

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair].

STATEMENT RE. GOVERNMENTS
ATTITUDE TOWARDS DETEN-
TION OF STUDENTS, POLITI-
CAL LEADERS AND WORKERS
UNDER PREVENTIVE DE-
TENTION ACT

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI P. S. NASKAR): In a statement that was made by the Home Minister in this House on 16th November last we indicated our general approach towards the problems of students and made an appeal to them for a cooperative and constructive attitude. Our future hopes are centred in the youth and we are most anxious to do all that is possible with our resources to provide them congenial conditions in which they can fully develop their potentialities and equip themselves for the tasks that lie ahead. This is the general perspective in which we would like to approach all matters concerning students. We have already asked for from the States information about student who are in preventive detention or in prison following conviction or in custody in connection with pending criminal cases. As soon as the information is received we shall consult the Chief Ministers concerned. Our general approach in this matter is that where action has been taken for breaches of law not involving violence, the cases should be reviewed in a sympathetic and liberal spirit. The same approach should be adopted in cases of preventive detention. I am sure the House will agree with me that where violence is involved, Government owe it to the society to be firm and to enforce the law.

2. About political leaders and workers detained under the Preventive Detention Act, may I say at the outset that we do not want anybody to be kept in preventive detention a day longer than is manifestly necessary for the maintenance of peace and order. We are anxious that the General Election should be held in completely free

atmosphere and in as normal conditions as possible. I would not only like all the actions of Government to be informed by this spirit but also to appear to be so informed. We shall take an early opportunity to consult the Chief Ministers and I am confident that they will be willing to review cases of preventive detention in the spirit I have just mentioned.

3. I hope that the House will appreciate that the implementation of the policy I have stated requires the co-operation of the various political parties. If it is necessary for Government to act with utmost restraint it is equally necessary for all political parties to do all that lies in their power to maintain peaceful conditions.

All of us who have the interest of our democracy and free institutions at heart have to cooperate in ensuring that the next General Election is held in a free and peaceful atmosphere.

SHRI NIREN GHOSH (West Bengal): May I seek some clarifications? May I know whether the Government will release all the students and political leaders and, if not, why not? Will the detention cases launched against them be withdrawn? That is a universal demand of the students and also of the Opposition parties at least. At least a section of the Congressmen also demand that. May I know whether there would be a judicial probe into all the cases where the police have entered the University campus to find out whether they launched attacks against the students?

The University of Calcutta has been closed *sine die* because certain very brilliant scholars protested against the nepotism and corruption in the Presidency College and they wanted the rectification of that. Because of that the premier University of India has been closed *sine die*. It is a strange state of affairs and the Government refuses to intervene. About 8 to 10 national scholars are there. May I know whether the Government would make a summary rule that the police would be banned from entering into

[Shri Niren Ghosh.]
the College campus and the University premises? These are the points I want to be clarified.

SHRI P. S. NASKAR: The hon. Member has raised about the policy regarding release of students and political workers. I have just explained the broad aspect of the Government's approach to this question and the member has suggested about the Calcutta University taking action. As you know, education comes under the purview of the State Government and the Member has got his own Party members, eminent Members in Bengal and let them approach the Chief Minister there. About the judicial probe about the police action, the State Governments are concerned and they can take action wherever they deem fit.

SHRI NIREN GHOSH: Will the Central Government advise them?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): That is in the statement,

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, जो यह बयान मंत्री जी ने किया है इसके पहले ही जब हम लोग जेल से छूट कर आए थे तो कुछ केसेज घर मंत्री के पाम भेजे गये थे। तिहाड़ जेल से हम लोग छोड़े गए, हमारे साथ श्री जनेश्वर मिश्र, इलाहाबाद वाले, हमारे साथ श्री सत्यदेव त्रिपाठी लखनऊ के और श्री राम आसरे वर्मा लखनऊ के, तीन आदमी छोड़े गये। जेल के गेट पर फिर उन्हें गिरफ्तार कर लिया गया। उनके ऊपर कोई चार्ज नहीं रहा, अगर चार्ज के ऊपर रहा हो तो किसके चार्ज के ऊपर? इलाहाबाद के डिस्ट्रिक्ट मजिस्ट्रेट के। मैं आगे समझाने में असमर्थ हूँ कि किस तरह संविधान की और कानून की अवहेलना हुई है श्री जनेश्वर मिश्र की गिरफ्तारी में। श्रीमन्, मैं समझता हूँ आपको इसकी अच्छी जानकारी है, कोई एक नज़ीर नहीं बताई जा सकती कि एक ज़िला के डिस्ट्रिक्ट मजिस्ट्रेट का वारंट रहा हो और कोई दूसरा . . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : मंत्री जी से आप क्या पूछना चाहते हैं वह पूछिये।

