

[श्री राजनारायण]

अपने टिकट के लिए ही बराबर न दौड़ा करें, जो उनके कर्तव्य हैं उनके प्रति भी सचेत रहें ?

श्री सभापति : राजनारायण जी, आपने जो बात कही थी वह मैंने उनसे कह दी है। मैंने उनसे कह दिया है कि जब इनफार्मेशन आ जाय तों बतला दें; वे बतला देंगे।

SHRI A. P. CHATTERJEE (West Bengal): Why should he be so much solicitous?

MR. CHAIRMAN: Yes, Mr. Chatterjee, you have not said anything about this point.

SHRI NIREN GHOSH: Some people are being detained in Tripura and one at Darjeeling. They are political workers belonging to different political parties. They are under detention. May I know whether that will also be considered by the Government?

MR. CHAIRMAN: You take note of what is being said (*addressing Shri P. S. Naskar*).

ENQUIRY RE. CALLING ATTENTION NOTICE

SHRI ARJUN ARORA (Uttar Pradesh): I have given a Calling Attention Notice regarding the Peking Radio.

MR. CHAIRMAN: I will not allow you to speak on that now because I have not allowed it. You have to wait till it is admitted.

SHRI ARJUN ARORA: I want to know. . . .

MR. CHAIRMAN: You will get information from the office and you will get it promptly.

SHRI ARJUN ARORA: The Government is not saying.

MR. CHAIRMAN: I do not want the Government to say anything. I have not admitted the notice. If I have admitted, then they will say after that and if I do not admit it they will not say anything.

SHRI ARJUN ARORA: It is serious.

MR. CHAIRMAN: Every matter that a Member of the House raises is serious but there is a procedure that has to be followed.

THE PREVENTIVE DETENTION (CONTINUANCE) BILL, 1966

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI P. S. NASKAR): Sir, I beg to move:

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

In moving this Bill, I say that it is necessary to understand the reason for having a legislation such as the Preventive Detention Act. I am myself distressed that it should be necessary for the Executive to take recourse to the provisions of the Preventive Detention Act. Had the circumstances been normal, the country would not have needed such provisions but we cannot say that the situation to-day is normal. In a democracy, nobody can take any objection to peaceful agitations but if the agitations tend to become violent, Government has to take a serious note of them. The first and the primary duty of any Government is to properly maintain law and order . . .

SHRI DAHYABHAI V. PATEL (Gujarat): The other House is not sitting. This is a very serious measure. Why is the Minister not here to move this? This is a serious matter which concerns the civil liberty of the citizens and I thought they would have attached importance to civil liberties. Is this the importance that they attach to this and to this House?

SHRI NIREN GHOSH (West Bengal): Always some Deputy-Minister comes here. The Minister is absent . . .

THE LEADER OF THE HOUSE (SHRI M. C. CHAGLA): A colleague of the Home Minister, the Deputy Minister, is introducing the Bill. I am sure the Home Minister must have been detained. No disrespect is meant to this House.

SHRI LOKANATH MISRA (Orissa): Is he under preventive detention? Where?

SHRI M. C. CHAGLA: I am sure the Home Minister will be the last person in the world to show any disrespect to this House. This House is as important as the other House and he may have other work.

[THE DEPUTY CHAIRMAN in the Chair]

SHRI DAHYABHAI V. PATEL: Is not Parliament's work more important?

SHRI RAJNARAIN (Uttar Pradesh): This is against parliamentary practice.

THE DEPUTY CHAIRMAN: He is moving the Bill and the Home Minister would be here later.

(*Interruptions*)

SHRI P. S. NASKAR: My dear friend, I have jotted down my own notes. I do not want to go beyond the line, and that is why I am making my introductory remarks in brief.

But we cannot say that the situation today is normal. In a democracy nobody can take any objection to peaceful agitations, but if the agitations tend to become violent, Government has to take serious note of them. The first and the primary duty of any Government is to properly maintain law and order, so that the citizens can carry on their normal work without fear or anxiety. Anti-social elements are always quick to take advantage of any situation and molest the law-abiding citizens for their own gains. The number of such people in any society is fortunately very small. But if the Government fails to maintain law and order properly, these elements are likely to utilise the situation to the detriment of the whole society. It is, therefore, essential that in order to maintain order and the rule of law in the society, some restrictions should be placed on the fundamental rights granted to the citizens. Our Constitution has protected the life and liberty of every person. However, the Constitution itself permits a law for preventive detention for maintaining proper order in the society.

I can assure the hon. House, Madam, that the Government will not keep alive the law of preventive detention a day longer than is necessary. I am also assure the House that the provisions of the Preventive Detention Act will be utilised only in the interest of keeping order in the society.

The question was proposed.

SHRI NIREN GHOSH: I oppose the introduction of the Bill.

THE DEPUTY CHAIRMAN: Professor Ruthnaswamy.

SHRI NIREN GHOSH: I oppose the motion for introduction of the measure.

THE DEPUTY CHAIRMAN: The Bill is not at the introduction stage; it is in the consideration stage. I have already called Professor Ruthnaswamy to speak on the Bill.

SHRI M. RUTHNASWAMY (Madras): Madam Deputy Chairman, the first question that one puts to oneself and to the House on the introduction of this Bill . . .

SHRI NIREN GHOSH: Is there no provision to oppose the consideration of the Bill?

SHRI G. MURAHARI (Uttar Pradesh): There is.

THE DEPUTY CHAIRMAN: I do not think so. When I put it to the vote, you may of course oppose it.

SHRI RAJNARAIN: The Bill should not be introduced.

SHRI NIREN GHOSH: Another thing . . .

THE DEPUTY CHAIRMAN: The motion has been moved and I have called Professor Ruthnaswamy to speak.

SHRI NIREN GHOSH: I oppose the consideration of the Bill.

THE DEPUTY CHAIRMAN: At the consideration stage.

SHRI NIREN GHOSH: We oppose it. You may tell us if there is any provision that stands in the way of our opposing it.

(Many hon. Members stood up to speak)

THE DEPUTY CHAIRMAN: All three of you are standing. One at a time please Mr. Chitta Basu.

SHRI CHITTA BASU (West Bengal): What we want to say is this. We want to oppose the Bill, we want to oppose the consideration of this Bill. There is no question of consideration of the Bill here. We want to oppose it.

SHRI AKBAR ALI KHAN (Andhra Pradesh): On a point of order. There is no question of introduction when the Bill is at the stage of considera-

tion: Everybody has a right to oppose it at the proper time; but you cannot stop a discussion on the Bill:

THE DEPUTY CHAIRMAN: Mr. Mulka Govinda Reddy.

SHRI MULKA GOVINDA REDDY (Mysore): Only last month when the Home Minister wanted to introduce the Police Forces (Restriction of Rights) Bill, 1966, at the very introduction stage we all opposed it and a division was demanded. So even at the introduction stage we have every right to oppose it. Let them by-pass that opposition and over-rule that and then introduce it.

SHRI NIREN GHOSH: I want to know whether or not there is any provision in the Rules of Procedure and Conduct of Business of the House under which we can oppose the consideration of this measure.

THE DEPUTY CHAIRMAN: Yes, you can oppose the motion for consideration when it is put to vote.

SHRI NIREN GHOSH: Before the debate starts, since he has moved the motion for consideration of this Bill . . .

SHRI LOKANATH MISRA: If I may intervene, this particular Bill was introduced in the other House. Therefore, there is no occasion for resisting the introduction of it here, because it had already been introduced. Now during the consideration stage we can vehemently oppose this. The Bill is not being introduced for the first time in this House; it had already been introduced in the other House. Now it is the stage for consideration of it and, naturally, in the course of the debate, you can speak against the Bill and oppose the consideration motion when it is put to vote.

SHRI NIREN GHOSH: Whether it should be considered or not is the question and we want to take up that question first. We want to oppose the consideration of the Bill. Whether it should at all be considered or not, is the question.

SHRI CHITTA BASU: We oppose the consideration of this Bill; it is an illegal measure.

THE DEPUTY CHAIRMAN: Your point exactly is whether it should be considered or not. Therefore, in your speech you can put forward arguments saying that it should not be considered and then, when I put it to the vote, at the consideration stage, you may oppose the Bill, but at this stage of consideration, in the very beginning, you cannot oppose it, and I have already put the motion before the House.

SHRI RAJNARAIN: On a point of order, Madam.

THE DEPUTY CHAIRMAN: Not now please.

SHRI G. MURAHARI: On a point of order. This Bill has been brought into this House now. The Lok Sabha might have passed it in its wisdom, that is another matter, but when this Bill has to be considered by this House, we have every right, Madam, not to waste our time considering it because, if we take part in this discussion, we will be wasting a whole day discussing this Bill which cuts at the very roots of the fundamental liberties of the people, which goes against the Constitution and against the liberties guaranteed by the Constitution; it is only trying to perpetuate the rule by ordinances and the detention of people without trial.

SHRI AKBAR ALI KHAN: Please quote the rule

SHRI G. MURAHARI: It is the same rule which governs Introduction of Bills.

SHRI A. P. CHATTERJEE (West Bengal): Madam it is true that the Bill has been introduced and therefore there is nothing to oppose the introduction. But then, under rule 70 of the Rules of Business, under sub-rule (2) of rule 70, even at this stage, as soon as the member in charge moves

that the Bill be taken into consideration, we may move that it be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon . . .

THE DEPUTY CHAIRMAN: You are quoting the wrong rule. The rule is 121. What you are quoting does not apply to what we are going to debate on here today.

SHRI A. P. CHATTERJEE: It is consideration of the Preventive Detention (Continuance) Bill, and if it is a question of the consideration of the Preventive Detention (Continuance) Bill, we can certainly derive the benefit of rule 70 of the rules.

THE DEPUTY CHAIRMAN: Have you done with it?

SHRI A. P. CHATTERJEE: I just place it.

THE DEPUTY CHAIRMAN: You cannot take the time of the House for long on this issue.

SHRI A. P. CHATTERJEE: Only two minutes more and I finish my point of order.

SHRI NIREN GHOSH: Time has got to be taken.

SHRI A. P. CHATTERJEE: After all it is a black Bill and therefore you must give the Opposition some time.

Now, Madam, as far as rule 70 is concerned, it is a rule which appears under the head "Motions after introduction of Bills". Therefore this is such a Bill and rule 70, sub-rule (2), is applicable. Now under rule 70, sub-rule (2) well, we can immediately move here and now that the bill may not be taken into consideration but may be circulated for the purpose of eliciting opinion thereon.

SHRI AKBAR ALI KHAN: Well, that relates to a Rajya Sabha Bill.

SHRI A. P. CHATTERJEE: Where is it said that it relates to Rajya Sabha Bills? Further, Madam, as far as rule

[Shri A. P. Chatterjee.]

121 is concerned, well, I will humbly submit that it does not relate at all to the present Bill which has to be considered in the Rajya Sabha at this particular moment. Therefore I am submitting all this.

THE DEPUTY CHAIRMAN: I say that what Mr. Chatterjee has said does not apply at all in this case and, therefore, the debate will continue. Professor Ruthnaswamy.

श्री राजनारायण : आपने तो हमारा प्वाइंट आफ ऑर्डर सुना ही नहीं ।

SHRI B. K. P. SINHA (Bihar): There is no point of order.

THE DEPUTY CHAIRMAN: I have given my ruling that the debate will continue.

श्री राजनारायण : मेरा प्वाइंट आफ ऑर्डर तो सुन लीजिये ।

उपसभापति : आपका प्वाइंट आफ ऑर्डर क्या है ?

श्री राजनारायण : मेरा प्वाइंट आफ ऑर्डर यह है कि जो रूल आपने कोट किया है वह रूल यहां पर एप्लाइ नहीं करता । रूल 121 यह है :

"When a Bill originating in the House has been passed by the House and is transmitted to the Council, the Bill shall, as soon as may be, be laid on the Table."

रूल 121 महज इतना ही कह रहा है । मुझे मालूम नहीं कि रूल 121 का हवाला देकर यहां क्यों कहा जा रहा है । मुझे कृपा करके यह बताएं, संसदीय प्रथा के मुताबिक . . .

उपसभापति : यह तो प्रोसीजर है ।
The Bill was placed on the Table.

श्री राजनारायण : यह तो कहीं नहीं लिखा हुआ है अगर यहां कोई विधेयक आया हुआ है तो सरकार कहे हम इस विधेयक को इंट्रोड्यूस करना चाहते हैं । अगर यह मान लिया जाय कि इंट्रोड्यूस हो गया है तो फिर वहां इंट्रोड्यूस करने की कोई जरूरत नहीं है ।

दीवान चमन लाल (पंजाब) : इंट्रोड्यूस नहीं हो रहा है ।

THE DEPUTY CHAIRMAN: I think there is no point of order in what you have said and I do not think you should take the time of the House in this way. Now, Prof. Ruthnaswamy.

SHRI M. RUTHNASWAMY: Madam Deputy Chairman, as I was saying when I was interrupted, when such a Bill is introduced in the House, the question which comes to one's mind is, how much longer is this Preventive Detention Act to be continued in this country. Preventive Detention Bills come normally only in times of war, when the times are so difficult that it is necessary in the interest of national security to put certain people who may threaten that national security in temporary detention. But here we are in the flood tide of peace when we are called upon to continue this obnoxious measure. No other country in the world, as far as I know, has a Preventive Detention Act during times of peace. The hon. Deputy Minister while introducing the Bill said there were certain elements of disorder in this country which cannot be counteracted except through such a Preventive Detention Act. But recently when proceedings were taken against two colleagues of ours in this House, it was not the Preventive Detention Act that was invoked. It was the ordinary law, the ordinary criminal law, the ordinary Criminal Procedure Code that was invoked and these people were taken into judicial custody. So even the threat to peace that was referred to

by the Deputy Minister in his speech can be overcome by the ordinary law of the land. One would think that the Government was waging a war against Shri Rajnarain and Shri Gauri Murahari and others. Otherwise, is there a war in which they are engaged? It is not a time of emergency. It is not a time of war with China or a time of war with Pakistan. In times of war you can re-issue or re-introduce such a Preventive Detention Bill. But now it looks as if there is no difference between punitive detention and preventive detention. In both these cases, people are kept in custody for various periods of time. The only difference is that in the case of punitive detention the citizen in question gets the benefit of a public judicial hearing. He has the right to cross-examine. He has a right to be defended. But in the case of preventive detention no such safeguards for the citizen are allowed, except a very flimsy protection in the form of an Advisory Board which may advise the Government about the period of detention of that citizen. A man may be arrested on mere suspicion. Winston Churchill once said that the difference between a free state and a totalitarian State is that in a totalitarian State you may hear the policeman knock at your door any time of the day or night and you may be spirited away, whereas in a free country you cannot be spirited away except after a judicial trial, after a public trial. This measure is also unnecessary because as I have already said, under the ordinary law of the country, under the ordinary criminal law of the land, persons who are a danger to the security of the country can be taken into judicial custody and kept there for a temporary period of time. Madam Deputy Chairman, I think this is a blot on the legal escutcheon of this country and it should be removed and it should no longer be allowed to stay there. Otherwise it is a reflection on the democracy of this country. Men in the Government, men in position, boast that this is the greatest democracy in the

world. It looks as if it is the greatest democracy because it has got such a large number of people. But if the rights of the citizens and the liberties of the citizens* are considered, then I am afraid it must take a seat very far back in the concourse of democratic nations. So in the interest of private liberty, in the interest of individual liberty and for the sake of the good name of the country, I oppose this Preventive Detention Bill and I hope for the day when the Government itself will be ashamed of it and refrain from bringing such Preventive Detention Bills before Parliament.

SHRI N. R. M. SWAMY (Madras): Madam Deputy Chairman, while supporting the extension of the Preventive Detention Act for a further period of three years, I have to offer some observations with regard to some of the points raised by other hon. Members here. We are all aware that during times of peace or times of aggression, especially during times of aggression, we have to defend the country against enemies. For the defence of the country, when there is an attack by persons coming by land we have got the Army. When they come by air we have the Air Force and when they come by the sea we have the Navy. We have got these three Services to prevent aggression and for maintaining the integrity of our country. But as far as law and order is concerned, as far as the question of maintaining our democracy is concerned, we must have the Preventive Detention Act. Unfortunately it has happened like this. When the Sovereign Democratic Republic of India was for the first time formed, it was done on the 26th of November, 1949. Three months after that, this measure for preventive detention was introduced by the late Sardar Patel. While introducing that Bill and while passing it he went through agony. Ultimately he was reconciled to the position that he could not do without it then. But he also said that

[Shri N. R. M. Swamy.]

when the time came it will be removed from the statute book. But unfortunately what happened was this. Ever since this law came into existence, something or the other has been going on to disturb the law and order of the land, to disturb the tranquillity of the country. The position is such that the normal law, the normal common law of the land, is not going to help us in this matter because it takes a long time to establish the guilt of a particular person. So it has been felt that this law is necessary so that the person concerned may be put in detention for some time and when the position becomes normal, he may then be released.

AN HON. MEMBER: When?

SHRI N. R. M. SWAMY: Therefore what I would say is that for the purpose of maintaining peace in such situations there is no other go except to preserve this Act for such time as is necessary. We can eliminate it when conditions become normal. We have seen the position here on the 7th of November when even sadhus transgressed the limits. We never thought that sadhus would become violent to that extent. Because of that they had to resort to those other measures. Even on the 18th of November we would have had a similar demonstration and agitation, but for the timely safeguards that were taken by the Home Ministry. Therefore, as far as the Preventive Detention Act and the law and order position are concerned, we are all aware that parties in India are many in number and each party has its own tenets and its own philosophy. And every party says for the present that it is not for coercion, that it is not for violence, but that it is for peaceful agitation in order to press home its points or its contentions. But unfortunately while expressing their view-points they often trespass the limits and take to violence with a view to getting their objectives.

They hold rallies, demonstrations, agitations, stay-in-strikes, work to rule; so many methods have been adopted by them. Ultimately when there is a concentration of large number of persons, they are unable to control them and unwittingly they are led to trespassing the limits and taking to violence. With many people gathered together when they take to violence, nobody can control them; however eminent the leader may be, he cannot control all the sections of the people who have assembled in large numbers. In such circumstances there is bound to be violence and nobody can arrest it. The Government is administering the country and surely it has to visualise such situations that if there is some agitation the situation is likely to go beyond control. And naturally they must take action and see that such a situation does not develop and for that purpose this preventive detention is necessary so that the people who organise such demonstrations can be dealt with beforehand.

Madam, I am one with those who say that normally we should not go in for such a measure but can anybody say that we in India are in normal times now? We are about to have the elections and we have seen that even before the elections how agitations have been going on. Even in sectors where one could not have imagined such agitations there have been agitations; there have been agitations by nurses, by teachers, by students and this has gone even to the police force. I am afraid the way this disease is spreading it may spread even to the defence forces. If things are allowed to go to such an extent, I am afraid we may not be able to control the situation at all in the country. And that is the reason why even though this is said to be a black law or a lawless law, or whatever it is—it is necessary to have this in order to have a control over the situation and see that the administration is carried on smoothly.

Madam, there are a few other points I wish to point out. All these 16 years of the existence of this measure we have not seen any normal people being put into detention without trial. Action is taken under this measure only when we find it is necessary to safeguard our democracy which is in its infant stage. The infant democracy has to be safeguarded carefully to see that it runs its full course of life. Madam, all round our country is surrounded by dictators. Our neighbour Pakistan is having what is called guided democracy but as a matter of fact it is ultimately the rule of a dictator. Burma is also like that; about China we know what it is. We are surrounded by countries with different philosophies and different systems of Government while we have proclaimed that we will have only the democratic system of Government with free elections, freedom of speech and so many other things. And this measure is only intended to safeguard this position. This will be used only in such a contingency, not for anything that comes up. We have seen that in the early part of November some persons were detained when we came to know that they were making arrangements for a mass demonstration. In such cases the ordinary law, the Criminal Procedure Code or the Indian Penal Code does not help us to the extent that this law can. And preventive detention does not cast any aspersion on the character of the person concerned. With this we put him somewhere away in a safe place until such time as normalcy is restored. That is the reason why this measure is being sought to be extended. There is no question of any disgrace in having this measure. Ever since independence it has been with us and it will have to be there until such time as we are sure that it can be done away with. And it is for the people in the country, especially the leaders of the Opposition, to create such conditions, such an environment, in the country that

there won't be any apprehension of violence or disruption of law and order position. If they can show by their behaviour, by their speeches, by their attitude, that they will do everything in their power to maintain normalcy in the country then certainly we can consider giving this up; otherwise this has to be continued. Madam, I would therefore commend the extension of this measure for another three years.

THE DEPUTY CHAIRMAN: We will sit through the lunch hour. Mr. Banka Behary Das.

SHRI BANKA BEHARY DAS (Orissa): Madam Deputy Chairman, I strongly oppose this measure, and when I oppose this measure I am reminded of the late Sardar Vallabhbhai Patel who as Home Minister in 1950 had, under a certain compulsion, to introduce this Bill. Since then we have been repeating this Bill parrot-like and the arguments that the Ministers have been advancing are also parrot-like arguments, though the situation has changed a lot. In 1950 when Sardar Vallabhbhai Patel introduced this Bill, there were about 10,000 persons in jail, it was a serious situation in India. The former measure, the Public Safety Act, was to be replaced by the Preventive Detention Act because a new situation had arisen. I want to remind my hon. friend who has moved this motion for consideration, of those noble words that Sardar Vallabhbhai Patel said while introducing this measure. He said, 'I assure the House that I have passed two sleepless nights, when I was asked to take up this measure.' Madam, I do not know but the cavalier way in which . . .

SHRI CHITTA BASU: Mr. Naskar had good sleep.

SHRI P. S. NASKAR: Shall I quote Sardar Vallabhbhai Patel further on what he has said?

THE DEPUTY CHAIRMAN: You can do it later.

SHRI BANKA BEHARY DAS: He is free to quote whatever he likes. What I am saying is this. When he introduced the Bill what was the situation in India? Partition had just taken place; the scars of partition had not vanished by then. There was internal disorder to such an extent that 10,000 persons were in jail at that time. Even then Sardar Vallabhbhai Patel who was bred in the traditions of nationalism, who knew that civil liberty was a priceless possession that should be cherished by everybody, said that when he was asked to introduce the Bill he had no heart to do so and he had spent two sleepless nights. Not only that; he says further: 'When this legislation is brought in, it is done with a heavy heart; it is not one which would delight us. It is not a pleasant task to bring a Bill of this kind in this House immediately after a Republican Constitution had been adopted.' Madam Deputy-Chairman, I only want to remind my friends who are very much in favour of this measure of those noble words of Sardar Vallabhbhai Patel. After sixteen years of Republican Constitution, we are going to repeat the same Bill. I would also point out to my friends that when this measure was introduced by Sardar Vallabhbhai Patel in 1950; it was meant for one year though there was the proviso that Parliament could consider the situation every year and give a lease of life for one year only. That means when such a black law, when such a lawless law was going to be passed, it was only meant for one year and Sardar Vallabhbhai Patel and the Congress Government then wanted that every year this measure should pass the test of decency, the test of civilisation and the test of democratic principles that we all uphold and which we have mentioned in the Constitution of our country. But I do not know; years rolled by and the strength of the

Congress Party dwindled and after five or six years the Bill was amended in such a way that it could be given a longer lease of life, for more than one year, for three years. So, when we are passing this Bill, and it has been mentioned categorically that it is being extended, if it is passed here by a brute majority, it will be extended up to 1969.

Again, I may remind you that three years back in 1963 when Mr. Guljarilal Nanda, the then Home Minister, was replying to the debate he also hoped that this Bill would not continue for three years for which it had been meant. He felt that considering the trend then it would be possible to eliminate it and repeal this Act and not depend upon the Preventive Detention Act. It means that when he also wanted this House to pass this measure, his purpose was that he might not have again to come to this House with it and that the Bill might not be operative even for three years. I do not know the conspiracy of circumstances, which has impelled our friends to bring forward this measure for continuing it for another three years just prior to the fourth general elections. Here again you put it as a temporary measure, but it has already taken the character of a semi-permanent legislation and it has become a part of the way of life of a section of the people of this country who intend to rule for a longer period, whether there is any popular support behind them or not.

I strongly oppose this measure, not because it is being misused. I know it is being misused. Two years back I had to suffer and I was detained for more than one month, though I never believed in violence nor committed violence in my life. I am not going to oppose it because it has been misused only. I am going to oppose it very strongly because it is an anti-democratic measure. It stifles the very spirit that guides us to the ultimate path of a democratic society. It threatens the very growth of demo-

cracy in this country and terrorises a section of the population, whether political or otherwise, who do not see eye to eye with the policies which the Government is following in this country. In this connection, I can remind you again of the words of Winston Churchill. He belonged to a school of law and order. He never believed in progressionism. He took shelter in a society which believed in status quoism and belonged to a school of law and order. During the last world war, when the question of the release of certain prisoners, who were detained under the Defence of the Realm Act in England was being considered, Winston Churchill said:—

“The power of the executive to cast a man into prison without formulating any charge known to the law and particularly deny him judgment according to law for an indefinite period is in the highest degree odious and it 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. Extraordinary powers assumed by the executive with the consent of Parliament in an emergency could be yielded up when and as the emergency declines. Nothing can be more abhorrent to democracy than to imprison a person or keep him in prison because he is unpopular. This is really the test of civilisation.”

When he supported a measure like this in the British Parliament, he formulated certain tests. It is a question of test of civilisation. It is not a test of democracy only. Democracy is a small part of life, but civilisation encompasses all sectors of life. It is a way of life and even in England during the war years, when the Nazi bombs were

blasting the walls of England, including the Parliament there, when Winston Churchill supported such a measure, with all caution he said:—

“If we perpetuate it, if it is not a temporary measure, then not only civilisation will vanish but all the test of humanity will also vanish.”

That is why I may remind you that even during the war years, when a few persons were behind the prison bars in England, every month the Minister-in-charge had to come with a statement before the British Parliament showing how many persons had been detained, who had been detained and why they had been detained. It is not that they did it in one, two or three years. Every month they had to come before Parliament, so that Parliament approved of it. Here in India there is absolutely no emergency. Whether there is emergency or not, we are now mature enough to understand it and we are twenty years old since independence came to this country. At least sixteen years have passed since a republican Constitution was adopted in this country. But a measure which was meant to be a temporary one, for one year, is now going to be repeated every three years, giving a longer lease of life. As a result, the executive, just like the days of the British, whenever they liked, can utilise this provision to arrest even Members of Parliament. I am very happy that in the other House when the question of arrests under section 107 came up, the Speaker there cautioned the Government saying that when Parliament was in session even arresting under section 107 should be treated so seriously that unless there was compulsion the Government should not resort to this measure. But here it is a question of detention where the ordinary law is thrown to the winds, where the person has no opportunity to know the causes or the section under which he is being arrested, where he has no opportunity to face a trial

[Shri Banka Behary Das.]

with the help of eminent jurists like Mr. Pathak. I want to say that there is no reason whatsoever for passing such a measure, after twenty years of independence.

I know that there is a certain section in India who do not believe in constitutional methods. I know there is a certain section in India who do not owe allegiance to this country. They owe allegiance to China or Russia or some other country. I know there is a certain section in this country who may not be believing one hundred per cent in secularism. But is this the method to be used in a normal period, when there is no such emergency? It is not emergency only because the Chinese forces are across our borders or the forces of Pakistan, either of the East or of the West, are on our borders. That has been the circumstance under which most of these countries in this world are confronted with. Still they do not resort to this emergency measure to curb the civil liberties of their own country. Madam, we are conscious of such fissiparous tendencies and though we are aware of the enemies that are within the country, but in a democracy the best method is to isolate them, not to give them that importance of martyrdom or importance of dignity or prestige. So the only course that a democratic country should adopt under the normal circumstances is to isolate such forces who are a danger, who are a threat to the democratic life of the country. But instead of isolating such forces, instead of eliminating them by the pressure of public opinion, instead of isolating them by the forces of wisdom, if we resort to such a black measure, which is a pitch black measure, then it is a threat to democracy, it is not a threat to those anti-social forces, those who are trying to raise their heads.

Madam, I will say that it is a lawless law and in the words of Mahatma Gandhi it is a jungle law. It is a blot on the Constitution of this

country. When we accepted the fundamental rights, when we incorporated them in the Constitution of India, I am still remembering the words of Dr. Ambedkar when he was moving that provision for restricting the freedom. He also echoed at that time that this restriction on freedom was not to be lightly used but to be used when there was absolutely no other way out for the Government. Is it not a fact that when this national march was being organised, persons like Dr. Lohia or our friends like Shri Rajnarain and Shri Murahari had been arrested under section 107? I do not support that action but I say that you had the power also to arrest under other provisions. But under the pretext of some emergency, some grave emergency, something born of your own mind that there is a great danger—not danger to the country but danger to you—you are going to resort to such a measure and going to repeat the same preventive detention measure that has been a blot on the Statute Book of this country.

