

12.03 hrs.

PREVENTIVE DETENTION (CON-
TINUANCE) BILL*

The Minister of Home Affairs (Shri G. B. Pant): Sir, I beg to move for leave to introduce a Bill to continue the Preventive Detention Act, 1950, for a further period.

Some Hon. Members: No, no.

Shri Braj Raj Singh (Firozabad)
rose—

Mr. Deputy-Speaker: Is that the way in which we should proceed?

Shri Tyagi (Dehra Dun): That shows the guilty conscience.

Shri Braj Raj Singh: Sir.....

Mr. Deputy-Speaker: Let me first place the motion before the House.

Motion moved:

"That leave be granted to introduce a Bill to continue the Preventive Detention Act, 1950, for a further period."

Shri Braj Raj Singh: May I oppose it?

Shri A. K. Gopalan (Kasergod)
rose—

Mr. Deputy-Speaker: According to the Rules of Procedure, I can allow only one hon. Member to oppose it. If the Opposition can agree upon one hon. Member, I will call him. But there cannot be any discussion on that. He can briefly say that he opposes it. I might read out the Rule.

Shri T. B. Vittal Rao (Khammam):
We know it.

Mr. Deputy-Speaker: Certainly hon. Members know much more than I do.

Shri Tyagi: May I rise on a point of order? A convention had been established that at this stage....

Shri Braj Raj Singh: There is no convention. There are hon. Ministers who have opposed it.... (*Interruption*).

Mr. Deputy-Speaker: Would every hon. Member give his own ruling? They should allow me. When that is put regularly, they can express their opinion.

Shri Tyagi: May I raise a point of order? For some time past we have been observing a convention and it was also once decided by the Chair to maintain that convention that at this stage of the Bill there should be no opposition to it. Hon. Members who are inclined to oppose the Bill will get ample opportunities for opposing it.... (*Interruption*).

Shri A. K. Gopalan: This convention was not.....

Mr. Deputy-Speaker: I am sorry to see that hon. Members do not even have patience to hear me. Let me state my reaction to it. Perhaps then there might be no necessity to argue it further.

It is not a point of order. The hon. Member has not pointed out any law or rule on that. He has only said that there is a convention that we have been following.

Shri A. K. Gopalan: That is wrong.

Mr. Deputy-Speaker: We have been following the practice that at this stage no Bill should be opposed, but when an hon. Member presses that he will oppose it we have been allowing it. Not only in the case of Preventive Detention but on other Bills also this decision.....

Shri A. K. Gopalan: Will you kindly allow me to point out that that is not correct?

Mr. Deputy-Speaker: When I am upholding that objection, why should it be necessary for the hon. Member to do so. The Government also has opposed a Bill at the introduction stage. The Opposition also had the opportunity of opposing it. Shri Kamath's Bill was opposed when he wanted to introduce it. There have been cases. Therefore I cannot say that there is a hard and fast rule which we have been following. So far as opposition to this motion is concerned that would be allowed. Will the hon. Minister like to say anything at this stage or will he like to listen?

Shri G. B. Pant: If they will allow me, I will listen.

Shri Braj Raj Singh: Mr. Deputy-Speaker, Sir, it is my painful duty to oppose the introduction of this Bill.... (Interruption)

An Hon. Member: Not painful.

Mr. Deputy-Speaker: They do not allow their own hon. Member to speak.

Shri Braj Raj Singh: I call it a painful duty. I was sorry to see that Shri Tyagi did not even understand rule 72 of our Rules of Procedure.

Mr. Deputy-Speaker: That is not before us now.

Shri Braj Raj Singh: I want to oppose it for certain specific reasons. This law has been working in a manner by which even the working of Parliament might become useless. During the last six months two hon. Members of this Parliament belonging to my Party have been detained. One Shri Prabhu Narayan Singh.....

Mr. Deputy-Speaker: When I wanted to read out the rule, an hon. Member obstructed me saying that all of them knew what the rule was. Now the hon. Member will be transgressing those limitations that are laid down. A brief explanation only can be given. Those cases cannot be cited at this moment. It is only the introduction stage.