श्री राजनारायण : मैं पूछने के लिए यह उदाहरण दे रहा हूँ। एक ज़िला जेल में कोई बन्द है और दूसरे ज़िले के मजिस्ट्रेट का प्रिवेन्टिव्ह डिटेन्शन का आर्डर है। एक जेल के गेट से छूट कर दूसरे ज़िला के मजिस्ट्रेट के आर्डर पर गिरफ्तार क्यों हुआ है। इलाहाबाद जिले का मजिस्ट्रेट जनेश्वर मिश्र के बारे में प्रिवेन्टिव्ह डिटेन्शन का आर्डर देता है, तिहाड़ जेल से छूटते हैं कि फाटक पर गिरफ्तार होते हैं। तमाम वकील, एडवोकेट, बैरिस्टर लोगों की राय है कि इगमेंट संविधान और कानून की हत्या हुई है।

पंडित श्याम सुन्दर नारायण तन्खा (उत्तर प्रदेश) : हैबियस कोर्पस क्यों नहीं मूव किया गया है। मामूली चीज नहीं है, बहुत बड़ी चीज है।

श्री राजनारायण : हाँ, लेकिन हमको वायदा किया था कि ये लोग छोड़ दिये जायेंगे 25 तारीख को, क्योंकि वहाँ की सी०आई०डी० कहती थी कि उनके बारे में यह खतरा बनाया जाना है कि चूंकि 25 तारीख को इलाहाबाद में गण्डूपति जाने वाले थे और जनेश्वर मिश्र की उपस्थिति से खतरनाक घटना हो सकती है। मैं जानना चाहता हूँ कि क्या सत्यदेव त्रिपाठी छोड़े गये कि नहीं, राम आसरे छोड़े गये कि नहीं? क्या गवर्नमेंट को सुप्रीम कोर्ट की वह रूलिंग याद है। सुप्रीम कोर्ट ने रीसेन्टली रूलिंग की है कि प्रिवेन्टिव्ह डिटेन्शन में छः महीने तक तो गवर्नमेंट रख सकती है सस्पेन्शन में मगर छः महीने के बाद उनको कान्क्रीट रीजन्स देकर गिरफ्तारी को सब्स्टेन्शियेट करना होगा। क्यों लखनपाल इसी दिल्ली तिहाड़ जेल में साल से ऊपर से बन्द है, मैं जानना चाहता हूँ? लखनपाल को आज तक क्यों बन्द करके रखा है।

तीसरी बात श्रीमन्—आप भी इसमें हमारे भावों के प्रति सहानुभूति रखते हैं और आपका विचार भी सम्भवतः हमारे समकक्ष है—यह जो अकेडेमी काउन्सिल का रिजोल्यूशन है, जिसमें कि वैदिक को हिंदी में परीक्षा पत्र लिखने के कारण उनके परीक्षा के नतीजे को रोक कर रखा गया है तो इस मामले . . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : राजनारायण जी, यह तो इस विषय में नहीं आता ।

श्री राजनारायण : आता है, क्योंकि हड़ताल होगी, क्योंकि सरकार कहती है . . .

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : नहीं आता है । देखिये नियमों के अनुसार चलें । यह नहीं आता है ।

श्री राजनारायण : देखिये हम नियमों के अनुसार कैसे लाते हैं ।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : लाने का सवाल नहीं है, आता नहीं है ।

श्री राजनारायण : आता नहीं है ? खैर, अगर आप कहते हैं तो ठीक है । हमारी समझ में तो आता है । मगर इस समय आप ही की राय से चलना होगा । हमें खाली इतना कहना था कि सरकार जो सद्भावना दिखा रही है, इसे अपने बयान के जरिये, इस सद्भावना की पूर्ति नहीं हो पायेगी अगर सरकार इस तरह के कार्य पर प्रतिवन्ध नहीं लगायेगी क्योंकि एजीटेशन हो सकता है, गम्भीर स्थिति पैदा हो सकती है, क्योंकि यह संविधान की हत्या है । इसलिये मैं कहना चाहता हूँ ।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : बस अब ठीक है ।

SHRI P. S. NASKAR: If I could understand correctly, Mr. Rajnarain gave a number of suggestions. I take it that these are suggestions for action and I take note of the suggestions.