Madam, with these words I violently and strongly oppose this measure, and I hope the Minister and our Congress friends, when we are going to have an experiment during the fourth general elections and going to the electorate to get their verdict, will not go with this inhibition that in India there is such a black measure on the Statute Book of this country. We should go to the people telling that after twenty years of independence we have been successful in establishing civil liberty to the full extent in this country. We are not afraid of those anti-social forces that are raising their heads in this country because with the support of the people, with the strong will of the people, we had not only to fight against the onslaught of the British imperialism, we have that moral strength to fight against the Chinese hordes and the Pakistani enemies and also those enemies who are trying to raise their heads inside this country.

With these words, I oppose this measure and I hope that at the last moment at least better sense will prevail and that this black Bill will be withdrawn so that the Statute Book will not have a place for such a measure which is a slur on the democracy of this country.

SHRI R. T. PARTHASARATHY (Madras): Madam Deputy Chairman, I consider it my duty to support the Preventive Detention Bill that is before this House today. This Bill in the present set-up is a very vital and necessary one, for the emergency still exists and the danger from Pakistan on one side and China on the other is present, and on an occasion like this it is but natural that Government should arm itself with the necessary powers to prevent any mob violence, to prevent any treasonable act on the part of anybody. I do not say that this party is doing the wrong thing or that party is doing the wrong thing. In a general way I say, it is but right and proper that the Government should have the necessary and ample powers within its ambit to see that evil is not done.

Speakers on the other side have stressed that in a democratic set-up and with a chapter in the Constitution that guarantees fundamental rights this is not a lawful law that is before Parliament today. I would very respectfully submit that this is a very lawful law because it is there to prevent the unlawful acts of the other parties or the other bad elements, the anti-social elements, as I would describe them to be, from doing harm to the peaceful people, to the enjoyment of peaceful life throughout the length and breadth of this country. My learned friend, Mr. Banka Behary Das, just a while ago said that if they wanted to prevent any evil acts from being committed, they had the other laws that are in operation in this country. But I would very much like to impress upon you, Madam Deputy Chairman, that once the evil has happened, only

then the other laws will come into operation, namely, the arresting of a person and trying him and putting him behind the bars. But it is an accepted maxim not only in this country but in all the countries which have a democratic constitution that prevention is better than cure, and to see that such an evil act does not happen, such a treasonable act does not come into being, it is always safer to have a measure that would prevent the evil from happening.

SHRI BANKA BEHARY DAS: Do you find such a law in England or France?

SHRI R. T. PARTHASARATHY: Please do not interrupt. That is why it is my duty to submit that a Government which is wedded to democratic principles, which is governed by the chapter in the Constitution on fundamental rights, will not violate that particular chapter which is governing its own activities. Why should we think that the Government will do the wrong thing? It is certainly here to prevent people from entering into an orgy of violence or committing treasonable acts; it is for that purpose that the Government is bringing forward an extension of the Preventive Detention Act which I personally think is a very right measure.

Madam Deputy Chairman, I would like to argue in this House that to say that in a democratic set-up, which has guaranteed all the freedoms, this measure is an unlawful one, is totally wrong. In this country we have seen specially after the Pakistani conflagration, specially after the advent of the Chinese aggression, how some people have conducted themselves in a most irresponsible way. People who could not have their ideas set about, who could not propagate their views on violence and things like that, have always done that particular act which has caused disturbance to the peaceful life of the community. In a stage like this it is but natural that the Gov-

[Shri R. T. Parthasarathy.]

ernment should think twice before taking a measure like this. They have done all that they could within the reasonable extent to contain such violence. Yet some of the political parties, which always think of violence as a means to their end, have come forward with such atrocious behaviour that the peaceful life of the community has ended in a misery. It is the prime duty of the Government to see that the common man gets what he should deservedly get, and that is a peaceful life, that is guaranteed under the Constitution, should be preserved by the Government; otherwise the Government is not doing its duty properly by the citizen. Many a time some of those who indulged in violence have taken it for granted that freedom is licence. This measure that is before this House is to remind such people that once again if they take up arms against the Government in a most violent manner, the Preventive Detention Act will come in. On the other hand, I would even go a step further and make a submission that at a time when the general elections are coming, in order that every citizen should exercise his franchise in a free manner as enshrined by the Constitution, he should be given adequate protection wherever he may be. And in that direction, this Preventive Detention Act is a welcome measure and I do support it as my bounden duty.

1 P.M.

SHRI CHITTA BASU: Madam, I rise to express my condemnation, disgust and resentment against this lawless law which the Government proposes to perpetuate in the Statute Book of our country. Our Constitution has enshrined certain democratic rights and fundamental rights. But the existence of a law of this nature which makes detention without trial, without giving an opportunity for the person accused to explain his position, is tantamount to nothing but a blot on our Constitution. What I feel is this

This particular measure is going to convert those democratic principles which have been enshrined in our Constitution into a mere shadow and divest them of all the substances which they possess. Well, this law was enacted some years back. The Government, particularly at that time Sardar Vallabhbhai Patel who was supposed to be one of the iron men of India, took pains to explain and convince the House regarding the extraordinary situation prevailing in the country at that time. And as my hon. friend, Mr. Das, said earlier, he had to pass two sleepless nights before he could prepare himself to approach Parliament for getting that Bill passed. But I do not know whether these people who are coming up with this proposal did feel any pricking of their conscience. I know they are devoid of conscience. I know they are divorced from the masses of the country. They cannot feel the throb in the hearts of the people. Therefore, they have got no conscience. Therefore they have peaceful nights, even while they are arming themselves to rob the people of the fundamental rights guaranteed by the Constitution, guaranteed by this Parliament itself. I would ask the hon. Minister to explain here and convince us of the extraordinary circumstances that prevail today as alleged by him. Unless he can convince, unless he can explain, there is no justification for coming forward with such a draconic proposal. I know—and I think that you will agree with me—that there are a host of laws in this land of ours which can punish any offence imaginable. You can punish a disloyal citizen. You can punish a man for his act of treason. You can punish any body and everybody for any conceivable and imaginable offence in our country. The Indian Penal Code is sufficiently large, is sufficiently broad, to bring to book any culprit, any person, for any offence imaginable and conceivable. Then, what is the necessity, what is the extraordinary situation that prevails today which warrants and calls for such a draconic law to detain somebody without providing

him with an opportunity of being heard, not only for days, but for months and years? It is my considered opinion that the only object that prompts the Government to come up with a proposal of this nature is to stifle the voice of the Opposition, is to annihilate and destroy the Opposition, is to annihilate and destroy the democratic mass movements that are gradually unfurling themselves in the four corners of the country today.

You know that there are more laws and that more laws are being enacted. In U.P., an Ordinance has been promulgated and it is also becoming a law today banning the strike by the Government employees. Then there is a law for banning the participation of the teachers on any democratic movement. In West Bengal, there is the West Bengal Security Act. I think in many States it is so; almost all the States possess that kind of laws which can prevent people from doing violence in the country. But in spite of that, in spite of these draconic laws passed by the State Legislatures, what is the additional necessity for the perpetuation of this lawless law? That I want to know from the hon. Minister. Ours is a Republic. We aspire to have a democratic mode of life. What is the image of our country projected outside? If you will allow me time, I will simply read out a portion of the extract of an article written by some American journalist wherein he has said that we are virtually living under the martial law. He says 'It is not well known abroad that India has in fact been under a form of martial law.' Why? It is because there are the Defence of India Act and Rules, there is a state of emergency and thousands and thousands of persons have been arrested and are being detained without being given an opportunity to explain and the perpetuation of this kind of lawless law will not create a favourable opinion in the world outside. He has said that we are living under a condition of martial law. When you possess that unbridled power under the Defence of India Rules what is the necessity of arming the Government with additional

powers under the Preventive Detention Act? My question to the hon. Home Minister is, what amount of power will quench your thirst for power. What more additional power is required to annihilate us? What amount of power can satisfy you? You have got all the lawless laws. You have got the draconian laws. You have virtually imposed a state of martial law in this country and you come forward for further power to stifle our voice, to stifle the movement of the people who are fighting for the cause of food, against higher prices, in defence of their fundamental and democratic rights. I do not know what more power you require to quench your thirst for power. What is the limit of that? When will you stop? I ask this question of the Government. Where is the end to it? Or do you want to do away with democracy in the country? Excuse me if I say this that this is a dress rehearsal for a great battle for bring in naked fascism in all its harshness in this great country of ours. We want democracy to thrive. Madam the hon Minister was speaking about violence. Who creates the pre-condition for violence in the country? Is it not your police? Wherever people demand food, ask for expansion of democratic rights, your police shower bullets on them. You create the pre-conditions of violence. You commit violence first and you encourage violence to be committed by others. Unless you are prepared to create pre-conditions in which people are satisfied unless you create conditions where the people would not feel the necessity of organising themselves into agitations in defence of their rights or for getting a morsel of food or getting employment, you cannot do away with this type of mass movements now sweeping over the country. You would have been wiser, had you taken the vow of creating these pre-conditions which stops this rising tempo of discontent. But you instead of doing that prefer to come here with a draconic proposal which seeks to rob the people of their fundamental right. Therefore, Madam before I resume my seat, I once more urge upon the

[Shri Chitta Basu]

Government to refrain from pushing through this Bill even at this later hour. I hope when they are approaching the people within two or three months in the general election, there should be complete civil liberty, there should be every freedom to the people to express their opinion.

Then, Madam, you call some people as people with extra-territorial loyalties. It is the people alone who can isolate them not your police, not your forced imprisonment, not your limitless atrocities. Let the people have the chance of isolating those persons who have extraterritorial allegiance.

Then, Madam, if you speak about meeting foreign aggression, it is not the army alone which can meet foreign aggression. It is not the police alone that can meet foreign aggression. It is not your draconic laws alone which can meet foreign aggression, but it is the people and the people alone who can meet foreign aggression. It is then that the Government can meet foreign aggression if it is backed by the people of the country. Unless the Government is prepared to enlist the sympathies, enlist the support of the people, you cannot meet all these exigencies. Therefore instead of coming forward with a proposal to perpetuate a draconic law, the Government would have been wiser had they any proposal to remove this dissatisfaction among the people, discontent among the people, among the workers, among the peasants, among the students, among all strata of people. Then alone the security of the State will be much more ensured and the country can be definitely in a better way.

With these words, and again expressing my indignation, resentment and condemnation against the proposal of the Government, I oppose this Bill.

SHRI AKBAR ALI KHAN: Madam Deputy Chairman, I heard with interest all the speakers, specially the last speaker regarding this

measure. I assure them that we also bring this measure with a heavy heart. We are as much against any breach of the fundamental principle of the rule of law as the friends on the Opposite benches. I assure them that in line with the quotation that they gave from our respected leader, Sardar Patel, even today whenever the Government brings this measure it brings it with great reluctance and with a spirit of helplessness because the conditions created are such that we are forced to have this measure. So please do not go with the idea that so far as preventive detention is concerned, we are happy on this side. I assure you that we are not happy. But as had been said in detail in the first speech when the first measure was brought by Sardar Patel, there are men who believe in violence, there are men who do not have respect for law. And if this was true in 1952, Madam, it is much more true in the present conditions of the country.

SOME HON. MEMBERS: Question.

SHRI AKBAR ALI KHAN: You have to face facts. You have to see what is happening today and what has been happening during the last one year. I do not say, whenever there has been any difficulty whether in the matter of food or in the matter of any other necessity of life, the people have been denied their right to protest. That right is there. But if the protest takes the shape of violence, if the protest takes the shape of agitating people to do things to disrupt the peace and the order of the society, I would like to know from my friend what will happen in the country for which he has got so much regard, be it Soviet Russia or China.

Now, Madam, the test of this Act lies in the way it has been used. My learned friends did not venture to say that it has been abused. The Government would have stood condemned if they could show that on account of this Preventive Detention Act so many people were put behind the bars . . .

SHRI CHITTA BASU: I am myself a victim. And there are many Members from this House as well as from the other House who have been arrested under the Preventive Detention Act.

SHRI AKBAR ALI KHAN: I have got great regard for my friend. But I do not know the conditions and the circumstances in which he was arrested. But I would like to assure him.

(Interruption by Shri Chitta Basu)

THE DEPUTY CHAIRMAN: You have had your say, Mr. Chitta Basu. Let him have his say.

SHRI AKBAR ALI KHAN: Most of these were detained when the Government felt that their activities were against the security of the State or when the Government felt that the law and order situation would be absolutely endangered.

SHRI A. P. CHATTERJEE: Here is a Congress Member who was arrested under the Preventive Detention Act for his trade union activities.

SHRI AKBAR ALI KHAN: Then this stands to the credit of the Congress Government. Whenever there is any danger, they do not apply it only to Communist; they apply it to Congressmen also. I am very glad, Mr. Chatterjee, for your kind interruption. That shows that so far as the security of the State is concerned, so far as law and order is concerned, so far as the strengthening of democracy and democratic principle is concerned, we do not discriminate between the Opposition and the Congress. That shows the spirit with which we want to work upon this Act.

But I have seen that in certain cases, where this Act should not have been used, it has been used. For example, goondas have also been detained under the Preventive Detention Act. I would like the Home Minister to consider that question. So far as

goondas are concerned, there is ample provision with us. This Act should not be applied to them. But so far as the security of the State is concerned, I think there is every reason that this Act should be on the Statute Book. But the question is. . . .

SHRI NIREN GHOSH: Why do you arrest people?

SHR. AKBAR ALI KHAN: Please listen. If this was misused, if this was abused, if this was used as a weapon against the Opposition, I would have condemned it but it is no use arguing unless you give facts and figures. My friends should give the facts.

THE DEPUTY CHAIRMAN: Why do you say 'my friends'. Address the Chair.

SHRI AKBAR ALI KHAN: They have been so much interrupting me that naturally I had to direct my attention to them. I am sorry for that. They have paid great tributes to Sardar Pael. If they read the whole speech, the circumstances, the facts that existed then were not so much abnormal so far as violence is concerned, as it is to-day. It is only in that spirit that we introduced this measure but if my friends had read the statement made yesterday, they would have understood. I want to congratulate the Government and the Home Minister on the statement. It is not at all an election stunt and it is in a good spirit. It is in the spirit that we will consider and review all these cases of persons who are suffering under the Preventive Detention Act and we assure you that on merits if there is any justification to release, it will be done.

SHRI NIREN GHOSH: What is the merit?

SHRI AKBAR ALI KHAN: Unless we think that there is a danger to the security, and Mr. Ghosh, you have referred to China on a very weak ground.

SHRI NIREN GHOSH: Such a black Bill is not required.

SHRI AKBAR ALI KHAN: I wish my friend had given more affection to this country than he has given so far but I would not go into personal matters. There are two things that we have to see, one, whether the circumstances that warranted its introduction in 1952 have considerably improved in which case certainly it is the duty of the Government to see that this law, which I also consider as a black law, should not be on our Statute Book. The other thing is whether this law has been abused and if it has been abused, then also I think they are perfectly justified in saying so.

SHRI NIREN GHOSH: It has been abused.

SHRI AKBAR ALI KHAN: I was anxiously hearing . . .

SHRI NIREN GHOSH: You are a lawyer and you know that it has been abused and it was meant for that and still you do not admit it. I do not know what to say.

SHRI AKBAR ALI KHAN: I respectfully tell my friends this that the three friends who have opposed this—Shri Ghosh has not opposed this—except for the exuberance of their rhetoric, have they given any statement of facts? Have they given a statistical statement, have they given the facts and figures? If they had given, then I would have accepted them.

SHRI NIREN GHOSH: Do you want facts?

SHRI AKBAR ALI KHAN: I do want and when you speak you kindly give

SHRI NIREN GHOSH: One of our Party members is still under detention.

SHRI AKBAR ALI KHAN: About individual cases, if you write to the

Home Minister, I am sure he will look into them. It is the spirit of the statement of yesterday that if some mistake has been done, it will be undone. On that there should not be any two opinions.

I would like my friends to think about what has happened during the last one year. There was agitation to create trouble, not only trouble but violence. Without referring to any definite movement, I would say if the preventive measures had not been taken by the Government then we would not only have been faced with great disorder but our image in the countries outside would have gone down.

We should also consider what is our image outside in the world and if they have read the observations and comments about the way things have gone . . .

SHRI NIREN GHOSH: It is already spoiled . . .

THE DEPUTY CHAIRMAN: You should have a little patience. Your Party will be having greater chance to speak. This running commentary will not help your case at all.

SHRI AKBAR ALI KHAN: In these matters our democracy is growing. We want to strengthen the democracy. We want to show to the world that our democracy is getting strengthened every day. In order to show that democracy is working properly you have to see that law and order is maintained. You have to see that innocent people are not coerced. You have also to see that property, private and public, is not damaged in the name of agitation or some movement or grievance in some ways. Those who are interested in democracy will have to look at this from this point of view as to what image we are creating in the outside world. You must have read, as I read, that has appeared in the different papers of the world I felt really very sorry

for it because unless a Government maintains law and order, you cannot foster even democracy. So in respect of the fundamental laws, in respect of the democratic principles, in respect of the rule of law, this is a measure which has been introduced with great reluctance, with a heavy heart, to be utilised in special cases and in cases where it is really necessary to apply this. That has been the record of this Government. You cannot challenge it. From the very beginning, in 1952, we have not at all made any wrong use of this enactment. I submit that those who speak should speak with substance, with facts and figures and with real love for the democracy of the country and to see that the dignity and honour of this country is enhanced in the world outside and not in a way that they think that this democracy is not working, because that will be a greater disservice done to democracy.

SHRI A. P. CHATTERJEE: Madam, I have heard the eloquence of Mr. Akbar Ali Khan; on preventive detention. I think his eloquence upon such a matter as this, a matter which really should put to shame any civilised Government is misplaced. In Soviet Russia and China as far as my knowledge of the laws goes, there is no provision for preventive detention or detention without trial (*Interruptions*). If you think that all the people are in detention there . . .

SHRI AKBAR ALI KHAN: Do not drag Russia into that. We know what is happening in China.

SHRI A. P. CHATTERJEE: You may know better and perhaps you may have more liaison with foreign countries than I have. I am more concerned with my own country and I am concerned certainly with the provisions of law in our country and as far as the provisions of law in other countries are concerned, I can tell, in reply to the interruption, that there is no law providing for preventive detention in the Soviet Union and in

China, as far as my knowledge of the criminal laws of those countries goes. It is not there is the U.K. nor in the U.S. I find Mr. Khan happy as also his Congress friends because I am referring to the U.S. and the U.K. with whom they are more in spiritual sympathy than either with the Soviet Union or with China. What I submit is that as far as the civilised countries are concerned according to your standard, even civilised countries like the U.S.A. and the U.K., I think they are civilised according to your standard . . .

SHRI AKBAR ALI KHAN: The Soviet Union is also civilized but not China.

SHRI A. P. CHATTERJEE: But even in the civilised countries according to your standards, namely, the U.K. and the U.S.A., there is no provision for preventive detention. And yet it was rather strange and astonishing that Mr. Akbar Ali Khan, a veteran Congress Member, waxed eloquent on the question of preventive detention. Of course, he was a little apologetic. Now that apology, of course, comes from the inner biting of the conscience in his mind. Perhaps he still feels in his heart of hearts that this preventive detention is not at least a functioning of democracy. Well, Mr. Akbar Ali Khan has waxed eloquent over the development of democracy in our country. Well, I know that in 1950, when our Constitution came into effect, we did not get much of constitutional rights. As a Chief Justice of Calcutta High Court said in open court, I should say, as a very well known Chief Justice of Calcutta High Court said in open court, we have not got many of the constitutional rights incorporated in the Constitution, but we have got a constitutional liability for preventive detention. Now, well, we call this a constitutional liability for preventive detention; yet we are expected to wax eloquent over the democracy that is prevailing in India. And look at the

[Shri A. P. Chatterjee.]

way in which democracy has been implemented in our country. Well, immediately after the 1950 Constitution came into force on 26th January, 1950, there was this Preventive Detention Act, and there came this Preventive Detention Act after two sleepless nights of the then Home Minister. You know that, after the Constitution of India came into force, well, at that very time (and even after that) there were a number of hundreds of communist prisoners in jails in the State of West Bengal. They were being detained without trial under the West Bengal Criminal Law Amendment Act.

SHRI SHEEL BHADRA YAJEE (Bihar): Because they wanted to overthrow the Government.

SHRI A. P. CHATTERJEE: I am telling you that, in 1950, even after the Constitution came into effect, there were hundreds of communist prisoners detained without trial in the jails of the State of West Bengal under the notorious West Bengal Criminal Law Amendment Act which had been put on the Statute Book by the British imperialists. And this Congress Government inheriting the worst traditions of the British imperialists, put those communist prisoners inside jails under the West Bengal Criminal Law Amendment Act. We challenged this Act, the West Bengal Criminal Law Amendment Act in the Calcutta High Court after the Constitution of India came into force, immediately thereafter. The learned Judges of the High Court thought: "Yes, after the Constitution has come into force the West Bengal criminal Law Amendment Act cannot be used in this fashion by the Congress Government. It must be struck down as *ultra vires* the Constitution." They were going to strike down this Act as *ultra vires* and they were going to release all those prisoners who were in jails and who were under detention without trial. The Judges, they are the cons-

science of the country to a great extent, and according to that conscience of the country, the release of those prisoners would not, at all have had any injurious effect either on the security of India or on the public order situation in India. They were going to release them. They were not feeling like what Mr. Yajee is feeling now and has given expression to now that the communist prisoners had been detained without trial as people dangerous to the interests of the State. The High Court thought otherwise; they thought that they had been and were being kept under illegal detention and they ought to be released. And immediately when they were going to release them, when they expressed their mind that that criminal law was *ultra vires* the Constitution, we heard that the Home Minister of that time had two sleepless nights and—well—out of those two sleepless nights came forth this black Act, namely the Preventive Detention Act of 1950.

And do you know, Madam, what happened? This is actually what happened in Bengal, and this is what happened also throughout India at that time. Mr. Akbar Ali Khan was asking for facts. I am giving him facts. The prisoners were sleeping in their cells on the midnight of that day, of that fateful day when the Preventive Detention Act was brought on the Statute Book. There is the provision in the Act itself that the order of detention must be personally served upon the detainee. Without personally serving it on the detainees, bundles of orders under the Preventive Detention Act were thrown in at the cells. Now in a particular cell there may be a number of prisoners. Now the detention orders were made out, typed out or cyclostyled in the names of those prisoners and they were thrown in at the cell when they were sleeping inside the cell. This is how the Congress democracy has worked in our country, and you know that, after those sleepless nights, this horrible

monster of the Preventive Detention Act came into being, and when this horrible monster of the Preventive Detention Act came into being, we know to our chagrin, we know to our cost, what has happened to the civil liberties of the people in the country. Not only these helpless prisoners in January, 1950, not only did they suffer from this preventive detention, but also others have continued to suffer from the continuance of this black Act on the Statute Book.

Madam, at that time—of course, I am not saying with any disrespect to the late revered Sardar Patel, but every man has his defects—Madam, Sardar Patel at that time, at the time when the Preventive Detention Act was brought on the Statute Book after two sleepless nights, Sardar Patel did not behave like a democrat; with great respect to his memory, I have to say so. Madam, he said at that time—he passed two sleepless nights over it because he thought over the matter—that if those prisoners were released from jail, a great disorder would break out in the country. But the Judges thought otherwise. In that very year 1950, well, though Sardar Patel thought like that, though the Congress Cabinet thought like that, though the Congress Government thought like that, in that very year 1950, in September-October, two eminent Judges of the Calcutta High Court had occasion to scrutinise the orders of detention made under the Preventive Detention Act, and they released a great number of them, in that sitting which they held in September or October. And yet the Congress Government said that those people were enemies of the country and they ought not to be released, and that if they were released, public disorder would break out, that if they were released, then the security of India would be threatened. But that was not accepted by that High Court in 1950 when they released those prisoners. Mr. Akbar Ali Khan perhaps will know this for another fact. Well, that is how democracy is functioning in this country.

Mr. Akbar Ali Khan has also said that democracy has functioned since 1950. We know how the Defence of India Rules have been promulgated in this country, how the Defence of India Act has been in operation in this country—that it also another black Act for preventive detention. We know how that Act has come on the Statute Book and how that has been used against political opponents of the Congress regime. Madam Deputy Chairman, really this is the fact. It was not that the people were posing any danger either to security or peace or order of the country; it was not because of that they were arrested under the Preventive Detention Act. It was because the Congress Government did not want to tolerate their political opponents; it was because the Congress Government wanted to crush the party which was opposing them.

SHRI AKBAR ALI KHAN: No, no; not fair.

SHRI A. P. CHATTERJEE: Madam, I can tell you one thing. Mr. Akbar Ali Khan was asking for facts. I give you a fact.

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

Perhaps you know Mr. Jyoti Basu; everybody knows him perhaps. Well, do you know what was the ground of detention given to him when he was detained under the Preventive Detention Act in 1950, immediately after the black Act was brought on the Statute Book? The ground against him was that he was invited by the Workers and Peasants Party of Burma, and because he was invited by the Workers and Peasants Party of Burma, that became a ground for preventive detention. It is there; it is on record. If you so want, you can just have a reference to your Home Department of the State of West Bengal. You can have a reference to the court records also. Here is another fact, Mr. Akbar Ali Khan. I have never heard that a

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person can be detained because a party of another State has invited him. Even if it were merely accepting the invitation and going there, that would have been another matter; I could have understood that there was some sense, that there was some semblance of justification in that ground. But then a particular party of any country may invite me even without knowing whether I shall accept the invitation or not. It may be that I am not accepting the invitation. It may be that I am not in political sympathy with that party; it may be that I am not in political sympathy with that country even, but just because an invitation has come from the Workers and Peasants Party of Burma, therefore that is the ground for detention. That is what happened in the case of Shri Jyoti Basu. Here is another fact for my hon. friend Shri Akbar Ali Khan. I can tell Mr. Akbar Ali Khan that I can give him other facts also. He has been asking me for facts.

SHRI AKBAR ALI KHAN: I wanted to know the number of such detentions and whether in view of the condition in the country the number is proportionate or disproportionate.

SHRI SHEEL BHADRA YAJEE: Their revolution was planned in Burma. Everything was being hatched there.

SHRI A. P. CHATTERJEE: Mr. Vice-Chairman, I think if my hon. friend Shri Sheel Bhadra Yajee had been the Home Minister in West Bengal, perhaps he would have put forward the ground for detention in a better way. But I am talking of the grounds of detention as they were given and one ground for his detention was that he was invited by the Workers and Peasants Party of Burma. That was the ground they had stated. Mr. Yajee in 1966 cannot alter, amend or improve upon that ground. Perhaps he would not be allowed to do that also. I was saying that these are the ways in which the

Preventive Detention Act has been implemented by the Government.

I can tell you other facts, Mr. Vice-Chairman. The other day, only a few months back two very respectable persons, two commissioners of the Krishna Nagar Municipality were arrested under the Preventive Detention Act and detained. That case also went up to the Advisory Board and when the Advisory Board looked into the grounds of detention, what did they see? The ground was that they misbehaved with a lady. For one thing, misbehaving with a lady has nothing to do with public order or the security of India. And what is more, that lady came to the High Court and gave an affidavit saying that this was absolutely false and the Bench before which that case came up was presided over by Justice Debabrata Mookerjee who was at that time a Judge of the Calcutta High Court. He saw that affidavit of the lady and with indignation from the Bench of the Calcutta High Court he said, "This is how the Preventive Detention Act is being abused by the Executive" and those two commissioners of the Krishna Nagar Municipality were released by the High Court Bench. Do you know, Mr. Vice-Chairman, why these two commissioners of the Krishna Nagar Municipality were arrested? They were arrested not because of that ground which they had been given and which was false ground evidently and patently. They were arrested under the Preventive Detention Act because they were members of the Communist Party and because by detaining them the Congress in that district wanted to secure an advantage over their Opposition political party. That is why they were arrested. Our friends of the ruling party do not hesitate to stoop low and to have any mean device for destroying the Opposition political parties. That is why even though they knew that the ground was false, they put that ground. That ground was proved by the judgment of the High Court to be false. That lady herself came forward and

said that it was false and that those gentlemen did not misbehave. So it was clear that the ground was false. Yet they had put forward that ground on the order made under the Preventive Detention Act, in order to have them arrested.

