

to enter into negotiations. Ultimately, so far as cession of territory is concerned, it has to be approved by this House, the constitutional amendment has also to be approved by this House. Whatever step is taken in accordance with the opinion of the Supreme Court to implement the agreement will require the approval of this House. In the circumstances, I shall consider whether it is worth while having a discussion. I am not now giving any opinion regarding this.

Hon. Members will kindly read the statement at leisure, and if they want further clarification, as I have already said, on the points on which they want clarification they may send questions to the office. I will pass them on to the Prime Minister. If there are any particular points to be elucidated, they will be elucidated.

**Shri Yajnik (Ahmedabad):** May I know whether this Bill is to be introduced in this session?

**Mr. Speaker:** I do not know. He can ask that question also. ....

13-26 hrs.

PREVENTIVE DETENTION (CONTINUANCE) BILL—contd.

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri Datar on the 1st December, 1960, namely:

"That the Bill to continue the Preventive Detention Act, 1950 for a further period, be taken into consideration".

The hon. Home Minister.

**Shri Braj Raj Singh (Firozabad):** May I be allowed a few minutes?

**Mr. Speaker:** I allowed a Member from his group half an hour the other day.

**The Minister of Home Affairs (Shri G. B. Pant):** I have to apologise to you and also to the hon. Members for my absence from the House when this motion for the consideration of the Bill was placed before it on Thursday last. I am particularly sorry.....

**Mr. Speaker:** I am afraid the members of the press gallery are too eager to catch every word that is uttered here. I will ask the hon. Members to speak a little louder. Let the members of the press gallery keep within the rails there. It is only the book that fell now. I am afraid a member of the press gallery will fall upon me! Let us avoid it.

**Shri G. B. Pant:** I had just started by offering my apologies to you and to the hon. Members for my absence from the House on Thursday when the motion for consideration of this Bill was made by my colleague, Shri Datar. I am sorry also that owing to my absence I missed the opportunity of listening to the eloquent, and to some extent I think, spirited speeches of eminent leaders of the opposition. I appreciate their sentiments, and perhaps, to some extent I share them, but I wish that the whole question had been looked at and examined from the correct perspective. If the position as it exists and if the history of the last ten years had been kept in view, I personally feel that hon. Members would not have raised their voice against this Bill.

It has, perhaps, some sort of an unpleasant savour about it. I am also speaking to the hon. Members about the Bill, but it does not give me very great pleasure to say what does not and will not agree with some of the views expressed by some of the hon. friends whom I respect and whose opinions I attach weight to. There has been considerable improvement, so far as the enforcement of the detention law is concerned, during the last ten years. In the first year when the Bill was passed, the number of persons detained came to about 10,000, but on the 30th September of this year, the

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number had come down to about one hundred, the exact number being 106.

I quite appreciate the view expressed by Shri Asoka Mehta that the liberties of every individual must be regarded as being sacred, and that we should take care to see that nobody is unnecessarily deprived of such liberties. The fact, however, remains that we have laws in all countries for dealing with matters which might not be quite advantageous to the community at large and which have, therefore, to be handled in a certain way. While Shri Asoka Mehta referred to the sanctity of civil liberty in a way, my hon. friend Shri H. N. Mukerjee said that the number had come down to about 106 or 100, and so, it showed that this Bill was not necessary. I think he, perhaps, believes in mass liquidation and also in concentration camps. That is not our method. So he is dissatisfied, because our attitude is one of judicious discrimination, and we are always anxious not only to maintain but to enlarge the liberties of the citizens of our country. He would not have been, I think, very disappointed because of this fall in the numbers from about 10,000 to 106.

This Bill, as I said, was first introduced in about 1950, just after the Constitution had come into force. The Bill is intended to deal with such persons as cannot be otherwise produced before courts, and whose detention becomes essential for the protection of the civil liberties of millions of people. It may be an evil, but all criminal laws are, I think, in a way undesirable from the Sarvodaya point of view. Acharya Kripalani expressed that view the other day. He saw the dangers ahead. He also saw, the omens of the coming times, on account of the growing fanaticism connected with languages, with regionalism and other things, of which we see examples even within this House, more frequently now than we even did before. But he wanted us to rely on

moral force for all that. I wish we could do that. I wish we could abolish the Penal Code. I wish we could at least carry on a sort of campaign for the removal of social evils, which can perhaps be tackled more effectively through moral means than other things, but we have found it difficult to achieve any results even in that field by purely moral suasion. So, we have to reconcile ourselves to methods that may not be ideal—and man being imperfect, few things can be ideal—but which can yield results that are considered essential for the orderly existence of society and for the progress and development of the country.

Very eulogistic references were made, and quite rightly and appropriately too, to a remark that Sardar Patel had made when the Bill was introduced by him. I wonder if hon. Members had read the whole of his speech. I would just refer to one or two sentences from what he said. In fact, he began by saying:

“The House or at least a majority of the Members of this House were members of the Constituent Assembly are aware of the discussions which we had on article 22. I can say straightway that unfortunately owing to my ill-health I could not be present when the discussions were going on, but I was very apprehensive that certain aspects regarding the security of the State were not properly emphasised before the House at that time, and with all respect to that body, I felt that due weight was not given to those considerations.”

Further on, he had also observed:

“When we think of civil liberties of the extremely small number of persons concerned, let the House also think of the liberties of the millions of people, threatened by the activities of individuals, whose civil liberties we have curtailed”.

In the course of the discussion, it was suggested by Shri M. R. Masani that it would be desirable to examine the principles and to have a permanent Bill regarding detention.

**Shri M. R. Masani (Ranchi-East):** Not regarding detention, but dealing with certain elements which could be identified as subversive.

**Shri G. B. Pant:** By means of detention.

**Shri M. R. Masani:** By means of outlawing certain groups.

**Shri G. B. Pant:** I am only saying that you agreed to a permanent Bill being placed on the statute-book or being introduced in this House for dealing with what you considered subversive elements, but the method and the principle of detention were acceptable to you.

**Shri M. R. Masani:** If the hon. Minister would permit me, it is not the principle of detention; you identify a party as subversive, then membership of that party becomes a crime, and then you prosecute and convict them in a court of law.

**Shri G. B. Pant:** You according to my reasoning and according to the statement you made just now—a moment ago—agreed to the Preventive Detention Bill being enacted if its operations were confined to subversive elements.

**Shri M. R. Masani:** No, Sir.

**Shri G. B. Pant:** You may not now. You are free to change your opinion, as everybody is. But to what I said then you agreed.

**Shri M. R. Masani:** No, not detention, but outlawing a Party. The two are different things.

**Shri G. B. Pant:** I speak from the record. You have, of course, a growing mind and intellect and you may be seeing more of light than you did then. But I am not speaking about you; I was speaking more about Sardar Patel, saying that that was his intention and

he had your weighty support. The suggestion, in fact, came from you and he agreed with it and accepted it.

So far as Sardar Patel was concerned, he was willing to consider the suggestion of bringing in a permanent Bill on detention. I do not like the idea myself. My respect for the Sardar is unbounded, but I feel that it would be better if we could do without a Detention Bill. But we should not shirk our responsibility.

My hon. friend, Shri Asoka Mehta, spoke with great vigour and he is free to make such observations as in his present position occurred to him to be right or which appealed to him. But he knows that one of his principal lieutenants and one of the old members of his Party, Shri Pattom Thanu Pillai, who is now the Chief Minister of Kerala, has asked us to extend this Act and to continue it further. I only wish that he may occupy an equally responsible position some time. Then I hope he will perhaps under the weight of responsibility look at things in a different way.

But there is one remark of his which not only perplexed me but in a way shocked me, especially because it came from him. He said that it is one of the fundamental rights to subvert a Government. I do not quite understand this. The word 'subvert' connotes the use of violence and also of coercion. In a democratic system, we believe in freedom and in individual liberty. Of course, every political party has the right to carry on active propaganda against the Government, to persuade that voters to its point of view and then to occupy those positions which would enable members of the party to act according to their own views. But if we are to resort to subversive methods for displacing a Government, I do not know what is the difference between 'you can subvert a Government, but you cannot subvert the State'. If Governments are subverted like that, then no State can exist.

[Shri G. B. Pant]

Again, we have to understand the basic fundamentals on which some of the criticisms were apparently based. Democracy assumes the existence of a difference of opinion. Also government by Party with an Opposition on the other side in a way indicates that there are differences of opinion and the convictions of the two Parties do not exactly coincide. If that be the case, then there are bound to be occasions when the decisions taken by the Government may not appeal to the Opposition, and if in all such cases the Opposition or those who do not agree with the decisions of the Government were left free to carry on a campaign of organised resistance, even peaceful, that would be repugnant to the principle of democracy. Whether good or bad, the laws that are passed by Parliament must be obeyed by the people.

**Shri Braj Raj Singh:** Parliament or a State Legislature.

**Shri G. B. Pant:** Or a State Legislature.

**Shri Braj Raj Singh:** Kerala also.

**Shri G. B. Pant:** In Kerala too. I would not be a party to the defiance of any laws passed in Kerala, or if Shri Braj Raj Singh's Socialist Party comes into power tomorrow, any law passed by his Party in the State where such a Party may be legitimately occupying such positions. But what did he say? He said that he took pride in continuously carrying an organised campaign of civil disobedience. His leader—I do not know if he is his leader—Shri P. N. Singh said the other day that if the laws are bad, then such sort of campaign should be organised. Then we have to depend on the mercy of people who may have perverted minds and who may take any view about anything, who may look at things in a manner which may appear to others whimsical, if not worse.

**Shri Braj Raj Singh:** May I submit that the only condition precedent and the safeguard is that all such movements shall always be peaceful?

**Shri G. B. Pant:** If I say that all such intentions end in smoke, I would not be wrong, because whether the intentions of the organisers be sincere or not, civil disobedience on a mass scale does inevitably lead to violence; and even if it does not lead to violence, if all offices are paralysed, the Government cannot function, the trains cannot run; at the same time, the taxes cannot be realised and we cannot come and attend Parliament, then I do not see how democracy can function. So whether the movement leads to violence or not, even that is not necessarily a criterion for judging these things.

We have seen many things like that happen. I know that in my own State there were times when buses were set on fire, post offices were set on fire and the street-lamps were also smashed to powder. The intentions of the people who did these things or who started the movement were, perhaps, not so perilous and they were not fraught with such danger. But they can sow the wind but they cannot control the whirl-wind; and, perhaps, they have some reservations somewhere in their minds too.

So, when we talk of democracy and we say that this Bill is obnoxious and repugnant to the principles, to the fundamentals of democracy, we forget that many among us have not yet developed that democratic conscience. Many of us do not yet believe that obedience to laws is the basic condition for the functioning of democracy. We pass laws here and we defy them outside. If we do that, then no democracy can function satisfactorily. We know, yet we do not learn that democracy has collapsed in many of our neighbouring countries, and we have many disruptive and subversive forces in our own country. Yet we

indulge in such methods which cannot but lead to disaster. So, I say that when we talk of democracy, small things like this Bill which are intended to preserve democracy, should not be treated as being repugnant to democracy.

