

[Shri U. C. Patnaik]

that subject.....(An Hon. Member: We are all thinking Members.). Then from everyone of us we expect some sort of guidance on this matter, and we hope we will get it in the course of the discussion on this subject and the general discussion of this subject will not be left with one or two speakers but I hope.....

Mr. Deputy-Speaker: He may turn towards me and not towards the back.

Shri U. C. Patnaik: Then, there is another thing.....

Mr. Deputy-Speaker: I am not curtailing the speech of the hon. Member. How long, may I know, will he take?

Shri U. C. Patnaik: I will take about 15 minutes more.

Mr. Deputy-Speaker: Then the hon. Member will resume it later. I am going over to the motion that has been outstanding, regarding the Preventive Detention Bill. I will put it to the House and then he may continue his speech.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL.—contd.

Mr. Deputy-Speaker: The question is:

"That the Bill be referred to a Joint Committee of the Houses consisting of 42 Members; 30 Members from this House, namely:

1. Shri M. Ananthasayanam Ayyangar,
2. Shri Halaharvi Sitarama Reddy,
3. Shri Balvantray Gopaljee Mehta,
4. Shri Narendra P. Nathwani,
5. Shri Ganesh Sadashiv Altekar,
6. Shri Hari Vinayak Pataskar,
7. Shri B. Shiva Rao,
8. Shri A. M. Thomas,
9. Pandit Algu Rai Shastri,
10. Shri Venkatesh Narayan Tivary,
11. Shri Tribhuvan Narayan Singh,
12. Shri Feroze Gandhi,
13. Shri Narahar Vishnu Gadgil,
14. Shri Kotha Raghuramaiah,

15. Pandit Lakshmi Kanta Maitra,
16. Shri Syed Ahmed,
17. Shri A. K. Basu,
18. Shri S. V. Ramaswamy,
19. Shri Dev Kanta Barooah,
20. Shri Jaipal Singh,
21. Shri Jaswant Raj,
22. Dr. Kailas Nath Katju,
23. Shri Hukam Singh,
24. Dr. A. Krishnaswami,
25. Shri N. C. Chatterjee,
26. Shri Sarangdhar Das,
27. Shri K. A. Damodara Menon,
28. Shri A. K. Gopalan,
29. Shri Shankar Shantaram More, and
30. Dr. Panjabrao S. Deshmukh and 12 Members from the Council;..."

Shri A. K. Gopalan: May I make a submission, Sir? I want to say that I wanted to be on the Select Committee...

Shri Jawaharlal Nehru: Let the motion be put first.

Mr. Deputy-Speaker:

"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 sitting of the Joint Committee

"that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

"that the Committee shall make a report to this House by the 29th July 1952;

"that in other respects the rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make;

"that this House recommends to the Council that the Council do join in the said Joint Committee and communicate to this House the names of Members to be appointed by the Council to the Joint Committee".

The motion was adopted.

Shri A. K. Gopalan: I want to make my position clear, that by being on the

Select Committee, as I have said before, we do not agree to the principle of the Act itself. If by being on the Committee it means that the principle of the Act itself is agreed to, then with this reservation I want to be on the Committee.

Shri N. C. Chatterjee: Sir, I also want to make my position and the position of my colleagues very clear...

Mr. Deputy-Speaker: Order, order. So far as this matter is concerned whatever consequences arise will be governed by the rules of procedure. I am not competent to give any particular instructions or to give any ruling upon this matter. The hon. Members' names are there.

Shri N. C. Chatterjee: I want to make our position clear. We are not committed to anything. We are for revising every section and clause of this Bill which we do not approve of and with that clear understanding we serve on the Committee.

Shri Sarangadhar Das: I also join in. Before agreeing to serve on the Select Committee I wish to make the position of my party clear. Our willingness—that of Shri Damodara Menon and myself—does not mean that we concede the basic principle of the Bill. We are opposed to the Bill in its entirety and shall examine every clause afresh.

Shri S. S. More: As I am also one of the Members and these declarations have been made by my colleagues, I think it would be wrong on my part to sit quiet. So I accept my name on the Committee subject to the same reservations.

Mr. Deputy-Speaker: The language of this Motion is quite clear. It will be interpreted as the language stands in the Select Committee.

RESERVE AND AUXILIARY AIR FORCES BILL.—contd.

Mr. Deputy-Speaker: The House will now proceed to the Reserve and Auxiliary Air Forces Bill. Mr. Patnaik.

Shri U. C. Patnaik: There are just a few points that I would like to place before this House for the valuable opinion of hon. Members before the Select Committee meets. As I have stated, the question of conscription involved in the organisation of Air Defence Reserves has got to be considered in the light of what has been done in other countries, particularly as a result of the National Service Acts of England and the National Security Act of America. Apart from it, there is another question also which is involved—whether

the auxiliaries are to fight at home alone or abroad also. That has been a bone of contention even in U.K. for a very long time till it was allowed to rest just a couple of years ago in their Acts of 1949 and 1950.

The question is whether the use of auxiliaries, territorials and other volunteers raised should be confined only to defend the hearths and homes inside the country or whether they should be called upon to go abroad when required. That was a question that was discussed at length and discussed several times in the British House of Commons and it has finally been decided that they have to go abroad if called upon. At the same time those discussions make it clear why internal defence was made part of the provisions of the original Act till 1949 or 1950. The reason was that the very basis of the organisation was that everybody who volunteered must feel that he was volunteering only for defending his hearth and home and not for fighting a war of aggression. That is a point which has got to be considered.

The next point is whether our Act should make provision only for offences and punishments or also for the organisation and governance of the territorial and auxiliary forces. There is a gulf of difference between our Bills and Acts on the one hand and the Bills and Acts, for instance, of U.K., on the other. On a comparison you will find that their legislation provides for offences and punishments. When the members of these forces are under training the regular Army, Navy or Air Force Act applies to them. At the same time the Acts make lengthy references as to how the organisation has to be achieved, how the different units are to be formed, and how civilian institutions are to be organised so as to get the best possible response. A reading of their Act will give you an idea as to how all these things were attended to by Parliament itself while considering the Bill and framing the law, whereas here we frame a vague enactment, then leave it to the Ministry to work it out; and the Ministry leaves it—I hope this Ministry will not do so—to the Defence experts who leave it in turn to somebody down below, so that ultimately the most operative part of the law is found not in the Act itself but in the rules prepared by someone. This is a point to which we have to pay our attention.

While considering the question of conscription for the Air Defence Reserve we have to consider the question of conscientious objectors which has