

SHRI BHUPESH GUPTA: I doubt. I was here, the Secretary was here and perhaps Shrimati Yashoda Reddy was here but the person concerned was not here. Therefore, I think my submission is this that this Bill has lapsed as far as this Session is concerned and I think, with good grace, the Home Minister can take it up in the next Session.

SHRI M. P. BHARGAVA: May we know from the hon. Member, under what rule?

MR. DEPUTY CHAIRMAN: Do you want a ruling?

SHRI BHUPESH GUPTA: You seem to have made up your mind. Therefore, if you give a ruling against me, I think in public interest and in the interest of Parliament, you will administer a severe rebuke to the Minister.

SHRI M. P. BHARGAVA: Where is the occasion?

MR. DEPUTY CHAIRMAN: There cannot be a point of order in a vacuum. Before I called upon the Home Minister you took all the time and the time ran and it become one o'clock.

SHRI BHUPESH GUPTA: How could you have called him?

MR. DEPUTY CHAIRMAN: Perhaps Mr. Patil would have moved it, I do not know, but before I could call the Home Minister, you got up.

SHRI BHUPESH GUPTA: You have raised an important point.

MR. DEPUTY CHAIRMAN: You should have left it to me.

SHRI BHUPESH GUPTA: Perhaps, I agree, Mr. Patil would have moved the Bill but did you have in your possession an authorisation letter from Shri Lal Bahadur or Mr. Datar?

MR. DEPUTY CHAIRMAN: It is hypothetical. It does not arise now. Mr. Datar.

SHRI BHUPESH GUPTA: I say that you did not have any authorisation. Therefore, you could not have thought that Mr. Patil could have moved it.

MR. DEPUTY CHAIRMAN: You overshot your mark.

### THE CRIMINAL LAW (AMENDMENT) BILL, 1961

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI B. N. DATAR): Sir, I move:

"That the Bill to supplement the criminal law, as passed by the Lok Sabha, be taken into consideration."

Sir, I would not deal with the point of order which you have already overruled but I cannot help making one observation before I deal with the Bill that my hon. friend's uncalled for impatience to get this Bill postponed is a pointer in the direction of the need of this Bill itself.

SHRI BHUPESH GUPTA (West Bengal): Therefore you were absent?

SHRI B. N. DATAR: It is entirely wrong on the part of the hon. Member to say that. So far as this Bill is concerned, this had to be brought forward on account of certain developments, as you are aware, during the last 2 years or so and on a number of occasions, when the Home Ministry's Demands were under consideration or questions relating to the Home Ministry were under debate either in this House or the other, a number of hon. Members made the suggestion that something ought to be done immediately to stop the mischief that was being done, especially in the border areas of India. Now, I need not go into the various happenings that took place during the last 2 or 3 years, but suffice it for me to say that apart from what others have done, apart from what foreigners have done, apart from the foreign periodicals that carried on an insidious propaganda, there were unfortunately in India certain persons who did not act as they ought to have, because this was a question,

[Shri B. N. Datar.]

in the first instance, of the geographical integrity of India and secondly, the interests of public welfare and security had been greatly involved. Under these circumstances, the Government of India had to take certain steps; and so far as the publications, the highly objectionable publications, that entered India, are concerned, the Government have some powers under what is known as the Sea Customs Act and therefore, by resort to these powers, the Government have prohibited the entry into India by Sea, land or air, any literature which is false in itself, which is highly objectionable and damaging to the interests of India. This is so far as the foreign periodicals were concerned but here the larger question with which we were unfortunately concerned was the conduct of certain Indians of a party also and therefore the Government had to consider whether in their armoury of criminal law there were sufficient provisions for stopping these highly undesirable activities, unfortunately, of Indians themselves. That is the reason why in response to an appeal made by hon. Members of this House and the other, the Government considered the whole question and came to the conclusion that the criminal law as it was available was not sufficient, was not adequate, to deal with certain matters which had to be dealt with strongly in the interests of the territorial integrity of India in the first instance and of public safety and security in a general manner. That is the reason why the Government had to consider the whole matter and after considering the whole matter, the Government came to the conclusion that a supplementary criminal law, a piece of criminal law legislation which is to be supplementary to the one that we have already, ought to be passed by Parliament. So the present Bill was introduced in the other House and has been duly passed. It has come here for the approval of this honourable House.

So far as this Bill is concerned, it makes provision for certain new offences. It adds to the penal law of

India in respect of three matters. Secondly, it also deals with the removal of certain persons who are carrying on undesirable activities in certain areas which are called notified areas. And lastly, so far as certain writings and documents are concerned, Government have taken to themselves and they also give to the State Governments certain necessary powers for forfeiting all such objectionable materials and then seeing to it that these things are not carried on by the persons. Therefore, as I have pointed out, this is a supplementary criminal law of the land.

So far as the new offences that have been created are concerned, may I invite your attention to clause 2 of the Bill which makes a provision for a new offence—the first offence under this Bill? This clause reads thus:

“Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, questions the territorial integrity or frontiers of India in a manner which is, or is likely to be, prejudicial to the interests of the safety or security of India, shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.”

Therefore, as I said, this clause makes provision for a new penal offence, namely, the action of those who question the territorial integrity or the frontiers of India. So far as this question is concerned it is a question of India's national existence and so far as the executive side is concerned, we are taking care to see that our frontiers are fully protected and that no act is done by any person to trample under foot the territorial integrity of India. But there are certain persons who may question the territorial integrity of India and there are certain manners in which all these things are done and so we have a provision in this clause, which states:

“Whoever . . . . questions the territorial integrity or frontiers of India in a manner which is, or is

likely to be, prejudicial to the interests of the safety or security of India"

This offence can be committed in any part of India and so it has been so generally worded that wherever any person commits such an offence, he is liable under this clause 2 of the Bill to be punished. Therefore, as I said, this is the first offence and the punishment provided for is three years' imprisonment, or fine or both.

In the other House, when this Bill was under consideration, objection was taken by certain hon. Members that this offence was so serious, that it was of such a serious character that the punishment prescribed under this clause was very lenient. All the same, the Government do not wish to be vindictive, though the process of law and the needs of law have to be fully satisfied. Therefore, this punishment of imprisonment for three years—the highest punishment under the law—has been duly prescribed.

Next, I pass on to the next offence which has been provided for. In order to understand that offence, which has been dealt within sub-clause (2) of clause 3, I have to refer first to sub-clause (1) of clause 3 where provision has been made for declaring certain border areas as notified areas. Therefore, for a proper understanding of the second offence, as described in sub-clause (2) of clause 3, I shall have to read the other parts of clause 3 also. Sub-clause (1) of clause 3 reads thus:

"If the Central Government considers that in the interests of the safety or security of India or in the public interest, it is necessary or expedient so to do, it may, by notification in the Official Gazette, declare any area adjoining the frontiers of India to be a notified area;"—

the words "adjoining the frontiers of India" may please be noted—

"and thereupon, for so long as the notification is in force, such area shall be a notified area for the purposes of this section."

And this offence is dealt with in sub-clause (2) of the same clause. I shall read sub-clause (2). It runs thus:

"Whoever makes, publishes or circulates in any notified area"—

the words "makes, publishes or circulates" may please be specially noted—

"any statement, rumour or report."

These are three expressions which we have purposely used and my hon. friend, Mr. Mani, objects to the expression "rumour". Now, what is done by certain persons is that they make, publish or circulate any statement and sometimes, they might even contend that it is a rumour which ought not to be relied upon. But so far as the safety of that area is concerned, may I point out to my hon. friend and also to the honourable House that a rumour, especially when that rumour is spread, is far more mischievous and far more harmful than any other statement put before the public? That is the reason why the word "rumour" has been purposely used, especially in respect of an area like the frontier, where we have to deal with large mountainous regions, where the areas are sparsely populated and where the rumour passes from place to place. Therefore, it is absolutely essential not only to prohibit such statements but also to prohibit the spread or circulation of any rumour and an offender will not be heard in any court of law to say, "Sir, it was merely a rumour which I passed on." To pass on such a rumour or to circulate such a rumour is as harmful and mischievous to the interests of India as any other act. Perhaps, it is so even to a larger extent than the other acts of mischief which a man might commit. That is the reason why we have made a reference to statements and to rumours.

[Shri B. N. Datar.]

A statement may be made in a public meeting or it may be a written statement or it may be a rumour or what can be called a report. For example, a so-called social worker or a political worker may go and purport to make a report. So, the making of a report is also a heinous thing so far as the underlying object is concerned. So, it is made clear that it is not merely a statement or rumour, but also a report that is meant. And these are also qualified by certain expressions. A description has been given as to which statement, which rumour or report is of an objectionable, penal character. It should be of a nature "which is, or is likely to be, prejudicial to the maintenance of public order" in that place. As you are aware, if false rumours are published, then naturally they will create panic and it will be very difficult for the authorities of law and order to maintain law and order in that area. That again, therefore, is an offence of a serious character which has to be prohibited. Therefore, here it is said: "prejudicial to the maintenance of public order or essential supplies". Essential supplies also are mentioned. That also has to be met. Suppose a false rumour is purposely published or circulated that the arrangements for the supplies are not working properly, or that the Government is not looking after the interests of the people properly, then that also constitutes, what I would say, a menace to the good conditions that have to be maintained there. There are certain classes of persons, there are certain parties which are interested in tampering with our services, and proper steps will have to be taken in this respect. That is the reason why three purposes have been mentioned, and if anything is done either in respect of maintenance of public order, essential services or services in general, then such a statement or such a rumour constitutes an action which is penal and it has to be duly punished by law. This is the second type of offence which has been provided for here.

Certain other provisions have been made with regard to the issuing of permits, with regard to exempting certain categories of persons from any action under this Bill. Sub-clause (3) deals with this. In the other House, this question was specifically raised as to whether the issue of such a notification is likely to affect innocent persons who might have occasion to go there like tourists, like pilgrims and others. For that purpose, power has been taken for exempting certain class of persons.

" . . . subject to any exemptions for which provision may be made by a notification issued under sub-section (1), no person who was not immediately before the said day a resident in the area . . ."

This may kindly be noted. The qualifying words are these. If a person was not a resident immediately before of that area, and if he comes from any part of India, then naturally he comes within the purview of this particular sub-clause. If he wants to go there, he shall have to take a permit from the authority provided for in the Bill.

" . . . in the area declared to be a notified area by the notification shall enter or attempt to enter that area or be therein except in accordance with the terms of a permit in writing granted to him by a person, not below the rank of a magistrate of the first class, specified in the said notification."

In addition to declaring an area as a notified area, provision has also been made for the issue of permits in appropriate cases in respect of a person who was not immediately before a resident of that area but who wants to go there. Now, whenever a permit has to be issued, then all the questions will have to be considered, his antecedents also will have to be enquired into, and then the permit might be granted or might also be refused in appropriate cases.

Now, Sir, I pass on to the sub-clause (4), where provision has been made for the search of such a person, entering or attempting to enter, or being in, or leaving, a notified area. I need hardly say that the search has to be comprehensive and the vehicle or conveyance by which he comes will also have to be duly searched. It has been provided, in respect of women, that no woman shall be searched in pursuance of this sub-clause except by a woman authorised in this behalf by the police officer. The provision for substantive offence comes in after the sub-clause dealing with the power to remove this person physically from that area. Sub-clause (5) makes provision for this. If any person is in a notified area in contravention of the provisions of sub-clause (3) then, without prejudice to any other proceedings, that means, action can be taken against him in a court of law for the punishment of the offence that he has committed, he may be removed from there by or under the direction of any police officer.