So far as the principles go, there has been some little confusion, I think, in some of the speeches. The Bill is just asking for the extension of the present Act for three years. It does not make any change. And, we must remember also—and, perhaps, Shri Masani knows that since he made an observation that the Bill that was then introduced should be examined and then we may proceed—that the Bill was examined and examined by a Select Committee of this House and many improvements were made so that the Bill that we have today is very much different from the Bill that was introduced in 1950. But all agree, I think, that so far as the objects of the Bill are concerned, they are laudable. The maintenance of public order, the Defence of India, the maintenance of supply and services and the protection of the country against foreigners are all, I think, acceptable to everyone in this House. If there is anyone who is disinclined to fall in line with others in this regard, then, of course, he may even say that these objects, by themselves are not desirable. But nobody has said so. And, even as to the method of detention, I say, in a way, the principle has been accepted.....

**Some Hon. Members:** No, no.

**Shri G. B. Pant:** I know that you would say 'No'. Some of them, for example, Shri Mukerjee, would have no objection to such a Bill or even to a more severe measure being....

**Shri H. N. Mukerjee** (Calcutta—Central): What I said was that I would understand the position if the Act was applied in a particular brand of cases. But, I did not say just any such thing.

**Shri G. B. Pant:** I am not saying that your observation went beyond

that. That is enough for my purpose. Shri Mukerjee would have no objection if the method of detention had been put in operation against certain classes of people and had been applied to, as he said, 'certain brand of cases'.

So far as Shri Asoka Mehta is concerned, his speech is a sort of regret that the Act had not been freely used against the subversive elements and also Shri Masani said that he—and whether Shri Mehta agreed with him or not, I cannot say—would not, perhaps, be sorry if subversive elements, as they are called, were not only subject to a Bill like this but we had some law to ban them altogether. Well, we do not want to ban them like that just now. But, why should he have any objection if they are detained for a year when he wants them to be ousted out of this House and to be ousted out of or hounded out of civilised society in a way for all time to come? After all such a period is better than a long one. Anyway, as I said, the principle of the Bill is concerned, it seems to be acceptable to all.

**Some Hon. Members:** No, no.

**Shri G. B. Pant:** I never expected that everyone there would accept logical arguments or would be influenced by reason; but still, I continue to hope that light and good sense might dawn some time or other.

**An Hon. Member:** On you.

**Shri G. B. Pant:** So, I say that so far as basic matters go, there seems to be no basic difference. As I said, there seems to be some confusion. Some of the hon. Members thought of articles 553 or 358 and they thought that it was only when an emergency was declared under these articles that a Bill like this would be admissible. But that is not the position at all.

This Bill forms part of the chapter relating to Fundamental Rights. Article 22 forms part of the Chapter relating to Fundamental Rights and it is included there so that those Funda-

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mental Rights may be preserved when it is necessary to do so by this procedure. That is the reason why this provision—article 22—appears in the chapter under Fundamental Rights. The chapter relating to emergency is entirely a different one; it is almost at the end of the Constitution and it contains articles 352, 358 and so on. So, it is not a question of emergency of that character for in an emergency of that character, if a declaration is made under 352, it will result in the suppression of all civil rights.

14 hrs.

So, there is this difference which must be borne in mind. Now, Shri Bharucha, I think, in the course of his speech said that this was a bad law, a lawless law and....

**Shri Naushir Bharucha (East Khadesh):** I said it was worse than the Rowlett Act.

**Shri G. B. Pant:** ...and something worse than the Rowlett Act. I was not surprised because he often speaks in superlative and hyperbolic terms.

**Shri Naushir Bharucha:** No.

**Shri G. B. Pant:** He also said, that, for instance, the UK did not take any such action during the war. But he forgot that the *habeas Corpus* was suspended during the First War as well as during the Second War in UK.

**Shri Naushir Bharucha:** I said that it could be justified in a war or in grave national peril.

**Shri G. B. Pant:** You said that even then it would not be justified.

**Shri Naushir Bharucha:** Not a measure like this.

**Shri G. B. Pant:** It is, I think, much lighter than that. There is another thing which perhaps may not have come to your notice. Not only was the *habeas corpus* suspended but the Home Minister there was authorised to detain anyone for any length of time

without referring to any advisory board or to any court whatsoever.

**Shri Naushir Bharucha:** When there is a world war, I will support you.

**Shri G. B. Pant:** I hope it will never come. So far as the basic principles go, we should agree that, circumstanced as we are, we have to agree to the extension of this measure.

Then, it was said that when these statistics were examined, it was found that more than half of the cases had occurred in Bengal and after Bengal came Bombay. Prof. Mukerjee enquired—I do not say in a spirit of injured innocence—Why so? Because you are very active there—that is the reason. Every third month, if not at even shorter intervals, there is some movement. There is the refugee movement....

**Shri Sadhan Gupta (Calcutta—East):** So, the cat is out.

**Shri G. B. Pant:** ...there is the food movement; there is the price movement. These people go about, roads are obstructed; they lie on the railway track; the railways cannot move; life is completely paralysed in Calcutta. And there were occasions when considerable loss of life as well as property was caused of which of course he could not be altogether unaware. So, action had to be taken there.

In Bombay something in a smaller scale happened. But even now the memory of those days, though I think not completely effaced, does not serve as a warning. I was just reading that the Samyukta Maharashtra Samiti had said that if by some date in January—which I do not exactly remember—their demands regarding the demarcation of the boundary or readjustment of the boundary between Mysore and Maharashtra are not fulfilled, then they would launch satyagraha. They had launched satyagraha first in Mysore but there they were good

enough to withdraw it or it might have fizzled out, I do not know. Now that satyagraha has to be carried within Maharashtra itself and some districts have been named there. Then, within that State, we have also this Naga Vidharbha Andolan which has in a way affected even the attitude of my revered friend, Dr. Aney, towards these problems. There we know what in the name of satyagraha was done and what havoc was wrought in Nagpur in May this year and also what programme they have for the future. If these satyagrahas are to persist like this, there will be no peace in the country. And then we had the speech of Shri Indulal Yajnik, the observations of Shri Braj Raj Singh and Shri Prabhu Narayan Singh about what was in store. So far as Shri Yajnik is concerned, the cult of satyagraha has now become an article of faith with him and it will be carried on from day to day and he says that unless he agrees with a lawful order or with the provisions of law passed by the legislature, he will have to resort to satyagraha. If such are the declarations of responsible persons, how can we withdraw the Bill or place the entire community in a state of jeopardy and in peril—they also said—in a condition which will ultimately lead to complete cessation of civic order in the country.

Sir, some references were made to some of the cases of those who had been detained. There was a reference to Master Tara Singh's case. I do not want to place before this House the charges that are contained in the notices that were given to him. But I might just bring to the notice of Shri M. R. Masani in particular because he had pleaded for him and also condemned the Government. The Swatantra Party appointed a committee of which Shri K. M. Munshi was the Chairman, and Shri N. C. Chatterjee, Senior Advocate, Supreme Court, Shri Kartar Singh Cambelpuri, retired judge of PEPSU and Shri C. B. Agarwala, retired judge, were members. This Committee had stated at page 15 thus:

"In this connection, the only point to be considered is whether it would have been in the interests of public order or general public interest to impose restrictions on the elaborate programme through which the resolution of May 22nd was to be implemented. According to the programme, Master Tara Singh was to start on May 29th, from Maliksahab at Amritsar at the head of the *Shaheedi Jatha*, that is, a band of martyrs of 11 volunteers by bus and on foot. The jatha was to pass through Tarn Tarn and several other places—Jullundur, Adampur, Hoshiarpur, Nangal, Rupar, Panipat, Sonapat and so on, to reach Delhi on June, 12th at 3.20 p.m. On the way, Master Tara Singh was to address meetings, presumably in the gurdwaras as well as in the public, to whip up enthusiasm among the Sikhs to join the proposed procession, to parade at the head of a procession, which was expected to reach the strength of over a lakh, through the streets of the capital on June 12th and to present the demand for Punjabi Subha to the Government of India.

In the course of carrying out the gigantic agitational activity throughout Punjab proposed by the Akali Dal, if at any stage, the programme had miscarried or its implementation met with a counter-demonstration, the effect on public order and general public interest might have been prejudicial."

In the circumstances, in the situation which existed in Punjab in the third week of May, 1960, in the interest of public order and in the interests of the general public some restrictive action on the part of the Punjab Government was necessary after May 22nd, to prevent the implementation of the programme according to which a *Shaheedi Jatha* was to go through Punjab in a whirlwind campaign to

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address several lakhs of Sikh to go into a procession in Delhi.

This is from the horse's own mouth.

**Shri M. E. Masani:** Will the hon. Minister kindly place the report on the Table of the House in accordance with convention?

**Shri G. B. Pant:** I do not know there was. But I have already taken a lot of time and I think I need not....

**Shri M. E. Masani:** I requested the hon. Minister to place a copy of the report on the Table of the House, having quoted from it.

**Shri G. B. Pant:** I will place it. I have no objection. It is a printed document and even if I do not place it on the Table of the House, Shri Masani can I think get copies from his office and place them here and distribute.

**Shri M. E. Masani:** Not at the moment.

**Shri G. B. Pant:** There was the other case to which reference was made by Shri P. N. Singh himself. I had occasion to make a statement about that case here. So far as facts go, I think it is not disputed that civil disobedience was organised all over the State of Uttar Pradesh by the Socialist Party. Chandauli and Chakia in Varanasi district were placed under Shri P. N. Singh's charge. According to the statement made previously, he exhorted and incited people to enlist as volunteers and contribute funds in support of a movement in defiance of the law and disturbance to public order in Varanasi district, and in other ways also he incited people to cut down trees in the northern Chakia forests and occupy land forcibly. He was also exhorting people to picket tahsils and other public offices, make breaches in canals, forcibly occupy parti land . . .

**Shri Braj Raj Singh:** It is the imagination of the Home Minister of Uttar Pradesh.

**Shri G. B. Pant:** ...to pull alarm chains of trains and also otherwise defy the law. I did not hear what the hon. Member said.

**Shri Braj Raj Singh:** I said that the breaches of canals, cutting of the trees, etc., is purely the imagination of the Home Minister of Uttar Pradesh. There was never such a programme of the Socialist Party.

**Shri G. B. Pant:** Leave aside that part. (Interruptions).

**Shri Jagdish Awasthi (Bilhaur):** Read out the judgment of the high court.

**Shri G. B. Pant:** It is enough for taking action under the Act. What I would like to emphasise is that there is no question of *mala fides* involved in the case, when the facts are absolutely correct. The high court released the hon. Member because there were irregularities and it could do so only on the ground of irregularities and non-observance of the rules. So, there were irregularities, but in a case where the case is concocted, in that case, due care is taken not to have any such irregularities. It is only when the facts are correct and one is cocksure about the position.

**Shri Sadhan Gupta:** Inadvertence.

**Shri G. B. Pant:** So, at least the facts I think do not stand disputed even now.

**Shri Braj Raj Singh:** The movement was launched all over Uttar Pradesh. Why the people from other districts were not detained and why only Shri P. N. Singh and another were put in jail? (Interruption).

**Shri G. B. Pant:** I think some other people were detained. I cannot say the exact number. 2,000 persons at least were arrested.



**Shri Braj Raj Singh:** The point is that where we are advocating breach of the law we are prepared to suffer for it, but I may tell you for your information that only Shri P. N. Singh and another person in Varanasi were arrested and none else in the whole of Uttar Pradesh were arrested.

