

RAJYA SABHA

Friday, the 7th December, 1962/
the 16th Agrayayana, 1884 (Saka)

The House met at twelve of the clock, MR. CHAIRMAN in the Chair.

PAPERS LAID ON THE TABLE

I. THE ANNUAL ADMINISTRATION REPORT (1961-62) OF THE IMPORT AND EXPORT TRADE CONTROL ORGANISATION

II. NOTIFICATION UNDER ARTICLE 359 OF THE CONSTITUTION

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir, on behalf of Shri Manubhai Shah, I beg to lay on the Table a copy of the Annual Administration Report of the Import and Export Trade Control Organisation for the year 1961-62. [Placed in Library. See No. LT-636/62].

Sir, I beg to lay on the Table, under clause (3) of article 359 of the Constitution, a copy of the Ministry of Home Affairs Notification G.S.R. No. 1594, dated the 26th November, 1962, publishing certain amendments in Government Notification G.S.R. No. 1418, dated the 30th October, 1962. [Placed in Library. See No. LT-626/62].

FOURTH REPORT OF THE PUBLIC ACCOUNTS COMMITTEE (1962-63).

SHRI R. P. N. SINHA (Bihar): Sir, I beg to lay on the Table a copy of the Fourth Report of the Public Accounts Committee (1962-63) on the Appropriation Accounts (Defence Services), 1960-61 and Audit Report, 1962.

REFERENCE TO ALLEGED INSINUATION MADE IN A JOURNAL

SHRI LOKANATH MISRA (Orissa): Sir, before you proceed to the next item, I have a certain item which should be taken up. This is regarding 969 RS—1.

some insinuation in one of the journals—LINK. It contains an insinuation against two Parties, Sir, the Swatantra Party and the Praja-Socialist Party.

MR. CHAIRMAN: I am afraid you are not in order; I will not allow you. You must come to me first before you raise it here.

SHRI LOKANATH MISRA: I am told some notice was also given.

SHRI ROHIT M. DAVE (Gujarat): We have already given notice, Sir.

MR. CHAIRMAN: Please see me in the Chamber and I will explain it to you.

THE DEFENCE OF INDIA BILL, 1962 —continued

श्री दयालदास कुर्रे (मध्य प्रदेश) : माननीय सभापति महोदय, कल मैं डिफेंस आफ इंडिया बिल पर चर्चा कर रहा था। हमारी इस समय की जो लड़ाई है वह अपनी स्वतंत्रता को अभ्युन्न बनाने रखने के लिये है। हमने किसी से जबरदस्ती लड़ाई मोल नहीं ली है बल्कि हमारे ऊपर आक्रमण किया गया है और उस आक्रमण में रुकावट डालने के लिये हम अपने को सजग बना रहे हैं और इस डिफेंस आफ इंडिया बिल की नींव पर हमारी सजगता की दीवार खड़ी होगी।

सभापति महोदय, मैं यह कह रहा था कि युद्ध के मैदान में हमारी सेना के जवान ही लड़ाई नहीं लड़ते बल्कि यथार्थ में खेतों में काम करने वाले किसान और कारखानों में काम करने वाले मजदूर और अन्य कर्मचारी भी लड़ाई लड़ते हैं। जब तक उनके द्वारा हमारे जवानों के लिये उचित साधन पर्याप्त रूप में तैयार नहीं किये जाते तब तक हमारी लड़ाई सफल नहीं हो सकती है। यही भावना मैंने अपने प्रधान मंत्री के भाषण में भी देखी। उनकी यह भावना है कि खेती की तरक्की हो,

[श्री दयालदाम कुरें]

हमारी पैदावार बढ़े और कारखानों में हम अधिक से अधिक साधन तैयार कर सकें। आज इस विषय में मैं यह कहना चाहता हूँ कि खेती में जितनी तरक्की इस आवश्यकता को देखते हुए होनी चाहिये उतनी नहीं हो पा रही है। मैं अपने प्रदेश के जिस भाग से आता हूँ उसमें मैंने देखा है कि आज भी अधिकांश ज़मीन बंजर पड़ी हुई है और उसका कारण आवश्यक साधन का उपलब्ध न हो पाना है। मैं सरकार से नम्र निवेदन करूंगा कि आज बैलों के द्वारा जो खेती हो रही है उसमें बहुत ही कमी है और बंजर ज़मीन को बैलों के द्वारा ठीक नहीं कर पा रहे हैं इसलिये मैं सरकार से निवेदन करूंगा कि हर एक विकास-खंड में एक एक ट्रैक्टर का होना बहुत आवश्यक है, जिससे कि आज जो किसान अपना खुद का ट्रैक्टर खरीदने में असमर्थ है वह ट्रैक्टर को किराये पर ले कर ज़मीन का ठीक तरह से उपयोग कर सके और अधिक उत्पादन कर सके। इस विषय में मेरी केवल यही भावना है।

दूसरी बात समाचारपत्रों के सिलसिले में है। डिफेंस आफ इंडिया बिल के अन्तर्गत सरकार ने समाचारपत्रों के ऊपर जो प्रतिबंध निर्धारित किये हैं उनका मैं हृदय से स्वागत करता हूँ। धारा नं० ७ के अन्तर्गत यह बताया गया है कि जो समाचारपत्र इस तरह की खबरें प्रकाशित करेंगे जिससे कि हमारी स्वतंत्रता पर आंच आती हो, जिससे कि नागरिकों की स्वतंत्रता में बाधा पड़ती हो और हमारा जो संग्राम है उसमें हस्तक्षेप होता हो, उनके ऊपर कड़ी कार्यवाही की जायगी। सरकार का यह कदम काफ़ी प्रशंसनीय है। अभी कोई तीन चार रोज़ की बात है कि "नई दुनिया" नामक स्थानीय पत्र में मैंने यह पढ़ा था कि रूस ने मिग विमान देने से बिल्कुल इन्कार कर दिया है। मेरी समझ में नहीं आता कि इस तरह की खबर उस सम्वाददाता को कहां से मिली जबकि हम देखते हैं कि रूस हमें उचित सहायता देने को सतत प्रयत्नशील है और विमान ही नहीं दे रहा है बल्कि उसका कारखाना भी यहां पर

खोलने जा रहा है और उसका उत्पादन भारत में करने वाला है। इस तरह से प्रकाशन करने से हमारी भावना एकदम अलग बन जाती है और जो हमें सहायता करने को तैयार हैं उनके प्रति हमारी भावना एकदम दूर हो जाती है। इस तरह से प्रकाशन को रोकने की विशेष आवश्यकता है।

करप्ट प्रैक्टिसेज को रोकने के लिये भी इस डिफेंस आफ इंडिया बिल के अन्तर्गत काफ़ी प्रावधान रखे गये हैं। आज इसकी आवश्यकता है कि जो व्यापारी इस संकटकालीन स्थिति में मुनाफ़ाखोरी करके देश को ग़लत रास्ते पर ले जाना चाहते हैं उनके प्रति कड़ा कदम उठाया जाय और हमारी सरकार इसके बारे में काफ़ी जागरूक है और मैं उसकी प्रशंसा करता हूँ। इस विषय पर सदन में भी मेरे पूर्व वक्ताओं ने, विद्वान् वक्ताओं ने काफ़ी चर्चा की है। कल ही चौहान साहब ने इस पर काफ़ी चर्चा की और बताया कि ऊन के एक व्यापारी की आमदनी जो पहले प्रति दिन १२ हजार रुपये थी अब २० हजार रुपये हो गई है। अगर इस तरह से वे लोग मुनाफ़ाखोरी को आगे बढ़ाते जायेंगे तो इस संकटकालीन स्थिति में हम अपनी रक्षा नहीं कर सकेंगे। बड़े सौभाग्य की बात है कि हमारे स्वयंसेवक उनके दरवाज़ों पर धरना देने जा रहे हैं। सरकार की ओर से भी इसके लिये कड़े कदम उठाने की आवश्यकता है।

विदेश नीति के सिलसिले में मैं कहना चाहता हूँ कि हमारी वैदेशिक नीति बहुत सफल है और उसकी सफलता का प्रमाण यह है कि पड़ोसी देशों ने ही नहीं बल्कि विश्व के ६१ से अधिक राष्ट्रों ने हमारी वैदेशिक नीति की बड़ी प्रशंसा की है। उन्होंने केवल शब्दों से ही प्रशंसा नहीं की है बल्कि उनमें से अधिकांश राष्ट्र हमें पूरी शक्ति भर जिस तरह से भी हम मदद लेना चाहें वह मदद करने के लिये तैयार हैं। हमारे कल के मित्र और आज के शत्रु के गुरु रूस ने भी कहा है कि हम मिग विमान देने को तैयार हैं और हम देखते हैं कि इस समय अमेरिका और इंग्लैंड हमें पूरी शक्ति लगा कर

मदद कर रहे हैं। यह हमारी वैदेशिक नीति की सफलता है और मैं समझता हूँ कि इस सफलता की हमारे मित्र राष्ट्र ही नहीं बल्कि जिनकी भावना अच्छी नहीं है वे भी मुक्तकंठ से प्रशंसा करते हैं।

श्री ए० बी० वाजपेयी (उत्तर प्रदेश) : क्या माननीय सदस्य को यह मालूम है कि रूस के मिग विमान चीन के विरुद्ध काम में नहीं लाये जा सकेंगे।

श्री अर्जुन अरोड़ा (उत्तर प्रदेश) : ऐसी कोई शर्त नहीं है।

श्री दयाल दास कुरें : माननीय सदस्य इस विषय को अच्छी तरह से समझते हैं और भविष्य में क्या होगा इसके बारे में माननीय सदस्य खुद सोच सकते हैं।

सभापति महोदय, मैं अपना स्थान ग्रहण करने से पहले एक शब्द कहना चाहता हूँ कि चीन ने जो आक्रमण किया है और हमें इस की सूचना न दे कर के जो आक्रमण किया है उसके लिये सरकार जागरूक है और देश की जनता को भी यह पूरी आशा है कि वह हमारी खोई हुई सीमा की एक एक इंच भूमि वापस ले लेगी।

यही भावना आज देश की भावना है। कल ही हमारे श्रद्धेय प्रधान मंत्री ने तेज़पुर में आम जनता के सामने भाषण देते हुए विचार प्रकट किये हैं कि हमारी जितनी भी भूमि आक्रमणकारियों के द्वारा ली गई है हम उसका एक एक इंच वापस लेने में अपनी पूरी शक्ति लगा देंगे। मैं आपके द्वारा सरकार को आश्वासन देता हूँ कि इस समय हम सरकार के साथ हैं, जनता हमारे साथ है और जिस भू-भाग से मैं आता हूँ वहाँ की समस्त जनता तन मन धन से सरकार के साथ है। जिस प्रकार से भी सरकार को हमारी आवश्यकता हो, हम पं० जवाहरलाल के शब्दों के नीचे हैं।
बन्यवाद।

SHRI ANAND CHAND (Himachal Pradesh): Mr, Chairman, before I speak on the Defence of India Bill which is before this august House, I would like to remind the House that today is Armed Forces Flag Day and my heart goes to those thousands of our countrymen who are defending India's frontiers in difficult conditions, high Himalayan heights and more especially I would like to pay a tribute to those who have given their lives in the defence of the motherland.

Mr. Chairman, this debate on the Defence of India Bill has been going on in this august House for the last two days. Much has been said about the Chinese invasion, aggression against India, about the various provisions of the Bill to mobilise the Home front against the aggressor and various other matters. So far as I am concerned, you would pardon me if I strike a note a little out of keeping, I should say, because looking back at the picture as a whole today, I find myself a little confused.

SHRI ARJUN ARORA: That is correct.

SHRI ANAND CHAND: Perhaps the confusion is because I cannot think out correctly as my hon. friend says, or perhaps the confusion is because of the course of the events that have followed after we passed the resolution with acclamation regarding the desire of every man in this country to support the war effort and to fight the Chinese aggressor out of our soil. Events have taken the shape which may be called a temporary stalemate; it may be called something which has happened in between but they are a little confusing. Before, Sir, I proceed to say a few words on the Defence of India Bill, I would like, with your permission, to say something in regard to this matter of confusion. Now, Sir, the position is this: China invaded our country. The armed forces were sent to drive the aggressor out. The august Houses of Parliament assembled and resolutions sponsored by Gov-

[Shri Anand Chand.]

ernment were passed with acclamation by every section of the House because the defence of this country is sacred to every man in the country. In the meantime, the President had already promulgated the Defence of India Ordinance and that Ordinance today in the shape of a Bill is before this House because it has to be passed, I think, after Parliament assembles within six weeks; otherwise, it lapses. Very soon, with the approval of this House, it is going to be turned into an Act. The point, Sir, is this: In the fighting that ensued, we were proceeding in a regular manner, asking our friends for aid. Massive military aid came from the Western Bloc. We are grateful to them. The Prime Minister has expressed his gratefulness to them and in this House and in the other House, expressions of gratefulness have been made for all the aid that we have received. Then came the Chinese unilateral offer of withdrawal. Now, if I might say so, the confusion began from that unilateral offer. As far as I am able to understand, the position taken by the Government of India is, as has already been explained by the Prime Minister, that if the Chinese forces withdraw to the line on which they actually were on the 8th September, 1962, the Government of India or this country would negotiate. Their offer of withdrawal to the line of November, 1959, is unacceptable to us because, as here again the Prime Minister has clarified in Assam the other day, that would leave large areas of Ladakh under the control of the enemy which he did not control on the 8th September, 1962. Now, Sir, this is quite clear. My confusion only arises from this point that once the Chinese forces have withdrawn to the line of the 8th September, 1962, we negotiate with them. On the 8th September, 1962, large chunks of Indian territory were still in the hands of the Chinese. In other words, the only corollary of accepting the proposition that if they withdraw to the 8th September, 1962 line, negotiations would start means automatically . . .

SHRI A. B. VAJPAYEE: No, we would not negotiate. We would only talk.

SHRI ANAND CHAND: There is very little difference between talking and negotiating. What perhaps my hon. friend means is that in negotiations, there is give and take but in talks, they just sit across a table and talk. I think it comes to the same thing.

SHRI A. B. VAJPAYEE: May I correct my hon. friend? Talks will be held for the limited purpose of finding out the means to lessen the tension between the two countries.

SHRI ANAND CHAND: I stand corrected. If that is so, part of the confusion is gone but part of it still remains and the part that still remains is this: When I was looking very closely at the Resolution that we adopted, as my hon. friend has said, the words "driving out the Chinese aggressor out of every inch of our territory" are not mentioned. It is a generally-worded Resolution which, in the last para, says or talks of the united will of the people of this land to drive out the aggressor. Now, where is the boundary out of which the aggressor is to be driven out? Is that a defined boundary in NEFA, in Ladakh? Is the Government of India quite clear in its mind where the boundary line is across which the invader is to be thrown out? That, Sir, is the point which, I think, must be clarified once for all. That is the point which most of us are labouring. (*Interruption*). By most of us, I mean not only people here in this House but outside in the country as well and unless that point is clarified, a doubt remains and the doubt that remains is that a certain compromise might be effected which is not consonant with the national honour and dignity of this country. In this context, Sir, may I draw your attention and that of the House to the scheduled Colombo meeting. We have taken great pains to send our emissaries to the countries which are taking part in that conference. In today's papers, there are two proposals, which are mentioned, which would be laid

before this conference. One proposal is to be sponsored by Indonesia and the other by the UAR. Now, in the Indonesian proposal, if I have read aright the papers, the suggestion is that so far as NEFA is concerned, the Chinese go out completely and we occupy the frontier up to the McMahon Line. So far as Ladakh is concerned, the line of actual control which the Chinese have at present may be allowed—the Chinese may be allowed to stick on there—and then, as my friend says, talks—he is rather susceptible to negotiations—could proceed. In the UAR proposal there is a slight difference. Now, all these proposals, I dare say, are being made with the full, I might say not backing but cognisance, with the full knowledge of the Government of India because the countries which are making these proposals had been approached by our emissaries, by our Ministers and others. If these proposals are to be pressed and if the Chinese accept any of these proposals, my straight question is, are we going to negotiate? Is the Government of India prepared to negotiate on the basis of these proposals because acceptance of these proposals does entail a certain amount of surrender of territory? That, Sir, is the confusion. That is the point and that is the reason why most of us even in the other House, by most of us I mean the Opposition, I might tell my hon. friend, have been saying that in the interim period between now and the reassemblage of Parliament, some kind of consultative body might be kept there which might meet Government, might discuss with Government or might see to it that the Government is not led away by the emotions of the hour and accepts a position which it might be very difficult for Parliament or the nation to accept later on. That, Sir, is the hesitation. That is the point which I wanted to place before you and also before the Government and I hope that this is a point which should be categorically answered.

SHRI R. P. N. SINHA (Bihar): How is that Consultative Committee to be constituted? By election?

SHRI ANAND CHAND: That is not the point. I may inform my hon. friend that the Prime Minister called quite a number of people from the Opposition and they had discussions with him. The basic idea was that the members of the Opposition, and naturally the members of the Congress Party as well because they are the ruling party, they are the larger party, would, sort of, forge together into a kind of a body which could meet and offer whatever advice or assistance that is necessary during the period when the House is not in session. It is a limited proposal and I do not think there is anything much more in that. It is not the intention to assume the powers of Parliament in that Consultative Committee. That could not be possible.

Having said that I would like now to make only two or three submissions about the Defence of India Bill. This Bill has been wholeheartedly supported in the other House and it has received general support in this House from all parties, even from the Communist Party of which my hon. friend, Mr. Bhupesh Gupta, is so eloquent a spokesman. I would only like to draw the attention of the hon. Minister to two points. These two points to my mind are rather vital. One is the question of Fundamental Rights and the other is the misuse of powers by State Governments. In the very basis of the scheme of emergency, once the emergency is declared, it is understood that the Fundamental Rights are liable to be curtailed. Under the provisions of article 359 I believe the President has already issued orders curtailing liberties of life and person, so far as articles 21 and 22 are concerned. Now, what I would like to submit is that even in a country like England during the last war the writ of habeas corpus was not denied. A person who had been taken into custody had the right of habeas corpus. On the suspension of articles 21 and 22 so far as that right of a citizen of India goes, to my mind it is a very important point and it needs looking

[Shri Anand Chand.]

into very closely. Connected with this is also the point that article 359 envisages the placing of any order made by the President under its provisions on the Table of the House. Now it may be that simply by placing it on the Table of the Houses of Parliament the legal conditions of the article are satisfied but to my mind the spirit behind the article of the Constitution is a little more. It was to afford an opportunity to the Houses of Parliament to look into the provisions of such orders and to suggest amendments where necessary. This is ordinarily what is meant by placing the orders on the Table of the House and if that is denied it would be unfair.

SHRI ROHIT M. DAVE (Gujarat):
How can that be denied?

SHRI ANAND CHAND: I have been reading—I hope my hon. friend will also read—the debates in the other House. I will not quote because I do not think it is the proper procedure to quote but the hon. Minister in the Ministry of Home Affairs was very categorical there that the provisions of article 359 which say that the orders are to be placed on the Table of the Houses only mean their virtually or physically being placed on the Table and nothing more and the Houses as such have no right to debate the provisions or the intentions of the President.

SHRI K. SANTHANAM (Madras):
It is for Members of Parliament.

(Interruptions.)

MR. CHAIRMAN: One at a time.

SHRI ANAND CHAND: I was just making a point and I think the hon. Minister will clarify it. But that is my reading as far as I have been able to see and my reading is that that is not subject to discussion or subject to modification so far as Parliament is concerned.

The other point, Sir, that I was going to make out was the misuse of power given under this Defence of India Act and Rules by the State Administrations. Now we are in a period of great stress and strain. We have declared a national emergency. We are at war and we are mobilising all the resources of the nation for the war. There are two arms to my mind, if I may be allowed to give that simile, the right arm and the left arm. The right arm is the fighting force and the left arm is the arm of the hon. Home Minister which safeguards national security inside the country. For that purpose in the very spirit of the declaration of emergency the executive powers of the States now vest in the Union Government. Once the emergency is declared under article 352 the powers of the State Governments vest in the Union. Therefore what follows is that the Home Ministry here can give orders to the State Governments concerned how the Defence of India Act and the Rules made thereunder are to be brought into effect vis-a-vis the detention of persons and other things. Now it is quite true that we have efficient people administering this country but I for myself could not vouch that in all the 320 districts into which this country is divided—perhaps it is more than 320—we have good officers, we have excellent officers. We had an I.A.S. officer in Derrang who is reported to have left his post in Tezpur. He belonged to the Indian Administrative Service. I am not casting any aspersion on the Service as such but the point is even when the hon. Minister concedes that these detentions and taking people into custody are going to be effected by persons not below the rank of District Magistrates, I say, and say with all humility, that the District Magistrates themselves are human beings and they are subject to all the weaknesses to which human beings are subject. Under the circumstances I would make an appeal, and I would appeal very strongly to the hon. Minister, in respect of cases where these detentions are of members of the legislature—because from detention there is no appeal; there is only

a review and there the hon. Minister in his opening remarks made it clear that review does not mean revision. A person can be apprehended, he can be put behind the bars and there is only a question of a periodical review which may come in a month or in two months and even after that review there may be no revision—where the elected representatives of the people are involved—I would have said this about every citizen—at least where the elected representatives are involved, where people elected to the Legislative Assemblies of States and those elected to these august Houses of Parliament are involved, though it would be a strain on the Home Ministry because there are over 3,000 members in the State Assemblies and over 700 members in both Houses of Parliament, still I would request the hon. Minister that in such cases at least it may be made a practice that before the arrests or detentions are put into effect, the approval or at least prior consultation with the Home Ministry is there. It may throw a heavy burden on the Home Ministry and for that purpose the personnel of the Ministry may be increased. But I feel that it is very important if we are to see that the provisions of these wide powers are not misused especially in cases of people who in some category or other represent the will of the people because on the will of the people rests the democratic structure of this country. There have been talks here in this House. My friend from the Communist Party was very vehement about the detention of members of the Communist Party. There were others who said that the Communist Party as such have misbehaved and they have themselves to thank for. My view, as I expressed it when I was speaking on the Resolution, has not changed and I would like to reiterate that once again and that is this. As long as we allow a Party to function in the normal democratic manner, it would be wrong to question the *bona fides* of the Party as such. If we think that the Communist Party of India is misbehaving and it is an anti-national Party, we should

ban it straightway. There will be then no question of one member of the Party being sent abroad—he is a very hon. Member and I have nothing against him being sent to countries abroad—perhaps to represent the communist point of view to Russia and elsewhere and another member of the Communist Party's upper hierarchy—I refer to a person from Andhra Pradesh, I would not name him, and a Member of this august House—being placed in detention. These two things do not go together. I would very much like that a uniform policy is followed in these matters. Either we say that it is wrong and ban it altogether or we say that it is democratic. If it is democratic, then let only such persons be taken into custody against whom there is a proper case.

Now, Sir, some fetish has been made here that the Central Government is not looking into the question of reducing the size of the Cabinet and so on. There is a lot of dead-wood. My hon. friend, Mr. Gurupada Swamy, said that. In all humility, if I may say so, I think that in the Central Cabinet today we have got very efficient men.

MR. CHAIRMAN: I thought you just wanted to say two words.

SHRI ANAND CHAND: I am just concluding. We have got eminent men. We have an eminent man like the Prime Minister. We have got a sober and what I might call a person of great administrative experience like the Home Minister. We have got a good Finance Minister. We have got a good Defence Minister. We have got a good Food Minister. Now, all that I am going to say by stating all this is that the dead-wood which my hon. friend feels is there, might be in the subordinate ranks. Why are we so much after it today when the Government of India is wielding these powers under the Defence of India Ordinance and Rules, when as I said, the very executive powers of the States are being vested in the Union and a much larger number of people would be required to administer them efficiently

[Shri Anand Chand.]
and in the interests of the people at large?

AN. HON. MEMBER: Maybe dead-wood.

SHRI ANAND CHAND: I say that is not dead-wood. If it is so, it must be mentioned. Why do you not mention all the dead-wood? I think hon. Members have a right to say it.

SHRI A. D. MANI (Madhya Pradesh): There is no way of getting rid of it.

