

[Shri Chandra Shekhar.] •be given for it, because not only a crisis for gur is created, but a constitutional crisis may come, if the suggestion of the Congress Member in the Gujarat Assembly is accepted and if the Gujarat Assembly so strongly feels that the Assembly be dissolved and there should be the President's Rule, so that the Union Government may take the whole responsibility for this muddle in relation to gur movement. So, I request that this question should be treated as very urgent. It is a matter of public importance. In U.P. the gur manufacturers are resorting to Satyagraha. Sir, in the same paper it has been reported that women in Gujarat demonstrated before the Assembly. There is another report that the police had to intervene as there were long queues before the gur shops. The other Resolution is from the City Congress Committee, Ahme-dabad, that if the Gujarat Government is not able to solve this problem, the Food Minister should resign. It is not from the P.S.P.; it is not from the Communist Party or Jan Sangh or Swatantra Party, but the Gujarat Congress Committee has made a suggestion that if this problem is not solved, the Government should resign. So, I request you, Sir, to ask the Food Minister to make a statement on this issue. This is my request.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I appreciate your feeling, Mr. Chandra Shekhar. I will pass on the observations that you have made to the Food Minister and I have no doubt he will give due consideration to all aspects.

SHRI BHUPESH GUPTA (West Bengal) : Mr. Vice-Chairman, today we are adjourning, I suppose. You may pass on; we shall also pass out of this House. Now the trouble is that whatever statement is to be made should be made before we adjourn. Of course, everything is passed on. Therefore, Sir, I would request you to exercise your authority for once, generous as you are, so that the Minister comes and makes a statement here.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I will pass on your suggestion also to the Food Minister and I am sure he will give due consideration to it.

SHRI MULKA GOVINDA REDDY (Mysore) : Sir, you may pass on the suggestion with your direction that the Food Minister should make a statement by about 12 o'clock or 2 o'clock.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I do not know his engagements. But I am sure, If possible, he will definitely come to this House.

THE PREVENTIVE DETENTION (CONTINUANCE) BILL, 1963—*contd.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Shri Nausher Ali

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Sir, Mr. Nausher Ali may be permitted to speak while sitting because he is sick.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I grant the request.

SHRI SYED NAUSHER ALI (West Bengal) : Mr. Vice-Chairman, first of all I thank you for your kindly permitting me to speak sitting.

Sir, for the last one year and a half I have been a silent spectator in this House, not that I did not feel the urge to speak but I had to restrain myself. But my restraint has now been broken by the introduction of this measure to give a further lease of life to this detested and detestable Preventive Detention Act. This Act has been and may be described as a lawless law, as the blackest of black Acts and as the successor of the Rowlatt Act. To me it is a most undemocratic Act quite unworthy of any civilised nation. It has been in force continuously for all these thirteen years, a record which

■will not be found anywhere in the ■whole world. Even now the Home Minister comes forward for the continuance of this Act for another three years. It means practically that the Congress cannot do without this Preventive Detention Act. A Government that cannot carry on without this Preventive Detention Act has got no right to exist or to rule.

SHRI JOSEPH MATHEN (Kerala): The hon. Member may take care of his health.

THE VICE-CHAIRMAN (SHRI AKBAR AM KHAN): He wants you to take care of your health.

SHRI SYED NAUSHER ALI: Sir, you know the condition of my health. That is exactly what prevented me from speaking for all this one year and a half. But I have begun by saying that my restraint has now been broken. I am advised to take care of my health. I may die and I will die soon, but this nation will not die. The nation will live. Shri Nehru will die, the Ministers will die, every Member of this House will die, but the nation will live, and we have got to see that the nation lives honourably quite befitting an honourable country.

Now, Sir, this Act is to my mind a most undemocratic Act. It conflicts with the concept of the rule of law. It tries, why tries, it robs the citizen of his sacred fundamental right of freedom of person and that for a continuous period from 1950 up till today and for three years or more. Who knows that it is not going to be a permanent feature of the Congress rule?

I submit, Sir, that this Act is no Act. It is a contrivance devised by the Government to introduce a certain procedure for the detention of individuals, citizens, to rob them of their right of freedom of person so that they may go on freely. I am anxious to follow the advice of my friend over there. In fact I feel I cannot speak. My health does not allow me to speak. I am full of emotion. I admit and I confess that I may be wrong, but I am full of emo-

tion over this Act to such an extent that I feel it difficult to express myself. Sometimes I feel whether I am living in a country of Mahatma Gandhi or I am living in a country where a barbarous law prevails, where the law takes such a turn that it is no law.

What is the provision of the Act? The provision of the Act is simply this. The Government chooses to detain some person, and at once that person is arrested. Now that person is arrested, he is an accused person. He has not got the right even to know the full charge against him. He has not even got the right to know that. He cannot defend himself either personally or through his counsel. For three months he can be kept like this, and after three months papers will be placed before a so-called Advisory Board appointed by the accuser. Now the procedure followed here also is in camera. Nobody knows what takes place there. Even the accused does not know what happens there. He has got no right of access to the papers. He has only the right to know whether the Advisory Board has found him guilty or not. A strange procedure, a barbarous procedure. No civilised country can tolerate it. After that if he is found guilty, he remains guilty. He has got no remedy anywhere, either in court or anywhere else. It means the fulfilment of the whim of the executive and nothing else. The Parliament is there, the Parliament may cry over it, but who is going to listen to it? Nobody. Simply it is the fiat of the Government in existence at the time that will say whether a person is guilty or not. If the Government says he is guilty, he is guilty; if the Government says he is not guilty, he is not guilty. So it is the *ipsi dixit*, the whimsical *ipsi dixit* of the Government that makes the man guilty or not guilty. A peculiar law, a strange law, a stranger verdict. I cannot conceive of any system of law that can allow it. I have said at the very beginning that it conflicts with the concept of the rule of law, and we say that we

[Shri Syed Nausher Ali.] are proud of our democracy, proud of the rule of law. We are proud of our democracy. Does democracy allow this sort of law? No, never. But my friend, the Home Minister, will perhaps say that the Constitution allows it. Yes. I do not want to dilate on the Constitution at this stage. I have neither the energy nor the time nor the opportunity to speak on that aspect of it. But suffice it to say that the framers of the Constitution never dreamt of the Preventive Detention Act being in force continuously for a period of thirteen or sixteen or twenty years so long as the Congress Government would remain in power, simply that the Congress Government might remain in power. That was never the intention. That was never contemplated by the framers of the Constitution. There is the provision, that obnoxious provision—and there are various obnoxious provisions—in our Constitution. We have borrowed it from the obnoxious provisions of the Government of India Act of the British period. We cried hoarse over these things while struggling for freedom and after freedom came those very fetters, even worse fetters were on us. Here is an instance of the worst fetters. But assuming that it is there, I submit, Sir, that the framers of the Constitution never contemplated that the Preventive Detention Act would continue indefinitely so long as the Congress Government considered it in their own interest to keep it on the Statute Book.

(Time bell rings.)

I am sorry, Sir, my time is over. I have many things to say but I cannot say them. I will just say this that I have not had the privilege of hearing my friend on Saturday. I was unwell, I could not come. But I have seen two things in the speeches. One was by Mr. Sapru. And I entirely agree. He said that it would be a more honest thing to ban the Communist Party. I entirely agree with him.

If you feel that the Communists should not be allowed to work, well, the honest course is for you to ban it altogether, but to say that we allow freedom to every party to work and in the same breath to put in all sorts of handicaps on the Communist Party is dishonest, to say the least. I know. Sir, of certain instances by personal experience. The Communist Party is said to be free to work but the Communist Party, as I know it, gets no privilege elsewhere, except crying in this Parliament, saying one thing here and one thing there. They have got no other right of service. Are they subversive elements? If they are subversive elements, ban the party altogether. I can understand it. But I cannot understand the camouflage of saying that you allow the Communist Party to function and dispossessing, dismissing the Kerala Communist Party Government. I do not understand it.

Now, my time is over and I do not want to take up your time. But I should say this that a large number of Members of Parliament, of local Assemblies, of Councils and other people are in detention now. I make an impassioned appeal to the hon. Home Minister to release them as quickly as possible.

One word, and I will finish. I had many things to say but I am sorry that I have not got the time. The law provides for the detention of people. The language is 'for the maintenance of supplies and services essential to the community.' Now, we know that this detention has fallen invariably on the Opposition, and people whom our Prime Minister at one time said should find their place on the nearest lamppost are now in his bosom. Not a single blackmarketeer or anti-social element has been arrested or detained under this Act. The entire attack has been on the Opposition. I submit, Sir, that this shows the nature of the Act, the application that has been made of this Act, the abuse that has been made of this Act. *(Time bell rings.)* I think it is wrong on my

part to disobey you in this way. You have rung the bell twice, and I think I should not take up any more time. Thank you.

SHRI JOSEPH MATHEN: Can I ask any question?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): NO questions please.

AN HON. MEMBER: A number of questions can be asked.

SHRI BHUPESH GUPTA (West Bengal): Let him take this side.

श्री ए० बी० वाजपेयी (उत्तर प्रदेश) :
उपसमाध्यक्ष महोदय, इस विधेयक द्वारा नज़रबन्दी कानून की अवधि को जो ३१ दिसम्बर, १९६३ को समाप्त हो रही है, ३१ दिसम्बर १९६६ तक के लिए बढ़ाया जा रहा है। सवाल यह है कि इस अवधि को ३ साल के लिये ही क्यों बढ़ाया जा रहा है; १३ साल या ३० साल के लिए क्यों नहीं बढ़ाया जा रहा? क्या गृह मंत्री जी हृदय पर हाथ रख कर कह सकते हैं कि उन्हें अगले १३ साल तक इस काले कानून की ज़रूरत नहीं होगी? एक कांग्रेस सदस्य ने संशोधन दिया है, जिससे उनकी मनोवृत्ति का पता लगता है। वह चाहते हैं कि इसकी अवधि १९६० तक बढ़ा दी जाये। वे इस समय सदन में उपस्थित नहीं हैं। वे भी गुजरात से आते हैं और गृह मंत्री जी भी गुजरात से आते हैं। दोनों मजदूरों के क्षेत्र में काम करते हैं। कहा जाता है कि गृह मंत्री वामपंथी हैं और श्री आबिद अली दक्षिण पंथी हैं। मगर दोनों में इतनी एकता ज़रूर है कि दोनों नज़रबन्दी कानून को बनाये रखना चाहते हैं। ईमानदारी का तक्राजा यह है कि गृह मंत्री जी इस कानून को सामान्य कानून में शामिल कर लें। उसके लिए किसी विशेष कानून बनाने की आवश्यकता नहीं होनी चाहिये। सरकार यह मान ले कि बिना लोगों को नज़रबन्दी

किये हुए वह देश का शासन नहीं चला सकती।

कहा जाता है कि आजादी का पीघा बड़ा कोमल होता है और उसकी रक्षा के लिए उस पीघे के चारों तरफ़ बाड़ लगाने की ज़रूरत है। मेरा निवेदन है कि जिन नेताओं के कर-कमल पिछले १३ साल में उस आजादी के पीघे की रक्षा नहीं कर सके, उसे मजबूत नहीं बना सके, वे अगले १३ सालों में उस आजादी के पीघे की रक्षा इस कानून के द्वारा नहीं कर सकते हैं। सचमुच में आजादी के पीघे के लिए कोई खतरा नहीं है। गृह मंत्री जी आंकड़े देकर साबित करते हैं कि स कानून का बहुत सम्माल कर उपयोग किया गया है। मेरा निवेदन है कि कितने व्यक्ति नज़रबन्दी किये गये हैं, यह सवाल नहीं है। सवाल यह है कि कितने मामलों में इस कानून का दुरुपयोग किया गया और अगर एक भी मामला ऐसा है जो यह साबित करता है कि इस कानून का दुरुपयोग किया जा रहा है तो इस कानून के लिए कोई औचित्य नहीं है और ऐसे मामले एक नहीं, अनेक हैं।

कहा जाता है कि कम्युनिस्टों को और "कम्युनिस्टों" को रोकने के लिए यह कानून चाहिये। आप यह कानून १३ साल से काम में ला रहे हैं, मगर जो घटनाएं आप रोकना चाहते थे वे नहीं रुकीं। यह काला कानून श्रीरामलू को शहादत से नहीं रोक सका, यह काला कानून राज्य पुनर्गठन के पश्चात् बम्बई में होने वाले हिंसात्मक उपद्रवों को भी नहीं रोक सका, यह काला कानून आसाम में भाषायी दंगों को नहीं रोक सका, यह काला कानून अलीगढ़ में, जबलपुर में और अभी मालेगांव में जहाँ कांग्रेस के एक एम० एल० ए० को साम्प्रदायिक दंगे को भड़काने के आरोप में गिरफ्तार किया गया है—यह काला कानून इन जगहों के साम्प्रदायिक दंगों को भी नहीं रोक सका। फिर यह काला कानून किस लिये चाहिये?

[श्री ए० बी० वाजपेयी]

यह काला कानून चाहिये, जनसंघ के एडवोकेट श्री नानकराम इसराणी को गिरफ्तार करने के लिये इसलिये नहीं कि कोई साम्प्रदायिक दंगा भड़का रहे थे, बल्कि इसलिये कि उन्होंने अजमेर की पुलिस के भ्रष्टाचार को प्रमाणित किया था। उन्होंने अजमेर की पुलिस की एक ऐसी किताब पकड़ी, जिसमें लोगों से ली गई रिश्वत का हिस्सा रखा जाता था। किस दूकानदार से, किस व्यापारी से कितनी रिश्वत ली जाती है, यह उस किताब में लिखा जाता था। रिश्वत किस तरह से बांटी जाती है, इसका उस किताब में हिस्सा रखा जाता था। यह किताब उन्होंने पकड़ ली और राजस्थान की असेम्बली में पेश कर दी, इसलिये उन्हें नजरबन्द कर दिया गया। क्या इसलिये यह काला कानून चाहिये? आप यह कह कर इस कानून की कटुता को कम नहीं कर सकते कि केवल एक नानकराम इसराणी पकड़े गये या केवल एक सोशलिस्ट पार्टी के जार्ज फर्नेंडीज को पकड़ा गया या केवल एक डाक्टर श्यामा प्रसाद मुखर्जी इस कानून में पकड़ कर जम्मू, काश्मीर ले जाये गये और पुलिस के पहरे में मर गये। एक डाक्टर श्यामा प्रसाद मुखर्जी मर गये, एक श्री नानकराम इसराणी पकड़े गये, यह कह कर आप इस काले कानून के जहर को कम नहीं कर सकते हैं। एक व्यक्ति की स्वाधीनता का अपहरण सारे दल को आंशित करने के लिये पर्याप्त है। एक अन्याय आपके सारे न्यायपूर्ण बर्ताव पर पानी फेरने के लिये काफी है। मगर गृह मंत्री जी इस कानून की वकालत में कैसे तर्क देते हैं? मैं पूछता हूँ—बिना मुकदमा चलाये आदमी को जेल में बन्द रखना क्यों जरूरी होना चाहिये? बिना कारण बताये किसी को गिरफ्तार करना क्यों आवश्यक होना चाहिये?

गृह मंत्री जी ने कहा है कि हिंसा हो रही है। कुछ दल हिंसा करते हैं। शायद

वे कांग्रेस को उसमें शामिल नहीं करते। जो रिपोर्ट रखी गई है और जिसमें बताया गया है कि कितने लोग गिरफ्तार किये गये, उसमें कम्युनिस्ट पार्टी का नाम है, प्रजा सोशलिस्ट पार्टी का नाम है, जनसंघ का नाम है, मगर कांग्रेस की जगह रिबेल कांग्रेसमें लिखा हुआ है। जो बन्द रखा गया है सदन की भेज पर, जिसमें यह ब्यौरा दिया गया है कि कितने लोग पकड़े गये, कितने नहीं पकड़े गये, उसमें रिबेल कांग्रेसमें है, कांग्रेसमें कोई नहीं है। कांग्रेसमें हिंसा नहीं कर सकता।

شہری فریدالحق انصاری (اتر پردیش) : وہ تو وفادار لوگ ہوں۔

†[श्री फरीदुल हक अन्सारी (उत्तर प्रदेश): वे तो वफादार लोग हैं]

श्री आबिद अली (महाराष्ट्र) : वह वही शरी है।

श्री ए० बी० वाजपेयी : क्योंकि उनकी पार्टी का राज है। पहले प्राचीन काल में सूर्यवंश और चन्द्रवंश हुआ करते थे। आजकल हमारे देश में दो ही वंश हैं, एक तो राजवंश है और एक प्रजा वंश है। जितने कांग्रेसी हैं वे सब राजवंश हैं और जितने विरोधी दल वाले हैं वे सब प्रजावंश हैं। प्रजावंशियों को बिना कारण बताये गिरफ्तार किया जा सकता है, बिना मुकदमा चलाये जेल में रखा जा सकता है।

मैं गृह मंत्री जी की इस अपील का स्वागत करता हूँ कि सभी दलों को, जिनमें कांग्रेस भी शामिल है, यह निषेध करना चािये कि जहाँ तक भारत के अन्दर की राजनीति का सवाल है, हम कभी हिंसा नहीं करेंगे। हम कभी हथियार अपने हाथ में नहीं लेंगे।

†[] Hindi transliteration.

