

(c) if not, the reasons therefor?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Allotment of accommodation in Delhi/New Delhi is as a rule made with reference to the date of continuous posting of the applicant concerned at these stations and the emoluments drawn by him. The principles are laid down in the Gazette of India Extraordinary dated the 24th January, 1950.

(b) and (c). Allotments are made strictly in order of priority except in cases of proved hardship where subject to the application being supported by the Head of the applicant's department, accommodation one or two class below his entitlement is sanctioned on an out-of-turn basis by a committee consisting of three officers. Illustrative of the cases of proved hardship are cases in which there is an unexpected termination of tenancy or inability to secure private accommodation, or serious illness in the family caused or aggravated by conditions of overcrowding or unhygienic surroundings.

PAPERS LAID ON THE TABLE

NOTIFICATION ISSUED UNDER ESSENTIAL COMMODITIES ACT

The Minister of Commerce (Shri Kanungo): I beg to lay on the Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of Notification No. S.R.O. 3719, dated the 16th November, 1957, making certain amendments to the Textiles (Production by Powerlooms) Control Order, 1958. [Placed in Library. See No. LT-417/57].

REPORT OF COMMISSIONER FOR SCHEDULED CASTES AND TRIBES

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under Article 338(2) of the Constitution, a copy of the Annual Report (Parts I and II)

of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1956-57. [Placed in Library. See No. LT-418/57].

NOTIFICATION ISSUED UNDER ESSENTIAL COMMODITIES ACT

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of Notification No. P&D-19(1)/56, dated the 28th November, 1957, [Placed in Library. See No. LT-419/57].

PREVENTIVE DETENTION (CONTINUANCE) BILL*

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

Mr. Speaker: Motion moved:

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

Some Hon. Members: We oppose.

Mr. Speaker: Any hon. Member may state in brief.

Shri T. K. Chaudhuri (Berhampore): Sir, we oppose the introduction of this Bill because it has almost become a farce that Government comes from time to time to extend the time limit of the Bill by instalments. It would have been far better if the Government makes up its mind and if it so wants, tells the country and the Parliament that it wants to make it a permanent feature of the statute-book.

I might remind this House that, when this Bill was originally passed in 1950, the late lamented Sardar Patel who was then the Home Minister, said that he could not sleep for two nights because he had to sponsor

such a measure. Then there was an emergency situation in the country, there were the partition and communal troubles. In the end, he made up his mind that at least for two years, there should be an extraordinary legislation like this. But since then we find that after every two or three years, Government, every time, come and say, we are not using the powers of this legislation indiscriminately, very few people have been kept under detention, but even then, we need this measure. We fail to understand what is the need now.

For a time, there was the hackneyed argument of the communist bogey. But, today, at least in our country, the Communists have become very respectable. We have heard it from the Prime Minister, he gave them a chit from distant Scandinavia, he gave them a chit from distant Japan....

Some Hon. Members: Chit?

Some Hon. Members: Good certificate.

Shri T. K. Chaudhuri: Good conduct certificate that they are behaving....

An Hon. Member: They were never bad.

Shri T. K. Chaudhuri: ... most properly and constitutionally. So, that bogey does not stand. We want to know what is the special emergency which has jeopardised the security of the State that we must again extend the time limit for the provisions of this Bill by another three years.

Mr. Speaker: The hon. Home Minister. The hon. Member has explained. That is all. He says that there is absolutely no need and in spite of the certificates that have been given, what is the need.

Shri T. K. Chaudhuri: There are some more arguments.

I particularly want to object and oppose the provisions of this Bill, particularly a legislation of this kind because we have found by experience

that whenever you put such powers in the hands of the executive authority, particularly the police authorities,—I do not challenge the *bona fides* of the Home Minister or of the Government—whenever you put extraordinary powers under an extraordinary legislation like this in the hands of the police, the police mind becomes absolutely indolent. They do not go into the papers. They would not make proper investigations. They would put any person under suspicion in jail. We have had enough experience of that. I need not go into the history of the British days. Even under the national regime, we have had enough experience of this kind. So, with all the emphasis at our command, we want to oppose the introduction of this Bill.

Shri H. N. Mukerjee (Calcutta—Central): Can I make a statement, Sir, because my hon. friend has made some oblique observations? Perhaps the reasons why we oppose this motion may be made clear.

Mr. Speaker: Generally, when hon. Members want to oppose, they would like to choose one spokesman. In this case, I will allow Shri H. N. Mukerjee to make a very short speech. Generally, I will allow only one under the Rules.

Shri Hem Barua: (Gauhati): would also like to say.

Mr. Speaker: I am not going to allow him. Then it will be a regular debate. Shri Mukerjee.