Mr. Vice-Chairman, Shri Akbar Ali Khan was asking for facts and I am going to give him more facts. I think he has got some good facts by now. I will now give him another fact. It is not one relating to 1950 as in the case of Shri Jyoti Basu. Only a few months back, a headmaster, a man aged 55 years, the headmaster of the Bolpur High School, was arrested under the Preventive Detention Act. He has got three daughters. One of them is an M.A. in Education, the other is an M.A. in English. His wife is the headmistress of another school. And do you know on what ground this old gentleman, the headmaster of a school, was arrested under this Act? Do you know the ground given for his detention? The ground was that he had raped a sixteen year old school girl in a railway waiting room. Mr. Vice-Chairman, this headmaster was kept in detention in this way for 10 weeks and the matter came up before the Advisory Board. The Chairman of the Advisory Board was Shri Surjit Lahiri. He was a former Judge of the Calcutta High Court. Shri Surjit Lahiri is reported to have expressed the greatest disgust at the grounds given for the purpose of the detention. All kinds of machinations and all kinds of abuses of the Preventive Detention act are taking place. This man was released by Shri Surjit Lahiri after he had expressed his greatest disgust. But even so he was in detention for ten weeks. And why was this man arrested and detained? He was detained because he was a person of great influence in Bolpur and his presence there would have been prejudicial to the interests of the ruling Congress party there. That is why this old and venerable gentleman, the headmaster of a school, was arrested and detained. I can give you further information also. Not only is he the

headmaster of the school, he is the creator of three more schools in that area. He has founded three more schools in that area. He is a man much respected there. But this ground was given against him and on this ground he was arrested. Mr. Akbar Ali Khan will now be satisfied with facts, I hope.

AN HON. MEMBER: Are you satisfied?

SHRI A. P. CHATTERJEE: Will he require more cases?

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): There is no more time.

SHRI A. P. CHATTERJEE: Mr. Vice-Chairman, this is a black Act and I would require more time. I have not yet finished what I have to say. I have to say all these things because after all, again and again, year after year, this black Act is being brought on the Statute Book in order to detain persons without trial and platitudes are placed before the House and it is said they never abuse the Preventive Detention Act.

Madam,—I am sorry, somehow I always think the Deputy Chairman is in the Chair. Mr. Vice-Chairman, what actually are the ways in which this Act is being implemented? You know that under this Act a man is detained without trial. There is, no doubt, the provision for setting up an Advisory Board. But then even this Advisory Board cannot scrutinise the grounds or look into the grounds until almost 10 weeks expire, according to the Act itself. After 30 days, the matter goes to the Advisory Board and the Advisory Board gives its decision within 10 weeks of the order of detention. Even supposing that the Advisory Board would do justice, which of course, it will not and I will tell you why it will not or cannot—why is the man kept in detention without trial for 10 weeks without the grounds of

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the detention or of that order being scrutinised by an impartial tribunal? Mr. Vice-Chairman, this whole Act is meant and is calculated to detain without trial political opponents. The whole Act is calculated to take away the civil liberties of persons without any reason, without any justification.

Mr. Vice-Chairman, as far as the grounds of preventive detention are concerned, they are so designed that nothing can be done with regard to them. The Supreme Court has felt so. Because it is a black Act which has been formulated in such a way that you cannot do anything. The Court cannot do anything except see whether the grounds are *mala fide* or vague. Now, in order to by-pass this, what the Executive does is this. In the grounds they give some date and place so that in that way the ground may be made specific. As soon as the grounds are found to be specific, the thing immediately passes that test. Suppose a person is to be detained under this Act. In the grounds which are given in the order served upon him, it is merely stated that on such and such date, at such and such time, you threatened such and such a person with dire consequences. Of course, that such and such person would be a Congressman. Such and such a person might be defeated in the elections. Mr. Vice-Chairman, I can give you instance after instance of grounds of detention like this. Now, can anybody get any chance of disproving this particular ground before any court of law? Perhaps if this thing had come in a court of law, if the detenu had any chance of leading evidence to show that at that particular time on that particular date this could not have happened then he could have immediately proved his innocence, but then that cannot be done because the courts are powerless. There is nothing in the Act. It merely says if you are given specific grounds you can make a representation. I can make a representation but I cannot

take the help of a lawyer; I cannot lead any evidence and it becomes a statement against a statement. Therefore though actually the grounds are given with some specificness, really all hope of liberty for that particular person is gone.

(Time bell rings.)

You will have to give me some more time. I have taken only 15 minutes. I will take some more time. After all, it is a very bad Act which is going to be passed.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): But there are other speakers.

SHRI A. P. CHATTERJEE: Kindly put no limitation on my speech. I will just stop when I have finished. I will just tell what I have in mind and I think I shall not talk irrelevantly.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): But that may be a very long time.

SHRI A. P. CHATTERJEE: I will not take very long time. I will take only conscionably long time, but unconscionably long time.

I was submitting that as far as the grounds of detention were concerned, this was the way the grounds were made out. These grounds are given against a detenu and we cannot do anything. The detenu cannot do anything. They merely say that a person on such and such a day did such and such a thing and they say, you can make a representation. I go before the Advisory Board but I have no chance of engaging a lawyer; I have no chance of leading any evidence; I have no chance of proving the falsity of that particular ground. And if I have no chance of proving the falsity of the ground except to make a statement, what is the use of giving this ground and what is the use of saying that you will have the right of representation before the

Advisory Board? Therefore, Mr. Vice-Chairman, when the Preventive Detention Act is used against a person, he cannot do anything against the order of detention even if it is passed *malu fide* against a particular person. And there are thousands of instances where the Preventive Detention Act has been used *malu fide* against the political opponents of the Congress regime.

Now, some friends on the Congress Benches may say, well, after all, the question of security is there; the question of the safety of the State is there. Now they talk of all such things as if the State belongs to the Congress. The State belongs to us also. There is a tendency—and I think a deliberate tendency—on the part of the Congress people or at least some of the Congress people, to confuse the State with the Government. The State is one thing; the Government is another. Sometimes the safety of the Government is identified with the safety of the State. Therefore when the Congress people say that the safety of the State is at stake and that is why they are keeping the Preventive Detention Act on the Statute Book, what they really mean is that the safety of the Government is at stake and it is for that they are using the Preventive Detention Act or the Defence of India Rules.

SHRI SHEEL BHADRA YAJEE: The ruling party has the responsibility to defend the country.

SHRI A. P. CHATTERJEE: Today it is the ruling party; tomorrow it may not be the ruling party but if the ruling party begins to say like this that the party is the State or that the Government run by the party is the State then I will say that the Congressmen are either not understanding the statements they make or perhaps they are deliberately confusing the issue. Either they are villains or they are fools. I do not say that they are fools and therefore can I not say that they are villains when they say that the Government is the State? I am only asking this question.

श्री नेकी राम (हरिद्वारा) : आदरणीय उपाध्यक्ष जी, मैं थोड़ा दखल देना चाहूंगा अपने मित्र को ।

श्री राजनारायण : काहे को ।

श्री नेकी राम : इस वास्ते कि यह हमेशा हमारी पार्टी को गाली देते हैं । पार्टी को गाली देना बेशक अपोजीशन का काम है लेकिन कितनी कारों को जवादा गया यहां पर, कितने मकानों का यहां पर जलाया गया उसके निये कौन जिम्मेदार है ।

SHRI A. P. CHATTERJEE: Mr. Vice-Chairman, the hon. Member there was perhaps thinking of something else. Perhaps he was dreaming and . . .

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Order, Order.

SHRI A. P. CHATTERJEE: . . . suddenly just got up and said something which crossed his mind. So I do not propose to answer him.

Now, I was saying that the Government is not the State and if the Government is not the State then nobody can come forward and say that the safety of the Government is the safety of the State and because the party or the Government of the party is imperilled therefore the Preventive Detention Act must continue. Mr. Vice-Chairman, I can tell you . . .

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): You have taken half an hour.

SHRI A. P. CHATTERJEE: . . . that sometimes the friends on the Congress Benches talk as if they are the custodian of the State, as if they are the custodians of the feelings of the people, as if they are the custodians of the sentiments of the people

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and as if when they say that the country is in danger it must be that the country is in danger from those persons who are sought to be detained under the Preventive Detention Act. I can tell you that the people thought otherwise. I will give you two instances. Of course, Mr. Akbar Ali Khan is not here.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): One is enough.

SHRI A. P. CHATTERJEE: In the mid-term elections in Kerala, people were detained without trial and when they were detained without trial it was trumpeted by the ruling Congress Party machine that they were being detained because it was necessary for the purpose of safeguarding the security of India. Now look at the way the people there reacted to it.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): These are all old facts, notorious facts; what is the use of repeating them?

SHRI A. P. CHATTERJEE: Facts are known but still they have to be drilled into the minds of these persons who are impervious to facts. Sometimes we have to make them understand that two and two make four. Any sensible man knows that two and two make four but sometimes some insensible men begin to insist that two and two make five. It is true that two and two make four but we have to . . .

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): If you had all the time in the world you could go on but you have no time now. We have to give time to other hon. Members.

SHRI A. P. CHATTERJEE: So, Mr. Vice-Chairman, I was saying that in Kerala people were detained without trial and it was said that it was necessary to detain them because the security of India was in danger. And 22 of them—am I correct?—were elected with a thumping majority by the

people of Kerala. I want to ask this question of the Congress people. If the people of Kerala did not think them to be dangerous, who are you, the puny people at the top, the dwarfs who having giant's powers try to behave like giants, who are you to think that these people are dangerous to the security of the country? The people of India thought otherwise; the people of Kerala thought otherwise. I can give you another instance. In the Calcutta Municipal elections last year, out of the nine persons who were detained without trial on the proclaimed ground that they were dangerous to the security of India seven were elected by a thumping majority by the people of Calcutta. The people of Calcutta are certainly educated people thought that the Congress propaganda was absolutely bosh, was absolutely humbug.

There is another thing.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): That will do.

श्री राजनारायण : श्रीमान्, सुबह चेयरमैन के सामने यह बात तय हो चुकी थी कि इसमें भाषण में प्रतिबन्ध नहीं लगेगा ।

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): If each Member takes half an hour, there are others also.

श्री राजनारायण : आप सेक्रेटरी माहब को बुला लीजिये, चेयरमैन माहब के पास वक्त बात तय हुई और आप लोग आकर कुछ दूसरी व्यवस्था दें यह नहीं चलेगा । हम ऐसा नहीं मानेंगे । जिसको जितना बोलना हो वह बोले । रेपिटीशन न हो, नई बात कहें तो उनको मौका दे ।

SHRI A. P. CHATTERJEE: I am not repeating; am I repeating?

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): These are old things.

SHRI SHEEL BHADRA YAJEE: Is it socialism to take away other's time?

SHRI A. P. CHATTERJEE: It is not socialism to detain persons without trial. I was submitting before you, Mr. Vice-Chairman, that this is the way in which the Preventive Detention Act has been looked at by the people. People have already passed judgment on the Government of the Congress Party's ruling 2 P.M. clique, who have always detained their political opponents without trial, by electing them with a thumping majority. You know that, as far as preventive detention is concerned . . .

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Is that your concluding sentence? You have taken 35 minutes.

SHRI SHEEL BHADRA YAJEE: Obey the Chair.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): You must finish your speech now.

SHRI A. P. CHATTERJEE: I will obey the Chair.

श्री राजनारयण : वह ऐसा विधेयक नहीं है जससे दस, पांच मिनट और बोलने को कहे ।

SHRI A. P. CHATTERJEE: Mr. Vice-Chairman, I will give you this assurance that I will not take more than five minutes now. Now, I was submitting this. As far as preventive detention is concerned, we know that there are provisions for preventive detention in our Statute Book. Apart from detention without trial, we know how our hon. Member of the House was proceeded against under section 107 of the Criminal Procedure Code, even when Parliament was in session and in a most indecent manner. You know when Parliament was in session, this hon. Member of our House was whisked away from his house, in the night, the police purporting to act

under section 107 read with section 151 and it was said that it was done in order to prevent him from doing something prejudicial to the interests of public safety and public order. Now, as far as section 107 is concerned, there is a whole gamut of sections in the Indian Penal Code or the Criminal Procedure Code to prevent a person from doing anything which may be calculated to do any harm to the cause of peace and cause of public order. As a matter of fact, we saw a notorious application of that hateful section in the case of one hon. Member. Now, it appears that the Congress people, the Congress ruling clique, are not satisfied with one weapon in their armoury. They must have millions of weapons in their armoury, millions of weapons for the purpose of striking down their political opponents. They must have the preventive detention provision in the Code of Criminal Procedure, they must have the Preventive Detention Act, they must have provisions for preventive detention as enacted in the Defence of India Act and as enacted in the Defence of India Rules. Mr. Vice Chairman, this way of looking at democracy is actually foreign to all notions of democracy. If democracy means anything, it means inviolability of a person

SHRI SHEEL BHADRA YAJEE: The devil quoting the scripture.

SHRI A. P. CHATTERJEE: Sometimes a person thinks that the other man is the devil forgetting that he has the horns of a devil and the cloven hoofs of a devil. Without looking at his own cloven hoofs and without looking at his own horns, he thinks the other man is the devil. That is the whole trouble. The concept of democracy is not the concept of electoral freedom. Even in the times of Hitler, there were elections. Hitler had elections very many times in his Fascist State. Democracy does not mean only putting the ballots in the ballot-boxes and, therefore, there is democracy in this country. Nobody

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should think in that fashion. There are certain inviolable, certain fundamental concepts of democracy. One of it is that a person's right is inviolable. A person cannot be detained without trial. A person cannot be put behind the bars without bringing him to a court of law and without letting him know the charges on which he has been arrested and without also giving him an opportunity to disprove those charges. If you do not have those things, you cannot have democracy and you do not have democracy. In this crucible of democracy, on this test of democracy, is it correct to say that we are having democracy in India? There is time to pause and think for the Members of the Congress Benches. After all, it is not a question merely of putting or keeping one Party in power eternally, for all time to come. Will you, my friends on the Congress Benches, realise that from this point of view already you are causing great damage to this concept of democracy? If you are really concerned with democracy, then you should know that it is not a question of one party being in power today and the other Party being in power tomorrow. You must see that the fundamental concepts of democracy are protected. You must see that the fabric of democracy is not damaged, is not torn. You must see that democracy is maintained. If you do want that, then I will humbly submit that this black Act which strikes at the very root of democracy, which takes away the Fundamental Rights, the inviolability of persons, has to be struck down and has to be voted down as a black Act.

شری اے. پی. چٹرجی (ایم. پی. اے.)

پریذیڈنٹ: مسٹر وائس چیرمین —

پریذیڈنٹ: ڈیپٹی کمشنر ایکٹ کوئی نئی چیز نہیں ہے لیکن مجھے یاد ہے کہ ہمیشہ اس کی مخالفت ہوتی رہی ہے اور یہ پاس بھی ہونا رہا ہے۔

ایمرجنسی میں تو ایسے قوانین کی ضرورت ہوتی ہے اور اس سے انکار نہیں کیا جا سکتا۔ لیکن ہمیشہ ہمیشہ کے لئے اس کو اصول بنا لیں اور قائم رکھیں۔ کانستٹی ٹیوشن کی نوعیت، سلک کی ذات اور حکومت کی بنیادی ہے۔ ایک جمہوری حکومت چلانے کے لئے ہر روز تو ایسے قانون کی ضرورت پڑتی نہیں ہے۔ اگر مسنقل قانون کا صحیح اور ایمپلائمنٹ کے ساتھ استعمال کیا جائے گا مجرم اس کی زد سے بچ نہیں سکتا۔ لیکن وقتی طور پر قانون کا قیام مجسٹریٹ اور پولیس میں کو تھما دینا اور اس کی اجازت دے دینا کہ وہ بغیر مقدمہ چلائے بغیر کوئی وجہ بتائے چر دے، چاہے کسی کو نظر بند رکھ سکے اس بات کے خلاف ہے۔

مسٹر وائس چیرمین — مجھے معاف کوجئے اگر میں یہ کہوں کہ برٹش گورنمنٹ کے زمانہ کے ہنگامی قانون سے چھٹکارا حاصل کرنے کے لئے ہم نے اپنی آزاد گورنمنٹ کی نمائندگی کی تھی اس لئے نہیں کہ وہی کلا گھونٹ دینے والے شرم ناک قانون پھر ہم پر مسلط رہیں۔

اگر ان اختیارات کا استعمال انہیں لوگوں پر کیا جائے جن سے امن اور قانون کو خطا ہے جن سے سوشل اور سماجی زندگی کو خطرہ ہے جو عوام

کو انفرانٹری آر، فتنہ و فساد کے لئے اکساتے ہیں تب تو خیر ٹھیک بھی ہے لیکن جب ان کا استعمال ایسے لوگوں پر ہو جو خیالات کا اختلاف رکھتے ہوئے - آمدنی جن و بہت کچھ ہوں قانون کی پابندی کے ساتھ تھریو و تھریو کے ذریعہ عو اور - حکومت کا مزاج بدلنا چاہتے ہوں ان پر اس قانون کو نفاذ کرنا ان کی آواز کو دبا دینا یا انہیں لا محدود عرصہ تک بغیر وجہ بتائی نظر بند رکھنا اس سے بڑا ظلم اور کہا ہو سکتا ہے -

۱۹۵۶-۵۷ میں جامع مسجد پر بم کے کچھ کیس ہوئے اس سلسلہ میں شہر کے اچھے اور شریف شریف لوگوں کو جس طرح سے لے جا کر نظر بند رکھا گیا یا پھر ان کو چھوڑا گیا یا کسی اختیار میں کبھی کوئی ایجنٹ ذریعہ نکل گیا اس جرم میں لوگوں کو نظر بند رکھا گیا اور پھر ایک سال بعد چھوڑ دیا گیا بغیر وجہ بتائے تو اس لئے میرا خیال ہے کہ اس قانون سے انصاف نہیں ہوتا ہے -

مسٹر وائس چیرمین - میں اس وقت حکومت کو مرڈولا سارا بھائی اور شیخ عبداللہ کی نظر بندی کی طرف متوجہ کرنا اپنا فرض سمجھتی ہوں - مرڈولا بھائی ہندوستان کے کسی بڑے سے بڑے دیس بھگت سے کم نہیں - وہ اپنے

ملک کی عاشق ہے اپنی حکومت کی وفادار ہے مگر ہندو داروں کی غلطیوں پر توکتی ہے - چھائی کی آواز بلند کرتی ہے اور شاید یہی اس کا سب سے بڑا جرم ہے (Interruption) مہربانی کر کے میری اسپیچ میں دخل نہ دیجئے - اگر کبھی ہندوستان کا کوئی ایمان دار مورخ اس ملک کی تاریخ لکھے گا کبھی سب جھٹی ہوئی چیزیں اونپر آئیں تو دنیا حیران رہ جائے گی کہ ہم نے اپنے سب سے بڑے دوست کے ساتھ جس بے ادب دیش کی درستی - لوگوں کی مدد اور حکومت کی بھلائی کے لئے کیا کچھ نہیں کیا - اس کو ہم نے یہ صلہ دیا کہ وہ جیل میں بھی رہی اور اب ایک سال سے نظر بند بھی ہے -

اسی طرح مسٹر وائس چیرمین میں شیخ عبداللہ کے بارے میں پوچھتی ہوں کہ اسلامک کانفرنس مکہ میں شریک ہونے والے کیا ہندوستانی نمائندہ حکومت کو بتا نہیں چکے تھے کہ شیخ عبداللہ کا کیا رول کانفرنس میں رہا ہے - آج بھی ان سے پوچھا جا سکتا ہے کہ انہوں نے کیا دیکھا اور شیخ عبداللہ کی وطن دوستی کے کئی سداح واپس آئے ہیں -

اس کے علاوہ میں یہ بھی پوچھتی ہوں کہ شیخ عبداللہ صاحب ۸۱ خط جو انہوں نے مکہ سے گورنمنٹ کو

[شریعتی انیس : دوائی]

اکھو' بھا کیا موجود ہوم مسٹر صاحب اے دیکھو اے کیا اس میں انہوں نے اے معاملات کی صدائی نہیں کی تھی اور کیا وہ عرب حکومتوں کی دعوت اور دوسروں کے اصرار کے باوجود ہندوستان گرفتار ہونے کے لئے واپس نہیں آئے کہا یہ ان کے ہندوستانی شہری ہوئے اور انکی وطن دوستی کا ثبوت نہیں ہے - میں آنریبل ہوم مسٹر سے درخواست کرونگی کہ کیا اب بھی وقت نہیں آیا ہے کہ حکومت اپنے فیصلہ پر نظر ثانی کرے -

مسٹر واس جیو مین صاحب — یہ قانون ہمیں انسانی حقوق اور انسانیت کے احترام سے متحرک کرتا ہے اور اس لئے میری خواہش ہے کہ آئندہ یہ کبھی توسیع کے لئے پیش نہ ہو -

مقدمہ حلا کو ثبوت پھس کر کے آپ جس شخص کو محرم سمجھتے ہوں پھاسی دے دیں مگر بغیر نمائندہ بغیر تحقیقات کئے کسی کو حقوق انسانی سے محرم کو دینا کسی جمہوری حکومت کو زیب نہیں دیتا - مسٹر وائس چیئرمین — 'پوزیشن پارٹیشن اور امن و سکون کے دوست نہ' اسمیں الیکشن نے قریب اسی پوزیشن پیدا کر دی ہے کہ ہ حکومت سے یہ بھی

بہیں کہہ سکتے کہ وہ اس کی مدت نہ بڑھائے اس کی توسیع نہ کرے - لیکن یہ مطالبہ ضرور کر سکتے ہیں کہ اس قانون کا شکار ہو کر جو اس وقت نظر بند ہیں ان کے جرائم اور ان کی خطاؤں کو ملاحظہ عام پر لائے اور ان کے ساتھ عدل اور انصاف کے تقاضے پورے کیجئے -

بدقسمتی سے ان چند برسوں میں حکومت کے آفیسران بھی لا ایڈ آرڈر کے متحفظ ہوئے ہوئے بھی سائون اور اسکے متعلق استعمال سے نا واقف ہیں - اور اس کا نتیجہ یہ ہے کہ ہر قانون کا استعمال بھی غلط ہوتا ہے - شاید اس لئے ہمیں پریونٹوو ڈیٹینیشن ایکٹ کی ضرورت پڑی ہے ورنہ مستقل قانون کافی ہونے میں اور سیاسی محرم بھی انہیں کے ذریعہ عدالت سے سزا پا سکتے ہیں - اس لئے میری درخواست ہے کہ حکومت اپنی زیادہ توجہ عدل و انصاف کی طرف رکھے بجائے اسکے کہ وقتی اور ہنگامی قانون دیا کو طاقت حاصل کرنے کی کوشش کرتی رہے ورنہ جمہوریت کا پائیزا مشکل ہو جائے گا -

احمر میں سوا اسکے کیا کہیں کہ بادل نخواستہ اور عدل و انصاف کے خلاف سمجھتے ہوئے بھی حکومت کی ضرورت اور ملک کی حالت کو دیکھتے ہوئے میں اس کی حمایت کروں گی

†[श्रीमती अनीस किदवई (उत्तर प्रदेश) मिस्टर-वाइस-चेयरमैन, प्रिवैटिव डिटेन्शन ऐक्ट कोई नई चीज नहीं है लेकिन मुझे याद है इसमें पहले हमेशा टमकी मखालफत होती रही है और यह पास भी होता रहा है ।

एमरजेंसी में तो ऐसे कथानीन की जरूरत होती है और इस से इन्कार नहीं किया जा सकता, लेकिन हमेशा-हमेशा के लिए उसको उसूल बना लेना और कायम रखना कांस्टीट्यूशन की तोहीन मुल्क की जल्लन और हुकूमत की बदनामी है । एक मजहूरी हुकूमत चलाने के लिए हर रोज तो ऐसे कानून की जरूरत पड़ती नहीं है । अगर मुस्तकिल कानून का सही और ईमानदारी के साथ इस्तेमाल किया जाए तो मजरिम इसकी जद में बच नहीं सका । लेकिन बक्ती तौर पर कानून का डग मजिस्ट्रेट और पुलिस मैन को थमा देना और इसकी इजाजत दे देना कि वह वगैर मुकदमा चलाए, वगैर कोई वजह बताय, जब तक चाहे किसी को नजरबन्द रख सके न्यायियत के खिलाफ है ।

मिस्टर वाइस-चेयरमैन, मुझे माफ कीजिए अगर मैं यह कहूँ कि ब्रिटिश गवर्नमेंट के जमाने के हगामो कानून से छुटकारा हासिल करने के लिए हमने अपनी आजाद गवर्नमेंट की नमन्ना को थोड़ा उस लिए नहीं कि वही गला घाट देने वाले शर्मनाक कानून फिर हम पर मुसल्लत रहे ।

अगर इन अख्तियारात का इस्तेमाल उन्ही लोगों पर किया जाय जिनमें अमन और कानून की खतरा है, जिनसे सोशल और समाजा जिन्दगी की खतरा है, जो अवाम को अक्रातफरी और फिन्ना व हिम्माद के लिए उकसाने है तब तो खैर

ठीक भी है लेकिन जब उनका इस्तेमाल ऐसे लोगों पर हो जो ख्यातात का इख्तलाफ रखते हुए आईनी जहोजहद करते हो, जो कानून की पाबन्दी के साथ तहरीर व तकरीर के जरिए अवाम और हुकूमन का मिजाज बदलना चाहते हो उन पर इस कानून को नाफज करना, उनकी आवाज को दबा देना या उन्हें ला महदूद अर्से तक बगैर वजह बताए नजरबन्द रखना इससे बड़ा जुल्म और क्या हो सकता है ।

1956-57 में जामा मस्जिद पर बम के कुछ केस हुए । इस सिलसिले में शहर के अच्छे और शरीफ लोगों को जिस तरह से ले जाकर नजरबन्द रखा गया या फिर उनको छोड़ा गया या किसी अव्वार में कहीं कोई एडिटोरियल निकल गया इस जुर्म में लोगों को नजरबन्द रखा गया और फिर एक साल बाद छोड़ दिया गया वगैर वजह बताए तो इस लिए मेरा ख्याल है कि इस कानून में इन्माफ नहीं होता है ।

मिस्टर वाइस चेयरमैन, मैं इस वक्त हुकूमन को मृदुला साराभाई और शेख अब्दुल्ला की नजरबन्दी की तरफ मतवजो करना अपना फर्ज समझती हूँ । मृदुला वहन हिन्दुस्तान के किसी बड़े से बड़े देश-भगत से कम नहीं । वह अपने मुल्क की आशिक हैं और अपनी हुकूमत की वफादार हैं मगर जिम्मेदारों की गलतियों पर टोकती हैं, सच्चाई की आवाज को बुलन्द करती हैं और शायद यही उसका सब से बड़ा जुर्म है (Interruptions) मेहर-बानी करके मेरी स्पीच में दखल न दीजिए । अगर कभी हिन्दुस्तान का कोई ईमानदार मज्हरिख टम मुल्क की तारीख लिखेगा, कभी सब छिपी हुई चीजे ऊपर आयेगी तो दुनिया हरान रह जायेगी कि हमने अपने सबसे बड़े दोस्त के साथ जिनमें इस देश की दोस्ती, लोगों की मदद और हुकूमत

[श्रीमती अनीम किदवाई]

की भलाई के लिए क्या कुछ नहीं किया— उसको हमने यह सिला दिया कि वह जेल में भी रही और अब एक साल से नजरबन्द भी है।

इसी तरह, मिस्टर वाइस-चेयरमैन मैं शेख अब्दुल्ला के बारे में पूछती हूँ कि इस्लामिक कांफ्रेंस, मक्का में शरीक होने वाले हिन्दुस्तानी नुमाइन्दा क्या हुकूमत को बता नहीं चुके थे कि शेख अब्दुल्ला का क्या रोल काफ़ेस में रहा है। आज भी उनसे पूछा जा सकता है कि उन्होंने क्या देखा और वह शेख अब्दुल्ला की वतन-दोस्ती के कितने मद्दाह वापस आये हैं।

इसके अलावा मैं यह भी पूछती हूँ कि शेख अब्दुल्ला साहब का वह खत जो उन्होंने मक्का से गवर्नमेंट को लिखा था क्या मौजूदा होम मिनिस्टर साहब ने उसे देखा है। क्या इसमें उन्होंने अपने मामलात की सफाई नहीं की थी और क्या वह अब हुकूमतों की दावत और दूसरों के इसरार के बावजूद हिन्दुस्तान गिरफ्तार होने के लिए वापस नहीं आये ? क्या यह उनके हिन्दुस्तानी शहरी होने और वतन-दोस्ती का सबूत नहीं है। मैं आनरेबिल होम मिनिस्टर से दरखास्त करूंगी कि क्या अब भी वक्त नहीं आया है कि हुकूमत अपने फैसले पर नजरसानी करे।