लेकिन केवल यह सुझाव रखना काफी नहीं है। मैं गृह मंत्री जी से कहूंगा कि वे सभी दलों की एक बैठक बुलायें, एक सर्वदलीय सम्मेलन का आयोजन करें, जिसमें इस बात का संकल्प किया जाये कि हमारे बीच में आर्थिक, राज-नैतिक और सामाजिक प्रश्नों पर कितने भी मतभेद हों, लेकिन उन मतभेदों के निवारण के लिये हम कभी हिंसा का मार्ग नहीं अपनायेंगे, हम कभी हत्या का मार्ग नहीं अपनायेंगे। लेकिन इसके साथ ही सरकार को भी एक निर्णय करना होगा कि परिस्थिति बिगड़ने से पहले ही वह फैसला करे, लोगों की भावनाओं को भड़काने न दे, प्रशासन को सक्षम बनाये, पुलिस को जनता के प्रति संवेदनशील करे और पार्टी के हितों से ऊपर उठ कर शासन चलाये।

मैं एक छोटा सा उदाहरण रखना चाहता हूँ। उस दिन सदन में मैंने और मेरे मित्र श्री ए० डी० मणि ने पंजाब के गृह मंत्री के एक वक्तव्य की ओर शासन का ध्यान खींचा था। पंजाब के गृह मंत्री ने आरोप लगाया है कि विरोधी दल विदेशी शक्तियों के साथ मिल कर नेहरू सरकार को पलटना चाहते हैं। यह ऐसा आरोप नहीं है, जिसे पंजाब के गृह मंत्री लगाते फिरें और जिसके बारे में केन्द्र के गृह मंत्री पर मुंह पर ताला डाले बैठे रहें। हमारी देशभक्ति को चुनौती दी जाये, विदेशी शक्तियों को हमारे साथ जोड़ा जाये और आप कहें कि यह देश सब का है, मिल कर काम करो, यह नहीं हो सकता। आप देशभक्त और हम देशद्रोही, तो मिल कर काम कैसे हो सकता है? अगर आपने देशभक्ति का ठेका ले लिया है और हमने अपने को ब्रिटेन और अमेरिका के हाथ में बेच दिया है, तो हमारे और आपके बीच में कोई मिलन भूमि नहीं है। फिर देश में शांति रहे, फिर देश में अशांति का वातावरण उत्पन्न न किया जाये, इन अपीलों का कोई मतलब नहीं रहता है। हमने कहा था कि केन्द्र के गृह मंत्री इस आरोप का

खंडन करें या इस आरोप को साबित करें। मैं ऐसे दल में रहना पसन्द नहीं करूंगा, जो किसी विदेशी ताकत के हाथ में खेल रहा हो। यह मेरी इच्छा पर डाका डाला गया है। अगर गृह मंत्री जी इस आरोप को साबित नहीं करेंगे या वापस नहीं लेंगे तो मुझे उनकी कोठी के आगे धरना देना होगा। मैं आमरण अनशन करूंगा, मैं अपनी जान दे दूंगा, मगर मैं यह आरोप अपने माथे पर लेकर जीवित नहीं रह सकता। लेकिन मैं भूख हड़ताल करूंगा, तो अशांति पैदा होगी। तिन्डिया कालेज के लड़के भूख-हड़ताल करेंगे, तो पुलिस लाठी चलायेगी, फिर हिंसा होगी, फिर नजरबन्दी कानून की आवश्यकता होगी, फिर गृह मंत्री जी इस कानून की अवधि बढ़ाई जाये, यह संशोधन लेकर सदन में आयेंगे। क्या गृह मंत्री जी की देशभक्ति का, बुद्धिमत्ता का और उनके विवेक का यह तकाजा नहीं है कि पंजाब के गृह मंत्री के आरोप का वे खंडन करें या उसे साबित करें। कौनसी विदेशी शक्तियां हैं जो नेहरू जी की सरकार को पलटना चाहती हैं? कौन सी विदेशी शक्तियां हैं जिनके साथ हम विरोधी दल के लोग मिले हुये हैं, उनके नाम बताये जायें। हमको भी तो पता लगे, मगर आरोप लगाये जायेंगे और उन्हें हवा में छोड़ दिया जायेगा। फिर एकता की बातें की जायेंगी, फिर देशभक्ति की अपीलें निकाली जायेंगी। इन अपीलों का कोई मतलब नहीं है। शासन अपना रवैया सुधारे।

शायद तीन साल की अवधि बहुत सोच समझ कर रखी गई है। मैं भी अनुभव करता हूँ कि ये आने वाले तीन साल देश के जीवन में निर्णायक होंगे। कुछ व्यक्तियों की स्वाधीनता दांव पर नहीं लगी है, सारे भारत का भविष्य दांव पर लगा है। अगले तीन सालों में क्या होगा, कोई नहीं जानता। लेकिन अगर अगले तीन सालों में कुछ होने वाला है तो यह नजरबन्दी का काला कानून इसको नहीं रोक सकता। जो सैलान आ

[श्री ए० बी० वाजपेयी]

रहा है, उसे कानून की पतली दीवार खड़ी करके नहीं बाँधा जा सकता। हवा में बग़ावत की बू आ रही है। हृदयों में क्रांति के बीज बोये जा रहे हैं। लोग परिवर्तन की आकांक्षा ले करके चल रहे हैं। लोग अपने जीवन को बदला हुआ देखना चाहते हैं। इस नेतृत्व पर मे लोगों का विश्वास हट गया है। यह काला कानून बना करके आप इस विश्वास को कायम नहीं रख सकते। इसके लिये शासन को, सत्तारूढ़ दल को अपना रवैया बदलना होगा। प्रशासन में क्रांतिकारी परिवर्तन करने होंगे और विरोधी दल के साथ मिल कर काम करने का एक स्थायी आधार बूढ़ना होगा, मगर इसके लिये शासन तैयार नहीं है।

सचमुच में जब आज के संकट-काल में डिफेंस आफ इंडिया रूल्स सरकार के तरकश में ब्रह्मास्त्र की तरह से मौजूद है, तब इस नजरबन्दी कानून की अवधि बढ़ाने की क्या जरूरत थी? आप जिसे चाहें पकड़ सकते हैं, जेल में बन्द कर सकते हैं—यह बात अलग है कि दिल्ली के बदलू राम पकड़े जायें और ब्रह्मप्रकाश न पकड़े जायें, यह बात अलग है कि श्री बी० पी० मीर्य गिरफ्तार किये जायें और सुरक्षा-निधि का रुपया हड़पने वाले सत्तारूढ़ दल के सदस्य न पकड़े जायें। उपसभाध्यक्ष जी, अगर सरकार इस कानून की अवधि को बढ़ाने जा रही है, तो सरकार को फ़ैसला कर लेना चाहिये कि इमर्जेंसी की स्थिति नहीं चलेगी। गृह मंत्री जी ने इसका संकेत भी दिया है। लेकिन केवल संकेत देना ही काफी नहीं है, वह संकट-काल की स्थिति को वापस ले लें।

संकट-काल है कहां? कहीं नई दिल्ली में संकट-काल दिखाई देता है? कहीं मंत्रियों के आचरणों में संकट-काल दिखाई देता है? जिस तरह से शासन चलाया जा रहा है, जिस तरह से सदन में जवाब दिया जाता है,

उसमें कहीं संकट-काल दिखाई देता है? और संकट-काल हो भी कैसे जब कौन है हमारा दुश्मन, यही पता नहीं है—कौनसा "एनिमी" है? चीन तो हमारा शत्रु नहीं है, चीन के साथ तो हमारे कूटनीतिक सम्बन्ध हैं, चीन के खिलाफ तो हमने युद्ध की घोषणा नहीं की, चीन के प्रधान मंत्री को तो हम शिष्टाचार के नाते देश की हवाई-सीमा का उल्लंघन करके कायरो जाने की सुविधा दे रहे हैं, चीनी प्रधान मंत्री के सम्मान में शामिल होने के लिये काहिरा के भारतीय राजदूत को आदेश दिये जा रहे हैं। चीन तो हमारा शत्रु नहीं है। पाकिस्तान भी हमारा शत्रु नहीं है। पाकिस्तान ने हमारा कार्यालय बन्द कर दिया और प्रधान मंत्री ने सदन में घोषणा की कि वे शिलांग के कार्यालय को बन्द करने के बारे में विचार करेंगे और फिर पलट गये, अगर अपनी इच्छा से पलट जाते, तो मुझे दुःख नहीं होता, ब्रिटेन और अमेरिका के कहने पर पलट गये। ब्रिटेन और अमेरिका हमसे कहें कि काश्मीर दे दो तो क्या प्रधान मंत्री जी काश्मीर देने के लिये तैयार हो जायेंगे?

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : कभी नहीं।

श्री ए० बी० वाजपेयी : फिर यह शिलांग में पाकिस्तान का दपतर क्यों नहीं बन्द किया जा रहा है?

श्री अर्जुन अरोड़ा : मामूली बात है।

श्री ए० बी० वाजपेयी : अगर यह मामूली बात है, तो प्रधान मंत्री जी ने अपने वक्तव्य में यह क्यों कहा कि हम इस दपतर को बन्द करने के बारे में विचार करेंगे। बीच में कौन सी घटना हो गई? ब्रिटेन और अमेरिका ने दबाव डाला। ब्रिटेन और अमेरिका दबाव डालें तब हम पाकिस्तान के मित्र बनें और रूस अगर दबाव डाले, तो हम एक दूसरी नीति अपनायें।

देश की संकट-काल की स्थिति को बनाये रखने का तरीका नहीं है। चीन और पाकिस्तान के जासूस पकड़े जा रहे हैं और उन जासूसों को कड़ी सजा नहीं दी जा रही, सरकार नहीं दे पा रही; क्योंकि "एनिमी" कौन है, इसकी परिभाषा नहीं की गई। ब्रिटिश राज की घोषणा को ज्यों का त्यों दुहरा दिया गया। इतना ही नहीं कहीं कहीं तो "एलाइड" शब्द भी है। सरकार की ऐसी घोषणाएं निकली हैं, जिसमें अक्षर की जगह अक्षर रख दिया गया है, अंग्रेजों का "एलाइज" शब्द भी घोषणा में है। लेकिन स्थिति क्या है? हमारा तो कोई एलाइड नहीं, हम तो गुटबन्दी की नीति में फंसते नहीं, हमारा कोई साथी नहीं।

इस संकटकाल की स्थिति में देश में जैसा वातावरण बनाये रखना चाहिये, वैसा वातावरण हम नहीं बनाये रख पा रहे हैं। इसकी जिम्मेदारी विरोधी दलों पर नहीं है, इसकी जिम्मेदारी जनता पर भी नहीं है। चीनी आक्रमण के पश्चात् देश में जो एकता पैदा हुई थी, जो त्याग और बलिदान का वातावरण बना था, उसे अगर किसी ने नष्ट किया तो शासन ने, सत्तारूढ़ दल के नेताओं ने नष्ट किया है। समय आ गया है कि यह संकटकालीन स्थिति समाप्त कर दी जाये, जनता के अधिकारों को वापस कर दिया जाये और अगर सरकार देश की स्वतंत्रता की रक्षा करना चाहती है, तो मिल कर ऐसा कार्यक्रम बनाये, जिसमें सबका सहयोग लिया जा सके।

उपसभाध्यक्ष जी, मैं एक बात कह कर खत्म कर दूंगा। यह हमारा काला कानून जम्मू-काश्मीर में नहीं जाता। क्यों? जम्मू-काश्मीर का अलग काला कानून है। हम तो एक ही साल नजरबन्द रख सकते हैं, लेकिन वह दस साल नजरबन्द रख सकते हैं। भारतीय संविधान की दफा ३७० इसलिये खत्म नहीं की जाती कि भारतीय वहां पर जाकर जमीन खरीद लेंगे और जम्मू-काश्मीर की

जनता के अधिकारों का अपहरण कर लेंगे किन्तु यदि हमारा यह कानून वहां चला जाये, तो वहां नजरबन्दी एक ही साल की रह जायेगी; दस साल की नहीं। अगर हमारी बुरी चीज नहीं जा सकती, तो क्या अच्छी चीज भी नहीं जा सकती?

شروی اے - ایم - طارق (جموں اور کشمیر) : مہن بھی نہیں جانا ہوں -

†[श्री ए० एम० तारिक (जम्मू और काश्मीर) : मैं भी नहीं जाता हूँ।]

श्री ए० बी० वाजपेयी : अगर वहां की बुरी चीजें तो यहां आ जाती हैं। हां, बुरी के साथ कुछ अच्छी चीजें भी आ जाती हैं।

شروی اے - ایم - طارق : اچھی مہن ہوں یا بری مہن ہوں یہ تو بتاتے جاؤ -

†[श्री ए० एम० तारिक : अच्छी मैं हूँ या बुरी मैं हूँ, यह तो बताते जाओ।]

श्री ए० बी० वाजपेयी : उपसभाध्यक्ष जी, मैं मांग करूंगा कि जम्मू-काश्मीर की सरकार को इस बात के लिये तैयार किया जाये कि जहां तक नजरबन्दी का मामला है, वह शेष भारत के स्तर पर आ जाये, अपने विशेष अधिकार को वह कायम रखना चाहें तो रखे, अगर नजरबन्दी के मामले में नहीं और मैं गृह मंत्री जी से कहना चाहूंगा कि वह आगे आने वाले कल की आवाज की सुनें, वह हवा के रुख को पहिचानें, वह बवत की चुनौती पर कान दें। यह नजरबन्दी-कानून आने वाले सैलाब को नहीं रोक सकता। नई दिल्ली को देख कर मुगल-साम्राज्य के अन्तिम दिनों की याद आती है। मैं इस कथन को और स्पष्ट नहीं करना चाहता। लेकिन अगर भारत का भाविध्य दांव पर लगा है, अगर लोकतंत्र दांव पर लगा है, तो

†] Hindi transliteration.

[श्री ए० बी० वाजपेयी]
यह काला कानून उसकी रक्षा नहीं कर सकता। उसके लिये अधिक क्रान्तिकारी, अधिक प्रभावकारी उपाय चाहिये जिन्हें करने के लिये शायद यह शासन सक्षम नहीं है।
THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The Home Minister.

شری عبدالغلی (پنجاب) : وائس
چہر سہن صاحب - مہن نے یہی
دیوکیسٹ کیا تھا کہ سچھکو سولتہ دیا
جائے -

†[श्री अब्दुल गनी (पंजाब) : वाइस
चेयरमैन साहिब, मैंने भी रिक्वेस्ट किया
था कि मुझको मौका दिया जाय।]

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): We have already exceeded time. I will have you in consideration at the third reading.

شری عبدالغلی - پانچ منٹ ہی

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): At the third reading.

THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA): Sir, I feel that I am labouring under a handicap in the reply now, not because any very baffling arguments have been made, not because there is any difficulty in dealing with whatever points have been raised, but my difficulty is this, Sir, that in spite of the fact that there have been so many fiery speeches, so much display of pyrotechnics—and naturally this is a subject, civil liberties, which can arouse strong emotions—in spite of that,

when I scan the speeches and realising that in my opening speech I have disposed of a number of points, I believe, adequately, and nothing that has been said has shaken that ground at all, I do not find anything to get hold of, to catch hold of which will call for any reasoned treatment or answer.

They have raised bogies, bugbears and dummies. They have given resounding emphasis on these dummies, bugbears and bogies of their own making. Because what happened? They have aimed at targets which were out of the range of the Preventive Detention Act for the most part, they related to the Defence of India Rules most of the time. They have dealt with various things of omission and commission of the Government, evils of all kinds. I do not claim that this country is free from evils. It has evils and they are not concentrated in any one party, whether it is Praja Vanshi, the Vanshi or that Vanshi; they are spread all over. We are trying to see that we deal with these evils and remove them from the life of the people. But the point is this, Sir.

Regarding the subjects on which they have spent so much of their eloquence, Jammu and Kashmir for example, do all these come in directly in relation to the discussion that we have on the Preventive Detention Act? Take this question of the D.I.R. because I do not know, I will not blame the hon. Member who spoke last that he did say anything deliberately wrong but the facts are wrong. The names that the hon. Member mentioned, do not figure under any of the lists of detenus under the Preventive Detention Act.

SHRI A. B. VAJPAYEE: Which name?

SHRI GULZARILAL, NANDA: The names of which he made so much play of, Mr. Nanak Ram Fernandez....

SHRI A. B. VAJPAYEE: Nanak Ram's name is there.

†[] Hindi transliteration.

SHRI GULZARILAL NANDA: He does not know what he is talking about, let me say. We have the D.I.R. detenus' list,—throughout this period 1262 and at present 382. It was stated by several Members that they have accepted the D.I.R. unanimously, they were claiming credit for it themselves. Yes. The Defence of India Rules were meant for certain purposes and the hon. Member, Shri Bhupesh Gupta, on the other hand, said that it would have been better if that had been under the P. D. Act.

SHRI BHUPESH GUPTA: No.

SHRI GULZARILAL NANDA: The hon. Member may just hold his soul in patience.

SHRI BHUPESH GUPTA: Sir, it will not go so easily. I never said that. I said that if you . . .

SHRI GULZARILAL NANDA: I know what he said. I am telling him what he said.

SHRI BHUPESH GUPTA: I know you have a good memory but it is failing.

SHRI GULZARILAL NANDA: I do not have such a good memory for evil things.

SHRI BHUPESH GUPTA: Sir, . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please.

SHRI GULZARILAL NANDA: I was just saying that he thought that would be preferable because its provisions, its safeguards, will be more helpful from the point of view which the hon. Member had in his mind. It is there in his speech. The point is this.

SHRI BHUPESH GUPTA: I brought out the cowardice of the Government that it dare not put them under the Preventive Detention . . .

SHRI GULZARILAL NANDA: . . . that preventive detention is better than the D.I.R. detention, that there would

be all these safeguards which are not available to a person who is detained under the P.D. Act. That was the point.

SHRI G. MURAHARI (Uttar Pradesh) : That does not mean you have justified the Preventive Detention Act. The Home Minister cannot twist.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Just as they have the right, the Home Minister has the right to express his views.

SHRI G. MURAHARI: The Home Minister has been going on with a tissue of twistings and wrong arguments. I protest. He has not only given wrong points but all the time he has gone off the point and given some untruths in this House.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You please sit down.

SHRI GULZARILAL NANDA: The hon. Member is sitting so far away that possibly he does not hear. Otherwise he will not allege these things— —untruths and all that. There 'lis nothing at all. Whatever I have said about Mr. Gupta is there in the record and it can be proved later on. If I have in any way in the least little bit diverged from the record of his speech, I will come and offer apologies to this House.

Now two points arise. One is, much of what they have said is against the D.I.R. to which they had unanimously-agreed and all these names which have been mentioned by the hon. Member are under the D.I.R. to which they had agreed unanimously. Regarding the P.D. Act the point is that one thing has emerged from it that it is in some ways much better from the point of view of the detenu than the D.I.R. That is so. Why I am saying is this. He said: 'Why have you got both? Why not dispense with the Preventive Detention Act when you have the D.I.R.?' That is the point and I mar again remind the hon. Members that there is a difference. Of course many

[Shri Gulzarilal Nanda.] of the hon. Members know but I will briefly repeat that the provisions of the Preventive Detention Act are much more favourable. Within five days the grounds have to be supplied, within thirty days the matter has to be placed before the Advisory Board. There is the right of written representation and there is also the facility for personal hearing before the Advisory Board. Within six weeks the case has to be decided, the Advisory Board has to give its decision and unless the Board finds sufficient reasons for detention there has to be immediate release. The period of detention cannot exceed one year. These are the main points of difference. All these facilities are not available under the D.I.R. Therefore the answer is that while the D.I. Rules are there, admittedly unanimously accepted in relation to the emergency, there are other occasions where the more drastic provisions of the D.I.R. may not be evoked but the milder provisions of the Preventive Detention Act with all its safeguards, could be resorted to because those occasions would be more suitable from this point of view to be treated under the Preventive Detention Act. That is one of the arguments which have been urged again and again. Before the emergency was declared, there were some conditions. One could go into those conditions and explain in what sense they did not reflect normalcy and they did require certain special powers. The emergency supervened over that, and necessitated further powers. Later on again, unless the situation has so improved that while the emergency is withdrawn, it is also possible to do away with the Preventive Detention Act, it is possible it may not be and therefore, considering the situation that was before the D.I. Rules were brought in and there may be a similar situation after that also, therefore, simply because there is the D.I.R. we cannot set aside the Preventive Detention Act.

