

In the U. K. Navigation Act, you find a section which says:

"If the money arising from such sale shall not be sufficient to defray the charges and expenses aforesaid, the excess thereof beyond the proceeds of such sale shall be chargeable to the owner of such vessel and if not paid within twenty days after having been demanded shall be recovered in a summary way as hereinafter mentioned."

Here, we have said that if the money is not paid by the owner in the manner mentioned in sub-section (2) of section 57, then it may be recovered in another manner. I may read section 57(2). It says that whenever a person is liable to pay any sum not exceeding Rs. 1000, then that amount may be recovered as if it were a fine; but where the sum exceeds Rs. 1,000, then it may be recovered in any other manner, i.e. by having recourse to a civil suit or the Public Demands Recovery Act, if that Act can be made applicable. The date of actual payment will not be one month or two months. He would pay long, long after.....

**Dr. N. B. Khare (Gwalior):** We are quite convinced. He can stop.

**Shri Biswas:** I wish my hon. friend speaks on behalf of the other sections in the House.

**Shri K. K. Basu (Diamond Harbour):** In the amendment it is proposed that no mechanically driven vessel of any description should be allowed to get into the harbour without a pilot. Then what is the necessity of putting "of less than 200 tons."

**Shri Biswas:** That provision is there in the original Act and we are only introducing a short amendment which is applicable to mechanically propelled vessels.

**Shri Nambiar (Mayuram):** I could not understand the implication of the last portion of the proposed sub-section (4) which reads: "for recovery of expenses and damages or in any other manner according as the deficiency does not or does exceed one thousand rupees."

**Shri Biswas:** If the hon. Member had heard my speech, he would have understood it. If it is less than Rs. 1,000 it would be recovered as fine; if it is more than Rs. 1,000 it would be recovered in some other manner.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Indian Ports Act, 1908, be taken into consideration."

The motion was adopted.

**Clause 2.—(Amendment of section 14)**

**Mr. Deputy-Speaker:** The hon. Minister is prepared to accept Mr. Gurupadaswamy's amendment; he may move it.

**Shri M. S. Gurupadaswamy:** I beg to move:

In page 1, lines 6 and 7, for "one month" substitute "two months".

**Mr. Deputy-Speaker:** The question is:

In page 1, lines 6 and 7, for "one month" substitute "two months".

The motion was adopted.

**Mr. Deputy-Speaker:** The other amendments are out of order. The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

**Shri Biswas:** I beg to move:

"That the Bill, as amended, be passed."

**Mr. Deputy-Speaker:** The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

#### PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

**The Minister of Home Affairs and States (Dr. Katju):** I beg to move:

"That the Bill further to amend the Preventive Detention Act, 1950, be taken into consideration."

The procedure that was adopted the other day when I sought leave to introduce the Bill and the very large number of amendments that have been tabled indicates that the Bill has aroused some attention. I was under the impression that it was a very short Bill....

**Dr. S. P. Mookerjee (Calcutta South-East):** Innocuous!

**Dr. Katju:** It was a very simple Bill and the principle of the Bill had been discussed in Parliament—I do not know how many times. It had been discussed when the Constitution was passed; it was discussed in later years. And, therefore, I should have thought that much time would not be necessary for me either in moving for consideration or for its disposal by the House. But I am one of those unfortunate ones whose expectations are seldom fulfilled and, therefore, I am now trying to give up having any expectations at all, particularly in this House.

**Dr. N. B. Khare (Gwalior):** A very wise decision!

**Dr. Katju:** I think it is desirable, because many of the Members may be new to this House, to indicate precisely on the Constitution where we stand. It may sound elementary, but I do think it is necessary.

In the Constitution we have an article which provides for preventive detention as an exception to the general Fundamental Rights. Then in the lists—I ask for particular attention to this—in the Union List you have item No. 9, that is to say, in regard to this matter it is only this House which can enact a measure relating to preventive detention. It runs: "Preventive detention for reasons connected (mark the words) with Defence, Foreign Affairs or the security of India"; I repeat the words "Defence, Foreign Affairs or the security of India."