DR. W. S. BARLINGAY (Maharashtra): May I ask a question for the sake of clarification?

MR. DEPUTY CHAIRMAN: After he finishes his speech.

SHRI B. N. DATAR: Would not the hon. Member like to wait till I finish my speech?

The substantive offence is dealt with in sub-clause (6):

"If any person enters or attempts to enter a notified area or is therein in contravention of any of the provisions of sub-section (3), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both".

Thus, Sir, you will find that in sub-clauses (2) and (3), provision has been made to meet three types of offences, one under sub-clause (2) and two under sub-clause (3).

The other precautionary steps that Government will have to take is mentioned in clause 4:

"(1) Where any newspaper or book as defined in the Press and Registration of Books Act, 1867, or any other document, wherever printed, appears to the State Government to contain any matter the publication of which is punishable under section 2 or sub-section (2) of section 3, the State Government may . . ."

The word "document" has been defined in the Bill. I need not read the other portions. The State Government will have the power of forfeiting all such documents or copies and can also make a search by entering into a building wherever it is necessary. This is an additional provision just as we have made provision for the issue of a notification, of granting permission in proper cases to a person who is not a resident in this area. This provision is very important so far as the prevention of mischief is concerned.

DIWAN CHAMAN LALL (Punjab): This refers only to printed documents but what happens if they are written by hand and cyclostyled?

SHRI B. N. DATAR: I shall consider that.

SHRI BHUPESH GUPTA: Do not provoke him.

SHRI B. N. DATAR: I believe it would come under "document" if I mistake not. I shall, however, look into it.

Forfeiture has been referred to in clause 4. There is a further provision, sub-section (3), which says, 'In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.'

SHRI BHUPESH GUPTA: Suppose it is written in invisible ink?

SHRI B. N. DATAR: Let the hon. Member hold himself in patience.

[Shri B. N. Datar.]

3 P.M.

In clause 5 a provision has been made for approaching the High Court in revision. Whenever any such order of forfeiture has been passed in respect of any document, then the ends of justice require that the matter ought to go to the High Court and that also has been provided for. The clause says:

"Any person having any interest in any newspaper, book or other document in respect of which an order of forfeiture has been made under section 4 may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document in respect of which the order was made did not contain any matter of such a nature as is referred to in sub-section (1) of section 4."

So, you will find these are the main provisions of this Bill.

DR. W. S. BARLINGAY: May I now ask a question? It is only with a view to getting some clarification. If the hon. Minister refers to clause 3(2), it reads:

"Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be, prejudicial to the maintenance of public order or essential supplies . . ."

The point that I want to be clarified is this. Suppose the statement or rumour or report, whatever it is, is true; will that be a defence to a prosecution under this clause?

SHRI B. N. DATAR: My hon. friend has asked the question as to whether truth is a complete defence. May I point out to him that in civil cases truth is a complete defence so far as tort is concerned but I am afraid it may not be so so far as the criminal

law is concerned? But I shall examine this point.

SHRI BHUPESH GUPTA: Truth will not be defence?

SHRI B. N. DATAR: Not merely the spreading of the so-called truth, it may be garbled truth, it may be partial truth but the most objectionable thing is the manner in which it is done. I would submit, Sir—I am subject to correction—that even if there is an element of truth here and there, that will not necessarily be a defence, much less an effective defence in an action under sub-clause (2).

Now, Sir, I would pass on to the circumstances and the manner in which propaganda is being carried on. Before that, with regard to the point that my hon. friend has raised, if even the expression of truth is prejudicial to the interests of security, then I am afraid truth will not be a defence at all.

Sir, hon. Members are entitled to ask about the type of propaganda that is carried on by certain parties. My hon. friend's party, Shri Bhupesh Gupta's party naturally comes very prominently into this picture and therefore we have to consider the type of propaganda that this party—and it is quite likely other parties also—might carry on; it is not a question of likely, it is just positive that the party or others might give some other name with a view to placing people off the guard. Therefore, it is that all such persons, all such parties, who carry on such things will become liable under this clause.

Now, I would mention the type of propaganda that is done. As I have pointed out, this is an area of long distances, of mountainous regions, and it is possible to spread false rumours here and to carry on propaganda in a manner which perhaps according to them might suit their convenience but which would harm the interests of the nation. I won't go into the question of India and China because that has been discussed here on a number

of occasions but I would summarise as briefly as possible the type of subtle, insidious propaganda that is carried on. In the first place, they say that China has not committed any aggression at all.

**SHRI P. N. SAPRU** (Uttar Pradesh): India has committed aggression, not China. That is what they say.

**SHRI B. N. DATAR**: I am just coming to that, if the hon. Member waits a little. They say that China has not committed any aggression and then they say that India has committed aggression. Then they further say—they put it in a general way—that so far as India's territorial borders are concerned, they are not fixed at all. In the first place their case is that there is no aggression at all; secondly, they say that there is aggression by India and inconsistently enough they say further that the border has not been properly demarcated. This is one type of propaganda that is being carried on. Then, China, they say, is a socialist country. It may or may not be socialist; we are not concerned with it. It is perfectly open to them to call it whatever they like but they want to assure the people that China will never invade India as no socialist country will commit aggression. Now, I would not go into the theoretical or ideological aspect of this, but taking the conditions as they are, it would be entirely wrong to say that a country is a socialist country in the first instance and then to draw, what some of these people want us to believe, a conclusion and an inference that they would never commit aggression because they are bound by that particular ideology. It is for the House to see whether there is any such ideology in the first instance, whether it is of such a type as to protect India against aggression and whether they would or would not do these things. Another thing which they say is this. China wants the dispute to be settled amicably but the Government do not desire this. This is directly a charge

against India's policy. In fact, the Prime Minister has on a number of occasions pointed out how he is anxious to enter into what can be called an honourable compromise in a spirit of peace and harmony but all the same this false propaganda is being carried on that India is not ready while the other country is ready for settling this matter by compromise. Then my hon. friend will always bring in the Congress Party in time, out of time, in place and out of place and I was amazed to find that in the amendments that he has proposed he has brought in the Congress Party as well. Now, the propaganda is that the Congress Party tries to divert the people's attention from its own misgovernment and to win the general elections of 1962. May I point out to my hon. friends that this propaganda is not of today? It is being carried on by these friends or these parties for a number of months, if not for a year or two, when people were not thinking of any general elections at all? It is only recently that the general elections are appearing on the horizon but long before that all these allegations were being made.

Then, Sir, as you are aware the Dalai Lama has been given shelter here. That itself is misrepresented and they say that the Dalai Lama is under the influence of Western imperialism. These are all catchy expressions which we find abundantly not only in other writings but in my hon. friends' speeches here on the floor of this House. They say that the Dalai Lama is under the influence of Western imperialism and the Government ought not to keep him in India. Then they say that the areas in Tibet under the control of China have progressed much more than the frontier areas of India. The progress in Tibet has been possible only by following the socialist system. Whether that system is being followed, I would not discuss the question here. These are some of the points that they have made and they want to take advantage of the so-called neglect of the fron-

[Shri B. N. Datar.]  
 tiers. In the first place, our frontiers were never neglected.

SHRI BHUPESH GUPTA: I am glad that the Home Minister has come. Let him save the Minister of State from the irrelevancies.

MR. DEPUTY CHAIRMAN: Order, order. Let him continue.

SHRI B. N. DATAR: Whatever is inconvenient is irrelevant to my hon. friend.

SHRI BHUPESH GUPTA: Is Tibet relevant here?

SHRI B. N. DATAR: Then, there are other instances which I need not make reference to. I need not also point out how attempts are being made to magnify so-called small grievances and to organise certain classes of people not only against the Government of India, but against the integrity of India itself. That is the most unfortunate part, a very sorry part of the whole affair.

Then, Sir, they say that India's maps are incorrect. That means necessarily by implication that the maps given by China are quite correct. That is the reason why we have to make it an offence, as I have pointed out, namely, any person who questions the territorial integrity of India becomes an offender under this Bill. It is only for this purpose that it has been done.

Then, Sir, there are various other instances where the Prime Minister is personally and most undeservedly attacked. There are some papers and some writings where it has almost been stated that the Prime Minister has made statements which are inaccurate, which are absolutely wrong. In fact, I would say even the word 'false' is there, because the expression used is 'jhooth'. I would not go into all these things further, since the House is fully aware of their outbursts through other sources. The Government are

aware, and the honourable. House is aware of the type of insidious propaganda, highly harmful propaganda, and I may add anti-national and unpatriotic propaganda that is unfortunately being carried on by the sons of our own soil. That is the most unfortunate part of it and that is the reason why the Government have had to bring forward a Bill for the purpose of preventing the performance of such actions. And where they have been actually done by overt acts, then naturally they have to be punished. They have to be brought before a court of law. After the whole thing is considered, the court of law might come to the conclusion that this is an offence, if the offence has been committed, on the basis of the evidence that is led before the court of law. If it is satisfied that any one of the offences is committed by the accused, then naturally you will agree that such a person has to be punished in the interests of the security of India, the safety of India, and may I add, the sacredness of the border of India. It is for this purpose that this Bill has been brought forward and I am quite confident that hon. Members of this House will lend their full support to the provisions of this Bill in view of the great national stakes involved herein.

*The question was proposed.*

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, I rise to oppose this Bill . . .

SHRI P. D. HIMATSINGKA (West Bengal): Naturally.

SHRI BHUPESH GUPTA because I think it is wholly unwarranted by facts and unjustified by moral considerations today. We have heard the speech of the Minister of State in the Ministry of Home Affairs. Towards the end of his speech he was saying so many things as if everything is relevant to the provisions of the Bill or comes within the mischief of this measure. But then the Minister of State in the Ministry of Home Affairs is a gallant person and he has to do a bit of fighting here. Right at



the outset I wish to say that we are not discussing this thing in a border. Nor you, Sir, are a border guard. Therefore, let us discuss it somewhat dispassionately, objectively and on merits.

Now, Sir, at the outset I should make a few things clear. I can well understand genuine patriotic concern for the territorial integrity of our country and I fully share that concern. Now, this is not the issue at all. As I proceed I shall show how this Bill has something else in mind. And the Bill is so worded that it does not say all these things, I believe, but even so, Home Minister in another place had to say that this was an extraordinary measure containing certain harsh provisions. I like Shri Lal Bahadur Shastri, because he believes in plain speaking. And in that matter he spoke plainly, although he sought to justify his measure. It is not his baby, but a baby handed to him to be nursed and reared. I am sorry for Shri Lal Bahadur Shastri. He might have been given a better assignment when he came to the Ministry of Home Affairs. This Bill has a different purpose. The intention of this Bill is entirely different. And I make bold to say that it is irresponsible, dishonest and cowardly. I say irresponsible because extraordinary powers are being given to the executive and to the police officers to play fast and loose with the liberties and rights of the people. In fact, we know that it will be grossly abused. We have had the experience of many such measures. Therefore, the hon. Members, who may think that it is not so bad, will bear it in mind that it is liable to be grossly abused. Even if you assume that there are certain things which can be justified in it, I do not assume it, because the measure will be administered not by the hon. Members of this House, nor even by Shri Datar but will be administered by the Superintendents of Police, by the Police Inspectors and Sub-Inspectors and by the C.I.D. men who did not know how to present a report about the Assam riots and kept the Government absolutely in the dark. It is

dishonest because the real motive of the Bill is closed, is disguised. The real motive of the Bill is to indulge in political persecution of certain sections of democratic public opinion in the country. Since he did not name anybody, I need not name anybody here either. This is the intention of the Bill.