**An Hon. Member:** They are leaders.

**Shri G. B. Pant:** I can only say that if hundreds of people were detained, then it is but proper that such action should have been taken, but if it was not taken elsewhere, then I do not think that necessary precautions were observed; It is not desirable to make some people.... (Interruption).

**Mr. Speaker:** I believe the extraordinary position of Members of Parliament, their status and prestige, have been duly taken into account.

**Shri Braj Raj Singh:** Except Shri P. N. Singh and another, none else were detained.

**Mr. Speaker:** Were they Members of Parliament?

**Shri Braj Raj Singh:** Another Member of Parliament, Shri L. Achaw Singh, was detained in Manipur under the direct jurisdiction of the Home Minister here.

**Mr. Speaker:** That is what I have said. Members of Parliament have got a status and a position.

**Shri G. B. Pant:** Because at least Members of Parliament are expected to observe the laws which they are here framing and not to infringe or violate them. So, their breach of such laws is, I think, doubly condemnable.

Sir, there was reference by Shri Vajpayee to the case of some Jan Sangh leader or someone connected with Jan Sangh in Calcutta. Well, I do not want to go into the details of that case, but there were reasons, and serious enough, for taking action in that case. That action was approved

by the Advisory Board and also by the High Court. There were *habeas corpus* petitions and they were dismissed by the High Court as well as by the Supreme Court. I think that is a final answer to the charge levelled by him. When such cases have been tried by the courts and besides the advisory boards and the Governments concerned and even the High Court and the Supreme Court have concurred in the orders passed, there can be no ground for any sort of suspicion about the impropriety of the orders that have been passed.

**Shri Vajpayee (Balrampur):** Is it a fact that the Calcutta High Court recommended that the detenu should be released as soon as possible but he was not released?

**Shri G. B. Pant:** I have no knowledge of that. I notice that the *habeas corpus* petition was dismissed.

**Shri Vajpayee:** But a recommendation was made by the High Court.

**Shri G. B. Pant:** I do not quite know what recommendation was made by the High Court. In any case, any recommendation has to be considered by the person to whom it is addressed. After that, a petition was also presented, I think, to the Supreme Court. The Supreme Court did not consider it necessary to interfere with the discretion of the executive or to direct them to release the detenu.

There was a reference to another case, the case of Shri Thevar. I do not know how Professor Mukerjee came to espouse such a case for this had come before this House and I had also made a statement, I think, on that. In the district of Ramanathapuram almost anarchy prevailed and 2,000 houses, if not more, of harijans were set on fire, several of them were killed and the gentleman, whose name was mentioned by the hon. Member . . .

**Shri Tangamani (Madurai):** The point made by Shri Mukerjee was

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that he was detained under the Preventive Detention Act and then subsequently the detention order was withdrawn. When he was under detention charge-sheets were framed against him for serious offences.

**Shri G. B. Pant:** He was detained so that the mischief might come to an end. A case could be launched in a regular way after evidence has been collected. But, in the mean time, these mischief-makers could not be allowed to burn more houses of the harijans or to do things which were still worse than that, to which I do not want to refer.

**Shri Sadhan Gupta:** Could he not be arrested for that?

**Shri G. B. Pant:** He could be arrested. Sometimes the ring leaders keep in the background and go on pulling the strings from behind.

**Shri Sadhan Gupta:** So, you had no case against him actually?

**Shri G. B. Pant:** There was a case against him then.

**Shri H. N. Mukerjee:** On a point of order. Is it in order for a Member of Parliament's conduct to be impugned directly and also by implication in his absence with reference to the activities for which he could easily have been prosecuted at that time and sentenced? Since that did not happen, is it in order for the hon. Home Minister to make insinuations in the way he is doing by referring to some acts which were not proved as such in a court of law or by any kind of neutral proceeding?

**Mr. Speaker:** So far as the point of order is concerned, it is rather unfortunate that directly or indirectly Members of Parliament should have anything to do with this. They have to act here as models for the rest of the country. We are working in a democracy, and democracy thrives by

discussion, deliberation, persuasion and ultimately decision. If an hon. Member is not satisfied with the way the law is functioning, is he entitled to take the law into his own hands and not allow the Government also to implement the law according to their own thinking? I am anxious that the prestige of this House and the prestige of every hon. Member of this House should be maintained. There are 15 States in this country and the legislators of each State are watching the proceedings of this House. So, it pains me awfully when a reference is made to a Member of Parliament in this way. But if references are made to a Member of Parliament in this way, the hon. Minister is bound to explain the position, though it is rather unfortunate. When the hon. Member was referring to this, my memory immediately went back to the serious agitation and commotion then prevailing there when there was no safety at all for a particular community. There was even a suggestion that the entire administration should be taken over by the Centre. It is unfortunate that an hon. Member of this House should have been dealt with like that. But I do not know if there is any point of order arising out of this.

**Shri H. N. Mukerjee:** When the judicial proceedings had not been taken against the hon. Member concerned and when he was exonerated in that case, how is it that insinuations can be continued to be made on the floor of this House when discussion and persuasion are supposed to be the instruments of this House?

**Mr. Speaker:** I have not looked into that judgment. Whatever might be our differences of opinion regarding a judgment, when there is a judgment by a competent authority nothing can be said against that. But then mere acquittal is no good if there are

observations against the person concerned. So far as that case is concerned, I do not know exactly what has happened and what has been stated against an hon. Member. But if a court of law has absolutely absolved a person then it is not necessary, nor is it proper, to refer to such matters when they have been set at rest by the judgment of a court of law.

**Shri G. B. Pant:** Professor Mukerjee brought in the name of Shri Thevar. I did not do it myself. Yes, he did it previously and he quoted it as a case where detention was improper. So, I had to tell the House the circumstances in which the detention order was passed. If anything has been said which is not complimentary to Shri Thevar, I am not responsible. The responsibility for that rests with the hon. Member, who had raised the question when I had to explain the position. I have not seen the judgment but I am sure that so far as facts stated by me about the conditions then prevailing in that area are concerned, they are absolutely correct. In fact, I have underplayed them and not stated them fully, because it is not worthwhile raking up old memories of those ugly incidents.

**Mr. Speaker:** I believe we have requested the hon. Home Minister to make an on the spot study through the Commissioner for Scheduled Castes and Scheduled Tribes and that excerpts from that should be laid on the Table of the House and also circulated. At that time the whole country was greatly agitated about what was happening.

**Shri G. B. Pant:** That matter was brought to the notice of the House by the hon. Member. I do not see how any objection can be taken to my giving an explanation when a question is put to me.

Then I have to deal with some other matters. Some credit was taken for the fact that in Kerala the Preventive Detention Act was not resorted to

when the Communist Government was in office there. I only wish that section 144 too had not been applied, there had been no cases of firings and men had not been killed, there had not been as many as two hundred lathi or cane charges and thousands, and perhaps more than a lakh of people had not been arrested. If all these could have been avoided by detaining a few persons, I think it would have been far better, enabling a large number to enjoy their civil liberties, than making a sort of parade and saying that we did not apply this Act, but we resorted to firing, used Section 144, prohibited meetings and arrested thousands of people.

"Was it a good bargain?" I ask. I may also say that had greater use been made of this Act when the tragic disturbances took place in Assam, perhaps things would not have been as bad as it had been. So, what we are interested in is the protection of the civil liberty of the masses of the people and if by dealing with individuals who are going to upset even the order of society we can achieve that object, I think it is desirable for their own good; otherwise they too would suffer very seriously, because going to the detention place for a year does not cause much loss to them too. Otherwise, if they are tried for serious offences, perhaps the penalties would have been much more grave and serious too. It is at least in the interest of the people and in the interest of the community.

Sir, all the States who have to maintain order in their respective areas have supported this measure. The duty of preserving order and maintaining tranquillity rests on their shoulders. It is a burden which they have to carry. It is our duty to help them. Parliament has to give them whatever assistance it can. So, I hope that this motion will now be adopted by the House, by most of the Members, if not by everybody.

**Mr. Speaker:** I shall now put the amendment of Shri Braj Raj Singh, No 1, to vote.

**The Minister of Law (Shri A. K. Sen):** You have ruled it out of order on the last occasion.

**Mr. Speaker:** I cannot rule it out as a dilatory motion. It is for the House to accept it or not.

*Amendment No. 1 was put and negatived.*

**Mr. Speaker:** I shall now put Shri Banerjee's amendment. Is there any difference between the 15th and the 20th December? At any rate I shall put it to vote.

*Amendment No. 4 was put and negatived.*

**Mr. Speaker:** I shall now put amendment No. 2 of Shri Braj Raj Singh .

*Amendment No. 2 was put and negatived.*

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

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration".

Those in favour will say 'Aye'.

**Several Hon. Members:** Aye.

**Mr. Speaker:** Those against will say 'No'.

*Division No. 4]*

**AYES**

**[14.43 hrs.**

Abdul Latif, Shri  
Abdul Salam, Shri  
Achar, Shri  
Achint Ram, Lala  
Agadi, Shri  
Agarwal, Shri Manakbhai  
Aney, Dr. M. S.  
Anjanappa, Shri  
Arumugam, Shri R. S.  
Asthana, Shri Lila Dhar  
Babunath Singh, Shri  
Balmiki, Shri  
Banerji, Shri P. B.  
Bangshi Thakur, Shri

Barman, Shri  
Basappa, Shri  
Bhagavati, Shri  
Bhakt Darshan, Shri  
Bhattacharya, Shri C. K.  
Bidari, Shri  
Birbal Singh, Shri  
Birendra Bahadur Singhji, Shri  
Bis, Shri J. B. S.  
Borooh, Shri P. C.  
Brahm Prakash, Ch.  
Chanda, Shri Anil K.  
Chandra Shankar, Shri  
Chaturvedi, Shri

Chavda, Shri  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Das, Shri N. T.  
Dasappa, Shri  
Datar, Shri  
Desai, Shri Morarji  
Deshmukh, Shri K. G.  
Dube, Shri Mulchand  
Elayaperumal, Shri  
Ganapathy, Shri  
Ganga Devi, Shrimati  
Ghosh, Shri M. K.  
Gounder, Shri K. Periaswami

**Some Hon. Members:** No.

**Mr. Speaker:** I think the 'Ayes' have it.

**Some Hon. Members:** The 'Noes' have it.

**Mr. Speaker:** Division. Hon. Members will kindly use both the hands.

*(At this stage the lights on the indication board failed).*

**Shri Jagdish Awasthi (Bilhour):** Even the machine is against the Bill.

**Shri Sadhan Gupta:** They should withdraw the Bill.

**Mr. Speaker:** Hon. Members cannot supplement their speeches by these remarks. What is obvious is obvious.

**Mr. Speaker:** Sometimes the machine plays this trick. It seems to be all right now. I shall put the motion to the vote of the House once again.

The question is:

"That the Bill to continue the Preventive Detention Act, 1950, for a further period, be taken into consideration".

