

Shri U. M. Trivedi: That assumption is patent from your own clause.

Shri K. C. Reddy: The whole position is this. In some cases, doubts do crop up as to whether a particular action taken by Government under an existing Act or otherwise is strictly legal or not. When a Bill is passed into law and action is taken thereunder, it might appear later on after a review of the legal position, that something is not absolutely correct and there might be doubts. When such a situation arises, it has been the practice not only in this country but all over the world, to set right matters in order not to give room for doubts and place matters on an absolutely legal basis. I know there are hundreds of instances of that kind which have happened in the legislatures of the world and if I had the time, I could quote half a dozen instances in this country where action of a similar kind has been resorted to. Let me tell my friend respectfully that we have done nothing illegal, nothing wrong or nothing immoral and we have not come forward here to cover up any such thing by this sort of validating clause. Nothing of that kind. The hon. Member may feel satisfied that we are doing a perfectly legal and constitutional thing and what we seek to do here is one which deserves his support also.

Shri Raghavachari (Penukonda): Why is there not a word about it in the Statement of Objects and Reasons?

Mr. Chairman: Reference is made in the very first line of the Objects and Reasons—under section 37 etc.

Shri S. S. More: What is the total amount recovered in these doubtful cases, Sir?

An Hon. Member: Rs. 5 lakhs?

Mr. Chairman: The question is:

“That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri K. C. Reddy: I beg to move:

“That the Bill be passed.”

Mr. Chairman: The question is:

“That the Bill be passed.”

The motion was adopted.

MOTION RE WORKING OF THE PREVENTIVE DETENTION ACT

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

“That the report on the working of the Preventive Detention Act, 1950, during the period 30th September, 1952 to 30th September 1953, be taken into consideration.”

Mr. Chairman, I am happy that this debate begins in a rather hilarious mood and I hope it will continue in the same spirit. Really there is not much to be said. The statement which I have circulated must have put the House in possession of all the relevant facts and figures. Speaking for myself, I confess that I was rather astonished at the moderation which the State Governments have shown in this matter.

Dr. Lanka Sundaram (Visakhapatnam): The same old song.

Dr. Katju: If hon. Members can interrupt me, I think I can go on indefinitely, but I wish to finish as early as I can. When you are considering this Motion, I would utter a platitude and that is, that you will please remember the vast size of this country and that this Preventive Detention Act is intended by Parliament to assist State Governments as well as the Central Government in keeping order and preventing outbreaks of violence in an enormous area among 360 million people. It is not a country like Denmark, Belgium or

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even England with only 5 or 6 crores of people.

Acharya Kripalani (Bhagalpur Purnea): Or even the United States.

Dr. Katju: I am coming to the United States in a minute.

Shri S. S. More (Sholapur): Are you going to the United States?

Mr. Chairman: Let the hon. Minister proceed, without interruption.

Dr. Katju: Sometimes my hon. friend is very facetious, but I imagine he is often mistaken. I find that on the 30th September 1953 there were in detention altogether 157 people throughout India. The House would recollect that the statement which I have circulated covers the period of 12 months, namely, beginning from the 1st October 1952 to the 30th September 1953. On the day that this period ended, altogether, as I said just now, 157 were in detention. Then I asked whether we had received any information about the intervening two months and a half and I find that we have got some figures for the month of October 1953. This 157 has further been reduced by 40. Therefore, the result is that on the 31st October, 1953, there were 117 detenus. On the one hand, you have 36½ crores of people, and on the other hand, on the 31st October, you have 117 people. You draw your own inferences. I am not dilating that point.

Shri S. S. More: There is ample scope for further detenus, again.

Dr. Katju: There again, it is a facetious remark. I shall bear that in mind. It may be of some importance that so far as I am concerned, all my life has been spent in the law courts, in obedience to the law, in advocating causes for compliance with the law. And I want that no one should suffer without a trial by law. But it is no use anybody citing me the American Constitution and the Brazilian Constitution and the Dutch Constitution and goodness knows how many constitutions. In India, when we framed our Constitution, we recognized that

the conditions may be very difficult and therefore in the Constitution itself provisions were inserted in accordance with which Parliament has passed this Detention Act. Now, I wish to remind the House of one particular matter, and that is, that before the first Preventive Detention Act was passed in April, every State Government had, what was called a Public Security Act of their own which was far more stringent. I have got numbers here showing how many people were detained, for instance, in the year 1947, 1948 and soon thereafter. When Parliament intervened, because this is a subject in the concurrent list, the State Governments practically, so to say, gave up their own provincial Acts and agreed to be bound by this Preventive Detention Act.