Shri H. N. Mukerjee: I shall be very brief in giving our reasons for opposing the motion made by my friend the Home Minister.

As I said, my good friend here has made some observations which impel me to say that we in this House and in the country, the Communist Party, order our behaviour always in accordance with the necessities of the country and not with an eye to what is going to come from the side of the Government by way of repression or otherwise.

An Hon. Member: Or Moscow.

Shri H. N. Mukerjee: We oppose this measure that the Home Minister is now trying to bring forward, and we oppose it root and branch. We oppose it at every stage of the proceedings.

This is an unwarranted measure, this is a pernicious measure, a weapon in the hands of the executive and Government is now trying to get a longer lease of life for this legislation which earlier was introduced in a very apologetic way.

An Hon. Member: Democratic Government.

Shri H. N. Mukerjee: I feel also that Government is surreptitiously making this part of the law of the land. What was professedly an emergency measure is surreptitiously being raised into part of the permanent law of the land, and that is why we feel that this is a fraud committed on the spirit of the Constitution. This is an instrument of political vendetta which Government is trying to employ. At a time when over food, over foreign policy, over refugee rehabilitation, over economic reconstruction there is virtual unanimity in the country, the Government, in spite of it, comes forward with this kind of measure. I oppose it root and branch, we oppose it lock, stock and barrel.

Pandit G. B. Pant: I am not at all surprised and I also appreciate the position of the hon. Mover and of Shri Mukerjee.

An Hon. Member: Mover?

Mr. Speaker: They have moved the opposition.

Pandit G. B. Pant: When too many speak simultaneously, it is difficult to understand the incoherent utterance. What I was just trying to observe was this. This measure has been before the House for some time. There have been discussions almost every year on the way this measure has been put into effect. The instances which were quoted here were, I think, generally approved by the House, and it was

also felt that great care has been taken in making use of this measure.

An Hon. Member: Question.

Pandit G. B. Pant: If there was nobody to differ from me, the House would be monotonous.

So far as this measure is concerned, we all have to remember one thing. If our country has been able to make any progress and if we have any reputation in other countries, it is mainly because we have a stable Government, and we have succeeded in maintaining order in our country. If either of these were in any way disturbed or upset, much that we have gained whether in our country or outside would be lost. So, while taking care to enlarge the liberty of every individual and to see that no one is put to any unnecessary restraint or annoyance, it is, I think, the duty of all of us to see that conditions in the country are so regular, so far as we can, that the maximum number of people are able to enjoy individual liberty, that they are not deprived of their liberty because of bullies, because of persons who work underground or because such forces as are let loose occasionally in a fit of passion or rage.

Yesterday I read out a statement relating to the decisions that have been taken by the Dravida Kazhagam and what was done there. The other day we all learnt what had happened in Ramanathapuram. Things like this are still coming to our notice. We have been hearing of bomb explosions from time to time, of spies doing so many things. Can we, in these circumstances, give up the duty that we owe to the country? Its security has to be maintained, public order has to be preserved. Of course, if there is any single case in which there is any misuse, then we would be sorry.

So far as the Central Government is concerned, all orders are passed after I have personally satisfied myself. Then, as the hon. Members know, though evidence is not led in a formal way, all these cases are

brought under review and they are examined by no less a person than a Judge of a High Court. If the Judge advises that the person on whom the order of detention has been tentatively issued should be released, he is released. It is not purely an executive affair. It is something done by the executive subject to review and scrutiny by the judiciary. So, to regard it an arbitrary act done by the executive is not correct.

I do not think at this stage I am required to make an elaborate statement. We will have occasion to consider and discuss this matter, and we will all do so calmly and dispassionately. I am here to listen to every argument, and if the House really feels that we can discharge our duties and maintain the standards to which we are committed and facilitate the smooth course of progress which we all desire without having any measure of this type, we will be prepared certainly to consider the general opinion of the House, but I am convinced that situated as we are, it would not be in the larger interests of the country not to renew this Act. Some time ago we allowed the Press (Objectionable Matter) Act to lapse so that the press may enjoy greater liberty. Similarly we would have allowed this Act to lapse if we were satisfied that it is not necessary to continue it in the circumstances. And also taking into account the various measures that have been introduced by us in order to soften the rigours of the law and to enable the people who are even

convicted of crime to live a greater and a more comfortable life as was evidenced by the Probation of Offenders Bill which was introduced and which has been referred to the Joint Committee, I venture to say that our general attitude should reassure the House that we have no desire to put any fetters, but there is a sacred duty which we all owe to the millions living in the country, and if unfortunately at times someone has to be deprived of his liberty in order that very large numbers of people who would otherwise be affected by his being at large, then such action should not be looked at with disfavour.