*The Lok Sabha divided:*

Govind Das, Dr.	Murmu, Shri Palka	Satyanarayana, Shri
Harvani, Shri Ansar	Murthy, Shri B. S.	Selku, Shri
Heda, Shri	Musafir, Giani G. S.	Sen, Shri A. K.
Hem Raj, Shri	Nair, Shri C. K.	Sen, Shri P. G.
Hukam Singh, Sardar	Nair, Shri Kuttikrishnan	Shah, Shrimati Jayaben
Iqbal Singh, Sardar	Naldurgkar, Shri	Shankaraiya, Shri
Jain, Shri M. C.	Nallakoya, Shri	Sharma, Shri D. C.
Jena, Shri K. C.	Nanjappa, Shri	Sherma, Pandit K. C.
Jhunjhunwala, Shri	Narasimhan, Shri	Sharma, Shri R. C.
Jogendra Sen, Shri	Nehru, Shri Jawaharlal	Shastri, Shri Lal Bahadur
Joshi, Shri A. C.	Nehru, Shrimati Uma	Shastri, Swami Ramanand
Joshi, Shrimati Subhadra	Neswi, Shri	Siddananajappa, Shri
Jyotishi, Pandit J. P.	Onkar Lal,	Siddiah, Shri
Kalika Singh, Shri	Oza, Shri	Singh, Shri D. P.
Kedaria, Shri C. M.	Padam Dev, Shri	Singh, Shri K. N.
Keshava, Shri	Pahadia, Shri	Sinha, Shri Anirudh
Keekar, Dr.	Palchoudhuri, Sbrimati Ila	Sinha, Shri Gajendra Prasad
Khan, Shri Shah Nawaz	Panna Lal, Shri	Sinha, Shri Jhulan
Khwaja, Shri Jamal	Patel, Sushri Maniben	Sinha, Shri Satya Narayan
Kiledar, Shri R. S.	Patel, Shri P. R.	Sinhasan Singh, Shri
Kistaiya, Shri	Pattabhi Raman, Shri C. R.	Somani, Shri
Koratkar, Shri	Prabhakar, Shri Naval	Subbarayan, Dr. P.
Krishna Chandra, Shri	Radha Mohan Singh, Shri	Subramanyam, Shri T.
Krishnappa, Shri M. V.	Radha Raman, Shri	Sumat Prasad, Shri
Kureel, Shri B. N.	Raghunath Singh, Shri	Swaran Singh, Sardar
Lahiri, Shri	Raghuramaiah, Shri	Syed Mahmud, Dr.
Laskar, Shri N. C.	Raj Bahadur, Shri	Tariq, Shri A. M.
Laxmi Bai, Shrimati	Raju, Shri D. S.	Thomas, Shri A. M.
Maftida Ahmed, Shrimati	Ram Saran, Shri	Tiwari, Pandit Babu Lal
Majithia, Sardar	Ram Subhag Singh, Dr.	Tiwari, Pandit D. N.
Malaviya, Shri K. D.	Ramaswamy, Shri S. V.	Tyagi, Shri
Mallah, Shri U.S.	Rampure, Shri M.	Uike, Shri
Malviya, Shri Motilal	Rane, Shri	Umrao Singh, Shri
Manaen, Shri	Rao, Shri Jaganatha	Upadhyay, Pandit Munishwar Dutt
Maniyanganad, Shri	Rao, Shri Thirumala	Upadhyaya, Shri Shiva Datt
Mathur, Shri Hariash Chandra	Raut, Shri Bhola	Variravan, Shri A.
Mehta, Shri J. R.	Reddy, Shri Viswanatha	Verma, Shri B. B.
Mehta, Shrimati Krishna	Roy, Shri Bishwanath	Vedakumari, Kumari M.
Mishra, Shri R. R.	Sahu, Shri Rameshwar	Vijaya Anand, Dr.
Misra, Shri B. K.	Saigal, Sardar A.S.	Viswanath Prasad, Shri
Misra, Shri R. D.	Samanta, Shri S. C.	Vyas, Shri R. C.
Mohluddin, Shri	Samantsinhar, Dr.	Vyas, Shri Radhelal
Muniswamy, Shri N. R.	Sankarapandian, Shri	Wodeyar, Shri
	Satyabhama Devi, Shrimati	

## NOES

Awasthi, Shri Jagdish	Kunhan, Shri	Rajendra Singh, Shri
Banerjee, Shri Pramathanath	Mahanty, Shri	Ram Garib, Shri
Banerjee, Shri S. M.	Majhi, Shri R. C.	Ranga, Shri
Bharucha, Shri Naushir	Manay, Shri	Rao, Shri T. B. Vittal
Braj Raj Singh, Shri	Masani, Shri M. R.	Siva Raj, Shri
Chaudhuri, Shri Tridib Kumar	Matin, Qazi	Soren, Shri Debi
Gaikwad, Shri B. K.	Mehta, Shri Asoka	Sugandhi, Shri
Ghosal, Shri Aurobindo	Mukerjee, Shri H. N.	Tangamani, Shri
Ghose, Shri Subiman	Mullick, Shri B. C.	Thakore, Shri M. B.
Godsora, Shri S. C.	Nath Pai, Shri	Vajpayee, Shri
Gupta, Shri Sadhan	Nayar, Shri V. P.	Verma, Shri Ramji
Jadhav, Shri Yadav Narayan	Parmar, Shri K. U.	Warior, Shri
Katti, Shri D. A.	Patil, Shri Balasaheb	Yajnik, Shri
Krishnaswami, Dr.	Prodhan, Shri B. C.	

**Mr. Speaker:** The result of the division is:

Ayes. . . 170  
Noes. . . 37

The Ayes have it.

**Shri Pramathanath Banerjee** (Con-  
tai): I have voted for the 'Noes'.

**Mr. Speaker:** He did not get up earlier. I looked around before announcing the result. Anyway, I have no objection. For what did he vote?

**Shri Pramathanath Banerjee:** Noes.

**Mr. Speaker:** I will add one to the 'Noes'. Any other hon. Member?

**Shri Siva Raj** (Chingleput—Reserv-  
ed—Sch. Castes): Mine also Noes.

**Shri K. U. Parmar** (Ahmedabad—  
Reserved—Sch. Castes): Mine also  
Noes.

**Shri Manay** (Bombay City Central—  
Reserved—Sch. Castes): I also vote for  
the Noes.

**Shri B. D. Mishra** (Bulandshahr): I  
am for Ayes.

**Shrimati Ganga Devi** (Unnao—Re-  
served—Sch. Castes): Aye.

**Mr. Speaker:** The final result of the  
division is as follows:

Ayes—172; Nos—41.

Ayes. . . 172  
Noes. . . 41

*The motion was adopted.*

**Some Hon. Members:** Shame, shame.

**Mr. Speaker:** The House will now  
take up clause-by-clause consideration  
of the Bill. We will take up clause  
2.

**Clause 2—Amendment of section 1,**  
Act 4 of 1950).

**Mr. Speaker:** Are there any amend-  
ments to be moved?

**Shri Braj Raj Singh:** Sir, I beg to  
move:

Page 1, line 7,—

for "31st day of December, 1963"  
substitute "31st day of March,  
1961". (3)

**Shri M. R. Masani:** I wish to move  
amendments Nos. 9 and 11.

**Mr. Speaker:** Amendment No. 9 is  
out of order.

**Shri M. R. Masani:** Then I move  
amendment No. 11. I beg to move:

Page 1, line 7,—

for "1963" substitute "1961". (11)

**Shri Aurobindo Ghosal** (Uluberia):  
I also have an amendment (No. 10)  
standing in my name.

**Mr. Speaker:** It is out of order.  
Shri Braj Raj Singh.

Hon. Members know the scope of  
these amendments. The only question  
is whether it should be for three years  
or for a shorter period. I will allow  
the hon. Member as much time as I  
could possibly do. He cannot have a  
grievance.

**श्री ब्रजरज सिंह :** अध्यक्ष महोदय,  
मुझे दुःख है कि गृह मंत्री महोदय ने अपने  
उत्तर में उन आघातों को नहीं लिया  
जिनको कि उठाया गया था और अपना केस  
इस तरीके से रखने की कोशिश की जिस  
तरीके से कि एक योग्य वकील अदालत में  
रखता है ।

14:44 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

यह तो माना जाया कि गृह मंत्री महोदय  
बहुत अच्छे वकील रहे हैं और उन्हें वही चीज  
पसन्द होती है जो कि उन के पक्ष की हो ।  
मुझे ताज्जुब है कि आज गृह मंत्री महोदय ऐसा  
महसूस करते हैं कि गांधी जी ने जिस परम्परा  
को हिन्दुस्तान में प्रारम्भ किया वह परम्परा  
सिर्फ इसलिए समाप्त की जानी चाहिए कि

भाज वक्त के लिये कांग्रेस की सरकार है । मैं नहीं समझता कि गृह मंत्री महोदय अपने इस सिद्धांत पर दृढ़ हैं . . .

**उपाध्यक्ष महोदय :** माननीय सदस्य को अभी ताजा याद होगा कि स्पीकर साहब ने क्या कहा है । क्लोज नम्बर २ का स्कोप इतना ही है कि इस एक्ट की मियाद इतनी हो । अब जहां तक गांधी जी के उसूल की बात है तो वह तो एक अलग चीज है और इसकी मियाद बजाय तीन साल के एक साल भी चले तो उस से तो कोई फर्क नहीं पड़ता है । इस क्लोज में तो सिर्फ मियाद के बारे में बोलने का स्कोप है कि वह तीन साल क्यों हो उस से कम वक्त के लिए क्यों न हो ।

**श्री बजर्राज सिंह :** मैं दरअसल यह निवेदन करना चाहता हूँ कि पहले आपकी व्यवस्थाएं यह हुई हैं कि ऐसे प्रमोडिंग बिल में जहां पर कि उस एक्ट की मियाद बढ़ाने का प्रश्न हो तो यह तो ठीक है कि हम उसकी मॉरिट्स पर नहीं जा सकते हैं और यह कि उस पर प्रमोडमेंट्स मूव नहीं करने देंगे लेकिन उसका जो सारा मॉटर है उस सारे पर बहस की जा सकेगी ।

**उपाध्यक्ष महोदय :** वह तमाम बहस ५, ६ घंटे हो तो चुकी । अब इस समय तो हाउस के सामने केवल क्लोज नम्बर २ है जो कि मियाद से सम्बन्ध रखता है । बाकी जो सारे उसूल थे उन तमाम पर ६ घंटे बहस हो चुकी है । फिर अभी स्पीकर साहब ने जो फैसला दिया है मैं उस से बाहर कैसे जा सकता हूँ ?

**श्री बजर्राज सिंह :** अब उन्होंने राय स्पष्ट नहीं की थी और पहले एक फैसला हो चुका है । खैर आपने जो फरमाया सो ठीक है । मैं सिर्फ उदाहरण की शक्ल में रक्खूंगा और जो आपने व्यवस्था दी है उसका पालन करते हुए आगे चलूंगा । अब आज

चूंकि कांग्रेस सरकार मौजूद है इसलिए गृह मंत्री महोदय ऐसा सोच लें कि सत्याग्रह उचित नहीं है और कहीं पर कांग्रेसी सरकार न हो और कोई विरोधी सरकार कायम हो हो वहां पर सत्याग्रह या प्रत्यक्ष कार्यवाही उचित समझी जाये, यह ऐसी दलीलें हैं जो कि समझ में आने वाली नहीं हैं । गृह-मंत्री महोदय को यह बताने की जरूरत नहीं है कि अभी उन के जमाने में ऐसा सब कुछ हो चुका है । खैर इस सब को छोड़ते हुए मैं अब यह कहना चाहता हूँ कि यदि आपने यह तय कर लिया है कि आपको निवारक नजरबंदी कानून रखना ही है . . .

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** He is again going into the same question.