Now, I go a little further and say that from year to year, the Preventive Detention Act or the preventive detention machinery has been most carefully examined by Parliament and every year Parliament had introduced checks and counterchecks to ensure that though there may be no trial in a formal court of law, there should be a trial, take it from me, in a far more patent manner before three judges who should be able to deal in a human manner with the detenu. There is an advisory board. There are the grounds of objection. There is the intervening authority of the High Court and the Supreme Court. This machinery has not proved illusory. It will become apparent to you that the advisory boards have been very cautious in this matter, and I imagine that wherever they found the slightest opportunity of intervening, they have done so. The House would recollect that we had a great debate when this Bill was under discussion about the legal representation before the advisory board, and I ventured to say, as an old hand, that in this matter the detenu would be far better off if he were to go himself personally, unhampered by lawyers, because, then, he would be able to create a better

impression, a more human impression and very likely he would be far more likely to succeed than he would if he were accompanied by a lawyer with the atmosphere that a lawyer always takes with him. That is the reason why we see that the advisory board has said: very well, we will interfere in a large number of cases. I do not know whether the advisory board thought at that time that when the order of detention was passed, detention was justified or not; or, they might have thought—they will not say so, just like the jury—well, we have seen this youngman, or middle-aged man; he looks pretty harmless; well, he has done about 20 days, and there has been some change, and therefore let him go. Apart from that, the Government itself has been very cautious and the number of detenus who were released by Government itself has been fairly large. In many cases the Supreme Court has intervened. I am always reluctant to say one word about the High Court and the Supreme Court judgments, because they are entitled to the greatest respect and reverence and we are all proud of our judiciary. But reading the judgments, in many cases what happens? Supposing the grounds for detention are five, four and a half are quite good. The remaining half is a little loosely worded, a little vague, and may not be in strict accordance with law. Now, what do the judges do? They say: well, here it is—four and a half good, half not so good, and the result is, the whole detention is bad. We cannot say with any confidence under what particular portion of these grounds of detention the Government has acted, and the benefit of this vagueness must go to the detenu. Hon. Members who are so inclined may read case after case where this thing has happened. I am not complaining. The judges administer the law and we are bound by it. That only means that the grounds of objection should be most carefully drafted and, very likely, vetted by some competent man. If the grounds of objection are dealt with in a summary manner, drawn up by

some clerk or secretary who has no legal knowledge, then these mishaps may arise. The situation then arises: how have we suffered? You have got all the figures given to you one month ago from category to category. I do hope that the House will give us the credit for placing before you the amplest information available. I would ask, at the outset, to remember that many of the detenus were put in detention not because of their political activities but because in certain areas, there were criminal activities of different kinds. For instance, there were dacoits in PEPSU. There was the notorious Bhupat in Saurashtra.

An Hon. Member: He has gone away.

Dr. Katju: You cannot get rid of this habit. I think I would ask the hon. Speaker to administer some sort of a pill or soothing thing to them. Well, it does not matter.

Then, I find that in Bombay, resort is taken to this Preventive Detention Act for putting goondas, as they call them, in detention. If you take all that stuff out and say: well, here it is; people are being put in because of their political activities,—I suggest to you with some confidence that any such argument will be totally unfounded. I claim this with some confidence. Please remember it is very easy to criticize. The hon. Members on the other side are in a position in which it is very easy to do so and it is their duty to criticize, and they are at liberty to criticize. But goodness only knows what good they would have done, if they had changed places?

An Hon. Member: Much.

Dr. Katju: You would have been the Godess of liberty and freedom and you would have put everybody through court, and I can say of some other people who might have been liquidated in a different fashion!

Comparisons, Mr. Chairman, are odious. I imagine that if some other system of Government were in force, every single person who is for the

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accused would have confessed within two months. A court would have been constituted and he would have been hanged, or sentenced for ten years. It all depends. Now I shall be hearing speeches of all sorts, of prayers to the Goddess of liberty and freedom, of trials, no detention without trial, etc. It is all very easy. Now, I suggest to you....

Shrimati Sucheta Kripalani (New Delhi): You did not talk like this when the British were here.

Dr. Katju: For God's sake please consider in an objective and dispassionate manner as to what has happened during the past twelve months in India? Have we not gone through rather troublous times?

An Hon. Member: No.

Dr. Katju: Has not violence been preached? Take for instance, Calcutta. I am not going into the merits of it. There was the tram fare agitation, setting buses on fire, etc. I have been in Calcutta; I have noticed these things.

Here in Delhi, nearer home, for one or two months people were coming into Delhi from all parts of India, with the declared object of breaking the law. Now what is to be done?

Acharya Kripalani: Hang a few!

Dr. Katju: I shall leave it to you.

Acharya Kripalani: Rather than endanger society, hang a few!

Dr. Katju: I shall follow your advice; it may be good.

An Hon. Member: It is very good.

Dr. Katju: If you go to that extent, namely, hang a few by way of example so that you may preserve peace throughout the land, it is a matter worthy of consideration. We are only putting them in detention for a period which cannot extend twelve months. Please remember that....

Shri U. M. Trivedi (Chittor): Hang for a month!

Dr. Katju: When the matter comes up at the end of 1954, I really do not know what Parliament will do, or what the motion before you may be. It is a good thing—you consider it dispassionately—having an Act like this as a permanent feature on your Statute Book is in the public interest, a useful thing.