On this question of the Preventive Detention Act, there is another aspect

to which I would immediately come — regarding the reasons for not permitting the continuance of the Preventive Detention Act. One I have dealt with that there are two measures available and why not have only one. The second argument which was repeated with a great deal of emphasis by many hon. Members was that the situation has improved to an extent that now at least we should be able to do away with or to dispense with the Preventive 12: NOON Detention Act. I do not agree with the hon. Member that the situation has improved in terms of the numbers. I need not burden my speech with so many figures. But the situation has improved a great deal, considering the position some years ago. But should that be a reason for scrapping this? My answer to that is this. First of all, it is a very welcome thing. And this is the basis for my hope for the future. It has been said that it may have to be there till 1980 or permanently and it was asked whether it has to be there permanently. I say, no, Sir— I feel, considering the trend of the improvement, that it should be possible to eliminate it and to repeal this Act, and to have not to depend upon the Preventive Detention Act and that too in a very short number of years. That is the basis of my hope, because there is this improvement.

Another aspect of this argument which I cannot understand is this. On the one side we are told that because there is improvement, you do not need it. On the other side we are told, well, it appears that in thirteen years—you have not been able to deal effectively with these disruptive forces, these subversive forces. And if this could not be done in thirteen years, how do you say that you will not need it for another thirteen years, or till the end of time, or as long as the Congress remains? Now, how are these two things compatible? They are not consistent. They ask me on the one side to give up the Preven-

tive Detention Act, because conditions have improved, that it is not any longer needed. Credit is being given to us for having managed things so well that those cases which necessitated the use of this legislation.

SHRI BHUPESH GUPTA: May I draw your attention to this? Sardar Patel in 1950 said in the other House, I mean in the Provisional Parliament, that there were 10,000 people in detention, to stress, according to him, his logic for having this Act, and he also said even at that time that he would not need it for more than one year. That is what he said. He made his first point by saying, "You see, 10,000 I have had to arrest." And having said that, he justified the need for the measure, and then he gave the assurance that he would not need it after one year. And now you have got only 200 persons according to the Government. If this is not the time for it, even according to your own logic, when is this Act going to be scrapped? When will that time come? I would like to know.

SHRI GULZARILAL NANDA: In the first place, Sir, I do not accept all the inferences drawn by the hon. Member. Certainly, Sardar Vallabh-bhai Patel was optimistic, that his friends, the members of the other parties, the party which the hon. Member represents, would behave.

SHRI BHUPESH GUPTA: I was not there.

SHRI GULZARILAL NANDA: He thought that in future things would be much better. But they have not become better. Did he ever for instance, dream that there may be a large pro-China section in the Communist party?

SEVERAL HON. MEMBERS: Shame. shame.

SHRI BHUPESH GUPTA: Now, you are indulging in that sort of an argument. You are bringing in the Defence of India Act.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit, down, Mr. Gupta.

SHRI BHUPESH GUPTA: This, Mr. Vice-Chairman, is nothing but soapbox demagogy.

SHRI M. BASAVAPUNNAIAH (Andhra Pradesh): Mr. Vice-Chairman, can they on the other side be called all pro-American or pro-English or toadies?

SHRI BHUPESH GUPTA: People who molest women in Delhi, you cannot deal with, and you rely on all kinds of reports? Let them prove a single case where we have been pro-Chinese,

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down, Mr. Gupta.

SHRI BHUPESH GUPTA: The Home Minister should not indulge in such misrepresentation.

SHRI ABID ALI: There are traitors.

SHRI M. BASAVAPUNNAIAH: Are they all not so many pro-Americans?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You should not get excited.

SHRI BHUPESH GUPTA: These things he refers to come under the Defence of India Act.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have said so many things, Mr. Gupta. Give the Home Minister the liberty to say what he wants to say.

SHRI BHUPESH GUPTA: Yes, but Shri Maurya is in jail now. And here one hon. Member of our House is also in jail.

SHRI GULZARILAL NANDA: Why does the hon. Member feel so much hurt?

SHRI BHUPESH GUPTA: Because ..

SHRI GULZARILAL NANDA: I want the hon. Member to remember that the Home Minister knows something. It is not as if he does not know anything.

SHRI BHUPESH GUPTA: You have been fed on falsehoods and lies. Prove one single case where a Communist party member is against the defence of the country. The Communist party's policy is wellknown. Whatever they have done is not against the defence of India.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down, Mr. Gupta. We have to keep up the dignity of the House.

SHRI BHUPESH GUPTA: When people molest women, they can't do anything, but

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The leader of a group should not be provoked into excitement.

SHRI BHUPESH GUPTA: The Home Minister should not have provoked us, or say things that are irrelevant.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have had your say.

SHRI M. BASAVAPUNNAIAH: DO not refer in a huff to pro-Chinese people. You have to prove it.

SHRI ABID ALI: They are traitors.

(SHRI M. GOVTNDA REDDY (Mysore): Mr. Vice-Chairman, the Home Minister should be allowed to finish his speech, and if the hon. Member has any point to make or any point on which he wants to seek clarification, he can do so at the end of the speech.

SHRI BHUPESH GUPTA: I entirely agree with the hon. Member. I would not like to disturb the hon. Home

Minister. But here we are discussing the Preventive Detention Act and you have given this ruling that we should not bring in the Defence of India Act. But these cases to which the Minister refers are covered by the Defence of India Act.

SHRI ABID ALI: Sir, I would like to know what the hon. Member is talking about. Is it on a point of order or what. He should not disturb the Minister when he is speaking, if it is not a point of order.

SHRI GULZARILAL NANDA: I should be allowed to speak. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Is it a point of order, Mr. Bhupesh Gupta?

SHRI BHUPESH GUPTA: I am very sympathetic towards Mr. Abid Ali.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Let the Home Minister proceed. Please sit down, Mr. Gupta.

SHRI G. MURAHARI: The Home Minister is ...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down, Mr. Murahari. The Home Minister should proceed.

SHRI GULZARILAL NANDA: T may be dense; but I still am not able to appreciate what is troubling the hon. Member. Are there pro-China communists in the country or not?

SHRI A. B. VAJPAYEE: How can you tolerate pro-Chinese people?

SHRI BHUPESH GUPTA: What do you mean by that? I say that they are Indian Communists. They are not pro-this or pro-that.

SHRI GULZARILAL NANDA: There-are pro-China elements.

SHRI BHUPESH GUPTA: Every-time you utter those words, I will oppose *it*. We are Indian Communists and we have formulated our policy. We are not pro-this or pro-that. Have you got a single case, I ask the Government, to prove against any of our members, anyone who is against the defence of our country? If they have, let them go to the court of law and prove it.

SHRI M. GOVINDA REDDY: Is that the language of the leader of a group?

(Interruptions')

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Sit down, Mr. Gupta. You sit down, Mr. Abid Ali.

SHRI ABID ALI: Indian Communists are all pro-Chinese.

SHRI BHUPESH GUPTA: Please control him there.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Order, order. You sit down, Mr. Gupta.

SHRI GULZARILAL NANDA: The hon. Member is trying to protect everybody, even those who do not really deserve protection, because I know that—and he knows too . . .

SHRI BHUPESH GUPTA: What do I know? I don't know.

SHRI GULZARILAL NANDA: What is happening within his own party. Though that party is not under discussion . . .

SHRI BHUPESH GUPTA: But tell me what is happening in your party.

SHRI GULZARILAL NANDA: Many bad things may be happening in my party. But this particular bad thing is happening in your party.

SHRI BHUPESH GUPTA: Despite all that, our Communists are much better.

SHRI GULZARILAL NANDA: I will leave this unpalatable topic for the time being and I will move on to something else.

SHRI BHUPESH GUPTA: That is right, by the grace of the Chair.

SHRI GULZARILAL NANDA: The hon. Member said that this Preventive Detention has not the support of the majority in the country, because, he said, the Congress got only 47 per cent Or 48 per cent of votes, less than the majority. Now, I have got figures of the other parties also. They got 998 per cent.

SHRI BHUPESH GUPTA: Say 10 per cent, in round figures.

SHRI GULZARILAL NANDA: These are the figures for the other parties. Swatantra Party 7.76 per cent., Jan Sangh 6-42 per cent., P.S.P. 6-82 per cent., parties, which he claims to be on his side. Will they own him?

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I did not say that. All I said was this—you take it with a bit of humour. I did not claim anything. I said that 47 per cent, voted for the Congress.

SHRI GULZARILAL NANDA: I only say here that here was the issue before the parties. There were three groups broadly speaking. There were the Democratic Socialists—I will include the P.S.P. and so on, in that.

SHRI BHUPESH GUPTA: And the Congress?

SHRI GULZARILAL NANDA: And then there were others whose concept of democracy does not have much room for socialism. There are these friends, ten per cent, against ninety per cent. . . .

SHRI BHUPESH GUPTA: How?

SHRI GULZARILAL NANDA: . . . on the question of democracy, on the issue of democracy ten per

[Shri Gulzarilal Nanda.] cent, against ninety per cent. The issue is socialism, the P.S.P. plus the Congress. So, it is the majority against him on either issue, on either question.

SHRI BHUPESH GUPTA: The hon. Minister should take charge of the Department of Statistics.

SHRI SYED AHMED (Madhya Pradesh) : Sir, he is answering every sentence of the Minister.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I will see to it.

SHRI SYED AHMAD: You ought to control him.

SHRI GULZARILAL NANDA: As a matter of fact, the Preventive Detention Act is not really to figure in this election campaign, and I am absolutely sure that wherever the Preventive Detention Act has been applied, if we can go and ask those people, barring those whose votes will not be available possibly because they are behind the "bars, those two hundred or three hundred, the rest will all be for the action taken in order to protect their civil liberties.

SHRI A. B. VAJPAYEE: Question.

SHRI GULZARILAL NANDA: The hon. Member pointed out the question of the political parties and I am very glad he referred to it. Several hon. Members also mentioned that all the political parties having abjured violence, where was the need now for persisting in this course of seeking the sanction of the House to pass this Bill? Now, I explained this in the Lok Sabha. It was not for me any debating point at all. I went into the matter deeply. I wish to pursue this matter with the hon. Members. I said that it might be possible to do away with this Act before the expiry of three years. I had based that expectation partly on the progressive improvement and partly also on this, the co-operation and collaboration of the

political parties. Now, some commentators in the Press, for whom I really have a great deal of consideration

SHRI BHUPESH GUPTA: I have got that.

SHRI GULZARILAL NANDA: I make a lot of allowance for the commentators because they have to write in a hurry and they do not have either the whole material or they cannot go through them. They have to do the work and therefore their comments are based simply on hurried impressions. They could not go deeper into the meaning of things. The idea was not that the political parties are responsible for the violence and, therefore, their having abjured violence there will then be no need for preventive detention. That was not at all the argument because it is obvious. I said, among the people who are detained, most of them are persons who harboured dacoits, goon-das, spies and people of similar categories, and I could never have told

SHRI BHUPESH GUPTA: How can you expect us to speak for the Madhya Pradesh dacoits? We cannot speak for them.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You cannot interrupt the Minister like this.

SHRI GULZARILAL NANDA: You can speak for other dacoits. The point is this. This has a bearing on the suggestion made by the hon. Member, and also to a very unfair comment made in the press about inconsistency. Now, there is nothing, no inconsistency between the two things. I said that We have to have recourse to this legislation not because there is some spy here and some dacoit there or some violence but because of the scale of it, the intensity of it, the occasions, the fact that there are all these things, tensions which are being exploited but I said that it would be possible to deal with them in the

normal way if certain conditions are brought about. That is to say, if there is that respect for law, we try to counteract the spirit of lawlessness and all the parties and organised groups, as I said, combine and cooperate to achieve that purpose, then there will be a new climate created in the country which will enable us to deal more effectively with these people also, the consequent release of the energy of forces of law and order will enable us to deal with them more effectively and, therefore, it may not be necessary to have those special powers. It was possibly too complicated an argument for some people but there it is. All the representatives of the parties were there, they were present. All the parties commented on this. It is not as if some bait is being or was being held. They understand their responsibilities and, therefore, it is for me a serious business. I thought. I hope and it is my endeavour, may be in a year or in two years, it will really be something extremely annoying and distressing for me if it is to go beyond three years, if it does not become unnecessary much earlier than three years. Sir, I can not describe the feeling of enthusiasm which I experienced when the parties, one after another in the Lok Sabha, made an offer on the spot. That was really genuine and spontaneous. I thought there was a great deal of good in it. There was a great deal of hope in that and I would like to see that the country makes very good use of this new spirit and it is on that hope, Sir, that I thought that it will be possible to do so. If I did not want to make use of the Preventive Detention Act, it may be something like a reserve. There may be some trouble and this may be needed then. I agree that it really acts as a deterrent. The hon. Member pointed out that certain things had occurred. Yes, they occurred, they are there but still the incidence was much less than before. Maybe, but I cannot vouch for it in any definite sense, to *some* extent the Preventive Detention Act also has had a bearing on the situation which has improved.

901RSD—2.

Sir, other reasons were given and other countries were mentioned. I would like to say, not as a kind of debating point that the process of democracy has settled down, stabilised and they can bear some strain which today, only thirteen or fifteen years after, we cannot. The hedge has to be there. Thirteen years in the life of a nation is not a big thing. In the life of a nation, thirteen years is not to be thought of in those terms, especially when the future of the whole nation is before us. As soon as one can show that there is no misuse, there is no hidden purpose, there is no ulterior motive, it should be allowed that it is being done for the sake of stabilising democracy and not for undermining it, as has been suggested by some friends. Let us also not forget, while we talk of these thirteen years or fifteen years, that there are countries and countries, and what has happened elsewhere is not outside our ken. It is easy to lose freedom. In the law books it may remain intact for all time but in actual fact, when the situations are such that they are overpowered, the forces of democracy, law books are not going to help. Therefore we have to deal with those forces and as long as it can be proved that there are such forces, I do not think that any additional justification is required.

The question of Fundamental Rights under the Constitution was raised. Here an hon. Member said that the Act contravenes the principles of the Fundamental Rights given in the Constitution. The hon. Mr. Nausher Ali who spoke this morning mentioned there is no such contravening of the Constitution because it is specifically provided in the Constitution. This has been provided in the Constitution itself by the framers of the Constitution. He may say it is obnoxious but it is a question of judgment. All our leaders of the nation at that time thought that this was needed. They were in a better position to consider what was good for the nation and they did it. They

[Shri Gulzarilal Nanda.] put it in the Constitution itself. Let us therefore be clear that it is, in no way a contravention of the principles of the Constitution.

Then comes the question of democracy; that is, whether the power under the Act is being applied in a manner which stifles democracy, corrupts it or enlarges it. My point is, my whole case is, that in the totality it enlarges liberty and democracy in the country, strengthens the foundations of democracy in the country. If I were not feeling like that I would not touch this Bill, I would not speak here at all.

SHRI BHUPESH GUPTA: Make it permanent then.

SHRI GULZARILAL NANDA: There is no logic. After having heard me that I am hoping that this Bill will probably be abolished with all the new conditions that might be created there is no question of making it permanent. We would like to get rid of it as soon as possible.

Now, talking about the rule of law, the hon. Mr. Sapru would be quite familiar with the fact that there was a prolonged debate about whether the words should be 'due process of law' or 'procedures established by law' or some such words and there this was exactly the point. They thought that in the interests of the very thing, of maintaining and preserving liberty and freedom and democracy in the country we should not bind ourselves to that extent that we may only be uttering the word 'liberty' and the liberty may vanish. That was the thing before them. Therefore the Constitution made a very very wise provision of enabling things to be done in the interests of the preservation of the freedom of the large masses of the country. Now this question we have to judge by the facts by seeing whose liberty has been withdrawn. Were these people really protagonists of

freedom, were they leading agitation for voicing the grievances of the people? Were those goondas engaged in these very laudable objectives? Those dacoits and others, in which category do we place them?

There was an hon. Member who repeatedly pointed out the shining example of Kerala and said they did not apply the Preventive Detention Act.

SHRI BHUPESH GUPTA: I can say "twinkling examples" of Kerala. Will that please you?

SHRI GULZARILAL NANDA: I do not wish to say anything on this because this subject has been treated much more effectively, than I can ever hope to do, on the basis of facts, by Shri Govind Ballabh Pant, the then Home Minister. He mentions:

"Mr. Bhupesh Gupta and some other friends who have spoken with tremendous vehemence"

The vehemence has not abated yet—

". . . seem to be still smarting under their defeat in Kerala. Well, they have my sympathy too. So far as the affairs of Kerala are concerned, what was the tremendous price that they had to pay? I think some few days between June 12 and July 31, the Communist Government of Kerala had to arrest 1½ lakh people, a number not arrested anywhere else. The State police had to resort to firing on six occasions involving the death of 15 persons and injuries to several others. The police also resorted to 71 lathi charges and more than 100 cane charges. I wish they had followed the less damaging and harsh course and taken action under the Preventive Detention Act."

So whatever other arguments they might put forward, let them not mention Kerala; let them not mention that in this regard.

Now, Dr. Ambedkar, as hon. Members will know, stood out staunchly for civil liberties and he said justifying this provision in the Constitution that for people who are digging at the foundations of the State these things were not there. That distinction he drew. The eminent lawyer, ALladi Krishnaswamy Iyer—I have great respect for hon. Mr. Sapru—I do not think knew less about what was to be the spirit of the Constitution for a free country and he said that he hoped that the House would go into the various aspects of this question having regard to the need for the well-being and security of the State, the necessity of maintaining liberty and the need for social control and personal liberty before coming to a decision and then he came to thi'S conclusion that this thing has to be done in these interests.

Various hon. Members when attacking this Bill had something at the back of their mind that the Bill was being continued to attack political opponents, to crush and suppress political opposition in order that the Government may feel safe and may entrench itself at the expense of other parties. That has been the mainspring for the strong feeling against the Preventive Detention Act although the facts entirely point to a contrary direction. There has been nothing of that sort. And when political names occur to hon. Members they forget always that they are not under the Preventive D tion Act. Therefore the Preventive Detention Act is not . . .

SHRI G. MURAHARI: The Home Minister is again uttering a lie because I mentioned the names of political leaders who had been arrested under this Act.

(Interruptions)

SHRI SHEEL BHADRA YAJEE (Bihar): He should .withdraw that word, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR AU KHAN): Yes. You must withdraw it.

SHRI G. MURAHARI: I withdraw the word 'lie' but it is . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am glad you withdrew it.

SHRI ABID ALI: Sir, I want to draw your attention to the fact that during the course of this debate he has uttered this word more than once. Every time he stands up and utteTS this word and then he withdraws it. Therefore some action has to be taken.