SHRI ANAND CHAND: I think I need not answer that. To my mind, let us not raise these irrelevant issues. If somebody asks me, I would say that there is more dead-wood today in the State Cabinets than at the Centre. There is a Cabinet very much near my own area which has got 33 Ministers out of a total Legislative Assembly strength of 90. In Punjab, if I may say so . . .

MR. CHAIRMAN: I am afraid you have to conclude.

SHRI ANAND CHAND: My submission is that if it is a question of cutting down dead-wood, perhaps we should turn to avenues other than the Centre here. I have had my say and I might not have said all that is quite right, but hon. Members would seem to be clearer in their minds than I am. To that extent I stand corrected. I have no doubt that the country at this moment is passing through a crisis. It is going to be a long crisis and it is necessary to take all the powers. We are all democratic. All the powers must be vested in the Government's hands to see that the war effort is in no way lessened.

With these words I support this Bill.

श्री तारकेश्वर पांडे (उत्तर प्रदेश) :
सभापति महोदय, हम आज संकट के समय से गुजर रहे हैं। यह जो भारत सुरक्षा विधेयक

हमारे सामने प्रस्तुत है, मेरे इसका समर्थन करने के लिये खड़ा हुआ हूँ।

दो एक शब्द मैं अपने कम्युनिस्ट मित्र और जनसंघ के नेता से कहना चाहता हूँ और सरकार से भी मुझे दो एक शब्द निवेदन करना है। चीन का आक्रमण हमारे देश पर हुआ। मेरा अनुमान है कि सदियों के बाद देश इस प्रकार से संगठित और जागरूक हुआ है और विदेशी हमले का मुकाबिला करने के लिये तैयार हुआ है, गांव के आदमी और शहर के आदमी, किसान और मजदूर, पढ़े लिखे और अनपढ़ सभी एक जगह, एक झंडे के नीचे एकत्र हैं विदेशी हमले का मुकाबिला करने के लिये। इस प्रकार की ऐतिहासिक जागृति युगों के बाद हुई है। चीन ने जो हमला किया, उस लड़ाई का स्वरूप क्या है? जिस युद्ध को हम लड़ रहे हैं उसका स्वरूप क्या है? हमने एक दिन पढ़ा था जिसमें गृह मंत्री ने कहा था कि यह पीपुल्स वार है, जनता का युद्ध है। हमको अपने इतिहास पर अवलोकन करना चाहिये कि क्या इस प्रकार का कोई संग्राम पहले भी हुआ था। इतिहास से हमें स्मरण है कि वैदिक युग में भारत के अस्तित्व पर एक इसी प्रकार का संकट आ पड़ा था और वेदों में विस्तार से उसका जिक्र किया गया है। उसे देवासुर संग्राम की संज्ञा दी गई है। शक, सीथियन और हूणों ने हमारे देश पर आक्रमण किया, मध्य एशिया से। इतिहास इस बात का साक्षी है कि समूचे भारत पर वे छा गये। भारत की संस्कृति, सभ्यता और उसकी अन्तरात्मा हिल उठी और जन जन जाग उठा। फिर शक, सीथियन और हूण इस देश से अलग किये गये। वह भी देवासुर संग्राम था। अब कतिपय इतिहासकारों का खयाल है कि भारतवर्ष तीन चार सौ वर्ष बाद आजाद हुआ है और किन्हीं पंडितों का यह खयाल है कि भारतवर्ष डेढ़ हजार वर्ष बाद स्वतन्त्र हुआ है। हम इस ऐतिहासिक तथ्य की विवेचना नहीं करना चाहते। लेकिन इतना हम मानते हैं कि खैबर

दर्रे से एक भीषण आक्रमण इस देश पर हुआ था और भारत की जनता जाग उठी थी और उसने उसका मुकाबिला किया था। वह भी भारत पर एक महान् संकट था। उसी प्रकार से मध्य युग में समूचे देश में जगह जगह युद्ध होते रहे और हम सजग हो कर अपने देश की रक्षा में, अपनी सभ्यता और संस्कृति की रक्षा में और भारत के स्वरूप की रक्षा में लड़ते रहे। फिर यूरोप के व्यापारियों ने हमारे देश पर आक्रमण किया और वर्तमान युग में गांधी जी के नेतृत्व में हमने संग्राम किया इसको धर्मयुद्ध की संज्ञा हमने दी है। अब जो चीन का आक्रमण हुआ है, इसका स्वरूप क्या है ?

मुझे यह याद है कि जब पिछला द्वितीय महायुद्ध हुआ था, तो प्रारम्भ में कम्युनिस्ट पार्टी ने उसको साम्राज्यवादी युद्ध कहा था और बहुत से कम्युनिस्ट नेता हमारे साथ जेलों में थे। रूस जब उस युद्ध में सम्मिलित हो गया तो उसे जनता का युद्ध कहा गया, पीपुल्स वार कहा गया और बहुत से हमारे कम्युनिस्ट साथी जेल से बाहर आ गये और युद्ध में सहायता करते रहे। मैं किसी पर आक्षेप नहीं करता हूँ। मैं यह मानता हूँ कि बौद्धिक रूप से लोगों के विचारों में परिवर्तन होता है। कम्युनिस्ट सिद्धान्त जो है, एक अन्तर्राष्ट्रीय सिद्धान्त है और मैं यह भी मानता हूँ कि कार्ल मार्क्स और लेनिन के नेतृत्व में सारी दुनिया में वह फैला मानव समाज के उद्धार के लिये गरीब और शोषित जनता की भलाई के लिये। जनसंघ के हमारे साथियों का विचार है कि कम्युनिस्ट दल के ऊपर प्रतिबन्ध लगाना चाहिये। मैं उनसे इस सम्बन्ध में बहुत हद तक सहमत नहीं हूँ। हमको यह विचार करना है कि कम्युनिज्म का वह अन्तर्राष्ट्रीय फरवर क्या अब भी कायम है या उसमें कोई अन्तर आ गया है। हमें इस पर विचार करना पड़ेगा। यह एक ऐतिहासिक तथ्य है, इसको हम भूल नहीं सकते हैं कि हिन्दुस्तान की जो कम्युनिस्ट पार्टी

है उसका इतिहास हमारे देश में प्रारम्भ से ही अराष्ट्रीय रहा है और भारत की राष्ट्रीय आन्दोलन की शक्तियाँ उसे सन्देह की दृष्टि से देखती रही हैं और मैं मानता हूँ कि यह भी है कि कम्युनिस्ट पार्टी हमारे देश में जो राष्ट्रीय शक्ति है उसकी उपेक्षा करती रही है। ये सारे तथ्य भी हमारे सामने हैं लेकिन हम उजलत में कोई फँसला नहीं कर सकते हैं। यह कहना कि मास्को या किन्हीं भी राष्ट्रों के मित्र होने हुए भी हम कैसे कम्युनिस्ट पार्टी पर प्रतिबन्ध लगा सकते हैं, उचित नहीं है। किसी की दोस्ती या मित्रता के कारण हम अपने देश की पार्टी पर चाहे वह कम्युनिस्ट पार्टी हो या कोई और पार्टी हो प्रतिबन्ध लगायें या न लगायें यह किसी राष्ट्रीय सरकार के लिये शोभा की बात नहीं है। मेरी समझ में धारणा यह है कि अन्तर्राष्ट्रीय कम्युनिस्ट पार्टी में काफी मतभेद हो गया है, उसमें दो गुप हैं, दो दल हैं, दो विचारधाराएँ हैं। मानव समाज की भलाई के लिये प्रचार करने के बारे में कम्युनिस्ट पार्टी के सिद्धान्तों में मतभेद उत्पन्न हो गये हैं और एक का नेतृत्व मास्को और दूसरे का नेतृत्व पीकिंग कर रहा है।

हमको यह विचार करना है कि हमारी जो लड़ाई है उसका स्वरूप क्या है ? क्या यह जन-युद्ध है, देवासुर संग्राम है या सीमा की छोटी लड़ाई है। इस पर हमको विचार करना पड़ेगा। मुझको कम्युनिस्ट पार्टी से यह कहना है कि कम्युनिस्ट पार्टी के नेता का भाषण मैंने सुना है और उनके सारे प्रस्ताव का भी मैंने गम्भीर अध्ययन किया है लेकिन मैं इस नतीजे पर नहीं पहुँच पाता हूँ कि उनकी क्लियर धारणा क्या है, वह चाहते क्या हैं, युद्ध का क्या स्वरूप वह समझते हैं ? क्या सचमुच यह जो आक्रमण है वह एक साधारण हमला हमारी सीमा के ऊपर है ? मैं इसे नहीं मानता हूँ। क्या यह प्रजातन्त्र के विरुद्ध हमला है ? इसे भी मैं नहीं मानता हूँ। मैं यह मानता हूँ कि चीन की एक विस्तारवादी

[श्री तारकेश्वर पांडे]

नीति है, वह फैलना चाहने है, बढ़ना चाहने है और उससे केवल भारत को ही खतरा नहीं है बल्कि समूचे भारत महाद्वीप को खतरा है और सुदूरपूर्व के देशों को भी महान् खतरा है और इस खतरे से बचने के लिये यह सग्राम हो रहा है। प्रजातन्त्र की रक्षा के लिये भी हम लड़ रहे हैं और उस असुरी बुद्धि के विरुद्ध भी जिसका नेतृत्व चीन कर रहा है हम लड़ रहे हैं। चीन की कम्युनिस्ट पार्टी का समर्थन दुनिया की किसी कम्युनिस्ट पार्टी द्वारा हो रहा है और भारत की कम्युनिस्ट पार्टी की जो नीति है उसका समर्थन दुनिया की अधिकांश कम्युनिस्ट पार्टियाँ करती हैं। यह मेरा इस सम्बन्ध में बड़ा स्पष्ट मत है।

श्री सभापति : पांड जी, मैं आपको यह याद दिला दूँ कि हम इस वक्त डिफेंस आफ इंडिया बिल, १९६२, पर चर्चा कर रहे हैं।

श्री तारकेश्वर पांडे : जी हाँ। उसकी एक पृष्ठभूमि में आपके सामने निवेदन करना चाहता हूँ और इसी कारण से इस सैद्धान्तिक विवेचना में मैं लगा। तो मैं यह निवेदन कर रहा था कि कम्युनिस्ट पार्टी का वह तत्व जो चीनी कम्युनिस्ट पार्टी के अंश में है निःसंदेह हमारे साथ नहीं है और इस विषयक के अन्तर्गत उन्हें यदि हम गिरफ्तार करते हैं, उनके कार्यों की रोकथाम करते हैं तो हम समझते हैं कि हम उचित करते हैं और भारतीय कम्युनिस्ट पार्टी का वह तत्व जो मास्को की नीति का समर्थक है उसको हम काम करने का अवसर देते हैं तो हम उचित करते हैं। इसी दृष्टिकोण से उस पर प्रतिबन्ध लगाना हम मुनासिब नहीं समझते। परन्तु कम्युनिस्ट पार्टी से जरूर हम निवेदन करना चाहते हैं कि इस लड़ाई के सम्बन्ध में वह अपनी नीति घोषित करे कि इस लड़ाई का स्वरूप क्या है? क्या इसको हम देवासुर सग्राम कहते हैं? वह अपनी भाषा में जिस तरह से चाहे उसकी विवेचना करे लेकिन बिना इस लड़ाई

के स्वरूप को बताये हुए ठीक ढंग से सैद्धान्तिक रूप से वह हमारी मदद कर सकेंगे इसमें कुछ संदेह है।

श्री विमलकुमार मन्नालालजी चौग-डिया (मध्य प्रदेश) : जब यह देवासुर सग्राम है तो असुरों की मनोवृत्ति को यहाँ पर फैलाने देने की आवश्यकता क्या है?

श्री तारकेश्वर पांडे : चीन के सम्बन्ध में मेरा यह अनुमान है कि जिन लोगों ने महाभारत को पढ़ा होगा वह जानते हैं कि दुनिया में वह सबसे बड़ा पापी है जो कृतघ्न और विश्वासघाती है। जवाहरलाल न केवल उदार हैं बल्कि बहुत ऊँचे भी हैं और कतिपय महापुरुष उनके नेतृत्व की आलोचना करते हैं और यह भी सुनता हूँ कि उनका आलोचना करना उचित नहीं है, देशद्रोह है, मैं इन दोनों विचारों से सहमत नहीं हूँ। ससार में कोई भी व्यक्ति आलोचना से परे नहीं है सिवाय परमात्मा के। जवाहरलाल जी की भी आलोचना हो सकती है और इसको अनुचित नहीं समझना चाहिये। मैं स्वयं समझता हूँ कि जवाहरलाल जी बहुत उदार हैं, हमारे देश के जो नेता हैं बहुत उदार हैं, बहुत ऊँचे हैं और मैं समझता हूँ कि जब जवाहरलाल जैसे महान् पुरुष के साथ चीन के नेताओं ने, चीन के शासन ने विश्वासघात किया और कृतघ्नता का रूप दिखलाया तो अब उन पर विश्वास करना और उससे दोस्ती करना हमारे देश के लिये उचित नहीं है बल्कि अनुचित है, अवाञ्छनीय है।

भारतवर्ष की रक्षा के लिये, उसकी उन्नति के लिये हमने शत्रु समझा था गरीबी को, भुखमरी को और अशिक्षा को और उस के विरुद्ध हमने सग्राम किया। हमने अपने पड़ोसियों को मित्र समझा था और उन्हें मित्र बना कर रखा और दोस्ती का हाथ फैलाया परन्तु हमको उस में सफलता नहीं मिली। भुखमरी, गरीबी, अशिक्षा और जहालत के विरुद्ध हम युद्ध करते रहे हैं और

इसीलिये पंचवर्षीय योजनायें बनाई गईं। मैं समझता हूं कि पंचवर्षीय योजना के स्वरूप में कुछ परिवर्तन करने की आवश्यकता है लेकिन इसके मौलिक सिद्धान्त को, इसके मौलिक स्वरूप को त्यागने की हमें जरूरत नहीं है।

(Time bell rings.)

मैं चाहता हूं कि दो चार मिनट आप मुझे और दे दें। मैं बहुत दिनों के बाद बोलने को खड़ा हुआ हूं और मैं बीमार आदमी भी हूं। बड़ी कृपा होगी।

श्री सभापति : दो मिनट में आप खत्म कर दें।

श्री तारकेश्वर पांडे : पांच मिनट देने की कृपा करें। बड़ी कृपा होगी।

हमारी तटस्थता की नीति है। मैं समझता हूं कि तटस्थता की नीति बरत कर इस संकटकाल में भी उस पर यदि हम स्थिर रहे तो इससे कोई अच्छा सिद्धान्त नहीं है। जिन देशों ने हमको सहायता दी, मित्र राष्ट्र हों, पश्चिमी राष्ट्र हों या मास्को हो, उनसे हमें सहायता लेनी चाहिये और हम उनके बड़े कृतज्ञ हैं जिन्होंने इस संकट के काल में हमारी सहायता की। इसको हम उचित भी समझते हैं और इसको आवश्यक भी समझते हैं और सभी देशों से हमें सहायता लेनी चाहिये लेकिन अपनी तटस्थता की नीति को हमें बदलने की आवश्यकता नहीं है।

इस भारतीय सुरक्षा विधेयक के सम्बन्ध में मुझे सरकार से सिर्फ एक निवेदन करना है, जिसके तीन आइटम हैं, कि चाहे कोई कितना ही बड़ा व्यक्ति हो, चाहे कितनी ही बड़ी शक्ति हो, अगर देश को किंचित खतरा उस व्यक्ति से हो तो उस पर रोक लगानी चाहिये, संकोच नहीं करना चाहिये। जो समाज में अवांछनीय तत्व हैं या काला बाजार करने वाले व्यापारी हैं उनको कठोर दंड देना

चाहिये। इस विधेयक में जो व्यवस्था की गई है उसका खुल कर के प्रयोग करना चाहिये और कितना ही बड़ा व्यापारी हो, उसका किसी बड़े राजपुरुष से कितना भी सम्पर्क हो हमें कभी किसी प्रकार का, संकोच नहीं करना चाहिये। व्यापारी बड़ा ही काला बाजार करने वाले होते हैं।

इसके साथ ही मैं अपना एक निजी विचार व्यक्त करता हूं। मैं आज अखबार में पढ़ रहा था कि पंजाब के मुख्य मंत्री ने अपने मंत्रिमंडल के सदस्यों की सख्या कम करना तय किया है। मैं उनका अभिनंदन करता हूं। और मैं समझता हूं कि संकट के समय में हमको जब कर बढ़ाना है, चंदा वसूल करना है दूसरे देशों से सहायता लेनी है तो हमको जरूर, अपने खर्चों को भी कम करना चाहिये। मैं केन्द्रीय गृह-मंत्री जी का ध्यान इस तरफ आकर्षित करता हूं कि हमारे उत्तर प्रदेश में मंत्रिमंडल की संख्या बहुत बड़ी फौज की है...

गृह-कार्य मंत्री (श्री लाल बहादुर) : मैं उससे सहमत नहीं हूं।

श्री तारकेश्वर पांडे : बहुत बड़ी सख्या है। 'फौज' को मैं हटा देता हूं।

श्री सभापति : फौज की तो बहुत जरूरत है।

श्री तारकेश्वर पांडे : मैं समझता हूं कि इस तरफ भी इस महान सस्था के समक्ष मैं अपने इस विचार को उपस्थित कर दूं कि उसमें कुछ कमी करने की आवश्यकता है।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूं।

SHRI MOHAN LAL SAKSENA (Nominated): Sir, I rise to support the Bill before the House and in doing so, I would like to make a few pertinent observations. At the outset, I might point out that the Bill is

[Shri Mohan Lal Saksena.]
modelled on the old Defence of India Act, or it may be practically a reproduction of the same. In regard to that Act, we described it as the lawless law. But yet today I am extending my whole-hearted support to the present Bill and for very cogent reasons. When that Bill was enacted, the Central Legislative Assembly was not even representative. We of the Congress party had withdrawn from the Legislature and then, the powers that were given to the executive were given to an executive which was not responsible to the Legislature. Even in the States the popular ministries had resigned and I think there were Advisory Councils functioning. So, at that time powers were not only given to an executive which was not responsible to the people, but even the powers of the judiciary, as under this Bill, were taken away. We have to consider more than once before the executive could be armed with such wide powers. Today the position is quite different. Members of Parliament from all sections of the House have extended their whole-hearted support to the Bill. The Government is responsible to the people, to Parliament, and it is amenable to popular opinion. We know from our past experience that because of popular opinion, the former Defence Minister had to go. So, whatever powers we are giving by this Bill to the executive, I have no doubt that they will be exercised with proper regard to popular feeling.

I do not think it is necessary to have an Advisory Committee as suggested by some hon. Members. So far as I am concerned, I have already made another suggestion in this connection. I wanted a Standing Committee of both the Houses to remain in Delhi and function, not only to advise the Government during this crisis but also to go through the suggestions that the Members themselves may have to make from time to time, which, if necessary, can be passed on to the Government. Instead of sitting

in an Advisory Committee which may be set up as a formal or an informal Committee this Committee can just go through the suggestions that may be made by the Members from time to time.

After having said that, I come to the provisions of the Bill. How long is this emergency going to last? It is said in the Preamble that the President has declared an Emergency because the security of the country is threatened by external aggression. Of course, in clause 1 it is stated that it will continue during the period of the Emergency and for six months beyond. But people have to be clear on this. We must know what it means. Does it mean that if the shooting war stops or if the Chinese aggression is peacefully vacated, there will be an end of the Emergency? Personally, I am of the view that the Chinese regime will continue to remain a threat to the peace of this country and of the neighbouring countries, and so, we have to be prepared. We must go on preparing and building up the strength of the country so that there may be no danger of any external aggression at any time later on. So, personally I want that this measure should remain in force till such time as we have built up our national strength to such an extent that we are never caught unawares or even mentally unprepared as we were on the last occasion. I am glad that the other day the Prime Minister had stated in Assam that we would not be caught napping again or—I do not remember his exact words—unprepared, as we had been then.

One thing more I must submit that in the present state of awakening of public opinion, I do not think that even if the Government were to adopt a different course, the public will not be in a mood to accept it. After the rank perfidy and the treacherous behaviour of Mao Tse-Tung and Chou-En-lai towards an old friend, a staunch supporter and a peaceful neighbour, I do not believe that people in this country will be in a mood to place any reliance on their assurances or peaceful preten-

sions, especially when we have got their own writings wherein they have asserted the inevitability of war and said in unambiguous words that they do not believe in peaceful co-existence and in democracy. So, they cannot and will not tolerate the development of a strong democratic government in a neighbouring country or tolerate a stronger India which may influence other countries of Asia or exercise greater influence in the comity of nations in the world. After having said that, I am not at all despondent about building up our strength. It is only fifteen years back that we were able to win back our freedom from a very strong power under the leadership of Mahatma Gandhi. Even then, after the Jallianwala Bagh tragedy and the Punjab Martial Law happenings when this movement was launched, people were of the view that we would not achieve much by this non-violent effort, by organising the Non-Co-operation Movement, we would not make any impression upon the mighty British imperialism. Even then, despite all the good advice of well-meaning friends, Mahatma Gandhi organised a mass movement to mobilise the strength of the people. And we know how the British imperialism in India was consumed by the fires of this movement which was sparked off and lighted by two British Imperialists—Dyer and O'dyer—to teach a lesson to India. Not only that, I have no doubt that within a limited period, if we work on right lines and utilise the present mass awakening for building up our strength, we shall be able to do so in no time. After that there will be no cause for any fear of any foreign aggression. But the point is, how to mobilise the might of the masses, the might of the millions to be pitted against the enemy whoever he may be. Of course, in the Bill there is a definition of enemy. I do not know whether it has been already defined or not, whether the Chinese will be considered an enemy or not. But we have to be careful about the elements in our own country, in our

own midst, which may prove worse than the open or declared enemy. I suggest that we must be guided by the experience of the working of the Defence of India Act in the past. And what happened then? In spite of the provisions of the Defence of India Act, in spite of the large number of persons who were thrown inside jail and the repression committed on peaceful people, we know the people bravely faced it, the movement gathered strength and ultimately the will of the people prevailed. One thing more to which I would like to draw attention. While the Defence of India Act was in force, considerable corruption crept in with controls. It also crept in those places which were always considered to be free from it. Even I think it was pointed out the other day that in the Government of India the then Supply and other Departments became hot beds of corruption. Not only that; contractors minted money and craze for profits increased. So I think they are also to be spotted out and dealt with strongly. I know that when we were not in power we used to say that after we have come in power the blackmarketeers would be hanged or dealt with severely. I know they are still thriving. So during the last war business morality and integrity of the administration suffered much and many malpractices came into vogue. I know that before the last War people were satisfied with a small profit—6½ per cent. was considered to be the maximum or a very desirable return—but after that now we know that people won't be satisfied even with a profit of 12 per cent. and besides this they resort to other malpractices. So we have to take a lesson from the past while administering the old Defence of India Act in a new form. We must profit from the experience of those days. I have got some experience of that. The Defence of India Act was enforced and then the 'Quit India' Resolution was passed in Bombay and we were just to be arrested on the morrow of the day this Resolution was passed. I left

[Shri Mohan Lal Saksena.]

Bombay and from Bombay I went right up to Peshawar, and Utmanzai where Khan Abdul Ghaffar Khan was residing, stopping at each and every important place. I was not in cognito; I did not change my dress or name and still I could move about. The only precaution that I took was that I never stayed in the same place for two consecutive nights, and there was an offer, Mr. Chairman, of Rs. 10,000 for my arrest. I was staying in Lucknow for ten days and still I know the people did not point me out to the authorities. We should get people's co-operation; we should not depend merely upon the paid employees. They may also discharge their duties as they should; I do not blame them, but they have not got the same approach as a volunteer or a man of the public who feels this is his own job. Therefore if we want to succeed, not only we have to mobilise the might of the millions; but every person has also to feel the thrill of participating in activities directed against this Chinese threat. Unless that is done I am afraid Governmental efforts will not go very far and therefore I believe that we need a people's movement, a movement to mobilise the people throughout the country, a movement which will provide for a defence and development plan for every village or every mohalla, and then we can have the necessary strength. We often talk that the Chinese have got a force of so many millions and that we have not got it. Apart from the cities and towns, where the recruiting offices are overcrowded, if we only ask the villages to give just a score of persons for active service from each village we will have ten millions. Not only that; we should enthrone each village to look after the relations and the dependants of those persons who go on active service. Similarly every village and every mohalla may be required to fight against waste and corruption and to carry on a war against luxuries and varieties. It is time that we stop the manufacture of so many

varieties, whether it is in cloth or any other thing; we must concentrate on certain standard articles.