**Mr. Deputy-Speaker:** Now he is coming to that.

**श्री बजर्राज सिंह :** मैं आ रहा हूँ । असल में उपाध्यक्ष महोदय, दिक्कत यह है कि सन् १९५० में स्वर्गीय सरदार पटेल ने यह बिल पेश करते हुए फरमाया था उसमें और श्री दातार महोदय और गृह मंत्री महोदय ने जो फरमाया है, फर्क है । पटेल साहब ने जिस बैंकप्राउन्ड को लेकर इस बिल को पेश करते हुए स्पीच की थी उस बैंकप्राउन्ड को हमारे दातार साहब समझते नहीं हैं और इसलिए उसे हंसी में उड़ाना चाहते हैं । असल में जब किसी राजावादी का सवाल पेश हो तो सरकार को उसे बहुत गम्भीरता से लेना चाहिए और उसे हंस कर उड़ाने की जरूरत नहीं है । अगर सरकार ने यह तय ही कर लिया है कि उसे यह डिटेंशन ला रखना है तब मैं यह निवेदन करूंगा कि डिटेंशन ला रखते हुए आप जतनी सुविधाएं दे सकते हैं वे डैटिन्यूज को देने की कोशिश कीजिये ।

उदाहरण के लिये मैं आप से कहता हूँ कि आप मूल एक्ट को इस प्रमोडिंग बिल के

[श्री बजर्राज सिंह]

द्वारा तीन साल के लिए बढ़ाना चाहते हैं तो मैंने क्लॉज नम्बर २ पर यह संशोधन दिया है कि आप ऐक्ट को तीन साल न बढ़ाकर केवल तीन महीने के लिए बढ़ाइये। हो सकता है कि दातार साहब को यह मुन कर हूं। आपने क्योंकि उनको हंसी आते रहने की आदत है। मैं समझता हूं कि खुद गृह मंत्री महोदय उसके उसूलों को जानना चाहते होंगे कि आखिर हम क्यों उसका विरोध करते हैं। कहा जा सकता है कि तीन महीने के कोई मानी नहीं होंगे लेकिन एक बात जरूर मानी जा सकती है और मेरा वह प्रमेंडमेंट भले ही न मानें लेकिन इस ऐक्ट में ही एक अभी ऐसी व्यवस्था है कि १२ महीने तक के लिए आप किसी व्यक्ति को डिटेन कर सकते हैं, उसको नजरबन्द रख सकते हैं। आप के पास अब भी अधिकार है कि अगर आप चाहें तो एक नियम बना लें और राज्य सरकारों को हिदायत कर दें कि पहले चांस में कोई व्यक्ति ६ महीने से ज्यादा नजरबंद नहीं किया जायगा। आखिर कौन सी ऐसी व्यवस्था है जिस के कि अनुसार आप हमेशा ही एक साल के लिए रखेंगे? आज भी कानून में ऐसी व्यवस्था है कि अगर आप चाहें तो किसी व्यक्ति को १२ महीने से कम के लिये डिटेन कर सकते हैं और कह सकते हैं कि उसे इतने ही महीने के लिए डिटेन किया जायगा। इसलिए आप इस में यह व्यवस्था अथवा तबदीली कर सकते हैं कि कोई भी व्यक्ति पहले इस्टेंस में ६ महीने से ज्यादा कैद में नहीं रक्खा जायगा। दूसरी बात यह है कि हर साल इस डिटेन बिल पर आप बहस करवायेंगे और यह देखेंगे कि इसका वकिंग कैसे हुआ है।

**उपाध्यक्ष महोदय :** लेकिन अगर आपका संशोधन वह मंजूर कर लें।

**श्री बजर्राज सिंह :** मेरा संशोधन न मानें तो मैं यह सुझाव दे रहा हूं। वैसे

मेरा संशोधन मानना उन के लिए इतना आसान नहीं है . . . .

**उपाध्यक्ष महोदय :** पहले तो आप यह कोशिश कीजिये कि आपका संशोधन माना जाय।

**श्री बजर्राज सिंह :** मैं तो यह सोच कर कह रहा हूं कि अगर मेरा संशोधन न माना जा सकता हो तो जो दूसरे सुझाव मैं दे रहा हूं उनको मान लिया जाये। अभी भी इस ऐक्ट में यह है कि अगर गवर्नमेंट चाहे तो कम के लिये . . . .

**श्री त्यागी (देहरादून) :** मैं माननीय सदस्य से जानना चाहता हूं कि अगर उनकी बात को मान लिया जाये कि छः महीने हो, एक साल से ज्यादा न हो, तो क्या उस सूरत में, वह इस ऐक्ट को मुस्तकिल तौर पर रखने के लिये राजी हो सकते हैं?

**श्री बजर्राज सिंह :** मुस्तकिल तौर पर इसको रखने के लिये हम कभी भी राजी नहीं हो सकते हैं, फिर चाहे वह एक साल के लिये या दो साल के लिये या तीन साल के लिये हो। हम किसी भी सूरत में इसके हक में नहीं हो सकते हैं।

मैं यह कहना चाहता हूं कि यह जो काला कानून है, जिसको कि लालेस ला कहा गया है, इसके रहते हुये भी जितनी अधिक से अधिक सहूलियतें दी जा सकती हैं, नागरिकों की आजादी के लिहाज से, उतनी सहूलियतें। देने की आपकी तरफ से कोशिश होनी चाहिये। एक साल की इस में व्यवस्था है और यह जो व्यवस्था है इसके अन्तर्गत आप नियम बना सकते हैं, बाहर वालों के लिये नहीं, बल्कि अपने लिये और आप आवासन दे सकते हैं कि पहले इस्टेंस में कोई व्यक्ति छः महीने से ज्यादा के लिये डिटेन नहीं किया जायेगा।



यहां पर इस सदन के एक माननीय सदस्य का नाम भी लिया गया है। श्री ले० अचौ० सिंह को छः महीने से ज्यादा डिटेन किये हुये हो गये हैं। श्री दातार ने उस दिन बड़ी हंसी में कहा कि वहां की मूवमेंट फिजल आउट हो गई है। लोगों ने माफ़ी मांग ली है। एक बात तो यह है और दूसरी बात यह भी है कि जिस पार्टी ने वहां पर मूवमेंट को चलाया था उसने विधिवत् उसे वापिस भी ले लिया है। अब इस एक्ट में व्यवस्था है कि सरकार अगर चाहे तो सुअो मोटो भी किन्हीं लोगों को डिटेन से छोड़ सकती है। मैं पूछना चाहता हूं कि आखिर यह सुअो मोटो, अपने आप ही लोगों को छोड़ने की व्यवस्था जो है, इसे आप कब इस्तेमाल करते हैं? मैंने आपकी रिपोर्ट को पढ़ा है और वहां पर देखा है कि ऐसे लोगों को भी जिन्हें आप गुण्डा कहते हैं, सुअो मोटो छोड़ दिया गया है। गुण्डों को तो आप सुअो मोटो छोड़ सकते हैं, किन्तु ये जो राजनीतिक व्यक्ति हैं, इनको आप छोड़ने के लिये तैयार नहीं हैं, और वह भी उस सूरत में जबकि आप के अपने कथनानुसार मूवमेंट फिजल आउट हो गई है और जिस पार्टी ने मूवमेंट चलाई थी, उसने उसको वापिस ले लिया है। वह इस सदन के एक माननीय सदस्य हैं, और उनको छोड़ने के बारे में आप विचार करने के लिये तैयार नहीं हैं, जोकि बहुत हैरानी की बात है।

मैं चाहता हूं कि आप आश्वासन दें कि भविष्य में लोगों को छोड़ने का जहां तक संबंध है, आपके पास जो यह पावर है इसका आप और अधिक प्रयोग करेंगे। यह जरूरी नहीं है कि आप एडवाइजरी बोर्ड के सामने जायें। मामले हाई कोर्ट में भी जाते हैं और सुप्रीम कोर्ट में भी जाते हैं। लेकिन ऐसी नौबत नहीं आनी चाहिये। मैं चाहता हूं कि जहां आप यह आश्वासन दें कि छः महीने से ज्यादा किसी व्यक्ति को रोके नहीं रखा जायेगा, उसी के साथ साथ आप यह आश्वासन

भी दें कि तीन महीने के बाद उसके केस को रिव्यू आप करेंगे और खुद ही देखेंगे कि क्या ऐसी स्थिति पैदा नहीं हो गई है जिसमें कि उसे छोड़ा जा सकता है। सुअो मोटो छोड़ने की जो बात है, अपने आप छोड़ने की जो बात है, उसके बारे में आप आश्वासन दें कि आप इसका और अधिक इस्तेमाल करेंगे। जिन लोगों को आप रोक कर रखते हैं, जिनको डिटेन करते हैं, उनकी आजादी का आप अपहरण करते हैं। गृह मंत्री महोदय यह नहीं कह सकते हैं कि जिसको वह डिटेन करते हैं, जिसकी आजादी का वह अपहरण करते हैं उसको शायद इससे भी बड़ी सजा दी जा सकती है, लेकिन वह देना नहीं चाहते हैं। जहां तक बड़ी सजा देने का ताल्लुक है, जो जुर्म करता है, उसको उस जुर्म की सजा आप दें और जितनी बड़ी से बड़ी सजा दे सकते हैं दें, अगर साल से अधिक सजा दे सकते हैं तो वह भी दें। लेकिन यह कह कर कि उसे एक साल के लिये रोक कर हमने उसको माफ कर दिया, यह खुद कानून की भ्रवहेलना है और इसे कोई भी स्वीकार नहीं कर सकता है। जो एडवाइजरी बोर्ड की बात आपने रखी है, उस एडवाइजरी बोर्ड के बारे में आप कहते हैं कि वह ज्यूडिशल है और उसी के साथ साथ...

**उपाध्यक्ष महोदय :** माननीय सदस्य जो कह रहे हैं, वह या तो थर्ड रीडिंग में कहा जा सकता है या फिर जनरल डिसकशन के वक्त कहा जा सकता था। इस संशोधन में इसे कैसे कहा जा सकता है ?