Shri Braj Raj Singh: I was submitting that even the working of Parliament might be made absolutely useless if the Bill goes on continuing. That was my point. By way of illustration I said that certain hon. Members of Parliament even were detained. My purpose in opposing this Bill at the introduction stage is this. In 1950 this Act was enacted. Since then, for 10 years, this law has been continuing. We have had two plans during this period. We are time and again told that the country is making very great progress. Even then, we require such laws in the armoury of the Government to suppress the opposition so that nobody shall be allowed to have a regular trial in a court of law. My point in opposing this is, there are enough laws in the hands of the Government to deal with the normal situation which is existing in the country. We do not say that the country is passing through an abnormal situation. The situation is normal. They should not try to continue this law for all time to come. In this law, they require power for three more years. That would mean that since 1950, it will be continuing up to 1963, that is 13 years. This becomes a permanent law.

Mr. Deputy-Speaker: Now, he should conclude. A brief explanatory statement has been made.

Shri Braj Raj Singh: The manner in which they are going to continue the law is also objectionable. We will not be allowed to move amendments in the body of the law. They have adopted a procedure by which they can continue the law. We shall be able to discuss the general principle.

[Shri Braj Raj Singh]

We shall not be allowed to move amendments to the body of the law. The feeling against this law in the country is so vast, so deep, that the country will not like that the law should be continued for any more time. They want to continue the law for three years. We should like that such a Bill should never be introduced. That is the reason why we have decided to oppose at this very moment.

Some Hon. Members: That is a lawless law.

Mr. Deputy-Speaker: Let us hear the hon. Home Minister.

Shri G. B. Pant: I am sorry that the hon. member should have considered it necessary to oppose this motion at this stage. But, I am not surprised. I appreciate the feeling of some of the hon. Members. I wish they were in a position to appreciate the entire position in the country and then form an opinion on the matter. The hon. Member who has opposed this motion belongs to a party which has made it a part of its normal political activity....

Shri Braj Raj Singh: We are proud of it. It is perfectly non-violent.

Shri G. B. Pant: You are, of course. I do not want to hurt your pride at all.

...which has made it a part of its normal political activity to organise civil disobedience campaign all over the country. While this law does not deal with violence as such alone, are people to be allowed to continue a non-violent campaign for paralysing the entire social and economic life of the country?

Shri Braj Raj Singh: That is a fundamental right.

Mr. Deputy-Speaker: Order, order. Let us hear.

Shri G. B. Pant: I do not want to go into the merits of the case.

Shri Naushir Bharucha (East Khadesh): There are no merits.

Shri G. B. Pant: I think the opposition was perhaps very generous in putting forward as their spokesman a gentleman who belongs to a party which has as its creed the organised breach of all laws.

Shri Braj Raj Singh: Unjust laws.

Shri G. B. Pant: Unjust laws? Very well. All laws as are passed by this Parliament may well be regarded as unjust by those who want to carry on a continuous campaign of lawlessness in the country. Do hon. Members even in the opposition want such a campaign to be continued from day to day and week to week and all over the country—not in any one part of the country but all over.

Shri Asoka Mehta: (Muzaffarpur): It has been withdrawn.

Shri G. B. Pant: I think he has, by asserting that he is proud of it, made it necessary for us to have a law of this nature.

Some Hon. Members: No, no.

Shri G. B. Pant: He is proud of it. We do not want to hurt his pride. But, we have to protect the community to the extent we can so long as we are charged with the responsibility of looking after the maintenance of law and order. I am glad to learn that Members are satisfied that the law and order situation is quite normal all over the country.

An Hon. Member: In Assam also.

Shri G. B. Pant: I hope that is not a casual remark made incidentally on

this occasion but that it will be borne in mind throughout the discussion too, whether over this measure or other measures, and all hon. Members will see that this state of normalcy is maintained or improved upon. It is for them to so regulate their own affairs so far as those who are inclined to break the law are concerned, that the occasion for the application of the provisions of this Preventive Detention Act or any other does never arise. It is no pleasure to us to take action against any one. We want to get rid of crime in our country by other means, and we are having the probationary methods, and so many other things. The very fact that this is being extended only for three years....

Some Hon. Members: Only?

Shri Braj Raj Singh: Why not extend for 10 years? Why not extend for the whole of life?