Another intention of the Bill is to intimidate certain sections of the people and to give concessions to certain other sections of the people. I call it cowardly because this is a concession to the Rightist elements in the country who have been clamouring for some kind of action against the Communist Party and other forces like the Communist Party, with a view to disrupting and dividing the broad democratic movement in the country. This is a concession. And the hon. Minister was right in saying that some people in either House demanded it. I counted them from the proceedings of both the Houses. You can count them on your fingers. A few people have demanded it. And if you go into the names of those persons, you will find that most of them belong to those sections of public life which assail the foreign policy of the Government of India, castigate the Prime Minister for having adopted this foreign policy and seek to discredit the foreign policy of the country. Such are the people, the Rightist elements. I can add to his knowledge by saying that a measure of this kind is already acclaimed outside India by the imperialists and professional anti-communists. Therefore, the Home Minister, at least the Minister of State in the Ministry of Home Affairs, is in such a good company that way. Choose your company as you like. But I may say that this is a company which according to our foreign policy at least you should avoid. Therefore, this is the measure that we are dealing with and I would ask the hon. Members to consider it on merits. Now, they think that by passing this measure they would be able to placate those who are criticising them from the rightist position. They think that by passing this measure they would be in a position to take the wind out

[Shri Bhupesh Gupta.]

of the sails of Right reaction and pretend to the country as if they are the fighters. But then you are undermining the principle. You are appeasing the hands that will smite you, not today, maybe tomorrow. We have seen that appeasement of this nature in the political life of the country leads not to better development in political life, but leads to serious, bad development and to the strengthening and emboldening of the forces of reaction. I am sorry that the Congress Party should have done this thing.

But then, Sir, I know that many Members perhaps in this House will be supporting this measure. I do not put them in the same category. Among them there are people who are professional anti-Communists. They cannot go to bed without running down the Communists. The dream of their dreams is how to hit the Communist Party. Anti-Communism is their article of faith. But there are others who are right-minded people who rightly support the foreign policy of the Government, who may be upset by the developments that have taken place in the border but who stand for decencies in public life and the stand of the Prime Minister for the solution of the problem peacefully. To these people I can say that they have been somewhat misled. They are not misled, they are very eminent and intelligent people. They have permitted themselves to be carried away by the passions of the moment, by the prejudices of the moment or certain wrong presuppositions. Some of them do not even have prejudices. I do not call them anti-Communist. I am sorry that today a situation has arisen when the foreign policy of the Government is assailed and attacked outside by the forces of Right reaction—and that voice will soon be heard in this House—and that those who support the foreign policy of the Government should have permitted themselves to be so divided in a situation like this. The Government is helping that process. Sir, you might say, what is after all the Communist Party? Well, if the Communist Party were not a force, then you would not

have been talking all these things that you have been talking here. I take it that those who stand for the defence of the foreign policy and the strengthening of it would not mind that there should be common efforts to defend it, would not like to see the forces that defend the foreign policy of the Government of India dissipated and disrupted by the machinations and manoeuvres of the forces of reaction. This is a pertinent question to ask. Therefore, when these hon. Members opposite will support this measure, I will have no personal grudge against them; I will argue with them. It is these hon. Members particularly I wish to address today, because I think they should not at least misunderstand our position, they should not permit themselves to be carried away by the malicious, mischievous, lying, disgraceful propaganda that is indulged in by certain sections in the country, reactionary sections.

Now, Sir, I am reading out from a letter written to the "Times of India", dated the 27th April, by Shri J. P. Narayan. Nobody will say that he is friendly to the Communists. He does not take kindly to the Communists, and he writes about the Indo-China border dispute:

"May I add at this point that a matter like this should not be made into a football to be kicked about in the game of party politics."

**This is what Shri J. P. Narayan said.** You know Shri J. P. Narayan, and you know what view he takes of the Communists in many matters, but he does say that this matter is being kicked about like football by certain people. I do not say that Shri Lal Bahadur is the centre forward. I do not say that at all. But it is a fact that this issue is being used as a football by some people, maybe our P.S.P. friends are the centre forward and the half backs are the Swatantra Party. I do not see who is the goal-keeper, but Shri Lal Bahadur is becoming the goal-keeper. I would ask him not to be the goal-keeper. He is not of that type. Even if he says

wrong things against me, even if he attacks me, I know I would never put him in the same category as I would put some other people. We are not carried away by temporary passions like some hon. Members opposite. We judge people by their whole behaviour, by their entire policies, by their entire attitude in life, by their entire posture in the political life of the country, and not by what they may say at a given moment under certain stress of circumstances.

Now, Sir, as far as the position of the Communist Party is concerned, that is my Party, I knew what would come and I came ready for it. That was done in the other place, and here Mr. Datar did not take the name of the party in the beginning but then went on as if he might be committing a great sin if he did not take the name of the party, and therefore he brought in the name of the party, and then he was full of utter irrelevances. Anyway I think the matter should be set at rest. I would invite the attention of the House to a resolution passed by the National Council of our party last February at Delhi, and there it is stated:

"The Communist Party of India has already declared in the Meerut Resolution that it upholds the traditional border in the western sector and the MacMahon Line as the *de facto* boundary in the eastern sector."

This is what we have stated. Now, this much is stated there, and our activities are guided by the stand we have taken up. Whatever you may say about us, we are a disciplined party. We discuss and debate, but once we take a decision, we consider it a matter of honour to stand by that decision. I can declare on the floor of the House that there is not one Communist anywhere in the country who is not adhering to the resolution or implementing the resolution that I have just read out.

DIWAN CHAMAN LALL: Then why are you worried about this measure?

SHRI BHUPESH GUPTA: I will tell you. I know, I know. I have to convince you. I know why I am worried about it, I am coming to that. You are saying so many things against us. These I repudiate, these are not true. "Satyameva Jayate" is written there, and falsehoods and lies are trotted out on the floor of the House in the name of protecting the integrity of the country. Is this the way in which we are going to behave in our public life? If there is anyone who can come with concrete facts, with concrete evidence, let us discuss it, and we shall make amends for it, but not because it is vaguely alleged somewhere something had been written. Where? Who? What? Nothing. Because I, Mr. Datar, by the grace of the Prime Minister, the Minister of State in the Ministry of Home Affairs, have decided to make the allegation, and the allegation shall pass. That shall not pass. This is what I say on the floor of this House. Therefore, let us be clear about this thing.

Sir, no responsible party or citizen in the country would go against the integrity of our country, more especially when we have just won our independence. The only occasion in the recent period when the integrity of India was defied and disregarded was when the Central Government and the Prime Minister gave on a platter a part of the Berubari Union to Pakistan. But since the Prime Minister was concerned and he gave it, the Constitution was amended to validate an invalid act, to legalise an invalid act. Even we have criticised the Prime Minister, we have never questioned his *bona fides*. He had done it mistakenly, perhaps he was wrongly advised, but he had done it, as we say, even in the midst of very strong criticism. He had done it in the belief that it was necessary to do so to settle the border dispute between West Bengal and Assam on the one hand and East Pakistan on the other. He had done so in the expectation that that

[Shri Bhupesh Gupta.]

would lead to the betterment of relations between India and Pakistan. We did not come down upon the Prime Minister or assail him. There were others who did not support him, who did not support this measure and who took advantage of this act on the part of the Prime Minister to assail and attack him publicly and question his good faith, question his *bona fides*. But we never did it. Let it be known. Assuming . . .

DR. H. N. KUNZRU (Uttar Pradesh): You were attacking him all right; you attacked the Prime Minister all right.

SHRI BHUPESH GUPTA: We did not attack him, Dr. Kunzru. When we attack, we do it.

DR. H. N. KUNZRU: You did it in this House.

SHRI BHUPESH GUPTA: But I never questioned his *bona fides*. No, no. Of course, I criticised him. You sometimes criticise him.

SHRI MAHESWAR NAIK (Orissa): You come out with the truth.

SHRI BHUPESH GUPTA: What can I do? Sometimes the hon. Member is relevant and I like relevancy.

The point is that I criticise him. I agree. Dr. Kunzru is a respected person. He is not like Mr. Datar who says something which is not absolutely very good, which has no evidence or proof. He is right. I criticise him I agree. But I never question his *bona fides*. That is there in the proceedings of the House. On the contrary, I said that we supported the Nehru-Liaquat Pact. Now, suppose this measure was there before and the Prime Minister under those circumstances had made a statement publicly at a meeting that in his opinion part of the Berubari Union

should be given to Pakistan to settle the dispute, suppose he had said this, well, he would have come under the mischief of this measure. I know that he would not have been arrested because he is the Prime Minister. Suppose Acharya Kripalani was the Prime Minister and Jawaharlal Nehru was in the opposition benches and this measure was in force, would he not have been arrested? He would have been arrested. But people may give opinions. How do you take them like that? I shall come to that point.

But I am making this point very clear that when we deal with a matter, we must go into the heart of the problem. Therefore, the integrity of India has never been challenged and I would show how it has not actually been threatened by our people, by any party—well, I do not know if there is any surreptitious party—by any party which is functioning openly or by any right-minded citizen. Why is a sort of bogey being created about it? They do so because there are certain other objectives in their minds.

Now, let me come to the genesis of the Bill. That is very important. He made some reference to it. Some Members demanded it. So they got men. We could not help it. We did not like it. They were Hamlets in this matter, half-consenting and half-not-consenting. Then when approaches were made, they fell in for it. They permitted themselves to be reduced. First of all, it does not speak well of a government. What did you do? What was your stand? Then let me come to the next point. He did not recite it, he just mentioned some people. In August and September the matter came up in this House and in the other House also and later on on November 21 also it came up. And an anti-Communist hysteria was sought to be roused by some people and as far as I can see, on the 21st of November in the other House, Shri Ram Subhag Singh asked: 'May I know whether the Government

intend to introduce any measure to put a curb on such activities in the entire area?" and Shrimati Renu Chakravarty on behalf of the Communist Party just got up and said: "That is the main point." Well, it went on. An adjournment motion came up. A discussion took place. Now allegations have been made and these allegations form the basis of it. Some of these allegations have been proven to be untrue, to be incorrect. Let us come to what happened in this House.

In August last year the Prime Minister made certain allegations in this House. He said—he was replying to the debate on foreign affairs—something against the paper "New Age". When I asked him to substantiate that allegation, he merely mentioned the thing and left it at that and said something against the Communist Party. Then when the matter came up again in the Lok Sabha a few days after, Comrade Mukerjee similarly challenged it and he could not adduce an evidence. He made a broad statement that he had said this thing in the Rajya Sabha and that he was saying it in the Lok Sabha. There again "New Age" was mentioned. When the Prime Minister made allegations against the major opposition party in the country and on the floor of Parliament, we naturally took it seriously not from any narrow point of view, but from a broad point of view. Our Central Executive was seized of the entire matter and we considered the statement made by the Prime Minister in this House and in the other House. And after that our General Secretary was instructed to write a letter to the Prime Minister to find out from him exactly what was his complaint. We were not clear about the complaint the Prime Minister had in mind because we have great respect for the Prime Minister. And when he made certain allegations, we naturally wanted to find out first from him and after hearing from him, we thought that on the basis of what he said we would be holding an enquiry. And this is what the General Secre-

tary of the Communist Party wrote to the Prime Minister:

"Shri Jawaharlal Nehru,  
Prime Minister,  
Government of India,  
New Delhi,

Dear Sir,

In your speech in the Lok Sabha on 31st August, 1960 you referred to "The New Age" weekly, the organ of our Party and stated that "The New Age" has carried on a consistent, a blatant, a pernicious and a false propaganda on this issue . . ."