**श्री ब्रजराज सिंह :** अगर थर्ड रीडिंग में बोलने की आप मुझे आज्ञा दें, तो मैं तब कह लूंगा। यह बहुत जरूरी चीज है। लेकिन मैं इसके बारे में अधिक न कहते हुये अभी समाप्त कर देता हूं।

मैंने तीन महीने की बात कही है। यह बात मैंने इसवास्ते कही है कि आप जनतंत्र को सफल देखना चाहते हैं और जहां तक हमारा

[श्री बजर्राज सिंह]

संबंध है, हम अपने दिल से चाहते हैं कि हिन्दुस्तान में जनतंत्र सफल हो और उसे हम अपना खून दे करके भी सफल बनाने की कोशिश करेंगे लेकिन इस तरह के कानून बना देने से जनतंत्र सफल नहीं हो सकता। आप कानून किन के लिये बना रहे हैं, क्या उनके लिये नहीं बना रहे हैं जिन को राजनीतिक लोग कहा जाता है ? अभी माननीय मंत्री जी ने कहा कि बेलगाम में इस ऐक्ट का प्रयोग किया गया है, मनीपुर में जहां पर रिसर्पासिबल गवर्नमेंट के लिए आन्दोलन चलाया गया था, इसका इस्तेमाल किया गया, उत्तर प्रदेश में जहां जनता की मांगों को ले कर सत्याग्रह किया गया था, इसका प्रयोग किया गया, गवर्नमेंट एम्पलायीज की जो जनरल स्ट्राइक हुई थी, उस के सिलसिले में इसका प्रयोग किया गया है, पंजाब में इसका इस्तेमाल किया गया है और क्या यह सब चीजें यह जाहिर नहीं करती हैं कि आपने इस कानून को राजनीतिक व्यक्तियों के खिलाफ इस्तेमाल किया है ? यह किसी भी दृष्टि से उचित नहीं कहा जा सकता है। इसवास्ते मैं प्रार्थना करता हूँ कि तीन महीने की बात जो मैंने अपने संशोधन में कही है, उस को मान लिया जाए, तीन महीने से अधिक इस को न रखा जाए और तीन महीने के बाद अगर आप देखते हैं कि विरोध मजबूत हो गया है और जो आन्दोलन है वह लगातार मालों तक चलता रहेगा, तो मैं समझता हूँ कि आपका यह कानून उपयोगी साबित नहीं होगा, इस कानून से कुछ होने वाला नहीं है, इसवास्ते बेहतर है कि इसका इस्तेमाल न हो। अगर आपका मंशा है कि इस कानून के इस्तेमाल से आपके विरुद्ध जो आन्दोलन करते हैं, उनको आप रोक सकेंगे, तो यह आपकी भूल है। जो ग्रॅममेंटमेंट मैंने पेश किया है वह इसलिए किया है कि तीन महीने के बाद अगर फिर भी इस कानून की आपको आवश्यकता महसूस हो, तो दुबारा इसको हाउस में आप लायें और इस पर बहस करायें। बार बार इस पर बहस करवाते

रहने का नतीजा यह निकलेगा कि आपकी नौकरशाही जो बेलगाम हो कर काम करती है, जाली रिपीट बनाती है, जरूरत न होते हुए भी आदमी को डिटेन कर लेती है, वह इस मनोवृत्ति की शायद न रहे, वह शायद बदल जाए जो गैर-कानूनी कार्य वह इस समय करती है, नहीं कर सकेगी और इस से जनता को सुरक्षा मिलेगी।

इन शब्दों के साथ मैं आशा करता हूँ कि मेरे संशोधन को मान लिया जाएगा।

श्री गो० ब० पन्त : उपाध्यक्ष महोदय, मुझे खेद है कि मैं माननीय सदस्य के हुकम की तामील नहीं कर सकता हूँ।

उन्होंने सत्याग्रह की बात कही है। वह तो यहां पर उठती नहीं है। मुझे एक मिसाल याद आती है। एक आदमी कोई कुएं में गिर गया। उसे निकालने के लिए रस्सी नीचे डाली गई और झटका देकर ऊपर उठाया गया। कोई दूसरा आदमी पेड़ पर चढ़ गया, चोटी पर चढ़ गया, उसको भी फिर नीचे आने में दिक्कत हुई। जिसने पहले उसको निचे कुएं में से निकाला था, वह अक्लमन्द था। उसने कहा उस के भी पैर पकड़ कर झटका दो ताकि वह नीचे आ जाए। उस के पैर पकड़ कर झटका दिया गया जिसका नतीजा यह हुआ कि वह तो नीचे आ गया और बच गया—मगर दूसरा आदमी नीचे उसके आने से मर गया। तो मेरा कहने का मतलब यह है कि मिसालों का जहां तक संबंध है, वे हमेशा ठीक नहीं उतरती हैं।

अभी जैसा मैंने अर्ज किया है, मुझे इस में दिक्कत होती है कि आपकी तजवीज को मैं मान सकूँ।

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

Page 1, line 7,—

for "31st day of December, 1963" substitute "31st day of March, 1961". (3).

*The motion was negatived.*

**Mr. Deputy-Speaker:** The other amendment?

**Shri M. R. Masani:** It is the same.

**Mr. Deputy-Speaker:** That is withdrawn with the permission of the House.

*Amendment No. 11 was, by leave, withdrawn.*

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

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

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

"That clause 1, Enacting Formula and Long Title stand part of the Bill".

*The motion was adopted.*

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

**Shri G. B. Pant:** I move:

"That the Bill be passed".

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill be passed."

**Shri M. R. Masani:** Sir, I had no intention of intervening in the Third Reading of this Bill, having said what I wanted to earlier. But, certain things that have been mentioned by the hon. Home Minister this morning make it necessary for me to do so. I say that because, the hon. Home Minister's words, by virtue of his office, his eminent position in our public life

and the weight of his personality, are entitled to a great deal of weight in this House. I feel that if certain things he has said were not rectified, if some misunderstandings were not removed, it would not be right—to allow those remarks to pass without clarifying the matter further.

I am opposing this Bill at this stage to make it perfectly clear that I and my Party are opposed to the principle of preventive detention.

The hon. Home Minister referred to certain remarks I made in this House at the time of the original introduction of the Bill, in 1950, and indeed, in my own earlier remarks here I had summarised from that speech. Even now, I would not like to take the time of the House to read a large part of it to prove what I want to say, but if the hon Home Minister will look at page 8897, in the last sentence of my speech I had made that position clear. I said:

"I make this plea to the hon. Home Minister. It would be greatly appreciated if this Bill, which is a hasty improvisation, could be replaced at the earliest possible time by a well-conceived, well thought out measure which does not shirk the issue, which goes to the root of the mischief and which frankly takes its stand for the defence of democracy against totalitarian aggression from within or without."

15 hrs.

If the hon. Home Minister casts his eyes through that speech, he will find I made a concrete proposal, that is, rather than threaten the individual liberties of individual Indians of all persuasions by preventive detention without trial, the more principled way would be to follow the example of countries which I mentioned, countries like Brazil and Chile, where Acts of Parliament had been passed to outlaw the Communist Party. Those Acts of Parliament were challenged in a court of law, and after hearing both

[Shri M. R. Masani]

sides, in the case of Brazil, highest court of the country came to the conclusion that the Communist Party of Brazil did not believe in the democratic Constitution of that country, that wherever they came to power, in Brazil or outside, they were apt to establish a one-party dictatorship and liquidate all opposition, that they did not believe in the fundamental rights of the human being and that they were financially and otherwise directed by a foreign power. After that it became a crime under the ordinary law of the country to be a member of that unlawful organisation, and any member who was found participating in its activities was put up before a court of law, convicted and sentenced.

Now, I am sure the hon. Home Minister may hold the view that this is much more drastic than what he is doing, but I do say that this is something quite different from preventive detention because, in this process, there is no stage at which a man is deprived of his liberty without being produced before a court of law, tried for a breach of the law of the country and then convicted and sentenced by a decision of the court. As I said, on this there may be different points of view. I am not saying this should be done here and now. What I do say is that it is a more principled path because it isolates a group of people who cannot be trusted to enjoy the liberties from the rest of the nation which is entitled to the rule of law and no preventive detention. It is important to make this distinction.

The hon. Home Minister referred to the fact, which was undoubtedly true, that in Britain during war time a similar power of preventive detention was given to the Home Secretary. But may I remind him that, even in the middle of the war, the Home Secretary, Mr. Herbert Morrison, decided to release Sir Oswald Mosley, well-known for his Fascist and pro-Nazi sympathies?

Shri A. K. Sen: Only in 1944.

Shri M. R. Masani: Well, during the war, if not in the middle. It was near the end of the war, but while war was still on, while Britain was still at war with Germany and the war had not ended in Europe. When that action was taken, no less a person than Mr. Winston Churchill, no soft, sloppy sentimentalist but a great upholder of the rule of law and also of law and order, as we know in our country, made the following observation:

"The power of the Executive to cast a man into prison without formulating any charge known to the law and particularly to deny him judgement by his peers for an indefinite period, is in the highest degree odious, and is the foundation of all totalitarian governments whether Nazi or Communist. It is only when extreme danger to the State can be pleaded that this power may be temporarily assumed by the Executive. And even so, its working must be interpreted with the utmost vigilance by a free Parliament".

I am mentioning this because the Home Minister did make a reference to the U.K. today, and I thought it was timely that the House should realise in what light the great leader of the British people during the war, Mr. Churchill, who was Prime Minister, interpreted it and was against the use of this power except in extreme danger when the existence of the State was threatened. I do not think any of us, even the Home Minister, would claim that we are in extreme danger, that the existence of our free Constitution and State, is in danger today.

One final point. Reference was made to the case of Master Tara Singh, to whom I referred in my speech, and the Home Minister sought to give the House the impression that the report of the Punjab Enquiry Committee appointed by my own party, led by Dr. K. M. Munshi, had come to a conclusion that would support in any way

the preventive detention of Master Tara Singh. I am very happy at this implied compliment that has been paid to the objectivity and fairmindedness of Dr. Munshi and his colleagues, and therefore to my Party which appointed them, by the hon. Home Minister who relied on that document. But in fairness both to Master Tara Singh, who is unable to speak for himself because he is being held in isolation under this Act and also in fairness to the Munshi Committee, I think I should complete the record. The Home Minister quoted from one part of the report. May I just quote one or two other passages which will complete the picture? In the last sentence of the report, the last paragraph where "General Conclusions" is the heading, the Committee comes to the conclusion while realising the difficulties of the Punjab Government that the various actions taken by it to meet the emergency on the whole have been excessive, indiscriminate and taken with a view to strike terror. We are not concerned with the wider issue of Punjab and civil liberties, but we are concerned with the preventive detention of Master Tara Singh. On that particular point, this is what the Committee has to say.

There are two pleas to justify the detention of Master Tara Singh to which it refers and then makes comments. The first is that of planned violence. It says:

"As regards the allegation of planned violence made by the Chief Minister of the Punjab on June 3, 1960, we note that presumably taking the cue from the Chief Minister, several persons of standing have repeated the charge in the press".

**Mr. Deputy-Speaker:** It would not be in order to take up individual cases in the third reading.

**Shri M. R. Masani:** But the individual case was referred to, and injustice is being done both to a committee of enquiry and to the person concerned. You will permit me, in

view of that, to correct the record because the facts should be known to the House.

**Mr. Deputy-Speaker:** That was general discussion, and a reply was being made to the points made by hon. Members. Now it is third reading, whether the Bill be passed or not.

**Shri M. R. Masani:** The reason for opposing the passing of the Bill is that in my view it is being misused in a case where it should not be applied, and this is an illustration. In fairness to the parties concerned....

**Mr. Deputy-Speaker:** Illustrations in the third reading?

**Shri Ranga (Tenali):** It is only one or two sentences.

**Shri M. R. Masani:** I will read from the summary to make it just two sentences; I will not go into the details. The same ground is covered in the summary. Let me read one sentence each from the summary. These are the suggested motives for the preventive detention:

"Plea: planned violence.—We find no evidence to justify the charge of planned violence made by the Chief Minister against the Akali Dal.

"Plea: conspiracy with Pakistan.—The allegation of conspiracy with Pakistan made by the President of the State Congress, Sardar Darbara Singh, even if remotely true, is very serious. Without expressing any definite opinion about this charge, we would, in view of the gravity of it, permit ourselves to say that if the charge has the slightest justification, appropriate proceedings should have been taken by the State against Master Tara Singh; if unfounded, it was made with utter irresponsibility."

