neswi, Shri
 Nevatia, Shri
 Pande, Shri C. D.
 Pannalal, Shri
 Pant, Shri D. D.
 Paragi Lal, Ch.
 Parikh, Shri S. G.
 Parmar, Shri R. R.
 Pataskar, Shri
 Patel, Shri B. K.
 Patel, Shri Rajeshwar
 Patel, Shrimati Mandiben
 Pateria, Shri
 Patil, Bhau Saheb
 Patil, Shri S. K.
 Patil, Shri Shankargauda
 Pawar, Shri V. P.
 Pillai, Shri Thanu
 Pocker Saheb, Shri
 Prabhakar, Shri N.
 Prasad, Shri H. S.
 Radha Raman, Shri
 Raghbir, Sahai, Shri
 Raghunath Singh, Shri
 Raghuram Mah Shri,
 Rahman, Shri M. H.
 Raj Bahadur Shri
 Raja bhoj, Shri
 Ram Das, Shri
 Ram Saran, Prof.
 Ram Subhag Singh, Dr.
 Ramaswamy, Shri P.

Ramaswamy, Shri S. V.
 Rane, Shri
 Rao, Diwan Raghavendra
 Rao, Shri B. Shiva
 Raut, Shri Bhola.
 Razmi, Shri S. K.
 Reddy, Shri H. S.
 Rao, Shri B. N.
 Roy, Shri Patiram
 Rup Narain, Shri,
 Sahu, Shri Bhagabat
 Sahu, Shri Bameshwar
 Saigal, Sardar A. S.
 Sakhare, Shri
 Saksena, Shri Mohanlal
 Samanta, Shri S. C.
 Sanganna, Shri
 Sankarapandian, Shri
 Sarmah, Shri
 Satish Chandra, Shri
 Satyawadi, Dr.
 Sen, Shri P. G.
 Sen, Shrimati Sushama
 Sewal, Shri A. R.
 Shahnawaz Khan, Shri
 Sharma, Pandit Balkrishna
 Sharma, Prof. D. C.
 Sharma, Shri K. R.
 Sharma, Shri R. C.
 Shastri, Pandit A. R.
 Shastri, Shri H. N.
 Shivananjappa, Shri
 Shobha Ram, Shri
 Siddhanjappa, Shri
 Singh, Shri D. N.
 Singh, Shri Babunath
 Singh, Shri H. P.
 Singh, Shri L. J.
 Singh, Shri M. N.
 Singh, Shri T. N.
 Sinchal, Shri S. C.
 Sinha, Dr. S. N.
 Sinha, Shri A. P.

Sinha, Shri Anirudha
 Sinha, Shri B. P.
 Sinha, Shri C. N. P.
 Sinha, Shri G. P.
 Sinha, Shri Jhulan
 Sinha, Shri K. P.
 Sinha, Shri N. P.
 Sinha, Shri S.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Sinhasan Singh, Shri
 Sodhia, Shri K. C.
 Somana, Shri N.
 Subrahmanyam, Shri T.
 Sundar Lal, Shri
 Suresh Chandra, Dr.
 Suriya Prasad, Shri
 Swaminathan, Shrimati Ammu
 Syed Ahmed, Shri
 Syed Mahmud, Dr.
 Tandon, Shri
 Telikar, Shri
 Tewari, Sardar R. B. S.
 Thimmaiah, Shri
 Thomas, Shri A. M.
 Tiwari, Shri V. N.
 Tiwary, Pandit D. N.
 Tripathi, Shri H. V.
 Tripathi, Shri K. P.
 Tripathi, Shri V. D.
 Tudu, Shri B. L.
 Ukey, Shri
 Upadnyay, Shri M. D.
 Upadhyay, Shri Shiva Dayal
 Upadhyaya, Shri S. D.
 Vaishnav, Shri H. G.
 Vaishya, Shri M. B.
 Varma, Shri B. R.
 Vartak, Shri
 Vijaya Lakshmi, Shrimati
 Vishwanath Prasad, Shri
 Vyas, Shri Radhelal
 Wilson, Shri J. N.
 Zaidi, Col.