Now everywhere there has been some sort of trouble: in Travancore-Cochin, in Hyderabad.

An Hon. Member: What is there in Travancore-Cochin?

Shri S. S. More: The Congress have been defeated.

Dr. Katju: There are labour troubles. There are my friends, brothers, sisters, going on hunger strikes. If they go on hunger strikes in their homes, they are at liberty to do so. But they prefer to go on hunger strikes at some public place, leading to all sorts of incidents. I wish I had placed before you what things are published in the newspapers, what speeches are delivered. I tell you it is awful. You gentlemen will now stand up and say that this preventive detention has been abused. Can anybody say it has been abused. That is a question which I put to you.

Shrimati Sucheta Kripalani: This law itself is an abuse.

Dr. Katju: I understand it, because you say.

Shri U. M. Trivedi: Everybody says it is a lawless law.

Dr. Katju: The hon. lady Member has every right to say that this law is an abuse. But that was an argument which Parliament rejected last year.

This is a very important matter. We had a debate lasting for seventeen days in this House and for about thirteen days in the other House. The general theme of the speeches which came from the other side was, a phrase

which I have not been able to understand, that it is a lawless law. But Parliament rejected your argument. What is the good of repeating it? I gave an undertaking last year that opportunity would be afforded to Parliament to examine and survey how the law has worked.

In considering this measure the House has to bear two important considerations in mind: whether conditions in the country have changed and whether it has been abused in the past. I do not know what your arguments would be. It is no good repeating the old arguments that there should not be any detention without trial, that the Constitution grants you the fundamental right of expression, this, that and the other. I would like to hear the criticism. Has the law been abused anywhere?

Several Hon. Members: Everywhere.

Dr. Katju: Then I should like to have instances of it.

Acharya Kripalani: Please read the judgments of the High Courts.

Dr. Katju: Please remember that maintenance of law and order and security in the land is the primary responsibility of the State Governments.

Shri S. S. More: Of the British too.

Dr. Katju: When freedom came we were functioning under the Security Acts of the State Governments. Now the opinion of these State Governments is unanimous that this measure should continue for at least one year: the Act should be allowed to run out its period.

Shri S. S. More: Was any whip issued?

Dr. Katju: None whatsoever. It is their free expression of opinion. I myself personally would have been most happy to tell you today—you would have thrown garlands on me: "We have decided to withdraw this Act, or to treat it as a dead letter". It is no

pleasure for me to ask for its extension. In fact, remarks are being made, which if I may be permitted to say so, are so easy to make: it is all copy-book eloquence,—talking of freedom and liberty and what not. The difficulty is mine. I have got to show that there have been no excesses.

Now the question is twofold. What was the state of affairs during the past twelve months, how difficult a period it has been all through, in Andhradesa and elsewhere. I do not wish to go into details. And what are the coming events? Are you quite sure that the times are normal? I am not at all. When I read the speeches of this leader and that leader, I find all sorts of threats are being held out. Then crime is on the increase, with the result that people are afraid. The other day I had been to Morena in Madhya Bharat, where people are abducted and held for ransom. What is to be done for that? Here the intelligence is reliable—that dacoits are being harboured in the villages, and are fed by the villagers. Do you mean to say in the absence of any evidence the Police should sit completely idle and allow these things to go on? Let us take a realistic view of these matters, and not be carried away by what we call copy-book maxims,—a copy-book maxim which I expect to hear in a short time.

So far as the working of the Act is concerned the figures are those in which the House may be interested. We started with 1,839 people in detention on the 30th June, 1951. Month after month the State Governments have been most careful to see that recourse to these provisions is made only in the most imperative circumstances. I find that on the 31st December we had 1,865. On 30th June, 1952 the figure was 1,190. On the 31st December, 1952 it had come down to 338. And on the 30th June, 1953 it was 139. So you will not be able to say as if the State Governments have been playing with this. That is not the case at all. And I go further and I say that this Act has really served

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a most beneficent purpose. It is no good allowing people to commit a crime and then sending them to seven, eight or ten years' imprisonment or even to the gallows. If you take action, provided your evidence is reliable and credible, you stop the mischief at the very source. It is good for that individual, it is good for the country, it is good for everybody.

Shri U. M. Trivedi: Did I hear the hon. Minister to say if the evidence is reliable?

Dr. Katju: Yes. What is wrong with it?

Shri U. M. Trivedi: It is all right.

Dr. Lanka Sundaram: You will hear about it.

Dr. Katju: Of course I will hear about it! What I know as a practitioner in the law courts is this. People are prosecuted, they are guilty and they ought to be hanged. But the law courts say "here is a little bit of a doubt" and they acquit the man. And what do the people do? The people take the law into their own hands, and as soon as this acquitted individual comes out of the sessions court he is killed or shot, or when he reaches the village he is finished then and there. Of course you may say that the evidence was unreliable because the court found so.