**Sardar Iqbal Singh (Ferozepur):** What about the communal movement that Master Tara Singh is leading?

**Shri M. R. Masani:** I am not yielding.

It shows that on the specific charges or suspicions on which preventive detention is based, the finding of the Munshi Committee has gone clearly against those who think that any justification exists. Therefore, while it has said many things which are fair and has tried to understand both sides of the case, it would not be fair to leave the impression that there is anything in this report which would justify for one day the continued detention of Master Tara Singh; and I hope it would be terminated immediately in the wider interests of this country.

**Shri Sadhan Gupta** (Calcutta—East): I oppose with the greatest emphasis at my command, the Home Minister's motion that this Bill be passed. The only reasons given for the passage of this Bill is that it seeks to suppress certain anti-social activities, that it contains safeguards, and that High Courts and the Supreme Court have endorsed the action of the executive in different cases. I shall try to tear these fallacious arguments to pieces and then give one or two reasons why it should not be passed.

It has been said that this Act is designed to prevent acts prejudicial to the maintenance of public order, the security of the State, the security of India, or foreign relations, violence, goondaism and so on. Most of those in this House who really do not know what the Act is would think that certainly this is something which needed to be safeguarded, and, therefore, they would perhaps think that it is a law worth continuing on our statute-book. I want to make it very clear that this Act is not aimed at any of the anti-social elements. This Act does not penalise goondaism or violence or any other kind of anti-social act. What this Act provides for is that if any officer—he may be a district magistrate, or a commissioner of police or a secretary in the

secretariat,—is of opinion that a person is a goonda or a person is going to act in a certain manner, then he can pass an order saying that that person is to be detained without giving him a trial, without enabling him to offer his defence, without giving him legal aid and so on. The real question is whether we are going to permit our statute-book to be blackened by an Act of this kind, whether when the courts are there, we are going to tolerate a law which would give to a secretary or even to a police officer the right to judge whether a citizen of the country is guilty of a certain act. But that is what this Act seeks to do.

It is being said, 'Oh, you have the protection of the advisory boards.' Well, what is the advisory board? Only such materials as the Government chooses are placed before the advisory board. The detenu is not entitled to any legal assistance before the advisory board. Under these circumstances, the proceedings before the advisory board are only a farce and nothing else.

Then, it has been said, 'Well, the High Courts and the Supreme Court have upheld our position. What have you to say to that?'. What have the High Courts and the Supreme Court said? They have only said that the letter of the law has been complied with by the executive. The High Courts and the Supreme Court, have been deprived of all powers to enquire into the propriety of the detention. I can make bold to say that if the High Courts and the Supreme Court were empowered to make an enquiry into the grounds of detention, many of the black acts of the executive would have been exposed before the world. Therefore, this argument about the High Courts and the Supreme Court endorsing the action of Government should not have been brought forward in all propriety; it is a misleading argument which clouds the issue, which confuses the

issue, and which does not enable us to arrive at proper conclusions.

Having dealt with these fallacies, I would reinforce my reasons by a few observations as to how this Act has been applied. It is said that this Act was needed to preserve order in the country. In actual practice, we find that this Act has been applied to suppress the urges of the people; it has been applied in the interests of undemocratic repression. And we find that in most of these cases, the people have turned out to be right and the executive have turned out to be wrong, and in spite of that, untold misery has been inflicted through the application of this Act.

In 1953, this Act was applied in Bengal for detaining hundreds in connection with the tram-fare enhancement resistance movement. If the authorities had the good sense of yielding to that movement, people would not have been killed, so many persons would not have been detained, but it was after it went on for a whole month only that Government gave up its intransigence and appointed a tribunal consisting of the High Court judge, and the tribunal fully justified the people's stand and gave an opinion against the enhancement of fares.

This Act was used also on a large scale against the Samyukt Maharashtra movement. And what do we find Samyukt Maharashtra had to come. And yet, hundreds of people, hundreds of leaders belonging to all parties had been oppressed, and hundreds of people belonging to all parties have been oppressed by the use of this black law.

The same may be said about the Maha Gujarat movement and the other movements. The movements did succeed. They were bound to succeed, because they were just movements. But this law was called into service, because the Government wanted to maintain its own undemocratic position, and, therefore, to

suppress the movement, if it could; but when it found that in spite of the use of the Preventive Detention Act and other repressive measures.....

**Mr. Deputy-Speaker:** The hon. Member is discussing the policies of the Government in Bengal and so on. Those things are not warranted here in the third reading stage. I have borne with him for some time, but it would be difficult to do so any further.

**Shri Sadhan Gupta:** I am arguing why the Bill should not be passed, and why Government should not be given these powers.

**Mr. Deputy-Speaker:** He takes refuge under the argument that the Bill should not be passed, but he goes into other things that cannot be permitted here. He is giving instances about Government policies in not agreeing to Maha Gujarat, Samyukt Maharashtra and so on. He is discussing those things.

**Shri Sadhan Gupta:** At least, a few words had to be said as to how they came about.

I am saying that it was applied wrongly. In this context, the platitudes about democracy and about how we should observe the laws etc. become absolutely irrelevant. It is true that we should observe the laws that are passed, but then there is a limit to tolerance. If starvation is inflicted day in and day out, if the prices run so high that you cannot buy your essentials, what can the people do except to draw the attention of Government by peaceful demonstrations? They have all been peaceful, unless Government had interfered and made them violent. We have had so many demonstrations in Calcutta, but not one case of violence was there.

Therefore, I submit that there is no case for continuing this Act on the statue-book. The only contingency in which a drastic legislation of this

[Shri Sadhan Gupta]

kind can be permitted is when the country is in such imminent danger that very unusual laws have to be resorted to. I do not think that in his honesty, any Minister on the other side can say that the country is really in such an imminent danger. We are passing through normal times. If there is any danger, it should be checked by the ordinary laws. There will be in every country many dangers to society, crimes, dacoities, murders etc. They take place in every country, and they are dealt with not by preventive detention but in the ordinary course of law. What is the difference in our country? What is the greater danger in our country than in other places?

**Mr. Deputy-Speaker:** The hon. Member should conclude now.

**Shri Sadhan Gupta:** Therefore, I oppose with all the emphasis at my command the passage of this Bill and I strongly recommended to this House that this Bill should be thrown out altogether and our statute-book should not contain the blot of this legislation.

**Some Hon. Members rose—**

**Mr. Deputy-Speaker:** Shri Braj Raj Singh has spoken only some time ago. He assured me that he would not ask to speak again. I cannot now allow him another opportunity in the third reading stage. Shri Mahanty has also spoken—at the second stage.

**Shri Mahanty (Dhenkanal):** No.

**Mr. Deputy-Speaker:** He spoke at the discussion stage.

**Shri Mahanty:** Yes.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** The Business Advisory Committee had allotted 5 hours for this.

**Mr. Deputy-Speaker:** That has been exceeded.

**Shri Satya Narayan Sinha:** There must be some limit.

**Shri Mahanty:** Here is a matter...

**Mr. Deputy-Speaker:** Even if we spend another two hours on it, the matter will ultimately have to be decided only by the vote of the House.

**Shri Braj Raj Singh:** We can make useful suggestions to Government.

**Mr. Deputy-Speaker:** He has just had that opportunity.

**Shri Braj Raj Singh:** I was checked. I want only 5 minutes.

**Mr. Deputy-Speaker:** Even the time that was extended has been exceeded.

**Shri G. B. Pant:** I do not propose to make any elaborate speech. In fact, I have already inflicted one on the House.

Shri M. R. Masani referred to his own speech that was delivered by him. I quoted him and I did not say anything that came out of my own mind or for the creation of which I could be held responsible. If what he said was different from what is stated in the report, then I have nothing more to say.

**Shri M. R. Masani:** I also rely on the report.

**Shri G. B. Pant:** Then if two parts of his speech were inconsistent, I am not to blame

**Shri M. R. Masani:** There is no inconsistency in my speech.

**Shri G. B. Pant:** If what I said was consistent with what he has said, then there is no difference between us.

So far as the other matter is concerned about Master Tara Singh, the Committee, the Swatantra Party Committee, has given a whole chapter to it. Having stated the facts, it has come to the conclusion that restrictive orders were necessary.



**Shri M. R. Masani:** But excessive.

**Shri G. B. Pant:** No.

**Shri M. R. Masani:** Excessive and indiscriminate.

**Shri G. B. Pant:** Let us not confuse things. So far as Master Tara Singh's case is concerned, they definitely stated that restrictive orders were necessary.

**Shri M. R. Masani:** No, Sir.

**Shri G. B. Pant:** I have read out that portion. In other places, they have said that all that was done was not perhaps necessary. But so far as the particular case is concerned, the only inference that one can draw from their remark comes to what I have said, and no one can hold a different opinion. Apart from these things, I do not think there is much calling for any reply.

Shri Sadhan Gupta thinks that there have been cases in which the Government have revised their opinion. The Government will ever keep an open mind on every matter. But what democracy demands is that things should be settled peacefully by ballot and not by direct action or by violent means. I think if Shri Sadhan Gupta agrees with this principle, there is no difference between us. If he does not agree with this, obviously, he does not stand for democracy. (Interruptions).

**Some Hon. Members:** What about Kerala.

**Shri G. B. Pant:** Now the Nag-Vidarbha Samiti is carrying on agitation for the separation of Nag-Vidarbha from Maharashtra. I do not know what is the advice of Shri Sadhan Gupta on this.

**Shri Sadhan Gupta:** Not to preventively detain people.

**Shri G. B. Pant:** Not to preventively detain, but let people break each other's head.

**Shri Sadhan Gupta:** Prosecute them under the ordinary law.

**Mr. Deputy-Speaker:** Order, order.

**Shri Sadhan Gupta:** He has asked for my advice.

**Mr. Deputy-Speaker:** He is addressing me. That advice is not to be given immediately.

**Shri G. B. Pant:** I sought his advice, but he did not give thought to the question and just blurted out something. So I cannot attach much importance to such vague expressions. The point was very clear. The question is whether, because the agitation is going on, we must now revise our decision about Maharashtra and take away Nag-Vidarbha from the Maharashtra area. To that he has no answer to give.

**Shri Sadhan Gupta:** We will oppose it.

**Shri G. B. Pant:** I do not mean to pursue the matter further. I just request you to put the matter to the vote so that the Bill may be adopted.

**श्री बजर्राज सिंह :** इस ऐक्ट की दफा ४ में आपने कहा है कि कुछ रेगुलेशंस फौर भाईंस बना सकते हैं कहीं रूल का विधान नहीं है। लेकिन क्या यह सत्य है कि कुछ राज्यों और खास कर दिल्ली प्रशासन ने कुछ रूज बनाये हुए हैं जो रूल्स कि मौलिक अधिकारों के खिलाफ जाते हैं जैसे जेल में जा कर पुलिस के इंस्पेक्टर द्वारा आप इंटरव्यू करायेंगे और उनसे कुछ मामलों का पता लगायेंगे ?

**श्री गो० ब० पन्त :** मुझे कोई इम नहीं है किसी ऐसे रूल के बारे में ज.कि मौलिक अधिकारों के खिलाफ हो।

**उपस्थित महोदय :** क्या आप यह जनरली एक्सपेक्ट करते हैं कि वह मौलिक अधिकारों के बरखिलाफ होगा ?

15.29 hrs.

[MR. SPEAKER in the Chair]

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

"That the Bill be passed."

*The Lok Sabha divided.*

## Division No. 5 ]

## AYES

[ 15.32 hrs.