Shri G. B. Pant: in spite of all the challenges that are being thrown, indicates that we are not anxious to maintain such laws. We have already repealed laws like the Press (objectionable Matters) Act and others. We want to enlarge the liberties of the people.

Some Hon. Members: Oh!

Shri G. B. Pant: Yes. But, in order to enlarge such liberties and to enable the people to enjoy them, it is necessary that others do not interfere with law and order in such a manner that people are not able to enjoy the liberties which we want them to enjoy. The fault does not lie with us. Let all people agree that there will be no recourse to anything unlawful in the country so far as sensible gentlemen are concerned and responsible persons are concerned and I hope it will not be necessary to maintain this Act when it is passed, as I hope it will be, even for the full period of three years. But, the remedy, I think, lies more in their hands than in mine.

Shri Braj Raj Singh: What about other laws?

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to continue the Preventive Detention Act, 1950, for a further period."

Let the lobby be cleared—

I would just request hon. Members to bear in mind how the automatic voting machine has to be worked. Usually, complaints are brought afterwards. I would not be correcting mistakes. If there is any negligence on the part of hon. Members to work on this machine, that cannot be condoned; but, if the machine does not work, then, certainly, that would be taken notice of, and correction made accordingly. Both hands are to be used, one on the switch and the other on the voting button, and they must be continuously used till the second gong has gone. That should be borne in mind.

The Lok Sabha divided:

Raja Mahendra Pratap (Mathura): My button has not worked.

Mr. Deputy-Speaker: That would be checked later. For the present, I shall add one vote. But to which side?

Raja Mahendra Pratap: I want to vote for 'Noes'.

Ch. Ranbir Singh (Rohtak): There is something wrong. There are two seats in my row, but I find from the light indication board that I am alone.

Dr. Syed Mahmud (Gopalganj): My button has not worked. I want to vote for 'Ayes'.

Shri Indrajit Gupta: My button has not worked. My vote is for 'Noes'. There is no light on my table.

Shri Nana Patil (Satara): My button has not worked. I want to vote for 'Noes'.

Shri Pocker Sahib (Manjeri): The button on my table has not worked. I want to vote for 'Noes'.

Shri Sampath (Namakkal): My vote has not been registered.

Mr. Deputy-Speaker: If it was by mistake, then I would not correct.

Shri Sampath: It is not by mistake. It has not been recorded.

Shri B. C. Prodhhan: (Kalahandi-Reserved-Sch. Tribes): My button has not worked. I want to vote for 'Noes'.

Shri J. R. Mehta (Jodhpur): My button has not worked. I want to vote for 'Ayes'.

Shri Hanmanth Rao (Madak): My button has not worked. I want to vote for 'Ayes'.

Mr. Deputy Speaker: The result of the division* is as follow:

Ayes: 175; Noes: 58

So, the 'Ayes' have it. The motion is adopted.

The motion was adopted.

Shri G. B. Pant: I introduce the Bill.

12.26 hrs.

FORWARD CONTRACTS (REGULATION) AMENDMENT BILL†

The Minister of Commerce (Shri Kanungo): I beg to move for leave to introduce a Bill further to amend

the Forward Contracts (Regulation) Act, 1952.

Mr. Deputy Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Forward Contracts (Regulation) Act, 1952."

The motion was adopted.

Shri Kanungo: I introduce the Bill.

COMPANIES (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Kanungo on the 15th November, 1960, namely:—

"That the Bill further to amend the Companies Act, 1956, as reported by the Joint Committee, be taken into consideration."

Shri Prabhat Kar was in possession of the House. He has taken two minutes already. He may continue his speech now.

Hon. Members are aware that we have to conclude the general discussion and the reply thereto by 2-30 P.M. because at 2.30 P.M. we have to take up Private Members' Resolutions. How long will the hon. Minister take?

Shri Kanungo: Shri Lal Bahadur Shastri will reply to the debate. He would take about an hour.

Mr. Deputy-Speaker: I shall call him at 1-30 P.M.

Shri Prabhat Kar (Hoogly): Yesterday, I was pointing out that it was not only Shri M. R. Masani who had suggested that all the provisions that

*Names of Members who had recorded votes have not been included under the direction of the Speaker as the photo copy of Division result did not clearly show the names of all members.

†Published in the Gazette of India Extraordinary Part II—Section 2, dated 18th November, 1960.