Shri S. S. More: So for his own safety you detain him!

Dr. Katju: That is a good point. As I go on with my speech I am becoming more and more indebted to the strong points from my learned friend. He is a very keen lawyer himself.

Now my submission to you, Sir, is that in the statement which has been circulated I have quoted in extenso the undertaking which was given by me on behalf of Government. You get all the figures, you get the views of the State Governments. We have considered the matter as carefully as we

can and we have come to the conclusion that this Act must be allowed to run its normal course till we discuss it next year. It would be dangerous and it would not be consistent with national interests to withdraw it at present. Because there is so much uncertainty. Please remember, I am not blaming any particular party. It is not my habit.

Shri K. K. Basu (Diamond Harbour): Since when?

Dr. Katju: Because we know each other's views. All of us know our policies, our creeds, our beliefs, whether we advocate violence or do not advocate violence, what we stand for and what we do not stand for, and what is actually happening in the country. You may deny here what is actually happening in the country, but in your heart of hearts you will not be able to deny it. If suppose I ask this question outside in the lobbies, I think many hon. friends will say "yes, it is a right course of action". Even my hon. friend Mr. Trivedi will say so.

Shri S. S. More: Come out to the lobby!

Shri U. M. Trivedi: You are presuming too much, I think.

Dr. Katju: Sometimes these professions of goodwill and cordiality and intense love on the floor of the House carry very little weight either with benches here or people outside, because they know you all.

Shri K. K. Basu: That is the real thing.

Dr. Katju: I did not catch what my friend said.

Shri K. K. Basu: We accept it.

Shri S. S. More: Go on.

Dr. Katju: I do not think it is really necessary to go further into this matter. If there is anything which may be suggested as of importance, I shall deal with it at the end. But I

should like to say here that under the Act a man can be detained for a variety of reasons, and these statements will tell you how many have been detained because their being free was rather detrimental to the peace of India or the security of India or to its foreign relations, how many had been dealing in anti-social activities, how many had been dealing in ordinary crime. And most of all, this Government so long as it continues in office will never, never—there should be no misunderstanding on that point—will never, never tolerate any preaching of violence and to the best of our power we would try to stop it. The State Governments have been carrying in the last twelve months a very heavy burden. In every State, particularly in some States the burden has been extremely heavy. They have done it with credit, and I say that they might have been with justification a little more stringent. For instance, take the Lucknow University. Everybody knows what happened—police stations burnt, buses burnt, offices, police stations looted. Do the students do it? Are not people behind them? Is it not desirable that some people should be shut up for all this.

An Hon. Member: 'Shut up'.

Mr. Chairman: Order, order. What is the use of repeating his very words?

Dr. Katju: This Act is serving a beneficent purpose and should continue to operate.

Mr. Chairman: Motion moved:

"That the report on the working of the Preventive Detention Act, 1950, during the period 30th September, 1952 to 30th September, 1953, be taken into consideration."

There are many amendments of which notice has been given. They are generally of two kinds. Some amendments say that the Act should be allowed to continue. Others say that it should be discontinued. This is the general nature of these amendments. Amendment No. 1 says that

the Act should be continued and amendment No. 3 that it should be discontinued. The rest of the amendments are on the same lines. I would rather like that only these two amendments are moved and then the matter will be discussed. Shri Raghbir Sahai may, if he wants, move his amendment.

Shri Raghbir Sahai (Etah Dist.—North East cum Badaun Dist.—East): May I also say a few words, Sir?

Mr. Chairman: He need only move it without speech.

Shri Raghbir Sahai: I beg to move:

That in the motion, the following be added at the end:

"and having considered the same, this House is of opinion that there is ample justification for continuing the Act upto the specified period."

Shri M. S. Gurupadaswamy (Mysore): I beg to move:

That in the motion, the following be added at the end:

"and having considered the same, this House is of opinion that there is no sufficient justification for continuing the Act up to the specified period."

Mr. Chairman: Amendments moved:

That in the motion, the following be added at the end:

"and having considered the same, this House is of opinion that there is ample justification for continuing the Act upto the specified period."

That in the motion, the following be added at the end:

"and having considered the same, this House is of opinion that there is no sufficient justification for continuing the Act up to the specified period."

Dr. Katju: May I just intervene and submit, Sir, that there are two amendments, one for continuance and the other for discontinuance. That covers the whole case.

An Hon. Member: Columbus discovered America.

Mr. Chairman: I take it that the other Members do not propose to move their amendments because they are on the same lines.

Shri R. C. Sharma (Morena-Bhind): These two amendments do not cover my amendment, Sir. I have an amendment, No. 6.

Mr. Chairman: The amendment is practically covered except that the hon. Member has also suggested that the law be made a permanent one. That is the only difference. We are here only concerned with the motion that the report on the working of the Preventive Detention Act be taken into consideration. The whole discussion will be limited to this: that is, the report on the working be taken into consideration.