That is the India-China border issue—

"Earlier in the Rajya Sabha on the 18th August, you had said:

"'The New Age' has been carrying on not only unpatriotic but a most anti-national campaign."

In the course of the above debate on the foreign affairs, you had also referred to the activities of the Communists in the border areas. Naturally we take a very serious view of these charges. I would request you to inform me which particular item in 'The New Age' you object to."

Underline the words "which particular item you object to."

"I also request you to inform us about the specific facts relating to Party members' activities in the border areas."

We asked if the Prime Minister had taken exception to any passage in it—let us point out—and if we were wrong, we would correct ourselves. And he was also saying something about party members. We had hundreds of thousands of members and sympathisers of the party who would like to know if he had anybody in mind. That letter was dated the 16th September, 1960. Then we received a reply from the Secretary to the Prime Minister dated the 18th

[Shri Bhupesh Gupta]  
September, 1960, that is from Mr.  
K. Ram:

"Dear Sir,

The Prime Minister has read your letter dated September 16, 1960. He has asked me to tell you that it is not merely an item here and there in 'The New Age' weekly which he had in mind, but repeated articles and big headlines, all intended to give an impression that China was right and that India was wrong in regard to the frontier disputes. A reference to many issues of 'The New Age' in the course of the last two or three months . . ."

Hon. Members will kindly note the words "last two or three months"—

"will indicate this. The Prime Minister has no time to read all these issues, and he is going out of Delhi tomorrow."

At that time I think he was leaving abroad—

"As for the activities of some Communists in the border areas, the Prime Minister mentioned the particular districts concerned. His information was based on reports of speeches made in these border areas.

Yours faithfully,

Sd. K. Ram."

Now, we got this letter. Light was sought from the Prime Minister and we were not given much light. Districts have been named. Well it is there in the proceedings. We wanted to know who they were and what articles he had in mind. Then the Prime Minister referred to New Age weekly of the two or three months preceding the date of his statement. We re-examined every single copy of New Age from June because the statement was made by the end of August. We re-examined the issues of June, July, and August. Some articles certainly appeared where the words "Chinese" or "Mount Everest"

or some such thing occurred. One may or may not like some of the criticisms in these articles, or some of the explanations or some of these things said in these articles. But I challenge here—papers are there in this Library—there is not one article in any issue of New Age which questions the integrity, the territorial integrity, of our country. That is point No. 1. There is not one article which any fair-minded man, if he is not prejudiced politically against our party, would say is anti-national. There is not one article or a group of articles—very few appeared in that entire period—which would substantiate the charge that New Age was running an anti-national campaign. Therefore, Sir, I say the Prime Minister, as sometimes happens with him, was misinformed. I thought that after the departure of Mr. M. O. Mathai he would be better advised, but it seems that those who advise him today do not care to read things carefully and advise him properly for which they place the Prime Minister in a position where he has to make a statement which he cannot substantiate even after being written to by the General Secretary of the Communist Party of India.

SHRI N. SRI RAMA REDDY (Mysore): The hon. Member made a speech on the international affairs in reply to the Prime Minister's speech. Did he ever condemn the action of China in his speech here in this House?

SHRI BHUPESH GUPTA: That he will answer; I am not for answering.

Therefore, you see, Sir, that we take a serious view of this matter. I say this thing not with a view to securing debating points. I say this thing with a view to placing the facts before you, because I have got the chance now and because, maybe, some of us will be wrongly arrested and put in prison while Mr. Datar will be smiling in this House, but before the smile comes, let me at least say something which, I hope; you would kindly try to see and take

in the proper light. Now, this is the position. Therefore the charge against the New Age stands demolished. Now, here, Sir, have you noted two things? The Prime Minister did not read the New Age—that is number one—and he could not name anybody—number two. Now, if I were to be a witness in a case and went before a court of law and there, having said this thing, could not substantiate the thing, would my evidence be accepted? Therefore, you can understand it, Sir. My only regret is that here it is the Prime Minister of the country. He is not merely the Prime Minister, he is a great personality, and every word that he utters on the floor of the House or outside in the country is heard not only within the borders of our country but abroad also. Therefore, it is a pity if he finds himself in a position where he has to make such statements which cannot be substantiated, and which do not hold water at all.

Then, Sir, let me come to what happened in the Lok Sabha. I was at that time in Moscow—in November, as you know, I was there as a delegate of the party to attend a Moscow conference of the Communist Workers' parties, but I read it there. I read the paper "The Times of India" where I got the story of a flare-up in the Lok Sabha here—thanks to our friends, if I may say so, of the P.S.P. in this case. There was a little flare-up on the 21st of November. We read it very carefully. There we noted that the Prime Minister had made certain charges. There he gave certain names. He said that he had been asked to give some names. Therefore, after a lapse of two or three months, he gave certain names. It seems he was reading out a statement since the whole thing appears in quotation. It seems he read out from police reports. He mentioned three names and one is Shri Satyen Mazumdar. Shri Satyen Mazumdar, as hon. Members know, was a Member of this House, a very mild, decent and reasonable Member, so much so that even

Dr. Kunzru could not help liking him. Now, Sir, here was Shri Satyen Mazumdar. Another person the Prime Minister named is Shri Krishna Bhatt of Garhwal, and the third person he mentioned was Shri Kameshwar Pandit, Secretary of the Himachal Pradesh State Council of the Communist Party. Now, I do not want to read out the whole thing. I shall only mention what the thing is. It was alleged that Shri Satyen Mazumdar had said something, about how to carry on propaganda on the India-China question, at a secret meeting in Darjeeling. That was the charge. Then came Shri Krishna Bhatt—I shall come to this gentleman later. It was said that Shri Krishna Bhatt also said something in some village. At another secret meeting of the party Shri Kameshwar Pandit was alleged to have said something on the India-China border question. The Prime Minister confined himself to these three names. The whole thing, as I said, is in quotation, and then he said that it should not be treated as a precedent, namely what he was reading out. Evidently, some brief had been given, most possibly the police report had been given to him, and he being a fair-minded man, that he is, unlike some hon. Members on the Treasury Benches, was very apologetic about it, and he gave the whole thing in quotation. Well, I do not blame the Prime Minister for the words that are contained in that report, but I make the complaint against him that he quoted the wrong things—that is my complaint. Now, Sir, naturally we took up this question, where do we stand. This time the demand was made. "Where do we stand?"

DIWAN CHAMAN LALL: Where do you stand? That is what we want to know

SHRI BHUPESH GUPTA: Now, let me come to the three persons one by one, and let me take up Shri Satyen Mazumdar. Shri Satyen Mazumdar, as I said, was a Member of this House,

[Shri Bhupesh Gupta.]

now a Member of the West Bengal Legislature, a very prominent Member, and he is doing well, very well there—I may tell you. Now, when the allegation was made against him, he repudiated immediately. He issued a press statement, and also, I believe, wrote to the Prime Minister repudiating the charge. Shri Satyen Mazumdar said in a press statement.

"I like to categorically state that the allegations made against me are totally unfounded and are nothing but the most blatant fabrications. Obviously the allegations made by the Prime Minister are based on fabricated reports of the Central or State Intelligence branch."

Look after your Intelligence, Mr. Datar. The statement goes on:

"How could the police report on what transpired at a meeting of the District Executive Committee where none but members can be present? I can definitely state that the border issue was not at all discussed in the said meeting. As for my stand on the border issue it is entirely guided by the Meerut Resolution of the National Council of the Party—that was our earlier Resolution; we had not passed the Delhi Resolution—which stands for peaceful and honourable settlement of the dispute. I have expressed my views on these lines not only in numerous public meetings all over West Bengal but also in the Assembly last year. I think the said Intelligence report is actuated by the pernicious motive of discrediting me in particular, because I happen to enjoy wide popularity and respect in all sections of public including many Congressmen in Darjeeling district."

And I can tell you, every word he says is true. He raised this point on the floor of the Assembly to repudiate the charge, and the Speaker of the West Bengal Assembly was good enough to give him a chance to repu-

diate the charge. And the charge was repudiated.

Now, I come to Shri Kameshwar Pandit, Secretary of the Himachal Pradesh State Council of the Party. Well, he wrote a letter to the Prime Minister, and in his letter to the Prime Minister he stated:

"Actually on that day—the Prime Minister named the date of the meeting—I was down with fever and for the whole of the day I took rest at my home in Simla. No meeting of any kind whatsoever was held that day."

Unfortunately Shri Kameshwar Pandit did not get a reply from the Prime Minister. He is a well-known man and every neighbour there knows that he was ill on that day, and many people know also that no such meeting was held.

Now Shri Krishna Bhatt is the third name, and here I am sorry to say that we do not know of any such person as being a member of the Communist Party. Have you started recruiting members for our party? Well, Sir, I have been one of the members of the present leadership of the party and I can tell you that we do not have on our membership rolls any such gentleman as Shri Krishna Bhatt. They seem to be discovering members for the Communist Party. I should request Mr. Datar: "Please do not do so. We can look after ourselves and recruit members on our own." And that gentleman, I am told made a certain other statement. Naturally, when his name was mentioned, not being a Communist, he got more funky. At least we would not be so funky, but perhaps he got more funky. Therefore, you misfired, utterly misfired in respect of all the three names.

Now, Sir, look at what will happen to our country if such are the advisers of the Prime Minister, such are the people who prepare confidential reports for the Prime Minister, on which major policy decisions are taken, or Bills formulated, of the kind that we have today. Shri Lal Bahadur



Shastri is a good man, a lovable person. We only request him to pay a little attention to his Intelligence service, because it seems that some people belonging to his Intelligence service sitting in their homes after coming from a cinema write reports about Communist Party meetings. Naturally things are fabricated because here, again, the salary goes on production basis. It does not matter whether you produce falsehood or truth but production must be there. Therefore, this is the position.

Now these are the slants given to the situation on the border. Here again I would argue with Shri Lal Bahadur because today he may not see, tomorrow he will see my point. There may be subjective reasons for this measure rightly or wrongly, I do not go into it. Some people may feel genuinely also that some measure has to be taken with a view to protecting the integrity of India. There may also be others who may think that this measure would give them a good ammunition to strike at the Communists, to carry on anti-communist propaganda, to rouse feelings of prejudice against the Communist Party. But these are subjective considerations. The question is: Is there any objective justification for a measure of this kind? This we have to deduce from the facts of life, from the realities of the national situation. Sir, I submit before you that the objective situation does not justify the promulgation of a measure of this kind. First let me state why I say so because I want to convince a reasonable man like Shri Lal Bahadur.