मिस्टर वाइस चेयरमैन साहब, यह कानून हमें इंसानी हकूक और इन्सानियत के एतराफ से महकूम करता है और इसलिए मेरी इच्छा है कि आइन्दा यह कभी तौसिह के लिए पेश न हो।

मुकदमा चला कर सबूत पेश करके आप किस शख्स को मुजरिम नमज़ते हो फांसी दे दें मगर बगैर बताए, बगैर तहकीकात किये, किसी को हकूक इंसानी से महकूम कर देना किसी जम्हूरी हुकूमत को

जेब नहीं देता। मिस्टर वाइस-चेयरमैन अपोजीशन पार्टियों और अमन व सकून के दोस्त नुमा दुश्मनों ने इलेक्शन के करीब ऐसी पोजीशन पैदा कर दी है कि हम हुकूमत से यह भी नहीं कह सकते कि वह इसकी मुद्दत न बढ़ाए, इसकी तौसिह न करे। लेकिन यह मुतालबा जरूर कर सकते हैं कि इस कानून का शिकार हो कर जो इस वक्त नज़रबन्द हैं उनके जुराइम और उनकी खताओं को मंज़ूर-आम पर लाइये और उनके साथ अदल और इंसफ के तकाजे पूरे कीजिए।

बदकिम्मती से टन चन्द बरसों में हुकूमत के अफसरान भी ला एण्ड आर्डर के मुहाफिज होते हुए भी कानूनी और उसके सही इस्तेमाल से नावाफ़िक है। और उसका नतीजा यह है कि हर कानून का इस्तेमाल भी गलत होता है। शायद इसीलिए हमें प्रिवेंटिव डिटेन्शन ऐक्ट की जरूरत पड़ती है वरना मुस्तकिल कानून काफी होते हैं और सियासी मुजरिम भी उन्हीं के जरिए अदालत से सजा पा सकते हैं। इस लिए मेरी दरखास्त है कि हुकूमत अपनी ज्यादा तबज्जो अदल व इंसफ की तरफ रखे बजाए इसके कि वक्ती और हंगामी कानून बना कर ताकत हासिल करने को कोशिश करती रहे, वरना जम्हूरियत का पनपना मुश्किल हो जायेगा।

आखिर मैं सिवाए इसके क्या कहूँ कि बादिर नाखास्ता और अदल व इंसफ के खिलाफ समझने हुए भी हुकूमत की जरूरत और मुल्क की हालत को देखते हुए मैं इसकी हिमायत करूंगी।]

श्री राजनारायण : उपसभाध्यक्ष महोदय, यह विधेयक जनतंत्र की हत्या करता है। यह काला विधेयक है और स्वतन्त्रता का अपहरण करता है तथा मनुष्य में जो भी अच्छे मानव गुण हैं उन सब का निषेध करता है। मुझे आश्चर्य है कि श्री चव्हाण साहब जो घर मंत्री हैं उनके

समय में यह विधेयक आया है। मुझे बहुत ही आश्चर्य हो रहा है और बहुत ही दुःख है क्योंकि श्री चव्हाण साहब जी के प्रति हमारी कुछ अपनी मान्यताएँ रही हैं और मैं देखता हूँ कि वे मारी मान्यताएँ हमको बदलनी पड़ रही हैं। मानव समाज में मानवता हो, मनुष्य में प्रेम हो, ऐसा मैं समझता हूँ। लेकिन अब श्री चव्हाण साहब केवल मनुष्यता से ही प्रेम करते हैं, मनुष्य से नहीं क्योंकि मनुष्यता मौखिक है और मनुष्य उसका ठोस रूप है और जहाँ ठोस है, वहाँ आकर मनुष्य व्यवहार होना चाहिये, वहाँ मैं देखता हूँ कि आज घर मंत्री विल्कुल पीछे ओर उल्टे रहते हैं, निर्गुण बात करते हैं।

श्रीमन्, आज का जो यह विधेयक है, स्वतंत्र राष्ट्र के मस्तक पर सब से बड़ा कलंक है, यह राष्ट्रपिता महात्मा गांधी के अनुयायियों पर सब से बड़ा कलंक है। मैं तो यह देखता हूँ कि 30 जनवरी, 1948 को गांधी जी के पार्थिव शरीर की हत्या कर दी गई थी और इस विधेयक द्वारा श्री चव्हाण साहब गांधी जी की आत्मा, उनके सारे कार्य, उनके उपदेश की हत्या कर रहे हैं। शुद्धतः मैं हैरत में हूँ कि यहाँ पर कांग्रेस के लोगों को मैं सुन रहा हूँ। श्री अकबर अली बोल कर चले गये, अभी उनके तदनुरूप एक दो भाषण यहाँ पर और हो सकते हैं। श्री शीलभद्र याजी नये मुसलमान हैं और नया मुसलमान प्याज ज्यादा खाता है और अपनी ईमानदारी को प्रकट करने के लिये हल्ला मचाता रहता है। वह अपनी जगह बदलते रहते हैं और इधर-उधर की बातें भी करते रहते हैं। आज इस विधेयक पर व्योरेवार बहस होगी क्योंकि आज प्रातः चेयरमैन साहब से और मंचिब भी थे, यह तय हो गया कि इस विधेयक पर गम्भीरता के साथ अध्ययन होना चाहिये।

अब देखा जाय। 1950 में यह विधेयक आया। यहाँ पर कहा गया कि 1950 में स्थिति क्या थी। श्रीमन्, आप इस बात में अवगत होंगे कि 20 जनवरी, 1948 को

गांधी जी पर पहला बम फटा था। यह बात इतिहास के विद्यार्थियों को मालूम होगी। जब गांधी जी के ऊपर बम फटा था तो वे बच गये। “बापू बाल-बाल बच गये।” यह समाचार पत्रों में चर्चा का विषय था। हमें याद है कि दूसरे दिन वाराणसी में दशाश्वमेध घाट में एक सभा हो रही थी और उस सभा में डा० राम मनोहर लोहिया बोल रहे थे। वहाँ एक अखबार “आज” शाम को निकलता था और अब सुबह भी निकलता है। उसमें निकला “बापू बच गये”। डा० लोहिया ने कहा था कि बापू की जिन्दगी पर खतरा है और सरकार उदास है। तीसरे दिन दिल्ली से घर विभाग के मंत्री श्री पटेल साहब और उनका विभाग, नेहरू जी के प्रधान मंत्रित्व में समाचार पत्रों में बयान छपवाते हैं कि डा० लोहिया अपनी पार्टी का प्रचार करने के लिए इस तरह की अफवाहों को फैलाने हैं। बापू की जिन्दगी पर कोई खतरा नहीं है और 30 सिपाही मादे वेश में पहरा देने के लिए तैनात किए गये हैं। राष्ट्रपिता जी ने अपने जीवन का अन्तिम लेख लिखा था कि कांग्रेस को तोड़ दो। जो गांधी साहित्य के पढ़ने वाले लोग हैं, उन्हें मालूम होगा कि सरदार पटेल वहाँ पर बैठे थे और उन्होंने गांधी जी को मना भी किया कि यह लेख आपको अभी छपवाना नहीं चाहिये था और श्री पटेल वहाँ से उठ कर चले गये। इस लेख के प्रकाशित होने के बाद जब गांधी जी प्रार्थना सभा में गये तो थोड़ी ही दूर जाते हैं तो सभा के बीच से एक आदमी निकलता है और वह अपनी पाकेट से पिस्टल निकालता है और गांधी जी के ऊपर तीन बार करता है। इस तरह से राष्ट्रपिता का अन्त होता है। मैं आज श्री चव्हाण साहब से पूछना चाहता

[श्री राजनारायण]

हूँ, जो इस समय यहाँ पर विराजमान है कि क्या जनतंत्र के इतिहास में और ब्रिटिश पार्लियामेंट में भी एक व्यवस्था है कि अगर किंग—“बादशाह”—की जिन्दगी की हिफाजत सरकार नहीं कर सकती है तो बादशाह की हत्या होने के बाद सरकार इस्तीफा दे देती है। राष्ट्रपिता का पद दुनिया के किसी भी बादशाह से ऊँचा था। लेकिन कांग्रेस के शासन में, कांग्रेस के अनयायी सरकार के शासन में, राष्ट्रपिता की हत्या हो गयी और इसके लिए इस सरकार का तनिक भी शर्म नहीं आई। इस सरकार का चाहिये था कि वह टोकन स्वरूप (प्रायश्चित्त स्वरूप) इस्तीफा दे देती और इस्तीफा देकर उसको प्रायश्चित्त करना चाहिये था। राष्ट्रपिता के सम्मान में टोकन इस्तीफा और प्रायश्चित्त स्वरूप इस्तीफा देने का क्या अर्थ होता है? इसको समझने के लिये अभी आपको जनतंत्र की पद्धतियों और प्रणालियों को समझने के लिये कई साल बिताने पड़ेंगे। श्रीमन्, मैं निवेदन करना चाहता हूँ और आज चाहता हूँ कि सरकारी पक्ष के लोग अनावश्यक ढंग से बातों को उखाड़ कर के व तावगर्ण को गरम करने की कृपा न करें। गांधी जी की हत्या की जहा चर्चा हो रही है वहाँ अनापशनाप कुछ कहा जाय तो हम को दुख होता है।

श्री शीलभद्र याजी आप तो उनकी वकालत करने हैं।

श्री राजनारायण अभी भी याजी जी जैसे इन्सान सोचते हैं कि क्या कारण है, राष्ट्रपिता की क्यो हत्या हुई। इसकी चर्चा हमने इस लिये यहाँ पर की क्यो कि इसकी चर्चा यहाँ की गई थी और यह कहा गया था कि उस समय यहाँ पर साम्प्रदायिक तनाव था। साम्प्रदायिक तनाव किमने यहाँ पर पैदा किया था।

श्रीमन्, मैं चव्हाण साहब से कहना चाहूँगा कि मौलाना अबुल कलाम आजाद अब इस दुनिया में नहीं हैं। वे पंडित नेहरू के बाहिने साथ थे पाँच इस सरकार के शिक्षा मंत्री थे। उनके मरने के बाद उनकी किताब प्रकाशित हुई है नेहरू जी की देखरेख में, हुमाय कबाँरा साहब की देखरेख में इंडिया वेल्थ फ्रीडम। उसमें मौलाना ने क्या लिखा है।

“To our shame and sorrow I have to say that the most elementary precautions were not taken even after this warning”

मौलाना ने लिखा है कि हम अपनी शेम और सारो को रिकार्ड कर देना चाहते हैं कि 20 जनवरी को एक चेतावनी मिल चुकी थी गांधी जी पर बम फेंके जाने के बाद और उस चेतावनी के पाने के बाद भी सरकार की ओर से जो मामूली से मामूली एहतियाती कार्यवाही होनी चाहिये, वह एहतियाती कार्यवाही भी नहीं की गई। यह राजनारायण का वाक्य नहीं है। यह मौलाना अबुल कलाम आजाद का वाक्य है। अगर किसी को अभी पढ़ने का समय नहीं है तो आगे पढ़ ले।

श्रीमन्, मैं निवेदन करना चाहता हूँ कि आज जो हमारी स्वतंत्रता का अपहरण करने जा रहे हैं, जो जनतंत्रीय प्रणाली और पद्धति का अपहरण करने जा रहे हैं, जो जो इस काले कानून के जरिये अच्छे मानवीय गुणों का निषेध करने जा रहे हैं, उनसे पूछना चाहता हूँ कि जरा लजाओ, अपने से पूछो, क्या यही कांग्रेस सरकार है जो उन्हीं नेताओं का गुण गा गा कर के चल रही है। आज हमारे अकबर अली खाँ साहब ने उन्हीं नेताओं का गुणगान

किया कि वे उनको प्रेरणा दे रहे हैं, वे स्फूर्ति के स्रोत थे। जो राष्ट्रपिता को अपने बच्चों से छिनवा दे, वह स्फूर्ति का स्रोत नहीं है, वह कलंक का स्रोत है, पाप का स्रोत है, तानाशाही की व्यवस्था का स्रोत है। इसलिये अनावश्यक ढंग से इस पर चर्चा न हो।

श्रीमन्, चव्हाण साहब से मैं निवेदन करूंगा कि यह जो कहा गया, सरकारी पक्ष की ओर से कि सांप्रदायिक वतावरण का तनाव था, सांप्रदायिक वतावरण का तनाव किसने पैदा किया था। एक साजिश थी। लार्ड माउटबेटन की डायरी पढ़ें। लार्ड माउंटबेटन को जब राष्ट्रपिता महात्मा गांधी के मरने की खबर लगी तो वह माथा थाम कर बैठ गया, उसको ऐसा लगा कि शास्त्र किसी मुसलमान ने मार दिया। मगर दो मिनट के अन्दर उसको खबर दी गई कि गांधी को मारने वाला कोई मुसलमान नहीं था। गांधी को मारने वाला एक हिन्दू था, एक ब्राह्मण था। कहां सांप्रदायिकता थी? गांधी की हत्या हुई एक हिन्दू के द्वारा एक ब्राह्मण के द्वारा। लगातार दो मिनट की बारी बारी से रेडियो पर ऐलान हुआ था कि गांधी को मारने वाला एक हिन्दू, गांधी को मारने वाला एक हिन्दू, गांधी को मारने वाला मुसलमान नहीं है। क्या साजिश थी? साजिश यह थी कि गांधी को मारो, भागों और ऐलान करो कि गांधी को एक मुसलमान ने मार दिया।

(Interruptions)

मैं आज जानना चाहता हूं कि जब महात्मा गांधी की हत्या हुई तो सादे वेश में तैनात किये हुये सिपाहियों की टोली कहां थी जिस के लिये कांग्रेस सरकार ने कहा था कि हमने तैनात किया है। गांधी के हत्यारे की कलाई किसने पकड़ी? गांधी के हत्यारे की कलाई पकड़ी है एक माली के बेटे ने जो फूल की क्यारी खोद रहा था। वह अपनी कुदाल छोड़ कर भागा है और उस हत्यारे की कलाई को पकड़ा है। उस

समय मादे वेश में तैनात की हुई तीस सिपाहियों की टोली का कहीं पता नहीं था। फिर भी यह सरकार कहे कि हम राष्ट्र की हिफाजत करने के लिये, हम अमनचैन की हिफाजत करने के लिये यह काला कानून लाद रहे हैं तो यह सरकार के मुख से शोभा नहीं देता है। जिस सरकार के पास जनतंत्र का अ, ब, स, नहीं है, उसके मुख से यह शोभा नहीं देता है। यह उसी सरकार के मुख से शोभा देता है जो सरकार हिटलर के पदचिन्हों पर चलना चाहती है, जो सरकार मुसोलिनी के पदचिन्हों पर चलना चाहती है, जो सरकार चर्चिल के पदचिन्हों पर चलना चाहती है। इसी लिये मैं कांग्रेस सरकार के बारे में अक्सर कहा करता हूं कि यह ब्रिटिश साम्राज्यवाद की औलाद है। तो मत लिया करें गांधी का नाम। "अप टू दी लास्ट" रसकिन की छोटी सी पुस्तक है, जिस का गांधी ने अनुवाद किया है और सर्वोदय शब्द तभी से आया है। गांधी ने कहा था कि मैं ऐसा समाज बनाना चाहता हूं जिस में एक ना और एक वकील का पुरस्कार समान हो। गांधी कहा करता था कि समाज की रचना ऐसी हो जिस में श्रम पूजा पर महानता पाये, न कि पूजा श्रम पर महानता पाये। जिस शासन में पूजा के द्वारा श्रम कुचला जा रहा हो, श्रम, को शोषण हो रहा हो श्रम की कमाई से पूजापतियों की गगनचुबी अट्टालिकाएं बन रही हो और गरीबों की झोपड़ी विनष्ट हो रही हो उस शासन में अगर कोई कहे कि समाजवाद है, जनतंत्र है, को सभ्य व्यवस्था है, तो मैं कहूंगा कि उसकी आंख फूटी है, उसकी आंख में धूल है, वह देख नहीं रहा है कि दुनिया में क्या है क्या नहीं है।

श्री शीलभद्र याजी : विधेयक पर बोलिये।

श्री राजनारायण : यह विधेयक है।

श्री शीलभद्र याजी : यह समाजवाद है।

श्री राजनारायण : अब मैं बहुत ब्योरे में नहीं जाऊँ । मैं केवल 1950 पर आ रहा हूँ जब कि यह कहा गया कि 1950 में सरदार वल्लभ भाई पटेल ने इस कानून को को बना कर मुल्क की, राष्ट्र की सुरक्षा की । माफ करेंगे हमारे सरकारी पक्ष के बंधुगण क्या आज कांग्रेस सरकार जानती है कि राष्ट्र क्या है । श्रीमन् 1950 का यह जो काला कानून यहां पर विराजमान है विधेयक के के रूप में, उसी को मैं पढ़ रहा हूँ :

“The Central Government or the State Government may—

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers or the security of India or the security of the State or the maintenance of public order or the maintenance of supplies and services essential to the community and is satisfied with . . .”

मैं पढ़ना चाहता हूँ, जानना चाहता हूँ आज इस सदन से विशेषतौर से और अगर कोई न बताए तो घर मंत्री जी से जानना चाहता हूँ आज कि इंडिया क्या है क्योंकि यह कानून बनाया जा रहा है तीन साल की अवधि बढ़ाई जा रही है इंडिया की सुरक्षा के लिए भारतवर्ष की सुरक्षा के लिए ? तो भारतवर्ष क्या है ? का. सरकार के पक्ष में ऐसा माई का लाल आज जो इंडिया क्या है, भारत क्या है इस का वर्णन कर सकता है ? यह कानून जो बनाया गया इस कानून की भी हत्या हुई तो इसी कांग्रेसी राज में ।

वाइस चैयरमेन साहब 15 अगस्त 1947 को भारत इंडिया बना । श्री जवाहर लाल जी प्रधान मंत्री थे ।

श्री शीलभद्र याजी : बताइए आपका और लोहिया जी का क्या रोल था उस वक्त ।

श्री राजनारायण : इंडिया देट इज भारत यही लिखा हुआ है । तो मैं कहना चाहता हूँ कि श्री चव्हाण साहब जरा खुदा के लिए बताएं इंडिया क्या है भारत क्या है जिसकी सुरक्षा के लिए तीन साल की अवधि बढ़ाई जा रही है । अगर सचमुच भारतवर्ष की सुरक्षा यह सरकार करती होती और भारतवर्ष की सुरक्षा के लिए यह सरकार कानून बनाना चाहती तो उस कानून को बनाने में हमारी ओर से इस सरकार को मदद मिलती, मगर मैं देख रहा हूँ कि यह सरकार भारत की हत्या कर रही है । यह सरकार जो भारत 15 अगस्त 1947 को था उस भारत को खंडित कर रही है । श्रीमन् हमारे मित्र चले गए । शीलभद्र जी याजी हैं—मैं नाम नहीं लूंगा क्योंकि कोई ऐसा नाम नहीं रह गया है जिसे मुझे लेना चाहिए । मैं यह निवेदन कर रहा हूँ कि जब चीन का हमला हुआ तिब्बत पर तो मैकमोहन रेखा भारत और तिब्बत की सीमाओं रेखा थी या भारत और चीन की सीमा रेखा थी । जब 15 अगस्त 1947 को भारत हमारे हाथ में आया इंडिया हमारे हाथ में आया जिसकी हिफाजत के लिए यह विधेयक प्रस्तुत है तो मैं जानना चाहता हूँ कि मैकमोहन रेखा किसकी सीमा रेखा थी—क्या चव्हाण साहब बताएं ? में सफाई से कहना चाहता हूँ कि मैकमोहन रेखा भारत और तिब्बत की सीमा रेखा थी ; मैकमोहन रेखा भारत और चीन की सीमा रेखा नहीं थी । पहला इनसान राम मनोहर लोहिया रहा है जिसने जब तिब्बत पर चीन का हमला हुआ तो लन्दन के पत्रकार सम्मेलन में कहा, भारत की सरकार को सुझाव दिया कि चीन रूपी राक्षस तिब्बत रूपी शिशु का गला घोट रहा है । उस शिशु की हिफाजत के लिए तब भारत के प्रधान मंत्री कहां सो रहे थे, कांग्रेस की सरकार कहां सो रही थी । तिब्बत रूपी शिशु का गला घोटा गया । हमारा मान-सरोवर चला गया, हमारा कैलाश चला गया, पूर्व-वाहिनी ब्रह्मपुत्र का कही नामोनिशान

नहीं है। फिर इस कानून में हमको कहा जा रहा है कि हम इन्डिया के डिफेंस के लिए यह विधेयक तीन साल के लिए कानून के रूप में रखना चाहते हैं। तो श्री चव्हाण साहब के छुटके मंत्री जो यहां पर बोले उनको बताना चाहिए था कि इंडिया क्या है।

"This House affirms the firm resolve of the Indian people to drive out the aggressor from the sacred soil of India, however long and hard the struggle may be."

14 नवम्बर, 1962 को यह प्रस्ताव श्री जवाहरलाल जी ने रखा था। वह 'सेक्रेड साइल आफ इंडिया' क्या है? भारत माता की वह पवित्र भूमि क्या है जिसकी सुरक्षा सरकार करना चाहती है? क्या 15 अगस्त, 1947 को जो सीमारेखा हमारे हाथ में सौंप कर कुत्सित अंग्रेजी शासन यहां से समाप्त हुआ वह सीमारेखा हमारी आज रह गई है—यह हमारा प्रश्न है और जब तक वह सीमारेखा हमें न मिल जाय तब तक इस विधेयक की धज्जी-धज्जी उड़ा कर फाड़ देता हूँ? इस विधेयक को इस तरह से यहां चीर देता हूँ। इस विधेयक की कोई आवश्यकता नहीं रह गई है। यह विधेयक जो मातृभूमि की रक्षा न कर पाए, यह विधेयक जो हमारी स्वतंत्रता की रक्षा न कर पाए, यह विधेयक जो हमारे मान्य अधिकारों की रक्षा न कर पाए—इस विधेयक को निश्चित रूप से फाड़ कर फेंक देना चाहिए।

श्री तेजी राम : कार्य संचालन के सिद्धान्तों के अनुसार . . .

श्री राजनारायण : इसलिए इस काले विधेयक के पन्ने-पन्ने को फाड़ रहा हूँ और फाड़कर उड़ाता रहूंगा। दुनिया की कोई ताकत इसमें हमें रोक नहीं सकती।

[THE DEPUTY CHAIRMAN in the Chair.]

माननीया, मुझे बड़ी खुशी है कि इस अवसर पर आप यहां आ गईं। मैं बिल्कुल दावे के

साथ कहता हूँ कि यह विधेयक आज यहां पर जगह पा ही नहीं सकता, इस विधेयक का अस्तित्व रह नहीं सकता क्योंकि जिस इंडिया की हिफाजत के लिए यह विधेयक बना उस इंडिया का नक्शा ही जब आज धूमिल हो गया है तो फिर इस विधेयक की आवश्यकता क्या है। हमने पहले क्या किया, देखा जाय। तिब्बत में हमारे 12 डाक बंगले थे, तिब्बत में हमारी तीन फौजी चौकियां थी, तिब्बत में हमारा तारघर, टेलीफोनघर था। 1954 का एग्रीमेंट चव्हाण साहब पढ़ ले। उस एग्रीमेंट में लिखा हुआ है कि 'विद रीजनेबिल कम्पेनशंसन', उचित मुआवजा लेकर भारत सरकार ये चीन सरकार को दे दे, लेकिन बाद में भारत की सरकार ने चीन सरकार के प्रति सद्भावना दिखाने के लिए बिना एक पैसा मुआवजा लिए दे दिया। 12 डाक बंगले चले गए, तारघर, टेलीफोनघर चला गया, फौजी चौकियां चली गईं। फिर अगर यह सरकार कहती है कि इंडिया की हिफाजत के लिए यह विधेयक आया है तो हम कैसे मान सकते हैं कि इस सरकार के रहते इंडिया की हिफाजत होगी।

उपसभापति : आपने 25 मिनट से ऊपर ले लिए हैं।

श्री राजनारायण : चेयरमैन साहब के सामने यह बात तय हो चुकी है कि आज हमारे ऊपर कोई समय की पाबन्दी नहीं रहेगी।

उपसभापति : क्यों ?

श्री राजनारायण : कुछ रिपीट करे तो रोक दीजिएगा।

उपसभापति : तीन घंटे दिए हैं इसके ऊपर।

श्री राजनारायण : चेयरमैन साहब के साथ बात हुई थी। उस वक्त हमने यही रिक्वेस्ट किया था। सेक्रेटरी साहब वहां थे।

SHRI AKBAR ALI KHAN: Madam Deputy Chairman, may I, through you, ask Mr. Rajnarain if it is fair on his part to say that he should have special time and others in the Opposition should not have any time. We are all having 15 minutes each.

श्री राजनारायण : नो स्पेशल टाइम । मैं कोई स्पेशल टाइम नहीं चाहता । मैं यह चाहता हूँ कि सबके लिए समानता बरती जाय । समानता यह कि जो जितना बोल सके बोले ।

उपसभापति : और 5 मिनट दूगी ।

श्री राजनारायण : आप चाहें जितना दें लेकिन मैं पांच मिनट में अपने भाषण को समाप्त नहीं कर पाऊंगा । मैं आपसे प्रार्थना करता हूँ कि 5 मिनट में इस विधेयक पर भाषण नहीं हो सकता ।

उपसभापति : इतना समय और किसी सदस्य ने नहीं लिया है ।

श्री राजनारायण : ऐसा विधेयक आया क्यों ?

उपसभापति : जितना बोलना चाहते हो पांच मिनट में बोल सको तो बोलो ।

श्री शीतलदास याजी : अक्ल ही नहीं है ।

श्री राजनारायण : अक्ल होती तो यह विधेयक आता ही नहीं ।

SHRI NIREN GHOSH: Madam, when the Business Advisory Committee allotted five hours, the question was raised that the time should be extended. You asked not to insist because it was generally done. Now you say it is the discretion of the Chair. The discretion of the Chair should be to extend the time and not to curtail it. The debate began after 12 o'clock.

THE DEPUTY CHAIRMAN: That is all right. I know all those points. It is left to the discretion of the Chair as to how much time each Member

has to be given. The allotment of time is also at the discretion of the Chair according to party-wise division I know how many names I have before me. Yes, Mr. Rajnarain. I am giving you five minutes more.

श्री राजनारायण : हमने आपकी सेवा में निवेदन कर दिया । अब आप जैसा करेंगी उसके ऊपर हमें जो कुछ कहना होगा वह बताएंगे । मैं पुनः निवेदन कर देता हूँ सरकारी पक्ष के लोगो से भी और चेयर से भी कि इससे बढ़ कर हो सकता है कि हमारे जीवन में कोई काला विधेयक न आए । इसलिए इस विधेयक पर हम कोई पुनरावृत्ति नहीं करेंगे । इस विधेयक पर ठीक तरह से जो जितना बोलना चाहे उसको उतना बोलने का मौका मिलना चाहिए । सरकारी पक्ष के लोग बोलना चाहे तो एक दिन और सदन बढ़ा दिया जाय लेकिन लोगों को ऐसे काले और नालायक विधेयक पर बोलने से रोका नहीं जाना चाहिए । यह जनतंत्र और नियमों की अवहेलना है । तो इसलिये मैं यह कह रहा था कि इंडिया की 13 हजार वर्ग मील जमीन लद्दाख के इलाके में चली गई ।

उपसभापति : यह सारा इतिहास यहाँ नहीं आ सकता । I am sorry. You have to be relevant on this issue, Mr. Rajnarain.

श्री राजनारायण : मैं इसी बिल पर बोल रहा हूँ । This is most relevant.

डिप्टी चेयरमैन साहिबा, मैं आपसे निवेदन कर रहा हूँ कि वर्म्स गेजट में लिखा हुआ है ।

उपसभापति : सुनिये मैं क्या कहती हूँ ।

I am very indulgent to you. You must be very relevant to the matter that is before the House, the Bill, and we cannot indulge in the past history and in what you want to narrate now.

please be relevant. I will give you five minutes more and you have already taken more than 25 minutes. Please be relevant

श्री राजनारायण : मैं इस विधेयक पर बोल रहा हूँ, विधेयक में लिखा हुआ है डिफेंस आफ इंडिया और मैं देख रहा हूँ कि यह सरकार इंडिया का डिफेंस नहीं कर रही है, यह सरकार इंडिया का कत्ल कर रही है, इस सरकार ने मातृभूमि की बहुत सी जमीन दूसरे मुल्कों के हाथ में जाने दी और नाम ले रही है कि इंडिया का डिफेंस है, इसलिये मैं विनम्रता के साथ कहना चाहूँगा कि सरकार इस विधेयक के द्वारा जिस तरह से बलात्कार कर रही है उस तरह से बलात्कार करना रोके। फिर इसके आगे यह है :

“Security of the State or the maintenance of the public order.”