SHRI BHUPESH GUPTA: Sir, the word 'lie' as such is not unparliamentary. If I say the hon. Member is saying a lie then only it is unparliamentary.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That is what he said. The hon. Member will bear in mind not to us3 such unparliamentary words in future. He can use better words.

SHRI GULZARILAL NANDA: The hon. Member seems to be_ living in a world of his own outside the pale o'f all the rest. He is obsessed with the word 'lie'. What is the position here? I do not claim that all the 250 or 300 cases that have been there have been like that. Some lapses may be here and there. What I am saying is this. If I scrutinise the cases,. I do not find anything much of a political complexion. Now, you may point out one person. You may bring that name and I will then deal with the matter, But I have no such name before me. It may be that there may be one or two, but I have no such name before me.

SHRI G. MURAHARI: He indulges in dramatics.

SHRI GULZARILAL NANDA: I am least capable of dramatics.

SHRI G. MURAHARI: Yes, always.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Order, order.

SHRI GULZARILAL NANDA: The names which were cited belong to earlier days. Mr. Ram Manohar Lohia's name was mentioned. I am dealing with this Bill, which deals with the period of the last three years. Regarding those names also I have enough information to show that in a number of cases that are before me there was the risk of, there was the probability of, there was the situation and there was the danger of outbreak of violence, but I say I do not want to deal with those names. I am considering the records of the last three years.

SHRI G. MURAHARI: Even during the last three years, there is the case of Shri Prabhu Narain Singh, who was arrested. He had announced his intention to offer individual 'satya-graha'. Was he inciting people to violence?

SHRI ABID ALI: That was an unsocial act.

SHRI GULZARILAL NANDA: I hope that the Parties which offered to abjure violence will not equate their intentions with the ideas of the hon. Member, because if a large number of people are to be gathered and marched with a view to breaking the law, no Government will allow its laws to be broken. (Intemptio?is). Then, there is lathi-charge. Then, there is firing. Then there are other things.

(Interruptions)

SHRI CHANDRA SHEKHAR (Uttar Pradesh): The Home Minister allows smugglers to break the law.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down, Mr. Chandra Shekhar.

(Interruptions)

SHRI CHANDRA SHEKHAR: The hon. Home Minister is making all sorts of provocative speeches. Smugglers are breaking the law every day and we challenge the Home Minister to contradict it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down.

SHRI GULZARILAL NANDA: He is talking of the period when we did not have democratic freedom, when we did not have free elections. There had been several elections when all the Members were free to go to the electorate and tell them: "This Government is so bad, turn it out, bring us in." You did not succeed in persuading them. Therefore, this is a Government established on the basis of the franchise of the whole nation . . .

SHRI G. MURAHARI: On the basis of the Preventive Detention Act.

SHRI GULZARILAL NANDA: . . . and, therefore, that is the strength on which it can speak. That is the mandate which it has. So, when the hon. Members mention those friends, well they had all these things.

Now, I quote a particular person who had been detained under the Preventive Detention Act—the Maharaja of Bastar. He was arrested early in 1960 first. He came, from the Adivasi State of Bastar. Then, the Maharaja went on doing propaganda that he would form a Party of Maharajas, that he would get the merger of the Indian States annulled, that he would establish his own independent and sovereign State and raise the standard of rebellion. He was released.

SHRI BHUPESH GUPTA: You were afraid.

SHRI GULZARILAL NANDA: No. He was released after that, after some time by the Advisory Board.

The Advisory Board could understand their functions. They released the Maharaja. He went back to the State and actually created violent demonstrations by the Adivasis which led to the police firing at Jumbaguda. The Maharaja was deposed by an Order of the President, but he continued to indulge in highly objectionable behaviour. This behaviour culminated in a certain violent action. On the Dussehra day he was distributing largesse out of moneys released to him by the Court of Wards. We would not have minded it if the money had gone to the poor people. It would have been a good thing. But what happened further? When a rickshaw-puller extended his hand to beg of the Maharaja for one of the hundred rupee notes which he was giving to people, he chopped off his hand. He had to be prosecuted. In his rage he would as well have chopped off his head.

SHRI BHUPESH GUPTA: Prosecute him.

SHRI GULZARILAL NANDA: It is not a question of that individual only. I am making a distinction. The distinction is this. If a person commits a certain act, certainly he can be prosecuted. But here are behind him a very large number of persons, Adivasis, whose emotions can be excited. They can be incited to acts of violence and persons among them would be a very great threat to the people of the whole area. I was only giving an instance to show that when a person acts, he commits a certain offence. That is number one. Number two is this. You can deal with a person when he makes that attempt. We can deal with him after he has committed it. But there are certain situations, under which the preparation itself is dangerous. If we do not take cognisance of it we may have on our hands a large-scale disturbance. By simply removing from the scene the person who is responsible for creating the actual agitation and commotion and the possible disturb-

ances, it may be that we may be able to save large numbers from this threat, though I am not making that as an argument for all time. I think such possibilities may remain.

My argument is that in this country we are facing a situation, special conditions, and we have got to face threats to peace and tranquillity from many quarters. Many kinds of forces are at work which tend to subvert law and order. We were told here that we can have such a legislation only in times of war, as in some other countries. Well, I hope that we will not have a war on our land, although I can tell hon. Members we know who our enemies are. We are preparing to deal with them effectively. You know who our enemies are, enemies of the independence and integrity of this country. But a war in the case of this country is not simply war against those who have aggressive intentions against us, designs against us. In order to make this liberty, this freedom real, there are people who want not simply equality before law but who want their minimum needs to be satisfied, who want to be rid of the privations and hardships from which they are suffering. There are great inequalities which exist. And this rule of law as understood in classical terms would have even debarred us from having any kind of provision which discriminates between man and man, even in regard to holding of property. That is the concept of the rule of law as translated from those places, but we are going against all that. Therefore, these things have to be examined and understood in relation to the total situation, what we are aiming at, what we are going to achieve in this war. There is a war here in this country. The war is to prevent the breakdown of law and order and the democratic institutions in the country. Hon. Members know it. I need not list all the sources of tension that exist which happily are diminishing to an extent. Therefore,

[Shri Gulzarilal Nanda.] as I said, in course of time, we may have no need for this Act. But as long as they are there and there is need to preserve the tranquillity and peace and the stability of the nation and also to work for those ends—the economic and social ends and objectives—the law is required. This again creates tensions because they strike at some of the vested interests.

SHRI BHUPESH GUPTA: What are you doing with Mr. Chacko?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No. Let him continue. Please do not interrupt.

SHRI BHUPESH GUPTA: He is the Home Minister in Kerala.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have heard something about Kerala. Do not disturb him.

SHRI BHUPESH GUPTA: I am only saying that he was driving in a car with some persons.

SHRI GULZARILAL NANDA: He is again jumping like this.

SHRI BHUPESH GUPTA: Tell us something about Mr. Chacko, your counterpart.

SHRI GULZARILAL NANDA: The question was asked. Why are you using it for all these purposes? I mentioned vested interests. I recall that question. Their contention is that, it is not being used against profiteers, blackmarketeers, etc. I may assure hon. Members that I believe that the profiteer the man who does black-marketing, is in no sense a less enemy of the nation than the other people who may be socially backward. There may be possibly better reasons for those people without education, brought up under conditions where they had no means of leading a normal life doing some act of offence or committing some offence. But these people who have got all that do not

need to do all these things. They are not starving. For them, in order to increase their bank balance and their property, to indulge in these practices is certainly highly inimical to the interests of the nation, and they have to be treated as anti-social and therefore they have to be dealt with as strongly as possible. Let there be no misunderstanding about that. There may have been not many cases under the Preventive Detention Act, but at the same time there were 1,997 persons who were proceeded against under the Defence of India Rules for hoarding and profiteering and so on, and 1,047 were prosecuted under the Essential Commodities Act. Therefore, we do not ignore them though I personally feel that we have to hunt them out wherever they are and who-soever they are and see to it that this evil is eliminated from this country. I realise that, but let it not be thought that we are shutting our eyes to this evil. We are not.

I have mentioned a little bit about the special conditions. I had thought of giving some factual information about the conditions which still are there or which have been there during the recent past which might furnish the justification for special provisions of this sort—how people inflame communal passions, how because of that a number of people suffer, and so on. For example, during the year 1961 there were 76 incidents in all; 108 persons were killed and 583 persons were injured. Similarly in 1962, they are less so that, although this is certainly rather a horrible experience, the intensity has diminished; but the situation is not entirely free from all these risks and that has been the whole basis of my approach that we have to keep these powers in our hands for some time, and we hope and believe that we will be able to dispense with them in course of time and that it is not a very long way off.

About the working of this legislation there were some questions raised. But I think those questions were

based on some misapprehension about how this legislation has been actually operating. The Advisory Boards, the grounds being given—I have mentioned all these things. There is a total ignorance of the actual information that has been supplied about the number of persons who were released by the Advisory Boards and the number of persons who were later on released by the High Court or the Supreme Court. That means, whatever it is, that the Advisory Boards have been active, have been effective, have been functioning, and they are not "so-called" Advisory Boards as hon. Members said. They are not "so-called" Advisory Boards, they are there and properly there.

Then there were other points about its working. I need not take up much more time of the House on that. I hope that hon. Members will not mind if I say a few words more on a subject which is a rather explosive subject, and that is the Communists. May be what I am going to say my hon. friend, Mr. Abid Ali, may not like, because my approach is somewhat different. I believe that we have to deal with the Communists, but in what way? There was objection raised as to why we have released them. That was in order that they might go and exercise their rights in elections. I say that this is what it should be. We extend even to them the democratic right of sharing in the election process because we do not want to descend to their standards.

SHRI BHUPESH GUPTA: We get our rights from the Constitution.

SHRI GULZARILAL NANDA: We give them this latitude.

SHRI BHUPESH GUPTA: We get it under the Constitution of the country. We do not take it forcefully.

SHRI GULZARILAL NANDA: We mean the country, the people, the nation.

I SHRI BHUPESH GUPTA: The Constitution of the country. That is what I have said.

SHRI GULZARILAL NANDA: We were asked as to why we did not ban the Communists. Even the hon. Member who talked with such deep emotion, Shri Nausher Ali—really everybody was rather apprehensive about the state of his health—in the end gave away his case altogether. He said: "Use all the powers against the Communists, they do not deserve liberty; any section of the country does not deserve liberty if they are known as Communists." Democracy allows expression of sentiments, of opinions against democracy also. That is what the beauty of the democratic spirit is. Only it stops short of acts which will subvert the democratic structure. Therefore, we allow them that they can talk against the Government, they can talk against the Constitution, they can talk against our laws and tell the people that there is another system of Government which may be better, this and that. We mean the country. But it is not to be permitted when the hon. Member who spoke wanted them to be exterminated.

SHRI BHUPESH GUPTA: No, no. He said it in order to bring down the hypocrisy of the Government.

SHRI GULZARILAL NANDA: I am trying to help the hon. Member, and he says I should not be allowed* to help him.

SHRI BHUPESH GUPTA: I can look after myself.

SHRI GULZARILAL NANDA: Some others also said that. This means that our love of freedom and of liberty excludes some people. If it can exclude some people for some reason, it may exclude some other people for a similar reason. If they are enemies of a peaceful and democratic order, there may be other enemies of the peaceful and democratic order. Why should we not extend

[Shri Gulzarilal Nanda.] that to them also? Therefore, the whole case absolutely collapses; that is, preventive detention, based on these considerations, collapses completely, and there are similarly other friends and our Constitution does not permit us to ban them. But we shall, as I said, deal with not only the Communists but anybody else who stands up against the institutions of the country not by way of doctrinaire theory but by overt acts which are aimed at the whole system and are intended to disrupt it and subvert it.

Finally just one or two words in conclusion. My mind again goes back to the offer made in the Lok Sabha and repeated here. My mind is full of that. But then somebody said that I am apologetic for this. I am not apologetic for what is- being done. If I have to be apologetic, it is for the acts of those who render it necessary. It is not a question of apology. If the Government were not to exercise its powers in order to save democracy, it would be untrue to the Constitution. The Constitution calls upon us to do so. That is provided for specifically for this purpose, and if we do not use these powers for the purpose for which they are intended, we will be disloyal to the Constitution. There is no question of being apologetic at all. I am apologetic for the conditions. Maybe some acts of omission and commission of the Government and the Party are there. The question was whether the Congress Party was above any lapse at all times. We cannot make that claim at all. But it is not based upon any consideration of one party or another. The question was this. There are conditions, for which I apologise, the country has to apologise. We are still in a situation when we have not been able to transcend those limitations. This will keep us down to the use of the Preventive Detention Act. But I may say again, repeat it, stress the determination to fight all those forces which are going to work against the nation's democracy, liberty, tranquil-

lity, peace and stability. We shall do that but we shall do it on more positive grounds than on the ground of preventive detention. Let us be allowed to do so, and I hope that we shall be able to do so.

SHRI BHUPESH GUPTA: It is only a good thing.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): 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 House divided.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Ayes—110; Noes—2«.

AYES—110

Abid Ali, Shri Agrawal, Shri J. P. Ahmad, Shri Syed Ammanna Raja, Shrimati C. Amrit Kaur, Rajkumari Annapurna Devi Thimmareddy, Shrimati. Anwar, Shri N. M. Arora, Shri Arjun. Asthana, Shri L. D. Bansilal, Shri. Barooah, Shri Lila Dhar. Bharathi, Shrimati K. Bhargava, Shri B. N. Bhargava, Shri M. P. Chatterji, Shri J. C. Chavda, Shri K. S. Chinai, Shri Babubhai M. Dasgupta, Shri T. M Dass, Shri Mahabir Deb, Shri S. C. Deokinandan Narayan, Shri Desai, Shri Suresh J.

Devaki Gopidas, Shrimati.
 Dikshit, Shri Umashanfcār.
 Doogar, Shri R. S.
 Dntt, Shri Krishan.
 Ghose, Shri Surendra Mohan.
 Ghosh, Shri Sudhir.
 Gupta, Shri Gurudev.
 Gupta, Shri Maithilisharan.
 Hathi, Shri Jaisukhlal.
 Jairamdas Daulatram, Shri.
 Joshi, Shri J. H.
 Kasliwal, Shri N. C.
 Kathju, Shri P. N.
 Kaushal, Shri J. N.
 Keshvanand, Swami.
 Khan, Shri Pir Mohammed.
 Koya, Shri Palat Kunhi.
 Krishna Chandra, Shri.
 Kumbha Ram, Shri.
 Kurre, Shri Dayaldas.
 Lingam, Shri N. M.
 Mahesh Saran, Shri.
 Mallik, Shri D. C.
 Malviya, Shri Ratanlai Kishorilal.
 Mathen, Shri Joseph.
 Mishra, Shri S.
 Mishra, Shri S. N.
 Misra, Shri M.
 Mitra, Shri P. C.
 Mohammad, Chaudhary A.
 Mohammad Ibrahim, Hafiz.
 Mohanty, Shri Dhananjoy.
 Nafisul Hasan, Shri.
 Nagpure, Shri V. T.
 Nandini Satpathy, Shrimati.
 Nanjundaiya, Shri B. C.
 Narasimha Rao, Dr. K. L.
 Neki Ram, Shri
 Pande, Shri T.
 Panjhazari, Sardar Raghbir Singh.
 Parmanand, Dr. Shrimati Seeta.
 Patel, Shri Maganbhai S.
 Pathak, Shri G. S.

Patil, Shri P. S. Pati^ Shri Sonusing
 Dhawsing. Pattabiraman, Shri T. S.
 Pillai, Shri J. S. Punnaiah, Shri Kota
 Rajagopalan, Shri G. Ramaul, Shri
 Shiva Nand. Rao, Shri V. C. Kesava.
 Reddi, Shri J. C. Nagi. Reddy, Shri M.
 Govinda. Reddy, Shri N. Sri Rama.
 Sadiq Ali, Shri. Samuel, Shri M. H.
 Sarwate, Shri V. V. Savnekar, Shri
 Baba Saheb. Seeta Yudhvīr, Shrimati.
 Shah, Shri M. C. Shakoor, Moulana
 Abdul. Shanta Vasisht, Kumari. Sharda
 Bhargava, Shrimati. Sharma, Shri L.
 Lalit Madhobv Sharma, Shri Madho
 Ram. Shetty, Shri B. P. Basappa.
 Shyam Kumari Khan, Shrimati. Singh,
 Thakur Bhanu Pratap. Singh, Sardar Budh.
 Singh, Dr. Gopal. Singh, Shri Jogendra.
 Singh, Shri Mohan. Singh, Shri Santokh.
 Singh, Shri Viay. Sinha, Shri Awadheshwar
 Prasad. Sinha, Shri B. K. P. Sinha, Shri R.
 P. N. Tankha, Pandit S. S. N\ Tapase, Shri
 G. D. Tara Ramachandra Sathe, Shrimati.
 Tariq, Shri A. M. Tayyebulla, Maulana M.
 Tripathi, Shri H. V.
 Varma, Shri B. B. Vijaivargiya, Shri
 Gopikrishna. Vyas, Shri Ramesh
 Chandra.

Yajee, Shri Sheel Bhadra. Zaidi,
Col. B. H.

NOES—26.

Abdul Ghani, Shri.
Ansari, Shri Faridul Haq.
Basavapumnaiah, Shri M.
Chandra Shekhar, Shri.
Chordia, Shri V. M.
Dave, Shri Rohit M.
Dwibedy, Shri Bairagi.
Gupta, Shri Bhupesh.
Gurupada Swamy, Shri M. S.
Jaipuria, Shri Sitaram.
Khandekar, Shri R. S.
Kumaran, Shri P. K.
Kureel *Urf* Talib, Shri P. L.
Misra, Shri Lokanath.
Murahari, Shri G. Narasimham,
Shri K. L. Nausher Ali, Shri Syed.
Patel, Shri Dahyabhai V. Patel,
Shri Sundar Mani. Patnaik, Shri
Dibakar. Pendse, Shri Lalji. Reddy,
Shri Mulka Govinda. Singh, Shri
Niranjan. Sinha, Shri Rajendra
Pratap. Vajpayee, Shri A. B.
Venkatappa, Shri J.

The motion was adopted.

SHRI BHUPESH GUPTA: What about the abstentions?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): NO abstention. Abstention is not recorded according to our procedure.

We shall now take up the clause by clause consideration of the Bill.

Clause 2—Amendment of section 1

SHRI BHUPESH GUPTA: Sir, I move:

"2. That at page 1, line 7, for the words and figures '31st day of December, 1966' the words and figures '31st day of January, 1964' be substituted."

SHRI ABID ALI: Sir, I move:

"3. That at page 1, line 7, for the figure '1966' the figure '1980' be substituted."

The questions were proposed.