Abdul Latif, Shri	Joshi, Shrimati Subhadra	Ramakrishnan, Shri P. R.
Achal Singh, Seth	Kalika Singh, Shri	Ramaswamy, Shri S. V.
Achar, Shri	Kedaria, Shri C. M.	Ramdhani Das, Shri
Agadi, Shri	Keshava, Shri	Rampure, Shri M.
Agarwal, Shri Manakhhbai	Keekar, Dr.	Rane, Shri
Aney, Dr. M. S.	Khan, Shri Sadath Ali	Rangarao, Shri
Anjanappa, Shri	Khan, Shri Shah Nawaz	Rao, Shri Jagannatha
Arumugam, Shri R. S.	Khawja, Shri Jamal	Reddy, Shri Viswanatha
Ashanna, Shri	Kistaiya, Shri	Roy, Shri Bishwanath
Asthana, Shri Lila Dhar	Krishnappa, Shri M. V.	Rup Narain, Shri
Babunath Singh, Shri	Kureel, Shri B. N.	Sadhu Ram, Shri
Balmiki, Shri	Lachhi Ram, Shri	Sahu, Shri Bhagabat
Banerjee, Shri P. B.	Lahiri, Shri	Sahu, Shri Rameshwar
Bangahi Thakur, Shri	Laxmi Bai, Shrimati	Saigal, Sardar A. S.
Basappa, Shri	Maiti, Shri N. B.	Samanta, Shri S. C.
Bhattacharya, Shri C. K.	Majithia, Sardar	Satyabhama Devi, Shrimati
Bidari, Shri	Malaviya, Shri K. D.	Selku, Shri
Birbal Singh, Shri	Malhotra, Shri Inder J.	Sen, Shri A. K.
Birendra Bahadur Singhji, Shri	Malliah, Shri U. S.	Sen, Shri P. G.
Bist, Shri J. B. S.	Malviya, Shri Motilal	Shah, Shrimati Jayaben
Brahm Parkash, Ch.	Maniyangadan, Shri	Shankaraiya, Shri
Brajeshwar Prasad, Shri	Mathur, Shri Hariash Chandra	Sharma, Shri D. C.
Chandak, Shri	Mehta, Shrimati Krishna	Sharma, Pandit K. C.
Chandra Shankar, Shri	Mishra, Shri L. N.	Sharma, Shri R. C.
Chaturvedi, Shri	Mishra, Shri R. R.	Shastri, Swami Ramanand
Chavda, Shri	Mishra, Shri B. D.	Siddananjappa, Shri
Chettiar, Shri Ramanathan	Mohiuddin, Shri	Siddiah, Shri
Chuni Lal, Shri	Muniswamy, Shri N. R.	Singh, Shri D. P.
Damar, Shri	Murmu, Shri Palka	Singh, Shri H. P.
Das, Shri N. T.	Murthy, Shri B. S.	Singh, Shri K. N.
Dasappa, Shri	Nair, Shri C. K.	Sinha, Shri Gajendra Prasad
Datar, Shri	Nair, Shri Kuttikrishnan	Sinha, Shri Jhulan
Desai, Shri Morarji	Naldurgkar, Shri	Sinha, Shri K. P.
Deshmukh, Shri K. G.	Nallakoya, Shri	Sinha, Shri Satya Narayan
Dube, Shri Mulchand	Nanda, Shri	Sinhasan Singh, Shri
Dublish, Shri	Nanjappa, Shri	Somani, Shri
Ganapathy, Shri	Narasimhan, Shri	Subbarayan, Dr. P.
Ganga Devi, Shrimati	Naskar, Shri P. S.	Subramanyam, Shri T.
Ghosh, Shri M. K.	Nayar, Dr. Sushila	Sumat Prasad, Shri
Gounder, Shri K. Periaswami	Nehru, Shri Jawaharlal	Swaran Singh, Sardar
Govind Dass, Seth	Nehru, Shrimati Uma	Syed Mahmud, Dr.
Harvani, Shri Ansar	Oza, Shri	Tahir, Shri Mohammed
Hathi, Shri	Padam Dev, Shri	Thomas, Shri A. M.
Hazarika, Shri J. N.	Pahadia, Shri	Tiwari, Pandit Babu Lal
Heda, Shri	Palchoudhuri, Shrimati Ila	Tyagi, Shri
Hem Raj, Shri	Panna Lal, Shri	Uike, Shri
Hukam Singh, Sardar	Patel, Sushri Maniben	Umrao Singh, Shri
Iqbal Singh, Sardar	Patil, Shri Nana	Upadhyay, Pandit Munishwar Dutt
Jagjivan Ram, Shri	Pattabhi Raman, Shri C. R.	Upadhyaya, Shri Shiva Datt
Jain, Shri M. C.	Raghunath Singh, Shri	Varna, Shri B. B.
Jena, Shri K. C.	Raghuramaiah, Shri	Vedakumari, Kumari M.
Jhunjhunwala, Shri	Raj Bahadur, Shri	Vijaya Anand, Maharejkumar
Jogendra Sen, Shri	Raju, Shri D. S.	Viswanath Prasad, Shri
Jogendra Singh, Sardar	Ram Saran, Shri	Vyas, Shri R. C.
Joshi, Shri A. C.	Ram Subhag Singh, Dr.	Vyas, Shri Radhelal

## NOES

Awasthi, Shri Jagadish  
Banerjee, Shri Pramathanath

Banerjee, Shri S. M.  
Bharucha, Shri Naushir

Braj Raj Singh, Shri  
Chaudhuri, Shri Tridib Kumar

Gaikwad, Shri B. K.  
Ghosal, Shri Aurobindo  
Gupta, Shri Sadhan  
Katti, Shri D. A.  
Kunhan, Shri  
Mahanty, Shri  
Majhi, Shri R. C.  
Masani, Shri M. R.  
Mehta, Shri Asoka

Mukerjee, Shri H. N.  
Nair, Shri Vasudevan  
Nath Pai, Shri  
Nayar, Shri V. P.  
Parmar, Shri K. U.  
Patil, Shri Balasaheb  
Rajendra Singh, Shri  
Ram Garib, Shri  
Ramiam, Shri

Ranga, Shri  
Rao, Shri D. V.  
Rao, Shri T. B. Vittal  
Siva Raj, Shri  
Sugandhi, Shri  
Tangamani, Shri  
Thakre, Shri M. B.  
Warior, Shri  
Yainik, Shri

**Shri Nath Pai (Rajapur):** Sir, my vote has been wrongly recorded.

**Mr. Speaker:** Any other hon. Member who wants to say anything?

**Shri Tridib Kumar Chaudhuri (Berhampore):** My vote has not been recorded.

**Sardar Hukam Singh (Bhatinda):** Those who have exercised their votes which have been recorded cannot change that. If the machine has not worked that can be corrected and you can note it down.

**Shri Naushir Bharucha (East Khadesh):** On a point of order, Sir. The hon. Deputy-Speaker has raised a very important question. Assuming for a moment, even through a mistake, a Member has voted the wrong way, can he not have his error rectified before the final announcement of the results. In various Legislatures that practice is followed.

**Mr. Speaker:** I have heard him. If any hon. Member says that his vote has been recorded wrongly I have allowed him to correct. That is the usual practice here. There are cases where, inadvertently, one Member went to a wrong lobby and then, subsequently, he recovered and came in and said, 'I voted in the wrong lobby'.

**Shri Tyagi:** Not after he has voted, Sir.

**Mr. Speaker:** Let us not be too technical about this matter. Did both the hon. Members vote? I am only anxious to know that for the reason

that I have to deduct it from one side and add it to the other.

**Shri Tyagi:** He has voted green.

**Mr. Speaker:** The hon. Member is sufficiently able to express himself. Shri Nath Pai, did he vote?

**Shri Nath Pai:** Sir, I have voted; but I want your assistance to have it rectified. I wanted to vote for Noes, but it looks as if I have voted for 'Ayes'.

**Mr. Speaker:** I would add one 'No'. What about Shri Chaudhuri?

**Shri Tridib Kumar Chaudhuri:** Sir, I voted for 'No'; but it is recorded as abstention.

**Mr. Speaker:** Let one more be added to the 'Noes'.

**Shri M. B. Thakore (Patan):** Sir, my vote has not been properly recorded. I voted for 'No'.

**Mr. Speaker:** All right.

**Shrimati Jayaben Shah (Girnar):** Sir, I pressed the button; but no light has come out. I voted for 'Ayes'.

**Mr. Speaker:** The result of the Division is: Ayes—165; Noes—33.

*The motion was adopted.*

**Shri Braj Raj Singh:** We wish to express our resentment. We should like to walk out. (*Interruptions*).

श्री जगदीश शर्मा: मैं शर्मता हूँ कि आज के दिन मंत्रिघर ब्रजांतर की हत्या की गई है। इसलिए यह एक काजा दिन माना जाएगा और यह काला कानून में आपकी छ.ती पर फेंकता हूँ।

(Some Hon. Members then left the House.)

15.36 hrs.

#### BUSINESS OF THE HOUSE

**Mr. Speaker:** Let us now take up the next item, Supplementary Demands for Grants—Railways.

**Shri Mahanty (Dhenkanal):** Sir, before you proceed to this, I would like to make a submission. Occasions arise in this House when the time fixed by the Business Advisory Committee is exceeded according to the nature of the matter under discussion. At that stage the Minister for Parliamentary Affairs simply stands up in his seat and points out that the time has been exceeded. The proper course would be for Government to come in with a motion for closure or guillotine. Otherwise, it means that discussion on the whole thing is being throttled.

**Mr. Speaker:** I will bear this in mind.

**Shri Mahanty:** I am afraid if my submission has been appreciated. What I am saying is this. If the Minister of Parliamentary Affairs feels that the time has been exceeded, he should come up and take the leave of the House to have the time extended or he should come with a motion for guillotine. He should not merely stand in his seat and invite the attention of the Chair to the fact that the time has been exceeded. So, discussions in this House are throttled.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** Let me make it clear. Five hours

were allotted by the Business Advisory Committee. When the matter came up here, some hon. Members raised the point that the time should be extended and you were pleased to say that it would be extended by one hour. Then, even the extended time was over. I drew the attention of the Deputy-Speaker that this limit of 6 hours even had been exceeded. What is wrong in it? I have every right and authority to move for closure. Previously, we used to do that. I have every right to move for closure even when a Member is on his legs.

**Shri Mahanty:** The question is that when he has got the right he should exercise it. We do not question the right. The House would know that the motion for closure has been moved. Nobody questions the right to move for closure.

**Shri Satya Narayan Sinha:** I had the right to point out to the Deputy-Speaker that the time allotted, that is, 6 hours—even the extended time—is over.

**Shri Mahanty:** He wants to throw the burden on you, Sir.

**Mr. Speaker:** The Business Advisory Committee fixes a particular time limit. I extend it by one hour, or whoever is in the Chair. Then, if I find, with the consent of the House that some more time is necessary we go on. Of course, the hon. Member merely says that as soon as the time is over the Minister of Parliamentary Affairs should get up and move for closure and have the question put to the House and carried by a majority. I do not know whom Shri Mahanty is helping. Wherever time is not fixed, it is always open to any Member of the House to get up and move for closure. That will not be done generally in cases where the time is fixed. In cases where the time is fixed, after the time is exhausted I can apply the axe. He only reminds the Speaker. He does not make any motion.