Shri R. C. Sharma: After consideration, we may come to the conclusion that it should be made a permanent law.

Mr. Chairman: Substantially, it is the same.

Shri P. N. Rajabhoj (Sholapur—Reserved—Sch. Castes): I have an amendment in List No. 2, Sir.

Mr. Chairman: There is nothing in list No. 2. It appears that the hon. Member has given notice today. It cannot be taken up. Now Shri Acharya Kripalaniji.

Acharya Kripalani: As I rise to speak on this Motion, I am reminded of one who sat on these Benches and year after year raised his powerful voice against this Bill. But, this distinguished son of India did not know that he himself would be a prey to this Act and lose his life in jail. Today it is natural for the Opposition to miss him.

Shri M. P. Mishra (Monghyr North-West): He was not detained under this Act.

Shrimati Sucheta Kripalani: Similar one. (*Interruption*).

An Hon. Member: A cousin.

Acharya Kripalani: It is very sad and very depressing that history should have no lesson to teach politicians, and that repeatedly old patterns of conduct always re-appear. Those who have been oppressed and suppressed, when they are oppressed and suppressed, talk of justice, talk of human rights, talk of conscience, and of morality. Unfortunately, when they themselves are installed in seats of power, they forget that they do the very things about which they have been so loudly complaining.

Shri N. M. Lingam (Coimbatore): Will that apply to you also?

Acharya Kripalani: Whether it will apply to me, that is not the question here. If you admit that it applies to you, it is enough for me. When my turn, comes you can also apply it to me. But, it applies to you, to the Treasury Benches now.

Shri N. M. Lingam: That is what you say.

Acharya Kripalani: That is what I say. But, you by your remark admit it. When you say will it apply to me, you admit that you imply that what I say is correct and it does apply to you.

Mr. Chairman: I would request the hon. Members not to interrupt. Otherwise, the whole effect of the speech is gone.

Acharya Kripalani: A short while ago, we waged a non-violent war against foreign imperialism. We did it in the name of justice; we did it in the name of equity; we did it in the name of the moral law. We resisted arbitrary laws imposed by the foreign Government. We called them lawless laws. We called them Black Acts. The whole of our Independence movement started from these Black Acts the Rowlatt

Acts. Because we resisted these Acts not one person was arrested under the Rowlatt Acts. The justification given in those days by the foreign Government was the very same as is being given today by the hon. Home Minister. What is the reason given? In substance, it is this: "the ideas and principles which were sacred to us before our liberation when we were fighting for the cause of the country's freedom, those ideas which were cherished by our people and which formed part and parcel of our being, have become outmoded and we have no use for them. Sir, we are told that they are outmoded and we have no use for them. Not only this but another reason is also trotted out. We are told that today those who hold power are Indians. We are further told that these Indians are the representatives of the people. As if India has always suffered from the tyranny of the foreigners. It was only for a century and a half that India suffered at the hands of foreigners. For centuries this land had been suffering from those who were children of the soil.

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Even recently, even under British rule, the most oppressed people were those who were living under the rule of the Indian Princes. These princes were Indians. There is no guarantee that because people belong to the same nationality they will not tyrannise their own countrymen. Tyrants mostly tyrannise their own people. It is only at short intervals that foreign tyranny sometimes intervenes. To say again that the representatives of the people cannot be tyrannous is another fallacy, not borne out by history. History shows that a democracy can be totalitarian, that a democracy can crush the rights of the people as effectively as no Government or Emperor ever can. In democracy today, the executive wields much more power than did Charles I. Charles I indulged only in minor arbitrary acts our executive—not only in India, but everywhere else—are much more powerful and if they

go wrong they do much more mischief. I am sure Hitler was a representative of his people, and even in a free election he would have got more votes than the Congress did in the last elections. I say in China and Russia today, rulers can say that in free elections they would get more votes from their people than were received by our rulers here.

Shri S. V. Ramaswamy (Salem): Will that be a free election?

Acharya Kripalani: I only say that they can say, and rightly say, that the Government in China even in the freest election will get much more votes than the Congress got here. (*Interruption.*)

An Hon. Member: Question.

Acharya Kripalani: Ask those, even the officials, who have visited China.

The hon. Home Minister has told us, that this law is constitutional. He forgets that sometimes you may keep the letter of the law and violate its spirit. Article 22 is given in the Chapter entitled "Fundamental Rights". This is the Chapter for the guarding of fundamental rights, while this Bill has been passed to violate our fundamental rights.

Let us see the history of this Act. It was first introduced in 1950 by the late Sardar Vallabhbhai Patel. Speaking in this House, he said that he had passed two sleepless nights over it because it was an Act that deprived the citizens of their fundamental rights and civil liberties. Unfortunately, the present Home Minister does not lose one wink of sleep, though he has introduced this now for the second time. (*Interruption.*) I am told he has no heart.

Dr. Lanka Sundaram: He is telling to himself.