SHRI CHITTA BASU (West Bengal): We have heard the Minister indicating the broad perspective in the matter of meeting the students' unrest now prevailing throughout the country. In the context of these broad perspectives, may I ask him whether the Government is prepared to consider the proposal that the Government should convene a national conference of all the representatives of the political parties, students' organisations and educationists of the country to find out ways and means to give direction to the younger generation of this country so that there may not be any unrest in the country and their genuine grievances are redressed.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): That is a suggestion. You need not reply.

SHRI CHITTA BASU: May I know whether they agree to it?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He will convey it to the other Minister. He cannot give the answer.

SHRI CHITTA BASU: Let him say.

SHRI A. P. CHATTERJEE (West Bengal): The statement of the Minister really looked like the first election shot fired from the Congress Benches. It looked like that. I want him to clarify two or three points, apart from his apparently saintly statement. He said that as far as the P. D. Act is concerned, nobody will be detained for a period more than necessary. If the P. D. Act is really utilised for detention according to the necessity of the ruling clique, then does he think he is making a saintly use of the Act? It is not a question of keeping a man

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in detention for a period which is found to be necessary by the Government. The whole question is, why should a person be detained without trial?

Why should it be even for one hour or twenty-four hours or forty-eight hours?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We will have to discuss that Act tomorrow. You can say all this then.

SHRI A. P. CHATTERJEE: It is true.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Whatever clarification you want to seek on this, please seek that much.

SHRI A. P. CHATTERJEE: Yes, clarification. Will he kindly give this assurance that he will really try not to use the Preventive Detention Act for purposes of detention without trial, even for one hour or for twenty-four hours or for forty-eight hours? This is the first thing. The second thing is this that he waxed eloquent only about the cases under the Preventive Detention Act. Now what about the thousand other cases against the students which have been processed, and filed by the police, of course under inspiration against the students, under minor provisions of the Criminal Procedure Code, or of the Indian Penal Code, but which are very harassing? Look at the provision of section 107 of the Criminal Procedure Code, Sir. We know what happened to one of our hon. Member here—Mr. Rajnarain. Seeing that he was arrested under . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Chatterjee, I must say you are going beyond the purview of the Statement. You can seek clarification only on the Statement.

SHRI A. P. CHATTERJEE: No, Sir, I am within the statement for this reason that I am just putting this for the Minister to kindly answer. Will he see that these harassing criminal proceedings under section 107, which ultimately come to nought—everybody knows that ultimately the proceedings under sections 107, 144, and all that—they come to nought,—they have to be withdrawn because nothing comes of them—will he see that these harassing proceedings are not used against the students, and if they are still in use against the students, will he see that these are withdrawn? The third question which I shall put to the hon. Minister for his kind answer is this, namely, whether he is prepared to advise the Public Prosecutor acting on behalf of the State, or advise the Public Prosecutors throughout the places where the students have been arrested, for various offences, under the criminal laws, well, will he advise the Public Prosecutors to withdraw the cases against the students, and not do anything by way of vengeance or revenge, so that the students may carry on with their studies, and the students may live in peace? These are the three questions which the hon. Minister may kindly answer.

SHRI P. S. NASKAR: The first thing I have to say is that the hon. Member—I am sorry to mention this—I think he has not taken my statement in the very spirit in which I made it. He has a suspicion in his mind. He has made certain suggestions for action; I do not want to go into them, but it pains me when I find that the hon. Member says that the Congress has made it the first General Election shot. Well, my hon. friend may be good at shooting, but at least I am not good at shooting, or making shots. Suggestions have been made regarding the application of the criminal law. Now the laws of a country prevail, and anybody who has been arrested—I do not say 'harassed', but the hon. Member says—or harassed, anybody against whom action has been taken under the law, has the law

courts where he can go and prove his innocence. The other points made by the hon. Member are suggestions for action and I leave them there.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at twenty-four minutes past five of the clock, till eleven of the clock on Tuesday, the 6th December, 1966.