यह एक्ट का दूसरा क्लॉज है।

THE DEPUTY CHAIRMAN: You say what is the substance of the Bill. This is only for an extension of the period. Do not quote the clauses and you give just the provisions of the Bill.

श्री राजनारायण : यह तो तीन साल के लिये बढ़ाया जा रहा है। आप ही विधेयक पर बोल रही हैं तो मैं आपका ही भाषण सुनूँ, अगर आप खुद बोलना चाहें तो मैं बाद में बोलूँ।

THE DEPUTY CHAIRMAN: I am appealing to your reason. जो कुछ कहना था वह कह चुके। आपको 25 मिनट का वक्त था उसमें सब कुछ कह सकते थे, और लोगो ने इतने में सब कह दिया।

श्री राजनारायण : हम नहीं कह सके। राजनारायण राजनारायण है, राजनारायण चौहान नहीं है।

THE DEPUTY CHAIRMAN: I said, I am appealing to your reason.

श्री राजनारायण : बस यह कहिये आप। श्री अकबर अली खान यहाँ पर आये, बहुत लम्बी चोड़ी तकरीर देकर चले गये, उस समय आप यहाँ पर विराजमान नहीं थी, तो उनका कहना है कि maintenance of public order के लिये यह है। मैं समझ रहा हूँ कि आज यह सरकार पब्लिक आर्डर क्या है इसी को नहीं समझ रही है, ला एंड आर्डर और पब्लिक आर्डर—ये दोनों दो हैं या ये दोनों एक है इसको श्री चव्हाण साहब समझने की कोशिश करें।

माननीय, डा० राममनोहर लोहिया को पटना में गिरफ्तार किया गया। पटना में उन्हें गिरफ्तार किया गया प्रिवेटिव डिटेंशन ऐक्ट में और सुप्रीम कोर्ट ने छोड़ा। अगर इस सरकार को तनिक भी हया होती तो इस सरकार को नतमस्तक हो जाना चाहिये था लज्जा से। सुप्रीम कोर्ट ने लिखा है कि डा० लोहिया की गिरफ्तारी रागद्वेषपूर्ण ढंग से हुई; डा० लोहिया की गिरफ्तारी में उचित ढंग नहीं अपनाया गया, मैतिश के साथ हुई। हाई कोर्ट और सुप्रीम कोर्ट इस तरह से रिमार्क्स दें, उसके बावजूद भी यह सरकार प्रिवेटिव डिटेंशन ऐक्ट की अवधि बढ़ाने के लिये हमारे सामने विधेयक लाये। मैं समझ नहीं सकता कि ऐसा क्यों।

श्री शीलभद्र याजो : आप कभी समझ नहीं सकते।

श्री राजनारायण : आगे फिर देखा जाय। इसी में कहा गया है कि डिस्ट्रिक्ट मैजिस्ट्रेट, दूसरे एडिशनल मैजिस्ट्रेट, स्टेट गवर्नमेंट और सेंट्रल गवर्नमेंट किसी को गिरफ्तार करले तो तीस दिन के अन्दर एक एडवाइजरी बोर्ड बैठेगा। क्या एडवाइजरी बोर्ड है। कितनी मर्तबा हम गिरफ्तार हुये हैं, एडवाइजरी बोर्ड की नौटकी को हम जानते हैं। हम चव्हाण साहब को बताना चाहते हैं कि हमारा श्री जीरो हो गया, तीसवीं बार गिरफ्तारी हो गई कांग्रेस राज्य में। पहले

[श्री राजनारायण]

29 बार था, 30 बार हो गया। अब जब कि तिहाड़ जेल दिल्ली में रहे, तीस बार कांग्रेसी राज्य में हुई।

मैं पूछना चाहता हूँ कि प्रिवेटिव डिटेनशन किस लिये है। आज अगर कांग्रेस के अन्दर कोई व्यक्ति अपने को यह समझते हों तो मैं यह कहूँगा कि वह बुद्धि भ्रम के चक्कर में पड़े हुये हैं कि वह राजनारायण या डा० लोहिया या अन्य दूसरे समाजवादी लोगों से ज्यादा राट्र-भक्त हैं—हम ज्यादा शब्द का इस्तेमाल कर रहे हैं। मैं समझूँगा कि वह गलती कर रहे हैं। जहाँ राष्ट्र के ऊपर आंच आयेगी, जहाँ राष्ट्र के ऊपर खतरा आयेगा, वहाँ हम होंगे। आज इस सरकार ने राष्ट्र के ऊपर खतरा पैदा किया, राष्ट्र के ऊपर आंच आने दी। हम कहना चाहते हैं कि इस सरकार को हटा करके भी, इस सरकार की हत्या करके भी, राष्ट्र की रक्षा करने में आगे रहेंगे। मगर राष्ट्र की जिन्दगी है क्या, राष्ट्र है क्या, यह मैं आपको बताना चाहता हूँ और इसीलिये थोड़ा समय लिया।

मैं पूछना चाहूँगा कि यह प्रिवेटिव डिटेनशन ऐक्ट उस कौल पर नहीं लगा जो कौल 20 अक्टूबर, 1962 को उर्वशी से, उत्तर पूर्वी सीमाचल से, भागा था; यह प्रिवेटिव डिटेनशन ऐक्ट उन मन्त्रियों के ऊपर क्यों नहीं लगा जिन मन्त्रियों के ऊपर आज भी अनेक भ्रष्टाचार के केस चल रहे हैं। मैं चाहूँगा, इस समय माननीया इन्दिरा जी नहीं हैं, इन्दिरा जी का पत्र हमारे पास मौजूद है, उन्होंने लिखा है . . .

उपसभापति : अब देखिये, **Do not mention names.**

श्री राजनारायण : अच्छा, प्रधान मंत्री जी यहाँ नहीं हैं, प्रधान मंत्री जी का पत्र हमारे पास मौजूद है, हमने उत्तर प्रदेश के एक मंत्री के बारे में लिखा, ट्रांसपोर्ट मिनिस्टर के बारे में

लिखा, इनका मसला वहाँ के एक जज के सामने गया, वह मसला वापस ले लिया गया, तो क्यों; सारा रिकार्ड खत्म कराया जाता है, तो क्यों? तो उन्होंने लिखा कि हम इस बात से सहमत हैं कि एक बार ममला जाने के बाद वापस नहीं होना चाहिये। फिर क्या हो रहा है, ट्रांसपोर्ट मिनिस्टर के ऊपर ..

उपसभापति : अब समाप्त कीजिये।

श्री राजनारायण . हम यह कहना चाहते हैं कि श्री जिनेश्वर मिश्र को प्रिवेटिव डिटेनशन में पकड़ा गया जेल गेट पर तिहाड़ में। हम पूछना चाहते हैं कि राम आसरे वर्मा, श्री सत्यदेव त्रिपाठी, दिल्ली की तिहाड़ जेल से छूटते हैं, हमारे साथ उसी जेल से, और पुलिस उनको गिरफ्तार करती है प्रिवेटिव डिटेनशन ऐक्ट में। तो जो ऐक्ट हमारी आजादी की कतरव्योत करे उस ऐक्ट की अवधि को बढ़ाने के लिये हमसे कहा जाय तो उस विधेयक को आगे बढ़ाना हम कैसे टालरेट कर सकते हैं। हम कहना चाहते हैं कि अगर जगतगुरु शंकराचार्य मनुष्य हैं, इसान हैं, तो इन्होंने कौन से इडिया के ऊपर खतरा ला दिया, उनके कम से भारत की सुरक्षा को कौन सी आंच आई जो उनको गिरफ्तार किया गया।

(Time bell rings)

श्री प्रभुदत्त ब्रह्मचारी को क्यों गिरफ्तार किया गया, करपाती जी को क्यों इस तरह से गिरफ्तार किया गया। तो जो नाजायज तरीके से गिरफ्तार करके सारे देश के वातावरण को क्षुब्ध बना रही है वह सरकार दोषी है शान्ति और व्यवस्था के लिये, या यहाँ के नागरिक दोषी है शान्ति और व्यवस्था के लिये?

उपसभापति . राजनारायण जी, अब समाप्त कीजिये। मैंने पांच मिनट दिये थे। I have been very indulgent about time with you and you should also respect the restriction on time.

श्री राजनारायण : मैं आपसे यही अर्ज कर रहा हूँ . . .

उपसभापति : अब आप खत्म कीजिये ।

श्री राजनारायण : अब आपका यह हुक्म हो रहा हो कि मैं न बोलूँ तो . . .

उपसभापति : आप बहुत बोल चुके ।

श्री राजनारायण : हम तो नहीं बोल चुके । मैं तो आपसे यह विनती कर रहा हूँ, मुझे अरुण होना है, शायद आपके मन में यह डर तो नहीं है कि हमारे मुँह से कुछ ऐसे शब्द निकल जायेंगे जिनसे आगे चलकर सरकार पर ज्यादा चोट लगे . . .

उपसभापति : चोट का मुझे डर नहीं है, नेयर को कोई डर नहीं रहता ।

श्री राजनारायण : आप हमारी ओर से निश्चित रहिये ।

THE DEPUTY CHAIRMAN: I want to call Mr. Chordia now.

श्री राजनारायण : इसलिए मैं आप से यह कहना चाहता हूँ कि यह काला विधेयक, यह अजनतन्त्री विधेयक, यह गन्दा विधेयक, यह गलाघोट विधेयक, मानवता की हत्या करने वाला विधेयक, राष्ट्रीयता पर कलंक लगाने वाला विधेयक, स्वतंत्रता का अपहरण करने वाला विधेयक, जनतंत्र की सरिता को सुखाने वाला विधेयक, वापस होना चाहिए । जब तक वापस नहीं होगा तब तक यह मसला राष्ट्र का हल होगा नहीं ।

श्री विमलकुमार मन्नालालजी चौरड़िया (मध्य प्रदेश) : उपसभापति महोदया, जो विधेयक प्रस्तुत किया गया है . . .

श्री राजनारायण : आन ए प्वाइंट आफ आर्डर । एक प्वाइंट आफ आर्डर है मेरा ।

उपसभापति : अब क्या प्वाइंट आफ आर्डर है ।

श्री राजनारायण : प्वाइंट आफ आर्डर मैं आपको सुना दूंगा ।

THE DEPUTY CHAIRMAN: I will not allow any point of order, because between your finishing the speech and Shri Chordia's beginning the speech, there is no point of order.

राजनारायण : हमने अपना भाषण समाप्त कर के ही प्वाइंट आफ आर्डर उठाया है ।

THE DEPUTY CHAIRMAN: There is no point of order. Mr. Chordia.

श्री राजनारायण : आप जरा साफ कर दीजिए । मैं एक सफाई चाहता हूँ, अगर नहीं कहने देंगी तो मैं बोलने से हटने से इन्कार कर दूंगा ।

SHRI SHEEL BHADRA YAJEE: Order.

SHRI RAJNARAIN: No order, no order, no order.

स्वतन्त्रता का आप अपहरण करते हैं, कहते हो आर्डर, आर्डर । काला विधेयक है । * * *

THE DEPUTY CHAIRMAN: Order, order.

SHRI SHEEL BHADRA YAJEE: I know you.

SHRI RAJNARAIN: I know you; * * *

SHRI SHEEL BHADRA YAJEE: ***

SHRI RAJNARAIN: * * *

THE DEPUTY CHAIRMAN: Whatever is said just now is to be expunged.

श्री राजनारायण : माननीया, मैं आपसे आज्ञा चाहता हूँ * * *

THE DEPUTY CHAIRMAN: Please take your seat. You may have requested the Chairman. Many Members go

***Expunged as ordered by the Chair.

[The Deputy Chairman.]
to the Chairman with many requests.
Nothing has been conveyed to me by
the Chairman. I do not know whether
anything has been conveyed to you.

श्री राजनारायण . मैं समझता हूँ कि आप
वहाँ उपस्थित थी ।

THE DEPUTY CHAIRMAN: But I
am in the Chair just now. Therefore
I am regulating the debate, and so
the Chair calls upon Mr. Chordia to
speak.

SHRI RAJNARAIN:***

SHRI AKBAR ALI KHAN: No
remarks against the Chair.

SHRI RAJNARAIN. I am not re-
marking against the Chair * * *

श्री विमलकुमार मन्नालालजी चौरड़िया :
उपसभापति महोदया, जितने विशेषण
माननीय राजनारायणजी ने इस काले
कानून के लिए लगाये थे वे अपनी जगह पर
ठीक है । महोदया . . .

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) :
राजनारायणजी के मुताबिक कुछ ठीक है,
वैसे ठीक नहीं है ।

श्री विमलकुमार मन्नालालजी चौरड़िया :
अर्जुन अरोड़ा साहब तो . . .

श्री राजनारायण : जब राजनारायण
के मुखारबिन्द में ठीक है तो सदन के मुखार-
बिन्द में ठीक है . . .

THE DEPUTY CHAIRMAN: No
interruptions.

श्री राजनारायण : जब मैं बाहर गिरफ्तार
होने जाऊँ तो यही क्यों न गिरफ्तार
हो जाऊँ ? माननीय उपसभापति महोदया,
यही तो आप करोगी न कि आप नाम ले लेंगी,
मोशन आयेगा, हम एक्सपेल कर दिये जायें ।

***Expunged as ordered by the
Chair

अगर इस सदन की व्यवस्था को सुचारू
रूप से न चलने देने की प्रतिज्ञा की है
सरकार ने, तो मैं भी लाचार हो जाऊंगा ।

THE DEPUTY CHAIRMAN: You
know the Rules of Procedure.

SHRI RAJNARAIN: Therefore I am
telling you; I am requesting you
again and again.

श्री विमलकुमार मन्नालालजी चौरड़िया :
प्रस्तुत विधेयक का कानून सन् 1950
में इस दृष्टि से बनाया गया था कि कुछ सालों
के लिए सरकार को अपने देश में व्यवस्था
ठीक से चलानी थी और कुछ वर्षों के लिए
अस्थायी तौर पर इसको स्वीकार किया
गया । मगर हमारी सरकार व्यवस्था
करने में अपने को इतना असफल मानती
है, और सम्भवतः उसे इतना भय लगता
है, कि यदि यह कानून हमारे हाथ में नहीं
रहेगा तो काम नहीं चलने वाला है । मैं
प्रार्थना करूँगा इस भय से हमारी सरकार
को मुक्त होना चाहिए ।

महोदया, जैसा माननीय अकबर अली
खा साहब ने अपनी बड़ी लम्बी चौड़ी
तकरीर की और बड़े जोश व खरोश के
साथ कहा कि इसका मिसयूज कहीं भी
नहीं हुआ, उमका कोई उदाहरण नहीं मिलता,
तो माननीय चित्ता बागु ने उसके काफी
उदाहरण दे दिये हैं । मैं आपके सामने आकड़े
देता हूँ जो स्वयं सिद्ध करते हैं कि आपने
इसका कितना मिसयूज किया है । जो आकड़े
दिये गये हैं वे इस प्रकार हैं कि 1 अक्टूबर,
1965 से 30 सितम्बर, 1966 तक
निवारक नजरबंदी कानून के अन्तर्गत
498 व्यक्ति गिरफ्तार किये गये, जिसमें
से 397 को सरकार ने छोड़ दिया, उनको
कोर्ट तक जाने का भी मौका नहीं दिया क्योंकि
सरकार जानती थी कि यदि उनको नहीं
छोड़ा गया तो वहाँ पर जो एडवाइजरी
बोर्ड या हाईकोर्ट होगा या सुप्रीम कोर्ट
होगा वह हमारे मुँह पर, हमारी गलती

के लिए कुछ इजारा करेंगे और उसके परिणामस्वरूप हमको इसके पहले ही छोड़ देना चाहिए तो 498 मे से 397 को हमारी सरकार को मजबूर होकर छोड़ना पड़ा ।

श्री अकबर ग्रनी खान : सरकार ने छोड़ा ।

श्री विमलकुमार मन्न लालजी चौरडिया : तो गिरफ्तार किया ही क्यों ? क्या अपनी शोभा, अपनी प्रतिष्ठा बढ़ाने के लिए, क्या इसमें शान बढ़ती थी, किसी को जेल में बन्द करने से, क्या इसको आप अच्छा समझते हैं, क्या मतलब था आपका? यदि आप इसको सही मानते हैं कि किसी को गिरफ्तार किया जाना चाहिए तो उसको छोड़ने की जरूरत नहीं थी, उसको एडवाइजरी बोर्ड में भेजना था, हाईकोर्ट में जाने देना चाहिए था, सुप्रीम कोर्ट में जाने देना चाहिए था । फिर आपको मालूम पड़ता आपने कितना गलत काम किया और कितना आपने अधिकार का दुरुपयोग किया और अपने कानून के द्वारा किसके अधिकारों का हनन किया है ।

(Interruptions) याजी जी, आप कृपा करके मत बोलिये आप अपने शील को रखिये और भद्र भी बनिये, नहीं तो आपको छूट है अपना विवेक खोने की । तो इस तरह से माननीय अकबर ग्रनी खा साहब इसमें अपनी सरकार की प्रतिष्ठा समझते हैं कि इनने लोगों को गिरफ्तार करके फिर छोड़ दिया तो हमने बहुत पुण्य का काम किया । यह गलत काम किया, उनको गिरफ्तार करने की आवश्यकता भी नहीं थी और जहां तक यह 18 आदमियों का सवाल है, उपसभापति महोदया, एडवाइजरी बोर्ड ने स्वयं कहा कि बहुरबानी करके इनको छोड़ दीजिए, 83 को जरूर सजा मिले । तो इस कानून का प्रमुख उद्देश्य यही है कि हमारे देश की सीक्योरिटी ठीक रहे, हमारे यहां का ला

एण्ड आर्डर मेंटेन रहे । जो इसकी धारा 3(1) है उसमें लिखा है

‘Defence of India, relations of India with foreign powers, or the security of India’

यदि किसी आदमी के बारे में ऐसी आशंका हो तो उसको हमें डिफेंस आफ इन्डिया का आश्रय लेना चाहिये, और एक बात और है कि जो फारेनर हो और यहां गड़बड़ करना चाहता हो या भागने को तैयार हो गड़बड़ करने के लिये तो उसका भी प्रबन्ध किया जा सके, ये दो प्रमुख कारण हैं । बाकी तो गुंडागर्दी कराने के लिये, कोई दूसरे गलत काम करने या वायलेन्स कराने वाले के लिये हमारे दूसरे कानून भी हैं । हमारे भाई राजनागयण को और कई लोगों को धारा 107 पर और छोटे छोटे गुनाह लगाकर, जिनका कोई आधार नहीं, पकड़ कर गिरफ्तार करके रखा था । हमारे बलराज मधोक भारतीय जनसंघ के अध्यक्ष थे उन पर धारा 107 का जुर्म लगा दिया, फिर हाई कोर्ट ने उन्हें छोड़ने का आदेश दिया, ये सारी बातें हुईं । तो प्रिवेन्टिव डिटेन्शन ऐक्ट का मुख्य उद्देश्य यह है कि हमारे देश की सुरक्षा भी रहे और विदेशी लोग यहां आकर गड़बड़ न करें । अब ये सारे आकड़े उठा कर देख लीजिए, इन दो प्रमुख बातों के आधार पर गत वर्ष एक भी आदमी को गिरफ्तार नहीं किया गया । उपसभापति महोदया फिर इस कानून की क्या आवश्यकता रह जाती है । क्या गुंडों को रोकने के लिये दूसरे कानून नहीं, क्या शैतानियत करने वालों के लिये त्रिनिमल प्रोसीजर कोड में व्यवस्था नहीं ? उपसभापति महोदया, यह चाहते हैं न किसी न किसी तरह जबर्दस्ती सत्ता को किसी न किसी तरह अपने हाथ में रखे । कहीं कहीं प्रान्तीय मुख्य मंत्री चाहते हैं कि उनकी मुखालिफत में कोई मामला उभड़ न जाय इसलिये कानून का दुरुपयोग करने के लिये इस व्यवस्था का सहारा ले रहे हैं ।

[श्री विमलकुमार मन्नालालजी चौरेडिया]

फारेन्स के बारे में जो इसमें चर्चा की गई, मैं अपने गृह मंत्री जी से जानना चाहता हूँ कि क्या कारण है कि अमम में पाकिस्तानियों का प्रवेश प्रति दिन होता जा रहा है, हम उसकी चर्चा भी खूब करते हैं मगर उनकी मख्या प्रति दिन बढ़ती जा रही है, क्यों नहीं हम इस कानून का उपयोग लेकर या अन्य कानूनों का उपयोग करके उनके विरुद्ध कार्यवाही करते और उनको डिटेन करके यहाँ से हमेशा के लिए रफा दफा करते । लेकिन ऐसे मामलों के लिए सरकार की ताकत न जाने कहा चली जाती है और यहाँ पर कानूनी व्यवस्था होने के बावजूद भी हमारी सरकार उसका उपयोग नहीं कर सकती है तो कानून रखने से क्या लाभ है । एक भी व्यक्ति इन दो उपधाराओं के अन्तर्गत नहीं पकड़ा गया जो कि उसका प्रमुख अंग है, जो कि उसकी जान है ।

इस प्रिवेन्टिव डिटेन्शन ऐक्ट का दुरुपयोग जयपुर में भी किया गया । वहाँ आग लग गई । आग लग चुकी उसके बाद कुछ लोगों को डिटेन किया गया । यह समझ में आने सगी बात नहीं । यदि कोई आग लगाने वाले थे तो उनके खिलाफ इंडियन पीनल कोड के अनुसार कार्यवाही आग लगाने के सिलसिले में होनी चाहिए थी और उसमें कोई आपत्ति नहीं हो सकती थी मगर प्रिवेन्टिव डिटेन्शन ऐक्ट के अन्तर्गत किसी को गिरफ्तार करने का कारण समझ में आता नहीं । तो इस दृष्टि से जो फिगर्स यहाँ प्रस्तुत हैं और जो हमारे यहाँ उदाहरण हैं उनको देखते हुए यह निश्चित है कि हमारे यहाँ प्रिवेन्टिव डिटेन्शन कानून का दुरुपयोग होता है जोकि सरकार को करना नहीं चाहिए । यहाँ पर जो आधार दिये गये हैं उनके लिये पहले से ही कानून बहुत से हैं इस लिए इस कानून की आवश्यकता नहीं थी । इसके बावजूद भी यदि सरकार समझती

है यह कानून रहना चाहिए तो मैं समझता हूँ अब आम चुनाव होने वाले हैं, नयी सरकार आने वाली है, आप काहूँ को कष्ट उठाते हैं । 1969 के साल तक इसकी अवधि बढ़ाने का क्योंकि जो नयी सरकार आयेगी, वह ठीक समझेगी तो निश्चय करेगी कि यह काला कानून स्टेट्यूट में रहना चाहिए या नहीं, यानी वह निर्णय करना आप अगली सरकार के लिए छोड़ दीजिए क्योंकि आपके स्वयं के जिस दल का शासन है उस दल का अभी केवल 1967 तक पीरियड है । तो ऐसी स्थिति में व्यर्थ ही 1969 तक का पीरियड रखते हैं । इस तरह से यह बवाल खड़ा करना ठीक नहीं है ।

दिवान चमन लाल : 31 दिसम्बर, 1969 है । It is 31st December, 1966.

3 P. M.

SHRI V M CHORDIA: But you are going to extend it up to the 31st December, 1969 while the present period is upto 1967. तो मैं यह

निवेदन करना चाहता हूँ कि आप 1969 तक का सिरदर्द क्यों लेते हैं । इस लिए मैं कहना चाहता हूँ कि सन् 1967 में नई सत्ता आने वाली है और तब तक ही यह कानून आप लागू रखें ।

SHRI AKBAR ALI KHAN: You are talking of the Lok Sabha and not of the Rajya Sabha

श्री विमलकुमार मन्नालालजी चौरेडिया : इस दृष्टि से तो यह लोक सभा से पास हो चुका है और फिर राज्य सभा में आया है और इस समय यह विचारार्थ लिया गया है । इस समय हमें धबराणा नहीं चाहिए और इस चीज की आवश्यकता भी नहीं है । ऐसी स्थिति में जो 1969 तक आप यह कानून लागू करना चाहते हैं उसकी आवश्यकता नहीं है । यदि आपको

डर है कि इस कानून के बिना हमारी व्यवस्था ठीक तरह से नहीं चल सकती है, तो इसको केवल 1967 तक ही रखिये।

इन शब्दों के साथ मैं यह भी प्रार्थना करूंगा कि जिन प्रांतों, जैसे मध्य प्रदेश में, वहां के मुख्य मंत्री को अपने विरोधियों को विक्टामाईज करने की बहुत आदत है। वे विक्टामाईज करने में अपने दल के लोगों को भी नहीं छोड़ते हैं। जिन लोगों के प्रति उनका द्वेष होता है चाहे वे दल के ही क्यों न हों, उनको तक वे नहीं छोड़ते हैं। लेकिन उनके गुट के जो लोग होते हैं, उनके प्रति उनका बहुत प्यार होता है और बड़ी कृपा रहती है। उन्होंने मूलचन्द देश-लहरा, जो कांग्रेस के प्रांतीय अध्यक्ष रह चुके हैं उनको तक हथकड़ी पहनाने में नहीं चूके। ऐसी स्थिति में वहां के मुख्य मंत्री तथा और मुख्य मंत्री जो प्रांतों में हैं, वे अपने में विरुद्ध मत रखने वालों के खिलाफ इस कानून का उपयोग करेंगे। अगर हमारे देश में इस कानून का इस तरह का दुरुपयोग होना प्रारम्भ हो जायेगा तो देश में प्रजातंत्र के हिसाब में काम नहीं चलेगा और इसका परिणाम अन्तिम होगी तथा जिसका जन्म देने का कारण यह कांग्रेस सरकार बनेगी।

इस लिए मैं प्रार्थना करता हूं कि पहले तो आप इस कानून को वापस ले लें। अगर नहीं ले सकते हैं तो आप को इस बात का ध्यान रखना होगा कि इसका दुरुपयोग न हो। इसके साथ ही साथ मैं यह भी कहना चाहता हूं कि इसका पीरियड केवल 1967 तक ही रखा जाना चाहिए। यही मेरा निवेदन है।

SHRI DEBABRATA MOOKERJEE (West Bengal): Madam Deputy Chairman, I am for open trial. I have spent my life in the courts and I believe not only in justice being done but in justice being seen to be done. At the same time, Madam, you have to take into account the circumstances pre-

vailing in the country. Not unoften we come across posters and placards in the highways of the capital and elsewhere, that a determined attempt will be made to thwart Government in its different departments, Central and State. Their intentions are publicised through the press and the platform that something drastic is going to be done. In such a situation, I say when there is danger of public peace and tranquillity being disturbed, when there is danger in the offing, then I think it becomes the duty of every sensible government, which means to govern, to take preventive action. Madam, it has been said and also repeated any number of times that the Indian citizen enjoys certain rights and privileges which cannot be taken away lightly. Nobody will dispute the correctness of that proposition even for a single moment of time. But the position is when you feel that you are going to be completely rendered helpless, then you have to take stern action. That action can very well take the form of preventive detention when such detention becomes an imperative necessity.

Madam Deputy Chairman, it has been said that we value very much our Fundamental Rights. The Constitution confers upon us those rights and very rightly. We cherish those rights and we are proud of them. But let us not forget for a moment that the same Constitution which gives you the right to assemble peacefully, to practise your religion in your own way, to profess your faith in the manner you like best, to follow any trade or avocation you like, to go to any part of the country you wish to go—that same Constitution gives the Government and the people the right to have what is called preventive detention law. You must not forget that aspect of the matter. Article 21 gives you the right of personal liberty. But article 22 of the Constitution empowers the Government to obtain appropriate legislation authorising preventive detention. There are certain safeguards which have been pro-

[Shri Debabrata Mookerjee]

vided by the Constitution itself. One of them is that normally nobody can be detained for a period of more than three months. At the same time, there is a provision in the Constitution empowering Parliament to pass legislation which would authorise detention for more than three months. In pursuance of these provisions the Preventive Detention Act has been passed. I think, Madam, that the very fact that the ruling party has not tried to put that Act on a permanent basis reflects great credit to that party. It has the right to make it a permanent statute, but for the simple reason that it wishes very much that a day will come soon enough perhaps sooner than later, when it will become wholly unnecessary to retain on the statute book such a piece of legislation, it has not done so. But we cannot at the same time be blind to the fact that here are exigencies and situations in the country which have required not only the passing of this legislation but demanded its continuance these years. Even on the present proposal they wish to continue it for a period of three years only, not more than that. I say, Madam, there is nothing in the Constitution to prevent a legislation of this type being placed permanently on the Statute Book. But quite properly the ruling party has not done that. That only shows that the Congress Party here is very anxious to safeguard as much as possible personal liberty and the right of individual action.