Acharya Kripalani: I suppose when he defended many years back, the Communist in the Conspiracy Case, he did not say that he had no heart. He in that case gave the very same

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arguments that we on this side of the House are using today. But I suppose he was younger then.

Dr. Katju: When?

Acharya Kripalani: I will repeat. I said that he seemed to have some heart then.

Dr. Katju: Who?

Some Hon. Members: You.

Acharya Kripalani: The Home Minister. I do not know about you or me here. We are only so many Members of this House. I am talking of the Home Minister. I am not talking of Dr. Katju: He is a very amiable person and a lovable person. But I must say as a Home Minister he is a misfit. I was saying he was the defence counsel in the Meerut Conspiracy Case.—Against whom was this case instituted? Against our Communist brothers who have become bloody enemies now.

Dr. Katju: May I just intervene and say that at that time, the Communists had only talked, but done nothing? You ask Professor Mukerjee, he will tell you.

Acharya Kripalani: But the Home Minister does not know that the Communists of today have developed from that talk. If he had been a little more careful, if he had known that he himself would be a Home Minister one day, he would not have touched that case.

Our Home Minister thinks that this world is a comic stage, that nothing matters, that things go on as usual, that this is a world, which is a huge joke, and therefore he is perpetually laughing at everything. It is a very enviable quality, I like it. But sometimes, when one is put in a responsible position, one has got to take the world a little more seriously, and one has to take his own actions seriously. I am sure, the Home Minister, will, in his concluding speech come out with a philosophy about detention without trial, and he will tell us that there are

many countries, where arbitrary laws exist. He will say, there is Russia, there is China, there is Japan, there is Honolulu, there is Timbaktu, and he will expound to us a philosophy of arbitrary rule, a philosophy of dictatorial rule. He will tell us that there is nothing very much in these things and why are you bothered. Of course, we are bothered, because we have believed in certain principles, and we have not yet been raised to the Treasury Benches, to have convenient memories, and forget our principles.

This Bill was introduced by late Sardar Vallabhbhai Patel, and when he introduced it, he said that it was meant against Communalism, that had spread in the country on account of the partition of the country. Then came Shri C. Rajagopalachari, and after him our esteemed friend, the present Home Minister. The latter two told us, that the act was meant for the Communists. Dr. Katju also told us last year that he was going to introduce this measure, because of Hyderabad, because of Saurashtra, and because of PEPUSU. In PEPUSU, we have now a Governor's rule, and I suppose everything is all right in that part of the country; in Saurashtra, there is no more agitation against the sales tax; so far as Hyderabad is concerned the Communists are now in the Assembly there. For whom is this Act now? We are told that it is for the Communist activities, and the Home Minister has made no secret about this fact. He said that the Communists this side would not only pass such an Act but would liquidate the Opposition. But I thought we were living in a democracy. What one would or would not do in a totalitarian state is absolutely irrelevant under a democratic regime. If we have to take our lessons from totalitarian countries and justify our action on the model of these countries, let us frankly say that we do not believe in democracy. Why this camouflage, why this hypocrisy? Then better dispense with this House, dispense with the elections and then you can

do what you like. There will be nobody to resist you, excepting that Nemesis will over come you sooner than under a democracy.

The Communist representatives have been with us for the last two years. I have been sitting in their midst for some time and I can say that they are, like Dr. Katju, very amiable people. Not only are they amiable, but they are soft-tongued. They are so except when they are excited. That is true of me, that is true of the Treasury Benches. That is true of our Prime Minister. Then sometimes these friends of ours play to the gallery. We also sometimes play to the gallery. If there is a gallery in this House....

Shri N. M. Lingam: As you are doing.

Acharya Kripalani: I am doing it. I am saying it myself. Why do you intervene? You feel if you interrupt you come a little nearer to the Treasury Benches. Wait a while. Don't be in hurry. My friend who wanted this Act to be made perpetual—I do not know why Dr. Katju or our Prime Minister has not called him nearer to the Treasury Benches. I know these tricks.

Shri N. M. Lingam: You are older than me.

Acharya Kripalani: If I had known better than you, I would have been on the Treasury Benches. I do not know when you came to the Congress. I never saw your face when I was General Secretary of the Congress. I was saying that the Communist friends here, if appearances are not deceptive, belong less to the proletariat than many Congress men.

Shri N. M. Lingam: When did you leave the Congress?

Mr. Chairman: Order, order.

Acharya Kripalani: You will find out the date. When the Congress refused to follow Mahatma Gandhi and when there was corruption and deception in the Congress when the Congress uttered the name of Gandhiji but killed his soul.

An Hon. Member: You are irrelevant.

Acharya Kripalani: It is your people who interrupt. If they do, they must have it.

The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya): Please go ahead.

Mr. Chairman: Let there be no interruptions. Let the hon. Member proceed.