Then there is bribery and corruption. Only the other day we read about corruption in Delhi Municipal Corporation. And what happened? They were building masonry works for protection against air raid, but proper mortar was not used and part of the cement went to the black market.

I can give you one more instance about corruption. It was in the Public Accounts Committee, in 1947 or 1948, that it was brought to our notice and it related to some building which was supposed to have been constructed for the military in those days. But it was not constructed. Later on an order was given that it should be demolished, and then the contractor was paid not only for construction—although the construction did not come about—but also for demolition. This came to our notice in the Public Accounts Committee. So such things may happen and we should guard against them. Since we are collecting even small sums, the savings of small men, we must see that every rupee that we get is used properly.

For instance, in the matter of contracts I know there is so much waste and corruption. We think that under the present system of contract, of giving work to the lowest tenderer, we are having efficiency as well as economy. But we have neither. In America, which is a capitalist country, they do not have this system. They have got a different contract system under which the contractors are required to tender as to what commission they would charge for the execution of a particular building or a particular project and therefore not a pie of the sanctioned amount is wasted; on the other hand inducement is given to the contractor to effect a saving in the estimated costs. For if he succeeds in effecting savings, he gets a share out of it; it may be one-third, one

half or whatever it is, and the balance goes to the Government. So while in America the incentive is for effecting savings, here we do not know of a single estimate where the cost has not gone up over and above what has been provided for. So I had made certain suggestions about effecting economy.

A circular has been issued that in the next Budget the staff should be reduced by 10 per cent. I had suggested that even now, why not request all the departments to cut down the staff by 15 per cent. straightway? And let the surplus hands be made available for work under the emergency either in office or out-door work. Therefore, Sir, I submit that if we have to build up national strength, which does not consist of merely faith, courage and unity of which we have had ample demonstration. We also require hard work and character, and unless we have them too I feel very doubtful whether we will be able to succeed in our efforts. So my suggestion is that we should also lay emphasis on the imperative need of hard work and character.

We are having so many Tribunals. I have been pressing for some time to have an integrity commission. We should have a code of conduct for important sections of the community—public men and political parties, employers and employees, businessmen and contractors etc. We should have an integrity commission to enforce it and whoever goes against it should be dealt with strongly.

Not only that. I want that in every government department you must have a vigilance committee, vigilance committees which will just see that every man puts in at least seven or eight hours of honest work, and in addition to that everyone of us, while doing his or her own job, putting in honest and hard work, must give at least two hours every day to the service of the community, may be work in our own locality, or whatever work

may be entrusted to us. Therefore I feel that the need of the hour is a people's movement, and that movement will not be and cannot be launched or run by the Government-sponsored committees, whether official or non-official bodies, or even a political organisation. I have already made the suggestion that the political parties should also either merge together, or they must agree to work under the guidance of a central committee consisting of representatives of all the parties. I am glad that we still have in our midst some members of the old guard, thousands of those who had participated in the Quit India Movement, who had faced bullets and who underwent all sorts of suffering. I feel it would be meet and proper if they could undertake it. If we work on those lines, there is no question of diffidence, and I am sure very soon we will be able to build up sufficient national strength to meet the Chinese menace.

SHRI M. N. GOVINDAN NAIR (Kerala): Mr. Chairman, Sir, I stand to lend support to this Bill. Today we are facing an enemy which has the vast resources of his country at his disposal. It has the largest population, and perhaps the biggest army in the world. Economically it is strong, militarily it is mighty and in diplomacy it is proving to be clever.

[THE DEPUTY CHAIRMAN in the Chair.]

More than all that, for the last half a century or so, most of the time they were engaged in one war or the other, so much so that the entire nation is conditioned to war needs. In order to face such an enemy the Government must have powers to command the entire resources of our country both in men and material.

Also, Madam, when hundreds of our soldiers have to lay down their lives in the defence of our motherland, it is impermissible that anyone should indulge in activities that will directly or indirectly help the Chinese, and the Government must have powers

[Shri M. N. Govindan Nair.]
to deal with such elements. Again, Madam, when we are facing a strong enemy, any attempts to undermine the defence policy or the defence effort of the country should be severely dealt with. So also there should be no two opinions that public safety and public order are inter-related to defence. So, if there is any attempt from any quarters to undermine public safety and order, then also the Government must have the powers to deal with them properly.

Again, Madam, everyone knows that such opportunities will be utilised by sections of people in profiteering through black marketeering and hoarding. The Government has to deal with them rather severely. So, this Bill, which invests the Government with necessary powers to deal with all these categories, I support.

But at the same time during the last one month we had an opportunity to know how this power was being utilised by the various agencies in the country. The Home Minister said that though the power is taken by the Centre, it will be operated through the State machinery. Now, Madam, I come from a State where a number of people belonging to my party were arrested. The Government claims that all those arrested are pro-Chinese elements. If they are pro-Chinese, if they were indulging in activities that would help the Chinese directly or indirectly, I am not against the Government taking any action against them. But can you say that these comrades who were arrested in Kerala were at any time engaged in pro-Chinese activities? Is it not known in this country that the comrades there, who are today in jails, were whole-heartedly supporting the national defence effort even before the National Council Resolution?

Well, here is a report in the 'Tide' of November 21, which nobody can claim that it has any sympathy with the Communist Party. It says in one of their write-ups:—

"One curious result of this rivalry between Communists and other parties, at least in Kerala, is that the former are very active in collecting money for the National Defence Fund and their leaders are contributing the largest sums.

While each Minister in Kerala has contributed only a paltry Rs. 101 so far to the Defence Fund even ordinary workers of the Communist Party have donated much more than that exposing the former to ridicule."

Again, Madam, in the same article they speak about the attitude of a section of Congressmen in Kerala:—

"In certain Municipalities where communists have a majority, other parties organised boycotts when chairmen convened meetings to discuss co-ordination of defence efforts.

In Alleppey even the Deputy Speaker of the State Assembly picketed the gates of the local Municipal Council office so as to prevent people from participating in a meeting organised by communists."

Well, the rest of the article is an attack on the Communists. So, even in an anti-Communist article about Kerala they had to admit that the Communists in Kerala were in the forefront in the matter of national defence. But today the entire leadership of the party is in jail.

Coming to the neighbouring State of Madras. I am sure everyone in this House who listens to Radio must have heard the statement of Shri Kalyanasundaram, M.L.A., broadcast through the radio station before the National Council Resolution. He was whole-heartedly supporting the national defence efforts. Not only that, the Madras Government had taken him in the Defence Council that was formed. But today he is in jail.

Again, in Madras there is a well-known trade unionist, Shri A. S. K. Iyengar, who is well known for his support to the national defence efforts. He is in jail. In Orissa the entire leadership of the party is in jail. I may say that if Shri Gurucharan Patnaik is pro-Chinese, Shri Bijoyanand Patnaik is also pro-Chinese. He is as much on the side of defence of India as the Chief Minister of that State. But still today he is in jail. Again in Gujarat the entire leadership is under arrest. The other day when my friend was speaking somebody asked: What do you say about those who opposed the National Council Resolution? Now I ask the Home Minister that if Comrades in Bengal, in Kerala, in Madras, in Orissa, in Bihar and in other parts of the country, if all of them, were opposed to the National Council Resolution and if all of them were pro-Chinese, who are those who supported the National Council Resolution?

SHRI ARJUN ARORA: The trouble is that your party does not meet in the open. Your discussions are held *in camera*. So nobody knows who is who.

SHRI M. N. GOVINDAN NAIR: Now the instances I quoted before you are all known to the public through the public statements through their participation in defence efforts. I was not quoting any instance about which only the Party had knowledge. In Assam the local Congressmen and the Communists were having joint efforts in the matter of defence but today they are all put in jail. So if this is the way the Defence of India Act is going to be operated, I think it will not help the strengthening of the national defence. Again I read in the speech of the Home Minister, Mr. Datar, that public safety and public order are very much inter-related to war efforts. Now a few days ago I had the occasion to go to Bengal and I hope the Home Minister will

take the situation there into serious consideration. A number of Comrades have been arrested . . .

AN HON. MEMBER: A number of people have gone underground.

SHRI M. N. GOVINDAN NAIR: If people are underground, they should also be arrested. The Bengal Committee has made an open announcement that nobody should go underground and that if there is a warrant, they should submit themselves to arrest but the law there is taken in the hands of some people. Party offices after Party offices are being burnt down. I have a long list. I am not reading the whole thing. The Jorabagan Branch at Brindaban C.P.I. office raided. C.P.I. office raided at Garden Reach, Calcutta. The National Book Agency godown set on fire at Surya Sen Street. C.P.I. office burnt at Bagmari and Communist Party Office papers damaged, etc.

SHRI V. M. CHORDIA: It is all payment for past history.

SHRI M. N. GOVINDAN NAIR: I suggest to the person who asks the question . . .

SHRIMATI C. AMMANNA RAJA (Andhra Pradesh): He has read out a number of names where people have been sent to the jail but has he at any time handed over anybody who is indulging in subversive activities to the Government? Is there anybody according to him, who is outside and who should be in jail? He is a good nationalist, patriotic, loyal man. That is why I am asking him.

SHRI M. N. GOVINDAN NAIR: I told in the beginning that if anybody indulges in pro-Chinese activities, he must be put in jail.

SHRIMATI C. AMMANNA RAJA: Have you helped in fact?

SHRI M. N. GOVINDAN NAIR: If we are to help, we should be told that this is what such and such Comrade

[Shri M. N. Govindan Nair.]
has done. If he is underground, how can we know? Now we are also vigilant to see that the National Council Resolution is implemented by every Member of our Party. If anybody is not doing that, we on our own will see that they are expelled from the Party but if such elements are indulging in activities prejudicial to the country, then of course it is left to the Government to arrest them.

SHRIMATI C. AMMANNA RAJA:
Has anybody been expelled so far?

SHRI M. N. GOVINDAN NAIR: Nobody has expressed to me so far. So my point is this. In Bengal meetings are not even allowed to be held by people who hold strong views in favour of the National Council Resolution. Everybody knows that one of the sponsors of the National Council Resolution was Comrade Bhowani Sen. He is today the Secretary in West Bengal. He cannot hold a public meeting there. There is Comrade Bishwanath Mukerjee. There is Comrade Renu Chakravarti. None of these people, even though they wholeheartedly supported the National Council Resolution, even though they strongly stand for the defence of the country, can hold a meeting in Bengal and talk to people explaining their position. I was very much surprised to find . . .

SHRI ARJUN ARORA: The Government has not put any ban against their holding meetings. If the people do not want to listen, what can the Government do?

SHRI M. N. GOVINDAN NAIR: If the people are taking the law into their hands, if that is being encouraged by responsible persons, then that is a matter which the Home Minister has to look into. A number of instances like that I had occasion to know while I was in Bengal. So I say that if the Defence of India Act is to act, it should act not against us but against those who are taking the law into their hands and damaging public order and public safety.

SHRI ARJUN ARORA: Who are they?

SHRI M. N. GOVINDAN NAIR: Those very people who are setting fire to our Party offices, those very people who are breaking up the meetings and the Defence of India Act should be applied against them. Those people who are responsible for arresting the people who are engaged in the defence activities should be put in jail instead of those Comrades.

SHRI ARJUN ARORA: Are you pointing to Mr. Chordia?

SHRI M. N. GOVINDAN NAIR: I am not pointing to anybody here.

SHRI BHUPESH GUPTA (West Bengal): Not you, by any means.

THE DEPUTY CHAIRMAN: Mr. Govindan Nair, you will address the Chair.

SHRI M. N. GOVINDAN NAIR: From all these, I feel that at the lower level, at the State level, certain sections of the Congressmen are not so much interested in defence efforts as they are interested in the coming general elections.

AN HON. MEMBER: It is very far away.

SHRI M. N. GOVINDAN NAIR: May be but they are far sighted people. So my suggestion is that while taking action against the pro-Chinese elements, any attempt on the part of anybody belonging to any Party to sabotage the defence effort, that also must come under the Defence of India Act.

SHRI SONUSING DHANSING PATIL (Maharashtra): It is covered.

SHRI M. N. GOVINDAN NAIR: Madam, much has been said here about our support given to Pandit

Jawaharlal Nehru. Some state that we are rendering this support in order to seek protection under his cover. Some are very much embarrassed by our support. Now I have to put one question straight to the Chair so as to get an explanation from the hon. Home Minister himself. We support Pandit Jawaharlal Nehru because we accept the defence policy which he has already announced. He has categorically and clearly stated that he will stand by the policy of non-alignment. He has stated that he will take aid from any friendly country, but that he will mainly depend on our own strength to meet the aggressor. This policy which he has announced, we wholeheartedly support. We are not apologetic about the policy of non-alignment. It is not only now that we are supporting this policy. We do not think that this is tight-rope walking. On the other hand this non-alignment policy has helped to strengthen the country in times of peace as well as in the time of war. Today, can anyone think of the defence of the country without developing the industrial potential of the country? Did not the policy of non-alignment help us to build up our heavy industries? If today Shri K. D. Malaviya is in a position to say that in the matter of oil we will be self-sufficient, the credit should go to the policy of non-alignment which has brought about this possibility. Again in the matter of building up our heavy industries, if we have steel mills in Rourkela, in Bhilai, in Durgapur, the credit should go to the policy of non-alignment which we have followed. In the time of war too, we have been able to get arms from all countries. The United States of America have come forward with their offer. They have helped us and our Prime Minister has thanked them for that. The United Kingdom is rendering us help and even the U.S.S.R. about which much has been stated in the Press is offering us the MIGs. So we take help from both sides, from wherever we can get it, but relying mainly on our own

strength. Some people say we give up this policy of non-alignment and join the West and those in that bloc will help us and defend our borders. I have no hesitation in saying that those who say this and believe in that are living in a fool's paradise. No American, no British soldier is going to lay down his life to protect the border of our country. They will help you with arms. They may give you monetary help, but the fighting has to be done by us. Of course, if there is a world war, the situation will be different. But I may say, Madam, from my understanding of the situation, none of the big countries is today in a mood to oblige anybody with a world war. The U.S.A. is not for a world war today, and the U.K. is not, nor is the Soviet Union. So I say, as things are, if you want to protect your borders, you have to take help from all sides, from whichever side you can get it, and then build up your own strength and defence.

DR. M. M. S. SIDDHU (Uttar Pradesh): Whichever comes earlier.

SHRI M. N. GOVINDAN NAIR: Whoever gives it, we take. I am not against anybody. Otherwise, if you leave it to other people, it will not do, as Panditji himself has said. He has stated:

"If we forget our duty to preserve our freedom and depend on others to defend us, we lose half our freedom."

These are the words of Panditji. That is why I say we are all for the policy enunciated by Pandit Jawaharlal Nehru as far as the defence of our country is concerned and that is why we support him. Supposing tomorrow Pandit Jawaharlal Nehru takes a different stand, we will not support him. So our support of the defence policy is a principled support and our support of this policy is because we feel that it will strengthen the country.

[Shri M. N. Govindan Nair.]

Everybody is for the defence of the country. But the other day I heard the leader of the Swatantra Party. Let us see what is the policy that he is supporting? He does not want even to extend the Defence of India Act to any other State except those at the borders, which means that he does not want to mobilise the entire nation to defend our borders. He does not want any regulation of our agriculture because he feels that through collective farms communism will come into our country. The Government of India has to consider whether the Defence of India Act should go against those people who oppose this policy of defence enunciated by the Government or whether it should work against us who are supporting this policy.

I was waiting for my hon. friend, Shri Vajpayee, to come.

SHRI A. B. VAJPAYEE: Yes, I am here.

SHRI M. N. GOVINDAN NAIR: I want to speak of the type of support that his Party is giving to our Defence effort. It is very clear from their publications.

SHRI A. B. VAJPAYEE: What is that publication?

SHRI M. N. GOVINDAN NAIR: I am coming to that. You know, Madam, immediately after the Chinese aggression, in order to buy arms the Government had given a call to the nation to give it as much money and as much gold as possible. On that the "Organizer", the official organ of the Jan Sangh . . .

SHRI A. B. VAJPAYEE: Madam, may I correct the hon. Member? The 'Organizer' is not the official organ of the Bharatiya Jan Sangh.

SHRI M. N. GOVINDAN NAIR: Anyway, I am very glad to hear that.

SHRI A. B. VAJPAYEE: So far as the question of gold is concerned, I

enquired from the Editor and he informed me that particular editorial was written before the declaration of emergency—before the 20th October. Let my hon. friend quote the date.

SHRI BHUPESH GUPTA: Madam, Deputy Chairman, the 'Organizer' may not be the official organ of the Jan Sangh, but the leaders of the Jan Sangh seem to be in very intimate touch with that publication.

SHRI A. B. VAJPAYEE: We are in touch; we are not denying it. But the 'Organizer' is not the official organ of the Bharatiya Jan Sangh.

SHRI M. N. GOVINDAN NAIR: Anyway, the approach and the attitude of the 'Organizer' is this:

"In Bharat Varsh since times immemorial gold has been the chief form of family savings and insurance against adversity, most of it is stridhan which not even a husband may touch—unless he is a rotter.

"We suggest that it (the Government) takes its raised hands off the nation's gold."

Now, he says that this was before the emergency. It was in connection with the preparation for defence efforts that the Government of India had given a call to the nation to surrender as much gold as possible and this editorial is meant to warn the Government to take its hands off the nation's gold.

SHRI A. B. VAJPAYEE: Why not quote the date when the editorial was written?

SHRI M. N. GOVINDAN NAIR: What is the context in which this was written is the question.

DR. A. SUBBA RAO (Kerala): Have you changed your opinion about it?

SHRI M. N. GOVINDAN NAIR: I have no objection to Government utilising its power against anybody undermining defence efforts but here is a concrete case and I would like to know what action has been taken against the 'Organizer' for giving this kind of call.

There is another thing. We have been giving gallantry awards to our jawans and on that, what is it that our friends have to say? "We think that gallantry awards need not be the colourless Virchakras." So, this is the way in which the supporters of the Defence of India Bill have supported the defence policy that is being followed by the Government.

In conclusion, I have only to say this that the indiscriminate arrests that have taken place in the country irrespective of what they were doing in the States for the defence of the country need to be reviewed, and in order that similar mistakes may not be committed hereafter, I think there should be some provision in the Bill itself which will guarantee against the abuse of power and I think that can be brought in by entrusting the reviewing power to some judicial authority. I think I will get an opportunity to speak on that when the amendments come up.

SHRI LOKANATH MISRA (Orissa): I would like to have a clarification. The hon. Member said that a directive has been given to his partymen to surrender. Men against whom warrants of arrest have been issued have been asked by them to surrender but even now there are some partymen of his who have gone underground and who have not surrendered. Hon. Members who have spoken before have touched on this subject. The Leader of the Party said that theirs is a disciplined party and any resolution that they pass is acted upon by all the members. How can the Leader of the Party, especially after the non-surrender of many of his partymen who have gone under-

ground, say that those who have been arrested will also abide by the resolutions passed by the Communist Party? Can he give that assurance? If one of their directives is not acceded to, how can he assure the country and the House that their resolution is being acted upon?

SHRI M. N. GOVINDAN NAIR: While I was in Bengal, three people against whom there were warrants of arrest were asked to surrender and they did surrender. However, the list of wanted persons is not with us. We have given the directive.

DR. A. SUBBA RAO: How are they to know that warrants of arrest are pending against them?

SHRI LOKANATH MISRA: One who has gone underground definitely knows that there is a warrant against him.

SHRI M. N. GOVINDAN NAIR: As Mr. Saksena said a few minutes earlier, a person might be in some other place. How is he to know that there is a warrant against him unless, as he has said, that is published?

SHRI K. L. NARASIMHAM (Andhra Pradesh): I would request the hon. Member to supply us with a list of the warrants pending or that he is aware of.

SHRI BHUPESH GUPTA: Suppose, Madam Deputy Chairman, I come from Madras and have married some one in Orissa and have gone to my father-in-law's house. How am I to know that there is a warrant pending against me?

SHRI T. S. PATTABIRAMAN (Madras): But the hon. Member is a bachelor.

THE DEPUTY CHAIRMAN: That does not arise here.

SHRI BHUPESH GUPTA: It might arise. First of all, the existence of a warrant must be known. Government can give us a list and then we

[Shri Bhupesh Gupta.]

can see. We do not know against whom there is a warrant pending. He might be in his father-in-law's or mother-in-law's house.

SHRI A. B. VAJPAYEE: Why not oblige him by supplying him a list?

SHRI LOKANATH MISRA: They will go underground.

SHRIMATI DEVAKI GOPIDAS (Kerala): Madam Deputy Chairman, I stand here to support the Defence of India Bill which is now before the House. This Bill which is based upon and replaces the Defence of India Ordinance is clearly an emergency measure. We are all aware of the nature and extent of the emergency and under what circumstances we are forced to face such a situation. The whole world is aware of the peace-loving nature of our beloved Prime Minister and the Indian nation as a whole under his leadership. If we turn the pages of history, we can proudly assert that of all the free nations we have marched ahead under the planned schemes and have attained an economic stability within such a short span of time. In fact, it is that development in different sectors that is going to help us to tide over the difficult situation we are faced with. We know how we were friendly with China and the rest of the world alike and how anxious we were to settle the border dispute with China amicably. The correspondence that passed on between our Prime Minister and Chou En-lai which has already been published testifies to that fact. India is a nation wedded to peace and non-alignment and has never taken any aggressive steps and has always opposed any aggression or autocracy. It is India which fought for the inclusion of China in the UNO and even now we stand for it. That itself is sufficient to voice our impartial and dispassionate stand in the international field. The fact that almost all the Afro-Asian countries and European countries have come forward with a helping hand testifies to the correct and impartial stand we have

taken. It is correct that we are faced with such a situation unawares. We are not prepared for it and we never even dreamt that China would ever take such a wrong and aggressive step against us. For our unpreparedness, our Prime Minister and the former Defence Minister are found fault with by some sections of the population, maybe, of course, with ulterior motives. I am really surprised to hear that. There is a saying that one who looks through yellow glasses could see every object as yellow only. How can we expect our Prime Minister, a true disciple of the Father of the Nation, who is wedded to the principle of truth and truth only, to suspect deception, nay ruthless treachery, from a friend who came here with the slogan "Hindi-Chini Bhai Bhai" and proclaimed this allegiance to Panchsheel? In this context I recall to memory the warning given by some of the local dailies in Kerala—especially I think it was the "*Malayala Manorama*"—through the editorial columns to beware of the ruthless cunningness of Mr. Chou En-lai when he visited India to proclaim his comradeship to us. Nobody, not even the opposition leaders, had ever thought at that time of a war and I remember the speeches made by the opposition leaders at that time when they said that we need not spend so much on defence even though they come forward with criticism at this moment. Anyway, we are now faced with a war. It is indeed an invasion by the ruthless Chinese army with an expansionist tendency and that is the emergency we are faced with now. In such a situation every citizen is more concerned and anxious about the preservation of the freedom we have so hardly won. A little unlawful or unpatriotic or even a careless deed or sabotage is sure to hamper the war effort and the successful prosecution of the war. Of course, the provisions of the Bill are designed to give very wide powers to the Government even infringing some of the Fundamental Rights conferred by the Constitution. But it will be realised that extremely wide powers are absolutely essential

for the successful prosecution of the war and to control disloyal and mischievous tendencies which might do serious damage to our ability towards the successful prosecution of the war by defending in the battle-field as well as producing enough materials. I am sure this Bill will give a feeling of emergency and seriousness to the people and help to rouse us from lethargy. It is heartening to find that there is spontaneous response to the war effort from every quarter in the country, from every section of the people and from the rank and file, especially from among the women and children of the country. They are prepared to suffer any amount of sacrifice to preserve the much-valued freedom and democracy.