Sir, there are a number of States whose border touches foreign countries. For example there is Assam, there is West Bengal, there is Rajasthan, there is Uttar Pradesh, Punjab, Jammu and Kashmir, leave alone the Manipur territory or Himachal Pradesh. Now, they touch variously the borders of Burma, Nepal, China and Pakistan. Am I right or am I wrong? I am right. Now, I would like to

know how many of these constituent States of India demanded that for the sake of border security or for the territorial integrity a measure of this kind would be needed. How many States wrote to the Central Government advising them that a measure of this kind should be passed? Not one, Sir. I say not one. If Mr Datar perchance says that it is all wrong, I should ask him on honour to produce the letters before the House, before you, Sir, with proper dates and so on, so that we can compare whether now or before the Bill was formulated any State in India, whose border touches a foreign country, had ever written to the Government of India asking them for a measure of this kind. I said that none wrote. And yet the Central Government, because some people in Parliament made a noise, some sections of the press wrote something, had to conceive a measure of this kind and deliver the child here. Such is the position.

Now, Sir, let me come to the points one by one. I am giving you official evidence. First of all, take it that other evidence is not there. Generally it happens that when the situation becomes serious, the State Government writes to the Centre asking for Central legislation. In this case it was not done. And what else is required to prove that there was no objective justification for a measure of this kind?

Then, Sir, let me come to the State of West Bengal. Dr B C Roy. Is he a Communist? No. He is not a Communist. He is the tough anti-communist Chief Minister of West Bengal. When Mr Sanjiva Reddy, after his visit to Calcutta, mentioned something about the bad border situation or activities on the border in West Bengal, Dr B C Roy, who knows how to look after himself better than many people who pretend to look after him immediately said that it was all wrong. There was nothing. He repudiated the Congress President's statement.

DR H N KUNZRU All wrong?

SHRI BHUPESH GUPTA: When Mr. Sanjiva Reddy accused the Communist Party of certain activities or some wrong activities on the border, Dr. B. C. Roy, that tough man, said, "I know my State and I know that there is no such thing as has appeared in the press". Mr. Sanjiva Reddy must have felt embarrassed.

Again, when a Jana Sangh member raised a question in the Lucknow Assembly of certain alleged activities of Communists and others in the border area, Dr. Sampurnanand, the then Chief Minister, stood up on the floor of the House to say that enquiries had revealed that there were no such activities. Then, Sir, later on, as you know, Mr. Sanjiva Reddy himself said that there was no truth in it. He toured Himachal Pradesh extensively and after returning to Simla he met pressmen. He toured, to be exact, from the 17th to 30th September. He told them that the border there was not a live border. To whom did he say that? To the paper called "Challenge" published from Simla, edited by Mr. J. N. Kaul, the local secretary of the Tibetan Committee and Camping Organiser of the anti-communist camps in that area. The paper published from Simla and edited by him published the interview of Mr. Sanjiva Reddy in which he said that there were no political activities in the border area. Can I produce any better evidence in my favour or for my proposition than the one that I produce in this particular case?

Then, Sir, take another case after that. Here again, there is a newly-created district of Uttar Kashi. The District Magistrate of Uttar Kashi held a press conference where he was bombarded with questions about the situation in the border area and the District Magistrate of Uttar Kashi said that there was nothing like that; there was no such prejudicial activity in the border area. Since Shri Lal Bahadur would be asking for other reports from his advisers, I thought I should better tell him so that he can check up. On the 31st October, the District Magistrate, Mr. Ushapati Bhatt

held his press conference and the newsmen bombarded him with questions about activities in the border and he said in plain language that there was no Communist activity nor were there any Communists in the district. I have given you the name of the District Magistrate and the date of his press conference. It was said by the District Magistrate and not anybody else.

Now, let me come to the Prime Minister himself. On the 21st of November in the Lok Sabha he made a statement which is significant. When people were shouting about the activities of the Communists in the border areas, he made one thing clear and I am quoting him. The Prime Minister said:

"... But there is no question of insecurity in our border area or of subversion being noticeable in those areas."

Therefore, you see, Sir, that in order to give you an idea of the situation in the border areas I have not only quoted a magistrate, I have quoted the Prime Minister, I have quoted two Chief Ministers and I have also quoted Mr. Sanjiva Reddy saying that the Himachal Pradesh border was not a live border at all. I have also quoted the paper "Challenge" edited by a very well-known anti-communist. Such is the position. Therefore, one has to ask what has happened since then. These relate to last year and since then what has happened? Has the situation deteriorated since then so much as to justify the sponsoring of this Bill in this House? I submit, Sir, the situation, if anything, has improved. The situation was never bad that way. It was built up when they talked about all kinds of things against the Communist Party, but in actual fact the border was not that way threatened.

Now, internally from within the country nobody was carrying on activities against the integrity of the country. Now, it has improved and yet we find the Bill before us I could have

understood it if, since that time, the Government could show that the situation has deteriorated or is not as good as it was or if it were bad according to them, it has become worse. Then I could have understood the meaning in sponsoring this measure but they have not done. They have not given any such evidence before the House. Therefore, objectively it is not a fair way to put it like that. I have given the official evidence. Now, I would give some unofficial evidence to justify what I am saying and for the consideration of the hon. Minister of Home Affairs. This evidence I take not from papers which are in any way sympathetic to the Communist Party or which may be regarded as sympathetic to the Communists. I take the Hindi weekly *Sarhadi*, edited by a Congress M.L.A. from Kedarnath constituency. His name is Narendra Singh Bhandari and on the 25th July 1960, he wrote:

"When some newspapers and responsible political circles began saying that the activities and propaganda of the Communists in the hilly districts of Uttar Pradesh are increasing, at that time with full responsibility we stated that it was incorrect. There are no Communists in the region and the couple or so of Communists that are there, are doing no such propaganda that harms the country. The Chief Minister of the State, Dr Sampurnanand had also stated that it was not true that in the hill districts such literature is being distributed which incite the local populace. Despite this some weekly papers that are published from the hills and some local officials go on repeating the baseless and unwarranted story about such propaganda. We consider this unfortunate for we know that there is a lot in Nazi Propaganda Minister Dr Goebbels's statement that if a lie is repeated over and over again, it can be passed off as truth."

He is not a Communist. I do not know how our friend, Shri Lal Baha-

dur, will describe him. The other day in the other House, I was interested to note that he was saying that somebody's son was a Communist. I hope he will not say that Dr. B. C. Roy's niece is a Communist when I quoted Dr. B. C. Roy. Then there is another paper, *Karma Boom*, the oldest and perhaps the most respected weekly of Garhwal, edited by Mr Dhulia, an old Congressman. He protested against this kind of propaganda being launched against the Communist Party. There are many fair-minded Congressmen in this House and outside also. They do not like that for petty political reasons, falsehood should be circulated, that a party should be slandered and maligned in this manner. There again, he wrote and criticised the "Hindustan Times" of Birlas for having indulged in such Communist baiting and anti-Communist propaganda. I may mention for the Minister's benefit that in the issue of 22nd October, he wrote such things.

Then there is another paper called "Satyapath", edited by Lalit Prasad Nithana. He is now called a former General Secretary of the Garhwal District Congress Committee. On 22nd June 1960 he wrote in his paper that there is no concrete evidence of any anti-national propaganda by the Communists. I hope that Mr. Datar, who knows everything, has kindly noted what an ex-Congress Secretary of a District had said.

Then perhaps I have left out one important thing about the P. S. P. Here again I would point out to you what a P. S. P. leader in U. P. said because I know that our friends of P. S. P. here might get up against me. Mr. Narayan Dutt Tewari, the Deputy Leader of the P. S. P., in the U. P. Assembly, after a tour of Pithoragarh, Chamoli and Uttarkashi areas, said that all these allegations were not true and they were false. He actually gave an account of the miserable condition of the people there, of the people who lived there and so on. That is what the P.S.P.

[Shri Bhupesh Gupta] Deputy Leader said I know that my friends of the P S P might like to say things against me but there, their Deputy Leader repudiated the false allegations that were made against the Communist Party. Sometimes people come to the truth and there he said the truth that it was the position I cannot hold the temptation because our friends of the P S P will be attacking us and I anticipate it. The P S P leader there said:

"The internal factors which caused discontent in the area largely flowed from the disappointment of the people whose expectations had not been fulfilled after the creation of the border districts. Official propaganda which accompanied the formation of these districts had raised hopes of a considerable improvement in their living conditions. Though officers had been posted in the new districts, their offices had not started functioning."

This is what the P S P. leader said

PROF. M. B. LAL (Uttar Pradesh). Where has Mr. Tewari said that the Communists are not creating mischief there?

SHRI BHUPESH GUPTA. You will say what you have to say but the Deputy Leader of your party said it.

PROF. M. B. LAL. I stand by every word of it.

SHRI BHUPESH GUPTA. Undoubtedly, you are a very right-minded person and I will see the demonstration of it here. I am looking forward to it anxiously. After all you are a professor, Mr Lal, and I have great respect for you.

Another important non-official authority I will quote Shri Manabendra Shah, the representative in Lok Sabha from Tehri Garhwal made a speech on this Bill and one would have expected that coming as

he did from the border area, he would say something about the anti-national activities, activities directed against the integrity of India since he is a big man also and something against the Communist Party but significantly enough, on the 24th of last month, when he was making a speech in the Lok Sabha, not a word did he utter about the anti-national activities of anybody and it is good that he did not say anything against the Communist Party. There you are. People coming from those areas do not accuse us. Mr Manabendra Shah did not accuse us.

DIWAN CHAMAN LALL. But nobody is accusing you here, if you do not question the integrity of our borders.

SHRI BHUPESH GUPTA. I know that you will not but some people will do. You are going to come to my rescue later. I need your help and that of all kind persons today because we are being unjustly maligned by certain people, small numbers, of course but loudly and vociferously. Therefore this is the position. Therefore, I think, that what I have said has abundantly made it clear to this House that from non-official evidence and from the official evidence that I have mentioned, there is no objective justification for sponsoring a measure of this kind. This is my important submission. You see, I was shocked—I don't know if you were shocked—when Mr Datar was saying that this Bill was needed for our national existence. Well, I think such a fatuous utterance should not be made from the Treasury Benches, because I consider our national existence to be something much stronger, much nobler and much bigger than to be spoken of in this manner, as though if Mr. Datar had not brought forward this Bill, our national existence would disappear and that the nation would go out of existence altogether. Do not speak like that. Say that you need this Bill to beat up some people, to arrest

some people, and do not try to make it look as if such a Bill is needed for our national existence. Our national existence is something far stronger than what you would make it by statements of this kind. I do hope the hon. Minister of State in the Ministry of Home Affairs would choose his words in such a way that at least outside they do not give a wrong impression.