While we can see this aspect of the matter we have to consider the other aspect too, namely the situation which actually obtains. We have had, in the course of one month, I dare say at least three or four frightful notices coming up that something drastic is going to be done that Parliament will be surrounded that the Ministers will be kept confined in their houses or things of that sort. I ask, if such a situation arises, is there any piece of legislation which will authorise the Government to deal with such

persons? Does the Indian Penal Code give any power or authority to punish a man for having merely said that the citizens of a particular place are determined to lodge a protest in a manner to bring about a stalemate? There is no provision in the law of the land which will entitle Government to take action in a case like this.

You will see, Madam, that the Government is very chary in taking action in a matter like this. Only the other day the intention was publicised that a protest at the instance of a large number of people would be lodged in a particular manner endangering public order. As far as I know I was not in this country, I was out of India at that time—the Government did not rush to do anything for the moment. They did not prevent people from assembling peacefully. But when things took a very different turn then they had to take action. I say, Madam, that in cases of this type where the intentions are publicised, where no secret is made by the sponsors of such moves that they are going to do something very drastic which shall create an ugly situation for any Government, would it not be right would it not be proper to take action under a piece of legislation like the one we have taken on the statute book, namely, the Preventive Detention Act? No one likes such a piece of law, but at the same time you have to be realistic and it is not right to say that it is an infringement of constitutional rights. As I said earlier in my speech, just as the Constitution gives all those Fundamental Rights—the right to free speech, the right to free assemblage, the right to practise one's religion, the right to follow one's trade or occupation—it is the same Constitution which gives Parliament the authority to enact the preventive Detention Act. It is only a piece of claptrap, if I may say so with respect, to suggest that it is all unconstitutional, that it is all wrong. That cannot be wrong because the Constitution itself provides for the passing of such a law the life

of which we are trying to extend today.

Turning to another aspect of the matter, you have to remember that this is not a piece of legislation comparable to the Defence of India Rules or Act. You could, under that legislation, have put anybody behind prison bars and you could have successfully prevented in most cases resort to court. But here, Madam, what do we find? We find the picture is entirely different. In another capacity I had to deal with numerous such cases. When people were detained the law provides that—the Act itself says—that as soon as a person is taken into custody he should be furnished with the grounds of detention. That is his constitutional right. He must be told why he has been taken into custody and shortly thereafter the person detained is given the right to approach the Advisory Board. It is a matter of common knowledge that members of the Advisory Boards constituted all over the country are all capable men, experts in dealing with these matters and indeed the Constitution itself provides that these members have to be persons who were once High Court Judges or who were qualified to be appointed High Court Judges. These cases come up before the Advisory Boards and the Preventive Detention Act itself provides that the person detained, if he so wishes, can make a representation to the Board; not only that, he can make a request for a personal hearing. And it is within my knowledge that there have been a number of cases where persons detained under the provisions of the Act were given immediate relief after they had been heard by the Advisory Board. There has not been a single complaint anywhere that the Boards were not properly constituted or that the Boards did not act properly. The provision contained in the Act makes it perfectly plain that the detained person will have the right of access to the Advisory Board and the Advisory Board after going into the details of the

case and after hearing the person detained who has got the opportunity to make a representation, either confirms the order made or if it just does not do that, expresses an opinion that there is not sufficient cause for detention in which case it becomes the duty of the Government concerned to immediately release the person. You know, Madam, that there have been cases before the courts under the Preventive Detention Act where the courts have, in the interests of the liberty of the citizenry of the country, declared that the orders of detention could not be upheld. I will give you one illustration. If out of four grounds furnished to the detainee one appears to be colourable, the courts have always held that it makes the whole detention bad. It is the subjective satisfaction of the detaining authority that is material but no one can say which exactly is the ground which weighed with the detaining authority in making the order of detention. If therefore a bad ground, an insufficient ground, or rather a ground which might be called inappropriate is put in and relied upon for the purpose of making an order of detention, the courts have always held that even though the other grounds might *prima facie* look to be quite good, the order must go. I ask, Madam, what greater rights in such cases can be expected by the citizens of the country? If the Government feel that some people are determined to act in a particular manner which would be prejudicial to the best interests of the country, which would go against law and order, think the provisions contained in the Preventive Detention Act can quite justifiably be invoked when they provide adequate safeguards so far as constitutional rights are concerned. So while one does not like such a piece of legislation to continue for all time to come, we have to be careful and see that the exigencies of the situation are properly met.

It is one thing to have a piece of legislation like this on the Statute Book and a very different thing to

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administer it. If the Government concerned does not administer it properly then, of course, that Government does come in for censure and I say justly so; but what I want to press is this that it is not right to suggest that this law is unconstitutional, that this constitutes an encroachment on our Fundamental Rights which undoubtedly are our cherished rights. The Constitution which gives us these Fundamental Rights also gives the power to Government to ask for Preventive Detention law. I submit, Madam, therefore, that this law, in the circumstances that are now prevailing should continue at least for some time to come.

DR. B. N. ANTANI (Gujarat): Madam Deputy Chairman, I rise to oppose this Bill in the interests of the good name of the nation, in the name of the great democracy of India. I believe, Madam, this is an enactment which is being brought before the House out of a sense of panic only. I have before me the statistics published by the Ministry of Home Affairs and they were quoted by one of the previous speakers also. Do they justify bringing in a measure which is against all principles of democracy, which is against the very legal jurisprudence? What are the reasons, what is the justification, for asking for an extension of the period for three more years of this lawless law? This is only, Madam, in my opinion an attempt to legalise Hitlerism in India. I have thought over the whole question not only in these three hours but during so many days since this measure was sought to be brought in here and I have been thinking what we should do. In the year 1950, it was brought only for three years and believe me, Madam, that was a period when the then Congress Government could have asked for a period of 20 years, or life imprisonment according to the Indian Penal Code. And Parliament would have allowed it at that time but those were the leaders who had some solicitude for democracy and the rule of law. That was why in the

first instance this law was brought in for only three years. And three more times extension has been given. The ex-Judge who just now spoke before me knows that when a Presiding Judge of the Sessions Court gives a sentence to a man for murder it is life imprisonment for 20 years. It has now become twenty years. Why are we here talking of democracy and the rule of law, if we went on introducing legislations with this sort of hypocrisy?

Some of the friends have talked of their having heavy hearts. Crocodile tears. Even Othello went to strangle Desdemona with a heavy heart. We are strangulating democracy. We are strangulating the rule of law with a heavy heart. For what? Give me the justification for it and I shall vote for it. Statistics show, as one previous speaker said, four hundred people were detained and three hundred were released. I know that it is only a question of panic. I would go to the extent of saying that the political successors of the British are more panicky than the British themselves although they call themselves as the national Government. What are we afraid of? We had two aggressions, one from China and the other from Pakistan. Did we see the nation disunited? Did we see the nation creating mischief at that time or did we face them with a united front to drive out the aggressors out of the country. But the powers that be today are panicky and nervous. Officers of King Canute have spoken here. I think King Canute was more awake. I do not know how the present incumbent of the Ministry of Home Affairs, coming from the State of the late Lokamanya Tilak, reconciles himself to sponsoring this legislation. I am here only to appeal to the Government not to be panicky. There is no use scandalising democracy in the eyes of other nations. We are the greatest democracy in the world today. We have pledged ourselves to be the proudest democracy. Is this the way you are going to be the proudest democracy in the world?

SHRI RAJ NARAIN Hypocrisy

DR B N. ANTANI Why bring in the use of adjectives for which a new dictionary would be required to condemn them? I am not capable of doing it, although I am a man of literature. I will, therefore, appeal to the Government not to bring forward any legislation which gives a handle to officers in the lower grade to misuse it. I do not accuse the Government that at the top level they will misuse it. But I have seen an instance where the Preventive Detention Act has been used against a 'Sarpanch' who dared to vote against the Congress in a village panchayat election. He was arrested under the Preventive Detention Act on Diwali day, so that he might be insulted, his children might be harassed and two months later an officer comes and releases him. This is the way this piece of legislation is being used in this country. Why? Why do this scurrying, why do this sin in the name of democracy? I, therefore, appeal to the successors of the British not to be panicky, but be brave and go a long way. I have heard speeches in the Central Legislature against the Rowlatt Bill. The late lamented Shastri was speaking, wasting his lungs, when he was pleading for the people. Now, when I heard the officers of King Canute defending this legislation with all sorts of imaginary excuses, my heart bleeds. I hope I shall not live long to see more of such phenomena in the name of democracy. God save democracy in India and let God give better sense to the Party in power not to bring in such legislation.

SHRI JAIRAMDAS DAULATRAM (Nominated). Madam, I had no intention to speak on this Bill and take up the time of the House, but several things said by some of the preceding speakers have forced me to express my thoughts as briefly as possible. I am afraid we are working under certain emotions and possibly carried away by those emotions and are not able to see things in their proper perspective. I believe that this legislation is a reaction to the situation in the country as

created by some of us, a part of the nation. Democracy in India will not lose its good name by this legislation. Democracy in India is losing its good name by many things happening in this country, which show that the people do not want to function in a democratic manner. The basis of democracy is what is called the rule of law. The rule of law does not mean that we should not (Interruption) I do not wish to be interrupted and whatever unpleasant things I may say have to be heard patiently, as I also have heard certain things with which I do not agree. That is the democratic way of functioning in Parliament.

SHRI A P CHATTERJEE You call preventive detention as the rule of law?

SHRI JAIRAMDAS DAULATRAM My train of thought has been disturbed and I would appeal to friends who do not agree with me to listen to me patiently. What I was saying when a friend interrupted me, was this. The rule of law means that the nation observes whatever is the law.

SHRI A P CHATTERJEE Illegal laws also?

SHRI JAIRAMDAS DAULATRAM It is when the people break the law deliberately, that the question of rule of law, as is being painted now, arises. I have had some slight experience of mass action and I know when Gandhiji was there guiding us what mass action meant. I know that mass action under certain local leadership did go wrong, but mass action under his leadership was a very different thing, as I shall explain briefly. But I want first to put forward one point, we are told that it is the right of the people to do certain things. But is it not also the right of the people to have an orderly Government in the country? Are there not thousands and lakhs of citizens who suffer on account of certain types of demonstration of mass power? Is it not their right also to live in an orderly manner, to continue to function and carry on their trade and profession and keep their shops

[Shri Jairamdas Daulatram.]

open? The rights of the citizens must be preserved and not allowed to be jeopardised by what may be called rights being exercised by another section of the people. All people of this country have a right to demand from the Government an orderly and systematic method of functioning in the country. It is the duty of the Government to see that things go on in an orderly manner and that fundamental right is not risked and jeopardised by certain types of demonstrations.

May I take a little time, because more than once my name was mentioned on an early occasion and also I was told that I knew what Gandhiji had done, etc. I will describe one little scene to give you an idea what Satyagraha meant under Gandhiji, though now some of us also use the word 'Satyagraha', but function differently though we use Gandhiji's name. I am referring to an incident in Bombay of which I was a witness and in a way also a participant. We were celebrating Lokamanya Tilak's day. There was a huge procession organised in Bombay by the Bombay Congress. The British Government issued an order saying that the procession must not go right into what was called the Fort area, because there were European shopkeepers there and the British Government did not want that the procession should pass through the European business quarters. The procession was led by the wife of the present High Commissioner, our High Commissioner in U.K. Mrs. Hansa Mehta. There was also a meeting of the Working Committee being held in Bombay. Sardar Patel was there. Maulana Azad was there. Shrimati Sarojini Naidu was there. Shri Jawaharlal Nehru was in jail. Maulana Azad, Shrimati Sarojini Naidu, Sardar Patel and all the other leaders were there, and we received, in the working Committee, intimation that this procession had been stopped near Bori Bunder Station. The procession squatted on the ground. The unnamed procession squatted on the ground insisting on the right to proceed further, and 300 men had been brought armed

with lathis to try to beat back this procession. Every minute there was imminence of that lathi-charge by the police. We stopped the working Committee meeting and we went to see what was going to happen, and we what was going to happen, and we found about 20,000 people gathered there, none in anger, no one's eyes were hot and red hot, they were all quite and subdued. In the front was Mrs. Hansa Mehta and round her we squatted; Sardar Patel squatted; Maulana Azad squatted; Shrimati Sarojini Naidu squatted; all the leaders squatted there. It was the month of August, monsoon season; rain started. We reached there about 7 o'clock. We stayed on up to 8 o'clock. We stayed on till 9 o'clock. The rain continued. 10 o'clock, 11 o'clock, 12 o'clock, 1 o'clock, 2 o'clock in the morning, 3 o'clock in the morning, 4, in the morning, right up to 7 in the morning all the leaders sat there, the masses in perfect control, and hundreds of hawkers came who were trying to feed the people, and all the time people in a very cheerful, self-controlled, happy way were singing one single bit of song.

सत्याग्रह में क्या कण्ठों, बोरी बन्दर

भारि बोरी बन्दर ।

This was a song which kept the people in a happy mood and there was no resistance, violence, anger, anything. Then what happened? The Home Member had to come from Poona and he himself came by special train and arrived at 7.30 in the morning and found all leaders squatting drenched in the rain, exposed to everything, bearing every physical discomfort. Then he decided that the leaders must be arrested. We knew that the British Government believed in lathi-charge, and what did we do? We showed no anger at the lathi-charge, we made no protest at the lathi-charge. We had prepared volunteers to bear the lathi-charge voluntarily. Satyagraha is based on offering ourselves for suffering. Satyagraha is not based on anger at suffering which we invite by our actions. And so there was a lathi-charge and there were a 100 trained

volunteers to bear the lathi-charge. They bore the lathi-charge. Some of them were seriously wounded. I believe one or two died also as a result of the lathi-charge. There was no anger because it was all Satyagraha, and therefore we welcomed it. That suffering which was the basis of our movement was reflected in our attitude

I do not want to go further into this because I do not want to take the time of the House, but I believe that today India is surcharged with the spirit of violence. I know also that the spirit of violence is in the hearts of some of us, Members of Parliament, and from here also they radiate that violence which goes to the country. Is this also not violence? The good name of India was lost on 7th November when Parliament was being attacked. The good name of India had been lost by all that happened with regard to the train services in Bombay and Andhra Pradesh. (Interruption). I do not want to be interrupted. As I said, the good name, I repeat the good name of India and democracy in India had been lost by what certain sections of our people had done. I repeat again as I was saying when one hon. Member interrupted me, the good name of India and democracy in India have been lost by the manner in which a section of our people have functioned. I repeat that the good name of India and of democracy in India has been lost. (Interruption) I cannot understand the interrupter. He must accept my difference of opinion as I accept his difference of opinion with me. I, therefore, say that so long as a section of the people is in that mood of violence, to that extent and to that length of time such a Bill is inevitable. If Government is to do its duty and maintain a systematic, ordered Government here and make the other citizens exercise their rights without interference from those who are carrying on these demonstrations, this Bill is absolutely necessary. It is the duty of the Government, and Government will fail in its duty to thousands and lakhs and millions of citizens, if it does not maintain order. In spite of any protest

from anybody I support this Bill heartily, and I would even go further and say that the repeal of the Bill depends upon the manner in which a section of our nation functions hereafter.

कुमारी मनिबेन वल्लभभाई पटेल (गुजरात) : मुझे इस चर्चा में भाग लेने का विल्कुल खयाल ही नहीं था परन्तु यहां इस प्रकार की बातें कही गई हैं कि मुझे लगा कि मुझे कुछ बातें साफ-साफ बता देनी चाहियें। यहां बापू जी के साथ सरदार पटेल की बात का उल्लेख किया गया। मैं तो सरदार पटेल और बापू जी की एक घटा की आखरी मुलाकात में हाजिर थी। हम तीन ही थे। कुछ मिनटों के बाद बापू जी की हत्या हुई। इस बातचीत में बापू जी को कांग्रेस के विधान के बारे में, कुछ न छापने के बारे में, सरदार साहब ने कुछ कहा ही नहीं था, और यहां इस तरह से कहा गया कि विधान बदलने के बारे में उन्होंने मना किया।

कुछ दिन पहले ही बिरला जी ने बापू जी को कहा था, शिकायत की थी, कि यह क्या, मेरे मकान में कितने सी० आई० डी० हैं, इतने तो कभी अंग्रेज के जमाने में भी नहीं थे। तब बापू जी ने बिरला जी को कहा कि आप सरदार साहब को समझाइये तो मैं खुश होऊंगा।

अब, मौलाना साहब की मृत्यु के बाद हुमायूँ कबिर की मौलाना साहब के नाम से छपी हुई किताब का यहां उल्लेख किया गया। इस किताब में यह बात कि बापू जी की हत्या के बाद सरदार साहब इस दुनिया से तीन साल बाद चल बसे, तो मौलाना साहब अगर सचमुच में सरदार साहब के बारे में ऐसा मानते थे तो कई बार उनसे मिले थे, इतने बड़े आदमी इतने सालों के साथी थे, तो सचमुच में अगर ऐसा मानते थे तो क्या सरदार साहब के साथ इस बारे में चर्चा करना उनका फर्ज नहीं था, क्या सरदार साहब की मृत्यु के बाद इस तरह से आक्षेप करना यह कोई शान की बात है, बल्कि सरदार साहब के साथ बड़ा घोर अन्याय इस तरह से किया गया? आज तक

[कुमारी मनिबेन बल्लभमाई पटेल]

मैं इस बारे में खामोश रही परन्तु आज जब सदन में इस तरह से आक्षेप किया जाता है तब मुझे बोलना पड़ता है। और बापू जी की रक्षा के लिये क्या क्या इतजाम किया था यह एक शार्ट नोटिस क्वेश्चन के जवाब में सरदार साहब ने बताया था कि :-

"Prior to the bomb explosion the guard at the Birla House where Gandhiji was staying consisted of one Head Constable and 4 Foot Constables. After the bomb outrage, the guard placed at Birla House and their respective duties and functions were as follows: (i) One Assistant Sub-Inspector of Police, two Head Constables and sixteen Foot Constables were employed at the entrance and at various important points near the main building and at the place where the meeting was held. They had instructions to stop all persons who appeared to be doubtful characters.

(ii) A plain clothes staff of one Sub-Inspector, four Head Constables and two Constables, all armed with revolvers, were deputed for personal protection. Their duty was to watch suspicious characters at the prayer meeting and act promptly in the event of any indication of trouble or threat to life. They were posted mixed with the crowd at the prayer meeting.

(iii) Three plain clothes men were stationed on the path leading from the main building to the place where prayer meetings were held. They were to deal with suspicious characters or to prevent any of the crowd from attacking Gandhiji while he was on his way to the platform at the prayer meeting and back.

(iv) A small detachment of troops consisting of one N.C.O. and about twenty men were placed on duty for patrolling the compound and preventing ingress of visitors from over the boundary walls."

"That police considered that to make these precautions more effective they should search every stranger going into the compound for attending the prayer meetings or at other times. The Superintendent of Police, New Delhi approached Gandhiji's staff with this proposal but was told that Gandhiji would not agree to this. The DIG also approached Gandhiji's staff but with the same result. The DIG then saw Gandhiji and personally represented to him that there was danger and they should be allowed the facilities asked for, otherwise they would be discredited if anything untoward happened but Gandhiji would not agree. He said that his life was in the hands of God, that if he had to die no precautions could save him and that he would not agree to anybody being restricted from coming to the prayer meetings or anybody being allowed to come between his audience and himself. I myself pleaded with Gandhiji for allowing the Police to do their duty in regard to his protection, but without success. To my profound request and utter sorrow and to the irreparable loss of all of us, the nation and the world, the weak spot, both I and the police had apprehended, was deceitfully and successfully exploited by the assassin and Gandhiji's prophetic words that "if he had to die no precautions could save him" came true."

श्री राजनारायण : ठीक है, यही तो हम भी कहते हैं।

श्री शीलभद्र याजी : आप गलत कह रहे हैं।

श्री राजनारायण : यह किताब जब लिखी गई तब नेहरू जी जिन्दा थे उनकी देखरेख में लिखी गई।

कुमारी मनिबेन

मैंडम, आज जब चुनाव विरोधी दल के लोगों है कि एक के बाद ए

कांग्रेस नेताओं पर, संसद् में, कुछ न हो तो भी ऐसे आक्षेप करते रहें और कांग्रेसी नेताओं को जनता की नजर में गिरा दें। जिस तरह से आज यह सब चल रहा है और जबर्दस्ती से अराजकता लाने का प्रयत्न हो रहा है, ऐसी स्थिति में जो लोग शांति से अपना व्यवहार चलाना चाहते हैं उनके लिये कोई रोकटोक न हो इसलिये ऐसा कानून जारी रखना पड़ता है। मैं इसकी तार्दी करती हूँ।

श्री शीलभद्र याजी : माननीय डिप्टी चेरमैन महोदया,

श्री राजनारायण : माननीया इन को पूरा समय दिया जाय।

श्री शीलभद्र याजी : आपकी मेहरबानी की आवश्यकता नहीं है।

THE DEPUTY CHAIRMAN: Please be brief.

श्री शीलभद्र याजी : महोदया, हमारे विरोधी दल के लोगों ने आज इस विधेयक पर अपनी दलील पेश करते हुए इस तरह की बातें कहीं कि मालूम हुआ कि मानो डेमोक्रेसी के, प्रजातंत्र के, गणतंत्र के ये ठेकेदार बैठे हुए हैं और हम उसकी हत्या करने जा रहे हैं।

श्री लोकनाथ मिश्र : नहीं ठेकेदार तो आप हैं।

श्री शीलभद्र याजी : आज जितने एक दर्जन छुटभइये लोग यहां बैठे हुए हैं उनको, हमारी सरकार में थॉपिंग मैजारिटी रहते हुए भी, हमने सिर्फ वोट देने का ही अधिकार नहीं दिया है बल्कि सब तरह की आजादी दी है, नहीं तो इन्हीं में से कुछ लोग माऊ और चाऊ के बड़े-बड़े फोटो लेकर, दुश्मनों के फोटो लेकर जलूस निकालते रहे हैं . . .

श्री राजनारायण : 'हिन्दी चीनी भाई भाई' का नारा तो आपकी ही सरकार ने दिया था।

श्री शीलभद्र याजी : उनकी जय बोलते थे लेकिन जब वह देश हमारा दुश्मन हो गया जो दुश्मन होने के बाद चाऊ माऊ की जय बोलता है उससे देश की सुरक्षा को खतरा पहुंचता है। हमारी तो सरकार से बड़ी शिकायत यह है कि हमारी सरकार की 'वीकनीड' पालिसी है—चाहे गृह मंत्रालय की हो, किसी की हो—कि आज हमने देशद्रोहियों को भी, जो देश की सुरक्षा को खतरे में डालने वाले हैं, इतनी फ्रीडम, इतना डेमोक्रेटिक राइट, इतनी आजादी दी है कि ये लोग हल्ला करने लगते हैं, यहां पार्लियामेंट में हल्ला मचाते हैं, इनको घर के भीतर बैठा देते हैं, जो लोग देश की सुरक्षा को खतरे में डालने वाले हैं। यह विधेयक क्यों आया? ठीक है, हम अंग्रेजों के वक्त जब आजादी की लड़ाई लड़ते थे तब कहते थे इसकी जरूरत नहीं है लेकिन जब देश की आजादी आई, देश का बंटवारा होने लगा, तो हमने देखा किस तरह से साम्प्रदायिक तत्वों ने इस देश में हरकतें कीं। मालूम पड़ता था कि देश की सुरक्षा खतरे में पड़ने वाली है। हमारे एक प्रो चाइनीज सदस्य यहां बैठे हुए हैं श्री नीरेन घोष,

SHRI NIREN GHOSH: What did you do in 1950? You supported or opposed?

श्री शीलभद्र याजी : उनकी पार्टी के लीडर ने बर्मा में बैठ कर साजिश की हिन्दुस्तान में रिवोल्यूशन करने के लिये, हिन्दुस्तान की आजादी को खतरे में डालने के लिये, उन्होंने एक योजना बनाई कि देश की आजादी को बेचा जाये। आज उन दोनों तत्वों को ठीक रखने के लिये, जो लोग देश की आजादी को खतरे में डालने के लिये बाहरी मदद चाहते थे, जो लोग अभी अपने को लेफ्ट सी० पी० आई० कहने लगे हैं, एक तो वह थे और एक साम्प्रदायिक तत्व थे। खास कर जो अपने देश की आजादी को खतरे में डालना चाहते थे उनके लिये विधेयक की आवश्यकता पड़ी। साम्प्रदायिक तत्वों के साथ ऐसे भी तत्व हैं जो भाषावाद के नाम पर

[श्री शीलभद्र याजी]

आंदोलन छेड़ते हैं। ये सब आंदोलन क्या होते हैं? क्योंकि जब हमने सोशलिज्म का रास्ता अख्तियार किया और उसके मुताबिक एक प्रोग्राम ले लिया तब इन छुटभड़कों के पास कोई प्रोग्राम नहीं रहा, उनकी दुकान में समाजवाद नहीं है, बिकने को और कोई चीज नहीं है। जब रूस और चीन के साथ हमारी दोस्ती हो गई थी तो उनका प्रोग्राम खत्म हो गया और उन्होंने कही भाषा के झगड़े कराये, कही उसको उकसा दिया कही इसको उकसा दिया। हमारे एक कामरेड साथी उस तरफ फारवर्ड ब्लॉक में बैठे हुए हैं, जब तक हमारे साथ रहे, देशभक्त रहे, मैं उसका लीडर था, और तब हमारा कोई आदमी त्रिवेन्द्र डिटेशन में नहीं पकड़ा गया। लेकिन जब से ये कामरेड प्रो चाइचीज के साथ बैठने लगे, जैसा हमारे एक साथी बैठे रहे हैं जो अभी बोल रहे थे, दुहाई दे रहे थे, जबसे इनका सत्संग उनके साथ हो गया तब से यह भी खराब हो गये . . .

SHRI A. P. CHATTERJEE. He was expelled from the Forward Bloc.

THE DEPUTY CHAIRMAN: Order, order.

SHRI RAJNARAIN: He was never a leader of the Forward Bloc.

श्री शीलभद्र याजी मैं यह कह रहा था कि ये जो छुटभड़के लोग बैठे हैं इन्होंने क्या क्या काम नहीं कराये—कही होम्स्टाइल नागाज को भड़काया, कही खासी जयन्ती गारो हित्स में झगड़े कराये, मीजो लोगों से विद्रोह कराया। आज देश में क्या हो रहा है? साम्प्रदायिक जलूस और नारे से वे खुश हो रहे हैं। राजनारायण जी अपने को सोशलिस्ट कहते हैं, शर्म आनी चाहिये जो कम्यूनल तत्वों को अपना समर्थन देते हैं। जेल में देना चाहिये, पागलखाने में देना चाहिये जो साम्प्रदायिक तत्वों की वकालत करने के लिये आते हैं। आज देश की परिस्थिति ऐसी

गम्भीर है जिसको हमारे साथी राजनारायण जी को समझाना चाहिये। मत बोलता है हम अपने को जला देंगे, हम अनशन करेंगे

(*Interruption*) मास्टर तारासिंह कहता है कि यदि हमको हमारे मन के मुताबिक सेशन करने का अधिकार नहीं मिला तो पाकिस्तान में मिल कर भारत से अलग होंगे। अभी अभी हमारी बहिन को हिम्मत हुई वकालत करने की शेख अबदुल्ला की और मृदुला माराभाई की—ऐसे देशद्रोहियों की लोग वकालत करते हैं, उनको छुटकारा देने की बात कहते हैं . . .

श्री राजनारायण वह तुम्हारी बहिन कौन पार्टी में है?