It is to be admitted that clauses 5 and 6 of the Bill invest the Government with enormous powers. We cannot forget that such a Bill and such clauses conferring such powers on the ruling authorities were in vogue during the first and second world wars in 1914 and 1939. I am sure now under the sober and wise leadership of our Home Minister we need not apprehend any misuse of these powers. We are sorry to note that a few citizens are under detention now. In an emergency sometimes innocent people may also have to suffer. I am sure they are under custody not because they are Communists. We know that in our country there are unpatriotic elements who could offer their blood to the Chinese while professing to be Indian citizens. I have come across people who even now believe that Ladakh and NEFA are part of the Chinese Empire and who do not hesitate to do such propaganda among the illiterate masses. In my opinion such unpatriotic elements to whichever party they belong must be dealt with severely. I am sure there will never be a second opinion about that. I have no hesitation to record my concurrence to the latter part of the speech of Shri Bhupesh Gupta delivered yesterday. Of course in democracy constructive criticism is always welcome but deterrent criticism, saying that our Prime Minister

is not fit to be a war-time leader as he is wedded to Gandhian philosophy and principles of *ahimsa* even after hearing his warrior-like speech infusing encouragement and a sense of grim determination throughout the length and breadth of the country is surely to be treated as an unpatriotic act, as it hampers our war effort. It is heard that our Prime Minister's speech where he said that "my heart goes out to the people of Assam" is tried to be misinterpreted as a farewell speech by interested parties in Assam and the frontier. Such criticisms are certainly not commendable to the patriotic sons of Bharat Mata. Such elements have to be properly dealt with.

The emergency powers under this Bill provide to ensure public safety and public interest. Thus it gives powers to the Government to deal properly with hoarders, profiteers and mischief-makers alike. Such elements should be severely dealt with. It is our duty to bring home to every worker in the offices, in the factory and in the fields and the children in the schools our Prime Minister's words that not only the soldier fighting in the battle-field but everyone is a warrior in his respective arena and it is our bounden duty to preserve the freedom of our motherland by discharging our duties conscientiously.

I would welcome the suggestion made here that after education every able-bodied citizen is to be given at least one year's compulsory military training. At least that will mould us as a disciplined nation. I do remember occasions on which after public functions, when our national anthem is played, when even foreigners respectfully stand up to the end, our people one by one used to leave the place in a hurry and talk with each other. Madam, we have to learn discipline from the very first alphabet.

It is often criticised that our war publicity is not up to the mark. In this connection I wish to congratulate the Minister of State, Mrs. Menon, and

[Shrimati Devaki Gopidas.]
our Law Minister, Mr. Sen, for their successful tour abroad and their elucidative and forceful presentation of our stand to the Afro-Asian countries. Through the All India Radio also we have to do planned and continuous propaganda. It is a pity that when the Peking Radio announces items of news as will enable them to enlist the sympathy and goodwill of the listeners, such as the carrying away to safety of wounded Indian soldiers and looking after their comforts, we should be announcing that our soldiers have killed five thousand Chinese soldiers, etc. Our announcements in English must be in such a manner as to enlist the goodwill and sympathy of the listeners outside our country. Those other announcements to encourage our people can be made in the local languages.

I would like to point out one matter more and I am finished. In Government services and other allied services we must not give any room for discontentment when giving promotions, allotting sections, etc. It will seriously hamper our defence effort.

I am sure under the present circumstances and under the present emergency we will rise up as a disciplined nation forgetting all differences. In this connection I would like to refer to the speech of Mr. Govindan Nair. He was criticising the fact that so many communist workers were under arrest. Really we should not be found fault with if we fail to understand them and believe them. That is because of their past history which does not teach us to believe them. Now they profess that they are for democracy but we know that communism, the communist party, has never believed in parliamentary democracy. When they profess to be nationalists and at the same time owe allegiance to their international party, how can we believe them? In Kerala they are spreading so much discontent: in the garb of meetings in support of defence policies, they criticise the Government in such a vehement manner as to

create prejudices among the people against the defence work. I hope the Communist Party will look into this and try to remove discontentment from among the rank and file.

I would like to point out another factor also. We now hear talk of cease-fire and there is a little bit of slackening. But the Prime Minister has said that we have to stand on our own legs and it is a fact that we have already started producing defence material in our ordnance factories.

2 P.M.

The Defence Fund will never be misused. That we can assure you. But there is propaganda going on that we do not know how this Defence Fund will be used. Like that propaganda is going on. I hope that the Parties standing with us will see that such propaganda is not done by their party-men among the rank and file of the masses.

With these few words I support the Bill and I thank you, Madam.

SHRI J. VENKATAPPA (Mysore):
Madam Deputy Chairman, I rise to support this Bill through which the Government seeks wide powers to enable them to adopt such measures as are necessary during the emergency to safeguard the public interest and for the efficient conduct of military operations. The adoption of this measure is voluntarily anticipated by the country in good time to ensure public safety. It is to the credit of the country that the entire nation came forward with an enthusiastic cry of moral support and material assistance to the Government and urged the Government to take all necessary steps to meet the situation regardless of the cost of expenditure. Even though the Government was still thinking of what they should do, this is not the time for us to lament about what took place in the past. Forgetting all the shortcomings of the past, it is time for us to join hands and put forth our efforts to strengthen our resources to meet the situation and get back every inch

of our land that has been occupied by the aggressor. Though many of our preparations are like the attempts of a man who tries to sink a well when he feels thirsty, we should not be disheartened. We should try to concentrate all our efforts on the resources required to meet the situation. The Government too should rise to the occasion with a strong will and determination to implement the measures successfully. It should not be, for example, like the implementation of the Prohibition Act in the country. Skilled Defence Forces must be developed to a greater extent keeping in view the enormous strength of the enemy. We are not short of natural facilities to train them to meet all adversities like the different climatic conditions and high altitude. As the situation involves the prestige and honour of the country, we should not mind the expenditure. The situation also demands sacrifices from all sections of the community in the country to retain democracy for the future generation. We should not even hesitate to scrap prohibition, which is a failure, to find means in the hour of need. The Government seeks wide powers under Chapter II to adopt stringent measures. In my opinion, no national need be afraid of giving such powers to the Government, unless he is otherwise. I feel that for any democratic country such powers during an emergency are essential to prevent any kind of exploitation, either political or economic, to prevent any artificial creation of temporary crises of scarcity in the market to use the situation for one's personal advantage. To keep the price level stabilised and also to ensure supply of essential commodities to the community, these powers are essential. The present hour of crisis requires the sacrifice of civil liberties and also individual liberties. A certain amount of self-restraint on individual liberties like making statements and also in the press is essential. I have seen so many reports and statements which are pointed towards certain sections of the community and also statements suspecting the relationship or friendship of other coun-

tries which at times would do more harm than good. Hence I am of opinion that self-restraint to a certain extent on talk is quite essential during this emergency. I also request the Government to take such stringent measures on hoarding and trying to utilise the situation for excess profiteering at the cost of the poor population.

Then, I would also like to bring to the notice of the Government that it is essential to develop and strengthen our confidential or secret branch to prevent spying activities. We have already realised the deceptive nature of the enemy. We are required to be extra careful and we must keep a keen and close watch on such activities. Hence it is essential that the confidential branch must be developed to a level that is essential to put down such activities in the country.

Then, there is also a provision in Chapter II, in sub-clause (26) I think, which deals with control of agriculture. My friend, Mr. Dahyabhai Patel, was yesterday afraid that this provision might lead to collective farming. There is no necessity for such a fear, for I feel that such a simple provision in an Act will never bring about collective farming in the country. It requires a separate legislation for itself. Here the intention of the Government is to regulate, when it is required, the cultivation of certain crops depending on the needs of the country at the time. The intention of the Government is appreciable.

Then with regard to the constitution of the Civil Defence bodies, I would like to suggest that while constituting such bodies, they should include only such personnel whose inclusion would result in quickening the mobilisation of our efforts to meet the situation.

A provision is made in Chapter IV by which a victim of a Tribunal has got a right to go in appeal to the High Court. This again shows the fair-

[Shri J. Venkatappa.]

mindfulness of the Government where its intention is that no innocent person should ever suffer conviction. That shows that even in this critical hour the Government wants to continue its administration on democratic principles.

With regard to the employment of certain personnel, technically qualified and skilled personnel whose services would be essential in this hour of emergency, this is also supported by so many of our friends. I am also of the opinion that this is a wise move by the Government to utilise the services of such skilled and technical personnel who are not in the service of our country today but who are abroad. There is a decision on the part of the Government by which their services have already been called for. They have been invited to join the services and to return to their Motherland. Such an opportunity would never come for anybody to serve the nation. This is the best opportunity for anybody to serve his country. Hence I request such other technically qualified and skilled personnel to utilise this opportunity and serve the country.

With these few words I support this Bill.

SHRI M. P. BHARGAVA (Uttar Pradesh): Madam Deputy Chairman, on this Flag Day I take the opportunity of paying my tribute to the jawans who have heroically tried to defend the country. There may have been initial reverses, but the heroic deeds of our jawans and the courage which they have shown will go down in golden letters in the history of our country. I want to take this opportunity again of assuring our jawans through this House and through the people that each and every countryman is behind them, and that should give them added courage to fight the coming battles bravely and with success.

Now, Madam, coming to the Bill, as the House is aware, the country was

attacked on the 20th October 1960. Thereafter the President declared a state of emergency on the 26th October 1962 and issued an Ordinance for the Defence of India. Today we are discussing the Bill to validate the Ordinance issued by the President under circumstances of emergency. If we go through the Statement of Objects and Reasons as given by Shri Lal Bahadur, the Home Minister, on the 11th November, 1962 while introducing the Bill in the other House, it shall be clear what the purpose of the Bill was. "The Bill seeks to replace with a few changes the Defence of India Ordinance, 1962, as amended by the Defence of India (Amendment) Ordinance, 1962, promulgated by the President on the proclamation of a state of emergency on the 26th October 1962. The principal changes introduced in the Bill relate to employment of technical personnel in the national services and a few additional matters in sub-clause (2) of clause 3."

The House is aware that Parliament was to adjourn on the 23rd of last month, and there was very little time at the disposal of the hon. Home Minister to get through this Bill. Therefore, he invited certain Members of Parliament from both the Houses representing all shades of opinion for consultation, and the Bill was scrutinised in a Committee of 30 Members. Those 30 Members suggested various amendments, and I am glad to tell the House that most of the amendments suggested by that Committee were incorporated when the Bill was being considered by the other House.

Now the First Chapter deals with preliminaries, and I am glad that here it has been said that it extends to the whole of India and it applies also "(a) to citizens of India outside India". I am laying emphasis on this for a particular reason. For several years I have been pleading that all our technical personnel who are holding positions of responsibility outside

should be called back to serve their Motherland. In that direction efforts were being made by the Union Public Service Commission, with not very great success, I must admit, but still some people came back. Now this is the opportunity when an appeal should be made by the Government to all our technicians outside to come back and do their bit for the Motherland; and for this I want that Chapter V of this Bill about the employment of technical personnel in the national service should be strictly enforced not only in respect of those technical personnel who are in India but more strictly in respect of those who are serving outside. When the country is in danger, there is no reason why any patriotic countryman should serve abroad. He must come back and do his bit in the country. That is about the technical personnel.

Now I would briefly refer the House to some amendments which were suggested by that Committee and which were accepted by the other House. First of all I would invite the attention of the House to sub-clause 2(f) on page 3 where it has been said: " 'occupied territory' means any territory of India which is for the time being in the occupation of a country referred to in sub-clause (i) or a country referred to in sub-clause (iii), of clause (c) of this section".

This was not there in the Bill as it was introduced. It was mentioned in a passing way in some other clause. Now, it is unfortunate that at the present time there is some portion of our motherland which is not in our possession. And therefore it was all the more reason why such a clause should have been inserted here, and no countryman should feel satisfied unless the last inch of our land has been reoccupied by our country. There should not be an inch of land in the possession of any foreign country.

Now, the main clause, if I may say so, of this Bill is in Chapter II, that is clause 3 which reads—

"The Central Government may, by notification in the Official Gazette, make such rules as appear to it necessary or expedient. . ."

These are the objectives:—

"..... for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations, or for maintaining supplies and services essential to the life of the community."

And the entire Bill, every clause of the Bill, has to be examined keeping in view this most important clause. And if we examine from that angle, we will find that whatever is provided for in the Bill is not only absolutely necessary but to meet the emergency, such powers are necessary to be given to the Central Government and the Governments in the States. People have been talking, especially my friend, Mr. Bhupesh Gupta, about a Parliamentary Committee being associated for running the Defence of India Act and its provisions. That, obviously, is not possible because, as the House is aware, the provisions of the Bill are delegated to the States and some of them from the States to their officials. And the Committee sitting here cannot be expected to do any justice to the purpose which Mr. Gupta may have in view. That is why I strongly oppose the appointment of another Committee for this purpose.

Yesterday we were listening to the Chairman of the Conservative Party of England, and one very pertinent remark was made by her that during war, they did not have any committees. And that is my view also because if things have to be done expeditiously and well, decisions have to rest with as limited a number of people as possible. Obviously, you cannot consult a committee for meeting an emergency. And there is a saying also that if you do not want to solve any issue, if you want any point not to be considered, refer it

[Shri M. P. Bhargava.]
to a committee. In an emergency that cannot obviously be done.

Next coming to clause 3(7), if we compare the old clause 3(7) and the new clause 3(7), we find that the old clause was rather clumsy, too many ideas were put together at one place and that it did not make good reading at all. And therefore, in the new clause 3(7) in the Bill as it has come from the Lok Sabha, we find that the whole thing has been categorised and it meets the situation much better than it would have done otherwise.

Now, about clause 3(15), Mr. Bhupesh Gupta was talking a lot about it. I would respectfully ask him—unfortunately, he is not here at the moment—to point out one single word which he thinks should not be in sub-clause 3(15) (i).

Then coming to sub-clause 3(15) (iv), a new clause has been added reading as follows:—

“the review of orders of detention passed in pursuance of any rule made under sub-clause (i);”

Now, it is strange that on the one side people have been talking a lot about the reviewing authority and such other things. And on the other side, if Government passes any orders as a measure of review, it is questioned by my friend, Mr. Atal Behari Vajpayee. He says—

“मे यह भी जानना चाहता हूँ कि कम्युनिस्ट पार्टी के जनरल सेक्रेटरी श्री नम्बूदरीपाद को गिरफ्तार कर के क्यों छोड़ा गया ? या तो उन की गिरफ्तारी गलत थी, या उन का छोड़ना गलत है, दोनों बातें सही नहीं हो सकती ।”

Now, if Government's intentions are challenged at every stage, it is impossible to carry on the day-to-day work, especially in an emergency. Well, Government arrested Mr. Namboodiripad. They must have had

certain reasons and they did arrest him. And then it was reviewed. They thought, let us examine what the reasons are, why he has been arrested, what his known views are and whether it is a fit case for review.” And when they found something according to which they thought that he should be released, they released him. Where is the justification for Mr. Atal Behari Vajpayee for questioning this and saying that either this must have been wrong or that must have been wrong. In an emergency, there can be occasions when something wrong may have been done because sometimes precautionary measures have to be taken in an emergency. An arrest is not always made after everything is established, and that is the wording in the Bill also. So, Mr. Namboodiripad was arrested and then he was released. There is nothing about which objection should have been taken.

SHRI SATYACHARAN (Uttar Pradesh): It also shows that Government had never been vindictive or partisan.

SHRI M. P. BHARGAVA: Quite right.

SHRI V. M. CHORDIA: If they arrested him without sufficient reasons, then?

SHRI M. P. BHARGAVA: Well, I have explained. Probably Mr. Chordia was not here when I began to speak about Mr. Namboodiripad.

SHRI V. M. CHORDIA: I was here.

SHRI M. P. BHARGAVA: Then you have not understood what I have said. There may have been some reason. He may have been arrested as a precautionary measure. The State Government may have found something against him and on review, the Central Government may not have found it a fit case for detention. So, we have to give due credit for what the Government does. It is not always good to find any stick to beat the

Government with. That is what I object to, the mentality behind all this criticism.

Then, another new clause has been added as clause 3(25) which reads—

“the taking over by the Central Government or the State Government, for a limited period, of the management of any property (including any undertaking) relating to supplies and services essential to the life of the community;”

And clauses (36) and (37) are the other new clauses. I will not go into them because the time at my disposal is very limited.

Then, I invite the attention of the House to clause 5 where enhanced penalties have been provided for certain offences. I fully support these provisions and I think that they are very very important for meeting the emergency.

Then, another important change made by the Lok Sabha is about the constitution of Special Tribunals and who should form the personnel of these Tribunals

A very healthy change has been made in sub-clause (2) (b) of clause 13 where it has been specified that the persons to be appointed should have this qualification:

“has for a total period of not less than three years exercised, whether continuously or not, the powers under the Code of Criminal Procedure, 1898 of any one or more of the following,”

and then the categories have been given. This was one of the main demands in that committee, and it has been met.

Then in sub-clause (2) of clause 18 the House will observe that the period of imprisonment for which an appeal is provided has been reduced from

ten years to five years. This is mainly what has been done as far as the clauses are concerned, and I personally feel, as it has emerged from the Lok Sabha, it is much better than what it was as introduced.

Now I shall come to certain other aspects of the Bill. Now Mr. Bhupesh Gupta, while interrupting Mr. Datar, asked,

“May I know the equation between sternness and humaneness? We would like to know whether it is humane or whether it is stern because they will not combine. . . or” . . .

Well, I may remind Mr. Bhupesh Gupta that the whole Act is to be enforced by a person who combines both these things in himself—I am referring to the hon. the Home Minister. Nobody can deny—in this House or in the other House—that he is perfectly humane, and nobody can deny, after listening to his recent speeches, that he is firm and he can take stern action wherever it is necessary. Therefore Shri Bhupesh Gupta should have no fears since there are persons who can combine these two things in themselves.

Now I would refer to another point which was raised by my friend, Shri Avinashilingam Chettiar—and I felt it rather seriously—and that is the attack on Dr. Gopal in the plane while he was returning to India after accompanying Mrs. Lakshmi Menon, and what Mr. Avinashilingam Chettiar said was that when he attacked, when that gentleman Mr. Behari Lal attacked Dr. Gopal, he said: “You have been unfair to China.”

Now we have to see who this Behari Lal is and what views he holds. Mr. Behari Lal is employed in the External Affairs Ministry and if he has those views. . .

SHRI N. M. LINGAM (Madras): But the Prime Minister has said that he was off his head.

SHRI M. P. BHARGAVA: I am coming to it. We cannot brush it aside so lightly. Now, it is not for the first time that such an incident has happened. Behari Lal had, I am told, attacked one of our Ambassadors earlier also.

SHRI SATYACHARAN: Mr. Tyabjee.

SHRI M. P. BHARGAVA: And then he was recalled here and was put under some sort of observation, and after that period of observation was finished, he was deputed again. Now why I refer to this and why I take a serious view, is because we have to be very careful about the fifth-columnists and the spies amongst us. They can do us more harm than those who are known to possess certain views.

SHRI DAHYABHAI V. PATEL (Gujarat): Does the hon. Member suggest that there are a large number of people who are fifth-columnists, or off their heads and they have been taken carelessly in the Foreign Service?

SHRI M. P. BHARGAVA: Mr. Dahyabhai Patel, even if there is one, I take a very serious view.

SHRI DAHYABHAI V. PATEL: Therefore I am asking the question.

SHRI M. P. BHARGAVA: I shall humbly request the Prime Minister to get this case examined seriously . . .

SHRI DAHYABHAI V. PATEL: That is exactly what I meant.

SHRI M. P. BHARGAVA: . . . and find out if there are any god-fathers in the Ministry for fifth-columnists, and if he finds there are any god-fathers, he must deal with them severely. This may cause serious harm and something has to be done to put these things straight.

Then I have one last comment to make before I sit down, and that is about my friend, Mr. Bhupesh Gupta, and his whole speech. I read every word of his speech carefully, and the impression left on my mind is that there was a constant conflict in the mind of my friend between Bhupesh Gupta, the patriot, and Bhupesh Gupta, the Communist. It is very evident from the whole trend of his speech. At certain places he is going the whole hog to support the Government. . . .

SHRI SONUSING DHANSING PATIL: Not the Government but the Prime Minister.

SHRI M. P. BHARGAVA: . . . and at other places he is the same old Communist trying to defend his party, trying to defend things which they may or may not do in future, and the climax had come when he could not restrain himself from making his mind clear in one of his proposed amendments which reads as follows:—

19. "That at page 15, after line 14 the following new clause be inserted, namely:—

"6A. For the removal of doubts it is hereby declared that the normal and constitutional activities of political parties shall not be interfered with so long as such activities are not directly. . . ."

Note the word 'directly'.

" . . . prejudicial to the conduct of defence of India."

He has given out his mind completely here, what he is afraid of from his party members, and he was very vociferous yesterday about a news item appearing in the 'Hindustan Times' that the Communist Party should be banned; that was a news item and he was very vociferous. It only leads me to to one conclusion, namely, that Shri Bhupesh Gupta is not sure what his party members would do, and therefore he wants to

safeguard that the Communist Party is not banned—declared illegal. That is the purpose of his amendment, and that he has made very clear. Now may I ask Mr. Bhupesh Gupta—he says he was defending those people who have been arrested—whether his Party, his Central Secretariat of which he himself is a member, has taken any action against those who have not openly come out in support of the National Council Resolution, or whether even any letter has been sent to any of its members to show cause why disciplinary action should not be taken against them for not supporting the National Council Resolution? If he can cite even one example, I will think that his defence of those who were arrested was justified. But as far as I know the position is not that, and that is why he had to speak throughout his speech in a double mind, between Bhupesh Gupta the patriot, and Bhupesh Gupta the Communist.

That is all. I have not the least doubt that ultimately we shall be successful in driving out the enemy. I wish all success to the jawans and I whole-heartedly support the Bill.