Mr. Speaker: The question is:

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

Those in favour will say "Aye".

Some Hon. Members: Aye.

Mr. Speaker: Those against will say "No".

Some Hon. Members: No.

Mr. Speaker: The "Ayes" have it.

Some Hon. Members: The "Noes" have it.

Mr. Speaker: Let the lobbies be cleared, and then division if necessary.

The Lok Sabha divided: Ayes 151; Noes 50.

Division No. 8]

AYES

[12.23 hrs.

Achar, Shri
Agadi, Shri
Alva, Shri Joachim
Anjanappa, Shri
Ayyakannu, Shri
Azed, Maulana
Bagdi, Shri
Baldev Singh, Sardar
Bancrji, Shri P. B.
Berman, Shri
Besappa, Shri
Besumatari, Shri
Bhagavati, Shri

Bhakt Darshan, Shri
Bhargava, Pandit Thakur Das
Bhatkar, Shri
Bhogil Bhai, Shri
Bidari, Shri
Birbal Singh, Shri
Brahm Perkaash, Ch.
Chanda, Shri Anil K
Chavda, Shri
Chettiar, Shri R. Ramanathan
Chuni Lal, Shri
Dejait Singh, Shri
Dasappa, Shri

Datar, Shri
Desai, Shri Morarji
Dindod, Shri
Dinesh Singh, Shri
Dube, Shri Mulchand
Dubliish, Shri
Dwivedi, Shri M. L.
Elayaperumal, Shri
Geethwad, Shri Pite Singhrao
Gandhi, Shri Peroot
Ghooh, Shri M. K.
Gohain, Shri
Guha, Shri A. C.

Hada, Shri Subodh
 Hanarika, Shri J. N.
 Hada, Shri
 Hukam Singh, Serdar
 Iqbal Singh, Serdar
 Jain, Shri M. C.
 Jang Bahadur Singh, Shri
 Jena, Shri K. C.
 Jinachandran, Shri
 Jogendra Sen, Shri
 Joahi, Shrimati Subhadra
 Jyotishi, Pandit J. P.
 Kamungo, Shri
 Karmakar, Shri
 Kaulwal, Shri
 Kayal, Shri P. N.
 Keskar, Dr.
 Khan, Shri Shah Nawaz
 Khimji, Shri
 Kishaitiya, Shri
 Krishna Chandra, Shri
 Krishnamachari, Shri T. T.
 Krishna Rao, Shri M. V.
 Lachman Singh, Shri
 Laxmi Bai, Shrimati
 Madho Ahmed, Shrimati
 Maniyaganadan, Shri
 Manjula Devi, Shrimati
 Mehdi, Shri S. A.
 Mehta, Shri B. G.
 Mehta, Shri J. R.
 Melkote, Dr.
 Misimata, Shrimati
 Mishra, Shri Bibhuti
 Mishra, Shri S. N.
 Mishra, Shri R. R.
 Mohammad Akbar, Shaikh
 Munisamy, Shri N. R.

Murmu, Shri Felka
 Murthy, Shri B. S.
 Musafir, Giani G. S.
 Nadar, Shri P. T.
 Nair, Shri Kuttikrishnan
 Naldurgker, Shri
 Nallakoya, Shri
 Nanjappa, Shri
 Narayanaswamy, Shri R.
 Nayak, Shri Mohan
 Nehru, Shri Jawaharlal
 Nehru, Shrimati Uma
 Oza, Shri
 Padalu, Shri K. V.
 Palchoudhuri, Shrimati H.
 Pande, Shri C. D.
 Pandey, Shri K. N.
 Pangarkar, Shri
 Pattabhi Raman, Shri C. R.
 Patel, Shrimati Maniben
 Patil, Shri S. K.
 Pillai, Shri Thanu
 Raghunir Sabai, Shri
 Raghunath Singhji, Shri
 Rajiah, Shri
 Ramaswami, Shri S. V.
 Ram Subhag Singh, Dr.
 Ranbir Singh, Ch.
 Rane, Shri
 Rangarao, Shri
 Rao, Shri Hanumanth
 Rao, Shri Jagannatha
 Raut, Shri Bholu
 Ray, Shrimati Renuka
 Reddy, Shri Narapa
 Reddy, Shri Viswanatha
 Roy, Shri Bishwanathu