The motion was negatived

Mr. Speaker: Now, Sardar Hukam Singh. Shall I put his motion to the House or does he want to withdraw it with the leave of the House?

Sardar Hukam Singh: With the amended form of the Doctor's motion, my motion is substantially covered. I beg leave of the House to withdraw.

The amendment was, by leave, withdrawn

Mr. Speaker: Now, the improvement or the addition which I am making in the motion of Dr. P. S. Deshmukh is this: I am adding this para:

"that the Joint Committee is also authorised to consider all

amendments to those sections of the original Act which are not sought to be amended by the Bill under reference to the Committee".

That covers it, following his own words. Is that all right?

Sardar Hukam Singh: Yes, Sir.

Mr. Speaker: So, now, we will put this off for some time as I said, just to have personnel of the Select Committee settled and we will take it up after about half an hour, or at any definite time of the day.

Sardar Hukam Singh: Can it not be put off till tomorrow morning?

Mr. Speaker: No. The hon. Member will see it has to go to the Council of States for consideration, and we are running against time practically. It cannot be put off that way. We will just defer it and take it up any time before 1 o'clock.

Shri Sarangadhar Das: There is no use putting it off for half an hour.

Mr. Speaker: The names are not ready. Therefore, instead of taking up the time of the House in discussing the names here, it is better they are settled outside. The discussion will be more free outside than inside the House. Meantime, we will proceed with the next business, and whenever the names are ready, the motion will be taken up for voting. There is nothing more to be done about the motion now.

Shri Satya Narayan Sinha: Latest by 12 o'clock.

Mr. Speaker: Yes, I am agreeable. At 12 o'clock we suspend the business and put the motion.

We will proceed with the further business.

CENTRAL TEA BOARD (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move:

"That the Bill further to amend the Central Tea Board Act, 1949, be taken into consideration".

The Bill before us has got a very restricted scope. The members nominated by Government to serve on the Central Tea Board are in the nature of persons nominated—what we call *persona designata*—in their own names. It is rather difficult for Government always to permit the same officer to go. The exigencies of services make it sometimes necessary to send another officer, and unless we ask the officer concerned to resign, his membership, accept his resignation and nominate somebody else, this is not usually possible. The amendment now sought to be incorporated is to permit a substitute being sent. The discussion on who is to nominate and who is to have the powers to do so are somewhat beside the point for the reason that the Ministry concerned is responsible for nominating the official, and it is better left for them to see that a

[MR. DEPUTY-SPEAKER *in the Chair*]
junior officer is not nominated but only a senior officer is

nominated so that the interests of Government and the industry may not suffer. That in substance is the scope of the present amending Bill.

I would at once anticipate that discussions will emanate rightly or wrongly in regard to the entire scope of the original Act, whether that has to be revised, whether the representation on the Board has not to be changed, whether the new interests which have now come into being which have had no representation so far should not be given representation etc. All these things will be certainly the subjects for comment by hon. Members who will participate in the discussion of this Bill. But I would like to give this general assurance to the House at the outset. There are a number of such measures for which my Ministry, the Ministry of Commerce and Industry, is responsible administratively,—such as the Central Tea Board Act, the enactment relating to the Central Tea Licensing Committee, the Coffee Marketing Board, the Rubber Board, the Silk Board and so on. I quite agree that the original Acts in all these cases were passed at a time when we did not have the full picture before us, and so a review is undoubtedly necessary; in undertaking that review, Government will have to see that the interests which have not been represented now or do not have adequate representation now, should be given representation. My object in referring to all this just now is to give the assurance to this House that the question of reviewing all these Acts is now engaging my attention. I do propose to go into it more thoroughly when we shall have a little more time, when Parliament adjourns and we may have a little more time, during the inter-session period. I cannot commit myself as to the date on which I would bring in the amending Bills. All that I can say now is that I shall do so as soon as possible. I think that assurance ought to satisfy hon. Members who feel that the parent Act has to be amended and would justifiably like to voice their opinions on this occasion.

But considering the fact that the present Bill relates to a very small matter relating to the Government's attitude as to whom to send as their representative in the Board, I hope, the House will pass the Bill without much of a discussion.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Central Tea Board Act, 1949, be taken into consideration."