श्री विमलकुमार मन्नालालजी चौरङ्गिया :

उपसभापति महोदया, जो बिल प्रस्तुत किया गया है वह लोक सभा से काफी संशोधित हो करके आ गया है। बड़ी प्रशन्नता की बात है कि मंत्री महोदय ने स्वयं उसमें संशोधन दे कर के और अन्य सदस्यों के संशोधन स्वीकार करके उसको पहले से काफी अच्छा बनाया है।

यह जो युद्ध चल रहा है वह जैसा कि पूर्व वक्ता ने बताया—देवता और दानव के युद्ध जैसा है। एक तरफ सत्य वाले हैं दूसरी तरफ असत्य वाले हैं, एक तरफ असिंहा वाले हैं दूसरी तरफ हिंसा वाले हैं, एक तरफ ईमानदारी से काम करने वाले हैं और दूसरी तरफ बेईमानी से काम करने वाले हैं और ऐसा लगता है कि जिस कम्युनिस्ट मनोवृत्ति ने उनको ऐसा करने पर मजबूर किया वह

कम्युनिस्ट मनोवृत्ति हमारे यहां भी कुछ फैली है; उनका मुख से कहना कुछ और करना कुछ इस तरह का व्यवहार हमारे यहां भी देखने में आता है। वैसे ही चीनियों का जो गुप्तचर विभाग है वह हमारे यहां पर बहुत अधिक फैला हुआ है। जैसे कि पुराने जमाने में लड़ाई होती थी तो आक्रमण करने वाला राजा जहां पर आक्रमण करता था वहां पर अपने गुप्तचरों का जाल फैला देता था, व्यापारियों के रूप में, नागरिकों के रूप में और और कई भिन्न भिन्न स्वरूपों में, उसी तरह से ऐसा लगता है कि चीनियों ने भी यहां पर आक्रमण करने से पूर्व अपने गुप्तचरों का जाल फैला रखा था। किसी को पैसा देकर के, किसी को लाभ दे कर के, किसी को लालच दे कर के और कई प्रकार से उन्होंने अपने गुप्तचरों विभाग को यहां फैला रखा था। कल परसों के अखबार में आया था कि चीनियों ने ऐसा किया कि बहुत सी चीनी सुन्दरियों का तिब्बती और स्थानीय लोगों के साथ विवाह करवा कर उन्हें दुलहिन बनवा दिया और अब उनसे गुप्तचरी का काम करवा रहे हैं। तो ये गुप्तचर इतने व्यापक रूप से फैले हुये हैं और इससे हमको सावधान होना है। वे व्यापारी के रूप में हो सकते हैं, वे कम्युनिस्ट पार्टी के सदस्य के रूप में हो सकते हैं, सरकारी कर्मचारी के रूप में भी हो सकते हैं और कांग्रेस सदस्य के रूप में भी हो सकते हैं तो इनके लिये हमें बहुत सावधान होने की जरूरत है। इस डिफेंस आफ इंडिया बिल के द्वारा सब से अधिक महत्व इस बात को देना होगा कि जो हमारे यहां गुप्तचरी करने, अराजकता फैलाने और अव्यवस्था फैलाने का प्रयत्न करते हैं उनपर प्रतिबन्ध लगाना सब से ज्यादा आवश्यक है। जो यह भावना फैलाने का प्रयत्न करते हैं कि चीनी सरकार बहुत अच्छी है ताकि लोग अपनी सरकार के प्रति निष्ठा न रखें उन पर भी प्रतिबन्ध लगाना है। जब तक उन पर प्रतिबन्ध नहीं लगाते हैं तब तक देश की रक्षा का समुचित प्रबन्ध नहीं कर सकते हैं। अभी तेजपुर और

[श्री विमलकुमार मन्नालालजी चौरडिया]
आसाम में जो घटनायें हुई वे सबको मालूम हैं। अधिकारियों के रवाना होने पर लोगों में अराजकता का भाव पैदा हो गया और वहां पर जो चीनियों के गुप्तचर पहले से मौजूद थे उन्होंने इस तरह की भावना पैदा करने में मदद दी और यह नहीं किया कि वहां की व्यवस्था को मजबूत करने का प्रयत्न करें। यह इतिहास परम्परा से चला आ रहा है और हमें गुप्तचरों से सावधान रहना होगा।

भारतवासी कभी हारे नहीं हैं, हारे तब हैं जब कि यहां के कुछ लोगों ने जयचंद और मीरजाफर की परम्पराओं को निभा कर विदेशियों को मदद दे कर यहां बुलाया, उनकी सहायता की। यही स्थिति आज हमारे देश में है। हमारे कम्युनिस्ट पार्टी के लोग बड़ी मीठी मीठी भाषा में बातें करते हैं बल्कि हृदय चीर कर दिखाने का प्रयत्न करते हैं—जैसे कि हनुमानजी ने दिखाया था कि देखो मेरे दिल में राम बसते हैं, वैसे ही लोगों को बताने का प्रयत्न करते हैं—किन्तु जैसे चीनी कम्युनिस्ट हिन्दी-चीनी भाई-भाई का नारा लगाते हैं और भारतवर्ष पर आक्रमण भी करते हैं, यह जो विचारधारा है उसी विचारधारा को ये लोग मानते हैं और कथनी करने में बहुत अन्तर रखते हैं।

पीकिंग रेडियो से जो प्रचार होता है उसमें भारतवर्ष के शासन के ढांचे या व्यवस्था के बारे में या यहां की आइडोलिजी के बारे में कितना गलत प्रचार किया जाता है। वह बिल्कुल असत्य है। तो वह नाम सत्य का लेते हैं मगर व्यवहार असत्य का करते हैं, नाम ईमानदारी का लेते हैं लेकिन काम बेईमानी का करते हैं और वह मनोवृत्ति आज हमारे यहां भी फैलती जा रही है और उस पर प्रतिबन्ध लगाना होगा। कहते कुछ हैं और करते कुछ हैं और जब तक हम उन पर प्रतिबन्ध नहीं लगाते तब तक हमारा काम, सुरक्षा का काम, फ्रंट पर तो हो सकता

है लेकिन अगर हमारे घर में मीर जाफर और जयचंद हो गये तो हमें लड़ने में बड़ी कठिनाई पड़ेगी। इसलिये यह अत्यंत आवश्यक है कि डिफेंस आफ इंडिया कानून बनाने के साथ ही साथ हमको ऐसे गुप्तचरों पर या मीर जाफर और जयचंद तरीके के जितने लोग हैं उन पर जबरदस्त नियंत्रण रखना है। कम्युनिस्ट चीन ने अपनी मनोवृत्ति से स्पष्ट बता दिया है कि हम असत्य के आधार पर सत्य का नाम ले कर के असत्य कार्यवाही करते हैं और सम्भवतः उसी कम्युनिस्ट विचारधारा को कुछ लोग यहां भी चला रहे हों इसलिये हमको बहुत सावधान होने की जरूरत है। अगर कोई उस विचारधारा के अनुसार काम करता है तो उस पर प्रतिबन्ध लगाना अत्यंत आवश्यक है। साथ ही कम्युनिस्टों की ऐसी तथा उनकी अन्य गलत नीति का आकाशवाणी द्वारा तथा अन्य साधनों से व्यापक प्रचार करना आवश्यक है।

दूसरी बात यह है कि हमारे यहां पर कुछ व्यापारी लोग भी अराजकता का भाव फैलाने का प्रयत्न करते हैं। व्यक्तिगत स्वार्थ के लिये वे ऐसा करते हैं। आज ही आपने पढ़ा होगा कि कुछ घासलेट के व्यापारियों के यहां पर सर्च लिया गया और कुछ को गिरफ्तार वगैरह किया गया मगर वे सब छोटे छोटे व्यापारी ही देखने में आये। बड़े बड़े व्यापारी कोई पकड़ में आते नहीं हैं। ऐसी स्थिति में मैं प्रार्थना करूंगा कि जो बड़े व्यापारी बड़ा आधार ले कर के बचने का प्रयत्न करते हैं उनसे हमारी सरकार को सावधान हो जाना चाहिये। कुछ कैसेज ही पकड़े जायें मगर सालिड और बड़े बड़े काला बाजार करने वाले व्यापारियों को पकड़ा जाय जिससे कि छोटे छोटे व्यापारी अपने आप ठीक रास्ते पर चल सकें। होता यह है कि अगर कोई छोटा व्यापारी बड़े व्यापारी के यहां घासलेट लेने जाता है तो डिब्बे में २४ बोतल की जगह २० बोतल भर कर उसे दे दिया जाता है और वह उसको ले जाना पड़ता है

और इस तरह से सारा काम चलता है। छोटे व्यापारियों की इसमें कुछ चलती नहीं है। अगर किसी एक बड़े व्यापारी को पकड़ा भी तो उसके पास से सिर्फ दो टिन घासलेट के पकड़े। समझ में नहीं आता है कि क्या बात है? तो हमारी जो सरकारी मशीनरी है उसे बहुत जागरूक करना पड़ेगा और जब तक हम सरकारी मशीनरी को, अपने विभागों को और इंटेलिजेंस डिपार्टमेंट को जागरूक नहीं करते तब तक यह सम्भव नहीं है कि हम अपने यहां के सिविल डिफेंस को ठीक कर सकें। तो इन दो तीन बातों की तरफ मुख्यतः ध्यान देना चाहिये।

अब, तीसरी बात यह है कि इस विधेयक में जहां “एनीमी” की परिभाषा दी गई है वहां विदेशी एनीमी की हमने अच्छी तरह से परिभाषा कर दी है मगर हमारे देश में जो शत्रु हैं उनसे भी हमें ज्यादा खतरा है कि कहीं हमारे साथ रह कर के भी हमारी पीठ में छुरा न भोंक दें और उनको “एनीमी” की परिभाषा में न रखना कोई समझ में आने सरीखी बात नहीं है। मैं प्रार्थना करूंगा कि इस विधेयक को पायलट करने वाले महानुभाव “एनीमी” की परिभाषा में कुछ ऐसा संशोधन करे जिससे कि ऐसे लोग जो कि विदेशी शत्रु से भी ज्यादा खतरनाक है उनके ऊपर सख्त नियंत्रण रखा जा सके, उसके बिना काम ठीक तरह से चल नहीं सकेगा।

इसी तरह से जग एक बात का और मुझे विरोध है। ये जो अधिकार दिये जा रहे हैं उसके लिये बड़ा बेग शब्द “अथारिटी” उपयोग में लाये है। अथारिटी मे बी एनी परसन—authority may be any person—कोई भी अथारिटी की परिभाषा में आ सकता है। जब हम इतने बड़े बड़े अधिकार दे रहे हैं कि किसी को भी गिरफ्तार कर सकते हैं, किसी की भी जायदाद ले सकते हैं या किसी को भी दंड दे सकते हैं तो फिर वह अथारिटी कुछ जिम्मेदार होनी चाहिये ताकि वह अधिकार का दुरुपयोग न कर सके और थोड़े से भुलावें

में या फुसलावे में आ कर के जनता के साथ खिलवाड़ न कर सके। इस बात को ध्यान में रखना आवश्यक है कि जिसको हम अथारिटी देते हैं वह उसके योग्य हो। “अथारिटी” के अन्दर छोटे छोटे आदमी भी आ सकते हैं जो कि मानवीय कमजोरियों से घिरे रहते हैं और उनके परिणामस्वरूप भयंकर से भयंकर नुकसान होने की सम्भावना हो सकती है। ऐसी स्थिति में अगर ये अधिकार देना चाहते हैं तो ऐसे लोगों को दें जो कि कुछ जिम्मेदार हों, चाहे वे डिस्ट्रिक्ट मजिस्ट्रेट के कैडर के हों या उसके ऊपर के हों मगर उससे नीचे के न हों। बिना ऐसा कोई प्राविजन किये गड़बड़ होने की सम्भावना है इसलिये इस सम्बन्ध में भी सुधार करने की आवश्यकता है।

इसी तरह से, इसमें रूल्स बनाने की पावर्स हमारी सरकार ने ली हैं मगर वह ऐसी पावर अपने हाथ में नहीं ली जिसके द्वारा किसी संगठन को, किसी समुदाय को या किसी संस्था को अवैध घोषित कर देने के बारे में रूल्स बना सके। मैं प्रार्थना करूंगा कि इसमें कम से कम इस तरह का प्रावधान रखना अत्यंत आवश्यक है कि कोई भी पार्टी, कोई भी दल, कोई भी व्यक्ति या समूह अगर देशद्रोहिता का काम करता है या देश के प्रति वफादारी का दृष्टिकोण नहीं अपनाता और अगर शासन समझे कि इनको बन्द किया जाना चाहिये तो उस पर प्रतिबन्ध लगा सकता है। ऐसी शक्ति भी शासन के पास चाहिये।

इसी तरह से, सम्पत्ति के बारे में इसमें अधिकार लिया है कि किसी की सम्पत्ति जब चाहे तब नष्ट की जा सकती है, एक्वायर की जा सकती है मगर उसमें यह प्राविजन नहीं रखा है कि जिसकी सम्पत्ति हम लेने वाले हैं उसको कम से कम सूचना तो दे देनी है कि हम तुम्हारी सम्पत्ति नष्ट करने वाले हैं और तुम इसको खाली कर दो। इसी तरह से जिसकी सम्पत्ति हम लेने वाले हैं उसको कम्पेनसेशन कब दिया जायगा इसके बारे में भी इसमें कोई व्यवस्था किसी तरह की रखनी

[श्री विमलकुमार मन्नालालजी। चौरङ्गिया] चाहिये। तो इसलिये मैं प्रार्थना करूंगा कि कम से कम हमें उसको जिसे हम समूचा नष्ट करने वाले हैं, या जिसको डिमपजेशन करने वाले है उसकी प्रापर्टी से, उसको सूचना भी देनी चाहिये। सूचना देने के साथ साथ उसको मुआविजा भी देना चाहिये और ठीक समय पर देना चाहिये।

इसी तरह से इसमें कोर्ट के जुरिसडिक्शन से घबराया गया है, कोर्ट के जुरिसडिक्शन से डिवार किया गया है। मैं प्रार्थना करूंगा, हमें कोर्ट से घबराने की क्या आवश्यकता है, जब हम ईमानदारी और देशभक्ति को आधार मान कर चलते हैं? अगर हम चाहते हैं कि देशभक्ति के हिसाब से हमारे बंधन ढीले हैं तो हम देशभक्ति की परिभाषा को जटिल बना दें कि उस परिभाषा में ये ये आने वाले हैं और उनके खिलाफ कार्यवाही कर सकते हैं। जितने व्यापक अधिकार आप चाहते हैं, जिस तरह की सीमाएं आप बांधना चाहते हैं बांध दीजिए, मगर सिविल कोर्ट के जुरिसडिक्शन से अलग रखना कुछ न्यायसंगत नहीं मालूम पड़ता, प्रजातंत्र के अनुकूल नहीं मालूम पड़ता। अगर मंत्री महोदय चाहते हैं कि हमको कुछ और व्यापक अधिकार चाहियें, हम इस कानून को कुछ और सख्त बनाना चाहते हैं, तो जरूर ऐसा कीजिए संसद् के सदस्य जो भी उचित समझेंगे उसमें मदद करेंगे मगर उसको सिविल कोर्ट के जुरिसडिक्शन में नहीं रहने देना, यह उपयुक्त नहीं मालूम पड़ता।

मेरे माननीय मित्र गुरुपादस्वामी ने कहा था कि पार्टीज को घबराने की आवश्यकता नहीं है। सचमुच घबराना नहीं चाहिये।

श्री रमेशचन्द्र शंकरराव खांडेकर (मध्य प्रदेश) : पैट्रियट्स के लिये कहा था।

श्री विमलकुमार मन्नालालजी चौरङ्गिया : हां, पैट्रियट्स— I am sorry—विन्कुल सही कहा। मगर हमें यह भी देखना है कि कहीं हम न्याय का गला नहीं

घोंट दें। हमें न्याय के पक्ष को कायम रखना होगा। जो देशभक्त हैं उनको घबराने की आवश्यकता नहीं है चाहे सर्वस्व अधिकार सरकार अपने हाथ में ले ले। लेकिन जब हम कानून बनाने बैठते हैं तो हमको यह भी देखना पड़ेगा कि उसमें जनतंत्रात्मक भावनाओं को हम धक्का न पहुंचाएं और उसकी ठीक तरह से व्यवस्था कर सकें। यही मेरा निवेदन था। आशा है मंत्री महोदय इस ओर ध्यान देंगे।

एक बात और मैं निवेदन कर दूं, गुप्तचरी के बारे में। प्राचीन काल में जैसे देशभक्तों को बदनाम करने के लिये दूसरे देशों के गुप्तचर देश भक्तों के घरों में मिक्के डाल देते थे या इस तरह की कार्यवाही करते थे जिससे देशभक्त राजा की निगाह में गिर जायें और बदनाम हो जायें, तो इस तरह की कार्यवाहियों से भी हमें सावधान रहना पड़ेगा। यह भी निर्विवाद है कि हमारे प्रशासन में कई लोग गुप्तचर का काम करते हैं और इसलिये हमारी जो इंटेलिजेंस डिपार्टमेंट की एजेंसी है उसको बहुत सक्रिय और सतर्क बनना पड़ेगा और विशेष प्रयत्न करना पड़ेगा। जैसे हमारे यहां आज कोई खबर होती है तो शाम को पीकिंग रेडियो से ब्राडकास्ट हो जाती है, ऐसी बातों पर नियंत्रण लगाना अत्यन्त आवश्यक है। हमारे यहां जो ऐसी देशद्रोहिता का काम करने वाले हैं उनको सख्त से सख्त सजा बिना हिचकिचाहट के, बिना किसी शंका के बराबर दी जानी चाहिये। इस बात में हमारा पूरा सहयोग है।

जो बिल प्रस्तुत किया है उसका मैं समर्थन करता हूं और इसपर मैंने जो संशोधन दिए हैं उन पर चर्चा संशोधनों के आने के समय करूंगा।

SHRI B. C. PATTANAYAK (Orissa) : Madam Deputy Chairman, I welcome this Bill. Not only our country but the world opinion has been shocked by the unprovoked war on India by China. Not only the Members of

Parliament but also the different groups and political parties in this country and the public at large have taken a resolve to drive out the enemy from the Indian soil, whatever may be the cost. The aggression has united the Indian people as never before. Therefore, it is natural that in order to fulfil our aim, that is, to drive out the enemy from the Indian soil, it is necessary to stand solidly behind the Prime Minister and the Government and to arm the Government with all the powers that are necessary to conduct the defence of the country.

I would like to speak a few words about the suggestions made. Some Members want that whenever a person is detained, his case should be reviewed by a Board as it is provided under the Preventive Detention Act, 1950. I am opposed to this because the provisions of the Preventive Detention Act, 1950 apply to normal times. Some other Members want that the detention cases should be reviewed by a Board consisting of a Judge. I am opposed to this also. If you look at sub-clause (15) of clause 3, you will find that the Detention Order can be passed by a District Magistrate and no other officer below him. Secondly it is provided that the case should be reviewed. Both these provisions make it clear that there will be no arbitrary detention but every case will be judged on merit at two stages, namely, at the time of making the arrest and at the time of the review. The Government, if it considers it necessary, can appoint a Judge or a retired Judge on the Board, but there need not be any compulsion about it. I would like to say that while the detention of a person should not be arbitrary, the Government should be alert and anybody suspected of any fifth-column activity should be immediately arrested and detained; it does not matter who he is. Those who were detained during the last World War by the British Government were regarded as heroes because they fought for the independence of the country. There was a joy and pride in filling up the jails then. But today the scene has changed and the circumstances have become

different. Who would think of violating the Defence laws and rules of a free country fighting a war with a powerful enemy? He who does it must be a traitor and let it be made clear that he will not be spared and we will not spare any traitor but deal with him mercilessly. Our country had always enough of patriotism and bravery but in spite of it, we lost our independence from time to time, because the country was not careful about the traitors. Let us take a lesson from the history of past India.

I welcome the provisions in Chapter V of the Bill regarding employment of technical personnel in the national service but I have a suggestion to make in this regard. I do not know what steps have been taken by the Government so far in making an assessment of the total need of technical personnel and exploring the different avenues of their availability. I would suggest that the Government should not lose any more time and should open a national register and search for the necessary personnel should be made from one end of the country to another. At the same time no time should be lost in the training up and creating the necessary cadres. Mr. Govindan Nair spoke and compared Mr. Biju Patnaik, the Chief Minister of Orissa, with Mr. Gurucharan Patnaik of the Communist Party. I think Mr. Govindan

3 P.M. Nair has no idea about Shri Bijoynanda Patnaik, the Chief Minister of Orissa and so the question does not arise here. With these words, Madam, I support this Bill.

SHRI S. CHANNA REDDY (Andhra Pradesh): Madam Deputy Chairman, I rise to extend my wholehearted support to this measure because this measure enables us to throw out the ruthless enemy from our land. Madam, unfortunately we are now facing a predicament which was the most unexpected. Peace-loving as we have been, we have been placing confidence in peaceful settlements and in negotiations. But while doing so we should have kept our powder dry. That we have not done and therefore we are

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now faced with a very bad debacle at the hands of an unscrupulous enemy. Madam, this country is now put on trial, and is passing through a period of troubles and tribulations. Therefore it is but natural that the Government should declare a state of emergency and so an Ordinance was earlier promulgated. Now by passing this Bill we are arming our Government with the necessary special powers. Evidently, keeping our implicit faith in the Government, we are doing this. These special powers, I hope, will not be misused or abused, as many of the Members from the opposite side have indicated. After all, no patriotic citizen of India need be afraid of this measure. It is not a punitive measure. It is only a preventive measure. Only such people who indulge in anti-social activities, in anti-national activities and in activities that are likely to impede our war effort, they alone will be brought to book and they alone need be afraid of this measure. Therefore, I again stress this point that any citizen who is loyal and who is patriotic need not be frightened by this measure.

Madam, it is obvious that in a vast country like ours, the existence of quislings and fifth columnists cannot be ruled out. The activities of such people must be put down severely and therefore, if the Government has come forward with this measure, it is to be welcomed by one and all. All Members of this House and also of the other House and every citizen of India have heartily welcomed this measure.

Madam, India has accepted the challenge and now we are out to throw out the enemy from our country. Our soldiers are heroically defending our frontiers. Nobody need have the slightest doubt about the fighting capacity and ability of our soldiers. But valour alone or heroism alone will not be sufficient to face the enemy who is well-organised and who is superior in number

and also in weapons. Agricultural and industrial potential is a prerequisite to sustain our war effort. As far as the industrial output is concerned, I have nothing very much to speak about. But as far as agricultural production is concerned, let me say that we are very much lagging behind. We formulate policies every day, but when the question of the execution of those policies comes, we lag very much behind. Yesterday, the Director-General of F.A.O., addressing the Standing Committee for Food and Agriculture, revealed that the rate of production in China was two or three times more than ours. Madam, if the rate of production of our country is compared with that of the United States of America or the United Kingdom or any other developed country, and it is found that we cannot compete with them favourably, that will be intelligible. But to have a rate of production much less than what it is in a country like China is something deplorable. I would request the hon. Minister for Food and Agriculture to make an all-out effort and see that our agricultural production is stepped up. Always we have been saying that agricultural production and the grow-more food campaign should be treated on a war footing, but never have we done as we have professed. But now when this war has come upon us, now at least, I expect that all those problems will be dealt with on a war footing. Moreover, in the entire country there is a move to tax agriculture further. Madam, I submit if they put more tax on agriculture, it will be the last straw on the camel's back, because as it is, agriculture is not a very remunerative occupation. More than 75 per cent of our agriculturists live from hand to mouth. A very few agriculturists may be able to pay fresh taxes and I don't mind if they are taxed. But if we put any further taxes on agriculture as a whole, it will effect the interests of the vast population of agriculturists and also agricultural production. In most of the advanced

countries, as we know, agriculture is heavily subsidised, and every effort is made to see that all facilities are provided to the agriculturists so that they may be able to grow more. Mr. Sen, the Director-General of F.A.O., to whom I referred a little earlier, has said that in our country there is no sufficient incentive to the grower to produce more. If that is the condition, how can you expect the agriculturist to put his heart and soul in the work of production? Madam, this is the time when we should see that price support is given and prices are stabilised. They should be stabilised at a level which is not unremunerative to the producer. Quite recently the hon. Minister declared that they are going to announce the fixation of prices. But this I have been hearing since a decade or so. Always some promises are made, but they are never fulfilled. But I think now the hour has come and this is the need of the hour, that we should not treat these problems as usual, in a relaxed manner. We must see that warlike measures are taken in all these directions. Moreover, Madam, the major multi-purpose projects cannot yield immediate results. They take a long period to start giving results. Therefore, we must concentrate all our attention on the execution of the smaller projects which can yield immediate and ready results. For example, the minor irrigation projects, the lift irrigation projects and so on. Electricity must be provided to the agriculturists on a priority basis. They may impose rationing on the use of electricity in other spheres, but if we introduce rationing of power in the agricultural sphere, it will be disastrous. Therefore, I would request the Government to see that wherever well-irrigation is prevalent, in all those areas, rural electrification schemes must be undertaken as speedily as possible. I think this is perhaps not the opportune moment to give more suggestions regarding the stepping up of agricultural production but I cannot resist the temptation of saying that this is the proper hour when our administrative set-up should be

overhauled. It is notorious that democracy moves slowly and an infant democracy like ours moves slower still. The amount of work done and the efficiency in our offices is far from satisfactory. Now, Government must use these sweeping powers with which it is armed to tone up the administration and to put the administration on the right lines and root out red-tape and other sinister ways of delaying tactics which impede our industrial and agricultural upliftment.

We are very much complacent over the fact that we have got enough imported stocks, imported under the PL-480 programme. We must get out of this complacency.

SHRI SONUSING DHANSING PATIL: Mr. Reddy, your appeal is a cry in the wilderness.

SHRI S. CHANNA REDDY: Maybe it is a cry in the wilderness....

SHRI M. GOVINDA REDDY: But still it is a cry.

SHRI S. CHANNA REDDY: We must get out of this complacency and the sooner we become self-sufficient the better it would be. Agriculture is the mainstay of this country and we claim that ours is a predominantly agricultural economy but thirteen or fourteen years after independence we still continue to import stocks from other countries. This is something disgraceful at least to the agriculturist class to which I have the honour to belong.

Without taking more time of the House, I would say that we have faced many debacles quite recently including the one that we faced at Se La. Some newspapers have described it as another Dunkirk. Of course, that was an Indian Dunkirk. We had our Dunkirks and we have had Thermopylaes also. I fervently hope that we will follow the British example. England lost all battles but won the war. Likewise, I hope, we may lose some battles here and there but ultimately we will win the war. In this hope,

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I would like the entire administration and the people to rise to the occasion. As Tennyson has put it, "new occasions will teach us new duties." I think it will not be inappropriate to quote here Kipling who says, "Nations have passed away and left no traces. And history gives the naked cause of it. One single, simple reason in all cases. They fell because their people were not fit." I hope and trust that the Government will use this measure to make our people fit.