Sir, when I heard him, I was reminded of what was said by Pakistan authorities in 1954. When certain things developed between India and Pakistan, the authorities in East Pakistan, before Iskander took over and also after he took over, began to say "Our national existence is at stake" and then they issued regulations and orders in the name of territorial integrity of the country, intended to harass, arrest and persecute the Communist Party and the Congressmen also. We shared the same prisons—Communists and Congressmen—in Dacca and other jails. Is that to be repeated here by this kind of a statement? If reaction gets entrenched, some day we may be landed in such a situation. Therefore, do not emulate, for goodness' sake, the Pakistan authorities who exploited the border disputes for bolstering up reaction and to persecute the Communists and democratic parties including Congressmen, former Ministers of the Congress Party in East Pakistan and other places. Sir, we cannot endorse by statements of the kind that the hon. Minister in the Ministry of Home Affairs has made, action that took place in Pakistan. Maybe it will be posthumous endorsement of such action; but nonetheless, if such things are said, you will be provoking President Ayub Khan or somebody to say, "Did I not say these things? Here is India saying such things. We showed the way to India." Sir, anti-communism is an outmoded and exploded weapon in the hands of reaction. But if you use it like this, I think the situation will be bad for all of us. Therefore, I would request my hon. friend not to

indulge in such kinds of statements. I read Shri Lal Bahadur Shastri's speech—moderate, soft and persuasive. But being in the Home Ministry, he is interested in getting the Bill through. But I read it very carefully and it showed the quality of the man. I do agree it shows the quality of the man, because he is not provoked to make things look ridiculous or to make wild allegations. He even paid a tribute to a speaker, to Shri Indrajit Gupta, which Shri Datar would not have done. He said Shri Indrajit Gupta made a nice speech. I must say Shri Lal Bahadur Shastri, though in substance it was very wrong, made a nice speech, nice man that he is.

Here I come to another aspect of the matter. You see, mention is made in clause 3 to public interest. In sub-clause (1) it says

"If the Central Government considers that in the interests of the safety or security of India or in the public interest,"

So, it is said that in the public interest, this measure is called for. And in sub-clauses (3) and (4) certain powers are given to regulate certain entries, to regulate the entrance of certain people to an area. One would have thought that something would be told as to why these were necessary. But the hon. Minister has not told us anything on that. One type of alleged activity he has not mentioned at all in this House or in the other House, significantly enough. When the Bill is supposed to be in the public interest and there are even provisions for controlling the movement of some people within the country from one area to a notified area, he has not mentioned about certain activities, which it is my duty now to do. I ask the Government to take note of what I am saying and I wish to invite the attention of the new Home Minister of the Government of India to subversive and prejudicial activities indulged in by some foreign nationals in the border regions of Kalimpong and other places. I have tabled an amendment to this effect.

[Shri Bhupesh Gupta.]

It is for them to have taken note of it, but they have not taken note of it. That only shows the intention of these people who have formulated this measure. Here, it is a very interesting story that I have to bring to your notice. I have done some hard work here. I hope the House will bear with me a little when I give hon. Members certain news, again documented and substantiated by facts which I can place before the House.

I have in mind George N. Patterson, correspondent to the *Daily Telegraph* of London who came to the lime-light in connection with the Tibetan counter revolution in 1959—a name which was mentioned in this House, residing in Kalimpong since 1950, ever since he fled from Tibet when the new regime was established in China and Tibet. His activities were in Kalimpong in support of the exiled Tibetan residents there. Patterson, in his books like "Tragic Destiny" published in 1959 and "Tibet in Revolt" claims to describe how he from Kalimpong helped and contributed to the organisation of this revolution in Tibet in 1959, in collusion with the Tibetan residents in Kalimpong and other elements inside Tibet. In these books he makes no secret of his part in organising meetings between the Tibetan rebel leaders and the U.S. officials and others in Kalimpong. Here are the two books, written by George N. Patterson, "Tragic Destiny" and "Tibet in Revolt", and the pages of these two books are full of confessions of subversive and prejudicial activities, activities which go against the interest of the country, and yet I do not find any kind of a reference by the Government to any of these things. Why is it so? Why does not the Government to take that into account, I would like to know.

DIWAN CHAMAN LALL: I do not want to interrupt my hon. friend, but I would like to ask him this. Is this the position then that my hon. friend is not against any prejudicial activity regarding the safety and security of

India but is against any prejudicial activity by foreigners against a neighbouring country?

SHRI BHUPESH GUPTA: I have given an amendment and I may say that I am against prejudicial activities by anybody, whether foreigner or national. I make that perfectly clear. But the point now is this. You have heard the hon. Minister in the Ministry of Home Affairs, Shri Datar. You have read the speeches in the other House. But no mention is made anywhere of this, as if it is the Communist who must be lambasted and hanged. Nothing is mentioned about the other type, the real type of anti-national and prejudicial activities—they are such even according to the criteria of the Government—indulged in on our soil by foreigners, even when books have been written by them and published from London, and sold in Delhi, Calcutta and Bombay, and available even in the Parliament library as well. That is strange. He gets so many reports from so many quarters. Does he not get the time to read so many books? That is what I would like to ask. Here is the book, "Tragic Destiny". I will mention only a few instances. I do so, because many copies are not available. Most of them are sold out and they are costly books. Here is what George Patterson writes. What he writes I do not vouch for here. He says so many things against everybody, including the Government of India, I do realise. But at the same time, here is a man who confesses his own crimes, no-matter what statements he makes about the Communist Party or the Congress Party or the Government or anybody else.

SHRI M. H. SAMUEL (Andhra Pradesh): Suppose I write a book—*Tragic Destiny of the Communist Party in India*—would it be a prejudicial act on my part, in your opinion?

SHRI BHUPESH GUPTA: No, because you will never write such a book, being a better writer.

**SHRI M. H. SAMUEL:** But the way you are going, I might do it very soon.

**SHRI BHUPESH GUPTA:** You will never do it, and if you do it, you will forfeit your literary career, because even as it is, you have a hell of a trouble in getting your . . .

**MR. DEPUTY CHAIRMAN:** Mr. Gupta, it is time.

**SHRI BHUPESH GUPTA:** I will take a little more time, Sir.

**MR. DEPUTY CHAIRMAN:** Be as brief as possible.

**SHRI BHUPESH GUPTA:** Sir, it is important and I will take some time. I wish to draw your attention to pages 14, 22 and 23 of this book. I feel like presenting a copy of this book to you. It is very important. Here you see how things on the border went on. I need not mention how Mr. George Patterson came to India in 1950 through Sadiya. He entered Calcutta from there and he says:

"I am here to get what help I can from whatever source. When I have done all I can in Calcutta I want to go to Kalimpong and if there are any Tibetan officials there get them to pass on the information to their Government in Lhasa."

"The official got in touch with several people on the telephone and then laid it back on its rest. I have made arrangements for you to meet one of the top Security officials in Calcutta tomorrow morning. When you have finished with him, perhaps you would get into touch with me again and we'll fix another meeting when I can write down some of the information so that I can pass it on to Delhi and London."

This is what he writes. The Americans were interested but as the British official had said, "Not in a position to do anything even if they had wanted. The link with China had

been broken when Chiang Kai-shek's National Party failed. They had no previous contact with Tibet which would have provided them with an opening for a more direct interest." He mentions British, American and Indian officials. "Having provided all the necessary information to the British, Indian and American officials, I decided that it was now time to make for Kalimpong to see, whatever Tibetan official might be there who in turn would be able to pass on the news to Lhasa." This is how subversive activities go on at Kalimpong. It is admitted here and he makes a boast of his activities. This is very interesting. He says that he came, met the officials of the British High Commission who put him in touch with the Secret Service men of the United States of America and other people. Then he passed certain information, took certain things and then went to Kalimpong to carry on his activities. This area will probably be soon turned into a notified area but he went to live in the house of the mother of the Dalai Lama. He saw armed servants there and he was surprised to see armed servants there of the Dalai Lama's mother and brother. I ask the hon. Minister, "Do you have any such information that people were armed, that people were keeping little private armies there?" Mr. Patterson testifies to it, being a party to all kind of conspiracy that went on there. You come across such a statement made by the author in pages 80 and 81 of the book. I would then draw your attention to page 84 which is very interesting:

"The news I took to Calcutta created a sensation and the diplomatic telephone between New Delhi, London and Washington hummed with the questions and answers. Difficulties multiplied as arrangements for escape progressed. As it had to be kept absolutely secret, only the top officials were informed of what was required and Taktser had no passport. Sufficient money for an extended stay in the U.S. would have to be given with the con-

[Shri Bhupesh Gupta]

sent of the Reserve Bank of India, which was out of the question in such secretive procedures, exit permits to leave the country and by-pass customs formalities would have to be obtained. Slowly all those problems were resolved. In the United States the Committee for Free Asia, a non-Communist association of businessmen, invited Taktser to go to America at their expense as their guest. The Indian and US Government issued affidavits and lieu of a passport, accepting the Dalai Lama's letter as of sufficient *bona fides*."

This is what the author writes. Kalimpong conspiracy was hatched in order to circumvent the passport rules to smuggle some people out of the country and written by the person who was in it true or false, I do not know. He writes it. Should your attention not have been drawn to it? That does not seem to have been done. Then he writes as to how he organised the escape of the Dalai Lama. On page 109, he says that Gampo Sham, his wife and himself had to go to Formosa, not to the United States. On page 122, he writes, "I would guarantee his (Rapga Pangdatshang) anti-Communist sincerity." He was guaranteeing the sincerity of Rapga Pangdatshang who was a brother of the Governor of a province in Tibet which had revolted. He writes on page 136 that "it was absolutely essential that Tibet revolt and present India and other countries with a *fait accompli*." He writes further, "The American argued with Rapga that co-operation with the Indian Government was essential." He adds further that the American representatives had drawn up a programme. I would like to know whether such things are or not covered. On page 138 he says that the US representative promised to put before the appropriate officials, after returning to America, the suggestion for appointing a special agent. There is reference, on page

150 to Apa Sahib Pant and his impression is given. It is very interesting. I know that this man is against Government also. He writes that he met the representatives of the Tibetan revolt and told them that an American agent would be sent.

MR. DEPUTY CHAIRMAN: All this is not relevant to the debate.

SHRI BHUPESH GUPTA: It is relevant because this comes under the activities on the border.

MR. DEPUTY CHAIRMAN: Activities prejudicial to the interests of India.

SHRI BHUPESH GUPTA: Let them say that this is not prejudicial to India.

MR. DEPUTY CHAIRMAN: This happened in 1951. That is why this Bill has come up.

SHRI BHUPESH GUPTA: Not in 1951 but in 1958-59. Let them say so. You would understand it, and so let me proceed. I am entitled to say it. If they can say about Communist activities on the border, I am prepared to quote from the author of these books all these activities. Can they produce a book by the Communist?

About Apa Sahib Pant, he says, "His impression of Rapga was that he was an able and sincere man, but that he overestimated the strength and ability of the Kham and Amdo tribesmen and underestimated the magnitude of the obstacles in the way of complete Tibetan independence." These are all important, and I wish I had a copy to present to you. On page 174, he says,

MR. DEPUTY CHAIRMAN: You seem to be trying to camouflage.

SHRI N. SRI RAMA REDDY: May I know how the House is interested in what happened there?