SHRI BHUPESH GUPTA: Sir, it should be '1964'. There is a typing mistake. I want to restrict the life of this Bill to 31st January, 1964, that is to say, from now on for nearly a month. Why do I say this? My case is this that if we have to take the offer of the Home Minister seriously—he means it seriously—then one month's time should be enough. During that time he can hold 1 P.M. consultations with the various political parties as well as with others he thinks proper, and decide as to whether the life of the Preventive Detention Act should be extended further, because he said it in that House in the course of his speech. And when the Members of the Opposition accepted his offer and said that they were all committed to peaceful methods in public life—in politics—he still asked them to go and consult their parties and then come and tell him or the Government as to whether all the parties stood for the same although, Mr. Vice-Chairman, in Parliament leading Members of the parties, of almost all parties, are representing their parties in that House and in this House; for example, the leading Members of almost all the parties are present physically; we also said the same thing. But still he would like us to consider—I do not know why. Therefore I say I am prepared to give him one month; since the House has accepted the motion for consideration I am prepared to give him one month for con-

sultation with the representatives of the various parties in the light of the suggestion made by my friend, Mr. Vajpayee, here. He said that, to hold consultations amongst the parties and come to their own conclusions. I can understand the hon. Minister's offer that it is not a hoax but is a serious offer if the Home Minister would accept the suggestion made by Mr. Vajpayee. I think our 'political life today is such that we do not need the Preventive Detention Act. Naturally, we will not be speaking for the Madhya Pradesh dacoits, or some other people. But certainly, as far as the political parties are concerned, we want—all of us—to shape our life in a peaceful manner, despite ideological conflicts and divergences, and that is exactly what we have been doing. I "was a little surprised that extraneous arguments were raised and I should have liked the Home Minister to tell us which party in the country stands for violence as its political doctrine or its ideology. There is not a single party which, either in its programme or in its constitution, is committed to any such position as violence. Now the question arises as to whether they practise what they preach. If these political parties had been really engaged in violence, the Home Minister would not have a good time in the country. If the Communist Party had been indulging in violence, or the Jana Sangh or the Swatantra Party or the Praja Socialist Party or the Socialist Party, on this side of the House, had been indulging in violence outside, or had adopted violence and such other methods, certainly this Government would not have been in this position today, to have so easy a time, as it is having. Do you find in the country that these parties are indulging in violence? No, not at all. Therefore I say, as far as the political parties are concerned, we do not need to prove our credentials by further discussion, but since the hon. Minister wants to have discussion, he can have it. Therefore have it for one month.

(Time bell rings.)

It is no use ringing the hell till I finish.

THE VICE-CHAIRMAN (SHRI AKBIR ALI KHAN) : You have said all that, I believe.

SHRI BHUPESH GUPTA: No, no; please do not ring the bell. I have points to make.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) ; Then you limit yourself to the amendment.

SHRI BHUPESH GUPTA: Now this one month; how can I talk about it? I am talking about the calendar; I am talking about the basis on which I offer my suggestions to the Home Minister.

Then this is one point. He is so defeatist—and in a good way too—he cannot stand it—this Act has to go—and he would be happier, I believe, the sooner it goes. If that is so, seek the co-operation of all men of goodwill and of political parties and be out with this Act. It is possible to do without this Act. We do not need it really. It has become only a habit and inertia on their part to have such a thing. As I pointed out, even Sardar Patel—I know what trouble he gave us, and we also humbly gave him a little trouble—I confess—but even Sardar Patel, when he moved that Bill, he said that Communists were giving trouble in all parts of the country—he mentioned Telangana and so on—and he pointed out in his support, "Look here, 10,562 people had to be arrested, and that shows the need of the Act." Even with these premises he said—to quote exactly his words—"I will not need it after one year." Sardar Patel did not envisage that the Act should continue more than a year—may be he would **have** continued it for another year, but he

[Shri Bhupesh Gupta.] was no longer there to deal with it when the matter came up later on for extension. But this is the assurance he gave even in those trying circumstances when things were very uncertain, when certain incidents were taking place in the country. Well, whether they were right or not, I am not going into that. Even here, under the stress of such circumstances, the then Home Minister of the country, he said that "I would like to have it only for a year." But they are having it for thirteen years now, and it will be sixteen years if it runs its course as proposed now.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The Home Minister has replied to that point.

SHRI BHUPESH GUPTA: No, he has not. You seem to be convinced; I am not. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Yes, you go on then.

SHRI BHUPESH GUPTA: I like that interruption. Unlike the Minister I always yield when interruptions are made.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You like interruptions, but I don't.

SHRI BHUPESH GUPTA: You don't like interruptions?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No, I don't.

SHRI BHUPESH GUPTA: Now I might quote from Rajaji's statement and various other statements of the Home Ministers made in Parliament, all of whom said that the Act should be terminated as soon as possible. But here they are doing it the other way. Mr. Vice-Chairman, I say it is no use trying to make out that this is needed for the country. It is not needed for the country at all. It is given to

the Police Ministers and so on, and we have only recently known who will be administering this Act. This Act is administered in the States by the State Governments. For example, in Kerala it would be administered by Mr. Chacko, the Police Minister, who was driving a car with a young lady. I have no quarrel with that—I tell you very frankly. But he knocked down three people, and instead of giving them med'cal aid, instead of taking them to hospital, and so on, he ran away, he drove away and tried to deny that he was driving the car himself. Now I understand that some kind of prosecution has been launched against him under the Motor Vehicles Act or so.

SHRI A. B. VAJPAYEE: Against the driver.

SHRI JOSEPH MATHEN: What is the name? Is it Mr. Chathan, the Communist Minister, who had taken a lady, and somebody complained?

SHRI BHUPESH GUPTA: You may be interested in a lady; I am not interested in ladies; I am interested in Police Minister, that Police Minister who injures three people while driving a car on the streets, and, instead of rendering them help, goes away, and tries to deny it. This is the position.

SHRI JOSEPH MATHEN: He was a Communist Minister—Mr. Chathan.

SHRI BHUPESH GUPTA: If Mr. Chacko were a Communist Minister, he would be expelled from the Communist Party the next day.

SHRI JOSEPH MATHEN: Did you expel Mr. Chathan for having done that?

SHRI BHUPESH GUPTA: I do not know that, Mr. Vice-Chairman; I do not consider it a particular crime to drive along with a woman in a car. That is not the point at all. Please do not misunderstand my position. This is the Police Minister.

SHRI JOSEPH MATHEN: But the Communist Minister took a lady with him.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I won't allow interruptions.

SHRI BHUPESH GUPTA: Certainly I would not like to see you in a car in that position.

SHRI NAFISUL HASAN (Uttar Pradesh) : On a point of order. The hon. Member has himself just now said that the matter has been proceeded with, that he has been challaned. It means that the matter is sub judice, and so nothing should be said about that.

SHRI BHUPESH GUPTA: I am not saying anything about the case, about the merits of the case. It may be right, may be wrong. The facts of the case I am stating, not the merits.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): All right.

SHRI BHUPESH GUPTA: May be, he will be found guilty or not guilty, whatever it is. But we have such things in our country.

Then, Sir, conveniently he said that in the course of the last three years not many people have been arrested, of the political parties. But if you take the history of this Act over the thirteen years, you will find that Mr. Shyama Prasad Mookerjee, a former Member of this Government, died in preventive detention. Well, on many matters we differed with him perhaps, but we never supported arrest under the Preventive Intention Act. An-j I would like to know how many leaders of the Communist Party, Jan Sangh, Praja-Socialist Party and other parties escaped be'ng put in detention under this law at one time or another. I have had the privilege of spending some time under this Act, and here many others also. Therefore, ycu

use it as a measure of intimidatUng the Opposition parties. Whenever we are about to launch a peaceful, de^{mocraUo} agitation or movement, we' are confronted with the problem of the Preventive Detention Act because they want to suppress the legitimate democratic movement permissible under the Constitution under the Preventive Detention Act—food movement, Samyukta Maharashtra movement, Railway movement and various other movements. Railway fares have been increasing and so on. You see how this is done. Mr. Vajpayee was quite right in saying that when the riots took place in 1960, not one person was arrested under the Preventive Detention Act at that time. The C.I D. people who supply him xports, who teach him to tell, what is called, untruth in a Parliamentary way, these C.I.D. gentlemen did not ^,ive a single report for the arrest of a single person who took part openly in the riots and •so on in Assam. Therefore, from whichever angle you see, the Preventive Detention Act is meant for such purposes.

It is true that sometimes goondas are arrested and so on. But, Mr. Vice-Chairman, we are all agreed that goondas should be suppressed, dacoit menace should be tackled and so on. What we say is undo*¹ the ordinary law it is possible to do it much more effectively than under the Preventive Detention Act. I agree that prevention and detection of crime should be done in the country and other steps should be taken in order to deal with such problems.

Today he did not answer another point. Under the British Act at no time except during the two Wars did they have preventive detention laws for the whole of India, and that too for four years in the ease of the First War and six years in the case of the second World War. Only in Bengal they had the preventive detention law for a limited time. I suffered

[Shri Abid Ali.] under that law also under Anderson Even at that time they never had it for thirteen years at a stretch. Am I to understand that we are not in a better position to rule the country and deal with the problems of law and order than the British had with the system that they have got and the system that we have brought into operation? I think, Mr. Vice-Chairman, all this question should be discussed. I also make the sporting offer to the Home Minister, "Withdraw this measure and let us take a risk to run the country without this measure, even if you like, experimentally for *n* year, till 1964, and judge what happens in 1965." I can assure you that the country will be better run without this measure, the political climate would be better and co-operation from the Opposition parties would be much more forthcoming than now, and there will be good response in this. We are opposed to this measure ;J point of principle. We are opposed to this measure as something which defies our traditions and *at?* on. That is why I have suggested this one month's limit during which he can hold consultations with the leaders and representatives of parties and others and then come during the Budget Session and tell whether he is satisfied *o?* not. I make this challenge to him. If *w?* have made the offer, take it in the right spirit. Meet us at a round table. ;s with us. Come to your conclusions. Tell the country the conclusion that you have arrived at, if you agree. If you disagree, tell that you have disagreed *s₀* that the country knows that we mean business. The offer is made in all seriousness and not in frivolity,

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : There is an amendment from this side also. Mr. A'od Ali, I hope you will be brief and not follow our friends.

SHRI ABID ALI: I am imt_{wn}at he is Sir. I shall never say: "you

should not ring the bell till I finish'. We are going too far, Sir, to tolerate* all this in this House. In the name of democracy and fairness you are giving so much indulgence, *s₀* much liberty to the friend opposite that I think time has come that some serious consideration should be given *to*-the situation.

Sir, he has given an assurance to the Government that there will be no violence in the country if his offer is accepted. From that it naturally follows . . .

SHRI BHUPESH GUPTA: I never said it. How can I say it? Mr. Vice-Chairman, I am afraid of this gentle-man because he misrepresents.

THE VICE-CHAIRMAN (SHRI AKBAR-ALI KHAN): *YO_U* may be afraid but you will have to hear him.

SHRI ABID ALI: I will request you to kindly tell him not to interrupt me. I am not Home Minister. I am a Member only. I listened to him very patiently . . .

SHRI BHUPESH GUPTA: But you: are misrepresenting . . .

SHRI ABID ALI: . . . and he should listen to me also in the same way. Do not interrupt me. I am not going to give way.

SHRI BHUPESH GUPTA: I generally do not.

SHRI ABID ALI: He should shut, up. Please tell him to shut up.

SHRI BHUPESH GUPTA: Sir, this gentleman . . .

SHRI ABID ALI: Please ask him to shut up. Now I am standing and I have a right to speak.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Address me, Mr. Abid Ali. Mr. Bhupesh Gupta, please do not interrupt. I have told him, Mr. Abid Ali. Now you carry on.

SHRI BHUPESH GUPTA: You must tell him too not . . .

SHRI ABID ALI: If you have, Sir, any intention to check him, you should check h'm because he says that you have no right to ring the bell till he finishes. To that extent you tolerate this gentleman. There the matter has become very serious.

SHRI BHUPESH GUPTA: I never said "you have no right".

SHRI ABID ALI: Address only the Chair. You will read all that in the proceedings. Something will have to be done in that behalf, Sir.

SHRI BHUPESH GUPTA: I will go with you, not without you.

SHRI ABID ALI: With this running commentary is it possible for any Member to speak?

SHRI M. GOVIND A EEDDY: You should not mind.

SHRI ABID ALI: You say I should not mind. He should shut up. He must listen. I insist on my right to speak.

SHRI BHUPESH GUPTA: I fully concede that right.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Do not go on with a running commentary. Now keep quiet, please.

SHRI ABID ALI: Sir, who is presiding? Are you presiding or is he presiding?

SHRI BHUPESH GUPTA: Sir, it is a reflection on you.

SHRI ABID ALI: The Chair has to reflect that, Sir, you are presiding and not somebody else here.

So, I was telling, Sir, that the amendment and the speech that he has delivered have to be noted. What I was requesting you was that it should be noted that he has given an assurance about good conduct on their part except what I said earlier about violence and all that. That means they are having bad conduct at present.

SHRI BHUPESH GUPTA: On a point of order. I have a submission, Sir. Sir, under the rules when there is a point of order, he should sit down.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Abid Ali, please sit down.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, I did not like to disturb him yesterday when he spoke. The hon. Member can certainly say whatever he likes against us. He can even say

SHRI ABID ALI: Is it a point of order?

SHRI BHUPESH GUPTA: ... that I am indulging in bad conduct.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What is the point of order?

SHRI BHUPESH GUPTA: He puts something in my mouth and then he says that I have said it, that I will not carry on bad conduct. You see, Mr. Vice-Chairman, let him abuse me as much as he likes. But I beg of you to protect me from perversion of what I have said.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I will protect you both. Now please keep quiet. Please go on.

SHRI BHUPESH GUPTA: Mr. Abid Ali suffers from obsession against us. I concede that also,

SHRI ABID ALI: Sir

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I would plead on both sides. I expect a better conduct from this side.

SHRI ABID ALI: From this side it cannot be better than what we are having. We are tolerating so much. Now he has given a manifestation of this behaviour as a leader of a group sitting on the extreme left. When the hon. Minister was speaking, how much interruption was there and what violent language or words were used? That is an assurance which he has given of their exhibition of temper, assurance of their behaviour and then subsequently while moving the amendment, he has said about conduct about which he is very much upset himself; perhaps not knowing that he was speaking in the temper or enthusiasm, he said that but from that as I have submitted earlier, it follows that this "will be their behaviour. I want to tell the hon. Minister to remember about the Codes about which assurances are given in the Labour Ministry, in the Labour Conferences. There were Codes of Conduct accepted unanimously by the Communist—the A.I.T.U.C.—as well and how these were implemented. So far as the I.N.T. U.C. was concerned, it very honourably adhered to the assurances given by it but about the Party to which this particular hon. Member belongs, all assurances were given by them but outside there was complete violation of the assurances and the Code of Conduct agreed to there. The hon. Minister is a God-fearing man. He is an honest, religious person. I would request him to beware of the persons who do not have any connection with religion and all that for which reli-

gion stands. So the assurances of such people

SHRI BHUPESH GUPTA: On a point of order

SHRI ABID ALI: I am not talking about him. Why is he worried?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You go on. Have you finished?

SHRI ABID ALI: How can I finish? I have not begun. I was dealing with his speech. To the subject I am coming now. What I was submitting was that those who are not connected with religion, not connected with God and coming and telling you 'By God I tell you', when the man does not believe in God and tells you "By God, I want to give you this assurance and I stand by it," what is the value because God's name is mentioned in whom I believe? So it is to be seen about the conduct and behaviour and beliefs of the person who gives you the assurance. So far as the other parties are concerned, there is much grain of honesty among them and that has to be appreciated very much. But so far as I am concerned while moving this amendment, I want the Government to realise one thing. Does the Minister believe seriously, sincerely that within three years the situation in the country will be such that there will be no necessity for this Act to remain on the Statute Book? Can he deny, can anyone deny, can even the Communists deny that there are traitors in this country? So far as the D.I.R. are concerned, as I said day before yesterday, I wish I hope and I pray that we all should work together so that the emergency for which the D.I.R. have been brought into force should be eliminated, its causes should be eliminated. We should oust the invaders and the D.I.R. should cease to exist. About that there is no difference of opinion

but with regard to this particular issue, even in Russia, after 45 years of their having attained a successful revolution and Communism, is there even today or can anybody say that there is not one traitor in that country, there is not any spy? Here I was saying that even the communist cannot deny that there are traitors and in a democratic system, they have atmosphere for better breeding.

SHRI A. B. VAJPAYEE: Why not have a law of treason and not this Act?

SHRI ABID ALI: Yes. That Act is necessary and when the Government will think of it, we will support and the other hon. Member will also support, I am sure, and not try to get out under this or that pretext.

(Interruptions.)

When the normal situation is not likely to happen within three years, why should the Government be on the defensive and come forward only for three years every time? Let them make it a permanent enactment . . . (Interruptions.)

SHRI P. N. SAPRU; (Uttar Pradesh). fascism with a vengeance.

SHRI ABID ALI: and as it was not possible for me legally, I could not say that it should become a permanent enactment. Consequently, I have put in 1980.

SHRI BHUPESH GUPTA: You could have said three thousand century . . .

SHRI ABID ALI: He could do it. Therefore, such being the case, I very much wish the Government to accept my amendment but I know the difficulties also about which I will just be mentioning. With regard to the Kerala Minister . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Why should you bring it?

901 RSD.—3.

SHRI ABID ALI: It is very necessary. You have allowed this thing to be mentioned in this House. It has gone on record an injustice is being done to a person who is not here and secondly, he belongs to my Party, an hon. gentleman. He is quite honest and he is a decent person, I know him very well. He needs it. It is very necessary to refute the arguments. That is how these people succeed—go on telling that this is not goat but dog, dog, dog and even a good Minister, and honest man like Nanda-ji sometimes believes that what they say may be correct. That is the difficulty. Do not allow, never allow these people to say things about which there is no basis. It is the Communist Party paper which published these lies, absolute lies and the gentleman has denied it. The hon. Minister in Kerala has denied it. That he will not see, his eyes will not look at it and if he sees, then he will forget because it is convenient to him. The Minister has given the correct statement.

SHRI BHUPESH GUPTA: What it that?

SHRI ABID ALI: If he does not know it, then he knows nothing. The correct statement is that the lady was the wife of his good friend and the friend asked him to give her lift. He is going from here to Meerut and my friend asks me to take his wife with me up to Ghaziabad, what is the offence in that? They say that this kind of scandal is known in Europe so much and all that; it has been talked like that.

(Interruptions.)

SHRI BHUPESH GUPTA: I never said this.

SHRI ABID ALI: Their papers have. If I am going to Meerut and if my friend asks me to take his wife and my car is involved in an accident, what is the offence?

SHRI BHUPESH GUPTA: I have never complained about

SHRI ABID ALI: I am not giving way and there is no point of order. The hon. Member should sit down. That is what you should do as there is no point of order and as I am on my legs, he should sit down.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Finish please.