SHRI S. MISHRA (Orissa): Madam Deputy Chairman, I rise to support the Bill as it intends to give more powers to the Republican Government for protecting our nation from the danger of the Chinese invaders as well as from the anti-national elements at this critical time. India is a big country and its population is about forty-four crores, next to China in the world. It became independent fifteen years ago. Before independence there was no improvement in agriculture as well as in industries, etc. In this short period of our independence, our Republican Government has made enough improvement in agriculture, industries, education, health, communications, etc. Most of the revenues are collected from the nation and spent for the improvement of the nation. There is no sufficient fund left for the raising of a great army and for arms and ammunitions. Madam, we are not intending to become enemy to anyone. So we thought that there is no enemy of ours. Thousands of years passed. India and China remained on friendly terms and there was no conflict as such. Meanwhile, some boundary disputes were raised by Communist China with India. Our Republican Government desired that these boundary disputes would be settled in a peaceful manner but the Chinese Government has shamelessly attacked India and has taken possession of thousands of square miles in the Himalayan borders by force and then declared cease-fire. Madam, I think this cease-fire declara-

tion is a farce. It is their tactics to be prepared for a great war. So, we ought to be prepared rapidly for defence and for driving out the Chinese invaders from the sacred soil of our motherland. The Chinese have no morality as human beings. In Tibet it is known that the Chinese destroyed religious books as well as temples by trampling them down under their feet and burning them in fires. The Chinese are so-called *rakshasas*. The freedom of our nation which we have got under the leadership of Mahatma Gandhi through a long non-violent struggle is enjoyed by us. The country is governed by our Republican Government gloriously under the leadership of our beloved Prime Minister, Pandit Jawaharlal Nehru. The Republican Government of India has delegated democratic powers through panchayati raj to the village level as well as to the rural people to manage their own affairs as they think necessary. So, Madam, now at the clarion call of the Prime Minister, Pandit Jawaharlal Nehru, the entire nation stands as one man to drive out the Chinese invaders from our sacred soil to save our freedom. It is most encouraging that the poorest of the poor, boys and babies, students and common masses are responding to his call and are giving money, ornaments, blood, etc., for the jawans who are fighting with the Chinese invaders to protect our independence. This is a good sign for India. Therefore, I earnestly request the Republican Government to take this opportunity and build up big forces and provide for arms and ammunition to drive out the Chinese invaders from the sacred soil of our motherland, "India".

Thank you, Madam.

SHRI PALAT KUNHIKOYA (Kerala): Madam Deputy Chairman, I am thankful to you for the opportunity afforded to make a few observations on this Bill which I wholeheartedly support. We have not heard from any section of this House any objection to the contents of this Bill. There has

been no criticism that there is no need for such a measure. I do not remember any one having said that the powers assumed by the Government are too drastic. This is a true measure of the deep and strong feelings of the Indian people against the treachery and barbarism of Red China in having staged this naked aggression against our dear motherland. Our Constitution has given us certain Fundamental Rights and we value them very much. If we willingly and gladly agree to the suspension for the time being of these rights of ours it is because we know that for the enjoyment of our rights and for the preservation of our way of life it is necessary for us to suspend these rights. Indeed, if China were ever to over-run our land—which God forbid—we shall be losing all our Fundamental Rights and we shall have to bid goodbye to our civilised and enlightened way of life about which we are justly proud. May I quote our beloved Prime Minister who once said somewhere: "Who lives if India dies?"

There has been criticism regarding the manner in which the Union Government has been applying the provisions of the Defence of India Ordinance and the Rules made thereunder. The spokesmen of the Communist Party have been airing their grievances that in spite of the resolution of the Communist Party condemning the Chinese aggression and pledging support to India's defence efforts the members of their Party are being arrested and thereby persecuted. It was said that these arrests have taken place on such a large scale that they have been disabled from effectively pursuing defence efforts as much as they want to do. Madam, is it the truth? Have there been such indiscriminate and large-scale arrests of Communists? I do not think so. I come from a State where the Communists are comparatively stronger. Indeed they were able to capture power in my State and were in the seats of office for quite some time. In the mid-term elections

in Kerala in the year 1960 they were able to put up candidates for all the Assembly seats, and they were able to get a substantial percentage of the votes in the elections. In the election of 1962 they were able to return to Parliament as many as six members out of a total of 18. I state these facts to show that there is a large number of communists there, leaders, workers, trade unionists and those who work in the agrarian front and yet the number of members of the Communist Party who have been arrested there has been small indeed. And I am sure that that is the fact in other States too. It is therefore clear that the Home Minister has been proceeding very cautiously and with discrimination. If the Communist Party is really genuine in the support of defence efforts, they should silently acquiesce in the action of the Government. I think, Madam, the Communists are speaking too much and too often about the Resolution of their Party. I do welcome that Resolution because it is of great use to India in foreign countries. I hope that our Government would give the widest publicity to it abroad. It is an indication of the rot that has set in in the new imperialism which international communism has been steadily building up. I would like to ask this of the Indian communists. Did any party in India other than theirs deliberate and ponder on the attitude to be taken regarding Communist China's invasion? When a robber enters the house would the members of the house sit and discuss what attitude should be taken towards the robber? The members of the house would immediately stir up and try to throw out the robber or catch and hand him over to the police. But if there are some members in the house who are in league with the robber, those members would sit and watch to ascertain whether it is really their brother-robber who has come or someone else. The first Resolution of the Communist Party was certainly an offensive one and they took time to draw up another to which they are now referring. Even this Resolution was adopted after long discussions and

[S.ari Palat Kunbikoya]

thereafter a certain percentage of its members opposed it. My support to the defence efforts of my country flows from the fact that I am a true citizen of the country and not from any Resolution adopted by any association. I believe this is the case with all other parties except the Communist Party. The Communists therefore stand apart from other citizens of India. Their stand is based on a Resolution passed by a majority of the members of their leadership. There is nothing to prevent them from changing that Resolution and the minority may well become a majority. Having regard to this and other facts which are well known I will put the whole argument in a nutshell and say that in matters affecting the security of a country under attack the benefit of doubt should go to the country and to no others. I however agree with one criticism I heard on the floor of the House that Communists alone should not be targets of official surveillance but the long and strong arm of the law should fall equally on all other elements in the country like profiteers, hoarders, blackmarketeers and others who in the guise of apparent patriotism of a higher order than even of the Prime Minister say and do things which bring nothing but discredit and disaster to the country. Madam, eternal vigilance is needed more than ever before to safeguard our integrity and liberty.

Thank you.

SHRI K. SANTHANAM: Madam Deputy Chairman, I rise to support the Defence of India Bill. In fact the support to this Bill has been singularly unanimous but there have been some questions in relation to this Bill which have not been discussed so far and I wish to confine myself only to those points.

Now, this Bill will remain in force during the period of the emergency and six months thereafter. Therefore the duration of the Bill depends upon the duration of the emergency. Now, how long is the emergency going to

last? That is one thing which ought to be exercising our minds. Of course, it may be said that it is not possible for any Government to forecast the period. The emergency should be deemed to last as long as we are unable to drive the Chinese out of Indian soil. If there is going to be a total war between India and China and if we are going to fight them actively till we drive them out, then there is nothing to be said and I think not only all the powers under this Bill will be necessary but we may require even more drastic powers. I have not the least doubt that with the same unanimity the House will give them all the powers. But what happens if a situation akin to that before September 8 happens? Supposing the miracle happens and the Chinese withdraw behind the September 8 line, which is the line on which our Prime Minister has insisted. Will the emergency be deemed to continue to exist or shall we be reverting to that position, namely, in between 1959 and 1962 September when though the Chinese had actually committed aggression, we did not consider it a state of emergency? If there is going to be an end to that fighting, I do not think it would be right for the Government to have all these powers for a prolonged period. So, I suggest to the Government that at the end of one year, that is, in December next year, they should come before the House and justify the continuation of the Proclamation of Emergency and the possession of all the emergency powers. Of course, if we are convinced that either for active preparation or for active war they are necessary, they will be given. But it should be a sort of pledge to the country that the Government shall drive out the Chinese before the end of 1963, or they should show such great activity that we can hope that they will be able to drive them out at least by 1964. If we are to relapse into a sort of cold war, then I would suggest that the Government should come before the House, explain the situation, repeal this measure and take only those powers which are needed for purposes of the cold war. This

Bill is not needed for a mere cold war. This is needed only for a hot war and it is intended to provide for a hot war. Therefore, either there is going to be a hot war and we have this Bill and all the powers, or if we relapse ourselves into a cold war, then let us at least keep our democratic rights and then continue the cold war, just as other people are continuing the cold war. That is one point.

The second point is that our Government should not enter into any kind of direct negotiations with China, because we cannot believe them or their words. Therefore, whenever any kind of negotiation takes place, it should be in the presence of some neutrals who will be able to say exactly what happened. We cannot believe the words of the Chinese either now or at any future time. And this leads me to the point that even if we get into a kind of armistice, the negotiations for peace should be through some mediators or arbitrators and not directly. It will always be possible for China to go on manipulating its words, frontiers and maps and our people who believe in truth, who believe in straightforward action will always be at a discount. Therefore, the formula of direct negotiation is, I think, a tricky one. I think it is a formula which is suitable only for the military dictators. We can have direct negotiations with peaceful people like ourselves. With China we cannot have direct negotiations. So, I suggest that even after armistice we should seek the mediation and, if necessary, arbitration of friends who will be able to stand by us if those negotiations fail and if we have to enter into a prolonged state of hostility with China.

There are one or two points of confusion regarding the Bill. Now, "enemy" has been defined as any person or country committing external aggression against India. There is no arrangement by which China has been declared or could be declared as an enemy. Of course, if there is an active war, then it will be so declared

and a court may take notice of it. But if a state of comparative 'non-fighting' exists, how will the court interpret it? Suppose some lawyer asks. Why do you say that China is an enemy? When did it become an enemy? When did it cease to be an enemy? What is the provision? I think they should have provided for it, for the Government to take power to declare any country or person as an enemy from a particular date. Also they must have taken the power to declare that he has ceased to be an enemy. Of course, this is all an assumption. Now, *de facto* China is our enemy, but in a court of law how will it take note of it? The Government of India have not declared war. We are maintaining our Embassy in China. There is no formal or legal state of war between ourselves and China and, therefore, I think there is a lacuna. I suggest to the Home Minister that either in the rules or somewhere else he should say that from such and such date, from September 8 or whatever it may be, China became an enemy and would continue to be an enemy unless it is declared by a notification that it has ceased to be an enemy. That should be done in the case of other countries also. Otherwise, all kinds of confusion will arise. Suppose somebody sends goods to China, he may argue that there is no legal enmity, that China is not a legal enemy. So, we should not allow any kind of legal confusion to exist with reference to such matters.

Then, there is the Chapter dealing with requisitioning of property. Of course, if there are going to be serious hostilities between China and India, this requisitioning power is absolutely essential and I have no objection. But there is no provision that the requisitioned property will either be bought or surrendered as soon as this measure comes to an end. Though this will come to an end six months after the emergency or so, anything done under this measure will not come to an end. Therefore, any property requisitioned during the period this is in force—unless we make a provi-

[Shri K. Santhanam]
sion here or under the rules—will continue to be requisitioned so long as any State Government or some other authority thinks it is wise to do it. So in order to assure all people whose property may be requisitioned that it will not be retained by the Government at the end of the emergency some steps should be taken.

PANDIT S. S. N. TANKHA (Uttar Pradesh): The requisition will be for the period of emergency only. It cannot last beyond that period.

SHRI K. SANTHANAM: It can, unless it is said otherwise. I am speaking about the law as it is. I myself have no doubt that it is not the intention of the Government to requisition property more than is necessary.

SHRI LAL BAHADUR: The intention is that.

SHRI K. SANTHANAM: You can buy it. There is provision for purchase. Compensation is there. But all the provisions regarding compensation will come to an end. The requisition will continue. That will be the legal position. I am suggesting this so that the rules may clearly provide for such contingencies. Then I think one mistake has been made. The Special Tribunals have been rather incapacitated by the amendment accepted in clause 15. It has been provided that whenever an offence has been committed which is punishable with imprisonment for more than five years, then full evidence will have to be recorded. Now it happens that most of the offences which have been envisaged carry a punishment of five years, seven years, ten years or capital sentence. Therefore, in all cases full evidence will have to be recorded. It is only minor offences like entering a property, this and that, which are punishable by a sentence of less than five years. Therefore, the proceedings of the Special Tribunals are likely to become as prolonged as the ordinary Courts. I think this was not what was intended. In the origi-

nal thing it was there for penalties up to ten years, but now summary procedure has been cut down to offences punishable by terms of five years and only a few minor offences are subject to lesser punishment.

I have no doubt that this Act will be administered with care and consideration. Probably many of the provisions will not be needed for the present until an actual war breaks out or there is a regular invasion of Assam, Kashmir or some other place. But there are some provisions which ought to be useful even when there is no invasion, and I want to draw the attention of the House to sub-clauses (36) and (37) of clause 3, on page 8. If we can make use of this golden opportunity to root out corruption and hoarding and profiteering, that itself will be a great advantage. I hope the Home Ministry will lose no time in framing proper rules and creating the necessary administrative machinery to deal with all these things which are mentioned in (36) and (37).

I would make only one more suggestion before I end. I think the Government owes it to the House that at the end of one year a comprehensive report should be submitted to Parliament as to the manner in which the Defence of India Act has been working. They are undoubtedly extraordinary powers. These are powers which were considered necessary at the time of the Great War by all the countries; not only in India but in England the Defence of the Realm Act contained more or less the same provisions. So the powers are sweeping and drastic, and so long as we keep the Parliament alive it is necessary for the Government to keep it informed as to how these powers have been exercised. There should be a report from each State and there should be a report from the Centre, and all of them should be compiled into a comprehensive report and submitted to Parliament. I wish to draw the attention of the Home Minister to a suggestion which I made in the beginning when he was not here that, though it is not necessary under

the Constitution, he must come before Parliament and explain whether and why the emergency should be prolonged. Of course if he chooses to bring forward a voluntary resolution saying that the conditions are such that the emergency should be prolonged, he may do so. Otherwise at least he must convince us that the emergency continues and that all these powers are needed. Therefore, Parliament will at least be an effective check on all the exceptional powers which we are giving them. Thank you, Madam.

PANDIT S. S. N. TANKHA: Madam, before you call upon the next speaker, may I just draw the attention of the hon. Member to sub-clause (3) of clause 29 which mentions:

"Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section."

So, when the order of requisition is made, the authority will have to mention up to what date that property is requisitioned.

SHRI K. SANTHANAM: Purpose it has to mention. The purpose may be storing of ammunition, and ammunition may have to be stored endlessly.

PANDIT S. S. N. TANKHA: The clause clearly mentions it: "shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section". In peace time you do not require ammunition to be stored there.

SHRI K. SANTHANAM: Why not?

SHRI LAL BAHADUR: If no accommodation is available, the requisition may have to be continued.

PANDIT S. S. N. TANKHA: If you mention "till one year after," or so, then of course it is possible to continue it. But you have got to state the

period. You will have to state for what period you are requisitioning the property. You may state "till one year after", or so.

SHRI K. SANTHANAM: "Until further orders".

PANDIT S. S. N. TANKHA: It cannot be "until further orders".

THE DEPUTY CHAIRMAN: Mr. Sapru.

SHRI P. N. SAPRU (Uttar Pradesh): Madam Deputy Chairman, as to the emergency there can be no doubt, and I am not going to argue that there is emergency. No person howsoever much he might value personal freedom—and I confess that I value it very very much, and I am rather one of those who share the views of Lord Atkin in *Rex vs. Liversidge* and Lord Shaw in *Rex vs. Halliday*—can deny that there is a great emergency facing the nation. Therefore, one cannot object to the scheme of this Bill. I, therefore, support the Bill. I have, however, to make a few observations regarding one or two points.

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

The first question of importance is that of the reviewing authority. The reviewing authority in cases of detention should be a judicial authority. It should be a judicial officer. It should be a High Court Judge or a retired High Court Judge or a judicial officer within the meaning of article 236 of the Constitution. It is a well known principle embedded in our jurisprudence that the prosecutor must not be the judge. The judge here will have to decide whether there are any grounds for suspicion. He will not have to pass a verdict on the guilt or otherwise of the person concerned. He will have to apply his mind to the question whether there are any grounds for suspicion. For that task a person who is judicially trained is better qualified than a person who has had experience in administrative life. Mr. Datar has not ruled out a judicial authority. But !

[Shri P. N. Sapru.]

would not like the Chief Secretary to sit in judgement over the orders of the District Magistrate. I would not like Members of the Board of Revenue to sit in judgment over orders passed by District Magistrates. I would like this task to be entrusted to High Court Judges or retired High Court Judges or even judicial officers within the meaning of article 236 of the Constitution. Justice must not only be done but must seem to be done. We must remember that it is a democracy which is fighting a totalitarian State. It is not a totalitarian State which is fighting another totalitarian State. We must not, in fighting a totalitarian State, ourselves become a totalitarian State. That is my point number one.

The second point to which I would like to draw your attention is that of the constitution of Special Tribunals. Here I must say that the Home Minister has shown a commendable spirit of liberalism. He has accepted some of the suggestions which were made by us at the Informal Committee meeting which we had with him. But I would by way of answer to Mr. Santhanam say that the right of special appeal which you cannot deny under the Constitution to the accused would become farcical if the evidence is not recorded. Most of the cases triable under this Act are cases which would be covered by existing provisions and I therefore welcome the liberalisation of the clause in question. I would further point out that so far as the right of appeal is concerned, there is another remedy open to the applicant, which has not been emphasised here. That remedy is an application for a writ of prohibition or *certiorari* under article 226 of the Constitution. The Tribunal will also be subject to the superintendence of the High Court under article 227 of the Constitution. Now, I know that the powers of the High Court exercised under article 226 are of a limited character. But even so, they are of a revisory character and in a proper case it can interfere even where there is no evidence to support a conviction. It can interfere where there is an error apparent

on the face of the record. Therefore there is a remedy which is available to an accused person.

SHRI AKBAR ALI KHAN: Habeas corpus.

SHRI P. N. SAPRU: Writ of *habeas corpus* is also possible. That right may have been taken away so far as the Criminal Procedure Code is concerned but that right has not been taken away so far as the Constitution is concerned. And it cannot be taken away so far as the Constitution is concerned.

So far as the right of special appeal is concerned, there is no such thing as a right. Article 226 gives discretion to the Supreme Court to do justice in all manner of cases, and in the exercise of that power, it entertains appeals and there is therefore no question, as far as I know, of any deposit such as is required in ordinary appeals in the Supreme Court. Therefore in a fit case it will be open to the Supreme Court to grant special leave of appeal to a person convicted by these Tribunals. Therefore there are some judicial safeguards of a healthy character in this Bill.

There is one further observation which I may make with your leave. I am not opposed to your taking action against individual Communists or individual Fascists or other individuals who are hampering the war effort. But I would not like this House or this Parliament becoming an anti-Communist body. We are not professionally anti-Communist. We must remember that the leader of the largest Communist Party in Europe, Mr. Togliatti, accused China of being unreasonable the other day at the International Congress of Communists in Italy. There are elements in the Communist world which have deplored the activities of China, and it is not desirable for us to irritate or annoy those elements.

Finally, Mr. Vice-Chairman, I would like to say that while victory must be ours, we cannot rule out the path of

negotiation. We have to think in terms of negotiation from strength and I am therefore happy that President Nasser who has—I repeat—been a good friend of this country is sending his special representative to the Colombo Conference. I hope that the Colombo Conference will be able to evolve a formula which China may not disregard. The difficulty with China is that, outlawed by the comity of nations she acts and feels like an outlaw. It is a vicious circle which we have to break and we have got to combine strength with reasonableness, we have to combine the capacity for firm negotiations with the capacity for adjustment and elasticity. I am not indulging in language of undue moderation when I say all this. I would like our war effort to be strong and effective. But I do not believe in brave words unless they are backed up by military strength of a character which can overawe the Chinese people. We are grateful to the United States and the United Kingdom for coming to our help. But I may just remind some Members that British papers like 'The Guardian' or 'The New Statesman' or 'The Tribune' have been suggesting to this country in their own inimitable way that we should not rule out negotiations on certain terms. Well, that is what I would say by way of answer to Mr. Santhanam.

Then, Sir, there is one suggestion which has been made by Mr. Santhanam, which I whole-heartedly endorse and that is that the Home Minister should present an annual report to us on the working of this measure which is undoubtedly of a very drastic character. We know that he is a man of great humanity, and we can be certain that the powers with which the executive has been vested by the unanimous vote of this House will be used in a moderate manner in a manner befitting a great Government.

Thank you very much, Sir.

SHRI K. SANTHANAM: Sir, I never ruled out negotiation. I only said that the negotiation should be conducted in

the presence of neutrals so that we may not be caught.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): That is all right.

SHRI P. N. SAPRU: As to how the negotiations are to be conducted we should leave it to the Prime Minister and the Government of the day.

SHRI AKBAR ALI KHAN: Mr. Vice-Chairman, Sir, it is a matter of some satisfaction that just as the Resolution on the Emergency received the unanimous support of this House and the other House, so has the Defence of India Bill also received the unanimous support of this House. It is also a matter of pride that so far as the national leadership of the Prime Minister is concerned, it has been unanimously approved.

Before I say something on the Defence of India Bill, I would like to submit that as the previous speaker, Dr. P. N. Sapru, said, we are all very anxiously looking forward to the Colombo Conference. I need 4 P.M. not say what my country in its own humble way has done to strengthen the position of non-alignment. I need not say whenever there was a question of a country struggling for freedom what moral help India has given during the last fifteen years. I need not repeat that whenever there was aggression on any country India was the first to condemn that aggression. And now, Sir, it is up to these Colombo friends who are there to do the needful. I quite appreciate their difficulty but at the same time I would expect them to go into the matter thoroughly, study the case, and if they find that we are in the right, that our cause is just, then they must come out with an unequivocal declaration regarding the case. Sir, I would say it would be an insult to their intelligence and adding insult to injury if this Colombo Conference simply gives some platitudes or some sort of suggestions for negotiation.

SHRI GOPIKRISHNA VIJAIVAR-GIYA (Madhya Pradesh): But China

[Shri Gopikrishna Vijaiyargiya.]
has said that other countries should not meddle and that we should be . . .

SHRI AKBAR ALI KHAN: Mr. Vijaiyargiya, I do not want to know what China says. I want that these powers should know what the people in India and what the people in Parliament feel about the situation. That is what I am concerned with, and I do hope that my voice will reach the Colombo meet powers, and I have no doubt that the whole Parliament is with me when I say that we expect a fair, just, impartial but a bold announcement from the Colombo meet powers irrespective of the fact whether they are friends of India or whether they are friends of China.

The other thing that I would place before this august House is this. When we discuss this problem, we generalise against Communism. I say, even at this stage let us realise that. Of course Communist China is expansionist and is an aggressor and we will condemn it; but to generalise and say about all Communists, I think, is a great mistake and is something contrary to wisdom. Let us realize that there are Communist countries which have kept silent; there are Communist countries which have expressed sympathy in some way. So let us not put them all together. I had suggested on the 12th of November, when I was speaking on the Emergency, that if our friend Communists want to establish their *bona fides*, they should do two things; one, they should take to task their own people who do anything against the defence of India, and the other thing is that they should send a delegation to the Communist countries and make them understand the real position and convince them of the justness of our cause. I am glad Mr. Dange has gone there, so far as I know from the press, and I do hope he will carry this mission and he will see that the Communist countries are convinced.

Now I come to this Bill. Much has been said about it. We, by passing the

Emergency Resolution, have expressed our determination and resolve, have shown that we are determined to fight the aggressor and the enemy of this country. A consequence of that and a necessary corollary to that is that we should equip the Government, arm the Government with such power which will give them the authority to carry on the war with full determination. Wars are fought by Governments and with special powers. Of course Parliament will see that so far as the public are concerned they are not unduly harassed. But when balancing these two things, if I have to commit a mistake, I would commit it on the side of giving more power than giving less power and risking the position so far as the enemy is concerned.