SHRI BHUPESH GUPTA: Because that area will soon become a notified



area. If the House is interested in what the Communists are doing in Kalimpong and Mr. Datar makes a statement, the House should be jolly well interested in what George Patterson was doing and his men are doing in Kalimpong. He writes, "When the Lhasa officials in the Dalai Lama's entourage returned to Lhasa they had made arrangements with private dealers in India to send in large supplies of arms and ammunition—not for use but for profit." Everybody knows and it went across the border. Was that act in the public interest? Was it not a prejudicial act? Is it something which is to be ignored in your tirade against the Communist Party, in your talk against the Communist Party? This is what George Patterson writes in his book. All the arms and ammunition that passed across the border are mentioned here. What about your police which produced such a report, false report, and gave it to the Prime Minister? Did it make any investigation into such activities on the border? This is a pertinent question to be asked by me and other Members of the honourable House here. On page 133, he says, "On the 4th August meeting of all leaders from all parts of Tibet held in Kalimpong, it was decided on what is to be done in view of India's refusal to help and for non-cooperative attitude." I am not, therefore, against India or the Government. "The guerrilla leaders and delegates had been advocating an extreme course of action by proposing an attack on Sikkim and Bhutan with an uprising of Tibetan nationals in sympathy in Kalimpong and Darjeeling. There were about 20,000 guerrillas between Lhasa and Sikkim, and, 7,000 of the best fighters most feared by the Chinese on the border of Bhutan". This is what he says. Here is a meeting of the rebel leaders who wanted to attack Sikkim and Bhutan. Even though it was held in Kalimpong on August 4 and is stated by one who organised and participated in this meeting, we see that the hon. Home Minister or the Minister in the Ministry of Home Affairs, Mr. Datar,

does not have a word of condemnation to say against it while he is full of condemnation, vituperation, attacks and accusation against us. Therefore, I call it diversion. It is diverting the attention of the country from the really nefarious, prejudicial, anti-national and even anti-Government activities that are carried on by people like him in that area.

Then, Sir, in the "Tibet in Revolt" how the Dalai Lama escaped is described and how they are doing it from Kalimpong.

Then on page 84 reference is made to "The Tibet Mirror" a paper published in Kalimpong. Here an interesting thing is said. They were getting briefing. What a shocking thing!

MR. DEPUTY CHAIRMAN: Speak something about your activities.

SHRI BHUPESH GUPTA: That Mr. Datar will tell you. You know I am a very fine person.

MR. DEPUTY CHAIRMAN: Allegations are made against you.

SHRI BHUPESH GUPTA: You know my activities; for nine years we have been together and I know how you like our activities.

It says here:

"To make matters even more tense, the editor of the only Tibetan newspaper, 'The Tibet Mirror', published in Kalimpong, had received several pages of typed foolscap with details of briefing for the use of American troops in Tibet and had been asked to publish it in his newspaper. Fortunately he was perturbed and he consulted some officials. On their advice he did not publish, but the information was not secret and had been passed round, thereby heightening the expectation."

Sir, what does it show? Here is a paper getting briefing. But *New Age* was being mentioned, not. *The Tibet Mirror*, published in Kalimpong, which, according to Mr. George Pat-

[Shri Bhupesh Gupta.]  
 terson, was receiving American briefs to publish asking American troops to take action in Tibet. The publication was stopped because of certain intervention perhaps of some officials. All this is not mentioned but *New Age* has become an obsession with them. Then he says on page 117:

"I told the Government official all this."

A plan is accepted.

"After consultation with New Delhi my plan was adopted."

He prepared certain plans. Then he says he told the Government of India and then they were accepted after consultation. Such are the publications. They are all there to expose how you are proceeding in this matter. You ignore all these things; you pick up the *New Age* which anybody can read at any time. I would ask the Government: Is that the way to handle such a matter? And again here is another thing. You see, I have worked; it is hard work. Here is a handbill on art paper issued in Kalimpong and circulated widely. Have you got that? Chiang Kai-shek's picture is given there—a colourful picture—and there is a report in Chinese language and in another language and also in English. It is President Chiang's message to the Tibetans. This was circulated widely in the Kalimpong area and it came into my possession because I come from West Bengal. There is no mention about it.

SHRI M. H. SAMUEL: How is it subversive against India, I want to know. It may be subversive against China.

SHRI BHUPESH GUPTA: If you think that it is in public interest from the point of view of India, say so. The Prime Minister opposes this thing and that is why Mr. George Patterson criticises you and the Prime Minister in his book. You say safety, security, public interest

and all these things. If meetings are organised by the guerrilla bands in Kalimpong don't you think you are endangering the safety? Don't you think these are against national interests, against public interest? The fact that such an intelligent man as Mr. Samuel gets up and asks me this question only shows how the infection of anti-Communism affects even right-minded persons. I am only sorry. I would like to present it to Shri Lal Bahadur Shastri because when it came into my hands he was not there and his people will not tell him about such things. You see such activities had been going on.

Sir, many things have been said about the provisions of the Bill. I shall deal with them as I come to the various aspects of the matter when the amendments come up. What I would like to state here is this. Here you say territorial integrity but then the scope of the Bill is far wider. It is not merely territorial integrity—for Mr. Samuel I must point out—safety and security of India. I think you are not safe when the Tibetan rebel leaders hold a meeting in Kalimpong and talk to the American official. About the security of India, would Shri Lal Bahadur Shastri feel secure if somebody were to whisper in his ear in his bed, "When you are sleeping other people near the border in Kalimpong—the Tibetan rebels—are meeting and discussing the question of even doing something in Bhutan and Sikkim and discussing about transshipment of arms and so on"? Would he sleep? Certainly not; he would pass a sleepless night. He would not sleep.

SHRI P. D. HIMATSINGKA: This will take notice of them.

SHRI BHUPESH GUPTA: That is why I am saying this. I am saying these things so that he takes notice; so far he does not seem to have taken any notice of these things. I would have perhaps nothing much if only

the expression 'territorial integrity' were there, not the expression 'public interest' has been put in. I would like to know from the Home Minister this thing. Suppose somebody makes a speech of this kind, would that come under the mischief of this measure?

"I am not going into the long history because I do not want to take much time. It is a complicated thing but we have always looked upon the Ladakh area as a different area as, if I may say so, some vaguer area so far as the frontier is concerned because the exact line of the frontier is not at all clear as in the case of the McMahon Line. When we discovered in 1958, more than a year ago, that a road had been built across Yehchong in the north east corner of Ladakh, we were worried . . . . It is a relevant question but the fact of the matter is that we just are not within hundred miles of that area."

The same gentleman, a very important person—I do not want to go into the details—says here when he was speaking about the Aksai Chin area:

"But I distinguish it completely from other areas. It is a matter for argument as to what part of it belongs to us and what part of it belongs to somebody else. It is not at all a dead clear matter . . . I cannot go about doing things in a matter which has been challenged, not today, but for a hundred years."

Would the hon. Home Minister tell us whether statements such as these would come under the mischief of the law or would they not? Sir, can I get this guidance from him? Sir, will you kindly tell him?

THE MINISTER OF HOME AFFAIRS (SHRI LAL BAHADUR): Whatever I have to advise you, I shall do so tomorrow.

MR. DEPUTY CHAIRMAN: He will reply to you.

SHRI BHUPESH GUPTA: If he says now, then I need not pursue this matter but he would not say. I read out this statement. Who is this person who made this statement? Not a Communist against whom you are up in arms, but the Leader of your Party, Shri Jawaharlal Nehru, currently engaged in finding two Deputy Leaders. That is the position. Sir, the law is law. Once it is passed, I say that Pandit Jawaharlal Nehru would not be in a position—nobody would blame him; he is a courageous man—to say what he has said without attracting the penalty of the law. Let Mr. Lal Bahadur Shastri come to the House tomorrow and tell us that such a statement would not attract the provisions of the law. If he says that, I will stand corrected. If he does not say that, then it would be clear to the House how wide the law is. Now, the fact that he is the Prime Minister, the fact that he may say something today, does not mean that he was absolutely unreasonable or was talking through his hat at that time. He was saying something in the circumstances as any reasonable man would say, because everybody would like to find out the position. If such a law were there he could not have said such a thing in public without being liable to be arrested by Mr. Lal Bahadur Shastri and put into prison. But then he would say he was the Prime Minister of the country and that would have been his protection. Therefore, you see how wide the law is.

Now, they say in clause 3(2):

"Whoever makes, publishes or circulates in any notified area any statement, rumour or report which is, or is likely to be, prejudicial to the maintenance of public order or essential supplies or services in the said area or to the interests of the safety or security of India, shall be . . ."

Now, you have the provision of the Defence of India Rules imported here. You have the provision of the Preven-

[Shri Bhupesh Gupta] **tive Detention Act imported here** Now, what has this got to do with the territorial integrity? What has this **got to do with any other part of India** as far as essential supplies and so on **are concerned?** Here they bring in this thing with a view to persecuting **normal trade union activities** This is what I say

SHRI P. D. HIMATSINGKA Trade union activities?

SHRI BHUPESH GUPTA Yes **Otherwise, this would not have been necessary at all**

In this connection, I would like to **refer to the case of Shri Krishna Bhakat Pawrel alias Sharma**

SHRIMATI MAYA DEVI CHETTRY (West Bengal) From Kalimpong

SHRI BHUPESH GUPTA From Kalimpong You know it **The case came up in the Court of Shri D. C. Mookherjee, MA, BSc, LLB, W.B.C.S.** He seems to be writing all his degrees I do not write them Normally a magistrate should not write his degrees. He is MA, BSc, LLB, W.B.C.S, Sub-Divisional Magistrate, Kalimpong, Magistrate 1st Class Here certain orders were passed in case No. 20 of 1960 It reads

"Whereas it has been made to **appear to me that you have been visiting and engaging yourself openly in the jurisdiction of Gorubathan P.S. instigating forest labourers with a view to incite them against the Officers of the Forest Department intending to cause disturbance of public tranquillity and riot"**

Now, therefore, he binds him and passes an order prohibiting—

"Pawrel alias Sharma to enter or stay in the jurisdiction of Gorubathan Police Station for the period of two months from the date of service of this order"

On what basis has his movement been restricted? I took the trouble of

getting the ground for promulgating an order under Section 144 of the Criminal Procedure Code restricting the movement of Shri Pawrel alias Sharma Here this Bill is very relevant I say this because this is the kind of thing that this Bill will help The police report or the affidavit or the statement filed by Mr A. M. Khan, O.C. Gorubathan P.S.—am I right Mrs Maya Devi Chetty?—Kalimpong says

"His main campaign rests on his pretended propaganda that although the Forest Department Officers are receiving more money towards defraying expenses on account of labour, they are making less payments and misappropriating the balance The malicious propaganda produces provoking influence on the labourers, who under his influence have organised demonstrations and large scale intimidation on the local forest department employees but the calculated outburst of acute lawlessness was thwarted due to timely action of the police The subject is reported to have organised subversive activities in these areas, which border Bhutan and thereby has greater international implications"

After all he is the officer-in-charge of the police station

MR. DEPUTY CHAIRMAN You must finish now, Mr Bhupesh Gupta You have taken 1½ hours

SHRI BHUPESH GUPTA I am finishing, Sir. Then it continues:

"Although he is reported to have concentrated on Forest Labour only, this may be a camouflaged move, which may take any shape any moment as the policy of the party to which the subject belongs is not at all clear"