SHRI ABID ALI: Why not in his case and why in my case? He told you 'do not ring the bell till I finish'. I am not telling you that; I say you have a right to ring the bell but accept my request also to allow me to continue. That is the difference between what he says and what I say.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Have you finished?

SHRI ABID ALI: I am just finishing Sir. So I say the hon. Home Minister should appreciate the need for continuing this enactment. Of course, I wish him good luck and I wish him godspeed and I wish that during his regime people in this country and everybody here will appreciate the need for being peaceful and decent citizens. But as I have submitted earlier, there will be a few of them who are traitors, unfortunately, and very unfortunately their number is growing and the Government should be aware of that and they should be more alert about them. I say this because this element will not be finished, will not be out of existence in three years' time. Therefore, when the Government comes to the House next time with an amendment, the amendment should be that this enactment should be permanently on the Statute Book. However, Sir, I know my difficulty and though I want this particular measure to continue and that we should not be without it even for a day, even if the hon. Minister is prepared to accept my amendment, I will not press for it, because I know that the other House is not sitting. So to avoid that difficulty, when the appropriate time comes, I will beg leave of the House to withdraw my amendment. But Just now I am not pressing for it because I do not want even a day to

elapse without this Act remaining on the Statute Book. Thank you.

SHRI GULZARILAL NANDA: Sir, one thing I would like to say at the very outset, and that is that I am not going to drag God into this picture, into this controversy, although I believe in the transforming touch of God and there is hope for everybody. But this is not the place for that. I will now deal with the speech of the hon. Member. I may very humbly inform him that much of it was not relevant and much of it was repetition. What was relevant was not mentioned and what was irrelevant was repeated. I will deal only with one aspect of it, namely the question of parties. He says that here and now we should decide that there will be no violence. I do not want here to construe the statement of hon. Members, as if they are taking on themselves the guilt for all this. I do not construe it in that sense at all. I take it that it is a positive approach. That is to say, here is the objective of making the country free from the taint of violence on any large scale in any place. I am not at all prepared to believe that there will be no spies anywhere, no traitor anywhere. That is not the assumption on which I have based this prospect for the future. If the hon. Member says that this Act should remain as long as there is a single spy, and if that is the foundation on which Mr. Abid Ali wants it, and on which he builds up his case, then I do not agree with him at all, because that is not the way we are looking at the matter. Therefore, I still hope that even within three years— and even earlier than that— it will be possible for us to withdraw it. But then why is it necessary for me to retain it for some time? That is because, the moment those conditions arise, it will be possible for us to remove it. In the first place, it will not be used and it will become a dead letter. As soon as it can be repealed it will be repealed. Therefore, I would only hope that because hon. Members have offered this—and others also have done it—this may be developed into a pro-

per practice and into a suitable machinery, and then we can say that in course of time—it may not be very long way off—we will be able to take further steps.

Only one more point before I conclude. The hon. Member said that no person was detained under the Preventive Detention Act during the Cachar linguistic disturbances in May, 1961. That is not the case. Some persons were detained.

SHRI BHUPESH GUPTA.: No, that was later on.

SHRI GULZARILAL NANDA: We are not looking at it from the point of view of any particular date. They were detained. But that is not my main point. It may be that here and there things might have happened. If it is the case that they should have used the power more, well, I can ask the Government why they refrained from doing so, if it would have helped to improve the position by making more effective use of the legislation. But that is not the point now. It may be that things will happen. But the hopeful feature is this trend, they are on a smaller scale and the frequency is less, and I hope that with the additional aid that we are going to obtain from the collaboration of the parties it will be possible to put an end to this before the period that is being allowed for it. I oppose the amendment of the hon. Member, Shri Abid Ali, and I would request him to withdraw it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Do you press your amendment, Shri Abid Ali?

SHRI ABID ALI: No, Sir, I beg leave of the House to withdraw my amendment.

. * *Amendment No. 3 was, by leave withdrawn.*

*For text of the amendment, *vide col. 4722 supra.*

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): And, Mr. Gupta, do you wish to press your amendment?

SHRI BHUPESH GUPTA: Yes, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

2. "That at page 1, line 7, for the words and figures '31st day of December 1966' the words and figures '31st day of January, 1964 be substituted".

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1—Short title

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : There is one amendment to clause 1, proposed by Mr. Gupta. I appreciate your ingenuity, Mr. Gupta, but do you want to move it?

SHRI BHUPESH GUPTA: Yes, Sir. I have not cultivated Mr. Abid Ali's ingenuity as yet. I move:

1. "That at page 1, line 3, for the words 'Preventive Detention (Continuance)' the words 'Preventive Detention (Suppression of the Citizens' Personal Freedom and Civil Liberty)' be substituted.

Sir, I am here very frank and the hon. Minister also is frank in such matters. Why call it a Preventive Detention Act? I think my amendment should be accepted and we should, instead, call this the Preventive Detention (Suppression of the Citizens' Personal Freedom and Civil Liberty) Act. Call a spade a spade. There should be a limit to hypocrisy. That is what I say. It is not Preventive Detention. Actually, what are

[Shri Bhupesh Gupta.] you doing? Mr. Vice-Chairman, they are suppressing liberties by taking recourse to some of the empowering provisions of the Constitution, they are suppressing the Fundamental Rights given in the Constitution. That is what they are doing. I do realise that they have got in their favour article 22 of the Constitution which enables them to pass a legislation of this kind, that is to say, which enables them to suppress the individual's liberty, his civil liberty. They are doing that now and they are suppressing those liberties. Therefore, we should call this measure by its true name. When we have inscribed *g-r^ jrq-^* as our motto, why have this kind

of a misleading description? I think he will concede that when I am put in detention without trial, my rights under the Constitution, under article 19 and also under article 21, etc. are, for the time being, suppressed. That will be conceded and in this measure we know that we have to suppress the Fundamental Rights and the individual liberties. I say this thing because it is very important. There should be honesty in this matter. It is not a question, Mr. Vice-Chairman, I may tell you of ingenuity. It is a question of frankness, it is a question of truth, it is a question of calling a spade a spade. That is all. Therefore, I say that the name should be changed.

SHRI JOSEPH MATHEN: That is so in Communism also.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Joseph Math-en, sit down please.

SHRI JOSEPH MATHEN: I was only saying that under Communism also the individual's liberty is suppressed. So this is almost Communism.

SHRI BHUPESH GUPTA: But Shri Gulzarilal Nanda is not the Communist Home Minister here. We are not for the moment dealing with such

a case. When we are sitting over there and you are sitting here, then you can raise that point and I will answer you.

SHRI AWADHESHWAR PRASAD SINHA (Bihar): You cannot sit here and we will not sit there. But if and when the Communists were to come to power and if you say that then the Swatantra Party will be there, the Jan Sangh will be there, the P.S.P. will be there, the Congress Party will be there and adult franchise will be there, then I join the Communist Party here and now.

SHRI BHUPESH GUPTA: I think the hon. Member will do well to make an application for admission to the Communist Party just now because I can give you that assurance.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please sit down.

SHRI BHUPESH GUPTA: I want men like my hon. friend over there in the Communist Party. Therefore, if he has any misgivings about this, I tell him straightway: You can apply in the corridor. I shall take your application to my Party Office and see that it is accepted.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Are you giving that assurance asked for by him?

SHRI BHUPESH GUPTA: Absolutely, Mr. Vice-Chairman. Not only do I give that assurance to him but I shall also see that you are in the Chair. Therefore, there is no doubt about it. Let us not go into that thing. We have the Constitution under which we are functioning and we are discussing that thing. When the rights of the citizens are suppressed, do that under the proper name. Do not try to bluff the people. Democracy does not flourish by indulging in bluffs or hoax or misdescription of this kind. Well if you think that it has to be suppressed-

sed, say so, declare it to the whole world by your conduct. That is what I say and hence my amendment. It has nothing of ingenuity in it. I thought I will help the Home Minister in approximating towards truth. That is what I have felt and that is why I have suggested this amendment.

The question was proposed.

SHRI GULZARILAL NANDA: My reply is total silence.

SHRI BHUPESH GUPTA: What did he say, Sir?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Silence.

SHRI BHUPESH GUPTA: Then he is half-convinced.

SHRI ABID ALI: Not at all.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What about your amendment?

SHRI BHUPESH GUPTA: It stands. Why else did I give notice of it?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Sometimes, when you are in a good mood, you withdraw.

SHRI BHUPESH GUPTA: When I am in a good mood, I press it. When I am in a bad mood, I do not.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

1. "That at page 1, line 3, for the words 'Preventive Detention (Continuance)' the words 'Preventive Detention (Suppression of the Citizens' Personal Freedom and Civil Liberty)' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI GULZARILAL NANDA: Sir, I move:

"That the Bill be passed."

The question was proposed.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Keep up the dignity of the Chair not only by your word but by your actions also.

SHRI ABID ALI: It is shameful Sir.

SHRI BHUPESH GUPTA: I request you to be seated so that I can proceed. Otherwise, I cannot proceed.

Mr. Vice-Chairman, you asked me to keep up the dignity of the Chair. I would request you to ask the Government to keep up the dignity of the country and one of the indignities, civil indignities I could think of is this Preventive Detention Act which is going to be passed, made valid for another three years, because of the brute majority of the Congress Party.

SHRI T. S. PATTABIRAMAN (Madras): What were you doing in 1942?

SHRI BHUPESH GUPTA: I know of many people in the Congress Party who are not very much happy about this matter but they have to go with the Party Whip and hence it is going to be passed. Mr. Vice-Chairman, we have been objecting to this measure ever since we came to this House.

SHRI T. S. PATTABIRAMAN: Before that?

SHRI BHUPESH GUPTA: And we shall continue to do that as long as we are here. We had been maligned, lambasted and we had been accused in all manner of ways but we know that in this matter at least we were speaking in the fine traditions which the Congress Party led by Mahatma Gandhi had at one time built up in this country. If these traditions are thrown to the dust today by the ruling party there, it is the duty of others to pick up those traditions from the dust and once again enshrine them so that they continue to live and radiate their lustre to the generation that is yet unborn and to the posterity that will follow.

SHRI ABID ALI; Question.

SHRI BHUPESH GUPTA: That is why, Mr. Vice-Chairman, we oppose this measure. It is a tragedy that we have not been able to prevent it but it will be known in history that Pandit Jawaharlal Nehru who had been, at one time, before he became the Prime Minister, a staunch opponent of a law of this kind, could not carry on the country without having this measure on the Statute Book. I wish that situation had been avoided by him, and his colleagues in the Congress Party, but such is life. Well, what are the compulsions for the Government to have this measure? We have not been told, but from our experience we have come to know that the measure is needed only to arm the bureaucracy, the Police Ministers in the State. I may again tell you that when I mentioned the Kerala Home Minister, I did not at all cast any aspersion on him in regard to the company that he kept when he was driving the car. I shall never do such things; such meanness is not in me. I said that when he injured three people, instead of looking after them, he went away. That is the point that I made. Here I should invite the attention of the Home Minister to what the newspapers are writing currently, when the matter is under discussion in this very Parliament.

SHRI B. K. P. SINHA (Bihar): What is the paper?

SHRI BHUPESH GUPTA: He is angered with the press. Let me start with "*The Times of India*" which, in its leading article, main editorial, on the Preventive Detention Act has the following to say;

"The casual manner in which the Congress majority regards a legislative measure whose repeated extensions should cause concern to anyone who is anxious to strengthen liberal democracy is perhaps the most disturbing part of the triennial debates on the Preventive Detention Act and it is no exaggeration to say that Government's own attitude to the Preventive Detention Act is all too cavalier. Else, what is one to make of the Home Minister's offer to repeal the Act if all the political partis give an undertaking to abjure violence. The only merit of this offer is that it amounts to a confession by Mr. Nanda that the Preventive Detention Act is not really necessary".

This is the comment by a paper which belongs to big business. It is not a Communist paper at all. I mention this thing because ideological red herring should not be drawn. The editorial goes on:

"The inconsistencies in Mr. Nan-da's arguments in favour of extending the Preventive Detention Act are also so glaring that the Home Minister himself should have no difficulty in seeing them."

The editorial has not helped him, it seems. Then it goes on:

"Moreover, we are also told that the Act is intended to arm the Government with the powers necessary for dealing mainly with the goondas and other persons who harbour dacoits. If that is so, the pledge asked for from the political parties becomes a total irrelevancy . . .

This is the comment of "*The Times of India*". "*The Free Press Journal*" of the 21st, when the matter had just been discussed in the Lok Sabha, said something which I would like to read. Here it says:

"However, the issue is whether the extension of the measure is basically justified in principle, not -whether there are safeguards in it or that it is being used sparingly. Fundamentally, it is objectionable and obnoxious."

This is what "*The Free Press Journal*" had to say. I do not read other papers. Almost every single paper in the country today, which shares the views of the Congress Government in many matters, has strongly criticised the Government for seeking extension of this Preventive Detention Act. 'What else could be a greater indictment to the Congress when the same ruling circles, leading organs of the ruling circles come out openly and sharply against the Preventive Detention Act?

Mr. Vice-Chairman, I should like to invite your attention to what happened in U.N.O. recently. A matter came up before the U.N.O. in which the question of detention without trial of some people in Aden was raised and as you know, Aden is supposed to be somehow or other under the jurisdiction of the United Nations Organisation. The U.N.O. passed a Resolution ordering the release of all people under detention. That is how the United Nations Organisation looks upon this question of preventive detention. It ordered the release of those people; it asked the British Government to release all people under preventive detention. Obviously in such cases the United Nations Organisation cannot ask us to do like that because we are not under the jurisdiction of the U.N.O. But that only shows how the civilised mind today is working, how the modern society is working. Here we have the collective expression of the world community in the shape of a Resolution of the United Nations Organisation; it says that no-

body should be detained without trial in Aden. Are we to fall below that standard or are we to live up to that standard? This is the point I make. (*Time bell rings.*) Just a minute; I am finishing. With your permission and . . .

SHRI C. D. PANDE (Uttar Pradesh): May I know from the hon. Member whether in this civilised community of the nations China and Russia also exist? Have they accepted this theory?

SHRI BHUPESH GUPTA; Preventive detention should be eliminated everywhere.

SHRI C. D. PANDE: Has Chin* accepted it or not?

SHRI BHUPESH GUPTA: If they do not do it anywhere, we are not supporting it. But listen to your own Communists. Sometimes you should listen to Indian Communists rather than Chinese Communists. Near at home they would not listen to us but they would go all round the world to find out others.

Sir, I would invite your attention to a letter just to show how they behave. These are the people who will administer the Preventive Detention Act. This letter appeared in the *Patriot* of December 22 in which the writer, Mr. Shiv Kumar Misra went to meet in jail a detenu, Mr. Anant Agnihotri, Secretary of the U.P. Trade Union Congress. They have kept him in jail. Do you know what happened? He wanted to give him a book called 'Discovery of India' by Pandit Jawaharlal Nehru and the Jail Superintendent said. "No, this book would not be allowed.' He was not allowed to give this book to Mr. Agnihotri and do you know what the Superintendent of the Jail said? He said that Mr. Nehru is a half-Communist. There you are. This is the attitude of those people.

SHRI J. N. KAUSHAL (Punjab): Was he a detenu?

SHRI BHUPESH GUPTA: When a book is sought to be given, the author of which is Pandit Jawaharlal Nehru, the authorities concerned say that that book cannot be allowed inside the jail. And maybe in jest, the Superintendent of the Jail, when he was asked, said that he was half-Communist. I would like to know from the Home Minister, are we to place power in the hands of these very people who do not have the culture, who do not have patriotism, who do not have education, who do not have the decency even to allow "Discovery of India" by Pandit Jawaharlal Nehru to the detenus who are detained without trial? I think he should make a note of this and make enquiries. Mr. Vice-Chairman, several detenus are treated in this manner. And I might tell you here that the detenus of Tripura who are in the Hazaribagh jail have been treated worst for the last one year. The M.L.As are kept in Division III. And the Central Government are worse in this matter of treatment of detenus. The Leader of the Opposition is still in jail—it is more than a year now—in Division III. All the eight M.L.As are treated as Division III prisoners. There are two M.Ps but they have been given Division I. I can give you many examples to show how they are treated. Therefore it is not merely a question of your dealing with the bigger aspect. I mention this only to show the vendetta, the revengefulness and the bad faith behind the administration of such measures as the Preventive Detention Act.

Sir, you are naturally very anxious that we should end this debate but I wish I could speak for the whole day and the day after also because this is a measure which needs filibustering. In our Parliament we do not have filibustering; otherwise I would have shown how filibustering may be done with regard to this measure which is full of sin and shame. Once again we are passing in this Parliament of the Indian Republic, in the Third Parliament of India, this measure. We have not had the courage today, thanks to the ruling party, to do away with this

measure which has disgraced our internal policies, which has defamed us in the eyes of the world, which has been used as an instrument of oppression against the opposition parties and against others whom the Congress do not like for political reasons. Today you have the Defence of India Rules and therefore you are not using this very much. Communist, you put them in under the Defence of India Rules; Jana Sangh, you put them in under the Defence of India Rules; P.S.P., you put them in under the Defence of India Rules. That is why you are not using the Preventive Detention Act. but that does not show that you have given up your mentality. Once the emergency is lifted, as it should be lifted, they will fall back on the Preventive Detention Act to put these people in jail, to put the leaders of political parties in jail without trial. That is why they are arming themselves with this Preventive Detention Act. Again what happens? When they have got two sets of law, they use the worse of the two. They use the Defence of India Rules against Members of Parliament, Legislatures and other people lest whatever little safeguards there are should be taken advantage of by the victims of the Congress Government. I won't say Congress Party. That is why this Preventive Detention Act is sought to be extended with a view to playing the same game as they have been playing all these years. Mr. Nanda may have good words to say; he may have a liberal mind but I do not know whether he will ever be in a position before the next elections to get rid of this measure because we have been told year after year in this very House that this measure will go but it never goes. As I said, we have Home Ministers coming and going but the Preventive Detention Act never goes. That has been the experience and that is what is going to happen in this country. Therefore, Mr. Vice-Chairman, once again I voice my strongest condemnation and indignation against this cowardly, base, infamous, black measure which is a shame on our democracy, an insult to the genius of our national liberation strug-

gle, an insult to the genius of our people and a discredit to the Congress Government itself if you will have it that way. I hope the country will continue to fight against this measure. We do not want to fall at the feet of the Congress Government to have this measure taken out. We know how to fight against this measure. Public opinion has been organised against this. That is why they hesitate to use this measure in cases where they have used it in the past. Today if all the parties in the opposition combine against this measure and build up a powerful mass movement—some good response will be found on the other side as well—by our own effort we shall be able to do away with this shameful measure. If the Government has not had the courage to get rid of this measure let us and others, who are not on the Treasury Benches, make common cause in the larger interests of democracy and see that this blot on democracy is wiped out once for all.