Acharya Kripalani: I do not want to attack the Congress. I was one of those who built the Congress. It goes against my grain to have some people who have newly come to the Congress, whose faces I have never seen, interrupt and asked me 'When did you leave the Congress?' I left the Congress, I tell you I left the Congress as anybody would have left his home. Congress was my home. I knew no other address but the Congress; I knew no other party but the Congress. He must also understand to whom he is talking.

Shri N. R. M. Swamy (Wandiwash): Ignore him.

Acharya Kripalani: They are small frys, but they are large bugs.

I was saying that our Communist friends are soft-tongued....

Shri K. D. Malaviya: Now talk to the gallery.

Acharya Kripalani: ...and if appearances are to be believed, some of them look less like those who have come from the proletariat than many of the Congressmen.

Some of the Communists speak very good English, the King's English or the Queen's English now.

The Minister of Rehabilitation (Shri A. P. Jain): You are both the King and the Queen here.

Acharya Kripalani: They have Oxford accents, as good as our Prime Minister. But, I am mistaken, the Prime Minister has not Oxford accent;

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he has Cambridge accent. What difference between these two do you and I know, Sir? After entering into the Legislatures, the Communists have acquired many bourgeoisie habits. They even play cricket with the Treasury Benches and the Prime Minister. And, cricket, as you know, is an Imperial game; no non-Imperial people ever play it. In Kashmir, as the Treasury Benches know more than myself, they are in alliance with the Congress. Am I not right?

Shri K. D. Malaviya: Only when they play cricket.

Acharya Kripalani: In Travancore-Cochin, they are offering terms of friendship to the P.S.P. They are today more in line with the foreign policy of the Government than the P.S.P. They have completely rehabilitated themselves. To think that the Prime Minister contemplates this act to be used against the Communists today is absurd. We are again told the act will be used against those who are likely to rebel against this Government. Against whom is there likely to be a rebellion? This Government, whether at the Centre or in the Provinces, is conducted by patriots, who fought the good battle of freedom and who are respected leaders of the people. More over the Government is being carried on by people who have again won the last election, and have got the majority behind them. The people have again selected them as their leaders. Why are the chosen of the people afraid of any rebellion? Public opinion is with them. Everywhere, there is somebody or the other, in the Provinces and the Centre, who is the embodiment of the area he rules.

Then, we have our Prime Minister who is the head on the Government. I have never seen, in any other country, a more popular Prime Minister than we have here. I do not think, so far as I know history, any dictator was more loved by his people than our Prime Minister here. He is Uncle

Nehru to the children; he is Prince Charming to the ladies.

An Hon. Member: What about Santa Claus during Christmas?

Acharya Kripalani: He is a man of masses; he comes from the classes. The socialist leaders like him even though this is objected to by the rank and file of the Praja Socialist Party. The Communists have easy access to him.

Shri K. D. Malaviya: Because they play cricket sometimes.

Acharya Kripalani: Among intellectuals he is litterateur among the artists he is an artist. Among the scientists he is a scientist and presides over the every Science Conferences. He is a philosopher among philosophers, having re-discovered India for us.

Shri G. H. Deshpande (Nasik—Central): On a point of order, Sir; what has all this to do with the present Bill under consideration?

Mr. Chairman: It is not a point of order at all. So far, the hon. Member has been developing the point that it is unnecessary to direct the Act against the Communists. Now, he says the Congress Government is so strong that it does not require this law. It is all relevant.

Dr. Katju: Is that his argument or are you developing it, Sir?

Acharya Kripalani: When I criticise the Government, I am heckled. When I praise the Prime Minister, then also I am heckled. I can never satisfy Congressmen.

Mr. Chairman: It is now 6-20 p.m. and there is a very long list of speakers with me. Will the hon. Member try to finish his speech by 6-30 p.m.?

Acharya Kripalani: As the Chairman said, I am now developing my argument. You must give me, Sir, some time more. I was rather speaking slowly.

I was saying why should this Government be afraid. They are popular with the people; they are popular with all classes; they have a leader who is universally liked and I was going to say that even the capitalists consider our Prime Minister as their last refuge. They know that if he goes the Praja Socialists or the Communists may come in his place. So, he is the favourite or the last refuge of the capitalists also.

What for is this Act needed?—I ask the Home Minister again. For Defence! Against whom will you use this act when all the sections of the people are with you and you so often claim that the country is with you! The Home Minister would say defence against robbers. Defence against the *goondas* of Bombay. Can a Government fall because of *goondas*? Can a Government fall because there is a little riot here and there? I can assure the Home Minister that this Government will either fall by the vote or by a rebellion in the army. It will not fall because of street brawls, not because of little riots here and there, not because a few students go on hunger strike. There is no other way of bringing about the fall of a modern government. Modern governments have powerful weapons of all descriptions to cope with any temporary riot or rising. There can be no rebellion against a modern government, excepting when the army deserts it. Even in Russia, it was so. What then is the meaning of security of India? What do you mean by the security of any State? Can any State be insecure when the Government of India is secure?