Then you go to the Concurrent List and in the Concurrent List there is a separate item relating to preventive detention and that is item No. 3. The House is aware that the beauty of this Concurrent List is that in this field this House, namely Parliament, as well as the State Legislatures concerned can pass measures which they think suitable. Now item 3 in the Concurrent List reads: "Preventive detention for reasons connected with the security (not of the whole of India, because that is provided for in the Union List) of a State, the maintenance of public order or the maintenance of supplies and services essential to the community (in a particular State or throughout India)."

The House will see: security of a particular State the maintenance of public order or the maintenance of supplies and services essential to the community. I should like to inform the House at the very outset that we have consulted every State Government without exception. (The State Governments are primarily responsible for maintain-

ance—I will not use those words 'law and order', I would say for inaintenance—of peace and tranquillity in this land. And every State Government has expressed its considered opinion that a measure like this is absolutely essential.

**Dr. N. B. Khare:** Birds of the same feather.

**Dr. Katju:** I would ask my hon. friend just to restrain himself. It is difficult at his age to do so, but I am trying to.

**Dr. S. P. Mookerjee:** I am glad the hon. Minister realizes it so far as his age is concerned.)

**Dr. Katju:** Every State Government has expressed its opinion that a preventive detention measure is necessary. You have the unanimous opinion of all the States of India. I want to point out at the very beginning if we do not enact this then what would be the result. The result will be that we may not be able to touch the three subjects mentioned in the Union List, namely—I am repeating myself—Defence, Foreign Affairs and the Security of India, but there would be nothing to prevent any single State, or every State, in India from enacting their own Public Security Acts. The reason why on the former occasions as also now today this Bill is before you is because we want to secure uniformity. We want to secure a sort of harmonious legislation on this topic, so that the representatives of the people of India as a whole should consider this important matter and give proper guidance.

I have consulted, as I said, every State when we were drafting this Bill. So I would beg hon. Members to bear this in mind—this simultaneousness of legislative jurisdiction.

I ventured to say when my hon. friend Dr. Mookerjee opposed my motion for leave to introduce the Bill, that I shall endeavour to the utmost of my very limited capacity to satisfy the House, every section of the House. I repeat once again here that the emergency exists, that it is desirable that a Bill like this should be passed, and it is unfortunate that there is plenty of misconception about this measure.

Let me make it quite clear before we particular State the maintenance of not directed against any political party, is not directed at the suppression of any particular political opinion. As a matter of fact, so far as I know, probably in every State now there is no ban on any political party. And I say with pride that we in India presented a spectacle unknown throughout the

world that when there was a ban and people were under detention—people who, we thought, were engaged in subversive activities—in order to enable them to take part in the general elections they were released either completely or they were released on parole and they were permitted to take part in these elections. They won or lost, that is a different matter. (*Interruption*). But everybody will agree that the Detention Act had not prevented them from taking part in these elections which as citizens they were entitled to.

Therefore, I wish to make it quite clear that this Bill is not—I am talking today, in 1952—going to be enacted for the suppression of any political opinion.

It is certainly directed against individuals, individuals who may be engaged in activities which are enumerated in the Constitution, activities which may be dangerous to the preservation of our Defence, to the conduct of our External Affairs or to the security of India. My hon. friends, most of them—they will pardon my saying so—belong rather to heterogeneous groups, Communists and to what people call 'reactionary' but I call them Rightists, ex-Rulers of States who have developed a new passion for civic liberties, and many people of different types (there are industrialists, minor and major), and I would ask them to listen to this. (*Interruption*). Please do not interrupt me. Listen to the arguments. This preventive detention measure is directed against persons, not parties, who may be interested in causing harm to our Defence, to the conduct of the External Affairs and to the security of India. And when you come to the Concurrent List, there the maintenance of public order is one thing. There again, it is the security of the State or the maintenance of supplies and services essential to the community.

There seems to be—I do not know why—and impression abroad that this Preventive Detention Act is directed against political parties, is mainly directed against Communists. (*An Hon. Member*: Used). Today the House will be surprised to hear the number of Communists in actual detention—I am leaving Hyderabad aside. (*Some Hon. Members*: Why?) Because it has a different story and if I were to embark upon it I may have to take some time. Leaving Hyderabad aside, the total number—I am speaking now on the figures given to me as on the 31st May—the total number of Communists is 114. Out of this, 41 gentlemen are on parole. Now, that reduces the number to 73. Out of this 73, sixty are in West Bengal, a province with

which, I am intimately connected. (*Interruption*) Well they are gathered together as Communists, and they are a bit further than Communists, they are revolutionary parties. The Prime Minister says that there are no Communists. They may have been released now. On the 31st May they were there. If you deduct this number, it comes to 12 or 13. Take the figure. For the whole of India, minus Hyderabad with a population of some millions, and minus Bengal which means Calcutta, the number of Communists under detention is thirteen (one three).