Rungwong Soies, Shri
 Saigal, Shri A. S.
 Samanta, Shri S. C.
 Sanganna, Shri
 Sachadi, Shri Ajit Singh
 Satish Chandra, Shri
 Selku, Shri.
 Sen Shri, A. K.
 Sen, Shri P. G.
 Shah, Shri Manubhai
 Shankaraiya, Shri
 Sharma, Shri C. D.
 Sharma, Shri R. C.
 Shastri, Shri Lal Bahadur
 Shivananjappa, Shri
 Shukla, Shri V. C.
 Siddananjappa, Shri
 Siddiah, Shri
 Singh, Shri K. N.
 Singh, Shri T. N.
 Sinha, Shri Anirudh
 Sinha, Shri B. P.
 Sinha, Shri Gajendra Prasad
 Sinhasan Singh, Shri
 Snatak, Shri Nardco
 Somani, Shri
 Subbarayan, Dr. P.
 Sumat Prasad, Shri
 Swaran Singh, Serdar
 Tewari, Shri Dwarikanath
 Thakur Das, Kala
 Thirumala, Shri
 Thirumala Rao, Shri
 Upadhyaya, Shri Shiva Datt
 Vedakumari, Kumari M.
 Wadwa, Shri
 Wodeyar, Shri

NOES

Assar, Shri
 Atchamamba, Dr.
 Banerjee, Shri Pramathanath
 Bazrow, Shri
 Berua, Shri Hem
 Bharucha, Shri Naught
 Braj Raj Singh, Shri
 Chakravartty, Shrimati Renu
 Chandramani Kalo, Shri
 Chaudhuri, Shri T. K.
 Dasgupta, Shri B.
 Dige, Shri
 Elias, Shri M.
 Galkwad, Shri B. K.
 Ghosal, Shri
 Ghose, Shri Bimal
 Godwara, Shri S. C.

Gupta, Shri Sadhan
 Haider, Shri
 Imam, Shri Mohamed
 Jaipal Singh, Shri
 Kar, Shri Prabhat
 Karni Singhji, Shri
 Kuttji, Shri D. A.
 Khadilkar, Shri
 Krishnaaswami, Dr.
 Kumbhar, Shri
 Kunhan, Shri
 Mahanty, Shri
 Majhi, Shri R. C.
 Maiti, Shri N. B.
 Matin, Jazi
 Menon, Shri Narayanankutti
 Mukerjee, Shri H. N.

Mullick, Shri B. C.
 Nair, Shri Vasudevan
 Nayar, Shri V. P.
 Panigrahi, Shri
 Parulkar, Shri
 Patel, Shri P. R.
 Patil, Shri Nana
 Patil, Shri U. L.
 Prodhan, Shri B. C.
 Punnoose, Shri
 Ramam, Shri
 Ram Gaudb, Shri
 Rao, Shri T. B. Vittal
 Singh, Shri L. Achow
 Thakore, Shri M. B.
 Valvi, Shri
 Warlor, Shri

The motion was adopted.

Pandit G. B. Pant: Sir, I introduce the Bill.

(Some hon. Members left the House)

Shri H. N. Mukerjee: Sir, you will forgive me just to intimate to you with great regret after this exhibition of the Government's temper in regard to civil liberties, we consider it our duty to leave the House.

(Shri H. N. Mukerjee left the House)

PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL*

The Minister of Law (Shri A. K. Sen): Sir I beg to move for leave to introduce a Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament.

Mr. Speaker: Whichever hon. Member wants to leave his seat may do so gently. No hon. Member shall leave or stand while I am standing. I am exceedingly sorry that hon. Members do not observe rules of decorum in this House. No hon. Member shall stand while I am standing. Even the Members of the opposition have left the House in an orderly manner. I cannot understand why hon. Members on this side should make such disorder and go out making a lot of noise.

The question is:

"That leave be granted to introduce a Bill to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament."

The motion was adopted.

Shri A. K. Sen: I introduce the Bill.

INDIAN TELEGRAPH (AMENDMENT) BILL

The Minister for Transport and Communications (Shri Lal Bahadur Shastri): Sir, I beg to move:

"That the Bill further to amend the Indian Telegraph Act, 1885, as passed by the Rajya Sabha, be taken into consideration."

The basic objective of the amending bill is to terminate the present individual hiring contract system between the Telephone Department on the one hand and our subscribers on the other, and to substitute in its place statutory rules for the governance of this relationship. It would be readily appreciated that the entering into of individual contracts on each occasion, when a telephone has to be provided or some other change has to be made, entails considerable unnecessary work and makes for delays which we are anxious to avoid. The old arrangement was all right when the number of telephones was relatively small and the larger telephone systems were run by private concerns. At that time it was necessary to have individual contracts laying down the rights of the two parties. The situation has now changed completely in so far as the entire telephone system is now run by Government. Apart from this, the number of telephone connections has shown a rapid increase in recent years, and the present arrangements for individual hiring contracts have proved very cumbersome and dilatory. Hon. Members may be interested to know while on 31st March 1947 the number of telephones was 1,23,149, on 31st March 1957 the number exceeded three lakhs.