श्री शीलभद्र याजी . अजी, हमारी कांग्रेस पार्टी में ऐसी भी है।

श्री राजनारायण : निकालो उनको।

श्री शीलभद्र याजी : हमारे साथी यदि देश की आजादी को खतरे में डाले तभी मैंने कहा था हमको गौरव है कि हमने मणिपुर में एक कांग्रेस के एम० पी० को भी गिरफ्तार करवाया। (*Time bell rings*) जब उनको आधा घंटा से ऊपर दिया तो हमको कम से कम 7 मिनट दीजिए। चव्वाण माहब एक मजबूत आदमी है। अब तक जो “वीकनीड” पालिसी उनके डिपार्टमेंट की रही उसका वे पर्दाफाश कर रहे हैं, उनको नरमी नहीं बरतनी चाहिये। क्या हो रहा है? न.गालैंड में नागाओं की अपनी प्राइवेट आर्मी बननी है, उनकी परेड होती है, 194 टूटता है—हमारी सुनी बात है—लेकिन हमारा होम डिपार्टमेंट कुछ नहीं कर पाया। परदे की आड़ में कैसे प्रो चाइनीज लोगों को ट्रेन करके देश के अन्दर सैबोटाज कराते हैं, कैसे पटरी उखाड़ देते हैं, प्रो पाकिस्तानी एलीमेन्ट कैसे पाकिस्तान में आ रहे हैं, सब को रोकने की आज सख्त जरूरत है, पहले से

ज्यादा जरूरत है। जो भी देशभक्त ह उसको इस मेजर को सपोर्ट करना चाहिये। स्वतंत्र पार्टी रिएक्शनरी है लेकिन देशभक्त है, लेकिन बोलने बोलने उनके प्रतिनिधि ने हिटलरिज्म की चर्चा कर दी। वे नहीं समझते हिटलरिज्म की परिभाषा क्या है। इस तरह की परिभाषा पाकिस्तान के लिये हम कह सकते हैं मैं प्रो पीकिंग भाइयों से कहता हूँ, इस मुल्क में माऊ चाऊ आपको नहीं बसायेगा, ठेकेदारी नहीं देगा।

श्री राजनारायण माननीया जरा इनको समझा दीजिए, आपको कह रहे हैं।

श्री शीलभद्र याजी सबको कहता हूँ।

श्री राजनारायण “आप” शब्द का प्रयोग नहीं कर सकते हैं। पाइन्ट आफ आर्डर है।

श्री शीलभद्र याजी : तो मैं कहना चाहता हूँ (Interruption) इसी में उनका कल्याण है, इसी में देश का कल्याण है।

श्री राजनारायण “आप” शब्द का प्रयोग मित्रों चेंबर के योग किसी के लिए नहीं किया जाता है। “आप” शब्द का प्रयोग पार्लियामेण्टरी पद्धति के अनुसार हमेशा “चेंबर” के लिए ही किया जाता है। “आप” शब्द का प्रयोग किसी दूसरे के लिए नहीं किया जाता है। जो समझदार पद्धति के जानकार हैं, उनको यह मानना होगा कि “आप” शब्द सभ में केवल चेंबर के लिए ही जाना जाता है।

THE DEPUTY CHAIRMAN: Please sit down

श्री शुकदेव प्रसाद (उत्तर प्रदेश) : मैं माननीय सदस्य से पछना चाहता हूँ कि वे “तम” शब्द का प्रयोग कर रहे हैं, क्या यह पार्लियामेण्टरी है ?

THE DEPUTY CHAIRMAN: Mr. Arjun Arora. Please be very brief.

SHRI ARJUN ARORA: Madam Deputy Chairman, the learned Deputy Minister, while moving this Bill, said that he was moving for the extension of the Preventive Detention Act with a sense of distress. I share his distress and I am confident that during the last 16 years one Home Minister after the other has come to this House and the other to get this Act extended always with a sense of distress.

Madam, the concept of civil liberties was one of the basis of the Congress struggle for independence, and I remember that in the early thirties it was Pandit Jawaharlal Nehru, who in a whirlwind tour went round the country making the people conscious of the concept of civil liberties and organised a Civil Liberties' Union. In our Constitution, fundamental rights of expression and of organisation and of trial in a court of law were given, thanks to the wisdom of Pandit Jawaharlal Nehru and other Congress leaders. The Rule of Law undoubtedly implies that there shall be no detention without trial. My concept of Rule of Law is not the same as that of Mr. B. K. P. Sinha. But as Mr. Jairamdas Daulatram correctly pointed out, the Rule of Law also implies respect for law. We find that is lacking in many parts of the country and many sections of our people. That creates a condition in which this unwanted provision of Preventive Detention is prolonged again and again almost every three years. I join the Opposition in urging the Home Minister to do away with preventive detentions as soon as possible. But I also join my friend, Mr. Yajee, in urging the Opposition to behave more responsibly. In our country there is ample opportunity for the people to organise peaceful protests. There is opportunity to organise strikes, demonstrations, everything

SHRI G. M. MIR (Jammu and Kashmir): Self-immolation.

SHRI ARJUN ARORA: Not self-immolation. There is opportunity for every constitutional and peaceful means of agitation. The Legislature is there and it voices the feelings of the people and the Government is, to a great extent, responsive to the feelings and sentiments of the people. That creates conditions in which all political parties should unite to eschew violence and to give up violent demonstrations. Then perhaps there will be no need for preventive detention.

But I must warn the Home Minister that the presence of the provision of preventive detention on our Statute Book creates a situation in which the police and the prosecution authorities always fail to get any conviction against any political leader or for any political activity. Since the police fall back upon the Preventive Detention Act, the result is that during the last few years, though there has been violence, though there have been anti-social acts, though there have been irresponsible acts, the police has everywhere failed to get any convictions. There was, for example, the heinous incident of the 7th November. Some people were arrested. They were released. Some are probably still in prison. But we do not know if any of them will ever be convicted for burning cars and scooters and Government buildings. The existence of the Preventive Detention Act makes the arms of the Government inefficient and incapable. Their efficiency is deteriorating from year to year and it is time that the Home Minister issued instructions that no person shall be detained under the Preventive Detention Act unless the Home Minister himself has examined the case. Do not give this power to every two-penny-half-penny police official. He will disregard everything and use only the Preventive Detention Act.

Today there are two sets of powers of detention which the authorities have. The Defence of India Rules are

there. That covers the need of detention, if any, pertaining to the security of the land. The Preventive Detention Act also has some provisions relating to the security of the land. Why should there be two sets of powers? The Home Minister should have today brought a modified Preventive Detention Bill which would exclude those fields which are covered by the Defence of India Rules and make preventive detention provisions applicable only to anti-social element goondas and blackmarketeers. Political workers should not be detained under the Preventive Detention Act, because if they do anything against the interest of the security of the country, the Defence of India Rules are there and they could be used against them. There is in our law a great lacuna which my esteemed friend, Diwan Chaman Lall, has repeatedly pointed out. There is no law of treason in the country. Treasonable activities should also be covered by the Preventive Detention Act. Treasonable activities are

4 P.M.

also sought to be covered by preventive detention. That is hardly a desirable state of things. If there are treasonable elements in the country, and there may be treasonable elements in the country, there should be a law, a well-defined and clear-cut law of treason. I am glad the Law Minister is here and I hope he will take the clue and during the next session of this House introduce a law of treason.

THE DEPUTY CHAIRMAN: Please wind up.

SHRI ARJUN ARORA: I hope—I will respect your wish and sit down—that it is the last time that the Home Minister has come for the extension of the provisions of this Preventive Detention Act.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Madam, in this debate many Members participated. Some of them have given

unqualified support to the Bill. The others have given critical support to this Bill. Some have opposed it, some very angrily opposed, as Mr. Rajnarain did.

SHRI RAJNARAIN: Not angrily.

हमारा ऐंगर आपने देखा ही नहीं है।

SHRI Y. B. CHAVAN: His anger ultimately resulted in his tearing a copy of the Act.

SHRI RAJNARAIN: Only a symbol.

SHRI Y. B. CHAVAN: I refer only to the symbol.

SHRI ARJUN ARORA: That was dramatic.

SHRI Y. B. CHAVAN: It was certainly dramatic. I only said that the drama was the result of a certain anger in his mind.

SHRI B. K. P. SINHA: If what the House has been witnessing is lack of anger on the hon. Member's part, God save this country from his anger.

श्री राजनारायण : अगर उसका अच्छा

शब्द आप, कहें तो मैं निवेदन करूंगा कि तेजस्विता कहें।

SHRI Y. B. CHAVAN: It is very true and I entirely share the distress with which the Deputy Minister moved the motion for the consideration of this Bill.

AN HON. MEMBER: Louder please.

(The Minister tried to raise the mike.)

श्री राजनारायण : वह नहीं उठेगा।

श्री बाई० बी० चव्हाण : हां, नहीं उठेगा, मैं नजदीक आ जाता हूँ।

SHRI A. P. CHATTERJEE: You are a strong Home Minister.

SHRI Y. B. CHAVAN: Shouting is not my forte.

SHRI G. M. MIR: If shouting is strength, Mr. Rajnarain has greater strength.

SHRI Y. B. CHAVAN: The main point that was made against this Bill was that even though the Bill came into existence, in 1950, even after 16 years it is still found necessary. I admit that it is found necessary and I wanted to find out if any Member could make out a case that the Bill or this Act is not necessary. Nobody claims that this Act is an ideal Act. Nobody is proud, not even this Government is proud, that we have to put this Act on the Statute Book of India. The point is whether the conditions in this country to-day justify the extension of the Act. It is not necessary to go into all the details as to what conditions prevail in the country because I hope and I am sure every Member of this House knows about it.

SHRI A. P. CHATTERJEE: We do not know.

SHRI Y. B. CHAVAN: I will certainly go into it; to a certain extent I will. The point is, if the Act is needed, it is not enough merely to talk about the concepts of democracy or the ideals of democracy in an academic manner. It is not merely enough to offer criticism which is negative. I do admire and I do stand for and I am proud of the Fundamental Rights which our Constitution has guaranteed and this Government is wedded to the protection of those Fundamental Rights; but what is the basis of those Fundamental Rights again? The basis is the freedom of this country, the continuance of democracy of this country, that means the protection of the Constitution itself. When we say that this Act is necessary, it is necessary exactly for the same purpose for

[Shri Y. B. Chavan.]

which the Constitution is there. Some Members made out a case, one Member wanted facts and another from the other side quoted case after case saying 'Here are examples of excesses and misuse of the Act'. I cannot claim that no mistake was made. That is not my case. I will not make out that case. In some cases possibly certain mistakes were made and certainly our case for this Act is that in the in-built arrangement of the Act itself, certain correctives are provided, certain organisations or certain institutions are provided whereby these possibilities of misuses or excesses or mistakes can be cured or corrected, like this provision for Advisory Boards and the possibility of taking the matter before the High Court because the hon. Member himself, when he pointed out the mistakes in each and every case that he referred to, he himself referred to how these cases were brought to the Advisory Board's notice and how they were brought to the High Court and there the whole thing was found out. When he was making that point, I thought he was possibly giving a defence of the Act. It is true that in certain cases some people may have given wrong grounds and they were found out by the High Courts or the Advisory Boards and the Advisory Boards have certainly done the greatest justice to those who were victims of this Act. I have got statistics—I do not want to burden hon. Members with statistics—as to how many people ultimately got protection from the Advisory Boards and how many got protection from the High Courts. The point is when we have taken this extraordinary power—it is certainly an extraordinary power—when we are imprisoning the people without trial, we will have to see that this right or authority of the Government or the Executive to put anybody behind the bars without trial is restricted by the authority of the Advisory Board, is restricted by the inherent jurisdiction of the High Court and the Supreme Court in this matter.

We have found that in many cases these bodies and institutions which are provided for under the Act have asserted their rights and given protection to the persons concerned. Even somebody can argue and ask: 'Why even this limited restriction should be undertaken?' There comes the assessment of what is really speaking happening in the country to-day. Hon. Shri Jai Ramdas Daulatramji very ably explained what sort of conditions prevail in the country to-day. He used a very effective phrase. He said that the atmosphere of this country is surcharged with violence. It is very much that. I do not expect anyone to read all the reports that the Home Minister has to read every morning but if anybody would casually even see his morning papers as to what is happening in the country around, he feels sad because one gets a feeling as to what is happening or what is going to happen to this country.

SHRI A. P. CHATTERJEE: You have to thank yourself for that.

SHRI Y. B. CHAVAN: I am coming to that. Certainly you have a right to criticise us. You have a right to replace us but what you are doing here is, you say that we are trying to identify the Government with the State. My counter-charge or allegation is that you are trying to really identify the State with the Government. If you are angry with the programme of the Government, if you are dissatisfied with the performance of the Government, better go to the people, organise your strength and replace the Government but what is happening? If there is a certain grievance—I hope Shri Rajnarain will not be angry with me again—the slogan of 'ghera dalo' or 'Bundh' is raised. What are they? If you want to replace the Government, criticise the Government; I say you must have the strength of the people behind you so that you may defeat the Government. Mere slogans 'ghera dalo' and 'bundh' will not do for the purpose. By this 'bundh' and

'ghera dalo' who are ultimately the sufferers?

SHRI AKBAR ALI KHAN: The innocent people.

SHRI Y. B. CHAVAN: Thereby you are not weakening the foundation of the Government. Thereby you are weakening the foundation of the State. Therefore, in your anger towards the Government, you are undermining the State. (*Interruptions.*) You are undermining the State.

Now, Madam, some hon. Member made a mention about external threat. With Tibet and China and Pakistan and all these things, it was asked, what is India? Certainly, Madam, we know what India is. We all know what India is. We all love India and are for the protection of India. Here I certainly like to make my humble appeal to this hon. House to assess this question or appreciate this problem more carefully. Now external threat increases—I am not speaking now as the ex-Defence Minister, nor am I speaking as the present Home Minister, but I am speaking as a conscious and enlightened citizen—ultimately, the external threat also increases with the internal weakness of the country.

SHRI AKBAR ALI KHAN: Quite right.

SHRI Y. B. CHAVAN: External threat is not something which exists outside. The roots of external aggression sometimes rest in the weakness of the country itself. (*Interruptions.*) Therefore, Madam, if at all you want to defend the country properly, if at all you want it in right earnest, then certainly internal peace in the country is the most important factor. Madam, I looked into the statistics as to the number of people that had to be arrested under this very Act, people who were creating conditions to weaken that very basic foundation of public order, on which any society

depends—it is not only that Government depends. When we say peace and order in the country, it is a peace and order which is necessary not alone for the peaceful conduct of the administrative machinery; it is also necessary for the day-to-day normal activity of a citizen in this country, for the normal life of the people. Ultimately, people want peace in their lives, and they want opportunities to lead their lives peacefully and normally. (*Interruptions.*) Well, certainly there are. I do not deny that there are economic problems in this country. I do not deny that there are political problems in this country. There are many problems in this country, and the existence of many problems is challenge to every political party. Let us try to meet this challenge manfully instead of trying to be angry about it and try to be not deny that there are certainly very justifiable economic grievances in this country; there are. So please give your solution. It is not merely enough to be angry about it and try to be abusive about it.

The economic problems in the country can be solved only if you have got some constructive solutions for them. And what are the solutions whenever we just sit down and try to understand? I was also trying to understand. I was not trying to listen to the speeches merely to find out whether I can find a weakness in them so that I can attack it exercising my right of reply. I was sitting here trying to understand what points of constructive criticism. I as the Home Minister can pick up so that I can correct the administration. Except one point that Mr. Arjun Arora just now made I did not find any point which I should take note of and go back to the Home Ministry and say, "Well, this is a very good point. Implement it." He said, "This sort of right in the hands of authority to arrest people quickly sometimes weakens their efficiency. When there is a wave of violence and restlessness in the country, has the prosecuting

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agency prosecuted anybody successfully?" Well, that is the point that he was making. It is a very valid point and I am going to look into that. But others were merely saying that this is a bad Act, this is a bad Act, this is a bad Act. The point is: It is not my claim, as I said; I have never said it is a good Act of which I am proud. My point is whether this Act is necessary in the present conditions that prevail in this country, or not.

SHRI RAJNARAIN: Not necessary.

SHRI Y. B. CHAVAN: My honest reply to it—though it is a regretful reply—is that this Act is not only necessary, it is also essential. I hope it will not be necessary for more than three years. I hope it will not be necessary even for three years.

SHRI MULKA GOVINDA REDDY: The same thing you will bring forward after three years.

SHRI Y. B. CHAVAN: It depends upon the co-operation you give us in the coming three years. (Interruptions) I am depending on that. It is not my wishful thinking that is going to help me.

SHRI NIREN GHOSH: You cannot count on our co-operation to repress the people.

SHRI Y. B. CHAVAN: Not at all; we do not want that co-operation to repress the people. We are not repressing the people.

SHRI NIREN GHOSH: What sort of co-operation can it be then?

SHRI Y. B. CHAVAN: We are trying to repress the people who are repressing the people. We are not repressing the people. If at all it is repression, it is repression of those forces which are anti-social forces, which are anti-national forces, and I will not be sorry, Madam, . . .

SHRI NIREN GHOSH: You repress the opposition forces. You do not take their constructive suggestions and you want to go your own way.

SHRI Y. B. CHAVAN: No, no; r.o. Madam. Now, Madam, I can assure the hon. Member; I mean, there are so many political parties and there are hundreds and thousands of workers in the political parties, and I find that in the last fifteen or sixteen years—some Members said that they had been arrested more than once, more than six times, more than ten times—I find that, under the Act, in the whole period sixteen years, about 4,000 arrests had been made out of a population of more than 500 million people with so many political parties functioning in the country. So it is clear that this Act is not intended for that purpose. I can assure this hon. House, if any assurance is necessary, that this Act will not be utilised for any political purpose, against any political party as such; but certainly, Madam, I will not feel any hesitation to use this Act against people who are a danger to the security of this country, who are a danger to the public order in this country.

SHRI NIREN GHOSH: You can go to a court of law.

SHRI Y. B. CHAVAN: Certainly; we will do that also—I can assure the hon. Member.

SHRI NIREN GHOSH: You can go to a court of law instead of detaining them without trial like this.

DIWAN CHAMAN LALL: He has not detained you yet.

(Interruptions)

AN HON. MEMBER: He was also detained.

(Interruptions)

SHRI Y. B. CHAVAN: Some hon. Member made a reference to Madhya Pradesh and Mishraji. It is very

strange that some people make very wild allegations, I should say He may not like Mishraji, that is his attitude But the total number of people under detention in Madhya Pradesh at the present moment is about 23 This is up to the end of September, and there are no more additions, I am sure So, Madam, does he mean to say that the detention of this small number of 23 people is a sort of wild exercise of the right conferred on the authorities by this Act?

SHRI V M CHORDIA Have you listened to my speech?

SHRI Y B CHAVAN Did you make that speech?

SHRI V M CHORDIA I had not referred to that If you are referring to my speech, I had referred to Mishraji and I had referred to Deshlebraji I had not given any statistics about the arrests in Madhya Pradesh

SHRI Y B CHAVAN You are not saying but I am saying this But you said that Mishraji was making use of it as a dictator

SHRI V M CHORDIA May make use of it

SHRI Y B CHAVAN It is very unfair to mention it

SHRI V M CHORDIA May make use of it, for the advantage of his party-men, against rival party-men.

श्री वाई० बी० चव्हाण : उनकी पार्टी के लोगों की चिन्ता आप न करे, वह हम करेंगे ।

श्री विमलकुमार मन्नालालजी चौरडिया हमारी चिन्ता यह है कि जिस गुट से वे ताराज है उस तक के लोगों को गिरफ्तार क लेंगे है ।

श्री वाई० बी० चव्हाण वह देख लेंगे ।

Madam, if you see the Act, if you see under section 3(1), clauses (a) (i), (a) (ii) and (a) (iii) are some of the

clauses for purposes of which this Act can be used Now (a)(i) refers to the defence of India, the relations of India with foreign powers, or the security of India, etc Now under that particular clause the total number of people arrested was about 160 But the most important among them is the number of those detained for security of the State or maintenance of public order and in that the total number is quite large It is nearly 3,000 I want to give the House some sort of a break-up of this figure There are these concerned with communal activities Some hon Member said that while this is merely used for political purposes, where communal activities are concerned this Act is not being used But I find that nearly 300 persons were detained for communal activities And there are those who harbour dacoits It appears to be quite a fashionable activity in some parts Their number is 465 For that 165 persons were arrested And then for preaching and indulging in violent agitation 1,660 people were arrested, and for goondism, 1,300 And there are miscellaneous cases, and for espionage and anti-State activities, 28, and for impeding of essential supplies and inciting workers to strike and there are some Naga hostiles In connection with maintenance of supplies and services essential to the community more than 150 persons had to be arrested I am giving this break-up just to show to the House that it was not used against any political party or against any political activity as such It certainly was used against certain types of activities which were either going to endanger the peace in the country or which were essentially anti-social activities For those purposes this Act has been used and exactly for those this Act will be used in future also This assurance I can give the House.

Madam, I commend the motion for the acceptance of the House and I hope the House will agree to extend the Act for a period of three years

THE DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

THE DEPUTY CHAIRMAN: Now we shall take up the clause by clause consideration of the Bill

Clause 2—Amendment of section 1

SHRI SUNDAR SINGH BHANDARI (Rajasthan) Madam, I beg to move

'That at page 1, line 7, for the figures, letters and words '31st day of December, 1959,' the figures, letters and words '30th day of June, 1967,' be substituted"

THE DEPUTY CHAIRMAN: It is only about changing the date. You still want to speak on it?

SHRI SUNDAR SINGH BHANDARI I want to speak on it, Madam

THE DEPUTY CHAIRMAN: All right. Please be brief.

श्री सुन्दर सिंह भंडारी अभी गृह मंत्री महोदय ने इस बिल के सम्बन्ध में अपने विचार प्रकट किये हैं। मुझे दुःख है कि जिन बातों के लिये उन्होंने ये एक्सट्राऑर्डिनरी पावर्स लेने की बात कही है, दुर्भाग्य से स्वतंत्रता के बाद 18 वर्षों के शासन में वह एक्सट्राऑर्डिनरी परिस्थितियाँ—प्रारम्भ के दो वर्ष अगर छोड़ दें तो—लगातार उन्होंने मानी हैं। आज हिंसा की नमनोवृत्तियाँ बढ़ रही हैं, यह तर्क दिया गया। यह तर्क दिया जा रहा है। अगर पिछले 18 वर्षों से हिंसा की प्रवृत्ति बढ़ रही है और प्रिवेंटिव डिटेन्शन के इतने सारे प्रयोग के बाद भी 18 वर्षों तक यह सरकार इस हिंसा की बढ़ती हुई प्रवृत्तियों को नहीं रोक सकी, तो फिर इस कानून की मियाद बढ़ाने मात्र से इलाज नहीं होता। यह बान सच है, जैसा कि श्री अर्जुन अरोड़ा जी ने

कहा, वास्तव में, देश की सुरक्षा और देश के अन्दर विघटन पैदा न करने देने के लिये आज कानून की आवश्यकता है, किन्तु दुःख तो इस बात का है कि जिन बातों से देश के ऊपर वास्तव में सकट आ सकता है, देश की सुरक्षा के लिये जिस कानून की आवश्यकता होनी चाहिये ला आफ सेशन और ला आफ ट्रीजन, उन चीजों को न लाये और प्रिवेंटिव डिटेन्शन को समाप्त न करें, मुझे दुःख है कि 16 वर्षों में इस प्रकार की मनोवृत्तियों के रहते हुये सरकार रूल आफ ला के अन्तर्गत इस प्रकार के कानूनों की यहाँ व्यवस्था न कर सकी, विधिवत् तौर पर रूल आफ ला के अन्तर्गत ट्रीजन के खिलाफ, सेशन के खिलाफ कानून बनाया जाता, उसके ज़ुर्म करने वाले लोग पकड़े जाते और रूल आफ ला की पद्धति के अनसार कानूनी तौर पर उनको मुजरिम ठहरा कर उन्हें दंड देते, जेल में डालते या उनके सम्बन्ध में जो भी कड़ी से कड़ी सजा की व्यवस्था हम अपने देश में प्रस्थापित करते, वह उन्हें दे पाते, आज सरकार उस दिशा में तो नहीं जा रही है, परन्तु प्रिवेंटिव डिटेन्शन ऐक्ट की मियाद बढ़ाना चाहती है।

मेरे इस अमेन्डमेंट में इस बान को वट दुःख में अनुभव किया गया है कि यह सरकार आज माधारण नियमों पर शासन करने की योग्यता नमाप्त कर चुकी है, उसे एक्सट्राऑर्डिनरी लेजिसलेशन चाहिये, यहाँ ला गड आर्डर को कायम रखने के लिये, देश की सुरक्षा को बनाये रखने के लिये। सिद्धान्त में उसका विरोधी हूँ, लेकिन फिर भी अगर यह सरकार इस बात पर हठ कर बैठी है, तो इतने समय तक ही इसको बढ़ाये। आने वाले तीन महीनों में एक आम चुनाव देश में कराने जा रहे हैं और देश की जनता हमका निर्णय करने वाली है कि तीन महीने के बाद आगे आने वाली सरकार ऑर्डिनरी ला के आधार पर देश का शासन संभाल सकती है या नहीं संभाल सकती, माधारण ला के

अन्तर्गत देश के अन्दर विघटन पैदा करने वाली और देश के विरुद्ध भावना पैदा करने वाली ताकतों को संभालने के लिये सक्षम है या नहीं। तो यह फैसला करने का अधिकार उस सरकार को दीजिये कि जिन परिस्थितियों में इस प्रिवेंटिव डिटेंशन ऐक्ट का उपयोग किया है और देश में सरकार की नीतियों के विरोध में जो चीजें चल रही हैं, वह ठीक हैं या नहीं। गृह मंत्री महोदय ने भी कहा कि उन्हें लोगों के पास जा कर इस सरकार को हटवाने की कोशिश करनी चाहिये, वह कोशिशें हो रही हैं। आप पार्लियामेंट के कानून से लोगों के निर्णय के बाद भी ढाई साल तक इस आर्बिट्रेरी पावर को अपने हाथ में लेने का कोई जस्टीफिकेशन नहीं दे सकते। हां, यह माना जा सकता है कि आपकी यह सरकार 31 मार्च तक इस अवस्था में चलने वाली है कि आज आर्डिनरी ला के अनुसार व्यवस्था नहीं रख सकती, ला एण्ड आर्डर मेनटेन नहीं कर सकती आप साधारण नियमों के अन्तर्गत शासन चलाने की अपनी क्षमता अनुभव नहीं करते और इसलिये आपको यह आर्बिट्रेरी लेजिस्लेशन की आवश्यकता है, तो फिर आप उतने ही दिनों तक उसको रखिये।

श्री एन० पात्र (उड़ीसा) : किसकी सरकार बनेगी।

श्री सुन्दर सिंह भण्डारी : आप लोगों के मैनडेट को मान्यता दीजिये। हो सकता है कि आपके अन्दर से ही वह लोग आयें जो इस एक्स्ट्राआर्डिनरी पावर से शासन चलाना न चाहें या चलाने की क्षमता नहीं रखते हों। हो सकता है आप जनता के द्वारा ठुकरा दिये जायें और जो चुन कर दूसरे लोग आयें, वह लोग साधारण नियमों के अन्तर्गत इस देश का शासन चला सकने में सक्षम हों, हो सकता है कि जहां साधारण नियमों की कमी है, जैसे कि ला आफ ट्रीजन और ला आफ सेसेशन इनको ही ला कर, इनको ही बना कर

जल्दी में ज दी इस काले कानून को खत्म करने की कोशिश करे। इसीलिये मैंने यह संशोधन रखा है। अगर आज के वर्तमान साधारण नियमों के अन्तर्गत शासन चलाने के अपने अधिकार ठीक नहीं समझते और अपने दुराग्रह पर डटी हुई है, तो इस कानून की मियाद हम अपने संसद् में 30 जून 1967 से ज्यादा बढ़ाने की इजाजत अभी न दें, अपने आप इस कानून को हम उस समय समाप्त करवा दें। नयी सरकार बनने के बाद भी उसको दो-ढाई, महीने का समय मिलेगा, साधारण नियमों के अन्तर्गत देश की सुरक्षा और विघटनकारी मनोवृत्तियों को रोकने का प्रयत्न हो सकता है। जब फिर नया हाउस होगा, तब नयी परिस्थिति में इस कानून का विचार करने का मौका इस देश को मिलेगा। कोई कारण नहीं कि हम इस अधिकार को इतने लम्बे समय तक अभी से यहां बैठ कर उसके हाथ में देने का प्रयत्न करें। इसलिये मैं निवेदन करूंगा कि हमने इस संशोधन के द्वारा जो मांग सरकार के वर्तमान रवैये से मजबूर हो कर रखी है, जो कि इस अधिकार को छः महीने से ज्यादा मियाद देने के लिये नहीं है, उसको माननीय सदस्यों को अपना समर्थन देना चाहिये और उनको चाहिये कि इस विधयक में जो तीन वर्ष तक इसको बढ़ाने की बात कही गई है, उसका विरोध करे।

The question was proposed.