I think the amendments that have been accepted in the Lok Sabha and some of the things which have been improved are really very good progress made on the original Bill. So far as the question of reviewing is concerned, I entirely agree with my friend, Mr. Sapru, that the matter deserves the consideration of the Home Minister, that some judicial person should be given the authority to look into the matter, without having to go into detail, so that there may be satisfaction in the people that when a person is detained or arrested there is some person who looks into the case in an impartial way but at the same time having in mind this emergency situation.

Now, Sir, I would like very briefly to refer particularly to the spokesman of the Praja Socialist Party. Sir, so far as the P.S.P. is concerned, I feel that there is very much in common between the Congress and the P.S.P.; in fact they are chips of the old block, the Congress of old, and I heard with attention the learned speech by the spokesmen of the P.S.P. my friend, Mr. Gurupada Swamy. I really felt doubtful whether he was supporting us or he was charge-sheeting us and at the

same time blessing us. If it would have come from the Swatantra Party or the Jana Sangh, I would not have minded so much. But when it comes from persons who believe in certain objectives and social justice, as we do, it is disappointing. My friend said that for fifteen years we had neglected defence. He asked us to look at Indonesia and see its military preparations. This is neither the time nor the occasion to go into those details, but may I humbly request my friend to consider the position in 1948, the big refugee problem, then the invasion of Kashmir? And when we were handed over our country with an economy where there were people half starved and half clothed, and illiterate people, what a P.S.P. Prime Minister would have done, or what anybody with proper perspective would have done? Was it not right that we should give top priority to our planning, to our economic development, and to give our people the greatest number of social amenities? Or should we have created a war machine putting 75 per cent. and 80 per cent. of our Budget in it? I am sure no man with any sense, I should say, and desire of improving the country, industrialising the country and making our country strong, would have spent all this money on war machine. Of course, when we did find in 1959 disturbing circumstances, we made some arrangements, but we did it only in the face of the border dispute. We are all sorry for reverses and it is these depressing facts that compelled us to take a big decision and I think 19th of November will go down as a day of crucial decision when, in view of this military development, the Prime Minister, under the unanimous pressure of Parliament had to take the decision that we will take massive help from the United Kingdom and the United States and we all know, in view of the policy that we so far followed, that it was a very difficult decision to take, but in order to save the honour of the country, the integrity of the country on account of Chinese aggression we had to take that decision, and we stand by that decision.

It is true it is non-alignment, but my friend will appreciate, after this huge massive aid, how far this position will be the same as it was before. This is bound to have far-reaching consequences. So to abuse the Government for not preparing for war during fifteen years and that also by a responsible spokesman of the P. S. P. simply distresses me, and I do hope—as you will appreciate—that when you support us, you will not support us by charge-sheeting us on charges which have no foundation. So far as our friends from the Swatantra Party and the Jana Sangh are concerned, well, Sir, I am obliged to them that they have also said that the national leader, Pt. Jawaharlal Nehru, will carry out the great responsibility and lead the country. But it is not for me or, I think, for anybody to say anything or to advocate on behalf of Panditji. It is the affection, love and prayers of the millions of our people that are with him, and he is there on his own merit. They have got every right to criticise him. I am not one of those who say, “Do not criticise my Prime Minister”. But I would respectfully request all of them to think over one thing seriously. On the one hand you are entrusting him with the power to fight the war and on the other you have leaders and persons who say that there should be a War Prime Minister and a Peace Prime Minister. What does it mean, my friends? Is it consistent with the professions that you make? In the same way I have seen certain passages in the ‘Organizer’. I suppose it is the organ of the Jana Sangh. There are statements in that organ and other newspapers which do not go with the professions that they make. I am not worried about it in peace times. But when you say that you want to fight the war and that your main object is to fight the war, then I would request you to consider and see whether those war efforts are not impaired by this double talk. I leave it to your good sense to consider in all seriousness, and I hope that you will see the inconsistency in their position and the sabotaging of the war effort.

[Shri Akbar Ali Khan.]

Coming lastly to my friend, Mr. Bhupesh Gupta, I would say, Sir, that we have decided correctly that the party will not be banned, but the people who are carrying on activities against the defence effort will be taken hold of, and unless they establish otherwise I do not think it is right and fair that Mr. Gupta should say that all those arrests that have been made are not at all right. You must understand the psychology of the country and the emergency situation. You must know the history of your party, the ideology of your party. Having all that in mind, I have every confidence in Mr. Bhupesh Gupta when he says, "Even if I go to jail, I will fight for the country." I must welcome that. But are all people like Mr. Bhupesh Gupta?

SHRI M. RUTHNASWAMY (Madras): You welcome his going to jail?

SHRI AKBAR ALI KHAN: In spite of that, he says, he will do all that is possible to defend the country. What I want them to be very clear about is that this is a time when we have given these powers to the Government not against the Communists alone but against everybody, including the Congress people, if they behave badly. So, that is a general thing. But at the same time, in view of their previous history, they will have to establish their *bona fides*. Mr. M. P. Bhargava has very correctly stated that while Mr. Bhupesh Gupta was speaking, he found two demonstrations—one that of the patriot Mr. Bhupesh Gupta and the other of the communist—going on. That should not be. What we have done we must uphold. When you have not proved it by taking disciplinary action, how can you expect us, in such a contingency and emergency, to say that these arrests have not been made properly? I presume they are right unless otherwise established. You will remember that Mr. Namboodiripad was put in prison. But when we were satisfied that it was a case for release, we did release him.

With these few submissions, Mr. Vice-Chairman, I support the Bill. I have no doubt that it places a very great responsibility on the Government and I am sure that the Government will discharge it with great attention and carefulness and with the idea that it would not in any way harass the genuine and honest people.

So far as we, the Parliamentarians, are concerned, with your permission, Sir, I would say this. Some of my friends have been asking that we have not been assigned any work, that we have not been asked to do anything. "Is there nothing to be done?" They ask. Sir, after passing this Bill, after we give vast powers to mobilize the country's resources in the hands of the Government, we have to go to the villages, we have to go to the cities and explain to the people there about this new situation, that this is the first national war, I should say in our history. I do not know what my friend, Shri Tarkeshwar Pande, said about the Mahabharata. But all I say is that this is the first national war, that the forty-five crores of our people are feeling that it is the first national war and they are directly affected by it as a member of this democratic society. The wars fought before were either the wars of Great Britain or the wars of the Rajahs and Nawabs. This is our first national war. And let us carry this message to our people and tell them that this is our war. Let us work hard and maintain unity so that we may preserve our dignity and honour and we may keep our heads high and safeguard the interests of our country as a disciplined nation at this critical juncture. With these words I support the Bill.

श्री होरा बल्लभ त्रिपाठी (उत्तर प्रदेश):

उप सभाध्यक्ष जी, मुझे अवसर मिला है कि मैं आज इस बिल पर थोड़ा बहुत कहूँ। जहाँ हमारा समर्थन इस बिल के लिये है वहाँ कुछ चीजें ऐसी हैं जिनकी ओर मैं इंगित करना चाहता हूँ।

इसमें सन्देह नहीं कि देश ऐसी परिस्थिति से गुजर रहा है कि कोई भी शक्ति जो सरकार लेना चाहे इस आपत्ति को दूर करने के लिये, वह हम सब देने के लिये तैयार है। मेरा जो इशारा है वह इधर है कि हमें ऐसी व्यवस्था भी रखनी चाहिये जिसमें कि हम जो कुछ करना चाहते हैं उसको करने में हम समर्थ हो सकेंगे। जहां तक फौजी ताकत का ताल्लुक है जहां तक इस बान का ताल्लुक है कि कहां से हथियार आयें और हमें उसके लिये क्या राजनैतिक कार्य-प्रणाली करनी पड़े, वहां तक तो ठीक ही है। आपने वस्तुओं की प्राइस लाइन भी ठीक रखी है, उनकी कोमते भी ठीक रखी हैं, उसके साथ में आपने यह जांच पड़ताल भी रखी है कि दुश्मन आपका क्या कर रहा है? हम अब तक इस मामले में धोके में रहे।

प्राइस लाइन का जहां तक ताल्लुक है, अभी हाल में दिल्ली में मिट्टी के तेल के सम्बन्ध में जो कुछ हुआ वह सब आपको मालूम है। उस सम्बन्ध में हमारा ध्यान उस ओर इतनी जल्दी न जाता तो संभव है अभी कोई कार्यवाही नहीं हो पाती। लेकिन अभी उत्तर प्रदेश से भी ऐसी खबरे आ रही हैं कि कोमते बढ़ रही हैं। तो ब्लैकमार्केटीयर तो ब्लैकमार्केटिंग करेगा। ऐसी संस्थाएं सर्वत्र हैं, ऐसे सोशल एलीमेंट तो सर्वत्र हैं, जो ऐसे काम करते रहते हैं। अगर हमारी कोई ऐसी संस्था नहीं है जिससे हम उनको व्यापक रूप न लेने दें तो इस संकट काल में हमारी स्थिति बहुत कमजोर हो जायेगी।

इसी तरह से आपके यहां ऐसे भी लोग हैं जो कि देश को बेचने में जरा भी ऋति नहीं करेंगे। आपकी गुप्तचर संस्था क्या है? चीन ने इतना बड़ा आडम्बर कर मारा। हमें इसका कोई भी ज्ञान नहीं था कि हमारे यहां पर जो मित्र थे जिनके साथ हम भाई भाई कह कर चलते थे, उन्होंने यहां की सारी खबरे विदेशों में भेजी, वे हमारे खिलाफ प्रोपेगेंडा करते रहे। लेकिन हमें होश नहीं आया और

हमारी किसी गुप्तचर संस्था ने यह नहीं कहा कि देखिए यह अन्याय हो रहा है या अनुचित हो रहा है। आज यह सही है कि हमारी कम्युनिस्ट पार्टी आफ इंडिया ने यह कहा है कि यह देश हमारा है और हम चीन के विरुद्ध सदैव तत्पर रहेंगे और हम इसमें भी सहायता करेंगे कि चीन यहां से हटा दिया जाय। लेकिन कम्युनिस्ट पार्टी आफ इंडिया ने जो यह बात कही है क्या उसको किसी दूसरे देश की कम्युनिस्ट पार्टी ने कहा है कि यह कम्युनिस्ट पार्टी आफ इंडिया ने जो कुछ कहा है वह सही है, हमको एलाइन हो जाना चाहिये उनके प्रति और हमें कम्युनिस्ट पार्टी आफ इंडिया का साथ देना चाहिये। कम्युनिस्ट पार्टी आफ इंडिया बराबर दूसरे कम्युनिस्ट देशों का साथ देती रही है, कोई भी बात हुई उसने बराबर दूसरे देशों का साथ दिया। आज चीन और अल्बानिया की बात छोड़ दीजिये, उसका विरोध तो कर रहे हैं, लेकिन मैं पूछता हूं कि क्या रूस की कम्युनिस्ट पार्टी ने, क्या गुॉस्लाविया की कम्युनिस्ट पार्टी ने, क्या बल्गारियन की कम्युनिस्ट पार्टी ने एक शब्द भी कहा है कि तुमने बुरा किया है। बरअकम् इसके प्रावदा और दूसरी जगहों में भी कम्युनिस्ट पार्टी आफ इंडिया की प्रशंसा किसी ने नहीं की है बल्कि उसका विरोध ही किया है। उनके एटीट्यूड को आज शोविनिस्टिक एटीट्यूड कहा जाता है और ब्रिटेन की कम्युनिस्ट पार्टी ने तो उसका खंडन ही किया है और कहा है कि उन्होंने अनुचित किया है। उस दशा में आज चीन की एक नीति है। हम जानते हैं कि एशिया हमारा साथ दे रहा है—कम से कम उदासीन तो अवश्य है—और यह भी हम जानते हैं कि संभव है वह हमारा साथ देगा। बहरहाल वह उदासीन रहेगा। लेकिन, जैसा कि मैंने पहले कहा था, कि ये दो शक्तियां ऐसी हैं—एक तो डिमोक्रेसी की जनतंत्र की और दूसरी कम्युनिज्म की। जिम वक्त ये शक्तियां एक तरफ खड़ी हो जायेंगी, क्या ये लोग जो

[श्री हीरावल्लभ त्रिपाठी]

हमारा नारा बुलन्द कर रहे हैं उससे टूट कर अलग हो जायेंगे या नहीं ? यह आपके सामने प्रश्न है । जो लोग सी० पी० आई० का काम कर रहे हैं वे आज भी इसी दृष्टि को सामने रख कर हमारे खिलाफ इस्पायोजेज नहीं करते होंगे ? क्या हमारे खिलाफ कोई ऐसी बीज की धारा न चलाते रहेंगे कि जब चाहे पैर इधर रख दें, जब चाहे पैर उधर रख दें । आपको यह सब बात सोचनी होगी और इसके लिये आपके पास कौन सी सस्या है जो राजनीतिक चीज को जातीय रूप में जानती हो, या यह जानने की चेष्टा करती हो कि यह दल क्या कर रहा है । साथ ही इसके अतिरिक्त हमारे अन्दर बहुत से लोग हो सकते हैं जो हमको बेच सकते हैं । ऐसी दशा में जैसे आज अमेरिका में फेडरल ब्यूरो आफ इन्वेस्टीगेशन एंड इन्टेलिजेन्स है या इंग्लैंड में स्काटलैंड यार्ड है जो दूर देशों या विदेशों में जाकर वहाँ के देशों की खबर लेकर हमको देते हैं कि हम तत्पर रहे, सदैव सचेष्ट रहे । लेकिन हमारे यहाँ क्या कोई सस्या है, मैं इतना ही जानना चाहता हूँ कि क्या हम वैसा कर रहे हैं या नहीं कर रहे हैं ? मुझे तो इस ओर सदैव मात्र आपका ध्यान दिलाना है कि आप इस ओर पूरी तरह से ध्यान दे रहे हैं या नहीं ? आपको बाहर की खबर लेनी होगी कि दुश्मन हमारे खिलाफ क्या कर रहा है । साथ ही हमें देश के अन्दर जो दुश्मन है उसके बारे में भी ख्याल रखना है कि वह यहाँ से बाहर तो खबर नहीं भेज रहा है । मैं अभी हाल की बात आपको बतलाता हूँ कि हरिद्वार में जो कि हमारे देहरादून जाने के रास्ते में है उसमें रेल का एक लोहे का पुल है और उसके नीचे डिटोनेटर और कई चीजें पाई गईं । अभी तक यह पता नहीं लगा कि डिटोनेटर कहाँ से आया, किसने खबर दी, कैसे आया, इन चीजों के बारे में पता लगाने में देरी नहीं की जानी चाहिये क्योंकि पुल इस समय हमारे लिये बहुमूल्य वस्तु हो गई है । इन

चीजों के बारे में अगर हमारे देश के अन्दर काउन्टर इस्पायोजेज का काम हो रहा है और हमारे ही आदमी इस रूप में खबर दे रहे हैं तो ऐसी दशा में हमारे गुप्तचर विभाग को सख्त होना चाहिये, इस ओर मैं आपको सकेत करना चाहता हूँ ।

दूसरी चीज मैं यह अर्ज करना चाहता था कि इस समय हमारे देश में बहुत से पुल बनते हैं, बिल्डिंग्स बनती हैं, एम्पुनिशन के लिए बिल्डिंग बनायेंगे तो ऐसी स्थिति में वहाँ पर कौन आदमी किस तरह का गोला रख देना है, या सीमेन्ट कम लगाता है, या जो सामान बाहर जाता है उसको ठीक तरह से बाहर पहुँचाया जाता है या नहीं, इस तरह का हमारे पास प्रबन्ध है या नहीं ? आज तक हमने इस सम्बन्ध में जो काम किया है और जिस तरह का हमारा पुलिस का इन्वेस्टीगेशन है उससे हमारा काम नहीं चल सकता है । जिस प्रकार से हमें अपने मिलिटरी का प्रबन्ध बदलना पड़ा है, मिलिटरी के इन्तजाम को बदलना पड़ा है, उसी प्रकार आज हमको अपने गुप्तचर विभाग का प्रबन्ध बदलना पड़ेगा या उसमें ऐसा प्रबन्ध करना पड़ेगा कि जो खामिया आज के दिन मौजूद हैं वे खामिया न रहने पायें ।

SHRI SUDHIR GHOSH (West Bengal): Mr Vice-Chairman, Sir, I have to make only two points and I will make them very quickly. I support the provisions of this very drastic piece of legislation. Enacting this law means suspending the civil liberties and the fundamental rights of the citizens of India for an indefinite period. But when the existence of a free society is threatened by a ruthless and unscrupulous enemy, the survival of the community must have precedence over the freedom of the individual.

I have, however, one item of quarrel with the Home Minister and that is with regard to Section 3, sub-section (9) on page 5 of the Bill which requires any person or class of per-

sons to comply with any scheme of defence. Here we have to prove to the world that there is a basic difference between the kind of society which our enemy, Communist China, has built up and the kind of society that the Defence of India Act is meant to defend. If we forget that basic difference, we shall be doing serious moral injury to our capacity to fight such an enemy. In any civilised society, such as Great Britain, or the United States, where freedom is cherished, the law of the land recognises, even when the very existence of the State is threatened, the existence in the community of men who say that they believe that all war is wrong, that they are believers in non-violence, they are pacifists and conscientious objectors and their conscience does not permit them to submit to the requirements of this sub-section of Section 3 of this Act compelling them to comply with any scheme of defence as the Act here says. Mr. Vice-Chairman, we need not be surprised if we find that in a country where Gandhi lived and moved and had his being that there are some creatures, however small their number, who call themselves Satyagrahis or believers in non-violence or conscientious objectors who are not prepared to offer military service or comply with any scheme of defence but are prepared to risk their lives in any non-military job, however hazardous, such as ambulance work in the field of battle or similar alternative service. Gandhiji's injunction to us on this subject was very clear. He said that when a society finds that it is not in a position to offer effective non-violent resistance to an opponent—such as this Chinese invader—it is the duty of that country to take up arms and defend itself with force, physical and military force, instead of behaving like cowards and submitting to evil. But he never meant that there was no room in that society for men who say that all war under any circumstances is wrong and they are not prepared to participate in military service or any scheme of defence.

I, therefore, want the Home Minister to work in some provision for conscientious objectors and the setting up of Tribunals who will have to be satisfied by the conscientious objectors that they are not shirkers and that their conscientious objection is genuine. If we do not make such a provision . . .

SHRI AKBAR ALI KHAN: Their number is so limited . . .

SHRI SUDHIR GHOSH: Never mind whether the number is large or small, it is a question of principle. If we do not make such a provision, we shall be insulting the memory of Gandhi, whom we are in the habit of describing as the Father of our Nation. Even countries that cannot claim a great spirit like Gandhi, countries that have not experimented with non-violence as we did, have such a provision in the emergency law of their lands because they are civilised and tolerant societies.

There is only one other point that I wish to make and that is about the humane use of the very wide powers that the Parliament is now giving Government to deprive individuals, who come in the way of the Defence of the country, of their freedom. In this connection I wish to make a reference to the criticism that has been made of the arrest of a number of persons who happen to be members of the Communist Party of India. Now, the House knows the Home Minister well enough. I think there will be general agreement in this House that the Home Minister combines in him, humility and ability, compassion and administrative firmness in a rather unusual degree and I think I am not exaggerating when I say that he can be safely trusted to use these powers with sympathy and understanding, compatible with the safety of the nation. But what surprises me is that this criticism of the Government has come not only from the Communist Party of this country but the Communist Party of Soviet Russia. I have

[Shri Sudhir Ghosh.]

here a newspaper clipping which gives a message from Moscow about the condemnation of the Government of India by the 'Pravda' newspaper. It says:

"MOSCOW, Nov. 30: The Soviet Communist Party organ Pravda today said that Soviet Communists were 'expressing solidarity' with declarations by foreign Communist leaders condemning the arrest of Indian Communists, by the Government of India. It said many Soviet Communists had written to Pravda to 'condemn the massive repression of the fraternal Communist Party of India' by the Government of India."

"This was the first time a Soviet newspaper was condemning the arrests, though they had been reported here before."

Now, if the 'Pravda' was a newspaper like Times or the Manchester Guardian in Britain, then I would reject it as the opinion of an individual newspaper which does not represent the views of any Government and I would not bother about it. But Pravda is the organ of the Russian Communist Party and the Russian Government. Only a few days ago when we discussed the Resolution on Chinese aggression in this House, various hon. Members quoted with great satisfaction the Pravda and the Izvestia indicating a shift in the position of the Soviet Government on this India-China conflict, because the Pravda and the Izvestia represent the views of the Soviet Government. If we wish to make a hair-splitting philosophical distinction, we may say that the Pravda is the official organ of the Communist Party of Russia of which Mr. Khrushchev, Prime Minister of the USSR, is the First Secretary. Whatever we may say, the fact remains that the Soviet Government, through the Pravda have expressed their displeasure and have criticised the Government of India for the arrest of some Indian citizens who

happen to be members of a certain political party. I think this House ought to make it very plain to our Russian friends that we strongly object to this sort of interference with the internal home affairs of a friendly country. Russia is a very powerful and a very friendly country. We greatly value that friendship. But friendship must be a two-way traffic. We have a right to expect the Soviet Government and the Communist Party of Russia and Mr. Khrushchev who is the head of both, to respect the *bona fides* of the Government of India in this action taken against some Indian citizens. Arrests and sudden disappearance of people to unknown destinations is not an unheard of phenomenon in Soviet Russia. But neither the Government in this country nor any responsible political party in India claims that it has a right to condemn the Russian Government for any action against any Soviet citizens. It is none of our business to interfere with the internal home affairs of Soviet Russia; nor is it any part of the business of the Pravda newspaper or the Party or Government it represents, to interfere with the internal home affairs of India and to condemn the Government of India for the arrest of some Indian citizens.