شری مہدائنگلی : جناب وائس

چھرمہن - گاندھی جی کی آخری نشانہوں میں ایک نشانی میں نندا جی کو مانغا ہوں اور اس لئے جب شری نوشہوعلی اور باجپئی جی کے جواب میں میں نے نندا جی کو سنا تو کچھ خوشی ہوئی۔ آج ہمارے ایک بھائی نے جو کانگریس میں ہیں، رولنگ پارٹی میں ہیں، ایکسائٹمنٹ میں آکر وہ دہ تریپٹر ۴۴ بار ہار کہتے رہے اور یہ نہیں سوچا کہ وہ سرکار سرکار ہی کیا ہے جو تریپٹرس کو لوک سبھا اور راجیہ سبھا میں جگہ دے۔ وہ چاہے کمیونسٹ ہوں یا فیلو تریولرس ہوں جو کانگریس میں بھٹے ہیں۔ اس طرح کے شہدوں

سے کسی پارٹی کو کلقم کرنا زیب نہیں دیتا۔

وائس چھرمہن صاحب - نندا جی خوب اچھی طرح جانتے ہیں کہ جیلوں میں ہمارے ساتھ کئی چمب وطن کمیونسٹ تھے، کئی جانوں پر کھیلے، کئی پھانسی کے تختہ پر چڑھے، کئی گولی کا نشانہ بنے۔ صرف کسی کی آئیڈیلو جی کی وجہ سے اس کو تریپٹر کہلائے، میں نہیں سمجھتا ہوں، گاندھی جی کے سانہیوں کو یہ کہاں تک زیب دیتا ہے اور نندا جی کہاں تک برداشت کرتے ہوں کیونکہ اگر کوئی دیس دروہی ہے تو اس کے لئے اس ملک میں کوئی جگہ نہیں ہے۔ وہ آدھی چاہے پارلیمنٹ کا ممبر ہو، اسپیکر کا ممبر ہو، چاہے وہ کسی چیز کی نمائندگی کرتا ہو اگر وہ دیس دروہی ہے تو اس کی جگہ جیل میں ہے۔

جب آپ یہ کہتے ہوں کہ ہم اس بل کو ڈیموکریسی کے پیش نظر لئے ہیں تو اس وقت آپ کو یہ بات نہیں بھولنی چاہئے کہ آپ یہاں پر ۵۰ پرسنٹ کم ووٹ لے کر آئے ہیں اور اس حکومت کی کرسی پر اس سے بیٹھے ہوئے ہیں لیکن جس جلتا پر یہ وار چل رہا ہے، جس جلتا کے لئے یہ بل بنایا جا رہا ہے، جس

[شری عبدالغنی]

دیہں کے لئے یہ بل بلایا جا رہا ہے وہ اس کو کبھی برداشت نہیں کرے گی۔ آپ کہتے ہیں کہ ہم معجزاتی میں ہیں اور ہم ڈیموکریسی کر کے دکھا دیں گے تو کیا یہی آپ کی ڈیموکریسی ہے۔ آپ کہتے ہیں کہ یہ جو بل ہے اس کا مقصد یہ ہے کہ ملک کو بچانا ہے، ملک والوں کو بچانا ہے اور نندا جی کے ہاتھ سے شریف آدمیوں کو بچانا ہے تو میں کہتا ہوں کہ نندا جی کی میں بڑی عزت کرتا ہوں، جو بڑے مستحب وطن ہیں اور جو ہمارے سامنے بیٹھے ہیں، جو آفیشیل پارٹی کے لوگ ہیں وہ اپنے سہاروں پر ہاتھ رکھ کر کیا یہ کہہ سکتے ہیں کہ اس بل کا جو وار تھا کیا ان آدمیوں کے اوپر چلا جنہوں نے اس ملک کو دھوکا دیا جیسا کہ وزیر دفاع کی زبان سے ملنا ہوگا کہ کچھ جنرل تھے جنہوں نے اپنے فرائض ادا نہیں کئے۔ جنہوں نے ملک کی ایمانداری کو خطرہ میں ڈالا اور دشمن کو ان کی غیر ذمہ داری کی وجہ سے موقع ملا۔ وزیر دفاع نے ہم لوگوں کو جو اطلاع دی تھی اس میں یہ کہا تھا کہ کچھ آدمیوں نے حکومت کو وقت پر آگاہ نہیں کیا۔ بجائے اس کے کہ کول کو جیل میں بھیجتے آپ نے اس کو بڑی تلخواری پر بھیجا اور ہزاروں روپے کی نوکری پر

بھیجا۔ اور آپ بھوپیش گپتا کو دیہں دروہی کہتے ہیں۔

آپ کو اس بات کا خیال کرنا چاہئے کہ سب پارٹیوں کے لوگ مل کر آپ سے کچھ عرض کر رہے ہیں بیشک اس سے وہ ڈیوائیڈ ہو چکے ہیں اور اسی وجہ سے وہ ابھی مخالفوں کی پہلچوں پر بیٹھے ہیں لیکن ان کو انٹریٹ کے ووٹ ملے ہیں۔ آپ جب اس چیز کو بھول جاتے ہیں تو ہمیں گالی دینے لگتے ہیں وائس چیمبرمین صاحب۔ میں نندا جی سے ادب کے ساتھ عرض کرنا چاہتا ہوں کہ اس فیملس ایکٹ کے ماتحت لوہیا جی کو جو کہ ہندوستان کے عظیم لیڈر ہیں، ان کو جیل میں رکھا گیا۔ اسی ایکٹ کے ماتحت اس شخص کو جس نے پاکستانیوں کے ہاتھوں سے ظلم سہہ لائیس نس کرنے والوں کے ہاتھوں سے کشمیر کو بچایا، اسی پر آپ نے اس ایکٹ کے ماتحت وار کیا۔ میں اس سے متفق ہوں کہ جو بھی وطن کے راستہ میں آتا ہے وہ چاہے کتنا ہی بڑا کیوں نہ ہو اس کو جیل میں ڈالنے کا سزا کو حق ہے۔ اگر ہمارے ملک کو خطرہ ہے اور کوئی اس کے راستہ میں آئے گا تو سزا کو یہ حق ہے کہ وہ اس آدمی کو چاہے وہ کتنا ہی بڑا کیوں نہ ہو گرفتار کر سکتی ہے۔ لیکن میں نندا جی

صاحب سے پوچھنا چاہتا ہوں کہ اس ملک میں ان لوگوں نے جنہوں نے نادانی کی، سوچ سمجھ کر بھول کی، کیا ان کو بھی اس ایکٹ کے ماتحت پکڑا گیا۔ وہ تو نندا جی کے مضبوط ہاتھوں سے بچ گئے۔ میں نندا جی کو ایک مضبوط ایڈ منسٹریٹر سمجھتا ہوں، ایک ایماندار آدمی سمجھتا ہوں اور ایک مستحب وطن ماننا ہوں۔ میں انہیں گاندھی جی کی نشانی مانتا ہوں اور ان سے عرض کرنا چاہتا ہوں کہ وہ اپنے ہاتھوں سے اس طرح کا بل نہ لائیں کیونکہ اس بل کے تحت غلطہ ازم کو آپ ختم نہیں کر سکتے ہیں۔ اگر غلطہ ازم کو ختم کرنے کا اس بل کا ملشا ہوتا تو اس کا صحیح استعمال ہوا ہوتا۔ مگر اس کا صحیح استعمال نہیں ہوا ہے۔ سرکار کے پاس پہلے سے ہی اس طرح کی چیزوں کو درکنے کے لئے کافی قانون ہیں وہ اپنے ہاتھوں کو کیوں آلودہ کرتی ہے۔ وہ ان لوگوں میں سے ہیں جنہوں نے کوئی جائیداد نہیں بدائی وہ ان لوگوں میں سے ہیں جنہوں نے کسی کے ساتھ بیوفائی نہیں کی۔ وہ ان لوگوں میں سے ہیں جنہیں گاندھی جی کے قریب مانا جاتا تھا اور جنہوں نے پلڈت جی کو کئی مرتبہ کھری کھری باتوں کہیں تو میں ان سے عرض کرنا چاہتا ہوں کہ آپ اپنے ہاتھوں سے اس طرح کا بل نہ لائیں۔

ہمارے عابد علی صاحب کہتے ہیں اور وہ بڑی خوشی کے ساتھ کہتے ہیں کہ اس بل کو 19۸۰ تک یا ہمیشہ کے لئے لگو کیا جانا چاہئے۔ تو میں ان سے کہنا چاہتا ہوں کہ آپ اس بات کو اچھی طرح سے سوچ لیں کہ کل تمہارے اوپر کیا ہونے والا ہے آپ پر بھی وار ہونے والا ہے کیونکہ آپ اگلے الیکشن میں آنے والے نہیں ہیں۔ میں یہ بات لکھ کر دیتے دیتا ہوں۔ اور یہ میرا تجربہ ہے۔ وائس چیمبرمین صاحب۔ میں یہ عرض کر رہا تھا کہ جب میں اس بل کو پڑھتا ہوں تو مہری سمجھ میں یہ بات نہیں آتی کہ کیا یہ ضروری بل ہے لیکن جب میں یہ دیکھتا ہوں کہ اس کا استعمال نندا جی نہیں کرتے، اگر نندا جی کرتے ہوتے تو مجھے کوئی دکھ نہیں ہوتا وہ مجھے پھانسی کی سزا دے سکتے ہیں اور میں خوشی سے اس کو جھیلتا اور میں کہتا کہ وہ حق بدجانب ہیں مجھے پھانسی کی سزا ملنی چاہئے کیونکہ جو ان کی زبان ہے وہی ان کا من ہے، دل ہے، اور دماغ ہے۔ لیکن اگر وہ اس قانون کو ان لوگوں کے ہاتھ میں دینا چاہتے ہیں جو دن دن ہمارے آگے ڈالتے ہیں، جو لاکھوں روپیہ بھلاک کا دباؤ رکھتے ہیں، جو سپریم کورٹ کے فیصلوں کی توہین کرتے ہیں، تو اس سے دیکھ گا بھلا ہونے والا نہیں ہے۔ (آگیا۔ آگیا) میں تو یہیں

[شری عبدالغلی]

ہوں - تو میں سرکار سے عرض کر رہا تھا کہ اگر وہ مجھکو پہلے بولنے کی اجازت دیتی تو بھی میں یہی بات کہتا ہوں اب ذرا دکھنے کے ساتھ کہہ رہا ہوں کہونکہ میں نندا جی کی تقریر سن چکا ہوں - اگر میں نہ سکتا تو اتنی زیادہ اپیل نہ کرتا اور نہ اپنی بات کہتا - میں عرض کرنا چاہتا ہوں کہ اگر نندا جی ہوم منسٹری کے وزیر ہیں تو اس بل کے باوجود کوئی بچاؤ ہونے والا نہیں ہے بد معاشوں سے شریفوں کا - اور شریفوں کی عزت بچانے والی نہیں ہے - غداروں کے ہاتھ سے دیس کا بچاؤ نہیں ہے تو مجھے اس بل پر کوئی اعتراض نہیں ہے - مہرا تو اعتراض صرف یہ ہے کہ اس کا غلط استعمال ہوتا ہے اور غلط ہاتھوں سے اس کا استعمال ہوتا ہے اور اس لئے میں یہ کہنا چاہتا ہوں کہ نندا صاحب اس بل کو واپس لے لیں - میں تیسرے اسٹیج میں بھی ان سے یہی اپیل کرنا چاہتا ہوں کہ وہ اپنے ہاتھوں سے اس بل کو پاس نہ کریں لیکن میں نندا جی کو یقین دلانا چاہتا ہوں اور یہ کہنا چاہتا ہوں کہ جو لوگ آپ کے سامنے بھڑچوں پر بھڑھے ہیں انہوں نے اپنے فرض کو محسوس نہیں کیا اور اپنے دیس کا ایسا کیا اور اگر آپ چٹھائی بانوں پر توجہ نہ دیکر صرف اپنے باہو بل پر اپنی

اکثریت کے بل پر یہ بل پاس کرانا چاہتے ہیں - اور دوسروں کو دیس دروہی کھکر خوش ہوتے ہیں - مجھے قہر ہے کہ آپ اس بل کے دارال ملک میں امن لانے کی بجائے نندا جی کے ہاتھ مضبوط کرنے کے بجائے اس کا یہ نتیجہ ہوگا کہ ملک میں خون کی ندیاں بہنے لگیں - آپ جس کو چاہیں دیس دروہی کہیں جس کو چاہیں پھانسی دیں مگر اس طرح سے کام چلنے والا نہیں ہے - وائس چہر میں صاحب - میں آپ کے دارال پوچھنا چاہتا ہوں کہ کوئی ملک ایسا ہے جس نے کہ تیموکریسی کا ارادہ کر رکھا ہے - اس میں اس طرح سے تیموکریسی آرہی ہے اور قانون کے ذریعہ اپنے کو ڈکٹیٹر شپ بنا لیا جا رہا ہے - مہری تو رائے یہ ہے کہ اس قانون کے دارال جن لوگوں کو سزا ملنی چاہئے تھی وہ تو بیچ گئے اور جو بے گناہ لوگ تھے وہ پکڑے گئے - لیکن نندا جی کہا کریں ان کے ساتھی ایسے ہیں یہ تو فتوے دینے والے لوگ ہیں کہ بھرپور ہتھیار ڈال رہے لیکن میں کہتا ہوں وہ صاحب وطن ہیں - کمونسٹ جو ہیں وہ چاہتے ہیں کہ ان کا راج ہو -

श्री शीलभद्र याजी : भूपेश गुप्त जी को नहीं कहा है ।

شری عبدالغلی : کمونسٹ پارٹی کو غدار کہتے ہیں -

श्री श्रीलक्ष्मण याजी : श्री भूषण गुप्त को कभी गद्दार नहीं कहा है ।

श्री عبدالغनी : में यह कहे रहा

हوں وائس چہر میں صاحب - کہ
کمپوننسٹ اپنا راج لانا چاہتے ہیں -
میں ان کا مخالف ہوں اور انکا ہی
مخالف ہوں جتنا کوئی زیادہ سے زیادہ
ہو سکتا ہے۔ ان کا راج نہیں ہونا چاہئے
مگر میں یہ نہیں مانتا کہ وہ سب
محصان وطن ہیں - ان میں بھی
کچھ گدار ہو سکتے ہیں لیکن وہ بھی
گدار ہیں جنہوں نے جن کے ہاتھوں
دیکھ کر ایمان کرایا چاہے وہ کوشنا
مہلن ہوں چاہے وہ پرائم منسٹر ہوں
چاہے وہ کول صاحب ہوں یا اور کوئی
دوسرے جنرل ہوں یا وہ سیٹائی والے
ہوں - میں کہتا ہوں کہ اسی طرح
سے نہ کہئے اور اس طرح سے کہہ کر اپنے
سہلوں کو تھلدا نہ کہجئے اور ہماری
درخواست پر ضرور فور کھجئے - سب
پارٹیاں مل کر آپ سے یہ عرض کرتی
ہیں کہ آپ ایسا قانون نہ بلانے
جس کا فلٹ استعمال ہو رہا ہو -
چہ استعمال کو جا رہا ہے
ایسا قانون بلانے سے ہلدوستان میں
آپ کی عزت بڑھے گی نہیں - یہ تو
آپ کے ماننے پر ایک کلک ہوگا -
اس طرح کا قانون ڈکٹیٹر شپ کی
طرف لے جاتا ہے - لیکن آپ ڈکٹیٹر
نہیں بننے والے ہیں - میں آپ کو
اس کا یقین دلانا ہوں کہ آپ
میں ڈکٹیٹر بننے کی ہمت نہیں ہے -

اس لئے میں بڑے ادب سے عرض کروں
گا کہ نندا جی مہری درخواست پر
بڑے تھلڈے دل سے وچار کریں اور
کوشش کریں کہ وہ اس کو پھر تھوڑے
وقت کے لئے ملتوی کر سکتے ہوں تو
ملتوی کریں اور اگر ملتوی نہ کر سکتے
ہوں تو فلٹ آدمی ہے ایمان آدمی؟
راہی آدمی اور ایسے آدمی جو دن
دھارے لوگوں کی عزت لھتے ہیں ان
کے ہاتھوں سے طاقت چھین لوں اور
ان کی طاقت چھین کر بے شک یا جی
جی کو دے دیں جو بہت تھڑ آدمی
ہیں یا ارجن اور آ جی کو دے دیں
یا طارق صاحب کو دے دیں یا ان
کو دے دیں جن کے ہاتھ میں وہ اس
کو محفوظ سمجھیں - لیکن ایک
اس محصب وطن شہنخ عبداللہ کو
جہل میں ڈال کر کے آپ نے اس
ایکے کا بالکل فلٹ استعمال کیا ہے -
میں درخواست کرتا ہوں وائس
چہر میں صاحب آپ سے کہ آپ بھی
مہری سنارہ کریں -

[श्री अब्दुल गनी (पंजाब) : जनाव
वाइस-चेयरमैन, गांधी जी की आखिरी
निशानियों में एक निशानी मैं नन्दा जी को
मानता हूँ और इसीलिए जब श्री नोशेर अली
और वाजपेयी जी के जवाब में मैंने नन्दा जी
को सुना तो कुछ खुशी हुई । आज हमारे
एक भाई जो कांग्रेस में हैं, रूनिंग पार्टी में हैं,
एक्साइटमेंट में आकर वो "ट्रेंटर" बार बार
कहते रहे और यह नहीं सोचा कि वो सरकार
सरकार ही क्या है जो ट्रेंटर्स को लोक-सभा
और राज्य सभा में जगह दे । वो चाहे

[श्री अब्दुल गनी]

कम्युनिस्ट हों या फ़ैली ट्रेवलर्स हों जो कांग्रेस में बैठे हैं, इस तरह के शब्दों से किसी पार्टी को कण्डम करना ज़ेब नहीं देता ।

वाइस-चेयरमैन साहब, नन्दा जी खूब अच्छी तरह जानते हैं कि जेलों में हमारे साथ कई मुहिब्बे बतन कम्युनिस्ट थे, कई जानों पर खेले, कई फांसी के तख्ते पर चढ़े, कई गोली का निशाना बने, सिर्फ किसी की आईडियोलॉजी की वजह से उसको ट्रेटर कहना मैं नहीं समझता हूँ गांधी जी के साथियों को यह कहाँ तक ज़ेब देता है और नन्दा जी कहाँ तक बर्दाश्त करते हैं क्योंकि अगर कोई देशद्रोही है तो उसके लिए इस मुल्क में कोई जगह नहीं है । वो आदमी चाहे पार्लियामेंट का मੈम्बर हो, एसेम्बली का मੈम्बर हो, चाहे वो किसी चीज़ की तुमाइन्दगी करता हो अगर वो देशद्रोही है तो उसकी जगह जेल में है ।