**Dr. S. P. Mookerjee**: Unlucky number!

**Dr. Katju**: How that argument can be justified. (*Interruption*). I shall deal with everything. Let me go on. The more you provoke me, the more you will get it. (*An Hon. Member*: You go on).

**Dr. S. P. Mookerjee**: *Vice versa*.

**Dr. Katju**: How can it be justified...

**Mr. Deputy-Speaker**: Let there be no interruption.

**Dr. Katju**: This Act is intended for the suppression of communism. I am talking of communism. I am not talking of Communists. I shall deal with them later. I know these gentlemen very well. They are my very great and dear friends. So are the other people who are under detention. The House should take note of it. In Saurashtra there was no peace and tranquillity for months. We all heard of the exploits of that desperado Bhupet Singh and the situation was getting pretty difficult and the result was that they had recourse to this particular Act and on the 31st of May, according to my information the Saurashtra Government had in custody 119 persons of all varieties from princes down, shall I say to peasants, *thakurs*, Zamindars and as a direct result of that action so anti-democratic according to hon. friends over there, the situation was brought under control and law was restored. The same is the case in Rajasthan. In Rajasthan you would have read in the newspapers and particularly in the Jodhpur Division that dacoits were roaming about. We had some recent cases, where there were encounters between the Police and the dacoits, a sort of running fight lasting for many hours and the dacoits were killed on the spot and 13 persons are under detention there. In Bombay to keep law and order, they have got the Goonda Act. It is in no way connected with Communists but those who were engaged in criminal activities have been detained under this Act and they number 182 altogether...

**Shri S. S. More (Sholapur):** Is the Minister aware that this Goonda Act has been utilized against political workers?

**Dr. Katju:** Not to my knowledge. The hon. Member will just let me go on. He will not suffer any way. I asked for information as to how many were the black-marketeers under arrest under this Preventive Detention Act and I am informed that on the 15th June, 1952, there were 93 persons of that variety. I do not know about this part of the House but if a vote were taken on that part of the House, at least some Members would be willing to vote: hang the black-marketeers first and try them afterwards. (*Interruption*). Everywhere, I am not talking of any foreign country because it is not necessary. The general feeling is that Government is not doing...

**Mr. Deputy-Speaker:** Why should there be interruptions?

**Dr. Katju:** So far as corrupt officials are concerned, detain them, try them, hang them by the lamp post and imprison them for ten years; nobody is anxious to safeguard civic liberties in regard to those people. I should like to see Prof. Mukerjee speak something in his eloquent way about black-marketeers. All that sympathy is only concentrated on a few Communists. Otherwise you do not care a two-pence about the essential supplies because you want to create havoc and chaos in this country. The more the essential

supplies are interfered with or curtailed, the more you are happy. Take my view about this matter. The more there is disturbance to the security of a State the more you are happy. I shall deal with that matter tomorrow. Probably the Deputy-Speaker will say...

**Mr. Deputy-Speaker:** You must address the Chair.

**Dr. Katju:** I am sorry, Sir.

**Mr. Deputy-Speaker:** There will not be any difficulty if the hon. Minister addresses the Chair.

**Dr. Katju:** Shall I go on?

**Mr. Deputy-Speaker:** Now it is one O'clock. The hon. Minister may continue tomorrow.

**Dr. S. P. Mookerjee:** Before you adjourn the House, I want to make one request to the hon. Minister. We would like to have the number of persons detained under the Preventive Detention Act since 1st March, 1952.

**Dr. Katju:** If I can get it, I will give you the information.

**Shri Nambiar (Mayuram):** May I know how many hon. Members were detained...

**Mr. Deputy-Speaker:** Order, order. The House will now stand adjourned till 8-15 A.M. tomorrow.

*The House then adjourned till a Quarter past Eight of the Clock on Friday, the 18th July, 1952.*