Until a few years ago, Mr. Vice-Chairman, our Russian friends were very anxious to make it plain that their friendship was with the Nehru Government and not with the Communist Party of India. Indeed, Mr. Khrushchev during one of his visits to India made some rather uncomplimentary remarks about the Communist Party of India. He said "The dog barks but the Indian elephant passes on"—by the barking dog he meant the clamouring Communist Party of India; the stately elephant was the Nehru Government. It was only a couple of years ago that the Communist Party of Russia, for the first time, officially identified itself with the Communist Party of India when Mr. Suslov, the topmost theoretician and high prest of the

Russian Communist Party, attended the annual meeting of the Communist Party of India at Vijayawada and it was then that our Russian friends for the first time officially identified themselves with the Communist Party of India. This shift has now become so pronounced that Pravda does not hesitate to interfere with the internal affairs of India and to criticise the Government of India. I submit that this is not a good sign. We are all very grateful to Premier Khrushchev for the contribution he is making to world peace and international understanding. But this House would like Mr. Khrushchev to know that Pravda's criticism is not liked by us and we hope Mr. Khrushchev will give some good advice to Pravda and his Party that this is not the way to promote friendship between India and the USSR. We are normally very squeamish where our Russian friends are concerned, and we are very vocal when our British and American friends fail to render satisfactory service, but I personally do not believe that there is any great virtue in this squeamishness

श्री पंडरीनाथ सीतारामजी पाटील (महाराष्ट्र) : उपसभाध्यक्ष महोदय, यह सदन के सामने जो डिफेंस आफ इंडिया बिल आया है उसका मैं समर्थन करता हूँ।

हमारा यह भारत देश शांति, न्याय और सह-जीवन के साथ रहना चाहता है और दूसरों के साथ भी दुनिया में ऐसा चलना इसका सिद्धांत है। पंचशील का इसने आविष्कार किया है और पिछले दस बारह साल से उस पंचशील के आधार पर हमारे देश में विकास के लिये पंचवार्षिक योजनाएं बना कर हमारे यहां की जनता और सरकार उनको कार्यान्वित करने की कोशिश कर रही है। ऐसा होते हुये भी हमारे पड़ोसी देश, चाइना ने बिला वजह हमारे देश के ऊपर हमला किया और यह जो आज का युद्ध है यह हमारी इच्छा के विरुद्ध और अन्याय के साथ हमारे ऊपर लादा गया है। सारी

दुनियां जानती है कि दुनिया में दो राजनैतिक गुट हैं, दो प्रभावशाली राष्ट्र हैं और दोनों ने दो गुटों में सारी दुनिया का बटवारा करने का इरादा किया है और इस तरह की उनकी कोशिश है। हम किसी एक गुट में शामिल हो जायें, ऐसी उन दोनों की भी इच्छा हो सकती है। लेकिन हमारे देश का नेता एक बहुत बड़ा महापुरुष होने के कारण उन्होंने यानि पंडित जवाहरलाल नेहरू जी ने हमारे देश को इन दोनों गुटों से भी बचाया है और सही रास्ते पर हमारे देश को वे ले जा रहे हैं। उन्होंने पूंजीवाद और साम्यवाद ये जो दो प्रभावशाली राष्ट्रों के दो रास्ते हैं इन दोनों रास्तों को छोड़ कर महात्मा गांधी के सिद्धांतों के अनुसार एक नया रास्ता, जो दुनिया के लिये बड़ा फायदेमन्द हो सकता है और शांतिमय हो सकता है, ढूंढ निकाला और उसके आधार पर हमारे देश में लोक-तंत्र शासन द्वारा सहकारी समाजवादी समाज की रचना आर्थिक क्षेत्र में, और तटस्थता की नीति राजकीय क्षेत्र में, ऐसी नीति अपना के हमारे देश ने पिछले दस पन्द्रह साल में बहुत कुछ तरक्की की है और इस में हमारा देश और हमारी सरकार बहुत कुछ कामयाब हो चुकी है। यह हमारे पड़ोसी मित्र चाइना ने देखा और उसको डर मालूम हुआ कि अगर भारत इस तरह से आर्थिक क्षेत्र में तथा राजनैतिक क्षेत्र में भी बढ़ता गया तो उसकी जो इच्छा है पूरे एशिया में साम्यवाद का फैलाव करना अथवा साम्यवाद लोगों के ऊपर ठूसना, उसमें वह कभी यशस्वी नहीं हो सकता। इसकी दूसरी विशेष वजह यह भी है कि एशिया की नेतागिरी उसे करनी है तो वह अगर भारत को इस तरह से जाने दे और तरक्की करने दे, तो हिन्दुस्तान की जगह पर चाइना किसी हालत में एशिया का नेतृत्व नहीं कर पायेगा। इन बातों को देख कर के चाइना ने हम पर हमला किया है और उसके जो इरादे हैं उनसे मालूम होता है कि सीमा पर कुछ थोड़ा रद्दोबदल करने पर भी यह युद्ध बन्द होने वाला नहीं है। यह तो एक लम्बी

[श्रीपंडरीनाथ सीतारामजी पाटील]

लड़ाई है, सिद्धांतों की लड़ाई है और यह सप्ताहों तक चलने वाली है, इसलिये हमारे देश को लम्बे समय तक लड़ने के लिये तैयारी करनी चाहिये। इस कार्य में सरकार को सुभीता तथा कानूनी अधिकार प्राप्त करने के हेतु यह बिल हमारे सामने लाया गया है। यह बड़ा फायदेमन्द तथा समयोचित है। इसे मंजूरी देकर बिना विलंब देश में अमल में लाया जाना चाहिये।

विरोधी दलों के कुछ सदस्यों ने यहाँ यह शका प्रदर्शित की है कि अगर बिल पास हो गया और इसी बिल की तीसरी धारा के अनुसार सरकार ने बहुत से अस्थितयारात अपने हाथ में ले लिये तो उनका दुरुपयोग होगा और वह दुरुपयोग नहीं होना चाहिये। इस तरह की एक आपत्ति आक्षेप उन्होंने हमारे सामने रखा है। मैं तो यह कहूँगा कि मेरी शिकायत दूसरी है। मेरी शिकायत तो यह है कि बिल और कानून तो हम पास कर लेते हैं, लेकिन उनका अमल सरकार बराबर नहीं करती और अमल ठीक नहीं किया जाता। उस का ही परिणाम है कि देश में कुछ व्यापारी कालाबाजार, कुछ सरकारी कर्मचारों घूस-खोरी, तथा कुछ घर भेदी पंचमस्तम्भी का काम करके प्रत्यक्ष अप्रत्यक्ष रूप से दुश्मन को फायदा पहुंचाते हैं। उसके बहुत से सबूत आपके सामने आ सकते हैं। अभी थोड़ी देर पहले मेरे एक मित्र ने दिल्ली का मिट्टी के तेल का किस्सा आपके सामने रखा है कि ३५ नये पैसे बोतल जहाँ लेना चाहिये वहाँ व्यापारी ८० नये पैसे एक बोतल का लेते थे और जब उनको यह शंका हो गई की तेल पर सरकारी कंट्रोल हो जायगा, वे ज्यादा मुनाफा नहीं ले सकेंगे तो सब मिट्टी का तेल बाजार में से गायब हो गया, भूमिगत हो गया, राजधानी में जब यह हाल है तो दर के दहात में क्या होता होगा? इस तरह से हमारे देश में कानून तो बनते हैं, लेकिन उनका अमल जितना कड़ा होना चाहिये

उतना होता नहीं। ऐसी सूरत में हमारी सरकार की तरफ से जो कानून बनते हैं, उनके दुरुपयोग होने की बात तो बिल्कुल बेहूदा बात है। दुरुपयोग तो हमारी सरकार ऐसे कानूनों का कभी नहीं करती और इस समय तो और भी नहीं करेगी जबकि देश के ऊपर संकट है। जैसा मैंने मिट्टी के तेल का किस्सा सुना, मैंने दूसरा यह भी किस्सा सुना है कि आंध्र के मुख्य मंत्री सजीव रेड्डी महोदय ने वहाँ असेम्बली में यह कहा है कि उनके राज्य में किसी एक शहर में एक किराना शाप थी उसमें दूकानदार ने उसकी जी वस्तुयें थीं उनकी तिगुनी और चौगुनी कीमते बढ़ा दी। जब उससे यह पूछा गया कि ऐसा क्यों है तो उसने साफ कहा कि युद्ध शुरू हो गया है और युद्ध के समय में ऐसा होता ही रहता है और व्यापार में तो ऐसा होता ही है। यानि आमतौर पर कालाबाजार करना हमारे देश में कुछ आदत सी हो गई है। तो कानून के जरिये उसको रोकने की जरूर कोशिश होगी लेकिन मामूली सजा देने से या मामूली तरीके से इस कानून को अमल में लाने से यह कामयाब नहीं होगा। मेरा तो यह आग्रह से कहना है कि जो कानून बनाया जा रहा है उस पर पूरा पूरा अमल होना चाहिये।

आपको याद होगा कि प्रीमियर आटो-मोबाइल कम्पनी ने हमारी गवर्नमेंट को कुछ टेक्स देने का इकरार किया है, कांटेक्ट किया, लेकिन मालूम यह हुआ है कि जब युद्ध का सामान युद्धक्षेत्र तक पहुंचाने के लिये वे ट्रक चलाये गये तो वे ट्रक टूट गये। इस तरह से कांटेक्ट लेकर के मिलिटरी के साथ धोखेबाजी करना देश के लिये पंचमस्तम्भियों से भी ज्यादा खतरनाक है। अगर हम इस कानून पर पूरा-पूरा अमल नहीं करेंगे तो ऐसे देशद्रोही लोगों से देश का घात होगा।

अब मैं व्यापारियों का दूसरा एक तरीका आपके सामने रखूँगा और वह यह कि देश के संकट काल में व्यापारी जब

बाहर के देश से माल लाता है तो उसकी कीमत खूब बढ़ाता ही है लेकिन जब वह अपने देश के किसान से या जो घरेलू उद्योग धंधे वाले कारीगर हैं उनसे माल लेता है तो वह उनको दाम बहुत गिरा कर कीमत देता है और उनको चूसता है। जैसा कि हमारे देश में जो कपास होती है उसको किसानों से लेने के लिये व्यापारियों ने आज के युद्धकाल में बिना वजह उसकी कीमत खूब गिरा दी है। कपड़े की कीमत बढ़ रही है लेकिन कपास की कीमत हर दिन गिरती जा रही है। इसका अन्तिम परिणाम देश की अर्थ व्यवस्था पर घातक होकर देश में गड़बड़ी पैदा हो सकती है। क्या यह देशभक्ति के लक्षण है? ऐसे कानून बनने से अगर इन लोगों पर पाबन्दी नहीं होगी तो देश आगे नहीं चलेगा और हम शत्रु पर विजय नहीं पा सकेंगे। घर में जो घपलेबाजी है उसको बिल्कुल नष्ट कर देना चाहिये। उसके लिये पूरा बन्दोबस्त करना चाहिये और ऐसे कानून का उपयोग इसके लिये होना चाहिये।

मुझे सरकार को यह सब नहीं कहना चाहिये और इस बिल में इसके लिये कुछ ज्यादा हिस्सा आता भी नहीं है इसलिये मैं इस चीज को और ज्यादा नहीं छुड़ंगा लेकिन चलते चलते मैं मंत्री महोदय से और सरकार से यह कहूंगा कि हमारे देश में जितने भी कारखाने हैं या जितनी भी खेती वगैरह है उसमें माल की पैदावार को अब ज्यादा बढ़ाना चाहिये। गेहूँ मोर फूड या गेहूँ मोर काटन जो कुछ भी है वह तेजी से होना चाहिये और साथ ही साथ पैदावार करने के लिये जितना किसानों ने श्रम किया है या जितना पैसा पैदावार करने के लिये लगाया है वह उनको बराबर मिलना चाहिये और उचित कीमते उनको मिलनी चाहिये। हमारे देश में कारखानों

के माल की पैदावार भी बढ़ाई जानी चाहिये तथा हमारे जो सिपाही हैं और उनके लिये जो हथियार वगैरह चाहिये उनकी ओर भी हमें ज्यादा ध्यान देना चाहिये ताकि हमारे देश में अच्छे सिपाही पैदा हों और अच्छे हथियार, प्रभावशाली स्वयंचालित यानी आधुनिक हथियार हमारे देश में पैदा हों। इन सब बातों की तरफ खयाल करना चाहिये और मैं समझता हूँ कि यह जो कानून बनाया जा रहा है ऐसे सारे कामों का पोषक है। इस युद्ध में देश की सारी जनता जोश के साथ सरकार की पूरी मदद कर रही है लेकिन अगर कोई व्यक्ति या दल चोरी छिपे से काला-बाजार, घूसखोरी, कुप्रचार इत्यादि कुकृत्य करके हमारे देश का घात करना चाहे उनको हमारी सरकार इसी कानून से सजा देगी। उनको जरूर कड़ी सजा देनी भी चाहिये।

मैं एक और बात आपके कान में डालूंगा। जैसा कि हमने सुना है कि तेजपुर के डिप्टी कमिश्नर वहां से चले गये तो हमें मालूम नहीं है कि उनके खिलाफ क्या कार्यवाही हुई। ऐसी गड़बड़ी, ऐसा घात हमारे देश में चलेगा तो फिर राज्य चलने वाला नहीं है। युद्धक्षेत्र के पास का डिप्टी कमिश्नर ऐसा बड़ा जिम्मेदार आदमी भाग जाता है और उसके खिलाफ कोई ठोस कार्यवाही नहीं है? अगर दूसरे देश में किसी ने ऐसा किया होता तो वह दुनिया में नहीं रहता। मैं कहता हूँ कि उसको दुनिया से मत भेजो, उसको दुनिया में रखो लेकिन कम से कम उसको कड़ी सजा तो दो ताकि दूसरे अमलदारों पर, दूसरे लोगों पर, उसका उचित प्रभाव पड़ सके। तो ये सब बातें आपके सामने रखता हूँ।

अब, हमारी जो पंचवर्षीय योजना है उस पर अमल करना चाहिये। युद्ध के

[श्री पंडरीनाथ सीतारामजी पाटील]

कारण पंचवर्षीय योजना को छोड़ देना कोई उचित बात नहीं है लेकिन अब तक जो बेवाजबी खर्चें होते थे उसको छोड़ देना चाहिये। हमारी पंचवर्षीय योजना में कुछ ऐसी बातें थी जो व्यवहार में फलदाई नहीं हो सकती थी और उन पर लाखों करोड़ों रुपया चला गया। तो उसको दुरुस्त करना चाहिये जिससे कि हमारे देश की पैदावार बढ़े। हमको उत्पादन बढ़ाने के रास्ते ढूँढ़ने चाहिये और उस तरह की पंचवर्षीय योजना बना कर उसको अमल में लाना चाहिये। जब तक हम न्याय के रास्ते पर चलते हैं तब तक जीत बराबर हमारे साथ आयेगी। चीन से युद्ध में हम न्याय पर हैं और हमारी सरकार, हमारी गवर्नमेंट, हमारी फौज लड़ाई में बराबर जीतेगी लेकिन लड़ाई जीतने के लिये लोगों में विश्वास का निर्माण होना चाहिये और इसके लिये यह कानून विशेष रूप से सहायक होना चाहिये।

जहां तक पंचमस्तंभी लोगों की बात है कि कम्युनिस्टों के ऊपर हम शंका रखते हैं तो उनका जो पिछला इतिहास है उसके कारण यह शंका है लेकिन जो लोग इसी कारण कम्युनिस्टों को गाली देते हैं वे भी कुछ वैसा ही अनुचित काम कर रहे हैं। मैं देहातों में जाता हूँ तो देखता हूँ कि कुछ लोग कहते हैं कि सरकार बुरी है, प्रधान मंत्री बुरे हैं, उन लोगों को ऐसा भ्रम इसलिये हो रहा है कि कांग्रेस पक्ष के विरोधी दल जैसे स्वतंत्र, मोशलिस्ट, प्रजा समाजवादी और जनसंघ के मित्र यह वहां कह रहे हैं कि नेहरू जी बुरे हैं, कांग्रेस बुरी है और ये देश का भला करने वाले नहीं हैं इत्यादि, तो मुझे शंका होती है कि ये देश के मित्र नहीं हैं . . .

श्री रमेशचन्द्र शंकरराव खांडेकर :
कुछ कांग्रेस वाले भी ऐसी बातें कहते हैं।

श्री पंडरीनाथ सीतारामजी पाटील :

वह भी गलत बात है। अगर कोई कांग्रेस वाले ऐसा कहते हैं तो वह बुरी बात है। हमारे देश के खिलाफ, हमारी सरकार के खिलाफ, हमारे नेता के खिलाफ जो भी ऐसी बात कहते हैं वे आज के युद्ध काल में पंचमस्तंभी है फिर चाहे वे कांग्रेस वाले हों, चाहे प्रजा समाजवादी हों, स्वतंत्र पक्षी हों, या जनसंघी हों, कोई भी हों। तो ऐसे लोगों के बारे में भी इस कानून से बन्दोबस्त होना चाहिये अंत में देश के विकास का तथा संरक्षण का जो रास्ता हमारी सरकार ने ढूँढ़ा है, निकाला है, अपनाया है उस पर वह और हम लोग जोरों के साथ और दृढ़ निश्चय के साथ चले तो अपने देश की विजय निश्चित है। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आपकी इजाजत लेता हूँ।

KUMARI SHANTA VASISHT
(Delhi) Mr. Vice-Chairman, I would like to point out a few things while supporting this Bill which has become necessary to meet the present situation of emergency. While it is very necessary that under this Bill, and it will become an Act soon, action should be taken against all those people who are proving dangerous to the security and integrity of the country; and that action has already been taken against various individuals and persons of some parties. I think that a few other sections of people are also there, especially, who are very eloquent at this time that these provisions are not being used sufficiently to take care of all those people who are working against the interests of the country. I would, in this context, point out a few instances to show that it is necessary for the Home Ministry to look into those situations where some of the danger does lurk. Some of our papers, unfortunately, are functioning in a way which is very much against the political stability of the country at this time

and they write sometimes, even in the review of the Parliament almost every week or the political diary and things like that in some of the leading newspapers of Delhi which are read almost in most parts of India, at least in Northern India—they have been the spokesmen of the opposition parties—giving suggestions and questions which really should be asked by the political parties rather than by the newspapers. They have become rather the mouthpieces of those opposition parties of our country. They also make all sorts of demands and suggestions and tell the Prime Minister that he should do this for the political party, he should do that for the political party. Of course, these political parties today cannot provide an alternative Government but they say that they should be given facilities so that at a future date they may be able to take over the Government. Therefore, they say that they should be parties to all the decisions that are being made etc. I do not think it is the job of the ruling party today to facilitate matters in such a way that the opposition parties could take over at some convenient time. If that is the suggestion of these newspapers I am sorry to say we cannot agree and we do not appreciate it. But that has come out in a number of leading articles written in the important English papers of Delhi recently, and for those papers to become the spokesmen of the opposition parties as well as to suggest to the Government that they should give greater and greater place to those parties so that they can sometimes become an alternative Government is something which I cannot appreciate at all. So also some of the vernacular papers have been making quite a lot of attack on the Prime Minister as well as the Congress Government and their attack has been very much there in the last few weeks. Inside the House they give their support to the Government and appreciate what the Government is now doing but for the last fifteen years these very political parties and

these very leaders of the opposition parties could never appreciate anything done by the Congress Government and by the Congress Administration. Today suddenly overnight they have begun to support the Government as well as the Congress in the House at least whereas they were never tired of criticising the Government and the policies and programmes of the Government. They and their papers and their leaders have always criticised the Congress but today do not think that it is only the Communist Party that is expressing affection and appreciation of the Prime Minister and the Congress Government but these parties have also changed their views and attitude overnight. I have therefore the same suspicion about their appreciation as I may have about the Communist Party because both have changed their attitudes overnight and they are all showing loyalty and vying one with the other in showing their loyalty to the Government at this juncture.

SHRI B. K. GAIKWAD (Maharashtra): Because the opposition parties know very well that the country is in danger and therefore they should support the Government.

SHRI ARJUN ARORA: We wish their action showed that.

SHRI B. K. GAIKWAD: That is what they are doing.

KUMARI SHANTA VASISHT: If they support the Government here, they should support it in their papers also, in other platforms also, not in Rajya Sabha alone. I cannot understand their support of the Government in this manner; it is really stabbing the Government in the back if I may say so. In the vernacular papers they are making a frontal attack on the Prime Minister as also attacking the Government policies and what the Government has done in the last fifteen years. People read

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 these things and the printed word is a letter of law to them. They believe that what is printed must be correct. In this way the people are considerably misguided by the printed material, by the yellow material that is being put out day after day. They should be checked at once, otherwise it may be too late when everybody will start singing the same tune and it will be difficult to control these papers which are giving out a lot of wrong ideas about the Government and its functioning. Therefore action should be taken against them before it is too late.

Most of the hon. Members must have come across Mr. Gorwala's paper called *The Opinion*. If you read that paper of the 20th November or 13th November or even the earlier issues, they have made a very strong frontal attack on the Prime Minister. In the issue of the 20th they attack the Prime Minister saying that he is not able to take care of things, that it is getting too late and he should go away and that he should realise this before it is too late; otherwise the forces will work to remove him because in this emergency . . .

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): There is no need to repeat them all here. Copies have been supplied to all members.

KUMARI SHANTA VASISHT: I know it is supplied. I wish I had it with me here. If I knew I was to speak today I would have brought the paper and produced it here. Now, I can only say from memory what they have written, i.e. that it will get too late, that the Prime Minister should revised his views; otherwise the forces may remove him and something like that. That was a single article making a frontal attack on the Prime Minister, saying that all the steps which are to be taken to meet the present situation are irksome to the Prime Minister and all this work for the emergency goes against his grain and he should leave his post

before it is too late and the forces remove him. Other articles published in that paper are against the policies and programmes of the Government. They also say that the policy of non-alignment is already finished and that it has no value and that is what our friend, Mr. Vajpayee, also said in the House; "Why worry about non-alignment?" That thing is already done away with. This same thing is said by Mr. Gorwala also in his paper. So I think the Home Minister should look into this matter because it is a serious thing. We hear a thing, once, twice five times, ten times and the eleventh time we begin to repeat what we hear. This condemning the Government and our leaders, such ideas and opinions, if they are not checked in time might spread easily and everyone will be saying the same things, everybody may be singing the same song much poison would be spread, and it will be too late then to do anything about it, because people will be hearing these same things from the newspapers, from the different platforms. This is about the newspapers.

Now, even some of the leaders of some of the opposition parties, especially the former leader of the P.S.P., who is no more in the P.S.P. have been saying, "Why give gold, it is no use, it has no value," and so on. We must realise that what is called the go'd hoards have not come out. It is only the poor people's money that has come out. People who have not got food in their house, in front of me, have given their last pair of ear rings or the last ring that they had. But the gold lying with the very rich people, the gold bars about which the Reserve Bank has been saying so much, have not come out. It is still there with them. The Government will be requiring a lot of money to purchase arms, ammunition, equipment, etc. from foreign countries and therefore it is very necessary that the large amount of gold that is lying with the very rich people in the country should be brought out. If it does not come out on its own, then the Government should under the

Defence of India Rules take steps to see that all that is made available to the Government. That is the property of the Government.

So also wool. Recently wool has not been available. We have tried everywhere. Thousands of people are willing to make woollen garments for the jawans but wool was not to be found or it could not be had at proper prices. I think the Government should at once take over all the stocks of wool that they want so that they could make it available for the defence needs of the country particularly during the emergency period. We cannot depend upon the business people to come out with their stocks or to reduce the prices. War is always looked upon by them as the time when you make more money, when you sell things high, when there is a good market when you find accelerated spending by the Government because of the war situation. Therefore we should control this situation. We should be able to take over all the stocks that we want for meeting the situation today. It is a pity if wool is not available when our jawans are dying there in the cold weather and if Government will not step in and take over the stocks and make them available for the defence needs.

So also kerosene oil. There has been a shortage of kerosene oil for a very long time and it is very necessary that the Government should take over stocks of these vitally important things, these basic needs of the people. Governments have always taken such steps during the First World War and the Second World War. Not only these things; they used to take over hotels, houses and so on. They used to requisition buildings and stocks of things and you can also requisition now whatever is necessary. Why should kerosene go underground? I am glad that the Delhi Administration was able to find out about 450 tins of kerosene which they would have hoarded and sold in the blackmarket. I hope the Government would be strong enough

with them and take very severe action against those who indulge in black-marketing. If the Government fail at this point, the people will lose the respect for the Government as well as fear of the Government. It is very necessary that at this point people should have respect for the Government and also fear of the Government so that such people do not misbehave. The people in general should feel that the Government is careful in protecting their interests and that action is being taken against those who are indulging in blackmarketing or pushing the stock underground or demanding higher prices.

I would like to make one more point. In West Bengal and other areas the jute prices have gone down considerably, much more than one would have expected. This matter should not be left in the hands of the business people there. You must see that the grower is helped by intervening in this matter so that the price of jute can be stabilised and the grower can get a fair return for what he produces. So generally a strict watch should be kept on the price line so that prices do not go up and the business people do not make money. If the prices go up and up and up, it will really create an imbalance in our economy and the whole of our economic structure may be threatened with a serious danger. So I think at all costs the prices should be maintained, and they should not be allowed to go up because it will create a lot of inflationary and other troubles. And people will begin to think that the Government is unable to control the prices. As it is there is a tremendous amount of clamour about prices going up and if we cannot keep them in check there will be a feeling created in the minds of the people that the Government cannot control the prices and that the Government cannot handle this situation.

So as I said previously, what is printed and circulated among the people should be carefully looked into, stocks of vital articles should be taken

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over to meet Government's needs and prices should be kept in check and I hope that the Government will do something about these things.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): The Home Minister will reply to the debate tomorrow.

MESSAGES FROM THE LOK SABHA

I. THE MANIPUR (SALES OF MOTOR SPIRIT AND LUBRICANTS) TAXATION BILL, 1962

II. THE WORKING JOURNALISTS (AMENDMENT) BILL, 1962

SECRETARY: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

(I)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha,

I am directed to enclose herewith a copy of the Manipur (Sales of Motor Spirit and Lubricants) Taxation Bill, 1962, as passed by Lok Sabha at its sitting on the 6th December, 1962.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India "

(II)

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Working Journalists (Amendment) Bill, 1962, as passed by Lok Sabha at its sitting held on the 6th December 1962 "

Sir, I lay a copy of each of these two Bills on the Table

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): The House stand adjourned till 12 NOON tomorrow.

The House adjourned at five of the clock till twelve of the clock on Saturday, the 8th December, 1962.