The fourth reason for passing this act is possible danger to public order. This phrase 'public order'—we have heard it so often in the time of the British Government! It is a vague term and one can never understand its meaning. It may be used for anybody or any thing. Even the university strike at Lucknow the Home Minister holds was a threat to public order. He does not know the facts about that

strike. Let me tell him that this university strike, even as the A.I.C.C. Resolution says, was because the Members of the Government, the Ministers—and I am sorry to say—people higher than Ministers intervened in the affairs of the students. They say our students are unruly. Do they expect fathers and grandfather like me to be mischievous. It is the privilege of the young to be mischievous. Even the A.I.C.C. Resolution has made clear to those who understand it that it was the differences among the Congressmen that produced the trouble at Lucknow.

Then, this act applies also to relations between India and foreign powers. I say if the Congress Government were not in power, this Act would be used against the high functionaries in the Congress for the agitation they have started against the military pact between Pakistan and U.S.A. It is a legitimate agitation but a Government unfavourably inclined towards Pakistan or America would certainly bring into action the provisions of this Act and lock up all these people. What a dangerous thing this is? Today, the agitation is against Pakistan and America, and you can participate in it without danger because the agitation is approved by the Government; and tomorrow, if we do it, against power which is friendly to you, you will lock us up under the provisions of this act.

The fifth clause applies to obstruction in the supplies and services to the community. These are things which, everywhere in the world, are regulated through the penal code. I say these provisions are there because of the inefficiency of your administration, because of the inefficiency of your C.I.D. I tell the Home Minister that his own house is not in order, that his services are not efficient. If you had a proper police, if you had a proper C.I.D., if the Home Minister was really doing his job properly he would not require the provisions of this Act. Nowhere are they requisitioned for the purpose he has provided them for. Your own

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defects, your own shortcomings, your own inefficiency, you want to cover up by this extraordinary Act. Eight years have passed since the war ended and still this Act remains on the statute book. Does the House know that in no democracy such an act is found today?

Now, let us see what is the opinion of the highest judiciary? Dr. Katju has very glibly talked of the judiciary. I wish the Minister would not so insidiously attack the judiciary. It is the only defence left to safeguard the liberty of the poor citizen. The High Court of Bombay has in a case referred to it under this act said:

"In all matters which have come before us, we have been distressed to find how meagre and unsatisfactory the grounds are that the detaining authority furnishes to the detenu. We are compelled to say that in almost every case we have felt that the grounds could have been ampler and fuller without any detriment to the public interest". The Supreme Court, in this very case, opined that "there has been quite an unnecessary obscurity on the part of the detaining authority in stating the grounds of the order."

Who, Sir, are the detaining authorities? They are the District Magistrates. They are the Chief Commissioners of Police.

An Hon. Member: I.C.S.

Acharya Kripalani: Under what regime were they trained? They were trained under an arbitrary regime. They had their training under the British. They are saturated with imperialistic ideas. If you give so much power to these people, they may misuse it. They are comparatively petty officials. I say "comparatively", because in England. I am told that the Home Minister himself looks into every case. These are small officers, not

brought up in traditions of freedom. Even the Home Minister cannot say that they have been brought up in traditions of freedom, and respect for the fundamental and civil rights of the people. You leave us to the tender mercies of these people. You leave our liberties, you leave our fundamental rights in their hands. And sometimes, it has happened often this, power you have given them,—it must be known to the Home Minister—against Labour leader, against labour workers and, against members of parties opposed to the party in power. I have now with me a report from Rajasthan. It says:

"The Rajasthan Government has always used the provisions of the Preventive Detention Act for crushing opposition in the State. So far only one judgment of the Rajasthan High Court has been published in the All India Report, 1953, at page 177. In this case one Durg Singh had moved the Rajasthan High Court, against his detention, under Article 226 of the Constitution and it was held by the Division Bench consisting of Chief Justice Wanchoo and Justice Bapra that the grounds supplied to the petitioner were too vague. He was set at liberty.

"Similarly, in the month of August 1953 about thirteen persons, including one Communist M.L.A., and five socialists of Jaipur were detained under the Act in connection with the agitation—mind you 'agitation'—against the imposition of the house and octroi tax. They were arrested for launching opposition to the house and octroi tax in Jaipur City by the Rajasthan Government. All the detenus were released by the High Court; but the judgment has not yet been published. Dr. Katju, the Home Minister, has told us that there are about 117 detenus left. But does it not appear to the Home Minister that whenever cases have been examined, whenever the High Court has intervened, there have been releases?

Mr. Chairman: It is past six thirty: how long will the hon. Member take.

Shri M. S. Gurupadaswamy: Nobody else from our party will speak.

Mr. Chairman: It is not a question of this party or the other. Several hon. Members are anxious to speak and they must be given an opportunity.

Acharya Kripalani: Some latitude must be given to persons who very rarely speak.

Mr. Chairman: The House will then stand adjourned till half past one tomorrow.

The House adjourned till Half Past One of the Clock on Tuesday, the 22nd December 1953.