श्री राजनारायण : एक मिनट सुनिये

THE DEPUTY CHAIRMAN: What do you want to say on this now? You have spoken for so long. I will allow you to say a few sentences.

श्री राजनारायण : मैं चह्वाण साहब से ही निवेदन करना चाहूंगा कि परस्पर विरोधी सिद्धांतों के संघर्ष को केवल मधुर भाषा और शिष्ट व्यवहार से ही टाला नहीं जा सकता। इस समय मैं चह्वाण साहब से चाहता हूं . . .

उपसभापति : आप अमेंडमेंट पर बोल रहे हैं या उनके भाषण पर ?

श्री राजनारायण : मैं अमेंडमेंट पर बोल रहा हूँ, वही तो मैं कह रहा हूँ । वह इसलिये कहा रहा हूँ कि चव्हाण साहब एक तरफ तीन वर्ष की अवधि बढ़ाने की बात कर रहे हैं और दूसरी तरफ बहुत ही मधुर भाषा में और शिष्ट व्यवहार के नाम पर चव्हाण साहब ने यह कहा है कि चुनाव के मौके पर हम किसी को गिरफ्तार नहीं करना चाहते । कल एक बयान भी यहां हुआ कि जो लोग गिरफ्तार हुए हैं, उनको भी छोड़ने की पालिसी बनी है, तब अखबारों में भी बयान आया कि राज्य सरकारों को केन्द्र सरकार ने कहा है कि जो लोग अभी गिरफ्तार किये गये हैं, उनके मामले को रिज्यू किया जाय, अगर हो सके तो छोड़ा जाय । तो कारण क्या है कि एक तरफ एक बात कही जा रही है और दूसरी तरफ तीन साल के लिये सरकार इस काले कानून की अवधि बढ़ाने का प्रस्ताव कर रही है । इसलिये मैं विनम्रता से निवेदन करूंगा चव्हाण साहब से कि आम चुनाव के मौके पर हरगिज इसकी अवधि आगे न बढ़ाये, इसको वापस लें । चुनाव के बाद, जैसा कि चव्हाण साहब ने कहा, जनता के पाँस जाइये । जनता अगर कांग्रेस सरकार की नीति को मानेगी, सरकार के हाथ में ताकत देना चाहेगी और चव्हाण साहब समझेंगे कि यह आवश्यक ही नहीं है, अनिवार्य है, तो चव्हाण साहब फिर अपना कानून बना लेंगे ।

मैं एक बात और निवेदन करना चाहता हूँ कि श्री चव्हाण ने बहुत ही शुक्रिया अदा किया है, श्री जैरामदास दीलतराम जी का । मैं उनसे कहना चाहता हूँ कि इस सरकार से बढ़कर के संगठित हिंसा और कोई दूसरी हिंसा है नहीं । अगर कोई इस मुल्क में हिंसा पैदा कर रहा है, हिंसा को उकसा रहा है, हिंसात्मक वातावरण बना रहा है, तो यह सरकार बना रही है । गांधी जी

का नाम तो लिया जाता है, मैं चाहूंगा और विनम्रता से निवेदन करूंगा भाई जैरामदास जी से भी कि गांधी जी ने ही बराबर सिखाया है

THE DEPUTY CHAIRMAN: That will do. We are entering into a discussion again. Does the Home Minister want to say something?

SHRI Y. B. CHAVAN: I have only to say a few sentences. I was trying to understand why the hon. Member insists on only for six months. I can understand his complete opposition to the Act but I cannot understand this. If it is good for six months, it is necessarily good for three years. I do not understand the principle involved in his wanting it for six months. (Interruptions.)

The point is, Madam, in the condition which prevail in this country if they think that this Act is good for six months and . . .

SHRI V. M. CHORDIA: You consider it to be good; we do not consider it to be good.

SHRI Y. B. CHAVAN: I also do not consider it to be good; that was my own problem also. But it is not a question of calling the thing good or bad. The question is whether it is necessary or not necessary. That is the criterion and I think it is necessary. If it is necessary for six months is there any assurance, is there any guarantee that these conditions will vanish suddenly after six months? As far as the elections are concerned, we have already made a statement on the floor of the House on the policy that we want to follow in this particular matter. We want to have conditions in the country which will enable us to have free elections, we want to have normal conditions and for that matter I assure the House that we will certainly be very generous, very liberal. At the same time I depend upon the co-operation of the other parties also. That also

we have said. The hon. Member said after the elections it could be done. After the elections if the next Government feels that this Act is not necessary that Government will have the freedom of coming up before this hon. House and asking for the repeal of the Act.

THE DEPUTY CHAIRMAN: The question is:

"That at page 1, line 7, for the figures, letters and words '31st day of December, 1969,' the figures letters and words '30th day of June, 1967,' be substituted.

The motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI Y. B. CHAVAN: Madam, I move:

"That the Bill be passed."

The question was proposed.

(Several hon. Members stood up)

THE DEPUTY CHAIRMAN: I think these who have spoken . . .

श्री राजनारायण: इस काले विधेयक को पास करने का जब सरकार जोर दे रही है ;

THE DEPUTY CHAIRMAN: You are not giving me a chance. Those have not participated in the debate may speak in the third reading.

Mr. Mulka Govinda Reddy.

SHRI MULKA GOVINDA REDDY: Madam Deputy Chairman, the

laboured defence of the Home Minister for extending the life of this blackest Act, the Preventive Detention Act, has not convinced me and I am sure it has not convinced Members sitting on this side of the House. I wonder whether this Government is taking the country to a state where the liberties of the people will vanish and the rule of the military will be established in the country. If a Government cannot rule the country with the ordinary laws that are there—and those laws were framed by the British for their existence—they have no right to say that this is a democratic country and that there is democracy in the country. They are leading us to Fascist State and no right-thinking person could ever acquiesce in such a situation.

Madam Deputy Chairman, the Home Minister was telling this House that there is external aggression and therefore there is need for continuing this measure. I may assure the Home Minister that we are all interested in the security of this country. If at all at any time anybody has committed a wrong on this country, it is the Government that is in power. We went on warning this Government that China was having evil designs on this country and that China might commit aggression against this country but when we raised this voice, we were called war mongers. But in 1962 the very China, with whom they were hand in glove, committed unprovoked aggression on this country. As one man the entire country rose in support of the Government and in support of the security of this country. The people were prepared to sacrifice everything and they did sacrifice. They donated gold; they donated money; they donated whatever they had for the defence of the country. So it is a very lame excuse for the Home Minister to come and say that because there is external aggression this measure is needed.

SHRI Y. B. CHAVAN: I never said that.

SHRI MUKHA GOVINDA REDDY: Whenever there is aggression, the people of this country irrespective of the political affiliations have come together and have rallied behind the Government. When Pakistan committed aggression, the entire country was in support of the Government and against the aggression committed by Pakistan.

Let there be no lame excuse on the part of the Government to say that there is the threat posed by China and threat posed by Pakistan and these Draconian measures are necessary. This is the blackest Act and this Preventive Detention Act plus the Defence of India Rules, when there is no emergency, and to continue them particularly when we are facing a general election is the height of folly on the part of the Government. We oppose this measures, the extension of this measure for any length of time, even for a single day. We do not want the liberties of the people to be trampled down under this Act. We do not want that any political workers should be arrested and without trial should be put in detention for years together. If there is any person who commits aggression or any person who commits some folly or any person who commits something which is heinous he should be tried under the existing law, which is more than enough to try any person. He should not be detained for a minute without trial. If any person is detained without trial, you will be denying him his fundamental right which is guaranteed under the Constitution. This is in utter violation of the provisions of the Constitution. You are doing injustice to the Constitution and we cannot be a party to extending the operation of the measure for any length of time. I oppose this vehemently.

SHRI DAHYABHAI V. PATEL (Gujarat): Madam, we have listened patiently to the speech of the Home Minister. I am sorry he has failed to convince anybody in the Opposition that continuance of this emergency law is essential. As my colleague to my left has just pointed out, whenever an emergency has really arisen, whenever this country is faced with an aggression, everyone in this House and in the country has stood as one man. The failure has been always on the side of the Congress Government. Prime Minister Nehru was repeatedly warned in this House that China was building roads in our territory. He showed the Nelson's eye to it and the person who advised him to do so still continues, if not in the Cabinet, in the high counsels of the Government. That is where we have gone wrong. Today the rising nations of Asia and Africa have stood up and they have realised the real danger, the real menace to democracy, the real menace to world peace. I read out from the 'Times of India' despatch from their correspondent as to what is happening at the United Nations, but this Government will not wake up from its slumber. They want more and more power. They have power, but they are unable to use it. They have not got an efficient machinery. They have not got efficient people to use those powers against hoarders, against people like Mr. Teja, against all sorts of people. They cannot use the machinery they have got in their hands and they want more and more like a child who wants more and more toys, who does not know how to use them. You give a little child an electric toy. He will want more toys, but he does not know how to use them. That is what this Government does. Therefore, the whole Opposition is united in opposing this. We protest against this continued infringement of liberty and the Rule of Law in this country. This Government has set at naught the little respect that people have for democracy. We all believe in democracy here, but this is not a democratic

measure. We all oppose it on this side and I hope in this country all right-thinking people all right-minded men will always stand up and oppose this type of infringement without reason, of the civil liberties of the people. If the Home Minister is able to make out a case that there is a real danger of aggression, we shall all be ready to support him, but we want the Home Minister and the Government to make out a case whether they are ready, whether there is real danger and in case of danger, are they ready to move? Are they still shutting their eyes and looking the wrong way as they have been doing all these years? We oppose this.

SHRI LOKANATH MISRA: The hon. Home Minister said that in the course of implementing this Preventive Detention Act at the lower levels there might have been some misuse or mistakes somewhere. Can I ask the hon. Home Minister whether in all those cases where . . .

SHRI B. K. P. SINHA: Do not mention Mr. Biju Patnaik.

SHRI LOKANATH MISRA: Do not bring in Mr. Biju Patnaik. If you want to suggest the name of Mr. Biju Patnaik, I can talk about him for an hour. These are all unwanted interruptions and the Congress Members do not know how to behave.

DR. B. N. ANTANI: They are responsible for such things.

(Interruptions)

SHRI LOKANATH MISRA: In the the course of reviews by his Ministry, he must have come across a number of cases where the people, who were in custody, were let off after the Advisory Committee looked into their cases. Ultimately they were set free because of the Advisory Committee's advice. I want some of those cases, not all. The hon. Home Minister must have looked into the cases where he would have found

that a definite mistake or misuse was done. In the case of the officer who had committed the mistake or had misused the Preventive Detention Act, would he kindly show me a single instance where the officer had been taken to task? If that has not been done, that is where inefficiency has crept in.

THE DEPUTY CHAIRMAN: You have made your point.

SHRI LOKANATH MISRA: I will not take any more time of the House. I would like the hon. Minister to specifically reply to my question, if he has understood it, whether any action has been taken against anyone to prevent inefficiency.

SHRI A. P. CHATTERJEE: Madam Deputy Chairman, it is a relevant question and I think the Home Minister should answer it.

SHRI NIREN GHOSH: Madam, we have heard speeches that we used to hear from the representatives of the British Government in India, the same words, the same law and order, the same rule of law, the same arguments and they are pioneering and sponsoring a Bill very near to our British oppressors. It seems that the White oppressors have been replaced by Brown oppressors, talking the same language, bringing forward the same kind of black Act. The Home Minister asked, "Is it necessary?" I say it is not at all necessary. You have not given an iota of argument or justification for the extension of this black, Fascist Act. The fundamental liberties of forty crores of people, inhabitants of India, have been taken away and would be taken away with the passing of this Bill.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI JAISUKHLAL HATHI): No, no.

SHRI NIREN GHOSH: He raised the question of violence. May I ask him whether it is the people who

[Shri Niren Ghosh.] have indulged in violence first or whether it is almost everywhere, in ninety per cent of the cases, the Government, it is the police that indulged in unsurpassed violence? How many miniature Jallianwalas have you enacted during the twenty years of your reign? You have killed more Indians than the British could do within 200 years of British rule. That is your record. My arithmetic is not wrong. Only in Telengana you have killed 4,000 people. (*Interruption.*)

SHRI AKBAR ALI KHAN: Thousands have been killed in Telegana by the Communists.

SHRI NIREN GHOSH: I say no party plumps for violence. People do not plump for violence. We as a party never plump for violence for violence's sake. That I can categorically say. (*Interruption.*) That was against the violence of the State that they defended themselves. The people have the right to defend themselves. As I said in 99 per cent of the cases it is the machinery of Government, the police machinery, the army, that first indulged in violence—lathi charge, teargas, shooting, killings, and all that.

THE DEPUTY CHAIRMAN: Do not repeat, please.

SHRI NIREN GHOSH: I want to make the point that it is the State violence that is in question. It is the violent approach of the Government that has bred an uncertain situation in the country.

THE DEPUTY CHAIRMAN: That will do.

SHRI NIREN GHOSH: I must complete my point. I will take some more time. I would say that the image of the Government abroad by such measures like the emergency, the D.I.R., the Preventive Detention Act, and the killings and shootings, has suffered. You have tarnished the fair name of

India, the image of India abroad. I would appeal to the leaders of the Soviet Union and the socialist countries to take note of this fact that this is a reactionary Government. They ought to know this and they should take note of this fact before they venture to shower praise on this Government or praise any of its activities.

THE DEPUTY CHAIRMAN: I think you cannot take so much time.

SHRI NIREN GHOSH: Then . . .

THE DEPUTY CHAIRMAN: Your partymen have spoken on it. You cannot go on in this way in the Third Reading. You cannot repeat the same thing.

SHRI NIREN GHOSH: I know it is Third Reading . . .

THE DEPUTY CHAIRMAN: I will give you two minutes more.

SHRI NIREN GHOSH: So I would appeal to them to take note of this fact. Also I would ask, for the defence of whose India? Is it the India of the big landlords and big businessmen who are collaborating with the imperialists and capitalists? Is it not in order to screen that betrayal you are bringing the repressive measures, in order to crush the political opposition? Your own anti-national activities you want to screen by this Act. That is the precise thing. You do not love India. You think that India belongs to your narrow section of the people. You want to defend them against the 90 per cent of the people of India. That is exactly the position we are in. I know that the Home Minister said in the other House that it is a normal law. From your point of view it is normal because repression is your normal handmaid. You cannot rule. You cannot talk without repression. So you breed repression all these years against the people. From your breath comes violence. This Government's breath consists of violence. It breeds violence against the people. We want this violence to go. (*Interruption.*)

THE DEPUTY CHAIRMAN: Please continue.

SHRI NIREN GHOSH: So what I say is that democracy and this law cannot go together. Either you talk of democracy or of constitutional dictatorship that the hon. Member Shri M. C. Setalvad spoke of. That is what you are enshrining by this Act for three years permanently. That is the position you have taken. You are enshrining the position of constitutional dictatorship in this black Act of betrayal, and against this fascist measure and against the way you are turning the State into a police State the entire opposition makes an emphatic protest, and we know that the majority of the people of India are against this Act. I also say that your violence will not work. How long the British indulged in violence? But that violence did not last for long. You can continue violence for some more years, for a decade or a little more than that. But violence will never cow down the people. Ultimately violence has got to be ended, and people will see that this violent regime is pushed aside and a new regime is installed.

THE DEPUTY CHAIRMAN: Mr. Murahari, do you want to speak?

SHRI G. MURAHARI: No.

THE DEPUTY CHAIRMAN: Shri Niranjan Varma. I am giving a chance to those who have not participated at the consideration stage.

श्री निरंजन वर्मा (मध्य प्रदेश) :
उपसभापति महोदया, अभी इस सदन के सामने आदरणीय होम मिनिस्टर महोदय का वक्तव्य हमने सुना और उसके पहले हमारे कांग्रेसी मित्रों ने जो तर्क प्रस्तुत किये, उनको भी हमने अच्छी तरह से सुना। सन् 1947 के बाद आये हुये या बने हुये नये कांग्रेसी सदस्यों के मुंह से अगर ऐसी बातें निकलती, तो शायद उन पर किसी को आश्चर्य नहीं होता, लेकिन

बहुत से माननीय सदस्यों ने, जो 1947 से पहले के कांग्रेसी हैं, जो तर्क प्रस्तुत किये हैं, वे इतने लंगड़े और गलत तर्क हैं, जिनके बारे में बार बार उन्हीं बातों को दोहराया नहीं जाना चाहिये। अभी यह कहा गया है कि देश में हिंसा की मनोवृत्ति बढ़ रही है और इसलिये हम ऐसे कानूनों का निर्माण करना चाहते हैं और शांति और व्यवस्था बनाये रखने के लिये इन कानूनों का रहना आवश्यक है। हम एक बार गृह मंत्री जी से पूछेंगे और चूँकि यहाँ पर विधि मंत्री भी बैठे हुये हैं, उनसे भी पूछेंगे कि यह बताइये कि इन 15, 16 वर्षों में, जितने भी कानून इस समय हैं, जिनसे कि हिंसा का वातावरण दबता है और सार्वजनिक शांति स्थिर रह सकती है, वे कानून सब अधूरे हैं? क्या इंडियन पेनल कोड, क्रिमिनल प्रोसीजर कोड और डिफेंस आफ इंडिया रूल्स, ये तीनों पूर्ण नहीं हैं, उनमें कहीं अधूरापन है, उनमें कहीं गलतियाँ हैं और अगर वे अपूर्ण हैं, अगर उनमें कहीं पर गलतियाँ हैं, तो उन्हें सुधारने के लिये अभी तक कोई कानून क्यों नहीं लाया गया? अगर आप यह कहते हैं कि उन कानूनों के बावजूद और नये कानूनों की आवश्यकता है, तो इस बात को आपने स्वीकार कर लिया कि वे कानून अधूरे हैं। अगर आप यह कहते हैं कि देश में हिंसा का वातावरण है, हिंसा ज्यादा बढ़ती जा रही है और उसको रोकने के लिये इस प्रकार की व्यवस्था होनी चाहिये, तो यह बातें ठीक उसी प्रकार हैं जैसी कि 1900 से ले कर 1930 तक जितने भी कानून ब्रिटिश पार्लियामेंट में बनते थे, उनकी नकल हिन्दुस्तान की अंग्रेज सरकार करती थी और वह जो तर्क दिया करती थी, वही तर्क हमारे मंत्री महोदय दे रहे हैं और उनके विरोध में जो कुछ भी उस समय कांग्रेस के मित्र कहा करते थे, आज अपोजीशन की तरफ से वही तर्क प्रस्तुत किये गये हैं। इस तरह से हमारे कांग्रेसी मित्रों के पास अपनी सत्ता बनाये रखने के लिये और विरोधी दलों का दमन करने के लिये सिवाय ऐसे लंगड़े

[श्री निरंजन वर्मा]

कानूनों का निर्माण करने के और कुछ शेष नहीं रह गया है।

मध्य प्रदेश का जहाँ तक प्रश्न है, डकैतों को संरक्षण देने वालों के लिये इसका उपयोग किया गया है, यह बताया गया है। यह जो स्टेटमेंट प्रकाशित किया गया है, इसमें बड़ी चतुराई से और बड़ी बुद्धिमानी से यह बात छोड़ दी गई है कि जिन लोगों ने डाकुओं को आश्रय दिया है, वे कौन सी पार्टी के हैं।

हम आपकी सौजन्यता से, आपकी 5 P.M. बुद्धिमानी से बहुत ज्यादा प्रभावित होते, अगर आप साहस करके यह बतला दें कि किन-किन आदमियों को आपने गिरफ्तार किया है। इसी तरह से इस स्टेटमेंट में एक जगह पर यह बताया गया है कि इतने एम० एल० ए० सेजिस्ट्रेचर के सदस्यगण, गिरफ्तार किए गए हैं। उनके बारे में आप बहुत अच्छी तरह से बता सकते थे कि वे कौन-कौन आदमी किस-किस सस्था के थे, कौन सी दलगत राजनीति के थे, किसका उलघन करने के आरोप में उनको गिरफ्तार किया गया। इस तरह से आपने यह बातें सब दबा रखी हैं। देश इस समय इस प्रकार के किसी कानून को नहीं चाहता और जबरदस्ती यदि यह सरकार इस तरह के कानूनों को देश पर लादना चाहती है, तो हमारी निश्चित राय के अनुसार यह देश किसी प्रकार भी कांग्रेस के राज को सहन करने के लिये तैयार नहीं है। इसलिये ऐसा काला कानून जितनी जल्दी समाप्त हो, उतना ही अच्छा है। इन शब्दों के साथ हम इसका विरोध करते हैं।

THE DEPUTY CHAIRMAN The Home Minister

श्री राजनारायण : माननीया . .

उपसभापति : आप तो बोल चुके हैं, एक दफा नहीं, दो दफा बोल चुके हैं।

श्री राजनारायण : यह पाइन्ट पर मुन-हसिर करता हूँ। आप हमें मौका दीजिए। मेरा प्रश्न यह है कि थर्ड रीडिंग पर मैं बोलने का हक रखता हूँ।

THE DEPUTY CHAIRMAN: I have called the Minister.

SHRI MULKA GOVINDA REDDY: He wants a clarification

उपसभापति : क्या क्लेरीफिकेशन चाहते हैं ? You may ask for a clarification. Just one minute.

श्री राजनारायण : क्लेरीफिकेशन नहीं, भाषण। (Interruptions) मैं चाहता हूँ कि मुझको संसदीय तरीके से ही झुकाया जाय। असंसदीय तरीके से अन्याय को मानने के लिये तैयार मैं नहीं हूँगा, यह मैं साफ बताए देता हूँ। मैं यह निवेदन कर रहा हूँ—चव्हाण साहब यहाँ बैठे हैं, इसलिए हमें थोड़ी खुशी भी है—कि जब भारत पर पाकिस्तान का हमला हुआ, तो चव्हाण साहब तो शायद रात को सो भी लेते होंगे, लेकिन हम नहीं सो पाते थे। 12 बजे रात को हमने उनको फोन किया है, एक बजे रात उन्हें फोन किया है और चव्हाण साहब को बताया—पहली सितम्बर को जब पाकिस्तान का हमला हुआ—कि छम्ब-जोरिया में छ दिन हो गए, यह सरकार सोती क्यों रह गई? हमने उनसे यह कहा कि लाहौर, सियालकोट को गिराया क्यों नहीं गया? तो आज जो यह सरकार बराबर कहती है कि हम राष्ट्र की सुरक्षा के लिए और डिफेंस के लिए, डिफेंस बना रहे हैं, यह विधेयक ला रहे हैं—यह सत्य की कमौटी पर ठीक नहीं उतरता।

दूसरी बात मैं यह निवेदन करूँगा चव्हाण साहब से और भाई जैरामदास दौलतराम से भी कि जागता जोगी भी है, जागता भोगी

भी है, मगर दोनों के जागरण की क्रिया में फर्क है। आज जनतंत्र का नाम हम भी ले रहे हैं, जनतंत्र का नाम भाई जैरामदास भी ले रहे हैं, चव्हाण साहब भी ले रहे हैं। गांधी जी का नाम हम भी ले रहे हैं, गांधी जी का नाम चव्हाण साहब भी ले रहे हैं। मैं इतना ही निवेदन करना चाहूंगा कि कांग्रेस राज में कितनी बार गोली चली है पुलिस की, चव्हाण साहब उसका एक आंकड़ा प्रस्तुत कर दें। अंग्रेजी राज के डेढ़ सौ साल में जितनी बार गोली नहीं चली है, उससे ज्यादा गोली नेहरू जी के राज में चली और नेहरू जी के राज में जितनी गोली नहीं चली थी, उससे ज्यादा इन्दिरा जी के राज में चल गई। इसलिए देश की रक्षा के नाम पर, शांति और व्यवस्था के नाम पर, इस मुल्क में संगठित हिंसा का प्रयोग हो रहा है।

THE DEPUTY CHAIRMAN: All right. The Home Minister.

श्री राजनारायण : यह सरकार संगठित हिंसा का सहारा ले रही है, इसलिए हम इसका जबरदस्त विरोध करते हैं।

SHRI Y. B. CHAVAN: Madam Deputy Chairman, some of the speeches now delivered do not raise any new point as such . . . (Interruptions.)

THE DEPUTY CHAIRMAN: Order, order.

SHRI Y. B. CHAVAN: There are no new points which require any particular reply as such except that one question that was put to me which I think I should explain. There were certainly certain mistakes made and that was how cases at the highest level of the Supreme Court had been considered. The hon. Member wanted to know from me if there are any cases where there was any misuse as such, where any officer was taken to task or punished or any explanation was asked for. That was what he had in mind. Madam, naturally, in cases where the courts pass some adverse remarks, those matters are looked into in the normal course. But where there are

no *mala fide* mistakes or *mala fide* misuse—sometimes the Act can be misapplied by a misunderstanding of the situation or misunderstanding of the Act also—that is not where punishments are called for where there are *mala fide* mistakes made—there are certainly errors of judgment made on

both sides—if there are *mala fide* misuses of the Act, I can assure the hon. House that we shall certainly take a very severe action in such matters. That was one thing.

श्री राजनारायण : डा० लोहिया के केस में क्या जजमेंट था ? मेलाफाइडी ही था।

SHRI Y. B. CHAVAN: Dr. Lohia was not arrested under the Preventive Detention Act.

SHRI RAJNARAIN: In Bihar, in 1965.

SHRI Y. B. CHAVAN: The hon. Shri Dahyabhai Patel, made a complaint that he was not convinced. Madam, it is not my ambition to convince him at least.

SHRI DAHYABHAI V. PATEL: Patri Sarkar. That was what was happening in Bombay. You want more powers.

SHRI Y. B. CHAVAN: I cannot reply to the perversions of my friend. Some people are there who are determined not to be convinced. May God help them.

श्री राजनारायण : आप श्री ए० के० पाटिल को कन्विन्स कर दीजिए।

श्री विमलकुमार मन्नालालजी चौरड़िया : यह आपके ऊपर भी लागू होता है।

श्री वाई० बी० चव्हाण : हो सकता है। मैं जो आपको दे रहा हूँ, आप मुझे भी दे सकते हैं।

I do not know what the hon. Mr. Rajnarain wanted to say. He said something so many times . . .

AN HON. MEMBER: You should not take it seriously.

SHRI RAJNARAIN: Let me have my say. He has not understood what I wanted to say.

SHRI Y. B. CHAVAN: In order to understand him, I propose to have a little dialogue with him outside the House. That would be much better for me.

Madam, there are no other points which require or deserve any reply.

SHRI MULKA GOVINDA REDDY: As a protest, we walk out of the House.

SHRI RAJNARAIN: Withdraw the Bill, withdraw it. चव्हाण साहब कलकित मत होइयें इस बिल को पास करवा कर । पास हो जाने के बाद हम फिर आजाएंगे ।

(At this stage, many Opposition Members left the House).

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed".

The motion was adopted.

THE GOA, DAMAN AND DIU (OPINION POLL) BILL, 1966

THE DEPUTY CHAIRMAN: We now pass on to the next Bill, the Goa, Daman and Diu (Opinion Poll) Bill 1966.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Are we not taking it up tomorrow, Madam?

THE DEPUTY CHAIRMAN: No, now.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI V. C. SHUKLA): Madam, I beg to move:

"That the Bill to provide for the taking of an opinion poll to ascertain the wishes of the electors of Goa, Daman and Diu with regard to the future status thereof and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

[THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

Sir, this is a small Bill to provide for a machinery to ascertain the wishes of the people of Goa, Daman and Diu with regard to their future status. As the House will recollect, we liberated Goa in 1961. After that, the Constitution was amended to put this territory on a level with other Union territories of the country. Later on, in December, 1963, we appointed a Lieutenant-Governor there, a Legislature was duly elected and a Council of Ministers was formed there. Since then there have been demands from a section of the people that this territory, Goa, should be merged with the State of Maharashtra. There have also been demands by some other sections of the people that *status quo* in this territory should be maintained. Sir, the Government have been considering this matter, and we came to the conclusion that it would be detrimental to the development of this territory if its future is kept hanging in the balance and nobody knows whether it is going to be merged with Maharashtra or whether it is going to continue in the Union Territories. This feeling, in fact, was hampering the developmental programmes in this territory. So we came to the conclusion that we must arrive at a definite conclusion about the future status of these territories as soon as possible.

Sir, as the House may recall, leaders of the Government from time to time gave various assurances to the people of Goa, Daman and Diu that before a