Now, this is what he has said How does it become camouflaged? Here you will see that even before this measure is passed the India-China border question and allied questions are brought in with a view to res-

tricting the movement of a citizen under section 144. This is how it is done. Now, you can well imagine, after a measure of this kind is passed, what will happen. They will run amuck. They will arrest anybody and everybody engaged in the trade union movement, saying that he is interfering with the supply of essential commodities. Here it says 'maintenance of public order or essential supplies'. Somebody demands wages. Somebody demands food and somebody demands something else. They will say 'All right. Now, we arrest you.' Ordinarily, they would not be in a position to send them to prison. Even if there was a trial, even if they could prove a false case, the conviction will be a few rupees fine or jail for a month or so. But now if they can somehow or other bring in the charge-sheet, section 3 or section 4 of the Criminal Law Amendment Bill, which they propose to pass, the people could be given three years' imprisonment. This is the provision. Therefore, I say that this measure will only give a handle to your oppressive officers. I do not say that Shri Lal Bahadur Shastri intends that kind of thing. I am not imputing motives to him. But what will happen in an objective fact of life is something that you have to take into account. If this measure is given to them as an Act, those who administer this thing will take every opportunity to start cases, to bring frame-ups, with a view to sending people to jail. It would mean giving the dog a bad name and hanging it. That will be the line taken. Now, I ask, with all respect to Shri Lal Bahadur Shastri, is that the way we are going to face the situation? Is that the way we are going to guarantee the articles in Part III of the Constitution, which deals with Fundamental Rights? Is that the way we are going to create confidence among the people? Is that the way we are building the country, when you have such a measure? It is not what you say here that matters. It is what will follow that matters. With all the good intentions on our part, I concede that Shri Lal Bahadur

Shastri would not like taking a hand in prosecuting his partymen, perhaps even against the Communist Party. But what will prevent them from doing it? He has no jurisdiction. After the Bill is passed, it becomes a weapon in the hands of the local officers. Once it goes to a court of law, it is a matter under the court of law about which the Central Government will not be able to do anything. They can give directive, but it will take an ugly process from which the country has to be saved. Now, hon. Members may feel that perhaps it will affect some members of the Communist Party. They may seek consolation from the fact that some Communists will be affected by it. I do not say that Shri Lal Bahadur Shastri feels in that way. Many will not be affected. Perhaps, you are feeling that way. But in the other House Mr. Bisht, a Congress Member, pointed out that a person was arrested and framed up on a charge of what is called 'Chinese-minded'. This is a new charge. Then, he pointed out to the House that he was not a Communist but a Congressman. Now, this is how things happen. He must have heard about it. Here, even before the measure comes into existence, a Congressman is framed up, and he is characterised as a man of Chinese mind, leaving it to a Member of Parliament from that area to reveal to the House of the People that he was not a Communist. Perhaps, he would have been happy if he had been a Communist. Would Shri Lal Bahadur Shastri have been happy also if he were a Communist? Even the charge was false. Would he have been happy? No, I think he would not have been happy. But then such things will happen. It will give rise to a large number of prosecutions, a large number of arrests, large-scale intimidations and political propaganda and so on. This is what I say. Therefore, I have given a whole series of amendments.

Somebody was asking me this: "After your amendments, what remains of the Bill?" I say that if Shri Shastri would insist on having his

[Shri Bhupesh Gupta.]

pound of flesh, I cannot produce a Portia here, because Shrimati Menon would not be one. But certainly I can tell him that I would like to make it as innocuous and as harmless as possible, within the framework of this law. I should try to take the fangs out of this measure, so that people will not be bitten all the time. I should like to guard where it is likely to be abused. Therefore, Sir, the whole series of thoughtful amendments that I have given notice of should evoke right thinking in every person including the Home Minister. I say, keep the measure for three months or so, if you must. Let us see what happens. Keep it up to the 31st October. We can discuss it then after your return in the next election. Now our fear is that if you have this measure at the time of the election, it is bound to be all the more abused. I know that Shri Lal Bahadur Shastri will immediately say, 'Well, are we afraid of the elections? Can we not win the elections without this measure against the Communist Party?' I say he can win the elections without such measures. I know he is going to be there. The Congress Party will be there. I concede this point. Taking the country as a whole, you do not need this measure for the persecution of the Communists in this manner, for being returned to power, for winning the elections. I concede it. But then does it apply equally to the case of every candidate also, in every constituency? No, it does not because not only the Government wants to be returned, the party wants to be returned, every candidate wants to be returned also in each constituency. There comes the problem. He will try to use it to make his victory easier. And we saw it at the time of the South-West Calcutta Parliamentary by-election. The Congress had done so many things according to them, the Five Year Plans and so on. The entire plank of the Congress propaganda against our candidate, Comrade Indrajit Gupta was the India-China issue and attack against us on that score. Calumnies, lies, slanders,

accusations and vituperations were let loose. Like the Niagara Falls they came and flooded the streets of Calcutta. Nothing was spared. Shri Lal Bahadur Shastri was not there. I am sure that if he had been there, he would not have made such speeches as were made there—chauvinistic, jingo speeches. Now, that was there because that particular candidate and the Congress also there thought that perhaps that would be the best way of winning elections and therefore the relations between the two countries were brought in for taking advantage of partisan electoral advantage. Results were disappointing no doubt. Some of us won by a bigger margin of votes than we ever thought. We thought that we might even lose. Some of us thought that we would win by a small margin. But we won with a big margin and it was demonstrated to the whole world that such things would not pay. So, the individual candidates in an area connected with the local officials may try to pull wires in order to get through the election. Therefore, I say, 'Do not have it during that period.'

Then, Sir, here again I have suggested that if it is a case of the spoken word, do not rely for heaven's sake—if you believe in God, for God's sake—on the police report. I have mentioned to you the report that was given to the Prime Minister and what kind of a report would it be if it were to come from the subsidiary department of the Central Intelligence Bureau in Assam which gave such a magnificent account of itself during the Assam riots? Do not rely upon it. Therefore, if you deal with the spoken word, I say that every word spoken must be written down and the report should be taken simultaneously as the speech is made or as the words are spoken and then the matter should be proceeded with. I have given a whole series of amendments to make it proper so that you do not have to read wrong reports and get acquainted with the wrong words which we never uttered. Then the report should come

to the magistrate and should be at once . . .

MR. DEPUTY CHAIRMAN: They will come later on.

SHRI BHUPESH GUPTA: No, Sir, even before.

MR. DEPUTY CHAIRMAN: Amendments will be taken at their proper time.

SHRI BHUPESH GUPTA: I thought you referred to the report. Amendments will come later on. I take the suggestion of yours, I have given certain suggestions to plug the loopholes. Many loopholes are there.

About the trade union activities, I have given notice of an amendment. That should not be considered prejudicially. But then what happens to those who may try to use this power improperly and abuse this power with a view to interfering with the Fundamental rights of the citizens coming in the way of their normal discharge of duties as public men and so on? What happens to them? No provision is there. Therefore, I have tabled an amendment. Such people also should be punished. Why must we alone be in jail if we commit any crime? Why must not they be put in jail if they are found to have abused their authority, produced wrong reports and misled the Government? They should also land in jail and share the sorrows and fortunes with us there a little. I ask that question. Therefore, there is no such thing. The Communist Party is there. They are attacking them like this. They go after them, arrest them, persecute them and put them into the jail. All-clear signal is given to go into the battle and to have a field-day against the Communists. Is this the way for democracy to behave? Is this the way for a polite, humble, truth-seeking Home Minister to go after? I would ask the hon. Minister to explain. Therefore, I have tabled an amendment in this regard.

Then, Sir, certain people, foreigners who are known to have carried on prejudicial activities, people like Mr. George Patterson, should not be allowed to do so or if you like, they should not be allowed to go to the notified area. Never. No permit should be given to them. Clear Kalimpong of such people, no matter who they are. I am all in favour of that. But go by evidence. When you declare a notified area, should you leave it to the magistrate to declare it or to the local authority? My amendment says that Members of Parliament and Members of the Assembly from that area and the groups in that State should be called in a meeting. The Government should explain things to them and seek their opinion. Shrimati Maya Devi Chettry will be there. I will not be there, she will be there. Congress people will be more. I leave it to the good judgement of the Congressmen and, if I may say so, Congress women also to say what should be done. But it should be done on the advice not of a police sub-inspector but on the advice of the M.L.A.s and the M.P.s and I say, consult the party leaders also there. Call a meeting. If there is divergence of opinion, settle it. Suppose somebody says that the Communist Party might go there and come in the way of Shrimati Maya Devi Chettry advising that a notification should be issued, I say do not send it to the General Secretary of the Communist Party. Refer the matter to the Prime Minister for final decision. Let him take the final decision because he will bring his judgement to bear upon this matter, he will bring his statesmanship to bear upon this matter. I think he would not be easily carried away by personal or small, petty considerations or prejudices or local considerations; he will take into account the bigger perspective and also the consideration as to how this measure should be viewed. Therefore, in the event of any divergence of opinion arising as to whether an area should be notified or not, it should go in the first instance to a committee of this kind and a meeting of this kind should be held

[Shri Bhupesh Gupta.]  
and if the meeting cannot come to an agreement and if there is serious divergence of opinion, then refer the matter to the Prime Minister. I have faith in the Prime Minister in this matter. But they do not say that I have faith in him.

MR. DEPUTY CHAIRMAN: Please wind up.

SHRI BHUPESH GUPTA: I will continue tomorrow.

MR. DEPUTY CHAIRMAN: You have already taken one hour and . . .

SHRI BHUPESH GUPTA: You have been good enough. You know I am a persecuted man.

MR. DEPUTY CHAIRMAN: You are persecuting others.

SHRI BHUPESH GUPTA: No, Sir. I will continue tomorrow because nobody is speaking today. You have been very good and I must say that you know that a man who is wrongly attacked and sought to be persecuted should be given his right of self-defence atleast. It is a very healthy experience I am having from the Chair. It is a good thing and also a very relevant thing. Nothing is irrelevant. Therefore, I say, leave it to the Prime Minister. I say, during the time of the election, two months before the date of polling . . .

MR. DEPUTY CHAIRMAN: You may take another five minutes and finish the speech.

SHRI BHUPESH GUPTA: No, Sir. I will continue at most....

MR. DEPUTY CHAIRMAN: We will sit till you finish.

SHRI BHUPESH GUPTA: I will not put you to that trouble. I do not like it.

MR. DEPUTY CHAIRMAN: You have taken a sufficiently long time.

SHRI BHUPESH GUPTA: Tomorrow I will continue.

MR. DEPUTY CHAIRMAN: You are speaking on the amendments. We will be taking the amendments later on.

SHRI BHUPESH GUPTA: Tomorrow, in the beginning....

MR. DEPUTY CHAIRMAN: Tomorrow we have got five hours.

SHRI BHUPESH GUPTA: I will say something more tomorrow.

MR. DEPUTY CHAIRMAN: You take five minutes more and finish the speech.

SHRI BHUPESH GUPTA: It should go on tomorrow. I have certain other points.

MR. DEPUTY CHAIRMAN: It will go but after your speech.

SHRI BHUPESH GUPTA: No, Sir. I beg of you . . .

MR. DEPUTY CHAIRMAN: Please finish.

SHRI BHUPESH GUPTA: I am not finishing. My thoughts will be rushing.

MR. DEPUTY CHAIRMAN: Please wind up.

SHRI BHUPESH GUPTA: I would require a little more time. I will require a few minutes more. I would not ask the House to sit any more because I am not in a hurry to pass this measure. I am not in a hurry. If they say that they can wait till the next session . . .



AN HON. MEMBER: He does not want the measure at all.

MR. DEPUTY CHAIRMAN: All right You continue tomorrow.

The House stands adjourned till 11.00 A.M. tomorrow.

SHRI BHUPESH GUPTA: I am not in a hurry in any case. Therefore, you can adjourn the House since it is five. I will come tomorrow. You adjourn the House.

The House then adjourned at five of the clock till eleven of the clock on Wednesday the 3rd May, 1961.