जब आप यह कहते हैं कि हम स बिल को डेमोक्रेसी के पेशे नज़र लाये हैं तो इस वक्त आपको यह बात नहीं भूलनी चाहिए कि आप यहाँ पर पचास परसेंट कम वोट लेकर आये हैं और इस हुकूमत की कुर्सी पर इस समय बैठे हुए हैं लेकिन जिस जनता पर यह वार चल रहा है, जिस जनता के लिए यह बिल बनाया जा रहा है, जिस देश के लिए यह बिल बनाया जा रहा है, वो इसको कभी बर्दाश्त नहीं करेगी । आप कहते हैं कि हम मेजरिटी में हैं और हम डेमोक्रेसी करके दिखा देंगे तो क्या यही आपकी डेमोक्रेसी है ? आप कहते हैं कि यह जो बिल है इसका मकसद यह है कि मुल्क को बचाना है, मुल्क वालों को बचाना है और नन्दा जी के हाथ से शरीफ आदमियों को बचाना है तो मैं कहता हूँ कि नन्दा जी की मैं बड़ी इज्जत करता हूँ जो बड़े मुहिब्बे बतन हैं और जो हमारे सामने बैठे हैं, जो ओफ़ीसीयल पार्टी के लोग हैं, वो अपने सीनों पर हाथ रखकर क्या यह कह सकते हैं कि इस बिल का जो वार था क्या उन आदमियों

के ऊपर चला जिन्होंने इस मुल्क को धोखा दिया जैसा कि वज़ीरे दफा की ज़ुबान से सुना होगा कि कुछ जनरल थे जिन्होंने अपने फरायज़ अदा नहीं किये, जिन्होंने मुल्क की ईमानदारी को खतरे में डाला और दुश्मन को उनकी गैरजिम्मेदारी की वजह से मौका मिला । वज़ीरे दफा ने हम लोगों को जो इत्तला दी थी उसमें यह कहा था कि कुछ आदमियों ने हुकूमत को वक्त पर आगाह नहीं किया । बजाय इसके कि कोल को जेल में भेजते आपने उसको बड़ी तनख्वाह पर भेजा और हजारों रुपये की नौकरी पर भेजा । और आप भूपेश गुप्ता को देशद्रोही कहते हैं ।

आपको इस बात का ख्याल करना चाहिए कि सब पार्टियों के लोग मिलकर आपसे कुछ अर्ज कर रहे हैं बेशक इस समय वो डिवाइड हो चुके हैं और इसी वजह से वो अभी मुखालिफों की बेंचों पर बैठे हैं लेकिन उनको अक्सीरियत के वोट मिले हैं । आप जब इस चीज़ को भूल जाते हैं तो हमें गाली देने लगते हैं । वाइस-चेयरमैन साहब, मैं नन्दा जी से अदब के साथ अर्ज करना चाहता हूँ कि इस डिफेंस एक्ट के मातहत लोहिया जी को जो कि हिन्दुस्तान के अजीम लीडर हैं, उनको जेल में रखा गया । इसी एक्ट के मातहत इस शरूख को जिसने पाकिस्तानियों के हाथों से जुल्म सहे, लालसैनस करने वालों के हाथों से काश्मीर को बचाया, उसी पर आपने इस एक्ट के मातहत वार किया । मैं इससे मुश्किल हूँ कि जो भी बतन के रास्ते में आता है वो चाहे कितना ही बड़ा क्यों न हो उसको जेल में डालने का सरकार को हक है । अगर हमारे मुल्क को खतरा है और कोई उसके रास्ते में आयेगा तो सरकार को यह हक है कि वो उस आदमी को चाहे वो कितना ही बड़ा क्यों न हो गिरफ्तार कर सकती है । लेकिन मैं नन्दा जी साहब से पूछना चाहता हूँ कि इस मुल्क में उन लोगों ने जिन्होंने नादानी की, सोच समझ कर भूल की, क्या उनको भी इस एक्ट के मातहत पकड़ा गया । वो तो

1963

नन्दा जी के मजबूत हाथों से बच गये । मैं नन्दा जी को एक मजबूत एडमिनिस्ट्रेटर समझता हूँ, एक ईमानदार आदमी समझता हूँ और एक मुहिब्वे वतन मानता हूँ, मैं उन्हें गांधी जी की निशानी मानता हूँ और उनसे अर्ज करना चाहता हूँ कि वो अपने हाथों से इस तरह का बिल न लाएं क्योंकि इस बिल के तहत गुंडाईज्म को आप खत्म नहीं कर सकते हैं । अगर गुंडाईज्म को खत्म करने का इस बिल का मंशा होता तो इसका सही इस्तेमाल हुआ होता अगर इसका सही इस्तेमाल नहीं हुआ है । सरकार के पास पहले से ही इस तरह की चीजों को रोकने के लिए काफी कानून हैं, वो अपने हाथों को क्यों आलस कर रही है । वो उन लोगों में से हैं जिन्होंने कोई जायदाद नहीं बनाई, वो उन लोगों में से हैं जिन्होंने किसी के साथ बेवफाई नहीं की, वो उन लोगों में से हैं जिन्हें गांधी जी के करीब माना जाता था, और जिन्होंने पण्डित जी को कई मर्तबा खी-खरी बातें कहीं, तो मैं उनसे अर्ज करना चाहता हूँ कि आप अपने हाथों से इस तरह का बिल न लायें ।

हमारे आबिद अली साहब कहते हैं और वो बड़ी खुशी के साथ कहते हैं कि इस बिल को १९६० तक या हमेशा के लिए लागू किया जाना चाहिए । तो मैं उनसे कहना चाहता हूँ कि आप इस बात को अच्छी तरह से सोच लें कि कल तुम्हारे ऊपर क्या होने वाला है, आप पर भी वार होने वाला है क्योंकि आप अगले इलेक्शन में आने वाले नहीं हैं, मैं यह बात लिखकर दिए देता हूँ और यह मेरा तजुर्बा है, वाइस चैयरमैन साहब । मैं अर्ज कर रहा था कि जब मैं इस बिल को पढ़ता हूँ तो मेरी समझ में यह बात नहीं आती कि क्या यह जरूरी बिल है लेकिन जब मैं यह देखता हूँ कि इसका इस्तेमाल नन्दा जी नहीं करते अगर नन्दा जी करते होते तो मुझे कोई दुःख न होता वो मुझे फांसी की सजा दे सकते हैं और मैं उसको खुशी से झेलता और मैं कहता कि वह हक बजानिव है, मुझे फांसी की सजा मिलनी

चाहिए क्योंकि जो उनकी छुवान है वही उनका मन है, दिल है और दिमाग है, लेकिन अगर वो इस कानून को न लोगों के हाथ में देना चाहते हैं जो कि दिन दहाड़े डाका डालते हैं, जो लाखों रुपया पब्लिक का दबाये रखते हैं, जो सुप्रीम कोर्ट के फैसलों की तौहीन करते हैं, तो उससे देश का भला होने वाला नहीं है (आ गया, आ गया) । मैं तो यहीं हूँ । तो मैं सरकार से अर्ज कर रहा था कि अगर वो मुझको पहले बोलने की इजाजत देती तो भी मैं यही बात कहता, लेकिन अब खरा दुःख के साथ कह रहा हूँ क्योंकि मैं नन्दा जी की तकरीर सुन चुका हूँ । अगर मैं न सुनता तो इतनी ज्यादा अपील न करता और न अपनी बात कहता । मैं अर्ज करना चाहता हूँ कि अगर नन्दा जी होम मिनिस्ट्री के वजीर हैं तो इस बिल के बावजूद कोई बचाव होने वाला नहीं है बदमाशों से शरीफों का । और शरीफों की इज्जत बचने वाली नहीं है । गद्दारों के हाथ से देश का बचाव नहीं है, तो मुझे इस बिल पर कोई एतराज नहीं है । मेरा तो एतराज सिर्फ यह है कि इसका गलत इस्तेमाल होता है और गलत हाथों से इसका इस्तेमाल होता है और इसलिए मैं यह कहना चाहता हूँ कि नन्दा साहब इस बिल को वापिस ले लें । मैं तीसरे स्टेज में भी उनसे यही अपील करना चाहता हूँ कि वो अपने हाथों से इस बिल को पास न करें लेकिन मैं नन्दा जी को यह यकीन दिलाना चाहता हूँ और यह कहना चाहता हूँ कि जो लोग आपके सामने बंचों पर बैठे हैं उन्होंने अपने फर्ज को महसूस नहीं किया और अपने देश का अपमान किया । और अगर आप जज्बाती बातों पर तवज्जो न देकर सिर्फ अपने बाहुबल पर, अपनी अवसीरियत के बल पर, यह बिल पास कराना चाहते हैं और दूसरों को देशद्रोही कह कर खुश होते हैं, मुझे डर है कि इस बिल के द्वारा मुल्क में अमन लाने की बजाय, नन्दा जी के हाथ मजबूत करने की बजाय, इसका यह नतीजा होगा कि मुल्क में खून की नदियां बहेंगी । आप जिसको चाहे देशद्रोही कहे, जिसको चाहे फांसी दें,

[श्री अब्दुल शानी]

मगर इस तरह से काम चलने वाला नहीं है। वाइस चैयरमैन साहब, मैं आपके द्वारा पूछना चाहता हूँ कि कोई मुल्क ऐसा है जिसने कि डेमोक्रेसी का इरादा कर रखा है, इसमें इस तरह से डेमोक्रेसी आ रही है और कानून के खरिए अपने को डिक्टेटरशिप बनाया जा रहा है। मेरी तो राय यह है कि इस कानून के द्वारा जिन लोगों को सजा मिलनी चाहिए थी वो तो बच गए और जो बेगुनाह लोग थे वो पकड़े गए। लेकिन नन्दा जी क्या करें उनके साथी ऐसे हैं, ये तो फतवे देने वाले लोग हैं कि भूशेण गुप्ता गद्दार हैं लेकिन मैं कहता हूँ कि वो मुहिब्बे वतन है। कम्युनिस्ट जो हैं वो चाहते हैं कि उनका राज हो।

श्री शीलभद्र याजी : भूशेण गुप्त जी को नहीं कहा है।

श्री अब्दुल शानी : कम्युनिस्ट पार्टी को गद्दार कहते हैं।

श्री शीलभद्र याजी : श्री भूशेण गुप्त को कभी गद्दार नहीं कहा है।

श्री अब्दुल शानी : मैं यह कह रहा हूँ, वाइस चैयरमैन साहब, कि कम्युनिस्ट अपना राज लाना चाहते हैं, मैं उनका मुखालिफ हूँ और इतना ही मुखालिफ हूँ जितना कि कोई ज्यादा से ज्यादा हो सकता है। उनका राज नहीं होना चाहिए मगर मैं यह नहीं मानता कि वो सब मुहिब्बाने वतन हैं। उनमें भी कुछ गद्दार हो सकते हैं लेकिन वो भी गद्दार हैं जिन्होंने चीन के हाथों देश का अपमान कराया चाहे वो कृष्णा मैनन हो, चाहे वो प्राइम मिनिस्टर हों, चाहे वो कील साहब हों या और कोई दूसरे जनरल हों, या वो सप्लाई वाले हों मैं कहता हूँ कि इस तरह से ना कहिए और स तरह से कह कर अपने सीनों को ठंडा न कीजिए और हमारी दरख्वास्त पर खरिए और कीजिए। सब पार्टियाँ मिल कर आप से यह अर्ज करती हैं कि आप ऐसा कानून

न बनाइए जिसका शलत इस्तेमाल हो रहा हो। जिसका शलत इस्तेमाल किया जा रहा है। ऐसा कानून बनाने से हिन्दुस्तान में आपकी इच्छत बढ़ेगी नहीं। यह तो आपके माथे पर एक कलंक होगा। इस तरह का कानून डिक्टेटरशिप की तरफ ले जाता है। लेकिन आप डिक्टेटर नहीं बनने वाले हैं। मैं आपको इसका यकीन दिलाता हूँ क्योंकि आप में डिक्टेटर बनने की हिम्मत नहीं है। इसलिए मैं बड़े अदब से अर्ज करूँगा कि नन्दा जी मेरी दरख्वास्त पर बड़े डे दिल से विचार करें और कोशिश करें कि वो सको फिर थोड़े वक्त के लिए मुलतवी कर सकते हों तो मुलतवी करें और अगर मुलतवी न कर सकते हों तो शलत आदमी, बेईमान आदमी, राशी आदमी और ऐसे आदमी जो दिन दहाड़े लोगों की इच्छत लेते हैं उनके हाथों से ताकत छीन लें और उनकी ताकत छीन कर बेशक याजी जी को दे ~ जो बहुत तेज आदमी हैं या अर्जुन अरोड़ा जी को दे ~ या तारिक साहब को दे ~ या उनको दे ~ जिनके हाथ में सको महफूज समझें, लेकिन एक इस मुहिब्बे वतन शेख अब्दुल्ला को जेल में डाल करके आपने स एकट का बिल्कुल शलत इस्तेमाल किया है। मैं दरख्वास्त करता हूँ, वाइस चैयरमैन साहब, आपसे, कि आप भी मेरी सिफारिश करें।

THE VICE-CHAIRMAN (SHRI AKBAR AU KHAN) : Mr. Nanda.

SHRI N. M. LINGAM (Madras): Sir, I want to say a few words.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I hope hon. Members will appreciate that we have far exceeded the allotted time. So I hope they will co-operate with me.

SHRI N. M. LINGAM: Only two minutes, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I have called the Home Minister.

SHRI GULZARILAL NANDA: Sir, all that the hon. Member, Shri Bhupesh Gupta, said evoked in my heart very deep and great admiration for his staying power in speaking and for his capacity to use very strong words. But I am afraid the hon. Member did not succeed at all in saying anything which merits any reply from me, which was not covered in the earlier observations that I made. Only one or two factual points I would like to mention. One is, regarding the question of the political parties. Again the hon. Member has said that now that we have got the Defence of India Rules, therefore we are putting our political opponents out of the way under that measure and are not using the Preventive Detention Act for that purpose. Well, the hon. Member will remember that we have got a three years' record of the Preventive Detention Act. It was not only for the period of the emergency that the Preventive Detention Act remained free from any political use but the previous two years also bear testimony to the same determination of the Government not at all to put this legislation to use for any political ends or to bring under it any persons who had any political position in the country or «ven otherwise to bring them under the purview of this legislation. That is one thing which I wanted to say.

Then regarding the various names mentioned and the other things said, again I have to point out that they were not concerned with the Preventive Detention Act. They were not concerned at all. Regarding what the hon. Member, Mr. Ghani said, for one thing, I do not claim any special virtue for myself. It gives me no satisfaction to be singled out from the rest of my colleagues. I have had very close, intimate and long association with Mahatma Gandhi. I know that I am far away from those standards. We have fallen away from those standards. We have to strive to attain those standards as much as possible, but the situation with which we are dealing here is the question of law and order, the stability of the country,

SOIRSD—4.

democracy versus dictatorship, and so on. Now dictatorship will come—I hope it will not come to this country—only when law and order break down, when the Government is not able to use its power to keep the people secure, when disturbances take place and the people have to take the law into their own hands and are faced with a situation under which the Government is not able to protect them. That is the kind of condition which leads to dictatorship. And here the Government is preserving all the rights, the fundamental rights, all those rights of freedom, of speech, of association, of movement, of worship, all those rights intact. If the hon. Member had heard me—I do not know whether he was here—he would have himself seen that there was nothing there to give rise to that apprehension in his mind that this was going to be used for other purposes than for dealing with the goondas. Here the figures are there and they speak for themselves. It has not been used and it is not intended to be used otherwise, and as far as my hope for the future is concerned, I again reiterate that—three years are a long period in one sense—if we all are determined to do things with a single aim that we shall make our country great in the comity of nations, that we shall make it fine in all respects, and that our fullest democracy shall prevail here, whatever little detraction there may be from that we can all combine to see that it is got rid of.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That the Bill be passed."

The motion was adopted.

SHRI G. MURAHARI: In protest we walk out. It is the blackest day in the history of the country.

شہری عبدالغلی : حسب آپ نے ایسا
کہدیا تو پھر میں بھی واک آؤت
کرتا ہوں -

†[श्री अब्दुल रानी : जब आप ने ऐसा कह दिया तो फिर मैं भी वाक आऊट करता हूँ ।]:

(Interruptions.)

{Some hon. Members then left the Chamber.}

THE BANKING LAWS (MISCELLANEOUS PROVISIONS) BILL, 1963

THE MINISTER OF PLANNING (SHRI B. R. BHAGAT): Sir, I beg to move:

"That the Bill further to amend the Reserve Bank of India Act, 1934, the Banking Companies Act, 1949 and the State Bank of India Subsidiary Banks) Act, 1959, as passed by the Lok Sabha, be taken into consideration."

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

I am sorry, Sir, that printed copies of the Bill, with the amendments which have been accepted by the other House, were circulated somewhat late, but the provisions are not altogether new, and the House is, I think, aware of the circumstances in which the modification of the various enactments relating to banks is now being suggested. With these introductory remarks, I shall try to be very brief.

The House may recollect, Sir, that about fifteen years ago, in September 1948, an Ordinance known as the Banking Companies (Control) Ordinance was issued, providing for the first time for the control of the operations of banking companies in regard to such matters as the grant of unsecured loans and advances, the policy to be followed in regard to other loans, the maintenance of cer-

tain minimum assets in India and other similar matters. In the fifteen years since then, we have considerably extended the scope of our control, and the commercial banks themselves have benefited from this, as they have been strengthened and improved, and have been enabled to attract more deposits and to increase the turnover of their business. In the existing circumstances, some further extension of the area of control is necessary, in the interests of economic development.

Sir, in a statement which was made earlier in the House on the 16th December, 1963, and on several other occasions both in Parliament and elsewhere, the Finance Minister did refer to the need for stimulating the growth of savings in our economy and for ensuring that the legitimate needs of industry and trade would be met, so that the rate of growth, particularly in certain vital sectors, could be stepped up. From this point of view, our performance so far, while it has been good so far as it goes, has not been altogether satisfactory.

Banks have not been able to mobilise resources to the extent to which this has been necessary or possible during the current phase of growth. They have been handicapped as a result, in granting term loans for relatively longer periods, and latterly even in financing new projects and enterprises. The competition from the non-banking sector for deposits has been growing; and what is, I think, even more significant and unfortunate, a great deal of money remains unaccounted for, and is used for purposes which cannot be easily identified. This tends to weaken our commercial banking system.

It has inevitably been necessary, in view of the comparatively undeveloped state of the country and of the banking system, to create a number of specialised credit agencies. Some more institutions are bound to be established, as gaps in the institutional framework for the provision of credit are brought to our notice. The Reserve Bank of India, mainly because

†[] Hindi transliteration.